

January 8, 2018

Mr. Patrick Wright, Planning Director City of Key West 1300 White Street Key West, FL 33040



## TREPANIER



&ASSOCIATES INC LAND USE PLANNING DEVELOPMENT CONSULTANTS

#### RE: 3722 Eagle Avenue

Dear Patrick,

Attached is a variance request for impervious surface for the above property. The purpose of the request is to allow the construction of a wheelchair-accessible single-family home at 3722 Eagle Avenue.

You and I reviewed this project some time ago. At that time, the design required several variances. You requested we redesign the project to eliminate all but the minimum variances needed to construct the home. The owners took your direction seriously and redesigned. The current proposal meets all dimensional requirements, except for impervious surface.

Unfortunately, bringing the project into compliance with the ISR would have required the automobile parking space to be uncovered. From a wheelchair-accessibility perspective an uncovered/unenclosed parking space creates a hardship for the owners; i.e. having to maneuver into and out of the car in open weather and potentially wet, slippery, surfaces create a safety hazard for the wheelchair-bound individual. Also, a portion of the outdoor space needs to be constructed from an impervious surface, again, for wheelchair accessibility.

We appreciate your advice and assistance. We hope you can support the request.

Thank you and best regards.

Owen Trepanier





## **Application For Variance**

City of Key West, Florida • Planning Department 1300 White Street • Key West, Florida 33040• 305-809-3720 • www.cityofkeywest-fl.gov

#### Application Fee: \$1,150.00 / After-the-Fact: \$2,150.00

(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

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: 3722 Eagle Avenue	
Zoning District: SF	Real Estate (RE) #: 00052200-000000
Property located within the Historic District?	$\Box$ Yes $\Box$ No
Name: Trepanier & Associates, Inc.	ized Representative
Mailing Address: 1421 1st Street #101	
City: Key West	State: FLZip: <u>33040</u>
Home/Mobile Phone: NA Of	fice: 305-293-8983 Fax: 305-293-8748
Email: owen@owentrepanier.com	
Name: John Tahtabrounian & Amy Tahtabrounian Mailing Address: <u>412 Dekalb Street</u> City: Norristown	or , PA
	State:         PA         Zip:         19401           fice:         C/o 305-293-8983         Fax:         C/o 305-293-8748
Email: <u>C/o owen@owentrepanier.com</u>	fice: Fax: Fax:
Description of Proposed Construction, Development,	and Use: Single family home
List and describe the specific variance(s) being reques Impervious Surface - 6.4%	sted:

Are there any easements, deed restrictions or other encumbrances attached to the property? $\Box$ Yes	🎽 No
If yes, please describe and attach relevant documents: None known	

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
Is this variance request for habitable space pursuant to Section 122-1078?	I Yes	🎽 No

**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	SF			
Flood Zone				
Size of Site	6,000.00	1		
Height	25ft + 5ft	NA	24.5ft	NA
Front Setback	20ft	NA	20ft	NA
Side Setback	5ft	NA	5ft	NA
Side Setback	5ft	NA	5ft	NA
Street Side Setback	10ft	NA	NA	NA
Rear Setback	20ft	NA	20ft	NA
F.A.R	NA	NA	NA	NA
Building Coverage	35% (2,100)	NA	34.9% (2,096)	NA
Impervious Surface	50% (3,000)	NA	56.4% (3,385)	6.4%
Parking	1	NA	1	NA
Handicap Parking	0	NA	0	NA
Bicycle Parking	0	NA	0	NA
<b>Open Space/ Landscaping</b>	35% (2,100)	NA	35% (2,100)	NA
Number and type of units	1 SFR	NA	1 SFR	NA
Consumption Area or Number of seats	NA	NA	NA	NA

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 <a href="http://www.municode.com/Library/FL/Key\_West">http://www.municode.com/Library/FL/Key\_West</a> 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.

City of Key West • Application for Variance

#### **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:

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.

This property is below flood. The homeowners are required to elevate above flood. The property also needs to be wheelchair accessible. In order to be accessible, the entire site will be raised above flood. Secondly, accessibility requires surfaces upon which a wheelchair may operate and this increases the amount of on-site impervious surface.

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

As mentioned above, the property is below flood and so must meet current FEMA flood elevations. FEMA together with the need for accessibility works to create conditions that increase impervious surface and pushes it slightly above the strict application of the LDRs.

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.

No special privileges will be conferred. The increase in impervious will simply allow a person with wheelchair accessibility needs the same rights and privileges as someone without such needs.

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.

Hardship conditions exist. If the homeowner is not allowed to construct a home that allows adequate wheelchair accessibility, then they will be deprived of rights commonly enjoyed by other properties in the same zoning district.

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.

As demonstrated in the application, this is the minimum variance necessary to make reasonable use of the land, buildings and structures. We seek only the impervious surface variance, which is necessary to allow full wheelchair accessibility in order for the owner to quietly enjoy their home.

