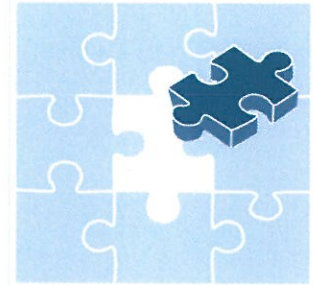




10/21/2012

Mr. Brendon Cunningham, Senior Planner  
City of Key West Planning Department  
3140 Flagler Avenue  
Key West, FL 33040

TREPANIER

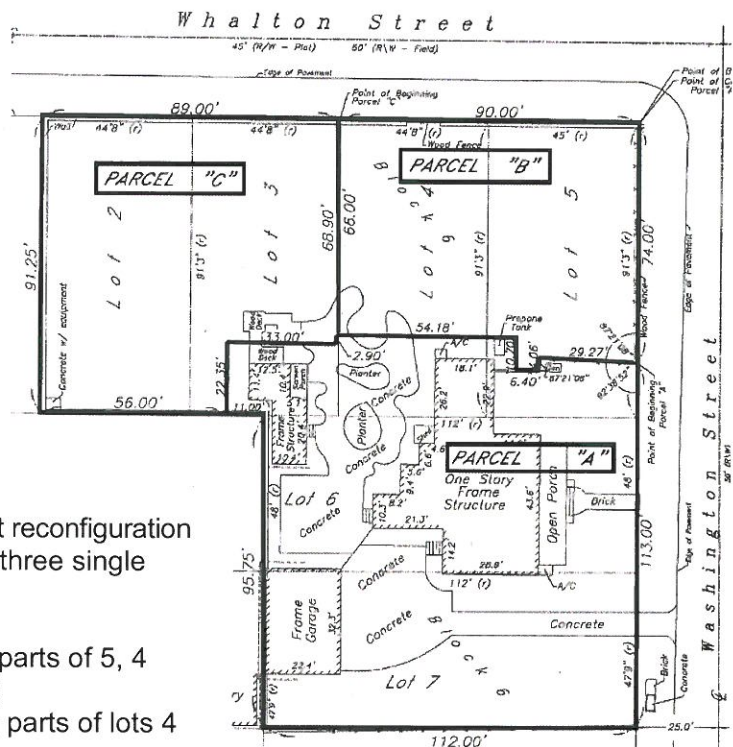


& ASSOCIATES INC  
LAND USE PLANNING  
DEVELOPMENT CONSULTANTS

**Re: Lot Split**  
**Lots 2, 3, 4, 5, 6 & 7 Block 6 of the Key West Webb**  
**Realty Company Subdivision**

Dear Mr. Cunningham:

Please accept this letter as a formal request for a lot split and waiver of strict compliance involving the above lots commonly known as 1021 Washington Street, under KW Code Sec. 118-169 and Sec. 118-66. This letter addresses the rationale for the lot split and waiver, the proposed lot line configuration, specific sections requested to be waived, and the criteria for waiver consideration.



Request:

This request seeks to accomplish the lot reconfiguration depicted to the right, which will create three single family lots out of the existing six lots:

- Parcel A: Combine lots 7, 6, and parts of 5, 4 & 3 into a single parcel;
- Parcel B: Combine the remaining parts of lots 4 & 5 into a single parcel;
- Parcel C: Combine lot 2 and part of lot 3 into a single parcel.

The intent of this request is to create 3 lots that conform to the character of the existing neighborhood<sup>1</sup> by waiving Sections 118-101 to 118-523. The resulting proposed lots will meet all dimensional requirements<sup>2</sup>.

Criteria for Consideration (Section 118-68.):

The following analysis addresses requirements of Sec. 118-68 and demonstrates compliance with the criteria for consideration. The waiver is consistent with the purpose of this chapter and

<sup>1</sup> The Casa Marina District is classified by larger lots near corners. The proposed configuration more closely conforms to the historic character of the neighborhood than would the reestablishment of the original platted lots.

<sup>2</sup> Exhibit C



with the comprehensive plan, it conforms to the dimensional regulations of the HMDR zoning district.

(1) General criteria. General criteria shall be as follows:

- a. Consistency with purpose and intent of comprehensive plan. The waiver or modification is consistent with the stated purpose and intent of this chapter and with the comprehensive plan.

The proposed configuration will allow the lots to be developed in a manner that is consistent and sympathetic to the existing historic configurations of other similar lots in the Casa Marina District. The lot split reduces the overall number of lots from six to three. It conforms to the dimensional regulations and intent of the HMDR zoning district.

