

07/01/2015

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JUL 01 2015

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

CITY OF KEY WEST
PLANNING DEPT.



Owen Trepanier & ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Re: **Subdivision for RE# 00020110-000000**
805 Truman Avenue
807 Truman Avenue
921 Windsor Lane

Dear Director Cohen:

Please accept this letter as a formal request for variances to permit subdivision and waiver of strict compliance, involving the above property, pursuant to KW Code Secs. 90-391 & 118-66.

This letter addresses the attached variance application, the rationale for subdivision and waiver, the proposed lot line configuration, specific sections requested to be waived, and the criteria for waiver consideration.

Request:

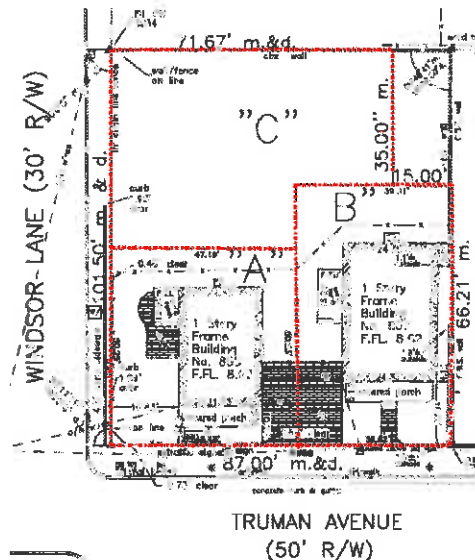
The property owner is seeking variances to minimum lot requirements and subdivision of land in order to allow separate fee simple ownership of each unit with land. The proposed lot reconfiguration depicted to the right, will create three fee-simple single-family parcels out of the existing single lot:

The existing residential homes are out of character for the commercial corridor they front. The proposed lots are consistent with the character of the existing residential single-family home lots in the immediate area.¹

Variance - We seek variances to lot size, lot depth, rear setback, and noncomplying lot, specifically Secs. 122-810(5), 122-810(5)(b), 122-810 (6)(c) and 122-31.

Waiver - We seek a waiver to strict compliance with the subdivision ordinance specifically Secs. 118-101 to 118-523².

The resulting proposed lots will more closely meet the existing character of the immediate community³ while allowing fee simple ownership of the individual single family homes.



¹ The Truman Avenue corridor fringes the heart of the old town historic district. The proposed configuration more closely conforms to the historic character of the residential neighborhood and will allow for the already physically established division of lots.

² Exhibit A

Criteria for Consideration (Section 118-68.):

The following analysis addresses requirements of Sec. 118-68 and demonstrates compliance with the criteria for consideration. The waiver is consistent with the purpose of this chapter and with the comprehensive plan. It conforms to the dimensional regulations of the HNC-1 zoning district.

(1) General criteria. General criteria shall be as follows:

- a. Consistency with purpose and intent of comprehensive plan. The waiver or modification is consistent with the stated purpose and intent of this chapter and with the comprehensive plan.

The proposed configuration will allow the lots to be developed in a manner that is consistent and sympathetic to the existing historic configurations of other similar lots in the HNC-1 and bordering HHDR district. The subdivision conforms to the intent of these zoning districts by preserving the residential character and historic quality of the Old Town central residential community, while allowing the fee-simple ownership of the properties.

- b. Impact on public interest, adjacent property. The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property.

The waiver or modification would not have a adverse impact on the public interest, or on adjacent property as it does not increase density, intensity or building rights. It has the positive impact of allowing individual home ownership while maintaining the contributing historic portion of the property in a manner consistent with the existing neighborhood character.

- c. Not discriminatory. The waiver or modification is not discriminatory, considering similar situations in the general area and in past subdivision regulations.

The waiver is not discriminatory. This has been demonstrated by the fact that the proposed subdivision configuration reflects the, already established, three separate residential lots and the intent of the Historic residential character of HNC zoning as mentioned in policy 1-1.1.9 of the Comprehensive Plan.

(2) Specific standards. No waiver or modification may be granted unless the developer clearly shows the existence of one or more of the following:

- a. Superior alternatives. The development will provide an alternative which will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.

Parcel A & B contain two single family residences and no development is being proposed. No immediate development is proposed for Parcel C, a vacant lot. However,

³ Exhibit B

Parcel C has prior approvals for the development of a third single-family residence and the intent is to develop a residential dwelling on the property. The subdivision furthers the goals and preserves the character of the historic district by maintaining its historic fabric and allowing for appropriate infill housing consistent with the historic development of the neighborhood.

- b. Protection of significant features. The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.

The existing one story frame homes on Parcels A & B were constructed in 1928. Both homes underwent City approved renovations in 2007 and are listed as potentially contributing structures to the historic district. The subdivision configuration will preserve the historic context of the residential buildings along Truman and encourage historically appropriate development with the future addition of a dwelling on proposed Lot C.

- c. Deprivation of reasonable use. Strict application of the requirement would effectively deprive the owner of all reasonable use of the land to be subdivided, due to its unusual size, shape, topography, natural conditions, or location, provided that:
1. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and

The denial to subdivide this Parcel will deny individual ownership. Without subdividing the lot, ownership of the residential units must remain in shared interest/ownership of the land which is currently a single family zoning lot.

2. The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.

The conditions that created the need to reconfigure these lot lines predate the current owner and the effective date of the ordinance from which this section derives. The two existing homes were constructed in 1928, prior to the current ownership. The third unit was approved subsequently.

d. Technical impracticality. Strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions or location, of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvement, provided that:

1. The development will provide an alternative adequate to achieve the purposes of the requirement, including security for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and

While no construction is proposed, the proposed lot configuration will create the environment that will allow historically appropriate/sympathetic residential development to the HNC-1 district.

2. Any unusual conditions creating the impracticality are not the result of the actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.

NA – This parcel has two residential dwellings with a potential third. Owning three single-family lots is impractical.

e. Relationship to proposed development or its impacts. Where all or any part of the regulation has no relationship to the needs of the development or to the impact of the development on the public facilities, land use, traffic, or environment of the neighborhood and the general community, due to the location, scale, or type of development involved, provided that any specific waiver or modification requirements set forth in this division are met.

The subdivision is the only proposed development at this time. The vacant lot is allocated one residential unit thereby not creating any new development impacts.

f. Planned developments. If the subdivision concerns a planned residential or mixed use project and the waiver is not inconsistent with an approved conceptual, preliminary, or final development plan for the planned development.

