

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: Brendon Cunningham, Senior Planner II

Through: Gail Kenson, AICP, Planning Director 

Meeting Date: 4 October 2006

Application: **Variations** from the provisions of Section 122-238 of the City Land Development Regulations regulating the required minimum yard setbacks and total allowed building coverage

APPLICATION DATA

Property Owner: SFP Development, LLC
Applicant/Agent: Fred Salinero
Address: 1911 Staples Avenue and further described as a part of KW Realty Co's
First Sub PB1-43, Lot 5, Sqr 16, Tr 21; RE#00046970-000000.
Zoning: SF (Single Family) District

REQUEST

The applicant is requesting the following variations to allow removal and replacement of an existing duplex with new modular duplex units:

1. To permit a front yard setback reduction of 11.2 feet from 30 feet to 18.8 feet;
2. To permit a rear yard setback reduction of 11.2 feet from 20 feet to 8.8 feet.
3. To permit an increase of 2 percent in Building Coverage from 35 percent to 37 percent.

BACKGROUND

The existing duplex residential structure was damaged by flood. The property as currently configured exceeds the allowed impervious coverage and front and side-yard setback 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 lot does not meet the minimum requirement of 6000 square feet per Section 122-238(5)a and thus does meet the criteria. There are no other special conditions or circumstances peculiar to the land, structure or building that are not applicable to other land, structures or buildings located in the same zoning district.

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, while correcting existing legal nonconforming conditions with this proposal, is creating other conditions by the nature of the chosen building design.

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 these variances will confer a special privilege to the applicant that is not conferred upon neighboring property owners who do not comply or have complied with City regulations.

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 applicant states the need of the variances is based on the design requirements of the proposed modular structure. There are other suitable options and construction techniques available and currently in use.

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 applicant is able to make reasonable use of the land and building without the granting of the variances.

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 using the correction of existing nonconforming coverages on the site as one of the reasons the variances should be granted.

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 variances.

The applicant has nominally met the standards established by the City Code.

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 **the request for Variances be denied.**

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: Brendon Cunningham, Senior Planner II 
Through: Gail Kenson, AICP, Planning Director 
Meeting Date: 4 October 2006

Application: **Variations** from the provisions of Section 122-238 of the City Land Development Regulations regulating, the required minimum yard setbacks, total allowed building coverage on property located at 1911 Staples Avenue and further described as a part of KW Realty Co's First Sub PB1-43, Lot 5, Sqr 16, Tr 21; RE#00046970-000000.

APPLICATION DATA

Property Owner: SFP Development, LLC
Applicant/Agent: Fred Salinero
Address: 1911 Staples Avenue - RE#00046970-000000.
Zoning: SF (Single Family) District

REQUEST

The applicant is requesting the following variations to allow removal and replacement of an existing duplex with new modular duplex units:

1. To permit a front yard setback reduction of 11.2 feet from 30 feet to 18.8 feet;
2. To permit a rear yard setback reduction of 11.2 feet from 20 feet to 8.8 feet.
3. To permit an increase of 2 percent in Building Coverage from 35 percent to 37 percent.

BACKGROUND

The existing duplex residential structure was damaged by flood. The property as currently configured exceeds the allowed impervious coverage and front and side-yard setback 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 lot does not meet the minimum requirement of 6000 square feet per Section 122-238(5)a. and thus does meet the criteria. Additionally, there are no special conditions or circumstance which are peculiar to the land, structure or building that are not applicable to other land, structures or buildings located in the same zoning district.

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, while correcting some legally nonconforming conditions with this proposal, is creating new conditions by the nature of the chosen building design.

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 these variances will confer a special privilege to the applicant that is not conferred upon neighboring property owners who do not comply or have complied with City regulations.

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 applicant states the need of the variances is based on the design requirements of the modular design of the structure. There other suitable options and construction techniques available and in use.

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 applicant is able to make reasonable use of the land and building without the granting of the variances.

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. It will, however, grant the applicant additional consideration not available to surrounding property owners.

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 using the correction of existing nonconforming coverages on the site as one of the reasons the variances should be granted.

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 variances.

The applicant has nominally met the standards established by the City Code.

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 **the requests for Variances be approved.**



**OFFICE OF THE FIRE MARSHAL
MEMORANDUM**

DATE: 9/22/06
TO: Gail Kenson
FROM: Gerald Smith, Fire Inspector
SUBJECT: BOA-October 2006 Summary

- ❖ Re: 1911 Staples Avenue
- ❖ Comments: No objections.



**OFFICE OF THE FIRE MARSHAL
MEMORANDUM**

DATE: 8/24/06
TO: Cheri Smith
FROM: Gerald Smith, Fire Inspector

SUBJECT: BOA Comments-September 2006-Summary

- Re: 1911 Staples Avenue
- Comments: No comment at this time.

RESOLUTION NO. _____

VARIANCE: 1911 STAPLES AVENUE

A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT TO ALLOW THE DEMOLITION OF AN EXISTING DUPLEX, REPLACING IT WITH MODULAR DUPLEX UNITS BY GRANTING VARIANCES TO THE BUILDING SETBACK AND BUILDING COVERAGE 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 1911 STAPLES AVENUE, KEY WEST, FLORIDA (RE# 00046970-000000)

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 **BUILDING SETBACK AND BUILDING COVERAGE** 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.)(1.), OF 11.2 FEET, FROM THE 30 FEET MINIMUM FRONT BUILDING SETBACK REQUIRED TO THE 18.8 FEET PROPOSED; SECTION 122-238(6)(a.)(3.), OF 11.2 FEET, FROM THE 20 FEET MINIMUM REAR BUILDING SETBACK REQUIRED TO THE 8.8 FEET PROPOSED; SECTION 122-238(4)(a.), OF 21.7 PERCENT, FROM THE 35 PERCENT MAXIMUM BUILDING COVERAGE ALLOWED TO THE 37 PERCENT PROPOSED. **THE PURPOSE OF THE REQUEST IS TO ALLOW THE DEMOLITION OF AN EXISTING DUPLEX, REPLACING IT WITH MODULAR DUPLEX UNITS, FOR PROPERTY LOCATED AT 1911 STAPLES AVENUE, KEY WEST, FLORIDA (RE# 00046970-000000).**

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 2 years 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 2-year 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 the _____ 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

2ND
SUB BL



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.

