

**PLANNING BOARD
RESOLUTION No. 2013-62**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD APPROVING VARIANCES FOR
FRONT AND REAR-YARD SETBACK REQUIREMENTS
FOR PROPERTY LOCATED AT 629 ELIZABETH
STREET (RE#00011940-000000, AK# 1012271) IN THE
HISTORIC HIGH DENSITY RESIDENTIAL ZONING
DISTRICT, PER SECTION 122-630(6) a. & c. OF THE
LAND DEVELOPMENT REGULATIONS OF THE CODE
OF ORDINANCES OF THE CITY OF KEY WEST.**

WHEREAS, the existing structure has legal non-conforming front and rear-yard setbacks;
and

WHEREAS, Section 122-630 of the Code of Ordinances provides that the minimum allowed
front-yard setback is 10 feet and minimum rear-yard setback is 20 feet; and

WHEREAS, the existing front-yard setback is 1 foot and the existing rear-yard setback is 9
feet; and

WHEREAS, the applicant requested a variance to the existing legal non-conforming front-
yard setback and to increase the non-conforming rear-yard encroachment; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on
November 21st, 2013; and

TJA Vice Chairman
OC 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 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 cause 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

TWR Vice Chairman
OC Planning Director

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, the surrounding neighborhood 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 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.

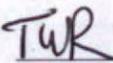
TAK Vice Chairman
ac Planning Director

Section 2. An approval by resolution of the Key West Planning Board for variances to allow the renovation and reconstruction of the structure per plans dated August 22, 2013, for property located at 629 Elizabeth Street (RE# 00011940-000000, AK 1012271) in the HHDR zoning district per Section 122-630(6) a. & c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

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 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 approval 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.

 Vice Chairman
 Planning Director

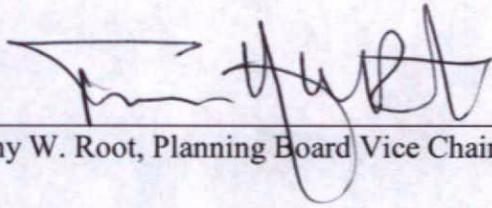
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

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 21st day of November, 2013.

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

TUR Vice Chairman
OC Planning Director

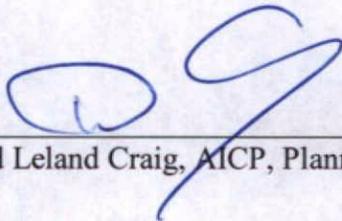


Timothy W. Root, Planning Board Vice Chairman

12/4/13

Date

Attest:



Donald Leland Craig, AICP, Planning Director

12.4.13

Date

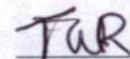
Filed with the Clerk:



Cheryl Smith, City Clerk

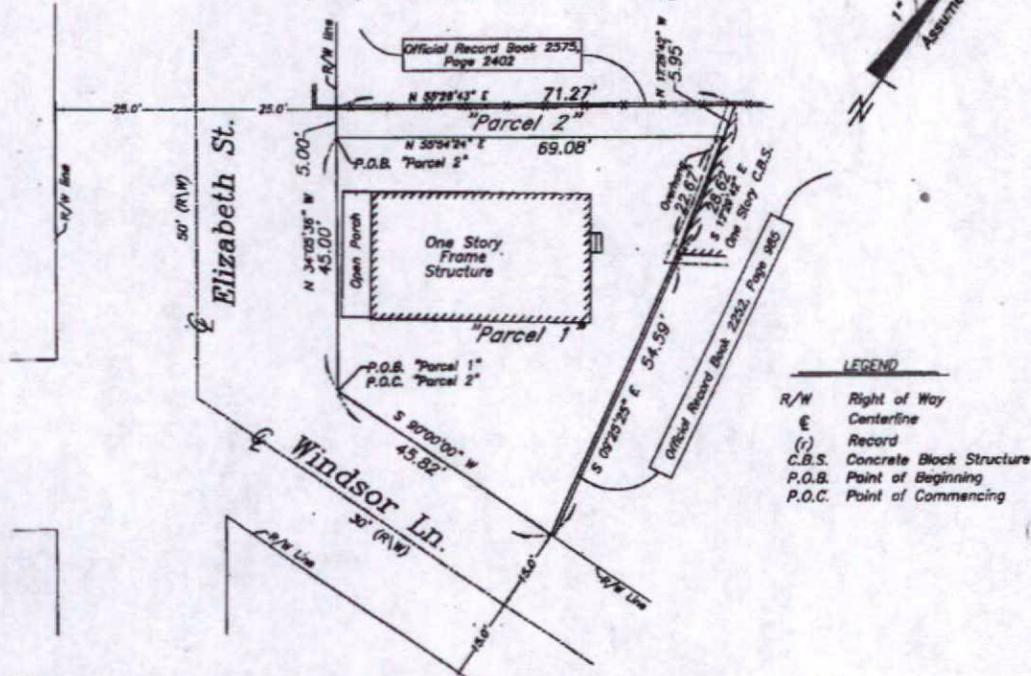
12-4-13

Date

 Vice Chairman

 Planning Director

Specific Purpose Survey to illustrate legal descriptions
of part of Lot 4, Square 59, Island of Key West,
prepared by the undersigned



