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



То:	Chairman and Planning Board Members
From:	Nicole Malo, Planner II, LEED GA
Through:	Donald Leland Craig, AICP, Planning Director
Meeting Date:	November 21, 2013
Agenda Item:	Variances – 1429 Reynolds Street (RE# 00040060-000000; AK# 1040789) – A variance for impervious surface, building coverage and front yard, street side yard and rear yard setback requirements in the Single Family zoning district per Section 90-391 and Section 122-238(4)a and (4)b.(1) and Section 122-238 (6)a. (1), (3) and (4) of the Land Development Regulations of the Code of Ordinances of the City of Key West.
Request:	The applicant is requesting a variance to the required impervious surface, building coverage and front yard, street side yard and rear yard setback requirements for the construction of a two story addition.
Applicant:	Thomas J. Kelly
Property Owner:	J. David Cooper
Location:	1429 Reynolds Street (RE# 00040060-000000; AK# 1040789)
Zoning:	Single Family (SF) Zoning District

#### **Background:**

The property, located in the single family zoning district, is comprised of a single story residence built in the 1940's. The structure is approximately 1,800 square feet and is currently nonconforming to front yard, rear yard and side yard setbacks, in addition to building coverage and impervious surface coverage. The applicant is requesting to demolish the existing rear addition and construct a new addition with a second story addition. Onsite improvements include the removal of a fence from the right-of-way, reductions in impervious surface and building coverage, and the removal of accessory structures and machinery in the setbacks that will provide a 5' life safety access around the perimeter of the house. Two swales are proposed to capture stormwater on site. Several conditions of approval are recommended based on the need to maintain fire access, retain stormwater on site and limit the number of units allowed on the site.

	SF Zoning District Dime	ensional Requiremen	ts
	Zoning Regulations	Existing	Proposed
Site Size	6,000 s.f	4,7	753 s.f
Rear Setback	25'	0'	5'
Front Setback	20'	13.9'	19'11"
Side Setback	5'	5'	5'
Street Side Setback	10'	8'	8'
Impervious Surface	50%	60%	55%
<b>Building Coverage</b>	35%	45%	42%
Height	25'+5'	19'	27'10"
Base flood Elevation	AE 6	4.4' NGVD	7' NGVD - for new construction

#### Process:

**Development Review Committee Meeting:** 

September 26, 2013

#### 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 property is significantly smaller than the required yard size an the structure is nonconforming to site size, setback, impervious surface and building coverage requirements. However, legally nonconforming site characteristics are not exceptional in the City, and therefore do not by themselves generate the existence of special conditions or circumstances.

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

The nonconforming aspects on the site are not created by the applicant. As part of the request many of the non-conformities will be reduced and emergency access will be created.

### **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.

Allowing the new construction, as proposed, would confer special privileges upon the applicant, although the impervious surface, building coverage and front yard setback encroachments are being reduced.

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

The applicant is not deprived of rights commonly enjoyed by other properties without the variance approval.

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

The variances requested are the minimum variances that will make possible the continued use of the land, building, or structure. However, the applicant has reasonable use of the property prior to the new construction.

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

The granting of the variances does not appear to be injurious to the area involved or detrimental to the public interest. The applicant has consulted with the neighbors and has received several letters of support.

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

Existing conforming or nonconforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

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

Based on comments received at the DRC, it does not appear that the requested variance will trigger any public facility capacity issues.

#### 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.

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the granting of variances.

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.

The applicant has provided letters of support from the neighbors (see attached). To date the Planning Department has not received any additional comments from the neighbors, nor is the department aware of any neighborhood concerns.

#### **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**. However, if the Planning Board approves this request, staff suggests the following conditions:

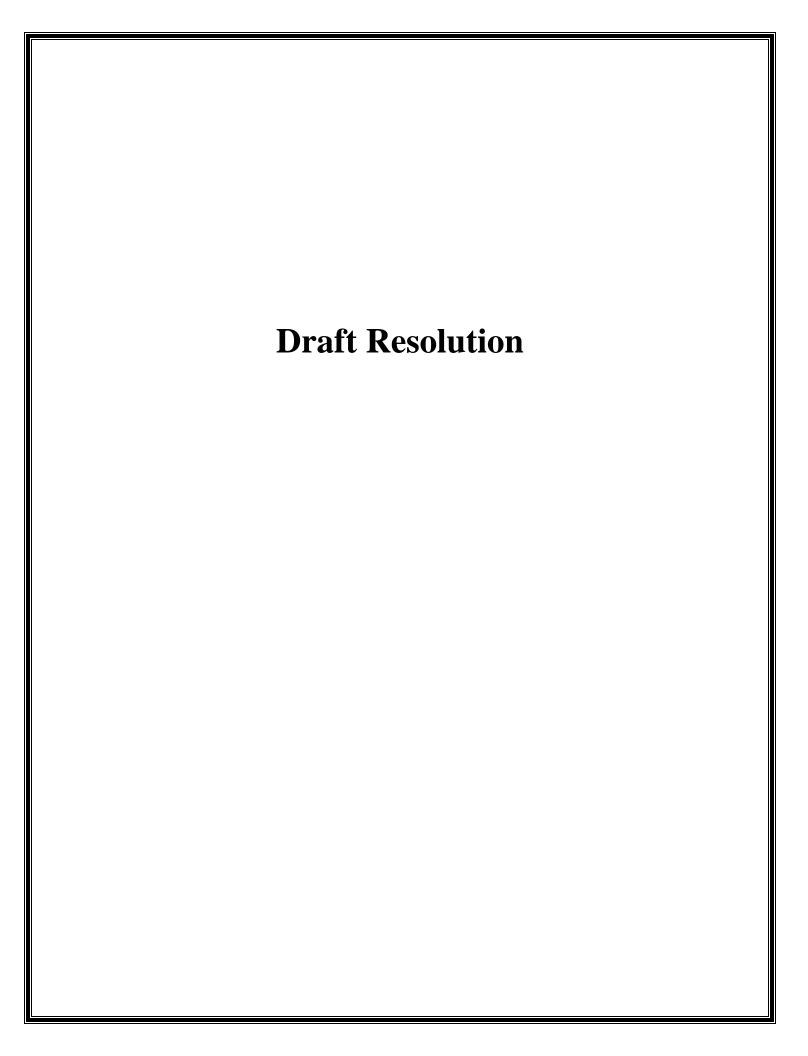
#### **Conditions required to be complete prior to final inspection:**

- 1. The fence is removed from City property.
- 2. That stormwater retention swales are installed as indicated on the site plan and gutter downspouts are directed into swale areas that are planted with ground cover vegetation or sod for swale stabilization. The system must be approved by the City's Engineer and maintained in perpetuity.
- 3. That the addition is reconstructed to meet FEMA base flood elevation requirements, 1 foot of free board above flood level (7 feet NGVD).
- 4. Trees have been protected during demolition.
- 5. Conditional approval permit is applied for within 30 days of final inspection by the Building Department.
- 6. That an appraisal or cost analysis is submitted to the City's FEMA coordinator that shows that the improvements are less than 50% of the appraised value of the existing structure.

#### **Conditions Subject to Conditional Approval Permit:**

- 1. That the setback areas on the eastern side and rear yard are maintained in perpetuity for life safety access and no utilities or structures be erected in the area.
- 2. That the site is maintained, as shown in the attached site plan for annual Conditional Approval Permit inspection, gutters are directed in to downspouts that are directed onto landscaped areas or swales on the property, and the fence meets line of site visibility regulations for the corner.
- 3. Decking that remains in the 5' setback shall not exceed 36' in height.

4. One unit only remains on the site and that interior access is maintained between the primary structure and the new addition.



#### PLANNING BOARD RESOLUTION No. 2013-\_\_

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD FOR A VARIANCE APPROVAL FOR PROPERTY LOCATED AT 1429 REYNOLDS STREET (RE# 00040060-000000; AK# 1040789) IN THE SINGLE FAMILY (SF) ZONING DISTRICT, FOR IMPERVIOUS SURFACE, BUILDING COVERAGE, FRONT YARD, STRRET SIDE YARD AND REAR YARD SETBACK **REQUIREMENTS FOR** THE **DEMOLITION AND RECONSTRUCTION OF A TWO STOREY ADDITION PER SECTION 90-**391 and SECTION 122-238 (4)a AND (4)b.1 AND SECTION 122238(6)a.(1), (3) AND (4) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST.

**WHEREAS**, Section 122-238 (4)a. and (4)b.1 of the Code of Ordinances provides that the maximum impervious surface allowed is 50% of the property size and that the maximum building coverage allowed is 35%; and

WHEREAS, Section 122-238 (6)a. (1), (3) and (4) of the Code of Ordinances provides that

the minimum front yard setback distance for a building is 20 feet from the property line, and the street side yard setback distance for a building is 10 feet from the property line, and the rear yard setback distance for a building is 25 feet from the property line; and

Page 1 of 6 Resolution Number 2013-

\_\_\_ Chairman

WHEREAS, Section 90-391 of the Land Development Regulations allows aggrieved property owners to request relief from the requirements of the code through the variance process with seven criteria for approval; and

**WHEREAS**, the applicant requested variances to the in order to demolish and rebuild a second story rear addition to the existing structure; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 15, 2013; 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 variances 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

#### Page 2 of 6 Resolution Number 2013-

\_\_\_\_ Chairman

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 variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances 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; 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 variances; 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 variances application, and by addressing the objections expressed by those

#### Page 3 of 6 Resolution Number 2013-

\_\_\_\_\_ Chairman

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 to allow the demolition and reconstruction of a rear two story addition constructed at 5' feet from the rear property line, and 5' from the side yard property line and 8' from the street side yard property line and by granting a variance to rear yard setback requirements per plans date stamper November 14, 2013 attached herein, on property located at 1429 Reynolds Street (RE# 00040060-000000; AK# 1040789) in the SF zoning district per Sections 90-391, and Section 122-238 (6)a. (1), (3) and (4) and Section 122-238 (4)a. and (4)b.10f the Land Development Regulations of the Code of Ordinances of the City of Key West with the following conditions:

#### Conditions required to be complete prior to final inspection:

- 1. The fence is removed from City property.
- 2. That stormwater retention swales are installed as indicated on the site plan and gutter downspouts are directed into swale areas that are planted with ground cover vegetation or sod

#### Page 4 of 6 Resolution Number 2013-

\_\_\_\_ Chairman

for swale stabilization. The system must be approved by the City's Engineer and maintained in perpetuity.

