

SMITH/HAWKS  
ATTORNEYS AT LAW

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**VIA HAND DELIVERY AND EMAIL**

August 21, 2020

Cheri Smith, MMC, CPM, City Clerk  
City of Key West  
1300 White Street  
Key West, FL 33040  
Email: [CSmith@CityofKeyWest-FL.Gov](mailto:CSmith@CityofKeyWest-FL.Gov)

**Re: Notice of Appeal of Substantial Improvement Determination for  
1409-1413 Flagler, LLC – 1413 Flagler Street, Key West, Florida  
(RE # 00040730-000000)**

Dear Cheri,

Please allow this correspondence to serve as a Notice of Appeal of the Substantial Improvement Determination that was rendered by the Floodplain Administrator, Scott G. Fraser, on or about August 12, 2020, pursuant to Section 34-129(2) of the City of Key West Code of Ordinances. A copy of the Substantial Improvement Determination appealed, along with the Floodplain Administrator's Substantial Improvement Analysis, is attached hereto as composite Exhibit "A". A check in the amount of \$2,000.00 is enclosed for payment of the fee for the appeal.

Please contact me regarding coordinating the appeal. Thank you for your consideration and assistance, and please do not hesitate to contact me with any questions.

Sincerely,

  
Nikki Pappas

NP/bg

Enclosure

Cc:

Scott Fraser, CFM, [SFraser@CityofKeywest-FL.Gov](mailto:SFraser@CityofKeywest-FL.Gov)

*rec'd 4:22 pm 8/21/20  
City of Key West Dept*

**COMPOSITE  
EXHIBIT A**



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 890-3810

August 12, 2020

Key West FL 33040

RE: Notice of Substantial Improvement Determination – 1413 Flagler Ave, Key West, FL 33040 – Parcel ID # 00040730-000000

1409-1413 FLAGLER LLC  
PO Box 1527  
Key West FL 33040

The City Building Department has determined that this structure is located within a mapped Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM), Panel 12087C1516K, with an effective date of February 15, 2005. As required by our floodplain management ordinance and/or Florida Building Code, we have evaluated the permitted renovations, improvements made beyond the permitted scope of work, proposed repairs along with pending work yet to be completed and determined that these improvements constitute a Substantial Improvement of this structure.

This determination is based on a comparison of the cost estimate of the proposed cost of repairs to the pre-renovation market value of the structure (excluding land value). When the cost of repairs equals or exceeds 50 percent of the pre-renovated market value of the structure, the improvements are considered to be a Substantial Improvement under the requirements of the National Flood Insurance Program (NFIP) and the city's Floodplain Management Ordinance dated May 17, 2016.

As a result of this determination, you are required to bring the existing building and additions to this building into compliance with the flood damage-resistant provisions of the regulations and/or code [FBC Sec. 1612].

We would be pleased to meet with you and your designated representative (architect/builder) to discuss how to bring your building into compliance. There are several aspects that must be addressed to achieve compliance. The most significant requirement is that the lowest floor, as defined in the regulations/code, must be elevated to or above the Design Flood Elevation (DFE). You may wish to contact your insurance agent to understand how raising the lowest floor higher than the minimum required elevation can reduce NFIP flood insurance premiums.

When you're ready, please submit a permit application along with plans and specifications that incorporates compliance measures. Construction activities that are undertaken without proper permits are violations and may result in citations, fines, or other legal action.

Yours truly,

**Scott Fraser**

Scott Fraser, Floodplain Administrator

*Key to the Caribbean – average daily temperature 77 ° Fahrenheit.*

**COMPOSITE EXHIBIT A**

# Substantial Improvement Analysis

## Second Review

1413 Flagler Ave, Key West

August 13, 2020

Roofing #19-0444

Demo, Partial #19-0471

Building Permit: #19-1029  
(Tie beams)

Building Permit: #19-3125  
(Storage area)

Mechanical #19-3126

Plumbing #19-3127

Electrical #19-3133  
(Single unit w/storage under)



Scott G. Fraser, Floodplain Administrator  
City of Key West  
1300 White Street  
Key West, FL 33040  
305-809-3810  
sfraser@CityofKeyWest-FL.gov

**Purpose:**

An initial Substantial Improvement Analysis was performed during September 2019 which concluded the intended renovations would exceed the 50% threshold. Among the options for reanalysis presented in that report was the opportunity to submit a private appraisal, which the Owner now presents.

Further information regarding the value of improvements submitted by the owner was also considered as part of this second analysis.

**Site:**

Pending Building Permit Applications are for extensive renovations to a residential two-story CBS pre-FIRM<sup>1</sup> structure originally constructed during 1948. This building is separate from and behind a single-story residential duplex on the same lot; the other front building has an assigned street addresses of 1409-1411 Flagler Ave. The relevant building is within a FEMA designated AE-6 flood zone<sup>2</sup> within the Special Flood Hazard Area. This building isn't a contributing historic structure.

