

**RESOLUTION NUMBER 2010-015**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING VARIANCES TO BUILDING COVERAGE, IMPERVIOUS SURFACE RATIO, AND SETBACKS FOR PROPERTY LOCATED AT 1509 SOUTH STREET (RE# 00043350-000000), PURSUANT TO SECTIONS 122-238 (4)(a.), and 122-238 (4)(b.)(1), AND 122-238(6)(a) (2) and (3) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

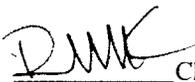
**WHEREAS**, Section 122-238 (4) (a.), of the Land Development Regulations provides that the maximum building coverage allowed in the Single-Family (SF) zoning district be 35 percent; and

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

**WHEREAS**, Section 122-238 (4) (b.)(1) of the Land Development Regulations provides that the maximum impervious surface ratio in the Single-Family (SF) zoning district be 50 percent; and

**WHEREAS**, the applicant requested a variance to exceed the maximum allowed impervious surface ratio; and

**WHEREAS**, Section 122-238 (6)(a)(2) and (3) require that side yard setbacks be at a

  
Chairman

  
Planning Director

minimum of 5 feet, and that rear-yard setbacks be at a minimum 25 feet (or 20 feet when abutting an alley); and

**WHEREAS**, the applicant requested a variance to exceed the minimum setback requirements; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on April 15, 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

 Chairman

 Planning Director

**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 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;

  
Chairman

  
Planning Director

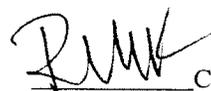
**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**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 Section 122-238 (4)(a.) from the maximum requirement of 35 % to the 54.7 % proposed (55.2% existing), and from impervious surface ratio requirement per Section 122-238 (4)(b.)(1) from the maximum 50% allowed to the 59.3% proposed (75.7% existing), and from the minimum side and rear setback requirements per Sections 122-238 (6)(a)(2) and (3) from the required 5 feet to the 3.5' proposed (3.5' existing), and the 25 feet to the 6.5' proposed (6.5' existing) respectively under the Code of Ordinances of the City of Key West, Florida, be hereby granted for property located at 1509 South Street (RE# 00043350-000000), as shown on the attached plans dated April 7, 2010, with the following conditions:

- That no second unit is authorized on site, and that the Planning Department recognizes one unit as being legally allowed on the property as a whole.

**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

  
Chairman

  
Planning Director

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 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

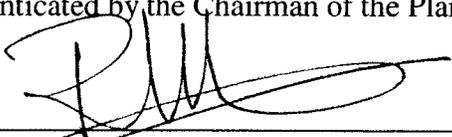
  
Chairman

  
Planning Director

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.

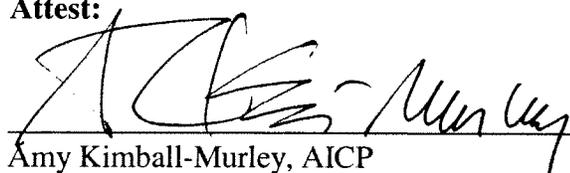
Read and passed on first reading at a regular meeting held this 15th day of April, 2010.

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

  
Richard Klitenick, Chairman  
Key West Planning Board

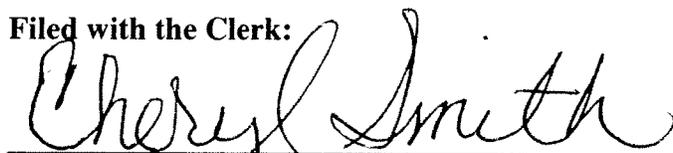
MAY 3, 2010  
Date

Attest:

  
Amy Kimball-Murley, AICP  
Planning Director

May 3, 2010  
Date

Filed with the Clerk:

  
Cheryl Smith, City Clerk

5-3-10  
Date

 Chairman  
 Planning Director



**1509 SOUTH ST.  
SITE INFORMATION**

**AREAS BREAKDOWN: EXISTING SITE CONDITIONS**

TOTAL LOT AREA:	4712	SQFT.
IMPERVIOUS TOTAL:	3567	SQFT.
STRUCTURE TOTAL:	2244	SQFT.
TOOL SHED:	37	SQFT.
CONCRETE WALKWAYS:	748	SQFT.
CARPORT:	322	SQFT.
POOL:	216	SQFT.
PERVIOUS TOTAL:	1145	SQFT.
POOL DECK:	511	SQFT.
SIDE-YARD DECK:	92	SQFT.
LANDSCAPE:	542	SQFT.

