

IN THE CITY OF KEY WEST, BEFORE THE CITY COMMISSION SITTING AS
THE BOARD OF ADJUSTMENT FOR THE CITY OF KEY WEST, FLORIDA

FAR NIENTE, LLC, a Minnesota limited
liability company,

Appellant,

v.

CITY OF KEY WEST,

Appellee.

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2016 OCT 11 PM 2:24
CITY OF KEY WEST
KEY WEST, FLORIDA

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that FAR NIENTE, LLC, a Minnesota limited liability company ("Appellant" or "Far Niente"), hereby appeals to the Board of Adjustment of the City of Key West, Florida, the administrative decision of the Chief Building Official, the Planning Director of the City of Key West, Florida rendered on September 28, 2016, ("Denial Letter"). A copy of the Denial Letter is attached as Exhibit "A."

The Denial Letter being appealed is an administrative decision of the Planning Director, who functions as the Chief Building Official, preventing the submittal of an application for a certificate of appropriateness to the Historic Architectural Review Commission ("HARC") with respect to the property located at 416 Elizabeth Street, Key West, Florida 33040.

It is clear from the Denial Letter that the Planning Director has misinterpreted section 122-1183(d), City of Key West, Florida, Municipal Code ("Section 122-1183(d)") which deals with the design parameters, specifically the height requirements, for fences in the City of Key West. The Planning Director has hijacked Far Niente's HARC Application by asserting that an after-the-fact variance is required prior to seeking HARC approval. The Planning Director has denied Far Niente the ability to have HARC hear its application and make a formal decision as to

whether a Certificate of Appropriateness may be issued without the need for a variance. Respectfully, the Planning Director's interpretation of Section 122-1183(d) is incorrect and no after-the-fact variance is required, because the height of the fence at issue is in compliance with the provisions of the City of Key West Municipal Code.

Far Niente has standing to bring this appeal pursuant to section 90-430, Key West, Florida, Municipal Code (2016), because Far Niente is the HARC applicant and property owner affected by the decision rendered by a City of Key West Chief Building Official. Dana Day and Stan Day are the Managers and Members of Far Niente, the owner of 416 Elizabeth Street, Key West, Florida.

FACTUAL HISTORY

1. On or about April 20, 2011, Far Niente acquired title to the real property located at 416 Elizabeth Street, Key West, Florida 33040 ("416 Elizabeth"). 416 Elizabeth is located within the Historic District of Key West, specifically, the Historic Medium Density Residential zone.

2. On or about July 31, 2012, Far Niente acquired title to the real property located at 616 Eaton Street, Key West, Florida 33040 ("616 Eaton"). 616 Eaton and 416 Elizabeth are contiguous to one another and share a common boundary.

3. Between November of 2012, and January of 2013, Far Niente constructed a fence on what was then 616 Eaton ("Subject Fence"). The Subject Fence was located on the interior of 616 Eaton, not on any then existing boundary line or within any setback, and was therefore not a "boundary fence" when it was constructed.

4. On or about February 14, 2013, Far Niente submitted a HARC application for an accessory pool house structure.

5. On or about February 19, 2013, the HARC pool house application received staff approval.

6. On or about June 12, 2013, Far Niente requested that the City of Key West Planning Department (“Planning Department”) approve a boundary line adjustment between 416 Elizabeth and 616 Eaton. The requested boundary line adjustment sought to remove land from 616 Eaton in favor of adding land to 416 Elizabeth.

7. On or about June 28, 2013, Far Niente submitted a detached habitable space variance application for the accessory pool house structure, as required by the Planning Department.

8. On or about July 12, 2013, Don Craig, the then acting City Planning Director, approved the requested boundary adjustment. As a result, the Subject Fence was incorporated as part of the contiguous “boundary fence” located on and surrounding 416 Elizabeth with Far Niente still holding title to the properties on both sides of the rear portion of the Subject Fence separating 416 Elizabeth from 616 Eaton.

9. On or about August 22, 2013, the City of Key West Planning Board (“Planning Board”) approved the detached habitable space variance for the accessory pool house structure. The approval was conditioned on the recording of a certain deed restriction.

10. On or about August 15, 2014, Far Niente sold 616 Eaton, as physically modified by the approved boundary adjustment, to Mark and Kristina Serbinski (“Serbinskis”).

11. On October 15, 2015, the City of Key West (“City”) issued a notice of code violation (“Notice of Code Violation”), Case No.: 15-1327, upon Far Niente in response to a code complaint made by the Serbinskis. The Notice of Code Violation contained three (3) counts against Far Niente, the owner of 416 Elizabeth.

- a. Count 1 stated that a fence “in excess of 8’ in height” was constructed on the side and rear property lines without a building permit.
- b. Count 2 stated that the fence was built without a HARC Certificate of Appropriateness.
- c. Count 3 stated that the accessory structure pool house and a carport were constructed within the setbacks and required a variance to correct. The minimum rear setback for an accessory structure is 5’ pursuant to Key West City Code (“Code”) §122-1181. A carport may be constructed “within one foot” of interior lot lines per the Code (“§122-1181”).

Attached as Exhibit “B” is a copy of the Notice of Code Violation for Case No.: 15-1327 dated October 15, 2015.

12. On or about November 19, 2015, Richard McChesney (“McChesney”), counsel for Far Niente, met with Ronald Ramsingh (the “Assistant City Attorney”), Jim Young (the “Chief Code Official”), Thaddeus Cohen (the “Planning Director”), and Peg Corbett (the “Code Officer”) to discuss and resolve the Notice of Code Violation.

13. On the same day, and sometime after the meeting, the Assistant City Attorney informed McChesney that the carport located on 416 Elizabeth was built without a building permit and did not receive final inspections.

14. On November 20, 2015, McChesney provided a copy of the building permit with respect to the construction of the carport, along with final inspection signoff, to the Assistant City Attorney and Chief Code Official, thus resolving the carport permit issue.

15. On December 16, 2015, McChesney provided an as-built survey to the Planning Department and Assistant City Attorney, pursuant to their request for same to confirm the accessory pool house structure and carport complied with the City’s minimum setback requirements.

16. On January 29, 2016, the Assistant City Attorney and Code Officer conducted a site visit to inspect the accessory structure pool house at 416 Elizabeth. The inspection of the pool house and carport resulted in the dismissal of Count 3 of the Notice of Code Violation.

17. On February 18, 2016, the Assistant City Attorney provided a draft of the deed restriction required pursuant to the detached habitable space variance. On March 16, 2016, Far Niente caused the deed restriction to be recorded. *See* Book 2789, Page 32 of the Official Records of Monroe County, Florida.

18. On April 20, 2016, the City notified Far Niente that a compliance hearing was scheduled with respect to Counts I and II of the Notice of Code Violation.

19. From October 15, 2015, through the date of the compliance hearing on April 27, 2016, Far Niente attempted to locate the Subject Fence building permit and HARC certificate of appropriateness without success.

