

**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: January 17, 2013

Agenda Item: **Variance – 917 Duval Street (RE# 00017810-000000)** - A request for building coverage and a side-yard setback requirement in the HRCC-3 zoning district per Section 122-750 (4) a. and (6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: The applicant is requesting variances to building coverage and side-yard setbacks for the purposes of constructing a fixed awning/porch structure. The structure will replace an existing retractable fabric awning which is not subject to the same setback requirements as are buildings.

Applicant: William Rowan, Architect

Property Owner: Martin Basam

Location: 917 Duval Street, RE# 00017810-000000

Zoning: Historic Residential Commercial Core (HRCC-3) Zoning District

Background:

Martin’s Restaurant has been at this location since 2007. The restaurant has indoor and outdoor seating. Following the renovation, a retractable awning was installed over a portion of the outdoor seating area. This is the area where the applicant would like to replace the existing awning with a fixed structure, thus increasing building coverage.

The table below provides site data calculations as proposed by the applicant:

Relevant HRCC-3 District Dimensional Requirements: Section 122-750			
	Zoning Regulations	Existing Conditions	Proposed Changes
Side-yard Setback	5’	12.5’	2.5’
Building Coverage	50% Maximum	47%	54.5%

Process:

Development Review Committee Meeting:

November 16, 2012

Planning Board Meeting:

January 17, 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.**

Special conditions do not exist. The existing retractable awning is subject to different setback requirements per Section 122-1145. The applicant's desire to replace the awning with a fixed structure is then subject to the standard setback requirements within the HRCC-3 zoning district per Section 122-750.

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

The chosen design 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.**

Allowing the construction of the structure would confer special privileges upon the applicant.

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

The applicant is not deprived of rights commonly enjoyed by other properties without the variance approval. Therefore, hardship conditions do not exist.

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 without the proposed 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.

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 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 been in contact with adjacent property owners.

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 chooses to approve the request, Planning Staff recommends the following condition: the applicant seek and receive HARC approval

**Draft
Resolution**

**PLANNING BOARD
RESOLUTION No. 2013-**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD FOR VARIANCE
APPROVAL FOR PROPERTY LOCATED AT
917 DUVAL STREET (RE#00017810-000000) IN
THE HISTORIC RESIDENTIAL
COMMERCIAL CORE ZONING DISTRICT,
PER SECTION 122-750 (4) a. BUILDING
COVERAGE AND SECTION 122-750 (6) b.
SIDE-YARD SETBACK REQUIREMENTS OF
THE LAND DEVELOPMENT REGULATIONS
OF THE CODE OF ORDINANCES OF THE
CITY OF KEY WEST.**

WHEREAS, Section 122-750 (4) b. and Section 122-750(6) b. of the Code of Ordinances provides that the maximum building coverage is 50 % and minimum allowed side-yard setback shall be 5 feet and the minimum; and

WHEREAS, the applicant requested variances to the proposed building coverage and to the side-yard setback; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 17, 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

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 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 variances per plans received November 1, 2012, on property located at 917 Duval Street (RE# 00017810-000000) in the HRCC-3 zoning district per Sections 122-750(4) a. and 122-750(6) b. of the Land

_____ Chairman
_____ Planning Director

Development Regulations of the Code of Ordinances of the City of Key West with the following condition:

The applicant seek and receive HARC approval for the design.

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 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 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 17th day of January, 2013.

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



RECEIVED
NOV 01 2012
CITY OF KEY WEST
PLANNING DEPT.

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 917 DUVAL ST.
2. Name of Applicant WILLIAM ROWAN
3. Applicant is: Owner _____ Authorized Representative
4. Address of Applicant 321 PEACOCK LN.
5. Phone # of Applicant 305.206.3784 Mobile# _____
6. E-Mail Address wrowan@gmail.com
7. Name of Owner, if different than above MARTIN PUSAM
8. Address of Owner 1126 GRINNELL ST.
9. Phone # of Owner 205 0111
10. Email Address MARTINSCAFE@EARTHLINK.NET
11. Zoning District of Parcel H3003 RE# _____
12. Description of Proposed Construction, Development, and Use
NEW RETRACTABLE AWNING
13. List and describe the specific variance(s) being requested:
FIXED STRUCTURE (AWNING) CONSTRUCTED WITHIN SETBACK (PROPOSED 2.5' - ALLOWED 5.0')

11-1-2012
Cl. Pusam

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



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.

SAFETY CONDITIONS - INDOOR OUTDOOR RESTAURANT
THE EXISTING CIRCUMSTANCES INCLUDE A CONCRETE
FLOOR AND PARTIAL COVERAGE WITH AN AWNING THAT
DOESN'T PROTECT CUSTOMERS FROM SLIPPING AFTER
A RAINFALL

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

APPLICANT WOULD LIKE TO COVER PORTION OF
OUTDOOR DINING THAT IS ONLY PARTIALLY COVERED

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

11-1-2012
W. Pruden

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



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.

YES, OTHER OUTDOOR RESTAURANTS HAVE COVERED
THEIR OUTDOOR SEATING DUE TO SUN AND RAIN.
MS. PAPA, CHARLIE MACK, ETC.

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 MINIMUM VARIANCE WOULD BE TO CONSTRUCT
POSTS AND BEAM (TO SUPPORT RETRACTABLE AWNING)
AT 5' SETBACK, WE ARE PROPOSING A 2.5'
SETBACK.

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

THE GRANTING OF THIS VARIANCE WOULD
MINIMIZE THE EXPOSURE OF THE OWNERS
TO PATRONS INJURIES (SLIPPING / FALLING).

11-1-2012
Cell. [Signature]

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



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 OTHER PROPERTIES WILL BE CONSIDERED
FOR CONSIDERING THIS VARIANCE. THE MAIN
CONCERN IS FOR SAFETY.*

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."

*11-1-2012
Ch. Braden*

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



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	HRCB 3			
Flood Zone	X ZONE			
Size of Site	4613			
Height	30'	20'	—	—
Front Setback	5'	0'	—	—
Side Setback	5'	2.5'	2.5	2.5'
Side Setback	5'	6-0'	N/C.	—
Street Side Setback	• 7.5'	—	—	—
Rear Setback	15'	15'	—	—
F.A.R	—			—
Building Coverage		2130	N.C.	—
Impervious Surface		3809	N.C.	—
Parking	N/A	N.A.	N.A.	N.A.
Handicap Parking	N.A.			—
Bicycle Parking	N.A.			—
Open Space/ Landscaping		926sq.	N.C.	—
Number and type of units	—	—	—	—
Consumption Area or Number of seats		187	N.C.	—

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

Meeting Date _____ HARC Approval # _____

11-1-2012
 Ch. [Signature]

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



16. Are there any easements, deed restrictions or other encumbrances attached to the 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

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.**

11-1-2012
Call - [unclear]

Authorization Form

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

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

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

President of Martins on Duval LLC
Name of office (President, Managing Member) *Name of owner from deed*

authorize William Rowan
Please Print Name of Representative

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

ell. Tansour
Signature of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this 1/8/13 by
date

ell. Tansour
Name of Authorized Representative
Martin Busam

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

Karen de Berjeois
Notary's Signature and Seal



Karen de Berjeois
Name of Acknowledger typed, printed or stamped

EE 842198
Commission Number, if any

Verification Form

**City of Key West
Planning Department**



Verification Form

(Where Authorized Representative is an individual)

I, WILLIAM ROWAN, 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:

MARTIN'S 917 DUVAL ST.

Street address of subject property

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


Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 1.8.13 by _____
date

WILLIAM ROWAN
Name of Authorized Representative

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


Notary's Signature and Seal

Karen de Berjevis
Name of Acknowledger typed, printed or stamped



EE 842198
Commission Number, if any

Deed

Doc# 1610361 10/31/2006 10:14AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

10/31/2006 10:14AM
DEED DOC STAMP CL: PU \$8,400.00

Doc# 1610361
Bk# 2248 Pg# 941

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NOV 01 2012

CITY OF KEY WEST
PLANNING DEPT.

Prepared by and return to:
John M. Spottswood, Jr.
Attorney at Law
Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, FL 33040
305-294-9556
File Number: 06-353-JT

Parcel Identification No. 00017810-000000

[Space Above This Line For Recording Data]

Warranty Deed

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

This Indenture made this 4th day of October, 2006 between BLUM PROPERTIES, LLC, a Florida limited liability company whose post office address is 101 Ann Street, Suite 301, Key West, FL 33040 of the County of Monroe, State of Florida, grantor*, and Martin's on Duval LLC, a Florida limited liability company whose post office address is 1126 Grinnell Street, Key West, FL 33040 of the County of Monroe, State of Florida, grantee*.

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

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2005 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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

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

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

Signed, sealed and delivered in our presence:

BLUM PROPERTIES, LLC, a Florida limited liability company

By: Gary M. Blum
Gary M. Blum, Manager

Thomas R. Pijo
Witness Name: Thomas R. Pijo

Samuel S. Hagan, Jr.
Witness Name: Samuel S. Hagan, Jr.

State of
County of

The foregoing instrument was acknowledged before me this 4th day of October, 2006 by Gary M. Blum of BLUM PROPERTIES, LLC, a Florida limited liability company, on behalf of said firm. He [] is personally known or [X] has produced a driver's license as identification.

[Notary Seal]

Barbara Elliott
Notary Public

Printed Name: Barbara Elliott

My Commission Expires: 6/29/2008

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Barbara Elliott, Notary Public
Derry Twp., Dauphin County
My Commission Expires June 29, 2008
Member, Pennsylvania Association Of Notaries

EXHIBIT A

Parcel 1:

A parcel of land on the Island of Key West, Monroe County, Florida, said parcel being described by metes and bounds as follows:

Commencing at a point 126 feet Northwest from the corner of Duval and Division Streets on the Northeast side of Duval Street and running thence on Duval Street North 40° West 42 feet; thence North 50° East 100 feet; thence South 40° East 42 feet; thence South 50° West 100 feet to the Point of Beginning.

Less the following described land:

A parcel of land on the Island of Key West, Monroe County, Florida, said parcel being described by metes and bounds as follows:

Commence at the intersection of the SE'y right of way line of Olivia Street with the NE'y right of way line of Duval Street and run thence in a SE'y direction along the said right of way line of Duval Street a distance of 210 feet to the Point of Beginning of the parcel of land being described herein; thence NE'y and at right angles a distance of 97 feet; thence SE'y and at right angles of a distance of 5.5 feet; thence SW'y for a distance of 97 feet to a point on the NE'y right of way line of Duval Street for a distance of 6.2 feet to the Point of Beginning.

Parcel 2:

On the Island of Key West and known as William A Whitehead Map of said Island, delineated in February, A.D. 1826, as a part of Tract 4, but better described as a part of Lot 7 in Square 8 of said Tract 4 according to Gwynn's diagram recorded in Plat Book "H", Page 669 of Monroe County, Florida Public Records and Wall's addition of Tract as recorded in Deed Book "E", Page 245 of Monroe County, Florida Public Records, and being more particularly described as follows:

Commence at the Southeasterly right of way line of Olivia Street and the Northeasterly right of way line of Duval Street; thence run Southeasterly along said Northeasterly right of way line of for a distance of 252.00 feet to the Point of Beginning; thence continue Southeasterly along the previous described course 6.3 feet, thence run at right angles in a Northeasterly direction 100.00 feet; thence run at right angles in a Northwesterly direction 6.3 feet; thence run at angles in a Southwesterly direction 100.00 feet back to said Point of Beginning.

Now described as follows:

On the island of Key West and known as William A Whitehead's Map of said Island, delineated in February, A.D., 1829, as a part of Tract 4, but better described as a part of Lot 6 in Square 8, of said Tract 4, according to Gwynn's diagram, recorded in Plat Book "H", Page 669 of Monroe County, Florida Public Records and Wall's addition of Tract as recorded in Deed Book "E", Page 245 of Monroe County Public Records and being more particularly described as follows:

Commence at the intersection of the Northwesterly Right-of-Way Line of Truman Avenue (40 foot Right-of-Way) and the Northeasterly Right-of-Way Line of Duval Street (50 foot Right-of-Way): thence in a Northwesterly direction along the said Northeasterly Right-of-Way Line of Duval Street for 98.20 feet (Original Deed called for 126 feet) to the Point of Beginning: (the Point of Beginning is also the Southeasterly line of said legal description known as Parcel 2, the line is 256.30 feet from the intersection of the Southeasterly Right-of-Way line of Olivia Street (30 foot Right-of-Way) and the Northwesterly Right-of Way line of Duval Street, per original deed the distance was called at 258.3 feet): thence at a right angle and in a Northeasterly direction for 100.00 feet: thence at a right angle and in a Northwesterly direction for 46.30 feet; thence at a right angle and in a Southwesterly direction for 100.00 feet to the said Northeasterly Right-of-Way Line of Duval Street (said point also being the Southeasterly line of a less out portion of property as described in the original deed, Parcel 1, and being 210.00 feet from the said intersection of Olivia Street for 49.30 feet to the Point of Beginning.

Prepared By & Return to:
RAUL PEREZ BALLAGA, ESQUIRE
Cohen | Fox P.A.
201 South Biscayne Blvd.
Suite 850
Miami, Florida 33131

Property Appraiser's Parcel
Identifying No. _____

Doc# 1774714 01/21/2010 3:27PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

01/21/2010 3:27PM
DEED DOC STAMP CL: TRINA \$0.70

Doc# 1774714
Bk# 2449 Pg# 1399

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NOV 01 2012

CITY OF KEY WEST
PLANNING DEPT.

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 19 day of January, 2010, by BANSHEE, LLC, a Florida limited liability company, First Party, to MARTIN'S ON DUVAL, LLC, whose post office address is 917 Duval Street, Key West, Florida 33040, Second Party:

(Wherever used herein the terms "First Party" and "Second Party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations and other legal entities, wherever the context so admits or requires.)

WITNESSETH, That the said First Party, for and in consideration of the sum of \$10.00, in hand paid by the said Second Party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Second Party forever, all the right, title, interest, claim and demand which said First Party has in and to the following described lot, piece or parcel of land situate, lying and being in the County of Monroe, State of Florida, to wit:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said First Party, either in law or equity, to the only proper use, benefit and behalf of the said Second Party forever.

IN WITNESS WHEREOF, the said First Party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

BANSHEE, LLC, a Florida limited liability
company

Tania Ortiz

[Signature] (SEAL)

Name: Tania Ortiz
(type or print)

Post Office Address:
915 Duval Street
Key West, Florida 33040

[Signature]
Maria Castro

Name: [Signature]
(type or print)

STATE OF FLORIDA

COUNTY OF Monroe

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me this
19th day of January, 2010, by Stuart Kemp, as
_____ of BANSHEE, LLC, a Florida limited liability company, to me
personally known or produced identification _____. Type of Identification produced
_____.

[Signature]
Name: Maria Castro
Notary Public
My Commission Expires: _____
Commission No.: _____

NOTARY PUBLIC-STATE OF FLORIDA
Maria Castro
Commission # DD867497
Expires: MAY 05, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

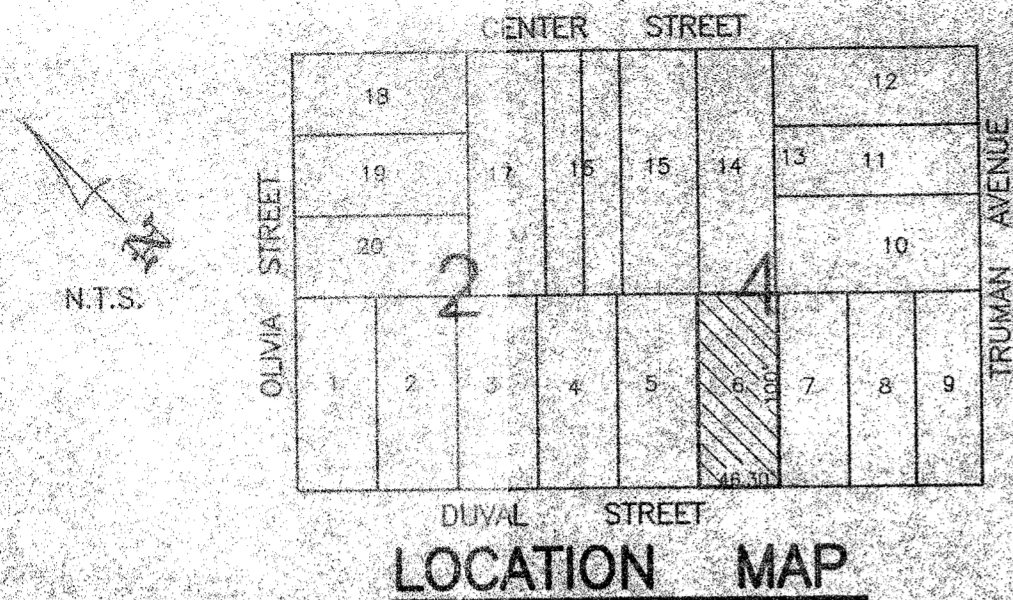
EXHIBIT "A"

A Parcel of land on the Island of Key West, Monroe County, Florida, said parcel being described by metes and bounds as follows: commence at the intersection of the SE'LY Right-Of-Way-Line (ROWL) of Olivia Street with the NE'LY ROWL of Duval Street and run thence in SE'LY direction along the said ROWL of Duval Street for a distance of 210 feet to the Point of Beginning of the parcel of land being described herein; thence NE'LY and at right angles for a distance of 100 feet; thence SE'LY and at right angles for a distance of 5.5 feet; thence; SW'LY for a distance of 100 feet to a point on the NE'LY ROWL of the said Duval Street, said point being 6.2 feet SE'LY of the Point of Beginning; thence NE'LY along the NE'LY ROWL of the said Duval Street for a distance of 6.2 feet back to the Point of Beginning.

