# **Staff Report**

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



Chair and Planning Board Members

From: Kevin Bond, AICP, LEED Green Associate, Planner II

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: May 15, 2014

- Agenda Item:Variance 1217 Royal Street (RE # 00029550-000000, AK # 1030317)<br/>– A request for variances to maximum building coverage and minimum<br/>side setback in order to construct a rear second story balcony and deck on<br/>property located within the Historic Medium Density Residential (HMDR)<br/>Zoning District pursuant to Sections 90-395, 122-600(4)a. and 122-<br/>600(6)b. of the Land Development Regulations of the Code of Ordinances<br/>of the City of Key West, Florida
- **Request:** Variances to increase the building coverage from 40.4% to 46.4% and reduce the north side setback from 0.85 feet to 0.5 feet.
- Applicant: Greg Oropeza, Smith | Oropeza, P.L.
- Property Owners: Charles R. Allen, IV; Patricia P. West; and Kristin E. West
- Location: 1217 Royal Street (RE # 00029550-000000, AK # 1030317)

Zoning:

To:

Historic Medium Density Residential (HMDR)



#### **Background**:

The property, which is located mid-block on Royal Street between Catherine and United Streets, is comprised of a two-story, single-family residential dwelling with accessory structures and uses including a rear pool and tile patio. The property is located within the Key West Historic District, but the building is a non-contributing structure built in 1989. The Applicant proposes to add a new rear second story wooden balcony and deck to the existing principal structure. The new deck would measure eight (8) by 21 feet and be 11 feet high. The property is nonconforming to maximum building coverage and impervious surface ratio, minimum lot size and width, and minimum lot size, width and depth. The existing residence is nonconforming to the minimum five (5)-foot side setback along the northern property line. There is also an existing outdoor shower and pool equipment that is nonconforming to the five (5)-foot south side setback. The proposed balcony/deck would increase the three-dimensional building envelope within the minimum side setback and would further increase the building coverage, which requires a variance. The property is within the X FEMA flood zone. The following table summarizes the requested variances and site conditions.

Relevant HMDR Zoning District Dimensional Requirements: Code Section 122-600										
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?						
Maximum density	16 dwelling units per acre	1 unit	1 unit	No change						
Maximum floor area ratio	1.00	None	None	No change						
Maximum height	30 feet	28.5 feet	28.5 feet	No change						
Maximum building coverage	40%	40.4%	46.4%	+6.0 / variance required						
Maximum impervious surface	60%	72.2%	72.2%	No change / Non-conforming						
Minimum lot size	4,000 SF	2,740 SF	2,740 SF	No change / Non-conforming						
Minimum lot width	40 feet	29.46 feet	29.46 feet	No change / Non-conforming						
Minimum lot depth	90 feet	93 feet	93 feet	No change / Non-conforming						
Minimum front setback	10 feet	10.5 feet	10.5 feet	No change						
Minimum side setback (north)	5 feet	0.85 feet	0.5 feet	-0.35 feet / Variance required due to increase in 3D envelope						
Minimum side setback (south)	5 feet	7.51 feet to house; 4.5 feet to shower	7.51 feet to house; 4.5 feet to shower	No change						
Minimum rear setback	15 feet	34 feet	26 feet	-8 feet						
Minimum street side setback	7.5 feet	N/A	N/A	N/A						

<u>Process</u>: Development Review Committee: Planning Board:

March 27, 2014 May 15, 2014

#### <u>Analysis – Evaluation for Compliance With The Land Development Regulations:</u>

The standards for considering variances are set forth in Section 90-395(a) of the City of Key West (the "City") Land Development Regulations ("LDRs"). Before any variance may be granted, the Planning Board must find all of the following:

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

The land, structures and buildings involved are located on the property within the HMDR Zoning District, and were developed prior to the adoption of the current land development regulations (LDRs). Thus, all the existing nonconformities were established prior to the current LDRs. However, many other land, structures and buildings within the HMDR Zoning District were also developed prior to the adoption of the current LDRs. Therefore, there are no special conditions or circumstances that exist peculiar to the land, structures or buildings involved.

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

The existing nonconformities were not created by the Applicant. However, the Applicant is proposing to add a new balcony/deck structure, which would thereby increase existing nonconformities on the property. This is a circumstance resulting from the proposed action of the Applicant. Therefore, some of the conditions are created by the Applicant.

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

Granting the requested variance would confer special privileges upon the Applicant that are denied by the LDRs to other lands, buildings and structures in the HMDR Zoning District.

(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 currently enjoys the use of the property as a single-family residential dwelling with accessory uses and structures, which are common permitted uses within the HMDR Zoning District. The Applicant wishes to add the new accessory structure in order to have a balcony from the second-floor master bedroom and a deck below on the first floor, as has been similarly requested and approved at similar single-family residential dwellings in the same zoning district. However, denial of the requested variances would not deprive the Applicant of rights commonly enjoyed by other properties in the HMDR Zoning District.

(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 proposed development could be designed in a way so as to reduce or eliminate the requested variances. Furthermore, the Applicant currently has reasonable use of the land, building and structures prior to the proposed development.

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

Due to not being in compliance with all of the standards for considering variances, the granting of the requested variances would be injurious to the area involved and otherwise 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.

The Applicant has not used existing nonconforming uses of other property in the HMDR Zoning District or permitted uses of property in other zoning districts as the grounds for approval of the requested variances.

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

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

#### <u>Pursuant to Code Section 90-395(b), the Planning Board shall make factual findings</u> <u>regarding the following:</u>

(1) That the standards established by Code Section 90-395 have been met by the applicant for a variance.

The standards for the granting of variances established by Code Section 90-395 have not all been met by the Applicant.

(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.

As of the writing of this report, public notices were not yet required. Staff is not aware of any objections at this time.

#### **Recommendation**:

Based on the above analysis of the standards for considering variances established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the requested variances be **DENIED**.

However, if the Planning Board approves the requested variances, the Planning Department recommends the following conditions:

#### **General Conditions:**

- 1. The proposed development shall be consistent with the plans signed and sealed on May 5, 2014 by James C. Reynolds, Professional Engineer.
- 2. The variances shall be granted only for the proposed deck/balcony structure. Future development may require a new variance application.

