

RESOLUTION NUMBER 2010-037

A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW VARIANCES TO INCREASE BUILDING COVERAGE AND IMPERVIOUS SURFACE RATIO AND TO EXISTING SETBACK REQUIREMENTS IN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-3) ZONING DISTRICT FOR PROPERTY LOCATED AT 803 EMMA STREET (RE NUMBER 00014650-000000), PER SECTION 122-870 (4) AND (6) AS REQUIRED WHEN RECONSTRUCTION EXCEEDS 50% OF THE ASSESSED OR APPRAISED VALUE OF THE STRUCTURE PER SECTION 122-28 (d) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-28(d) of the Code of Ordinances provides that if voluntary reconstruction of non-conforming non-residential structures exceeds 50% of the appraised value of the structure variances are required; and

WHEREAS, Section 122-870 (4) a. and b., and 122-870(6) a., b., c., and d., of the Code of Ordinances provides that the maximum dimensional requirements for building coverage is 40%, maximum impervious surface ratio is 60% and building setbacks in the HNC-3 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 increase building coverage, and the impervious surface ratio to allow improvements to a non-conforming, historically contributing, non-residential structure which exceed 50% of the value of that structure; and


Chairman

Planning Director

WHEREAS, the applicant requested variances to the existing front, rear and side yard setbacks to allow improvements to a non-conforming, historically contributing, non-residential structure which exceed 50% of the value of that structure; and

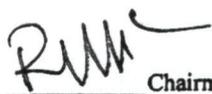
WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on October 21, 2010; and

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 variances 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 the 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


Chairman

Planning Director

and undue hardship on the applicant; and

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

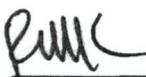
WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no non-conforming 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.

 Chairman
 Planning Director

Section 2. That variances to increase building coverage and impervious surface ratio and to existing setback requirements in the Historic Neighborhood Commercial (HNC-3) zoning district for property located at 803 Emma Street (RE#00014650-000000), per Section 122-870 (4) & (6) as required when the reconstruction exceeds 50% of the assessed or appraised value of the structure per Section 122-28 (d) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida., as shown on the attached plan set dated September 30, 2010 and revised site plan October 15, 2010, with the following condition:

1. The applicant will obtain an easement for ingress and egress from the neighboring property owner to the satisfaction of the city attorney's office and the fire marshal 

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.

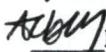
Section 4. The failure to submit a full and complete application for permits for new construction for which these variances are wholly or partly necessary, or the failure to complete new

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.

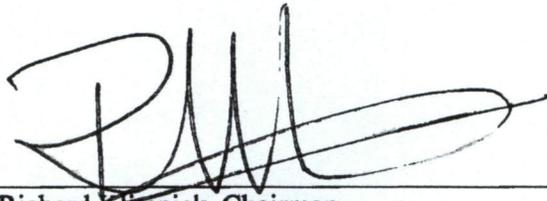
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

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.


Chairman

Planning Director

Read and passed on first reading at a special meeting held this 9th day of November, 2010.

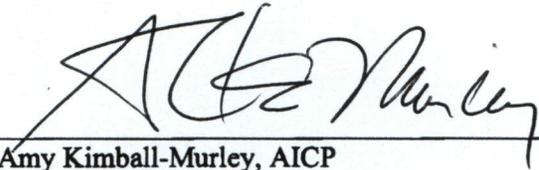
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Kittenick, Chairman
Key West Planning Board

11/10/2010
Date

Attest:



Amy Kimball-Murley, AICP
Planning Director

11/10/10
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

11-16-10
Date

_____ Chairman

_____ Planning Director



David J. ...

