

**PLANNING BOARD
RESOLUTION No. 2013-06**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD FOR VARIANCE
APPROVAL FOR PROPERTY LOCATED AT
726 ½ OLIVIA STREET (RE#00020590-000000 &
00020600-000000) IN THE HISTORIC HIGH
DENSITY RESIDENTIAL ZONING DISTRICT,
PER SECTION 122-1078 AND 122-630 (4) b.
IMPERVIOUS SURFACE RATIO AND
SECTION 122-630 (6) a. b. & c. FRONT, REAR
AND SIDE-YARD SETBACK REQUIREMENTS
AND SECTION 122-1078 DETACHED
HABITABLE SPACE OF THE LAND
DEVELOPMENT REGULATIONS OF THE
CODE OF ORDINANCES OF THE CITY OF
KEY WEST.**

WHEREAS, Section 122-630 (4) b. and Section 122-630(6) a. b. & c. of the Code of Ordinances provides that the maximum impervious surface ratio is 60% and the minimum allowed front-yard setback will be 10 feet, side-yard setback shall be 5 feet and the minimum rear-yard setback shall be 20 feet; and

WHEREAS, the applicant requested variances to the proposed impervious surface ratio and to the existing and proposed front, side and rear-yard setbacks; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January, 2013; and

 Chairman

 Planning Director

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

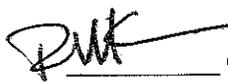
WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

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 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 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


Chairman

Planning Director

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 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 variances; 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 variances 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.

Section 2. An approval by resolution of the Key West Planning Board for variances to allow the use of an existing building as detached habitable space per plans received November 1, 2012, on property located at 726 ½ Olivia Street (RE# 00020590-000000& 00020600-000000) in the HHDR zoning district per Sections 122-630 (4) b. and 122-630(6) a. b. & c. and 122-1078 of the


Chairman


Planning Director

Land Development Regulations of the Code of Ordinances of the City of Key West with the following condition:

The two properties are joined by a unity of title approved by the City Attorney's Office.

Section 3. It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or 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 fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the 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.

 Chairman

 Planning Director

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 Economic Opportunity. 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 DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO 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.

Read and passed on first reading at a regularly scheduled meeting held this 17th day of January, 2013.

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



Richard Klitenick, Planning Board Chairman

2/1/2013
Date

_____ Chairman
_____ Planning Director

Attest:



Donald Leland Craig, AICP, Planning Director

02.01.13

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

2/8/13

Date

 Chairman

 Planning Director

Prepared by & return to:
Stones & Cardenas
221 Simonton Street
Key West, FL 33040

UNITY OF TITLE

WHEREAS, Michael B. Ingram and Michael Gallagher, Jr., are the owners in fee simple of the property located in Key West, Monroe County, Florida, commonly referred to as 726 ½ Olivia Street, and more particularly described as follows:

Lots 10 AND 11, CARLETON'S COMPOUND, a resubdivision of Part of Square 2, Tract 5, (Deed Book E, Page 733), Key West, Monroe County, Florida, as recorded in Plat Book 5, Page 58, Monroe County, Florida, Public Records. Also a 1/10 undivided interest in a private driveway or private road as set forth in the Plat of Carleton's Compound, as recorded in Plat Book 5, Page 58, Monroe County, Florida, Public Records. Reference is made hereto to a Warranty Deed from Anna S. Carleton, a widow, said Warranty Deed dated 5/5/1975, recorded 5/5/1975 in Official Records Book 612, Page 603, in the Office of the Clerk of the Circuit Court, Monroe County, Florida, AND BETTER DESCRIBED AS: Lots 10 and 11 and an undivided 1/10 interest in the Private Roadway set forth on the Plat of CARLETON'S COMPOUND, a subdivision according to the Plat thereof, recorded in Plat Book 5, Page 58 of the Public Records of Monroe County, Florida.

and, WHEREAS, the undersigned recognizes and acknowledges that the herein described property should not be divided into separate parcels owned by multiple owners as long as the same is put to the hereinafter use; and

WHEREAS, the undersigned hereby executes this written document to effect the above stated purpose.