#### Conditions required to be completed prior to issuance of a building permit:

3. If applicable, the owner shall obtain a Certificate of Appropriateness for the proposed development.

# **Draft Resolution**

#### PLANNING BOARD RESOLUTION NO. 2014-

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS VARIANCES TO MAXIMUM BUILDING COVERAGE AND MINIMUM SIDE SETBACK ON PROPERTY LOCATED AT 1217 ROYAL STREET (RE # 00029550-000000, AK # 1030317) IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT PURSUANT TO SECTIONS 90-395, 122-600(4)A. AND 122-600(6)B. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA

WHEREAS, the applicant proposes to construct a new wood second story balcony and deck to the rear of the existing single-family residential dwelling on property located at 1217 Royal Street (RE # 00029550-000000, AK # 1030317); and

WHEREAS, the property is currently nonconforming to the maximum building coverage and minimum side setback along both side property lines within the Historic Medium Density Residential (HMDR) Zoning District; and

**WHEREAS**, Section 122-600 of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that the maximum building coverage is 40% and the minimum side setback is five (5) feet within the HMDR Zoning District; and

WHEREAS, the proposed building coverage is 46.4%, the north side setback is 0.5 feet; and

**WHEREAS,** the applicant requests a variance to maximum building coverage and minimum side setback along the north property line; and

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\_\_\_\_ Chairman

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on May 15, 2014; 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

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Chairman

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

other districts are grounds for the issuance of the requested variances; and

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

**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 to allow the construction of a new rear wood balcony/deck structure for the existing residential structure per the attached plans signed and sealed on May 5, 2014 by James C. Reynolds, Professional Engineer, on property located at 1217 Royal Street (RE # 00029550-000000, AK # 1030317) in the HMDR Zoning District pursuant to Sections 90-395, 122-600(4)a. and 122-600(6)b. of the City of Key West Land Development Regulations with the following conditions:

1. The proposed development shall be consistent with the plans signed and sealed on May 5, 2014 by James C. Reynolds, Professional Engineer.

The variances shall be granted only for the proposed deck/balcony structure.
 Future development may require a new variance application.

#### Conditions required to be completed prior to issuance of a building permit:

3. If applicable, the owner shall obtain a Certificate of Appropriateness for the proposed development.

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Chairman

**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 shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

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

**Section 5.** 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 73C-44, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45)

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\_\_\_ Chairman

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

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 \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Richard Klitenick, Planning Board Chairman

Attest:

Donald Leland Craig, AICP, Planning Director

Filed with the Clerk:

Cheryl Smith, City Clerk

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\_\_\_\_ Chairman

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

Date

Date

Date

# Application



### **Application For Variance**

City of Key West, Florida • Planning Department 3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

#### Application Fee: \$1,150.00 / After-the-Fact: \$2,150.00

(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

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

PROPERTY DESCRIPTION: Site Address: 127 Royal Street
Zoning District: <u>HMDR</u> Real Estate (RE) #: <u>00029550-000000</u>
Property located within the Historic District? $\Box$ Yes $\Box$ No
APPLICANT: Owner Authorized Representative
Mailing Address: 138 Simonton Street
City: Key West State: FL Zip: 33040
Home/Mobile Phone: <u>NA</u> Office: <u>305 · 296 · 7227</u> Fax: <u>305 · 296 · 8448</u>
Email: <u>Grego Smithoropeza.com</u>
PROPERTY OWNER: (if different than above)
Name: Charles Allen; Kristin West; Patricia West
Mailing Address: 1217 BOVAL Street
City: Key West State: FL Zip: 33040
Home/Mobile Phone: $85 \cdot 347 \cdot 0021$ Office: $305 \cdot 296 \cdot 6021$ Fax: $305 \cdot 296 - 486^{-1}$
Email: <u>Stacyryan@att.net</u>
Description of Proposed Construction, Development, and Use: CONSTRUCTION of
168 sq.ft. rear second story balcony and deck.
List and describe the specific variance(s) being requested:
Building coverage
Are there any easements, deed restrictions or other encumbrances attached to the property?  Yes No

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

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

**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.

🗆 Yes 🖾 No

□ Yes

s 🖵 No

Site Data Table										
	Code Requirement	Existing	Proposed	Variance Request						
Zoning	HMDR			·						
Flood Zone	X	]								
Size of Site	2,739.78 89.	ft ,								
Height	NA	NA	NA	N/A						
Front Setback			1	1						
Side Setback										
Side Setback										
Street Side Setback										
Rear Setback										
F.A.R	4	V	V V							
Building Coverage	40%	40.41.	46.4%	61.						
Impervious Surface	NA	NA	NIA	NA						
Parking										
Handicap Parking										
Bicycle Parking										
Open Space/ Landscaping										
Number and type of units										
Consumption Area or	<b>`</b>			↓ · · · ·						
Number of seats		-	•							

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

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

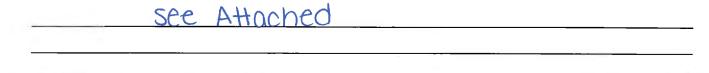
See Attached

See Attached

#### **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.



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

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

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.

sec Attached

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.

### See Attached

City of Key West • Application for Variance

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.

see Attached

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.

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

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

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

Correct application fee. Check may be payable to "City of Key West."

see Attached

Notarized verification form signed by property owner or the authorized representative.

Notarized authorization form signed by property owner, if applicant is not the owner.

Copy of recorded warranty deed

Property record card

Signed and sealed survey

Site plan (plans MUST be signed and sealed by an Engineer or Architect)

► 🔁 Floor plans

N VE Stormwater management plan

Barton W. Smith, Esq.

Oropeza, p.l. Smith

Patrick Flanigan, Esq.

Richard McChesney, Esq.

Gregory S. Oropeza, Esq. Partner

138-142 Simonton Street Key West, Florida 33040 Telephone : (305) 296-7227 Facsimile : (305) 296-8448

VIA HAND DELIVERY

March 3, 2014

Donald L. Craig, AICP, Planning Director City of Key West Planning Department 3140 Flagler Avenue Key West, Florida 33040

RE: Variance to Building Coverage - 1217 Royal Street, Key West, Florida 33040:

Dear Mr. Craig,

Please allow this letter and supporting documentation to serve as my clients, Charles Allen, Kristin West and Patricia West's (collectively the "Applicant"), together with their General Contractor, Affiliated Design and Construction Managers, LLC's application for a variance to building coverage at 1217 Royal Street, Key West, Florida 33040 ("Property"). In support thereof, the Applicant states as follows with respect to the criteria for granting the variance.

