

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

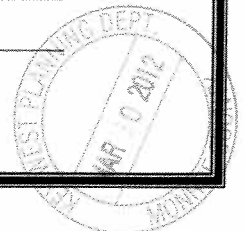


Variance Application

Please completely fill out this application and attach all necessary documents. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305-809-3720 to schedule an appointment with a Planner.

Please print or type a response to the following:

1. Site Address 1021 FLEMING STREET
2. Name of Applicant ROBERT L. DELAUNE, ARCHITECT
3. Applicant is: Owner _____ Authorized Representative X
4. Address of Applicant 619 EATON STREET, SUITE 1
KEY WEST, FL 33040
5. Phone # of Applicant 305 293 0364 Mobile# 305 304 4842
6. E-Mail Address robdelaune@bellsouth.net
7. Name of Owner, if different than above DEBORAH LIPPI
8. Address of Owner 1130 DUVAL STREET
KEY WEST, FL 33040
9. Phone # of Owner _____
10. Email Address KWLoaches@hotmail.com
11. Zoning District of Parcel HMDR RE# 00005060-000
12. Description of Proposed Construction, Development, and Use
RENOVATION OF HISTORIC STRUCTURE IN
EXCESS OF 40% OF CURRENT VALUE
(NOTE: EXISTING FRONT YARD SETBACK
NOT COMPLIANCE)
13. List and describe the specific variance(s) being requested:
3.5' FRONT YARD SETBACK (FROM
10' REQUIRED SETBACK).



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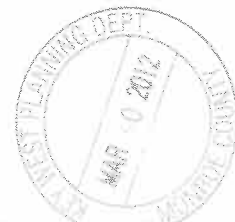


14. Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R provide square footages and percentages.

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	HMDR			
Flood Zone	AE-U			
Size of Site	4650 S.F.			
Height	35'	21.5'	21.5'	N/A
Front Setback	10'	3.5'	3.5'	3.5'
Side Setback	5'	12.5'	12.5'	N/A
Side Setback	5'	7.75'	7.75'	N/A
Street Side Setback	-	-	-	-
Rear Setback	15'	48'	48'	N/A
F.A.R	N/A	-	-	-
Building Coverage	1802 (40%)	1540 (33%)	1540 (33%)	N/A
Impervious Surface	2794 (60%)	2205 (47%)	2205 (47%)	N/A
Parking	1 SPACE	1 SPACE	1 SPACE	N/A
Handicap Parking	N/A	-	-	-
Bicycle Parking	N/A	-	-	-
Open Space/ Landscaping	N/A	-	-	-
Number and type of units	(1) NON-TRANSIENT	(1) NON-TRANSIENT	(1) NON-TRANSIENT	N/A
Consumption Area or Number of seats	N/A	-	-	-

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

Meeting Date 3/28/12 HARC Approval # H12-01-343



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

17. Will the work be within the dripline (canopy) of any tree on or off the property?

YES _____ NO

If yes, provide date of landscape approval, and attach a copy of such approval.

This application is pursuant to Section 106-51 & 52 City of Key West Land Development Regulations.

If the applicant would like additional information, electronic version of the City's Code of Ordinances can be found either through www.keywestcity.com, Planning Department archives or at www.municode.com. Once there, search Online Library/Florida/Key West/Chapter 122.

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



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Standards for Considering Variances

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

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

THIS IS A UNIQUE HISTORIC STRUCTURE. ITS CIRCUMSTANCES ARE THEREFORE NOT APPLICABLE TO OTHER PROPERTIES IN THE DISTRICT.

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

SINCE THE NON-COMPLIANCE IS EXISTING AND HISTORIC IN ITS ORIGINS, IT IS IN NO WAY THE RESULT OF ACTION OR NEGLIGENCE ON THE PART OF THE OWNER OR 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.

SINCE SIMILAR NON-COMPLIANCES ABOUND IN THE DISTRICT, NO SPECIAL PRIVILEGE WILL BE CONFERRED.



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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.

SINCE LOCAL & FEDERAL REGULATIONS DO NOT ALLOW MODIFICATION OF THE STRUCTURE IN A WAY THAT WOULD CURE THE NON-COMPLIANCE, LITERAL INTERPRETATION WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED IN THE DISTRICT.

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.

THE APPLICATION DOES NOT SEEM TO EXPAND THE STRUCTURE OR THE NON-~~CONFORMITY~~ CONFORMITY IN ANY WAY. IT IS THE MINIMUM VARIANCE REQUIRED TO CURE THE PRE-EXISTING NON-CONFORMITY.

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 APPLICATION SEEKS MERELY TO MAINTAIN THE STATUS QUO; IT WILL THEREFORE NOT BE INJURIOUS OR DETRIMENTAL TO THE PUBLIC INTEREST OR WELFARE.



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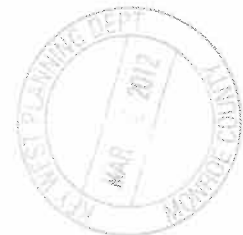


7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered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

NO NON-CONFLICTS OF OTHER PROPERTIES
ARE CITED AS JUSTIFICATION OF THIS
APPLICATION.