- That the addition is reconstructed to meet FEMA base flood elevation requirements, 1 foot of free board above flood level (7 feet NGVD).
- 4. Trees have been protected during demolition.
- Conditional approval permit is applied for within 30 days of final inspection by the Building Department.

#### **Conditions Subject to Conditional Approval Permit:**

- 1. That the setback areas on the eastern side and rear yard are maintained in perpetuity for life safety access and no utilities or structures be erected in the area.
- 2. That the site is maintained, as shown in the attached site plan for annual Conditional Approval Permit inspection, gutters are directed in to downspouts that are directed onto landscaped areas or swales on the property, and the fence meets line of site visibility regulations for the corner.
- 3. Decking that remains in the 5' setback shall not exceed 36' in height.
- 4. One unit only remains on the site and that interior access is maintained between the primary structure and the new addition.

**Section 3.** It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly

#### Page 5 of 6 Resolution Number 2013-

\_\_\_\_\_ Chairman

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 these variances in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

**Section 5.** These variances do 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

#### Page 6 of 6 Resolution Number 2013-

\_\_\_\_ Chairman

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 duly noticed meeting held this 21th day of November, 2013. Authenticated by the Chairman of the Planning Board and the Planning Director.

Richard Klitenick, Planning Board Chairman

Attest:

Donald Leland Craig, AICP, Planning Director

Filed with the Clerk:

Cheryl Smith, City Clerk

Page 7 of 6 Resolution Number 2013-

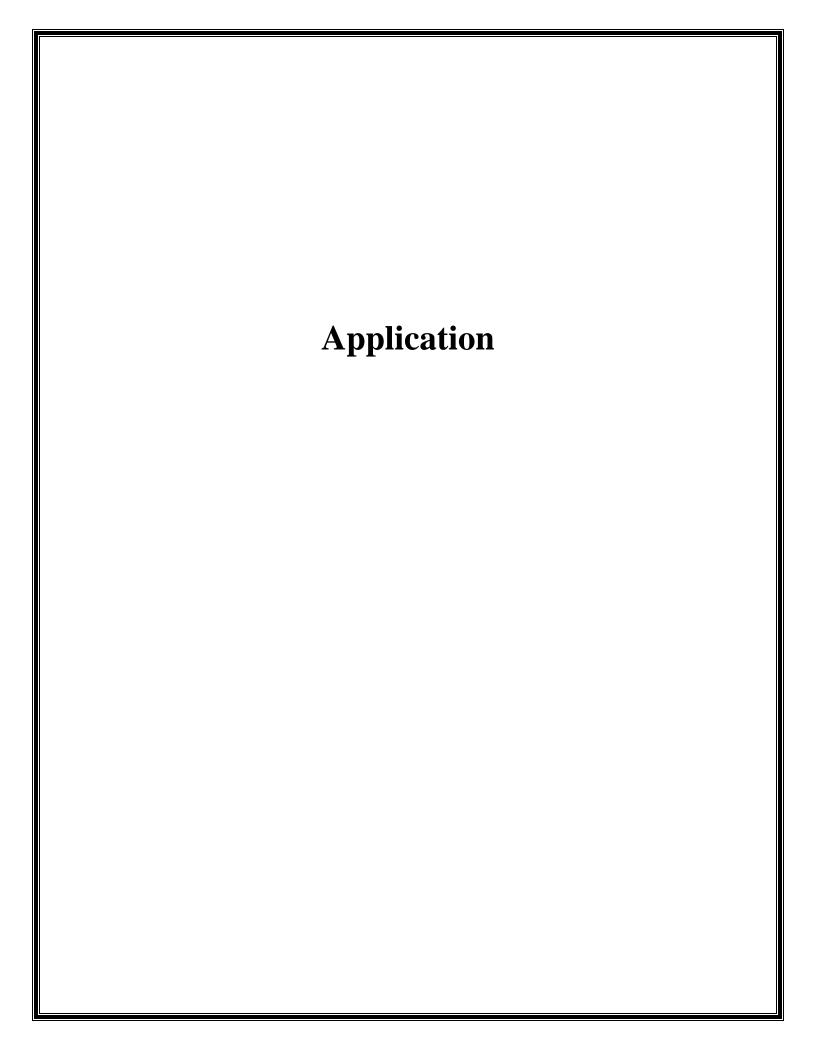
\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

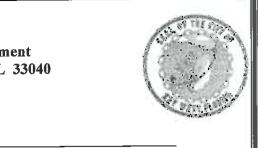
Date

Date

Date



	Variance Application City of Key West Planning Department 3140 Flagler Avenue, Key West, FL 33040 (305) 809-3720
Ple	ase completely fill out this application and attach all necessary documents. This will help our
	ff to process your request quickly and obtain necessary information without delay. If you have questions please call 305-809-3720 to schedule an appointment with a Planner.
Ple	ase print or type a response to the following:
1.	Site Address 1429 REYNOLDS STREET
2.	Name of Applicant THOMAS KELL
3.	Applicant is: Owner Authorized Representative
4.	Address of Applicant 19141 Racky ROAD
5	SUGARLOAF KEY, FL. 33042   Phone # of Applicant 745 - 1100 Mobile# 304 - 1984
5. 6.	E-Mail Address THOMASCKELLY 1 @ BELL SOUTH, NET
0. 7.	Name of Owner, if different than above J. DAVID COOPER
8.	Address of Owner 1429 REYNOLDS STREET
51	KEY WEST, FL. 33042
9.	Phone # of Owner $\underline{898 - (002)}$
10.	Email Address JDAVIDCOOP & AOLICOM
11.	Zoning District of Parcel SF- RE# 000 40060
12.	Description of Proposed Construction, Development, and Use
	REMOVE EXISTING ONE-STORY ADDITION AT
	REAR & CONSTRUCT NEW TWO - STORY ADDITION
	SINGLE FAMILY RESIDENCE
13.	List and describe the specific variance(s) being requested:
	REAR SET BACK (EXISTING TO REMAIN)
	STREET SIDE SET BACK (EXISTING TO REMAIN)
	BUILDING COVERAGE (REDUCTION) IMPERVIOUS SURFACE (REDUCTION)
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FRONT SETBACK (INCREASE)

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 D	ata Table	<del>-</del>	
	Code Requirement	Existing	Proposed	Variance Request
Zoning	SF-1			
Flood Zone	AE-6			
Size of Site	5000			
Height	25+3	14-3"	25+23	
Front Setback	30/20	13-11"	19-10"	×
Side Sctback	5	2-4"	5-3"	
Side Setback				
Street Side Setback	10	8-0"	8-0"	<u>×</u>
Rear Setback	25	5-0"	5-01	X
F.A.R	N/A			
<b>Building Coverage</b>	35%	453%	42.390	×
Impervious Surface	50%	59.8%	54.7%	<u> </u>
Parking	NA			
Handicap Parking	NIA			
<b>Bicycle Parking</b>	NA			
Open Space/ Landscaping	NA			
Number and type of units	N/A			
Consumption Area or Number of seats	N/A			

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

Meeting Date \_\_\_\_\_ HARC Approval # \_\_\_\_\_

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



16.	Are there a	ny ease	ements,	deed	restrictions	or	other	encum	brances at	tache	ed to the	e subject
	property?	Yes		No	×	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 <u>www.keywestcity.com</u>, Planning Department archives or at <u>www.municode.com</u>. 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.



#### **Standards for Considering Variances**

SPECIAL CONDITIONS

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.

NO

Conditions not created by applicant. That the special conditions and circumstances do not

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

NON-CONFORM	TING 1.	SSUES	ARE B	EING
REDUCED	BY TI	te Pr	ROPOSED	- PROJECT.
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BY THE	CORR	CENT	ONTER	

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.

No	SPECIAL	PRIVILEGES	
<del>_</del>			
<u>_</u>			
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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.

None

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.

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.