- NOTES:**
1. The legal descriptions shown hereon were authored by the undersigned.
 2. Underground foundations and utilities were not located.
 3. All angles are 90° (Measured & Record) unless otherwise noted.
 4. Street address: 629 Elizabeth Street, Key West, FL.
 5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
 6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
 7. Bearings are assumed as based on the Northerly right of way line of Windsor Ln. as S 90°00'00" W.
 8. Adjoiners are not furnished.
 9. The descriptions contained herein and sketch do not represent a field boundary survey.

**SPECIFIC PURPOSE SURVEY TO ILLUSTRATE LEGAL DESCRIPTIONS
AUTHORED BY THE UNDERSIGNED**

PARCEL 1: A parcel of land on the Island of Key West, and known as part of Lot 4, in Square 59, according to Wm. A. Whitehead's map of the Island of Key West, delineated in February, A.D. 1829, said parcel being more particularly described by metes and bounds as follows:
BEGIN at the intersection of the Northeasterly right of way line of Elizabeth Street with the Northerly right of way line of Windsor Lane and run thence N 34°05'36" W along the Northeasterly right of way line of the said Elizabeth Street for a distance of 45.00 feet; thence run N 55°04'24" E for a distance of 69.08 feet to a point on the Southwesterly boundary line of the lands described in Official Record Book 2252 at Page 985 of the Public Records of Monroe County, Florida; thence run S 12°29'42" E and along the Southwesterly boundary line of the said lands for a distance of 54.59 feet; thence run S 09°25'25" E and along the Southwesterly boundary line of the said lands for a distance of 22.87 feet; thence run S 09°25'25" E and along the Southwesterly boundary line of the said lands for a distance of 54.59 feet to the Northerly right of way line of the said Windsor Lane; thence run S 90°00'00" W along the Northerly right of way line of the said Windsor Lane for a distance of 45.82 feet back to the Point of Beginning.

PARCEL 2: A parcel of land on the Island of Key West, and known as part of Lot 4, in Square 59, according to Wm. A. Whitehead's map of the Island of Key West, delineated in February, A.D. 1829, said parcel being more particularly described by metes and bounds as follows:
COMMENCE at the intersection of the Northeasterly right of way line of Elizabeth Street with the Northerly right of way line of Windsor Lane and run thence N 34°05'36" W along the Northeasterly right of way line of the said Elizabeth Street for a distance of 45.00 feet to the Point of Beginning; thence continue N 34°05'36" W along the Northeasterly right of way line of the said Elizabeth Street for a distance of 5.00 feet to the Southerly corner of the lands described in Official Records Book 2575 at Page 2402 of the Public Records of Monroe County, Florida; thence run N 55°28'43" E along the Southeasterly boundary line of the said lands for a distance of 71.27 feet to a point on the Southwesterly boundary line of the lands described in Official Record Book 2252 at Page 985 of the Public Records of Monroe County, Florida; thence run S 12°29'42" E and along the Southwesterly boundary line of the said lands for a distance of 5.95 feet; thence run S 55°54'24" W for a distance of 69.08 feet back to the Point of Beginning.

SPECIFIC PURPOSE SURVEY FOR: David M. Graham;

J. LYNN O'FLYNN, INC.

 J. Lynn O'Flynn, PSM
 Florida Reg. #6298
 March 5, 2013

THIS SURVEY
IS NOT
ASSIGNABLE

J. LYNN O'FLYNN, Inc.
 Professional Surveyor & Mapper
 PMS #2226
 3430 Duck Ave., Key West, FL 33040
 (305) 296-7422 FAX (305) 296-2244

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12/13



DRAINAGE AREA - 1,000 SQ. FT. - SEE SHEET 1
 SWALE WIDTH - 36 IN. CL. FT.
 SWALE DEPTH - 18 IN. CL. FT.

