

# **Application**



# Application for Variance

City of Key West, Florida • Planning Department

1300 White Street • Key West, Florida 33040 • 305-809-3764 • www.cityofkeywest-fl.gov

**Application Fee: \$2,300.00 / After-the-Fact: \$4,300.00**  
(includes \$200.00 advertising/noticing fee and \$100.00 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 305-809-3764.

### PROPERTY DESCRIPTION:

Site Address: 3222 Riviera Drive, Key West, FL 33040

Zoning District: SF

Real Estate (RE) #: 00068440-000000

Property located within the Historic District?  Yes  No

APPLICANT:  Owner  Authorized Representative

Name: Wayne LaRue Smith

Mailing

Address:

City: The Smith Law Firm, 509 Whitehead Street, Key West State: FL 33040 Zip:

Home/Mobile Phone: 305-305-923-4080 Office: 305-296-0029 Fax: 305-296-9172

Email: wsmith@thesmithlawfirm.com

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

Name: Lawney Management Company

Mailing 3814 Flagler Avenue

Address:

City: Key West State: FL 33040 Zip:

Home/Mobile Phone: Office: 305-240-0860 Fax:

Email: oldcustomhouse@msn.com

Description of Proposed Construction, Development, and Use: Use of existing accessory one-story structure for the comfort and convenience of the main house and pool.

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

After the fact variances for the existing accessory structure: side lot line setback to 3.5 feet; building coverage for site to 3,636 sq. ft.; impervious surface for site to 5,889 sq. ft.; open space for the site to 2,131 sq. ft.

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 With Accessory Structure	Proposed	Variance Request
Zoning	SF			
Flood Zone	AE7			
Size of Site	8,020 SF			
Height - Accessory Structure	10'			
Front Setback				
Side Setback	5'	3'-6"	3'-6"	Yes
Side Setback				
Street Side Setback				
Rear Setback				
F.A.R Floor Area		3,502 SF / .44		
Building Coverage	35%	3,636 SF / 45.3%	3,636 SF	Yes
Impervious Surface	50%	5,889 SF / 73.4%	5,889 SF	Yes
Parking				
Handicap Parking	N/A			
Bicycle Parking	N/A			
Open Space/ Landscaping	35%	2,131 SF / 26.6%	2,131 SF	Yes
Number and type of units		1 single-family		
Consumption Area or Number of seats	N/A			

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: Please print your responses.

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 improvements on the property are 20 plus years old, with renovations made in the last 20 years on this long existing accessory structure. Although City Building Permit records do not include a specific permit for the accessory structure, Building Permit 2019-0353 (re doors and windows for airport mitigation) and Permit 2009-0379 (re mini split air-conditioning unit that only the accessory structure contains) include the accessory structure.

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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.

The owner acquired the property in 2019 with 20-year and older improvements in a state of disrepair, with existing code violations.

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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.

This is a specific case of the applicant not being able to determine the status of the existing structure permitting due to the age of improvements on the property, which were constructed by others.

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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.

The accessory structure is located on a concrete slab. Removal of the structure would cause undue financial hardship on the applicant.

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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.

The variances are the minimum needed to comply with Code and allow the accessory structure to remain on the property and allow the applicant to apply for an after the fact building permit.

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

The granting of the variances will be in harmony with the general intent and purpose of the land development regulations and will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

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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.

The applicant does not rely on the nonconforming uses of other property as the basis of its request for the variances.

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

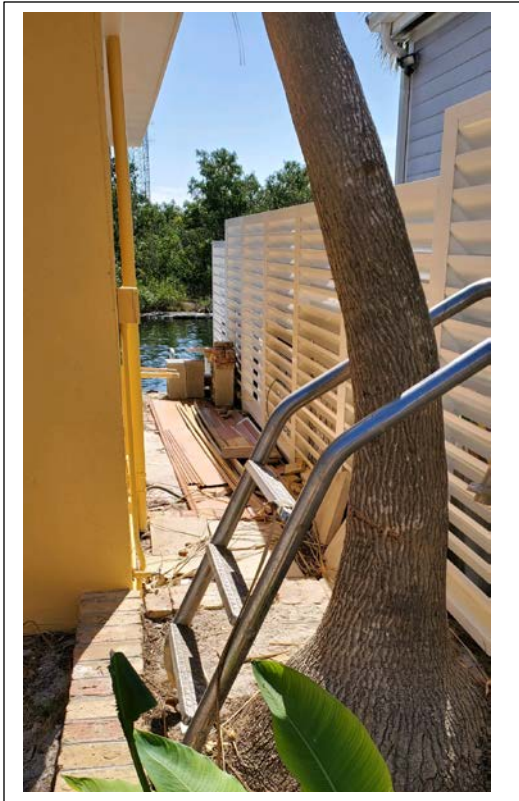
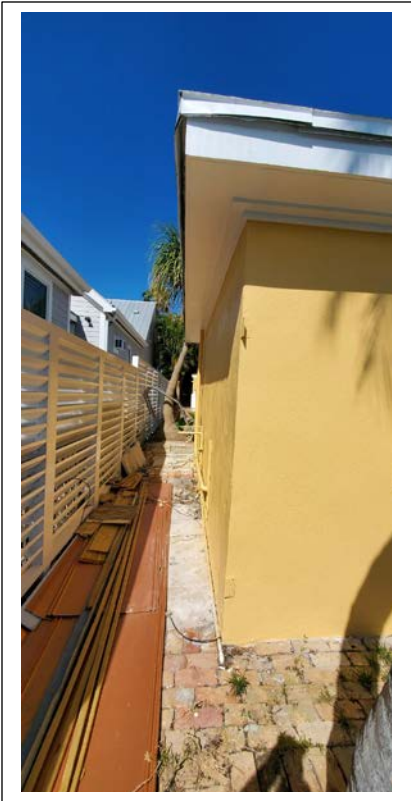
- That the standards established in Section 90-395 have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors. Please describe how you have addressed the "good neighbor policy."

**REQUIRED SUBMITTALS:** *All of the materials listed below must be submitted in order to have a complete application. Applications will not be processed until all materials are provided. Please submit one (1) paper copy of the materials to the Planning Department along with one (1) electronic copy of materials on a flash drive.*

- 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
- Monroe County Property record card
- Signed and sealed survey (Survey must be within 10 years from submittal of this application)
- Site plan (plans **MUST** be signed and sealed by an Engineer or Architect)
- Floor plans
- Stormwater management plan

**Variance Application – 3222 Riviera Drive**

**Accessory Structure Site Photos**





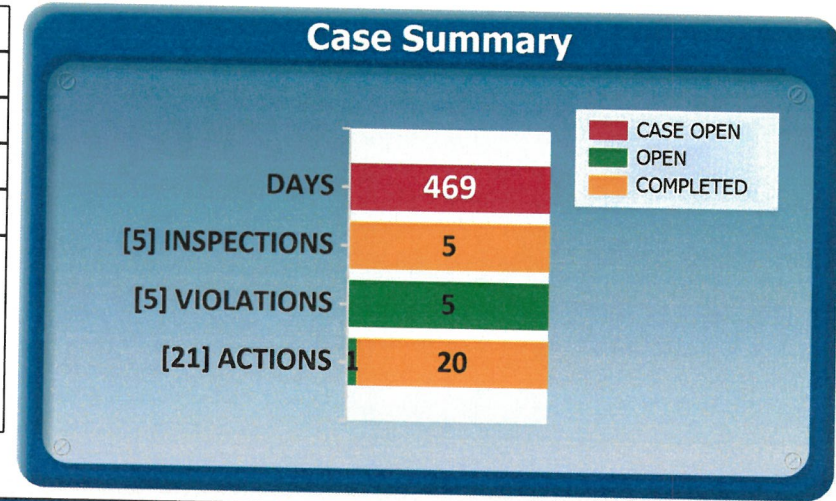
# Case Details - No Attachments

City of Key West

Case Number

18-00241

Description:		Status: ACTIVE	
Type: BUILDING ORDINANCE		Subtype:	
Opened: 2/23/2018	Closed:	Last Action: 6/27/2019	Fillw Up:
Site Address: 3222 RIVIERA DR KEY WEST, FL 33040			
Site APN: 00069440-000000		Officer: Jorge Lopez	
<p>Details: February 23, 2018 1:24:35 PM keywmea. Received a complaint from Steve Russ (3220 Riviera Dr - 305.294.0968) that there is a separate structure built within the setbacks - right up against Mr. Russ' fence that had been rented out in the past. He is not sure when it was built. There are no permits for this structure. Mr Russ believes the house is in foreclosure. He said to call him and he will allow you go to onto his property to see the structure.</p>			



