

**RESOLUTION NO- 2010-035**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW THE RECONSTRUCTION OF A NON-CONFORMING STRUCTURE WHICH EXCEEDS 66% OF THE VALUE OF THE EXISTING STRUCTURE BY GRANTING VARIANCES TO BUILDING COVERAGE, IMPERVIOUS SURFACE RATIO, LOT SIZE, FRONT, SIDE, STREETSIDE AND REAR YARD SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 630 ELIZABETH STREET (RE#00011970-000000), PURSUANT TO SECTION 122-630 (4) (5) AND (6) UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-28(b) of the Code of Ordinances provides that if voluntary reconstruction of non-conforming residential structures exceeds 66% of the appraised value of the structure variances are required; and

**WHEREAS**, Section 122-630 (4) a. and b., 122-630(5) a. and b. and 122-630(6) a., b., c., and d., of the Code of Ordinances provides that the maximum dimensional requirements for building coverage is 50%, maximum impervious surface ratio is 60%, minimum lot size is 4000 square feet and building setbacks in the HHDR zoning district are ten feet in the front, twenty feet in the rear, and five feet on each side; and

**WHEREAS**, the applicant requested variances to building coverage, impervious surface ratio, lot size and front, rear and side yard setbacks to allow improvements to a non-conforming,

 Vice Chairman  
 Planning Director

historically contributing, residential structure which exceed 66% of the value of that structure; and

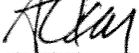
**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on September 16, 2010; and

**WHEREAS**, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

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

**WHEREAS**, the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

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

  
\_\_\_\_\_  
Vice Chairman  
  
\_\_\_\_\_  
Planning Director

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

**WHEREAS**, the Planning Board finds that the grant of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

**WHEREAS**, the Planning Board 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 Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

  
\_\_\_\_\_  
Vice Chairman  
\_\_\_\_\_  
Planning Director

**Section 2.** That variances for a non-conforming contributing building listed in the historic architectural survey for building coverage, impervious surface ratio, front yard, side yards, and rear yard setback requirements, for a renovation project in the Historic High Density Residential (HHDR) zoning district for property located at 630 Elizabeth Street (RE # 00011970-000000), per Sections 122-630 (4) a. and b., 122-630 (5) a. and b., 122-630 (6) a., b., c. and d., and Section 122-28 (b) , of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown on the attached site plans dated December 15, 2009, with the following condition:

- The applicant seek and receive an easement for the 1.5 foot encroachment onto the public right-of-way on Elizabeth Street

**Section 3.** It is a condition of these variances that full, complete, and final application for all permits required for any new construction for any use and occupancy for which these variances are wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of these variances, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which the variances are wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to submit a full and complete application for permits for new construction for which these variances are wholly or partly necessary, or the failure to complete new

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Planning Director

construction for use and occupancy pursuant to these variances in accordance with the terms of a City building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

**Section 5.** These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

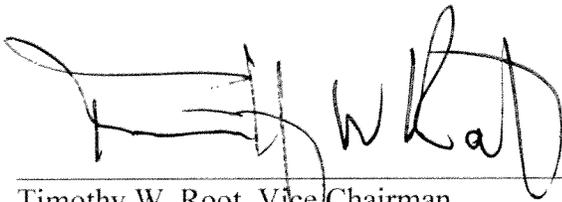
**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

 Vice Chairman  
 Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 16th day of September, 2010.

Authenticated by the Vice Chairman of the Planning Board and the Planning Director.

