

Subdivision Waver

F K & H

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November 22, 2010

Amy Kimball-Murley, City Planner
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040

VIA HAND DELIVERY

RE: Waiver of Subdivision Modification
532 and 534 Margaret Street, Key West, Florida 33040
Parcel ID Number – 00008110-000000

Dear Mrs. Kimball-Murley,

This firm represents the interests of Maurizio Manciola, as Trustee of the Maurizio Manciola Declaration of Trust Dated September 23, 1997, the owner of the property located at 534 Margaret Street, Key West, Florida 33040. On behalf Mr. Manciola we respectfully request a Waiver of the Subdivision Modification (the "Waiver") requirements under Chapter 118 of the City of Key West Code of Ordinances, pursuant to Division 2 "Waiver or Modification".

By way of background, the subject property comprises 532 and 534 Margaret Street, commonly known as "Michaels Restaurant". The property subject to this request is currently classified by the Monroe County Property Appraiser as "Commercial Dry" and encompassing a total land area of 6,937.62 square feet. Logically, the lay out of the current structures, those being a restaurant which is situated on the Margaret Street side of the property, and a single family resident, situated on the Southard Street side of the property is better suited as two separate parcels. The single family residence comprises one thousand eight hundred forty eight square feet of living space and acts as the personal residence of Mr. Manciola and his wife. As defined currently under the City Code, the residential parcel is solely dependent on the commercial aspect of the property. Unable to



stand alone in terms of marketability, development and viability, the residential structure is diminished and handicapped by the constraints placed upon the structure under the commercial application.

The requested subdivision does not interfere or contradict the purpose and intent of the comprehensive plan or Chapter 118 of the City of Key West Code of Ordinances. In connection therewith, the requested subdivision will help to provide a proper real estate boundary and aid in the coordination of land development as said development relates to only the residential portion of 534 Margaret Street. This corridor of Key West is predominantly residential in nature and currently the residential component of the subject property is subordinate to the commercial use accompanying the parcel of land. The granting of the subdivision will allow and encourage aesthetically acceptable continued management of the residential portion of the property; as well as use of the residential property separate and apart from the commercial component.

The Subdivision Waiver will allow the residential structure to become a vehicle for fair marketability and a more viable residential use of the property. The structure is one of classic Key West Historical Architecture and therefore the Waiver will increase the preservation and enhancement of the cultural features and aspects associated with the property. More so the Key West historical architecture will be better served, preserved and furthered by allowing potential interested parties to acquire the property without the necessity, requirement and expense of acquiring the commercial aspect of the property. Understanding the importance of our island's historical architecture, the Manciola's have taken great strides in maintaining and preserving the historical look and nature of the single family residence at 534 Margaret Street.

If granted, the Subdivision Waiver and creation of a new lot specific to the Single Family Residence would not tend to create any negative impact on public interest or the adjacent property. The proposed subdivision would create a superior alternative to the current parcel classification, design and land management. The subdivision would allow an alternative which would create a more fluent and congruent residential parcel of land, separate and distinct from what would create a more manageable and definable commercial application, as a result of the subdivision.

The adjacent property is owned and operated by the applicant, and would create a more favorable market condition for the adjacent property by allowing the marketability and transferability to more freely occur as a commercial parcel. Additionally, the public interest would be furthered by allowing a potential owner or owners of the single family residence to dedicate their efforts on the preservation and up keep of the historical architectural nature of the proposed Single Family Residence. Furthermore, the Waiver would not be discriminatory. When considering similar situations, there are few single family residences which are classified under the same real estate number and parcel as a commercial restaurant. Key West is synonymous for boutique restaurants within residential type properties, but the instant situation is uncommon. A denial of the request would have more of a discriminatory impact, as to create a binding representation by the



City that 534 Margaret Street will indefinitely be maintained as a commercial parcel of land, notwithstanding the very clear residential use which can be independently situated if permitted.

As discussed above, the Waiver will aid in the protection and enhancement as defined in Section 118-68 of the residential unit at 534 Margaret Street, notably the historical architecture. Currently under the City Code the desired action exhibits technical impracticability if the Code is strictly applied to the subject parcel. The conditions giving rise to this request were present prior to the adoption of the Chapter 118 of the Code and thereby not the result of the actions of the property owner. Most significant to the instant request is the fact that the subdivision request is one that arises out of a nonresidential development and the subdivision request sought is only applicable to the proposed residential portion of the parcel.