City of Key West • Application for Variance

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.

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.

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.

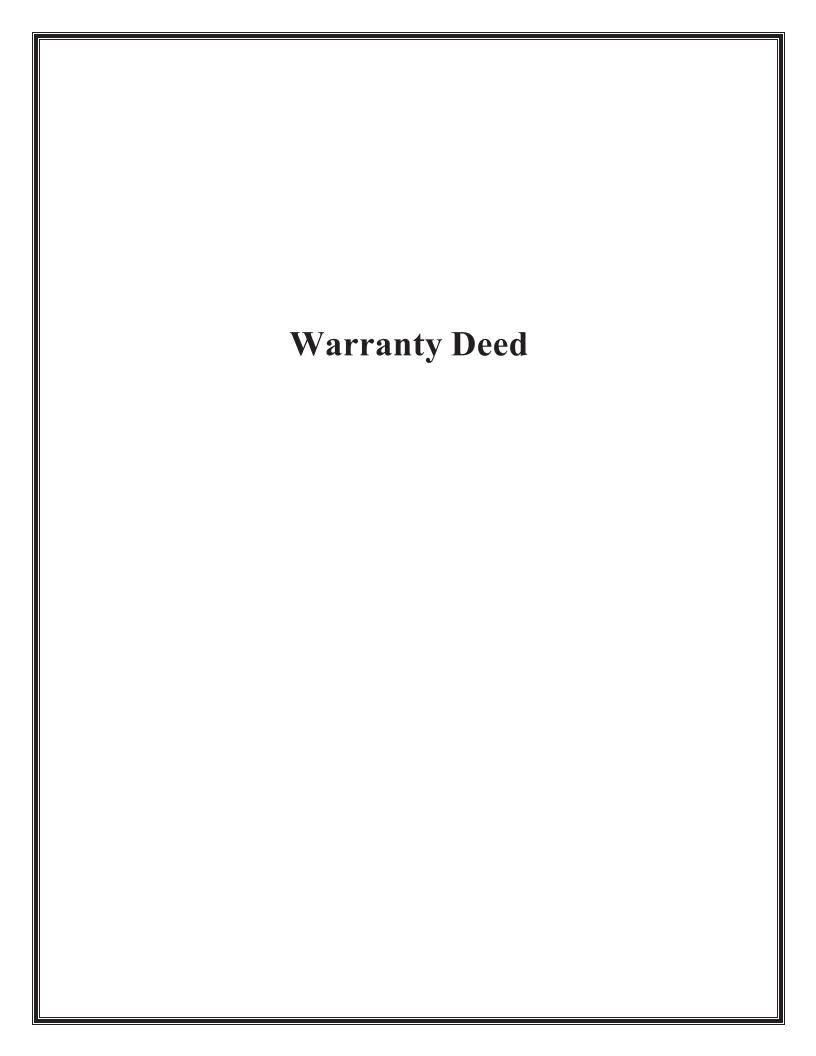
Existing nonconforming uses of other property is not the basis for this request.

### 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 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 survey
- Site plan (plans MUST be signed and sealed by an Engineer or Architect)
- Floor plans
- Stormwater management plan



Doc# 2124729 05/25/2017 3:29PM Filed & Recorded in Official Records of MONNROE COUNTY KEVIN MADOK

05/25/2017 3:29PM DEEL) DOC STAMP CL: Krys \$3,150.00

Doc# 2124729 Bk# 2356 Pg# 872

Prepared by and return to: David Van Loon, Esq. Attorney at Law Highsmith & Van Loon, P.A. 3158 Northside Drive Key West, FL 33040 305-296-8851 File Number: 1709-042 Will Call No.:

Parcel Identification No. 00052200-000000

[Space Above This Line For Recording Data]

### Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 25th day of May, 2017 between J. Douglas Brown as Trustee of the J. Douglas Brown Declaration of Trust Dated June 27, 2016 whose post office address is 3636 Eagle Avenue, Key West, FL 33040 of the County of Monroe, State of Florida, grantor\*, and John Tahtabrounian and Amy Tahtabrounian, husband and wife whose post office address is 412 Dekalb Street, Norristown, PA 19401 of the County of Montgomery, State of Pennsylvania, grantee\*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

Lot 29, Block 2, Key West Foundation Company's Plat No. 1, according to the plat thereof as recorded in Plat Book 1, Page 155, Public Records of Monroe County, Florida.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

\* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

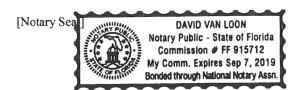
itness Mame: AUN itness Name:

nu Trusta Douglas Brown, Trustee

Doc# 2124729 Bk# 2856 Pg# 873

State of Florida County of Monroe

The foregoing instrument was acknowledged before me this 25th day of May, 2017 by J Douglas Brown, Trusteee(s) of the J. Douglas Brown Declaration of Trust Dated June 27, 2016, who [1] is personally known or [X] has produced a driver's license as identification.



