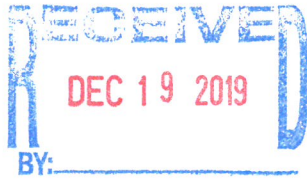
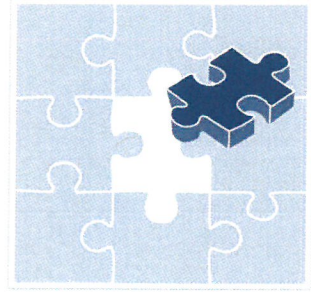


12/19/2019



TREPANIER



Mr. Roy Bishop, Planning Director  
City of Key West  
1300 White Street  
Key West, FL 33040

**Re: Waiver Request of Strict Compliance with Minor Subdivision Requirements - 417 Elizabeth Street (RE# 00006190-000000)**

**& ASSOCIATES INC**  
LAND USE PLANNING  
DEVELOPMENT CONSULTANTS

Dear Mr. Bishop:

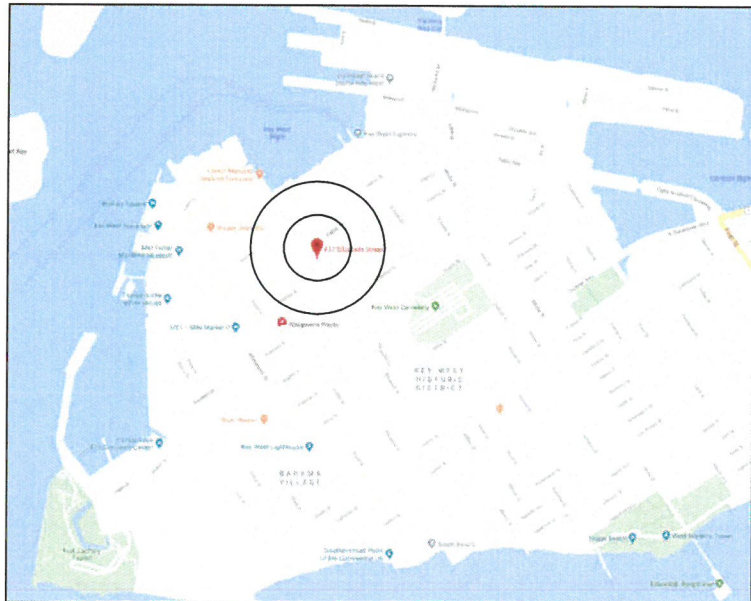
Please accept this letter as a formal waiver request of strict compliance with subdivision requirements, involving the above property, pursuant to KW Code Secs. 118-66 et. al.

This letter addresses the rationale for the requested waiver, includes the existing and proposed lot line configurations, identifies specific sections and requirements requested to be waived, and the criteria for waiver consideration.

**Request:**

The property owner is seeking to subdivide this land in an orderly and compatible land use pattern.

The proposed subdivision, depicted on the next page and attached, will create two fully conforming fee-simple single-family lots out of the existing 11,190 sq. ft. parcel.



