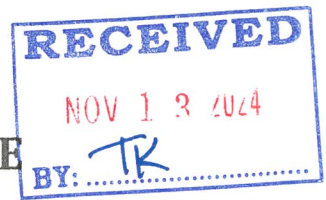


APPLICATION



VARIANCE AND AFTER THE FACT VARIANCE APPLICATION

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

Application Fee Schedule

Variance Application Fee	\$ 2,552.56
Advertising and Noticing Fee	\$ 358.87
Fire Department Review Fee	\$ 127.63
Total Application Fee	\$ 3,039.06

After the Fact Application Fee Schedule

After the Fact Variance Application Fee	\$ 5,105.13
Advertising and Noticing Fee	\$ 358.87
Fire Department Review Fee	\$ 127.63
Total Application Fee	\$ 5,591.63

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3764.

PROPERTY DESCRIPTION:

Site Address: 409 Frances Street

Zoning District: HMDR

Real Estate (RE) #: 00004840-000000

Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative

Name: A2O Architecture Mailing Address: 3706 N. Roosevelt Blvd, STE 202

City: Key West State: FL Zip: 33040

Home/Mobile Phone: _____ Office: 305-741-7676 Fax: _____

Email: office@a2oarchitecture.com

PROPERTY OWNER: (if different than above)

Name: Thomas and Patricia Bremer Mailing Address: 7551 Walnut

City: Chanhassen State: MN Zip: 55317

Home/Mobile Phone: 952-239-3778 Office: _____ Fax: _____

Email: pbremer02@gmail.com

Description of Proposed Construction, Development, and Use: _____

Raise existing residential structure 2' to meet current FEMA. Build-back of historic front porch, with modifications to existing second story balcony. Enlarge existing wood deck and remove impervious site cover. Remove 1' of rear the roof overhanging rear property line. Replace all windows and doors with impact. Replace all vinyl siding with cementitious.

List and describe the specific variance(s) being requested:

Variance requested for Building Coverage, and Front and Street Side setback. Rear setback will be improving. No change to interior side setback.

Are there any easements, deed restrictions or other encumbrances attached to the property? Yes No

If yes, please describe and attach relevant documents: Res 05-020. 2005 easement approval.

Will any work be within the dripline (canopy) of any tree on or off the property?
If yes, provide date of landscape approval, and attach a copy of such approval.

Yes No

Is this variance request for habitable space pursuant to Section 122-1078?

Yes No

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				
Flood Zone				
Size of Site				
Height				
Front Setback				
Side Setback				
Side Setback				
Street Side Setback				
Rear Setback				
F.A.R				
Building Coverage				
Impervious Surface				
Parking				
Handicap Parking				
Bicycle Parking				
Open Space/ Landscaping				
Number and type of units				
Consumption Area or No. of seats				

SEE A1.1

This application is reviewed pursuant to Section 90-391 through 90-397 of the City of Key West Land Development Regulations (LDRs). The City's LDRs can be found in the Code of Ordinances online at http://www.municode.com/Library/FL/Key_West under Subpart B.

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

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: Please print your responses.

- 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 existing corner lot structure historically had a front porch, which was removed at an unknown date. The request to restore a front porch to the building while elevating the structure to meet FEMA. The house sits on two easements due to historic property lines, and small lot.

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

The existing circumstance is not done by the owners.

- 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.

This proposal is to build-back part of the historic original building.

- 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.

Raising the house will remove secondary egress due to many site constraints. Bringing the front porch back provides secondary egress after elevating.

- 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.

This is the case. Raising the house will remove secondary egress due to many site constraints. Bringing the front porch back provides secondary egress after elevating. The project proposes to remove impervious site cover, improve open space, and improve the rear yard setback.

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.

The porch will improve on the site triangle condition and not injurious to the public welfare.

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.

Correct. This variance request is based on bringing back construction that was historically part of this property.

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

- That the standards established in Section 90-395 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."

PROPERTY CARD

Monroe County, FL

PROPERTY RECORD CARD

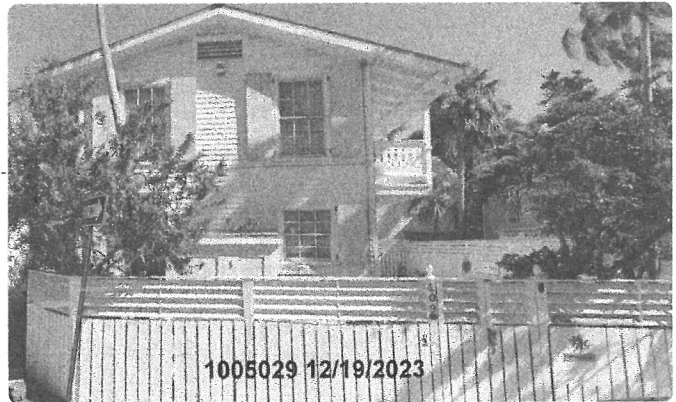
Disclaimer

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.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00004840-000000
 Account# 1005029
 Property ID 1005029
 Millage Group 10KW
 Location 409 FRANCES St, KEY WEST
 Address
 Legal KW PT LOT 3 SQR 31 (PT LOT 1 PB1-21) J1-113 OR583-60 OR673-759/60 OR840-2517/19 OR907-1090/91 OR1155-163/64 OR1847-337/38 OR2623-795 OR2705-1742/44 OR2801-1465 OR2956-26
 Description (Note: Not to be used on legal documents.)
 Neighborhood 6108
 Property Class SINGLE FAMILY RESID (0100)
 Subdivision
 Sec/Twp/Rng 31/67/25
 Affordable No
 Housing



Owner

BREMER THOMAS S
 7551 Walnut
 Chanhassen MN 55317
 BREMER PATRICIA L
 7551 Walnut
 Chanhassen MN 55317

Valuation

	2024 Certified Values	2023 Certified Values	2022 Certified Values	2021 Certified Values
+ Market Improvement Value	\$283,359	\$273,833	\$281,039	\$251,747
+ Market Misc Value	\$28,663	\$29,251	\$29,839	\$30,427
+ Market Land Value	\$879,648	\$737,352	\$571,340	\$422,576
= Just Market Value	\$1,191,670	\$1,040,436	\$882,218	\$704,750
= Total Assessed Value	\$938,023	\$852,748	\$775,225	\$704,750
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,191,670	\$1,040,436	\$882,218	\$704,750

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$879,648	\$283,359	\$28,663	\$1,191,670	\$938,023	\$0	\$1,191,670	\$0
2023	\$737,352	\$273,833	\$29,251	\$1,040,436	\$852,748	\$0	\$1,040,436	\$0
2022	\$571,340	\$281,039	\$29,839	\$882,218	\$775,225	\$0	\$882,218	\$0
2021	\$422,576	\$251,747	\$30,427	\$704,750	\$704,750	\$0	\$704,750	\$0
2020	\$419,342	\$257,888	\$31,015	\$708,245	\$708,245	\$0	\$708,245	\$0
2019	\$441,980	\$282,448	\$31,603	\$756,031	\$405,993	\$25,500	\$380,493	\$350,038
2018	\$388,959	\$211,836	\$19,841	\$620,636	\$398,423	\$25,500	\$372,923	\$222,213

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	1,960.00	Square Foot	39	50.3

Buildings

Building ID	284	Exterior Walls	ABOVE AVERAGE WOOD with 1% WD FRAME
Style	2 STORY ELEV FOUNDATION	Year Built	1950
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	2005
Building Name		Foundation	WD CONC PADS
Gross Sq Ft	2544	Roof Type	GABLE/HIP
Finished Sq Ft	1584	Roof Coverage	METAL
Stories	2 Floor	Flooring Type	CONC S/B GRND
Condition	GOOD	Heating Type	FCD/AIR DUCTED with 0% NONE
Perimeter	248	Bedrooms	3
Functional Obs	0	Full Bathrooms	3
Economic Obs	0	Half Bathrooms	0
Depreciation %	27	Grade	550
Interior Walls	WALL BD/WD WAL	Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	1,584	1,584	0
OPF	OP PRCH FIN LL	176	0	0
OUF	OP PRCH FIN UL	176	0	0
PTO	PATIO	590	0	0
SBF	UTIL FIN BLK	18	0	0
TOTAL		2,544	1,584	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
WOOD DECK	1976	1977	0 x 0	1	338 SF	4
FENCES	1975	1976	0 x 0	1	1056 SF	5
RES POOL	1976	1977	10 x 22	1	220 SF	5

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
3/21/2019	\$855,000	Warranty Deed	2213086	2956	26	01 - Qualified	Improved		
9/25/2014	\$500,000	Warranty Deed		2705	1742	30 - Unqualified	Improved		
3/13/2013	\$100	Quit Claim Deed		2623	795	11 - Unqualified	Improved		
12/1/1990	\$225,000	Warranty Deed		1155	163	Q - Qualified	Improved		
4/1/1984	\$165,000	Warranty Deed		907	1090	U - Unqualified	Improved		
9/1/1981	\$140,000	Warranty Deed		840	2517	Q - Qualified	Improved		
2/1/1974	\$7,500	Conversion Code		673	759	Q - Qualified	Improved		

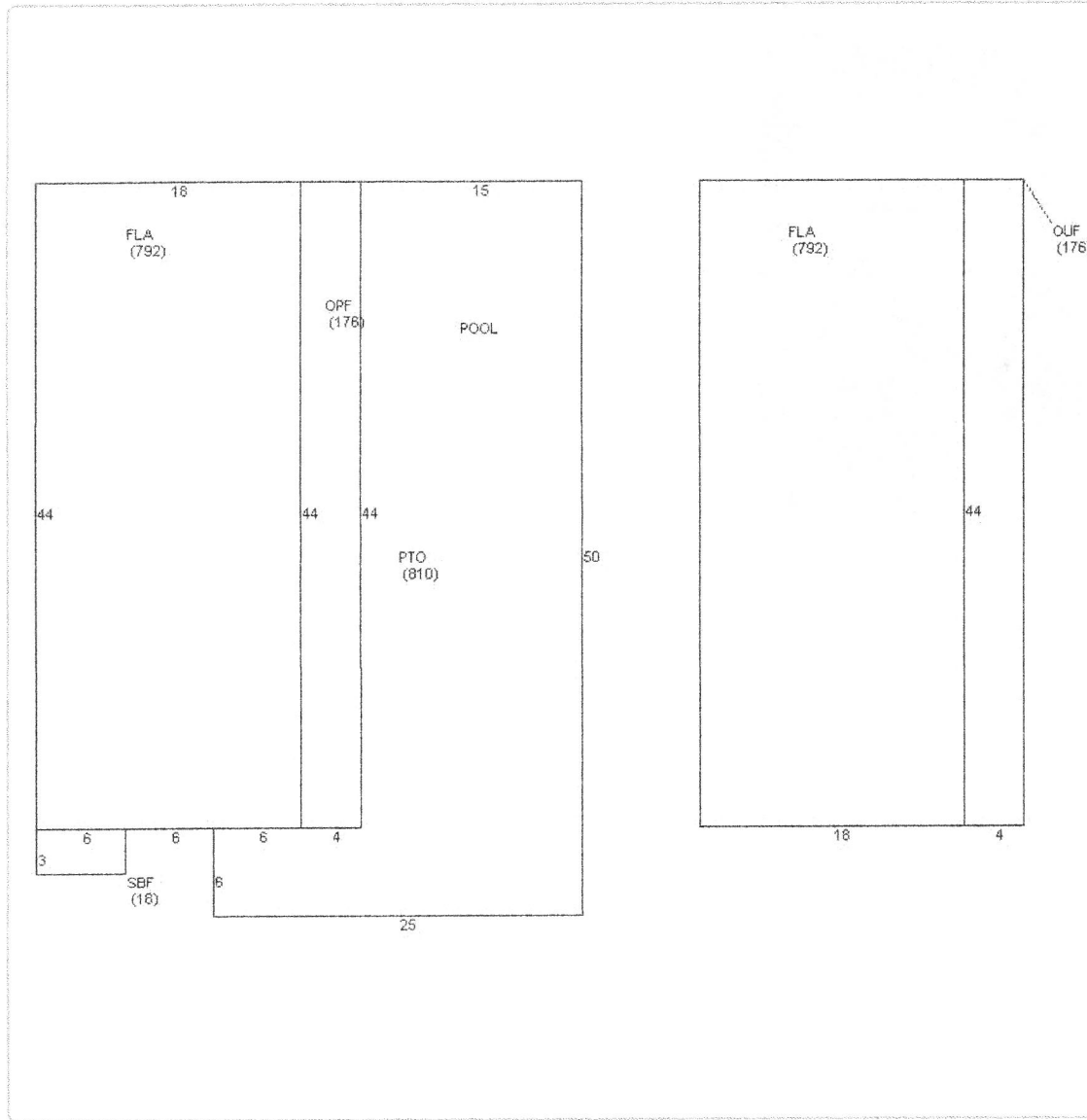
Permits

Number	Date Issued	Status	Amount	Permit Type	Notes
05-0244	01/26/2005	Completed	\$4,000		REPAIR EXISTING FENCE
03-2767	08/11/2003	Completed	\$4,000		KITCHEN COUNTER
03-2496	07/23/2003	Completed	\$9,800		REPAIRED FLOORING
03-1739	05/21/2003	Completed	\$500		TERMITE DAMAGED REPAIR
9901910	07/25/1999	Completed	\$3,000		INSTALL COLONIAL SHUTTERS
99-1085	04/19/1999	Completed	\$4,900		V-CRIMP ROOF
B953898	11/01/1995	Completed	\$500		MINOR REPAIRS

View Tax Info

[View Taxes for this Parcel](#)

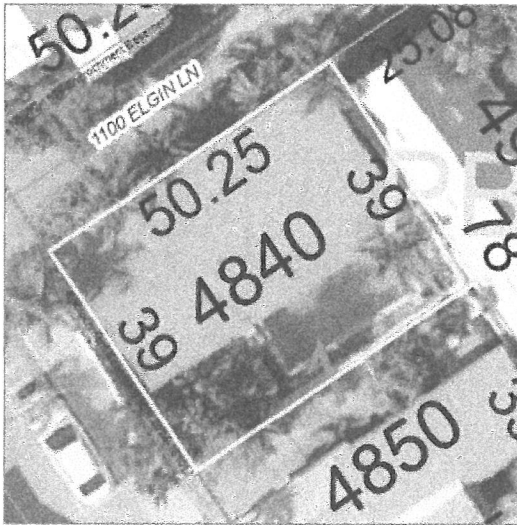
Sketches (click to enlarge)



Photos



Map



TRIM Notice

[2024 TRIM Notice \(PDF\)](#)

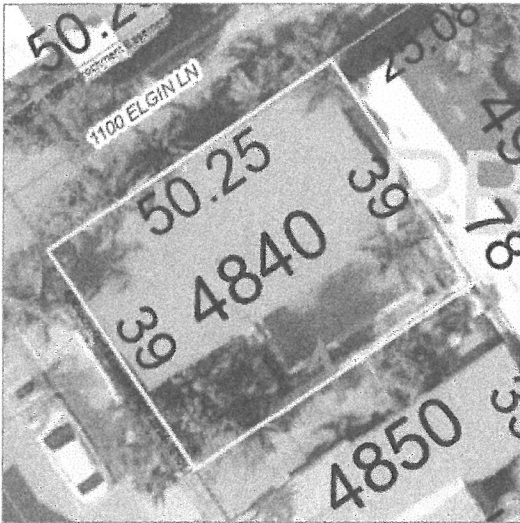
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[User Privacy Policy](#) | [GDPR Privacy Notice](#)
 Last Data Upload: 11/13/2024, 5:39:41 AM

[Contact Us](#)



Map



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Developed by
 **SCHNEIDER**
 GEOSPATIAL

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B953898	11/01/1995	Completed	\$500		MINOR REPAIRS

View Tax Info

[View Taxes for this Parcel](#)

Sketches (click to enlarge)

**AUTHORIZATION
FORM**



**City of Key West
Planning Department**

Authorization Form
(Individual or Joint Owner)

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

I, Thomas S. Bremer and Patricia L Bremer authorize
Please Print Name(s) of Owner(s) as appears on the deed

A20 Architecture
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 Owner

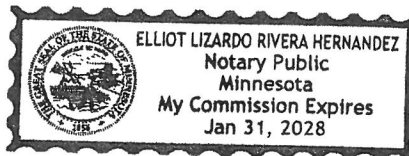
Patricia L. Bremer
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 10-29-24
Date

by THOMAS & PATRICIA BREMER
Name of Owner

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

[Signature]
Notary's Signature and Seal



ELLIOT RIVERA
Name of Acknowledger typed, printed or stamped

1-31-28
Commission Number, if any

**VERIFICATION
FORM**



**City of Key West
Planning Department
Verification Form**
(Where Applicant is an entity)

I, ANTONIO A. OSBORN, JR., in my capacity as MANAGING MEMBER
(print name) *(print position; president, managing member)*
of AZO ARCHITECTURE, LLC.
(print name of entity)

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:

409 FRANCES ST. KEY WEST, FL 33040
Street address of subject property

I, the undersigned, declare under penalty of perjury under the laws of the State of Florida that I am the Authorized Representative of the property involved in this application; that the information on all plans, drawings and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct.

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.

[Handwritten Signature]
Signature of Applicant

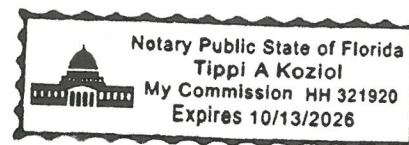
Subscribed and sworn to (or affirmed) before me on this 13th Nov, 2024 by
date

Antonio A. Osborn, Jr.
Name of Applicant

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

[Handwritten Signature]
Notary's Signature and Seal

Tippi A. Kozioł
Name of Acknowledger typed, printed or stamped



Commission Number, if any

DEED

PREPARED BY AND RETURN TO:
RICHARD M. KLITENICK
RICHARD M. KLITENICK, P.A.
1009 SIMONTON STREET
KEY WEST, FL 33040
305-292-4101
FILE NUMBER: REI9-009
RECORDING FEE: \$18.50
DOCUMENTARY STAMPS PAID: \$5,985.00

[Space above This Line for Recording Data]

WARRANTY DEED

THIS WARRANTY DEED is made on this 21 day of March, 2019, between GLENN A. KAPSCH, a single man, whose mailing address 409 Frances Street, Key West, FL 33040 (hereinafter referred to as 'Grantor') and THOMAS S. BREMER & PATRICIA L. BREMER, husband & wife, whose mailing address 7551 Walnut Curve, Chanhassen, MN 55317 (hereinafter collectively referred to as "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 *EIGHT HUNDRED FIFTY-FIVE THOUSAND & 00/100^{ths} DOLLARS* (\$855,000.00) and other good and valuable consideration 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, WITH THE STREET ADDRESS OF 409 FRANCES STREET, KEY WEST FL 33040, MORE PARTICULARLY DESCRIBED AS:

PART OF LOT THREE IN SQUARE THIRTY-ONE, ACCORDING TO WHITEHEAD'S MAP OF THE CITY OF KEY WEST DELINEATED IN FEBRUARY 1829, BUT NOW BETTER KNOWN AS PART OF LOT ONE OF P.T. KNIGHT'S DIAGRAM OF SAID LOT THREE IN SQUARE THIRTY-ONE. SAID LAND COMMENCING AT THE CORNER OF FRANCES STREET AND A TWENTY-FOOT ALLEY KNOWN AS ELGIN STREET, SAID POINT BEING 98 FEET FROM THE CORNER OF FRANCES AND EATON STREETS, AND RUNNING THENCE ALONG FRANCES STREET IN A SOUTHEASTERLY DIRECTION 39 FEET; THENCE AT RIGHT ANGLES IN A NORTHEASTERLY DIRECTION 50 FEET AND 3 INCHES; THENCE AT RIGHT ANGLES IN A NORTHWESTERLY DIRECTION 39 FEET, OUT TO THE SAID TWENTY-FOOT ALLEY; THENCE AT RIGHT ANGLES IN A SOUTHWESTERLY DIRECTION 50 FEET 3 INCHES TO THE POINT OF BEGINNING.

