

***Agenda**

PLANNING COMMISSION
MONROE COUNTY
February 24, 2010

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL
MONROE COUNTY, FL

PUBLIC MEETING: 9:00A.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Randy Wall, Chairman
Jim Cameron, Vice Chairman
Denise Werling
Jeb Hale
Elizabeth Lustberg

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Joe Haberman, Principal Planner
Steven Biel, Sr. Planner
Thomas Lloyd, Planner
Debby Tedesco, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

From 9:00A.M. to 10:30A.M. (Approximated)

Kieth and Schnars, planning consultants assisting in the preparation of the 2030 Comprehensive Plan update and Evaluation Appraisal Report, will be giving a presentation to the Planning Commission.

PUBLIC HEARING: 10:30am (or as soon thereafter as may be heard)

New Items:

1. **Little Conch Key Development Corporation property, US-1, Walkers Island Unit 8, Little Conch Key, Mile Marker 62, Oceanside:** A request for approval of a variance of two (2) feet from the required ten (10) foot side yard, non-shoreline setback. The granting of this variance will allow the applicant to receive a building permit for an after-the-fact elevated concrete slab, air conditioning unit, and footings for a partially completed single-family residence. The subject parcel is legally described as Unit 8 on the Southeast ½ of Little Conch Key, Section 15, Township 65, Range 34, Little Conch Key, Monroe County, Florida, having real estate numbers 00099090.000000 & 00099090.000100.

[29091 FILE.pdf](#)

[29091 Site Plan 2.16.10.pdf](#)

[29091 Boundary Survey of Unit 8, 9.15.09.pdf](#)

[29091 SR PC 02.16.10.PDF](#)

2. Siever's Marina, Inc., 21 Garden Cove Drive, Key Largo, Mile Marker 106: A request for approval of a Sign Variance to allow construction of a 22-foot high by 10-foot wide (including mounting structures), ground-mounted, off-premise sign on a vacant parcel. The subject parcel is legally described as Block 1, Lot 11, Ocean Isle Estates, (PB5-14), Key Largo, Monroe County, Florida, having Real Estate Number 00538170.000000.

[29086 FILE.PDF](#)

[29086 Site Plan 11.05.09.PDF](#)

[29086 SR PC 02.24.10.PDF](#)

BOARD DISCUSSION

-
GROWTH MANAGEMENT COMMENTS

-
RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



File #: 29091

Owner's Name: Little Conch Key
Development

Applicant: Little Conch Key Walkers Island

Agent Name: N/A

Type of Application: Admin Variance

Key: Little Conch Key

RE #: 00099090-000000

**Additional Information added to
File 29091**

County of Monroe
Growth Management Division

Office of the Director

2798 Overseas Highway
Suite #400
Marathon, FL 33050
Voice: (305) 289-2517
FAX: (305) 289-2854



Board of County Commissioners

Mayor George Neugent, Dist. 2
Mayor Pro Tem Sylvia J. Murphy, Dist. 5
Kim Wigington, Dist. 1
Heather Carruthers, Dist. 3
Mario Di Gennaro, Dist. 4

We strive to be caring, professional and fair

Date: 10/21/09

Dear Applicant:

This is to acknowledge submittal of your application for Little Cocks Key Development
Type of application

Little Cocks Key Walkers Island to the Monroe County Planning Department.
Project / Name

Thank you.

Sail Creech

Planning Staff

End of Additional Information
File 29091

RECEIVED
OCT 20 2009
BY:

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Administrative Variance Application to the Director of Planning & Environmental Resources

Administrative Variance Application Fee: \$1,248.00

Date of Submittal: 10 / 20 / 09
Month Day Year

Property Owner:

Little Conch Key Development
Name

Agent (if applicable):

Name

95231 Overseas Hwy Key Largo
Mailing Address (Street, City, State, Zip Code)

Mailing Address (Street, City, State, Zip Code)

305 853 0378 / 305 522 5854
Daytime Phone

Daytime Phone

Key Lime @ Key Lime Products.com
Email Address

Email Address

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet)

1/2 Little Conch Key Walkers Island
Block Lot Subdivision Key

000990900 00000
Real Estate (RE) Number

Alternate Key Number

MM 62.4
Street Address (Street, City, State, Zip Code)

62.4
Approximate Mile Marker

Land Use District Designation(s): MU Commercial

Present Land Use of the Property: MU Commercial

Total Land Area: 2.9 Acres

Pursuant to Monroe County Code, the Director of Planning & Environmental Resources is only authorized to grant the following variances:

- (a) Reduction in the front yard and rear yard non-shoreline setback requirements by no more than ten (10) feet and side yard non-shoreline setback requirements by no more than twenty (20) percent.
- (b) Reduction in the off-street parking requirements by no more than twenty (20) percent.

APPLICATION

- (c) Reduction in the buffer-yard width requirements for Class C, D, E, and F district boundaries, major streets, and scenic corridors by no more than ten (10) percent.
- (d) Reduction by no more than ten (10) percent in the total area of landscaping required for off-street parking and loading.

Please provide the standard required by the land development regulations: 10 ft side set back
 (i.e. front yard setback of 25 feet, 100 off-street parking spaces, etc.)

Please provide that requested: 20% reduction inside setback
 (i.e. front yard setback of 20 feet, 90 off-street parking spaces, etc.)

All of the following standards must be met in order to receive variance approval. Please describe how each standard shall be met.

1) The applicant shall demonstrate a showing of good and sufficient cause:

See Attachment

2) Failure to grant the variance would result in exceptional hardship to the applicant:

See Attachment

3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance or cause fraud or victimization of the public:

See Attachment

4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district:

See Attachment

5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns:

See Attachment

1 - Good AND sufficient cause

Applicant inquired of the planning Dept. concerning moving the A/C units to a slab in the side setback. Applicant was orally advised that it could have a 5 ft. side setback. Based on this advice the plans were revised and the slab was built. More than 18 months later applicant was told the A/C slab violated code and that the advice given was a error. There is no other place for the A/C units to go but on the elevated slab.

2. Failure to grant Variance

If a variance is not granted the applicant cannot obtain a certificate of occupancy and the home which cost in excess of 1,500,000 would have to be demolished, redesigned and rebuilt. The magnitude of this error in advice is enormous and should not be borne by applicant as it would have extremely detrimental and disastrous repercussions. This is a prime example of exceptional hardship.

3) Granting this variance will not result in increased public expenses, create a threat to public safety or health or create a nuisance or cause fraud or victimization of the public. This property is on Walkers Island, effectively separate from other properties. There is only one other owner on the island. The variance will decrease public expense as it will not utilize precious resources of the county in code enforcement proceedings, litigation expense additional inspections, etc. There is no threat to public health or safety in that the variance sought is minimal and only applies to two elevated slabs for A/C unit and possible peneptor. There is foliage growing within the setback and therefore the encroachment into the setback is minimally, if at all visible from the adjoining property.

4 UNIQUE OR PECULIAR CIRCUMSTANCES.

This is on an Island with only one other property owner which is a transient property. The trees and shrubs presently existing disguise the fact that the slabs are slightly within the set back.

5 GRANTING THE VARIANCE WILL NOT GIVE THE APPLICANT ANY SPECIAL PRIVILEGES DENIED OTHERS.

All property owners are entitled to rely on advice given by the planning Dept. as to what is permissible or not under the code. Each has the right to seek relief in the event a mistake was made by the county.

APPLICATION

6) Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family:

no

7) Granting the variance is not based on the domestic difficulties of the applicant or his family:

no

8) The variance is the minimum necessary to provide relief to the applicant:

yes

All of the following must be submitted in order to have a complete application submittal:
(Please check as you attach each required item to the application)

- Complete administrative variance application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- X Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- X Photograph(s) of site from adjacent roadway(s);
- Boundary Survey, prepared by a Florida registered surveyor – three (3) sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Site Plan, prepared by a Florida registered architect, engineer or landscape architect– three (3) sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:
 - Date, north point and graphic scale;
 - Boundary lines of site, including all property lines and mean high-water lines;
 - Land use district of site and any adjacent land use districts;
 - Locations and dimensions of all existing and proposed structures and drives;
 - Type of ground cover (i.e. concrete, asphalt, grass, rock);
 - Adjacent roadways;
 - Setbacks as required by the land development regulations;
 - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included;

APPLICATION

If applicable, the following must be submitted in order to have a complete application submittal:

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)

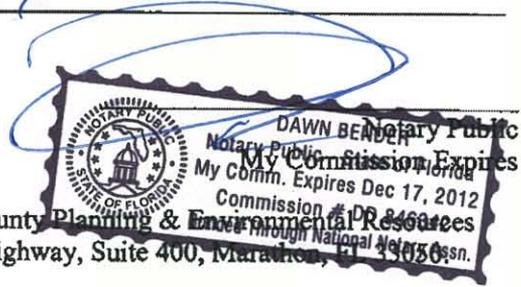
If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

If for any reason the administrative variance application requires review and consideration by the Monroe County Planning Commission, additional fees, mailing labels and copies of all plans shall be required prior to item being scheduled for commission review.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: [Signature] Date: 10/21/09

Sworn before me this 21 day of Oct 2009



Please send the complete application package to the Monroe County Planning & Environmental Resources Department, Marathon Government Center, 2798 Overseas Highway, Suite 400, Marathon, FL 33856.



Prepared By and Return To:
1st Equity Title of the Keys, LLC
81001 Overseas Highway, Suite 101
Islamorada, Florida 33036

10/16/2007 10:16AM
DEED DOC STAMP CL: RHONDA \$118,720.00

File No. 07-1123

Doc# 1666753
Bk# 2326 Pg# 612

Property Appraiser's Parcel I.D. (folio) Number(s)
AK 1115827; 8574398; 1115835; 1115843

WARRANTY DEED

THIS WARRANTY DEED dated October 10, 2007, by **Walker's Island, LLC**, a Florida limited liability company, hereinafter called the grantor, having its principal office at 95831 Overseas Highway, Key Largo, FL 33037, hereinafter called grantor, to **Little Conch Key Development Corp.**, a corporation organized and existing under the laws of the State of Florida, having its principal office at 81001 Overseas Highway, Islamorada, FL 33036 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of other legally recognized entities)

WITNESSETH: That the grantor, for and in consideration of the sum of \$16,960,000.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in Monroe County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2006.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WALKER'S ISLAND, LLC,
a Florida limited liability company

By: *John McCarthy*
JOHN MCCARTHY,
Its Managing Member

Patricia M. Silver
(Witness Signature #1)

Patricia M. Silver
(Printed Witness Name)

Doc# 1666753
Bk# 2326 Pg# 613

John B. Kahn
(Witness Signature #2)

Hendrik Verhulsen
(Printed Witness Name)

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 07th day of October, 2007,
by John McCarthy who is a managing partner of Walker's Island LLC, who is personally
known to me or who has produced a driver's license as identification.



Patricia M. Silver
Commission # DD358375
Expires: SEP. 27, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Patricia M. Silver
Notary Public
Patricia M. Silver
Printed Notary Name

EXHIBIT A

PARCEL 1.

A PARCEL OF LAND ON LITTLE CONCH KEY, KNOWN ON THE FLORIDA EAST COAST RAILWAY MAP AS CONCH KEY NO. 2 AND LOCALLY KNOWN AS WALKER'S KEY AND ALSO BEING IN SECTION 15, TOWNSHIP 65 SOUTH, RANGE 34 EAST, IN MONROE COUNTY, FLORIDA AND ALSO MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF U.S. HIGHWAY NO. 1 AND THE EAST WING-WALL OF TOM'S HARBOR VIADUCT NO. 3, BEAR NORTH 69°05' EAST ALONG THE CENTERLINE OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 2837.43 FEET TO A POINT; THENCE BEAR SOUTH 42°12' EAST FOR A DISTANCE OF 484.25 FEET TO A POINT ON THE SHORELINE OF WALKER'S KEY; THENCE BEAR SOUTH 50° AND 36' EAST FOR A DISTANCE OF 260.57 FEET TO A POINT; THENCE BEAR SOUTH 75°52' EAST FOR A DISTANCE OF 129.73 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING, BEAR NORTH 19° AND 31' EAST FOR A DISTANCE OF 110.15 FEET, MORE OR LESS TO A POINT ON THE SHORELINE OF THE STRAITS OF FLORIDA; THENCE MEANDER THE SHORELINE OF THE STRAITS OF FLORIDA IN A SOUTHERLY, WESTERLY AND NORTHWESTERLY DIRECTION TO A POINT ON THE SOUTHWESTERLY SHORELINE OF WALKER'S KEY, SAID POINT BEARING SOUTH 19° AND 31' WEST FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 19° AND 31' EAST FOR A DISTANCE OF 90.2 FEET MORE OR LESS, BACK TO THE POINT OF BEGINNING.

AND

PARCEL 2.

A TRACT OF SUBMERGED AND UPLAND PROPERTY BEING IN SECTION 15, TOWNSHIP 65 SOUTH, RANGE 34 EAST, IN MONROE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST WING-WALL OF TOM'S HARBOR VIADUCT #3 AND THE CENTERLINE OF U.S. HIGHWAY #1 AS IT EXISTED OCTOBER 24, 1971; BEAR NORTH 69°, 05' EAST ALONG THE SAID CENTERLINE FOR A DISTANCE OF 2,837.43 FEET; THENCE BEAR SOUTH 42°, 12' EAST FOR A DISTANCE OF 484.25 FEET; THENCE BEAR SOUTH 50°, 36' EAST FOR A DISTANCE OF 260.57 FEET; THENCE BEAR SOUTH 75°, 52' EAST FOR A DISTANCE OF 129.73 FEET; THENCE BEAR NORTH 19°, 31' EAST FOR A DISTANCE OF 110 FEET TO A POINT, WHICH SHALL ALSO BE KNOWN AS THE POINT OF BEGINNING. THENCE BEAR NORTH 46°, 01' EAST FOR A DISTANCE OF 175 FEET TO A POINT; THENCE BEAR SOUTH 43° 51' EAST FOR A DISTANCE OF 1,160 FEET TO A POINT; THENCE BEAR SOUTH 37°, 03' WEST FOR A DISTANCE OF 1,370 FEET TO A POINT; THENCE BEAR NORTH 80°, 57' WEST FOR A DISTANCE OF 280 FEET, TO A POINT ON CONCH KEY CHANNEL; THENCE MEANDER THE EASTERLY SIDE OF CONCH KEY

CHANNEL IN A NORTHWESTERLY DIRECTION TO A POINT WHICH BEARS SOUTH 19°, 31' WEST FOR A DISTANCE OF 1,250 FEET FROM THE POINT OF BEGINNING; THENCE BEAR NORTH 19°, 31' EAST FOR A DISTANCE OF 1,250 FEET BACK TO THE POINT OF BEGINNING.

AND

Doc# 1666753
Bk# 2326 Pg# 615

PARCEL 3.

A TRACT OF SUBMERGED AND UPLAND PROPERTY BEING IN SECTION 15, TOWNSHIP 65 SOUTH, RANGE 34 EAST, IN MONROE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF U.S. HIGHWAY #1 AND THE EAST WING-WALL OF TOM'S HARBOR VIADUCT #3, BEAR NORTH 69°, 05' EAST ALONG THE CENTERLINE OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 4,925 FEET TO A POINT; THENCE BEAR SOUTH 20°, 55' EAST FOR A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING OF THE TRACT OF BAY BOTTOM LAND HEREINAFTER DESCRIBED: FROM SAID POINT OF BEGINNING, CONTINUE BEARING SOUTH 20°, 55' EAST FOR A DISTANCE OF 500 FEET, TO A POINT; THENCE BEAR SOUTH 69°, 05' WEST FOR A DISTANCE OF 425 FEET TO A POINT; THENCE BEAR SOUTH 04°, 17' EAST FOR A DISTANCE OF 750 FEET TO A POINT; THENCE BEAR SOUTH 37°, 03' WEST FOR A DISTANCE OF 325 FEET TO A POINT; THENCE BEAR NORTH 43°, 51' WEST FOR A DISTANCE OF 1,275 FEET TO A POINT; THENCE BEAR NORTH 19°, 21' EAST FOR A DISTANCE OF 300 FEET, TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE BEAR NORTH 69°, 05' EAST ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 1,200 FEET, BACK TO THE POINT OF BEGINNING.

AND

PARCEL 4.

A TRACT OF SUBMERGED AND UPLAND PROPERTY BEING IN SECTION 15, TOWNSHIP 65 SOUTH, RANGE 34 EAST, IN MONROE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST WING-WALL OF TOM'S HARBOR VIADUCT #3 AND THE CENTERLINE OF U.S. HIGHWAY #1, AS IT EXISTED OCTOBER 24, 1971; BEAR NORTH 69°05' EAST ALONG THE SAID CENTERLINE FOR A DISTANCE OF 2837.43 FEET; THENCE BEAR SOUTH 42°12' EAST FOR A DISTANCE OF 484.25 FEET; THENCE BEAR SOUTH 50°36' EAST FOR A DISTANCE OF 260.57 FEET; THENCE BEAR SOUTH 75°52' EAST FOR A DISTANCE OF 129.73 FEET; THENCE BEAR NORTH 19°31' EAST FOR A DISTANCE OF 110 FEET; THENCE BEAR NORTH 46°01' EAST FOR A DISTANCE OF 175 FEET TO A POINT, WHICH SHALL ALSO BE KNOWN AS THE POINT OF BEGINNING; THENCE BEAR NORTH 34°28'43" EAST FOR A DISTANCE OF 103.10 FEET; THENCE BEAR SOUTH 43°51' EAST FOR A

DISTANCE OF 32.48 FEET; THENCE BEAR SOUTH 34°28'43" WEST FOR A
DISTANCE OF 103.10 FEET; THENCE BEAR NORTH 43°51' WEST FOR A
DISTANCE OF 32.48 FEET BACK TO THE POINT OF BEGINNING.

