

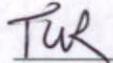
**PLANNING BOARD
RESOLUTION No. 2013-60**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD FOR A VARIANCE
APPROVAL FOR PROPERTY LOCATED AT
1429 REYNOLDS STREET (RE# 00040060-
000000; AK# 1040789) IN THE SINGLE FAMILY
(SF) ZONING DISTRICT, FOR IMPERVIOUS
SURFACE, BUILDING COVERAGE, FRONT
YARD, STREET SIDE YARD AND REAR YARD
SETBACK REQUIREMENTS FOR THE
DEMOLITION AND RECONSTRUCTION OF A
TWO STOREY ADDITION PER SECTION 90-
391 and SECTION 122-238 (4)a AND (4)b.1 AND
SECTION 122-238(6)a.(1), (3) AND (4) OF THE
LAND DEVELOPMENT REGULATIONS OF
THE CODE OF ORDINANCES OF THE CITY
OF KEY WEST.**

WHEREAS, Section 122-238 (4)a. and (4)b.1 of the Code of Ordinances provides that the maximum impervious surface allowed is 50% of the property size and that the maximum building coverage allowed is 35%; and

WHEREAS, Section 122-238 (6)a. (1), (3) and (4) of the Code of Ordinances provides that the minimum front yard setback distance for a building is 20 feet from the property line, and the street side yard setback distance for a building is 10 feet from the property line, and the rear yard setback distance for a building is 25 feet from the property line; and

Resolution Number 2013-60





Vice Chairman
Planning Director

WHEREAS, Section 90-391 of the Land Development Regulations allows aggrieved property owners to request relief from the requirements of the code through the variance process with seven criteria for approval; and

WHEREAS, the applicant requested variances to the in order to demolish and rebuild a second story rear addition to the existing structure; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 15, 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

Resolution Number 2013-60

tlw Vice Chairman

OC Planning Director

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 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;

Resolution Number 2013-60

Tach Vice Chairman
OC Planning Director

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West,

Florida:

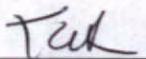
Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by resolution of the Key West Planning Board to allow the demolition and reconstruction of a rear two story addition constructed at 5' feet from the rear property line, and 5 feet from the side yard property line and 8 feet from the street side yard property line and by granting a variance to rear yard setback requirements per plans date stamped November 14, 2013 attached herein, on property located at 1429 Reynolds Street (RE# 00040060-000000; AK# 1040789) in the SF zoning district per Sections 90-391, and Section 122-238 (6)a. (1), (3) and (4) and Section 122-238 (4)a. and (4)b.1 of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following conditions:

Conditions required to be complete prior to final inspection:

1. The fence is removed from City property.
2. That stormwater retention swales are installed as indicated on the site plan and gutter downspouts are directed into swale areas that are planted with ground cover vegetation or sod for swale stabilization. The system must be approved by the City's Engineer and maintained in perpetuity.

Resolution Number 2013-60

 Vice Chairman

 Planning Director

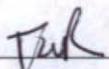
3. That the addition is reconstructed to meet FEMA base flood elevation requirements, 1 foot of free board above flood level (7 feet NGVD).
4. Trees have been protected during demolition.
5. Conditional approval permit is applied for within 30 days of final inspection by the Building Department.

Conditions Subject to Conditional Approval Permit:

1. That the setback areas on the eastern side and rear yard are maintained in perpetuity for life safety access and no utilities or structures be erected in the area.
2. That the site is maintained, as shown in the attached site plan for annual Conditional Approval Permit inspection, gutters are directed in to downspouts that are directed onto landscaped areas or swales on the property, and the fence meets line of site visibility regulations for the corner.
3. Decking that remains in the 5 foot setback shall not exceed 30 inches in height.
4. One unit only remains on the site and that interior access is maintained between the primary structure and the new addition.

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 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

Resolution Number 2013-60



Vice Chairman



Planning Director

to the property or its underlying zoning has occurred.

