

Application



Application For Variance

City of Key West, Florida • Planning Department

1300 White Street • Key West, Florida 33040 • 305-809-3720 • www.cityofkeywest-fl.gov

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

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

PROPERTY DESCRIPTION:

Site Address: 1321 Angela Street

Zoning District: HMDR Real Estate (RE) #: 00022730-000000

Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative

Name: Heather Korth

Mailing Address: 475 W. 12th Ave. #15G

City: Denver State: CO Zip: 80204

Home/Mobile Phone: 720-840-9578 Office: 720-840-9578 Fax: _____

Email: Heather@KorthCollaborativeDesign.com

PROPERTY OWNER: (if different than above)

Name: Mary Gilbert-Jacobson and Jerome Jacobson

Mailing Address: 1321 Angela St.

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 315-591-0226 Office: _____ Fax: _____

Email: mgilb70327@aol.com

Description of Proposed Construction, Development, and Use: Expand rear laundry room by 88 square feet to provide a kitchen on the first floor.

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

Side yard setback - the existing house encroaches into the side setback and the addition will do the same without worsening the existing nonconformity.

Building coverage - a pool wall will increase the existing nonconforming building coverage by 0.5%.

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

If yes, please describe and attach relevant documents: _____

Will any work be within the dripline (canopy) of any tree on or off the property?
 If yes, provide date of landscape approval, and attach a copy of such approval.

Yes No

Is this variance request for habitable space pursuant to Section 122-1078?

Yes No

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

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	HMDR			
Flood Zone	AE, BFE = 6 ft.			
Size of Site	1996 sq ft.			
Height	30'	22'-4.5"	22'-4.5"	no change
Front Setback	10'	1'-5"	1'-5"	no change
Side Setback	5'	1'-11"	1'-11"	no change
Side Setback	5'	2'-2"	2'-2"	no change
Street Side Setback	n/a	n/a	n/a	n/a
Rear Setback	15'	25'	25'	no change
F.A.R	1	77.7%	82.1%	increase
Building Coverage	40%	61.1%	61.6%	increase
Impervious Surface	60%	77.4%	66.2%	improvement
Parking				
Handicap Parking				
Bicycle Parking				
Open Space/ Landscaping	35%	22.6%	33.8%	improvement
Number and type of units	2	1	2	build back letter
Consumption Area or Number of seats				

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

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

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 variance request is the result of existing nonconformities of the lot within the HMDR zone district. The existing house encroaches into the side setbacks and exceeds the building coverage.
This variance will provide a kitchen on the first floor.

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

The existing nonconformities of the house were created prior to the owners purchasing the property in 2010. The 88 square foot addition will create a kitchen on the first floor of the house.

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.

The variance request maintains the historic nature of the home by building back the first floor kitchen that was eliminated in a 2003 remodel. The owners have accessibility issues that require the kitchen be located on the first floor.

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

The hardship conditions are the existing lot not being sized appropriately for the zone district and the house being renovated prior to the owners purchasing the property in 2010.

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 addition is enclosing an existing deck space as to not exceed the main building footprint.
The project is also improving the impervious and open space areas to reduce the impacts of the variance request.

6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

This variance request will not be detrimental to the public interest or welfare as the increase to building coverage is minimal, the side setback encroachment already exists and will not be made worse, and the addition will only impact the rear of the property.

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.

This variance is being requested in order to maintain an existing historic house while accomodating the needs of the owners who have accessibility limitations and require a kitchen on the first floor.

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

- That the standards established in Section 90-395 have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors. Please describe how you have addressed the "good neighbor policy."

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

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

Warranty Deed

Doc# 1804718 09/08/2010 10:21AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Prepared by and return to:
Susan Mary Cardenas, Esq.

09/08/2010 10:21AM
DEED DOC STAMP CL: TRINA \$2,975.00

Stones & Cardenas
221 Simonton Street
Key West, FL 33040
File Number: 10-226 Nick

Doc# 1804718
Blk# 2482 Pg# 911

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 2nd day of September, 2010 between Diane Nicklaus, the surviving spouse of Edward Nicklaus, deceased whose post office address is 3735 Duck Avenue, Key West, FL 33040, grantor, and Jerome Jacobson and Mary M. Gilbert-Jacobson, husband and wife whose post office address is 3247 County Route 15, Pulaski, NY 13142, grantee:

(Whenever 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, trusts and trustees)

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

On the Island of Key West and known on William A. Whitehead's Map delineated in February A.D. 1829, as a part of Tract Seven (7), but now more particularly described as follows: Commencing at a point on the Southeasterly side of Angela Street (continued) between Florida and Georgia Street, Forty-nine (49) feet from the corner of Florida and Angela Streets and running along the line of said Angela Street in a Southwesterly direction Twenty-four (24) feet Six (6) inches; thence at right angles in a Southeasterly direction Eighty (80) feet; thence at right angles in a Northeasterly direction Twenty-four (24) feet, Six (6) inches; thence at right angles in a Northwesterly direction Eighty (80) feet back to the point of beginning.

