

IN THE CITY OF KEY WEST, BEFORE THE CITY COMMISSION SITTING AS
THE BOARD OF ADJUSTMENT FOR THE CITY OF KEY WEST, FLORIDA

FAR NIENTE, LLC, a Minnesota
limited liability company;

Appellants,

– vs –

CITY OF KEY WEST,

Appellee,

and

MARK SERBINSKI and KRISTINA
SERBINSKI,

Intervenor.

Building Permit No.: 16-3375
(Formerly – HARC App. No.: 15-01-000842)
Building Permit No.: 16-3411
Building Permit No.: 16-3412
Building Permit No.: 16-3413

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CITY OF KEY WEST
KEY WEST, FLORIDA

MARK SERBINSKI AND KRISTINA SERBINSKI'S MOTION TO INTERVENE

MARK SERBINSKI and KRISTINA SERBINSKI (“Serbinskis”), by and through their undersigned counsel, moves to intervene in this appeal. In support thereof, the Serbinskis state the following:

FACTUAL AND PROCEDURAL HISTORY

1. On or about October 18, 2016, the Appellants, FAR NIENTE, LLC, a Minnesota limited liability company, instituted this action against the Appellee, CITY OF KEY WEST seeking to overturn the building permits approved by the Chief Building Official of the City of Key West, Florida, with respect to Building Permit Nos. 16-3411, 16-3412, 16-3413 (which were rendered on October 14, 2016) and Building Permit No.: 16-3375 (which was rendered on October 17, 2016) (collectively, “Permits”).

2. The Serbinskis are the owners for the property at issue and submitted the applications for the Permits, through their agent, William Horn Associates.

3. The Serbinskis have a direct and immediate interest in the outcome of the above-styled action such that they will either gain or lose by the direct legal operation and effect of any decision issued in the above-styled action.

4. It is within this governing body's discretion to permit the Serbinskis' intervention as the outcome of this action will affect the Serbinskis' ability to construct a dwelling on their property.

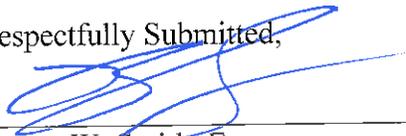
5. The Serbinskis' interest is direct as they are the property owners of the Permits at issue.

6. Thus, the Serbinskis should be permitted to intervene in the above-styled action to protect their interests.

WHEREFORE, based upon the foregoing, MARK SERBINSKI and KRISTINA SERBINSKI respectfully request an order as follows:

- A. Allowing the Serbinskis to intervene in this proceeding as a full party; and
- B. Granting such other and further relief as the City Commission Sitting as the Board of Adjustment for the City of Key West deems reasonable and appropriate.

Respectfully Submitted,



Barton W. Smith, Esq.
Florida Bar No. 20169
Ashley N. Sybesma, Esq.
Florida Bar No. 0022059

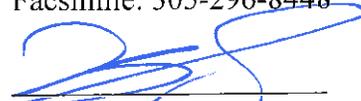
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via e-mail to Brett Tyler Smith, Esq. and Wayne LaRue Smith, Esq., THE SMITH LAW FIRM, 333 Fleming Street, Key West, Florida 33040, *Counsel for the Appellants*, to Ron

Ramsingh, Esq. *Counsel for the Appellee City of Key West*, and personally served on Cheri Smith, Clerk of the City of Key West, 3126 Flagler Avenue, Key West, Florida 33040, on November 10, 2016.

Respectfully submitted,

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