Less and except the following:

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 4, but better described as a part of Lot 6, in Square 8 of said Tract 4, according to Gwynn's diagram recorded in Plat Book "H", at Page 669, of Monroe County, Florida Public Records, and being more particularly described as follows: COMMENCE at the southeasterly right-of-way line of Olivia Street and the northeasterly right-of-way line of Duval Street; thence run southeasterly along the northeasterly right-of-way line for a distance of 210.00 feet; thence northeasterly at right angles for a distance of 10.81 feet to the Point of Beginning; thence southeasterly at right angles for a distance of 0.47 feet; thence northeasterly at an angle of 89°44'25" deflected to the left for a distance of 22.91 feet; thence northwesterly at an angle of 90°06'39" deflected to the left for a distance of 0.15 feet; thence northeasterly at an angle of 89°59'54" deflected to the right for a distance of 34.76 feet; thence northwesterly at right angles for a distance of 0.51 feet; thence southwesterly at an angle of 90°08'50" deflected to the left for a distance of 57.67 feet back to the Point of Beginning.

Survey



Parcel 1

A parcel of land on the island of Key West, Monroe County, Florida, said parcel being described by metes and bounds as follows:

Commencing at a point 126 feet Northwest from the corner of Duval and Division Street (now known as Truman Avenue) on the Northeast side of Duval Street and running thence on Duval Street North 40 degrees West 42 feet; thence North 50 degrees East 100 feet; thence South 40 degrees East 42 feet; thence South 50 degrees West 100 feet to the Point of Beginning; Less the following described land:

A parcel of land on the island of Key West, Monroe County, Florida, said parcel being described by metes and bounds as follows:

Commence at the intersection of the Southeastery right of way line of Olivia Street with the Northeastery right of way line of Duval Street and run thence in a Southeastery direction along the said right of way line of Duval Street a distance of 210 feet to the Point of Beginning of the parcel of land being described herein; thence Northeastery and at right angles a distance of 97 feet; thence Southeastery and at right angles a distance of 5.5 feet; thence Southwestery for a distance of 97 feet to a point on the Northeastery right of way line of Duval Street for a distance of 6.2 feet to the Point of Beginning.

Parcel 2:

On the island of Key West and known as William A. Whitehead's Map of said Island, delineated in February, A.D. 1826, as a part of Tract 4, but better described as a part of Lot 7 of Square 8 of said Tract 4 according to Gwynn's diagram recorded in Plat Book "H" Page 669 of Monroe County, Florida Public Records and Wall's addition of Tract as recorded in Deed Book "E" Page 245 of Monroe County, Florida Public Records and being more particularly described as follows:

Commence at the Southeastery right of way line of Olivia Street and the Northeastery right of way line of Duval Street; thence run Southeastery along said Northeastery right of way line for a distance of 252.00 feet to the Point of Beginning; thence continue Southeastery along the previous described course 6.3 feet to the Point of Beginning; thence continue Southeastery along the previous described course 6.3 feet; thence run at right angles in a Northeastery direction 100.00 feet; thence run at right angles in a Northwestery direction 6.3 feet; thence run at angles in a Southwestery direction 100.00 feet back to the Point of Beginning.

LEGAL DESCRIPTION:

Prepared by undersigned:

On the island of Key West and known as William A. Whitehead's Map of said Island, delineated in February, A.D. 1829, as a part of Tract 4, but better described as a part of Lot 6 in Square 8, of said tract 4, according to Gwynn's diagram, recorded in Plat Book "H", Page 669 of Monroe County, Florida Public Records and Wall's addition of Tract as recorded in Deed Book "E", Page 245 of Monroe County Public Records and being more particularly described as follows:

Commence at the intersection of the Northwestery Right-of-Way Line of Truman Avenue (40 foot Right-of-Way) and the Northeastery Right-of-Way Line of Duval Street (50 foot Right-of-Way), thence in a Northwestery direction along the said Northeastery Right-of-Way Line of Duval Street for 98.20 feet (Original deed called for 126 feet) to the Point of Beginning; (the Point of Beginning is also the Southeastery line of said legal description, known as parcel 2, this line is 256.30 feet from the intersection of the Southeastery Right-of-Way Line of Olivia Street (30 foot Right-of-Way) and the Northeastery Right-of-Way Line of Duval Street, per original deed the distance was called at 258.30 feet); thence at a right angle and in a Northeastery direction for 100.00 feet; thence at a right angle and in a Northwestery direction for 46.30 feet; thence at a right angle and in a Southwestery direction for 100.00 feet to the said Northeastery Right-of-Way Line of Duval Street (see point also being the Southeastery line of a Less out portion of property as described in the original deed, Parcel 1, and being 210.00 feet from the said intersection of Olivia and Duval Street; thence in a Southeastery direction along the said Northeastery Right-of-Way line of Duval Street for 46.30 feet to the Point of Beginning. Containing 4630.00 square feet.

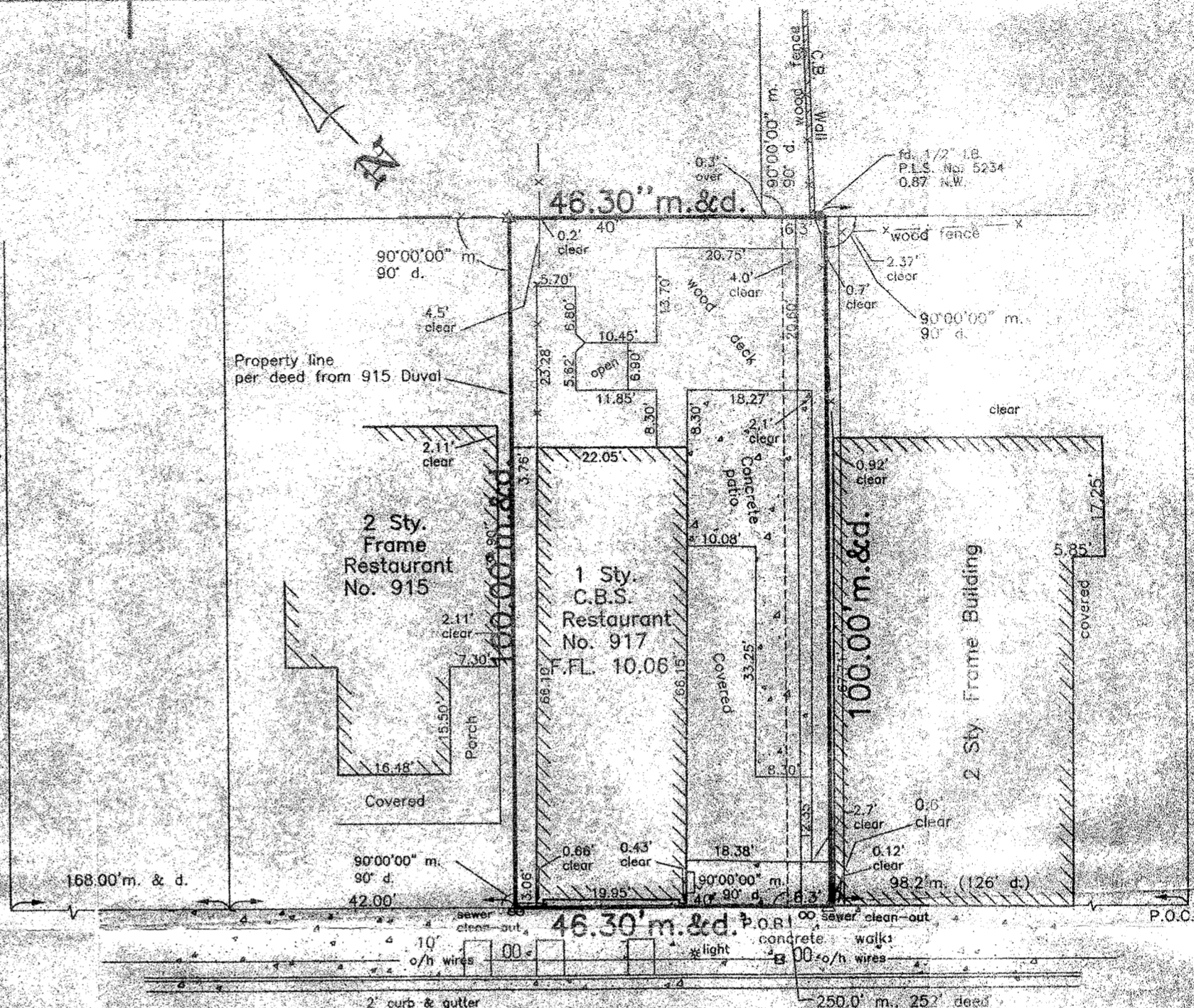
CERTIFICATION:

I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.927, and The American Land Title Association, and that there are no visible encroachments unless shown hereon.

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

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE

OLIVIA STREET (30' R/W)



TRUMAN AVENUE (40' R/W)

SURVEYOR'S NOTES:

North arrow based on assumed median Reference Bearing; R/W Duval Street
3.4 denotes existing elevation
Elevations based on N.G.V.D. 1929 Datum
Bench Mark No.: U-267 Elevation: 11.614

Monumentation:

- ⊙ = set 1/2" Iron Pipe, P.L.S. No. 2749
- △ = Set P.K. Nail, P.L.S. No. 2749
- ▲ = Found P.K. Nail, P.L.S. No. 5234

- P.O.C. = Point of Commence
- P.O.B. = Point of Beginning
- P.B. = Plat Book
- pg. = page
- Elec. = Electric
- C.B.S. = Concrete Block Stucco
- Field Work performed on: 9/13/06

Abbreviations:

- Sty. = Story
- R/W = Right-of-Way
- fd. = Found
- p. = Plat
- m. = Measured
- d. = Deed
- o/h = Overhead
- u/g = Underground
- F.F.L. = Finish Floor Elevation
- ⊕ M.W. = Monitoring Well
- ☒ C.B. = Storm Water Catch Basin

CERTIFICATION made to:

Blum Properties, LLC
Cynthia Blum A.K.A. Cindi Blum
TIB Bank
Attorneys' Title Insurance Fund, Inc.
Martin Busam
The Law Office of Spottswood, Spottswood, & Spottswood

- wd. = Wood
- conc. = concrete
- I.P. = Iron Pipe
- N.T.S. = Not to Scale
- C = Centerline
- Elev. = Elevation
- B.M. = Bench Mark
- w.m. = Water Meter
- Bal. = Balcony
- Pl. = Planter
- cov'd. = Covered
- ⊙ = Light
- ⊕ = sign
- ⊙ = Water Meter
- ⊕ = Water Valve
- ⊕ = Fire Hydrant

Blum Properties, LLC 917 Duval Street, Key West, Fl. 33040			
BOUNDARY SURVEY		Dwn No. 06-459	
Scale: 1"=20'	Ref. 189-39	Flood panel No. 1516 K	Dwn. By: F.H.H.
Date: 9/15/06		Flood Zone: X	Flood Elev. -
REVISIONS AND/OR ADDITIONS			
10/2/06: Update, cert			
10/12/06: Updated, new legal description			
10/27/06: Cert. type's			
27 w./block 76			

FREDERICK H. HILDEBRANDT
ENGINEER PLANNER SURVEYOR

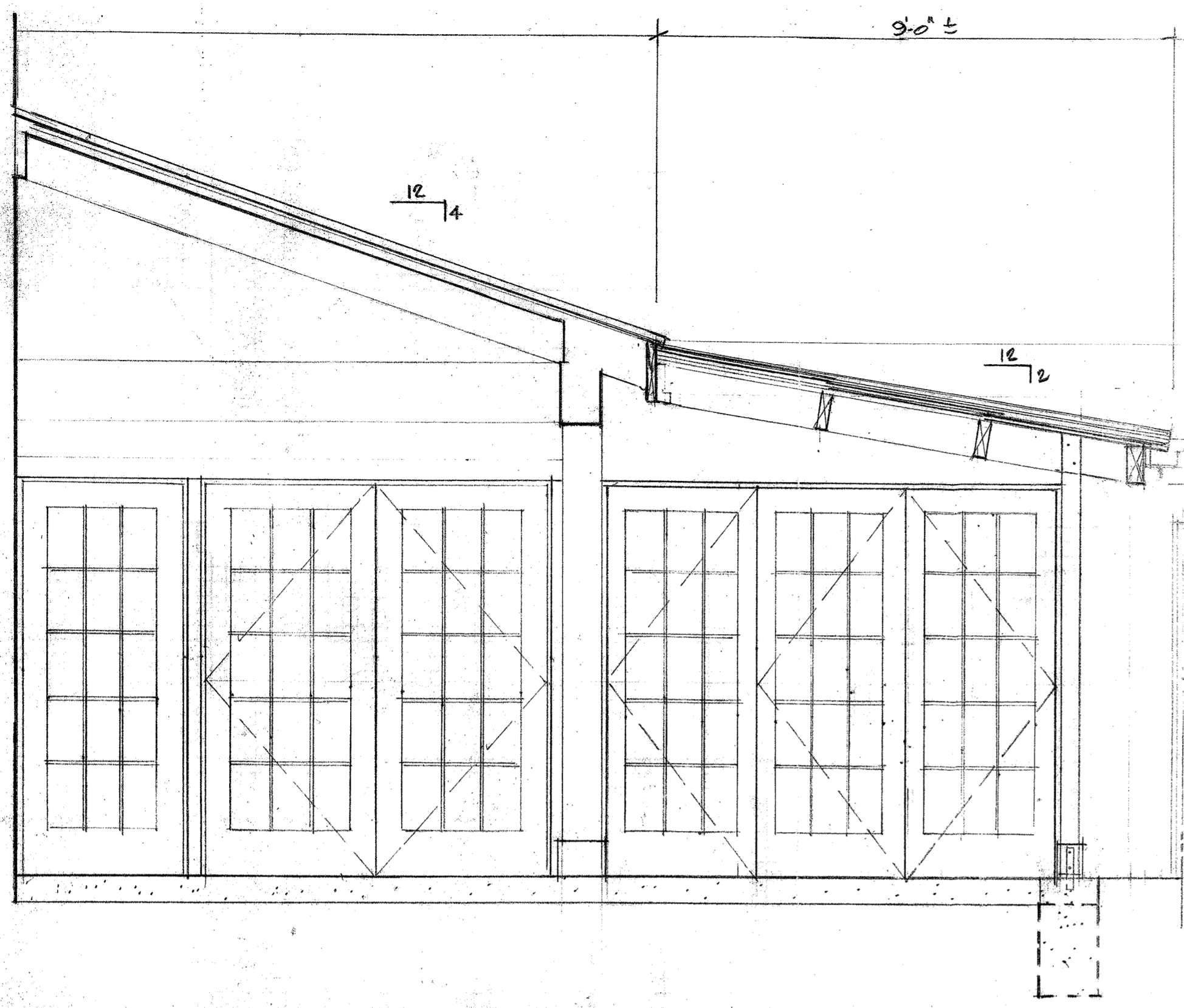
3152 Northside Drive
Suite 204
Key West Fl. 33040
(305) 293-0466
Fax: (305) 293-0237

RECEIVED

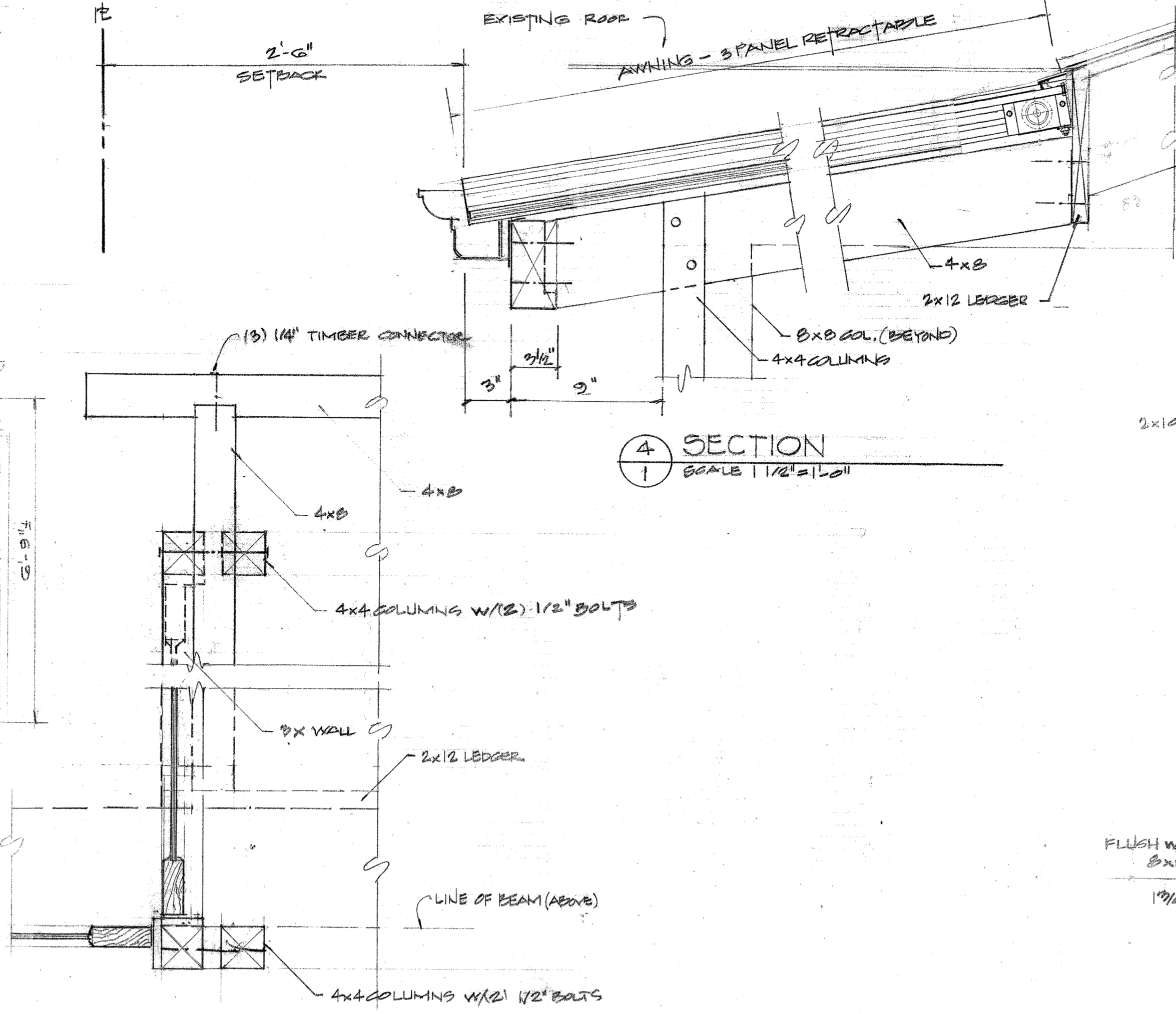
NOV 01 2012

CITY OF KEY WEST
PLANNING DEPT.

