THE CITY OF KEY WEST PLANNING BOARD Staff Report



То:	Chairman and Planning Board Members	
From:	Brendon Cunningham	
Through:	Donald Leland Craig, AICP, Planning Director	
Meeting Date:	April 18, 2013	
Agenda Item:	Variances – 1010 Washington Street (RE# 00039080-000000) - A request for variances to building coverage and rear and side-yard setback requirements for the renovation of two existing structures and the construction of front and rear porches and a swimming pool which costs exceed 66% of assessed value of the structures on property in the SF zoning district per Sections 122-28, 122-238 (4) a. and (6) a. 2. & 3. of the Land Development Regulations of the Code of Ordinances of the City of Key West.	
Request:	The renovation and construction will exceed 66% of the assessed value of the structures and will require variances to all legal non-conformities. The applicant is requesting variances to building coverage, side and rear-yard setbacks.	
Applicant:	Trepanier & Associates	
Property Owner:	Sue Adams Trust	
Location:	1010 Washington Street, RE# 00039080-000000 Single Family Residential (SF) Zoning District	
Zoning:		
	2 WAS	



Background:

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The property is comprised of a contributing historic structure on a substandard lot. The proposed renovations will exceed 66% of the value of the structures. As a result, existing legal non-conformities will require variances to the LDR's.

The table below provides site data calculations as proposed by the applicant:

Relevant SF District Dimensional Requirements: Section 122-238				
	Zoning Regulations	Existing Conditions	Proposed Changes	
Side, Right	5'	4'3"	No Change	
Rear	25'	5"	No Change	
Building Coverage	35% Maximum	32.4%	37.4%	

Process:	
Development Review Committee Meeting:	February 28, 2013
Planning Board Meeting:	April 18, 2013

Analysis – Evaluation for Compliance With The Land Development Regulations:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board before granting a variance must find all of the following:

1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

The existing structures are nonconforming to building coverage, side and rear-yard setback requirements. Legally nonconforming site characteristics are not exceptional in the City, and therefore do not by themselves generate the existence of special conditions or circumstances.

2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

The nonconforming aspects on the site are not created by the applicant. The existing building is legal non-conforming. The applicant is attempting to renovate two existing structures and construct a pool, rear porch and wrap around front porch. However, the design for the new construction is one which the applicant has chosen.

3. Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

Allowing the project as proposed would confer special privileges upon the applicant.

4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

The applicant is not deprived of rights commonly enjoyed by other properties without the variance approval. The applicant has full use of the property as currently configured.

5. Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The variances requested are the minimum variances that will make possible the continued use of the land, building, or structure. However, the applicant has reasonable use of the property prior to the renovations and new construction.

6. Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The granting of the variances does not appear to be injurious to the area involved or detrimental to the public interest.

7. Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Existing conforming or nonconforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

Concurrency Facilities and Other Utilities or Service (Section 108-233):

Based on comments received at the DRC, it does not appear that the requested variance will trigger any public facility capacity issues.

The Planning Board shall make factual findings regarding the following:

1. That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the granting of variances.

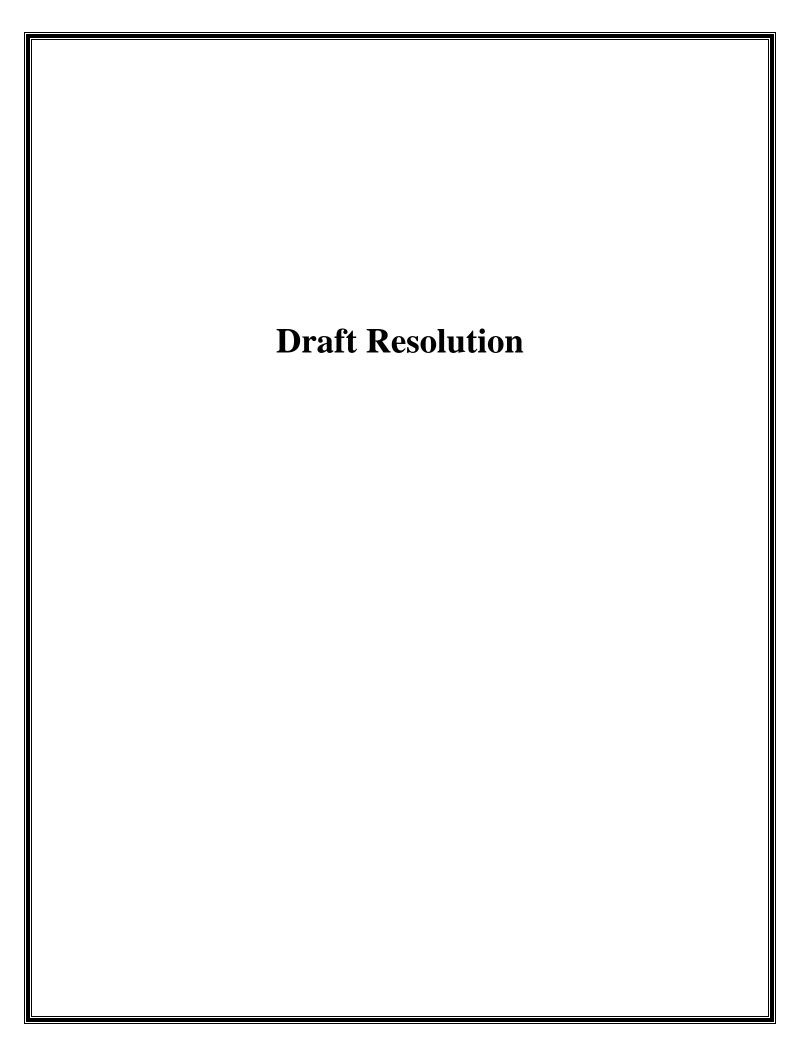
2. That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

The applicant has been in contact with adjacent property owners.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for variances be **denied.** However, if the Planning Board approve this request, staff would request the following conditions:

- Any trees on the property be protected during construction. No trees shall be removed without Tree Commission approval.
- Maintain stormwater retention swales and direct rain-gutter downspouts to the swales and landscaped areas as coordinated with the City Engineer prior to the issuance of a building permit.



PLANNING BOARD RESOLUTION No. 2013-

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD FOR VARIANCE APPROVAL FOR BUILDING COVERAGE AND SIDE AND REAR-YARD SETBACK **REQUIREMENTS FOR THE RENOVATION OF** TWO EXISTING STRUCTURES AND THE **CONSTRUCTION OF A POOL, FRONT PORCH AND REAR PORCH EXCEEDING 66% OF THE** VALUE OF THE STRUCTURES ONPROPERTY LOCATED AT 1010WASHINGTON STREET (RE#00039080-000000, AK#1039829) IN THE SINGLE FAMILY RESIDENTIAL ZONING **DISTRICT, PER SECTION 122-28 SECTION** 122-238 (4) a. AND SECTION 122-238 (6) a. 2. & 3. OF LAND DEVELOPMENT THE REGULATIONS ØF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST.

WHEREAS, Section 122-28 Section 122-238 (4) a and Section 122-238(6) a. 2. & 3. of the Code of Ordinances provides that renovations exceeding 66% of the value of the structure requires variances to legal non-conformities, that the maximum building coverage is 35% and the minimum allowed side-yard setback is 5 feet and rear-yard setback shall be 25 feet; and

WHEREAS, the applicant requested variances to the proposed building coverage and to the

existing side and rear-yard setbacks; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing

Page 1 of 6 Resolution Number 2013-

_____Chairman

on April 18th, 2013; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant, and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

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_____ Chairman

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variances; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a "good neighbor policy" by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variances application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by resolution of the Key West Planning Board for variances for building coverage and side and rear-yard setbacks for the renovation of two existing structures and

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_____ Chairman

the construction of a pool, front porch and a rear porch that exceeds 66% of the value of the structures on property located at 1010 Washington Street (RE# 00039080-000000, AK#1039829) in the SF zoning district per Sections 122-238 (4) a. and 122-238(6) a. 2.&3. of the Land Development Regulations of the Code of Ordinances of the City of Key West per plans received March 18, 2012 with the following conditions:

- Any trees on the property be protected during construction. No trees shall be removed without Tree Commission approval.
- Maintain stormwater retention swales and direct rain-gutter downspouts to the swales and landscaped areas as coordinated with the City Engineer prior to the issuance of a building permit.

Section 3. It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entircty within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

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Chairman

____Planning Director

Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

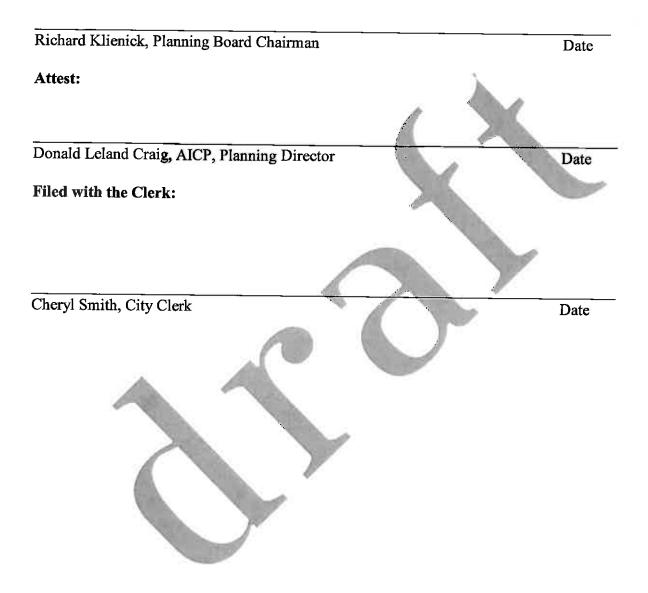
Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 21st day of March, 2013.

