File #: 2018-086

Owner's Name: Carlos Guerra, Jr.

Applicant: Carlos Guerra, Jr.

Agent / Contact: N/A

Type of Application: Administrative Variance

Key: Stock Island

RE #: 00124430.000000
Dear Applicant:

This is to acknowledge submittal of your application for _Admin Variance_ to the Monroe County Planning Department.

Thank you.

[Signature]

Planning Staff
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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: 4/18/18
Month Day Year

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

Carlos F. Guerra Jr
Applicant (Name of Person, Business or Organization)

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

Work Phone
Home Phone
Cell Phone
Email Address

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

Carlos F. Guerra Jr
Name of Person Submitting this Application

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

Work Phone
Home Phone
Cell Phone
Email Address

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

Block Lot Subdivision Key
00124430 - 000000
Real Estate (RE) Number
Alternate Key Number

Street Address (Street, City, State & Zip Code)
Approximate Mile Marker

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Last Revised 7/19/2017
Land Use District Designation(s): __________________________

Present Land Use of the Property: __________________________

Proposed Land Use of the Property: __________________________

Total Land Area: __________________________

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 yard 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: 10' side yard setback

Provide requested variance: Reduction of 12” off 10’ side yard setback

(i.e., front yard setback of 25 feet, 100 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:

I am looking to have a 4 foot wide staircase instead of 3 foot.

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

Already purchased this 32 feet building, modification will be difficult.

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 in the same land use district as a result of adoption of the regulations.
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:

Correct

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:

N/A

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:

Correct. This same variance was granted around the corner from my property (125380 I believe)

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

Correct

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

Correct

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

Will provide relief for all who inhabit the proposed dwelling
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
☐ Typed name and address mailing labels of all property owners within a 600-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 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: 4/18/18
STATE OF Florida
COUNTY OF Monroe
Sworn to and subscribed before me this 18 day of April, 2018,
by Carlos Guerra Jr., who is personally known to me OR produced
(PRINT NAME OF PERSON MAKING STATEMENT)
(QUEST IDENTIFICATION)

Signature of Notary Public, State of Florida
ELBA M RAMIREZ
Notary Public - State of Florida
Commission # GG 02665
My Comm Expires Dec 7, 2020
Bonded through National Notary Assn.

Print, Type or Stamp Commissioned Name of Notary Public
My commission expires:

Send complete application package to:

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

STATE OF __________________________

COUNTY OF __________________________

Before me, the undersigned authority, personally appeared __________________________ who, after being duly sworn deposes and says that the following statements are true and correct to the best of his/her knowledge and belief.

1. That a waterproof sign containing a legal notice for __________________________

   for the property was placed at properties legally described as __________________________

   __________________________, Monroe County; with the following Real Estate Number(s): __________________________

   on the ______ day of __________________________, ________.

   This waterproof sign contained an area of at least four (4) square feet. The sign containing the Legal Notice was placed on the properties in compliance with the 30-day posting requirements of the Monroe County Code. The sign is clearly visible from all public streets adjacent to the property. It provides a brief description of the proposed waiver and it indicates where the public may examine the application.

2. A photograph of the waterproof sign containing the Legal Notice is attached hereto.

Name of Affiant: __________________________ Date: __________________________

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

Witnesses:
Witness 1: __________________________ Date: __________________________

Witness 2: __________________________ Date: __________________________

STATE OF __________________________

COUNTY OF __________________________

The foregoing instrument was acknowledged before me this ____ day of __________________________, 20____,

by __________________________, who is personally known to me OR produced

(PRINT NAME OF PERSON MAKING STATEMENT)

___________ as identification.

(TYPE OF ID PRODUCED)

Signature of Notary Public

Print, Type or Stamp Commissioned Name of Notary Public
My commission expires:

Last Revised 7/19/2017
Warranty Deed

This Warranty Deed made this 13th day of April, 2017 between H-Try, LLC, a Florida limited liability company and 5671 MacDonald, LLC, a Florida limited liability company and R & S of Key West, Inc., a Florida corporation whose post office address is 815 Peacock Plaza, Key West, FL 33040, grantor, and Carlos F. Guerra, a single man whose post office address is 3709 Eagle Avenue, Key West, FL 33040, grantee:

(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida to-wit:

Lot 9, Block 31, of McDONALD'S PLAT OF STOCK ISLAND, according to the plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida.

Parcel Identification Number: 00124430-000000

Subject to taxes for 2017 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise 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, 2016.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.
No data available for the following modules: Buildings, Commercial Buildings, Mobile Home Buildings, Exemptions, Sketches (click to enlarge).

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

Last Data Update: 3/22/2018, 3:40 PM
Additional Information added to File 2018-086
End of Additional File 2018-086