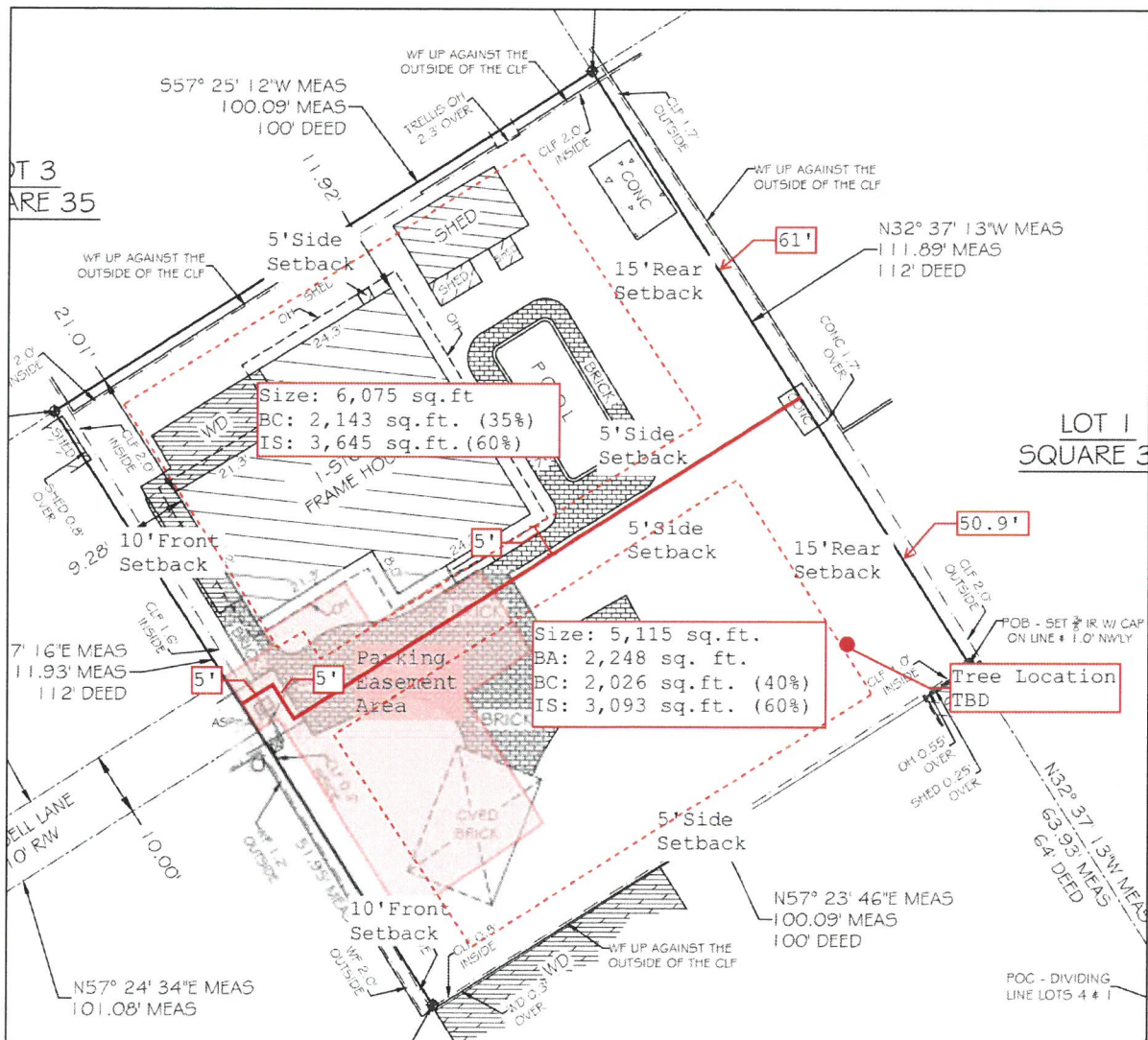
The proposed subdivision is in keeping with the general character of the residential single-family home lots within the historic district. The subdivision will allow for infill development of a new fee-simple single-family residence.

Waiver of the following subdivision requirements is sought:

- **Sec. 118-3(2). Definitions; major and minor subdivisions and lot splits.** – There is a provision of this section which requires no extension of off-site utilities. This property does not have FKAA water. The owner intends to extend FKAA water to the site along Russell lane, at his own expense. The applicant has no objection to the extension of the water line as a condition of approval.

- **Art. III. Plats and Plans** – This subdivision is so small that the requirements of code literally applied would be overly burdensome and excessive on the applicant.
- **Art. IV. Required Improvements and Design Criteria** – This is an infill lot in a fully developed neighborhood. The design criteria laid out in the code contemplates the creation of a large-scale subdivisions with roads, infrastructure, etc.
- **Art. V. Construction and Required Improvements** – Again, as mentioned above, this is an infill lot in a fully developed neighborhood. The construction and improvement requirements laid out in the code contemplate the creation of large-scale subdivisions with roads, infrastructure, etc.

### Proposed Lot Configuration:



**Criteria for Consideration (Section 118-68.):**

The following analysis addresses requirements of Sec. 118-68 and demonstrates compliance with the criteria for consideration. The waiver is consistent with the purpose of this chapter and with the comprehensive plan and the HMDR zoning district.

(1) General criteria. General criteria shall be as follows:

- a. Consistency with purpose and intent of comprehensive plan. The waiver or modification is consistent with the stated purpose and intent of this chapter and with the comprehensive plan.

