

**Development Review Committee
September 14, 2009 – 9:00 a.m.
Old City Hall, 510 Greene Street**

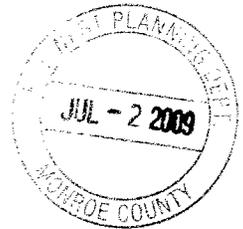


- Item 3l.** **Variance - 512-514 Duval Street (RE 00009840-000000)** - An application for variances to building coverage and impervious surface for a mixed use commercial and residential building in the HRCC-1 zoning district per Section 122-690 (4) a. & b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

**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 512 Duval. (514 Duval)
2. Name of Applicant Thomas E. Pope
3. Applicant is: Owner Authorized Representative
 (attached Authorization Form must be completed)
4. Address of Applicant PO Box 5567
Key West, FL 33045
5. Phone # of Applicant 296-3611 Mobile# _____ Fax# 294-2923
6. E-Mail Address TEPOPE.PA@AOL.COM
7. Name of Owner, if different than above Bob Pungston - S.S. Pafferty LLC
8. Address of Owner _____
9. Phone Number of Owner _____ Fax# _____
10. Email Address _____
11. Zoning District of Parcel HRCC-1 RE# 00009840
12. Description of Proposed Construction, Development, and Use

13. Required information: (application will not move forward until all information is provided)

	Required	Existing	Requested
Front Setback	0'	0'	0'
Side Setback	2.5'	0'	2.5'
Side Setback	2.5'	0'	2.5'
Rear Setback	10'	16.45'	18'
Building Coverage	50%	± 83%	74%
Open Space Requirements	NA	NA	NA
Impervious Surface	70%	± 90%	84%

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 # _____

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
_____	_____	Copy of the most recent recorded deed showing ownership and a legal description of the subject property
_____	_____	Application Fee (to be determined according to fee schedule)
_____	_____	Site Plan (existing and proposed) as specified on Variance Application Information Sheet
_____	_____	Floor Plans of existing and proposed development (8.5 x 11)
_____	_____	Copy of the most recent survey of the subject property
_____	_____	Elevation drawings as measured from crown of road
_____	_____	Stormwater management plan
_____	_____	HARC Approval (if applicable)
_____	_____	Notarized Verification Form
_____	_____	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.

The existing building was destroyed by fire. The variance is required to add the three affordable units at the second floor.

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

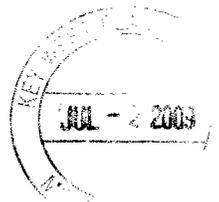
The fire was not caused by the owner

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.

By granting this variance the city will allow the construction of three affordable housing units.

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 reconstructed building will improve the lot coverage and impervious areas. Most of the surrounding buildings also do not meet these requirements



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 new building will improve the lot coverage and impervious area requirements that would be allowed to be rebuilt as a matter of right if we did not add the affordable units.

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.

The new building will improve the public welfare and the safety of the surrounding buildings.

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.

We are requesting the granting of this variance based on the merits of the affordable housing.

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.





Authorization Form

Authorization Form

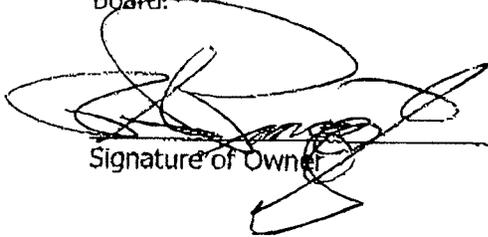
Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

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

I, ROBERT PINGSTON authorize
Please Print Name(s) of Owner(s)

THOMAS E. POPE
Please Print Name of Representative

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


Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on July 2nd 2009 (date) by
Robert Pingston
Please Print Name of Affiant

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

S. Chabot
Notary's Signature and Seal

Stephanie Chabot
Notary Public, State of MI
County of Macomb
Commission exp on 4/19/2014

Stephanie Chabot Name of Acknowledger printed or stamped

Office mgr Title or Rank

Commission Number (if any)



Verification

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, Thomas E. Pope, 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:

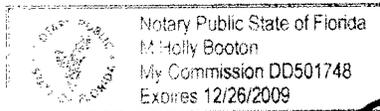
512 Duval
Street Address and Commonly Used Name (if any)

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

Subscribed and sworn to (or affirmed) before me on 7/2/2009 (date) by Thomas E. Pope (name). He/She is personally known to me or has presented _____ as identification.

