



2320 Patterson Avenue Substantial Improvement Determination



Q Address Search

Parcel ID: 00050210-000000

2320 Patterson Avenue, Key West, FL 33040

Share public profile Edit property

Overview Activity Records Documents

Flood info Effective FIRM

Flood zone AE

In Floodway No

In CBRS No

In OPA No

Contributing Structures

BFE 7.0'

Design Flood Elevation 8.0'

Datum NGVD29

FIRM Panel Effective Date 2/18/2005

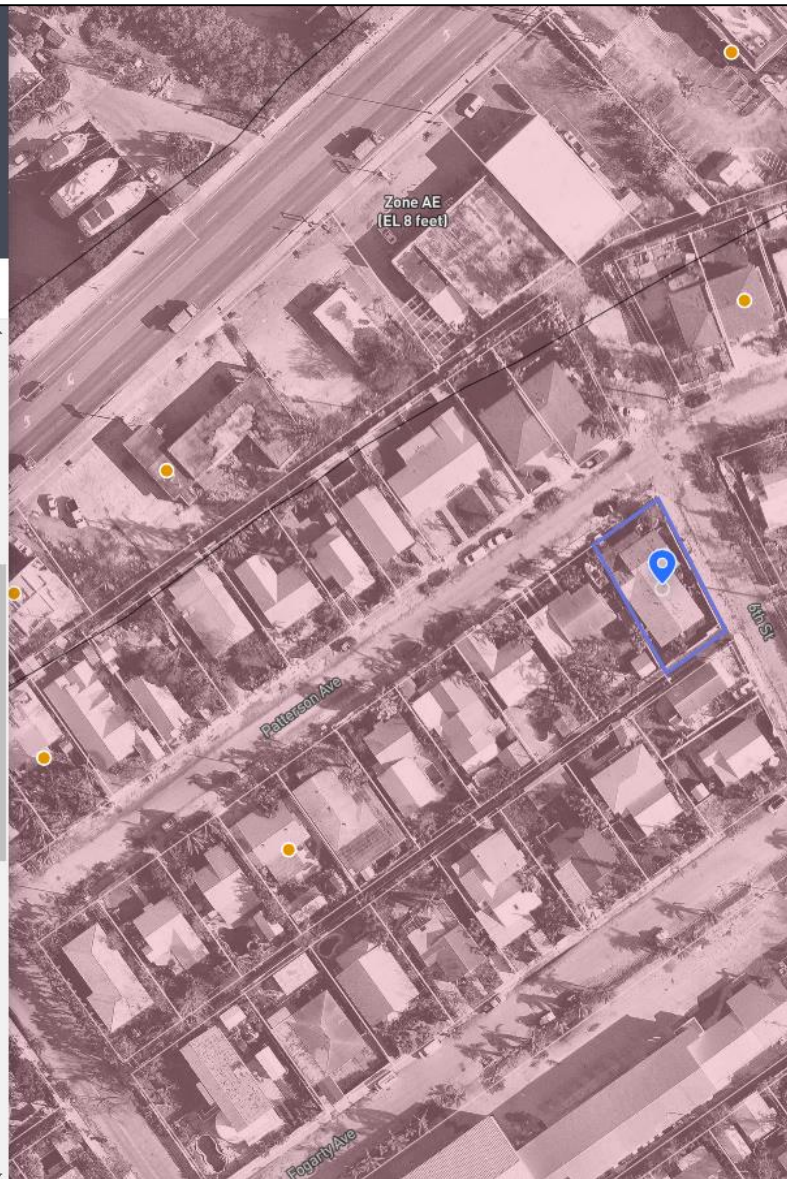
FIRM panel 12087C1517K

FEMA MSC Products Link

Initial FIRM date 9/3/1971

Pre or Post-FIRM Pre-FIRM

Disclaimer: The determination shown above is for a given parcel, not for an individual structure. The final Base Flood Elevation or Design Flood Elevation may be subject to change based on updated FEMA FIRMs or local floodplain regulations. The data presented here is shown for informational purposes only and does not represent an official determination or compliance with local, state or federal floodplain regulations.



Property is mapped within a Special Flood Hazard Area (SFHA) within an AE-7 flood zone on the 2005 Flood Insurance Rate Map (FIRM)

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2320 Patterson Ave			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: <input type="checkbox"/> Construction Drawings* <input type="checkbox"/> Building Under Construction* <input checked="" type="checkbox"/> 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: PIDAA0023 Elevation 4.27' Vertical Datum: NGVD 1929			
Indicate elevation datum used for the elevations in items a) through h) below. <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> 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)	3.0	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
b) Top of the next higher floor	5.5	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
c) Bottom of the lowest horizontal structural member (V Zones only)	N/A	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
d) Attached garage (top of slab)	3.6	<input checked="" 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)	4.1	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
f) Lowest adjacent (finished) grade next to building (LAG)	3.2	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
g) Highest adjacent (finished) grade next to building (HAG)	3.5	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	3.2	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	

Property Listing – December 3, 2020

“This expansive corner lot of 5,160 SF is currently occupied by a 1,962 SF 4-bedroom 2-bathroom CBS home. The home is being sold as a lot since the house is not in livable condition, and will most likely need to be removed, providing the perfect opportunity to build your dream home in Midtown Key West.”