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

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



Verification Form

**City of Key West
Planning Department**



Verification Form

(Where Authorized Representative is an individual)

I, ROBERT L. DELAUNE 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:

1021 FLEMING STREET
Street address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

Robert L. Delaune
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 29 MARCH 2012 by
date

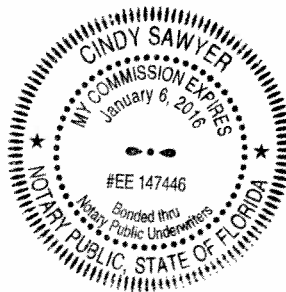
ROBERT L. DELAUNE
Name of Authorized Representative

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

Cindy Sawyer
Notary's Signature and Seal

Cindy Sawyer
Name of Acknowledger typed, printed or stamped

EE147446
Commission Number, if any



Authorization Form

**City of Key West
Planning Department**



Authorization Form
(Individual Owner)

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

I, Deborah E. Lippi authorize
Please Print Name(s) of Owner(s) (as appears on the deed)

Robert DeLaune
Please Print Name of Representative

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

Deborah Lippi
Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this March 29th 2012 by
date

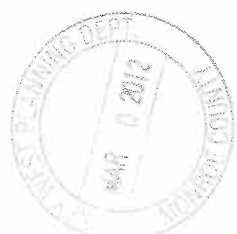
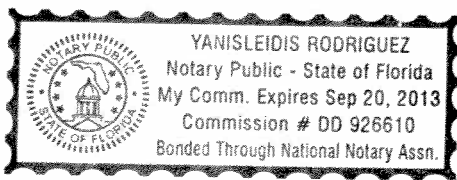
Deborah E Lippi
Name of Authorized Representative

He/She is personally known to me or has presented FDAL10016868280 as identification.

[Signature]
Notary's Signature and Seal

Yanisleidis Rodriguez
Name of Acknowledger typed, printed or stamped

DD 926610
Commission Number, if any



Deed

Return to (via enclosed envelope)
North American Title Company
9115 Corsea Del Fontana Way, Suite 200
Naples, Florida 34109

Doc# 1810772 10/25/2010 4:18PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Prepared under the supervision of
David Traniello, Esq.
7 Kimball Lane
Building A, Suite 6
Lynnfield, MA 01940

10/25/2010 4:18PM
DEED DOC STAMP CL: TRINA \$2,800.00

Property Appraiser's Folio No.:
00005060-000000

Doc# 1810772
Bk# 2489 Pg# 39

11614-10-00907H1

SPECIAL WARRANTY DEED

(Wherever 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)

This Warranty Deed made this 22 day of October, 2010 by Bank of America, N.A., and having its principal place of business at 7255 Baymeadows Way, Jacksonville, FL 32256, hereinafter called the grantor(s), to Deborah Lippi, a single woman, whose post office address is 1130 Duval St. Apt. 1, Key West, FL 33040, hereinafter called the grantee(s):

WITNESSETH: That grantor, for and in consideration of the sum of \$10.00 (ten) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto grantee all that certain land situate in Monroe County, State of Florida, viz:

On the Island of Key West and is part of Lot 1, of Square 32, according to William A. Whitehead's Map of the said Island delineated in February, A.D. 1829; commencing at a point 97 feet from the corner of Fleming Street and Frances Street, and running thence along Fleming Street in a Southwesterly direction 48 feet and 6 inches; thence at right angles in a Northwesterly direction 96 feet; thence at right angles in a Northeasterly direction 48 feet and 6 inches; thence at right angles in a Southeasterly direction 96 feet out to Fleming Street to the point of beginning.

SUBJECT TO: covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2010 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with and 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 claiming by, through or under the said grantor.



IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
First Witness Signature

Carolyn K. Cloud
Printed Signature

[Signature]
Second Witness Signature

Richard Dodd
Printed Signature

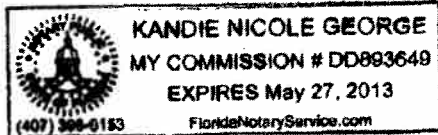
Printed Signature

STATE OF: FL
COUNTY OF: Duval

Bank of America, N.A.

BY: [Signature]

PERSONALLY APPEARED BEFORE ME the undersigned authority in and for the aforesaid county and state, on this the 5 of October, 2010, within my jurisdiction, the within named Molly Schenck, who acknowledged to me that (s)he is the vice President of JPMorgan Chase Bank NA a corporation created under the laws of the United States of America, and that for and on behalf of The Company and as its acts and deed (s)he executed the above and foregoing instrument, after first having been duly authorized by The Company to do so.



[Signature]
NOTARY PUBLIC, State of FL at Large
Print Notary Name: Kandie George
My Commission Expires: _____

