

**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,

Appellants,

Building Permit No.: 16-3375
(Formerly - HARC App. No.: 15-01-000842)

Building Permit No.: 16-3411

v.

Building Permit No.: 16-3412

Building Permit No.: 16-3413

CITY OF KEY WEST,

Appellee.

**REPLY TO MARK SERBINSKI AND KRISTINA SERBINSKI'S ANSWER TO
APPELLANT'S APPEAL**

Appellants, FAR NIENTE, LLC, a Minnesota limited liability company, ERIC DETWILER, ELIZABETH FORD, DAVID M. KELLER, JANINE C. KELLER, KAREN O'LEARY, JOHN O'LEARY, WALTER S. SZOT and DAWN SZOT (collectively "Appellants"), through counsel, reply to Mark Serbinski and Kristina Serbinski's Answer to Appellants' Appeal as follows:

ARGUMENT

I. PERMIT NO. 16-3375 WAS IMPROPERLY ISSUED BASED ON PLANS THAT ARE NOT IDENTICAL IN SCOPE, DESCRIPTION AND ELEVATION VIEWS OF THE HARC APPROVAL AS REQUIRED BY CITY CODE SECTION 14-40.

Mark and Kristina Serbinski (Serbinskis) argue that the Chief Building Official's ("CBO") role is limited to ensuring that all building permit applications comply with applicable building codes. Incorrect. This is but one requirement of the CBO's role. The CBO is charged with enforcing and is required to enforce all of the laws, rules and regulations that relate to any building permit application.

City of Key West Municipal Code (“City Code”) § 14-36(b) defines the CBO’s duties:

- (b) It shall be the duty of the chief building official to:
 - (1) Inspect all construction, mechanical, electric and plumbing that is under city jurisdiction.
 - (2) Enforce all of the laws, rules and regulations relating thereto.

The City Code could not be clearer: the CBO is charged with enforcing all laws, rules and regulations relating to any building permit application.

City Code § 14-40 specifically governs the requirements for permits in the Historic Districts:

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) *[Scope, etc.] Building permit application shall be identical in scope, description and elevation views of the HARC project.*

(emphasis supplied)

The permits issued, specifically Permit No. 16-3375, are not identical in scope, description and elevation views of the HARC project here. The permits significantly deviate from scope, description and elevation views presented to HARC to obtain a Certificate of Appropriateness. A copy of HARC Application No. H15-01-0842 is included in the Supplement to Notice of Appeal (App.0001 to 0119). A copy of the construction plans submitted for Permit No. 16-3375 is attached as Exhibit “A.”

Below is a summary of just some of the many significant deviations from what HARC

approved versus what was presented for this building permit:

1. Elevation Deviation: The Northeast elevation of the addition submitted to HARC (HARC plan page A-4) has two windows while the permit plan's Northeast elevation (Permit plan page A-4), which is visible from the street, removes one window and, in its place, adds an entry door, a stoop or porch, and steps to grade. This added exterior door and porch (permit plan page A-2) is significantly different from the HARC application (HARC plan page A-2).
2. Elevation Deviation: The Southwest elevation submitted to HARC (HARC plan page A-4) depicts a total of four windows of specific sizes in a particular array, while the permit plan's Southwest elevation (permit plan page A-5) depicts a total of six windows, differing in size and array.
3. Scope Deviation: The HARC application includes one swimming pool; the permit plans include a second swimming pool.

The elevation views presented to HARC are significantly different from the elevation views in the permit plans. City Code §14-40 prohibits such deviations. City Code §14-40 requires, not just suggests, that the permit plans elevations be "identical."

Similarly, as set forth in Appellant's Notice of Appeal and supplement thereto, the scope of what HARC approved has been dramatically expanded and exceeded in these building permits. *See* Appellant's Notice of Appeal and Supplement. Accordingly, the Board of Adjustment should overrule the CBO's decision to issue Permit No. 16-3375 and require HARC to consider all aspects of what is intended to be built as depicted in the plans submitted for the permit.

II. APPELLANTS DO NOT CHALLENGE IN THIS PROCEEDING WHAT HARC APPROVED. RATHER, APPELLANTS CHALLENGE WHAT HARC HAS NOT APPROVED, AND ISSUE PRECLUSION CANNOT BAR WHAT WAS NEVER HARC REVIEWED AND HARC APPROVED.

The Serbinskis urge that “collateral estoppel,” a fancy word for issue preclusion, prevents Appellants from pursuing this appeal. They posit that final orders have been issued in a separate appeal of the HARC approval. The issue preclusion, or collateral estoppel, doctrine does not apply for two reasons. First, the separate HARC appeal is pending in the Third District Court of Appeal for the State of Florida. Thus, that appeal is not final. More significantly, Appellants here challenge these building permits because they were issued for plans not HARC approved, that is plans that significantly deviate from what HARC actually had before it and approved. The permits are also challenged in this appeal because “complete construction plans” were never presented to HARC as the City Code requires. This appeal concerns what HARC has not and could not have approved because the permit plans deviate significantly from the HARC plans and the permit plans were never submitted to HARC as required by the City Code.

III. THE DEMOLITION ISSUE IS NOT MOOT AS THE DEMOLITION PROCEEDED WHILE THE CITY CODE AUTOMATIC STAY WAS IN EFFECT AND, IF THIS BOARD OVERTURNS THE DECISION TO ISSUE THE PERMITS, THEN THE CITY CODE WILL REQUIRE AN AFTER THE FACT PERMIT, OBTAINED IN FULL COMPLIANCE WITH THE CITY CODE. THE LEGAL ISSUES CONCERNING THIS MATTER ARE STILL VERY MUCH ALIVE.

The Serbinskis apparently subscribe to the view that it is easier to request forgiveness than permission. A stay of any demolition was entered by the Special Magistrate for the City of Key West in December 2015. There is currently pending before the Third District Court of Appeal a motion for sanctions for carrying out the demolition that the Serbinskis completed on October 19, 2016. This appeal was filed at 4:53 pm on October 18, 2016, which automatically invoked the stay in City Code §90-431(6). The demolition took place on October 19, 2016 (See:

Serbinkis Answer at p. 4), and that was in flagrant violation of that automatic stay as well.

As Appellants' Notice of Appeal, and supplement thereto, detail, a permit for demolition requires that "complete construction plans" be presented to HARC prior to demolition. That never happened here. Should this Board agree that this mandatory City Code requirement must be met (that "shall" means "shall"), and overturn the CBO's premature decision to issue a demolition permit, the Serbinskis will be required to seek an after-the-fact permit. If such an after-the-fact permit is successfully obtained, then the City Code's requirements will be satisfied. If such an after-the-fact permit is not obtained, however, then City Code Compliance is well equipped to handle City Code violations. What is certainly not moot at all is that this demolition permit was issued in violation of the City Code, the legal issues are still very much alive, and that the violations must be rectified.

The legal issues are also still alive and not advisory because, whether the demolition has, in fact, occurred or has not, this Board has the duty, is required, to enforce its Code, and the law permits it to do so in a circumstance such as this one. "The general rule [is] that a 'building permit issued in violation of law or under mistake of fact' may be rescinded although construction may have been commenced." *Godson v. Town of Surfside*, 150 Fla. 614, 8 So. 2d 497, 498 (Fla. 1942). The issuance of a building permit will not estop the government authority from enforcing its ordinances and revoking a permit which has been obtained in violation of its ordinance. See *Corona Properties of Florida, Inc. v. Monroe County*, 485 So. 2d 1314 (Fla. 3d DCA 1986); *Dade County v. Gayer*, 388 So. 2d 1292 (Fla. 3d DCA 1980)." Town of Lauderdale-By-the-Sea, Florida v. Meretsky, 773 So. 2d 1245, 1247 (Fla. 4th DCA 2000). A copy of this opinion is attached as Exhibit "B."

WHEREFORE, Far Niente respectfully requests the Board of Adjustment to enter a

decision as follows:

- a. Overrule the decision of the Chief Building Official of the City of Key West, Florida approving permit numbers 16-00003411, 16-00003412, and 16-00003413 and 16-00003375;
- b. Require that the matter go back before HARC so that the full scope of work to be performed and the full set of construction plans are reviewed and, if compliant, approved; and
- c. For such other relief as the Board of Adjustment deems just and proper.

Dated this 15th day of November, 2016.

Respectfully submitted,

/s/ Wayne LaRue Smith
WAYNE LaRUE SMITH
Florida Bar No. 0031410
BRETT TYLER SMITH
Florida Bar No. 0085412
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a professional association
Counsel for Appellants
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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 November 15, 2016, a true and correct copy of the foregoing was personally served on Cheri Smith, Clerk of the City of Key West, Florida 33040; via email to Barton W. Smith, Smith Oropeza Hawks, Bart@SmithOropeza.com and Ron Ramsingh, Esq. Counsel for Appellee City of Key West, ramsingh@cityofkeywest-fl.gov.

/s/ Wayne LaRue Smith
WAYNE LaRUE SMITH
Florida Bar No. 0031410
BRETT TYLER SMITH
Florida Bar No. 0085412
THE SMITH LAW FIRM,
a professional association
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Z:\1822\04\2016-11-15 Reply to Answer to Notice of Appeal Final.doc

EXHIBIT A

LIST OF DRAWINGS

A-0	COVER SHEET
A-1	SITE PLAN
A-1.1	SWALES-DRAINAGE SITE PLAN
A-2	1ST FLOOR PLAN
A-3	2ND FLOOR PLAN
A-4	ELEVATIONS
A-5	ELEVATIONS
A-6	SECTIONS
A-7	SECTIONS
A-8	SCHEDULES
A-9	SPECIFICATIONS
A-10	SPECIFICATIONS
D-1	DEMOLITION PLAN
S-1	STRUCTURAL NOTES
S-2	FOUNDATIONS PLANS
S-3	1ST FLOOR FRAMING PLAN
S-4	2ND FLOOR FRAMING PLAN
S-5	1ST FLOOR SHEAR WALLS
S-6	2ND FLOOR SHEAR WALLS
S-7	ROOF FRAMING PLAN
S-8	SECTIONS
S-9	SECTIONS
S-10	SECTIONS
E-1	ELECTRICAL NOTES
E-2	1ST FLOOR ELECTRICAL PLAN
E-3	2ND FLOOR ELECTRICAL PLAN
M-1	MECHANICAL NOTES
M-2	1ST FLOOR MECHANICAL PLAN
M-3	2ND FLOOR MECHANICAL PLAN
P-1	PLUMBING NOTES, SCHEDULE AND DETAILS
P-2	1ST FLOOR PLUMBING PLAN
P-3	2ND FLOOR PLUMBING PLAN
P-4	PLUMBING ISOMETRIC

DESIGN CRITERIA

- The Florida Building Code 2014
- The Florida Statewide Building Code
- National Electric Code (NEC) Edition
- Florida Mechanical Code, 2014 Edition
- Florida Plumbing Code, 2014 Edition
- Florida Wind Code, 2014 Edition
- Floor Live Load: 40 psf
- Wind Speed: 150 MPH
- Structural Category: II



SERBINSKI RESIDENCE
 616 EATON ST.
 KEY WEST, FL

SITE DATA

SITE AREA: 19,019 S.F. (0.438 ACRES)	LOT COVERAGE AREA:
LAND USE: RMGR	REQUIRED: 7,808 S.F. (40% MAX.)
FLOOD ZONE: "X" ZONE	EXISTING: 2,146 S.F. (11.2%)
FAR: ALLOWED = 1.0 MAX.	PROPOSED: 7,597 S.F. (39.9%)
DENSITY = 18 UNITS/ACRE	IMPERVIOUS AREA:
HEIGHT: ALLOWED = 30' MAX.	REQUIRED: 11,411 S.F. (60% MAX.)
SETBACKS:	EXISTING: 3,116 S.F. (16.3%)
FRONT SETBACK: REQUIRED = 10'-0"	PROPOSED: 11,411 S.F. (60%)
EXISTING = 32'-2"	LANDSCAPE AREA:
PROPOSED = 32'-2"	REQUIRED: 6,658 S.F. (35% MIN.)
SIDE SETBACK: REQUIRED = 5'-0"	EXISTING: 19,802 S.F. (66.9%)
EXISTING = 9'-7"	PROPOSED: 6,831 S.F. (35.9%)
PROPOSED = 9'-7"	OPEN SPACE AREA:
REAR SETBACK: REQUIRED = 15'-0"	REQUIRED: 6,658 S.F. (35% MIN.)
EXISTING = 172'-0"	EXISTING: 19,802 S.F. (66.9%)
PROPOSED = 15'-0"	PROPOSED: 6,831 S.F. (35.9%)
	PARKING: 1 SPACE PER UNIT



WILLIAM P. BERN
ARCHITECT, P.A.

9315 GOLF COURSE
AVENUE
FLORIDA

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FAX: 407-795-1000
WWW.WPBERN.COM
AS BIDDING

SERBINSKI RESIDENCE
- NEW ADDITION
616 EATON STREET
KEY WEST, FL

SCALE

TITUS ARCHITECTS
1001 W. BAYVIEW AVENUE
SUITE 100
MIAMI, FL 33134

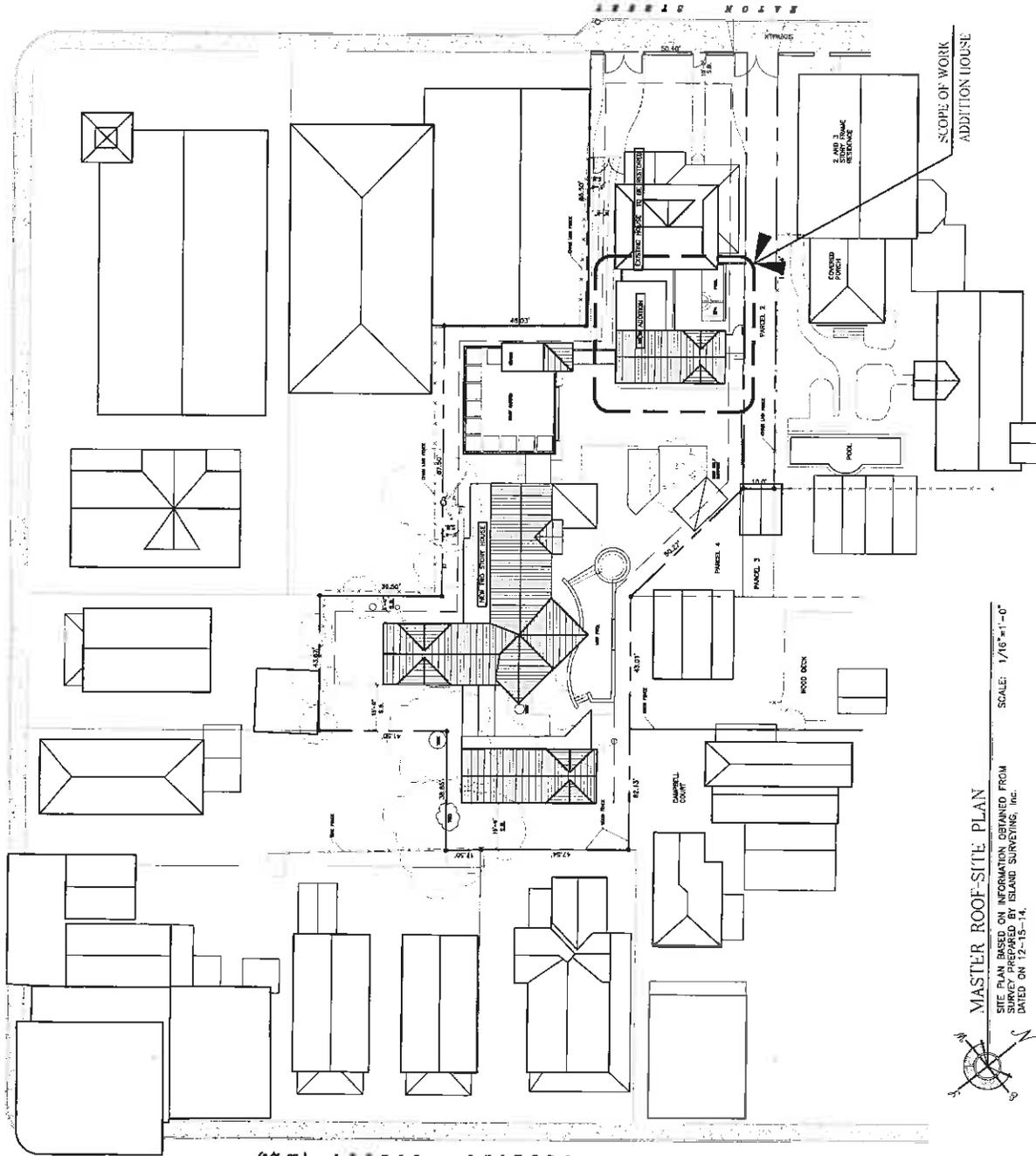
DATE: 08/11/15 HSR/CL
07/10/15 HSR/REV
06/18/15 HSR/REV
03/16/15 CDS/NEW
ADDITION