## ADDITIONAL SITES

## LINKED CASES

## CHRONOLOGY

CHRONOLOGY TYPE	STAFF NAME	ACTION DATE	COMPLETION DATE	NOTES
ADMINISTRATIVE HEARING	Mary Anderson	10/31/2018	11/1/2018	Case went before the Special Magistrate on 31 Oct 2018: The Special Magistrate granted the request to continue this case to 30 Jan 2019.





# Case Details - No Attachments

City of Key West

Case Number

**18-00241**

ADMINISTRATIVE HEARING	Mary Anderson	1/30/2019	1/31/2019	Case went before the Special Magistrate on 30 Jan 2019: R. Keith Ustler attended for the respondent Wilmington Trust Company. Officer Jorge Lopez attended for the city and gave testimony. The City request dismissal of Counts 3 and 4. Mr. Ustler did not object. The Special Magistrate granted the request to dismiss counts 3 and 4 at the City's request without objection. Mr. Ustler stated the respondent is requesting a continuance as there is a lengthy history for this in the Circuit Court for foreclosure on this particular property which goes back to 2010. Mr. Ramsingh on behalf of the City stated there is no objection to a continuance. The Special Magistrate asked Mr. Ustler how long and he stated as long as the court will give them as the defendant has filed an appeal in the 3rd DCA with the best estimate of six months for how long it could take. Mr. Ustler stated he could come back and enlighten the court as to what is happening. The Special Magistrate granted a continuance to April 24, 2019 and all was in agreement.
ADMINISTRATIVE HEARING	Mary Anderson	4/24/2019	4/25/2019	Case went before the Special Magistrate on 24 April 2019: The Special Magistrate granted the request to continue this case to 29 May 2019.







# Case Details - No Attachments

City of Key West

Case Number

**18-00241**

ADMINISTRATIVE HEARING	Mary Anderson	5/29/2019	6/3/2019	<p>This case went before the Special Magistrate on 29 May 2019: Keith Ustler represents the respondent. The servicer of the property is JP Morgan Chase Bank. Mr. Ustler is requesting a continuance of judgment today. The bank has just come into title on May 1. The title to the property was significantly delayed for foreclosure. The case was filed in July 2010 and final judgment was issued by the court on January 2015 and the title issuance was delayed until May 2019. The intent of the client is to put it on the market and sell it which it is in the hands of a real estate. The intent is to sell the property and have the new owner take care of the code violations. The Special Magistrate asked if he was admitting to the violation and Mr. Ustler stated he does not have the ability to do that which is why he is asking for a continuance from the court. The Special Magistrate asked what is the City's position on the continuance. Director Young stated the City does not object as the property is not occupied and they are okay with 30 days. The Special Magistrate granted the request for continuance to the 27 June 2019 code hearing.</p>
ADMINISTRATIVE HEARING	Mary Anderson	6/27/2019		
Administrative Hearing-1	JL	5/30/2018	6/1/2018	Case went before the Special Magistrate on May 30, 2017: The Special Magistrate granted the request to continue this case for amended Notice of Code Violation.
Administrative Hearing-2	JL	7/25/2018	7/27/2018	July 27, 2018 10:04:03 AM keywmea. Case went before the Special Magistrate on 25 July 2018: The Special Magistrate granted the request to continue this case to 26 September 2018.
Administrative Hearing-3	JL	9/26/2018	9/27/2018	Case went before the Special Magistrate on 26 Sept 2018: The Special Magistrate granted the request to continue this case to 31 Oct 2018.





# Case Details - No Attachments

City of Key West

Case Number

**18-00241**

Certified Mail Receipt-1	JL	3/30/2018	3/30/2018	April 4, 2018 3:15:26 PM keywjll1. June 8, 2018 8:35:58 AM keywjll1. June 14, 2018 5:27:35 PM keywjll1. June 22, 2018 1:54:45 PM keywjll1. July 18, 2018 4:38:42 PM keywjll1. The office received good service on July 17, 2018. (Theresa The office received good service on June 15, 2018. The office received good service on June 4, 2018. The office received good service on June 6, 2018. The office received good service on April 2, 2018. Cioffi)
Certified Mail Receipt-2	JL	6/27/2018	6/27/2018	April 4, 2018 3:15:26 PM keywjll1. June 8, 2018 8:35:58 AM keywjll1. June 14, 2018 5:27:35 PM keywjll1. June 22, 2018 1:54:45 PM keywjll1. July 18, 2018 4:38:42 PM keywjll1. The office received good service on July 17, 2018. (Theresa The office received good service on June 15, 2018. The office received good service on June 4, 2018. The office received good service on June 6, 2018. The office received good service on April 2, 2018. Cioffi)
Certified Mail Receipt-4	JL	6/12/2018	6/12/2018	April 4, 2018 3:15:26 PM keywjll1. June 8, 2018 8:35:58 AM keywjll1. June 14, 2018 5:27:35 PM keywjll1. June 22, 2018 1:54:45 PM keywjll1. July 18, 2018 4:38:42 PM keywjll1. The office received good service on July 17, 2018. (Theresa The office received good service on June 15, 2018. The office received good service on June 4, 2018. The office received good service on June 6, 2018. The office received good service on April 2, 2018. Cioffi)
Certified Mail Receipt-5	JL	6/12/2018	6/12/2018	April 4, 2018 3:15:26 PM keywjll1. June 8, 2018 8:35:58 AM keywjll1. June 14, 2018 5:27:35 PM keywjll1. June 22, 2018 1:54:45 PM keywjll1. July 18, 2018 4:38:42 PM keywjll1. The office received good service on July 17, 2018. (Theresa The office received good service on June 15, 2018. The office received good service on June 4, 2018. The office received good service on June 6, 2018. The office received good service on April 2, 2018. Cioffi)





# Case Details - No Attachments

City of Key West

Case Number

18-00241

Certified Mail Receipt-6	JL	6/12/2018	6/12/2018	April 4, 2018 3:15:26 PM keywjll1. June 8, 2018 8:35:58 AM keywjll1. June 14, 2018 5:27:35 PM keywjll1. June 22, 2018 1:54:45 PM keywjll1. July 18, 2018 4:38:42 PM keywjll1. The office received good service on July 17, 2018. (Theresa The office received good service on June 15, 2018. The office received good service on June 4, 2018. The office received good service on June 6, 2018. The office received good service on April 2, 2018. Cioffi)
Closed Case	JL	10/27/2018	10/27/2018	
Findings and Order W/Bill	JL	9/26/2018	9/26/2018	
Notice of Code Violation-1	JL	3/20/2018	3/20/2018	
Notice of Code Violation-3	JL	5/30/2018	5/30/2018	
Notice of Hearing-2	JL	4/27/2018	4/27/2018	
Notice of Hearing-4	JL	6/12/2018	6/12/2018	
Order Acknowledging Compliance	JL	10/27/2018	10/27/2018	
PHONE MESSAGE/CONTACT-3	JL	6/27/2018	6/27/2018	June 8, 2018 4:26:43 PM keywjll1. I received a message from Gaby (972)324-4850 stating her office received the notice of code violation and wants to know how to bring this case into compliance. I called her back and left a message requesting a call back.

