

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chairman and Planning Board Members

**Through:** Thaddeus Cohen, Planning Director

**From:** Patrick Wright, Planner II

**Meeting Date:** September 17, 2015

**Agenda Item:** **Variance – 1125 Duval Street (RE # 00027870-000000; AK # 1028649)**  
- A request for variance to minimum impervious surface and maximum building coverage in order to construct a roof addition on property located within Historic Residential Commercial Core Duval Street Oceanside (HRCC-3) zoning district pursuant to Section 90-395 and 122-750(4)(a)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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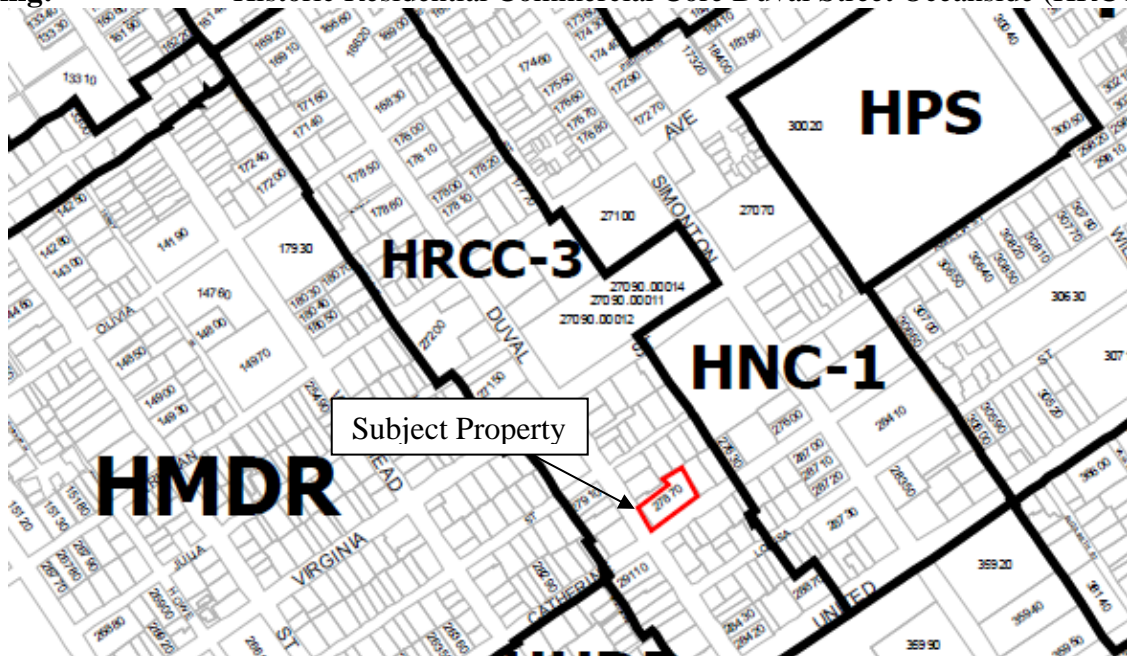
**Request:** Variance to maximum building coverage requirements.

**Applicant:** Gregory Oropeza - Smith, Oropeza and Hawks

**Owner:** Patrick T. Hegarty

**Location:** 1125 Duval Street (RE # 00027870-000000; AK # 1028649)

**Zoning:** Historic Residential Commercial Core Duval Street Oceanside (HRCC-3)



**Background and Request:**

The subject property is located at the northern corner of Duval and Catherine Streets within the HRCC-3 Zoning District. The property currently consists of a 13,315 square foot lot of record containing a 16 unit guest house as well as 193 seat restaurant.

The applicant is proposing a roof structure to cover an area of the existing outdoor dining area which is adding to the existing nonconforming building coverage on the site. The roof area would cover a high foot traffic area that can become a hazard during inclement weather.

The applicant is requesting a variance to maximum building coverage requirements as part of the proposed construction.

<b>Relevant HRCC-3 Zoning District Dimensional Requirements: Code Section 122-750</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Minimum lot size	4,000 SF	13,315 SF	13,315 SF	<b>Complies</b>
Maximum building coverage	50% (6,657 SF)	57.5% (7,656 SF)	58.97% (7,851 SF)	<b>Variance Requested</b>

**Process:**

**Planning Board Meeting:**

September 17, 2015

**Local Appeal Period:**

30 days

**DEO Review Period:**

Up to 45 days

**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 lot is currently built out with several buildings and structured cover. The lot is over triple the size of the minimum lot size contemplated by the code for the HRCC-3 zoning district and is nonconforming with several aspects of the required dimensional regulations. Therefore special conditions or circumstances do not exist.

NOT IN COMPLIANCE.

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

The existing conditions are created by the applicant. The applicant is proposing a new roof addition that is increasing already nonconforming building coverage.

NOT IN COMPLIANCE.

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.**

Sections 122-750(4)(a) of the Land Development Regulations states the required maximum building coverage. Therefore, granting a variance to the dimensional regulations would confer special privileges upon the applicant.

NOT IN COMPLIANCE.

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.**

There are several existing non conformities in terms of building coverage, impervious surface, density and setbacks. The applicant is proposing an increase in building coverage that already is nonconforming. The decision of the property owner construct additional building coverage does not create a hardship. The denial of the requested variance would not deprive the applicant of rights commonly enjoyed by other properties in the HRCC-3 Zoning District. Therefore, hardship conditions do not exist.

NOT IN COMPLIANCE.

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 variance requested is not the minimum required that will make possible the reasonable use of the land, building, or structure. However, they are the minimum necessary to accommodate the request.

NOT IN COMPLIANCE.

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.**

Due to not being in compliance with all of the standards for considering variances, the granting of the requested variances would be injurious to the area involved and otherwise detrimental to the public interest.

NOT IN COMPLIANCE.

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 non-conforming 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.

IN COMPLIANCE.

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

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:**

**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 variance requested.

**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 Planning Department has received public comment regarding the requested variance. Public comments are included in the variance package.

**RECOMMENDATION:**

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variances be **denied**.

# Application



# Application For Variance

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

**RECEIVED**

MAY 01 2015

CITY OF KEY WEST  
PLANNING DEPT.

**Application Fee: \$1,150.00 / After-the-Fact: \$2,150.00**  
(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720.

**PROPERTY DESCRIPTION:**

Site Address: 1125 Duval Street, Key West, FL 33040

Zoning District: HRCC-3

Real Estate (RE) #: 00027870-000000

Property located within the Historic District?

Yes  No

**APPLICANT:**

Owner

Authorized Representative

Name: Gregory Oropeza, Smith Oropeza Hawks, P.L.

Mailing Address: 138-142 Simonton Street

City: Key West

State: FL

Zip: 33040

Home/Mobile Phone: \_\_\_\_\_

Office: (305) 296-7227

Fax: (305) 296-8448

Email: greg@smithoropeza.com

**PROPERTY OWNER: (if different than above)**

Name: Patrick T. Hegarty and Christopher J. Rounds

Mailing Address: 1125 Duval Street

City: Key West

State: FL

Zip: 33040

Home/Mobile Phone: \_\_\_\_\_

Office: (305) 296-6706

Fax: \_\_\_\_\_

Email: latedakeywest@aol.com

Description of Proposed Construction, Development, and Use: Addition of roof between existing outside bar existing second floor balcony.

**List and describe the specific variance(s) being requested:**

Lot Coverage Ratio and Impervious Surface Ratio

Are there any easements, deed restrictions or other encumbrances attached to the property?  Yes  No

If yes, please describe and attach relevant documents: \_\_\_\_\_

Will any work be within the dripline (canopy) of any tree on or off the property?  Yes  No  
 If yes, provide date of landscape approval, and attach a copy of such approval.

Is this variance request for habitable space pursuant to Section 122-1078?  Yes  No

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

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	HRCC-3			
Flood Zone				
Size of Site	13,315.06 sq ft			
Height	35 ft	N/A	N/A	N/A
Front Setback	5 dr	N/A	N/A	N/A
Side Setback	5 ft	N/A	N/A	N/A
Side Setback				
Street Side Setback	7.5 ft	N/A	N/A	N/A
Rear Setback	15 ft	N/A	N/A	N/A
F.A.R				
Building Coverage	50%	57.5%	58.97%	1.47%
Impervious Surface	60%	64.46%	64.46%	No change
Parking				
Handicap Parking				
Bicycle Parking				
Open Space/ Landscaping				
Number and type of units				
Consumption Area or Number of seats				

This application is reviewed pursuant to Section 90-391 through 90-397 of the City of Key West Land Development Regulations (LDRs). The City's LDRs can be found in the Code of Ordinances online at [http://www.municode.com/Library/FL/Key\\_West](http://www.municode.com/Library/FL/Key_West) under Subpart B.

\*Please note, variances are reviewed as quasi-judicial hearings, and it is improper for the owner or applicant 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.

Please see attached letter.

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

Please see attached letter.

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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.

Please see attached letter.

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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.

Please see attached letter.

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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.

Please see attached letter.

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City of Key West • Application for Variance

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.

Please see attached letter.

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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.

Please see attached letter.

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

- That the standards established in Section 90-395 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."

**REQUIRED SUBMITTALS: All of the following must be submitted in order to have a complete application. Please submit one paper copy and one electronic copy of all materials.**

- Correct application fee. Check may be payable to "City of Key West."
- Notarized verification form signed by property owner or the authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Property record card
- Signed and sealed survey
- Site plan (plans MUST be signed and sealed by an Engineer or Architect)
- Floor plans
- Stormwater management plan

SMITH | OROPEZA | HAWKS  
ATTORNEYS AT LAW

VIA HAND DELIVERY

April 29, 2015

Thaddeus Cohen, AICP, Planning Director  
City of Key West Planning Department  
3140 Flagler Avenue  
Key West, Florida 33040

RECEIVED

MAY 01 2015

RE: Variance – 1125 Duval Street, Key West, Florida 33040

CITY OF KEY WEST  
PLANNING DEPT.

Dear Mr. Cohen,

Please allow this letter and supporting documentation to serve as my client, Patrick T. Hegarty and Christopher J. Rounds (“Applicant”) application for a variance to the building coverage ratio and impervious surface ratio at 1125 Duval Street, Key West, Florida 33040 (“Property”) located in the Historic Residential Commercial Core 3 (“HRCC-3”) District. By way of background, the Applicant purchased the Property in the later parts of 2013, in its current configuration. The Property is recognized and operated as a guest house, restaurant and bar (“Guest House”). After operating the Guest House for some time, the Applicant has identified a potential life-safety concern and seeks to remedy this problem through the variance application process. Specifically, a high foot-traffic area is exposed to the elements creating a potential for injury when it rains. In support thereof, the Applicant states as follows with respect to the criteria for granting the variance.

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.
  - a. The Applicant obtained the Property in its current, legally non-conforming configuration. The Applicant seeks to remedy a potential life-safety concern by the addition of a roof covering a highly-used pedestrian walkway located on the Property.
2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.
  - a. The Applicant obtained the Property in its current configuration established by the previous owners. The Applicant did not create the conditions that currently exist, but

the Applicant is proposing to mitigate life-safety concerns by adding the proposed road structure.

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.
  - a. Allowing this variance would not 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.
  - a. Hardship exists in that the Applicant purchased the Property in its already legally non-conforming configuration. Applicant's only option to remedy a potential life-safety concern is through the variance application process. Preventing Applicant from obtaining this variance will subject the Applicant to potential liability issues in the event someone is injured on the Property.
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.
  - a. The variance requested is the minimum variance that will make possible the continued use of the land, building, or structure.
6. Not injurious to the public welfare. That granting of the variance 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.
  - a. The granting of the variance does not appear to be injurious to the area involved or detrimental to the public interest. In fact, the granting of the requested variances will act to protect the public and any visitors on the Property.
7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming uses 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.

- a. The Applicant did not consider other nonconforming uses of other property in developing this application.

If you should have any questions, comments, or concerns, please do not hesitate to contact me.

Sincerely,



Gregory S. Oropeza, Esq.  
For the Firm

Enc.