No	 	 2.		
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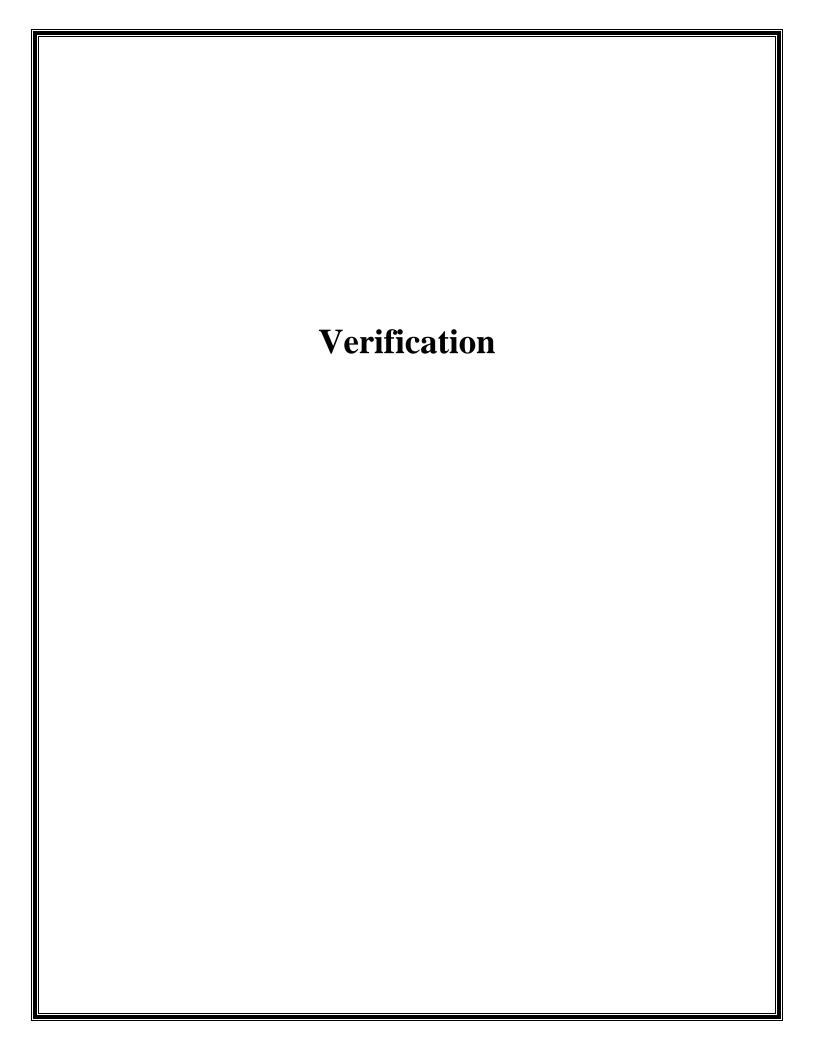


7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered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

NONE

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."



#### **City of Key West Planning Department**



#### Verification Form

(Where Authorized Representative is an individual)

I, <u>THOMATS</u> HELLY, 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:

<u>Street address of subject property</u>

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

Name of Authorized Representativ

Z 6 j date by

JO BENNETT Commission # EE 097995 Expires May 26, 2015

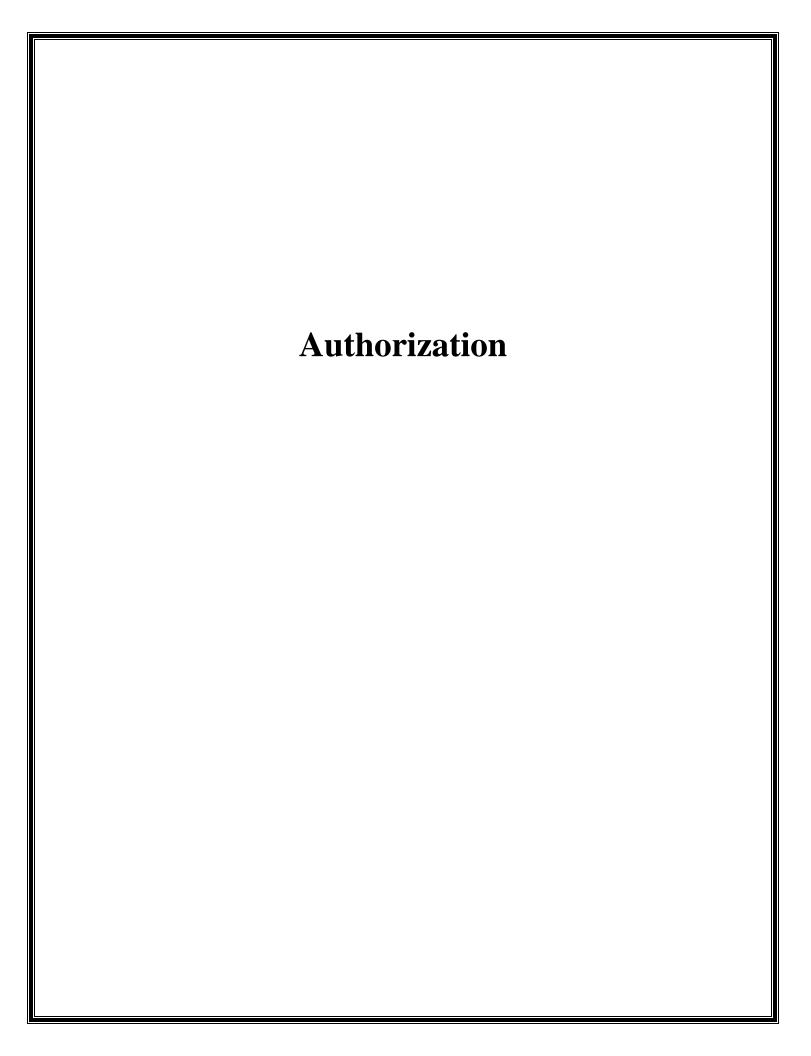
ed Thru Troy Fain Insurance 800-385-7019

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

Notarv's Signature and Sea

Name of Acknowledger typed, printed or stamped

Commission Number, if any



**City of Key West** Planning Department



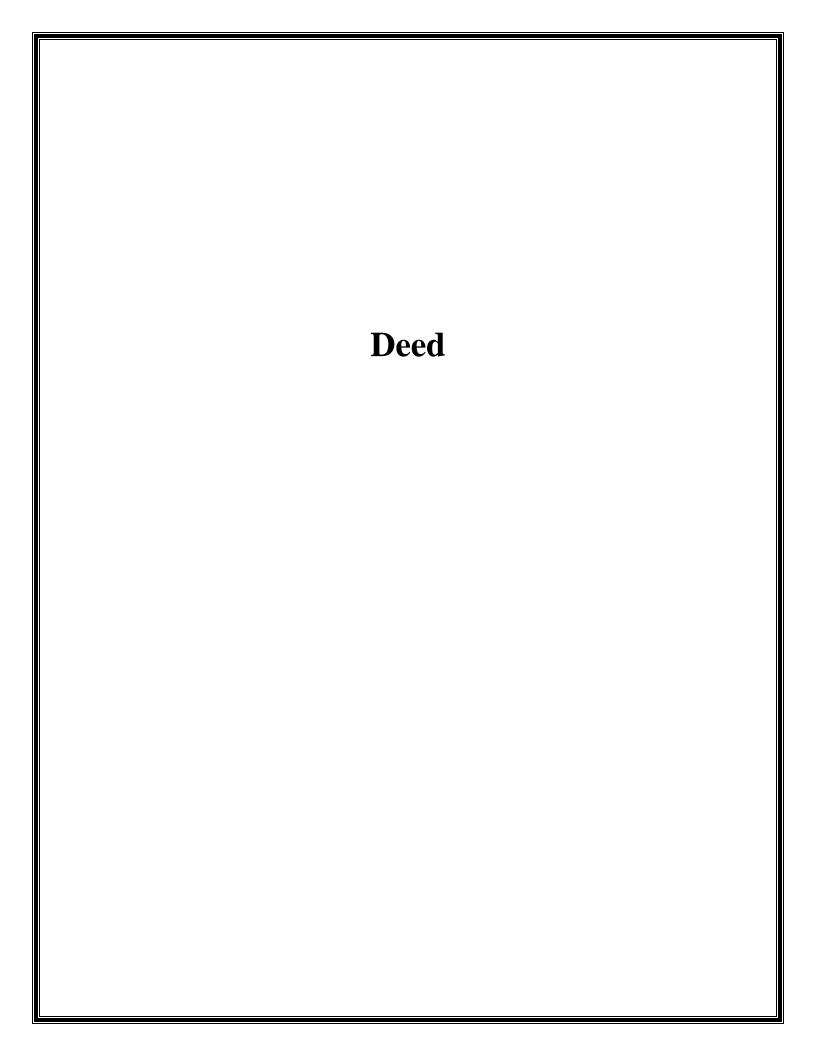
Authorization Form (Individual Owner)

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

J. David Cooper authorize Please Print Name(s) of Owner(s) (as appears on the deed) Ι, Thomas Kelly 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 of Owner Signature of Joint/Co-owner if applicable Subscribed and sworn to (or affirmed) before me on this  $\frac{O8(27/13)}{date}$  by Name of Authorized Representative He/She is personally known to me or has presented FLDL as identification. Notary's Signature and Seal KEVIN C. LEANDER Notary Public. State of Florida Commission # EE 860719 comm. expires Jan. 27, 2017 Name of Acknowledger typed, printed or stamped 66860719

Commission Number, if any

Page



Prepared by Patricia Haas, an employee of First American Title Insurance Company 3132 Northside Drive, Sulte 101, Building C Key West, Florida 33040 (305)296-2967

Return to: Grantee

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File No.: 1064-1887187

Dock 1693057 05/01/2008 12:01PM Filed & Recorded in Official Records of MONROE COUNTY DRNNY L. KOLHAGE

05/01/2008 12:01PM DEED DOC STAMP CL: PU \$6,727.00

> Doc# 1693057 Bk# 2358 Pg# 1589

#### WARRANTY DEED

This indenture made on April 28, 2008 A.D., by

#### John Kevin Barry, a single man and Dominick N. Fornaro, a single man as joint tenants ith right of survivorship

whose address is: **PO Box 6033, Key West, FL 33041** hereinafter called the "grantor", to

#### J. David Cooper, a single person

#### whose address is: 2627 S. Bayshore Dr #2504, Miami, FL 33133

hereinafter called the "grantee": (Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Monroe** County, **Florida**, to-wit:

On the Island of Key West, an known on William A. Whitehead's map of said Island delineated in February, A.D. 1829, as a part of Tract 18, in Square 13, according to a diagram of Part of Tract 18 made by WEBB REALTY COMPANY OF KEY WEST, FLORIDA, and duly recorded in Plat Book 1 Page 42, Monroe County, Florida, Records and is known and described on said map as Lot 10 in said Square 13 of said Tract 18 and said lot 10.