Authenticated by the Chairman of the Planning Board and the Planning Director;

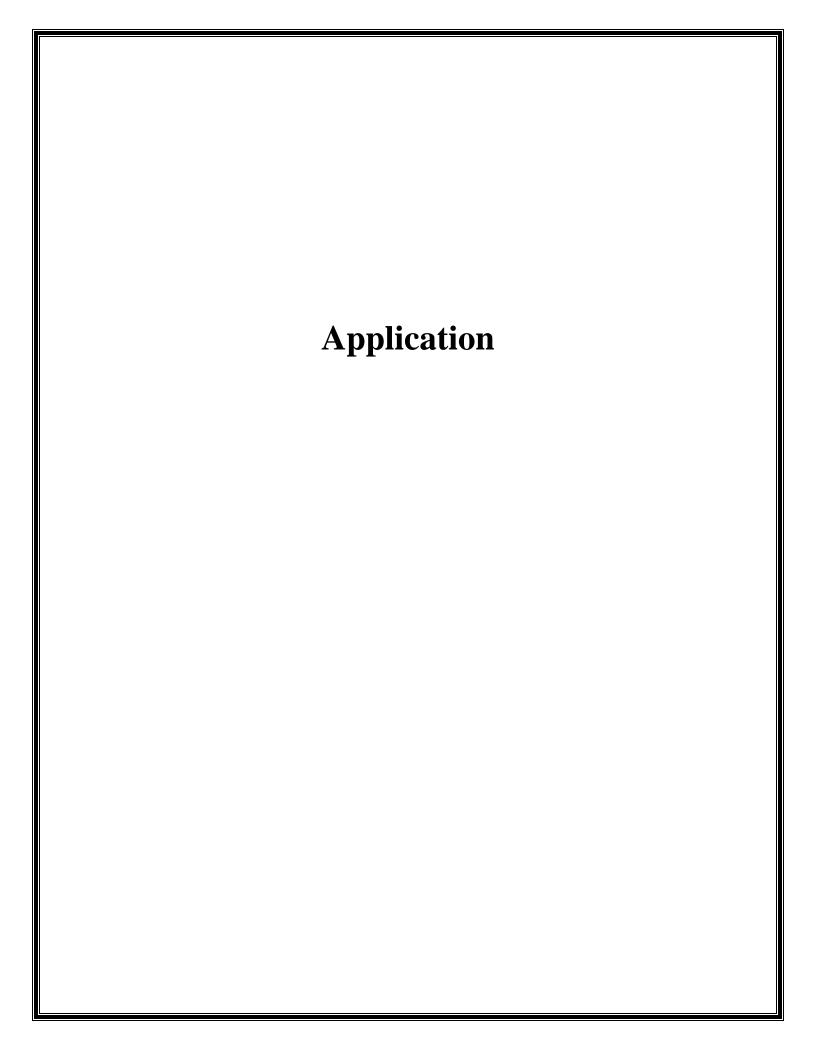
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Chairman



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Chairman



02/01/2013



Mr. Donald Craig, AICP Planning Director 3140 Flagler Avenue Key West, FL 33040

Re: Variance Request for 1010 Washington St., RE: 00039080-000000

Dear Mr. Craig,

EASSOCIATES INC LAND USE FLANDING ODVELOPMENT CONSULTANTS

Please accept the attached documents and application as a formal request for a variance to Section 122-238 in the SF zoning district for a property located at 1010 Washington Street. The property consists of two existing structures. The existing structures were constructed before the adoption of current city code.

The applicant seeks to renovate the existing structures as well as build a covered porch in the rear of the property and a wrap-around covered front porch. The renovations will trigger the 66% rule in the nonconformities section of the code. The Variances being requested are for building coverage, side set back and rear setback. The two existing structures comprise the majority of the building coverage on the site. The rear setback is an existing non conformity. The side setback will allow for the addition of the wraparound front porch and will maintain the architectural characteristic of the Casa Marina district. The overall improvements to the structures and the property itself will result in a decrease in impervious surface which is currently exceeds the maximum allowed in the SF district.

As you will see in the attached application, the hardship that necessitated this variance request was not created by the applicant or the property owner. The existing conditions do not result from the action or negligence of the applicant. The home owner seeks only to improve the existing structures and no special privileges are conferred. The applicant seeks no additional uses or rights above what is permitted by right. The requested variance is the minimum necessary. The granting of this variance will in no way be injurious to the public welfare and nonconforming uses of other properties are not the basis for this variance request.

Thank you for your time and consideration in this matter.

Sincerely RA

Patrick Wright

AK 11299229

TREPANIER





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Variance Application

Please completely fill out this application and attach all necessary documents. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305-809-3720 to schedule an appointment with a Planner.

Please print or type a response to the following:

|--|

2. Name of Ap	plicant <u>Patrick</u>	Wright -	Trepanier	and Associates,	Inc.
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3. Applicant is: Owner _____ Authorized Representative _____

4. Address of Applicant <u>402 Appelrouth Lane</u> Key West FL 33040

5. Phone # of Applicant <u>305-293-8983</u> Mobile# <u>N/A</u>

6. E-Mail Address <u>patrick@owentrepanier.com</u>

7. Name of Owner, if different than above <u>Sue Adams Trust</u>

8. Address of Owner <u>615 W 56TH ST</u> KANSAS CITY, MO 64113-1108

9. Phone # of Owner <u>816-651-3367</u>

10. Email Address <u>N/A</u>

11. Zoning District of Parcel <u>SF</u> <u>RE# 00039080-000000</u>

12. Description of Proposed Construction, Development, and Use

Renovate two existing single family dwellings and add covered porches in a manner sympathetic to the existing neighborhood architecture. The property will be brought into compliance with the impervious surface ratio.

13. List and describe the specific variance(s) being requested: <u>Pursuant to the "66% Rule" Sec. 122-28(b) and to allow the addition</u> <u>of covered porches:</u> <u>Sec. 122-238. Building Coverage; 32.4% existing; 37.4% proposed</u> <u>Sec. 122-238. Rear Yard Setback; 5ft existing; 5ft proposed</u> <u>Sec. 122-238. Side Yard Setback; 4.3ft existing; 4.3ft proposed</u>

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Please fill out the relevant Site Data in the table below. For Building Coverage, 14. Impervious Surface, Open Space and F.A.R provide square footages and percentages.

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	SF		J	
Flood Zone	AE 6	ļ.		
Size of Site	6,623 sq ft			
Height	25 ft	25 ft	25 ft	None Requested
Front Setback	20 ft	26'5"	22'10"	None Requested
Side Setback (East)	5 ft	6'	5'11"	None Requested
Side Setback (West)	5 ft	4.3'	4'3"	8"
Street Side Setback	10 ft	N/A	N/A	None Requested
Rear Setback	25 ft	5'	5'	20'
F.A.R	N/A	N/A	N/A	None Requested
Building Coverage	35% 2,318 sq ft	32.4% 2,149 sq ft	37.4 2,480 sq ft	2.4% 152 sq ft
Impervious Surface	50% 3,311 sq ft	50.8% 3,362 sq ft	47.9% 3,170 sq ft	None Requested
Parking	N/A	1	1	None Requested
Handicap Parking	N/A	0	0	None Requested
Bicycle Parking	N/A	0	0	None Requested
Open Space /				
Landscaping	N/A	N/A	N/A	None Requested
Number and type of units	8 units per acre	2	2	None Requested
Consumption Area or Number of seats	N/A	N/A	N/A	None Requested

Is Subject Property located within the Historic District? Yes _____ No ____ 15. If Yes, attach HARC approval and approved site plans

Meeting Date <u>N/A</u> HARC Approval # <u>N/A</u>

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- 16. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes <u>No X</u> If Yes, please describe and attach relevant documents
- 17. Will the work be within the dripline (canopy) of any tree on or off the property?

YES _____ NO _ x ____

If yes, provide date of landscape approval, and attach a copy of such approval.

This application is pursuant to Section 106-51 & 52 City of Key West Land Development Regulations.

If the applicant would like additional information, electronic version of the City's Code of Ordinances can be found either through <u>www.keywestcity.com</u>, Planning Department archives or at <u>www.municode.com</u>. Once there, search Online Library/Florida/Key West/ Chapter 122.

*Please note, variance approvals are quasi-judicial hearings, and it is improper for the owner or signatory to speak to a Planning Board member or City Commissioner about the hearing.



Standards for Considering Variances

Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:

1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

The property consists of two non-conforming single-family residences that were constructed in 1958; prior to the existing city code and land development regulations. The homeowner seeks to renovate the residences and add covered porches that are consistent with the characteristics of the neighborhood. The renovation is expected to exceed 66% of the appraised value of the existing structures which will require all existing non conformities to apply for variances according to code section 122-28(b).

2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

As described above, the conditions are not created by the applicant and do not result from the action or negligence of the applicant.

