

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



To: Chairman and Planning Board Members

From: Brendon Cunningham

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: June 21, 2012

Agenda Item: **Variance – 1021 Fleming Street (RE# 00005060-000000)** - A request for front-yard setback requirement in the Historic Medium Density Residential (HMDR) zoning district per Sections 122-600 (6) a. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: To allow for the restoration of an existing non-conforming historic structure

Applicant: Robert L. Delaune, Architect

Property Owner: Deborah Lippi

Location: 1021 Fleming Street, RE# 00005060-000000

Zoning: Historic Medium Density Residential (HMDR) zoning district

BACKGROUND:

This historic structure is legal non-conforming to the current Code of Ordinances. The structure does not conform to front-yard setback requirements. The structure is deteriorated and renovations are expected to exceed 66% of the value of the structure.

Request:

The applicant wishes to renovate the structure. As the structure does not conform to current code requirements, the applicant requests a variance to setback requirements as described below.

Setback	Required	Existing	Requested
Front	10'	3.5'	3.5'

Process:

HARC Approval:

#H12-01-343

Development Review Committee Meeting:

April 26, 2012

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 owner would like to restore the original structure without having to relocate it. Although, special conditions exist that are peculiar to the history of the land and building involved, it is the applicant's decision to renovate the property.

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

The applicant is not responsible for the existing front-yard setback encroachment as this is an historic structure. However, the applicant's desire to renovate the property is a condition created by the applicant.

3. **Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.**

Granting of a setback variance does confer special privileges upon the applicant. However, as this building is historic and predates the current code, it shares many non-conforming aspects and conditions with other properties within the immediate vicinity.

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.**

In order to bring this historical structure into conformance with the Land Development Regulations, it would be necessary to move or demolish a portion of the structure which would incur a financial burden and a loss of an historic context.

5. **Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.**

The variance requested is the minimum request necessary. The variance, if granted, will provide the applicant the right to keep the structure as it has historically existed.

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.**

Due to the historic nature of the property, renovation of this structure will be in the public interest and granting this variance will not be injurious to the public welfare.

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.**

The applicant is not using any other properties or circumstances as a basis of this request.

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

Not applicable. The applicant is renovating a single family dwelling in the existing footprint.

The Planning Board shall make factual findings regarding the following:

1. **That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.**

Due to the nature of the hardship requirements and the minimum dimensional requirements established in the LDRs, the applicant does not meet all the standards established for a variance.

2. **That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.**

No objections to this project have been submitted to the Planning Department as of the date of this report.

RECOMMENDATION:

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

Draft Resolution

**PLANNING BOARD
RESOLUTION No. 2012-**

**A VARIANCE APPROVAL FOR FRONT-YARD
SETBACK REQUIREMENTS ON PROPERTY
LOCATED AT 1021 FLEMING STREET RE#
00005060-000000) IN THE HISTORIC MEDIUM
DENSITY RESIDENTIAL ZONING DISTRICT
PER SECTIONS 122-28 (b), 90-391 AND 122-600
(6) a. OF THE LAND DEVELOPMENT
REGULATIONS OF THE CODE OF
ORDINANCES OF THE CITY OF KEY WEST.**

WHEREAS, Section 122-28 (b) requires that if reconstruction or replacement of a non-conforming building or structure exceeds 66% of its assessed value, a variance is required to any non-conformity; and

WHEREAS, Section 90-391 allows an applicant to request a variance if the literal enforcement of the LDR's will cause unnecessary hardship; and

WHEREAS, Section 122-600 (6) a. of the Code of Ordinances provides that the minimum front-yard setback is to be 10 feet; and

WHEREAS, the applicant requested a variance to the allowed front-yard setback of 6.5 feet to the existing 3.5 feet; and

Chairman

Planning Director

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on June 21, 2012; 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, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

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

WHEREAS, the Planning Board finds that the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors;

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

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

Section 2. An approval by resolution of the Key West Planning Board for a variance to allow the renovation of an historic structure on property located at 1021 Fleming Street (RE# 0005060-000000) in the HMDR zoning district per Sections 90-391. and 122-600 (6) a. of the Land Development Regulations of the Code of Ordinances of the City of Key West per the plan set dated March 27, 2012, with the following conditions:

Section 3. It is a condition of these 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 their entirety within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

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

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

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

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

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 21st day of June, 2012.

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

_____ Chairman
_____ Planning Director

Richard Klitenick
Planning Board Chairman

Date

Attest:

Donald Leland Craig, AICP, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

Draft

_____ Chairman

_____ Planning Director

Application

Variance Application
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



Variance Application

Please completely fill out this application and attach all necessary documents. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305-809-3720 to schedule an appointment with a Planner.

Please print or type a response to the following:

1. Site Address 1021 FLEMING STREET
2. Name of Applicant ROBERT L. DELAUNE, ARCHITECT
3. Applicant is: Owner _____ Authorized Representative X
4. Address of Applicant 619 EATON STREET, SUITE 1
KEY WEST, FL 33040
5. Phone # of Applicant 305 293 0304 Mobile# 305 304 4342
6. E-Mail Address robde laune@bellsouth.net
7. Name of Owner, if different than above DEBORAH LIPPI
8. Address of Owner 1130 DUVAL STREET
KEY WEST, FL 33040
9. Phone # of Owner _____
10. Email Address KWLoaches@hotmail.com
11. Zoning District of Parcel HMDR RE# 00005060-000
12. Description of Proposed Construction, Development, and Use
RENOVATION OF HISTORIC STRUCTURE IN
EXCESS OF 40% OF CURRENT VALUE
(NOTE: EXISTING FRONT YARD SETBACK
NOT COMPLIANCE)
13. List and describe the specific variance(s) being requested:
3.5' FRONT YARD SETBACK (FROM
10' REQUIRED SETBACK).