MONROE COUNTY
OFFICIAL RECORDS

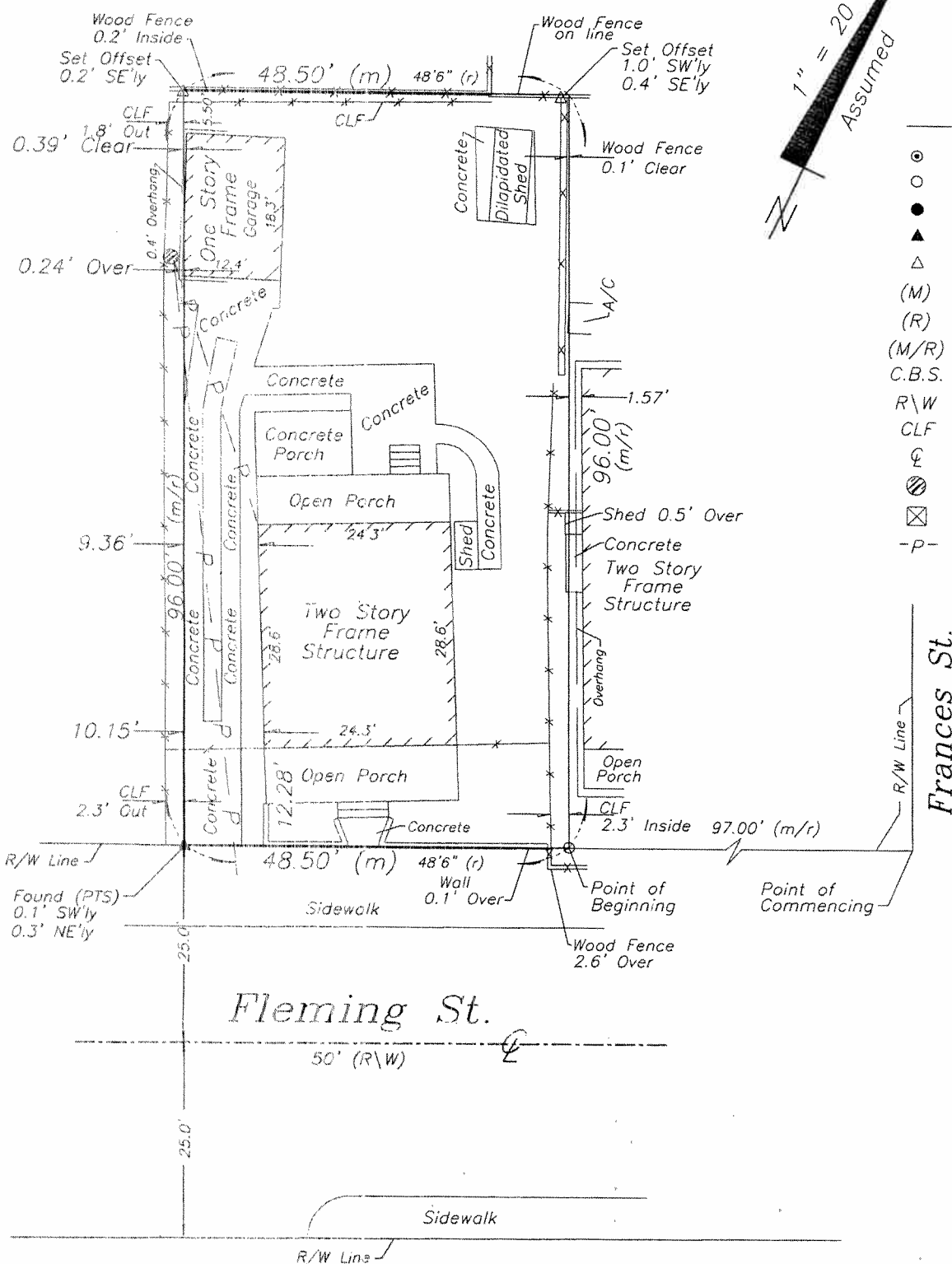
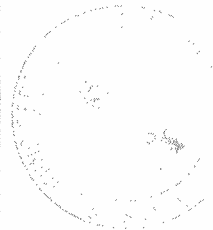


Survey

1021 Fleming St.

Fogarty

Boundary Survey Map of part of Lot 1, Square 32, Island of Key West



LEGEND

- Found 2" Iron Pipe (Fence Post)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (2863)
- ▲ Found Nail & Disc (PTS)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines

- NOTES:**
1. The legal description shown hereon was furnished by the client or their agent.
 2. Underground foundations and utilities were not located.
 3. All angles are 90° (Measured & Record) unless otherwise noted.
 4. Street address: 1021 Fleming 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 7, 2010.
 9. Ownership of fences is undeterminable, unless otherwise noted.
 10. Adjoiners are not furnished.

BOUNDARY SURVEY OF: On the Island of Key West and is part of Lot 1, Square 32, according to William A. Whitehead's Map of the said Island delineated in February, A.D. 1829; commencing at a point 97 feet from the corner of Fleming Street and Frances Street, and running thence along Fleming Street in a Southwesterly direction 48 feet and 6 inches; thence at right angles in a Northwesterly direction 96 feet; thence at right angles in a Northeasterly direction 48 feet and 6 inches; thence at right angles in a Southeasterly direction 96 feet out to Fleming Street to the Point of Beginning.

BOUNDARY SURVEY FOR: Deborah E. Lippi;

