



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

From: Devin Tolpin, AICP, CFM, Principal Planner

Date: August 25, 2022

Subject: *Request for a Variance to the front yard setback requirement for property located at 700 Grouper Lane, Mile Marker 95, Key Largo, legally described as The Southeast ½ of Lot 1, Rae's Cuda Canal Subdivision, according to the Plat thereof, as recorded in Plat Book 3, Page 186, Public Records of Monroe County, Florida and The East five (5) feet of Lot 2, and the West ½ of Lot 1, Rae's Cuda Canal Subdivision, according to the Plat thereof, as recorded in Plat Book 3, Page 186, Public Records of Monroe County, Florida, having Parcel Identification Number 00483470-000000 (File # 2021-196)*

Meeting: **October 26, 2022**

1 I REQUEST:

2 The applicant is requesting a variance up to 18 feet and 1 inch from the 25 foot front yard
3 setback requirement set forth in Chapter 131 of the Land Development Code (LDC).
4 Approval would result in a minimum front yard setback of 6 feet and 11 inches, with other
5 portions of the structure at varying distances from the front property line. The variance is
6 requested in order to construct a replacement single family residence (File # 2021-196).
7



8
9 *Subject Property (center) with Land Use (Zoning) Districts overlaid, 2022 Aerial*

1 **II BACKGROUND INFORMATION:**

2 **Location:** Key Largo near U.S. 1 Mile Marker 95, ocean side

3 **Address:** 700 Grouper Lane, Key Largo

4 **Legal Description:** The Southeast ½ of Lot 1, Rae’s Cuda Canal Subdivision, according to
5 the Plat thereof, as recorded in Plat Book 3, Page 186, Public Records of Monroe County,
6 Florida and The East five (5) feet of Lot 2, and the West ½ of Lot 1, Rae’s Cuda Canal
7 Subdivision, according to the Plat thereof, as recorded in Plat Book 3, Page 186, Public
8 Records of Monroe County, Florida

9 **Parcel Identification Number:** 00483470-000000

10 **Property Owner/Applicant:** Alberto & Wanda Casaretto

11 **Agent:** James S. Lupino, Esq.

12 **Size of Site:** 12,159 sq. ft., with 9,626 sq. ft. total upland according to submitted boundary
13 survey prepared by David S. Massey, P.S.M., dated 07/08/2021

14 **Land Use District:** Improved Subdivision (IS)

15 **Future Land Use Map (FLUM) Designation:** Residential Medium (RM)

16 **Tier Designation:** III (Infill Area)

17 **Flood Zone:** VE 15, VE 12, VE 11

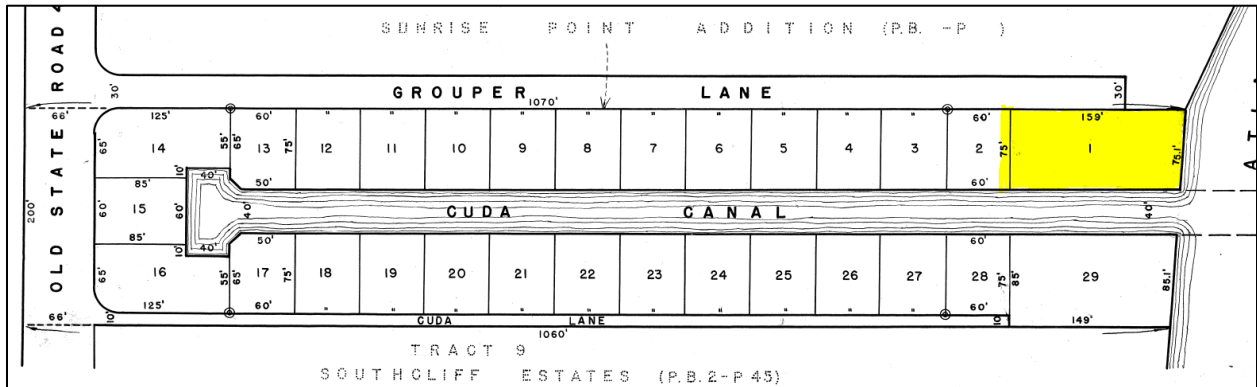
18 **Existing Uses:** Single family residence

19 **Existing Vegetation / Habitat:** Developed land

20 **Community Character of Immediate Vicinity:** Single family residences

21
22 **III RELEVANT PRIOR COUNTY ACTIONS:**

23 The Plat of Raes’s Cuda Canal Subdivision was approved by resolution by the BOCC on
24 March 5, 1957 and filed in Plat Book 3, Page 186. The subject property is located at Lot 1
25 (and 5 feet of Lot 2). See snapshot of plat below:
26



27
28
29 On March 13, 1970, Monroe County Building Permit #20310 was issued in order to construct
30 a duplex. The approved plans depict the structure in a different configuration than the
31 structure that is currently in existence on the subject property.
32

33 On December 29, 1983, Monroe County Building Permit #C14256 was issued in order to add
34 an addition to the structure. A Memorandum included in this file indicates that the structure
35 previously permitted was not built according to plan and was located within the required
36 setbacks. The memorandum notes that a dimensional variance was requested; however staff

has been unable to locate documentation of one being issued; however the scope of work was approved. It should also be noted that the approved plans indicate that the structures was approved at this time as a single family residence.

