



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Emily Schemper, A.I.C.P., C.F.M., Senior Director, Monroe County Planning and Environmental Resources Department

From: Devin Tolpin, A.I.C.P., C.F.M., Principal Planner, Monroe County Planning and Environmental Resources Department

Subject: *Application for an 18-Foot Variance from the Required 25-Foot Front Yard Setback 700 Grouper Lane, Mile Marker 95, Key Largo*
Property Identification Number: 00483470-000000

I APPLICATION:

The subject property is a non-homesteaded property located at 700 Grouper Lane, Key Largo; below is an excerpt of basic details from its Monroe County Property Appraiser's Office (MCPA) property record card for the property.

Summary

Parcel ID 00483470-000000
 Account# 1593087
 Property ID 1593087
 Millage Group 500P
 Location 700 GROUPEr Ln, KEY LARGO
 Address
 Legal RAE'S CUDA CANAL SUBD KEY LARGO PB3-186 ALL LOT 1 AND E 5' LOT 2 OR506-945 OR509-775 OR652-580
 Description OR876-2313 OR882-1529 OR913-121 OR986-575C/T OR1037-1002 OR1787-2380/81PET/DIS OR1787-2382ORDER OR2353-2412(PROB44-2008-CP-20-P) OR2430-172D/C OR2433-2068
 (Note: Not to be used on legal documents.)
 Neighborhood 1737
 Property Class SINGLE FAMILY RESID (0100)
 Subdivision RAE'S CUDA CANAL SUBD
 Sec/Twp/Rng 13/62/38
 Affordable No
 Housing



Owner

CASARETTO ALBERTO 1600 SE 8th St Fort Lauderdale FL 33316
 CASARETTO WANDA 1600 SE 8th St Fort Lauderdale FL 33316

Valuation

	2022 Working Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
+ Market Improvement Value	\$194,850	\$169,149	\$184,526	\$187,455
+ Market Misc Value	\$64,269	\$61,940	\$61,940	\$61,940
+ Market Land Value	\$2,034,412	\$845,788	\$828,835	\$828,835
= Just Market Value	\$2,293,531	\$1,076,877	\$1,075,301	\$1,078,230
= Total Assessed Value	\$1,184,565	\$1,076,877	\$1,075,301	\$1,078,230
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$2,293,531	\$1,076,877	\$1,075,301	\$1,078,230

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RES CANAL/WATERFRONT (01CW)	12,153.00	Square Foot	0	0

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1 The application solicits Planning Commission approval for a new residential building to be
2 constructed on the site to only have a six-foot, eleven-inch front-yard setback, rather than the
3 required twenty-five foot front yard setback per the Land Development Code.
4

5 Stated otherwise, the variance application requests for the Planning Commission to approve an
6 eighteen (18) foot-and-one inch variance from the required twenty-five (25) foot front yard
7 setback that Land Development Code § 131-1 requires.
8