J. LYNN O'FLYNN, INC.

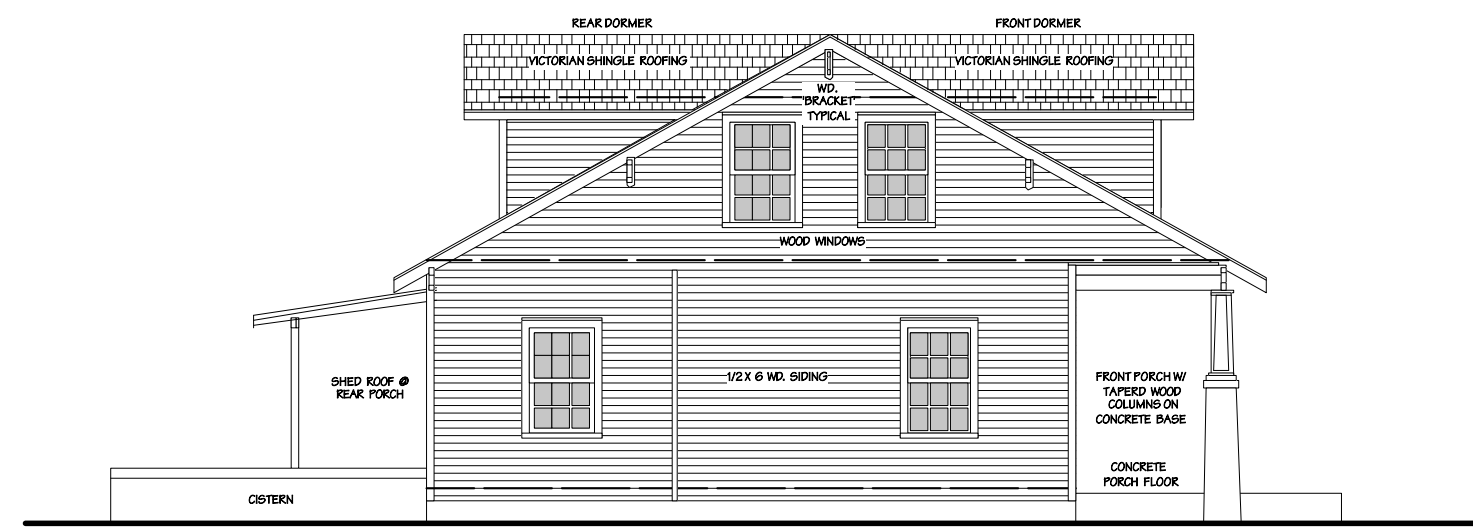
J. Lynn O'Flynn, PSM
Florida Reg. #6298

October 8, 2010

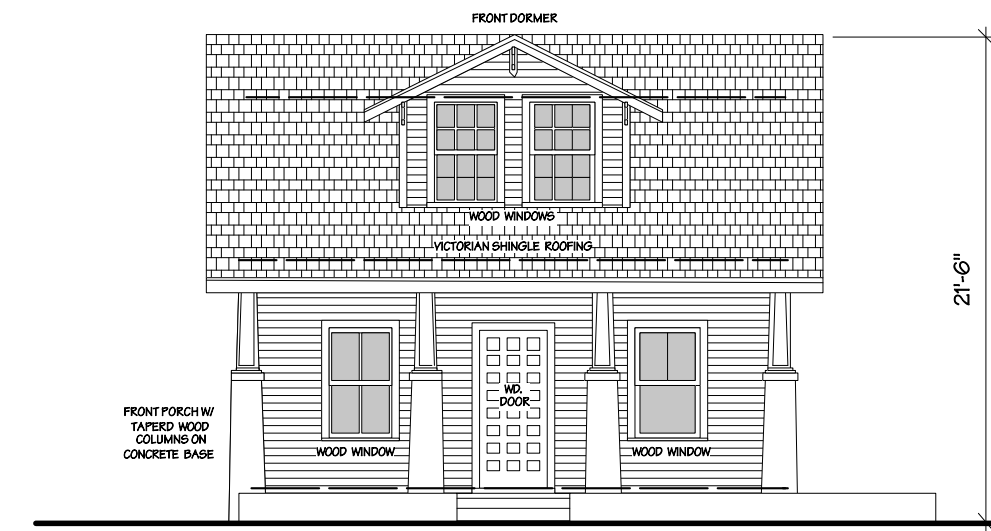
THIS SURVEY
IS NOT
ASSIGNABLE

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

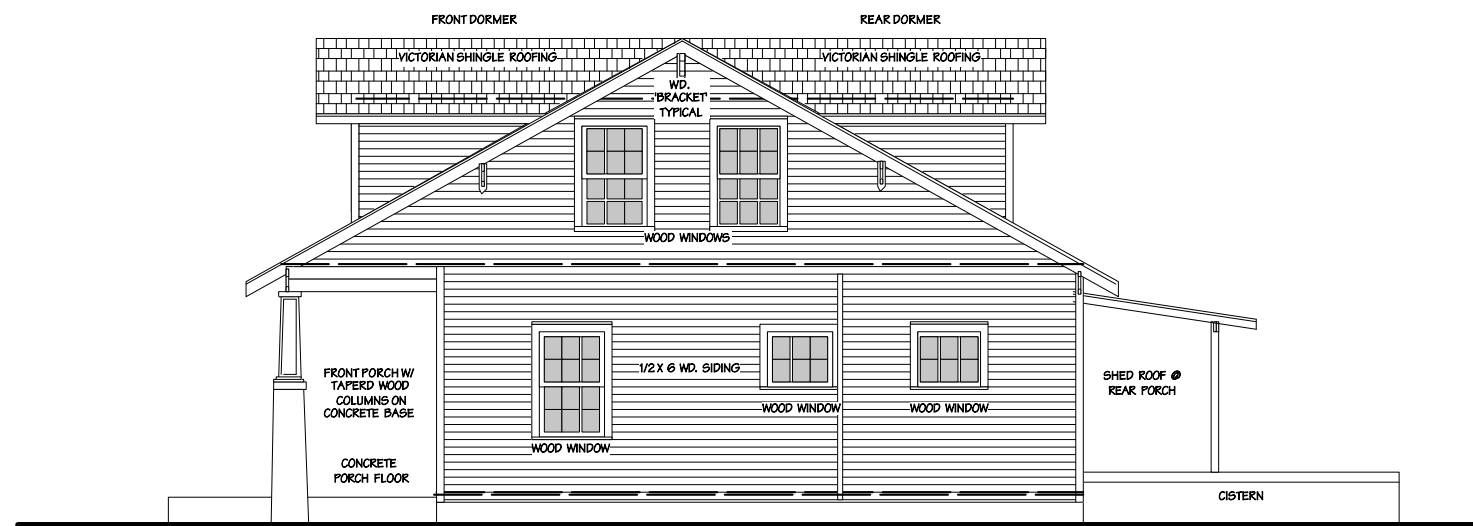