## CONTACTS

NAME TYPE	NAME	ADDRESS	PHONE	FAX	EMAIL
COMPLAINANT	CITIZEN COMPLAINT				
OWNER	WILMINGTON TRUST COMPANY	7757 BAYBERRY RD JACKSONVILLE, FL 32256			

## FINANCIAL INFORMATION

## INSPECTIONS





# Case Details - No Attachments

City of Key West

Case Number

**18-00241**

INSPECTION TYPE	INSPECTOR	SCHEDULED DATE	COMPLETED DATE	RESULT	REMARKS	NOTES
Follow up Inspection	JL	3/5/2018	2/23/2018			February 23, 2018 4:38:06 PM keywjll1. I received a call from the complainant 405-850-8696 stating that he will be available Monday.
Follow up Inspection	JL	3/30/2018	4/27/2018			April 27, 2018 4:49:54 PM keywjll1. I visited the neighbor on April 24, 2018 and the roof was still there. I observed and photographed the green water accumulated in the pool.&#x20; Count-5. Sec.26-32. Nuisances illustrated.&#x20; Corrective action: Please clean up the pool to avoid unsanitary conditions.
Follow up Inspection	JL	2/27/2018	3/15/2018			March 15, 2018 10:01:03 PM keywjll1. I went to 1600 Riviera St the property owner's residence according to the Monroe county property appraiser and I was unable to make contact with the property owner. Officer Charles had a case recently on this property and the property owner didn't reach out to him. I will be mailing a notice tomorrow.





# Case Details - No Attachments

City of Key West

Case Number

**18-00241**

Follow up Inspection	JL	2/24/2018	2/27/2018			<p>February 27, 2018 7:46:24 PM keywjll1. On this date I met with the complainant and he allowed me to go onto his property to observe the structure. I observed and photographed a detached dwelling at the subject property and the roof built in the setback. The city does not have building records related to this detached dwelling. All the photographs are in optiview. I'll try to make contact with the property owner and ask if he could let me see this dwelling.&amp;#x20; Count-1: Sec.14-37. Building permits; professional plans; display of permits; address; exceptions.&amp;#x20; Corrective action: Please apply for and obtain all the after the fact permits and inspections.&amp;#x20; Count-2: Sec.122-238 Dimensional requirements. (2) Side: 5 feet.&amp;#x20; Corrective action: Please contact the planning department to apply for and obtain a demolition permit or contact the planning department to apply for and obtain a variance.&amp;#x20; Count-3: Sec.90-363. Certificate of occupancy-Required&amp;#x20; Corrective action: Please contact the building department to apply for and obtain a certificate of occupancy.&amp;#x20; Count-4: Sec.58-61 Determination and levy of charge.&amp;#x20; Corrective action: Please contact the planning department to apply for and obtain cost of impact fees.</p>
Initial Inspection	JL	2/23/2018	2/23/2018			<p>February 23, 2018 2:51:44 PM keywjll1. To wit: Responding to this complaint I did a site visit at the subject property and called the complainant. I left a voice message requesting a call back.</p>

## VIOLATIONS

VIOLATION TYPE	USER NAME	OBSERVED DATE	CORRECTED DATE	LOCATION	REMARKS	NOTES
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# Case Details - No Attachments

City of Key West

Case Number

**18-00241**

BUILDING PERMITS, DISPLAY Sec. 14-37		3/20/2018				
CERTIFICATE OF OCCUPANCY Sec. 90-363		3/20/2018				
DETERMINATION AND LEVY Sec. 58-61		3/20/2018				
DIMENSIONAL RQMT SF Sec. 122-238		3/20/2018				
NUISANCES ILLUSTRATED Sec. 26-32		4/27/2018				





**THE CITY OF KEY WEST**  
**Code Compliance Division**  
P.O. BOX 1409  
KEY WEST, FL 33041  
(305) 809-3740

**AMENDED NOTICE OF CODE VIOLATION AND  
ADMINISTRATIVE HEARING**

DATE: June 12, 2018  
RE: CASE NUMBER 18-241

CERTIFIED MAIL RECEIPT#: 7017 3040 0000 0683 3969

To:  
Theresa Didato Cioffi  
3970 NW 27 Terr  
Boca Raton, FL 33434

Subject Address: *Unpermitted Structure @*  
3222 Riviera Drive  
Key West, FL 33040

**TAKE NOTICE** that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address. You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

**Count-1: Sec.14-37. Building permits; professional plans; display of permits; address; exceptions.**

(a) *Building permit required; display.* Building permits shall be procured from the chief building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

Inspections may not be performed if the permit is not posted and address numbers are not a minimum of 4" high and clearly visible from the street.

*Exception 1:* Total contract price less than \$1,000.00 per FBC Sect. 105.2.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the chief building official without a building permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangements of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical circuit wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

**Any new electrical circuits or wiring will require a permit.**

**Any new plumbing fixtures or piping will require a permit.**

*Exception 2:* Painting, both interior and exterior, residential or commercial does not require a permit. Tile repair or installation, floor covering, including carpet, laminate, resilient, and wood, both residential and commercial, do not require a permit.

Work that falls under the \$1,000.00 threshold for a building permit may be performed only by the property owner or a licensed contractor. Unlicensed workers, including 'handymen' are not allowed to conduct any type of work to a residential or commercial structure.

(b)*Professional plans required.* Professional plans shall be required as follows:

(1) Plans for work requiring a building permit shall be submitted in multiple sets, as determined by the chief building official, to the chief building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the chief building official.

(3) The chief building official may waive the requirements in [subsection] (b)(1) and/or (2) by special permission.

To wit: Responding to this complaint I visited the property located at 3220 Riviera Drive where I met the complainant and showed me the roof built in the setback. I could observe a detached dwelling and the city does not have records of this structure.

**Corrective action: Please apply for and obtain all the required after the fact permits and inspections for detached dwelling.**

**Count-2: Sec.122-238 Dimensional requirements.**

**Minimum setbacks:**

**A. Single-family:**

1. Front: 30 feet or the average depth of front yards on developed lots within 100 feet each side, but not less than 20 feet.
2. Side: 5 feet.
3. Rear: 25 feet or 20 feet when abutting an alley.
4. Street side: 10 feet.

To wit: This roof was built in the setback located in the rear side of the subject property.

**Corrective action: Please contact the building department to apply for and obtain a demolition permit or contact the planning department to apply for and obtain a variance.**

**Count-3: Sec.26-32. Nuisance illustrated.**

The following are declared to be nuisances; provided, however, that the following shall not be deemed to be exclusive:

- (1) All substances which emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia, in the neighborhood where they exist.
- (2) All carcasses of animals remaining exposed for 12 hours after death.



(3) Any growth of weeds, grasses or bushes to excessive height, provided that this shall not apply to planted and cultivated flowers, shrubbery or other landscaping.

(4) All slop, foul or dirty water, filth, refuse or offal, discharged in or upon any street, avenue, sidewalk, alley, park, public enclosure or other public place, or allowed to accumulate there or in a pond or pool.