PARCEL IDENTIFICATION NO.: 00004840-000000; ALTERNATE KEY ("AK") NO.: 1005029

SUBJECT TO CONDITIONS AND RESTRICTIONS OF RECORD, IF ANY, BUT THIS DEED SHALL NOT OPERATE TO REIMPOSE THE SAME.

SUBJECT TO: TAXES FOR THE YEAR 2019 AND SUBSEQUENT YEARS

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.

WARRANTY DEED
KAPSCH TO BREMER
409 FRANCES STREET, KEY WEST, FL

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, 2018, and those items listed above.

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:

Kelly J. Klitenick
Witness # 1 signature
Print name: Kelly J. Klitenick

Glenn A. Kapsch
GLENN A. KAPSCH

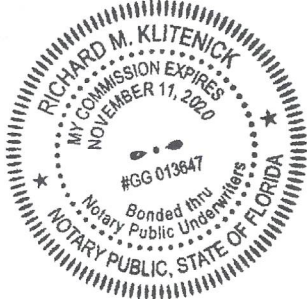
[Signature]
Witness # 2 signature
Print name: RICHARD M. KLITENICK

STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements GLENN A. KAPSCH, who is personally known to me to be the same person who is the named Grantor in the foregoing Warranty Deed, or who produced N/A as identification, and he acknowledged to me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and Official Seal at Key West, Monroe County, Florida on this 21 day of March, 2019.

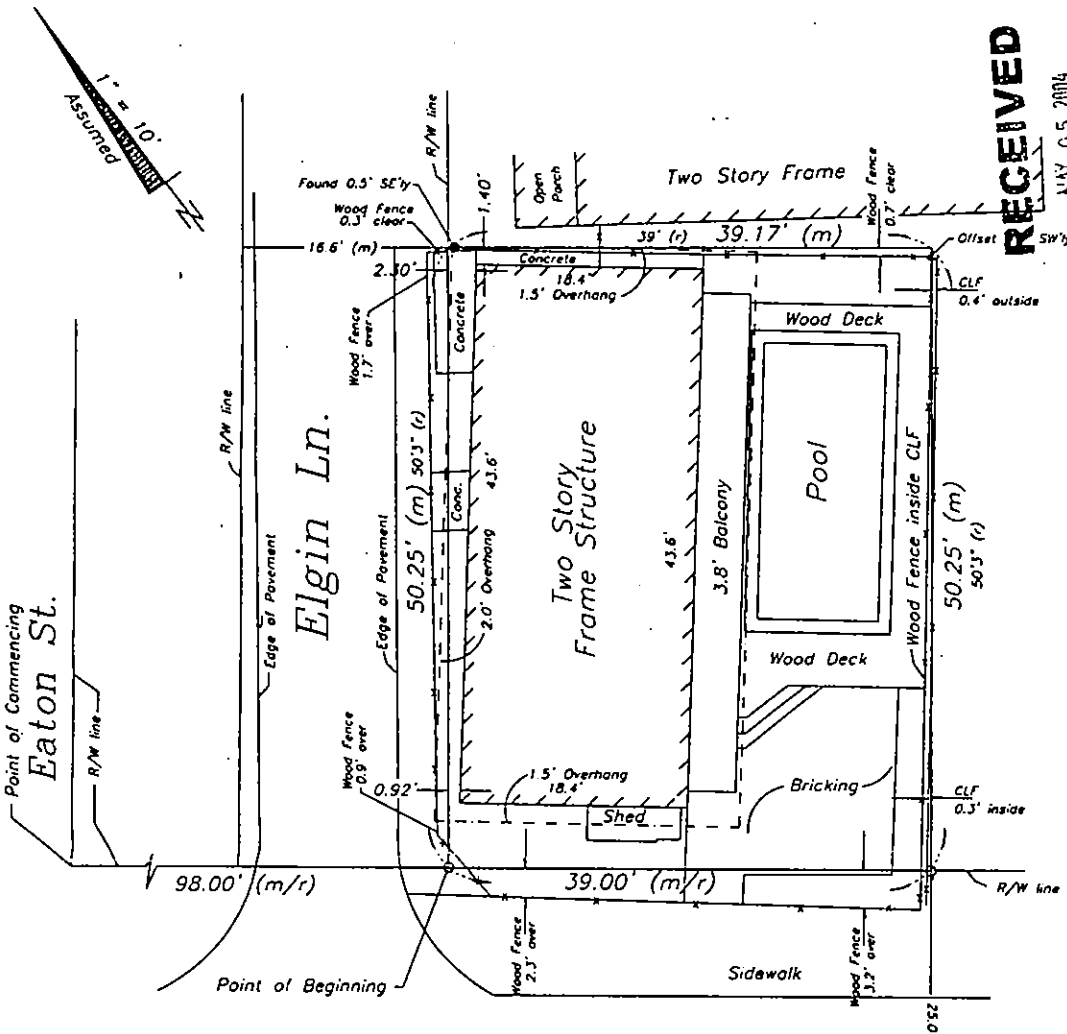
(STAMP/SEAL)



[Signature]
Notary Public-State of Florida
Commission Expires: 11/11/2020

SURVEY

Boundary Survey Map of part of Lot 3, Square 31, Island of Key West



RECEIVED

MAY 05 2004

CITY OF KEY WEST
PLANNING DEPT.

Doc# 1489466
BKA 2074 P# 1614

Frances St.

(50' R/W)

LEGEND

- △ Set Nail & Disc (LB 7131)
- Found 1/2" Iron Rod (PTS)
- Found 1/2" Iron Pipe (FHH)
- ▲ Found Nail & Disc (FHH)
- Set #5 rebar w/cap (LB 7131)
- WF Wood Fence
- (C) Calculated
- (M) Measured
- (R) Record
- R\W Right of Way
- Ⓢ Centerline

NOTE:
The Survey Map is not full and complete without the attached Survey Report.

Sheet One of Two Sheets

NORBY & O'FLYNN
Surveying, Inc.

Professional Land Surveyors
LB No. 7131

3430 Duck Ave., Key West, FL 33040
(305) 298-7422 FAX (305) 293-9024

Boundary Survey Report of part of Lot 3, Square 31, Island of Key West

Doc# 1489466
Bk# 2074 Pg# 1615

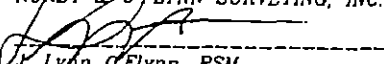
NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 409 Frances 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. Error of closure exceeds one part in 10,000.
9. Date of field work: February 3, 2004.
10. Ownership of fences is undeterminable, unless otherwise noted.
11. This Survey Report is not full and complete without the attached Survey Map.

BOUNDARY SURVEY OF: Part of Lot Three in Square Thirty-one, according to Whitehead's map of the City of Key West delineated in February 1829, but now better known as part of Lot One of P.T. Knight's Diagram of said Lot Three in said Square Thirty-one. Said land commencing at the corner of Frances Street and A Twenty-foot alley known as Elgin Street, said point being 98 feet from the corner of Frances and Eaton Streets, and running thence along Frances Street in a Southeasterly direction 39 feet; thence at right angles in a Northeasterly direction 50 feet and 3 inches; thence at right angles in a Northwesterly direction 39 feet, out to the said Twenty-foot alley; thence at right angles in a Southwesterly direction 50 feet, 3 inches to the Point of Beginning.

BOUNDARY SURVEY FOR: Paula Reynolds;

NORBY & O'FLYNN SURVEYING, INC.


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

February 26, 2004

MONROE COUNTY
OFFICIAL RECORDS

Sheet Two of Two Sheets

NORBY & O'FLYNN
Surveying, Inc.



Professional Land Surveyors
LS No. 7131

3430 Duck Ave., Key West, FL 33040
(305) 293-7422 FAX (305) 293-9824

ADDRESS: 409 FRANCES STREET

RESOLUTION NO. 05-020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED EASEMENT AGREEMENT BETWEEN THE CITY AND PAULA REYNOLDS FOR THE PROPERTY LOCATED AT 409 FRANCES STREET; PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Doc# 1489466
Bk# 2074 Pg# 1609

Section 1: That the attached Easement Agreement for 409 Frances Street is hereby approved.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 4 day of January, 2005.

Authenticated by the presiding officer and Clerk of the Commission on January 5, 2005.

Filed with the Clerk January 5, 2005.


JIMMY WEEKLEY, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

EASEMENT AGREEMENT

THIS AGREEMENT made this 7th day of JANUARY, 2005, between the City of Key West, Florida (hereinafter Grantor) and PAULA REYNOLDS (hereinafter the Grantee).

Doc# 1489466
Bk# 2074 Pg# 1610

RECITALS

Grantee is owner of the property known as 409 FRANCES STREET, Key West, Florida, including a building that encroaches onto the Grantor's right-of-way. Specifically, the Grantee's roof overhang, cistern, air conditioning equipment and fence encroach on Elgin Lane for a total length of 47.55 feet and a varying width of between 1.36 and 1.7 feet; and Grantee's fence encroaches on Frances Street for a length of 34.67 feet and a varying width of between 1.47 and 3.2 feet, according to a survey by Norby and O'Flynn Surveying, Inc. dated September 29, 2004 (copy attached hereto). These encroachments impede marketability of the property.

The parties agree that the subject encroachments have existed for some years.

I. CONVEYANCE OF EASEMENT

The Grantor hereby agrees to grant and convey to Grantee an easement for use of Elgin Lane for a total length of 47.55 feet and a varying width of between 1.36 and 1.7 feet; and Frances Street for a length of 35.67 feet and a varying width of between 1.47 and

3.2 feet, currently occupied by a roof overhang, cistern, air conditioning equipment and fence (Elgin Lane) and fence (Frances Street) on the property located at 409 Frances Street, as more specifically described in the attached survey. The easement shall pertain to the heretofore described encroachments currently existing on the property only and not to any other encroachments. The grant of this easement is conditioned upon the following: there shall be no new construction related to the encroachment.

Doc# 1489466
Bk# 2074 Pg# 1611

II. CONSIDERATION

Grantee agrees to pay to Grantor a processing fee in the amount of \$850.00, together with all sums and fees for city sewer, city garbage, if unpaid; otherwise to promptly bring the property and all uses thereof into full compliance with all city and state laws and regulations, if it is not now in full compliance. Grantee further agrees to pay Grantor an annual rental fee for this easement in the total amount of \$400.00, payable annually on the anniversary date of the execution of this Easement Agreement to the City of Key West. Failure to pay such rental shall constitute grounds for the Grantor to terminate the easement.

III. EASEMENT TERMINATION

Grantee agrees that the improvements located on the Easement shall not be enlarged or expanded.

Grantee shall have the right to repair, maintain and replace the improvements in the ordinary course of maintenance and/or in the event the improvements are destroyed by fire, hurricane or other such cause.

In the event Grantor determines that retaking this property is necessary for a public purpose, then Grantor may terminate this easement and reclaim the property without compensation to Grantee.

This easement shall be considered a covenant that runs with the land and shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this easement the date above written.

ATTEST:

CITY OF KEY WEST

Cheryl Smith
CHERYL SMITH, CITY CLERK

Julio Avel
JULIO AVAEL, CITY MANAGER

STATE OF FLORIDA)
COUNTY OF MONROE)

The foregoing instrument was acknowledged before me this 6th day of January, 2005 by JULIO AVAEL of the City of Key West on behalf of the City who is personally known to me or who has produced personally known as identification.



Vivian Perez
MY COMMISSION # CC991212 EXPIRES
April 9, 2005
BONDED THRU TROY FAIN INSURANCE, INC.

Vivian Perez
Notary Public
State of Florida

My commission expires: 0409-05

[signatures continued on next page]

Doc# 1489466
BK# 2074 Pg# 1612

GRANTEE

Doc# 1489466
Bk# 2074 Pg# 1613

Paula Reynolds
By: PAULA REYNOLDS

STATE OF FLORIDA)
COUNTY OF MONROE)

The foregoing instrument was acknowledged before me this 7th
day of January, 2005, by PAULA REYNOLDS, who is
personally known to me or who has produced FL. Drivers License as
identification.



Susan P. Harrison
MY COMMISSION # DD184792 EXPIRES
April 8, 2007
BONDED THRU TROY FAIR INSURANCE, INC

Susan P. Harrison
Notary Public
State of Florida

My commission expires: 4-8-07



EXECUTIVE SUMMARY

1
2
3 **To:** Julio Avel, City Manager
4 **From:** Wendy Tucker, Development Review Administrator
5 **Date:** November 12, 2004
6 **RE:** Easement Request, 409 Frances Street (RE # 00004840-000000)

ACTION STATEMENT:

7
8
9 **Easements** for 409 Frances Street RE# 00004840-000000 consisting of approximately 63
10 square feet of right-of-way along Elgin Lane for an existing roof overhang, cistern, air
11 conditioning system and fence encroachments near the southeast corner of Frances Street and
12 Elgin Lane and an easement for an existing fence along Frances Street for 97.6 square feet.
13

BACKGROUND:

14
15 Elgin lane has a 20-foot right-of-way, although the paved portion is just over 11 feet in width.
16 The requested easement on Elgin Lane reflects a fence (and combined) encroachment of a
17 maximum 1.7 feet into the lane, generally along its length.

18 The applicant is also requesting an easement for an existing fence on the Frances Street
19 front of the property. The applicant, in a letter of May 21, 2004, presented a description of the
20 fence encroachment noting the fence extends on an angle into the right-of-way for a distance
21 of 34.7 feet, with the encroachment a maximum of 3.2 feet.

22 All of the encroachments have been in place for a number of years. The two-story
23 frame house that is the principal structure is positioned at an angle to both streets as shown on
24 the survey. The house is principally accessed from the right side of the structure where a
25 balcony exists. The right side of the property is also where on-site parking and a swimming
26 pool are located.

27 The City Development Review Committee (DRC), at its June 10, 2004, Meeting, made
28 comments and suggestions on the request.

29 The house dates from the latter 1970s and is not considered to be a historically
30 "contributing" structure, although the cistern for which an easement is sought has that status.
31
32

OPTIONS/ADVANTAGES/DISADVANTAGES:

- 33
34
35 1. Approve both the requested easements. The leftward position of the existing house on
36 the parcel, where it has been located for more than 25 years, mitigates for granting of
37 the combined Elgin Lane easement. There would be no visible changes if the easements
38 were granted. The roof overhang has existed with the house since the 1970s. The
39 cistern that extends under the existing house already rates as a historic structure though
40 it has been filled with cement. The architect representative has asserted that the
41 existing location is the only one feasible for the air conditioning system and related
42 cement pad. What drew some objection at the DRC Meeting from the City's

1 Bicycle/Pedestrian Coordinator was an easement request for the Frances Street fence.
2 The applicant pointed out that the fence has been in its existing location many years,
3 and that it protects access to an existing accessory structure that is in the front setback.
4

- 5 2. Approve one but not all of the encroachments on Elgin Lane, and/or approve the Elgin
6 Lane request but not the encroachment on Frances Street. The Commission could
7 decide to approve fewer than all of the encroachments on Elgin Lane, although the
8 fence encompasses the location of other encroachments. The Commission could also
9 decide not to approve an easement for the existing fence on Frances Street. Public
10 input at the meeting could affect the Commission's decisions. On Elgin Lane, however,
11 if the roof overhang, cistern, and a/c system were granted easement status, it would be
12 logical to allow the existing fence as well. At the DRC Meeting, it was indicated that
13 sewer utilities would not be negatively affected by allowing the easement request.
14
- 15 3. Deny the dual requested easements. This would create a number of cost and other
16 relocation difficulties for the applicant owner. Clearing of public rights-of-way is a City
17 goal, however, and sidewalk and landscaping possibilities were raised at the DRC
18 Meeting.
19

20 **RECOMMENDATION**

21
22 Approval of Option 1 with one condition regarding Frances Street:

- 23 • The easement for Frances Street is for the existing fence only; relocation will occur
24 when the fence needs to be substantially replaced in the view of the Building
25 Department.
26

27 **PLANS PROVIDED WITH THIS REPORT**

Plans	By	Date	Pg #	Received
Boundary Survey Map	Norby & O'Flynn Surveying, Inc.	February 26, 2004	1 of 2	May 5, 2004
Boundary Survey Notes, Legal Description	Norby & O'Flynn Surveying, Inc.	February 26, 2004	2 of 2	May 5, 2004
Specific Purpose Survey to illustrate legal description of Elgin Lane (encroachments)	Norby & O'Flynn Surveying, Inc.	September 29, 2004	1 of 2	October 6, 2004
Specific Purpose Survey to illustrate legal description of Elgin Lane (encroachments)	Norby & O'Flynn Surveying, Inc.	September 29, 2004	1 of 2	October 6, 2004

28

EASEMENT APPLICATION
City of Key West Planning Department
605-A Simonton Street, Key West, FL 33040
(305) 292-8229



Please read carefully before submitting applications

Easement Application

Please print or type a response to the following:

1. Site Address 409 FRANCES STREET
2. Name of Applicant DOUG SPENKER
3. Applicant is: Owner Authorized Representative
(attached Authorization Form must be completed)
4. Address of Applicant 912-1 FLEMING STREET
KEY WEST FL 33040
5. Phone # of Applicant 293-8280 Mobile# 304-1268 Fax# _____
6. Name of Owner, if different than above PAULA REYNOLDS
7. Address of Owner 409 FRANCES STREET mail to this
KEY WEST FL 33040 Address
8. Phone Number of Owner 292-9925 Fax# _____
9. Zoning District of Parcel HMDR RE# 00004840-000000
10. Description of Requested Easement and Use. Please itemize if more than one easement is requested ROOF OVERHANG, CISTERN, AC EQUIPMENT & PAD AND FENCE @ EUGEN LANE SIDE OF PROPERTY ENCR OACHES ONTO CITY RIGHT OF WAY. SEE ATTACHED LEGAL DESCRIPTION.
Also Fence on Frances Street encroaches onto Right of Way but RECORDED
JUL 29 2004
CITY OF KEY WEST PLANNING DEPT

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

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

The following must be included with this application:

- _____ One copy of a recorded warranty deed showing ownership and a legal description of the subject property
- _____ Two (2) original signed and sealed site survey illustrating buildings and structures existing on property as well as area of requested easement
- _____ Color photographs of requested easement
- _____ Application Fee – payable to the City of Key West (\$850.00 plus \$300.00 for each additional Easement on the same parcel.)
- _____ Notarized Authorization Form (if applicable)

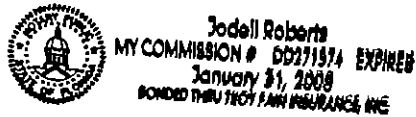
Verification

I, DOUG SPENCER (please print), being duly sworn, depose and say that: I am
Name of Applicant
(check one) the owner _____ /legal representative X of the property which is the subject matter of this application. All of the answers to the above questions, sketches and attached data which make up this application, are true and correct to the best of my knowledge and belief.

