

**RESOLUTION NUMBER 2010-039**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING VARIANCES FOR A NON-CONFORMING HISTORIC STRUCTURE FOR MINIMUM LOT REQUIREMENTS, AND FOR FRONT AND SIDE YARD SETBACK REQUIREMENTS FOR A RENOVATION PROJECT IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT, AS REQUIRED WHEN RECONSTRUCTION EXCEEDS 66% OF THE ASSESSED OR APPRAISED VALUE FOR PROPERTY LOCATED AT 412 WILLIAM STREET, PER SECTIONS 122-600 (5.) AND 122-600 (6.) (a.) AND (b.) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, (RE# 00006070-000000).**

**WHEREAS, Section 122-28(b) of the Code of Ordinances provides that if a residential dwelling unit is voluntarily replaced within the footprint of a non-complying existing structure the reconstruction/replacement that exceeds 66 % of the assessed value of the structure shall require a variance; and**

**WHEREAS, Section 122- 600 (5.), and 122-600 (6.) (a.) and (b.) of the Code of Ordinances governs minimum lot requirements and the maximum dimensional requirements for setbacks in the HMDR zoning district; and**

  
Chairman  
  
Planning Director

**WHEREAS**, the applicant requested a variance to allow improvements which exceed 66% of the value of the existing structure, and requested variances to minimum lot yard requirements, front, and side yard setbacks; and

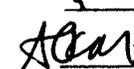
**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on November 9, 2010; and

**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

  
Chairman  
  
Planning Director

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 Planning Board 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 Planning Board 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 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 a 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,

  
Chairman  
  
Planning Director

Florida:

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

**Section 2.** That variances for a non-conforming contributing building listed in the historic architectural survey for minimum lot requirements, front yard, and side yard setback requirements for a renovation project in the Historic Medium Density Residential (HMDR) zoning district as required when construction exceeds 66% of the assessed or appraised value for property located at 412 William Street (RE # 00006070-000000), per Sections 122-600 (5.) and 122-600 (6.)(a.) and (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 September 28, 2010 are approved with the following conditions:

1. Darker-lined plans, scaling corrections, proper elevation measurement, and dimension labeling need to be incorporated into the site plans. 
2. Obtain approval for aspects of site plans not previously approved by HARC.

**Section 3.** 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 two 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 two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no

  
Chairman  
  
Planning Director

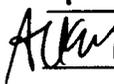
change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to submit a full and complete application for permits for new construction for which 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 5.** 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 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 will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit 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 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.

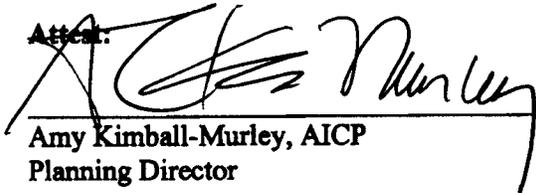
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman  
Key West Planning Board

11/10/2010  
Date

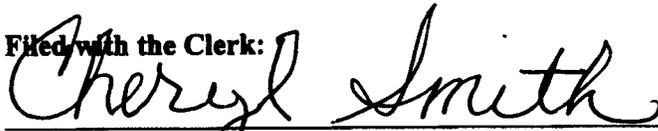
Attest:



Amy Kimball-Murley, AICP  
Planning Director

11/10/2010  
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

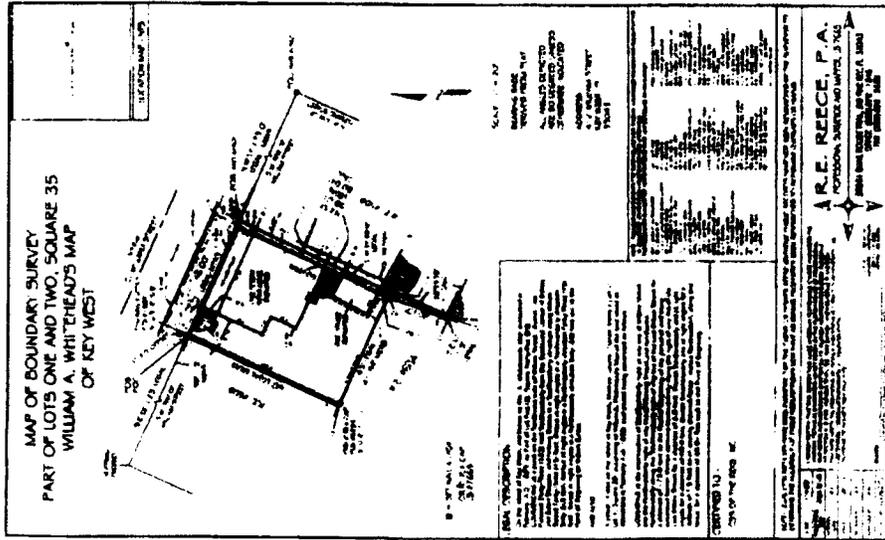
11-16-10  
Date

\_\_\_\_\_ Chairman

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

# CSS of the KEYS RENOVATION / REMODELING

412 WILLIAM STREET KEY WEST, FLORIDA



*TRUM*  
*RMK*  
*11/10/2010*  
*Sec 1*  
*\* 1 IN SECTION*  
*2 OF*  
*RESOLUTION*

**NOTICE**

1. This is a preliminary plat of a subdivision of land, and it is subject to the approval of the Board of Commissioners of the City of Key West, Florida.

2. The land shown on this plat is located in the City of Key West, Florida, and is subject to the laws and ordinances of the City of Key West, Florida.

3. The land shown on this plat is subject to the laws and ordinances of the State of Florida, and the laws and ordinances of the United States of America.

4. The land shown on this plat is subject to the laws and ordinances of the City of Key West, Florida, and the laws and ordinances of the State of Florida, and the laws and ordinances of the United States of America.

5. The land shown on this plat is subject to the laws and ordinances of the City of Key West, Florida, and the laws and ordinances of the State of Florida, and the laws and ordinances of the United States of America.

6. The land shown on this plat is subject to the laws and ordinances of the City of Key West, Florida, and the laws and ordinances of the State of Florida, and the laws and ordinances of the United States of America.

**SITE DATA**

Project Name: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Scale: \_\_\_\_\_  
 Drawing No: \_\_\_\_\_

Prepared by: \_\_\_\_\_  
 Checked by: \_\_\_\_\_  
 Date: \_\_\_\_\_

Project Description: \_\_\_\_\_  
 Site Area: \_\_\_\_\_  
 Lot Area: \_\_\_\_\_  
 Street Frontage: \_\_\_\_\_

Other: \_\_\_\_\_  
 Notes: \_\_\_\_\_

Florida Administrative Code  
 Chapter 63, Part 1  
 Section 63.101  
 Section 63.102  
 Section 63.103  
 Section 63.104  
 Section 63.105  
 Section 63.106  
 Section 63.107  
 Section 63.108  
 Section 63.109  
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 Section 63.118  
 Section 63.119  
 Section 63.120

**WILLIAM KOWAN**  
 ARCHITECTURE  
 1000 N. MIAMI AVENUE  
 SUITE 1000  
 MIAMI BEACH, FLORIDA 33139  
 (305) 531-1111

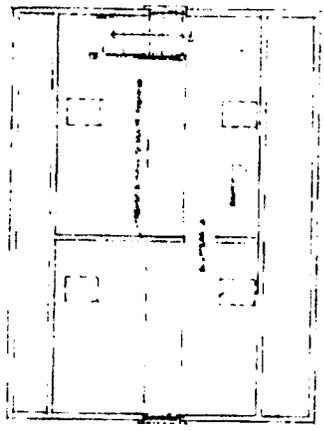
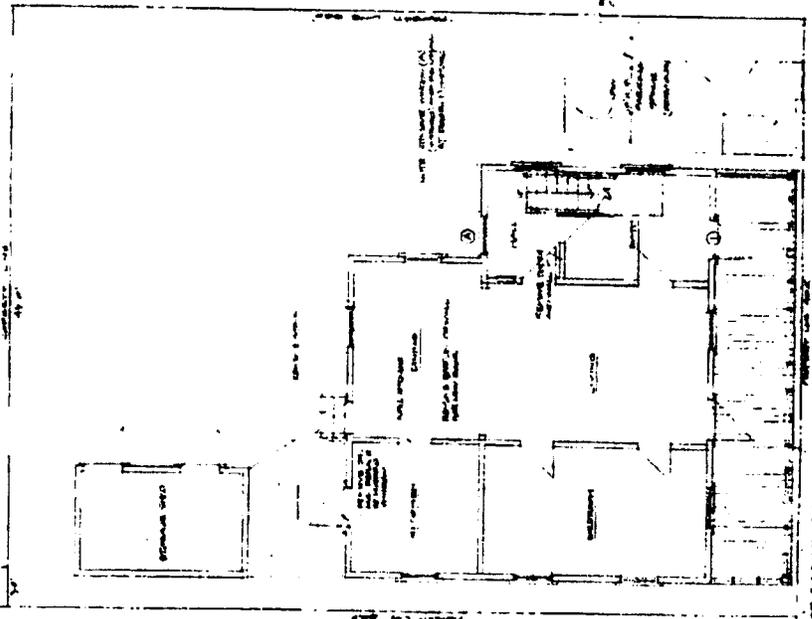
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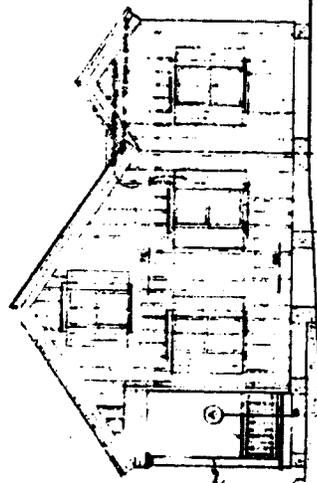
**PHASE I**  
 DEMOLITION OF EXISTING SECOND FLOOR AND RECONSTRUCTION OF SECOND FLOOR WITH CONCRETE SLAB ON GRADE.