RECEIVED

JUL 26 2006

Please print or type a response to the following:

- Site Address 1911 STAPLES AVE
- Name of Applicant Fred SALINERO
- Applicant is: Owner Authorized Representative
(attached Authorization Form must be completed)
- Address of Applicant 5570 3rd AVE
Key West
- Phone # of Applicant 305-294-7618 Mobile# 360-0739 Fax# 294-7207
- Name of Owner, if different than above SFP DEVELOPMENT, LLC
- Address of Owner 5570 3rd AVE
Key West
- Phone Number of Owner _____ Fax# _____
- Zoning District of Parcel SF RE# 00046970-000000
- Description of Proposed Construction, Development, and Use
REPLACE EXISTING Duplex with New
MODULAR Duplex

CITY OF KEY WEST
PLANNING DEPT.

11. Description of Variances Being Requested:

Standard Allowed/Required	Standard Requested	Existing Condition
<u>FRONT 20'</u>	<u>20'</u>	<u>13.3'</u>
<u>SIDES 5'</u>	<u>13'</u>	<u>13.91' 1.99'</u>
<u>REAR 20'</u>	<u>10'</u>	<u>5'</u>

12. 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 # _____

JUSTIFICATION



1) Describe how enforcement of the City's Land Development Regulations will result in an unnecessary hardship to you. (A hardship cannot be self-created.)

REPLACING EXISTING DUPLEX THAT EXCEEDS SIDE, FRONT & REAR SET BACKS AND LOT COVERAGE. THE EXISTING BUILDING DOES NOT MEET OUR HURRICANE CODES. THE NEW MODULAR STRUCTURE WILL EXCEED THE CODES.

RECEIVED

JUL 26 2006

2) Describe how the need for the variance is because of a unique circumstance OF KEY WEST regarding your property and is not due to something you have done. PLANNING DEPT.

PLACING THE FRONT SET BACK TO THE 20' REQUIRED FROM THE 13.3' EXISTING WILL ALLOW ONLY A 10' SET BACK FOR THE NEW STRUCTURE BUT IS MORE THAN 5' REAR SET BACK OF THE EXISTING STRUCTURE

3) Explain why this is the minimum variance necessary to make reasonable use of your property.

THE ALLOWANCE OF A 10' REAR SETBACK WILL ALLOW FOR A LARGER SIDE SET BACK THUS ALLOWING FOR MORE GREENSPACE.

RECEIVED

OCT 11 2005



Authorization 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.

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

I, SFP Development, LLC authorize
Please Print Name(s) of Owner(s)

Frederick A. Salinero, President
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the Board of Adjustment.

[Signature]
Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on 10th of Oct 2005 (date) by

FREDERICK A. SALINERO
Please Print Name of Affiant

RECEIVED
JUL 23 2006
CITY OF KEY WEST
PLANNING DEPT.

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

[Signature]
Notary's Signature and Seal

 Patricia A. Patterson
My Commission DD231459
Expires October 16, 2007

Name of Acknowledger printed or stamped

Title or Rank

Commission Number, if any



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, Frederick A. Salinero, 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:

1911 STAPLES AVE Key West, FL
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.

Frederick A. Salinero
Signature of Owner/Legal Representative Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on Oct 10, 2005 (date) by
FREDERICK A SALINERO (name). He is personally known to me or has
presented _____ as identification.

Patricia A. Patterson
Notary's Signature and Seal

 Patricia A. Patterson Name of Acknowledger typed, printed or stamped
My Commission DD231459
Expires October 16, 2006 or Rank _____ Commission Number, if any

RECEIVED

JUL 26 2006

CITY OF KEY WEST
PLANNING DEPT

THIS INSTRUMENT PREPARED BY AND RETURN TO:
INDEPENDENT ABSTRACT AND TITLE COMPANY
600 WHITEHEAD STREET, SUITE 203
KEY WEST, FLORIDA 33040
Property Appraisers Parcel Identification (Folio) Numbers: 00046970-000000

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 28th day of September, 2005 by Betty Juli Barish, Julius Frank Barish and Betty Juli Barish for Jeremy Frances Barish a minor under Florida's Uniform Gift to Minor Act, tenants in common whose post office address is 7A 12th Avenue, Key West, FL 33040 herein called the grantors, to SFP Development, LLC, a Florida Limited Liability Company, whose post office address is 5570 Third Avenue, Key West, FL 33040, hereinafter called the Grantee:
(Wherever used herein the terms "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 grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars 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, State of Florida, viz.:

On the Island of Key West, and known on the Key West Realty Company's Subdivision No. 1 of Tract 21 and Salt Pond Lots Nos. 1, 2, 3; 4 and 5, as Lot 5 in Block 16, according to the diagram of said subdivision, recorded in Plat Book 1, Page 43, of the Public Records of Monroe County, Florida.
Commencing at a point 100 feet from the NW corner of Staples Avenue and Second Street, and running thence in a SW'y direction along Staples Avenue 50 feet; thence at right angles in a NW'y direction 100 feet to an alley; thence at right angles in a NE'y direction along said alley 50 feet; thence at right angles in a SE'y direction 100 feet to the Point of Beginning.