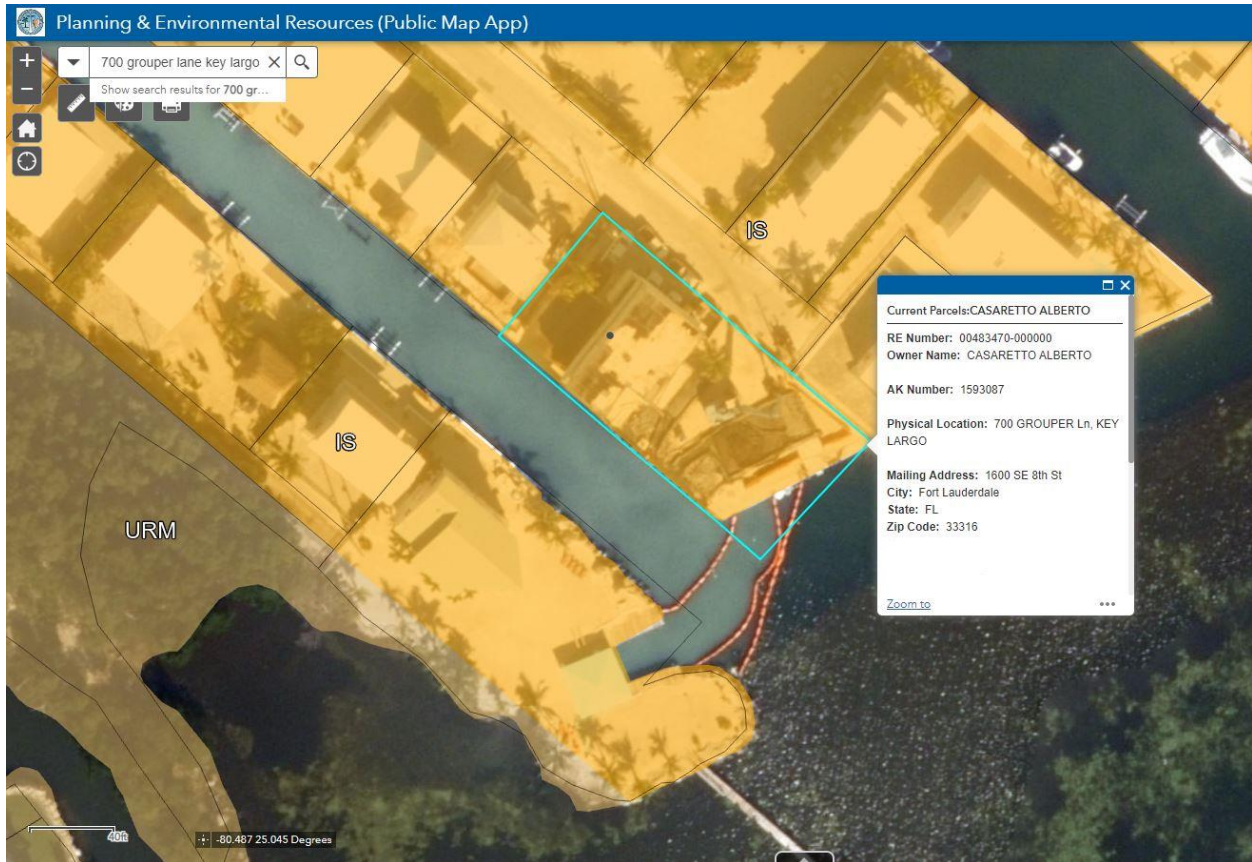
9 Approval of the variance application would result in a front-yard setback of six (6) feet and 11
10 inches with other portions of the structure at varying distances from the front property line.
11

12 As noted, the applicant is contemplating development of a new residential building on the
13 property.
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15 Below are true-and-correct 2022 Monroe County Planning & Environmental Resources
16 Department aerials showing the subject property's land use district and flood zone categories.
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II BACKGROUND INFORMATION:

Location: Key Largo near U.S. Highway 1, Mile Marker 95 (ocean-side)

Address: 700 Grouper Lane, Key Largo

Legal Description: The Southeast ½ of Lot 1, Rae’s Cuda Canal Subdivision, according to the Plat thereof, as recorded in Plat Book 3, Page 186, Public Records of Monroe County, Florida and The East five (5) feel of Lot 2, and the West ½ of Lot 1, Rae’s Cuda Canal Subdivision, according to the Plat thereof, as recorded in Plat Book 3, Page 186, Public Records of Monroe County, Florida

Property Identification Number: 00483470-000000

Property Owner/Applicant: Alberto and Wanda Casaretto

Agent: James Lupino, Esq.

Size of Site: 12,159 square feet (“sq. ft.”), with 9,626 sq. ft. total upland according to submitted boundary survey prepared by David S. Massey, P.S.M., dated July 8th, 2021

Land Use District: Improved Subdivision (“IS”)

Future Land Use Map (FLUM) Designation: Residential Medium (“RM”)