**AREAS BREAKDOWN: PROPOSED SITE CONDITIONS**

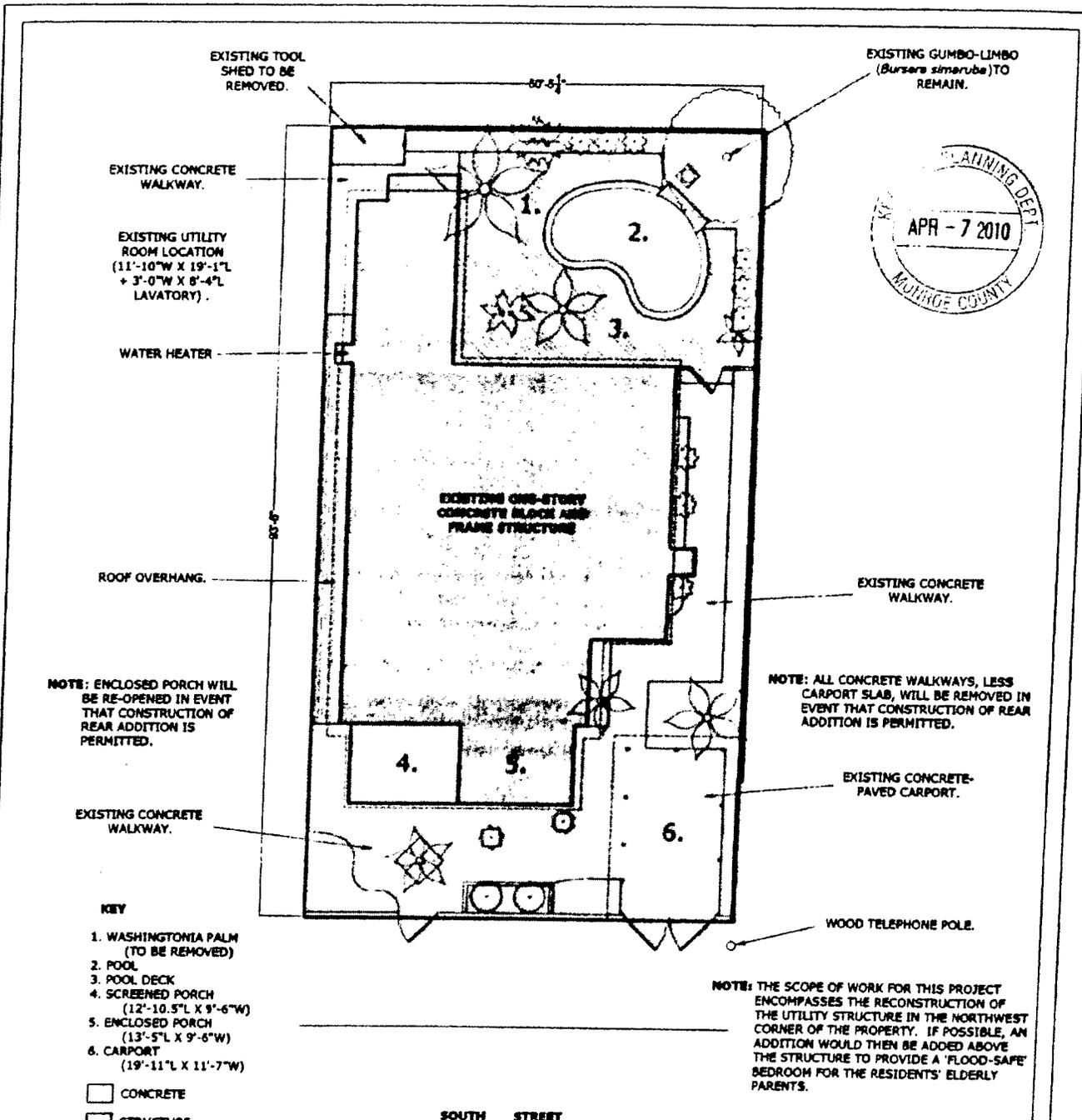
TOTAL LOT AREA:	4712	SQFT.
IMPERVIOUS TOTAL:	2792	SQFT.
STRUCTURE TOTAL:	2254	SQFT.
CARPORT:	322	SQFT.
POOL:	216	SQFT.
PERVIOUS TOTAL:	1920	SQFT.
POOL DECK:	53	SQFT.
SIDE-YARD DECK:	86	SQFT.
LANDSCAPE:	1301	SQFT.

DRAWN: A. OSBORN  
305.797.2309

**PROPOSED ADDITION**

1509 SOUTH ST.  
KEY WEST, FLORIDA  
KARP & DULCEY RESIDENCE

5/3/10  
[Signature]  
RMK



NOTE: ENCLOSED PORCH WILL BE RE-OPENED IN EVENT THAT CONSTRUCTION OF REAR ADDITION IS PERMITTED.