NOW, THEREFORE, in consideration of other goods and valuable considerations, the undersigned hereby agrees to restrict the use of the above described real properties in the following manner:

1. Unless the City of Key West authorizes otherwise, the two parcels of property, including the 1/10th undivided interest in the private roadway, referred to herein above shall be considered as one plot and parcel of land, and that no portion of said lot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land.
2. The undersigned further acknowledges that this Unity of Title is being made to satisfy a condition for the issuance of development approval by the City of Key West, which approval is contingent on the requirement that the parcels be joined together in the herein described manner.
3. The undersigned further agrees that this condition, restriction, and limitation shall be deemed a covenant running with the land and shall remain in full force and effect and shall be binding upon the undersigned, his heirs, and assigns in perpetuity.

OC Ruk →

SIGNED, SEALED, EXECUTED and acknowledged on this 23 day of January, 2013.

[Signature]
Signature of Witness
Todd Germa
Printed Name of Witness
[Signature]
Signature of Witness
Wade Cline
Printed Name of Witness

[Signature]
MICHAEL B. INGRAM

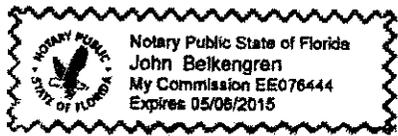
[Signature]
Signature of Witness
Todd Germa
Printed Name of Witness
[Signature]
Signature of Witness
Wade Cline
Printed Name of Witness

[Signature]
MICHAEL GALLAGHER, JR.

STATE OF FLORIDA)
)
COUNTY OF MONROE)

Subscribed and acknowledged before me on this 23 day of January, 2013, by MICHAEL B. INGRAM and MICHAEL GALLAGHER, JR., who are personally known to me or who have produced _____ (type of identification) as identification and who did not take an oath.

(SEAL)



[Signature]
Notary Public State of Florida
My Commission Expires: 05-06-2015
My Commission Number is: EE076444

OC

[Signature]

CONSENT OF MORTGAGEE

I, Mark J. Todaro VP Centennial Bank, the Mortgagee for the property referred to in the above Unity of Title, herein expressly consent to the execution of the Unity of Title by Michael B. Ingram and Michael Gallagher, Jr.

CENTENNIAL BANK

Theresa Faber
Signature of Witness
Theresa Faber
Printed Name of Witness
Thomas H. Lavender
Signature of Witness
THOMAS H. LAVENDER
Printed Name of Witness

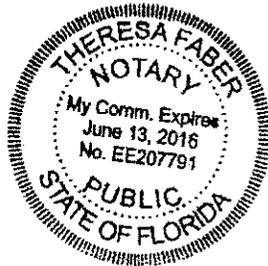
By: Mark J. Todaro
Mark J. Todaro, its VP Commercial Loan

State of FLORIDA }
County of MONROE }

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Mark Todaro, to me personally known or who provided _____ as photo identification, and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State last aforesaid, this 23 day of January, 2013.

