

## AGENDA

PLANNING COMMISSION  
MONROE COUNTY  
July 30, 2014  
10:00 A.M.

MARATHON GOV'T CENTER  
2798 OVERSEAS HIGHWAY  
MARATHON, FL 33050

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

#### COMMISSION:

William Wiatt, Chairman  
Jeb Hale  
Elizabeth Lustberg  
Ron Miller  
Denise Werling

#### STAFF:

Townsley Schwab, Sr. Director of Planning and Environmental Resources  
Susan Grimsley, Assistant County Attorney  
Steve Williams, Assistant County Attorney  
John Wolfe, Planning Commission Counsel  
Mayte Santamaria, Assistant Director of Planning and Environmental Resources  
Joe Haberman, Planning & Development Review Manager  
Mitch Harvey, Comp Plan Manager  
Mike Roberts, Sr. Administrator, Environmental Resources  
Rey Ortiz, Planning & Biological Plans Examiner Supervisor  
Tiffany Stankiewicz, Development Administrator  
Emily Schemper, Principal Planner  
Ed Koconis, Principal Planner  
Matt Coyle, Sr. Planner  
Barbara Bauman, Planner  
Karl Bursa, Planner  
Gail Creech, Sr. Planning Commission Coordinator

### COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

### - SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

### - SWEARING OF COUNTY STAFF

### CHANGES TO THE AGENDA

### - APPROVAL OF MINUTES MEETING

New Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM INDUSTRIAL (I) TO COMMERCIAL (COMM) FOR PROPERTY LOCATED AT APPROXIMATE MILE

MARKER 9, DESCRIBED AS FIVE PARCELS OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00122080.000000, 00122081.000200, 00122010.000000 AND 00121990.000000, AND FROM MIXED USE/COMMERCIAL FISHING (MCF) AND INDUSTRIAL (I) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY LOCATED AT APPROXIMATE MILE MARKER 9, DESCRIBED AS A PARCEL OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, BIG COPPITT KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00120940.000100, AS PROPOSED BY ROCKLAND OPERATIONS, LLC AND ROCKLAND COMMERCIAL CENTER, INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-068)

[2012-068 Memo for continuance.PDF](#)

[2012-068 Recvd 06.03.14 Traffic Study.PDF](#)

2. Jose & Lilliam Perea, 63 Mutiny Place, Key Largo (Buccaneer Point) approximate mile marker 98.5: An appeal by a surrounding property owner to the Planning Commission concerning an administrative decision of the Senior Director of Planning & Environmental Resources dated April 16, 2014 approving a special exception to construct a 184.6' long X 4' wide dock with a 8' X 20' terminal platform and boat lifts. The subject property is legally described as Lot 32, Block 3, Buccaneer Point Subdivision (Plat Book 7, Page 6), Monroe County, Florida, having real estate number 00496131-007600.

(File 2014-058)

[2014-058 SR PC 07.30.14.PDF](#)

[2014-058 FILE.PDF](#)

[2014-058 P21-14 Draft.pdf](#)

3. Grobarek Residence, 2 Cypress Terrace, Raccoon Key (aka Key Haven), mile marker 5: A public hearing concerning a request for a Variance of 20 feet to the required 25-foot front yard non-shoreline setback which is adjacent to the Cypress Terrace right-of-way. Approval would result in a setback of 5 feet. The requested variance is required for the development of a proposed accessory tiki hut. The subject property is legally described as Block 3, Lot 21, Key Haven 8<sup>th</sup> Addition subdivision (Plat Book 5, Page 61), Raccoon Key, Monroe County, Florida, having real estate number 00138970.000000.

(File 2014-078) **Application was not heard at this meeting.**

[2014-078 SR PC 07.30.14.PDF](#)

[2014-078 FILE.PDF](#)

[2014-078 Recvd 06.10.14 Site Plan.PDF](#)

[2014-078 Recvd 06.10.14 Survey.PDF](#)

Pursuant to Section 286.0105 Florida Statutes and Monroe County Resolution 131-1992, if a person decides to appeal any decision of the Planning Commission, he or she shall provide a transcript of the hearing before the Planning Commission, prepared by a certified court reporter at the appellant's expense. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**ADA ASSISTANCE:** If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

-  
BOARD DISCUSSION

-  
GROWTH MANAGEMENT COMMENTS

-  
RESOLUTIONS FOR SIGNATURE

ADJOURNMENT

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**Item #1 Rockland Operations - FLUM  
Request for Continuance**

**MEMORANDUM**

**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

*We strive to be caring, professional and fair*

To: Planning Commissioners, John Wolfe  
From: Ed Koconis, AICP Growth Management Permit Manager  
Date: July 18, 2014  
Subject: Request for a Continuance from Rockland Operations, LLC and Rockland Commercial Center, Inc. (Our File # 2012-068)

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The applicant is requesting a continuance from July 30, 2014 to August 27, 2014 for Rockland Operations, LLC and Rockland Commercial Center, Inc. to amend the Comprehensive Plan Future Land Use Map from Industrial (I) and Mixed Use/Commercial Fishing (MCF) to Commercial (COMM) and Mixed Use Commercial (MC) for a total of five parcels on Rockland and Big Coppitt Keys.

