

Application



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: _____

Zoning District: _____ Real Estate (RE) #: _____

Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

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

Email: _____

PROPERTY OWNER: (if different than above)

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

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

Email: _____

Description of Proposed Construction, Development, and Use: _____

List and describe the specific variance(s) being requested:

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

If yes, please describe and attach relevant documents: _____

Will any work be within the dripline (canopy) of any tree on or off the property? Yes No
 If yes, provide date of landscape approval, and attach a copy of such approval.

Is this variance request for habitable space pursuant to Section 122-1078? 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				
Flood Zone				
Size of Site				
Height				
Front Setback				
Side Setback				
Side Setback				
Street Side Setback				
Rear Setback				
F.A.R				
Building Coverage				
Impervious Surface				
Parking				
Handicap Parking				
Bicycle Parking				
Open Space/ Landscaping				
Number and type of units				
Consumption Area or Number of seats				

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 http://www.municode.com/Library/FL/Key_West 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.**

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.

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

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.

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.

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.

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.

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.

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

Exhibit C

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page
9/11/2018	\$1,600,000		2188551	2929	0696
2/26/1999	\$660,000	Warranty Deed		1563	2162
2/1/1975	\$76,800	Conversion Code		638	593

Permits

Number ↕	Date Issued ↕	Date Completed ↕	Amount ↕	Permit Type ↕
17-442	2/6/2017	5/6/2017	\$15,200	Residential
13-0487	5/21/2013	12/19/2013	\$23,491	Residential
13-0487	2/8/2013	12/19/2013	\$20,516	Residential
07-1166	4/4/2007	6/1/2007	\$2,400	Residential
06-0620	4/28/2006	7/7/2006	\$10,000	Residential
99-0740	7/1/1999	12/19/2000	\$3,600	Residential
99-1850	6/3/1999	12/18/2000	\$10,000	Residential
99-1229	4/12/1999	12/18/2000	\$3,000	Residential
99-0848	3/9/1999	12/19/2000	\$3,200	Residential
99-0740	3/8/1999	12/19/2000	\$7,000	Residential

Sketches (click to enlarge)

Exhibit C

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: 10/16/2018, 1:49:29 AM

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 Schneider
GEOSPATIAL

Warranty Deed

Prepared by and return to:
Richard J. McChesney

Spottswood, Spottswood, Spottswood & Sterling, PLLC
500 Fleming Street
Key West, FL 33040
305-294-9556
File Number: 64-18.00302 JRM
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 27th day of September, 2018 between Valsin Marmillion and Juan Pisani, a married couple whose post office address is 405 Caroline Street, Key West, FL 33040, grantor, and Glen Madison Kellett and Jennifer Marie Kellett, his wife whose post office address is 1309 Villa Mill Alley, Key West, FL 33040, 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 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:

On the Island of Key West and is part of Tract 17, according to the map or plan of said City delineated by William A. Whitehead in February, A. D. 1829, and is now better known as Lot 6 and part of Lot 8 of ISLAND CITY LAND COMPANY'S DIAGRAM of part of Tract 17, as recorded in Plat Book 1, Page 26, of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

Begin at the NW'ly corner of the said Lot 6 and run thence NE'ly along the NW'ly boundary line of the said Lot 6 for a distance of 90.00 feet to the NE'ly corner of the said Lot 6; thence SE'ly and at right angles along the NE'ly boundary line of the said Lots 6 and 8 for a distance of 75.99 feet; thence SW'ly with a deflection angle of 90°35' 06" to the right for a distance of 90.09 feet to the SW'ly boundary line of the said Lot 8; thence NW'ly with a deflection angle of 87°24'54" to the right and along the SW'ly boundary line of the said Lots 6 and 8 for a distance of 71.93 feet back to the Point of Beginning.

Parcel Identification Number: 000366890-00000

SUBJECT TO: Taxes for the current and subsequent years.

SUBJECT TO: Conditions, limitations, easements and restrictions of record, if any.

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, 2017**.

