

**RESOLUTION NUMBER 2010-013**

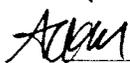
**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING VARIANCES TO OPEN SPACE BUILDING COVERAGE AND IMPERVIOUS SURFACE RATIO REQUIREMENTS FOR PROPERTY LOCATED 302-310 FRONT STREET (RE# 00000640-000000 AND RE#00000640-000200), FOR SECTION 108-346(b), AND SECTIONS 122-690(4) a. AND b. PURSUANT TO SECTION 90-274 AND SECTION 90-391 THROUGH 90-397 OF THE LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 90-391 allows applicants to request variances to the Land Development Regulations; and

**WHEREAS**, the applicant requested variances to allow reconstruction of an existing commercial building; and

**WHEREAS**, Section 108-346(b) of the Code of Ordinances provide that non-residential uses shall provide a minimum of 20% open space; and

**WHEREAS**, Section 122-690(4) a. and b. of the Code of Ordinances provide that the maximum building coverage allowed is 50% and the impervious surface ratio allowed is 70% for property located in the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district; and

  
Chairman  
  
Planning Director

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on March 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 variances 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 the 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

  
Chairman  
  
Planning Director

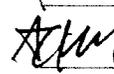
**WHEREAS**, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

**WHEREAS**, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances 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 the variances; 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:

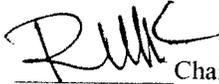
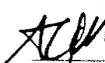
  
Chairman  
  
Planning Director

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

**Section 2.** That a variance for open space requirements per Section 108-346(b) from the 20% required to the 3% proposed be allowed; and that a variance for building coverage requirements per Section 122-690(4) a. from the 50% required to the 89% proposed be allowed; and that a variance for impervious surface ratio requirements per Section 122-690(4) b. from the 70% required to the 98.5% proposed be allowed, under the Code of Ordinances of the City of Key West, Florida, is hereby granted for property located at 302-310 Front Street (RE#00000640-000000 and RE#00000640-000200), as shown on the attached plans dated March 5, 2010, with the following conditions:

1. That the applicant applies for a unity of title for properties at RE# 00000640-000000 and RE#00000640-000200 prior to building permit issuance, and
2. That the Minor Development Plan request is approved by the Planning Board and City Commission.

**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 these variances, 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

  
Chairman  
  
Planning Director

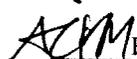
the variances are wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**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 immediately operate to terminate these variances, which 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

  
Chairman  
  
Planning Director

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.

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

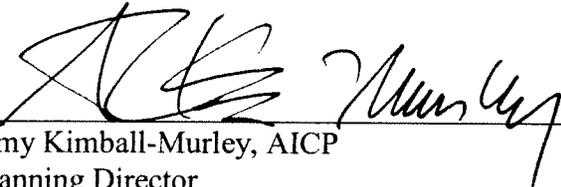
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman  
Key West Planning Board