# Verification

City of Key West  
Planning Department



Verification Form  
(Where Authorized Representative is an entity)

I, Gregory S. Oropeza, in my capacity as Partner  
(print name) (print position; president, managing member)

of Smith Oropeza Hawks, P.L.  
(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:

1124 Duval Street, Key West, Florida 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.

[Signature]  
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this April 29, 2015 by  
date

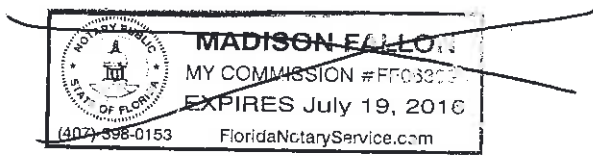
Gregory S. Oropeza  
Name of Authorized Representative

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

[Signature]  
Notary's Signature and Seal

\_\_\_\_\_  
Name of Acknowledger typed, printed or stamped

\_\_\_\_\_  
Commission Number, if any



# **Authorization**

**City of Key West  
Planning Department**



**Authorization Form  
(Individual or Joint Owner)**

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

I, PATRICK T HEGARTY & CHRISTOPHER J. ROWNS authorize  
*Please Print Name(s) of Owner(s) as appears on the deed*

DAR CASTILLO - Affiliated Design & Construction Myres.  
*Please Print Name of Representative*

to be the representative for this application and act on my/our behalf before the City of Key West.

*Christopher Rows*  
*Signature of Owner*

*Dar Castillo*  
*Signature of Joint/Co-owner if applicable*

Subscribed and sworn to (or affirmed) before me on this 4-6-15  
*Date*

by CHRISTOPHER ROWNS & PATRICK HEGARTY  
*Name of Owner*

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

*Teri Johnston*  
*Notary's Signature and Seal*



TERI JOHNSTON  
*Name of Acknowledger typed, printed or stamped*

#FF188173  
*Commission Number, if any*



**City of Key West  
Planning Department**



**Authorization Form  
(Individual or Joint Owner)**

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

I, Patrick T. Hegarty + Christopher J. Rounds authorize  
Please Print Name(s) of Owner(s) as appears on the deed

Gregory Orapesa - Smith Orapesa + Hawks  
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

*Christopher Rounds*  
Signature of Owner

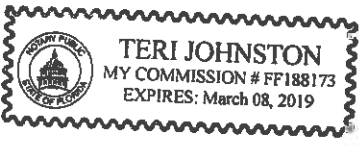
*Patrick Hegarty*  
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 4-6-15  
Date

by Christopher Rounds and Patrick Hegarty  
Name of Owner

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

*Teri Johnston*  
Notary's Signature and Seal



TERI JOHNSTON  
Name of Acknowledger typed, printed or stamped

# FF188173  
Commission Number, if any

**Deed**

THIS INSTRUMENT PREPARED BY:

Mark I. Aronson, Esq.  
Holland & Knight LLP  
Suite 3000  
701 Brickell Avenue  
Miami, Florida 33131

Doc# 1963150 12/30/2013 11:38AM  
Filed & Recorded in Official Records of  
MONROE COUNTY AMY HEVILIN

12/30/2013 11:38AM  
DEED DOC STAMP CL: Krys \$44,100.00

Doc# 1963150  
Bk# 2665 Pg# 438

\_\_\_\_\_  
Space Above This Line For Recording  
ALTERNATE KEY NO. 1028649

**SPECIAL WARRANTY DEED**

This Special Warranty Deed, is made the 17th day of December, 2013, by LA TE DA REDUX, INC., a Florida corporation, whose address is 1125 Duval Street, Key West, Florida 33040 ("Grantor"), in favor of PATRICK T. HEGARTY and CHRISTOPHER J. ROUNDS, as tenants in common, whose address is 1125 Duval Street, Key West, Florida 33040 ("Grantee").

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's successors and assigns forever, the land located in Monroe County, Florida, as more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Property").

TO HAVE AND TO HOLD, the same together with all and singular tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the Grantor, either in law or in equity, to the use, benefit and behalf of the Grantee forever.

This conveyance is made subject to the following:

1. Taxes and assessments for the year 2014 and subsequent years.
2. Zoning and other governmental regulations.
3. Conditions, restrictions, limitations and easements of record, if any, none of which are intended to be reimposed by this conveyance.

TO HAVE AND TO HOLD, the same in fee simple forever.

Together with all tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

AND Grantor hereby specially warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through and under Grantor, but none others.

27.00

IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed to be executed the day and year first above written.

Signed, sealed and delivered  
in the presence of:

GRANTOR:

LA TE DA REDUX, INC., a Florida corporation

Tamma Wells  
Print Name: Tamma Wells

By: Robert B. Goldman, President  
Robert B. Goldman, President

VMCF  
Print Name: VMCF

STATE OF FLORIDA )  
                                  )      SS:  
COUNTY OF MONROE )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of December, 2013, by Robert B. Goldman, as President of La Te Da Redux, Inc., on behalf of the Corporation. He is personally known to me or has produced \_\_\_\_\_ as identification.

VMCF  
\_\_\_\_\_  
NOTARY PUBLIC, State of Florida at Large  
(NOTARY SEAL)

My Commission Expires:



EXHIBIT "A"

Legal Description

That part of Lot Four (4) in Square Five (5) of Tract Eleven (11) according to Chas. W. Tift's Map of the City of Key West:

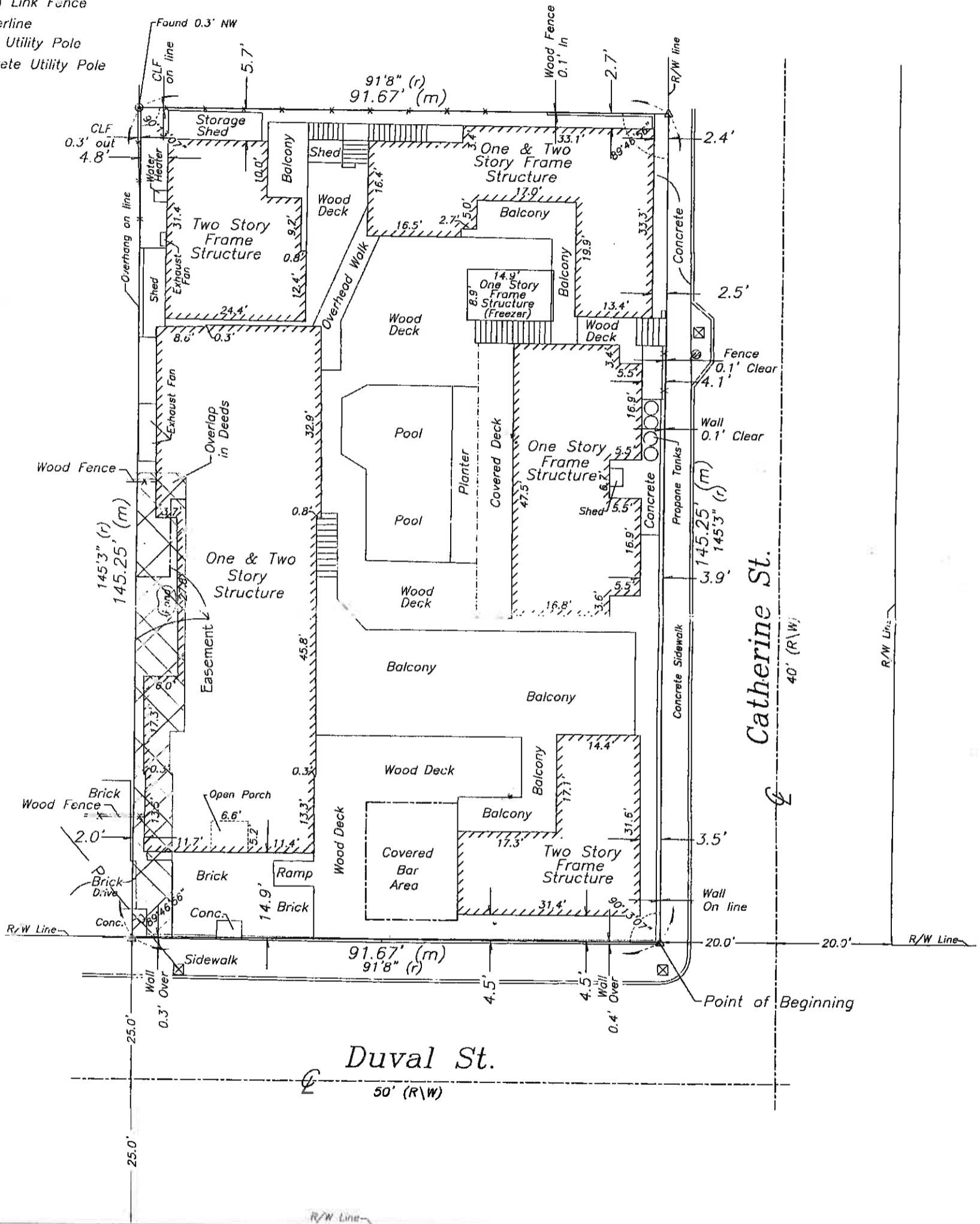
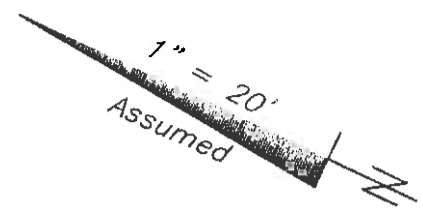
Commencing at the Northerly corner of Duval and Catherine Streets and running along Duval Street in a Northwesterly direction Ninety-One (91) feet, Eight (8) inches; thence at right angles in a Northeasterly direction parallel to Catherine Street One Hundred Forty-Five (145) feet, Three (3) inches; thence at right angles in a Southeasterly direction Ninety-One (91) feet, Eight (8) inches to Catherine Street; thence at right angles in a Southwesterly direction One Hundred Forty-Five (145) feet, Three (3) inches to the Point of Beginning.

# Survey

# Boundary Survey Map of part of Lot 4, Square 5, of Tract 11 according to Chas. W. Tift's Map of the City of Key West

## LEGEND

- ⊙ Found 2" Iron Pipe (Fence Post)
- ▲ Found Nail & Disc (RER)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊙ Wood Utility Pole
- ⊠ Concrete Utility Pole



NOTE:  
This Survey Map is not full and complete without the attached Survey Report.

Sheet One of Two Sheets

**J. LYNN O'FLYNN, Inc.**

Professional Surveyor & Mapper  
PSM #6298

3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244

Boundary Survey Report of part of Lot 4, Square 5, of Tract 11  
according to Chas. W. Tift's Map of the City of Key West

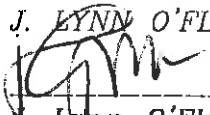
NOTES:

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: 1125 Duval 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.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. This Survey Report is not full and complete without the attached Survey Map.
9. Date of field work: December 4, 2013.
10. Ownership of fences is undeterminable, unless otherwise noted.
11. Adjoiners are not furnished.

BOUNDARY SURVEY OF: That part of Lot Four (4) in Square Five (5) of Tract Eleven (11) according to Chas. W. Tift's Map of the City of Key West:  
Commencing at the Northerly corner of Duval and Catherine Streets and running along Duval Street in a Northwesterly direction Ninety-One (91) Feet Eight (8) inches; thence at right angles in a Northeasterly direction parallel to Catherine Street One Hundred Forty-Five (145) Feet, Three (3) inches; thence at right angles in a Southeasterly direction Ninety-One (91) feet, Eight (8) inches to Catherine Street; thence at right angles in a Southwesterly direction One Hundred Forty-Five (145) feet, Three (3) inches to the Point of Beginning.

