

**PLANNING BOARD
RESOLUTION No. 2013-58**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD APPROVING AFTER-
THE-FACT VARIANCES FOR REAR AND
SIDE-YARD SETBACK REQUIREMENTS AND
BUILDING COVERAGE FOR A SHED ON A
PROPERTY LOCATED AT 2922 FLAGLER
AVENUE (RE#00069210-000000, AK#1073105) IN
THE SINGLE FAMILY RESIDENTIAL
ZONING DISTRICT, PER SECTION 122-238 (6)
a.3, 122-238(6)a.2, AND 122-238(4)a OF THE
LAND DEVELOPMENT REGULATIONS OF
THE CODE OF ORDINANCES OF THE CITY
OF KEY WEST.**

WHEREAS, the Code of Ordinances provides that the minimum allowed rear and side-yard setback shall be 5 feet for accessory structures and building coverage shall not exceed 35%; and

WHEREAS, the applicant requested variances to the proposed to the rear-yard setback to 4.66 feet, side-yard setback to 2.83 feet and a building coverage of 44%; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on November 21st, 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

Tim Vice Chairman
OC Planning Director

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 is 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, the surrounding neighborhood or otherwise detrimental to the public interest or welfare; and

 Vice 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 an after-the-fact variances per plans dated July 30, 2012, on property located at 2922 Flagler Avenue (RE# 0006469210-000000, AK#1073105) in the SF zoning district per Section 122-238 (6) a. 2 and 3 and 122- 238 (4)a. of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following conditions:

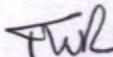
FWL Vice Chairman
OC Planning Director

- Per the Fire Department's request, the 2.83' space between the shed and property line shall be clear of any obstruction; and
- Per the Building Department's request, flood vents shall be installed; and
- All electrical improvements except for one outlet and one light fixture shall be removed. The outlet, light switch and light fixture shall be installed above the Base Flood Elevation at 5 feet.

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 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 these variances in accordance with the terms 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.



Vice Chairman



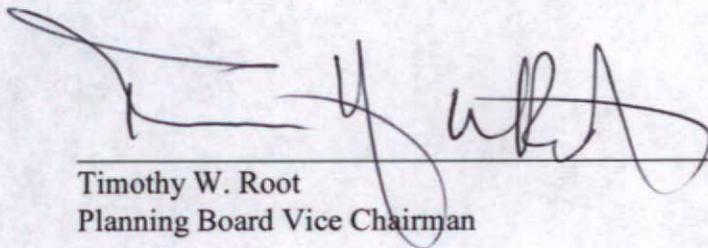
Planning Director

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.

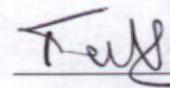
Read and passed on first reading at a regularly scheduled meeting held this 21st day of November, 2013.

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



Timothy W. Root
Planning Board Vice Chairman

12/4/13
Date



Vice Chairman

Planning Director

Attest:

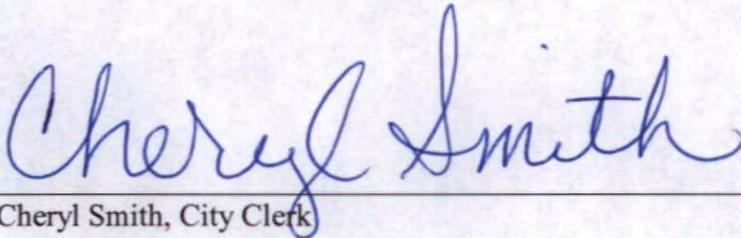


Donald Leland Craig, AICP, Planning Director

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Date

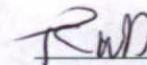
Filed with the Clerk:

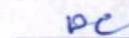


Cheryl Smith, City Clerk

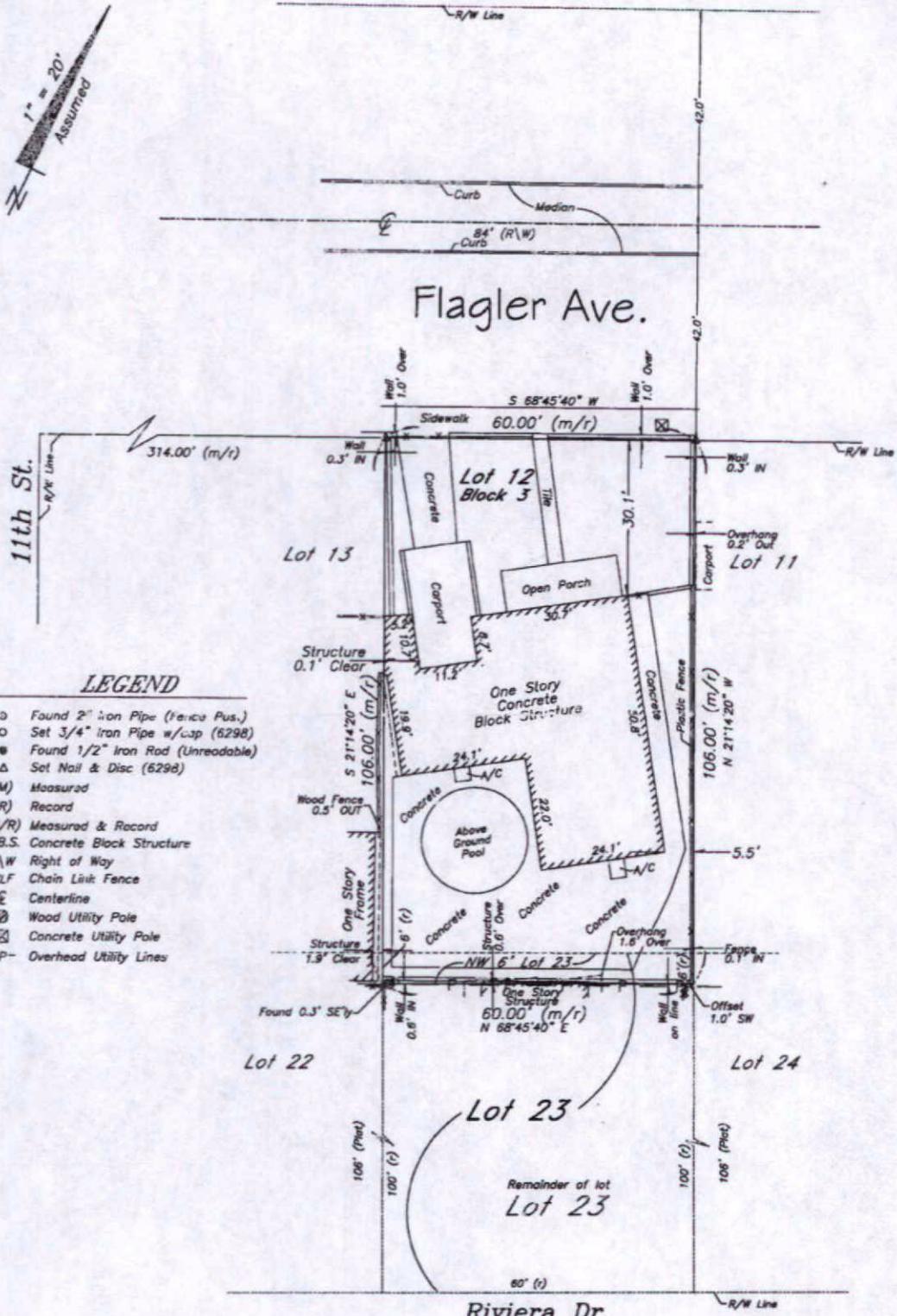
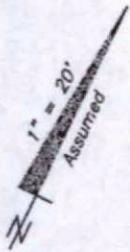
12-4-13

Date

 Vice Chairman

 Planning Director

Boundary Survey Map of Lot 12 & the NW 6' of Lot 12, Block 3, RIVIERA SHORES SUBDIVISION



LEGEND

- Found 2" Iron Pipe (Metric Plus.)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (Unreadable)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.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

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

Sheet One of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6260

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

TWR
OC
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Boundary Survey Report of Lot 12 & the NW 6' of Lot 23, Block 3,
RIVIERA SHORES SUBDIVISION

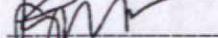
NOTES:

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: 2922 Flagler Avenue, 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. Bearings are assumed and based on the SE'y R/W of Flagler Ave. as S 68°45'40" W.
8. This survey is not assignable.
9. Date of field work: August 21, 2012
10. Ownership of fences is undeterminable, unless otherwise noted.
11. Adjoiners are not furnished.
12. The Survey Report is not full and complete without the attached Survey Map.

BOUNDARY SURVEY OF: Lot 12 and Northwest 6 feet of Lot 23, Block 3, RIVIERA SHORES SUBDIVISION according to the plat thereof, as recorded in Plat Book 3, Page 148 of the Public Records of Monroe County, Florida.

BOUNDARY SURVEY FOR: Armando Parra, Jr. and Mercedes Parra;
Chicago Title Insurance Company;
Spottswood, Spottswood & Spottswood;
Monroe County Teachers Federal Credit Union;

J. LYNN O'FLYNN, INC.



J. Lynn O'Flynn, PSM
Florida Reg. #6298

August 22, 2012

Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.