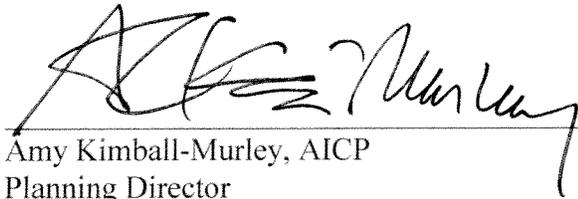


9/30/10

Timothy W. Root, Vice Chairman  
Key West Planning Board

Date

**Attest:**

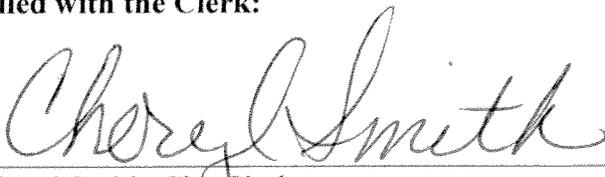


9/30/10

Amy Kimball-Murley, AICP  
Planning Director

Date

**Filed with the Clerk:**



9-30-10

Cheryl Smith, City Clerk

Date

 Vice Chairman  
 Planning Director

**ADDRESS**

630 ELIZABETH STREET, KEY WEST

**LEGAL DESCRIPTION**

LOT 1, SQUARE 80, WILSON A. WYTHE'S 1850 MAP

**FLOOD ZONE**

X-1 ZONE

**BUILDING ZONE**

PCR

**HARC APPROVAL**

HC-076-48

**630 ELIZABETH STREET  
KEY WEST - FLORIDA**

John Lawson  
305-801-3158

John Crews  
305-801-3738

Markus Wilson 420.043  
Markus Wilson 420.834

LOAN - 100,000  
PIA - 253,333  
Tom Kelly  
305-301-1881

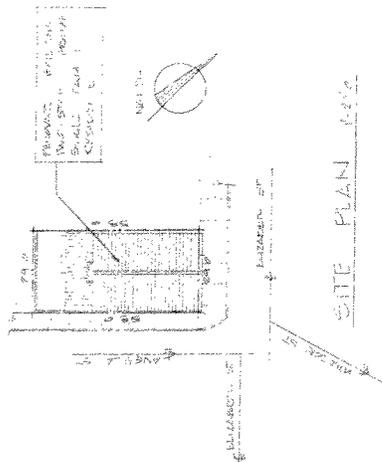
THOMAS KELLY ENTERPRISES INC  
811 ROCKY ROAD - MIAMI GARDEN KEY  
• DESIGN CONCEPTS  
• CONSTRUCTION MANAGEMENT  
(305) 740-7000