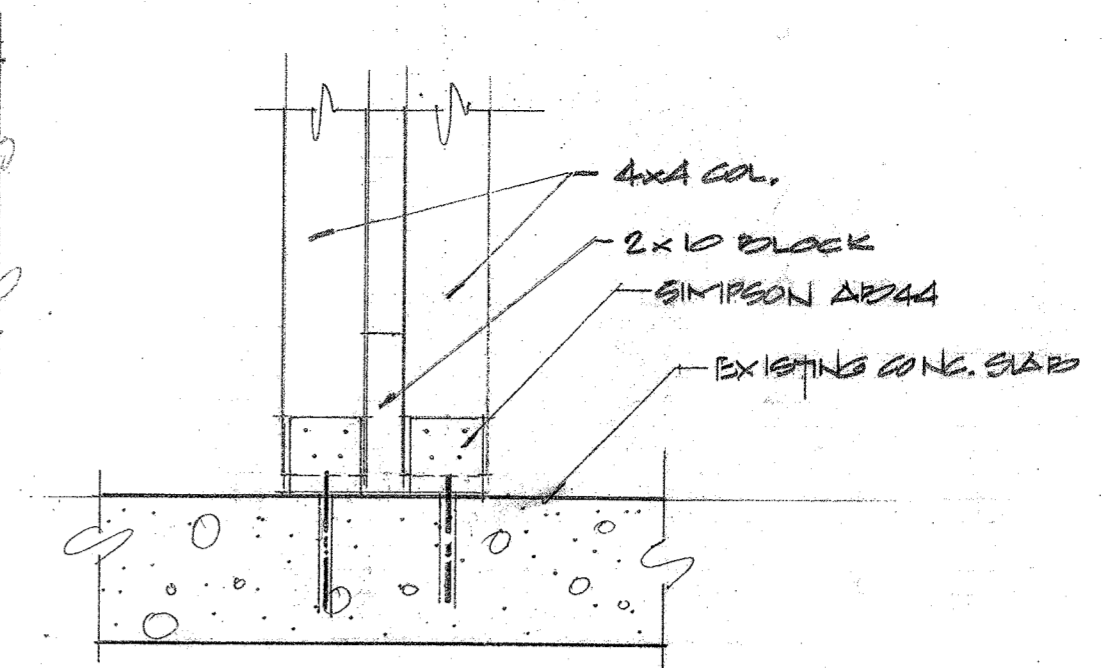
Site Plans



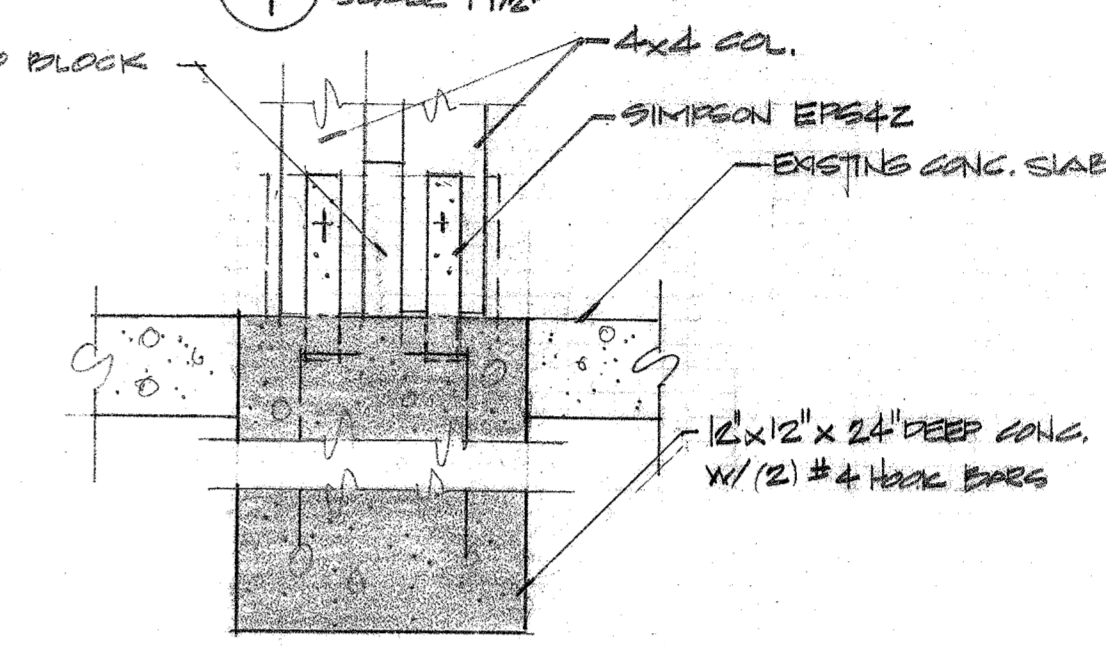
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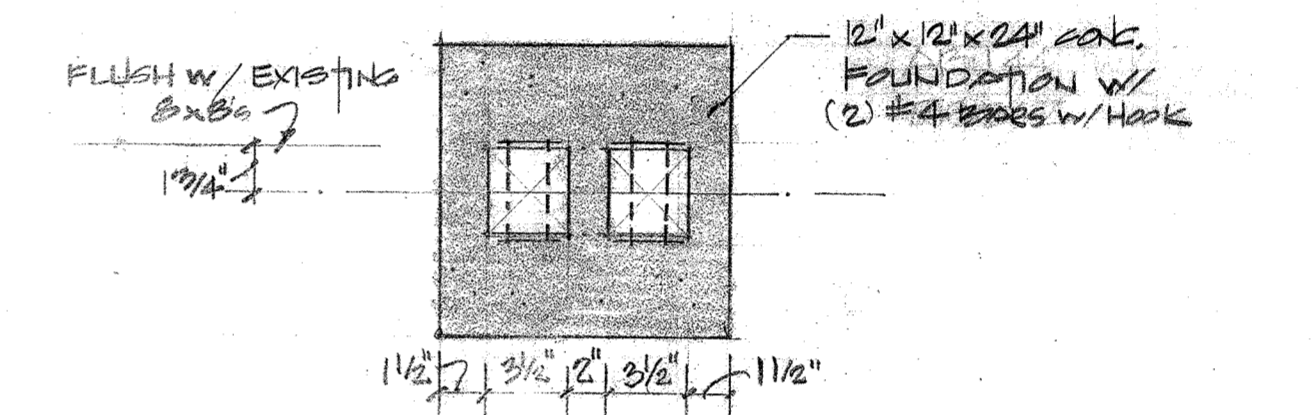
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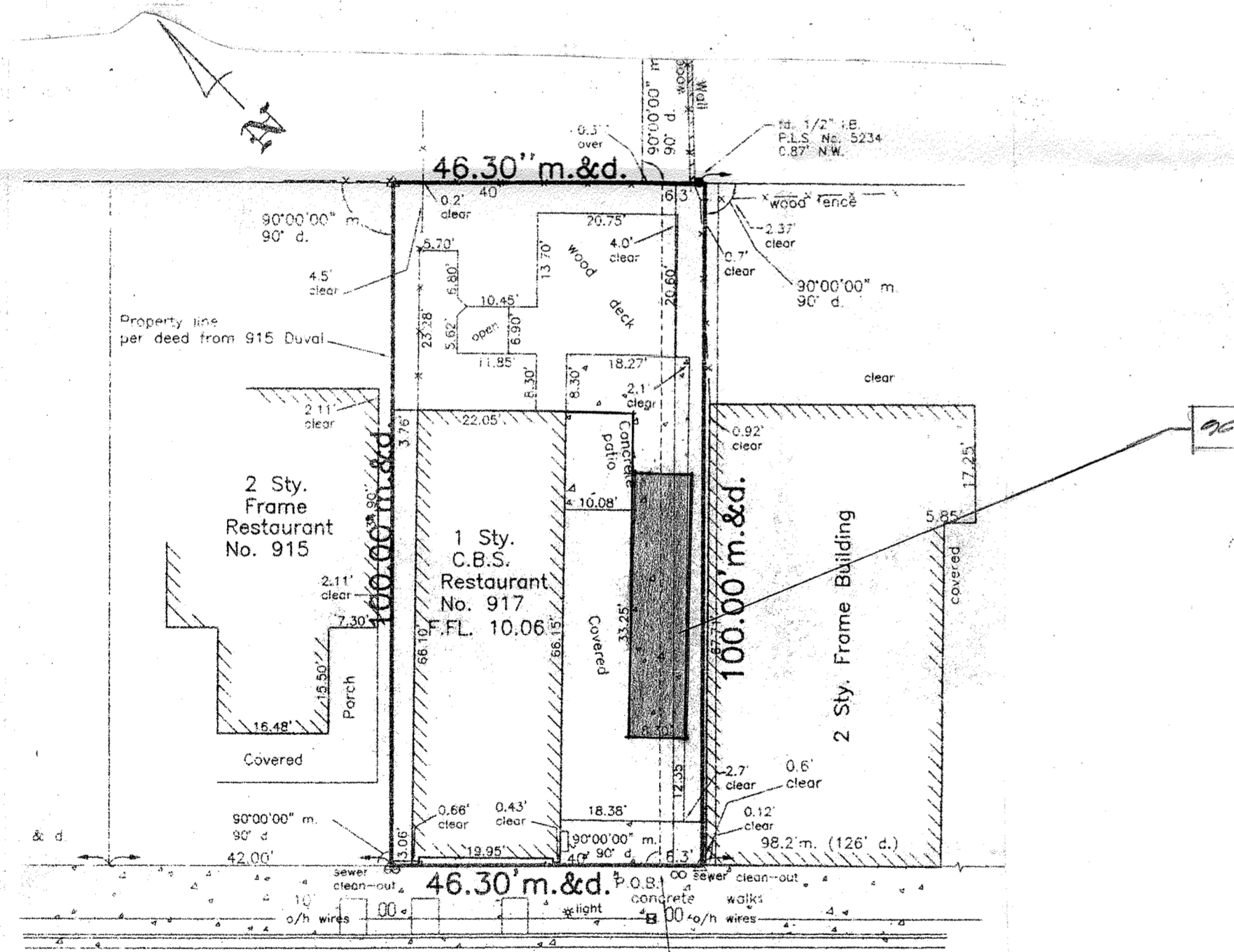
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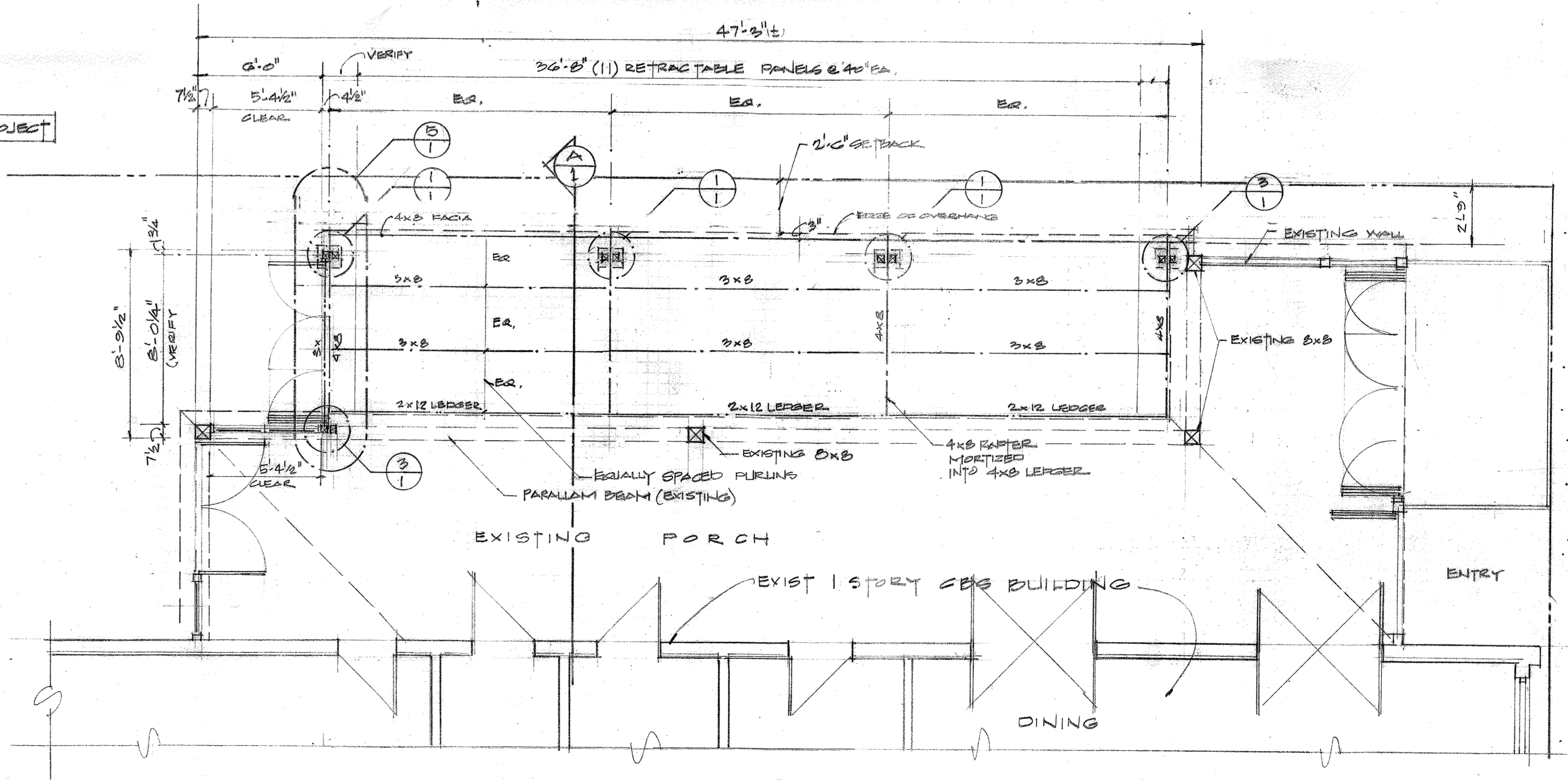
2 DETAIL
SCALE 1/2" = 1'-0"



1 PLAN
SCALE 1/2" = 1'-0"



B SECTION
SCALE 1/2" = 1'-0"



PARTIAL SITE PLAN
SCALE 1/4" = 1'-0"

S NOTES:
 * based on assumed median bearing, R/W Duval Street
 @ existing elevation based on N.G.V.D. 1929 Datum
 k No. U-267 Elevation: 11.614 station:
 1/2" iron pipe, P.L.S. No. 2749
 P.K. Nail, P.L.S. No. 2749
 id P.K. Nail, P.L.S. No. 5234
 rt of Commence
 of Beginning

Abbreviations:
 Sty. = Story
 R/W = Right-of-Way
 f.d. = Found
 p. = Plat
 m. = Measured
 @ = Upset
 o/h = Overhead
 u/g = Underground
 F.F.L. = Finish Floor Elevation
 @ M.W. = Monitoring Well
 @ C.B. = Storm Water Catch Basin

wd. = Wood
 conc. = concrete
 I.P. = iron Pipe
 N.T.S. = Not to Scale
 C. = Centerline
 Elev. = Elevation
 B.M. = Bench Mark
 w.m. = Water Meter
 Bal. = Balcony
 Pl. = Planter
 cov.d. = Covered