Doc# 1666753
Bk# 2326 Pg# 616

MONROE COUNTY
OFFICIAL PUBLIC RECORD

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 1115827 Parcel ID: 00099090-000000

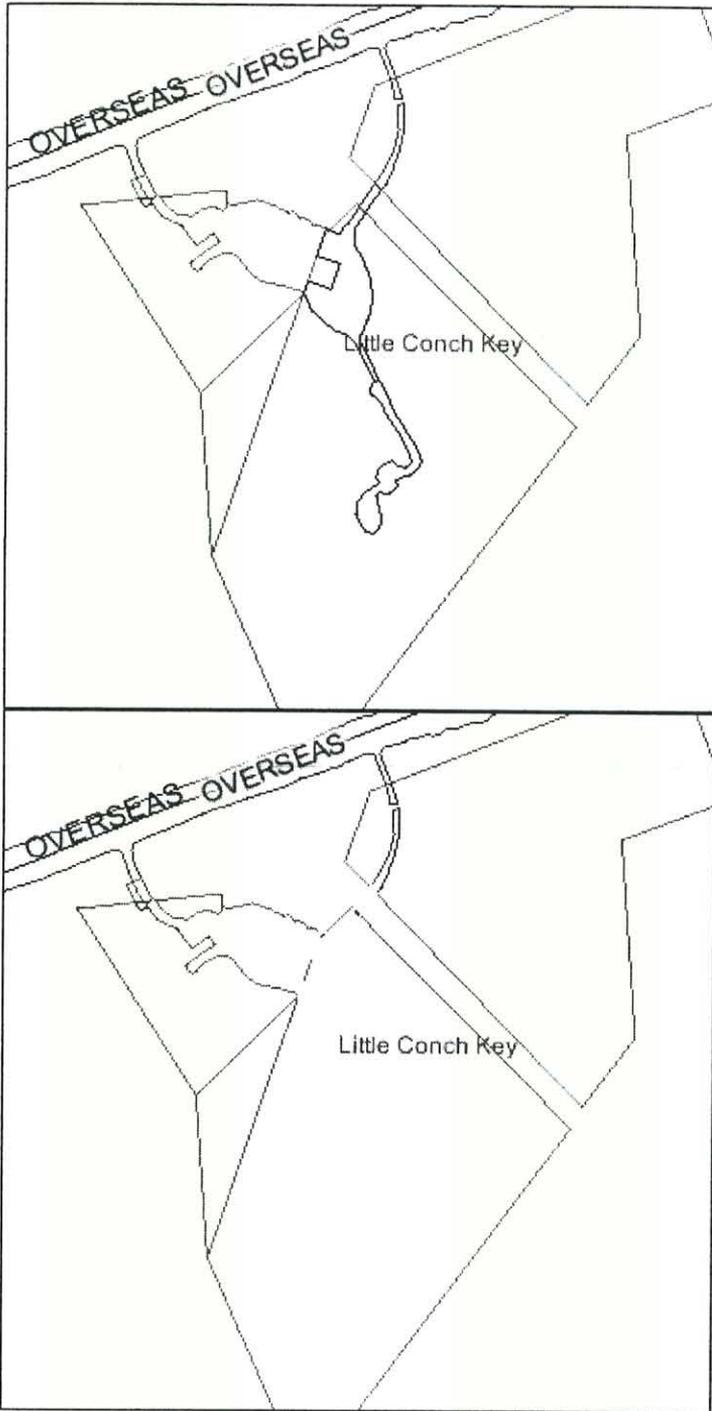
Ownership Details

Mailing Address:
LITTLE CONCH KEY DEVELOPMENT CORP
81001 OVERSEAS HWY
ISLAMORADA, FL 33036

Property Details

PC Code: 08 - MULTI FAMILY LESS THAN 10UNITS
Millage Group: 510D
Affordable Housing: No
Section-Township-Range: 15-65-34
Property Location: CONCH MARATHON
Legal Description: 15 65 34 LITTLE CONCH KEY SE1/2 OR371-544/50 OR812-1303/1304 OR812-1311(CAUSEWAY) OR1351-519/WILL CASE95-10270-CP-10 OR2197-1977/78 OR2197-1983/84 OR2326-612/16

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
10HW - COMM/HWY/WATER	0	0	1.29 AC
000X - ENVIRONMENTALLY SENS	0	0	0.13 AC

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 0
 Total Living Area: 982
 Year Built: 1978

Building 1 Details

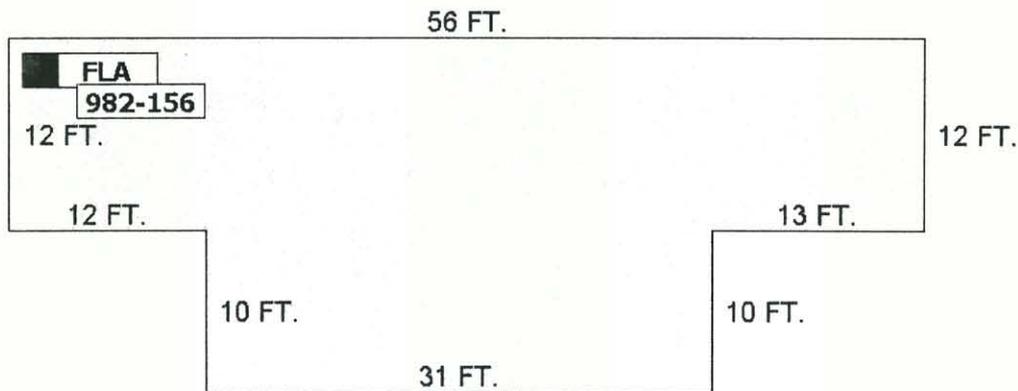
Building Type R1	Condition A	Quality Grade 300
Effective Age 21	Perimeter 156	Depreciation % 29
Year Built 1978	Special Arch 0	Grnd Floor Area 982
Functional Obs 0	Economic Obs 0	

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type FLAT OR SHED	Roof Cover MIN/PAINT CONC	Foundation CONC BLOCK
Heat 1 NONE	Heat 2 NONE	Bedrooms 1
Heat Src 1 NONE	Heat Src 2 NONE	

Extra Features:

2 Fix Bath 0	Vacuum 0
3 Fix Bath 0	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 0
6 Fix Bath 0	Intercom 0
7 Fix Bath 0	Fireplaces 0
Extra Fix 0	Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA	8:METAL/ALUM	1	1977	N	N	0.00	0.00	982

Appraiser Notes

ADJ AC FROM 1.53 TO 1.42AC PER AERIAL AND OR2326-612
 ONE TR IS STILL THERE WHILE NEW CONSTRUCTION IS UNDERWAY THIS IS WALKER'S ISLAND

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
6206982	12/22/2006		30,000	SITE PLAN/SEWER/WATER/PHONE/COMMUNICATIONS CABLE	
6206450	01/25/2007		175,000	DOCK/SEAWALL REPAIR	
7200813	02/20/2007		2,000	DEMO MOBILE HOME AND ALL STRUCTURES	
6205692	10/31/2006		125,000	ROAD REPAIR RIP-RAP	
06206710	11/13/2008		680,000	MH REPLACEMENT W/CBS SFR	
1 4204045	08/24/2004	03/14/2005	2,400	Residential	DEMOLITION OF 6 MOBILE HOMES
05206529	12/05/2005		302	ATF -KITCHEN FLOOR REPAIR APPROX 72 S.F.	
09201077	03/27/2009		2,400	ALARM SYSTEM	

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2009	31,381	0	451,513	482,894	482,894	0	482,894
2008	65,674	0	451,513	517,187	517,187	0	517,187
2007	101,696	0	451,524	553,220	553,220	0	553,220
2006	126,871	0	451,524	578,395	578,395	0	578,395
2005	104,482	0	451,524	556,006	556,006	0	556,006
2004	83,973	0	193,524	277,497	277,497	0	277,497
2003	83,973	0	193,524	277,497	277,497	0	277,497
2002	35,364	0	212,874	248,238	248,238	0	248,238
2001	35,364	0	212,874	248,238	248,238	0	248,238
2000	35,364	0	212,874	248,238	248,238	0	248,238
1999	35,364	0	212,874	248,238	248,238	0	248,238
1998	35,364	0	212,874	248,238	248,238	0	248,238
1997	3,904	1,663	193,524	199,091	199,091	0	199,091
1996	3,904	1,714	193,524	199,142	199,142	0	199,142
1995	3,904	1,764	193,524	199,192	199,192	0	199,192
1994	3,904	1,814	193,524	199,242	199,242	0	199,242
1993	3,904	1,865	193,524	199,293	199,293	0	199,293
1992	31,012	5,335	193,524	229,871	229,871	0	229,871
1991	31,012	7,990	193,524	232,526	232,526	0	232,526
1990	76,097	4,582	193,524	274,203	274,203	0	274,203

1989	76,097	4,582	193,524	274,203	274,203	0	274,203
1988	58,985	4,582	189,654	253,221	253,221	0	253,221
1987	58,267	4,582	169,000	231,849	231,849	0	231,849
1986	58,597	4,582	169,000	232,179	232,179	0	232,179
1985	51,083	4,582	169,000	224,665	224,665	0	224,665
1984	48,019	4,582	169,000	221,601	221,601	0	221,601
1983	48,019	4,582	169,000	221,601	221,601	0	221,601
1982	48,841	4,582	169,000	222,423	222,423	0	222,423

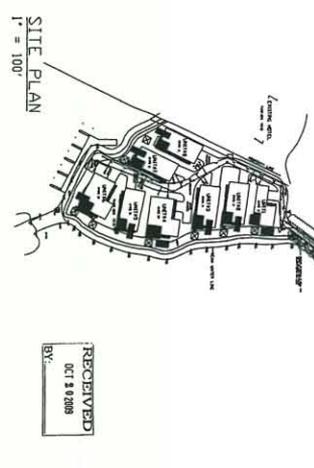
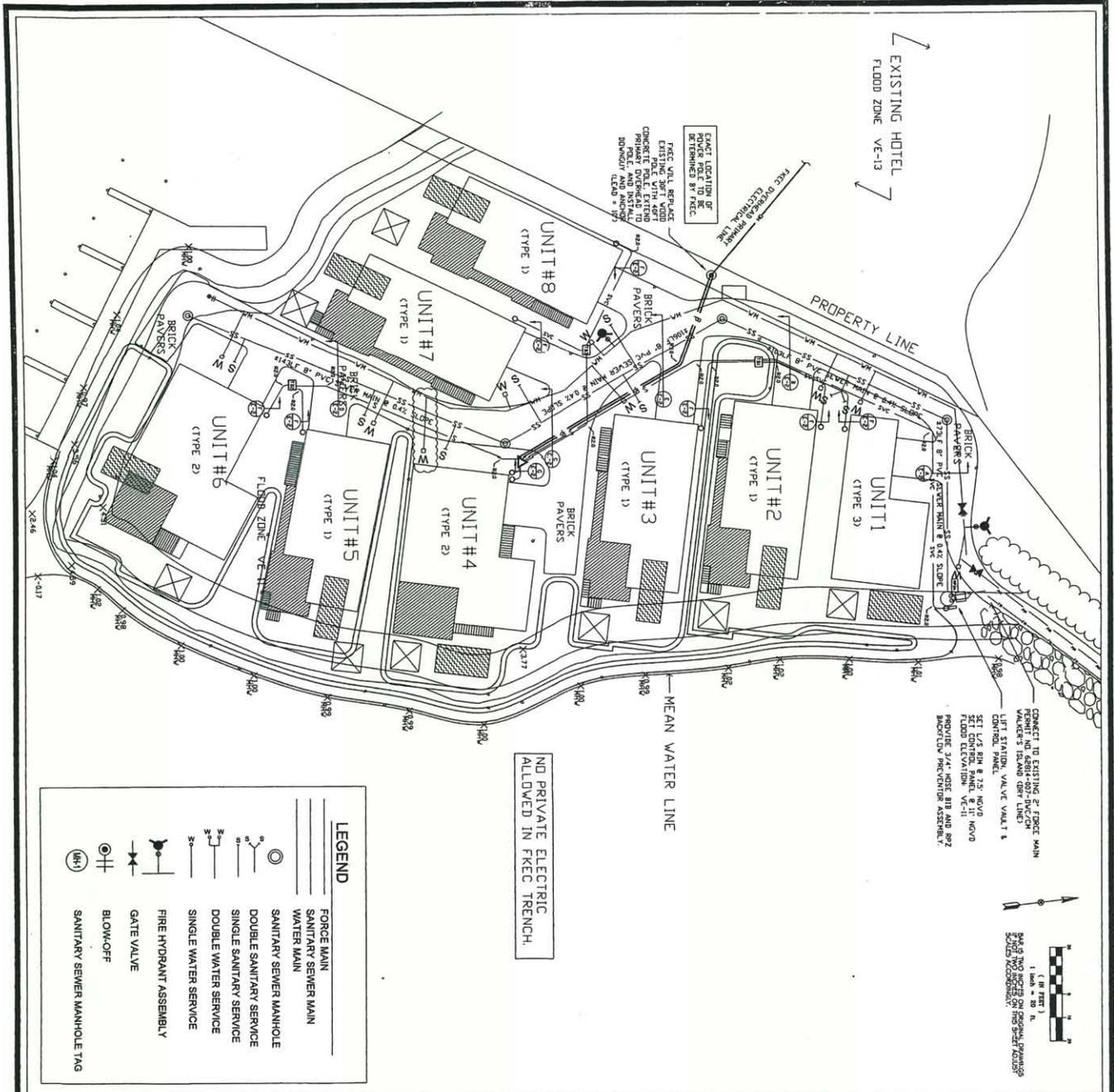
Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
10/10/2007	2326 / 612	16,960,000	WD	M
3/31/2006	2197 / 1979	6,333,340	WD	M

This page has been visited 127,369 times.

Monroe County Property Appraiser
 Ervin A. Higgs, CFA
 P.O. Box 1176
 Key West, FL 33041-1176



WALKER'S ISLAND, L.L.C.
PO BOX 710
ISLAMARADA, FL 33036

WALKER'S ISLAND
M.M. 62.5, OCEANSIDE
MONROE COUNTY, FLORIDA

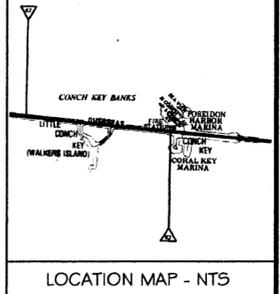
REVISIONS	DATE
1	ORIGINAL - MAY 12 2008
2	REVISIONS PUMP STATION PLANS OBTAINED
3	REVISIONS ELECTRICAL PRIMARY LAYOUT REVISED
4	REVISIONS P.L.S. IN AN REVISION PER FECC COMMENTS
5	
6	

ALLEN E. PERSE, P.E.
Professional Engineer
No. 51468

P E & D , Inc.
Certificate of Authorization #8579
Perez Engineering & Development, Inc.
1610 KENNEDY DRIVE, SUITE 400
KEY WEST, FL 33040
Phone P.E. NO. 51468 • Fax (305) 295-0143

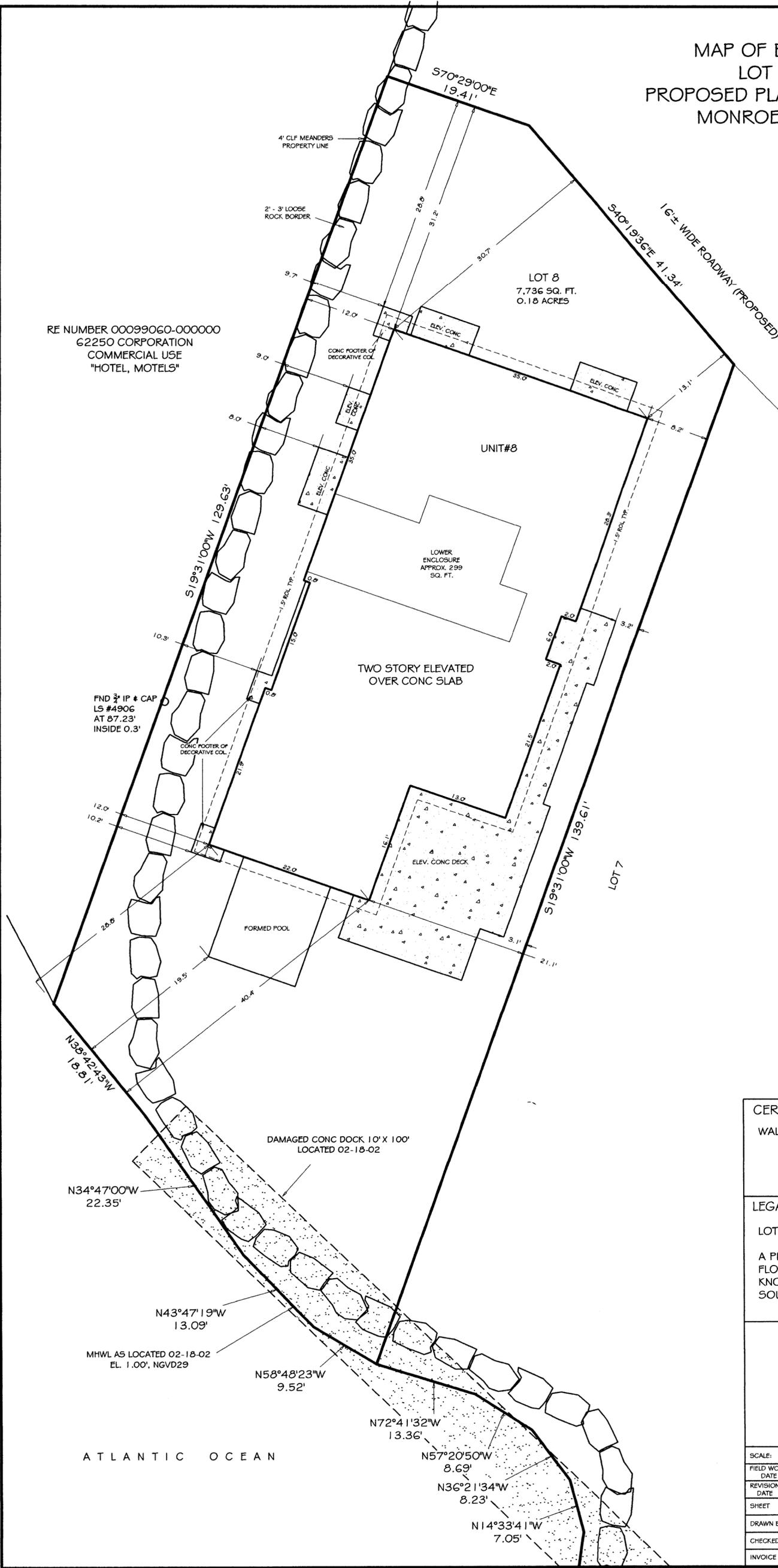
Rebecca NACHLAS
62250 CORPORATION
CONCH KEY Cottages
62250 Overseas Hwy
MARATHON FL. 33050

MAP OF BOUNDARY SURVEY
LOT 8 (PROPOSED)
PROPOSED PLAT OF LITTLE CONCH KEY
MONROE COUNTY, FLORIDA



RECEIVED
OCT 20 2009
BY: _____

RE NUMBER 00099060-000000
62250 CORPORATION
COMMERCIAL USE
"HOTEL, MOTELS"



SCALE: 1" = 10'

ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED

ADDRESS:
WALKER'S ISLAND
MM 62.5

NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR HIATUS.

NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE. THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET.

- | | | |
|-----------------------------------|-------------------------------|--------------------------------------|
| BFP = BACK-FLOW PREVENTER | IB = IRON BBS | PRM = PERMANENT REFERENCE |
| BO = BLOW OUT | IP = IRON PIPE | PT = POINT OF TANGENT |
| C 4 G = 2" CONCRETE CURB & GUTTER | IR = IRON ROD | R = RADIUS |
| CB = CONCRETE BLOCK | L = ARC LENGTH | ROL = ROOF OVERHANG LINE |
| CBW = CONCRETE BLOCK WALL | LS = LANDSCAPING | ROW = RIGHT OF WAY |
| CL = CENTERLINE | MB = MAILBOX | ROWL = RIGHT OF WAY LINE |
| CLP = CHAINLINE PENCE | MEAS = MEASURED | SOD = SANITARY CLEAN-OUT |
| CM = CONCRETE MONUMENT | MHWL = MEAN HIGH WATER LINE | TRM = TEMPORARY BENCHMARK |
| CONC = CONCRETE | NGVD = NATIONAL GEODETIC | TOB = TOP OF BANK |
| COVERD = COVERED | VD = VERTICAL DATUM (1929) | TOE = TOE OF SLOPE |
| DELTA = CENTRAL ANGLE | NTS = NOT TO SCALE | TS = TRAFFIC SIGN |
| DEADE = DRAINAGE EASEMENT | OW = OVERHEAD WIRES | TYP = TYPICAL |
| EL = ELEVATION | PC = POINT OF CURVE | UEASE = UTILITY EASEMENT |
| ENCL = ENCLOSURE | PM = PARKING METER | URC = CONCRETE UTILITY POLE |
| EDP = EDGE OF PAVEMENT | PCC = POINT OF COMPOUND CURVE | UPW = WOOD UTILITY POLE |
| FEED = FINISHED FLOOR ELEVATION | PCP = PERMANENT CONTROL POINT | WD = WOOD DECK |
| FI = FIRE HYDRANT | PK = PARKER RAKED NAIL | WDF = WOOD FENCE |
| FI = FENCE INSIDE | POB = POINT OF BEGINNING | WL = WOOD LANDING |
| FND = FOUND | PI = POINT OF INTERSECTION | WM = WATER METER |
| FO = FENCE OUTSIDE | POC = POINT OF COMMENCEMENT | WRACK LINE = LINE OF DEBRIS ON SHORE |
| FOL = FENCE ON LINE | PRC = POINT OF REVERSE CURVE | WV = WATER VALVE |
| GW = GUT WIRE | | |

CERTIFIED TO -
WALKER'S ISLAND, LLC.

LEGAL DESCRIPTION -
LOT 8 (PROPOSED)
A PROPOSED PARCEL OF LAND ON LITTLE CONCH KEY, KNOWN ON THE FLORIDA EAST COAST RAILWAY MAP AS CONCH KEY NO. 2 AND LOCALLY KNOWN AS WALKER'S KEY AND ALSO BEING IN SECTION 15, TOWNSHIP 65 SOUTH, RANGE 34 EAST, IN MONROE COUNTY, FLORIDA.

R.E. REECE, P.A.
PROFESSIONAL SURVEYOR AND MAPPER
30364 QUAIL ROOST TRAIL, BIG PINE KEY, FL 33043
OFFICE (305) 872 - 1348
FAX (305) 872 - 5622

SCALE: 1" = 10'
FIELD WORK DATE: 09/15/09
REVISION DATE: --
SHEET 1 OF 1
DRAWN BY: JM
CHECKED BY: RW
INVOICE NO.: 9091405

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED MEETS THE PROVISIONS OF FLORIDA ENDORSEMENT FORM 9, SUBPARAGRAPH 1 (B) 1 (SETBACKS), 1 (B)3 (ENCROACHMENTS), & 1 (B)4 (EASEMENTS). SCHEDULE "B" HAS NOT BEEN PROVIDED.

SIGNED: *R. Reece*
ROBERT E. REECE, PSM #5652, PROFESSIONAL SURVEYOR AND MAPPER, LB #7665
NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

ATLANTIC OCEAN



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Monroe County Planning Commission
From: Joseph Haberman, AICP, Principal Planner *L.*
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources *TS*
Date: February 16, 2010
Subject: *Request for a Setback Variance for property located on Little Conch Key, aka Walkers Island, mile marker 62, Real Estate Nos. 00099090.000000 & 00099090.000100*

I REQUEST:

The applicant is requesting approval of a variance of two feet (2') from the required ten foot (10') side yard setback along the western property line in order to receive after-the-fact building permit approval for two elevated concrete slabs that cantilever off the building and an air conditioning (a/c) unit, installed without the benefit of building permit approvals.



