

**THE CITY OF KEY WEST  
PLANNING DEPARTMENT**

P.O. BOX 1409  
KEY WEST, FL 33041-1409



**To:** Chairman and Members of the Board of Adjustment

**From:** Jim Singelyn, Senior Planner II

**Through:** Gail Kenson, AICP, Planning Director

**Meeting Date:** 9 November 2006

**Application:** An **After the Fact Variance** from the provisions of Section 122-238(6)(a) and 122-238(4)(b) of the City Land Development Regulations regulating the required minimum setbacks to permit a front yard setback reduction of 18.58 feet from 30 feet to 11.42, a side setback reduction of 4.77 feet from 5 feet to 0.23 feet, and an impervious surface increase of 5 % from 50% to 55%, in the SF zoning district for property located at 1205 11th Street. RE# 00068390-0000.

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**APPLICATION DATA**

Property Owner: Peter Anderson, Trustee  
Applicant/Agent: Adele V. Stones, Stones and Cardenas  
Address: 1205 11th Street. RE# 00068390-0000.  
Zoning: SF (Single Family) District

**REQUEST**

The applicant is requesting the following variances:

1. To permit a front yard setback reduction of 18.58 feet from 30 feet to 11.42 feet.
2. To permit a side setback reduction of 4.77 feet from 5 feet to 0.23 feet.
3. To permit an impervious surface increase of 5% from 50% to 55%.

**BACKGROUND**

The applicant is seeking an After the Fact Variance's to reduce the front and side yard setbacks and the increase in impervious surface for the construction of a non-conforming pool cabana/living space to the property. The owner proposes to attach the accessory structure to the principal structure in order to bring the violation of detached habitable space into compliance and to meet FEMA requirements.

**ANALYSIS - EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS**

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Board of Adjustment before granting a variance 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 applicant is seeking an After the Fact Variance's to reduce the front and side yard setbacks and the increase in impervious surface for the construction of a non-conforming pool cabana/living space to the property. The owner proposes to attach the accessory structure to the principal structure in order to bring the violation of detached habitable space into compliance and to meet FEMA requirements.

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

The applicant is seeking an After the Fact Variance's to reduce the front and side yard setbacks and the increase in impervious surface for the construction of a non-conforming pool cabana/living space to the property. The owner proposes to attach the accessory structure to the principal structure in order to bring the violation of detached habitable space into compliance and to meet FEMA requirements.

**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 of the setback variances will not confer a special privilege to the applicant.

**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.**

This is not a hardship that deprives the applicant of rights enjoyed by other properties in this zoning district. There are other suitable options available.

**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 requested setback variances are the minimum needed to meet the requirements of the code.

**6. Not injurious to the public welfare. That the grant 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.**

The granting of the variances will not adversely affect the public interest or welfare.

**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 is not using existing nonconforming uses in the area as a basis for the requesting the variance.

The board of adjustment shall make factual findings regarding the following:

**1. That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.**

The applicant has met the standards established by the City Code for the setback variances.

**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.**

The Planning Department has not received any public input to date.

### **RECOMMENDATION**

The Planning Department, based on the criteria established by the City Code, recommends **denial** of the requests for setback and impervious surface variances. Also all pool equipment must be removed from the easement and that concrete be removed from the site to maintain the 50% impervious surface.



Key West Fire Department

**OFFICE OF THE FIRE MARSHAL  
MEMORANDUM**

**DATE:** 9/14/06  
**TO:** Gail Kenson  
**FROM:** Gerald Smith, Fire Inspector  
**SUBJECT:** **DRC-September 2006-Summary**

- ❖ Re: 1205 11<sup>th</sup> Street
- ❖ Comments: No objection

RESOLUTION NO. \_\_\_\_\_

VARIANCE: 1205 11<sup>th</sup> STREET

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT TO ALLOW AFTER-THE-FACT THE CONSTRUCTION OF A NON-CONFORMING POOL AND CABANA/LIVING SPACE BY GRANTING VARIANCES TO THE SETBACK AND IMPERVIOUS SURFACE STRUCTURE REGULATIONS FOR PROPERTY IN THE SF, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA. FOR PROPERTY LOCATED AT 1205 11<sup>TH</sup> STREET, KEY WEST, FLORIDA (RE# 00068390-000000)

**WHEREAS,** the Board of Adjustment 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 Board of Adjustment finds that the special conditions do not result from the action or negligence of the applicant; and

**WHEREAS,** the Board of Adjustment 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 Board of Adjustment 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 Board of Adjustment 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 Board of Adjustment finds that the grant 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 Board of Adjustment 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 shall be considered grounds for the issuance of a variance; and

**WHEREAS**, the Board of Adjustment finds that the applicant has demonstrated a "good neighbor policy" by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the City of Key West, Florida:

**Section 1.** That variances to **SETBACK AND IMPERVIOUS SURFACE** regulations in the **SF, SINGLE FAMILY RESIDENTIAL Zoning District**, under the Code of Ordinances of the City of Key West, Florida, are hereby granted as follows to: SECTION 122-238(6)(a), OF 18.58 FEET, FROM THE 30 FEET MINIMUM FRONT YARD SETBACK REQUIRED TO THE 11.42 FEET PROPOSED; OF 4.77 FEET FROM THE 5 FEET MINIMUM SIDE YARD SETBACK REQUIRED TO THE 0.23 FEET PROPOSED; AND TO SECTION 122-238(4)(b), OF 5 PERCENT, FROM THE 50% MAXIMUM IMPERVIOUS SURFACE AREA ALLOWED TO THE 55% PROPOSED. TO **ALLOW AFTER-THE-FACT THE CONSTRUCTION OF A NON-CONFORMING POOL AND CABANA/LIVING SPACE. THE PURPOSE OF THE REQUEST IS TO ALLOW AFTER-THE-FACT THE CONSTRUCTION**

OF A SHED ABUTTING THE PROPERTY LINE FOR PROPERTY LOCATED AT 1205  
11<sup>TH</sup> STREET, KEY WEST, FLORIDA (RE# 00068390-000000).