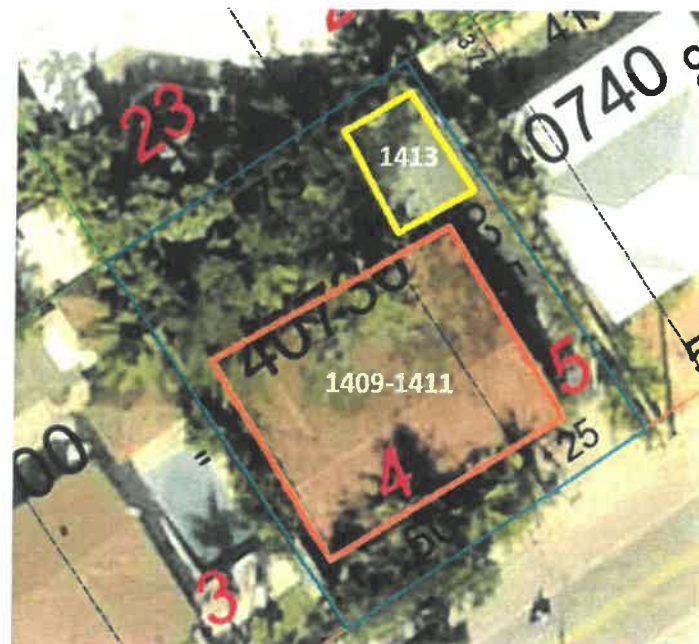


Figure 1 Yellow = Subject Building; Orange = Front building

No Elevation Certificate for this building was submitted. An earlier certificate (attached) for the adjacent front building shows the highest adjacent grade at an elevation of +5.6-ft NGVD<sup>3</sup>. The first finished floor of the relevant building is slab-on-grade very close to the ground level. Absent certified elevations, this building is approximately -1.4-ft below the minimum flood elevation at this site for substantially renovated buildings. The initial construction plans submitted<sup>4</sup> show the ground floor is intended as inhabited space.

<sup>1</sup> Prior to 12/31/1974 FEMA's default FIRM date for Key West

<sup>2</sup> FIRMette Attachment C

<sup>3</sup> Line C2g of Elevation Certificate for 1409-1411 Flagler Ave dated 5/15/2020

<sup>4</sup> Plans page A101 dated 8/21/19

**NFIP Requirements & Duties of the Floodplain Administrator:**

The community's participation in the National Flood Insurance Program (NFIP) – administered by FEMA - is contingent upon its compliance with program requirements; The City is regularly audited by FEMA (for the NFIP) and the Insurance Services Office (ISO for the CRS) to ensure compliance. Chief among these requirements is enforcement of rules regarding the mitigation of Substantially Improved/Damaged structures within the Special Flood Hazard Area.

The City's participation in FEMA's Community Rating Program (CRS) – 25% discount – hinges entirely upon the City's compliance with basic NFIP program requirements, especially with structures substantially improved or substantially damaged.

During the early 1970s, buildings existing before flood maps were created, were grandfathered into the NFIP at their given elevations. This grandfathering is extinguished<sup>5</sup> and mitigation against flood damage required once the structure has been improved by more than 50% of its depreciated market value, known as Substantial Improvement or the 50% Rule; with residential uses this usually requires either elevation or reconstruction. With instances of Substantial Damage, all building improvements must meet minimal flood mitigation standards.

The City's Floodplain Administrator is charged<sup>6</sup> with the responsibility of making Substantial Improvement/Damage determinations and does so with in consultation with the Chief Building Official.

The Florida Building Code authorizes the Chief Building Official to set the value of proposed construction<sup>7</sup>.

**Background/History:**

During late April 2019, City Building Inspectors and the Floodplain Administrator began receiving complaints that buildings at this location within a flood zone were being renovated beyond the 50% Substantial Improvement threshold without complying with required minimum flood elevation requirements. These complaints originated from contractors concerned with disparate treatment.

After conferring with then-Chief Building Official (CBO) Ronald Wampler, the Floodplain Administrator conducted a site visit accompanied by a Building Inspector. Work on the front building (1409-1411 Flagler) was found to have vastly exceeded the permitted scope of work; the rear two-story concrete structure (1413 Flagler) had been gutted as well. The contractor was notified both buildings would be flagged for 50% review as new permit requests were received.

Further permitting of the front building was stalled until compliance with flood damage mitigation requirements was demonstrated via elevation; which was accomplished. That building was elevated and is now completed and not subject of this analysis.

February 7, 2019 – Building permit #BLD2019-0444<sup>8</sup> was issued for:

“Remove existing roofing on accessory structure and replace plywood as necessary, replace fascia. Install Grace Ice and Water shield and V-Crimp panels. 530 sq. ft.”

February 8, 2019 – Building permit #BLD2019-0471 was issued for:

“Demo interior and fixtures for accessory structure for exploratory purposes.”

<sup>5</sup> Exceptions for Historic Contributing Structures

<sup>6</sup> City of Key West Ordinances Sec. 34-125(4) Duties and powers of the floodplain administrator

<sup>7</sup> 2017 FBC, Building, Sixth Edition, [A] Sec. 109.3

<sup>8</sup> Photographs in Attachment D

March 18, 2019 – Building permit #BLD2019-1029 was issued to replace the mid-level and top tie beams.

April 30, 2019 – Following complaints, the Floodplain Administrator conducted a site visit.

The front building was determined to be a Substantial Improvement, with elevation required.

This rear building did not yet have a renovations permit submitted, only permits for tie-beam replacements, roofing repair and exploratory demolition. Thus, no Substantial Improvement Determination was made. However, the building was flagged for review when renovation applications are received. The contractor (Gary the Carpenter) was notified of this status.

September 3, 2019 – Building Permit Application #BLD2019-3125 was submitted for:

“RENOVATION TO UPSTAIRS & DOWNSTAIRS UNITS NEW KITCHEN BATH AND BEDROOM  
REPLACE WINDOWS & ENTRANCE DOORS.”

The plans didn’t indicate any intended elevation of the existing first finished floor to the minimum flood elevation for substantially improved buildings within the SFHA.