BOUNDARY SURVEY FOR: Christopher J. Rounds and Patrick T. Hegarty;  
Branch Banking and Trust Company;  
Holland & Knight LLP;  
First American Title Insurance Company;

J. LYNN O'FLYNN, INC.

  
J. Lynn O'Flynn, PSM  
Florida Reg. #6298

December 13, 2013

THIS SURVEY  
IS NOT  
ASSIGNABLE

Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper  
PSM #6298

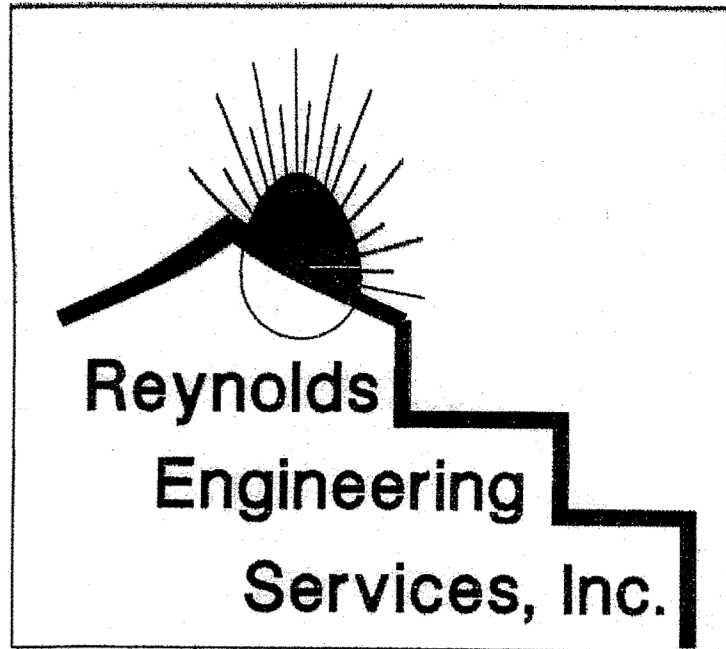
3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244



# Site Plans

# LA TE DA HOTEL

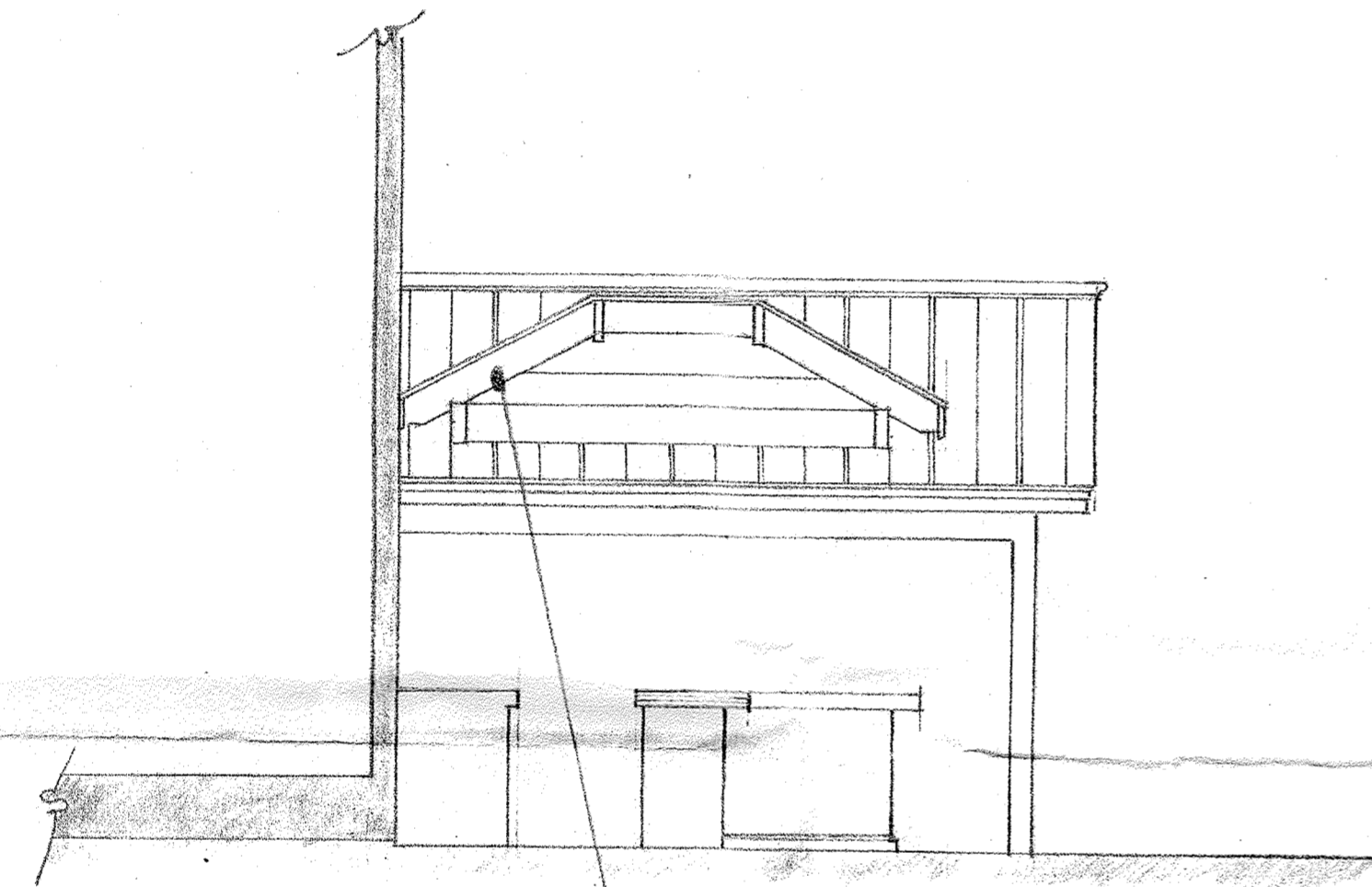
## 1125 DUVAL STREET



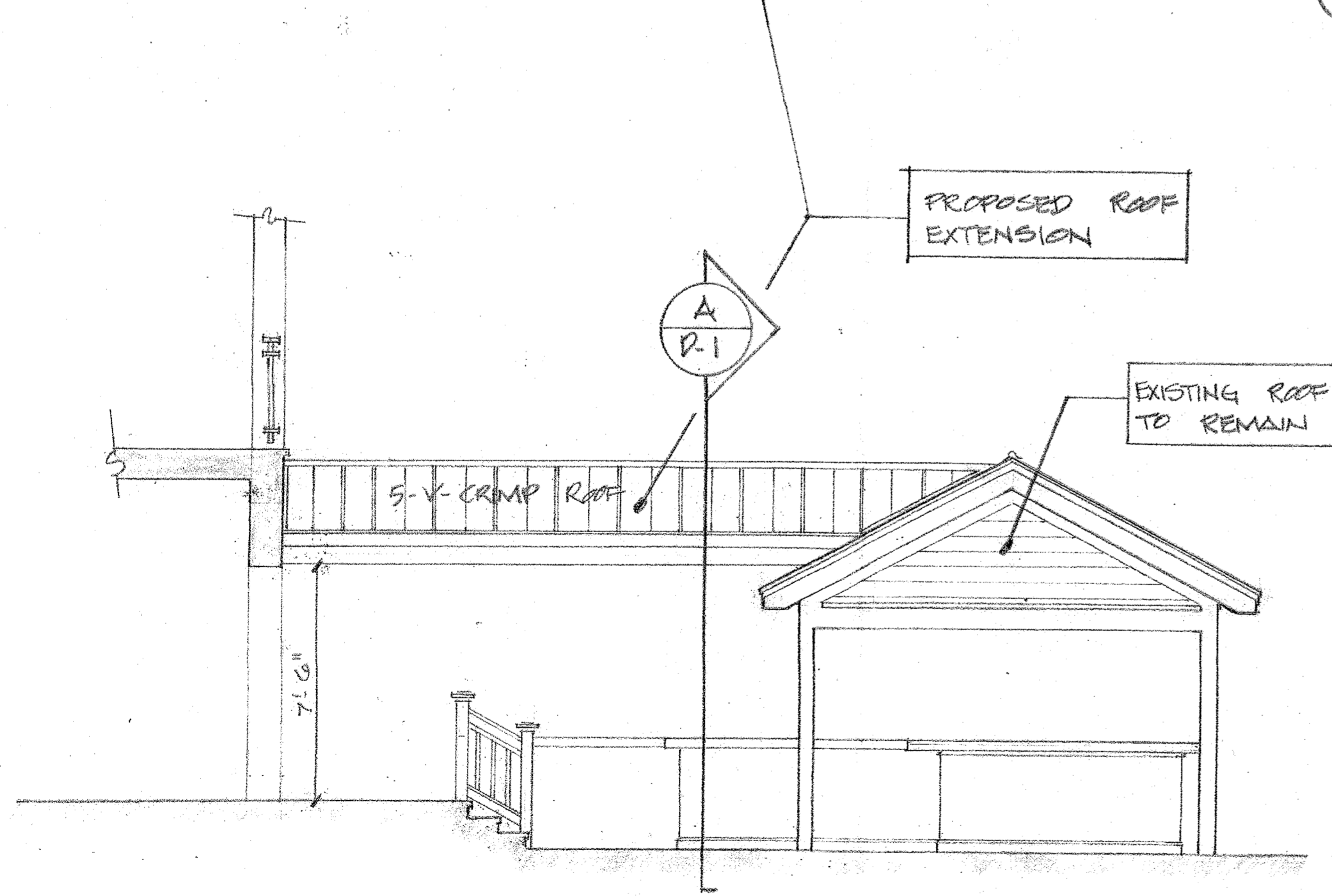
THOMAS KELLY ENTERPRISES INC.  
 19141 ROCKY ROAD - SUGARLOAF KEY  
 \* DESIGN CONCEPTS  
 \* CONSTRUCTION MANAGEMENT  
 (305) 304-1984

STRUCTURAL DETAILS BY  
**JAMES C. REYNOLDS, PE**  
 FLORIDA P.E.#46885  
 22330 LAFITTE DRIVE CUDJOE KEY, FL. 33042  
 (305) 394-5987

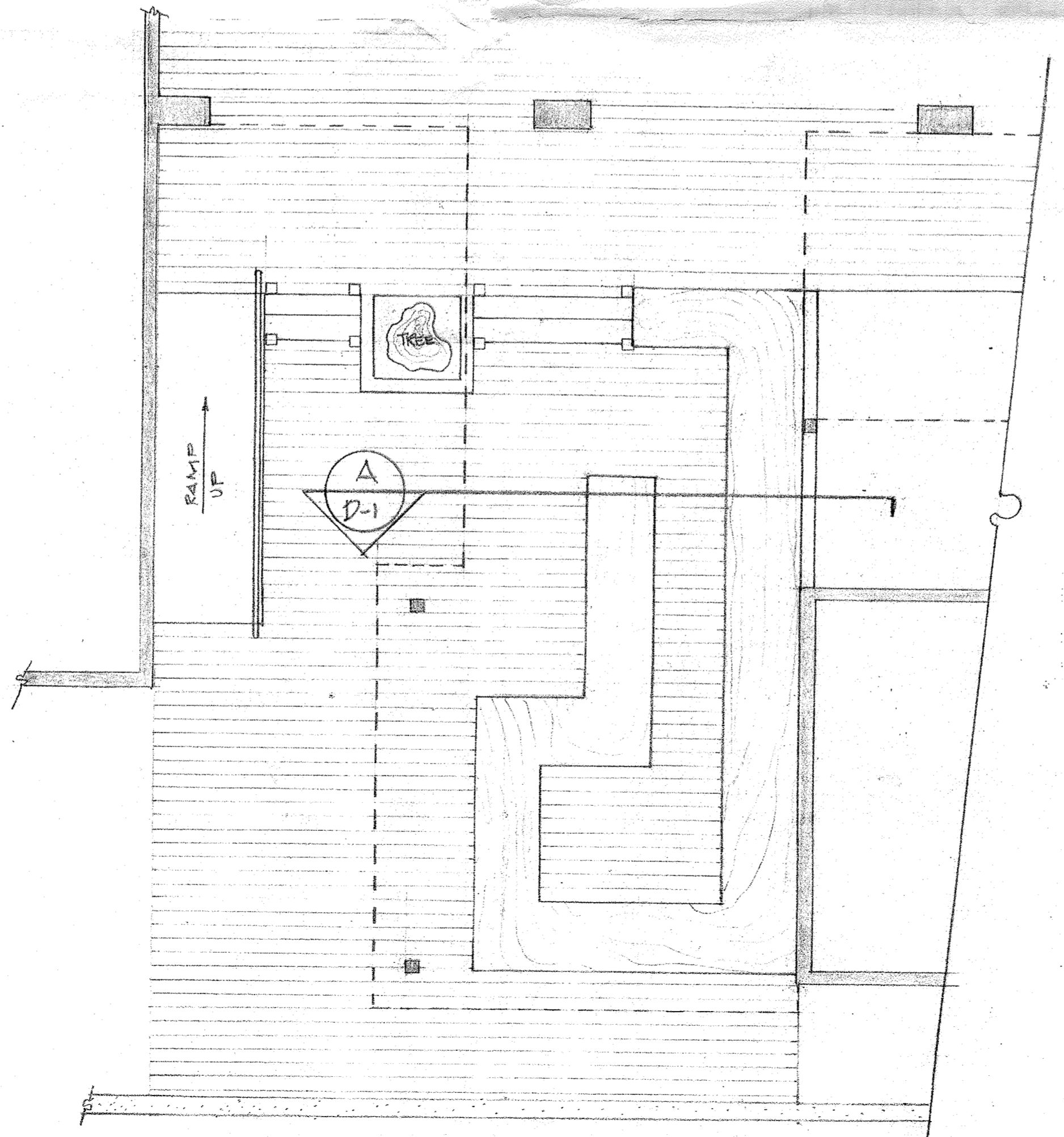
Site Data Table				
	CODE REQUIREMENT	EXISTING	PROPOSED	VARIANCE REQUEST
ZONING	HRCC-3			
FLOOD ZONE				
SIZE OF LOT	13,315.06 SQ.FT.			
HEIGHT	35'	32'	32'	
FRONT SETBACK	5'	4.5'	4.5'	
SIDE SETBACK	5'	0'	0'	
STREET SIDE SETBACK	7.5'	2.4'	2.4'	
REAR SETBACK	15'	2.7'	2.7'	
F.A.R.				
BUILDING COVERAGE	50%	57.5%	58.97%	1.47% INCREASE
IMPERVIOUS SURFACE	60%	64.46%	64.46%	
PARKING				
HANDICAP PARKING				
BICYCLE PARKING				
OPEN SPACE/LANDSCAPING				