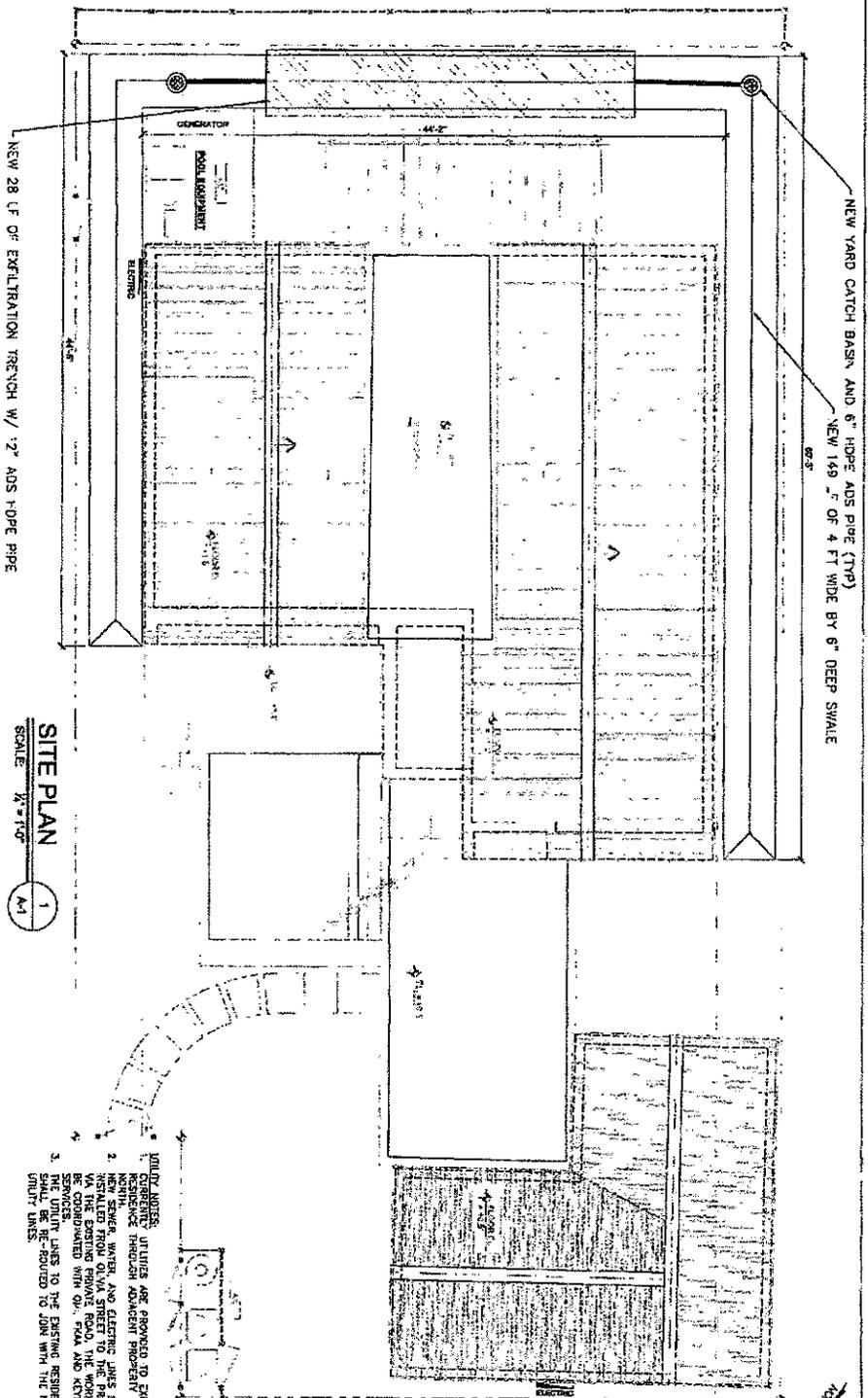
My Commission Expires:
6/13/16



Theresa Faber
Notary Public, State of FL
Theresa Faber

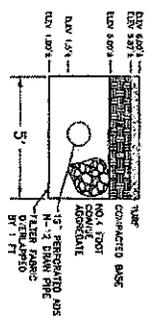
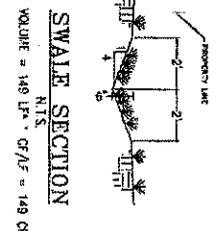
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RWK



DRAINAGE CALCULATIONS

| AREA QUANTITY - PERCENTAGE | WATER QUANTITY - PERCENTAGE |
|----------------------------|-----------------------------|
| ROOF AREA 1000 SF | 1000 SF |
| DRIVEWAY 100 SF | 100 SF |
| WALKWAY 100 SF | 100 SF |
| LANDSCAPE 100 SF | 100 SF |
| PERCENTAGE TOTAL 1300 SF | 1300 SF |
| PERCENTAGE TOTAL 1300 SF | 1300 SF |
| PERCENTAGE TOTAL 1300 SF | 1300 SF |



SITE PLAN
SCALE: 1/4" = 1'-0"