IV REVIEW OF APPLICATION:

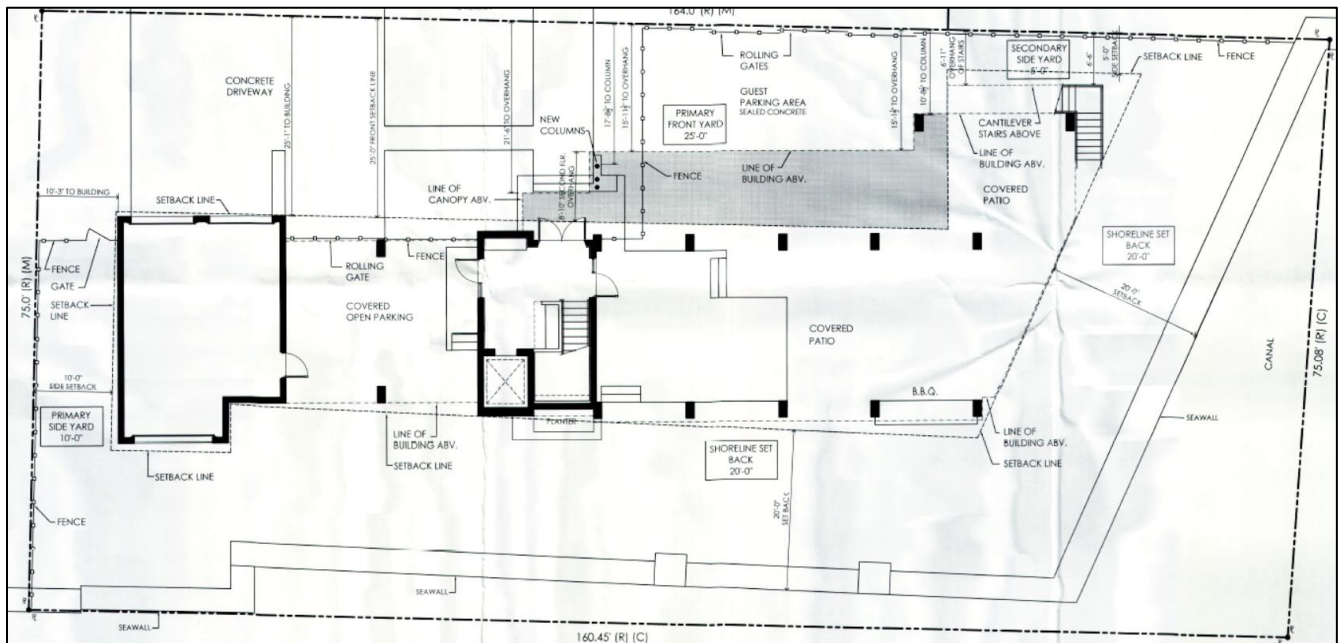
The proposed variance is requested in order to construct a new single family residence on the subject property (following the demolition of the existing structure).

The property is located within the Improved Subdivision (IS) Land Use District. Pursuant to Land Development Code Section 131-1, the required non-shoreline setbacks within 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 |

Approval of the requested variance of 18 feet and 1 inch would result in a minimum front yard setback of 6 feet and 11 inches according to the site plan submitted with the application, signed and sealed by Pete Ebersole on August 10, 2022.

See screen shot of the proposed site plan below. Note most of the structure that is proposed at less than 25 feet from the front property line is shaded in gray, however this request also includes the front stair way and a porch overhanging in the northeastern corner of the building, that is located 6 feet and 11 inches from the end of Grouper Lane.



