

**PLANNING BOARD  
RESOLUTION No. 2013-29**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD FOR VARIANCE TO A REAR YARD SETBACK OF 10 FEET; BUILDING COVERAGE OF 5.4%; AND DETACHED HABITABLE SPACE FOR A POOL HOUSE, POOL AND DECK FOR PROPERTY LOCATED AT 317 CATHERINE STREET (RE#00026330-000000; AK#1027120) IN THE HMDR ZONING DISTRICT PER SECTION 90-391, SECTION 122-600(6), 122-600(4)a; AND 122-1078. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST.**

**WHEREAS**, Section 122-600(6) c of the Code of Ordinances provides that the rear yard setback in the HMDR zoning district is 15 feet; and

**WHEREAS**, the existing rear yard setback of the pool area is 29'11"; and

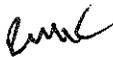
**WHEREAS**, the applicant requested a variance to rear yard setback requirements to allow for a pool house, pool and deck; and

**WHEREAS**, Section 122-600(4) a of the Code of Ordinances provides that the maximum building coverage in the HMDR zoning district is 40 %; and

**WHEREAS**, the existing building coverage is 37%; and

**WHEREAS**, the applicant requested a variance to minimum building coverage requirements to allow for a pool house, pool and deck; and

**WHEREAS**, the applicant requested a variance to detached habitable space requirements to

 Chairman

 Planning Director

allow for a pool house, pool and deck; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on June 20, 2013, and

**WHEREAS**, the Planning Board finds that the subject property is nonconforming in lot width and size, and are existing conditions. Although, special conditions exist that are peculiar to the history of the land involved, it is the applicant's decision to add the pool house, pool, and deck to the rear of the property; and

**WHEREAS**, the Planning Board finds that although the existing conditions and circumstances of the dimensions of the lot do not result from the action or negligence of the owners, the proposed addition of the pool house, pool and deck is the result of the applicant's request. The decision to make additions to the property is creating the need for the variances, which are conditions created by the applicant; and

**WHEREAS**, the Planning Board finds that granting the variance request will confer upon the applicant special privileges provisionally denied to other lands, buildings or structures in the same zoning district; and

**WHEREAS**, the Planning Board finds that if the variances for the proposed addition of the pool house, pool, deck and habitable space are denied, the applicant would not be deprived of reasonable use of the land and the existing structure. Therefore, hardship conditions do not exist; and

**WHEREAS**, the Planning Board finds that the variance granted is the minimum variance

  
\_\_\_\_\_ Chairman

  
\_\_\_\_\_ Planning Director

that will make possible the reasonable use of the land, building or structure; and that the applicant made changes after the DRC meeting to minimize the number of variances requested. However, the applicant has reasonable use of the property prior to the new construction; and

**WHEREAS**, the Planning Board finds that the granting of the variances will not be detrimental to the public interest;

**WHEREAS**, the Planning Board finds that the request is not based on existing conditions on the surrounding properties; and

**WHEREAS**, the Planning Board finds that the Planning Department has received no comments about this proposal; and

**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 the request for variances for a rear yard setback of 10 feet, building coverage of 5.4%, and detached habitable space is granted for property located at 317 Catherine Street (RE# 00026330-000000; AK# 1027120) in the HMDR zoning district per section 90-391, sections 122-600(6)c, 122-600(4)a, and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West, as shown on the attached plan date stamped April 5, 2013 with the following conditions of approval:

1. The owner execute a deed restriction that is acceptable to the city attorney preventing use as a

 Chairman

 Planning Director

separate, long or short term rental unit apart from the principle structure; and shall not include a kitchen;

2. The root system of the existing tree on the property is protected during construction;
3. That no windows of the proposed addition face the property at 316 Amelia Street.

