

Staff Report

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



To: Chairman and Planning Board Members

Through: Thaddeus Cohen, Planning Director

From: Melissa Paul-Leto, Planner Analyst

Meeting Date: November 17, 2016

Agenda Item: **Variance – 1215 Margaret Street (RE # 00029690-000000; AK # 1030457)** - A request for variances to the maximum 30% rear yard coverage for an accessory structure and minimum front, rear and side setbacks in order to rebuild a covered porch, rear addition, outdoor shower and rear accessory structure on property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Section 90-395 and 122-600(6)(a), 122-600(6)(b), 122-600 (6) (c) and 122-1181 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

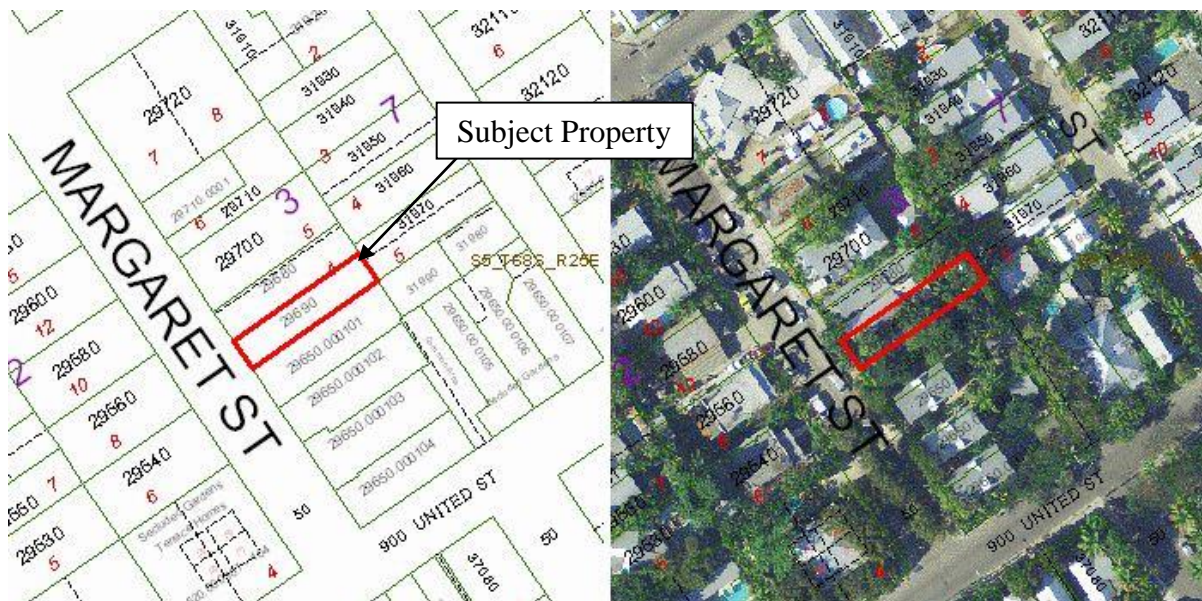
Request: Variances to maximum 30% rear yard coverage for an accessory structure, front setback, side setbacks and rear yard setback requirements.

Applicant: Trepanier and Associates, Inc.

Owner: Aleda Reilly

Location: 1215 Margaret Street (RE # 00029690-000000; AK # 1030457)

Zoning: Historic Medium Density Residential (HMDR)



Background and Request:

The subject property is located within the HMDR Zoning District. The property consists of a 2,641 square foot lot of record containing a one story single family residence and one story accessory structure. The property was granted variances to rear and side setbacks in 2001 for the existing one story accessory structure, (see Resolution 01-248 attached).

The applicant is proposing to rebuild the following: front porch, existing rear addition with covered porch attached, rear accessory structure and outdoor shower. The applicant is requesting variances to front, rear and both side setback requirements as part of the proposed construction.

Relevant HMDR Zoning District Dimensional Requirements: Code Section 122-600				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Zoning	HMDR			
Flood Zone	X			
Minimum lot size	4,000 sf	2,641 sf	2,641 sf	Existing Non-conformity In Compliance
Height	30 feet	30 feet	30 feet	In Compliance
Front setback	10 feet	5 feet 7 inches	7 feet 7 inches	Variance Requested (2 feet)
Side Setback (South)	5 feet	4 feet 9 inches	4 feet 2 inches	Variance requested (8 inches)
Side Setback (North)	5 feet	.3 feet over	2 feet 6 inches	Variance requested (2 feet 4 inches)
Rear setback (One story accessory structure)	5 feet	0'-5"	3'-0"	Variance Requested (2'-0")
Building Coverage	40%	58.5% (1,440 sf)	58.4% (1,438 sf)	In Compliance Existing non-conformity
Impervious Surface	60%	69.1% (1,703 sf)	66% (1,609 sf)	In Compliance Existing non-conformity Making an improvement
Open Space	35%	22.70%	22.70%	In Compliance Existing non-conformity

Process:

Planning Board Meeting:

November 17, 2016

Local Appeal Period:

30 days

DEO Review Period:

Up to 45 days

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 maximum building coverage, impervious surface, minimum open space, front, rear and both side setbacks requirements in the HMDR zoning district. Legally nonconforming site characteristics are not exceptional in the City, and therefore do not generate the existence of special conditions or circumstances.

NOT IN COMPLIANCE.

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

The additional non-conformities will be created by the applicant due to the nature of the design.

NOT IN COMPLIANCE.

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.***

The granting of the variance would confer upon the applicant special privileges denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district.

NOT IN COMPLIANCE.

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. Therefore, hardship conditions do not exist.

NOT IN COMPLIANCE.

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 is not the minimum required that will make possible the reasonable use of the land, building, or structure. However, they are the minimum necessary to accommodate the request.

NOT IN COMPLIANCE.

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 variance does not appear to be injurious to the area involved or detrimental to the public interest.

NOT IN COMPLIANCE.

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 non-conforming 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.

IN COMPLIANCE.

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

It does not appear that the requested variance would trigger any public facility capacity issues.

The Planning Board shall make factual findings regarding the following:

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 fully met by the applicant for the variances requested.

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 public comment regarding the variance request.

Pursuant to Code Section 90-392, in granting such application the Planning Board must make specific affirmative findings respecting each of the matters specified in Code Section 90-394.

The planning board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district would be permitted.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

No such grounds were considered.

No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.

No density or intensity of a use would be increased beyond that permitted by the comprehensive plan or these LDRs.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be **denied**.

VARIANCE: 1215 MARGARET STREET

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT TO ALLOW THE CONSTRUCTION OF A SHED AFTER THE FACT WHICH REPLACES TWO EXISTING NONCONFORMING SHEDS BY GRANTING VARIANCES TO THE SETBACK REGULATIONS FOR PROPERTY IN THE HMDR, HISTORIC MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA. SPECIFICALLY PERMITTING VARIANCES TO ARTICLE V, SUBSECTION 2-5.5.1.E.6(b) AND (c) AS FOLLOWS: OF 4 FEET TO THE LEFT SIDE SETBACK FROM THE 5 FEET REQUIRED TO THE 1 FOOT PROPOSED BEGINNING AT A POINT 2.5 FEET FROM THE REAR PROPERTY LINE FOR A DISTANCE OF 8 FEET ALONG THE LEFT SIDE PROPERTY LINE; AND OF 13.5 FEET TO THE REAR SETBACK FROM THE 15 FEET REQUIRED TO THE 2.5 FEET PROPOSED, COMMENCING AT A POINT 5.5 FEET FROM THE RIGHT SIDE PROPERTY LINE FOR A DISTANCE OF 16.5 FEET ALONG THE REAR OF THE PROPERTY LOCATED AT 1215 MARGARET STREET (RE# 00029690-000100); PROVIDING A CONDITION.

REAL ESTATE PARCEL #00029690-000100,
ALSO KNOWN AS 1215 MARGARET STREET,
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 Land Development Regulations.

