



**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: August 18, 2011

Agenda Item: An application for an after-the-fact variance to side-yard setback requirements in the Historic High Density Residential zoning district for property located at 512 Margaret Street (RE#00008230-000000), per Section 122-630 (6)b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: To consider an after-the-fact variance for the installation of air conditioning equipment and a pool pump within the side-yard setback

Applicant: Barton Smith, P.L.

Property Owner: Keith and Kimberlie Ayers

Location: 512 Margaret Street, RE# 00008230-000000

Zoning: Historic High Density Residential (HHDR) District



Background:

The air conditioning equipment and pool pump were improperly installed in the left side-yard setback. The placement of any equipment in a required setback requires a variance. It should be noted that a variance to rear and side-yard setbacks was granted in 2002 for pool itself.

Request:

The applicant is requesting an after-the-fact variance in order to close open building permits related to the installation of the equipment along with other actions by contractors during a renovation project.

Setback	Allowed/Required	Existing	Proposed
Left Side	5'	2' 8"	same

Process:

Development Review Committee Meeting:

April 28, 2011

Planning Board Meeting:

July 21, 2011, postponed

August 18, 2011

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, building or structure involved and which are not applicable to other land, buildings or structures in the same zoning district.**

The subject property is legal non-conforming to lot size and other dimensional requirements. Numerous properties within the HHDR zoning district have legal non-conformities. As such, there are no special conditions or circumstances associated with this property that are not present throughout the historic district.

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

The installation of the equipment in the current location was done on behalf of the owner are thus a condition created 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, structures or structures in the same zoning district.**

Granting the variance request will confer upon the applicant special privileges provisionally denied 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.**

While the code limits the improvements that can be made to the site without seeking variances, we have no evidence that the applicant would be deprived of reasonable use of the land and the existing structure without the granting of this variance.

- 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 variance requested is the minimum variance needed to make reasonable use of the land and existing 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 this request will not be 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 structures in the same district, and no permitted use of lands, structures or structures in other districts shall be considered grounds for the issuance of a variance.**

This request is not based on existing conditions on surrounding properties.

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 applicant does not meet all of the standards established by the City Code of Ordinances for a variance request.

- 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 Planning Department has received no comment at this time.

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

The applicant intends to make improvements to drainage through best management practices by the installation of swales.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for after-the-fact variance be **denied**.

Draft Resolution

— 4 —

**PLANNING BOARD RESOLUTION
NO- 2011-**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD
TO ALLOW AFTER-THE-FACT GRANTING OF
VARIANCES TO SIDE-YARD SETBACK REQUIREMENTS
TO MAINTAIN EXISTING AIR CONDITIONING AND POOL
EQUIPMENT FOR PROPERTY LOCATED AT 512
MARGARET STREET (RE#00008230-000000), PURSUANT TO
SECTIONS 122-630 (6) b. AND 122-1078 UNDER THE CODE
OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 122-630(6) b. of the Code of Ordinances provides that the side-yard setback in the HHDR zoning district is five feet; and

WHEREAS, the existing side-yard setback is 2 feet 8 inches; and

WHEREAS, the applicant requests a variance to side-yard setback requirements to allow after the fact approval for non-conforming air conditioning and pool equipment; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 18, 2011; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other

_____ Chairman

_____ Planning Director

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 variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds 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; 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 after the fact 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 variance for a non-conforming air conditioning and pool equipment within the required side-yard setback for a property in the Historic High Density Residential (HHDR) zoning district located at 512 Margaret Street (RE# 00008230-000000), per Section 122- 122-630(6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown on the attached plan set with the following conditions:

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

_____ Chairman

_____ Planning Director

conditions of this approval for any use and occupancy for which this variance is 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 this variance in accordance with the terms of and as described in Section 3 hereof, shall immediately operate to terminate this after the fact variance, which variance shall be of no force or effect.

Section 5. This variance does 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

_____ Chairman
_____ Planning Director

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 18th day of August, 2011.

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

Richard Klitenick, Chairman
Key West Planning Board

_____ Date

Attest:

**Page 5 of 6
Resolution Number 2011-**

_____ Chairman

_____ Planning Director

Donald Leland Craig, AICP, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

Draft

_____ Chairman

_____ Planning Director



Application

**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 512 Margaret Street
2. Name of Applicant Barton Smith, P.L.
3. Applicant is: Owner Authorized Representative
 (attached Authorization Form must be completed)
4. Address of Applicant 624 Whitehead St.
Key West, FL. 33040
5. Phone # of Applicant 296-7227 Mobile# — Fax# 296-8448
6. **E-Mail Address** bart@bartonsmithpl.com
7. Name of Owner, if different than above Keith + Kimberlie Ayers
8. Address of Owner 427 Cruisers Drive
Polk City, FL. 33868
9. Phone Number of Owner 863.797.7733 Fax# —
10. Email Address keithayers@tambabay.com
11. Zoning District of Parcel HHDR RE# 00008230-000000
12. Description of Proposed Construction, Development, and Use
After the fact variance for heating and
cooling units.

13. Required information: (application will not move forward until all information is provided)

	Required	Existing	Requested
Front Setback	—	—	—
Side Setback	5'	2'8"	2'8"
Side Setback	—	—	—
Rear Setback	—	—	—
Building Coverage	—	—	—
Open Space Requirements	—	—	—
Impervious Surface	—	—	—

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. Attach minutes of the meeting.

Date _____ HARC # _____

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

16. 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.

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
_____	_____	Copy of the most recent recorded deed showing ownership and a legal description of the subject property
_____	_____	Application Fee (to be determined according to fee schedule)
_____	_____	Site Plan (existing and proposed) as specified on Variance Application Information Sheet
_____	_____	Floor Plans of existing and proposed development (8.5 x 11)
_____	_____	Copy of the most recent survey of the subject property
_____	_____	Elevation drawings as measured from crown of road
_____	_____	Stormwater management plan
_____	_____	HARC Approval (if applicable)
_____	_____	Notarized Verification Form
_____	_____	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:

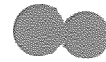
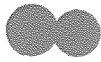
1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

SEE Attached

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.

BARTON W. SMITH, ESQ.
PRINCIPAL ATTORNEY

COUNSEL AT LAW
BARTON SMITH, P.L.

624 WHITEHEAD STREET
KEY WEST, FLORIDA 33040

TELEPHONE: (305) 296-7227 • FAX: (305) 296-8448

WWW.BARTONSMITHPL.COM

PATRICK M. FLANIGAN, ESQ.
ASSOCIATE ATTORNEY

GREGORY S. OROPEZA, ESQ.
ASSOCIATE ATTORNEY



May 24, 2011

VIA HAND DELIVERY

Donald L. Craig, AICP, Interim Planning Director
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040

RE: After the Fact Variance – 512 Margaret Street, Key West, Florida 33040

Dear Mr. Craig,

Please allow this letter and supporting documentation to serve as my clients, Mr. and Mrs. Ayers' application for an after the fact variance to side yard set-backs to allow for certain heating and cooling condenser units at 512 Margaret Street, Key West, Florida 33040. By way of brief background, Mr. and Mrs. Ayers purchased the property in the early parts of 2010; unbeknownst to them was the existence of several open permits. One of the open permits was for the installation of two A/C units and a water heater. The units were placed on the property by the owner of the property in 2005, who is now two sales removed, without proper permits and in the set-backs of the westerly side yard. Due to the configuration of the lot and the fact the property is located in the historic district, the current location of the units is the only viable option.

