

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



**To:** Chairman and Planning Board Members

**From:** Brendon Cunningham

**Through:** Donald Leland Craig, AICP, Planning Director

**Meeting Date:** November 29, 2012

**Agenda Item:** **After-the-Fact Variances – 2310 Paterson Avenue (RE# 00050260-000000)** - A request for variances to building coverage, impervious surface ratio and side and rear-yard setback requirements in the SF zoning district per Section 122-238 (4) and (6) a. 2. & a. 3. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

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**Request:** To allow after-the-fact variances for an accessory building constructed without building permits that exceeds allowed building coverage and impervious surface requirements and is located in the rear and side-yard setbacks.

**Applicant:** M. Skoglund, Architect

**Property Owner:** Faye Logan

**Location:** 2310 Patterson Avenue, RE# 00050260-000000

**Zoning:** Single Family Residential (SF) Zoning District

**Background:**

This application is a response to a Code Compliance regarding illegal “dwelling units”. The building is comprised of a bathroom and is associated with three lock-out rooms within the principal structure. The existing nonconforming accessory structure is located at the rear of the property within the required setbacks, and is nonconforming to building coverage and impervious surface requirements.

**Request:**

The applicant is requesting variances to building coverage, impervious surface ratio, side and rear- yard setbacks to accommodate the construction of this detached accessory structure for the purposes of bathing facilities.

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

<b>SF District Dimensional Requirements: Section 122-238</b>			
	<b>Zoning Regulations</b>	<b>Existing Conditions</b>	<b>Proposed Changes</b>
Side	5'	1'	No Change
Rear	20'	0'	No Change
Building Coverage	35% Maximum	51%	No Change
Impervious Surface	50% Maximum	75%	No Change

**Process:**

**Development Review Committee Meeting:**

September 25, 2012

**Planning Board Meeting:**

November 29, 2012

**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 structure is nonconforming to side and rear setback requirements in the SF zoning district, as well as to overall building coverage and impervious surface requirements. Legally nonconforming site characteristics are not exceptional in the City, and therefore do not 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 house and the accessory structure were built prior to the property being owned by the applicant. However, the sole purpose of the structure is to provide bathing facilities for at least three illegal lock-out units located in the principle 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.**

Section 122-1183of the City Code permits the construction of accessory structures. However, this same code section requires the accessory structure comply with the dimensional requirements of the district. Therefore, allowing the accessory structure, as constructed, 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. Therefore, hardship conditions do not exist.

- 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, there had been reasonable use of the property prior to the construction of the accessory structure.

- 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.**

Granting of the variances would be injurious and detrimental to the public interest. The presence of the building encourages the illegal lock-out units to continue to remain active. The property is located in the single-family zoning district which does not allow for multi-family dwellings. Additionally, the tenants are not properly served by sharing a communal bathing facilities.

- 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 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 and that the structure be removed.**

**Draft  
Resolution**

**PLANNING BOARD  
RESOLUTION No. 2012-**

**A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD DENYING AFTER-THE-  
FACT VARIANCES FOR PROPERTY  
LOCATED AT 2310 PATTERSON AVENUE  
(RE#00050260-000000) IN THE SINGLE  
FAMILY RESIDENTIAL ZONING DISTRICT,  
PER SECTION 122-238 (4) BUILDING  
COVERAGE AND IMPERVIOUS SURFACE  
RATIO AND SECTION 122-238 (6) a. 2. & a. 3.  
REAR AND SIDE-YARD SETBACK  
REQUIREMENTS OF THE LAND  
DEVELOPMENT REGULATIONS OF THE  
CODE OF ORDINANCES OF THE CITY OF  
KEY WEST.**

**WHEREAS**, Section 122-238 (4) and Section 122-238 (6) a. 2. & a. 3. of the Code of Ordinances provides that the maximum building coverage is 35% and maximum impervious surface ratio is 50% and the minimum allowed side-yard setback shall be 5 feet and the minimum rear-yard setback shall be 20 feet; and

**WHEREAS**, the applicant requested variances to the existing building coverage and impervious surface ratio and to the existing side and rear-yard setbacks; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on November 29, 2012; and

\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director

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

**WHEREAS,** the Planning Board finds that granting the variances requested will confer upon the applicant 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 not deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would not 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 unreasonable use of the land, building or structure; and

**WHEREAS,** the Planning Board finds that the granting of the variances will not be in

harmony with the general intent and purpose of the land development regulations and that such variances will 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 not demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance 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.** That after the fact variances for a non-conforming accessory residential structure for building coverage, impervious surface ratio, rear and side yards setback requirements, for a



property in the Single Family Residential (SF) zoning district for property located at 908 Trinity Drive #4 (RE # 00065570-001010), per Sections 122-238 (4) a. and b.(1) and 122-238(6) 2. and 3. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, are **denied**.

**Section 3.** This Resolution shall go into effect immediately.

**Section 4.** This resolution is subject to an appeal period as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). And the decision of the Planning Board shall be final unless the decision is appealed to the county Circuit Court within ten days upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a duly noticed meeting held this 29th day of November, 2012.

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

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

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Richard Klitenick  
Planning Board Chairman

Date

**Attest:**

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Donald Leland Craig, AICP, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date

DRAFT

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

# Application

Variance Application  
City of Key West Planning Department  
3140 Flagler Avenue, Key West, FL 33040  
(305) 809-3720



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:

1. Site Address 2310 PATTERSON AVE
2. Name of Applicant FAYE M. SKOGLUND
3. Applicant is: Owner \_\_\_\_\_ Authorized Representative
4. Address of Applicant 522 ELIZABETH ST  
KEY WEST, FLA.
5. Phone # of Applicant 296-2632 Mobile# 849-9000
6. E-Mail Address NONE
7. Name of Owner, if different than above FAYE LOGUN
8. Address of Owner 2310 PATTERSON AVE  
KEY WEST, FLA
9. Phone # of Owner 394-2330
10. Email Address \_\_\_\_\_
11. Zoning District of Parcel SF RE# \_\_\_\_\_
12. Description of Proposed Construction, Development, and Use  
AFTER THE FACT BATHROOM  
\_\_\_\_\_  
\_\_\_\_\_
13. List and describe the specific variance(s) being requested:  
RIGHT SIDE SETBACK  
REAR SETBACK  
\_\_\_\_\_

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16. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes \_\_\_\_\_ No  If Yes, please describe and attach relevant documents

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17. Will the 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.