REVISIONS

DRAWN BY: OLE
ENR
PROJECT
NUMBER: 142



SIMONSON STREET (60' W/4)



PLANNING STREET (60' W/4)



MASTER ROOF-SITE PLAN

SITE PLAN BASED ON INFORMATION OBTAINED FROM SURVEY PREPARED BY BOARD SURVEYING, INC. DATED ON 12-15-14. SCALE: 1/16"=1'-0"

SERBINSKI RESIDENCE - NEW ADDITION
616 EATON STREET
KEY WEST, FLORIDA

WILLIAM P. PERIN
ARCHITECT, P.A.

REGISTERED ARCHITECT
FLORIDA
13890

1111 S.W. 15th Ave, Suite 100
Fort Lauderdale, FL 33315

TEL: 305.561.8800
FAX: 305.561.8800

SERBINSKI RESIDENCE
NEW ADDITION
PROJECT NO. 1423

SCALE

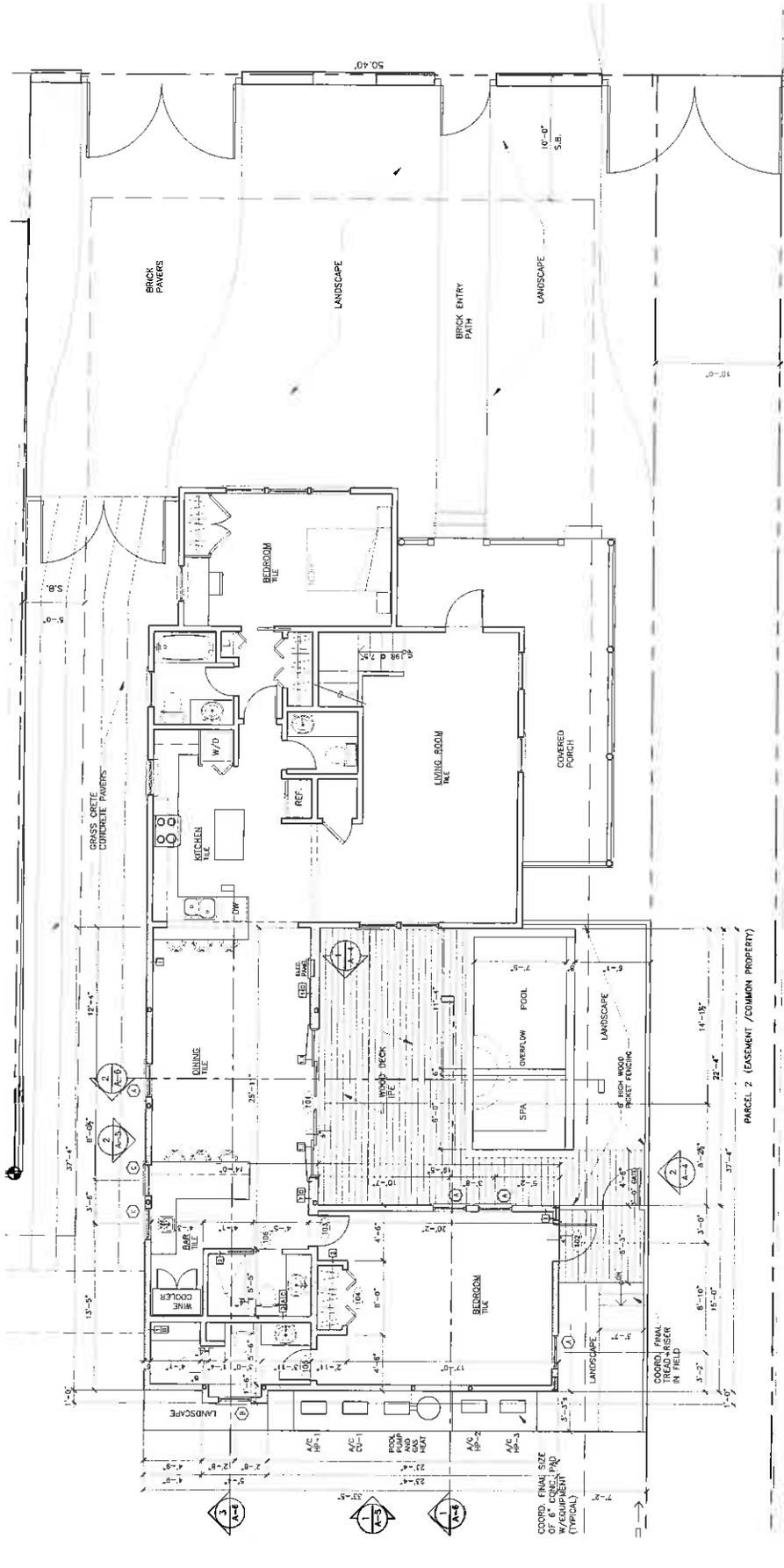
DATE: 06/01/15
BY: W.P.P.
CHECKED BY: W.P.P.

REVISIONS

DRAWN BY: []

DATE: []

PROJECT NUMBER: 1423



WALL LEGEND

1. EXTERIOR WALL: FINISHED WITH EXTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS. FINISHED WITH EXTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS.

2. INTERIOR WALL: FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS. FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS.

3. PARTITION WALL: FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS. FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS.

4. CONCRETE WALL: FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS. FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS.

5. BRICK WALL: FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS. FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS.

6. STUCCO WALL: FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS. FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS.

7. GLASS WALL: FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS. FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS.

8. METAL WALL: FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS. FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS.

9. OTHER WALL: FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS. FINISHED WITH INTERIOR FINISHES. SEE FINISH SCHEDULE FOR DETAILS.

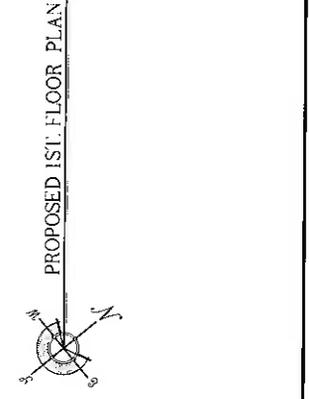
WALL LEGEND

1. EXISTING NO. FRANK WALL CONT.

2. NEW WALL

3. FINISHING TO BE REMOVED

PROPOSED 1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"



SERBINSKI RESIDENCE - NEW ADDITION
616 LAYTON STREET
KEY WEST, FLORIDA

WILLIAM P. BEREN
ARCHITECT, P.A.

NO. 101015
KEY WEST
FLORIDA
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FAX: 305-862-8808
WWW.WPBEREN.COM
44-000000

SERBINSKI RESIDENCE
NEW ADDITION
616 EATON STREET
KEY WEST, FL

SHEET

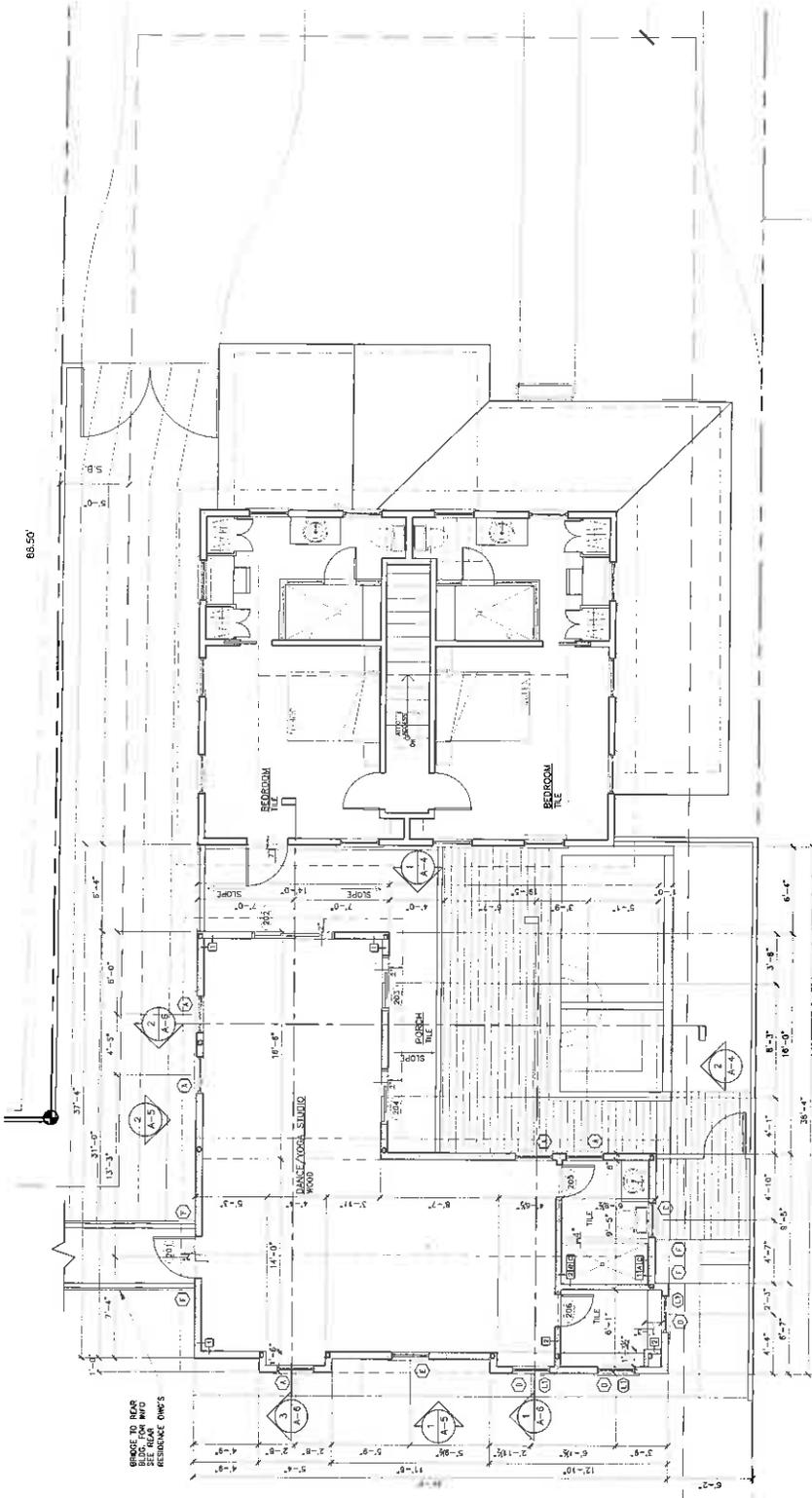
THIS PROJECT HAS BEEN
DESIGNED BY
ARCHITECT WILLIAM P. BEREN
WILLIAMS FERGUSON

DATE
06/01/15 HARC
07/10/15 HARC/REV
05/12/16 LDCS PHASE 1
02/10/16 LDCS ADDITION

REVISIONS

DESIGNED BY
DATE
LDCS
PROJECT
NUMBER
1-123

A-3



WALL LEGEND

- 1 EXISTING WALL
- 2 NEW WALL
- 3 EXISTING TO BE REMOVED

WALL LEGEND

- 1 EXISTING 1/2" FRAME WALL CONCR.
- 2 NEW WALL
- 3 EXISTING TO BE REMOVED

WALL LEGEND

- 1 EXISTING WALL
- 2 NEW WALL
- 3 EXISTING TO BE REMOVED

PARCEL 2 (EASEMENT /COMMON PROPERTY)

PROPOSED 2ND. FLOOR PLAN
SCALE: 1/4" = 1'-0"

SERBINSKI RESIDENCE - NEW ADDITION
616 EATON STREET
KEY WEST, FLORIDA

WILLIAM P. BORN
ARCHITECT, P.A.