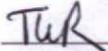
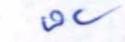
Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force 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 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

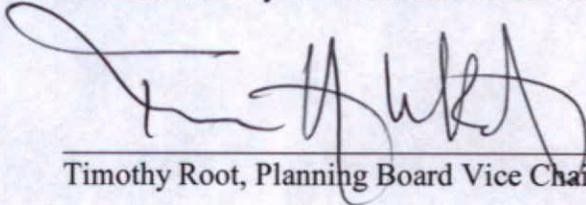
Resolution Number 2013-60

 Vice Chairman
 Planning Director

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 21th day of November, 2013.

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

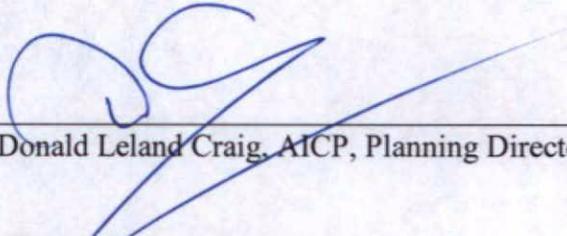


Timothy Root, Planning Board Vice Chairman

12/4/13

Date

Attest:



Donald Leland Craig, AICP, Planning Director

12/4/13

Date

Filed with the Clerk:

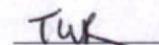