**Section 3.** It is a condition of this variance that full, complete, and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application 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 this variance in accordance with the terms of and as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

**Section 5.** This variance does 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

  
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Chairman

  
\_\_\_\_\_  
Planning Director

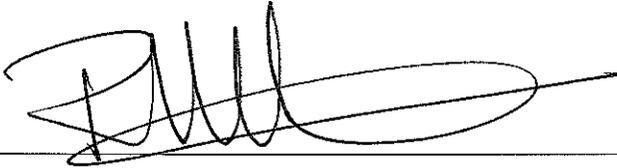
Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (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 Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

  
Chairman

  
Planning Director

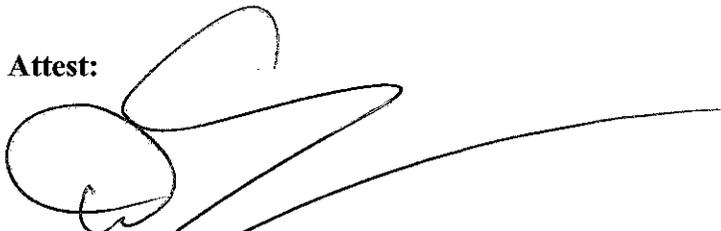
Read and passed on first reading at a regularly scheduled meeting held this 20th day of June, 2013.

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

  
\_\_\_\_\_ 7/16/2013

Richard Klitenick, Chairman  
Key West Planning Board

Date

**Attest:**  
  
\_\_\_\_\_ 7-16-13

Donald Leland Craig, AICP, Planning Director

Date

**Filed with the Clerk:**

  
\_\_\_\_\_ July 17, 2013

Cheryl Smith, City Clerk

Date

\_\_\_\_\_ Chairman  
 \_\_\_\_\_ Planning Director

WILLIAM P. HORN  
ARCHITECT, P.A.

155 EAST ST.  
KEY WEST,  
FLORIDA  
33090

THE ASSOCIATES  
IN ARCHITECTURE  
P.A.

1400 N.W. 11th  
MIAMI, FLORIDA  
33136

ADDITION AND  
NEW POOL  
RECONSTRUCTION  
KEY WEST, FL.

SEAL

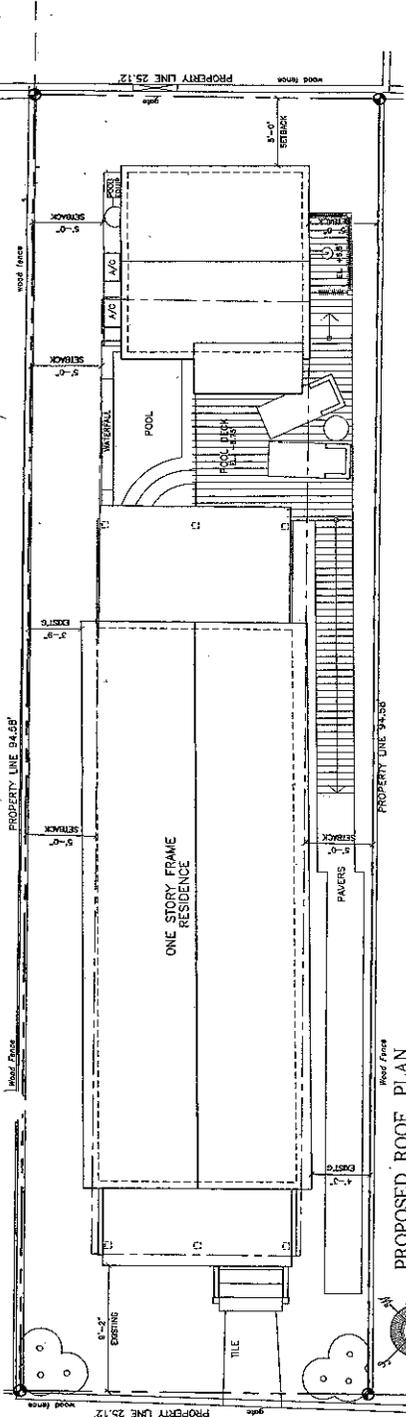
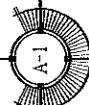
THIS DOCUMENT IS THE PROPERTY OF WILLIAM P. HORN ARCHITECT, P.A. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN.

DATE: 12-28-12  
12-28-12 DHC  
02-23-13 P.L.B.D.