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14. Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R provide square footages and percentages.

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	HMDR			
Flood Zone	AE-1			
Size of Site	4654 S.F.			
Height	35'	21.5'	21.5'	N/A
Front Setback	10'	3.5'	3.5'	3.5'
Side Setback	5'	12.5'	12.5'	N/A
Side Setback	5'	7.75'	7.75'	N/A
Street Side Setback	-	-	-	-
Rear Setback	15'	48'	48'	N/A
F.A.R	N/A	-	-	-
Building Coverage	1802 (40%)	1540 (33%)	1540 (33%)	N/A
Impervious Surface	2794 (60%)	2205 (47%)	2205 (47%)	N/A
Parking	1 SPACE	1 SPACE	1 SPACE	N/A
Handicap Parking	N/A	-	-	-
Bicycle Parking	N/A	-	-	-
Open Space/Landscaping	N/A	-	-	-
Number and type of units	(1) NON-TRANSIENT	(1) NON-TRANSIENT	(1) NON-TRANSIENT	N/A
Consumption Area or Number of seats	N/A	-	-	-

15. Is Subject Property located within the Historic District? Yes X No _____
 If Yes, attach HARC approval and approved site plans

Meeting Date 3/28/12 HARC Approval # H12-01-343



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

17. Will the work be within the dripline (canopy) of any tree on or off the property?

YES _____ NO X

If yes, provide date of landscape approval, and attach a copy of such approval.

This application is pursuant to Section 106-51 & 52 City of Key West Land Development Regulations.

If the applicant would like additional information, electronic version of the City's Code of Ordinances can be found either through www.keywestcity.com, Planning Department archives or at www.municode.com. Once there, search Online Library/Florida/Key West/ Chapter 122.

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



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Standards for Considering Variances

Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:

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

THIS IS A UNIQUE HISTORIC STRUCTURE. ITS
CIRCUMSTANCES ARE THEREFORE NOT
APPLICABLE TO OTHER PROPERTIES IN THE
DISTRICT.

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

SINCE THE NON-COMPLIANCE IS EXISTING AND
HISTORIC IN ITS ORIGINS, IT IS IN NO WAY
THE RESULT OF ACTION OR NEGLIGENCE
ON THE PART OF THE OWNER OR THE
APPLICANT.

3. Special privileges not conferred. That granting the variance(s) requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

SINCE SIMILAR NON-COMPLIANCES ABOUND
IN THE DISTRICT, NO SPECIAL PRIVILEGE
WILL BE CONFERRED.



Variance Application
City of Key West Planning Department
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4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

SINCE LOCAL & FEDERAL REGULATIONS DO NOT ALLOW MODIFICATION OF THE STRUCTURE IN A WAY THAT WOULD CURE THE NON-COMPLIANCE, LITERAL INTERPRETATION WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED IN THE DISTRICT.

5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

THE APPLICATION DOES NOT SEEM TO EXPAND THE STRUCTURE OR THE NON-~~CONFORMITY~~ CONFORMITY IN ANY WAY. IT IS THE MINIMUM VARIANCE REQUIRED TO CURE THE PRE-EXISTING NON-CONFORMITY.

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 APPLICATION SEEKS MERELY TO MAINTAIN THE STATUS QUO; IT WILL THEREFORE NOT BE INJURIOUS OR DETRIMENTAL TO THE PUBLIC INTEREST OR WELFARE.



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7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

NO NON-CONFLICTS OF OTHER PROPERTIES
ARE CITED AS JUSTIFICATION OF THIS
APPLICATION.

The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:

- That the standards established in subsection (a) have been met by the applicant for a variance..
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors. Please describe how you have addressed the "good neighbor policy."



Verification Form

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an individual)

I, ROBERT L. DELAUNE 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:

1021 FLEMING 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.

Robert L. Delaune

Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 29 MARCH 2012 by
date

ROBERT L. DELAUNE

Name of Authorized Representative

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

Cindy Sawyer

Notary's Signature and Seal

Cindy Sawyer

Name of Acknowledger typed, printed or stamped

EE 147446

Commission Number, if any



Authorization Form

Deed

Return to (via enclosed envelope)
North American Title Company
9115 Corsea Del Fontana Way, Suite 200
Naples, Florida 34109

Doc# 1810772 10/25/2010 4:18PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Prepared under the supervision of
David Traniello, Esq.
7 Kimball Lane
Building A, Suite 6
Lynnfield, MA 01940

10/25/2010 4:18PM
DEED DOC STAMP CL: TRINA \$2,800.00

Property Appraiser's Folio No.:
00005060-000000

Doc# 1810772
Bk# 2489 Pg# 39

11614-10-00907H1

SPECIAL WARRANTY DEED

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

This Warranty Deed made this 22 day of October, 2010, by Bank of America, N.A., and having its principal place of business at 7255 Baymeadows Way, Jacksonville, FL 32256, hereinafter called the grantor(s), to Deborah Lippi, a single woman, whose post office address is 1130 Duval St. Apt. 1, Key West, FL 33040, hereinafter called the grantee(s):

WITNESSETH: That grantor, for and in consideration of the sum of \$10.00 (ten) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto grantee all that certain land situate in Monroe County, State of Florida, viz:

On the Island of Key West and is part of Lot 1, of Square 32, according to William A. Whitehead's Map of the said Island delineated in February, A.D. 1829; commencing at a point 97 feet from the corner of Fleming Street and Frances Street, and running thence along Fleming Street in a Southwesterly direction 48 feet and 6 inches; thence at right angles in a Northwesterly direction 96 feet; thence at right angles in a Northeasterly direction 48 feet and 6 inches; thence at right angles in a Southeasterly direction 96 feet out to Fleming Street to the point of beginning.