NO. 14716 31
KEY WEST
FLORIDA
33460

TEL: (305) 294-8400
FAX: (305) 296-8000

11/15/07
11/16/07

SERBINSKI RESIDENCE
NEW ADDITION
400 WEST 10TH
KEY WEST, FL

SHEET

THIS SET INCLUDES: 1/4"=1'-0"
AND IS APPROVED
AS SHOWN BY
ARCHITECT W.P. BORN
KEY WEST, FL

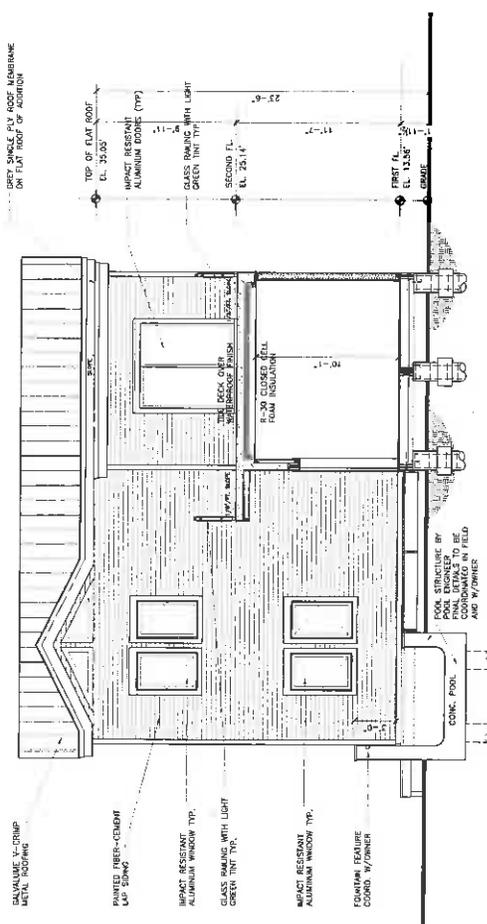
DATE:
08/01/07 H.R.C.
07/10/07 H.R.C. REV.
07/10/07 H.R.C. REV.
03/16/06 C.D.S. NEW
ADDITION

REVISIONS

DRAWN BY
CDE
EMR

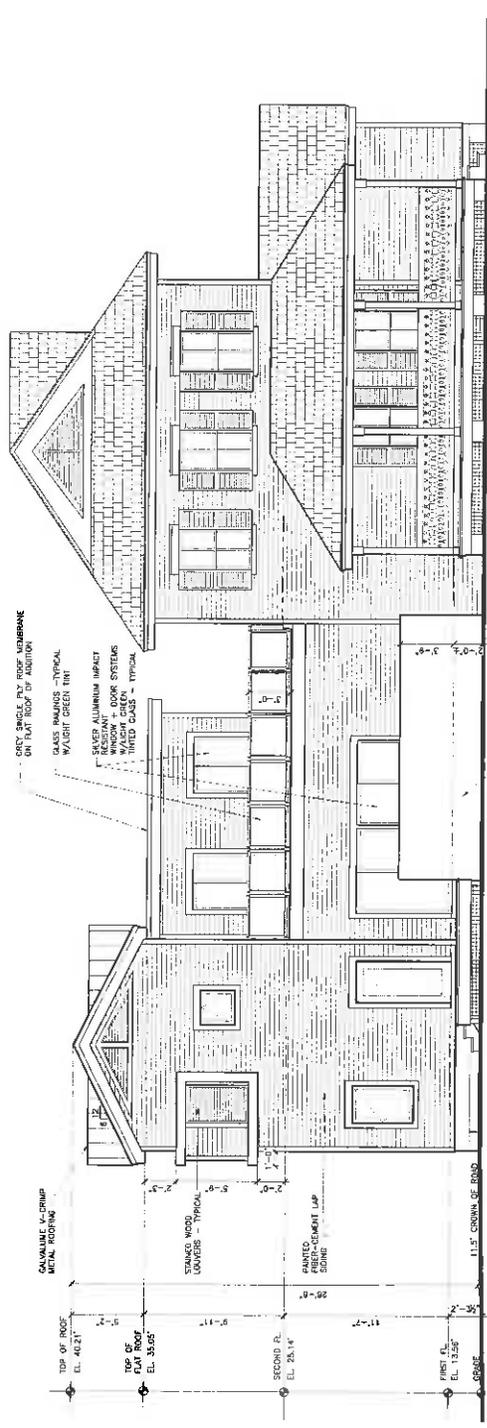
PROJECT
NUMBER
1423

A-4



PROPOSED INNER ELEVATION

SCALE: 1/4"=1'-0"

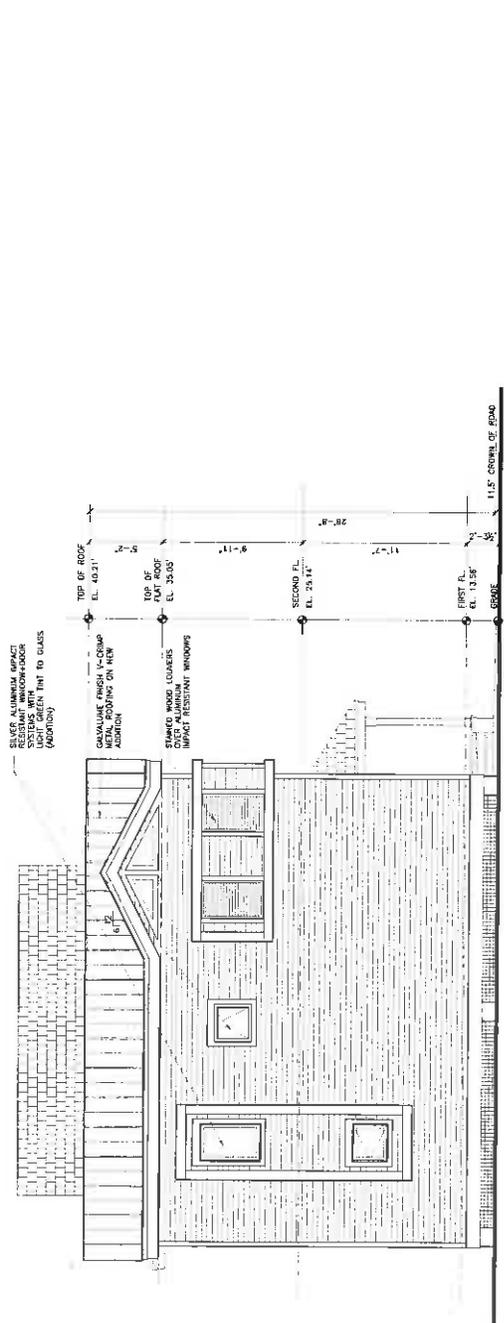


PROPOSED SIDE ELEVATION

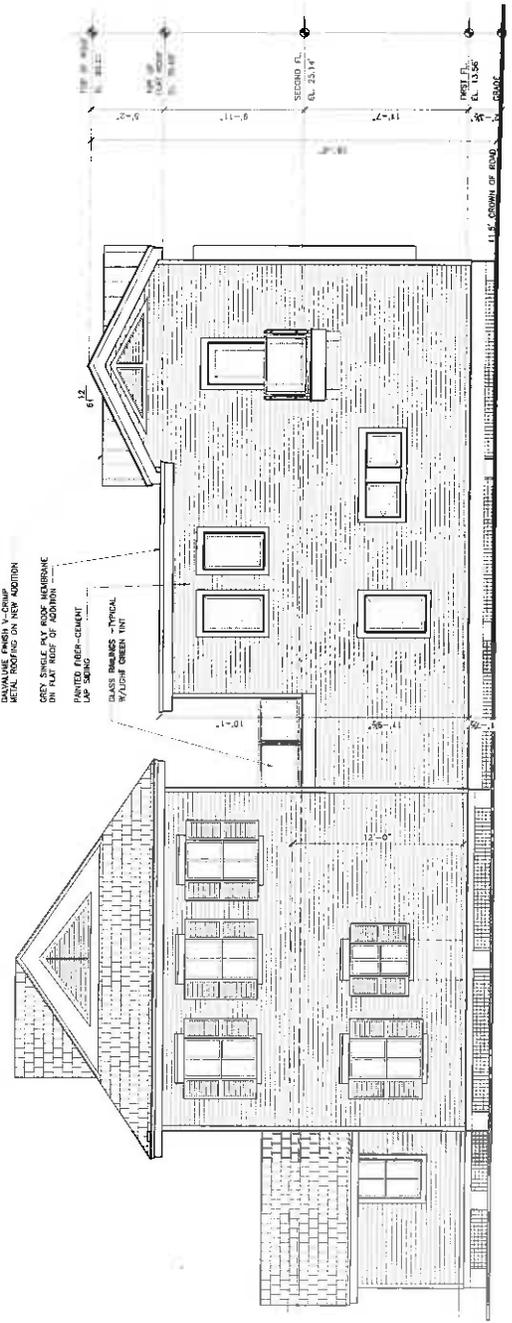
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SERBINSKI RESIDENCE - NEW ADDITION

606 EATON STREET
KEY WEST, FLORIDA



PROPOSED BACK ELEVATION



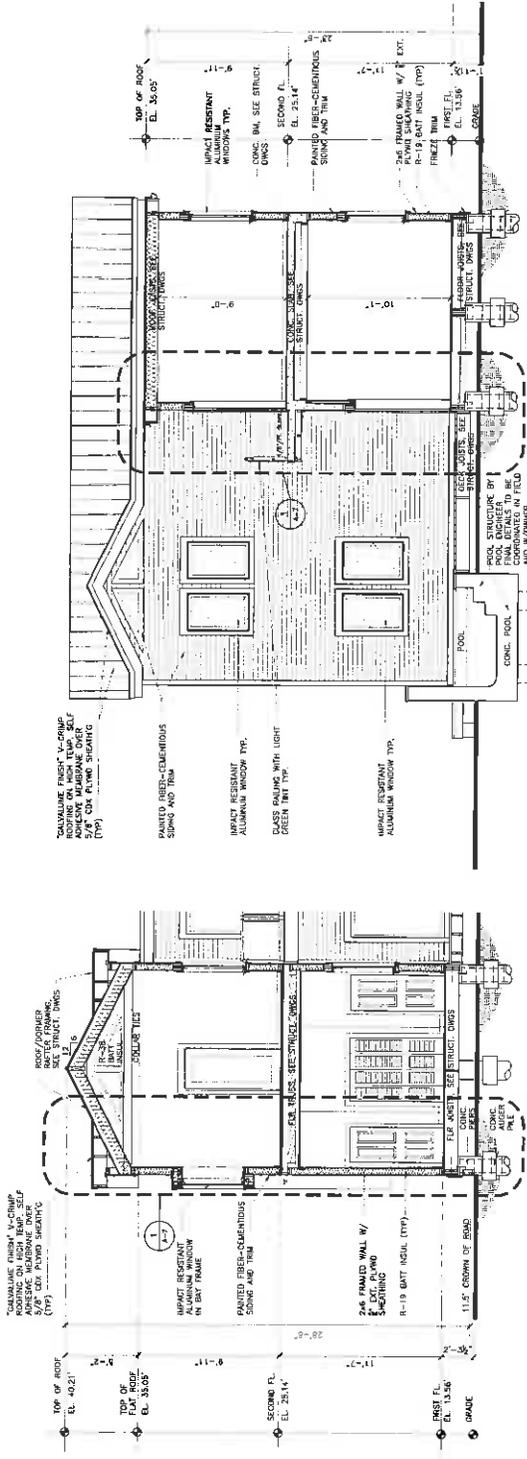
PROPOSED SIDE ELEVATION

SERBINSKI RESIDENCE - NEW ADDITION
 610 EATON STREET
 WEST PALM BEACH, FL 33411



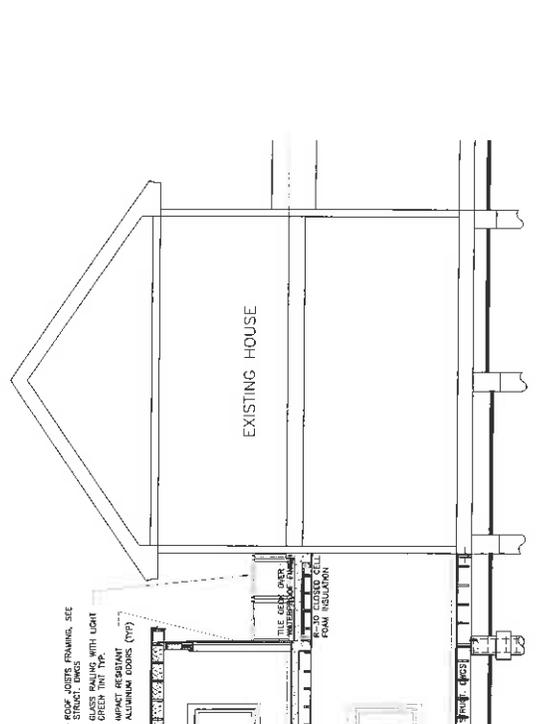
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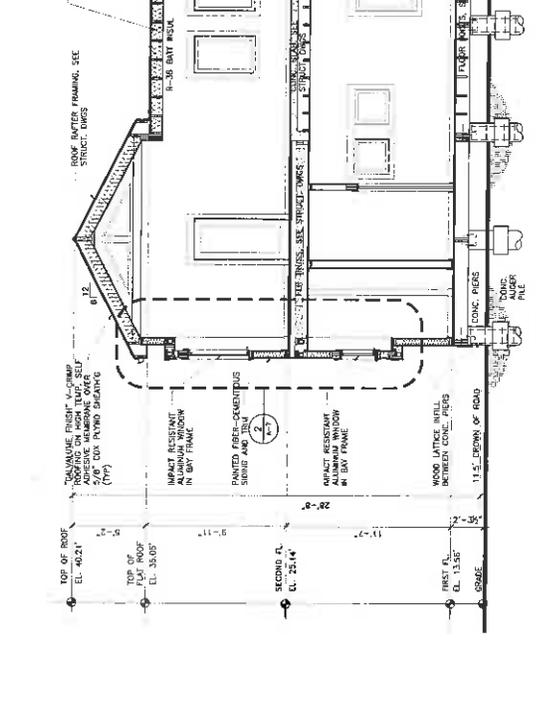
SECTION 'C'

SCALE: 1/4"=1'-0"



SECTION 'B'

SCALE: 1/4"=1'-0"