630 ELIZABETH STREET  
SITE PLAN - FLOOR PLANS

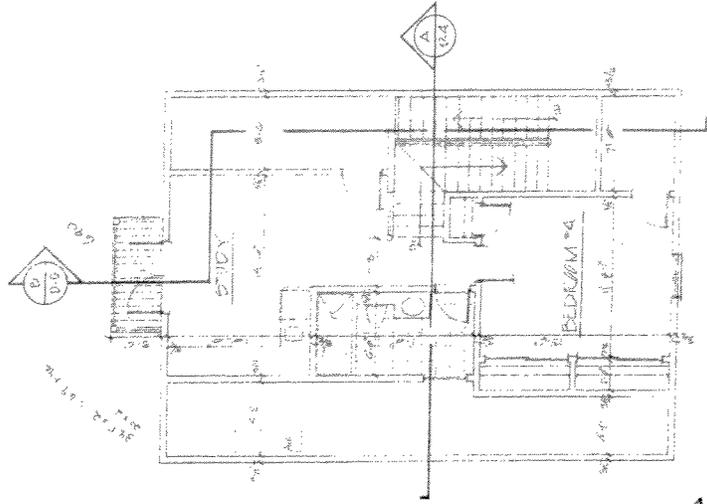
DRAWN TO DATE: 11/10/07

SHEET NUMBER  
**D-1**  
OF 6

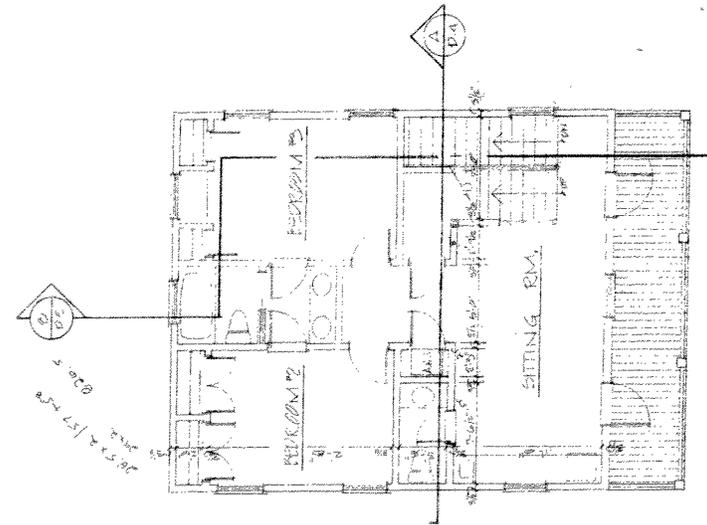
PROJECT NO.