N/A – proposal does not involve planned developments

g. Nonresidential subdivisions. If the subdivision concerns a nonresidential development and the subdivision requirement is clearly applicable only to residential subdivisions in view of their unique needs, impacts, and characteristics.

The lots involved in this reconfiguration are residential in nature.

Conclusion:

The proposed configuration will allow the lots to be individually owned fee simple without increasing density, intensity or building rights. As the subdivision is consistent with the HNC-1 zoning district, its bordering HHDR zoning district, comprehensive plan policies and criteria listed above, we are requesting variances and a subdivision waiver.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Thompson", is written over a faint horizontal line.

Lori Thompson

Waiver to Strict Compliance With The Subdivision Ordinance
Sections 118-101 to 118-523.

ARTICLE II. - ADMINISTRATION

DIVISION 3. - REVIEW PROCEDURE

- Sec. 118-101. - Staff administrative review responsibility.
- Sec. 118-102. - General responsibility of planning board and mandated compliance with comprehensive plan and land development regulations.
- Sec. 118-103. - Burden of proof and other general responsibilities of applicant.
- Sec. 118-104. - Liability; indemnification.
- Sec. 118-105. - Enforcement.
- Sec. 118-106. - Notification procedures.
- Secs. 118-107-118-135. - Reserve

ARTICLE III. - PLATS AND PLANS

DIVISION 1. - GENERALLY

- Sec. 118-136. - Required supplementary documents.
- Secs. 118-137—118-165. - Reserved.

DIVISION 2. - LOT SPLIT AND MINOR SUBDIVISION PROCEDURES

- Sec. 118-166. - Submission of plat of record.
- Sec. 118-167. - Review procedures.
- Sec. 118-168. - Filing of plat.
- Sec. 118-169. - Lot splits.
- Secs. 118-170—118-195. - Reserved.

DIVISION 3. - MAJOR SUBDIVISION PROCEDURES

Subdivision I. - In General

- Sec. 118-196. - Required preapplication procedures.
- Sec. 118-197. - Application.
- Sec. 118-198. - Staff review.
- Secs. 118-199—118-225. - Reserved.

Subdivision II. - Preliminary Plat Procedures

- Sec. 118-226. - Purpose.
- Sec. 118-227. - Preparation of preliminary plat.
- Sec. 118-228. - Filing fee.
- Sec. 118-229. - Review procedures.
- Secs. 118-230—118-255. - Reserved.

Subdivision III. - Final Plat and Planned Redevelopment and Development Plan

- Sec. 118-256. - Approval procedures.
- Sec. 118-257. - Fee for final plat.
- Sec. 118-258. - Timing of final plat submission. Sec. 118-259. - Required compliance.
- Sec. 118-260. - Content of final plat.
- Sec. 118-261. - Schedule of development phases.
- Sec. 118-262. - Time restriction on development.
- Sec. 118-263. - Submission of final plat.
- Sec. 118-264. - Final plat recording requirements.

- Sec. 118-265. - Performance guarantees.
- Secs. 118-266—118-290. - Reserved.

ARTICLE IV. - REQUIRED IMPROVEMENTS AND DESIGN CRITERIA

DIVISION 1. - GENERALLY

- Sec. 118-291. - Scope.
- Sec. 118-292. - Commercial and industrial subdivisions.
- Sec. 118-293. - Blocks.
- Sec. 118-294. - Buffers, including berms, fences and landscaping.
- Sec. 118-295. - Fire protection facilities.
- Sec. 118-296. - Lots.
- Sec. 118-297. - Off-street parking areas.
- Sec. 118-298. - Permanent survey monuments.
- Sec. 118-299. - Sidewalks and bicycle paths.
- Sec. 118-300. - Stormwater management.
- Secs. 118-301—118-325. - Reserved.

DIVISION 2. - ACCESS

- Sec. 118-326. - Scope.
- Sec. 118-327. - General design.
- Sec. 118-328. - Specific design.
- Sec. 118-329. - Nonresidential driveways and internal circulation.
- Sec. 118-330. - Service drives.
- Secs. 118-331—118-355. - Reserved.

DIVISION 3. - ENVIRONMENTAL PROTECTION

- Sec. 118-356. - Environmental considerations.
- Sec. 118-357. - Fill.
- Sec. 118-358. - Soils.
- Sec. 118-359. - Erosion control.
- Sec. 118-360. - Land clearing and excavation.
- Sec. 118-361. - Shoreline protection.
- Sec. 118-362. - Compliance required.
- Secs. 118-363—118-390. - Reserved.

DIVISION 4. - UTILITIES

- Sec. 118-391. - Underground installation.
- Sec. 118-392. - Central water system.
- Sec. 118-393. - Central wastewater systems.
- Sec. 118-394. - Easements.
- Sec. 118-395. - Individual wastewater system.
- Secs. 118-396—118-420. - Reserved.

DIVISION 5. - PARKS AND RECREATION AREAS

- Sec. 118-421. - Scope.
- Sec. 118-422. - Requirements.
- Sec. 118-423. - General standard.
- Sec. 118-424. - Fees in lieu of land dedication.
- Sec. 118-425. - Use of money.
- Sec. 118-426. - Determination of fair market value.

Sec. 118-427. - Technical standards for determining dedication requirement.

Secs. 118-428—118-455. - Reserved.

DIVISION 6. - STREETS AND OTHER RIGHTS-OF-WAY

Sec. 118-456. - Curbs.

Sec. 118-457. - Alleys.

Sec. 118-458. - Culverts.

Sec. 118-459. - Median strips and entranceways.

Sec. 118-460. - Streets.

Sec. 118-461. - Street layout.

Sec. 118-462. - Costs of paving streets.

Sec. 118-463. - Streets adjoining unsubdivided land.

Sec. 118-464. - Impact of future traffic circulation map series.

Sec. 118-465. - Traffic analysis.

Sec. 118-466. - Street right-of-way characteristics.

Sec. 118-467. - Dead-end streets; culs-de-sac.

Sec. 118-468. - Temporary cul-de-sac turnaround streets.

Sec. 118-469. - Construction in muck areas.

Sec. 118-470. - Street grades.

Sec. 118-471. - Intersection of streets.

Sec. 118-472. - Marginal access streets.

Sec. 118-473. - Local streets.

Sec. 118-474. - Half streets.

Sec. 118-475. - Street names.

Sec. 118-476. - Alignment, intersections and radii.

