

**PLANNING BOARD
RESOLUTION No. 2013-17**

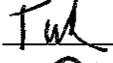
**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD FOR VARIANCE
APPROVAL FOR RECONSTRUCTION OF
MORE THAN 66% OF ASSESSED VALUE,
SIDE-YARD SETBACK REQUIREMENTS AND
DETACHED HABITABLE SPACE FOR
PROPERTY LOCATED AT 516 LOUISA
STREET (RE#00028860-000000, AK 1029645) IN
THE HISTORIC RESIDENTIAL
COMMERCIAL CORE ZONING DISTRICT,
PER SECTION 122-28 122-750(6)b. AND
SECTION 122-1078 OF THE LAND
DEVELOPMENT REGULATIONS OF THE
CODE OF ORDINANCES OF THE CITY OF
KEY WEST.**

WHEREAS, Section 122-28 of the Code of Ordinances requires that if restoration of a structure exceeds 66% of the structure's assessed value, variances to legal non-conformities shall be required; and

WHEREAS, the existing structure has a legal non-conforming side-yard setback; and

WHEREAS, Section 122-750(6) b. of the Code of Ordinances provides that the minimum allowed side-yard setback shall be 5 feet; and

WHEREAS, the applicant requested a variance to the side-yard setbacks and





Vice Chairman
Planning Director

WHEREAS, Section 122-1078 of the Code of Ordinances requires that all habitable space be accessible from the interior of the exterior walls; and

WHEREAS, the applicant requested a variance to detached habitable space; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 21, 2013; 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 literal interpretation of the provisions of the land

 Vice Chairman
 Planning Director

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

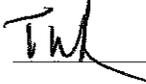
WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

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 any 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 variances 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,

 Vice Chairman
 Planning Director

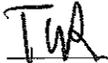
Florida:

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

Section 2. An approval by resolution of the Key West Planning Board for variances to allow the use of an existing building as detached habitable space per plans received January 22, 2013, on property located at 516 Louisa Street (RE# 00028860-000000, AK 1029645) in the HRCC-3 zoning district per Sections 122-28, 122-750(6) b. and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following conditions:

1. A deed restriction shall be placed on the property such that the property as a whole be rented to only one party at a given time if and when the property receives an additional transient license for the detached bedroom. The owner shall have the deed restriction approved by the City Attorney within 30 days of the effective date of the variance approval. The owner shall bear any expense of preparing and recording the deed restriction.
2. No swimming pool or air-handling equipment shall be located in the referenced side-yard setback.
3. The main house and the detached habitable space shall be hard wired for fire detection such that parties in both structures will be alerted to any fire event.

Section 3. It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or 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.

 Vice Chairman
 Planning Director

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances 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.

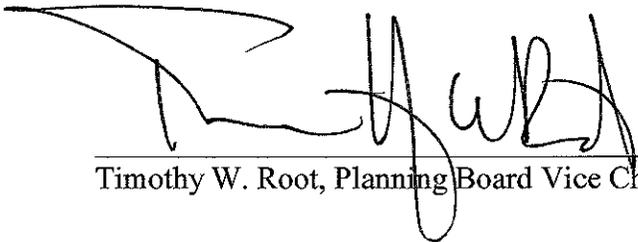
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

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 Economic Opportunity. 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 DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO 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.

 Vice Chairman
 Planning Director

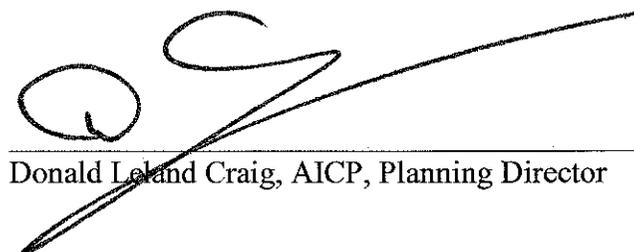
Read and passed on first reading at a regularly scheduled meeting held this 21st day of March, 2013.

