

Easement Request

302 Amelia Street

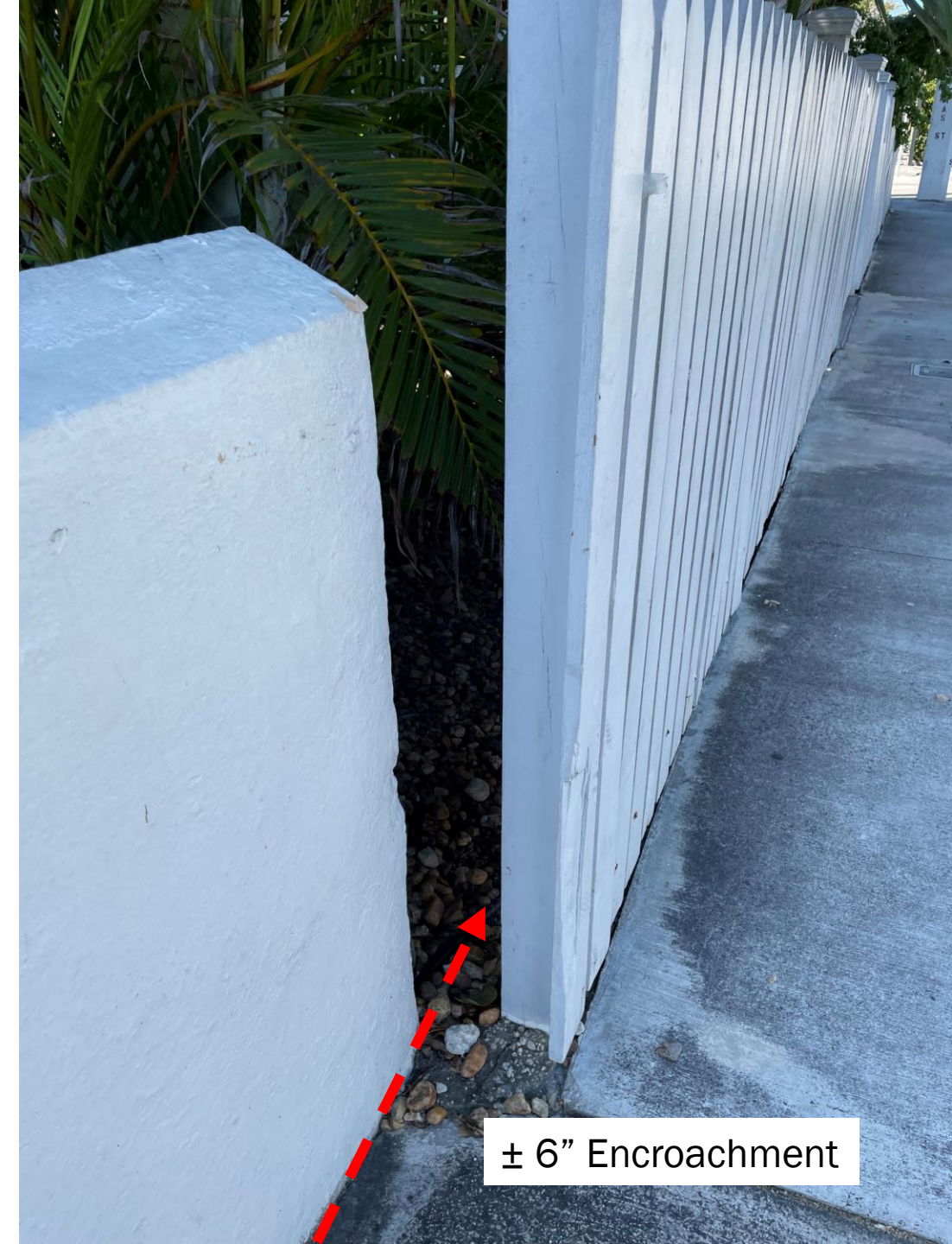
- A request for an approximately 148-square foot easement for an existing wood fence at 302 Amelia Street.
- Fence ranges from 0.5' to 1.7' over the property line
- Located on the corner of Amelia & Thomas Streets in the Historic Medium Density Residential zoning district.