“Due to the condition of the home, there will be no touring of the interior, only the exterior will be available for showings.”



Kitchen



Living Room



Bedroom



Bedroom

Interior Photos – March 3, 2021, Private Appraisal

Section 34-132 *Definitions, specific*

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement or alteration of a building or structure, taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to 1986. The five-year period is extended if the improvements are not completed within this time, until all the improvements pass all final inspections. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. Structures that have been moved, or structures that have new, replaced, or substantially modified foundations are considered to be substantially improved. The term does not, however, include either:

- 1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified and cited by a duly authorized city official and that are the minimum necessary to assure safe living conditions, if cited prior to a Building Permit Application.*
- 2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to section 34-129 of this ordinance, unless the building has been moved or the foundation replaced.*

Section 4.4.4 **Estimates of Donated or Discounted Materials**

"The value placed on all donated or discounted materials should be equal to the actual or estimated cost of such materials and must be included in the total cost. Where materials or servicing equipment are donated or discounted below normal market values, the value should be adjusted to an amount that would be equivalent to that estimated through normal market transactions."

Section 4.4.5 **Estimates of Owner and Volunteer Labor**

"Should the property owner undertake improvement and repair projects on their own, the market value or going rate for labor must also be included in the estimates of the cost of improvements."

Substantial Improvement, the National Flood Insurance Program (NFIP), and the Community Rating System (CRS)

Code of Federal Regulations § 60.3

(c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(2) Require that all new construction and substantial improvements of residential structures within Zones A1–30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b)

CRS Coordinator's Manual

Class 9 Prerequisites

In order to become and continue to be a Class 9 or better, a community must demonstrate that it has enough points to warrant the class AND meet the following six prerequisites.

- (1) The community must have been in the Regular Phase of the NFIP for at least one year.
- (2) The community must be in full compliance with the minimum requirements of the NFIP. There must be correspondence from the Regional Office of the Federal Emergency Management Agency (FEMA) stating that the community is in full compliance with the NFIP. The correspondence must have been sent within six months of the initial CRS verification visit. The FEMA Regional Office or State NFIP

Coordinator may need to conduct a Community Assistance Visit if neither has been in the community recently. If a community is determined at any time to be in less-than full compliance, it will retrograde to a CRS Class 10.

- (3) The community must maintain FEMA Elevation Certificates on all new buildings and substantial improvements constructed in the Special Flood Hazard Area (SFHA) after the community applies for CRS credit.

Possible Outcomes of a Substantial Improvement Determination

Demolish and rebuild

Elevate the existing structure and all associated mechanical/electrical equipment

Section 1316 Declaration

BLD2021-0584 – Renovation Exterior

3/4/2021

Proposed Valuation: \$25,000

- Building permit application submitted, scope of work to replace windows, flooring, exterior stucco repair and paint, convert garage into master bedroom and bath, and install new kitchen cabinets.

5/20/2021

Proposed Valuation: \$25,000

- Floodplain Manager denies permit, states the value of work necessary to make the building habitable is substantially undervalued. Job valuation of entire project and a private property appraisal requested.

6/14/2021

Proposed Valuation: \$90,500

- Private appraisal and schedule of values (est. \$90,500) received; private appraisal rejected and submitted schedule of values deemed very undervalued. The private appraisal contained a contradicting Construction Budget Submission Form stating initial budget for scope of work is \$252,004.
- Applicant advised to order a private appraisal from another company and submit a more in-depth schedule of values.

2/11/2022

Proposed Valuation: \$135,000

- New private appraisal and schedule of values submitted.
- Permit approved based upon the schedule of values and appraisal with strict conditions including no addition or expansion of any wall, garage not being converted into habitable space, and work adhering to the schedule of values.



Code Case 2021-00760

- Opened on May 11, 2021
- Violation for unpermitted work (there were no active permits at the time)
- Main permit, BLD2021-0584, was in corrections due to the Floodplain Administrator's concerns with the value of improvements compared to the value of the house