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:

Terri Spottswood
Witness Name: TERRI SPOTTSWOOD

Monica Hornyak
Witness Name: monica hornyak

Terri Spottswood
Witness Name: TERRI SPOTTSWOOD

Monica Hornyak
Witness Name: Monica Hornyak

Valsin Marmillion (Seal)
Valsin Marmillion

Juan Disani (Seal)
Juan Disani

State of Florida
County of Monroe

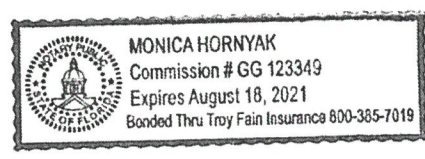
The foregoing instrument was acknowledged before me this 27th day of September, 2018 by Valsin Marmillion, who is personally known or has produced a driver's license as identification.

[Notary Seal]

Monica Hornyak
Notary Public

Printed Name: _____

My Commission Expires: _____



Property Record Card



Summary

Parcel ID 00001610-000000
 Account # 1001660
 Property ID 1001660
 Millage Group 10KW
 Location 405 CAROLINE St , KEY WEST
 Address
 Legal KW PT LOT 4 SQR 15 G11-272/79 OR595-284 OR638-593/94
 Description OR1252-691/92ACASE#93-59-CP-10OR1248-1314/29PET/WILL/P/R OR1284-1807/09P/R-L/E OR1363-2350/53P/R OR1563-2162/63 OR1571-2208/09-C
 (Note: Not to be used on legal documents)
 Neighborhood 6108
 Property Class MULTI FAMILY LESS THAN 10 UNITS (0800)
 Subdivision
 Sec/Twp/Rng 06/68/25
 Affordable No
 Housing



Owner

SMITH CAROLYN A 23005 Vellines Ln Carrollton VA 23314
 SMITH DAVID A 23005 Vellines Ln Carrollton VA 23314

Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$705,398	\$406,309	\$348,361	\$349,103
+ Market Misc Value	\$12,459	\$5,369	\$5,844	\$5,268
+ Market Land Value	\$609,979	\$609,979	\$596,273	\$425,977
= Just Market Value	\$1,327,836	\$1,021,657	\$950,478	\$780,348
= Total Assessed Value	\$845,247	\$768,406	\$698,551	\$635,047
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,327,836	\$1,021,657	\$950,478	\$780,348

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
MULTI RES DRY (080D)	4,620.00	Square Foot	66	70

Buildings

Building ID 38
 Style 2 STORY ELEV FOUNDATION
 Building Type M.F. - R3 / R3
 Gross Sq Ft 4581
 Finished Sq Ft 2688
 Stories 2 Floor
 Condition AVERAGE
 Perimeter 424
 Functional Obs 0
 Economic Obs 0
 Depreciation % 3
 Interior Walls WALL BD/WD WAL

Exterior Walls CUSTOM
 Year Built 1963
 EffectiveYearBuilt 2013
 Foundation CONC BLOCK
 Roof Type IRR/CUSTOM
 Roof Coverage METAL
 Flooring Type CERM/CLAY TILE
 Heating Type FCD/AIR DUCTED with 0% NONE
 Bedrooms 4
 Full Bathrooms 1
 Half Bathrooms 1
 Grade 650
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,557	0	664
FLA	FLOOR LIV AREA	2,688	2,688	424
OUU	OP PR UNFIN UL	280	0	76
SBF	UTIL FIN BLK	56	0	44
TOTAL		4,581	2,688	1,208

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
FENCES	1977	1978	1	168 SF	5
FENCES	2006	2007	1	564 SF	5
BRICK PATIO	2006	2007	0	1016 SF	2

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
2/26/1999	\$660,000	Warranty Deed		1563	2162	Q - Qualified	Improved
2/1/1975	\$76,800	Conversion Code		638	593	Q - Qualified	Improved