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, structure, or building in the same zoning district.
 - a. The subject property was built on the parcel of land well before the land development regulations were enacted. At the time of construction it undoubtedly was not contemplated that the required set-backs would be enacted decades after construction. More so, A/C conditioning systems were not in existence and most likely not contemplated at the time the structure was erected. As such the need for space to house equipment on the exterior sides of the building was not a factor when the property was originally purchased and the home constructed thereby creating special circumstances which are peculiar to the land and structure.
2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.
 - a. The applicant purchased this home without knowing the existence of the open building permits, including the placement of the A/C units. The Seller from whom the applicant

purchased the property executed a Seller's Affidavit at closing which stated there were no pending matters which would or could violate local government regulations. To the buyers' detriment, the applicantw relied on this affidavit in good faith. This condition was created by a previous owner's disregard for the governmental process.

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.
 - a. The granting of this variance will only allow the applicant to maintain a central heating and cooling element similarly to many of the surrounding property owners. Due to the property being located in the Historic Preservation District the units in question cannot be moved to the front or to the roof. The overlay of the Historic Preservation District creates a regulatory framework which limits the ability of this home to maintain a central A/C and heating system. If the units were required to be removed the only way to heat and cool the home would be via window units, placement of which would be in contradiction to the HARC guidelines and intent of the Historic Preservation 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.
 - a. Literal interpretation of the provisions of the land development regulations would require the removal of the Units in question, which under the code cannot be placed anywhere else on the property. The applicant has explored the use of mini-split units and condensed units and the use of such units will still invoke the need for a variance due to the property's limited space. The literal interpretation of the code would deprive the applicant of the use of heating and cooling elements on the property, which are commonly enjoyed by other properties in this same zoning district.
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.
 - a. The variance requested is the minimum variance possible for the A/C and heating units. The units are as close to the house as physically possible and are placed on the side of the house with the most distance and open space between the neighboring house. Additionally, the units in place are small in size in comparison to many modern day heating and cooling condensing units.
6. Not injurious to the public welfare. That granting of the variance will be in harmony with the general intent and purpose of the land development regulations and such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.
 - a. The variance requested is not injurious to the public welfare; it is a benefit to the public as it allows the home heating and cooling elements in an aesthetically pleasing manner instead

of having unsightly window units. The land development regulations in this area of the city were designed to protect the historic intent and theme of the area. By granting the variances, the structure will maintain the historic features by being able to keep the cooling and heating units in the nondescript unnoticeable area they are currently in.

7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming uses 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.
 - a. The nonconformities of neighboring and surrounding properties do not have any affect or influence on this application. The need arises solely out of the previous owner's lack of compliance with the permitting regulations and the lack of land area on the property to which to move the units to, and maintain compliance with the land development regulations.

If you should have any questions, comments, or concerns, please do not hesitate to contact me.

Sincerely,



Barton W. Smith, Esq.

For the Firm



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, Keith R. Ayers Kimberli R. Ayers authorize
Please Print Name(s) of Owner(s) (as appears on the deed)

Barton Smith PL
Please Print Name of Representative

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

[Signature]
Signature of Owner

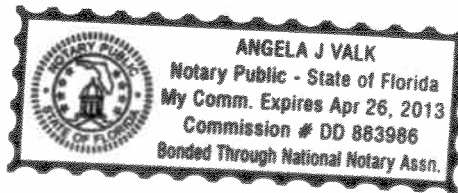
Kimberli R. Ayers
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 5/23/11 by
date

Barton Smith PL
Name of Authorized Representative

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

[Signature]
Notary's Signature and Seal



Angela Valk
Name of Acknowledger typed, printed or stamped

DD 883986
Commission Number, if any



Deed

Return to: (Enclose self addressed stamped envelope)
Name: STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

Doc# 1774717 01/21/2010 3:44PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

01/21/2010 3:44PM
DEED DOC STAMP CL: TRINA \$5,040.00

This Instrument Prepared By:

STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

Doc# 1774717
Bk# 2449 Pg# 1411

WARRANTY DEED

THIS INDENTURE made this 19th day of January, 2010, by and between L. Robert Shelton, III, a/k/a Lavega Robert Shelton, III, a single man, whose address is 5329 Plantation Home Way, Port Orange, FL 32128, as Grantor, and Keith R. Ayers and Kimberli R. Ayers, husband and wife, whose address is PO Box 957, Key West, FL 33041, as Grantee.

WITNESSETH: that said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration to said Grantor, in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's successors, heirs, and assigns forever, the following described property, situate lying and being in the County of Monroe, State of Florida, to-wit:

On the Island of Key West, and known on William A. Whitehead's map or plan of said Island, delineated in February, 1829, as Part of Lot 2, in Square 47. Commencing at a point on Margaret Street distant 154 feet from the corner of Margaret and Fleming Streets, and running thence in a Southeasterly direction 24 feet; thence at right angles in a Southwesterly direction 65 feet; thence at right angles in a Northwesterly direction 24 feet; thence at right angles in a Northeasterly direction 65 feet to Margaret Street, to Point of Beginning.

Parcel Identification Number: 00008230-000000

SUBJECT TO: Taxes for the year 2010 and subsequent years.

SUBJECT TO: Conditions, limitations, reservations and easements of record.

TOGETHER with all tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereunto belonging or in anywise appertaining.

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

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of the said property; that it is free of all encumbrances except as above stated; that Grantor has good right and lawful authority to sell the same; and that the Grantee shall have quiet enjoyment thereof. The said Grantor hereby fully warrants the title to said property, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year

first above written.

Doc# 1774717
Bk# 2449 Pg# 1412

Signed, sealed and delivered in our presence:

Susan M. Cardenas
Witness Name: Susan M. Cardenas

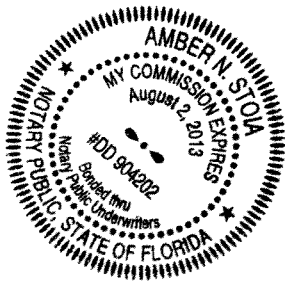
L. Robert Shelton, III (Seal)
L. Robert Shelton, III, a/k/a Lavega Robert
Shelton, III

Amber N. Stoia
Witness Name: Amber N. Stoia

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 8th day of January, 2010 by L. Robert Shelton, III, a/k/a Lavega Robert Shelton, III, who is personally known or has produced a driver's license as identification.

