



# Application For Easement

City of Key West, Florida • Planning Dept.  
3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • [cityofkeywest.com](http://www.cityofkeywest.com)

**RECEIVED**  
JUN 11 2015

**CITY OF KEY WEST CITY OF KEY WEST**  
**PLANNING DEPT.**

**Application Fee: \$2,150.00**  
(includes \$100.00 advertising/noticing fee and \$50.00 file 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: 907 Frances Street**

Site Address: \_\_\_\_\_

Zoning District: HHDR Real Estate (RE) #: 00021700-000000

Property located within the Historic District?  Yes  No

**APPLICANT:**  Owner  Authorized Representative

Name: Owen Trepainer & Associates Inc.

Mailing Address: 1421 1st Street Unit 101

City: Key West State: FL Zip: 33040

Home/Mobile Phone: \_\_\_\_\_ Office: 305-293-8983 Fax: 305-293-8748

Email: lori@owentrepanier.com

**PROPERTY OWNER: (if different than above)**

Name: Carolyn A Sprogell

Mailing Address: 907 Frances Street

City: Key West State: FL Zip: 33040

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: casprogell@aol.com

**Description of requested easement and use:** \_\_\_\_\_

An easement for 907 Frances Street to relocate an existing security fence along the rear of the property at Havana Lane closer to the home reducing the encroachment in the City Right of Way. The existing shed will be removed. The easement is similar and compatible with the fence line authorized on the neighboring property 909 Frances St. (Reso. No. 04-343).

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

If yes, please describe and attach relevant documents: \_\_\_\_\_

Pending easement for eaves of principle structures encroaching onto Havana Lane.

**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

June 11, 2015

Carlene Smith, Planner II  
City of Key West  
Email: [CeSmith@cityofkeywest-fl.gov](mailto:CeSmith@cityofkeywest-fl.gov)  
Key West, FL 33040

**RE: 907 Frances Street  
Modified Easement Application**

TREPANIER



ASSOCIATES INC.

LAND USE PLANNING

DEVELOPMENT CONSULTANTS

Dear Mrs. Smith:

Thank you for meeting with me on June 1, and discussing this issue.

This is a request<sup>1</sup> to modify a pending easement along Havana Lane for the above property to preserve the existing neighborhood fence line and to provide safety and security for the property owner. A privilege allowed by all other property owners along this block.

**Summary:** The encroachments for which an original easement (Reso. 99-049)<sup>2</sup> was granted have been reduced by the structure's relocation and restoration in 2000 under previous ownership. Although the easement was a topic of discussion during this renovation project in 2000<sup>3</sup>, the easement was not revoked by the City and has been consistently paid since 1999.<sup>4</sup> Furthermore, as part of the renovation, the repair and replacement of the wood fence on the historic knee-height concrete wall was approved.<sup>5</sup> Modifying the pending easement will allow this property owner a restricted version of the same rights and privileges shared by others along this block. Although the proposed easement is reduced in width from the existing location and prior applications, the allowed distance provided by the proposed easement will allow this property owner enough distance from her rear windows to her proposed new fence line the security needed to feel comfortable and safe in her home. This would be similar to a neighboring easement approved in 2004, for new construction on the neighboring property encroaching along the Havana Lane.<sup>6</sup>



**Background:** 907 Frances Street is located on a historic platted lot between Frances Street and Havana Avenue.

The platted Havana Avenue right-of-way and physical location of the road are inconsistent with one another as is not uncommon in Old Town. 907 Frances was developed historically many

<sup>1</sup> See attached application

<sup>2</sup> Attachment A

<sup>3</sup> Attachment B

<sup>4</sup> Attachment C

<sup>5</sup> Attachment D

<sup>6</sup> Attachment E

years ago in a manner consistent with the "perceived property line" and physical location of Havana Lane, as were the other properties along the lane (modern and historic).

On August 17, 1999, the City granted previous owners of 907 Havana Avenue, Thomas and Jessica Callahan, an easement (Res. No. 99-149)<sup>7</sup> for a one story frame garage which encroached 7.35 ft. into Havana Avenue right-of-way. The easement included language stating that the conveyance of easement was for the structural life of the encroaching garage.

On April 6, 2000, a variance (Res. No. 00-136) was granted for reduced setbacks and "habitable space" to convert the garage to a detached bedroom and make other alterations to the property.<sup>8</sup> Following the granting of the variance, the garage was rebuilt and moved back approximately 7 ft. away from the right-of-way with its rear wall at a zero setback property line. Building plans for this renovation were reviewed and approved by Building staff on 6/20/00.<sup>9</sup> Included on the plans were the repair and extension of the existing wood fence to the full width of the property.

Today, the eaves of the old garage structure (now converted to a detached bedroom), the eaves of the main house, two cisterns, and a historic concrete wall remain on the platted Havana Avenue right-of-way (although clear of the actual street).

On March 18, 2013, Ms. Carolyn Sprogell purchased the property, in above described configuration. On June 3, 2013 Ms. Sprogell, received a letter<sup>10</sup> from the City of Key West confirming that she was the new owner of a property for which an easement had been granted and explained her obligations related thereto, including the required annual payment. Ms. Sprogell commenced making the annual payments as required.

In November 2013, Ms. Sprogell repaired the rotting fence along her property's Havana Avenue border. The repair was made without the benefit of permit and she was subsequently cited for the unpermitted work.

On December 12, 2013 Ms. Sprogell applied for the necessary permits however staff requested a new easement be obtained before it would process the after-the-fact permit applications.

J. Lynn O'Flynn, Inc. surveyed the property<sup>11</sup>. The survey revealed the following:

- The detached bedroom extends into the right-of-way by 1.25 ft.
- A portion of the principal structure extends into the right-of-way 0.75 ft.
- The shed and the historic cistern on which it sits extend into the right-of-way 6.5 ft.
- The historic wall is located 7.8 ft. into the right-of-way.

The character of the 900-block of Havana Avenue includes 6 to 8 ft. tall picket fences on the majority of

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<sup>7</sup> Attachment A  
<sup>8</sup> Attachment F  
<sup>9</sup> Attachment G  
<sup>10</sup> Attachment H  
<sup>11</sup> Attachment I

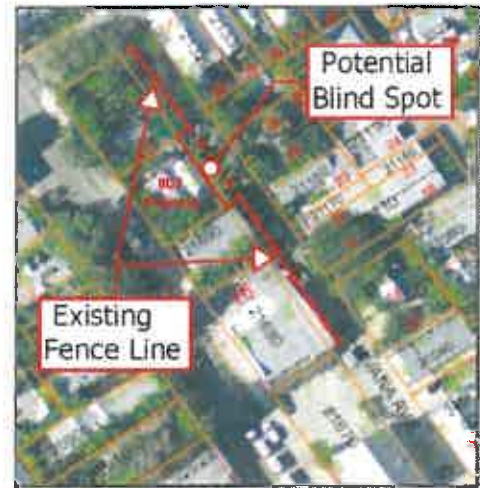


the properties (including all residential properties). The current pre-existing fence line at 907 is consistent with the fence line of the neighboring properties and the perceived and physical edge of the road.

Havana Avenue is a small lane directly off the main Truman Avenue thoroughfare which is subject to a high level of foot traffic to and from area bars and adult entertainment establishments. Havana Avenue properties are vulnerable sites to late night less than desirable activities thereby necessitating the safety and protection of 6 ft. fences for residents.

Ms. Sprogell remains concerned about the safety impacts of losing the ability to maintain the existing Havana Avenue fence line and the security it provides, especially late in the evening and early morning due to its proximity to the liquor store and late night adult entertainment complex.

Unless the pending easement is modified, the fence, in its existing position, will be required to be removed resulting in a 69 sq. ft. blind spot created midway along Havana Lane. This open spot will not be visible from either end of the lane and will create direct access to the property's two bedroom windows and where break in's and home invasions have occurred in the recent past.



Ms. Sprogell is very interested in finding a solution to this situation, which does not create a security problem for her in her home. We believe modifying the pending easement is the fairest solution for the property owner and the community.

We respectfully request your support to modify the pending easement to acknowledge the reduction in principal use encroachment and to allow the proposed modified fence line to remain. Enclosed please find an easement application and an original stamped and sealed survey. Thank you in advance for your consideration and working with us to find an amicable solution to this situation.

Best Regards,

Lori Thompson

Cc: Leo Hernandez, Code Compliance Officer

# Verification

**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an individual)*

I, Lori Thompson, 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:

907 Frances St.

*Street address of subject property*

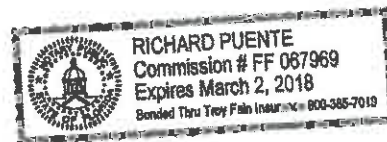
All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect,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

[Signature] of Thompson & Associates  
*Signature of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this May 7, 2015 by  
Ms. Lori Thompson  
*Name of Authorized Representative*

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

Richard Puente  
*Notary's Signature and Seal*  
Richard Puente  
*Name of Acknowledger typed, printed or stamped*