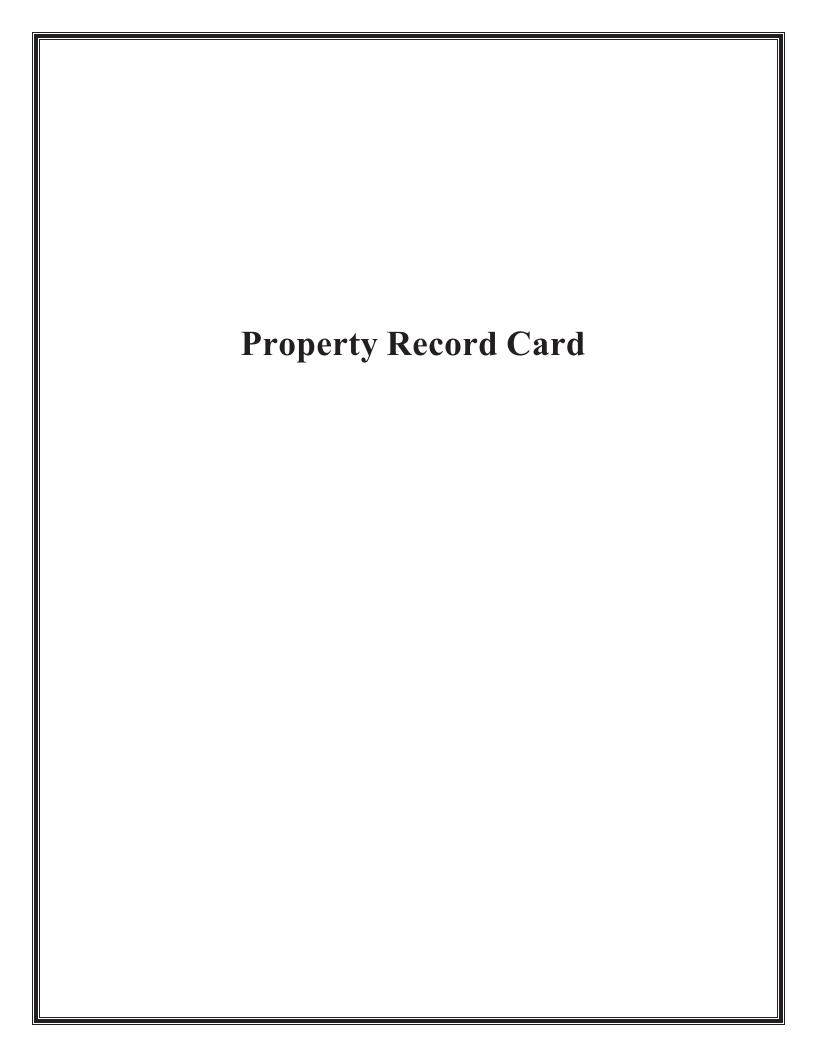
David Van Loon

9-7-19

My Commission Expires:

Printed Name:

MONROE COUNTY OFFICIAL RECORDS





#### Summary

Parcel ID Account # Property ID	00052200-000000 1052841 1052841
Millage Group	10KW
Location	3722 EAGLE AVE , KEY WEST
Address	
Legal	SQR 2 LT 29 KEY WEST KW FWDN SUB PLAT 1 PB1-155 OR15-32/33
Description	OR343-350/51 OR634-86 OR1451-245 OR2463-2042/43C/T OR2477-1596/97
	OR2804-1163/64 OR2856-872/73
	(Note: Not to be used on legal documents)
Neighborhood	6203
Property Class	VACANT RES (0000)
Subdivision	Key West Foundation Co's Plat No 1
Sec/Twp/Rng	34/67/25
Affordable	No
Housing	



10/21/2010

#### Owner

TAHTABROUNIAN AMY H/W	TAHTABROUNIAN JOHN
412 Dekalb ST	412 Dekalb ST
Norristown PA 19401	Norristown PA 19401

#### Valuation

	2017	2016	2015	2014
+ Market Improvement Value	\$O	\$0	\$0	\$0
+ Market Misc Value	\$O	\$0	\$0	\$0
+ Market Land Value	\$360,000	\$436,500	\$345,000	\$234,000
= Just Market Value	\$360,000	\$436,500	\$345,000	\$234,000
= Total Assessed Value	\$223,855	\$203,505	\$185,005	\$168,187
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$360,000	\$436,500	\$345,000	\$234,000

#### Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	6,000.00	Square Foot	50	120

#### Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
5/25/2017	\$450,000	Warranty Deed	2124729	2856	872	01 - Qualified	Improved
6/27/2016	\$100	Warranty Deed		2804	1163	11 - Unqualified	Vacant
7/21/2010	\$170,300	Warranty Deed		2477	1596	37 - Unqualified	Improved
4/30/2010	\$100	Certificate of Title		2463	2042	12 - Unqualified	Improved
2/1/1975	\$35,000	Conversion Code		634	86	Q - Qualified	Improved