M. Holly Booton
Notary's Signature and Seal



M. Holly Booton Name of Acknowledger typed, printed or stamped

Title or Rank DD501748 Commission Number (if any)



Survey

Deed

This instrument prepared by,
Please record and return to:
Linda B. Wheeler, Esq.
FBN 513288
1213 White Street
Key West, Florida 33040
Tel. 305 294-0683

Doc# 1641177 05/04/2007 11:32AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

05/04/2007 11:32AM
DEED DOC STAMP CL: PA

\$0.70

Grantee Name: SSRAFFERTY, LLC
PARCEL ID.NO. 00009840-000000
Alternate Key No. 1010103

Doc# 1641177
Bk# 2291 Pg# 2437



QUIT CLAIM DEED

THIS INSTRUMENT, made this 22ND day of December, 2006, by **SUSAN S. RAFFERTY**, also known as **SUSAN RAFFERTY**, a single woman over the age of 18 years, whose address is P.O. Box 1007, Key West, Monroe County, Florida, hereinafter called the Grantor, to

SSRAFFERTY, LLC., a Florida Limited Liability Company, whose address is P.O. Box 1007, Key West, Monroe County, Florida, hereinafter called the Grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative, and assignees of individuals, and the successors and assigns of corporations)

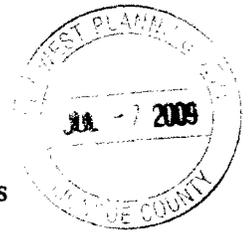
WITNESSETH, that the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in MONROE COUNTY, FLORIDA, to wit:

See Schedule A, attached hereto and by this reference made a part hereof.

PARCEL ID.NO. 00009840-00000000Alternate Key No. 1010103
STREET ADDRESS: 512, 512 ½ & 514 Duval Street, Key West, Florida 33040

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

Together with all the tenements, hereditments and appurtenances thereto belonging or in any wise appertaining.



TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining and all the estate, right, title, interest, line, equity and claim whatsoever of grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

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:

[Signature]
Signature of Witness #1

LINDA Wheeler
Print Name of Witness #1

[Signature]
Signature of Witness #2

Robert Kruse
Print Name of Witness #2

Grantor
[Signature]
SUSAN S. RAFFERTY

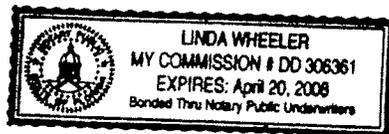
STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 22ND day of December 2006 by SUSAN S. RAFFERTY, who is personally known to me, or who provided personally known as identification and who took an oath.

[Signature]
NOTARY PUBLIC-State of Florida

My Commission Expires: 4/20/06

(SEAL)





LEGAL DESCRIPTION ATTACHED TO THE WARRANTY DEED BETWEEN
SIDNEY M. AROMOVITZ, A MARRIED MAN AND SUSAN RAFFERTY,
A SINGLE WOMAN, CONSISTING OF ONE (1) PAGE.

EXHIBIT "A"

Doc# 1641177
Bk# 2291 Pg# 2439

On the Island of Key West, and is part of Lot Two (2) in Square Fifty-one (51), according to Whitehead's map or plan of the Island of Key West, delineated in February, A.D. 1829.

Commencing at a point on Duval Street One Hundred and Thirty-four (134) feet from the corner of Fleming and Duval Streets and runs along the line of said Duval Street in a S.E.'ly direction Forty-two (42) feet; thence at right angles in a S.W.'ly direction One Hundred (100) feet; thence at right angles in a N.W.'ly direction Forty-two (42) feet; thence at right angles in a N.E.'ly direction One Hundred (100) feet to the point of beginning.

Except that portion of land conveyed to the Trustees of San Carlos Hall, reference to said Deed dated April 4, A.D. 1902, and recorded in Book "U", of Deeds on pages 119 and 120, Monroe County, Florida, Records.