[Signature]
Signature of Applicant

Subscribes and sworn to (or affirmed) before me on April 23, 2004 (date) by Doug Spencer JR (name of affiant, deponent or other signer). He/She is personally known to me or has presented _____ as identification.

[Signature]
Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped

Title or Rank

Commission Number, if any

If you have any questions regarding the completion of this application, please contact the Planning Department at 292-5189.

For Office Use Only

To be completed by Planner:

Date Complete Application Received by Planning Dept: _____

Planner Comments and Recommendations:

Forwarded to DRC Meeting of _____
DRC recommendations attached

Reviewed by CTSP Committee Representative _____

Date Application and Executive Summary forwarded to Legal _____

Authorization Form

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

I, PAULA REYNOLDS, authorize DOUG SPENCER to present
Property Owner's Name Applicant's name

this request for an easement to the City Commission. This authorization does not constitute a recommendation for approval or denial.

Paula S. Reynolds
Signature of Property Owner

Subscribes and sworn to (or affirmed) before me on April 23, 2004 (date) by
Paula S. Reynolds (name of affiant, deponent or other signer). He/She is personally known
to me or has presented _____ as identification.

Jodell Roberts
Notary's Signature and Seal



Jodell Roberts
MY COMMISSION # DD271574 EXPIRES
January 31, 2008
BONDED THRU TROY FAIR INSURANCE, INC.

Name of Acknowledger typed, printed or stamped

Title or Rank

Commission Number, if any

Prepared by:

Maurice Jay Kutner & Associates, P.A.
11th Floor - Courthouse Tower
44 West Flagler Street
Miami, Florida 33130-6803
(305) 377-9411

RCD Jan 03 2003 01:05PM
DANNY L. KOLHAGE, CLERK

Return to:

Maurice Jay Kutner & Associates, P.A.
11th Floor - Courthouse Tower
44 West Flagler Street
Miami, Florida 33130-6803
(305) 377-9411

DEED DOC STAMPS 0.70
01/03/2003 DEP CLK

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 27 day of November, 2002, by **STEPHEN J. McILVAIN** and **PAULA S. McILVAIN**, first party, to **PAULA S. REYNOLDS**, whose post office address is 409 Frances Street, Key West, Florida 33048, second party:

WITNESSETH, that the first party, **STEPHEN J. McILVAIN** and **PAULA S. McILVAIN**, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, does hereby remise, release and quit-claim unto the second party forever, all the right, title, interest, claim and demand which the first party has in and to the following described lot, piece or parcel of land, situated, lying and being in the County of Monroe, State of Florida, to-wit:

Property address: 409 Frances Street, Key West, Florida 33040

Parcel I.D. No.: 00004840-000000

Legal Description: Part of Lot Three in Square Thirty-One, according to Whitehead's map of the City of Key West delineated in February 1829, but now better known as Part of Lot One of P. T. Knight's Diagram of said Lot Three in said Square Thirty-one. Said land commencing at the corner of Frances Street and a Twenty-foot alley known as Elgin Street, said point being 98 feet from the corner of Frances and Eaton Streets, and running thence along Frances Street in a Southeasterly direction 39 feet; thence at right angles in a Northeasterly direction 50 feet and 3 inches; thence at right angles in a Northwesterly direction 39 feet, out to the said Twenty-foot alley; thence at right angles in a Southwesterly direction 50 feet, 3 inches to the point of beginning. Said land being 1/2 of the land conveyed to Abraham Carey and Wm. W. Carey by Peter T. Knight and wife by deed dated August 7, 1899, and recorded in Book RR of Deeds, pages 707-708, Monroe County, Florida Public Records.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behalf of the second party forever.

THIS QUIT-CLAIM DEED is being executed in accordance with the parties' September 13, 2002 Marital Settlement Agreement and the Final Judgment of Dissolution of Marriage entered between **STEPHEN J.**

McILVAIN and PAULA S. McILVAIN, County Circuit Court case number 02-09674 FC-17.

IN WITNESS WHEREOF, the first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Robert C. Brade

Donna TRIBO

[Signature]
STEPHEN J. McILVAIN

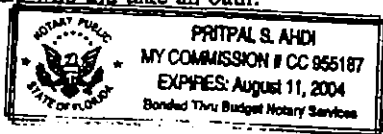
Lynn L. Allen

Cheri L. Matney

Paula S. Reynolds
PAULA S. McILVAIN,
n/k/a PAULA S. REYNOLDS

STATE OF FLORIDA)
 :
 : SS:
COUNTY OF MIAMI-DADE)

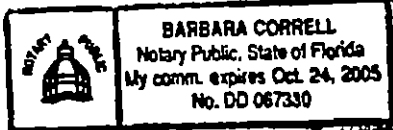
THE FOREGOING INSTRUMENT was acknowledged before me this 27 day of November, 2002, by STEPHEN J. McILVAIN, who is personally known to me or has produced FL DL as identification and who did take an oath.



[Signature]
Notary Public, State of Florida

STATE OF FLORIDA)
 :
 : SS:
COUNTY OF MONROE)

THE FOREGOING INSTRUMENT was acknowledged before me this 13 day of ~~November~~ DECEMBER, 2002, by PAULA S. McILVAIN, n/k/a PAULA S. REYNOLDS who is personally known to me or has produced as identification and who did take an oath.

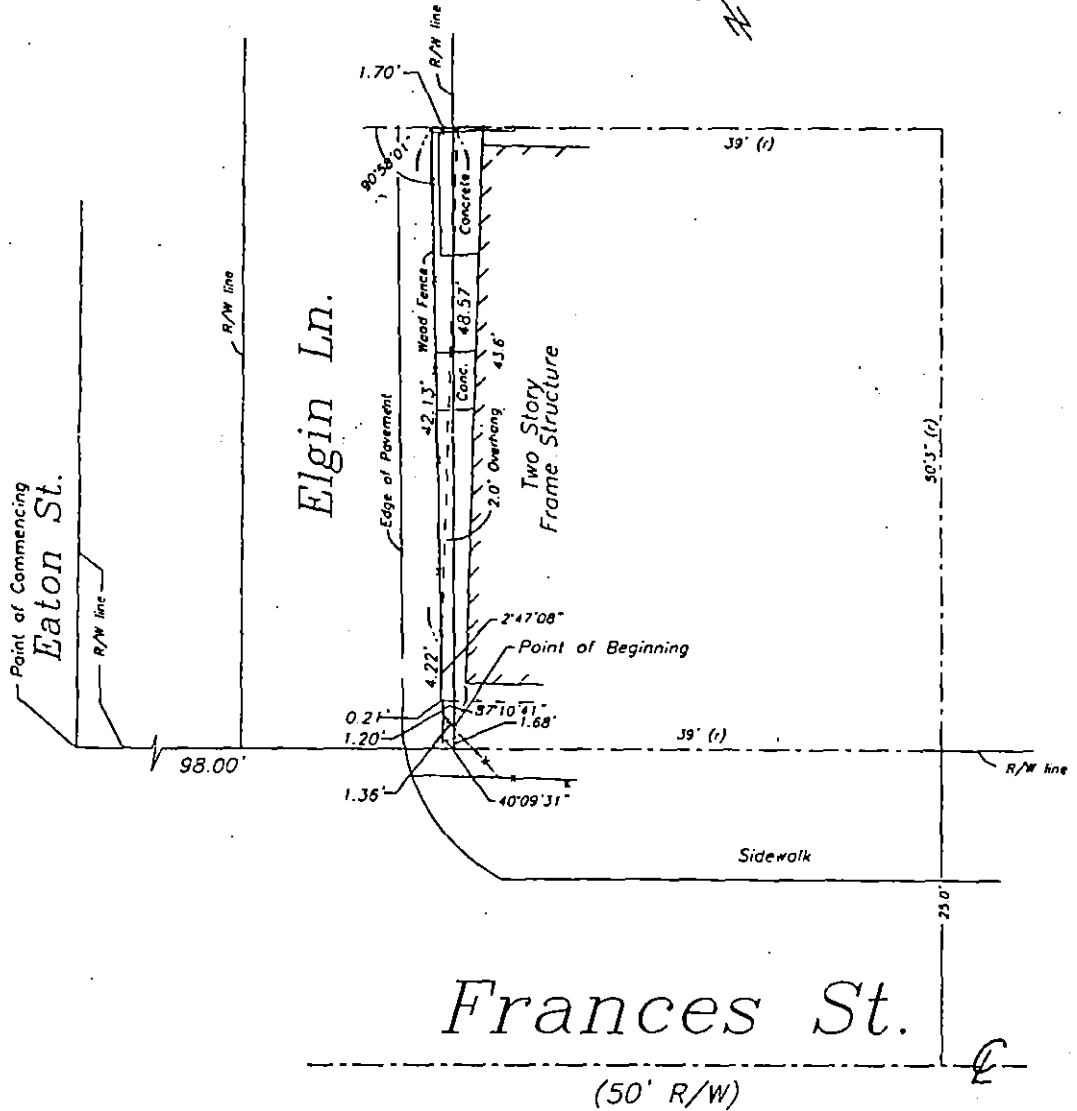
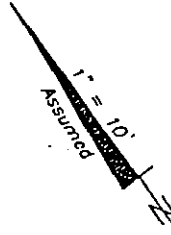


Barbara Correll
Notary Public, State of Florida

Specific Purpose Survey to illustrate a legal description of part of Lot 3, Square 31,
William A. Whitehead's map, prepared by the undersigned

LEGEND

- WF Wood Fence
- R/W Right of Way
- Ⓢ Centerline



RECEIVED

OCT 06 2004

CITY OF KEY WEST
PLANNING DEPT.

Sheet One of Two

NORBY & O'FLYNN
Surveying, Inc.
Professional Land Surveyors
LB No 7131
3450 Duck Ave., Key West, FL 33040
(305) 298-7422 FAX (305) 293-9924

Specific Purpose Survey to illustrate a legal description of part of Lot 3, Square 31,
William A. Whitehead's map, prepared by the undersigned

NOTES:

1. The legal descriptions shown hereon were 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: 409 Frances 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. Error of closure exceeds one part in 10,000.
9. Adjoiners are not furnished.
10. The descriptions contained herein and sketch, do not represent a field Boundary Survey.


SPECIFIC PURPOSE SURVEY TO ILLUSTRATE LEGAL DESCRIPTION
AUTHORED BY THE UNDERSIGNED

PARCEL 1: A parcel of land on the Island of Key West and known as a portion of Elgin Lane as part of Lot 3, Square 31, according to William A. Whitehead's Map, delineated in February A.D. 1829, as, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the intersection of the SE'ly right of way line of Eaton Street with the NE'ly right of way line of Frances Street and run thence SE'ly along the NE'ly right of way line of the said France Street for a distance of 98.00 feet to the SE'ly right of way line of Elgin Lane; thence NE'ly and along the SE'ly right of way line of the said Elgin Lane for a distance of 1.68 feet to the SW'ly face of an existing wood fence, said point also being the Point of Beginning; thence continue NE'ly along the SE'ly right of way line of the said Elgin Lane for a distance of 48.57 feet; thence NW'ly and at right angles for a distance of 1.70 feet; thence SW'ly with a deflection angle of 90°58'01" to the left and along the NW'ly face of an existing wood fence and NE'ly extension thereof for a distance of 42.13 feet to the NW'ly face of an existing overhang on a frame structure; thence SW'ly with a deflection angle of 2°47'08" to the right and along the NW'ly face of said overhang for a distance of 4.22 feet; thence SE'ly and at right angles along the SW'ly face of said overhang for a distance of 0.21 feet to the said wood fence; thence SW'ly with a deflection angle of 87°10'41" to the right and along the NW'ly face of said fence for a distance of 1.20 feet to a fence corner; thence S'ly with a deflection angle of 40°09'31" to the left and along the W'ly face of said wood fence for a distance of 1.36 feet back to the Point of Beginning, containing 63 square feet, more or less.

SPECIFIC PURPOSE SURVEY FOR: Paula Reynolds;

NORBY & O'FLYNN SURVEYING, INC.


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

September 29, 2004

RECEIVED

OCT 06 2004

CITY OF KEY WEST
PLANNING DEPT.

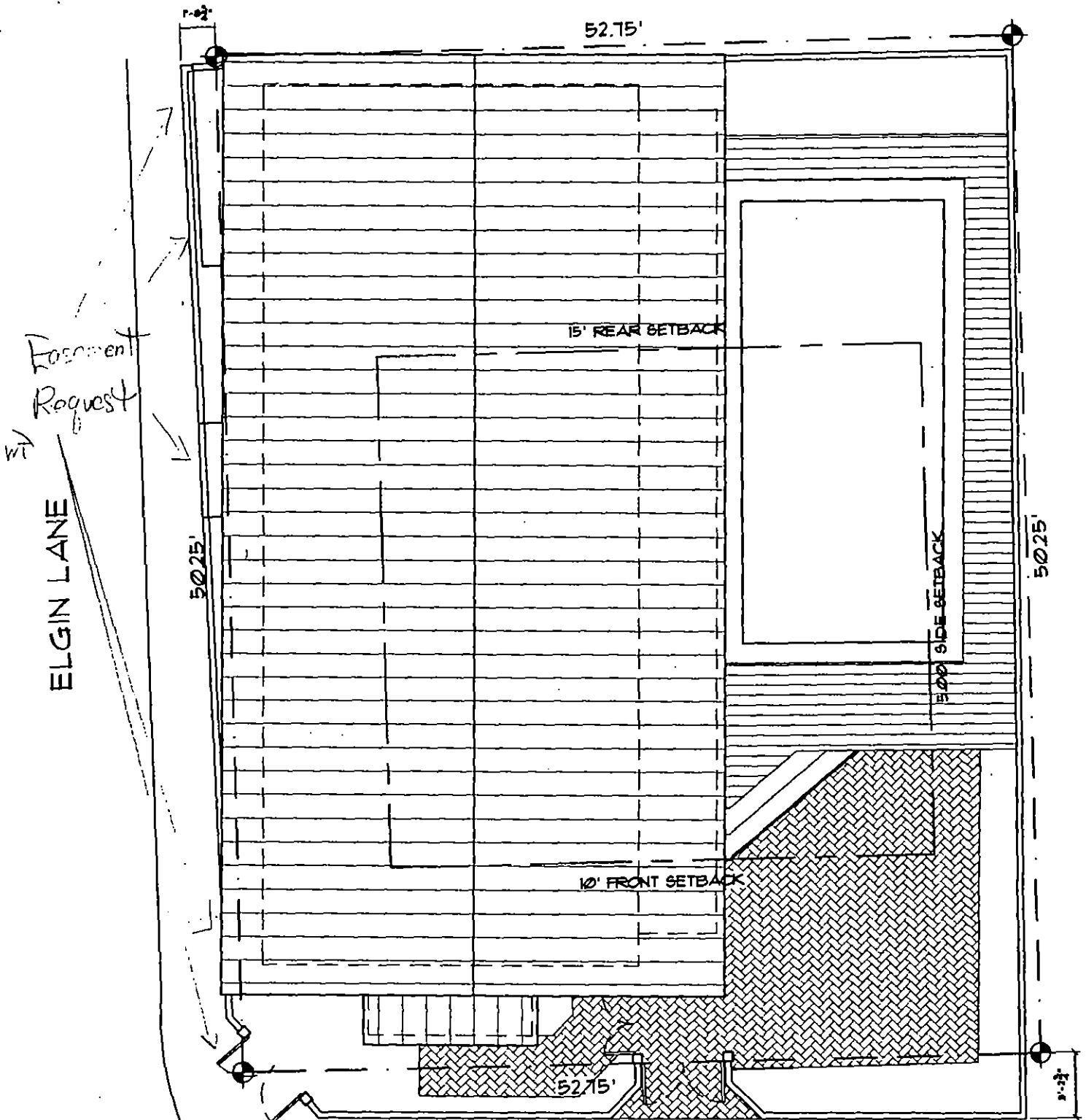
Sheet Two of Two

NORBY & O'FLYNN
Surveying, Inc.



Professional Land Surveyors
LS No. 7131

3430 Duck Ave., Key West, FL 33040
(305) 298-7422 FAX (305) 293-9924



RECEIVED

OCT 12 2004

CITY OF KEY WEST
PLANNING DEPT.

Site Plan for

409 FRANCES STREET

RECEIVED

MAY 21 2004

May 21, 2004

CITY OF KEY WEST
PLANNING DEPT.

Attn: Wendy Tucker, Senior Planner
City of Key West Planning Department

RE: 409 Frances Street – Easement Application

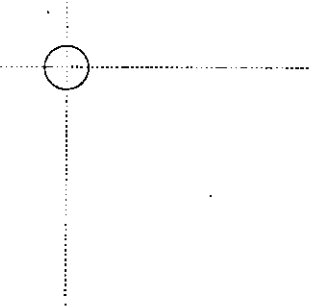
Dear Ms. Tucker:

Per our conversation yesterday, I am providing you with a detailed list of public right-of-way encroachments for the above referenced property.