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 Land Development Regulations, 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 variances to SETBACK REGULATIONS in the HMDR, HISTORIC MEDIUM DENSITY RESIDENTIAL Zoning District, under the Land Development Regulations of the City of Key West, Florida, are hereby granted TO ARTICLE V, SUBSECTION 2-5.5.1.E.6(b) AND (c) AS FOLLOWS: OF 4 FEET TO THE LEFT SIDE SETBACK FROM THE 5 FEET REQUIRED TO THE 1 FOOT PROPOSED BEGINNING AT A POINT 2.5 FEET FROM THE REAR PROPERTY LINE FOR A DISTANCE OF 8 FEET ALONG THE LEFT SIDE PROPERTY LINE; AND OF 13.5 FEET TO THE REAR SETBACK FROM THE 15 FEET REQUIRED TO THE 2.5 FEET PROPOSED, COMMENCING AT A POINT 5.5 FEET FROM THE RIGHT SIDE PROPERTY LINE FOR A DISTANCE OF 16.5 FEET ALONG THE REAR OF THE PROPERTY. THE PURPOSE OF THE REQUEST IS TO ALLOW THE CONSTRUCTION OF A SHED AFTER THE FACT WHICH REPLACES TWO EXISTING NONCONFORMING SHEDS ON PROPERTY LOCATED AT 1215 MARGARET STREET (RE# 00029690-000100); PROVIDING A CONDITION.

REAL ESTATE PARCEL #00029690-000100, ALSO KNOWN AS 1215 MARGARET STREET, KEY WEST, MONROE COUNTY, FLORIDA

Section 2. It is an essential condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this variance that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of said 12-month period.

Section 3. Failure to submit full and complete application for permits for new construction for which this variance is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 4. 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.

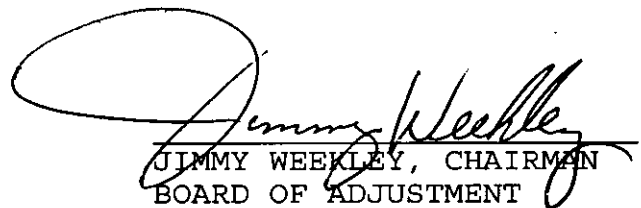
Section 5. That the grant of variance is conditioned upon the applicant removing the concrete indicated on the site plan within ninety (90) days of the date hereof.

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.

Read and passed on first reading at a regular meeting held this 8th day of August, 2001.

Authenticated by the presiding officer and Clerk of the Board on 9th day of August, 2001.

Filed with the Clerk on August 9, 2001.


JIMMY WEEKLEY, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:


CHERYL SMITH CITY CLERK

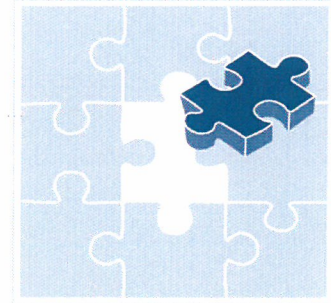
Application

September 15, 2016

Mr. Thaddeus Cohen, Director
City of Key West Planning Department
3140 Flagler Avenue
Key West, FL 33040

Re: Variance for RE# 00029690-000000
1215 Margaret Street

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Dear Director Cohen:

Please accept the attached application as a formal request for variances to support the renovation efforts for the above referenced historic property. In 2001, Resolution 01-248¹ granted variances to rear and side yard setbacks specifically for the accessory structure.

After meeting with HARC and Planning staff, it was recommended that a variance application was necessary in order to make the proposed improvements.

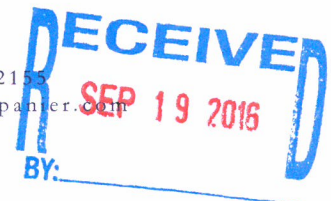
Thank you in advance for your time and consideration. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Thompson', written in dark ink.

Lori Thompson
Project Manager

¹ Attachment A





Application For Variance

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

Application Fee: \$1,150.00 / After-the-Fact: \$2,150.00
(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720.

PROPERTY DESCRIPTION:

Site Address: 1215 Margaret Street

Zoning District: HMDR Real Estate (RE) #: 00029690-000000

Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative

Name: Trepanier and Associates, Inc.

Mailing Address: 1421 First Street

City: Key West State: FL Zip: 33040

Home/Mobile Phone: _____ Office: 305-293-8983 Fax: _____

Email: lori@owentrepanier.com

PROPERTY OWNER: (if different than above)

Name: David (deceased) and Aleda Reilly

Mailing Address: 5506 Beamin Dew Loop

City: Land O Lakes State: FL Zip: 34638-3656

Home/Mobile Phone: _____ Office: c/o 305-293-8983 Fax: _____

Email: c/o lori@owentrepanier.com

Description of Proposed Construction, Development, and Use: _____

Rebuild covered front porch to it's original historic dimensions; rebuild existing rear addition incorporating covered porch; rebuild accessory structure and construct a pool in the rear yard.

List and describe the specific variance(s) being requested:

- Section 122-600 (6)a. Front yard setback for portion of front porch from the required 10 ft to 7.7 ft.
- Section 122-600 (6)b. Side yard setback for accessory structure from the existing 1 ft to 2.5 ft
- Section 122-600 (6)b. Side yard setback for rear addition to principle structure from the existing -0.6 ft. to 0 ft.
- Section 122-600 (6)c. Rear yard setback for accessory structure from the existing 2.5 ft. to 3 ft.
- Section 122-1181. 30% rear yard coverage for accessory structure from the existing 43.7% to 43.1%

Are there any easements, deed restrictions or other encumbrances attached to the property? Yes No

If yes, please describe and attach relevant documents: _____

Resolution 01-248 (attached) approving a rear and side yard setback variances for the existing accessory structure.

City of Key West • Application for Variance

Will any 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.

Is this variance request for habitable space pursuant to Section 122-1078? Yes No

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				
Flood Zone				
Size of Site				
Height				
Front Setback				
Side Setback				
Side Setback				
Street Side Setback				
Rear Setback				
F.A.R				
Building Coverage				
Impervious Surface				
Parking				
Handicap Parking				
Bicycle Parking				
Open Space/ Landscaping				
Number and type of units				
Consumption Area or Number of seats				

See Attached

This application is reviewed pursuant to Section 90-391 through 90-397 of the City of Key West Land Development Regulations (LDRs). The City’s LDRs can be found in the Code of Ordinances online at http://www.municode.com/Library/FL/Key_West under Subpart B.

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

SITE DATA TABLE - 1215 Margaret Street
Variance Application for Required Setbacks

Site Data	Permitted/ Required	Existing	Proposed	Compliance
Zoning	HMDR			
Flood Zone	X			
Site Size	≤ 4,000 sq. ft.	2,641 sq. ft.	No Change	Complies*
Height	≤ 30'	≤ 30'	No Change	Complies
Setbacks:				
Front	10'	5'-7"	7'-7"	Variance
Left Side (primary)	5'	-0.8'	0'	Variance
**Left Side (accessory)	1'	-0.3'	2'-6"	Variance
Right Side (primary)	5'	5'	No Change	Complies
**Right Side (accessory)	5'-6"	5'-6"	4'-2"	Variance
**Rear	2'-6"	0.5'	3'	Complies
F.A.R.	1.0	N/A	N/A	N/A
Building Coverage	≤ 40%	58.5% (1,440 sf)	58.4% (1,438 sf)	Complies*
Impervious Surface	≤60%	69.1% (1,703 sf)	66% (1,609 sf)	Complies*
Open Space	≥35%	22.70%	22.70%	Complies*
No. & Type of units	1 SFR	1 SFR	No Change	Complies
Parking	N/A	N/A	N/A	N/A
Handicap Parking	N/A	N/A	N/A	N/A
Bicycle Parking	N/A	N/A	N/A	N/A
Consumption Area	N/A	N/A	N/A	N/A

*Existing non-conformity under Article II.- Nonconformities, Sec. 122

** Per Resolution 01-248

City of Key West • Application for Variance

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.

Special conditions exist. This residence was constructed prior to 1912. This lot is 61% of the minimum size for a lot in the HMDR. If this lot met the minimum dimensions under the current code, no variances would be required. This is peculiar to this property and not applicable to other buildings in the HMDR zoning district.