- and -

In the City of Key West and known and designated on the map or plan of said City as delineated by William A. Whitehead in February, 1829, as part of Lot Two (2) in Square Fifty-One (51), and better described as Part of Lot Six (6) according to Diagram of Subdivision of Lot 2 and a portion of Lot 3, Square 51, as drawn by John W. Sawyer, which diagram is duly recorded in Deed Book H, Page 710 of the Public Records of Monroe County Florida, and more particularly described by metes and bounds as follows:

Beginning at a point on the Northeasterly side of Prospect Alley, which point is One Hundred Forty-Two (142) feet Southeasterly from Fleming Street, run thence along the Northeasterly line (side) of Prospect Alley in a Southeasterly direction Thirty-Four (34) feet; thence at right angles in a Northeasterly direction Seventy-Three (73) feet and Two (2) inches; thence run at right angles and parallel with Duval Street, in a Northwesterly direction Thirty-four (34) feet; thence at right angles and parallel with Fleming Street, in a Southwesterly direction Seventy-Three (73) feet and Two (2) inches to the point of beginning.

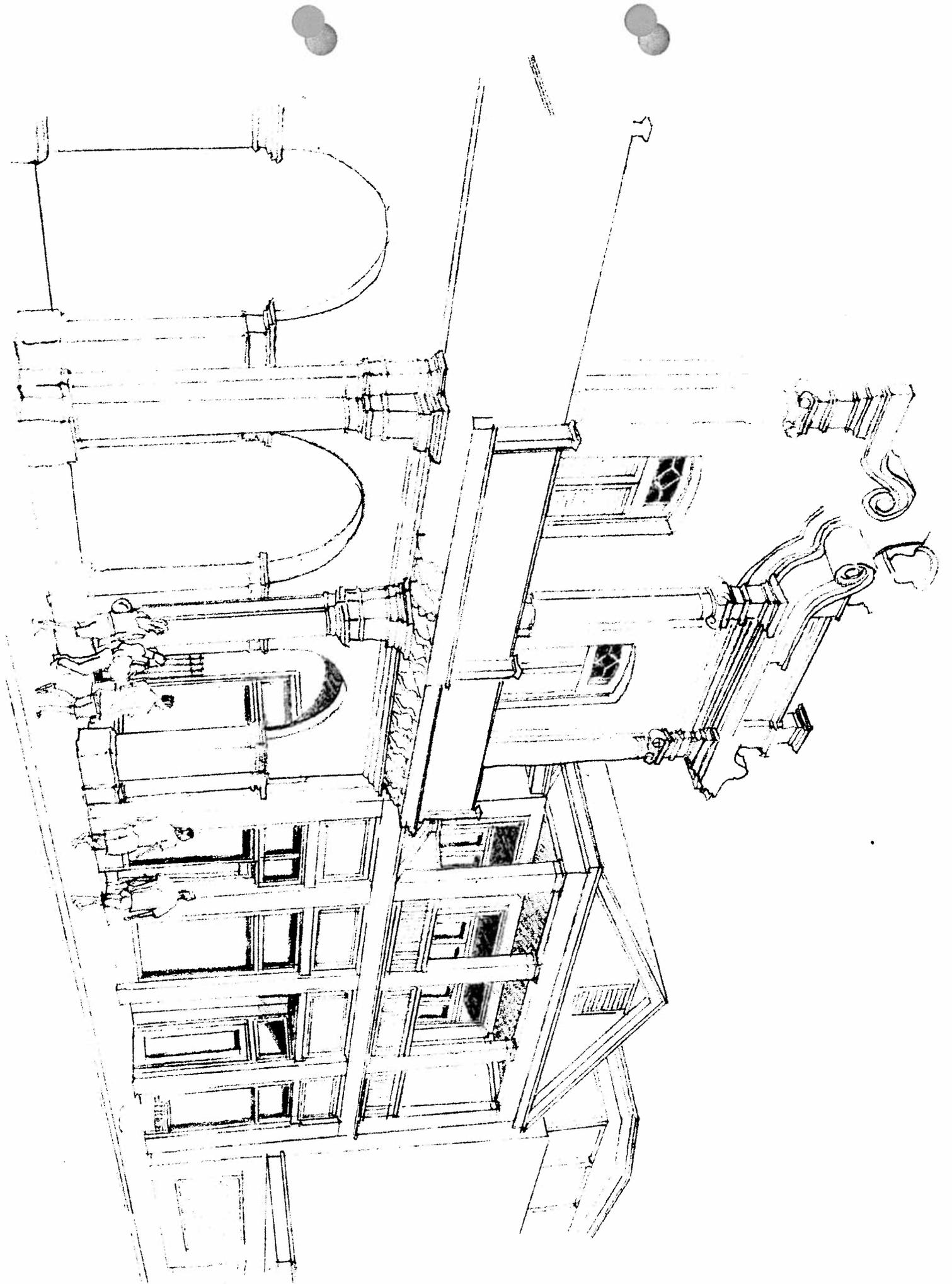
Recorded in Official Records Book
in Monroe County, Florida
Record Verified