Subject Property (outlined in blue), (2009)

Following a review of an as-built boundary survey and a site visit, staff discovered that a concrete footing that supports one of the building's stone veneer piers, a ground level

1 concrete slab with swimming pool equipment atop, a proposed driveway and a proposed
2 trash enclosure are also partially located or will be located in the required side yard setback.
3 In addition, one of the existing elevated concrete slabs has nothing on it; however the
4 applicant has stated that he plans to install a generator on the slab if the variance is approved.
5 Although not described in the variance application, these structures also require setback
6 variances and building permit approval to remain. However, excluding the driveway and
7 trash enclosure, none of these structures extend further into the required setback than the
8 elevated concrete slabs applied for; therefore the planning commission may decide on
9 whether or not they may be approved to be in the required setback as the variance request
10 was for 2'.

11
12 The proposed locations of the driveway and trash enclosure encroach 5' into the setback.
13 Their proposed locations cannot be approved unless a) this application is amended to request
14 to a 5' variance and the item is re-advertised or b) an additional variance application is filed
15 concerning only the driveway and trash enclosure. Additionally, the applicant may request a
16 variance of 2' under this application and if approved, shift the driveway and trash enclosure
17 at least 3' into the as-of-right buildable area of the site.

18
19 Note: The request was submitted in the form of administrative variance application and a
20 public hearing was not initially required. However, in accordance with MCC §102-86(k),
21 during the 30 calendar days of required posting of the application, an adversely affected
22 owner of real property requested that a public hearing be scheduled on the application.

23
24 Location:

25
26 Address: Unit 8, Walkers Island, Little Conch Key, mile marker 62 (oceanside)
27 Legal Description: Parcel of land on Little Conch Key, Section 15, Township 65 South,
28 Range 34 East
29 Real Estate Numbers: 00099090.000000 & 00099090.000100

30
31 Applicant:

32
33 Owner: Little Conch Key Development Corp.
34
35 Agents: John McCarthy and Patty Silver

36
37 **II RELEVANT PRIOR COUNTY ACTIONS:**

38
39 On January 27, 2003, a letter of understanding was issued to an agent of the property owner.
40 The letter stated that the property may be developed with eight single-family residential units
41 and provided information relating to certain regulations of the land development code.
42 Although the letter provided shoreline setback requirements, the non-shoreline setback
43 requirements were not provided nor discussed. A revision to the letter was issued on May 1,
44 2003 adjusting the county's position on the shoreline setback requirements.

45
46 On December 22, 2006, Building Permit 062-6982 was issued for site work and the
47 construction of infrastructure on the subject property.

1
2 On November 13, 2007, Building Permit 072-1885 was issued for the construction of the
3 single-family residence in question, identified as Unit 8. The residence is currently under
4 construction and has yet to receive a certificate of occupancy (note: there are building permit
5 applications on file for the other seven single-family residences; however they are not
6 relevant to this application).
7

8 On May 8, 2009, the applicant applied to the Planning and Environmental Resources
9 Department to plat the subject property into eight residential lots. The application is currently
10 under review.
11

12 Revision A to Building Permit 072-1885 was issued on April 28, 2009 for a modification to
13 the lower enclosure.
14

15 Revision B to Building Permit 072-1885 was issued on September 9, 2009 for the swimming
16 pool and equipment.
17

18 During a building inspection for Building Permit 072-1885 in late 2009, it was discovered
19 that elevated concrete slabs and the a/c unit were not constructed in accordance with the
20 approved site plan. A revision to the plan was requested by the Building Department at that
21 time; however the Planning & Environmental Resources Department cannot approve any
22 revision for development in the required setback without a variance to the setback
23 requirements.
24

25 On October 21, 2009 the applicant submitted an administrative variance application to have
26 the elevated concrete slabs' and a/c unit's locations approved. The application was processed
27 and surrounding property owner notifications were sent on November 10, 2009. An
28 adversely affected property owner filed a request for a public hearing on December 11, 2009.
29

30 III BACKGROUND INFORMATION:

31

- 32 A. Size (of site): approx. 71,798 ft² (1.6 acres) of upland; (of proposed lot): approx. 8,000 ft²
- 33 B. Land Use District: Mixed Use (MU)
- 34 C. Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC)
- 35 D. Tier Designation: Tier 3
- 36 E. Existing Use: Multi-Family Residential (under construction on the subject parcel)
- 37 F. Existing Vegetation / Habitat: Scarified upland with mangroves along the shoreline
- 38 G. Community Character of Immediate Vicinity: Residential (under construction on the
39 subject parcel) and Transient Residential (on contiguous parcel)
- 40 H. Flood Zone: part VE-EL 11 & part VE-EL 13
41

1 IV REVIEW OF APPLICATION:

2
3 As set forth in MCC §130-186, the required non-shoreline setbacks for the MU district are as
4 follows: Front yard – 25’; Rear yard – 20’; and Side yard – 10’ / 15’ (where 10’ is the
5 required side yard for one side and 15’ is the minimum combined total of both side yards).
6

7 Since the proposed plat has not been approved, the subject property is recognized only as part
8 of the larger single parcel, not as one of the smaller proposed eight lots. Consequently, the
9 single-family residence in question is impacted by only two required setbacks: a non-
10 shoreline side yard setback of 10’ along the western property line and a shoreline setback of
11 20’ for principal structures along the shoreline to the south.
12

13 In the application, the applicant asserts that he was verbally informed by staff that the side
14 yard setback was 5’ as opposed to 10’. Although the setback regulations in the MU district
15 could allow a 5’ setback, staff found no evidence to support the applicant’s claim. Pursuant
16 to MCC §130-186, the first number [10’] is the minimum for any single side yard where only
17 one side yard exists. There is no other side yard as the property is surrounded on the other
18 side by a shoreline setback. Therefore the setback is 10’. To support the fact that the
19 applicant was initially informed that the setback was 10’, the site plan submitted with the
20 building permit applications, generated by Farrell Design Association, clearly shows and
21 labels a 10’ setback line. In addition, a separate site plan by Perez Engineering &
22 Development, shows that the all development, other than a driveway, would be in
23 compliance with a 10’ setback.
24

25 Therefore, a variance is necessary for the Planning Department staff to approve the following
26 proposed development as well as existing development built without proper approvals within
27 the non-shoreline setback:
28

29 *Existing 8’ x 4’ Elevated Concrete Slab and Existing A/C Unit:*

30
31 An as-built boundary survey by R.E. Reece indicates that the dimensions of the existing
32 elevated concrete slab are 8’L x 4’W and that the slab would be 8’0” from the property line.
33 The dimensions of the existing a/c unit are unknown; however it does not overhang the slab,
34 so it is less than 8’L x 4’W. Although the slab extends 4’ from the building façade, it
35 encroaches only 2’ into the setback, therefore approximately 50 percent of the slab and a/c
36 unit are within the property’s as-of-right buildable area.
37

38 The slab is located one-story above the ground; however staff was not provided with
39 information providing the dimensional height of the slab (approximately 6”) or the height of
40 a/c unit (approximately 4’).
41

42 A main level floor plan by Island Style Architects for the residence, which was submitted in
43 the building permit application for Unit 8, indicates the slab was initially proposed to be 5’ x
44 3’. However, Building Permit 072-1885 was conditioned that the “a/c unit must be above
45 MSL and cannot violate setbacks” and staff had the floor plan redlined to show that the slab

1 would be removed from the scope of work. Therefore, the slab and a/c unit were never
2 permitted and are considered unlawful improvements.

3
4 *Existing 5'x 3' Elevated Concrete Slab and Proposed Generator:*

5
6 An as-built boundary survey by R.E. Reece indicates that the dimensions of the existing
7 elevated concrete slab are 5'L x 3'W and that the slab would be 9'0" from the property line.
8 Although the slab extends 3' from the building façade, it encroaches only 1' into setback,
9 therefore approximately 66 percent of the slab and a/c unit are within the property's as-of-
10 right buildable area.

11
12 The slab is located one-story above the ground; however staff was not provided with
13 information detailing the dimensional height of the slab (approximately 6").

14
15 There is no existing equipment atop the structure and none of the documents included in the
16 building permit or variance application identify its purpose. The applicant has stated it is his
17 intention to install a generator on the slab if the variance approved.

18
19 *Existing Ground Level Concrete Footing Supporting Building's Pier:*

20
21 Although not described in the administrative variance application, upon review of the as-built
22 boundary survey by R.E. Reece, staff discovered that the footing beneath one of the
23 building's piers was constructed partially in the side yard setback. The pier is covered by a
24 decorative stone veneer that tapers from the ground upward; however the concrete base is the
25 only part of the structure that encroaches into the setback.

26
27 Per the as-built boundary survey, the majority of the northernmost pier supporting the front
28 of the building is located within the site's as-of-right buildable area. However, the boundary
29 survey indicates that a part of the supporting footing would be 9'7" from the property line.
30 The approved building plans indicated that the pier would be built in compliance with the 10'
31 setback.

32
33 *Existing Ground Level Concrete Slab and Swimming Pool Equipment:*

34
35 Although not described in the administrative variance application or shown on the as-built
36 boundary survey by R.E. Reese, staff discovered on a site visit that a ground level concrete
37 slab with swimming pool equipment was installed partially in the 10' side yard setback.

38
39 The slab is located at ground level; however since the development was presumably built and
40 discovered after the variance application was submitted, staff was not provided with
41 information detailing the dimensions of the slab or the equipment. However, measuring the
42 development on-site, staff determined that the slab encroaches approximately 1' into the
43 required setback.

1 Revision B to Building Permit 072-1885 was issued for the swimming pool and equipment.
2 The revision was not reviewed by Planning Department staff. A detail and a ground level
3 electric plan by Island Style Architects shows the pool equipment in the vicinity of its
4 location on site, but did not provide dimensions or setback details. The Building Department
5 approved the equipment with the understanding that the applicant would install the
6 equipment in compliance with the setback requirements.
7

8 *Proposed Driveway and Proposed Trash Enclosure:*
9

10 Although not described in the administrative variance application, upon review of the site
11 plans in the building permit applications, staff found that a proposed gravel driveway, 12' in
12 width, and trash enclosure to be constructed at a later date would be located partially in the
13 10' side yard setback. According to both the site plans by Perez Engineering & Development
14 and by Farrell Design Association, the driveway would be located 5' from the property line
15 and the trash enclosure would be located 3' from the property line at its nearest point.
16

17 It is important to note that although this site plan was stamped by Planning Department staff,
18 it was done so for the purposes of approving the locations of the footprints of the proposed
19 buildings. A building permit to install the actual driveway in this location has not been
20 approved.
21

22 *Adversely Affected Property Owner*
23

24 Following an initial review of this application, staff issued a preliminary recommendation of
25 approval with conditions for only the elevated concrete slabs, the a/c unit and the pier.
26 However, subsequently additional development was discovered in the required setback since
27 that time. The recommendation was pending the required 30-day public comment period,
28 and in the notification letter staff reserved the right to modify the recommendation and any
29 conditions upon input from neighboring property owners.
30

31 The adversely affected property owner who requested the public hearing (owner of the
32 neighboring contiguous property to the west) did not provide written rationale as to why the
33 variance should be denied. However, agents for the property owner verbally indicated that
34 their client's concerns related to the mass of the building, the impact of the development on
35 their client's property value and noise generated from the a/c unit. They were also concerned
36 that the as-built boundary survey provided by the applicant was incorrect and that other
37 structures shown in compliance on the survey may in fact encroach into the setbacks.
38

39 The agents for the neighboring owner also expressed doubt that the building and its accessory
40 structures were constructed in compliance with the shoreline setback requirements. It should
41 be noted that the boundary surveys in the application for Building Permit 072-1885 were
42 prepared by a licensed surveyor and indicate that the development was prepared in full
43 compliance with the shoreline setback requirements. However since the neighboring owner
44 submitted a second boundary survey indicating a different path of the mean high water line,
45 Environmental Resources Department staff is researching the issue further. In any event,

1 since the applicant's documentation is presumed correct until proven otherwise and due to
2 the fact under the land development code there are no variances available to shoreline
3 setbacks for this type of development, shoreline setback compliance is not addressed in this
4 staff report and should not be addressed as part of this application.
5

6 *Pursuant to MCC §102-186, a variance may only be granted if the applicant demonstrates*
7 *that all of the following standards are met:*
8

9 A. *The applicant demonstrates a showing of good and sufficient cause:*

10
11 In the application, among other points, the applicant asserts that he was informed by staff
12 that he may build to a 5' setback and that the a/c unit's current location is the only place
13 that the a/c unit can be sited due to the design of the residence.
14

15 Since there is no evidence supporting the claim of a lesser 5' setback and a building
16 permit or revision for the a/c unit and slabs was never applied for, the assertion relating to
17 alleged staff misinformation does not demonstrate a showing of good and sufficient
18 cause. However, based on other rationale, staff has found that the applicant has met this
19 standard for the location of some of the development, while not meeting the standard for
20 other:
21

22 Concerning the existing 8' x 4' elevated concrete slab and existing a/c unit, staff has
23 found that the applicant has demonstrated a showing of good and sufficient cause.
24 Although the slab and a/c unit were constructed without building permit approval, there
25 are few other feasible alternatives for the a/c unit's relocation.
26

27 Concerning the existing 5'x 3' elevated concrete slab and proposed generator, staff found
28 that the applicant has not demonstrated a showing of good and sufficient cause.
29 Although the slab is in existence, it is currently vacant of equipment, a generator is not a
30 necessity or requirement for a residence and there are several other alternative locations
31 for a generator, especially the portable varieties.
32

33 Concerning the concrete footing supporting the pier, staff has found that the applicant has
34 demonstrated a showing of good and sufficient cause. Although staff found no building
35 or site plan on file that approved the pier in this precise location, the structure is in place
36 and its partial location in the setback is minimal and has no visual impact as it is only 6"
37 in height.
38

39 Concerning the existing ground level concrete slab and swimming pool equipment, staff
40 has found that the applicant has demonstrated a showing of good and sufficient cause.
41 Although staff found no site plan on file that approved the slab and equipment in this
42 precise location, a building permit revision for the structures was issued by the Building
43 Department and the structure's partial location in the setback has no significant visual
44 impact.
45

1 Concerning the proposed driveway, staff has found that the applicant has demonstrated a
2 showing of good and sufficient cause for a variance of 2'; however not for 5' as shown
3 on the site plan. The site is entitled to redevelop eight lawfully-established dwelling units
4 and placing the driveway on this side of the site results in the applicant having to locate
5 the remaining seven dwelling units further away from the developed neighboring
6 property.

7
8 Concerning the proposed trash enclosure, staff found that the applicant has not
9 demonstrated a showing of good and sufficient cause. There are several other viable
10 locations for a trash enclosure within the as-of-right buildable area of the site.

11
12 B. *Failure to grant the variance would result in exceptional hardship to the applicant:*

13
14 In the application, among other points, the applicant asserts that he was informed by staff
15 that he may build to a 5' setback and that based on this advice, he proceeded with
16 constructing the residence and modifying the plans to have accessory development built
17 to a 5' setback. In addition, for financial reasons, the applicant cites the need for a
18 certificate of occupancy as soon as possible and that the modification of the building at
19 this point would result in detrimental and disastrous repercussions.

20
21 Since there is no evidence supporting the claim of a lesser 5' setback and a building
22 permit or revision for the a/c unit and slabs was never applied for, the assertion relating to
23 alleged staff misinformation does not demonstrate an exceptional hardship. Furthermore,
24 staff does not consider the self-inflicted cost of relocating or removing unpermitted
25 improvements the sole basis for an exceptional hardship. However, based on other
26 rationale, staff has found that the applicant has met this standard for the location of some
27 of the development, while not meeting the standard for other:

28
29 Concerning the existing 8' x 4' elevated concrete slab and existing a/c unit, staff has
30 found that the applicant has demonstrated an exceptional hardship. Although the slab and
31 a/c unit were constructed without building permit approval, there are few other feasible
32 alternatives for the a/c unit's relocation.

33
34 Concerning the existing 5'x 3' elevated concrete slab and proposed generator, staff found
35 that the applicant has not demonstrated an exceptional hardship. Although the slab is in
36 existence, it is currently vacant of equipment, a generator is not a necessity or
37 requirement for a residence and there are several other alternative locations for a
38 generator, especially the portable varieties.

39
40 Concerning the concrete footing supporting the pier, staff has found that the applicant has
41 demonstrated an exceptional hardship. Although staff found no building or site plan on
42 file that precisely approved the slab and pier in this exact location, the structure is in
43 place and its modification would not result in any visual impact as it encroaches into the
44 setback only by a few inches and it is only 6" in height.

1 Concerning the existing ground level concrete slab and swimming pool equipment, staff
2 has found that the applicant has demonstrated an exceptional hardship. Although staff
3 found no site plan on file that precisely approved the slab and equipment in this exact
4 location, a building permit revision for the structures was issued by the Building
5 Department and a site plan was not requested at that time. The applicant relied upon the
6 Building Department's approval to construct the slab.

7
8 Concerning the proposed driveway, staff has found that the applicant has demonstrated
9 an exceptional hardship for a variance of 2' (however not for 5' as shown on the site
10 plan). The site is entitled to redevelop eight lawfully-established dwelling units and
11 placing the driveway on this side of the site results in the applicant having to locate the
12 remaining seven units further away from the developed neighboring property.

13
14 Concerning the proposed trash enclosure, staff found that the applicant has not
15 demonstrated an exceptional hardship. There are several other viable locations for a trash
16 enclosure within the as-of-right buildable area of the site.

17
18 C. *Granting the variance will not result in increased public expenses, create a threat to*
19 *public health and safety, create a public nuisance, or cause fraud or victimization of the*
20 *public:*

21
22 In the application, among other points, the applicant asserts there will be no adverse
23 affect on the only neighbor since he is requesting a minimal variance and his
24 development would be buffered from the neighboring property with vegetation. He also
25 asserts that granting of the variance would in fact decrease public expense in that the
26 county would not have to pursue code enforcement proceedings, litigation expense and
27 additional inspections.

28
29 Since one of the neighboring owner's concerns related to noise from the a/c unit, staff has
30 found that the applicant has met this standard for the location of some of the
31 development, while not meeting the standard for other:

32
33 Concerning the existing 8' x 4' elevated concrete slab and existing a/c unit, staff has
34 found that the variance would not result in increased public expenses, create a threat to
35 public health and safety or cause fraud or victimization of the public. However, based on
36 the neighboring owner's legitimate objection relating to noise from the a/c unit, staff has
37 found that the applicant has not fully demonstrated that the a/c would not create a public
38 nuisance. Although there are few other feasible alternatives for the a/c unit's relocation,
39 the approval of this variance would result in an a/c unit that generates significant noise
40 being closer to the neighbor's property than otherwise allowed. Prior to the neighbor's
41 objection, staff attempted to mitigate potential concern by requiring buffering in the form
42 of dense vegetation. Although the applicant planted bamboo, much of the vegetation has
43 died and one can see and hear the a/c unit from the neighboring property at this time. In
44 addition, even with a denser buffer than that in place, the neighboring owner's agents
45 have stated a buffer would not alleviate their client's concern.

1
2 Concerning the existing 5'x 3' elevated concrete slab and proposed generator, staff has
3 found that the variance would not result in increased public expenses, create a threat to
4 public health and safety or cause fraud or victimization of the public. However, based on
5 the neighboring owner's objection relating to noise from the a/c unit, staff has found that
6 the applicant has not fully demonstrated that noise from a generator, in addition to the a/c
7 unit, would not create a public nuisance.
8

9 Concerning the concrete footing supporting the pier, the existing ground level concrete
10 slab and swimming pool equipment and the proposed driveway, staff has found that the
11 variance would not result in increased public expenses, create a threat to public health
12 and safety, create a public nuisance, or cause fraud or victimization of the public.
13

14 Concerning the proposed trash enclosure, staff has found that the variance would not
15 result in increased public expenses, create a threat to public health and safety or cause
16 fraud or victimization of the public. However, based on the neighboring owner's
17 objection relating to noise, staff has found that the applicant has not fully demonstrated
18 that a trash enclosure at this location would not create a public nuisance in terms of noise
19 and odor. The approval of this variance would result in a trash enclosure that is closer to
20 the neighbor's property than otherwise allowed.
21

22 D. *The property has unique or peculiar circumstances, which apply to this property, but*
23 *which do not apply to other properties in the same zoning district:*
24

25 In the application, the applicant asserts there will be no adverse affect on the only
26 neighbor since he is requesting a minimal variance and his development would be
27 buffered from the other property with vegetation.
28

29 Having only one neighbor is not a unique or peculiar circumstance in the MU district.
30 However, based on other rationale, staff has found that the applicant has met this
31 standard:
32

33 Concerning all of the development requiring a variance, staff has found that the property
34 has a unique or peculiar circumstance for a parcel in the MU district. The property owner
35 has the right to reconstruct eight dwelling units on the site, but it is uniquely shaped and
36 surrounded by shoreline setbacks on all other sides other than small segment along US 1.
37 There are no variances to shoreline setbacks for residential development. However, it
38 should be noted that the applicant chose to construct detached units that are larger in size
39 than those being replaced. This decision has led to some of the development constraints.
40

41 E. *Granting the variance will not give the applicant any special privilege denied other*
42 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
43 *established development patterns:*
44

1 In the application, the applicant asserts that he relied upon advice from staff and built to a
2 5' setback.

3
4 Since there is no evidence supporting the claim of a lesser 5' setback and a building
5 permit or revision for the a/c unit and slabs was never applied for, the assertion relating to
6 alleged staff misinformation is unfounded. However, based on other rationale,
7 concerning all of the development requiring a variance, staff has found granting the
8 variance will not give the applicant any special privilege denied other properties in the
9 immediate neighborhood in terms of the provisions of the land development regulations
10 or established development patterns. Staff could not find any record of any person in the
11 immediate neighborhood requesting a similar or comparable request.