- 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.
  - a. Due to the lot size of the Property, any improvement to the Property would trigger a variance. The proposed development would be permitted on a property which maintained the minimum lot size requirements as required by the City of Key West Code which were enacted after the principal structure located on the Property was constructed.
- 2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.
  - a. The condition is not created by the Applicant as the original structure was properly constructed prior to the minimum lot size requirement becoming a requirement for the subject Property.

- 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.
  - a. Allowing the addition of a second story open porch would not confer a special condition upon the Applicant. The requirement to obtain a variance for the second story open porch derives solely from the enactment of the Land Development Regulations after the subject Property was developed.
- 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.
  - a. Hardship conditions exist depriving Applicant of rights commonly enjoyed by other properties in the same zoning district. Due to the size of the lot, the Applicant is not able to develop their property in a manner consistent with many of the surrounding properties due to the restrictions of minimum lot size placed upon the Property after development of the Property had been completed.
- 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.
  - a. The variance requested is the minimum variance that will make possible the improvement to the Property.
- 6. Not injurious to the public welfare. That granting of the variance 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.
  - a. The granting of the variance does not appear to be injurious to the area involved or detrimental to the public interest. In fact, it will improve life safety to the Property by creating a safer means of ingress and egress to the second story from the rear of the Property in the event of an emergency situation.
- 7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming uses 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.

a. The nonconformities of neighboring and surrounding properties do not have any affect or influence on this application and are not the basis for this request.

If you should have any questions, comments, or concerns, please do not hesitate to contact me.

Sincerely,

Merion

Gregory S. Oropeza, Esq. For the Firm

Enc.

## VERIFICATION/AUTHORIZATION



Authorization Form (Individual Owner)

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

Port Cla P. W/ est Please Print Name(s) of Owner(s) (as appears on the deed) authorize OCOPETA, PL Please Print Name of Representative Smith to be the representative for this application and act on my/our behalf before the City of Key West. Signature of Owner Signature of Joint/Co-owner if applicable Subscribed and sworn to (or affirmed) before me on this FEP, 28,20 \_by Name of Authorized Representative He/She is personally known to me or has presented \_ as identification. TERI JOHNSTON MY COMMISSION # EE071846 Notary's Signature and Seal EXPIRES March 08, 2015 (407) 398-0153 FloridaNotaryService.com CHN Name of Acknowledger typed, printed or stamped

Commission Number, if any

Page



#### Authorization Form (Individual Owner)

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

1. Charles 2. Allen IV Please Print Name(s) of Owner(s) (as appears on the deed) authorize Smith Dropeza, P.L. Please Print Name of Representative to be the representative for this application and act on my/our behalf before the City of Key West. Man Signature of Joint/Co-owner if applicable Subscribed and sworn to (or affirmed) before me on this TEB 28,2014 by Name of Authorized Representative He/She is personally known to me or has presented as identification. TERI JOHNSTON Signature and Seal AY COMMISSION # EE071846 EXPIRES March 08, 2015 FloridaNotaryService.com (407) 398-0153 Name of Acknowledger typed, printed or stamped Commission Number, if any

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Page



#### Authorization Form (Individual Owner)

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

1, Kristin E. Witz+ Please Print Name(s) of Owner(s) (as appears on the deed) authorize Smithloropeza. P.L. Please Print Name of Representative to be the representative for this application and act on my/our behalf before the City of Key West. Kirs S. West Signature of Joint/Co-owner if applicable Subscribed and sworn to (or affirmed) before me on this FEB, 28, 2014 by Name of Authorized Representative He/She is personally knowing me or has presented \_\_\_\_\_\_ as identification. TERI JOHNSTON Nothry's Signature and MY COMMISSION # EE071846 EXPIRES March 08, 2015 (407) 398-0153 FloridaNotaryService.com Name of Acknowledger typed, printed or stamped Commission Number, if any

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#### Verification Form

(Where Authorized Representative is an individual)

I, Grecory Oropeza, 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:

Royal Street, Key West, FL 33040

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 <u>3 - 3 - 14</u> date by

A scory Orogeza Name of Authorized Representative

He/She is personally known to me or has presented \_\_\_\_\_\_as identification.

Name of Acknowledger typed, printed or stamped



Commission Number, if any

## WARRANTY DEED

MONROE COUNTY OFFICIAL RECORDS

Prepared By: Monica Hornyak Chicago Title of the Florida Keys. 801 Eisenhower Drive, Key West, FL 33040 4/10//8/11/1/ WA

FILE #1432208 BK#1985 FG#1205

> DEED DOC STANS 03/22/2004

> > DEP CLK

WARRANTY DEED

This Indenture, Made this 15 day of March, 2004, A.D., Between

WILLIAM VANCE MARTIN, a married man,	RCD Mar 22 2004	10.0034
grantor,	DANNY L KOLHAGE,	CLERK

CHARLES R. ALLEN, IV, a single man, PATRICIA P. WEST, a married woman, and KRISTIN E. WEST, a single woman, grantees,

whose address is: 140 W. End Ave., Apt. 22G, New York, NY 10023

Witnesseth, that the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Monroe, State of Florida to wit:

SEE EXHIBIT "A" ATTACHED HERETO

#### PARCEL ID NO: 00029550

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

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

GRANTOR HEREIN STATES SUBJECT PROPERTY IS NOT HIS HOMESTEAD NOR THE HOMESTEAD OF ANY OF HIS DEPENDENTS AS DEFINED BY THE CONSTITUTION OF THE STATE OF FLORIDA.