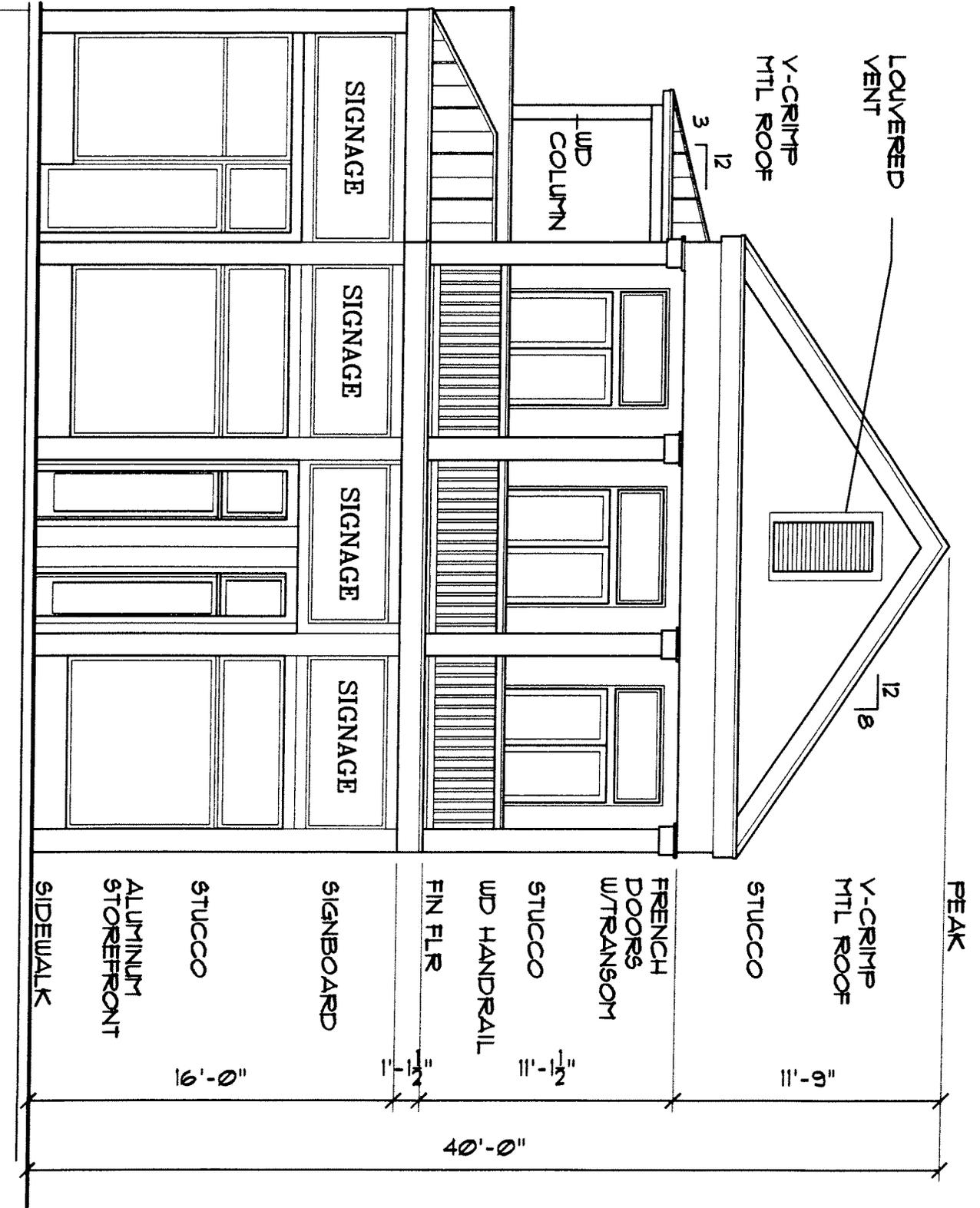
DANNY L. KOLHAGI
Clerk Circuit Court

MONROE COUNTY