Site Plans



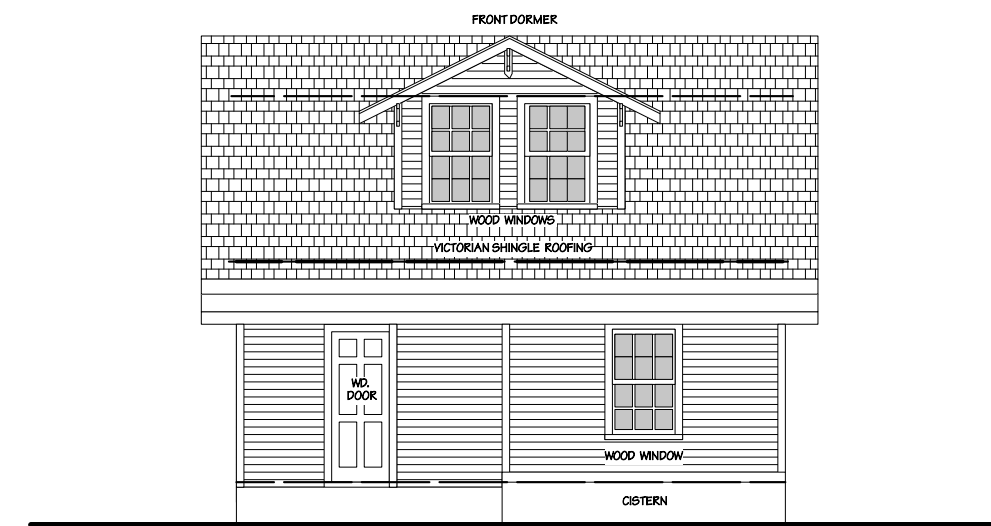
EXISTING LEFT (WEST) ELEVATION
scale: 1/8"=1'-0"



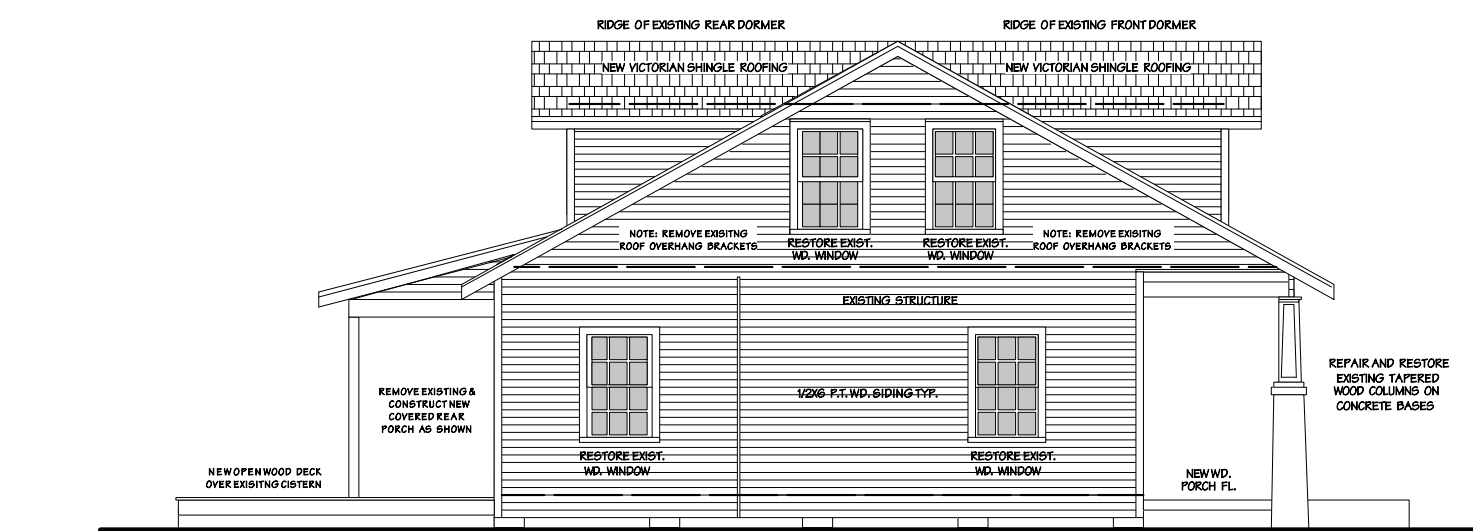
EXISTING FRONT (SOUTH) ELEVATION
scale: 1/8"=1'-0"



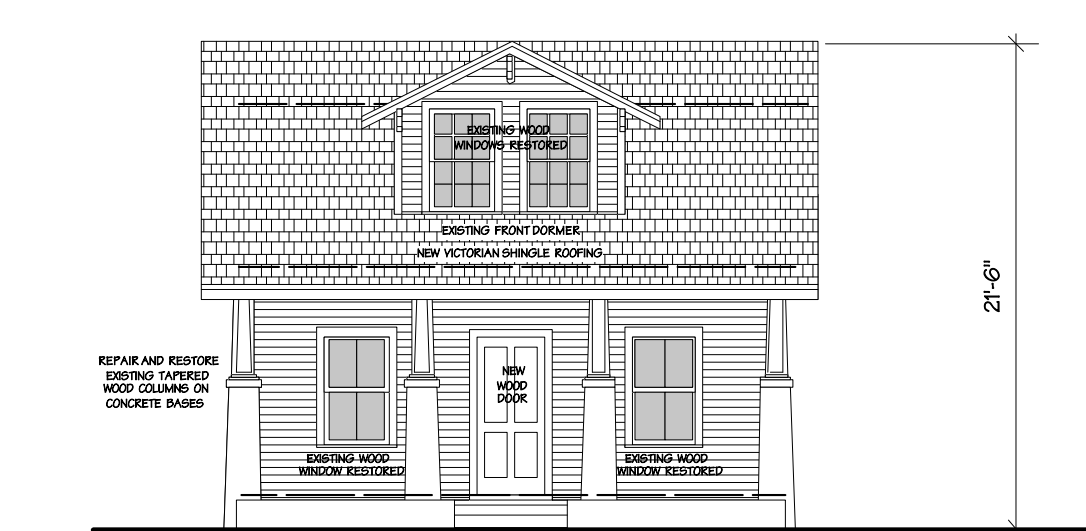
EXISTING RIGHT (EAST) ELEVATION
scale: 1/8"=1'-0"