NOTE: ALL CONCRETE WALKWAYS, LESS CARPORT SLAB, WILL BE REMOVED IN EVENT THAT CONSTRUCTION OF REAR ADDITION IS PERMITTED.

NOTE: THE SCOPE OF WORK FOR THIS PROJECT ENCOMPASSES THE RECONSTRUCTION OF THE UTILITY STRUCTURE IN THE NORTHWEST CORNER OF THE PROPERTY. IF POSSIBLE, AN ADDITION WOULD THEN BE ADDED ABOVE THE STRUCTURE TO PROVIDE A 'FLOOD-SAFE' BEDROOM FOR THE RESIDENTS' ELDERLY PARENTS.

- KEY**
- 1. WASHINGTONIA PALM (TO BE REMOVED)
  - 2. POOL
  - 3. POOL DECK
  - 4. SCREENED PORCH (12'-10.5"L X 9'-6"W)
  - 5. ENCLOSED PORCH (13'-5"L X 9'-6"W)
  - 6. CARPORT (19'-11"L X 11'-7"W)
- CONCRETE
  - STRUCTURE
  - WOOD DECKING

DRAWN: A. OSBORN  
305.797.2309

**EXISTING SITE PLAN**  
SCALE: 1/16" = 1'-0"



**PROPOSED ADDITION**

1509 SOUTH ST.  
KEY WEST, FLORIDA  
KARP & DULCEY RESIDENCE

02.28.2010

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Ack 5/3/10

PROPOSED LOCATION FOR RECONSTRUCTION OF UTILITY ROOM. UTILITY ROOM WILL MAINTAIN PORTION OF CURRENT BUILDING FOOTPRINT (22'-0" L X 12'-0" W), WITH ADDITION OF OFFICE ABOVE.

STORMWATER MANAGEMENT SWALE (30.0 CUFT.).

NOTE: ENCLOSED PORCH WILL BE RE-OPENED IN EVENT THAT CONSTRUCTION OF REAR ADDITION IS PERMITTED.

**KEY**

- 1. WASHINGTONIA PALM (TO BE REMOVED)
- 2. POOL
- 3. POOL DECK
- 4. SCREENED PORCH (26'-3" L X 9'-6" W)
- 5. CARPORT (19'-11" L X 11'-7" W)

- CONCRETE
- STRUCTURE
- WOOD DECKING

EXISTING GUMBO-LIMBO (*Bursera simaruba*) TO REMAIN.



NOTE: ALL CONCRETE WALKWAYS, LESS CARPORT SLAB, WILL BE REMOVED IN EVENT THAT CONSTRUCTION OF REAR ADDITION IS PERMITTED.

NOTE: THE SCOPE OF WORK FOR THIS PROJECT ENCOMPASSES THE RECONSTRUCTION OF THE UTILITY STRUCTURE IN THE NORTHWEST CORNER OF THE PROPERTY. IF POSSIBLE, AN ADDITION WOULD THEN BE ADDED ABOVE THE STRUCTURE TO PROVIDE A 'FLOOD-SAFE' BEDROOM FOR THE RESIDENTS' ELDERLY PARENTS.

WOOD TELEPHONE POLE.

SOUTH STREET

DRAWN: A. OSBORN  
305.797.2309

**PROPOSED SITE PLAN**

SCALE: 1/16" = 1'-0"



**PROPOSED ADDITION**

1509 SOUTH ST.  
KEY WEST, FLORIDA  
KARP & DULCEY RESIDENCE

02.28.2010

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+22'-2.9" A.C.R.

+18'-5.7" A.C.R.