Pursuant to LDC Section 102-187, a variance may only be granted if the applicant demonstrates that all of the following standards are met:

1 (1) *The applicant demonstrates a showing of good and sufficient cause:* **NOT IN**
2 **COMPLIANCE**

3
4 The applicant states, “This parcel is atypical in configuration and has boundaries of water
5 on 2 sides and a street on the third side. As an expensive parcel it justifies a structure of
6 fair width and size and a variance will not affect any third party negatively.”
7

8 **Staff Review:** The subject property consists of a platted lot plus 5 feet of the adjacent lot,
9 that has approximately 9,626 square feet of upland area. The configuration of the
10 proposed residence includes a ground floor entry way and second floor overhangs that are
11 located less than 25 feet from the front property line.
12

13 Due to the fact that the plans demonstrate that generally, the foundation can be
14 constructed in compliance with the setbacks, staff does not agree that the applicant has
15 demonstrated a showing of good and sufficient cause for the extent of the variances
16 requested.
17

18 (2) *Failure to grant the variance would result in exceptional hardship to the applicant:*
19 **NOT IN COMPLIANCE**

20
21 LDC Section 101-1 defines “exceptional hardship” as “a burden on a property owner that
22 substantially differs in kind or magnitude from the burden imposed on other similarly
23 situated property owners. Financial difficulty/hardship does not qualify as exceptional
24 hardship.”
25

26 The applicant states, “The applicant is bringing a non-compliant structure into
27 compliance by rebuilding but the property configuration is such that a variance on the
28 road side is necessary to justify the configuration. In doing so necessary square footage to
29 justify the rebuild requires a variance on the street side to make the configuration feasible
30 due to the shape of the lot.”
31

32 **Staff Review:** Upon review of the submitted site plan, it is evident that a home in similar
33 configuration and size could be constructed without the requested variance. Staff does not
34 agree that failure to grant the variance would result in an exceptional hardship to the
35 applicant.
36

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

40
41 The applicant states, “There will be no increase in public expenses or threat to public
42 safety- N/A”
43

44 **Staff Review:** Staff does not anticipate that granting the requested variance would result
45 in increased public expenses, create a threat to public health and safety, create a public
46 nuisance, or cause fraud or victimization of the public.
47

- 1 (4) *The property has unique or peculiar circumstances, which apply to this property, but*
2 *which do not apply to other properties in the same zoning district: **IN COMPLIANCE***
3

4 The applicant states, “This property is uniquely configured and is one of a kind in design,
5 location and configuration. No others fit the same profile.”
6

7 **Staff Review:** This property is subject to a front yard setback, two side yards, and two
8 shorelines, which is unique for most properties in the Improved Subdivision (IS) zoning
9 district. Staff agrees that the subject property has a unique or peculiar circumstance that
10 applies to this property only, but does not apply to any other properties within the IS
11 zoning district.
12

- 13 (5) *Granting the variance will not give the applicant any special privilege denied other*
14 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
15 *established development patterns: **IN COMPLIANCE***
16

17 The applicant states, “Granting the variance allows not only for a single family residence
18 suitable for the property to be remodeled but also an appropriate configuration suitable
19 for the underlying lot.”
20

21 **Staff Review:** The granting of this variance will not give the applicant a special privilege
22 denied other properties in the immediate neighborhood in terms of the provisions of this
23 chapter or established patterns.
24

- 25 (6) *Granting the variance is not based on disabilities, handicaps or health of the applicant or*
26 *members of his family: **IN COMPLIANCE***
27

28 The applicant states, “N/A”
29

30 **Staff Review:** Concerning the proposed development, granting the requested variance
31 would not be based on disabilities, handicaps or health of the applicant or their family
32 members.
33

- 34 (7) *Granting the variance is not based on the domestic difficulties of the applicant or his*
35 *family: **IN COMPLIANCE***
36

37 The applicant states, “N/A”
38

39 **Staff Review:** Concerning the proposed development, granting the requested variance
40 would not be based on the domestic difficulties of the applicant or his family.
41
42

- 43 (8) *The variance is the minimum necessary to provide relief to the applicant: **NOT IN***
44 ***COMPLIANCE***
45

46 The applicant states, “The cost of demolition of the existing structure and building new is
47 justified only if a configuration to fit a suitable residence can be made.”
48

1 **Staff Review:** It appears that a compliant reconfigured structure could be constructed on
2 this property. The variance is not the minimum necessary to provide relief to the
3 applicant.
4

5 V RECOMMENDATION:
6

7 Staff recommends **DENIAL** of the requested variance of 18 feet and 1 inch from the front
8 yard setback requirements set forth in LDC Section 131-1, that would result in a minimum
9 front yard setback of 6 feet and 11 inches in order to construct a new single family residence.
10

11 VI PLANS REVIEWED:
12

- 13 A. Site Plan, Sheet Number SP-1.0, by Pete Ebersole, signed and sealed 08/10/2022
- 14 B. Boundary Survey by David Massey, P.S.M., dated 07/08/2021
- 15
- 16