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
17-442	2/6/2017	5/6/2017	\$15,200	Residential	R/R EXISTING WOOD PORCH FLOORING, ENTIRE 2ND FLR APPROX 700SF AND SMALL SECTION ON FIRST
13-0487	5/21/2013	12/19/2013	\$23,491	Residential	REVISION #1 - INSTALL 850 SQ/FT (8 1/2 SQ FT) OF 1/2" COX PLYWOOD OVER EXISTING 1X4 TONGUE AND GROOVE FOR BETTER FASTENING OF THE NEW VICTORIAN METAL SHINGLE ROOF.
13-0487	2/8/2013	12/19/2013	\$20,516	Residential	INSTALL 1625 SQ/FT. (16 1/4 SQ/FT.) 24G GALVALUME VICTORIAN METAL SHINGLE ON 403 CATHERINE, MAINTENANCE AND PAINT. 1375 SQ/FT. (13 3/4 SQ/FT) OF AGEING VICTORIAN METAL SHINGLE.
07-1166	4/4/2007	6/1/2007	\$2,400	Residential	REPAIRS TO WINDOW TRIM, DOOR TRIM & POSTS
06-0620	4/28/2006	7/7/2006	\$10,000	Residential	REPLACE BALLAST WALL AFTER HURICANE DAMAGE
99-0740	7/1/1999	12/19/2000	\$3,600	Residential	UPGRADE SERVICE 400AMP
99-1850	6/3/1999	12/18/2000	\$10,000	Residential	PAINT HOUSE
99-1229	4/12/1999	12/18/2000	\$3,000	Residential	1 NEW FIXTURE
99-0848	3/9/1999	12/19/2000	\$3,200	Residential	CHANGEOUT AC
99-0740	3/8/1999	12/19/2000	\$7,000	Residential	EXTERIOR REPAIRS

Sketches (click to enlarge)

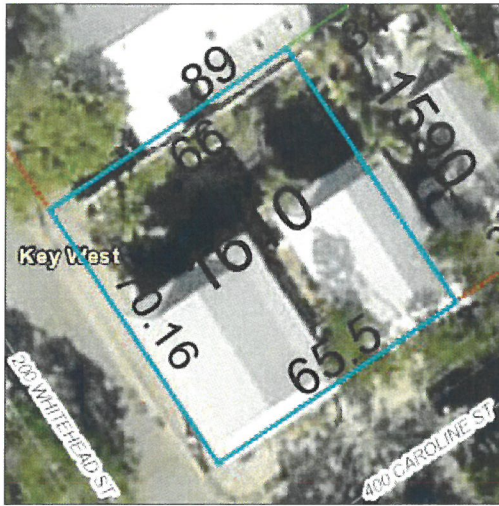
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Photos