3. Special privileges not conferred. That granting the variance(s) requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

The granting of this variance will not confer any special privileges to the applicant. The home owner seeks to renovate the existing structures on the property while decreasing impervious surface. The design both maintains and enhances the characteristics of the neighborhood through the additions of architecturally and culturally appropriate porches.



4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

Based on the 66%-Rule, these structures can not be renovated beyond 66% of appraised or assessed value in any given calendar year. This creates a hardship in that unless the variances are granted the home owner is forced to break the process into a yearly endeavour so as to not exceed the 66%-rule.

5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure. <u>The requested variance is the minimum variance required. The renovations</u> are occurring, with the exception of a small increase in building coverage for the porches, within the confines of the existing nonconforming setbacks. In addition, the project will result in a decrease of impervious surface which bring the property into compliance with regard to ISR.

6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The granting of this variance will in no way be injurious to the public welfare but will be in harmony with the general intent and purpose of the land development regulations. The variance will allow these older residential structures to be renovated in a way that reduces impervious surface and brings them into conformance with the architectural characteristics of the community.

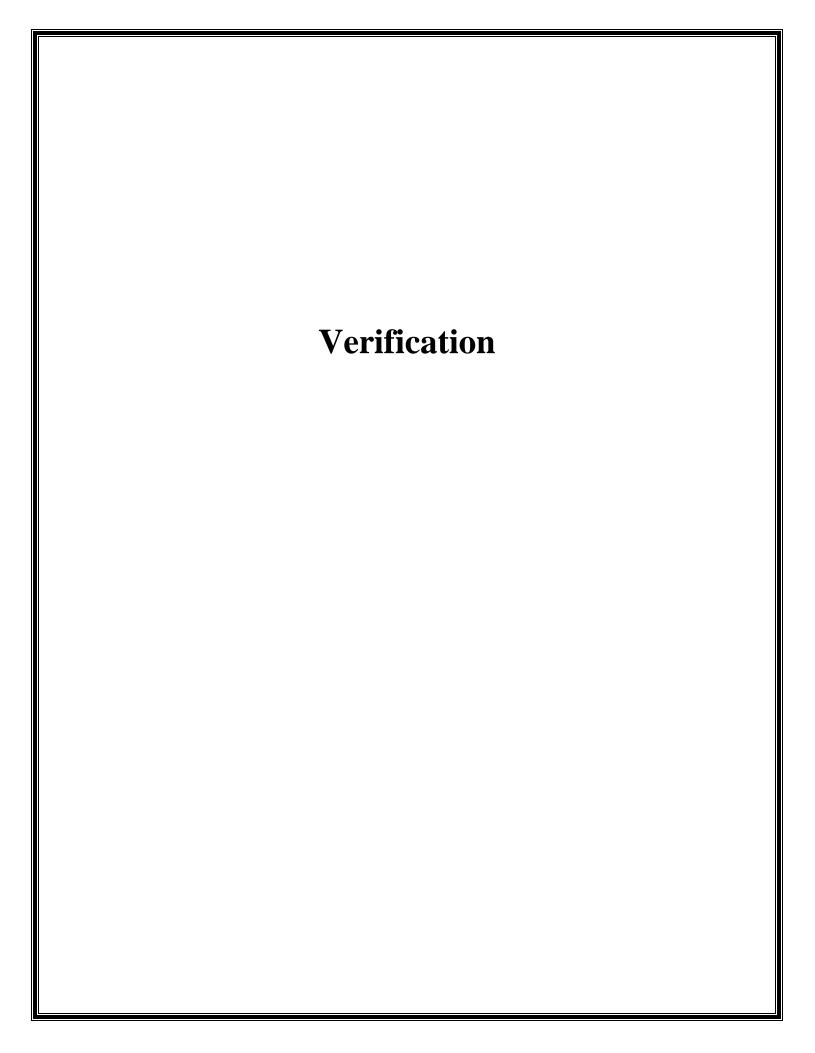


7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Non conforming uses of other properties are not the basis for this variance request

The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:

- That the standards established in subsection (a) have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors. Please describe how you have addressed the "good neighbor policy."



City of Key West Planning Department



Verification Form

(Where Authorized Representative is an entity)

I,	Owen Trepanier	, in my capacity as	President
	(print name)		(print position; president, managing member)
of	Trepanier and		
	(print name	of entity serving as Au	thorized Representative)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

> 1010 Washington Street Key West FL 33040 Street Address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

zed Representative

Subscribed and sworn to (or affirmed) before me on this by date

Owen Trepanier Name of Authorized Representative

/She is personally known to me or has presented as identification.

Notary's Signature and Seal

Richard ven Name of Acknowledger typed, printed or stamped

DD937651

Commission Number, if any



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City of Key West Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, <u>Patrick Wright</u>, in my capacity as <u>Planner</u> (print name) (print position; president, managing member)

of <u>Trepanier and Associates Inc.</u> (print name of entity serving as Authorized Representative)

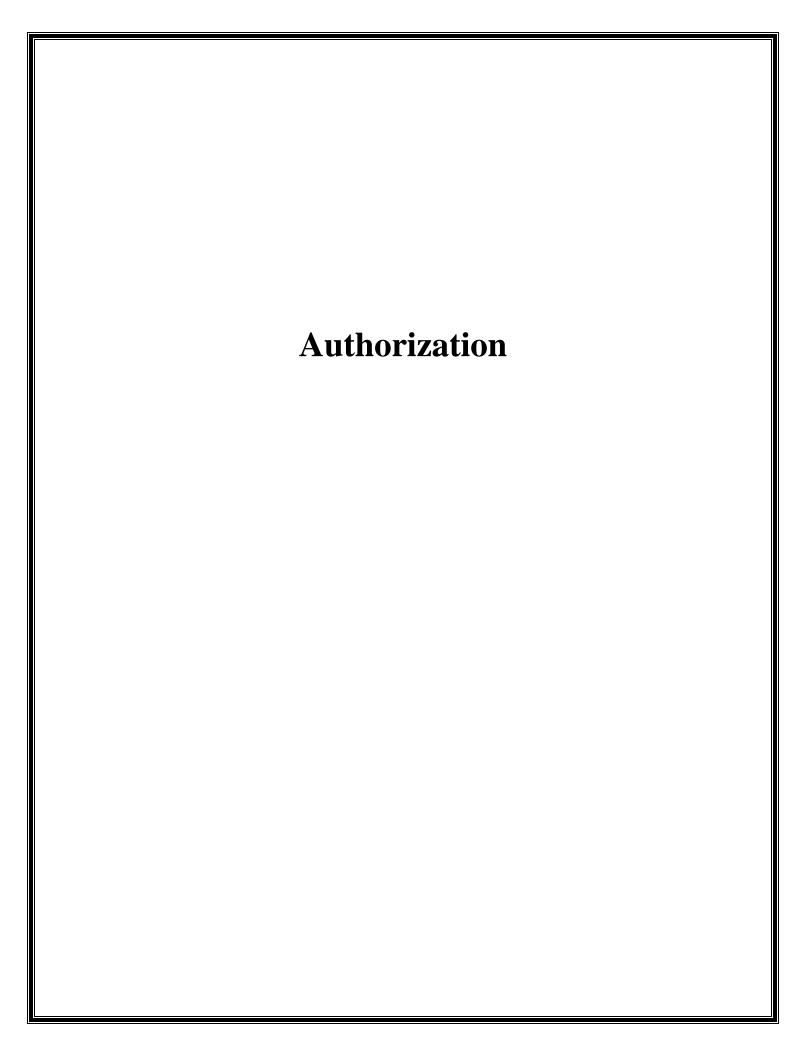
being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

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All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this		by
Fatrick Klright	date	
Name of Authorized Representative		
He/She is personally known to me or has presented		as identification.
besnitt		
	CARLENE SMITH tary Public - State of Fi Comm. Expires Feb 22,	
	ommission # EE 8610 ed Through National Notary	
66 861013		2
Commission Number, if any		