20. On April 27, 2016, a hearing was held to determine whether a violation existed on Counts I and II of the Notice of Code Violation. Evidence was introduced indicating that Far Niente believed a permit was obtained through its contractor; however, no evidence of the issuance of said permit could be located by the City. Ultimately, the Special Magistrate determined that, although he believed that everyone thought a permit was obtained, not enough evidence existed to rule in favor of Far Niente.

21. On April 28, 2016, one day after the code compliance hearing, Far Niente submitted a combined (after-the-fact) HARC/Building Permit Application ("Far Niente HARC Application"), through Bert Bender, its architect ("Architect"), for the Subject Fence. A copy of the Far Niente HARC Application is attached as Exhibit "C". The Architect, an expert in laws

governing the Key West Historic District, believed the application to be fully compliant with the City of Key West Land Development Regulations (“LDRs”) and applicable code requirements.

22. On May 23, 2016, two days prior to the following code compliance hearing, the Architect received an email from Melissa Leto, Planner Analyst for the City of Key West, stating that the Subject Fence is not in compliance with the LDRs and that the Far Niente HARC Application would be “placed on hold” until resolved. The Architect responded requesting information as to why the Subject Fence was considered to be not in compliance; however, the City did not respond.

23. On May 25, 2016, a code compliance hearing was held wherein a continuance was granted to allow Far Niente to respond to the email from the Planning Department stating that the Subject Fence was not in compliance with the City of Key West LDRs.

24. On June 29, 2016, a code compliance hearing was held wherein a continuance was granted as Far Niente and the City continued their efforts to resolve the Subject Fence issue.

25. On July 14, 2016, the Planning Department requested a meeting with the Architect and McChesney, as counsel for Far Niente. On July 25, 2016, the Architect and McChesney met with the Assistant City Attorney and the Planning Director to discuss a resolution of the Subject Fence issue.

26. On July 27, 2016, a code compliance hearing was held wherein a continuance was granted to provide more time for Far Niente to respond to the issues raised at the July 25 meeting with the City.

27. On August 8, 2016, the Architect submitted a package to the Planning Director demonstrating the natural grade of 416 Elizabeth when it was purchased by Far Niente (“Natural Grade Package, in order to establish the natural grade for measurement purposes. Attached as

Exhibit “D” is a copy of the Natural Grade Package submitted on August 8, 2016. The City did not respond to the Natural Grade Package submitted by the Architect.

28. In the Architect’s Natural Grade Package, the Architect submitted a survey of 416 Elizabeth which clearly demonstrates that the highest natural grade is approximately Thirteen Feet Eight Inches (13.7’). *See* Exhibit D, p. 2 (Red Rectangle Box). Additionally, the Natural Grade Package illustrates with the use of photographs that the natural grade of 416 Elizabeth has remained unchanged. *See* Exhibit D.

29. On August 31, 2016, McChesney, on behalf of Far Niente, received an email from the Assistant City Attorney asking if the item was ready to be heard for compliance. McChesney stated that they were not prepared, because Far Niente was awaiting an official response from the City regarding the Natural Grade Package provided by the Architect. The Assistant City Attorney then advised McChesney that the Natural Grade Package would not be considered by the City and no response would be issued. A code compliance hearing was held later that day wherein the Assistant City Attorney agreed to a continuance, which was granted, due to the fact that counsel for Far Niente was unaware that the City was not considering the Natural Grade Package.

30. On September 28, 2016, the Planning Director of the City of Key formally notified Far Niente by letter (“Denial Letter”) that “a variance would have been required to build a fence in excess of the code limitation of six (6) feet” and that Far Niente “may apply to the Planning Department for an After the Fact Variance for consideration by the Planning Board.” *See* Exhibit A.

31. As a result of the Planning Director's determination that an after-the-fact variance is required, the Planning Director effectively denied Far Niente HARC Application and the ability for Far Niente to go before HARC to obtain a Certificate of Appropriateness.

MEMORANDUM OF LAW

I. THE SUBJECT FENCE IS IN COMPLIANCE WITH SECTION 122-1183 WHEN MEASURING THE SUBJECT FENCE UTILIZING THE METHOD MANDATED IN THE HARC GUIDELINES.

The Subject Fence is in compliance with the City Municipal Code, Land Development Regulations and HARC Guidelines. The Subject Fence does not exceed the height limitation found in Section 122-1183(d) when applying the HARC Guidelines' method for measuring a fence within the Historic Districts.

The Planning Director has utilized flawed interpretation of section 122-1183(d) in derogation of the HARC Guidelines and established principles of statutory construction. The Planning Director has seized control of the Far Niente HARC Application by denying Far Niente the ability to have HARC determine whether a Certificate of Appropriateness may be issued. Respectfully, the Planning Director's interpretation of Section 122-1183(d) is incorrect and no after-the-fact variance is required, because the Subject Fence height is in compliance.

Section 122-1183 of the Land Development Regulations outlines the design parameters for fences in the City of Key West, which states in part as follows:

- (d) *Standards for fences and hedges.* Fences shall be erected on the lot of the applicant and shall not extend into a public right-of-way. The fence may abut but shall not be located on any property line. It shall be unlawful for any person to erect a fence within the city except in accordance with the following:
 - (1) In the city's residential areas the following restrictions as to fence height and construction shall apply:
 - a. Solid or open fences not exceeding four feet in height constructed of wood, rock, concrete block, chain link or

wrought iron may be permitted on the front, rear and side yard property lines of any parcel of land.

- b. If there are located utility electrical transformer banks, water towers or other facilities owned or leased by a public utility in residential zones which require the fencing of such for safety precautions, the fence around such facilities shall be at least six feet in height, and barbed wire may be used on the top of such six-foot fence.
- c. Fences up to six feet in height may be constructed on the front, rear and side yard property lines of any parcel of land, provided that the upper two feet of such six-foot fence has openings of at least 50 percent or more in the construction of the fence. Solid fences up to six feet in height may be constructed on rear and side yard property lines of any parcel of land provided such solid six-foot fence is not constructed on property lines intersecting at street corners and that the adjoining property owners file their written consent with the building department consenting to the construction of such six-foot solid fence.
- d. The fence shall be located so as to avoid interference with traffic visibility pursuant to section 122-1406.

§ 122-1183(d)(1)(a-d), City of Key West, Fla., Mun. Code. Aside from the design parameters found in Section 122-1183, the Municipal Code and LDRs are wholly silent on the method utilized to determine how to measure a fence – except that the HARC Guidelines provide very specific criteria for measuring fence height in a Historic District and those same HARC Guidelines are specifically incorporated into the City of Key West Municipal Code with the corresponding force of law.

Section 90-142, City of Key West, Florida, Municipal Code (“Section 90-142”) states that the “Historic Architectural Commission Design Guidelines, as amended from time to time...are hereby incorporated by reference.” Id. Accordingly, the Historic Architectural Commission Design Guidelines (“HARC Guidelines”) are part of the City of Key West Municipal Code and LDRs.