OFFICIAL RECORDS



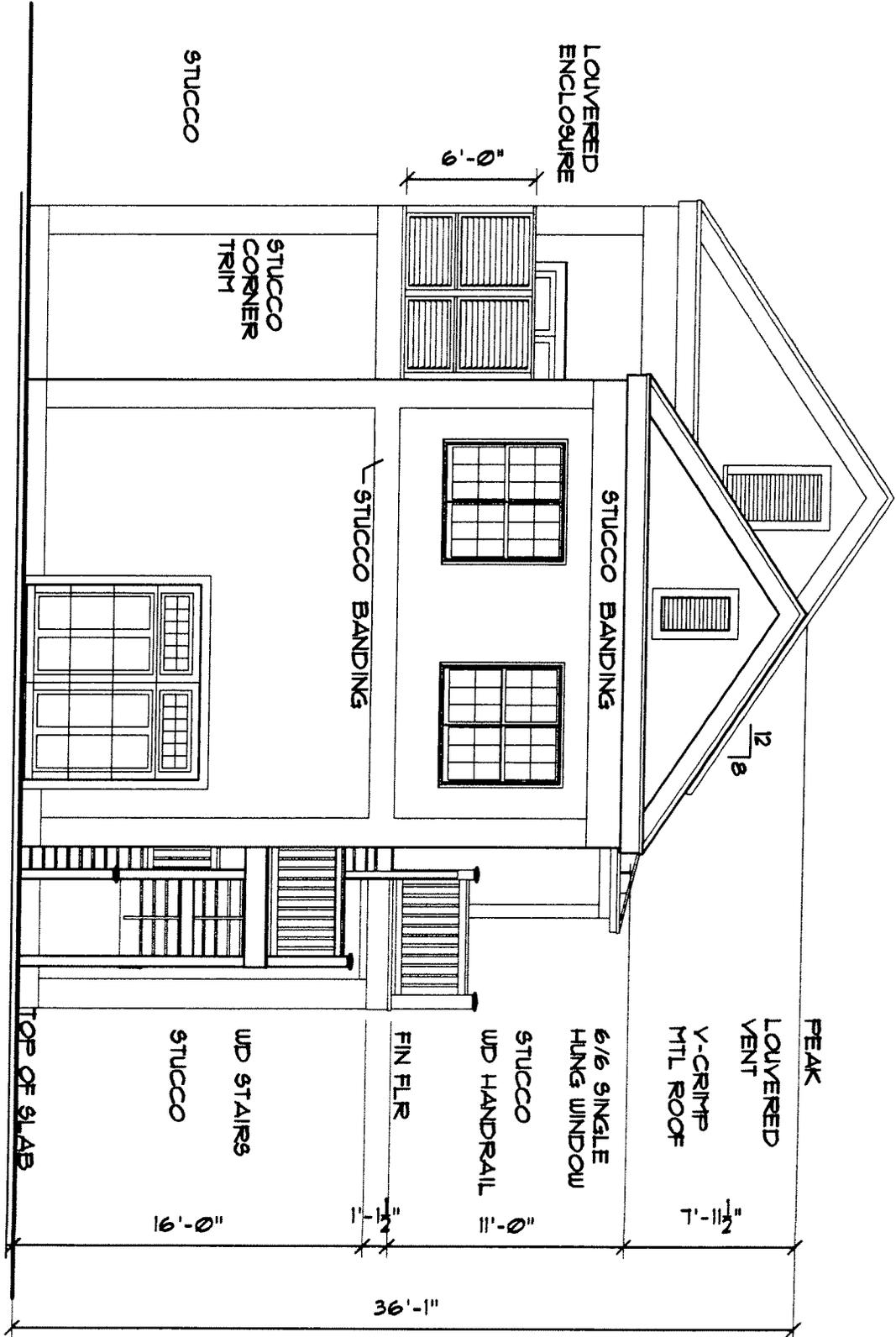
Plans and Elevations





Front Elevation

N.T.S.

