THE CITY OF KEY WEST PLANNING BOARD Staff Report



To: Chairman and Planning Board Members

From: Brendon Cunningham

Through: Donald Leland Craig, AICP, IPlanning Director

Meeting Date: July 21, 2011

Agenda Item: After-the-fact variance request for building coverage, impervious surface

ratio, and setbacks in the Single Family zoning district per Sections 122-238 (4)(a), 122-238 (4)(b)(1), and 122-238 (6) a. 2. & 3. of the Land Development Regulations of the Code of Ordinances of the City of Key

West, Florida (RE# 00065570-001010).

Request: To allow after-the-fact variances for an accessory dwelling unit

constructed without building permits that exceeds building coverage and impervious surface requirements and located in the rear and side-yard

setbacks.

Applicant: Samuel J. Kaufman

Property Owner: Angel F. and Daniela O. Rodriguez

Location: 908 Trinity Drive #4, RE# 00065570-001010

Zoning: Single Family (SF) Zoning District



Background:

The existing nonconforming accessory dwelling unit is located within the City's Single Family (SF) zoning district. The structure is located within the side and rear yard setbacks, and is also nonconforming to the building coverage, and impervious surface requirements permitted in the SF zoning district. The original application for this development contemplated accessory units for the project overall. Section 122-233 (4) stipulates that "When an accessory unit permit is initiated, the principal structure needs to be owned and occupied by a permanent resident". The determination at the time of the original approval was that the accessory units would have to be built by the purchaser/owner. Therefore, the accessory unit was constructed in accordance with that code section. However, Section 122-233 (8) requires that the accessory unit comply with coverages Building coverage and impervious surface requirements have been exceeded.

Request:

The applicant is requesting variances to side and rear setbacks and building coverage and impervious surface ratio to accommodate the construction of a detached accessory residential unit, which is allowed in the SF zoning district. Additionally, the proposed accessory units were not allocated at the time of the original development approval. The applicant will have to request a BPAS unit to account for the additional dwelling. At this time the City can allocate deed restricted units only. This unit would then be subject to Section 122-233 (a)(1) which restricts rental rates to 15% of the median household income for Monroe County.

The table below provides site data calculations as proposed by the applicant:

SF District Dimensional Requirements: Section 122-238			
	Zoning Regulations	Existing Conditions	Proposed Changes
Side	5'	3.59'	No Change
Rear	25'	2.31'	No Change
Building Coverage	35% Maximum	35.9%	No Change
Impervious Surface	50% Maximum	62.9%	No Change

Process:

Development Review Committee Meeting: Planning Board Meeting:

June 24, 2010
January 25, 2011, postponed
February 17, 2011, no quorum
March 17, 2011, postponed
April 21, 2011, postponed
May19, 2011, postponed
June 16, 2011, no quorum
July 21, 2011

<u>Analysis – Evaluation for Compliance With The Land Development Regulations:</u>

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

1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

The existing structure is nonconforming to side and rear setback requirements in the SF zoning district, as well as to overall building coverage and impervious surface requirements. Legally nonconforming site characteristics are not exceptional in the City, and therefore do not generate the existence of special conditions or circumstances.

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

The nonconforming aspects on the site are created by the applicant. The accessory unit was built without permits. Therefore, the request for variances generates from specific actions initiated by the applicant.

3. Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

Section 122-232 of the City Code permits the construction of accessory units in the SF zoning district. However, this same code section requires the accessory unit comply with the same dimensional requirements as the principle structure. Therefore, allowing the accessory structure, as constructed, would confer special privileges upon the applicant.

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.

The applicant was not deprived of rights commonly enjoyed by other properties without the variance approval. Accessory units are allowed as of right in the SF zoning district. Therefore, hardship conditions do not exist.

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

The variances requested are the minimum variances that will make possible the continued use of the land, building, or structure. However, the applicant had reasonable use of the property prior to the construction of the accessory unit.

6. Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations

and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The granting of the variances does not appear to be injurious to the area involved or detrimental to the public interest.

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

Existing conforming or nonconforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

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

Based on comments received at the DRC, it does not appear that the requested variance will trigger any public facility capacity issues.

The Planning Board shall make factual findings regarding the following:

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

The standards established by Section 90-395 of the City Code have not been met by the applicant for the granting of variances.

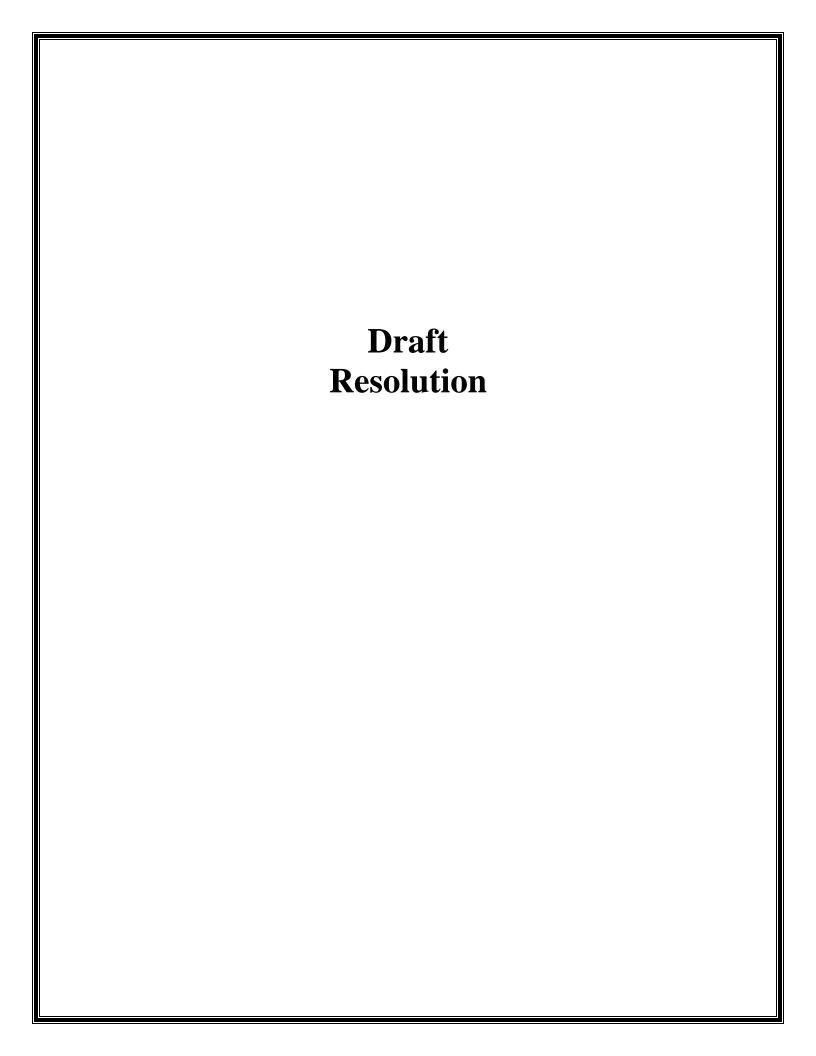
2. That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

No objections have been raised at this time.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variance be **denied.** However, if the Planning Board approves this request, staff would like to require the following conditions:

- That the accessory unit be deed restricted according to Section 122-233(a)(1).
- That a Certificate of Elevation be provided to confirm that the structure meets FEMA base flood elevation requirements. In the event that the structure does not meet the required elevation, the structure will need to comply.



RESOLUTION NO- 2011-

A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW AFTER-THE-FACT GRANTING OF VARIANCES TO BUILDING COVERAGE, IMPERVIOUS SURFACE RATIO, SIDE, AND REAR YARD SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 908 TRINITY DRIVE #4 (RE#00065570-001010), PURSUANT TO SECTION 122-238 (4) a. AND b.(1) AND (6) a. 2. AND 3. UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-238 (4) a. and b.(1) and 122-238(6) a. 2. and 3. of the Code of Ordinances provides that the maximum dimensional requirements for building coverage is 50%, maximum impervious surface ratio is 60%, and building setbacks in the SF zoning district are 25 feet in the rear and five feet on each side; and

WHEREAS, the applicant requested variances to building coverage, impervious surface ratio, rear and side yard setbacks to allow after the fact approval to a non-conforming, accessory residential structure; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 21, 2011; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist

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Chairman
Planning Director

which are peculiar to the land, structure, or building involved and which are not applicable to other

land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the

action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance requested will not confer

upon the applicant any special privileges denied by the land development regulations to other lands,

buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land

development regulations would deprive the applicant of rights commonly enjoyed by other

properties in this same zoning district under the terms of this ordinance and would work unnecessary

and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances

that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony

with the general intent and purpose of the land development regulations and that such variance will

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_____ Chairman
_____ Planning Director

not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands,

structures, or buildings in the same district, and no permitted use of lands, structures or buildings in

other districts shall be considered grounds for the issuance of any variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a "good neighbor

policy" by contacting or making a reasonable attempt to contact all noticed property owners who

have objected to the variance application, and by addressing the objections expressed by those

neighbors;

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

Florida:

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

Section 2. That after the fact variances for a non-conforming accessory residential structure

for building coverage, impervious surface ratio, rear and side yards setback requirements, for a

property in the Single Family Residential (SF) zoning district for property located at 908 Trinity

Drive #4 (RE # 00065570-001010), per Sections 122-238 (4) a. and b.(1) and 122-238(6) 2. and

3. of the Land Development Regulations of the Code of Ordinances of the City of Key West,

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_____ Chairman

Planning Director

Florida, as shown on the attached plan set.