#### Signed, sealed and delivered in our presence.

WILKAM **∀INCE M**/

Witness Printed Name of Witness

Printed Name of Witness

COUNTY OF MONTO STATE OF

The foregoing instrument was acknowledged before me this 1 > 2 day of March, 2004, William Vince Martin, who is personally known to me or who has

produced iance Vn Y.W OL identification. **Notary Public Commission Expires** 

MONICA HURNYAK NGHOR + NO DUMA-A north 2018

FILE #1432208 BK#1985 PG#1206

#### **EXHIBIT A**

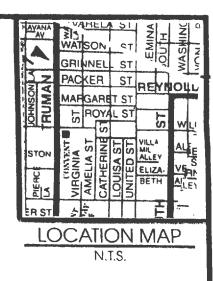
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In the City of Key West, County of Monroe, State of Florida, known as Part of Lot 7 of Square 2, Tract 12, according to the KEY WEST INVESTMENT COMPANY'S Amended Diagram of Part of Tract 12, duly recorded in Plat Book 1, Page 49, of Monroe County, Florida Records, and which lot is bounded and described as follows: BEGINNING at a point on Royal Street distant 136 feet from the corner of United Street and Royal Street and thence running along the said Royal Street in a Northwesterly direction 29.46 feet; thence at right angles in a Northeasterly direction 29.46 feet; thence at right angles in a southwesterly direction 93 feet; to the Point of Beginning on Royal Street.

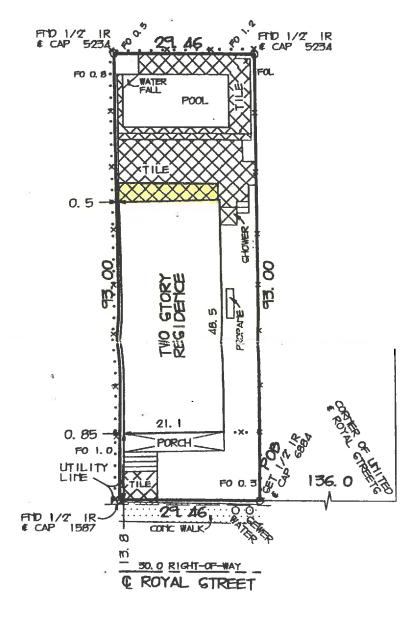
MONROE COUNTY OFFICIAL RECORDS

### **SURVEY**



#### MAP OF BOUNDARY GURVEY PART OF LOT 7 OF GQUARE 2, TRACT 12 KEY WEGT INVESTMENT COMPANY G AMENDED DIAGRAM OF PART OF TRACT 12

ADDREGG 1217 ROYAL GTREET KEY WEGT, FL 33040





NORTH SCALE: 1' = 20'

GCALED FROM PLAT

ALL ANGLEG DEPICTED ARE 90. DEGREEG LINLEGG OTHERWIGE INDICATED

ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE INDICATED

BEARING BAGE: DERIVED FROM PLAT

#### LEGAL DESCRIPTION:

In the City of Key West, County of Monroe, State of Florida, known as Part of Lot 7 of Square 2, Tract 12, according to the KEY WEST INVESTMENT COMPANY'S Amended Diagram of Part of Tract 12, duly recorded in Plat Book 1, Page 49, of Monroe County, Florida Records, and which lot is bounded and described as follows:

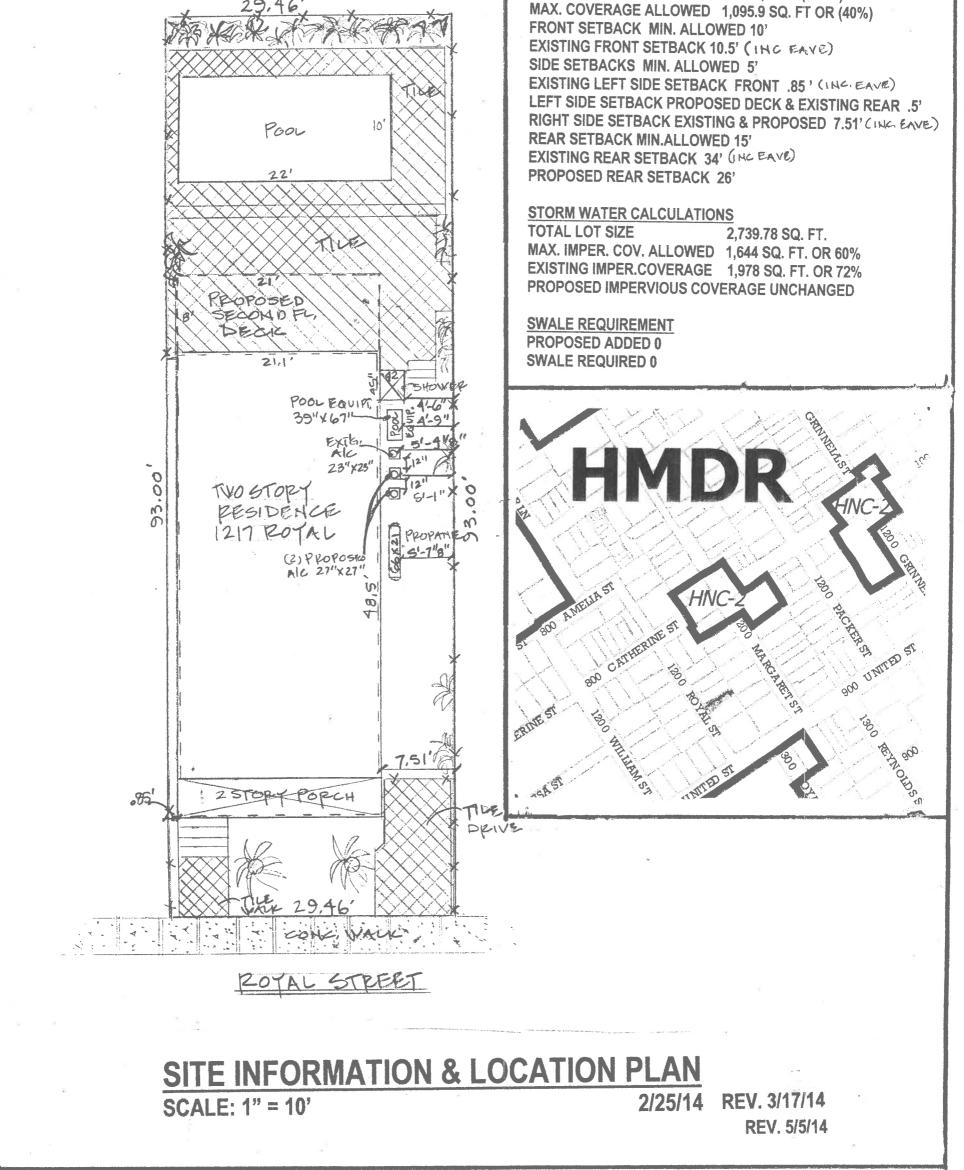
BEGINNING at a point on Royal Street distant 136 feet from the corner of United Street and Royal Street and thence running along the said Street in a Northwesterly direction 29.46 feet; thence at right angles in a Northeasterly direction 93 feet; thence at right angles in a Southeasterly direction 29.46 feet; thence at right angles in a Southwesterly direction 93 feet to the Point of Beginning on Royal Street.

NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR HIATUS.

CERTIFIED	D TO:			LEGAL DESCRIPTION		and a fair and a second se
SPOT		MARTIN OTTSWOOD AND SPO NSURANCE COMPANY	TTSWOOD	SEE ABOVE		j.
SCALE	$eq:approx_appr$	FND = FOUND FF = FINISHED FLOOR	F0 = FENCE OUTSIDE R = FENCE INSIDE IP = IRON PIPE IR = IRON ROD A = ARC LENGTH M = MEASURED	NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929) PC = POINT OF CURVE PCC = POINT OF COMPOUND CUR PCP = PERMANENT COMTROL POIN PI = POINT OF INSERTION PK = PARKER KALON NAIL	THE FORT OF REFERE CORVE	R = RADIUS RES = RESIDENCE ROL = ROOF OVERHANG UNE TYP = TYPICAL UEASE = UTILITY EASEMENT
4/4/01 DRAWN BY CHECKED BY RR INVOK	THE MINIMUM T SURVEYORS AN TO SECTION 47 MEETS THE PRO 1(B)3(ENCROA SIGN	EY THAT THIS SURVEY WAS MAN ECHNICAL STANDARDS AS SET D MAPPERS IN CHAPTER 61G 2.027, FLORIDA STATUTES THIS VISIONS OF FLORIDA EMDORSI CHMENTS), & 1014TEAST MEN ED	Forth by the Florida 17-6, Florida Adminis Survey, When Schedl Ment Form 9, Subpar, S. Schedule "B" has M CCCC PSM #5632	BOARD OF PROFESSIONAL TRATIVE CODE, PURSUANT JLE B HAS BEEN PROVIDED AGRAPH 1(B)1(SETBACKS),	ROBERT E. REE PROFESSIONAL SU AND MAPP 30677 OVERSEAS BIG PINE KEY, FI	JRVEYOR PER HIGHWAY

### SITE PLANS

### **VARIANCE REQUEST 1217 ROYAL STREET** KEY WEST, FL 33040



#### SITE CALCULATIONS

PROPOSED BUILDING USE: RES. ZONING: HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) MAX. FLOOR AREA RATIO: 1.0 MAX. BLDG. HT. ALLOWED 30' EXISTING BLDG. HT.UNCHANGED 28.5' **PROPOSED DECK HT. 11'** 

#### LOT COVERAGE CALCULATIONS

TOTAL LOT SIZE (29.46' x 93') 2,739.78 SQ. FT. MIN. LOT SIZE 4,000 SQ. FT. COVERAGE EXISTING STRUCTURE 1,107.75 SQ.FT. (40%) PROPOSED STRUCTURES SQ. FT. 1,271.7 (46 %)



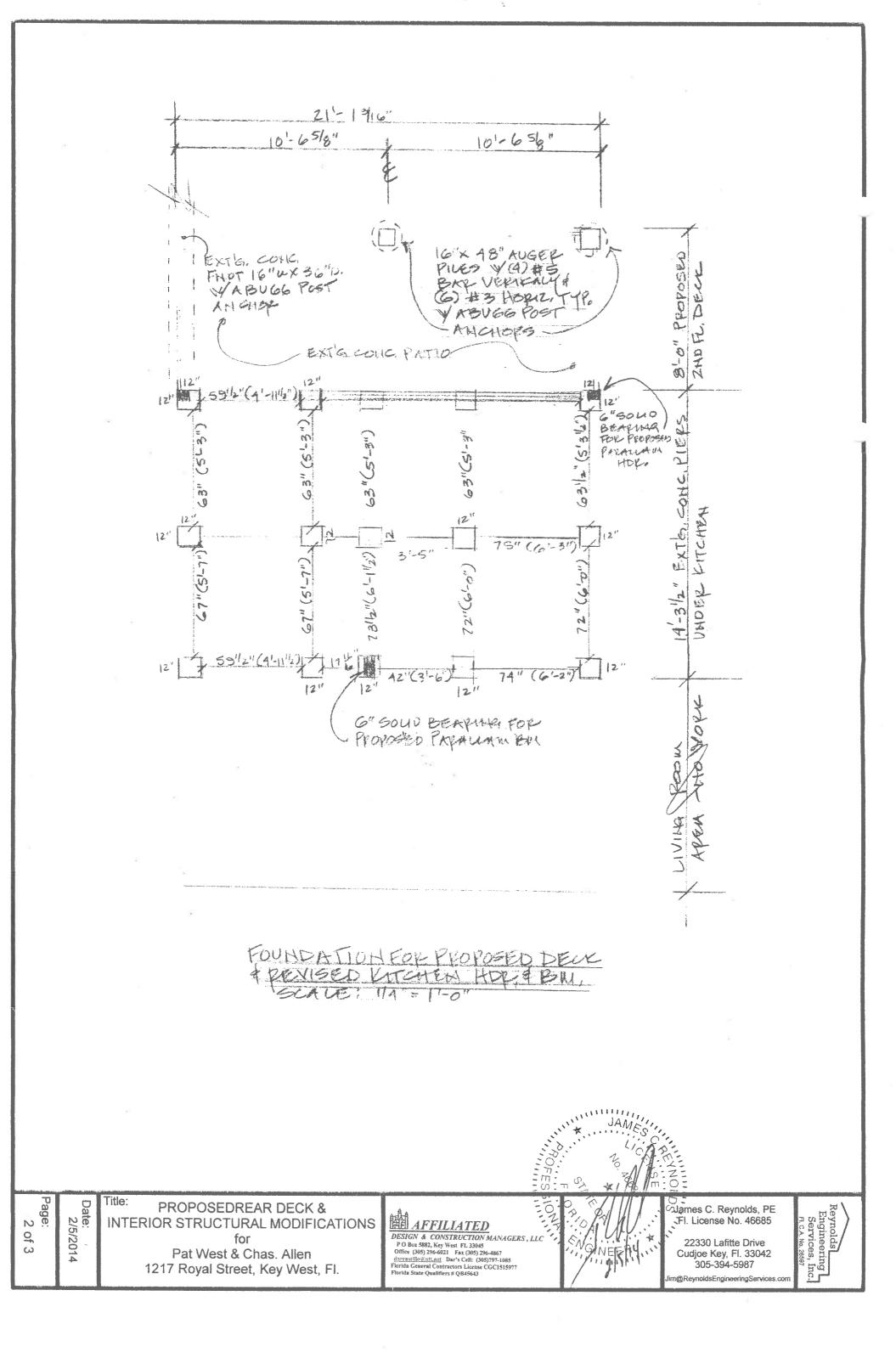
#### **GENERAL NOTES AND SPECIFICATIONS**