SURVEY

MARTIN'S ON DUVAL
 NEW RETRACTABLE AWNING
 917 DUVAL STREET
 KEY WEST FLORIDA

Signature
 10/10/12

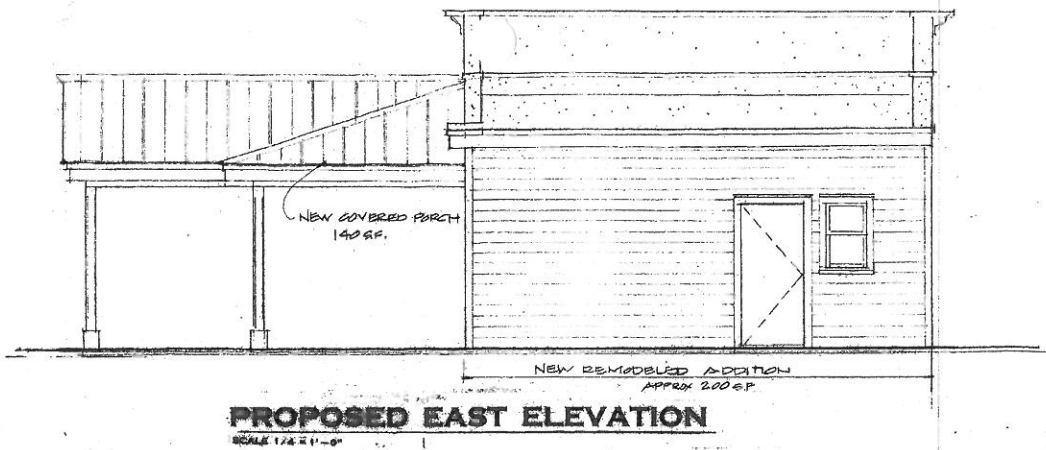
WILLIAM ROWAN
 ARCHITECTURE
 521 PECAN LANE
 KEY WEST, FLORIDA
 FLORIDA LICENSE AR-001751
 305.296.3754

JOB NUMBER
1228

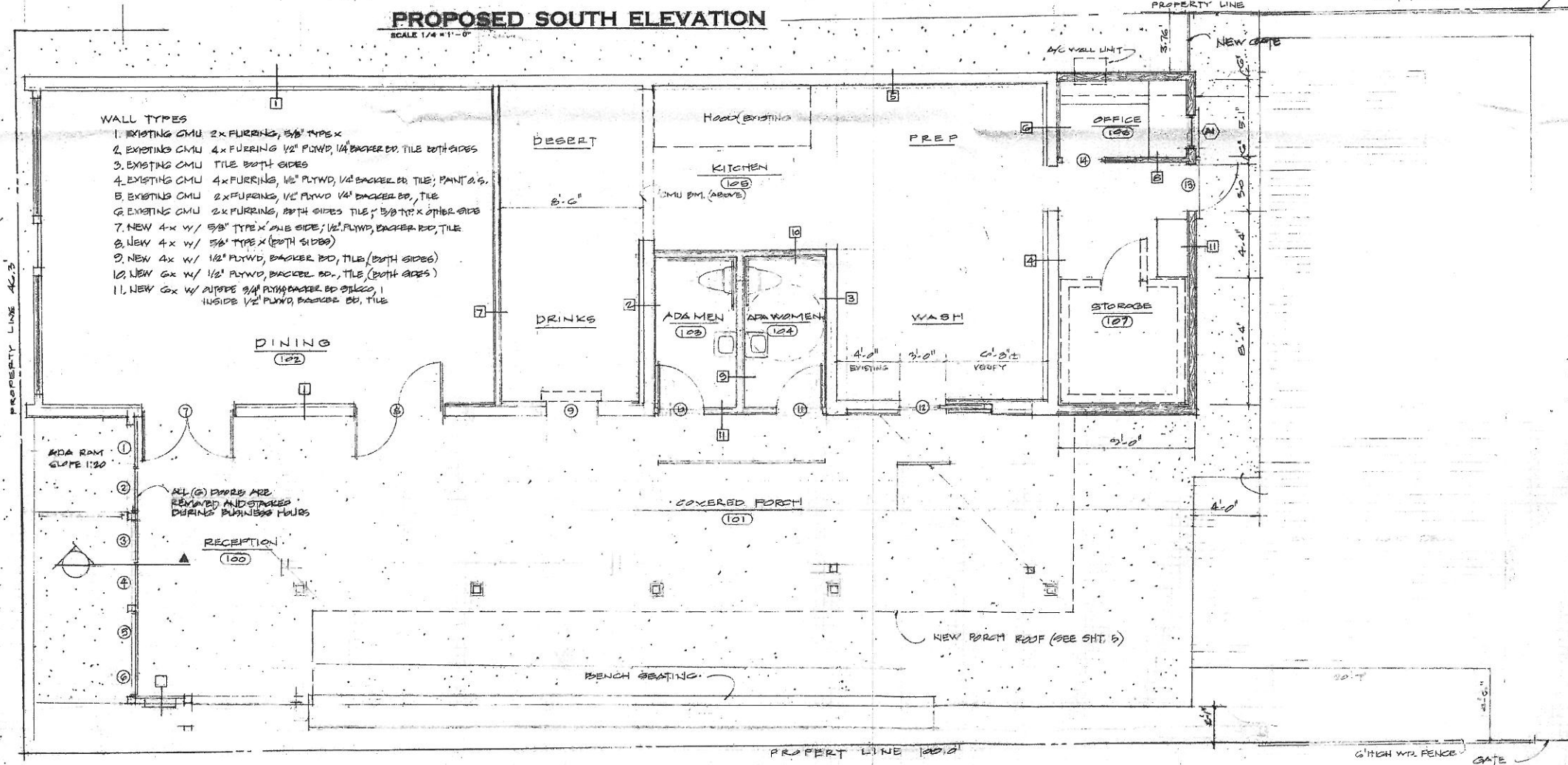
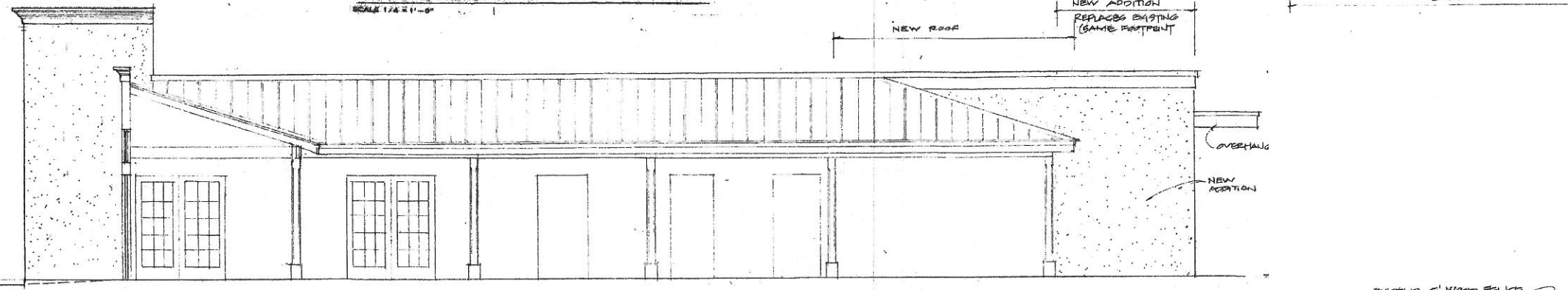
DATE **8-28-12**

1
 OF 1

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 NOV 01 2012
 CITY OF KEY WEST
 PLANNING DEPT.



SIGNAGE
 FACADE A 15.75' x 20.0' = 315
 FACADE B 10.5' x 10.5' = 110.25
 500 SF.
SIGNAGE
 500 SF. x 10% = 50.0 SF.
 SIGN A 36
 SIGN B 16
 52 SF. < 50.0 SF.



SITE DATA			
FEMA FLOOD ZONE	ZONE X		
ZONING DESIGNATION	HS-C2		
MIN. LOT AREA	4000 SF.		
LOT AREA	REQUIRED	EXISTING	PROPOSED
917 DUVAL	4000 SF.	4630 SF.	4630 SF.
BUILDING COVERAGE	2310 SF./50%	2190 SF./47%	2190 SF./47%
MAIN STRUCTURE (CBB)	1350 SF.	1350 SF.	1350 SF.
ADDITION (WOOD)	170 SF.	170 SF.	170 SF.
PORCHES (FIXED 840 SF., AWNING 140 SF.)	700 SF.	700 SF.	700 SF.
IMPERVIOUS SURFACE RATIO	2775 SF./69%	3609 SF./78%	3518 SF./77%
SETBACKS (NO CHANGE TO EXISTING FOOTPRINT)			
FRONT	10 FT.	0.50 FT.	0.50 FT.
SIDE	5 FT.	3.75 FT.	3.75 FT.
REAR	10 FT.	28.00 FT.	28.00 FT.
RESTAURANT SEATING AREA			
DESCRIPTION	DIMENSIONS	AREA	ALLOWABLE SEATING
INSIDE DINING	30.0' x 30.0'	900 SF.	600 SF./15 x 40 = 40 BEATS
OUTSIDE DINING	11.0' x 20.0'	220 SF.	220 SF./15 x 44 = 30 BEATS
	8.0' x 12.0'	96 SF.	96 SF./15 x 8 = 6 BEATS
UNCOVERED	30.0' x 40.0'	1200 SF.	1200 SF./15 x 36 = 117 BEATS
	8.0' x 60.0'	480 SF.	480 SF./15 x 36 = 117 BEATS
	8.0' x 15.0'	120 SF.	120 SF./15 x 8 = 6 BEATS
TOTAL AREA/SEATING		2810 SF.	187 BEATS
LANDSCAPE AREA			
	REQUIRED	EXISTING / PROPOSED	
	4630 SF. x 20% = 926 SF.	500 SF./12%	

MARTIN'S ON DUVAL
 RENOVATION / REMODELING
 917 DUVAL STREET
 KEY WEST, FLORIDA

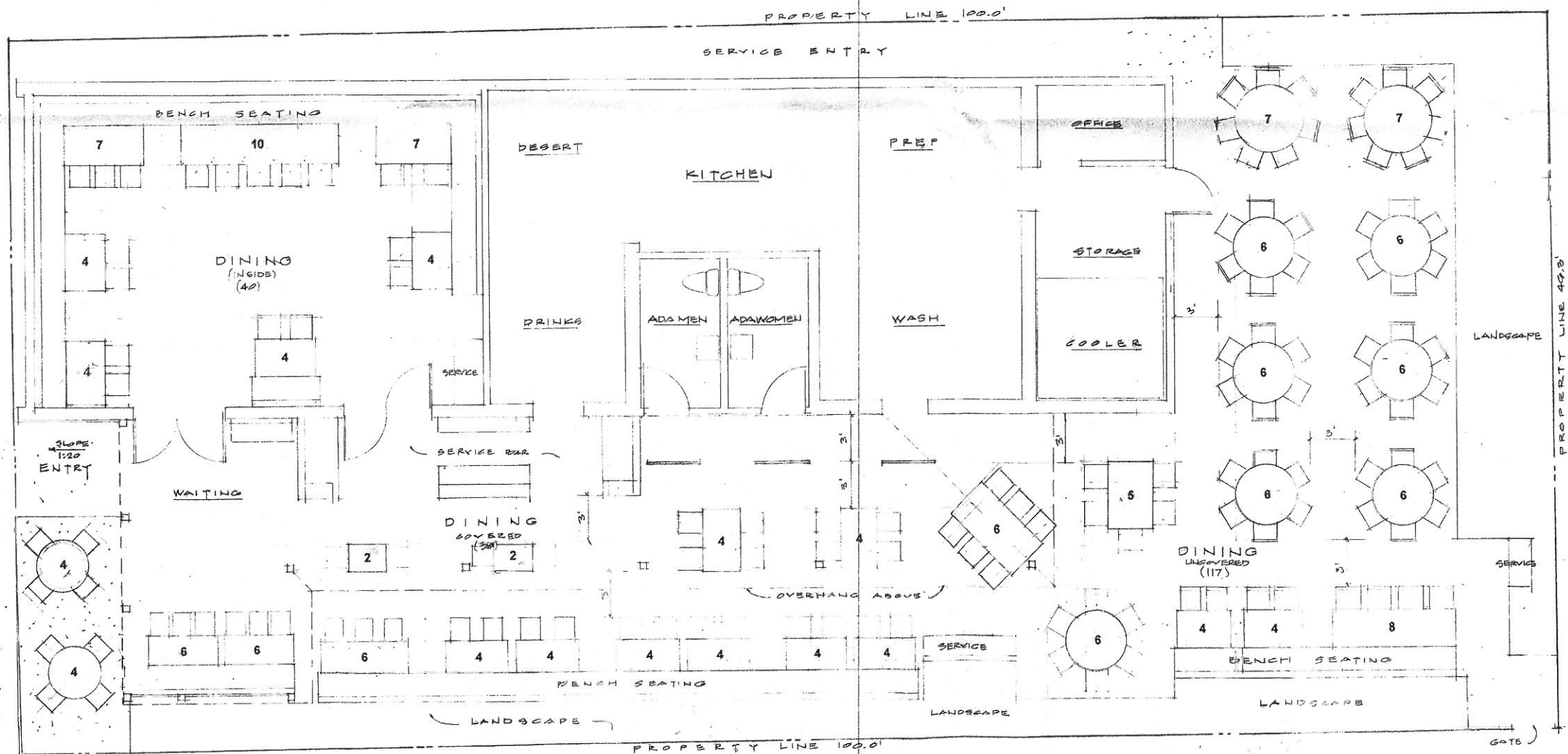
WILLIAM ROWAN ARCHITECTURE
 KEY WEST, FLORIDA
 FLORIDA LICENSE AR-001251
 531 PEACOCK LANE
 305.256.5764

JOB NUMBER
 0072
 DATE 12/12/20

MARTIN'S ON DUVAL
 RENOVATION / REMODELING
 917 DUVAL STREET
 KEY WEST, FLORIDA

SITE DATA			
FEMA FLOOD ZONE ZONING DESIGNATION MIN. LOT AREA	ZONE X HRC-03 4000 S.F.		
LOT AREA	REQUIRED	EXISTING	PROPOSED
917 DUVAL	4000 S.F.	4630 S.F.	4630 S.F.
BUILDING COVERAGE	2315 S.F./50%	2190 S.F./47%	2190 S.F./47%
MAIN STRUCTURE (CBB)		1320 S.F.	1320 S.F.
ADDITION (WOOD)		170 S.F.	170 S.F.
PORCHES (FIXED 560 S.F., AWNING 140 S.F.)		700 S.F.	700 S.F.
IMPERVIOUS SURFACE RATIO	2778 S.F./60%	3809 S.F./82%	3518 S.F./78%
SETBACKS (NO CHANGE TO EXISTING FOOTPRINT)			
FRONT	10 FT.	0.88 FT.	0.88 FT.
SIDE	5 FT.	3.76 FT.	3.76 FT.
REAR	15 FT.	25.00 FT.	25.00 FT.
RESTAURANT SEATING AREA			
DESCRIPTION	DIMENSIONS	AREA	ALLOWABLE SEATING
INSIDE DINING	20.0' X 30.0'	600 S.F.	600 S.F./15 = 40
OUTSIDE DINING COVERED	11.0' X 80.0' 8.0' X 12.0'	880 S.F. 96 S.F.	880 S.F./15 = 44 90 S.F./15 = 6
UNCOVERED	20.0' X 40.0' 8.0' X 68.0' 8.0' X 15.0'	800 S.F. 540 S.F. 120 S.F.	800 S.F./15 = 53 540 S.F./15 = 36 120 S.F./15 = 8
TOTAL AREA/SEATING		2810 S.F.	187 SEATS
LANDSCAPE AREA			
	REQUIRED	EXISTING / PROPOSED	
	4630 S.F. X 20% = 926 S.F.	560 S.F./12%	

D U V A L S T R E E T



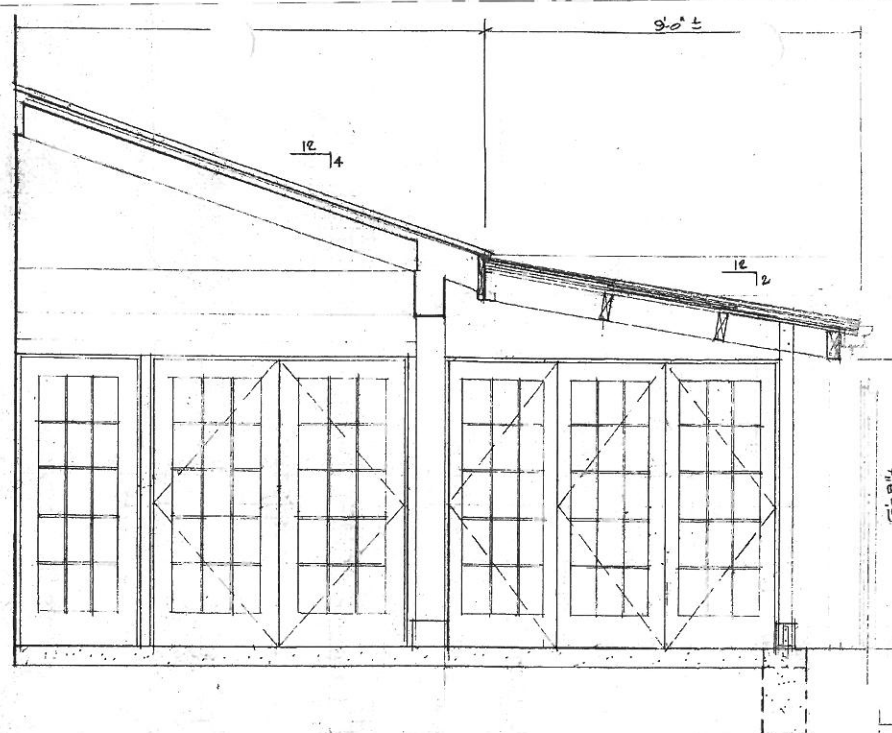
PROPOSED SEATING PLAN
 SCALE 1/4" = 1' - 0"