Section 3. It is a condition of these variances that full, complete, and final application for all

permits required for any new construction for any use and occupancy for which these variances are

wholly or partly necessary, whether or not such construction is suggested or proposed in the

documents presented in support of these variances, shall be submitted in its entirety within two years

after the date hereof; and further, that no application or reapplication for new construction for which

the variances are wholly or partly necessary shall be made after expiration of the two-year period

without the applicant obtaining an extension from the Planning Board and demonstrating that no

change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to submit a full and complete application for permits for new

construction for which these variances are wholly or partly necessary, or the failure to complete new

construction for use and occupancy pursuant to these variances in accordance with the terms of a

City building permit issued upon timely application as described in Section 3 hereof, shall

immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. These variances do not constitute a finding as to ownership or right to possession

of the property, and assumes, without finding, the correctness of applicant's assertion of legal

authority respecting the property.

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_____ Chairman

Planning Director

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This resolution is subject to appeal periods as provided by the City of Key West

Code of Ordinances (including the Land Development Regulations). After the City appeal period has

expired, this permit or development order will be rendered to the Florida Department of Community

Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty

five (45) days after it has been properly rendered to the DCA with all exhibits and applications

attached to or incorporated by reference in this approval; that within the forty five (45) day review

period the DCA can appeal the permit or development order to the Florida Land and Water

Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the

appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 21st day of July, 2011.

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

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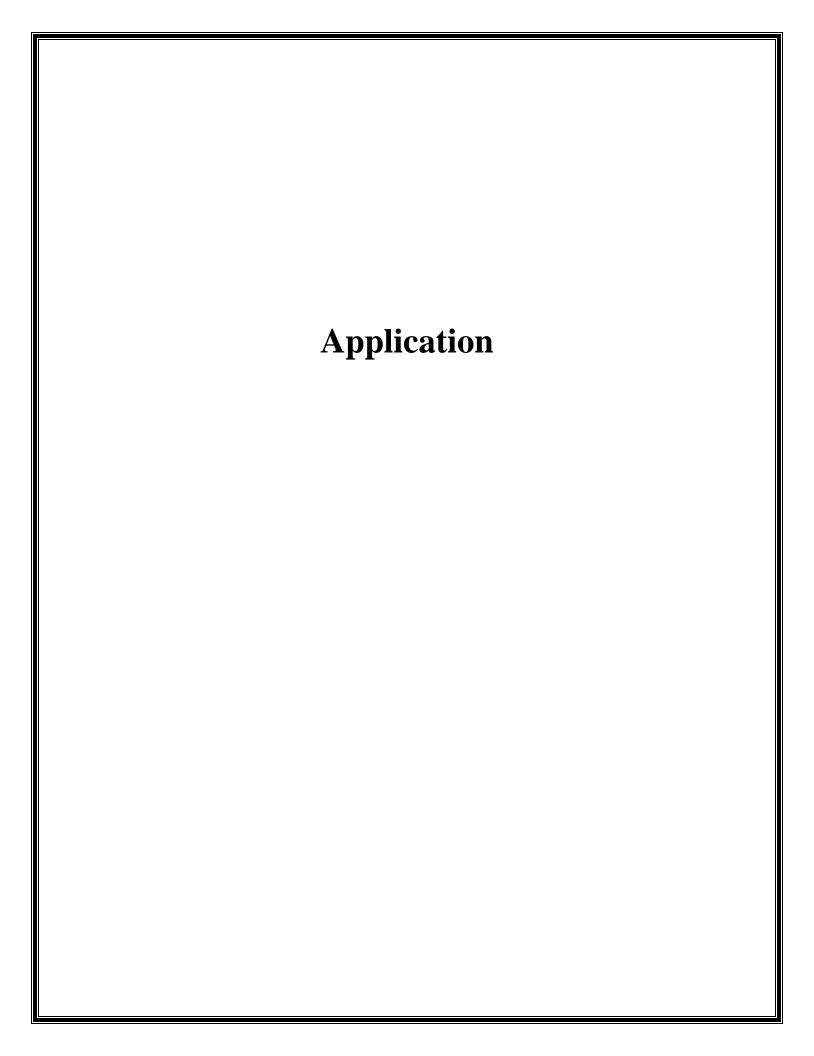
_____Chairman

_____ Planning Director

Richard Klitenick, Chairman		
Key West Planning Board		
Attest:		
Donald Leland Craig, AICP, Planning Director	Date	
Filed with the Clerk:		
Cheryl Smith, City Clerk	Date	

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_	Chairman
	Planning Director



VARIANCES ARE QUASI-JUDICIAL HEARINGS AND IT IS IMPROPER TO SPEAK TO A PLANNING BOARD AND/OR BOARD OF ADJUSTMENT MEMBER ABOUT THE VARIANCE OUTSIDE THE HEARING

Variance Application

City of Key West Planning Department

Please print or type a response to the following:

1.	Site Address _	908 TRIVITY	DR. #4 , KEY (WEST PC 33040	
2.	Name of Applicant ANGER I. RODRIGUEZ DANIEZA O RODRIGUEZ, ANGER F. RODRIGUEZ SR.				
3.	Applicant is: Owner Authorized Representative (attached Authorization Form must be completed)				
4.	Address of App	olicant <u>SAME AS S</u>	ITE ADDRESS		
5.	Phone # of Applicant Avor F. RORS Guez -Mobile # 879 - 8726 Fax# 295 - 7947				
6.	E-Mail Address	E-Mail Address SAM @ SAMKAUFMANLAW. COM			
7.		r, if different than above			
8.	Address of Ow	ner			
		305 879-	8726')		
9.		of Owner 305 373	50/0 Fax#		
10.		AR00415@ Conc			
11.	Zoning District	of Parcel <u>SF</u>	RE# <u>000655</u>	70-001010	
12.	Description	of Proposed C	onstruction, Develop	oment, and Use	
	-				
13.	Required inform	nation: (application will no	ot move forward until all i	nformation is provided)	
13.	Required inform	nation: (application will no	ot move forward until all in	nformation is provided) Requested	
13. Front S					
	etback				
Front S	etback tback	Required	Existing	Requested	
Front S Side Se	etback tback tback	Required	Existing	Requested	
Front S Side Se Side Se Rear Se	etback tback tback	Required 5	Existing 3-59	Requested	
Front S Side Se Side Se Rear Se	etback tback tback tback g Coverage	Required 5	2.3	Requested	

14.	Is Subject Property located within the Historic District? Yes No If Yes, indicate date of HARC approval as well as the HARC Approval Number. Attachminutes of the meeting.		
	Date	HARC #	
15.	Are there any ease subject property? Y documents.	ments, deed restrictions or other es No If Yes, please Easoment See	encumbrances attached to the ase describe and attach relevant
16.	YES NO	in the dripline (canopy) of any tree of the dripline (canopy) of the dripline (c	

Check List
(to be completed by Planning Staff and Applicant at time of submittal)

Applicant Initials	Staff Initials	The following must be included with this application	
V	60	Copy of the most recent recorded deed showing ownership and a legal description of the subject property	
	45	Application Fee (to be determined according to fee schedule)	
		Site Plan (existing and proposed) as specified on Variance Application Information Sheet	
	4	Floor Plans of existing and proposed development (8.5 x 11)	
	Ax	Copy of the most recent survey of the subject property	
		Elevation drawings as measured from crown of road	
· · · · · · · · · · · · · · · · · · ·		Stormwater management plan	
NA	10/1	HARC Approval (if applicable)	
V	YO	Notarized Verification Form	
	KA	A PDF or compatible electronic copy of the complete application on a compact disk	

Please note that all architecture or engineering designs must be prepared and sealed by a professional architect or engineer registered in the state pursuant to F.S. chs. 471 and 481, respectively. Two signed and sealed copies will be required at time of submittal.

Standards for Considering Variances

Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:

1.	Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.
2.	Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.
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.
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.

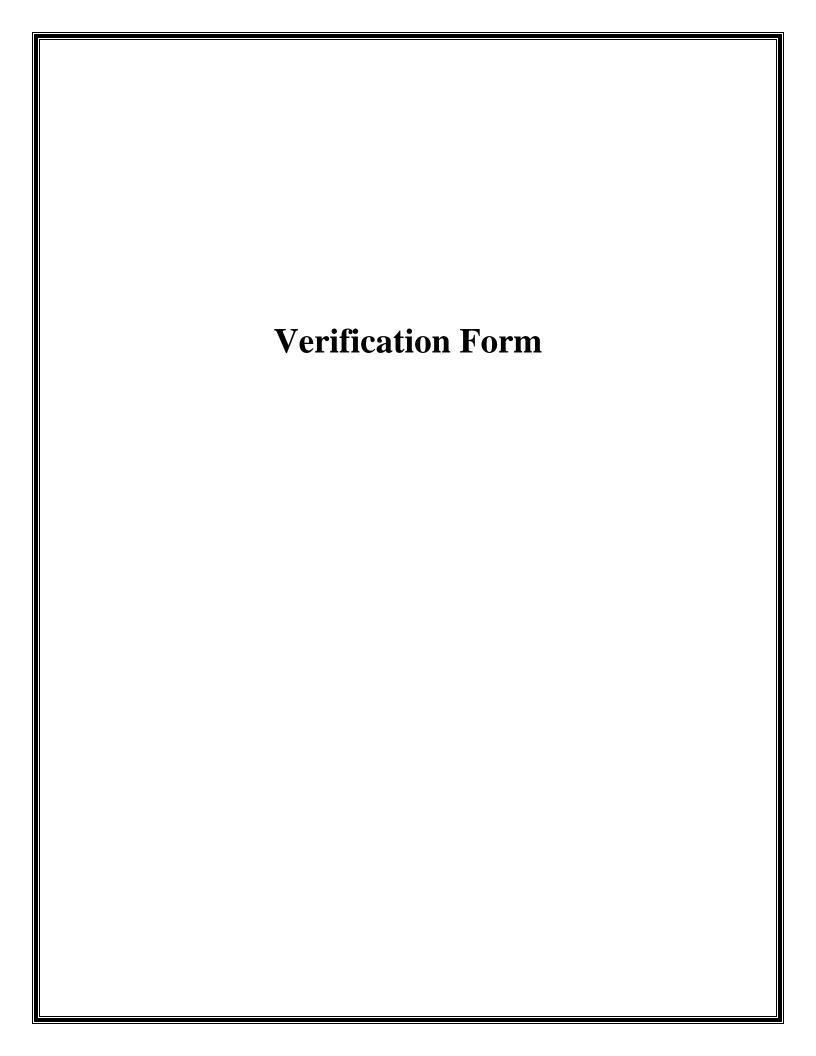
5.	Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.
6.	Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose 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.

