

**RESOLUTION NUMBER 2010-004**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING VARIANCES TO BUILDING COVERAGE AND FRONT SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 900 WASHINGTON STREET (RE# 00039940-000000), PURSUANT TO SECTIONS 122-238 (4)(a), and 122-238 (6)(a)(1) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-238 (4)(a), of the Code of Ordinances provides that the maximum building coverage allowed in the single-family (SF) zoning district be 35 percent; and

**WHEREAS**, the applicant requested a variance to exceed the maximum building coverage requirement; and

**WHEREAS**, Section 122-238 (6)(a)(1) of the Code of Ordinances provides that front setbacks in the single-family (SF) zoning district be 30 feet or the average depth of front yards on developed lots within 100 feet of each side, but not less than 20 feet; and

**WHEREAS**, the applicant requested a variance to reduce the setback from the minimum required; and

  
Chairman  
  
Planning Director

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on February 18, 2010; and

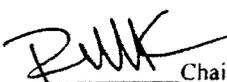
**WHEREAS**, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

**WHEREAS**, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

**WHEREAS**, the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

**WHEREAS**, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

**WHEREAS**, the Planning Board finds that the variances granted are the minimum variance

  
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that will make possible the reasonable use of the land, building or structure; and

**WHEREAS**, the Planning Board finds that the grant of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

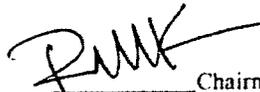
**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That variances to dimensional requirements for maximum building coverage per

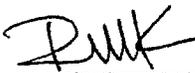
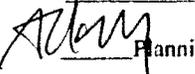
  
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Planning Director

Section 122-238 (4)(a) from the maximum requirement of 35 % to the 46.4 % proposed (43.8% existing), and the front yard setback requirement per Section 122-238 (6)(a)(1) from the minimum 20 feet to the 9'-7" proposed (12'-9" existing) under the Code of Ordinances of the City of Key West, Florida, be hereby granted for property located at 900 Washington Street (RE# 00039940-000000), as shown on the attached plans dated February 8, 2010, with the following condition:

1. That the applicant insures that the roof does not increase run-off onto adjacent properties.

**Section 3.** It is a condition of these variances that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which the variances are wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to submit a full and complete application for permits for new construction for which these variances are wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to these variances in accordance with the terms of a City building permit issued upon timely application as described in Section 3 hereof, shall

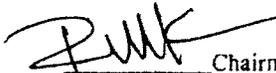
  
Chairman  
  
Planning Director

immediately operate to terminate these variances, which variance shall be of no force or effect.

**Section 5.** These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

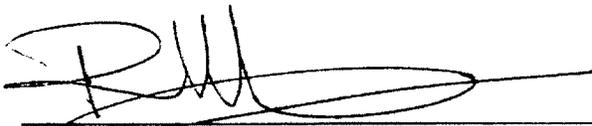
**Section 6.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

  
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Planning Director

Read and passed on first reading at a regular meeting held this 18th day of February, 2010.

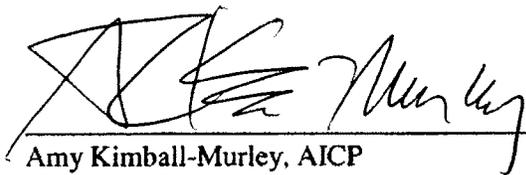
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman  
Key West Planning Board