Subject to easements, restrictions and reservations of record and taxes for the year 2005 and thereafter.

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.

AND, the grantors hereby covenant with said grantee that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant 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, 2004.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness #1 Signature

WAYNE R. KAMER
Witness #1 Printed Name

[Signature]
Witness #2 Signature

DIANEYS RODRIGUEZ
Witness #2 Printed Name

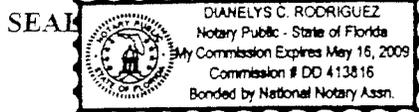
[Signature]
Betty Juli Barish

[Signature]
Julius Frank Barish

[Signature]
Betty Juli Barish for Jeremy Francis Barish, minor
Francis Barish

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 28th day of September, 2005 by Betty Juli Barish, Julius Frank Barish and Betty Juli Barish for Jeremy Francis Barish, minor who are personally known to me or have produced _____ as identification.



[Signature]
Notary Public
DIANEYS RODRIGUEZ
Printed Notary Name

My Commission Expires:

RECEIVED

JUL 26 2006

CITY OF KEY WEST
PLANNING DEPT.

THIS INSTRUMENT PREPARED BY AND RETURN TO:
INDEPENDENT ABSTRACT AND TITLE COMPANY
600 WHITEHEAD STREET, SUITE 203
KEY WEST, FLORIDA 33040
Property Appraisers Parcel Identification (Folio) Numbers: 00046970-000000

Doc# 1543783 09/29/2005 2:23PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE
09/29/2005 2:23PM
DEED OGC STAMP CL: SC \$5,200.00

Doc# 1543783
Bk# 2134 P# 1518

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 28th day of September, 2005 by Betty Juli Barish, Julius Frank Barish and Betty Juli Barish for Jeremy Francis Barish a minor under Florida's Uniform Gift to Minor Act, tenants in common whose post office address is 7A 12th Avenue, Key West, FL 33040 herein called the grantors, to SFP Development, LLC, a Florida Limited Liability Company, whose post office address is 5570 Third Avenue, Key West, FL 33040, hereinafter called the Grantee:
(Wherever used herein the terms "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 grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, assigns, remises, releases, conveys and confirms unto the grantee all that certain land situate in MONROE County, State of Florida, viz.:
On the Island of Key West, and known on the Key West Realty Company's Subdivision No. 1 of Tract 21 and Salt Pond Lots Nos. 1, 2, 3, 4 and 5, as Lot 5 in Block 16, according to the diagram of said subdivision, recorded in Plat Book 1, Page 43, of the Public Records of Monroe County, Florida.
Commencing at a point 100 feet from the NW corner of Staples Avenue and Second Street, and running thence in a SW'y direction along Staples Avenue 50 feet; thence at right angles in a NW'y direction 100 feet to an alley; thence at right angles in a NE'y direction along said alley 50 feet; thence at right angles in a SE'y direction 100 feet to the Point of Beginning.

Subject to easements, restrictions and reservations of record and taxes for the year 2005 and thereafter.
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.

AND, the grantors hereby covenant with said grantee that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant 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, 2004.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.
Signed, sealed and delivered in the presence of:

Witness #1 Signature

Wayne R. Krueger
Witness #1 Printed Name

Dannelys Rodriguez
Witness #2 Signature

DANNELYS RODRIGUEZ
Witness #2 Printed Name

Betty Juli Barish
Betty Juli Barish

Julius Frank Barish
Julius Frank Barish

Betty Juli Barish for Jeremy Francis Barish, minor
Betty Juli Barish for Jeremy Francis Barish, minor

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 28th day of September, 2005 by Betty Juli Barish, Julius Frank Barish and Betty Juli Barish for Jeremy Francis Barish, minor who are personally known to me or as identification.

SEAL



Dannelys Rodriguez
Notary Public
Printed Notary Name
DANNELYS RODRIGUEZ

MONROE COUNTY
OFFICIAL RECORDS

JUL 24 2006
JUL 24 2005

My Commission Expires

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

O.M.B. No. 3067-0077
Expires December 31, 2005

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1 - 7.

SECTION A - PROPERTY OWNER INFORMATION			For Insurance Company Use:
BUILDING OWNER'S NAME Freddy C. Varela, Sr.			Policy Number
BUILDING STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO. 1911 Staples Avenue			Company NAIC Number
CITY Key West	STATE FL	ZIP CODE 33040	
PROPERTY DESCRIPTION (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 5, Block 16, Tract 21, KEY WEST REALTY COMPANY'S SUBDIVISION NO. 1			
BUILDING USE (e.g., Residential, Non-residential, Addition, Accessory, etc. Use a Comments area, if necessary.) Residential			
LATITUDE/LONGITUDE (OPTIONAL) (##° - ##' - ##.##" or ###.####")	HORIZONTAL DATUM: <input type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983	SOURCE: <input type="checkbox"/> GPS (Type): _____ <input type="checkbox"/> USGS Quad Map <input type="checkbox"/> Other: _____	

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP COMMUNITY NAME & COMMUNITY NUMBER Key West 120168		B2. COUNTY NAME Monroe County		B3. STATE Florida	
B4. MAP AND PANEL NUMBER 12087C-1517	B5. SUFFIX K	B6. FIRM INDEX DATE 02/18/05	B7. FIRM PANEL EFFECTIVE/REVISED DATE 02/18/05	B8. FLOOD ZONE(S) AE	B9. BASE FLOOD ELEVATION(S) (Zone AO, use depth of flooding) 7

