

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

From: Ginny Haller, Planner

Through: Donald L. Craig, AICP, Planning Director

Meeting Date: July 19, 2012

Agenda Item: Variance – 517 Elizabeth Street (RE#00008800-000000) – A request for side yard setback in the HMDR zoning district per Section 122-600(6)b of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: To consider a variance to an existing non-conforming side setback associated with the restoration of an existing enclosed front porch, removal of rear additions, garage, and carport, and the replacement of rear additions with conforming new additions.

Applicant: Thomas E. Pope

Property Owner: C. Todd Kemp

Location: 517 Elizabeth Street
RE Number 00008800-000000

Zoning: Historic Medium Density Residential – HMDR



Background:

This single family home is a contributing structure listed in the Historic Architectural Survey as built in 1953. On June 26, 2012, the Historic Architectural Review Committee approved the restoration of the

front porches, the removal of rear additions, garage and carport for the replacement of conforming rear additions. At the July 10, 2012, HARC approved the demolition plan. The concrete pads in the rear yard will be removed. Currently the property is non-conforming to the northeasterly side setback and building coverage.

Request:

This restoration of the existing front porch and rear additions; and the demolition of existing rear additions, garage and carport do not increase the historical non-conformities; however, the front right portion of the house encroaches on the side setback thus triggering the need for a variance.

Project Data				
	Required/ Allowed	Existing	Proposed	Variance Request
Zoning	HMDR			
Size of Site	5,075 sf	5,075 s.f	No changes proposed	
Height	30'			None Required
Front Setback	10'	12.6'	12.6'	None Required
West Side Yard Setback (next to Library)	5'	1.7'	5'	None Required
East Side Yard Setback	5'	2.7'	2.7'	Variance Required
Rear Setback	15'	14.59'	29.28'	None Required
Building Coverage	40%	50.8%	39.0%	None Required
Impervious Surface	60%			None Required
Open Space	35%			None Required

Process:

Development Review Committee Meeting:

June 28, 2012

HARC Meeting:

June 26, 2012

July 10, 2012

Analysis – Evaluation for Compliance With The Land Development Regulations:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board, before granting a variance, must find all of the following:

- 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.**

The non-conforming side setback is an existing condition. The proposed variance is in the same footprint as the existing side setback. These conditions are widespread in the historic districts, and do not constitute special conditions or circumstances.

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

Although the existing conditions and circumstances do not result from the action or negligence of the owners, the proposed renovation is the result of the applicant's request.

- 3. Special privileges not conferred. That granting the variance 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.**

Granting the variance request will confer upon the applicant special privileges provisionally denied to other lands, structures or structures in the same zoning district.

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

If the variance for the proposed addition is denied the applicant would not be deprived of reasonable use of the land and the existing structure. Therefore, hardship conditions do not exist. The condition is existing, and the applicant is reducing the non-conformity of building coverage.

- 5. Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.**

The variance requested appears to be the minimum variance needed to make reasonable use of the land and existing structure. The side setback is an existing condition.

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

The granting of the variance for the 2.7' side setback does not appear injurious to the public welfare. The addition does not increase existing nonconformities, and HARC has approved the design to renovate the contributing structure.

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

Existing nonconforming uses of other properties do not form the basis for this analysis.

The Planning Board shall make factual findings regarding the following:

- 1. That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.**

The application does not meet all the standards established by the City Code for a variance.

- 2. 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.**

The applicant clarified the concerns of the neighbor at 519 Elizabeth Street.

Concurrency Facilities and Other Utilities or Service (Section 108-233):

No utilities or services are required with this application.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variance be **denied**.

However, if the Planning Board chooses to approve the variance application, the Planning Department recommends the following condition:

1. Engineering requested that the applicant please direct roof gutter downspouts onto the property, retaining all stormwater runoff on the property.

**Draft
Resolution**

**PLANNING BOARD
RESOLUTION No. 2012-____**

A VARIANCE APPROVAL FOR SIDE-YARD SETBACK REQUIREMENTS ON PROPERTY LOCATED AT 517 ELIZABETH STREET RE# 00008800-000000) IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT PER SECTIONS 122-28 (b), 90-391 AND 122-600 (6) b. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST.

WHEREAS, Section 122-28 (b) requires that if reconstruction or replacement of a non-conforming building or structure exceeds 66% of its assessed value, a variance is required to any non-conformity; and

WHEREAS, Section 90-391 allows an applicant to request a variance if the literal enforcement of the LDR's will cause unnecessary hardship; and

WHEREAS, Section 122-600 (6) b of the Code of Ordinances provides that the minimum side-yard setback is to be 5 feet; and

WHEREAS, the applicant requested a variance to the allowed side-yard setback of 2.7 feet to the existing 2.7 feet; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 19, 2012; and

_____ Chairman
_____ Planning Director

WHEREAS, the Planning Board finds 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 district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance 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; and

WHEREAS, the Planning Board finds 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; and

WHEREAS, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

_____ Chairman
_____ Planning Director

WHEREAS, the Planning Board finds that the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by resolution of the Key West Planning Board for a variance to allow the renovation of an historic structure on property located at 517 Elizabeth Street (RE#

_____ Chairman
_____ Planning Director

00008800-000000) in the HMDR zoning district per Sections 90-391. and 122-600 (6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West per the plan set dated June 28, 2012, with the following conditions:

1. Engineering requested that the applicant please direct roof gutter downspouts onto the property, retaining all stormwater runoff on the property.

Section 3. It is a condition of these variance that full, complete, and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this variance in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 5. 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 6. 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.