SUBJECT TO: covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2010 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

AND the grantor hereby covenants with and grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.



IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

First Witness Signature

Printed Signature Carolyn K. Cloud

Second Witness Signature

Richard Dodd

Printed Signature

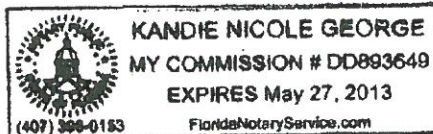
STATE OF: FL

COUNTY OF: Deer

Bank of America, N.A.

BY: Molly

PERSONALLY APPEARED BEFORE ME the undersigned authority in and for the aforesaid county and state, on this the 5 of October, 2010 within my jurisdiction, the within named Molly Schenck, who acknowledged to me that (s)he is the Vice President of JPMorgan Chase Bank NA, a corporation created under the laws of the United States of America, and that for and on behalf of The Company, and as its acts and deed (s)he executed the above and foregoing instrument, after first having been duly authorized by The Company to do so.



NOTARY PUBLIC, State of FL at Large
Print Notary Name: Kandie George
My Commission Expires: _____

MONROE COUNTY
OFFICIAL RECORDS

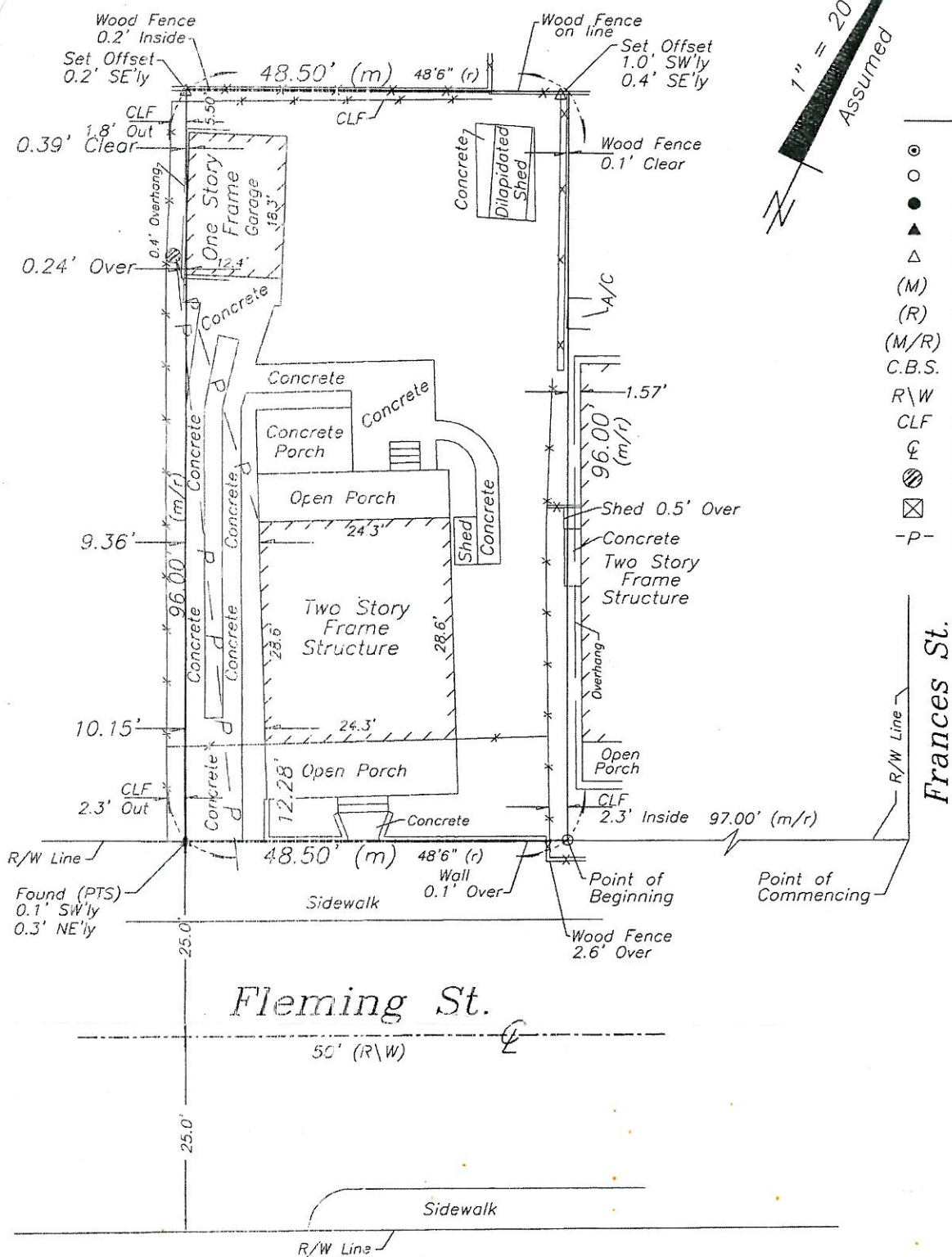


Survey

1021 Fleming St.

Fogarty

Boundary Survey Map of part of Lot 1, Square 32, Island of Key West



LEGEND

- ⊙ Found 2" Iron Pipe (Fence Post)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (2863)
- ▲ Found Nail & Disc (PTS)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines

NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1021 Fleming 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: October 7, 2010.
9. Ownership of fences is undeterminable, unless otherwise noted.
10. Adjoiners are not furnished.