## Creech-Gail

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**From:** Santamaria-Mayte  
**Sent:** Friday, July 18, 2014 1:31 PM  
**To:** Creech-Gail; Koconis-Ed  
**Subject:** FW: Rockland FLUM

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**From:** [bart@smithoropeza.com](mailto:bart@smithoropeza.com) [<mailto:bart@smithoropeza.com>]  
**Sent:** Friday, July 18, 2014 1:31 PM  
**To:** Santamaria-Mayte  
**Subject:** RE: Rockland FLUM

Mayte,

Please allow this e-mail to serve as a confirmation of the applicants' request for a continuance from July 30, 2014 to August 27, 2014 for the Rockland Key FLUM amendment application for Rockland Commercial Center and Rockland Operations.

Thank you,

Barton W. Smith, Esq.  
SMITH OROPEZA, P.L.  
138 - 142 Simonton Street  
Key West, Florida 33040  
Tel: 305-296-7227  
Fax: 305-296-8448  
[www.smithoropeza.com](http://www.smithoropeza.com)

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Please note: This law firm may be deemed a "debt collector" under the Fair Debt Collection Practices Act. Any and all information obtained during and from communications may be used for the purpose of collecting debt.

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**From:** Santamaria-Mayte [<mailto:Santamaria-Mayte@MonroeCounty-FL.Gov>]  
**Sent:** Friday, July 18, 2014 12:51 PM  
**To:** [bart@smithoropeza.com](mailto:bart@smithoropeza.com)  
**Subject:** Rockland FLUM

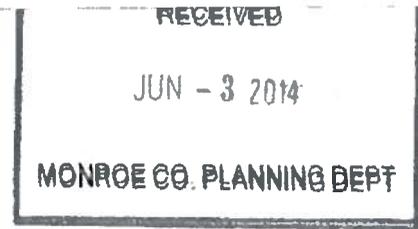
Can you send an requesting a continuance?

**Item #1 Rockland Operations - FLUM  
Traffic Study**

**KBP CONSULTING, INC.**

June 2, 2014

Barton W. Smith, Esq.  
Smith Oropeza, P.L.  
138-142 Simonton Street  
Key West, Florida 33040



Re: Rockland FLUM – Traffic Statement

Dear Bart:

Per your request, KBP Consulting, Inc. has conducted a traffic analysis associated with six (6) parcels located on Rockland and Big Coppitt Keys in Monroe County, Florida. The six (6) parcels are identified below:

- **Rockland Key Parcels**
  - 00122080-000000
  - 00122030-000000
  - 00122081-000000
  - 00122010-000000
  - 00121990-000000
  
- **Big Coppitt Key Parcel**
  - 00120940-000000

Rockland Operations, LLC and Rockland Commercial Center, Inc., the owners of the subject parcels, propose to amend the County's Comprehensive Plan Future Land Use Map (FLUM) designations for these parcels. More specifically, the subject parcels on Rockland Key would be changed from Industrial (I) to Commercial (COMM) and the parcel on Big Coppitt Key would be changed from Mixed Use / Commercial Fishing (MCF) and Industrial (I) to Mixed Use / Commercial (MC). The Rockland Key parcels encompass approximately 27.67 acres while the parcel on Big Coppitt Key is 14.83 acres. The total area involved in this FLUM Amendment is 42.50 acres. The proposed changes (by land use) and the corresponding change in development potential is presented below:

**Mixed Use / Commercial Fishing (MCF) to Mixed Use / Commercial (MC)**

- Total Area = 3.28 acres
- Net Changes in Development Potential:
  - Residential: (-7) dwelling units
  - Transient: +49 rooms / spaces
  - Nonresidential: +7,144 SF

**Industrial (I) to Mixed Use / Commercial (MC)**

- Total Area = 11.55 acres
- Net Changes in Development Potential:
  - Residential: +58 dwelling units
  - Transient: +173 rooms / spaces
  - Nonresidential: (-75,467) SF

## **Industrial (I) to Commercial (COMM)**

- Total Area = 27.67 acres
- Net Changes in Development Potential:
  - Residential: (-27) dwelling units
  - Transient: +0 rooms / spaces
  - Nonresidential: (-120,531) SF

As stated previously, the total area involved in this FLUM Amendment is 42.50 acres. And, the net change in development potential is an additional 24 residential dwelling units, an additional 222 transient (hotel) rooms, and a reduction of 188,854 square feet of nonresidential area. Additional information concerning the existing and proposed maximum development potential of this proposed amendment is provided in Attachment A of this report.

