

Application



GREGORY S. OROPEZA | ADELE VIRGINIA STONES | SUSAN M. CARDENAS



May 11, 2017

Patrick Wright
Director of Planning
City of Key West
P.O. Box 1409
Key West, FL 33041-1409

Re: Resolution No. 2015-27
805 Olivia Street, Key West, Florida

Dear Mr. Wright:

Please accept this letter as a petition to extend the variance granted in City of Key West Resolution No. 2015-27.

A condition of the original variance was to maintain 5 feet side yard setback free and clear of any obstructions for life safety accessibility. There has been no change of circumstances to the property or its underlying zoning; however, the owner requires additional time to complete the authorized development.

Thank you for your consideration of this request.

Sincerely,

Gregory S. Oropeza

GSO:gg

Copies to:

Client

Vicky Walter by email to: vwalker@cityofkeywest-fl.gov

**PLANNING BOARD
RESOLUTION NO. 2015-27**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS VARIANCE TO MINIMUM SIDE YARD SETBACK ON PROPERTY LOCATED AT 805 OLIVIA STREET (RE # 00019930-000000; AK # 1020621) IN THE HISTORIC HIGH DENSITY RESIDENTIAL (HHDR) ZONING DISTRICT PURSUANT TO SECTIONS 90-395 AND 122-630(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 second residential unit (2 ½ story structure) within the side yard setback on property located at 805 Olivia Street (RE # 00019930-000000; AK # 1020621); and

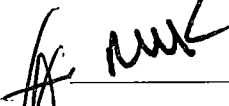
WHEREAS, on April 9, 2009 the Planning Department acknowledged the existence of a second non-transient dwelling unit through the lawful unit determination process; and

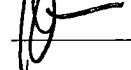
WHEREAS, Section 122-630 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that the minimum side yard setback is five (5) feet (or 10 percent of lot width to a maximum of 15 feet, whichever is greater); and

WHEREAS, the proposed is northeast side yard setback is 5 feet from the 10.5 feet minimum required; and

WHEREAS, the applicant requests a variance to the minimum side yard setback; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 16, 2015; and



Chairman


Planning Director

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 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; and

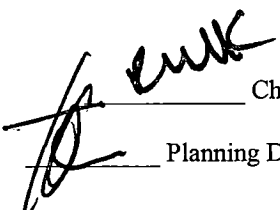

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds 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; 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 are grounds for the issuance of the requested variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor


Chairman

Planning Director

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.

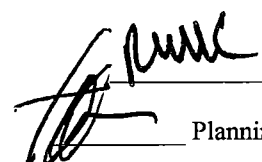

Section 2. An approval by Resolution of the Key West Planning Board for side yard setback variance for the construction of a 2 ½ story structure on property located at 805 Olivia Street (RE # 00019930-000000; AK # 1020621) in the HHDR Zoning District pursuant to Sections 90-395 and 122-630(6)b. of the City of Key West Land Development Regulations with the following condition:

General Conditions:

1. Maintain 5 feet side yard setback free and clear of any obstructions for life safety accessibility.

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is 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

 Chairman
 Planning Director


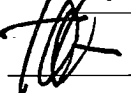
permits for use and occupancy pursuant to this variance in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 5. This variance does 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.

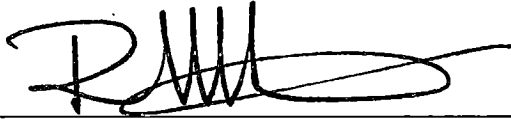
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

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) 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 16th day of July 2015.

 Chairman
 Planning Director

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

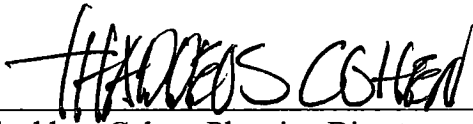


Richard Klitenick, Planning Board Chairman

8/6/2015

Date

Attest:

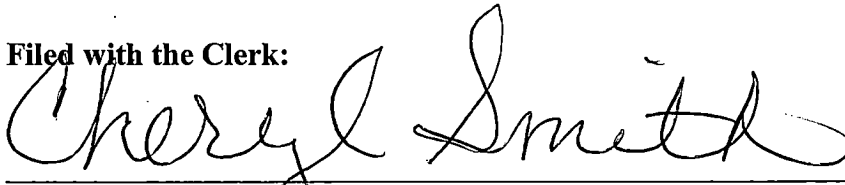


Thaddeus Cohen, Planning Director

7/30/15

Date

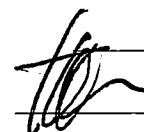

Filed with the Clerk:



Cheryl Smith, City Clerk

8-7-15

Date

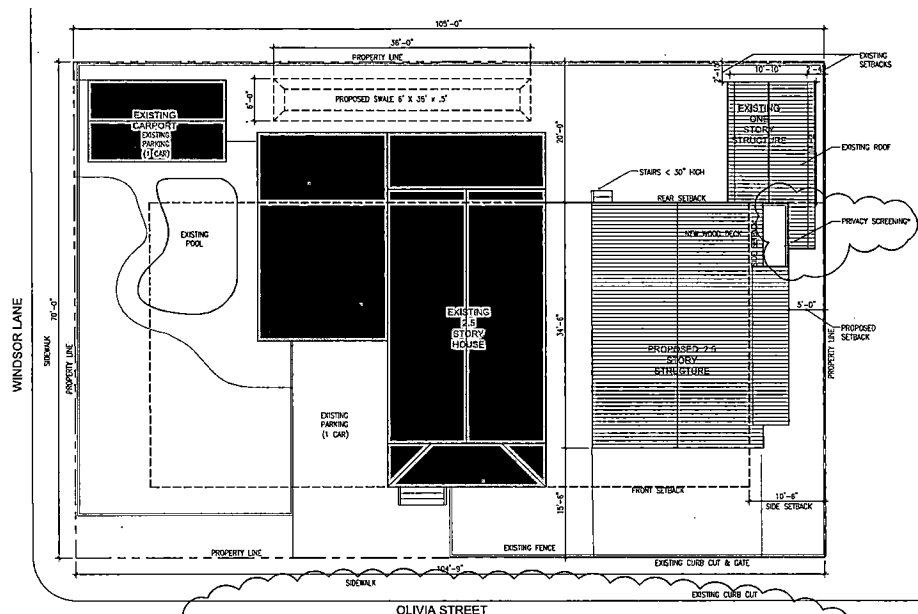
 Chairman
 Planning Director

ZONING CALCULATIONS

	ALLOWED	EXISTING	PROPOSED	COMPLIANCE
HEIGHT	30'	37'	30'	Yes
BUILDING COVERAGE	40%	2,055 s.f. (38.5%)	2,940 s.f. (46%)	Yes
IMPERVIOUS SURFACE RATIO	40%	3,119 s.f. (42%)	3,921 s.f. (52.2%)	Yes
LOT SIZE	Min. 4,000 s.f.	5,354 s.f.	N/A	N/A
LOT WIDTH	Min. 40'	35'	N/A	N/A
LOT DEPTH	Min. 50'	72'	N/A	N/A
FRONT SETBACK	Min. 10'	12'	15'-0" (100%)	Yes
SIDE SETBACK (East) (Exst. Shed)	Min. 10'-0"	8'-1"	No Change	N/A
SIDE SETBACK (East) New Construction	Min. 10'-0"	N/A	5'	No
STREET SIDE SETBACK (West)	Min. 10'-0"	N/A	No Change	N/A
REAR SETBACK (East) Shed	Min. 30'	2'-0"	No Change	N/A
REAR SETBACK - New Construction	Min. 30'	N/A	30'	Yes
OPEN SPACE	30% Min.	5,259 s.f. (72%)	1,420 s.f. (16%)	Yes

DRAINAGE CALCS

REQUIRED INFORMATION:
TOTAL LOT AREA = 7,350 S.F.
INCREASED IMPERVIOUS AREA =
ROOF = 715 S.F.
% IMPERVIOUS = 715 / 7,350 = .097%
SWALE VOLUME REQUIRED:
FOR A HOME WITH 40% OR GREATER IMPERVIOUS COVERAGE
LOT AREA * 0.104 * % IMPERVIOUS = SWALE VOLUME
7350 * 0.104 * .097 = 74.1 C.F.
SWALE PROVIDED:
SWALE A = (8' X 30' X 0.5') = 81 C.F.
SWALE SIZE IS APPROX. 7% LARGER TO ALLOW FOR LANDSCAPING