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.

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

- That the standards established in subsection (a) have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

- 1. Variances are requested to be approved to allow for the built accessory unit to remain on the subject property. Special conditions particular to the lot size and dimensions require a variance to build the City-approved accessory unit.
- 2. The applicant did not create the size or dimensions of the property.
- 3. No special privileges are requested only variances to allow for the accessory unit as built on the property.
- 4. Without the variances the accessory unit could not be built given the code requirements on the subject property.
- 5. The variances would be the least required to approve the accessory unit.
- 6. The intent in approving the Trinity Sub-Division was to allow the subject property to build an accessory unit. The unit does not interfere with neighbors in any way.
- 7. Not applicable.

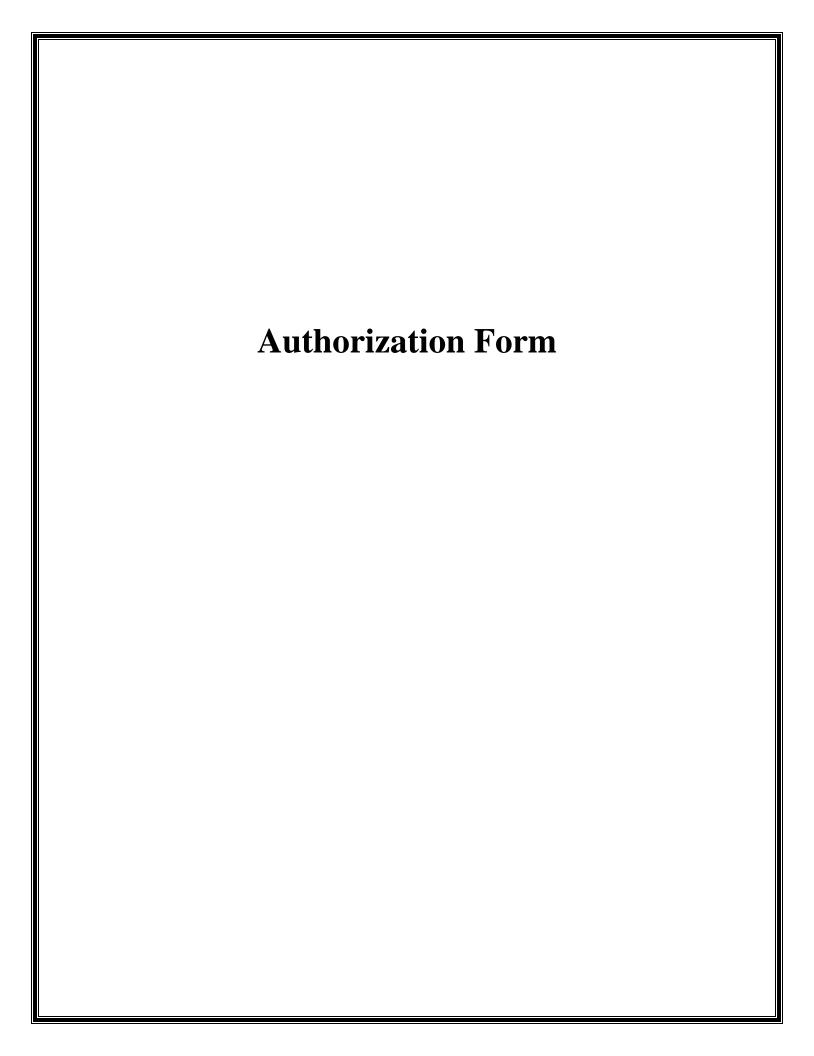


Verification Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, Samuel J. Laufmun, being duly sworn, depose and say Name(s) of Applicant(s)
that: I am (check one) the Owner Owner's Legal Representative for the property identified as the subject matter of this application:
908 Trinity Drive Lunt #4, Key West, FL Street Address and Commonly Used Name (if any)
All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.
Signature of Owner/Legal Representative Signature of Joint/Co-owner
Subscribed and sworn to (or affirmed) before me on <u>May 10, 2010</u> (date) by <u>Samuel J. Kaufman</u> (name). He/She is personally known to me or has
presented as identification.
Maulen H. Smith Notary's Signature and Seal
Marilyn H. Smith Name of Acknowledger typed, printed or stamped
Title or Rank Commission Number (if any)
MOTADY DUDY IS OTHER ON THE



Authorization Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

Please complete this form if someone othe in this matter.	r than the owner is representing the property owner
I, Angel I. Rodr Please Print Name(s) of Owner(s)	riguezauthorize
Samuel J. Kc	u fman
Please Print Name of Representative to be the representative for this application Board.	n and act on my/our behalf before the Planning
Proceed Rockrigu	
Signature of Owner Angel I. Rodriguez	Signature of Joint/Co-owner if applicable
Subscribed and sworn to (or affirmed) before Please Print Name of Affiant	ore me on
He/She is personally known to me or has presentedn a	as identification.
Notary's Signature and Seal	NIKA STROBLE Notary Public - State of Florida My Commission Express May 20, 2011 Commission # DD 676498
NIKA STROBLE	Name of Acknowledger printed or stamped
NOTARY PUBLIC	Title or Rank
676496	Commission Number (if any)

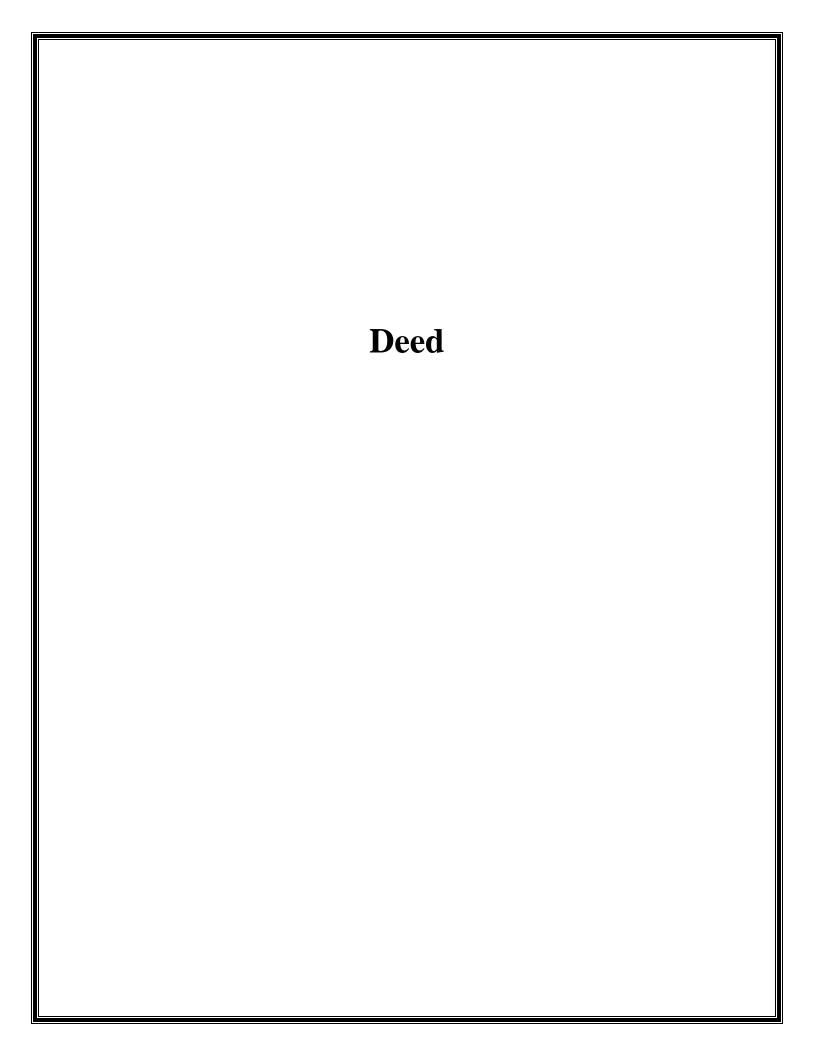
Authorization Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

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

Please Print Name(s) of Owner(s)

Samuel J. Kaufman Please Print Name of Representative to be the representative for this application and act on my/our behalf before the Planning Board. <u>Naniela O Rodriguez</u> Signature of Owner Daniela O. Rodriguez Signature of Joint/Co-owner if applicable O. Kodriquez Please Print Name of Affiant He she is personally known to me or has as identification. presented NIKA STROBI P Notary's Signature and Seal Name of Acknowledger printed or stamped Title or Rank 676496 Commission Number (if any)



This Instrument Prepared by and Return to: JOHN M. SPOTTSWOOD, JR. SPOTTSWOOD, SPOTTSWOOD & SPOTTSWOOD 500 FLEMING STREET Key West, FL 33040

Parcel ID Number: 0006570-001040

Doc# 1543516 09/29/2005 10:03AM Filed & Recorded in Official Records of MONROE COUNTY DANNY L. KOLHAGE

> 09/29/2005 10:03AM DEED DOC STAMP CL: SG

\$5,775.00

Special Warranty Deed

Doc# 1543516 Bk# 2154 Pg# 806

This Indenture, Made this 13th day of September, 2005, A.D., Between

OLD TOWN KEY WEST DEVELOPMENT, LTD, a Florida limited partnership

of the County of Monroe, State of Florida, grantors, and ANGEL I. RODRIGUEZ and DANIELA O. RODRIGUEZ, husband and wife, and ANGEL F. RODRIGUEZ, SR., a single man, as joint tenants with right of survivorship, whose address is: 2908 Staples Avenue, Key West, FL 33040, of the County of Monroe, State of Florida, grantees