Sec. 118-477. - Private streets.

Sec. 118-478. - Standards for roadway section.

Sec. 118-479. - Street lighting.

Sec. 118-480. - Street markers.

Sec. 118-481. - Traffic control devices.

Sec. 118-482. - Decorative entrances, structures, landscaping.

Secs. 118-483—118-510. - Reserved.

ARTICLE V. - CONSTRUCTION OF REQUIRED IMPROVEMENTS

Sec. 118-511. - Administration of construction.

Sec. 118-512. - Surveillance.

Sec. 118-513. - Construction administration by state-registered engineer.

Sec. 118-514. - Right of entry.

Sec. 118-515. - Progress reports.

Sec. 118-516. - Stop work orders.

Sec. 118-517. - Final inspections.

Sec. 118-518. - Completion certificate.

Sec. 118-519. - Conditions for release of applicant from bond.

Sec. 118-520. - Time extensions.

Sec. 118-521. - Acceptance and maintenance of required improvements.

Sec. 118-522. - Construction methods.

Sec. 118-523. - Measurements and tests.

Verification

City of Key West Planning Department



Verification Form (Where Authorized Representative is an entity)

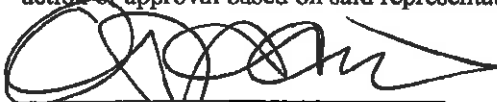
I, Owen Trepanier, in my capacity as President
(print name) *(print position; president, managing member)*
of Trepanier & Associates Inc.
(print name of entity serving as Authorized Representative)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

807-805 Truman Ave.

Street Address of subject property


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


Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this July 1, 2015 by
(date)
Owen Trepanier
Name of Authorized Representative

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


Notary's Signature and Seal


Name of Authorized Representative, printed and/or stamped

Commission Number, if any

Authorization

**City of Key West
Planning Department**



Authorization Form
(Where Owner is a Business Entity)

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

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

Agent of Wiemer I Family Limited Partnership
Name of office (President, Managing Member) Name of owner from deed

authorize 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.

[Signature]
Signature of person with authority to execute documents on behalf on entity owner

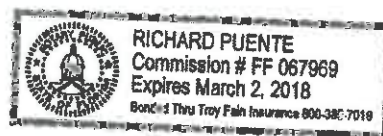
Subscribed and sworn to (or affirmed) before me on this January 13, 2015
Date

by Ms. Monica Wiemer
Name of person with authority to execute documents on behalf on entity owner

He/she is personally known to me or has presented FL Dr. Lic W500-559-66-605-0 as identification.

[Signature]
Notary's Signature and Seal

Richard Puente
Name of Acknowledger typed, printed or stamped



FF 067969
Commission Number, if any

Special Director Minutes

K. C. WIEMER, INC.

On this 1st day of October, 2014 the Directors of K. C. WIEMER, INC. held a special meeting to elect the officers of the corporation, due to the death of its President, Klaus C. Wiemer.

RESOLVED, the **President** shall now be **STELLA M. WIEMER**, the **Secretary/Treasurer** shall be **MONICA WIEMER**. These officers shall serve and remain in office until newly elected officers are elected.

FURTHER RESOLVED, that **MONICA WIEMER** shall have the authorization to act on behalf of the Corporation and the Wiemer I Family Limited Partnership of which the Corporation is the General Partner in the following matters:

To handle any and all matters pertaining to the Florida real estate held in the name of the Wiemer I Family Limited Partnership, including but not limited to the zoning, rezoning, survey, partition, division, re-platting, rents and rentals, leases, and sales of any of the real properties.

Approved:


Stella M. Wiemer, Director


Monica Wiemer, Director

Deed

This Instrument Prepared by and Return to:
JOHN M. SPOTTSWOOD, JR.
SPOTTSWOOD, SPOTTSWOOD & SPOTTSWOOD
500 FLEMING STREET
Key West, FL 33040

Doc# 1544894 10/04/2005 3:02PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

10/04/2005 3:02PM
DEED DOC STAMP CL: RS \$10,850.00

Parcel ID Number: 00020110-000000

Doc# 1544894
Bk# 2156 Pg# 498

Warranty Deed

This Indenture, Made this 30th day of September, 2005 A.D., Between
HUNTER NILO HARDEN, a married man

of the County of Monroe, State of Florida, grantor, and
WEMER I FAMILY LIMITED PARTNERSHIP, a Texas limited partnership
whose address is: 5705 Archer Court, Dallas, TX

of the County of _____, State of Texas, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

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

On the Island of Key West, in the County of Monroe and State of
Florida; Part of Tract Five (5) on William A. Whitehead's map of the
City of Key West: Commencing at a point on Windsor Lane One hundred
and one (101) feet six (6) inches from the corner of Division Street
and Windsor Lane, and running along Windsor Lane to Division Street
One hundred and one (101) feet Six (6) inches; thence along Division
Street in a N.E.'ly direction Eighty-seven (87) feet, and extending
back at right angles One hundred and one (101) feet six (6) inches;
being part of land conveyed to David Walton by George D. Allen,
Collector of Revenue by deed recorded in Deed Book "J" pages 680-681
of Monroe County Records.

Subject to conditions, limitations, restrictions and easements of
record and taxes for the year 2005 and subsequent years.

The property herein conveyed DOES NOT constitute the Homestead
property of the Grantor, as defined under the Florida Constitution.
The Grantor's HOMESTEAD address is 1065 Boca Chica Road, Key West, FL
33040.

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

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

Signed, sealed and delivered in our presence:

Sarah L. Vega
Printed Name: SARAH L. VEGA
Witness

Hunter N. Harden (Seal)
HUNTER NILO HARDEN
P.O. Address: 1065 Boca Chica Road, Key West, FL 33040

Jenny M. Sterling
Printed Name: Jenny M. Sterling
Witness

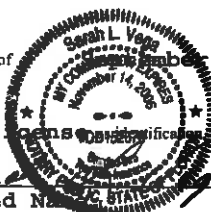
MONROE COUNTY
OFFICIAL RECORDS

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 30th day of _____, 2005 by
HUNTER NILO HARDEN, a married man

he is personally known to me or he has produced his Florida driver's license identification