Despite the Municipal Code and LDRs being otherwise silent on the method utilized to

determine how to measure the height of a fence, the HARC Guidelines set forth a specific method for measuring the height of a fence located within one of the City's Historic Districts. Under the HARC Guidelines, "[f]ence heights will be measured from the sidewalk or from the level of the natural grade, whichever is highest." HARC Guidelines, page 42, "Fences & Walls," paragraph 9. Accordingly, pursuant to Section 90-142, the method for measuring a fence located within a Historic District is set forth in the HARC Guidelines and is controlling here.

Further support for the position that the HARC Guidelines control in this matter is found in the Florida Supreme Court's seminal case on statutory construction. Rinker Materials Corp. v. City of North Miami, 286 So. 2d 552 (Fla. 1973). In Rinker, the Supreme Court sought to resolve a conflict among the courts that resulted in a "failure to follow established decisional rules of statutory construction." Id. at 553. The Rinker Court reaffirmed the principles to be:

- (a) In statutory construction, statutes must be given their plain and obvious meaning and it must be assumed that the legislative body knew the plain language and ordinary meanings of the words.
- (b) Statutes or ordinances should be given that interpretation which renders the ordinance valid and constitutional.
- (c) Since zoning regulations are in derogation of private rights of ownership, words used in a zoning ordinance should be given their broadest meaning when there is no definition or clear intent to the contrary and the ordinance should be interpreted in favor of the property owner.

Id. at 553. Additionally, the Rinker Court held that "Municipal ordinances are subject to the same rules of construction as state statutes." Id. (citing Rose v. Town of Hillsboro Beach, 216 So.2d 258 (Fla. 4th DCA 1968)). Pursuant to Rinker, the City must apply these rules of statutory construction.

Applying Rinker, the HARC Guidelines unequivocally control in this matter, because the City's Municipal Code and LDRs are otherwise silent as to the method for measuring a fence

within the Historic Districts. 416 Elizabeth is within the Historic Medium Density Residential zone; thus, it cannot be disputed that the HARC Guidelines are applicable. The HARC Guidelines must be given their plain and obvious meaning. *See Rinker Materials Corp.*, 286 So. 2d at 553.

The HARC Guidelines provide that a fence height is to be measured from either the level of the sidewalk, or from the natural grade, whichever is higher. *See HARC Guidelines*, page 42, “Fences & Walls,” paragraph 9.

Applying the HARC Guidelines, the highest natural grade on 416 Elizabeth is approximately Thirteen Feet and Eight Inches (13.7’), and is adjacent to the Subject Fence which is approximately Eighty Feet (80’) west of the sidewalk on Elizabeth Street. *See Exhibit D*, page 2. From the highest natural grade, 416 Elizabeth slopes into a deep, natural swale until it reaches its lowest natural grade at the rear lot line between 416 Elizabeth and 616 Eaton. *See Exhibit D*, page 2. Accordingly, the segment of the Subject Fence in question is Five Feet and Six Inches (5.5’) tall when measured from the highest natural grade, as required by the HARC Guidelines. Although the segment of the Subject Fence in question rises higher from the ground at the bottom of the swale, it would be a fundamental error to measure it solely from where it stands as opposed to measuring it from the highest natural grade on the entire site as mandated by the HARC Guidelines.

Neither the Land Development Regulations nor the HARC Guidelines provide that a fence height is to be measured at each discrete point from the level of the grade on which it sits. Such an interpretation of Section 122-1183(d) is precisely what the Planning Director relied upon in issuing his Denial Letter. Should this interpretation be applied, which is contrary to the HARC Guidelines, it would result in absurd scenarios wherein a fence would be required to be

measured from the ground at each individual picket or plank to insure that it does not exceed Six Feet (6') at each discrete point of measurement. The height of a fence would be required to precisely follow the meandering contours of the ground, no matter how uneven or varied the heights of the building site. What would result would be fences that resemble construction techniques only found in the children's books of the whimsical world of Dr. Seuss. It could not be argued that such a method would be permitted, because the result would be contrary to logic. Rinker does not permit the City or any Official to add or infer a provision to a plain and unambiguous ordinance. Accordingly, a plain reading of the HARC Guidelines establishes that the Subject Fence height is to be measured from the highest natural grade on 416 Elizabeth, which results in the Subject Fence being fully compliant with Section 122-1183. *See* HARC Guidelines, page 42, "Fences & Walls," paragraph 9.

Lastly, although not an issue raised in the Denial Letter, written consent of the adjoining property owner was not required for the upper two feet (2') of the Subject Fence to be solid, because the Subject Fence is located in the rear of 416 Elizabeth and Far Niente was the owner of both 416 Elizabeth and 616 Eaton at the time of construction. *See* § 122-1183(d)(1)(c), City of Key West, Fla., Mun. Code.

Because the specific method for measuring fence heights is plainly set forth in the HARC Guidelines, at a minimum the City Planning Director should be required to submit the Fence Application to HARC so that HARC can interpret and apply its Guidelines to the subject fence. Should HARC conclude, as it should under the plain and clear provisions of the HARC Guidelines, that the subject fence is within height restrictions when measured in the manner set forth in the HARC Guidelines, then no variance would be required to approve the application for this existing fence. The Planning Director's conclusion that the HARC Guidelines can be wholly

ignored is unsupportable.

CONCLUSION

For the foregoing reasons, Far Niente respectfully requests the Board of Adjustment to enter a decision as follows:

- a. Overrule the decision of the Planning Director of the City of Key West, Florida rendered on September 28, 2016;
- b. Require that the HARC/Building Permit Application for a Certificate of Appropriateness submitted by Far Niente, LLC on April 28, 2016, be heard by the Historic Architectural Committee; or in the alternative
- c. Formally Recognize that the HARC Design Guidelines, specifically those relating to the method for measuring a fence height on Page 42, "Fences & Walls," paragraph 9, apply in this matter, and that the City Municipal Code and Land Development Regulations be read in pari materia with the HARC Design Guidelines; and
- d. For such other relief as the Board of Adjustment deems just and proper.

Dated this 11th day of October, 2016.

Respectfully submitted,



WAYNE LaRUE SMITH
Florida Bar No. 0031410
BRETT TYLER SMITH
Florida Bar No. 0085412
THE SMITH LAW FIRM,
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Counsel for Appellant
509 Whitehead Street
Key West, Florida 33040
T: (305) 296-0029
F: (305) 296-9172
E: Court-Filings@thesmithlawfirm.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 11, 2016, a true and correct copy of the foregoing was personally served on Cheri Smith, Clerk of the City of Key West, Florida 33040.



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THE CITY OF KEY WEST

P. O. BOX 1409
KEY WEST, FLORIDA 33041-1409
www.keywestcity.com

September 28, 2016

Far Niente, LLC
c/o Dana Day
416 Elizabeth Street
Key West, Florida 33040

Subject: Code Violation, Fence Height 416 Elizabeth Street

Dear Mr. and Ms. Day,

This letter is to inform you that in reviewing the information with regard to the constructed fence at the referenced property; a variance would have been required to build a fence in excess of the code limitation of six (6) feet. Section 122-1183 Walls and Fences in particular part (d) Standards for fences and hedges (1) (c).

You may apply to the Planning Department for an After the Fact Variance for consideration by the Planning Board.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Cohen", is written over a faint, circular official stamp.