Lot 1 of Trinity Subdivision, according to the plat thereof, as recorded in Plat Book 7, at Page 72 of the Public Records of Monroe County, Florida. a/k/a 908 Trinity Drive, Unit #4, Key West, FL

SUBJECT TO THE FOLLOWING:

1

- 1. Real estate taxes and assessments for the current year and all subsequent years:
- 2. City of Key West Area of Critical State Concern, Rule 27F-15 of the Florida Administrative Code, adopted by the Administration Commission pursuant to Section 380.05, F.S., on February 7, 1984, effective February 28, 1984, recorded in Official Records Book 906, Pages 200-208, of the Public Records of Monroe County, Florida.
- 3. City Ordinance No. 81-43 and Amendment 82-5 thereof, which provides for the assessment and collection of waste in the City of Key West, Monroe County, Florida. Said assessment is not yet due and payable.
 - 4. Any outstanding city tax liens and sewer charges.
- 5. Code of Ordinances of the City of Key West, Section 74, which provides for the assessment and collection of sewer charges. Said assessment is not yet due and payable.
 - 6. Easements, or claims of easements, not shown by the public records.
- 7. Utility Easement from Holy Trinity Evangelical Lutheran Church, Inc. to The Utility Board of the City of Key West recorded on February 21, 1967, in Official Records Book 386 at Page 707 of the Public Records of Monroe County, Florida.
- Ingress/Egress Easement set forth in Warranty Deed recorded in Official Records Book 587 at Page 976 of the Public Records of Monroe County, Florida.
 - 9. Any claim to that portion of the property known as Trinity Drive by the City of Key West.

Doc# 1543516 Bk# 2154 Pe# 807

- 10. Easement as set forth in Warranty Deed recorded in Official Records Book 943 at Page 2231 of the Public Records of Monroe County, Florida, as affected by that Agreement for Termination of Easement by General Release dated February 4, 2003, by Michael Marrone and Old Town Key West Development, Ltd. recorded on February 10, 2003, in Official Records Book 1857 at Page 1279; and (Corrective) Agreement for Termination of Easement by General Release dated June 5, 2003, by Michael Marrone, III, and Old Town Key West Development, Ltd. recorded on June 6, 2003, in Official Records Book 1895 at Page 1269; and said (Corrective) Agreement for Termination of Easement by General Release dated June 5, 2003, by Michael Marrone, III, and Old Town Key West Development, Ltd., re-recorded on June 24, 2003, in Official Records Book 1901 at Page 1809; all of the Public Records of Monroe County, Florida, as depicted on that certain survey by Frederick H. Hildebrandt, dated April 22, 2004.
- 11. Terms and conditions of that certain Mutual Access Easement Agreement dated May 14, 2002, by Holy Trinity Evangelical Lutheran Church and Old Town Key West Development, Ltd. recorded on May 20, 2002, in Official Records Book 1785 at Page 2463; and Modification of Mutual Access Easement Agreement dated August 1, 2003, by Old Town Key West Development, Ltd. recorded on August 19, 2003, in Official Records Book 1922 at Page 427, both of the Public Records of Monroe County, Florida.
- 12. A 17' by 72' foot Exclusive Easement as set forth in that certain Agreement to Grant Exclusive Easement dated February 4, 2003, by Michael Marrone and Old Town Key West Development, Ltd. recorded on February 10, 2003, in Official Records Book 1857 at Page 1290; and (Corrective) Agreement to Grant Exclusive Easement dated June 5, 2003, by Michael Marrone, III, and Elizabeth Jankowski, and Old Town Key West Development, Ltd. recorded on June 6, 2003, in Official Records Book 1895 at Page 1278; said (Corrective) Agreement to Grant Exclusive Easement dated June 5, 2003, by Michael Marrone, III, and Elizabeth Jankowski, and Old Town Key West Development, Ltd. re-recorded on June 24, 2003, in Official Records Book 1901 at Page 1794; all of the Public Records of Monroe County, Florida, as depicted on that certain survey by Frederick H. Hildebrandt, dated April 22, 2004.
- 13. Easement between OLD TOWN KEY WEST DEVELOPMENT, LTD. and THE UTILITY BOARD OF THE CITY OF KEY WEST, recorded on April 7, 2004 in Official Records Book 1990, at Page 1594, of the Public Records of Monroe County, Florida.
- 14. Emergency Access Easement between HOLY TRINITY LUTHERAN EVANGELICAL CHURCH, and OLD TOWN KEY WEST DEVELOPMENT, LTD, dated May 6, 2004, and filed for record on May 17, 2004, in Official Records Book 2005 at page 441 of the Public Records of Monroe County, Florida.
- 15. Easement Agreement between OLD TOWN KEY WEST DEVELOPMENT, LTD., and CITY OF KEY WEST dated May 6, 2004, and filed for record on May 19, 2004, in Official Records Book 2005 at page 2056 of the Public Records of Monroe County, Florida.
- 16. Easement Agreement (Drainage) between OLD TOWN KEY WEST DEVELOPMENT, LTD., and CITY OF KEY WEST dated May 6, 2004, and filed for record on May 19, 2004, in Official Records Book 2005 at page 2061 of the Public Records of Monroe County, Florida.
- 17. Resolution No. 04-228 filed for record on June 21, 2004, in Official Records Book 2017 at page 2387 of the Public Records of Monroe County, Florida.
- 18. Declaration of Protective Covenants, Restrictions and Easements of THE TRINITY SUBDIVISION filed for record on August 24, 2005, in Official Records Book 2146 at page 872 of the Public Records of Monroe County, Florida.
- 19. Conditions, restrictions and easements as shown in Plat Book 7 at page 72, of the Public Records of Monroe County, Florida.

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

Doc# 1543516 Bk# 2154 Pg# 808

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

And the grantors hereby covenant with said grantees that grantors are lawfully seized of said land in fee simple; that grantors have good right and lawful authority to sell and convey said land; that grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

OLD TOWN KEY WEST DEVELOPMENT, LTD, a

Florida limited partnership

Sterling Type/Print Witness Name

STATE OF Florida **COUNTY OF Monroe**

EDWIN O. SWIFT, III, GENERAL PARTNER 201 Front Street, Ste 301 Key West, FL 33040

The foregoing instrument was acknowledged before me this 13th day of September, 2005 by EDWIN O. SWIFT, III, as General Partner of OLD TOWN KEY WEST DEVELOPMENT, LTD, a Florida Limited Partnership he is personally known to me or he has produced his Florida driver's license as identification.

S. Monsalvatge MY COMMISSION # DD156555 EXPIRES November 23, 2006 BONDED THRU TROY FAIN INSURANCE, INC

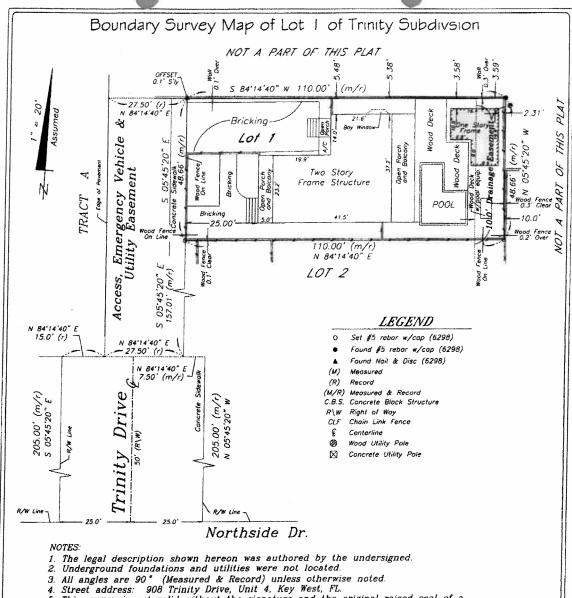
Printed Name: S. MONSACVATGE

Notary Public

My Commission Expires: 1/23/06

MONROE COUNTY OFFICIAL RECORDS





- 5. This survey is not valid without the signature and the original raised seal of a
- This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
 Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
 Bearings are assumed and derived from the plat whereas Trinity Drive is called N 05°45'20" W.
 This survey is not assignable.
 Date of field work: October 25, 2006.

- 10. Ownership of fences is undeterminable, unless otherwise noted.

BOUNDARY SURVEY OF: Lot 1 of Trinity Subdivsion, according to the plat thereof, as recorded in Plat Book 7, at Page 72 of the Public Records of Monroe County, Florida.