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in B9.
 FIS Profile FIRM Community Determined Other (Describe): _____

B11. Indicate the elevation datum used for the BFE in B9: NGVD 1929 NAVD 1988 Other (Describe): _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Yes No Designation Date: JUL 26 2006

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Building Diagram Number 8 (Select the building diagram most similar to the building for which this certificate is being completed - see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

C3. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO
 Complete Items C3.-a-i below according to the building diagram specified in Item C2. State the datum used. If the datum is different from the datum used for the BFE in Section B, convert the datum to that used for the BFE. Show field measurements and datum conversion calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate, to document the datum conversion.
 Datum NGVD Conversion/Comments Local Source

Elevation reference mark used 3.12 Does the elevation reference mark used appear on the FIRM? Yes No

o a) Top of bottom floor (including basement or enclosure) 4. 52 ft.(m)

o b) Top of next higher floor 7. 38 ft.(m)

o c) Bottom of lowest horizontal structural member (V zones only) NA. ft.(m)

o d) Attached garage (top of slab) NA. ft.(m)

o e) Lowest elevation of machinery and/or equipment servicing the building (Describe in a Comments area) 9. 32 ft.(m)

o f) Lowest adjacent (finished) grade (LAG) 4. 50 ft.(m)

o g) Highest adjacent (finished) grade (HAG) 4. 50 ft.(m)

o h) No. of permanent openings (flood vents) within 1 ft. above adjacent grade 0

o i) Total area of all permanent openings (flood vents) in C3.h 0 sq. in. (sq. cm)

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PLANNING DEPT.

License Number, Embossed Seal, Signature, and Date

 Robert E. Reece, PSM #5632
 Date: 06/08/05

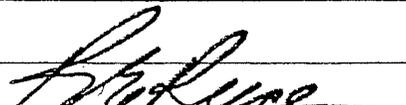
SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

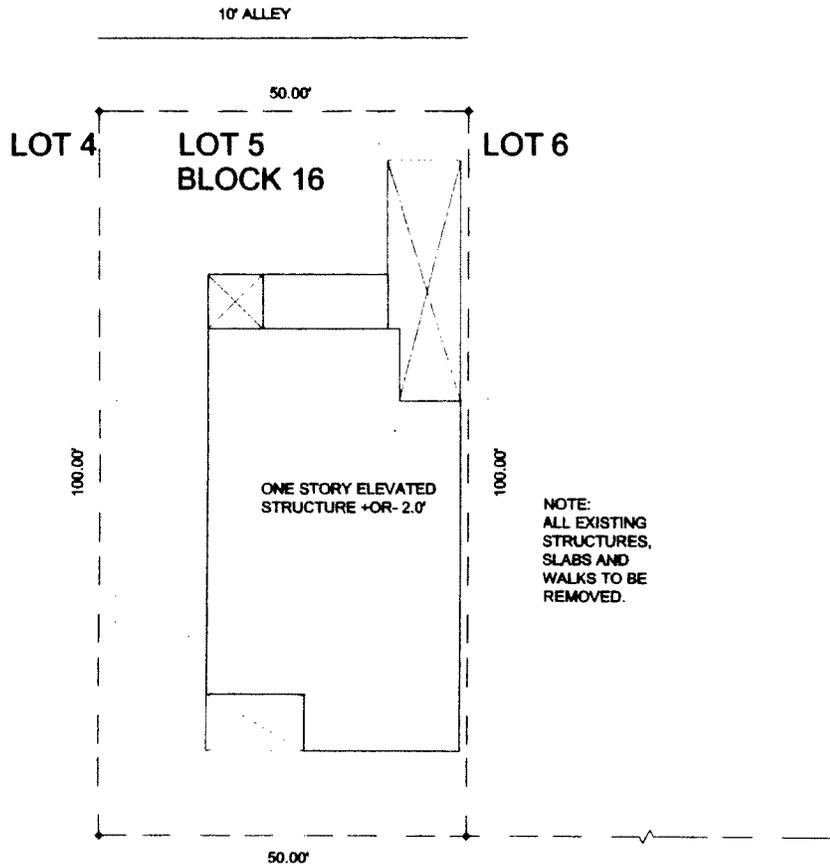
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.
 I certify that the information in Sections A, B, and C on this certificate represents my best efforts to interpret the data available.
 I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME Robert E. Reece LICENSE NUMBER 5632

TITLE Professional Surveyor & Mapper COMPANY NAME R.E. REECE, P.A.

ADDRESS 30364 Quail Roost Trail CITY Big Pine Key STATE FL ZIP CODE 33043

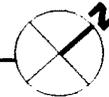
SIGNATURE  DATE 06/08/05 TELEPHONE 305-872-1348



CENTER LINE STAPLES AVE.