BLD2021-2179

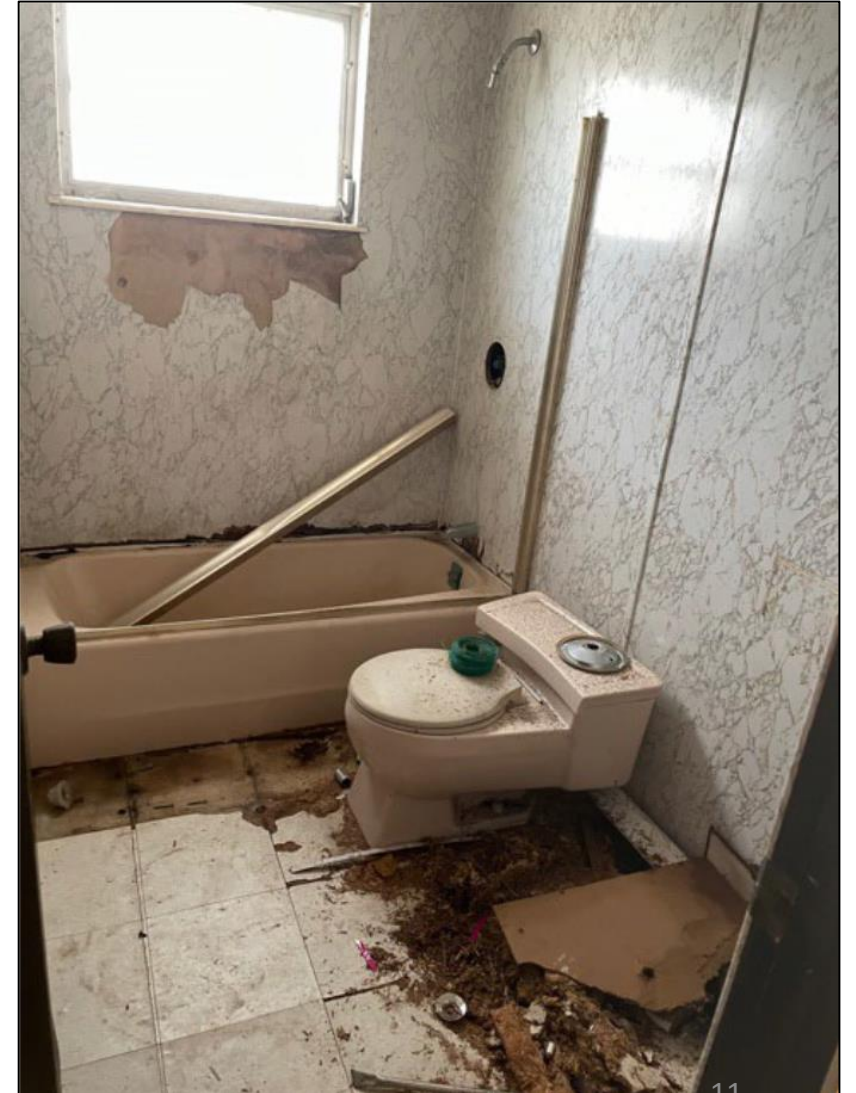
- Building permit for exploratory demo
- Permit issued August 10, 2021, to satisfy unpermitted work associated with Code Case 2021-00760
- Approval notes state the contractor shall not do any further work and the permit shall be closed once paid for and issued



Interior Photos – May 20, 2021, Site Visit



Interior Photos – May 20, 2021, Site Visit



Interior Photos – May 20, 2021, Site Visit



BLD2021-0584 – Renovation Exterior

3/4/2021

Proposed Valuation: \$25,000

- Building permit application submitted, scope of work to replace windows, flooring, exterior stucco repair and paint, convert garage into master bedroom and bath, and install new kitchen cabinets.

5/20/2021

Proposed Valuation: \$25,000

- Floodplain Manager denies permit, states the value of work necessary to make the building habitable is substantially undervalued. Job valuation of entire project and a private property appraisal requested.

6/14/2021

Proposed Valuation: \$90,500

- Private appraisal and schedule of values (est. \$90,500) received; private appraisal rejected and submitted schedule of values deemed very undervalued. The private appraisal contained a contradicting Construction Budget Submission Form stating initial budget for scope of work is \$252,004.
- Applicant advised to get a private appraisal from another company and submit a more in-depth schedule of values.

2/11/2022

Proposed Valuation: \$135,000

- New private appraisal and schedule of values submitted.
- Permit approved based upon the schedule of values and appraisal with strict conditions including no addition or expansion of any wall, garage not being converted into habitable space, and work adhering to the schedule of values.

BLD2021-0584 – Renovation Exterior

3/4/2021

Proposed Valuation: \$25,000

- Building permit application submitted, scope of work to replace windows, flooring, exterior stucco repair and paint, convert garage into master bedroom and bath, and install new kitchen cabinets.

5/20/2021

Proposed Valuation: \$25,000

- Floodplain Manager denies permit, states the value of work necessary to make the building habitable is substantially undervalued. Job valuation of entire project and a private property appraisal requested.

6/14/2021

Proposed Valuation: \$90,500

- Private appraisal and schedule of values (est. \$90,500) received; private appraisal rejected and submitted schedule of values deemed very undervalued. The private appraisal contained a contradicting Construction Budget Submission Form stating initial budget for scope of work is \$252,004.
- Applicant advised to get a private appraisal from another company and submit a more in-depth schedule of values.

