

Relevant Prior Approvals:

- **Resolution 97-72**
- **Resolution 97-73**
- **Resolution 98-44**
- **Restaurant Licensing and associated site plans**

RESOLUTION NO. 98-44

VARIANCE: 804 WHITEHEAD STREET
809, 811 TERRY LANE

A RESOLUTION GRANTING A VARIANCE TO HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA PERMITTING A VARIANCE TO ALLOW: 5.0 ' RIGHT SIDE CORNER SETBACK (15' REQUIRED) AND 1.33' REAR SETBACK (16.0' REQUIRED) TO ALLOW CONSTRUCTION OF A NEW ONE-STORY COMMERCIAL STRUCTURE OF 1,025 SQUARE FEET; AND, A VARIANCE TO ALLOW ZERO FEET LEFT SIDE SETBACK (15' REQUIRED) AND ZERO FEET REAR SETBACK (15' REQUIRED) FOR AIR CONDITIONING EQUIPMENT AT TWO LOCATIONS AS SHOWN ON ACCOMPANYING SITE PLAN.

REAL ESTATE PARCEL #1401, 1401-001, 1402, 1405, 1406, ALSO KNOWN AS 804 WHITEHEAD STREET & 809, 811 TERRY LANE 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

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 Zoning Ordinance.

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 zoning provisions, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; now therefore,

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

Section 1. That a variance to: **HP-3, Light Commercial Historic Preservation District**, under Chapter 35 of the Code of Ordinances of the City of Key West, Florida, permitting a variance to allow:

5.0 ' RIGHT SIDE CORNER SETBACK (15' REQUIRED) AND 1.33' REAR SETBACK (16.0' REQUIRED) TO ALLOW CONSTRUCTION OF A NEW ONE-STORY COMMERCIAL STRUCTURE OF 1,025 SQUARE FEET; AND, A VARIENCE TO ALLOW ZERO FEET LEFT SIDE SETBACK (15' REQUIRED) AND ZERO FEET REAR SETBACK (15' REQUIRED) FOR AIR CONDITIONING EQUIPMENT AT TWO LOCATIONS AS SHOWN ON ACCOMPANYING SITE PLAN.

REAL ESTATE PARCEL #1401, 1401-001, 1409, 1405, 1406 ALSO KNOWN AS

804 WHITEHEAD STREET & 809, 811 TERRY LANE KEY WEST, MONROE COUNTY,
FLORIDA

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.

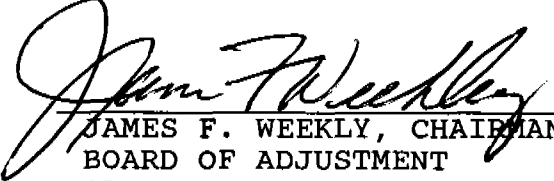
Section 4. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

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 4th day of February, 1998.

Authenticated by the presiding officer and Clerk of the Board on 11th day of February, 1998.

Filed with the Clerk on February 11, 1998.


JAMES F. WEEKLY, CHAIRMAN
BOARD OF ADJUSTMENT
PRO TEM

ATTEST:


JOSEPHINE PARKER, CITY CLERK

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RESOLUTION NO. 97-73

SPECIAL EXCEPTION:

**804 WHITEHEAD STREET,
809, 811 TERRY LANE**

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO HP-3, LIGHT COMMERCIAL HISTORIC DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA PERMITTING A SPECIAL EXCEPTION TO ALLOW: SMALL SCALE COMMERCIAL USE (RETAIL SALES/RESTAURANT/PARKING) ON THREE LOTS WITH A FUTURE LAND USE DESIGNATION OF HMDR, ON THE FOLLOWING DESCRIBED PROPERTY:

ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING.