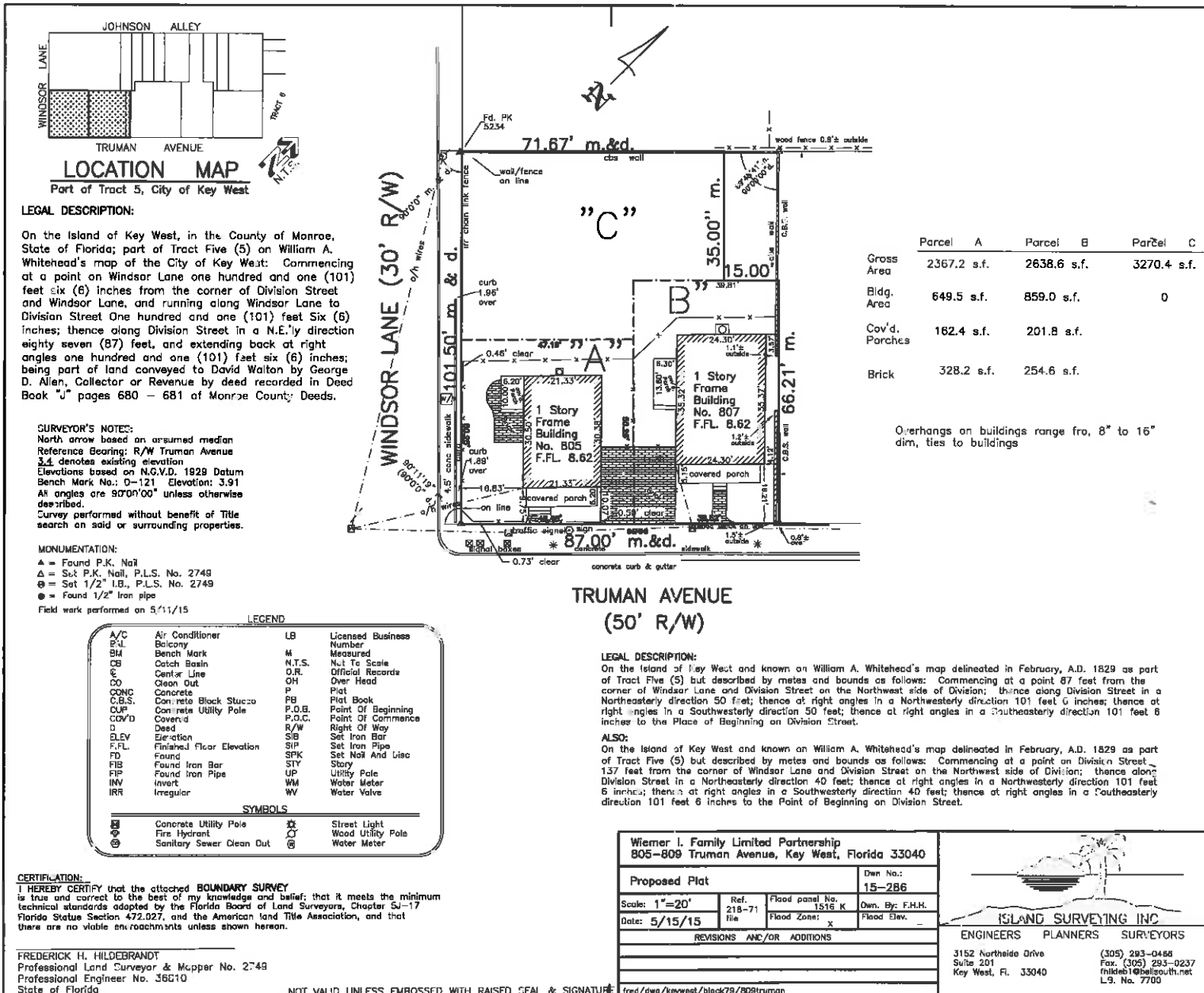
Sarah L. Vega
Printed Name: Sarah L. Vega
Notary Public
My Commission Expires: _____



Survey

Site Plans

Boundary Survey - Proposed Subdivision of Lot



SITE DATA TABLE - 805-807 Truman Avenue

Site Data	Permitted/ Required	Existing	Proposed	Compliance
Zoning	HNC-1			
Flood Zone	X			
Max. Density	16 du/acre (units) Total site: 3.3 units	2	3	Complies
Project Site Size	40' x 100' 4,000 sf	8,276.2 sf		
Parcel A (805 Truman)	4,000.0 sf (40' x 100')	NA	47.19' x 50.25' (2,367.2 sf)	Variance Requested
Parcel B (807 Truman)	4,000.0 sf (40' x 100')	NA	39.81' x 66.21' (2,638.6 sf)	Variance Requested
Parcel C (931 Windsor) Vacant Lot	4,000.0 sf (40' x 100')	NA	71.67'x35x'21.7'x 15.25'x39.84'x51. 25' (3,270.4 sf)	Variance Requested
Total Site Building Coverage:	50%(4,138.1 sf)	22% (1,872.7 sf)		
Parcel A (805 Truman)	50% (1,183.6 sf)		34% (811.9 sf)	Complies
Parcel B (807 Truman)	50% (1,319.3 sf)		41% (1060.8 sf)	Complies
Parcel C (931 Windsor)	50% (1,645.6 sf)	Vacant lot 0%	Vacant lot 0%	Complies
Impervious Surface:	60% (4,965.7 sf)	29% (2,455 sf)		
Parcel A (805 Truman)	60% (1,459 sf)		48% (1,140 sf)	Complies
Parcel B (807 Truman)	60% (1,532 sf)		50% (1,315.4 sf)	Complies
Parcel C (931 Windsor)	Vacant lot 0%	Vacant lot 0%	Vacant lot 0%	Complies
Setbacks:				
Front	5'-0"	Parcel A: 4.55' Parcel B: 11.06'	Parcel A: 4.55' Parcel B: 11.06'	No Change*
Side	5'-0"	Parcel A: 9.01' Parcel B: 3.57'/5'	Parcel A: 9.01' Parcel B: 3.57'/5'	No Change*
Street Side	7.5'-0"	Parcel A: 10.63' Parcel B: N/A	Parcel A: 10.63' Parcel B: N/A	No Change
Rear	15'-0"	Parcel A: 44' Parcel B: 15'	Parcel A: 10' Parcel B: 15'	A: Var. Req. B: No Change

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

Additional Information

**PLANNING BOARD
RESOLUTION NO. 2016-06**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING A VARIANCE TO LOT SIZE, LOT WIDTH AND NONCOMPLYING LOT REQUIREMENTS IN ORDER TO CREATE 3 SINGLE LOTS ON PROPERTY LOCATED AT 805-807 TRUMAN AVENUE / 921 WINDSOR LANE (RE# 00020110-000000; AK# 1020851) WITHIN HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-1) ZONING DISTRICT PURSUANT TO SECTION 90-395, 122-810(5)(a)(b), AND 122-31 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant proposes to construct a roof addition on property located at 805-807 Truman Avenue / 921 Windsor Lane (RE # 00020110-000000; AK # 1020851); and


WHEREAS, Section 122-810(5)(a)(b) of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that minimum lot width is 40 feet and minimum lot depth is 100 feet; and

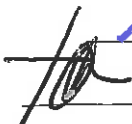
WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 21, 2016; and

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 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,



Chairman


Planning Director

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 are grounds for the issuance of the requested variances; and

WHEREAS, the Planning Board finds 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.