Thaddeus L. Cohen
Planning Director

TLC/jv

cc: Wayne Smith
Richard McChesney

Key to the Caribbean - Average yearly temperature 77° F.





THE CITY OF KEY WEST

Code Compliance Division

P.O. BOX 1409
KEY WEST, FL 33041
(305) 797-0665

NOTICE OF CODE VIOLATION

DATE: October 15, 2015
RE: CASE NUMBER 15-1327

CERTIFIED MAIL RECEIPT#: 7014 3490 0001 9322 6265

To:
Far Niente, LLC
Jack Spottswood - Registered Agent
500 Fleming St
Key West FL 33040

Subject Address:
416 ELIZABETH ST
Key West, Florida 33040

According to the records of The City of Key West, you are the current property owner/ representative or the business owner at the above-referenced property. You are hereby noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count 1. Sec. 90-356. - Building permits required.

(a) No building or other structure shall be erected, demolished, moved, added to, or structurally altered without a building permit issued by the chief building official.

(b) In accordance with F.S. § 380.04, changes in use classification of a building or structure shall also require a development permit issued by the chief building official.

(c) All building permits issued shall be in conformity with the provisions of the fire codes, the building codes, and the land development regulations, except after written order in the form of an administrative review or a variance from the board of adjustment as provided for in the land development regulations. No building permit shall be granted unless the developer has submitted all requisite plans and permits required by the city and other entities having jurisdiction. No building permit shall be issued until concurrency management program requirements in chapter 94 are met.

(d) Any required supportive written documentation from other essential public facility and service agencies must be submitted and shall demonstrate that sufficient capacity exists to supply the proposed development.

To Wit: I received a complaint that a fence in excess of 8' in height was built on the side and rear of the subject property without the benefit of the requisite building permit and approved variance.

Corrective Action: Contact the city of Key West Building Department to apply for and obtain all required after the fact permits and inspections.



2/2

Count 2. Sec. 14-40. - Permits in historic districts.

(a)Requirements. No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission (HARC), attested by signature of its presiding member, and until the chief building official finds that the building or work permit conforms to all laws and regulations of the city.

(b)Contents. All permits issued by the city shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all city laws and regulations and of HARC.

(c)Building permit application shall be identical in scope, description and elevation views of the HARC project.

(d)Stop work order; penalty. The chief building official is authorized to post a signed and dated notice to stop work on any site on which work is being performed in violation of the city laws and regulations or of HARC. Any person shall be guilty of an offense punishable as provided in section 1-15 if the person:

(1)Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the chief building official; or

(2)Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the chief building official.

Where such offenses are of a continuing nature, no two separate offenses shall be charged against the same person within any one-hour period.

To Wit: The subject fence was built without the benefit of a HARC certificate of appropriateness.

Corrective Action: Contact the city of Key West Planning Department to apply for and obtain all required after the fact HARC approval and permits.

Count 3. Sec. 122-600. - Dimensional requirements.

The dimensional requirements in the historic medium density residential district (HMDR) are as follows; however, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission design guidelines:

(6)Minimum setbacks:

a.Front: 10 feet.

b.Side: 5 feet.

c.Rear: 15 feet.

d.Street side: 7.5 feet.

To Wit: The property owner has built a pool house and a carport in the side and rear setbacks respectively contrary to city ordinance.

Corrective Actions: Contact the city of Key West Planning Department to apply for and obtain the requisite after the fact variance(s).

Florida Statutes Chapter 162 and Key West Code of Ordinances Article VI authorize code enforcement proceedings. You have ten (10) days after receipt of this notice to take corrective action on the above-described violation(s). **PLEASE CONTACT THE UNDERSIGNED CODE COMPLIANCE OFFICER** so that we can assist you in achieving compliance and scheduling a re-inspection. If corrective action is not taken within the specified 10 days, this matter will be referred to The Special Magistrate for an administrative non-criminal hearing concerning the alleged violation(s).

The violation listed herein does not necessarily constitute all the violations that may exist with regard to this matter/property. Lack of enforcement proceedings at this time does not constitute a waiver of the right to any future notices of violations.

IF THE VIOLATION IS CORRECTED AND THEN RECURS OR IF THE VIOLATION IS NOT CORRECTED BY THE TIME SPECIFIED BY THE CODE OFFICER, THE CASE MIGHT BE PRESENTED TO THE SPECIAL MAGISTRATE EVEN IF THE VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE.

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.

FINES THAT ARE NOT PAID MAY BECOME LIENS UPON YOUR PROPERTY AND BE RECORDED IN THE PUBLIC RECORDS OF MONROE COUNTY.



Peg Corbett
Code Compliance Officer
City of Key West
(305) 797-0665
Wednesday through Sunday

COMBINATION APPLICATION: FLOODPLAIN, CONSTRUCTION AND HARC

\$50.00 APPLICATION FEE NON-REFUNDABLE



City of Key West

3140 FLAGLER AVENUE
KEY WEST, FLORIDA 33040

Phone: 305.809.3956

HARC PERMIT NUMBER		BUILDING PERMIT NUMBER		INITIAL & DATE
FLOODPLAIN PERMIT			REVISION #	
FLOOD ZONE	PANEL #	ELEV. L. FL.	SUBSTANTIAL IMPROVEMENT <input type="checkbox"/> YES <input type="checkbox"/> NO _____ %	

ADDRESS OF PROPOSED PROJECT:

416 Elizabeth Street, Key West, FL 33040

OF UNITS

RE # OR ALTERNATE KEY:

1006467

NAME ON DEED:

Far Niente, LLC

PHONE NUMBER 312-479-2716

OWNER'S MAILING ADDRESS:

416 Elizabeth Street

EMAIL danalday@earthlink.net

Key West, Florida 33040

CONTRACTOR COMPANY NAME:

Holtkamp Construction

PHONE NUMBER 305-294-5399

CONTRACTOR'S CONTACT PERSON:

Jordan Holtkamp

EMAIL jsholtkamp@comcast.net

ARCHITECT / ENGINEER'S NAME:

Bender & Associates Architects

PHONE NUMBER 305-296-1347

ARCHITECT / ENGINEER'S ADDRESS:

410 Angela Street

EMAIL bbender@benderarchitects.com

Key West, FL 33040

HARC: PROJECT LOCATED IN HISTORIC DISTRICT OR IS CONTRIBUTING: ☒ YES ☐ NO (SEE PART C FOR HARC APPLICATION.)

CONTRACT PRICE FOR PROJECT OR ESTIMATED TOTAL FOR MAT'L., LABOR & PROFIT:

FLORIDA STATUTE 837.06: WHOEVER KNOWINGLY MAKES A FALSE STATEMENT IN WRITING AND WITH THE INTENT TO MISLEAD A PUBLIC SERVANT IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTY SHALL BE GUILTY OF A MISDEMEANOR OF THE SECOND DEGREE PUNISHABLE PER SECTION 775.082 OR 775.083.

