MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Mayté Santamaria, Senior Director of Planning & Environmental Resources

From: Barbara Bauman, Planner

Date: August 15, 2016

Subject: *Request for a Setback Variance for property located on Gulf Drive, Lot 13, Block 28, Amended Plat of Key Largo Park (PB3-62) Key Largo, Real Estate # 00529310-000000 (File # 2016-061)*

Meeting Date: August 31, 2016

I REQUEST:

The applicant is requesting approval of a variance of 10 feet from the required 25 feet primary front yard setback along the Gulf Drive right-of-way, which is adjacent to the southeastern property line, and a variance of 10 feet from the required 20 feet rear yard setback along the northwestern property line. As a result, the primary front yard setback along the Gulf Drive right-of-way would be 15 feet and the rear yard setback along southeastern property line would be 10 feet. The variance is requested for the development of a proposed single family residence.

Property and Immediate Vicinity w/ Land Use District Overlaid (Aerial dated 2015)

II BACKGROUND INFORMATION:

Address: Gulf Drive, approximate mile marker 100.5 (Florida Bay side of US 1)
Legal Description: Block 28, Lot 13, Amended Plat of Key Largo Park, Plat Book 3, Page 62
Real Estate Number: 00529310-000000
Applicant/Owner: Lot 13 Gulf Dr LLC
Size of Site: 2,700 SF (per County GIS)
Land Use District: Improved Subdivision (IS)
Future Land Use Map (FLUM) Designation: Residential Medium (RM)
Tier Designation: III (infill area)
Existing Use: Vacant
Existing Vegetation / Habitat: Partially scarified with native and exotic vegetation
Community Character of Immediate Vicinity: Single-Family Residential
Flood Zone: AE-EL 10

III RELEVANT PRIOR COUNTY ACTIONS:

None.

IV REVIEW OF APPLICATION:

As set forth in Section 130-186 of the Monroe County Land Development Code (LDC), the required non-shoreline setbacks for the IS District are as follows:

Land Use District/ Land Use	Primary Front Yard (ft.)	Secondary Front Yard (ft.)	Primary Side Yard (ft.)	Secondary Side Yard (ft.)	Rear Yard (ft.)
Improved Subdivision (IS)	25	15	10	5	20

The subject property is located on the northwest side of Gulf Drive. The property has a required non-shoreline primary front yard setback of 25 feet along the property line adjacent to Gulf Drive; a required 10 feet primary side yard setback; a required 5 feet secondary side yard setback; and a required 20 feet rear yard setback along the northwestern property line.

The applicant is requesting approval of a variance of 10 feet from the required 25 feet primary front yard setback along the Gulf Drive right-of-way, which is adjacent to the southeastern property line and a variance of 10 feet from the required 20 feet rear yard setback along the northwestern property line. As a result, the primary front yard setback along the Gulf Drive right-of-way would be 15 feet and the rear yard setback along northwestern property line would be 10 feet. The granting of the requested variance would provide the applicant with more buildable land area for a proposed single family residence.

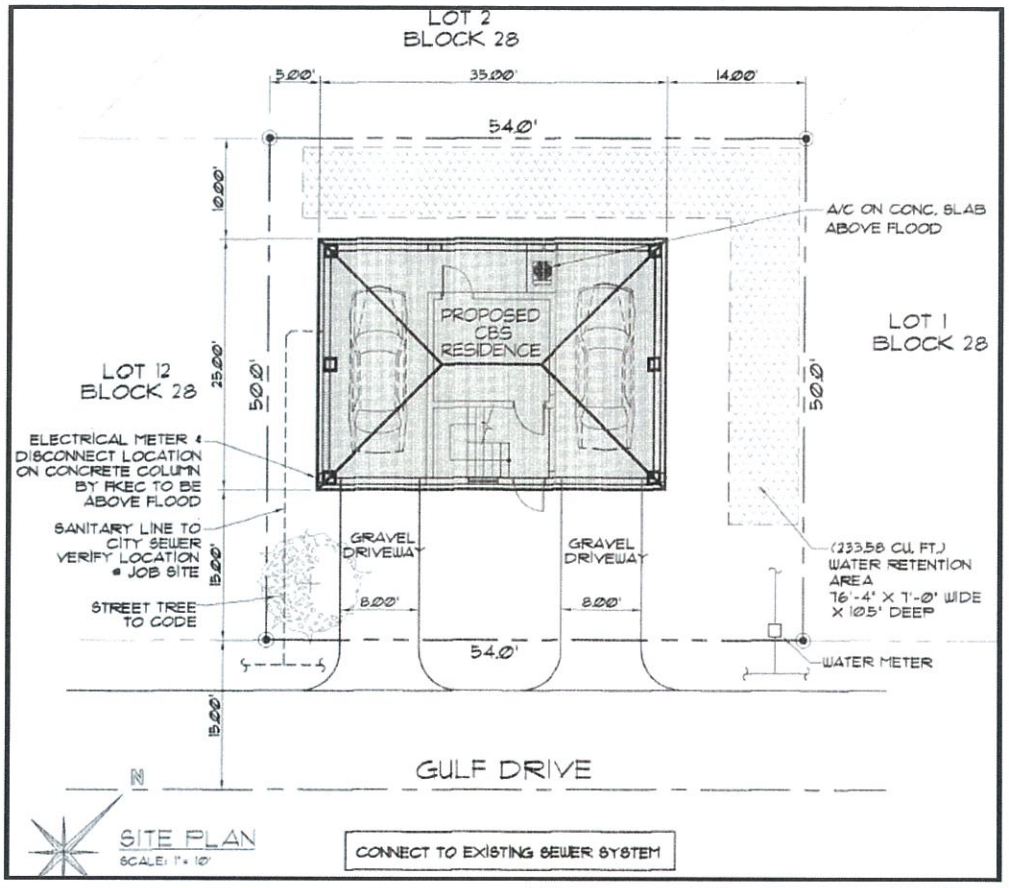
Pursuant to LDC Section 102-186, a variance may only be granted if the applicant demonstrates that all of the following standards are met:

(1) *The applicant shall demonstrate a showing of good and sufficient cause:*

Applicant: "As these lots are small in size, the above reduction will enable a single family residence to be constructed."

Staff: The subject property consists of a single platted lot (Lot 13). Most of the platted lots in the Amended Plat of Key Largo Park Subdivision are approximately 50 feet in depth by 50 feet in width. There are 17 developed properties located on Gulf Drive, Lakeview Drive (1 block southeast), and Poinciana Drive (2 blocks southeast) that are in a similar position to the subject site. Ten (10) of the properties have some development in the front yard setback along the Gulf Drive, Lakeview Drive and Poinciana Drive rights-of-way. The remaining seven (7) residences that do not have development in the setbacks are located on at least two aggregated lots making the dimensions of these properties a minimum of 100 feet x 50 feet. In addition several administrative variances have been approved along Gulf Drive and within this subdivision granting similar design parameters as those proposed by the applicant.

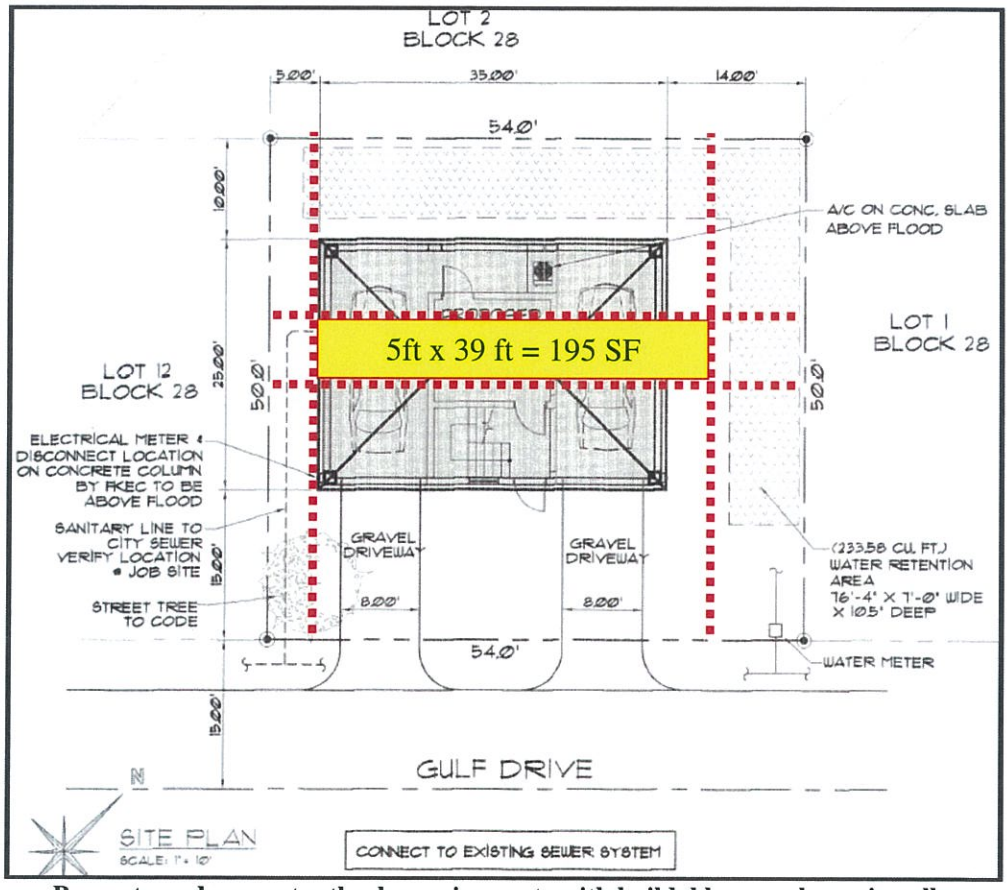
A variance to the setback requirements along the northwest and southeast property line is requested by the property owner to construct a single family residence of the proposed footprint and size. The proposed footprint and scale of the building is consistent with other existing single-family residences in the community. Therefore, the applicant demonstrates a showing of good and sufficient cause.