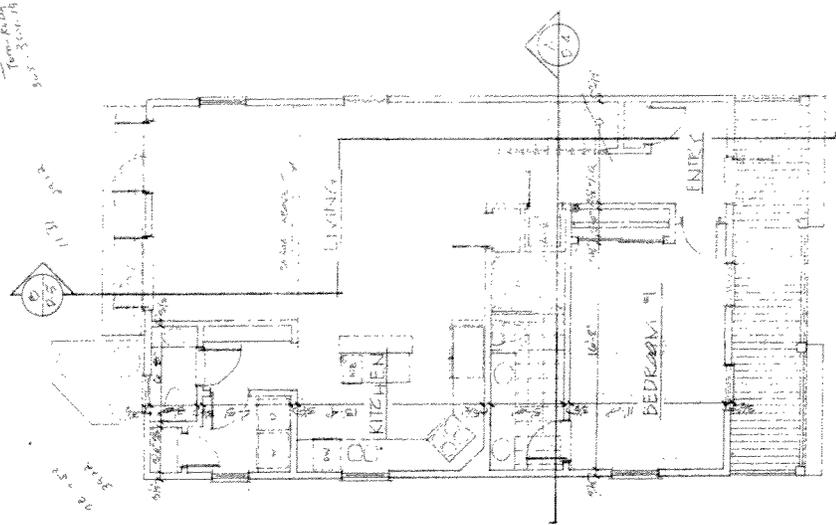
**SITE PLAN**



**THIRD FLOOR PLAN**

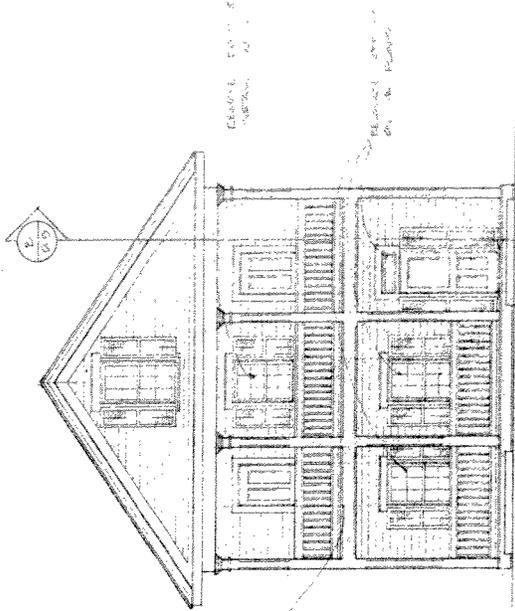


**SECOND FLOOR PLAN**

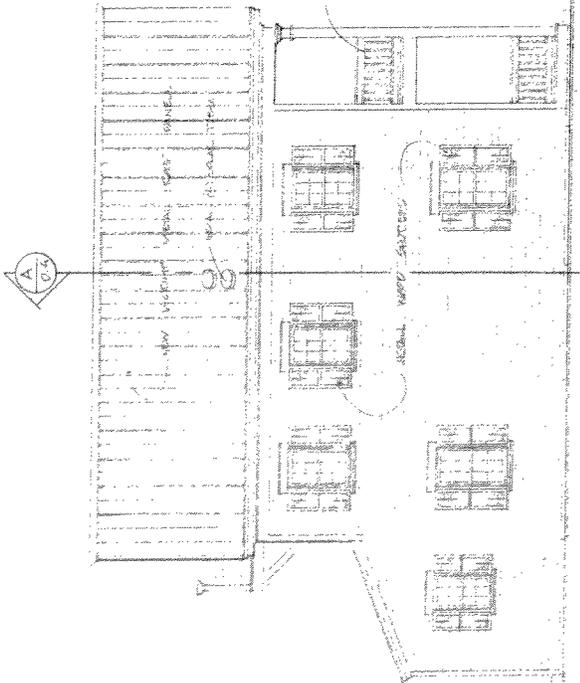


**FIRST FLOOR PLAN**

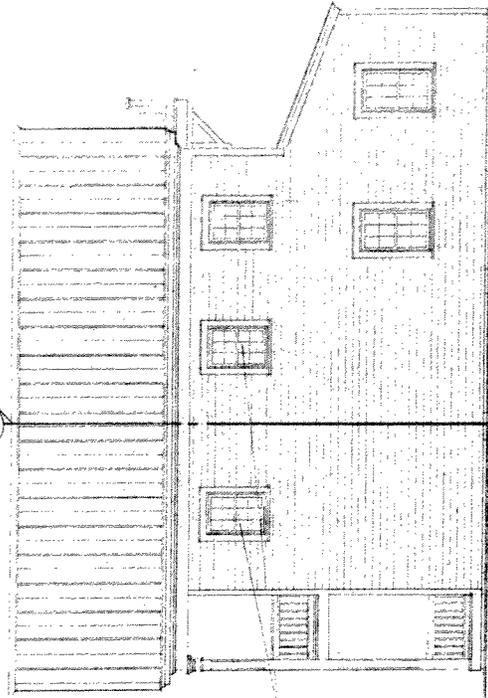
*ACK  
TWR*



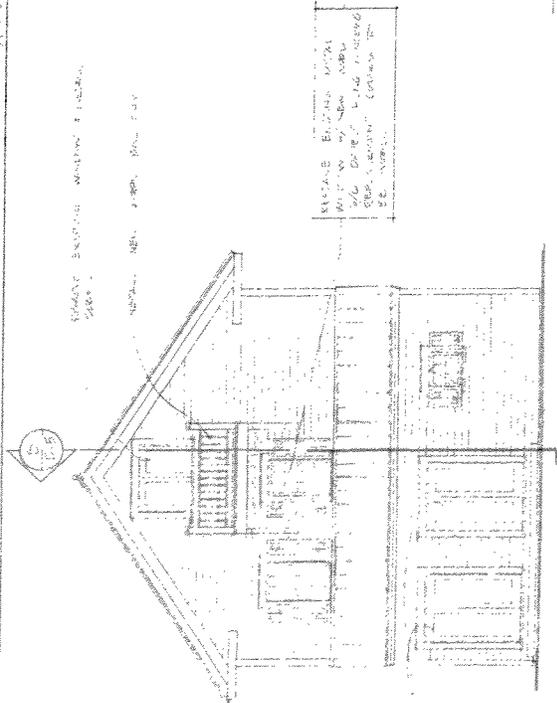
NORTHEAST ELEVATION



SOUTHEAST ELEVATION



NORTHWEST ELEVATION



SOUTHWEST ELEVATION

TKR  
 TRP



THOMAS KELLY ENTERPRISES INC  
 1811 ROCKY ROAD, SUITE 104  
 \* DESIGN CONSULTANTS \*  
 (909) 748-1102

STRUCTURAL DETAILS BY  
 PAUL J. MITCHELL, P.E.  
 P.O. BOX 8458  