PROJECT TYPE:	<input type="checkbox"/> ONE OR TWO FAMILY	<input type="checkbox"/> MULTI-FAMILY	<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> NEW	<input type="checkbox"/> REMODEL
	<input type="checkbox"/> CHANGE OF USE / OCCUPANCY	<input type="checkbox"/> ADDITION	<input type="checkbox"/> SIGNAGE	<input type="checkbox"/> WITHIN FLOOD ZONE _____	
	<input type="checkbox"/> DEMOLITION	<input checked="" type="checkbox"/> SITE WORK	<input type="checkbox"/> INTERIOR	<input type="checkbox"/> EXTERIOR	<input type="checkbox"/> AFTER-THE-FACT

DETAILED PROJECT DESCRIPTION INCLUDING QUANTITIES, SQUARE FOOTAGE ETC.,

EXTEND EXISTING FENCE POSTS TO CREATE A 6 FOOT TALL FENCE WITH THE TOP 2 FEET @ 50% OPEN

I'VE OBTAINED ALL NECESSARY APPROVALS FROM ASSOCIATIONS, GOVT AGENCIES AND OTHER PARTIES AS APPLICABLE TO COMPLETE THE DESCRIBED PROJECT.	
OWNER PRINT NAME:	QUALIFIER PRINT NAME: JORDAN HOLT KAMP HOLT KAMP CONSTRUCTION
OWNER SIGNATURE:	QUALIFIER SIGNATURE:
Notary Signature as to owner:	Notary Signature as to qualifier:
STATE OF FLORIDA; COUNTY OF MONROE, SWORN TO AND SCRIBED BEFORE ME THIS _____ DAY OF _____, 20____.	STATE OF FLORIDA; COUNTY OF MONROE, SWORN TO AND SCRIBED BEFORE ME THIS 26th DAY OF April, 2016.
Personally known or produced _____ as identification.	DAINA D. KATUBI Commission # FF 086691 Expires February 5, 2018 Bonded Third Party Insurance #00-385-7019

PART B:**SUPPLEMENTARY PROJECT DETAILS TO AVOID DELAYS / CALL-BACKS**

PROPERTY STRUCTURES AFFECTED BY PROJECT: ☐ MAIN STRUCTURE ☐ ACCESSORY STRUCTURE ☒ SITE

ACCESSORY STRUCTURES: ☐ GARAGE / CARPORT ☐ DECK ☒ FENCE ☐ OUTBUILDING / SHED

FENCE STRUCTURES: ☐ 4 FT. ☐ 6 FT. SOLID ☒ 6 FT. / TOP 2 FT. 50% OPEN

POOLS: ☐ INGROUND ☐ ABOVE GROUND ☐ SPA / HOT TUB ☐ PRIVATE ☐ PUBLIC

PUBLIC POOLS REQUIRE BD. OF HEALTH LICENSE APPLICATION AT TIME OF CITY APPLICATION.
PUBLIC POOLS REQUIRE BD. OF HEALTH LICENSE PRIOR TO RECEIVING THE CITY CERTIFICATE OF OCCUPANCY.

ROOFING: ☐ NEW ☐ ROOF-OVER ☐ TEAR-OFF ☐ REPAIR ☐ AWNING

☐ 5 V METAL ☐ ASPLT. SHGLS. ☐ METAL SHGLS. ☐ BLT. UP ☐ TPO ☐ OTHER

FLORIDA ACCESSIBILITY CODE: ☐ 20% OF PROJECT FUNDS INVESTED IN ACCESSIBILITY FEATURES.

SIGNAGE: ☐ # OF SINGLE FACE ☐ # OF DOUBLE FACE ☐ REPLACE SKIN ONLY ☐ BOULEVARD ZONE

☐ POLE ☐ WALL ☐ PROJECTING ☐ AWNING ☐ HANGING ☐ WINDOW

SQ. FT. OF EACH SIGN FACE:

SUBCONTRACTORS / SPECIALTY CONTRACTORS SUPPLEMENTARY INFORMATION:

☐ MECHANICAL: ☐ DUCTWORK ☐ COMMERCIAL EXH. HOOD ☐ INTAKE / EXH. FANS ☐ LPG TANKS

A / C: ☐ COMPLETE SYSTEM ☐ AIR HANDLER ☐ CONDENSER ☐ MINI-SPLIT

☐ ELECTRICAL: ☐ LIGHTING ☐ RECEPTACLES ☐ HOOK-UP EQUIPMENT ☐ LOW VOLTAGE

SERVICE: ☐ OVERHEAD ☐ UNDERGROUND ☐ 1 PHASE ☐ 3 PHASE _____ AMPS

☐ PLUMBING: ☐ ONE SEWER LATERAL PER BLDG. ☐ INGROUND GREASE INTCPTRS. ☐ LPG TANKS

RESTROOMS: ☐ MEN'S ☐ WOMEN'S ☐ UNISEX ☐ ACCESSIBLE

PART C:**HARC APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**

APPLICATION FEES: PAINTING SINGLE FAMILY: \$10 ☐ STAFF APPROVAL: \$50 ☒ COMMISSION REVIEW \$100 ☐

PLEASE ATTACH APPROPRIATE VARIANCES / RESOLUTIONS FROM HARC, PLANNING BOARD OR TREE COMMISSION.

ATTENTION: NO BUILDING PERMITS WILL BE ISSUED PRIOR TO HARC APPROVAL.

PLEASE SEND ELECTRONIC SUBMISSIONS TO: harc@cityofkeywest-fl.gov

INDICATE TYPE OF CERTIFICATE OF APPROPRIATENESS: ☐ GENERAL ☐ DEMOLITION ☐ SIGN ☐ PAINTING ☒ OTHER

ADDITIONAL INFORMATION: FENCE ADJUSTMENT

PROJECT SPECIFICATIONS: PLEASE PROVIDE PHOTOS OF EXISTING CONDITIONS, PLANS, PRODUCT SAMPLES, TECHNICAL DATA		
ARCHITECTURAL FEATURES TO BE ALTERED:	ORIGINAL MATERIAL:	PROPOSED MATERIAL:

DEMOLITION: PLEASE FILL OUT THE HARC APPENDIX FOR PROPOSED DEMOLITION.

DEMOLITION OF HISTORIC STRUCTURES IS NOT ENCOURAGED BY THE HISTORIC ARCHITECTURAL REVIEW COMMISSION.

SIGNAGE: (SEE PART B) ☐ BUSINESS SIGN ☐ BRAND SIGN ☐ OTHER: _____

BUSINESS LICENSE #

IF FAÇADE MOUNTED, SQ. FT. OF FAÇADE _____

SIGN SPECIFICATIONS		
SIGN COPY:	PROPOSED MATERIALS:	SIGNS WITH ILLUMINATION:
		TYPE OF LTG.:
		LTG. LINEAL FTG.:
MAX. HGT. OF FONTS:		COLOR AND TOTAL LUMENS:
IF USING LIGHT FIXTURES PLEASE INDICATE HOW MANY: INCLUDE SPEC. SHEET WITH LOCATIONS AND COLORS.		

