

VARIANCES ARE QUASI-JUDICIAL HEARINGS AND IT IS IMPROPER TO SPEAK TO A PLANNING BOARD AND/OR BOARD OF ADJUSTMENT MEMBER ABOUT THE VARIANCE OUTSIDE THE HEARING



Variance Application

City of Key West
Planning Department

Please print or type a response to the following:

1. Site Address 1415 OLIVIA ST. KEY WEST, FL.
2. Name of Applicant DAVID KNOLL, ARCHITECT
3. Applicant is: Owner Authorized Representative
(attached Authorization Form must be completed)
4. Address of Applicant 19581 MAYA ST.
GLUEA RICA KEY, FL. 33042
5. Phone # of Applicant 745.8617 Mobile# 731.9037 Fax# 745.8622
6. E-Mail Address DavidKnollArch@aol.com
7. Name of Owner, if different than above 1415 OLIVIA STREET, LLC
8. Address of Owner 1621 BAY RD. #1208
MIAMI BEACH, FL. 33139
9. Phone Number of Owner 305.531.2041 Fax# _____
10. Email Address dmg@marshcap.com
11. Zoning District of Parcel HMDR RE# 00023940-000000
12. Description of Proposed Construction, Development, and Use
DEMOLITION OF NON-HISTORIC REAR PORCH; CONSTRUCTION OF A 2 STORY ADDITION AT THE REAR OF THE EXISTING HISTORIC PORTION, A WOOD PRIVACY FENCE, A POOL AND A POOL DECK.
13. Required information: (application will not move forward until all information is provided)

	Required	Existing	Requested
Front Setback	10'	6.00'	NO CHANGE
Side Setback	5'	2.14'	NO CHANGE
Side Setback	5'	4.12'	NO CHANGE
Rear Setback	15'	30.09'	21.00'
Building Coverage	40%	588 # (29%)	816 # (40%)
Open Space Requirements			
Impervious Surface	60%	950 # (47%)	1,079 # (53%)

14. Is Subject Property located within the Historic District? Yes No
 If Yes, indicate date of HARC approval as well as the HARC Approval Number. Attach minutes of the meeting.

Date _____ HARC # PENDING

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

16. 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.

Check List

(to be completed by Planning Staff and Applicant at time of submittal)

Applicant Initials	Staff Initials	The following must be included with this application
<u>D.K.</u>	_____	Copy of the most recent recorded deed showing ownership and a legal description of the subject property
<u>D.K.</u>	_____	Application Fee (to be determined according to fee schedule)
<u>D.K.</u>	_____	Site Plan (existing and proposed) as specified on Variance Application Information Sheet
<u>D.K.</u>	_____	Floor Plans of existing and proposed development (8.5 x 11)
<u>D.K.</u>	_____	Copy of the most recent survey of the subject property
<u>D.K.</u>	_____	Elevation drawings as measured from crown of road
<u>D.K.</u>	_____	Stormwater management plan
_____	_____	HARC Approval (if applicable)
<u>D.K.</u>	_____	Notarized Verification Form
<u>D.K.</u>	_____	A PDF or compatible electronic copy of the complete application on a compact disk

Please note that all architecture or engineering designs must be prepared and sealed by a professional architect or engineer registered in the state pursuant to F.S. chs. 471 and 481, respectively. Two signed and sealed copies will be required at time of submittal.

Standards for Considering Variances

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

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

THIS IS AN HISTORIC STRUCTURE WHICH WAS BUILT TO THE EXISTING CIRCUMSTANCES WHICH DO NOT CONFORM TO THE ESTABLISHED SETBACK REQUIREMENTS FOR THIS 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.

THE CONDITIONS AND CIRCUMSTANCES ARE IN NO WAY THE RESULT OF THE ACTION OR NEGLIGENCE OF THE CURRENT OWNER.

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

THE CURRENT OWNER IS COMPELED BY THE LAND DEVELOPMENT REGULATIONS TO SEEK THESE VARIANCES IN ORDER TO CARRY OUT THE PROPOSED ADDITIONS WHICH ARE PROJECTED TO EXCEED 66% OF THE CURRENT BUILDING VALUE.

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 SETBACK REQUIREMENTS AS ESTABLISHED BY THE L.D.R. WOULD PREVENT THE CURRENT OWNER FROM ADDING TO THE NONCONFORMING HISTORIC STRUCTURE.

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.

THIS APPLICATION REQUESTS ONLY THE VARIANCES REQUIRED FOR THE RIGHT TO BUILD AN ADDITION WHICH WILL IN NO WAY INCREASE THE NONCONFORMITIES.

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.