3/23/10  
Date

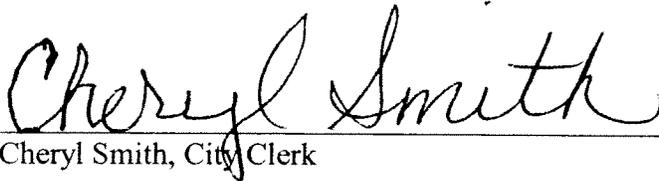
**Attest:**



Amy Kimball-Murley, AICP  
Planning Director

3/23/10  
Date

**Filed with the Clerk:**



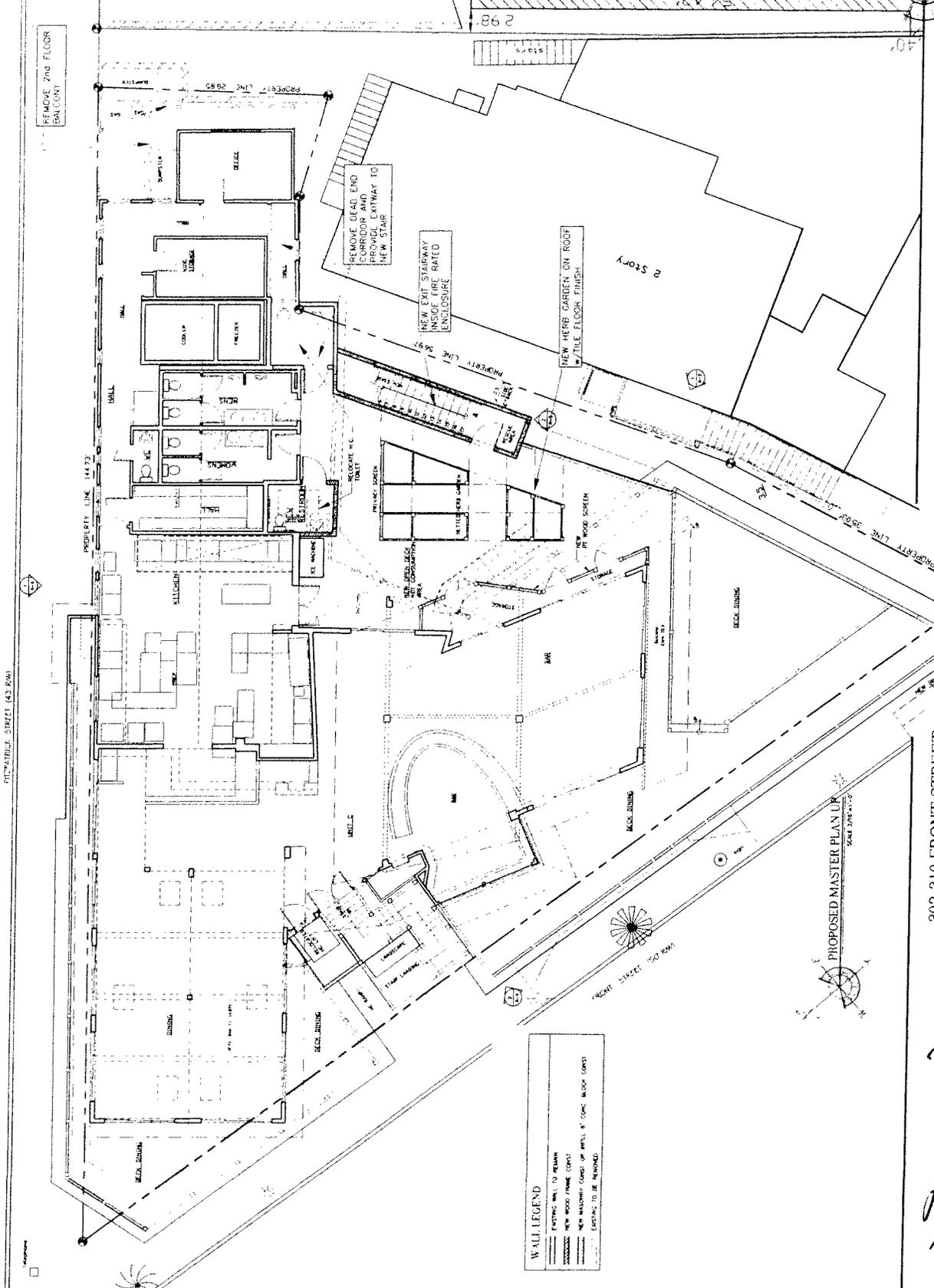
Cheryl Smith, City Clerk

3-23-10  
Date

  
Chairman  
  
Planning Director







**WALL LEGEND**

(Solid line)	EXISTING WALL TO REMAIN
(Dashed line)	NEW WOOD FRAME CORNER
(Dotted line)	NEW MASONRY CORNER OR WALL, 4" CONC. BLOCK CORNER
(Dash-dot line)	EXISTING TO BE FINISHED