Authenticated by the Vice Chairman of the Planning Board and the Planning Director;



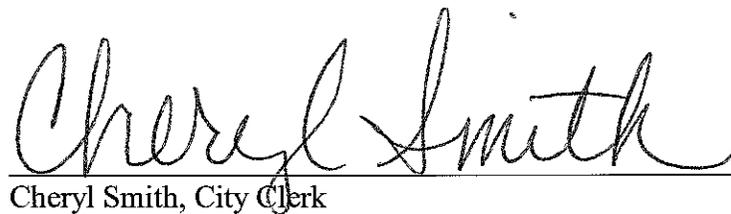
Timothy W. Root, Planning Board Vice Chairman
4/1/13
Date

Attest:

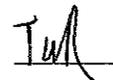


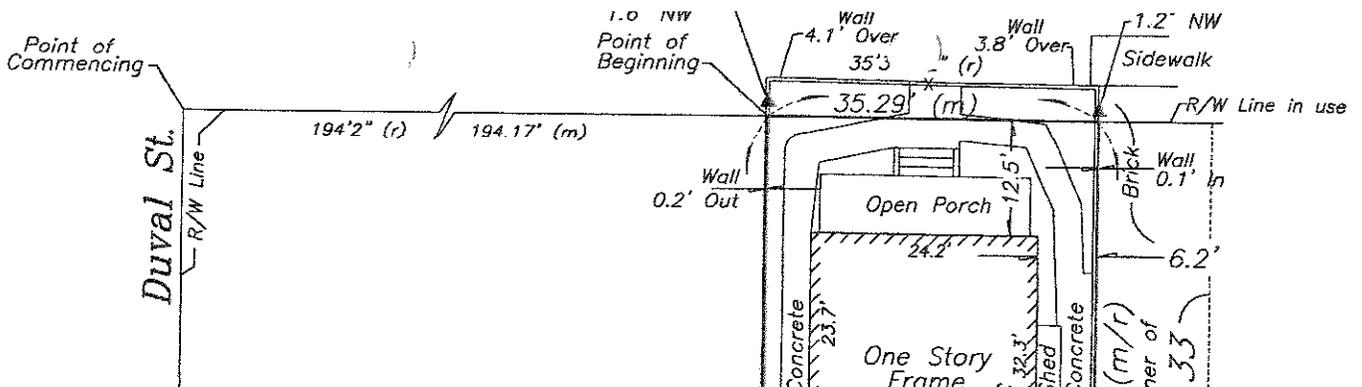
Donald Leland Craig, AICP, Planning Director
3/22/13
Date

Filed with the Clerk:



Cheryl Smith, City Clerk
4-1-2013
Date

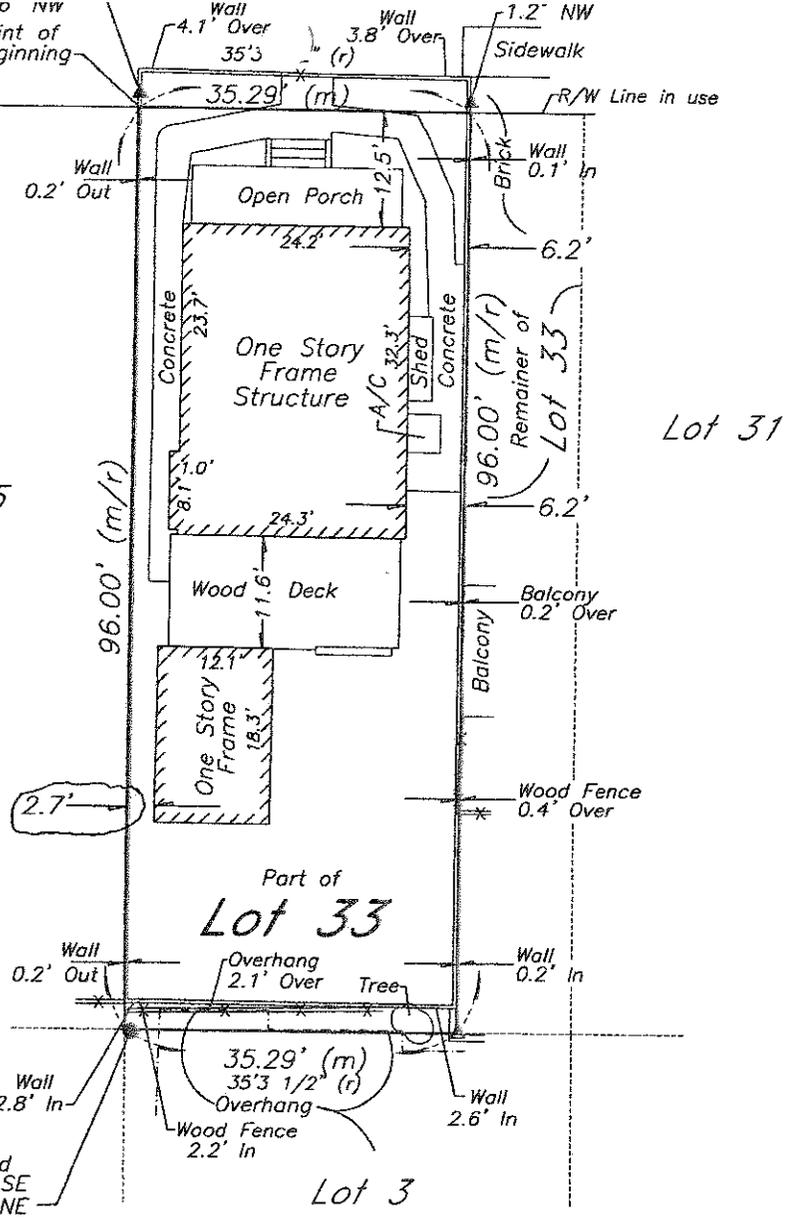
 Vice Chairman
 Planning Director



LEGEND

- ⊙ Found 2" Iron Pipe (Fence Post)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (No ID)
- ▲ Found Nail & Disc (RER) (5234)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- M/R Measured & Record
- .B.S. Concrete Block Structure
- R/W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines

Lot 35



NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 516 Louisa Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Date of field work: September 10, 2012.
9. Ownership of fences is undeterminable, unless otherwise noted.
10. Adjoiners are not furnished.
11. Metes and bounds description and occupation under walls are greater than the "Southwest 1/2 of Lot 33" as described in preamble (See below).

BOUNDARY SURVEY OF: On the Island of Key West and is the Southwest $\frac{1}{2}$ of Lot 33 of Square Tract 11 according to a diagram of said Square made by D.P. Sweeny and recorded in Book 1, Deeds, Page 215 of Monroe County Records. COMMENCING at a point on Wilson Street (now known as Louisa Street) 194 feet, 2 inches from Duval Street and runs thence in a northeasterly direction 35 feet, 3 $\frac{1}{2}$ inches; thence at right angles in a Southeasterly direction 6 feet; thence at right angles in a Southwesterly direction 35 feet, 3 $\frac{1}{2}$ inches; thence at right angles in a Northwesterly direction 96 feet to the Point of Beginning.