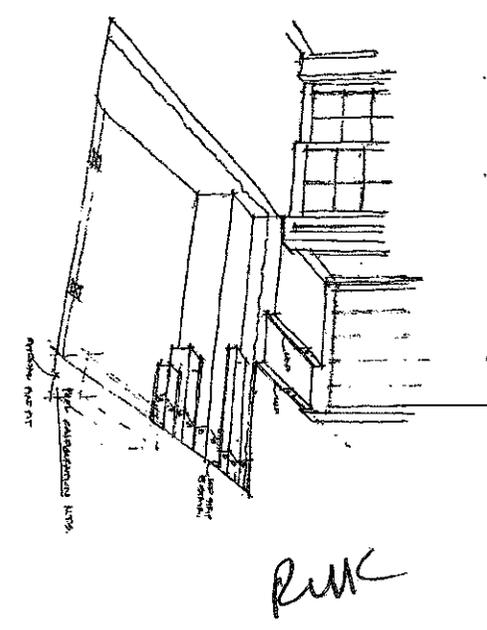
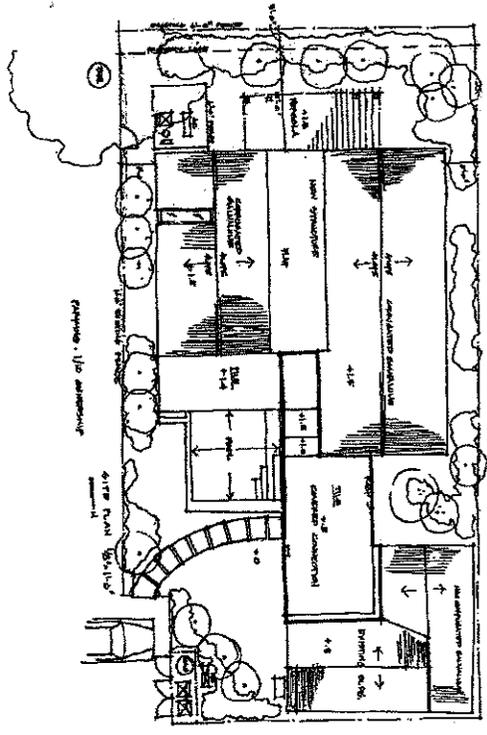
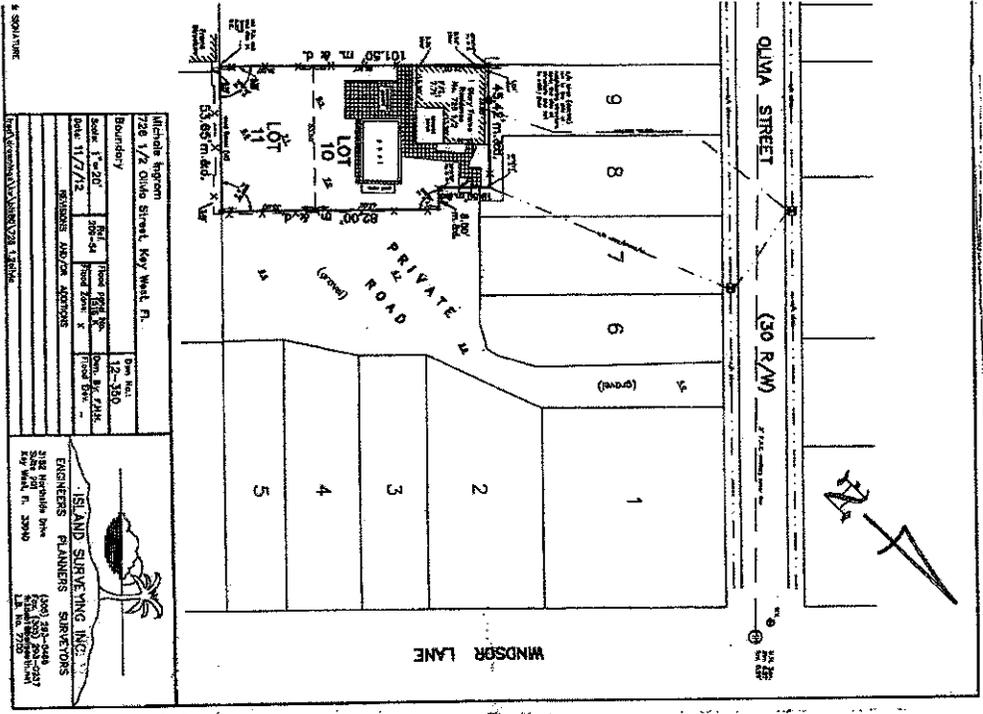
1. UTILITY LINES TO THE EXISTING RESIDENCE SHALL BE ROUNDED TO JOIN WITH THE NEW UTILITY LINES.
2. THE UTILITY LINES TO THE EXISTING RESIDENCE SHALL BE ROUNDED TO JOIN WITH THE NEW UTILITY LINES.
3. THE UTILITY LINES TO THE EXISTING RESIDENCE SHALL BE ROUNDED TO JOIN WITH THE NEW UTILITY LINES.

| PROJECT STATISTICS | DATE | DESCRIPTION | STATUS |
|---------------------|----------|-------------|-----------|
| PERMITS | 10/15/13 | APPROVED | COMPLETED |
| CONTRACT | 10/15/13 | SIGNED | COMPLETED |
| START DATE | 10/15/13 | STARTED | COMPLETED |
| ESTIMATED COST | 10/15/13 | 100,000 | COMPLETED |
| ACTUAL COST | 10/15/13 | 100,000 | COMPLETED |
| PERCENTAGE COMPLETE | 10/15/13 | 100% | COMPLETED |