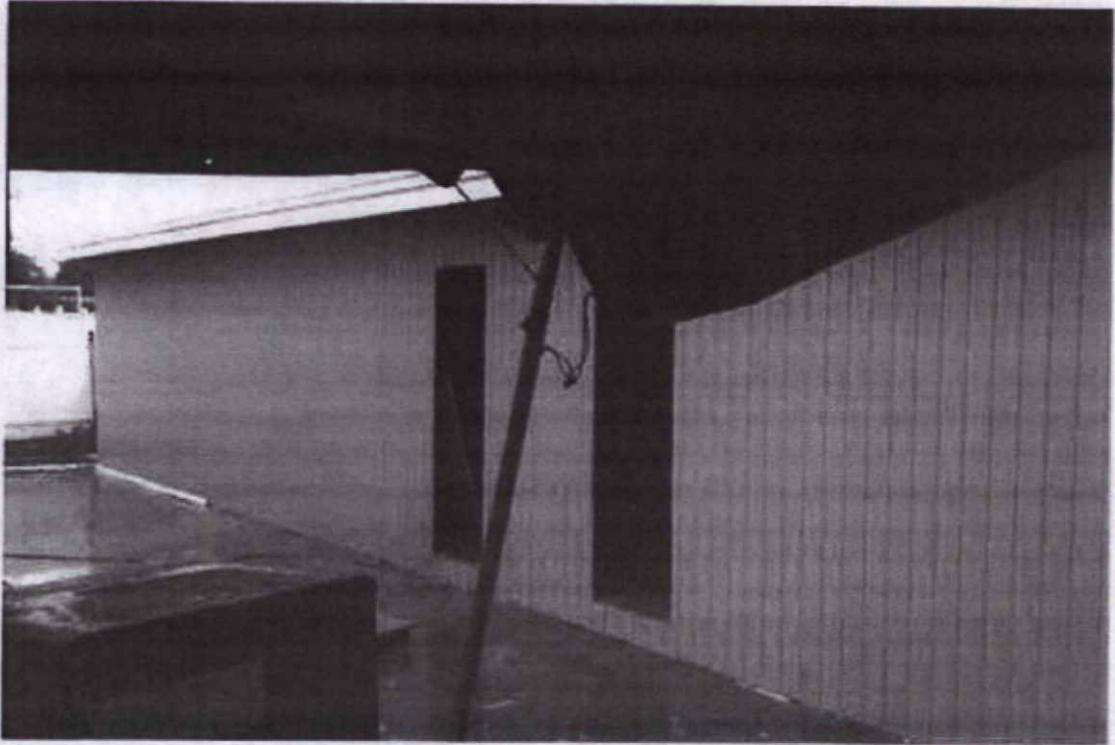


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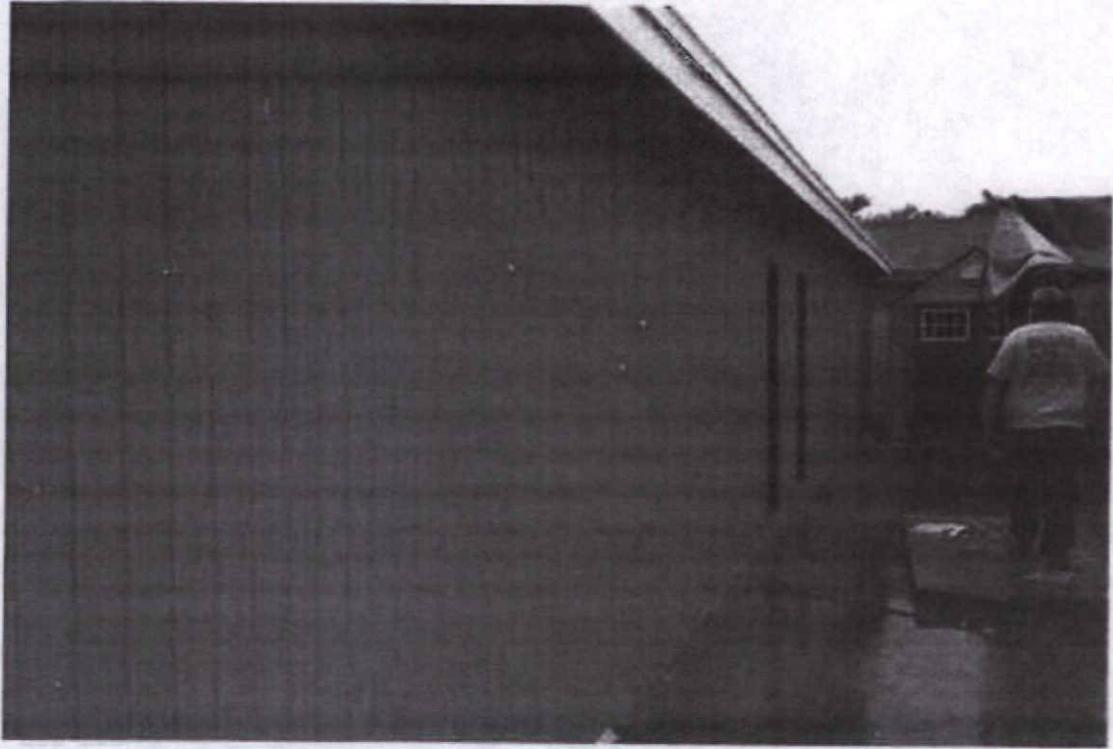
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Front



Tue
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Front



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