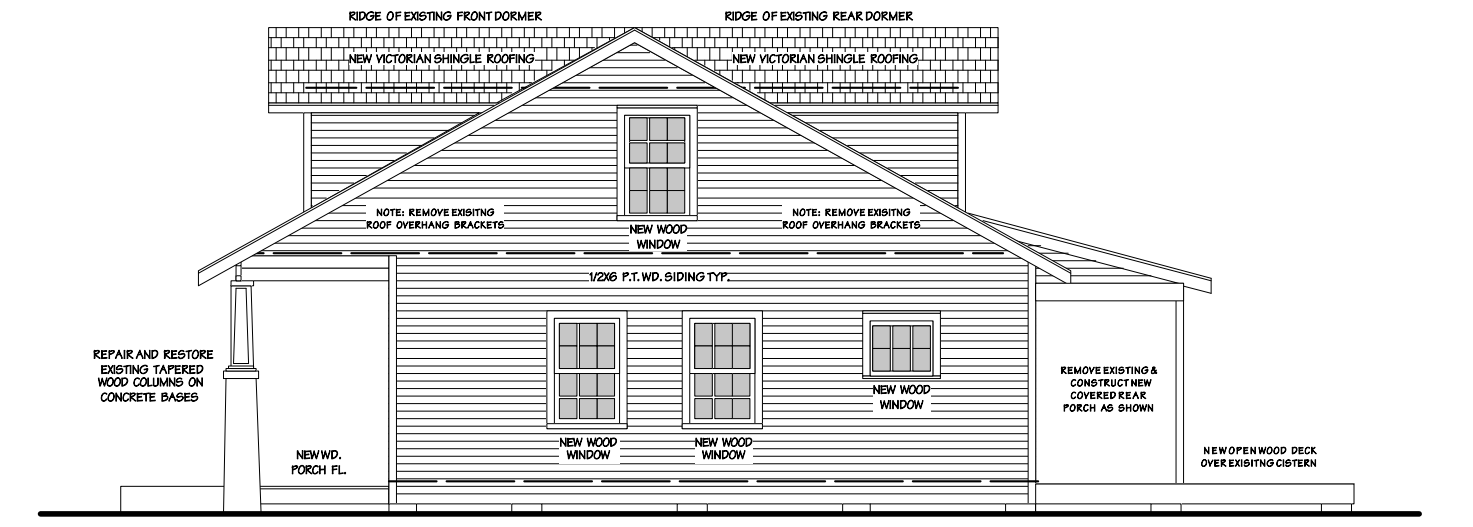
EXISTING REAR (NORTH) ELEVATION
scale: 1/8"=1'-0"



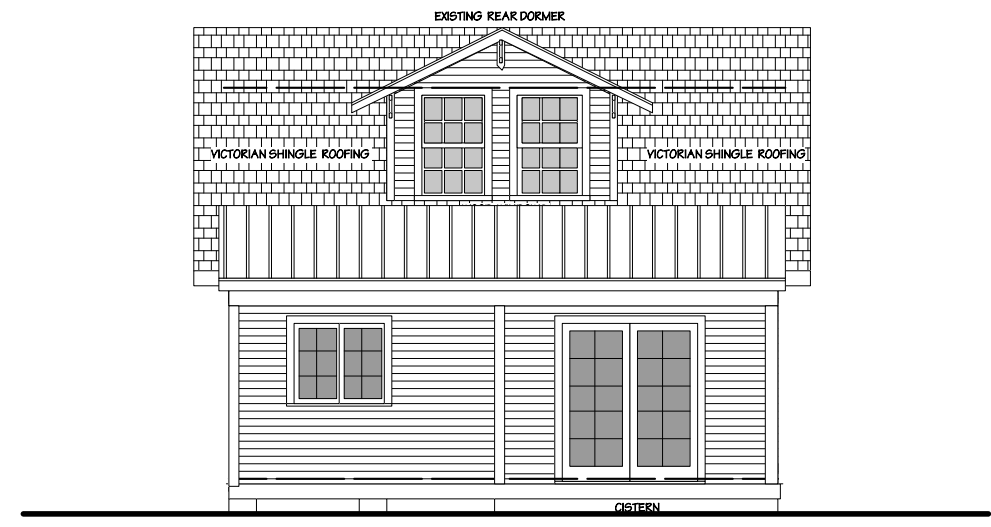
PROPOSED LEFT (WEST) ELEVATION
scale: 1/8"=1'-0"