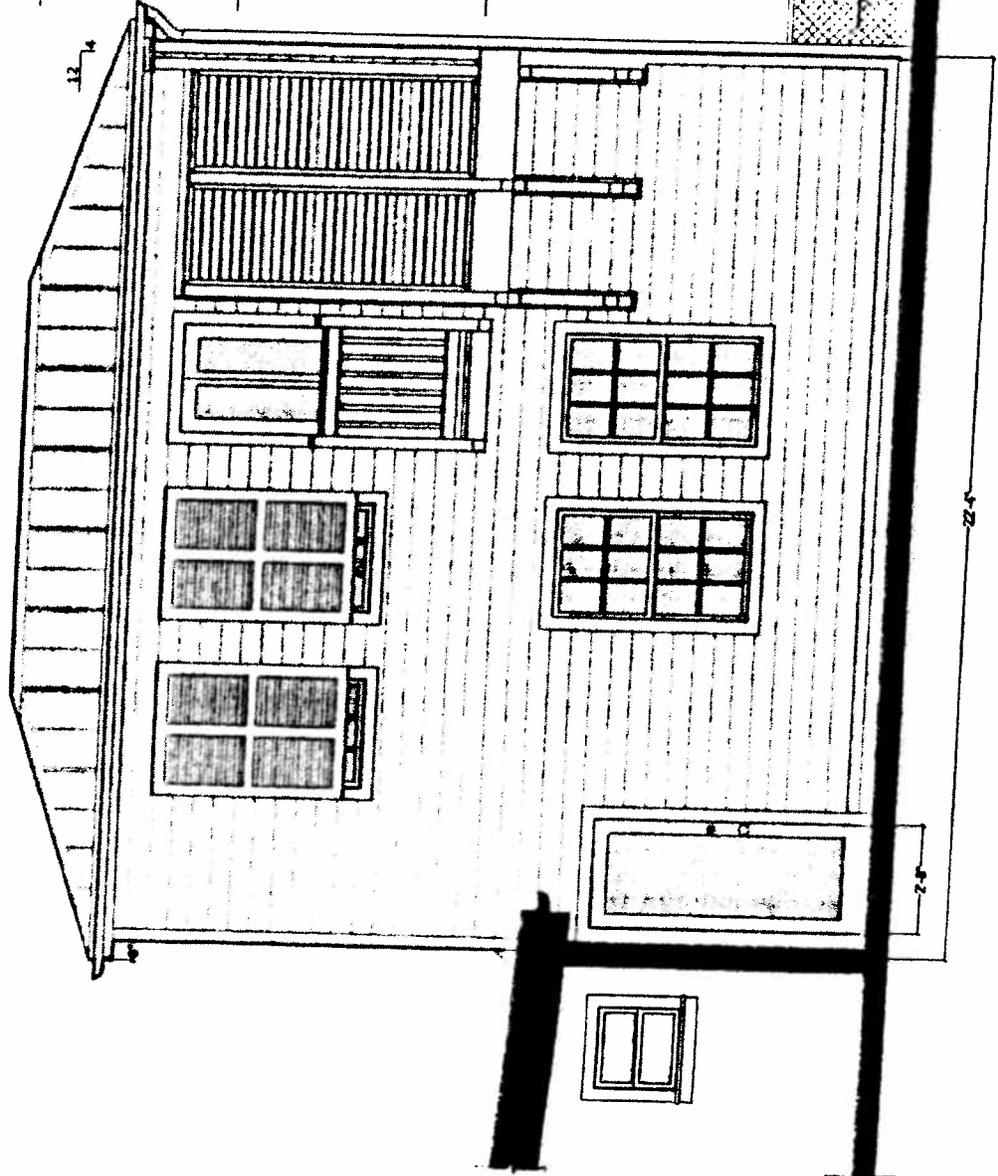
+12'-5.7" A.C.R.

+2'-11.2" A.C.R.  
(+6'-6.4" B.F.E.)

+1'-1.2" A.C.R.



DRAWN: A. OSBORN  
305.797.2309



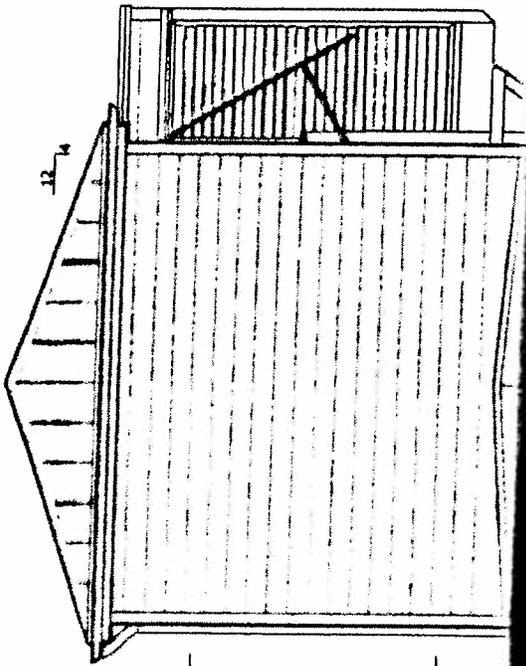
**EAST ELEVATION** SCALE: 1/4" = 1'-0"