BOUNDARY SURVEY FOR: Angel 1. Rodriguez;

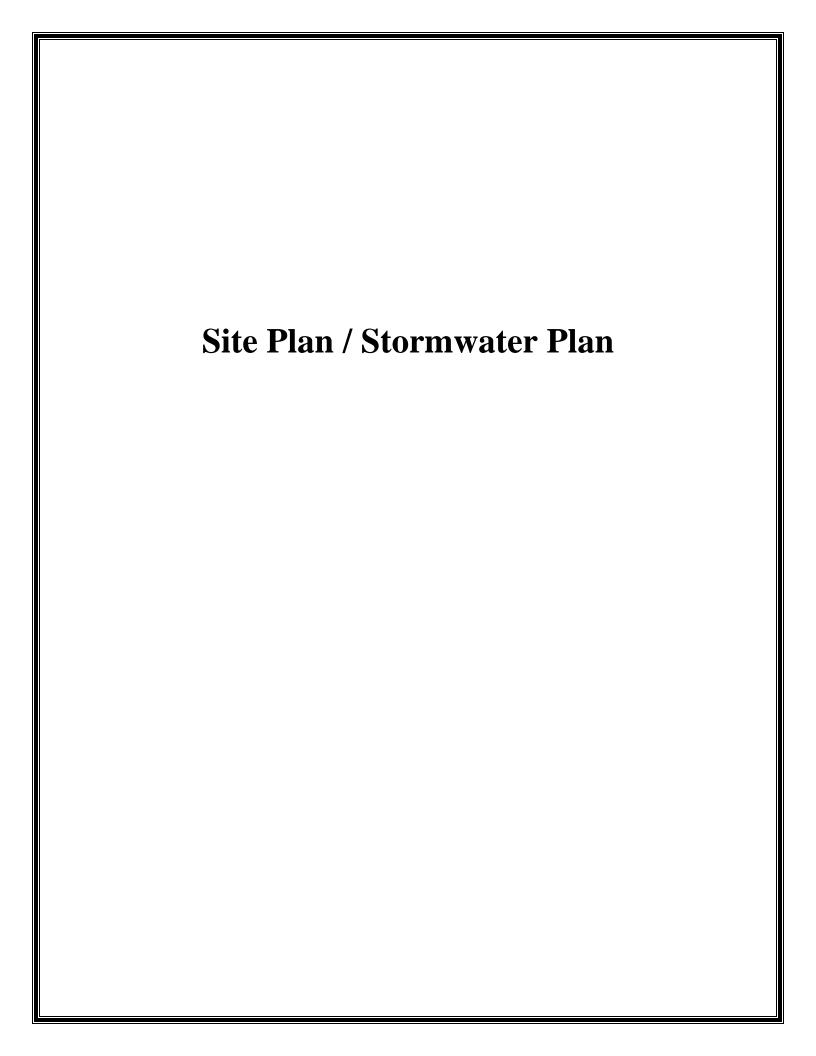
Countrywide Home Loans; Chicago Title of the Florida Keys;

O'FLYNN, INC.

ynn O'Flynn, PSM Fldrida Reg. #6298

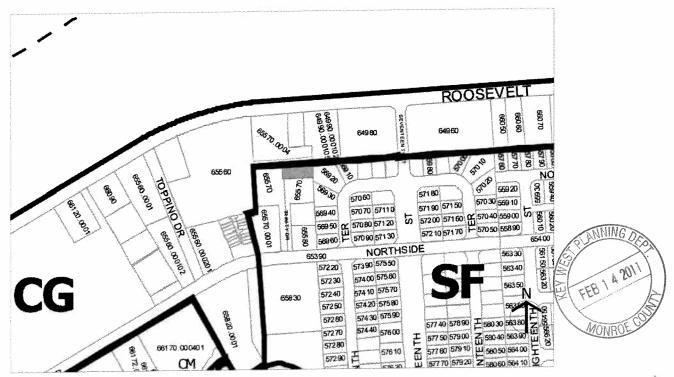
October 25, 2006

J. LYNN O'FLYNN, Inc.

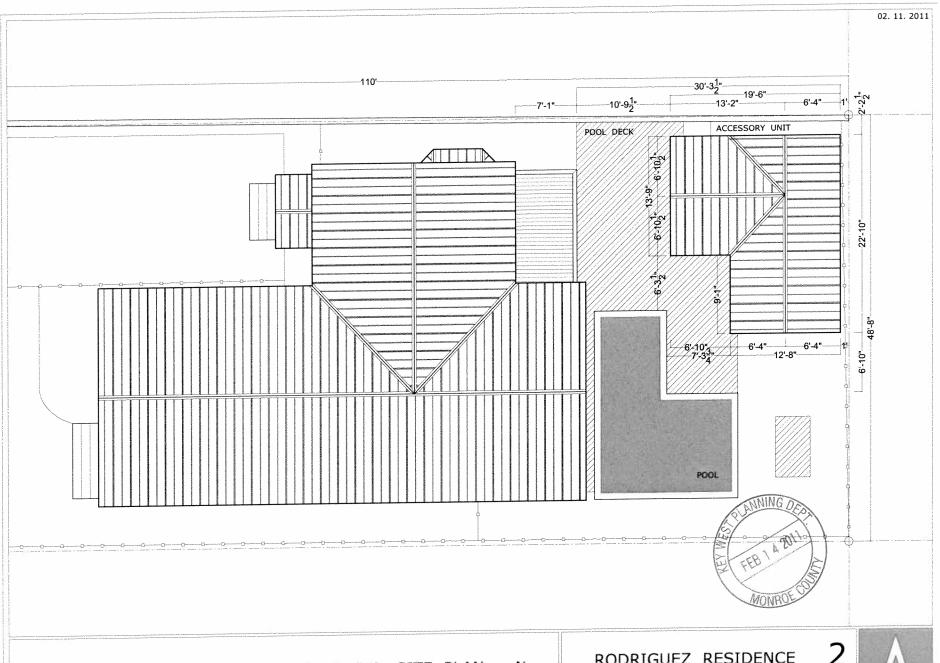


RODRIGUEZ RESIDENCE

VARIANCE PROPOSAL 908 TRINITY DRIVE KEY WEST, FLORIDA





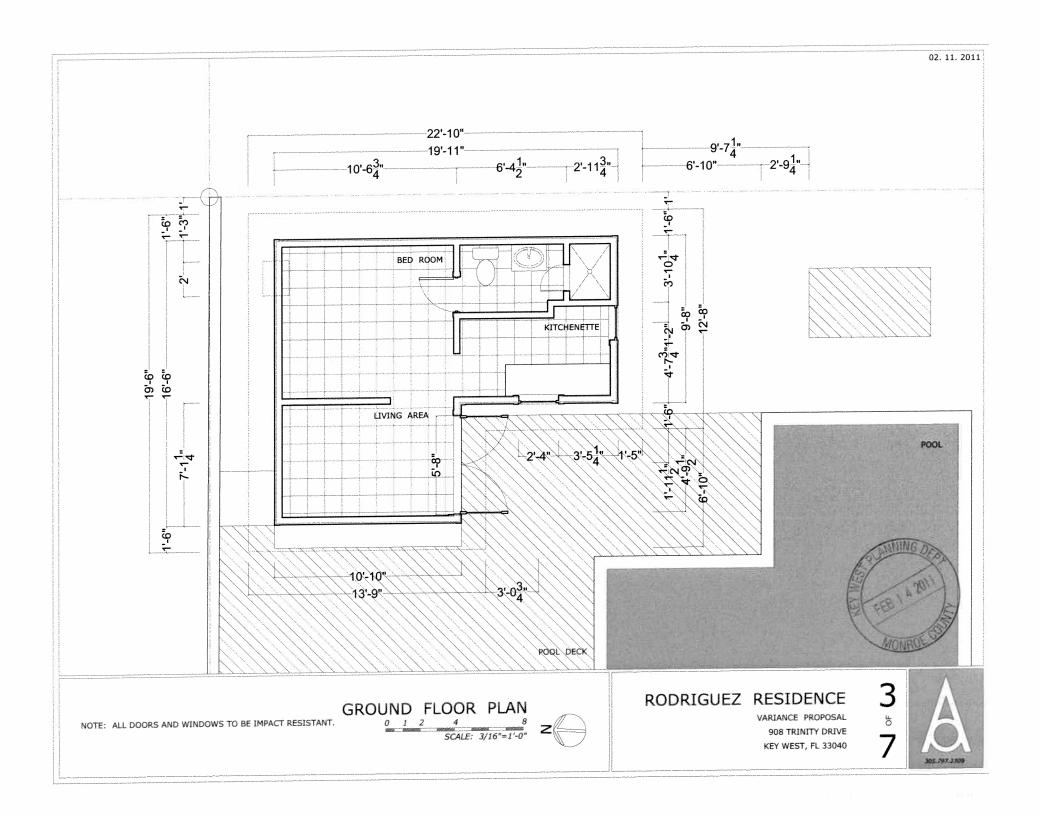


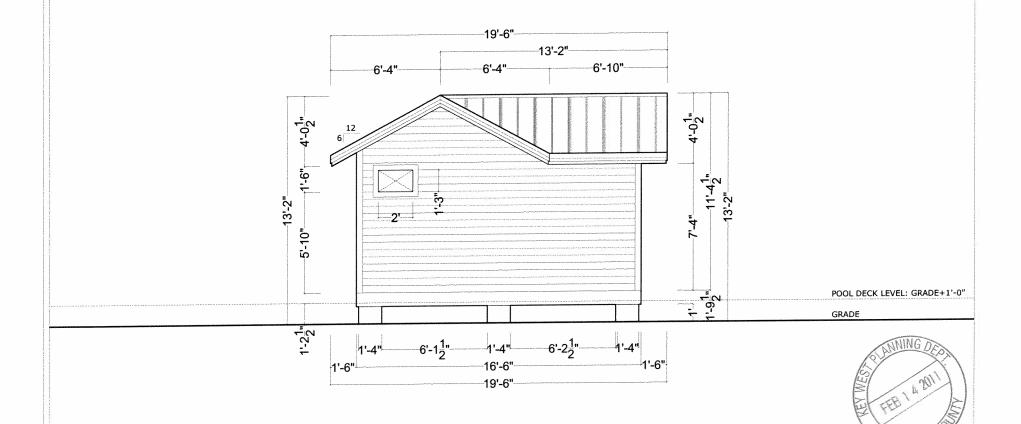
NOTE: THIS SITE PLAN WAS CREATED REFERENCING A SURVEY BY J. LYNN O'FLYNN, INC. DATED: 10.25.1006. ENLARGED SITE PLAN SCALE: 3/32"=1'-0"