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 [www.keywestcity.com](http://www.keywestcity.com), Planning Department archives or at [www.municode.com](http://www.municode.com). 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.**

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14. 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	SF			
Flood Zone	AE-7			
Size of Site	5000			
Height	<del>20</del> 25	20 -	20 -	0
Front Setback	20	13	13	7
R Side Setback	5-0	1-0	1-0	4
L Side Setback	5-0	5-0	5-0	0
Street Side Setback	-	-	-	-
Rear Setback	20'-0"	0	0	20'-0"
F.A.R	-	-	-	-
35% Building Coverage	1750	2589	2589	839 51%
50% Impervious Surface	2500	3780	3780	1280 15%
Parking	0	1	1	-
Handicap Parking		YES	YES	-
Bicycle Parking		YES	YES	-
Open Space/ Landscaping		2411	2411	-
Number and type of units	2	2	2	-
Consumption Area or Number of seats	-	-	-	-

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

Meeting Date \_\_\_\_\_ HARC Approval # \_\_\_\_\_

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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 BATHROOM ~~WAS~~ BUILDING  
WAS EXISTING WHEN THE PROP-  
ERTY WAS PURCHASED

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

THE BATHROOM BUILDING WAS IN  
EXISTENCE

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.



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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.

IF THIS BATHROOM WERE TO  
BE DIS-ALLOWED IT WOULD BE A  
ONE BATH FIVE BEDROOM HOUSE

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.

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.

IT IS ALREADY IN EXISTENCE



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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.

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**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."

**Please include the following with this application:**

1. A **copy of the most recent recorded** warranty deed with the Book and Page numbers from the office of the Clerk of Circuit Court for Monroe County containing a legal description of the subject parcel. The application forms must be signed by all owners listed on the deed. For business/corporate ownership, please attach authorization for name of executive authorized to make the application.
2. An application fee is determined according to the attached fee schedule. Make the check payable to the City of Key West and include the site address on the memo portion of the check. Be advised that upon review by the Planning Department, additional or fewer variances may be required necessitating a different fee. It is best to see a Planner before turning in the application.
3. A drawing or drawings of the subject site, indicating the following:
  - a. **Existing and proposed** lot coverage including buildings, pools, spas, driveways and other walkways, patios, porches, covered areas and decks.
  - b. Location and identification/names of existing trees of 3.5 inches diameter or greater on the property or extending over the proposed work (including access routes and stormwater areas). Please provide photos.
  - c. All proposed changes to what exists, including those which make the variance(s) necessary.
  - d. Lot dimensions on all drawings and the distance from all property lines of all existing and proposed structures.
  - e. Dimensions (**existing and proposed**) of all the items in (a) above, including the height and number of stories of the structure.
  - f. Parking spaces and dimensions (**existing and proposed**).
  - g. Easements or other encumbrances on the property.
4. One copy of the most recent survey of the property.
5. Elevation drawings of proposed structures, indicating finished height above established grade as measured from crown of road.
6. Floor Plans of **existing and proposed** development.
7. Stormwater management plan.
8. PDF or compatible electronic format of entire application on compact disk.

The attached Verification and Authorization Forms must be notarized. This can be done at City Hall or the Planning Department. Identification is required. An out-of-state notarization is acceptable, if necessary.

**Make sure that the applicable application and authorization forms are signed by all people listed as owners on the recorded Warranty Deed.**

Be advised that the City will not grant a variance unless the City Impact Fees of sewer and solid waste services are paid in full.

If you have any questions, please call the Planning Department. We will be happy to assist you in the application process.

# VARIANCE APPLICATION INFORMATION SHEET

City of Key West Planning Department  
PO Box 1409 Key West, FL 33041-1409  
(305) 809-3720



## Please read the following carefully before filling out the application

This application and any required attachments should be submitted to the City Planning Department at 3140 Flagler Avenue. It is preferable to make an appointment before the application is submitted to determine what variances are necessary and what fee applies.

**Please note that all proposed variances for development within the Historic District must be approved by the Historic Architectural Review Commission (HARC) prior to submitting this application.**

## Application Process

- After submittal, the application will be reviewed by the Development Review Committee (DRC). Additional modifications to the site plan may be necessary at that time.
- After the DRC process the applicant will be responsible for submitting a landscape approval letter from the Urban Forestry Program Manager and a Stormwater approval letter from the Director of Engineering.
- **When the application is determined to be complete**, it will be brought forth to the Planning Board. If the application is approved, there is a 10 day appeal period.
- After the 10 day appeal period, the application will be sent to the Department of Community Affairs (DCA) for rendering. The rendering period is 45 days.

## **PLEASE NOTE:**

- Owners and applicants are notified of their scheduled Planning Board hearing date.
- Attendance at the formal public hearing is mandatory.
- Notice of Public Meeting is published in the newspaper.
- Owners of property within 300 feet of the subject property or parcels are notified by mail.
- Notice of public hearing will be posted on the property and must be left up until after the hearing.