12
13 F. *Granting the variance is not based on disabilities, handicaps or health of the applicant or*
14 *members of his family:*

15
16 Concerning all of the development requiring a variance, staff has found that granting the
17 variance would not be based on disabilities, handicaps or health of the applicant or
18 members of his family.

19
20 G. *Granting the variance is not based on the domestic difficulties of the applicant or his*
21 *family:*

22
23 Concerning all of the development requiring a variance, staff has found that granting the
24 variance would not be based on the domestic difficulties of the applicant or his family.

25
26 H. *The variance is the minimum necessary to provide relief to the applicant:*

27
28 In the application, the applicant asserts that the variance is the minimum necessary to
29 provide relief. However, it should be noted that the applicant was only speaking for the
30 two existing elevated concrete slabs, the existing a/c unit and the proposed generator.

31
32 Staff has found that the applicant has met this standard for the location of some of the
33 development, while not meeting the standard for other:

34
35 Concerning the existing 8' x 4' elevated concrete slab and existing a/c unit, staff has
36 found that the request of 2' is the minimum necessary to provide relief. The slab and a/c
37 unit are in place. It does not appear that the slab or existing a/c unit can be modified at
38 this location to be closer to the residence and further from the property line and meet
39 building code.

40
41 Concerning the existing 5' x 3' elevated concrete slab and proposed generator, staff found
42 that the request of 1' is not the minimum necessary to provide relief. Although the slab is
43 in existence, there are several other options for locating a generator. Furthermore, it
44 possible that the slab could be trimmed by 1' and a small generator could be placed on
45 the slab in this location.

1
2 Concerning the concrete footing supporting the pier, staff has found that the request is the
3 minimum necessary to provide relief. The footing is in place and only encroaches into
4 the setback by 3.6". As there is no visual impact from its existing location, its
5 modification by removing 3.6" inches would serve little purpose.

6
7 Concerning the existing ground level concrete slab and swimming pool equipment, staff
8 has found that the request of less than 2' is the minimum necessary to provide relief.
9 Without its full removal, it does not appear that the slab and equipment can be modified
10 to be closer to the residence and further from the property line and meet building code.

11
12 Concerning the proposed driveway, staff has found a variance of 2' would be the
13 minimum necessary to provide relief; however not for 5' as shown on the site plan.
14 There appears to be at least 3' feet to shift the driveway inward; however a 5' shift would
15 result in the driveway being unsafely located too near Unit 1 on the site plan. As a note,
16 concerning a variance of 5' (which cannot be approved under this application as
17 advertised), staff has found a variance of 5' would not be the minimum necessary to
18 provide relief.

19
20 Concerning the proposed trash enclosure, staff found that 7' is not the minimum
21 necessary to provide relief. There are several other viable locations for a trash enclosure
22 within the as-of-right buildable area of the site. As a note, a variance of 7' cannot be
23 approved under this application as advertised.

24
25 **V RECOMMENDATION:**

26
27 If the application is considered as a whole, staff recommends denial to the Planning
28 Commission for a variance of 2' from the required 10' side yard setback.

29
30 However, staff is supportive of itemizing the variance request and limiting approval to
31 specific development in specific locations. Specifically, staff recommends 1) approval of the
32 variances for the existing ground level concrete footing supporting building's pier as-built
33 and the existing ground level concrete slab and swimming pool equipment as-built; 2)
34 approval of the variance for the proposed driveway for 2' not for 5' as shown on the site
35 plan; and 3) denial of the variances for the existing 8' x 4' elevated concrete slab and existing
36 a/c unit as-built, the existing 5' x 3' elevated concrete slab as-built, the proposed generator
37 and the proposed trash enclosure. If such an action is supported by the Planning
38 Commission, staff recommends approval with the following within conditions:

- 39
40 A. The existing 8' x 4' elevated concrete slab and existing a/c unit do not meet one of the
41 required standards for a variance: *c) granting the variance will not result in increased*
42 *public expenses, create a threat to public health and safety, create a public nuisance, or*
43 *cause fraud or victimization of the public.* Prior to any variance being approved for the
44 other development via the signing of a resolution by the planning commission chair, the
45 8' x 4' elevated concrete slab and a/c unit shall be a) demolished and relocated to another

1 location within the site's as-of-right buildable area or b) modified by 2' to fall within the
2 site's as-of-right buildable area.
3

4 B. The existing 5' x 3' elevated concrete slab and proposed generator do not meet four of
5 the required standards for a variance: *a) the applicant demonstrates a showing of good*
6 *and sufficient cause; b) failure to grant the variance would result in exceptional hardship*
7 *to the applicant; c) granting the variance will not result in increased public expenses,*
8 *create a threat to public health and safety, create a public nuisance, or cause fraud or*
9 *victimization of the public; and h) the variance is the minimum necessary to provide*
10 *relief to the applicant.* Prior to any variance being approved for the other development
11 via the signing of a resolution by the planning commission chair, the 5' x 3' elevated
12 concrete slab shall be a) demolished and relocated to another location within the site's as-
13 of-right buildable area or b) modified by 1' to fall within the site's as-of-right buildable
14 area.
15

16 C. The approval of this variance for the existing ground level concrete footing supporting
17 the building's pier is based on the location and dimensions shown on the as-built
18 boundary survey by R.E. Reese, P.A. dated September 15, 2009. Alterations to the
19 structure within the required setback may not be carried out without additional Planning
20 & Environmental Resources Department approval.
21

22 D. The approval of this variance for the existing ground level concrete slab and swimming
23 pool equipment is based on the development in place and documented by staff in
24 photographs on a site inspection. Alterations to the structure within the required setback
25 may not be carried out without additional Planning & Environmental Resources
26 Department approval.
27

28 E. The approval of this variance for the proposed driveway is for 2' only. The site plans by
29 Perez Engineering & Development, Inc. dated May 12, 2006 and last revised on August
30 27, 2009 and by Farrell Design Association Inc. dated April 6, 2006 show a 5' setback.
31 Prior to the construction of the driveway, the applicant shall apply for a building permit
32 to install/construct the driveway and shall include a revised site plan in the application
33 showing that the driveway's edge is at least 8' from the western property line.
34

35 F. The applicant shall apply for and receive a building permit to construct a solid enclosure
36 around the concrete slab housing the swimming pool equipment to mitigate noise. This
37 enclosure shall be in place and maintained as long as the swimming pool equipment
38 remains in existence in the setback.
39

40 G. The applicant shall plant and maintain landscaping, the type of which shall be approved
41 by the Director of Planning, to screen and buffer the development on the subject property
42 from being visible from the neighboring property.
43

1 H. This variance is only to allow the structure as detailed in Conditions C, D and E. It does
2 not waive the required side yard setback or any other setbacks for any future structures or
3 uses.
4

5
6
7 **VI PLANS REVIEWED:**
8

9 A. Boundary Survey by R.E. Reece, P.A, dated February 26, 2009

10 B. Boundary Survey by R.E. Reece, P.A, dated September 15, 2009

11 C. Site Plan by Perez Engineering & Development, Inc, dated May 12, 2006 and last revised
12 on August 27, 2009 (submitted with application for Building Permit 062-6982)

13 D. Site Plan by Farrell Design Association Inc., dated April 6, 2006 (submitted with
14 application for Building Permit 072-1885, as well as applications for the other single-
15 family residences)

16 E. Main Level Floor Plan by Island Style Architects, dated October 5, 2006 (submitted with
17 application for Building Permit 072-1885)

Attachment: Photographs



Subject Residence (2009)



Existing 8' x 4' Elevated Concrete Slab and Existing A/C Unit & Existing 5'x 3' Elevated Concrete Slab and Proposed Generator Location (2009)

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Existing Ground Level Concrete Slab and Swimming Pool Equipment (2009)



Existing Ground Level Concrete Footing Supporting Building's Pier (2009)

File #: **29086**

Owner's Name: Sievers Marina, Inc.

Applicant: Sievers Marina, Inc.

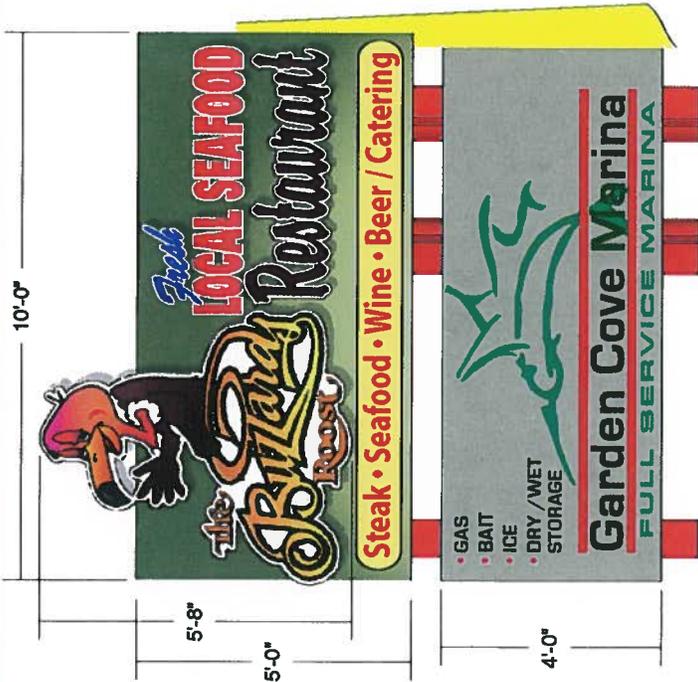
Agent: Christopher K. Bauer, P.E.

Type of Application: PC Sign Variance

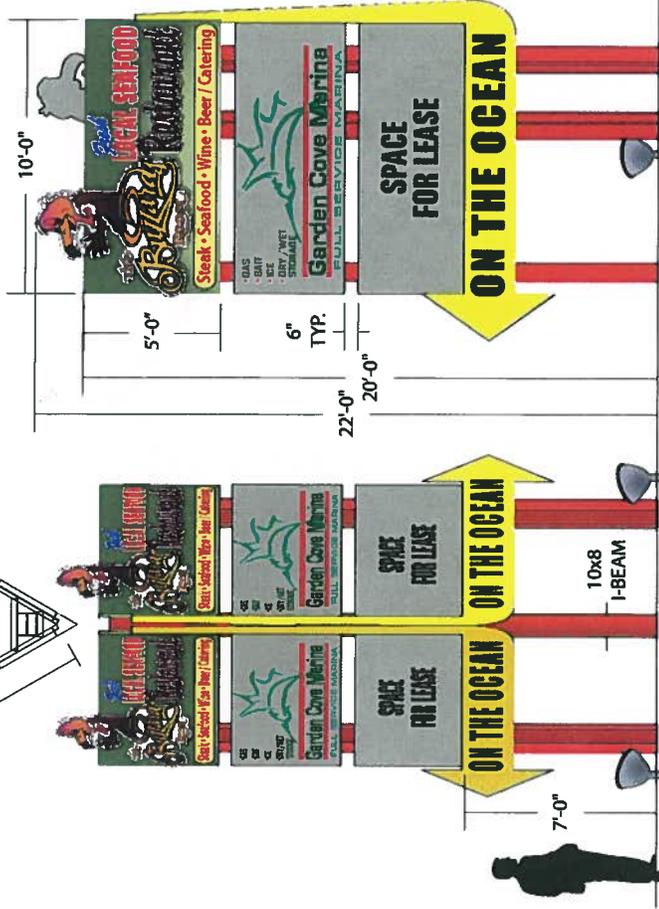
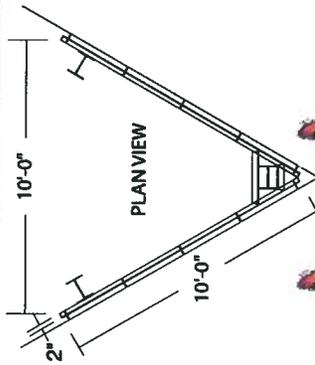
Key: Key Largo

RE #'s: 00538170-000000
00538180-000000
00538190-000000

Additional Information added to File 29086



EXTERNALLY ILLUMINATED V-SHAPED FREESTANDING SIGN
 EACH PANEL TO BE MANUFACTURED OUT OF 1/8" THICK ALUMINUM PLATE
 WITH 2" ALUMINUM ANGLE FRAME CONSTRUCTION
 PANELS MOUNTED TO (3) 10"x8" STEEL I-BEAMS
 THE BUZZARDS ROOST SILHOUETTE PANEL, COMPUTER ROUTED OUT OF
 1/8" ALUMINUM PLATE AND MOUNTED TO BACKGROUND PANEL WITH 1" STAND-OFF
 ALL EXTERIOR METAL SURFACES TO BE PREPPED AND FINISHED IN
 EXTERIOR GRADE ACRYLIC POLYURETHANE, COLORS CONCEPTUAL AND TO BE DETERMINED
 ALL COPY AND GRAPHICS TO BE APPLIED VINYL DECORATIONS
 DISPLAY TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS - EXCAVATION BY OTHERS



(NOTE) EXTERNAL ILLUMINATION BY OTHERS

ART-KRAFT SIGN COMPANY, INC.

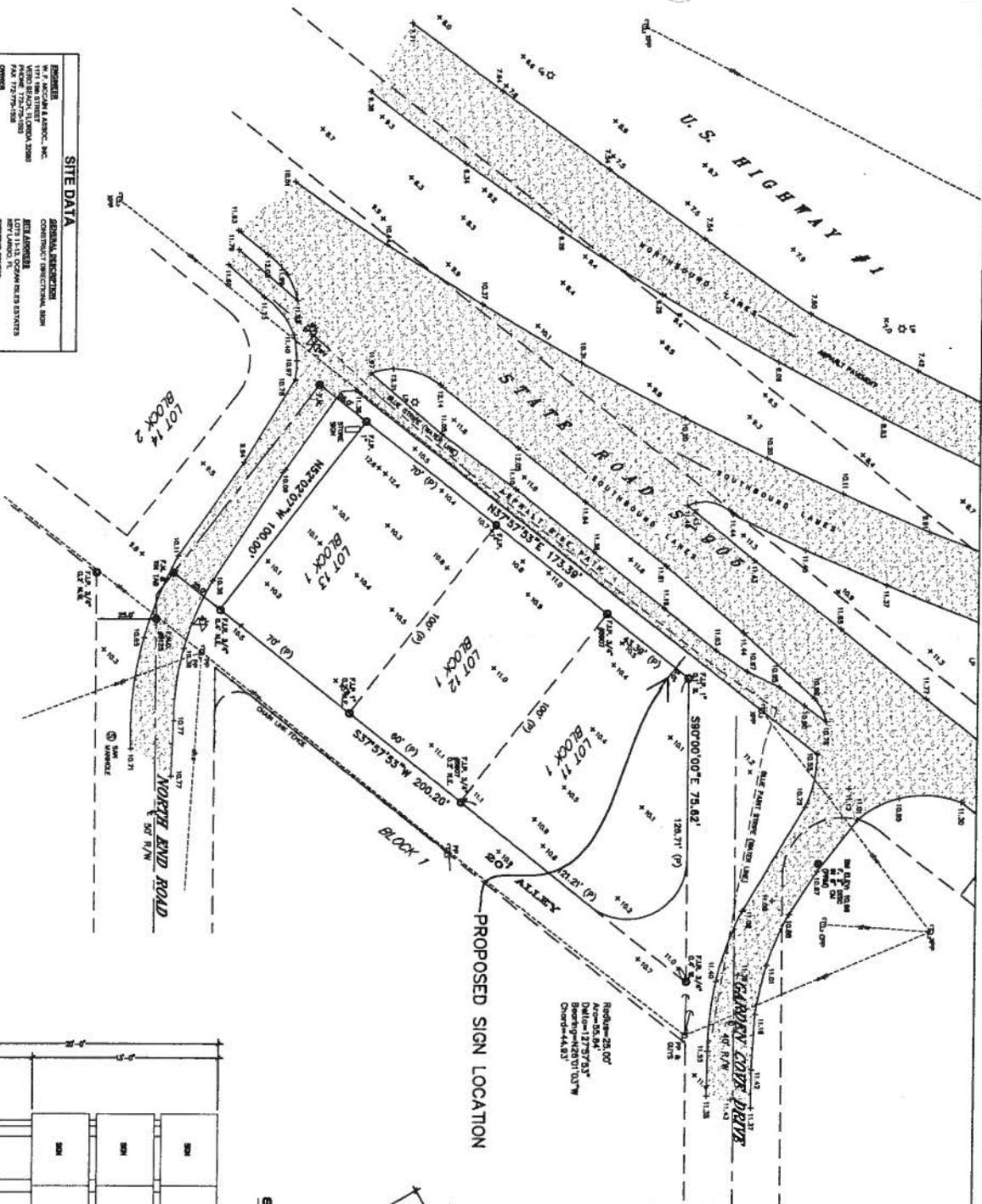
ART-KRAFT SIGN COMPANY IS NOT RESPONSIBLE
 FOR PHYSICAL ELECTRICAL HOOD-UP OF SIGN

CUSTOMER	THE BUZZARDS ROOST	DESIGN NO.	22490 B	REVISION	
SALES REP.	LORI	DESIGNER	WAYNE	SCALE AS SHOWN	DATE 9 - 18 - 09
			CUSTOMER APPROVAL	DATE	

VISIT OUR WEB SITE AT
<http://www.Art-Kraft.com>
 Sales@Art-Kraft.com

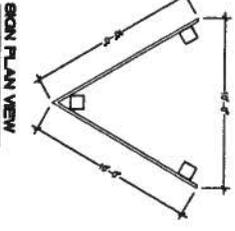
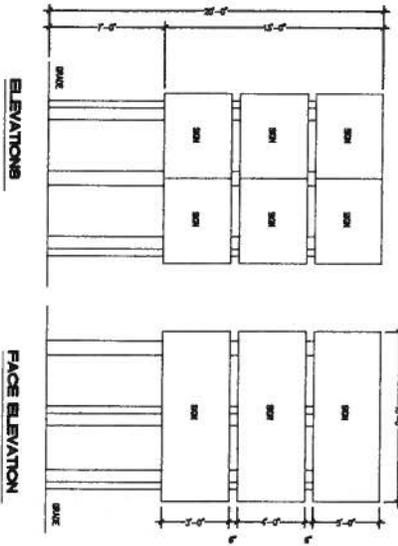
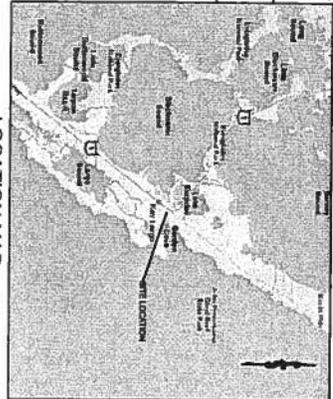


SITE DATA	
PREPARED BY:	W. F. McCAIN & ASSOCIATES, INC.
GENERAL DESCRIPTION:	CONTRACTOR'S PRELIMINARY PLAN
DATE:	NOVEMBER 19, 2009
PROJECT NO.:	1171-15TH STREET
CLIENT:	VERO BEACH, FLORIDA 32909
ADDRESS:	1171-15TH STREET
OWNER:	VERO BEACH, FLORIDA 32909
DESIGNED BY:	CHRIS
CHECKED BY:	CHRIS
DATE:	02-1-09
SCALE:	1" = 20'
TITLE:	PROPOSED SIGN LOCATION
DATE:	NOVEMBER 19, 2009
PROJECT NO.:	1171-15TH STREET
CLIENT:	VERO BEACH, FLORIDA 32909
ADDRESS:	1171-15TH STREET
OWNER:	VERO BEACH, FLORIDA 32909
DESIGNED BY:	CHRIS
CHECKED BY:	CHRIS
DATE:	02-1-09
SCALE:	1" = 20'



Radius=25.00'
Area=504.41
Delta=127.97°
Bearing=425.01°
Chord=44.83'

PROPOSED SIGN LOCATION



SHEET 1 OF 1
PROJECT NO. 1171-15TH STREET

SIEVERS SIGN
KEY LARGO, FLORIDA

PROPOSED SIGN LOCATION

W. F. McCAIN & ASSOCIATES, INC.
ARCHITECTURAL, CIVIL AND ENVIRONMENTAL ENGINEERING SERVICES
CERTIFICATE OF PROFESSIONAL REGISTRATION
1171 15TH STREET
VERO BEACH, FLORIDA 32909
PHONE (772)715-1100
FAX (772)715-1108

DESIGNED BY	DATE
CHRIS	02-1-09

REVISIONS	DATE BY

DATE	10-05-07
SCALE	1"=100'
DESIGNED BY	W.F. McCAIN
CHECKED BY	W.F. McCAIN
DATE	
PROJECT NO.	
SHEET NO.	