(5) Any article, instrumentality or physical thing that, in the reasonable opinion of the city manager, poses an immediate threat of injury to persons or damage to property in the public right-of-way or other public area.

(6) The keeping or allowing to remain on any premises any trees, shrubs or other vegetation infected with fungus or other diseases that will or might spread to other noninfected trees, shrubs or other vegetation.

**(7) Stagnant water in a swimming pool, cistern or fountain that is a breeding ground or feeding area for mosquitoes.**

To wit: On April 24, 2018 I observed and photographed the pool with stagnant water. On May 29, 2018 I went back to the neighbor's property and the pool still contains stagnant water.

**Corrective action: Please clean up the pool to avoid unsanitary conditions.**

**Count-4: Sec.26-126. Clearing of property of debris and noxious material required.**

For the purposes of promoting the health, safety, and general welfare of the city residents, the city manager is authorized and empowered to require that vacant lands and/or improved property within the city be cleared of debris and any noxious material, including garbage, litter, rubbish, refuse, solid waste, trash or industrial waste or high grass or weeds which tend to:

(1) Be a breeding place or haven for snakes, rodents, insects, and vermin;

(2) Create a fire hazard or endanger the lives and property of the city residents;

(3) Create a traffic hazard; or

**(4) Create a nuisance or other unsightly or unsanitary condition.**

To wit: On May 29, 2018 I observed and photographed debris located on the driveway of this property.

**Corrective action: Please remove all the debris from the subject property.**

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at **City Hall, 1300 White Street, Key West, Florida at 1:30 P.M. on:**

**August 29, 2018**

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 1300 White Street, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

**Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.**

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of **\$250.00** may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). **Failure to pay these costs will result in a lien against the property in violation.**

**PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.**

Jorge Lopez  
Code Compliance Officer  
City of Key West  
(305) 809-3735 Desk  
[jlopez@cityofkeywest-fl.gov](mailto:jlopez@cityofkeywest-fl.gov)  
Monday-Friday 8:00-5:00

May 29, 2018 at 9:21:49 AM  
Key West







# **Warranty Deed**

Doc # 2225852 Blk# 2971 Pg# 1066 Electronically Recorded 6/21/2019 at 3:58 PM Pages 4  
Filed and Recorded in Official Records of MONROE COUNTY KEVIN MADOK  
ElectronicallyREC: \$35.50 Deed Doc Stamp \$8,575.00

This instrument prepared by:  
Bay National Title Company  
Megan Mendenhall  
13577 Feather Sound Drive, Suite 250  
Clearwater, FL 33762

Return to:  
Bay National Title Company  
13577 Feather Sound Drive, Suite 250  
Clearwater, FL 33762

Parcel Identification No. 0006944000000336725

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** made this 12 day of JUN, 2019, by **Wilmington Trust Company**, not in its individual capacity solely as trustee for **Structured Asset Securities Corporation Mortgages Pass-Through Certificates, Series 2005-4XS**, a \_\_\_\_\_, and having its place of business at c/o JPMorgan Chase Bank, National Association, 3415 Vision Drive, Columbus, OH 43219, hereinafter called the "Grantor", to **Lawney Management Company**, a Florida corporation whose post office address is: 3814 Flagler Ave, Key West, FL 33040, hereinafter called the "Grantee",

**WITNESSETH:** That Grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell unto Grantee, all that certain land situate in Monroe County, Florida, to wit:

See Exhibit A attached hereto and made a part hereof.

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.

**SUBJECT** to the matters set forth on Exhibit B attached hereto and made a part hereof (collectively, the "Permitted Exceptions"), provided this shall not serve to reimpose any of the same.

**GRANTOR WILL WARRANT** and forever defend the right and title to the above-described real property unto the Grantee against the claims of all person, claiming by, through or under Grantor, subject to the Permitted Exceptions. *(Wherever used herein the terms "Grantor" and "Grantee" included all the parties to this instrument, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation.)*

DB16714R262.3

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Wilmington Trust Company, not in its individual capacity solely as trustee for Structured Asset Securities Corporation Mortgages Pass-Through Certificates, Series 2005-4XS, a \_\_\_\_\_ by JPMorgan Chase Bank, National Association as Attorney-in-Fact

Kathy J. Cams JUN 12 2019  
Witness to sign above  
Print Name: Kathy J. Cams

Donna J. Gilkerson JUN 12 2019  
Witness to sign above  
Print Name: Donna J. Gilkerson

By: Tim J. Wilson  
Name: Tim J Wilson  
Title: Vice President

(Affix corporate seal)



STATE OF Ohio )  
  ) ss:  
COUNTY OF Franklin )

The foregoing instrument was acknowledged before me this 12 day of JUN, 2019, by Tim J Wilson, the Vice President of JPMorgan Chase Bank, National Association as Attorney-in-Fact for Wilmington Trust Company, not in its individual capacity solely as trustee for Structured Asset Securities Corporation Mortgages Pass-Through Certificates, Series 2005-4XS, a \_\_\_\_\_ on behalf of said National Association. She/He [Check one]  is personally known to me or  has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC:

Sign: Tiffany L. Thompson  
Print: Tiffany L. Thompson

My commission expires OCT 25, 2021 (Affix Notarial Stamp or Seal)



TIFFANY L. THOMPSON  
NOTARY PUBLIC  
FOR THE  
STATE OF OHIO  
My Commission Expires  
October 25, 2021

DB1/67148262.3



Doc. # 2225852 Page Number: 3 of 4

**EXHIBIT A**

**LEGAL DESCRIPTION**

LOTS 1 AND 2, BLOCK 4, RIVIERA SHORES SUBDIVISION IN THE CITY OF KEY WEST, FLORIDA, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 148, MONROE COUNTY, FLORIDA, PUBLIC RECORDS.

DB1/67148262.3

**EXHIBIT B**

**PERMITTED ENCUMBRANCES**

1. The lien of taxes and assessments for the current year and subsequent years;
2. Matters that would be shown by an accurate survey and inspection of the property;
3. All covenants, restrictions, conditions, easements, reservations, rights-of-way, and other matters of record, to the extent valid, subsisting and enforceable;
4. Zoning requirements, statutes, rules, orders, restrictions, regulations and ordinances of governmental agencies or their instrumentalities relating to the property, the buildings located thereon, their construction and uses, in force on the date hereof (if any such exist); and
5. Any licenses, permits, authorizations or similar items (if any) in connection with the conduct of any activity upon the property.

DB1/67148262.3

# Verification Form

**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an Individual)*

I, Wayne LaRue Smith, 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:

**3222 Riviera Drive, 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 of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this November 19, 2019 by  
*date*

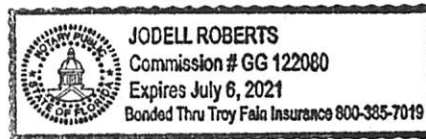
Wayne LaRue Smith  
*Name of Authorized Representative*

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

  
*Notary's Signature and Seal*

Jodell Roberts  
*Name of Acknowledger typed, printed or stamped*

66122080  
*Commission Number, if any*



# **Authorization Form**

City of Key West  
Planning Department



Authorization Form  
(Where Owner is a Business Entity)

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

I, James W. Dix as  
*Please Print Name of person with authority to execute documents on behalf of entity*

President of Lawley Management Company  
*Name of office (President, Managing Member) Name of owner from deed*

authorize Wayne LaRue Smith  
*Please Print Name of Representative*

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

*James W. Dix, President*  
*Signature of person with authority to execute documents on behalf on entity owner*

Subscribed and sworn to (or affirmed) before me on this November 18, 2019  
*Date*