PUBLIC WELFARE AND THE INTENT OF THE L.D.R. WILL BE BENEFITED BY THE APPROVAL OF THIS VARIANCE REQUEST TO ALLOW THE CONSTRUCTION OF THE PROPOSED CODE-COMPLIANT ADDITION.

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

THIS VARIANCE APPLICATION IS BASED ONLY ON THE SPECIFIC EXISTING CONDITIONS OF THE SUBJECT PROPERTY AND THE CONFORMING MERITS OF THE PROPOSED ADDITIONS.

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.

Verification Form



Verification Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, DAVID GRAHAM, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the Owner Owner's Legal Representative
1415 OLIVA ST., LLC

1621 BAY RD, APT. 1208, MIAMI BEACH, FL 33139
Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

Signature of Owner/Legal Representative Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 11-18-10 (date) by DAVID GRAHAM (name). He/She is personally known to me or has

presented FLDL# G650 173 43 3730 as identification.

Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped
Title or Rank Commission Number (if any)



Verification Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, DAVID KNOLL, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the _____ Owner Owner's Legal Representative
for the property identified as the subject matter of this application:

1415 OLIVIA ST. KEY WEST, FL.
Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

David Knoll _____
Signature of Owner/Legal Representative Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 11/19/10 (date) by
David Knoll (name). He/She is personally known to me or has
presented _____ as identification.

[Signature]
Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped

Title or Rank _____ Commission Number (if any)

Authorization Form



Authorization Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

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

I, DAVID GRAHAM, MANAGING MEMBER OF 1415 OLIVIA ST., LLC. authorize
Please Print Name(s) of Owner(s)

DAVID KNOLL
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the Planning Board.

[Signature]

Signature of Owner

Signature of Joint/Co-owner if applicable

DAVID GRAHAM, MANAGING MEMBER, 1415 OLIVIA ST., LLC.

Subscribed and sworn to (or affirmed) before me on 11-18-10 (date) by

DAVID M. GRAHAM
Please Print Name of Affiant

He/She is personally known to me or has

presented FL DL # G650 173 43 3730 as identification

Carol C. Dawkins

Notary's Signature and Seal



Name of Acknowledger printed or stamped

Title or Rank

Commission Number (if any)

Deed

UR-Dr. 240612010



PREPARED BY AND RETURN TO:
RICHARD M. KLITENICK
RICHARD M. KLITENICK, P.A.
1009 SIMONTON STREET
KEY WEST, FL 33040
305-292-4101
FILE NUMBER: REJO-033
RECORDING FEE: \$18.50
DOCUMENTARY STAMPS PAID: \$1,785.00

[Space above This Line for Recording Data]

PERSONAL REPRESENTATIVE'S DEED

THIS PERSONAL REPRESENTATIVE'S WARRANTY DEED is made on this 13 day of October, 2010 between ANNA Von BOETTICHER as Personal Representative of the Estate of Lothar Burggraf Und Graf zu Dohna Schlohbitten, deceased, whose address is Grunbergerstr 69, 10245 Berlin, Germany (hereinafter referred to as "Grantor"), and 1415 OLIVIA STREET, LLC, a Florida Limited Liability Company, whose address is 1621 Bay Road, # 1208, Miami Beach, FL 33139 (hereinafter referred to as "Grantee")

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said Grantor, for and in consideration of the sum of TWO HUNDRED FIFTY-FIVE THOUSAND & 00/100^{ths} DOLLARS (\$255,000.00) and other good and valuable consideration 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, with the street address of 1415 Olivia Street, Key West, FL 33040 more particularly described as:

A PARCEL OF LAND ON THE ISLAND OF KEY WEST BEING A PART OF LOT 11, SQUARE 2, OF BENJAMIN ALBURY'S SUB-DIVISION OF PART OF TRACT 7, KEY WEST, FLORIDA, AS RECORDED IN DEED BOOK "1", PAGE 389, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE POINT OF INTERSECTION OF THE SW'LY RIGHT OF WAY LINE (ROWL) OF PEARL STREET AND THE NW'LY ROWL OF OLIVIA STREET, SAID POINT ALSO BEING THE E'LY CORNER OF LOT 10 OF SAID SQUARE 2; THENCE RUN SW'LY ALONG SAID NW'LY ROWL FOR A DISTANCE OF 60.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SW'LY ALONG SAID NW'LY ROWL FOR A DISTANCE OF 28.0 FEET; THENCE RUN NW'LY AT A RIGHT ANGLE FOR A DISTANCE OF 73.96 FEET; THENCE RUN NE'LY AT A RIGHT ANGLE FOR A DISTANCE OF 29.50 FEET; THENCE RUN SE'LY AT A RIGHT ANGLE FOR A DISTANCE OF 26.10 FEET TO A POINT ON THE SW'LY FACE OF A ONE STORY CONCRETE BLOCK HOUSE; THENCE RUN SE'LY ALONG A LINE DEFLECTED 03° 52' 40" TO THE RIGHT, ALONG SAID SW'LY FACE, FOR A DISTANCE OF 32.53 FEET TO THE S'LY CORNER OF SAID ONE STORY CONCRETE BLOCK HOUSE; THENCE RUN NE'LY ALONG A LINE DEFLECTED 93° 52' 40" TO THE LEFT, ALONG THE SE'LY FACE OF SAID ONE STORY CONCRETE BLOCK HOUSE, FOR A DISTANCE OF 0.70 OF A FOOT; THENCE RUN SE'LY AT A RIGHT ANGLE ALONG AN EXISTING FENCE FOR A DISTANCE OF 15.40 FEET TO A POINT ON SAID NE'LY ROWL AND SAID POINT OF BEGINNING.