W.F. McCAIN & ASSOCIATES
 1115 99TH STREET
 VENICE, FL 33596
 PHONE (727) 276-8888
 FAX (727) 276-8889
 WWW.WFMCAIN.COM

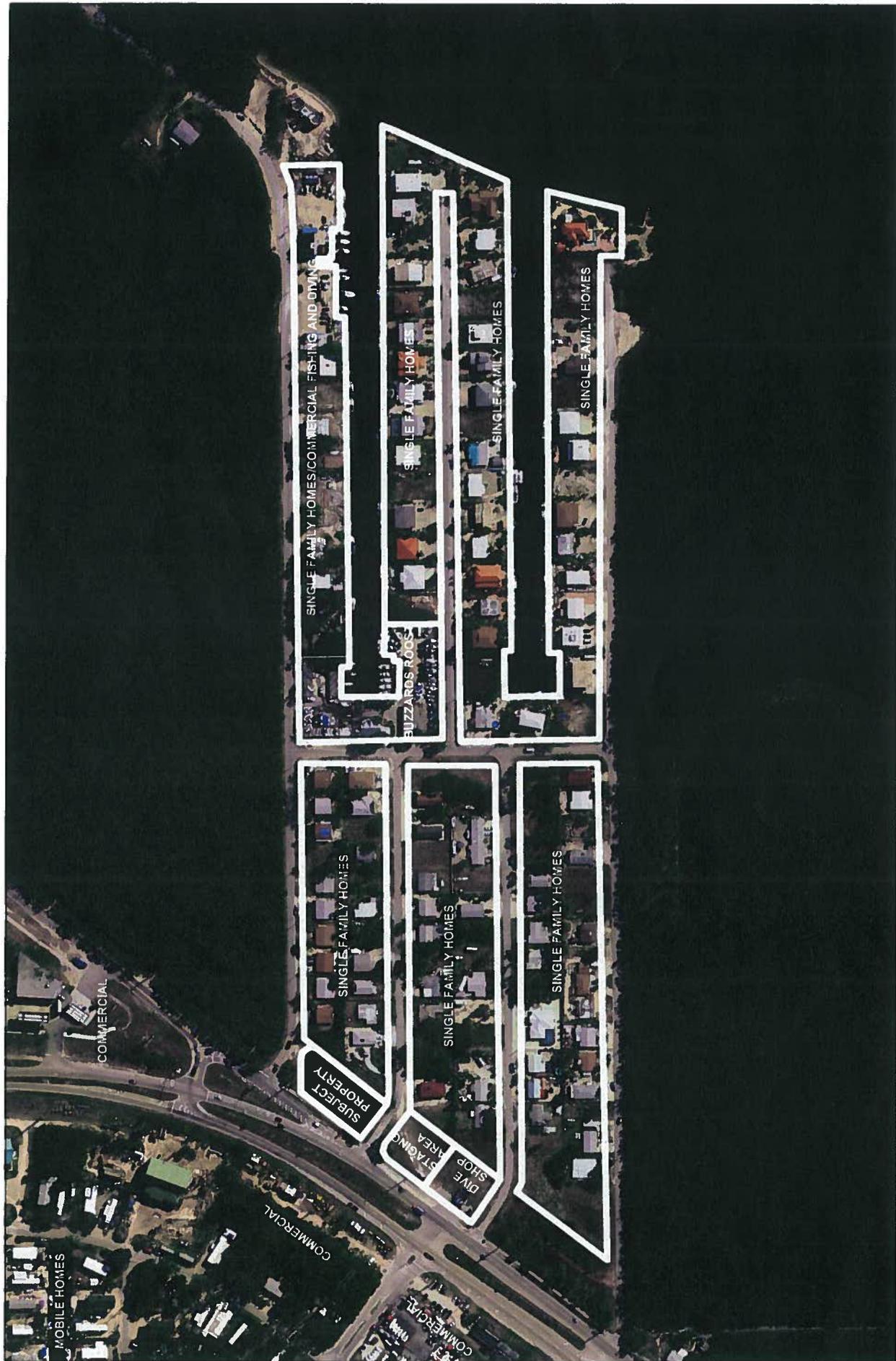
W.F. McCAIN & ASSOCIATES
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W.F. McCAIN & ASSOCIATES
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 VENICE, FL 33596
 PHONE (727) 276-8888
 FAX (727) 276-8889
 WWW.WFMCAIN.COM

SEEVERS COMMERCIAL
 SURROUNDING LAND USE EXHIBIT
 KEY LARGO, FLORIDA

SHEET 1 of 1
 PROJECT NO. 0413

WILLIAM F. McCAIN, PE FL# 60046
 DATE:



County of Monroe
Growth Management Division

Office of the Director
2798 Overseas Highway
Suite #400
Marathon, FL 33050
Voice: (305) 289-2517
FAX: (305) 289-2854



Board of County Commissioners
Mayor George Neugent, Dist. 2
Mayor Pro Tem Sylvia J. Murphy, Dist. 5
Kim Wigington, Dist. 1
Heather Carruthers, Dist. 3
Mario Di Gennaro, Dist. 4

We strive to be caring, professional and fair

Date: 9-23-09

Dear Applicant:

This is to acknowledge submittal of your application for Sign Variance
Type of application

Sievers Marina, Inc. to the Monroe County Planning Department.
Project / Name

Thank you.

Loil Creech

Planning Staff

End of Additional File 29086

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

RECEIVED
 SEP 23 2009
 BY: Planning *JRC*



Sign Variance Application to the Monroe County Planning Commission

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review

Planning Commission Variance Application Fee: \$1,076.00

In addition to the application fee, the following fees also apply:

Advertising Costs: \$245.00

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed

Date of Submittal: 9 / 23 / 09
 Month Day Year

Property Owner:

Sievers Marina, Inc
 Name
21 Garden Cove Drive, Key Largo, FL 33037
 Mailing Address (Street, City, State, Zip Code)
305-453-3746
 Daytime Phone
admin@wfmccain.com
 Email Address

Agent (if applicable):

Christopher K. Bauer, P.E.
 Name
1171 19th St., Vero Beach, FL 32960
 Mailing Address (Street, City, State, Zip Code)
772-770-1093
 Daytime Phone
admin@wfmccain.com
 Email Address

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet)

Block	Lot	Subdivision	Key
1	11, 12, 13	Ocean Isle Estates	Key Largo
538190, 538180, 538170		1661708	
21 Garden Cove Drive, Key Largo, FL 33037			106.5 +/-
Street Address (Street, City, State, Zip Code)		Approximate Mile Marker	

APPLICATION

Land Use District Designation(s):

see attached letter

Present Land Use of the Property:

see attached letter

Please describe why a variance to the sign regulations set forth in the Monroe County Code is required:

see attached letter

A variance shall be granted only where all of the following criteria are met. Please describe how each standard shall be met.

- 1) The literal interpretation and strict application of the provision and requirements of this division would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or parcel or property in question:

see attached letter

- 2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity:

see attached letter

- 3) The unusual conditions applying to the specific property do not apply generally to other properties in the county:

see attached letter

- 4) The granting of the variance will not be contrary to the general objective of this division of moderating the size, number and obtrusive placement of signs and the reduction of clutter:

see attached letter

- 5) The variance is not requested on the basis of economic hardship of the sign user:

see attached letter

APPLICATION

All of the following must be submitted in order to have a complete application submittal:
(Please check as you attach each required item to the application)

- Complete sign variance application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
(under separate cover from Owner)
- Proof of property ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Photograph(s) of all existing signage;
- Site Plan (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale);
- Detail of Sign(s), including dimensional measurements of sign area (length, width and height); total height of structure (the vertical distance measured from the top of the structure to the finished ground elevation of the site at the base of the sign); location of sign (distance from property lines/drives for ground-mounted and position on building for wall-mounted); and all text and images to be shown on sign (drawn to scale to illustrate the sign face);
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included

If applicable, the following must be submitted in order to have a complete application submittal:

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: _____

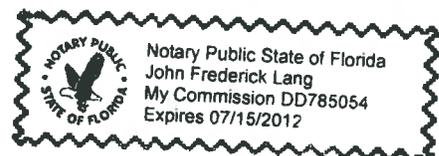
Date: _____

Sworn before me this 22nd day of SEPTEMBER

2009

John Frederick Lang
Notary Public
My Commission Expires

Please send the complete application package to the Monroe County Planning & Environmental Resources Department, Marathon Government Center, 2798 Overseas Highway, Suite 400, Marathon, FL 33050.



RECEIVED
10/24/07



Ph. 305. 453.3746
Fax: 305. 451.1425

21 Garden Cove Dr. Key Largo, Fl. 33037
Located at Garden Cove Marina MM.106.5 Oceanside

Garden Cove Marina

21 Garden Cove Dr. Key Largo, Fl. 33037
MM.106.5 Oceanside
Ph. 305. 451. 4694 Fax: 305. 451. 1425

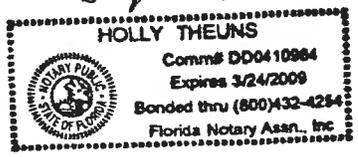
LETTER OF AUTHORIZATION

This letter is to serve as the authorization for W.F. McCain & Associates, Inc., 1171 19th Street, Vero Beach, FL 32960 to act as authorized agent on behalf of Sievers Marina, Inc. in all City, County and State permitting actions.

Signed [Signature] Date 10/16/07

Print Name: RONALD A. SIEVERS Title: PROPS. SIEVERS MARINA INC

[Signature]



10/16/07

LETTER OF TRANSMITTAL

W.F. McCain & Associates, Inc.

1171 19th Street
Vero Beach, Florida 32960
Phone:(772) 770-1093
Fax: (772) 770-1508
www.wfmccain.com

Date: 9.22.09
Job Number: 09-189
Attention: Joe Haberman
Re: Sievers Sign Variance Application

TO: Monroe County
Planning and Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

WE ARE SENDING YOU:

<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Prints	<input type="checkbox"/> Specifications
<input type="checkbox"/> Under separate cover	<input type="checkbox"/> Plans	<input type="checkbox"/> Copy of Letter
<input type="checkbox"/> Shop drawings	<input type="checkbox"/> Samples	<input type="checkbox"/> Change Order

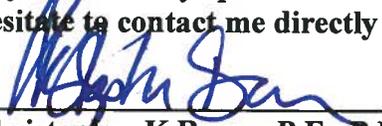
<u>COPIES</u>	<u>DESCRIPTION</u>
1	Justification Letter for Variance
1	Sign Variance Application
1	\$1,76.00 Application Fee
1	Proof of Ownership
1	Property Record Card
1	Photographs of site from adjacent roadway
1	Photograph of existing work of art on site
1	Site Plan (Includes location map and sign details)
1	Details of Sign (Color Rendering)
1	\$245.00 Advertising Costs
1	Address Mailing Labels
1	\$57.00 Surrounding Property Owner Notification (19 @ \$3.00/each)
1	Notarized Agent Authorization Letter

THESE ARE TRANSMITTED AS CHECKED BELOW:

<input checked="" type="checkbox"/> For approval	<input type="checkbox"/> Approved as submitted
<input type="checkbox"/> for your use	<input type="checkbox"/> Approved as noted
<input type="checkbox"/> as requested	<input type="checkbox"/> Return for corrections
<input checked="" type="checkbox"/> For review and comments	

REMARKS:

If you have any questions or require any additional information, please don't hesitate to contact me directly at (772) 770-1093.

Signed:  Copy to: Ron Sievers
Christopher K Bauer, P.E., P.L.S.
Director of Engineering

(Please notify us immediately if enclosures are not as noted)

September 22, 2009

Monroe County
Planning and Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

Re: Buzzards Roost Restaurant and Garden Cove Marina
Sign Variance Application Justification to Monroe County Planning Commission

W. F. McCain & Associates, Inc. (WFM) would like to request a variance to Monroe County's existing sign ordinance on behalf of Ron Sievers, owner of the Buzzard's Roost restaurant and Garden Cove Marina in Key Largo near MM 106.5 Overseas Hwy (US-1). This letter and its attachments address the criteria set forth by Monroe County which is necessary to request a variance for the ordinance per the application provided by Monroe County. This letter is being provided in lieu of the Monroe County provided application to allow further elaboration on the necessary criteria for a variance than is allowed in the limited space on the application form. The following responses are numbered to correspond to the standards on the Monroe County application which must be met to grant a variance.

Land Use District Designation: The subject site is currently zone Improved Subdivision (IS), however, is currently in the process of being rezoned Suburban Commercial (SC). The FLUM designation for the site is Mixed Use/Commercial (MC). For purposes of this application, we are treating the site as a commercial area.

Present Land Use of the Property: Undeveloped Scarified Lot

Please describe why a variance to the sign regulations set forth in the Monroe County Code is required:

Due to the rules set forth by Section 142-3 (b)(1) of the Monroe County Code, off premises signs are prohibited.

A variance shall be granted only where all of the following criteria area met:

- 1) The literal interpretation and strict application of the provision and requirements of this division would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or parcel or property in question.**

Due to the literal and strict application of the ordinance, the proposed sign on the applicant's parcel along US-1 is technically considered a prohibited off-premises sign. However, in trying to meet with the goals and objectives of the community to promote tourism, waterfront development and a healthy local economy, the ordinance in this particular instance is in conflict with the Key Largo Livable Communikeys Plan (KLLCP) and the purpose of the ordinance itself. In this case, the sign proposed on the parcels along Overseas Highway (US-1) owned by the applicant will provide direction for tourists and locals to the same applicant owned restaurant and marina which do not have visibility from the US-1/ Overseas Highway corridor.

- 2) **The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.**

The granting of the requested variance would in no way whatsoever have a detrimental effect on adjacent property owners. In fact, the variance will allow an enhancement for the local businesses in the vicinity of the applicant's marina and restaurant and upgrade the use of the currently vacant undeveloped lot.

- 3) **The unusual conditions applying to the specific property do not apply generally to other properties in the county.**

In this specific case, the variance is requested to bolster visibility and traffic to the applicant's waterfront, tourism related business which is otherwise not available due to the business's location away from Overseas Highway (US-1). At this particular location at approximately MM 106.5 of Overseas Highway (US-1), traffic is just entering the keys and would otherwise have no indication of the location or existence of the waterfront location of Buzzard's Roost Restaurant or Garden Cove Marina without a directional sign available on the subject parcel. Therefore, due to specificity of the existing conditions and the nature of the proposed use, the request could not be generally applied to other properties in the county.

- 4) **The granting of the variance will not be contrary to the general objective of this division of moderation the size, number and obtrusive placement of signs and the reduction of clutter.**

The size and placement of the proposed sign will be in compliance with the provisions of the division. Since only one sign is proposed, no material clutter will be apparent.

- 5) **The variance is not requested on the basis of economic hardship of the sign user.**

The applicant currently operates a thriving business which does not depend solely on the variance being accepted. However, in meeting with the goals and objectives of the community to promote tourism, waterfront development and a healthy local economy, the variance will increase traffic to the applicant's restaurant and marina to bolster the overall local economy.

Please find the remaining required items for the requested variance attached. We look forward to working with you for the successful completion of the variance to build a sign as shown in the supporting documentation. If you have any questions, please do not hesitate to contact us in our office.

Regards,



Christopher K. Bauer, P.E., P.L.S., LEED AP
Director of Engineering

Attachments

Cc: Ron Sievers

This instrument prepared by:
Charles P. Tittle, Esq.
P.O. Box 535
Tavernier, FL 33070

FILE # 1109212
BK# 1561 PG# 1380

FILE # 1101852
BK# 1554 PG# 605

[Space Above This Line For Recording Data]

RCD Feb 19 1999 02:34PM
DANNY L KOLHAGE, CLERK

Warranty Deed
(Statutory Form - FS 689.02)

RCD Dec 31 1998 03:46PM
DANNY L KOLHAGE, CLERK

This Indenture, made December 11, 1998, between Garden Cove Marina, Inc. a Florida corporation, of the County of Monroe in the State of Florida, party of the first part, whose post address is 21 Garden Cove Drive, Key Largo, FL 33037, and Sievers Marine, Inc., a Florida corporation, party of the second part, and whose post office address is 21 Garden Cove Drive, Key Largo, FL 33037, and whose Taxpayer Identification Number is _____

Witnesseth: DEED DOC STAMPS 0.70
02/19/1999 PP DEP CLK

DEED DOC STAMPS 6650.00
12/31/1998 PP DEP CLK

That the said party of the first part, for and in consideration of the sum of \$10.00 and other valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, to wit:

Lots 18, 19, 20, 21, 22, and 23, Block 7, OCEAN ISLE ESTATES, according to the Plat thereof as recorded in Plat Book 5, Page 14, among the Public Records of Monroe County, Florida;

AND, MTG DOC STAMPS 2170.00
02/19/1999 PP DEP CLK

Lots 12 and 13, Block 1, OCEAN ISLE ESTATES, according to the Plat thereof as recorded in Plat Book 5, Page 14, among the Public Records of Monroe County, Florida.

(For Information Only: Property Appraiser's Parcel Identification Number is _____)

Subject to easements, restrictions and reservations of record not coupled with a right of reverter and taxes for the current year. AND an existing mortgage with the remaining balance of \$620,000.00 which was recorded in OR Book 1265, Page 1351, Monroe County, Florida. Buyers agree to assume.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

Signed, sealed and delivered in the presence of:

Garden Cove Marina, Inc.

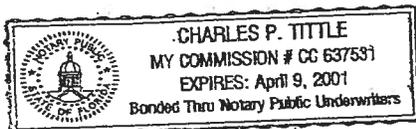
Sign _____
Print Charles P. Tittle
Sign Patricia Williams
Print PATRICIA J. WILLIAMS

Sign James Hartman (Seal)
Print James Hartman, President

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11th day of December, 19 98, by James Hartman, President of Garden Cove Marina, Inc., who is personally known to me or who has produced _____ as identification and who (did) (did not) take an oath.

{SEAL}



NOTARY PUBLIC: _____
Sign _____

This instrument prepared by:
Charles P. Tittle, Esq.
P.O. Box 535
Tavaier, FL 33070

FILE # 1101853
BK# 1554 PG# 606

[Space Above This Line For Recording Data]

Warranty Deed
(Statutory Form - FS 689.02)

RCD Dec 31 1998 03:47PM
DANNY L KOLHAGE, CLERK

This Indenture, made December 11, 1998, between James Hartman, party of the first part, whose post address is 21 Garden Cove Drive, Key Largo, FL 33037, and Sievers Marine, Inc., a Florida Corporation, party of the second part, and whose post office address is 21 Garden Cove Drive, Key Largo, FL 33037, and whose Taxpayer Identification Number is _____

Witnesseth:

DEED DOC STAMPS 0.70
12/31/1998 DEP CLK

That the said party of the first part, for and in consideration of the sum of \$10.00 and other valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, to wit:

Lots 12 and 13, Block 1, OCEAN ISLE ESTATES, according to the Plat thereof as recorded in Plat Book 5, Page 14, among the Public Records of Monroe County, Florida.

The above property is vacant and not the Homestead of the Grantor herein who resides in Illinois.

(For Information Only: Property Appraiser's Parcel Identification Number is _____)

Subject to easements, restrictions and reservations of record not coupled with a right of reverter and taxes for the current year.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

Signed, sealed and delivered in the presence of:

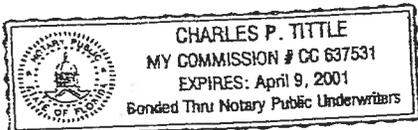
Sign _____
Print Charles P. Tittle
Sign _____
Print PATRICIA G. WILLIAMS

Sign _____ (Seal)
Print James Hartman

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11th day of December, 1998, by James Hartman who is personally known to me or who has produced _____ as identification and who (did) (did not) take an oath, and who did execute the foregoing instrument on behalf of the Trust.