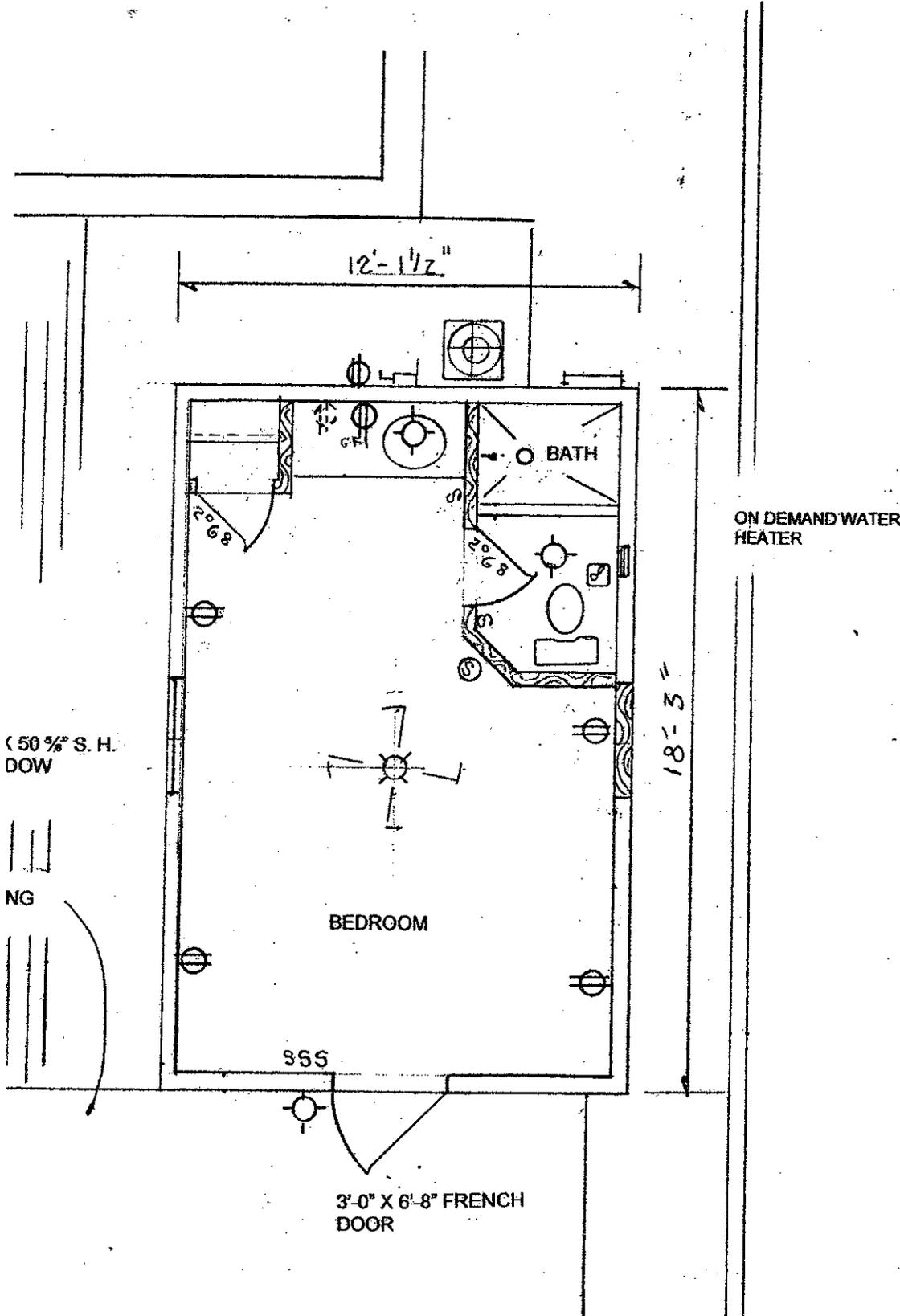
TW
BC

FOUNDATIO

SCALE:

PLAN

1/4" = 1' 0"



FLOOR

SCALE:

PLAN

1/4" = 1' 0"

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D. P.	Comm
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**REPAIRS AND RENOVATIONS
TO THE ACCESSORY BUILDING
AT 516 LOUISA STREET
KEY WEST, FLORIDA**