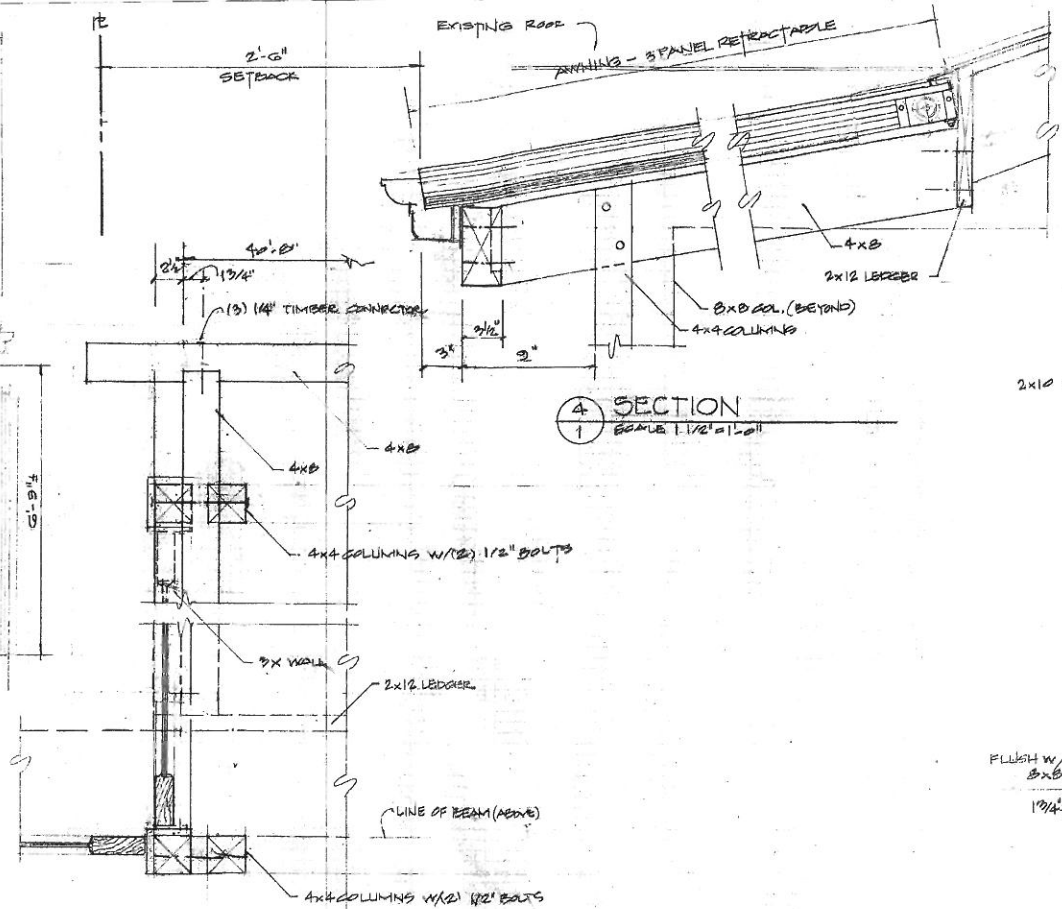
WILLIAM ROWAN
 ARCHITECTURE
 KEY WEST, FLORIDA
 521 PERCON LANE
 303 996 3784
 FLORIDA LICENSE AR-007251

JOB NUMBER
0032

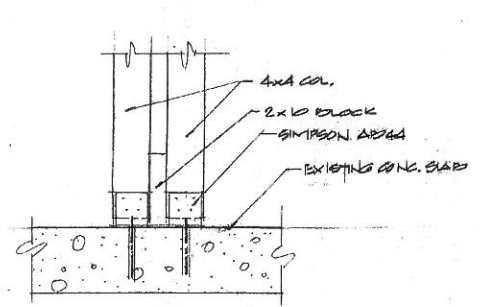
DATE | 25 | 07



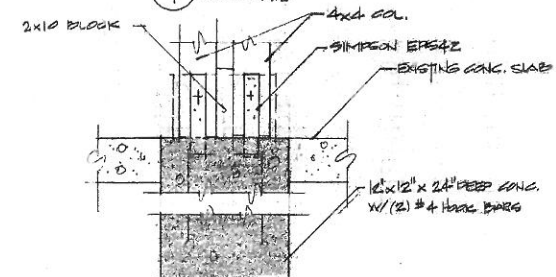
A SECTION - ELEVATION
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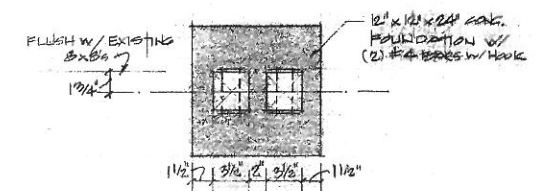
4 SECTION
SCALE 1/2" = 1'-0"



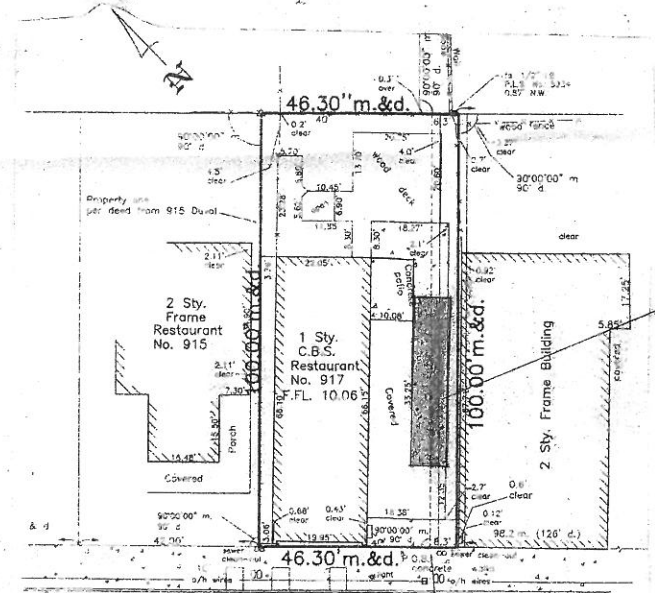
3 DETAIL
SCALE 1/2" = 1'-0"



2 DETAIL
SCALE 1/2" = 1'-0"



1 PLAN
SCALE 1/2" = 1'-0"



5 NOTES:
 * Taken on assumed median bearing. R/W Duval Street is existing elevation based on N.G.V.D. 1929 Datum & No. 11-267 Elevation: 11.614 station:
 1/2" Iron P.S. No. 2749
 3/4" Iron P.S. No. 2749
 4" P.K. No. P.L.S. No. 5234
 † at Commence
 † at Beginning

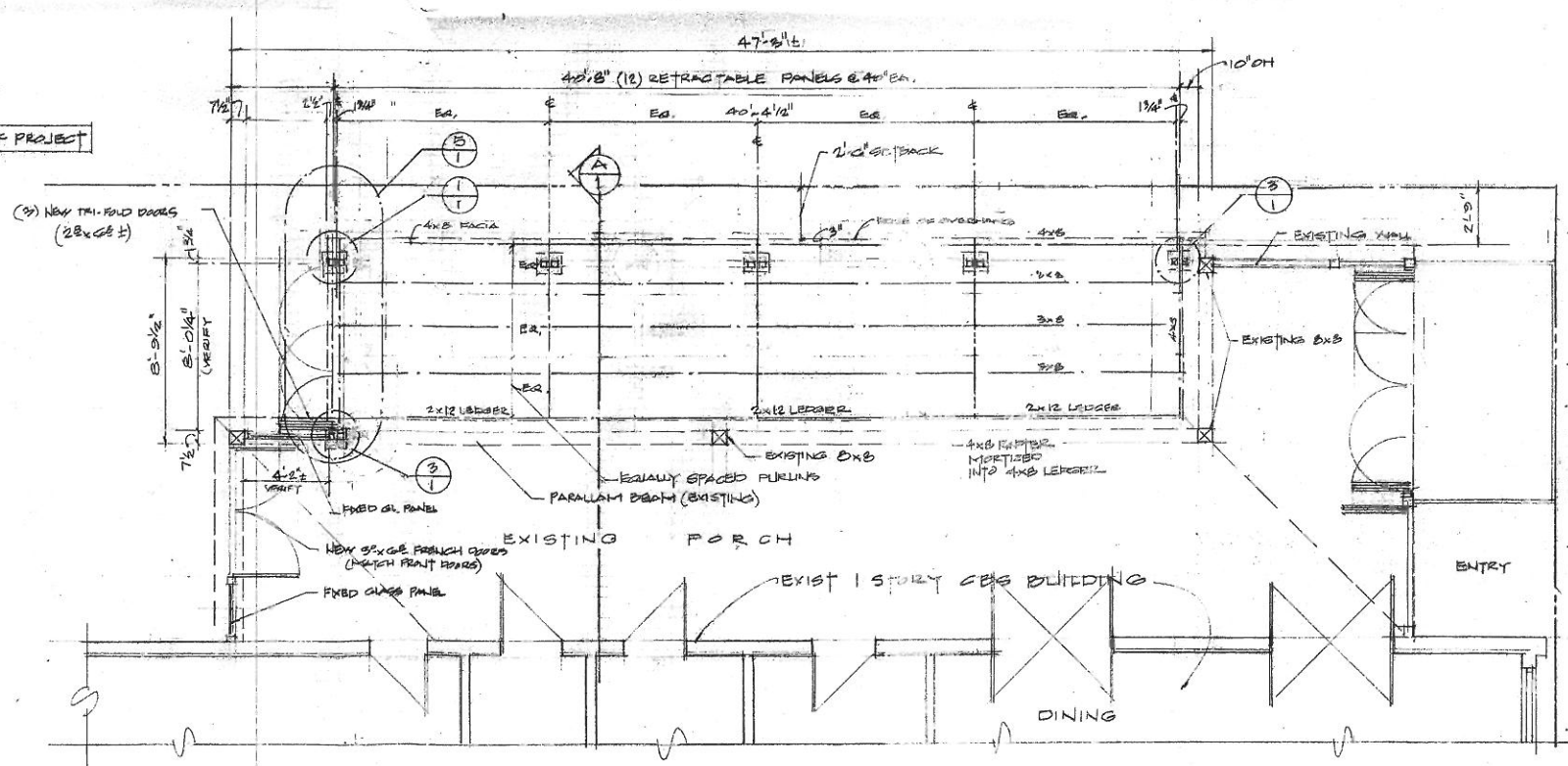
DUVAL STREET (50' R/W)

Abbreviations:
 Sty. = Story
 R/W = Right-of-Way
 fd. = Found
 p. = Plot
 m. = Measured
 c. = centerline
 o/h = Overhead
 u/g = Underground
 F.F.L. = Finish Floor Elevation
 M.W. = Monitoring Well
 C.B. = Storm Water Catch Basin

wd. = Wood
conc. = concrete
I.P. = iron pipe
N.T.S. = Not to Scale
cl. = centerline
Elev. = Elevation
B.M. = Bench Mark
w.m. = Water Meter
Bal. = Baseline
Pl. = Plumber
cov'd. = Covered

SURVEY

B SECTION
SCALE 1/2" = 1'-0"



PARTIAL SITE PLAN
SCALE 1/4" = 1'-0"

MARTIN'S ON DUVAL
NEW RETRACTABLE AWNING
 917 DUVAL STREET
 KEY WEST, FLORIDA

WILLIAM ROWAN
 ARCHITECTURE
 528 BEACON LANE
 KEY WEST, FLORIDA
 FLORIDA LICENSE #AR-031751

JOB NUMBER
1220

DATE 11-24-12

1

OF 1



Brendon Cunningham <bcunning@keywestcity.com>

Martin's 917 Duval

1 message

william rowan <wrowan@gmail.com>

Tue, Jan 8, 2013 at 9:19 AM

To: Brendon Cunningham <bcunning@keywestcity.com>

Brendon,

Below are the revised calculations;

Lot Size	50' x 100'	5000 sf
Building Coverage		
CBS Structure	22' x 75'	1650sf
Covered Porches	12' x 66'	797sf
Total		2347sf
Proposed Retractable Awning		
Opened	3' x 42'	126sf
Closed	9' x 42'	378sf
	Total Open	2473sf
	Total Closed	2725sf

Building Coverage	Allowed	Existing	Proposed
	50% / 2500sf	47% / 2347sf	Open 49.5% / 2473sf
			Closed 54.5% / 2725sf

Note: The Retractable Awning would only be in the **Closed** position when it is raining.

William Rowan
 Architect
 305-296-3784







Additional Information

GRANT OF EASEMENT

Doc# 1774715
Bk# 2449 Pg# 1402

THIS GRANT OF EASEMENT, given into this 19th day of JANUARY, 2010, by MARTIN'S ON DUVAL, LLC, a Florida limited liability company ("Grantor"), whose street address is 917 DUVAL STREET, KEY WEST, FL 33040, to BANSHEE, LLC, a Florida limited liability company, 915 DUVAL STREET, KEY WEST, FL 33040 ("Grantee").

WITNESSETH:

RECEIVED

WHEREAS, the Grantor and Grantee wish to provide for an exclusive, perpetual easement which shall be a covenant running with the land, and shall be for the benefit of that certain piece or parcel of property located in Monroe County, Florida, being more particularly described in Exhibit "A" ("Grantee's Property");

NOV 01 2012

WHEREAS, the Grantor has agreed, in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other good and valuable consideration, and on the terms and conditions of this instrument, to grant to Grantee, its agents, employees, invitees and guests, an exclusive easement over the Easement Area (as defined below) for ingress, egress, maintenance and repair of the Grantee's Property, and placement of movable chairs and tables;

NOW THEREFORE, the Grantor, on the terms and conditions of this instrument, hereby grants, sells, aliens, remises, conveys, and confirms, unto the Grantee, its agents, employees, invitees, guests, and its successors an exclusive easement across the property legally described on the attached Exhibit "B" (the "Easement Area"), for ingress, egress, maintenance and repair of the Grantee's Property, and placement of movable chairs and tables.

This grant of easement is conditioned upon the following terms and conditions, and, in consideration of the said grant of easement, the Grantee agrees to abide by the same:

1. The use of the Easement Area by the Grantee shall be limited to (i) ingress and egress to and from the Grantee's Property, (ii) maintenance of the Grantee's Property, and (iii) placement of moveable tables and chairs for service of invitees and guests of Grantee in connection with the operation of a restaurant on the Grantee's Property.
2. All structures currently located in the Easement Area may remain within the Easement Area, including, but not limited to, Grantor's electrical service panel and Grantee's propane tanks, generator and kitchen exhaust fans. Notwithstanding the foregoing, in the event Grantee's generator interferes with Grantor's access to the Easement Area, then Grantee shall relocate Grantee's generator to a location which is mutually acceptable by both Grantor and Grantee, and the costs of said relocation shall be paid by Grantor.
3. The use of the Easement Area by the Grantee shall not in any way obstruct the Grantor's ingress and egress across the Easement Area. Ingress and egress across the Easement

Area shall not be obstructed by the Grantee despite the existence of an alternative means of ingress and egress to property owned by Grantor.

4. The Grantor shall have the right to place support columns, conduits, plumbing equipment, electric service panels, or any other structures which Grantor deems necessary, within the Easement Area, provided that said items do not extend more than one (1) foot into the Easement Area. Notwithstanding the foregoing, Grantor shall not place or construct any refrigeration condensers within the Easement Area.
5. The Grantor and the Grantee agree not utilize the Easement Area to facilitate any construction, repairs or maintenance between the hours of 4:00 PM and 12:00AM.
6. Grantor and Grantee each acknowledge and understand that Grantor intends to erect a second floor over Grantor's existing structure located on property adjacent to the Easement Area which is owned by Grantor. Grantor agrees that said second floor shall contain at least a 12 foot setback from Duval Street. Notwithstanding the foregoing, Grantor may erect an open air/balcony type structure within the aforementioned 12 foot setback, and said open air/balcony type structure may be covered by a roof.

[Remainder of Page Intentionally Left Blank]

- 7. The Grantee shall be responsible for the cost of maintenance of the Easement Area and damage to the Easement Area caused by Grantee.
- 8. The Grantee agrees that it shall include the Easement Area in the coverage provided in its public liability insurance policies in force from time to time, such coverage to be in like amounts as in place on the Grantee's Property, and that it shall name the Grantor as an additional insured under all such policies. The Grantee shall maintain such policies in force throughout the life of this easement and shall provide to the Grantor proof of insurance at each renewal of such policies or upon request from the Grantor.
- 9. The Grantee shall utilize the Easement Area in accordance with all applicable state, local and municipal laws, rules and regulations.

IN WITNESS WHEREOF, the Grantor has set its hand and seal on the date above written.

Witness: *Maria Castro*
 Print Name: Maria Castro

Grantor:
 MARTIN'S ON DUVAL, LLC, a Florida
 limited liability company
 917 Duval Street, Key West, Florida, 33040

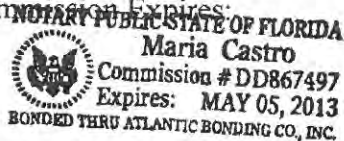
Witness: *Marc L. Rose*
 Print Name: MARCIL ROSE

By: *M. Busam*
 Name: M. Busam
 Title: Managing Member

STATE OF FLORIDA)
)
 COUNTY OF Monroe) SS

The foregoing instrument was acknowledged before me this 19 day of January, 2010, by M. Busam, as Member of MARTIN'S ON DUVAL, LLC, a Florida limited liability company. He is personally known to me or has produced a driver's license as identification.