WHEREAS, the Planning Board finds that the granting of the variance does not 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; and

WHEREAS, the Planning Board finds that the granting of the variance does not increase or have the effect of increasing density or intensity of a use beyond that permitted by the comprehensive



Chairman



Planning Director

plan or the LDRs.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:


Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by Resolution of the Key West Planning Board for variance to lot size, lot width and noncomplying lot requirements in order to create 3 single lots located within the Historic Neighborhood Commercial (HNC-1) Zoning District pursuant to Sections 122-810(5), 122-810(5)(a)(b), and 122-31, of the Land Development Regulations

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in its entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to




Chairman


Planning Director

possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.




Chairman


Planning Director


Read and passed on first reading at a regularly scheduled meeting held this 21st day of January 2016.

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




Sam Holland, Chairman 1/20/16
Date

Attest:





Thaddeus Cohen, Planning Director 1/27/16
Date

Filed with the Clerk:

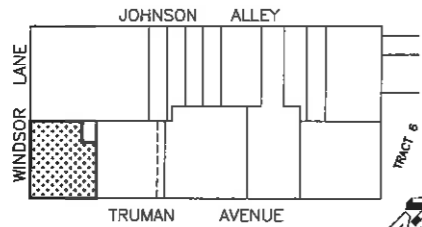


Cheryl Smith, City Clerk 1-26-16
Date



Chairman


Planning Director



LOCATION MAP
Part of Tract 5, City of Key West

	Parcel A	Parcel B	Parcel C
Gross Area	2598.6 s.f.	2638.6 s.f.	3039.0 s.f.
Bldg. Area	649.5 s.f.	859.0 s.f.	0
Cov'd. Porches	162.4 s.f.	201.8 s.f.	
Brick	328.2 s.f.	254.6 s.f.	

Overhangs on buildings range from, 8" to 16" dim, ties to buildings

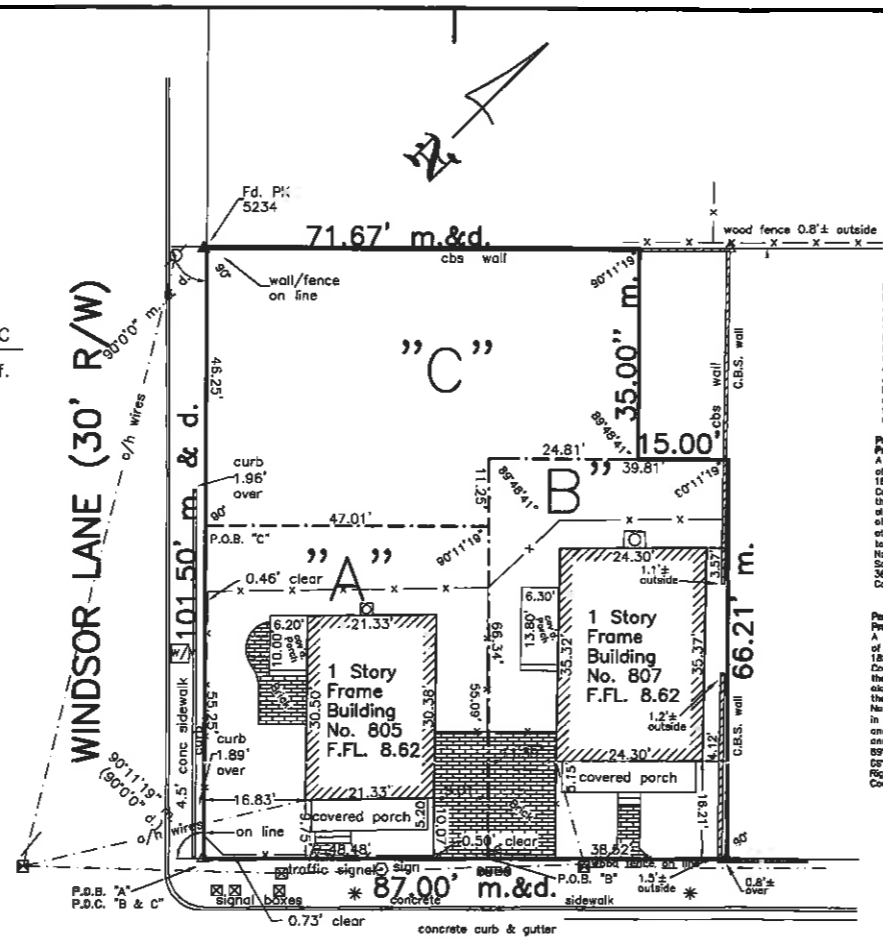
SURVEYOR'S NOTES:
North arrow based on assumed median Reference Bearing: R/W Truman Avenue 3.4 denotes existing elevation Elevations based on N.G.V.D. 1929 Datum Bench Mark No.: D-121 Elevation: 3.91 All angles are 90°00'00" unless otherwise described. Survey performed without benefit of Title search on said or surrounding properties.