[Notary Seal]



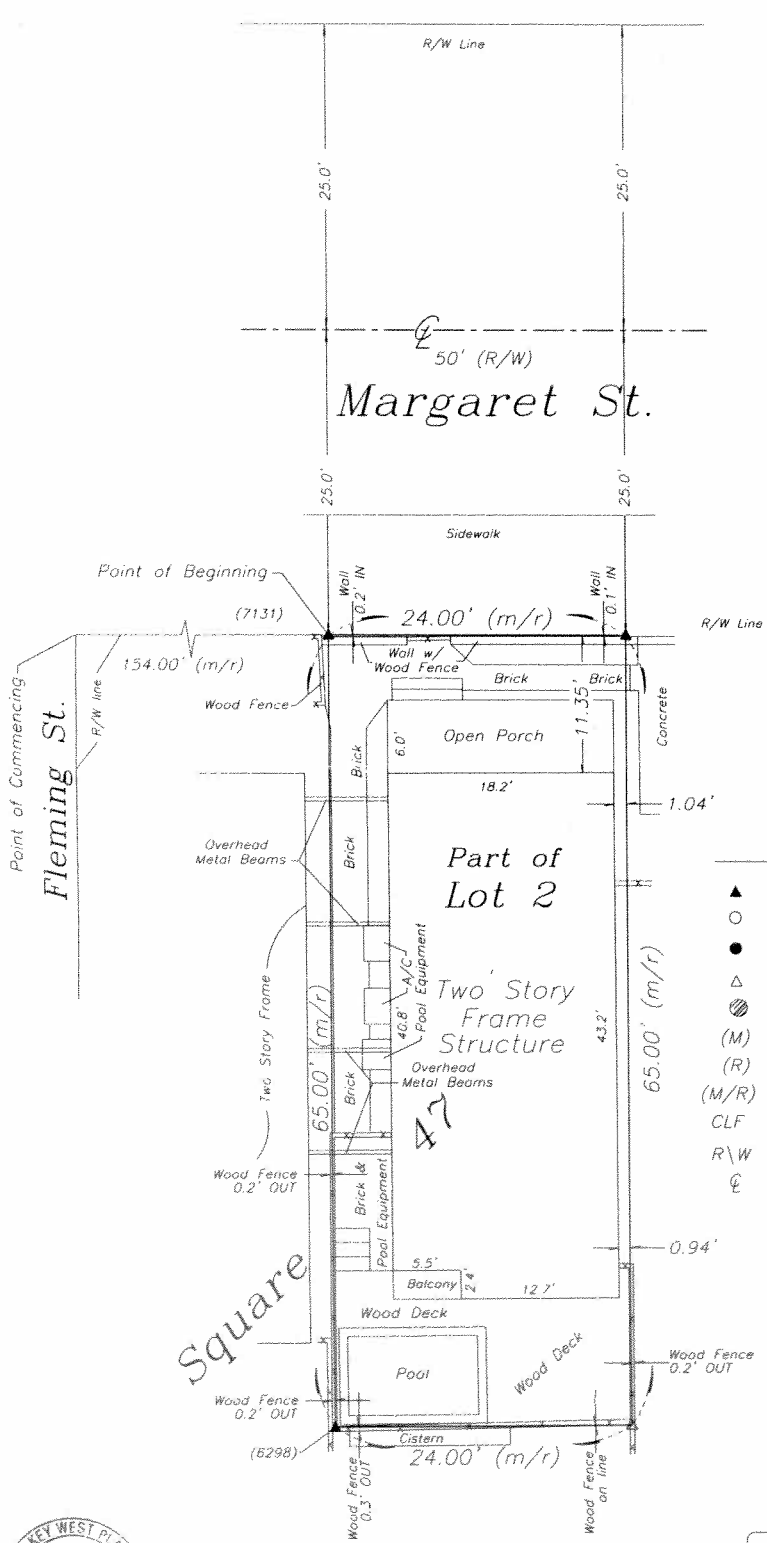
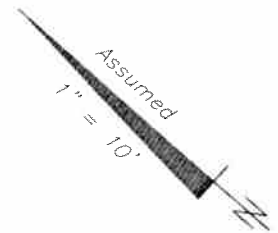
Amber N. Stoia
Notary Public

Printed Name: Amber N. Stoia

My Commission Expires: August 2, 2013

Survey

Boundary Survey Map of Part of Lot 2, Square 47 Island of Key West



LEGEND

- ▲ Found Nail & Disc (7131) (6298)
- Set 3/4" Iron Pipe (6298)
- Found 1/2" Iron Rod
- △ Set Nail & Disc (6298)
- ⊗ Wood Utility Pole
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- CLF Chain Link Fence
- R\W Right of Way
- ⊕ Centerline

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

Sheet One of Two Sheets

J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper
PSM #6298

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



Boundary Survey Report of Part of Lot 2, Square 47
Island of Key West


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: 512 Margaret 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. This Survey is not assignable.
9. Date of field work: December 17, 2009.
10. This Survey Report is not full and complete without the attached Survey Map.
11. Ownership of fences is undeterminable, unless otherwise noted.

BOUNDARY SURVEY OF: On the Island of Key West, and known on William A. Whitehead's map or plan of said Island, delineated in February, 1829, as Part of Lot 2, in Square 47. Commencing at a point on Margaret Street distant 154 feet from the corner of Margaret and Fleming Streets, and running thence in a Southeasterly direction 24 feet; thence at right angles in a Southwesterly direction 65 feet; thence at right angles in a Northwesterly direction 24 feet; thence at right angles in a Northeasterly direction 65 feet to Margaret Street, to Point of Beginning.

BOUNDARY SURVEY FOR: Keith R. Ayers & Kimberli R. Ayers;
IberiaBank Mortgage Company;
Stones & Cardenas;
Attorneys' Title Fund Services, LLC;

J. LYNN O'FLYNN, INC.


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

December 18, 2009



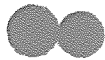
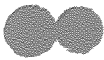
Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