#### Photos







Map

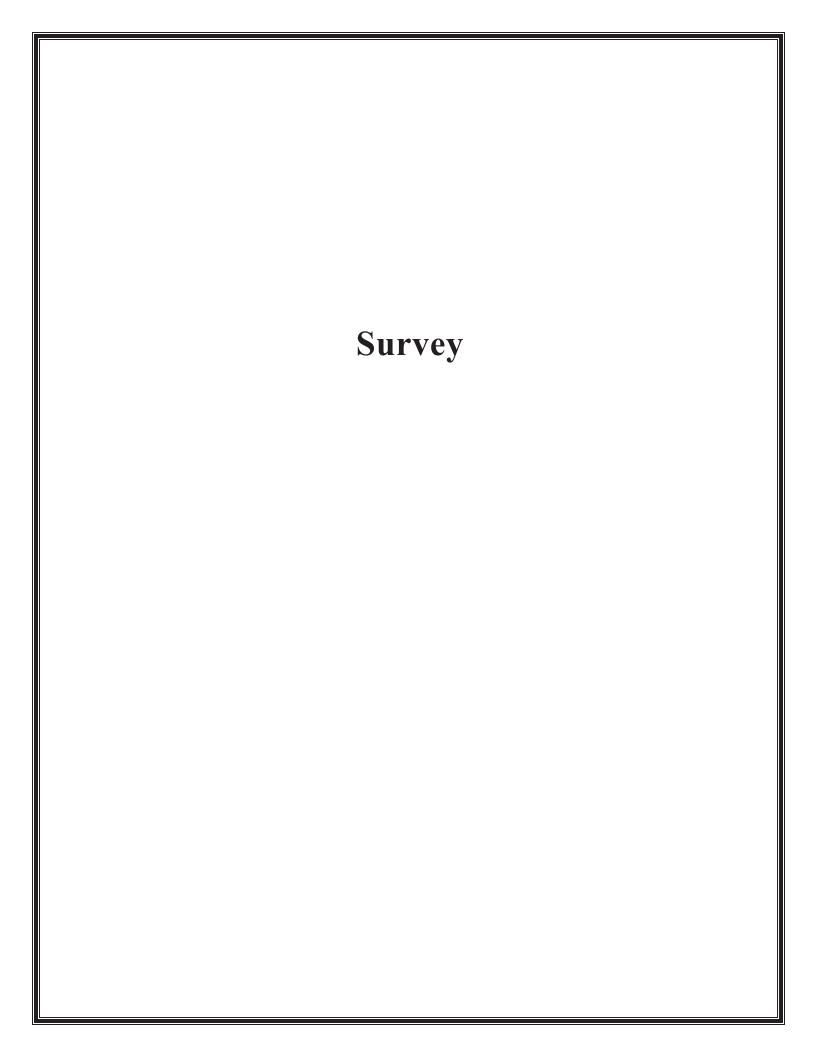


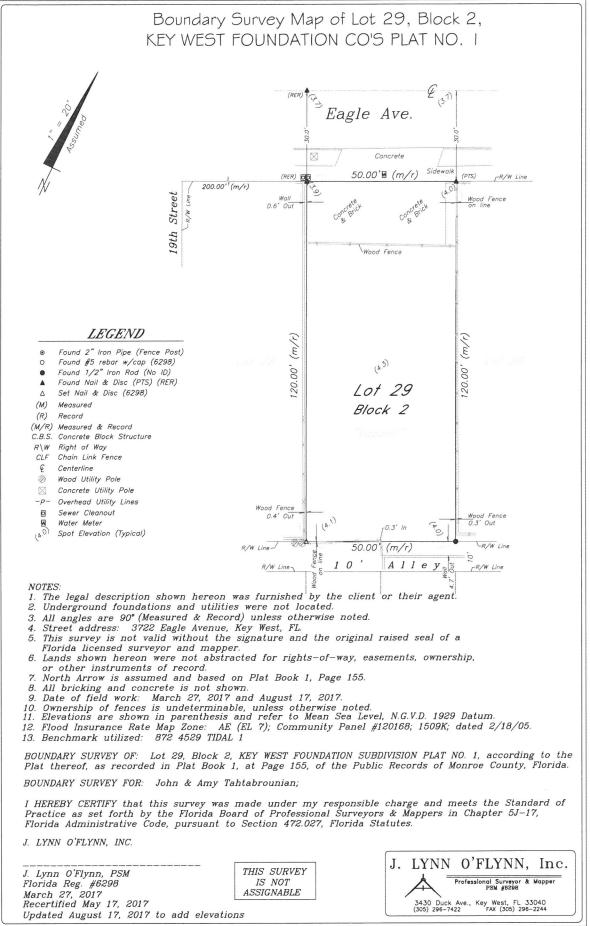
No data available for the following modules: Buildings, Commercial Buildings, Mobile Home Buildings, Yard Items, Exemptions, Sketches (click to enlarge).