1. **House Eaves** – 3.991' northward from the front left corner (southwest corner of property) along Elgin Lane, the home's eaves project 1.123' into the city right-of-way and run rearward for a distance of 35.3689' where they intersect with the property line. Total encroachment: 19.8567 sq. ft.
2. **Cistern** - .3150' southward from the rear left corner (northwest corner of property) along Elgin Lane, the home's cistern projects 1.150' into the city right-of-way and runs forward for a distance of 9.8872' where it is projecting .9781' into the city right-of-way. Total encroachment: 21.9770 sq. ft.
3. **A/C Pad & Equipment** - 27.6160' northward from the front left corner (southwest corner of property) along Elgin Lane, the homes A/C pad & equipment project 1.3292' into the city right-of-way and run rearward for a distance of 4.6003' where it projects 1.4098' into the city right-of-way. Total encroachment: 6.3061 sq. ft.
4. **Elgin Lane Fence** – 1.6770' northward from the left corner (southwest corner of property) along Elgin Lane, the homes fence runs at a 41 degree angle from the property line to ultimately project 0.8942' into the city right of way, then runs at a 1 degree angle rearward along Elgin Lane for a distance of 47.1565' where it projects 1.7198'. Total encroachment: 98.499 sq. ft.
5. **Frances Street Fence** - 1.4749' eastward from the left corner (southwest corner of property) along Frances Street, the homes fence runs at a 49 degree angle from the property line to ultimately project 2.2927' into the city right of way, then runs at a 2 degree angle eastward along Frances Street for a distance of 34.6741' where it projects 3.2039'. Total encroachment: 97.6089 sq. ft.

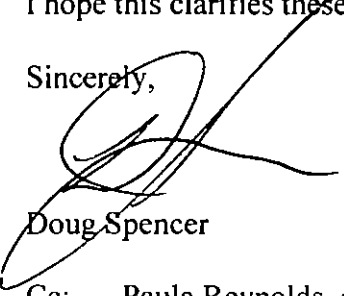
Elgin Lane Total Encroachment: 98.7046 sq. ft.

Frances Street Total Encroachment: 97.6089 sq. ft.



I hope this clarifies these issues for you.

Sincerely,



Doug Spencer

Cc: Paula Reynolds, owner

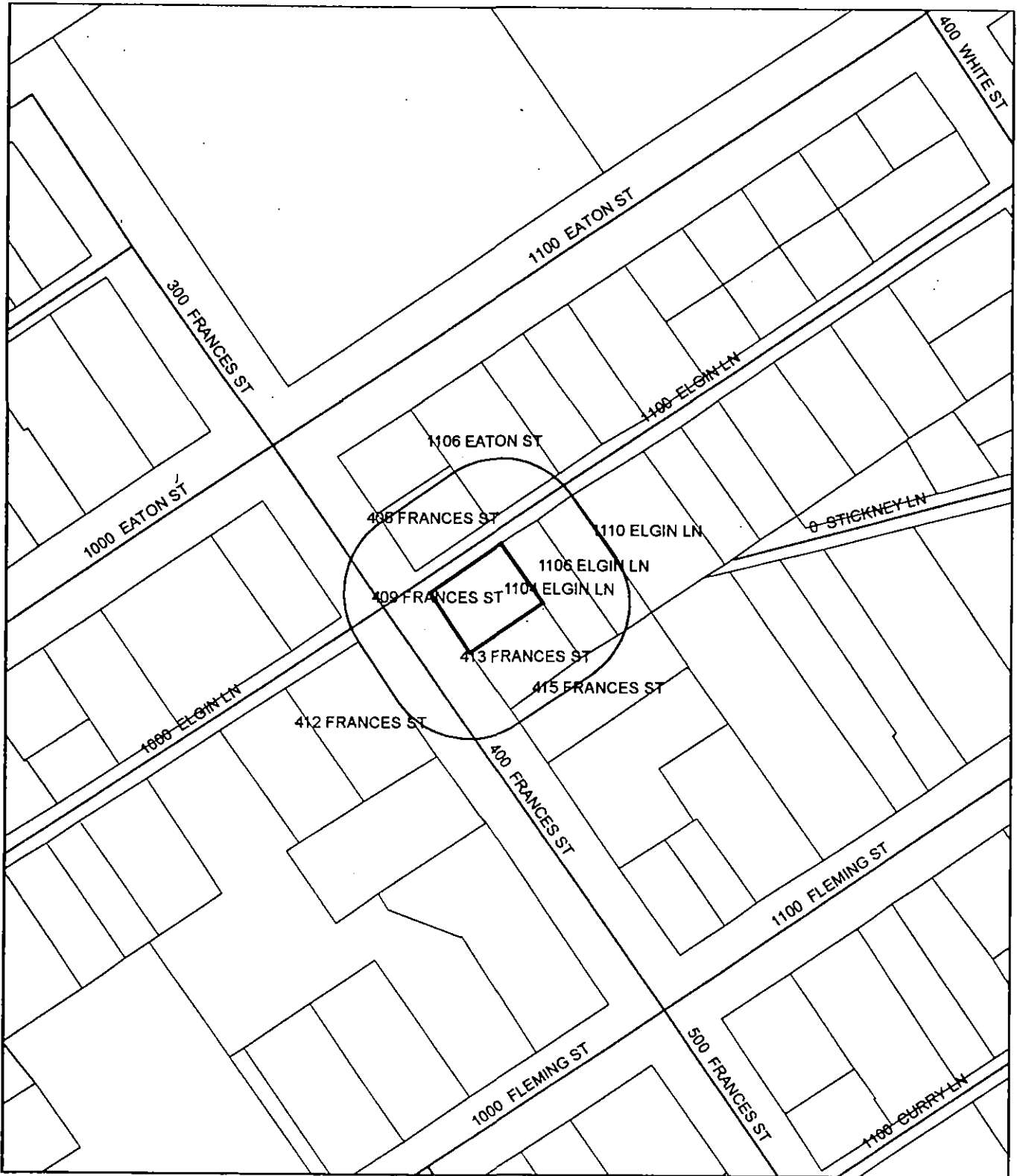
APPROVED

Easement – 409 Frances Street (RE# 00004840-000000)

The members present and written comments & suggestions were as follows:

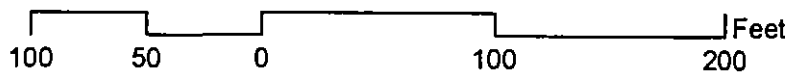
- Keys Energy Services written comment: KEYS has no objections.
- Florida Keys Aqueduct Authority written comment: The FCAA has no-objection to the granting of a side easement on the west side of the property along Elgin Lane. The FCAA has a line installed along the edge of this property but the easement will no affect it.
- Office of the Fire Marshal: No comment.
- Planning Department: Ty stated applicant needs to apply for permit to put landscaping inside fence. Would like to have staff further document what other encroachments may exist along Elgin Lane and Frances Street.
- City Engineer/Public Works: No comment.
- Engineering Services: Annalise states she supports the City Commission's direction to take back easements/rightaways. Fences do not count. Structures do such as living rooms and family rooms.
- Key West Police Department: Absent
- Building Official: Absent
- Utilities: Dave stated sewer line on Elgin Lane is wider and easier to work on
- HARC: Not historic – old foundation.
- Landscape Coordinator: Absent
- Bicycle/Pedestrian Coordinator: Would like to see fence on Frances moved. Would support easement for concrete slab for cistern/equipment but would not support granting an easement for the fence. Fence should not be approved and should also be moved to property line.
- Key West DOT: Absent
- DCA: Absent
- Doug Spencer: Easement along Elgin Lane only. House is not a contributing structure but cistern is. Cistern has been filled in.

409 Frances Street
RE # 00004840-000000
Properties within 50 feet



Prepared by Planning Dept
City of Key West, FL
City Commission Meeting
September 14, 2004

GIS Basemap & Data Courtesy of
Monroe County Property Appraiser



PAULA S. REYNOLDS

06-02

305-292-9925

409 FRANCES ST

KEY WEST, FL 33040-6955

Date 4/1/04

63-4/630 FL
827

Pay to the
order of

City of Key West
Eight Hundred Fifty

\$ 850.00

Dollars

Bank of America



Premier Banking

ACH R/T 063100277

For

Paula S. Reynolds

⑆063000047⑆ 005486438⑆520⑆ 3157

City of Key West

*** CUSTOMER RECEIPT ***

Open: GALEN Type: DC Drawer: 1
Date: 5/18/04 Receipt no: 72933

Description	Qty	Amount
EF CONSERVATION FEE	1	\$850.00

EASEMENT FOR 409 FRANCES ST
APPLICATION: SPENKER OWNER
PAULA REYNOLDS

ender detail		
CK CHECK	3157	\$850.00
Total tendered		\$850.00
Total payment		\$850.00

and date: 5/10/04 Time: 13:46:28

DATE: 5/7/04

\$850.00

Please deposit check to account -

343.70 Conservation & Resource Mgmt Fees-Planning Application Fees Project Related

PROJECT TYPE: Easement

SITE ADDRESS: 409 Frances St

APPLICANT: Doug Spencer

OWNER: Paula Reynolds

**CITY OF KEY WEST
PLANNING DEPARTMENT
MEMORANDUM**

To: Robert T.
From: Wendy T. *WF*
Date: December 15, 2004
Re: Dimensional numbers for easement requests

Requested dimensions for 409 Francis St., dual easement requests:

Elgin Lane easement request (combined for multiple encroachments per Ty):
 For a polygon with the following dimensions: 48.57 feet width (property line),
 1.7 feet depth, 42.13 feet width, then 4.22 feet width, then 0.21 feet depth, then
 1.20 feet width, and 1.36 feet depth.

$\begin{array}{r} 42.13 \\ 4.22 \\ \hline 46.35 \end{array}$	$\begin{array}{r} 46.35 \\ 1.20 \\ \hline 47.55 \end{array}$
--------------------------------------------------------------	--------------------------------------------------------------

Frances Street easement request:

For a trapezium with the following dimensions: 1.47 feet depth, 34.67 feet width
 (Frances Street right-of-way), 3.2 feet depth, 37.53 feet width (property line).

and

Requested dimensions for 916 Eisenhower Drive, easement request:

For a trapezium with the following dimensions: 10.09 feet depth, 40.23 feet
 width (Eisenhower Drive right-of-way), 7.78 feet depth, 40.41 feet width
 (property line).

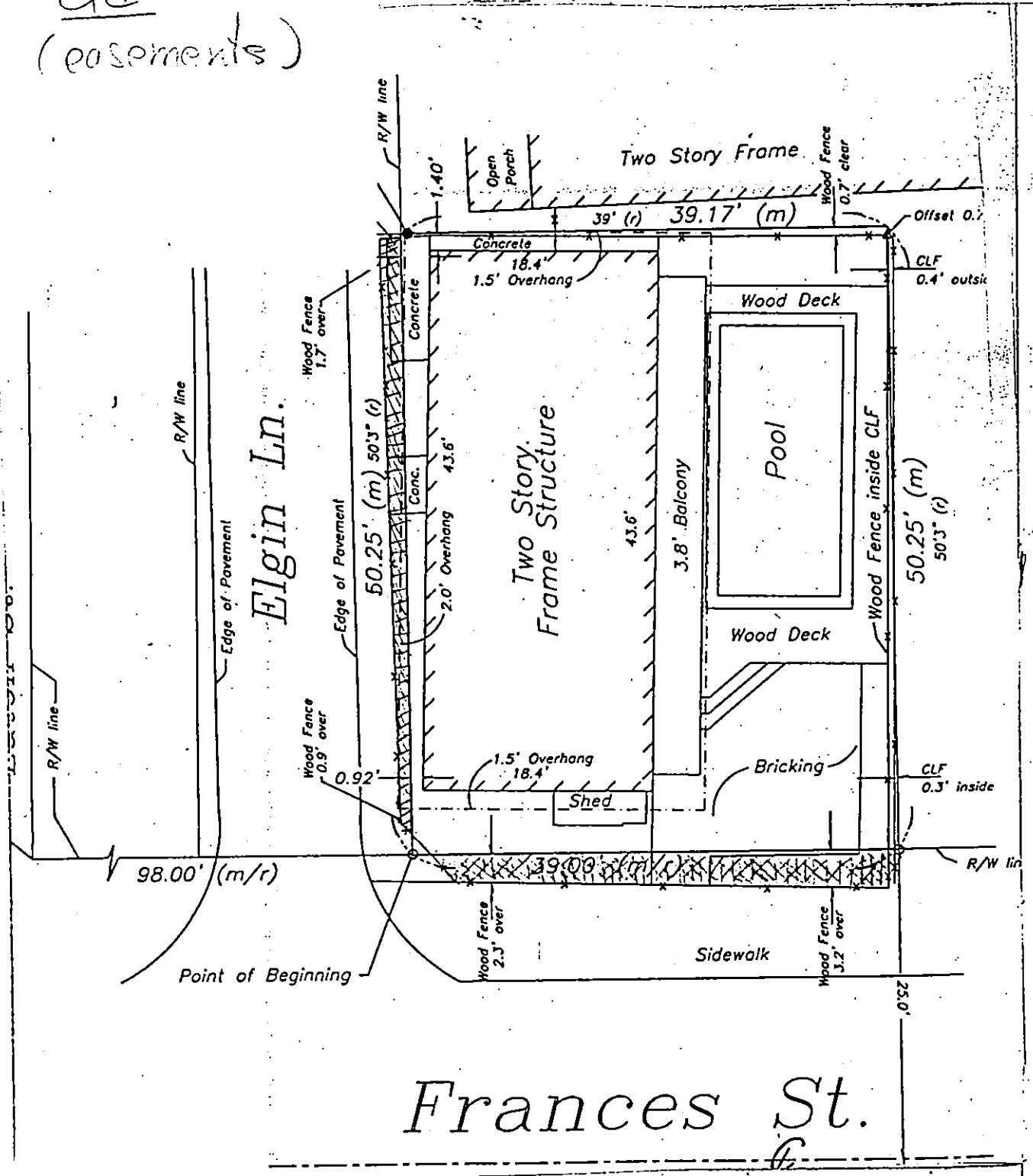
460-5364 x 4 8pm

*1. length on Elgin - 47.55 feet
 width varies between 1.36 + 1.7 ft*

*length on Frances 34.67 ft.
 width on Frances 1.47 + 3.2*

*length on Eisenhower 40.23 feet
 width varies from 7.78 to 10.09*

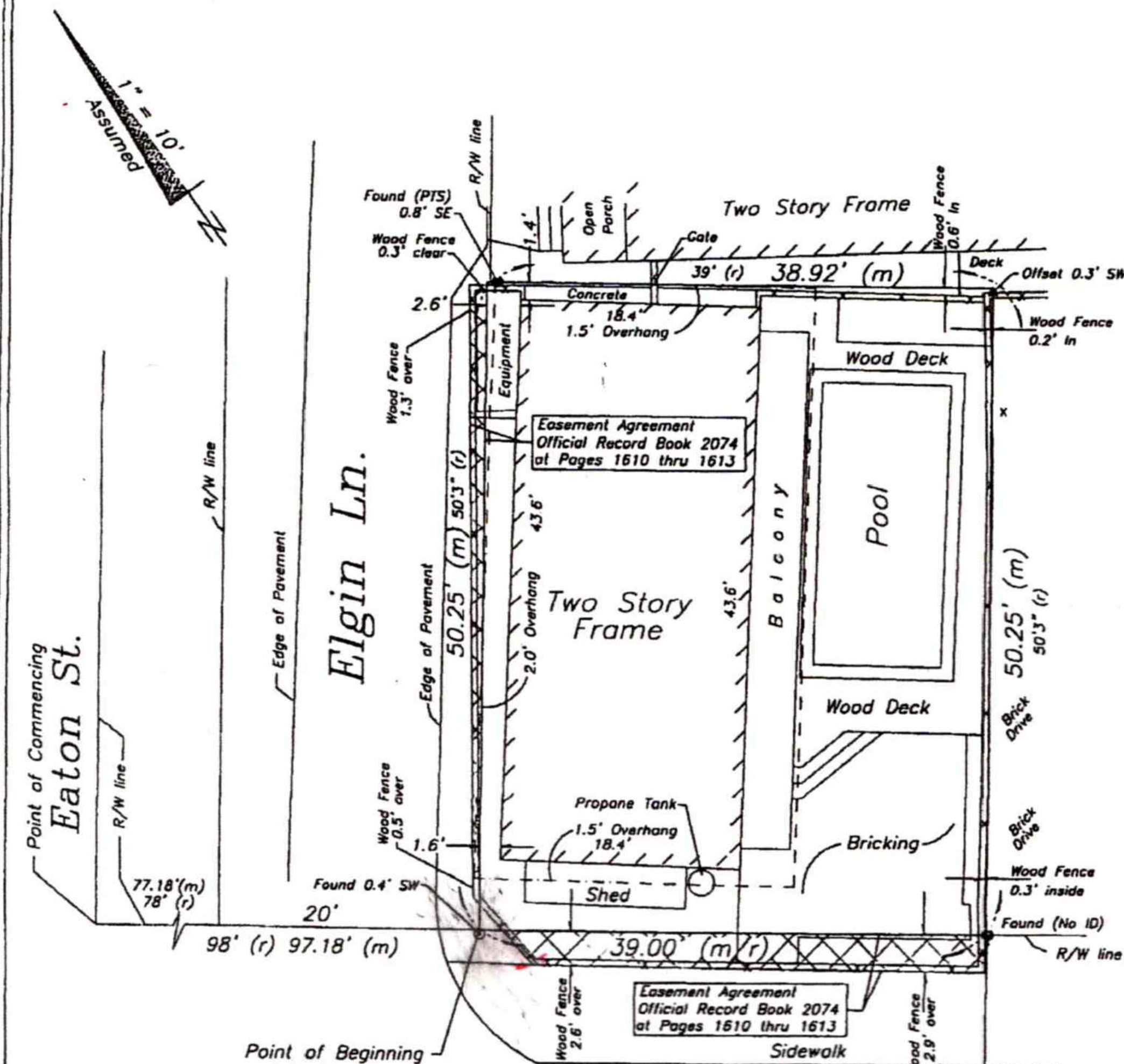
graphic
for Display
ad
(easements)



Frances St.

SITE PLAN

Boundary Survey Map of part of Lot 3, Square 31, Island of Key West



Point of Beginning
 Point of Commencing Eaton St.
 Frances St.
 (50' R/W)

- LEGEND**
- △ Set Nail & Disc (6298)
 - Found 1/2" Iron Rod (PTS) (No ID)
 - ⊙ Found 1/2" Iron Pipe (No ID)
 - ▲ Found Nail & Disc (6298)
 - Set #5 rebar w/cap (6298)
- WF Wood Fence
 (C) Calculated
 (M) Measured
 (R) Record
 R/W Right of Way
 ⊕ Centerline

NOTE:
 The Survey Map is not full and complete without the attached Survey Report.