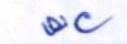
Cheryl Smith, City Clerk

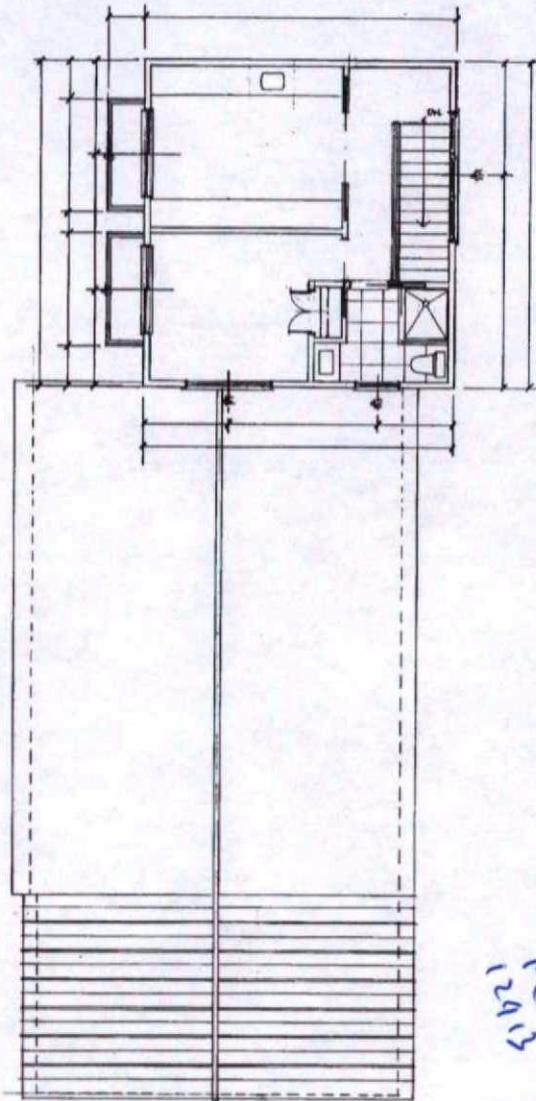
12-4-13

Date

Resolution Number 2013-60

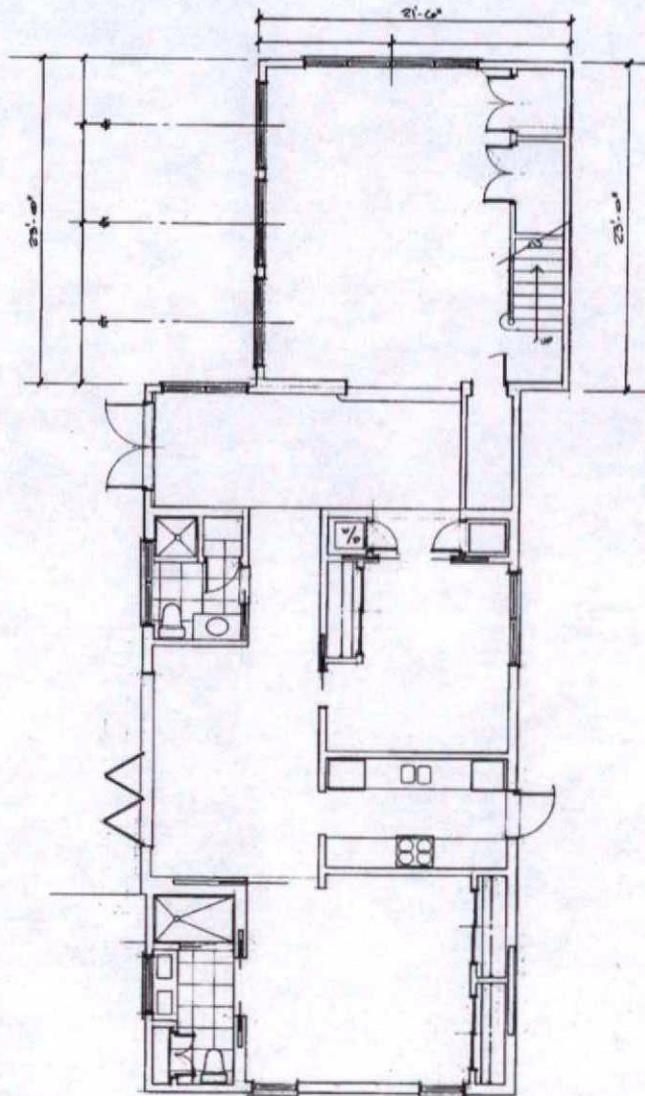
 Vice Chairman

 Planning Director



SECOND FLOOR PLAN *MS-10*

*TWR
PC
12/13*



FIRST FLOOR PLAN *MS-10*

1429 REYNOLDS STREET
KEY WEST - FLORIDA

LEGAL DESCRIPTION

LOT 16, SQUARE 19 "Webb Realty Company of Key West" PB 1-42



RECEIVED
November 14, 2013
KW Planning Dpt

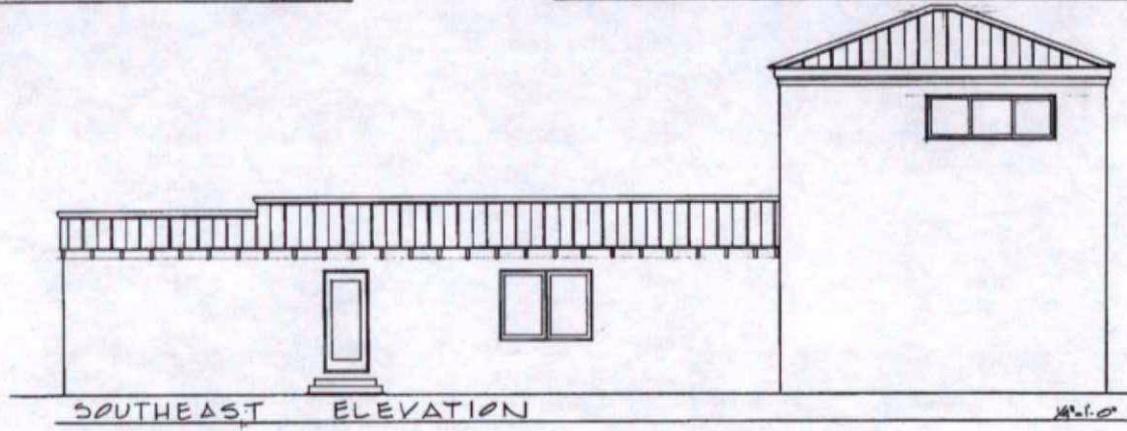
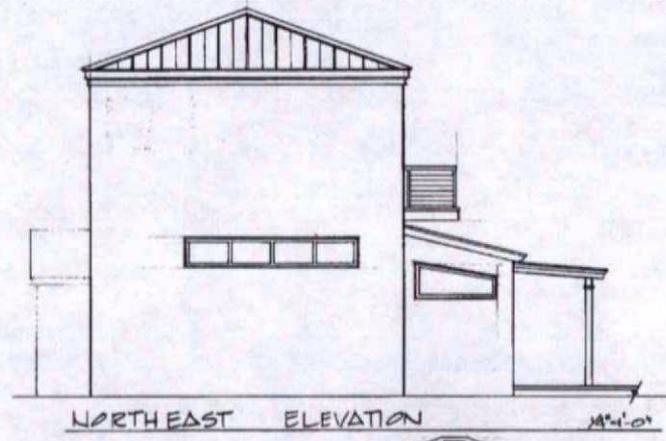
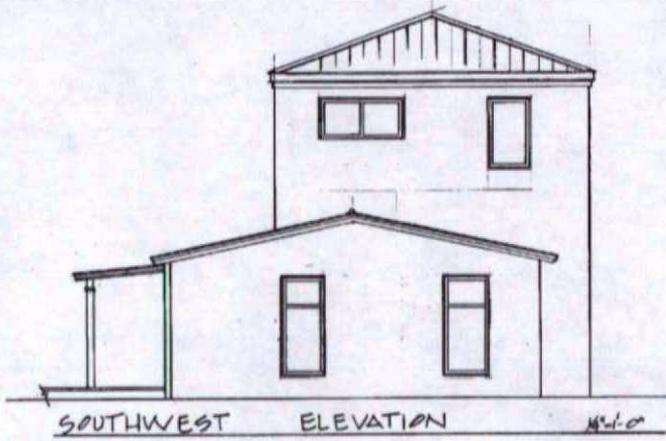
THOMAS KELLY ENTERPRISES INC.
3901 ROCKY ROAD - MIAMI LAF KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(305) 742-1100