PARCEL ID# 00023940-000000; ALTERNATE KEY ("AK") NUMBER: 1024741

SUBJECT TO CONDITIONS AND RESTRICTIONS OF RECORD, IF ANY.

SUBJECT TO: TAXES FOR THE YEAR 2010 AND SUBSEQUENT YEARS

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

To Have and to Hold, the same in fee simple forever.

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And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2009, and those items listed above.

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

Signed, sealed and delivered in our presence:

[Signature]
Witness # 1 signature
Print name Lipokatic

[Signature]
Witness # 2 signature
Print name Meipel

[Signature]
ANNA Von BOETTICHER, Personal
Representative of the Estate of Lothar Burggraf
Und Graf zu Dohna Schlohbitten, deceased



COUNTRY OF GERMANY

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, ANNA Von BOETTICHER as Personal Representative of the Estate of Lothar Burggraf Und Graf zu Dohna Schlohbitten, deceased, who is personally known to me; ~~OR~~ who produced _____ as identification, to be the same person who is the Personal Representative described in the foregoing Warranty Deed, and she acknowledged to me that she executed the same freely and voluntarily for the purposes therein expressed, with all requisite authority on behalf of the Estate.

WITNESS my hand and official seal at _____, in the Country of Germany, on this 13th day of October, 2010.

(SEAL)

[Signature]
Officer Title- Alexander Taber
Commission No.: as proxy of Notary M. Oehme