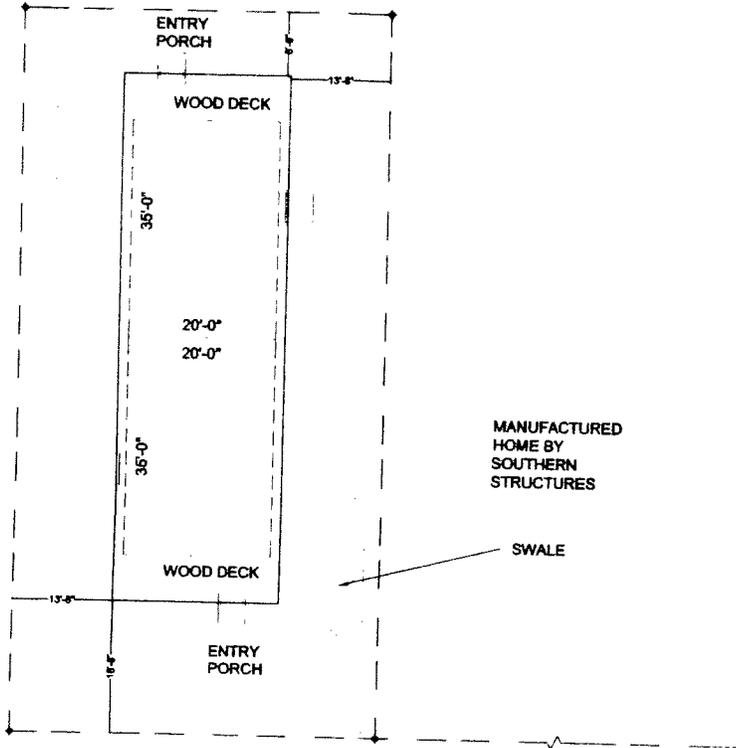
EXISTING SITE PLAN

1/16" = 1'-0"



LEGAL DESCRIPTION:
 ON THE ISLAND OF KEY WEST, AND KNOWN ON THE KEY WEST REALTY COMPANY'S SUBDIVISION NO. 1 OF TRACT 21 AND SALT POND LOTS NOS. 1, 2, 3, 4 AND 5, AS LOT 5 IN BLOCK 16, ACCORDING TO THE DIAGRAM OF SAID SUBDIVISION, RECORDED IN PLAT BOOK 1, PAGE 43, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.
 COMMENCING AT A POINT 100 FEET FORM THE NW CORNER OF STAPLES AVENUE AND SECOND STREET, AND RUNNING THENCE IN A SW'LY DIRECTION ALONG STAPLES AVENUE 50 FEET; THENCE AT RIGHT ANGLES IN A NW'LY DIRECTION 100 FEET TO AN ALLEY; THENCE AT RIGHT ANGLES IN A NE'LY DIRECTION ALONG SAID ALLEY 50 FEET; THENCE AT RIGHT ANGLES IN A SE'LY DIRECTION 100 FEET TO THE POINT OF BEGINNING.

Seidenberg LN



CENTER LINE STAPLES AVE.

PROPOSED SITE PLAN

1/16" = 1'-0"



DESIGN DATA:

WIND VELOCITY: 160 MPH ASCE 7 - 98
VELOCITY PRESSURE: 48.1 P.S.F.
WIND IMPORTANCE: 1.0
BUILDING CONDITION: ENCLOSED
EXPOSURE CATEGORY: "C"

WIND PRESSURE COEFFICIENT(S) BASED ON ASCE 7-98
SOIL BEARING 2000 PSF (ASSUMED)
COMPACT & TEST ALL FOOTINGS
CONC. @ 28 DAYS 2500 PSI
REINF. STL. - ASTM A615 GR 40
MORTAR TYPE "S"
CONC. M&S - ASTM 90 OR ASTM C145 (1900 P.S.I. MIN.)
GROUT - 3/8" MIN. AGGREGATE 2,000 PSI
ROOF LIVE LOAD - 40 PSI
DEAD LOAD - 25 PSI

FLOOR LOADINGS:
LIVING AREAS - 40 PSF (LIVE LOAD)
DECKS/ENTRIES - 50 PSF (LIVE LOAD)

ALL STRUCTURAL WOOD MEMBERS ARE #2 SOUTHERN YELLOW PINE

LIVE LOADS ARE BASED UTILIZING THE TRIBUTARY AREA METHOD (TABLE 1604.8)

I CERTIFY THAT THESE DOCUMENTS COMPLY WITH THE FLORIDA BUILDING CODE 2002.

ALL WORK DEPICTED IN THESE DRAWINGS SHALL CONFORM TO REQUIREMENTS OF THE FOLLOWING CODES:

FLORIDA BUILDING CODE 2004
FLORIDA MECHANICAL CODE 2004
FLORIDA PLUMBING CODE 2004
NATIONAL ELECTRICAL CODE 2002
DESIGNED PER ASCE 7-98

HURRICANE RESISTANT WINDOWS TO BE INSTALLED.

SITE DATA:

ZONING AE
MAP NUMBER 12087C-1517
FLOOD ZONE 7
COMMUNITY NO. 120158
PANEL NO. 1728 SUFFIX K

STORM WATER CALCULATIONS

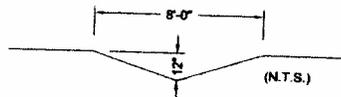
LOT SIZE 5000 SF

IMPERVIOUS COVERAGE:
HOUSE 1397 SF
DRIVES 0 SF
WALKS 0 SF

TOTAL IMPERVIOUS AREA
1397 SF

27.94%
IMPERVIOUS COVERAGE

$3570 \text{ SF} \times 0.0415 = 207.5 \text{ SWALE}$
VOLUME IN CUBIC FEET / 4 LF
51.86 LF REQUIRED
51.86 LF PROVIDED



SWALE DETAIL



Carlos O. Rojas, AIA
AR 0018764

540 White Street
Key West, FL 33040
(305) 292-4870

TherRojas@hotmail.com

Revisions

NO.	DESCRIPTION

Carlos O. Rojas, AIA
1911 STAPLES AVE
SFP DEVELOPMENT LLC.

