

**Development Review Committee
August 26, 2010 – 2:00 p.m.
City Commission Chamber
Old City Hall, 510 Greene Street**



- 4d. Variances - 803 Emma Street (RE# 00014650-000000)** - An application for Variances to building coverage, impervious surface ratio and all setback requirements in the Historic High Density Residential zoning district per Section 122-630 (4), (5), & (6) to accommodate an addition to the structure and as required when reconstruction exceeds 50% of the assessed or appraised value of the structure per Section 122-28 (d) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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 803 EMMA ST
2. Name of Applicant PAUL RICHARDSON
3. Applicant is: Owner Authorized Representative
(attached Authorization Form must be completed)
4. Address of Applicant 913 TERRY LANE
KEY WEST, FL
5. Phone # of Applicant - Mobile# 8965812 Fax# -
6. E-Mail Address popper913@yahoo.com
7. Name of Owner, if different than above WILLIAM WEECH AMERICAN
8. Address of Owner LEGION POST 168
803 EMMA ST, KEY WEST, FL
9. Phone Number of Owner 8965812 Fax# -
10. Email Address popper913@yahoo.com
11. Zoning District of Parcel 33040 RE# 1465
12. Description of Proposed Construction, Development, and Use
RESTORATION OF EXISTING AMERICAN
LEGION POST 168 / VFW HALL

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

	Required	Existing	Requested
Front Setback	0	0	-
Side Setback	5'	0	0
Side Setback	5'	2.54'	2.46'
Rear Setback	10'	9.6	9.6
Building Coverage	2600	5015	5323
Open Space Requirements	3900	1650	1485
Impervious Surface	3900	5155	5323

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.

THE BUILDING WAS CONSTRUCTED IN 1951.
IT CANNOT BE SAVED WITHOUT EXCEEDING
THE 66% LIMIT ON REPAIR VALUE. ALSO,
IT WAS BUILT OVER CURRENT SETBACKS.

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

SEE ABOVE

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.

MANY PRECEDENTS EXIST FOR THE GRANTING
OF VARIANCES FOR THIS TYPE OF PROJECT
IN THE HISTORIC DISTRICT - THIS THIS
IS NOT A SPECIAL CONDITION.

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.

SEE NO. 3

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.

IT IS IMPLICIT IN ANY CONSTRUCTION DONE
ON THIS BUILDING TO SAVE IT THAT
VARIANCES WILL BE REQUIRED.

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.

THIS PROJECT SEEKS TO PRESERVE AND
RESTORE THE PURPOSE OF THE BUILDING
AS A COMMUNITY CENTER

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 SPECIAL PRIVILEGES ARE
CONFERRED

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.

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 7/13/10 HARC # H10-01-93

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.

TREE COMMISSION APPROVAL PENDING

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

Verification Form

Verification Form

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

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

I, Paul Richardson, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the _____ Owner Owner's Legal Representative
for the property identified as the subject matter of this application:

803 Emma St
Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

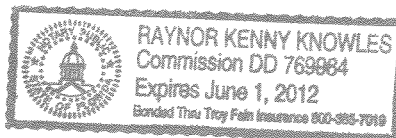
[Signature] _____
Signature of Owner/Legal Representative Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 8-10-2010 (date) by
Paul Richardson (name). He is personally known to me or has
presented _____ as identification.

[Signature]
Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Title or Rank _____ Commission Number (if any)



Authorization Form

Authorization Form

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

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

I, Paul Richardson authorize
Please Print Name(s) of Owner(s)

Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the Planning Board.

Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on 8-10-2010 (date) by

Paul Richardson
Please Print Name of Affiant

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

Raynor K Knowles
Notary's Signature and Seal



Name of Acknowledger printed or stamped

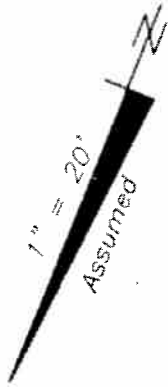
Notary

Title or Rank

Commission Number (if any)

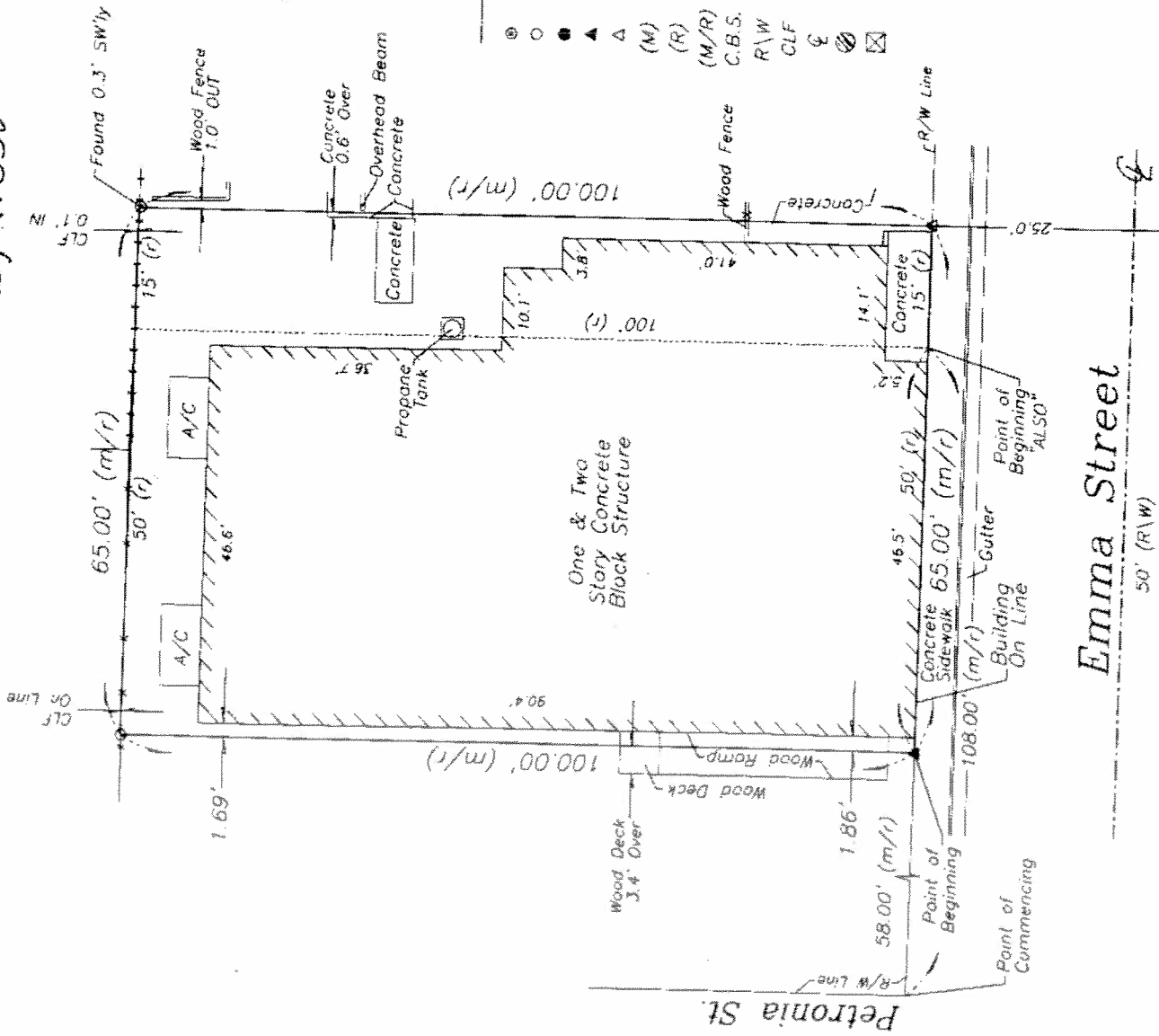
Survey

Boundary Survey Map of Part of Tract 3 Island of Key West



LEGEND

- ⊙ Found 3/4" Iron Pipe (No ID)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod
- ▲ Found Nail & Disc (PTS)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole



Emma Street
50' (R/W)

Petronia St