September 17, 2019 - The City Floodplain Administrator reviewed the application<sup>9</sup>, and performed the first Substantial Improvement analysis<sup>5</sup>.

October 23, 2019 – Following receipt of the Substantial Improvement Analysis, the Contractor submitted a revision to Building Permit Application #BLD2019-3125, stipulating the ground floor unit wouldn’t be finished nor occupied and would only be used for storage:

“downstairs unit for storage only, upstairs apartment to remain revise project cost.”

The Floodplain Administrator advised approval would be rendered with this revision after the owner filed a Non-Conversion Agreement with the County Clerk, stipulating habitation of the ground unit wouldn’t occur. The Contractor subsequently advised the Owner didn’t wish to file such a document. Thus, the permit hasn’t been issued.

July 28, 2020 – A site visit was conducted with CBO Terrence Justice, the Floodplain administrator, Contractor along with attorneys for the City and the property owner.

Contractor advises they will opt for window A/C units rather than central air conditioning as plug-in appliances don’t count toward 50% calculations.

August 13, 2020 – The Floodplain Administrator completed the requested second Substantial Improvement analysis.

#### **New Observations:**

A site visit agreed upon by the property owner, found renovations had continued upon this structure despite a lack of certain permitting. Earlier claims that the old doors would be re-used were discounted upon observing all new metal exterior doors had already been installed. Also installed were new windows throughout the building, soffits, fascia, floor blocking, Durock flood overlay, roof lookouts, porch roof with rafters, strapping, rim boards and the exterior had been refinished with new stucco.

Only about 20% of the roof’s underlying planking had been replaced. The interiors remained unfinished and new upper and lower tie beam replacements completed.

#### **Details**

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<sup>9</sup> City of Key West Ordinances Sec. 34-125(4) Duties and powers of the floodplain administrator

- **Building Value**

- The newly submitted private appraisal has the depreciated market value of this structure as \$165,394, reflecting a 26% increase (+\$44k) over the earlier adjusted Property Appraiser’s value for this building. This raises the 50% threshold in the Owner’s favor.



Figure 2 April 30, 2019



Figure 3 July 28, 2020

**Value of Improvements:**

- The original self-declared value of improvements was \$154,537 (93.4%).
- Based upon the City standard renovation cost value of \$185<sup>sf</sup> for the 714<sup>sf</sup> of reconstruction, the improvement value is \$132k (79%).
- Reviewing receipts and estimates submitted, coupled with the CBO’s value for improvements not yet constructed nor permitted – in a light most favorable to the property owner – these improvements are valued at \$114,001 (68.9%), or \$31,304 beyond the 50% threshold.
  - This is down from an improvement value of 127.4% from the 2019 analysis, which didn’t include the recommended private property appraisal, which has since been submitted.

Staff attempts to engage a professional construction costs estimator were unsuccessful due to a lack of adequate construction plans and Owner’s counsel asserting what was submitted is all that’s required by law; staff objects to this concept and cites the following:

- The Floodplain Administrator needs and requires such plans to further reconsider the 50% Substantial Improvement threshold.
  - City Ord. Sec. 34-126. – Permits para. 3 (g) –
    - *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
      - Give such other data and information as required by the floodplain administrator.
  - City Ord. Sec. 34-125 - Duties and powers of the floodplain administrator



- *Para 4 - Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, shall:
  - Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; for proposed work to repair damage caused by flooding, the determination requires evaluation as specified in the definition of "substantial damage"; and
- The Building Plans Reviewer will need engineered drawing depicting the roofing repairs before such a permit may be issued.
  - Florida Building Code 6<sup>th</sup> Edition, Sec. 107 - Submittal Documents

**Summary:**

Reconsideration took into account a newly supplied private building value appraisal, material receipts, a site visit and typical constructions costs in a light most favorable to the property owner.

Upon second review, the Floodplain Administrator has determined this structure qualifies as both Substantially Damaged (via accumulated deterioration or decay<sup>10</sup>) and Substantially Improved through the proposed renovations. While the value of improvements decreased considerably from the earlier 2019 analysis [127.4% (93,902 over) to 68.9% (\$31,304 over)] the 50% threshold will be exceeded if the ground level unit is remodeled for any form of habitation.

As a Substantially Damaged structure, all repairs are required to achieve floodplain compliance upon project completion. Reconstruction of the ground floor enclosure as habitable space below the flood level fails to achieve compliance.

As a Substantially Improved structure, these plans also fail to achieve floodplain compliance.

FEMA's 50% threshold is an absolute; as it also is under the CRS program. There's no margin for additional tolerance, as the 50% is the tolerance threshold.

Options available to the homeowner include:

- Reconstruct the habitable living unit on the second floor, with the unfinished ground floor use limited to storage, in accordance with the Owner's most recent building permit revision request.
- Reconstruct the building at code-compliant elevation.
- Apply to the City Planning Board for a floodplain variance<sup>11</sup>, to which the City would object.
- Appeal this Substantial Improvement determination to the City Commission<sup>7</sup>.

