

**PLANNING BOARD
RESOLUTION No. 2013-22**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD FOR VARIANCE
APPROVAL FOR BUILDING COVERAGE
AND SIDE AND REAR-YARD SETBACK
REQUIREMENTS FOR THE RENOVATION OF
TWO EXISTING STRUCTURES AND THE
CONSTRUCTION OF A POOL, FRONT PORCH
AND REAR PORCH EXCEEDING 66% OF THE
VALUE OF THE STRUCTURES ON
PROPERTY LOCATED AT 1010
WASHINGTON STREET (RE#00039080-000000,
AK#1039829) IN THE SINGLE FAMILY
RESIDENTIAL ZONING DISTRICT, PER
SECTION 122-28 SECTION 122-238 (4) a. AND
SECTION 122-238 (6) a. 2. & 3. OF THE LAND
DEVELOPMENT REGULATIONS OF THE
CODE OF ORDINANCES OF THE CITY OF
KEY WEST.**

WHEREAS, Section 122-28 Section 122-238 (4) a. and Section 122-238(6) a. 2. & 3. of the Code of Ordinances provides that renovations exceeding 66% of the value of the structure requires variances to legal non-conformities, that the maximum building coverage is 35% and the minimum allowed side-yard setback is 5 feet and rear-yard setback is 25 feet; and

WHEREAS, the applicant requested variances to the proposed building coverage and to the existing side and rear-yard setbacks; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing

RWK Chairman
OC Planning Director

on April 18th, 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 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

RWA Chairman
OC Planning Director

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, 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 for building coverage and side and rear-yard setbacks for the renovation of two existing structures and

 RMK Chairman
 OC Planning Director

the construction of a pool, front porch and a rear porch that exceeds 66% of the value of the structures on property located at 1010 Washington Street (RE# 00039080-000000, AK#1039829) in the SF zoning district per Sections 122-238 (4) a. and 122-238(6) a. 2.&3. of the Land Development Regulations of the Code of Ordinances of the City of Key West per plans received March 18, 2012 with the following conditions:

- Any trees on the property be protected during construction. No trees shall be removed without Tree Commission approval.
- Maintain storm-water retention swales and direct rain-gutter downspouts to the swales and landscaped areas as coordinated with the City Engineer prior to the issuance of a building permit.

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.

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.

RWK Chairman
OC Planning Director

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.

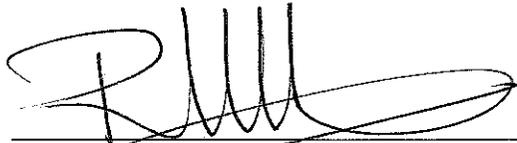
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

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.

Read and passed on first reading at a regularly scheduled meeting held this 18th day of April, 2013.

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

 _____ Chairman
 _____ Planning Director

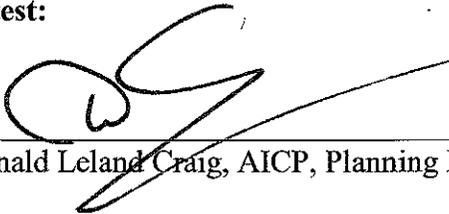


Richard Klieniek, Planning Board Chairman

APRIL 21, 2013

Date

Attest:



Donald Leland Craig, AICP, Planning Director

4.23.13

Date

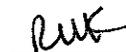
Filed with the Clerk:



Cheryl Smith, City Clerk

4-25-13

Date

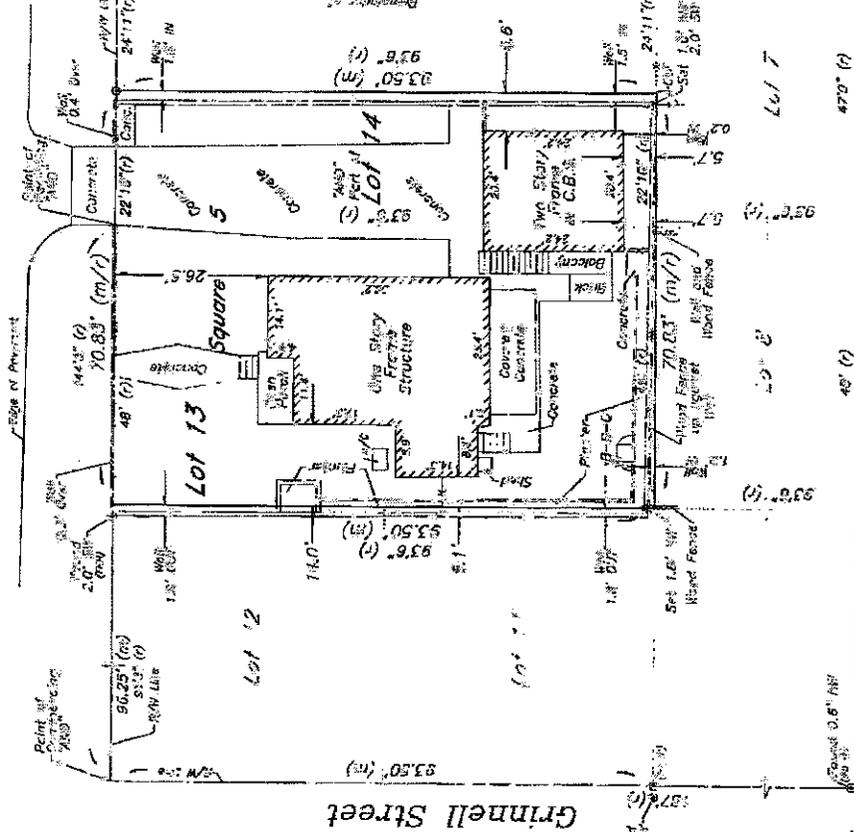
 Chairman

 Planning Director

Boundary Survey Map of Lot 13 #
Part of Lot 14, Square 5
Webb Realty Company

Washington Street

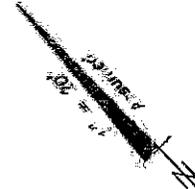
50' (15.24)



Grinnell Street

Von Phister Street

- LEGEND**
- Found 1/2" Iron Pipe (H-10) (215.30)
 - Set 1/4" Iron Pipe 1/2" Dia (225.5)
 - Found 1/2" Iron Rod
 - Found Nail & Wire (52.4)
 - Set Nail & Wire (225.0)
 - Measured
 - Record
 - Measured & Record
 - Concrete Block Structure
 - Height of 45'
 - Chain Link Fence
 - Concrete
 - Contract's Utility Line
 - Contract's Utility Line
 - Set Concrete



Sheet One of Two Sheets

J. LYNN O'FLYNN, Inc.

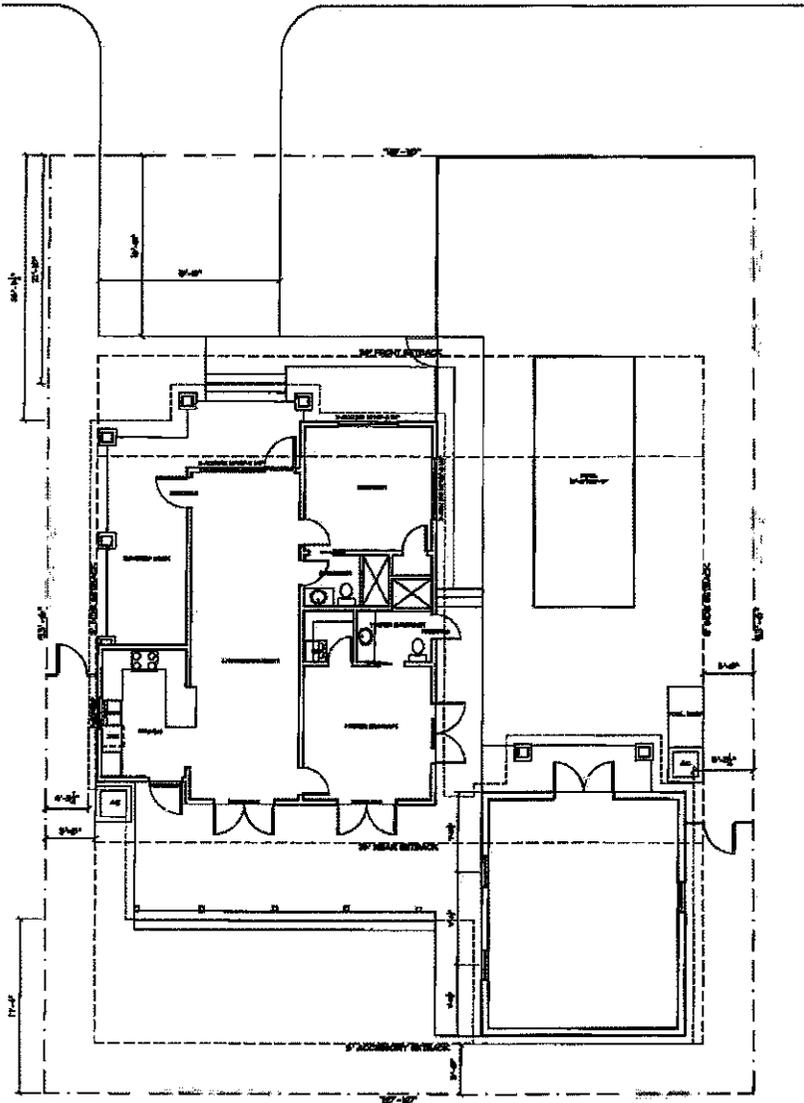
Professional Surveyor & Mapper
F.M. 4625

3420 Quail Run, Key West, FL 33940
(305) 293-7122 FAX (305) 293-7244

NOTE: This Survey Map is not full and complete without the attached Survey Report.