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

The properties' current condition were not created by the applicant. The current owners purchased the home in April 2015 "as-is" and are wanting to improve its current condition. The existing property line was established prior to the current ownership and long before the current code was adopted.

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.

Granting the variances will not confer any special privileges upon the applicant denied by the land development regulations to other lands or structures due to the special circumstances that occurred over 100 years ago. Granting the variances will allow the current owners the ability to bring the structure into better conformance with the code.

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.

Hardship conditions do exist. Due to the small lot size, the owners are unable to renovate the house, improve its compatibility with the historic streetscape nor improve its compliance with the code without the variances.

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.

Only the minimum variances are being requested to allow improvements to the structure without increasing building coverage and impervious surface. The variance to the front porch will allow the return of an originally configured porch, improving its appearance, and providing for a more compatible design within the historic environment.

City of Key West • Application for Variance

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 granting of the variances will not be injurious to the public welfare. On the contrary, the variances will allow for an improvement to the site. Not only will the lot be in further compliance with the LDR's, but the increase to the existing (legal) rear and side setback will improve life safety conditions.

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.

Existing nonconforming uses of other property is not considered as a basis for approval. The granting of this variance is based on this parcel's nonconforming status and not a 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 are to 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 Section 90-395 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."

REQUIRED SUBMITTALS: All of the following must be submitted in order to have a complete application. Please submit one paper copy and one electronic copy of all materials.

- Correct application fee. Check may be payable to "City of Key West."
- Notarized verification form signed by property owner or the authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Property record card
- Signed and sealed survey
- Site plan (plans MUST be signed and sealed by an Engineer or Architect)
- Floor plans
- Stormwater management plan

Verification

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an individual)

I, Owen Trepanier, 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:

1215 Margaret Street

Street address of subject property

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

A handwritten signature in black ink, appearing to read "Owen Trepanier", written over a horizontal line.

Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 9-12-16 by
date

Owen Trepanier

Name of Authorized Representative

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

A handwritten signature in black ink, appearing to read "Alvina Covington", written over a horizontal line.

Notary's Signature and Seal



Alvina Covington

COMMISSION #FF913801

EXPIRES: August 27, 2019

WWW.AARONNOTARY.COM

Alvina Covington

Name of Acknowledger typed, printed or stamped

FF913801

Commission Number, if any

Authorization

**City of Key West
Planning Department**



**Authorization Form
(Individual or Joint Owner)**

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

I, Aleda J. Reilly authorize
Please Print Name(s) of Owner(s) as appears on the deed

Trepanier & Associates Inc.

Please Print Name of Representative

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

Aleda J. Reilly
Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 9.13.16
Date

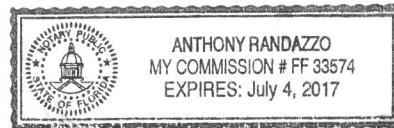
by Aleda J. Reilly
Name of Owner

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

Anthony Randazzo
Notary's Signature and Seal

Anthony Randazzo
Name of Acknowledger typed, printed or stamped

FE 33574
Commission Number, if any



Deed

Doc# 2022933 04/06/2015 4:37PM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

Prepared by and return to:
Gregory S. Oropeza, Esq.
Attorney at Law
Smith | Oropeza | Hawks
138-142 Simonton Street
Key West, FL 33040
305-296-7227
File Number: 2015-63
Will Call No.:

04/06/2015 4:37PM
DEED DOC STAMP CL: Krys \$4,046.00

Doc# 2022933
Bk# 2733 Pg# 658

\$ 578,000.00

Parcel Identification No. 00029690-000000

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 2nd day of April, 2015 between Peter M. Cornell and Kathleen Howe, husband and wife whose post office address is PO Box 9, Bondville, VT 05340-0009 of the County of Bennington, State of Vermont, grantor*, and David Reilly and Aleda Reilly, husband and wife whose post office address is 5506 Beamin Dew, Land O Lakes, FL 34638 of the County of Pasco, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

On the Island of Key West and known on William A. Whitehead's Map of said Island, delineated in February A. D. 1829 as part of Tract 12 but now better known as and described as part of Lot 4, Block 3 of Tract 12, according to amended diagram Part of Tract 12, KEY WEST INVESTMENT CO. recorded in Plat Book 1 Page 49 of the Public Records of Monroe County, Florida.
COMMENCING at a point on Margaret Street distant 136 feet from the corner of Margaret and United Streets and running thence along Margaret Street in a Northwesterly direction 23 feet; thence in a Northeasterly direction 107 feet; thence in a Southeasterly direction 23 feet; thence in a Southwesterly direction 107 feet back to the Point of Beginning.

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

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

Madison Fallon
Witness Name: Madison Fallon

Merion
Witness Name: Gregory Ojopeza

Madison Fallon
Witness Name: Madison Fallon

Merion
Witness Name: Gregory Ojopeza

Peter M. Cornell (Seal)
Peter M. Cornell

Kathleen Howe Cornell (Seal)
Kathleen Howe Cornell

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 2nd day of April, 2015 by Peter M. Cornell and Kathleen Howe, who are personally known or have produced a driver's license as identification.

[Notary Seal]

Madison Fallon
Notary Public

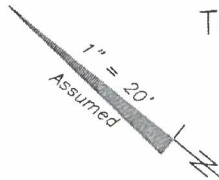
Printed Name: _____

My Commission Expires: _____



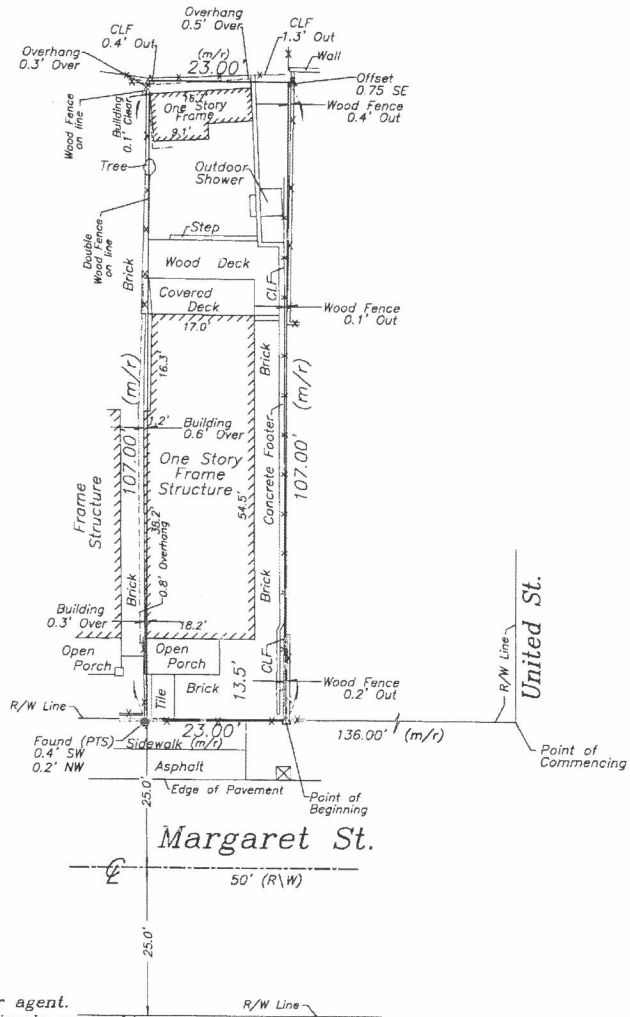
Survey

Boundary Survey Map of part of Lot 4, Block 3, Tract 12, Island of Key West, Florida



LEGEND

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



NOTES:

1. The legal description shown hereon was furnished by the client or their agent. This survey does not determine or imply ownership.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1215 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. Date of field work: March 17, 2015
9. Ownership of fences is undeterminable, unless otherwise noted.
10. All bricking and concrete is not shown.
11. Adjoiners are not furnished.

