



Application For Easement

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

Application Fee: \$2,150.00

(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)
(\$400 for each additional easement for same parcel)

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 305-809-3720.

PROPERTY DESCRIPTION:

Site Address: 916 Pohalski Avenue

Zoning District: HHDR Real Estate (RE) #: 00021080-000000

Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative

Name: Smith Ooropeza Hawks, PL

Mailing Address: 138-142 Simonton Street

City: Key West, State: FL Zip: 33040

Home/Mobile Phone: _____ Office: 305-296-7227 Fax: 305-296-8448

Email: greg@smithoropeza.com

PROPERTY OWNER: (if different than above)

Name: Edward McGinley

Mailing Address: 1500 Atlantic Blvd., #201

City: Key West State: FL Zip: 33040

Home/Mobile Phone: _____ Office: _____ Fax: _____

Email: _____

Description of requested easement and use: Structure and concrete footer 1.43'-3.8'
over on to Nichols Ave.

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

If yes, please describe and attach relevant documents: _____

See attached Planning Board Resolution No. 2016-21.



City of Key West • Application for Easement

REQUIRED SUBMITTALS: All of the following must be submitted in order to have a complete application. Please submit one paper copy and one electronic copy of all materials.

- Correct application fee. Check may be payable to "City of Key West."
- Notarized verification form signed by property owner or the authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Property record card
- Signed and sealed Specific Purpose Surveys with a legal description of the easement area requested
- Photographs showing the proposed easement area

**City of Key West
Planning Department**



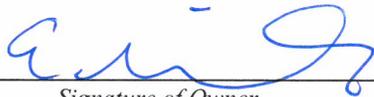
Authorization Form
(Individual or Joint Owner)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Edward McGinley authorize
Please Print Name(s) of Owner(s) as appears on the deed

Smith Oropeza Hawks, PL (Gregory S. Oropeza, Esq.)
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.


Signature of Owner

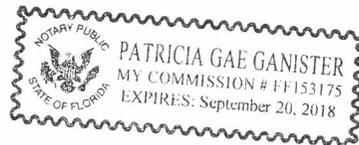
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this June 17, 2016
Date

by Edward McGinley
Name of Owner

He/She is personally known to me or has presented _____ as identification.


Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped

Commission Number, if any

**City of Key West
Planning Department**



Verification Form

(Where Authorized Representative is an individual)

I, Gregory S. Oropeza, being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

916 Pohalski Avenue, Key West

Street address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

Gregory S. Oropeza

Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this _____ by _____
date

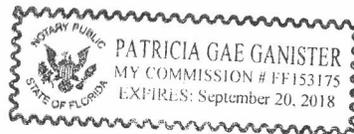
Gregory S. Oropeza

Name of Authorized Representative

He/She is personally known to me or has presented _____ as identification.

Patricia Gae Ganister

Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped

Commission Number, if any

Prepared by and Return To:

Mark S. Weinberg, Esquire
GRAY ROBINSON, P.A.
333 SE 2nd Avenue – Suite 3200
Miami, Florida 33131

05/24/2016 11:16AM
DEED DOC STAMP CL: Krys \$3,150.00

Doc# 2076918
BK# 2798 Pg# 398

Folio Number: 0002108000000056825
Grantee's TIN #: _____

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 19th day of May, 2016 between Capital Bank Corporation, a North Carolina chartered commercial bank f/k/a Capital Bank, N.A., a national association f/k/a NAFH National Bank, successor by merger with TIB Bank (the "Grantor"), whose mailing address is 6435 Naples Blvd., Naples, FL 34109, and Edward McGinley (the "Grantee"), whose mailing address is 1500 Atlantic Boulevard, Unit 201, Key West, Florida 33049.

WITNESSETH

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, its successors and assigns the following property (the "Property") lying and being in MONROE COUNTY, Florida, and more particularly described as follows:

SEE ATTACHED EXHIBIT "A".

Subject, however, to: (i) taxes and assessments for the current year and subsequent years; (ii) covenants, restrictions and public utility easements of record, without intending to reimpose any of the foregoing, and (iii) existing zoning and governmental regulations.

TOGETHER with all the tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

AND GRANTOR hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed by its duly authorized signatory on the day and year first above written.