SWALE SECTION

PROJECT DATA

ITEM	CODE	EXISTING	PROPOSED
ZONE	MSA		
LOT AREA	4000	2884 SQ/FT	2884 SQ/FT
LOT WIDTH	40	48 - 74 FT.	48 - 74 FT.
LOT DEPTH	80	71 - 48 FT.	71 - 48 FT.
IMPERVIOUS SURFACE RATIO	50%	50.2% (1448 SF.)	50.2% (1448 SF.)
MAXIMUM BUILDING COVERAGE	50%	50.2% (1448 SF.)	50.2% (1448 SF.)
FRONT	50	7'-0"	7'-0"
STREET BOX	4	8'-0"	8'-0"
REAR	5	14'-0"	14'-0"
NEAR	30	8'-0"	8'-0"
MINIMUM HEIGHT	50	7'-0"	7'-0"
MAXIMUM FLOOR AREA RATIO	100%	28.2%	28.2%

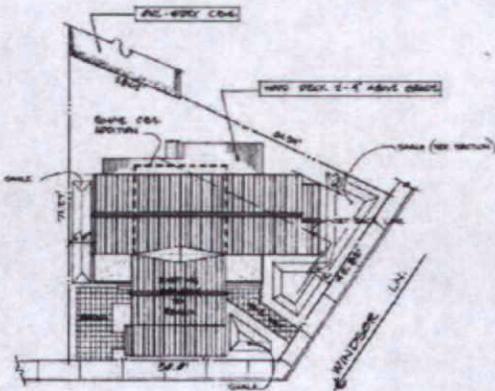
629 ELIZABETH STREET
 KEY WEST - FLORIDA

LEGAL DESCRIPTION

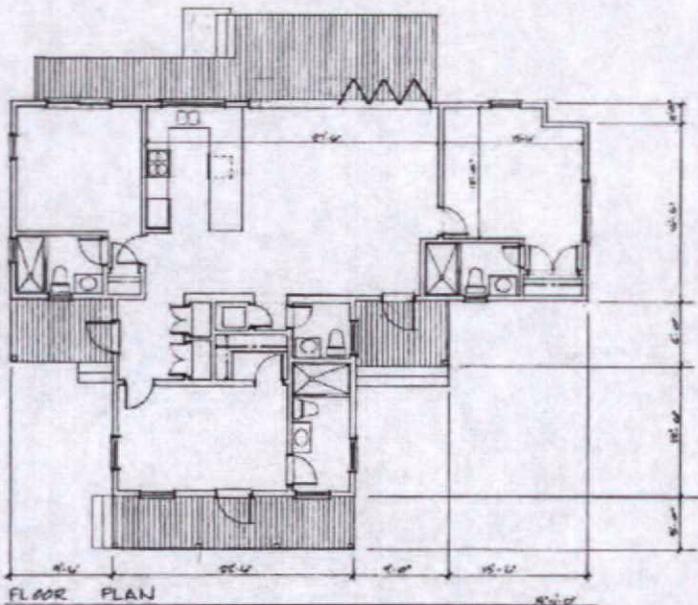
Part of LOT 4, SQUARE 34 "William A. Whitcomb's Map" Record Book 2282-2283

FLOOD ZONE

1 - 2006



SITE PLAN



FLOOR PLAN

DESIGNER: T.W. & C. ARCHITECTS, P.A.
 1000 N. MIAMI AVENUE, SUITE 1000
 MIAMI, FLORIDA 33136
 305.575.1111
 629 ELIZABETH STREET
 SITE PLAN - FLOOR PLAN
 PROJECT NO. 12413
 SHEET NO. D-1

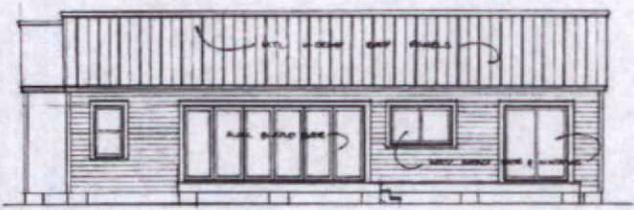
TW
 RC
 12413

THOMAS & BULLY ARCHITECTURE INC.
 1000 14TH STREET NW
 WASHINGTON, DC 20005
 TEL: 202-331-1111

688 ELIZABETH STREET
 EXTERIOR ELEVATIONS

SCALE TO
 EXTERIOR

D-2



NORTHEAST ELEVATION

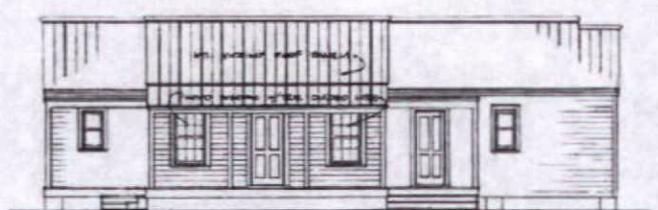


SOUTHEAST ELEVATION

WOOD SHINGLES OF THE DIVIDED LINE
 AND WOOD SHINGLES SIDING BY
 MAKING IT EQUAL



NORTHWEST ELEVATION



SOUTHWEST ELEVATION

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