AND ALSO a parcel of land on the Island of Key West and known on William Whitehead's map delineated in February, A.D. 1829, as a part of Tract Seven (7), said parcel being more particularly described by metes and bounds as follows: Commencing at the intersection of the Southeasterly right of way line of Angela Street with the Southwesterly right of way line of Florida Street and run thence Southwesterly along the Southeasterly right of way line of the said Angela Street for a distance of 47.7 feet to the Point of Beginning; thence continue Southwesterly along the Southeasterly right of way line of the said Angela Street for a distance of 1.3 feet; thence Southeasterly and at right angles for a distance of 27.3 feet to the Southeasterly face of an existing stairway; thence Northeasterly and at right angles along said Southeasterly face of stairway for a distance of 1.3 feet; thence Northwesterly and at right angles along the Northeasterly face of said stairway and extension thereof for a distance of 27.3 feet back to the Point of Beginning.

Parcel Identification Number: 00022730-000000

Subject to taxes for 2010 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

THE PROPERTY CONVEYED HEREIN IS NEITHER THE DOMICILE NOR THE HOMESTEAD OF THE GRANTOR HEREIN, NOR GRANTOR'S SPOUSE, NOR ANY OF GRANTOR'S IMMEDIATE HOUSEHOLD, AS DEFINED BY THE LAWS OF THE STATE OF FLORIDA. GRANTOR RESIDES AT THE ADDRESS SHOWN ABOVE.

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 said 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 whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2009**.

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

Signed, sealed and delivered in our presence:

Adelle V. Stokes
Witness Name: Adelle V. Stokes

Diane W. Nicklaus (Seal)
Diane W. Nicklaus

Mary E. Turso
Witness Name: MARY E. TURSO

Doc# 1804718
Ek# 2482 P# 912

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 2nd day of September, 2010 by Diane W. Nicklaus, who is personally known or has produced a driver's license as identification.

[Notary Seal]



Mary E. Turso
Notary Public
Printed Name MARY E. TURSO
My Commission Expires: _____

MONROE COUNTY
OFFICIAL RECORDS

Verification Form

City of Key West
Planning Department



Verification Form
(Where Authorized Representative is an individual)

I, HEATHER KORTH, 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:

1321 ANABELA STREET, KEY WEST, FL 33040
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.

Heather M. Korth
Signature of Authorized Representative

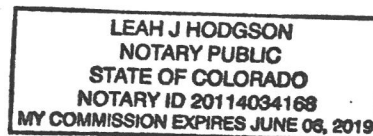
Subscribed and sworn to (or affirmed) before me on this 9/7/17 by _____
date

HEATHER KORTH
Name of Authorized Representative

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

Leah J Hodgson
Notary's Signature and Seal

Leah J Hodgson
Name of Acknowledger typed, printed or stamped



0610612019
Commission Number, if any

Authorization Form

**City of Key West
Planning Department**



Authorization Form
(Individual or Joint Owner)

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

I, Jerome Jacobson + Mary Gilbert Jacobson authorize
Please Print Name(s) of Owner(s) as appears on the deed

HEATHER KORTH
Please Print Name of Representative

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

Jerome Jacobson
Signature of Owner

Mary Gilbert Jacobson
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 1/11/19
Date