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

_____ Chairman

_____ Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 19th day of July, 2012.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Richard Klitenick
Planning Board Chairman

Date

Attest:

Donald Leland Craig, AICP, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman
_____ Planning Director

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 517 ELIZABETH
2. Name of Applicant THOMAS E. POPE
3. Applicant is: Owner _____ Authorized Representative
4. Address of Applicant 610 WHITE STREET
5. Phone # of Applicant 296-3611 Mobile# _____
6. E-Mail Address TEPOPEPA@AOL.COM
7. Name of Owner, if different than above TODD KEMP
8. Address of Owner _____
9. Phone # of Owner 904.910.1072
10. Email Address TKEMPJAX@GMAIL.COM
11. Zoning District of Parcel HMPR RE# 00008800-000000
12. Description of Proposed Construction, Development, and Use
Restore existing enclosed front porches
Remove rear additions, garage and carport.
Replace rear additions with conforming
new additions.
13. List and describe the specific variance(s) being requested:
side setback .9' 2.7'

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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	HMDR			
Flood Zone	X			
Size of Site	5,075 ϕ			
Height	30'			N/A
Front Setback	10'	12.6'	12.6'	N/A
Side Setback	5'	2.7'	2.7'	2.7'
Side Setback	5'			N/A
Street Side Setback	7.5'			N/A
Rear Setback	15'	14.59'	29.28'	N/A
F.A.R	N/A			
Building Coverage	40%	50.8%	39.9%	N/A
Impervious Surface	60%	NA		
Parking	N/A			
Handicap Parking	N/A			
Bicycle Parking	N/A			
Open Space/ Landscaping	N/A			
Number and type of units	N/A			
Consumption Area or Number of seats	N/A			

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

Meeting Date Pending HARC Approval # Pending

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



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

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.**

Variance Application
City of Key West Planning Department
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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.

The non-conformity is an existing condition of the side setback.

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

The setback is an existing condition.

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.

The existing house requires renovations that are typical of historic houses in the district.

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



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.

This is an existing condition
The applicant is reducing the
non-conformity in lot coverage.

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, this is a minimum request.
side setback is an existing condition.

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 request is not detrimental to the
public interest or welfare.

Variance Application
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
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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.

None, have been considered.

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 Form

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an individual)

I, Thomas E. Pope, 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:

517 Elizabeth

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.

Thomas E. Pope

Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 5/30/2012 by

date

Thomas E. Pope

Name of Authorized Representative

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

M. Holly Booton

Notary's Signature and Seal



M. HOLLY BOOTON
MY COMMISSION # DD 939156
EXPIRES: December 26, 2013
Bonded Thru Budget Notary Services

M. Holly Booton

Name of Acknowledger typed, printed or stamped

DD939156

Commission Number, if any

Authorization Form

City of Key West
Planning Department



Authorization Form
(Individual Owner)

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

I, Todd Kemp authorize
Please Print Name(s) of Owner(s) (as appears on the deed)

Thomas E. Pope
Please Print Name of Representative

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

Todd Kemp
Signature of Owner

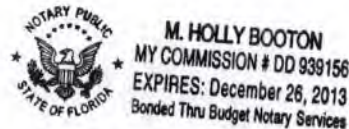
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 5/30/2012 by
date

Thomas E. Pope
Name of Authorized Representative

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

M. Holly Booton
Notary's Signature and Seal



M. Holly Booton
Name of Acknowledger typed, printed or stamped

DD939156
Commission Number, if any

Deed

Prepared by and return to:
Susan Mary Cardenas

Stones & Cardenas
221 Simonton Street
Key West, FL 33040

File Number: 12-116-CJA
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 23rd day of April, 2012 between CJA Key West, LLC, a Florida limited liability company whose post office address is 3709 Pearlman Terrace, Key West, FL 33040, grantor, and C. Todd Kemp, as Trustee of the C. Todd Kemp Living Trust, as to a 50% interest, and Brian K. Boyer, as Trustee of the Brian K. Boyer Living Trust, as to a 50% interest whose post office address is 2231 St. John's Avenue, Jacksonville, FL 32204, 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:

Part of Lot Three (3) in Square Forty-eight (48), commencing at a point on Elizabeth Street, Two Hundred Twenty-six (226) feet, from the corner of Elizabeth and Southard Streets, and running thence along Elizabeth Street in a Northwesterly direction Fifty (50) feet and Six (6) inches; thence at right angles in a Northeasterly direction One Hundred (100) feet and Six (6) inches; thence at right angles in a Southeasterly direction Fifty (50) feet and Six (6) inches; thence at right angles in a Southwesterly direction One Hundred (100) feet and Six (6) inches to the Point of Beginning.

Parcel Identification Number: 00008800-000000

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, 2011.

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:

Maria Allen
Witness Name: Maria Allen

Cindy Sawyer
Witness Name: Cindy Sawyer

Jennifer L. Schaler
Witness Name: Jennifer L. Schaler

Steven McAllister
Witness Name: Steven McAllister

Maria Allen
Witness Name: Maria Allen

Cindy Sawyer
Witness Name: Cindy Sawyer

CJA Key West, LLC, a Florida limited liability company

By: Alton Weekley
Alton Weekley, Managing Member

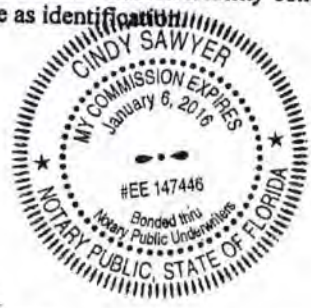
By: Carl W. Weekley, Jr.
Carl W. Weekley, Jr., Managing Member

By: James F. Weekley
James F. Weekley, Managing Member

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 19th day of April, 2012 by Alton Weekley, Managing Member of CJA Key West, LLC, a Florida limited liability company, on behalf of said firm. He is personally known or has produced a driver's license as identification.

[Notary Seal]



Cindy Sawyer
Notary Public

Printed Name: Cindy Sawyer

My Commission Expires: _____

State of Florida
County of Highlands

The foregoing instrument was acknowledged before me this 17th day of April, 2012 by Carl W. Weekley, Jr., Managing Member, who is personally known or has produced a driver's license as identification.