FF 067969  
*Commission Number, if any*

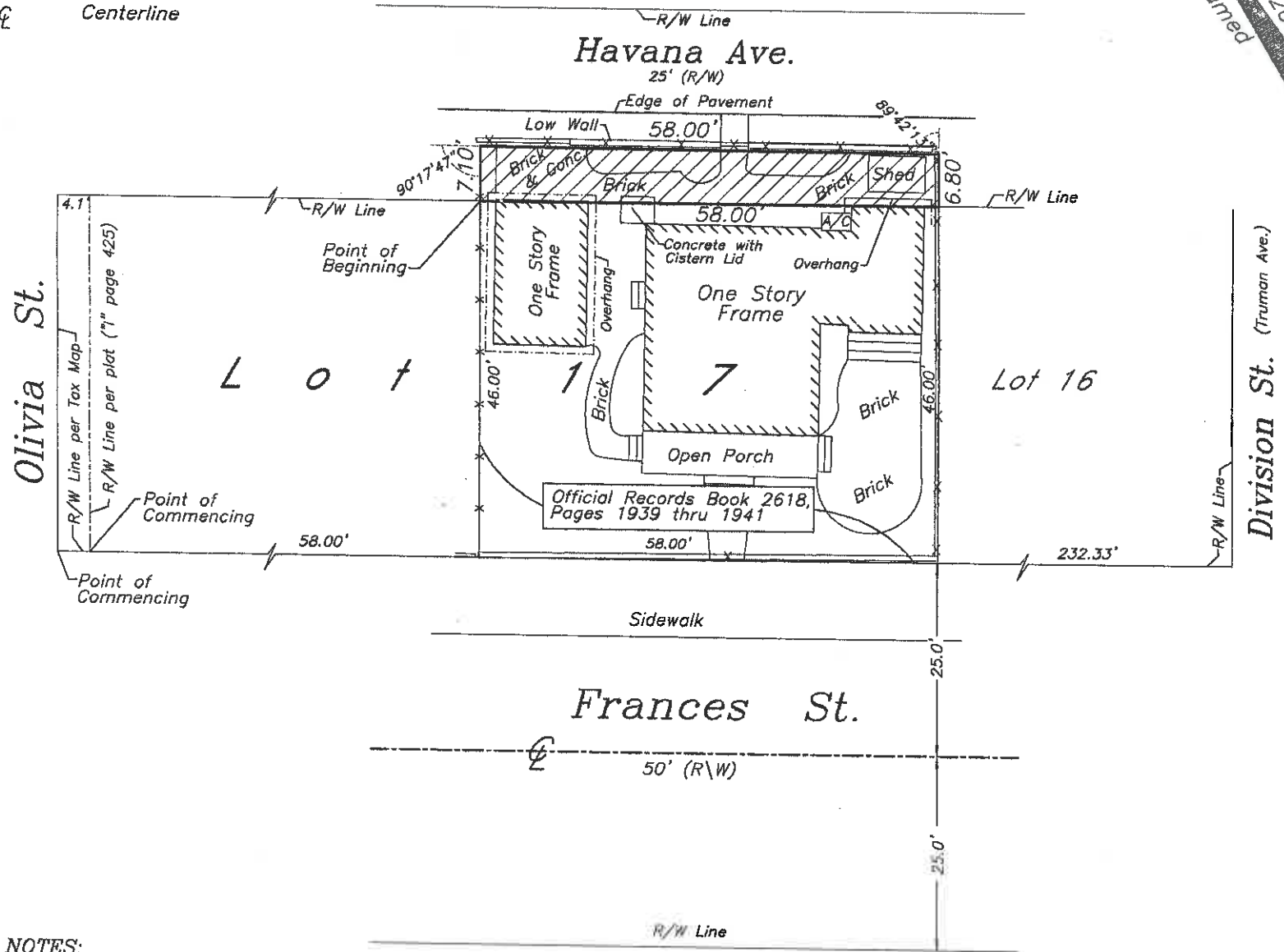
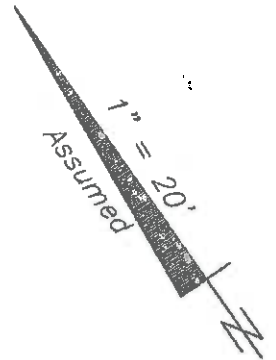
# **Authorization**



Specific Purpose Survey to illustrate a legal description  
of portion of Havana Avenue, Island of Key West  
prepared by the undersigned

LEGEND

R/W Right of Way  
⊕ Centerline



NOTES:

1. The legal description shown hereon was authored by the undersigned.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 907 Frances 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. This survey is not assignable.
9. Adjoiners are not furnished.
10. The description contained herein and sketch do not represent a field boundary survey.

SPECIFIC PURPOSE SURVEY TO ILLUSTRATE A LEGAL DESCRIPTION  
AUTHORED BY THE UNDERSIGNED

A parcel of land on the Island of Key West, and known as part of Havana Lane in Tract 6, adjacent to Lot 17 in Square 3 of John Lowe's Subdivision of said Tract 6 according to Deed Book I, Page 425 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the intersection of the Southeasterly right of way line of Olivia Street with the Northeasterly right of way line of Frances Street and run thence Southeasterly along the Northeasterly right of way line of the said Frances Street for a distance of 58.00 feet to the Westerly corner of the lands described in Official Record Book 2618 at Pages 1939 thru 1941 of the Public Records of said County; thence Northeasterly and at right angles along the Northwesternly boundary line of the said lands for a distance of 46.00 feet to the Southwesterly right of way line of Havana Lane, said point being the Northerly corner of said lands and also being the Point of Beginning; thence Southeasterly and at right angles along the Southwesterly right of way line of Havana Lane for a distance of 58.00 feet to the Easterly corner of said lands; thence Northeasterly and at right angles for a distance of 6.80 feet to a point; thence Northwesternly with a deflection angle of 89°42'13" to the left for a distance of 58.00 feet; thence Southwesterly with a deflection angle of 90°17'47" to the left for a distance of 7.10 feet back to the Point of Beginning, containing 403 square feet, more or less.

SPECIFIC PURPOSE SURVEY FOR: Carolyn Sprogel;

J. LYNN O'FLYNN, INC.

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

June 8, 2015

J. LYNN O'FLYNN, Inc.



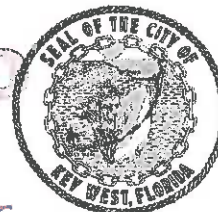
Professional Surveyor & Mapper  
PSM #6298

3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244

City of Key West  
Planning Department

RECEIVED

JUL 13 2015



Authorization Form  
(Individual or Joint Owner)

CITY OF KEY WEST  
PLANNING DEPT.

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

I, Carolyn A. Sprogell 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.

*Carolyn A. Sprogell*  
*Signature of Owner*

\_\_\_\_\_  
*Signature of Joint/Co-owner if applicable*

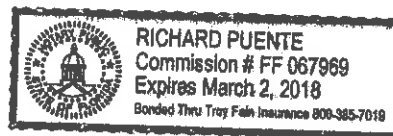
Subscribed and sworn to (or affirmed) before me on this 6-29-2015  
*Date*

by *Carolyn A. Sprogell*  
*Name of Owner*

He/She is personally known to me or has presented Florida Drivers Lic as identification.

*Richard Puente*  
*Notary's Signature and Seal*

Richard Puente  
*Name of Acknowledger typed, printed or stamped*



FF 067969  
*Commission Number, if any*

**Deed**

Prepared by and return to:

Susan Mary Cardenas

Attorney at Law

Stones & Cardenas

221 Simonton Street

Key West, FL 33040

305-294-0252

File Number: 13-053-Winfrey

Will Call No.:

Doc# 1925110 03/19/2013 1:58PM  
Filed & Recorded in Official Records of  
MONROE COUNTY AMY HEAVILIN

03/19/2013 1:58PM  
DEED DOC STAMP CL: DS \$4,050.00

[Space Above This Line For Recording Data]

## Trustee's Deed

Doc# 1925110  
Bk# 2618 Pg# 1939

This Trustee's Deed made this 18~~th~~ day of March, 2013 between CAREY W. WINFREY and JANE E. WINFREY, and their successors, Individually and as Trustees of the CAREY W. WINFREY REVOCABLE TRUST dated August 10, 2011, for the benefit of CAREY W. WINFREY, as to an undivided fifty percent (50%) interest; and JANE E. WINFREY and CAREY W. WINFREY, and their successors, Individually and as Trustees of the JANE E. WINFREY REVOCABLE TRUST dated August 10, 2011, for the benefit of JANE E. WINFREY, as to the remaining undivided fifty percent (50%) interest, as tenants in common. whose post office address is 806 Ashe Street, Key West, FL 33040, grantor, and Carolyn A. Sprogell, a single woman whose post office address is 622 Grinnell Street, 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 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 grantees heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

On the Island of Key West, known on W.A. Whitehead's map delineated in February A.D., 1829 as a part of Tract 6, but now better known as Lot 17 in Square 3 of John Lowe's Subdivision of a part of said Tract 6, a diagram of which is recorded in Book "I", Page 425, Monroe County, Florida, records.

Commencing at a point on Frances Street distant Fifty-eight (58) feet from the corner of Frances and Olivia Streets and running thence in a Northeasterly direction Forty-six (46) feet; thence at right angles in a Southeasterly direction Fifty-eight (58) feet; thence at right angles in a Southwesterly direction Forty-six (46) feet out to Frances Street; thence at right angles in a Northwesterly direction along the line of Frances Street Fifty-eight (58) feet to the Point of beginning.

LESS

Part of Lot 17 in Square 3 of that part of Tract 6 on the Island of Key West subdivided by John Lowe, a diagram of which subdivision is duly recorded in Book "I" page 425 of Monroe County Records:

COMMENCING at the corner of Olivia and Frances Streets and running thence along Frances Street in a Southeasterly direction for a distance of 58 feet to the Point of Beginning; thence at right angles in a Northeasterly direction for a distance of 46 feet; thence at right angles in a Southeasterly direction for a distance of 4.1 feet to a fence; thence at right angles in a Southwesterly direction along said fence for a distance of 46 feet to the Northeasterly right of way line of Frances Street; thence at right angles in a Northwesterly direction along said Frances Street for a distance of 4.1 feet back to the Point of Beginning.

SUBJECT TO: Taxes for the year 2013 and subsequent years.

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

**THE PROPERTY CONVEYED HEREIN IS NEITHER THE DOMICILE OF THE SETTLOR, THE TRUSTEE, NOR THE BENEFICIARIE(S) OF THE GRANTOR TRUST, NOR THE SPOUSE OF ANY OF THEM, NOR ANY OF HIS OR HER IMMEDIATE HOUSEHOLD AS DEFINED BY THE LAWS OF THE STATE OF FLORIDA. THE SETTLOR AND THE TRUSTEE OF THE TRUST RESIDES AT THE ADDRESS SHOWN ABOVE.**

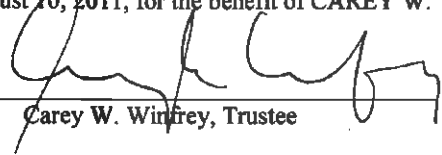
**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.


**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 claiming by, through or under grantors.

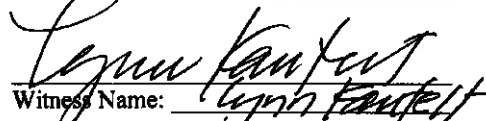
**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:


CAREY W. WINFREY REVOCABLE TRUST dated August 10, 2011, for the benefit of CAREY W. WINFREY


By:   
Carey W. Winfrey, Trustee

  
Witness Name: Lynn Fautsch

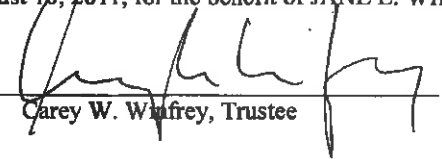
  
Witness Name: Susan M. Cardenas

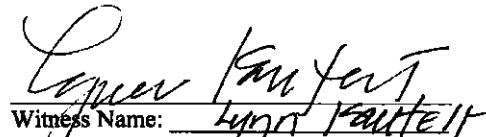
  
Witness Name: Lynn Fautsch

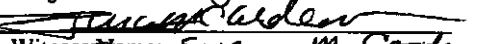
  
Witness Name: Susan M. Cardenas

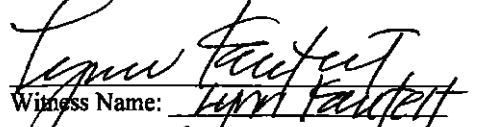
By:   
Jane E. Winfrey, Trustee


JANE E. WINFREY REVOCABLE TRUST dated August 10, 2011, for the benefit of JANE E. WINFREY

By:   
Carey W. Winfrey, Trustee

  
Witness Name: Lynn Fautsch

  
Witness Name: Susan M. Cardenas

  
Witness Name: Lynn Fautsch

  
Witness Name: Susan M. Cardenas

By:   
Jane E. Winfrey, Trustee

Lynn Faustell  
Witness Name: Lynn Faustell

By: Carey W. Winfrey  
Carey W. Winfrey, Individually

Susan M. Cardenas  
Witness Name: Susan M. Cardenas

By: Jane E. Winfrey  
Jane E. Winfrey, Individually

Lynn Faustell  
Witness Name: Lynn Faustell

Susan M. Cardenas  
Witness Name: Susan M. Cardenas

Doc# 1925110  
Bk# 2618 Pg# 1941

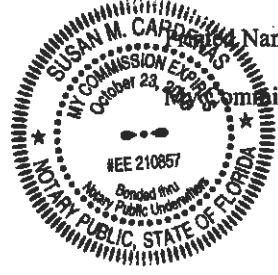
State of Florida  
County of Monroe

The foregoing instrument was acknowledged before me this 18th day of March, 2013 by Carey W. Winfrey, Individually and as Trustee and Jane E. Winfrey, Individually and as Trustee, who  are personally known or  have produced a driver's license as identification.

