

**PLANNING BOARD  
RESOLUTION No. 2013-55**

**A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD GRANTING A VARIANCE  
TO PARKING REQUIREMENTS OF 5  
AUTOMOBILE SPACES TO 22 BICYCLE  
SPACES FOR PROPERTY LOCATED AT 308  
PETRONIA STREET (RE# 00014220-000000,  
AK#1014605), IN THE HNC-3ZONING  
DISTRICT PER SECTION 108-573 UNDER THE  
CODE OF ORDINANCES OF THE CITY OF  
KEY WEST, FLORIDA; PROVIDING FOR AN  
EFFECTIVE DATE.**

**WHEREAS**, the applicant operates a carry-out restaurant within the HNC-3 zoning district;  
and

**WHEREAS**, Section 108-573 of the Code of Ordinances provides for special provisions  
within the historic commercial pedestrian oriented area; and

**WHEREAS**, Code Section 90-391 allows applicants to request variances to the Land  
Development Regulations through the Planning Board; and

**WHEREAS**, the applicant requested a variance to required parking for 15 existing seats; and

**WHEREAS**, 5 automobile parking spaces are required for the existing seats; and

 Chairman

 Planning Director

spaces; and

**WHEREAS**, this matter came before the Planning Board at a public hearing on October 17, 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 a 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 the 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

  
Chairman

  
Planning Director

**WHEREAS**, the Planning Board finds that a 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 a variance 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 non-conforming 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 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 a 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.

**Section 2.** That a variance to the 5 required number of auto parking spaces required to 22 bicycle spaces proposed for property located at 308 Petronia Street (RE# 00014220-000000, AK#1014605) is approved as shown in the attached site plan and photos.

**Section 3.** It is a condition of a variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which a variance are wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of a 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 a variance is 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.

**Section 4.** The failure to submit a full and complete application for permits for new construction for which a variance are wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to a variance 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 a 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.

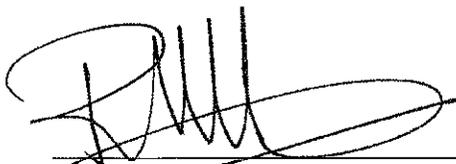
**Section 6.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

  
Chairman  
  
Planning Director

**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 17th day of October, 2013.

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

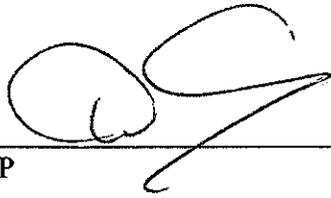


Richard Klitenick, Chairman  
Key West Planning Board

10/24/2013  
Date

**Attest:**

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



Donald L. Craig, AICP  
Planning Director

10 21 13

Date

**Filed with the Clerk:**



Cheryl Smith, City Clerk

10-24-13

Date

 Chairman

 Planning Director

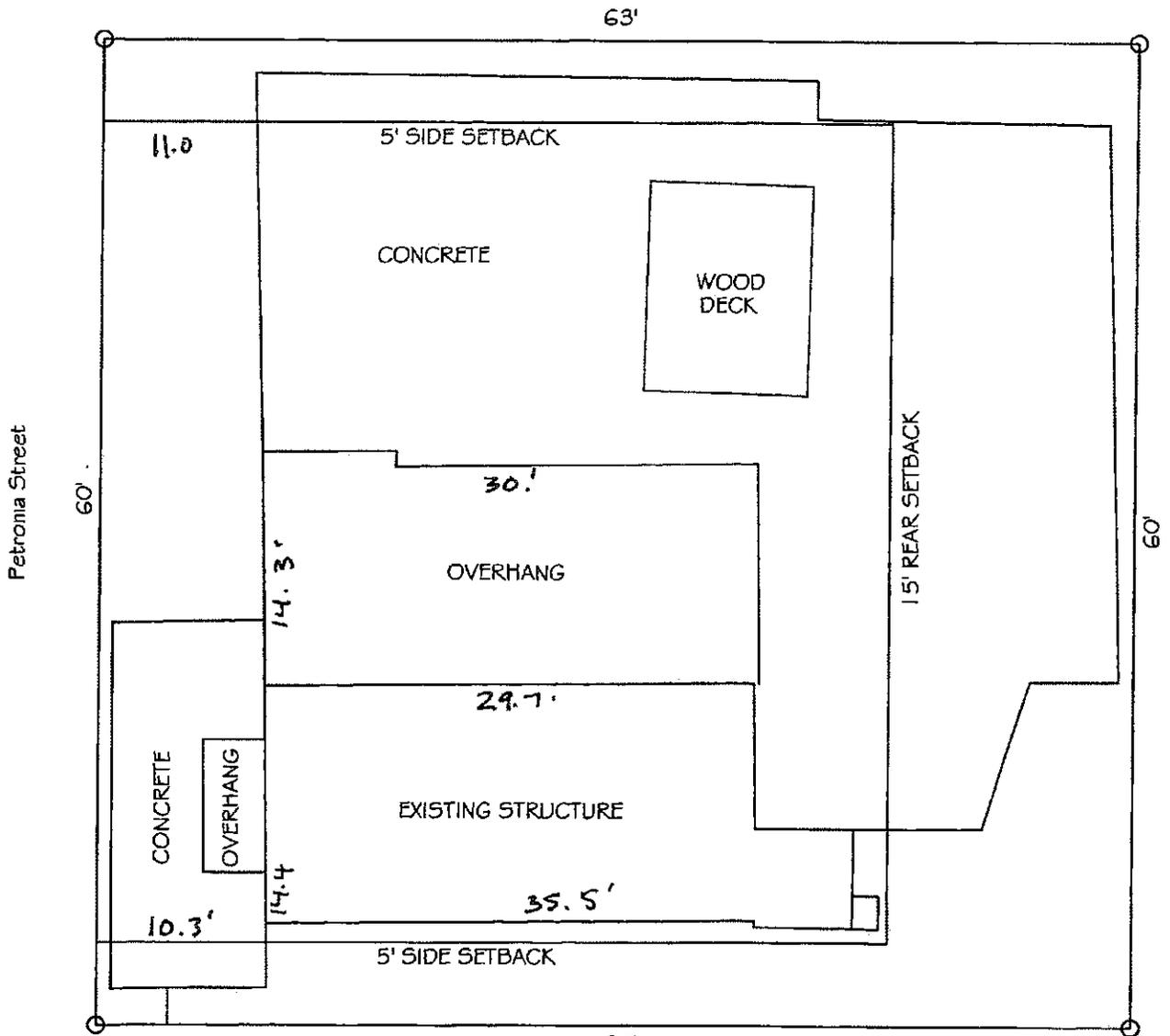
# SeaTech inc.

830 CRANE BOULEVARD SUGARLOAF KEY, FLORIDA 33042  
TEL: (305) 294-9993 FAX: (850)939-3953  
C.A.#28984

SHEET: 1 OF 2  
DATE: 1/17/2013  
BY: BGO  
JOB # \_\_\_\_\_

308 PETRONIA STREET, KEY WEST, FLORIDA

SITE DATA



DC  
(2211)

EXISTING

RMK

PAUL R. SEMMES, P.E.  
#44137 DATE: \_\_\_\_\_



QC  
102113

RUK

CONCH SHOP  
308 Petronia



PC  
102103

RWK

CONCH SHOP  
Outdoor Eating Area



BC  
(221)

RUNK

CONCH SHOP - Proposed Location  
for Twenty-Two Bike Parking