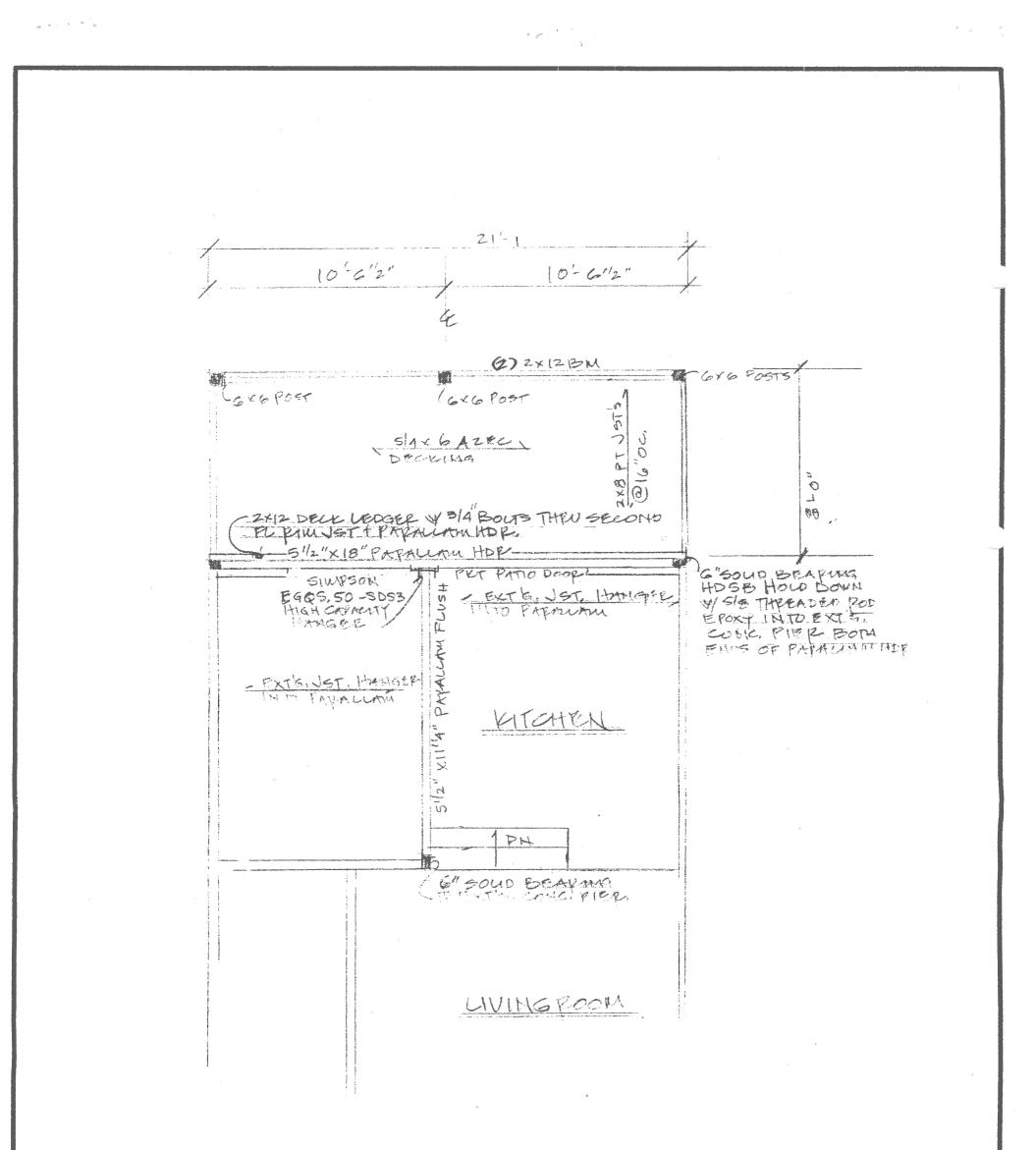
- 1. <u>Code Requirements</u>: Design and construction shall be in compliance with the latest edition of the 2010 Florida Building Code with all amendments, and the specific requirements of the City of Key West code.
- 2. <u>Engineering Certification</u>: The extent of the Engineering Certification of these drawings is limited to the rear elevated 2<sup>nd</sup> story deck, and structural improvements to provide for sliding glass egress doors to the rear pool patio.
- 3. <u>General:</u> Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times.
- 4 <u>Construction Loads</u>: Structural members as shown in the working drawings have been designed to carry the code required service loads only. The structural design of this project has not considered loads imposed during construction. Construction loads may exceed the service design loads. The Contractor shall be responsible for engaging the necessary construction engineering and design, determining and employing the methods necessary to support all loads during construction.
- 5. <u>Construction Coordination</u>: The contractor shall coordinate all work required by the architectural, structural, mechanical, plumbing and electrical working drawings, and shall verify all dimensions, elevations, and the location and sizes of all chases, inserts, openings, sleeves, finishes, depressions, and other project requirements not shown on the structural working drawings.
- 6. <u>Conflicts</u>: Wherever conflicts, discrepancies, or ambiguities exist in the structural drawings, schedules, or notes, they shall be brought to the attention of the Engineer for correction and/or clarification.
- 7. <u>Engineer's Limitation of Responsibility:</u> The Engineer shall not be responsible for the quality of composition of materials, shop drawings, fabrication, construction inspection, supervision, or review, special inspection, or the quality or correctness of construction. The Engineer shall not be responsible for site and construction safety and/or the safety of the workers. Site and construction safety is the responsibility of the contractor. The contractor shall be responsible for the safety of his employees and the safety of the employees of all subcontractors on site.
- 8. <u>Engineer's Statement of Compliance:</u> To the best of the Engineer's information, knowledge, and belief, the structural plans and specifications presented herein comply with the applicable minimum building codes, standards, and practices.
- 9. <u>Location:</u> These plans are for the construction of a earth retaining wall only at the location designated on the plans.
- 10. <u>Discrepancies</u>: The Contractor shall Check and verify all dimensions and conditions of the job site and report any discrepancies of conditions that are unsatisfactory or unsafe before proceeding with the work.
- 11. <u>Safety</u>: The Contractor shall provide for the safety, prevention of injury or loss of life at the job site to all persons employed on the work, persons visiting the work, and the General Public.