**Section 2.** It is a condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within 12 months after the date hereof; and further, that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of the 12-month period without the applicant obtaining an extension from the Board of Adjustment and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 3.** The failure to submit a full and complete application for permits for new construction for which this variance is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

**Section 4.** 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 5.** 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.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Authenticated by the presiding officer and Clerk of the Board on \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Filed with the Clerk on \_\_\_\_\_, 2006.

\_\_\_\_\_  
MORGAN McPHERSON, CHAIRMAN  
BOARD OF ADJUSTMENT

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK

**VARIANCES ARE QUASI-JUDICIAL HEARINGS AND IT IS IMPROPER TO SPEAK TO A CITY COMMISSIONER ABOUT THE VARIANCE OUTSIDE OF THE HEARING.**

**Variance Application  
City of Key West  
Planning Department**

**Please note, variances are quasi-judicial hearings and it is improper to speak to a City Commissioner about the variance outside of the hearing.**

Please print or type a response to the following:

1. Site Address 1205 11th Street Key West, FL 33040
2. Name of Applicant Adele V. Stones, Stones & Cardenas
3. Applicant is: Owner \_\_\_\_\_ Authorized Representative x  
(attached Authorization Form must be completed)
4. Address of Applicant 221 Simonton Street  
Key West, FL 33040
5. Phone # of Applicant (305) 294-0252 Mobile# \_\_\_\_\_ Fax# (305) 292-5442
6. Name of Owner, if different than above Peter Anderson, Trustee
7. Address of Owner 1205 11th Street  
Key West, FL 33040
8. Phone Number of Owner \_\_\_\_\_ Fax# \_\_\_\_\_
9. Zoning District of Parcel SF RE# 00068390-0000
10. Description of Proposed Construction, Development, and Use Owner seeks a after the fact variance for side and front setbacks to legalize construction of a detached pool cabana/living space. Owner proposes to connect this structure to the principle residence in order to conform to the prohibition against "detached habitable space" and to meet FEMA requirements.
11. Description of Variances Being Requested:

Standard Allowed/Required	Standard Requested	Existing Condition
<u>Front setback 30'</u>	<u>11.42'</u>	<u>11.42'</u>
<u>Side setback 5'</u>	<u>4.77</u>	<u>4.77'</u>
<u>Impervious Surface 50%</u>	<u>55%</u>	<u>55%</u>

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12. Is Subject Property located within the Historic District? Yes \_\_\_\_\_ No X  
If Yes, indicate date of HARC approval as well as the HARC Approval Number. Attach minutes of the meeting. Date \_\_\_\_\_ HARC # \_\_\_\_\_

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

14. Will the work be within the dripline (canopy) of any tree on or off the property?  
YES \_\_\_\_\_ NO X If yes, provide date of landscape approval, and attach a copy of such approval.

**The following must be included with this application:**

- \_\_\_\_\_ Copy of a recorded deed showing ownership and a legal description of the subject property
- \_\_\_\_\_ Site Plan as specified on Variance Application Information Sheet
- \_\_\_\_\_ Survey
- \_\_\_\_\_ Elevation drawings
- \_\_\_\_\_ Application Fee (to be determined according to fee schedule)
- \_\_\_\_\_ Notarized Verification Form
- \_\_\_\_\_ Notarized Authorization Form (if applicable)
- \_\_\_\_\_ Floor Plans of existing and proposed development

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## STANDARDS FOR CONSIDERING VARIANCES

Before any variance may be granted, the board of adjustment 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 original principal structure was built on this lot with the front orientation to the side yard essentially eliminating a usable/buildable rear yard because the lot "depth" after meeting setback requirements left less than 8.0' buildable space.

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

Applicant purchased the property after the original residence was constructed.

(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 on other lands, buildings or structures in the same zoning district.

Allowing applicant additional living space constructed in his scheduled sideyard is a right commonly enjoyed in the SF 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.

If owner can not legalize the additional habitable space he will be required to remove a portion of his home.

(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 additional living space measures 294 sf in its foot print to provide living and home office space to this 1300 sf residence.

(6) Not injurious to the public welfare. That the grant 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.

The additional living space presents no threat of injury to applicant or the neighbor public.

It furthers the purpose of providing livable space for this family located in the SF district.

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(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, structure or buildings in other districts shall be considered grounds for the issuance of a variance.

Applicant is unaware of other nonconforming properties and asks that this be considered  
solely based upon the need to legalize this space to provide himself and his daughter with  
habitable space.

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(b) The board of adjustment shall make factual findings regarding the following:

- (1) That the standards established in subsection (a) have been met by the applicant for a variance.
- (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.

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**Verification Form**

**Please note, variances are quasi-judicial hearings and it is improper to speak to a City Commissioner 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, Adele V. Stones, 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:

1205 11th Street, Key West, Florida  
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.

Adele V. Stones  
Signature of Owner/Legal Representative  
FBN#331880

\_\_\_\_\_  
Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on August 29, 2006 (date) by

Adele V. Stones (name). He/She is personally known to me or has

presented personally known as

identification.

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Cindy Sawyer  
Notary's Signature and Seal

\_\_\_\_\_  
Name of Acknowledger typed, printed or stamped

\_\_\_\_\_  
Title or Rank

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





This document prepared by/return to:  
DEBORAH CONDELLA  
The Closing Department, Inc.  
3432 Duck Avenue  
Key West, Florida 33040

Doc# 1529212  
Bk# 2133 Pg# 2152

**DEED**

**THIS INDENTURE**, made this 20<sup>th</sup> day of June, 2005, by and between PETER M. ANDERSON, a single man

hereinafter referred to as Grantor, whose mailing address is 1205 11<sup>th</sup> Street, Key West, Florida 33040

and PETER M. ANDERSON, Trustee of the PETER M. ANDERSON REVOCABLE TRUST DATED JANUARY 8, 2004

hereinafter referred to as Trustee, whose post office address is 1205 11<sup>th</sup> Street, Key West, Florida 33040

(Wherever used the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporation, wherever the context so admits or requires.)