MONUMENTATION:
▲ = Found P.K. Nail
△ = Set P.K. Nail, P.L.S. No. 2749
⊕ = Set 1/2" I.B., P.L.S. No. 2749
● = Found 1/2" iron pipe
Field work performed on 5/11/15

LEGEND			
A/C	Air Conditioner	LB	Licensed Business Number
BAL	Balcony	M	Measured
BM	Bench Mark	N.T.S.	Not To Scale
CB	Catch Basin	O.R.	Official Records
CL	Center Line	OH	Over Head
CO	Clean Out	P	Plat
CONC	Concrete	PB	Plat Book
C.B.S.	Concrete Block Stucco	P.O.B.	Point Of Beginning
CUP	Concrete Utility Pole	P.O.C.	Point Of Commencement
CDVD	Covered	R/W	Right Of Way
D	Dead	SIB	Set Iron Bar
ELEV	Elevation	SIP	Set Iron Pipe
F.F.L.	Finished Floor Elevation	SPK	Set Nail And Disc
FD	Found	STY	Story
FIB	Found Iron Bar	UP	Utility Pole
FIP	Found Iron Pipe	WM	Water Meter
INV	Invert	WV	Water Valve
IRR	Irregular		
SYMBOLS			
⊕	Concrete Utility Pole	⊙	Street Light
⊕	Fire Hydrant	⊙	Wood Utility Pole
⊕	Sanitary Sewer Clean Out	⊙	Water Meter

CERTIFICATION:
I HEREBY CERTIFY that the attached Proposed Plat is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 5J-17 Florida Statute Section 472.027, and the American Land Title Association, and that there are no viable encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT
Professional Land Surveyor & Mapper No. 2749
Professional Engineer No. 36810
State of Florida



TRUMAN AVENUE
(50' R/W)

Parcel "A" Legal Description
Prepared by undersigned:
A parcel of land located in the City of Key West, Monroe County, Florida and being a part of Tract 5 on William A. Whitehead's Map of the City of Key West, delineated in February 1829, and being more particularly described as follows:
Begin at the intersection of the Northeastery Right-of-Way line of Truman Avenue and the Northeastery Right-of-Way line of Windsor Lane; thence in a Northeastery direction along the said Northeastery Right-of-Way line of Windsor Lane a distance of 55.25 feet; thence at a right angle and in a Northeastery direction for 47.01 feet; thence at an angle to the left of 80°11'10" and in a Southeastery direction for 25.09 feet to the said Northeastery Right-of-Way line of Truman Avenue; thence at a right angle and in a Southeastery direction along the said Northeastery Right-of-Way line of Truman Avenue for 45.45 feet to the Point of Beginning.
Containing 2,598.6 square feet, more or less.

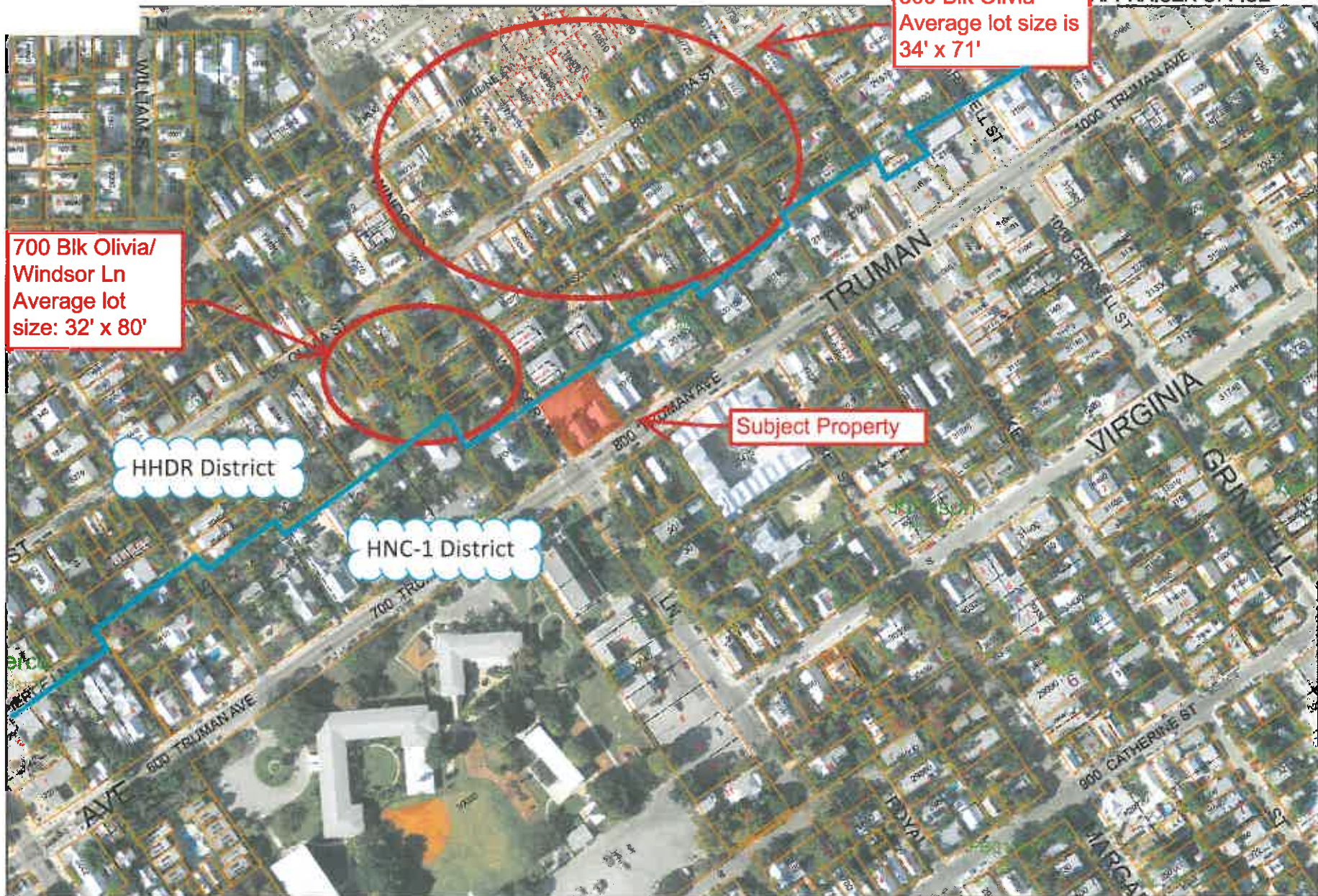
Parcel "B" Legal Description
Prepared by undersigned:
A parcel of land located in the City of Key West, Monroe County, Florida and being a part of Tract 5 on William A. Whitehead's Map of the City of Key West, delineated in February 1829, and being more particularly described as follows:
Commence at the intersection of the Northeastery Right-of-Way line of Truman Avenue and the Northeastery Right-of-Way line of Windsor Lane; thence in a Northeastery direction along the said Northeastery Right-of-Way line of Truman Avenue for 45.45 feet to the Point of Beginning; thence at a right angle and in a Northeastery direction for 66.34 feet; thence at an angle to the left of 80°45'41" and in a Southeastery direction for 39.81 feet; thence at an angle to the left of 80°11'19" and in a Southeastery direction for 86.21 feet to the said Northeastery Right-of-Way line of Truman Avenue; thence at a right angle and in a Southeastery direction along the said Northeastery Right-of-Way line of Truman Avenue for 36.52 feet to the Point of Beginning.
Containing 2,638.6 square feet, more or less.