BOUNDARY SURVEY OF: On the Island of Key West and is part of Lot 1, Square 32, according to William A. Whitehead's Map of the said Island delineated in February, A.D. 1829; commencing at a point 97 feet from the corner of Fleming Street and Frances Street, and running thence along Fleming Street in a Southwesterly direction 48 feet and 6 inches; thence at right angles in a Northwesterly direction 96 feet; thence at right angles in a Northeasterly direction 48 feet and 6 inches; thence at right angles in a Southeasterly direction 96 feet out to Fleming Street to the Point of Beginning.

BOUNDARY SURVEY FOR: Deborah E. Lippi;

J. LYNN O'FLYNN, INC.

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

THIS SURVEY
IS NOT
ASSIGNABLE

October 8, 2010

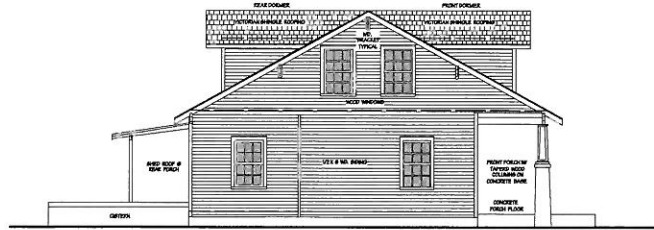
J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

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

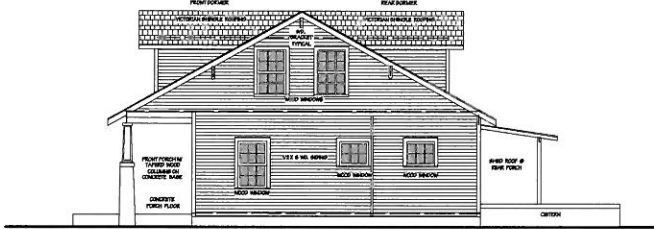
Site Plans



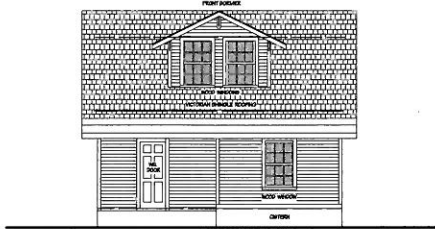
EXISTING LEFT (WEST) ELEVATION
scale: 1/8"=1'-0"



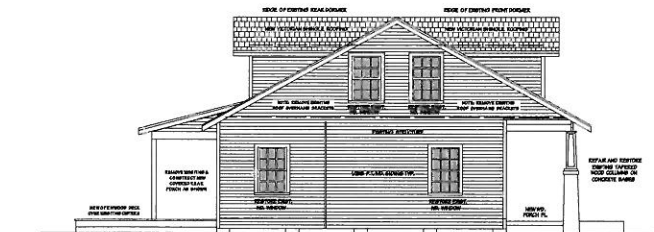
EXISTING FRONT (SOUTH) ELEVATION
scale: 1/8"=1'-0"



EXISTING RIGHT (EAST) ELEVATION
scale: 1/8"=1'-0"



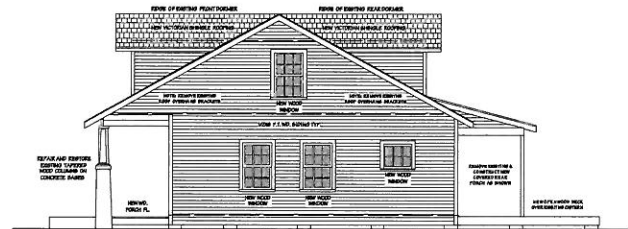
EXISTING REAR (NORTH) ELEVATION
scale: 1/8"=1'-0"



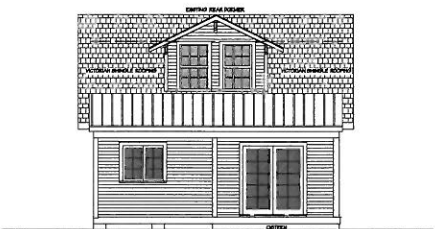
PROPOSED LEFT (WEST) ELEVATION
scale: 1/8"=1'-0"



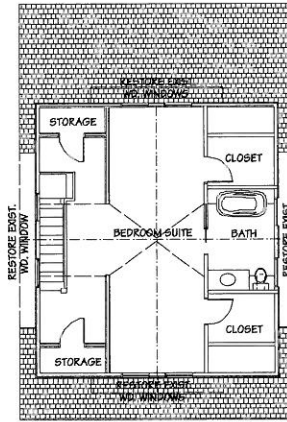
PROPOSED FRONT (SOUTH) ELEVATION
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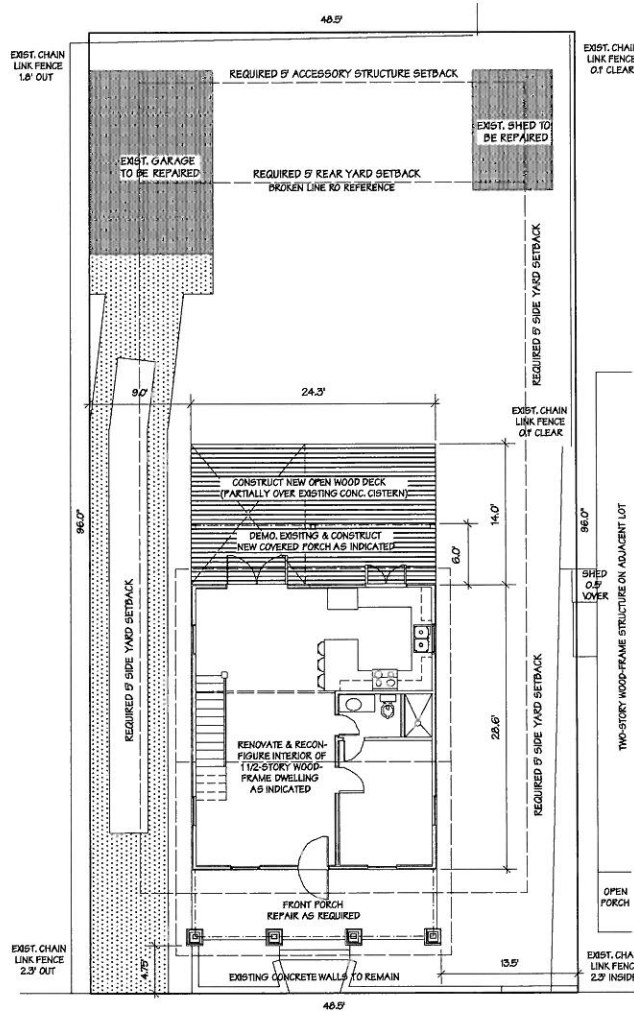
PROPOSED RIGHT (EAST) ELEVATION
scale: 1/8"=1'-0"