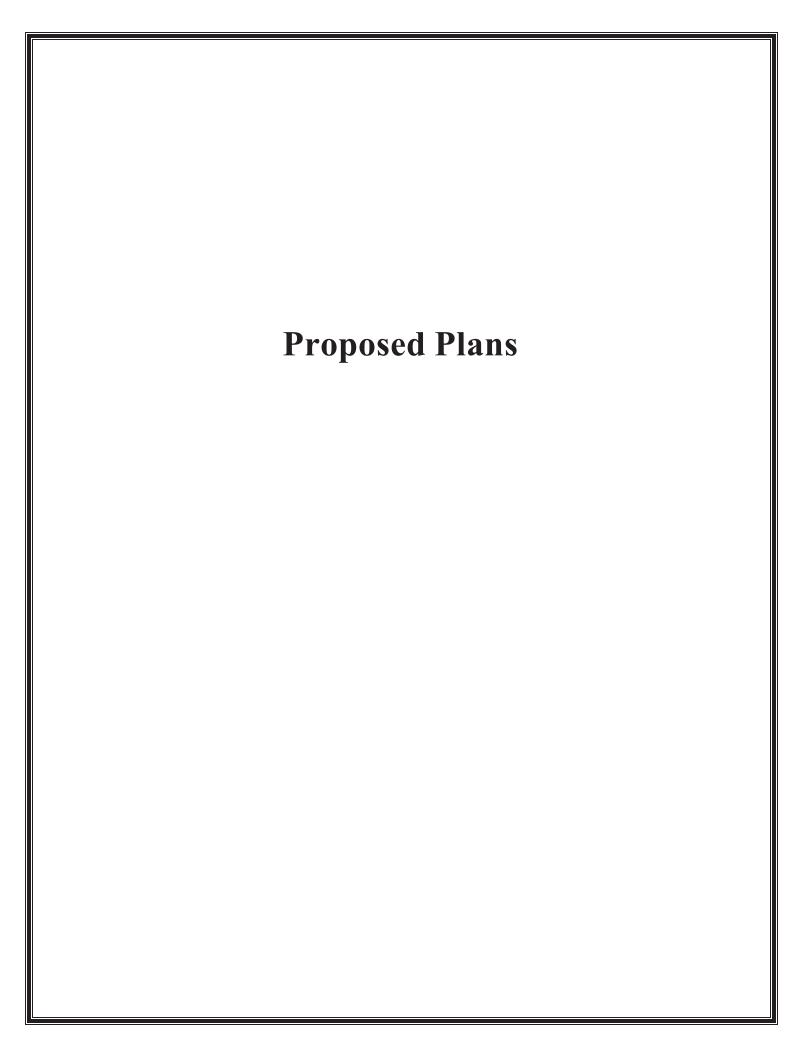
The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