## FEE SCHEDULE

Variations, any number of issues	\$1,000.00
All After-the-fact variations	\$2,000.00
Advertising and Noticing Fee	\$ 100.00
Fire Department Review Fee	\$ 50.00

# Verification Form

City of Key West  
Planning Department



Verification Form

(Where Authorized Representative is an individual)

I, Mr. SKOGLUND, 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:

2310 PATTERSON AVE, KEY WEST, FLA  
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.

M Skoglund  
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this August 23, 2012 by  
Michael Skoglund date  
Name of Authorized Representative

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

Jo Bennett  
Notary's Signature and Seal



Jo Bennett  
Name of Acknowledger typed, printed or stamped

EE097995  
Commission Number, if any

# Authorization Form



**City of Key West  
Planning Department**



**Authorization Form**  
*(Individual Owner)*

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

I, FAYE LOGON authorize  
*Please Print Name(s) of Owner(s) (as appears on the deed)*

MICHAEL SKOGLUND  
*Please Print Name of Representative*

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

[Signature]  
*Signature of Owner*

\_\_\_\_\_  
*Signature of Joint/Co-owner if applicable*

Subscribed and sworn to (or affirmed) before me on this August 21, 2012 by  
*date*

Robert Schreiber as Power of Attorney for Faye Logon  
*Name of Authorized Representative*

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

Patricia Gae Ganister  
*Notary's Signature and Seal*



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

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

**Deed**



**LIMITED POWER OF ATTORNEY**

**KNOW ALL MEN BY THESE PRESENTS:**

That FAYE G. LOGAN, of Key West, Monroe County, Florida has made, constituted and appointed, and by these presents does make, constitute and appoint ROBERT SCHREIBER, as true and lawful attorney for her and in her name, place and stead in the management matters relating to the operation of the property commonly referred to as 2310 Patterson Avenue, Key West, Florida, including, without limitation, permits and variances with the City of Key West.

Giving and granting unto her said attorney full power and authority to do and perform all and every act and think whatsoever requisite and necessary to be done in and about the premises as fully, to all intents and purposes, and she might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that her said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 17 day of August, 2012.

SEALED AND DELIVERED IN THE PRESENCE OF:

Patricia Gae Ganister  
Signature of Witness  
Printed Name Patricia Gae Ganister

Faye G. Logan  
FAYE G. LOGAN

TEP Palm  
Signature of Witness  
Printed Name: TEP Palm

STATE OF FLORIDA  
COUNTY OF MONROE

BE IT KNOWN, That on the 17<sup>th</sup> day of August, 2012, before me, a Notary Public in and for the State of Florida, County of Monroe, duly commissioned and sworn, dwelling in the City of Key West, personally came and appeared FAYE G. LOGAN, to me personally known, and known to me to be the same person described in and who executed the within Power of Attorney, and she acknowledged the within Power of Attorney to be her act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal of office the day and year last above written.

Patricia Gae Ganister  
NOTARY PUBLIC



Return to: (enclose self-addressed stamped envelope)

600  
715.00

Address:

632601

OFF REC 1125 PAGE 1778

This instrument prepared

Address:

FILED FOR RECORD  
30 MAR 29 A 9 29  
DAVID C. CLARK  
MONROE COUNTY

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

**This Quit-Claim Deed**, Executed this 21st day of MARCH, A. D. 19 89, by

first party, to RICHARD V. HORSTMANN, JOINED BY HIS WIFE, CATHY HORSTMANN

whose postoffice address is 2310 PATTERSON AVE., KEY WEST, MONROE COUNTY,

FLORIDA,

second party: FAYE G. LOGUN

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**Witnesseth**, That the said first party, for and in consideration of the sum of \$ 1100.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of MONROE State of FLORIDA to-wit:

ON THE ISLAND OF KEY WEST AND KNOWN ON KEY WEST REALTY COMPANY'S SUBDIVISION NUMBER ONE(1), OF TRACT TWENTY-ONE (21) AND SALT PONDS LOTS ONE (1), TWO (2), THREE (3), FOUR (4) AND FIVE (5) AS LOT LOT SIXTEEN (16) OF BLOCK FORTY-ONE (41), THE DIAGRAM OF SAID SUBDIVISION IS RECORDED IN PLAT BOOK 1, PAGE 43, MONROE COUNTY, FLORIDA RECORDS.

Recorded in Official Records book  
in Monroe County, Florida.  
Verified  
DANNY L. KOLHAGE  
Clerk Circuit Court

DB Paid 715.00 Date 3-29-90  
MONROE COUNTY  
DANNY L. KOLHAGE, CLERK CIR. CT.  
By *[Signature]*

**To Have and to Hold** the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

**In Witness Whereof**, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of

*[Signature]*  
Coral A. Jansen

*[Signature]*  
RICHARD V. HORSTMANN  
*[Signature]*  
CATHY HORSTMANN

STATE OF FLORIDA,  
COUNTY OF  
MONROE

I HEREBY CERTIFY that on this 29th day of March, 1989, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments personally appeared

RICHARD V. HORSTMANN, JOINED BY HIS WIFE, CATHY HORSTMANN, who are known to be the persons described in and to who the foregoing instrument was acknowledged before me that executed the same.