# PROPOSED ADDITION

1509 SOUTH ST.  
KEY WEST, FLORIDA  
KARP & DULCEY RESIDENCE

02.28.2010

*PKK*  
ACOM 5/3/10



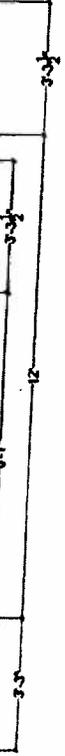
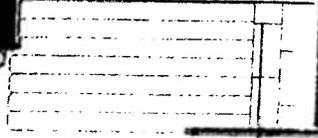
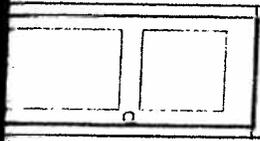
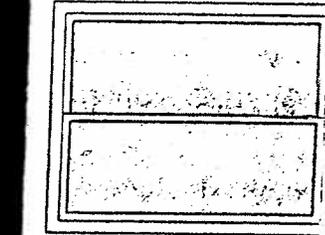
+22'-2.9" A.C.R.

+19'-5.7" A.C.R.

+12'-5.7" A.C.R.

+2'-11.2" A.C.R.  
(+0'-6.5" B.F.E.)

+1'-1.7" A.C.R.  
-3.5" B.C.F.



DRAWN: A. OSBORN  
305.797.2309

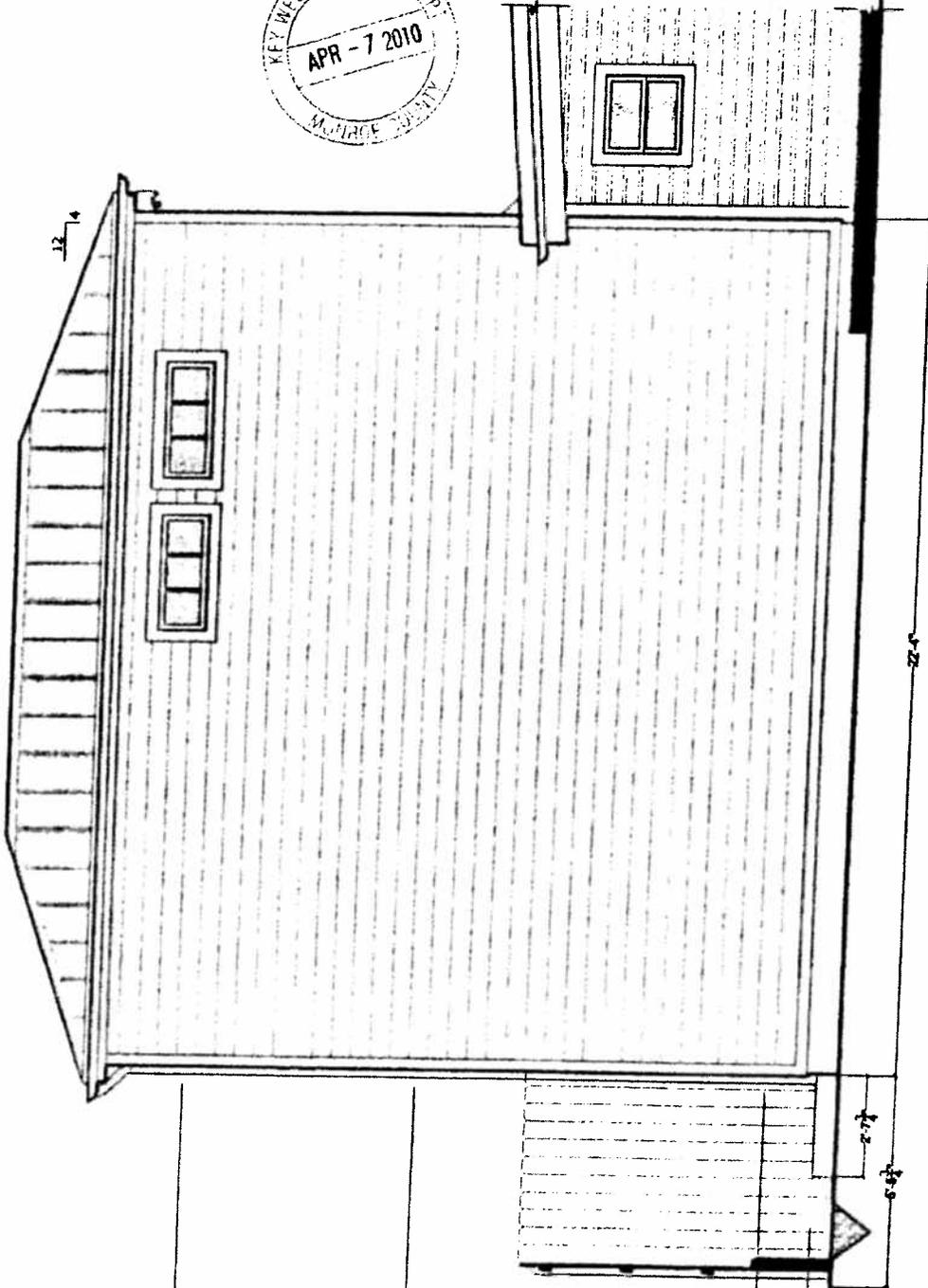
**SOUTH ELEVATION** SCALE: 1/4" = 1'-0"