Project Number
19112008

Date
3/13/06

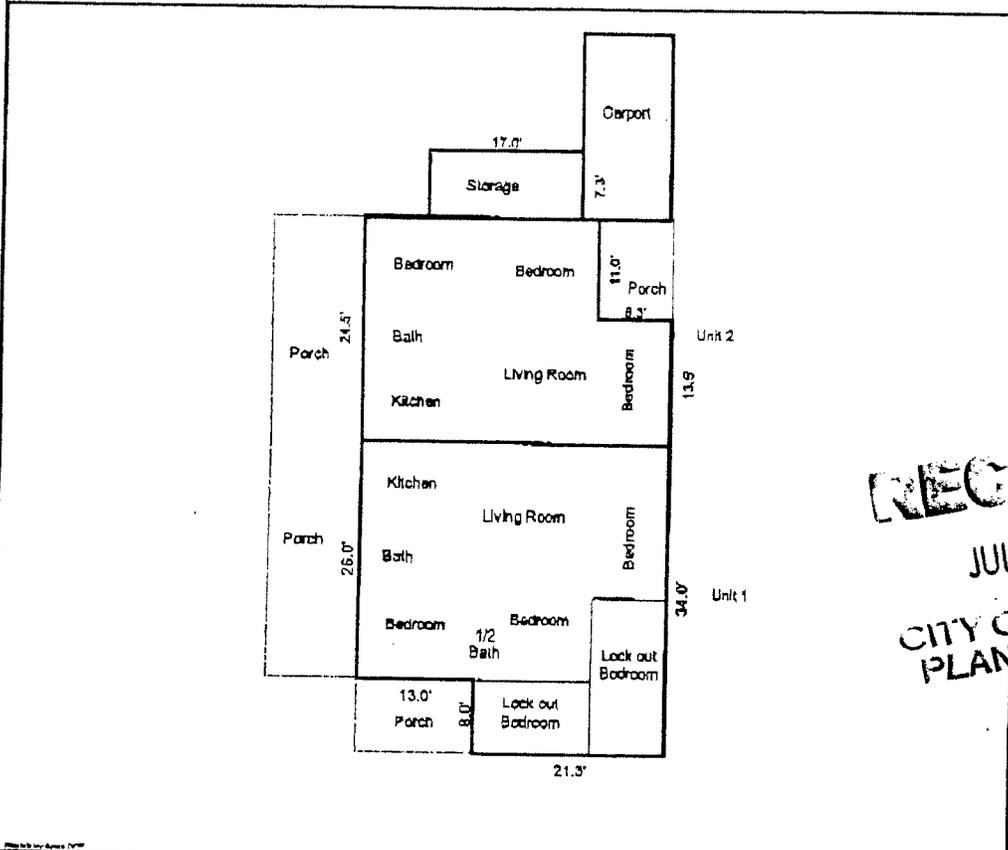
Drawn By
COR

EXISTING Duplex

File No. 23461 Page #14

Building Sketch

Borrower/Client SFP Development, LLC			
Property Address: 1911 Staples Avenue			
City Key West	County Monroe	State FL	Zip Code 33040
Lender TIB Bank			

