

**Development Review Committee
August 26, 2010 – 2:00 p.m.
City Commission Chamber
Old City Hall, 510 Greene Street**



- 4c. Variances - 630 Elizabeth Street (RE# 00011970-000000)** - An application for Variances to building coverage, impervious surface ratio and all setback requirements in the Historic High Density Residential zoning district per Section 122-630 (4), (5), & (6) as required when the reconstruction exceeds 66% of the assessed or appraised value of the structure per Section 122-28 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**VARIANCES ARE QUASI-JUDICIAL HEARINGS AND IT IS
IMPROPER TO SPEAK TO A PLANNING BOARD AND/OR BOARD
OF ADJUSTMENT MEMBER ABOUT THE VARIANCE
OUTSIDE THE HEARING**

Variance Application

City of Key West
Planning Department

Please print or type a response to the following:

1. Site Address 630 Elizabeth Street
2. Name of Applicant William Shirley
3. Applicant is: Owner _____ Authorized Representative X
(attached Authorization Form must be completed)
4. Address of Applicant 1180 Ponce De Leon Blvd. # 801-A
Clearwater FL 33756
5. Phone # of Applicant 584-6405 Mobile# 644-8431 Fax# 581-9295
6. E-Mail Address bradshirley@gmail.com
7. Name of Owner, if different than above Randy Hooper
8. Address of Owner 4629 18th Ave.
Meridian Mississippi 39305
9. Phone Number of Owner 601-938-0449 Fax# 601-693-8098
10. Email Address Randy@RandyHooper.com
11. Zoning District of Parcel _____ RE# _____
12. Description of Proposed Construction, Development, and Use
interior Renovation

13. Required information: (application will not move forward until all information is provided)

	Required	Existing	Requested
Front Setback		0	0
Side Setback		0	0
Side Setback		0	0
Rear Setback		10'9"	10'9"
Building Coverage		1,242 - 73.8%	1,242 - 73.8%
Open Space Requirements			
Impervious Surface		1,242 - 73.8%	1,242 - 73.8%

14. Is Subject Property located within the Historic District? Yes X No _____
 If Yes, indicate date of HARC approval as well as the HARC Approval Number. Attach minutes of the meeting.

Date _____ HARC # H10-01-15-49

15. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes _____ No X If Yes, please describe and attach relevant documents. _____

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

Check List

(to be completed by Planning Staff and Applicant at time of submittal)

Applicant Initials	Staff Initials	The following must be included with this application
_____	_____	Copy of the most recent recorded deed showing ownership and a legal description of the subject property
_____	_____	Application Fee (to be determined according to fee schedule)
_____	_____	Site Plan (existing and proposed) as specified on Variance Application Information Sheet
_____	_____	Floor Plans of existing and proposed development (8.5 x 11)
_____	_____	Copy of the most recent survey of the subject property
_____	_____	Elevation drawings as measured from crown of road
_____	_____	Stormwater management plan
_____	_____	HARC Approval (if applicable)
_____	_____	Notarized Verification Form
_____	_____	A PDF or compatible electronic copy of the complete application on a compact disk

Please note that all architecture or engineering designs must be prepared and sealed by a professional architect or engineer registered in the state pursuant to F.S. chs. 471 and 481, respectively. Two signed and sealed copies will be required at time of submittal.



Standards for Considering Variances

Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:

1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

interior renovation and exterior re finish
cost of renovation exceeds the 66% cost
allocation.

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

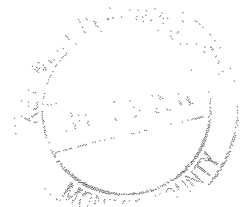
the structure is a historic building and
can not be demolished

3. Special privileges not conferred. That granting the variance(s) requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

no

4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

the building has destroyed by natural weather
conditions and lack of up keep being and
historic structure, if variance is not granted,
building will not be able to be repaired
due to the low value.



5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.,

yes - not changing size or foot print
of structure.

6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

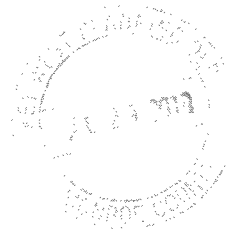
neighbors are in full support. Building is
currently in dis repair and a threat in
current condition

7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

OK.

The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:

- That the standards established in subsection (a) have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.



Verification Form

Verification Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, William Shirley, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the _____ Owner Owner's Legal Representative
for the property identified as the subject matter of this application:

1180 Ponce De Leon Blvd, # 801-A, Clearwater FL, 33756
Street Address and Commonly Used Name (if any)

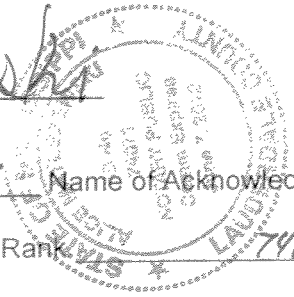
All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

William Shirley
Signature of Owner/Legal Representative

[Signature]
Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 26 (date) by
Eric Pearson, Randy Hoyer (name). He/She is personally known to me or has
presented _____ as identification.