3/15/2010  
Date

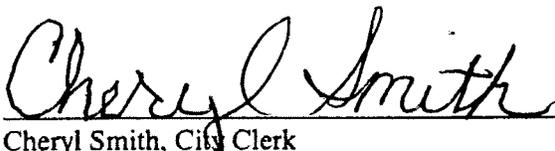
**Attest:**



Amy Kimball-Murley, AICP  
Planning Director

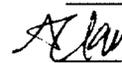
3/15/2010  
Date

**Filed with the Clerk:**



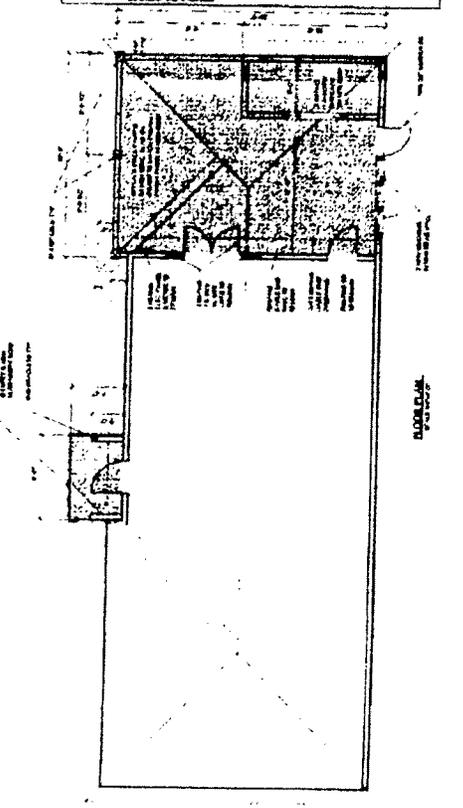
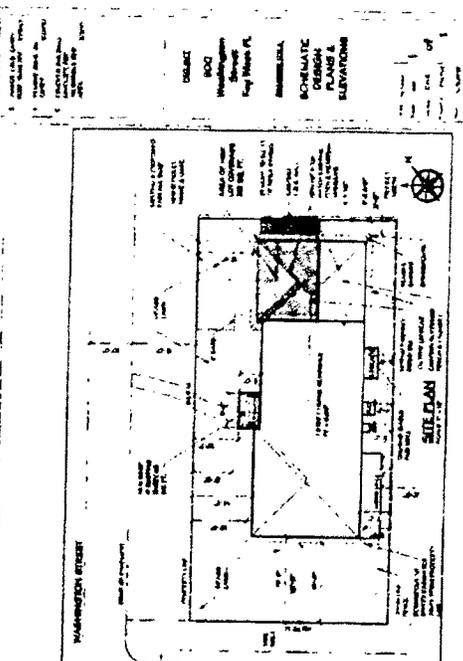
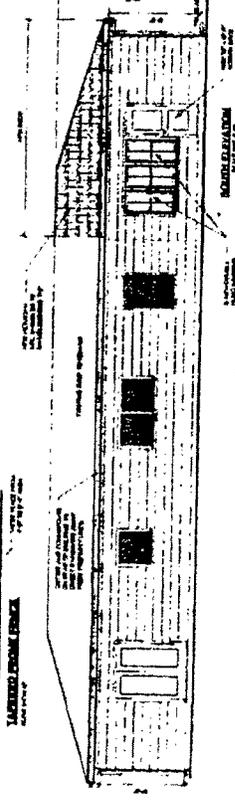
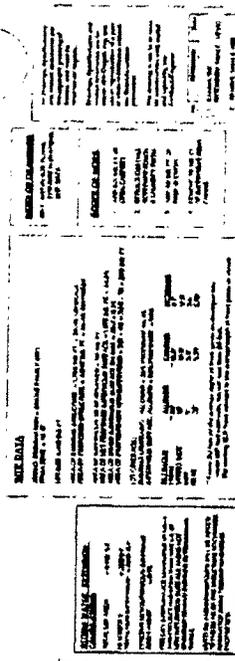
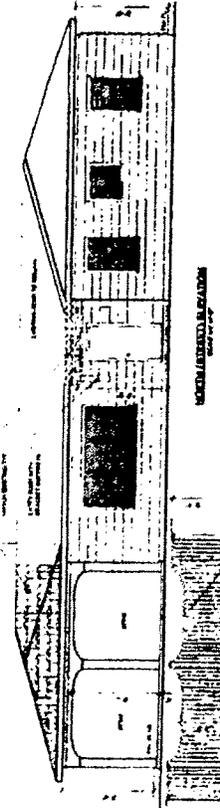
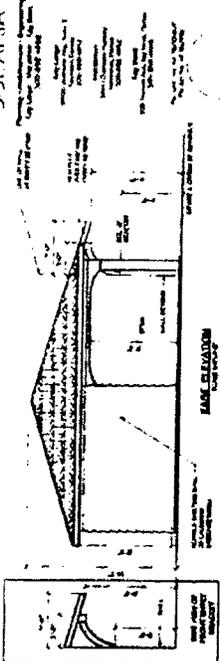
Cheryl Smith, City Clerk

3-15-10  
Date

  
Chairman  
  
Planning Director



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GENERAL NOTES: 1. ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING ACT 2004 AND THE BUILDING REGULATIONS 2004. 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSENTS FROM THE RELEVANT AUTHORITIES. 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSENTS FROM THE RELEVANT AUTHORITIES. 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSENTS FROM THE RELEVANT AUTHORITIES.

CONTACT: [Name], [Address], [Phone Number], [Email Address]

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