Sheet One of Two Sheets

J. LYNN O'FLYNN, Inc.
 Professional Surveyor & Mapper
 PSM #6288

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

EXHIBIT "A"
 PG 1 OF 2

3 COPY OF SURVEY
 SCALE: NOT TO SCALE

2019

409 FRANCES STREET

KEY WEST, FL 33040

PARCEL ID: 00004840-000000

VARIANCE

SCOPE OF WORK

RAISE EXISTING RESIDENTIAL STRUCTURE 2' TO MEET CURRENT FEMA. BUILD-BACK OF HISTORIC FRONT PORCH, WITH MODIFICATIONS TO EXISTING SECOND STORY BALCONY. ENLARGE EXISTING WOOD DECK AND REMOVE IMPERVIOUS SITE COVER. REMOVE 1' OF REAR THE ROOF OVERHANGING REAR PROPERTY LINE. REPLACE ALL IMPACT RESISTANCE AND REPLACE SIDING W/CEMENTITIOUS

CODE INFORMATION

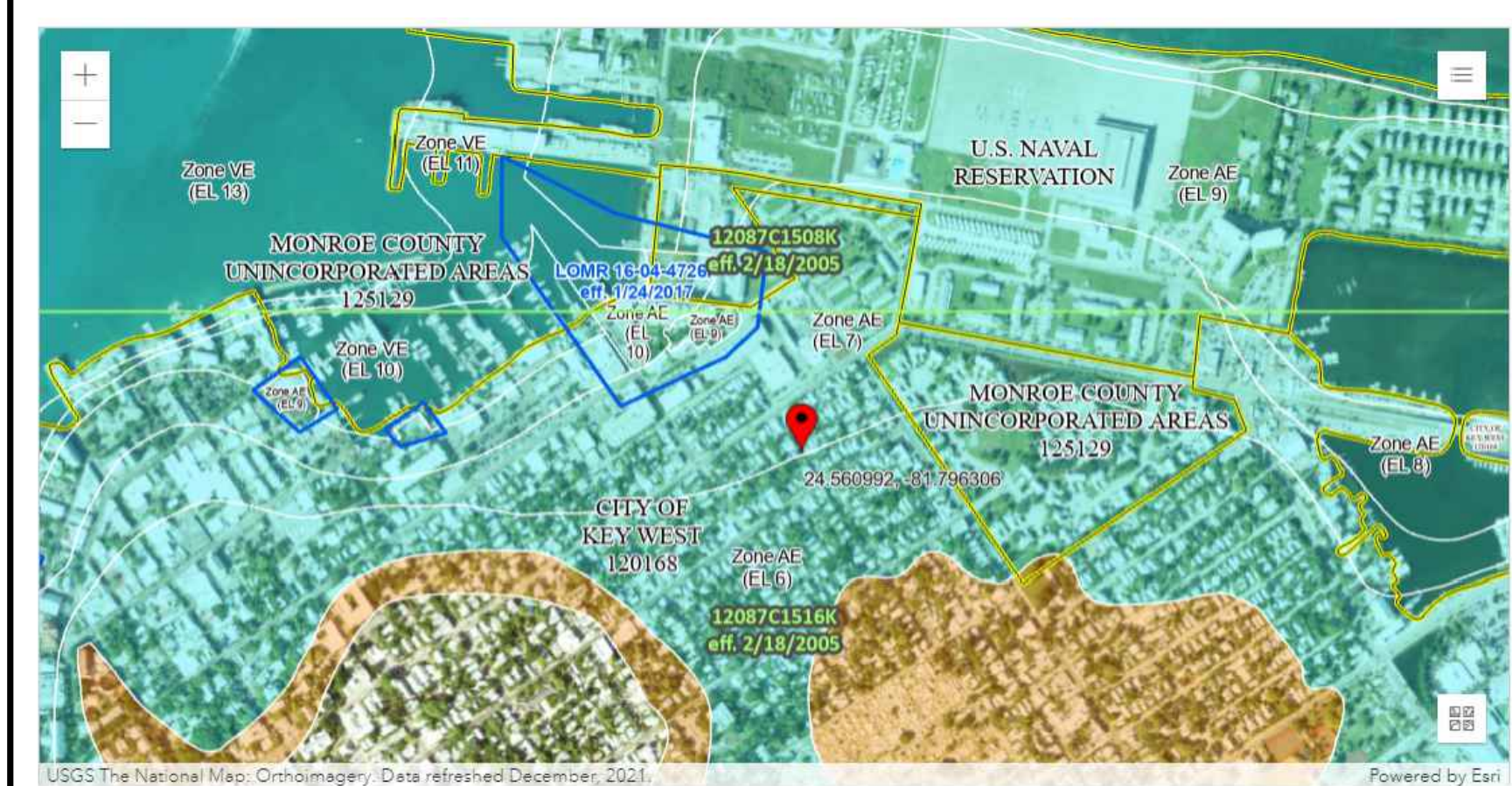
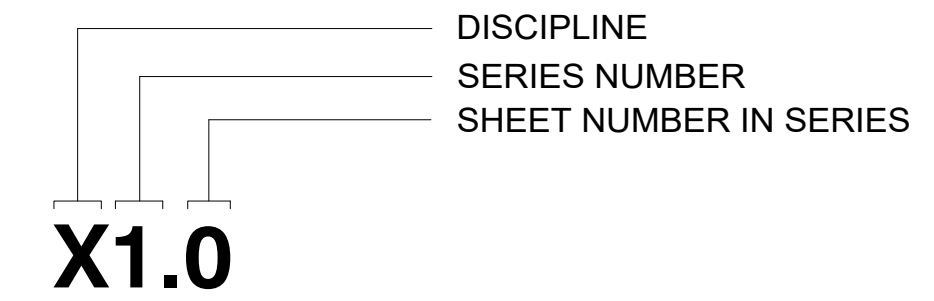
APPLICABLE CODES
 FLORIDA BUILDING CODE 8TH EDITION 2023; WITH ALL AMENDMENTS.
 CODE OF ORDINANCES CITY OF KEY WEST, FLORIDA

USE AND OCCUPANCY CLASSIFICATION
 RESIDENTIAL R-3

SHEET INDEX

- GENERAL**
- G1.0 COVER, SCOPE OF WORK, COPY OF SURVEY
- ARCHITECTURAL**
- A1.0 NEIGHBORHOOD MASSING STUDY - SITE PLAN
 - A1.1 SITE PLANS & DATA TABLE
 - A2.1 EXISTING FLOOR PLANS
 - A3.0 NEIGHBORHOOD MASSING-STREET SIDE ELEVATION
 - A3.1 EXISTING EXISTING ELEVATIONS
 - A3.2 PROPOSED EXISTING ELEVATIONS

SHEET NUMBERING SYSTEM



2 FEMA FLOOD MAP
 SCALE: NOT TO SCALE

Monroe County, FL



Parcel ID: 00004840-000000
 Sec/Twp/Rng: 31/67/25
 Property Address: 409 FRANCES ST
 KEY WEST
 District: 10KW
 Brief Tax: OR1847-337/38 OR2623-795 OR2705-1742/44 OR2801-1465 OR2956-26
 Description: KW PT LOT 3 SQR 31 (PT LOT 1 PB1-211-J1-113 OR583-40 OR673-759/60 OR840-251/19 OR907-1090/91 OR1155-163/64)
 (Note: Not to be used on legal documents)

Alternate ID: 1005029
 Class: SINGLE FAMILY RESID
 Owner Address: BREMER PATRICIA L
 7551 Walnut
 Chanhassen, MN 55317

Date created: 5/16/2024
 Last Date Updated: 5/16/2024 5:27:40 AM
 Developed by: Schneider

1 LOCATION MAP
 SCALE: NOT TO SCALE



P: 305.741.7676
 E: office@a2oarchitecture.com
 PROF. REG. AA20003092
 3706 N. ROCHELLE BLVD UNIT 202,
 KEY WEST, FL 33040

NOT VALID FOR CONSTRUCTION
 WITHOUT ORIGINAL SIGN AND SEAL.

AILEEN A. OSBORN, R.A.
 LICENSE NO. AR97603
 EXPIRATION DATE: 02/28/25

THE DRAWINGS AND WRITTEN MATERIAL
 HEREIN CONSTITUTE ORIGINAL WORK
 OF THE ARCHITECT, AND AS
 INTELLECTUAL PROPERTY AND
 INSTRUMENTS OF SERVICE, ARE
 SUBJECT TO COPYRIGHT AND MAY NOT
 BE REPRODUCED, DISTRIBUTED,
 PUBLISHED OR USED IN ANY WAY
 WITHOUT THE EXPRESS WRITTEN
 CONSENT OF THE ARCHITECT.

PARCEL ID: 00004840-000000
VARIANCE
 409 FRANCES STREET
 KEY WEST, FLORIDA 33040

SUBMISSIONS:

APPROVALS:

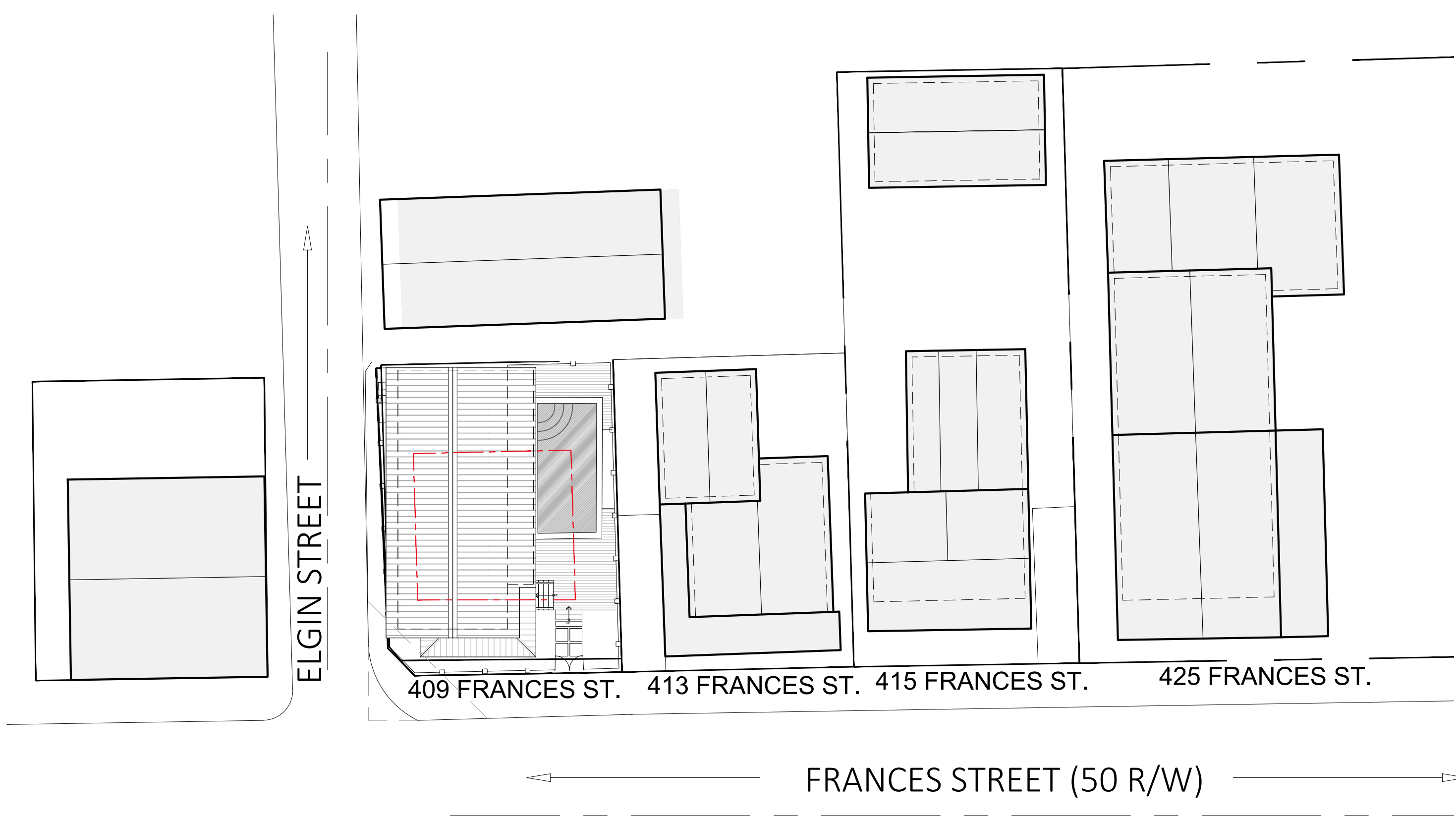
TITLE:
 COVER,
 SCOPE OF
 WORK

PROJECT #: 24.03

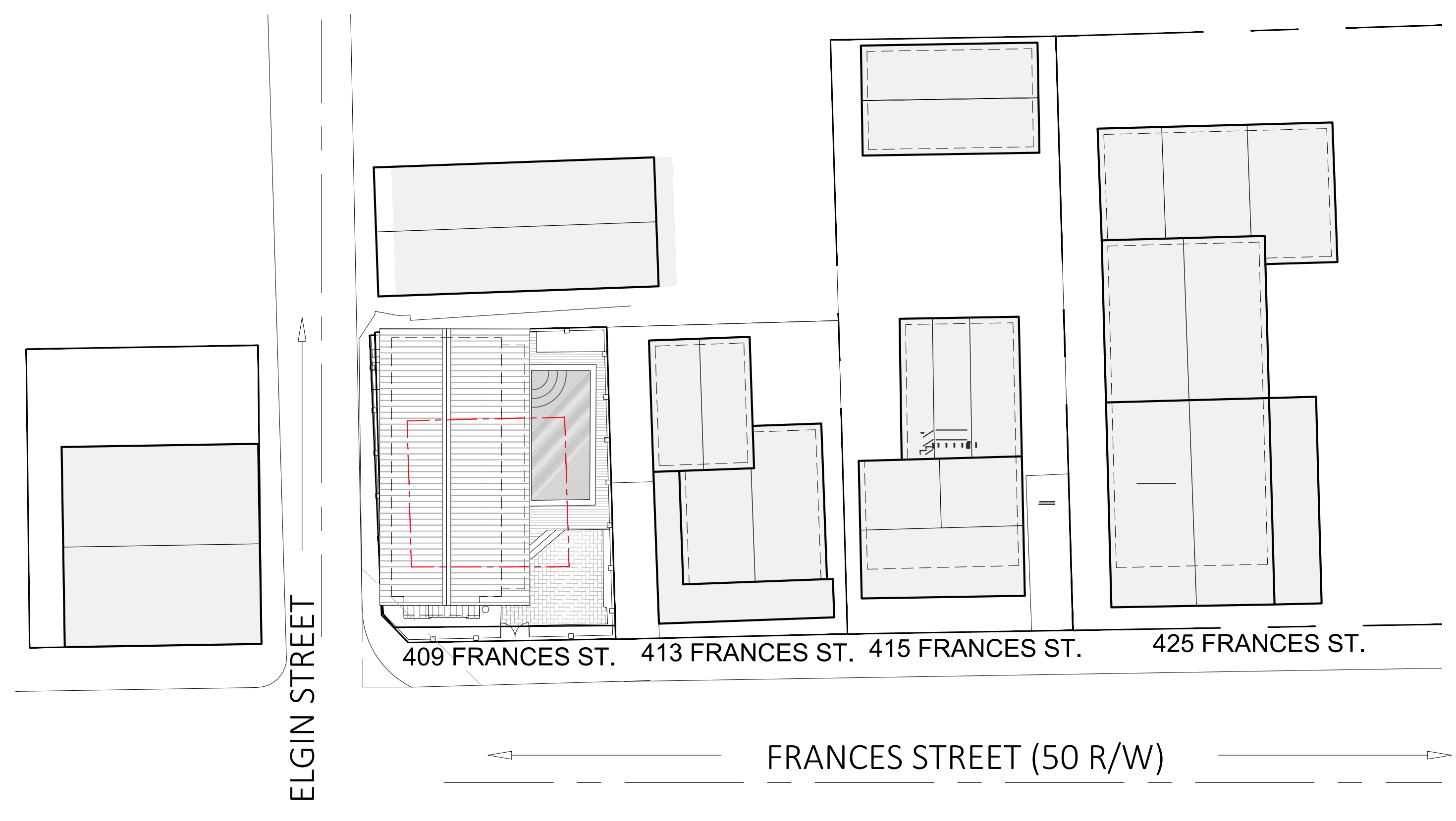
SHEET:

G7.0

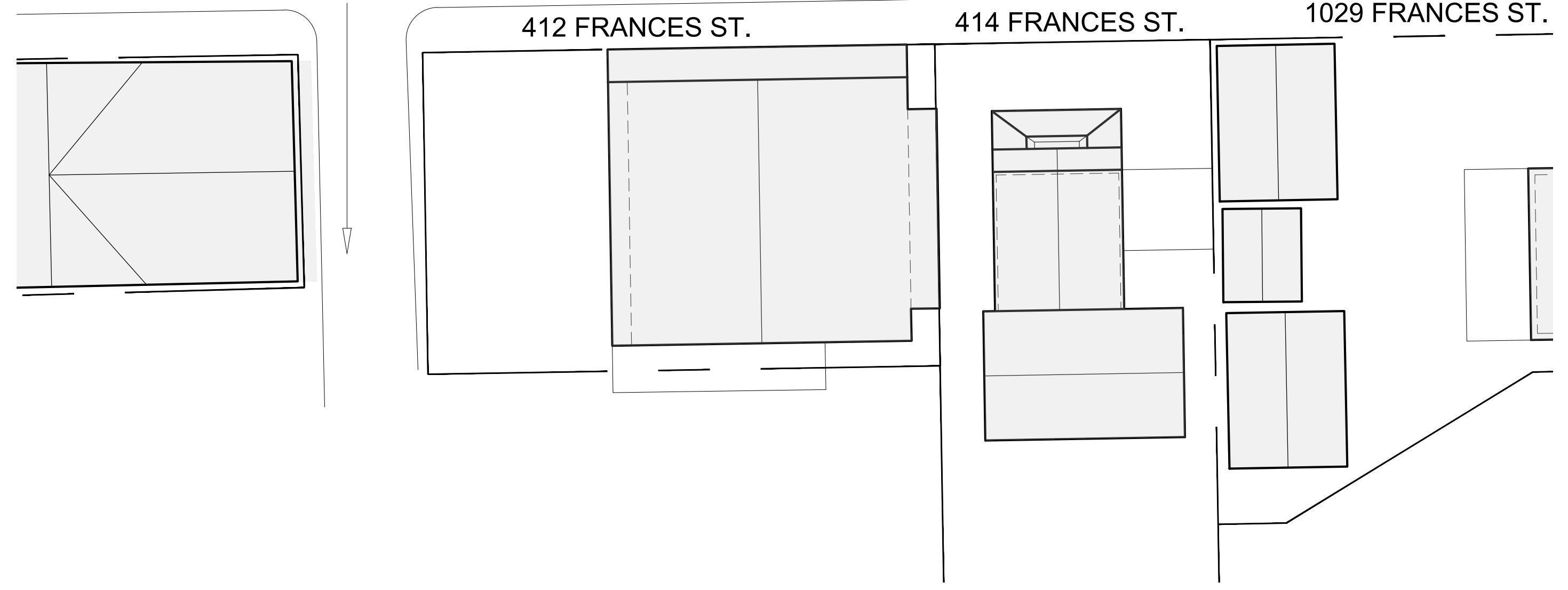
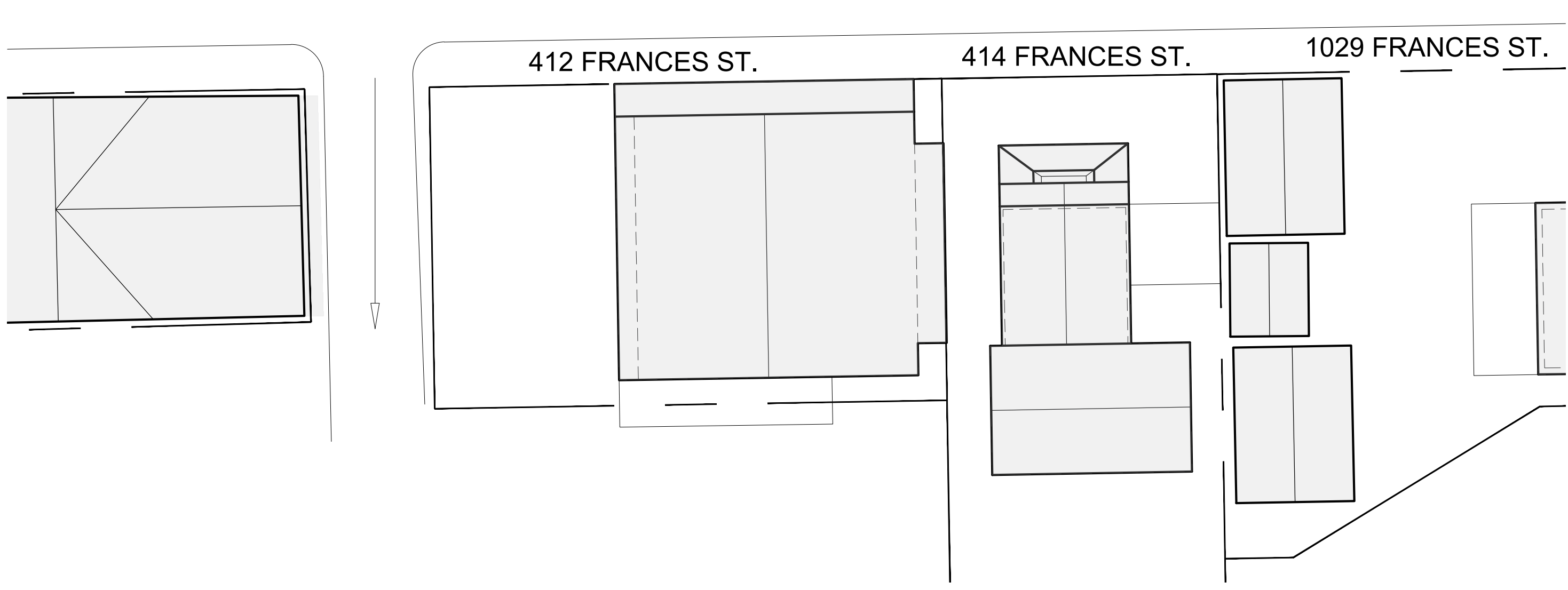
NOVEMBER, 11, 2024
 © 2024 BY A2O ARCHITECTURE, LLC

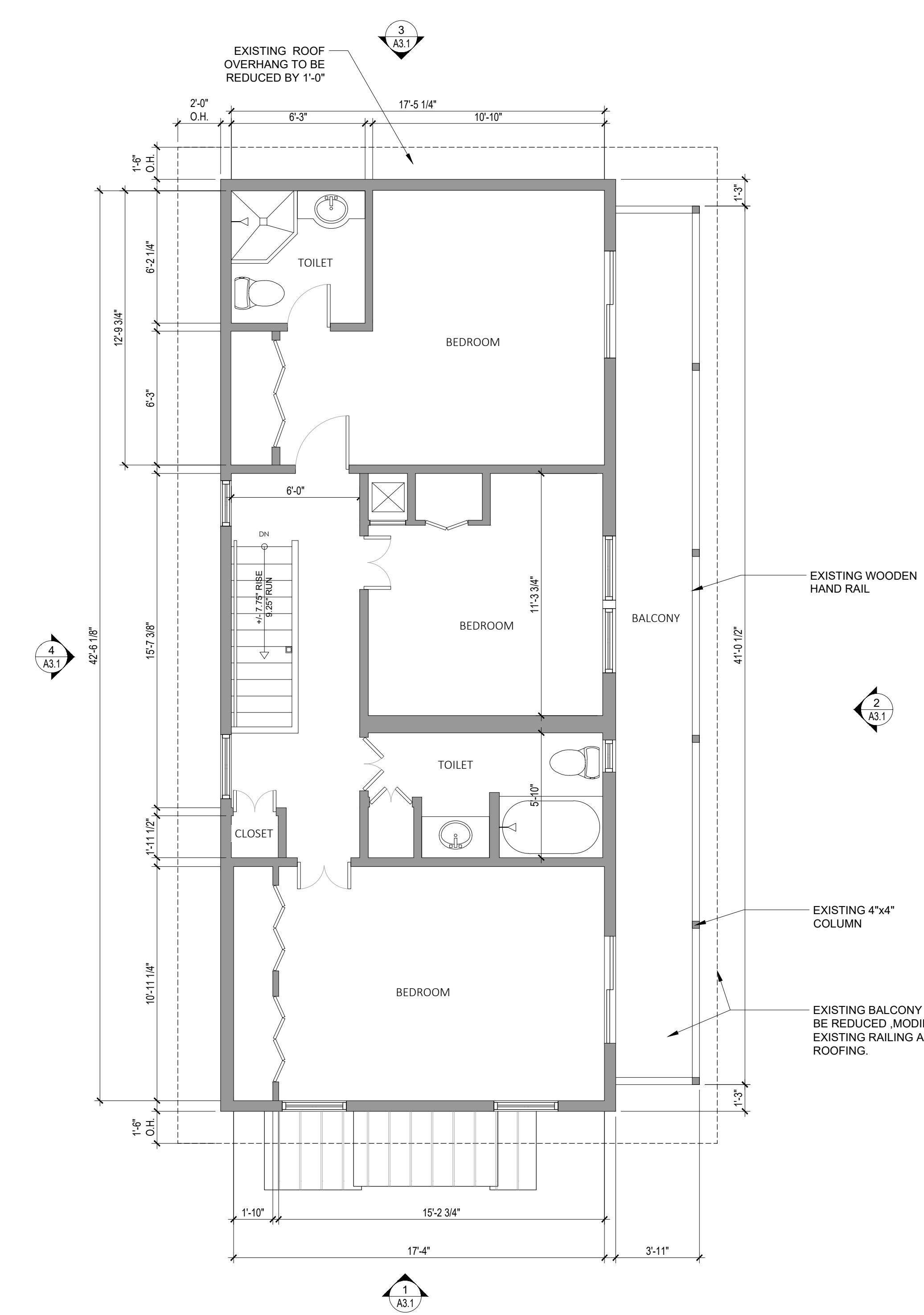


1 PROPOSED SITE MASSING PLAN
SCALE: 1/16"=1'-0"
GRAPHIC SCALE: 1/16" = 1'-0"

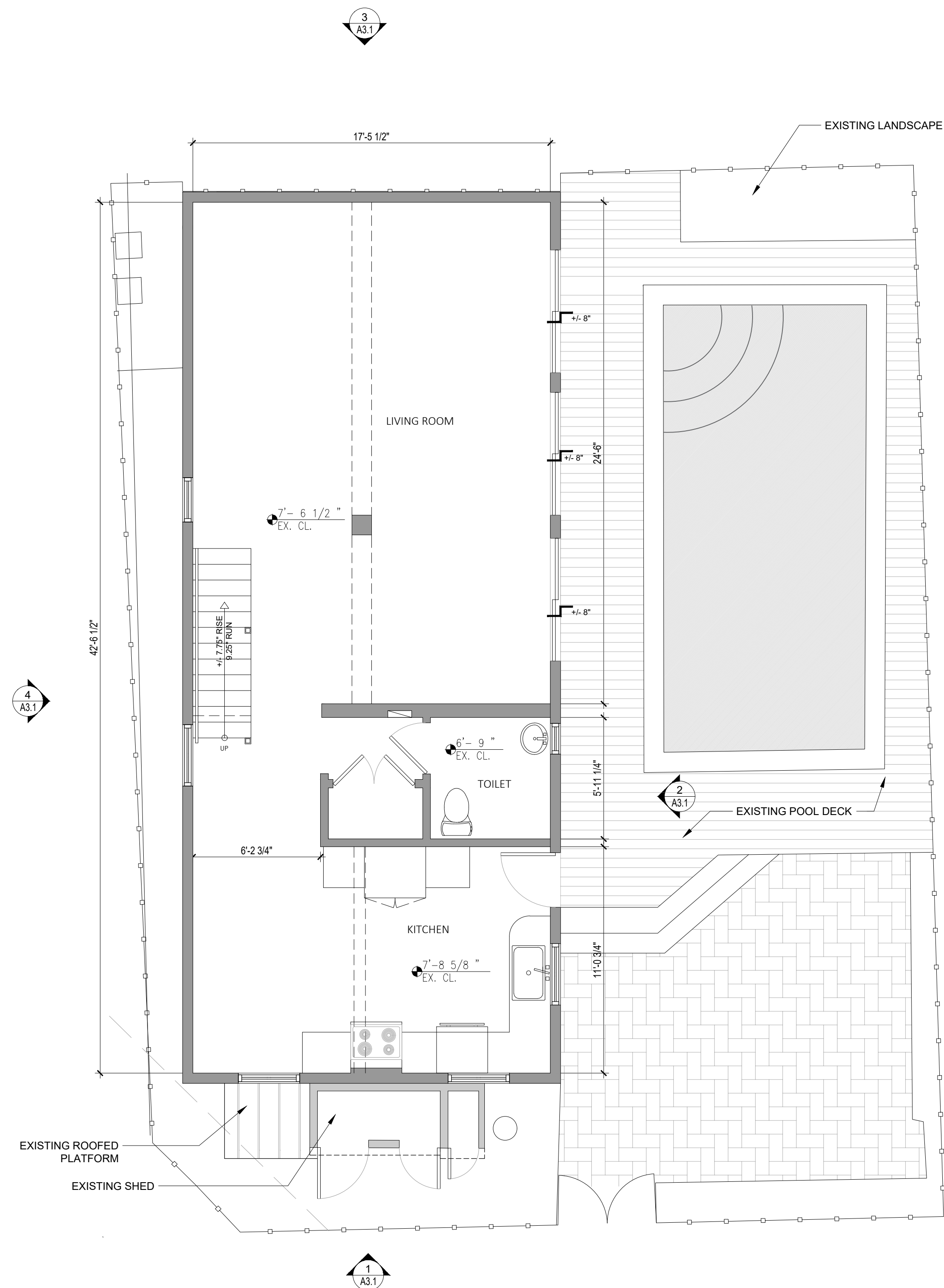


1 EXISTING SITE MASSING PLAN
SCALE: 1/16"=1'-0"
GRAPHIC SCALE: 1/16" = 1'-0"

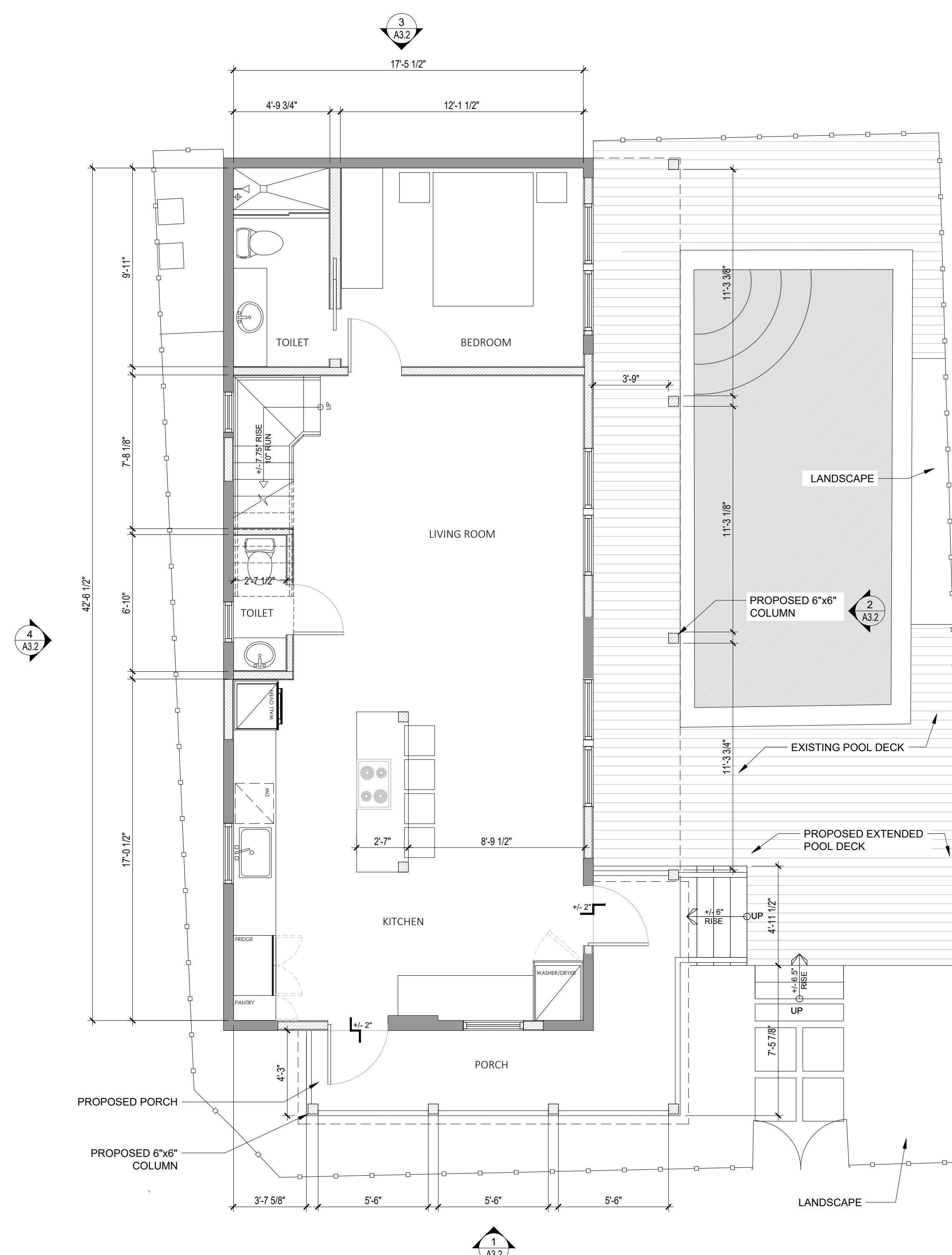
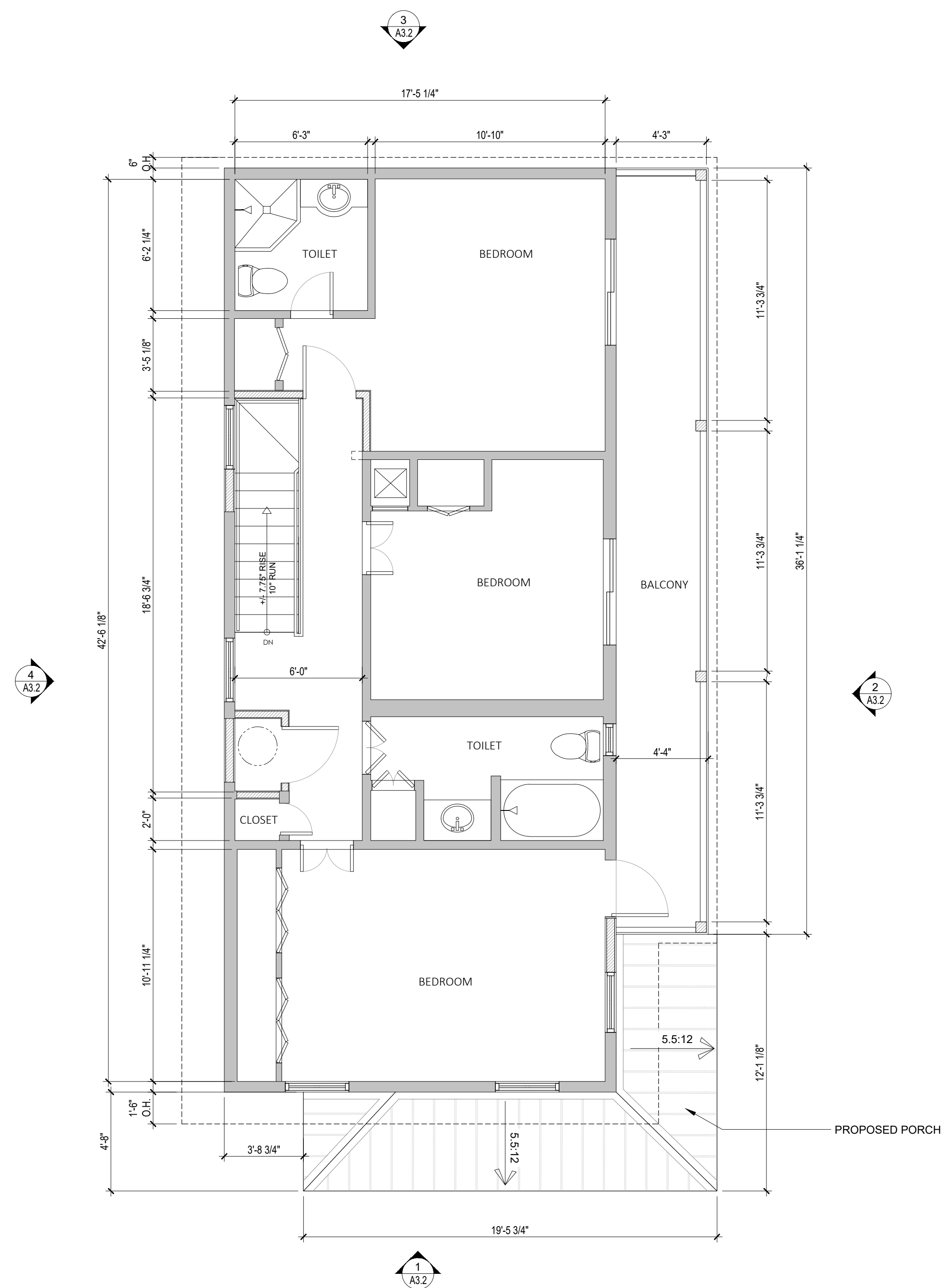