City of Key West Planning Department

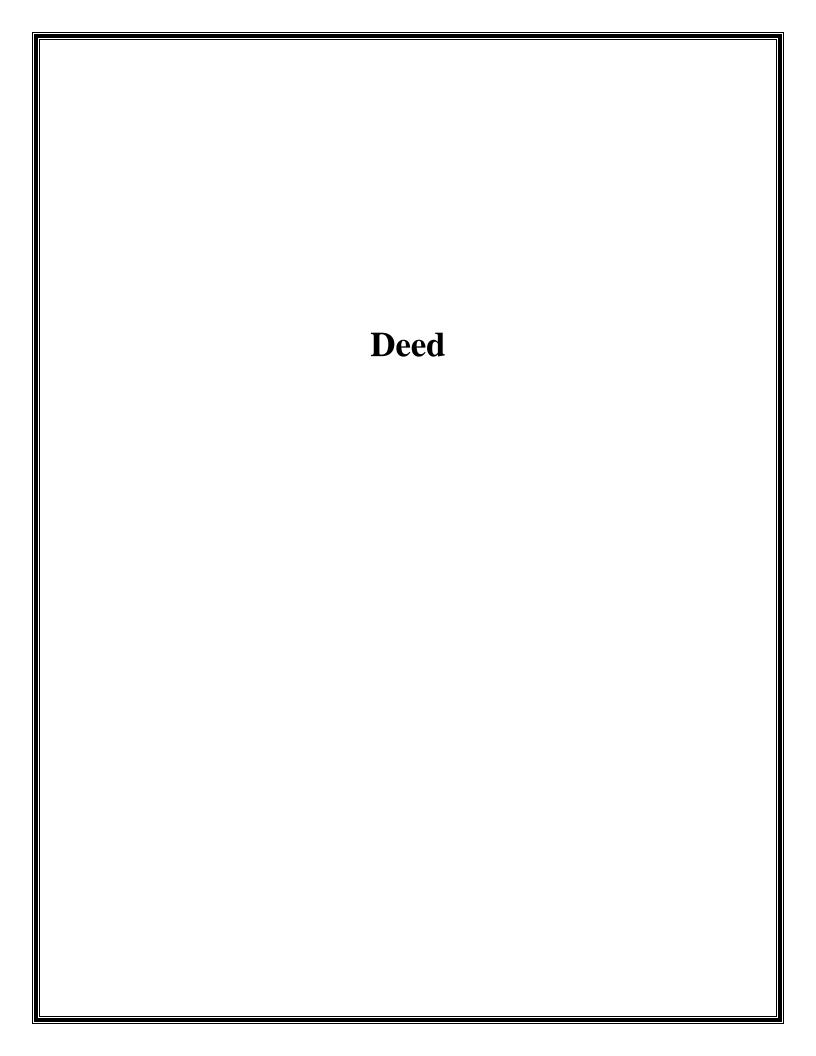


Authorization Form

(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, <u>Susan</u> DAdams Please Print Name of person with authority to execute documents on behalf of entity
Trustee of office (President, Managing Member) of Susan DAdams Trust Name of office (President, Managing Member) Name of owner from deed
authorize <u>Fepanicr + Assuciates Inc.</u>
to be the representative for this application and act on my/our behalf before the City of Key West.
Subscribed and sworn to (or affirmed) before me on this $\frac{34}{34}$ $\frac{31}{2013}$ by $\frac{31}{34}$ by
Patrick Wright - Trepenter + Associety Name of Authorized Representative Are She is personally known to me or has presented as identification.
Richard Juerte Notary's Signature and Seal Richard Puente Name of Acknowledger typed, printed or stamped
DP 937651 Commission Number, if any



Doct 1901.10 10/01/2012 11:06AM Filed & Recorded in Official Records of MONROE COUNTY DANNY L. KOLHAGE

Prepared By and Return to: THE CLOSING DEPT, INC. 3432 DUCK AVENUE KEY WEST, FL 33040

10/01/2012 11:05AM DEED DOC STAMP CL: DS

\$4,480.00

\$640,000,00 (1 of 5)

Personal Representative's Deed

This Indenture, executed the 28th day of September, 2012, between ROGER W. SWEETING, Personal Representative of the Estate of JUANITA I. DELGADO, deceased, party of the first part, whose address is 3710 Pearlman Court, Key West, FL 33040, and SUSAN D. ADAMS, or her successor in trust, Trustee of the Susan D. Adams Trust, originally dated September 25, 2012, party of the second part, whose address is 615 W. 56th Street, Kansas City, Mo 64113.

Witnesseth: The party of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, in hand paid, grants, bargains, sells, assigns, remises, releases, conveys and confirms to the parties of the second part, their heirs and assigns forever, interest in the real property in Monroe County, Florida, described as follows:

On the Island of Key West and known on William A. Whitehead's map of said Island delineated in February, A.D. 1829, as part of Tract 18, but better described as follows: Lot Thirteen (13) of Block Five (5) of Tract Eighteen (18) according to the Plat of the Webb Realty Company recorded in Plat Book 1, Page 42, of Monroe County, Florida Records.

AND ALSO:

Part of Lot Fourteen (14), Square Five (5), Tract Eighteen (18), according to a plat of the Webb Realty Company, recorded in Plat Book 1, at Page 42, Monroe County, Florida, Public Records, and more particularly described by metes and bounds, as follows:

COMMENCING at a point on the Southeasterly side of Washington Street, distant One Hundred Forty-four (144) feet, Three (3) inches from the corner of Grinnell and Washington Streets, and thence running along Washington Street in a Northeasterly direction Twenty-two (22) feet, Ten (10) inches, thence at right angles in a Southeasterly direction Ninety-three (93) feet, Six (6) inches; thence at right angles in a Southwesterly direction Twenty-two (22) feet, Ten (10) inches; thence at right angles in a Northwesterly direction out to Washington Street Ninety-three (93) feet, Six (6) inches to the place of beginning.

SUBJECT TO taxes for the year 2012 and subsequent years. SUBJECT TO easements, restrictions and reservations of record, but this reference thereto shall not operate to reimpose same.

Parcel Account No. 00039080-000000 Alternate Key No. 1039829 Property Address: 1010 Washington Street, Key West, FL 33040

Together with all and singular, the tenements, hereditaments, and appurtenances belonging or in any way appertaining to that real property.

To have and to hold the same to the parties of the second part, their heirs and assigns in fee simple forever.

The party of the first part does hereby covenant to and with the parties of the second part, their heirs and assigns, that in all things preliminary to and in the above sale and this conveyance, the orders of the above named court and the laws of Florida have been followed and complied with in all respects.

Doc# 1901310 Bk# 2591 Pg# 1281 And the Grantor hereby covenants with said Grantee that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor warrants the title to said land for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through or under Grantor.

In Witness Whereof the party of the first part, as Personal Representative of the Estate of JUANITA I. DELGADO, deceased, has set his hand and seal on the day and year first written above.

Josah Candella

Deborah Condella Print Name of Witness Wondy O. Gonzalez

NUEE W KEES

ROGER W. SWEETING, as Personal Representative of the Estate of JUANITA I. DELGADO, deceased

Print Name of Witness

Doc# 1901310 Bk# 2591 Pg# 1282

State of Florida County of Monroe

I Hereby Certify that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared ROGER W. SWEETING, as Personal Representative of the Estate of JUANITA I. DELGADO, deceased, to me person described who in or personally known to be the as identification and who executed the produced foregoing instrument and acknowledged before me that he executed the same for the purpose therein expressed.

Witness my hand and seal in the county and state aforesaid this 28th day of September, 2012.