2/11/2022

Proposed Valuation: \$135,000

- New private appraisal and schedule of values submitted.
- Permit approved based upon the schedule of values and appraisal with strict conditions including no addition or expansion of any wall, garage not being converted into habitable space, and work adhering to the schedule of values.

BLD2021-0584 – Renovation Exterior

3/4/2021

Proposed Valuation: \$25,000

- Building permit application submitted, scope of work to replace windows, flooring, exterior stucco repair and paint, convert garage into master bedroom and bath, and install new kitchen cabinets.

5/20/2021

Proposed Valuation: \$25,000

- Floodplain Manager denies permit, states the value of work necessary to make the building habitable is substantially undervalued. Job valuation of entire project and a private property appraisal requested.

6/14/2021

Proposed Valuation: \$90,500

- Private appraisal and schedule of values (est. \$90,500) received; private appraisal rejected and submitted schedule of values deemed very undervalued. The private appraisal contained a contradicting Construction Budget Submission Form stating initial budget for scope of work is \$252,004.
- Applicant advised to get a private appraisal from another company and submit a more in-depth schedule of values.

2/11/2022

Proposed Valuation: \$135,000

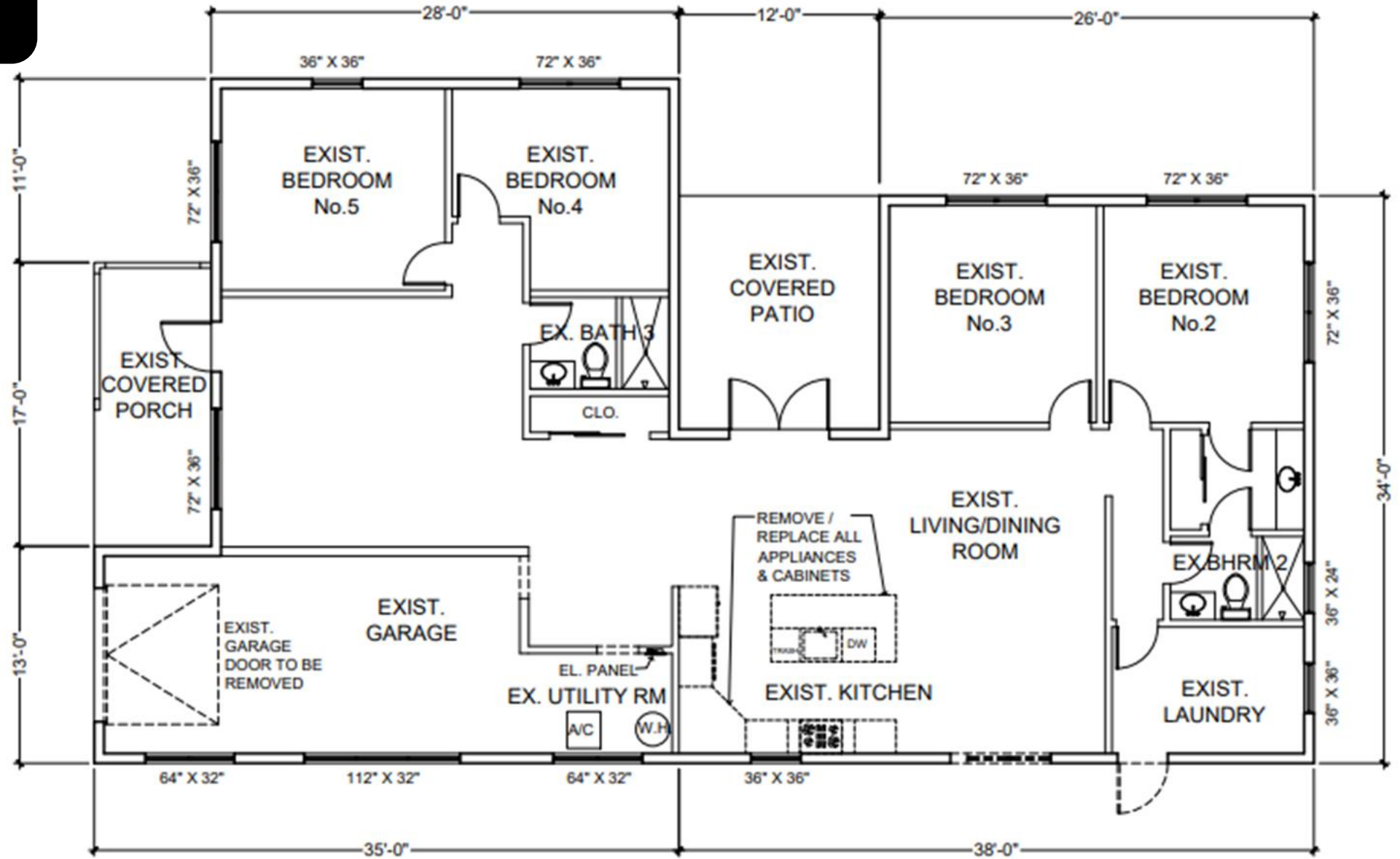
- New private appraisal and schedule of values submitted.
- Permit approved based upon the schedule of values and appraisal with strict conditions including no addition or expansion of any wall, garage not being converted into habitable space, and work adhering to the schedule of values.