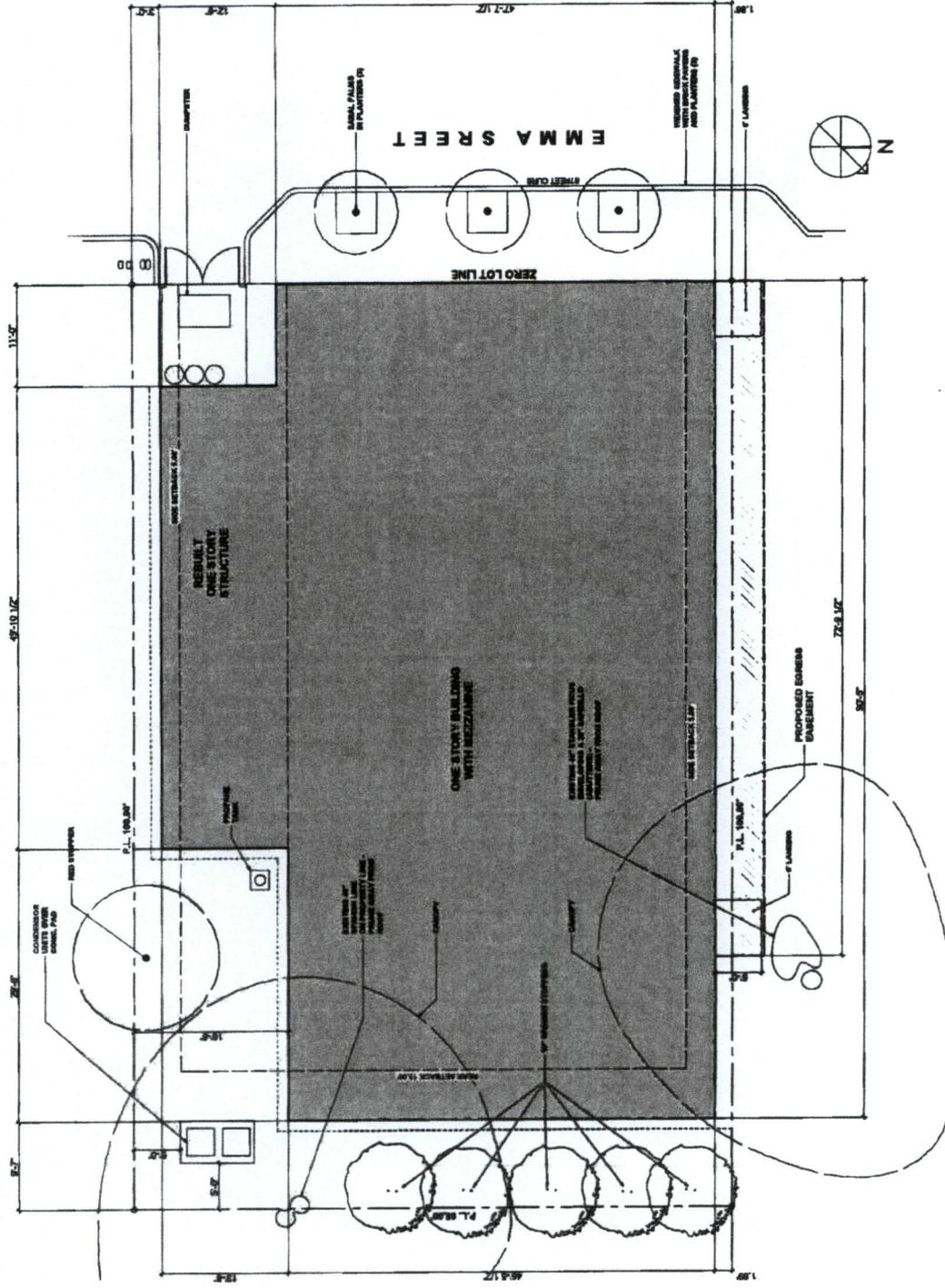
RESTORATION OF AMERICAN LEGION POST 186 AND HISTORIC VFW POST 9021

453 Emma Street, Fayetteville, Arkansas

Table with project details: DATE SUBMITTED, DRAWN BY, CHECKED BY, etc.

DIMENSIONED SITE PLAN

1 of 1



Handwritten signature and date: Punk Adams 4/10/10



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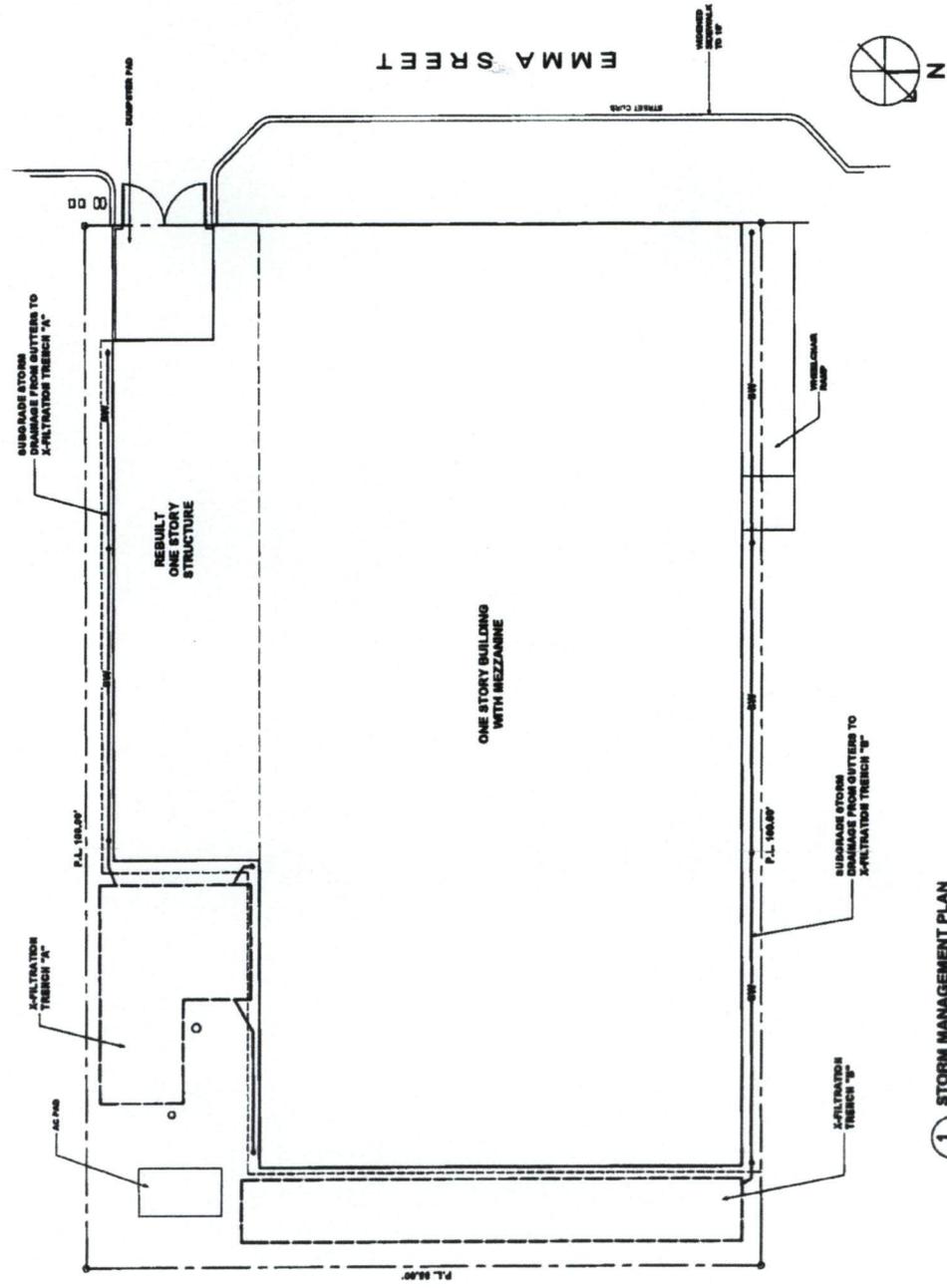
Architect: M. J. ...