[Notary Seal]

Susan M. Cardenas  
Notary Public

Name: Susan M. Cardenas  
Commission Expires: 10.23.16

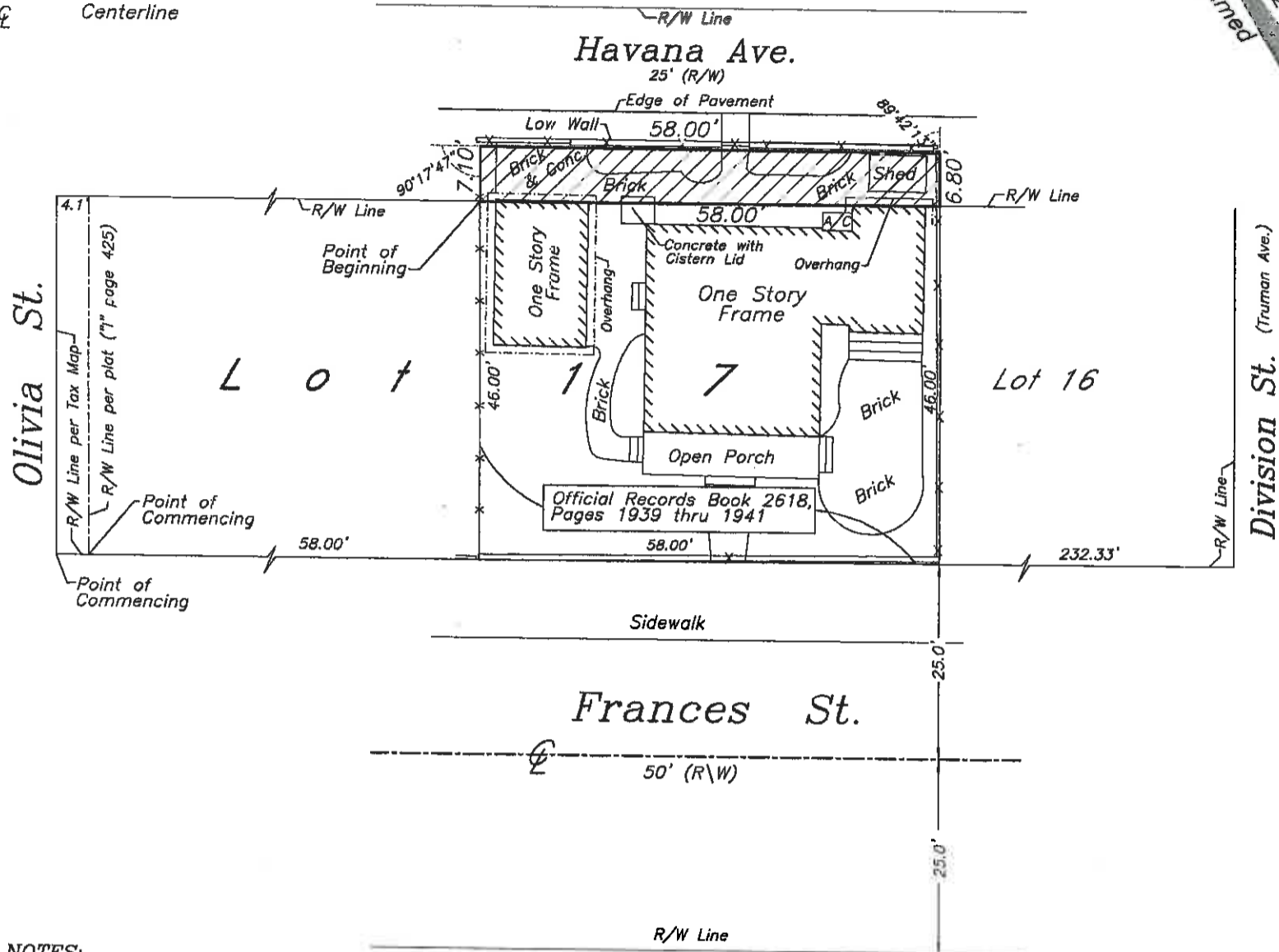
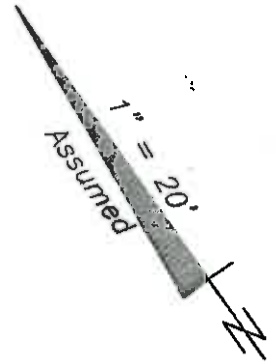


MONROE COUNTY  
OFFICIAL RECORDS

# Survey

Specific Purpose Survey to illustrate a legal description  
of portion of Havana Avenue, Island of Key West  
prepared by the undersigned

LEGEND  
R/W Right of Way  
☉ Centerline



NOTES:

1. The legal description shown hereon was authored by the undersigned.
2. Underground foundations and utilities were not located.
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4. Street address: 907 Frances Street, Key West, FL.
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AUTHORED BY THE UNDERSIGNED

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SPECIFIC PURPOSE SURVEY FOR: Carolyn Sprogell;

J. LYNN O'FLYNN, INC.

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

June 8, 2015

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper  
PSM #6298

3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244

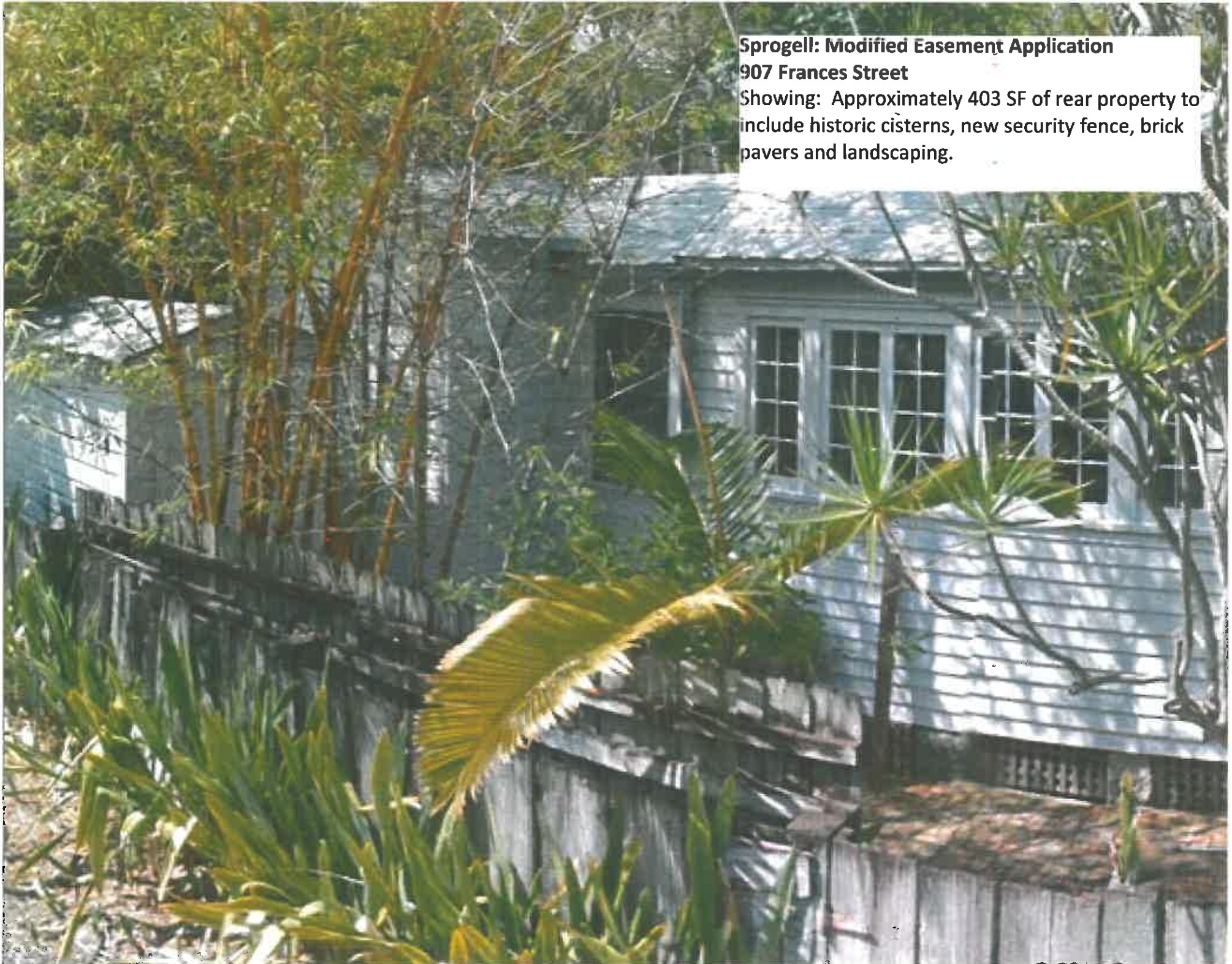


# **Site Photos**

**Sprogel: Modified Easement Application**

**907 Frances Street**

Showing: Approximately 403 SF of rear property to include historic cisterns, new security fence, brick pavers and landscaping.



**Sprogell - Modified Easement Application  
907 Frances Street**  
Showing: Shed (to be removed) with historic cistern inside, historic knee wall, security fence (to be moved along edge of proposed modified easement line), landscaping and brick pavers.



overhanging eaves

property line

historic knee wall

Cistern

**Sprogeil - Modified Easement Application**  
**907 Frances Street**  
Showing: brick pavers, landscaping, historic knee wall and security fence

**Proposed easement - 907 Frances**  
**(Estimated for visual purposes.**  
**See survey for exact location)**



**Sprogell - Modified Easement Application**  
**907 Frances Street**  
Showing: shed (to be removed) on historic  
cistern and brick pavers

Proposed easement - 907 Frances  
(Estimated for visual purposes. See  
survey for exact location)



**Sprogell - Modified-Easement Application**  
**907 Frances Street**  
Historic cistern and brick pavers

Proposed easement - 907 Frances  
(Estimated for visual purposes.  
See survey for exact location)



# **Additional Information**



**THE CITY OF KEY WEST**

P.O. BOX 1409  
KEY WEST, FL 33041-1409

June 3, 2013

Dear Resident,

The County records reflect that you are the new owner of a property in which an easement was granted by the City of Key West. For your information and review, I've attached a copy of the City resolution granting the easement. Also, attached is an invoice for the easement. The City bills easements annually on June 1<sup>st</sup>.