Commences at the corner of Reynolds Street and Von Pfister Street and runs on Reynolds Street Southeasterly 48 feet 9 inches; thence at right angles Northeasterly 97 feet 6 inches; thence runs at right angles in a Northwesterly 48 feet 9 inches out to Von Pfister Street; thence at right angles Southwesterly along Von Pfister Street 97 feet 6 inches out to Reynolds Street to the Point of Beginning.

#### Parcel Identification Number: 00040060-000000 AK# 1040789

**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Page 1 of 2 1064 - 1887187

Doc# 1693057 Bk# 2358 Pg# 1590

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way 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 31st of 2007.

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

Kevin Bari

Signed, sealed and delivered in our presence:

Witness Signature

Print Name: MEL. Jda AWAlde

State of FL

County of Monroe

The Foregoing Instrument Was Acknowledged before me on April 28, 2008, by John Kevin Berry and Dominick N. Fornaro who is/are personally known to me or who has/have produced a valid driver's license as identification.

NOTARY PUBLIC

Notary Print Name My Commission Expires:



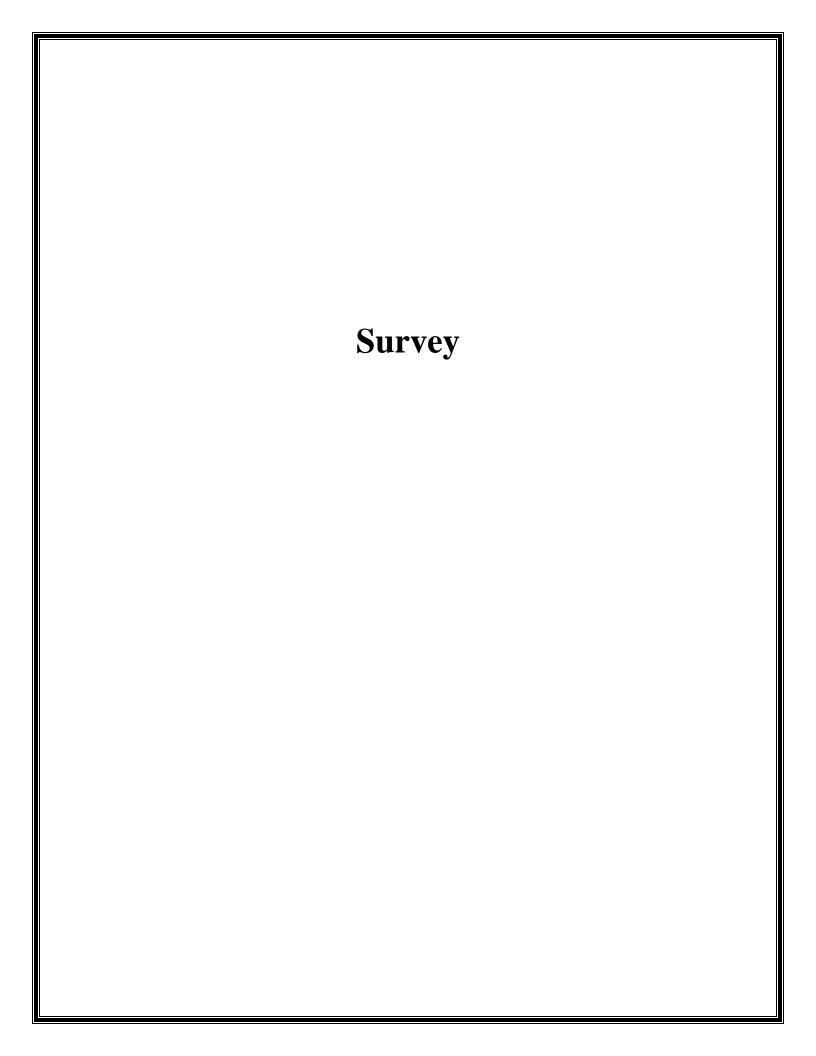


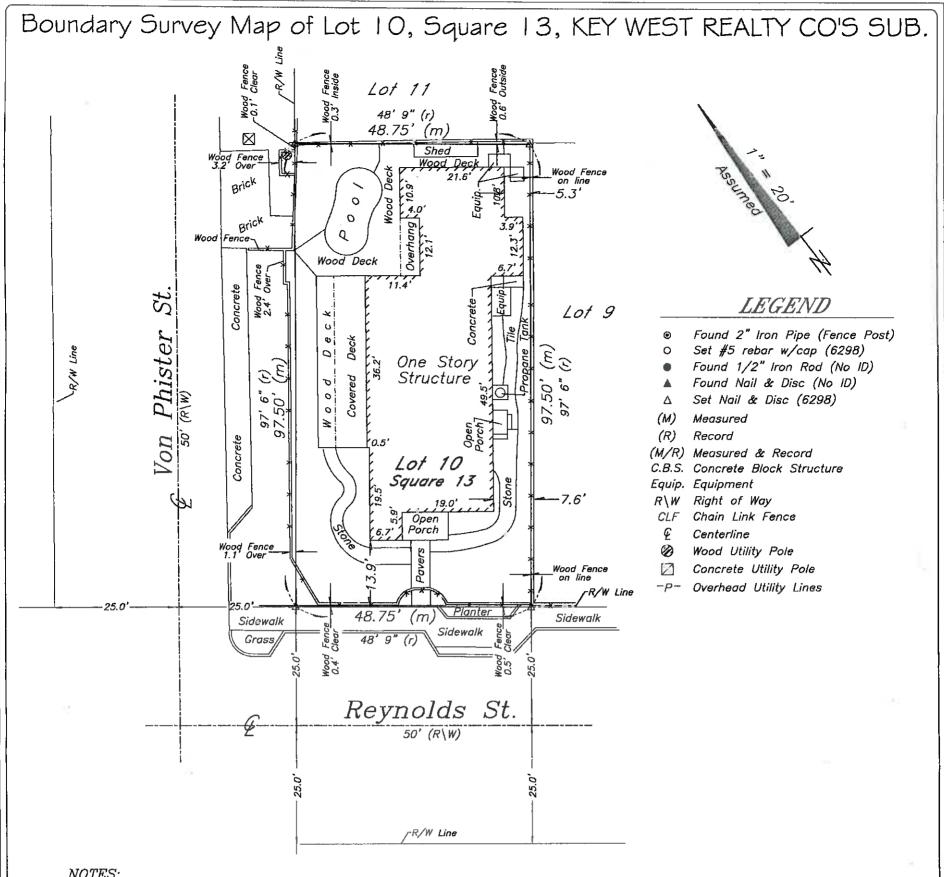
MONROE COUNTY OFFICIAL RECORDS

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Wittlese Signature

Print Name: H. EVERENT WATKINS





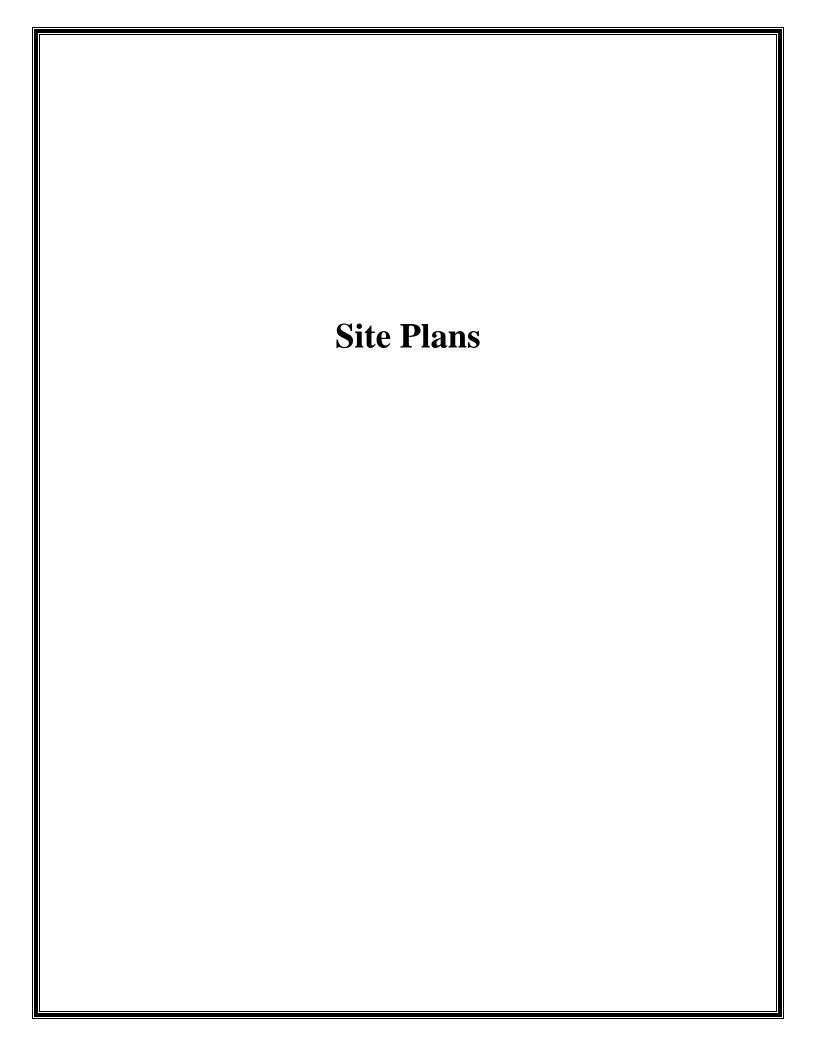
#### NOTES:

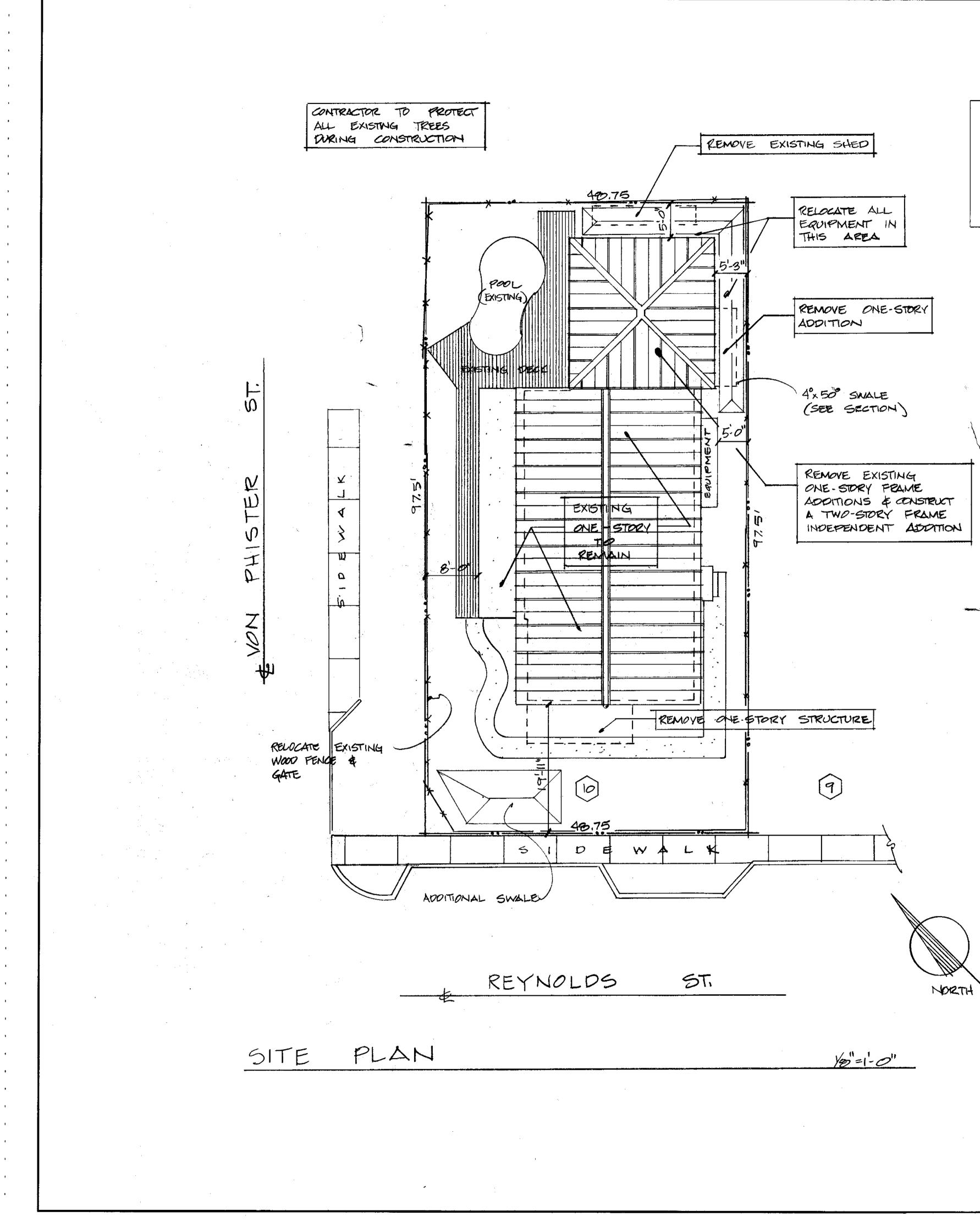
- 1. The legal description shown hereon was furnished by the client or their agent.
- 2. Underground foundations and utilities were not located.
- 3. All angles are 90° (Measured & Record) unless otherwise noted.
- 4. Street address: 1429 Reynolds Street, Key West, FL.
- 5. This survey is not valid without 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. All bricking and concrete is not shown.
- 9. Date of field work: August 13, 2013
- 10. Ownership of fences is undeterminable, unless otherwise noted.
- 11. Adjoiners are not furnished.

BOUNDARY SURVEY OF: On the Island of Key West, and known on William A. Whitehead's map of said Island delineated in February, A.D. 1829, as a part of Tract 18, in Square 13, according to a diagram of Part of Tract 18 made by Webb Realty Company of Key West, Florida, and duly recorded in Plat Book 1 Page 42, Monroe County, Florida, Records and is known and described on said map as Lot 10 in Square 13 of said Tract 18 and said Lot 10. COMMENCE at the corner of Reynolds Street and Von Phister Street and runs on Reynolds Street Southeasterly 48 feet 9 inches; thence at right angles Northeasterly 97 feet 6 inches; thence runs at right angles Northwesterly 48 feet 9 inches out to Von Phister Street; thence at right angles Southwesterly along Von Phister Street 97 feet 6 inches out to Reynolds Street to the Point of Beginning.

BOUNDARY SURVEY FOR: J. David Cooper; J. LYNN O'FLYNN, INC. J Lynn O'Flynn, PSM Florida Reg. #6298 August 14, 2013







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# **1429 REYNOLDS STREET** KEY WEST - FLORIDA

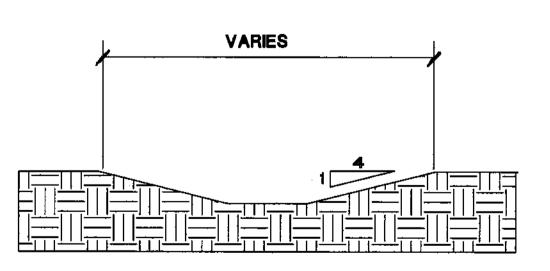
### LEGAL DESCRIPTION

LOT 10, SQ.13 "Webb Reality Company of Key West" PB 1-42

### FLOOD ZONE

AE-6 COMM.# 12087C PNL.# 1516K 2/18/05

ITEM		CODE	EXISTING	PROPOSED
ZONE	SF-1	· · · · · · · · · · · · · · · · · · ·		
LOT AREA		6000 SQ. FT.	4753 SQ. FT.	4753 SQ. FT.
LOT WIDTH		50 FEET	48.75 FEET	48.75 FEET
LOT DEPTH		100 FEET	97.5 FEET	97.5 FEET
IMPERVIOUS SURFAC		50%	59.8% (2846 SF.)	54.7% (2601 SF.)
MAXIMUM BUILDING C	OVERAGE	35%	45.3% (2154 SF.)	42.3% (2012 SF.)
FRONT		30/20 FEET	13'-11"	<b>19'-</b> 11"
STREET SIDE		10 FEET	8'-0"	8'-0"
SIDE		5 FEET	1'-5"	5'-3"
REAR		25 FEET	5'-0"	5'-0"
MAXIMUM HEIGHT		25 + 3 FEET	19'-1"	24 FT.
MAXIMUM FLOOR AR	EA RATIO	80%	19.9%	25' + 2'-3"



CUBIC FEET SUPPLIED = 44 CU. FT.





