



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

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

From: Brad Stein, AICP, Planning & Development Review Manager

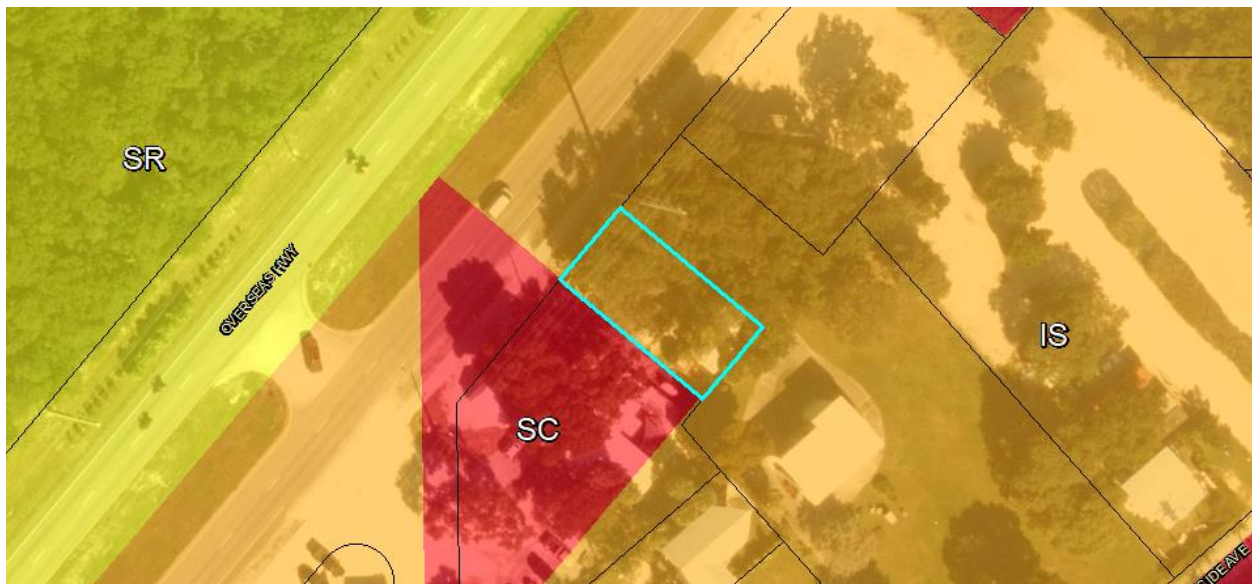
Date: December 30, 2022

Subject: *Request for variance to access standards on property located on Overseas Highway, at Mile Marker 94.5, Key Largo, Parcel Identification Number 00491580-000000 (File # 2022-242)*

Meeting: January 25, 2023

1 I REQUEST:

2 The applicant is requesting a variance to access standards set forth in Chapter 114, Article VII
3 of the Land Development Code (LDC). Approval would result in an access drive to U.S. 1 that
4 is spaced approximately 230 feet from an existing curb cut to the northeast and approximately
5 140 feet to a right of way southwest of the subject property. The variances are requested for
6 the construction of a single family residence on the subject property.
7



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

10 II BACKGROUND INFORMATION:

11
12 **Location:** Key Largo near U.S. 1 Mile Marker 94.5
13
14

1 **Address:** None found (previously accessory to 94111 Overseas Highway), property on
2 Overseas Highway, Key Largo

3 **Legal Description:** Lot 2, Block 1, Seaside, according to the Plat thereof, recorded in Plat
4 Book 1, Page 97, of the Public Records of Monroe County, Florida

5 **Parcel Identification Number:** 00491580-000000

6 **Property Owner/Applicant:** 94411 Tavernier, LLC

7 **Agent:** Erin Woods

8 **Size of Site:** 4,950 square feet (per submitted boundary survey)

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

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

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

12 **Flood Zone:** AE-8

13 **Existing Uses:** Accessory structure utility building

14 **Existing Vegetation / Habitat:** Hammock and developed land

15 **Community Character of Immediate Vicinity:** Single family residences and nonresidential
16 uses

17
18 **III RELEVANT PRIOR COUNTY ACTIONS:**

19
20 On December 8, 1969, an application for a Monroe County Building Permit 19679 was
21 submitted and approved to construct a utility building on the subject property as part of Lots 1
22 & 2.