#### Basis of Design:

Design Loads:	ASCE-7
Wind Velocity:	180 mph, Ultimate
	139.2 mph, Nomina
Exposure:	С







FRAMING PLAN FOR PROPOSED DECK & REVISED LITCHEN HDR FBU1, SCAUE: MA" = 0 JAME THINK JAME JAMES Page: 3 Title: Date: 2/5/2014 5 Reynolds Engineering Services, Inc. FI.C.A No. 26597 **PROPOSEDREAR DECK &** LONAX. James C. Reynolds, PE 0 AFFILIATED FI. License No. 46685 4 INTERIOR STRUCTURAL MODIFICATIONS DESIGN & CONSTRUCTION MANAGERS, LLC POBoS 5882, Key West FL 33045 Office (305) 296-6021 Fax (305) 296-4867 darcsatiloratinet Dar's Cell: (305) 797-1085 Florida General Contractors License CGC1515977 Plorida State Qualifiers # QB45643 of 3 for 22330 Lafitte Drive ★ E Cudjoe Key, Fl. 33042 Pat West & Chas. Allen 305-394-5987 1217 Royal Street, Key West, Fl. im@ReynoldsEngineeringServices.con

# **DRC Minutes/Comments**

### Minutes of the Development Review Committee March 27, 2014 DRAFT

#### **POLICE DEPARTMENT:**

No comments.

#### HARC PLANNER:

Ms. Torregrosa stated that this property is not located in HARC. The front fence is not included in the application which needs to be clarified.

#### **PLANNING DIRECTOR:**

Mr. Craig stated that the correction of the zoning has to be made to SFR instead of HMDR for advertisement purposes when it moves forward to the Planning Board.

#### **ENGINEERING:**

No comments.

#### FIRE DEPARTMENT:

Mr. Barroso requests a meeting with the applicant to review the site plans and setback variances. At this time there are life safety concerns that will need to be worked thru. There will be additional comments once this information has been received and will need to be done prior to administrative approval.

10. Change of Nonconforming Use – 208 Telegraph Lane (RE # 00001491-000500; AK #

**9100238**) – A request for a change of nonconforming use on property located within the Historic Residential/Office (HRO) Zoning District pursuant to Section 122-32(e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

#### Item was postponed.

11. Variance – 1217 Royal Street (RE # 00029550-000000; AK # 1030317) – A request for variances to maximum building coverage and minimum side setback in order to construct a rear second story balcony and deck on property located within the Historic Medium Density Residential (HMDR) Zoning District pursuant to Sections 90-395, 122-600(4)a. and 122-600(6)b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the variance request.

The applicant, Mr. Patrick Flanigan of Smith Oropeza, P.L. gave members an overview of the variance request

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

ART IN PUBLIC PLACES: No comments.

URBAN FORESTRY MANAGER: No comments.

### Minutes of the Development Review Committee March 27, 2014 DRAFT

#### **POLICE DEPARTMENT:**

No comments.

#### HARC PLANNER:

Ms. Torregrosa stated she had no concerns regarding HARC.

#### **PLANNING DIRECTOR:**

Mr. Craig stated that the site plan has to have a dimension added regarding the air conditioners to be within the 5' setbacks.

#### **ENGINEERING:**

No comments.

#### FIRE DEPARTMENT:

Mr. Barroso requests a meeting with the applicant to review the site plans and setback variances. At this time there are life safety concerns that will need to be worked thru. There will be additional comments once this information has been received and will need to be done prior to administrative approval.

12. Variance – 1119 Olivia Street (RE # 00022290-000000; AK # 1023078) – A request for administrative variances to minimum side setback, minimum street side setback and minimum rear setback in order to construct a new gable end roof structure over an existing deck and new small shed roof structures above existing doors on property located within the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 90-398, 122-630(6)b., 122-630(6)c. and 122-630(6)d. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the variance request.

The applicant, Mr. William Shepler gave members an overview of the variance request.

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

**ART IN PUBLIC PLACES:** No comments.

**URBAN FORESTRY MANAGER:** No comments.

**POLICE DEPARTMENT:** No comments.

#### HARC PLANNER:

Ms. Torregrosa stated the survey does not show existing conditions. The survey shows that the fence on Ashe Street is located on City property.

### PROPERTY RECORD CARD



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

# Property Record Card -Website tested on IE8, IE9, & Firefox.<br/>Requires Adobe Flash 10.3 or higherMaps are now launching the new map application version.