For the foregoing reasons I respectfully request a Subdivision Waiver be granted for the property located at 534 Margaret Street, clearly defining the residential and commercial applications. I greatly appreciate your time and efforts in reviewing this request. If you should have any questions, please do not hesitate to contact me.

Very Truly Yours,


Gregory S. Oropeza
For the Firm

Enclosures:



Property Appraiser Information

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 1008371 Parcel ID: 00008110-000000

Ownership Details

Mailing Address:

MAURIZIO MANCIOLI DEC OF TR
534 MARGARET ST
KEYWEST, FL 33040

Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION

Millage Group: 10KW

Affordable Housing: No

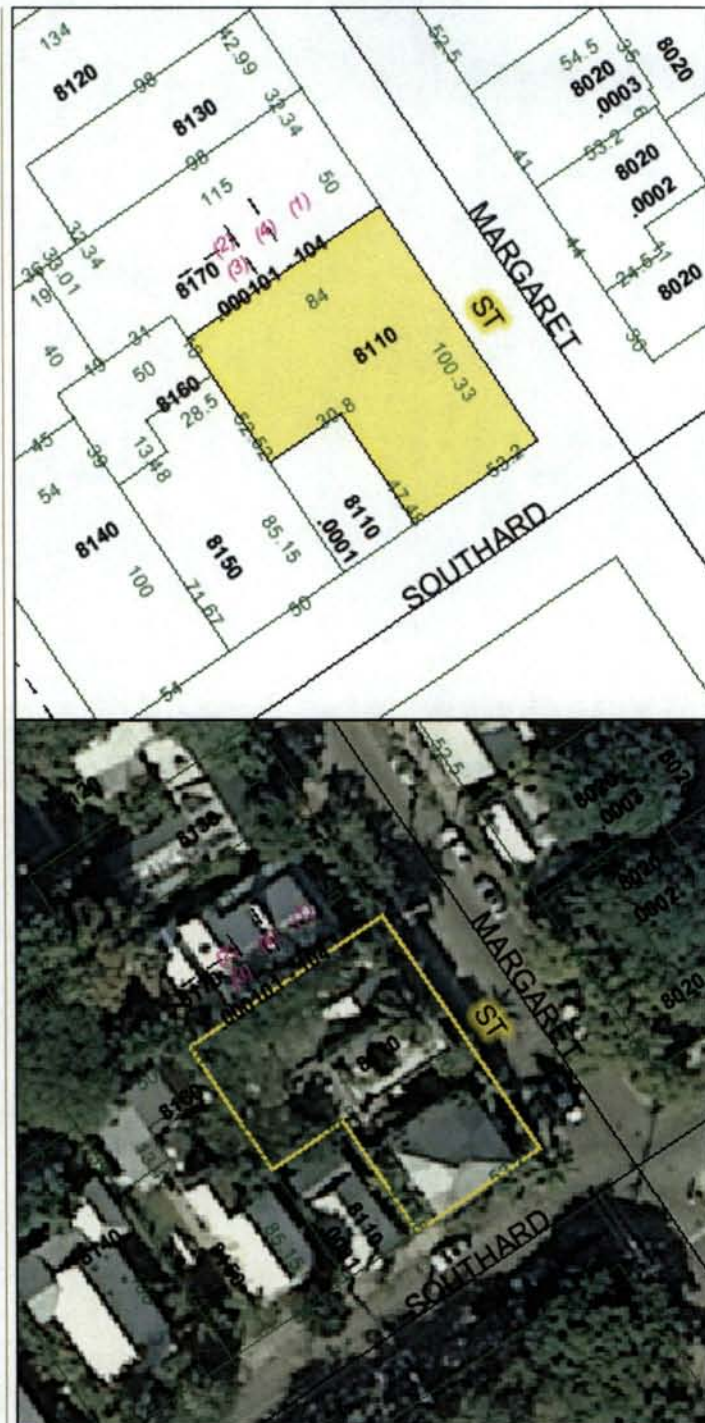
Section-Township-
Range: 06-68-25

Property Location: 532 MARGARET ST KEYWEST
534 MARGARET ST KEYWEST

Legal Description: KW PT LOT 1 SQR 47 OR520-1006 OR823-2116/17 OR842-147Q/C OR1250-1952/55Q/C OR1418-793/794
OR1481-1072/73