(2) *Failure to grant the variance would result in exceptional hardship to the applicant:*

Applicant: "Failure to grant the variance would not allow the owner to construct a residence on said lot."

Staff: The subject property is 50 feet in depth. The required non-shoreline setback along the southeastern property line is 20 feet and the required non-shoreline setback along the northeast property line is 25 feet. These setbacks result in only 5 feet of depth available for a building. A variance would allow the property owner to construct a single family residence. Further, the proposed footprint and scale of the building is consistent with other existing single-family residences located on similarly-sized properties in the community. Therefore, failure to grant the variance would result in exceptional hardship to the applicant.



Property and current setback requirements with buildable area shown in yellow.

(3) *Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public:*

Applicant: No response.

Staff: Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public. Note: staff will review all comments from surrounding property owners following notification of the application and valid objections from surrounding property owners may lead the Planning and Environmental Resources Department to reevaluate its recommendation.

(4) *The property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district:*

Applicant: "The lot size is 2,700 [square feet] which is not the same size as other improved subdivision properties."

Staff: The property has a unique or peculiar circumstance for a parcel in the IS District. IS lots in the Amended Plat of Key Largo Park Subdivision were platted prior to the current setback regulations. The original plat did not assume that a lot of this size (50 feet by 50 feet) would be subject to the current required setbacks that result in a buildable width of the lot of 5 feet, based on a 25 feet primary front yard setback and a 20 feet rear yard setback. Therefore, the property has unique or peculiar circumstances, which apply to this property and other 50-foot by 50-foot lots in the same subdivision, but which do not apply to typical IS lots (other larger properties in the same zoning district).

(5) *Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns:*

Applicant: "The neighborhood constructed residences mostly have received variances of some sort to construct their residences."

Staff: The Monroe County Planning Department has approved at least six other Administrative Variances on properties located within the Amended Plat of Key Largo Park Subdivision that reduced the primary front setback along the right-of-way from 25 feet to 15 feet and the rear setback to 10 feet. Therefore, granting the requested variance would not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of the land development regulations or established development patterns.

(6) *Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family:*

Applicant: No response.

Staff: Concerning the proposed development, granting the requested variance would not be based on disabilities, handicaps or health of the applicant or members of his family.

(7) *Granting the variance is not based on the domestic difficulties of the applicant or his family:*

Applicant: No response.

Staff: Concerning the proposed development, granting the requested variance would not be based on the domestic difficulties of the applicant or his family.

(8) *The variance is the minimum necessary to provide relief to the applicant:*

Applicant: No response.

Staff: The proposed location of the building is directly on the requested rear setback line (10 feet from the property line) and directly on the requested primary front setback line (15 feet from the property line). The proposed footprint and scale of the building is consistent with other existing single-family residences in the community, and is similar to other variances granted within the same subdivision. A variance of 10 feet along the northwest property line and 10 feet along the Gulf Drive right-of-way would allow a single family residence of the proposed size (25ft x 35ft footprint) to be constructed on the property. Therefore, the variance is the minimum necessary to provide relief to the applicant.

V RECOMMENDATION:

Staff recommends **approval** of a variance of 10 feet to the rear yard setback along the northwestern property and a variance of 10 feet to the primary front yard setback along the southeastern property line with the following conditions (if necessary, following the consideration of public input, staff reserves the right to request additional conditions):

1. The variance is based on the design and placement of the residence as shown on the site plan by Orlando Perez Jr., Architect, signed and dated April 4, 2016 that was submitted with the variance application. Work not specified or alterations to the site plan may not be carried out without additional Planning & Environmental Resources Department approval.

2. The variance is to allow the placement of the residence as shown on the site plan by Orlando Perez Jr., Architect, signed and dated April 4, 2016 that was submitted with the variance application within the required front yard setback along Gulf Drive and rear yard setback. It does not waive any other required setbacks and it does not waive the required front or rear yard setback for any future structures or additions.

3. The variance does not waive or reduce any other required setbacks, nor waive the required primary front yard setback or the rear yard setback for any future structures or additions.

VI PLANS REVIEWED:

A. A CBS Residence for Lot 13 Gulf Dr. LLC, Block 28, Lot 13, Gulf Dr., Key Largo, Monroe County, Florida, 33037 RE# 00529310-000000, Sheet C-0 by Orlando Perez Jr., Architect signed and dated April 4, 2016

B. Boundary Survey by FormTech Land Surveying, Inc., signed and dated March 28, 2016