23
24 On February 15, 1988, an application for a Monroe County Building Permit 8830000126 was
25 submitted to reroofing the building on lot 2.

26
27
28 **IV REVIEW OF APPLICATION:**

29
30 Pursuant to LDC Section 114-195, *US-1/ County Road 905 Access*, “No structure or land shall
31 be developed, used or occupied unless direct access to U.S. 1 or County Road 905 is by way
32 of a curb cut that is spaced at least four hundred (400) feet from any other curb cut that meets
33 the access standards of the Florida Department of Transportation, as contained in Chapter 14-
34 97, F.A.C., or an existing street on the same side of U.S. 1 or County Road 905. Proposed
35 developments with access on U.S. 1 that are designated as Class 5 or Class 6 access control
36 classifications, as defined by FDOT, where the posted speed limit is 45 MPH or less may
37 deviate from 400 foot standard, in accordance with the standards contained in Chapter 14-97,
38 F.A.C., State Highway System Access Control Classification System and Access Management
39 Standards.”

40
41 The subject property, if approval of the requested variance is granted, is proposed to be
42 developed with a single access drive that is spaced 230 feet from an existing curb cut to the
43 northeast and approximately 140 feet to a right of way southwest of the subject property. The
44 access variance is requested in order to develop a single family residence on the subject

1 property.

2
3 Pursuant to Comprehensive Plan Policy 301.2.5: *In order to proceed with development, a*
4 *parcel shall have legal access to public or private roads, rights of way or easements or such*
5 *access shall be established.*

6
7 Below is a snapshot of an aerial view of the subject property and the adjacent properties with
8 access drive locations notated (aerial dated 2022):
9



10
11
12 Pursuant to LDC Section 102-187, the Planning Commission is authorized to grant variances
13 to the access standards in LDC Chapter 114, Article VII in accordance with the standards in
14 LDC Section 102-187(d).

15
16 *Pursuant to LDC Section 102-187, a variance may only be granted if the applicant*
17 *demonstrates that all of the following standards are met: IN COMPLIANCE*

18
19 (1) *The applicant demonstrates a showing of good and sufficient cause:*

20 **Applicant:** “PER LDC SEC 114-195, CURB CUTS MUST BE AT LEAST 400FT FROM
21 ANOTHER CURB CUT. WENDY LN IS 111FT FROM PROPOSED CUT &
22 ADJACENT TO A CURB CUT FOR NEIGHBORING PROPERTY.”

23
24 **Staff Review:** The subject property abuts U.S.1 will be the only possible access unless
25 access was granted through the neighboring properties to the north and south.

26
27 Staff has determined that the applicant has demonstrated a showing of good and sufficient
28 cause for the proposed access variance.

29
30 (2) *Failure to grant the variance would result in exceptional hardship to the applicant: IN*
31 *COMPLIANCE*

1
2 LDC Section 101-1 defines “exceptional hardship” as “a burden on a property owner that
3 substantially differs in kind or magnitude from the burden imposed on other similarly
4 situated property owners in the same land use district as a result of adoption of these
5 regulations.”
6

7 **Applicant:** “FAILURE TO GRANT WOULD RESULT IN INABILITY TO BUILD SFR
8 OR ANY DEVELOPMENT – EASEMENT FROM NEIGHBORING PROPERTY NOT
9 POSSIBLE, US-1 IS ONLY POSSIBLE ACCESS.”