BOUNDARY SURVEY OF: On the Island of Key West and known on William A. Whitehead's Map of said Island, delineated in February A.D. 1829 as part of Tract 12 but now better known as and described as part of Lot 4, Block 3 of Tract 12, according to amended diagram of Part of Tract 12, KEY WEST INVESTMENT CO. recorded in Plat Book 1 Page 49 of the Public Records of Monroe County, Florida. COMMENCING at a point on Margaret Street distant 136 feet from the corner of Margaret and United Streets and running thence along Margaret Street in a Northwesterly direction 23 feet; thence in a Northeasterly direction 107 feet; thence in a Southeasterly direction 23 feet; thence in a Southwesterly direction 107 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: David Reilly and Aleda Reilly;
Stearns Lending, LLC;
Smith Oropeza Hawks;
Chicago Title Insurance Company;

I HEREBY CERTIFY that this survey was made under my responsible charge and meets the Standard of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

J. LYNN O'FLYNN, INC.

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

March 17, 2015

THIS SURVEY
IS NOT
ASSIGNABLE

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #5298

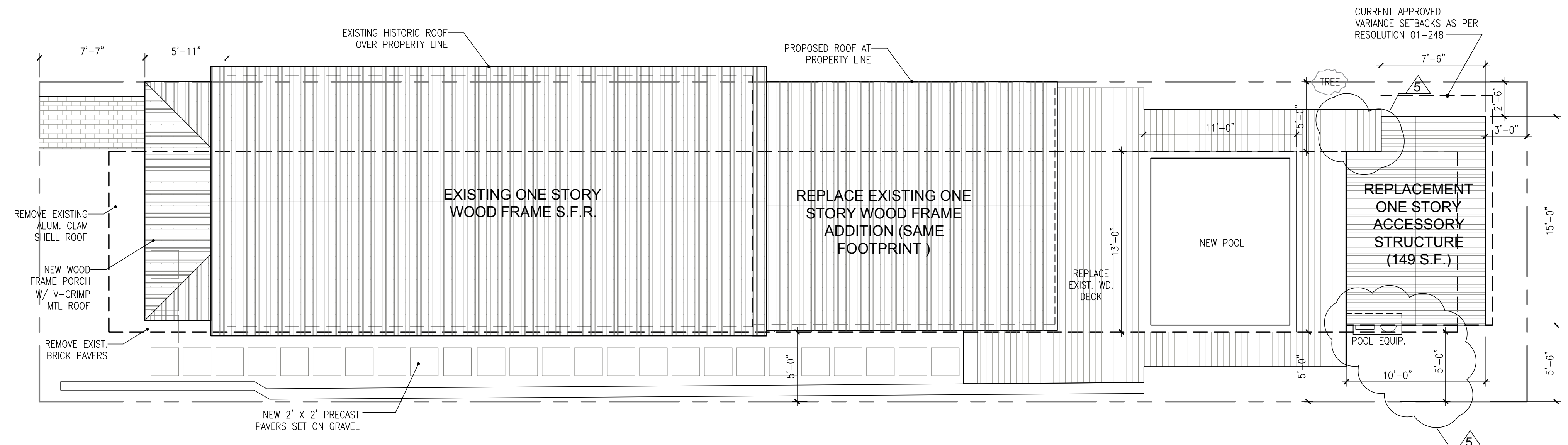
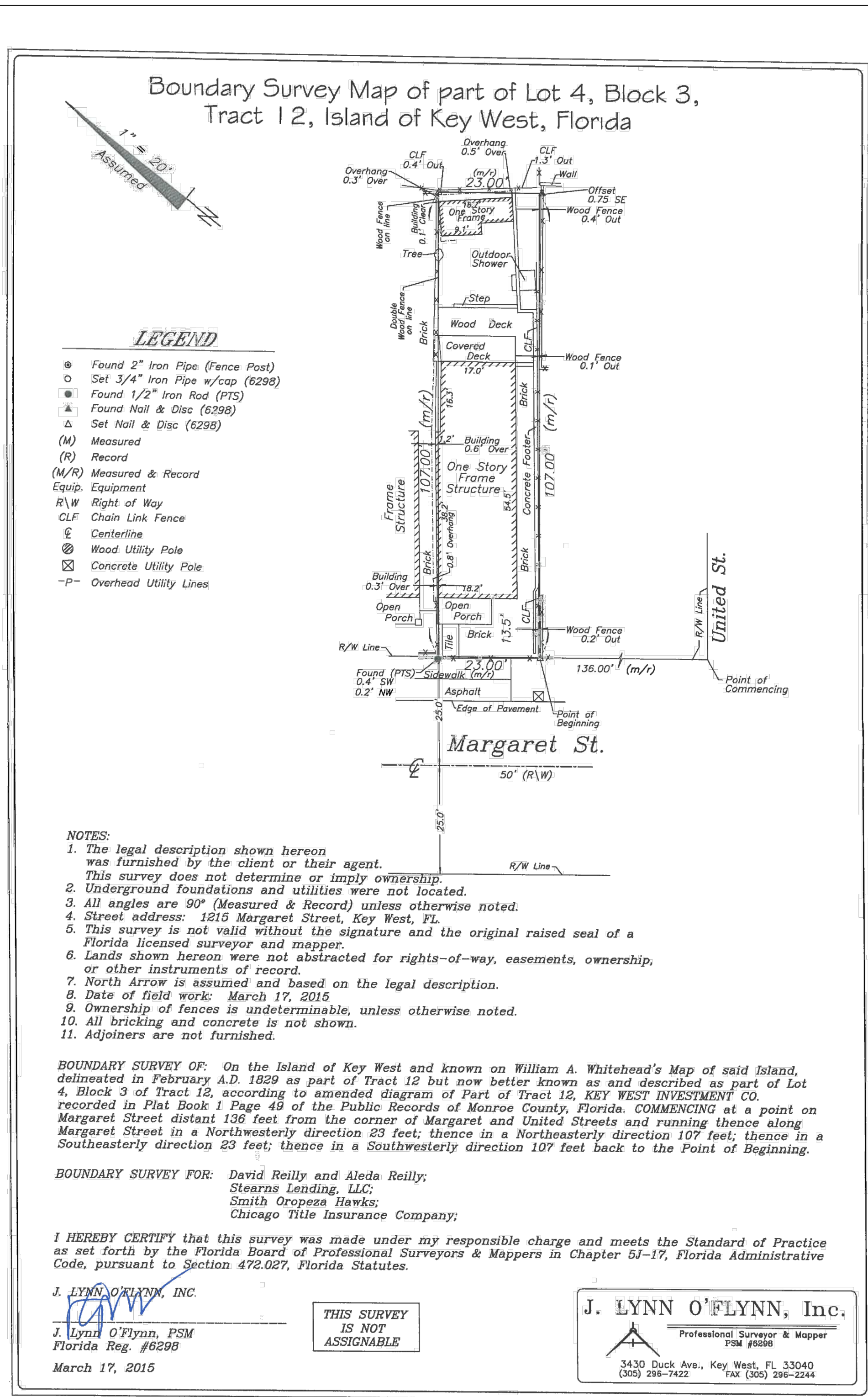
3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Site Plan

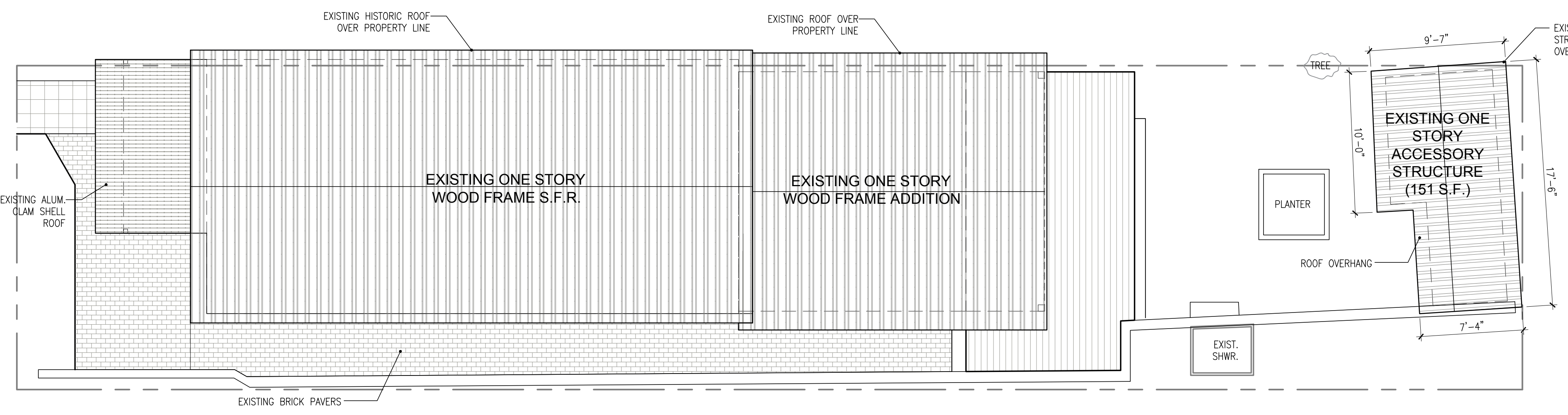
SITE CALCULATIONS - ZONING DISTRICT: HMDR