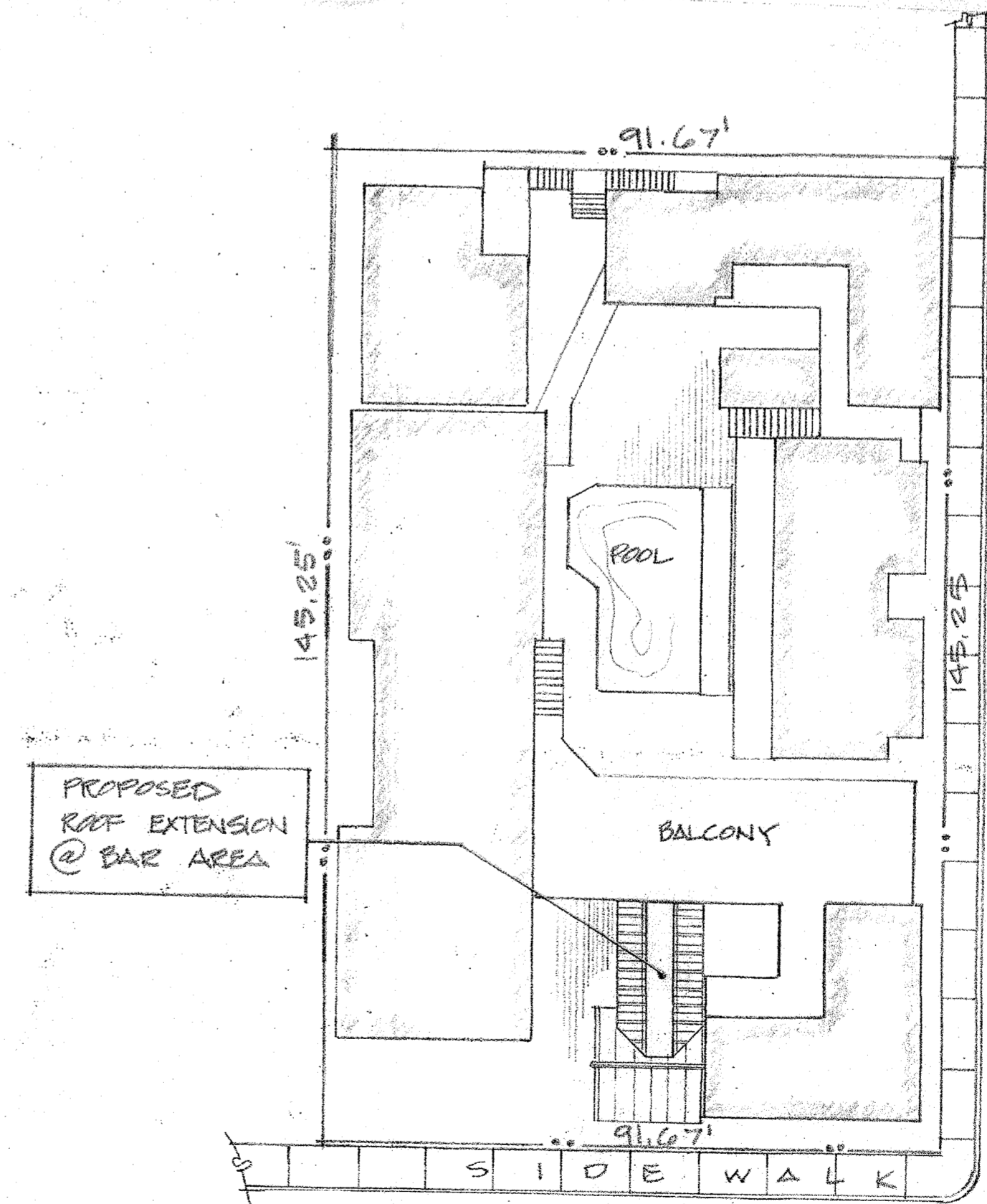
SECTION & NORTHEAST ELEVATION  $\frac{1}{4}''=1'-0''$  (A)



NORTHWEST ELEVATION  $\frac{1}{4}''=1'-0''$



FLOOR PLAN  $\frac{1}{4}''=1'-0''$



SITE PLAN  $1''=20'-0''$

KEY WEST

LA TE DA HOTEL  
 BAR ROOF EXTENSION

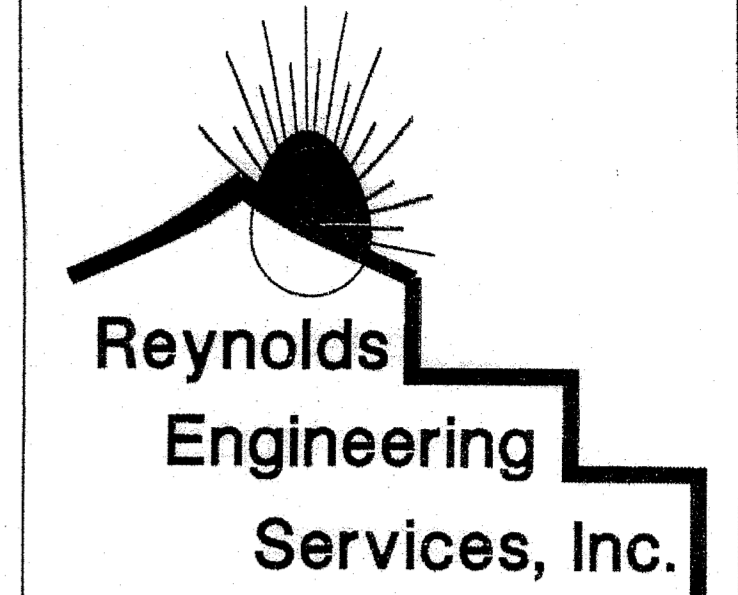
DRAWN: TCK  
 DATE: 02/15/16

SHEET NUMBER  
**D-1**  
 OF

PROJECT NO.

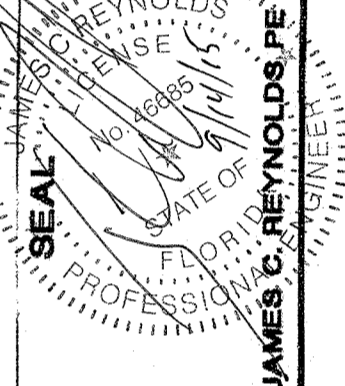
# LA TE DA HOTEL

## 1125 DUVAL STREET

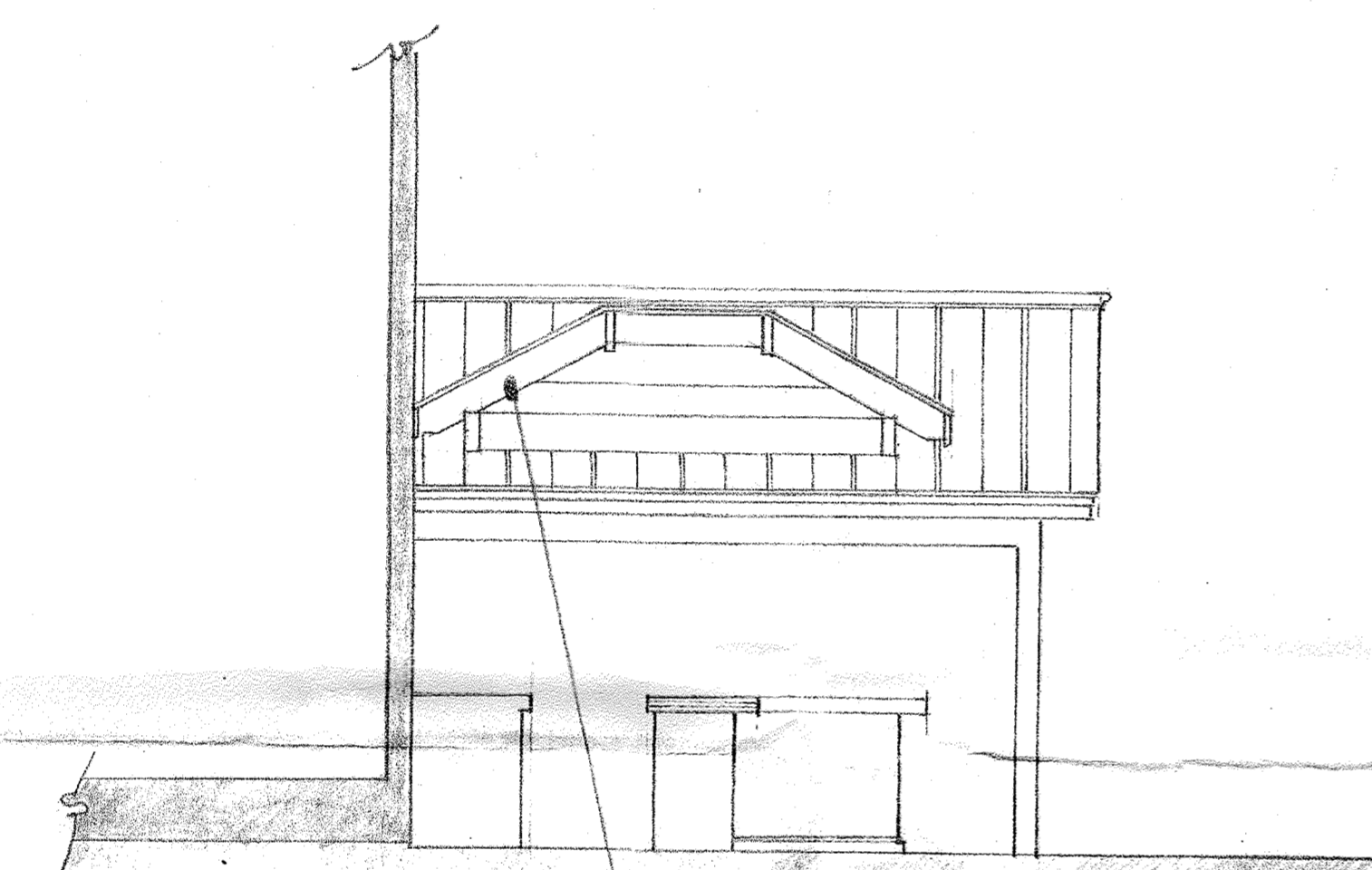


THOMAS KELLY ENTERPRISES, INC.  
1941 ROCKY ROAD - SUGARLOAF KEY  
\* DESIGN CONCEPTS  
\* CONSTRUCTION MANAGEMENT  
(305) 304-1984

