

# Application



# Application For Variance

City of Key West, Florida • Planning Department

1300 White Street • Key West, Florida 33040 • 305-809-3720 • [www.cityofkeywest-fl.gov](http://www.cityofkeywest-fl.gov)

**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: 1411 Truman Avenue

Zoning District: HMDR Real Estate (RE) #: 00024311-000000

Property located within the Historic District? ☒ Yes ☐ No

## APPLICANT:

☐ Owner

☒ Authorized Representative

Name: Rick Milelli

Mailing Address: 201 Front St. Suite 203

City: Key West State: FL Zip: 33040

Home/Mobile Phone: \_\_\_\_\_ Office: 305-293-3263 Fax: \_\_\_\_\_

Email: rmilelli@meflkeys.com

## PROPERTY OWNER: (if different than above)

Name: Three Palms Condominium

Mailing Address: 95 Seaside North Ct

City: Key West State: FL Zip: 33040

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Description of Proposed Construction, Development, and Use:** Construct a new roof over an existing concrete rear porch. The new roof will be within the footprint of the existing porch.

## List and describe the specific variance(s) being requested:

A variance for the building coverage is being requested since the site is already over the City of Key West requirements. Also, a variance for the side yard setback since the existing concrete porch is located slightly in the side yard setback.

**Are there any easements, deed restrictions or other encumbrances attached to the property?** ☐ Yes ☒ No

If yes, please describe and attach relevant documents: \_\_\_\_\_

Will any 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.

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

☐ Yes ☒ No

Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R. provide square footages and percentages.

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	HNC-1			
Flood Zone	AE6			
Size of Site	2,506 SQ. FT.			
Height	N/A	N/A	N/A	N/A
Front Setback	5'	12'-5"	46'	NONE
Side Setback	5'	3'-1"	3'-7"	YES
Side Setback	5'	11"	20'-5"	NONE
Street Side Setback	7.5'	N/A	N/A	NONE
Rear Setback	15'	9'-11"	9'-5"	YES
F.A.R	1.0	.63	NO CHANGE	NONE
Building Coverage	50% MAX	1,432 SQ. FT.	1,535 SQ. FT.	YES
Impervious Surface	60% MAX	1,960 SQ. FT.	NO CHANGE	NONE
Parking	N/A	N/A	N/A	N/A
Handicap Parking	N/A	N/A	N/A	N/A
Bicycle Parking	N/A	N/A	N/A	N/A
Open Space/ Landscaping	35% MIN.	845 SQ. FT.	830 SQ. FT.	NONE
Number and type of units	N/A	N/A	N/A	N/A
Consumption Area or Number of seats	N/A	N/A	N/A	N/A

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 [http://www.municode.com/Library/FL/Key\\_West](http://www.municode.com/Library/FL/Key_West) 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.

### 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.

The special condition is the presence of an uncovered existing rear patio that was constructed by a previous owner of the property. The climate of the keys renders the patio unusable during certain times of the year and a covered patio would allow the owner to use the rear yard more frequently.

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 uncovered rear patio was a condition that preexisted 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.

Special privileges are not conferred.

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 lack of roof makes the covered patio unusable at certain times of the year.

5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

The applicant is requesting to cover existing impervious surface.

No new impervious surface is created and there is no loss of open space.

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.

Granting of the variance is not injurious to the public welfare.

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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.

Existing nonconforming uses of other property is not considered as the basis of approval.

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**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."
- ☐ 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
- ☐ Stormwater management plan

# **Declaration of Condominium**

**DECLARATION OF CONDOMINIUM**  
**OF**  
**THREE PALMS CONDOMINIUM**  
**KEY WEST, FLORIDA**

PETER D. BEK-GRAN and KENNETH DOOLEY, herein called "Developer," on behalf of themselves and their successors, grantees, and assigns, hereby make this Declaration of Condominium:

1. SUBMISSION TO CONDOMINIUM -- The fee simple title to the lands located in Monroe County, Florida, and described in attached Exhibit "E" are submitted to the condominium form of ownership.

2. NAME -- PLAN OF DEVELOPMENT -- Developer owns the property located at 1411 Truman Avenue, Key West, Florida which consists of one (1) building, containing a total of three (3) residential units, and associated improvements designated as "THREE PALMS CONDOMINIUM". The entire condominium parcel and the Floor Plans of each of those units are described in Exhibit "B". This is a conversion of existing, previously occupied improvements to condominium ownership.