GRANTOR:

Capital Bank Corporation, a North Carolina chartered commercial bank

Signed, sealed and delivered in the presence of these witnesses:

Witness: *Alan Clapp*
Print Name: Alan Clapp

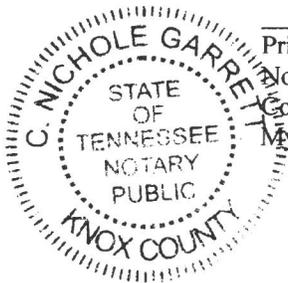
By: *Roger L. Denny*
Name: Roger L. Denny
Title: Vice President

Witness: *Glynnis Tiley*
Print Name: Glynnis Tiley

[Seal]

STATE OF Tennessee)
COUNTY OF Blount) ss.:

The foregoing instrument was acknowledged before me this 17th day of May, 2016 by Roger L. Denny as Vice President of Capital Bank Corporation, a North Carolina chartered commercial bank f/k/a Capital Bank, N.A., a national association f/k/a NAFH National Bank, successor by merger with TIB Bank, on behalf of the bank. He is personally known to me OR Produced _____ as identification.



Nichole Garrett
Print or Stamp Name: C Nichole Garrett
Notary Public
Commission No.:
My Commission Expires: 9-25-2017

Exhibit "A"

Legal Description

ON THE ISLAND OF KEY WEST AND KNOWN AS LOT 12, OF W.A. GWYNN'S PLAT OF SUBDIVISION OF TRACT 6, RECORDED IN PLAT BOOK 1, PAGE 46, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; SAID LOT HAVING A FRONT ON POHALSKI STREET OF TWENTY EIGHT FEET, SIX INCHES AND A DEPTH OF FIFTY FOUR FEET, SIX INCHES ON NICHOLAS AVENUE.

ALSO:

A PARCEL OF LAND ON THE ISLAND OF KEY WEST AND KNOWN AS LOT 14, OF PART OF TRACT 6, ACCORDING TO A DIAGRAM WHICH IS RECORDED IN PLAT BOOK 1, PAGE 46, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF THE SAID LOT 14 AND RUN THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY BOUNDARY LINE OF THE SAID LOT 14 FOR A DISTANCE OF 27.0 FEET TO THE SOUTHEASTERLY FACE OF AN EXISTING ONE STORY METAL BUILDING; THENCE SOUTHWESTERLY WITH A DEFLECTION ANGLE OF 90°25'28" TO THE RIGHT ALONG SAID BUILDING FOR A DISTANCE OF 0.8 FEET TO THE SOUTHERLY CORNER OF SAID BUILDING; THENCE NORTHWESTERLY AND AT RIGHT ANGLES ALONG THE SOUTHWESTERLY FACE OF SAID BUILDING FOR A DISTANCE OF 27.0 FEET TO THE NORTHWESTERLY BOUNDARY LINE OF THE SAID LOT 14: THENCE NORTHEASTERLY AND ALONG THE SAID BOUNDARY LINE FOR A DISTANCE OF 0.6 FEET BACK TO THE POINT OF BEGINNING.



Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

Property Record Card -

Maps are now launching the new map application version.

Alternate Key: 1021822 Parcel ID: 00021080-000000

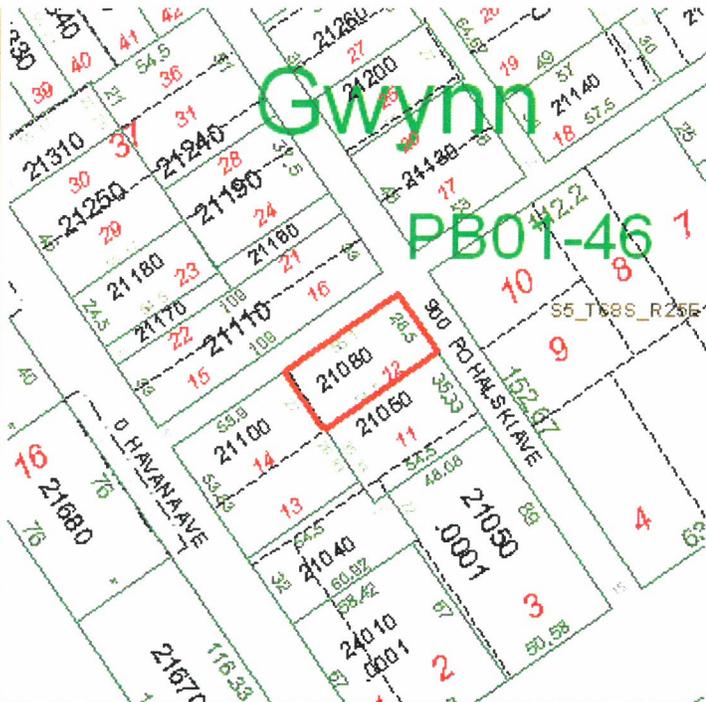
Ownership Details

Mailing Address:
MCGINLEY EDWARD
1500 ATLANTIC BLVD APT 201
KEY WEST, FL 33040-5074

Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 05-68-25
Property Location: 916 POHALSKI AVE KEY WEST
Legal Description: KW PB1-46 LOT 12 AND PT LOT 14 OF TR 6 G2-596 C5-120 OR559-773 OR584-204 OR757-600/01 OR862-854 OR873-950 OR1031-1477 OR1044-1593C OR1460-840/41 OR1779-2294AFF OR2220-1551 OR2220-1554 OR2243-2163/65 OR2658-1833/34C/T OR2798-398/400

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY			1,572.15 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 1256
 Year Built: 1918

Building 1 Details

Building Type
 Effective Age 24
 Year Built 1918
 Functional Obs 0

Condition A
 Perimeter 182
 Special Arch 0
 Economic Obs 0

Quality Grade 400
 Depreciation % 30
 Grnd Floor Area 1,256

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

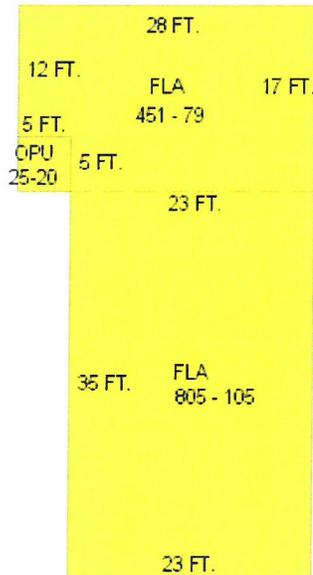
Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 8

Vacuum 0
 Garbage Disposal 0
 Compactor 0
 Security 0
 Intercom 0
 Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1989					805
2	FLA		1	1989					451
3	OPU		1	1989					25

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	3482	CLUBS-LDGE-HALLS C	100	N	N
	3483	APARTMENTS	100	N	N
	3484	OPU	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
915	MIN WOOD SIDING	42

916

METAL SIDING

58

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	100 SF	0	0	1979	1980	4	30
2	FN2:FENCES	48 SF	0	0	1991	1992	2	30

Appraiser Notes

2006-8-10 - OLD COFFEE MILL BLDG.BCS

LOCATION ADJUSTMENT WARRANTED ON THIS PARCEL DUE TO LIMITED STREET EXPOSURE.

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
1 12-3467	10/17/2012	12/11/2013	6,000	Residential	*REVISION #1 - DO NOT DO MAINTENANCE & PAINT AS PER 12-01-1555. REMOVE & REPLACE 200 SF OF METAL SHINGLES.
1 12-3467	09/21/2012	12/11/2013	3,000	Residential	REMOVE SKYLIGHT & INFILL PATCH ROOF MAINT. & PAINT 2000 SQS. OF ROOFING, PAINT SILVER.

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2015	118,248	492	101,589	220,329	220,329	0	220,329
2014	123,316	447	101,589	225,352	225,352	0	225,352
2013	123,316	447	101,589	225,352	225,352	0	225,352
2012	130,073	447	136,000	266,520	266,520	0	266,520
2011	130,073	447	136,000	266,520	245,909	0	266,520
2010	130,073	447	93,034	223,554	223,554	0	223,554
2009	130,073	452	200,917	331,442	331,442	0	331,442
2008	135,141	459	410,736	546,336	546,336	0	546,336
2007	92,226	464	275,127	367,817	367,817	0	367,817
2006	75,087	469	125,772	201,328	201,328	0	201,328
2005	77,834	476	110,051	188,361	188,361	0	188,361
2004	77,787	481	94,329	138,317	138,317	0	138,317
2003	77,787	486	47,165	138,317	138,317	0	138,317
2002	84,072	493	47,165	131,730	131,730	0	131,730
2001	84,072	498	47,165	131,735	131,735	0	131,735
2000	69,236	125	29,871	99,232	99,232	0	99,232
1999	69,236	128	29,871	99,235	99,235	0	99,235
1998	46,266	130	29,871	76,267	76,267	0	76,267
1997	46,266	137	26,726	73,129	73,129	0	73,129