by Jerome Jacobson + Mary Gilbert Jacobson
Name of Owner

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

Darla D. Snyder
Notary's Signature and Seal

Darla D. Snyder
Name of Acknowledger typed, printed or stamped

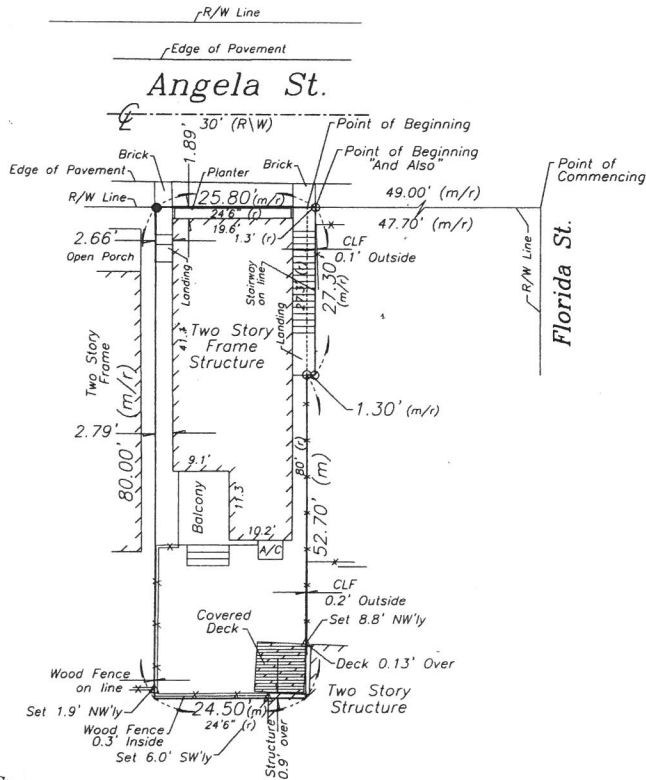
GG062015
Commission Number, if any



Darla D. Snyder
Commission # GG062015
Expires: January 30, 2021
Bonded thru Aaron Notary

Site Plans

Boundary Survey Map of part of Tract 7, Island of Key West



LEGEND

- ⊙ Found 2" Iron Pipe (Fence Post)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (5234)
- ▲ 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: 1321 Angela 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: August 20, 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 known on William A. Whitehead's Map delineated in February A.D. 1829, as a part of Tract Seven (7), but now more particularly described as follows: **COMMENCING** at a point on the Southeasterly side of Angela Street (continued) between Florida and Georgia Street, Forty-nine (49) feet from the corner of Florida and Angela Streets and running along the line of said Angela Street in a Southwesterly direction Twenty-four (24) feet Six (6) inches; thence at right angles in a Southeasterly direction Eighty (80) feet; thence at right angles in a Northeasterly direction Twenty-four (24) feet, Six (6) inches; thence at right angles in a Northwesterly direction Eighty (80) feet back to the Point of Beginning.

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BOUNDARY SURVEY FOR: Jerome Jacobson & Mary M. Gilbert-Jacobson;
Centennial Bank;
Stones & Cardenas;
Old Republic National Title Insurance Company;

J. LYNN O'FLYNN, INC.

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

August 23, 2010

THIS SURVEY
IS NOT
ASSIGNABLE

J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper
PSM #6298

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

**Additional
Information**



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.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00022730-000000
 Account# 1023523
 Property ID 1023523
 Millage Group 10KW
 Location 1321 ANGELA St, KEY WEST
 Address
 Legal KW WADDELLS SUBDIVISION PB1-28 PT LOTS 11 AND 13 SQR 2 TR 7 J1-146 G60-24/25 OR622-672D/C OR732-684 OR1614-1949/50 OR1948-1714/15 OR1967-941D/C OR2482-910D/C OR2482-911/12
 Description
 (Note: Not to be used on legal documents.)
 Neighborhood 6284
 Property Class SINGLE FAMILY RESID (0100)
 Subdivision
 Sec/Twp/Rng 05/68/25
 Affordable Housing No



Owner

GILBERT-JACOBSON MARY M 3247 County Route 15 Pulaski NY 13142
 JACOBSON JEROME 3247 County Route 15 Pulaski NY 13142

Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$195,295	\$195,295	\$174,175	\$172,281
+ Market Misc Value	\$557	\$594	\$668	\$611
+ Market Land Value	\$379,943	\$319,599	\$353,092	\$280,462
= Just Market Value	\$575,795	\$515,488	\$527,935	\$453,354
= Total Assessed Value	\$536,644	\$487,858	\$443,507	\$403,189
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$575,795	\$515,488	\$527,935	\$453,354