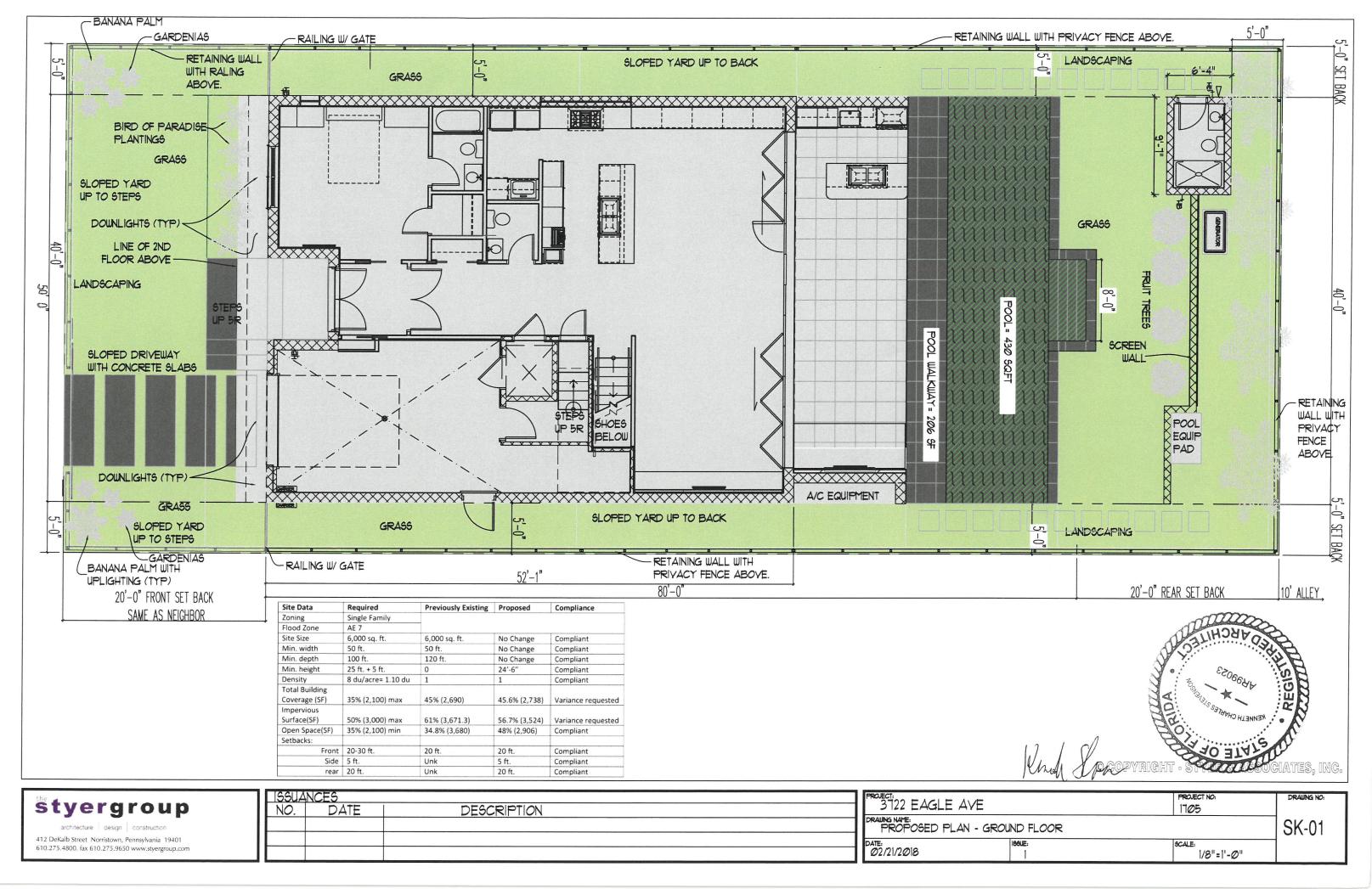


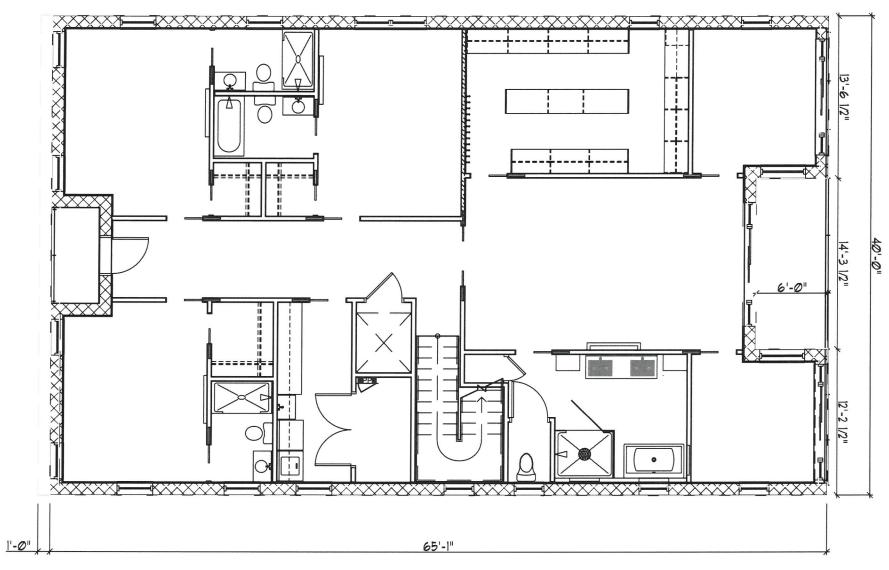
Last Data Upload: 10/11/2017 6:33:34 AM



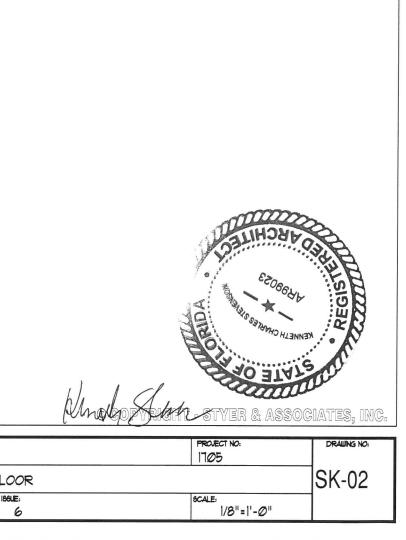


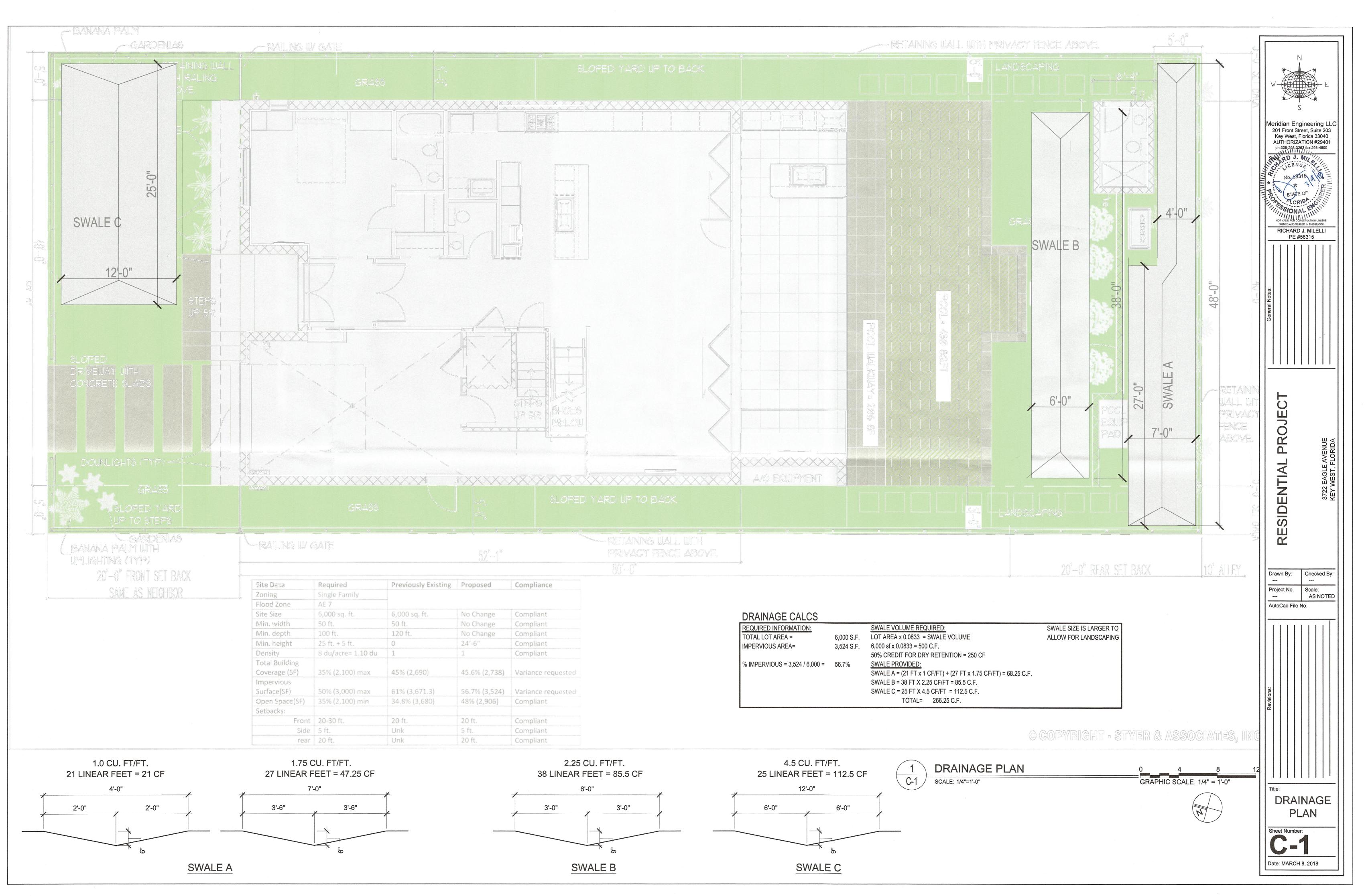






the	ISSUANCES	PROJECT: 3122 EAGLE AVE
styergroup	NO. DATE DESCRIPTION	
architecture design construction		PROPOSED PLAN - 2ND FL
412 DeKalb Street Norristown, Pennsylvania 19401 610.275.4800. fax 610.275.9650 www.styergroup.com		DATE: Ø2/21/18
		02/21/10





From:	Elizabeth Ignoffo
To:	Vanessa T. Sellers
Cc:	Patrick Wright
Subject:	RE: 3722 Eagle Avenue
Date:	Wednesday, March 14, 2018 11:35:11 AM

#### Good morning Vanessa,

It appears from review of the drainage plan that the proposed structure walls lie out of the setback. No information is provided to indicate where the edge of the roof line will, with reference to setbacks. Will it extend beyond the structure walls? Gutters and downspouts are recommended for structures where the roof line encroaches into the setback. Depending on the type of structure constructed, gutters may be required by the Florida Building Code.

Please confirm the roof line (eaves) are included in the calculation for building coverage determination.

Proposed drainage plan adequately addresses the water quality requirement to retain oneinch of stormwater runoff onsite. Proposed redevelopment of the site will produce stormwater runoff similar to the previous single-family residential site. No change in quantity of stormwater runoff is anticipated between the previous residential development and proposed residential development of the site.

Please feel free to contact me, if you have questions.