Please contact me if you have any questions or concerns.

Regards,

A handwritten signature in cursive script, appearing to read "Nancy Kielman".

Nancy Kielman  
Finance Department  
305-809-3821

*Key to the Caribbean – Average yearly temperature 77° F.*



RESOLUTION NO. 99-149

EASEMENT: 907 FRANCES STREET

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF THE ATTACHED AGREEMENT FOR EASEMENT AT 907 FRANCES STREET, KEY WEST, FLORIDA, BETWEEN THE CITY OF KEY WEST AND THOMAS P. CALLAHAN AND JESSICA I.M. SADLER CALLAHAN; PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED, by the City Commission of the City of Key West, Florida:

Section 1: That the attached Agreement for Easement at 907 Frances Street, Key West, Florida, between the City of Key West and Thomas P. Callahan and Jessica I.M. Sadler Callahan is hereby approved; provided, however, that the property owner shall pay an annual rental to the City to be determined by Ordinance. The City Manager is authorized to execute the Agreement for Easement on behalf of the City of Key West, and the City Clerk is authorized to attest to his signature and affix the Seal of the City thereto.

Section 2: 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.

Passed and adopted by the City Commission at a meeting held this 4th day of MAY, 1999.

Authenticated by the presiding officer and Clerk of the Commission on MAY 7, 1999.

Filed with the Clerk MAY 7, 1999.

This copy is a true copy of the original on file in this office.  
Witness my hand and official seal  
this 13 day of Oct, 1999

ATTEST:

Cheryl Smith  
CITY CLERK

Sheila K. Mullins  
SHEILA K. MULLINS, MAYOR  
By Cheryl Smith  
Cheryl Smith  
City Clerk

JANNY L KOLHAGE, CLERK 11:44AM

10/18/1999 DEP. CLK 2:10

10 : 10

EASEMENT AGREEMENT

THIS AGREEMENT made this 4th day of May, 1999, between the City of Key West, Florida (hereinafter Grantor) and Thomas P. Callahan and Jessica I.M. Sadler Callahan (hereinafter Grantees).

RECITALS

Grantees are owners of the property known as 907 Frances Street, Key West, Florida. The 907 Frances Street property consists of a one-story frame garage that encroaches into Grantor's Havana Avenue right-of-way. More specifically, Grantees' one story frame garage encroaches 7.35 feet into Grantor's Havana Avenue right-of-way for a length of 9.4 feet, which totals approximately 69.09 square feet, according to a survey by Norby & Associates, Inc. dated January 8, 1999, (copy attached hereto). This encroachment impedes marketability of title to the properties.

The parties agree that the subject encroachment has existed for some years.

I. CONVEYANCE OF EASEMENT

The Grantor hereby agrees to grant and convey to Grantees for the structural life of the encroachment, an easement for use of 7.35 feet into Grantor's Havana Avenue right-of-way for a length of 9.4 feet, which is currently occupied by a one story frame garage; provided, however, that an existing chain link fence and a shed located on City property on Havana Avenue be removed. The encroachment is shown in the aforementioned survey. This easement shall pertain to the one story frame garage only, and not to any

other encroachments.

## II. CONSIDERATION

Grantees agree to pay to Grantor the sum of \$ 300.00, together with all sums and fees for city sewer, city garbage, if unpaid; to otherwise promptly bring the property and all uses thereof into full compliance with all city and state laws and regulations, if it is not now in full compliance.

## III. EASEMENT TERMINATION

Grantees agree that any enlargement of the presently existing 7.35 feet wide by 9.4 feet long encroachment into Havana Avenue shall operate to terminate the easement granted hereby, and that Grantor shall thereupon have the right to require Grantees to fully and entirely vacate the easement on the Havana Avenue right-of-way through demolition or structural alteration of the building.

Grantees agree that in the event the portion of the building encroaching Havana Avenue is removed or substantially destroyed, this easement shall terminate, and that any new structure shall be built entirely on land owned by the Grantees, or their assigns, and shall not encroach on Grantor's right-of-way.

Additionally, Grantees recognize and agree that Grantor may reclaim or retake its property without process upon a determination of necessity to protect the health, safety or welfare of the City's residents.

Notwithstanding the fact that this easement may terminate at some future date, it is a covenant that runs with the land, and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors or assigns.

AMENDMENT TO EASEMENT AGREEMENT

THIS AGREEMENT is made this 4th day of May, 1999, between the City of Key West, Florida (hereinafter "Grantor") and Thomas P. Callahan and Jessica I. M. Sadler Callahan (hereinafter "Grantees").

WHEREAS, Grantees are owners of property located at 907 Frances Street, Key West, Florida, including a one-story frame garage that encroaches 76.35 feet into Grantor's Havana Avenue right-of-way for a length of 9.4 feet (the "Encroachment"); and

WHEREAS, Grantees petitioned the City Commission for the conveyance of an easement for that portion of the land constituting the Encroachment; and

WHEREAS, Grantor agreed to convey to Grantees an easement for the Encroachment with certain conditions as more particularly described in the Easement Agreement dated May 4, 1999; and

WHEREAS, Grantor and Grantees entered into the Easement Agreement with the express understanding that the Easement Agreement would be amended to add the following provision:

IV. ANNUAL RENTAL FEE

Grantees agree to pay Grantor an annual rental fee for the easement in the total amount of \$300.00, payable annually on the anniversary date of the execution of this Amendment to Easement Agreement to the City of Key West. Failure to pay such rental fee shall constitute grounds for the Grantor to terminate the easement granted by the Easement Agreement dated May 4, 1999.

IN WITNESS WHEREOF, the parties have executed this agreement the date above written.

ATTEST:  
Cheryl Smith  
CHERYL SMITH, CITY CLERK

Julio Avel  
CITY OF KEY WEST  
JULIO AVAEL, CITY MANAGER

STATE OF FLORIDA )  
COUNTY OF MONROE )

The foregoing instrument was acknowledged before me this 7th day of August, 1999 by JULIO AVAEL of the City of Key West on behalf of the City who is personally known to me or who has produced \_\_\_\_\_ as identification.

Caroline Prncipe  
Notary Public

 Caroline Prncipe  
MY COMMISSION # CCB22645 EXPIRES 5/31/03  
March 31, 2003  
BONDED THRU TROY FAIR INSURANCE, INC. / LANCE INC.

My commission expires: 3/31/03

GRANTEE

Thomas P. Callahan  
Thomas P. Callahan

FILE #1147936  
BK#1600 PG#1064

GRANTEE

Jessica I. M. Sadler Callahan  
Jessica I. M. Sadler Callahan

STATE OF FLORIDA )  
COUNTY OF MONROE )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of August, 1999 by THOMAS P. CALLAHAN, who is personally known to me or who has produced FL Driver's License as identification.

Susan P. Harrison  
Notary Public

My commission expires: 4-8-2003



Susan P. Harrison  
MY COMMISSION # CC824275 EXPIRES  
April 8, 2003  
BONDED THRU TROY FAIN INSURANCE, INC.

STATE OF FLORIDA )  
COUNTY OF MONROE )

The foregoing instrument was acknowledged before me this 23 day of September, 1999 by JESSICA I. M. SADLER CALLAHAN, who is personally known to me or who has produced DL License as identification.

Caroline Prncipe  
Notary Public

My commission expires: \_\_\_\_\_



Caroline Prncipe  
MY COMMISSION # CC822645 EXPIRES  
March 31, 2003  
BONDED THRU TROY FAIN INSURANCE, INC.

RECEIVED

MONROE COUNTY  
OFFICIAL RECORDS

# Attachement B



~~TRANSMITTAL~~ TRANSMITTAL

WILLIAM P. HORN ARCHITECT, P.A.

915 EATON ST.  
KEY WEST, FLORIDA 33040  
PHONE (305) 296-8302  
FAX (305) 296-1033

TO	CITY KEY WEST BLDG DEPT.	DATE	08-25-00
ATTN.	CATHERINE HARDING	PROJECT NO.	
FAX NO.		FROM	FRANK HERDLISKA
REFERENCE	907 FRANCES ST. CURRENT PERMIT APPLICATION		

MEMO PER OUR TELEPHONE CONVERSATION  
 ATT. PLEASE FIND COPIES OF RESOLUTIONS  
 99-149 (EASEMENT) AND 00-136 (VARIANCE)  
 FOR THE ABOVE REF. PROJECT.

*Structural  
 life assessment*

IN TALKING WITH BILL HORN HE SAYS THAT  
 THE FACT THAT THE GARAGE WAS THE SUBJECT  
 OF THE EASEMENT WAS VERY MUCH A PART OF  
 THE DISCUSSION OF THE VARIANCE APPROVAL,  
 TO ALLOW THE RENOVATION ETC. OF THE  
 SPACE, AND THAT THE COMMISSION WAS  
 FULLY AWARE OF THESE RESOLUTIONS  
 WORKING TOGETHER, TO ALLOW IMPROVEMENTS  
 TO THE BUILDING.

Sincerely

Customer ID . . . : 6591 Name: SPROGELL, CAROLYN  
 Last statement . . : 6/02/14 Addr: 907 FRANCES ST  
 Last invoice . . . : 0/00/00 KEY WEST, FL 33040  
 Current balance . . : .00  
 Pending . . . . . : .00 Status: A ACTIVE

Type: EASEMENT OF CITY PROPERTY

Type option, press Enter.  
5=Display 9=History

Payment History

Opt	Trn date	Description	Payment Batch and Type	Receipt #	Original Amount	Unapplied Amount
-	6/25/14	PAYMENT	MR 45	30214	300.00-	.00
-	7/12/13	PAYMENT	MR 45	84571	300.00-	.00
-	7/26/12	PAYMENT	MR 45	93339	300.00-	.00
-	7/11/11	PAYMENT	MR 45	83504	300.00-	.00
-	6/16/10	PAYMENT	MR 45	82112	300.00-	.00
-	6/15/09	PAYMENT	MR 6	8Y005	300.00-	.00
-	6/10/08	PAYMENT	MR 26	82216	300.00-	.00
-	7/06/07	PAYMENT	MR 13	90406	300.00-	.00
-	2/15/07	PAYMENT	MR 27	44956	300.00-	.00
-	6/29/05	PAYMENT	MR 7	93793	300.00-	.00
-	7/02/04	PAYMENT	MR 6	90017	300.00-	.00
-	7/15/03	PAYMENT	MR 6	97306	300.00-	.00
-	7/12/02	PAYMENT	MR 6	97754	300.00-	.00
-	11/15/01	PAYMENT	MR 26	13919	300.00-	.00
-	7/05/00	PAYMENT	MR 6	92116	300.00-	.00

Bottom

F3=Exit F12=Cancel

# Attachment D

WILLIAM BOON  
ARCHITECT, P.A.