 ROCKY HILL, CT 06151

THIRD FLOOR FRAMING PLAN - BUILDING SECTION

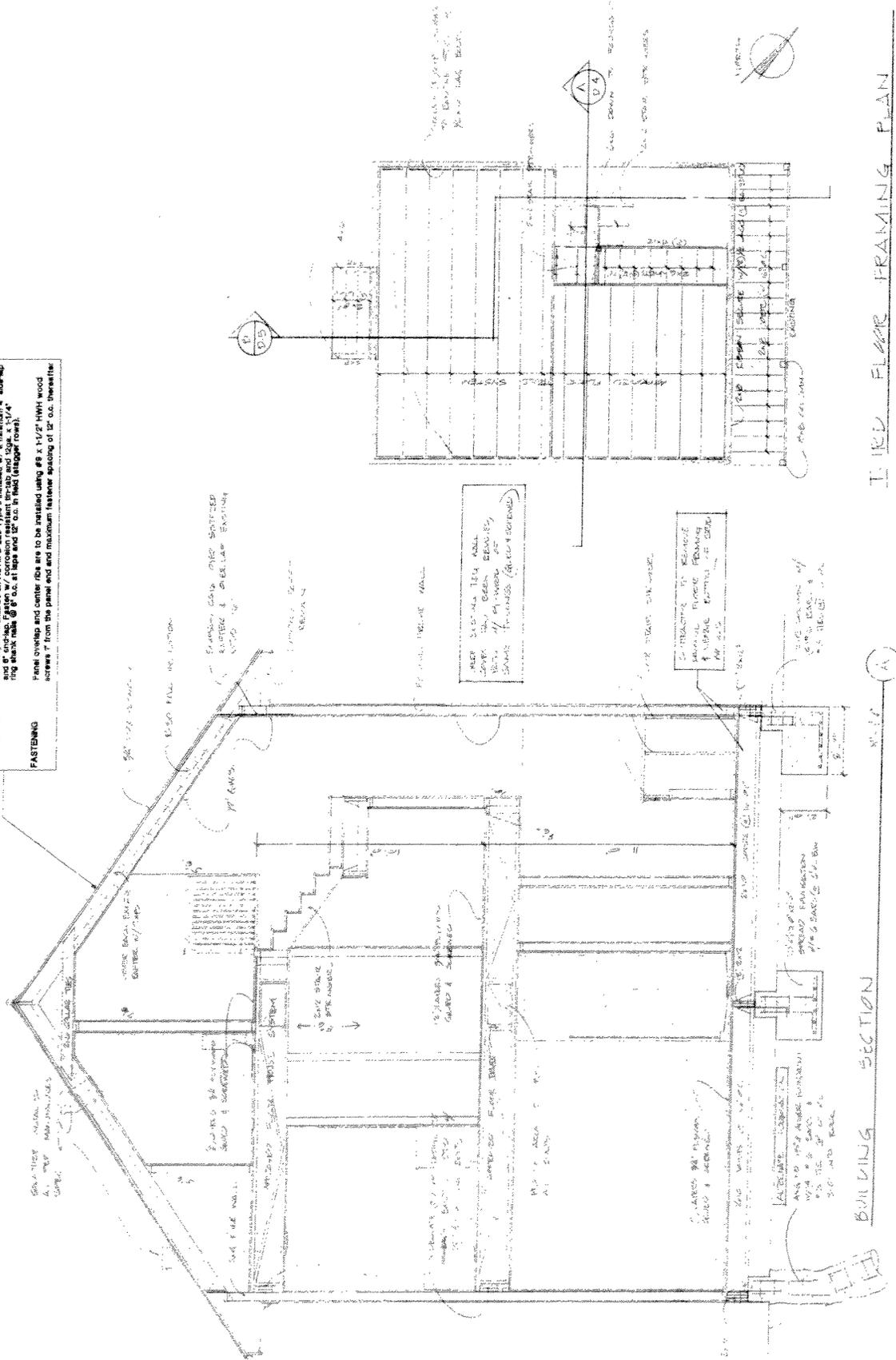
630 ELIZABETH STREET

DRAWN FOR: [blank]  
 DATE: 10/10/08

SHEET NUMBER: D-4  
 OF 6  
 PROJECT NO: [blank]

**UNDERLAYMENT**  
 Inland E-V-Chip Metal Roofing Panel System as manufactured by FIRESTONE METAL PRODUCTS, LLC (NOA No-06-08213)  
 Underlayment shall be an ASTM D 228 Type II installed w/ a minimum 4" side-lap and staggered joints. Panels w/ corrosion resistant finish and logs, 1 1/4" thick, shall be used @ 24" o.c. in laps and 24" o.c. in field (stagger joints).