RECEIVED November 14, 2013

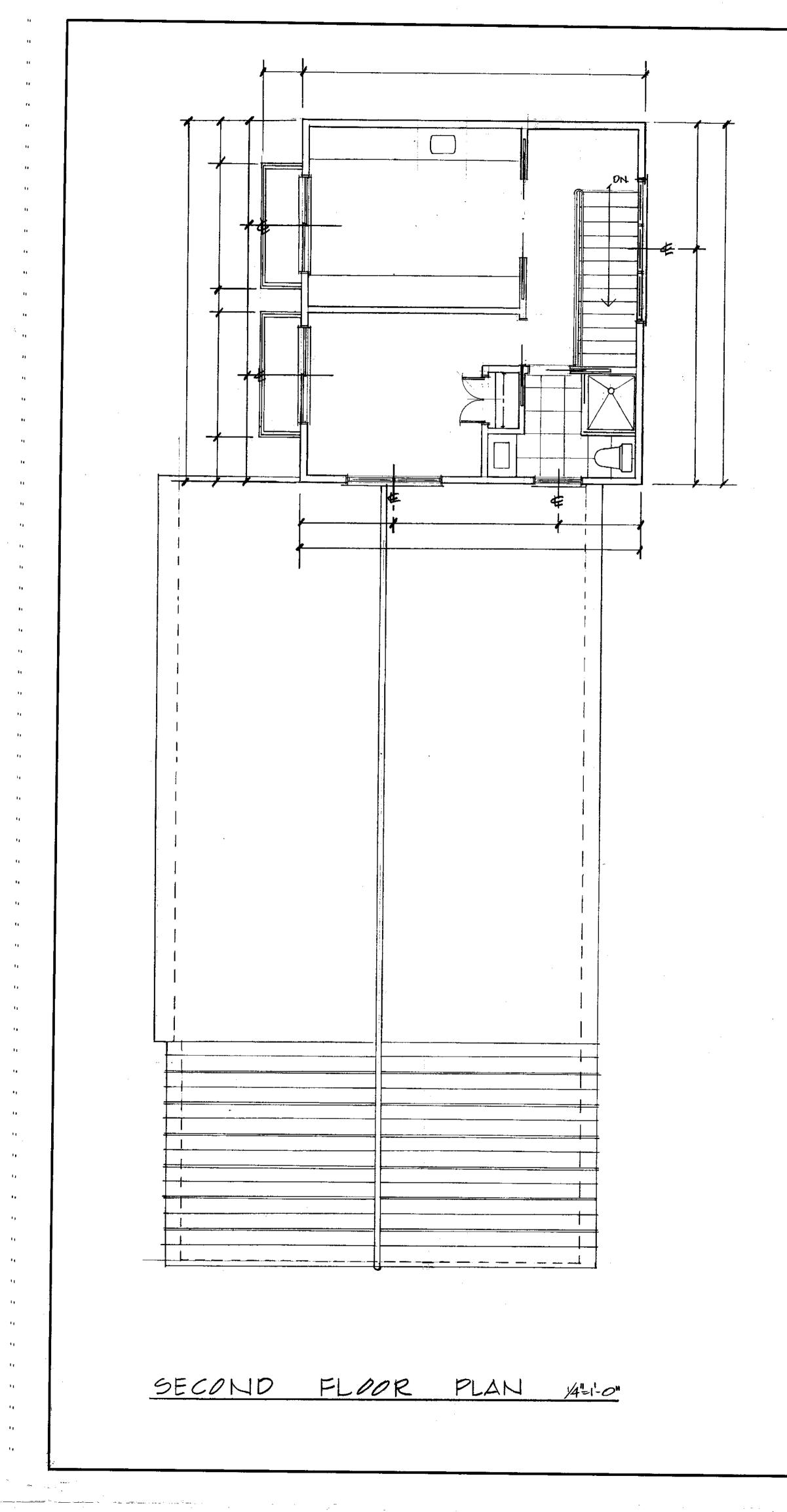
**KW Planning Dpt** 

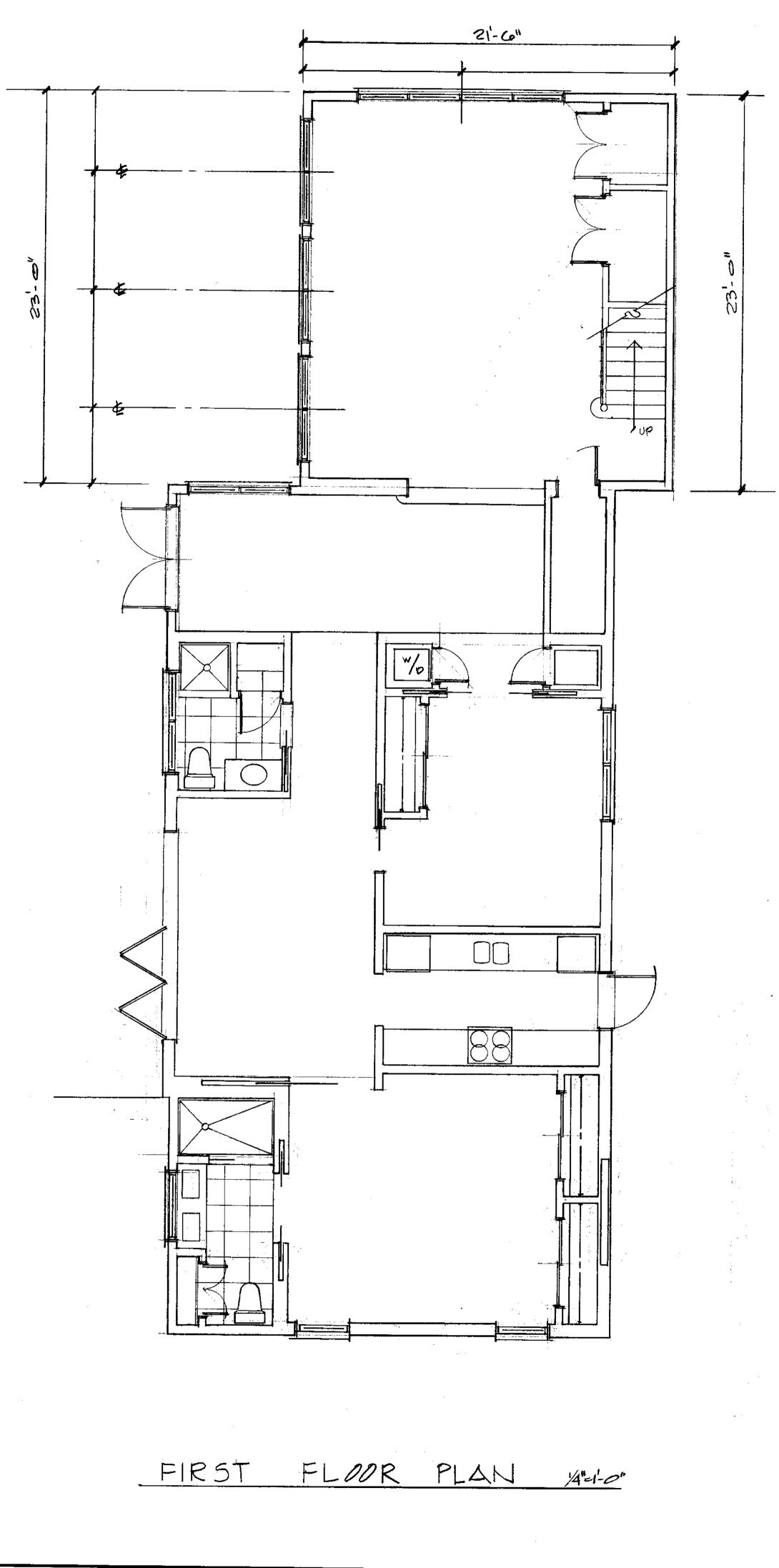
### PROJECT DATA

CUBIC FEET REQUIRED = 12 12 528 SQ.FT. = 44 CU. FT.

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		THOMAS KELLY ENTERPRISES INC.
29 REYNOLDS STREET		19141 ROCKY ROAD - SUGARLOAF KEY
		* DESIGN CONCEPTS
		* CONSTRUCTION MANAGEMENT
	KEY WEST	(305) 745-1100





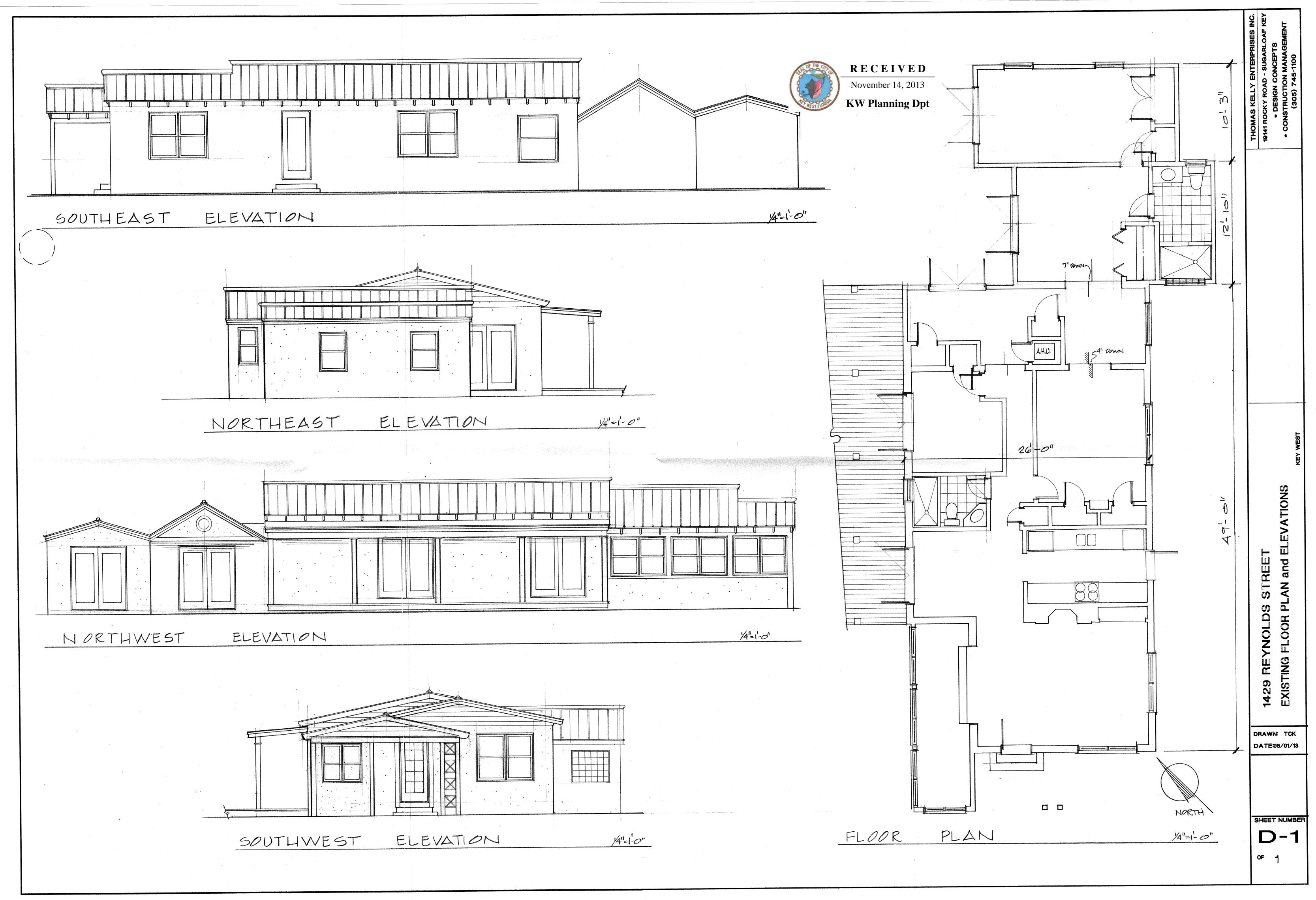
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# **1429 REYNOLDS STREET** KEY WEST - FLORIDA LEGAL DESCRIPTION LOT 10, SQUARE 13 "Webb Reality Company of Key West" PB 1-42 **RECEIVED** November 14, 2013 KW Planning Dpt NS STREET OR 0 REYNOLDS and Z Р 1429 Site | DRAWN: TCK DATE06/14/13 SHEET NUMBER **D-1** OF





### DRC Minutes & Comments

#### Minutes of the Development Review Committee September 26, 2013 Approved on October 24, 2013

Planner, Brendon Cunningham called the Development Review Committee Meeting of September 26, 2013, to order at 10:03AM at Old City Hall in the antechamber at 510 Greene Street, Key West.