2 EXISTING SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"



1 EXISTING FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"



2 PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"

1 PROPOSED FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"

A2.7

SUBMISSIONS:

APPROVALS:

TITLE:

NEIGHBORHOOD
MASSING-STREET
SIDE ELEVATION

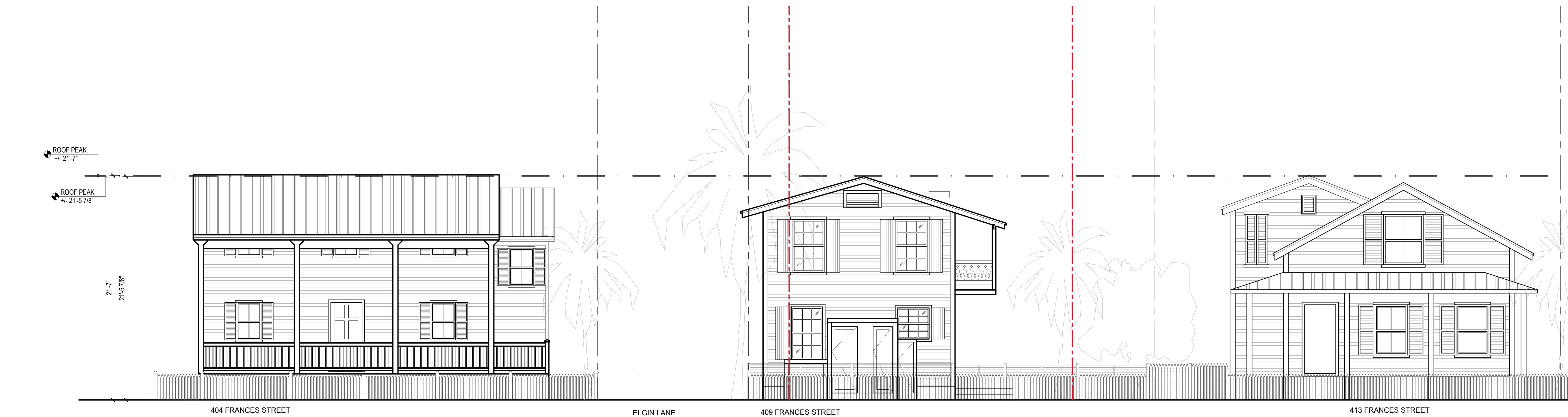
PROJECT #: 24.03

SHEET:

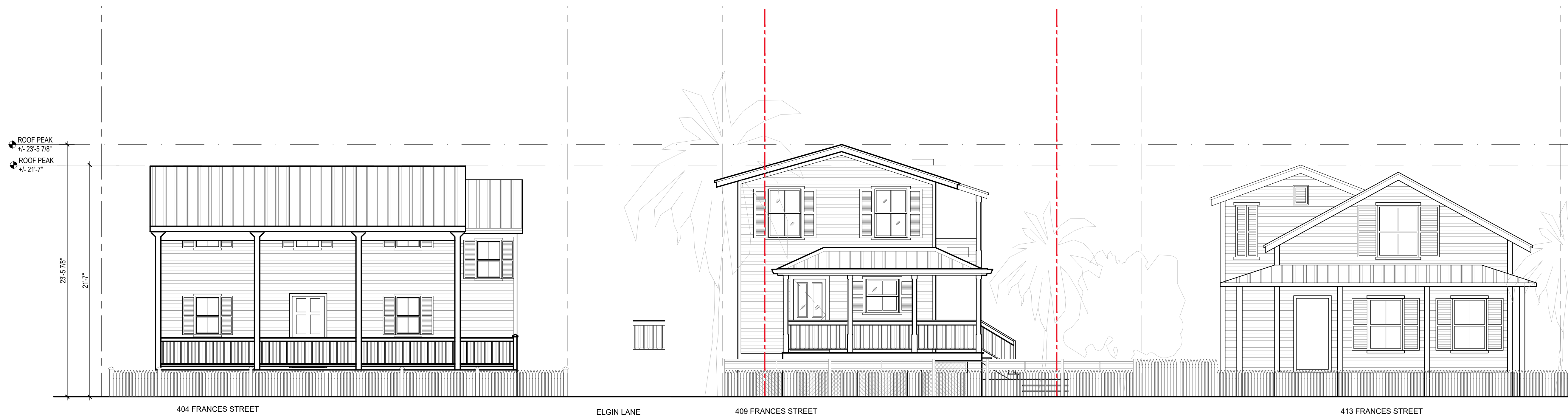
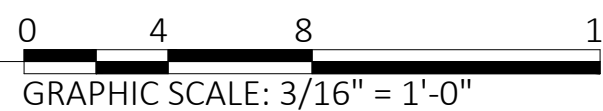
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NOVEMBER, 11, 2024

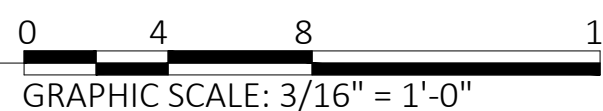
© 2024 BY A2O ARCHITECTURE, LLC

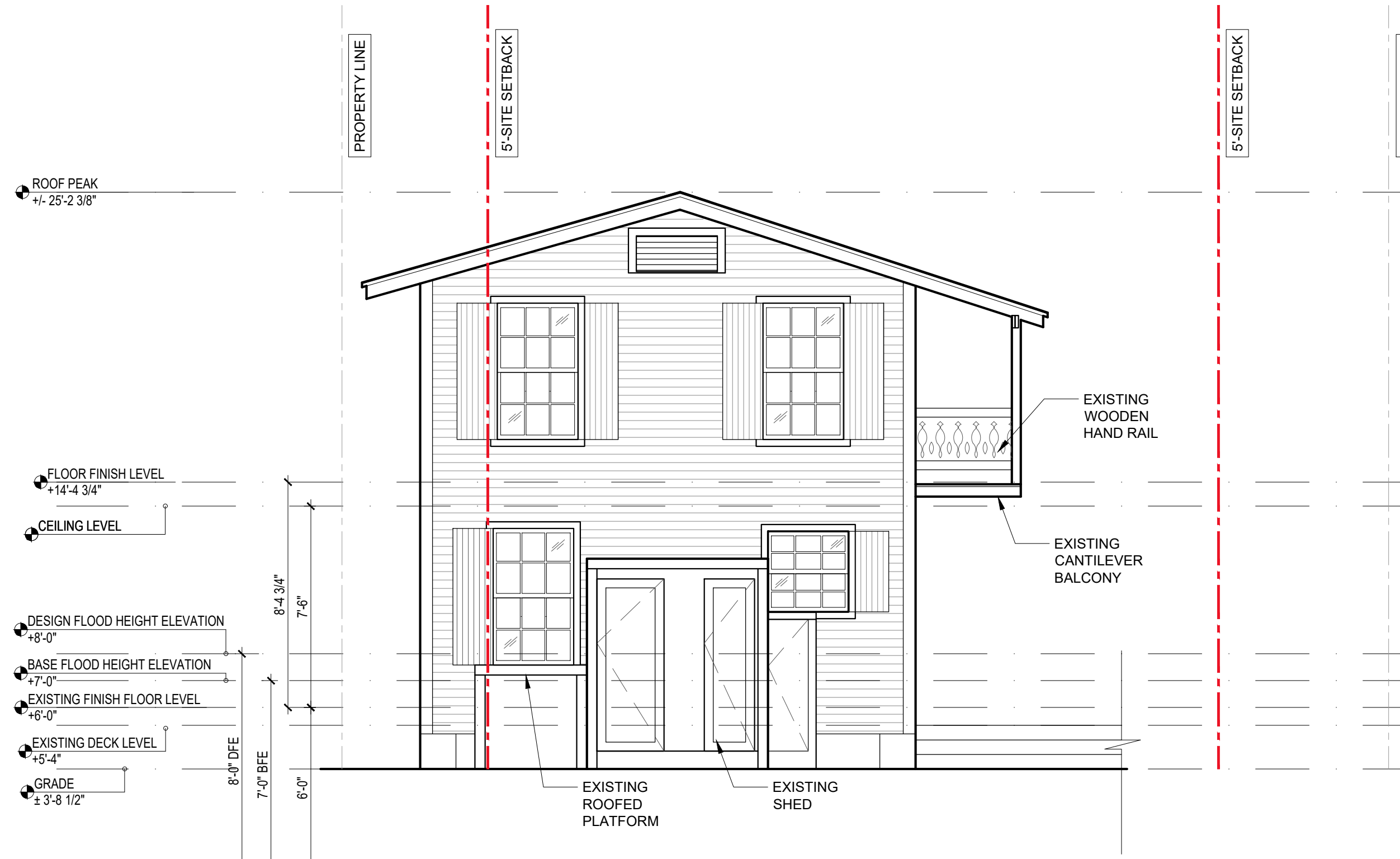


2 EXISTING NEIGHBORHOOD MASSING - FRANCES STREET
SCALE: 3/16" = 1'-0"

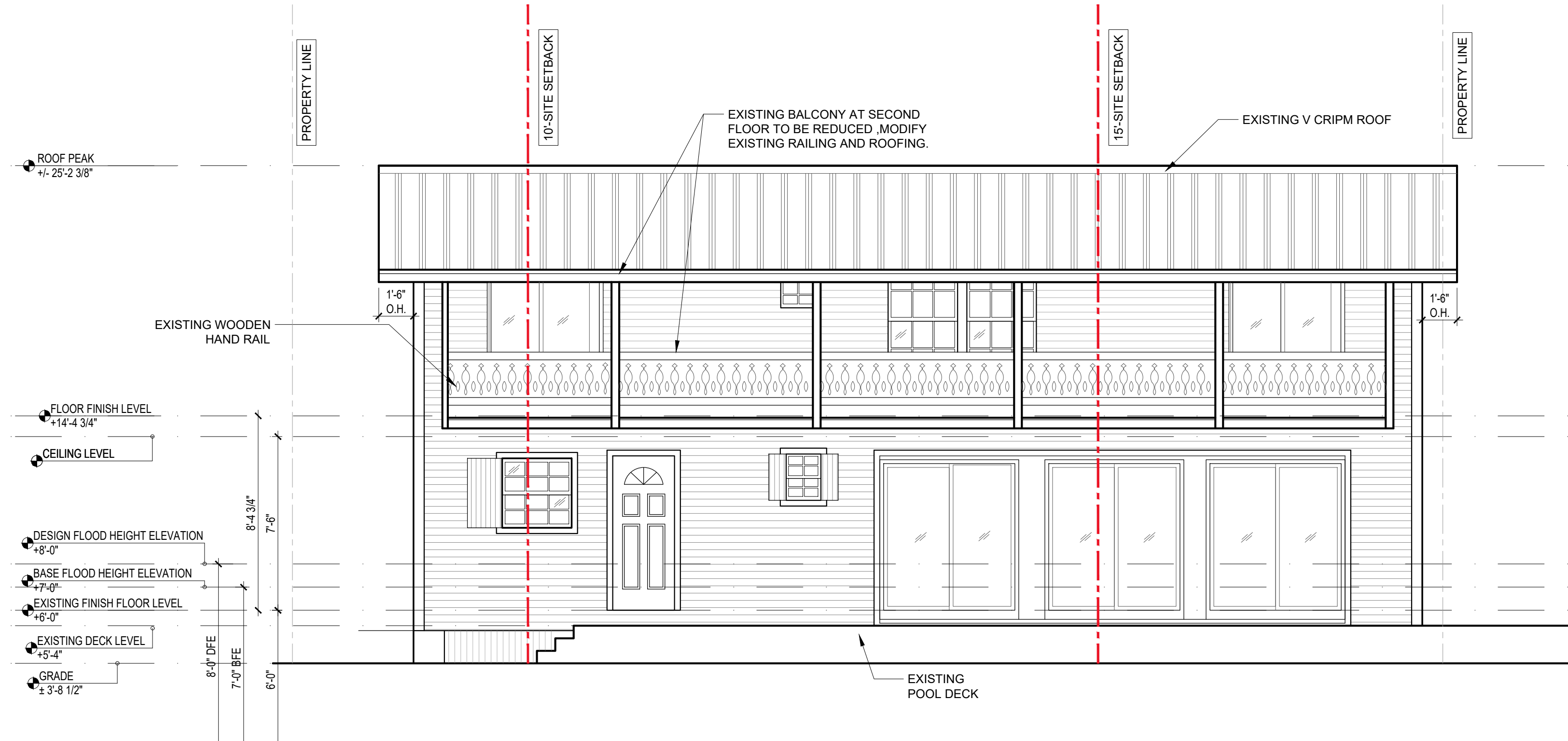
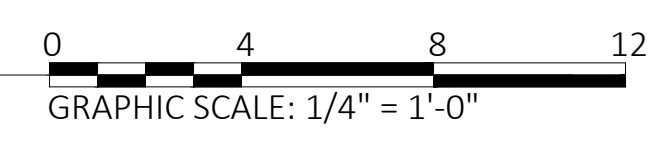


1 PROPOSED NEIGHBORHOOD MASSING - FRANCES STREET
SCALE: 3/16" = 1'-0"

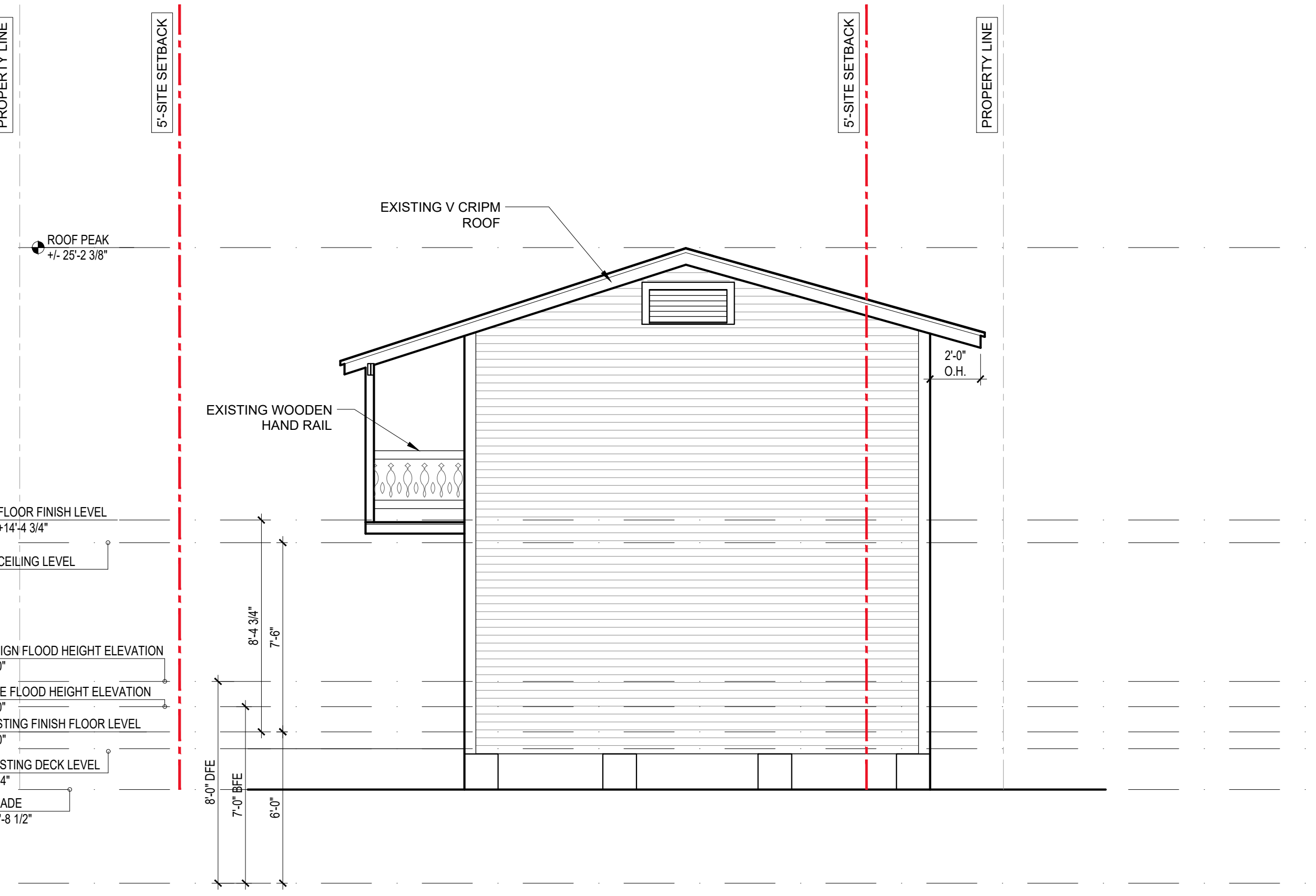
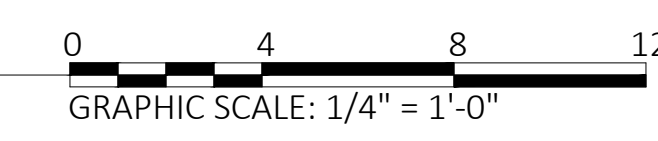