**PHASE II**  
 CONSTRUCTION OF SECOND FLOOR WITH CONCRETE SLAB ON GRADE.

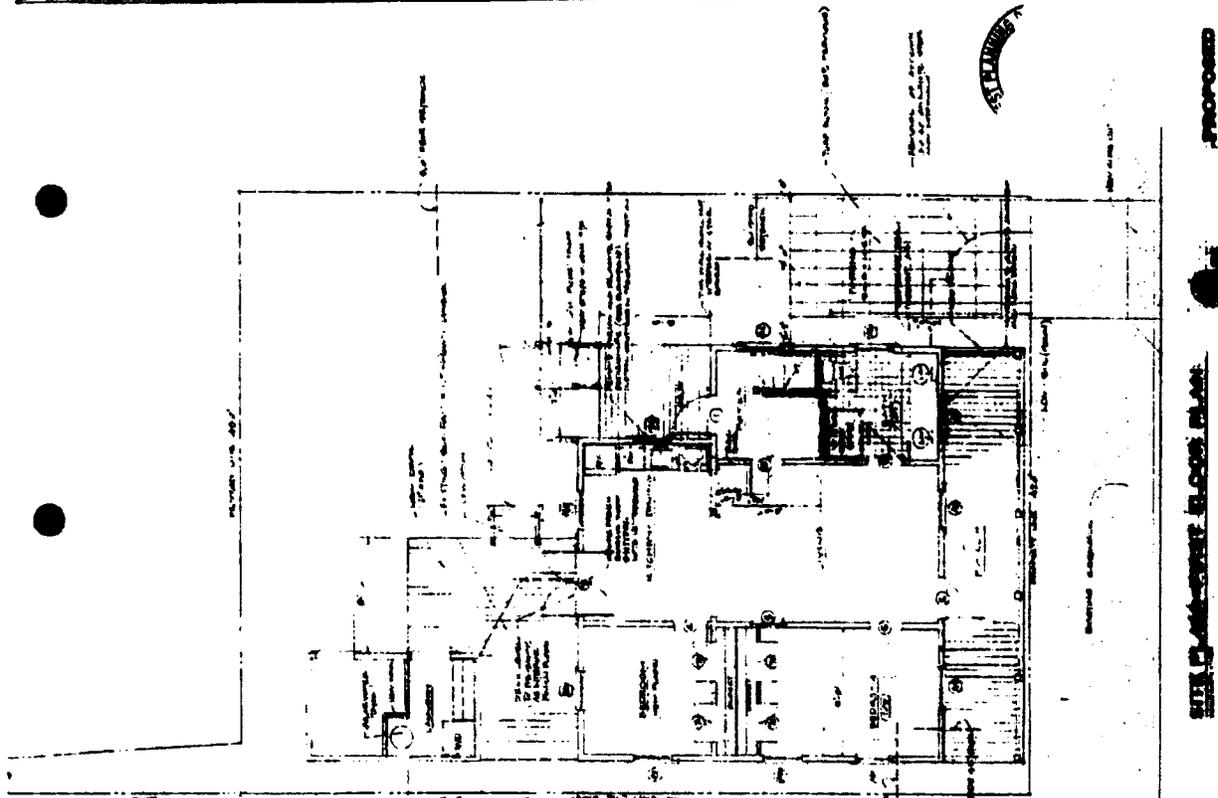
**PHASE III**  
 FINISH WORK ON SECOND FLOOR INCLUDING PARTITION WALLS, CEILING, FLOORING, AND PAINT.