	ALLOWED	EXISTING	PROPOSED
HEIGHT	30'	N/A	No Change
BUILDING COVERAGE	40%	1,440 s.f. (58.5%)	1,438 s.f. (58.4%)
IMPERVIOUS SURFACE RATIO	60%	1,703s.f. (69.1%)	1,606 s.f. (65%)
LOT SIZE	Min. 4,000 s.f.	2,461 s.f.	N/A
LOT WIDTH	Min. 40'	N/A	N/A
LOT DEPTH	Min. 90'	N/A	N/A
FRONT SETBACK	Min. 10'	5'-7"	7'-7"
SIDE SETBACK (SOUTH)	Min. 5'	4'-9"	4'-2"***
SIDE SETBACK (NORTH)	Min. 5'	.3' OVER*	2'-6"
REAR SETBACK	Min. 15'	.5' OVER*	3'-0"
OPEN SPACE	Min. 35%	22.70%	22.70%

* Accessory Structure
** Pool Filter



2
A1.1
PROPOSED SITE PLAN
SCALE: 3/16"=1'-0"



1
A1.1
EXISTING SITE PLAN
SCALE: 3/16"=1'-0"

3
A1.1
COPY OF SURVEY
SCALE: 1"=20'

Tel: 305-890-6191
Email: info@wshepler.com
201 Front St, Suite 201
Key West, FL 33040

Consultants:

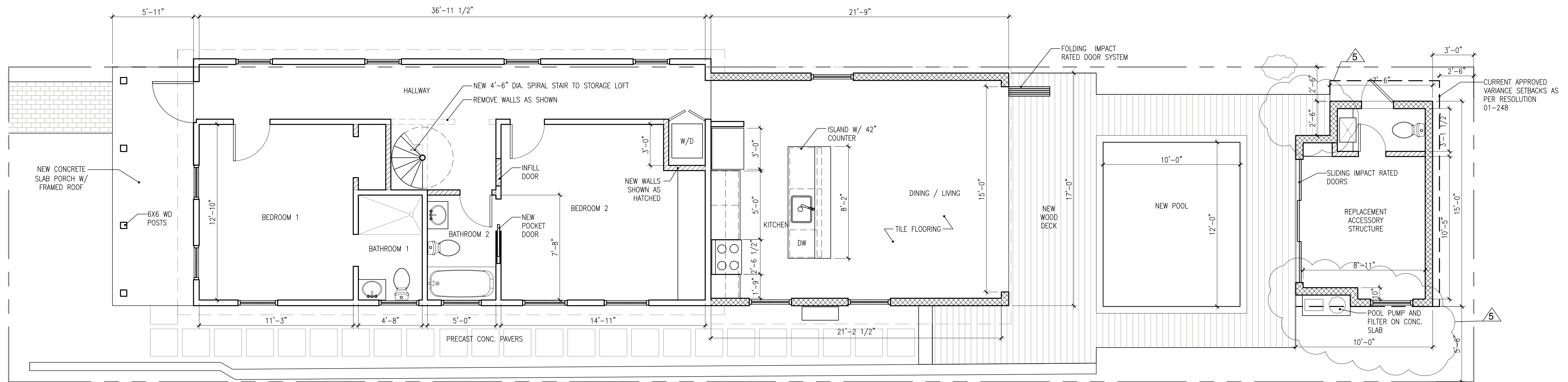
Submissions / Revisions:
H.A.R.C. SUBMISSION - 2016.1.29
H.A.R.C. REV. 1 - 2016.6.1
H.A.R.C. REV. 2 - 2016.6.8
REV. 3 - 2016.6.20
REV. 4 - PLANNING - 2016.8.31
REV. 5 - PLANNING - 2016.11.9