Map



TRIM Notice

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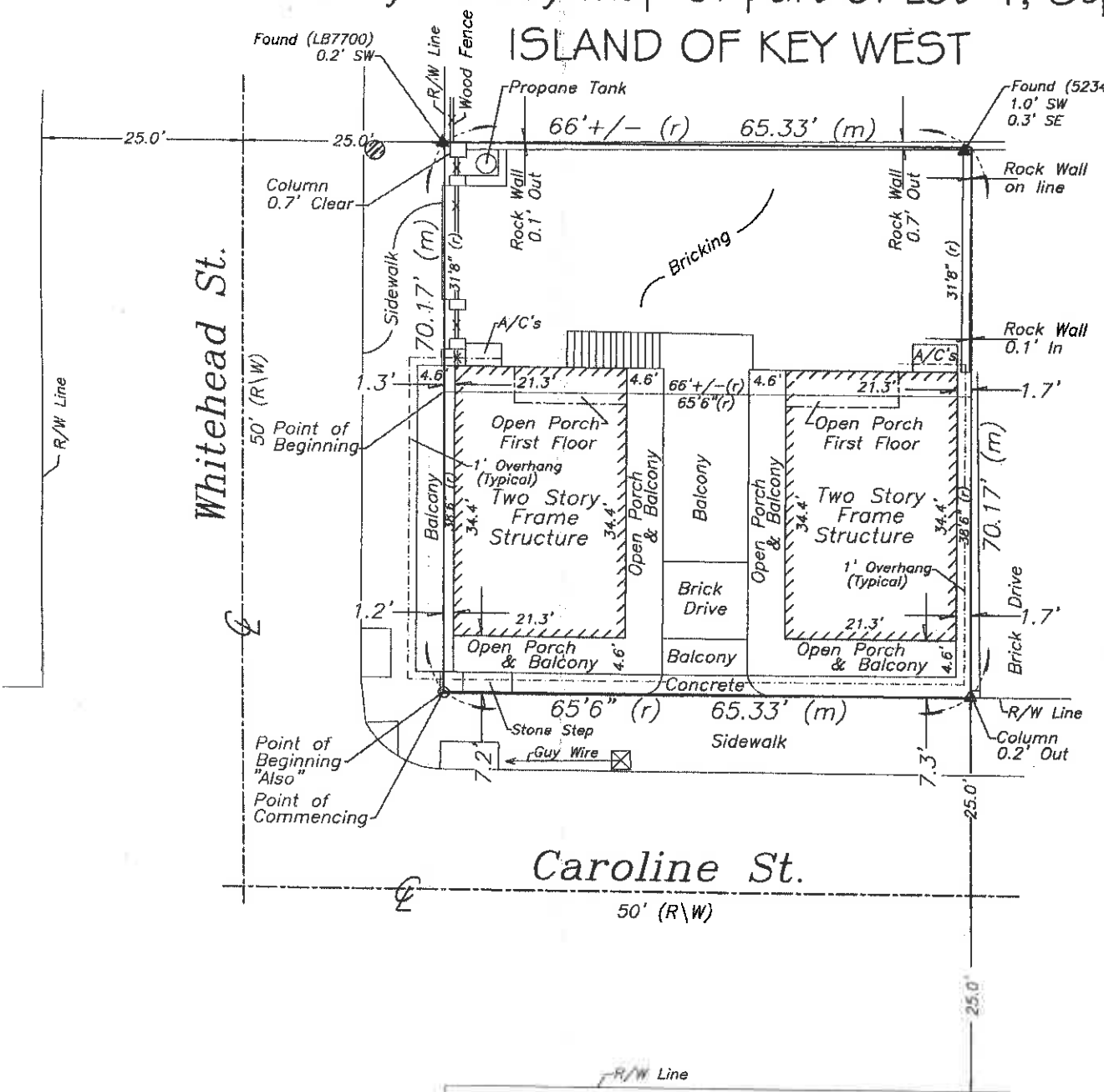
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 Schneider
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Survey

Boundary Survey Map of part of Lot 4, Square 15,
ISLAND OF KEY WEST



LEGEND

- ⊙ Found 3/4" Iron Pipe (No ID)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (No ID)
- ▲ Found Nail & Disc (5234)(LB7700)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines

NOTES:

1. The legal description shown hereon was furnished by the client or their agent. This survey does not determine or imply ownership.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 405 Caroline Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Date of field work: September 21, 2018
9. Ownership of fences is undeterminable, unless otherwise noted.
10. Adjoiners are not furnished.

BOUNDARY SURVEY OF: 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 Four (4), Square Fifteen (15): COMMENCING at a point on the Northeast side of Whitehead Street, distant in a Northwesterly direction from the corner of Caroline and Whitehead Streets Thirty-Eight (38) feet and Six (6) inches and running thence along Whitehead Street in a Northwesterly direction Thirty-One (31) feet and Eight (8) inches; thence at right angles in a Northeasterly direction Sixty-Six (66) feet, more or less, thence at right angles in a Southeasterly direction Thirty-One (31) feet and Eight (8) inches; thence at right angles in a Southwesterly direction Sixty-Six (66) feet, more or less, to the Point of Beginning on Whitehead Street.