- b. Impact on public interest, adjacent property. The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property.

The lot split would achieve many positive impacts on the public interest including maintaining the contributing historic portion of the property. The waiver would not have an adverse impact on the public interest or on the adjacent properties in fact it would create a reduction in the number of buildable lots in the city.

- c. Not discriminatory. The waiver or modification is not discriminatory, considering similar situations in the general area and in past subdivision regulations.

The waiver is not discriminatory. This has been demonstrated by the fact that the proposed lot split configuration requires no variance and complies with all dimensional requirements of the HMDR Zoning District and the intent of the Historic residential character of HMDR as mentioned in policy 1-2.3.2. of the Comprehensive Plan.

(2) Specific standards. No waiver or modification may be granted unless the developer clearly shows the existence of one or more of the following:

- a. Superior alternatives. The development will provide an alternative which will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.

No development is being proposed. However, the proposed lot split configuration complies with dimensional regulations of the LDRs and further the intent of the Comprehensive Plan. The larger lot configuration furthers the goals and preserves the

- b. Protection of significant features. The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.

character of the historic district.

The existing one story frame house that sits on Parcel A is a contributing structure to the historic district. The lot split configuration will preserve the historic context of the building and encourage historically appropriate development.

- c. Deprivation of reasonable use. Strict application of the requirement would effectively deprive the owner of all reasonable use of the land to be subdivided, due to its unusual size, shape, topography, natural conditions, or location, provided that:
1. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and

The current lot configuration does not allow for reasonable use of the remaining lots in a manner that protects and furthers the public purpose of the Historic District. If development is permitted to occur on the existing configuration on a lot-by-lot basis it will disrupt the character and fabric of the district as describe above.

2. The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.

The conditions that created the need to reconfigure these lot lines predate the current owner and the effective date of the ordinance from which this section derives.

- d. Technical impracticality. Strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions or location, of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvement, provided that:
1. The development will provide an alternative adequate to achieve the purposes of the requirement, including security for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and

While no construction is proposed, the proposed lot configuration will create the environment the will encourage historically appropriate/ sympathetic development to the Casa Marina and HMDR district.

2. Any unusual conditions creating the impracticality are not the result of the actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.

The Historical development of the neighborhood was such that people moved out of old town into what can be compared to a "suburb" type neighborhood to have larger lots and greater setbacks between dwellings. This historical development of the Casa Marina district is evident today with many large properties that consist of several smaller contiguous platted parcels. Over time these parcels have been combined and split to allow for further development as the neighborhood population and demographics have evolved.

e. Relationship to proposed development or its impacts. Where all or any part of the regulation has no relationship to the needs of the development or to the impact of the development on the public facilities, land use, traffic, or environment of the neighborhood and the general community, due to the location, scale, or type of development involved, provided that any specific waiver or modification requirements set forth in this division are met.

The lot split itself is the only proposed development at this time.

f. Planned developments. If the subdivision concerns a planned residential or mixed use project and the waiver is not inconsistent with an approved conceptual, preliminary, or final development plan for the planned development.

N/A – proposal does not involve planned developments

g. Nonresidential subdivisions. If the subdivision concerns a nonresidential development and the subdivision requirement is clearly applicable only to residential subdivisions in view of their unique needs, impacts, and characteristics.

The lots involved in this reconfiguration are residential in nature.

Conclusion:

The proposed configuration will allow the lots to be developed in a manner that is consistent and sympathetic to the existing historic configurations of other similar lots in the Casa Marina District. Based on the Historical intent of the HMDR zoning district as well as comprehensive plan policies and criteria listed above we are requesting a lot split under KW Code Sec. 118-169 and a waiver of strict compliance under Sec. 118-66.

Thank you for your time and consideration.