PROPOSED REAR (NORTH) ELEVATION
scale: 1/8"=1'-0"



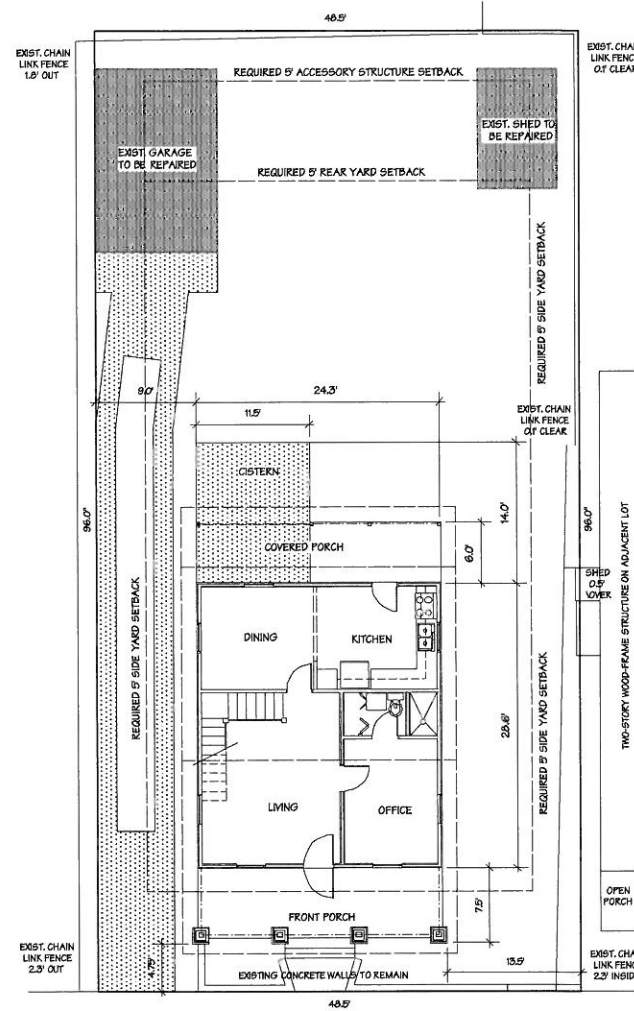
PROPOSED SECOND FLOOR PLAN
scale: 1/8"=1'-0"



EXISTING CONCRETE SIDEWALK

FLEMING STREET (50' R.O.W.)

PROPOSED SITE PLAN
scale: 1/8"=1'-0"



EXISTING CONCRETE SIDEWALK

FLEMING STREET (50' R.O.W.)

EXISTING SITE PLAN
scale: 1/8"=1'-0"

SITE DATA:

LOT AREA: 4656 S.F.

LAND USE DISTRICT: HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDK)

FEMA FLOOD ZONE: AE6 (EXISTING FLOOR ELEVATION 6.8)

ALLOWED EXISTING PROPOSED

BUILDING COVERAGE: 1862 S.F. (40%) 1540 S.F. (33%) UNCHANGED

IMPERV. SURFACE RATIO: 2794 S.F. (60%) 2205 S.F. (47%) UNCHANGED

SETBACKS (PRIMARY STRUCTURE, TO ROOF OVERHANG):
FRONT 10' 3.5' NO CHANGE
R. SIDE 5' 12.5' NO CHANGE
L. SIDE 5' 7.75' NO CHANGE
REAR 15' 48' NO CHANGE

SETBACKS (ACCESSORY STRUCTURES):
FRONT N/A NO CHANGE
R. SIDE 5' 2' NO CHANGE
L. SIDE 5' ZERO NO CHANGE
REAR 5' 4' NO CHANGE

ACCESSORY STRUCTURE
REAR YARD COVERAGE: 30% 17% NO CHANGE

HEIGHT: 35' 21.5' +/- NO CHANGE

SITE DRAINAGE CALCULATIONS

NO INCREASE IN IMPERVIOUS COVERAGE IS PROPOSED; THEREFORE, NO NEW DRAINAGE STRUCTURES ARE REQUIRED.

Robert L. Delaune, Architect, p.a.

