

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

From: Brendon Cunningham

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: November 29, 2012

Agenda Item: **Variations – 1304 Truman Avenue (RE# 00033890-000000)** - A variance request for building coverage, impervious surface ratio and rear-yard setback requirements in the HPS zoning district per Section 122- 960 (4) a. & b. and (6) c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: To allow variations for the installation of a generator that will exceed allowed building coverage and impervious surface requirements and will be located in the rear-yard setback.

Applicant: Bender and Associates, Architects

Property Owner: Wesley House Family Services

Location: 1304 Truman Avenue, RE# 00033890-000000

Zoning: Historic Public Services (HPS) Zoning District



Background:

Wesley House, a non-profit organization, receives funding for a children’s program. One of the requirements for receiving these monies is that there be an alternate source of power during emergency power outages. The property is in a historic district and the building is listed as contributing. The applicant would like to place the generator in an area that is not readily visible from the right-of-way. Additionally, there are several mature canopy trees in the vicinity. The building itself is non-conforming to building coverage, impervious surface ratio, side and rear-yard setbacks. While the building will not be altered due to this application, the placement of the generator represents an increase to legal non-conformities.

Request:

This variance request is for the installation of a back-up generator for emergency power during storm events and general outages. The location is at the rear of the building in the required rear-yard setback. There will be a slight increase to building coverage and impervious surface ratio.

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

HPS District Dimensional Requirements: Section 122-960			
	Zoning Regulations	Existing Conditions	Proposed Changes
Rear	20’	0’- 7.9’	No Change*
Building Coverage	40% Maximum	44.7%	44.9%
Impervious Surface	50% Maximum	50%	50.3%

*The existing building is not changed by this application.

Process:

Development Review Committee Meeting:

August 23, 2012

Planning Board Meeting:

November 29, 2012

HARC:

December 11, 2012, pending

Analysis – Evaluation for Compliance With The Land Development Regulations:

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-yard setback requirements in the HPS zoning district, as well as to overall building coverage and impervious surface requirements. The applicant, a non-profit organization, due to funding-source requirements needs to install an emergency generator. The only location that is both hidden from view and does not conflict with the root system of several trees is immediately behind the building on the property line.

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

The proposed location of the generator was selected by the applicant based on the desire to preserve the existing trees by not disrupting root systems on the site.

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.**

There are other areas on the property that could accommodate the generator. However, root systems of several trees would be disrupted and/or damaged.

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 is not deprived of rights commonly enjoyed by other properties without the variance approval. However, the generator is required by the agency funding-source.

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.

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.**

The applicant has been in contact with adjacent property owners.

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 a Certificate of Elevation be provided to confirm that the support structure meets FEMA base flood elevation requirements.

**Draft
Resolution**

**PLANNING BOARD
RESOLUTION No. 2012-**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD FOR VARIANCE
APPROVAL FOR PROPERTY LOCATED AT
1304 TRUMAN AVENUE (RE#00033890-000000)
IN THE HISTORIC PUBLIC SERVICE ZONING
DISTRICT, PER SECTION 122-960 (4) a. & b.
BUILDING COVERAGE AND IMPERVIOUS
SURFACE RATIO AND SECTION 122-960 (6) c.
REAR-YARD SETBACK REQUIREMENTS OF
THE LAND DEVELOPMENT REGULATIONS
OF THE CODE OF ORDINANCES OF THE
CITY OF KEY WEST.**

WHEREAS, Section 122-960 (4) a. & b. and Section 122-960 (6) c. of the Code of Ordinances provides that the maximum building coverage is 40% and maximum impervious surface ratio is 50% and the minimum allowed rear-yard setback shall be 20 feet; and

WHEREAS, the applicant requested variances to the existing building coverage and impervious surface ratio and to the existing rear-yard setback; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on November 29, 2012; and

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

_____ 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 variances 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 variances will

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 variances, 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 variances 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. An approval by resolution of the Key West Planning Board for variances to allow the installation of a back-up generator per plans received July 24, 2012, on property located at 1304 Truman Avenue (RE# 00033890-000000) in the HPS zoning district per Sections 122-960 (4) a. & b.

_____ Chairman
_____ Planning Director

and 122-960(6) c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Section 3. It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or 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 fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the 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.

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 Economic Opportunity. 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 DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO 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 29th day of November, 2012.

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

Richard Klitenick
Planning Board Chairman

_____ Date

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Resolution Number 2012-

_____ Chairman

_____ Planning Director

Attest:

Donald Leland Craig, AICP, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

Draft

_____ Chairman
_____ Planning Director

Application

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 1304 TRUMAN AVE., KEY WEST, FL.
2. Name of Applicant BERT BENDER, BENDER & ASSOCIATES ARCHITECTS
3. Applicant is: Owner _____ Authorized Representative
4. Address of Applicant 410 ANGELA STREET,
KEY WEST, FL. 33040
5. Phone # of Applicant 305. 296. 1347 Mobile# N/A
6. E-Mail Address BLBENDER@BELLSOUTH.NET
7. Name of Owner, if different than above WESLEY HOUSE FAMILY SERVICES
8. Address of Owner 1304 TRUMAN AVE.
KEY WEST, FL. 33040
9. Phone # of Owner 305. 809. 5000 EXT. 225 / DOUG BLOMBERG, CEO
10. Email Address DOUG.BLOMBERG@WESLEYHOUSE.ORG
11. Zoning District of Parcel HPS RE# 3389, 3390
12. Description of Proposed Construction, Development, and Use
INSTALLATION OF AN EMERGENCY POWER BACKUP
GENERATOR
13. List and describe the specific variance(s) being requested:
REAR SETBACK VARIANCE.