#### ROLL CALL

**Present were:** Fire Department, Jason Barroso Urban Forestry Manager, Karen DeMaria; Arts in Public Places, Dick Moody; Engineering Services, Elizabeth Ignaffo; Building Official, Ron Wampler

**Not present were:** Planning Director, Don Craig; Police Department, Steve Torrence; Recreation Director, Greg Veliz, Sustainability Coordinator, Alison Higgins; and HARC Planner, Enid Torregrosa

Comments provided by: HARC Planner, Enid Torregrosa

Also in attendance was Planning Department staff: Kevin Bond, Brendon Cunningham Nicole Malo and Stacy Gibson

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF AGENDA

#### **APPROVAL OF MINUTES**

#### August 22, 2013

Motion to approve the August 22, 2013 minutes was made by Ms. Ignaffo and seconded by Ms. DeMaria.

#### **DISCUSSION ITEMS**

#### **New Business**

1. Variances – 1429 Reynolds Street (RE# 00040060-000000; AK# 1040789) – A variance for impervious surface, building coverage and front yard, street side yard and rear yard setback requirements in the Single Family zoning district per Section 90-391 and Section 122- 238(4)a and (4)b.(1) and Section 122-238 (6)a. (1), (3) and (4) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Malo gave members an overview of the variance request.

The applicant, Dave Cooper and the Architect, Thomas Kelly gave members an overview of the request.

**DRC Member Comments:** 

#### **ART IN PUBLIC PLACES:**

# Minutes of the Development Review Committee September 26, 2013

Approved on October 24, 2013

No comments.

#### URBAN FORESTRY MANAGER:

Ms. DeMaria stated applicant will need to ensure tree protection during demolition of the shed in the back and that any tree to be removed must come before the Tree Commission and to allow enough time for review.

#### **POLICE DEPARTMENT:**

No comments.

#### HARC PLANNER:

No comments.

#### **ENGINEERING:**

Please construct storm water retention swales along perimeter of new two-story addition and direct roof gutter downspouts into swales and landscaped areas. Use caution and protect existing trees. Swales shall be planted with sod or groundcover to prevent erosion.

#### FIRE DEPARTMENT:

Mr. Barroso stated to maintain the 5ft setbacks.

### **BUILDING OFFICIAL:**

Mr. Wampler stated to build the 1ft of free board above flood level.

### **SUSTAINABILITY COORDINATOR:**

No comments.

#### **KEYS ENERGY:**

No comments.

2. Petition to Vacate the Right of Way – 4 Pinder Lane – A request to vacate the right-ofway for property located in the HHDR zoning district per Section 90-586 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Malo gave members an overview of the petition to vacate the right of way with concerns of access to adjacent properties very difficult.

Mr. Greg Oropeza, Esq. on behalf of the applicants gave an overview of the petition to vacate the right of way.

#### **DRC Member Comments:**

#### **ART IN PUBLIC PLACES:**

No comments.

# **Property Appraiser Information**

# 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 - Website tested on IE8, Maps are now launching the new map application version Adobe Flash 10.3 or higher

Alternate Key: 1040789 Parcel ID: 00040060-000000

## **Ownership Details**

Mailing Address: COOPER J DAVID PO BOX 1214 KEY WEST, FL 33041-1214

# **Property Details**

PC Code: 01 - SINGLE FAMILY Millage Group: 10KW Affordable Housing: Section-Township-Range: 05-68-25 Property Location: Subdivision: The Webb Realty Co Legal KW WEBB REALTY CO SUB PB1-42 LOT 10 SQR 13 TR 18 OR97-324/325 OR430-207/208 PROB #89-312-Description: CP-10 OR1099-622/23PET OR1113-603 OR1168-1570/71 OR1284-55 OR1633-1336 OR1732-2248/49 OR1989-739/740R/S OR2358-1589/90



# **Exemptions**

Exemption	Amount
39 - 25000 HOMESTEAD	25,000.00
44 - ADDL HOMESTEAD	25,000.00

# Land Details

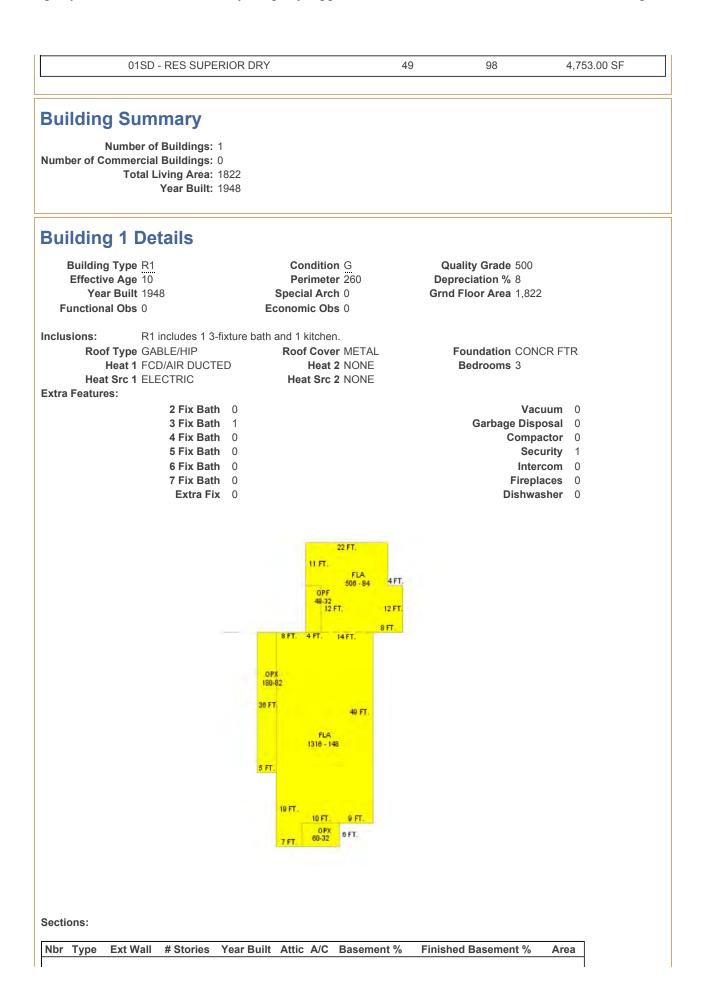
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Land Use Code

Frontage

Depth

Land Area



0	OPX		1	2000					180
1	FLA	5:C.B.S.	1	1991	Ν	Υ	0.00	0.00	1,316
2	OPX		1	1991			0.00	0.00	60
3	FLA	5:C.B.S.	1	2000	Ν	Y	0.00	0.00	506
4	OPF		1	2000			0.00	0.00	48

# **Misc Improvement Details**

Nbr	Туре	# Units	Length	Width	Year Built	Roll Year	Grade	Life
3	FN2:FENCES	192 SF	6	32	2000	2001	2	30
5	PO4:RES POOL	128 SF	0	0	1999	2000	5	50
6	FN2:FENCES	294 SF	49	6	2005	2006	2	30

# **Appraiser Notes**

2003-06-19 - CITIZEN CLAIMS ILLEGAL TRANSIENT RENTAL.(005) 2003-12-30- ASKING \$999,000 FROM THE CITIZEN ON 12-30-03-SKI

# **Building Permits**

Bldg	Number	Date Issued	Date Completed	Amount Description	Notes
	04-0909	03/29/2004	10/22/2004	2,800	IMPROVE PORCH
	05-4480	10/13/2005	12/03/2005	1,200	REPLACE LATTICE FENCE WITH PICKET 49 X 6
	8-2627	07/28/2008	12/22/2008	500	REPLACE PAVER WALKWAY WITH NEW BRICK PAVERS 60SF APPROX
	8-2364	07/08/2008	12/22/2008	18,000	INSTALL 5 COLONIAL SHUTTERS, ONE OPENING, 5 ACCORDIAN SHUTTERS,
	11-0196	01/21/2011	12/16/2011	1,000	CHANGE SHOWER, INSTALL 1 TOILET
	11-0093	02/28/2011	12/16/2011	18,500	REVISION, R/R KITCHEN CABINETS & 200sf TILE FLOOR ONLY
	11-1188	04/20/2011	12/16/2011	13,500	REPLACE 5 TON AC UNIT WITH NEW SPLIT SYSTEM & ONE TON DUCTLESS
	A952851	08/01/1995	12/01/1995	4,508	14 SQRS V-CRIMP RFG.
	0001797	07/05/2000	11/28/2000	8,000	POOL
	0001945	07/28/2000	11/28/2000	1,500	RENOVATIONS
	0002972	09/20/2000	11/28/2000	5,000	GABLE ROOF & PORCH ROOF
	00-1945	01/08/2001	11/02/2001	1,500	ROOF
	03-2329	07/01/2003	12/23/2003	650	SEWER LINE

# **Parcel Value History**

Certified Roll Values.