KEY WEST

1429 REYNOLDS STREET
SITE PLAN and FLOOR PLANS

DRAWN BY
DATE: 11/14/13

SHEET NUMBER
D-1



TJL
DC
12/13

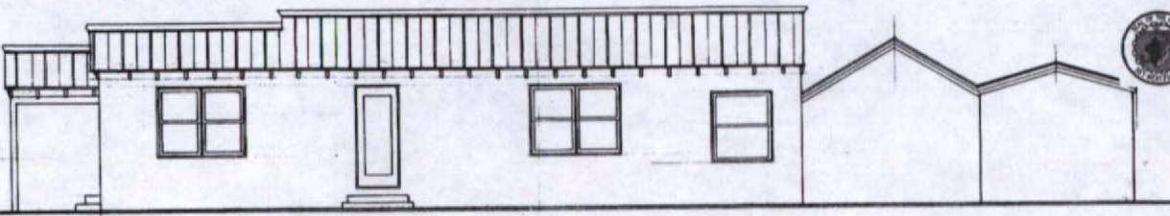


THOMAS KELLY ENTERPRISES INC.
1811 ROCKY ROAD - SUITE 104P SEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(304) 748-1900

1429 REYNOLDS STREET
EXTERIOR ELEVATIONS

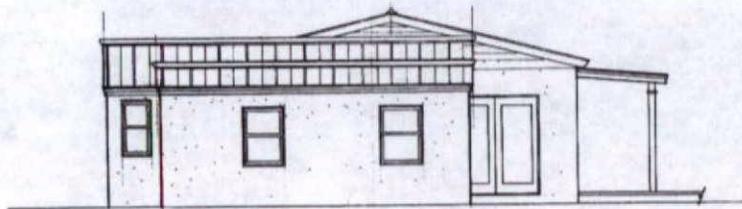
DRAWN TO:
DATE: M/A/Y

D-2



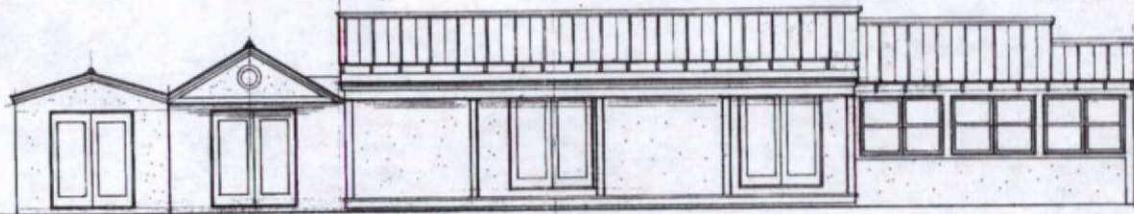
SOUTHEAST ELEVATION

1/8" = 1'-0"



