

September 14, 2016

Mr. Patrick Wright, Senior Planner
City of Key West
P.O. Box 1409
Key West, FL 33041

RE: 417 Southard Street (RE No. 00010040-000000)



Dear Mr. Wright:

My client, Tap Johnson, owns the property known as 417 Southard Street (Victor Mill's old Honda Shop). As you know, we were recently pursuing a zoning change for this property along with several other adjacent parcels. As we began analyzing the change, with your assistance, it became clear that Mr. Johnson's property was unique among the others.

While all the properties involved have long-established nonconforming commercial uses consistent with HRCC-1 zoning, the majority of Mr. Johnson's commercial floor area is already zoned HRCC-1 but has a smaller portion that is zoned HRO. The unique peculiarity of this split zoned property is that the zoning line bisects the existing structure creating uncertainty with regard to uses allowed within the structure and the property as whole (please see Existing and Proposed depictions).

As you pointed out, Sec. 122-94ⁱ sets forth the method for determining zoning boundaries when uncertainties exist and Sec 122-94(7) specifically addresses situations like the above where physical features existing on the ground are at variance with the zoning map and create uncertainty.

I appreciate your guidance in this matter and I'd like to take the next step and respectfully request an interpretation of boundary location by the City Commission pursuant to Sec. 122-94(7).

We have not previously made such a request, so we would appreciate your continued guidance. If you could be so kind as to consider the above and give us direction, we will be greatly appreciative.

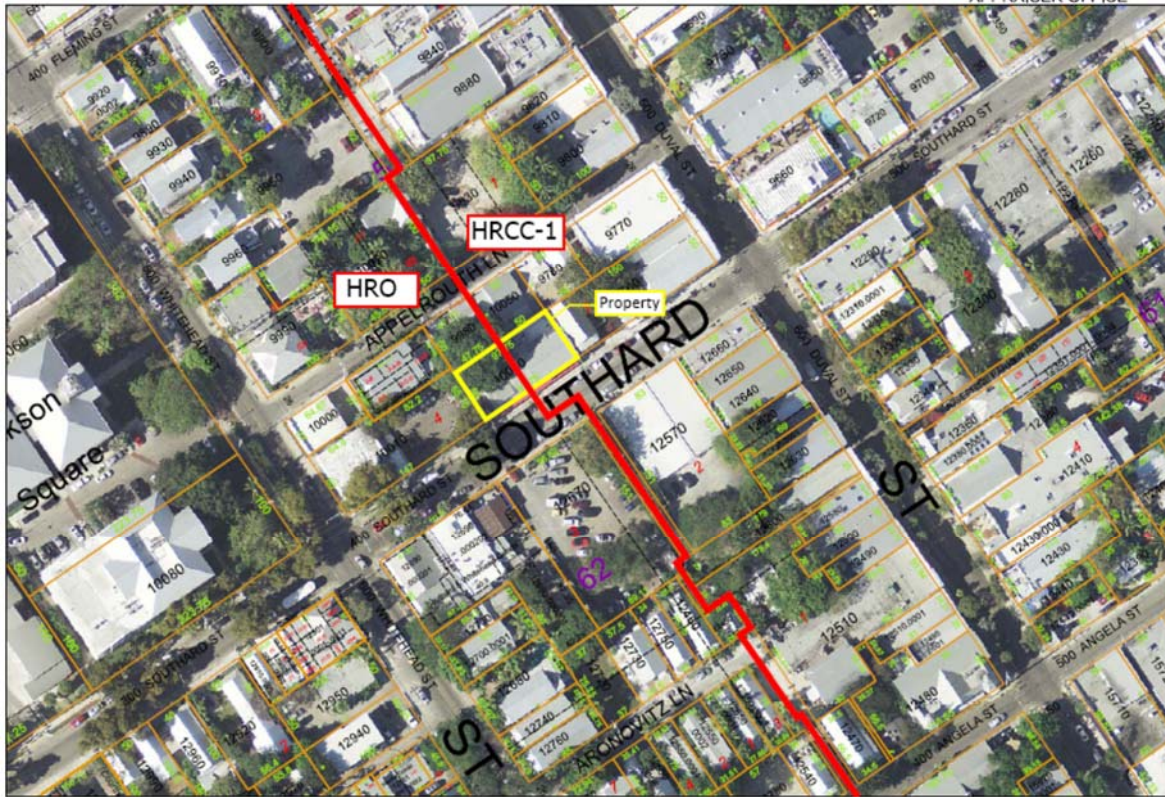
Thank you very much for your consideration in the above matter.