Alternate Key: 1030317 Parcel ID: 00029550-000000

#### **Ownership Details**

Mailing Address: ALLEN CHARLES R IV 1217 ROYAL ST KEY WEST, FL 33040 All Owners: ALLEN CHARLES R IV, WEST KRISTIN E T/C, WEST PATRICIA P

#### **Property Details**

PC Code: 01 - SINGLE FAMILY Millage Group: 10KW Affordable Housing: Section-Township- 05-68-25 Range: Property Location: 1217 ROYAL ST KEY WEST

Legal KW INVESTMENT CO SUB PB1-49 PT LOT 7 SQR 2 TR 12 H2-11 OR361-227/229 CO JUDGE DOCKET 9-192 OR1003-387 Description: OR1003-388 OR1003-389 OR1149-2059/60 OR1172-1696/97 OR1304-968/69R/S OR1316-694 OR1388-1979/80 OR1444-2335 OR1515-887/88 OR1616-2054/55 OR1689-881 OR1709-1488/91E OR1985-1205/06

#### Click Map Image to open interactive viewer



	Land Use Code		Frontage	Depth	Land Area
010D	- RESIDENTIAL DF	RY	29	91	2,740.00 SF
Building Summ	ary				
Number of Bu	-				
Number of Commercial Bu					
	ng Area: 1617 ar Built: 1989				
16	a Dunt. 1909				
Building 1 Deta	ils				
Building Type R1		Condition A	Quality Gr		
Effective Age 10		Perimeter 352	Depreciatio		
Year Built 1989 Functional Obs 0		Special Arch 0 Economic Obs 0	Grnd Floor A	rea 1,617	
Inclusions: R1 inclu Roof Type IRR/CL	udes 1 3-fixture bath ISTOM	and 1 kitchen. Roof Cover METAL	Foundat	tion WD CONC PADS	
Heat 1 FCD/AI		Heat 2 NONE	Bedroo	oms 2	
Heat Src 1 ELECT Extra Features:	RIC	Heat Src 2 NONE			
	2 Fix Bath 1			Vacuum 0	
	3 Fix Bath 0		Ga	arbage Disposal 0	
	4 Fix Bath 1 5 Fix Bath 0			Compactor 0 Security 1	
	6 Fix Bath 0			Intercom 0	
	7 Fix Bath 0 Extra Fix 0			Fireplaces 0 Dishwasher 0	
				Distiwasher 0	
	21 FT.				
		17 FT. FL	A		
		357			
	FLA 1008-138	21	<del>.</del>		
		VAUL	TED		
	48 FT.	19 FT. CEILI			
		211	FT.		
		E FL	A		
		12 FT. 512 -	138		
	21 FT.	21 1	FT.		
	4 FT. OPX 84-50	4 FT. 0F 84-	PX		
	54.55				
Sections:					
Nbr Type Ext Wa	all # Storie	es Year Built Attic A/C Bas	ement % Finished	Basement % Area	
0 FLA 10:CUSTOM/H		1989 Y		357	
1 FLA 10:CUSTOM/H	ARDIE BD 1	1989 N Y	0.00	0.00 1,008	

0.00

0.00

84

#### http://mcpafl.org/PropSearch.aspx

2 <u>OPX</u>

1

1989

3	FLA	10:CUSTOM/HARDIE BD	1	1989	N	Y	0.00	0.00	252
4	OPX		1	1989			0.00	0.00	84

#### **Misc Improvement Details**

Nbr	Туре	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	526 SF	0	0	1988	1989	2	30
2	PO4:RES POOL	253 SF	23	11	1988	1989	4	50
3	PT2:BRICK PATIO	126 SF	0	0	1988	1989	4	50
4	PT5:TILE PATIO	537 SF	0	0	1988	1989	4	50

#### **Building Permits**

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	01-2467	07/05/2001	12/12/2001	2,579		INSTALL CENTRAL A/C 4 OPENINGS

#### 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
2013	302,177	15,900	310,298	628,375	588,534	0	628,375
2012	305,426	16,483	213,122	535,031	535,031	0	535,031
2011	305,426	17,067	229,838	552,331	552,331	0	552,331
2010	308,675	17,649	196,008	522,332	522,332	0	522,332
2009	342,774	18,233	250,835	611,842	611,842	0	611,842
2008	318,007	18,816	350,591	687,414	687,414	0	687,414
2007	556,684	15,717	284,960	857,361	857,361	0	857,361
2006	741,691	16,240	219,200	977,131	977,131	0	977,131
2005	691,826	16,782	164,400	873,008	873,008	0	873,008
2004	348,158	17,306	164,400	529,864	529,864	0	529,864
2003	522,238	17,829	63,020	603,087	603,087	0	603,087
2002	390,928	18,370	63,020	472,318	472,318	0	472,318
2001	305,208	18,033	63,020	386,261	386,261	0	386,261
2000	315,089	20,207	46,580	381,876	381,876	0	381,876
1999	302,635	19,943	46,580	369,158	369,158	0	369,158
1998	246,622	16,844	46,580	310,046	310,046	0	310,046
1997	296,435	15,545	41,100	353,080	353,080	0	353,080
1996	214,092	11,514	41,100	266,706	266,706	0	266,706
1995	202,564	11,157	41,100	254,821	254,821	0	254,821
1994	181,155	10,215	41,100	232,469	232,469	25,000	207,469
1993	142,641	10,457	41,100	194,198	194,198	25,000	169,198
1992	142,641	10,693	41,100	194,435	194,435	25,000	169,435
1991	142,641	10,929	41,100	194,670	194,670	25,000	169,670
1990	125,798	11,171	28,085	165,054	165,054	0	165,054
1989	13,051	0	27,400	40,451	40,451	0	40,451

#### Property Search -- Monroe County Property Appraiser

	1988	10,244	0	21,920	32,164	32,164	0	32,164
	1987	20,949	0	23,101	44,050	44,050	0	44,050
	1986	21,065	0	23,101	44,166	44,166	0	44,166
	1985	20,418	0	15,401	35,819	35,819	0	35,819
	1984	19,067	0	15,401	34,468	34,468	0	34,468
	1983	19,067	0	15,401	34,468	34,468	0	34,468
	1982	17,139	0	13,347	30,486	30,486	0	30,486
1								

#### **Parcel Sales History**

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
3/15/2004	1985 / 1205	990,000	WD	Q
4/16/2001	1689 / 0881	616,500	WD	Q
2/1/1997	1444 / 2335	350,000	WD	Q
4/1/1994	1304 / 0968	350,000	WD	Q
5/1/1991	1172 / 1696	336,000	WD	<u>U.</u>
10/1/1990	1149 / 2059	278,000	WD	Q
2/1/1987	1003 / 389	1	WD	M

This page has been visited 96,530 times.

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