OC
KMK

WASHINGTON STREET

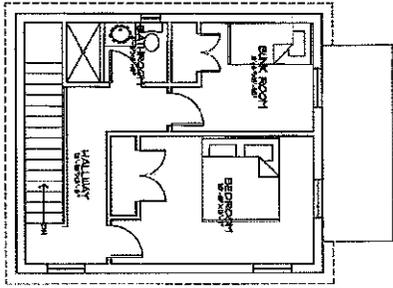


SITE ANALYSIS

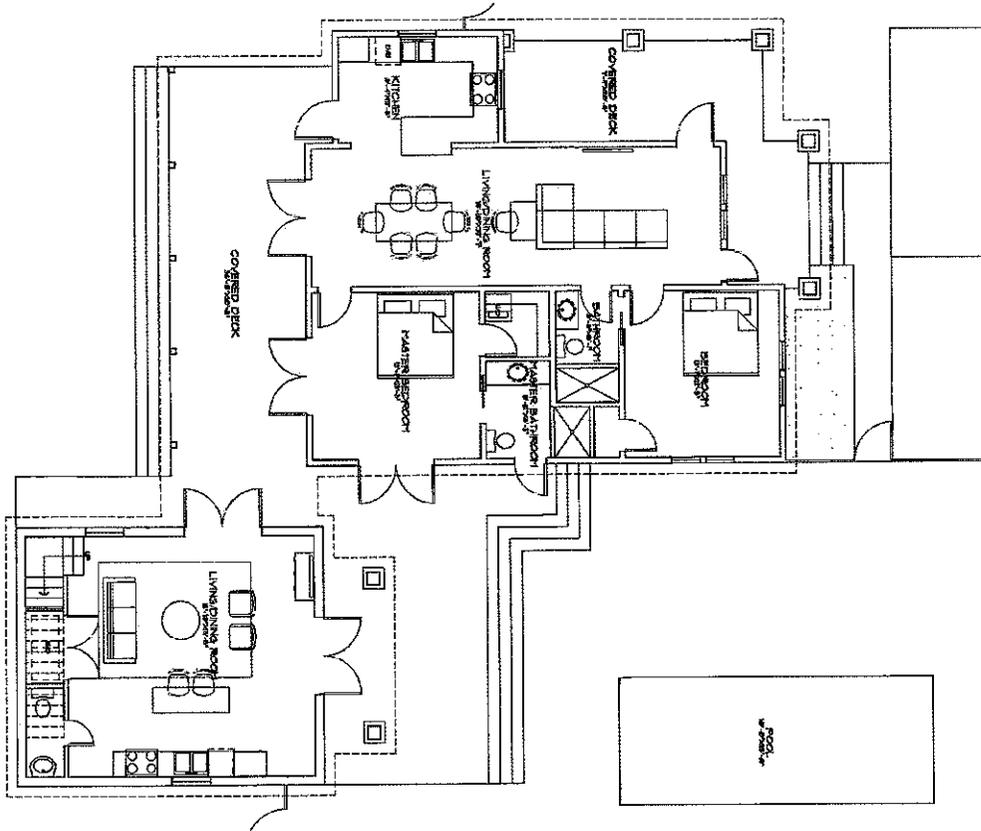
ZONING	RF
SITE AREA	6,424 (860 AC)
FLOOD ZONE	AE 1
MAX LOT COVERAGE	38% (2,460 SF)
EXISTING LOT COVERAGE	32.4% (2,140 SF)
PROPOSED LOT COVERAGE	27.6% (1,780 SF)
MAX HEIGHT	29'
SETBACKS	
FRONT	20' OR 10' IF AVERAGE
REAR	10'
SIDE	5'
MAX IMPERVIOUS SURFACE	58% (3,710 SF)
EXISTING IMPERVIOUS SURFACE	50.8% (3,260 SF)
PROPOSED IMPERVIOUS SURFACE	47.5% (3,110 SF)

OC
RUC

Second Floor Plan



First Floor Plan



PC
PWC

DATE: 12/15/17
A1

THOMAS E. POPE, P.A. ARCHITECT
610 White Street, Key West, FL
3051 295 8911 TEP@pef15@pef.com

Adam's House
1013 Washington Street Key West, FL