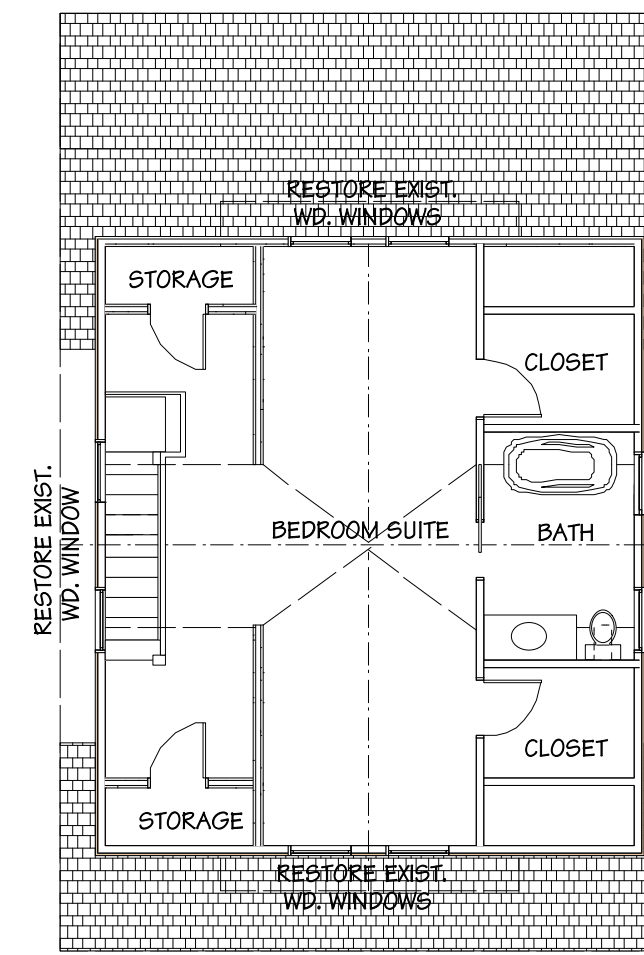
PROPOSED FRONT (SOUTH) ELEVATION
scale: 1/8"=1'-0"



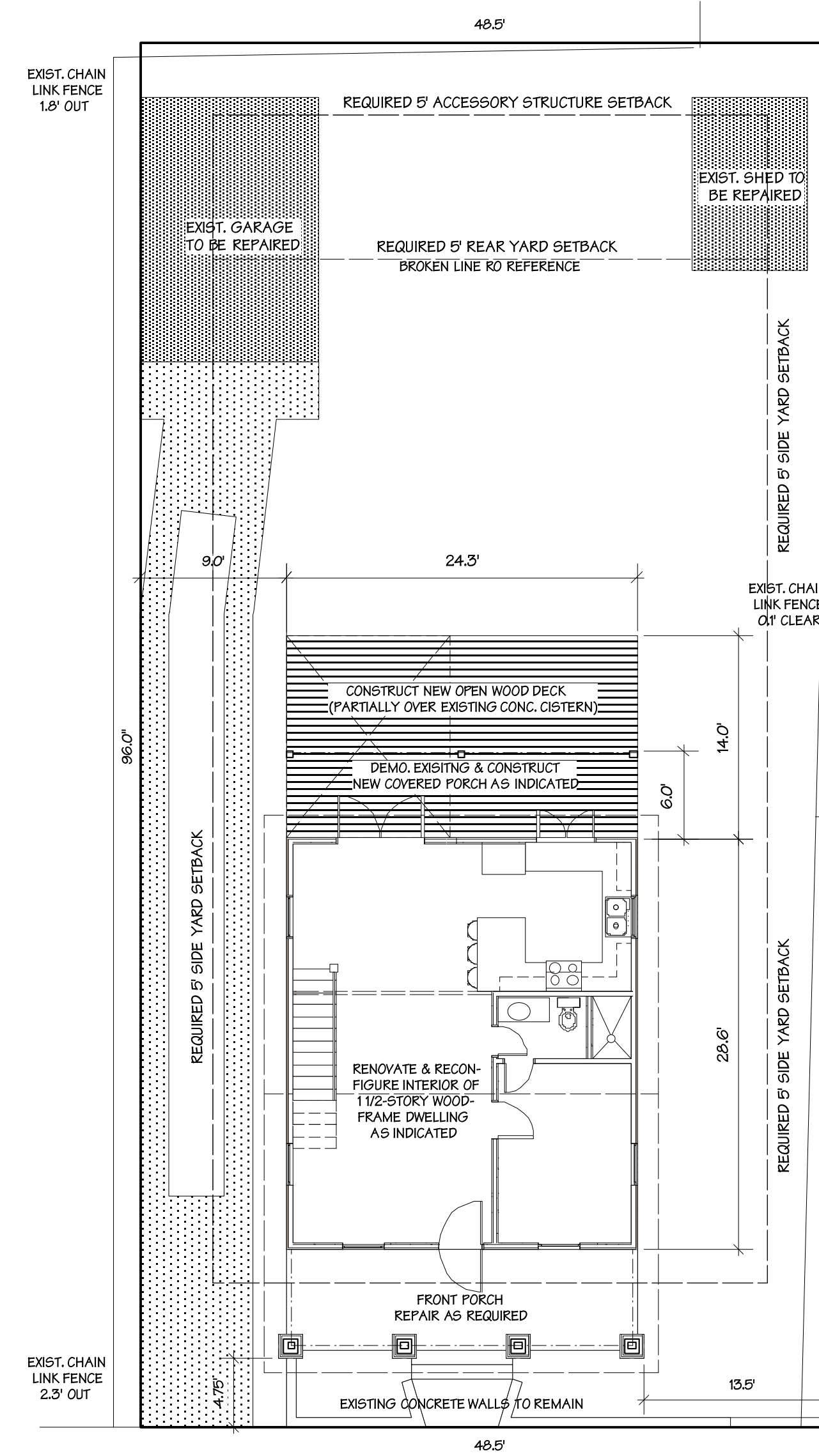
PROPOSED RIGHT (EAST) ELEVATION
scale: 1/8"=1'-0"



PROPOSED REAR (NORTH) ELEVATION
scale: 1/8"=1'-0"