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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	HPS			
Flood Zone	"X"			
Size of Site	5,000 SF.	12,750 SF.		
Height	25'	33	NO CHANGE	NONE
Front Setback	20	0	↓	↓
Side Setback	5	60		
Side Setback	-	-		
Street Side Setback	10	1-1	↓	↓
Rear Setback	20	0	↓	↓
F.A.R	.8	.7	NO CHANGE	NONE
Building Coverage	40%	44.7%	↓	↓
Impervious Surface	50%	50%		
Parking	29	9		
Handicap Parking	2	1		
Bicycle Parking	7	4		
Open Space/ Landscaping				
Number and type of units	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 T.B.D. HARC Approval # SEE ATTACHED
EMAIL FROM ENID TORREGROSA

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16. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes _____ No X 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 X

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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City of Key West Planning Department
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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 HPS ZONING DISTRICTS HAS 3 PARCELS: BAYVIEW PARK TO THE EAST AND SOUTH, AND THE HARVEY GOVERNMENT CENTER. THIS IS THE ONLY PARCEL THAT IS NOT OWNED BY A GOVERNMENT ENTITY

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

THE CONDITIONS EXISTED PRIOR TO THE WESLEY HOUSE ACQUIRING THIS PROPERTY. AFTER ACQUISITION, THE PROPERTY WAS RENOVATED. NONCOMPATIBLE ADDITIONS WERE REMOVED WHICH REDUCED BUILDING COVER, F.A.R., AND IMPERVIOUS SURFACE.

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 VARIANCE WILL ALLOW THE INSTALLATION OF A GENERATOR WHICH IS COMMON THROUOT THE DISTRICT. ADDITIONALLY, THERE WILL BE NO OVERALL CHANGE TO EXISTING SETBACKS.

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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.

THE WESLEY HOUSE IS REQUIRED UNDER THE "OUR KIDS" PROGRAM TO PROVIDE EMERGENCY BACKUP POWER. FAILURE TO PROVIDE THE GENERATOR COULD RESULT IN THE LOSS OF FUNDING AND THEREFORE, A REDUCTION OF SERVICES BEING PROVIDED TO FAMILYS IN NEED.

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 VARIANCE IS THE MINIMUM REQUIRED AND WILL NOT EXTEND BEYOND THE EXISTING BUILDING'S REAR 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 VARIANCE WILL NOT INJURE PUBLIC WELFARE AND IS IN HARMONY WITH THE INTENT AND PURPOSE OF THE LDRS - SEE ENID TORREGROSSA'S EMAIL, ATTACHED, FOR CONFIRMATION.

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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 OTHER PROPERTIES, NON-CONFORMING OR
OTHERWISE, WERE CONSIDERED IN THIS
APPLICATION FOR 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. Please describe how you have addressed the "good neighbor policy."

May 16, 2012

Mr. Brendon Cunningham
3140 Flagler Avenue
Key West, FL 33040

RE: Wesley House, 1304 Truman Avenue, Key West

FILE COPY

Dear Brendon.

The Wesley House has a requirement by the "Our Kids" program to install a back-up generator at their Truman Avenue facility. The proposed location is behind the main sanctuary on the Wesley House property. The attached survey was prepared by Lynn O'Flynn on March 30, 2012 and depicts the Wesley House property plus the land leased from the City of Key West. When the renovation occurred in 1998, we had plans to construct a classroom building on Parcel 2 and a portion of Parcel 1. At that time, we obtained a zero rear yard setback, which allowed construction to the common property line with the City's leased land, but the building was not constructed. The proposed generator location is on Wesley House owned land about 2 feet from the common property line. Two sketches identifying the generator location, an exterior elevation and survey/site plan, are attached. The generator is set 3 feet off the building to protect the historic fabric, and allow maintenance of both the building and the generator. If the generator was adjacent to the building, the 5 foot rear setback for accessory structures could be met, but the inherent problems with this approach, as noted above, make this alternative technically infeasible. Additionally, the ca. 1963 addition extends to the rear setback.

When this project was designed in 1998 the A/C condensing units that existed at that time were located where the generator is proposed. The new (1998) condensing units were moved to the roof of the 1963 addition. While I believe that the proposal is the best location from a preservation, HARC, and functional perspective, I recognize that the City Planning Department may take issue with this location as "technically" it is violating the rear setback. Of course, if you recognize the leased property as the property line for setback purposes (the lease does not allow construction on the City land) then there is no issue.

Wesley House, 1304 Truman Avenue, Key West

May 16, 2012

Page 2 of 2

The purpose of this letter and attachments is to start a dialog. There are several obvious possibilities, although you may see others.