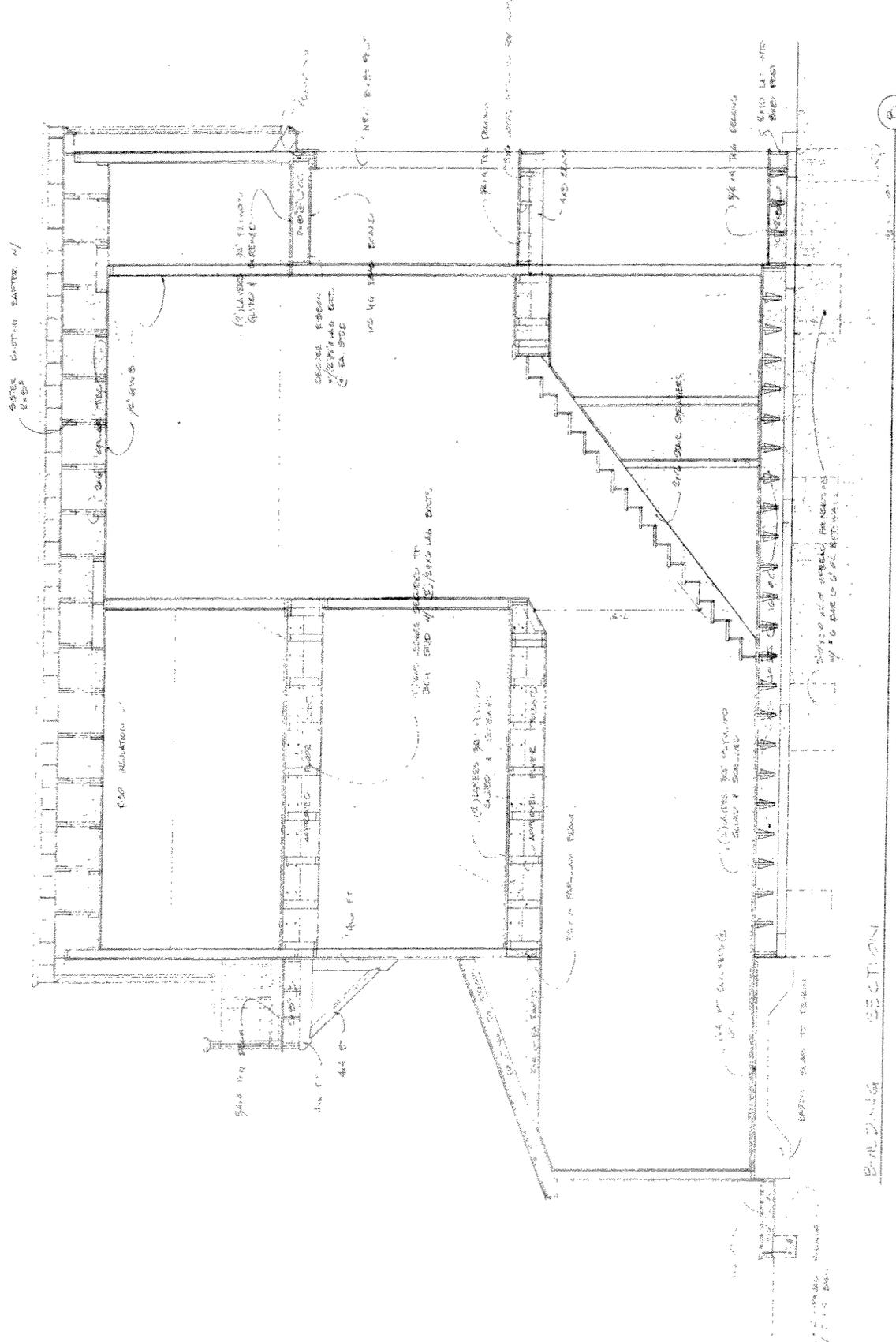
**FASTENING**  
 Panel overlap and center ribs are to be installed using #9 x 1 1/2" HHW wood screws 7" from the panel end and maximum lateral spacing of 24" o.c. thereafter.