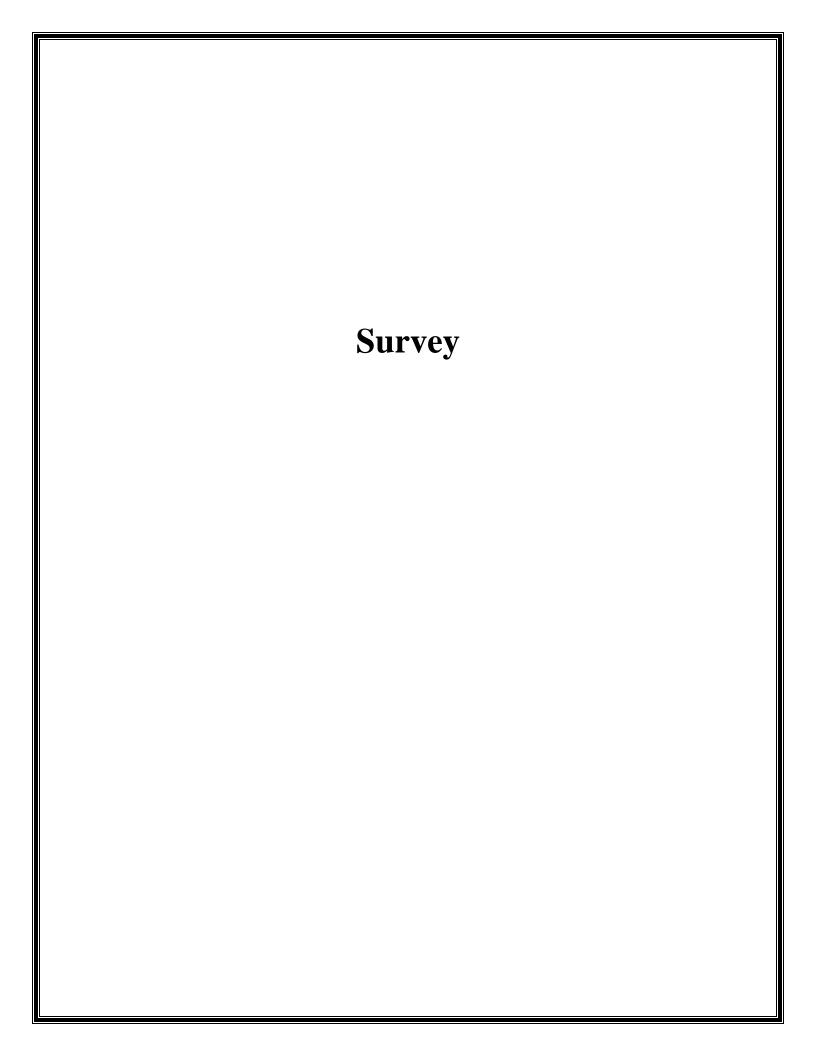


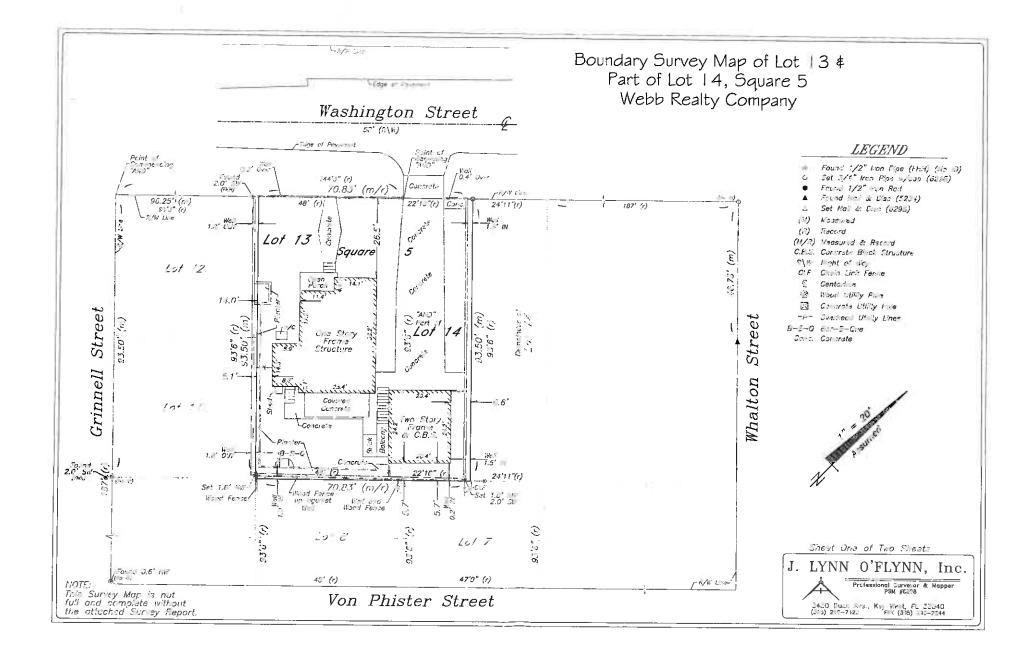
orap a Constella

NOTARY PUBLIC

Print name of Notary Public

MONROE COUNTY OFFICIAL RECORDS





Boundary Survey Report of Lot 13 Part of Lot 14, Square 5 Webb Realty Company

NOTES:

- 1. The legal description shown hereon was furnished by the client or their agent.
- 2. Underground foundations and utilities were not located.
- 3. All angles are 90° (Measured & Record) unless otherwise noted.
- 4. Street address: 1010 Washington Street, Key West, FL.
- 5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- 3. Lands shown hereon were not abstracted for rights-of-way, easyments, ownership, or other instruments of record.

THIS SURVEY

IS NOT

ASSIGNABLE

- 7. North Arrow is assumed and based on the legal description.
- 8. Date of field work: August 15, 2012.
- 9. Ownership of fences is undeterminable, unless otherwise noted.
- 10. Adjoiners are not furnished.
- 11. The Survey Report is not full and complete without the attached Survey Map.

BOUNDARY SURVEY OF: On the Island of Key West and known on William A. Whitchead's map of said Island delineated in February, A.D. 1829, as part of Tract 18, but better described as follows: Lot Thirteen (13) of Block Five (5) of Tract Eighteen (18) according to the Plat of the Webb Realty Company recorded in Plat Book (1) page 43 of Monroe County, Florida Records.

AMD

Part of Lot Fourteen (14) of Square Five (5), Tract Eighteen (18), according to a plat of the Webb Realty Company, recorded in Plat Book 1, Page 42, Monroe County, Florida, Records, and more particularly described by metes and bounds as follows:

COMMENCING at a point on the Southeasterly side of Washington Street, distant One hundred Forty-four (144) feet and Three (3) inches from the corner of Grinnell and Washington Streets, and thence running along Washington Street in a Northeasterly direction Twenty-two (32) feet Ten (10) inches; thence at right angles in a Southeasterly direction Ninety-three (93) feet Six (6) inches; thence at right angles in a Southwesterly direction Twenty-two (22) feet Ten (10) inches; thence at right angles in a Northwesterly direction out to Washington Street Ninety-three (93) feet Six (6) inches to the Place of Beginning.

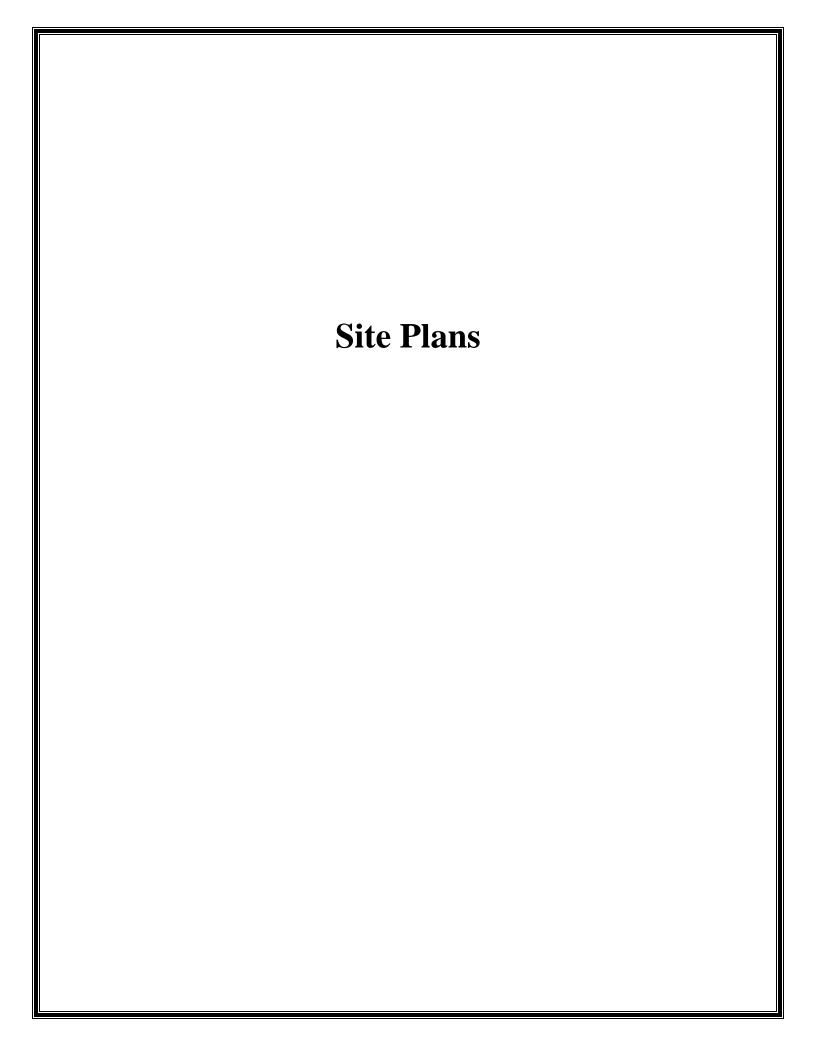
BOUNDARY SURVEY FOR: Robert Adams;