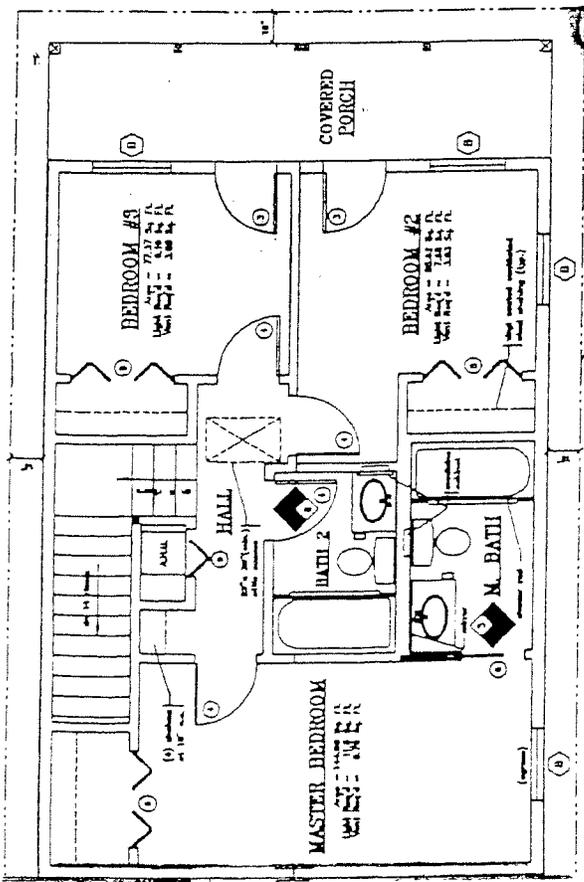


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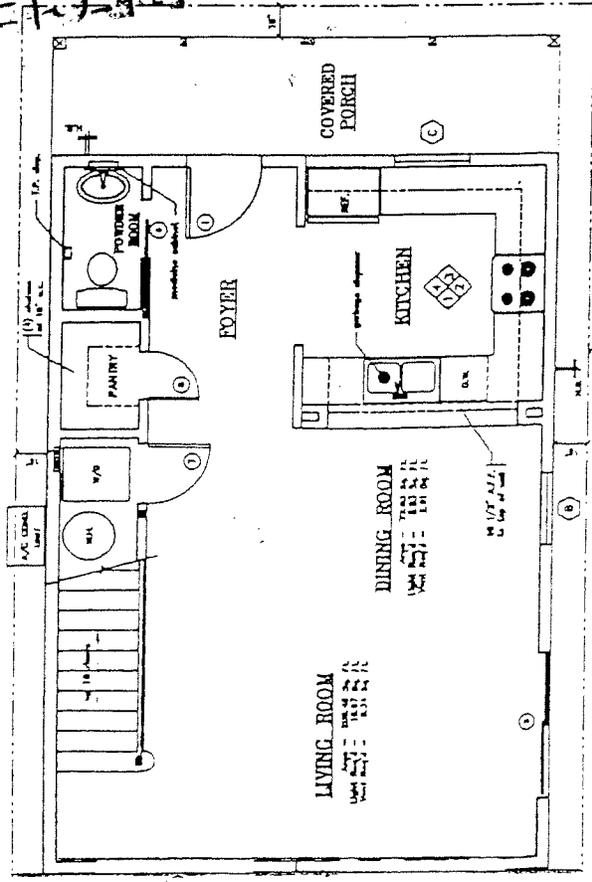
Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor-Unit 1	1062.20	
	First Floor-Unit 2	749.05	1811.25
P/P	Porch	104.00	
	Porch	505.00	
	Porch	91.30	700.30
CAR	Carport	201.83	201.83
OTB	Storage	124.10	124.10
TOTAL LIVABLE (rounded)			1811

LIVING AREA BREAKDOWN		
	Breakdown	Subtotals
First Floor-Unit 1		
	26.0 x 34.3	891.80
	8.0 x 21.3	170.40
First Floor-Unit 2		
	24.5 x 26.0	637.00
	8.3 x 13.5	112.05
4 Calculations Total (rounded)		1811



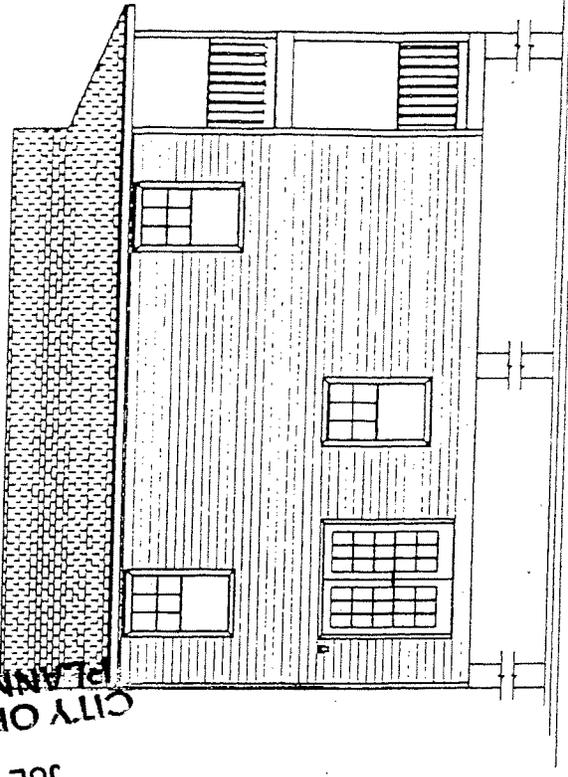
SECOND FLOOR PLAN



FIRST FLOOR PLAN



FRONT ELEVATION



LEFT SIDE ELEVATION

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 PLANNING DEPT. 3

SOUTHERN STRUCTURES INC.
 334 CYPRESS ROAD
 OCALA, FLORIDA 34472
 Phone (352) 680-1911
 Fax (352) 680-0543

© Southern Structures Manufacturing Company
 This drawing is the sole property of Southern Structures Manufacturing Company. It is to be used only for the project and location indicated. No other use, reproduction, or distribution is permitted without the written consent of Southern Structures Manufacturing Company. The company and its product liability insurance is based in Florida.

DATE - 23 MAY 2002
 SCALE - 1/8" = 1'-0"
 DWN. BY - G. DAVIS
 PROJECT: 24' x 35' MODULAR HOME
 The Key West
 DRAWING: FLOOR PLANS & ELEVATIONS

KNIBILT CORPORATION & KNIGHT JOAN

336 DUVAL STREET
KEY WEST, FL 33040

RENDUELES MARIE DEL CARMEN

1425 2ND ST
KEY WEST, FL 33040

ST JAMES MISSIONARY BAPTIST
CHURCH-TRUSTEE
312 OLIVIA STREET
KEY WEST, FL 33040

HANSEN ALLEN L

2002 SEIDENBERG AVE
KEY WEST, FL 33040

OAKES DEBRA NODINE

2007 SEIDENBERG AVE
KEY WEST, FL 33040

RENDUELES FAUSTINO ROBERTO

1901 FLAGLER AVENUE
KEY WEST, FL 33041

1921 FLAGLER LLC

1921 FLAGLER AVE
KEY WEST, FL 33040

LAWRENCE PAUL T AND BEATRICE S

PO BOX 4811
KEY WEST, FL 33041

MAQUEIRA LUIS TRUSTEE (LUIS MAQUE
4/11/97) & MAQUEIRA OLGA TRUSTEE (O
DEC OF TR DTD 4/11/97) 1547 4TH STRE
KEY WEST, FL 33040