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



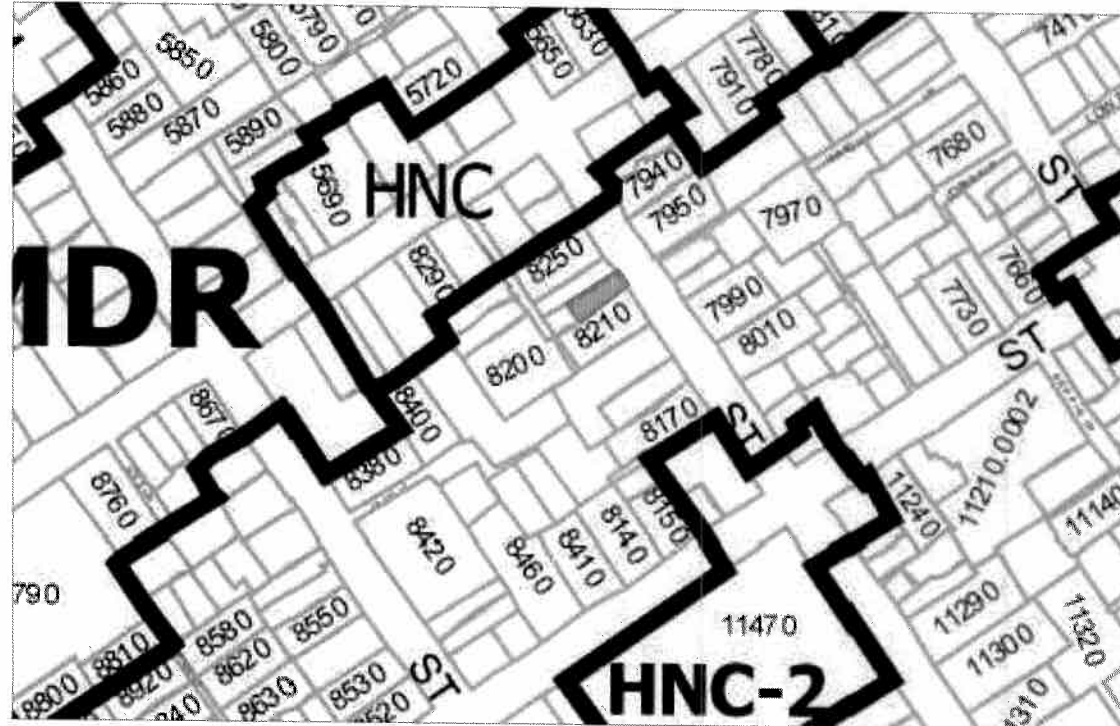
Site Plans

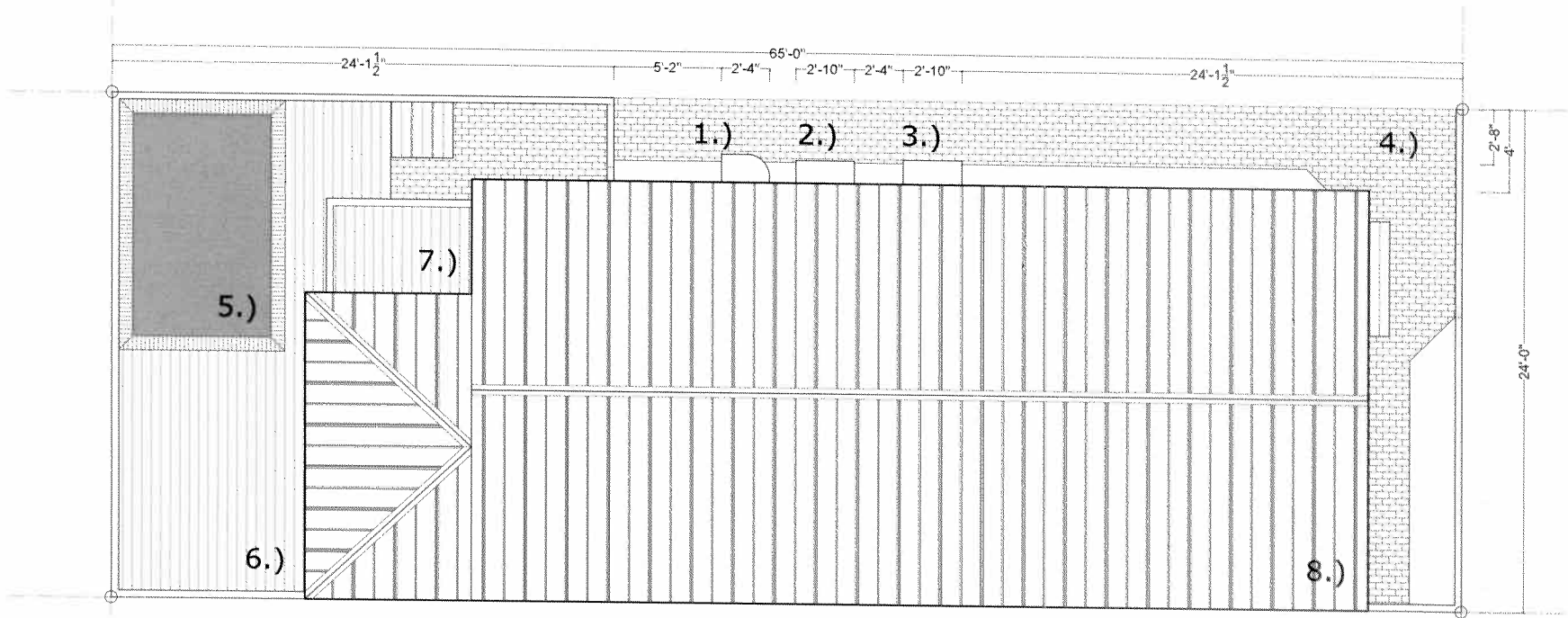
AYER RESIDENCE

HARC - VARIANCE PROPOSAL

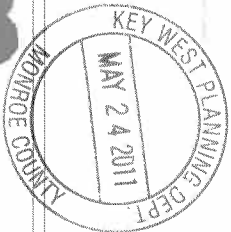
512 MARGARET STREET

KEY WEST, FL 33040

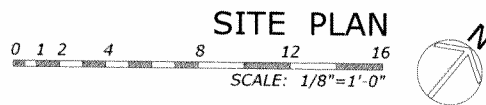




- | | |
|-------------------------------------|------------------------------|
| 1.) POOL HEATER. | 5.) POOL. |
| 2.) AIR CONDITIONING UNIT (ZONE 1). | 6.) WOOD PLANK POOL DECK. |
| 3.) AIR CONDITIONING UNIT (ZONE 2). | 7.) WOOD PLANK SUN DECK. |
| 4.) RECLAIMED BRICK PAVING. | 8.) 5-V CRIMP METAL ROOFING. |



NOTE: THIS SITE PLAN WAS CREATED REFERENCING A SURVEY BY J. LYNN O'FLYNN, INC., PSM DATED: 12.18.2009.
 NOTE: THE DRAWINGS CONTAINED IN THESE DOCUMENTS REPRESENT THE EXISTING SITE CONDITIONS. HARC - VARIANCE ACCEPTANCE SHALL BE BASED ON THE EXISTING CONDITIONS.