NOTAR FÜR DEN DISTRICT VON BERLIN

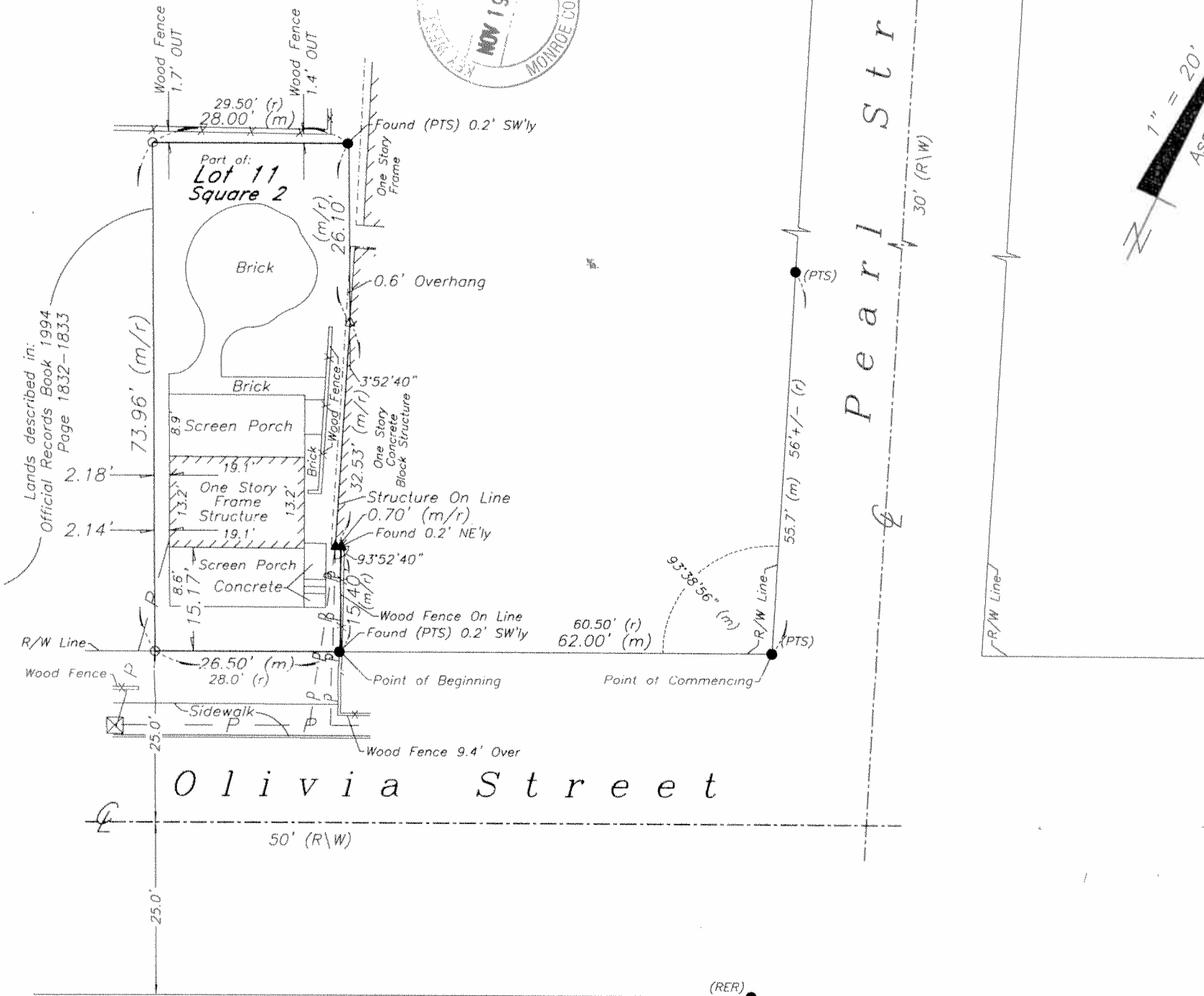
Survey

Boundary Survey Map of Part of Lot 11, Square 2 Benjamin Albury's Subdivision, Island of Key West

LEGEND

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

P i n e S t .



NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1415 Olivia Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Date of field work: September 26, 2010.
9. Ownership of fences is undeterminable, unless otherwise noted.
10. Adjoiners are not furnished.

BOUNDARY SURVEY OF: A parcel of land on the Island of Key West being a part of Lot 11, Square 2, of Benjamin Albury's Sub-division of part of Tract 7, Key West, Florida as recorded in Deed Book "I", Page 389, of the Public Records of Monroe County, Florida, being more particularly described as follows: COMMENCE at the point of intersection of the SW'y right of way line (ROWL) of Pearl Street and the NW'y ROWL of Olivia Street, said point also being the E'y corner of Lot 10 of said Square 2; thence run SW'y along the said NW'y ROWL for a distance of 60.50 feet to the Point of Beginning of the herein described parcel; thence continue SW'y along the said NW'y ROWL for a distance of 28.0 feet; thence run NW'y at a right angle for a distance of 73.96 feet; thence run NE'y at a right angle for a distance of 29.50 feet; thence run SE'y at a right angle for a distance of 26.10 feet to a point on the SW'y face of a one story concrete block house; thence run SE'y along a line deflected 03°52'40" to the right, along said SW'y face, for a distance of 32.53 feet to the S'y corner of said one story concrete block house; thence run NE'y along a line deflected 93°52'40" to the left, along the SE'y face of said one story concrete block house, for a distance of 0.70 of a foot; thence run SE'y at a right angle along an existing fence for a distance of 15.40 feet to a point on said NW'y ROWL and said Point of Beginning.

BOUNDARY SURVEY FOR: David Graham;

J. LYNN O'FLYNN, INC.

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

September 30, 2010

October 20, 2010 -- Revised Dimension

THIS SURVEY
IS NOT
ASSIGNABLE

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

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

Property Appraiser Information

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS

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No Events

No Name History

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Detail by Entity Name

Florida Limited Liability Company

1415 OLIVIA STREET, LLC

Filing Information

Document Number L10000100626

FE/EIN Number NONE

Date Filed 09/27/2010

State FL

Status ACTIVE

Effective Date 09/27/2010

Principal Address

1621 BAY ROAD

#1208

MIAMI FL 33139

Mailing Address

1621 BAY ROAD

#1208

MIAMI FL 33139

Registered Agent Name & Address

SUGGS, ALLEN

10176 FORTUNE PARKWAY

#601

JACKSONVILLE, FL 32258 US

Manager/Member Detail

Name & Address

Title MGRM

GRAHAM, DAVID

1621 BAY ROAD

MIAMI BEACH FL 33139

Annual Reports

No Annual Reports Filed

Document Images

09/27/2010 - Florida Limited Liability [View image in PDF format](#)

Note: This is not official record. See documents if question or conflict.



Site Photos