1. Include the leased land, which goes to the Bayview Park fence, for setback purposes.
2. If the leased land cannot be used for setback purposes, will a variance be required?
3. The variance, attached, is specific to the building proposed at that time. Therefore, the variance cannot apply to the generator. Please confirm or feel free to disagree with me.
4. Section 122-1187 of the LDR's states that "in all residential districts, the exhaust or mechanical part...may not be closer than 5 feet of any property line." This is an HPS zone and I believe that this prohibition, i.e. 5 feet of any property line, does not apply. I find nothing else in the code that would prohibit the generator from being placed in this location.

Your review and comments are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Bert L. Bender", with a long horizontal line extending to the right.

Bert L. Bender, Architect

BLB/ddk

cc: Doug Blomberg

Verification Form

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, Doug Blomberg, in my capacity as Executive Director
(print name) (print position; president, managing member)

of Wesley House Family Services
(print name of entity serving as Authorized Representative)

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:

1304 Truman Avenue, Key West
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.

[Signature]
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this July 19, 2012 by
date

Doug Blomberg
Name of Authorized Representative

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



Commission Number, if any

Authorization Form

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

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

I, Doug Blomberg as
Please Print Name of person with authority to execute documents on behalf of entity

Executive Director of Wesley House Family Services
Name of office (President, Managing Member) *Name of owner from deed*

authorize Bender & Associates Architects, Bert Bender
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 of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this July 19, 2012 by
date

Doug Blomberg
Name of Authorized Representative

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

Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped

Commission Number, if any

Deed

MONROE COUNTY
OFFICIAL RECORDS

This Document Prepared By and Return to:
Sheryl A. Berman
First Title & Abstract of Monroe County, Inc.
1010 Kennedy Drive
Key West, FL 33040
(305) 294-0100

FILE # 1073057
BK# 1525 PG# 486
RCE Jul 07 1998 03:41PM
DANNY L KOLHAGE, CLERK
DEED DOC STAMPS 3850.00
07/07/1998 LP DEP CLK

Parcel ID Number: 1034801
Grantee #1 TIN: 59-0624461

Warranty Deed

REC. 10.50
DOC. 3850.00
3860.50

This Indenture, Made this 7th day of July, 1998 A.D., Between
KEY WEST UNITED METHODIST CHURCH, INC., a corporation existing under
the laws of the State of Florida
of the County of Monroe, State of Florida, grantor, and
WESLEY HOUSE COMMUNITY CENTER, INC., a corporation existing under the
laws of the State of Florida
whose address is: 1101 Virginia Street, Key West, FL 33040
of the County of Monroe, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of
-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of MONROE State of Florida to wit:

PARCEL 1
In the City of Key West, County of Monroe and State of Florida, and
being part of Tract 14, commencing at a point on Truman Avenue
distant 97 feet and 3 inches from the corner of Georgia Street and
Truman Avenue, and running thence along the line of Truman Avenue in
a Northeasterly direction 48 feet; thence at right angles in a
Southeasterly direction 81 feet and 9 inches; thence at right angles
in a Southwesterly direction 48 feet; thence at right angles in a
Northwesterly direction 81 feet and 9 inches to point of beginning on
Truman Avenue. (Truman Avenue being formerly known as Division
Street.)

PARCEL 2
Commencing at a point in said Tract 14, which is 81 feet 9 inches
Southeasterly from a point on the Southeast side of Truman Avenue 97
feet 3 inches Northeasterly from the corner of Truman Avenue and
Georgia Street, and 97 feet 3 inches from a point on Georgia Street
which is 81 feet 9 inches Southeasterly from the corner of Truman
Avenue and Georgia Street and running thence from said starting point
(Continued on Attached)

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

KEY WEST UNITED METHODIST
CHURCH, INC.

Maria Pierce
Printed Name: MARIA PIERCE
Witness

By: George Miller (Seal)
George Miller
Trustee - Chairman
P.O. Address: 600 Eaton Street, Key West, Florida 33040

Sheryl A. Berman
Printed Name: SHERYL A. BERMAN
Witness



STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 7th day of July, 1998 by
GEORGE MILLER, TRUSTEE-CHAIRMAN OF KEY WEST UNITED METHODIST CHURCH,
INC., A Florida corporation
who is personally known to me or who has made identification



Sheryl A. Berman
SHERYL A. BERMAN
Notary Public
My Commission Expires

Warranty Deed - Page 2

Parcel ID Number: 1034801

in a Southeasterly direction 18 feet 3 inches; thence at right angles in a Northeasterly direction 48 feet; thence at right angles in a Northwesterly direction 18 feet 3 inches; thence at right angles in a Southwesterly direction 48 feet to said point of beginning. (Truman Avenue being formerly known as Division Street.)