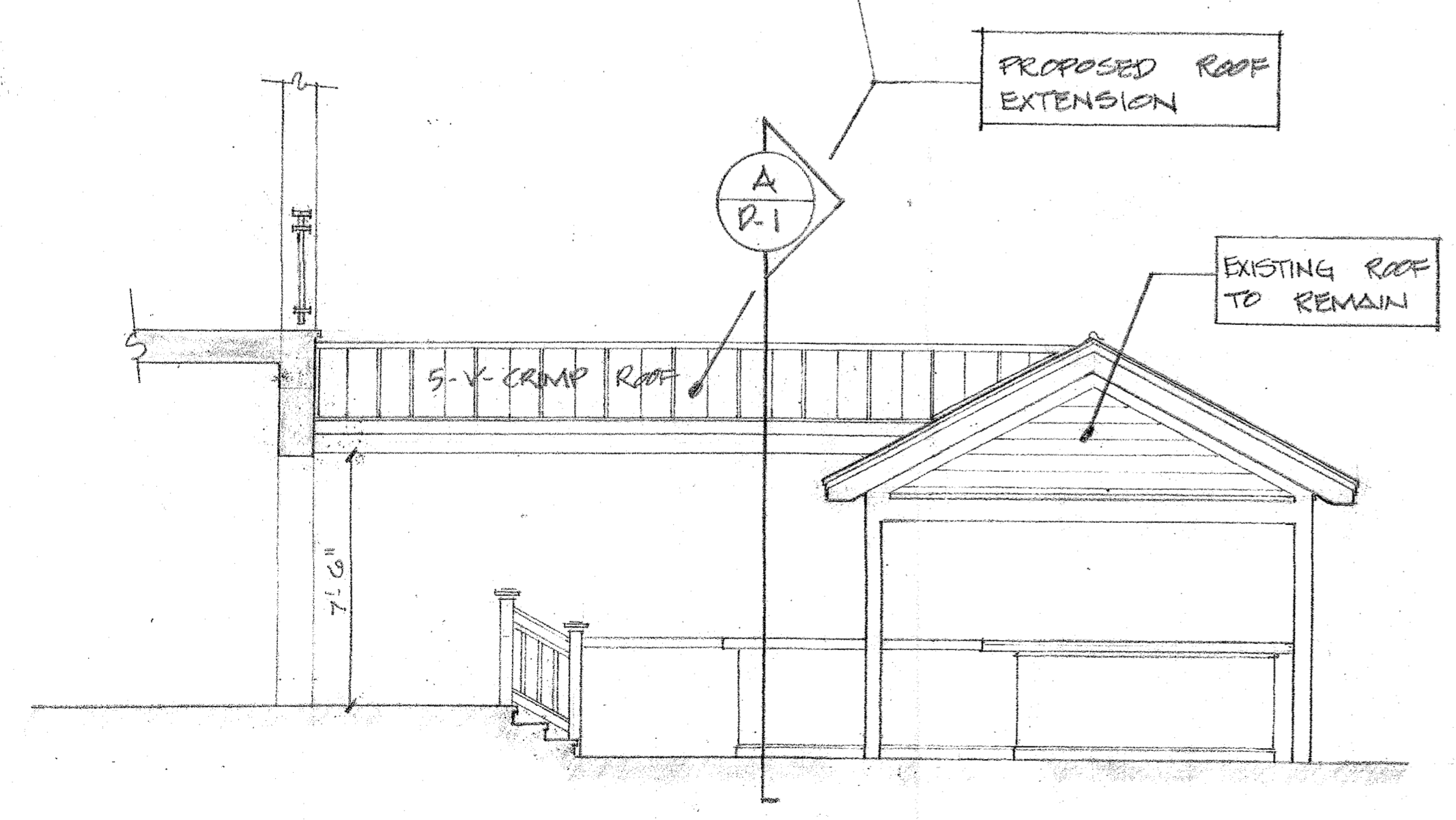
STRUCTURAL DETAILS BY  
**JAMES C. REYNOLDS, PE**  
FLORIDA P.E.#46885  
22330 LAFITTE DRIVE CUDJOE KEY, FL 33042  
(305) 394-5987



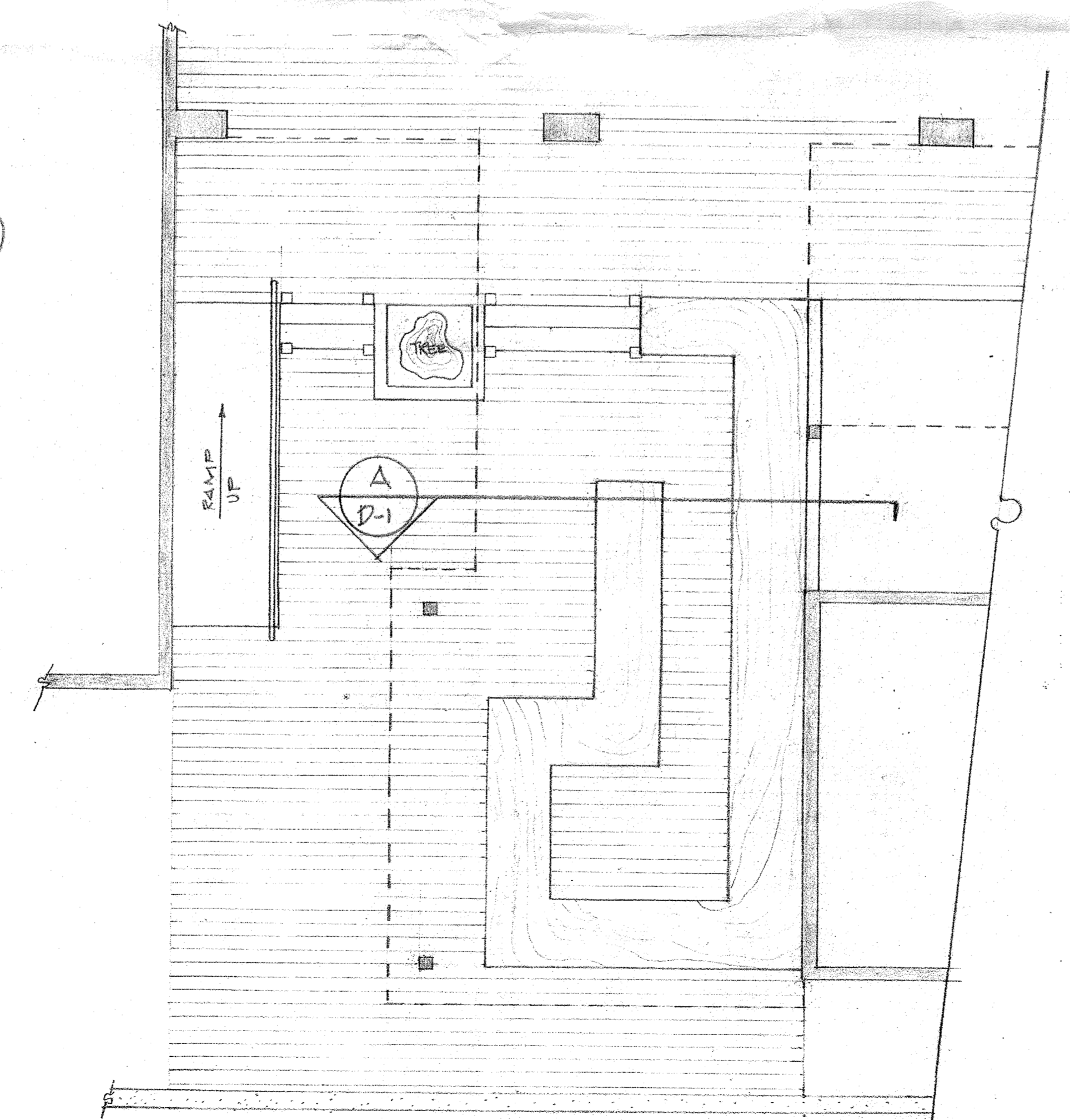
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PARKING				
HANDICAP PARKING				
BICYCLE PARKING				
OPEN SPACE/LANDSCAPING				



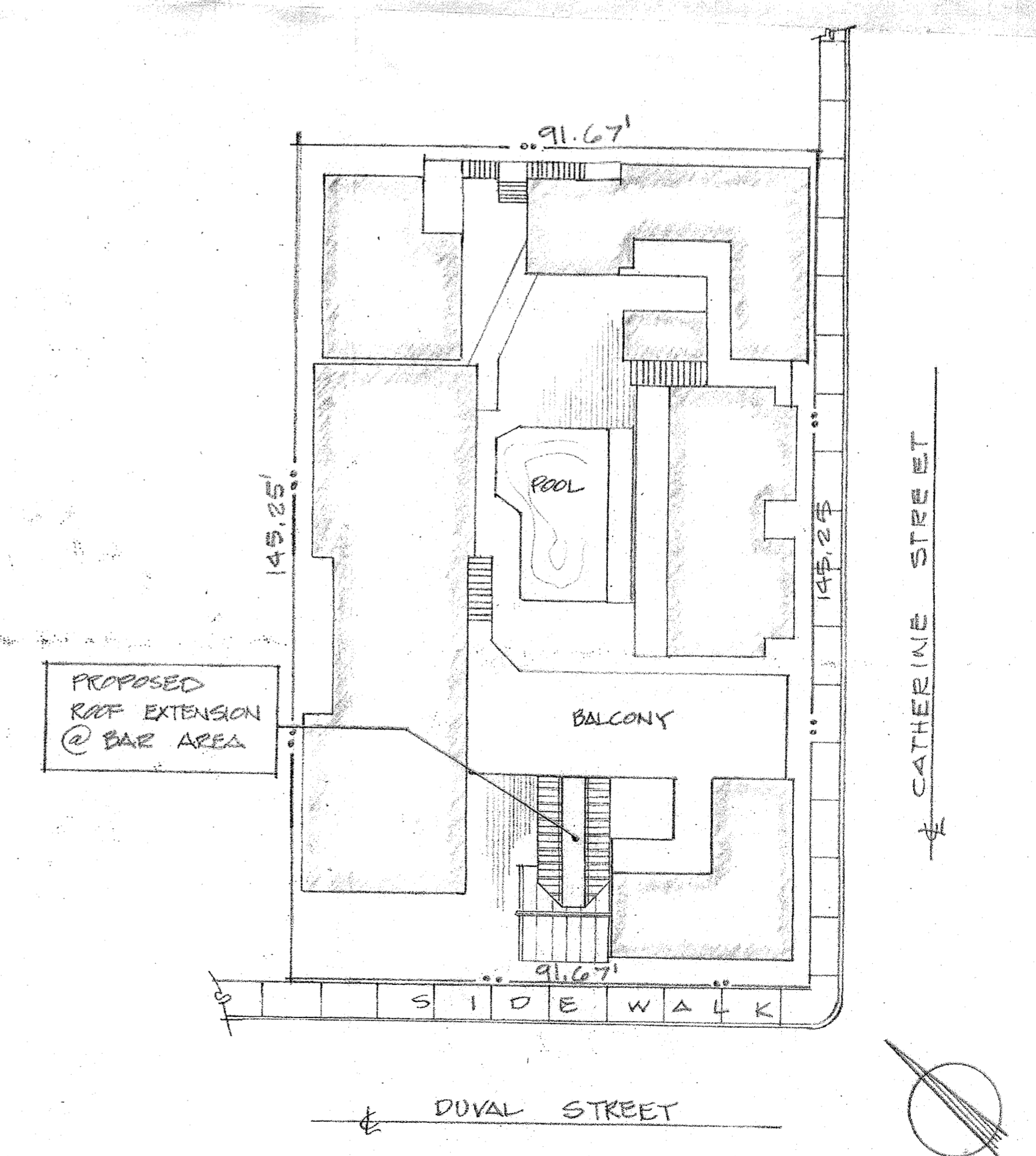
SECTION & NORTHEAST ELEVATION  $\frac{1}{4}''=1'-0''$  (A)



NORTHWEST ELEVATION  $\frac{1}{4}''=1'-0''$



FLOOR PLAN  $\frac{1}{4}''=1'-0''$



SITE PLAN  $1''=20'-0''$

KEY WEST

LA TE DA HOTEL  
BAR ROOF EXTENSION

DRAWN: TCK  
DATE: 02/15/16

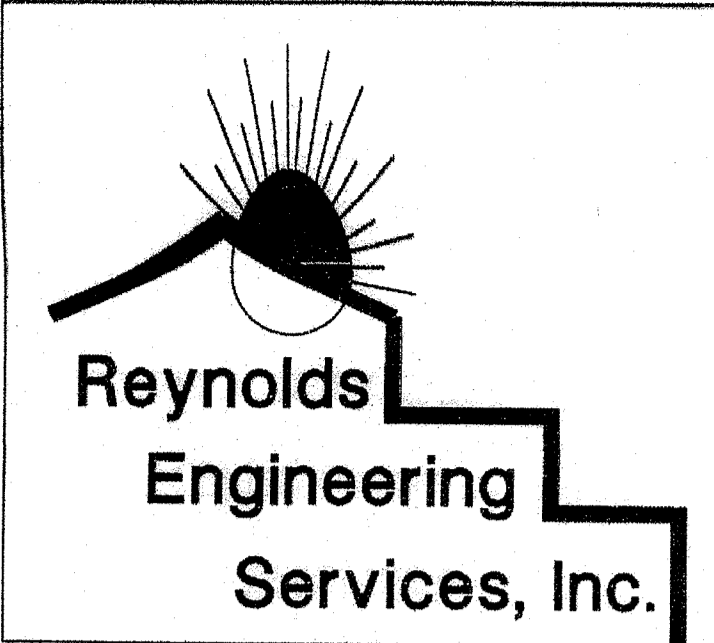
SHEET NUMBER  
**D-1**

OF

PROJECT NO.