OFFICIAL USE ONLY:		HARC STAFF OR COMMISSION REVIEW	
<input type="checkbox"/> APPROVED	<input type="checkbox"/> NOT APPROVED	<input type="checkbox"/> DEFERRED FOR FUTURE CONSIDERATION	<input type="checkbox"/> TABLED FOR ADD'L. INFO. <input type="checkbox"/>
HARC MEETING DATE:	HARC MEETING DATE:	HARC MEETING DATE:	
REASONS OR CONDITIONS:			
STAFF REVIEW COMMENTS:			
HARC PLANNER SIGNATURE AND DATE:		HARC CHAIRPERSON SIGNATURE AND DATE:	

PART D: STATE OF FLORIDA OFFICIAL NOTIFICATIONS AND WARNINGS

FLORIDA STATUTE 713.135: WARNING TO OWNER: YOUR FAILURE TO RECORD A "NOTICE OF COMMENCEMENT" MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED WITH THE COUNTY RECORDER AND A COPY POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING A NOTICE.

FLORIDA STATUTE 469: ABESTOS ABATEMENT. AS OWNER / CONTRACTOR / AGENT OF RECORD FOR THE CONSTRUCTION APPLIED FOR IN THIS APPLICATION, I AGREE THAT I WILL COMPLY WITH THE PROVISIONS F. S. 469.003 AND TO NOTIFY THE FLORIDA D. E. P. OF MY INTENT TO DEMOLISH / REMOVE ASBESTOS. IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT APPLICATION, THERE MAY BE DEED RESTRICTIONS AND / OR ADDITIONAL RESTRICTIONS APPLICABLE TO THIS

PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MONROE COUNTY AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENT ENTITIES SUCH AS AQUADUCT AUTHORITY, FLORIDA DEP OR OTHER STATE AGENCIES; ARMY CORPS OF ENGINEERS OR OTHER FEDERAL AGENCIES.

FEDERAL LAW REQUIRES LEAD PAINT ABATEMENT PER THE STANDARDS OF THE USDEP ON STRUCTURES BUILT PRIOR TO 1978.

OFFICIAL USE ONLY BY PLANS EXAMINER OR CHIEF BUILDING OFFICIAL:				CBO OR PL. EXAM. APPROVAL:
HARC FEES:	BLDG. FEES:	FIRE MARSHAL FEE:	IMPACT FEES:	
				DATE:

MEMORANDUM



To: Enid Torregroas,
Kelly Perkins

cc: Dana Day, Jordan Holtkamp, Ron Wampler, Thaddeus Cohen,
Ron Ramsingh, Richard McChesney

From: Bert Bender

Subject: 416 Elizabeth Street, Key West. Fence Permit

Date: April, 28, 2016

This application accompanies a request for an After-the-Fact Building Permit. A major renovation was undertaken at 416 Elizabeth Street between 2012 & 2014. The owners purchased 616 Eaton Street during this time and constructed this fence as part of the work. Over 20 permits were pulled for this project but a fence permit has not been located. This application will correct that oversight.

Design Basis:

The current fence is a solid board fence. Under HARC and LDR requirements this fence may be 6 feet tall, 4 feet solid with the upper 2 feet 50% open or 6 feet solid with the neighbor's consent. We have assumed that the neighbors will not provide concurrence. Our solution provides the 50% open approach.

HARC guidelines, fences and walls, addresses height.

Guideline Number 9 on page 42 states;

Fence heights will be measured from the sidewalk or from the level of the natural grade, whichever is the highest.

From the Land Development Regulation:

Sec. 122-1183. Walls and fences.

(a) *Definition.* For the purpose of the land development regulations, the term "fence" shall be used to describe a manmade structure erected for separation, security or privacy purposes through the means of intermittent posts supporting vertical or horizontal members made of wood, metal, chain link, or barbed wire. While the opacity may vary, the height and location are dictated by the regulations within this subpart B. A wall may be erected for the same purposes, but shall include only those structures with continuous footers....

(d) *Standards for fences and hedges.* Fences shall be erected on the lot of the applicant and shall not extend into a public right-of-way. The fence may abut but shall not be located on any property line. It shall be unlawful for any person to erect a fence within the city except in accordance with the following:

(1) In the city's residential areas the following restrictions as to fence height and construction shall apply:

- c. Fences up to six feet in height may be constructed on the front, rear and side yard property lines of any parcel of land, provided that the upper two feet of such six-foot fence has openings of at least 50 percent or more in the construction of the fence. Solid fences up to six feet in height may be constructed on rear and side yard property lines of any parcel of land provided such solid six-foot fence is not constructed on property lines intersecting at street corners and that the adjoining property owners file their written consent with the building department consenting to the construction of such six-foot solid fence.

In order to insure compliance, we used a survey that provided elevation heights of the existing fence and grade elevations at various locations, including adjacent to the fence. We also used an elevation certificate prepared for 616 Eaton Street. Both are attached to this application and are referenced on the attached drawings.

The highest natural grade per the survey is 13.7 MSL. The top of the fence elevation is + 18.69 and + 18.71 MSL for an average of + 18.7 MSL which establishes an existing fence height of 5 feet.

On the 616 Eaton Street side, other elevations for grade are:

+13.26 at carport entrance for a 5.44foot height

+13.5 at 616 Eaton Street elevation certificate for a 5.2foot height.

Therefore, the current fence is 5 feet tall.

The proposed design raises the fence posts to 6 feet and uses 20# monofilament fishing line to allow vines to cover the fence. This creates a 6foot fence with the top 2 feet 50% open.

Thank you for your attention to this matter.

END OF MEMORANDUM

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1-9.

OMB No. 1660-0008
Expiration Date: July 31, 2015

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name Far Niente, LLC

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
616 Eaton Street

City Key West

State Fl

ZIP Code 33040

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)

Island of Key West, PT Lots 1,2,3,4, SQ 36, Parcel No 00006210-000000

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)

A5. Latitude/Longitude: Lat 24 33'28.8" Long. 81 48'05.8" Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 5

A8. For a building with a crawlspace or enclosure(s):

- a) Square footage of crawlspace or enclosure(s) n/a sq ft
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade n/a
c) Total net area of flood openings in A8.b n/a sq in
d) Engineered flood openings? ☐ Yes ☒ No

A9. For a building with an attached garage:

- a) Square footage of attached garage n/a sq ft
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade n/a
c) Total net area of flood openings in A9.b n/a sq in
d) Engineered flood openings? ☐ Yes ☒ No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number
City of Key West 120168

B2. County Name
Monroe

B3. State
Florida

B4. Map/Panel Number
12087C 1515

B5. Suffix
K

B6. FIRM Index Date
2/18/5

B7. FIRM Panel
Effective/Revised Date
2/18/5

B8. Flood
Zone(s)
X

B9. Base Flood Elevation(s) (Zone
AO, use base flood depth)

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in item B9.

☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____

B11. Indicate elevation datum used for BFE in item B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: _____ ☐ CBRS ☐ OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete items C2.a-h below according to the building diagram specified in item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: Basic

Vertical Datum: NGVD 1929

Indicate elevation datum used for the elevations in items a) through h) below. ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source: _____
Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- a) Top of bottom floor (including basement, crawlspace, or enclosure floor) 14.67 ☒ feet ☐ meters
b) Top of the next higher floor 15.34 ☒ feet ☐ meters
c) Bottom of the lowest horizontal structural member (V Zones only) n/a ☐ feet ☐ meters
d) Attached garage (top of slab) n/a ☐ feet ☐ meters
e) Lowest elevation of machinery or equipment servicing the building n/a ☐ feet ☐ meters
(Describe type of equipment and location in Comments)
f) Lowest adjacent (finished) grade next to building (LAG) 13.0 ☐ feet ☐ meters
g) Highest adjacent (finished) grade next to building (HAG) 13.5 ☐ feet ☐ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support 13.2 ☐ feet ☐ meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

☒ Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No
☒ Check here if attachments

Certifier's Name Frederick H. Hildebrandt

License Number 2749

Title P.E., P.L.S.

Company Name Island Surveying, Inc.

Address 3152 Northside Dr

City Key West

State Fl

ZIP Code 33040

Signature

Date 12/31/12

Telephone 305-293-0466

IMPORTANT: In these spaces, copy the corresponding information from Section A.		FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 616 Eaton Street		Policy Number
City Key West	State FL ZIP Code 33040	Company NAIC Number

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner

Comments A5 Lat and Long obtained using hand held G.P.S.

Signature

Date 12/31/12

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8–9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name

Address

City

State

ZIP Code

Signature

Date

Telephone

Comments

☒ Check here if attachments.

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

- G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued
-------------------	------------------------	---

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____

G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____

Local Official's Name

Title

Community Name

Telephone

Signature

Date

Comments

☒ Check here if attachments.

Building Photographs

See Instructions for Item A6.

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 616 Eaton Street		FOR INSURANCE COMPANY USE Policy Number:
City Key West	State FL ZIP Code 33040	Company NAIC Number:

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Front View (12/31/12)



Rear View (12/31/12)

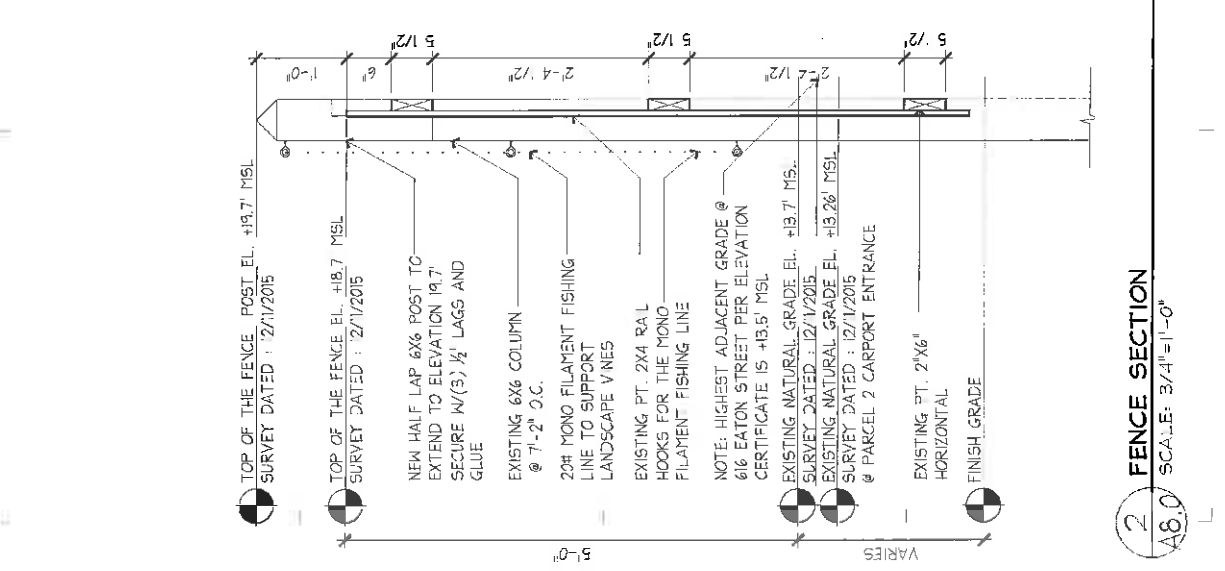
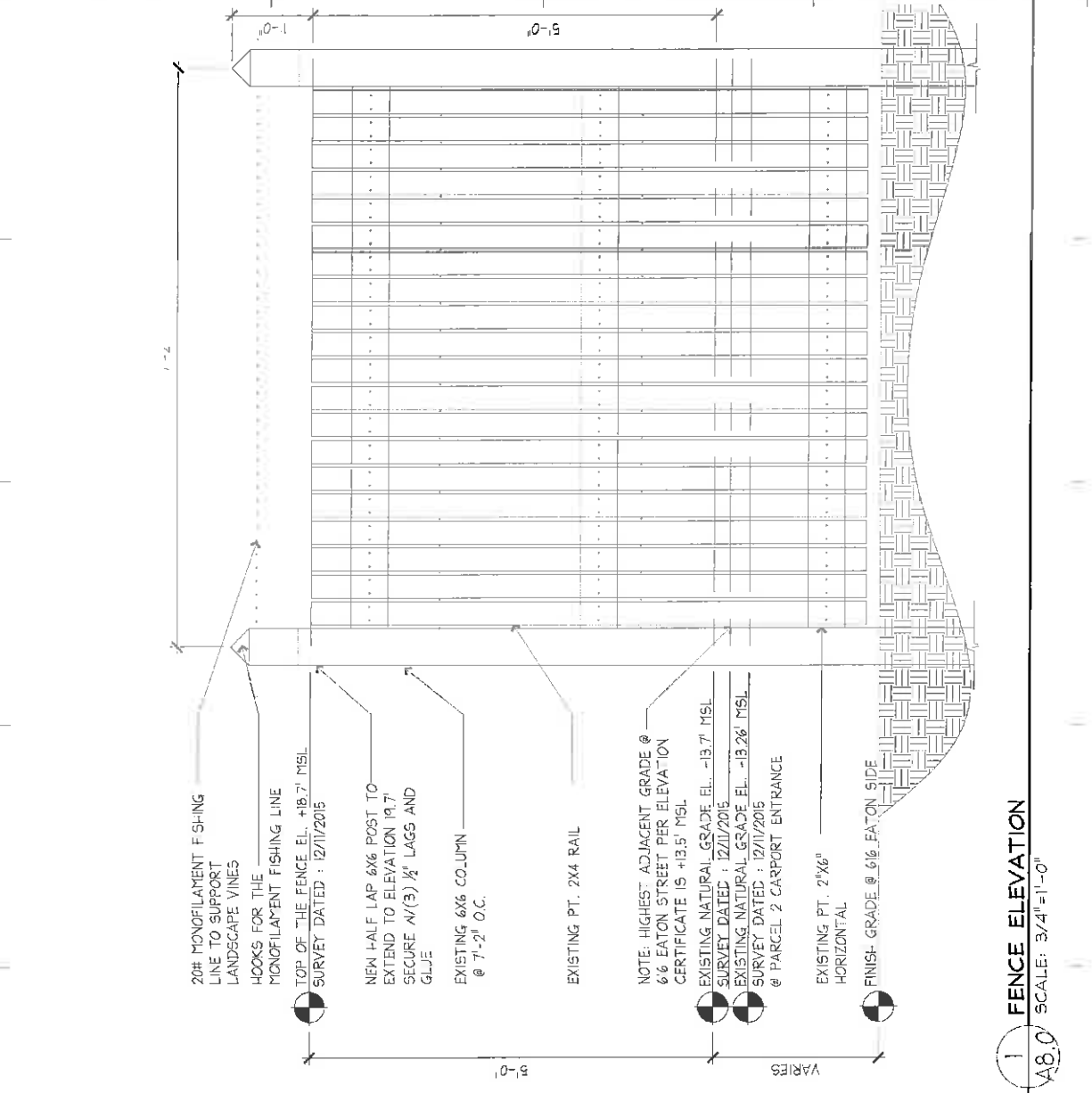