PARCEL 3

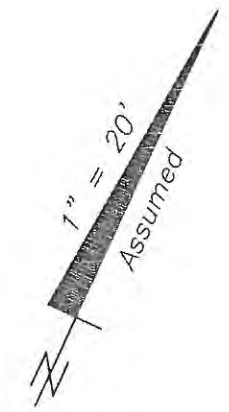
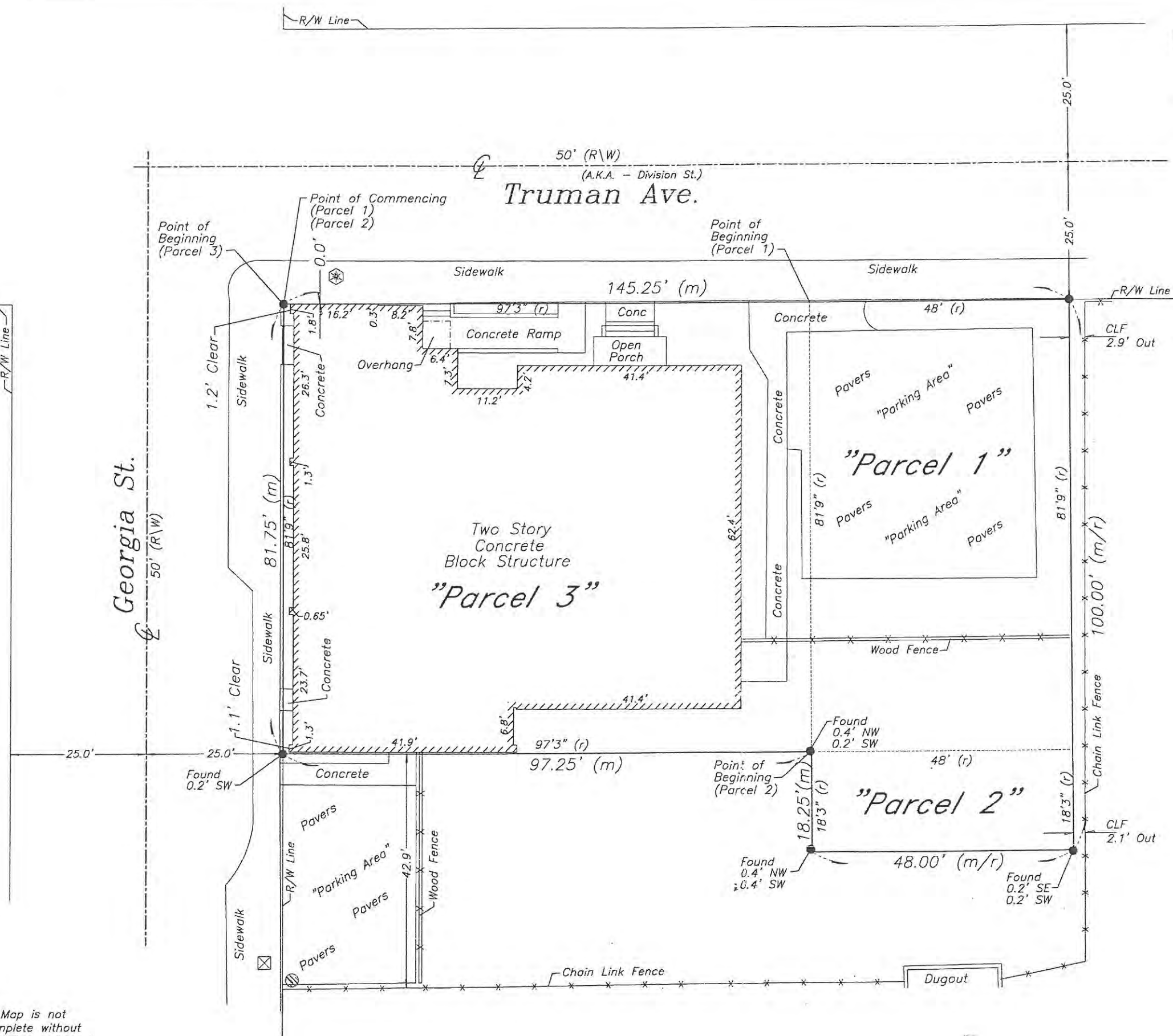
On the Island of Key West and known on the Map of the Island and City of Key West delineated by William A. Whitehead in February 1829, as part of Tract 14. Commencing at the corner of Georgia and Division Streets and running thence along the line of Division Street in a Northeasterly direction 97 feet and 3 inches; thence at right angles in a Southeasterly direction 81 feet and 9 inches; thence at right angles in a Southwesterly direction 97 feet and 3 inches; thence at right angles in a Northwesterly direction along the line of Georgia Street 81 feet and 9 inches to the place of beginning.

FILE #1073057
BK# 1525 PG#487

MONROE COUNTY
OFFICIAL RECORDS

Survey

Boundary Survey Map of part of Tract 14, Island of Key West, FL

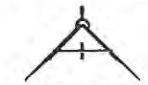


LEGEND

- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (RER)
- ▲ Found Nail & Disc (RER)
- △ 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
- ⊛ Light Post

Sheet One 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

Note:
This Survey Map is not
full and complete without
the attached Survey Report.

Boundary Survey Report of
part of Tract 14,
Island of Key West, FL

NOTES:

1. The legal descriptions shown hereon were 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: 1304 Truman Avenue, 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: March 21, 2012.
9. Ownership of fences is undeterminable, unless otherwise noted.
10. Adjoiners are not furnished.
11. This Survey Report is not full and complete without the attached Survey Map.

BOUNDARY SURVEY OF:

PARCEL 1: In the City of Key West, County of Monroe and State of Florida, and being part of Tract 14, commencing at a point on Truman Avenue distant 97 feet and 3 inches from the corner of Georgia Street and Truman Avenue, and running thence along the line of Truman Avenue in a Northeasterly direction 48 feet; thence at right angles in a Southeasterly direction 81 feet and 9 inches; thence at right angles in a Southwesterly direction 48 feet; thence at right angles in a Northwesterly direction 81 feet and 9 inches to point of beginning on Truman Avenue. (Truman Avenue being formerly known as Division Street.)