{SEAL}



NOTARY PUBLIC: _____
Sign _____

COMMITMENT

SCHEDULE A

OFFICE FILE NUMBER	COMMITMENT NUMBER	EFFECTIVE DATE	LOAN AMOUNT
¹ 10-5988	² 102229-105988	³ September 21, 2007 at 8:00 am	⁴ [REDACTED]

1. Policy or Policies to be issued:
ALTA OWNER'S POLICY, FORM B (amended 10/17/92)
With Florida Modifications

Proposed Insured:

Sievers Marine, Inc., a Florida Corporation

2. ALTA LOAN POLICY (amended 10/17/92)
With Florida Modifications

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is a Fee Simple and title thereto is at the effective date hereof vested in:

Louis T. Rea

The Land is described as follows:

Lot 11, Block 1, OCEAN ISLE ESTATES, according to the Plat thereof, as recorded in Plat Book 5 at Page 14 of the Public Records of Monroe County, Florida.

CHICAGO TITLE INSURANCE COMPANY



By: *[Signature]* President

ATTEST

[Signature] Secretary

NOTE: This Commitment consists of insert pages labeled in Schedule A, Schedule B-Section 1, and Schedule B-Section 2. This Commitment is of no force and effect unless all schedules are included, along with any Rider pages incorporated by reference in the insert pages.

SCHEDULE A
Commitment

COMMITMENT
CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 1

Commitment Number: 102229-105988

Agent's File Number: 10-5988

(REQUIREMENTS)

I. The following are the requirements to be complied with:

1. Instruments creating the estate or interest to be insured which must be approved, executed, and filed for record, to wit:

Warranty Deed to be executed by Louis T. Rea, joined by his spouse if married to Sievers Marine, Inc., a Florida Corporation.

2. Payment of the full consideration to, or for the account of, the grantor or mortgagor.
3. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.

COMMITMENT
CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2

Commitment Number: 102229-105988

Agent's File Number: 10-5988

(EXCEPTIONS)

II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured requires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Standard Exceptions:
 - (a) Rights or claims of parties in possession not shown by the public records.
 - (b) Easements, or claims of easements, not shown by the public records.
 - (c) Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
 - (d) Any lien, or right to a lien, for service, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - (e) Taxes or special assessments which are not shown as existing liens by the public records.
 - (f) Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.
 - (g) Taxes and assessments for the year 2007 and subsequent years which are not yet due and payable.
GROSS TAXES FOR THE YEAR 2006, \$497.86, Paid 11/15/06, Parcel ID 00538170.000000
 - (h) Any lien provided by Chapter 159.17, Florida Statutes, in favor of any city, village, town or port authority for unpaid service charges for service by any water system, sewer system, or gas system serving the lands herein described.
3. Standard Exceptions (b) and (c) may be removed from the policy when a satisfactory survey and surveyor's report and inspection of the premises is made.
4. Standard Exceptions (a) and (d) may be removed upon receipt of a satisfactory affidavit-indemnity from the party shown in title and in possession stating who is in possession of the lands and whether there are improvements being made at date of commitment or contemplated to commence prior to the date of closing which will not have been paid for in full prior to the closing.
5. The Provisions of Florida Statutes Section 380.0552, "The Florida Keys Area Protection Act," establishing a land use management system that protects and conserves the natural environment and community character of the Florida Keys.

(Continued)

**COMMITMENT
CHICAGO TITLE INSURANCE COMPANY**

(Continued)

6. One-half interest in all oil, gas and minerals to Joe M. Dawson, as conveyed in Transfer of Mineral Rights, dated May 22, 1945, filed June 5, 1945 and recorded in Deed Book G-17, at Page 472 of the Public Records of Monroe County, Florida, which various fractional interests have subsequently assigned.
7. Conditions, restrictions and limitations as contained in Declaration of Covenants and Restrictions, filed August 10, 1960 in Official Records Book 192, at page 113; amended by instrument filed November 3, 1960 in Official Records Book 198 at page 460; amended by instrument filed December 12, 1961 in Official Records Book 235, page 404 of the Public Records of Monroe County, Florida.
8. Conditions as contained in Plat of OCEAN ISLE ESTATES as recorded in Plat Book 5, Page 14, of the Public Records of Monroe County, Florida.

NOTE: All of the recording information contained herein refers to the Public Records of Monroe County, Florida, unless otherwise indicated.

NOTE: On loan policies, junior and subordinate matters, if any, will not be reflected in Schedule B.

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 1661686 Parcel ID: 00538170-000000

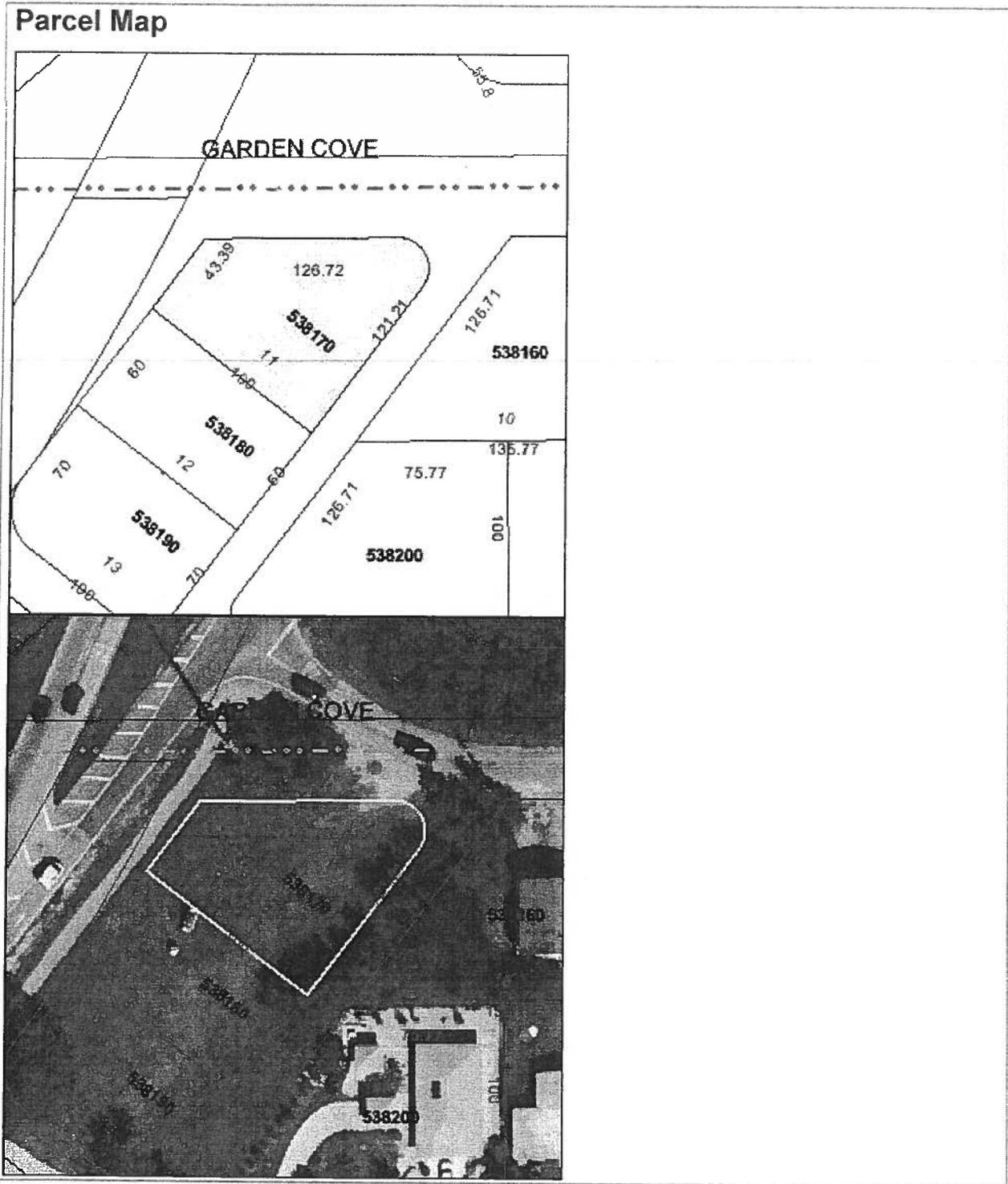
Ownership Details

Mailing Address:

SIEVERS MARINE INC
21 GARDEN COVE DR
KEY LARGO, FL 33037

Property Details

PC Code: 00 - VACANT RESIDENTIAL
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 06-61-40
Property Location: KEY LARGO
Subdivision: OCEAN ISLE ESTATE
Legal Description: BK 1 LT 11 OCEAN ISLE EST PB5-14 KEY LARGO OR374-1061-1062 OR1159-1631/32 OR2324-1649



Land Details

Land Use Code	Frontage	Depth	Land Area
1M0H - COMMERCIAL HIGHWAY	0	0	8,240.00 SF

Building Summary

Number of Buildings: 0
 Number of Commercial Buildings: 0

Total Living Area: 0
Year Built: 0

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2009	0	0	7,416	7,416	7,416	0	7,416
2008	0	0	8,652	8,652	8,652	0	8,652
2007	0	0	12,978	12,978	12,978	0	12,978
2006	0	0	12,978	12,978	12,978	0	12,978
2005	0	0	12,978	12,978	12,978	0	12,978
2004	0	0	12,978	12,978	12,978	0	12,978
2003	0	0	12,978	12,978	12,978	0	12,978
2002	0	0	12,978	12,978	12,978	0	12,978
2001	0	0	12,978	12,978	12,978	0	12,978
2000	0	0	12,978	12,978	12,978	0	12,978
1999	0	0	12,978	12,978	12,978	0	12,978
1998	0	0	12,978	12,978	12,978	0	12,978
1997	0	0	12,978	12,978	12,978	0	12,978
1996	0	0	12,978	12,978	12,978	0	12,978
1995	0	0	12,978	12,978	12,978	0	12,978
1994	0	0	18,540	18,540	18,540	0	18,540
1993	0	0	16,019	16,019	16,019	0	16,019
1992	0	0	16,019	16,019	16,019	0	16,019
1991	0	0	18,540	18,540	18,540	0	18,540
1990	0	0	16,686	16,686	16,686	0	16,686
1989	0	0	16,686	16,686	16,686	0	16,686
1988	0	0	16,686	16,686	16,686	0	16,686
1987	0	0	16,686	16,686	16,686	0	16,686
1986	0	0	16,686	16,686	16,686	0	16,686
1985	0	0	16,686	16,686	16,686	0	16,686
1984	0	0	16,686	16,686	16,686	0	16,686
1983	0	0	14,529	14,529	14,529	0	14,529
1982	0	0	14,529	14,529	14,529	0	14,529

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
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10/2/2007	2324 / 1649	50,000	WD	Q
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This page has been visited 188,723 times.

Monroe County Property Appraiser
Ervin A. Higgs, CFA
P.O. Box 1176
Key West, FL 33041-1176

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

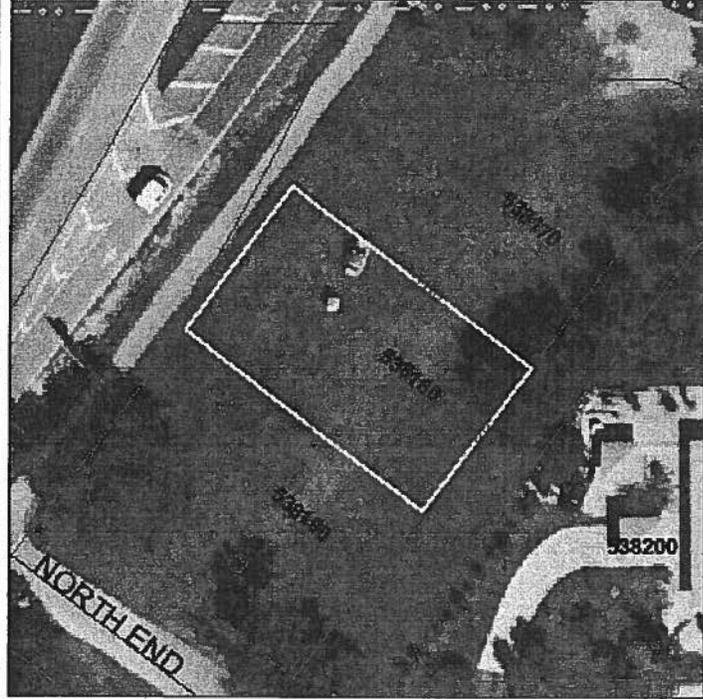
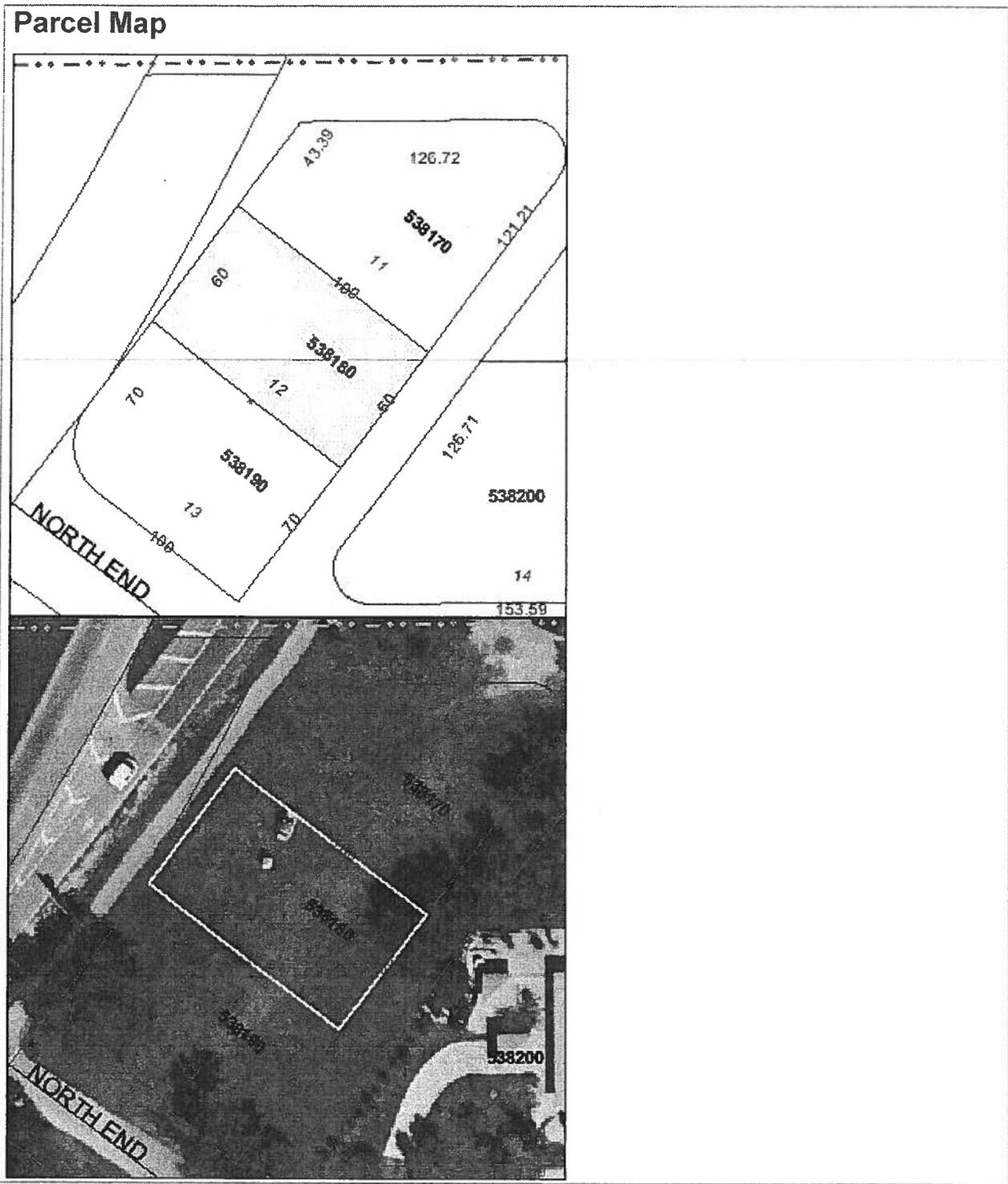
Alternate Key: 1661694 Parcel ID: 00538180-000000

Ownership Details

Mailing Address:
SIEVERS MARINE INC
21 GARDEN COVE DRIVE
KEY LARGO, FL 33037

Property Details

PC Code: 00 - VACANT RESIDENTIAL
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 06-61-40
Property Location: KEY LARGO
Subdivision: OCEAN ISLE ESTATE
Legal Description: BK 1 LT 12 OCEAN ISLE EST PB5-14 KEY LARGO OR783-1500 OR786-1768 OR823-1110/1113Q/C OR901-1784 OR1135-821(JB) OR1306-1933(JMH) OR1306-1932Q/C(JMH) OR1554-604(JMH) OR1554-605(JMH) OR1554-606(JMH) OR1557-2254AFF(CMS) OR1561-1380C(JMH)



Land Details

Land Use Code	Frontage	Depth	Land Area
1M0H - COMMERCIAL HIGHWAY	60	100	6,000.00 SF

Building Summary

Number of Buildings: 0
 Number of Commercial Buildings: 0

Total Living Area: 0
 Year Built: 0

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2009	0	0	5,400	5,400	5,400	0	5,400
2008	0	0	6,300	6,300	6,300	0	6,300
2007	0	0	10,500	10,500	10,500	0	10,500
2006	0	0	10,500	10,500	10,500	0	10,500
2005	0	0	10,500	10,500	10,500	0	10,500
2004	0	0	10,500	10,500	10,500	0	10,500
2003	0	0	10,500	10,500	10,500	0	10,500
2002	0	0	10,500	10,500	10,500	0	10,500
2001	0	0	10,500	10,500	10,500	0	10,500
2000	0	0	10,500	10,500	10,500	0	10,500
1999	0	0	10,500	10,500	10,500	0	10,500
1998	0	0	10,500	10,500	10,500	0	10,500
1997	0	0	10,500	10,500	10,500	0	10,500
1996	0	0	10,500	10,500	10,500	0	10,500
1995	0	0	10,500	10,500	10,500	0	10,500
1994	0	0	15,000	15,000	15,000	0	15,000
1993	0	0	12,960	12,960	12,960	0	12,960
1992	0	0	12,960	12,960	12,960	0	12,960
1991	0	0	15,000	15,000	15,000	0	15,000
1990	0	0	13,500	13,500	13,500	0	13,500
1989	0	0	13,500	13,500	13,500	0	13,500
1988	0	0	13,500	13,500	13,500	0	13,500
1987	0	0	13,500	13,500	13,500	0	13,500
1986	0	0	13,500	13,500	13,500	0	13,500
1985	0	0	13,500	13,500	13,500	0	13,500
1984	0	0	13,500	13,500	13,500	0	13,500
1983	0	0	13,412	13,412	13,412	0	13,412
1982	0	0	13,412	13,412	13,412	0	13,412

Parcel Sales History

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Sale Date	Official Records Book/Page	Price	Instrument	Qualification
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12/11/1998	1554 / 605	1	WD	M
12/10/1998	1554 / 604	20,000	WD	M
5/1/1994	1306 / 1933	1	WD	M
3/1/1994	1306 / 1932	1	QC	M
6/1/1990	1135 / 821	1	WD	M
12/1/1983	901 / 1784	52,000	WD	M

This page has been visited 188,718 times.