3. NAME -- ASSOCIATION -- The name of the Condominium Association is "THREE PALMS CONDOMINIUM ASSOCIATION, INC." This Association is incorporated as a not-for-profit Florida corporation.

4. DEFINITIONS -- The terms used herein will have the meanings stated in Florida Statutes Chapter 718 (Condominium Act) and as follows, unless the context otherwise requires:

4.1. ASSESSMENT -- The share of the funds required for the payment of common expenses that is assessed against a unit owner from time to time.

4.2. ASSOCIATION -- The corporation responsible for the operation of the Condominium.

4.3. ASSOCIATION PROPERTY -- All real or personal property owned or leased by the Association.

4.4. BOARD OF DIRECTORS or DIRECTORS or BOARD -- The board of directors responsible for the administration of the Association.

4.5. CHARGE or SPECIAL CHARGE -- The obligation of a unit owner to pay or reimburse money to the Association that cannot be secured as an assessment pursuant to F.S. 718.116, but which will, if the charge is not paid, give rise to a cause of action against the unit owner pursuant to this declaration.

4.6. COMMON ELEMENTS -- The portions of the property submitted to condominium ownership and not included in the units, including:

4.6.1. Land

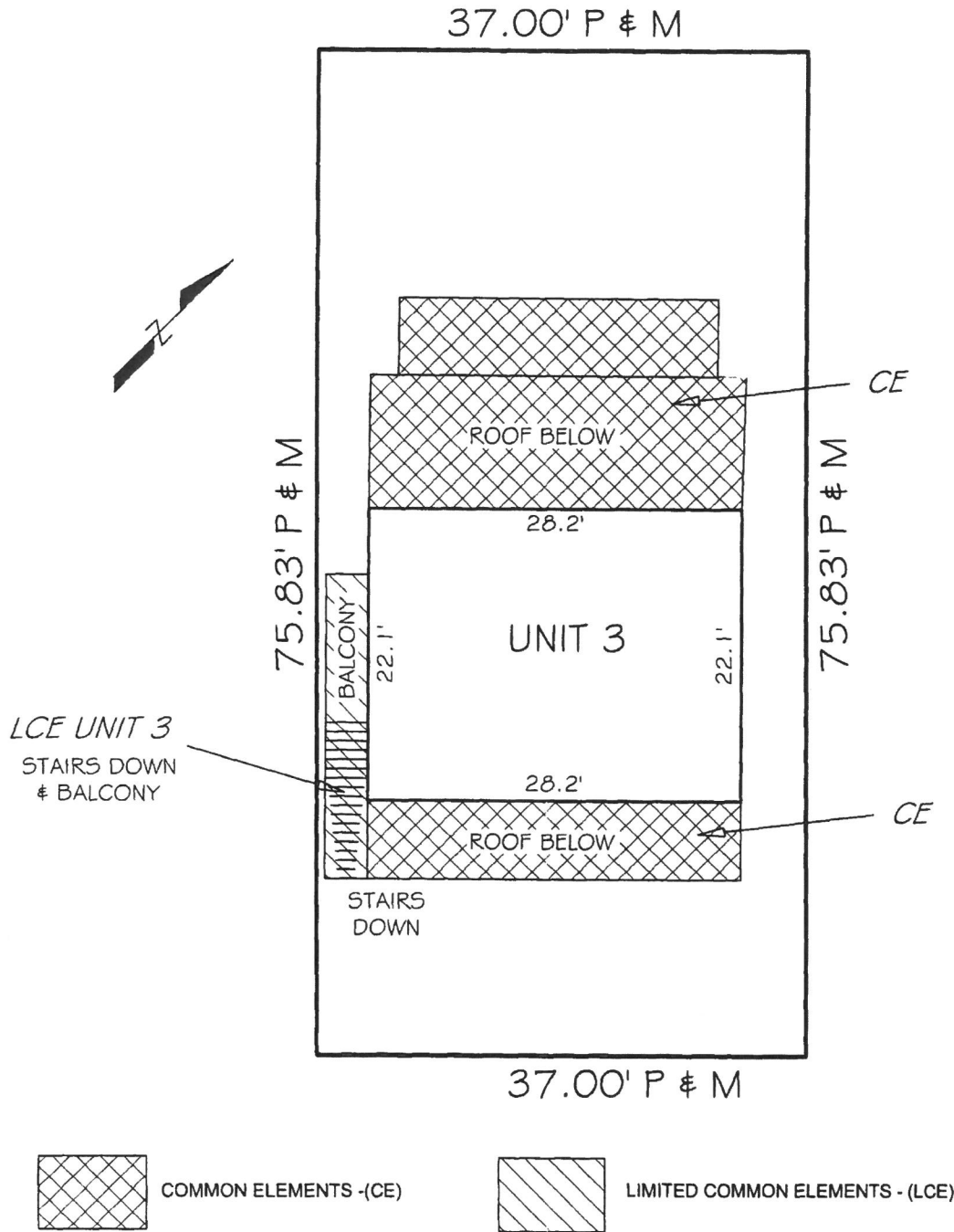
4.6.2. All parts of improvements that are not included within the units