302-310 FRONT STREET  
KEY WEST, FLORIDA

*Handwritten:*  
RHK  
3/23/10  
Ack  
3/23/10

WILLIAM PERIN ARCHITECT PA

0 1/2" = 1'-0"  
 1/4" = 1'-0"  
 1/8" = 1'-0"

DATE: 03/20/10  
 PROJECT: 302-310 FRONT STREET  
 SHEET: 101

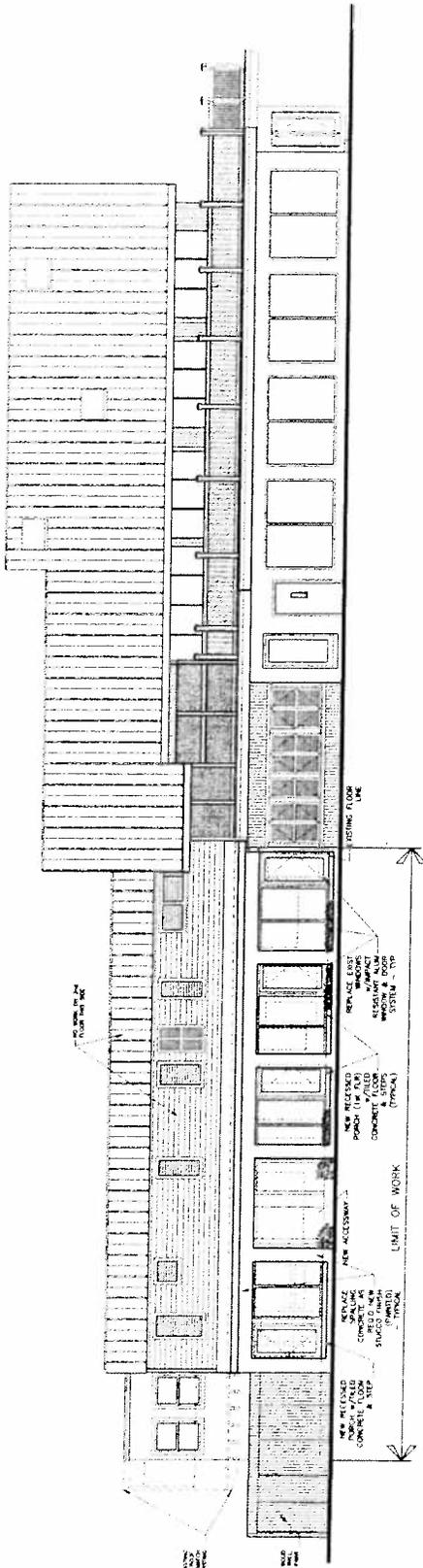
302-310 FRONT STREET  
 KEY WEST, FLORIDA

S.M.

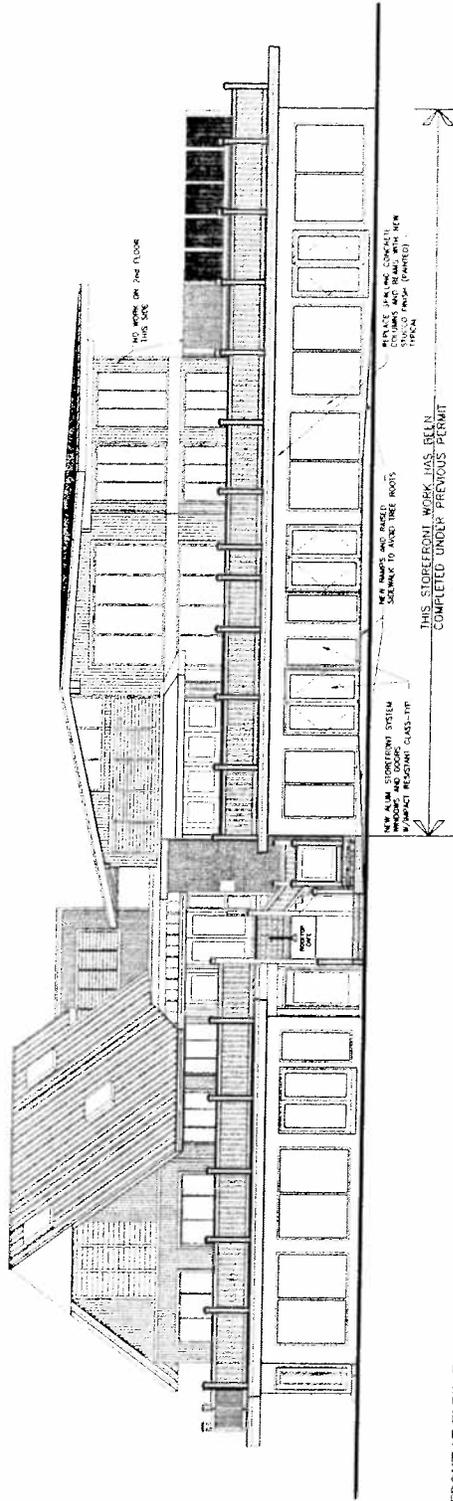
THIS DRAWING HAS BEEN REVIEWED BY THE ARCHITECT AND ENGINEER AND APPROVED FOR CONSTRUCTION BY THE ARCHITECT.