Maria Castro
 Name: Maria Castro
 NOTARY PUBLIC, State of Florida
 Serial No:
 My Commission Expires:



Grantee:

Doc# 1774715
Bk# 2449 Pg# 1405

Witness: Tania Ortiz

Print Name: Tania Ortiz

Witness: Maria Castro

Print Name: Maria Castro

Banshee, LLC, a Florida Limited Liability Company

[Signature]

915 Duval Street, Key West, Fl. 33040

By: STUART KEMP

Name: _____

Title: MANAGING MEMBER

STATE OF FLORIDA

COUNTY OF Monroe

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me this 19 day of January, 2010, by Stuart Kemp, as _____ of BANSHEE, LLC, a Florida limited liability company, to me personally known or produced identification _____. Type of Identification produced _____

[Signature]

Name: Maria Castro

Notary Public

My Commission Expires: _____

Commission No. _____

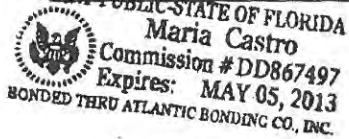


EXHIBIT "A"
Grantee's Property

Doc# 1774715
Bk# 2449 Pg# 1406

915 DUVAL STREET

On the Island of Key West, part of Lots two (2) and four (4) of Square eight (8) of Tract four (4) according to Simonton and Wall's Addition to the City of Key West, duly recorded in Deed Book "E", page 243, Monroe County Public Records and is known as Lot 5 according to E.O. Gwynn's Subdivision of said Lots two (2) and four (4). Commencing at a point on Duval Street one hundred sixty-eight (168) feet from the easterly corner of the intersection of Duval Street and Olivia Street, and run thence in a southeasterly direction forty-two (42) feet; thence at Right Angles in a northeasterly direction one hundred (100) feet; thence at right angles in a northwesterly direction forty-two (42) feet; thence at right angles in a southwesterly direction one hundred (100) feet back to the Point of Beginning. Being the same parcel described at Book C-3, Page 229 and at Deed Book D-2, Page 465, Monroe County, Florida Public Records and intended to be the same parcel acquired by J. Grant New, Deed Date 7 June 77, Recorded O.R. 717, Page 43, Public Records, Monroe County, Florida.

Less and Except the Following:

On the Island of Key West, Monroe County, Florida, known as WM A. Whitehead's Map delineated in February A.D. 1829, as a part of Tract 4 and on Simonton & Wall's addition as a part of Lot 2, Square 8, Tract 4 and better described as part of Subdivision 4 of Lot 2 of Square 8 of said Tract 4 according to E.O. Gwynn's Diagram of Lots 2 and 4 in Square 8 of Simonton and Wall's addition recorded the 14th day of August, 1873 in Deed Book "H" Page 669, Monroe County, Florida Records; being more particularly described as follows:

Commence at the intersection of the southeasterly right-of-way line of Olivia Street with the northeasterly right-of-way of Duval Street and Run thence southeasterly along said Duval Street for a distance of 168 feet to the Point of Beginning of the Parcel of land being described herein; thence continue southeasterly along said Duval Street for a distance of 6.2 feet to a chain link fence; thence northeasterly along said fence for a distance of 97 feet to the fence corner; thence northeasterly along said fence for a distance of 5.5 feet to the southeasterly boundary line of said Subdivision 4; thence southwesterly along the southeasterly boundary of said Subdivision 4 for a distance of 97 feet back to the Point of Beginning.

And also the following:

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 4, but better described as a part of Lot 6, in Square 8 of said Tract 4, according to Gwynn's diagram recorded in Plat Book "H", at Page 669, of Monroe County, Florida Public Records, and being more particularly described as follows: COMMENCE at the southeasterly right-of-way line of Olivia Street and the northeasterly right-of-way line of Duval Street; thence run southeasterly along the northeasterly right-of-way line for a distance of

210.00 feet; thence northeasterly at right angles for a distance of 10.81 feet to the Point of Beginning; thence southeasterly at right angles for a distance of 0.47 feet; thence northeasterly at an angle of $89^{\circ}44'25''$ deflected to the left for a distance of 22.91 feet; thence northwesterly at an angle of $90^{\circ}06'39''$ deflected to the left for a distance of 0.15 feet; thence northeasterly at an angle of $89^{\circ}59'54''$ deflected to the right for a distance of 34.76 feet; thence northwesterly at right angles for a distance of 0.51 feet; thence southwesterly at an angle of $90^{\circ}08'50''$ deflected to the left for a distance of 57.67 feet back to the Point of Beginning.

EXHIBIT "B"
Easement Area

A Parcel of land on the Island of Key West, Monroe County, Florida, said parcel being described by metes and bounds as follows: commence at the intersection of the SE'LY Right-Of-Way-Line (ROWL) of Olivia Street with the NE'LY ROWL of Duval Street and run thence in SE'LY direction along the said ROWL of Duval Street for a distance of 210 feet to the Point of Beginning of the parcel of land being described herein; thence NE'LY and at right angles for a distance of 97 feet; thence SE'LY and at right angles for a distance of 5.5 feet; thence; SW'LY for a distance of 97 feet to a point on the NE'LY ROWL of the said Duval Street, said point being 6.2 feet SE'LY of the Point of Beginning; thence NE'LY along the NE'LY ROWL of the said Duval Street for a distance of 6.2 feet back to the Point of Beginning.

Less and except the following:

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 4, but better described as a part of Lot 6, in Square 8 of said Tract 4, according to Gwynn's diagram recorded in Plat Book "H", at Page 669, of Monroe County, Florida Public Records, and being more particularly described as follows: COMMENCE at the southeasterly right-of-way line of Olivia Street and the northeasterly right-of-way line of Duval Street; thence run southeasterly along the northeasterly right-of-way line for a distance of 210.00 feet; thence northeasterly at right angles for a distance of 10.81 feet to the Point of Beginning; thence southeasterly at right angles for a distance of 0.47 feet; thence northeasterly at an angle of 89°44'25" deflected to the left for a distance of 22.91 feet; thence northwesterly at an angle of 90°06'39" deflected to the left for a distance of 0.15 feet; thence northeasterly at an angle of 89°59'54" deflected to the right for a distance of 34.76 feet; thence northwesterly at right angles for a distance of 0.51 feet; thence southwesterly at an angle of 90°08'50" deflected to the left for a distance of 57.67 feet back to the Point of Beginning.

And less and except the following:

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 4, but better described as a part of Lot 6, in Square 8 of said Tract 4, according to Gwynn's diagram recorded in Plat Book "H", at Page 669, of Monroe County, Florida Public Records, and being more particularly described as follows: COMMENCE at the southeasterly right-of-way line of Olivia Street and the northeasterly right-of-way line of Duval Street; thence run southeasterly along the northeasterly right-of-way line for a distance of 215.93 feet to the Point of Beginning; thence continue southeasterly along the northeasterly right-of-way line of Duval Street for a distance of 0.27 feet; thence northeasterly at an angle of 90°24'49" deflected to the left for a distance of 27.87 feet; thence southwesterly for a distance of 27.87 feet back to the Point of Beginning.

SUNLITE Solar Control

THERMAL AND OPTICAL PROPERTIES of SOLAR CONTROL SHEETS SUNLITE - Solar Light and Radiation Transmission Properties

Product	%LT	%LR	%ST	%SR	%SA	%SR _t	%ST _t	SC
	ASTM D-1003	ASTM E424-71	ASTM E424-71	ASTM E424-71	ASTM E424-71	ASTM E424-71	ASTM E424-71	ASTM E424-71
Clear ^a	73 ^b	23	71	23	6	27	73	0.84
Bronze ^a	40 ^b	15	48	16	36	45	55	0.63
Opal ^a	45 ^b	21	49	20	31	43	57	0.66
Solar Metallic	25	29	24	29	47	63	37	0.43
Solar Ice	20	52	32	44	34	62	38	0.44

^a 16 mm sheet

^b Values differ slightly from standard SUNLITE products depicted on page 5.

Definitions

Visible Light Radiation

The portion of the light spectrum whose wavelength ranges from 400 nm to 700 nm.

% Light Transmission (%LT)

Percentage of incident visible light that passes through an object.

% Light Reflection (%LR)

Percentage of incident visible light that strikes an object and returns in the form of visible light.

% Light Absorption (%LA)

Percentage of incident visible light that strikes an object and is absorbed by it.

$$\%LT + \%LR + \%LA = 100\%$$

Solar Radiation

The solar spectrum ranging from 300 nm to 2400 nm. Included are UV, visible and NIR radiation.

% Direct Solar Transmission (%ST)

Percentage of incident solar radiation that passes directly through an object.

% Solar Reflection (%SR)

Percentage of incident solar radiation that strikes an object and is reflected.

% Solar Absorption (%SA)

Percentage of incident solar radiation that strikes an object and is absorbed by it.

$$\%ST + \%SR + \%SA = 100\%$$

Total Solar Transmission (%ST_t)

The percentage of incident solar radiation transmitted by an object which includes the direct solar transmission plus the part of the solar absorption reradiated inward.

Total Solar Reflection (%SR_t)

The percent of incident solar radiation rejected by an object, which includes the solar reflectance plus the part of the solar absorption, reradiated outward.

$$\%ST_t + \%SR_t = 100\%$$

Shading Coefficient (SC)

The ratio of the total solar radiation transmitted by a given material to that transmitted by normal glass, whose light transmission is 87%. It can be approximately calculated by:

$$SC = 1.15 \times (\%ST + 0.27 \times \%SA) / 100$$

$$\%ST + 0.27 \times \%SA = \%ST_t$$

$$SC = 1.15 \times ST_t / 100$$

First note that all SUNLITE sheets transmit practically 0% UV radiation and offer 100% protection to anyone sitting or playing under the sheets. Data is available indicating that tinted sheets absorb more solar energy over the entire spectrum. This energy is partially converted into heat which can be radiated inward, heating the area below the sheets. The Solar Control sheet avoids this by reflecting a much larger percentage of energy over the entire spectrum. Tinted sheets reflect much less energy. SUNLITE Solar Control sheets transmit a uniform 20% to 25% of light energy over a wide portion of the energy spectrum. The result is that the much lower shading coefficients obtained for the Solar Control product result in a temperature reduction of up to 5 °C on a hot summer day.

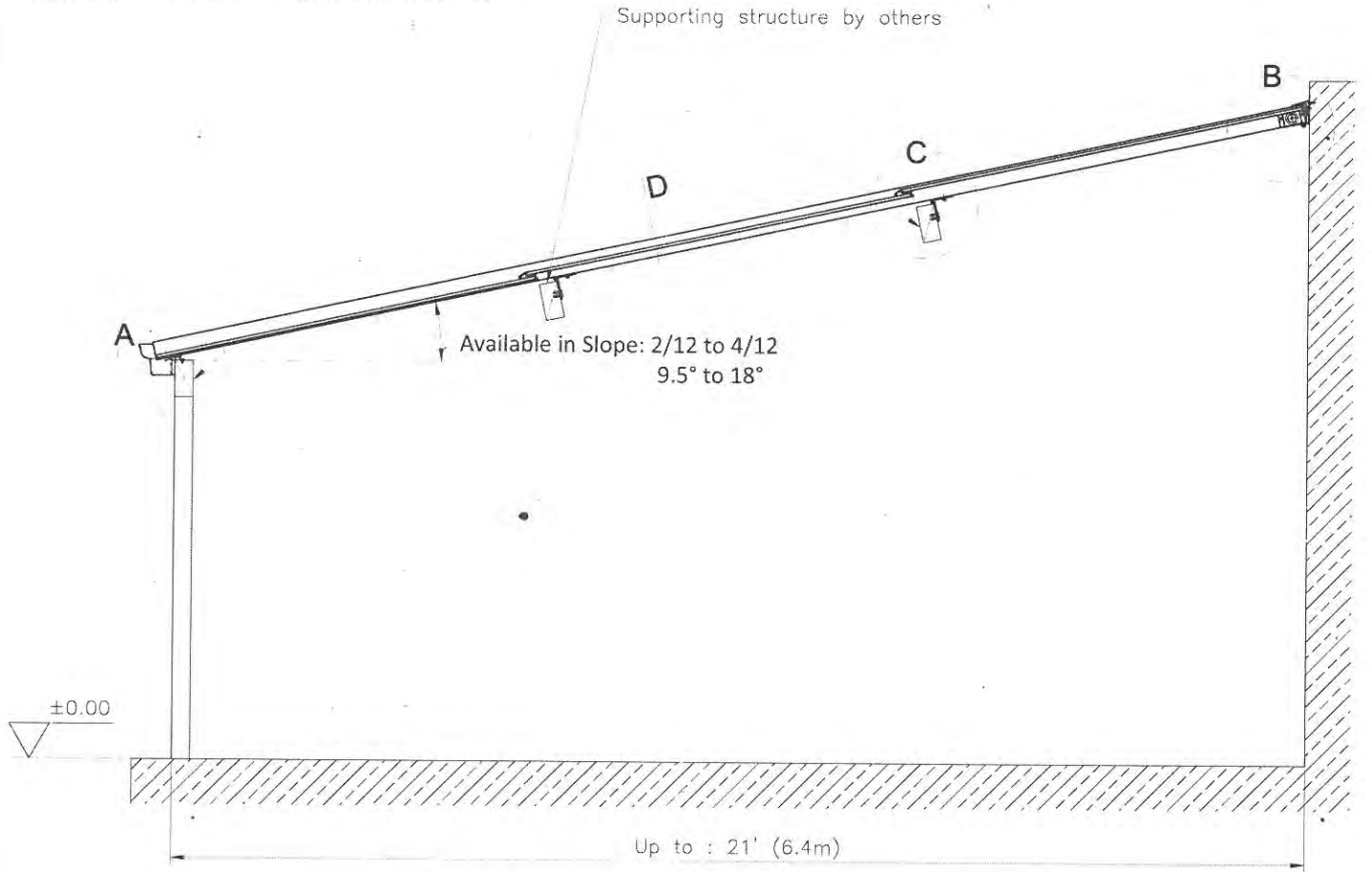
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CITY OF KEY WEST
PLANNING DEPT

MARTIN'S
RESTAURANT

Retractable Roofing RRP16x or RRG (Glass)



SINGLE PITCH (FOR LARGER PROJECTS CONTACT US)

LIBART
ENCLOSURE SYSTEMS
PHONE: 1-866-542 27 82
www.libart.com

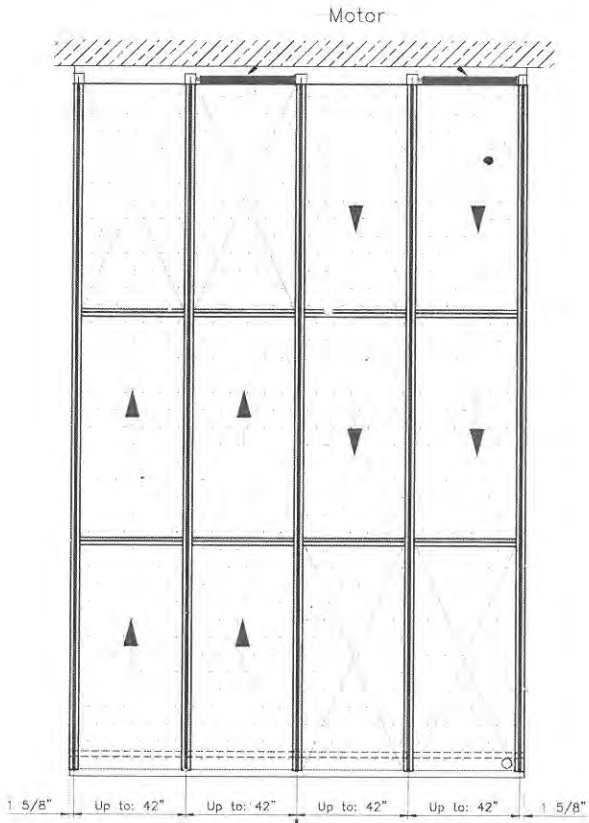
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DRAWING BY						CONFIRMED BY	
CONTROLLED BY						CONFIRMATION DATE	

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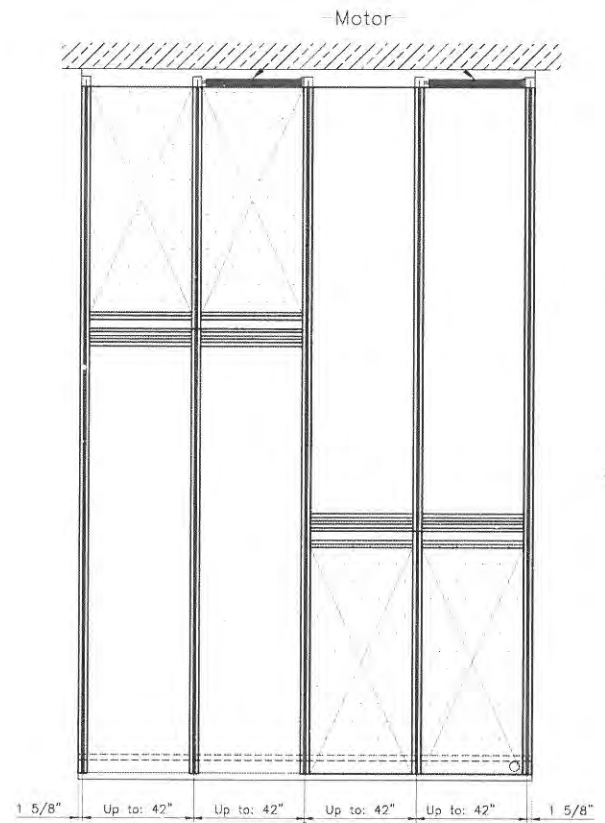
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CITY OF KEY WEST
PLANNING DEPT.

