

Application

Variance Application
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



Variance Application

Please completely fill out this application and attach all necessary documents. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305-809-3720 to schedule an appointment with a Planner.

Please print or type a response to the following:

1. Site Address 533 Eaton Street, Key West, Fl 33040
2. Name of Applicant Trepanier & Associates, Inc.
3. Applicant is: Owner _____ Authorized Representative X
4. Address of Applicant 402 Appelrouth Lane, Key West, FL 33040
5. Phone # of Applicant 305-293-8983 Mobile# NA
6. E-Mail Address patrick@owentrepanier.com
7. Name of Owner, if different than above The Studios of Key West
8. Address of Owner 600 White Street, Key West, FL 33040
9. Phone # of Owner (305) 393-5920
10. Email Address jed@tskw.org
11. Zoning District of Parcel HNC-1 RE# 00004130-000000
12. Description of Proposed Construction, Development, and Use
Applicant proposes the construction of an elevator shaft and stairway to allow the creation of, and access to, a "green roof" garden over a portion of the existing building.
13. List and describe the specific variance(s) being requested:
Variance to Sec. 122-810(3) from 48 ft. (existing) to 53 ft. (proposed)

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14. Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R provide square footages and percentages.

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	HNC-1			
Flood Zone	X			
Size of Site	4,000 sqft	5,185 sqft	No Change	No
Height	35ft	48ft	53ft	Yes
Front Setback	5ft	0ft	No Change	No
Side Setback	5ft	0ft	No Change	No
Side Setback	NA	NA	NA	NA
Street Side Setback	7.5ft	0ft	No Change	No
Rear Setback	15ft	0ft	No Change	No
F.A.R	1.0	2.79	2.67	No
Building Coverage	50%	96.3%	No Change	No
Impervious Surface	60%	100%	100%	No
Parking	110.7/96.6	0	0	No
Handicap Parking	0	0	0	No
Bicycle Parking	25.8/20.1	0	0	No
Open Space/ Landscaping	20%	0%	0%	No
Number and type of units	1.9	0	0	No
Consumption Area or Number of seats	NA	2,726 sqft	534 sqft	No

15. Is Subject Property located within the Historic District? Yes No
 If Yes, attach HARC approval and approved site plans

Meeting Date TBD HARC Approval # Pending

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16. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes No If Yes, please describe and attach relevant documents
Access easement with adjacent property

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

This application is pursuant to Section 106-51 & 52 City of Key West Land Development Regulations.

If the applicant would like additional information, electronic version of the City's Code of Ordinances can be found either through www.keywestcity.com, Planning Department archives or at www.municode.com. Once there, search Online Library/Florida/Key West/Chapter 122.

***Please note, variance approvals are quasi-judicial hearings, and it is improper for the owner or signatory to speak to a Planning Board member or City Commissioner about the hearing.**

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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.

Special conditions exist. This historic contributing structure was built with zero lot lines and 100% impervious surface. There is no opportunity to create green space on the site other than the rooftop. A green roof will create new outdoor green area, improve the environmental impact of the property and further the goals of the City's own Climate Action Plan.

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

It is the existing historic conditions of the site, mentioned above, that necessitate a variance to the height limit in order to create a green roof. These historic conditions were not created by the applicant or the owner.

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.

Special privileges will not be conferred by the granting of the variance. Green roofs benefit the community as a whole. The stairs access necessity and the elevator is a function of ADA. The Studios, while being a private entity serves a public function and benefits the entire community.

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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.

Hardship conditions exist. Other properties in the same zoning district normally have the ability to plant or create green space on-site to create shade and dissipate solar heat. This property doesn't have that ability as a result of the historic characteristics (height, building coverage, FAR, impervious surface, and zero lot lines); as a result this property experiences high interior temperatures and high cooling costs. A literal interpretation of the LDRs creates a hardship by preventing this property from utilizing it's existing flat roof to create the environmental benefits of a green roof.

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.

Only the minimum variances are requested. We seek only to construct a stairway, elevator and an associated roof overhang. No other building coverage is proposed.

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.

This variance request is not injurious to the public welfare, in fact it is quite the contrary. This variance will provide immediate environmental benefits to the property and long term environmental benefits to the community as a whole.

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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.

No existing uses of neighboring lands, structures, or buildings in this or other districts are proposed as grounds for the issuance of this variance.

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. Please describe how you have addressed the "good neighbor policy."

Verification

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)


I, Owen Trepanier, in my capacity as President
(print name) *(print position; president, managing member)*

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

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

533 Eaton Street
Street Address of subject property

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

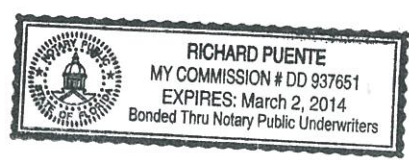

Signature of Authorized Representative, President - Trepanier & Associates, Inc.