<sup>7</sup> City of Key West Ordinances Sec. 34-129(2) Variances and appeals

<sup>10</sup> City of Key West Ordinances Sec. 34-132. - Definitions, specific

<sup>11</sup> City of Key West Ordinances Sec. 34-129(1) Variances and appeals

**Relevant Data:** Owner:

1409-1413 FALGLER LLC PO Box 1527  
Key West FL 33041LLC  
PO Box 1527  
Key West FL 33041

Florida Limited Liability Company

1409-1413 FLAGLER, LLC  
Filing Information  
Document Number  
L19000021708  
FEI/EIN Number  
NONE

Date Filed  
01/25/2019  
State  
FL  
Status  
ACTIVE

Principal Address  
1409-1413 FLAGLER AVE  
KEY WEST, FL 33040  
Mailing Address  
500 FLEMING ST  
KEY WEST, FL 33040  
Authorized Person(s) Detail  
Name & Address

PO BOX 1527  
KEY WEST, FL 33040  
Registered Agent Name & Address  
STERLING, ERICA HUGHES

Title MGR  
ROSSI FAMILY LLLP  
1409-1413 FLAGLER AVE  
KEY WEST, FL 33040

# **Attachments**

**Substantial Improvement Analysis**

**Second Follow-up Review**

**1413 Flagler Ave, Key West**

**August 13, 2020**

**Attachment A**

1413 Flagler Ave

Building Value: \$165,394 Pvt. App.

Permit Number	Permit Values		Percent Improvements
BLD2019-1029	\$ 32,000	RENOVATION EXTERIOR	
BLD2019-3125		RENOVATION EXTERIOR	
BLD2019-3126	\$	MECHANICAL HVAC	
BLD2019-3127	\$ 7,500	PLUMBING	
BLD2019-3133	\$ 6,000	ELECTRICAL	
TREE2019-0253	\$	CANOPY DICOT	
BLD2019-0444	\$ 8,000	Roofing	
BLD2019-0471	\$ 2,000	Demo, exploratory	
	\$ 17,500	Windows, Doors	
	\$ 2,900	Cabinates	
	\$ 3,000	2nd Flr Durarock	
	\$ 8,000	Stucco	
	\$ 3,361	Drywall	
	\$ 4,000	Facla	
		Looksouts, framing, blocking, rafters, ceiling joists & strapping	
	\$ 5,000		
	\$ 3,600	Framing, interior	
	\$ 3,000	Flooring	
	\$ 1,800	Trim, interior	
	\$ 3,840	Plumbing fixtures	
	\$ 2,500	Insulation (missing from estimate)	
	\$ -	Painting	
	<b>\$ 114,001</b>	<b>Total Improvements</b>	<b>68.9%</b>
		<b>50% Threshold</b>	
		<b>\$82,697</b>	
		<b>Excess of 50%</b>	
		<b>\$31,304</b>	
	<b>P.A. Building Value</b>	<b>105,452</b>	
	<b>Plus 15%</b>	<b>\$15,818</b>	
	<b>Building Value:</b>	<b>\$121,270</b>	<b>Negated with private appraisal</b>