[Notary Seal]



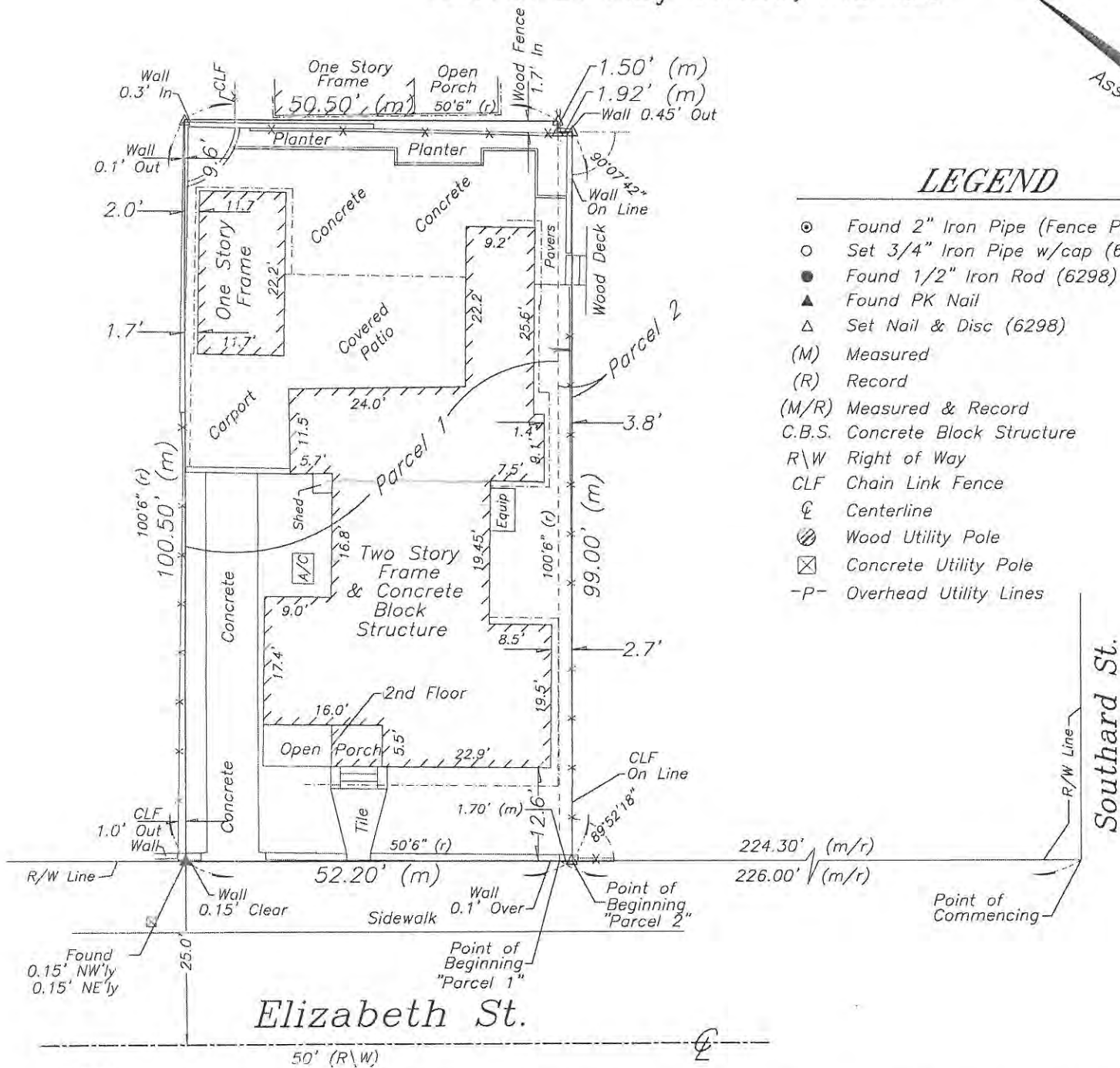
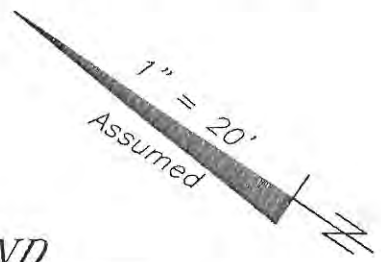
Marilyn J. George
Notary Public

Printed Name: Marilyn J. George

My Commission Expires: Dec. 20, 2015

Survey

Boundary Survey Map of parts of Lots 3 & 4, Square 48, Island of Key West, Florida



LEGEND

- ⊙ Found 2" Iron Pipe (Fence Post)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (6298)
- ▲ Found PK Nail
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊙ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines

NOTES:

1. The legal description shown hereon was furnished by the client or their agent & 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: 517 Elizabeth 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. Adjoiners are not furnished.
9. Date of field work: April 17, 2012.
10. Ownership of fences is undeterminable, unless otherwise noted.

BOUNDARY SURVEY OF:

PARCEL 1: Part of Lot Three (3) in Square Forty-eight (48), commencing at a point on Elizabeth Street, Two Hundred twenty-six (226) feet, from the corner of Elizabeth and Southard Streets, and running thence along Elizabeth Street in a Northwesterly direction Fifty (50) feet and Six (6) inches; thence at right angles in a Northeasterly direction One Hundred (100) feet and Six (6) inches; thence at right angles in a Southeasterly direction Fifty (50) feet and Six (6) inches; thence at right angles in a Southwesterly direction One Hundred (100) feet and Six (6) inches to the Point of Beginning.

PARCEL 2 (Authored by the undersigned): A parcel of land on the Island of Key West, and known as part of Lot 4, Square 48 according to Wm. A. Whitehead's map on the Island of Key West, delineated in February, A.D. 1829, said parcel being more particularly described by metes and bounds as follows:
COMMENCE at the intersection of the Northeasterly right of way line of Elizabeth Street with the Northwesterly right of way line of Southard Street and run thence Northwesterly along the Northeasterly right of way line of the said Elizabeth Street for a distance of 224.30 feet to the Point of Beginning; thence continue Northwesterly along the Northeasterly right of way line of the said Elizabeth Street for a distance of 1.70 feet to the Northwesterly boundary line of the said Lot 4; thence Northeasterly and at right angles along the said Northwesterly boundary line of Lot 4 for a distance of 99.00 feet; thence Southeasterly and at right angles for a distance of 1.92 feet; thence Southwesterly with a deflection angle of 90°07'42" to the right for a distance of 99.00 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: C. Todd Kemp, as Trustee of the C. Todd Kemp Living Trust;
 Brian K. Boyer, as Trustee of the Brian K. Boyer Living Trust;
 CJA Key West, LLC, a Florida limited liability company;
 Stones & Cardenas;
 Chicago Title Insurance Company;