Substantial Improvement Analysis

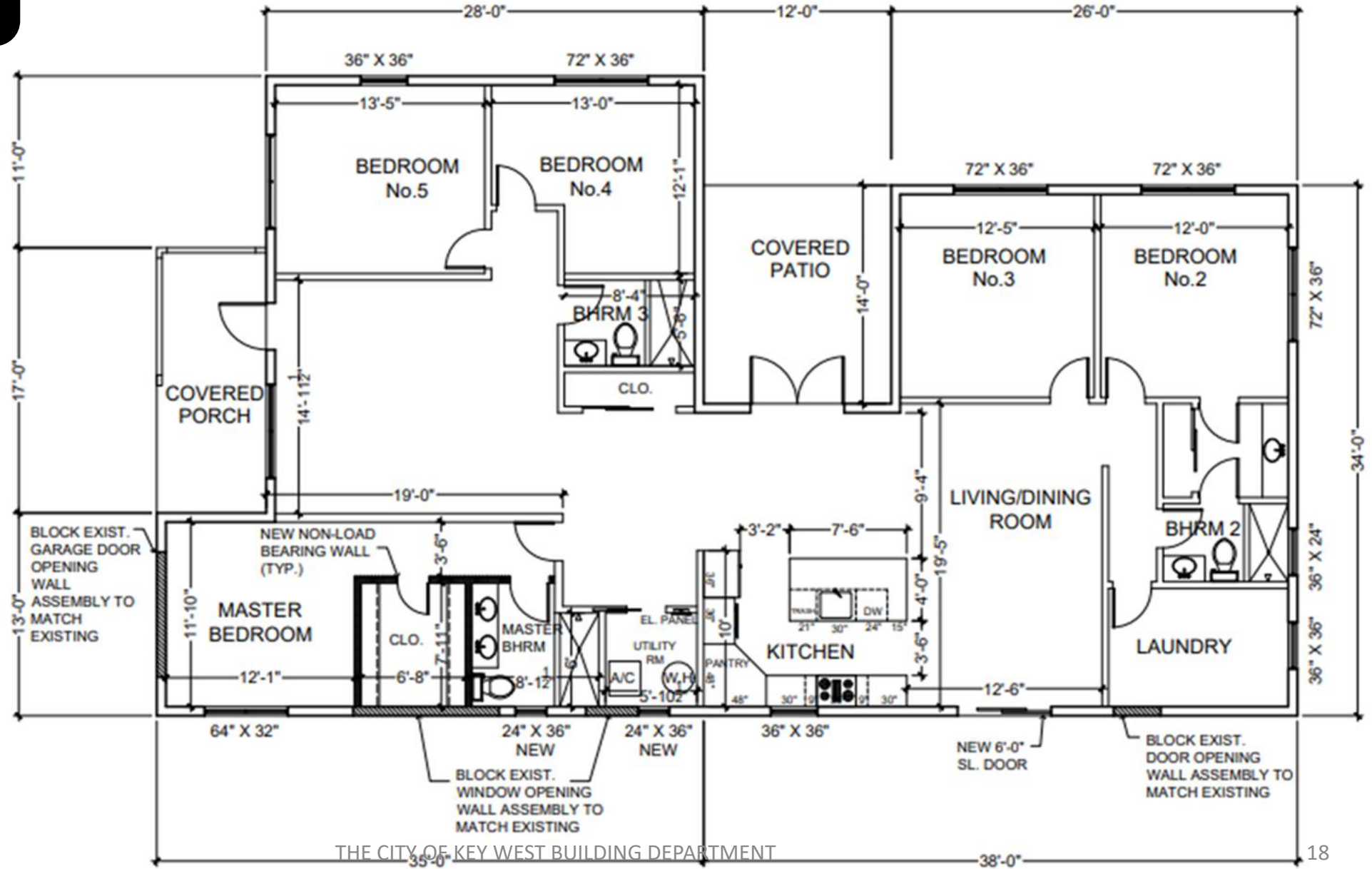
Permit Number	Permit Type	Description	Permit Value
BLD2021-0584	Renovation Exterior	Interior/Exterior of Single-Family Residence	\$125,500
BLD2021-2179	Demo Other	Exploratory Demo	\$2,000
BLD2022-0616	Roofing	Roof Replacement	\$18,000
BLD2022-0722	Mechanical HVAC	Remove and Replace 3-1/2 ton AC	\$6,500
BLD2022-0725	Electrical		\$2,500
BLD2022-1053	Plumbing		\$6,500
		Total Permit Valuation*:	\$161,000.00
		Cost Breakdown Valuation*:	\$163,220.00
		2022 Private Appraisal:	\$467,206
		50% Threshold:	\$233,603
		Permit Valuation/Pre-Renovation Valuation:	34.46%
		Cost Breakdown/Pre-Renovation Valuation:	34.93%