NORTHEAST ELEVATION

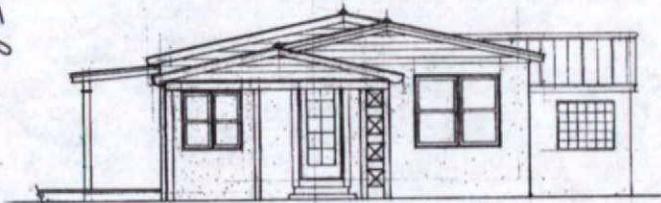
1/8" = 1'-0"



NORTHWEST ELEVATION

1/8" = 1'-0"

12413
PC
TKR

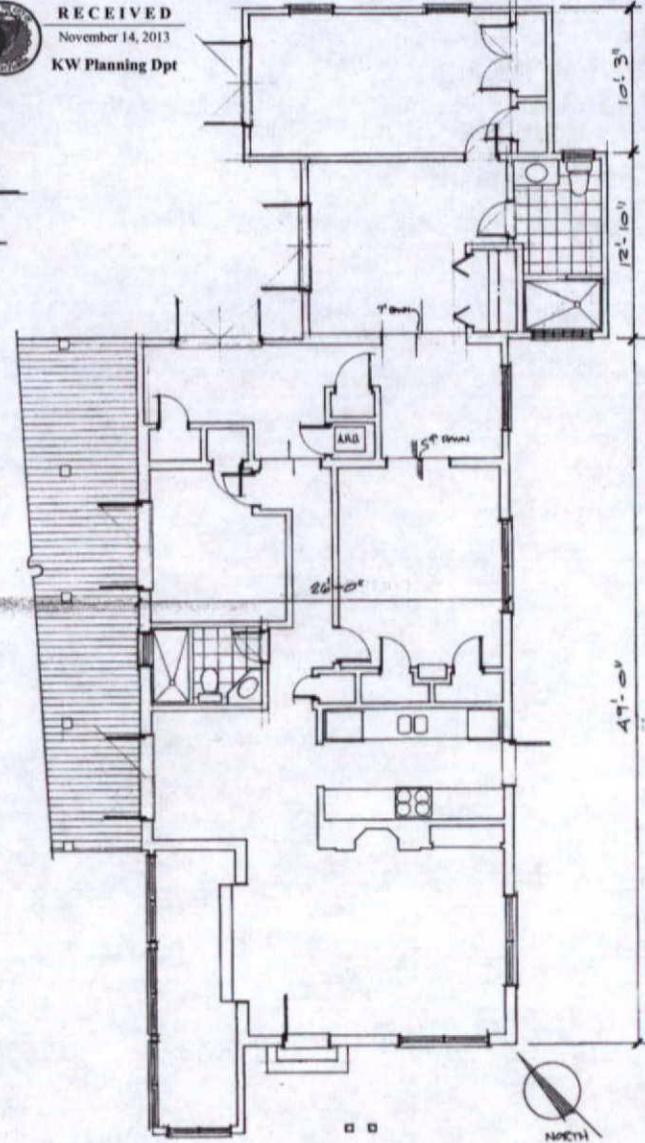


SOUTHWEST ELEVATION

1/8" = 1'-0"



RECEIVED
November 14, 2013
KW Planning Dpt



FLOOR PLAN

1/8" = 1'-0"

THOMAS KELLY ENTERPRISES INC.
WEST ROCKY ROAD - BURLINGHAM NY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(608) 745-7700

1429 REYNOLDS STREET
EXISTING FLOOR PLAN and ELEVATIONS

DATE: 11/14/13

SHEET NUMBER
D-1
1