RESOLUTION NO- 2010-018

A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW THE RECONSTRUCTION OF A NON-CONFORMING STRUCTURE WHICH EXCEEDS 66% OF THE VALUE OF THE EXISTING STRUCTURE BY GRANTING VARIANCES TO BUILDING COVERAGE, FRONT YARD, SOUTHERLY SIDE YARD AND REAR YARD SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 515 MARGARET STREET (RE#00007960-000200), PURSUANT TO SECTION 122-28(b) AND SECTIONS 122-630(4)a AND (6) a., b., AND c., UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-28(b) of the Code of Ordinances provides that if voluntary reconstruction of non-conforming residential structures exceeds 66% of the appraised value of the structure variances are required; and

WHEREAS, the applicant requested variances to reconstruct a non-conforming, historically contributing, residential structure with improvements that exceed 66% of the value of the existing structure; and

WHEREAS, Section 122-630(4)a of the Code of Ordinances provides that the maximum building coverage allowed in the HHDR zoning district is 50%; and

_____ Chairman

_____ Planning Director

WHEREAS, the applicant requested variances to allow for an additional maximum building coverage of 5% from the 50% allowed to the 55% proposed; and

WHEREAS, Section 122-630(6)a of the Code of Ordinances provides that the minimum front yard setback allowed is 10 feet for buildings in the HHDR zoning district; and

WHEREAS, the applicant requested variances to allow for a reduced front yard setback requirement of 8.5 feet, from the 10 feet allowed to the 1.5 feet proposed (and existing); and

WHEREAS, Section 122-630(6)b of the Code of Ordinances provides that the minimum side yard setback allowed is 5 feet for buildings in the HHDR zoning district; and

WHEREAS, the applicant requested variances to allow for a reduced northerly side yard setback requirement of 3 feet, from the 5 feet allowed, to the 2 feet proposed (and existing); and

WHEREAS, Section 122-630(6)c of the Code of Ordinances provides that the minimum rear yard setback allowed is 20 feet for buildings in the HHDR zoning district; and

WHEREAS, the applicant requested variances to allow for a reduced rear yard setback

RMK Chairman

ACM Planning Director

requirement of 12.89 feet, from the 20 feet allowed to the 7.11 feet proposed (and existing); 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 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

RMK
Chairman

Planning Director

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;

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.

_____ Chairman

_____ Planning Director

Section 2. That variances to dimensional requirements for: maximum building coverage requirements per Section 122-630(4)a. of 5% from the 50% allowed to the 55% proposed; and for front yard setback requirements per Section 122-630(6)a. of 8.5 feet, from the 10 feet allowed to the 1.5 feet proposed (and existing); and for side yard setback requirements per Section 122-630(6)b of 3 feet, from the 5 feet allowed to the 2 feet proposed (and existing) on the northerly side; and for variances to dimensional requirements for the rear yard setback requirements per Section 122-630(6)c of 12.1 feet, from the 20 feet required to the 7.11 feet proposed (and existing) under the Code of Ordinances of the City of Key West, Florida, is hereby granted for property located at 515 Margaret Street (RE#00007960-000200), as shown on the attached plans dated February 25, 2010.

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.

_____ Chairman

_____ Planning Director

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 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

RMK Chairman

Acting Planning Director

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 regularly scheduled meeting held this 15 day of April, 2010.

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

MAY 3, 2010

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

May 3, 2010

Amy Kimball-Murley, AICP
Planning Director

Date

Filed with the Clerk:

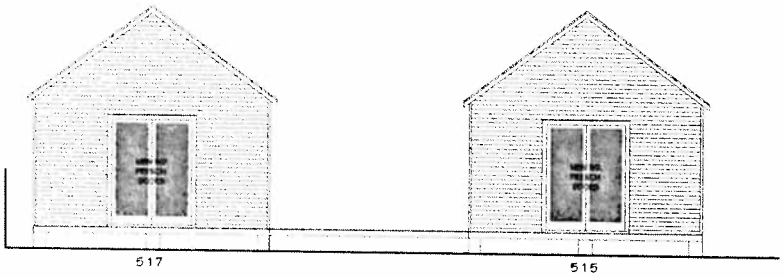
5-3-10

Cheryl Smith, City Clerk

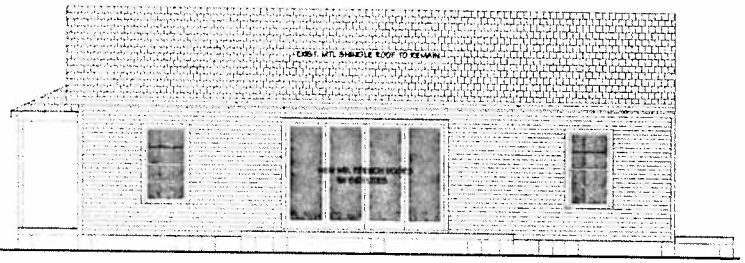
Date

Chairman

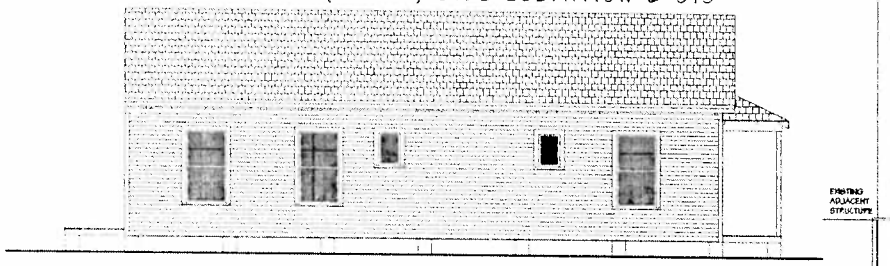
Planning Director



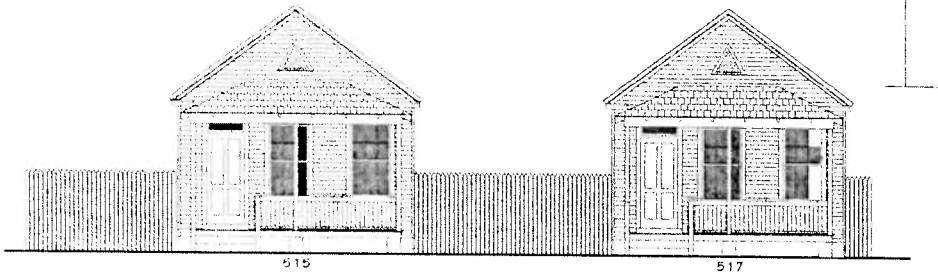
REAR (EAST) ELEVATIONS



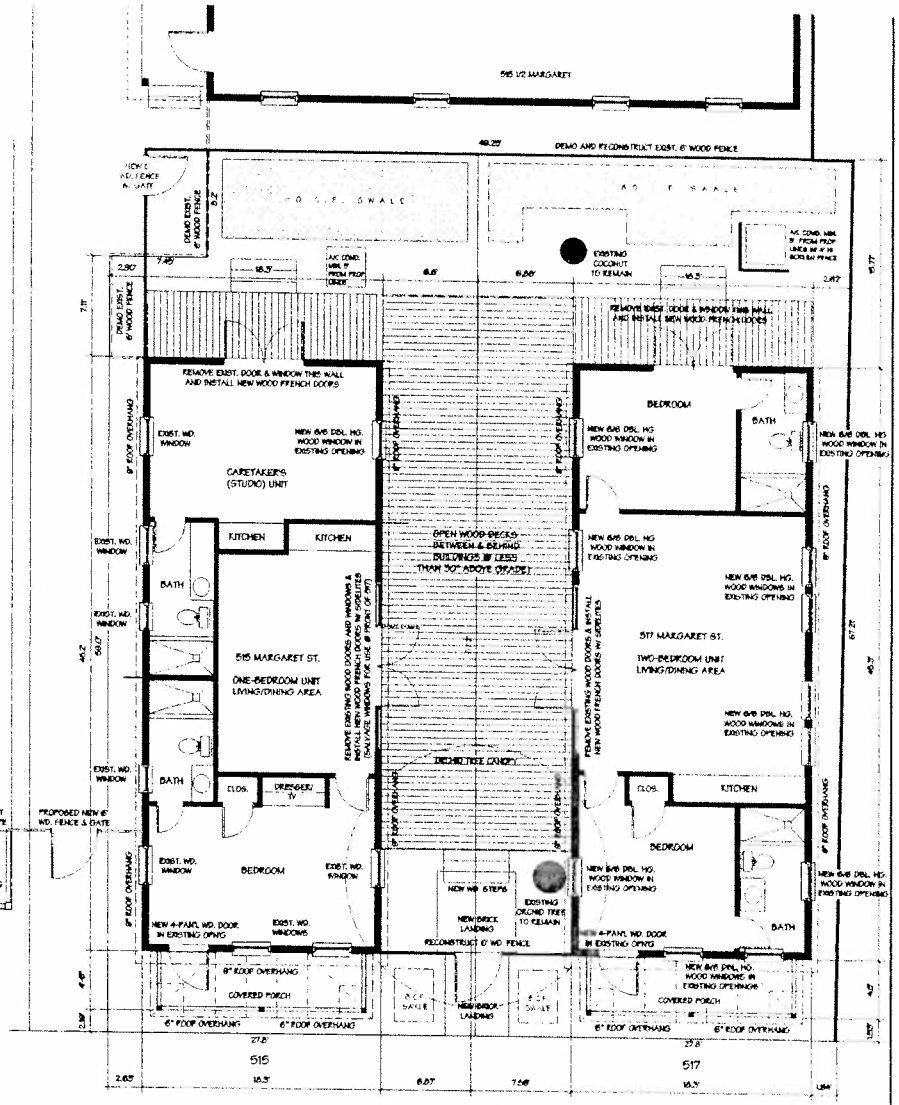
RIGHT (SOUTH) SIDE ELEVATION @ 515



LEFT (NORTH) SIDE ELEVATION @ 515



FRONT (WEST) ELEVATIONS



SITE & FLOOR PLANS
scale: 1/4"=1'-0"

SITE DRAINAGE CALCULATIONS:

515 MARGARET: 1050 S.F. IMPERVIOUS COVERAGE (INCLUDES ROOF OVERHANGS & BRICK PAVING) 1" RAINFALL = 87.5 C.F. SWALE REQD

517 MARGARET: 1050 S.F. IMPERVIOUS COVERAGE (INCLUDES ROOF OVERHANGS & BRICK PAVING) 1" RAINFALL = 87.5 C.F. SWALE REQD

PROVIDE MINIMUM 25 S.F. X 0.7 DP (87.5 C.F.) SWALE @ EACH PROPERTY IN CONCENTRATIONS AND LOCATIONS INDICATED ON PLAN ABC

renovations to
515 MARGARET STREET
KEY WEST, FLORIDA

Robert L. Delaune, Architect, p.a.
619 Eaton Street, Suite 1, Key West, FL 33040
ph/fax: (305) 293-0364 FL Lic. #AA0003594

sheet
1
of
1

25 FEBRUARY 2010