RESTORATION OF
AMERICAN LEGION POST 168
AND
HISTORIC VFW POST 6021
444 Emma Street
Boy West, Florida

DATE: 10/12/10
DRAWN BY: J. ...
CHECKED BY: ...
PROJECT NO. ...
SCALE: ...

STORM MANAGEMENT
PLAN

SM1



1 STORM MANAGEMENT PLAN
SM1
Scale: 3/16" = 1'-0"

*Paul
Ackley
11/10/10*



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 Kevin P. Plunk, P.E.
 Kevin P. Plunk, P.E.

RESTORATION OF
 AMERICAN LEGION POST 168
 AND
 HISTORIC VFW POST 6021

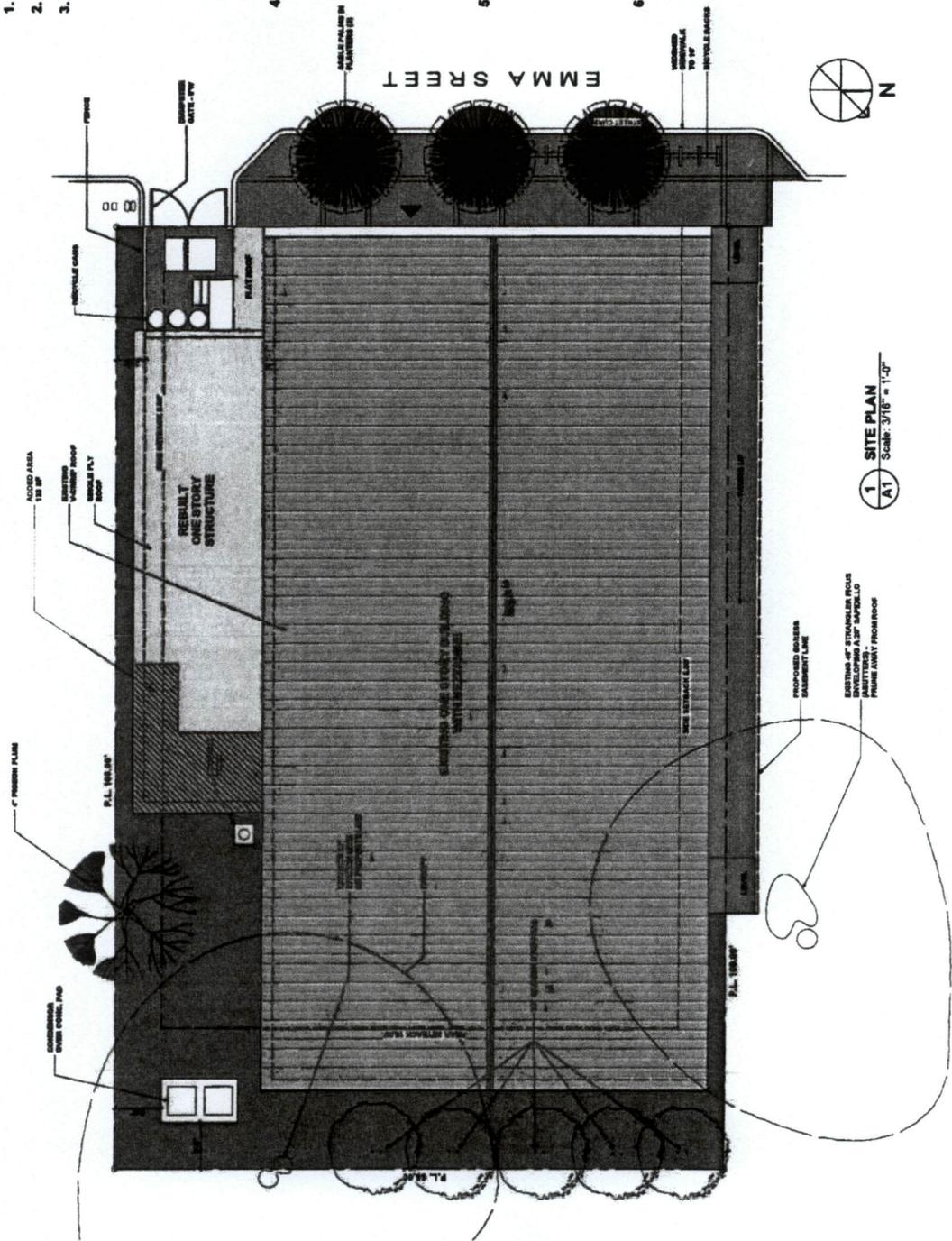
100 Emma Street
 Key West, Florida
 34290-1000
 DATE: 10/10/10
 SCALE: AS SHOWN
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO. 100