1996	42,059	148	26,401	68,608	68,608	0	68,608
1995	42,059	156	26,401	68,616	68,616	0	68,616
1994	42,059	164	26,401	68,624	68,624	0	68,624
1993	42,059	114	26,401	68,574	68,574	0	68,574
1992	42,059	120	26,401	68,580	68,580	0	68,580
1991	41,342	126	26,401	67,869	67,869	25,000	42,869
1990	45,768	134	22,130	68,032	68,032	25,000	43,032
1989	64,108	0	21,742	85,850	85,850	25,000	60,850
1988	63,649	0	18,636	82,285	82,285	25,000	57,285
1987	48,813	0	8,386	57,199	57,199	0	57,199
1986	48,947	0	8,386	57,333	57,333	0	57,333
1985	48,217	0	6,141	54,358	54,358	0	54,358
1984	12,108	0	6,141	18,249	18,249	0	18,249
1983	12,195	0	6,141	18,336	18,336	0	18,336
1982	6,856	0	4,482	11,338	11,338	0	11,338

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
5/17/2016	2798 / 398	450,000	<u>WD</u>	<u>99</u>
11/14/2013	2658 / 1833	100	<u>CT</u>	<u>12</u>
6/20/2006	2220 / 1554	75,000	<u>WD</u>	<u>Q</u>
9/1/1987	1031 / 1477	100,000	<u>WD</u>	<u>Q</u>
9/1/1982	862 / 854	8,000	<u>QC</u>	<u>U</u>
2/1/1978	757 / 600	6,000	00	<u>Q</u>

This page has been visited 134,181 times.

Monroe County Property Appraiser
 Scott P. Russell, CFA
 P.O. Box 1176 Key West, FL 33041-1176

BEARING BASE:
ALL BEARINGS ARE BASED
ON S24°45'55"E ASSUMED
ALONG THE CENTERLINE OF
POHALSKI AVENUE.

ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED

ALL UNITS ARE SHOWN IN
U.S. SURVEY FEET

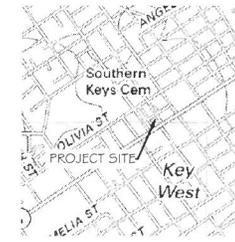
ADDRESS:
916 POHALSKI AVENUE
KEY WEST, FL 33040