NOTES:
TREES NEAR AND WITHIN THE PROJECT AREA (INCLUDING CANOPY IN THE ADJACENT PROPERTY) WILL BE PROTECTED DURING CONSTRUCTION. TREES LOCATED WITHIN THE WORK AREA THAT MAY NEED TO BE REMOVED OR TRIMMED, MAY RECEIVE PERMITS FROM THE TREE COMMISSION. IF A ROOT OR ROOTS OF A NEIGHBORING TREE ARE LOCATED WITHIN THE PROPOSED WORK AREA, THE PROPERTY OWNER / CONTRACTOR WILL CONSULT WITH THE URBAN FORESTRY MANAGER BEFORE COMMENCING ANY WORK THAT WILL RESULT IN SEVERING THE ROOT / ROOTS.
* SUBJECT TO HARC APPROVAL

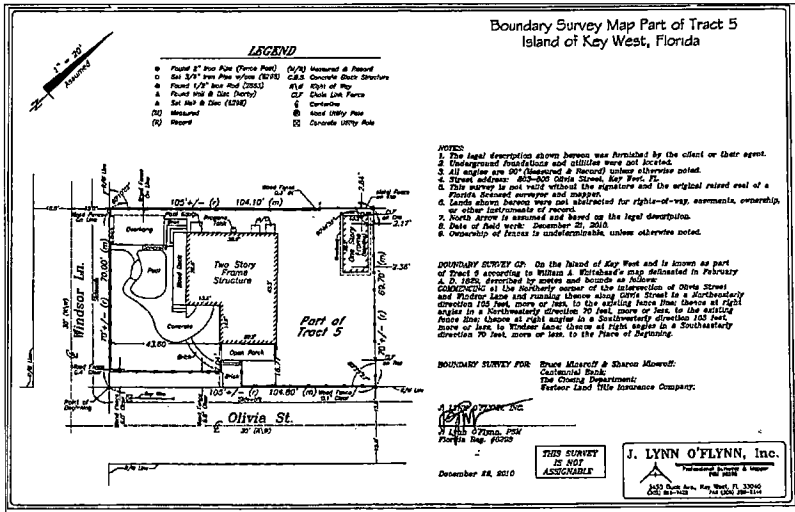
2 PROPOSED SITE PLAN

A11 SCALE: 1/8"=1'-0"



1 CONTEXTUAL ELEVATION

A11 SCALE: 1/8"=1'-0"



3 COPY OF SURVEY

A11 SCALE: AS NOTED

wsa

william sheper

architect

Tel: 305-830-4191
Email: info@wsaarchitect.com

SCALE:

Comments:

Submissions / Revisions:
HARC SUBMISSION 1 - 2018.11
DRAWING SUBMISSION - 2018.12.19
DRAWING REV. 1 - 2018.12.24
DRAWING REV. 2 - 2018.12.24
DRAWING REV. 3 - 2018.12.24
DRAWING REV. 4 - 2018.12.27

805 OLIVIA STREET
KEY WEST, FL
NEW RESIDENTIAL PROJECT

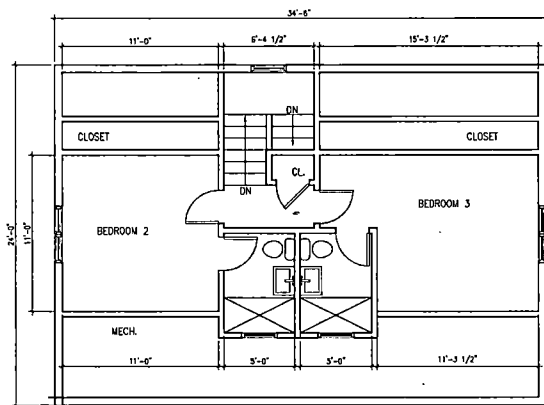
Drawing Size: 24"X36" | Project #: 13207
Title:

**SITE PLANS /
CALCS /
SURVEY**

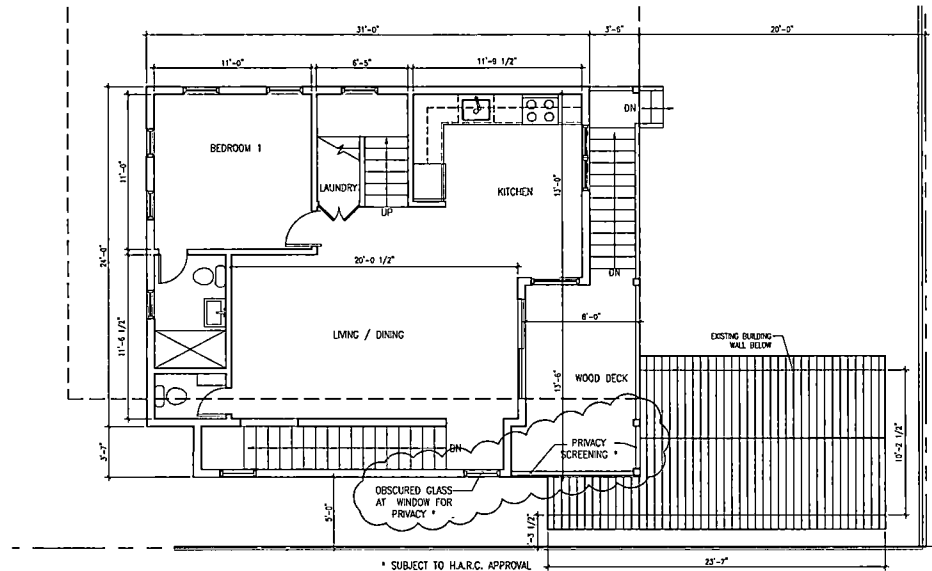
Sheet Number:

A-1.1

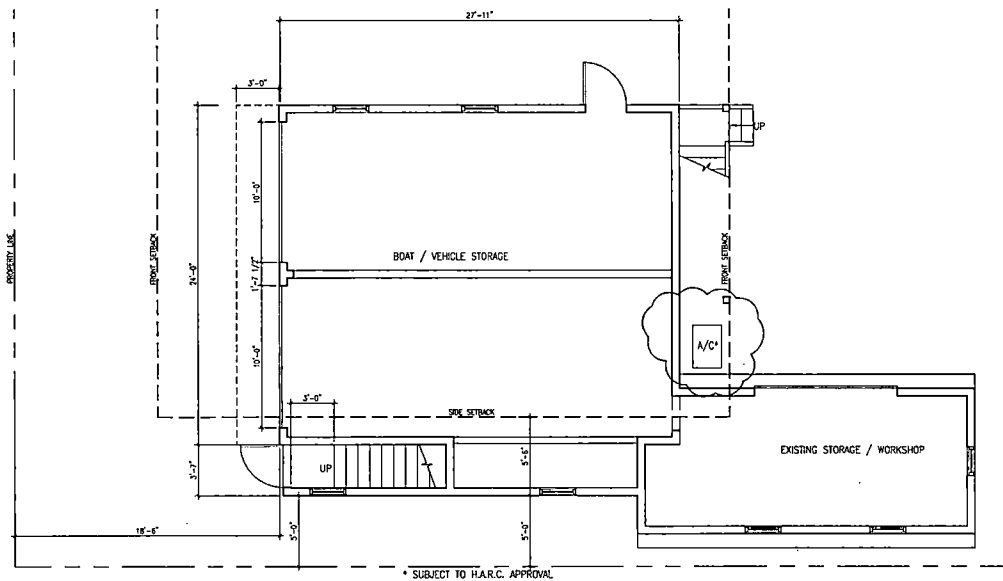
Date: MAY 27, 2018
©2015 by William Sheper Architect



