

**PLANNING BOARD
RESOLUTION NO. 2014-04**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A REQUEST FOR VARIANCE TO DETACHED HABITABLE SPACE ON PROPERTY LOCATED AT 1224 DUVAL STREET (RE # 00028970-000000, AK # 1029751) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – DUVAL STREET OCEANSIDE (HRCC-3) ZONING DISTRICT PURSUANT TO SECTION 122-1078 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST

WHEREAS, the owner of property located at 1224 Duval Street wishes to renovate an existing business office / storage building to create a new pool house with one bedroom and one and a half bathrooms as additional sleeping quarters for the existing transient residential unit and pool; and

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

WHEREAS, the applicant requests a variance to detached habitable space; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 16, 2014; 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

 Chairman

 Planning Director

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 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:

 Chairman

 Planning Director

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 use of an existing building as detached habitable space per plans dated August 27, 2013, on property located at 1224 Duval Street (RE # 00028970-000000, AK # 1029751) within the Historic Residential Commercial Core – Duval Street Oceanside (HRCC-3) Zoning District pursuant to Section 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following conditions:

Conditions required to be completed prior to the issuance of a building permit:

1. The owner shall apply for a transient license transfer for one additional transient license.
2. The owner shall obtain a Certificate of Appropriateness for the proposed development.

Conditions required to be completed prior to a Certificate of Occupancy and/or final inspection:

3. Unless and until the owner receives City approval for a second dwelling unit, a deed restriction in a form acceptable to the city attorney shall be placed on the property such that the property as a whole shall be rented, advertised or held out to only one party at a given time if and when the property receives an additional transient license for the detached bedroom. Entrances to all bedrooms and the detached habitable space shall share the same

 Chairman

 Planning Director

key or means of controlling access so that the bedrooms are not divisible into separately rentable units. The owner shall bear any expense of recording the deed restriction.

4. The pool house building shall be elevated so that the height of the first finished floor is at least +1.0 feet above base flood elevation.

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 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

 Chairman

 Planning Director

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 16th day of January, 2014.



Chairman



Planning Director

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



Richard Klitenick, Planning Board Chairman

1/10/14
Date

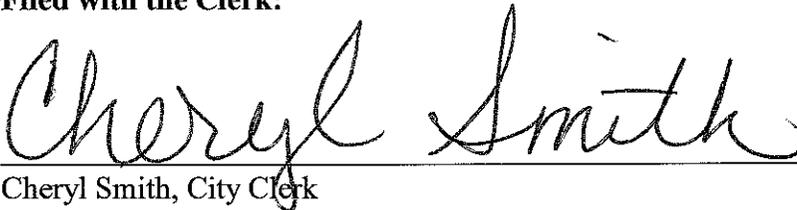
Attest:



Donald Leland Craig, AICP, Planning Director

1/7/14
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

1-21-14
Date

Chairman


Planning Director

HABITABLE ACCESSORY STRUCTURE

EXISTING RESIDENCE
1224 DUVAL STREET
KEY WEST, FLORIDA 33040

SHEET INDEX

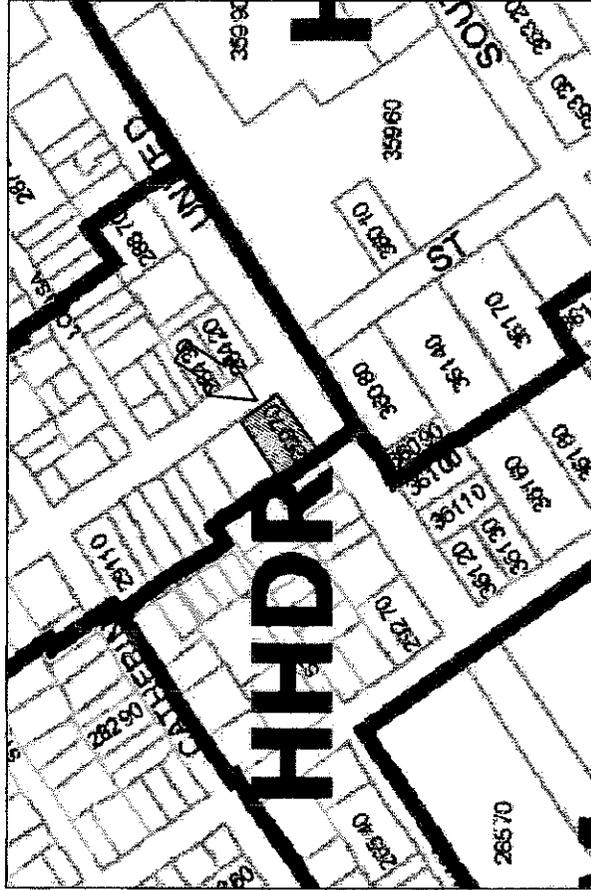
SHEET	CONTENT
A - 1	SITE INFORMATION & LOCATION PLAN
A - 2	SITE PLAN & SITE DATA
A - 3	ACCESSORY STRUCTURE PLANS & ELEVATIONS

LDR REQUIREMENTS - CITY OF KEY WEST, FLORIDA

LAND USE ZONE	HRCC-3	FRONT SETBACK
FLOOR LOADS	40/10	5'-0"
ROOF LOADS	20/10	15'-0"
CATEGORY	D	5'-0"
WIND ZONE	180 MPH (ULTIMATE)	35'-0" (+5'-0")
FLOOD ZONE	AE (ELEVATION 1.1)	7'-6"
DENSITY	22 / ACRE	50%
F. A. R.	1.0	60%

SITE CONDITIONS - 1224 DUVAL STREET

EXISTING SITE CONDITIONS:	COMPLIANCE:
LAND AREA	YES (NO CHANGES)
BUILDING (TOTAL)	NOT APPLICABLE
PRIMARY	NOT APPLICABLE
ACCESSORY	NOT APPLICABLE
FRONT SETBACK	YES (NO CHANGES)
REAR SETBACK	NO (NO CHANGES)
SIDE SETBACK	YES (NO CHANGES)
STREET SETBACK	YES (NO CHANGES)
BUILDING COVERAGE	YES (NO CHANGES)
IMPERVIOUS SURFACE	YES (NO CHANGES)



SCOPE OF WORK:

THIS PROJECT ENGAGES THE NECESSARY VARIANCE REQUESTS IN ORDER TO BRING THE EXISTING SITE CONDITIONS INTO COMPLIANCE (ACKNOWLEDGEMENT), PER THE REQUIREMENTS OF THE CITY OF KEY WEST, FLORIDA. THOSE VARIANCES REQUESTED ARE:

- 1) USE OF EXISTING ACCESSORY STRUCTURE AS HABITABLE SPACE
- 2) REAR YARD SETBACK OF 8'-0" (EXISTING; 15'-0" PER LDR)

VARIANCE REQUEST

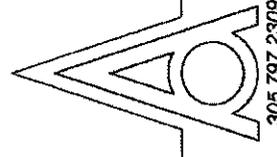
EXISTING ACCESSORY STRUCTURE
1224 DUVAL STREET
KEY WEST, FLORIDA 33040

SITE INFORMATION AND LOCATION PLAN

SCALE: NOT TO SCALE

NOTES:

06.27.2013
A-1



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SITE CONDITIONS

EXISTING SITE CONDITIONS: LDR:
 FRONT SETBACK 5'-0"
 REAR SETBACK 15'-0"
 SIDE SETBACK 5'-0"
 STREET SETBACK 7'-6"
 BUILDING COVERAGE 50%
 IMPERVIOUS SURFACE 60%

PROPOSED SITE CONDITIONS:

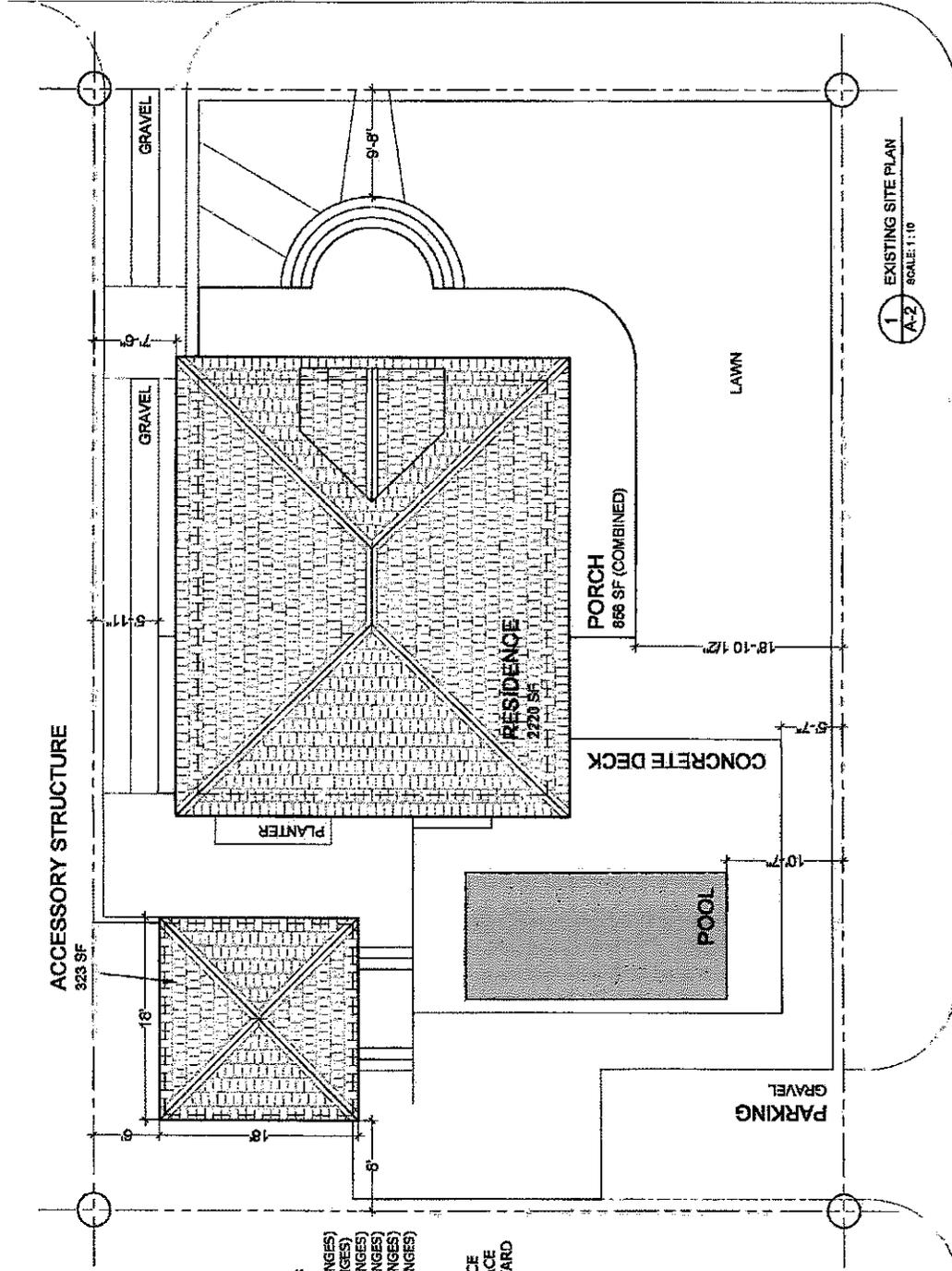
FRONT SETBACK 10'-4"
 REAR SETBACK 8'-0"
 SIDE SETBACK 6'-0"
 STREET SETBACK 10'-7"
 BUILDING COVERAGE 37.5%
 IMPERVIOUS SURFACE 54.5%

EXISTING:
 9'-8"
 8'-0"
 6'-0"
 10'-7"
 37.5%
 54.5%

COMPLIANCE:

YES (NO CHANGES)
 NO (NO CHANGES)
 YES (NO CHANGES)
 YES (NO CHANGES)
 YES (NO CHANGES)
 YES (NO CHANGES)

NOTE: ALL STRUCTURES SHOWN ARE EXISTING. VARIANCE REQUEST IS FOR ACKNOWLEDGEMENT OF HABITABLE SPACE FOR EXISTING ACCESSORY STRUCTURE, AND FOR REAR YARD SETBACK REQUIREMENTS ONLY.