# PROPOSED ADDITION

1509 SOUTH ST.  
KEY WEST, FLORIDA  
KARP & DULCEY RESIDENCE

02.28.2010

*PLUK  
ACM 5/3/10*



DRAWN: A. OSBORNE  
305.797.2309

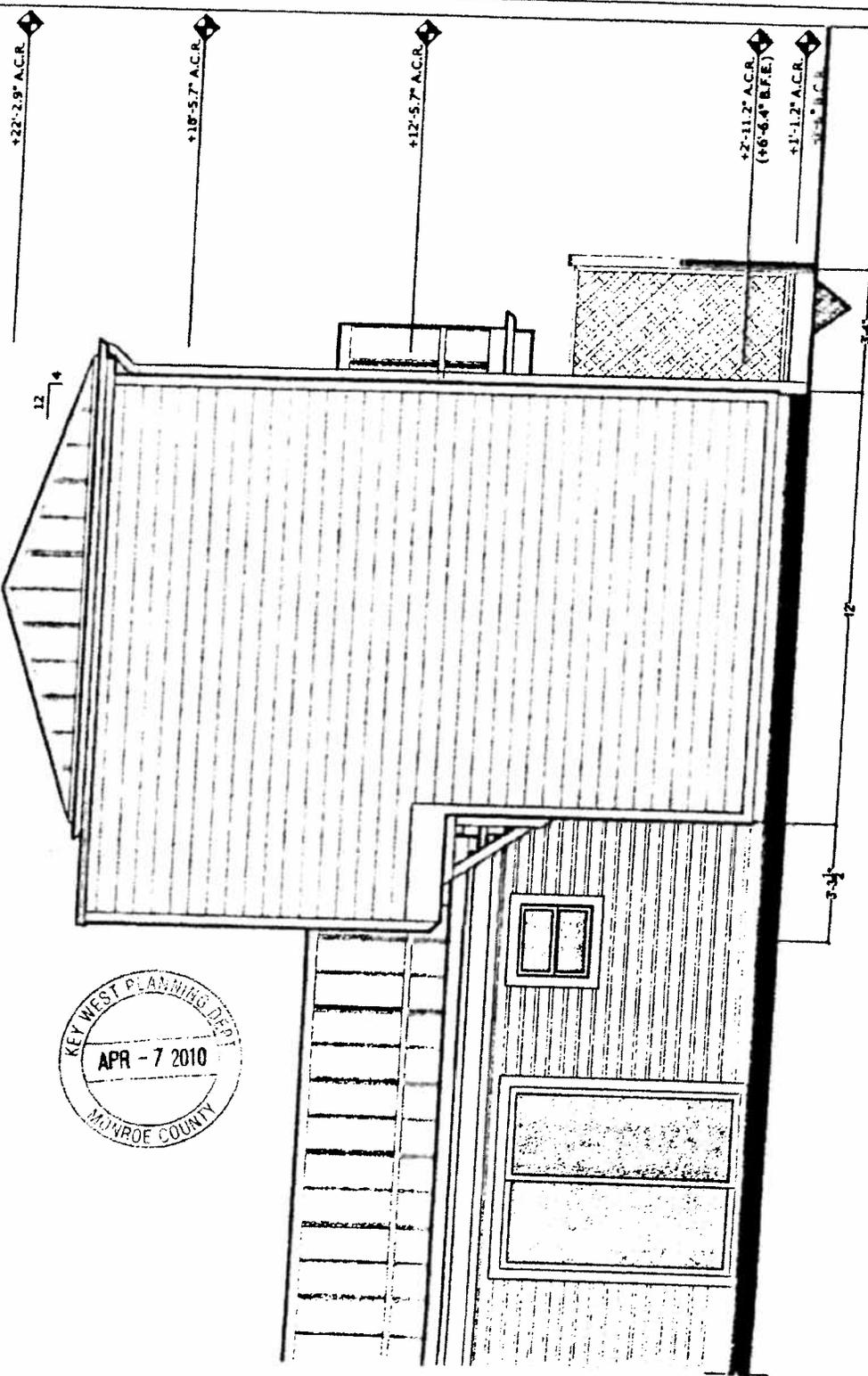
**WEST ELEVATION** SCALE: 1/4" = 1'-0"