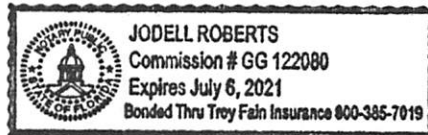
by James W. Dix  
*Name of person with authority to execute documents on behalf on entity owner*

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

*Joell Roberts*  
*Notary's Signature and Seal*

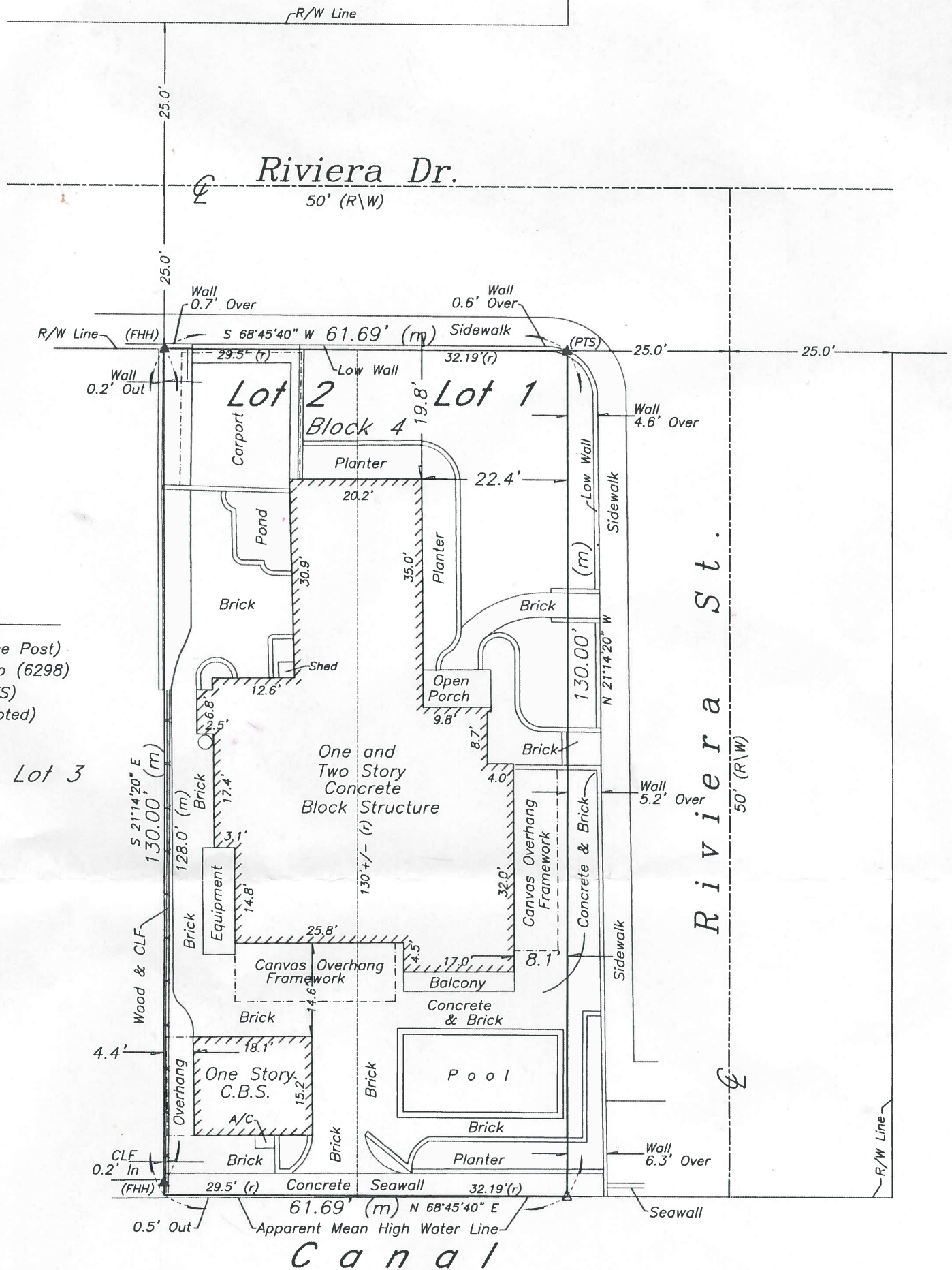
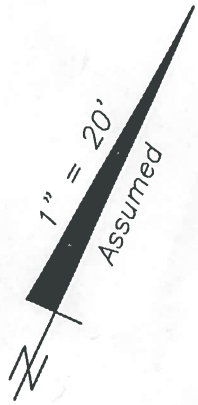
Joell Roberts  
*Name of Acknowledger typed, printed or stamped*

GG122080  
*Commission Number, if any*



# Site Plans

# Boundary Survey Map of Lots 1 & 2, Block 4, RIVIERA SHORES SUBDIVISION, Island of Key West



## LEGEND

- ⊙ Found 2" Iron Pipe (Fence Post)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (PTS)
- ▲ Found Nail & Disc (as noted)
- △ 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
- P- Overhead Utility Lines

Lot 3

### NOTES:

1. The legal description shown hereon was furnished by the client or their agent. This survey does not determine or imply ownership.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 3222 Riviera Drive, 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. Bearings are assumed and based on the centerline of Riviera Dr. as S 68°45'40" W.
8. Date of field work: September 5, 2019
9. Ownership of fences is undeterminable, unless otherwise noted.
10. The "Apparent Mean High Water Line" shown hereon does not purport to establish the actual Mean High Water Line for tidal boundary purposes.

**BOUNDARY SURVEY OF:** Lots 1 & 2, Block 4, "RIVIERA SHORES SUBDIVISION" in the City of Key West, Florida, according to the Plat thereof recorded in Plat Book 3, Page 148, Monroe County, Florida, Public Records.

**BOUNDARY SURVEY FOR:** Lawney Management Company;

I HEREBY CERTIFY that this survey was made under my responsible charge and meets the Standard of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

J. LYNN O'FLYNN, INC.

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

September 7, 2019

THIS SURVEY  
IS NOT  
ASSIGNABLE

**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 DATA**

SITE ADDRESS: 3222 RIVIERA DRIVE, KEY WEST, FL 33040  
 RE: 00069440-000000  
 ZONING: SF (SINGLE FAMILY)  
 FLOOD ZONE: AE7  
 F.I.R.M. - COMMUNITY#12087C; MAP & PANEL #1516 SUFFIX K; DATE:02-18-05  
 SECTION/TOWNSHIP/RANGE: 33-67-25  
 LEGAL DESCRIPTION: BK 4 LTS 1-2 RIVIERA SHORES SUBDIVISION PB3-148  
 SETBACKS: FRONT 20 FT, SIDE 5 FT, STREET SIDE 20 FT REAR 25 FT  
 OCCUPANCY: RESIDENTIAL  
 TYPE OF CONSTRUCTION: VB

**INDEX OF DRAWINGS**

SHEET CS-1 - EXISTING SITE PLAN, ELEVATIONS AND FLOOR PLAN

**LEGEND**

SYMBOLS	MATERIAL INDICATIONS	LIST OF ABBREVIATIONS
		& AND
		@ AT
		APPROX. APPROXIMATE(LY)
		FT. FOOT/FEET
		F.F.L. FINISH FLOOR LEVEL
		IN. INCH
		MAX. MAXIMUM
		MIN. MINIMUM
		# NUMBER
		O.C. ON CENTER
		LB. POUND
		PSI POUND PER SQUARE INCH
		PT. PRESSURE TREATED
		SF. SQUARE FOOT/FEET
		T & G. TONGUE AND GROOVE
		WWM. WELDED WIRE MESH