MICHAEL B. INGRAM
726 1/2 Olivia Street, Key West, Florida 33020
HOUSE RENOVATION AND ADDITION

mbl | kam
ARCHITECTURE INC.
1811 N. W. 10th Street, Suite 200
Fort Lauderdale, FL 33304
Phone: 954.571.1111
Fax: 954.571.1112
www.mblkam.com

A-1
DATE: 10/15/13
SCALE: 1/4" = 1'-0"



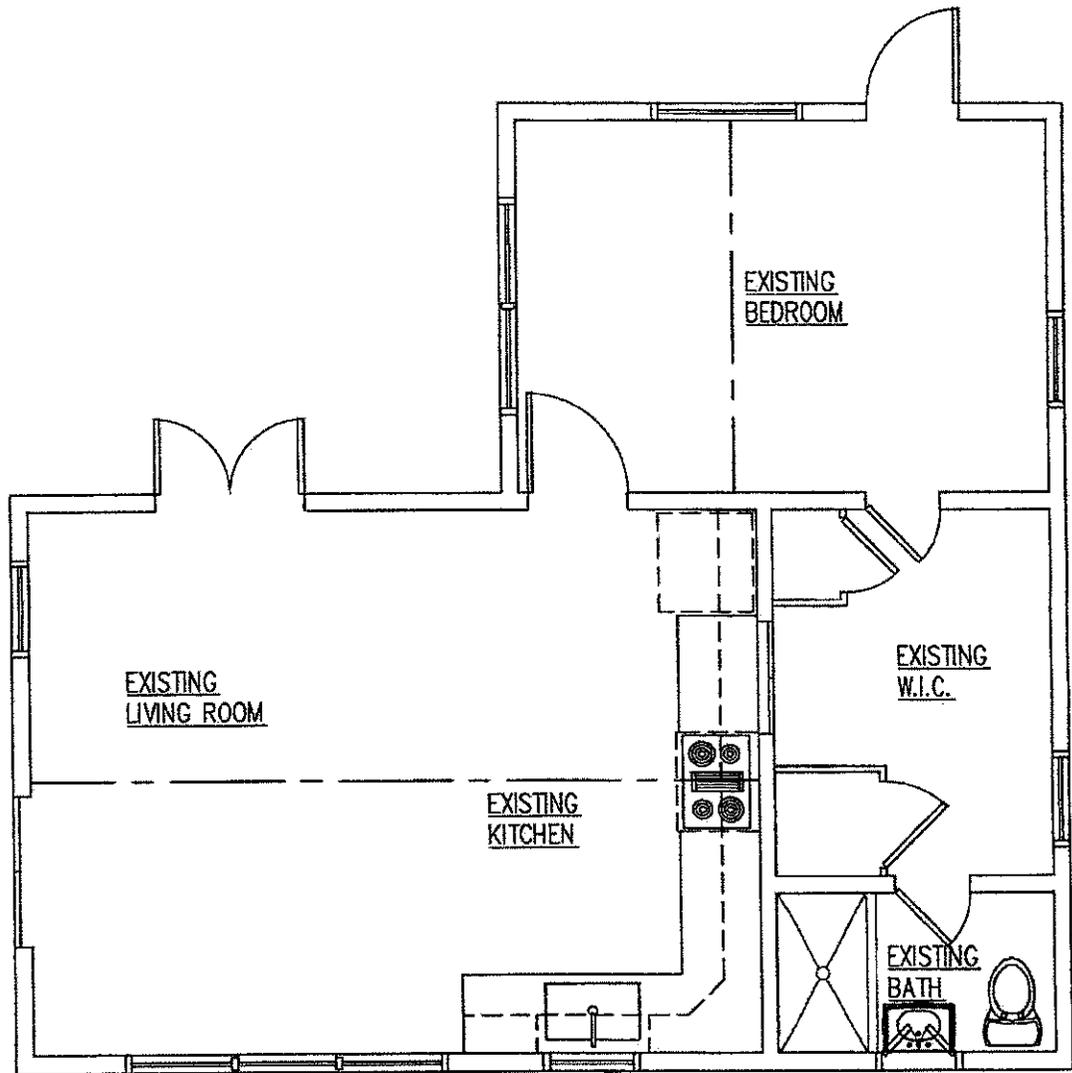
PC

RMC

mbi | k2m
ARCHITECTURE, INC.
338 Republic Drive
Key West, FL 33902
(305) 283-6484
Fax: (305) 283-6227
www.islandsurveying.com

