



# VARIANCE AND AFTER THE FACT VARIANCE APPLICATION

## CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: [www.cityofkeywest-fl.gov](http://www.cityofkeywest-fl.gov)

Application Fee Schedule	
Variance Application Fee	\$ 2,680.19
Advertising and Noticing Fee	\$ 376.81
Fire Department Review Fee	\$ 134.01
<b>Total Application Fee</b>	<b>\$ 3,191.01</b>

After the Fact Application Fee Schedule	
After the Fact Variance Application Fee	\$ 5,360.39
Advertising and Noticing Fee	\$ 376.81
Fire Department Review Fee	\$ 134.01
<b>Total Application Fee</b>	<b>\$ 5,871.21</b>

### **Please read the following carefully before filling out the application**

This application and all required attachments should be submitted to the City Planning Department at 1300 White Street.

- Owners and applicants are notified of their scheduled Planning Board hearing date.
- Attendance at the formal public hearing is mandatory.
- Notice of Public Meeting is published in the newspaper.
- Owners of property within 300 feet of the subject property or parcels are notified by mail.
- Notice of public hearing will be posted on the property and must be left up until after the hearing.
- Variances are quasi-judicial hearings, and it is improper to speak to a Planning Board and/or Board of Adjustment member about the variance outside of the hearing.

### **Application Process**

- Prior to submittal, the applicant will schedule a pre-application meeting with staff to review the application and suggest any modifications that may be necessary before submittal. A pre-application meeting is free of charge and should be the final step before submittal. To schedule a pre-application meeting, please call the Planning Department at (305) 809-3764.
- After submittal, the application will be reviewed by staff and additional modifications to the site plan may be necessary at that time. Any modifications within eight (8) days of the scheduled Planning Board meeting may result in the item being postponed till the following Planning Board meeting.
- The applicant will be responsible for submitting a landscape approval letter from the Urban Forestry Program Manager and a Stormwater approval letter from the Director of Engineering.
- **When the application is determined to be complete**, it will be brought forth to the Planning Board. If the application is approved, there is a 10-day appeal period.
- After the 10-day appeal period, the application will be sent to the Department of Environmental Opportunity (DEO) for rendering. The rendering period is 45 days.

**Please include the following with this application:**

1. A copy of the most recent warranty deed with the Book and Page numbers from the office of the Clerk of Circuit Court for Monroe County containing a legal description of the subject parcel. The application forms must be signed by all owners listed on the deed. For business/corporate ownership, please attach authorization for name of executive authorized to make the application.
2. An application fee is determined according to the attached fee schedule. Make the check payable to the City of Key West and include the site address on the memo portion of the check. Be advised that upon review by the Planning Department, additional or fewer variances may be required necessitating a different fee.
3. Sign and Sealed site plan(s) of the subject site, indicating the following:
  - a. **Existing and proposed** lot coverage including buildings, pools, spas, driveways and other walkways, patios, porches, covered areas, and decks.
  - b. Location and identification/names of existing trees of 3.5 inches diameter or greater on the property or extending over the proposed work (including access routes and stormwater areas). Please provide photos.
  - c. All proposed changes to what exist, including those which make the variance(s) necessary.
  - d. Lot dimensions on all drawings and the distance from all property lines of all existing and proposed structures.
  - e. Dimensions (**existing and proposed**) of all the items in (a) above, including the height and number of stories of the structure.
  - f. Parking spaces and dimensions (**existing and proposed**).
  - g. Easements or other encumbrances on the property.
4. A survey of the property no more than ten years old
5. Elevation drawings or proposed structures, indicating finished height above established grade as measured from crown of road
6. Floor Plans of existing and proposed development
7. Stormwater management plan
8. PDF version of application and all required materials submitted to the Planning Department

The attached Verification and Authorization Forms must be notarized. This can be done at City Hall or the Planning Department. Identification is required. An out-of-state notarization is acceptable, if necessary.

**Make sure that the applicable application and authorization forms are signed by all people listed as owners on the recorded Warranty Deed.**

Be advised that the City will not grant a variance unless the City Impact Fees of sewer and solid waste services are paid in full.

For assistance, please call the Planning Department at (305) 809-3764.



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Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3764.

### PROPERTY DESCRIPTION:

Site Address: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Real Estate (RE) #: \_\_\_\_\_

Property located within the Historic District?  Yes  No

**APPLICANT:**  Owner  Authorized Representative

Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### PROPERTY OWNER: (if different than above)

Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Description of Proposed Construction, Development, and Use:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**List and describe the specific variance(s) being requested:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are there any easements, deed restrictions or other encumbrances attached to the property?  Yes  No

If yes, please describe and attach relevant documents: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Will any work be within the dripline (canopy) of any tree on or off the property?  
 If yes, provide date of landscape approval, and attach a copy of such approval.

Yes  No  
 Yes  No

Is this variance request for habitable space pursuant to Section 122-1078?

Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R. *provide square footages and percentages.*

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning				
Flood Zone				
Size of Site				
Height				
Front Setback				
Side Setback				
Side Setback				
Street Side Setback				
Rear Setback				
F.A.R				
Building Coverage				
Impervious Surface				
Parking				
Handicap Parking				
Bicycle Parking				
Open Space/ Landscaping				
Number and type of units				
Consumption Area or Number of seats				

This application is reviewed pursuant to Section 90-391 through 90-397 of the City of Key West Land Development Regulations (LDRs). The City's LDRs can be found in the Code of Ordinances online at [http://www.municode.com/Library/FL/Key\\_West](http://www.municode.com/Library/FL/Key_West) under Subpart B.

**\*Please note, variances are reviewed as quasi-judicial hearings, and it is improper for the owner or applicant to speak to a Planning Board member or City Commissioner about the hearing.**

## Standards for Considering Variances

**Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met: Please print your responses.**

1. Existence of special conditions or circumstances. 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 zoning district.

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2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

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3. Special privileges not conferred. That granting the variance(s) 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.

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4. Hardship conditions exist. 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.

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5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

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6. Not injurious to the public welfare. That granting of the variance(s) 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.

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7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

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**The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:**

- That the standards established in Section 90-395 have been met by the applicant for a variance.
- 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. Please describe how you have addressed the "good neighbor policy."

**REQUIRED SUBMITTALS: All of the materials listed below must be submitted in order to have a complete application. Applications will not be processed until all materials are provided. Please submit one (1) paper copy of the materials to the Planning Department and one (1) electronic version in PDF format.**

- Correct application fee, made payable to "City of Key West."
- Pre-application meeting form
- Notarized verification form signed by property owner or authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Monroe County Property record card
- Signed and sealed survey (Survey must be within 10 years from submittal of this application)
- Sign and sealed site plan (sign and sealed by an Engineer or Architect)
- Floor plans
- Any additional supplemental information necessary to render a determination related to the variance request