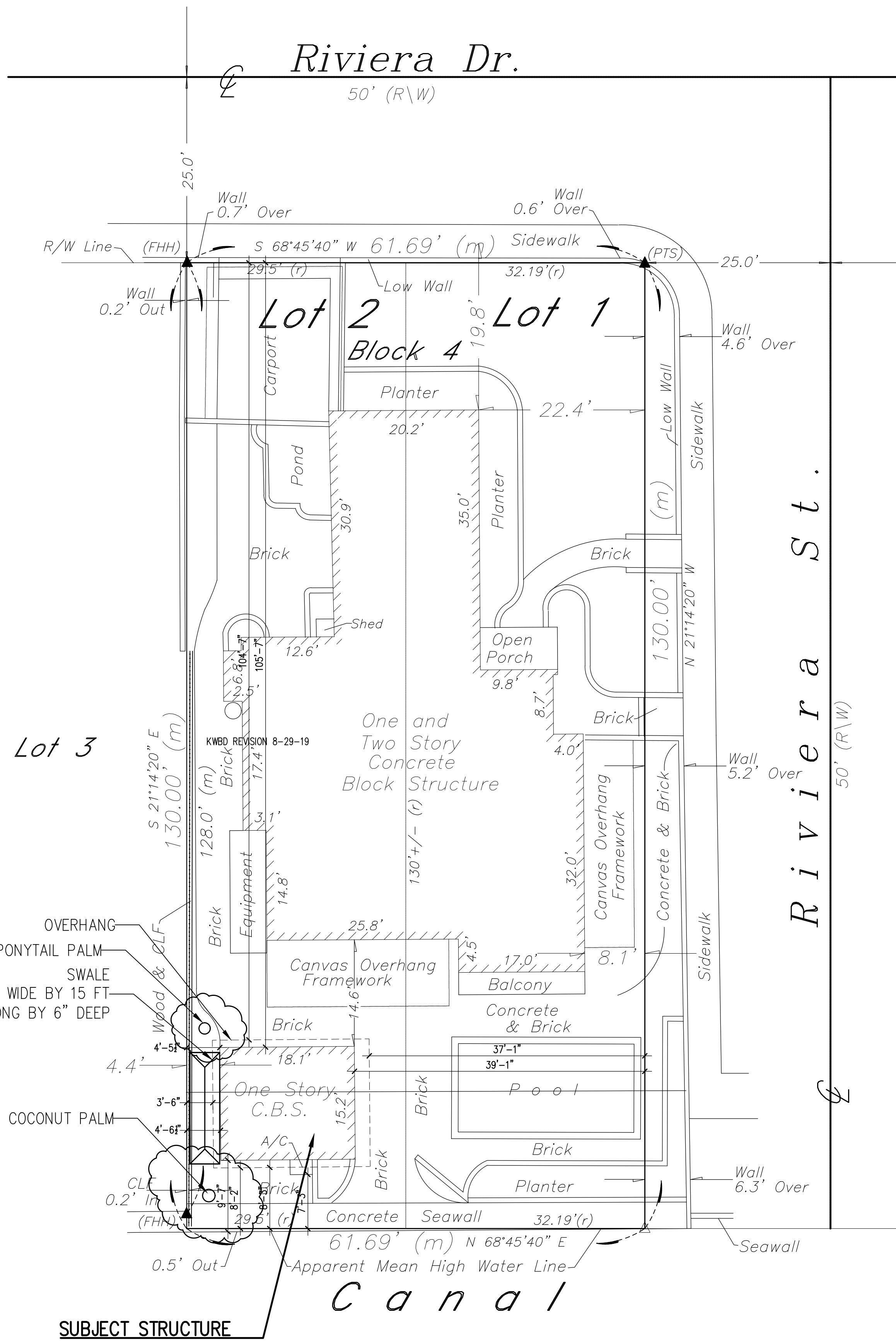
**AFTER THE FACT**

**PROJECT DATA (FOR ACCESSORY STRUCTURE)**

	EXISTING	REQUIRED	PROPOSED	VARIANCE REQUESTED
RE NO.	00069440-000000			
SETBACKS:				
FRONT	NA	20'	104'-7"	
STREET SIDE	NA	10'	37'-1"	
SIDE	NA	5'	3'-6"	YES
REAR	NA	5'	7'-3"	
LOT SIZE	8,020 SQ. FT.	6,000 SQ. FT.	8,020 SQ. FT.	
BUILDING COVERAGE*	3,274 SQ. FT. 40.8%	35% MAX	3,636 SQ. FT. 45.3%	YES
FLOOR AREA	3,227 SQ. FT. 0.40	NA	3,502 SQ. FT. 0.44	
BUILDING HEIGHT	NA	40' MAX	10'	
IMPERVIOUS AREA	5,527 SQ. FT. 68.9%	50% MAX	5,889 SQ. FT. 73.4%	YES
OPEN SPACE	2,493 SQ. FT. 31.1%	35% MIN	2,131 SQ. FT. 26.6%	YES

\* SUBJECT STRUCTURE IS APPROXIMATELY 362 SF; INCLUDES POOL, MAIN STRUCTURE, BRICK PAVERS, AND CARPORT

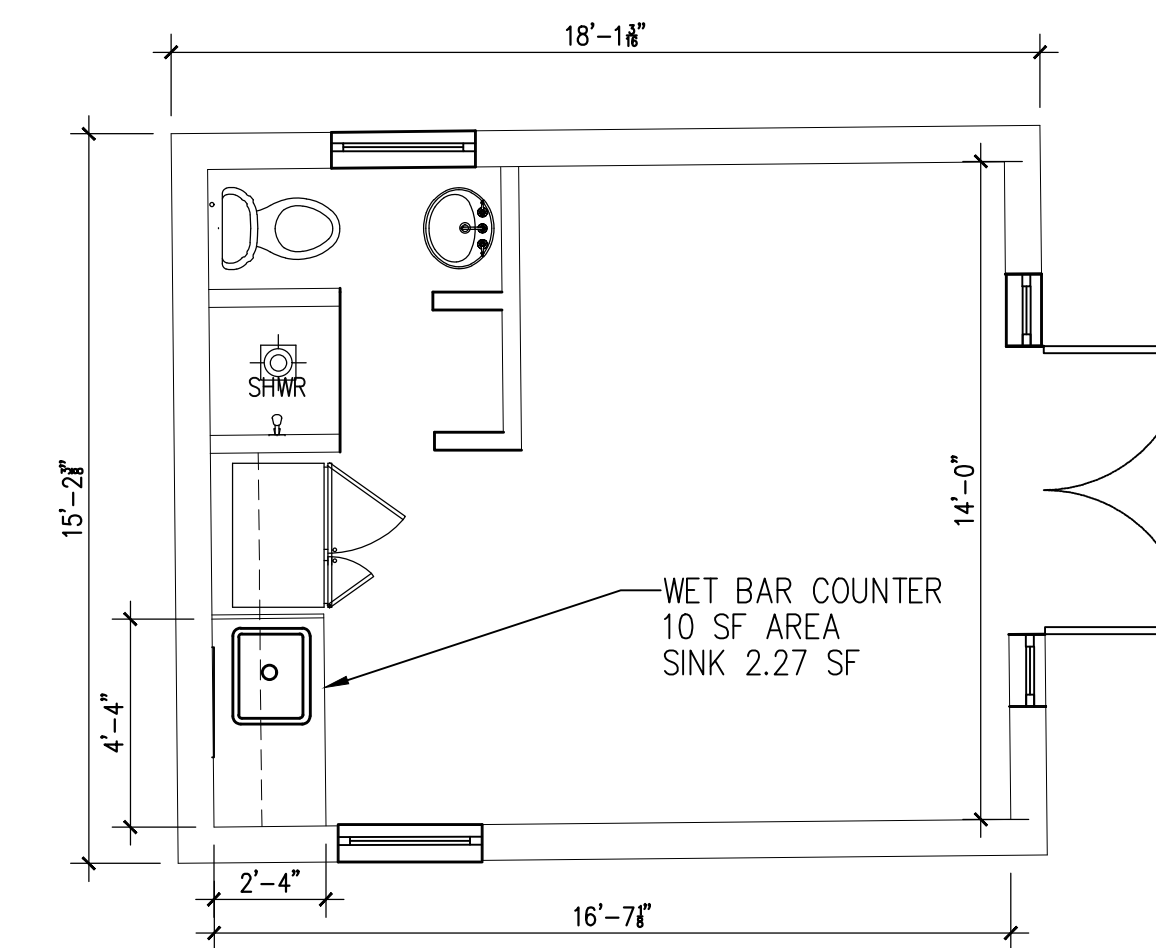
STORMWATER CALCULATION: 363 SF \* 0.0833 \* 50% = 15 CF REQUIRED  
 SWALE 4X15X0.5' = 15 CF PROVIDED