AS NOTED  
SEE PLAN  
AS SHOWN  
AS NOTED  
SEE PLAN  
AS SHOWN  
AS NOTED  
SEE PLAN  
AS SHOWN

RECEIVED  
FEB 04 2008

WINFREY RESIDENCE  
PHASE II  
BY FRANCES STREET  
KEY WEST, FLORIDA

SEAL

*2/1/08*

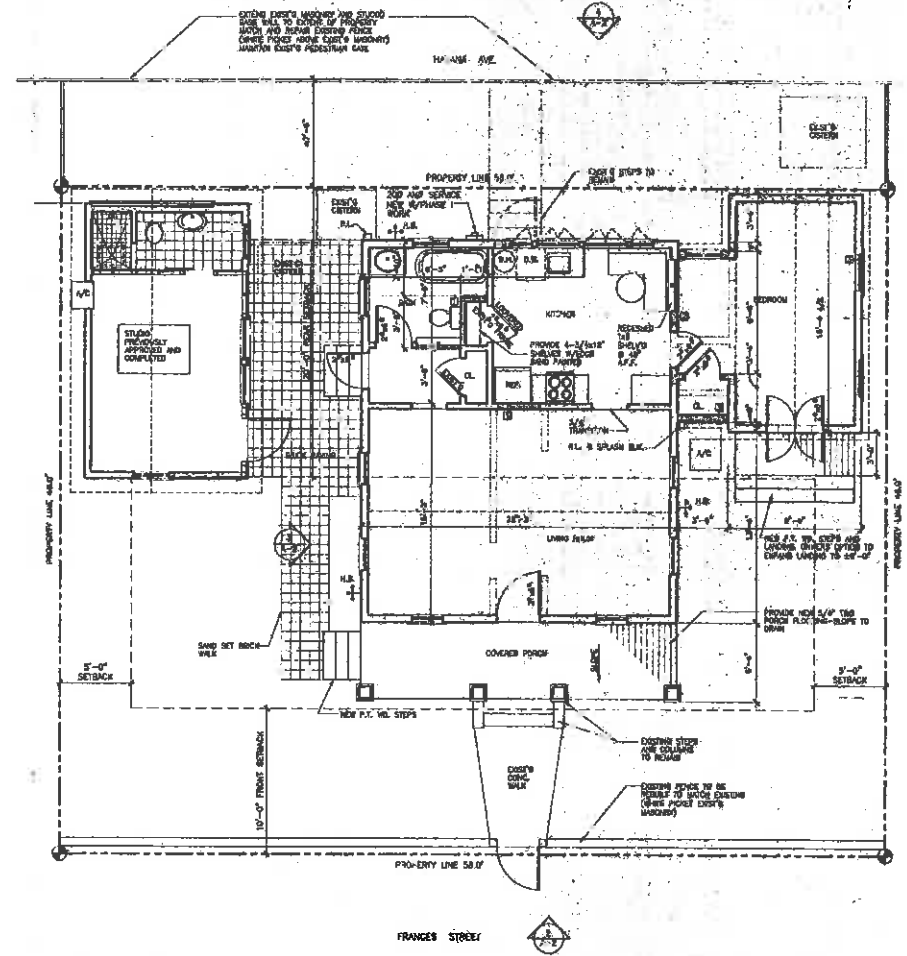
*Revised Drawing  
8.11.07*

DATE  
01-28-08  
REVISION PHASE II

REVISIONS  
10-19-07  
07-20-07 BLDG.  
06-15-07 BLDG.  
12-10-06 BLDG.  
01-25-01 BLDG.

DRAWN BY  
J. BO

PROJECT NUMBER  
5910



**NOTE:**  
REWORK/REPAIRS AND NEW SHALL BE AS INDICATED ON THE DWG'S AND SHALL BE PROVIDED BY OWNER AND INSTALLED BY THE CONTRACTOR. THE USE OF HANGERS SHALL BE LOCATED IN THE DOWN HALL SHALL BE PROVIDED AND INSTALLED BY THE CONTRACTOR. OWNER OR OR. NO. 10000.

INTERIOR DOORS SHALL BE 4 PANEL STYLE AND HALL DOORS W/PANED FINISH  
EXTERIOR DOORS (NEW) SHALL BE TO LIGHT NO. DOORS PAINTED

FLOOR: LIVING AND FLOOR SHALL BE PATCHED AND REFINISHED WITH NEW SECTION (AS TBA FINISH) TO MATCH EXISTING

BEDROOM FLOOR SHALL BE PATCHED AND REFINISHED WITH NEW SECTION (AS TBA FINISH) TO MATCH EXISTING

KITCHEN AND BATH FLOOR SHALL BE REPLACED DUE TO DETERIORATED CONDITION. PROVIDE NEW 3/4" P.L. FLOOR OVER EXISTING FINISHED FLOORING, AND TBA FINISHED WITH FINEST FINISH.

PROVIDE CLEAR POLYURETHANE FINISH COORS, W/DOORS

WALLS: 1/2" G.I.B. SHALL BE THE TBA FIN. THROUGHOUT. EXISTING MATERIAL TO REMAIN TO THE FLOOR EXCEPT PORTAL WALLS AND EXISTING MATERIALS WHERE POSSIBLE AND PROVIDE NEW 5/8" INS. INSULATION, ALL EXPOSED SURFACES TO BE FINISHED

BASE SHALL BE THE OLIVE SOUTHERN YELLOW PINE (GRADED) THROUGHOUT

FRAMING SHALL BE PROVIDED BY OWNER AND INSTALLED BY THE CONTRACTOR

THE DRIVEWAY SHALL BE PATCHED TO THE EXISTING DRIVEWAY SPECIFICATIONS UNDER SPECIFIC CONDITIONS FOR THE DRIVE AND PAVEMENT (AS L.S.)

ALL DIMENSIONS SHALL BE FIELD VERIFIED BY THE CONTRACTOR AND ADJUSTED TO CONFORM TO EXISTING CONDITIONS

PROVIDE 2x4 G.I.B. H.T. HOOKER AND LEADER TO SPLASH B.L. @ EA. END OF PRIMARY ROOF VALLEY @/BRACKET, PROVIDE OUTER EXTERIOR 2x4 @ 24" ON CENTER ALL IN A/V'S EQUIPMENT. ALSO PROVIDE CONTRACTOR BUTTER ALONG THE REAR OF THE HOUSE @/LEADER ADJACENT TO THE EXISTING SYSTEM.

REVIEWED  
SUBJECT TO CONFORMANCE WITH  
ALL APPLICABLE CODES AND  
ALL APPLICABLE REGULATIONS  
KEY WEST BUILDING DEPT.

## SITE and FLOOR PLAN

SCALE: 1/4" = 1'-0"

**SITE DATA - PHASE I AND PHASE II COMBINED**

LAND USE DISTRICT	INDOR
FLOOR ZONE	2
LOT AREA	2,668.0 SQ. FT.
LOT COVERAGE	EXISTING: 38.98 (1,038 S.F.) - 30% MAX. NEW: 40.58 (1,081 S.F.)
IMPERVIOUS AREA	EXISTING: 44.38 (1,188 S.F.) - 50% MAX. NEW: 47.28 (1,236 S.F.)

VARANCE GRANTED APRIL 5, 2008 AS DESCRIBED BELOW

HANDICAP SPACE TO BE ALLOWED IN THE GARAGE WITHOUT CONTIGUOUS ENTRY FROM MAIN HOUSE

REAR YARD SETBACK OF 0.0' IN LIEU OF 20.0'

SIDE YARD SETBACK OF 1.25' IN LIEU OF 3.0'

**NOTE:**  
PHASE I WORK TO INCLUDE:  
RENOVATION OF MAIN HOUSE, TO LAYOUT SHOWN.  
PHASE I WORK APPROVED BY LAMC  
(# H01-00-0022 11 JAN 2007)

## WALL LEGEND

SYMBOL	WALL TYPE
(Symbol: Dashed line)	EXISTING WALL TO REMAIN
(Symbol: Dotted line)	EXISTING WALL TO BE REMOVED
(Symbol: Solid line)	NEW CONSTRUCTION

**WALL TYPES**

1	INTERIOR - THE MAIN HOUSE, EA. SEE EXISTING FRAMES OR NEW P.L. 2x4 FRAMES @ 16" O.C.
2	EXTERIOR - THE TRAC HOUSE, INT. P.L. 2x4 FRAMES 8/11-11 LOCAL 3/4" P.L. PLY W/ SHIMMED 1/2" FELT AND P.L. NO. 20000. MATCH AND LUG-1/2" EXISTING SOFTS AND WALL THICKNESS
3	EXTERIOR - (WEATHER BEDROOM ADDITION) SAME AS (2) W/P.T. FINISH SELECTED TO EXISTING. PROVIDE 3/4" PLY W/ SHIMMED AND NEW SOUIC.

NOTE: 8-12 MAX. PARTITION WALL AT P.L. NO. 20000 IS AN ACCEPTABLE ALTERNATE TO G.I.B. STRIPS AND SLIPS OTHERWISE RELATED IN TOP AND BOTTOM PLANE.

## WINFREY RESIDENCE - PHASE II BY FRANCES STREET KEY WEST, FLORIDA





ADDRESS: 909 FRANCES STREET

RESOLUTION NO. 04-343

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING AN EASEMENT TO M. EMIL ROBERTS AND IDA ROBERTS FOR AN ENCROACHMENT UPON CITY PROPERTY AT 909 FRANCES STREET; PROVIDING FOR AN EFFECTIVE DATE

Doc# 1479129  
Bk# 2058 Pg# 2287

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

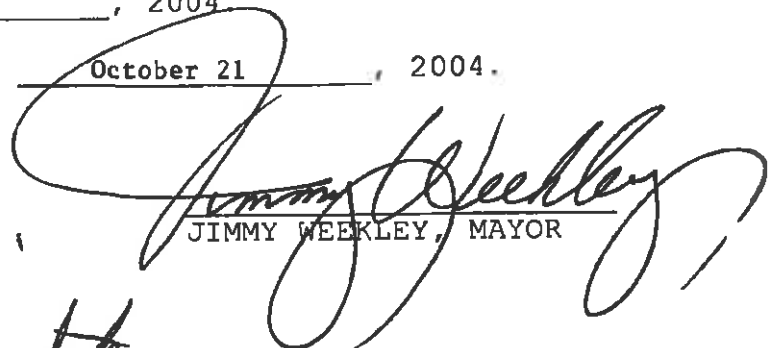
Section 1: That an easement is hereby granted in accordance with the attached Easement Agreement.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

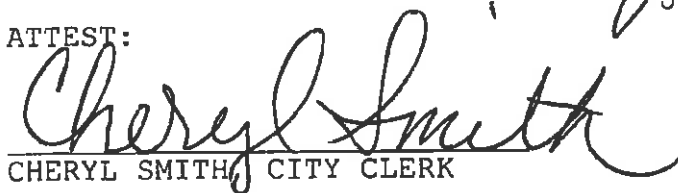
Passed and adopted by the City Commission at a meeting held this 19 day of October, 2004.

Authenticated by the presiding officer and Clerk of the Commission on October 21, 2004.