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-

OF-WAY LINE OF PETRONIA ST. AND THE
W'LY RIGHT-OF-WAY BOUNDARY LINE OF
WHITEHEAD STREET FOR A POINT OF
BEGINNING; THENCE SOUTHERLY ALONG
THE SAID WESTERLY LINE OF WHITEHEAD
STREET 62.25 FEET TO A POINT; THENCE
WESTERLY AT RIGHT ANGLES 96 FEET TO
A POINT; THENCE NORTHERLY AT RIGHT
ANGLES 23.48 FEET TO A POINT; THENCE
EASTERLY AT RIGHT ANGLES 5 FEET TO A
POINT; THENCE NORTHERLY AT RIGHT
ANGLES 39.77 FEET TO A POINT ON THE
SAID LINE OF PETRONIA ST., 91 FEET
BACK TO THE POINT OF BEGINNING

AND

PART OF LOT ONE (1) SQUARE ONE (1),
TRACT THREE (3) OF SIMONTON'S
ADDITION TO THE CITY OF KEY WEST,
FLORIDA: COMMENCING AT THE
INTERSECTION OF THE WESTERLY RIGHT-
OF-WAY BOUNDARY LINE OF WHITEHEAD
STREET AND THE SOUTHERLY RIGHT-OF-
WAY BOUNDARY LINE OF PETRONIA STREET
AND RUN THENCE WESTERLY ALONG THE
SAID LINE OF PETRONIA 91 FEET TO THE
POINT OF BEGINNING OF THE PARCEL
HEREIN BEING DESCRIBED; THENCE
CONTINUE ALONG THE SAID LINE OF
PETRONIA STREET 74' FEET TO A POINT;
THENCE SOUTHERLY AND AT RIGHT ANGLES
62.25 FEET TO A POINT; THENCE
EASTERLY AND AT RIGHT ANGLES 69 FEET
TO A POINT; THENCE NORTHERLY AND AT
RIGHT ANGLES 23.48 FEET TO A POINT;
THENCE EASTERLY AT RIGHT ANGLES 5
FEET TO A POINT; THENCE NORTHERLY AT
RIGHT ANGLES 38.77 FEET BACK TO THE
POINT OF BEGINNING ON PETRONIA
STREET

AND

ON THE ISLAND OF KEY WEST, AS KNOWN
ON CHARLES W. TIFT'S MAP OF THE CITY
OF KEY WEST, AS PART OF SQUARE ONE
(1) IN TRACT THREE (3) AND IS PART
OF SUBDIVISION TWO (2) IN SQUARE ONE
(1) ACCORDING TO A DIAGRAM MADE OF
PORTION OF SAID TRACT THREE (3),
WHICH DIAGRAMS IS RECORDED IN BOOK

"I" DEEDS PAGE 421 OF MONROE COUNTY RECORDS: COMMENCING AT A POINT ON AN EIGHTEEN FOOT ALLEY-WAY, SIXTY THREE (63) FEET AND FOUR (4) INCHES DISTANT FROM THE CORNER OF PETRONIA STREET AND SAID ALLEY-WAY AND RUNNING THENCE ALONG SAID ALLEY-WAY IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND EXTENDING BACK IN A NORTHEASTERLY DIRECTION ON BOTH LINES A DISTANCE OF NINETY-SIX (96) FEET

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PETRONIA STREET AND THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD ST. 62.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 0.75 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 0.75 FEET TO A POINT, THENCE EASTERLY AT RIGHT ANGLES 96 FEET BACK TO THE POINT OF BEGINNING

ALSO KNOWN AS RE# 1401,1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD STREET, 809, 811 TERRY LANE, 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

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 Zoning Ordinance.

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

WHEREAS, the granting of the SPECIAL EXCEPTION 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.

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

Section 1. That a SPECIAL EXCEPTION to: **HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT,** under Chapter 35 of the Code of Ordinances of the City of Key West, Florida, permitting a SPECIAL EXCEPTION to allow:

SMALL SCALE COMMERCIAL USE (RETAIL SALES/RESTAURANT/PARKING) ON THREE LOTS WITH A FUTURE LAND USE DESIGNATION OF HMDR, ON THE FOLLOWING DESCRIBED PROPERTY:

ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING.