619 Eaton Street, Suite 1, Key West, FL 33040

ph/fax: (305) 293-0364 FL Lic. #AA0003594

renovations & additions to
1021 FLEMING STREET
KEY WEST, FLORIDA

sheet
1
of
1

27 MARCH 2012



RECEIVED
March 30, 2012
KW Planning Dpt

DRC

Minutes & Comments

Minutes of the Development Review Committee of the City of Key West

April 26, 2012

DRAFT

Page 4 of 5

	<p>Fire Chief – No Comments.</p> <p>HARC Planner – No Comments.</p> <p>Planning Director – No Comments.</p> <p>General Services – No Comments.</p> <p>Landscaping – Landscaping will be done per the City Code.</p> <p>Public Comments: There were no public comments.</p>
5	<p>Variance - 1021 Fleming Street (RE# 00005060-000000) - A variance application for front-yard setback requirements in the HMDR zoning district per Section 122-600 (6) a. of the Land Development Regulations of the Code of Ordinances of the City of Key West.</p> <p>Staff Report: Brendan Cunningham presented the project. Essentially this a perennial problem that we have here somebody wants to renovate their house and they exceed 66% of value and any legal non conformities must be addressed through the variance process. In this case the front yard setback which is 10ft is not being met. The existing structure is three and a half feet off the property line.</p> <p>Applicant: Rob Delaune comments that the proposed project doesn't seek to change the footprint of the building in any way or increase the non conformities, just too simply spend what would be more than the 66% more of its value in repairing and renovating its structure.</p> <p>DRC Member Comments:</p> <p>ADA Coordinator – No Comment.</p> <p>Fire Chief – No Comment.</p> <p>HARC Planner – Need to add the HARC number.</p> <p>Planning Director – No Comment.</p> <p>General Services – No Comment.</p> <p>Landscaping – No Comments.</p> <p>There were no additional Committee member comments for the record.</p> <p>Public Comments: There were no public comments.</p>
	<p>Actions/Motions: A motion was made by Ms. Enid Torregrosa seconded by Mr. Alan Averette, that the</p>

Property Appraiser Information

Karl D. Borglum
Property Appraiser
Monroe County, Florida

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

Property Record Card

Alternate Key: 1005240 Parcel ID: 00005060-000000

Website tested on
Internet Explorer.
Requires Adobe Flash
10.3 or higher

Ownership Details

Mailing Address:
LIPPI DEBORAH
1130 DUVAL ST APT 1
KEY WEST, FL 33040-3157

Property Details

PC Code: 01 - SINGLE FAMILY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 1021 FLEMING ST KEY WEST
Legal Description: KW PT LT 1 SQR 32 G4-582 OR109-134 OR458-643/44 OR810-1792L/E OR1131-29L/E OR1687-1534D/C OR2033-1104D/C OR2203-1099/02 OR2477-1022C/T OR2489-39/40 OR2510-2446C

Parcel Map (Click to open dynamic parcel map)



Land Details

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	49	96	4,656.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 0

Total Living Area: 672
Year Built: 1938

Building 1 Details

Building Type R1
Effective Age 21
Year Built 1938
Functional Obs 0

Condition G
Perimeter 104
Special Arch 0
Economic Obs 0

Quality Grade 500
Depreciation % 28
Grnd Floor Area 672

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

Roof Type IRR/CUSTOM

Roof Cover METAL

Foundation WD CONC PADS

Heat 1 NONE

Heat 2 NONE

Bedrooms 4

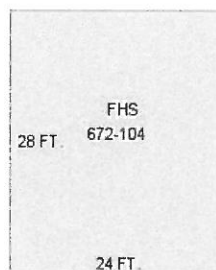
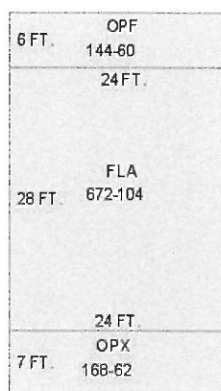
Heat Src 1 NONE

Heat Src 2 NONE

Extra Features:

2 Fix Bath 1
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	FLA	12:ABOVE AVERAGE WOOD	1	1937	N N	0.00	0.00	672
2	OPX		1	1937		0.00	0.00	168
3	OPF		1	1937		0.00	0.00	144
4	FHS	12:ABOVE AVERAGE WOOD	1	1937	N N	0.00	0.00	672

5 DGF

1

1938

252

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
2	PT3:PATIO	280 SF	0	0	1989	1990	2	50
3	CL2:CH LINK FENCE	312 SF	78	4	1964	1965	1	30
4	FN2:FENCES	70 SF	35	2	1937	1938	4	30

Appraiser Notes

2005-09-29 BEING OFFERED FOR \$1,379,000. A CONCH ORIGINAL TWO-STORY 4BDS/2BA DADE COUNTY PINE ORIGINAL WINDOWS & GARAGE.-SKI

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
2011	93,944	1,783	287,602	383,329	383,329	0	383,329
2010	126,699	1,828	360,561	489,088	489,088	0	489,088
2009	140,812	1,873	548,052	690,737	690,737	0	690,737
2008	130,887	1,918	647,184	779,989	779,989	0	779,989
2007	214,022	1,939	814,800	1,030,761	1,030,761	0	1,030,761
2006	409,169	1,984	442,320	853,473	853,473	0	853,473
2005	324,737	2,029	400,416	727,182	727,182	0	727,182
2004	178,224	2,074	349,200	529,498	529,498	0	529,498
2003	141,769	2,119	162,960	306,848	306,848	0	306,848
2002	150,381	2,163	162,960	315,504	315,504	0	315,504
2001	109,492	6,052	162,960	278,504	278,504	0	278,504
2000	113,477	7,459	88,464	209,400	209,400	0	209,400
1999	108,050	7,218	88,464	203,732	203,732	0	203,732
1998	91,275	6,272	88,464	186,011	186,011	0	186,011
1997	83,875	5,925	79,152	168,951	168,951	0	168,951
1996	66,606	4,776	79,152	150,535	150,535	0	150,535
1995	64,139	4,722	78,132	146,993	146,993	0	146,993
1994	54,272	4,100	78,132	136,504	136,504	0	136,504
1993	53,419	2,284	78,132	133,835	133,835	0	133,835
1992	53,419	2,284	78,132	133,835	133,835	0	133,835
1991	53,419	2,284	78,132	133,835	133,835	0	133,835
1990	47,159	2,284	60,897	110,340	110,340	0	110,340
1989	42,872	2,076	59,748	104,696	104,696	0	104,696