Retractable Roofing RRP16x or RRG (Glass)



Closed Option-1 | Closed Option-2



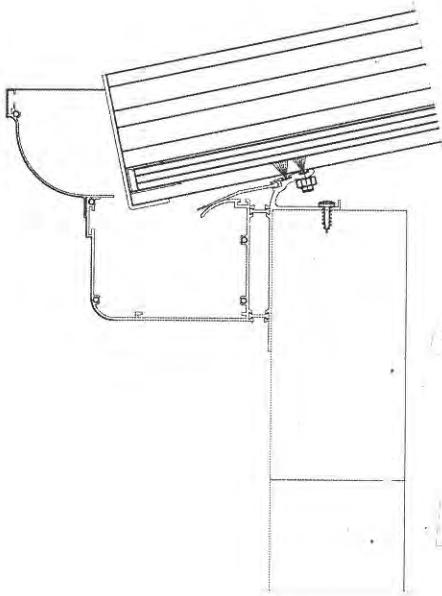
Opened Option-1 | Opened Option-2

Motorized Operation



PROJECT REFERENCE		DWG	003	REV	000	CUSTOMER	LIBART
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CONTROLLED BY						CONFIRMATION DATE	

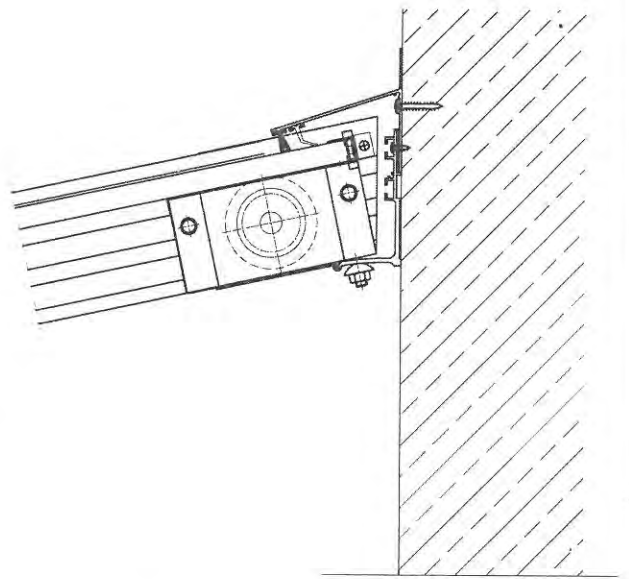
DETAIL A



Support By Others

Door, Windows By Others

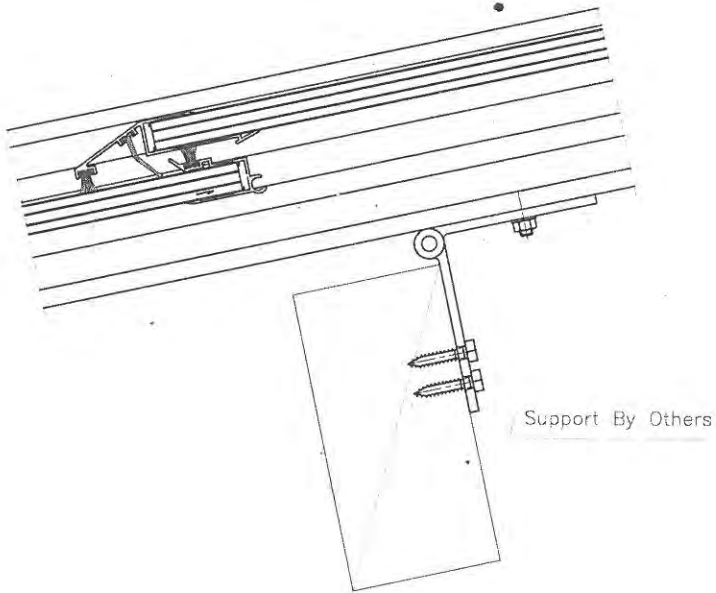
DETAIL B



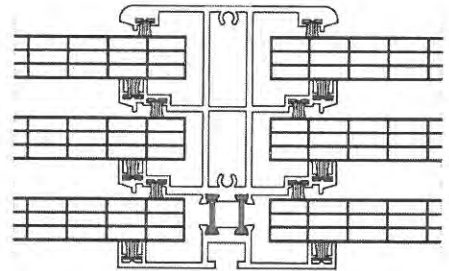
LIBART
ENCLOSURE SYSTEMS
PHONE: 1-866-542 27 82
www.libart.com

PROJECT REFERENCE		DWG	004	REV	000	CUSTOMER	LIBART
TITLE	DETAILS A-B	DATE				PROJECT NAME	RRP/RRG
DRAWING BY						CONFIRMED BY	
CONTROLLED BY						CONFIRMATION DATE	

DETAIL C



DETAIL D



LIBART
ENCLOSURE SYSTEMS
PHONE: 1-866-542 27 82
www.libart.com

PROJECT REFERENCE		DWG	005	REV	000	CUSTOMER	LIBART
TITLE	DETAILS C-D	DATE				PROJECT NAME	RRP/RRG
DRAWING BY						CONFIRMED BY	
CONTROLLED BY						CONFIRMATION DATE	

MARTIN'S
RESTAURANT



LIBART
ENCLOSURE SYSTEMS

Retractable Roof System Specifications

SECTION 13 34 13.19

RETRACTABLE ROOFING SYSTEM

PART 1 – GENERAL

1.1 DESCRIPTION

- 1.1.1 Provide the Libart Retractable Roofing System – SolaGlide™ (or similar) and included equipment as listed herein, of the size and dimensions indicated on the drawings. Finished size of the roofing system may vary slightly as approved by Architect to accommodate manufacturer's standard dimensions but shall not be less than the area indicated
- 1.1.2 Manufacturer to furnish materials and equipment necessary for the roofing system described in this section and contract drawings
- 1.1.3 No fabrication of the structure shall be done until drawings have been approved. Roofing System sub support structure dimensions shall conform to approved Roofing System drawings

1.2 QUALITY ASSURANCE

- 1.2.1 Standards: Comply with International Building Code Standards 2003

1.3 SUBMITTALS

- 1.3.1 Product data: After acceptance of presentation drawings submit fully detailed shop drawings for fabrication of roofing system, including the following:
 - Cross sections
 - Plan view with structure in closed and open position
 - Detail section of typical roofing framing members
 - Hardware
 - Mounting heights
 - Roofing layout with anchoring details to sub support structure (by others)
 - Anchorage and reinforcements

1.4 DESIGN CRITERIA

- 1.4.1 Submit structural calculations for roofing system signed and stamped by a Professional Engineer licensed to practice in the location where the roofing system is to be erected, for review.
- 1.4.2 Structural Performance: Except as noted, and as minimum, roofing systems shall be designed in accordance with current AISI and AISC specifications and specifically The Aluminum Design Manual: Specifications for Aluminum Structures, Allowable Stress Design for design of structural members

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CITY OF KEY WEST
PLANNING DEPT.

1.4.3 Design Loads

- A. Design structure to carry the following loads as specified by appropriate jurisdictional building code standard:
 - a. Dead Load: Structure and Equipment – 4 – 6 lbs per square foot depending on actual module dimensions
 - b. Snow Load: ___ lbs./sq. ft.
 - c. Wind Load: ___ mph, exp. _____
 - d. Special Loads: (If Applicable)
 - e. Applicable Building Code is International Building Code 2003(or appropriate jurisdictional code standard)
- B. Load Combinations
 - a. D.L. + S. L.
 - b. D.L. + W. L.
 - c. D.L. + ½ S.L. + W. L. or (½ W.L. + S.L.)

1.4.4 Engineering Certification

Provide written structural analysis prepared and certified by a Registered Professional Engineer in the state of:

_____, that the roofing system meets all of the above loads

1.5 DELIVERY, STORAGE AND HANDLING

Protect materials during delivery, storage and handling to comply with manufacturers directions and as required to prevent damage or deterioration.

PART 2 – PRODUCTS

2.1 ROOFING SYSTEM

The Roofing System shall be pre-fabricated of extruded aluminum structure, PC glazing and mechanical and electrical system .

Quality standard shall be Libart SolaGlide™ as manufactured by Libart

MATERIALS

2.1.1 Aluminum:

- A. Extrusions:
 - a) Primary Framing: Alloy 6061-T6
 - b) Secondary Framing: Alloy 6061-T6
- B. Roofing system to substructure attachment Plates: Alloy 6061-T6
- C. Finish: All exposed aluminum shall be finished with electro statically applied thermosetting powder coat corrosion resistant finish equal to ANSI/AAMA 2604 to a thickness of 50 – 65 microns

2.1.2 Aluminum Structure:

Roofing System is of manufacturer's extruded aluminum structural members (refer to extrusion profile schedule in drawings). All frame members will be visible. Design shall provide for uniform and set pattern, conforming to spacings indicated. Where design requirements can be met through use of manufacturer's standard components, such components shall be utilized. Structural members and connecting module extrusions shall be sized to meet required design criteria

A. Connections:

- i) Stainless steel bolts (Type 304 hexagon cap SS 3/8"X3/4" DIN933) with size appropriate stainless steel lock type washers and tapped aluminum gusset plates with all field connections of module sub components to be bolted
 - ii) Stainless steel (18-8) 3/8" X 3/4" hexagonal bolts for field installed self-adjusting supporting brackets
- B. Structural Members:**
 - i) 3 1/4" x 6 1/4" 6061-T6 thermally broken extrusions for multi bay roofing structures will be used as specified in engineering drawings and shall extend in each case from roof apex to outside vertical wall. Supporting sub-structure to be provided by others
 - ii) Structural members shall be precision punched or drilled to receive fittings for attaching aluminum sills, gutters, header extrusions, etc. as applicable
- C. Roof System Apex attachment extrusions:**
Provide factory precision milled apex extrusion for roof system attachment. Attachment by means of stainless steel(18-8) 14 x 3/4" and 14 x 2" pan head screws or bolts as appropriate to sub structure and applicable live and dead loads
- D. Roof System wall attachment:**
Each roof module shall terminate at its lowest point at a cross attachment thermally-broken gutter system extrusion capable of sufficient strength to tie roof modules together as well as act as a water run off collection point
- E. Condensation System:**
Provide an integrated condensate channel collection system within the main mullions designed to divert condensation and weep moisture to the exterior
- F. Weather seals:**
Brushes/seals/ pile weather-stripping to meet or **exceeded AAMA 701-2000 requirements between SolaGlide channels and PC glazing** and to control air passage and water seepage between and under structure modules

2.1.3 Fasteners:

- A.** Non-load bearing screws and bolts shall be stainless steel (18-8)
- B.** All structure fasteners shall be type 304 stainless steel bolts. 3/8" or 1/2" as loads dictate
- C.** Provide stainless steel 3/8" or 7/16" threaded or lag bolts as required of sufficient strength and suitability to secure roofing system to structural substructure

2.1.4 Glazing Materials

- A.** Glazing shall be multi wall polycarbonate 4RS/16mm or 6RS/25mm as manufactured by General Electric – Lexan Thermoclear or Multilayer "X" Palram Sunlite Triple"X" 16mm or 25mm as manufactured by Palram Industries, Ltd. with CL solar control coating or equal compliant with BOCA Sec. 2604.1, 2406.1, 2601.3, 803.3.2, 803.4, IBC Sec 2606. Compliance with ANSI z97.1-84 Safety Specification and Method of test for Safety Glazing Materials Used in Buildings as well as conformity to CAN/ULC - S102.2 and ASTM E-84 (class A) ASTM D1929 (self ignition ~1000°F) and ASTM D635 (cc1); EN13501 (B-s2,d0). Light transmission properties of 73% for clear, 55% bronze, 57% opal and UV filter ability of 99.9%. All glazing shall be supplied as specified CL (Solar control) clear, bronze, opal, multi-layered or multilayer X or solar control polycarbonate

PART 3 – AUTOMATION

3.1 MOTOR OPERATION

Roofing System shall be opened and closed utilizing recessed steel-reinforced cog belt drive mechanism with flexible universal joint drives; self adjusting idler pulley system and multi bay inter connected linkage system allowing the flexibility to operate up to 8 bays from a single motor. Hubs, idler wheels, drive gears and pulleys are of stainless steel, aluminum or similar non corrosive maintenance-free materials. The two lower roof sections retract under the top roof section. Opening capability shall be approximately 66% of total roof area

- 3.1.1 Motor Specifications: Ditec DOD 14, 110/120 VAC / 60Hz , self contained control units and multi layer limit switching operated through a toggle dead-man switching system or equivalent
- 3.1.2 Control Specifications: control stations with access controlled momentary contact switches capable of opening individual sections or banks

PART 4 EXECUTION

4.1 PREPARATION

- 4.1.1 Engineered structural supports to be supplied by others in accordance with SolaGlide™ Retractable Roof requirements
- 4.1.2 Coordinate and furnish anchorages, setting diagrams, templates and directions for installation of anchorages. Coordinate delivery of such items to project site

5.1 ERECTION

- 5.1.1 Erect roofing system and related components in accordance with manufacturer's written instructions and final shop and erection drawings, and as directed by manufacturer and if provided, manufacturer's site installation supervisor
- 5.1.2 Erector shall be an experienced crew trained by manufactures authorized installation specialist
- 5.1.3 No modification of roofing system or deviation from manufacturer's installation instructions shall be performed without manufacturer's written authorization

6.1 OPERATION

- 6.1.1 Roofing System retraction and closure shall be from 0% to 66% open position. Roof operable sections shall be capable of being held in any position of travel. Installation shall require "dead-man's" switch.

7.1 WARRANTY

- 7.1.1 **Structural:** All products manufactured by Libart. shall be new and guaranteed free from defects in material and workmanship for ten years from customer receipt. (Manufacturer shall submit warranty for approval with bid.)
- 7.1.2 **Glazing:** All glazing material carries the respective manufacturers' warranties as specified in their supplied documentation
- 7.1.3 **Mechanica! & Electrical:** All electro-mechanical components (motors, belts, gears, chains, interlinks, pulleys and drive-shafts) are warranted by Libart for a period of two years free from manufacturing defects and workmanship

<<end of file>>

DRC
Minutes & Comments

Minutes of the Development Review Committee

November 16, 2012

Approved December 21, 2012

Keys Energy had no objections.

- 7. Transient License Transfer - 1105 Truman Avenue (RE# 00021040-000100) to 506 Catherine Street (RE# 00028500-000000) – Request for a Transient License Transfer from property located in the HNC-1 zoning district to property in the HRCC-3 zoning district per Section 122-1339(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Brendon Cunningham gave members an overview of the Transient License Transfer request.

The applicant's legal representative, Ginny Stones with Stones & Cardenas, was available for questions.

Mr. Craig stated both HNC1 and HRCC1 allow transient use, allowing the transfer of license without a unit going along with it, which is specifically how the code is stated. He requested Ms. Stones arrange an appointment with himself and the City Attorney's office to discuss prior to the Planning Board meeting.

Remaining DRC members had no comments.

Keys Energy had no objections.

- 8. Variances - 917 Duval Street (RE# 00017810-000000) - Request for building coverage and side -yard setback requirements in the HRCC-3 zoning district per Section 122-750(4) a. and (6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Brendon Cunningham gave members an overview of the variances request.

Bill Rowan, the applicant's architect, gave members an overview of the request.

Mrs. Torregrosa stated that HARC approval is required for building a permanent structure.

Mr. Craig stated that by Mr. Rowan's own admission, they are expanding the floor area and this requires a variance for parking. He requested Mr. Rowan arrange an appointment with him to determine if the application is complete with all required variances.

Remaining DRC members had no comments.

Keys Energy had no objections.

- 9. Variances - 726 1/2 Olivia Street (RE# 00020590-000000) - Request for variances to detached habitable space, impervious surface ratio, front, side and rear-yard setback requirements in the HHDR zoning district per Section 122-1078 and 122-630(4) b. and (6) a. b. & c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the variance requests.

The applicant's architect, Michael Ingram, gave members an overview of the request.