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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
2013	222,767	10,785	604,403	837,955	673,034	25,000	648,034
2012	225,188	11,096	425,500	661,784	661,784	25,000	636,784
2011	213,082	11,613	483,523	708,218	708,218	0	708,218
2010	215,503	11,953	439,320	666,776	666,776	0	666,776
2009	242,138	12,284	595,522	849,944	849,944	0	849,944
2008	248,844	14,888	451,535	715,267	715,267	25,000	690,267
2007	326,976	12,340	522,830	862,146	862,146	25,000	837,146
2006	452,035	12,603	427,770	892,408	892,408	25,000	867,408
2005	589,703	13,518	308,945	912,166	912,166	25,000	887,166
2004	400,229	13,799	237,650	651,678	651,678	0	651,678
2003	455,488	14,080	122,390	591,958	591,958	0	591,958
2002	303,529	14,378	122,390	440,297	440,297	0	440,297
2001	201,853	4,369	122,390	328,612	328,612	0	328,612
2000	121,165	1,642	89,119	211,926	211,926	0	211,926
1999	95,487	1,441	89,119	186,046	186,046	0	186,046
1998	81,406	1,275	89,119	171,799	171,799	0	171,799
1997	70,405	1,141	79,613	151,159	151,159	0	151,159
1996	59,404	996	79,613	140,013	140,013	0	140,013
1995	54,124	938	79,613	134,675	134,675	0	134,675
1994	48,403	867	79,613	128,883	128,883	0	128,883
1993	48,403	894	79,613	128,911	128,911	0	128,911
1992	48,403	921	79,613	128,937	128,937	0	128,937
1991	43,283	0	79,613	122,896	122,896	25,000	97,896
1990	33,221	0	62,977	96,198	96,198	25,000	71,198
1989	27,456	0	59,413	86,869	86,869	25,000	61,869
1988	23,920	0	48,718	72,638	72,638	25,000	47,638
1987	23,680	0	35,488	59,168	59,168	25,000	34,168
1986	23,784	0	34,193	57,977	57,977	25,000	32,977
1985	23,191	0	20,745	43,936	43,936	25,000	18,936
1984	21,625	0	20,745	42,370	42,370	25,000	17,370
1983	21,625	0	20,745	42,370	42,370	25,000	17,370
1982	22,044	0	19,496	41,540	41,540	25,000	16,540

# **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
4/28/2008	2358 / 1589	961,000	WD	Q
3/25/2004	1989 / 0739	930,000	WD	Q
2/7/2001	1732 / 2248	645,000	WD	Q
5/15/2000	1633 / 1336	305,000	WD	<u>Z</u>

4/1/1991	1168 / 1570	140,000	WD	Q
2/1/1969	430 / 207	27,500	00	Q
2/1/1000	4007207	21,000	00	

This page has been visited 29,145 times.

Monroe County Monroe County Property Appraiser Scott P. Russell, CFA P.O. Box 1176 Key West, FL 33041-1176

# Public Notices (radius map & mailing list)

The Key West Planning Board will hold a public hearing <u>at 6:00 p.m., November 21, 3013</u> <u>at Old City Hall, 510 Greene Street</u>, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

**Variances – 1429 Reynolds Street (RE# 00040060-000000; AK# 1040789**) – A variance for impervious surface, building coverage and front yard, street side yard and rear yard setback requirements in the Single Family zoning district per Section 90-391 and Section 122- 238(4)a and (4)b.(1) and Section 122-238 (6)a. (1), (3) and (4) 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 <u>www.keywestcity.com</u>.

THIS NOTICE CAN NOT BE REMOVED FROM THE SITE UNTIL AFTER PLANNING BOARD DETERMINATION

### YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

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

Variances – 1429 Reynolds Street (RE# 00040060-000000; AK# 1040789) – A variance for impervious surface, building coverage and front yard, street side yard and rear yard setback requirements in the Single Family zoning district per Section 90-391 and Section 122- 238(4)a and (4)b.(1) and Section 122-238 (6)a. (1), (3) and (4) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant: Thomas Kelly

**Owner: J. David Cooper** 

Project Location: 1429 Reynolds Street (RE# 00040060-000000; AK# 1040789 )

**Date of Hearing:** Thursday, November 21, 2013

**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 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 Stacy Gibson at <u>sgibson@keywestcity.com</u>.

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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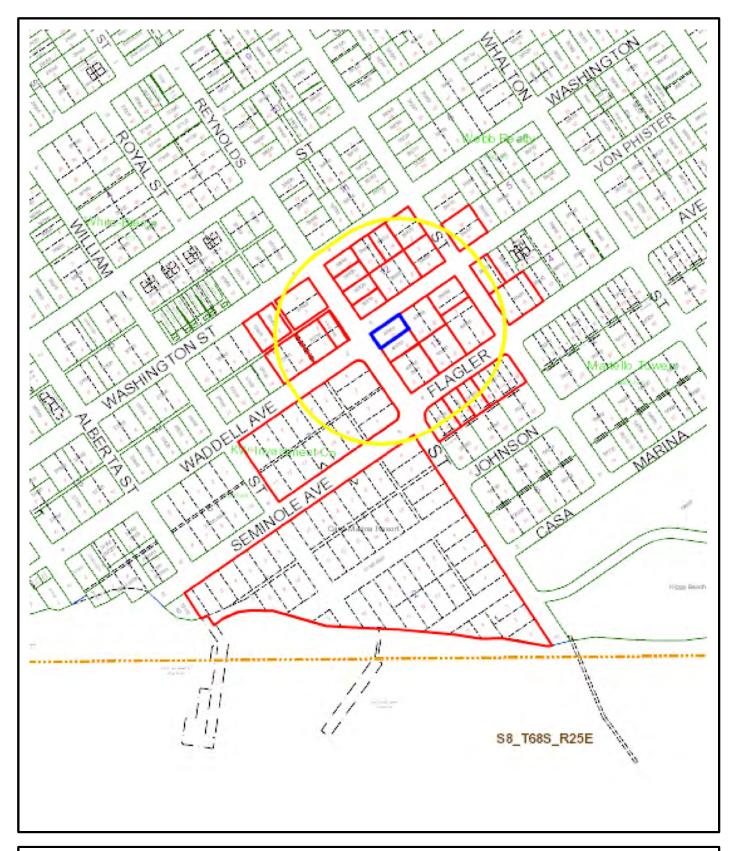
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# Monroe County, Florida

#### Printed:Oct 30, 2013

# 1429 Reynolds

CFA

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 guarante 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	СІТҮ	STATE	ZIP	COUNTRY
HOUSING AUTHORITY OF THE CITY OF KEY WEST FLORI	[ 1400 KENNEDY DR		KEY WEST	FL	33040-4055	
MILLER GAIL ANN AS TRUSTEE DEC TR 1/8/1993	728 POOR HOUSE LN		KEY WEST	FL	33040-6411	
WRIGHT DONALD E	2300 W WAYNE ST		LIMA	ОН	45805-2126	
COOPER J DAVID	PO BOX 1214		KEY WEST	FL	33041-1214	
VINCENT RICHARD C	906 VON PHISTER ST		KEY WEST	FL	33040	
SUITE DREAMS INN INC	1001 VONPHISTER ST		KEY WEST	FL	33040-4829	
FAMULARO JOSEPH J 1997 TRUST 12/14/1997	822 WASHINGTON ST		KEY WEST	FL	33040-4735	
SHEPANZYK DEREK AND KRISTINA	410 CANADA ST		LAKE GEORGE	NY	12845-1129	
GILDEA PAUL F	904 WASHINGTON ST		KEY WEST	FL	33040	
CORMORANT CORP OF THE KEYS INC	1109 DUVAL ST		KEY WEST	FL	33040	
SAMAHA FOUAD QUAL PER RES TR 9/23/2010	905 VONPHISTER ST		KEY WEST	FL	33040-4747	
WESCHLER KENNETH JAY	915 VON PHISTER ST		KEY WEST	FL	33040	
HOLLIDAY HENRY L III	PO BOX 6		KEY WEST	FL	33041-0006	
HAMMOND JOHN B AND KAREN B	2200 LAKE ANGELUS SHRS		LAKE ANGELUS	MI	48326-1042	
CURTIS LINDA W TRUST 10/15/2010	900 WASHINGTON ST		KEY WEST	FL	33040-4753	
TORRESE NAOMI REV TR 1/24/2011	7901 SW 53RD PL		MIAMI	FL	33143-5840	
KAUFELT DAVID A AND LYNN H	900 FLAGLER AVE		KEY WEST	FL	33040	
REIMER TIMOTHY S	924 FLAGLER AVE		KEY WEST	FL	33040-4744	
CASA MARINA OWNER LLC	PO BOX 437		BROADWAY	NJ	08808-0437	
SKII INC	500 FLEMING ST		KEY WEST	FL	33040	
FOSTER TRUST 4/25/2008	901 FLAGLER AVE		KEY WEST	FL	33040-4743	
KARCH JAMES AND STEPHANIE	1421 REYNOLDS ST		KEY WEST	FL	33040	
ZECKENDORF CONSTANCE REVOCABLE TRUST 7/25/201	31433 REYNOLDS ST		KEY WEST	FL	33040-4781	
CATHEY BROOKS H	908 WASHINGTON ST		KEY WEST	FL	33040-4753	
WILLIAMS PORTIA E TRUST	1535 HOLLY OAKS LAKE RD WE	ST	JACKSONVILLE	FL	32225-4427	
KERR GREGORY T	722 ASHE ST		KEY WEST	FL	33040	
HASKINS LINDA DE LONG L/E	908 FLAGLER AVE		KEY WEST	FL	33040-4744	
WADDELL AND REYNOLDS LLC	PO BOX 6		KEY WEST	FL	33041-0006	
ZENSINGER DAVID AND MARCIA	1419 REYNOLDS ST		KEY WEST	FL	33040	
CITY OF KEY WEST	525 ANGELA ST		KEY WEST	FL	33040	