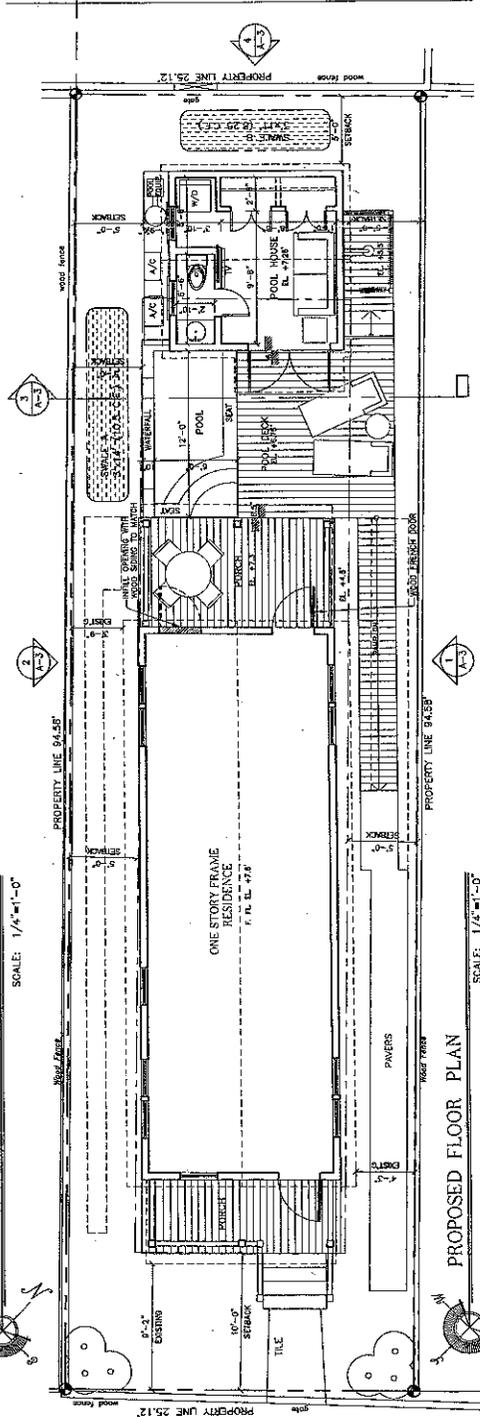
REVISIONS:  
02-23-13 P.L.B.D. REV.

DRAWN BY:  
EMA

PROJECT NO:  
1224

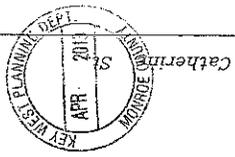


PROPOSED ROOF PLAN  
SCALE: 1/4"=1'-0"



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

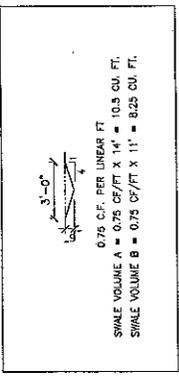
Catherine St.



SITE DATA	
SITE AREA	2,376 S.F.
LAND USE	RHWR
FLOOD ZONE	AE 1.75F
SETBACKS	FRONT SETBACK = 10'-0" (REQUIRED) 5'-0" (EXISTING) SIDE SETBACK = 5'-0" (REQUIRED) 5'-0" (EXISTING) REAR SETBACK = 3'-0" (REQUIRED) 3'-0" (EXISTING) CORNER SETBACK = 5'-0" (REQUIRED) 5'-0" (EXISTING)
LOT COVERAGE AREA	REQUIRED: 850 S.F. (36% MAX.) PROPOSED: 1,083 S.F. (46%)
IMPERVIOUS AREA	REQUIRED: 1,429 S.F. (60% MAX.) PROPOSED: 1,234 S.F. (52%)
LANDSCAPE AREA	REQUIRED: 475 S.F. (20% MAX.) EXISTING: 1,135 S.F. (47.8%) PROPOSED: 861 S.F. (36.2%)
OPEN SPACE AREA	REQUIRED: 635 S.F. (27% MAX.) EXISTING: 1,029 S.F. (43.3%) PROPOSED: 861 S.F. (36.2%)

BUILDING DATA	
EXISTING BUILDINGS	MAIN BUILDING
INTERIOR SQ. FT.	817 S.F.
CORNER REL. FT.	161 S.F.