*Valuation does not include the value of work conducted on the structure that was not part of the plans or approval





Pre-Renovation Floor Plan



Proposed Floor Plan






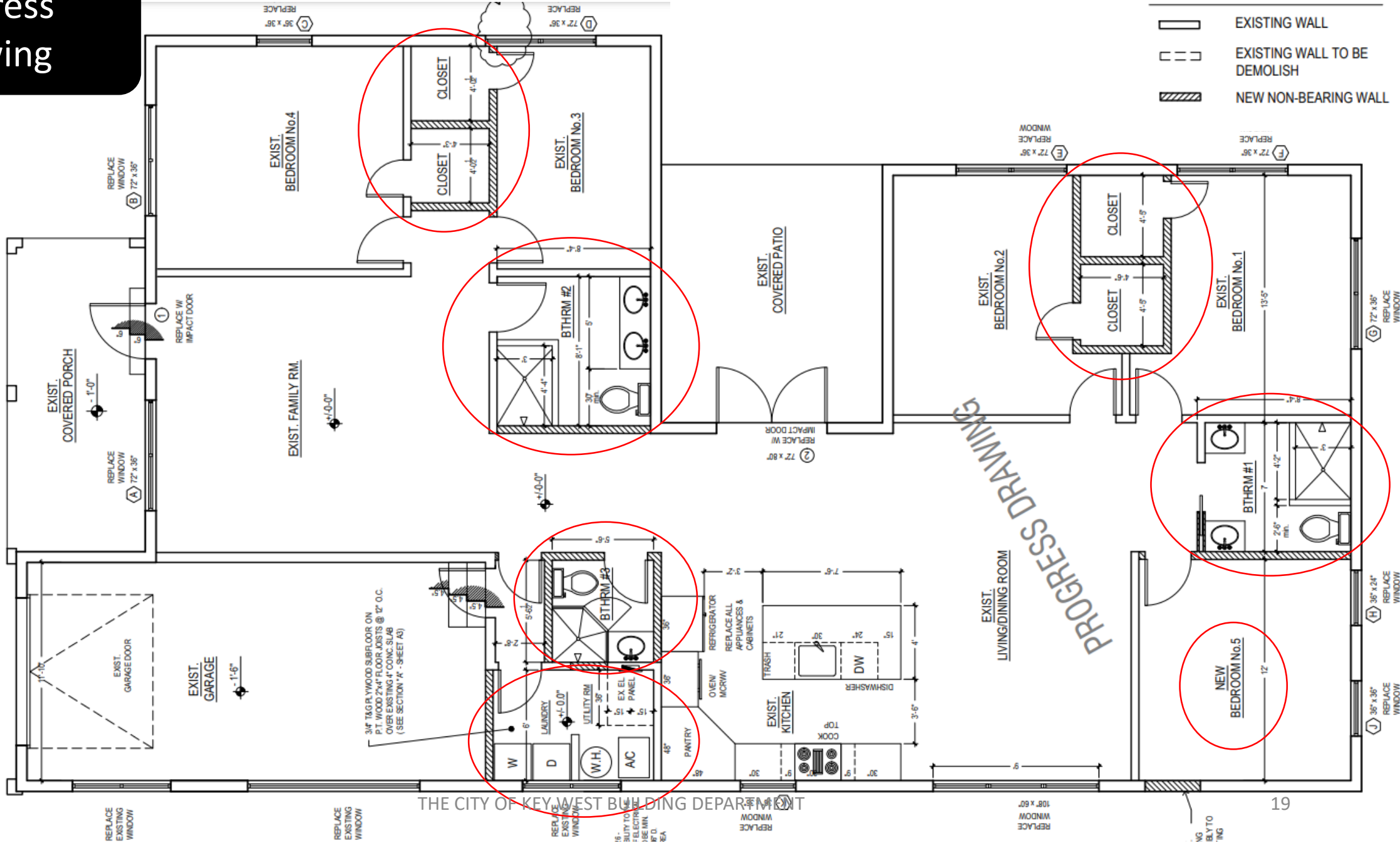
LEGEND

-  EXISTING WOOD FRAME WALL
-  EXISTING INTERIOR WALL
-  EXISTING WALL TO BE DEMOLISH
-  NEW INTERIOR WALL 2" X 4" WOOD STUDS AND 1/2" DRYWALL EACH SIDE

Progress Drawing

LEGEND

-  EXISTING WALL
-  EXISTING WALL TO BE DEMOLISH
-  NEW NON-BEARING WALL



Noncompliance with Floodplain Requirements & Approvals



Interior of garage 2021



Interior of garage 2023



Covering of flood vents 2021



No flood vents 2023

BLD2021-0584 – Renovation Exterior

- Approved with condition that the garage not be converted into habitable space, no expansion or addition of any wall, footprint of house to remain the same
- Required flood vents for the crawlspace foundation were closed and no longer allow passage of water underneath the structure
- Progress drawings and subsequent site visits exhibited work over the scope of the approved permit and schedule of values, including a portion of the garage being converted to habitable space and the addition of multiple interior walls



