

**PLANNING BOARD
RESOLUTION No. 2013-45**

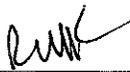
**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD GRANTING VARIANCE
APPROVAL FOR DETACHED HABITABLE
SPACE FOR PROPERTY LOCATED AT 416
ELIZABETH STREET (RE# 00006240-000000,
AK# 1006467) IN THE HISTORIC MEDIUM
DENSITY RESIDENTIAL ZONING DISTRICT,
PER SECTION 122-1078 OF THE LAND
DEVELOPMENT REGULATIONS OF THE
CODE OF ORDINANCES OF THE CITY OF
KEY WEST.**

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

WHEREAS, the applicant requested a variance to construct a structure for use as a pool house and/or satellite bedroom; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 22, 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



Chairman



Planning Director

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

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

WHEREAS, the Planning Board finds that the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such a variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and


Chairman


Planning Director

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 a variance to allow the construction of detached habitable space for use as a pool house or satellite bedroom per plans dated April 1, 2013, on property located at 416 Elizabeth Street (RE# 00006240-000000, AK# 1006467) in the HMDR zoning district per Section 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following conditions:

The detached habitable structure shall not have cooking facilities nor be held out for rent and that there be a deed restriction put in place to that end.


Chairman

Planning Director

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 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 this variance in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate this variance, which variances 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 Code of Ordinances (including the Land Development Regulations). After the City appeal period

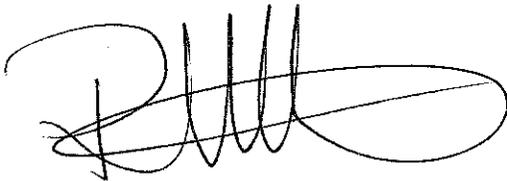

Chairman

Planning Director

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 duly noticed meeting held this 22nd day of August, 2013.

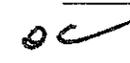
Authenticated by the Chairman of the Planning Board and the Planning Director;



Richard Klitzick, Planning Board Chairman
~~KLITZICK~~

9/10/2013
Date

Attest:

Chairman


Planning Director

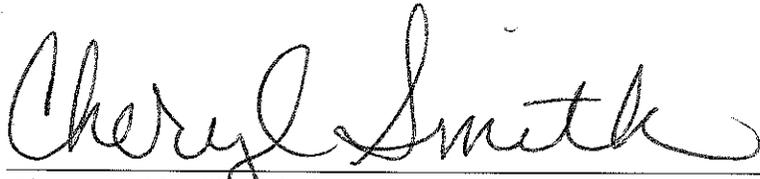


9.5.13

Donald Leland Craig, AICP, Planning Director

Date

Filed with the Clerk:



9-12-13

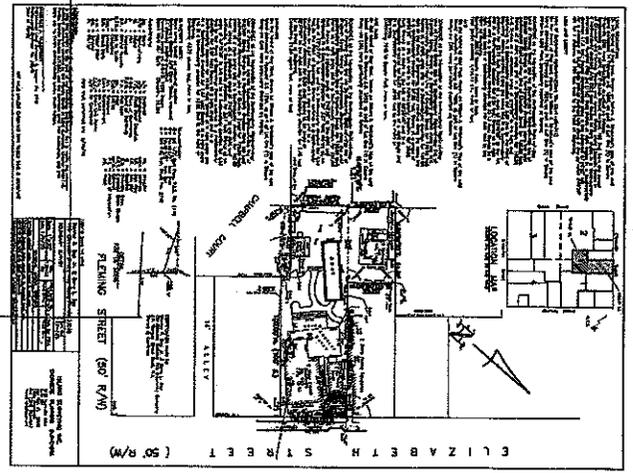
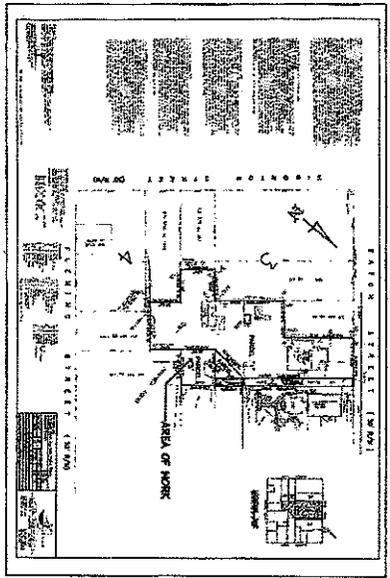
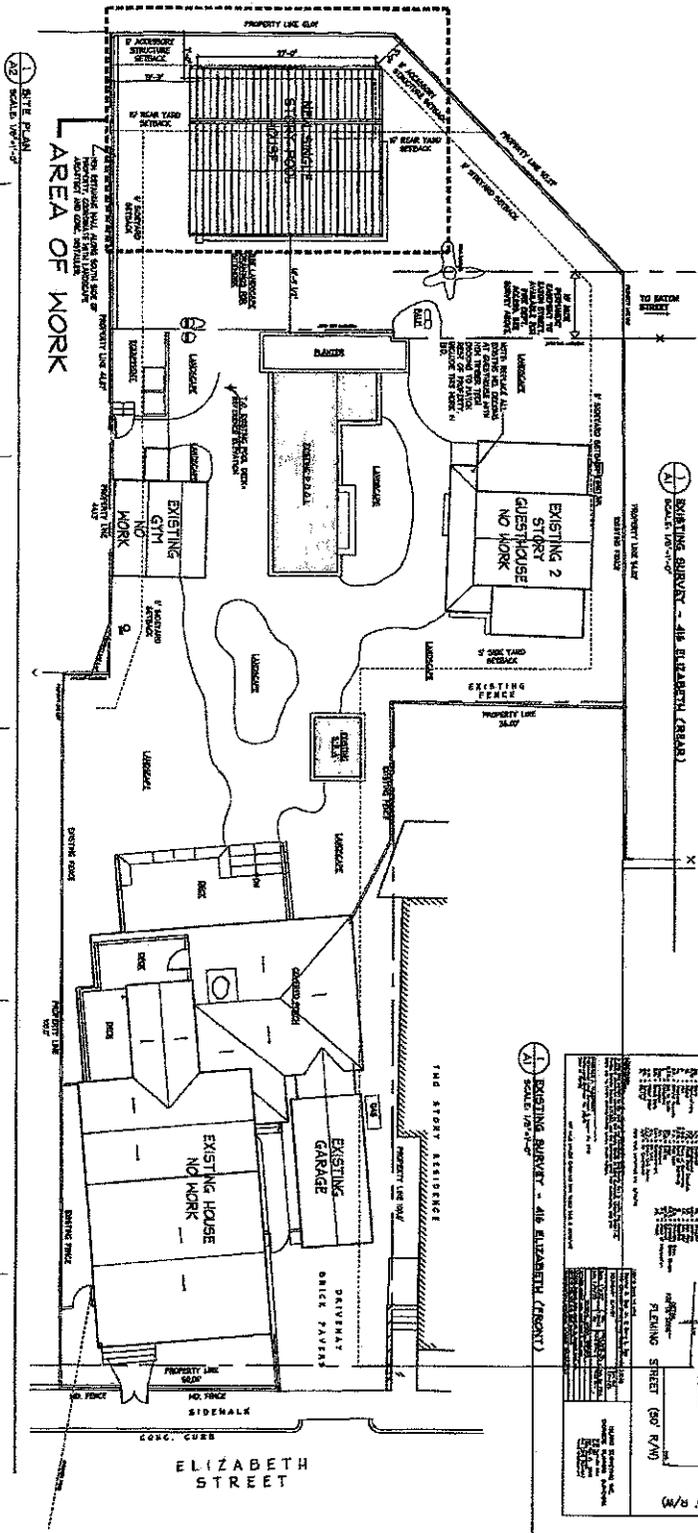
Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director

PROJECT STATISTICS - 416 ELIZABETH		DATE: 02-28-04	
PROPOSED AREA	1,100 S.F.	EXISTING AREA	1,100 S.F.
PROPOSED VOLUME	1,100 S.F.	EXISTING VOLUME	1,100 S.F.
PROPOSED COST	\$1,100,000	EXISTING COST	\$1,100,000
PROPOSED PERMITS	1,100 S.F.	EXISTING PERMITS	1,100 S.F.
PROPOSED UTILITIES	1,100 S.F.	EXISTING UTILITIES	1,100 S.F.
PROPOSED ACCESSORY STRUCTURES	1,100 S.F.	EXISTING ACCESSORY STRUCTURES	1,100 S.F.
PROPOSED DRIVEWAYS	1,100 S.F.	EXISTING DRIVEWAYS	1,100 S.F.
PROPOSED SIDEWALKS	1,100 S.F.	EXISTING SIDEWALKS	1,100 S.F.
PROPOSED FENCES	1,100 S.F.	EXISTING FENCES	1,100 S.F.
PROPOSED LANDSCAPING	1,100 S.F.	EXISTING LANDSCAPING	1,100 S.F.
PROPOSED SIGNAGE	1,100 S.F.	EXISTING SIGNAGE	1,100 S.F.
PROPOSED LIGHTING	1,100 S.F.	EXISTING LIGHTING	1,100 S.F.
PROPOSED SECURITY	1,100 S.F.	EXISTING SECURITY	1,100 S.F.
PROPOSED OTHER	1,100 S.F.	EXISTING OTHER	1,100 S.F.



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Bender & Associates
ARCHITECTS

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DAY RESIDENCE - POOL HOUSE
416 ELIZABETH STREET
KEY WEST, FL