COMMUNITY NO.: 120168
MAP NO.: 12087C-1516K
MAP DATE: 02-18-05
FLOOD ZONE: X SHADED

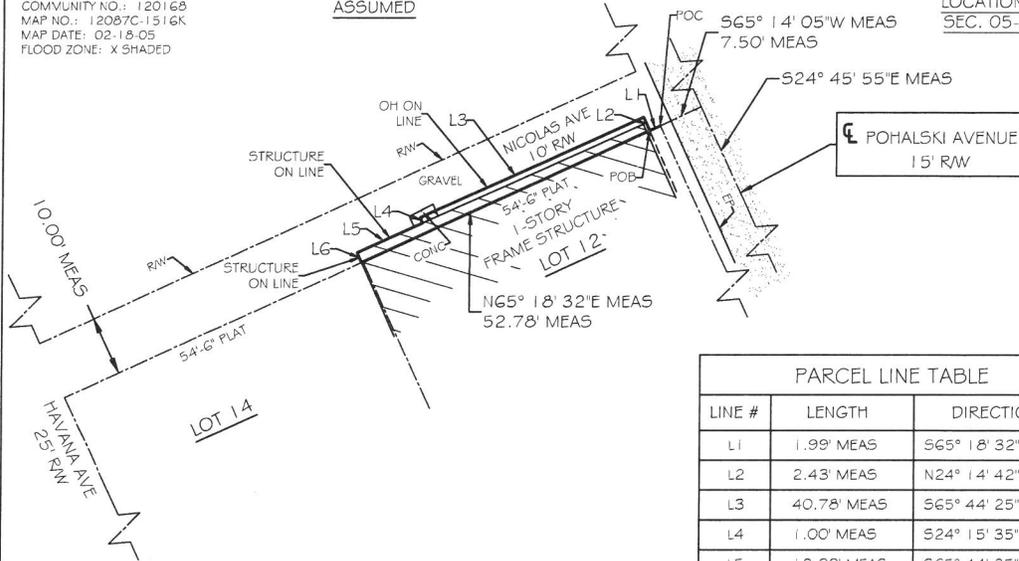
LEGAL DESCRIPTION SKETCH



ASSUMED



LOCATION MAP - NTS
SEC. 05-T685-R25E



PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	1.99' MEAS	S65° 18' 32" W MEAS
L2	2.43' MEAS	N24° 14' 42" W MEAS
L3	40.78' MEAS	S65° 44' 25" W MEAS
L4	1.00' MEAS	S24° 15' 35" E MEAS
L5	12.00' MEAS	S65° 44' 25" W MEAS
L6	1.83' MEAS	S24° 16' 53" E MEAS

LEGAL DESCRIPTION (AUTHORED BY THE UNDERSIGNED)

A parcel of land on the Island of Key West and known on W.A. Gwynn's Plat of Subdivision of Tract 6 as a portion of the Nicolas Ave Right of Way adjacent to Lots 12 and 14, according to the said Plat which is recorded in Plat Book 1, Page 46, of the Public Records of Monroe County, Florida and being more particularly described by metes and bounds as follows:

Commencing at the Southwesterly corner of the intersection of Pohalski Avenue and Nicolas Ave said point also being the Northeasterly corner of the said Lot 12, and running thence S65°18'32"W along the Southeastery Right of Way Line of Nicolas Ave for a distance of 1.99 feet to the Northeastery face of an existing roof overhang and the Point of Beginning of the parcel of land hereinafter described; thence N24°14'42"W and along the said Northeasterly face of an existing roof overhang for a distance of 2.43 feet to the Northeasterly corner of the said roof overhang; thence S65°44'25"W and along the Northwesterly face of the said existing roof overhang for a distance of 40.78 feet to the Southwesterly corner of the said existing roof overhang; thence S24°15'35"E and along the Southwesterly face of the said existing roof overhang for a distance of 1.00 feet to the Northwesterly face of an existing frame structure; thence S65°44'25"W and along the said Northwesterly face of an existing frame structure for a distance of 12.00 feet to the Southwest corner of the said existing frame structure; thence S24°16'53"E and along the Southwesterly face of the said existing frame structure for a distance of 1.83 feet to a point on the said Southeastery Right of Way Line of Nicolas Ave; thence N65°18'32"E and along the said Southeastery Right of Way Line of Nicolas Ave for a distance of 52.78 feet back to the Point of Beginning.

1"=20'

TOTAL AREA = 126.63 SQFT ±

NOTE: THIS IS NOT A BOUNDARY SURVEY. ANY BOUNDARY OR RIGHT OF WAY LINES SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY, AND ARE A GRAPHICAL REPRESENTATION OF THE BOUNDARY BASED ON THE RECOVERY OF SUFFICIENT BOUNDARY MONUMENTATION TO SPATIALLY DEFINE THE LINES. NO ATTEMPT WAS MADE TO RESOLVE CONFLICTS BETWEEN THE RECOVERED BOUNDARY INFORMATION AND OCCUPANCY LINES.

- NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE. THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET.
- BFP = BACK FLOW PREVENTER
 - BO = BLOW OUT
 - C 4 B = 2" CONCRETE CURB & GUTTER
 - CB = CONCRETE BLOCK
 - CBW = CONCRETE BLOCK WALL
 - CL = CENTERLINE
 - CLF = CHAINLINK FENCE
 - CM = CONCRETE MONUMENT
 - CONC = CONCRETE
 - CPP = CONCRETE POWER POLE
 - COVD = COVERED
 - DELTA = CENTRAL ANGLE
 - DEASE = DRAINAGE EASEMENT
 - EL = ELEVATION
 - ENCL = ENCLOSURE
 - EP = EDGE OF PAVEMENT
 - FF = FINISHED FLOOR ELEVATION
 - FI = FIRE HYDRANT
 - F = FENCE INSIDE
 - FND = FOUND
 - FO = FENCE OUTSIDE
 - FOL = FENCE ON LINE
 - GLY = GUY WIRE
 - HB = HOSE BIB
 - IP = IRON PIPE
 - IR = IRON ROD
 - L = ARC LENGTH
 - LS = LANDSCAPING
 - MB = MAILBOX
 - MEAS = MEASURED
 - MF = METAL FENCE
 - MHW = MEAN HIGH WATER LINE
 - NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929)
 - NTS = NOT TO SCALE
 - OH = ROOF OVERHANG
 - OHW = OVERHEAD WIRES
 - PC = POINT OF CURVE
 - PM = PARKING METER
 - PCC = POINT OF CURVATURE
 - PCP = PERMANENT CONTROL POINT
 - PK = PARKER-KALON NAIL
 - POB = POINT OF BEGINNING
 - PI = POINT OF INTERSECTION
 - POC = POINT OF COMMENCEMENT
 - POC = POINT OF SEVERE CURVE
 - PSM = PERMANENT SURVEY MONUMENT
 - PT = POINT OF TANGENT
 - R = RADIUS
 - RAW = RIGHT OF WAY LINE
 - SSGD = SANITARY SEWER CLEAN-OUT
 - SW = SIDE WALK
 - TRM = TEMPORARY BENCHMARK
 - TOR = TOP OF BANK
 - TOE = TOE OF SLOPE
 - TS = TRAFFIC SIGN
 - TP = TYPICAL
 - UR = UNREPAIRABLE
 - ULP = UTILITY EASEMENT
 - WD = WOOD DECK
 - WF = WOOD FENCE
 - WL = WOOD LANDING
 - WM = WATER METER
 - WPP = WOOD POWER POLE
 - WRACK LINE = LINE OF DEBRIS ON SHORE
 - WV = WATER VALVE

CERTIFIED TO -
Edward McGinley;

NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR HIATUS. ADDITIONS OR DELETIONS TO SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY. THE BOLD LINE SHOWN HEREON REPRESENTS THE SURVEYOR'S OPINION OF THE DEED LINES. THE MEAN HIGH WATER LINE WAS NOT DETERMINED FOR THIS SURVEY. THE APPARENT MEAN HIGH WATER LINE IS SHOWN FOR REFERENCE ONLY.

SCALE: 1"=20'
FIELD WORK DATE: 12/11/2015
REVISION DATE: XXXXXXXX
SHEET 1 OF 1
DRAWN BY: MPB
CHECKED BY: EAI
JOB NO: 16-270