PARCEL 2: Commencing at a point in said Tract 14, which is 81 feet 9 inches Southeasterly from a point on the Southeast side of Truman Avenue 97 feet 3 inches Northeasterly from the corner of Truman Avenue and Georgia Street, and 97 feet 3 inches from a point on Georgia Street which is 81 feet 9 inches Southeasterly from the corner of Truman Avenue and Georgia Street and running thence from said starting point in a Southeasterly direction 18 feet 3 inches; thence at right angles in a Northeasterly direction 48 feet; thence at right angles in a Northwesterly direction 18 feet 3 inches; thence at right angles in a Southwesterly direction 48 feet to said point of beginning. (Truman Avenue being formerly known as Division Street.)

PARCEL 3: On the Island of Key West and known on the Map of the Island and City of Key West delineated by William A. Whitehead in February 1829, as part of Tract 14. Commencing at the corner of Georgia and Division Streets and running thence along the line of Division Street in a Northeasterly direction 97 feet and 3 inches; thence at right angles in a Southeasterly direction 81 feet and 9 inches; thence at right angles in a Southwesterly direction 97 feet and 3 inches; thence at right angles in a Northwesterly direction along the line of Georgia Street 81 feet and 9 inches to the place of beginning.

BOUNDARY SURVEY FOR: Wesley House Family Services;

J. LYNN O'FLYNN, INC.

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

THIS SURVEY
IS NOT
ASSIGNABLE

March 30, 2012

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

DRC Comments

Minutes of the Development Review Committee August 23, 2012 FINAL

Mr. Craig informed the applicant that the table is not approved as consumption area and menu board is considered signage.

Keys Energy had no comment.

2. Variance - 825 Duval Street, (RE# 00016830-000000) - A request to waive parking requirements for 7 automobile spaces in the HRCC-3 zoning district per Section 108-572 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Haller gave members an overview of the conditional use request (outdoor seating for 30 seats).

The applicant's representative, Mr. Barry Barroso, gave members an overview of the request. Mr. Barroso stated that the property has three tenants.

Mr. Craig requested a dimensioned site plan from the applicant. He then stated there will be no backing-up onto Olivia Street and stated that the applicant must either bring the site into compliance or withdraw their request. Mr. Craig then stated that the Planning Department will not allow a dangerous situation to continue.

Mrs. Nicklaus stated that the number of ADA spaces are based on the number of spaces for occupants and if the occupancy is over 50, more ADA spaces required will be required.

Ms. Ignaffo stated that it appears that vehicles would be backing out onto a crosswalk. She then stated that additional spaces must be within ADA design. She requested a survey and parking site plan that prohibits parking 30 feet from curb and 20 feet from crosswalk and a ROW permit for new curb cuts.

Mr. Jason Barroso had no comment.

Mrs. Torregrosa stated that any exterior change will require HARC approval.

Mr. Williams stated per code 108.413 that the landscaping shall be required between the private property and public roadway.

Ms. Higgins inquired about the installation of bike racks. The applicant stated that the owner would like to add bike racks.

Ms. Haller stated the curb on the corner of Olivia Street and Duval Street will have to be addressed.

Keys Energy had no comment.

3. Variance - 1304 Truman Avenue (RE# 00033890-000000) - A request for a rear-yard setback requirements in the HPS zoning district per Section 122-960 (6) c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave members an overview of the setback request.

The applicant's representative, Mr. Burke Haven with Bender & Associates, gave an overview of the request.

Ms. Higgins had no comment.

Mr. Williams inquired if there is going to be any tree removal. The applicant stated there will be no tree removal; however, there will be an additional landscape buffer.

Minutes of the Development Review Committee August 23, 2012 FINAL

Mrs. Torregrosa stated she worked with the applicant on the request, and is waiting for variance approval before providing HARC staff approval.

Mr. Craig inquired if the buffer is on the applicant's property. The applicant stated that the buffer is on City leased property.

Mr. Barroso stated there should be a five foot setback due to life safety concerns and requested applicant meet with the Fire Department.

Mrs. Nicklaus had no comment.

Ms. Ignaffo stated that screening is very important and to install the unit above the flood elevation.

Ms. Higgins had no comment.

Mr. Craig inquired about the distance between building and generator and if the applicant has to move the generator onto the leased property, they may have to reexamine the lease with the City. The applicant stated he will get specifications.

Keys Energy had no comment.

4. Variances - 1114 Margaret Street (RE# 00029920-000000) - A request for building coverage and impervious surface ratio in the HMDR zoning district per Section 122-600 (4) a. & b. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave members an overview of the request.

The applicant, Richard Logan, gave members an overview of the request.

Mr. Williams inquired about landscaping. The applicant stated there is considerable landscaping.

Ms. Higgins had no comment.

Mrs. Torregrosa stated that the request was unanimously approved by HARC. She requested the applicant include the HARC approval date on the application.

Mr. Barroso inquired if the existing request allowed for ingress/egress.

Mrs. Nicklaus had no comment.

Ms. Ignaffo stated the ideal situation would be to create storm water retention swales and direct roof down spouts into swales.

Mr. Craig had no comment.