## **Trip Generation Analysis**

A trip generation comparison analysis was performed between the current permitted maximum development potential and the proposed permitted maximum development potential of the subject parcels. This analysis was conducted using the trip generation rates and equations published in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual (9<sup>th</sup> Edition)*. The trip generation comparison analysis was undertaken for daily, AM peak hour, and PM peak hour conditions. The applicable land uses and the corresponding trip generation rates are as follows:

### **Residential – Apartment – ITE Land Use #220**

- Weekday Trip Generation Rate:  $T = 6.65 (X)$   
*where T = number of trips and X = number of dwelling units*
- Peak Hour Trip Generation Rates:
  - AM Peak Hour:  $T = 0.51 (X)$  (20% in / 80% out)
  - PM Peak Hour:  $T = 0.62 (X)$  (65% in / 35% out)

### **Transient – Hotel – ITE Land Use #310**

- Weekday Trip Generation Rate:  $T = 8.17 (X)$   
*where T = number of trips and X = number of rooms*
- Peak Hour Trip Generation Rates:
  - AM Peak Hour:  $T = 0.53 (X)$  (59% in / 41% out)
  - PM Peak Hour:  $T = 0.60 (X)$  (51% in / 49% out)

From a trip generation standpoint, the most intense nonresidential land uses are “commercial retail” (for Mixed Use / Commercial Fishing, for Mixed Use / Commercial, and for Commercial land use designations) and “restaurant” (for the Industrial land use designation). The trip generation information for these land uses is presented below.

### **Commercial Retail – Shopping Center – ITE Land Use #820**

- Weekday Trip Generation:  $\text{Ln}(T) = 0.65 \text{Ln}(X) + 5.83$   
*where T = number of trips and X = 1,000 square feet of gross leasable area*
- Peak Hour Trip Generation Rates:
  - AM Peak Hour:  $T = 0.96 (X)$  (62% in / 38% out)
  - PM Peak Hour:  $\text{Ln}(T) = 0.67 \text{Ln}(X) + 3.31$  (48% in / 52% out)

# KBP CONSULTING, INC.

## Restaurant – High-Turnover (Sit-Down) Restaurant – ITE Land Use #932

- Weekday Trip Generation:  $T = 127.15 (X)$   
*where  $T$  = number of trips and  $X$  = 1,000 square feet of gross floor area*
  
- Peak Hour Trip Generation Rates:
  - AM Peak Hour:  $T = 10.81 (X)$  (55% in / 45% out)
  - PM Peak Hour:  $T = 9.85 (X)$  (60% in / 40% out)

The resulting trip generation analysis for this FLUM Amendment is summarized in Table 1 on the following page. As indicated in this table, the proposed FLUM designations for the subject parcels on Rockland and Big Coppitt Keys are anticipated to result in a significant reduction in trip generation potential (94,612 fewer daily trips, 10,148 fewer AM peak hour trips, and 6,882 fewer PM peak hour trips) when compared with the existing FLUM designations for these parcels. As a result, no further traffic analyses are required at this time.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

**KBP CONSULTING, INC.**



Karl B. Peterson, P.E.  
Florida Registration Number 49897  
Engineering Business Number 29939