ALSO
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 Four (4), Square Fifteen (15): COMMENCING at the corner of Caroline and Whitehead Streets and running along on said Whitehead Street in a Northwesterly direction Thirty-Eight (38) feet and Six (6) inches; thence at right angles in a Northeasterly direction Sixty-Five (65) feet and Six (6) inches; thence at right angles in a Southeasterly direction Thirty-Eight (38) feet Six (6) inches; thence at right angles in a Southwesterly direction Sixty-Five (65) feet and Six (6) inches back to the Place of Beginning.

BOUNDARY SURVEY FOR: Valsin A. Marmillion; Juan C. Pisani;
Centennial Bank;
Richard M. Klitenick, PA;
Old Republic National Title Insurance Company;

I HEREBY CERTIFY that this survey was made under my responsible charge and meets the Standard of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

J. LYNN O'FLYNN, INC.

J. Lynn O'Flynn, PSM
Florida Reg. #6298

September 25, 2018

THIS SURVEY
IS NOT
ASSIGNABLE

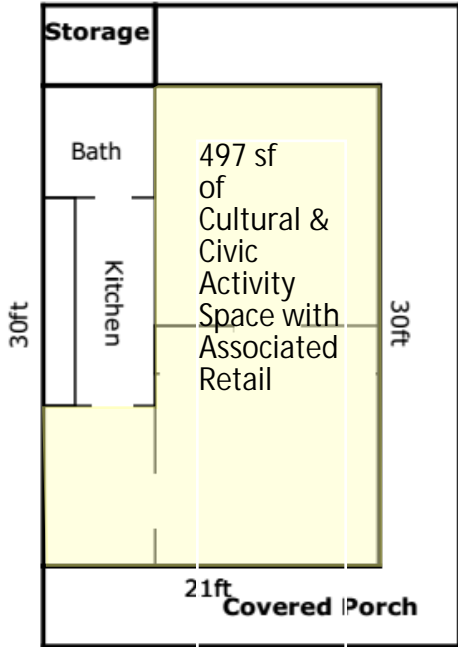
J. LYNN O'FLYNN, Inc.
Professional Surveyor & Mapper
PSM #6298
3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Proposed Plans

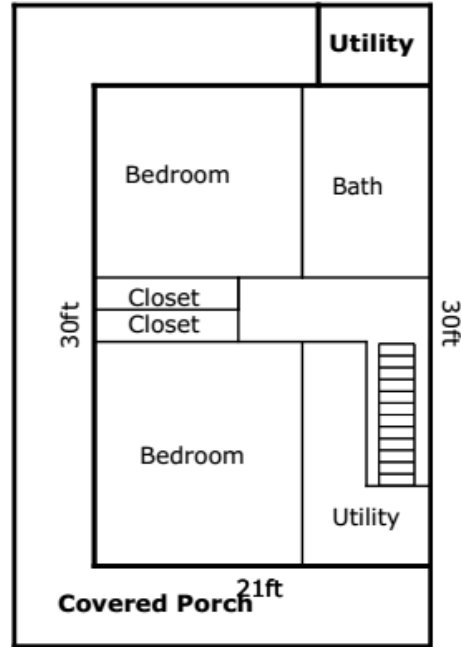
Solid waste/recycling



Brick Patio



#403



#405

First Floor

Drawing Not To Scale

Authorization Form

**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.

Valsin Marmillion & Juan Pisani

I, _____ authorize

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

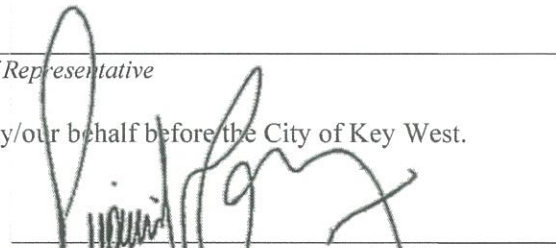
Trepanier & Associates, Inc.