Keys Energy informed the applicant to coordinate with Keys Energy for service upgrade. The existing service will not meet code with the new addition.

Additional Information



Josephine Parker, CMC
City Clerk

THE CITY OF KEY WEST
P. O. BOX 1409
KEY WEST, FLORIDA 33041-1409

525 Angela Street
(305) 292-8193
Fax 292-8133

CERTIFIED MAIL Z 490 495 654
RETURN RECEIPT REQUESTED

February 8, 1999

Mr. Joe Barker
Wesley House
1011 Virginia Street
Key West, FL 33040

Dear Mr. Barker:

Enclosed is a copy of Resolution No. 99-58, granting a Variance to the building setback regulations for property in the HPS, on the property known as 1304 Truman Avenue, passed and adopted by the Board of Adjustment of the City of Key West, at a regular meeting held February 3, 1999.

Please take the time to read and become familiar with the terms and conditions of the zone variance granted to you by the Board of Adjustment. It is particularly important that you note Section 2 of the Resolution which places a 12 month time limitation for performance under the zone variance. If you are unable to complete whatever act is required or permitted within the 12 months, you may apply for an extension by contacting the City Planner or City Attorney. This must be done prior to the expiration of the zone variance.

Sincerely,

Josephine Parker, CMC
City Clerk

JP/sph
L/99-0042

Enclosure

RECEIVED FEB 09 1999
mm

Key to the Caribbean - Average yearly temperature 77° F.

RESOLUTION NO. 99-58

VARIANCE: 1304 TRUMAN AVE

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT GRANTING A VARIANCE TO THE BUILDING SETBACK REGULATIONS FOR PROPERTY IN THE HPS, HISTORIC PUBLIC AND SEMI-PUBLIC SERVICES ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PERMITTING A VARIANCE TO: THE REAR YARD SETBACK REGULATION OF 20 FEET, FROM THE 20 FEET REQUIRED TO THE 0 FEET PROPOSED. THE PURPOSE OF THE REQUEST IS TO ALLOW THE CONSTRUCTION OF A 900 SQUARE FEET BUILDING CONSISTING OF OFFICES AND A CHILD CARE TRAINING FACILITY ON PROPERTY LOCATED AT 1304 TRUMAN AVENUE (RE# 3389,3390).

REAL ESTATE PARCEL #3389,3390, ALSO KNOWN AS 1304 TRUMAN AVENUE, KEY WEST, MONROE COUNTY, FLORIDA

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and

WHEREAS, literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

WHEREAS, the special conditions and circumstances do not result from the actions of the applicant.

WHEREAS, the granting of the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district.

WHEREAS, the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

WHEREAS, the granting of the variance will be in harmony with the general purpose and intent of the zoning provisions, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; now therefore,

BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:


Section 1. That a variance to building setback regulations in the HPS, Historic Public and Semi-Public Services Zoning District, under the Land Development Regulations of the City of Key West, Florida, is hereby granted as follows: THE REAR YARD SETBACK REGULATION OF 20 FEET, FROM THE 20 FEET REQUIRED TO THE 0 FEET PROPOSED. THE PURPOSE OF THE REQUEST IS TO ALLOW THE CONSTRUCTION OF A 900 SQUARE FEET BUILDING CONSISTING OF OFFICES AND A CHILD CARE TRAINING FACILITY ON PROPERTY LOCATED AT 1304 TRUMAN AVENUE (RE# 3389,3390).

Section 5. 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.

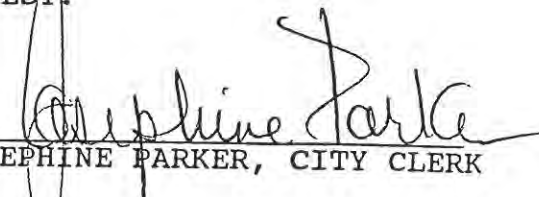
Read and passed on first reading at a regular meeting held this 3rd day of February, 1999.

Authenticated by the presiding officer and Clerk of the Board on 4th day of February, 1999.

Filed with the Clerk on February 4, 1999.


SHEILA K. MULLINS, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:


JOSEPHINE PARKER, CITY CLERK

A:\1304TRUM.WPD

Bert Bender

From: Enid Torregrosa <etorregr@keywestcity.com>
Sent: Thursday, June 07, 2012 9:48 AM
To: Bert Bender
Cc: Doug Blomberg; Brendan Cunningham
Subject: Re: FW: Wesley House Generator

Dear Bert:

I am not talking about a fence but some greenery in order to hide it from view from the park. This equipment will be visible, not from Truman Avenue but from the park. A variance can be contingent upon HARC approval, which is not a big deal.

Thank you for educating me of the type of generator that will be installed; as you are aware there are equipments that do not come with insulated cabinets which creates noise.

Hope you are doing well;

Enid

On Thu, Jun 7, 2012 at 9:14 AM, Bert Bender <blbender@bellsouth.net> wrote:

Enid,

We can't get a variance without HARC approval. So if we need a variance to get HARC approval, then what we have is the classic definition of a catch 22. Please confirm with Brendon as to which you prefer, i.e., a variance contingent on HARC approval or HARC approval contingent on a variance.