Filed with the Clerk October 21, 2004.

  
JIMMY WEEKLEY, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK

EASEMENT AGREEMENT

THIS AGREEMENT made this 15<sup>th</sup> day of November, 2004, between the City of Key West, Florida (hereinafter Grantor), and M. Emil Roberts and Ida Roberts (hereinafter jointly the Grantee).

Doc# 1479129  
Bk# 2058 P# 2288

RECITALS

Grantee is owner of the property known as 909 Frances Street, Key West, Florida, and intends to install a building that would encroach onto the Grantor's right-of-way along Havana Lane. Specifically, the Grantee's building will encroach for a length of 39.3 feet and a width of 7 feet, according to a survey by R.E. Reece, P.A., dated March 11, 2004 (copy attached hereto). This encroachment would impede marketability of the property.

I. CONVEYANCE OF EASEMENT

The Grantor hereby agrees to grant and convey to Grantee an easement for use of Havana Lane for a length of 39.3 feet and a width of 7 feet for a building on Grantee's property located at 909 Frances Street, as more specifically described in the attached survey. The easement shall pertain to those structural portions existing on the property only and not to any other encroachments. The grant of this easement is conditioned upon the following: (1) there shall be no new additional construction related to the encroachment; and (2) the stairs constructed on the right-of-way shall be removable.

II. CONSIDERATION

Grantee agrees to pay to Grantor a processing fee in the amount of \$850.00, together with all sums and fees for city sewer, city garbage, if unpaid; to otherwise promptly bring the property and all uses thereof into full compliance with all city and state laws and regulations, if it is not now in full compliance. Grantee further agrees to pay Grantor an annual rental fee for this easement in the total amount of \$400.00, payable annually on the anniversary date of the execution of this Easement Agreement to the City of Key West. Failure to pay such rental shall constitute grounds for the Grantor to terminate the easement.

III. EASEMENT TERMINATION

Grantee agrees that the improvements located on the Easement shall not be enlarged or expanded.

Grantee shall have the right to repair, maintain and replace the improvements in the ordinary course of maintenance and/or in the event the improvements are destroyed by fire, hurricane or other cause.

In the event Grantor determines that retaking this property is necessary for a public purpose, then Grantor may terminate this Easement and reclaim the property without compensation to Grantee.

# Attachment E

This Easement shall be considered a covenant that runs with the land and shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this easement the date above written.

Doc# 1479129  
Bk# 2058 P# 2290



CITY OF KEY WEST

*Cheryl Smith*  
\_\_\_\_\_  
CITY CLERK

*Julio Avel*  
\_\_\_\_\_  
JULIO AVAEL, CITY MANAGER

STATE OF FLORIDA     )  
COUNTY OF MONROE    )

The foregoing instrument was acknowledged before me this 22nd day of October, 2004 by JULIO AVAEL of the City of Key West on behalf of the City who is personally known to me or who has produced personally known as identification.

*Vivian Perez*  
\_\_\_\_\_  
Notary Public  
State of Florida

My commission expires  Vivian Perez  
MY COMMISSION # CC991212 EXPIRES  
April 9, 2005  
BONDED THRU TROY FAIN INSURANCE, INC

[signatures continued on next page]

GRANTEE

Doc# 1479129  
Bk# 2058 Pg# 2291

M. Emil Roberts  
By: M. Emil Roberts

Ida Roberts  
By: Ida Roberts

STATE OF FLORIDA     )  
COUNTY OF MONROE    )

The foregoing instrument was acknowledged before me this 15<sup>th</sup>  
day of November, 2004, by M. EMIL ROBERTS AND IDA  
ROBERTS, who are personally known to me or who have produced  
H.S. as identification.

Vivian Perez  
Notary Public  
State of Florida

My commission expires:  Vivian Perez  
MY COMMISSION # CC991212 EXPIRES  
April 9, 2005  
BONDED THRU TROY FARM INSURANCE, INC

# Attachment E

Doc# 1479129  
Bk# 2058 Pg# 2292

**LEGAL DESCRIPTION OF REQUESTED EASEMENT**  
**SITE ADDRESS: 909 FRANCIS STREET**

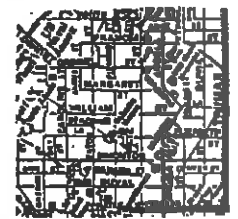
**NAME OF APPLICANT: EDWARD W. HORAN**  
**NAME OF OWNERS: M. EMIL ROBERTS AND IDA ROBERTS**

In the City of Key West, Florida, known as Subdivision 16, Square 3, of JOHN LOWE'S DIAGRAM of Tract 6, recorded in Deed Book 1, Page 425, of the Public Records of Monroe County, Florida, and more particularly described by metes and bounds as follows:

Commencing at a point located by running in a Southeasterly direction from the corner of Frances and Olivia Street 116 feet along Frances Street; thence at right angles in a Northeasterly direction 46 feet to the point of beginning; thence at right angles in a Southerly direction along Havana Avenue for 39.3 feet; thence at right angles in a Northeasterly direction 7 feet; thence at right angles in a Northerly direction along Havana Avenue 39.3 feet; thence at right angles in a Southwesterly direction 7 feet to the point of beginning.

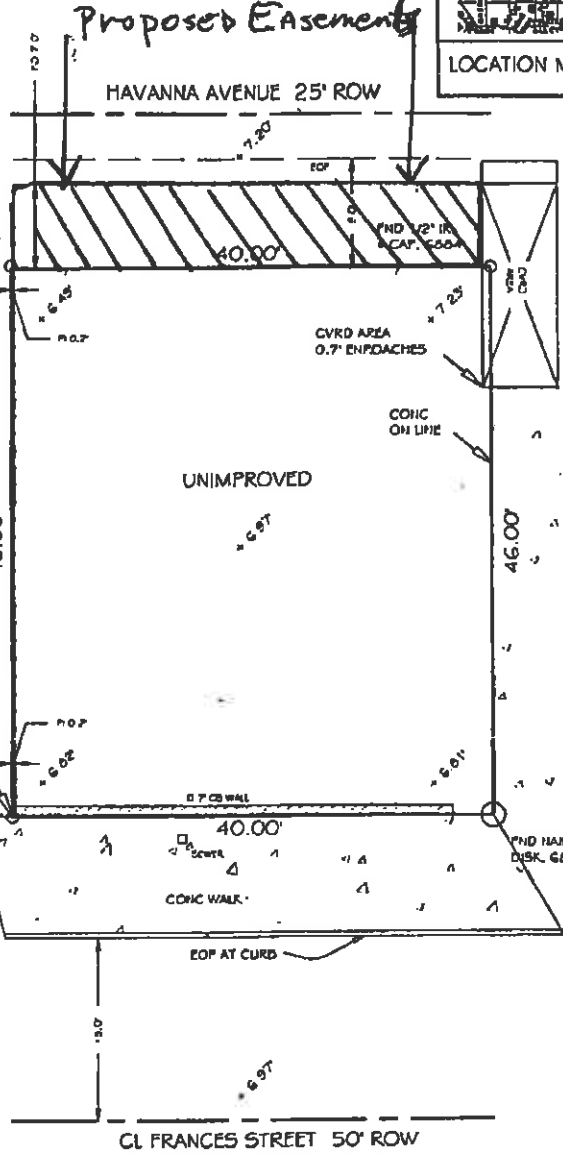
RECORDED  
JUL 22 2004  
CITY OF KEY WEST

## MAP OF BOUNDARY SURVEY PART OF SUBDIVISION 16, SQUARE 3 OF JOHN LOWE'S DIAGRAM OF TRACT 6



LOCATION MAP - N.T.S.

**RECEIVED**  
MAY 11 1994  
CITY OF KEY WEST  
PLANNING DEPT.



SCALE: 1" = 10'

BEARING BASE:  
DERIVED FROM PLAT

ALL ANGLES DEPICTED  
ARE 90 DEGREES UNLESS  
OTHERWISE INDICATED

ADDRESS:  
917 FRANCES STREET  
KEY WEST, FL  
33040

FND 3/4" IR  
+ CAP. UNREADABLE  
AT 46.20'

POB  
FND NAIL &  
DISK 5234

FND NAIL &  
DISK 6084

ELEVATIONS SHOWN  
AS +X.XX' REFER TO  
NGVD 1929 VERTICAL  
DATUM ABOVE SEALEVEL

COMMUNITY NO.: 120168  
MAP NUMBER: 12087C1716H  
MAP DATE: 3/3/97  
ZONE: X  
BASE ELEVATION: N/A

CORNER OF FRANCES  
AND OLIVIA STREETS

CL FRANCES STREET 50' ROW

**CERTIFIED TO -**

IDA H. ROBERTS

NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR THEIR REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ALLOWING PROCEEDINGS BEEN RESEARCHED TO DETERMINE OVERLAYS OR MISTAKES.

FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS ARE PLATTED OR DESCRIBED UNLESS OTHERWISE INDICATED OTHERWISE.

**LEGAL DESCRIPTION -**

In the City of Key West, Florida, known as Part of Subdivision 16, Square 3, of JOHN LOWE'S DIAGRAM of Tract 6, recorded in Deed Book 1, Page 425, of the Public Records of Monroe County, Florida, and more particularly described by notes and bounds as follows:

Commencing at a point on Frances Street 116 feet distant from the corner of Frances and Olivia Streets, and running thence along Frances Street in a Southeasterly direction 40 feet; thence at right angles in a Northwesterly direction 46 feet; thence at right angles in a Northwesterly direction 40 feet; thence at right angles in a Southwesterly direction 46 feet to the point of beginning.

THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET.