Parcel "C" Legal Description
Prepared by undersigned:
A parcel of land located in the City of Key West, Monroe County, Florida and being a part of Tract 5 on William A. Whitehead's Map of the City of Key West, delineated in February 1829, and being more particularly described as follows:
Commence at the intersection of the Northeastery Right-of-Way line of Truman Avenue and the Northeastery Right-of-Way line of Windsor Lane; thence in a Northeastery direction along the said Northeastery Right-of-Way line of Truman Avenue for 45.45 feet to the Point of Beginning; thence continue in a Northeastery direction along the said Northeastery Right-of-Way line of Windsor Lane for 46.25 feet; thence at a right angle and in a Northeastery direction for 71.67 feet; thence at an angle to the left of 80°11'15" and in a Southeastery direction for 35.00 feet; thence at an angle to the right of 80°45'41" and in a Southeastery direction for 11.25 feet; thence at an angle to the left of 80°45'41" and in a Southeastery direction for 47.01 feet to the said Northeastery Right-of-Way line of Truman Avenue and the Point of Beginning.
Containing 3,039.0 square feet, more or less.

Wierner I. Family Limited Partnership 805-809 Truman Avenue, Key West, Florida 33040			
Proposed Plat		Dwn No.: 15-286	
Scale: 1"=20'	Ref. 218-71	Flood panel No. 1518-K	Dwn. By: F.H.H.
Date: 5/15/15	File	Flood Zone: X	Flood Elev. -
REVISIONS AND/OR ADDITIONS			
7/1/15: 3 Parcels, areas			
9/29/15: Revise lots, legal descriptions			
10/2/15: Correct areas			
/res/dwg/keywest/block79/809truman			

11/20/16
F.H.H. 10/2/16

ISLAND SURVEYING INC
ENGINEERS PLANNERS SURVEYORS
3152 Northside Drive (305) 293-0466
Suite 201 Fax: (305) 293-0237
Key West, FL 33040 fhildeb1@bellsouth.net
L.B. No. 7700



THIS PROPERTY LOCATION MAP HAS BEEN COMPILED FOR INTERNAL OFFICE USE AS AN AID IN THE PREPARATION OF THE MONROE COUNTY TAX ROLL. IT IS NOT A SURVEY AND THE OWNERSHIP INFORMATION DEPICTED THEREON SHOULD NOT BE RELIED UPON FOR TITLE PURPOSES. NEITHER MONROE COUNTY NOR THE OFFICE OF THE PROPERTY APPRAISER ASSUMES RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS.

1:2,697
Date: 6/30/2015

Property Appraiser Information



Detail by Entity Name

Foreign Limited Partnership

WIEMER I FAMILY LIMITED PARTNERSHIP

Filing Information

Document Number	B95000000281
FEI/EIN Number	752589519
Date Filed	08/02/1995
State	TX
Status	ACTIVE
Last Event	CONTRIBUTION CHANGE
Event Date Filed	12/30/1996
Event Effective Date	NONE

Principal Address

5705 ARCHER COURT
DALLAS, TX 75252

Changed: 02/19/1996

Mailing Address

5705 ARCHER COURT
DALLAS, TX 75252

Changed: 02/19/1996

Registered Agent Name & Address

WIEMER, MONICA
809 TRUMAN AVE.
KEY WEST, FL 33040

General Partner Detail

Name & Address

K.C. WIEMER, INC.
5705 ARCHER CT

DALLAS, TX 75252



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: 1020851 Parcel ID: 00020110-000000

Ownership Details

Mailing Address:
WIEMER I FAMILY LTD PARTNERSHIP
5705 ARCHER CT
DALLAS, TX 75252-4972

Property Details

PC Code: 08 - MULTI FAMILY LESS THAN 10UNITS
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 805 TRUMAN AVE KEY WEST
807 TRUMAN AVE KEY WEST
921 WINDSOR LN KEY WEST
Legal Description: KW PT OF TR 5 S-97 (ORDER OF CHANCERY BK E-216) OR924-852 OR927-1779/C OR927-1780/AFF
OR934-2138/39 OR1025-1398/99R/S OR1686-868D/C OR2156-498

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	87	102	8,831.00 SF

Building Summary

Number of Buildings: 2
Number of Commercial Buildings: 0
Total Living Area: 1560
Year Built: 1928

Building 1 Details

Building Type R1
Effective Age 11
Year Built 1928
Functional Obs 0

Condition G
Perimeter 138
Special Arch 0
Economic Obs 0

Quality Grade 450
Depreciation % 10
Grnd Floor Area 720

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

Roof Type GABLE/HIP
Heat 1 NONE
Heat Src 1 NONE

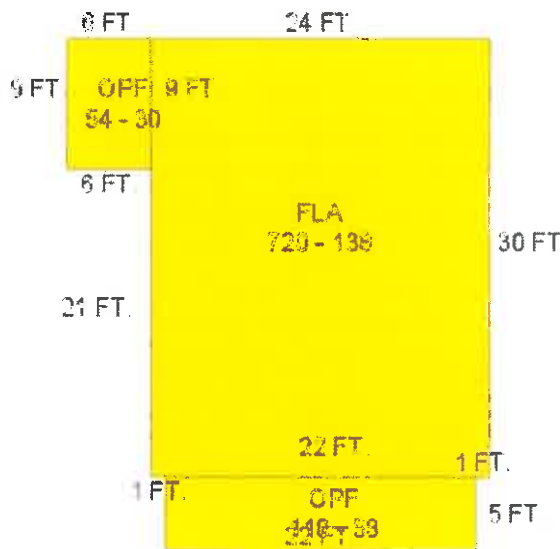
Roof Cover METAL
Heat 2 NONE
Heat Src 2 NONE

Foundation WD CONC PADS
Bedrooms 2

Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 0

Vacuum 0
 Garbage Disposal 0
 Compactor 0
 Security 0
 Intercom 0
 Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	OPF		1	2007		0.00	0.00	110
2	FLA	12: ABOVE AVERAGE WOOD	1	2007	N Y			720
3	OPF		1	2007				54