# LA TE DA HOTEL

## 1125 DUVAL STREET



THOMAS KELLY ENTERPRISES, INC.  
1941 ROCKY ROAD - SUGARLOAF KEY  
\* DESIGN CONCEPTS  
\* CONSTRUCTION MANAGEMENT  
(305) 304-1984

STRUCTURAL DETAILS BY  
**JAMES C. REYNOLDS, PE**  
FLORIDA P.E.#46885  
22330 LAFITTE DRIVE CUDJOE KEY, FL 33042  
(305) 394-5987



KEY WEST

**LA TE DA HOTEL**  
**BAR ROOF EXTENSION**

DRAWN: TCK  
DATE: 02/15/15

**RECEIVED**  
SEP 15 2015  
CITY OF KEY WEST  
PLANNING DEPT.

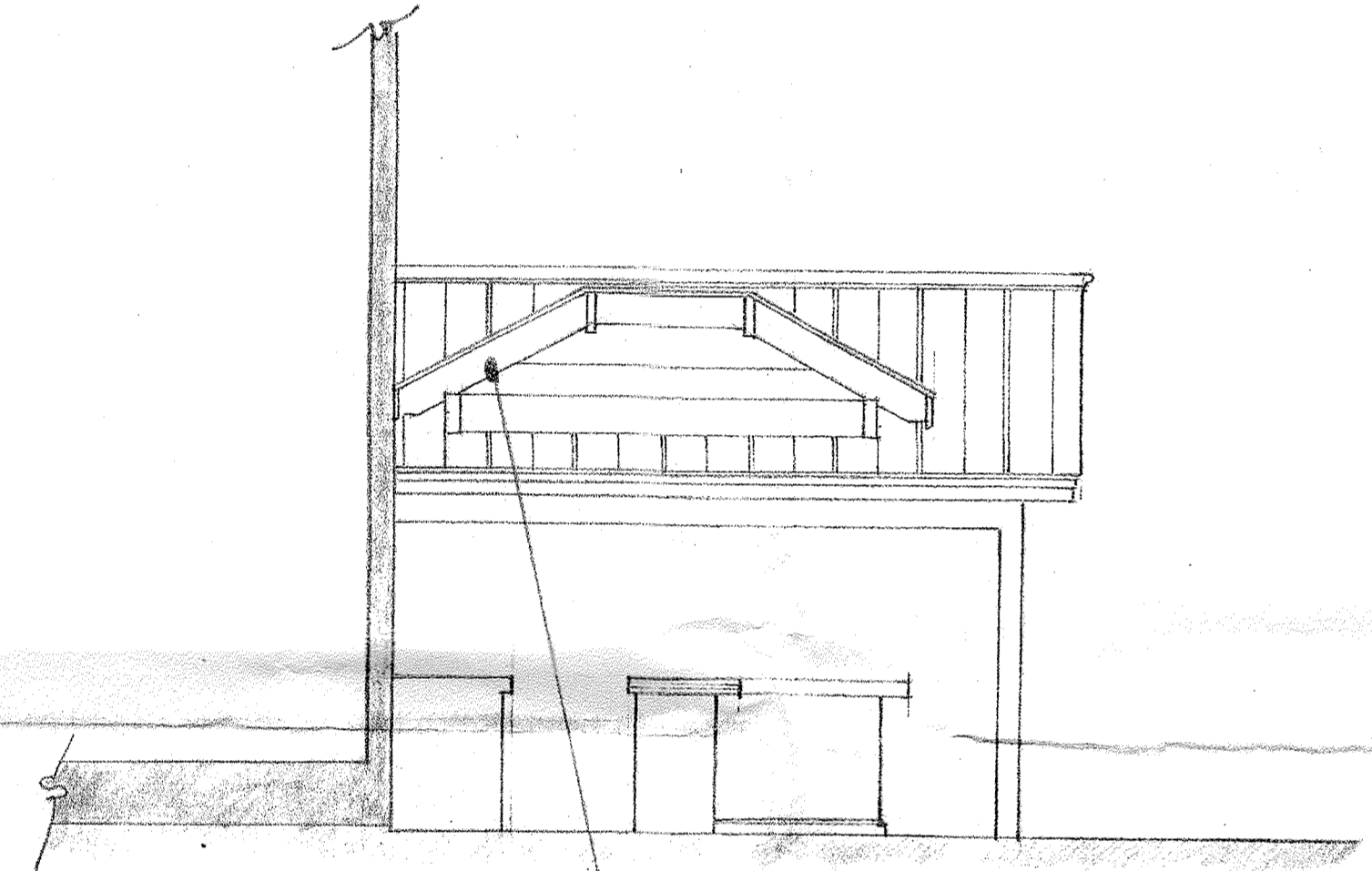
SHEET NUMBER

**D-1**

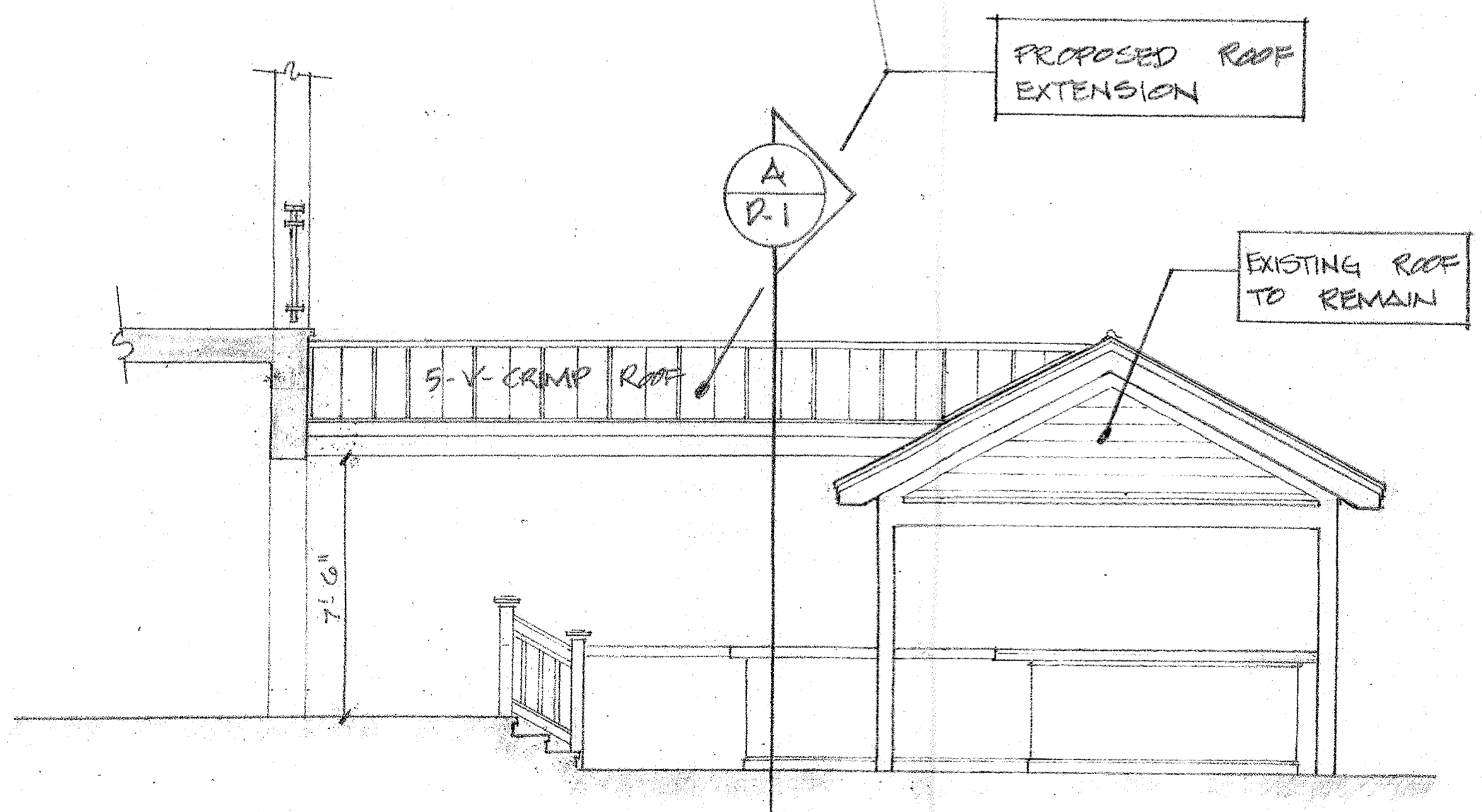
OF

PROJECT NO.