Request

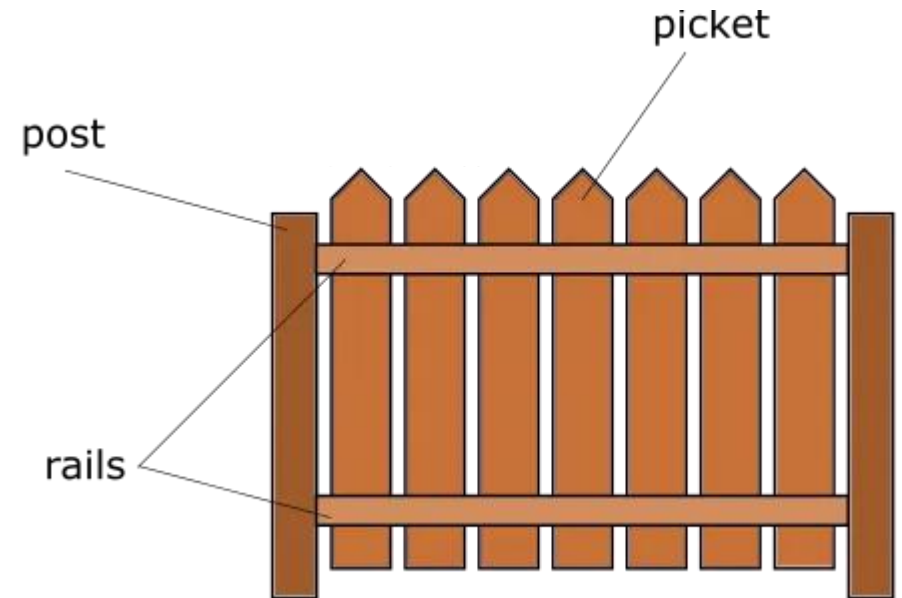
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- Request is subject to Section 2-938(b)(3) of the Land Development Regulations.





Section 122-29: Repairs and maintenance of noncomplying structures

- Defines the scope of “repair & maintenance”
- When work exceeds that scope, it is considered reconstruction & governed by 122-28
- Threshold for repair vs. reconstruction is based on the appraised value of the property, and therefore is not easily applied to fences
- Planning & Applicant’s rep coordinated to define scope of repair vs. reconstruction: pickets and beams can be replaced, replacing fence posts/vertical structural elements constitutes reconstruction



Section 122-28: Replacement or Reconstruction

All noncomplying accessory structures to the principal building or structure (e.g., a shed, pool, fence, etc., but not including a condominium clubhouse) shall also require a variance in order to be enlarged, reconstructed or replaced, either voluntarily or involuntarily.

Options



Option 1

- Fence can be maintained and repaired
- If it is reconstructed, it must be replaced on private property.

Option 2

- Fence can be maintained and repaired
- Fence can be reconstructed in its current location

Option 3

- Deny the request.

Planning Department Recommendation

Option 1

- Fence can be maintained and repaired
 - If it is reconstructed, it must be replaced on private property.
- Ordinary repair and maintenance shall be permitted, which shall include repair and replacement of pickets and horizontal support beams. Replacement or reconstruction of fence posts or vertical structural supports shall function to terminate this easement. The easement shall also terminate if the fence is enlarged or removed. A reconstructed fence shall be erected on the lot of the applicant and shall not extend into a public right-of-way
 - The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
 - The Grantee shall pay the annual fee of \$400.00 specified in code Section 2-938(b)(3).
 - Grantee shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment if the annual fee required by the Code of Ordinances is not paid.
 - The applicant shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$300,000.00.
 - The easement areas shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
 - The City reserves the right to construct surface or sub-surface improvements within the easement areas.
 - The subject area includes a one-hundred forty-eight square-foot (148), more or less, portion of the Thomas and Amelia Street rights-of-way bounded by a wood fence and shall be the total allowed within the easement area.
 - Grantee expressly agrees to indemnify and hold harmless the City of Key West from any and all liability for damages



Thank you