1215 MARGARET STREET
KEY WEST, FL
RESIDENTIAL RENOVATION PROJECT

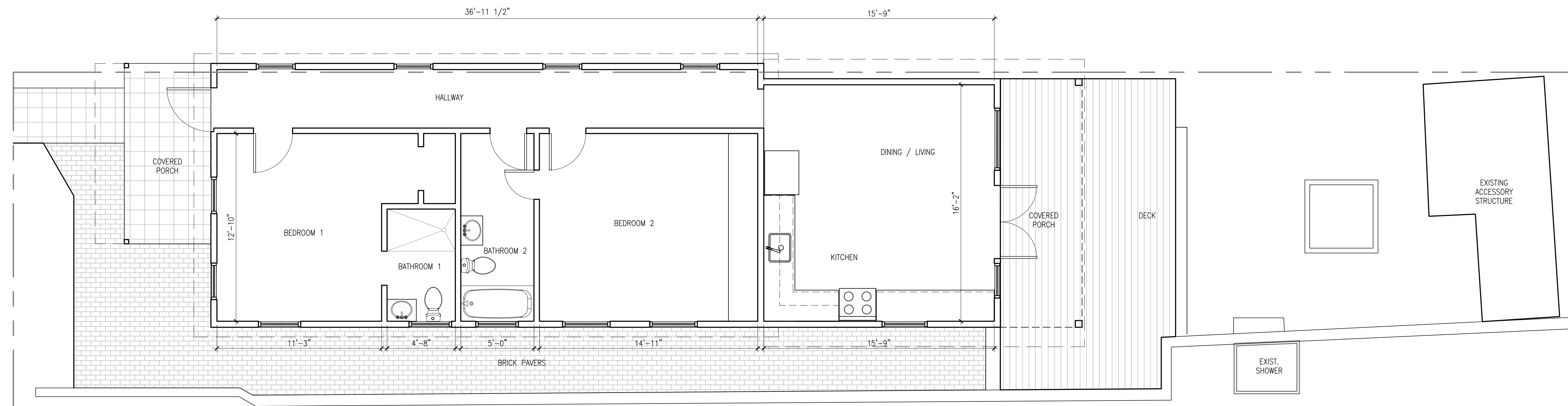
Drawing Size: 24x36 | Project #: 15018

SITE PLAN / SURVEY / SITE CALCS

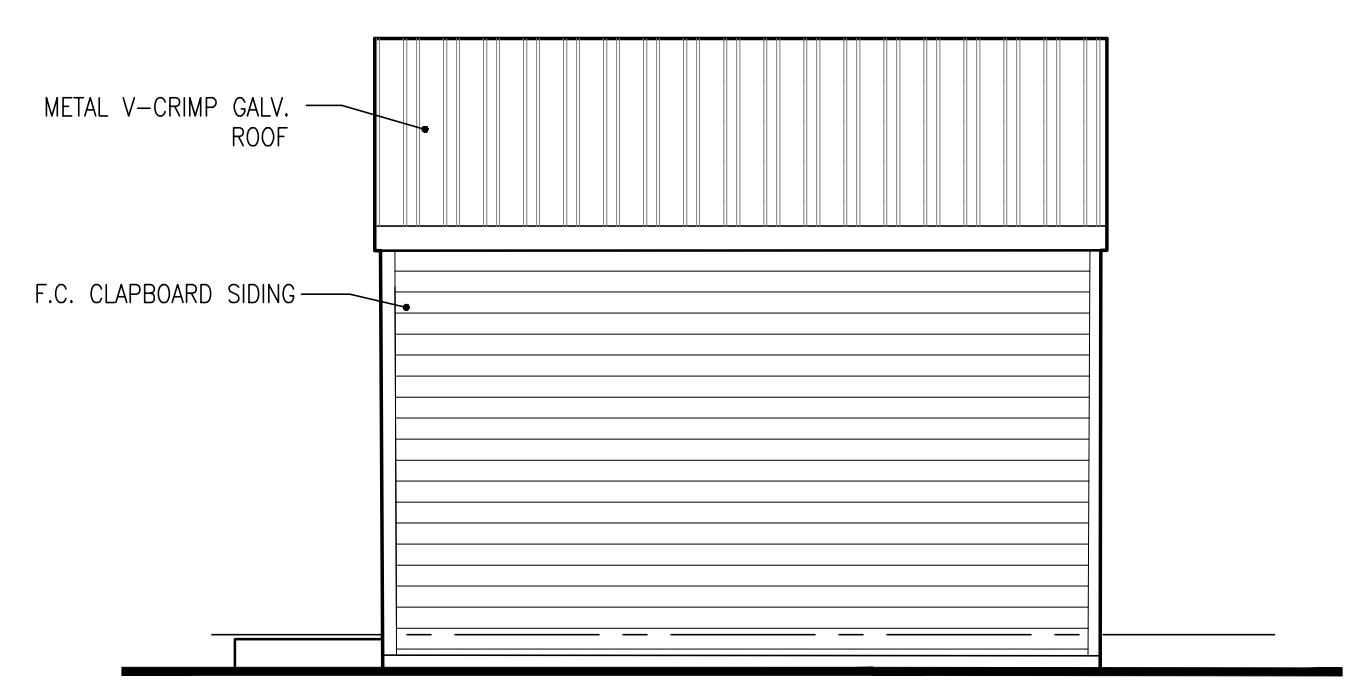
Sheet Number:
A-1.1



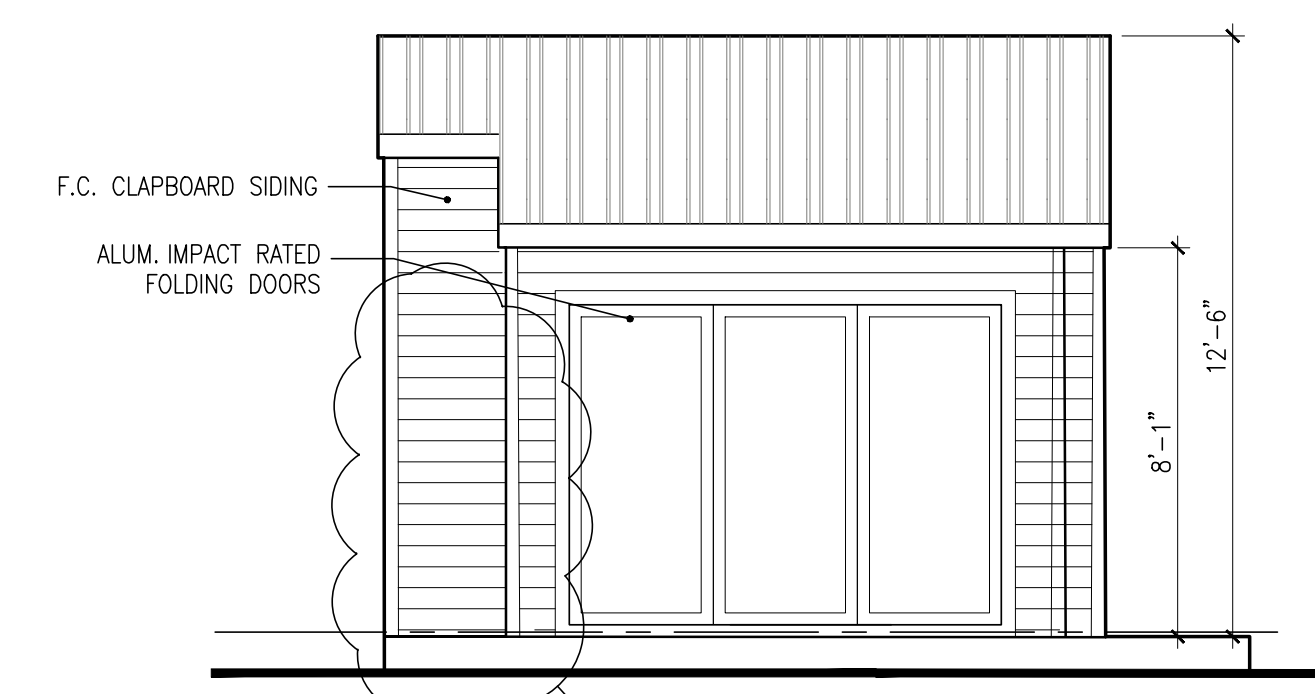
2 PROPOSED FIRST FLOOR PLAN - SITE PLAN
A2.1 SCALE: 1/4"=1'-0"



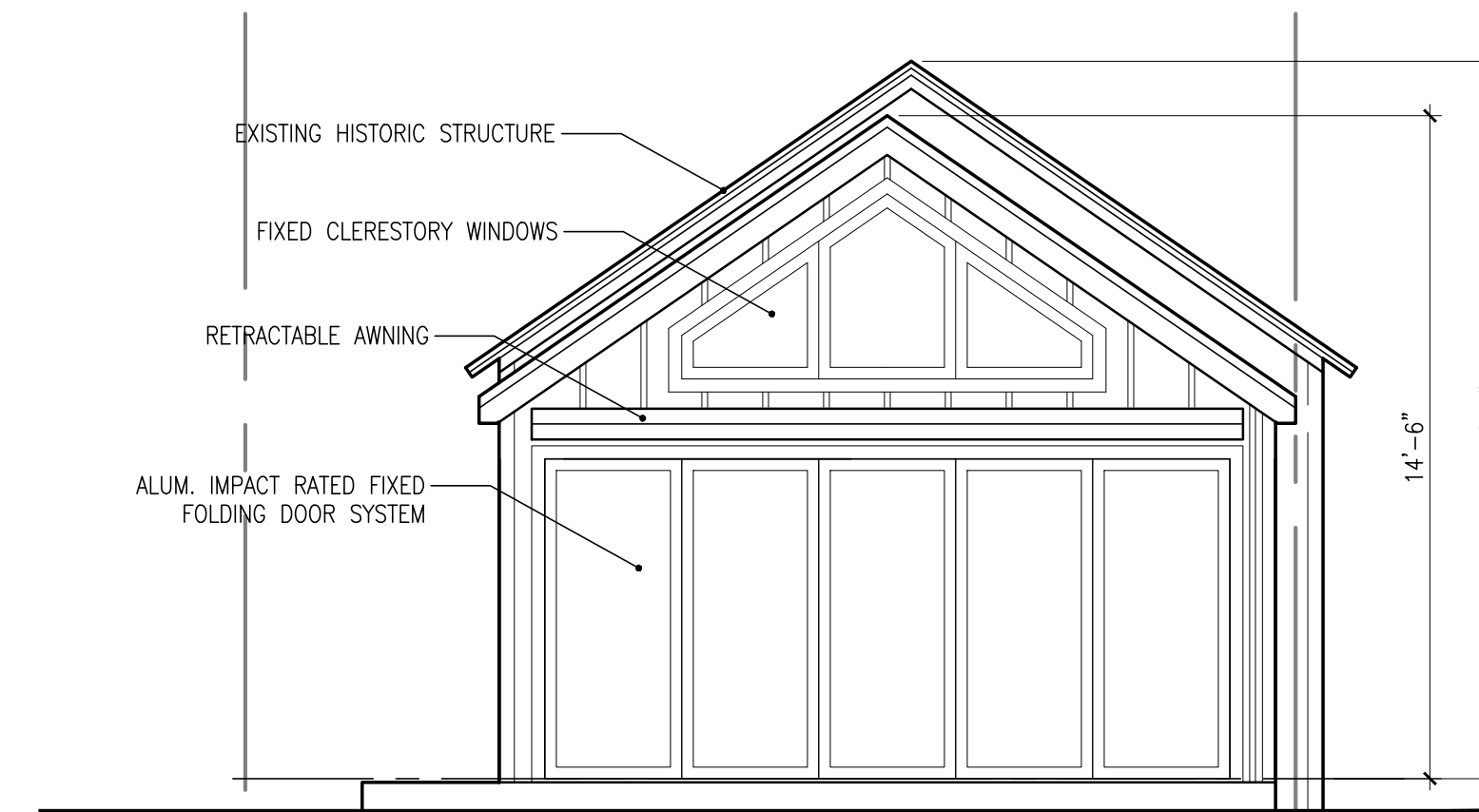
1 EXISTING FIRST FLOOR PLAN - SITE PLAN
A2.1 SCALE: 1/4"=1'-0"



