File #: 2022-009

Owner’s Name: Howard L. Helm

Applicant: Howard L. Helm

Agent: N/A

Type of Application: Administrative Variance

Key: Summerland Key

RE #: 00198070-000000
Additional Information added to File 2022-009
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<td>ABERNETHY II WILLIAM RANDOLPH</td>
<td>371 AVENUE D</td>
<td>SUMMERLAND KEY, FL 33042</td>
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<td>00200600-000000</td>
<td>BEHR GLENN</td>
<td>35 Asharoken Ave</td>
<td>Northport, NY 11768</td>
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<td>BELL GREGORY DAVID</td>
<td>2135 Broadway Ave</td>
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<td>2 Amaryllis Dr</td>
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<td>MANDALAY GROUP &amp; ASSOCIATES LLC</td>
<td>2 S University Dr</td>
<td>Plantation, FL 33324</td>
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<td>Key West, FL 33040</td>
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<td>MONTADAS EDUARDO A</td>
<td>15426 NW 77th Ct</td>
<td>Hialeah, FL 33016</td>
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<td>25 Saranac Rd</td>
<td>Sea Ranch Lakes, FL 33308</td>
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<td>STIER JONATHON RYAN</td>
<td>7 Dalton St</td>
<td>Daniel Island, SC 29492</td>
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</table>
End of Additional File 2022-009
4 - Property Owners within 600 ft. radi.

1. Greg Bell - 381 Ave D, Summerland Key, Florida 33042
2. Randy Abernethy - 371 Ave D, Summerland Key, Florida 33042
3. Ken Dalt - 381 Ave D, Summerland Key, Florida 33042
4. Donald Groh - 321 Ave D, Summerland Key, Florida 33042
Administrative Variance

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.

Administrative Variance Application Fee: $1,250.00

In addition to the application fee, the following fees also apply:
Surrounding Property Owner Notification: $3.00 for each property owner required to be noticed
A signed Affidavit is required with this application

Date of Application: Jan 14, 2022

Applicant / Agent Authorized to Act for Property Owner: (Agents must provide notarized authorization from all property owners.)

Howard L Helm
Applicant (Name of Person, Business or Organization)

Howard L Helm
Name of Person Submitting this Application

361 Ave D, Summerland Key, Florida, 33042
Mailing Address (Street, City, State and Zip Code)

Work Phone: 402-510-4559
Home Phone: beudyhelm@live.com
Cell Phone: beudyhelm@live.com
Email Address: beudyhelm@live.com

Property Owner: (Business/Corp must include documents showing who has legal authorized to sign.)

Howard L Helm
(Name/Entity)

Howard L Helm
Contact Person

361 Ave D, Summerland Key, Fl 33042
Mailing Address (Street, City, State and Zip Code)

Work Phone: (402) 510-4559
Home Phone: beudyhelm@live.com
Cell Phone: beudyhelm@live.com
Email Address: beudyhelm@live.com

Legal Description of Property:
(If in meters and bounds, attach legal description on separate sheet.)

P63-72 LT 4 Summerland Beach Add No. 4 Summerland Key
Block Lot Subdivision Key

00198070 - 000000
Real Estate (RE) Number Alternate Key Number

361 Ave D, Summerland Key, Fl 33042
Street Address (Street, City, State & Zip Code)

Approximate Mile Marker
Land Use District Designation(s): RES WATERFRONT (OLW)

Present Land Use of the Property: Single Family Residence

Proposed Land Use of the Property: Single Family Residence

Total Land Area: 10,920 SF

Pursuant to Section 102-186(b) of the Monroe County Land Development Code (LDC), the Director of Planning & Environmental Resources is authorized to grant the following variances:

1. Reduction of front or rear yard non-shoreline setback requirements, as provided in LDC Chapter 131, by up to ten (10) feet; and reduction of non-shoreline side yard setback requirements, as provided in LDC Chapter 131, by up to five (5) feet;
2. Reduction in the off-street parking requirements in LDC Chapter 114, Article III, by no more than 20%;
3. Reduction in the buffer-yield width requirements for Class C, D, E, and F district boundaries, major streets, and scenic corridors in LDC Chapter 114, Article III, by no more than 10%;
4. Reduction in the total area of landscaping required for off-street parking and loading in LDC Chapter 114, Article III, by no more than 10%; and
5. Reduction in the loading/unloading space dimensional requirements in LDC Chapter 114, Article III.

Provide the standards required by the land development regulations: front yard setback of 25 feet
(i.e., front yard setback of 25 feet, 100 off-street parking spaces, etc.)