- |                               |                            |                             |
|-------------------------------|----------------------------|-----------------------------|
| CD = CURVED                   | PC = POINT OF CURVATURE    | POB = POINT OF BEGINNING    |
| CL = CENTERLINE               | PL = POINT OF LINE         | POC = POINT OF CURVATURE    |
| CW = CONCRETE WALL            | PLM = POINT OF LINE METHOD | POI = POINT OF INTERSECTION |
| COR = CORNER                  | PLM = POINT OF LINE METHOD | POI = POINT OF INTERSECTION |
| COR = CORNER                  | PLM = POINT OF LINE METHOD | POI = POINT OF INTERSECTION |
| ... [many more abbreviations] |                            |                             |

SCALE: 1" = 10'

DATE: 03/1/04

BY: R.E. REECE

DATE: 1/01/04

DATE: 1/01/04

DATE: 1/01/04

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE REQUIREMENTS OF CHAPTER 179, PART 1 OF THE FLORIDA STATUTES, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED HEREIN, THE REQUIREMENTS OF FLORIDA STATUTE FORM 4, SUBPARAGRAPH 10D, ARE FULFILLED. THESE REQUIREMENTS ARE: 1. ACCURACY; 2. SUFFICIENT; 3. ... [signature]

**R.E. REECE, P.A.**  
PROFESSIONAL SURVEYOR AND MAPPER  
15 SHIPS WAY, BIG PINE KEY, FL. 33043  
OFFICE (305) 872 - 1348  
FAX (305) 872 - 5622

MONROE COUNTY OFFICIAL RECORDS

RESOLUTION NO. 00-136

VARIANCE: 907 FRANCES STREET

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT GRANTING A VARIANCE TO THE BUILDING SETBACK AND HABITABLE SPACE REGULATIONS FOR PROPERTY IN THE HHDR, HISTORIC HIGH DENSITY RESIDENTIAL ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PERMITTING VARIANCES TO: SECTION 2-7.3, ARTICLE VII OF THE LDRs, TO ALLOW HABITABLE SPACE TO BE ACCESSIBLE FROM OTHER THAN "THE INTERIOR OF EXTERIOR WALLS," OR OTHER THAN DIRECTLY ACCESSIBLE FROM INSIDE A CONTIGUOUS STRUCTURE, FOR THE EXISTING GARAGE; TO THE REAR YARD BUILDING SETBACK REQUIREMENTS OF 20 FEET, FROM THE 20 FEET REQUIRED TO THE 0 FEET PROPOSED AND EXISTING FOR THE CURRENT GARAGE, ITS PROPOSED EXPANSION, AND THE PROPOSED EXPANDED EASTERN CONNECTION; AND TO THE SIDE YARD BUILDING SETBACK REQUIREMENTS OF 3.25 FEET, FROM THE 5 FEET REQUIRED TO THE 1.75 PROPOSED AND EXISTING, FOR THE CURRENT GARAGE. THE PURPOSE OF THE REQUEST IS TO ALLOW THE CONVERSION OF AN EXISTING 171 SQUARE FOOT GARAGE ON THE NORTH SIDE OF THE LOT INTO A STUDIO, TO EXPAND THAT STRUCTURE BY 11.5 FEET ALONG THE EASTERN SIDE OF THE BUILDING, AND TO EXPAND BY 35.75 SQUARE FEET THE CONNECTION TO THE EASTERN WING OF THE STRUCTURE FOR PROPERTY LOCATED AT 907 FRANCES STREET (RE# 21700).

REAL ESTATE PARCEL #21700, ALSO KNOWN AS 907 FRANCES STREET, KEY WEST, MONROE COUNTY, FLORIDA

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and



# Attachment F

WHEREAS, literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Regulations.

WHEREAS, the special conditions and circumstances do not result from the actions of the applicant.

WHEREAS, the granting of the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district.

WHEREAS, the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

WHEREAS, the granting of the variance will be in harmony with the general purpose and intent of the Land Development Regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; now therefore,

# Attachment F

BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1. That a variance to building setback regulations and habitable space regulations in the HHDR, Historic High Density Residential Zoning District, under the Land Development Regulations of the City of Key West, Florida, is hereby granted as follows: SECTION 2-7.3, ARTICLE VII OF THE LDRs, TO ALLOW HABITABLE SPACE TO BE ACCESSIBLE FROM OTHER THAN "THE INTERIOR OF EXTERIOR WALLS," OR OTHER THAN DIRECTLY ACCESSIBLE FROM INSIDE A CONTIGUOUS STRUCTURE, FOR THE EXISTING GARAGE; TO THE REAR YARD BUILDING SETBACK REQUIREMENTS OF 20 FEET, FROM THE 20 FEET REQUIRED TO THE 0 FEET PROPOSED AND EXISTING FOR THE CURRENT GARAGE, ITS PROPOSED EXPANSION, AND THE PROPOSED EXPANDED EASTERN CONNECTION; AND TO THE SIDE YARD BUILDING SETBACK REQUIREMENTS OF 3.25 FEET, FROM THE 5 FEET REQUIRED TO THE 1.75 PROPOSED AND EXISTING, FOR THE CURRENT GARAGE. THE PURPOSE OF THE REQUEST IS TO ALLOW THE CONVERSION OF AN EXISTING 171 SQUARE FOOT GARAGE ON THE NORTH SIDE OF THE LOT INTO A STUDIO, TO EXPAND THAT STRUCTURE BY 11.5 FEET ALONG THE EASTERN SIDE OF THE BUILDING, AND TO EXPAND BY 35.75 SQUARE FEET THE CONNECTION TO THE EASTERN WING OF THE STRUCTURE FOR PROPERTY LOCATED AT 907 FRANCES STREET (RE# 21700).

REAL ESTATE PARCEL #21700, ALSO KNOWN AS 907 FRANCES STREET, KEY WEST, MONROE COUNTY, FLORIDA

# Attachment F

**Section 2.** It is an essential condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this variance that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of said 12-month period.

**Section 3.** Failure to submit full and complete application for permits for new construction for which this variance is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

**Section 4.** This variance 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.

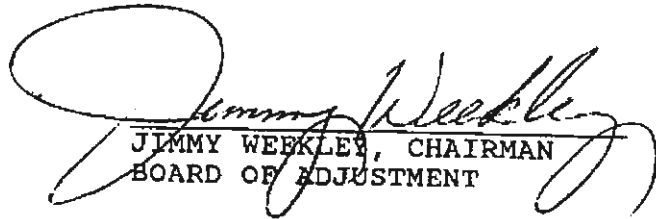
# Attachment F

Section 5. 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.


Read and passed on first reading at a regular meeting held this 5th day of April, 2000.

Authenticated by the presiding officer and Clerk of the Board on 6th day of April, 2000.

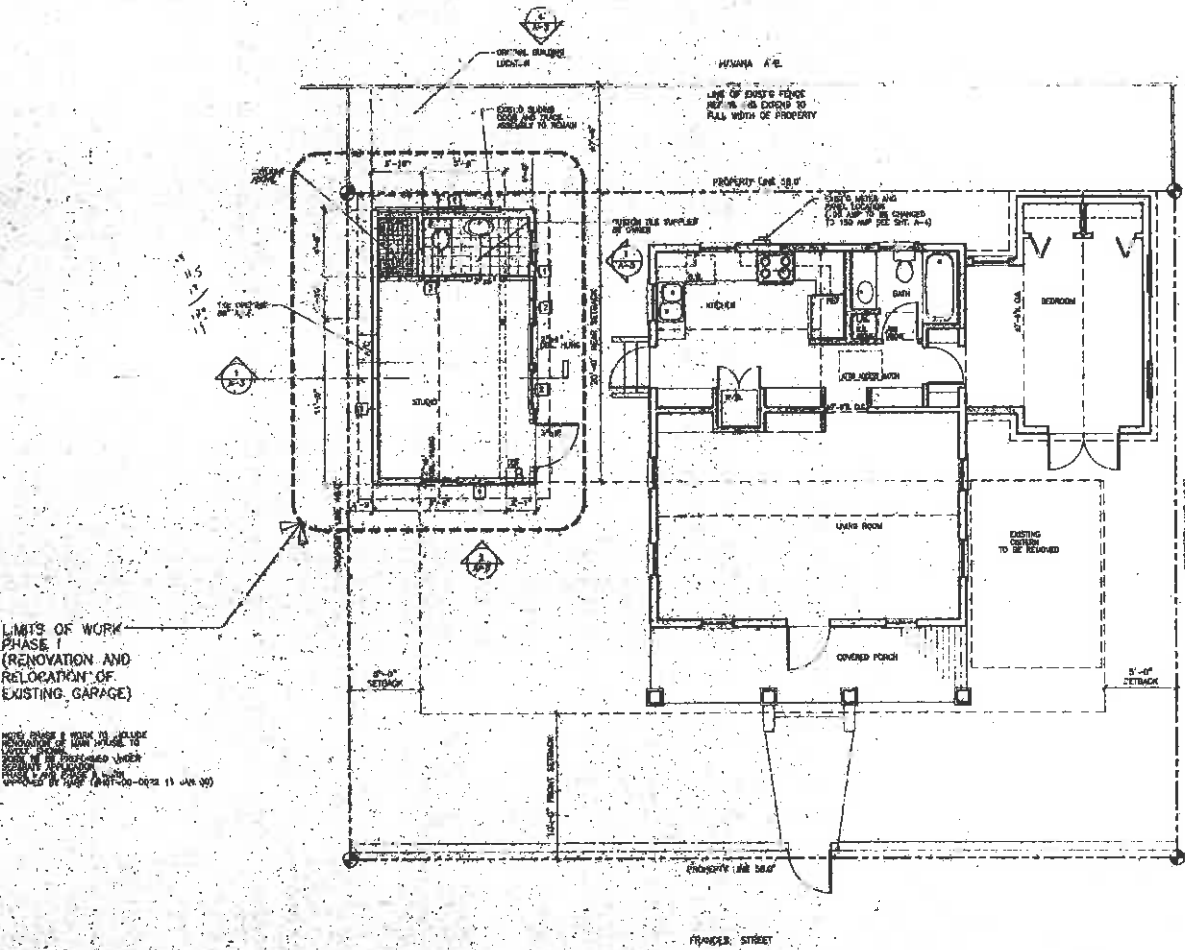
Filed with the Clerk on April 6, 2000.

  
JIMMY WEEKLEY, CHAIRMAN  
BOARD OF ADJUSTMENT

ATTEST:

  
CHERYL SMITH, CITY CLERK

# Attachment G



LIMITS OF WORK  
PHASE I  
(RENOVATION AND  
RELOCATION OF  
EXISTING GARAGE)

PHASE I WORK TO INCLUDE  
RENOVATION OF MAIN HOUSE TO  
MEET ALL APPLICABLE CODES  
AND ALL APPLICABLE CITY ORDINANCES  
AS AMENDED  
DATE: 01/20/2009 (REVISED 11 JAN 09)

### SITE and FLOOR PLAN

SCALE: 1/4" = 1'-0"

SITE DATA - PHASE I AND PHASE II COMBINED

LAND USE ZONING:	R-10-S
MAXIMUM LOT AREA:	10,800 SQ. FT.
MINIMUM LOT AREA:	5,000 SQ. FT.
MAXIMUM LOT COVERAGE:	EXISTING 30.0% (MAX 50%) - 50% MAX.
MINIMUM LOT COVERAGE:	NEW 25.0% (MIN 25%) - 25% MIN.
MINIMUM SETBACKS:	FRONT 10'-0" (MIN 5'-0") - 10'-0" MIN.
REAR SETBACKS:	NEW 5'-0" (MIN 5'-0") - 5'-0" MIN.
SIDE YARD SETBACKS:	NEW 5'-0" (MIN 5'-0") - 5'-0" MIN.

MINIMUM SETBACKS ARE 5' 0" AS  
DESCRIBED ABOVE.