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PETRONIA ST. AND THE W'LY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 62.25 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT

RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 39.77 FEET TO A POINT ON THE SAID LINE OF PETRONIA ST., 91 FEET BACK TO THE POINT OF BEGINNING

AND

PART OF LOT ONE (1) SQUARE ONE (1), TRACT THREE (3) OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST, FLORIDA: COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET AND THE SOUTHERLY RIGHT-OF-WAY BOUNDARY LINE OF PETRONIA STREET AND RUN THENCE WESTERLY ALONG THE SAID LINE OF PETRONIA 91 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED; THENCE CONTINUE ALONG THE SAID LINE OF PETRONIA STREET 74' FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES 62.25 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES 69 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET BACK TO THE POINT OF BEGINNING ON PETRONIA STREET

AND

ON THE ISLAND OF KEY WEST, AS KNOWN ON CHARLES W. TIFT'S MAP OF THE CITY OF KEY WEST, AS PART OF SQUARE ONE (1) IN TRACT THREE (3) AND IS PART OF SUBDIVISION TWO (2) IN SQUARE ONE (1) ACCORDING TO A

DIAGRAM MADE OF PORTION OF SAID TRACT THREE (3), WHICH DIAGRAMS IS RECORDED IN BOOK "I" DEEDS PAGE 421 OF MONROE COUNTY RECORDS: COMMENCING AT A POINT ON AN EIGHTEEN FOOT ALLEY-WAY, SIXTY THREE (63) FEET AND FOUR (4) INCHES DISTANT FROM THE CORNER OF PETRONIA STREET AND SAID ALLEY-WAY AND RUNNING THENCE ALONG SAID ALLEY-WAY IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND EXTENDING BACK IN A NORTHEASTERLY DIRECTION ON BOTH LINES A DISTANCE OF NINETY-SIX (96) FEET

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PETRONIA STREET AND THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD ST. 62.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 0.75 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 0.75 FEET TO A POINT, THENCE EASTERLY AT RIGHT ANGLES 96 FEET BACK TO THE POINT OF BEGINNING

ALSO KNOWN AS RE# 1401, 1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD STREET, 809, 811 TERRY LANE, KEY WEST, MONROE COUNTY, FLORIDA

Section 2. It is an essential condition of this SPECIAL EXCEPTION that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this SPECIAL EXCEPTION is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this SPECIAL EXCEPTION, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this SPECIAL EXCEPTION that no application or reapplication for new construction for which the SPECIAL EXCEPTION 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 SPECIAL EXCEPTION is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this SPECIAL EXCEPTION 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 SPECIAL EXCEPTION, which SPECIAL EXCEPTION shall be of no force or effect.

Section 4. This SPECIAL EXCEPTION does not constitute a finding as to ownership or right to possession of the property, and

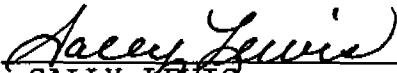
assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

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.

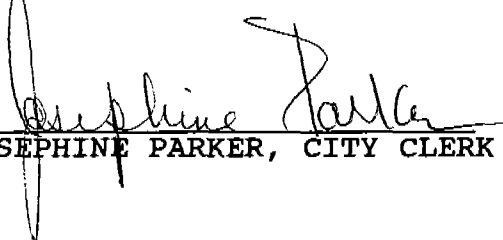
Read and passed on first reading at a regular meeting held this 5th day of February, 1997.

Authenticated by the presiding officer and Clerk of the Board on 10th day of February, 1997.

Filed with the Clerk on February 10, 1997.


SALLY LEWIS,
CHAIRMAN PRO TEMPORE
BOARD OF ADJUSTMENT

ATTEST:


JOSEPHINE PARKER, CITY CLERK

C:\WPDOCS\CITYATTY\VARIANCE\SPEX804W.WPD

RESOLUTION NO. 97-72

VARIANCE: 804 WHITEHEAD STREET,
809, 811 TERRY LANE

A RESOLUTION GRANTING A VARIANCE TO HP-3, LIGHT COMMERCIAL HISTORIC DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA PERMITTING A VARIANCE TO ALLOW: A ZERO FOOT RIGHT SIDE SETBACK (25' REQUIRED) FOR THE RECONSTRUCTION OF EXISTING BUILDINGS; AND A SPECIAL EXCEPTION TO ALLOW A RESTAURANT USE UP TO 45 SEATS IN AN HNC-3/HP-3 LAND-USE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY:

ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING.