10
11 **Staff Review:** Failure to grant the variance would result in exceptional hardship to the
12 applicant.
13

- 14 (3) *Granting the variance will not result in increased public expenses, create a threat to public*
15 *health and safety, create a public nuisance, or cause fraud or victimization of the public:*
16 *IN COMPLIANCE*
17

18 **Applicant:** “NO.”
19

20 **Staff Review:** Per ITE Manual 10th edition, Land Use Code 210 (SFR-detached), the daily
21 trips generated per single family residence are 9.14 or 9 trips.
22

23 Staff does not anticipate that granting the requested variances would result in increased
24 public expenses, create a threat to public health and safety, create a public nuisance, or
25 cause fraud or victimization of the public.
26

- 27 (4) *The property has unique or peculiar circumstances, which apply to this property, but which*
28 *do not apply to other properties in the same zoning district: IN COMPLIANCE*
29

30 **Applicant:** “ONLY RESIDENTIAL PROPERTY REQUIRING ACCESS TO US-1
31 FROM HARRY HARRIS TO KLOR. EASEMENTS ON NEIGHBORING PROPERTY
32 NOT POSSIBLE.”
33

34 **Staff Review:** The subject property is adjacent U.S.1. Most properties within the IS zoning
35 district are located within platted subdivisions that are adjacent a County road. For
36 example, the other homes within the Seaside subdivision are adjacent a County Road/ right
37 of way. Additionally, most homes within this subdivision and the IS zoning district in
38 general are not adjacent U.S.1 and therefore are not subject to LDC Section 114-195.
39

40 Staff has determined that the property does have unique or peculiar circumstances, which
41 apply to this property, but which do not apply to other properties in the same zoning district.
42

- 43 (5) *Granting the variance will not give the applicant any special privilege denied other*
44 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
45 *established development patterns: IN COMPLIANCE*
46

1 **Applicant:** “NO – OTHER PROPERTIES HAVE ACCESS ROADS.”

2
3 **Staff Review:** Staff has determined that granting the variances will not give the applicant
4 any special privilege denied other properties in the immediate neighborhood in terms of
5 the provisions of this chapter or established development patterns.
6

7 (6) *Granting the variance is not based on disabilities, handicaps or health of the applicant or*
8 *members of his family:* IN COMPLIANCE
9

10 **Applicant:** “NO”.

11
12 **Staff Review:** Concerning the proposed development, granting the requested variances
13 would not be based on disabilities, handicaps or health of the applicant or their family
14 members.
15

16 (7) *Granting the variance is not based on the domestic difficulties of the applicant or his*
17 *family:* IN COMPLIANCE
18

19 **Applicant:** “NO.”

20
21 **Staff Review:** Concerning the proposed development, granting the requested variances
22 would not be based on the domestic difficulties of the applicant or their family.
23

24 (8) *The variance is the minimum necessary to provide relief to the applicant:* IN
25 COMPLIANCE
26

27 **Applicant:** “YES – EVERY OTHER CORRECTION HAS BEEN CORRECTED.”

28
29 **Staff Review:** Staff has determined that the requested access variance is the minimum
30 necessary in order to provide relief to the applicant to develop the property as proposed.
31
32

33 V RECOMMENDATION:

34 Staff recommends **APPROVAL** of the requested variance to the access standards set forth in
35 Chapter 114, Article VII of the Land Development Code (LDC), resulting in an access drive
36 to U.S. 1 that is spaced approximately 230 feet from an existing curb cut to the northeast and
37 approximately 140 feet to a right of way southwest of the subject property, for the development
38 of a single family residence on the subject property.
39

- 40 1. This variance approval is based on the site plan by OPJR Architect, LLC, signed and sealed
41 by Orlando Perez, Jr., October 11, 2022. Work not specified or deviations to the approved
42 plans shall not be carried out without any required additional Planning & Environmental
43 Resources Department approval.
44

1 2. This variance approval does not waive or reduce any other requirement of the Land
2 Development Code, nor waive the Land Development Code requirements for any future
3 development.
4

5 VI PLANS REVIEWED:
6

- 7 A. Site Plan, Sheet Number C-0, by Orlando Perez, Jr., signed and sealed October 11, 2022.
8 B. Boundary Survey by Reece & Associates, signed and Sealed by Robert E. Reece, P.S.M.,
9 dated 09/01/2021