J. LYNN O'FLYNN, INC.

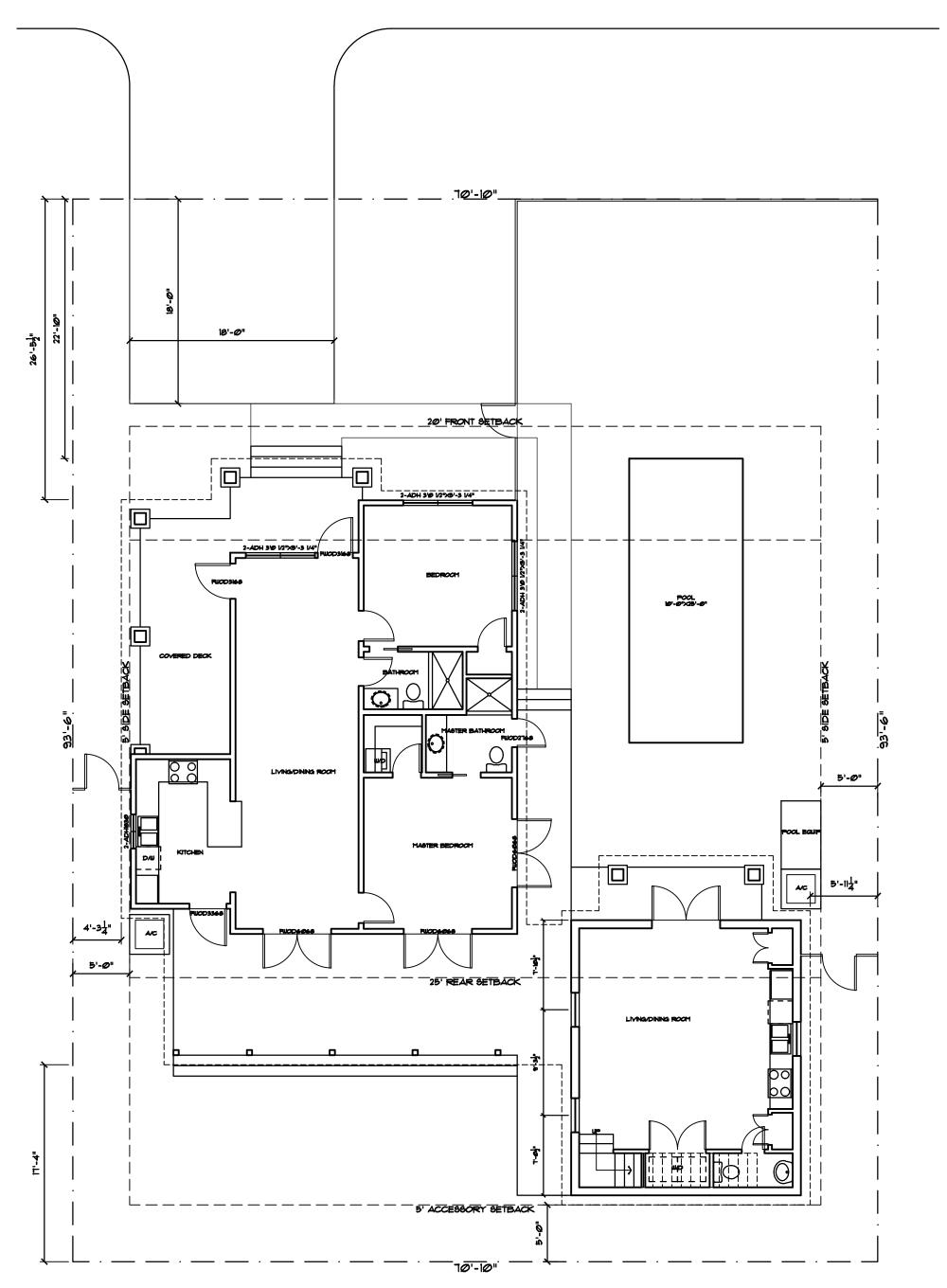
J. Lynn O'Flynn, PSM Florida Reg. #C298

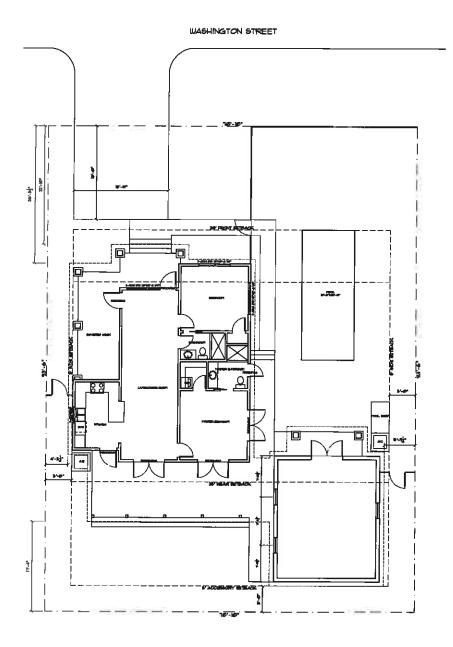
August 21, 2012





WASHINGTON STREET





SITE ANALYSIS

Max Height Betracks

REAR BIDE

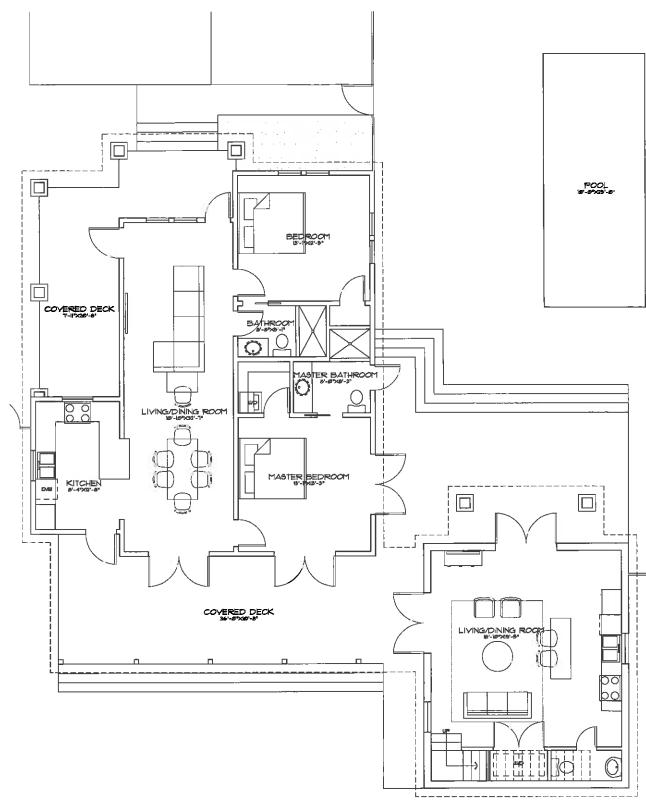
Max Impervicus Surface Existing Impervicus Surface Imporced Impervicus Surface 6-6,6234 (0,00 AC) AE 6 35% (2,316 BF) 32,4% (2,148 SF) 37,4% (2,400 SF)

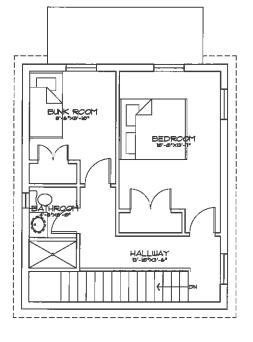
ØF

25'

365' (7R 246' |F Average 25' 15'

50% (358 87) 50ይኖ (3562 67) 41,9% (3,10 67)





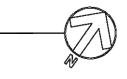
Second Floor Plan



First Floor Plan

3







date: 1/29/13 revision:

sheet:

A1

DRC Minutes & Comments

Minutes of the Development Review Committee February 28, 2013

Approved March 28, 2013

Variances – 1010 Washington Street (RE#00039080-000000) – A request for rear and side yard setbacks and building coverage for the addition of porches and pool in the SF zoning district per Section 90-391, Section 122-238(6)a3, 122-238(6)a2, and 122-238(4)a of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Haller gave members an overview of the variances request.

The applicant, Patrick Wright, Trepanier & Associates, gave members an overview of the request.

The Architect, Tom Pope, was available for questions.

Ms. Higgins suggested the gutters collect rainwater for the pool.

Mr. Barroso had no comments.

Mrs. DeMaria stated that the tress on the property need to be protected during construction.

Mr. Torrence had no comments.

Mrs. Ignaffo stated the proposed construction will require extensive site grading. Please create storm water retention swales and direct gutter downspouts into swale and landscaped areas.

Ms. Nicklaus had no comments.

Mr. Moody had no comments.

Mrs. Torregrosa had no comments.

Keys Energy had no objections.

4. Conditional Use - 146-150 Simonton Street (RE# 00000290-000000) - A request to amend an existing Conditional Use to convert an Arcade/Bingo Hall to a Bar/Lounge in the HRCC-1 zoning district per Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Haller gave members an overview of the conditional use request.

The applicant, Suzanne Seagle, Trepanier & Associates, gave members an overview of the request.

Mr. Craig requested the proposed amount of seating and hours of operation.

Ms. Higgins confirmed bike racks are in the area and they are using proper recycling.

Mr. Barroso requested the applicant is in compliance with code.

Mrs. DeMaria had no comments.

Mr. Torrence confirmed there is no gambling and that the applicant works with the Division of Alcoholic Beverages and Tobacco.

Property Appraiser Information

Scott P. Russell, CFA Property Appraiser Monroe County, Florida

Key West (305) 292-3420 Marathon (305) 289-2550 Plantation Key (305) 852-7130

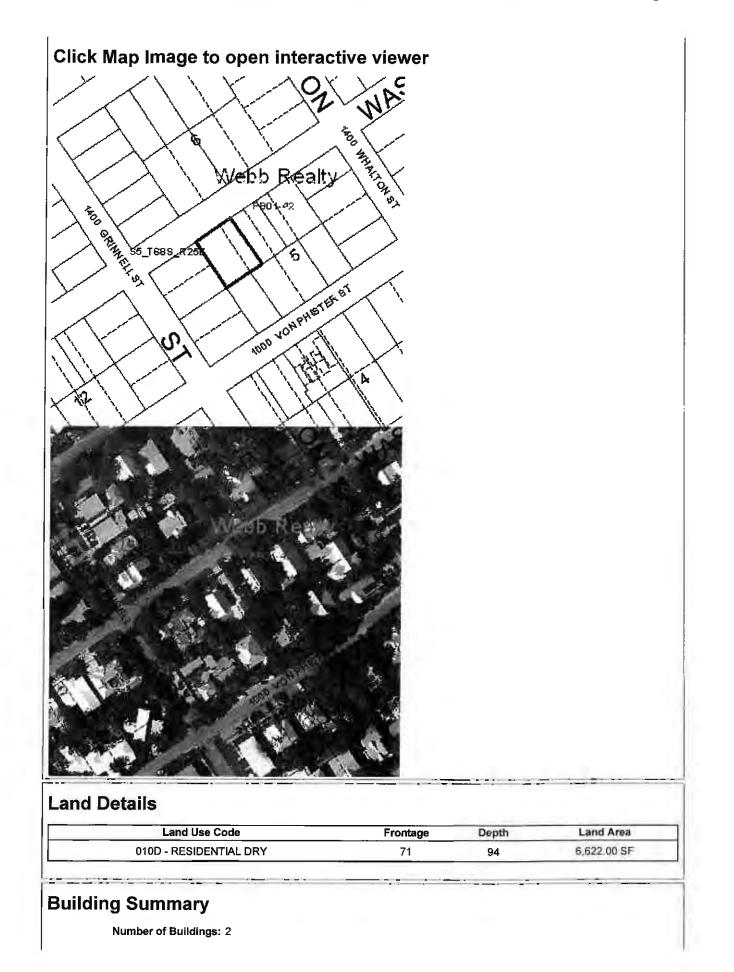
The offices of the Property Appraiser will be closed in the stand of the 29th for Good Friday. Requires Adobe Flash 10.3 or higher

Property Record Card -Maps are now launching the new map application version.