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	1,995.50	Square Foot	0	0

Buildings

Building ID 1741
 Style
 Building Type S.F.R. - R1 / R1
 Gross Sq Ft 1791
 Finished Sq Ft 1550
 Stories 2 Floor
 Condition POOR
 Perimeter 244
 Functional Obs 0
 Economic Obs 0
 Depreciation % 31
 Interior Walls WALL BD/WD WAL
 Exterior Walls ABOVE AVERAGE WOOD
 Year Built 1928
 EffectiveYearBuilt 1995
 Foundation WD CONC PADS
 Roof Type GABLE/HIP
 Roof Coverage METAL
 Flooring Type CONC S/B GRND
 Heating Type NONE with 0% NONE
 Bedrooms 2
 Full Bathrooms 1
 Half Bathrooms 0
 Grade 550
 Number of Fire PI 0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	1,550	1,550	0
OPU	OP PR UNFIN LL	9	0	0
OUU	OP PR UNFIN UL	152	0	0
OPF	OP PRCH FIN LL	80	0	0
TOTAL		1,791	1,550	0

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
FENCES	2003	2004	1	252 SF	2

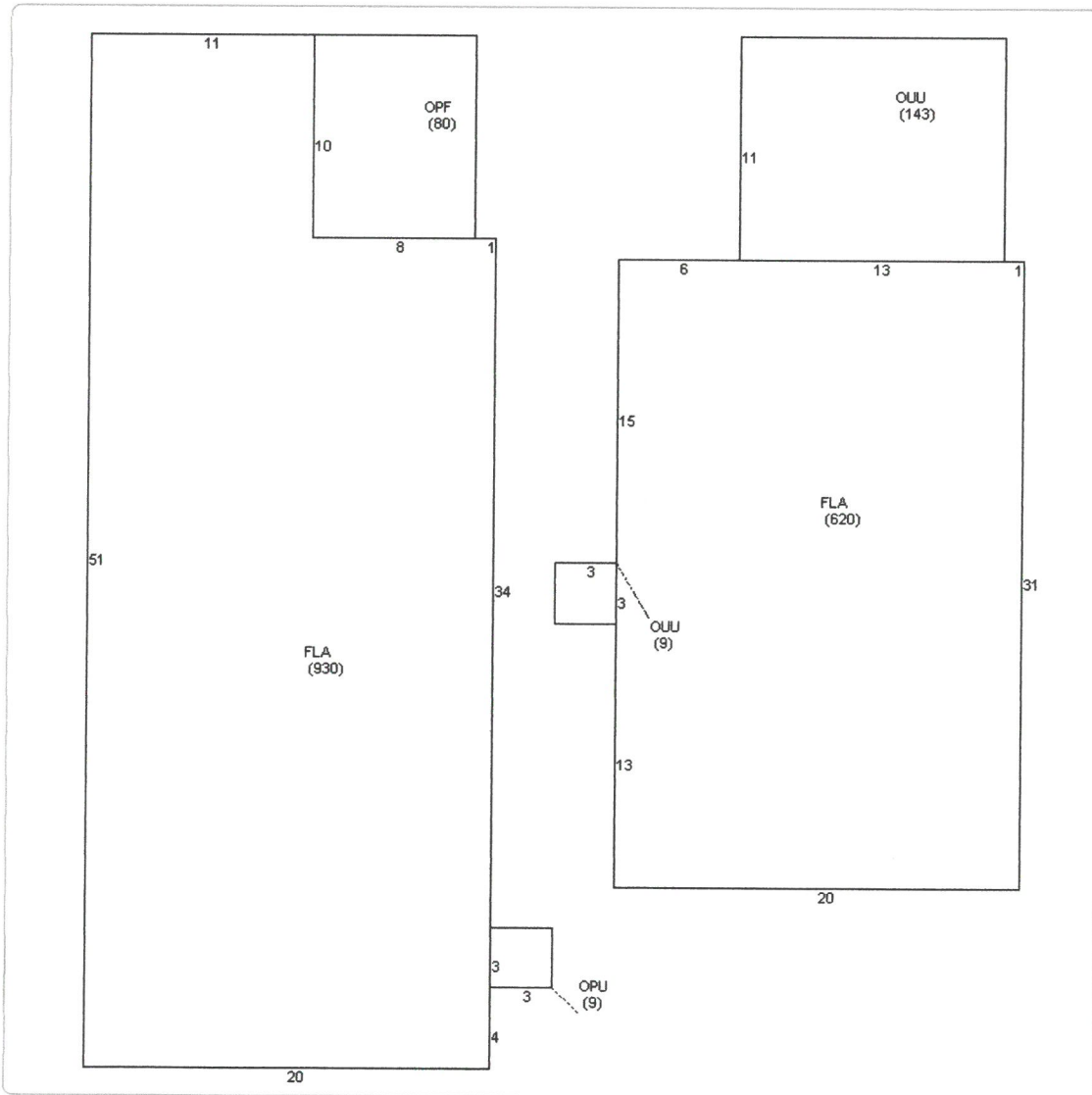
Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
9/2/2010	\$425,000	Warranty Deed		2482	911	02 - Qualified	Improved