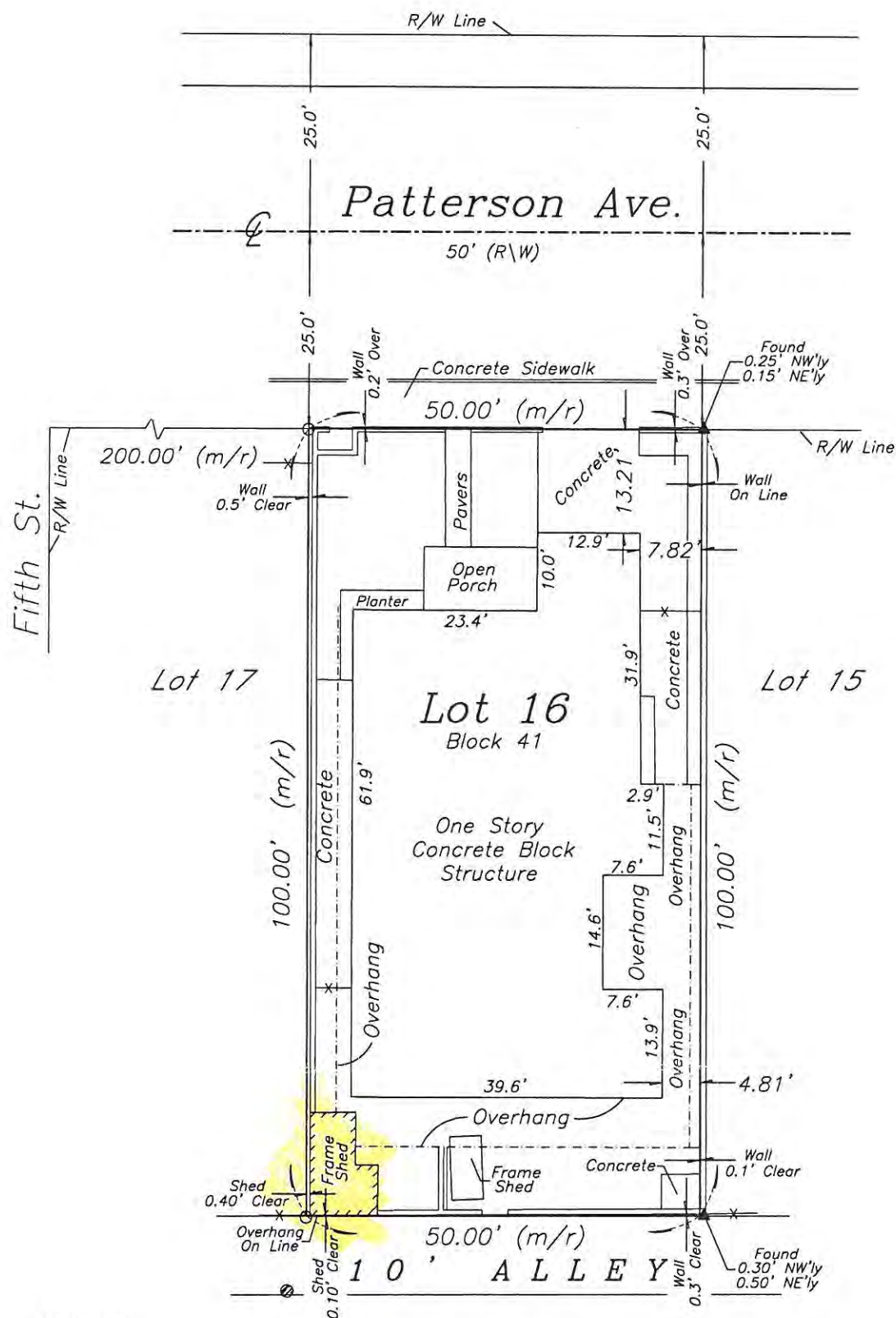
WITNESS my hand and official seal in the County and State last aforesaid this 29th day of April A. D. 19 89

*[Signature]*  
By *[Signature]*  
My Commission Expires Feb. 18, 1993  
Beverly Trust - Insurance Inc.

# Survey



Boundary Survey Map of Lot 16, Block 41, KEY WEST REALTY CO'S FIRST SUB



**LEGEND**

- ▲ Found Nail & Disc (PTS)
- Set #5 Rebar w/cap (LB 7131)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- CLF Chain Link Fence
- R\W Right of Way
- ⊕ Centerline
- ⊙ Wood Utility Pole

**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: 2310 Patterson, 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. Date of field work: December 16, 2003.
8. North arrow is assumed and based on Plat Book 1, Page 43.
9. Error of closure exceeds one part in 10,000.
10. Ownership of fences is undeterminable, unless otherwise noted.

**BOUNDARY SURVEY OF:** On the Island of Key West and known as Lot 16, Block 41, KEY WEST REALTY COMPANY'S FIRST SUBDIVISION, according to the plat thereof, recorded in Plat Book 1, Page 43 of the Public Records of Monroe County, Florida.

**BOUNDARY SURVEY FOR :** Faye Logan;

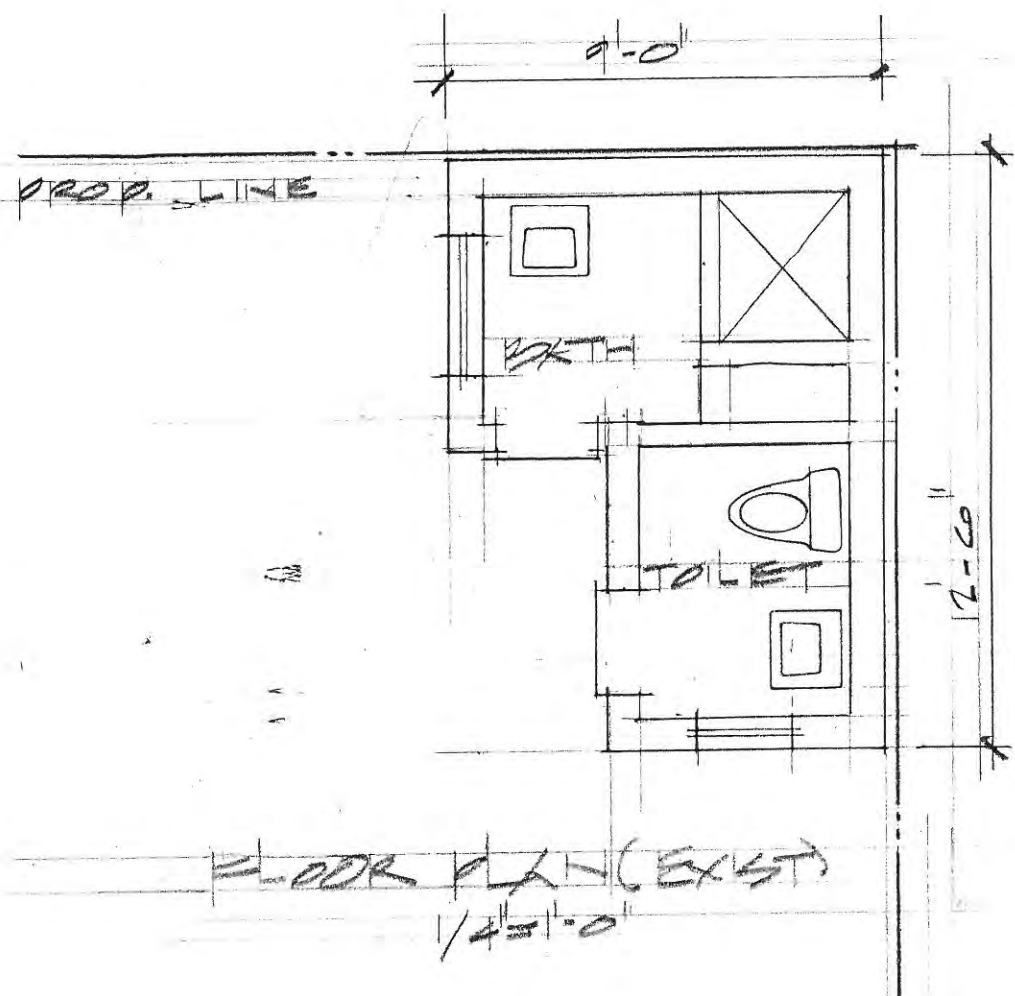
NORBY & O'FLYNN SURVEYING, INC.