J. LYNN O'FLYNN, INC.

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

April 17, 2012

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
 PSM #6298

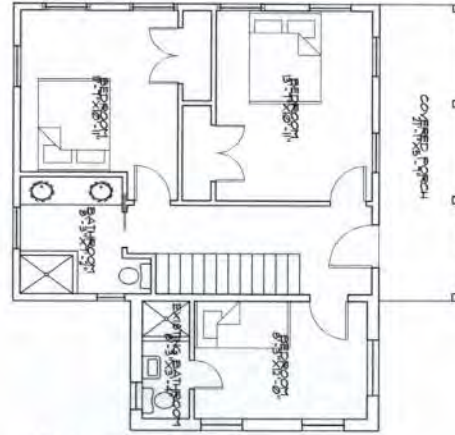
3430 Duck Ave., Key West, FL 33040
 (305) 296-7422 FAX (305) 296-2244

Site Plans

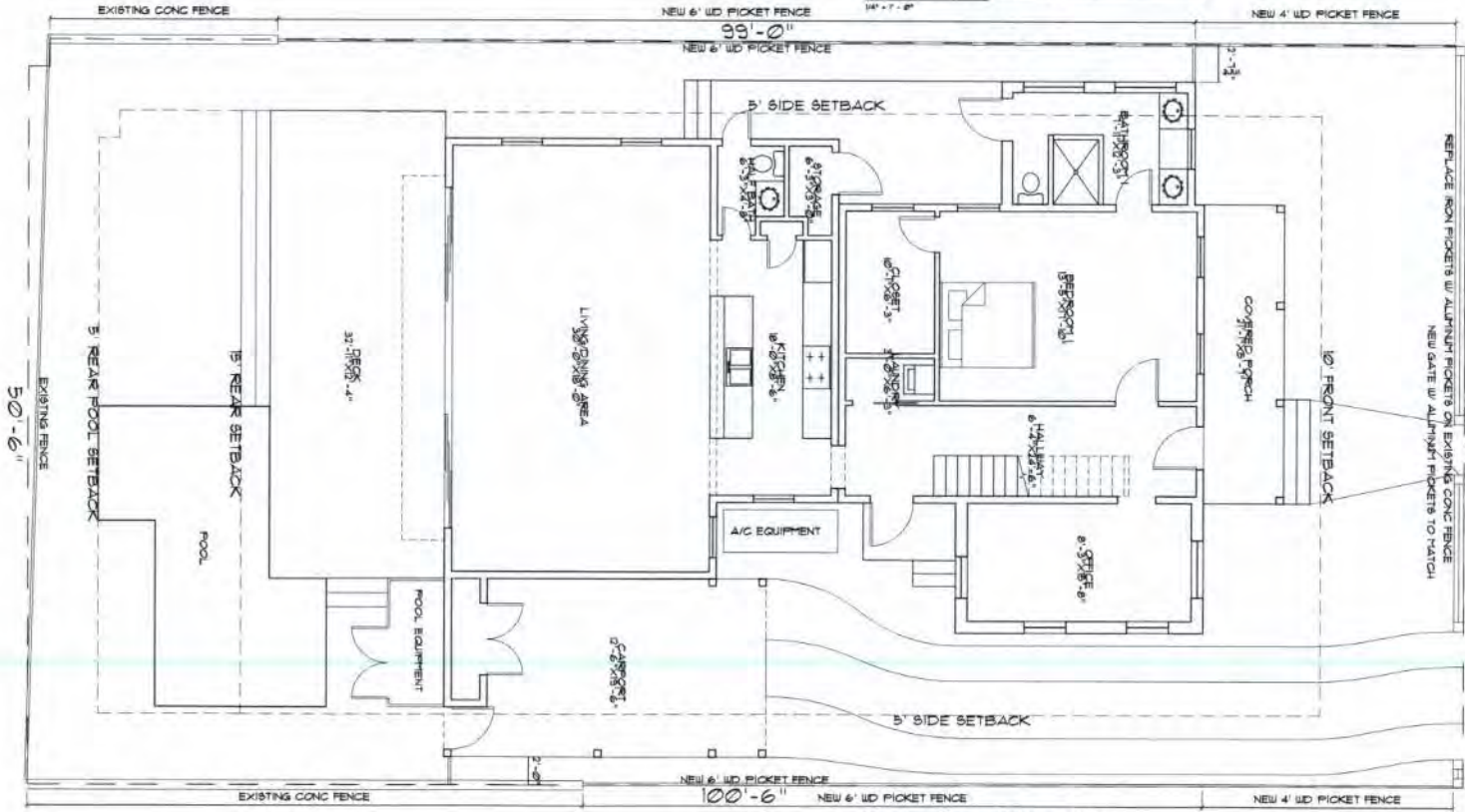


SITE ANALYSIS

ZONING	4750R
SITE AREA	8,254+ / 652 AC
FLOOD ZONE	X
MAX LOT COVERAGE	46% (3,802 SF)
EXISTING LOT COVERAGE	49% (4,076 SF)
PROPOSED LOT COVERAGE	33.8% (2,786 SF)
MAX HEIGHT	30'
setbacks	
FRONT	5'
REAR	5'
SIDE	5'



Second Floor Plan



First Floor/Site Plan

517 ELIZABETH STREET

THOMAS E. POPE, P.A. ARCHITECT

610 White Street, Key West, FL
(305) 296 0811
TEPopePA@aol.com

517 Elizabeth Street

Key West, FL

date:
6/12/12
revision:

sheet:
A1

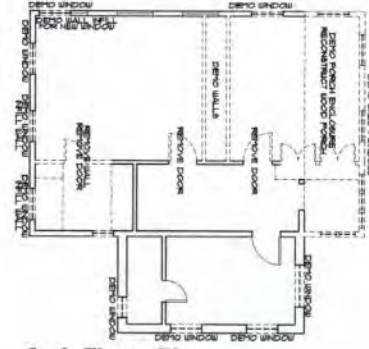


Demolition Plan

1/8" = 1' - 0"