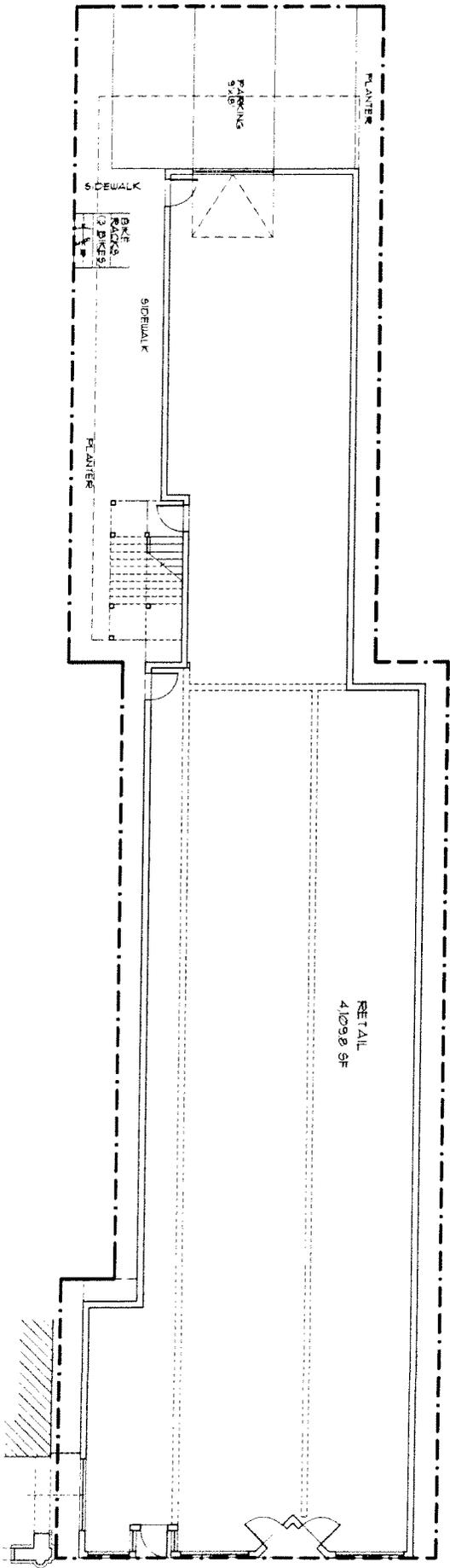
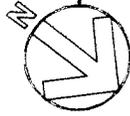


Rear Elevation

N.T.S.

Site/First Floor Plan

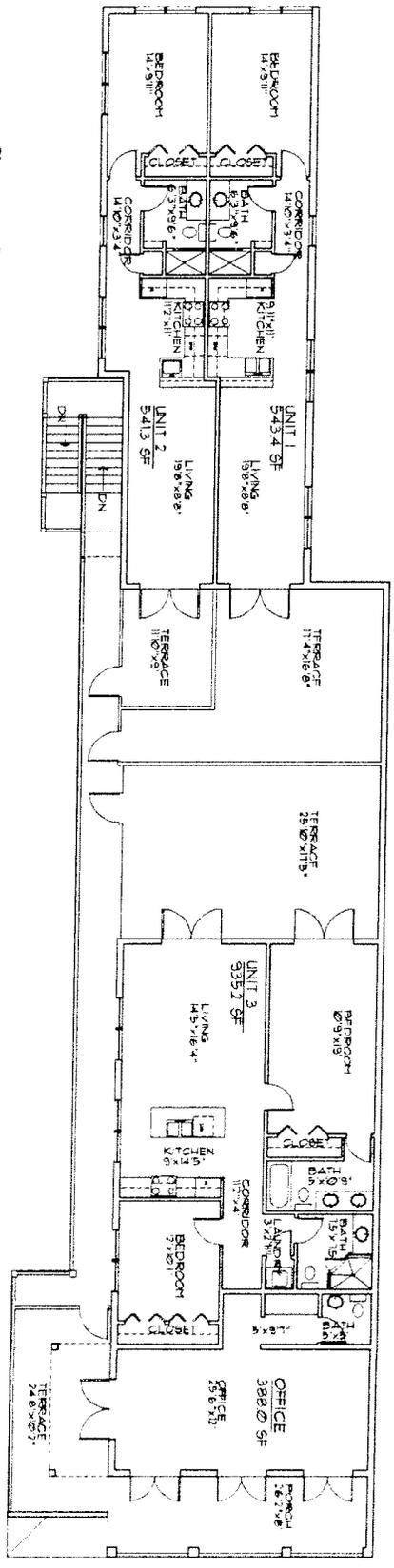
NTS



DUVAL ST.