SERBINSKI RESIDENCE - NEW ADDITION

616 EATON STREET
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AIA 2009-003

SERBINSKI RESIDENCE
NEW ADDITION
CONTRACT
KEY WEST, FL

SCALE

THIS SET OF DRAWINGS
SHALL BE USED ONLY FOR THE
PROJECT AND SITE SPECIFICALLY
IDENTIFIED BY
WILLIAM P. TURN

DATE:
08-01-12 HRC
08-10-12 HRC REV
08-15-12 HRC REV
08-16-12 HRC NEW
ADDITION

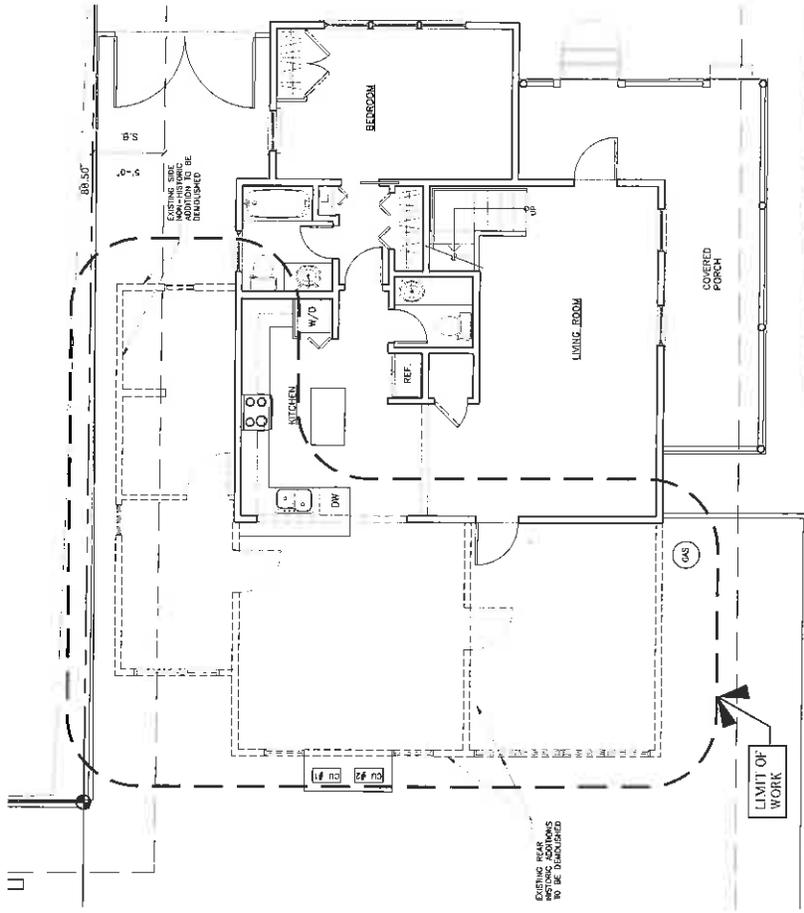
REVISIONS

DRAWN BY

CHECKED BY

PROJECT NUMBER

1429

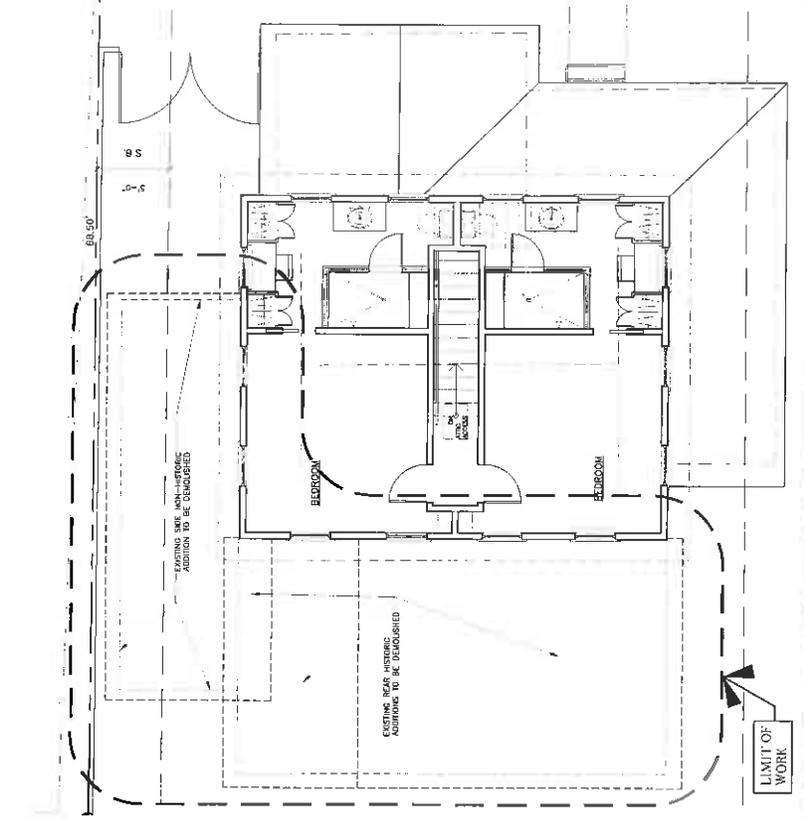


PARCEL 2 (EASEMENT /COMMON PROPERTY)

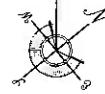
140.84'



1ST FLOOR PLAN DEMOLITION PLAN- REAR ADDITIONS
SCALE: 1/4"=1'-0"

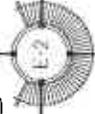


PARCEL 2 (EASEMENT /COMMON PROPERTY)

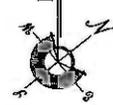
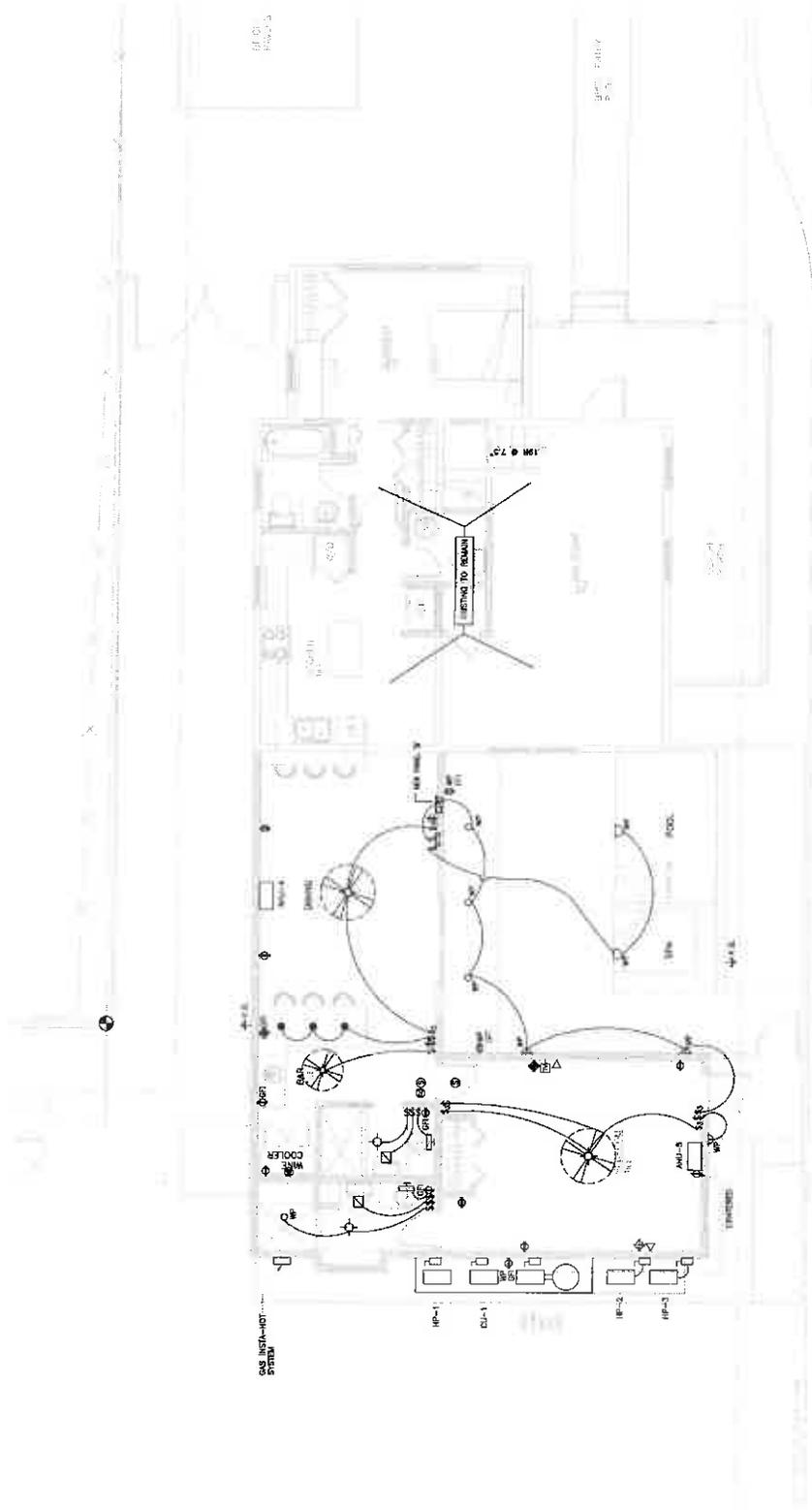


2ND FLOOR PLAN DEMOLITION PLAN- REAR ADDITIONS
SCALE: 1/4"=1'-0"

SERBINSKI RESIDENCE - NEW ADDITION
616 EATON STREET
KEY WEST, FLORIDA



Interiors Engineering
George M. Capelli
Professional Engineer
No. 10000
State of Florida
08/11/2010
PJC



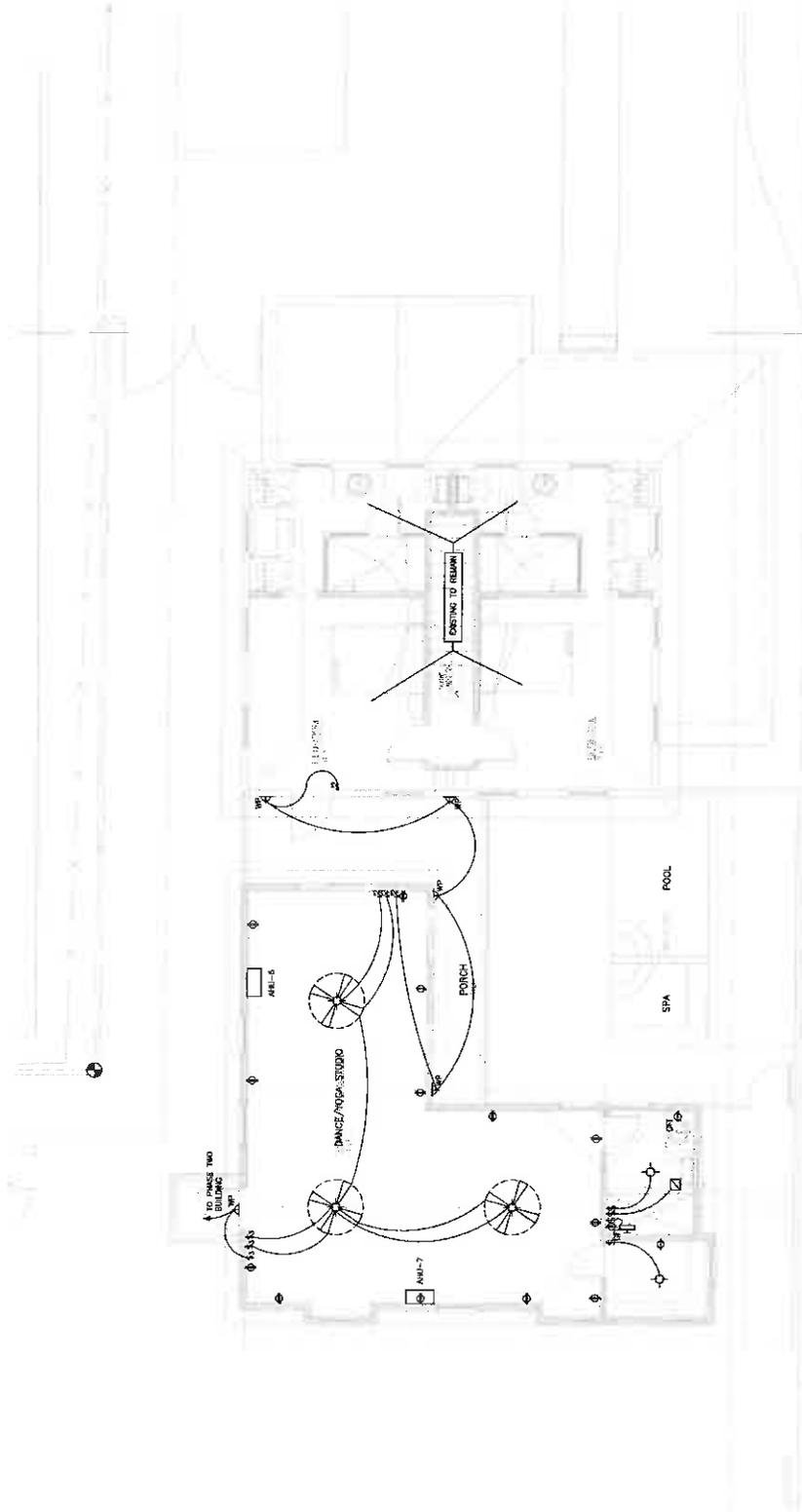
ELECTRICAL 1ST. FLOOR PLAN

SCALE: 1/8"=1'-0"

SERBINSKI RESIDENCE
616 LANTON STREET
KEY WEST, FLORIDA



Professional Engineer
No. 1000 S.E. BOCA RATON BLVD.
BOCA RATON, FL 33432
JAMES H. COOPER, P.E.
P.E. No. 1000 S.E. BOCA RATON BLVD.



FOR INFORMATION ONLY - NOT TO BE USED FOR CONSTRUCTION



ELECTRICAL 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"

SERBINSKI RESIDENCE
616 LANTON STREET
KEY WEST, FLORIDA



HVAC - GENERAL NOTES

1. ALL EQUIPMENT, MATERIALS AND WORKMANSHIP SHALL BE GUARANTEED FOR A PERIOD OF TWO (2) YEARS FROM THE DATE OF COMPLETION OF THE PROJECT.
2. CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS, EQUIPMENT, TOOLS, SUPPLIES, AND FIXTURES, UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL VERIFY ALL LOADS, INCLUDING UNIFORM, POINT, LINE, AND AREA LOADS, AND PROVIDE THE NECESSARY SUPPORTS AND BRACING.
4. ALL CONDENSING UNITS SHALL BE INSTALLED ON A CONCRETE PAD WITH A MINIMUM CLEARANCE OF 18" FROM THE GROUND. UNITS SHALL BE INSTALLED ON A CONCRETE PAD WITH A MINIMUM CLEARANCE OF 18" FROM THE GROUND.
5. ALL CONDENSING UNITS SHALL BE INSTALLED ON A CONCRETE PAD WITH A MINIMUM CLEARANCE OF 18" FROM THE GROUND. UNITS SHALL BE INSTALLED ON A CONCRETE PAD WITH A MINIMUM CLEARANCE OF 18" FROM THE GROUND.
6. REFRIGERANT PIPING SHALL BE TYPE "L" COPPER TUBING SIZED AND INSTALLED PER THE REFRIGERANT MANUFACTURER'S RECOMMENDATIONS.
7. ALL REFRIGERANT PIPING SHALL BE INSTALLED IN ACCORDANCE WITH THE REFRIGERANT MANUFACTURER'S RECOMMENDATIONS.
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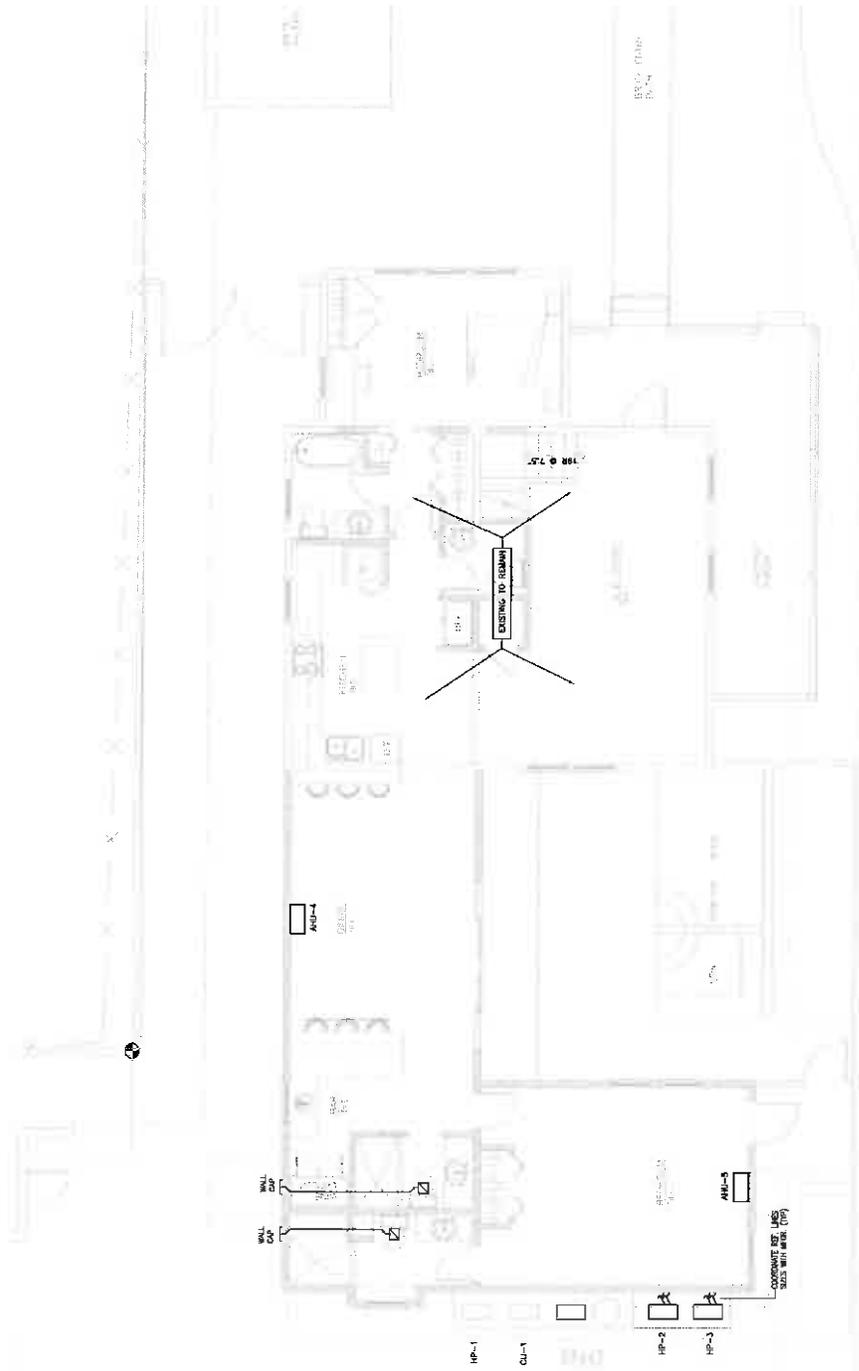
REVISIONS:

NO. 1
DATE: 01/15/10
BY: J. J. JENSEN
CHECKED BY: J. J. JENSEN

SERBINSKI RESIDENCE
616 EATON STREET
KEY WEST, FLORIDA

PROJECT NO. 1000000000
DATE: 01/15/10
BY: J. J. JENSEN
CHECKED BY: J. J. JENSEN

Summary of Changes
1. Add mechanical room
2. Add mechanical equipment
3. Add mechanical ductwork
4. Add mechanical piping
5. Add mechanical controls
6. Add mechanical exhaust
7. Add mechanical return
8. Add mechanical supply
9. Add mechanical demand
10. Add mechanical control

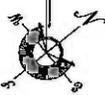
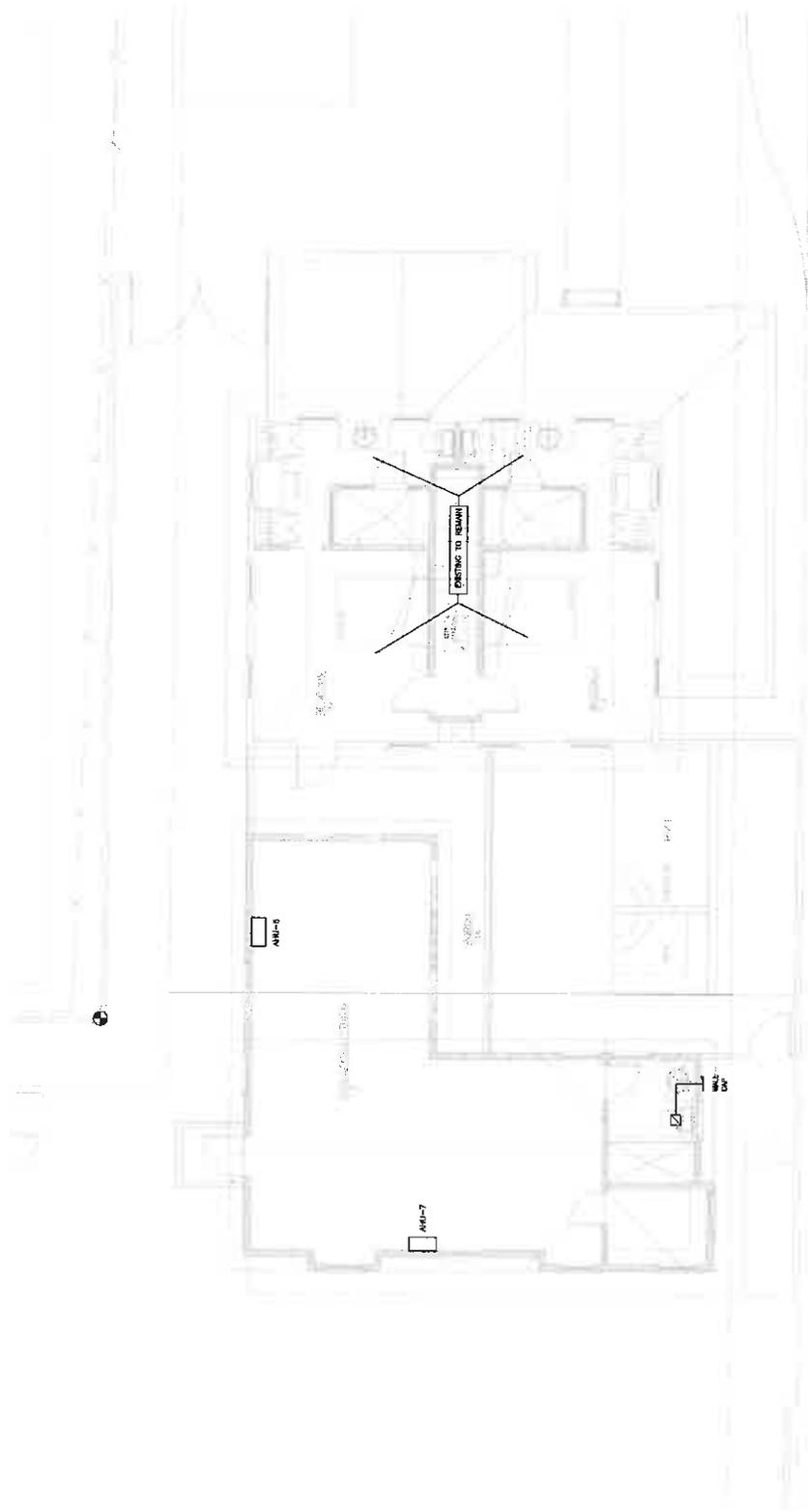


MECHANICAL 1ST FLOOR PLAN
SCALE: 1/4"=1'-0"

SERBINSKI RESIDENCE
616 EATON STREET
KEY WEST, FLORIDA



Innovative Engineering
Civil & Survey
2010 North 1st Street
Tampa, FL 33602
Phone: 813.288.1111
Fax: 813.288.1112

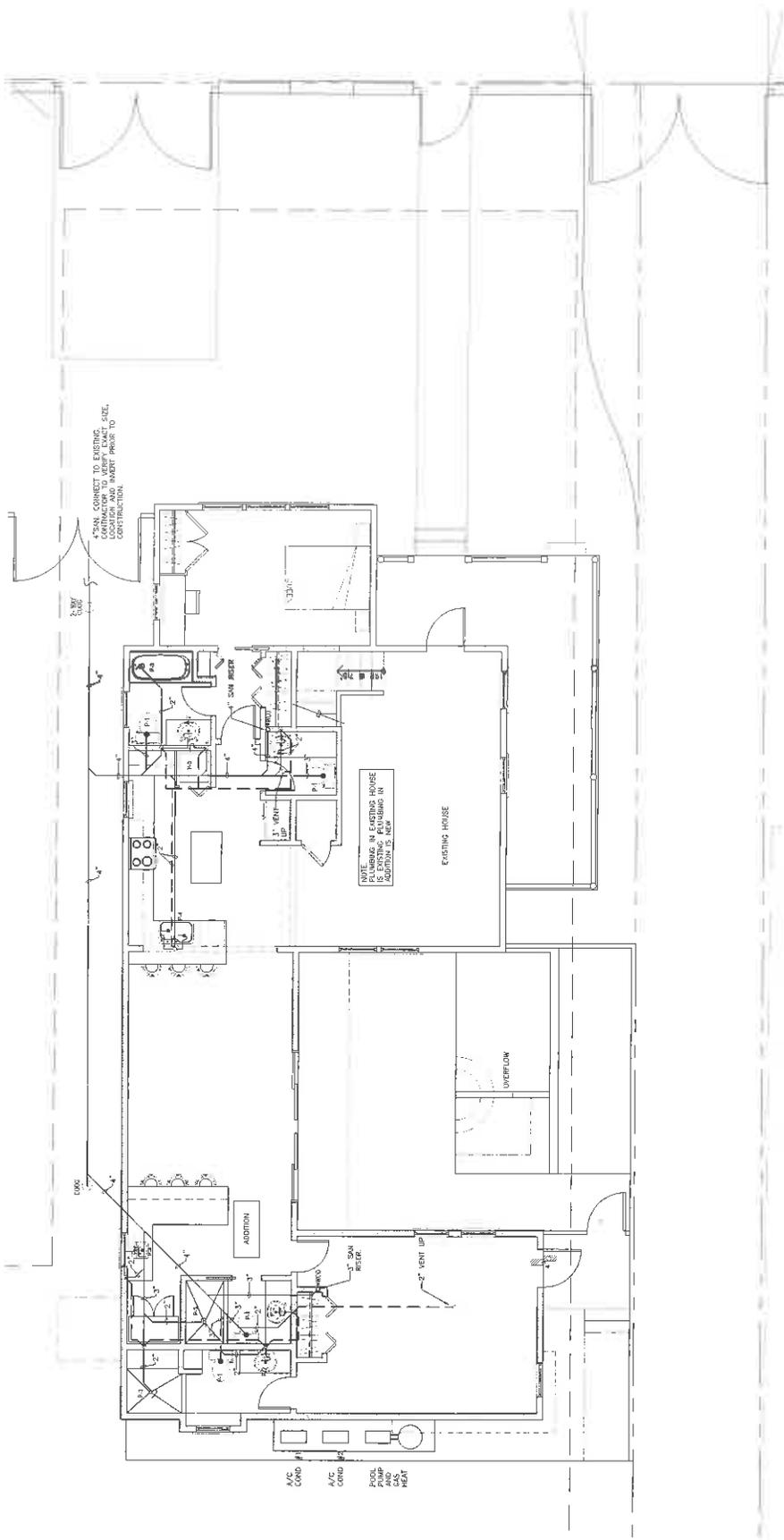


MECHANICAL 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"

SERBINSKI RESIDENCE
618 EATON STREET
KEY WEST, FLORIDA

REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
EXPIRES: 12/31/2018
PROJECT NUMBER: P-2
DATE: 03/22/16



PLUMBING 1ST. FLOOR PLAN
SCALE: 1/4"=1'-0"



SERBINSKI RESIDENCE
616 EATON STREET
KEY WEST, FLORIDA

WILLIAM AGEN
ARCHITECT, P.A.

3844 FINEST
RD., S.E.
TALLAHASSEE,
FLORIDA
32300

TEL: 904-794-8800
FAX: 904-794-1033
WWW.AGENARCHITECT.COM
11.18.2009

SERBINSKI RESIDENCE
616 EATON STREET
KEY WEST, FL

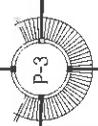
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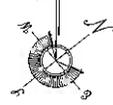
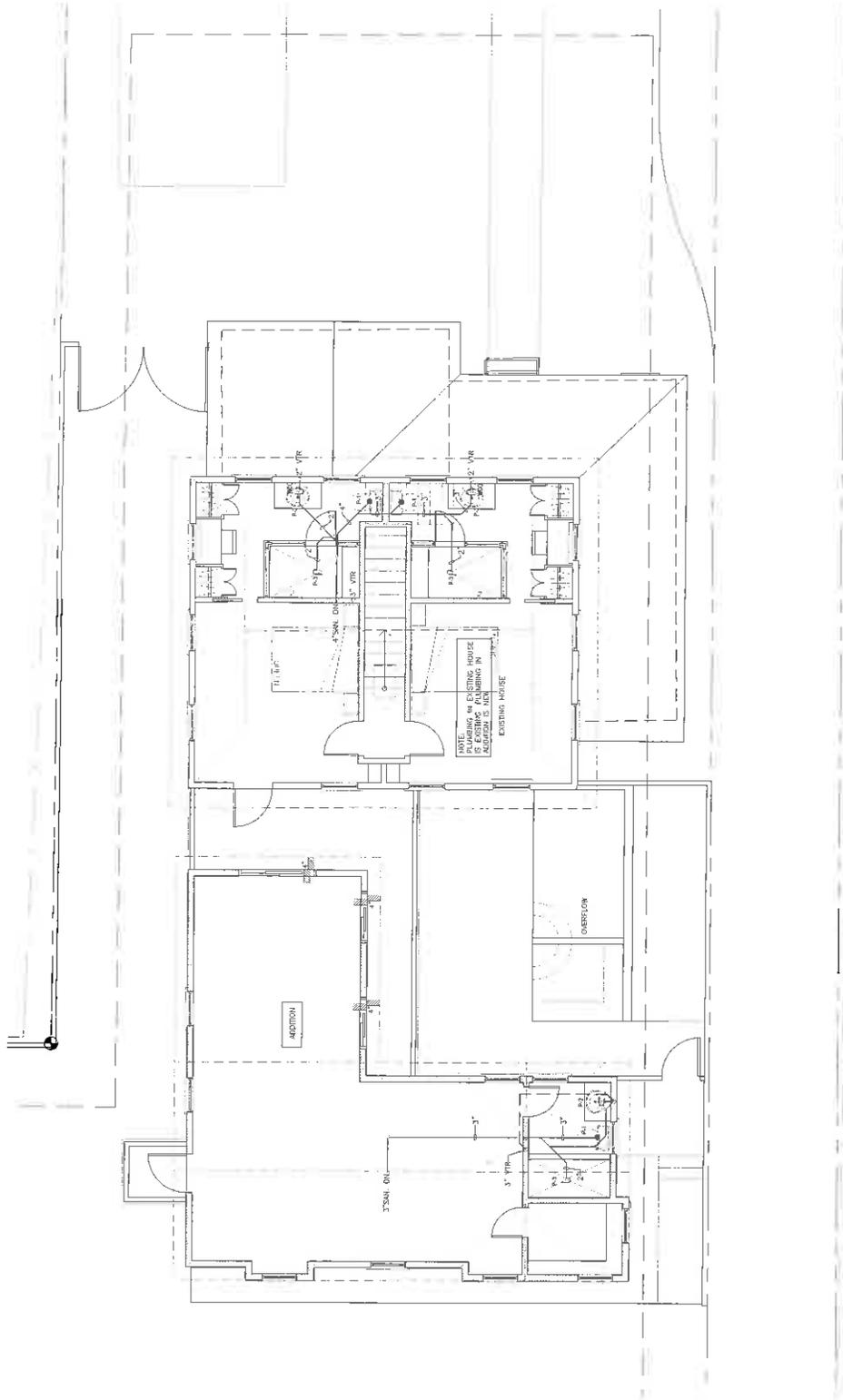
DATE: 08.01.10 HARC
07.19.10 HARC, REV.
08.12.10 CDS PHASE 1
09.23.10 CDS PHASE 2
COMMENTS