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

February 16, 2004

**NORBY & O'FLYNN**  
 Surveying, Inc.  
 Professional Land Surveyors  
 LB No. 7131  
 3430 Duck Ave., Key West, FL 33040  
 (305) 296-7422 FAX (305) 293-9924

# Site Plans



2210 PETERSON AVE  
KEY WEST, FLA.

# **DRC Comments**

From: **Jason Barroso** <[jbarroso@keywestcity.com](mailto:jbarroso@keywestcity.com)>  
Date: Mon, Nov 26, 2012 at 11:30 AM  
Subject: 2310 Patterson Avenue  
To: [bcunning@keywestcity.com](mailto:bcunning@keywestcity.com)  
Cc: Danny Blanco <[dblanco@keywestcity.com](mailto:dblanco@keywestcity.com)>, Alan Averette  
<[aaverett@keywestcity.com](mailto:aaverett@keywestcity.com)>

Brendon,

Good morning, per our conversation this morning regarding 2310 Patterson Avenue.

The Fire Marshall office has reviewed the variance application and is denying after the fact variance request due to life safety conditions and improper means of egress that currently exist on the property.

Please contact our office for any additional questions or concerns.

J.Barroso

Lt./Fire Inspector

Key West Fire Department

[305-809-3933](tel:305-809-3933)

[jbarroso@keywestcity.com](mailto:jbarroso@keywestcity.com)



# **Minutes of the Development Review Committee**

## **September 27, 2012 DRAFT**

Planning Director, Don Craig called the Development Review Committee Meeting of September 27, 2012 to order at 10:00am at Old City Hall, in the antechamber at 510 Greene Street, Key West.

### **ROLL CALL**

**Present were:** Planning Director, Don Craig; HARC Planner, Enid Torregrosa; General Services, Elizabeth Ignaffo; Forestry Manager, Paul Williams; ADA Coordinator, Diane Nicklaus; and Fire Inspector, Alan Averette .

**Also in attendance were:** Planning Department staff: Brendon Cunningham, Carlene Smith and Ginny Haller.

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

**August 23, 2012**

A motion to approve the August 23, 2012 minutes was made by Ms. Nicklaus and seconded by Mrs. Torregrosa.

### **DISCUSSION ITEMS**

#### **Old Business**

- 1. Exception for Outdoor Merchandise Display - 330 Duval Street (RE# 00004380-000000) – A request to allow the display of merchandise sold in-store for property in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the merchandise display request. The request is postponed to next month's meeting.

#### **New Business**

- X 2. After-the-fact Variances - 2310 Patterson Avenue (RE# 00050260-000000) - A request for after the fact variances to building coverage, impervious surface ratio and side and rear-yard setback requirements for property located in the SF zoning district per Section 122-238 (4) and 122-238 (6) (a) 2 & (a) 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the variance requests.

Ms. Ignaffo stated that a storm water management system is not shown on the plans.

Ms. Nicklaus had no comment.

Mrs. Torregrosa requested a scalable drawing.

Mr. Averette requested the distance between the detached bathroom and house due to fire safety issue.

Mr. Williams had no comment.

## Minutes of the Development Review Committee September 27, 2012 DRAFT

Mr. Craig requested a scalable site plan.

Keys Energy had no comment.

- 3. Parking Variance – 605A United Street (RE# 00028370-000000) – A request to waive parking requirements for 8 automobile spaces in the HNC-1 zoning district per Section 108-572 (13) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller gave members an overview of the parking variance request.

The applicant, Patrick Wright, with Trepanier & Associates gave members the details of his request.

Mrs. Torregrosa had no comment.

Mr. Averette had no comment.

Ms. Ignaffo stated that two parking spaces are assigned to parcel 605-A. Neither parking space is ADA Accessible. In accordance with Sec. 108-650, ADA accessible parking space shall be provided with an accessible route into the building, and the building entrance shall be ADA accessible.

Ms. Nicklaus stated that since it is medical facility, they must designate an ADA accessible space.

Mr. Craig requested a site plan that depicts parking.

Keys Energy had no comment.

- 4. Variance – 617 Fleming Street (RE# 00006260-000108) – A request for rear yard setback in the HMDR zoning district per Section 90-391, Section 122-600(6)c of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller gave members an overview of the variance request and requested a scalable plan.