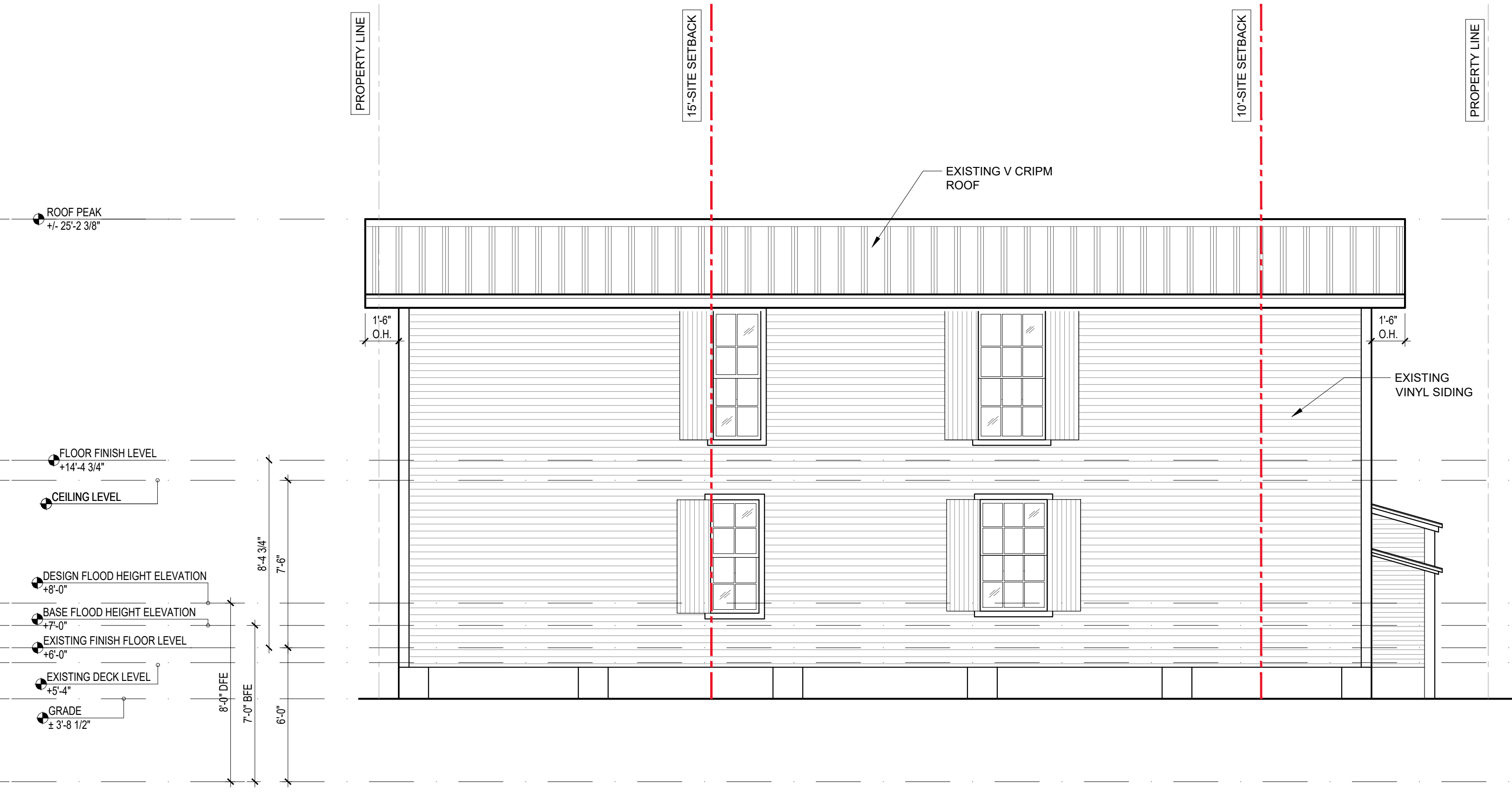
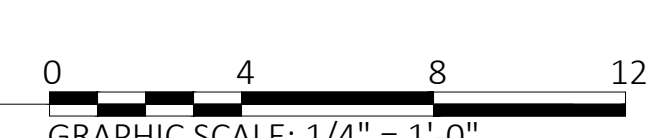
1 FRONT ELEVATION - FRANCES ST.
SCALE: 1/4" = 1'-0"



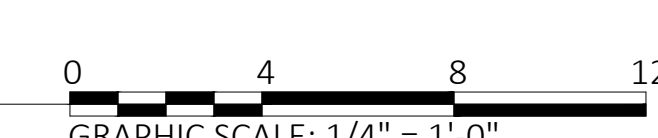
2 SIDE ELEVATION
SCALE: 1/4" = 1'-0"

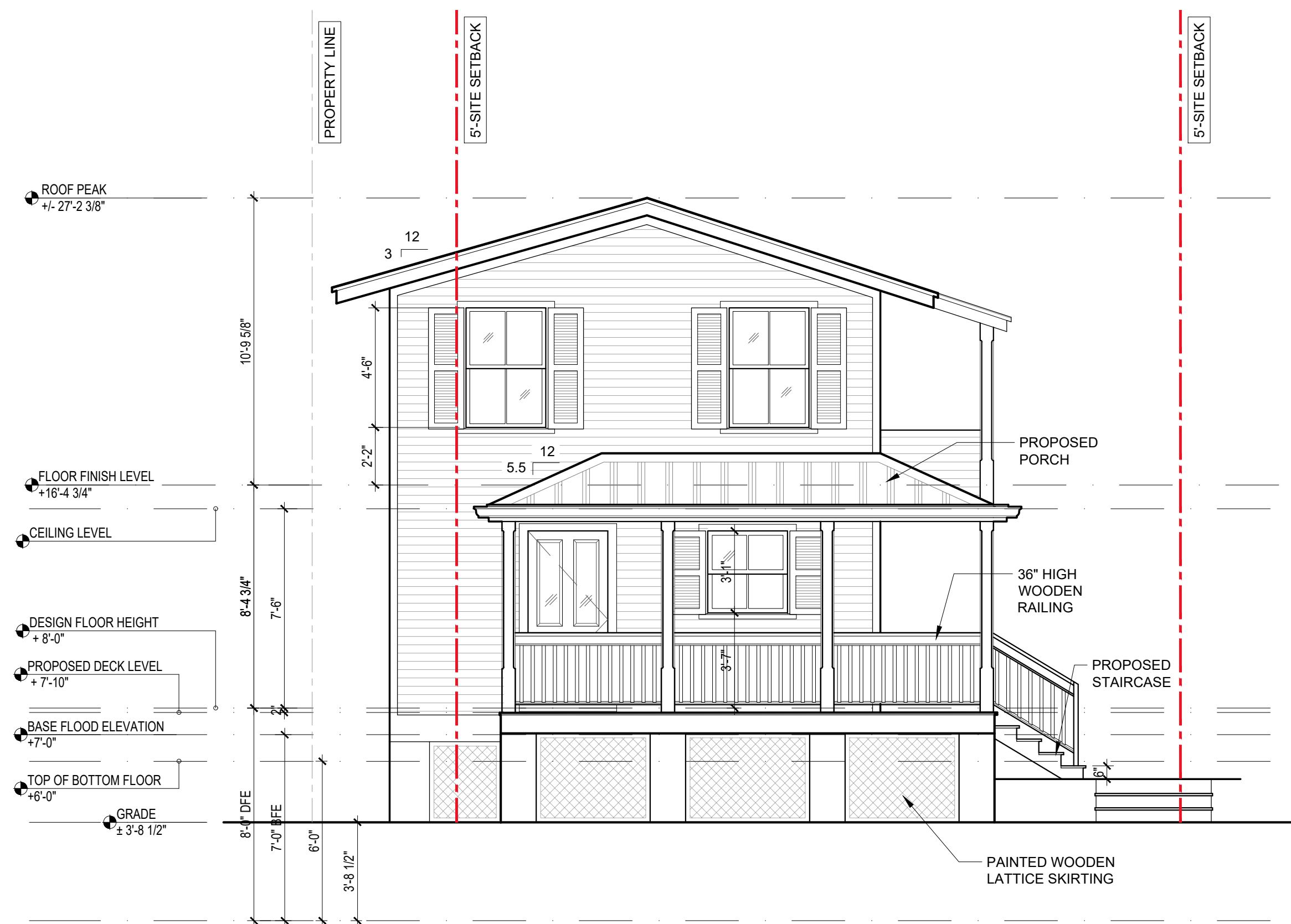


3 REAR ELEVATION
SCALE: 1/4" = 1'-0"

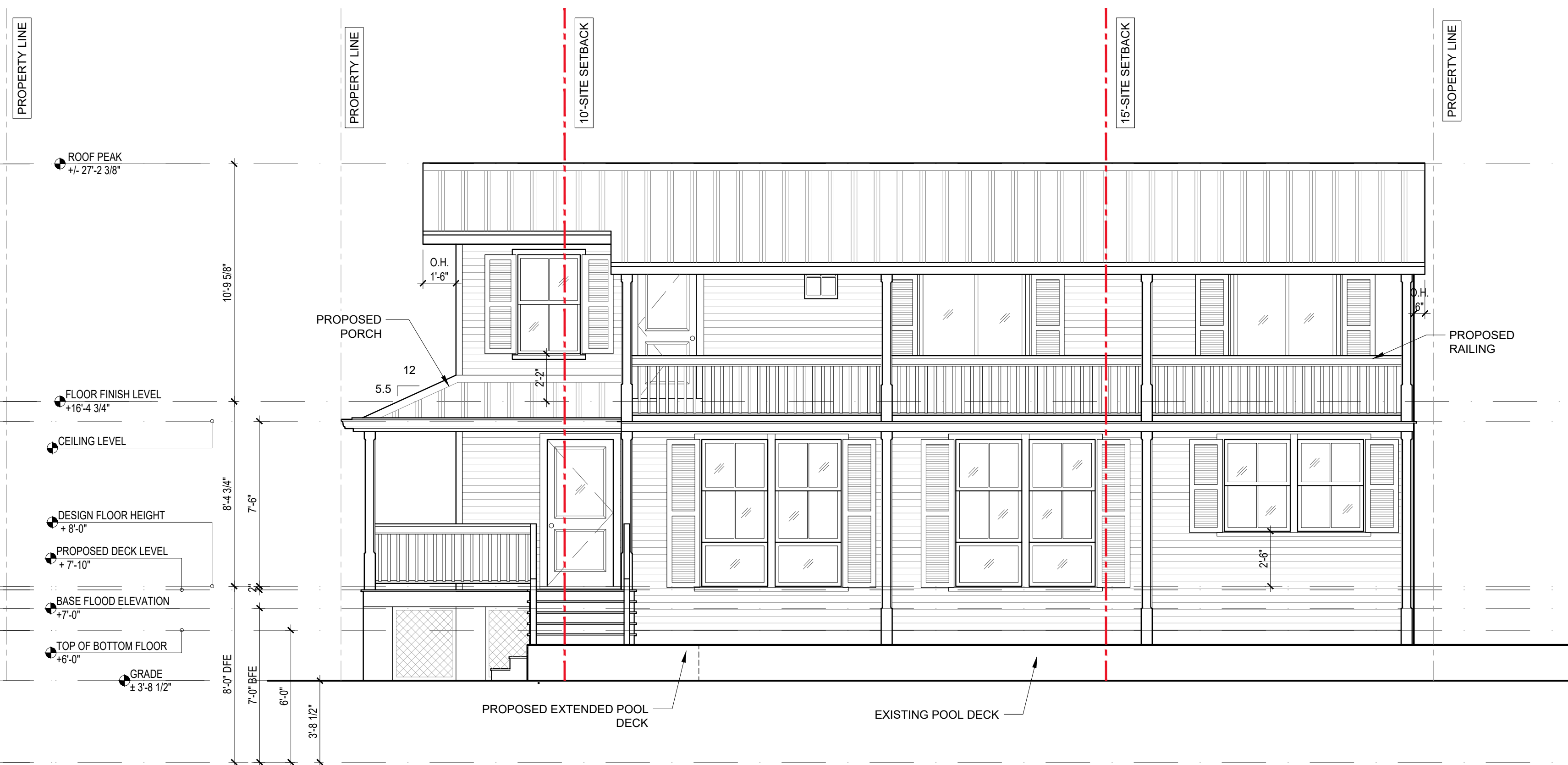


4 SIDE ELEVATION - ELGIN LANE
SCALE: 1/4" = 1'-0"

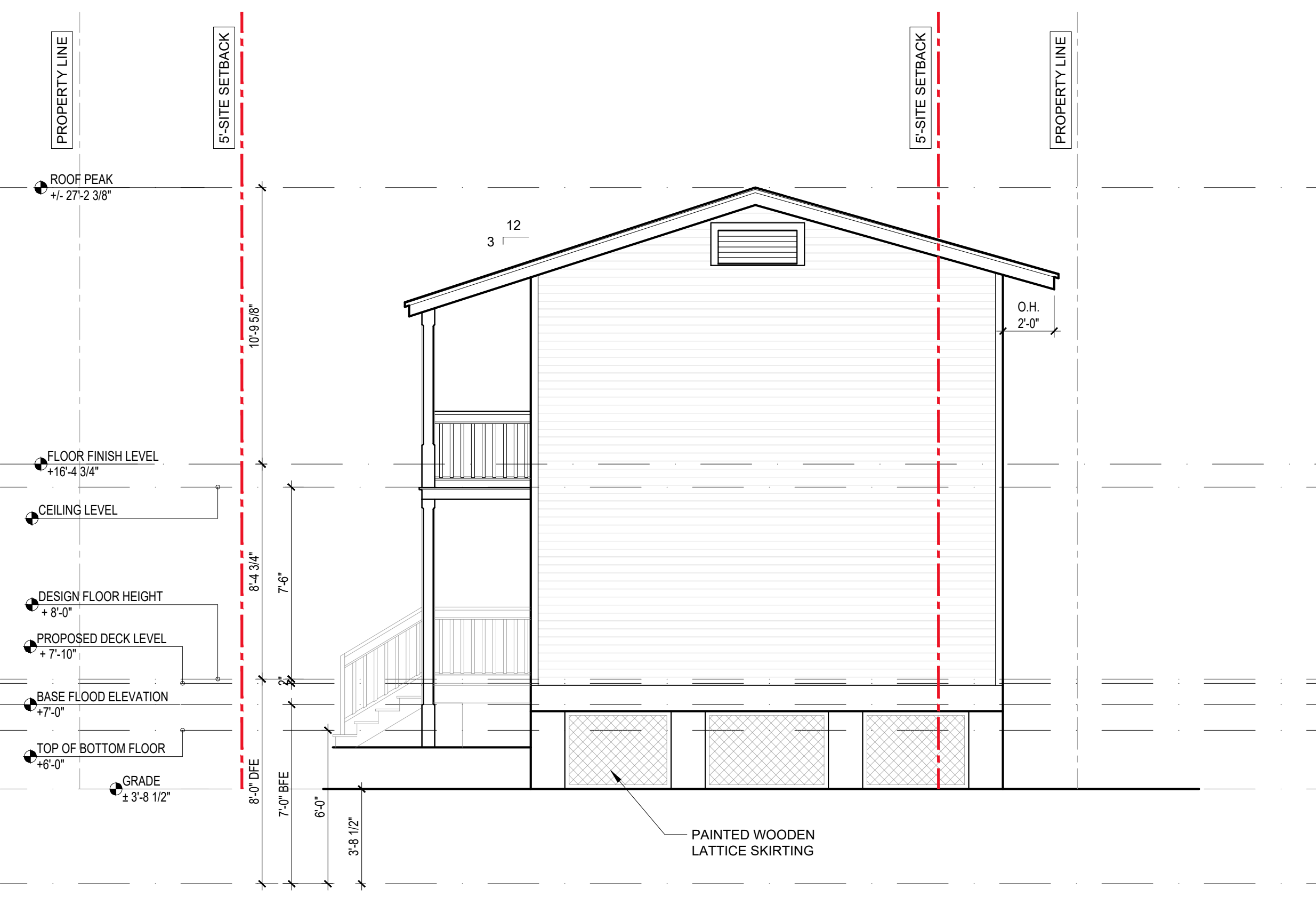




1 FRONT ELEVATION - FRANCES ST.
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"



2 SIDE ELEVATION
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"



4 SIDE ELEVATION - ELGIN LANE
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1-9.

OMB No. 1660-0008
 Expiration Date: July 31, 2015

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name Reynolds, Paula

A2. Building Street Address (Including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
 409 Frances Street
 City Key West State FL ZIP Code 33040

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
 (Tax Parcel #: 00004840-000000) (KW PT LOT 3 SQR 31)

FOR INSURANCE COMPANY USE	
Policy Number:	
Company NAIC Number:	

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential

A5. Latitude/Longitude: Lat. 24.5609 N Long. 81.7963 W Horizontal Datum: NAD 1927 NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 5

A8. For a building with a crawlspace or enclosure(s):
 a) Square footage of crawlspace or enclosure(s) NA sq ft
 b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade NA
 c) Total net area of flood openings in A8.b NA sq in
 d) Engineered flood openings? Yes No

A9. For a building with an attached garage:
 a) Square footage of attached garage NA sq ft
 b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade NA
 c) Total net area of flood openings in A9.b NA sq in
 d) Engineered flood openings? Yes No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number City of Key West 120168		B2. County Name Monroe	B3. State FL		
B4. Map/Panel Number 12087C1516	B5. Suffix K	B6. FIRM Index Date 2/18/05	B7. FIRM Panel Effective/Revised Date 2/18/05	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 7

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.
 FIS Profile FIRM Community Determined Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: NGVD 1929 NAVD 1988 Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Yes No
 Designation Date: _____
 CBRS OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized: BASIC Vertical Datum: 1929
 Indicate elevation datum used for the elevations in items a) through h) below. NGVD 1929 NAVD 1988 Other/Source: _____
 Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>6.0</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
b) Top of the next higher floor	<u>14.4</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>NA</u>	<input type="checkbox"/> feet	<input type="checkbox"/> meters
d) Attached garage (top of slab)	<u>NA</u>	<input type="checkbox"/> feet	<input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>5.0</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>3.6</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>5.5</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>3.6</u>	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters

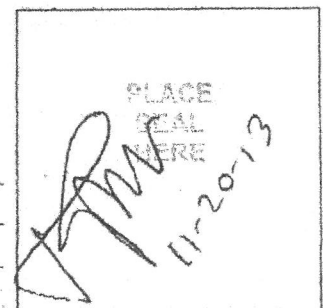
SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No

Check here if attachments.

Certifier's Name J. Lynn O'Flynn	License Number 6298
Title P.S.M.	Company Name J. Lynn O'Flynn, Inc
Address 3430 Duck Avenue	City Key West State FL ZIP Code 33040
Signature	Date 11/20/13 Telephone (305) 296-7422



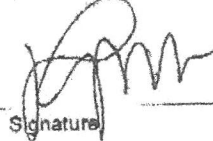
ELEVATION CERTIFICATE, page 2

IMPORTANT: In these spaces, copy the corresponding information from Section A.		FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 409 Frances Street		Policy Number:	
City Key West	State FL	ZIP Code 33040	
		Company NAIC Number:	

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments C2. e) -- Air Conditioner unit


Signature

Date 11/20/13

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
 - a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.
 - b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.
- E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8-9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.
- E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name _____

Address _____	City _____	State _____	ZIP Code _____
Signature _____	Date _____	Telephone _____	

Comments _____

Check here if attachments.

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8-G10. In Puerto Rico only, enter meters.

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. The following information (Items G4-G10) is provided for community floodplain management purposes.

G4. Permit Number _____	G5. Date Permit Issued _____	G6. Date Certificate Of Compliance/Occupancy Issued _____
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- G7. This permit has been issued for: New Construction Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: _____ feet meters Datum _____
- G9. BFE or (in Zone AO) depth of flooding at the building site: _____ feet meters Datum _____
- G10. Community's design flood elevation: _____ feet meters Datum _____

Local Official's Name _____	Title _____
Community Name _____	Telephone _____
Signature _____	Date _____

Comments _____

Check here if attachments.