**WITNESSETH**

Grantor, in consideration of the sum of **\*\*LOVE AND AFFECTION\*\*** and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Trustee, his successors and assigns, all Grantor's interest in and to the following described real property lying and being situated in MONROE County, Florida to wit:

**On the Island of Key West and known as Lot 8, Block 2, BAY MANOR, according to the Plat thereof, as recorded in Plat Book 3, Page 119 of the Public Records of Monroe County, Florida.**

also known as: 1205 11<sup>th</sup> Street, Key West, Florida 33040 (street address)

**a. The preparer of this instrument was neither furnished with, nor requested to review, an abstract on the described property and therefore expresses no opinion as to condition of title.**

**TOGETHER WITH** all appurtenances, privileges, rights, interest, dower, reversions, remainders and easements thereunto appertaining:

**TO HAVE AND TO HOLD** said real estate with the following powers and for the following uses and purposes, to-wit:

1. The Trustee is vested with full rights of ownership over the above described real estate and Trustee is specifically granted and given the power and authority:

- (a) To protect and conserve said real estate and improvements located thereon and to pay the taxes assessed thereon;
- (b) To sell said real estate, for cash or on credit, at public or private sale, to exchange said real estate for other property and to grant options to sell said property, and to determine the price and terms of sales, exchanges and options;
- (c) To execute leases and subleases for terms as long as 20 years, to subdivide or improve said real estate and tear down or alter improvements, to grant easements, give consent and make contracts relating to said real estate or its use and to release or dedicate any interest in said real estate;
- (4) To borrow money and to mortgage, pledge or encumber any or all of the said real estate to secure payment thereof;
- (e) To manage, control and operate said real estate, to collect the rents, issues and profits, to pay all expenses thereby incurred, and in addition, to manage and operate any business that may now or hereafter be operated and maintained on said real estate, and in general, to exercise any powers authorized by the provisions of Chapter 737, Florida Statutes, 1988;
- (f) The Trustee's liability hereunder, under the Trust Agreement or by operation of law to any person, firm or corporation is limited to the trust assets and the Trustee shall not become individually or personally obligated in any manner related thereto;

2. The Trustee shall hold said real estate and make distributions of said real estate of the proceeds derived there from in accordance with the terms and conditions of that certain Trust Agreement dated the 8<sup>th</sup> day of January 2004.

3. No purchaser, grantee, mortgagee, lessee, assignee or any other person dealing with the Trustee need see to the application of any proceeds of any sales, lease, mortgage or pledge, but the receipt of the Trustee shall be a complete discharge and acquittance therefore. Any and all persons, including but not limited to grantees, mortgagees, lessees, transferees and assigns dealing with said Trustee need not inquire into the identification or status of any beneficiary under this deed or any collateral instrument nor inquire into or ascertain the authority of such Trustee to act in and exercise the powers granted by this deed or adequacy or disposition of any consideration paid to the Trustee nor inquire into the provisions of said unrecorded Trust Agreement and any amendments thereto collateral hereto.

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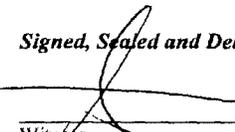
- 4. This conveyance is made in conformance with the provisions of Section 689.071, Florida Statutes.
- 5. By its acceptance of this conveyance, the Trustee covenants and agrees to do and perform the duties, acts and requirements upon it binding.
- 6. Each and every power hereinabove set forth may be exercised by any Trustee. Any instrument executed by any Trustee or any act taken by any Trustee shall be binding upon the trust and all of the Trustees as fully and completely as if all Trustees had executed said instrument or taken said action.
- 7. The Successor Trustee is Grantee's \_\_\_\_\_.

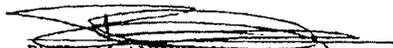
The Successor Trustee shall have all of the title, powers and discretion herein given to the Trustee, without any act of conveyance or transfer. A certificate signed by any Trustee or any Successor Trustee under this instrument and acknowledged by him/her before a Notary Public shall be conclusive evidence upon all persons and for all purposes of the facts stated in the certificate representing the terms of this instrument and the identity of the Trustees who from time to time are serving under it.

**NOTE TO PROPERTY APPRAISER: The Grantee confirms that under the terms of the Trust referred to above, the Grantee has not less than a beneficial interest for life and is entitled to a homestead tax exemption pursuant to the provisions of Florida Statute 196.041(2).**

*IN WITNESS WHEREOF*, the Grantor has signed and sealed this Deed the date above written.

*Signed, Sealed and Delivered in the presence of:*

  
 \_\_\_\_\_  
 Witness

  
 \_\_\_\_\_  
 PETER M. ANDERSON

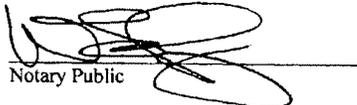
Angel Morrison  
 Printed Name

  
 \_\_\_\_\_  
 Witness

Wendy S. Gonzalez  
 Printed Name

STATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 10th day of June 2005 by PETER M. ANDERSON who is personally known to me or who has produced FLA. DRIVERS LICENSE as identification.