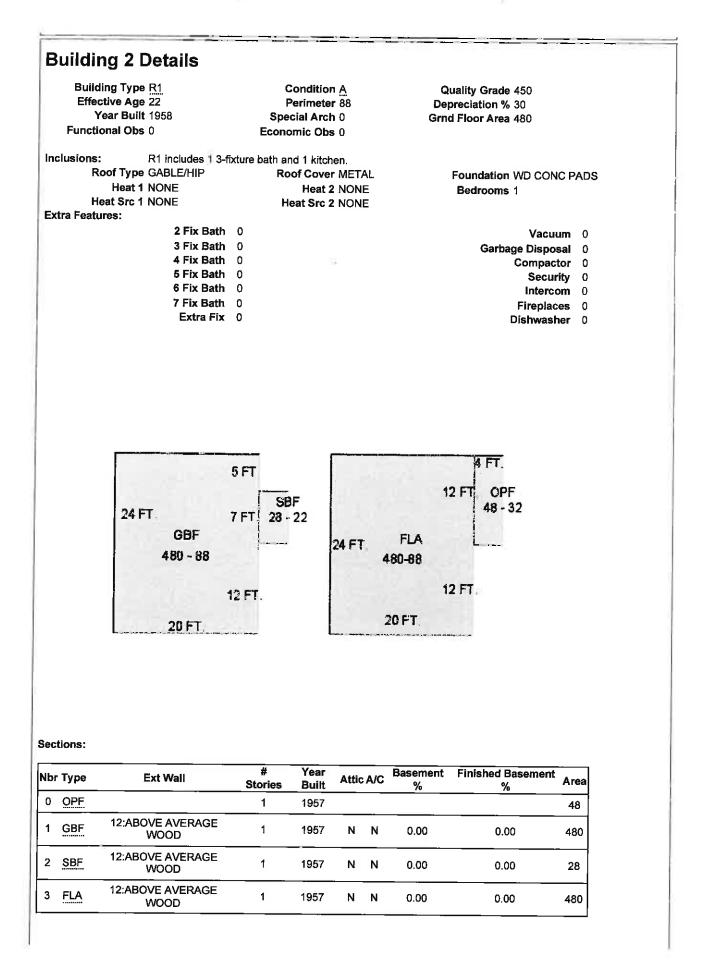
Alternate Key: 1039829 Parcel ID: 00039080-000000

Ownership Details Mailing Address: ADAMS SUSAN D TRUST 9/25/2012 C/O ADAMS ROBERT T 615 W 56TH ST KANSAS CITY, MO 64113-1108 Property Details PC Code: 08 - MULTI FAMILY LESS THAN 10UNITS Millage Group: 10KW Affordable Housing: No Section-05-68-25 Township-Range: Property 1010 WASHINGTON ST KEY WEST Subdivision: The Webb Realty Co Legal KW WEBB REALTY CO SUB PB1-42 LOT 13 PT LOT 14 SQR 5 TR 18 G39-411-412-G50-222-223 OR 423-Description: 931 OR2088-1910/12PET(PROB44-2005-CP-32-K) OR2389-1337ORD OR2591-1281/82 OR2591-1283/84 OR2591-1285/86 OR2591-1287/88 OR2591-1289/90

11



Number of Commercial Buildings: 0 Total Living Area: 1476 Year Built: 1958 **Building 1 Details** Building Type R1 **Condition** A Quality Grade 450 Effective Age 22 Perimeter 142 Depreciation % 30 Year Built 1958 Special Arch 0 Grnd Floor Area 996 Functional Obs 0 Economic Obs 0 Inclusions: R1 includes 1 3-fixture bath and 1 kitchen. Roof Type GABLE/HIP **Roof Cover METAL** Foundation WD CONC PADS Heat 1 NONE Heat 2 NONE Bedrooms 2 Heat Src 1 NONE Heat Src 2 NONE **Extra Features:** 2 Fix Bath 0 Vacuum 0 3 Fix Bath 0 Garbage Disposal 0 4 Fix Bath n Compactor 0 5 Fix Bath 0 Security 0 6 Fix Bath 0 Intercom 0 7 Fix Bath 0 Fireplaces 0 Extra Fix 0 Dishwasher 0 OPF 8FT. 176-60 22 FT 14 FT. 9FT FLA 996-142 97 FT. 17 FT 11 FT. OPX 5FT. 14 FT. 55-32 Sections: **Finished Basement** # Year Basement Nbr Type Ext Wall Attic A/C Area Stories Built % % 12:ABOVE AVERAGE 1 FLA 1 1957 Ν Y 0.00 0.00 996 WOOD OPX 2 1 1957 0.00 0.00 55 3 OPF 1 1957 0.00 0.00 176



Misc Improvement Details									
Nbr	Туре	# Units	Length	Width	Year Built	Roll Year	Grade	Life	
1	FN2:FENCES	1,404 SF	0	0	1976	1977	4	30	
2	PT3:PATIO	80 SF	0	0	1976	1977	2	50	
3	PT3:PATIO	1,170 SF	65	18	1976	2007	1	50	
4	AC2:WALL AIR COND	2 UT	0	0	1998	2007	2	20	

Appraiser Notes

2007-01-09- BEING LISTED FOR \$1,599,000. 2 WATE & ELECTRIC METERS.-SKI

1010 1/2 WASHINGTON STREET

TPP 8823088 - ACE TELEPHONE SERVICE (MANUEL ACEVEDO)

2009-02-20 MLS \$1,195,000 3/3 INCOME PRODUCER. INCREDIBLE CASA MARINA OPPORTUNITY ON THE BEST BLOCK OF WASHINGTON STREET. GREAT BONES WITH BEAUTIFUL, ORIGINAL HARDWOOD FLOORS ON A SPACIOUS 6600 SF LOT. TWO ROGOS, TWO ADDRESSES, TWO WATER AND ELECTRIC METERS AND TWO SEWER ACCOUNTS -POTENTIAL FOR NEW DEVELOPMENT. CURRENTLY A TWO BEDROOM AND ONE BATH HOME WITH SEPARATE ONE BEDROOM AND ONE BATH APARTMENT ABOVE THE TWO CAR GARAGE WITH SECOND BATH OFF THE GARAGE

Building Permits

Bidg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	13- 0125	01/10/2013		20,000	Residential	ELEVATE EXISTING GARAGE APT. 2.2 FT. HIGHER (20 X 24)
1	98- 2161	07/14/1998	12/31/1998	2,000	Residential	CHANGE FUSES TO BREAKERS
1	98- 2512	08/17/1998	12/31/1998	3,500	Residential	INSTALL AC UNIT
1	98- 2767	09/09/1998	12/31/1998	800	Residential	REPAIR TILE WALL/FLOOR
1	98- 2954	10/13/1998	12/31/1998	300	Residential	REMOVE TUB & ROUGH SHOWER
1	06- 0336	01/20/2006	09/26/2006	4,500	Residential	HURRICANE REPAIRS - RE-ROOF USING V-CRIMP METAL.

Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2012	155,847	8,799	159,862	324,508	324,508	0	324,508
2011	155,847	8,799	221,317	385,963	356,666	0	385,963
2010	158,012	8,849	157,381	324,242	324,242	0	324,242
2009	178,397	8,899	451,478	638,774	638,774	0	638,774
2008	166,503	8,949	463,540	638,992	638,992	0	638,992
2007	272,113	8,999	463,540	744,652	744,652	0	744,652

2006	343,863	5,604	595,980	945,447	945,447	0	945,447
2005	342,044	5,617	430,430	778,091	426,077	25,500	400,577
2004	212,260	5,629	331,100	548,989	340,537	25,500	315,037
2003	220,750	5,642	170,517	396,909	287,379	25,500	261,879
2002	184,807	5,655	170,517	360,979	271,856	25,500	246,356
2001	157,856	5,668	170,517	334,041	260,561	25,500	235,061
2000	176,955	3,164	124,163	304,281	246,361	25,500	220,861
1999	149,413	2,680	124,163	276,256	233,275	25,500	207,775
1998	129,395	2,292	124,163	255,850	224,303	25,500	198,803
1997	111,909	1,989	110,919	224,817	211,725	25,500	186,225
1996	94,423	1,683	110,919	207,026	201,849	25,500	176,349
1995	86,030	1,539	110,919	198,488	195,775	25,500	170,275
1994	76,937	1,473	110,919	189,329	189,329	25,500	163,829
1993	76,562	1,935	110,919	189,416	189,416	25,500	163,916
1992	76,562	1,935	110,919	189,416	189,416	25,500	163,916
1991	76,562	1,935	110,919	189,416	189,416	25,500	163,916
1990	73,721	1,935	87,742	163,398	163,398	25,500	137,898
1989	67,019	1,759	82,775	151,553	151,553	25,500	126,053
1988	37,180	1,759	67,876	106,815	106,815	25,500	81,315
1987	36,783	1,759	45,361	83,903	83,903	25,500	58,403
1986	36,957	1,759	43,705	82,421	82,421	25,500	56,921
1985	36,005	1,759	28,832	66,596	66,596	25,500	41,096
1984	34,024	1,759	28,832	64,615	64,615	25,500	39,115
1983	34,042	1,759	28,832	64,633	64,633	25,500	39,133
1982	34,590	1,759	27,096	63,445	63,445	25,500	37,945

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	instrument	Qualification
9/28/2012	2591 / 1281	640,000	WD	02
9/26/2012	2591 / 1285	100	QC	11
9/26/2012	2591 / 1289	100	QC	11
9/20/2012	2591 / 1283	100		11
9/19/2012	2591 / 1287	100	QC	11

This page has been visited 3,043 times.