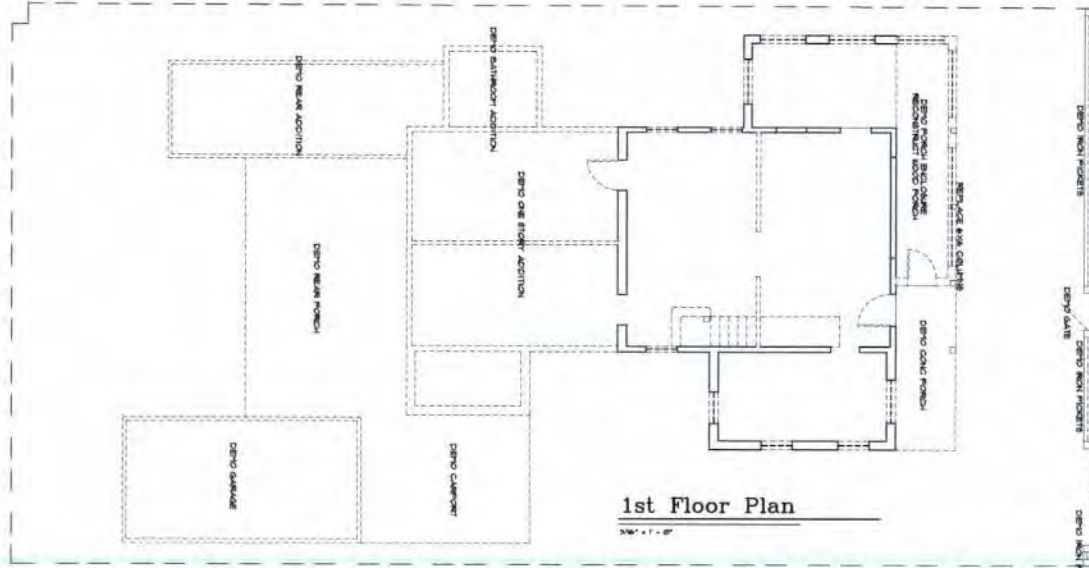
DEMOLITION NOTES

- CONTRACTOR TO SHARE ROOF AS REQUIRED AND NOTIFY ARCHITECT
- CONTRACTOR TO PROTECT INTERIOR FROM WEATHER AFTER DEMOLITION
- CONTRACTOR TO PROTECT LANDSCAPING AS REQUIRED
- CONTRACTOR TO INSPECT FLOORING, CEILING, & FRAMING AND NOTIFY ARCHITECT IF REPLACEMENT IS NEEDED



2nd Floor Plan

1/8" = 1' - 0"



1st Floor Plan

1/8" = 1' - 0"

GENERAL NOTES

- ALL WINDOWS TO BE REPLACED BY 600 SERIES UPON TO DATE ALUMINUM WINDOWS
- REMOVE FLOOR TO BE RECONSTRUCTED AS ALL NEW FLOORING TO BE INSTALLED AND TO REMAIN
- ALL NEW SYSTEMS AND SYSTEMS PLAN TO BE REMOVED



517 Elizabeth Street
Key West, FL

THOMAS E. POPE, P.A. ARCHITECT
610 White Street, Key West, FL
(305) 296 0611
TEPopePA@aol.com

date: 6/12/12
revision:

sheet:
D1

Site Photos

KEY WEST PLANNING DEPT.
JUN 28 2012
MONROE COUNTY





KEY WEST PLANNING DEPT
JUN 28 2012
MONROE COUNTY

DRC
Minutes & Comments

**Minutes of the Development Review Committee
June 28, 2012**

DRAFT

3. Variance - 517 Elizabeth Street (RE# 00008800-000000) – A request for side yard setback in the HMDR zoning district per Section 122-600(6)b of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Haller gave members an overview of the variance request. She informed members that this is a request to consider a variance to an existing non-conforming side setback associated with the restoration of an existing enclosed front porch, removal of rear additions, garage, and carport, and the replacement of rear additions with conforming new additions.

The applicant’s architect, Tom Pope, gave members an overview of the request.

The Urban Forester had no comments.

Mrs. Torregrosa stated that this item was approved by HARC at a second reading and requested that the HARC demolition package and pictures be included with the variance application.

Ms. Ignaffo requested that the applicant direct roof gutter downspouts onto the property, retaining all stormwater runoff on the property.

Ms. Nicklaus stated that the fence on the northside of the property encroaches onto the neighbor’s lot.

Mr. Pope clarified for members that the concrete area in the back of the property is being removed and which will improve the impervious surface ratio and drainage.

ADJOURNMENT

A motion to adjourn was made by _____ and seconded by _____.

Meeting adjourned at _____ am.

Property Appraiser Information

Karl D. Borglum
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

Property Record Card

Alternate Key: 1009067 Parcel ID: 00008800-000000

Website tested on
Internet Explorer.
Requires Adobe Flash
10.3 or higher

Ownership Details

Mailing Address:
KEMP C TODD LIVING TRUST
2231 SAINT JOHNS AVE
JACKSONVILLE, FL 32204-4621

All Owners:
BOYER BRIAN K LIVING TRUST T/C, KEMP C TODD LIVING TRUST

Property Details

PC Code: 01 - SINGLE FAMILY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 517 ELIZABETH ST KEY WEST
Legal Description: KW PT LT 3 SQR 48 OR11-178/79 OR2553-1792/93 OR2559-750/53 OR2563-1611/13 OR2566-1086/87 OR2566-1088/91

Parcel Map (Click to open dynamic parcel map)