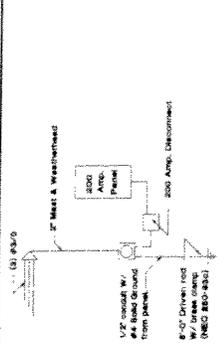
THIRD FLOOR FRAMING PLAN

BUILDING SECTION

ACK  
 TUN



ACCUR  
 TWR



**ELECTRICAL RISER**  
 N.T.S.

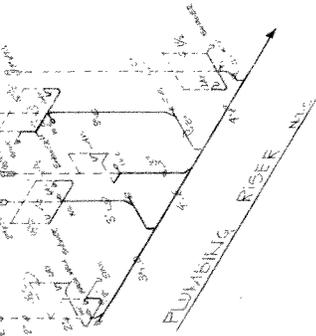
- ⊖ DUPLEX RECEPTACLE OUTLET
- ⊖ SINGLE POLE SWITCH
- ⊖ THREE WAY SWITCH
- ⊖ DIMMER SWITCH
- ⊖ SURFACE INCANDESCENT
- ⊖ SURFACE INCANDESCENT W/ BALL DOWN
- ⊖ RECESS INCANDESCENT
- ⊖ RECESS INCANDESCENT W/ BALL DOWN
- ⊖ CABLE TELEVISION
- ⊖ TELEPHONE OUTLET
- ⊖ SMOKE DETECTOR
- ⊖ SINGLE SPECIAL PURPOSE OUTLET
- ⊖ 30" CEILING FAN

**LOADS:**

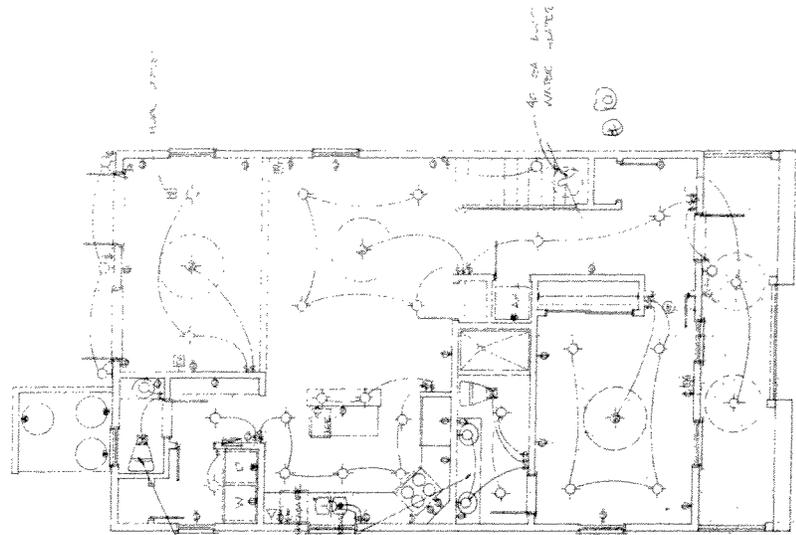
2485 Sq. Ft. X 3watts = 7455  
 Small Appliances 1 x 1500 3000  
 Laundry Circuit 1 x 1500 1500  
**TOTAL 18855**

(P187 3000 @ 100% + Remainder @ 35% = 6134 WATTS)