4.6.3. Easements

4.6.4. Installations for the furnishing of services to more than one unit or to the common elements.

4.7. COMMON EXPENSES -- All expenses and assessments properly incurred by the Association for the Condominium and such expenses as may be declared to be common expenses

# THREE PALMS CONDOMINIUM



CL TRUMAN AVENUE

50' RIGHT-OF-WAY

Second Level Floor Plan

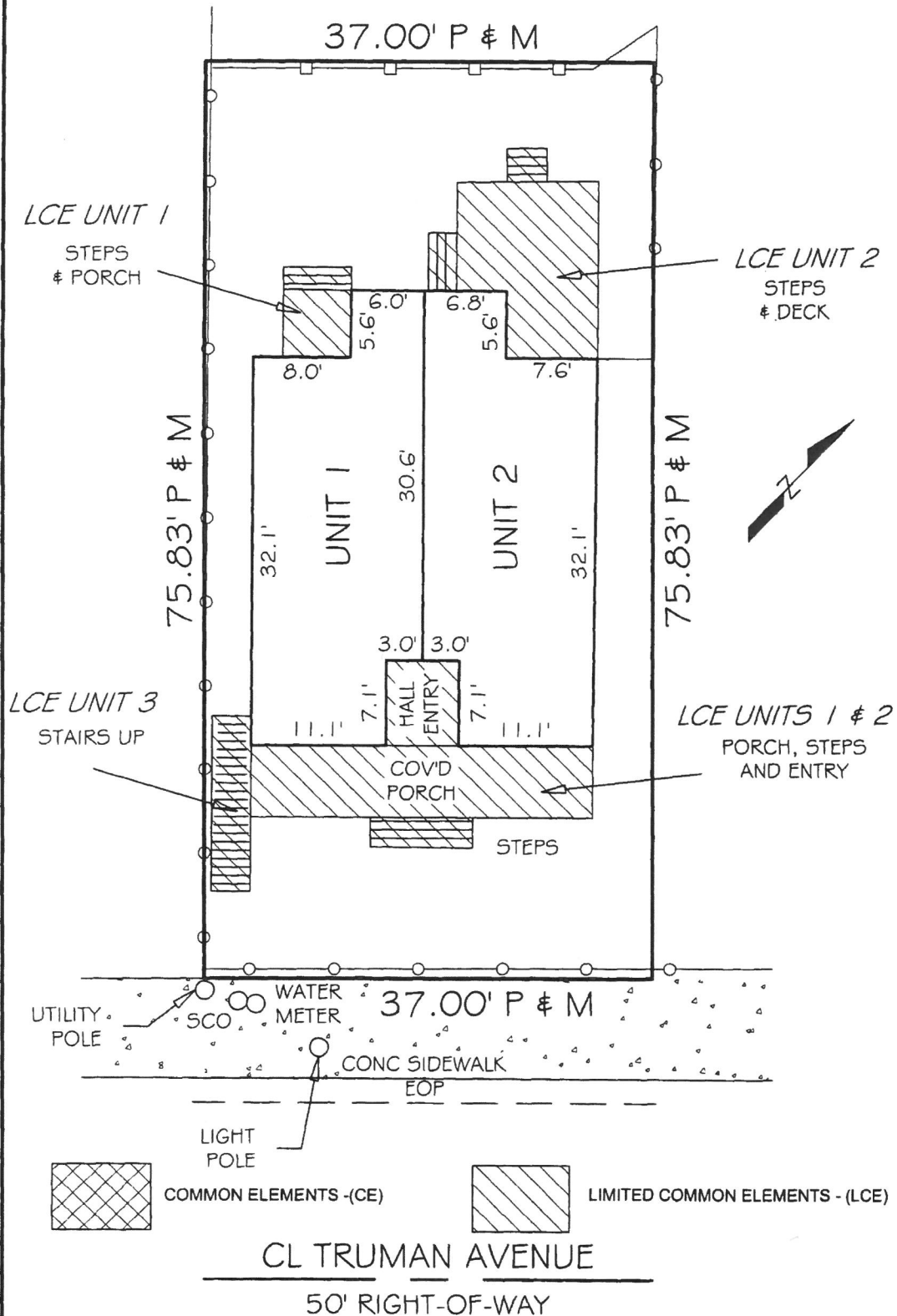
1" = 10'