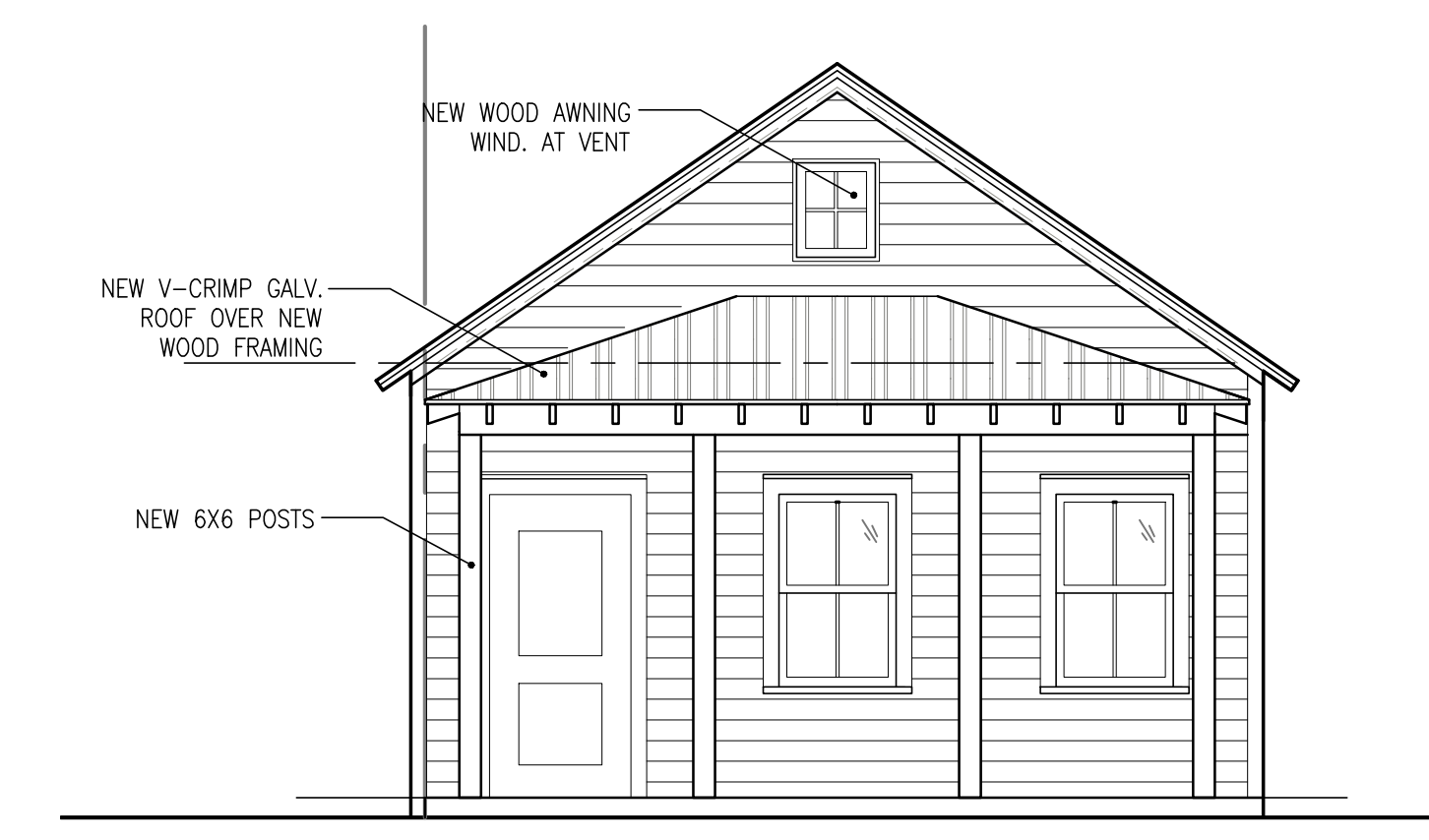
6
A3.1 **ACCESSORY STRUCT.- EAST EL**
SCALE: 1/4"=1'-0"



5
A3.1 **ACCESSORY STRUCT.- WEST EL**
SCALE: 1/4"=1'-0"



4
A3.1 **EAST ELEVATION**
SCALE: 1/4"=1'-0"



3
A3.1 **WEST ELEVATION**
SCALE: 1/4"=1'-0"



2
A3.1 **SOUTH ELEVATION**
SCALE: 1/4"=1'-0"



1
A3.1 **NORTH ELEVATION**
SCALE: 1/4"=1'-0"

Site Photos











Property Appraiser



Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

Property Record Card -

Maps are now launching the new map application version.

Alternate Key: 1030457 Parcel ID: 00029690-000000

Ownership Details

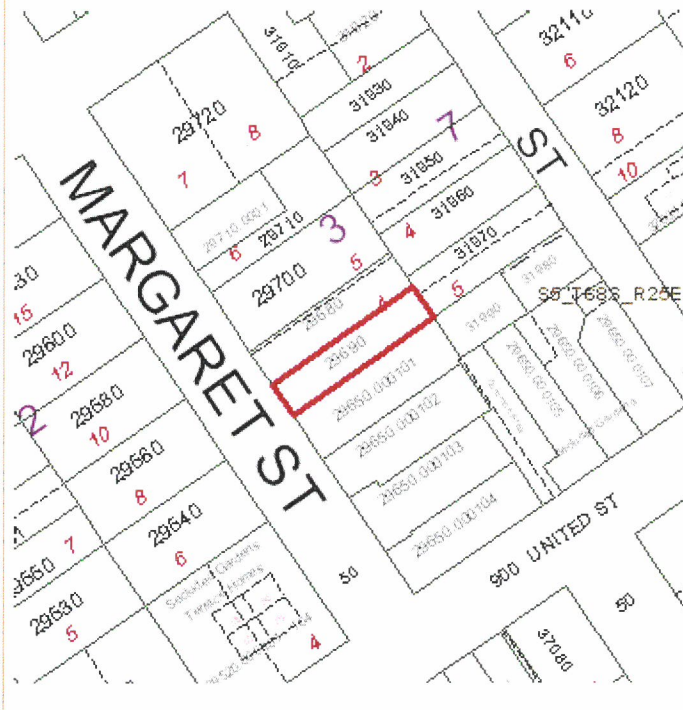
Mailing Address:

REILLY DAVID AND ALEDA
5506 BEAMIN DEW LOOP
LAND O LAKES, FL 34638-3656

Property Details

PC Code: 01 - SINGLE FAMILY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 05-68-25
Property Location: 1215 MARGARET ST KEY WEST
Legal Description: KW PT LOT 4 SQR 3 TR 12 OR318-581/82 OR722-657 OR1400-1367/68 OR1584-1674 OR1632-849/850 OR1632-851/52 OR2733-658/59

[Click Map Image to open interactive viewer](#)





Land Details

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	23	107	2,461.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 0
Total Living Area: 973
Year Built: 1933

Building 1 Details

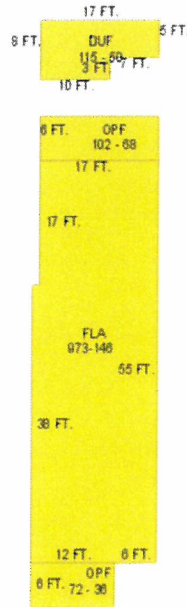
Building Type R1	Condition A	Quality Grade 450
Effective Age 19	Perimeter 146	Depreciation % 26
Year Built 1933	Special Arch 0	Grnd Floor Area 973
Functional Obs 0	Economic Obs 0	