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PETRONIA ST. AND THE W'LY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG

THE SAID WESTERLY LINE OF WHITEHEAD STREET 62.25 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET TO A POINT ON THE SAID LINE OF PETRONIA ST., 91 FEET BACK TO THE POINT OF BEGINNING

AND

PART OF LOT ONE (1) SQUARE ONE (1), TRACT THREE (3) OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST, FLORIDA: COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET AND THE SOUTHERLY RIGHT-OF-WAY BOUNDARY LINE OF PETRONIA STREET AND RUN THENCE WESTERLY ALONG THE SAID LINE OF PETRONIA 91 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED; THENCE CONTINUE ALONG THE SAID LINE OF PETRONIA STREET 74' FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES 62.25 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES 69 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET BACK TO THE POINT OF BEGINNING ON PETRONIA STREET

AND

ON THE ISLAND OF KEY WEST, AS KNOWN ON CHARLES W. TIFT'S MAP OF THE CITY OF KEY WEST, AS PART OF SQUARE ONE (1) IN TRACT THREE (3) AND IS PART OF SUBDIVISION TWO (2) IN SQUARE ONE (1) ACCORDING TO A DIAGRAM MADE OF PORTION OF SAID TRACT THREE (3), WHICH DIAGRAMS IS RECORDED IN BOOK "I" DEEDS PAGE 421 OF MONROE COUNTY RECORDS: COMMENCING AT A POINT ON AN EIGHTEEN FOOT ALLEY-WAY, SIXTY THREE (63) FEET AND FOUR (4) INCHES

DISTANT FROM THE CORNER OF PETRONIA STREET AND SAID ALLEY-WAY AND RUNNING THENCE ALONG SAID ALLEY-WAY IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND EXTENDING BACK IN A NORTHEASTERLY DIRECTION ON BOTH LINES A DISTANCE OF NINETY-SIX (96) FEET

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PETRONIA STREET AND THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD ST. 62.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 0.75 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 0.75 FEET TO A POINT, THENCE EASTERLY AT RIGHT ANGLES 96 FEET BACK TO THE POINT OF BEGINNING

ALSO KNOWN AS RE# 1401,1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD STREET, 809, 811 TERRY LANE, 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

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 Zoning Ordinance.

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 zoning provisions, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; now therefore,

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

Section 1. That a variance to: **HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT,** under Chapter 35 of the Code of Ordinances of the City of Key West, Florida, permitting a variance to allow:

A ZERO FOOT RIGHT SIDE SETBACK (25' REQUIRED) FOR THE RECONSTRUCTION OF EXISTING BUILDINGS; AND A SPECIAL EXCEPTION TO ALLOW A RESTAURANT USE UP TO 45 SEATS IN AN HNC-3/HP-3 LAND-USE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY:

ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING.

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PETRONIA ST. AND THE W'LY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 62.25 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET TO A POINT ON THE SAID LINE OF PETRONIA ST., 91 FEET BACK TO THE POINT OF BEGINNING

AND

PART OF LOT ONE (1) SQUARE ONE (1), TRACT THREE (3) OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST, FLORIDA: COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET AND THE SOUTHERLY RIGHT-OF-WAY BOUNDARY LINE OF PETRONIA STREET AND RUN THENCE WESTERLY ALONG THE SAID LINE OF PETRONIA 91 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED; THENCE CONTINUE ALONG THE SAID LINE OF PETRONIA STREET 74' FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES 62.25 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES 69 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET BACK TO THE POINT OF BEGINNING ON PETRONIA STREET