The applicant, Architect, Robert DeLaune, gave members the details of his request.

Mrs. Torregrosa had no comment.

Mr. Averette requested site plans.

Ms. Ignaffo requested that the applicant direct roof downspouts back onto the property, preferably into landscaped areas.

Ms. Nicklaus had no comment.

Mr. Craig requested site plans.

Keys Energy had no comment.

- 5. Parking Variance – 529 Caroline Street (RE# 00001220-000000) – A request to waive parking requirements for 1 (one) automobile space in the HRCC-1 zoning district per Section 108-572 (16) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

# **Property Appraiser Information**

**Karl D. Borglum  
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 Monday, Sept. 2nd in observance of Labor Day.

Web site on IE8, IE9, & Firefox. Requires Adobe Flash 10.3 or higher

**Property Record Card -  
Map portion under construction.**

Alternate Key: 1050865 Parcel ID: 00050260-000000

**Ownership Details**

Mailing Address:  
LOGUN FAYE G  
2310 PATTERSON AVE  
KEY WEST, FL 33040

**Property Details**

PC Code: 08 - MULTI FAMILY LESS THAN 10UNITS  
Millage Group: 10KW  
Affordable Housing: No  
Section-Township-Range: 33-67-25  
Property Location: 2310 PATTERSON AVE KEY WEST  
Subdivision: Key West Realty Co's First Sub  
Legal Description: KW KW REALTY COS FIRST SUB PB1-43 LOT 16 SQR 41 TR 21 H2-494 CIVIL ACTION 5-701 OR509-69 OR539-70/71F/J-(5-701) OR995-429 OR1125-1778 OR1153-489-C OR1467-1718D/C OR1584-790D/C



Show Parcel Map that can launch map - Must have Adobe Flash Player 10.3 or higher

### Land Details

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	50	100	5,000.00 SF

### Building Summary

Number of Buildings: 1

Number of Commercial Buildings: 0  
 Total Living Area: 2538  
 Year Built: 1968

### Building 1 Details

Building Type R3  
 Effective Age 22  
 Year Built 1968  
 Functional Obs 0

Condition A  
 Perimeter 316  
 Special Arch 0  
 Economic Obs 0

Quality Grade 500  
 Depreciation % 30  
 Grnd Floor Area 2,538

Inclusions: R3 includes 3 3-fixture baths and 3 kitchens.

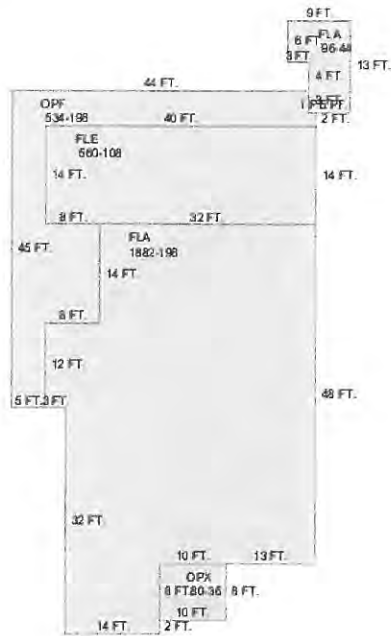
Roof Type GABLE/HIP      Roof Cover ASPHALT SHINGL  
 Heat 1 NONE              Heat 2 NONE  
 Heat Src 1 NONE         Heat Src 2 NONE

Foundation CONCR FTR  
 Bedrooms 4

Extra Features:

2 Fix Bath 0  
 3 Fix Bath 1  
 4 Fix Bath 0  
 5 Fix Bath 0  
 6 Fix Bath 0  
 7 Fix Bath 0  
 Extra Fix 0

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	5:C.B.S.	1	1988	N	N	0.00	0.00	1,882
2	OPX	5:C.B.S.	1	1988	N	N	0.00	0.00	80
3	FLE	5:C.B.S.	1	1993	N	N	0.00	0.00	560
4	OPF	5:C.B.S.	1	1988	N	N	0.00	0.00	534
5	FLA	5:C.B.S.	1	1988	N	N	0.00	0.00	96

### Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	1,052 SF	0	0	1975	1976	5	30
2	PT3:PATIO	671 SF	0	0	1989	1990	2	50
3	AC2:WALL AIR COND	1 UT	0	0	1989	1990	2	20
4	AC2:WALL AIR COND	3 UT	0	0	1992	1993	1	20
5	UB3:LC UTIL BLDG	32 SF	0	0	1975	1976	1	30
6	CL2:CH LINK FENCE	40 SF	0	0	1964	1965	1	30

### Appraiser Notes

TPP AK-8849737.

### Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	B931945	07/01/1993	03/01/1994	2,000	Residential	ROOF REPAIRS
	B932503	09/01/1993	03/01/1994	7,000	Residential	ENCLOSE AREA UNDER ROOF
1	9800649	03/18/1998		5,000	Residential	REPLACE 25 SQS ROOF

### 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	231,308	7,980	82,500	321,788	321,788	0	321,788
2011	234,612	8,087	90,000	332,699	332,699	0	332,699
2010	237,917	8,195	130,000	376,112	376,112	0	376,112
2009	265,078	8,302	130,000	403,380	403,380	0	403,380
2008	247,582	8,410	257,500	513,492	513,492	0	513,492
2007	263,033	8,514	250,000	521,547	521,547	0	521,547
2006	359,631	8,621	300,000	524,400	524,400	0	524,400
2005	369,906	8,729	225,000	603,635	603,635	0	603,635
2004	254,139	8,896	165,000	428,035	428,035	0	428,035