  
 \_\_\_\_\_  
 Notary Public



Wendy S. Gonzalez  
 Commission #DD386762  
 Expires: Jan 17, 2009  
 Bonded Thru  
 Atlantic Bonding Co., Inc

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MONROE COUNTY  
OFFICIAL RECORDS

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**This Warranty Deed**

MONROE COUNTY  
OFFICIAL RECORDS

Made this 28th day of March A.D. 2001  
by Philip L. Davis and Lisa M. Wheeler  
n/k/a Lisa M. Davis, his wife

FILE # 1 2 2 8 2 5 2  
BK # 1 6 8 6 PG # 1 4 5 3

hereinafter called the grantor, to  
**Peter Anderson, a single man**

RCD Apr 06 2001 12:16PM  
DANNY L KOLHAGE, CLERK

whose post office address is: *1205 11th Street  
Key West, FL 33040*

DEED DOC STAMPS 2205.00  
04/06/2001 *DL* DEP CLK

MONROE COUNTY  
OFFICIAL RECORDS

hereinafter called the grantee:

(Whenever used herein the term "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)

**Witnesseth**, that the grantor, for and in consideration of the sum of \$ **10.00** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Monroe** County, Florida, viz:

On the Island of Key West and known as Lot 8, Block 2, BAY MANOR, according to the Plat thereof, as recorded in Plat Book 3, Page 119 of the Public Records of Monroe County, Florida.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

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Parcel Identification Number: 00068390-000000, AK 1072290

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.

CITY OF KEY WEST  
PLANNING DEPT.

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, 00

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

*Melinda A. Walden*  
Name: Witness MELINDA A. WALDEN

*Philip L. Davis*  
Name & Address: Philip L. Davis LS

*Edward P. Piac*  
Name: Witness EDWARD P. PIAC

*Lisa M. Wheeler*  
Name & Address: Lisa M. Wheeler n/k/a Lisa M. Davis LS

Name: Witness

*Lisa M. Wheeler*  
Name & Address: Lisa M. Wheeler n/k/a Lisa M. Davis LS

Name: Witness

Name & Address: LS

State of Florida  
County of Monroe

The foregoing instrument was acknowledged before me this 28th day of March, 2001, by

**Philip L. Davis and Lisa M. Wheeler n/k/a Lisa M. Davis, his wife**

who is personally known to me or who has produced *Drivers License* as identification.

MELINDA A. WALDEN  
Notary Public, State of Florida  
My Comm. Exp. 08/31/01  
Comm. No. CC 000000

*Melinda Walden*  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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PREPARED BY: Monica Hornyak  
RECORD & RETURN TO:  
First American Title Insurance Company  
2409 North Roosevelt Blvd., Suite 2  
Key West, Florida 33040  
File No: 01-6621



MELINDA A. WALDEN  
Notary Public, State of Florida  
My Comm. Exp. 08/31/01  
Comm. No. CC 000000

OCT 11 2005

CITY OF KEY WEST  
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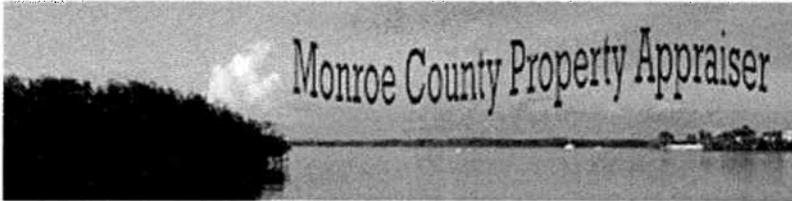
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[Forms](#)

Oct 11, 2005 9:42AM

[Contact the MCPA office.](#)



**ONLINE DATA CENTER**

**RECORDS SEARCH**

**PROPERTY INFORMATION FOR:**

Alternate Key: 1072290  
RE Number: 00068390-000000

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[Email this office about this parcel.](#)

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CITY OF KEY WEST  
PLANNING DEPT.

**Property Details**

[Show Property Map](#)

**OWNER OF RECORD**

ANDERSON PETER M REV TR 1/8/04  
1205 11TH ST  
KEY WEST FL 33040

**PHYSICAL LOCATION**

1205 11TH ST KEY WEST

**LEGAL DESCRIPTION**

KW BAY MANOR PB 3-119 LOT 8 BLK 2 OR179-513/514 OR546-606 OR1030-2101 OR1589-2212R/S OR1686-1453 OR1966-471/72Q/C OR2124-1045 OR2133-2152/52ATR

**SECTION, TOWNSHIP, RANGE**

We do not have this information on file.

**MILLAGE GROUP**

10KW

[Estimate Taxes](#)

**PC CODE**

01 - SINGLE FAMILY

**Building Details**

**NUMBER OF BUILDINGS**

2

**TOTAL LIVING AREA**

1778

**NUMBER OF COMMERCIAL BUILDINGS**

0

**YEAR BUILT**

1958

**Land Details**

**LAND USE CODE**

010D - RESIDENTIAL DRY

**LAND AREA**

7724 SF

**Parcel Value History**

TAX ROLL YEAR	BUILDING	MISCELLANEOUS IMPROVEMENTS	LAND	JUST	EXEMPTIONS (NOT INCLUDING SENIORS)	TAXABLE
2005	416,563	16,570	347,580	780,713	25,000	411,513
2004	172,513	17,590	208,548	398,651	2,000	396,651
2003	165,325	18,419	92,688	276,432	0	276,432

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**Parcel Sales History**

OCT 11 2005

NOTE - OUR RECORDS ARE TYPICALLY TWO TO THREE MONTHS BEHIND FROM THE DATE OF SALE. IF A RECENT SALE DOES

CITY OF KEY WEST  
PLANNING DEPT.

NOT SHOW UP PLEASE GIVE OUR OFFICE TIME TO PROCESS IT.