TUR
9C

Date 12/19/12

Scale AS SHOWN

Drawn JE

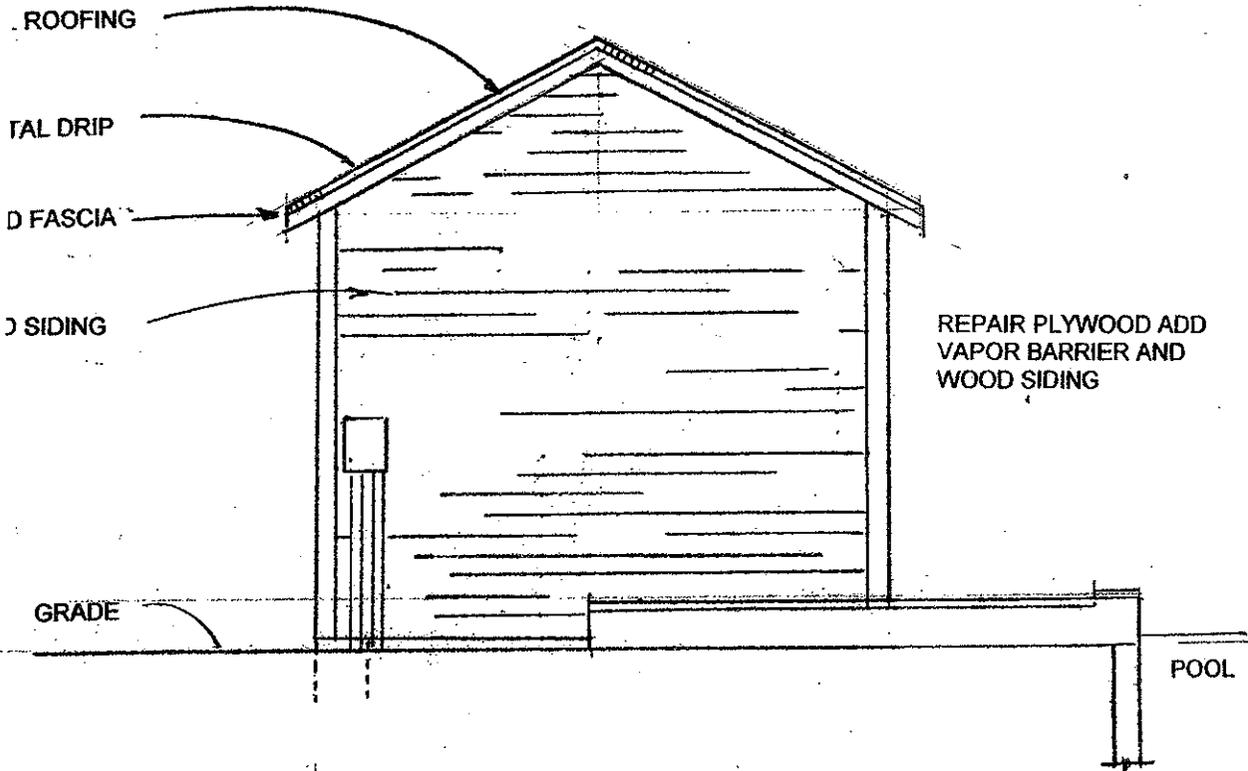
Job

ROOF

SCALE:

PLAN

1/2" = 1' 0"

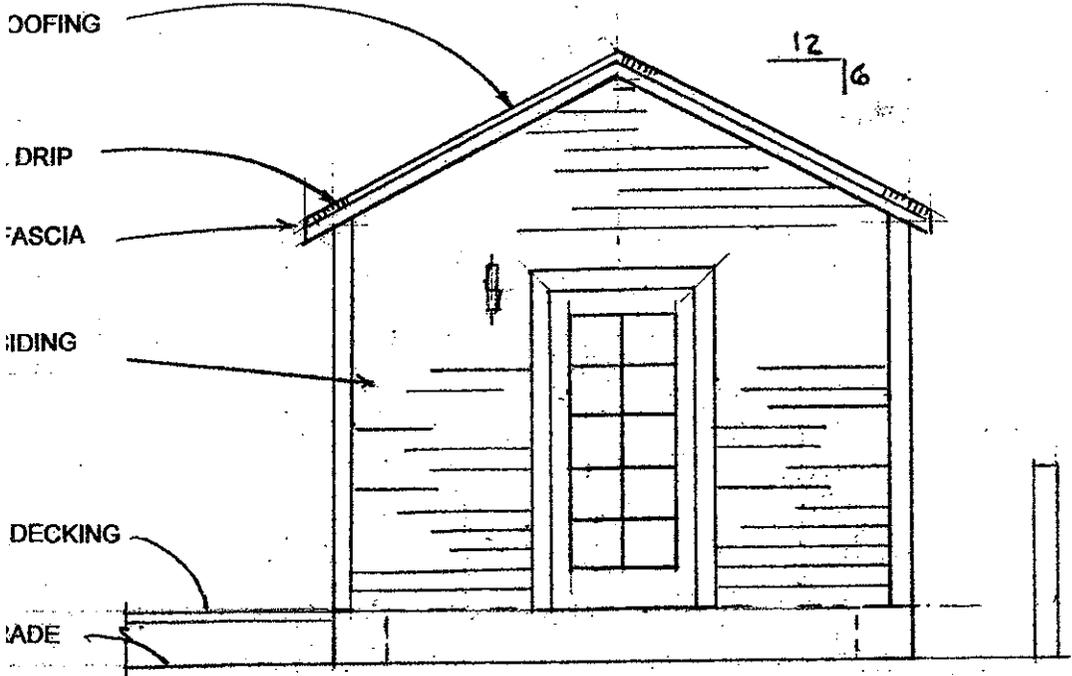


REAR ELEVATION

SCALE:

1/4" = 1' 0"

PC



FRONT ELEVATION

TM
DC