1988	37,595	2,076	50,556	90,227	90,227	0	90,227
1987	30,805	2,076	34,240	67,121	67,121	0	67,121
1986	30,921	2,076	33,091	66,088	66,088	0	66,088
1985	30,296	2,076	17,949	50,321	50,321	0	50,321
1984	29,033	2,076	17,949	49,058	49,058	0	49,058
1983	29,033	2,076	17,949	49,058	49,058	0	49,058
1982	29,372	2,076	17,949	49,397	49,397	0	49,397

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
3/18/2011	2510 / 2446	100	WD	11
10/5/2010	2489 / 39	400,000	WD	02
7/29/2010	2477 / 1022	100	CT	12
4/11/2006	2203 / 1099	1,250,000	WD	Q
5/1/1980	810 / 1792	40	00	U
2/1/1970	458 / 643	9,000	00	Q

This page has been visited 111,982 times.

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

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., June 21, 2012 at Old City Hall, 510 Greene Street, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Variance - 1021 Fleming Street (RE# 00005060-000000) - A request for front-yard setback requirements in the HMDR zoning district per Section 122-600 (6) a. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at www.keywestcity.com.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

Request: **Variance - 1021 Fleming Street (RE# 00005060-000000)** - A request for front-yard setback requirements in the HMDR zoning district per Section 122-600 (6) a. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant:	Robert Delaune, Architect	Owner:	Deborah Lippi
Project Location:	1021 Fleming	Date of Hearing:	Thursday, June 21, 2012
Time of Hearing:	6:00 PM	Location of Hearing:	Old City Hall, 510 Greene City Commission Chambers

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email to Jo Bennett at jbennett@keywestcity.com .

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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Monroe County, Florida

1021 Fleming

Printed: Jun 07, 2012

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.



NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 HUNT MARK A	901 EDGEWOOD DR		CHARLESTON	WV	25302	
2 1110 FLEMING STREET CONDOMINIUM	1110 FLEMING ST		KEY WEST	FL	33040	
3 WINCHESTER JAY B AND PEGGY	1250 W RIDGE ST		HARPERS FERRY	WV	25425-7026	
4 TEAM SCOTT LLC	415 MARGARET ST		KEY WEST	FL	33040-6914	
5 VOLLMERT LESLIE J LIVING TRUST 11/26/2010	1004 EATON ST		KEY WEST	FL	33040-6925	
6 RUSSELL JOHN CHARTERS LIV TR 12/3/2004	1029 FLEMING ST		KEY WEST	FL	33040-6962	
7 BLAIN DAVID	183 DUMOND ST		LAGUNA BEACH	CA	92651	
8 URQUIOLA JOANNE R	100 SE 2ND ST	STE 2900	MIAMI	FL	33131	
9 BEGIN ROBERT ANDRE	1020 FLEMING ST		KEY WEST	FL	33040	
10 MIERZEJEWSKI GREGORY	PO BOX 4158		PORTSMOUTH	NH	03802-4158	
11 BATTAGLIA LOUIS R AND JULIE N	409 GRINNELL ST		KEY WEST	FL	33040-6911	
12 PHILO MARGIE AND DAVID	2429 MAIN ST		LAKE PLACID	NY	12946-3301	
13 LEINBACH DONALD K	1022 FLEMING STREET		KEY WEST	FL	33040	
14 1103 FLEMING STREET LLC	15C PRATT ST		ESSEX	CT	06426-1122	
15 PALMER MICHAEL A	P O BOX 1559		OGUNQUIT	ME	3907	
16 SHERMAN J CHARLES AND PAULINE M TRUST 08/13/2007	1101 FLEMING ST		KEY WEST	FL	33040	
17 CHANDLER LILA	3A NASSAU LN		KEY WEST	FL	33040	
18 HUTTON SCOTT AND BRENDA	1106 ELGIN LN		KEY WEST	FL	33040	
19 ELGIN-EATON CONDOMINIUM	1020 EATON ST		KEY WEST	FL	33040	
20 BASILIKO WILLIAM	1010 ELGIN LN		KEY WEST	FL	33040-6946	
21 SCHNURR RONALD K	14 HEMLOCK AVE		HUNTINGTON	NY	11743	
22 GONZON NICHOL AND FRANCIS J	1002 FLEMING ST		KEY WEST	FL	33040	
23 EDEN HARRY M AND COLLEEN A	3363 RIVIERA DR		KEY WEST	FL	33040-4631	
24 WILSON MICHAEL E	5033 BRONSON DR		LEWISTON	NY	14092-2001	
25 HADDOCK KATHERINE FOOTE	161 HENRY ST	APT 4-B	BROOKLYN	NY	11201	
26 GANEM NEAL	2644 NE 37TH DR		FORT LAUDERDALE	FL	33308-6325	
27 HOEHN HARRY LIV TR 07/07/2005	517 GRINNELL ST		KEY WEST	FL	33040-7127	
28 REID JULIE A REVOCABLE TRUST	1006 FLEMING ST		KEY WEST	FL	33040-6908	
29 DOPP NORMA M	PO BOX 281		BROOKSVILLE	FL	34605-0281	
30 JEON EVAN D	301 2ND ST N APT 6		SAINT PETERSBURG	FL	33701-2963	
31 LASSWELL PAMELA	509 GRINNELL ST		KEY WEST	FL	33040	
32 BRENDLE JAMES DAVID II AND DIANNE HOBSON	119 W BRENHAVEN DR		ELKIN	NC	28621-2905	
33 ALBURY COURT INC	725 TRUMAN AVE		KEY WEST	FL	33040	
34 MANSCH DAVID L	PO BOX 214670		SACRAMENTO	CA	95821-0670	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
35 ALBURY COURT CONDOMINIUM	1030 EATON ST		KEY WEST	FL	33040	
36 FONDRIEST JULIA	1953 LONG BEACH DR		BIG PINE KEY	FL	33043	
37 JUSTICE ANTHONY G	608 AMBERLY MEADOWS CT		LENIOR CITY	TN	37771	
38 ROMANO HOLDINGS LLC	1523 N MAIN ST		ROYAL OAK	MI	48067-1319	
39 DANIEL PAUL B	1100 FLEMING ST		KEY WEST	FL	33040	
40 WILCOX ROBERT B	1108 FLEMING ST		KEY WEST	FL	33040-6910	
41 BOWKER THOMAS AND CAROLE	PO BOX 2222		SANTA FE	NM	87504-2222	
42 SMALLWOOD SHERI	1016 EATON ST		KEY WEST	FL	33040	
43 SGKG REALTY LLC	PO BOX 489		COLD SPRING H/ NY		11724	
44 HANSELL ROBIN	1110 FLEMING ST	APT 4	KEY WEST	FL	33040	
45 REYNOLDS PAULA S	533 CARROLL ST		MANDEVILLE	LA	70448	
46 LAMILA LIMITED LIABILITY PARTNERSHIP	3315 BROADWAY		WEST PALM BEA	FL	33407	
47 ROBINSON RICHARD	3230 HARRIET AVE		KEY WEST	FL	33040-4676	
48 GLAZER ROSELINE	8 NASSAU LN		KEY WEST	FL	33040	
49 CARR CANDICE W	587 S BELVEDERE BLVD		MEMPHIS	TN	38104-5002	
50 THE ARTIST HOUSE ON FLEMING LLC	534 EATON ST		KEY WEST	FL	33040-6881	
51 ALEXANDER SUZANNE C	513 GRINNELL ST		KEY WEST	FL	33040-7127	
52 LIPPI DEBORAH	1130 DUVAL ST APT 1		KEY WEST	FL	33040-3157	
53 EDEN HARRY M AND COLLEEN A	1015 FLEMING ST		KEY WEST	FL	33040	
54 MARSH ENTERPRISES OF SW FLORIDA INC	412 FRANCES ST		KEY WEST	FL	33040-6956	
55 CIMINO WILLIAM A AND MARIE C	1018 ELGIN LN		KEY WEST	FL	33040	
56 LARSON LORI LIV REV TR 6/29/2009	36 PINE HILL RD S		CAPE NEEDICK	ME	03902-7403	
57 KUPSC LISA	903 NANTASKET AVE		HULL	MA	02045-1467	
58 BENGEL CHARLES W AND JANET A	5061 POLK AVE		ALEXANDRIA	VA	22304-1907	
59 LEMON BRITT J DEC OF TRUST 1/17/03	123 W CAHILL CT		BIG PINE KEY	FL	33043	
60 CLEMENTS THOMAS III	1025 FLEMING ST		KEY WEST	FL	33040	
61 KERN MARK	521 SEAVIEW ST		LAGUNA BEACH	CA	92651	
62 CLEMENTS THOMAS III AND KATHERINE A	1025 FLEMING ST		KEY WEST	FL	33040	
63 MORNING TOWN INC	3 LOWES LN		KEY WEST	FL	33040-7132	
64 RPV REALTY TRUST 7/16/02	24 GULF HILL DR		SO DARTMOUTH	MA	2748	
65 MEYER RUSSELL C AND LISA J	128 ESCHLEY RD		ST MARYS	PA	15857	
66 SAMRICK DAVID S AND SUSAN B	2525 SEA ISLAND DR		FORT LAUDERDA	FL	33301-1539	
67 KEYS SUNRISE INVESTMENTS LLC	5409 OVERSEAS HWY	STE 345	MARATHON	FL	33050	
68 FOX RICHARD T SR AND TAMMY S	100 N WHITFIELD ST		NAZARETH	PA	18064-1538	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
69 HUGHES MARILOU	2615 PATTTERSON AVE		KEY WEST	FL	33040	
70 OLSON ROBERT M REV TRUST 6/10/1998	1017 FLEMING ST		KEY WEST	FL	33040-6962	
71 405 FRANCES LLC	911 FLEMING ST		KEY WEST	FL	33040	
72 GARDNER BENJAMIN F ESTATE	2615 PATTERSON AVE		KEY WEST	FL	33040-3920	
73 ANGERMAN CLARE REV TRUST 5/6/2003	117 BRIAN RD		MARATHON	FL	33050	
74 HIRSCH MARTIN AND SHARON	1014 EATON ST		KEY WEST	FL	33040-6925	
75 VOLLMERT LESLIE J LIV TR 11/26/2010	1004 EATON ST		KEY WEST	FL	33040	
76 CHRIST ALTON ROBIN	1012 FLEMING ST APT 3		KEY WEST	FL	33040-6990	
77 EDEN HARRY M	1015 FLEMING ST		KEY WEST	FL	33040	
78 KUSH CHRISTOPHER P	1030 EATON ST	UNIT 404A	KEY WEST	FL	33040	
79 PLUMMER LAWRENCE L	10 NASSAU LN		KEY WEST	FL	33040	
80 SCHOENUNG DANIEL E	1104 ELGIN LN		KEY WEST	FL	33040	
81 COPPOLA MICHAEL C JR	PO BOX 6605		KEY WEST	FL	33041-6605	