Respectfully,

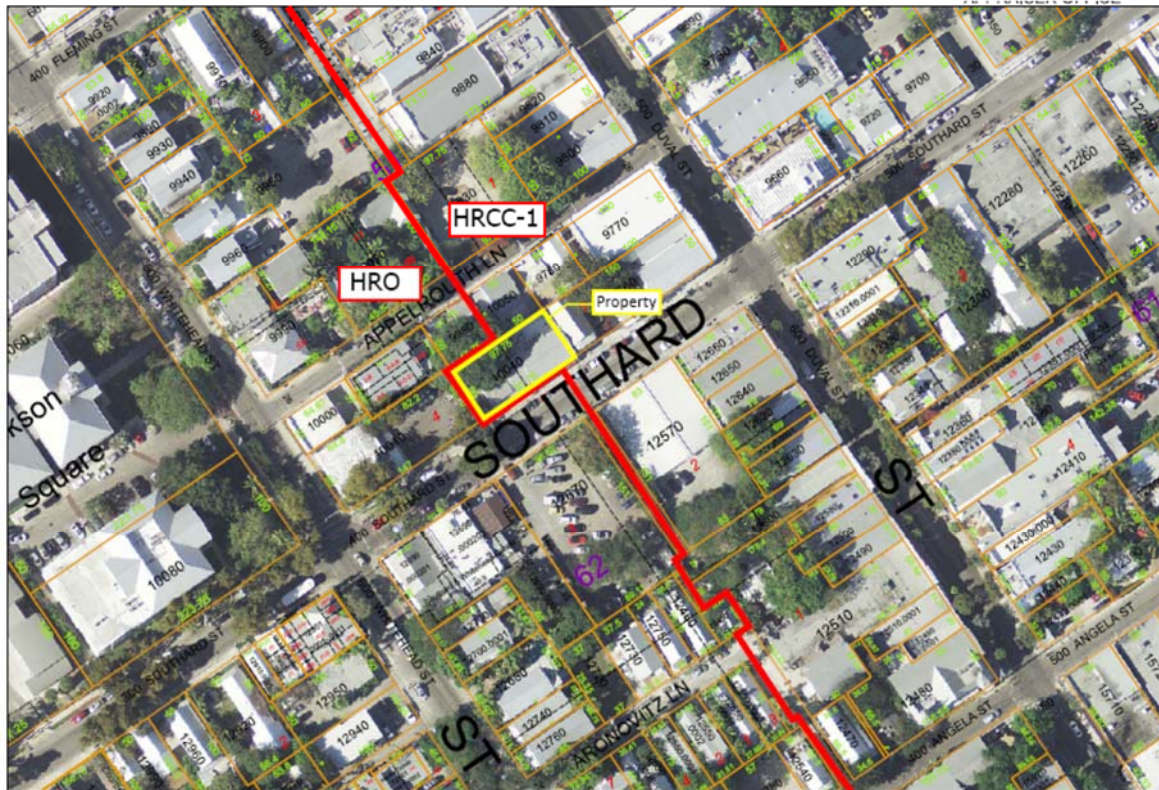


Owen Trepanier

Existing:



Proposed:



Sec. 122-94. - Interpretation of district boundaries.

When uncertainty exists as to boundaries of the districts on the official zoning map, the following rules shall apply:

- (1) *Centerlines.* Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such lines.
- (2) *Lot, section and tract lines.* Boundaries indicated as approximately following platted lot lines or section or tract lines shall be construed as following such lines.
- (3) *Political boundaries.* Boundaries indicated as approximately following political boundaries shall be construed as following such political boundaries.
- (4) *Shorelines.* Boundaries indicated as following shorelines shall be construed as following the mean high water line (MHW), and if the mean high water line changes, the shoreline shall be construed as moving with the mean high water line. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
- (5) *Parallel lines.* Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (4) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (6) *Bisecting lines.* Where district boundary lines approximately bisect blocks, the boundaries are the median line of such blocks, between the centerlines of boundary streets.
- (7) *Uncertainties.* Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or if any other uncertainty exists, the city commission shall interpret the intent of the official zoning map as to the location of district boundaries.
- (8) *Street abandonments.* Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned road, street, or alley.
- (9) *Excluded areas.* Where parcels of land and water areas have been inadvertently excluded from a zoning district classification in any manner, such parcels shall be classified in conformance with the most restrictive zoning district which abuts the excluded area until or unless changed pursuant to amendment procedures contained in this division.