SALE DATE	OFFICIAL RECORDS BOOK/PAGE	PRICE	INSTRUMENT
03/2001	1686/1453	315000	WD
07/1999	1589/2212	256000	WD
10/1987	1030/2101	132000	WD
02/1973	546/606	24500	00

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OCT 11 2005

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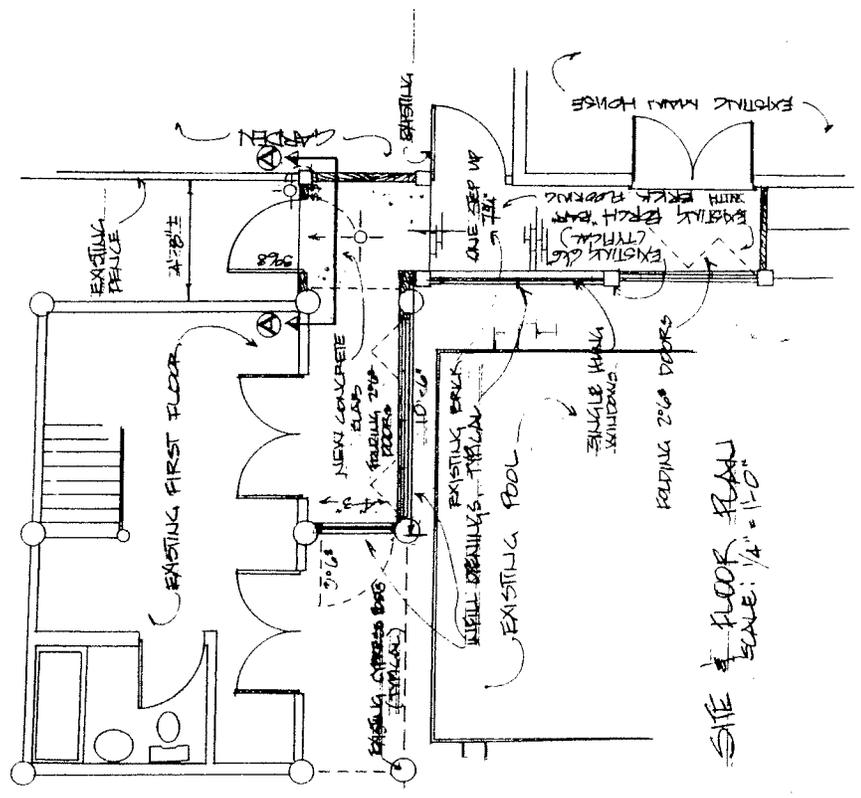
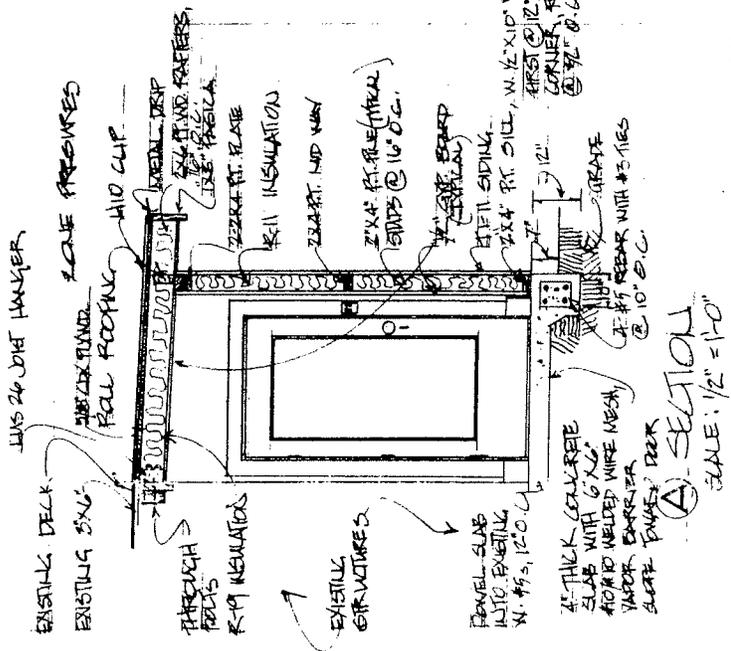
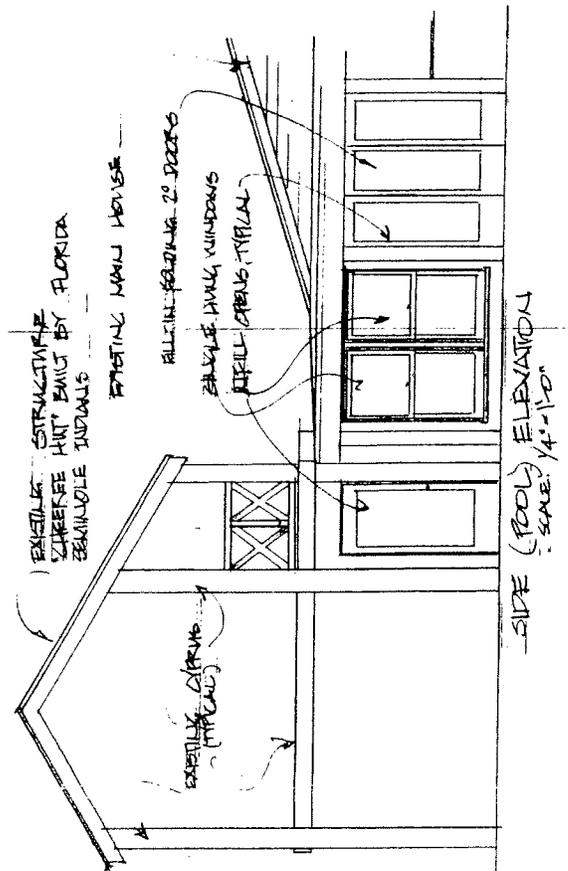
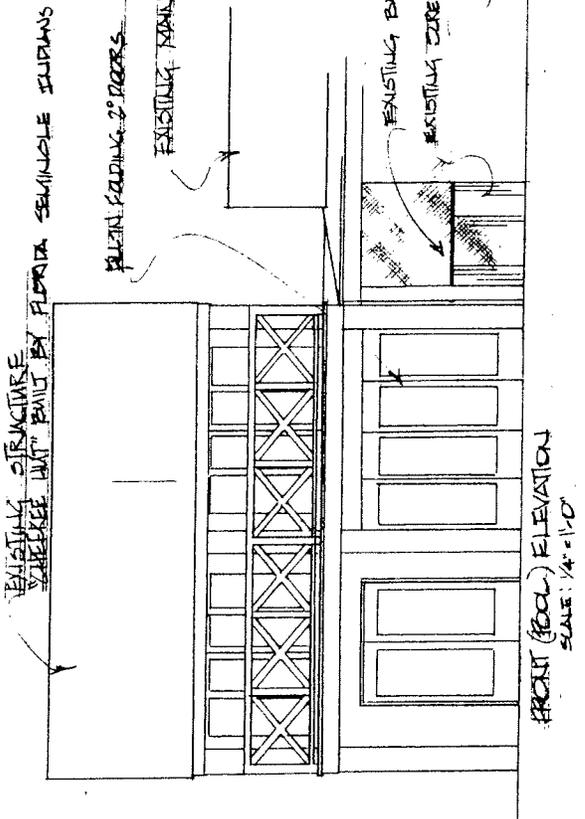
SITE DATA