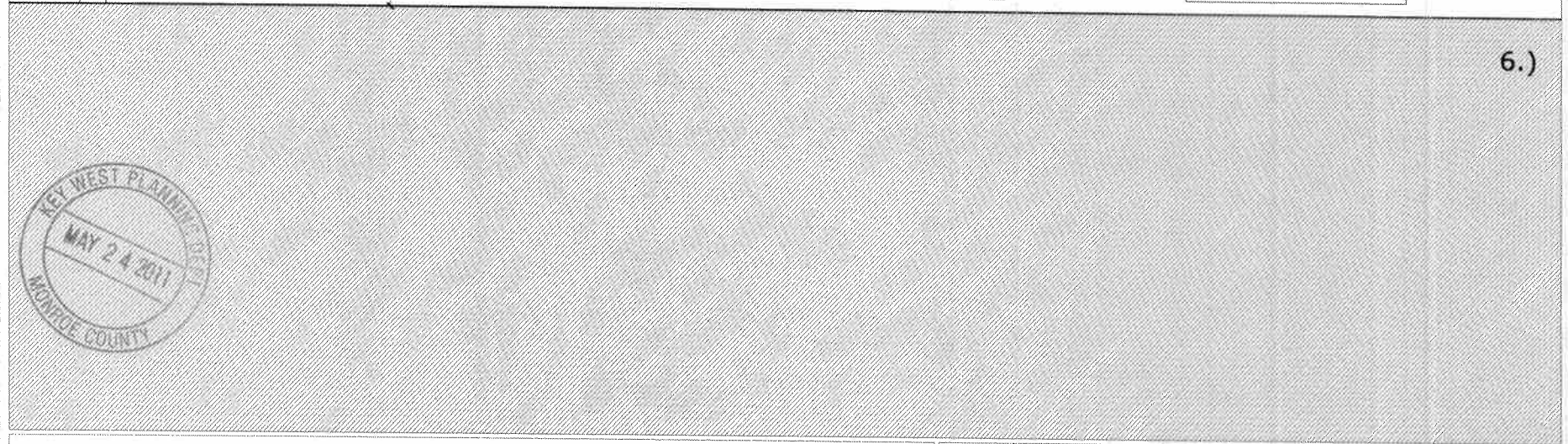
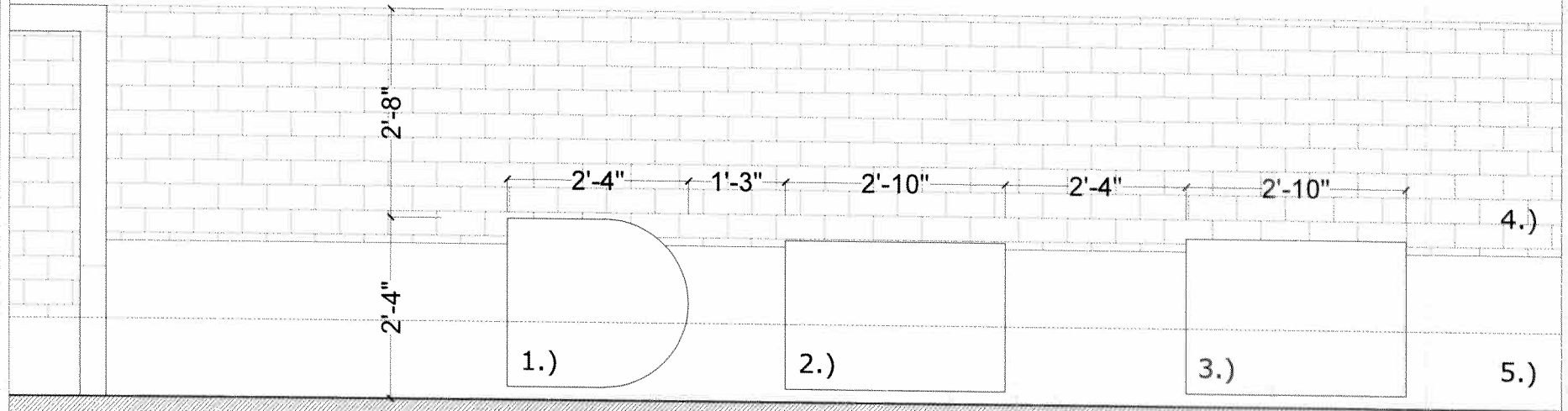


AYER RESIDENCE
 HARC - VARIANCE PROPOSAL
 512 MARGARET STREET
 KEY WEST, FL 33040

2
OF
3



- 1.) POOL HEATER.
- 2.) AIR CONDITIONING UNIT (ZONE 1).
- 3.) AIR CONDITIONING UNIT (ZONE 2).
- 4.) RECLAIMED BRICK PAVING.
- 5.) PLANTING BED.
- 6.) EXISTING RESIDENTIAL STRUCTURE.



NOTE: THE DRAWINGS CONTAINED IN THESE DOCUMENTS REPRESENT THE EXISTING SITE CONDITIONS. HARC - VARIANCE ACCEPTANCE SHALL BE BASED ON THE EXISTING CONDITIONS.

GROUND FLOOR PLAN



AYER RESIDENCE

HARC - VARIANCE PROPOSAL
512 MARGARET STREET
KEY WEST, FL 33040

3
OF
3



Property Appraiser Information

Karl D. Borglum Property Appraiser Monroe County, Florida

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

Property Record View

Alternate Key: 1008494 Parcel ID: 00008230-000000

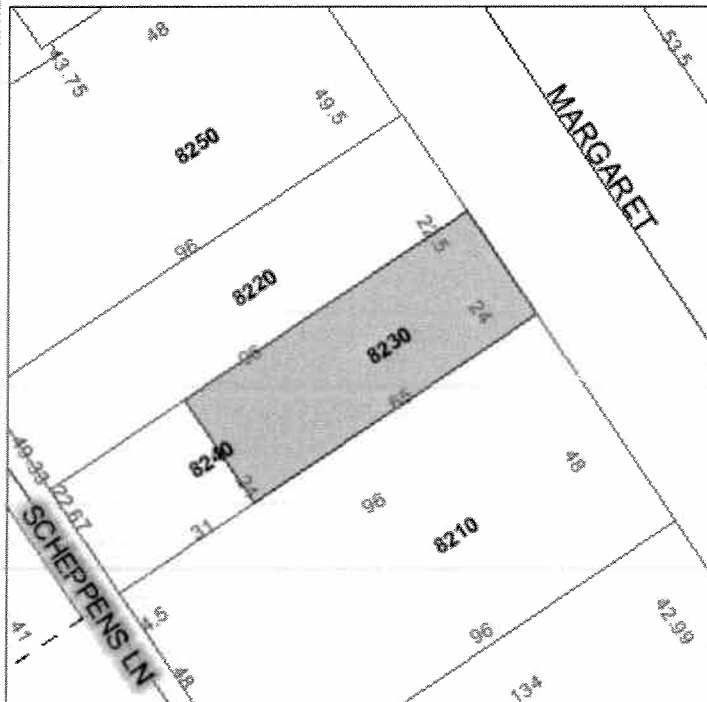
Ownership Details

Mailing Address:
AYERS KEITH R AND KIMBERLIR
427 CRUISERS DR
POLK CITY, FL 33868-5134

Property Details

PC Code: 01 - SINGLE FAMILY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 512 MARGARET ST KEY WEST
Legal Description: KW PT LOT 2 SQR 47 G73-158/59 OR934-1185D/C OR1351-343/44P/R OR1362-1473/74 OR1856-1249/51 OR2390-1410/12 OR2449-1411/12