SHEET 3 OF 4

**R.E. REECE, P.A.**  
PROFESSIONAL SURVEYOR AND MAPPER  
30364 QUAIL RIDGE TRAIL, BIG PINE KEY, FL 33043  
OFFICE (305) 872-1340  
FAX (305) 872-5622



# THREE PALMS CONDOMINIUM



Ground Level Floor Plan

1" = 10'

SHEET 2 OF 4

**R.E. REECE, P.A.**  
PROFESSIONAL SURVEYOR AND MAPPER  
30364 OVAL ROOST TRAIL, BIG PINE KEY, FL 33043  
OFFICE: (305) 872-1340  
FAX: (305) 872-5622

**PERCENTAGES OF OWNERSHIP**

<i>UNIT</i>	<i>PERCENTAGE</i>	<i>FRACTION</i>	<i>SQUARE FOOTAGE</i>
1	29.088%	.29088/1.00000	434
2	29.088%	.29088/1.00000	434
3	<u>41.823%</u>	<u>.41823/1.00000</u>	<u>624</u>
	100.000%	1.00000/1.00000	1,492

# **Property Record Card**

### Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied upon for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

### Summary

**Parcel ID** 00024311-000000  
**Account #** 9085872  
**Property ID** 9085872  
**Millage Group** 10KW  
**Location Address** 1411 TRUMAN AVE 1-3, KEY WEST  
**Legal Description** THREE PALMS CONDOMINIUM (F/K/A RE 00024310-000000AK  
 1025101) OR2230-354/416DEC  
 (Note: Not to be used on legal documents)  
  
**Neighborhood**  
**Property Class** (4H00)  
**Subdivision**  
**Sec/Twp/Rng** 05/68/25  
**Affordable** No  
**Housing**



### Owner

THREE PALMS CONDOMINIUM

### Valuation

	2017
+ Market Improvement Value	\$0
+ Market Misc Value	\$0
+ Market Land Value	\$0
= Just Market Value	\$0
= Total Assessed Value	\$0
- School Exempt Value	
= School Taxable Value	

### Photos



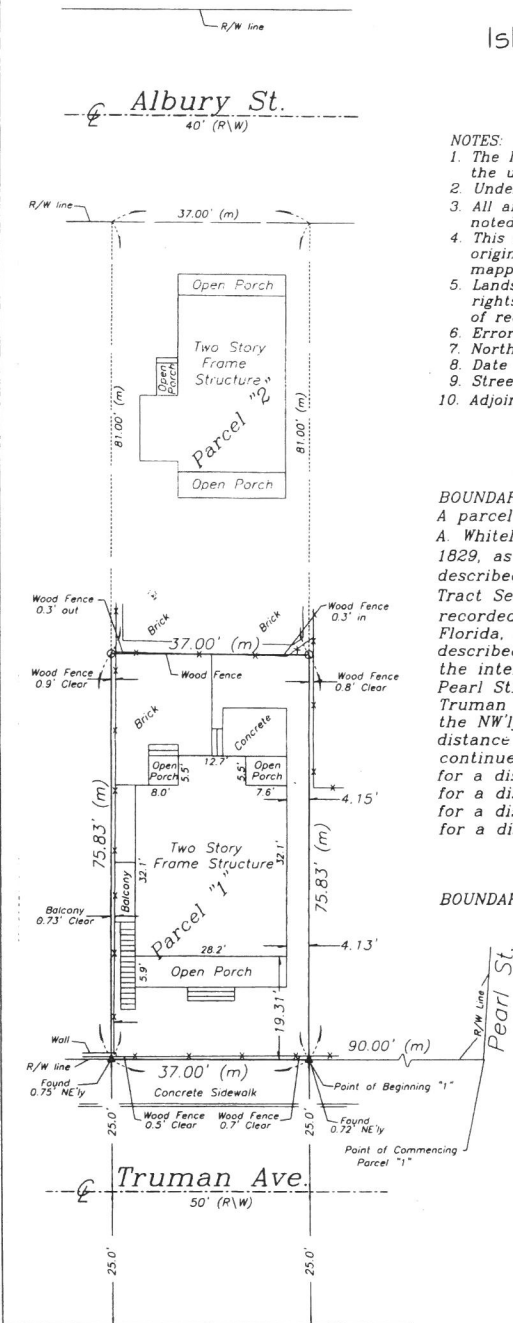
No data available for the following modules: Land, Buildings, Commercial Buildings, Mobile Home Buildings, Yard Items, Exemptions, Sales, Permits, Sketches (click to enlarge)