DATE: 11/7/12
SCALE: 1"=20'
PROJECT: 726 1/2 OLIVA STREET, KEY WEST, FL

1 of 3

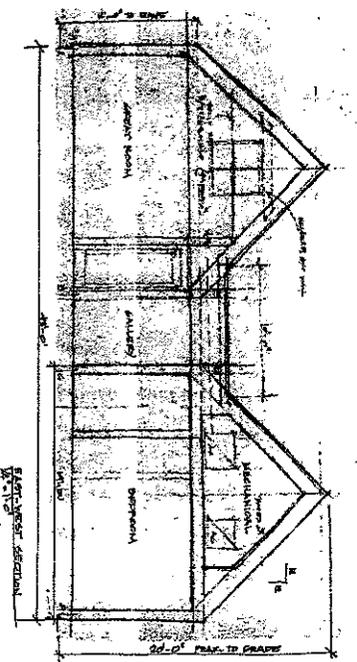
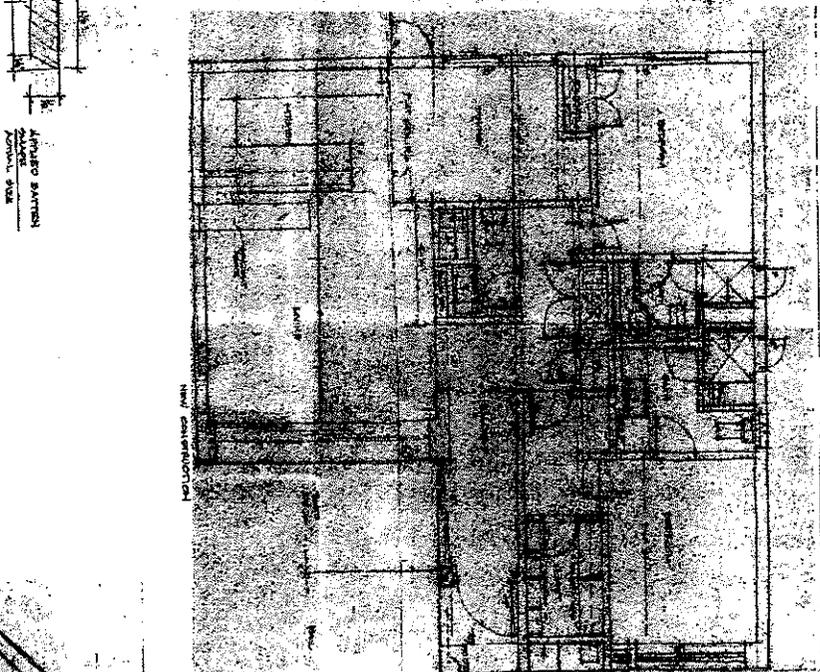
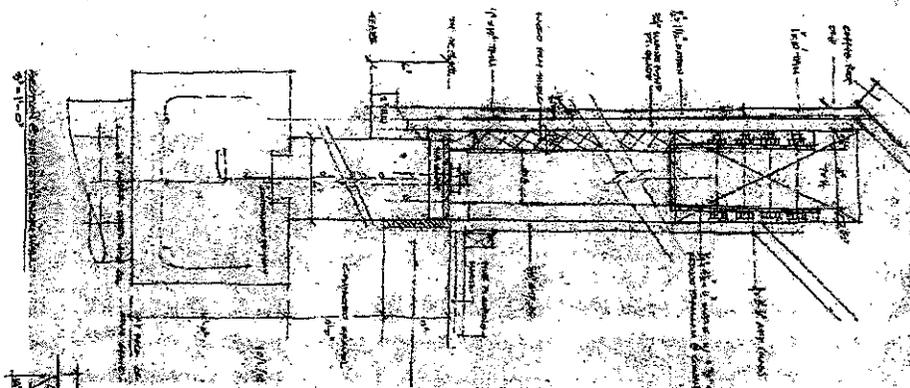


Existing Floor Plan

SCALE: 1/4" = 1'-0"

SC

RWC



SEE ARCHITECTURAL SYSTEMS CONTRACT WITH
 PLANS T-101 & T-102

DC

mbi | k2m
 ARCHITECTURE INC.
 1000 BROADWAY, SUITE 2000
 NEW YORK, NY 10018
 TEL: 212 695 9000
 FAX: 212 695 9001
 WWW.MBIK2M.COM

HRC 412
3 OF 3

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