Subscribed and sworn to (or affirmed) before me on this Jan 2, 2014 by
date
Trepanier & Associates, Inc.
Name of Authorized Representative

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


Notary's Signature and Seal

Richard Puente
Name of Acknowledger typed, printed or stamped



DD 937651
Commission Number, if any

Authorization

**City of Key West
Planning Department**



Authorization Form
(Where Owner is a Business Entity)

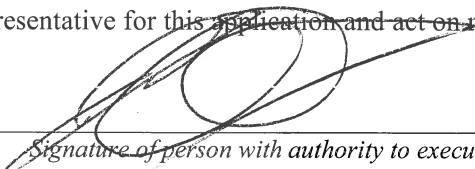
Please complete this form if someone other than the owner is representing the property owner in this matter.

I, ROSI WARE as
Please Print Name of person with authority to execute documents on behalf of entity

PRESIDENT of The Studios of Key West Inc.
Name of office (President, Managing Member) *Name of owner from deed*

authorize Trepanier & Associates Inc.
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.


Signature of person with authority to execute documents on behalf of entity owner

Subscribed and sworn to (or affirmed) before me on this March 13 2014 by
date

Trepanier & Associates Inc.
Name of Authorized Representative

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


Notary's Signature and Seal

Richard Puente
Name of Acknowledger typed, printed or stamped

FF 067969
Commission Number, if any



City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

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

I, JOHN E. DODDS as
Please Print Name of person with authority to execute documents on behalf of entity

EXECUTIVE DIRECTOR of THE STUDIOS OF KEY WEST
Name of office (President, Managing Member) Name of owner from deed

authorize Trepanier and Associates, INC.
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signature]
Signature of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this Jan 2, 2014 by
date

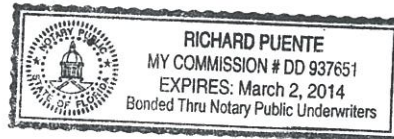
Mr. John E. DODDS
Name of Authorized Representative

D 320 - 465 - 68 - 366 - 0

He/She is personally known to me or has presented FL DR. LIC as identification.

[Signature]
Notary's Signature and Seal

Richard Puente
Name of Acknowledger typed, printed or stamped



DD 937651
Commission Number, if any

Deed

Prepared by and return to:
Gregory D. Davila, Esq.
Law Office of Gregory D. Davila, P.A.
1111 12th Street Suite 310
Key West, FL 33040

Doc# 1956079 10/31/2013 4:14PM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

File Number: 13-00595

10/31/2013 4:14PM
DEED DOC STAMP CL: Krys \$15,400.00

Consideration: \$2,200,000.00

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 31st day of October, 2013 between **Scottish Rite Temple Association of Key West, Florida, Inc., a Florida non-profit corporation** whose post office address is **PO Box 1247, Key West, FL 33041**, grantor, and **The Studios of Key West, Inc., a Florida non-profit corporation** whose post office address is **600 White 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 of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Monroe County, Florida** to-wit:

That certain parcel of land lying and being in the County of Monroe and the State of Florida. more particularly described as follows:

On the Island of Key West and known on William A. Whitehead's map of said Island delineated in February A.D. 1829. as a part of lot One (1) in Square Twenty-Four (24). commencing at the corner of Simonton and Eaton Streets and running thence along Eaton Street in a southwesterly direction Ninety-six (96) feet thence at right angles in a Northwesterly direction Fifty (50) feet; thence at right angles in a Northeasterly direction Ninety-Six(96) feet to Simonton Street; thence at right angles in a Southeasterly direction and along Simonton Street Fifty (50) feet to the place of beginning.

and

COMMENCING at the Northwest corner of Simonton and Eaton Streets, run in a Northwesterly direction along the Westerly right of way line of Simonton Street for a distance of Fifty (50) feet to a Point of Beginning; thence continue in a Northwesterly direction along said Westerly right of way line of Simonton Street for a distance of Eight (8) feet; thence at right angles in a Southwesterly direction for a distance of Fifty (50) feet; thence at right angles in a Southeasterly direction for a distance of Eight (8) feet; thence at right angles in a Northeasterly direction for a distance of Fifty (50) feet back to the Point of Beginning.

Parcel Identification Number: 00004130-000000

Subject to taxes for 2013 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2012**.