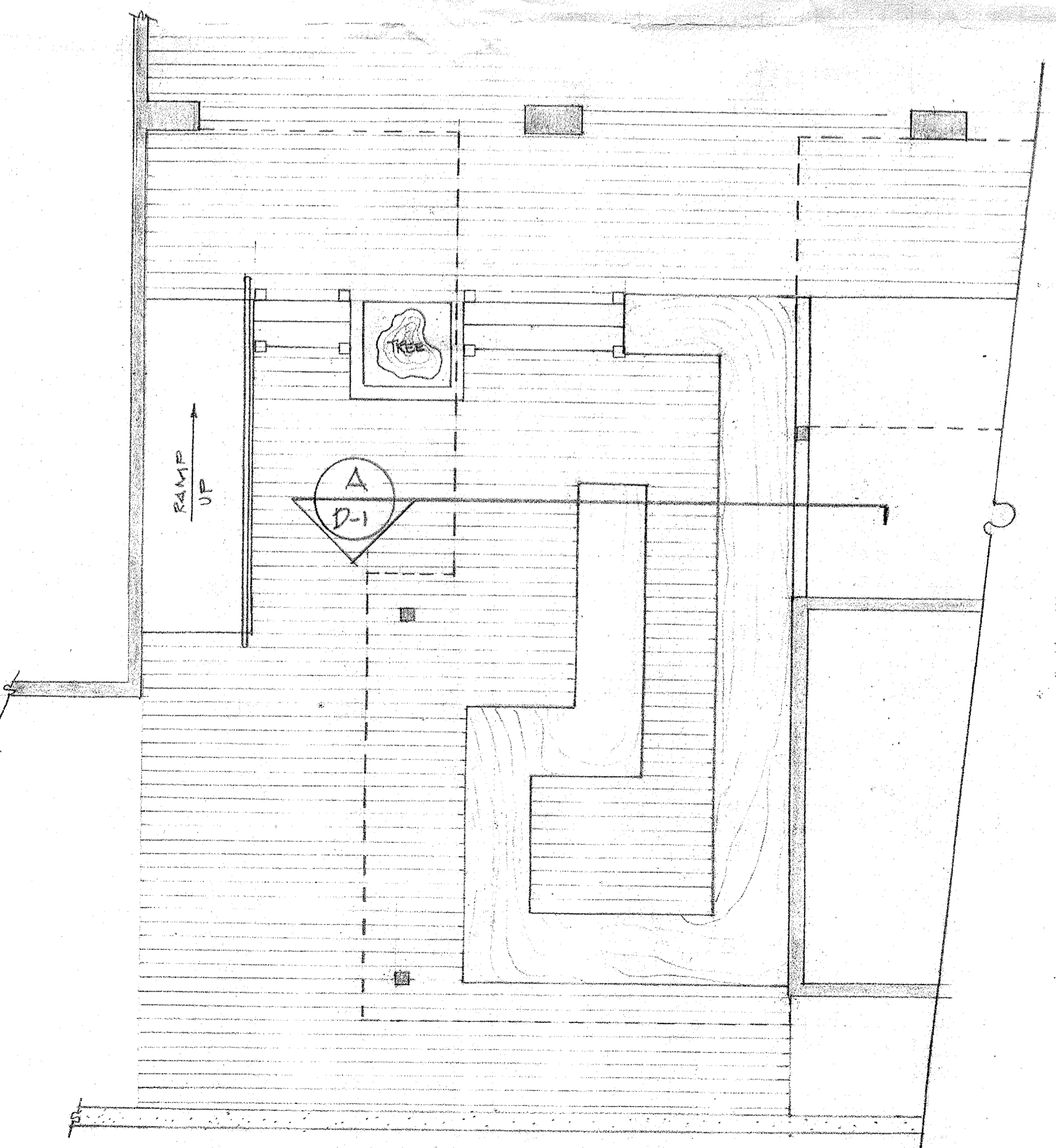
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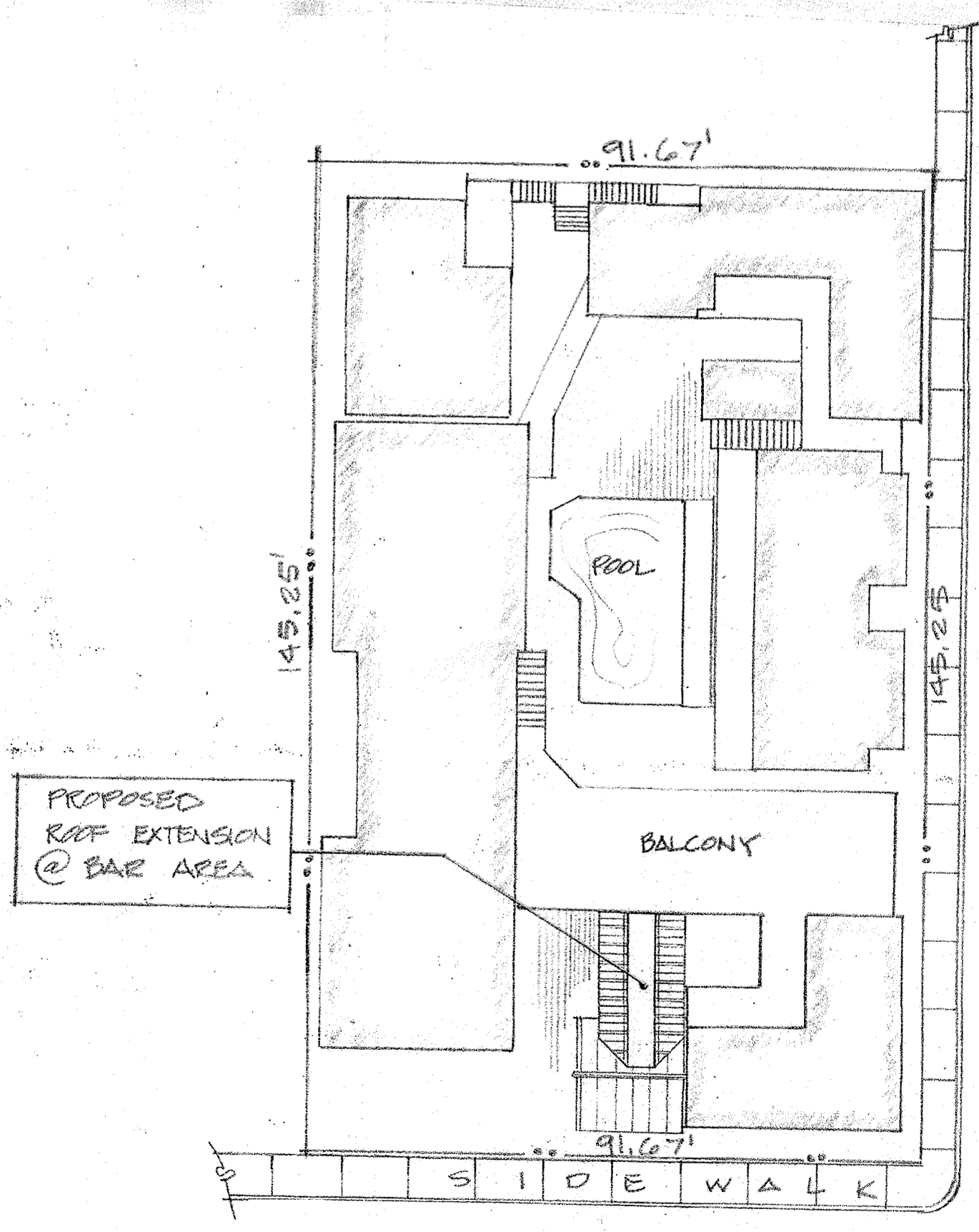
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NORTHWEST ELEVATION  $\frac{1}{4}''=1'-0''$



FLOOR PLAN  $\frac{1}{4}''=1'-0''$



SITE PLAN  $1''=20'-0''$

# **Site Photos**





# **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

**Property Record Card -**

**Maps are now launching the new map application version.**

Website tested on IE8,  
IE9, & Firefox.  
Requires Adobe Flash  
10.3 or higher

**Alternate Key: 1028649 Parcel ID: 00027870-000000**

**Ownership Details**

**Mailing Address:**  
HEGARTY PATRICK T  
1125 DUVAL ST  
KEY WEST, FL 33040-3156

**All Owners:**  
HEGARTY PATRICK T, ROUNDS CHRISTOPHER J T/C

**Property Details**

**PC Code:** 39 - HOTELS,MOTELS  
**Millage Group:** 10KW  
**Affordable Housing:** No  
**Section-Township-Range:** 06-68-25  
**Property Location:** 1125 DUVAL ST UNIT: 16 KEY WEST  
**Legal Description:** KW PT LOT 4 SQR 5 TR 11 H1-377 G41-397/398 G42-1/2 OR656-573 OR741-524 OR820-1754/55 OR1195-2449/51ORD OR1195-2453/54 OR1214-1078/79 OR1475-2350/52 OR1538-987/88C/T OR1572-2017 OR2665-438/40

[Click Map Image to open interactive viewer](#)



### Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	85	143	12,780.00 SF

### Building Summary

Number of Buildings: 5  
 Number of Commercial Buildings: 5

Total Living Area: 9456  
Year Built: 1928

### Building 1 Details

Building Type  
Effective Age 20  
Year Built 1933  
Functional Obs 0

Condition G  
Perimeter 546  
Special Arch 0  
Economic Obs 0

Quality Grade 450  
Depreciation % 23  
Grnd Floor Area 4,510

**Inclusions:**

Roof Type  
Heat 1  
Heat Src 1

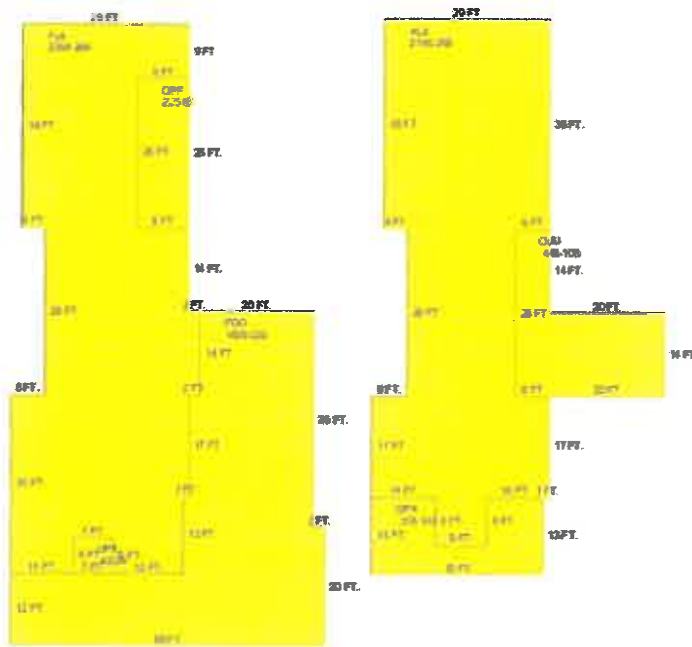
Roof Cover  
Heat 2  
Heat Src 2

Foundation  
Bedrooms 16

**Extra Features:**

2 Fix Bath 0  
3 Fix Bath 18  
4 Fix Bath 0  
5 Fix Bath 0  
6 Fix Bath 0  
7 Fix Bath 0  
Extra Fix 19

Vacuum 0  
Garbage Disposal 0  
Compactor 0  
Security 0  
Intercom 0  
Fireplaces 0  
Dishwasher 0



**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1992					2,364
2	OPF		1	1992					225
3	PDO		1	1992					1,629
4	OPX		1	1992					42
5	FLA		1	1992					2,146
6	OPX		1	1992					318

7	OUU	1	1992	448
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Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	3902	RESTRNT/CAFETR-B-	100	Y	Y
	3903	OPF	100	N	N
	3904	PDO	100	N	N
	3905	OPX	100	N	N
	3906	RESTRNT/CAFETR-B-	100	Y	Y
	3907	OPX	100	N	N
	3908	OUU	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
1036	AB AVE WOOD SIDING	100

## Building 2 Details

Building Type  
 Effective Age 20  
 Year Built 1928  
 Functional Obs 0

Condition G  
 Perimeter 220  
 Special Arch 0  
 Economic Obs 0

Quality Grade 400  
 Depreciation % 23  
 Grnd Floor Area 1,222

Inclusions:

Roof Type  
 Heat 1  
 Heat Src 1

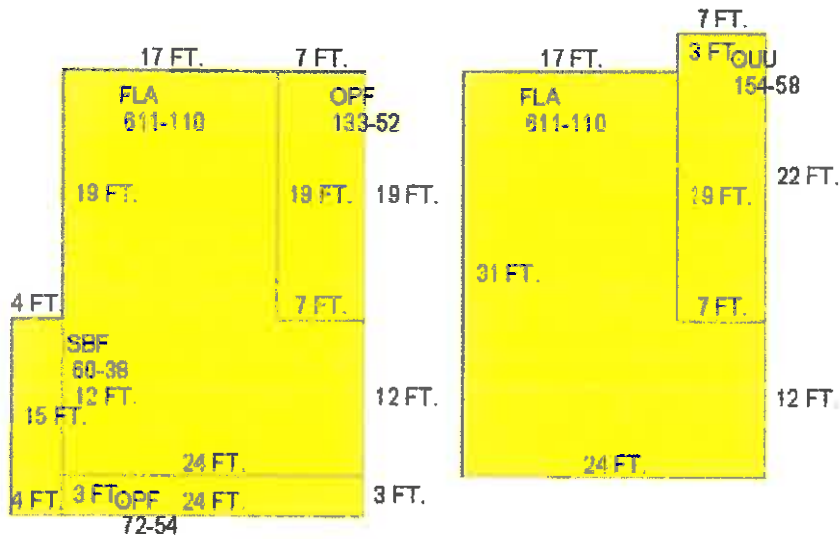
Roof Cover  
 Heat 2  
 Heat Src 2

Foundation  
 Bedrooms 0

Extra Features:

2 Fix Bath 0  
 3 Fix Bath 0  
 4 Fix Bath 0  
 5 Fix Bath 0  
 6 Fix Bath 0  
 7 Fix Bath 0  
 Extra Fix 12

Vacuum 0  
 Garbage Disposal 0  
 Compactor 0  
 Security 0  
 Intercom 0  
 Fireplaces 0  
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1992					611
2	OPF		1	1992					72
3	SBF		1	1992					60
4	OPF		1	1992					133
5	FLA		1	1992					611
6	OUU		1	1992					154

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	3909	HOTEL/MOTEL B	100	N	N
	3910	OPF	100	N	N
	3911	SBF	100	N	N
	3912	OPF	100	N	N
	3913	HOTEL/MOTEL B	100	N	N
	3914	OUU	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
1037	AB AVE WOOD SIDING	100