PERMISSIBLE SPACE TO BE ALLOWED IN THE DRIVEWAY  
WHICH PROVIDES UNOBSTRUCTED ENTRY FROM MAIN HOUSE.  
FOR THIS DRIVEWAY OF 8'-0" W. LESS OF 3'-0"  
SIDE YARD SETBACK OF 1'-7 1/2" IS LATE OF 3'-0"

#### WALL TYPES

1. 2" x 4" T&G WOOD FRAMING ON EXISTING FOUNDATION. EXTERIOR FINISH: 1/2" GYPSUM BOARD. INTERIOR FINISH: 1/2" GYPSUM BOARD. CEILING FINISH: 1/2" GYPSUM BOARD. FLOOR FINISH: 1/2" GYPSUM BOARD. ROOF FINISH: 1/2" GYPSUM BOARD. WALLS TO BE REMOVED SHALL BE REMOVED PRIOR TO CONSTRUCTION.
2. 2" x 4" T&G WOOD FRAMING ON NEW FOUNDATION. EXTERIOR FINISH: 1/2" GYPSUM BOARD. INTERIOR FINISH: 1/2" GYPSUM BOARD. CEILING FINISH: 1/2" GYPSUM BOARD. FLOOR FINISH: 1/2" GYPSUM BOARD. ROOF FINISH: 1/2" GYPSUM BOARD. WALLS TO BE REMOVED SHALL BE REMOVED PRIOR TO CONSTRUCTION.
3. INTERIOR EXPOSED 2" x 4" AND 4" x 4" ALUMINUM FRAMING PARTITION W/ 1/2" GYPSUM BOARD ON ONE SIDE SET 36" ON OTHER SIDE.
4. PROVIDE 1/2" CONCRETE OR GYPSUM BOARD TO RECEIVE CEILING TILE.

#### FINISH NOTES

WALLS: 1/2" T&G WOOD FRAMING ON EXISTING FOUNDATION. EXTERIOR FINISH: 1/2" GYPSUM BOARD. INTERIOR FINISH: 1/2" GYPSUM BOARD. CEILING FINISH: 1/2" GYPSUM BOARD. FLOOR FINISH: 1/2" GYPSUM BOARD. ROOF FINISH: 1/2" GYPSUM BOARD. WALLS TO BE REMOVED SHALL BE REMOVED PRIOR TO CONSTRUCTION.

CEILING: 1/2" GYPSUM BOARD. INTERIOR FINISH: 1/2" GYPSUM BOARD. CEILING FINISH: 1/2" GYPSUM BOARD. FLOOR FINISH: 1/2" GYPSUM BOARD. ROOF FINISH: 1/2" GYPSUM BOARD. WALLS TO BE REMOVED SHALL BE REMOVED PRIOR TO CONSTRUCTION.

FLOORS: THE MAIN FLOOR SHALL BE FINISHED WITH SPANISH TILE SET TO BE MATCHED BY OWNER. SHOWERS SHALL BE 4" x 4" SETBACK BY 1/2" GYPSUM BOARD. INTERIOR FINISH: 1/2" GYPSUM BOARD. CEILING FINISH: 1/2" GYPSUM BOARD. FLOOR FINISH: 1/2" GYPSUM BOARD. ROOF FINISH: 1/2" GYPSUM BOARD. WALLS TO BE REMOVED SHALL BE REMOVED PRIOR TO CONSTRUCTION.

STUDIO FLOOR SHALL BE FINISHED WITH 1/2" GYPSUM BOARD. INTERIOR FINISH: 1/2" GYPSUM BOARD. CEILING FINISH: 1/2" GYPSUM BOARD. FLOOR FINISH: 1/2" GYPSUM BOARD. ROOF FINISH: 1/2" GYPSUM BOARD. WALLS TO BE REMOVED SHALL BE REMOVED PRIOR TO CONSTRUCTION.

THIS BLUE PRINT SHALL BE PROVIDED AT EXISTING FRAMES. THE BLUE PRINT SHALL BE PROVIDED IN 20% SCALE. WITH NO REDLINE AND EXPOSED TRAIL CARRY MAKE SURE TO SHOW.

WALLS AND DOOR CASERS SHALL BE 1/4" WERE THIS TO BE FINISHED.

WINFREY RESIDENCE - PHASE I  
307 FRANCES STREET  
KEY WEST, FLORIDA

Previously  
approved  
Plans

RE NEWED  
APPLICABLE CITY ORDINANCES  
AS AMENDED

APPROVED BY  
DATE: 10-13-09  
10-13-09  
10-13-09  
10-13-09



PROJECT NUMBER  
3010

DATE: 10/13/09  
KEY WEST, FLORIDA  
307  
TEL: 305-858-3333  
P.O. BOX 1000  
KEY WEST, FLORIDA  
33548

WINFREY RESIDENCE  
PHASE I  
307 FRANCES ST  
KEY WEST, FLORIDA

SCALE  
1/4" = 1'-0"

DATE

MADE BY

PROJECT NUMBER

3010

Professional Engineer  
Florida  
00000189049  
DATE: 10/13/09  
10/13/09

# **Property Appraiser Information**



**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: 1022454 Parcel ID: 00021700-000000

### Ownership Details

**Mailing Address:**

SPROGELL CAROLYN A  
907 FRANCES ST  
KEY WEST, FL 33040-3359

### Property Details

**PC Code:** 01 - SINGLE FAMILY

**Millage Group:** 10KW

**Affordable Housing:** No

**Section-Township-  
Range:** 05-68-25

**Property Location:** 907 FRANCES ST KEY WEST

**Legal Description:** KW PT LT 17 OF TR 6 OR295-123-124 OR466-535 OR1375-2263/64 OR1379-321/3C OR1580-939/941 OR1600-1060/64-E(RES NO 99-149) OR2532-342/44 OR2618-1939/41

[Click Map Image to open interactive viewer](#)



### Exemptions

Exemption	Amount
44 - ADDL HOMESTEAD	25,000.00
39 - 25000 HOMESTEAD	25,000.00

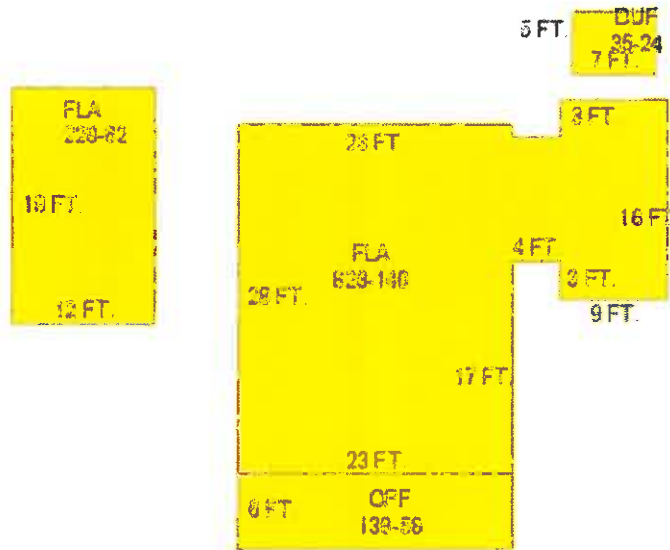
### Land Details

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	54	46	2,479.00 SF

### Building Summary

**Number of Buildings:** 1  
**Number of Commercial Buildings:** 0  
**Total Living Area:** 1056  
**Year Built:** 1923





**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA	8:METAL/ALUM	1	1923	N Y	0.00	0.00	828
2	OPF		1	1923		0.00	0.00	138
5	FLA	12:ABOVE AVERAGE WOOD	1	1993	N Y	0.00	0.00	228
6	DUF		1	1959		0.00	0.00	35

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	290 SF	58	5	1964	1965	5	30
2	FN2:FENCES	232 SF	58	4	1964	1965	5	30

3	FN2:FENCES	322 SF	46	7	2001	2002	2	30
4	PT2:BRICK PATIO	786 SF	0	0	2001	2002	2	50

### Appraiser Notes

5/99 SALE OF \$300 OR 1600-1060/64 IS FOR AN EASEMENT FROM THE CITY OF KEY WEST TO PROPERTY OWNER FOR ENCROACHMENT. LG

### Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	13-0881	03/11/2013		100	Residential	INSTALL NEW FIXTURES. REPLACE SEWER LINE.
1	13-0880	03/08/2013		100	Residential	3 SQS. OF V-CRIMP, 5 SQS. OF METAL SHINGLES
1	13-0882	03/11/2013		100	Residential	CONVERT GARAGE INTO LIVING SPACE
1	E953504	10/01/1995	12/01/1995	2,000		INSTALL 100 AMP SERVICE
1	0000022	09/29/2000	11/02/2001	32,000		CONVERT GARAGE TO LIVING
1	0003243	10/16/2000	11/02/2001	90,000		COMPLETE RENOVATIONS/AC
1	04-2796	08/25/2004	09/28/2004	1,200		REPLACE 150' SIDING

### 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
2014	125,584	7,244	321,881	454,709	446,417	25,000	421,417
2013	131,282	2,927	286,619	420,828	394,312	0	420,828
2012	134,266	2,972	221,228	358,466	358,466	0	358,466
2011	132,774	3,006	203,146	338,926	338,926	0	338,926
2010	135,758	3,040	256,304	395,102	395,102	0	395,102
2009	152,463	3,085	389,582	545,130	545,130	0	545,130
2008	140,093	3,119	433,825	577,037	577,037	0	577,037
2007	205,052	3,138	330,947	539,137	539,137	0	539,137
2006	335,284	3,183	235,505	573,972	573,972	0	573,972

2005	335,284	3,217	185,925	524,426	524,426	0	524,426
2004	187,870	3,251	173,530	364,651	364,651	0	364,651
2003	218,207	3,296	66,933	288,436	288,436	0	288,436
2002	210,691	3,330	66,933	280,954	280,954	0	280,954
2001	126,366	2,895	66,933	196,194	196,194	0	196,194
2000	130,086	4,464	47,101	181,651	181,651	0	181,651
1999	94,979	3,611	47,101	145,691	145,691	0	145,691
1998	77,610	2,965	47,101	127,676	127,676	0	127,676
1997	72,066	2,769	42,143	116,978	116,978	0	116,978
1996	42,043	1,931	42,143	86,117	86,117	0	86,117
1995	38,306	1,344	42,143	81,793	81,793	-25,500	56,293
1994	34,257	1,202	45,679	81,139	81,139	25,500	55,639
1993	37,241	515	45,679	83,434	83,434	25,500	57,934
1992	37,241	520	45,679	83,440	83,440	25,500	57,940
1991	37,241	527	45,679	83,446	83,446	25,500	57,946
1990	25,189	532	35,603	61,324	61,324	25,500	35,824
1989	22,899	490	34,931	58,320	58,320	25,500	32,820
1988	18,773	495	30,901	50,169	50,169	25,500	24,669
1987	18,551	500	16,122	35,173	35,173	25,500	9,673
1986	18,656	506	16,122	35,284	35,284	25,500	9,784
1985	18,117	511	10,449	29,077	29,077	25,500	3,577
1984	16,962	516	10,449	27,927	27,927	25,500	2,427
1983	16,962	522	10,449	27,933	27,933	25,500	2,433
1982	17,276	527	9,010	26,813	26,813	25,500	1,313

### 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
3/18/2013	2618 / 1939	580,000	WD	02
8/10/2011	2532 / 342	100	WD	11

5/27/1999	1580 / 0939	225,000	<u>WD</u>	<u>Q</u>
5/4/1999	1600 / 1060	300	00	<u>O</u>
11/1/1995	1375 / 2263	135,000	<u>WD</u>	<u>U</u>

This page has been visited 17,692 times.

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