**Attachment B**



*Figure 4 April 30, 2019*



*Figure 5 April 30, 2019*



Figure 6 May 7, 2019



Figure 7 April 30, 2019

## COMPOSITE EXHIBIT A

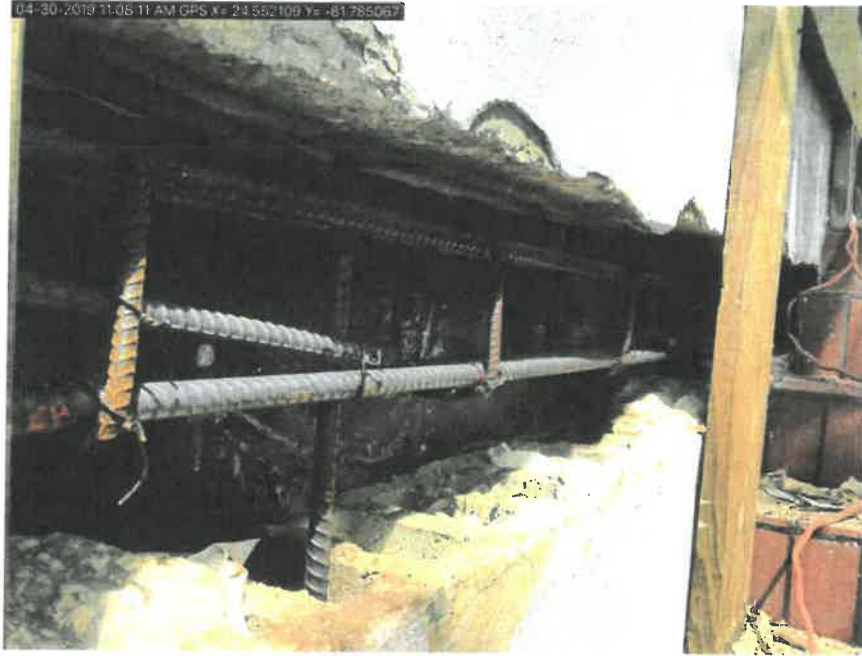


Figure 8 April 30, 2019



Figure 9 May 1, 2019

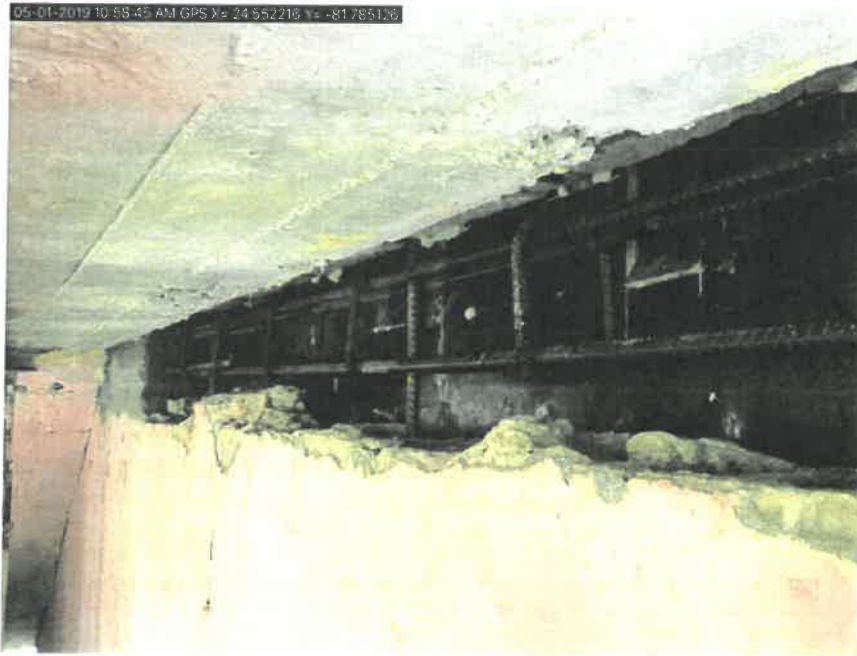


Figure 10 May 1, 2019



Figure 11 May 7, 2019





Figure 12 May 7, 2019



Figure 13 May 22, 2019

## COMPOSITE EXHIBIT A



Figure 14 May 22, 2019



Figure 15

## COMPOSITE EXHIBIT A



*Figure 16 July 28, 2019*



*Figure 17 July 28, 2019*



*Figure 18 July 28, 2019*



Figure 19 July 28, 2019 - 2<sup>nd</sup> Floor



Figure 20 July 28, 2019 - Ground floor

## COMPOSITE EXHIBIT A



Figure 21 July 28, 2019 - Ground floor



Figure 22 July 28, 2019 - 2nd floor

## COMPOSITE EXHIBIT A





**Disclaimer**

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

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

**Summary**

Parcel ID 00040730-000000  
 Account# 1041416  
 Property ID 1041416  
 Millage Group 10KW  
 Location 1413 FLAGLER Ave, KEY WEST  
 Address  
 Legal KW TROPICAL BLDG AND INVESTMENT CO SUB LOT 4 AND PT LOT 5 SQR 2  
 Description TR 19 PB1-34 OR264-408/09 OR455-920 OR781-1034 OR1165-2111  
 OR2933-1563 OR2933-1565 OR2947-0539  
 (Note: Not to be used on legal documents.)  
 Neighborhood 6157  
 Property Class MULTI FAMILY LESS THAN 10 UNITS (0800)  
 Subdivision Tropical Building and Investment Co  
 Sec/Twp/Rng 05/68/25  
 Affordable No  
 Housing



**Owner**

1409-1413 FALGLER LLC  
 PO Box 1527  
 Key West FL 33041

**Valuation**

	2019	2018	2017	2016
+ Market Improvement Value	\$313,407	\$305,607	\$305,607	\$257,307
+ Market Misc Value	\$6,536	\$4,858	\$5,031	\$5,379
+ Market Land Value	\$307,714	\$319,324	\$316,993	\$356,691
= Just Market Value	\$627,657	\$629,789	\$627,631	\$619,377
= Total Assessed Value	\$627,657	\$556,673	\$506,067	\$460,061
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$627,657	\$629,789	\$627,631	\$619,377

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
MULTI RES DRY (080D)	6,938.00	Square Foot	75	92.5

**Buildings**

Building ID 3183  
 Style GROUND LEVEL  
 Building Type M.F. - R2 / R2  
 Gross Sq Ft 1766  
 Finished Sq Ft 1610  
 Stories 1 Floor  
 Condition AVERAGE  
 Perimeter 206  
 Functional Obs 0  
 Economic Obs 0  
 Depreciation % 33  
 Interior Walls PLYWOOD PANEL  
 Exterior Walls C.B.S.  
 Year Built 1953  
 EffectiveYearBuilt 1992  
 Foundation CONCR FTR  
 Roof Type GABLE/HIP  
 Roof Coverage CONC/CLAY TILE  
 Flooring Type CONC ABOVE GRD  
 Heating Type NONE with 0% NONE  
 Bedrooms 4  
 Full Bathrooms 2  
 Half Bathrooms 0  
 Grade 550  
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	1,610	1,610	0
OPF	OP PRCH FIN LL	156	0	0
TOTAL		1,766	1,610	0

Building ID 3184 Exterior Walls STONE/BRICK



9/17/2019

qPublic.net - Monroe County, FL

Style 2 STORY ON GRADE  
 Building Type M.F. - R2 / R2  
 Gross Sq Ft 762  
 Finished Sq Ft 714  
 Stories 2 Floor  
 Condition AVERAGE  
 Perimeter 152  
 Functional Obs 0  
 Economic Obs 0  
 Depreciation % 35  
 Interior Walls WALL BD/WD WAL

Year Built 1948  
 EffectiveYearBuilt 1987  
 Foundation CONCR FTR  
 Roof Type GABLE/HIP  
 Roof Coverage ASPHALT SHINGL  
 Flooring Type CONC ABOVE GRD  
 Heating Type NONE with 0% NONE  
 Bedrooms 2  
 Full Bathrooms 2  
 Half Bathrooms 0  
 Grade 500  
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	714	714	0
OPF	OP PRCH FIN LL	48	0	0
<b>TOTAL</b>		<b>762</b>	<b>714</b>	<b>0</b>