AND

ON THE ISLAND OF KEY WEST, AS KNOWN ON CHARLES W. TIFT'S MAP OF THE CITY OF KEY WEST, AS PART OF SQUARE ONE (1) IN TRACT THREE (3) AND IS PART OF SUBDIVISION TWO (2) IN SQUARE ONE (1) ACCORDING TO A DIAGRAM MADE OF PORTION OF SAID TRACT THREE (3), WHICH DIAGRAMS IS RECORDED IN BOOK "I" DEEDS PAGE 421 OF MONROE COUNTY RECORDS: COMMENCING AT A POINT ON AN EIGHTEEN FOOT ALLEY-WAY, SIXTY THREE (63) FEET AND FOUR (4) INCHES DISTANT FROM THE CORNER OF PETRONIA STREET AND SAID ALLEY-WAY AND RUNNING THENCE ALONG SAID ALLEY-WAY

IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND
EXTENDING BACK IN A NORTHEASTERLY DIRECTION ON BOTH LINES A
DISTANCE OF NINETY-SIX (96) FEET

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED
ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1
IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND
HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:
COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY
OF PETRONIA STREET AND THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF
WHITEHEAD ST. 62.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE
ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 0.75 FEET TO A
POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE
NORTHERLY AT RIGHT ANGLES 0.75 FEET TO A POINT, THENCE EASTERLY AT
RIGHT ANGLES 96 FEET BACK TO THE POINT OF BEGINNING

ALSO KNOWN AS RE# 1401,1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD
STREET, 809, 811 TERRY LANE, KEY WEST, MONROE COUNTY, FLORIDA

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.

Section 5. As a condition for approval of this request for variance and special exception, applicant shall provide 28 bicycle parking spaces.

Section 6. As a condition for approval of this request for variance and special exception, applicant understands and agrees

that no future uses on the subject property will be considered by the City or its boards without the applicant first providing a master plan for the site.

Section 7. 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 February, 1997.

Authenticated by the presiding officer and Clerk of the Board on 10th day of February, 1997.

Filed with the Clerk on *Sally Lewis*, 1997.

Sally Lewis
SALLY LEWIS,
CHAIRMAN PRO TEMPORE
BOARD OF ADJUSTMENT

ATTEST:

Josephine Parker
JOSEPHINE PARKER, CITY CLERK

C:\WPDOCS\CITYATY\VARIANCE\804WHTD.WPD

License File Changes - General Information

09:34:26

Type information, press Enter.

Last activity:

Business control 8223

Updated: 04/05/10 by KEYWCAW

Business name & address

Mailing address

BAHAMA MAMA'S KITCHEN
324 PETRONIA ST
KEY WEST FL 33040

324 PETRONIA ST
KEY WEST FL 33040

License number : 05 00009451

Appl, issue, expir 31405 31405 93005

License status (F4) IN INACTIVE

Classification (F4) 04C FOOD SERVICE ACTIVITIES 16-40 SEATS

Exemption (F4)

License comments SEATING 40

License restrictions

Gross receipts

Reprint this license . N Y=Yes, N=No

Additional charges . . N Y=Yes, N=No

Extra requirements . . N * Y=Yes, N=No

Miscellaneous . . . N Y=Yes, N=No

Sub codes N Y=Yes, N=No

More...