# PROPOSED ADDITION

1509 SOUTH ST.  
KEY WEST, FLORIDA  
KARP & DULCEY RESIDENCE

02.28.2010

*PLUK  
ACRM 5/3/10*



KEY WEST PLANNING DEPT.  
APR - 7 2010  
MONROE COUNTY

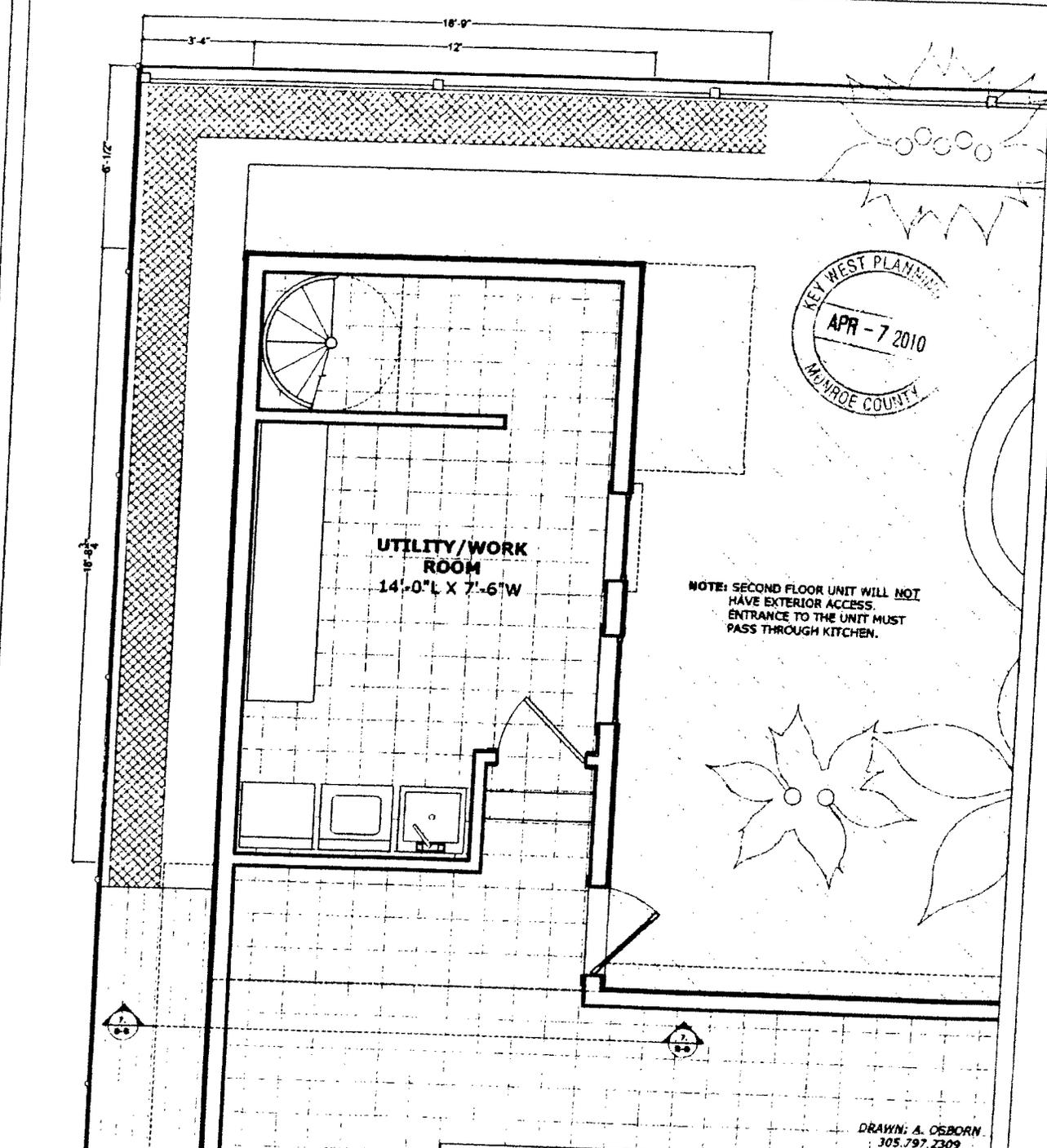
DRAWN: A. OSBORN  
305.797.2309

**NORTH ELEVATION** SCALE: 1/4" = 1'-0"

**PROPOSED ADDITION**  
1509 SOUTH ST.  
KEY WEST, FLORIDA  
KARP & DULCEY RESIDENCE

02.28.2010

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A. OSBORN 5/3/10



**GROUND FLOOR PLAN**

SCALE: 1/4" = 1'-0"