	REQUIRED	EXISTING	PROPOSED
Zoning:		SF	
Flood Zone:		AE9	
Lot Square Footage:	6000 SF	7571 SF	7571 SF
Existing Lot Coverage:	35%	33%	
Existing Impervious Coverage:	50%	55%	55% (5% variance)
Existing Front Setback for Cottage:	30'	11' 5"	11'5"
Existing Side Setback:	5.0'	4.77'	4.77'

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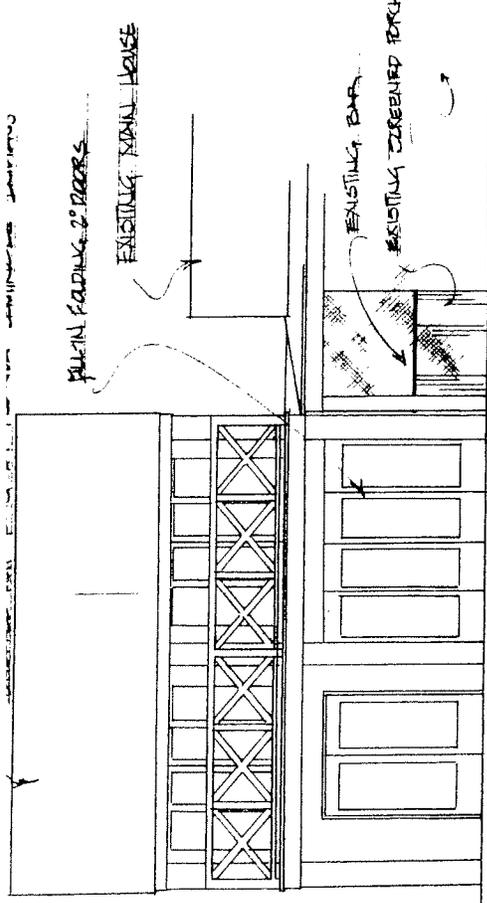


AUG 30 2006

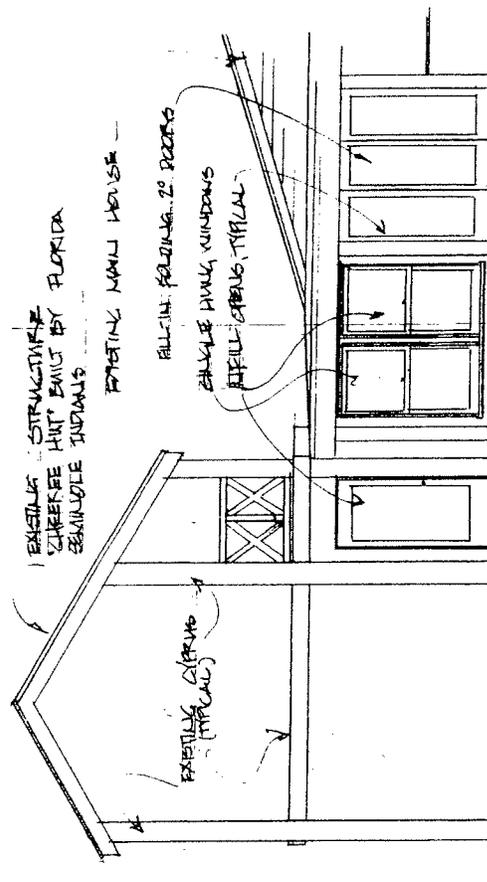
**NAILING OF ROOF OR SIDING SHEATHING**

1. SHEATHING SHALL BE THE THICKNESS AS INDICATED ON THE DRAWINGS BUT NOT LESS THAN 1/2\"
2. LONG DIMENSION OF PLYWOOD SHALL BE INSTALLED PARALLEL TO FRAMING AND END JOINTS SHALL BE STAGGERED.
3. ROOF SHEATHING SHALL BE FASTENED TO ROOF FRAMING WITH 10 D RING-SHANK NAILS AT 4\"