**SECOND FLOOR PLAN**



Addm  
 Rmk  
 11/10/2010



PROPOSED  
**SECOND FLOOR PLAN**

**DOOR SCHEDULE**

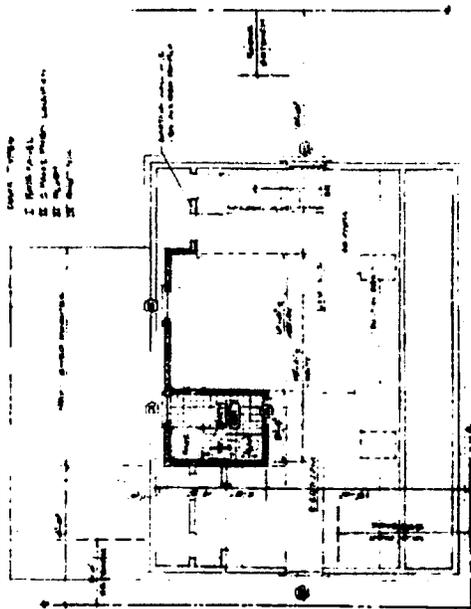
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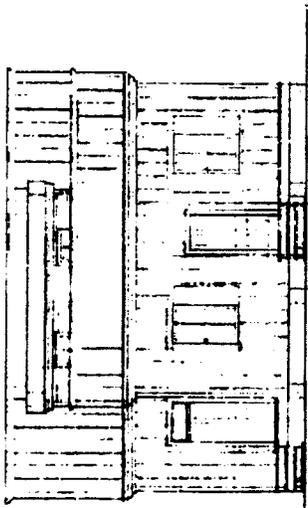
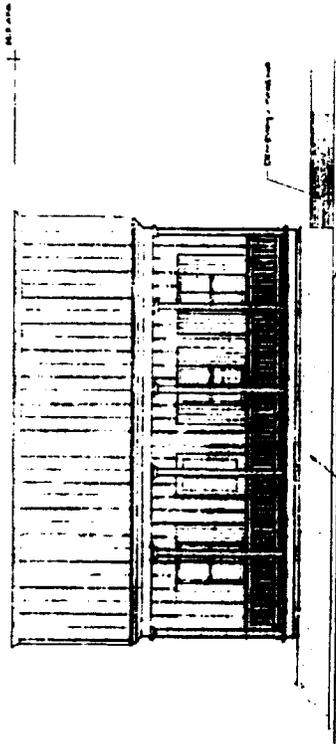
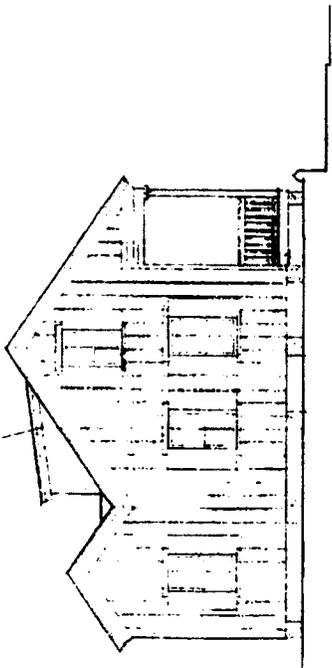
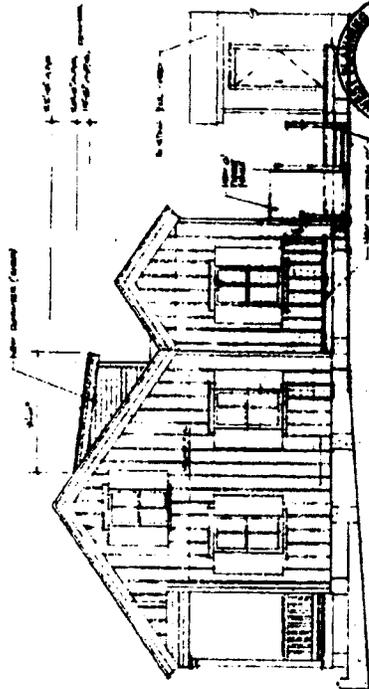
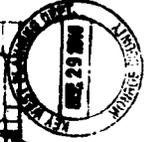
**FLOOR FINISH SCHEDULE**