F3=Exit F5=Code description F9=Applicant/Qualifier

F10=Business maintenance F12=Cancel

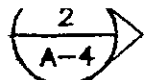
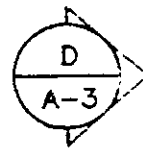
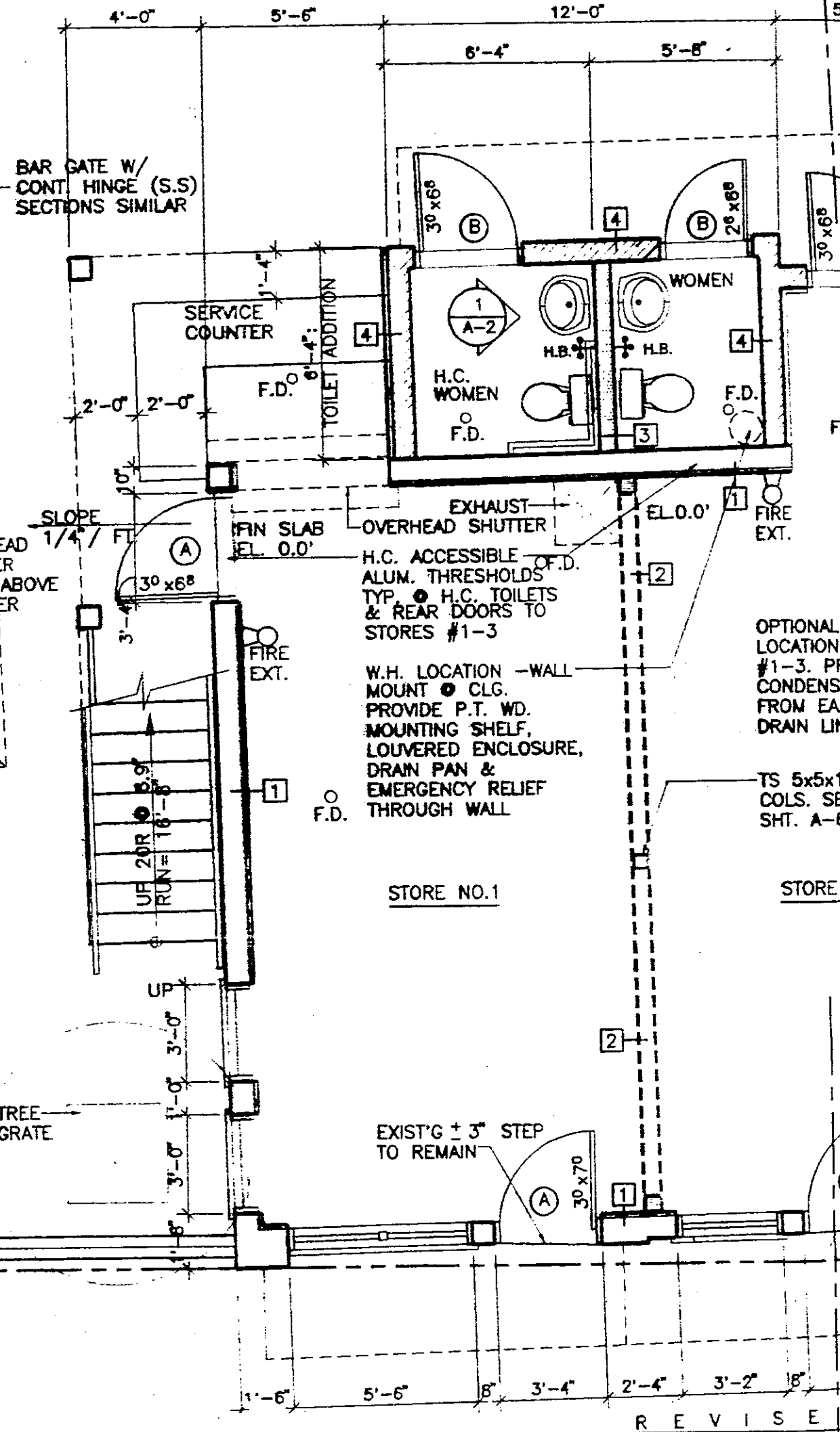
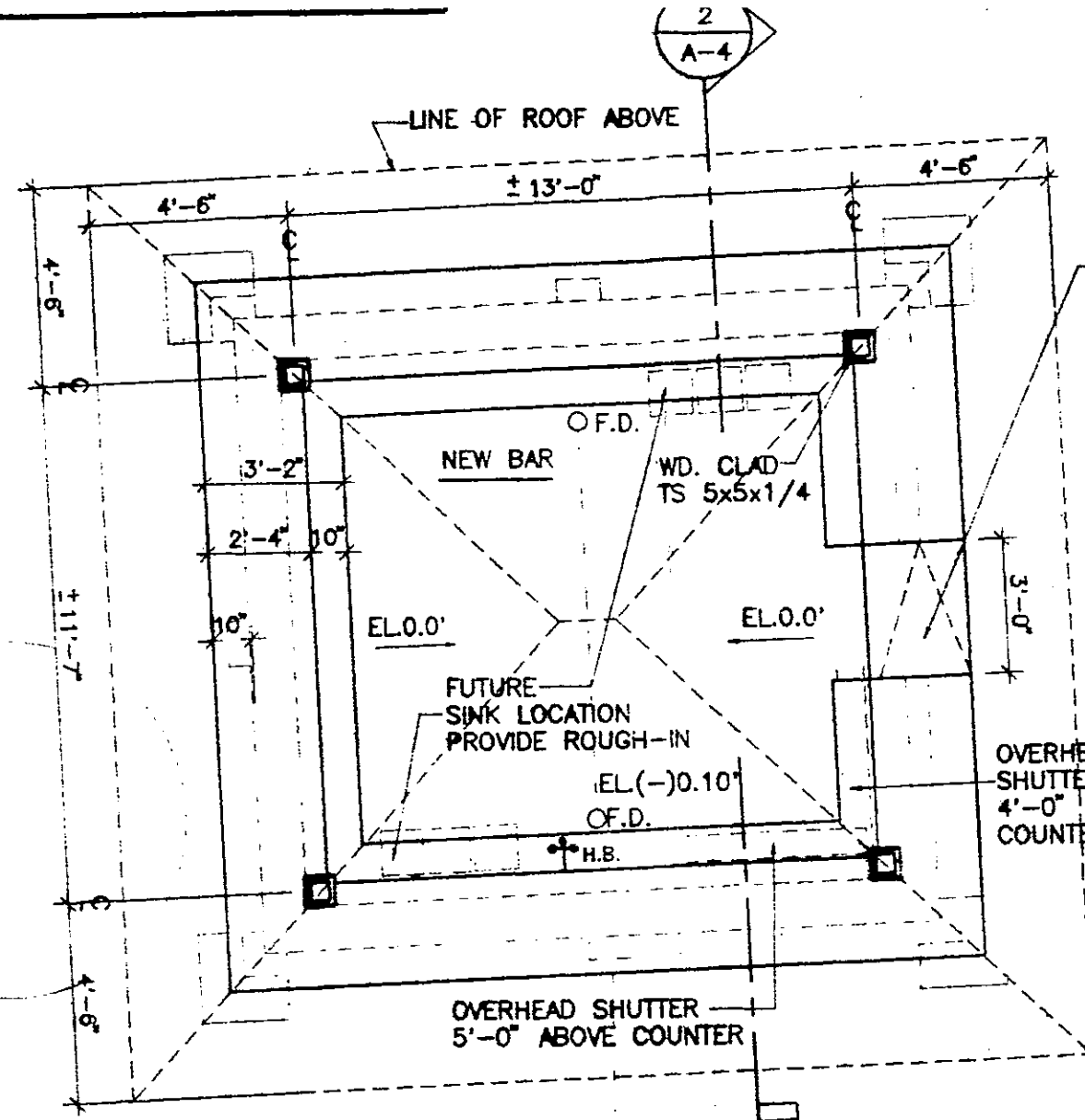
F24=More keys