Sincerely,

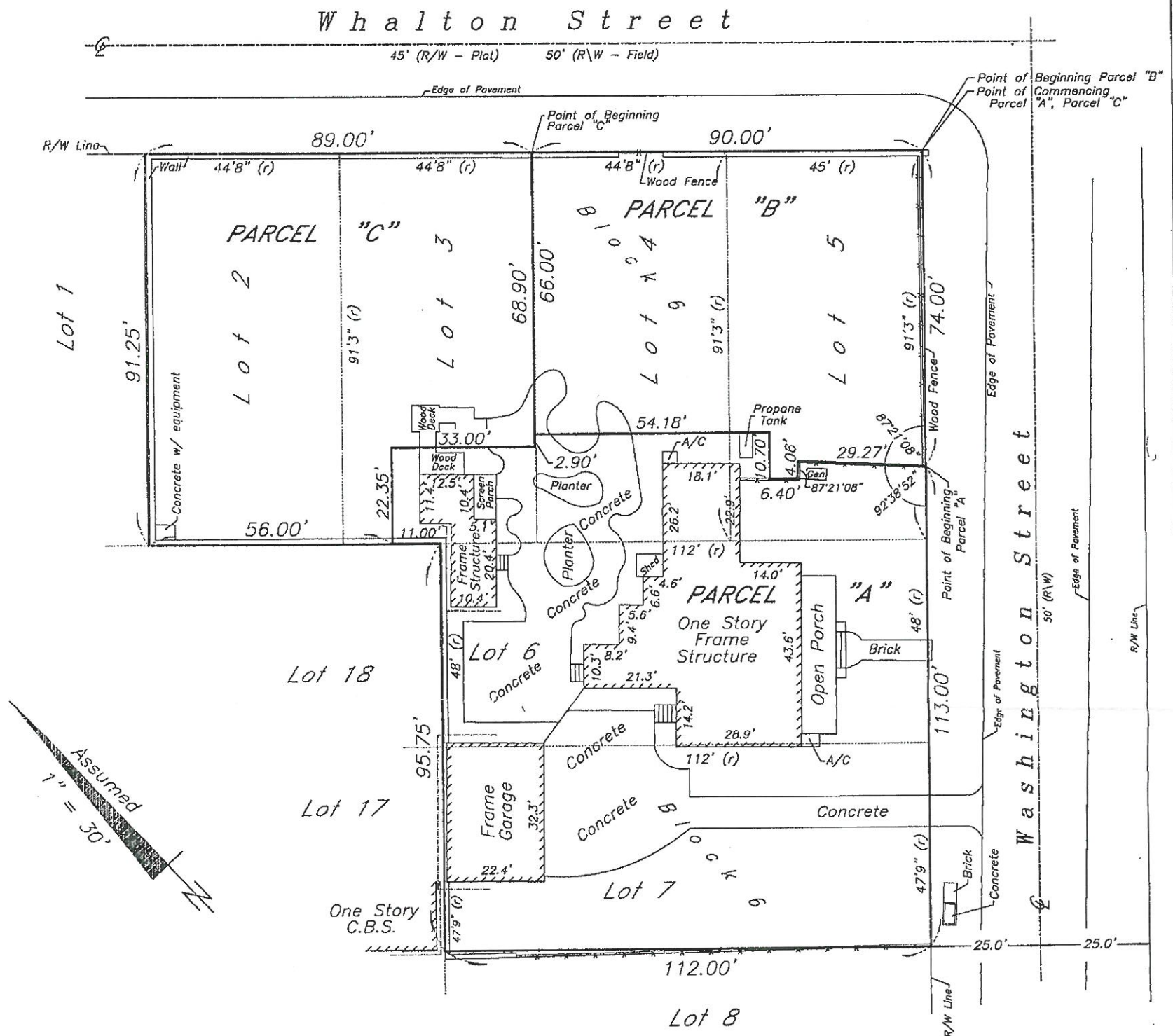


Patrick Wright, Planner

# Exhibit C

Dimensional Requirements		Proposed		
		Lot A	Lot B	Lot C
Lot Size	4,000 sq. ft.	13,450 sq. ft.	6,224 sq. ft.	7,384 sq. ft.
Lot Width	40 ft.	113 ft.	74 ft.	89 ft.
Lot Depth	90 ft.	112 ft.	90 ft.	91.25 ft.

Specific Purpose Survey Map to illustrate legal descriptions of Lots 2 thru 7, Block 6, KEY WEST WEBB REALTY COMPANY'S SUBDIVISION, authored by the undersigned



**LEGEND**

- (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

NOTE:  
This 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 #8298

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

Specific Purpose Survey Report to illustrate legal descriptions  
of Lots 2 thru 7, Block 6, KEY WEST WEBB REALTY  
COMPANY'S SUBDIVISION, authored 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: 1021 Washington 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. The description contained herein and sketch do not represent a field boundary survey.
10. The Survey Report is not full and complete without the attached Survey Map.