SITE PLAN

A1

SITE DATA

1. ZONE: HMC-3
2. LOT SIZE: 6,900 SF
3. LOT COVERAGE
 - a. Allowable Building Coverage as a Percentage of the Lot Size: 48%
 - b. Allowable Building Coverage: 2,400 SF
 - c. Existing Building Coverage: 4,983 (74.5%)
 - d. Proposed Building Coverage: 4,908 (73.5%)
4. IMPERVIOUS COVERAGE
 - a. Allowable Impervious Coverage as a Percentage of Lot Size: 68%
 - b. Allowable Impervious Coverage: 3,900 SF (60% of 1,260 SF)
 - c. Existing Impervious Coverage: 5,166 SF (75%)
 - d. Proposed Impervious Coverage: 5,295 SF (81%)
5. FLOOR AREA RATIO (FAR)
 - a. Allowable FAR: 1.0
 - b. Existing FAR: 0.97
 - c. Proposed FAR: 0.96
6. BUILDING HEIGHT
 - a. Allowable Building height: 30' - 0"
 - b. Existing Building Height: 27' - 10"
 - c. Proposed Building Height: 27' - 10"



PKK
11/10/10



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Michael Miller Architecture and Engineering

RESTORATION OF
AMERICAN LEGION POST 168
AND
HISTORIC VFW POST 8021

604 Emma Street
Way Mart, Florida

ISSUED: SEPTEMBER 15, 2010

DATE: JANUARY 1, 2010

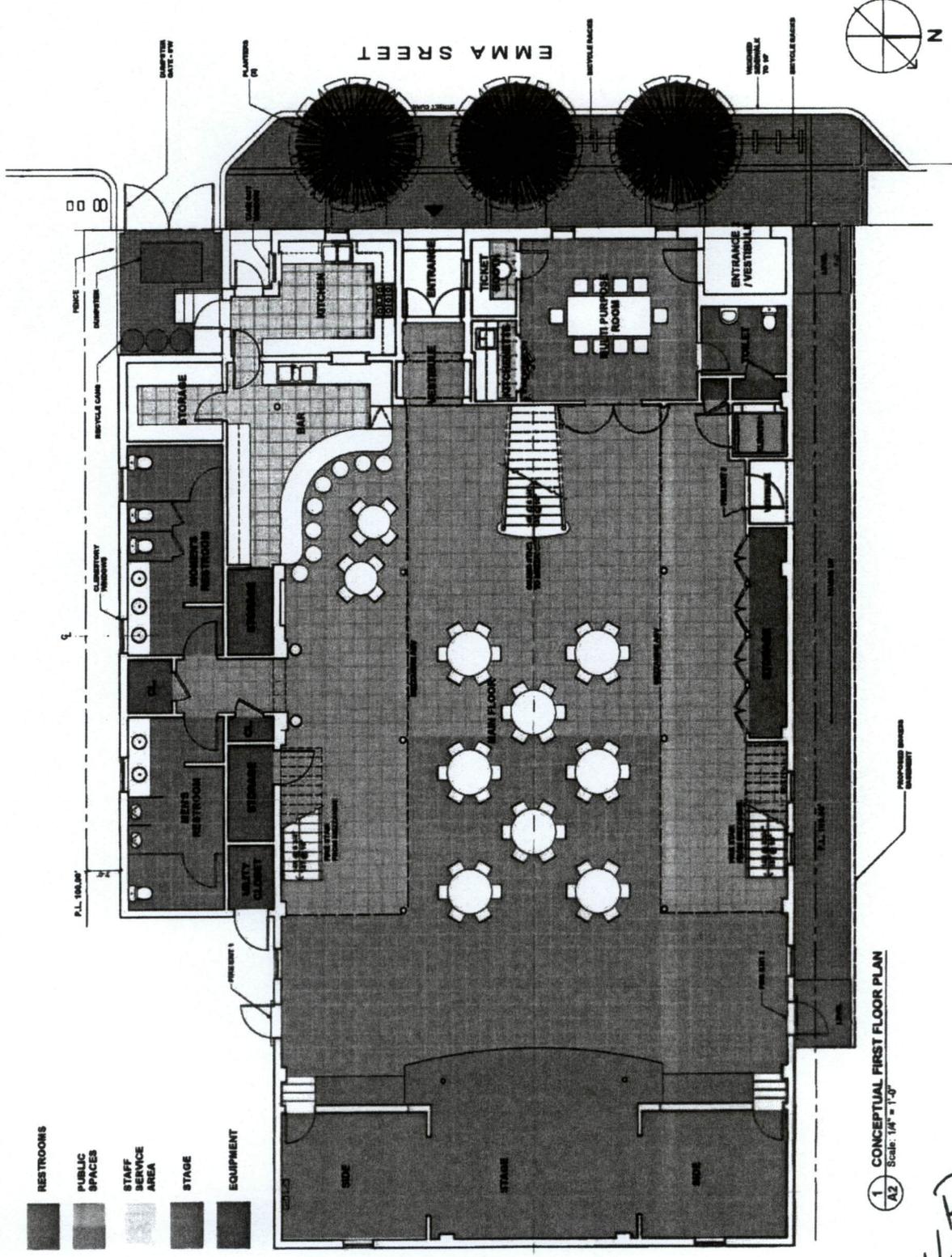
SCALE: AS SHOWN

DATE: 07-10-10

PROJECT NO. 100

SCHEMATIC
FIRST FLOOR PLAN

A2



1 CONCEPTUAL FIRST FLOOR PLAN
A2 Scale: 1/4" = 1'-0"

11/10/10
RMK



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Michael Miller Architecture

RESTORATION OF
AMERICAN LEGION POST 168
AND
HISTORIC VFW POST 6021

400 Spruce Street
Ray West, Portland

ARCHITECT MICHAEL MILLER, AIA

DATE: JANUARY 14, 2010

SCALE: AS SHOWN

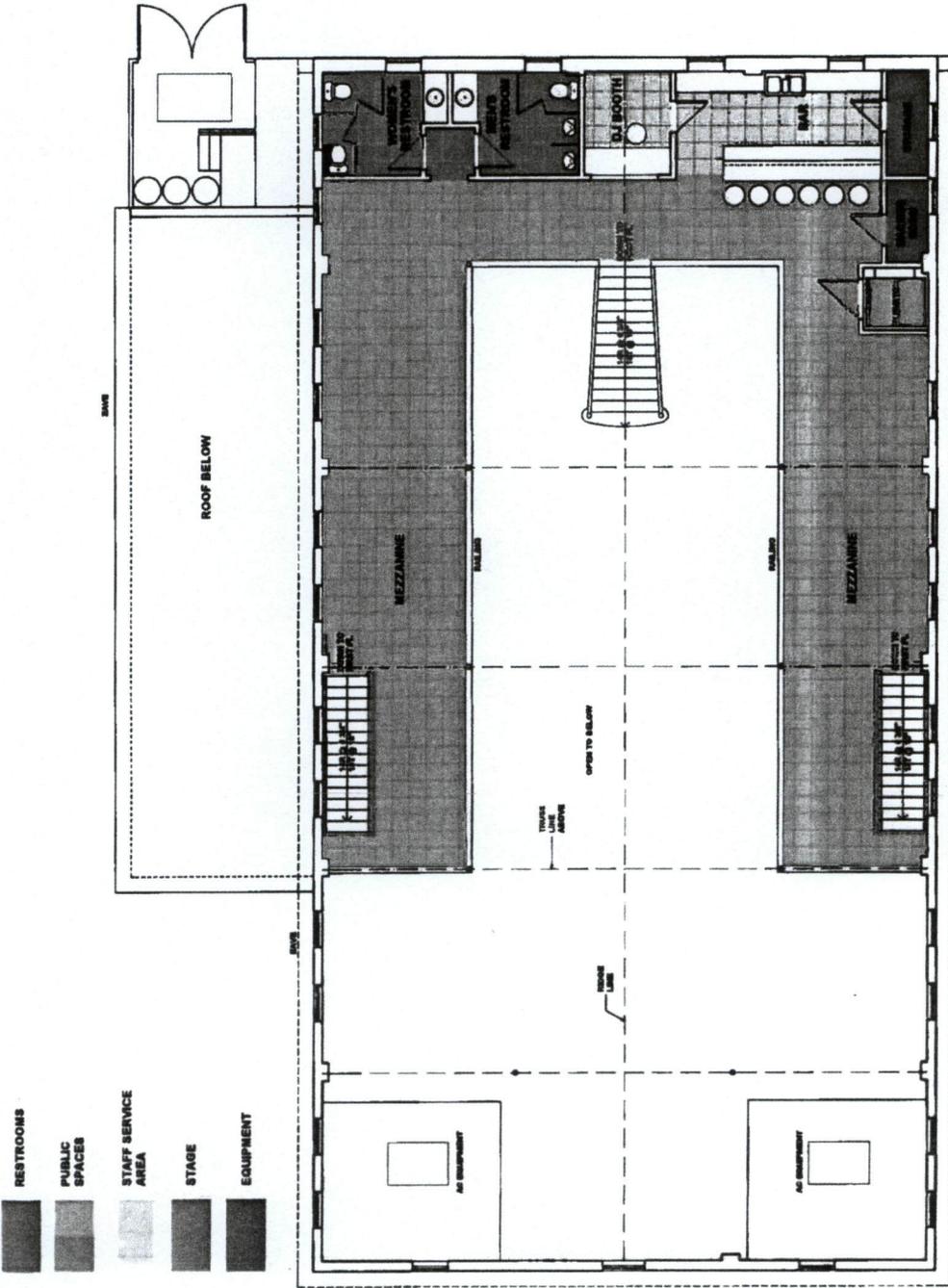
PROJECT NO. 08

CONTRACT NO. 08

PROJECT NO. 08

SCHEMATIC
MEZZANINE PLAN

A3



1 CONCEPTUAL MEZZANINE PLAN
A3 Scale: 1/4" = 1'-0"

*Paul
A. Ryan
11/10/10*



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Jeffrey D. Moore, Inc.