PHOTO DETAIL 4 - VIEW OF FENCE BEHIND POOL HOUSE
A8.2 SCALE: N.T.S.



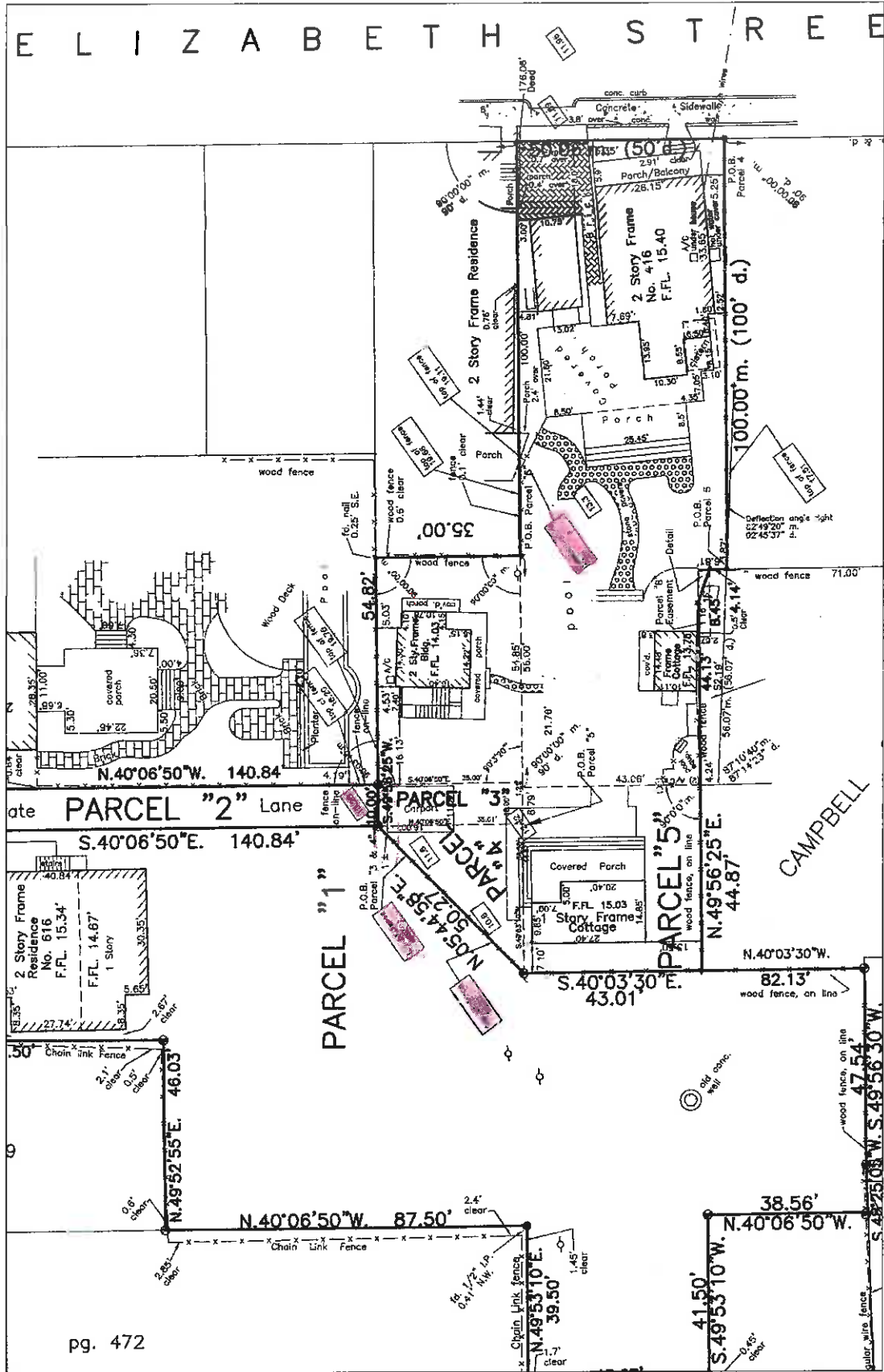
PHOTO DETAIL 3 - FROM POOL HOUSE DECK
A8.2 SCALE: N.T.S.



PHOTO DETAIL 2 - VIEW OF CARPORT AND FENCE
A8.2 SCALE: N.T.S.



PHOTO DETAIL 1 - 616 EATON STREET SIDE
A8.2 SCALE: N.T.S.





Stan & Dana Day Residence

416 Elizabeth Street, Key West, FL 33040

Documentation of natural grade at time of purchase.

All of the photographs used in this presentation have a time stamp. The dates shown on each slide were taken from the photographs.

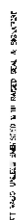


Photo 1

This is the view of the rear yard from the 416 Elizabeth Street rear porch, taken on April 10, 2011. Note the bamboo on the right side of this photo.



Photo 2:

Existing condition
of natural grade.

Photo taken on

April 28, 2011

looking toward the
north side fence.

Note that the
bamboo in photo
#1 is just to the
right of where this
image ends.





Photo 3 :

The same area looking north east. The bamboo is in the background to the right. This photo was taken on April 28, 2011.

Photo 4:

Detail photo of bamboo and existing fence taken on April 28, 2011. This is the area on the survey that is identified as 13.7 MSL for the existing grade, at the fence.



Photo 5:

This is the "Hot Pool" shown on Craig Reynolds' Landscape Plan, during construction. Note that the grade between the Hot Pool and the fence has not been touched. The other three sides around the Hot Pool were cut below the level of existing natural grade.





Photo 6:

The yard during construction. Note that the bamboo behind the Hot Pool remains and has not been touched. This is existing natural grade at the time the property was purchased.

Photo 7:

This is the view of the rear yard from the 416 Elizabeth Street rear porch, taken on July 26, 2016. Note the bamboo on the right side of this photo.





Photo 1 :

This is the view of the rear yard from the 416 Elizabeth Street rear porch, taken on April 10, 2011. Note the bamboo on the right side of this photo.



Photo 7:

This is the view of the rear yard from the 416 Elizabeth Street rear porch, taken on July 26, 2016. Note the bamboo on the right side of this photo.