2003	251,742	9,063	75,000	335,805	335,805	0	335,805
2002	252,486	9,231	70,000	331,717	331,717	0	331,717
2001	223,353	9,423	70,000	302,776	302,776	0	302,776
2000	223,353	7,983	50,000	281,336	281,336	0	281,336
1999	215,584	7,970	50,000	273,554	273,554	0	273,554
1998	161,643	6,648	50,000	218,291	218,291	0	218,291
1997	148,881	6,330	40,000	195,211	195,211	0	195,211
1996	109,382	5,044	40,000	154,426	154,426	0	154,426
1995	105,331	4,991	40,000	150,322	150,322	0	150,322
1994	70,495	1,752	40,000	112,247	112,247	0	112,247
1993	68,330	104	40,000	108,434	108,434	0	108,434
1992	68,330	114	40,000	108,444	108,444	0	108,444
1991	68,330	122	40,000	108,452	108,452	0	108,452
1990	68,330	130	37,500	105,960	105,960	0	105,960
1989	62,118	127	36,250	98,495	98,495	25,000	73,495
1988	54,404	1,672	27,500	83,576	83,576	25,000	58,576
1987	57,850	1,672	19,550	79,072	79,072	25,000	54,072
1986	58,150	1,672	18,300	78,122	78,122	0	78,122
1985	56,329	1,672	18,250	76,251	76,251	25,000	51,251
1984	53,812	1,672	18,250	73,734	73,734	25,000	48,734
1983	45,371	1,672	18,250	65,293	65,293	25,000	40,293
1982	46,019	1,672	13,050	60,741	60,741	25,000	35,741

### 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
4/1/1989	1125 / 1778	130,000	WD	U
12/1/1986	995 / 429	83,000	WD	Q

This page has been visited 3,314 times.

Monroe County Property Appraiser  
Karl D. Borlum  
P.O. Box 1176  
Key West, FL 33041-1176



**Public Notices**  
**(radius map & mailing list)**

# Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., November 29, 2012 at Old City Hall, 510 Greene Street, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

**After-the-fact Variances - 2310 Patterson Avenue (RE# 00050260-000000) - A request for after the fact variances to building coverage, impervious surface ratio and side and rear-yard setback requirements for property located in the SF zoning district per Section 122-238 (4) and 122-238 (6) (a) 2 & (a) 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 [www.keywestcity.com](http://www.keywestcity.com).

**YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY**

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

**After-the-fact Variances - 2310 Patterson Avenue (RE# 00050260-000000)** - A request for after the fact variances to building coverage, impervious surface ratio and side and rear-yard setback requirements for property located in the SF zoning district per Section 122-238 (4) and 122-238 (6) (a) 2 & (a) 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

<b>Applicant:</b>	M. Skoglund, Architect	<b>Owner:</b>	Faye Logan
<b>Project Location:</b>	2310 Patterson Ave.	<b>Date of Hearing:</b>	Thursday, November 29, 2012
<b>Time of Hearing:</b>	6:00 PM	<b>Location of Hearing:</b>	Old City Hall, 510 Greene City Commission Chambers

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. Packets can be viewed online at [www.keywestcity.com](http://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 Karen de Berjeois at [kdeberje@keywestcity.com](mailto:kdeberje@keywestcity.com) .**

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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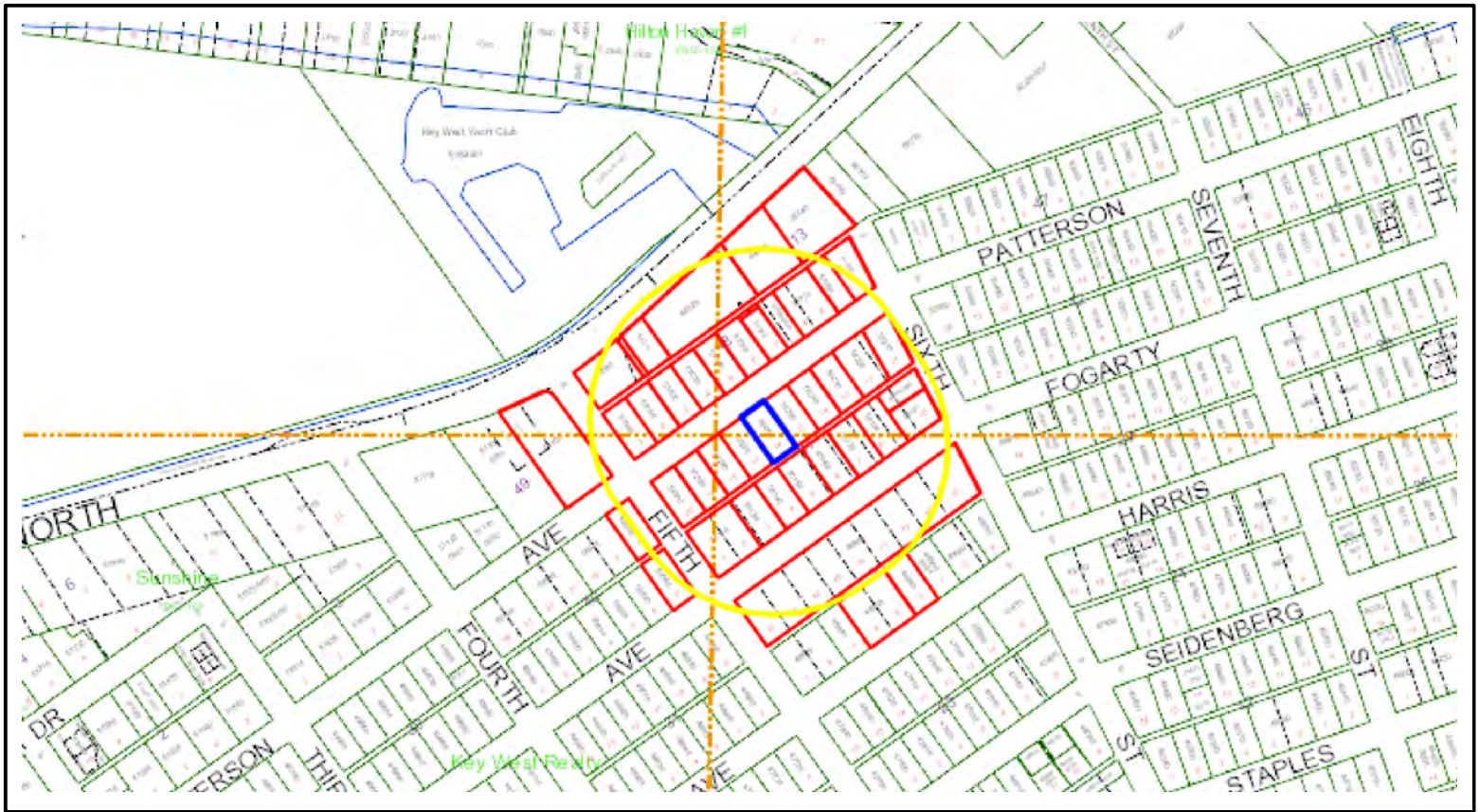
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# Monroe County, Florida