REVISIONS

DRAWN BY:
CCK
EMG
PROJECT
NUMBER:
1423



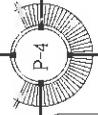
WILLIAM AGEN ARCHITECT, P.A.
3844 FINEST RD., S.E.
TALLAHASSEE, FLORIDA 32300
TEL: 904-794-8800
FAX: 904-794-1033
WWW.AGENARCHITECT.COM



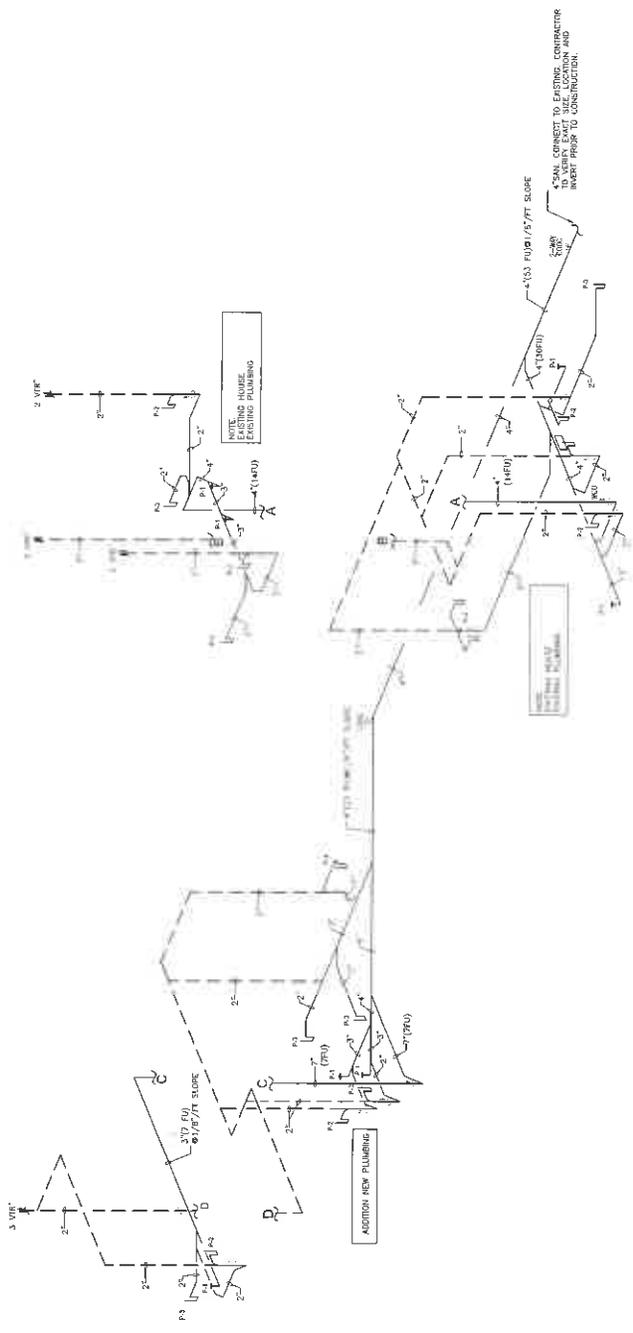
PLUMBING 2ND. FLOOR PLAN

SCALE 1/4"=1'-0"

SERBINSKI RESIDENCE
616 EATON STREET
KEY WEST, FLORIDA



William P. Horn
Architect, P.A.
1500 3rd Ave. SW
Tallahassee, FL 32310
Phone: 904-224-1111
Fax: 904-224-1112



PLUMBING ISOMETRIC

SCALE: NTS

SERBINSKI RESIDENCE
616 EATON STREET
KEY WEST, FLORIDA

WILLIAM P. HORN
ARCHITECT, P.A.

REGISTERED
PROFESSIONAL
ARCHITECT
FLORIDA
12860

TEL: 904.999.8400
FAX: 904.999.8400

UNIVERSITY
AVENUE, SUITE 100
JACKSONVILLE, FLORIDA 32216

PROJECT NO. 1000000000
DATE: 01/15/2010
DRAWN BY: JPH
CHECKED BY: JPH

SERBINSKI RESIDENCE
NEW ADDITION

ARCHITECT: WPH/ALB

DATE	DESCRIPTION
01/15/2010	ISSUED FOR PERMITS
01/15/2010	ISSUED FOR PERMITS
01/15/2010	ISSUED FOR PERMITS

THIS DOCUMENT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM THE ARCHITECT.

DATE: 02/25/16 Building Dept.

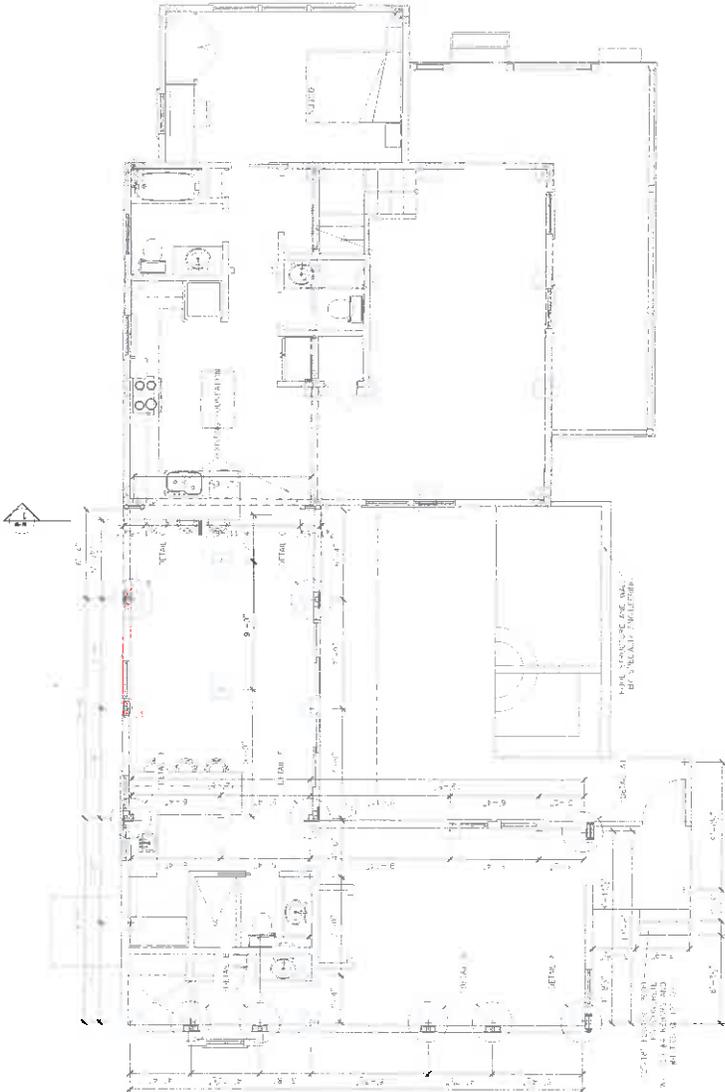
REVISIONS

DRAWN BY: JPH

PROJECT NUMBER: 1000000000

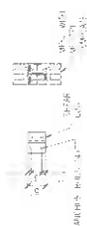
1023

1. FOUNDATION PLAN SHALL BE CONFORMANT WITH ALL APPLICABLE CODES AND REGULATIONS. ALL FOUNDATION SHALL BE CONFORMANT WITH ALL APPLICABLE CODES AND REGULATIONS.



FOUNDATIONS PLAN

SCALE: 1/4" = 1'-0"



ANCHOR BOLT

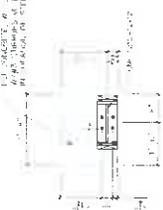
SCALE: 1/4" = 1'-0"

MSJ

ANCHOR BOLT

SCALE: 1/4" = 1'-0"

NO.	REVISION
1	ISSUED FOR PERMITS
2	ISSUED FOR PERMITS
3	ISSUED FOR PERMITS
4	ISSUED FOR PERMITS
5	ISSUED FOR PERMITS
6	ISSUED FOR PERMITS
7	ISSUED FOR PERMITS
8	ISSUED FOR PERMITS
9	ISSUED FOR PERMITS
10	ISSUED FOR PERMITS



DETAIL A

SCALE: 1/4" = 1'-0"

MSJ

ANCHOR BOLT

SCALE: 1/4" = 1'-0"

MSJ

TYPICAL CAST-IN-PLACE PIER AND PILE CAP WITH STEEL PILES

SCALE: 1/4" = 1'-0"

MSJ

ANCHOR BOLT

TYPICAL CAST-IN-PLACE PIER

SCALE: 1/4" = 1'-0"

MSJ

ANCHOR BOLT

TYPICAL CAST-IN-PLACE PIER

SCALE: 1/4" = 1'-0"

MSJ

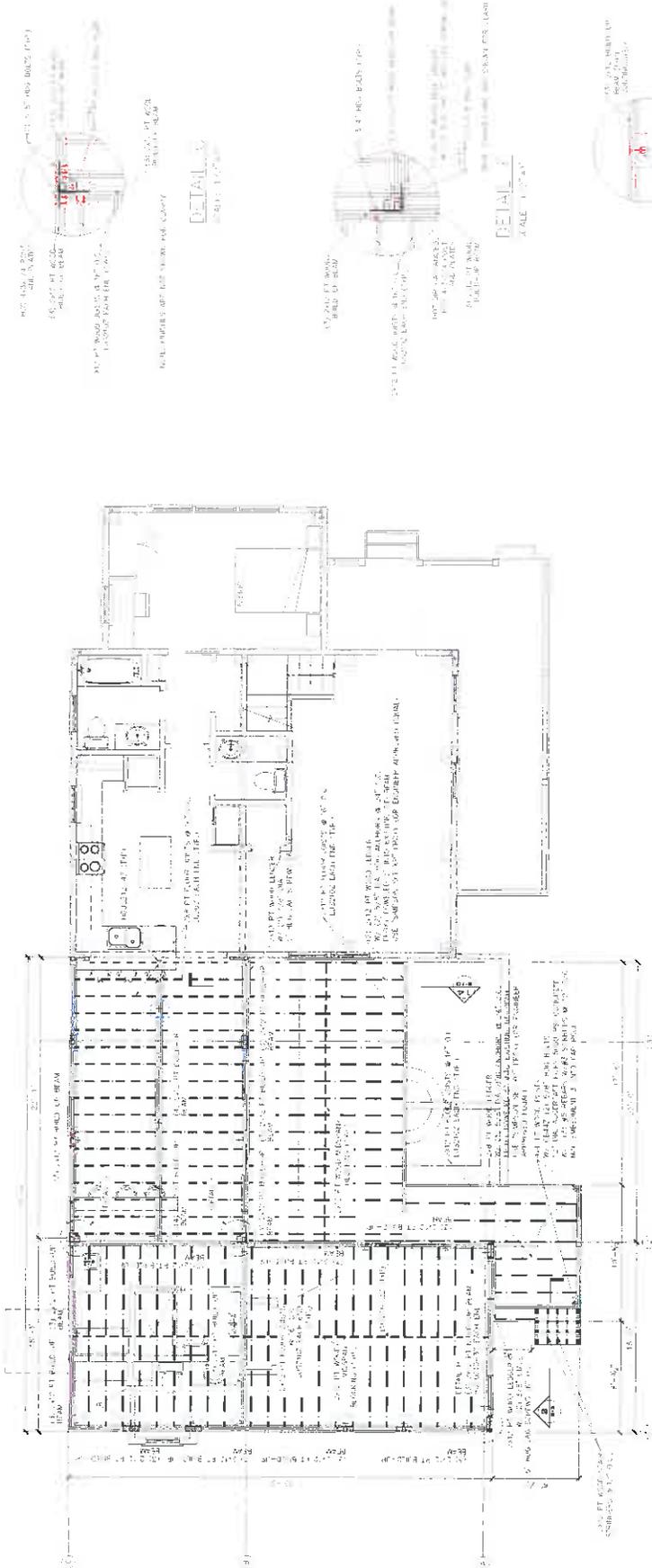
ANCHOR BOLT

S-2

SERBINSKI RESIDENCE - NEW ADDITION

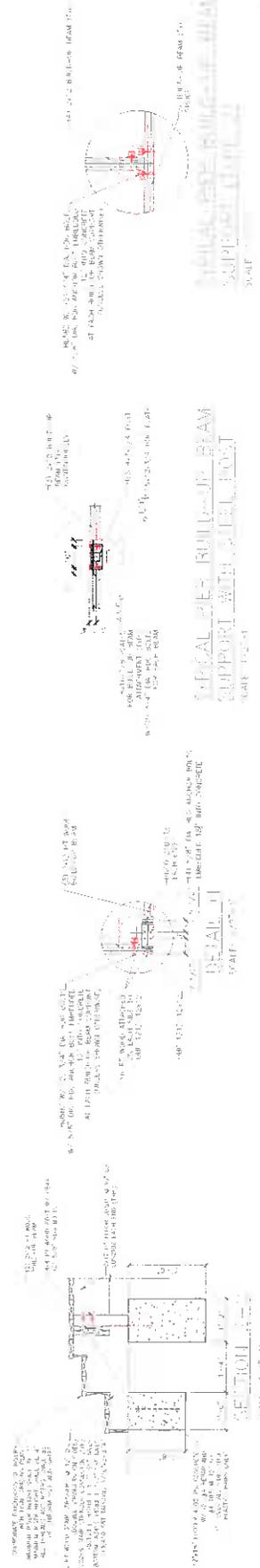
616 EATON STREET

KEY WEST, FLORIDA



1ST FLOOR FRAMING PLAN

SCALE: 1/8" = 1'-0"

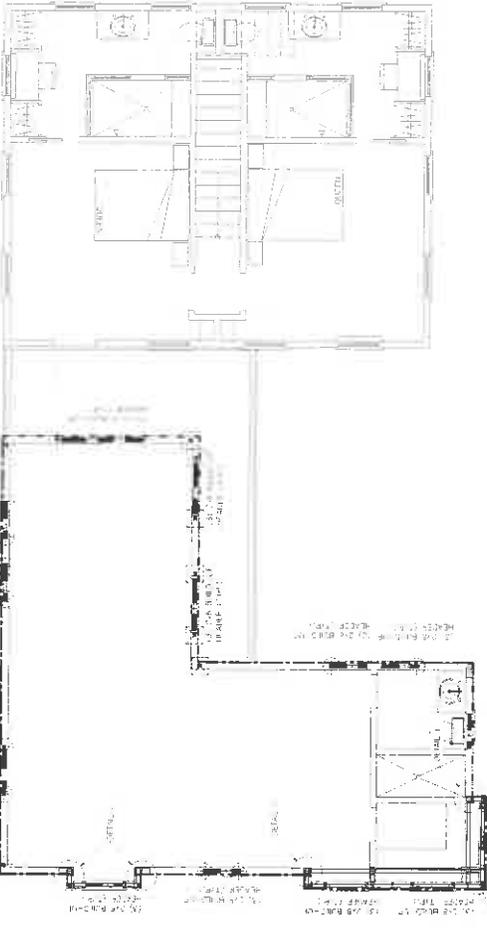


TYPICAL PIER AND SUPPORT WALL SECTION

SCALE: 1/4" = 1'-0"

SERBINSKI RESIDENCE - NEW ADDITION

616 EASTON STREET
KEY WEST, FLORIDA



2ND FLOOR SHEAR WALLS

SCALE: 1/4" = 1'-0"

SYMBOL	DESCRIPTION
(Symbol)	1. WALL TYPE: 12" CMU WITH REINFORCING BARS AND 1/2" GYPSUM BOARD ON BOTH SIDES.
(Symbol)	2. WALL TYPE: 12" CMU WITH REINFORCING BARS AND 1/2" GYPSUM BOARD ON ONE SIDE.
(Symbol)	3. WALL TYPE: 12" CMU WITH REINFORCING BARS AND 1/2" GYPSUM BOARD ON NO SIDES.
(Symbol)	4. WALL TYPE: 12" CMU WITH REINFORCING BARS AND 1/2" GYPSUM BOARD ON ONE SIDE, WITH 1/2" GYPSUM BOARD ON THE OTHER SIDE.
(Symbol)	5. WALL TYPE: 12" CMU WITH REINFORCING BARS AND 1/2" GYPSUM BOARD ON ONE SIDE, WITH 1/2" GYPSUM BOARD ON THE OTHER SIDE, AND 1/2" GYPSUM BOARD ON THE TOP AND BOTTOM.
(Symbol)	6. WALL TYPE: 12" CMU WITH REINFORCING BARS AND 1/2" GYPSUM BOARD ON ONE SIDE, WITH 1/2" GYPSUM BOARD ON THE OTHER SIDE, AND 1/2" GYPSUM BOARD ON THE TOP AND BOTTOM, AND 1/2" GYPSUM BOARD ON THE INSIDE.
(Symbol)	7. WALL TYPE: 12" CMU WITH REINFORCING BARS AND 1/2" GYPSUM BOARD ON ONE SIDE, WITH 1/2" GYPSUM BOARD ON THE OTHER SIDE, AND 1/2" GYPSUM BOARD ON THE TOP AND BOTTOM, AND 1/2" GYPSUM BOARD ON THE INSIDE, AND 1/2" GYPSUM BOARD ON THE OUTSIDE.