Land Details

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	51	101	5,254.00 SF

Building Summary

Number of Buildings: 1

Number of Commercial Buildings: 0
 Total Living Area: 2291
 Year Built: 1953

Building 1 Details

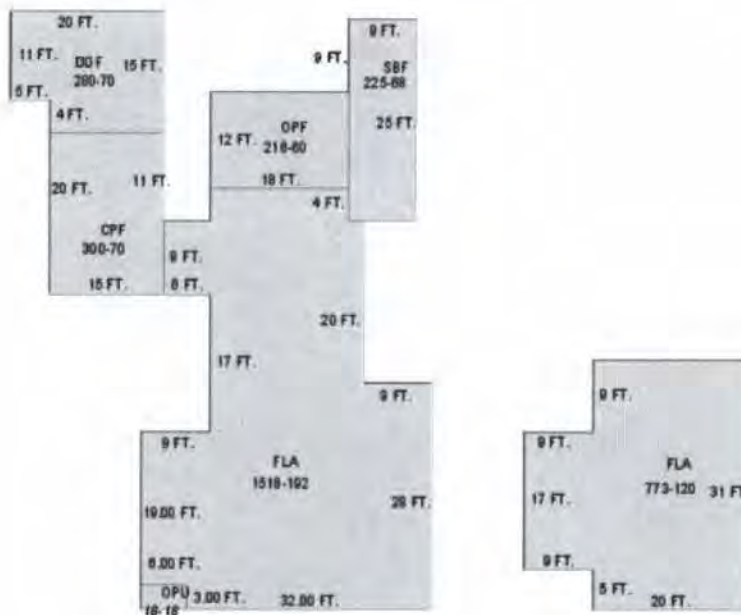
Building Type R1	Condition G	Quality Grade 550
Effective Age 22	Perimeter 312	Depreciation % 30
Year Built 1953	Special Arch 0	Grnd Floor Area 2,291
Functional Obs 0	Economic Obs 0	

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP	Roof Cover METAL	Foundation WD CONC PADS
Heat 1 NONE	Heat 2 NONE	Bedrooms 4
Heat Src 1 NONE	Heat Src 2 NONE	

Extra Features:

2 Fix Bath 1	Vacuum 0
3 Fix Bath 1	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 0
6 Fix Bath 0	Intercom 0
7 Fix Bath 0	Fireplaces 0
Extra Fix 0	Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	DGF	12:ABOVE AVERAGE WOOD	1	1952				280
0	OPU		1	1952				18
1	FLA	12:ABOVE AVERAGE WOOD	1	1952	N Y	0.00	0.00	1,518

2	CPF		1	1952		0.00	0.00	300
4	OPF		1	1952		0.00	0.00	216
5	SBF	12:ABOVE AVERAGE WOOD	1	1952		0.00	0.00	225
7	FLA	12:ABOVE AVERAGE WOOD	1	1952	N Y	0.00	0.00	773

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	320 SF	0	0	1978	1979	5	30
2	PT3:PATIO	153 SF	0	0	1978	1979	2	50
3	PT5:TILE PATIO	38 SF	0	0	1978	1979	5	50

Appraiser Notes

OR2563-1611/13Q/C AND OR2566-1088/91Q/C TRANSFER 179 SQ FT FROM AK1009083, DONE FOR THE 2012 TAX ROLL
 HURRICANE DAMAGES

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
03-3247	09/10/2003	11/18/2003	2,955	Residential	ROOFING
3-1726	05/21/2003	08/01/2003	2,475	Residential	PAINTED HOUSE
0103383	10/11/2002	10/23/2002	1,555	Residential	ROOF REPAIRS
02/2659	09/27/2002	10/23/2002	1,250	Residential	INSTALL SPRINKLERS
9703233	10/01/1997	12/01/1997	700	Residential	1.2 SQS V-CRIMP
06-0864	02/19/2006	07/24/2006	12,952	Residential	STORM DAMAGE INSTALL V-METAL ROOFING
04-3724	12/07/2004	11/28/2005	2,321	Residential	INSTALL VICTORIAN METAL SHINGLES

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
2011	299,016	1,960	299,210	600,186	270,586	25,500	245,086
2010	294,701	1,960	375,246	671,907	266,587	25,500	241,087
2009	327,570	1,960	570,373	899,903	259,578	25,500	234,078
2008	301,175	1,994	705,425	1,008,594	259,319	25,500	233,819
2007	492,708	2,028	888,125	1,382,861	251,766	25,000	226,766
2006	609,141	2,062	482,125	1,093,328	232,668	25,000	207,668
2005	558,230	2,096	431,375	991,701	238,471	25,000	213,471

2004	392,506	2,130	355,250	749,886	231,525	25,000	206,525
2003	377,968	2,163	177,625	557,757	227,209	25,000	202,209
2002	344,557	2,134	177,625	524,316	221,884	25,000	196,884
2001	272,977	2,167	177,625	452,769	218,390	25,000	193,390
2000	203,258	1,362	96,425	301,045	212,030	25,000	187,030
1999	193,537	1,323	96,425	291,285	206,456	25,000	181,456
1998	163,490	1,138	96,425	261,053	203,205	25,000	178,205
1997	150,234	1,066	86,275	237,575	199,809	25,000	174,809
1996	119,304	888	86,275	206,467	193,990	25,000	168,990
1995	114,885	904	86,275	202,063	189,259	25,000	164,259
1994	97,210	799	86,275	184,284	184,284	25,000	159,284
1993	96,835	373	86,275	183,483	183,483	25,000	158,483
1992	96,835	401	86,275	183,512	183,512	25,000	158,512
1991	96,835	422	86,275	183,533	183,533	25,000	158,533
1990	99,141	443	67,244	166,828	166,828	25,000	141,828
1989	90,128	429	65,975	156,532	156,532	25,000	131,532
1988	79,216	314	55,825	135,355	135,355	25,000	110,355
1987	78,430	327	34,784	113,541	113,541	25,000	88,541
1986	78,747	345	33,617	112,709	112,709	25,000	87,709
1985	76,989	358	21,522	98,869	98,869	25,000	73,869
1984	72,785	372	21,522	94,679	94,679	25,000	69,679
1983	73,090	390	21,522	95,002	95,002	25,000	70,002
1982	74,271	403	21,522	96,196	96,196	25,000	71,196

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
4/19/2012	2566 / 1086	750,000	WD	02
4/19/2012	2566 / 1088	100	QC	11
4/4/2012	2563 / 1611	100	QC	11
3/6/2012	2559 / 750	100	QC	11
1/25/2012	2553 / 1792	100	WD	11
12/22/2011	2548 / 924	0	ORDER	11

This page has been visited 54,491 times.