Ms. Ignaffo stated that less than 500 square feet of new impervious area will be created. This project is exempt from storm water management system permitting. The site plan shows one ADA accessible parking space to be created in a previous parking area, to include a five-foot access aisle and an eight-foot vehicle space, which

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 -
Map portion under construction.**

Website tested on IE8,
IE9, & Firefox.
Requires Adobe Flash
10.3 or higher

Alternate Key: 1018261 Parcel ID: 00017810-000000

Ownership Details

Mailing Address:
MARTINS ON DUVAL LLC
917 DUVAL ST
KEY WEST, FL 33040-7407

Property Details

PC Code: 21 - RESTAURANTS & CAFETERIAS
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 917 DUVAL ST KEY WEST
Legal Description: KW PT LOT 4 SQR 8 TR 4 OR233-316/317 OR300-312 OR684-119/120 OR822-1399D/C OR838-187D/C OR870-2361 OR1276-1118/20Q/C OR1870-2194/95Q/C OR2248-937/38Q/C OR2248-939/40 OR2248-941/942 OR2449-1399/1401Q/C



Show Parcel Map that can launch map - Must have Adobe Flash Player 10.3 or higher

Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	0	100	4,630.00 SF

Building Summary

Number of Buildings: 1

Number of Commercial Buildings: 1
 Total Living Area: 1452
 Year Built: 1953

Building 1 Details

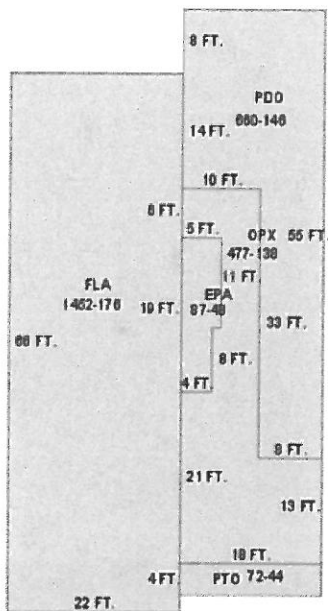
Building Type	Condition <u>A</u>	Quality Grade 350
Effective Age 25	Perimeter 176	Depreciation % 33
Year Built 1953	Special Arch 0	Grnd Floor Area 1,452
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type	Roof Cover	Foundation
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

Extra Features:

2 Fix Bath 0	Vacuum 0
3 Fix Bath 0	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 0
6 Fix Bath 0	Intercom 0
7 Fix Bath 0	Fireplaces 0
Extra Fix 9	Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA		1	1990				1,452
2	PTO		1	1990				72
3	OPX		1	1990				477
4	EPA		1	1990				87
5	PDO		1	1990				660

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	3249	RESTAURANT & CAFETR	100	Y	Y
	3250	PTO	100	N	N
	3251	OPX	100	N	N
	3252	EPA	100	N	N
	3253	PDO	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
850	C.B.S.	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	AC2:WALL AIR COND	2 UT	0	0	1983	1984	2	20

Appraiser Notes

ADJ SQFT TO 4630 SF PER SURVEY

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
1	B94-2367	07/01/1994	11/01/1994	2,500 Commercial	REM PK FENCE,3 SETS FRCDR
2	96-2320	07/01/1996	10/01/1996	5,000 Commercial	ROOF
3	97-0035	01/01/1997	07/01/1997	500 Commercial	SIGN
4	97-2464	08/01/1997	08/01/1997	900 Commercial	SIGN
5	99-3308	10/08/1999	11/03/1999	2,000 Commercial	SIGN
6	99-3476	10/08/1999	11/03/1999	2,600 Commercial	2 NEW AWNINGS/STORM DAMAG
7	02-1365	05/24/2002	08/16/2002	1,000 Commercial	ELECTRICAL
8	05-4654	11/21/2005	07/27/2006	2,000 Commercial	INSTALL FIRE SUPPRESSION SYSTEM
9	05-5189	11/21/2005	07/27/2006	190 Commercial	REPAINT EXISTING WALL SIGN
10	06-6014	11/14/2006		5,000 Commercial	DEMOLISH OF EXISTING INTERIOR WALL & DRYWALL
11	06-6190	11/14/2006		2,400 Commercial	DEMOLIION OF RECEP& LIGHT SWITCHES
12	06-6191	11/14/2006		2,400 Commercial	DEMO KITCHEN SINKS
13	06-6814	02/07/2007		80,000 Commercial	UPGRADE ADA BATHS,REPLACEW DRYWALL,BUILD NEW ROOF
14	07-0941	03/05/2007		2,000 Commercial	PERMIT UP-GRADE CHANGE TO FOUNDATION
15	06-6815	03/08/2007		20,000 Commercial	INSTALL 2 GREASE TRAPS.NEW SEWER
16	07-1861	04/18/2007		37,000 Commercial	UPGRADE SERVICE TO 300 AMPS,HOOK UP MOTORS
17	07-1973	04/23/2007		7,500 Commercial	REVISED PLUMBING

18 07-4011 08/17/2007 1,100 Commercial INSTALL 90 LF OF 6" GUTTER AND DOWNSPOUT

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
2012	178,690	400	652,552	831,642	831,642	0	831,642
2011	178,690	400	652,552	831,642	782,477	0	831,642
2010	188,901	400	522,042	711,343	711,343	0	711,343
2009	188,901	400	589,702	779,003	779,003	0	779,003
2008	196,559	400	822,520	1,019,479	1,019,479	0	1,019,479
2007	140,167	400	1,180,650	1,321,217	1,321,217	0	1,321,217
2006	192,895	400	383,630	721,886	721,886	0	721,886
2005	192,895	400	341,004	601,572	601,572	0	601,572
2004	195,102	400	255,753	601,572	601,572	0	601,572
2003	195,102	400	208,865	601,572	601,572	0	601,572
2002	151,240	400	208,865	601,572	601,572	0	601,572
2001	151,240	400	208,865	459,227	459,227	0	459,227
2000	151,240	400	179,027	447,370	447,370	0	447,370
1999	151,240	400	179,027	447,370	447,370	0	447,370
1998	101,062	400	179,027	281,415	281,415	0	281,415
1997	101,062	400	170,502	281,415	281,415	0	281,415
1996	91,875	400	170,502	246,752	246,752	0	246,752
1995	91,875	450	193,200	246,752	246,752	0	246,752
1994	91,875	584	193,200	233,765	233,765	0	233,765
1993	91,875	640	168,000	260,515	260,515	0	260,515
1992	91,875	695	168,000	260,570	260,570	0	260,570
1991	91,875	750	168,000	260,625	260,625	0	260,625
1990	64,203	5,179	135,450	204,832	204,832	0	204,832
1989	64,203	5,304	134,400	203,907	203,907	0	203,907
1988	61,336	5,262	113,400	179,998	179,998	0	179,998
1987	60,117	5,382	51,450	101,233	101,233	0	101,233
1986	60,285	5,561	50,400	101,233	101,233	0	101,233
1985	58,827	5,681	42,840	98,251	98,251	0	98,251
1984	57,560	5,860	42,840	106,260	106,260	0	106,260
1983	46,794	0	20,748	67,542	67,542	0	67,542
1982	31,491	0	20,748	52,239	52,239	0	52,239

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
1/19/2010	2449 / 1399	100	QC	11
10/4/2006	2248 / 941	1,200,000	WD	Q
1/1/1983	870 / 2361	80,000	WD	Q
2/1/1976	684 / 119	27,500	00	Q

This page has been visited 40,339 times.

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

Public Notices
(mailings & radius map)

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., January 17, 2013 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:

Variances - 917 Duval Street (RE# 00017810-000000) - Request for building coverage and side-yard setback requirements in the HRCC-3 zoning district per Section 122-750(4) a. and (6) b. 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:

Variations - 917 Duval Street (RE# 00017810-000000) - Request for building coverage and side -yard setback requirements in the HRCC -3 zoning district per Section 122-750(4) a. and (6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant	William Rowan	Owner:	Martin Busam
Project Location:	917 Duval Street	Date of Hearing:	Thursday, January 17, 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 Karen de Berjeois at kdeberje@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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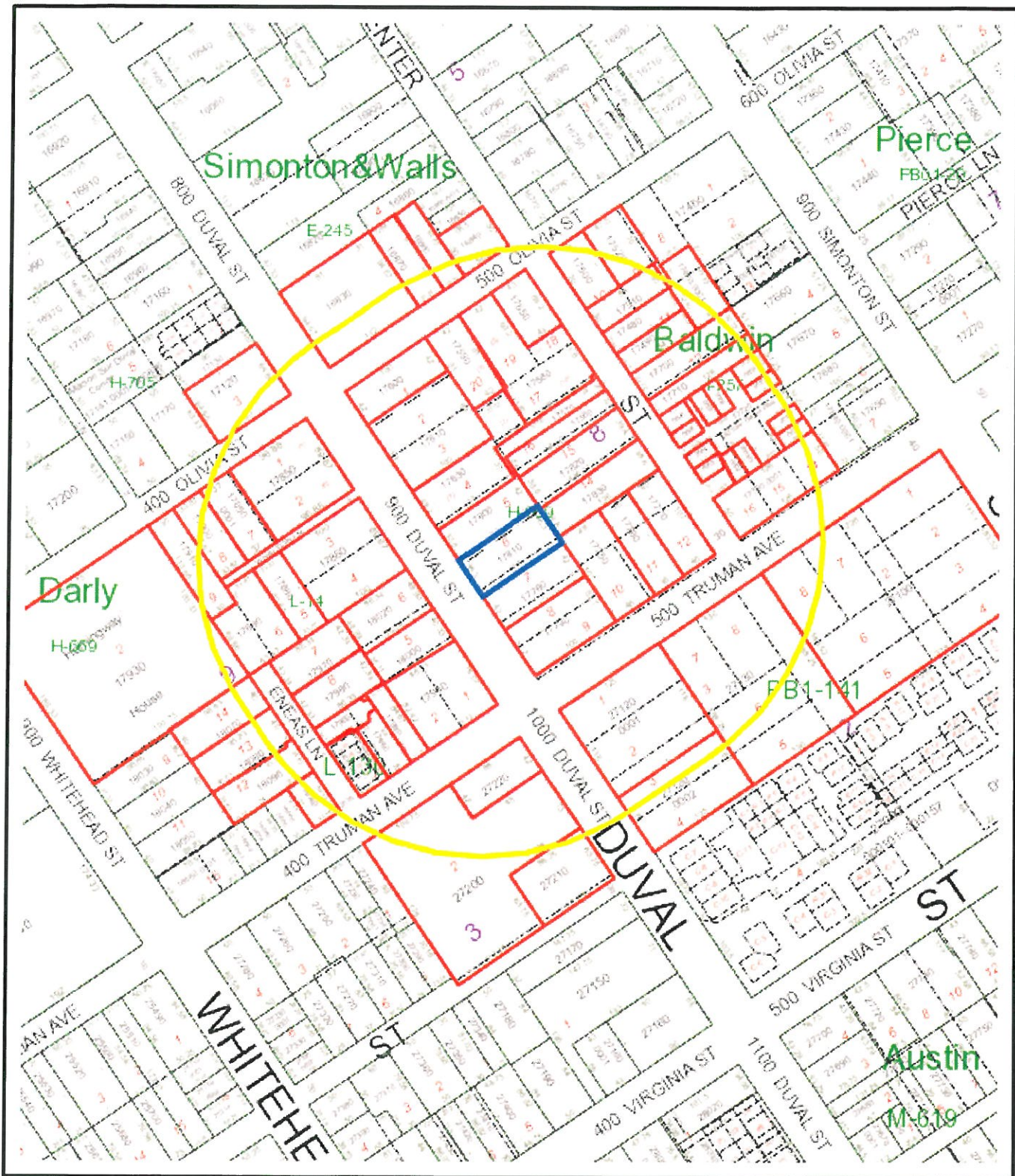
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Monroe County, Florida

917 Duval

Printed: Dec 17, 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.



300' Radius Noticing
List Generated 12/17/12

917 Duval

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 ADELL RAY AND ESTELLE	16 LONG ACRE DR		HUNTINGTON	NY	11743	
2 LYNCH DONALD M AND CHERYL J	9 BARLEYCORN DR		BROOMALL	PA	19008	
3 RICHIE MORETTI KEY WEST LLC	7104 BLEDSOE AVE		ORLANDO	FL	32810	
4 MORTENSEN BENT AND LISE LOTTE	207 NE 2ND CT		DANIA BEACH	FL	33004	
5 MCCOY JOHN C JR	215 ENEAS LN		KEY WEST	FL	33040	
6 907 WHITEHEAD STREET CORP	907 WHITEHEAD ST		KEY WEST	FL	33040	
7 913 DUVAL ST LLC	913 DUVAL ST		KEY WEST	FL	33040	
8 COWARD THOMAS REV TR DTD 5-19-00	1316 LAIRD ST		KEY WEST	FL	33040	
9 ISLAND HOTEL PROP III LLC	2116 SEIDENBERG AVE		KEY WEST	FL	33040	
10 COWARD NANCY REVOCABLE TRUST	1316 LAIRD ST		KEY WEST	FL	33040	
11 KW HOSPITALITY LLC	1007 SIMONTON ST		KEY WEST	FL	33040	
12 MENDOLA CHARLES AND BIQUETTE	2601 S ROOSEVELT BLVD	UNIT 210A	KEY WEST	FL	33040	
13 CLARKE OSSIE MAE	416 OLIVIA ST		KEY WEST	FL	33040	
14 FRIEDMAN ILAN	333 FLEMING ST		KEY WEST	FL	33040	
15 523 TRUMAN AVE LLC	523 TRUMAN AVE		KEY WEST	FL	33040	
16 MENDOLA CHARLES J AND BIQUETTE	925 DUVAL ST		KEY WEST	FL	33040	
17 CLUB DUVAL INC	3200 RIVIERA DR		KEY WEST	FL	33040	
18 VAN STEELANDT NAOMI	1402 NEWTON ST		KEY WEST	FL	33040	
19 KEY WEST HOSPITALITY INS LLC	913 DUVAL ST		KEY WEST	FL	33040	
20 MATHIES DELORES	522 OLIVIA ST		KEY WEST	FL	33040	
21 DION RENTAL PROPERTIES LLC	638 UNITED ST		KEY WEST	FL	33040	
22 ELLIOTT URSULA WELTERS	222 ENEAS LN		KEY WEST	FL	33040	
23 NIELSEN JENS M AND INGER M	921 CENTER ST	UNIT 3	KEY WEST	FL	33040	
24 419 TRUMAN AVENUE, A CONDOMINIUM	419 TRUMAN AVE		KEY WEST	FL	33040	
25 STEWART JESSEE ENTERPRISES LLC	1107 KEY PLAZA	UNIT 333	KEY WEST	FL	33040	
26 O'NEIL BRIAN S AND SUZANNE	PO BOX 199		TAVERNIER	FL	33070	
27 901 DUVAL STREET INC	301 LINCOLN ROAD		MIAMI BEACH	FL	33139	
28 CASH-STUART JOANN	360 NW 112TH TER		MIAMI	FL	33168	
29 APPEL MILTON	6844 BELMONT SHORE DR		DELRAY BEACH	FL	33446	
30 APPEL MILTON LLC T/C	6844 BELMONT SHORE DR		DELRAY BEACH	FL	33446	
31 CARTER RICHARD EVERETT AND STEFANI ANN	725 NEWPORT PL		ANN ARBOR	MI	48103	
32 WHALEN BERNARD	2050 CHEROKEE RD		MACOMB	IL	61455	
33 BREE WILLIAM E	123 SO KICKAPOO ST		LINCOLN	IL	62656	
34 911 CENTER STREET LLC	223 ROCKY HILL RD		PLYMOUTH	MA	02360-5517	

300' Radius Noticing
List Generated 12/17/12

917 Duval

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
35 DOYLE-BUCKBEE LLC	223 ROCKY HILL RD		PLYMOUTH	MA	02360-5517	
36 ALCOBER ELDA	380 MOUNTAIN RD APT 812		UNION CITY	NJ	07087-7305	
37 MARTINI SCOTT R	30 TILTON DR		OCEAN	NJ	07712-3251	
38 SPAGNOLO PHILIP JR	136 WAVERLY PL	STE 5B	NEW YORK	NY	10014-6822	
39 FLEMING TODD D	1003 WASHINGTON AVE		RENSSELAER	NY	12144-1332	
40 SHULTZ DAVID L	204 SAINT CHARLES WAY STE G		YORK	PA	17402-4646	
41 SMITH STEPHEN L AND DEBRA T	232 DIGH CIR		MOORESVILLE	NC	28117-7092	
42 ISLAND HOTEL PROPERTIES II LLC	512 TRUMAN AVE		KEY WEST	FL	33040-3141	
43 OLD TOWN LAUNDRY LLC	517 TRUMAN AVE		KEY WEST	FL	33040-3173	
44 511 OLIVIA STREET LLC	517 TRUMAN AVE		KEY WEST	FL	33040-3173	
45 KEHOE GERALD F AND ELIZABETH J	66 BAY DR		KEY WEST	FL	33040-6115	
46 CENTER COURT - HISTORIC INN & COTTAGES LC	1402 NEWTON ST		KEY WEST	FL	33040-7028	
47 BANSHEE LLC	915 DUVAL ST		KEY WEST	FL	33040-7407	
48 MARTINS ON DUVAL LLC	917 DUVAL ST		KEY WEST	FL	33040-7407	
49 LEGGETT SAMUEL D ESTATE	216 EANES LN		KEY WEST	FL	33040-7409	
50 PORTERFIELD ZULEMA MARY	220 EANES LN		KEY WEST	FL	33040-7409	
51 CENTER COURT HISTORIC INN AND COTTAGES LC	915 CENTER ST		KEY WEST	FL	33040-7436	
52 FLUKERS CERETTA	917 CENTER ST		KEY WEST	FL	33040-7436	
53 NESS STEVEN ELLIOTT	524 OLIVIA ST		KEY WEST	FL	33040-7471	
54 CABANAS GEORGE JR	526 OLIVIA ST		KEY WEST	FL	33040-7471	
55 BEAVER DENNIS LIVING TRUST 6/6/2003	1207 WHITEHEAD ST		KEY WEST	FL	33040-7526	
56 903 DUVAL LLC	PO BOX 1486		KEY WEST	FL	33041-1486	
57 TIKAL REAL ESTATE HOLDING II LLC	PO BOX 1778		KEY WEST	FL	33041-1778	
58 LORDITCH JOSEPH L	PO BOX 1872		KEY WEST	FL	33041-1872	
59 SARFF GERALD	3430 GALT OCEAN DR APT 1612		FORT LAUDERDA	FL	33308-7050	
60 STUART DAVID SULLINS III TRUST 05/06/2009	3756 LAKE ST		FORT MYERS	FL	33901-7935	
61 SIMONTON CENTER LLC	PO BOX 490837		LEESBURG	FL	34749-0837	
62 TYNES KENNETH L	13312 ARCTURUS AVE		GARDENA	CA	90249-1624	
63 AB ERCA	BALDERSVAGEN	UNIT 25	GISLAVED		S-332 35	SWEDEN