Monroe County Property Appraiser
Ervin A. Higgs, CFA
P.O. Box 1176
Key West, FL 33041-1176

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

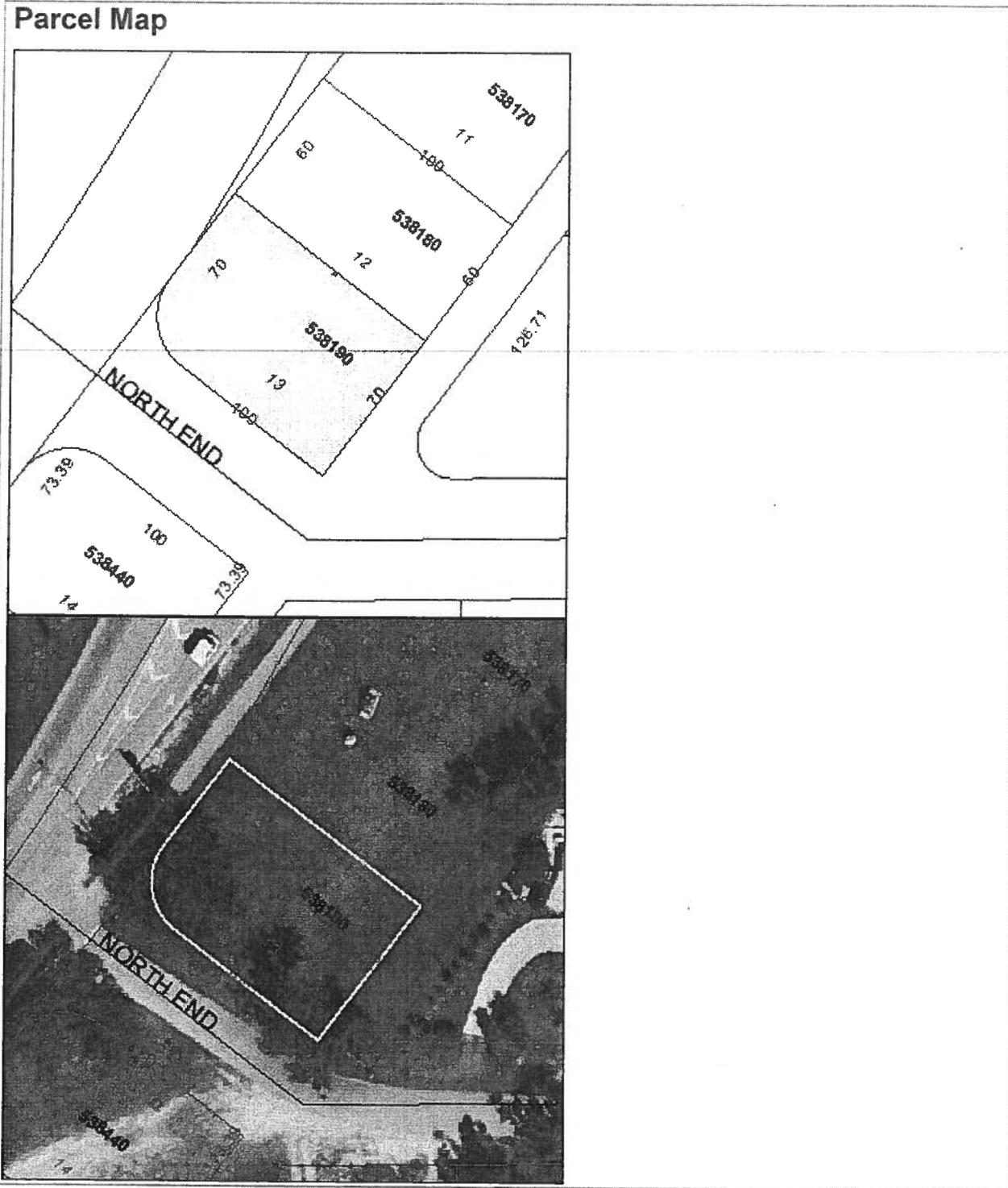
Alternate Key: 1661708 Parcel ID: 00538190-000000

Ownership Details

Mailing Address:
SIEVERS MARINE INC
21 GARDEN COVE DRIVE
KEY LARGO, FL 33037

Property Details

PC Code: 00 - VACANT RESIDENTIAL
Millage Group: 500K
Affordable Housing: No
Section-Township- 06-61-40
Range:
Property Location: KEY LARGO
Subdivision: OCEAN ISLE ESTATE
Legal Description: BK 1 LT 13 OCEAN ISLE EST PB5-14 KEY LARGO OR783-1500 OR786-1768 OR823-1110/1113Q/C OR901-1784 OR1135-821(JB) OR1306-1932Q/C(JMH) OR1306-1933(JMH) OR1554-604(JMH) OR1554-605(JMH) OR1554-606(JMH) OR1557-2254AFF(CMS) OR1561-1380C(JMH)



Land Details

Land Use Code	Frontage	Depth	Land Area
1M0H - COMMERCIAL HIGHWAY	70	100	7,000.00 SF

Building Summary

Number of Buildings: 0
 Number of Commercial Buildings: 0

Total Living Area: 0
Year Built: 0

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2009	0	0	6,300	6,300	6,300	0	6,300
2008	0	0	7,350	7,350	7,350	0	7,350
2007	0	0	12,250	12,250	12,250	0	12,250
2006	0	0	12,250	12,250	12,250	0	12,250
2005	0	0	12,250	12,250	12,250	0	12,250
2004	0	0	12,250	12,250	12,250	0	12,250
2003	0	0	12,250	12,250	12,250	0	12,250
2002	0	0	12,250	12,250	12,250	0	12,250
2001	0	0	12,250	12,250	12,250	0	12,250
2000	0	0	12,250	12,250	12,250	0	12,250
1999	0	0	12,250	12,250	12,250	0	12,250
1998	0	0	12,250	12,250	12,250	0	12,250
1997	0	0	12,250	12,250	12,250	0	12,250
1996	0	0	12,250	12,250	12,250	0	12,250
1995	0	0	12,250	12,250	12,250	0	12,250
1994	0	0	17,500	17,500	17,500	0	17,500
1993	0	0	15,120	15,120	15,120	0	15,120
1992	0	0	15,120	15,120	15,120	0	15,120
1991	0	0	17,500	17,500	17,500	0	17,500
1990	0	0	15,750	15,750	15,750	0	15,750
1989	0	0	15,750	15,750	15,750	0	15,750
1988	0	0	15,750	15,750	15,750	0	15,750
1987	0	0	15,750	15,750	15,750	0	15,750
1986	0	0	15,750	15,750	15,750	0	15,750
1985	0	0	15,750	15,750	15,750	0	15,750
1984	0	0	15,750	15,750	15,750	0	15,750
1983	0	0	15,086	15,086	15,086	0	15,086
1982	0	0	15,086	15,086	15,086	0	15,086

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
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12/11/1998	1554 / 605	1	WD	M
11/11/1998	1554 / 604	1	WD	M
5/1/1994	1306 / 1933	50,000	WD	M
3/1/1994	1306 / 1932	46,800	QC	M
6/1/1990	1135 / 821	55,000	WD	M
12/1/1983	901 / 1784	1	WD	M

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Monroe County Property Appraiser
 Ervin A. Higgs, CFA
 P.O. Box 1176
 Key West, FL 33041-1176

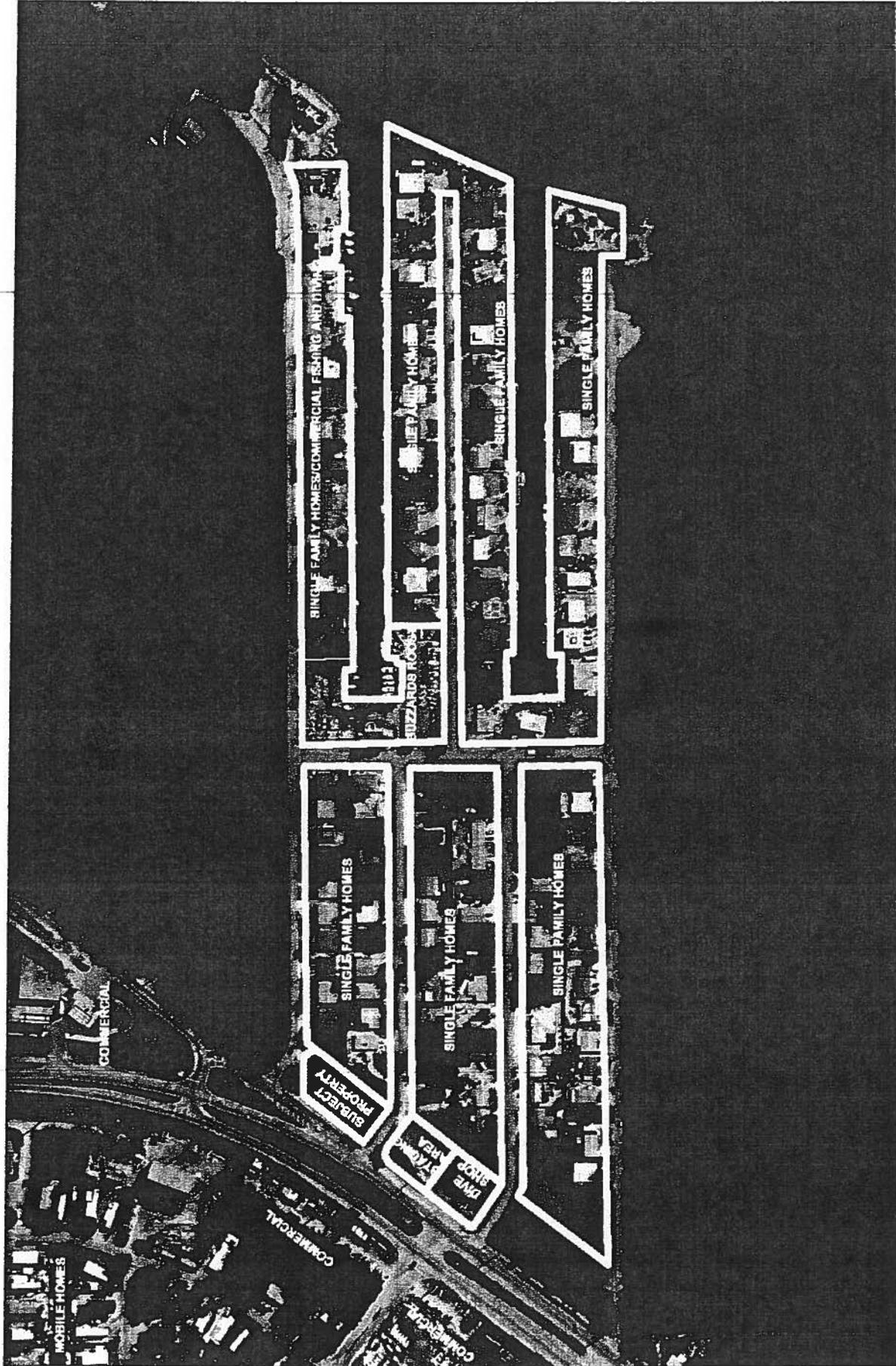
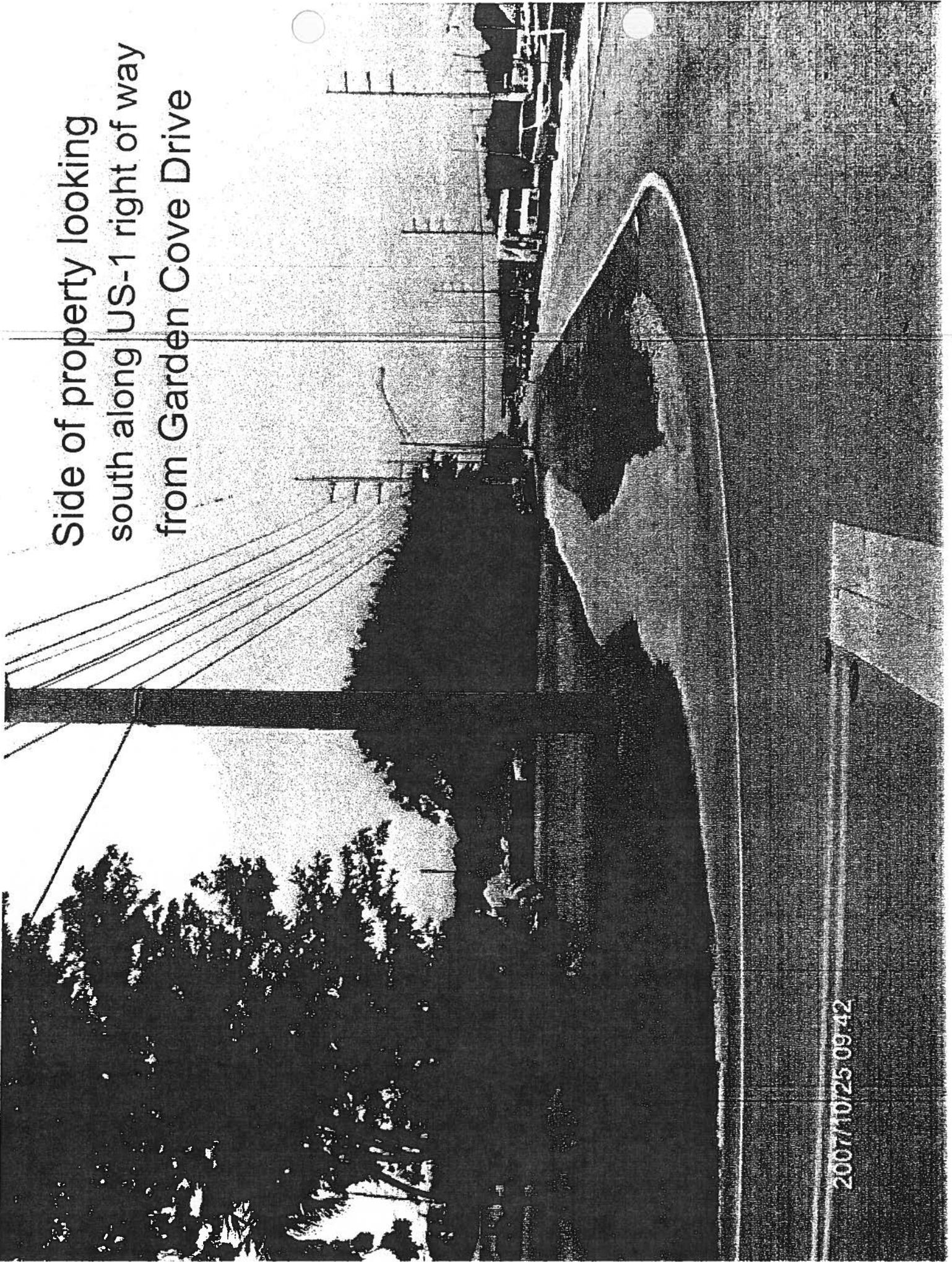


FIGURE 1 - AERIAL PHOTO
SURROUNDING LAND USE

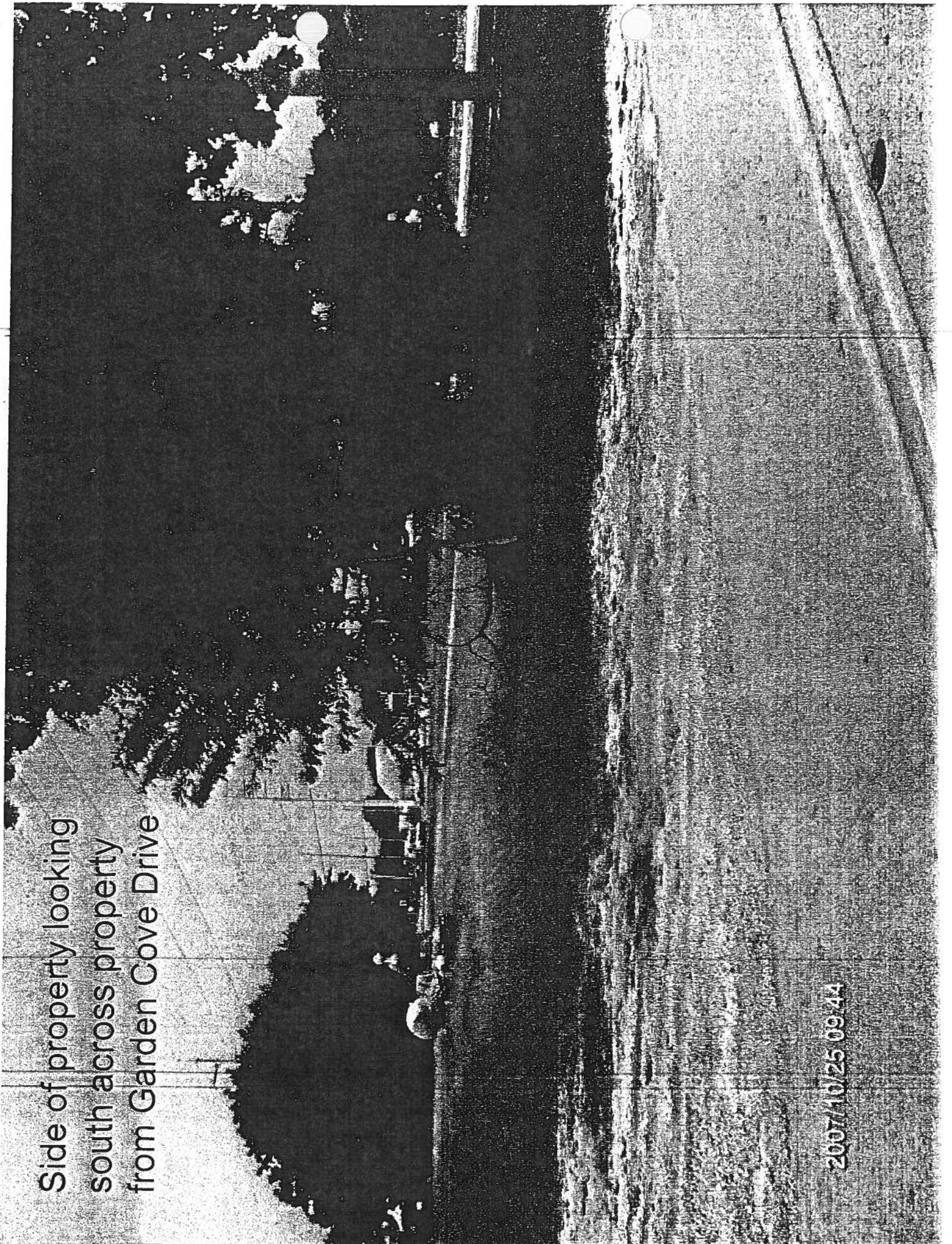
Side of property looking
south along US-1 right of way
from Garden Cove Drive

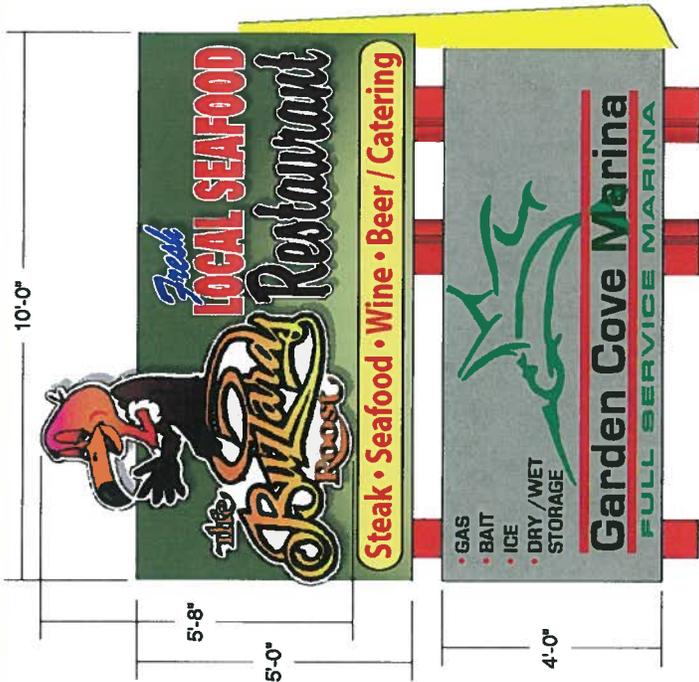


2007/10/25 09:42

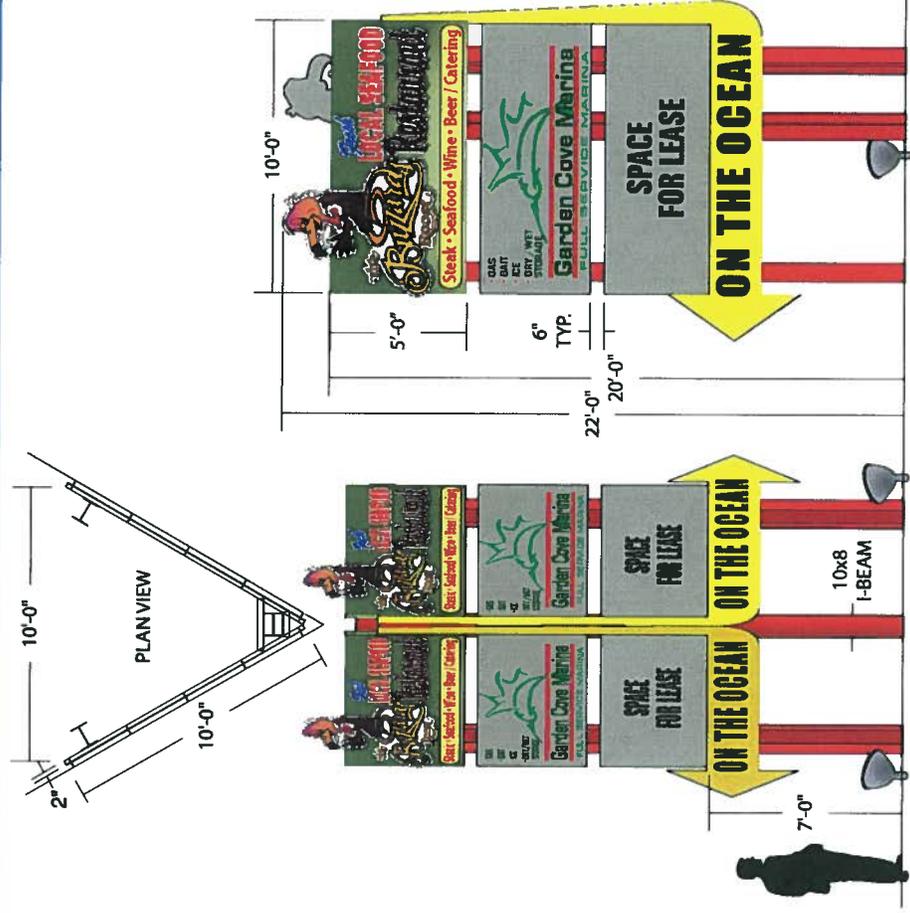
Side of property looking
south across property
from Garden Cove Drive

2007/10/25 09:44





EXTERNALLY ILLUMINATED V-SHAPED FREESTANDING SIGN EACH PANEL TO BE MANUFACTURED OUT OF 1/8" THICK ALUMINUM PLATE WITH 2" ALUMINUM ANGLE FRAME CONSTRUCTION PANELS MOUNTED TO (3) 10"x8" STEEL I-BEAMS THE BUZZARDS ROOST SILHOUETTE PANEL COMPUTER ROUTED OUT OF 1/8" ALUMINUM PLATE AND MOUNTED TO BACKGROUND PANEL WITH 1" STAND-OFF ALL EXTERIOR METAL SURFACES TO BE PREPPED AND FINISHED IN EXTERIOR GRADE ACRYLIC POLYURETHANE. COLORS CONCEPTUAL AND TO BE DETERMINED ALL COPY AND GRAPHICS TO BE APPLIED VINYL DECORATIONS DISPLAY TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS • EXCAVATION BY OTHERS



(NOTE) EXTERNAL ILLUMINATION BY OTHERS FRONT ELEVATION FACE ELEVATION

ART-KRAFT SIGN COMPANY, INC.