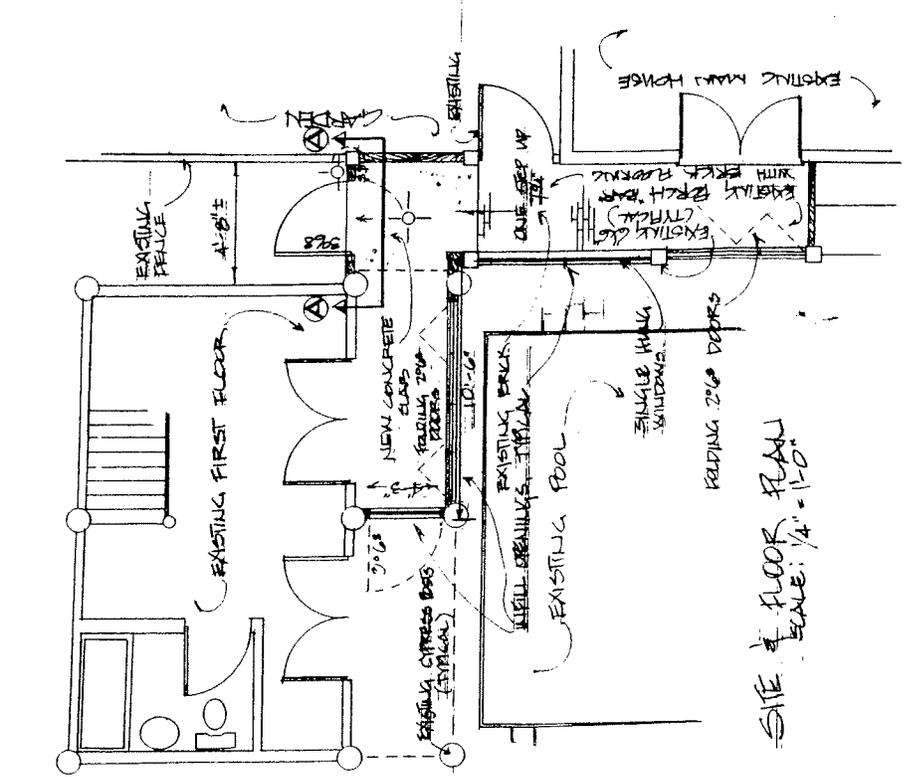
FREEZE-WAY  
 ENTER ADDRESS  
 205 1/2 STREET, KEY WEST  
 Date 08/06  
 Scale AS SHOWN  
 Drawn V.M.  
 Job



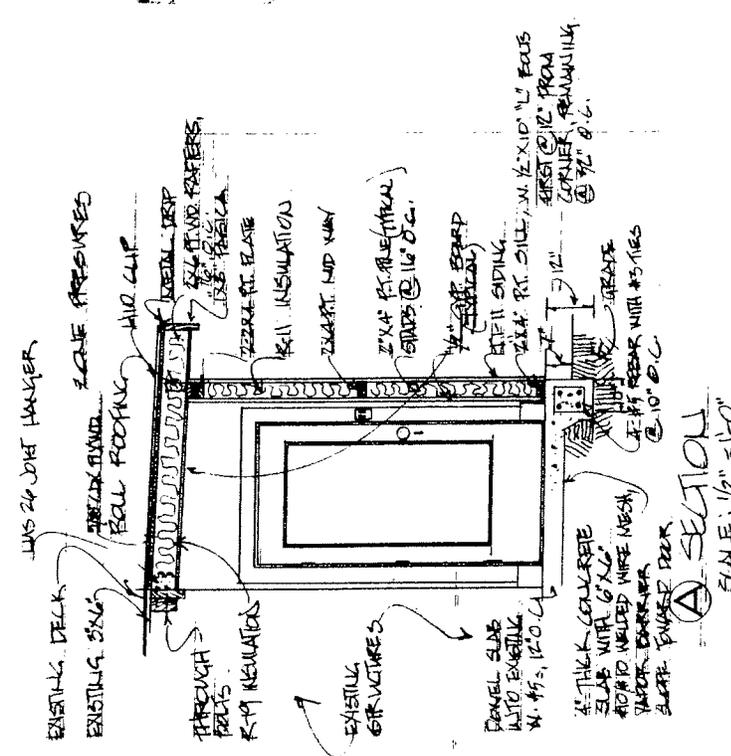
FRONT (POOL) ELEVATION  
SCALE: 1/4" = 1'-0"



SIDE (POOL) ELEVATION  
SCALE: 1/4" = 1'-0"



SITE & FLOOR PLAN  
SCALE: 1/4" = 1'-0"



A-SECTION  
SCALE: 1/2" = 1'-0"

**NAILING OF ROOF OR SIDING SHEATHING**

1. SHEATHING SHALL BE THE THICKNESS AS INDICATED ON THE SHEATHING MANUFACTURER'S SHEET FOR SIDING SHEATHING AND 1/2" FOR ROOF SHEATHING.
2. LONG DIMENSION OF PLYWOOD SHALL BE INSTALLED PERPENDICULAR TO FRAMING AND END JOINTS SHALL BE STAGGERED.
3. ROOF SHEATHING SHALL BE FASTENED TO ROOF FRAMING WITH 10D RING-SHANK NAILS AT 6" O.C. AT CORNER AND AT INTERMEDIATE FRAMING EXCEPT AT GABLE END WALLS OR GABLE TRUSSES WHERE SPACING SHALL BE 4" O.C.
4. WALL SHEATHING SHALL BE FASTENED TO WALL FRAMING WITH 10D WALL NAILS AT 6" O.C. SPACING SHALL BE 16" O.C. DOUBLE ROW 4" O.C. ALONG TOP AND BOTTOM PLATE.

AUG 30 2006

PLANNING



**Florida Keys Aqueduct Authority**  
**Key West, Florida**  
**MEMORANDUM**

**To:** Wendy Tucker, Development Review Administrator  
**From:** Ed Nicolle, Distribution Design Manager *ENM*  
**Subject:** Development Review Committee Meeting September 21, 2006  
**Date:** September 14, 2006

A representative of the FKAA will not be able to attend the DRC meeting scheduled for September 21, 2006. Comments on the projects are as follows:

**Variances Agenda Items 4 thru 10** The FKAA has no objections to the granting of variances for the projects however all projects that will add water using fixtures will require a set of plans for review.