Parcel Map





Land Details

Land Use Code	Frontage	Depth	Land Area
01SD - RES SMALL LOT DRY	24	65	1,560.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 0
Total Living Area: 1462
Year Built: 1933

Building 1 Details

Building Type R1	Condition G	Quality Grade 600
Effective Age 9	Perimeter 240	Depreciation % 9
Year Built 1933	Special Arch 0	Grnd Floor Area 1,462
Functional Obs 0	Economic Obs 0	

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

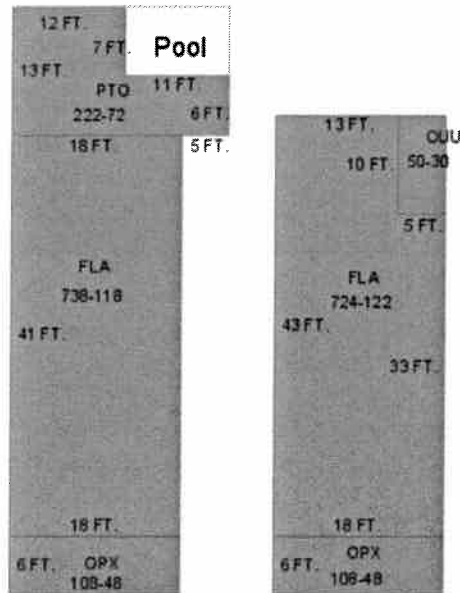
Roof Type GABLE/HIP	Roof Cover METAL	Foundation WD CONC PADS
Heat 1 NONE	Heat 2 NONE	Bedrooms 2
Heat Src 1 NONE	Heat Src 2 NONE	

Extra Features:

2 Fix Bath	1	Vacuum	0
3 Fix Bath	1	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
 Extra Fix 0

Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA	12:ABOVE AVERAGE WOOD	1	1932	N Y	0.00	0.00	738
2	OPX		1	1932	N N	0.00	0.00	108
3	FLA	12:ABOVE AVERAGE WOOD	1	1932	N Y	0.00	0.00	724
4	OPX		1	1932	N N	0.00	0.00	108
5	OUU		1	2001	N N	0.00	0.00	50
6	PTO		1	2001	N N	0.00	0.00	222

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	96 SF	24	4	1984	1985	5	30
2	PO4:RES POOL	77 SF	11	7	2002	2003	5	50
3	AC2:WALL AIR COND	4 UT	0	0	2001	2002	2	20
4	PT2:BRICK PATIO	192 SF	64	3	2002	2003	2	50
5	FN2:FENCES	432 SF	72	6	2002	2003	2	30

Appraiser Notes

2011-02-25 MLS \$789,000 2/2.5 CHARMING CLASSIC REVIVAL HOME ON THE BEST BLOCK OF OLD TOWN WITH PORCHES ON TWO LEVELS TO TAKE IT ALL IN! BEAUTIFUL DADE COUNTY PINE WALLS, HARDWOOD FLOORS, SUN BATHING BALCONY OFF MASTER BEDROOM. 2 BEDROOMS WITH 2 BATHS ON SECOND FLOOR, MASTER HAS VAULTED CEILINGS IN BOTH BEDROOM AND BATH. FIRST FLOOR HAS OPEN LIVING/DINING AREA, KITCHEN, AND EXTRA ROOM OFF KITCHEN THAT COULD BE USED FOR OFFICE SPACE. LOVELY, LOW MAINTENANCE DECK AREA WITH HEATED POOL IN THE BACK. WALKING DISTANCE TO GREAT RESTAURANTS, HISTORIC SEAPORT, DUVAL STREET, AND ALL ATTRACTIONS KEY WEST HAS TO OFFER. AMPLE CLOSETS FOR STORAGE COMPLETE THIS KEY WEST GEM

2006-04-05-BEING LISTED FOR \$1.2 MIL DADE PINES WALLS ALL NEW SYSTEMS 2BEDS/2.5 BATHS,HEATED POOL-SKI

2007-01-30 MLS \$1,149,000 2/3 CLASSIC REVIVAL IN HEART OF HISTORIC DISTRICT, FABULOUS CONDITION ALL NEW SYSTEMS,HEATED POOL.DKRAUSE

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
6 05-3943	09/16/2005	11/10/2005	6,000	Residential	TWO A/C'S
1 00-769	03/23/2000	10/18/2001	800	Residential	UPGRADE ELECTRICAL
2 00-1569	06/12/2000	10/18/2001	1,200	Residential	REPAIR PORCH, PAINT EXT.
3 02-0927	04/22/2002	09/10/2002	9,900	Residential	POOL
4 02-1340	05/23/2002	09/10/2002	250	Residential	FENCE
5 03-3760	11/05/2003	12/12/2003	4,800	Residential	NEW WINDOWS
7 05-4325	10/03/2005	11/10/2005	1,000		NEW ELECTRIC FOR NEW A/C SYSTEMS

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	229,571	10,691	178,199	418,461	418,461	25,000	393,461
2009	227,224	11,022	270,862	509,108	509,108	25,000	484,108
2008	213,321	11,352	304,200	528,873	528,873	25,000	503,873
2007	334,569	9,837	275,730	620,136	577,006	25,000	552,006
2006	604,421	10,128	148,200	762,749	562,933	25,000	537,933
2005	673,286	10,416	117,000	800,702	546,537	25,000	521,537
2004	410,696	10,722	109,200	530,618	530,618	25,000	505,618
2003	251,781	10,536	54,600	316,917	109,308	25,000	84,308
2002	153,295	294	54,600	208,189	98,224	25,000	73,224
2001	121,448	321	54,600	176,369	96,678	25,000	71,678
2000	100,919	166	29,640	130,725	93,863	25,000	68,863
1999	96,093	166	29,640	125,899	91,396	25,000	66,396
1998	81,174	152	29,640	110,966	89,957	25,000	64,957

1997	74,593	146	26,520	101,259	88,454	25,000	63,454
1996	59,235	123	26,520	85,878	85,878	25,000	60,878
1995	57,041	125	26,520	83,686	83,686	0	83,686
1994	48,266	111	26,520	74,897	74,897	74,897	0
1993	52,599	0	26,520	79,119	79,119	79,119	0
1992	52,599	0	26,520	79,119	79,119	79,119	0
1991	52,599	0	26,520	79,119	79,119	79,119	0
1990	45,781	0	20,670	66,451	66,451	25,500	40,951
1989	37,835	0	20,280	58,115	58,115	25,500	32,615
1988	32,968	0	17,160	50,128	50,128	25,500	24,628
1987	32,610	0	11,622	44,232	44,232	25,500	18,732
1986	32,772	0	11,232	44,004	44,004	25,500	18,504
1985	31,902	0	6,349	38,251	38,251	25,500	12,751
1984	30,036	0	6,349	36,385	36,385	25,000	11,385
1983	30,036	0	6,349	36,385	36,385	25,000	11,385
1982	30,550	0	6,349	36,899	36,899	25,000	11,899

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
1/8/2010	2449 / 1411	720,000	<u>WD</u>	<u>02</u>
1/31/2003	1856 / 1249	695,000	<u>WD</u>	<u>Q</u>
7/1/1995	1362 / 1473	100,000	<u>WD</u>	<u>Q</u>

This page has been visited 12,106 times.