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
FENCES	1988	1989	1	114 SF	2
CONC PATIO	1988	1989	1	816 SF	2
ASPHALT PAVING	1964	1965	1	387 SF	1
CONC PATIO	2008	2009	1	384 SF	2

**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
1/29/2019	\$599,000	Warranty Deed	2204254	2947	0539	03 - Qualified	Improved
9/20/2018	\$100	Quit Claim Deed	2192289	2933	1565	30 - Unqualified	Improved
9/20/2018	\$100	Warranty Deed	2192288	2933	1563	30 - Unqualified	Improved

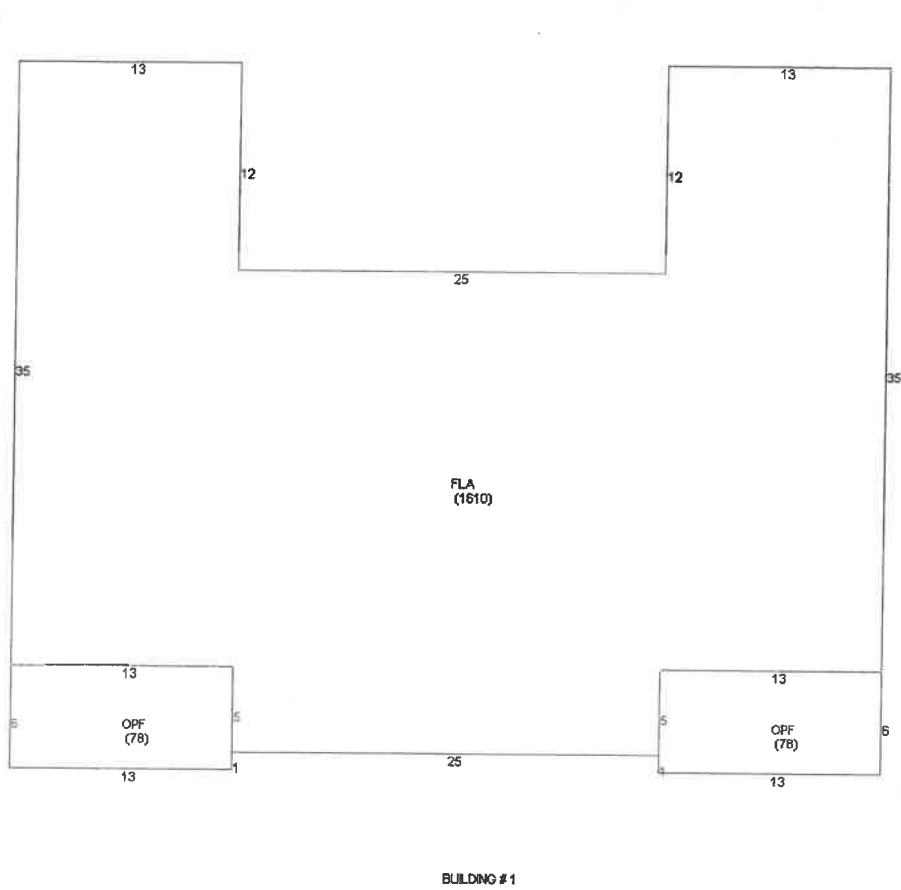
**Permits**

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
19-1883	5/24/2019		\$15,000	Residential	ROUGH & SET 2 WC, 2 LAVS, 2 TUBS, 2 KITCHEN SINKS, 2 TANKLESS WATER HEATERS.
19-1871	5/23/2019		\$17,291	Residential	INSTALL ALL ELECTRICAL
19-1740	5/15/2019		\$125,000	Residential	ELEVATE FLOOR LEVEL & LIVING SPACE ABOVE FLOOD LEVEL, INTERIOR RENOVATION NEW EXTERIOR DOORS & WINDOWS NEW ROOF TRUSSES.
19-1029	5/9/2019		\$10,000	Residential	REPLACE MID AND TOP TIE BEAMS ON WALL OF REAR BUILDING
19-0905	3/8/2019	3/19/2019	\$250	Residential	RELOCATE EXISTING TEMPORARY POWER FROM EXISTING 2 GANG METER CENTER TO POWER POLE TYPE TEMPORARY. TO BE MOUNTED TO CONCRETE FENCE WALL. SAME SIDE LOCATION.
19-447	2/22/2019		\$16,250	Residential	REMOVE EXISTING ROOFING ON MAIN HOUSE INSTALL VCRIMP
19-471	2/22/2019		\$0	Residential	DEMO INT ADN INT FIXT FOR ACCESSORY STRUCTURE
19-0494	2/8/2019	2/14/2019	\$935	Residential	TEMPORARY ELECTRIC POWER POLE.
19-470	2/7/2019		\$2,400	Residential	DEMO INT FINISHES AND FIXT ON MAIN HOUSE
19-444	2/6/2019		\$3,445	Residential	REMOVE EXIST ROOFING ON ACCESORY STRUCTURE REPLACE IF NECESSARY
06-3379	6/5/2006	7/26/2006	\$2,300	Residential	RELOCATE AND INSTALL 2 GANG METER CENTER TO FRONT OF HSE
03-3674	10/22/2003	11/20/2003	\$1,500	Residential	BLDG#1 REPLACE SEWER
03-3677	10/22/2003	11/20/2003	\$2,000	Residential	BLDG#2 REPLACE SEWER