Parcel Map





Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	53	100	6,937.62 SF

Building Summary

Number of Buildings: 2
 Number of Commercial Buildings: 1



Total Living Area: 4216

Year Built: 1958

Building 2 Details

Building Type
Effective Age 20
Year Built 1958
Functional Obs 0

Condition E
Perimeter 350
Special Arch 0
Economic Obs 0

Quality Grade 450
Depreciation % 23
Grnd Floor Area 2,368

Inclusions:

Roof Type
Heat 1
Heat Src 1

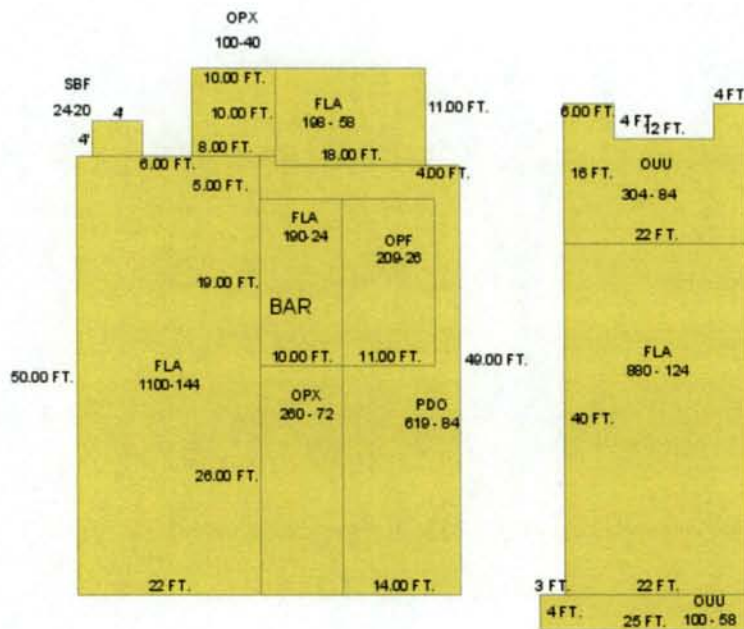
Roof Cover
Heat 2
Heat Src 2

Foundation
Bedrooms 0

Extra Features:

2 Fix Bath 1
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 20

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0

**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1987					1,100
4	OPX		1	1987					260



5	<u>OPF</u>	1	1987	209
6	<u>FLA</u>	1	1987	880
7	<u>OUU</u>	1	1987	100
8	<u>OUU</u>	1	1987	304
9	<u>FLA</u>	1	1992	198
10	<u>PDO</u>	1	1988	619
11	<u>FLA</u>	1	1987	190
12	<u>SBF</u>	1	1987	24
13	<u>OPX</u>	1	1987	100

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		NIGHT CLUBS/BARS-A-	100	N	N
	1721	REST/CAFET-A-	100	N	N
	1724	OPX	100	N	N
	1725	OPF	100	N	N
	1726	OFFICE BLD-1 STORY	100	N	Y
	1727	OUU	100	N	N
	1728	OUU	100	N	N
	1729	REST/CAFET-A-	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
466	C.B.S.	100

Building 3 DetailsBuilding Type R1

Effective Age 20

Year Built 1992

Functional Obs 0

Condition G

Perimeter 244

Special Arch 0

Economic Obs 0

Quality Grade 550

Depreciation % 28

Grnd Floor Area 1,848

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

Roof Type GABLE/HIP

Roof Cover METAL

Foundation CONC BLOCK

Heat 1 NONE

Heat 2 NONE

Bedrooms 4

Heat Src 1 NONE

Heat Src 2 NONE

Extra Features:

2 Fix Bath 0

3 Fix Bath 1

4 Fix Bath 0

5 Fix Bath 0

6 Fix Bath 0

7 Fix Bath 0

Extra Fix 0

Vacuum 0

Garbage Disposal 0

Compactor 0

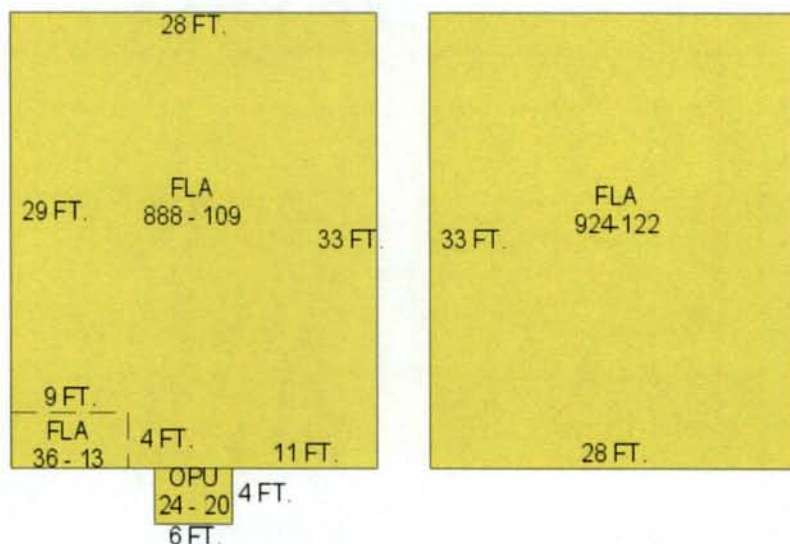
Security 0

Intercom 0

Fireplaces 0

Dishwasher 0





Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA	12:ABOVE AVERAGE WOOD	1	1992	N Y	0.00	0.00	888
4	FLA	12:ABOVE AVERAGE WOOD	1	1992	N Y	0.00	0.00	924
5	FLA	12:ABOVE AVERAGE WOOD	1	2004	Y			36
6	OPU		1	2004				24

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT3:PATIO	112 SF	0	0	1991	1992	2	50
2	AC2:WALL AIR COND	3 UT	0	0	1991	1992	2	20
3	WD2:WOOD DECK	420 SF	0	0	1995	1996	1	40
4	WF2:WATER FEATURE	1 UT	0	0	1995	1996	1	20
5	FN2:FENCES	584 SF	0	0	1995	1996	2	30

Appraiser Notes

2010-07-07 FIELD CHECK AT THE REQUEST OF PO CONFIRMS THAT BLDG#2 IS NO LONGER A 3 UNIT MULTIFAMILY. INTERIOR



INSPECTION CONFIRMS SFR. IN ADDITION, THE 2ND FLR OF THE RESTAURANT IS NO LONGER BEING USED AS APARTMENTS. 2ND FLOOR IS USED FOR OFFICE SPACE AND STORAGE. WILL UPDATE FOR 2010 ROLL.DKRAUSE

2003-12-15 - #532 - BLDG# 2 MICHAEL'S RESTAURANT & SMALL FLA9 #534 - BLDG# 3 TOTAL OF 5 APARTMENTS

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	9603662	09/01/1996	08/01/1997	21,000	Commercial	REMODELING
2	9604697	12/01/1996	08/01/1997	1,800	Commercial	MECHANICAL
3	9700665	03/01/1997	08/01/1997	385	Commercial	ELECTRICAL
4	9802844	10/27/1998	01/01/1999	15,000	Commercial	NEW UNENCLOSED FRAME
5	9802844	11/23/1998	01/01/1999	15,000	Commercial	REMOVE LIGHTS/ADD FANS
6	9902533	09/01/1999	11/15/1999	4,800	Commercial	3 FRENCH DOORS
7	9802844	11/23/1998	08/18/1999	15,000	Commercial	V-CRIMP ROOF
8	9900607	02/19/1999	08/18/1999	2,000	Commercial	ROOF REPAIRS
9	0000447	02/23/2000	08/01/2000	6,200	Commercial	INSTALL KITCHEN HOOD
10	0000610	03/08/2000	08/01/2000	1,500	Commercial	FIRE SUPPRESSION IN HOOD
11	03-3118	09/09/2003	12/15/2003	600	Commercial	DEMO SHEETROCK
12	03-3603	10/27/2003	10/16/2004	38,500	Commercial	RENOVATION
13	03-3380	09/29/2003	10/16/2004	8,900	Commercial	2- CENTRAL A/C'S
14	03-3558	10/09/2003	10/16/2004	1,000	Commercial	SEWER LINE
15	04-3328	12/09/2004	10/16/2004	9,900	Commercial	BUILD A NEW HANDICAP BATHROOM 5X8
16	04-2159	10/15/2004	12/17/2004	4,500	Commercial	REPLACE 14 JAL WINDOWS
17	03-3286	09/12/2003	12/16/2004	7,500	Commercial	a/c bldg 2
18	04-1414	07/14/2004	12/16/2004	1,950	Commercial	re-asphalt between bldgs
19	07-5028	11/13/2007	11/21/2007	5,800	Commercial	RE-ROUTE PIPES TO NEW INSTALL GREASE TRAP