## 2310 Patterson

Printed: Nov 14, 2012

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.



NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 M P A OF KEY WEST LIMITED	1433 12TH ST		KEY WEST	FL	33040	
2 LOGUN FAYE G	2310 PATTERSON AVE		KEY WEST	FL	33040	
3 LANE JIMMY R JR	2313 PATTERSON AVE		KEY WEST	FL	33040	
4 CABALEIRO MARTA	2311 FOGARTY AVE		KEY WEST	FL	33040	
5 TIBBETTS FREDERICK M III	2317 FOGARTY AVE		KEY WEST	FL	33040	
6 LOGUN FAYE	2310 PATTERSON AVE		KEY WEST	FL	33040	
7 TRUSTEES OF THE FIFTH	1311 FIFTH ST		KEY WEST	FL	33040	
8 HOFFMAN ALLAN	2335 PATTERSON AVE		KEY WEST	FL	33040	
9 HARDEN MICHAEL C	2316 PATTERSON AVE		KEY WEST	FL	33040	
10 CONCH REPUBLIC LIQUORS INC	2308 NO ROOSEVELT BLVD		KEY WEST	FL	33040	
11 GRIZZLE KIMERLIE A	2302 N ROOSEVELT BLVD		KEY WEST	FL	33040	
12 HOVEY WENDY J	2313 FOGARTY AVE		KEY WEST	FL	33040	
13 F AND A HOLDINGS LLC	117 KEY HAVEN RD		KEY WEST	FL	33040	
14 SUMMERS MARILYN P LIV TR 10/17/97	2312 PATTERSON AVE		KEY WEST	FL	33040	
15 KUKODA JIM	2319 HARRIS AVE		KEY WEST	FL	33040	
16 MELLIES NEIL S II AND ELIZABETH C	1229 5TH ST		KEY WEST	FL	33040	
17 PHELPS JAMES ALLEN AND MARIA A	2318 PATTERSON AVE		KEY WEST	FL	33040	
18 BUCKNER RITA L	1310 SUGARLOAF BLVD		SUGARLOAF KEY	FL	33042	
19 SCHECHTER JASON A	3435 ARMITOS DR		CAMARILLO	CA	93012	
20 CORRA LINDA M	247 E PARKWOOD RD		DECATUR	GA	30030-2814	
21 RAY DASHA RENEE	1215 5TH ST		KEY WEST	FL	33040-3801	
22 SHIMP TERRY S AND CATHY A	2329 FOGARTY AVE		KEY WEST	FL	33040-3809	
23 TORRES LANCE	2333 FOGARTY AVE		KEY WEST	FL	33040-3809	
24 SANDRIE ROSE	2321 FOGARTY AVE		KEY WEST	FL	33040-3809	
25 BEGAM ANWARA	2226 PATTERSON AVE		KEY WEST	FL	33040-3814	
26 KELLY GARY O AND GENEVIEVE R	2303 PATTERSON AVE		KEY WEST	FL	33040-3815	
27 VAZQUEZ ABELARDO	2331 PATTERSON AVE		KEY WEST	FL	33040-3815	
28 JAKUBAS ZUZANNA	2309 PATTERSON AVE		KEY WEST	FL	33040-3815	
29 HOSSAIN MOHAMMED BILLAL AND MST P	2305 PATTERSON AVE		KEY WEST	FL	33040-3815	
30 YOUNG PHANUMAT	2315 PATTERSON AVE		KEY WEST	FL	33040-3815	
31 OKEEFE STACY T/C	2337 PATTERSON AVE		KEY WEST	FL	33040-3815	
32 JOHNSON MEAGHAN	2306 PATTERSON AVE		KEY WEST	FL	33040-3816	
33 CROCKETT DEC OF TRUST 1/23/1997	2222 N ROOSEVELT BLVD		KEY WEST	FL	33040-3834	
34 SOUTHERNMOST HOMES INC	3720 N ROOSEVELT BLVD		KEY WEST	FL	33040-4533	

<b>NAME</b>	<b>ADDRESS</b>	<b>UNIT</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>	<b>COUNTRY</b>
35 ALEXANDER KATHRYN A TRUAX	1506 18TH ST		KEY WEST	FL	33040-4620	
36 BROWN JAMES DOUGLAS	3636 EAGLE AVE		KEY WEST	FL	33040-4624	
37 RODRIGUEZ ARCADIO D AND JEAN L	93 SEASIDE NORTH CT		KEY WEST	FL	33040-5292	
38 COOPER MELISSA L	14 ARBUTUS DR		KEY WEST	FL	33040-6238	
39 THE HUNTER N HARDEN LIVING TRUST 7/27/2011	1065 BOCA CHICA RD		KEY WEST	FL	33040-6343	
40 PREMIERE SUITES INC	12087 LANDON DR		MIRA LOMA	CA	91752-4004	