**1 EXISTING SITE PLAN (SURVEY)**

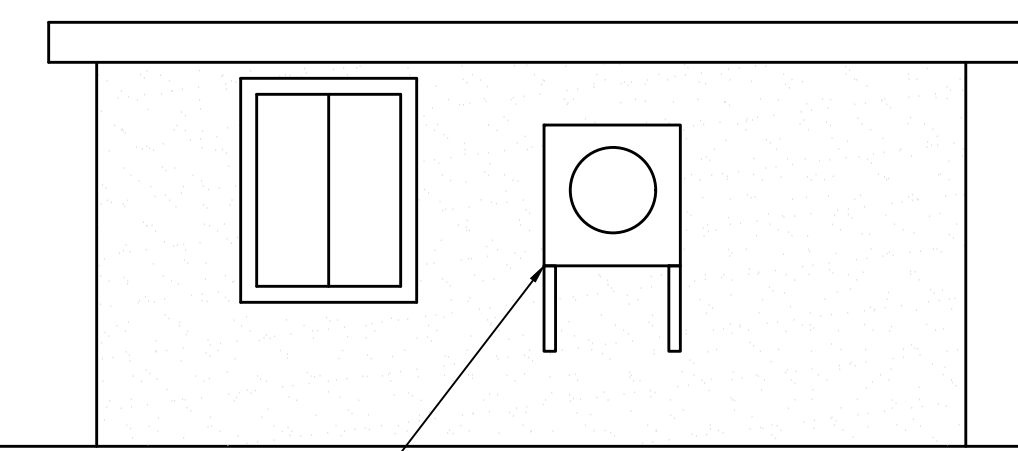
SCALE: 1" = 10'-0"

**AFTER THE FACT VARIANCE**



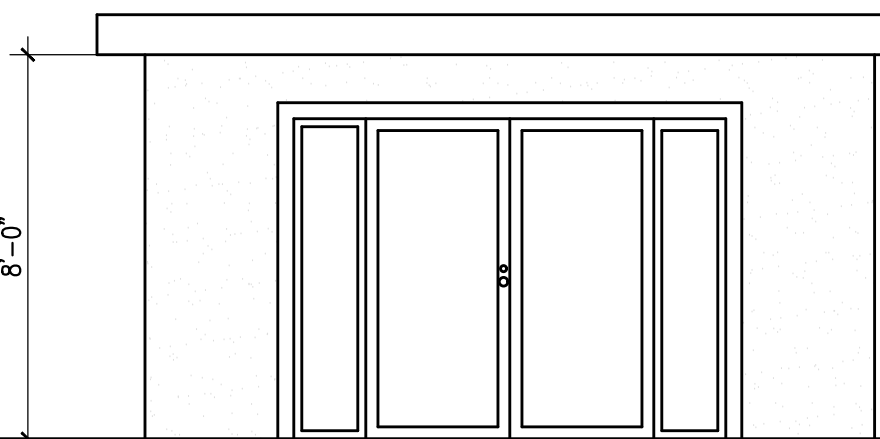
**2 EXISTING FLOOR PLAN**

SCALE: 1/4" = 1'-0"



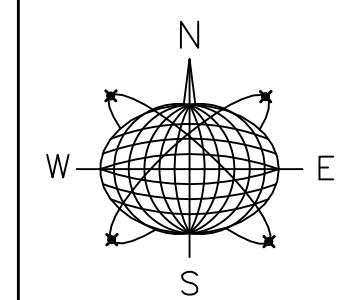
**3 SIDE ELEVATION (CANAL SIDE)**

SCALE: 1/4" = 1'-0"

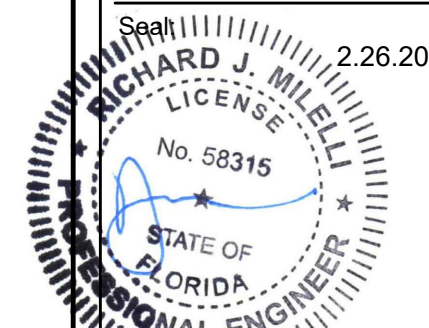


**4 FRONT ELEVATION (EAST SIDE)**

SCALE: 1/4" = 1'-0"



Meridian Engineering LLC  
 201 Front Street, Suite 210  
 Key West, Florida 33040  
 AUTHORIZATION #29401  
 ph.305-293-3263 fax.293-4899



RICHARD J. MILELLI  
 PE #58315

General Notes:

**RESIDENTIAL PROJECT**  
 3222 RIVIERA DRIVE  
 KEY WEST, FLORIDA

Drawn By: JMT  
 Checked By: RJM  
 Project No. Scale: AS NOTED

AutoCad File No.

Revisions:

Title:  
 EXISTING SITE PLAN, ELEVATIONS AND FLOOR PLAN

Sheet Number:  
**CS-1**  
 Date: NOVEMBER 19, 2019

# **Site Visit**



The front entrance to the accessory structure with canal view.



The accessory structure with the adjacent neighbor's structure behind.



Corner view of side and front entrance.



The view between the rear of the principle structure and the accessory structure.



The rear exit/entrance to the principle structure.



The front entrance of the accessory structure.





The side view of the accessor structure facing the canal.



The side view of the accessory structure with rear setback and fence.



The rear setback between the accessory structure and the fence with adjacent property.



The rear setback of the accessory structure adjacent to the neighbor's principal structure.



The side view of the structure facing the rear entrance/exit to the principle structure.



The view from the inside looking out, facing the covered pool.



Interior kitchen location



Interior space when entering the accessory structure.





The interior bathroom with shower.



The interior kitchen with full sink, fridge, and cabinets.



The entrance door to accessory structure facing the covered pool.



The existing covered pool facing the front entrance of the accessory structure.