SPECIFIC PURPOSE SURVEY TO ILLUSTRATE A LEGAL DESCRIPTION  
AUTHORED BY THE UNDERSIGNED

## Parcel "A"

A parcel of land on the Island of Key West being known as Lots 6, 7, and Part of Lots 3, 4, and 5, Block 6, of the KEY WEST WEBB REALTY COMPANY SUBDIVISION, as recorded in Plat Book 1, at Page 42, of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the Northwesterly right of way line of Washington Street and the Southwesterly right of way line of Whalton Street and run thence Southwesterly along the said Northwesterly right of way line of Washington Street for a distance of 74.00 feet to the Point of Beginning; thence continue Southwesterly along the previously described course for a distance of 113.00 feet to the Southwesterly boundary line of the said Lot 7; thence Northwesterly and at right angles along the said Southwesterly boundary line of Lot 7 for a distance of 112.00 feet to the Westerly corner of the said Lot 7; thence Northeasterly and at right angles along the Northwesterly boundary line of the said Lots 6 and 7 for a distance of 95.75 feet to the Northernmost corner of the said Lot 6; thence Northwesterly and at right angles along the Southwesterly boundary line of the said Lot 3 for a distance of 11.00 feet; thence Northeasterly and at right angles for a distance of 22.35 feet; thence Southeasterly and at right angles for a distance of 33.00 feet; thence Northeasterly and at right angles for a distance of 2.90 feet; thence Southeasterly at right angles for a distance of 54.18 feet; thence Southwesterly and at right angles for a distance of 10.70 feet to the Northeasterly face of an existing wood fence; thence Southeasterly and at right angles along the said Northeasterly face of an existing wood fence for a distance of 6.40 feet; thence Northeasterly with a deflection angle of 87°21'08" to the left and along the Northwesterly face of an existing wood fence for a distance of 4.06 feet; thence Southeasterly and at right angles along the Northeasterly face of an existing wood fence for a distance of 29.27 feet back to the Point of Beginning. Said Parcel containing 13,450 square feet, more or less.

## Parcel "B"

A parcel of land on the Island of Key West being known as Part of Lots 3, 4 and 5, Block 6, of the KEY WEST WEBB REALTY COMPANY SUBDIVISION, as recorded in Plat Book 1, at Page 42, of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the Southwesterly right of way line of Whalton Street and the Northwesterly right of way line of Washington Street and run thence Northwesterly along the said Southwesterly right of way line of Whalton Street for a distance of 90.00 feet; thence Southwesterly and at right angles for a distance of 66.00 feet; thence Southeasterly at right angles for a distance of 54.18 feet; thence Southwesterly and at right angles for a distance of 10.70 feet to the Northeasterly face of an existing wood fence; thence Southeasterly and at right angles along the said Northeasterly face of an existing wood fence for a distance of 6.40 feet; thence Northeasterly with a deflection angle of 87°21'08" to the left and along the Northwesterly face of an existing wood fence for a distance of 4.06 feet; thence Southeasterly and at right angles along the Northeasterly face of an existing wood fence for a distance of 29.27 feet to the said Northwesterly right of way line of Washington Street; thence Northeasterly with a deflection angle of 92°38'52" to the left and along the said Northwesterly right of way line of Washington Street for a distance of 74.00 feet back to the Point of Beginning. Said Parcel containing 6,224 square feet, more or less.

## Parcel "C"

A parcel of land on the Island of Key West being known as Part of Lots 2 and 3, Block 6, of the KEY WEST WEBB REALTY COMPANY SUBDIVISION, as recorded in Plat Book 1, at Page 42, of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the Southwesterly right of way line of Whalton Street and the Northwesterly right of way line of Washington Street and run thence Northwesterly along the said Southwesterly right of way line of Whalton Street for a distance of 90.00 feet to the Point of Beginning; thence continue Northwesterly along the previously described course for a distance of 89.00 feet to the Northwesterly boundary line of the said Lot 2; thence Southwesterly and at right angles along the said Northwesterly boundary line of Lot 2 for a distance of 91.25 feet to the Westerly corner of the said Lot 2; thence Southeasterly and at right angles along the Southwesterly boundary line of the said Lots 2 and 3 for a distance of 56.00 feet; thence Northeasterly and at right angles for a distance of 22.35 feet; thence Southeasterly and at right angles for a distance of 33.00 feet; thence Northeasterly and at right angles for a distance of 68.90 feet back to the Point of Beginning. Said Parcel containing 7,384 square feet, more or less.