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

Last Data Upload Date: 12/19/2017 3:01:58 PM

# Survey

Boundary Survey Map of part of Lot 11,  
Square 3, Tract 7,  
Island of Key West, Florida



NOTES:

1. The legal description shown hereon was authored by the undersigned.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
5. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
6. Error of closure exceeds one part in 10,000.
7. North arrow is assumed and based on the legal description.
8. Date of field work: July 12, 2005.
9. Street address: 1411 Truman Ave., Key West, FL.
10. Adjoiners are not furnished.

BOUNDARY SURVEY OF: "PARCEL 1"

A parcel of land on the Island of Key West, known on William A. Whitehead's map of said Island, delineated in February, A.D. 1829, as part of Tract Seven (7), but now better known and described as part of Lot Eleven (11), of Square Three (3) of Tract Seven (7) according to the diagram of Benjamin Albury recorded in Deed Book "I" at Page 389, Monroe County, Florida, Public Records, said parcel being more particularly described by metes and bounds as follows: COMMENCING at the intersection of the SW'ly right of way boundary line of Pearl Street with the NW'ly right of way boundary line of Truman Avenue and running thence in a SW'ly direction along the NW'ly right of way line of the said Truman Avenue for a distance of 90.00 feet to the Point of Beginning; thence continue in a SW'ly direction along the said Truman Avenue for a distance of 37.00 feet; thence NW'ly and at right angles for a distance of 75.83 feet; thence NE'ly and at right angles for a distance of 37.00 feet; thence SE'ly and at right angles for a distance of 75.83 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: Kenneth L. Dooley and  
Peter D. Bek-Gran;

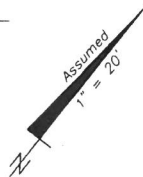
J. LYNN O'FLYNN, INC.

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

July 29, 2005

LEGEND

- △ Set Nail & Disc (6298)
- ▲ Found Nail & Disc (FHH)
- Set #5 Iron Rod (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- Conc Concrete
- CLF Chain Link Fence
- R/W Right of Way
- ⊕ Centerline



J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper  
PSM #6298

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

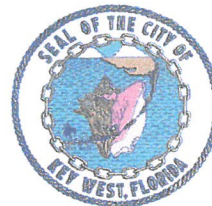
# **Proposed Plans**





# **Authorization Form**

City of Key West  
Planning Department



Authorization Form  
(Where Owner is a Business Entity)

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

I, Kenneth Dooley as  
*Please Print Name of person with authority to execute documents on behalf of entity*

President of Three Palms Condominium  
*Name of office (President, Managing Member)* *Name of owner from deed*

authorize Richard J. Milelli; Meridian Engineering LLC  
*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]  
*Signature of person with authority to execute documents on behalf on entity owner*

Subscribed and sworn to (or affirmed) before me on this November 9, 2017  
*Date*

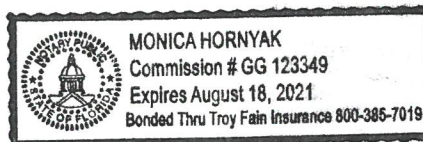
by Kenneth Dooley  
*Name of person with authority to execute documents on behalf on entity owner*

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*

\_\_\_\_\_  
*Commission Number, if any*



# Verification Form

City of Key West  
Planning Department



Verification Form

(Where Authorized Representative is an Entity)

I, Richard J. Milelli, in my capacity as Principal  
(print name) (print position; president, managing member)  
of Meridian Engineering LLC  
(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:

1411 Truman Avenue

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.

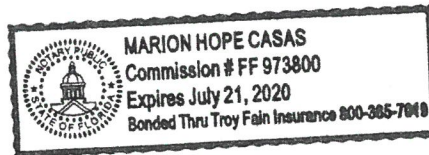
[Signature]  
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 10-26-17 by  
date  
Richard J. Milelli  
Name of Authorized Representative

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

[Signature]  
Notary's Signature and Seal

MARION Hope CASAS  
Name of Acknowledger typed, printed or stamped



Commission Number, if any