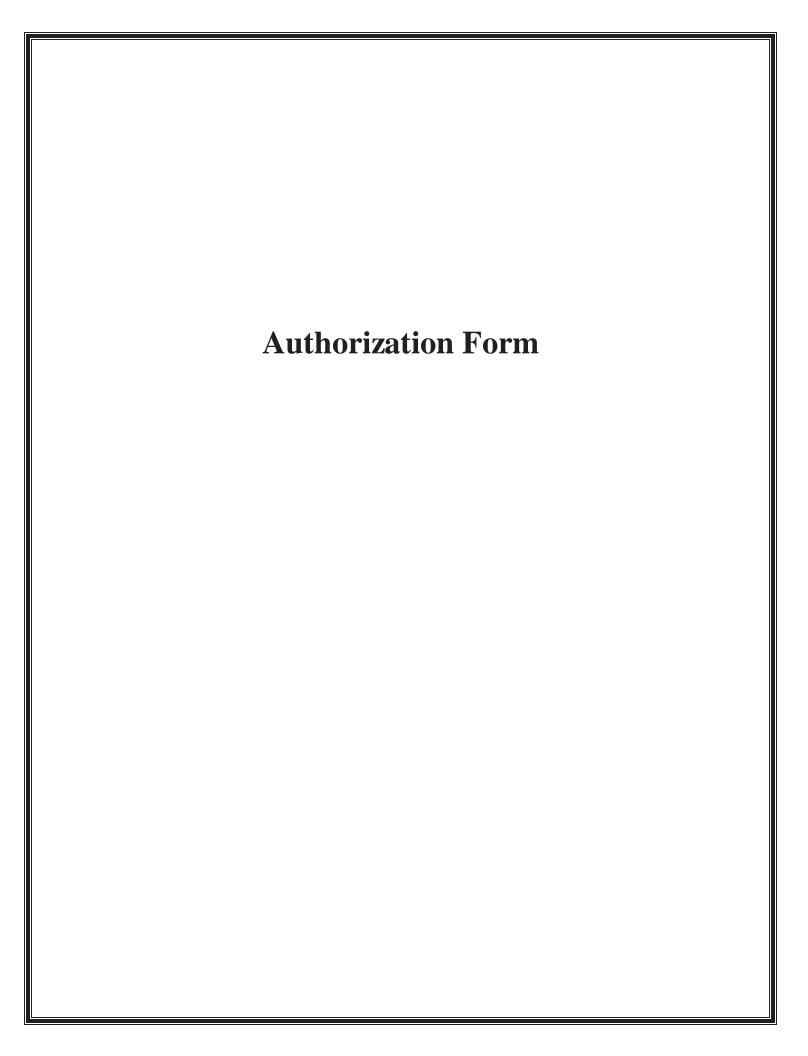
Respectfully, Elizabeth

Elizabeth Ignoffo Permit Engineer City of Key West P.O. Box 1409 Key West, FL 33041 305-809-3966

From: Vanessa T. Sellers
Sent: Wednesday, March 14, 2018 10:35 AM
To: Elizabeth Ignoffo <eignoffo@cityofkeywest-fl.gov>
Cc: Patrick Wright <pwright@cityofkeywest-fl.gov>
Subject: 3722 Eagle Avenue

Hi Elizabeth,

We have a variance request going before the Planning Board tomorrow evening, and there is a



### City of Key West Planning Department



authorize

### 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, John Tahtabrounian and Amy Tahtabrounian

Please Print Name(s) of Owner(s) as appears on the deed

## Owen Trepanier & Associates, Inc.

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 Joini/Co-owner if applicable Signature of Owner Subscribed and sworn to (or affirmed) before me on this  $\frac{10-13-17}{Date}$ <sub>by</sub> John Tahtabrounian and Amy Tahtabrounian Name of Owner He/She is personally known to me or has presented DRIVER "> hicense as identification. Kathlen & Kanus Notary's Signature and Seal COMMONWEALTH OF PENNSYLVANIA NOTARIAL SEAL KATHLEEN F. ROGERS, Notary Public Norristown Boro., Montgomery County My Commission Expires June 29, 2018 Name of Acknowledger typed, printed or stamped

Commission Number, if any

# **Verification Form**

### City of Key West Planning Department



#### **Verification Form**

(Where Authorized Representative is an Entity)

I, Owen Trepanier, in my capacity as	President
(print name)	(print position; president, managing member)
<sub>of</sub> Trepanier & Associates, Inc.	
(print name of entity serving as Auti	horized Representative)
•	
being duly sworn, depose and say that I am the Author the deed), for the following property identified as the su	

## 3722 Eagle Avenue

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.

Signature of Authorized Representative

01/03/18 Subscribed and sworn to (or affirmed) before me on this by date Trepanier & Associates, Inc. Name of Authorized Representative He/She is personally known to me or has presented, as identification. Alvina Covington Notary's Signature and COMMISSION #FF913801 EXPIRES: August 27, 2019 WWW.AARONNOTARY.COM Name of Acknowledger typed, printed or stamped

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