Alice Matuszewski
Notary's Signature and Seal



Alice Matuszewski Name of Acknowledger typed, printed or stamped
Office Manager Title or Rank 74671 Commission Number (if any)



Authorization Form

Authorization Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

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

I, Nandy Brooks Hopper authorize
Please Print Name(s) of Owner(s)

William Shirley
Please Print Name of Representative

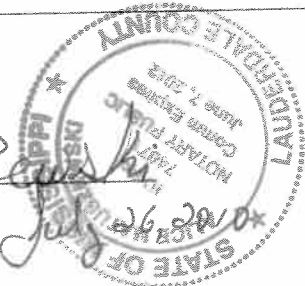
to be the representative for this application and act on my/our behalf before the Planning Board.

[Signature]
Signature of Owner

[Signature]
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on 26-July 2010 (date) by
Randy Hopper & Eric Pearson
Please Print Name of Affiant

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

Alice Matuszewski
Notary's Signature and Seal


Alice Matuszewski Name of Acknowledger printed or stamped

Office Manager Title or Rank

74071 Commission Number (if any)



Deed

Doc# 1762967 10/15/2009 2:52PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

AFTER RECORDING RETURN TO:
Berman Rennert Vogel & Mandler, P.A.
100 SE Second Street Suite 2900
Miami, FL 33131

10/15/2009 2:52PM
DEED DOC STAMP CL: TRINA \$1,616.30

THIS INSTRUMENT PREPARED BY:
Landsafe Title of Florida, Inc.
6360 N.W. 5th Way, Suite 200
Fort Lauderdale, Florida 33309
As a necessary inducement to the fulfillment of conditions
Contained in a title insurance commitment issued by it.

Doc# 1762967
Bk# 2436 Pg# 64

Property Appraisers Parcel Identification (Folio) Number: 21628.0000
Grantee(s) I.D. # _____

SPACE ABOVE THIS LINE FOR RECORDING DATA

SPECIAL WARRANTY DEED

(Wherever 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)

THIS SPECIAL WARRANTY DEED, made the _____ day of _____, 2009 by Deutsche Bank National Trust Company, as Trustee for GS Mortgage Securities Corp., herein called the grantor, to Randy Brooks Hooper, whose post office address is 630 Elizabeth Street, Key West FL 33040, hereinafter called the grantee:

WITNESSETH: That grantor, for and in consideration of the sum of TEN Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto grantee all that certain land situate in Monroe County, State of Florida, viz.:

PART OF LOT 1, SQUARE 60, ACCORDING TO WILLIAM A. WHITEHEAD'S MAP AS DELINEATED IN 1829, A.D., BUT BETTER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY OF ELIZABETH STREET AND THE NORTHWESTERLY RIGHT OF WAY OF ANGELA STREET; SAID POINT OF INTERSECTION TO BE THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING, RUN IN A NORTHWESTERLY DIRECTION ALONG THE SOUTHWESTERLY RIGHT OF WAY OF ELIZABETH STREET 29 FEET TO A POINT; THENCE AT A RIGHT ANGLE, RUN IN A SOUTHWESTERLY DIRECTION 58 FEET TO A POINT; THENCE AT A RIGHT ANGLE, RUN IN A SOUTHEASTERLY DIRECTION 29 FEET OUT TO ANGELA STREET; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE NORTHWESTERLY RIGHT OF WAY OF ANGELA STREET 58 FEET BACK TO THE POINT OF BEGINNING. SAID LAND SITUATE, LYING AND BEING IN MONROE COUNTY, FLORIDA.

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 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 Grantor.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized the day and year first above written.

Evelyn Waitt
Witness #1 Signature

EVELYN WAITHAKA
Witness #1 Printed Name

Gary Sleeper
Witness #2 Signature

GARY SLEEPER
Witness #2 Printed Name

Deutsche Bank National Trust Company, as Trustee for GS Mortgage Securities Corp.

By: BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP, attorney in fact

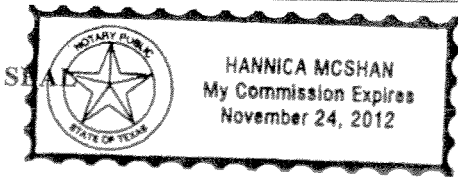
Vivosa Devolli
By: Name: VIVOSA DEVOLLI
Title: ASSISTANT SECRETARY AND DULY AUTHORIZED OFFICER

(seal)

STATE OF TEXAS

COUNTY OF COLLIN

The foregoing instrument was acknowledged before me this 16th day of SEPTEMBER, 2009 by VIVOSA DEVOLLI, as Assistant Secretary and duly authorized officer of BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP, attorney in fact of **Deutsche Bank National Trust Company, as Trustee for GS Mortgage Securities Corp.**, who is personally known to me or has produced _____ as identification.



Hannica McShan
Notary Public

HANNICA MCSHAN
Printed Notary Name

My Commission Expires: NOVEMBER 24, 2012