Tier Designation: III

Flood Zone: VE 15, VE 12, VE 11

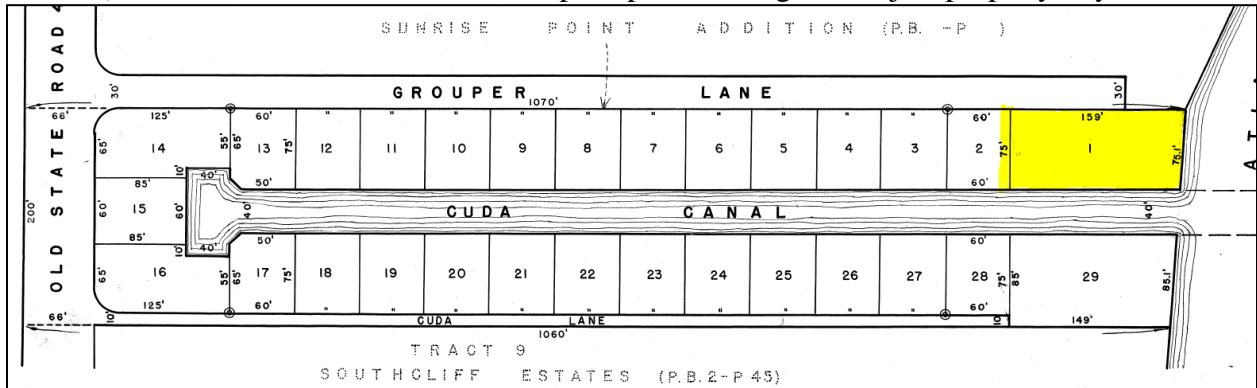
Existing Use: The Applicant has proposed to demolish the existing single-family residential structure on the site, and replace it with a new residential building.

Existing Vegetation / Habitat: Developed.

Community Character of Immediate Vicinity: Single-family residences.

1 **III RELEVANT PRIOR COUNTY ACTIONS:**

2 The Plat of Raes’s Cuda Canal Subdivision was approved by resolution by the BOCC on March
 3 5, 1957, and filed in Plat Book 3, Page 186. The subject property is located at Lot 1 (and 5 feet
 4 of Lot 2). Below is a true-and-correct excerpt of plat showing the subject property in yellow.



5 On March 13, 1970, Monroe County Building Permit No. 20310 was issued in order to
 6 construct a duplex on the property. The approved plans depict that structure in a different
 7 configuration than the structure that is currently in existence on the subject property. On
 8 December 29, 1983, Monroe County Building Permit No. C14256 was issued in order to add
 9 an addition to the structure. A memorandum included in said permit’s file indicates that the
 10 structure previously permitted was not constructed according to plan and was located within
 11 the required setbacks. That memorandum further that while a dimensional variance was
 12 requested, no documentation of any variance approval has ever been found. Apparently in
 13 error, the scope of work was nonetheless approved. It should lastly be noted that the structure
 14 approved then was approved as a single family residence.
 15

16
 17 Despite the availability of a vested rights determination administrative remedy¹ at all times
 18 relevant in the Monroe County Code, including at §§ 102-134 – 102-137 in the current
 19 edition of the Monroe County Code, that remedy was never pursued or exhausted.
 20

21 **IV REVIEW OF APPLICATION:**

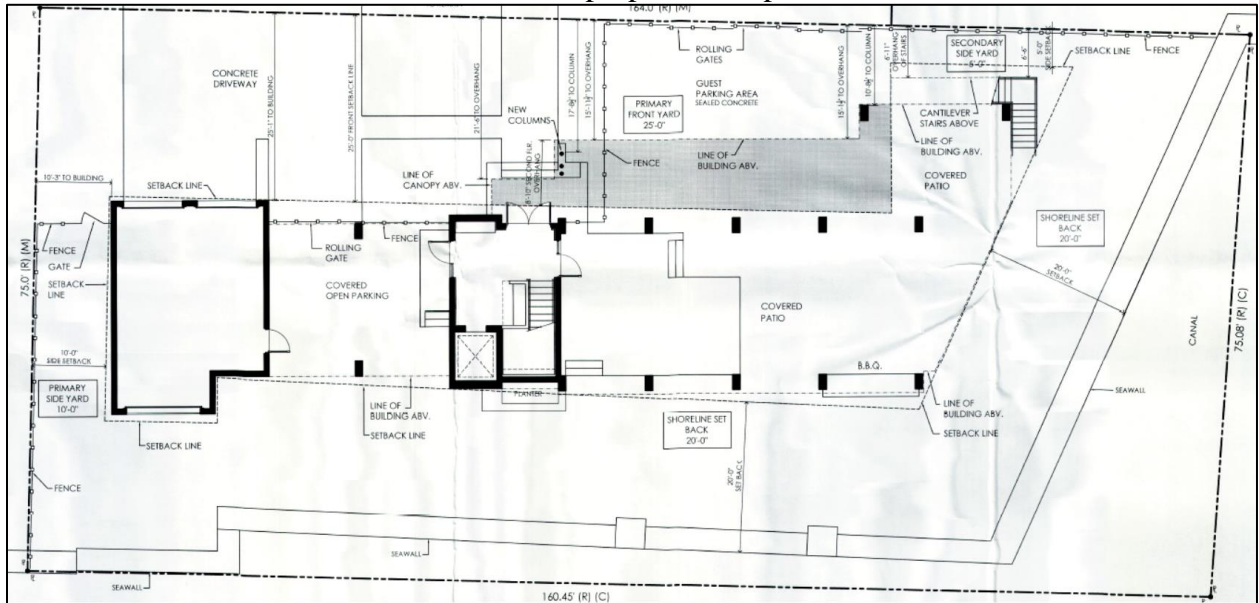
22 The applicant is proposing to demolish the existing single-family residence on the site and to
 23 utilize approval of this variance application to build a new single-family residential building
 24 encroaching within the required front-yard setback. As noted, the subject property is situated
 25 within the Improved Subdivision (“IS”) Land Use District. Pursuant to Land Development
 26 Code § 131-1, the required non-shoreline setbacks within the IS District are as follows:
 27