TOPPINO CONSTRUCTION CO INC THE

2011 FLAGLER AVE
KEY WEST, FL 33040

RENDUELES MARIE DEL CARMEN

1425 2ND ST
KEY WEST, FL 33040

ESTATE OF GRACE LLC

7162 121ST STREET WEST
APPLEY VALLEY, MI 55124

MENENDEZ JOHN & ROSE

2006 SEIDENBERG AVENUE
KEY WEST, FL 33040

ESQUINALDO ROSE MARIE

1329 SECOND STREET
KEY WEST, FL 33040

CLEGHORN JOSEPH AND TENA

701 WADDELL ST
KEY WEST, FL 33040

1921 FLAGLER LLC

1921 FLAGLER AVE
KEY WEST, FL 33040

OGDEN GILBERT VICTOR & ESTHER M

1916 STAPLES AVENUE
KEY WEST, FL 33040

SPERLING ANTHONY A & NIVEN WENDY

722 BARRINGTON ROAD
GROSSE POINT PK, MI 48230

PINE KERWIN B

P O BOX 624
TONAWANDA, NY 14150-0624

MENENDEZ JOHN A JR & WANDA F

2010 SEIDENBERG AVENUE
KEY WEST, FL 33040

JENKINS ROBERT E

2011 STAPLES AVENUE
KEY WEST, FL 33040

GARCIA WAYNE

3005 AIRPORT BLVD
KEY WEST, FL 33040

RENDUELES MARIE DEL CARMEN

1425 2ND ST
KEY WEST, FL 33040

RENDUELES MARIE DEL CARMEN

1425 2ND ST
KEY WEST, FL 33040

1921 FLAGLER LLC

1921 FLAGLER AVE
KEY WEST, FL 33040

MENDOZA BELIA C L/E

1914 STAPLES AVE
KEY WEST, FL 33040

GONZALEZ IGNACIO ESTATE

1900 STAPLES AVE
KEY WEST, FL 33040

VARELA GILBERTO & CARIDA

1904 STAPLES AVENUE
KEY WEST, FL 33040

BRADFORD GLORIA

1406 2ND STREET
KEY WEST, FL 33040

GONZALEZ LEONELLA P

1909 STAPLES AVE
KEY WEST, FL 33040

SAWYER TOM & DEBRA V

1411 FIRST ST
KEY WEST, FL 33040

BRADFORD DARLENE ROSE

1923 SEIDENBERG LANE
KEY WEST, FL 33040

ZERPA LAZARO & MARGARITA

1908 SEIDENBERG AVENUE
KEY WEST, FL 33040

ZERPA LAZARO & MARGARITA

1908 SEIDENBERG AVENUE
KEY WEST, FL 33040

MARSTON SCOTT P & KATHY L

1906 HARRIS AVENUE
KEY WEST, FL 33040

SALINERO DENNIS N

356 BOCA CHICA ROAD
KEY WEST, FL 33040

DYKE ANDREW

1908 STAPLES AVE
KEY WEST, FL 33040

CONDELLA ISABELL L/E
(ANTOINETTE J ROBLES)
1923 STAPLES AVENUE
KEY WEST, FL 33040

SAWYER TOM & DEBRA V

1411 FIRST ST
KEY WEST, FL 33040

BETHEL HARRY L JR & GLADYS C

2100 HARRIS AVE
KEY WEST, FL 33040

SEIDENBERG PROPERTY INC

4150 NW 7 ST #200
MIAMI, FL 33126

HANSEN ROBERT W & EMMA N CO-TR (
REV TR) % ROBERT & EMMA HANSEN (B
1906 SEIDENBERG AVE
KEY WEST, FL 33040

TARPLEY CONNIE L

1908 HARRIS AVENUE
KEY WEST, FL 33040

LETSINGER JAMES H

1915 SEIDENBERG AVE
KEY WEST, FL 33040-3623

SALINERO DENNIS N

356 BOCA CHICA ROAD
KEY WEST, FL 33040

BILLOW CLAIR W & BETTY A L/E
(BILLOW JEANETTE A)
8420 NW 3RD STREET
PEMBROKE PINES, FL 33024

SFP DEVELOPMENT LLC

5570 THIRD AVE
KEY WEST, FL 33040

A-1 BEAUTY SHOP INC

1415 1ST STREET
KEY WEST, FL 33040

SIMONINI DONALD G & WALSH MELISSA

1924 SEIDENBERG AVE
KEY WEST, FL 33040

SPETTEL BARBARA

1915 SEIDENBERG LANE
KEY WEST, FL 33040

CAHILL DARENE &
REICHERT CARRIE R/S
812 GALVESTON LN
KEY WEST, FL 33040

HACKETT JOHN A

1917 SEIDENBERG AVENUE
KEY WEST, FL 33040

VASQUEZ RAYMOND

P O BOX 41
KEY WEST, FL 33041

BALLAROTTO JEROME A

143 WHITE HORSE AVE
TRENTON, NJ 08610

GRIFFIN MARY ELIZABETH

1909 SEIDENBERG AVE
KEY WEST, FL 33040

GRIFFIN CARL D & MARY ELIZABETH

1909 SEIDENBERG AVENUE
KEY WEST, FL 33040

HEIZMANN ELLEN

1911 SEIDENBERG AVE
KEY WEST, FL 33040

SMITH LAWRENCE J & CHRISTINE C

1901 SEIDENBERG AVENUE
KEY WEST, FL 33040

JOHNSON CARMEN

1316 FIRST STREET
KEY WEST, FL 33040-3651

DISCOUNT AUTO PARTS INC
%ADVANCE STORES COMPANY, INC #93
PO BOX 2710
ROANOKE, VA 24001

CONCH TOUR TRAIN INC

201 FRONT ST
KEY WEST, FL 33040

LESLEY DAN H

P O BOX 430197
BIG PINE KEY, FL 33043-0197

BITTNER JANE

157 KEY HAVEN RD
KEY WEST, FL 33040-6212

1911 Staples Avenue

RE # 00046970-000000

Properties within 300 feet



Prepared by Planning Dept
City of Key West, FL
Board of Adjustment Meeting
Created on June 21, 2006

GIS Basemap & Data Courtesy of
Monroe County Property Appraiser