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	DUF	1:WD FRAME	1	2001				115
1	FLA	12:ABOVE AVERAGE WOOD	1	1933	N N	0.00	0.00	973
2	OPF		1	1933				72
3	OPF		1	2005				102

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	WD2:WOOD DECK	162 SF	0	0	2006	2007	2	40
3	AC2:WALL AIR COND	2 UT	0	0	1981	1982	2	20
4	CL2:CH LINK FENCE	532 SF	4	133	1981	1982	1	30
5	PT3:PATIO	18 SF	0	0	1932	1933	2	50
6	PT5:TILE PATIO	32 SF	4	8	1989	1990	1	50
7	PT2:BRICK PATIO	240 SF	60	4	2006	2007	2	50

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	9900661	02/25/1999	12/21/1999	300	Residential	PAINT HOUSE
2	01-3100	11/08/2000	10/19/2001	2,000	Residential	RESTORE STORAGE SHED
3	05-0276	02/08/2005	08/18/2006	1,000	Residential	REPLACE REAR WOOD DECK

4	06-0206	02/08/2005	08/18/2006	1,500	Residential	INSTALL BRICK WALKWAY 60' x 4'
5	06-0207	01/23/2006	08/18/2006	500	Residential	REPAINT METAL ROOF

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
2015	102,368	4,544	350,432	457,344	370,096	0	457,344
2014	90,290	2,832	243,329	336,451	336,451	0	336,451
2013	90,290	2,886	284,875	378,051	319,991	0	378,051
2012	92,870	2,944	195,087	290,901	290,901	0	290,901
2011	96,187	2,998	210,176	309,361	307,596	0	309,361
2010	97,523	3,052	179,058	279,633	279,633	0	279,633
2009	110,104	3,110	229,145	342,359	342,359	0	342,359
2008	103,791	3,163	333,032	439,986	439,986	0	439,986
2007	195,702	3,177	255,944	454,823	454,823	0	454,823
2006	329,251	1,399	196,880	527,530	527,530	0	527,530
2005	235,303	1,417	209,185	445,905	445,905	0	445,905
2004	185,745	1,435	152,582	339,762	339,762	0	339,762
2003	174,819	1,457	56,603	232,879	232,879	0	232,879
2002	123,806	1,474	56,603	181,883	181,883	0	181,883
2001	104,920	1,046	56,603	162,569	162,569	0	162,569
2000	96,476	1,928	41,837	140,241	140,241	0	140,241
1999	93,137	1,317	41,837	136,291	89,309	25,000	64,309
1998	76,656	1,100	41,837	119,593	87,903	25,000	62,903
1997	68,990	1,008	36,915	106,913	86,434	25,000	61,434
1996	49,826	737	36,915	87,479	83,917	25,000	58,917
1995	47,143	707	36,915	84,766	81,871	25,000	56,871
1994	42,161	643	36,915	79,719	79,719	25,000	54,719
1993	42,161	710	36,915	79,785	79,785	25,000	54,785
1992	42,161	778	36,915	79,854	79,854	25,000	54,854
1991	42,161	848	36,915	79,924	79,924	25,000	54,924
1990	44,902	914	25,225	71,041	71,041	25,000	46,041
1989	24,052	50	24,610	48,712	48,712	25,000	23,712
1988	20,955	50	19,688	40,693	40,693	25,000	15,693
1987	20,703	50	13,289	34,042	34,042	25,000	9,042
1986	20,816	50	13,289	34,155	34,155	25,000	9,155
1985	20,193	50	8,860	29,103	29,103	25,000	4,103
1984	18,846	50	8,860	27,756	27,756	25,000	2,756
1983	18,846	50	8,860	27,756	27,756	25,000	2,756
1982	19,219	50	7,678	26,947	26,947	5,000	21,947

Parcel Sales History

Additional Information

Attachment A

RESOLUTION NO. 01-248

VARIANCE: 1215 MARGARET STREET

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT TO ALLOW THE CONSTRUCTION OF A SHED AFTER THE FACT WHICH REPLACES TWO EXISTING NONCONFORMING SHEDS BY GRANTING VARIANCES TO THE SETBACK REGULATIONS FOR PROPERTY IN THE HMDR, HISTORIC MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA. SPECIFICALLY PERMITTING VARIANCES TO ARTICLE V, SUBSECTION 2-5.5.1.E.6(b) AND (c) AS FOLLOWS: OF 4 FEET TO THE LEFT SIDE SETBACK FROM THE 5 FEET REQUIRED TO THE 1 FOOT PROPOSED BEGINNING AT A POINT 2.5 FEET FROM THE REAR PROPERTY LINE FOR A DISTANCE OF 8 FEET ALONG THE LEFT SIDE PROPERTY LINE; AND OF 13.5 FEET TO THE REAR SETBACK FROM THE 15 FEET REQUIRED TO THE 2.5 FEET PROPOSED, COMMENCING AT A POINT 5.5 FEET FROM THE RIGHT SIDE PROPERTY LINE FOR A DISTANCE OF 16.5 FEET ALONG THE REAR OF THE PROPERTY LOCATED AT 1215 MARGARET STREET (RE# 00029690-000100); PROVIDING A CONDITION.

REAL ESTATE PARCEL #00029690-000100,
ALSO KNOWN AS 1215 MARGARET STREET,
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

Attachment A

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 Land Development Regulations.

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 Land Development Regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; now therefore,

Attachment A

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

Section 1. That variances to SETBACK REGULATIONS in the HMDR, HISTORIC MEDIUM DENSITY RESIDENTIAL Zoning District, under the Land Development Regulations of the City of Key West, Florida, are hereby granted TO ARTICLE V, SUBSECTION 2-5.5.1.E.6(b) AND (c) AS FOLLOWS: OF 4 FEET TO THE LEFT SIDE SETBACK FROM THE 5 FEET REQUIRED TO THE 1 FOOT PROPOSED BEGINNING AT A POINT 2.5 FEET FROM THE REAR PROPERTY LINE FOR A DISTANCE OF 8 FEET ALONG THE LEFT SIDE PROPERTY LINE; AND OF 13.5 FEET TO THE REAR SETBACK FROM THE 15 FEET REQUIRED TO THE 2.5 FEET PROPOSED, COMMENCING AT A POINT 5.5 FEET FROM THE RIGHT SIDE PROPERTY LINE FOR A DISTANCE OF 16.5 FEET ALONG THE REAR OF THE PROPERTY. THE PURPOSE OF THE REQUEST IS TO ALLOW THE CONSTRUCTION OF A SHED AFTER THE FACT WHICH REPLACES TWO EXISTING NONCONFORMING SHEDS ON PROPERTY LOCATED AT 1215 MARGARET STREET (RE# 00029690-000100); PROVIDING A CONDITION.

REAL ESTATE PARCEL #00029690-000100, ALSO KNOWN AS 1215 MARGARET STREET, KEY WEST, MONROE COUNTY, FLORIDA

Attachment A

Section 2. It is an essential condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this variance that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of said 12-month period.

Section 3. Failure to submit full and complete application for permits for new construction for which this variance is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 4. 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.

Attachment A

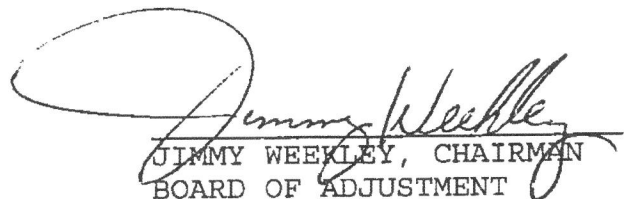
Section 5. That the grant of variance is conditioned upon the applicant removing the concrete indicated on the site plan within ninety (90) days of the date hereof.

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.

Read and passed on first reading at a regular meeting held this 8th day of August, 2001.

Authenticated by the presiding officer and Clerk of the Board on 9th day of August, 2001.

Filed with the Clerk on August 9, 2001.


JIMMY WEEKLEY, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:


CHERYL SMITH CITY CLERK