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**SECOND FLOOR PLAN**

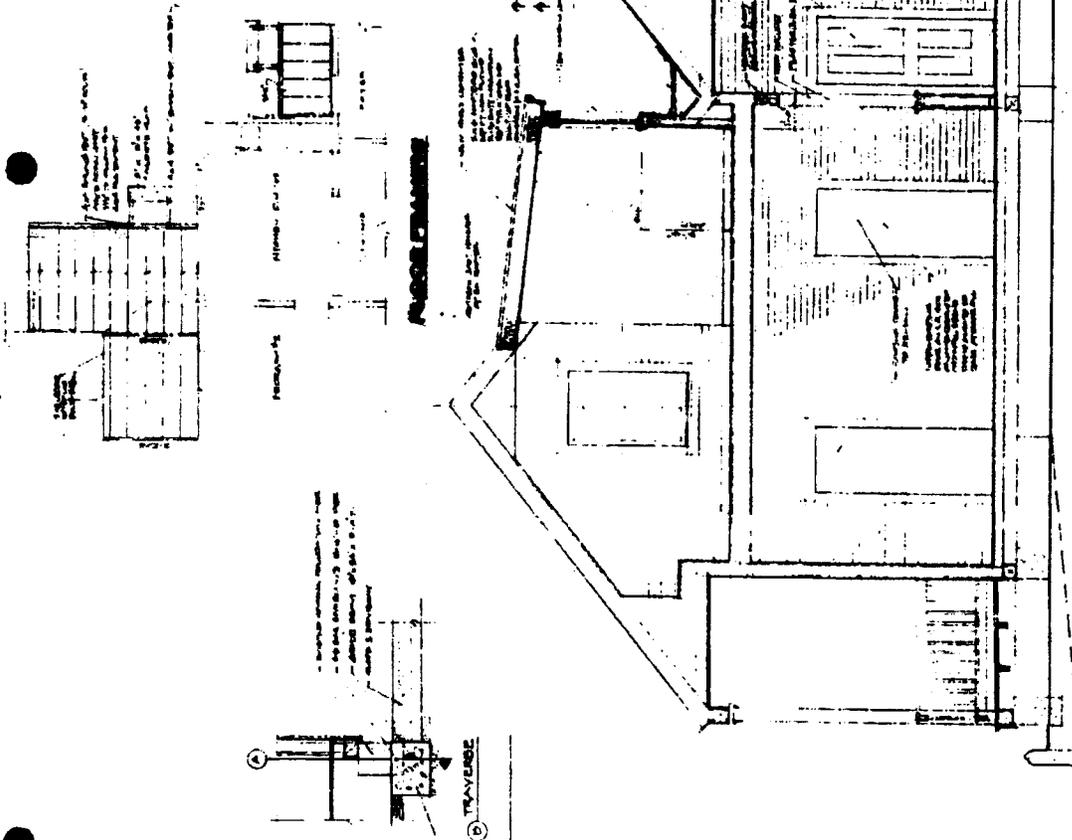
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 Alex  
 RUK  
 11/10/2010



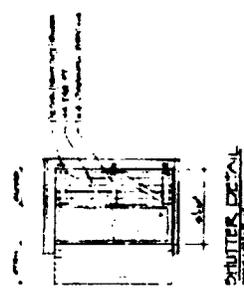
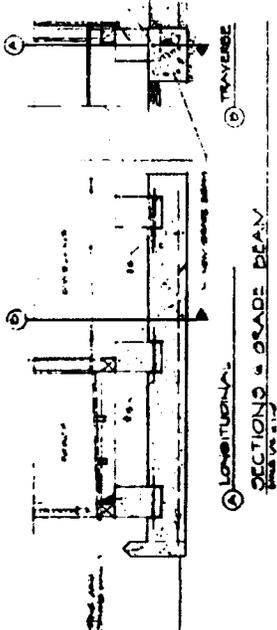
*Adam*  
*RWK*  
 4/10/2010



ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE FLORIDA BUILDING CODE (FBC). ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURE OR FOR THE ACCURACY OF THE SURVEY DATA. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY MECHANICAL, ELECTRICAL, OR PLUMBING SYSTEMS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY FINISHES OR MATERIALS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY FURNITURE OR FIXTURES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY LIGHTING FIXTURES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY PAINTS OR COATINGS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY GLASS OR GLAZING. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY METALS OR FABRICATIONS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY WOODWORK OR MILLWORK. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY CERAMIC OR STONE TILE. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY WALLPAPER OR TEXTILES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY CURTAINS OR BLINDS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY LIGHTING FIXTURES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY PAINTS OR COATINGS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY GLASS OR GLAZING. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY METALS OR FABRICATIONS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY WOODWORK OR MILLWORK. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY CERAMIC OR STONE TILE. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY WALLPAPER OR TEXTILES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY CURTAINS OR BLINDS.



SECTION A-A  
 SECTION A-A



Alan  
 Deane  
 11/10/2010