Land Use District/ Land Use	Primary Front Yard (ft.)	Secondary Front Yard (ft.)	Primary Side Yard (ft.)	Secondary Side Yard (ft.)	Rear Yard (ft.)
Improved Subdivision (IS)	25	15	10	5	20

¹ “An application for vested rights determination will be afforded a quasi-judicial, evidentiary hearing in front of a special magistrate who will make a proposed determination and a statement of what rights are vested. Interested persons will be afforded the opportunity to appear and introduce evidence and argument for or against the determination during the evidentiary hearing. The special magistrate’s proposed determination shall be forwarded to the BOCC for final approval.” Monroe County Land Development Code § 102-135.

1 Likewise as has been previously noted above, if the Planning Commission approves the
2 applicant's requested 18-foot, one-inch variance from the required 25-foot setback, it would
3 result in an approved front-yard setback of 6-feet and 11 inches, as per the site plan submitted
4 with this application, signed and sealed by Pete Ebersole, dated August 10th, 2022.
5

6 Below is a true-and-correct screenshot of the proposed site plan.



7 Note that most of the new residential building the applicant is proposing is less than 25-feet
8 from the front-property line shaded in gray, and that this variance application also includes a
9 front stairway and a porch overhanging in the northeastern corner of the building, which is
10 located 6-feet and 11 inches from Grouper Lane.
11

12 Pursuant to LDC § 102-187, a Variance May Only Be Granted If the Applicant Demonstrates
13 That All of the Following Standards Are Met:
14

15 (1) *The Applicant Must Demonstrate a Good and Sufficient Cause to Obtain the Applied-for*
16 *Variance: NOT IN COMPLIANCE*
17

18 In response to this requirement, the application has stated the following as the basis for
19 approval:
20

21 ‘This parcel is atypical in configuration and has boundaries of water on 2 sides and a street
22 on the third side. As an expensive parcel it justifies a structure of fair width and size and a
23 variance will not affect any third party negatively.’
24

25 **Professional Staff Review and Comment:** The subject property is a platted lot with an
26 added five feet of an adjacent lot, and has approximately 9,626 square feet of upland with
27 approximately 3,300 square feet of buildable area outside of the required setbacks. It is not
28 unusual for this property, a lot located at the terminal end of a canal, to have two shorelines
29 – there are multiple properties within the subdivision with two shorelines (i.e., other
30 properties at the end of canals).
31
32

1 The configuration of the proposed residential building includes a ground-floor entry-way
2 and second-floor overhangs that are proposed to be located encroaching less than 25 feet
3 from the front property line.

4
5 The plans generally demonstrate that the foundation can be constructed in compliance with
6 the Code's required setbacks.

7
8 The Monroe County Planning and Environmental Resources Department's professional
9 staff do not agree that the applicant has made a sufficient showing of good and sufficient
10 cause for this variance application to be granted.