**RESTORATION OF
AMERICAN LEGION POST 168
AND
HISTORIC VFW POST 6021**

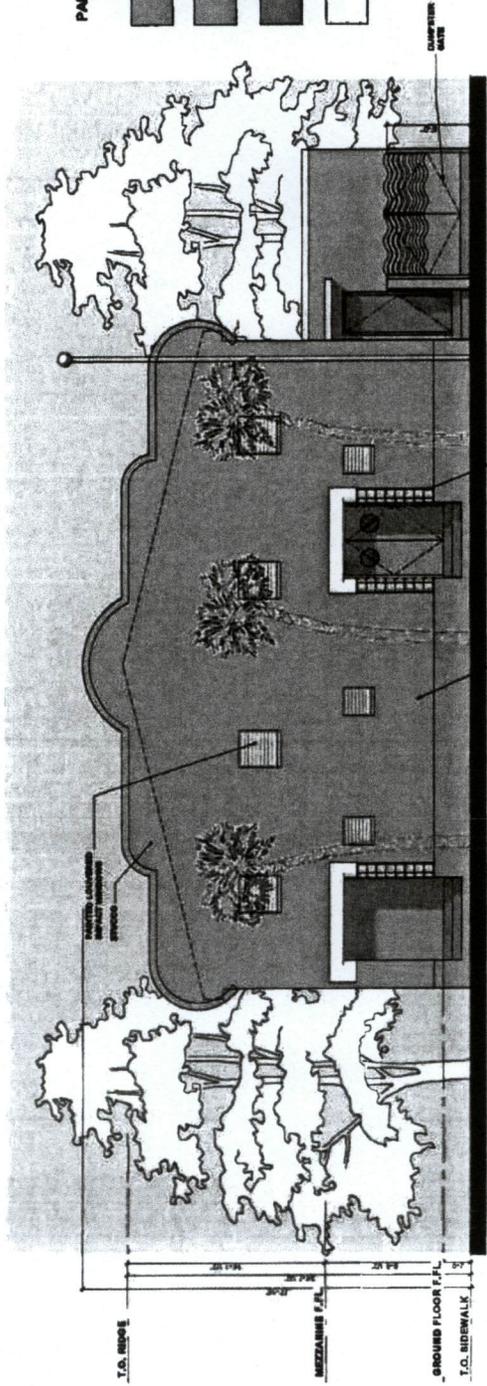
200 S. Orange Street
Daytona Beach, Florida
32114-1000
386.255.1111
www.jdmoe.com

**SCHEMATIC
ELEVATIONS**

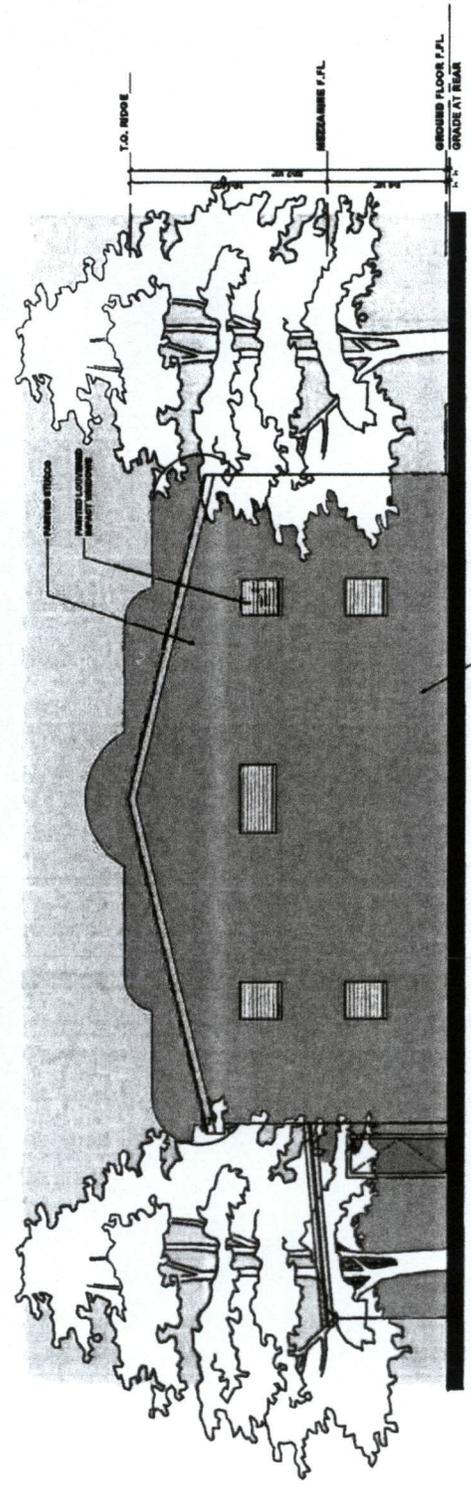
A4

PAINT COLORS:

	BENJAMIN MOORE HONOLULU BLUE 2042-70
	BENJAMIN MOORE SUMMER GREEN 2043-40
	BENJAMIN MOORE BLUSH TONE 2009-40
	BENJAMIN MOORE LOTUS 2021-06

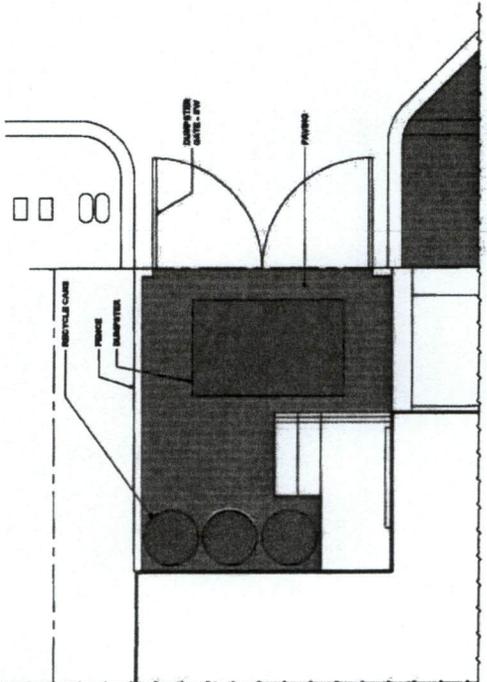


1 WEST ELEVATION
Scale: 1/8" = 1'-0"

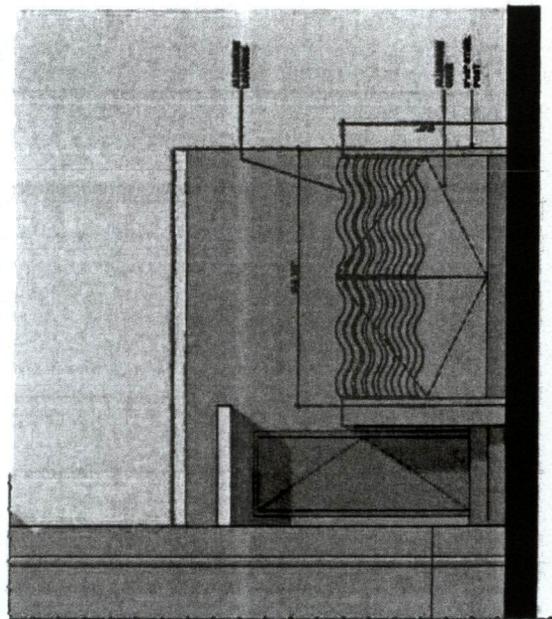


2 EAST ELEVATION
Scale: 1/8" = 1'-0"

DMK
11/10/10



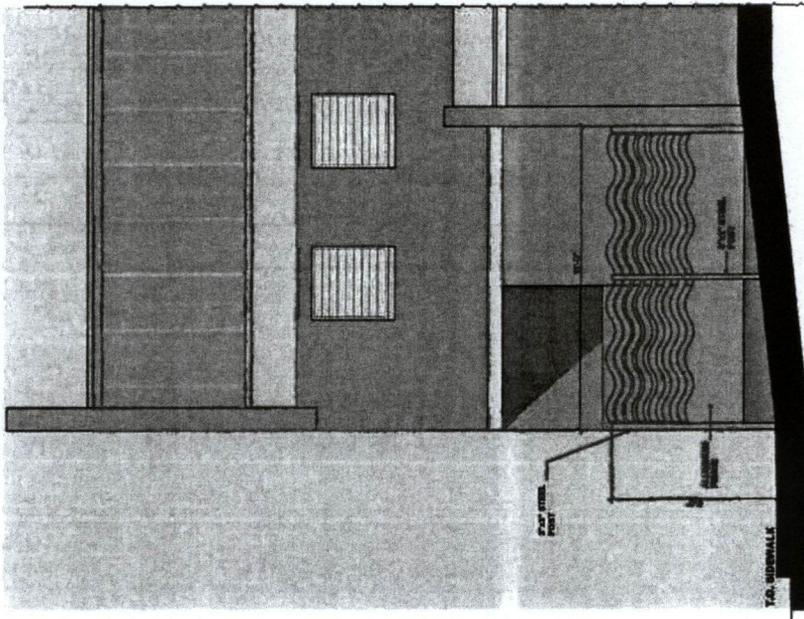
1 PLAN
A6 Scale: 1/2" = 1'-0"



2 GATE EAST ELEVATION
A6 Scale: 1/2" = 1'-0"

PAINT COLORS:

-  BENJAMIN MOORE HONOLULU BLUE 2985-10
-  BENJAMIN MOORE SUMMER GREEN 2943-46
-  BENJAMIN MOORE BLUSH TONE 2900-46
-  BENJAMIN MOORE LOTUS 2621-06



2 FENCE NORTH ELEVATION
A6 Scale: 1/2" = 1'-0"



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RESTORATION OF AMERICAN LEGION POST 168 AND HISTORIC VFW POST 4021

RESTORATION OF AMERICAN LEGION POST 168 AND HISTORIC VFW POST 4021
400 Emma Street
Day Beach, Florida