Monroe County Property Appraiser
 Karl Borglum
 P.O. Box 1176
 Key West, FL 33041-1176

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing **at 6:00 p.m., July 21, 2011 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:

After the fact Variance - 512 Margaret Street (RE#00008230-000000) - For an after the fact side-yard setback variance in the HHDR zoning district per Section 122-630 (6) b. 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

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Applicant:	Barton Smith, P.L.	Owner:	Keith & Kimberlie Ayers
Project Location:	512 Margaret	Date of Hearing:	Thursday, July 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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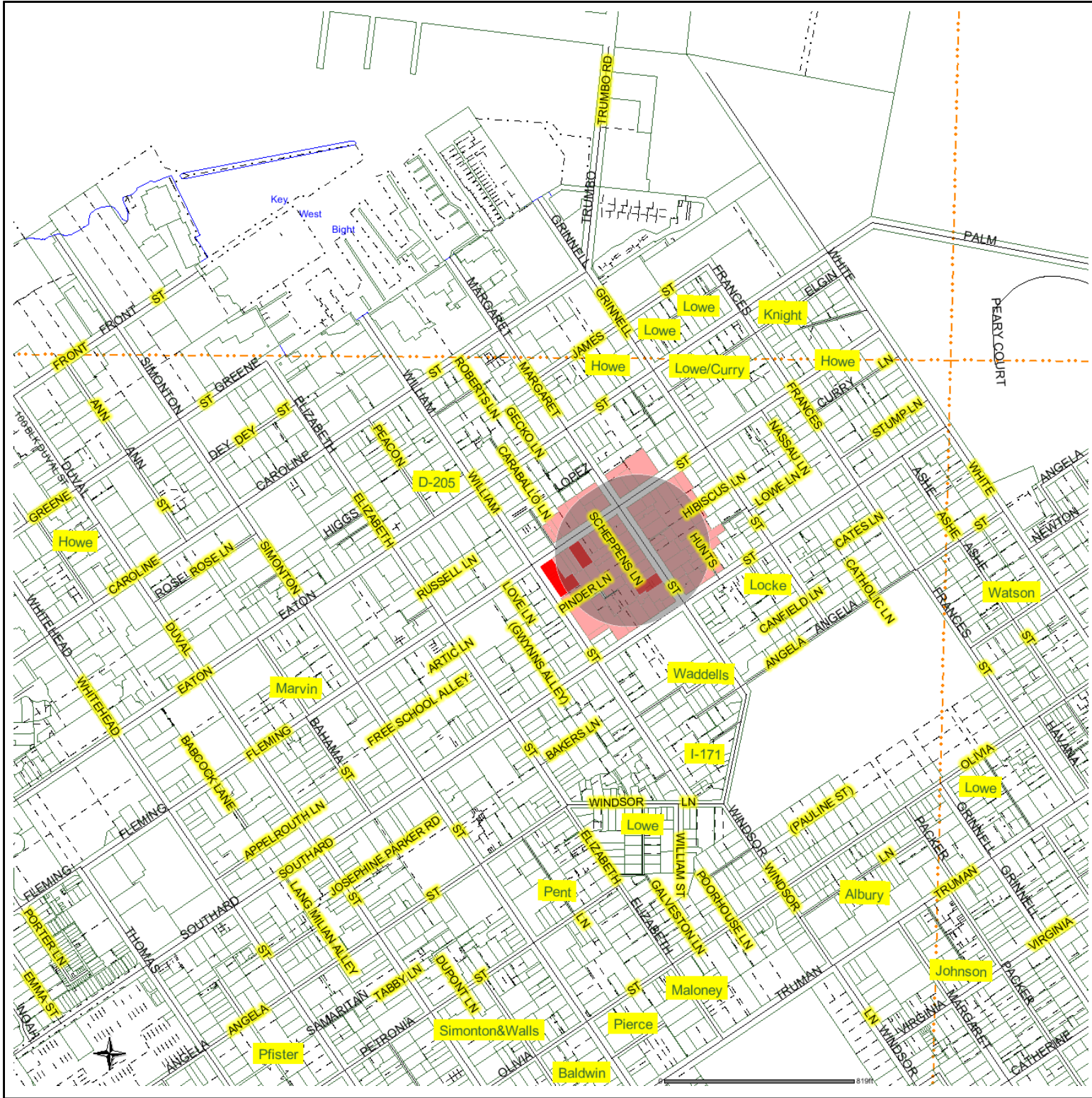
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512 Margaret

- Legend**
- theBuffer
 - theBufferTarget
 - Hooks/Leads
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines



PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

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	CITY	STATE	ZIP	COUNTRY
EBERHARDT DIANE LOUISE TRUSTEE	10 COLUMBINE LN	RIVERWOODS	IL	60015	
MEGALOPS TRUST 02/19/09	101 INDIAN AVE	MIDDLETOWN	RI	02842	
MULLINS SHEILA K	1075 DUVAL ST	KEY WEST	FL	33040	
STAIR FAMILY CHILD EXEMPT TRUST 4/24/02	1107 KEY PLAZA	KEY WEST	FL	33040	
LADHA ISSA F	12087 LANDON DR	MIRA LOMA	CA	91752	
ALEXANDER MARGO N	138 EAST 92ND ST	NEW YORK	NY	10128	
MARGARET STREET LLC	138 EAST 92ND ST	NEW YORK	NY	10128	
DALTON PETER O	1401 KINSLEY AVE	ORANGE PARK	FL	32073	
DICKINSON JOHN	1544 BOWFIN CT	KEY WEST	FL	33040	
OSTROFF JONATHAN B AND LISA M	155 REHILL AVE	SOMERVILLE	NJ	08876	
BREADY DANIEL L	1717 15TH ST NW	WASHINGTON	DC	20009	
812 NO. 6 FLEMING STREET LLC	1717 GEORGE ST	KEY WEST	FL	33040	
MALOUIN FERNAND E	205 SEASIDE DR	JAMESTOWN	RI	02835	
BRADDISH KEVIN AND BARBARA D	207 W ISLIP RD	WEST ISLIP	NY	11795	
EPSTEIN RICHARD AND JILL	223 BEACON ST	BOSTON	MA	02116	
BOYLE ALICE CHERYL	236 11TH AVE NE UNIT 1	SAINT PETERSBURG	FL	33701	
STOTT DAVID	26 THE PROMENADE PEACEHAVEN	EAST SUSSEX	UK	BN10 8PF	ENGLAND
ROHOLT PATRICIA K	2724 ANZIO CT APT 204	PALM BEACH GARDEN	FL	33410	
SNEATH RAYMOND L AND JANET	3 HIBISCUS LN	KEY WEST	FL	33040	
CAROW RICHARD A	3 HUNTS LN	KEY WEST	FL	33040	
DICKERMAN SIDNEY	300 EAST 62ND ST	NEW YORK	NY	10021	
BAYWATCH PLUS LLC	327 SHADES CREST RD	BIRMINGHAM	AL	35226	
HORTON KEN L AND JUDY S	327 SHADES CREST RD	BIRMINGHAM	AL	35226	
NYSTROM FRANCES H REV TR 9/14/2009	3417 RIVIERA DR	KEY WEST	FL	33040	
BREATHING SPACE LLC	3939 HOUMA BLVD STE 6	METAIRIE	LA	70006	
DUANE DICK	4 PINDER LN	KEY WEST	FL	33040	
CROCKETT DIANE A	405 FLEMING ST	KEY WEST	FL	33040	
MILLER CLAUDIA	408 INDIES DR	VERO BEACH	FL	32963	
STILLPOINT MEADOWS KW 11 LLC	408 INDIES DR	VERO BEACH	FL	32963	
AYERS KEITH R AND KIMBERLI R	427 CRUISERS DR	POLK CITY	FL	33868	
SNAFUWORLD LLC	4540 PGA BLVD STE 216	PALM BEACH GARDEN	FL	33418	
HERRIOTT KENNETH NEAL AND MARGARET HALEY	5 HUNT'S LN	KEY WEST	FL	33040	
WALKER STEPHEN ROSS	502 MARGARET STREET	KEY WEST	FL	33040	
RICHARDSON ROBERT D	508 MARGARET ST	KEY WEST	FL	33040	
GOODWIN JANE FENWICK	512 ANGELA ST	KEY WEST	FL	33040	
BRANNIN JEFFREY	524 MARGARET ST	KEY WEST	FL	33040	
MAGGIO JOSEPH S JR	524 MARGARET ST APT 1	KEY WEST	FL	33040	
PARKER BERTRAM B	525 MARGARET ST	KEY WEST	FL	33040	
ADRIANCE SAMANTHA S	527 MARGARET ST	KEY WEST	FL	33040	
CONGREGATIONAL CHURCH	527 WILLIAM ST	KEY WEST	FL	33040	

NAME	ADDRESS	CITY	STATE	ZIP	COUNTRY
CONGREGATIONAL CHURCH	527 WILLIAM STREET	KEY WEST	FL	33040	
MANCIOLI ANA MARIA PRATO	534 MARGARET ST	KEY WEST	FL	33040	
MANSOUR PAUL S AND HEATHER L	544 JEFFERSON AVE	SCRANTON	PA	18510	
HEIN PETER AND MARILYN S	6 RUSTIC GATE LN	DIX HILLS	NY	11746	
FRIDAY NANCY	6 W 77TH ST	NEW YORK	NY	10024	
SANGER JAMES R	7288 KINNIKINNICK DR	ROSCOE	IL	61073	
906 FLEMING STREET LLC	80 OTTAWA AVE NW STE 200	GRAND RAPIDS	MI	49503	
BANKS LYNN P	800 FLEMING ST	KEY WEST	FL	33040	
MCCALL ROBERT E III AND KATHY S	800 FLEMING ST	KEY WEST	FL	33040	
LAPPKE CARL E AND ANN E	800 OCEAN RD	PT PLEASANT BEACH	NJ	08742	
MONSON WARREN A AND SUSAN M	806 FLEMING ST	KEY WEST	FL	33040	
ROMO ALBINA C	810 FLEMING ST	KEY WEST	FL	33040	
BRANN MELINDA	814 FLEMING ST	KEY WEST	FL	33040	
VEY PETER L	814 FLEMING ST	KEY WEST	FL	33040	
812 FLEMING STREET NUMBER 2 LLC	814 FLEMING ST APT 1	KEY WEST	FL	33040	
ROCKWELL PROPERTY INC	816 FLEMING ST	KEY WEST	FL	33040	
ROCKWELL PROPERTY INC	818 FLEMING ST	KEY WEST	FL	33040	
ETHIER JAMES B REV LIV TRUST 09/16/2004	821 WOODLAND CT	KNOXVILLE	TN	37919	
ETHIER JAMES B REV LVG TRST 9/16/2004	821 WOODLAND CT	KNOXVILLE	TN	37919	
HOBART RESORTS INC	823 FLEMING ST	KEY WEST	FL	33040	
DIEZEL PATRICIA N	825 SOUTHARD ST	KEY WEST	FL	33040	
SONZOGNI NORMA JEAN PEACOCK T/C	825 SOUTHARD ST REAR	KEY WEST	FL	33040	
CUTLER CLIFFORD C	827 FLEMING ST	KEY WEST	FL	33040	
LARSEN NANCY H	827 SOUTHARD ST	KEY WEST	FL	33040	
819 FLEMING STREET LLC	829 FLEMING ST	KEY WEST	FL	33040	
901 FLEMING INC	901 FLEMING ST	KEY WEST	FL	33040	
MELNICK EUNICE M	901 NAVESINK RIVER RD	LOCUST	NJ	07760	
WALSH JOSEPH H	909 16TH TERR	KEY WEST	FL	33040	
MCDAVITT JOSEPH E	909 SOUTHARD ST	KEY WEST	FL	33040	
417 MARGARET LLC	911 FLEMING ST	KEY WEST	FL	33040	
AMATO CRAIG T QPRT 06/13/09	911 FLEMING ST	KEY WEST	FL	33040	
GLASS SEAN P REV TRUST	912 FLEMING ST	KEY WEST	FL	33040	
MCGREGOR RAY D III AND DEBBIE R	916 FLEMING ST	KEY WEST	FL	33040	
CARDENAS ROBERT H JR AND DEBORAH S	917 EATON ST	KEY WEST	FL	33040	
KARA ARTHUR ROBERT LIVING TRUST	918 CORNISH LN	KEY WEST	FL	33040	
ALFONSO DIOMIRA P	918 FLEMING ST	KEY WEST	FL	33040	
BENNETT EDWARD H III AND MARCIA O	966 W DEERPATH	LAKE FOREST	IL	60045	
MILLER CONSTANCE N	99 GUYS LN	BLOOMSBURG	PA	17815	
VIERS ROBERT TIMOTHY & BEETS MARY JANICE (WIFE)	99351 MC LEAN STREET	BIG PINE KEY	FL	33043	
GROSE WILLIAM	P O BOX 1132	KEY WEST	FL	33040	

NAME	ADDRESS	CITY	STATE	ZIP	COUNTRY
SEASHELL INVESTMENTS LLC	P O BOX 98	RACINE	WI	53401	
HURD GEORGE	PO BOX 1453	KEY WEST	FL	33041	
DR FELIX VARELA LODGE NO 64 F AND A MASONS OF KW	PO BOX 295	KEY WEST	FL	33040	
GOODWIN JANE FENWICK	PO BOX 55123	ATLANTA	GA	30308	