3
A2.1
SCALE: 1/4"=1'-0"



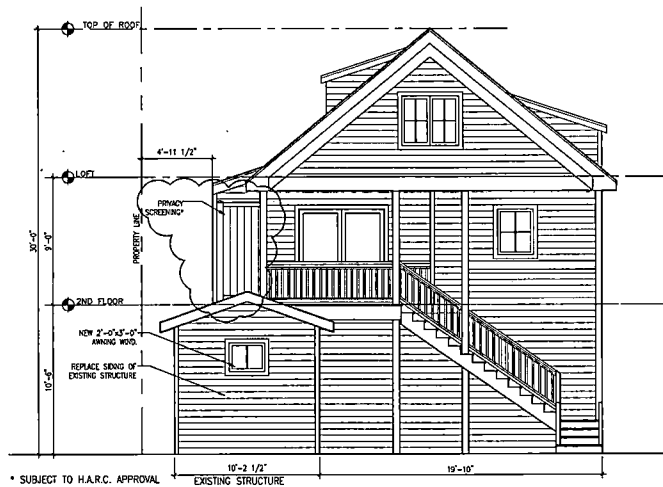
2
A2.1
SCALE: 1/4"=1'-0"



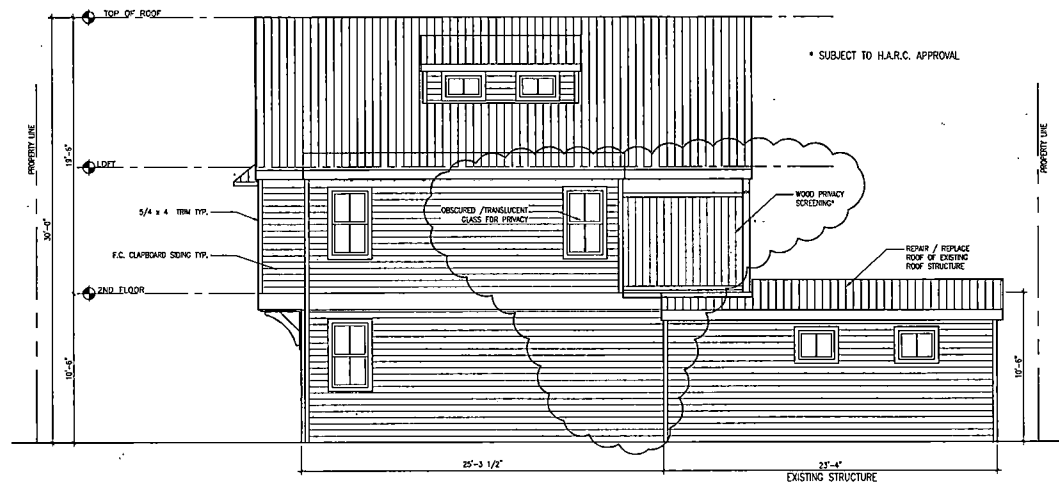
1
A2.1
SCALE: 1/4"=1'-0"