DATE: 03/20/10  
 PROJECT: 302-310 FRONT STREET  
 SHEET: 101

DESIGN: J.P.  
 J.P.  
 PROJECT NUMBER: 101  
 YEAR: 2010



① FITZPATRICK ST ELEVATION (PROPOSED)  
 SCALE: 3/8" = 1'-0"



② FRONT ST ELEVATION PROPOSED  
 SCALE: 3/8" = 1'-0"

302-310 FRONT STREET  
 KEY WEST, FLORIDA

*RAWK  
 3/23/10*

*ACUM  
 3/23/10*





**LEGEND**

PROPERTY/INDUSTRY WALLS  
 STORMWATER INLET  
 EXFILTRATION TRENCH  
 STRUCTURE ID  
 LANDSCAPE AREA (NEW)  
 EXISTING GRADE  
 HOOP AREA

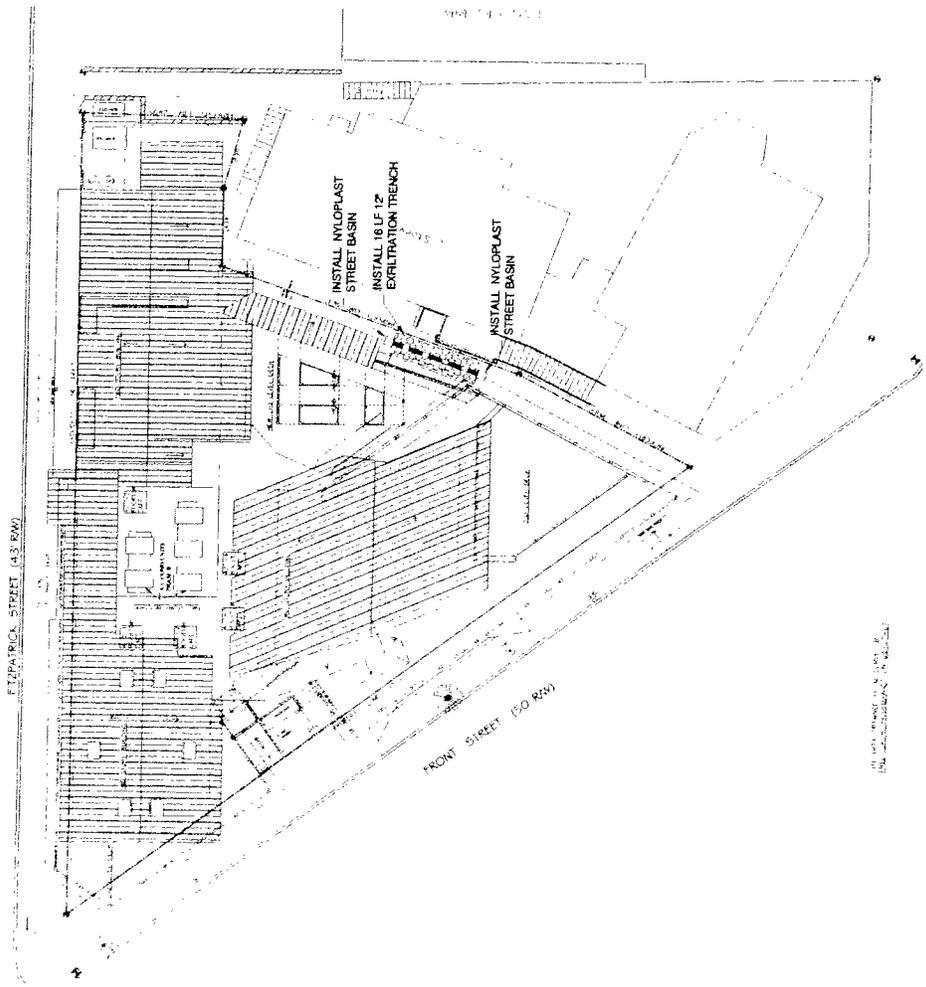
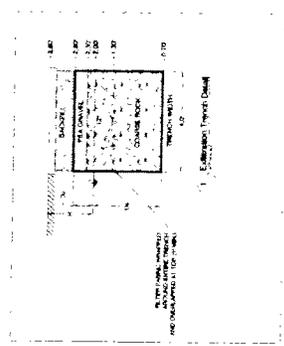
**Storm Drainage Calculations**