Second Floor Plan

NTS





Property Appraisers Report

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 1010103 Parcel ID: 00009840-000000

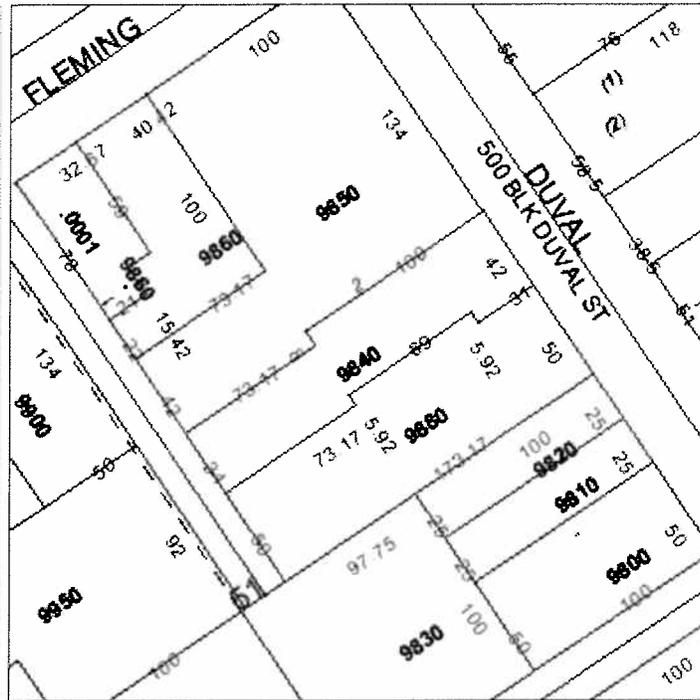
Ownership Details

Mailing Address:
SSRAFFERTY LLC
PO BOX 1007
KEY WEST, FL 33040

Property Details

PC Code: 11 - STORES ONE STORY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 512 DUVAL ST KEY WEST
Legal Description: KW PT LOT 2 SQR 51 G11-251 VV-362 COUNTY JUDGES DOCKET 3-H6OR635-76/77 PROBATE #82-281
OR861-1137/38 OR873-976/77 OR885-186/88 OR1069-2037D/C OR1069-2041/42CW OR1069-2043/44
OR2291-2437/39Q/C

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	34	173	6,278.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1

Total Living Area: 5206

Year Built: 1938

Building 1 Details

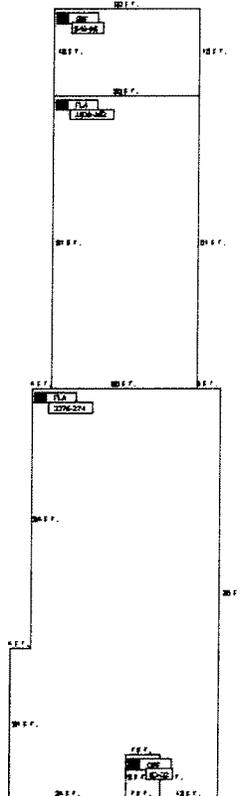
Building Type	Condition A	Quality Grade 400
Effective Age 17	Perimeter 456	Depreciation % 23
Year Built 1938	Special Arch 0	Grnd Floor Area 5,206
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type	Roof Cover	Foundation
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

Extra Features:

2 Fix Bath 0	Vacuum 0
3 Fix Bath 2	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 0
6 Fix Bath 0	Intercom 0
7 Fix Bath 0	Fireplaces 0
Extra Fix 0	Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA		1	1988				3,376
2	FLA		1	1988				1,830

5206

3	OPF	1	1988	63
4	SBF	1	1988	540

Appraiser Notes

2009-05-20 IMPROVEMENT DEMOLISHED DUE TO FIRE DAMAGE.DKRAUSE

2001-02-23 - DOR PARCEL DISCREPANCY 6/14/01 2001 AUDIT PARCEL.