The Comprehensive Plan encourages permanent residential in-fill development. The proposed configuration will allow a second lot to be developed in a manner that is consistent and sympathetic to the existing historic configurations of other similar lots in the HMDR district and creating the opportunity for a fee-simple permanent residential unit to be constructed on the site. The proposed subdivision conforms to the intent of the zoning district by preserving the residential character and historic quality of the Old Town central residential community.

- b. Impact on public interest, adjacent property. The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property.

The waiver or modification would not have an adverse impact on the public interest, or on adjacent property as it does not increase density, intensity or building rights.

- c. Not discriminatory. The waiver or modification is not discriminatory, considering similar situations in the general area and in past subdivision regulations.

The waiver is not discriminatory. This has been demonstrated by the fact that the proposed subdivision configuration conforms to zoning requirements. The proposed residential lots are compatible with the intent of the historic residential character of HMDR zoning district.

(2) Specific standards. No waiver or modification may be granted unless the developer clearly shows the existence of one or more of the following:

- a. Superior alternatives. The development will provide an alternative which will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.

One historic single-family dwelling, constructed c. 1948, currently exists on the site. The subdivision furthers the goals and preserves the character of the historic district by maintaining its historic fabric and allowing for appropriate infill housing consistent with the historic development of the district. The new home sitting on it won lot, also allows fee-simple ownership. Individual fee-simple homes further the permanent residential



goals of the comprehensive plan. Without a subdivision, this property will likely develop into a very upscale/ gentrified compound and become inaccessible to the permanent residential market.

- b. Protection of significant features. The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.

The existing one-story frame home is listed as a potentially contributing structure to the historic district. The subdivision configuration will provide historically sensitive & appropriate infill development on the proposed second lot.

- c. Deprivation of reasonable use. Strict application of the requirement would effectively deprive the owner of all reasonable use of the land to be subdivided, due to its unusual size, shape, topography, natural conditions, or location, provided that:
  - 1. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and

The denial to subdivide this Parcel will deny individual ownership of a second conforming residential lot without undergoing the burdensome process to subdivide under the full subdivision and platting code. Without subdividing, the lot, in its current configuration, promotes gentrification and upper-class development, while depriving the creation of more affordable fee-simple ownership of a permanent residential unit. Finally the subdivision will allow reasonable use of the land.

- 2. The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.

This parcel is the remnant parcel of the historic subdivision of this neighborhood. It exceeds the minimum lot size and is large enough to provide two conforming residential lots. The conditions that created the need to reconfigure these lot lines predate the current owner and the effective date of the ordinance from which this section derives. The existing home was constructed prior to 1950, prior to the current code and, prior to the current ownership.

- d. Technical impracticality. Strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions or location, of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvement, provided that:
  - 1. The development will provide an alternative adequate to achieve the purposes of the requirement, including security for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and



The proposed lot configuration will allow historically appropriate/ sympathetic residential infill development. The proposed lots will further the intent of the comprehensive plan. Requiring strict compliance with the subdivision code will not result in any additional benefit and therefore serves only to act as a burden by increasing cost, approval time frames and procedural bureaucracy.

2. Any unusual conditions creating the impracticality are not the result of the actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.

The unusual conditions creating the existing lot's impracticality with regard to its present condition, and the impracticality of literal application of the subdivision ordinance are not the result of the developer or property owner. This oversized remnant parcel predates the effective date of the ordinance from which this section derives.

- e. Relationship to proposed development or its impacts. Where all or any part of the regulation has no relationship to the needs of the development or to the impact of the development on the public facilities, land use, traffic, or environment of the neighborhood and the general community, due to the location, scale, or type of development involved, provided that any specific waiver or modification requirements set forth in this division are met.

The subdivision will not create any new or additional density or property rights and will not trigger a need for additional facilities or other impacts. The density currently exists; this subdivision will only allow the future residential dwelling to be owned fee simple.

- f. Planned developments. If the subdivision concerns a planned residential or mixed-use project and the waiver is not inconsistent with an approved conceptual, preliminary, or final development plan for the planned development.

N/A – proposal does not involve planned developments

- g. Nonresidential subdivisions. If the subdivision concerns a nonresidential development and the subdivision requirement is clearly applicable only to residential subdivisions in view of their unique needs, impacts, and characteristics.

N/A – This is not a nonresidential subdivision.