RODRIGUEZ RESIDENCE

VARIANCE PROPOSAL 908 TRINITY DRIVE KEY WEST, FL 33040 5



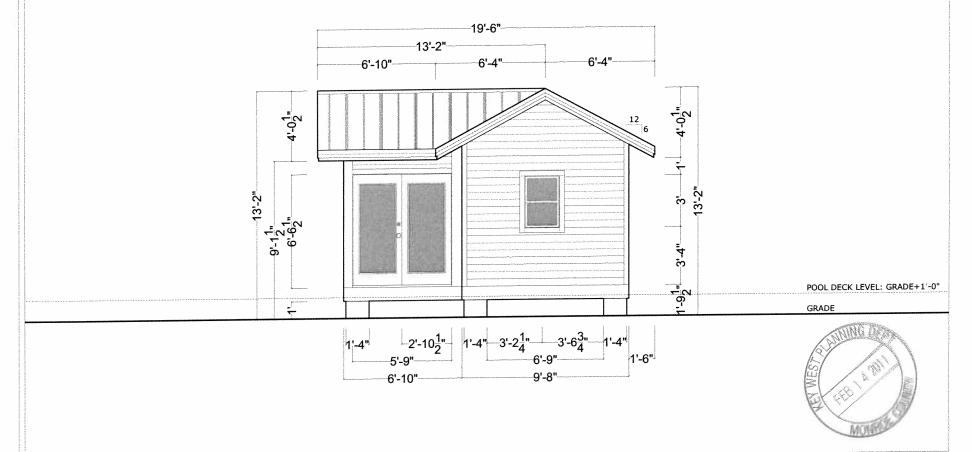




RODRIGUEZ RESIDENCE

VARIANCE PROPOSAL 908 TRINITY DRIVE KEY WEST, FL 33040





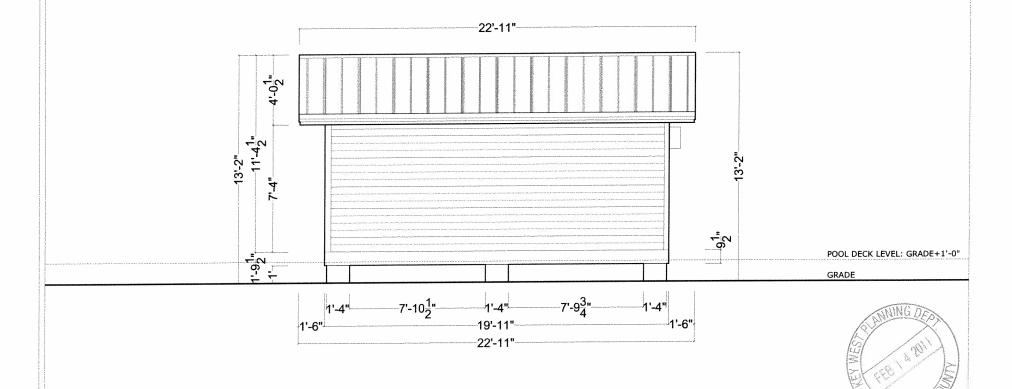
SOUTH ELEVATION

0 1 2 4 8

SCALE: 3/16"=1'-0"

RODRIGUEZ RESIDENCE

VARIANCE PROPOSAL 908 TRINITY DRIVE KEY WEST, FL 33040 5 7

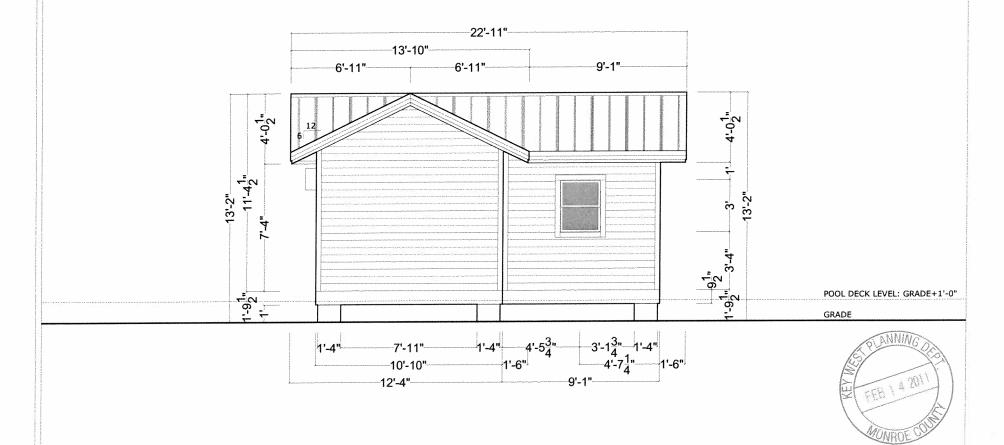




RODRIGUEZ RESIDENCE

VARIANCE PROPOSAL 908 TRINITY DRIVE KEY WEST, FL 33040

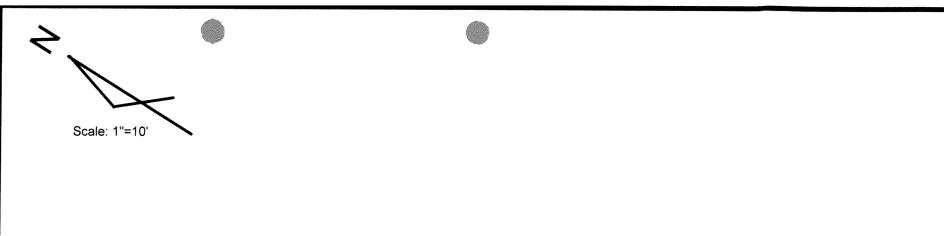






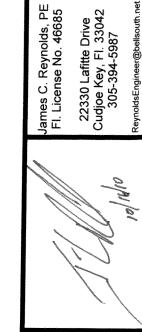
RODRIGUEZ RESIDENCE

VARIANCE PROPOSAL 908 TRINITY DRIVE KEY WEST, FL 33040 7 8



OCT 18 2010

Trinity Drive



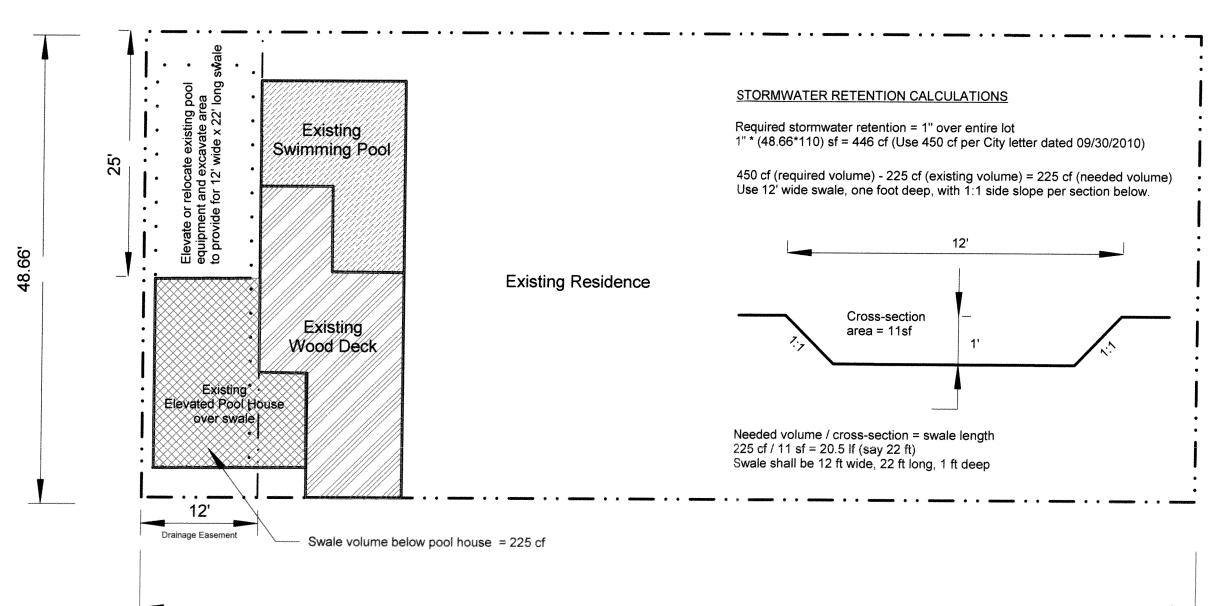
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Angel Rodriguez 908-4 Trinity Drive, Key West, Stormwater Drainage Plan for

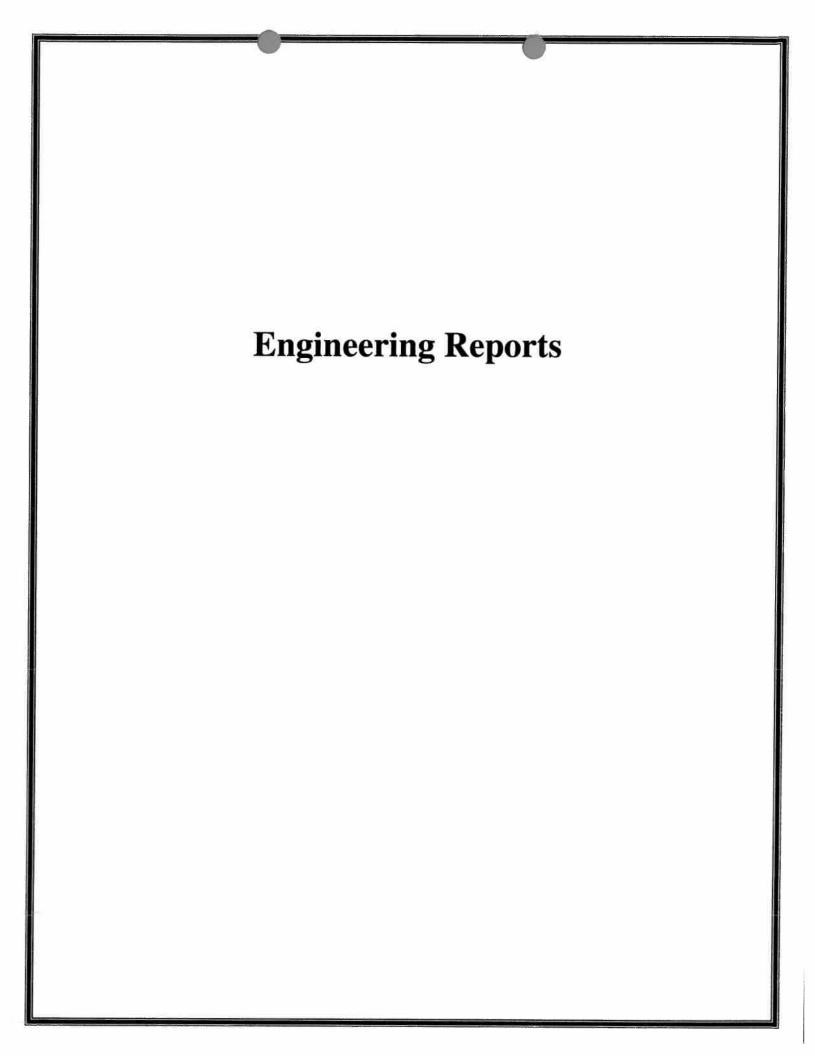
Date: 10/15/2010

Page:

1 of 1



110.0'





THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

TO:

Amy Kimball-Murley, Planning Director

FROM:

Elizabeth Ignoffo, E.I., Permits and Contracts Engineer

CC:

Doug Bradshaw, Senior Project Manager

Brendon Cunningham, Planner

DATE:

October 26, 2010

SUBJECT:

908 Trinity Drive, Unit 4: After the Fact Variances

Building Coverage and Impervious Surface Ratios for Angel Rodriguez, 908-4 Trinity Drive, Key West, dated October 23, 2010, was reviewed and the following items are noted:

- 1. Total lot area and building coverage are 5,352.6 sq ft and 1,924 sq ft, respectively. Building Coverage Ratio is 35.9%.
- 2. Impervious Coverage is incomplete. The paver walkway is not included, and approximates 210 sq ft. The wood deck, 378 sq ft, should not be included in impervious coverage. Impervious Ratio more nearly approximates 60%.
- As noted on the calculation submittal, the Impervious Coverage Ratio includes the cottage
 roof area. In accordance with the City of Key West Code of Ordinances, roofs are
 impervious surfaces that shall be included in the Impervious Coverage Ratio.

Retention volume shall be equal to 50 percent of one-inch times the lot area, 225 cubic feet.

Reconstruction of the swales adjacent to and below the cottage pool house will create 250 cu ft of dry retention volume, which will be adequate to meet the stormwater retention requirements of the City of Key West Code of Ordinances, Chapter 108, Article VIII, Stormwater and Surface Water Management.

JIM REYNOLDS, PE REYNOLDS ENGINEERING SERVICES

22330 Lafitte Rd Cudjoe Key, Fl. 33042 Phone: (305) 394–5987

ReynoldsEngineer@Bellsouth.net

October 23, 2010

Brendon Cunningham, Planner 3140 Flagler Avenue Key West, Fl. 33040

Re: 908 Trinity Drive, Unit 4: After the Fact Variance

Dear Mr. Cunningham:

Below are my determinations of the building coverage and impervious surface ratios for the referenced property:

Total lot area: $(48.66' \times 110') = 5,352.6 \text{ sf}$

Building coverage:

Residential unit: 1,663 sf Pool Cottage: 261 sf Total building coverage = 1,924 sf

Building Coverage Ratio = 1,924 sf / 5,352.6 sf = **35.9%**



Impervious Coverage:

Cottage: 261 sf
Residence: 1,663 sf
Pool: 256 sf
Wood Deck: 378 sf
Driveway: 808 sf
Total Impervious area= 3,366 sf

Impervious ratio = 3,366 sf / 5,352.6 sf = **62.9%** **

Brendon Cunningham October 23, 2010 Page 2

** The above calculation for impervious considers the cottage area in the calculation, however, the cottage is uniquely constructed above the excavated swale in the easement and therefore does not contribute runoff to an impervious area or interfere with the original drainage design intent.

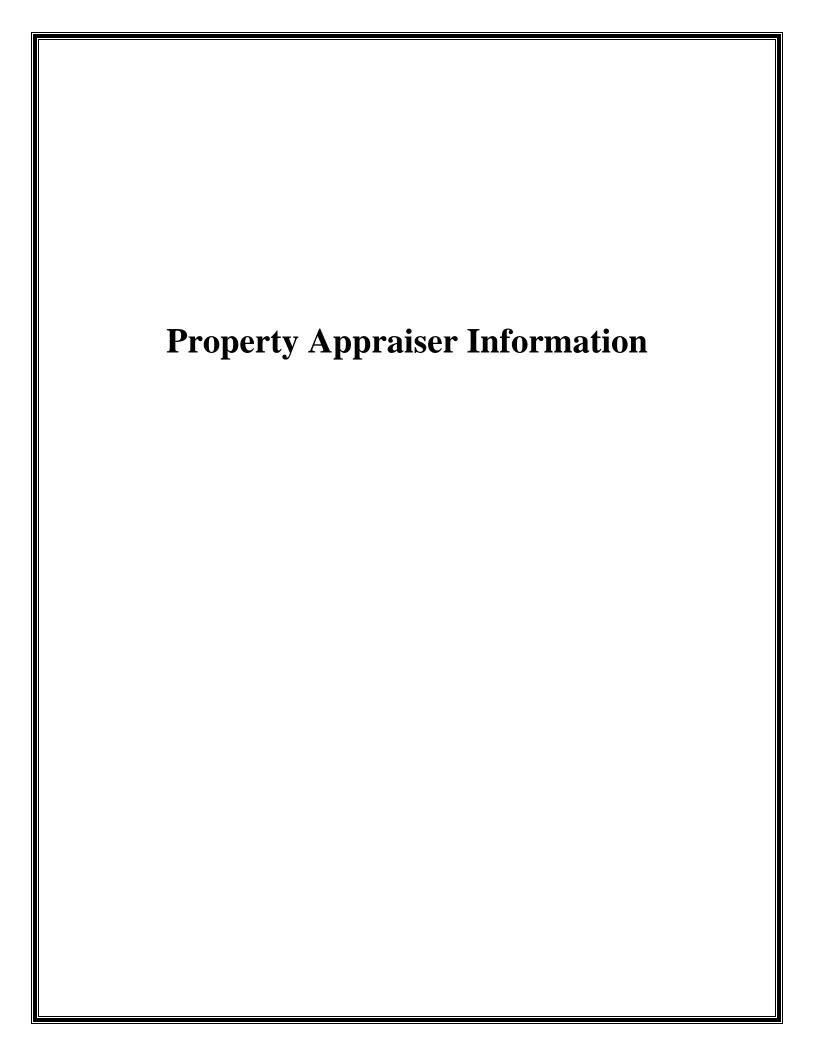
The calculation for impervious coverage without the cottage area is then:

Impervious ration w/o Cottage = (3,366 sf - 261 sf) / 5352.6 sf = 58%

Respectfully Submitted,

James C. Reynolds, PE Fla. License No. 46685 EST PLANNING OF STATE OF STATE

Cc: Angel Rodriguez



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

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

Property Record View

Alternate Key: 9075771 Parcel ID: 00065570-001010

Ownership Details

Mailing Address:

RODRIGUEZ ANGEL F SR 904 TRINITY DR UNIT 4 KEYWEST, FL 33040

All Owners:

RODRIGUEZ ANGEL I AND DANIELA O R/S, RODRIGUEZ ANGEL F SR

Property Details

PC Code: 01 - SINGLE FAMILY

Millage Group: 10KW Affordable Housing: No

Section-Township-

Range:

Property Location: 908 TRINITY DR UNIT 4 KEY WEST

Subdivision: TRINITY SUB

Legal Description: LOT 1 TRINITY SUB PB7-72 OR216-146/147 OR1785-2450 OR1922-427/430E OR2017-2387(RES NO 04-228) OR2146-872/933DEC/REST OR2154/806

Parcel Map



Exemptions

Exemption	Amount
38 - HOMESTEAD R/S	25,000.00
44 - ADDL HOMESTEAD	25,000.00

Land Details

	Land Use Code	Frontage	Depth	Land Area
- Constitution of the Cons	010D - RESIDENTIAL DRY	49	110	5,352.60 SF
Low				

Building Summary

Number of Buildings: 2

Number of Commercial Buildings: 0

Total Living Area: 2812

Year Built: 2005

Building 1 Details

Building Type R1	Condition G	Quality Grade 550
Effective Age 4	Perimeter 312	Depreciation % 3
Year Built 2005	Special Arch 0	Grnd Floor Area 2,464
Functional Obs. 0	Economic Obs 0	

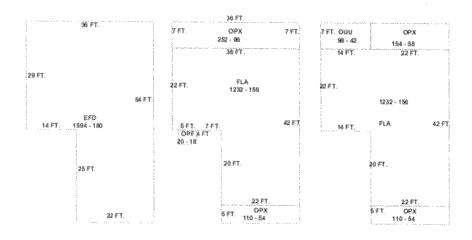
Inclusions:

R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP Roof Cover METAL Foundation CONC BLOCK Heat 1 FCD/AIR DUCTED Heat 2 Bedrooms 3 Heat Src 1 ELECTRIC Heat Src 2

Extra Features:

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



Sections:

Nbr	Туре	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	EFD	4:CONC BLOCK	1	2005		,		1,594
0	FLA	12:ABOVE AVERAGE WOOD	1	2005	Y	ved hinted einha vasta lamik menimulikuda ved porquentiinhava assa <u>guusuu vaata</u>	PPPAMA TO Excuse a transfer annument of the proposition of the first side of the secure at surange of Cabricalis	1,232
0	OPX		1	2005	N/OFFICE PROPERTY OF A RANGE CONTROL OF A COLUMN TO A	in i i sama i a filomo emprepapa prepapa proposo processo a esta alama.		110
0	OPX		1	2005		akisan na kaka na manaka kaka ka k	464.44 de districtiva de la companie	252
0	OPF		1	2005		OO MAN THE BEST OF THE STATE OF	A Control Control of An Administration and the Control of Advanced Annual Annua	20
0	OPX		1	2005			Other State (Annual Published Annual Pub	110
0	FLA	12:ABOVE AVERAGE WOOD	1	2005	Y	ne Charles and Annual Carles and Annual Carles and Annual Annual Annual Annual Annual Annual Annual Annual Annua		1,232

Г		***************************************		
0	OPX	1	2005	154
0	OUU	1	2005	
		1	2003	98

Building 2 Details

Building Type R1
Effective Age 1
Year Built 2008
Functional Obs 0

Condition G Perimeter 80 Special Arch 0

Economic Obs 0

Quality Grade 450 Depreciation % 0 Grnd Floor Area 348

Inclusions:

R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP

Roof Cover METAL

Foundation CONCRETE SLAB

Heat 1 FCD/AIR NON-DC

Heat 2 Heat Src 2

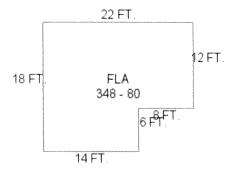
Bedrooms 0

Heat Src 1 ELECTRIC

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	Туре	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA	1:WD FRAME	1	2008	Υ			348

Misc Improvement Details

Nbr	Туре	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT2:BRICK PATIO	748 SF	17	44	2005	2006	2	50
2	FN2:FENCES	1,368 SF	228	6	2005	2006	2	30
3	FN2:FENCES	236 SF	59	4	2005	2006	2	30

1					**************			***	ANA	;
	4	PO4:RES POOL	228 SF	0	0	2006	2007	4	50	
	5	WD2:WOOD DECK	280 SF	0	0	2006	2007	2	40	
				******************************	***************************************					1

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes	
1	04-1588	03/29/2004	09/07/2005	281,700	Residential	NEW S.F.R.	
	05-4278	09/29/2005	12/15/2005	2,200	Residential	PICKET FENCE	
	05-4834	11/09/2005	05/31/2006	11,500	Residential	POOL 11 X 20	1

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	412,848	32,238	108,990	554,076	554,076	25,000	529,076
2009	393,570	32,990	359,666	786,226	786,226	0	786,226
2008	365,056	33,781	551,318	950,155	950,155	0	950,155
2007	383,347	29,403	294,393	707,143	707,143	0	707,143
2006	516,648	11,224	334,136	862,008	862,008	0	862,008
2005	0	0	243,008	243,008	243,008	0	243,008
2004	0	0	182,256	182,256	182,256	0	182,256

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
9/13/2005	2154 / 806	825,000	WD	V

This page has been visited 346,814 times.

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

Public Notices (radius map & mailing list)			
			Public Notices radius map & mailing list)

The Key West Planning Board will hold a public hearing <u>at 6:00 p.m., April 21, 2011 at Old City Hall, 510 Greene Street</u>, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

After the Fact Variances – 908 Trinity Drive #4 (RE# 00065570-001010) – A variance request for building coverage, impervious surface ratio, side, and rear setbacks in the Single Family zoning district per 122-238 (4)(a), 122-238 (4)(b)(1), 122-238 (6)(a)(2) and (3) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at www.keywestcity.com.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

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

Request: After the Fact Variances – 908 Trinity Drive #4 (RE# 00065570-001010) – A variance request for building

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nances of the City of Key West.

Applicant: Angel I. Rodriguez

Project Location: 908 Trinity Drive **Date of Hearing:** Thursday, April 21, 2011

Time of Hearing: 6:00 PM Location of Hearing: Old City Hall – City Commission Chambers, 510 Greene St

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

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

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

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m., or information on access available to individuals with disabilities. To request materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), please call 305-809-1000 for assistance.

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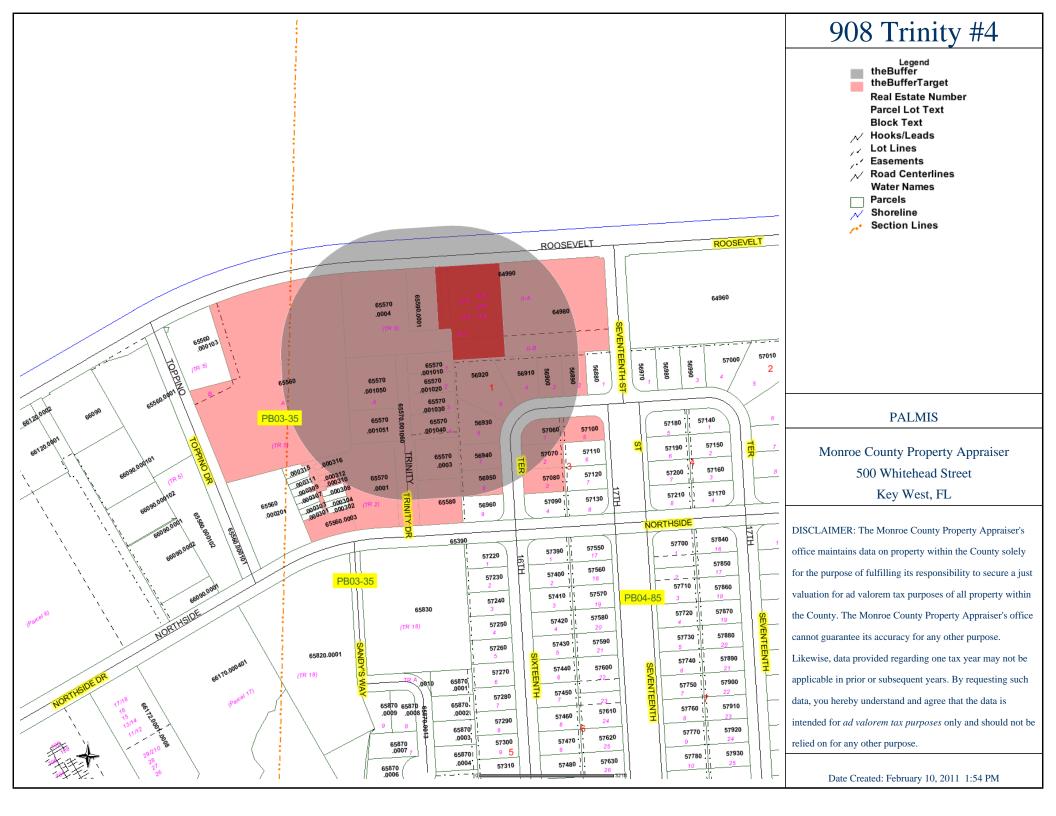
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908 Trinity - 31

ARENCIBIA PEDRO AND HEATHER L 3436 16TH TER KEY WEST, FL 33040 BOROS BRUCE L 3401 NORTHSIDE DR KEY WEST, FL 33040 CAT 1 LLC 3428 N ROOSEVELT BLVD KEY WEST, FL 33040

CHABAD OF KEY WEST 906 TRINITY DR KEY WEST, FL 33040

CHRISTIAN VELMA L 906 16TH TERRACE KEY WEST, FL 33040 908 TRINITY DR KEY WEST, FL 33040

GALVAN GEORGE L AND JEAN MARIE 3416 16TH TER KEY WEST, FL 33040 GARCIA MANUEL E AND ANITA L 30 EVERGREEN AVE KEY WEST, FL 33040 IKW BORROWER LLC 731 VIA LOMBARDY WINTER PARK, FL 32789

JAGASIA RACHNA AND KISHORE 905 16TH TER KEY WEST, FL 33040 JKH HOLDINGS LLC 1622 LAIRD ST KEY WEST, FL 33040 KAUFMAN SAMUEL J AND JULIA V 908 TRINITY DR KEY WEST, FL 33040

LIPPI ANDREW F 32 DRIFTWOOD DR KEY WEST, FL 33040 MALESKE MICHAEL J AND INGA M 907 SERENA VENEDA LN LAS VEGAS, NV 89138 MONGELLI ROBERT CHARLES DECL OF TR DTD 01/15/02 1025 SANDYS WAY KEY WEST, FL 33040

MURRAY JANET E 3385 NORTHSIDE DR KEY WEST, FL 33040 NATIONWIDE HEALTH PROPERTIES INC 3520 PIEDMONT RD NE STE 410 ATLANTA, GA 0 OSTERHOUDT WILLIAM L JR AND TAMMY L 3435 16TH TER KEY WEST, FL 33040

PARADISE COURT HOMEOWNERS'
ASSOCIATION INC
3395 NORTHSIDE DR
KEY WEST, FL 33040

ROBINSON SONIA 910 16TH TER KEY WEST, FL 33040 RODRIGUEZ ANGEL F SR 904 TRINITY DR KEY WEST, FL 33040

SAUNDERS ANDREW W JR AND HELEN 911 TRINITY DR KEY WEST, FL 33040 SAWYER NELSON A AND MARTHA C 3415 16TH TERRACE KEY WEST, FL 33040 SHATKUN BENJAMIN 1443 SE LAGACY COVE CIR STUART, FL 34997

SMITH JASON R 900 16TH TERR KEY WEST, FL 33040 SYRING MICHAEL 905 TRINITY DR KEY WEST, FL 33040 TALMAN ROBERT L 3391 NORTHSIDE DR KEY WEST, FL 33040

TRAVELKEY LLC 1000 MARKET ST PORTSMOUTH, NH 0 TRINITY SUBDIVISION HOMEOWNERS
ASSOC INC
201 FRONT ST
KEY WEST, FL 33040

VON RUSH JANIS A L/E 3387 NORTHSIDE DR KEY WEST, FL 0 WALSH JOSEPH H & CAREN W DEMENT (H/W) 909 16TH TERRACE KEY WEST, FL 33040