Provide requested variance: reduction of 5 ft for a front yard setback of 20 ft
(i.e., reduction of 5 ft for a front yard setback of 20 feet; reduction to 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 will be met (as it relates to the property):

1. The applicant shall demonstrate a showing of good and sufficient cause for granting the variance:

   When house was built, applicant was told the deck would be a wrap around deck. The contractor never came and finished as promised. Applicant was told by contractor and engineer variance was approved. The proposed construction does not extend beyond already approved dimensions.

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

   Applicant paid for and expected a wrap around deck. When he realized contractor was never coming back he contacted on his own, believing he was already legal from the variance and permit already in place. When applicant found out this was not true, he immediately proceeded to do it by Monroe Co. rules.

Exceptional hardship means a burden on a property owner that substantially differs in kind or magnitude from the burden imposed on other similarly situated property owners. Financial difficulty/hardship does not qualify as exceptional hardship.
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: 

None of these are applicable. This is just a meeting of decks being connected to one another.

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:

Floor plan was built in '87, setbacks were 25' at that time. After Irma, when new home was being drawn using old home’s dimensions, setback was moved to 20’.

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 the code or established development patterns:

All homes were built in the 80’s. Out of five homes, Applicants was the only home to build closer to road. All of the other four were built much closer to the ocean.

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

Other than being old, we are asking no exceptions for any health or disabilities.

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

None.

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

All that is asked is to be able to finish the wraparound deck by connecting the two existing decks. The proposed deck sticks out no further than the already approved decks.
All of the following items must be included in order to have a complete application submission:
(Please check the box as each required item is attached to the application.)

☑ Complete administrative variance application (unaltered and unbound)
☑ Correct fee (check or money order payable to Monroe County Planning & Environmental Resources)
☑ Proof of 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)
☐ 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 line
☑ 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
☐ A list of names and mailing addresses of real property owners within a 600-foot radius of the subject property(ies). 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 600-foot radius, each unit owner must be included.

If applicable, the following items must be included in order to have a complete application submission:

☐ Notarized Agent Authorization Letter

Is there a pending code enforcement proceeding involving all or a portion of this property?
☐ Yes ☑ No Code Case file # Describe the enforcement proceedings and if this application is being submitted to correct the violation:

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.

* * * * * * * * *
Pursuant to LDC Section 102-186 (i), the applicant shall post the property of the proposed variance with a waterproof sign at least four (4) square feet in front surface area, which is so lettered as to be easily visible from all public streets and public ways abutting the property. The property shall remain posted for no less than thirty (30) calendar days beginning within five (5) working days of the date that the application is deemed to be in compliance by the Planning Director. For your convenience, the Department will provide you with a sample of the sign.

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

I, the Applicant, 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: __________

STATE OF Florida

COUNTY OF Monroe

Sworn to and subscribed before me, by means of ☐ physical presence or ☐ online notarization,

on __________ day of __________, 2022.

by ________________________________

(PRINT NAME OF PERSON MAKING STATEMENT)

who is personally known to me OR produced

______________________________ as identification.

(TYPE OF ID PRODUCED)

Signature of Notary Public, State of Florida

______________________________

Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

Diane M. Lunny  
Notary Public - State of Florida  
Commission # HH 13071  
Comm. Expires Aug 17, 2024  
Bonded through National Notary Assn.

Send complete application package to:

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

THIS WARRANT DEED dated the 15th day of August, 2017, by Robert J. Dandeneau joined by Donna S. East, his wife, whose post office address is 1650 Mill Quarters Road, Powhatan, Virginia 23139 (the “Grantor”), to Howard L. Helm, a single man, whose post office address is 361 Avenue D, Summerland Key, Florida 33042 (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 corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars ($10.00) 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 County of Monroe, State of Florida, viz:

Lot 4, SUMMERLAND BEACH ADDITION 4, according to the plat thereof, as recorded in Plat Book 3, Page 72, Public Records of Monroe County, Florida; also the bay bottom adjacent to the above Lot as recorded in the Public Records of Monroe County, Florida, in Official Records Book 317, Page 346 and Official Records Book 190, Page 399.

Subject to easements, restrictions, reservations and limitations of record, if any.

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: 2016.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered in presence of:

William Brunauci
Witness Signature

Printed Name of First Witness

Richard Fielder
Witness Signature

Printed Name of Second Witness

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 1ST day of August, 2017 by Robert J. Dandeneau and Donna S. East, who [ ] are personally known or [ ] have produced a driver's license as identification.

