

**PLANNING BOARD  
RESOLUTION NO. 2013-59**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING VARIANCES TO THE MAXIMUM BUILDING COVERAGE, MAXIMUM IMPERVIOUS SURFACE RATIO AND MINIMUM SIDE SETBACKS ON PROPERTY LOCATED AT 804 CATHERINE STREET (RE# 00029470-000000; AK# 1030236) IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT PURSUANT TO SECTION 122-600(4) AND (6) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.**

**WHEREAS**, the applicant proposes to renovate and construct an addition to the existing single-family residential dwelling and construct a new pool and new driveway for off-street parking on the property located at 804 Catherine Street (RE# 00029470-000000; AK# 1030236); and

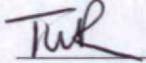
**WHEREAS**, the property is currently nonconforming to maximum impervious surface ratio, minimum side setbacks, minimum lot size and minimum lot width within the Historic Medium Density Residential (HMDR) Zoning District, as well as minimum off-street parking; and

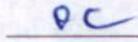
**WHEREAS**, Section 122-600 of the City of Key West (the "City") Land Development Regulations (the "LDRs") provides that the maximum building coverage is 40%, the maximum impervious surface ratio is 60% and the minimum side setback is five (5) feet; and

**WHEREAS**, the proposed building coverage is 47%; the proposed impervious surface ratio is 72.4%; and the proposed side setback is three (3) feet to the west side of the proposed addition, three and a half (3.5) feet to the east side of the proposed addition; and

**WHEREAS**, the applicant requests variances to these proposed non-conformities; and

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

 Vice Chairman

 Planning Director

on November 21, 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

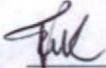
**WHEREAS**, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

**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

**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 are grounds for the issuance of the requested variances; and

 Vice Chairman  
 Planning Director

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these 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 to allow the construction of an addition to the existing single-family residential dwelling and the construction of a new pool and new driveway for off-street parking per the attached plans dated May 22, 2013 by Carlos O. Rojas, Architect, on property located at 804 Catherine Street (AK# 1030236, RE# 00029470-000000) in the HMDR Zoning District pursuant to Sections 122-600(4) and (6) of the City of Key West Land Development Regulations with the following conditions:

1. A fire sprinkler system shall be installed and maintained throughout the entire building as approved by the City Fire Marshall.
2. The owner shall obtain a Certificate of Appropriateness for the proposed development prior to building permit issuance.
3. The owner shall obtain a right-of-way permit for the proposed driveway connection and any other work within the Catherine Street right-of-way prior to building permit issuance.

**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 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 approval 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.

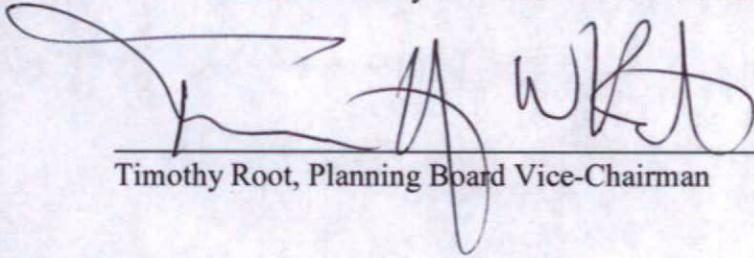
**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**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 73C-44, 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 Chairman of the Planning Board and the Planning Director;

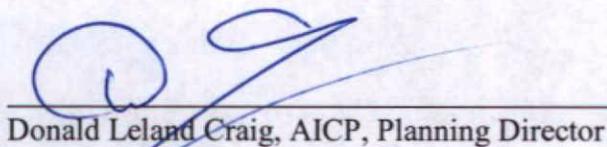


\_\_\_\_\_  
Timothy Root, Planning Board Vice-Chairman

12/4/13

\_\_\_\_\_  
Date

**Attest:**



\_\_\_\_\_  
Donald Leland Craig, AICP, Planning Director

12/4/13

\_\_\_\_\_  
Date

**Filed with the Clerk:**

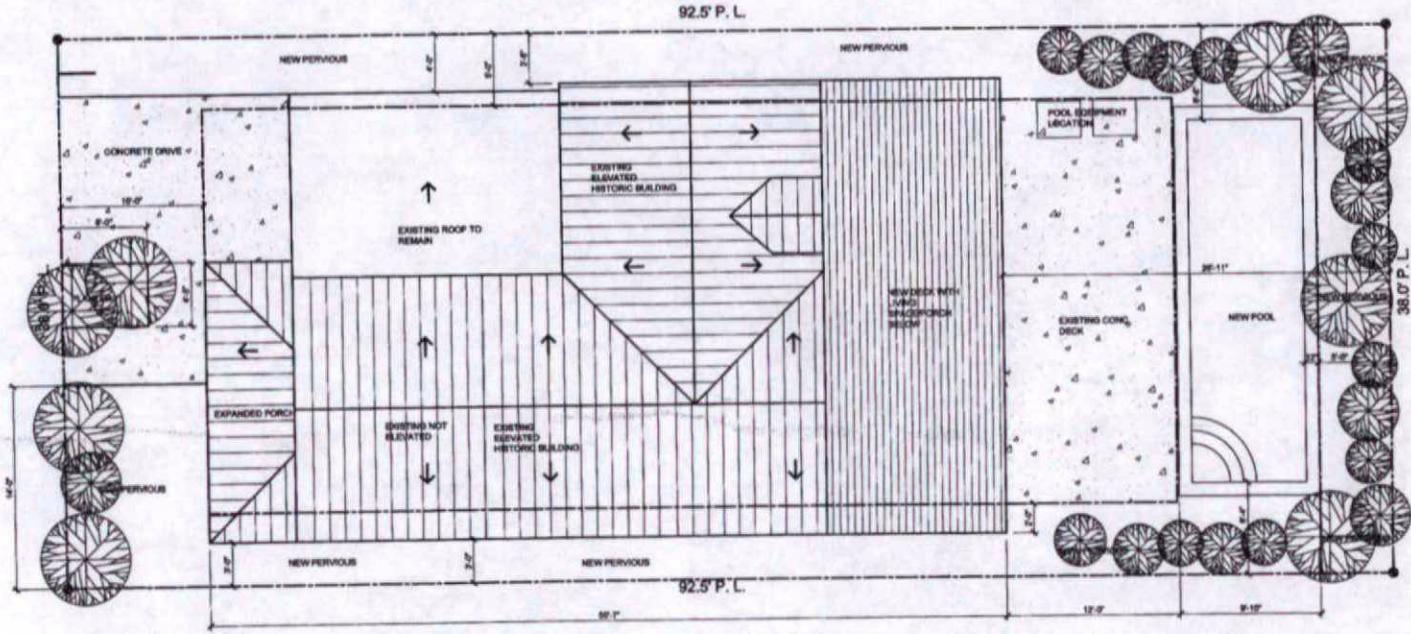


\_\_\_\_\_  
Cheryl Smith, City Clerk

12-4-13

\_\_\_\_\_  
Date

CATHERINE STREET



(12917)  
 TRK  
 DC

N  SITE PLAN/ROOF PLAN NEW  
 1/4" = 1'-0"



Carlos O. Rojas, AIA  
 AIA 000004  
 2012 Member, FLSA  
 2012 Member, FLSA  
 (813) 853-3307  
 www.crojasa.com

Revisions


Carlos O. Rojas, AIA  
 804 Catherine Street  
 Key West, Florida 33040

Project Number  
 0801804 2013  
 Date  
 5/22/2013  
 Drawn By  
 OOR

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