Property address : 713 CAROLINE ST
Business name : COFFEE PLANTATION KEY WEST

| Source | Code | Note | Date | License |
|--------|------|---------------------------------------|---------|---------|
| BUSS | AC# | S NEW LICENSE | 2/27/04 | |
| BUSS | RMRK | S CHANGED FROM 804 WH TO 713 CAROLINE | 4/20/06 | |
| BUSS | RMRK | S SENT FINAL NOTICE | 3/04/10 | |

Bottom

Press Enter to continue.
F3=Exit F12=Cancel



SEAL

16-4-97

DATE
03-18-97 BLDG. DPT.

REVISIONS

DRAWN BY

PROJECT NUMBER
9033

A-2

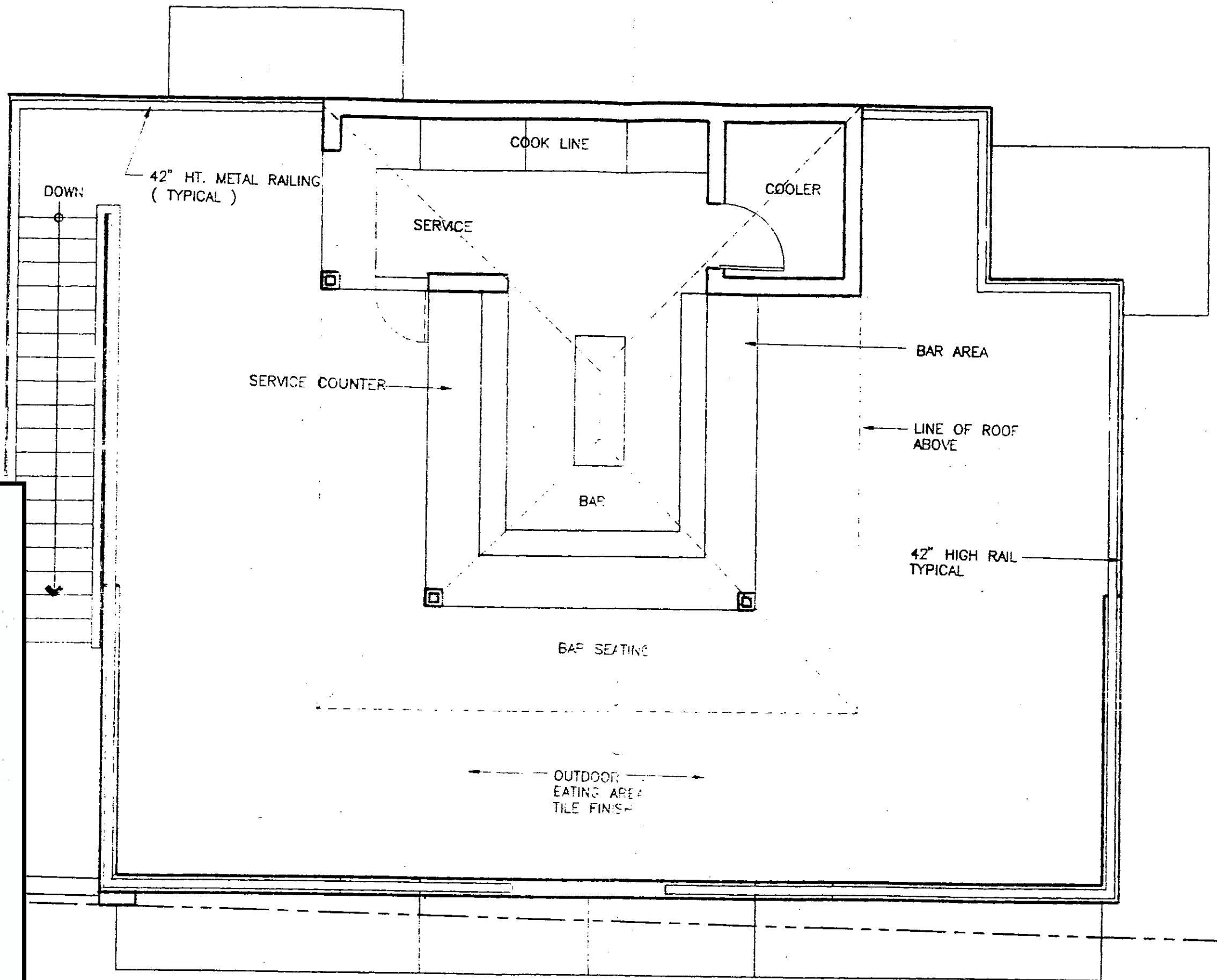
NEW BRICK PAVING

NEW BRICK PAVING

NEW ENTRY
SEE ELEVATION AND
SHT. A-6 FOR ADDITIONAL
INFORMATION

EXIST'G CURB LINE

REVISE



DATE
 12-21-95

REVISIONS
 11-22-96

DRAWN BY
 D.A.

PROJECT NUMBER
 9553

A-3