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:

Scottish Rite Temple Association of Key West, Florida, Inc.,
a Florida non-profit corporation

By: Michael Maribona
Michael Maribona, Director

Gregory D. Davila
Witness Name: Gregory D. Davila

Charles Whatts
Witness Name: Charles Whatts

(Corporate Seal)

State of Florida
County of Monroe

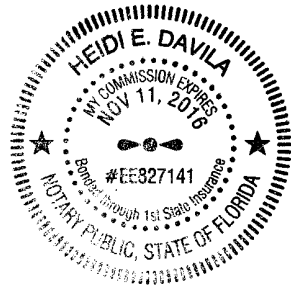
The foregoing instrument was subscribed, sworn to and acknowledged before me this ~~31st~~^{30th} day of October, 2013 by Michael Maribona, Director of Scottish Rite Temple Association of Key West, Florida, Inc., a Florida non-profit corporation, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]

Heidi E. Davila
Notary Public

Printed Name: HEIDI E. DAVILA

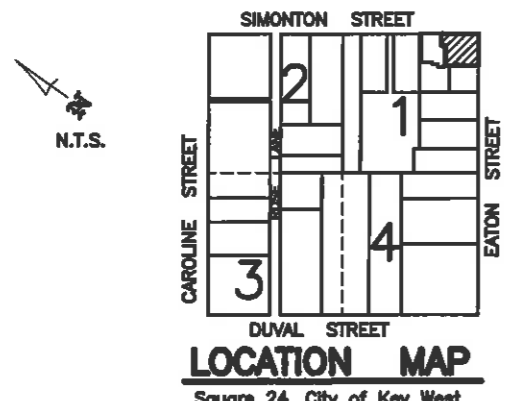
My Commission Expires: Nov 11, 2016



Doc# 1956079
Bk# 2656 Pg# 2006

MONROE COUNTY
OFFICIAL RECORDS

Survey



LEGAL DESCRIPTION:

Parcel "A", O.R G-4, Page 189
 On the Island of Key West, and known on William A. Whitehead's map of said Island, delineated in February, A.D. 1829 as a part of Lot One (1), in Square Twenty-four (24), Commencing at the corner of Simonton and Eaton Streets, and running thence along Eaton Street in a Southwesterly direction Ninety-six (96) feet; thence at right angles in a Northwesterly direction Fifty (50) feet; thence at right angles in a Northeasterly direction Ninety-six (96) feet to Simonton Street; thence at right angles in a Southeasterly direction and along Simonton Street Fifty (50) feet to the place of beginning.

AND

Parcel "B", O.R 831, Page 2487
 On the Island of Key West, Florida, and known on William A. Whitehead's map, delineated in February, A.D. 1829 as a part of Lot One (1), in Square Twenty-four (24), and more particularly described by metes and bounds as follows:
 Commencing at the Northwest corner of Simonton and Eaton Streets run in a Northwesterly direction along the Westerly right of way of Simonton Street for a distance of Fifty (50) feet to a point of Beginning; thence continue in a Northwesterly direction along the Westerly right of way line of Simonton Street for a distance of Eight (8) feet; thence at right angles in a Southwesterly direction for a distance of Fifty (50) feet; thence at right angles in a Southeasterly direction for a distance of Eight (8) feet; thence at right angles in a Northeasterly direction for a distance of Fifty (50) feet back to the point of Beginning.

SURVEYOR'S NOTES:

North arrow based on assumed median
 Reference bearing, R/W Simonton Street
 3.4 denotes existing elevation
 Elevations based on N.G.V.D. 1929 Datum
 Bench Mark No.: Basic Elevation: 14.324

Monumentation:

- ⊙ = set 1/2" Iron Pipe, P.L.S. No. 2749
- = Found 1/2" Iron Bar, P.L.S. No. 1587
- ▲ = Found P.K. Nail, P.L.S. No. 2749
- △ = Set P.K. Nail, P.L.S. No. 2749

Abbreviations:

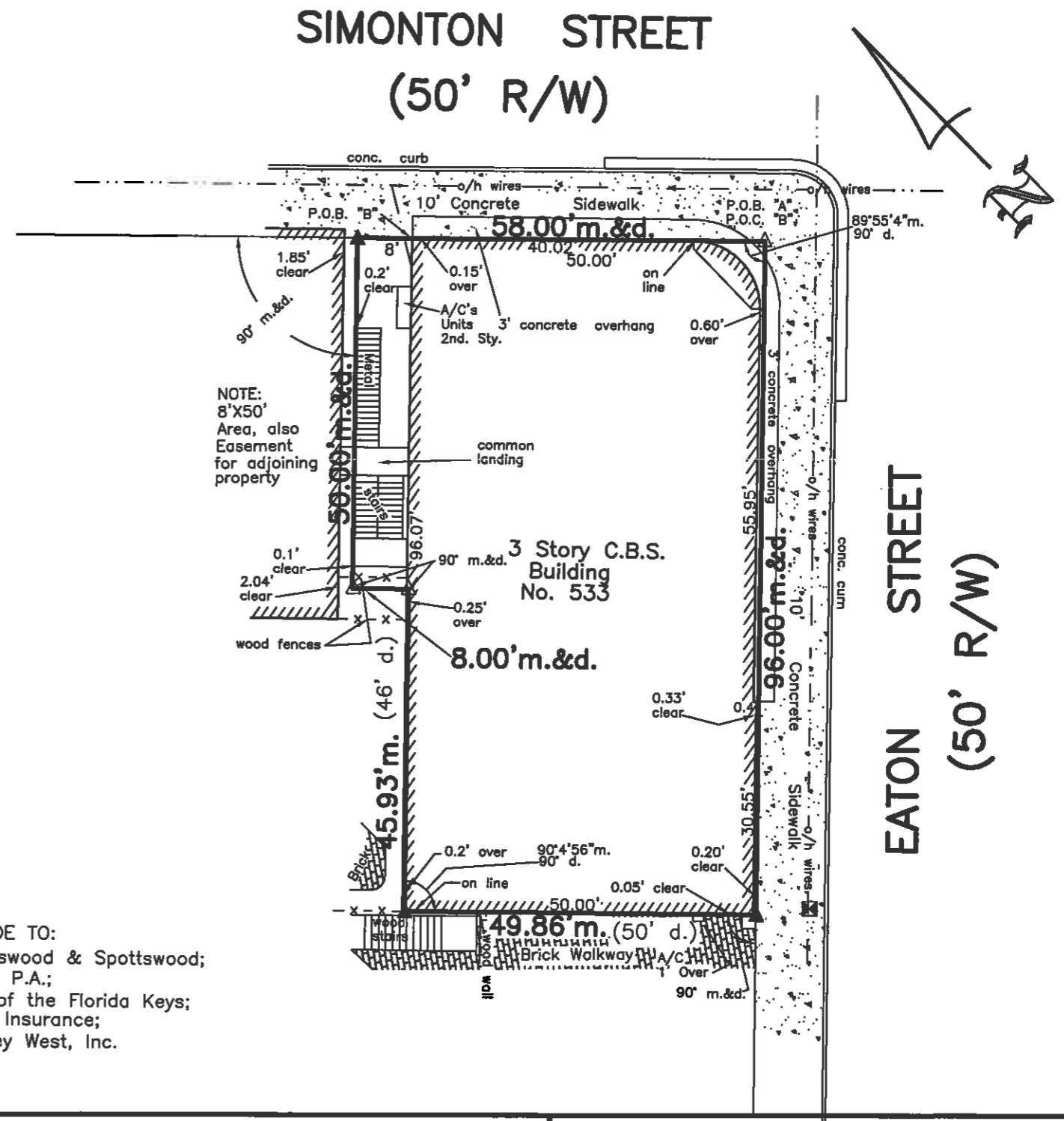
- | | | |
|--------------------|-----------------------|----------------------------------|
| Sty. = Story | N.T.S. = Not to Scale | P.O.C. = Point of Commence |
| R/W = Right-of-Way | ⊕ = Centerline | P.O.B. = Point of Beginning |
| fd. = Found | Elev. = Elevation | Bal. = Balcony |
| p. = Plat | B.M. = Bench Mark | C.B.S. = Concrete Block Stucco |
| m. = Measured | conc. = concrete | cov'd. = Covered |
| o/h = Overhead | I.P. = Iron Pipe | F.F.L. = Finish Floor Elevation |
| wd. = Wood | I.B. = Iron Bar | Field Work performed on: 4/15/13 |
| | A/C = Air Conditioner | |

CERTIFICATION:

I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 5J-17, Florida Statute Section 472.027, and the American land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT
 Professional Land Surveyor & Mapper No. 2749
 Professional Engineer No. 36810
 State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE



CERTIFICATION MADE TO:
 Spottswood, Spottswood & Spottswood;
 Gregory D. Davlia, P.A.;
 First State Bank of the Florida Keys;
 Old Republic Title Insurance;
 The Studios of Key West, Inc.

The Studios of Key West, Inc. 533 Eaton Street, Key West, Fl. 33040			
BOUNDARY SURVEY		Dwn No.: 13-203	
Scale: 1"=20'	Ref. 210-70	Flood panel No. 1516 K	Dwn. By: F.H.H.
Date: 4/24/13		Flood Zone: X	Flood Elev. —
REVISIONS AND/OR ADDITIONS			
10/17/13: Corrected certs., survey not updated			
f/datafred/dwa/keywest/block 24/533 Eaton			

ISLAND SURVEYING INC.
 ENGINEERS PLANNERS SURVEYORS

3152 Northside Drive
 Suite 201
 Key West, Fl. 33040

(305) 293-0466
 Fax. (305) 293-0237
 fhildeb1@bellsouth.net
 L.B. No. 7700