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 Owner



Signature of Joint/Co-owner if applicable

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

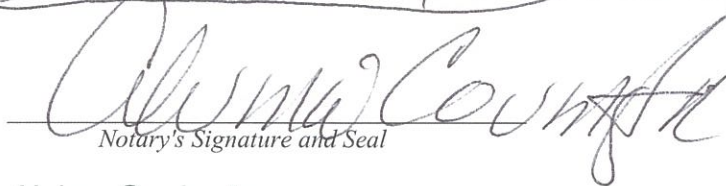
Date

3/26/19

by **Valsin Marmillion & Juan Pisani**

Name of Owner

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



Notary's Signature and Seal

Alvina Covington

Name of Acknowledger typed, printed or stamped

FF913801

Commission Number, if any



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

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)*
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:

403-405 Caroline

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.

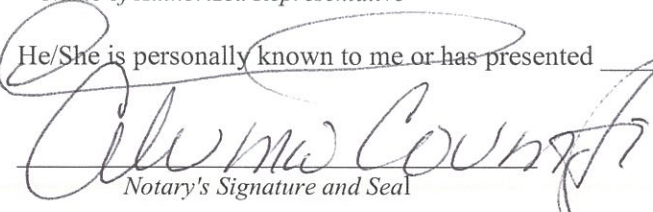

Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 3/26/19 by

Owen Trepanier

Name of Authorized Representative

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


Notary's Signature and Seal

Alvina Covington

Name of Acknowledger typed, printed or stamped

FF913801

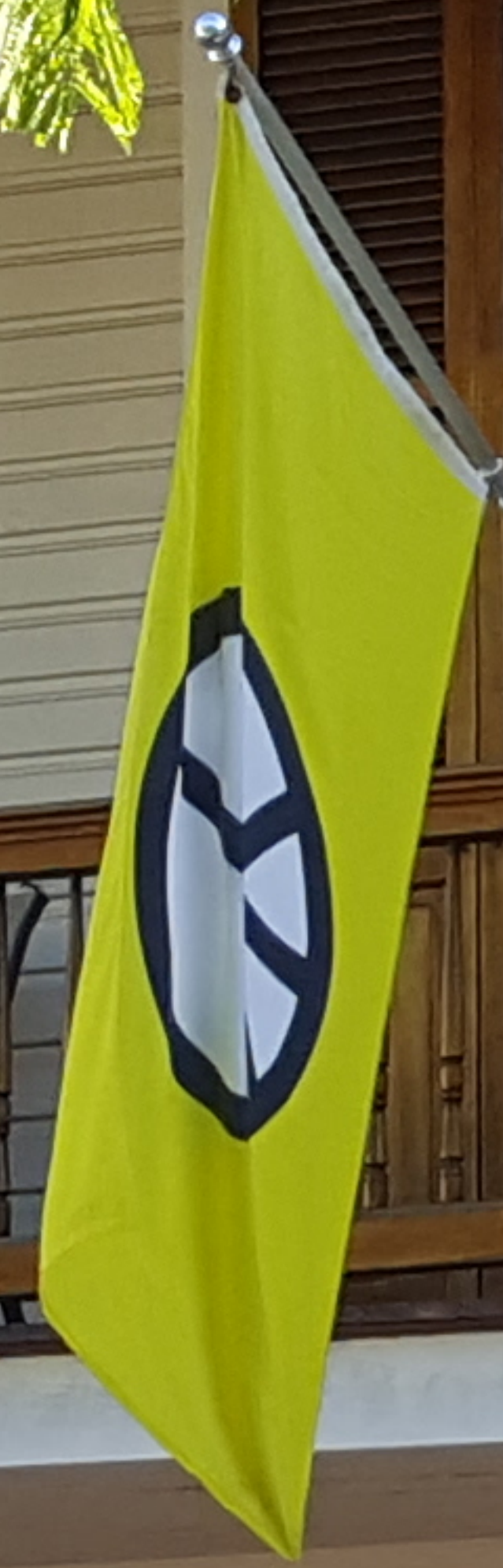
Commission Number, if any

Photos



PARK
→

CAROLINE
ST



PARK

WHITEHEAD ST



200 TELEGRAPH LN

220 WHITEHEAD ST

400 CAROLINE ST

300 CAROLINE ST

300 WHITEHEAD ST