Conclusion:

The proposed subdivision will allow for a second conforming lot to be individually owned fee simple without increasing density, intensity or building rights. As the subdivision is consistent with the HMDR zoning district, comprehensive plan policies and criteria listed above, we are requesting a subdivision waiver.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Thompson", written in dark ink.

Lori Thompson

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)*  
of Trepanier & Associates, Inc.  
*(print name of entity serving as Authorized Representative)*

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:

**417 Elizabeth St.**

*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.

A handwritten signature in blue ink, appearing to read "Owen Trepanier", is written over a horizontal line.

*Signature of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this Nov 18, 2019 by  
owen Trepanier  
*Name of Authorized Representative*

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

A handwritten signature in blue ink, appearing to read "Alvin Covington", is written over a horizontal line.

*Notary's Signature and Seal*

**Alvina Covington**

*Name of Acknowledger typed, printed or stamped*

**GG328928**

*Commission Number, if any*



City of Key West  
Planning Department



Authorization Form  
(Where Owner is a Business Entity)

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

I, Richard N. Bascom as  
*Please Print Name of person with authority to execute documents on behalf of entity*

Trustee of Richard N. Bascom 2008 REV TR 8/17/2008  
*Name of office (President, Managing Member)* *Name of owner from deed*

authorize 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.

Richard N Bascom  
*Signature of person with authority to execute documents on behalf on entity owner*

Subscribed and sworn to (or affirmed) before me on this 7th May 2019  
*Date*

by Richard N. Bascom  
*Name of person with authority to execute documents on behalf on entity owner*

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

Alvina Covington  
*Notary's Signature and Seal*

Alvina Covington  
*Name of Acknowledger typed, printed or stamped*

Commission Number, if any

Alvina Covington  
COMMISSION #FF913801  
EXPIRES: August 27, 2019  
WWW.AARONNOTARY.COM





### Summary

Parcel ID 00006190-000000  
 Account# 1006416  
 Property ID 1006416  
 Millage Group 10KW  
 Location Address 417 ELIZABETH St, KEY WEST  
 Legal Description KW PT LOT 4 SQR 35 OR168-423-424 OR183-81 OR1494-663/64ORD  
 OR2394-2003/05 OR2399-345/48C OR2743-107/08  
 (Note: Not to be used on legal documents.)  
 Neighborhood 6108  
 Property Class SINGLE FAMILY RESID (0100)  
 Subdivision  
 Sec/Twp/Rng 06/68/25  
 Affordable No  
 Housing



### Owner

BASCOM RICHARD N 2008 REV TR 8/17/2008  
 105 Keyes Rd  
 Sunapee NH 03782

KENNEDY JEANNE F REV TR 8/17/2008

### Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$234,721	\$237,273	\$202,700	\$142,607
+ Market Misc Value	\$22,709	\$16,056	\$31,105	\$15,213
+ Market Land Value	\$895,104	\$895,104	\$1,066,955	\$949,113
= Just Market Value	\$1,152,534	\$1,148,433	\$1,300,760	\$1,106,933
= Total Assessed Value	\$1,152,534	\$1,148,433	\$1,300,760	\$1,037,358
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,152,534	\$1,148,433	\$1,300,760	\$1,106,933

### Land

Land Use	Number of Units	Unit Type	Frontage	Depth
SFR LANE (01LN)	11,200.00	Square Foot	0	0

### Buildings

Building ID 405  
 Style 1 STORY ELEV FOUNDATION  
 Building Type S.F.R. - R1 / R1  
 Gross Sq Ft 1872  
 Finished Sq Ft 1464  
 Stories 1 Floor  
 Condition AVERAGE  
 Perimeter 170  
 Functional Obs 0  
 Economic Obs 0  
 Depreciation % 3  
 Interior Walls WALL BD/WD WAL

Exterior Walls CUSTOM  
 Year Built 1948  
 EffectiveYearBuilt 2014  
 Foundation WD CONC PADS  
 Roof Type IRR/CUSTOM  
 Roof Coverage METAL  
 Flooring Type CONC S/B GRND  
 Heating Type NONE with 0% NONE  
 Bedrooms 3  
 Full Bathrooms 2  
 Half Bathrooms 0  
 Grade 600  
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
DCF	F DET CARPORT	240	0	0
FLA	FLOOR LIV AREA	1,464	1,464	0
OPF	OP PRCH FIN LL	168	0	0
<b>TOTAL</b>		<b>1,872</b>	<b>1,464</b>	<b>0</b>

### Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
UTILITY BLDG	1974	1975	1	200 SF	3
FENCES	1999	2000	1	300 SF	2
FENCES	1999	2000	1	48 SF	2
BRICK PATIO	1999	2000	1	1726 SF	2
CONC PATIO	1969	1970	1	45 SF	1
LOW COST POOL	1999	2000	1	275 SF	5

**Sales**

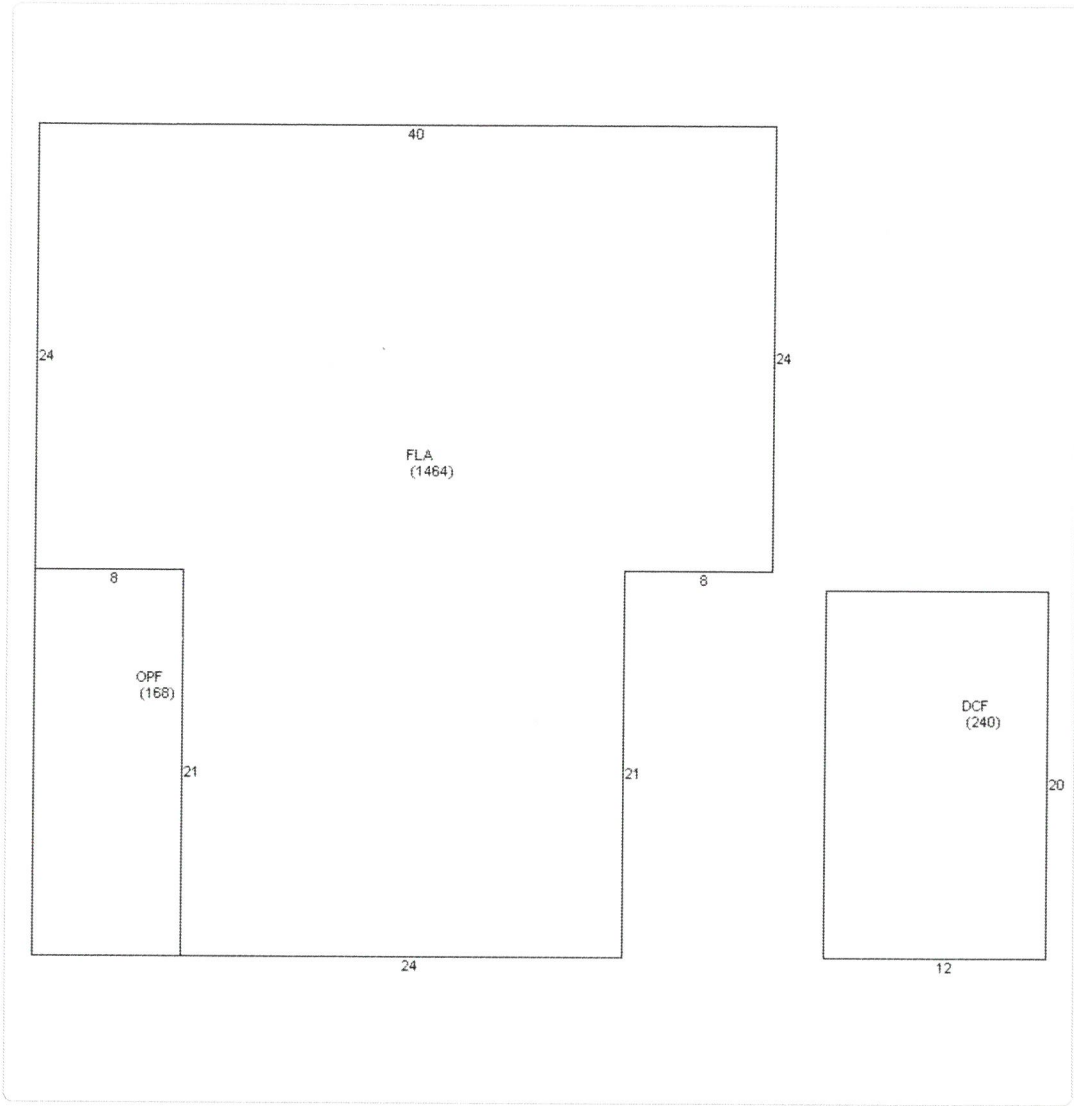
Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
5/28/2015	\$1,482,000	Warranty Deed		2743	107	37 - Unqualified	Improved
2/5/2009	\$100	Quit Claim Deed		2399	345	11 - Unqualified	Improved
12/30/2008	\$100	Quit Claim Deed		2394	2003	J - Unqualified	Improved