# **Additional Information**



**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.

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00069440-000000  
 Account# 1073334  
 Property ID 1073334  
 Millage Group 10KW  
 Location 3222 RIVIERA Dr, KEY WEST  
 Address  
 Legal BK 4 LTS 1-2 RIVIERA SHORES SUBDIVISION PB3-148 OR569-223 OR715-86 OR932-798  
 Description OR1860-2006 OR2481-452/53D/C OR2961-1957/1958C/T OR2971-1066  
 (Note: Not to be used on legal documents.)  
 Neighborhood 6252  
 Property Class SINGLE FAMILY RESID (0100)  
 Subdivision Riviera Shores Sub  
 Sec/Twp/Rng 33/67/25  
 Affordable No  
 Housing



**Owner**

LAWNEY MANAGEMENT COMPANY  
 3814 Flagler Ave  
 Key West FL 33040

**Valuation**

	2019	2018	2017	2016
+ Market Improvement Value	\$445,588	\$457,631	\$469,674	\$422,323
+ Market Misc Value	\$26,046	\$24,114	\$24,114	\$22,869
+ Market Land Value	\$396,990	\$384,359	\$467,366	\$473,277
= Just Market Value	\$868,624	\$866,104	\$961,154	\$918,469
= Total Assessed Value	\$868,624	\$866,104	\$961,154	\$914,405
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$868,624	\$866,104	\$961,154	\$918,469

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL CANAL (010C)	8,020.00	Square Foot	62	130

**Buildings**

Building ID 5694  
 Style 2 STORY ON GRADE  
 Building Type S.F.R. - R1 / R1  
 Gross Sq Ft 4062  
 Finished Sq Ft 3165  
 Stories 2 Floor  
 Condition GOOD  
 Perimeter 376  
 Functional Obs 0  
 Economic Obs 0  
 Depreciation % 27  
 Interior Walls WD PANL/CUSTOM  
 Exterior Walls C.B.S.  
 Year Built 1974  
 EffectiveYearBuilt 2000  
 Foundation CONCR FTR  
 Roof Type GABLE/HIP  
 Roof Coverage METAL  
 Flooring Type MARBLE  
 Heating Type FCD/AIR DUCTED with 0% NONE  
 Bedrooms 3  
 Full Bathrooms 3  
 Half Bathrooms 1  
 Grade 600  
 Number of Fire PI 0

Code	Description	Sketch Area	Finished Area	Perimeter
CPF	COVERED PARKING FIN	285	0	0
CBF	FINISHED CABAN	255	0	0
FLA	FLOOR LIV AREA	3,165	3,165	0
OPU	OP PR UNFIN LL	195	0	0
OUU	OP PR UNFIN UL	96	0	0
OPF	OP PRCH FIN LL	66	0	0
<b>TOTAL</b>		<b>4,062</b>	<b>3,165</b>	<b>0</b>

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
SEAWALL	1973	1974	1	122 SF	2
CONCRETE DOCK	1973	1974	1	244 SF	2
RES POOL	1979	1980	1	325 SF	3
CONC PATIO	1979	1980	1	816 SF	2
FENCES	1988	1989	1	632 SF	5

**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
6/12/2019	\$1,225,000	Warranty Deed	2225852	2971	1066	12 - Unqualified	Improved
4/30/2019	\$800,100	Certificate of Title	2218026	2961	1957	12 - Unqualified	Improved
2/12/2002	\$875,000	Warranty Deed		1860	2006	Q - Qualified	Improved
1/1/1985	\$149,500	Warranty Deed		932	798	Q - Qualified	Improved
2/1/1977	\$105,000	Conversion Code		715	86	Q - Qualified	Improved

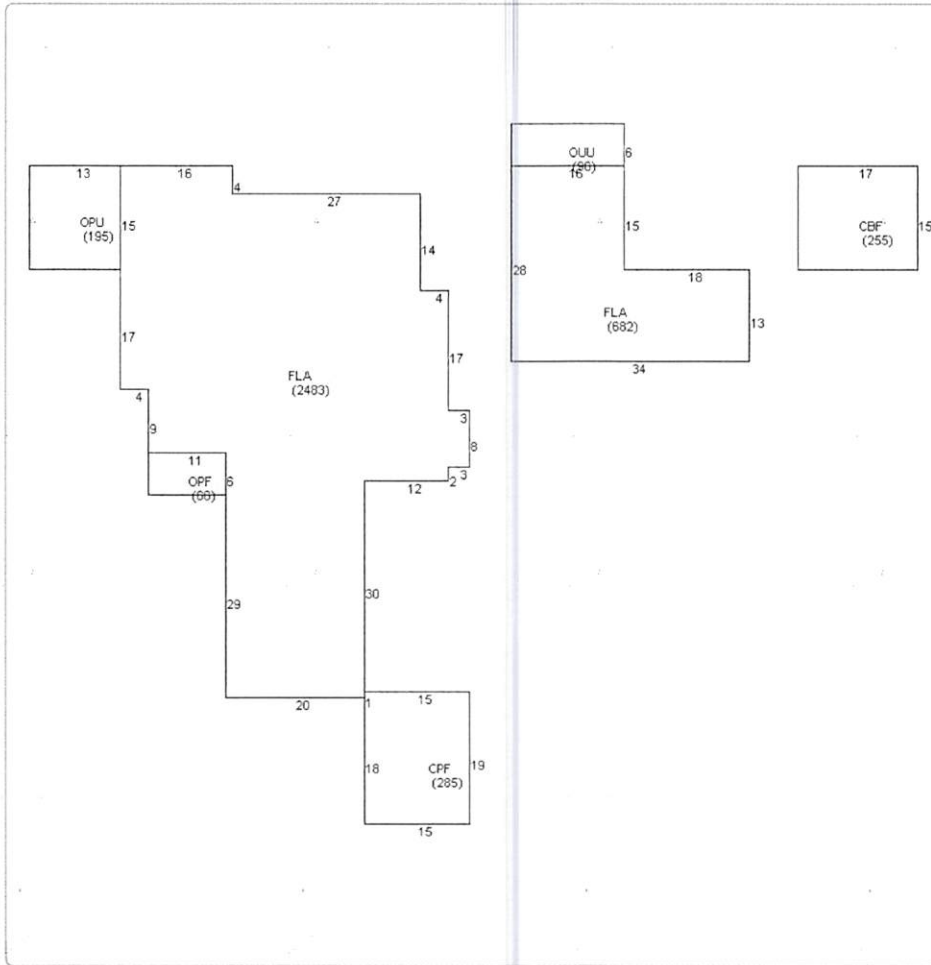
**Permits**

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
09-0379	2/13/2009	6/7/2013	\$6,000	Residential	REPLACE 2 AC UNITS ADD 6 DROPS
09-0353	2/12/2009	12/31/2012	\$25,621	Residential	AIRPORT PROJECT; REPLACE 7 WINDOWS 9 DOORS 2 HURRICANE SHUTTERS
09-0354	2/11/2009	12/31/2012	\$2,000	Residential	AIRPORT PROJECT; INSTALL NEW ELECTRIC
08-388	2/19/2008	6/7/2013	\$7,000	Residential	REPAIR STUCCO
07-3528	8/7/2007	6/7/2013	\$2,300	Residential	RESURFACE EXISTING POOL ONLY
06-5415	10/2/2006	12/15/2006	\$1,500	Residential	INSTALL 25 RECESSED & SURFACE LIGHT FIXTURES & WIREUNG
06-0974	2/16/2006	12/15/2006	\$31,000	Residential	STORM DAMAGE REPLACE ROOF WITH V-CRIMP ROOFING 40 SQS
04-3656	11/29/2004	12/13/2004	\$15,000	Residential	R&R CARPET W/ TRAV TILE
98-3553	11/15/1998	12/31/1998	\$1,500	Residential	REPAIR STUCCO/STORM DAMAG
B95-0699	3/1/1995	8/1/1995	\$6,190	Residential	3 HURRICANE SHUTTERS

**View Tax Info**

[View Taxes for this Parcel](#)

**Sketches (click to enlarge)**



1073334 3222 RIVIERA DR 6/18/19



Map



TRIM Notice

Trim Notice

2019 Notices Only

No data available for the following modules: Commercial Buildings, Mobile Home Buildings, Exemptions.

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User Privacy Policy  
 GDPR Privacy Notice

Last Data Upload: 10/28/2019 5:30:10 AM

Version 2.3.15