11
12 (2) *Failure to Grant the Variance Would Result in Exceptional Hardship to the Applicant:*
13 **NOT IN COMPLIANCE**

14
15 LDC § 101-1 defines "exceptional hardship" as "a burden on a property owner that
16 substantially differs in kind or magnitude from the burden imposed on other similarly
17 situated property owners. Financial difficulty/hardship does not qualify as
18 exceptional hardship."

19
20 In response to this requirement, the application has stated the following as the basis for
21 approval:

22
23 'The applicant is bringing a non-compliant structure into compliance by rebuilding but the
24 property configuration is such that a variance on the road side is necessary to justify the
25 configuration. In doing so necessary square footage to justify the rebuild requires a
26 variance on the street side to make the configuration feasible due to the shape of the lot.'

27
28 **Professional Staff Review and Comment:**

29
30 Bringing a non-compliant structure into conformity with what the law requires does not
31 constitute an "exceptional hardship".

32
33 Upon review of the submitted site plan, it is evident that a residential structure in similar
34 configuration and size could be constructed without the requested variance.

35
36 The Monroe County Planning and Environmental Resources Department's professional
37 staff do not agree that failure by Monroe County to grant an eighteen (18) foot, one inch
38 variance from the required twenty-five (25) foot setback required by the Land
39 Development Code, constitutes an "exceptional hardship" or results in an "exceptional
40 hardship".

41
42 (3) *Granting the Variance Will Not Result in Increased Public Expenses, Create a Threat to*
43 *Public Health and Safety, Create a Public Nuisance, or Cause Fraud or Victimization of*
44 *the Public: N/A*

45
46 (4) *The Property Has Unique or Peculiar Circumstances, Which Apply to This Property, But*
47 *Which Do Not Apply to Other Properties in the Same Zoning District: NOT IN*
48 **COMPLIANCE**

1 In response to this requirement, the applicant has stated that “This property is uniquely
2 configured and is one of a kind in design, location and configuration. No others fit the same
3 profile.”
4

5 **Professional Staff Review and Comment:** The Monroe County Planning and
6 Environmental Resources Department’s professional staff do not agree with the applicant.
7 The subject property is a platted lot with an added five feet of an adjacent lot, and has
8 approximately 9,626 square feet of upland to build on. It is not unusual for this property, a
9 lot located at the terminal end of a canal, to have two shorelines – there are multiple
10 properties within the subdivision with two shorelines (i.e., other properties at the end of
11 canals).
12

13 (5) *Granting the Variance Will Not Give the Applicant Any Special Privilege Denied Other*
14 *Properties in the Immediate Neighborhood in Terms of the Provisions of This Chapter or*
15 *Established Development Patterns: N/A*
16

17 (6) *Granting the Variance is Not Based on Disabilities, Handicaps or Health of the Applicant*
18 *or Members of His Family: N/A*
19

20 (7) *Granting the Variance Is Not Based on the Domestic Difficulties of the Applicant or His*
21 *Family: N/A*
22

23 (8) *The variance is the minimum necessary to provide relief to the applicant: NOT IN*
24 **COMPLIANCE**
25

26 The applicant states, “The cost of demolition of the existing structure and building new is
27 justified only if a configuration to fit a suitable residence can be made.”
28

29 **Professional Staff Review and Comment:** It appears that a Code-compliant reconfigured
30 structure could be constructed on this property in a manner that complies with the Code’s
31 setback requirement. This variance is not the “minimum necessary” to provide relief to the
32 applicant.
33

34 V RECOMMENDATION:
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36 The Monroe County Planning and Environmental Resources Department’s professional staff
37 recommends **DENIAL** of this variance application for Planning Commission approval of an
38 eighteen foot-and-one inch variance from the required twenty-five foot front yard setback
39 mandated by Land Development Code § 131-1, in order to construct a new residential building
40 on the site with only a six-foot, eleven-inch front-yard setback.
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42 VI PLANS REVIEWED:
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- 44 A. Site Plan, Sheet Number SP-1.0, by Pete Ebersole, signed and sealed August 10th, 2022
45 B. Boundary Survey by David Massey, P.S.M., dated July 8th, 2021