DATE: SEPTEMBER 24, 2009
DRAWN BY: JLM
CHECKED BY: JLM
PROJECT NO.: 0909

PROPOSED DUMPSTER FENCE AND GATE

A6

*Rich
Acorn
11/10/11*



**RESTORATION OF
AMERICAN LEGION POST 168
AND
HISTORIC VFW POST 8021**

843 Emma Street
Tampa, Florida

ARCHITECT: EMMA SERRI
DATE: 11/10/14

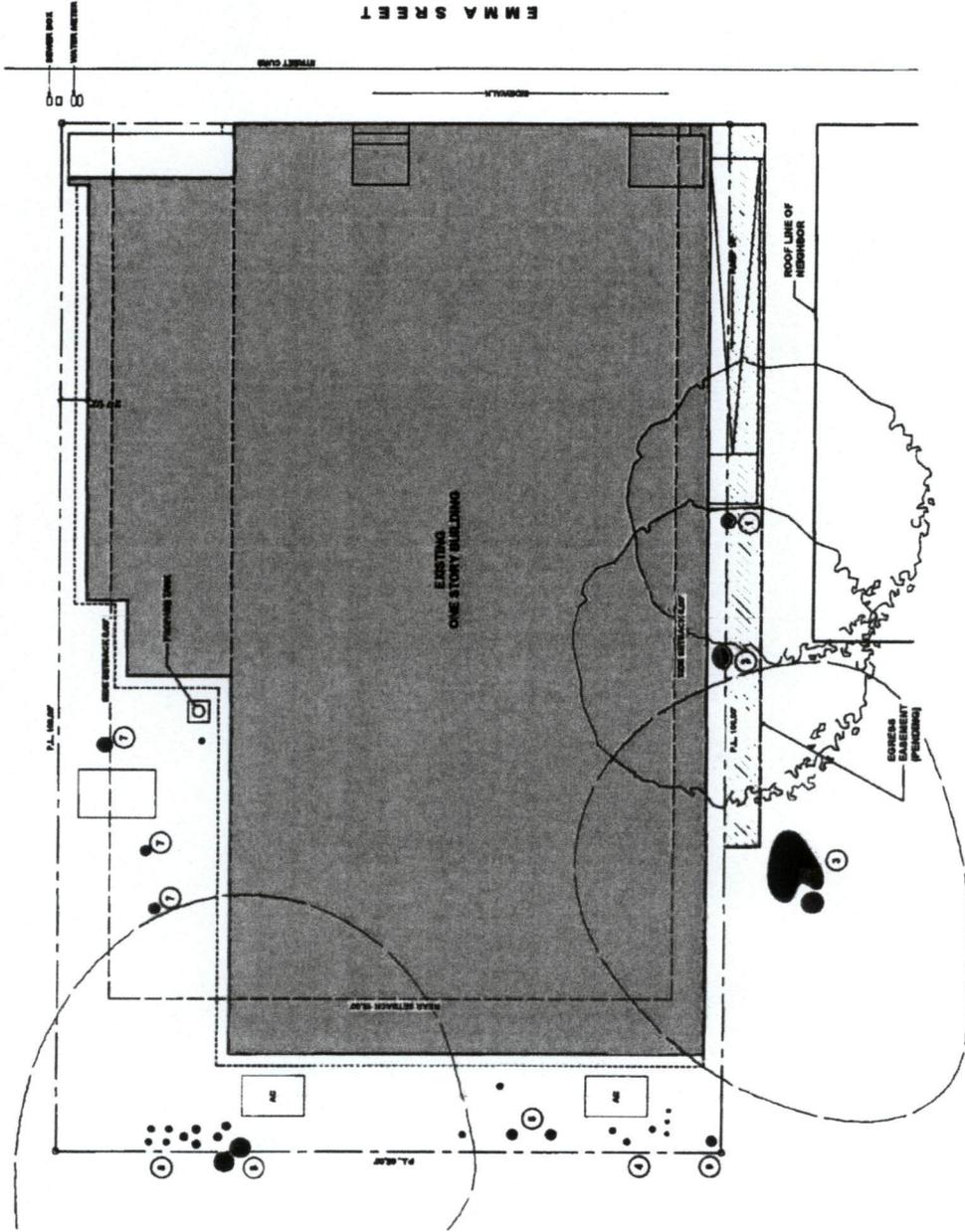
SCALE: AS SHOWN
SHEET NO. 01
CONTRACT NO. 168
PROJECT NO. 168

**EXISTING
TREE REMOVAL AND
MAINTENANCE PLAN**

L1

LEGEND

- 1 10" Royal Palmetto (Dahlink regia), Remove.
- 2 18" Royal Palmetto (Dahlink regia), Remove.
- 3 48" Stangler Ficus enveloping a 20" Sapodilla. Heavy Maintenance
- 4 1"-3" Volunteer Royal Palmetto (7) (Dahlink regia), Remove.
- 5 4" Leadwoods (2), Remove.
- 6 48" Co-dominant Spanish Lims. Remove branches from roof.
- 7 4"-12" Coconut Palms (4), Remove.
- 8 9'-4" Spanish Lime
Pupa growing under canopy of parent - Remove
- 9 Transplant 4" Palmetto to move to Nelson English Park



Handwritten:
RUK
11/10/14