Roof Area (Proposed)	0.017	sq	7.77	sq
Carport Area (Proposed)	0.008	sq	4.01	sq
Permeation (Existing Proposed)	0.010	sq	4.74	sq

**Collection Trench System**

The collection system is shown to receive runoff from the roof and carport areas.

Hydraulic Capacity (ft <sup>3</sup> /min)	0.0001
Flow Velocity (ft/min)	1.73
Flow Velocity (ft/s)	0.8
Volume of Trench (ft <sup>3</sup> )	0.000
Trench Length (Proposed)	16
Trench Depth (Proposed)	1



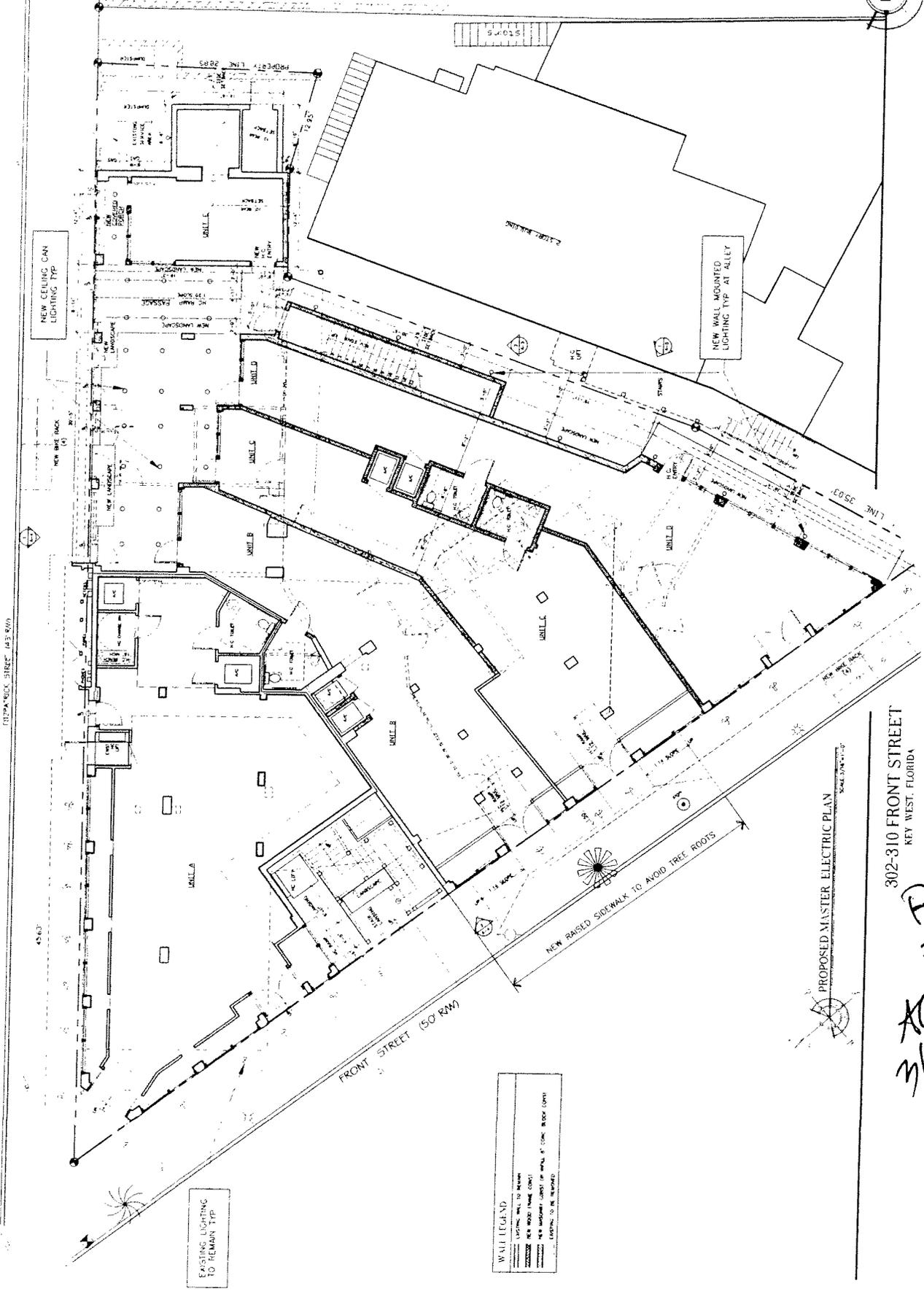
RWR  
 3/23/10  
 ACK  
 3/23/10

WILLIAM BERN  
ARCHITECT, P.A.

PROJECT NO. 1000000000  
DATE 03/23/10  
DRAWN BY  
CHECKED BY

302-310 FRONT STREET  
KEY WEST, FLORIDA

DATE 03/23/10  
PROJECT NO. 1000000000  
DRAWN BY  
CHECKED BY



NEW CEILING CAN LIGHTING TYP

NEW WALL MOUNTED LIGHTING TYP AT ALLEY

EXISTING LIGHTING TO REMAIN TYP

**WALL LEGEND**

- EXISTING WALL TO REMAIN
- NEW WALL (THICK CONCT)
- NEW LANDSCAPE (LIMIT TO AREA OF CONC. BLOCK LIGHT)
- EXISTING TO BE REMOVED

PROPOSED MASTER ELECTRIC PLAN  
SCALE 1/8"=1'-0"

302-310 FRONT STREET  
KEY WEST, FLORIDA

*RULK*  
*3/23/10*  
*ALLEN*  
*3/23/10*

WILLIAM PERIN  
ARCHITECT PA

PROJECT:  
ADDRESS:  
DATE:  
BY:  
CHECKED BY:  
SCALE:

302-310 FRONT STREET  
PUNTA GORDA, FLORIDA

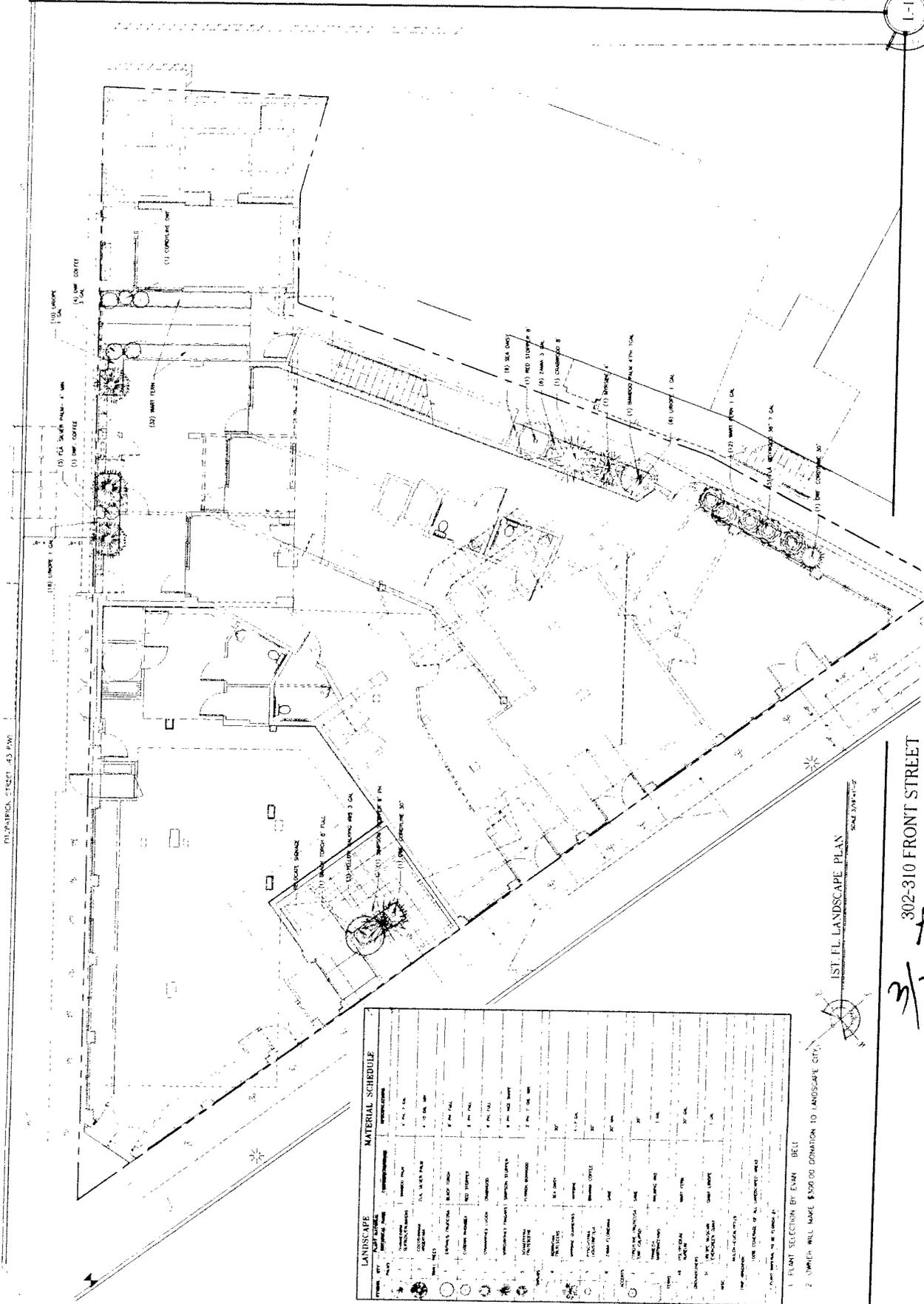
SHEET NO. 1

DATE: 3/23/10  
DRAWN BY: [Name]  
CHECKED BY: [Name]

PROJECT NO. 1000000000

DATE: 3/23/10

SCALE: AS SHOWN



LANDSCAPE		MATERIAL SCHEDULE	
SYMBOL	DESCRIPTION	QUANTITY	NOTES
(1)	1/2\"/>		

302-310 FRONT STREET  
1ST FL LANDSCAPE PLAN  
SCALE: AS SHOWN

3/23/10  
ACM  
RMLK  
3/23/10

- 1. PLANT SELECTION BY EVAN BEL
- 2. OWNER WILL MAKE \$500.00 DONATION TO LANDSCAPE CITY.