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
03-1531	4/29/2003	7/18/2003	\$1,000		CONCH SHINGLE ROOF
02-3361	12/19/2002	7/18/2003	\$1,000		REPLACE STUDS & HEADERS
02-1606	9/13/2002	7/18/2003	\$4,500		REPLACE PLUMBING
02-2441	9/12/2002	7/18/2003	\$2,000		INSTALL CIRCUIT FOR A/C
02-2217	8/16/2002	7/18/2003	\$4,000		INSTALL A/C
02-1606	6/18/2002	7/18/2003	\$14,700		TOT INTERIOR RENOVATION
02-1117	5/3/2002	7/18/2003	\$300		REPLACE FENCE
00-3531	10/24/2000	7/18/2003	\$1,500		REPLACE SEWER LINE
99/3165	2/18/2000	7/18/2003	\$3,000		REPAINT EXTERIOR WHITE
99-3165	2/18/2000	7/18/2003	\$3,000		REPLACE NOVELTY SIDING
B950188	1/1/1995	12/1/1995	\$800		REPLACE STAIRS TO 2ND STR
B912363	9/1/1991	12/1/1995	\$3,000		REPLACE SIDING

Sketches (click to enlarge)





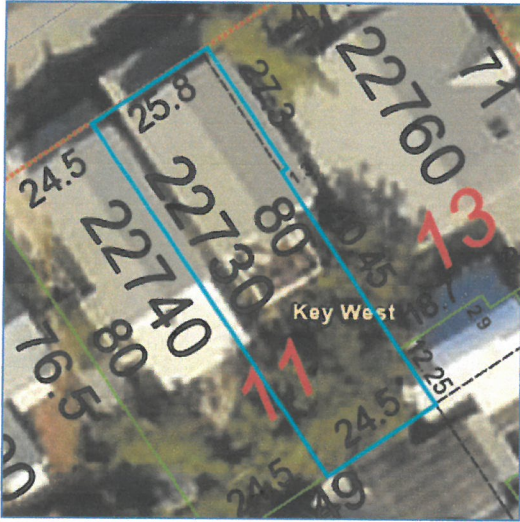
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LOCATION MAP
NOT TO SCALE

Photos



Map



TRIM Notice

Trim Notice

2018 Notices Only

No data available for the following modules: Commercial Buildings, Mobile Home Buildings, Exemptions.

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Last Data Upload: 12/28/2018, 1:40:39 AM

Developed by



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

October 23, 2018

Heather Korth, Licensed Architect
475 W. 12th Avenue
#15G
Denver, CO 80204

RE: Build-back rights for 1321 Angela Street (RE # 00022730-000000)

Dear Ms. Korth,

This letter is in response to your request regarding build-back rights for the property located at 1321 Angela Street in the Historic Medium Density Residential (HMDR) zoning district. According to the Monroe County Property Appraiser, the parcel is 1,995.50-square-feet, and it contains one (1) single-family residential building (property record card attached). It first appears on the Sanborn maps of 1912 as a 1 ½ story dwelling.

Although the structure is a single-family residence at this time, information provided to the planning department describes the property with a two-family layout. According to an email written by Carolyn Martin, who lived in the home as a child, one unit was on the ground floor, and a second unit occupied the second floor. The second-floor unit was accessed via an exterior staircase, which remains today.

A search of city utility records reveals that one residential unit is currently recognized at 1321 Angela Street. However, Keys Energy records show that from March 16, 1971 to February 5, 2003, there were two active electric meters. One meter was assigned to George Stewart, the property owner at the time. The second meter was assigned to Edward Nicklaus, the property owner's former son-in-law. These electric records match the timeline and occupancy descriptions submitted with the request for build back rights. In addition, the 1970 Polk City Directory lists two names: Mrs. Miriam M Stewart and Mrs. Donna J Nickleus.

In summary, this letter establishes that there are rights to two residential dwelling units on the property at 1321 Angela Street. This letter does not grant unit allocations, but rather recognizes the right to a total of two residential dwelling units on the property.

Please do not hesitate to call or email me with any questions or comments.

Best regards,

A handwritten signature in cursive script that reads "Vanessa Sellers".

Vanessa Sellers
Planner II

Site Visit