Monroe County Monroe County Property Appraiser Scott P. Russell, CFA P.O. Box 1176 Key West, FL 33041-1176

Public Notices (radius map & mailing list)



The Key West Planning Board will hold a public hearing <u>at 6:00 p.m., April 18, 3013 at</u> <u>Old City Hall, 510 Greene Street</u>, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Variances – 1010 Washington Street (RE# 00039080-000000, AK# 1039829) - A request for variances to building coverage and rear and side-yard setback requirements for the renovation of two existing structures and the construction of front and rear porches and a swimming pool which costs exceed 66% of assessed value of the structures on property in the SF zoning district per Sections 90-391, 122-28, 122-238 (4) a. and (6) a. 2. & 3. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at <u>www.keywestcity.com</u>.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

Variances – 1010 Washington Street (RE# 00039080-000000, AK# 1039829) - A request for variances to building coverage and rear and side-yard setback requirements for the renovation of two existing structures and the construction of front and rear porches and a swimming pool which costs exceed 66% of assessed value of the structures on property in the SF zoning district per Sections 90-391, 122-28, 122-238 (4) a. and (6) a. 2. & 3. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant:	Trepanier & Associates	Owner: Sue Adams Trust	
Project Location:	1010 Washington		
Date of Hearing:	Thursday, April 18, 2013	Time of Hearing: 6:00 PM	
Location of Hearing:	Old City Hall, 510 Greene, City Commission Chambers		

Interested parties may appear at the public hearing and be heard with respect to the applications. Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409, by FAX (305) 809-3978 or by email to Carlene Smith at <u>cesmith@keywestcity.com</u>.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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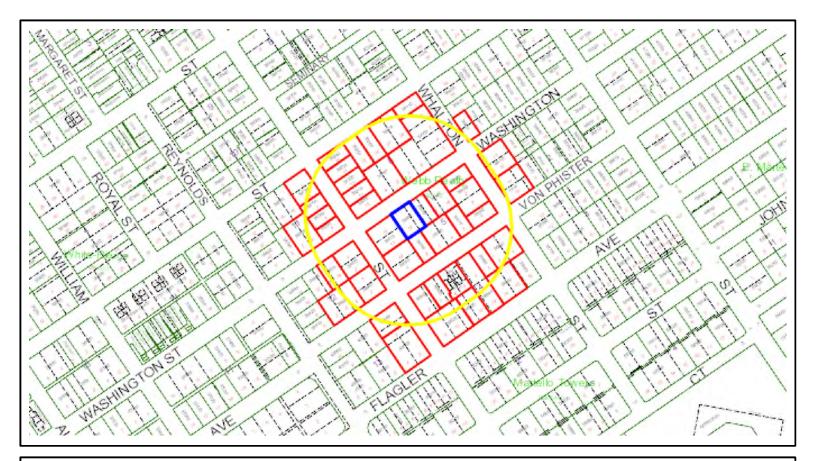
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Time of Hearing: 6:00 PM

Owner: Sue Adams Trust



Printed:Apr 03, 2013

Monroe County, Florida

1010 Washington

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.



300' Radius Noticing List Genereated 4/3/13

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 SOMACH RICHARD BRENT AND LYNDA	2233 YORKSHIRE CIRCLE		ALLENTOWN	PA	18103	
2 COLLINS ANN L	PO BOX 187		DOWELL	MD	20629	
3 LEWIS RICHARD T	3423 PIEDMONT RD	STE 318	ATLANTA	GA	30305	
4 SUITE DREAMS INN INC	1001 VONPHISTER ST		KEY WEST	FL	33040	
5 WILSON JOANNE TARANTINO	1002 WASHINGTON ST		KEY WEST	FL	33040	
6 MCMILLIN KAY	1007 VON PHISTER ST		KEY WEST	FL	33040	
7 OCEAN WALK CONDOMINIUM	1010 VON PHISTER ST		KEY WEST	FL	33040	
8 SCHUMANN STEPHEN & MARGOLIN LAURIE (H/W)	1010 VON PHISTER STREET UN	IIT 101	KEY WEST	FL	33040	
9 DOUVILLE ROBERT WILLIAM	1011 VON PHISTER ST		KEY WEST	FL	33040	
10 POPE THOMAS E AND PHYLLIS D	1015 FLAGLER AVE		KEY WEST	FL	33040	
11 CARBONELL PAULA	1016 SOUTH ST		KEY WEST	FL	33040	
12 VELIZ GREGORY W AND TERI A	1016 WASHINGTON ST		KEY WEST	FL	33040	
13 GRIZZLE CORALIE S DEC TR 1/30/2001	1017 WASHINGTON ST		KEY WEST	FL	33040	
14 DELONG GREGORY A REVOCABLE TRUST 12/27/2012	1019 FLAGLER AVE		KEY WEST	FL	33040	
15 ABRAMOVITZ LAWRENCE F AND CAROL	1020 VONPHISTER ST		KEY WEST	FL	33040	
16 WOOD SHIRLEY P	1021 WASHINGTON ST		KEY WEST	FL	33040	
17 ROGERS DAVID	1025 VON PHISTER ST		KEY WEST	FL	33040	
18 THOMAS GARY	1101 VON PHISTER ST		KEY WEST	FL	33040	
19 CORMORANT CORP OF THE KEYS INC	1109 DUVAL ST		KEY WEST	FL	33040	
20 TAPOROWSKI VINCENT REV LIV TRUST DTD 5/12/2004	1400 GRINNELL ST		KEY WEST	FL	33040	
21 TAYLOR MARGARET REV TRUST 8/5/2002	1409 GRINNELL ST		KEY WEST	FL	33040	
22 TAYLOR JAMES S REV TR 8/5/2002	1409 GRINNELL ST		KEY WEST	FL	33040	
23 MCCARTHY JAMES R	1409 WHALTON ST		KEY WEST	FL	33040	
24 CULVER AVERSA AMY S LIV TR 04/07/2009	1411 GRINNELL ST		KEY WEST	FL	33040	
25 SMITH WAYNE LARUE	1413 GRINNELL ST		KEY WEST	FL	33040	
26 HOFFMAN CHARLES B	1420 WHALTON ST		KEY WEST	FL	33040	
27 STRUNK ANDY B AND JAMIE L	1428 WHALTON ST		KEY WEST	FL	33040	
28 ARMAN ROBERT C	1709 GEORGE ST		KEY WEST	FL	33040	
29 HERMAN CARL M REV LIV TR DTD 07/19/02	1809 VENETIA ST		KEY WEST	FL	33040	
30 AVERETTE ARMIDA	20 BEECHWOOD DR		KEY WEST	FL	33040	
31 SKII INC	500 FLEMING ST		KEY WEST	FL	33040	
32 FERRELL BRIAN K	520 ANGELA ST REAR		KEY WEST	FL	33040	
33 KERR GREGORY T	722 ASHE ST		KEY WEST	FL	33040	
34 MILLER GAIL ANN AS TRUSTEE DEC TR 1/8/1993	728 POOR HOUSE LN		KEY WEST	FL	33040	

1010 Washington Page 2 of 2

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
35 SAMAHA FOUAD QUAL PER RES TR 9/23/2010	905 VONPHISTER ST		KEY WEST	FL	33040	
36 WESTERLUND ROGER AND MARY ANN	907 WASHINGTON ST		KEY WEST	FL	33040	
37 CATHEY BROOKS H	908 WASHINGTON ST		KEY WEST	FL	33040	
38 WESCHLER KENNETH JAY	915 VON PHISTER ST		KEY WEST	FL	33040	
39 TORRESE NAOMI REV TR 1/24/2011	7901 SW 53RD PL		MIAMI	FL	33143	
40 TYCLAY LP	3908 RYALWOOD CT		VALRICO	FL	33596	
41 SAMUEL BRUCE L	3156 W LONG LAKE RD		WEST BLOOMF	IE MI	48323	
42 ADAMS SUSAN D TRUST 9/25/2012	615 W 56TH ST		KANSAS CITY	MO	64113	
43 HART DALE	20 MOUNTAIN RIDGE DR		MEREDITH	NH	03253	
44 THOMAS JOHN B AND ELLEN D	278 NORTH QUAKER LN		WEST HARTFO	RICT	06119	
45 CLAYTON CHRISTINE L	1010 BRAINARD PLACE		BRIELLE	NJ	08730	
46 LALLY JOHN M AND KIERA L	512 WOODLAND RD		PITTSBURGH	PA	15237	