**Conditional Use 500 Truman Ave.** No objection to the continued use for the operation of a commercial activity.

**510 South Street -Atlantic Shores** This site has a 12' water main located on South Street and it is adequate to serve this project. A complete set of plans will be required for review in order to determine meter requirements and System Development Fees if applicable.

**715 Seminole Ave** The units facing Alberta Ave. and Seminole Ave. will require a water main extension of 550 lineal feet of 6" C-900 PVC. The developer will be responsible for the construction of the water main. A complete set of Civil Plans will be required for the water main. A complete set of Architectural Plans will be required for review to determine System Development Fees.

CC: Margaret Gil, Customer Service Manager KW

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SEP 14 2006

CITY OF KEY WEST  
PLANNING DEPT.

SELLERS STEVEN & BETH 2828 FOGARTY AVENUE KEY WEST, FL 33040	TONG SIO SANG & MIAO LING HE (H/W) 2824 FOGARTY AVE KEY WEST, FL 33040	MCCOLSKEY JAMES A III 516 SE EVERGREEN DR LAKE CITY, FL 32025
DIFABIO ALFRED P & JUANA A 2831 HARRIS AVENUE KEY WEST, FL 33040	ALVAREZ MAGALI 2827 HARRIS AVE KEY WEST, FL 33040	DALLMEYER CYNTHIA J L/E 1302 11TH ST KEY WEST, FL 33040
LONGLEY RUSSELL EDWARD 2828 PATTERSON AVE KEY WEST, FL 33040	HERRIN ANNE F 2824 PATTERSON AVE KEY WEST, FL 33040	ROBINSON MARTHA NELL MORRIS DEC 1514 DUNCAN ST KEY WEST, FL 33040
VON HARTEN HAROLD L SR AND FRANC 2827 FOGARTY AVE KEY WEST, FL 33040	FORD RICKY S & TAMA A 2823 FOGARTY AVENUE KEY WEST, FL 33040	HORTON SHARON E 2819 FOGARTY AVE KEY WEST, FL 33040
MOLBACK MARK 1202 11TH STREET KEY WEST, FL 33040	MOLBACK MARK 1202 11TH ST KEY WEST, FL 33040	STANYER GARY 2819 PATTERSON AVE KEY WEST, FL 33040
GILLIS ROGER C AND KATHLEEN A 2823 PATTERSON AVE KEY WEST, FL 33040	ZANO NOAM 2827 PATTERSON AVE KEY WEST, FL 33040	HAMEL SIEGRID G TRUSTEE 1128 11TH STREET KEY WEST, FL 33040
ARCHER SANDRA GALE ALLEN TR (S G 2911 PATTERSON AVE KEY WEST, FL 33040	AUBURNDALE PROPERTIES LLC SUCC T 50 TICE BLVD WOODCLIFF LAKE, NJ 07675	SPOTTSWOOD JOHN M JR ETAL TR 2200 S DIXIE HWY SUITE 702B COONUT GROVE, FL 33133
PEREZ MAURICIO & BERNADINA 2924 PATTERSON AVENUE KEY WEST, FL 33040	YAWORSKI GARRY WILLIAM 2918 PATTERSON SVE KEY WEST, FL 33040	KEY LEDIA A TR 2609 STAPLES AVENUE KEY WEST, FL 33040
WINTERS VINCENT S & MAUREEN T 2910 PATTERSON AVENUE KEY WEST, FL 33040	HAMEL REINHART R (Q) & SONIA 2906 PATTERSON AVE KEY WEST, FL 33040	GUZMAN HECTOR A & REBECCA L 2925 FOGARTY AVE KEY WEST, FL 33040

FEHLIG CELESTE & JACK

2919 FOGARTY AVENUE  
KEY WEST, FL 33040

ELLIOTT DOROTHY F

2915 FOGARTY AVE  
KEY WEST, FL 33040

KAYE CYNTHIA KAYE

2911 FOGARTY AVE  
KEY WEST, FL 33040

MCCOLLUM SCOTT F & VICTORIA A

2907 FOGARTY AVENUE (SERVICE)  
KEY WEST, FL 33040

ANDERSON PETER M REV TR 1/8/04

1205 11TH ST  
KEY WEST, FL 33040

GOLDSTEIN HERMAN WAYNE &

1207 11TH STREET  
KEY WEST, FL 33040

PETERSEN CONCHITA

1203 11TH STREET  
KEY WEST, FL 33040

KAUFMAN ROBERT P & ARLENE S

1718 ROUTE 68  
NEW BRIGHTON, PA 15066

LINDAS MARK C & NANCY E

2915 PATTERSON AVENUE  
KEY WEST, FL 33040

PEREZ LUIS & BERNARDINA B

2924 PATTERSON AVE  
KEY WEST, FL 33040

MATTHEWS WILLIAM R ETUX

1351 HIGHLAND DRIVE  
OAK HARBOR, WA 98277

FINDLAY PAUL W & YOLANDE GUILLAUM

2902 FOGARTY AVENUE  
KEY WEST, FL 33040

FERNANDEZ PATRICIA LEDO

2910 FOGARTY AVE  
KEY WEST, FL 33040

CLAYTON PAUL E

2906 FOGARTY AVE  
KEY WEST, FL 33040

HARRIS ELIZABETH P

2911 HARRIS AVE  
KEY WEST, FL 33040

HEINLEIN CARSTON R

2907 HARRIS AVE  
KEY WEST, FL 33040

LEAR ELIZABETH

2903 HARRIS AVE  
KEY WEST, FL 33040

WESTBROOK ELLEN RUTH

2924 FOGARTY AVENUE  
KEY WEST, FL 33040

GUZMAN HECTOR AND REBECCA H/W

2925 FOGARTY AVE  
KEY WEST, FL 33040

CONFIDENTIAL DATA F.S. 119.07



GONZALEZ MAXIMO LLAMA & ALICIA

2915 HARRIS AVENUE  
KEY WEST, FL 33040