WALL SECTION DETAIL

SCALE: 1/2" = 1'-0"



WALL SECTION DETAIL

SCALE: 1/2" = 1'-0"



1. ALL ROOF FRAMING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE FLORIDA BUILDING CODE (FBC).

2. ALL ROOF FRAMING SHALL BE DESIGNED TO RESIST A MINIMUM WIND SPEED OF 140 MPH.

3. ALL ROOF FRAMING SHALL BE DESIGNED TO RESIST A MINIMUM SNOW LOAD OF 30 PSF.

4. ALL ROOF FRAMING SHALL BE DESIGNED TO RESIST A MINIMUM DEAD LOAD OF 10 PSF.

5. ALL ROOF FRAMING SHALL BE DESIGNED TO RESIST A MINIMUM LIVE LOAD OF 20 PSF.

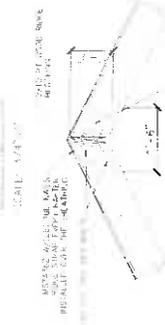
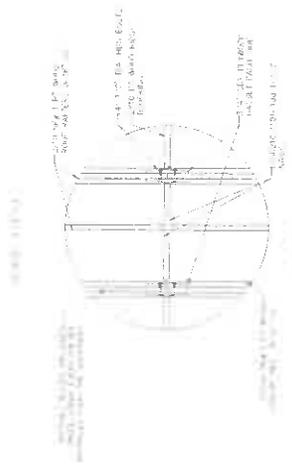
6. ALL ROOF FRAMING SHALL BE DESIGNED TO RESIST A MINIMUM SEISMIC LOAD OF 0.1g.

7. ALL ROOF FRAMING SHALL BE DESIGNED TO RESIST A MINIMUM UPLIFT LOAD OF 10 PSF.

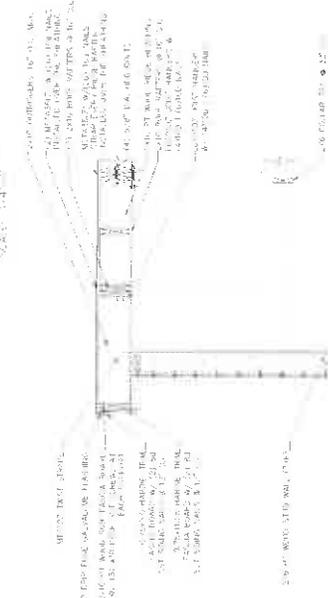
8. ALL ROOF FRAMING SHALL BE DESIGNED TO RESIST A MINIMUM DOWNDRIFT LOAD OF 10 PSF.

9. ALL ROOF FRAMING SHALL BE DESIGNED TO RESIST A MINIMUM WIND UPLIFT LOAD OF 10 PSF.

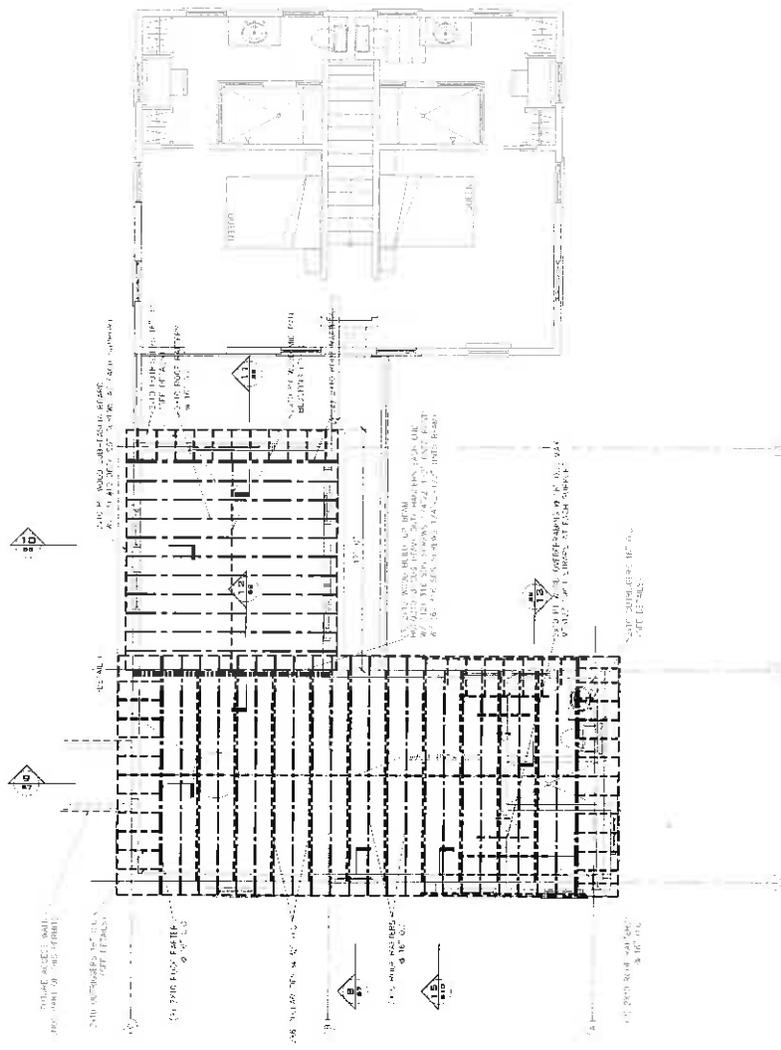
10. ALL ROOF FRAMING SHALL BE DESIGNED TO RESIST A MINIMUM WIND DOWNDRIFT LOAD OF 10 PSF.



DETAIL: RAFTER CONNECTION
SCALE: 1/4\"/>



DETAIL: JOIST CONNECTION
SCALE: 1/4\"/>



ROOF FRAMING PLAN
SCALE: 1/4\"/>

WILLIAM P. FORN
ARCHITECT, P.A.

PROJECT:
SERBINSKI
ADDRESS:
616 E. LAYTON STREET
KEY WEST, FL 34290

DATE:
03/25/16

SCALE:
AS SHOWN

SERBINSKI RESIDENCE
NEW ADDITION

DATE:
03/25/16

BY:
W.P. FORN

THIS DOCUMENT IS
THE PROPERTY OF
WILLIAM P. FORN
ARCHITECT, P.A.

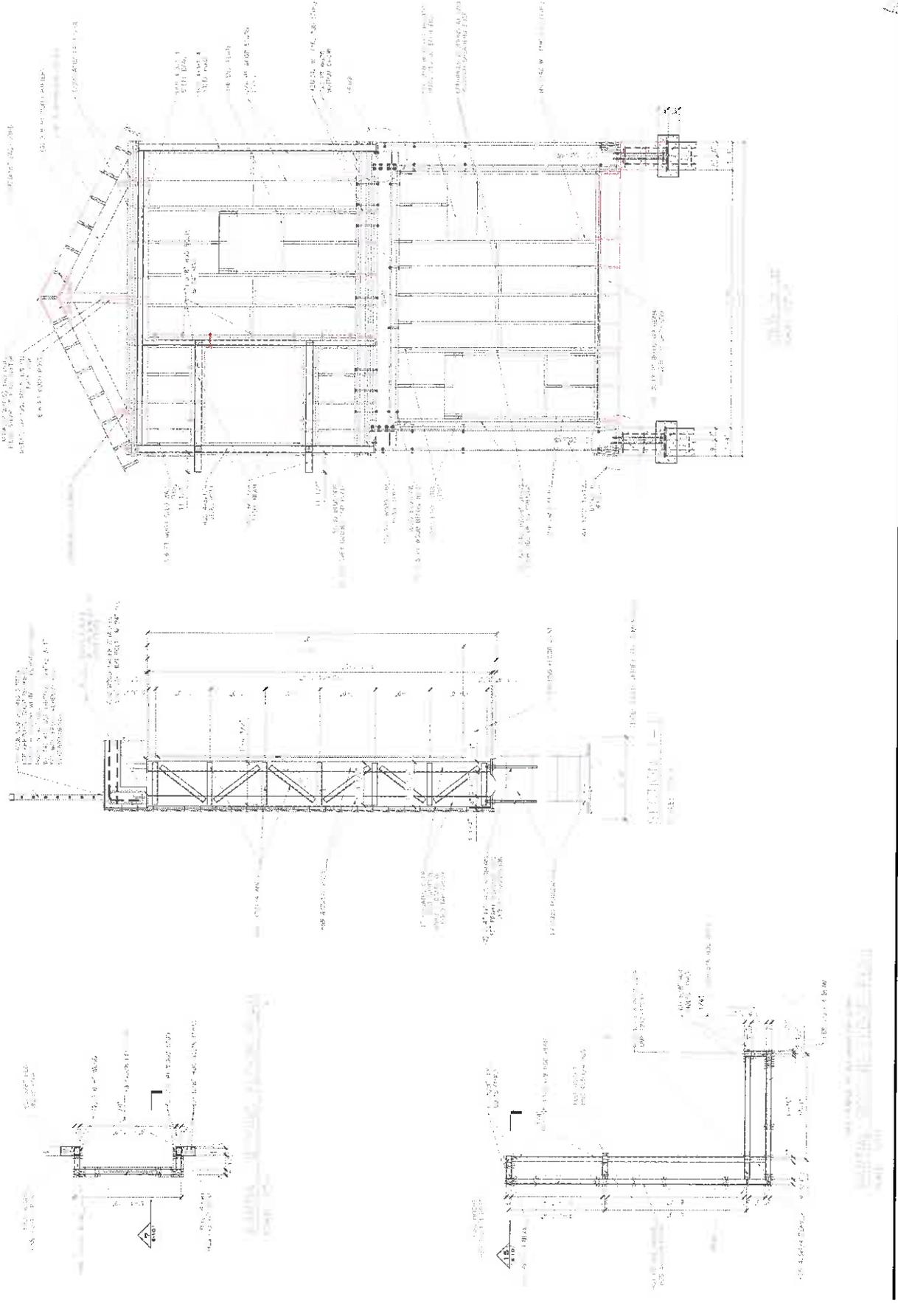
DATE:
03/25/16 Building Dept.

REVISIONS

DRAWN BY:
SAM

PROJECT
NUMBER
1425

S-9



SERBINSKI RESIDENCE - NEW ADDITION

616 LAYTON STREET
KEY WEST, FLORIDA

WILLIAM P. HICK
ARCHITECT, P.A.

581 EAST 53RD
SUITE 200
MIAMI, FL 33150

TEL: 305.750.5000
FAX: 305.750.1100

LEFRESH ID:
A-00000000

Building Design:
Architectural
Structural
Mechanical
Electrical
Plumbing

SERBINSKI RESIDENCE
NEW ADDITION

616 EASTON STREET
KEY WEST, FL



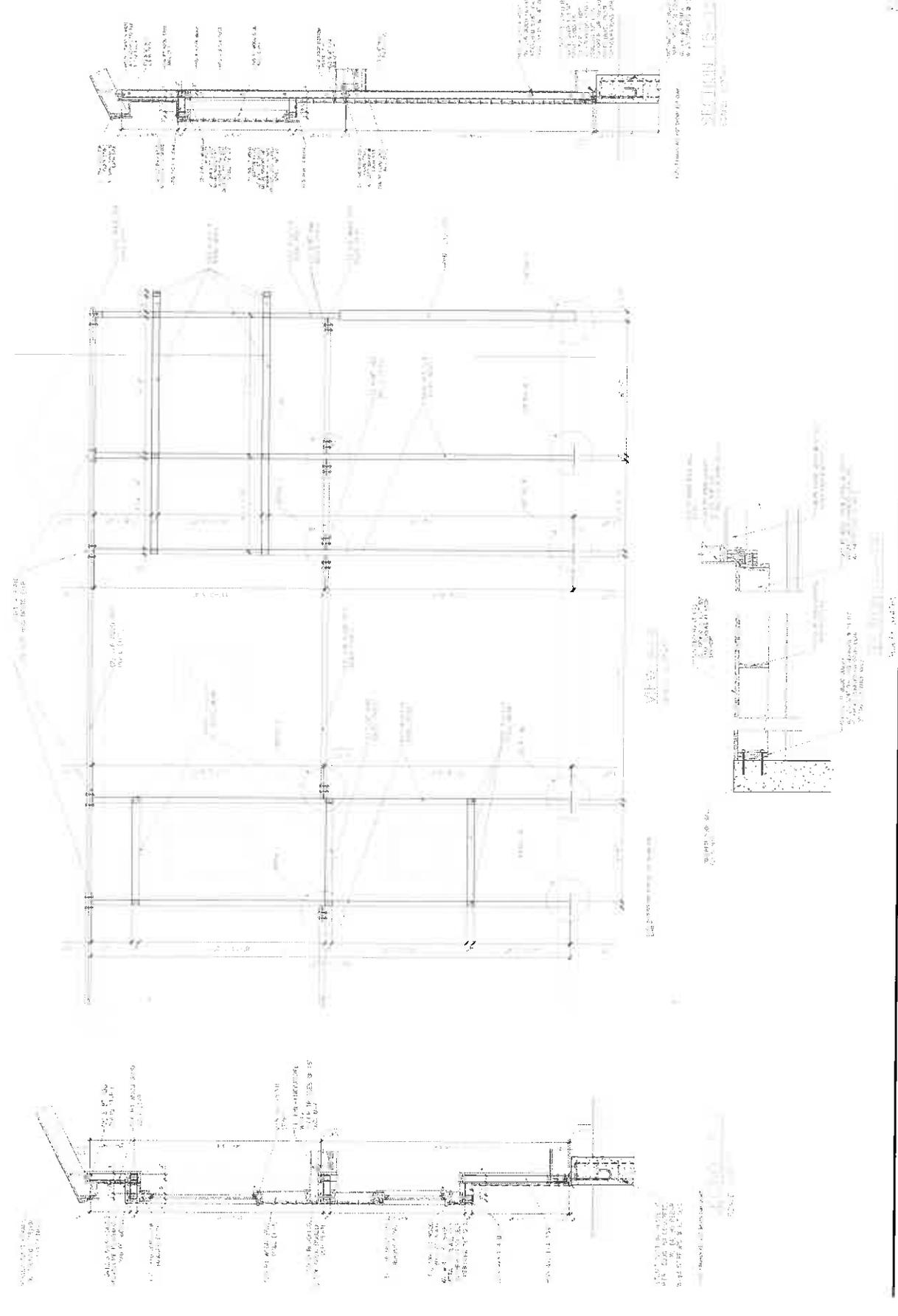
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DATE: 03.28.16 Building Dept

REVISIONS

DRAWN BY:
SSA

PROJECT
NUMBER:
1422



SERBINSKI RESIDENCE - NEW ADDITION
616 EASTON STREET
KEY WEST, FLORIDA

15

EXHIBIT B



13 of 26 DOCUMENTS



Cited

As of: Nov 12, 2016

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, a Florida municipal corporation, Appellant, v. WARREN MERETSKY and ANNE MERETSKY, his wife, Appellees.