The generator is in a sound insulated cabinet, which is better than an external sound barrier. A wall won't conceal the sound: it will deflect it and given the location, deflect it again off the building, compounding the problem. The city's lease prohibits construction on the leased land, so a wall (which requires a foundation) isn't possible. They would probably allow a fence, but I think this would detract more than help. We could landscape... what did you have in mind?

Thanks,

Bert

Bert L. Bender, Architect, LEED AP

Bender & Associates Architects, P.A.

410 Angela Street

Key West, FL 33040

Phone: [305-296-1347](tel:305-296-1347)

Fax: [305-296-2727](tel:305-296-2727)

blbender@bellsouth.net

www.benderarchitects.com

From: Enid Torregrosa [<mailto:etorregr@keywestcity.com>]
Sent: Thursday, June 07, 2012 8:54 AM
To: Bender & Associates
Cc: Doug Blomberg; Brendan Cunningham
Subject: Re: FW: Wesley House Generator

Dear Bert:

I received a HARC application on January 24, 2012 for the same issue. I found it incomplete since I was waiting for a survey that never was submitted. The location of the generator on that application was also in the back of the building but was obstructing one of the stained glass windows. I agree with you that this is a better location than the original proposed, understanding that there are no other locations in the lot for it, walls will conceal sound of the generator while in use. I still believe that some type of buffer should be provided since it will be visible from the park.

If you are going to submit a HARC application I will void the January one. For this HARC application we will wait first for the variance. I can staff approve this request once you obtain the variance.

Hope this answers your request.

Have a great day!

Enid

On Wed, Jun 6, 2012 at 5:36 PM, Bender & Associates <blbender@bellsouth.net> wrote:

Enid,

Don and Brendon have determined that the attached will require a variance. Please review the attached documents. There are some drawings showing where the generator will go. Other than photographs of the building and the generator, will the attached drawings be sufficient for a HARC submittal? I think this is the best location in terms of visual impact, i.e., it is not visible from the right of way and does not obscure significant details.

Let me know what you think.

Thanks,

Bert

From: Bender & Associates [mailto:blbender@bellsouth.net]
Sent: Wednesday, May 16, 2012 10:37 AM
To: Brendan Cunningham
Cc: Doug Blomberg; BlBender
Subject: Wesley House Generator

Please see attached letter and attachments.

Daina D. Katubi, Admin. Assistant & Bookkeeper

Bender & Associates Architects, P.A.

410 Angela Street

Key West, FL 33040

305-296-1347 phone

305-296-2727 fax

blbender@bellsouth.net

www.benderarchitects.com

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., November 29, 2012 at Old City Hall, 510 Greene Street, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Variance - 1304 Truman Avenue (RE# 00033890-000000) – A request for a rear-yard setback requirements in the HPS zoning district per Section 122-960 (6) c. 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:

Variance - 1304 Truman Avenue (RE# 00033890-000000) – A request for a rear-yard setback requirements in the HPS zoning district per Section 122-960 (6) c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant:	Bender and Associates, Architects	Owner:	Wesley House Family Services
Project Location:	1304 Truman Ave.	Date of Hearing:	Thursday, November 29, 2012
Time of Hearing:	6:00 PM	Location of Hearing:	Old City Hall, 510 Greene City Commission Chambers

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas. 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.

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email to Karen de Berjeois at kdeberje@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: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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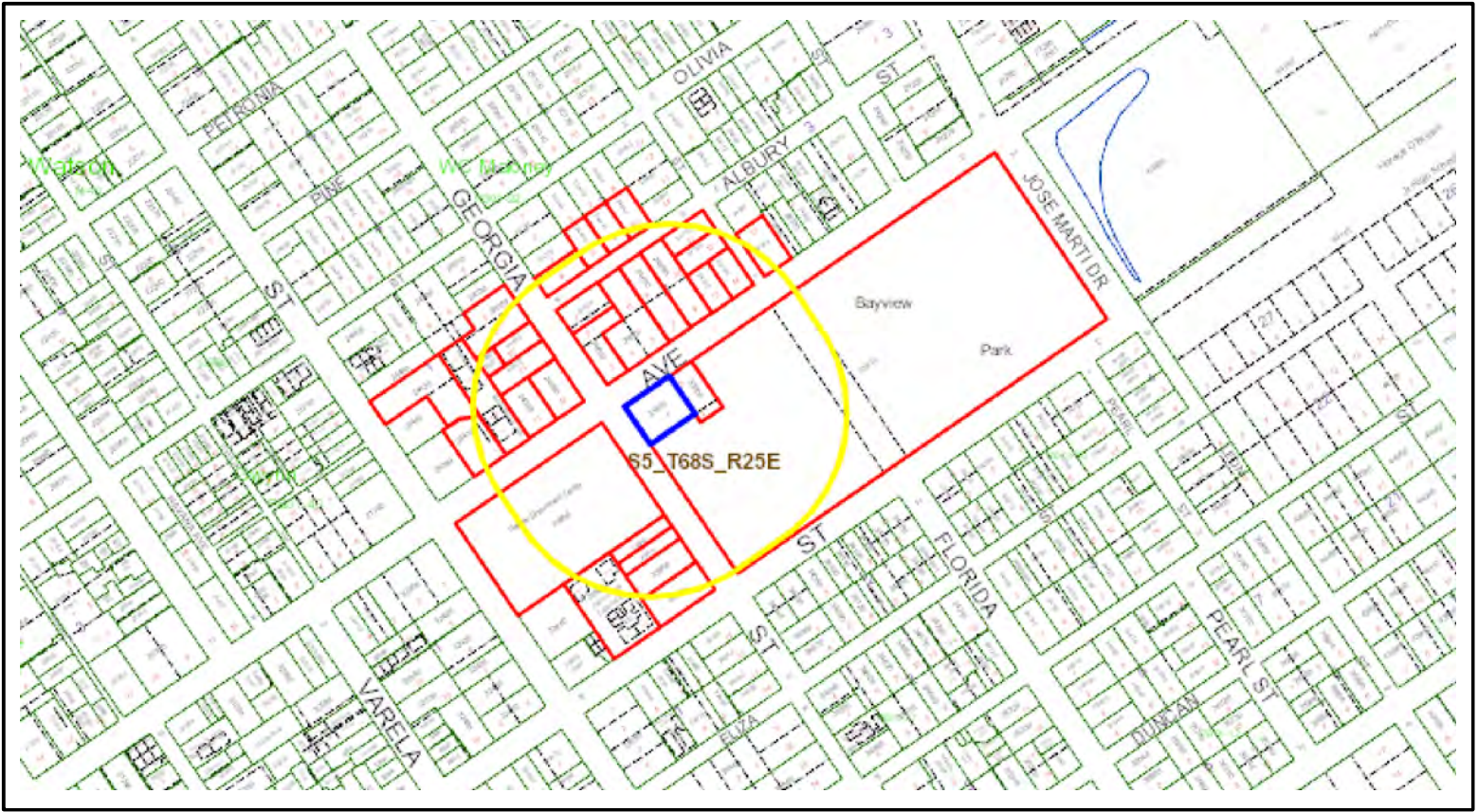
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Monroe County, Florida