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
B941805	05/01/1994	11/01/1994	500	Commercial	REPLACE FRONT DOOR/PAINT
B941644	05/01/1994	11/01/1994	35,000	Commercial	INT.RENOVATION 1000SF
B941781	05/01/1994	11/01/1994	4,500	Commercial	1-5 TON A/C W/8 DROPS
B950312	01/01/1995	08/01/1995	10,000	Commercial	RENOVATIONS
B950529	02/01/1995	08/01/1995	1,000	Commercial	UPGRADE PMTE
M950590	02/01/1995	08/01/1995	2,500	Commercial	CENTRAL AC W/3 DROPS
E950551	02/01/1995	08/01/1995	1,000	Commercial	200 AMP SERVICE
9500183	12/01/1995	08/01/1996	1	Commercial	ROOF
9602215	05/01/1996	08/01/1996	600	Commercial	SIGN
9603967	09/01/1996	11/01/1996	3,600	Commercial	ROOF
1 9804126	12/12/1997	01/01/1999	2,320	Commercial	INSTALL ASPHALT SHINGLES
1 9800230	01/22/1998	01/01/1999	285	Commercial	ALARM SYSTEM
1 9800479	03/04/1998	01/01/1999	800	Commercial	HANG SIGN
1 9800472	03/16/1998	01/01/1999	2,000	Commercial	REMOVE GLASS STORE FRONT
1 9803374	12/02/1998	01/01/1999	2,500	Commercial	REMOVE PARTITION WALL
0102422	06/29/2001	11/16/2001	3,500	Commercial	REMODEL STOREFRONT
03-0599	02/27/2003	10/03/2003	600	Commercial	PLUMBING
09-1198	04/28/2009		33,000	Commercial	DEMO OF TWO UNITS COMMERCIAL STRUCTURE DAMAGED BY FIRE 2200 SF
09-1200	04/28/2009		1,000	Commercial	DEMO & DISCONNECT PLUMBING
09-1199	04/28/2009		1,500	Commercial	DEMO ALL LIGHT FIXTURES, AND SERVICE ENTRANCE FOR DEMO
08-2144	06/17/2008		15,000	Commercial	ELECTRICAL WORK ALSO TO INCLUDE METER CAN

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2008	463,406	0	1,632,280	2,816,655	2,816,655	0	2,816,655
2007	318,627	0	1,632,280	2,816,655	2,816,655	0	2,816,655
2006	326,592	0	565,020	2,269,634	2,269,634	0	2,269,634
2005	338,541	0	470,850	1,609,794	1,609,794	0	1,609,794
2004	332,894	0	395,514	1,609,794	1,609,794	0	1,609,794
2003	332,894	0	389,236	1,609,794	1,609,794	0	1,609,794
2002	332,894	0	389,236	1,609,794	1,609,794	0	1,609,794
2001	321,144	0	389,236	1,291,372	1,291,372	0	1,291,372
2000	346,027	0	326,456	1,258,028	1,258,028	0	1,258,028
1999	346,027	0	326,456	1,258,028	1,258,028	0	1,258,028
1998	231,152	0	326,456	791,353	791,353	0	791,353
1997	231,152	0	313,900	791,353	791,353	0	791,353
1996	182,120	0	313,900	555,548	555,548	0	555,548
1995	182,120	0	313,900	555,548	555,548	0	555,548
1994	181,233	0	313,900	526,308	526,308	0	526,308
1993	181,233	0	313,900	357,806	357,806	0	357,806
1992	181,233	0	313,900	357,806	357,806	0	357,806
1991	181,233	0	313,900	357,806	357,806	0	357,806
1990	181,233	0	252,690	357,806	357,806	0	357,806
1989	181,233	0	251,120	357,806	357,806	0	357,806
1988	113,802	0	121,312	235,114	235,114	0	235,114
1987	111,690	0	58,050	192,720	192,720	0	192,720
1986	112,319	0	56,865	187,774	187,774	0	187,774
1985	108,298	0	40,954	198,407	198,407	0	198,407
1984	107,070	0	40,954	148,071	148,071	0	148,071
1983	107,363	0	26,435	133,798	133,798	0	133,798
1982	88,048	0	26,435	114,483	114,483	0	114,483

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
10/1/1988	1069 / 2043	500,000	WD	M

This page has been visited 112,813 times.

Monroe County Property Appraiser
Ervin A. Higgs, CFA

P.O. Box 1176
Key West, FL 33041-1176