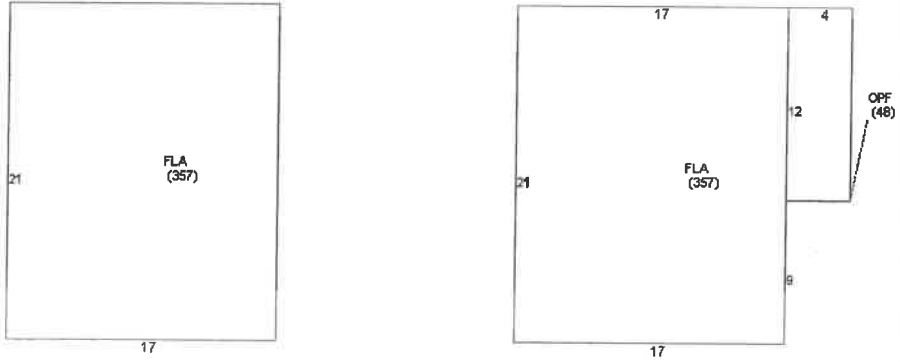
**View Tax Info**

[View Taxes for this Parcel](#)

**Sketches (click to enlarge)**



# COMPOSITE EXHIBIT A



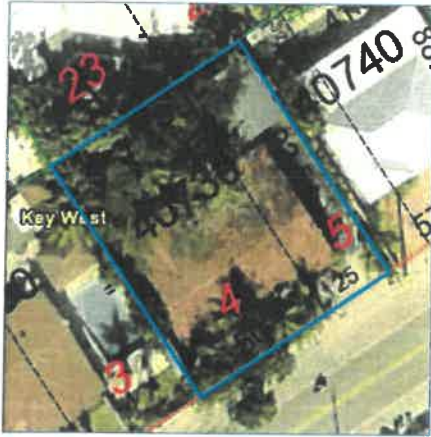
BUILDING #2

Photos



# COMPOSITE EXHIBIT A

Map



TRIM Notice



2019 Notices Only

No data available for the following modules: Commercial Buildings, Mobile Home Buildings, Exemptions.

User Privacy Policy  
GDPR Privacy Notice

Last Data Upload: 9/17/2019, 5:52:47 AM



Version 2.3.4

# COMPOSITE EXHIBIT A

## ELEVATION CERTIFICATE

**Important:** Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name 1409-1413 Flagler, LLC				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1409 - 1411 Flagler Avenue				Company NAIC Number:	
City KEY WEST		State Florida		ZIP Code 33040	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) PARCEL ID # 00040730-000000					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)				RESIDENTIAL	
A5. Latitude/Longitude: Lat. 24.55193 W Long. 81.79849 N Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> 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 <u>8</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s)				1620.00 sq ft	
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade				12	
c) Total net area of flood openings in A8.b				1846.00 sq in	
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 12087C1517	B5. Suffix K	B6. FIRM Index Date 02-18-2005	B7. FIRM Panel Effective/Revised Date 02-18-2005	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 7'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source:					
B11. Indicate elevation datum used for BFE in Item B9: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source:					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: N/A <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

**ELEVATION CERTIFICATE**

OMB No. 1660-0008  
Expiration Date: November 30, 2022

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1409 - 1411 Flagler Avenue			Policy Number:
City KEY WEST	State Florida	ZIP Code 33040	Company NAIC Number

**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.

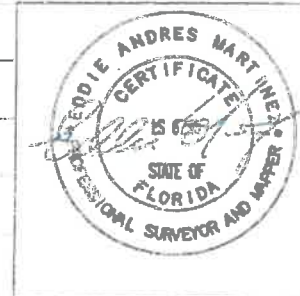
		Check the measurement used.
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	9.4	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor	N/A	<input type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	N/A	<input type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab)	N/A	<input type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	10.3	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	4.2	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	5.6	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	4.6	<input checked="" type="checkbox"/> feet <input type="checkbox"/> 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.

Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No  Check here if attachments.

Certifier's Name EDDIE ANDRES MARTINEZ, PSM	License Number LS6755		
Title PROFESSIONAL SURVEYOR & MAPPER			
Company Name MONROE COUNTY SURVEYING & MAPPING			
Address 1100 TRUMAN AVENUE			
City KEY WEST	State Florida	ZIP Code 33040	
Signature 	Date 05-15-2020	Telephone (305) 293-0466	Ext. N/A



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)  
 A5. COORDINATES OBTAINED BY GPS OBSERVATION, USING A SOKKIA SURVEY GRADE GPS UNIT, ON THE STATE OF FLORIDA'S FDOT FPRN GPS/GNSS RTK NETWORK.  
 A8.a) 8 VENTS @ 32 Sq In As Per Scott Fraser = 256 Sq In / 1 Vent @ 430 Sq In / 1 Vent @ 300 Sq In / 1 Vent @ 480 Sq In / 1 Vent @ 380 Sq In. TOTALING = 1846 Sq. In.  
 C2.e) A/C IS ELEVATED ON ALUMINUM BRACKET ON REAR WALLS OF HOUSE  
 REVISED FOR ADDITIONAL VENTING ON 05-15-2020

**ELEVATION CERTIFICATE**

OMB No. 1660-0008  
Expiration Date: November 30, 2022

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1409 - 1411 Flagler Avenue			Policy Number:
City KEY WEST	State Florida	ZIP Code 33040	Company NAIC Number

**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 1–2 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 or Owner's Authorized Representative's Name \_\_\_\_\_

Address _____	City _____	State _____	ZIP Code _____
Signature _____	Date _____	Telephone _____	

Comments \_\_\_\_\_

Check here if attachments.