Addition of walls to create closets

Noncompliance with Floodplain Requirements & Approvals

BLD2022-0722 – Mechanical

Scope: Remove and replace 3-1/2 ton AC

- Approved with condition that A/C unit be mounted above BFE+1'
- Final Inspection disapproved by Inspector Richardson and CFM Flores due to failure to elevate the condenser unit, as required per Section 34-139(d) of the Code of Ordinances



Condenser unit on grade and a covered flood vent

BLD2022-0725 – Electrical

Scope of Work: Change out fixtures, plugs, and switches in renovation.

- Final Inspection disapproved per Inspector Richardson
- Inspector noted the job cost needs to be evaluated

Terry Richardson

ELECTRICAL
FINAL**

No rock inspection record it. Please check the evaluation of the job cost. Must include all labor material fixtures etc. and profit.

11/30/2022 12:21:24 PM

BLD2022-1053 – Plumbing

Scope of Work: Change out plumbing fixtures with new ones in bath and kitchen.

- Plumbing Final Inspection disapproved 11.30.2022 per Inspector Wright

Tarin Wright

PLUMB
FINAL**

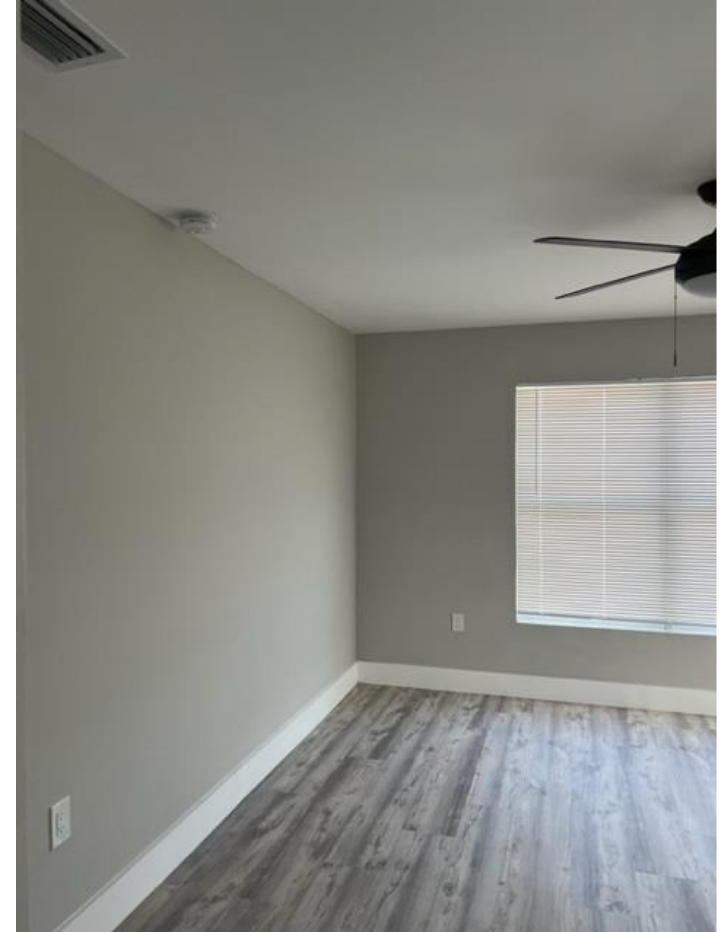
Did not pass rough - cannot verify corrections made. Also need to evaluate job cost.

11/30/2022 11:45:18 AM

Interior Photos – 2023



Interior Photos – 2023



Interior Photos – 2023



Florida Department of Emergency Management (FDEM)

- NFIP State Coordinating Agency
- Works with communities to administer their local floodplain ordinance and ensure each participating NFIP community is correctly implementing the NFIP's regulations
- Ensures each community properly enforces the local floodplain ordinance

FDEM Assessment

- Neither appraisal can be used as submitted because there are too many "no's" on the checklists.
- The 2021 appraisal is not for SI/SD determination but for mortgage financing.
- Neither appraisal used the definition of Market Value from the City's flood ordinance.
- The 2022 appraisal noted an effective date of 2/11/22, which is after the start of the renovations.
- Neither appraisal provided documentation supporting the replacement cost new estimate.
- Neither appraisal provided documentation supporting the depreciation estimate. (how was depreciation calculated)
- Both appraisals used the same photographs of the residence. How is that possible when the appraisals were conducted a year apart?

Let me know if you have any questions or concerns.