STORMWATER DATA-NEW POOL HOUSE	
SITE AREA	= 2,376 S.F.
NEW IMPERVIOUS AREA	= 176 S.F.
176 S.F. IMPERVIOUS / 2,376 S.F. LOT	= 7.40% IMPERVIOUS COVERAGE
2,376 S.F. x 0.104 x 7.40%	= 18.2 C.F. (REQUIRED SWALE VOLUME)
SWALE A	= 10.5 CU. FT.
SWALE B	= 8.25 CU. FT.
SWALE TOTAL	= 18.75 CU. FT. (SWALE VOLUME PROVIDED)



SWALE PROFILE

ADDITION AND NEW POOL  
317 CATHERINE STREET  
KEY WEST, FLORIDA

EMA  
12/28/12

WILLIAM F. HORN  
ARCHITECT, P.A.

PROFESSIONAL  
REGISTERED ARCHITECT  
NO. 12345  
STATE OF FLORIDA

TEL: 305-444-1234  
FAX: 305-444-5678  
10000 N. W. 15th Ave.  
Miami, FL 33187

ADDITION AND  
NEW POOL  
PROJECT  
KEY WEST, FL.

SCALE

THIS PLAN IS UNLESS  
SPECIFICALLY  
NOTED OTHERWISE  
BY WILLIAM F. HORN  
ARCHITECT, P.A.

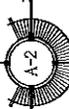
DATE  
12-21-12  
12-21-12 P.M.  
60-1218 P.L.S.D.

REVISIONS

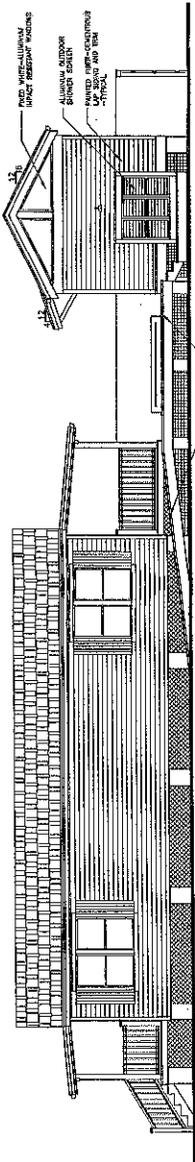
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PROJECT

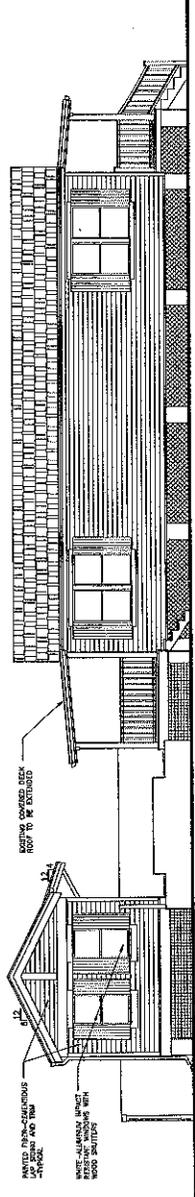
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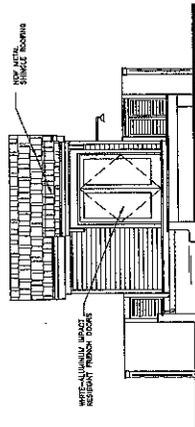
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7.6.13



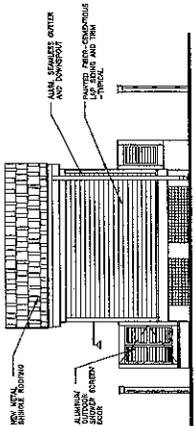
1 PROPOSED SIDE ELEVATION  
SCALE: 1/4"=1'-0"



2 PROPOSED SIDE ELEVATION  
SCALE: 1/4"=1'-0"



3 PROPOSED INNER ELEVATION  
SCALE: 1/4"=1'-0"



4 PROPOSED BACK ELEVATION  
SCALE: 1/4"=1'-0"

ADDITION AND NEW POOL  
317 CATHERINE STREET  
KEY WEST, FLORIDA