**ELEVATION CERTIFICATE**

OMB No. 1660-0008  
Expiration Date: November 30, 2022

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1409 - 1411 Flagler Avenue			Policy Number:
City KEY WEST	State Florida	ZIP Code 33040	Company NAIC Number

**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 BLD2019-1740	G5. Date Permit Issued 30 May 2019	G6. Date Certificate of Compliance/Occupancy Issued Pending as of 21 May 2020
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- G7. This permit has been issued for:  New Construction  Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: 9.4  feet  meters Datum NGVD-29
- G9. BFE or (in Zone AO) depth of flooding at the building site: 7.0  feet  meters Datum NGVD-29
- G10. Community's design flood elevation: 8.0  feet  meters Datum NGVD-29

Local Official's Name Scott G. Fraser	Title Floodplain Administrator
Community Name Key West, City of	Telephone 305-809-3810
Signature <b>Scott G. Fraser</b> <small>Digitally signed by Scott G. Fraser Date: 2020.05.21 10:44:40 -04'00'</small>	Date 21 may 2020

Comments (including type of equipment and location, per C2(e), if applicable)

Substantial improvement of pre-FIRM residential duplex with elevation above DFE and installation of additional flood vents.

Check here if attachments.



**ELEVATION CERTIFICATE**

**BUILDING PHOTOGRAPHS**

See Instructions for Item A6.

OMB No. 1660-0008  
Expiration Date: November 30, 2022

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City KEY WEST	State Florida	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.



Photo One

Photo One Caption FRONT VIEW OF HOME 05-02-2020

Clear Photo One



Photo Two

Photo Two Caption REAR VIEW OF HOME AND A/C 05-02-2020

Clear Photo Two

**ELEVATION CERTIFICATE**

**BUILDING PHOTOGRAPHS**

Continuation Page

OMB No. 1660-0008  
Expiration Date: November 30, 2022

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1409 - 1411 Flagler Avenue			Policy Number:
City KEY WEST	State Florida	ZIP Code 33040	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. 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.

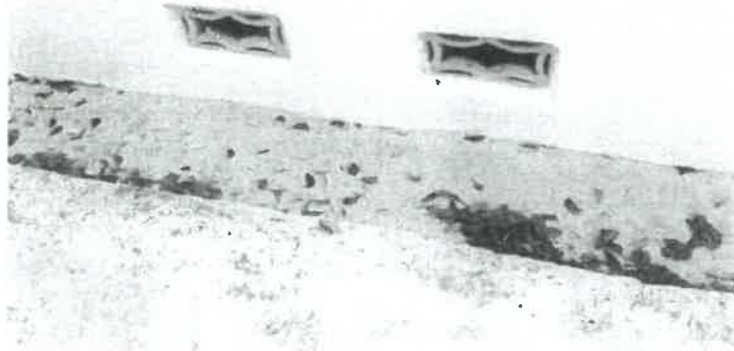


Photo Three

Photo Three Caption VIEW OF TYPICAL FLOD VENT 05-02-2020

Clear Photo Three



Photo Four

Photo Four Caption TYPICAL VIEW OF ONE OF 4 ADDITIONAL VENTS 05-15-2020

Clear Photo Four



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3810

August 12, 2020

1409-1413 FALGLER LLC  
PO Box 1527  
Key West FL 33040

RE: Notice of Substantial Damage Determination - 1413 Flagler Ave, Key West, FL 33040 – Parcel ID # 00040730-000000

To: 1409-1413 FALGLER LLC

The City of Key West has assessed the existing storm-damaged residential structure located at 1413 Flagler Ave, Key West, FL 33040 – Parcel ID #00040730-000000 that was damaged as a result of accumulated deterioration or decay.

The City Building Department has determined that this structure is located within a mapped Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM), Panel 12087C1516K, with an effective date of February 18, 2005. As required by our floodplain management ordinance and/or Florida Building Code, we have evaluated the proposed repairs and determined that the damage constitutes Substantial Damage for the structure. This determination is based on a comparison of the cost estimate of the proposed cost of repairs to the pre-damage market value of the structure (excluding land value). When the cost of repairs equals or exceeds 50 percent of the pre-damage market value of the structure, the damage is considered to be Substantial Damaged under the requirements of the National Flood Insurance Program (NFIP) and the city's Floodplain Management Ordinance dated May 17, 2016.

The City has determined at least sixty-eight percent (68.9%) of this structure has been damaged by accumulated deterioration or decay since its construction during 1948.

As a result of this determination, you are required to bring the building into compliance with the flood damage-resistant provisions of the regulations and/or code [FBC Sec. 1612].

We would be pleased to meet with you and your designated representative (architect/builder) to discuss how to bring your home into compliance. There are several aspects that must be addressed to achieve compliance. The most significant requirement is that the lowest floor, as defined in the regulations/code, must be elevated to or above the Design Flood Elevation (DFE). You may wish to contact your insurance agent to understand how raising the lowest floor higher than the minimum required elevation can reduce NFIP flood insurance premiums.

When you're ready, please submit a permit application along with plans and specifications for reconstruction home that incorporates compliance measures. Construction activities that are undertaken without a proper permit are violations and may result in citations, fines, or other legal action.

Yours truly,

**Scott Fraser**

Scott Fraser, FEMA Coordinator/Floodplain  
Administrator

*Key to the Caribbean – average daily temperature 77 ° Fahrenheit.*

**COMPOSITE EXHIBIT A**