**Permits**

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
13-0088	1/11/2013	4/17/2013	\$2,200	Commercial	REMOVE AND REPLACE EXISTING CONCH SHINGLES W/ SAME INSTALL MODIFIED RUBBER TO GUTTER
06-2324	4/12/2006	7/24/2006	\$14,000		INSTALL V-CRIMP OVER CONCH SHINGLES
02/2906	10/23/2002	11/25/2002	\$2,500		ROOFING V-CRIMP
02/2066	7/30/2002	11/25/2002	\$5,000		BUILD CARPORT
9901657	5/17/1999	11/2/1999	\$2,000		RENOVATIONS
9900463	2/8/1999	11/2/1999	\$300		PAINT SOUTH SIDE HOUSE
9900309	1/26/1999	11/2/1999	\$2,200		MOVE METER
9804042	1/4/1999	11/2/1999	\$19,500		POOL/BRICK DECK

**View Tax Info**
[View Taxes for this Parcel](#)
**Sketches (click to enlarge)**





Photos



Map



TRIM Notice

Trim Notice

2018 Notices Only

No data available for the following modules: Commercial Buildings, Mobile Home Buildings, Exemptions.

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: 5/7/2019, 5:30:07 AM

Version 2.2.16

Developed by  
 **Schneider**  
GEOSPATIAL

PREPARED BY AND RETURN TO:

RICHARD M. KLITENICK, ESQ.  
RICHARD M. KLITENICK, P.A.  
1009 SIMONTON STREET  
KEY WEST, FL 33040  
305-292-4101  
FILE NUMBER: RE15-035  
RECORDING FEE: \$18.50  
DOCUMENTARY STAMPS PAID: \$10,374.00

05/29/2015 2:43PM  
DEED DOC STAMP CL: Krys \$10,374.00

Doc# 2031002  
Bk# 2743 Pg# 107

[Space above this line for recording data]

## WARRANTY DEED

THIS WARRANTY DEED is made on this 28<sup>th</sup> day of May, 2015, between FERN K. HATZENBUHLER, a married woman, whose address is c/o Convergent Technologies LLC, 1555 Oakbrook Drive Suite 165, Norcross, GA 30093 (hereinafter referred to as 'Grantor'), and RICHARD N. BASCOM, AS TRUSTEE OF THE RICHARD N. BASCOM 2008 REVOCABLE TRUST u/a/d August 17, 2008-as to a fifty percent (50%) interest; and, JEANNE F. KENNEDY, AS TRUSTEE OF THE JEANNE F. KENNEDY 2008 REVOCABLE TRUST u/a/d August 17, 2008-as to a fifty percent (50%) interest, as Tenants in Common, whose address is 105 Keys Road, Sunapee, NH 03782, (hereinafter collectively referred to as "Grantee").

(Whenever used herein the terms 'Grantor' and 'Grantee' include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said Grantor, for and in consideration of the sum of ONE MILLION FOUR HUNDRED EIGHTY-TWO THOUSAND & 00/100<sup>ths</sup> DOLLARS (\$1,482,000.00) and other good and valuable consideration 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, with the street address of 417 Elizabeth Street, Rear, Key West FL 33040, and more particularly described as:

ON THE ISLAND OF KEY WEST, AND KNOWN ON WILLIAM A. WHITEHEAD'S MAP OF SAID ISLAND, DELINEATED IN FEBRUARY A.D. 1829, AS A PART OF LOT 4 IN SQUARE 35; COMMENCING AT A POINT DISTANT FROM FLEMING STREET, ON THE LINE DIVIDING LOTS 4 AND 1, 64 FEET; AND EXTENDING ALONG SAID LINE IN A NORTHWESTERLY DIRECTION 112 FEET; THENCE AT RIGHT ANGLES SOUTHWESTERLY 100 FEET; THENCE AT RIGHT ANGLES SOUTHEASTERLY 112, FEET; THENCE AT RIGHT ANGLES NORTHEASTERLY 100 FEET TO THE POINT OF BEGINNING.