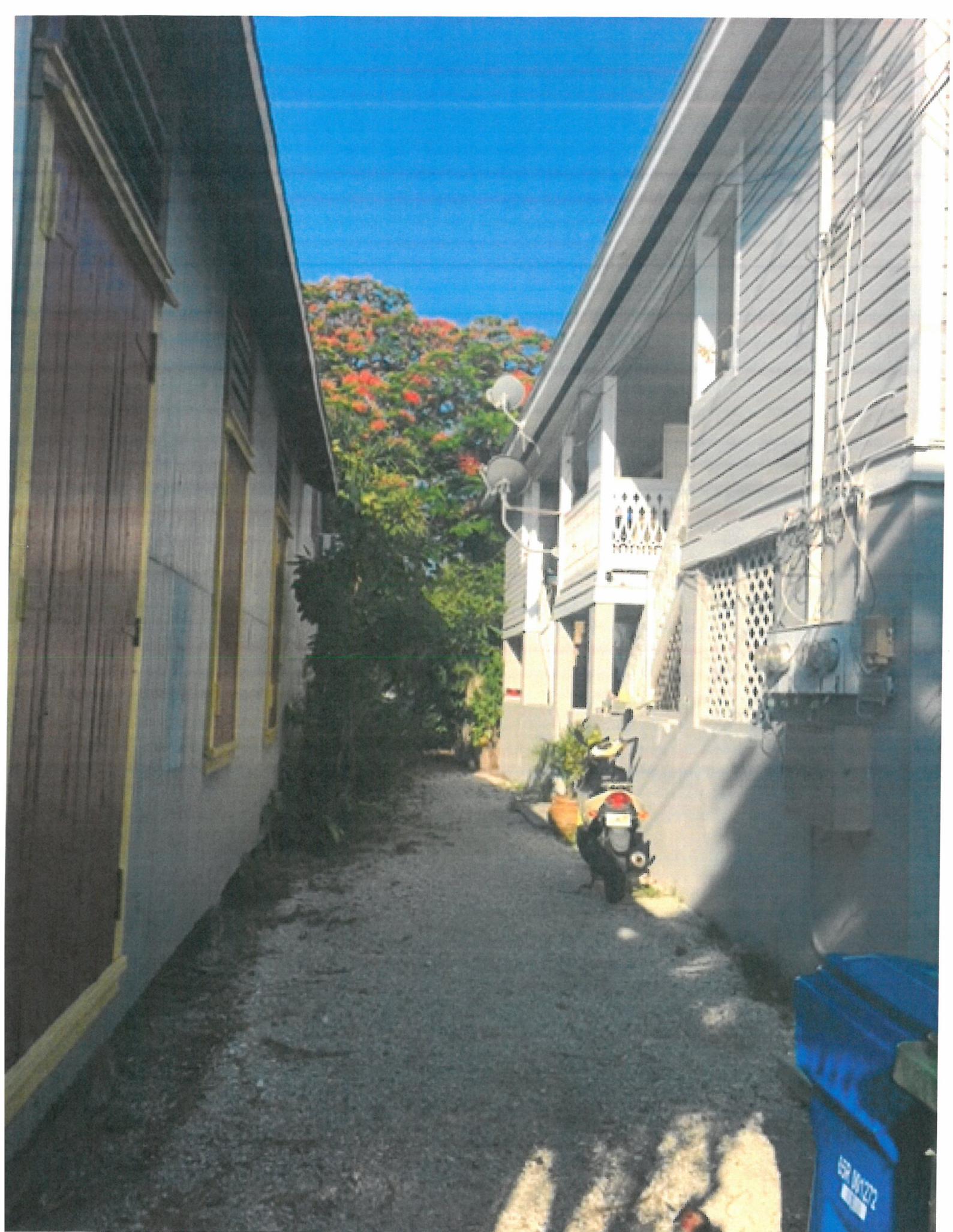
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER SJ-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND COMPLIES WITH CHAPTER 177, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER.

SIGNED
ERIC A. ISAACS, #6783, PROFESSIONAL SURVEYOR AND MAPPER, LB# 7847

**FLORIDA KEYS
LAND SURVEYING**

1996G OVERSEAS HIGHWAY
SUGARLOAF KEY, FL 33042
PHONE: (305) 394-3690
FAX: (305) 509-7373
EMAIL: FKL5email@gmail.com



**PLANNING BOARD
RESOLUTION NO. 2016-21**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING A CHANGE OF NONCONFORMING USE FROM COMMERCIAL RETAIL TO MEDICAL USE ON PROPERTY LOCATED AT 916 POHALSKI AVENUE (RE # 00021080-000000; AK # 1021822) IN THE HISTORIC HIGH DENSITY RESIDENTIAL (HHDR) ZONING DISTRICT PURSUANT TO SECTION 122-32(E) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the applicant proposes to change an existing nonconforming commercial retail use to a medical use on property located at 916 Pohalski Avenue (RE # 00021080-000000; AK # 1021822); and

WHEREAS, the property is located within the Historic High Density Residential (HHDR) Zoning District; and

WHEREAS, Section 122-32(e) of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that a nonconforming use of a building or structure may be changed to another nonconforming use under certain findings of the Planning Board; and

WHEREAS, the new use is equally or more appropriate to the zoning district; and

WHEREAS, the change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage; and

WHEREAS, the Planning Board finds that the granting of the change of nonconforming use



Chairman


Planning Director

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.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

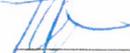
Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That a change of nonconforming use from commercial retail to medical use is hereby granted on property located at 916 Pohalski Avenue (RE # 00021080-000000; AK # 1021822) within the HHDR Zoning District pursuant to Section 122-32(e) of the City of Key West Land Development Regulations.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this change of nonconforming use in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate this change of nonconforming use, which change of nonconforming use shall be of no force or effect.

Section 5. This change of nonconforming use does 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.


Chairman

Planning Director

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 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.



Chairman



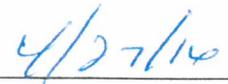
Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 21st day of April, 2016.

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



Sam Holland, Jr., Planning Board Chairman



Date

Attest:



Thaddeus Cohen, Planning Director



Date

Filed with the Clerk:



Cheryl Smith, City Clerk



Date



Chairman



Planning Director