1304 Truman

Printed: Nov 14, 2012

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.



NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 MACDOUGALL ANN H	32 TERRACE AVE		WARREN	RI	02885	
2 CA BIANCA LLC	1075 DUVAL ST	UNIT C-11	KEY WEST	FL	33040	
3 BEAUPRIE SCOTT E AND KAREN A	913 GEORGIA ST		KEY WEST	FL	33040	
4 WECHTER AARON & LEONARD KAREN R/S	1209 TRUMAN AVENUE #3		KEY WEST	FL	33040	
5 MCLANE TIMOTHY G	913 WHITE ST		KEY WEST	FL	33040	
6 ALBURY STREET LLC	3201 FLAGLER AVE	UNIT 507	KEY WEST	FL	33040	
7 RIVAS JOANNE L	916 GEORGIA ST		KEY WEST	FL	33040	
8 HETTINGER JAMES	905 TRUMAN AVE		KEY WEST	FL	33040	
9 TRUMAN AVENUE CONDOMINIUM	1209 TRUMAN AVE	KEY WEST	KEY WEST	FL	33040	
10 GONZALEZ SYLVIA I	1020 GEORGIA ST		KEY WEST	FL	33040	
11 MONROE COUNTY	500 WHITEHEAD ST		KEY WEST	FL	33040	
12 TRUMAN AND CO INC	1205 TRUMAN AVE		KEY WEST	FL	33040	
13 MALY KENNETH J	1209 TRUMAN AVE	UNIT 4	KEY WEST	FL	33040	
14 BATTY PETER AND ELLEN	912 GEORGIA ST		KEY WEST	FL	33040	
15 BOARD OF COUNTY COMMISSIONERS	500 WHITEHEAD ST		KEY WEST	FL	33040	
16 CASA GATO A CONDOMINIUM	1209 VIRGINIA ST		KEY WEST	FL	33040	
17 WECHTER AARON	1209 TRUMAN AVENUE UNIT 3		KEY WEST	FL	33040	
18 KELLAR MARIA C REV LIVING TRUST 12/22/2007	1215 TRUMAN AVE		KEY WEST	FL	33040	
19 ALLEN ERIC AND SHAWNA	1209 TRUMAN AVE	UNIT 5	KEY WEST	FL	33040	
20 HETTINGER JAMES	905 TRUMAN AVE		KEY WEST	FL	33040	
21 REAMS CLAUDE E	PO BOX 6404		KEY WEST	FL	33041	
22 CARR JOE ALAN	PO BOX 6404		KEY WEST	FL	33041	
23 TREVOR BENJAMIN D QPRT 09/28/2007	199 LAFAYETTE ST		DENVER	CO	80218	
24 WEISS JUNGHI	13 CLIMBING ROSE CT		ROCKVILLE	MD	20850-2849	
25 WISCHERTH STEPHAN	1411 ELIZA ST		KEY WEST	FL	33040-3425	
26 RETTENWANDER KIMBERLY A	1531 WHITE ST		KEY WEST	FL	33040-4851	
27 CARLA OF KEY WEST INC	1516 DUNCOMBE ST		KEY WEST	FL	33040-5334	
28 WIEMER MONICA Y SPECIAL TRUST	809 TRUMAN AVE		KEY WEST	FL	33040-6425	
29 BEAVERS CARIDAD G	1022 GEORGIA ST		KEY WEST	FL	33040-7219	
30 WESLEY HOUSE COMMUNITY CENTER INC	1304 TRUMAN AVE		KEY WEST	FL	33040-7268	