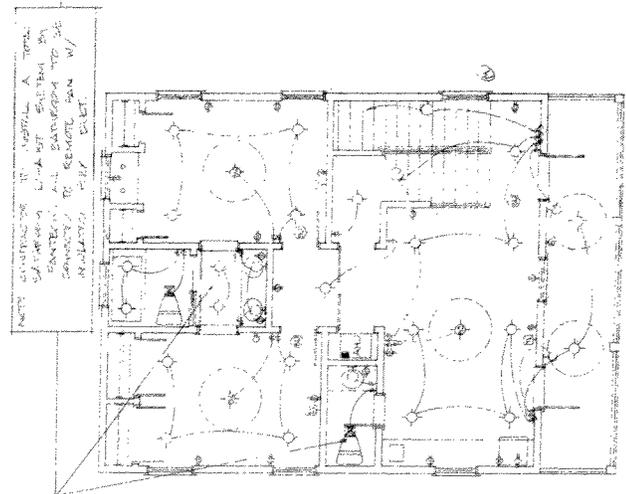
A/C Motor	125%	12500
RANGE	80%	9600
DRYER	100%	5000
W/H	75%	5400
REF.	75%	1350
D/W	75%	1800
<b>TOTAL</b>		<b>42784 / 240 = 178 (200 AMP PANEL)</b>



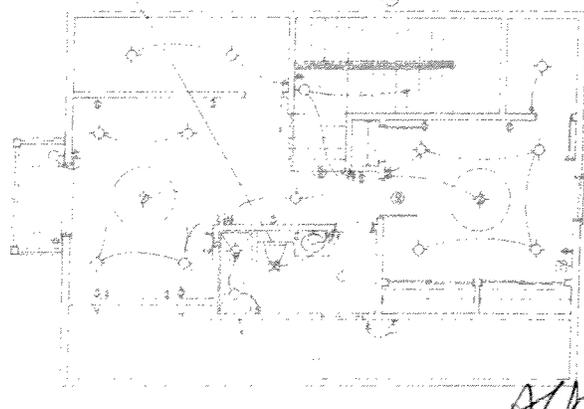
CIRCUIT #	VOLTAGE	AMPS	VOLT-AMP	DESCRIPTION	WIRE SIZE
1/2	240	50	12000	RANGE	6
3/4	240	30	7200	WATER HEATER	6
5/8	240	40	9600	A/C COMPRESSOR #1	6
7/8	240	40	9600	A/C COMPRESSOR #2	6
9/10	240	40	9600	A/C COMPRESSOR #3	6
11/12	240	40	9600	A/C #1	6
13/14	240	40	9600	A/C #2	6
15/16	240	40	9600	A/C #3	6
17/18	240	30	7200	DRYER	6
19	120	15	1800	EXTERIOR LIGHTING	12
20	120	15	1800	REFRIGERATOR	12
21	120	20	2400	DISHWASHER	12
22	120	15	1800	1st FLOOR BATHROOM	12
23	120	15	1800	1st FLOOR BATHROOM #1	12
24	120	20	2400	KITCHEN APPLIANCES	12
25	120	15	1800	KITCHEN A/C BATHING	12
26	120	20	2400	GREAT ROOM / 1st FLOOR LIGHTING	12
27	120	20	2400	GREAT ROOM / 1st FLOOR LIGHTING	12
28	120	20	2400	FAMILY ROOM LIGHTING	12
29	120	20	2400	FAMILY ROOM DUPLEX	12
30	120	20	2400	BATHROOM	12
31	120	15	1800	BATHROOM #1	12
32	120	15	1800	BATHROOM #2	12
33	120	20	2400	1/2 BATH / HALL / STAIRS	12
34	120	20	2400	WATER BATHROOM / SLORET	12
35	120	20	2400	WATER BATHROOM	12
36	120	20	2400	STREET	12



FIRST FLOOR ELECTRICAL PLAN



SECOND FLOOR ELECTRICAL PLAN



THIRD FLOOR ELECTRICAL PLAN

*ALUM TUPP*