SPECIFIC PURPOSE SURVEY FOR: Norman & Shirley Wood;

J. LYNN O'FLYNN, INC.

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

July 28, 2012

THIS SURVEY  
IS NOT  
ASSIGNABLE

Sheet Two of Two Sheets

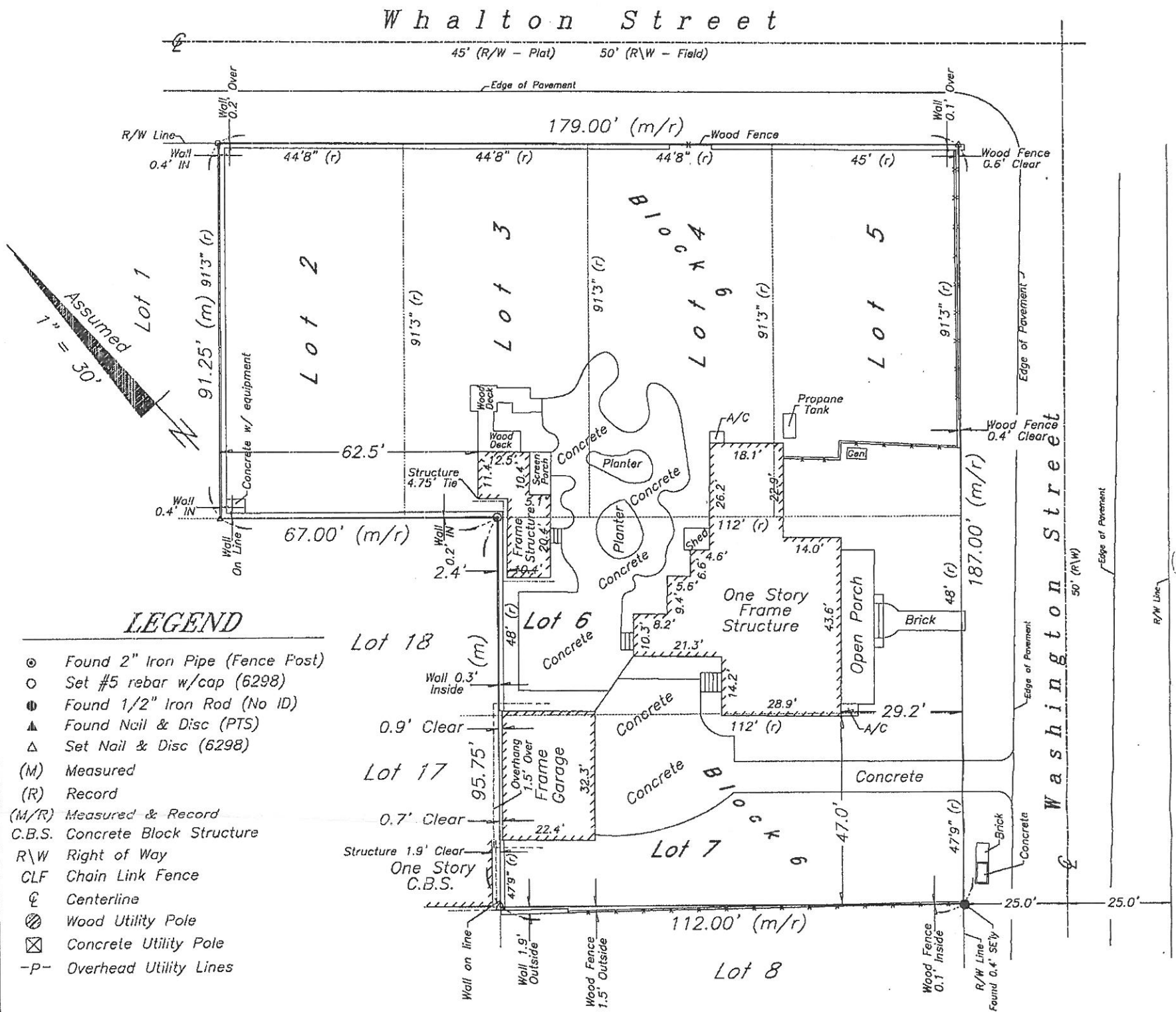
J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper  
PSM #6298

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

Boundary Survey Map of part of Lots 2 thru 7, Block 6  
KEY WEST WEBB REALTY COMPANY'S SUBDIVISION



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: 1021 Washington 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. Date of field work: October 2, 2007.
9. Ownership of fences is undeterminable, unless otherwise noted.

BOUNDARY SURVEY OF: Lots 2 thru 7, Block 6, KEY WEST WEBB REALTY COMPANY SUBDIVISION according to the plat thereof as recorded in Plat Book 1, at Page 42, of the Public Records of Monroe County, Florida.

BOUNDARY SURVEY FOR: Norman & Shirley Wood;

J. LYNN O'FLYNN, INC.

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

October 11, 2007

THIS SURVEY  
IS NOT  
ASSIGNABLE

J. LYNN O'FLYNN, Inc.  
Professional Surveyor & Mapper  
PSM #6298  
3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244