PARCEL IDENTIFICATION NUMBER: 00006190-000000; ALTERNATE KEY ("AK") NO.: 1006416

SUBJECT TO CONDITIONS AND RESTRICTIONS OF RECORD, IF ANY; HOWEVER, THIS DEED SHALL NOT OPERATE TO RE-IMPOSE THE SAME

GRANTOR WARRANTS THAT AT THE TIME OF THIS CONVEYANCE, THE SUBJECT PROPERTY IS NOT THE GRANTOR'S HOMESTEAD WITHIN THE MEANING SET FORTH IN THE CONSTITUTION OF THE STATE OF FLORIDA, NOR IS IT CONTIGUOUS TO OR A PART OF HER HOMESTEAD PROPERTY. GRANTOR'S RESIDENCE AND HOMESTEAD ADDRESS IS IN THE STATE OF GEORGIA.

SUBJECT TO: TAXES FOR THE YEAR 2015 AND SUBSEQUENT YEARS

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.



To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2014, and those items listed above.

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:

Allen L. Thorpe  
Witness # 1 signature  
Print name: Allen L. Thorpe

Fern K. Hatzenbuehler  
FERN K. HATZENBUHLER

Rick Barker  
Witness # 2 signature  
Print name: RICK BARKER

STATE OF GEORGIA  
COUNTY OF GWINNETT

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, FERN K. HATZENBUHLER, who is personally known to me, or who produced DRIVERS LICENSE as identification, to be the same person who is the Grantor in the foregoing Warranty Deed, and she acknowledged to me that she executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Gwinnett County, State of Georgia, on this 28<sup>th</sup> day of May, 2015.

(STAMP/SEAL)



Lee F. Smith  
Notary Public - State of GA  
Commission Expires: 3/21/2017

MONROE COUNTY  
OFFICIAL RECORDS

COMMUNITY NO.: 120168  
MAP NO.: 12087C-1516K  
MAP DATE: 02-18-05  
FLOOD ZONE: X  
BASE ELEVATION: N/A

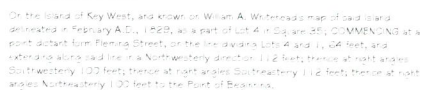
(On the island of Key West, and known as William A. Whitehead's map of said Island delineated in February A.D., 1829, as a part of Lot 4 in Square 38; COMMENCING at a point distant from Fleming Street, on the line dividing Lots 4 and 1, 64 feet, and extending along said line in a Northwesterly direction 112 feet; thence at right angles Southwesterly 100 feet; thence at right angles Southsoutherly 112 feet; thence at right angles Northerly 100 feet to the Point of Beginning.

COMMUNITY NO.: 120168  
MAP NO.: 12087C-1516K  
MAP DATE: 02-18-05  
FLOOD ZONE: X  
BASE ELEVATION: N/A

ASSUMED

The map shows a street grid in a rural area. A yellow rectangle highlights the 'PROJECT SITE'. To the south of the project site is the 'TOWN OF ALTON'. Further south is the 'TOWN OF PANGUITCH'. The map also shows 'SOUTHERN KANE COUNTY, UTAH' and 'KEY WEST'.

LOCATION MAP - NTS  
SEC. 06-T685-R25E



DATE TIME	12:20 15	RECORDS CERTIFY THAT THE FOLLOWING HAS BEEN USED FOR RECORDING PURPOSES AND MEETS THE STANDARDS OF PRACTICE AND FORM SET FORTH IN THE FEDERAL BUREAU OF INVESTIGATION, SUBJECTS AND MATTERS IN CHAPTERS 10, 17, FEDERAL ADMINISTRATIVE CODE, PLANS TO DETECT AN 8 3/4", FEDERAL STANDARDS AND COMPLIES WITH CHAPTER 177, FEDERAL STATUTES.
REVISION DATE	XXXXXXXXXX	
SHEET	1 OF 1	
GRAPH BY	MBB	
CHECKED BY		
ISSUED NO	XXXXXX	

NOT VALID  
SIGNATURE  
SEAL OR  
STAMP

FLORIDA KEYS  
LAND SURVEYING

19960 OVERSEAS HIGHWAY  
SUGARLOAF KEY, FL 33042  
PHONE: (305) 394-3690  
FAX: (305) 509-7373  
EMAIL: FKL5email@Gmail.com