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
2010	550,599	5,499	652,250	1,208,348	1,208,348	0	1,208,348
2009	604,655	5,684	738,870	1,349,209	1,349,209	0	1,349,209
2008	610,457	5,820	1,040,643	1,656,920	1,656,920	0	1,656,920
2007	491,376	6,160	1,040,643	1,538,179	1,538,179	0	1,538,179
2006	482,628	6,490	659,074	1,148,192	1,148,192	0	1,148,192
2005	437,676	6,830	555,010	999,516	999,516	0	999,516
2004	456,364	7,141	416,257	594,819	594,819	0	594,819
2003	456,364	7,576	242,817	594,819	594,819	0	594,819



2002	345,515	7,962	242,817	566,494	566,494	0	566,494
2001	345,515	8,377	138,752	566,494	566,494	0	566,494
2000	332,123	4,340	138,752	515,962	515,962	0	515,962
1999	332,123	4,576	138,752	515,962	515,962	0	515,962
1998	260,776	4,800	138,752	515,962	515,962	0	515,962
1997	267,768	5,042	124,877	515,962	515,962	0	515,962
1996	195,620	2,590	151,200	349,410	349,410	0	349,410
1995	195,620	2,697	151,200	349,517	349,517	0	349,517
1994	106,546	2,804	151,200	260,550	260,550	0	260,550
1993	202,217	2,443	151,200	355,860	355,860	0	355,860
1992	106,400	2,693	151,200	260,293	260,293	0	260,293
1991	106,400	2,846	151,200	260,446	260,446	0	260,446
1990	84,416	2,999	122,850	210,265	210,265	0	210,265
1989	82,712	3,151	120,960	206,823	206,823	0	206,823
1988	73,362	2,583	98,280	174,225	174,225	0	174,225
1987	71,603	1,420	62,580	135,603	135,603	0	135,603
1986	71,866	1,420	60,480	133,766	133,766	0	133,766
1985	68,244	1,420	34,188	103,852	103,852	0	103,852
1984	66,220	1,420	34,188	101,828	101,828	0	101,828
1983	66,220	1,420	34,188	101,828	101,828	0	101,828
1982	62,767	1,420	34,188	98,375	98,375	0	98,375

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
8/1/1996	1418 / 0793	750,000	WD	Q
2/1/1972	520 / 1006	35,000	00	Q

This page has been visited 69,483 times.

Monroe County Property Appraiser
Ervin A. Higgs, CFA
P.O. Box 1176
Key West, FL 33041-1176



Survey

Boundary Survey of part of Lot 1, Square 47, Island of Key West

LEGEND

- Found 1/2" Iron Rod (5234)
- Set #5 rebar w/cap (LB 7131)
- △ Set Nail & Disc (LB 7131)
- Found 2" Iron Rod (Fence Post)
- ▲ Found Nail & Disc (PTS)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- CLF Chain Link Fence
- R/W Right of Way
- ℄ Centerline
- ⊠ Concrete Utility Pole
- P-- Overhead Utility Lines

NOTES:

- The legal description shown hereon was authored by the undersigned.
- Underground foundations and utilities were not located.
- All angles are 90° (Measured & Record) unless otherwise noted.
- Street address: 534 Margaret Street, Key West, FL
- This survey is not valid without the signature and the original raise of a Florida licensed surveyor and mapper.
- Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
- North Arrow is assumed and based on the legal description.
- Error of closure exceeds one part in 10,000.
- Date of field work: August 19, 2003.
- Ownership of fences is undeterminable, unless otherwise noted.
- Adjoiners are not furnished

BOUNDARY SURVEY OF:

PARCEL "1": A parcel of land on the Island of Key West and known as of Lot 1, in Square 44, according to W.A. Whitehead's map of said Island delineated in February, A.D. 1829, said parcel being more particularly described by metes and bounds as follows:

BEGIN at the intersection of the NW'y right of way line of Southard St with the SW'y right of way line of Margaret Street and run thence SW the NW'y right of way line of the said Southard Street for a distance 53.20 feet; thence NW'y and at right angles for a distance of 34.50 feet thence NE'y and at right angles for a distance of 34.50 feet to the S right of way line of the said Margaret Street; thence SE'y with a deflection angle of 90°03'17" to the right and along the SW'y right of way line of said Margaret Street for a distance of 34.50 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: Maurizio Manciola;

NORBY & O'FLYNN SURVEYING, INC.

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

September 18, 2003

NORBY & O'FLYNN
Surveying,



Professional Land
LB No. 7131
3430 Duck Ave., Key West, FL 3
(305) 296-7422 FAX (305) 293