CASE NO. 4D99-4194

COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT

773 So. 2d 1245; 2000 Fla. App. LEXIS 16233; 25 Fla. L. Weekly D 2846

December 13, 2000, Opinion Filed

SUBSEQUENT HISTORY: **[**1]** Rehearing Denied January 17, 2001. Released for Publication January 17, 2001.

PRIOR HISTORY: Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Estella M. Moriarty, Judge; L.T. Case No. 98-15094 (05).

DISPOSITION: Affirmed in part and reversed in part.

COUNSEL: James A. Cherof, Town Attorney, and Michael D. Cirullo, Jr., Assistant Town Attorney, of Josias, Goren, Cherof, Doody & Ezrol, P.A., Fort Lauderdale, for appellant.

Robert A. Eisen of Law Office of Robert A. Eisen, Boca Raton, for appellees.

JUDGES: HAZOURI, J., WARNER, C.J., and SHAHOOD, J., concur.

OPINION BY: HAZOURI

OPINION

[*1246] HAZOURI, J.

This is an appeal from a final summary judgment rendered by the trial court holding that the appellant, Town of Lauderdale-by-the-Sea (Town), did not abandon, vacate or otherwise convey any portion of a public right-of-way to the appellees, Warren and Anne Meretsky, but also holding that the Town granted the Meretskys a "permissive use" of a portion of the Town's public right-of-way. The Town also appeals from the denial of its motion for summary judgment on its counterclaim. We affirm in part and reverse in part.

The Meretskys own their residence at 4560 Tradewinds Avenue in the Town. **[**2]** It is on a corner lot and the cross street along the side of their house is Lombardy Avenue. Prior to February 1998, Anne Meretsky consulted with Town Code Officer Daniel Stallone regarding how the Town's zoning regulations would affect the placement of a swimming pool and wall enclosure they wished to build. Based upon these consultations, Anne Meretsky filed an Application for Zoning Variance which was reviewed by Stallone and corrected by him. The application requested permission "to construct an enclosure around a pool on the south side of property 35 feet into south side set back [sic] and 10 feet into front set back [sic] west side." ¹ In the application, the Meretskys only make reference to wanting to reduce the setback requirement so that they can build the wall and leave some room around the pool. There is no mention in the application that the Meretskys want to intrude

into the public right-of-way; however, the survey map of the property attached to the application shows that the requested wall enclosure on the south side of the lot encroaches 10 feet into the Lombardy Avenue right-of-way.

1 The minimum setback for the south side is 25 feet under the Town Code.

[**3] Anne Meretsky submitted the application. On February 17, 1998, the Town Board of Adjustment held a hearing on the application and recommended denying the variance. On February 24, 1998, the Town Commission considered the Meretsky's application. The records of that meeting indicate that the discussion was limited to setbacks and *not* rights-of-ways. The Town Commission approved the variance request. The Meretskys contend that the Town Commission understood that the wall would be constructed outside of the property line of the residence and on the Lombardy Avenue swale. A building permit was issued to the Meretskys for the wall's construction and it was built on the grassy swale on the Town's right-of-way five feet from the pavement on Lombardy Avenue. As constructed, it presented a sight hazard at the intersection of Lombardy and Tradewind Avenues.

On September 9, 1998, the Town Commission directed the Town administration to take action to prevent further construction of the wall. The Town Municipal Services Director hand delivered a cease and desist order to the Meretsky's residence ordering work to stop on the wall immediately. At that point, all the cement block portions of [**4] the wall had been completed. Despite the issuance of the cease and desist order, the wall was completed.

[*1247] The Meretskys' amended complaint sought a declaratory judgment finding their building permit valid and that the portion of Lombardy Avenue inside their wall was vacated and abandoned by the Town to the Meretskys. The Town answered the Meretskys' amended complaint and included a number of affirmative defenses and a counterclaim seeking injunctive relief and declaratory relief in order to have the wall removed from the Town's right-of-way.

The Town filed a motion for summary judgment as to Meretskys' amended complaint and the Town's counterclaim. At the summary judgment hearing, the Meretskys admitted that the property was not vacated or abandoned; however, in an affidavit Anne Meretsky stated that she relied on the variance and the building permit to build the pool and wall. She further stated that she would not have built the pool if she was not permitted to build the wall ten feet from the edge of the pool.

She and her husband spent \$ 39,662.80 on the wall and \$ 74,662.80 on the entire project.

At the summary judgment hearing, the trial judge determined that the Town had granted [**5] the Meretskys a "permissive use" of the property. The amended final summary judgment states that there was no genuine issue of material fact. The trial court denied the Town's motion for summary judgment on its counterclaim, but granted final summary judgment on the amended complaint to the extent that it found that the Town did not abandon or vacate the right-of-way or grant a fee interest to the Meretskys. The trial court then concluded:

4. A request for Summary Judgment permits the Court to grant Summary Judgment to either party should the facts and law so dictate. ² Accordingly, Summary Judgment is granted to Meretsky on Meretsky's Amended Complaint to the extent only that Meretsky is granted a permissive use of the Lombardy Avenue Right-of-way upon which the Wall sits and which is enclosed by the Wall. The Town, by virtue of the granting of the variance and the subsequent granting of building permits, did in fact grant to Meretsky a permissive use of that portion of the Lombardy Avenue Right-of-way upon which the Wall was constructed and which is enclosed by the Wall.

2 The trial court granted a summary judgment for the Meretskys even though they did not file a motion for summary judgment. While the court is not wholly without authority to do that, the better practice is to require a timely motion. *See First Union Nat'l Bank of Florida v. Maurer*, 597 So. 2d 429 (Fla. 2nd DCA, 1992); *City of Pinellas Park v. Cross-State Utils. Co.*, 176 So. 2d 384 (Fla. 2nd DCA 1965). We need not decide if this was appropriate here because we reverse the summary judgment for the Meretskys on other grounds.

[**6] The Town argues that the Town Commission was without authority to grant the Meretsky's application to build the wall on the public right-of-way as its construction violates the Town's Code of Ordinances and state law. The Town also disagrees with the trial court's finding that the permission to build, i.e., the variance granted, is equivalent to an ordinance. The Meretskys respond that the Town Commission did have the authority to grant a permissive use of the grassy swale within its right-of-way and the town code does not prohibit the granting of it.

"The general rule [is] that a 'building permit issued in violation of law or under mistake of fact' may be rescinded although construction may have been commenced." *Godson v. Town of Surfside*, 150 Fla. 614, 8 So. 2d 497, 498 (Fla. 1942). The issuance of a building

permit will not estop the government authority from enforcing its ordinances and revoking a permit which has been obtained in violation of its ordinance. See *Corona Properties of Florida, Inc. v. Monroe County*, 485 So. 2d 1314 (Fla. 3d DCA 1986); *Dade County v. Gayer*, 388 So. 2d 1292 (Fla. 3d DCA 1980). The Town asserts [**7] that *Gayer* is dispositive. We agree.

[*1248] The Gayers began to construct a coral rock wall around their home without a building permit from the Dade County Building and Zoning Department. Someone made a complaint and the Gayers then applied for a permit to build a wall containing a setback of ten feet inside the property line and the sketch submitted confirmed this. A permit was issued but when construction resumed, the wall was erected into the public right-of-way. Construction was halted due to the violation.

The Gayers then applied to the Zoning Appeals Board for a "non-use variance of zoning regulations, set-back requirements and variance of subdivision regulations with requirements that no structures shall be permitted in a mapped street." The Zoning Board approved the application but required a flashing light be put up to maintain safety. The Gayers said they were advised of the setback requirements but thought the ten-foot setback meant ten feet from the pavement. This approval was appealed to the Board of County Commissioners who, by resolution, rejected the Zoning Board's approval and ordered the wall be removed.

The Gayers petitioned for certiorari to the circuit court [**8] which set aside the Board of County Commissioner's resolution. Dade County then filed a petition for common law certiorari. Dade County contended that the doctrine of estoppel is not applicable to sanctioned acts which are prohibited by law. Under the Dade County code, "no building or any other type of structure shall be permitted on, or in, a mapped street, except required and approved underground installations." In quashing the circuit court's order, thereby reinstating the denial of the variance, the third district stated:

While at first blush it seems that the application of the rule may be harsh, it would be inconceivable that public officials could issue a permit, either inadvertently, through error, or intentionally, by design, which would sanction a violation of an ordinance adopted by the legislative branch of the government. Only the duly constituted members of the Metropolitan Dade County Commission enjoy that prerogative and then *only in accordance with established procedure*.

Gayer, 388 So. 2d at 1294 (emphasis added).

In the instant case, the Town asserts that its Code of Ordinances prohibits construction of the wall on the pub-

lic right-of-way. [**9] Section 17-1, Town of Lauderdale-By-The-Sea Code of Ordinances provides:

Sec. 17-1. Obstructions prohibited.

It shall be unlawful to erect, build, construct, deposit or place, or to procure or cause to be erected, built, constructed, deposited or placed upon or in any street, or any place where the public has a right of passage, any house, cellar, stable, shed, fence enclosure, wall, foundation, or any other structure or any lot or part thereof abutting on a street, to permit any obstruction to remain upon the sidewalk in front of such lot, or part thereof; or permit any sidewalk in front of such lot or part thereof to remain in such condition as to prevent convenient and safe use thereof by the public.

The Meretskys argue that this ordinance applies only to obstructions to streets and sidewalks where the public has a right of passage and their wall does not obstruct a street or sidewalk. Although "right of passage" is not specifically defined, it is a place in addition to the "street" and includes the property owned by the Town alongside the street whether or not it has a sidewalk where the public can travel. Under *section 861.01, Florida Statutes* (1997), [**10] "whoever obstructs any public road or established highway by fencing across or into same . . . shall be guilty of a misdemeanor. . . ." Public roads include city street systems. § 335.01, *Fla. Stat.* (1997). *Section 334.03(23), Florida Statutes* (1997), defines "road" as:

[*1249] [A] way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

Section 334.03(22), Florida Statutes (1997), defines "right-of-way" as "land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility."

It thus appears that whether through mistake on the part of the parties or through misrepresentation by the Meretskys, which the Town suggests, the Town Commission authorized an act contrary to its own ordinances [**11] and, therefore, its approval was ultra vires and void.

The trial court opined that the permissive use was on "the same level of an ordinance" but under *section 166.041, Florida Statutes* (1997), there are certain procedures to follow and requirements to be met in order to adopt an ordinance, none of which were followed here.

Therefore, the Meretskys should not have been granted a permissive use of the right of way.

Based upon the foregoing, the trial court erred in its application of the law to this case. Summary judgment should not have been granted in favor of the Meretskys on the amended complaint.

The question remains as to whether the Town should or could be equitably estopped from requiring that the wall be removed, as sought in its counterclaim. A zoning authority may be equitably estopped to enforce a change in zoning regulations against one who has substantially altered his or her position in reliance on the original regulation and a building permit issued thereunder. *See, e.g., City of Margate v. Amoco Oil Co.*, 546 So. 2d 1091 (Fla. 4th DCA 1989). However, when there is no authority to grant the building permit, the governmental [**12] entity cannot be estopped from revoking the permit. *Ammons v. Okeechobee County*, 710 So. 2d 641 (Fla. 4th DCA 1998); *Metropolitan Dade County v. Fountainebleau Gas & Wash, Inc.*, 570 So. 2d 1006 (Fla. 3d DCA 1990); *Dade County v. Gayer*, 388 So. 2d 1292 (Fla. 3d DCA 1980); *City of Miami Beach v. Meiselman*, 216 So. 2d 774 (Fla. 3d DCA 1968). The Meretskys were

on constructive notice of the contents of the ordinance and are presumed to have constructive knowledge of the nature and extent of the powers of governmental agents who issue permits. *See Ammons*, 710 So. 2d at 644. Therefore, the Town is not estopped from requiring that the wall be removed.

Based upon the foregoing, the trial court erred in not granting final summary judgment in favor of the Town on the counterclaim.

Accordingly, the final summary judgment on the amended complaint granting the Meretskys a permissive use of the right-of-way is reversed with directions to enter final judgment for the Town. The denial of the Town's motion for summary judgment on its counterclaim is reversed and the trial court is directed to enter final judgment [**13] on the Town's counterclaim requiring the Meretskys to remove the wall from the right-of-way. We affirm that portion of the final summary judgment that found that the Town did not abandon, vacate or otherwise convey any portion of the right-of-way to the Meretskys.

WARNER, C.J., and SHAHOOD, J., concur.



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Town of Lauderdale-By-The-Sea v. Meretsky, 773 So. 2d 1245, 2000 Fla. App. LEXIS 16233, 25 Fla. L. Weekly D 2846 (Fla. Dist. Ct. App. 4th Dist. 2000)

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SHEPARD'S SUMMARY

Unrestricted *Shepard's* Summary

No subsequent appellate history.

Citing References:

1 Citing Decisions: **Citing decisions with no analysis assigned (4)**
 Other Sources: **Law Reviews (1), Treatises (6), Court Documents (9)**

LexisNexis Headnotes: HN1 (2), HN7 (2)

PRIOR HISTORY (0 citing references)

(CITATION YOU ENTERED):

Town of Lauderdale-By-The-Sea v. Meretsky, 773 So. 2d 1245, 2000 Fla. App. LEXIS 16233, 25 Fla. L. Weekly D 2846 (Fla. Dist. Ct. App. 4th Dist. 2000)

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BRIEFS (7 Citing Briefs)

12. *KIVISTO v. SOIFER*, 2014 U.S. Briefs 1339, 2015 U.S. S. Ct. Briefs LEXIS 1748 (U.S. May 1, 2015)
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