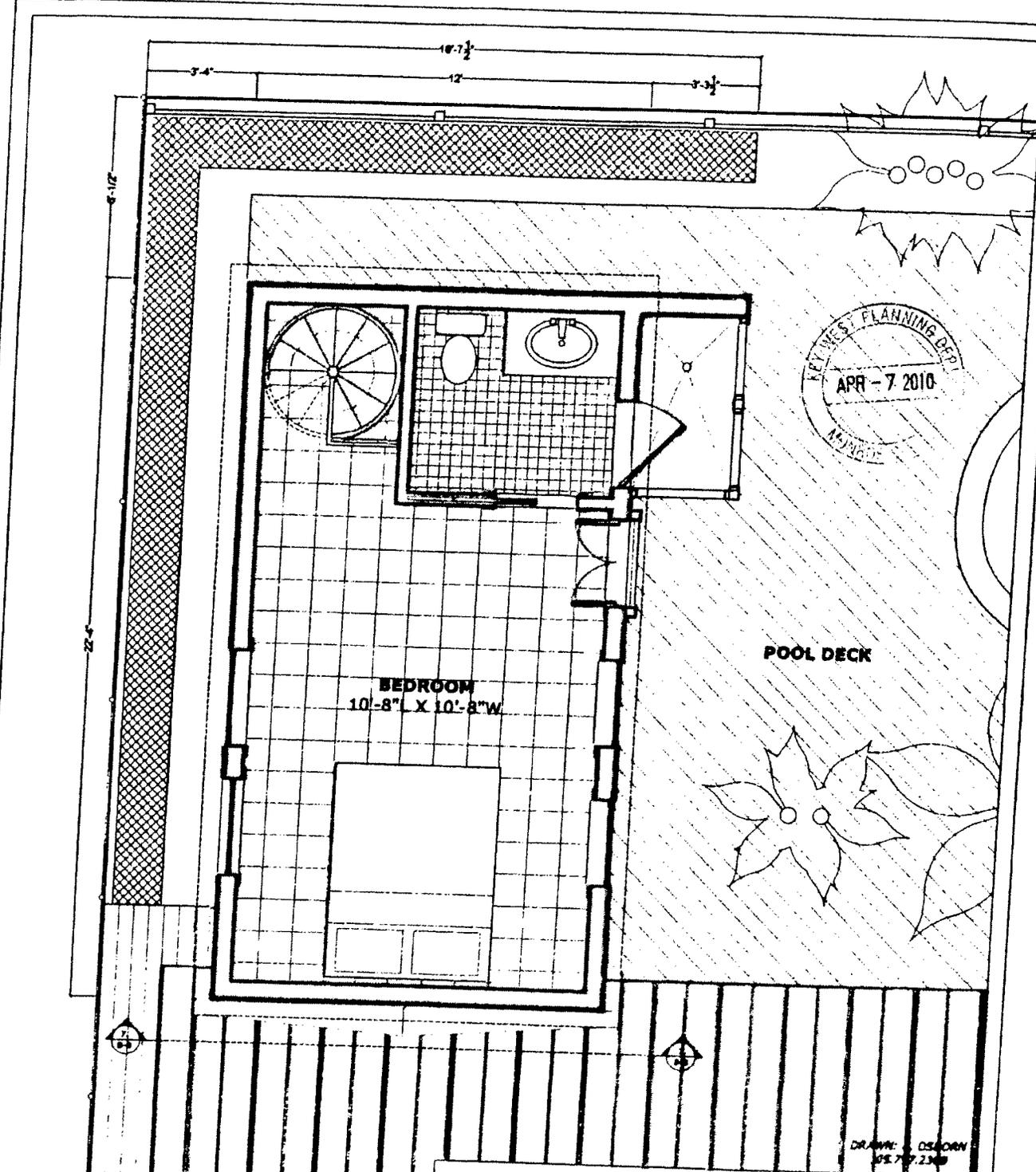
**PROPOSED ADDITION**

1509 SOUTH ST.  
 KEY WEST, FLORIDA  
 KARP & DULCEY RESIDENCE

02.28.2010

DRAWN: A. OSBORN  
 305.797.2309

*Paul  
 Allen 5/3/10*



KEY WEST PLANNING DEPT.  
APR - 7 2010  
MAYOR

**BEDROOM**  
10'-8" L X 10'-8" W

**POOL DECK**

DRAWN: DSCORRY  
DATE: 7.23.09

**SECOND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

**PROPOSED ADDITION**  
1509 SOUTH ST.  
KEY WEST, FLORIDA  
KARP & DULCEY RESIDENCE  
02.28.2010

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RMLK