pink

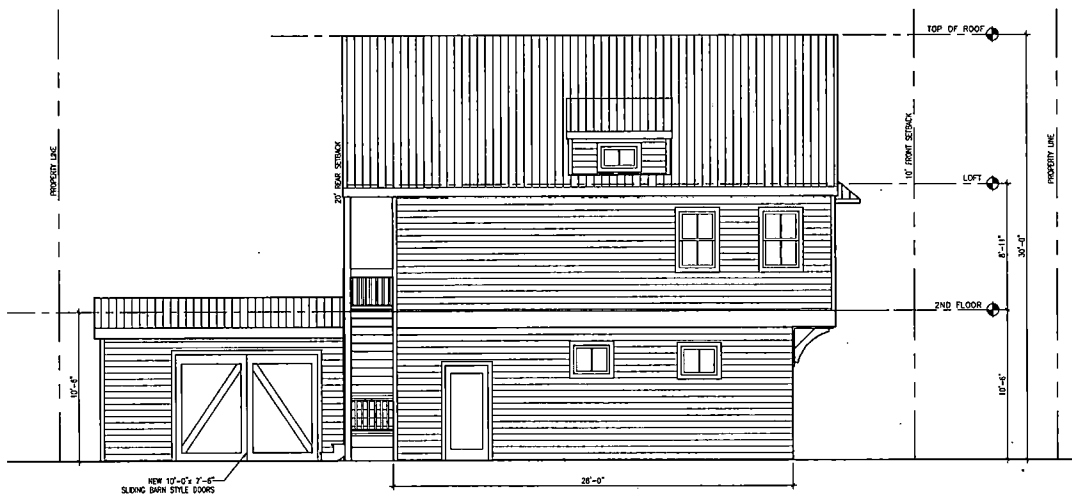
10/10/15



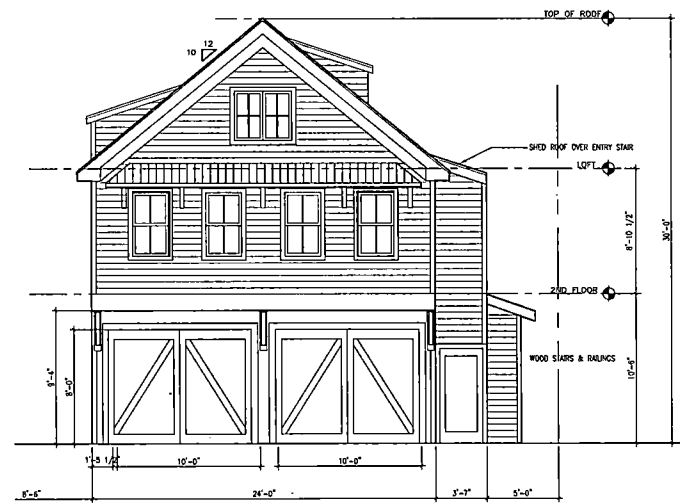
4 NORTH ELEVATION
A3.1 SCALE: 1/4"=1'-0"



2 EAST ELEVATION
A3.1 SCALE: 1/4"=1'-0"



4 WEST ELEVATION
A3.1 SCALE: 1/4"=1'-0"



1 SOUTH ELEVATION
A3.1 SCALE: 1/4"=1'-0"

PK

1/27/15

william sheper

architect

Tel: 305-890-9191
Email: info@wsaarchitect.com
Web: www.wsaarchitect.com

Submissions / Revisions:

DATE: 08/08/2011 - 2011.11.11

REVISION: 1 - 2011.11.11

REVISION: 2 - 2011.11.11

REVISION: 3 - 2011.11.11

REVISION: 4 - 2011.11.11

805 OLIVA STREET
KEY WEST, FL
NEW RESIDENTIAL PROJECT

ELEVATIONS

SCALE: 1/4"=1'-0"

Sheet Number:
A-3.1

Date: MAY 27, 2015

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Authorization Form

City of Key West
Planning Department



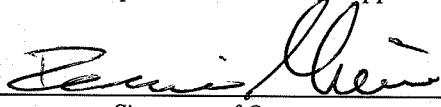
Authorization Form
(Individual or Joint Owner)

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

I, Bruce Mineroff authorize
Please Print Name(s) of Owner(s) as appears on the deed

Oropeza Stones & Cardenas, PLLC
Please Print Name of Representative

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



Signature of Owner

Signature of Joint/Co-owner if applicable

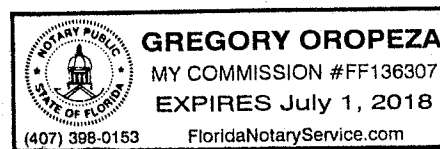
Subscribed and sworn to (or affirmed) before me on this 7-14-17
Date

by Bruce Mineroff
Name of Owner

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


Notary's Signature and Seal

Gregory Oropeza
Name of Acknowledger typed, printed or stamped



Commission Number, if any

Verification Form

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an Entity)

I, Gregory Oropeza, in my capacity as an Attorney
(print name) *(print position; president, managing member)*
of Oropeza Stones & Cardenas, PLLC
(print name of entity serving as Authorized Representative)

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:

803-805 Olivia Street, Key West, FL 3040

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.

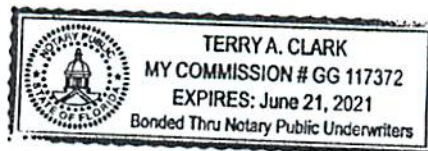

Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this July 14, 2017 by
Gregory Oropeza
Name of Authorized Representative
date

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


Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped



Commission Number, if any