Richard Fielder
Notary Public

Printed Name: ____________________________

My Commission Expires: _______________________

MONROE COUNTY
OFFICIAL RECORDS

Warranty Deed
Page | 2
Monroe County, FL

Disclaimer
The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary
Parcel ID: 00198070-000000
Account#: 1259691
Property ID: 1259691
Millage Group: 120C
Location: 361 AVENUE D, SUMMERLAND KEY
Address: LT 4 SUMMERLAND BCH ADDN #4 PB3-72 AND ADJ BAY BTM OR190-399 OR317-346 OR510-938 OR585-159 OR824-1360 OR926-1560 OR958-38/39QIC OR964-404/411 OR964-414/15/ORDER OR964-416/17 OR2869-1818/1819
(Note: Not to be used on legal documents.)
Neighborhood: 739
Property: SINGLE FAMILY RESID (0100)
Class: SUMMERLAND BEACH ADD NO 4
Sec/Twp/Rng: 36/66/28
Affordable Housing: No

Owner
HELM HOWARD L
361 Avenue D
Summerland Key FL 33042

Valuation

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<tr>
<th>Year</th>
<th>Market Improvement Value</th>
<th>Market Misc Value</th>
<th>Market Land Value</th>
<th>Just Market Value</th>
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Land

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1/13/22, 3:10 PM
Page 1 of 4
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**Yard Items**

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**Exemptions**

- Exemption: 01.250000 HOMESTEAD 196.031(a) Amount: $25,000.00
- Exemption: 02. ADDL HOMESTEAD 196.031(b) Amount: $25,000.00
- Exemption: 35-L VETERAN 5000 196.24 Amount: $5,000.00

**Sales**

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<td>PERMIT APPROVAL TO INSTALL 3564 SF OF SAND SET PAVER DRIVEWAY, SIDEWALKS AND UNDER HOUSE OVER EXISTING CONCRETE PER APPROVED PLANS.</td>
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<td>$48,000</td>
<td>Residential</td>
<td>PERMIT APPROVAL TO CONSTRUCT 26&quot;X26&quot; POOL WITH DECK, HEATER/CHILLER, SALT SYSTEM PMP FILTER--3 LED LIGHTS AND LIFE SAFETY FENCE POOL AS PER APPROVED PLANS. REPLACE WINDOWS WITH IMPACT</td>
</tr>
<tr>
<td>06103940</td>
<td>10/26/2006</td>
<td>12/27/2006</td>
<td>$70,000</td>
<td>Residential</td>
<td>PERMIT APPROVAL TO CONSTRUCT 26&quot;X26&quot; POOL WITH DECK, HEATER/CHILLER, SALT SYSTEM PMP FILTER--3 LED LIGHTS AND LIFE SAFETY FENCE POOL AS PER APPROVED PLANS. REPLACE WINDOWS WITH IMPACT</td>
</tr>
<tr>
<td>990443</td>
<td>2/4/1999</td>
<td>12/29/2006</td>
<td>$20,000</td>
<td>Residential</td>
<td>PERMIT APPROVAL TO CONSTRUCT 26&quot;X26&quot; POOL WITH DECK, HEATER/CHILLER, SALT SYSTEM PMP FILTER--3 LED LIGHTS AND LIFE SAFETY FENCE POOL AS PER APPROVED PLANS. REPLACE WINDOWS WITH IMPACT</td>
</tr>
<tr>
<td>9801119</td>
<td>2/9/1998</td>
<td>1/1/2000</td>
<td>$9,100</td>
<td>Residential</td>
<td>PERMIT APPROVAL TO CONSTRUCT 26&quot;X26&quot; POOL WITH DECK, HEATER/CHILLER, SALT SYSTEM PMP FILTER--3 LED LIGHTS AND LIFE SAFETY FENCE POOL AS PER APPROVED PLANS. REPLACE WINDOWS WITH IMPACT</td>
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<td>A16296</td>
<td>9/9/1986</td>
<td>2/1/1987</td>
<td>$4,000</td>
<td>Residential</td>
<td>PERMIT APPROVAL TO CONSTRUCT 26&quot;X26&quot; POOL WITH DECK, HEATER/CHILLER, SALT SYSTEM PMP FILTER--3 LED LIGHTS AND LIFE SAFETY FENCE POOL AS PER APPROVED PLANS. REPLACE WINDOWS WITH IMPACT</td>
</tr>
<tr>
<td>A15059</td>
<td>3/1/1986</td>
<td>2/1/1987</td>
<td>$125,000</td>
<td>Residential</td>
<td>PERMIT APPROVAL TO CONSTRUCT 26&quot;X26&quot; POOL WITH DECK, HEATER/CHILLER, SALT SYSTEM PMP FILTER--3 LED LIGHTS AND LIFE SAFETY FENCE POOL AS PER APPROVED PLANS. REPLACE WINDOWS WITH IMPACT</td>
</tr>
</tbody>
</table>

**View Tax Info**

View Taxes for this Parcel

**Sketches (click to enlarge)**
No data available for the following modules: Commercial Buildings, Mobile Home Buildings.