### Building 3 Details

Building Type  
 Effective Age 20  
 Year Built 1983  
 Functional Obs 0

Condition G  
 Perimeter 264  
 Special Arch 0  
 Economic Obs 0

Quality Grade 450  
 Depreciation % 23  
 Grnd Floor Area 1,360

**Inclusions:**

Roof Type  
 Heat 1  
 Heat Src 1

Roof Cover  
 Heat 2  
 Heat Src 2

Foundation  
 Bedrooms 0

**Extra Features:**

2 Fix Bath 0  
 3 Fix Bath 0  
 4 Fix Bath 0  
 5 Fix Bath 0  
 6 Fix Bath 0  
 7 Fix Bath 0  
 Extra Fix 13

Vacuum 0  
 Garbage Disposal 0  
 Compactor 0  
 Security 0  
 Intercom 0  
 Fireplaces 0  
 Dishwasher 0



**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1992					638
2	OPF		1	1992					176
3	OPU		1	1992					52
4	SBF		1	1992					340
5	FLA		1	1992					722
6	OUU		1	1992					432
7	OUU		1	1992					738

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	3915	HOTEL/MOTEL B	100	N	N
	3916	OPF	100	N	N
	3917	OPU	100	N	N
	3918	SBF	100	N	N
	3919	HOTEL/MOTEL B	100	N	N
	3920	OOU	100	N	N
	3921	OOU	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
1038	AB AVE WOOD SIDING	100

### Building 4 Details

Building Type  
 Effective Age 20  
 Year Built 1933  
 Functional Obs 0

Condition G  
 Perimeter 154  
 Special Arch 0  
 Economic Obs 0

Quality Grade 400  
 Depreciation % 23  
 Grnd Floor Area 1,020

Inclusions:

Roof Type  
 Heat 1  
 Heat Src 1

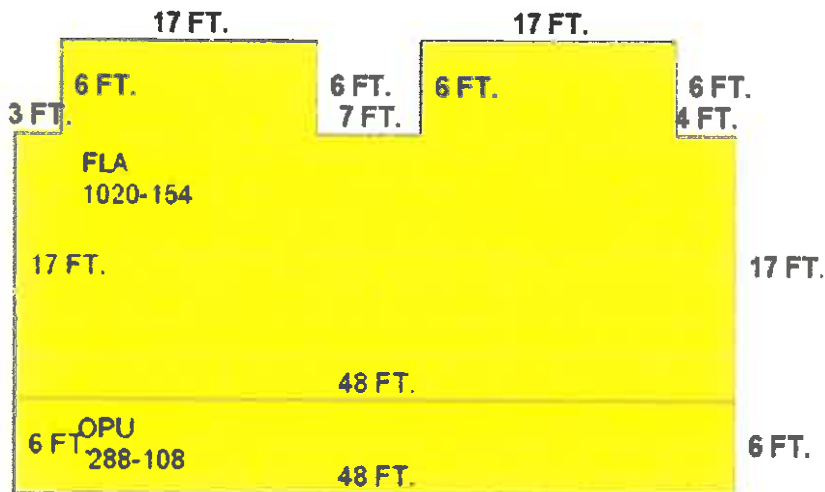
Roof Cover  
 Heat 2  
 Heat Src 2

Foundation  
 Bedrooms 0

Extra Features:

2 Fix Bath 0  
 3 Fix Bath 0  
 4 Fix Bath 0  
 5 Fix Bath 0  
 6 Fix Bath 0  
 7 Fix Bath 0  
 Extra Fix 12

Vacuum 0  
 Garbage Disposal 0  
 Compactor 0  
 Security 0  
 Intercom 0  
 Fireplaces 0  
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1992					1,020
2	OPU		1	1992					288

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	3922	HOTEL/MOTEL B	100	N	N
	3923	OPU	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
1039	AB AVE WOOD SIDING	100

### Building 5 Details

Building Type  
 Effective Age 20  
 Year Built 1983  
 Functional Obs 0

Condition G  
 Perimeter 248  
 Special Arch 0  
 Economic Obs 0

Quality Grade 450  
 Depreciation % 23  
 Grnd Floor Area 1,344

Inclusions:

Roof Type  
 Heat 1  
 Heat Src 1

Roof Cover  
 Heat 2  
 Heat Src 2

Foundation  
 Bedrooms 0

Extra Features:

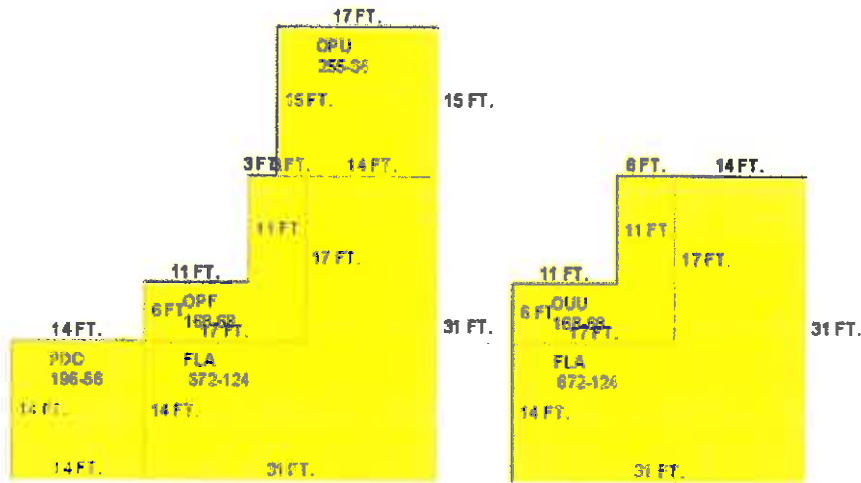
2 Fix Bath 0

Vacuum 0



3 Fix Bath 0  
 4 Fix Bath 0  
 5 Fix Bath 0  
 6 Fix Bath 0  
 7 Fix Bath 0  
 Extra Fix 12

Garbage Disposal 0  
 Compactor 0  
 Security 0  
 Intercom 0  
 Fireplaces 0  
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1992					672
2	OPF		1	1992					168
3	OPU		1	1992					255
4	FLA		1	1992					672
5	OUU		1	1992					168
6	PDO		1	1999					196

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	3924	HOTEL/MOTEL B	100	N	N
	3925	OPF	100	N	N
	3926	OPU	100	N	N
	3927	HOTEL/MOTEL B	100	N	N
	3928	OUU	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
1040	AB AVE WOOD SIDING	100

## Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PO6:COMM POOL	516 SF	0	0	1979	1980	3	50
2	WD2:WOOD DECK	1,253 SF	0	0	1991	1992	2	40
3	WD2:WOOD DECK	64 SF	0	0	1979	1980	3	40
4	FN2:FENCES	870 SF	0	0	1979	1980	3	30
5	FN2:FENCES	48 SF	12	4	1991	1992	2	30
6	PT2:BRICK PATIO	96 SF	0	0	1969	1970	4	50
7	PT2:BRICK PATIO	220 SF	0	0	1979	1980	2	50
8	UB3:LC UTIL BLDG	32 SF	0	0	1979	1980	1	30
9	AC2:WALL AIR COND	1 UT	0	0	1979	1980	2	20
10	AC2:WALL AIR COND	9 UT	0	0	1991	1992	1	20
11	PT3:PATIO	100 SF	0	0	2001	2002	2	50

## Appraiser Notes

THE BUILDINGS ARE NUMBERED CLOCKWISE FROM 1 TO 5, WITH 5 ALSO BEING ON DUVAL ON THE RIGHT SIDE AND ON THE CORNER OF CATHARINE STREET 2002-12-26-(041) - 16 TRANSIENT ROOMS

TPP 8638523 - LA TE DA REDUX INC TPP 8964253 - ALIBARINC

## Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
1 11-2975	08/18/2011		300	Commercial	**AFTER THE FACT** REPAIR DRYER VENT AND INSTALL VENT RAIN CAP
14-0149	01/28/2014		4,500	Commercial	PORCH- REMOVE EXISTING FLAT ROOFING. INSTALL GLASS BASE, EAVES DRIP AND MODIFIED RUBBER.
1 01-3663	11/14/2001	10/30/2002	2,500	Commercial	CHANGEOUT AC
1 02-1642	06/19/2002	10/30/2002	6,800	Commercial	INSTALL 2 DUCTLESS SYSTEM
1 02-2442	09/09/2002	10/30/2002	1,000	Commercial	ELECTRICAL
1 02-2702	10/07/2002	11/22/2002	5,900	Commercial	RENOVATE BACK OFFICE
1 04-1001	04/02/2004	11/22/2004	9,865	Commercial	REPAIR ROOF
1 04-1156	04/12/2004	11/22/2004	1,800	Commercial	DUCTWORK & A/C
1 04-1602	05/25/2004	11/22/2004	4,800	Commercial	9 AWNINGS
1 04-1778	10/22/2004	11/22/2004	800	Commercial	ELECTRIC
1 05-1352	06/16/2005	12/31/2005	14,000	Commercial	REMODEL BATHROOMS REPLACE HANDICAPP RAMP
1 06-0255	01/18/2006		6,800	Commercial	EXTEND #02-1642 FOR FINAL INSPECTION

1	05-0927	03/23/2005	12/31/2005	1,800	Commercial	INSTALL RUBBER ROOFING
1	04-1778	03/09/2005	12/31/2005	3,800	Commercial	ELECTICAL TO BRING KITCHEN TO CODE
1	06-6445	01/09/2007		10,000	Commercial	CONSTRUCT OUTDOOR BAR AREA COVERED 254 SF
1	07-0239	02/02/2007		200	Commercial	INSTALL 3 COMPARTMENT SINKS IN OUTSIDE BAR AREA

### 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
2014	1,357,088	32,124	1,152,449	5,256,528	5,256,528	0	5,256,528
2013	1,357,088	32,629	1,080,421	6,154,563	6,154,563	0	6,154,563
2012	1,357,088	32,971	1,080,421	6,731,852	6,002,128	0	6,731,852
2011	1,357,088	33,475	1,080,421	5,456,480	5,456,480	0	5,456,480
2010	1,409,962	33,817	864,337	5,475,815	5,475,815	0	5,475,815
2009	1,409,962	35,280	1,156,271	5,900,000	5,900,000	0	5,900,000
2008	1,445,211	36,580	1,699,740	8,426,975	8,426,975	0	8,426,975
2007	1,174,788	32,560	1,923,390	8,127,365	8,127,365	0	8,127,365
2006	1,174,788	33,621	1,086,300	6,333,066	6,333,066	0	6,333,066
2005	1,141,820	34,847	894,600	6,174,281	6,174,281	0	6,174,281
2004	1,094,321	33,224	766,800	5,612,983	5,612,983	0	5,612,983
2003	1,094,321	34,552	575,100	2,098,132	2,098,132	0	2,098,132
2002	1,008,106	35,710	575,100	1,998,221	1,998,221	0	1,998,221
2001	999,221	35,876	575,100	1,998,221	1,998,221	0	1,998,221
2000	999,221	15,346	485,640	1,998,221	1,998,221	0	1,998,221
1999	1,040,309	15,963	485,640	1,469,610	1,469,610	0	1,469,610
1998	695,062	16,524	485,640	1,469,610	1,469,610	0	1,469,610
1997	664,822	17,188	460,080	1,808,066	1,808,066	0	1,808,066
1996	604,385	17,815	460,080	1,803,632	1,803,632	0	1,803,632
1995	604,385	18,480	460,080	1,064,099	1,064,099	0	1,064,099
1994	604,385	19,088	460,080	841,280	841,280	0	841,280
1993	604,385	19,769	460,080	598,877	598,877	0	598,877
1992	559,939	15,824	460,080	598,877	598,877	0	598,877
1991	559,939	16,340	460,080	1,605,217	1,605,217	0	1,605,217
1990	553,324	9,780	361,035	1,605,217	1,605,217	0	1,605,217
1989	424,431	1,790	193,256	1,057,446	1,057,446	0	1,057,446
1988	396,669	1,790	179,452	771,356	771,356	0	771,356
1987	390,495	1,790	84,550	771,356	771,356	0	771,356
1986	391,098	1,790	82,824	719,369	719,369	0	719,369
1985	369,218	1,790	70,400	570,513	570,513	0	570,513

1984	363,148	1,790	55,492	459,509	459,509	0	459,509
1983	245,972	1,790	44,520	459,509	459,509	0	459,509
1982	226,708	1,790	33,910	262,408	262,408	0	262,408

### 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
12/13/2013	2665 / 438	6,300,000	WD	01
3/12/1999	1572 / 2017	1,469,700	WD	K
9/1/1997	1475 / 2350	2,466,700	WD	Q
5/1/1992	1214 / 1078	650,000	WD	U
10/1/1978	820 / 1754	101,000	WD	M

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