Mr. Conn H. Cole, MBA/PA, CFM

State NFIP Coordinator | State Floodplain Manager

Substantial Improvement Analysis Based Upon The Monroe County Property Appraiser's Assessment

Permit Number	Permit Type	Description	Permit Value
BLD2021-0584	Renovation Exterior	Interior/Exterior of Single-Family Residence	\$125,500
BLD2021-2179	Demo Other	Exploratory Demo	\$2,000
BLD2022-0616	Roofing	Roof Replacement	\$18,000
BLD2022-0722	Mechanical HVAC	Remove and Replace 3-1/2 ton AC	\$6,500
BLD2022-0725	Electrical		\$2,500
BLD2022-1053	Plumbing		\$6,500
		Total Permit Valuation*:	\$161,000.00
		Cost Breakdown Valuation*:	\$163,220.00
		Pre-Renovated Market Improvement Value (2021 Monroe County Property Appraiser Assessment):	\$71,147
		15% Adjustment for Market Value:	+ \$10,672.05
		Total Assessed Market Valuation:	\$81,819.05
		50% Threshold:	\$40,909.52
		Permit Valuation/Pre-Renovation Valuation:	1.96%
		Cost Breakdown/Pre-Renovation Valuation:	1.99%

*Valuation does not include the value of work conducted on the structure that was not part of the plans or approval

Applicant's Basis for Appeal

I. The Floodplain Administrator is estopped and precluded from denying the private appraisal after building permits are issued based on said private appraisal.

➤ Section 34-126(6) of the Code of Ordinances:

"Suspension or revocation. The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community."

➤ Floodplain approval was issued based upon the information provided within the submitted schedule of values and private appraisal dated February 2022, however, the schedule of values contained inaccurate and incomplete information (the plans and job valuation did not include new walls, conversion of part of the garage, and other work conducted on the structure), and the appraisal was in violation of Section 34-125(a) of the floodplain ordinance:

"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:

(a) Estimate the market value, or require the applicant to submit appraisals - not older than one year - of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made; ..."

Applicant's Basis for Appeal

II. The Floodplain Administrator incorrectly denied the Barefoot Appraisal

The applicant states, in part, "The Barefoot Appraisal is dated February 11, 2022, the same day that the first building permit was approved and before the proposed work had commenced, satisfying the City Code Appraisal requirements."

- The "Barefoot Appraisal", with an effective date of February 11, 2022, appraises the property nine months after Code Case 2021-00760, which was initiated for unpermitted construction occurring on the structure. An interior demolition permit, BLD2021-2179, was issued on August 10, 2021, to alleviate the Code violation.
- The appraisal does not satisfy the City's private appraisal requirements as stated within Section 34-125(a), specifically due to the effective date of the appraisal falling after the start of construction:

"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:

(a) Estimate the market value, or require the applicant to submit appraisals - not older than one year - of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made; ..."

- The State NFIP Coordinator advised the "Barefoot Appraisal" is in violation of the City's floodplain ordinance and therefore may not be used for substantial improvement analysis.



Overview

- The scope of work exceeded the floodplain approval and did not adhere to the conditions stated on the building permits
- The submitted private appraisals are in violation of the City's floodplain ordinance as advised by the NFIP State Coordinating Agency (FDEM) and therefore may not be utilized for substantial improvement analysis
- The floodplain administrator determined this structure to be substantially improved; FDEM supported this determination
- The NFIP requires substantially improved structures to come into compliance with floodplain regulations as a minimum requirement for participation in the NFIP and CRS
- A finding that the City is not enforcing the minimum requirements of NFIP could result in being retrograded to a Class 10 CRS Community (no discount) and probation within the NFIP

CRS – What If

- Average \$546 saved per policy
- About \$3.26 million saved community wide

		TOTAL	SFHA *	X-STD/AR/A99 **
PIF		5,972	5,062	910
PREMIUM		\$10,283,662	\$9,527,382	\$756,280
AVERAGE PREMIUM		\$1,722	\$1,882	\$831
CRS Class				
09	Per Policy	\$113	\$125	\$46
	Per Community	\$677,175	\$635,160	\$42,016
08	Per Policy	\$220	\$251	\$46
	Per Community	\$1,312,335	\$1,270,319	\$42,016
07	Per Policy	\$326	\$376	\$46
	Per Community	\$1,947,494	\$1,905,479	\$42,016
06	Per Policy	\$439	\$502	\$92
	Per Community	\$2,624,669	\$2,540,638	\$84,031
05	Per Policy	\$546	\$627	\$92
	Per Community	\$3,259,829	\$3,175,798	\$84,031
04	Per Policy	\$652	\$753	\$92
	Per Community	\$3,894,988	\$3,810,957	\$84,031
03	Per Policy	\$759	\$878	\$92
	Per Community	\$4,530,148	\$4,446,117	\$84,031
02	Per Policy	\$865	\$1,004	\$92
	Per Community	\$5,165,307	\$5,081,276	\$84,031
01	Per Policy	\$971	\$1,129	\$92
	Per Community	\$5,800,467	\$5,716,436	\$84,031