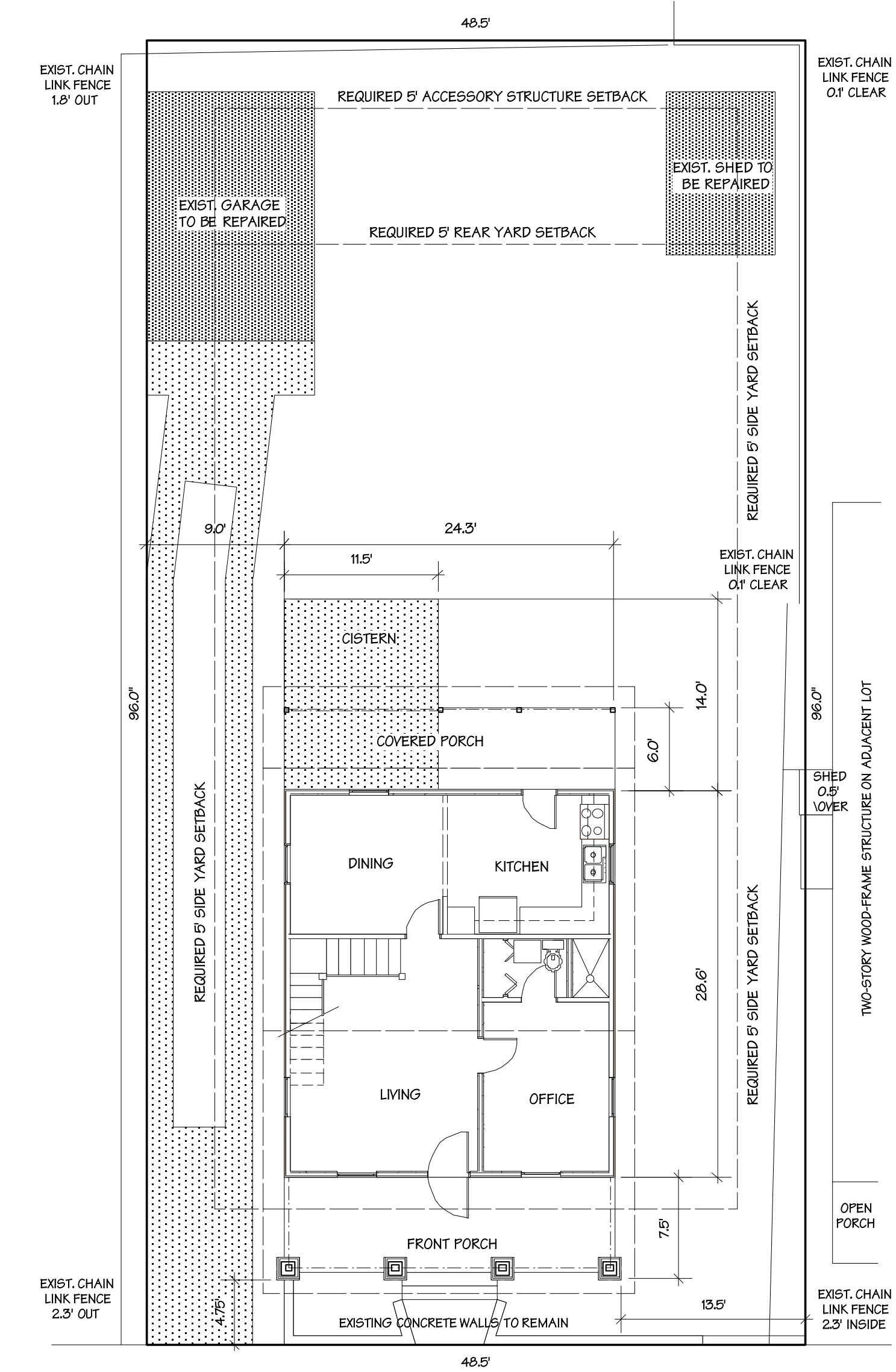


PROPOSED SECOND FLOOR PLAN
scale: 1/8"=1'-0"



EXISTING CONCRETE SIDEWALK

PROPOSED SITE PLAN
scale: 1/8"=1'-0"



EXISTING CONCRETE SIDEWALK

EXISTING SITE PLAN
scale: 1/8"=1'-0"

SITE DATA:

LOT AREA: 4666 S.F.

LAND USE DISTRICT: HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR)

FEMA FLOOD ZONE: AEG (EXISTING FLOOR ELEVATION 6.8')

	ALLOWED	EXISTING	PROPOSED
BUILDING COVERAGE: (INCLUDING ROOF O/H)	1862 S.F. (40%)	1540 S.F. (33%)	UNCHANGED
IMPERV. SURFACE RATIO: (INCLUDING ROOF O/H)	2794 S.F. (60%)	2205 S.F. (47%)	UNCHANGED
SETBACKS (PRIMARY STRUCTURE, TO ROOF OVERHANG):			
FRONT	10'	3.5'	NO CHANGE
R. SIDE	5'	12.5'	NO CHANGE
L. SIDE	5'	7.75'	NO CHANGE
REAR	15'	48'	NO CHANGE
SETBACKS (ACCESSORY STRUCTURES):			
FRONT	N/A	N/A	NO CHANGE
R. SIDE	5'	2'	NO CHANGE
L. SIDE	5'	ZERO	NO CHANGE
REAR	5'	4'	NO CHANGE
ACCESSORY STRUCTURE REAR YARD COVERAGE:	30%	17%	NO CHANGE
HEIGHT:	35'	21.5' +/-	NO CHANGE

SITE DRAINAGE CALCULATIONS

NO INCREASE IN IMPERVIOUS COVERAGE IS PROPOSED; THEREFORE, NO NEW DRAINAGE STRUCTURES ARE REQUIRED.



renovations & additions to
 1021 FLEMING STREET
 KEY WEST, FLORIDA

Robert L. Delaune, Architect, p.a.
 619 Eaton Street, Suite 1, Key West, FL 33040
 ph/fax: (305) 293-0364 FL Lic. #AA0003594