Monroe County Property Appraiser
 Karl D. Borglum
 P.O. Box 1176
 Key West, FL 33041-1176

Public Notices
(radius map & mailing list)

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

Request: Variance - 517 Elizabeth Street (RE# 00008800-000000) – A request for side yard setback in the HMDR zoning district per Section 122-600(6)b of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant:	Thomas E. Pope	Owner:	Todd Kemp
Project Location:	517 Elizabeth	Date of Hearing:	Thursday, July 19, 2012
Time of Hearing:	6:00 PM	Location of Hearing:	Old City Hall, 510 Greene City Commission Chambers

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email to Carlene Smith at cesmith@keywestcity.com .

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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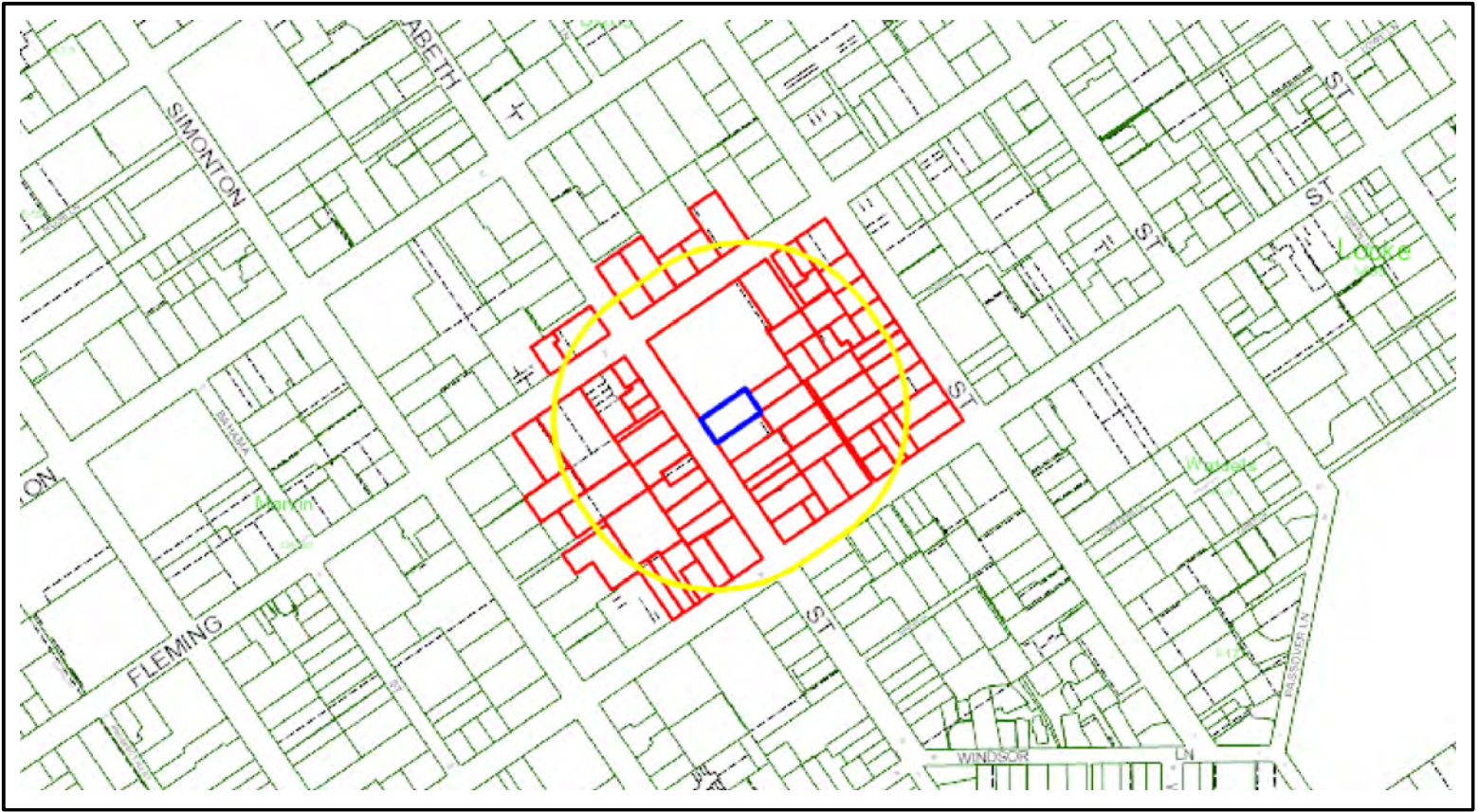
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Monroe County, Florida

517 Elizabeth

Printed: Jul 03, 2012

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.



NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 PHILLIPS LEWIS PHILIPPE SKAIFE	4516 AV MARCIL		MONTREAL	QUEBE	H4A 3A1	CANADA
2 UMPHREY BRIAN C & JANET B	R R1		MACTIER	ONTAF	P0C 1H0	CANADA
3 531 ELIZABETH STREET LLC	15 LATHAM ST		SAG HARBOR	NY	11963	
4 631 SOUTHARD LLC	800 BOYLSTON ST STE 3600		BOSTON	MA	02199-3600	
5 732 LOVE LANE LLC	1828 COVE POINT RD		ANNAPOLIS	MD	21401	
6 ALFANDRE NICOLE TRUSTEE IRR DEC OF TR 10/25/1995	PO BOX 2069		RESTON	VA	20195-0069	
7 ALLEN ANNE S LIV TR 7/10/2001	217 S TAYLOR AVE		SAINT LOUIS	MO	63122-4324	
8 AMMONS STEVEN	PO BOX 2548		MYRTLE BEACH	SC	29578-2548	
9 ANN ELIZABETH LLC	PO BOX 2039		KEY WEST	FL	33045-2039	
10 BEDGOOD DOUGLAS	733 LOVE LN		KEY WEST	FL	33040	
11 BETANCOURT MARIA A L/E	721 SOUTHARD ST		KEY WEST	FL	33040-6877	
12 BOREL JOAN S	1089 OCEAN DR		SUMMERLAND KI	FL	33042	
13 BRIXEY DELBERT P	614 FLEMING ST		KEY WEST	FL	33040	
14 BROWN JAMES F	717 S EASTWOOD DR		WOODSTOCK	IL	60098	
15 C & D PROPERTIES OF KEY WEST II LLC	PO BOX 4125		KEY WEST	FL	33041-4125	
16 COMBS JOHN W IRREV TR QPRT 5/24/2011	623 FLEMING ST		KEY WEST	FL	33040-6825	
17 DELANCEY HALL CONDOMINIUM	526 WILLIAM ST		KEY WEST	FL	33040	
18 DELAUNE ROBERT L AND SULAMITA R	520 WILLIAM STREET		KEY WEST	FL	33040	
19 FESSLER RICHARD E	724 FLEMING STREET		KEY WEST	FL	33040	
20 GUNN JOHN ALLEN LLOYD	713 SOUTHARD ST		KEY WEST	FL	33040	
21 HAYS BARBARA ANN	522 WILLIAM ST		KEY WEST	FL	33040-6856	
22 HESLIN JAMES	222 12TH ST NE UNIT 1703		ATLANTA	GA	30309-4074	
23 ISHERWOOD JANICE L	704 EATON ST		KEY WEST	FL	33040	
24 JAZZAR ANTHONY	29 MONROE PL APT F		BROOKLYN	NY	11201-2657	
25 KDC PROPERTIES OF KEY WEST LLC	PO BOX 4125		KEY WEST	FL	33041-4125	
26 KEMP C TODD LIVING TRUST	2231 SAINT JOHNS AVE		JACKSONVILLE	FL	32204-4621	
27 KEMP C TODD LIVING TRUST 6/2/2004	730 FLEMING ST		KEY WEST	FL	33040-6873	
28 KEY WEST LITERARY SEMINAR INC	718 LOVE LANE		KEY WEST	FL	33040	
29 KEY WEST REAL ESTATE HOLDINGS LLC	627 SOUTHARD ST		KEY WEST	FL	33040-6837	
30 KEYS KATIE HOLDINGS LLC	526 ANGELA ST		KEY WEST	FL	33040	
31 KOENIG WILLIAM E AND GLORIA	55 FRANCISCO AVE		LITTLE FALLS	NJ	7424	
32 LAND TRUST 426KW 2/11/2010	3850 HOLLYWOOD BLVD	STE 400	HOLLYWOOD	FL	33021-6746	
33 LEIBY ROBERT A JR	737 LOVE LN		KEY WEST	FL	33040	
34 LINDQUIST KARL R AND CAROL K	712 LOVE LANE		KEY WEST	FL	33040	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
35 MCGONIGLE MARK J	717 SOUTHARD ST		KEY WEST	FL	33040-6877	
36 MCMANUS JAMES M	87 SUMMER ST		HINGHAM	MA	2043	
37 MEIER DAVID SCOTT	17398 EAST DOLPHIN		SUGARLOAF KEY	FL	33042	
38 MESKER SUSAN P L/E	512 WILLIAM ST		KEY WEST	FL	33040	
39 MESKER SUSAN P TRUST 1/23/2010	512 WILLIAM ST		KEY WEST	FL	33040	
40 MILLER ROBERT J	1104 SOUTH ST		KEY WEST	FL	33040	
41 MONROE COUNTY FLORIDA	500 WHITEHEAD ST		KEY WEST	FL	33040	
42 MUNCE MARIE REV TR 5/26/2004	350 NW LAKEWOOD BLVD		LEES SUMMIT	MO	64064-1137	
43 NORRIS CARTER N REV TR 1/27/2009	11745 SW 70TH AVE		MIAMI	FL	33156-4772	
44 OAKLAND PARK 13 LLC	2531 NE 8TH ST		FORT LAUDERDA	FL	33304-3521	
45 O'HAIRE MICHAEL AND SHIRLEY S	3111 CARDINAL DR		VERO BEACH	FL	32963	
46 PATTERSON ROBERT AND ANNE TR 5/13/2010	33 CRESCENT RD		MADISON	NJ	07940-2519	
47 POLATZ JOHN J AND SUSAN E	719 FLEMING ST		KEY WEST	FL	33040	
48 REICHTER JOSEPH EDWARD TRUST DATED 06/25/2002	1107 KEY PLAZA	PMB 284	KEY WEST	FL	33040	
49 ROBBINS STEPHEN A AND KARIN B	17 MAYFAIR ST		S BURLINGTON	VT	05403-6613	
50 ROLLY ROBERT JOSEPH REVOCABLE TRUST 1/31/1995	5703 RED BUG LAKE RD PMB 241		WINTER SPRING	FL	32708-4999	
51 RUSSO RONALD A	9132 BAY AVE		NORTH BEACH	MD	20714-9998	
52 RUSSO RONALD A AND BARBARA J	626-B FLEMING STREET		KEY WEST	FL	33040	
53 SEWELL TONYA	1711 SW 105TH LN		DAVIE	FL	33324-7470	
54 SKOGLUND MICHAEL J	522 ELIZABETH STREET		KEY WEST	FL	33040	
55 STENTZEL JAMES H AND CATHERINE F	526 WILLIAM ST	UNIT 1	KEY WEST	FL	33040	
56 STEVENS JANIS J	1001 18TH ST		KEY WEST	FL	33040	
57 TAYLOR CLARA L	PO BOX 22		KEY WEST	FL	33041-0022	
58 TEENEY BRIAN EDWARD	723 SOUTHARD ST		KEY WEST	FL	33040-6877	
59 VAGNONI MICHAEL P	622 FLEMING ST		KEY WEST	FL	33040	
60 VINCENT GILBERT T AND ELINOR J	67 LAKE ST		COOPERSTOWN	NY	13326	
61 WEEKLEY JAMES F SR AND SUSAN T	519 ELIZABETH ST		KEY WEST	FL	33040-6820	
62 WEINSTEIN LEWIS M	721 LOVE LN		KEY WEST	FL	33040	
63 WILLIS TIMBER LIMITED PARTNERSHIP	2416 WINTHROP RD		TALLAHASSEE	FL	32312	
64 WILSON DONALD R JR 2002 TRUST	540 W MADISON ST	STE 2500	CHICAGO	IL	60661	
65 WOLFSON CHARLIE L	506 ELIZABETH ST		KEY WEST	FL	33040	
66 WORKMAN WILLIAM AND LANE	722 LOVE LN		KEY WEST	FL	33040-6830	
67 ZINTSMaster MATTHEW W AND WENDY L	925 WHITE ST		KEY WEST	FL	33040-3355	