1 EXISTING SITE PLAN
 A-2 SCALE: 1:10



06.27.2019
 A-2

VARIANCE REQUEST
 EXISTING ACCESSORY STRUCTURE
 1224 DUVAL STREET
 KEY WEST, FLORIDA 33040

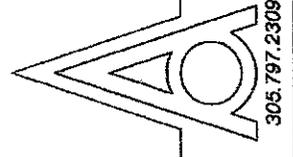
SITE PLAN AND SITE DATA

NOTES:

SCALE: AS INDICATED

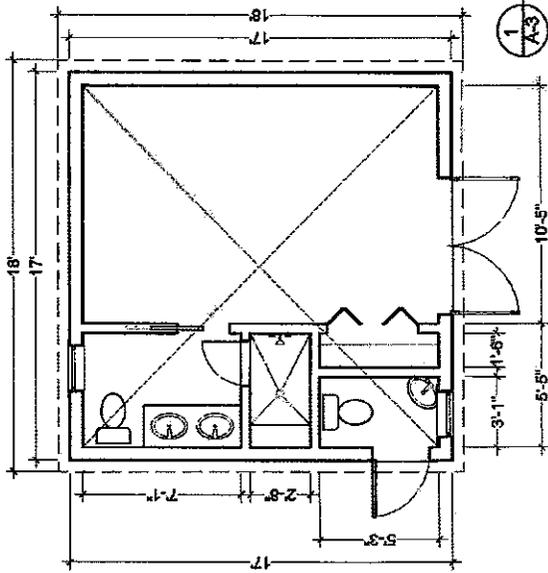
UNITED STREET

DUVAL STREET

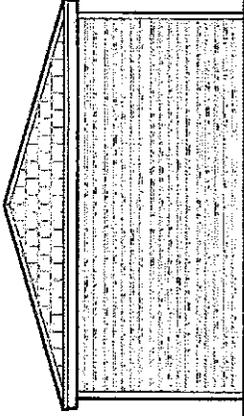


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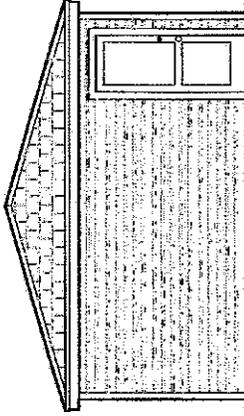
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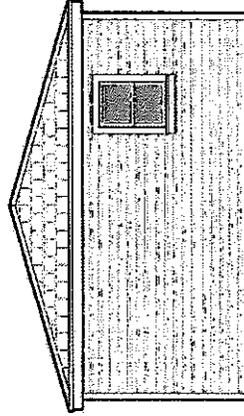
1 FLOOR PLAN
SCALE: 3/16" = 1'-0"



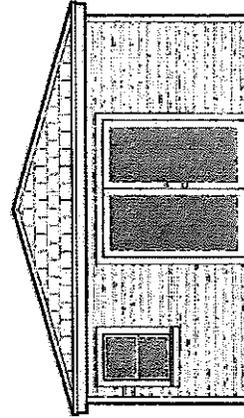
3 EAST ELEVATION
SCALE: 3/16" = 1'-0"



4 WEST ELEVATION
SCALE: 3/16" = 1'-0"



5 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



2 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

VARIANCE REQUEST
EXISTING ACCESSORY STRUCTURE
1224 DUVAL STREET
KEY WEST, FLORIDA 33040

**ACCESSORY STRUCTURE
PLANS & ELEVATIONS**
SCALE: NOT TO SCALE

NOTES:

305.797.2309

09.27.2019
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