Building 2 Details

Building Type R1 **Condition** G **Quality Grade** 450
Effective Age 11 **Perimeter** 102 **Depreciation %** 10
Year Built 1929 **Special Arch** 0 **Grnd Floor Area** 840
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	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	0	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	OPF		1	2007				78
2	OPF		1	2007		0.00	0.00	120
3	FLA	12: ABOVE AVERAGE WOOD	1	2007	N Y			840
4	FAT	12: ABOVE AVERAGE WOOD	1	2007	N Y			840

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
-----	------	---------	--------	-------	------------	-----------	-------	------

1	FN2:FENCES	684 SF	114	6	2007	2008	2	30
2	FN2:FENCES	54 SF	18	3	2007	2008	2	30
3	FN2:FENCES	356 SF	89	4	2007	2008	2	30
4	PT2:BRICK PATIO	440 SF	22	20	2007	2008	2	50
5	PT2:BRICK PATIO	56 SF	8	7	2007	2008	2	50
6	PT2:BRICK PATIO	36 SF	9	4	2007	2008	2	50

Appraiser Notes

PER 3/14/2007 LETTER FROM CITY ENGINEERING DEPT THE NEW RESIDENCE TO BE CONSTRUCTED WILL BE ASSIGNED THE PHYSICAL ADDRESS OF 921 WINDSOR LANE
BLDG 1 - 805 TRUMAN, BLDG 2 - 807 TRUMAN.
2006-12-20 - BUILDINGS ARE IN POOR CONDITION; NOW UNDERGOING MAJOR RENOVATIONS. CHANGED EFF YEAR TO 1928 FOR 2007 ROLL. - JEN

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
2	06-5108	10/05/2006	08/22/2007	75,000 Residential	RENOVATE EXISTING SFR (805 TRUMAN AVE)
3	06-5109	10/05/2006	08/22/2007	84,000 Residential	RENOVATE EXISTING SFR (807 TRUMAN AVE)
4	06-6413	11/30/2006	12/20/2006	700 Residential	INSTALLATION OF 100 AMP TEMPORARY ELECTRICAL SEVICE
5	07-1540	04/10/2007	08/22/2007	3,200 Residential	INTERIOR RENOVATION FOR 805 TRUMAN AVE
6	07-1543	04/11/2007	08/22/2007	9,000 Residential	ROUGH & SET NEW PLUMING FOR 80 UMAN AVE
7	07-1544	04/10/2007	08/22/2007	10,000 Residential	COMPLETE ELECTRIC FOR 60SF SFR FOR 805 TRUMAN AVE
1	06-0210	01/12/2006	09/27/2006	600 Residential	INSTALL TEMP SERVICE
8	07-5110	10/05/2006	08/22/2007	2,500 Residential	REPLACE 1 SQS ROOFING FOR 805 TRUMAN
9	07-1097	03/06/2007	03/10/2008	11,400 Residential	INSTALL 81'x6' PRIVACY FENCE
10	07-1541	04/10/2007	08/22/2007	5,400 Residential	INSTALL ONE 2-TON A/C
11	07-1853	04/17/2007	08/22/2007	1,000 Residential	REPLACE EXISTING SEWER & WATER SERVICE
12	07-2055	05/04/2007	08/22/2007	100 Residential	PERMIT REVISION
13	07-3599	07/23/2007	08/23/2007	1,500 Residential	INSTALL WOOD SKIRT LATTICE AROUND BOTTOM OF HOUSE
14	07-3795	08/01/2007	08/22/2007	425 Residential	INSTALL TWO HURRICANE PANELS ON TWO DOORS
15	07-4065	08/23/2007	08/22/2007	2,000 Residential	A.T.F. PERMIT INSTALL 100LF WHITE GUTTER & DOWN SPOUT
16	07-4063	08/23/2007	08/22/2007	2,000 Residential	A.T.F. PERMIT INSTALL 165 SQ.FT. BRICK PAVERS ON SANDBED AT FRONT

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
2014	207,319	6,575	367,050	580,944	488,636	0	580,944
2013	209,572	6,769	341,442	557,783	444,215	0	557,783

2012	211,826	7,001	185,005	403,832	403,832	0	403,832
2011	211,826	7,197	256,121	475,144	443,961	0	475,144
2010	214,079	7,391	182,131	403,601	403,601	0	403,601
2009	237,728	7,625	545,336	790,689	790,689	0	790,689
2008	218,368	7,819	883,100	1,109,287	1,109,287	0	1,109,287
2007	117,350	0	1,457,115	1,574,465	1,574,465	0	1,574,465
2006	658,120	115	671,156	1,329,391	1,329,391	0	1,329,391
2005	212,340	115	494,536	706,991	706,991	0	706,991
2004	141,561	115	423,888	565,564	565,564	0	565,564
2003	212,341	115	185,451	397,908	397,908	0	397,908
2002	181,257	115	185,451	366,823	366,823	0	366,823
2001	142,589	115	185,451	328,155	328,155	0	328,155
2000	142,589	151	150,127	292,867	292,867	0	292,867
1999	115,602	131	150,127	265,860	265,860	0	265,860
1998	112,782	128	150,127	263,037	263,037	0	263,037
1997	107,143	122	132,465	239,730	239,730	0	239,730
1996	69,361	79	132,465	201,905	201,905	0	201,905
1995	69,361	79	132,465	201,905	201,905	0	201,905
1994	62,030	70	132,465	194,566	194,566	0	194,566
1993	62,163	0	132,465	194,628	194,628	0	194,628
1992	62,163	0	132,465	194,628	194,628	0	194,628
1991	62,163	0	132,465	194,628	194,628	0	194,628
1990	41,848	0	108,180	150,028	150,028	0	150,028
1989	34,586	0	105,972	140,558	140,558	0	140,558
1988	30,213	0	97,141	127,354	127,354	0	127,354
1987	29,835	0	63,583	93,418	93,418	0	93,418
1986	30,001	0	63,583	93,584	93,584	0	93,584
1985	29,083	0	39,933	69,016	69,016	0	69,016
1984	27,167	0	39,933	67,100	67,100	0	67,100
1983	27,167	0	39,933	67,100	67,100	0	67,100
1982	27,700	0	37,271	64,971	64,971	0	64,971

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
9/30/2005	2156 / 498	1,550,000	WD	Q

This page has been visited 21,452 times.

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