ART-KRAFT SIGN COMPANY IS NOT RESPONSIBLE FOR PHYSICAL ELECTRICAL LOOK-UP OR SIGN

CUSTOMER	THE BUZZARDS ROOST	DESIGN NO.	22490 B	REVISION		CUSTOMER APPROVAL	DATE
SALES REP.	LORI	DESIGNER	WAYNE	SCALE AS SHOWN	DATE 9 - 18 - 09		

VISIT OUR WEB SITE AT
<http://www.Art-Kraft.com>
 sales@Art-Kraft.com



BIENVENIDO DIAZ
5 GARDEN COVE DR
KEY LARGO, FL 33037

SIEVERS MARINE INC
21 GARDEN COVE DRIVE
KEY LARGO, FL 33037

FRANCISCO CORREA & MARIA
CRUZ
PO BOX 74'
KEY LARGO, FL '33037'

WILLIAM J HARRIS
916 E RIDGE COURT
CHAPIN', SC '29036'

RICHARDED E AND DORIS A
JENSEN
P O BOX 75
WEST TROY, WI 53120-0075

SUSAN BLASS
6 N END RD
KEY LARGO, FL 33037

LOUIS T REA
20449 BLUEBILL LANE
ONANCOCK, VA 23417

GARY WAYNE & VICKI SMITH
18 S EXUMA ROAD
KEY LARGO, FL 33037

MURRAY L & PATRICIA A
WAGGONER
P O BOX 3230
KEY LARGO, FL 33037'

JOSEPH M 'BRUNKE
103491 OVERSEAS HWY
KEY LARGO, FL '33037

ROLANDO R H & NILDA R
SANTOS TRUSTEES
1555 OBISPO AVENUE
CORAL GABLES', FL 33134'

NORTH END ROAD LLC
18744 MARLIN RD'
MIAMI, FL 33157

LUIS E 'PEREZ
3801 E 9TH LN
HIALEAH, FL 33013

'DOT/ST.OF FL
TALLAHASSEE, FL 32399

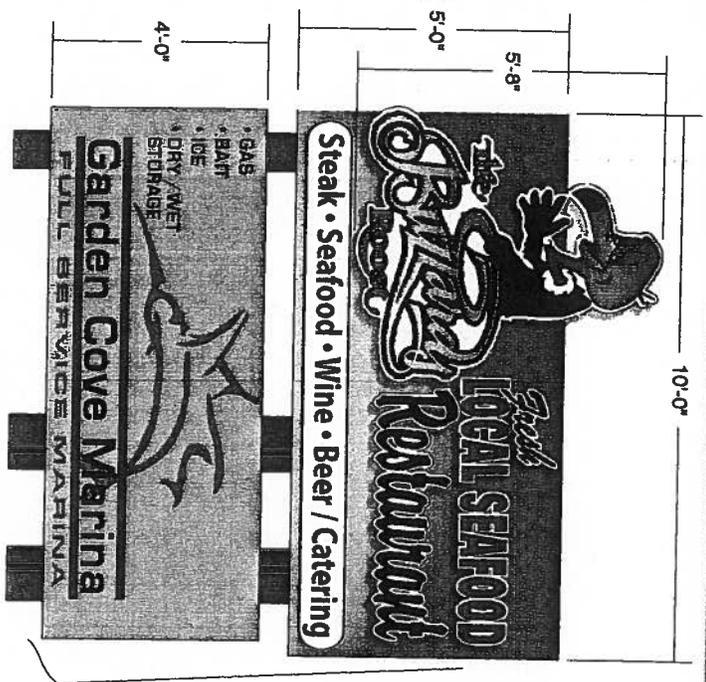
TIITF/ST.OF FL REC & PARKS
NEW MAHOGANY HAMMOCK
3900 COMMONWEALTH BLVD
MAIL STA 108
TALLAHASSEE, FL 32399-3000

REID FAMILY TRUST DTD
12/9/97'
6911 ROOSEVELT AVE
MENTOR', OH '44060

'EDELTRAUT L HUGGLER
6 ABACO ROAD
KEY LARGO, 'FL' '33037'

ALBERTO TRUJILLO JR
6871 WEST 2ND LANE'
HIALEAH, FL 33014

EDELTRAUT L HUGGLER
'6 ABACO ROAD
KEY LARGO, FL 33037



EXTERNALLY ILLUMINATED V-SHAPED FREESTANDING SIGN
 EACH PANEL TO BE MANUFACTURED OUT OF 1/8" THICK ALUMINUM PLATE
 WITH 2" ALUMINUM ANGLE FRAME CONSTRUCTION
 PANELS MOUNTED TO (3) 10X8 STEEL I-BEAMS
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 ALL COPY AND GRAPHICS TO BE APPLIED VINYL DECORATIONS
 DISPLAY TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS - EXCAVATION BY OTHERS

(NOTE: EXTERNAL ILLUMINATION BY OTHERS) FRONT ELEVATION

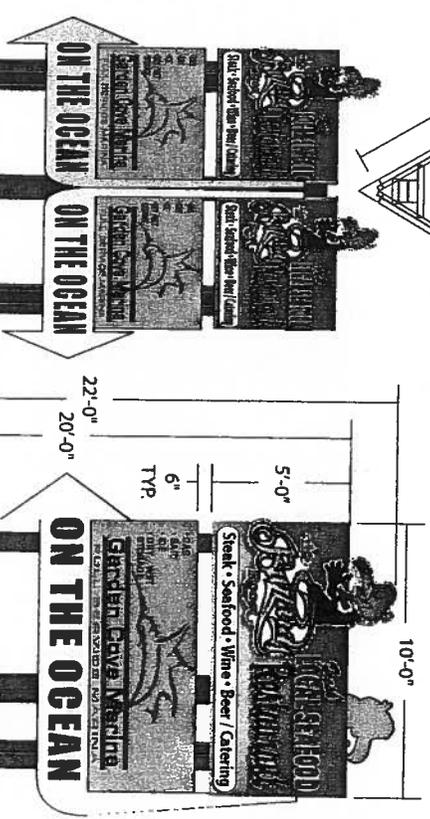
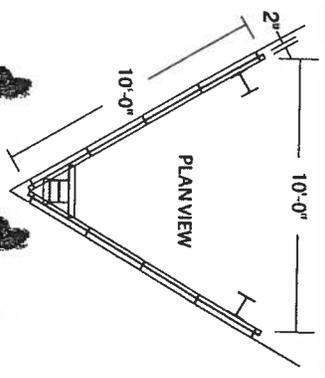
ART-KRAFT SIGN COMPANY, INC.

FACE ELEVATION



10x8 I-BEAM

GRADE



CUSTOMER	THE BUZZARDS ROOST	DESIGN NO.	22490 C	REVISION		CUSTOMER APPROVAL	
SALES REP	LORI	DESIGNER	WAYNE	SCALE	AS SHOWN	DATE	11 - 3 - 09

2075 Kirby Circle, NE, Atlanta, GA 30329 (321) 951-2400 (321) 951-2400 (321) 951-2400
 The design, in whole or in part, is the property of Art-Kraft Sign Company and may not be used without the express written permission of Art-Kraft Sign Company, Inc.

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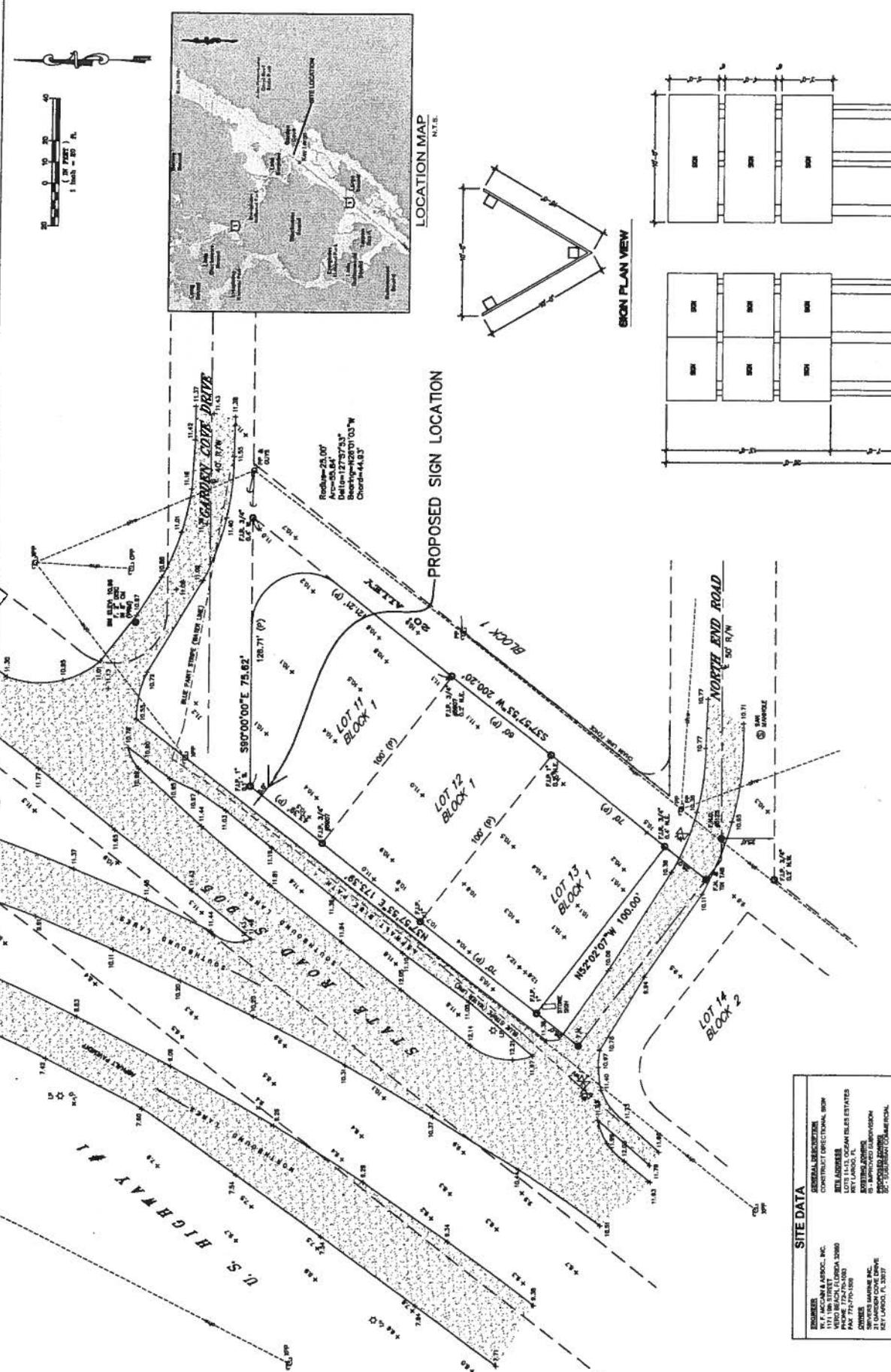
DATE	11/27/2018
SCALE	1" = 20'
PROJECT	KEY LARGO, FLORIDA
CLIENT	KEY LARGO, FLORIDA
DESIGNER	W.F. McAIN & ASSOCIATES, INC.
DATE	11/27/2018

W.F. McAIN & ASSOCIATES, INC.
 PROFESSIONAL ENGINEERS IN CIVIL AND ENVIRONMENTAL ENGINEERING SERVICES
 1171 19th STREET
 VENUE BEACH, FLORIDA 32080
 PHONE (772)751-1500
 FAX (772)751-1508

PROPOSED
 SIGN LOCATION

KEY LARGO, FLORIDA
 SIEVERS SIGN

SHEET
 of 1
 PROJECT No.
 08-189



SITE DATA

OWNER: W.F. McAIN & ASSOCIATES, INC.
 1171 19th STREET
 VENUE BEACH, FLORIDA 32080
 PHONE (772)751-1500
 FAX (772)751-1508

DESIGNER: W.F. McAIN & ASSOCIATES, INC.
 1171 19th STREET
 VENUE BEACH, FLORIDA 32080
 PHONE (772)751-1500
 FAX (772)751-1508

GENERAL CONTRACTOR: CONTRACTOR DIRECTIONAL SIGN
 1171 19th STREET
 VENUE BEACH, FLORIDA 32080
 PHONE (772)751-1500
 FAX (772)751-1508

REGISTERED PROFESSIONAL ENGINEER: W.F. McAIN, P.E.
 1171 19th STREET
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MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Thomas A. Lloyd, Planner

Date: February 8, 2010

Subject: *Addendum to Request for a Sign Variance, Siever's Marina, Inc. Block 1, Lot 11, Ocean Isle Estates, (PB5-14), Key Largo, Real Estate Number 00538170.000000*

Meeting: February 24, 2010 (first heard November 17, 2009)

1
2 I REQUEST:
3

4 At the request of the applicant, this item is being brought back before the Planning
5 Commission to reconsider a condition of approval, specifically condition B, which
6 requires the applicant to remove any and all unlawful signage from the subject
7 property prior to the issuance of a resolution.
8

9 II PRIOR COUNTY ACTIONS:
10

11 In addition to those prior actions described in the original staff report of November 6,
12 2009, the Planning Commission unanimously approved a variance on November 17,
13 2009. This variance approval was to allow construction of an approximately 22-foot
14 high by 10-foot wide (including mounting structures), ground-mounted, off-premise
15 sign on a vacant parcel.
16

17 III REVIEW OF APPLICATION:
18

19 Of particular concern during the review of the variance application was the existence
20 of several unlawful signs on the subject property, including the "Buzzard Mobile."
21 Pursuant to MCC § 6-107, the term "unlawful use or improvement," means any use or
22 improvement that is capable of code enforcement prosecution. Except for building
23 permits that are limited exclusively to addressing imminent risks to property and
24 public health and safety, no building permit shall be issued for any use or
25 improvement involving all or any portion of a parcel of land that contains an unlawful
26 use or improvement until the parcel is brought into compliance. As such, staff
27 recommended approval of the variance, in part, because of specific conditions
28 attached to the approval.

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On December 9, 2009, following the Planning Commission's approval of the variance, the applicant submitted an application to begin construction of the subject sign. As no resolution formalizing the Commission's decision had been issued, nor had the mandatory 30 day appeal period following that resolution passed, the building permit was placed into a pending status. Pursuant to the conditions of approval, the applicant is required to remove all unlawful signage from the subject parcel and provide a landscaping plan to be approved by the Director of Planning prior to the signing and issuance of a resolution.

On January 25, 2010, a final revised landscaping plan was received which met with the satisfaction of the Planning Director. At approximately the same time, the applicant expressed concern about the condition attached to the approved variance relating to removal of the existing unlawful signage. Specifically, the applicant is concerned about potential adverse effects on his business during its "peak season" if the unlawful signage is removed. Given that no building permit could be issued until the variance is formalized (that is, the 30 day appeal period has expired), and that the resolution cannot be signed until the signage has been abated, the applicant will effectively be without signage for a minimum of 30 days.

Numerous alternatives have been presented to the applicant in an attempt to rectify the situation while still staying within the parameters of the Monroe County Code. One such alternative was for the applicant to wait out his peak season, then to proceed with the sign project. From the applicant's perspective, this alternative would produce the same undesirable outcome; that is, being without signage for more than 30 days. All other alternatives involve the Commission's modification of approved condition B, as staff lacks the authority to alter such a condition imposed by the Commission. These alternatives are presented below:

Option B1. The condition could be modified to read, "Prior to issuance of a Building Permit, the applicant shall remove all unlawful signage from the subject parcel, including but not limited to: the buoy, the car, and the trailer."

This option would allow the resolution to be signed and for the unlawful signage to remain until such time as the building permit is being reviewed for compliance. Officially, the building permit could not be approved by staff until both the expiration of the appeal period of the variance (30 days from signature by both Commission Chair), and the removal of any known unlawful uses or structures pursuant to MCC § 6-107. While staff would prefer the original condition so as to assure abatement of the unlawful signage, staff would be agreeable to this compromise. It should be noted, however, that the applicant would still be without signage for a brief period as compliance would be required prior to Planning approval. The permit would require review for compliance by other departments and could be subject to a minor delay of issuance.

1 *Option B2.* The condition could be modified to read, “Prior to Planning Department
2 staff’s final inspection of the building permit for compliance, the applicant shall
3 remove all unlawful signage from the subject parcel, including but not limited to: the
4 buoy, the car, and the trailer.”
5

6 While this option would provide the best scenario for the applicant, staff would not
7 support the condition being reworked as such. Allowing the applicant to both
8 construct his new sign and to simultaneously maintain the existing unlawful signage
9 would exacerbate the issue that the approved variance was intended to rectify.
10

11 **IV RECOMMENDATION:**
12

13 Staff recommends **APPROVAL** to the Planning Commission for a sign variance to
14 permit construction of a 22-foot high by 10-foot wide (including mounting
15 structures), ground-mounted, off-premise sign on the property identified as real estate
16 number 00538170.000000 with the following conditions; **or** with the following
17 conditions, *except* condition B, and substituted with either condition B1 **or** B2
18 (*condition to be determined by Commission at public hearing*):
19

20 A. This variance is to allow for the construction of an off-premise sign advertising
21 only those businesses located on the off-site Siever’s Marina property (Block 7,
22 Lots 18-23, Ocean Isle Estates). Any changes in copy, construction, or design
23 beyond those approved shall require additional Planning & Environmental
24 Resources Department and, if necessary, Planning Commission approval.
25

26 B. Prior to issuance of a Resolution, the applicant shall remove all unlawful signage
27 from the subject parcel, including but not limited to: the buoy, the car, and the
28 trailer.

29 **-or-**
30

31 *B1. Prior to issuance of a Building Permit, the applicant shall remove all*
32 *unlawful signage from the subject parcel, including but not limited to: the buoy,*
33 *the car, and the trailer.*
34

35 **-or-**
36

37 *B2. Prior to Planning Department staff’s final inspection of the building permit*
38 *for compliance, the applicant shall remove all unlawful signage from the subject*
39 *parcel, including but not limited to: the buoy, the car, and the trailer.*
40

41 C. Prior to issuance of a Resolution, a landscaping plan shall be submitted to the
42 Planning and Environmental Resources Department and approved by the Director
43 of said Department.
44

45 D. The required landscaping, as approved by the Director, shall remain consistent
46 with the approved plan, and shall be maintained in perpetuity, or so long as the
47 sign remains.

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- E. All structural supports and mounting hardware shall be painted a neutral tone.
- F. All outdoor lighting illuminating the signage shall be limited to use only during the hours of operation of the businesses for which the sign shall serve. The applicant shall, along with installation of any and all lighting, install a timer mechanism to ensure compliance.
- G. All improvements associated with the construction of the off-premise sign, including structure and lighting, shall be properly maintained at all times. Improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to appearance.
- H. Should commercial activities at the Siever's Marina property (Block 7, Lots 18-23, Ocean Isle Estates) be permanently abandoned, the off-premise sign shall be rendered obsolete and shall be immediately removed. Within six (6) months after abandonment of commercial activity, the applicant shall notify the Planning Department of the abandonment and shall apply for and receive all appropriate permits to restore the site disturbance to its pre-project condition.