Table 1 Trip Generation Comparison Rockland FLUM - Monroe County, Florida								
Land Use	Development Potential	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<b>Mixed Use / Commercial Fishing (MCF) to Mixed Use / Commercial (MC) - 3.28 Acres</b>								
<i>Existing FLUM (MCF)</i>								
Residential	26 DU	173	3	10	13	10	6	16
Transient	0 Rooms	0	0	0	0	0	0	0
Commercial Retail	57,150 SF	4,721	34	21	55	198	214	412
<b>SUB-TOTAL</b>		<b>4,894</b>	<b>37</b>	<b>31</b>	<b>68</b>	<b>208</b>	<b>220</b>	<b>428</b>
<i>Proposed FLUM (MC)</i>								
Residential	19 DU	126	2	8	10	8	4	12
Transient	49 Rooms	400	15	11	26	15	14	29
Commercial Retail	64,294 SF	5,096	38	24	62	214	232	446
<b>SUB-TOTAL</b>		<b>5,622</b>	<b>55</b>	<b>43</b>	<b>98</b>	<b>237</b>	<b>250</b>	<b>487</b>
<b>Difference (Proposed - Existing)</b>		<b>728</b>	<b>18</b>	<b>12</b>	<b>30</b>	<b>29</b>	<b>30</b>	<b>59</b>
<b>Industrial (I) to Mixed Use / Commercial (MC) - 11.55 Acres</b>								
<i>Existing FLUM (I)</i>								
Residential	11 DU	73	1	5	6	5	2	7
Transient	0 Rooms	0	0	0	0	0	0	0
Restaurant	301,870 SF	38,383	1,795	1,468	3,263	1,784	1,189	2,973
<b>SUB-TOTAL</b>		<b>38,456</b>	<b>1,796</b>	<b>1,473</b>	<b>3,269</b>	<b>1,789</b>	<b>1,191</b>	<b>2,980</b>
<i>Proposed FLUM (MC)</i>								
Residential	69 DU	459	7	28	35	28	15	43
Transient	173 Rooms	1,413	54	38	92	53	51	104
Commercial Retail	226,403 SF	11,551	135	82	217	497	539	1,036
<b>SUB-TOTAL</b>		<b>13,423</b>	<b>196</b>	<b>148</b>	<b>344</b>	<b>578</b>	<b>605</b>	<b>1,183</b>
<b>Difference (Proposed - Existing)</b>		<b>-25,033</b>	<b>-1,600</b>	<b>-1,325</b>	<b>-2,925</b>	<b>-1,211</b>	<b>-586</b>	<b>-1,797</b>
<b>Industrial (I) to Commercial (COMM) - 27.67 Acres</b>								
<i>Existing FLUM (I)</i>								
Residential	27 DU	180	3	11	14	11	6	17
Transient	0 Rooms	0	0	0	0	0	0	0
Restaurant	723,183 SF	91,953	4,300	3,518	7,818	4,274	2,849	7,123
<b>SUB-TOTAL</b>		<b>92,133</b>	<b>4,303</b>	<b>3,529</b>	<b>7,832</b>	<b>4,285</b>	<b>2,855</b>	<b>7,140</b>
<i>Proposed FLUM (COMM)</i>								
Residential	0 DU	0	0	0	0	0	0	0
Transient	0 Rooms	0	0	0	0	0	0	0
Commercial Retail	602,652 SF	21,826	359	220	579	958	1,038	1,996
<b>SUB-TOTAL</b>		<b>21,826</b>	<b>359</b>	<b>220</b>	<b>579</b>	<b>958</b>	<b>1,038</b>	<b>1,996</b>
<b>Difference (Proposed - Existing)</b>		<b>-70,307</b>	<b>-3,944</b>	<b>-3,309</b>	<b>-7,253</b>	<b>-3,327</b>	<b>-1,817</b>	<b>-5,144</b>
<b>Overall Difference for Proposed FLUM Amendment</b>		<b>-94,612</b>	<b>-5,526</b>	<b>-4,622</b>	<b>-10,148</b>	<b>-4,509</b>	<b>-2,373</b>	<b>-6,882</b>

Compiled by: KBP Consulting, Inc., June 2014.

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition).



**Item #2 Polyak – PC Appeal  
Staff Report**

**MEMORANDUM**

**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**

**TO:** Monroe County Planning Commission

**FROM:** Townsley Schwab, Senior Director of Planning & Environmental Resources  
Michael Roberts, CEP, PWS, Sr. Administrator of Environmental Resources

**DATE:** July 8, 2014

**SUBJECT:** Administrative Appeal by Terry Polyak/Mutiny Place Inc. concerning property located at 63 Mutiny Place, Key Largo, having real estate # 00496131-007600 (file # 2014-016)

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**Meeting: July 30, 2014**

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1 **I. DECISION BEING APPEALED:**

2 The appellant is appealing an administrative decision made by Townsley Schwab, in his capacity  
3 as Senior Director of Planning and Environmental Resources, to grant a special exception  
4 (Attachment A) pursuant to §118-12(m)(10)c (Attachment B). Mr. Schwab is hereafter referred  
5 to as “planning director”.

6  
7 The specific decision being appealed is the planning director’s decision to issue a special  
8 exception for a dock exceeding 100 feet in length pursuant to §118-12(m)(10)(c).

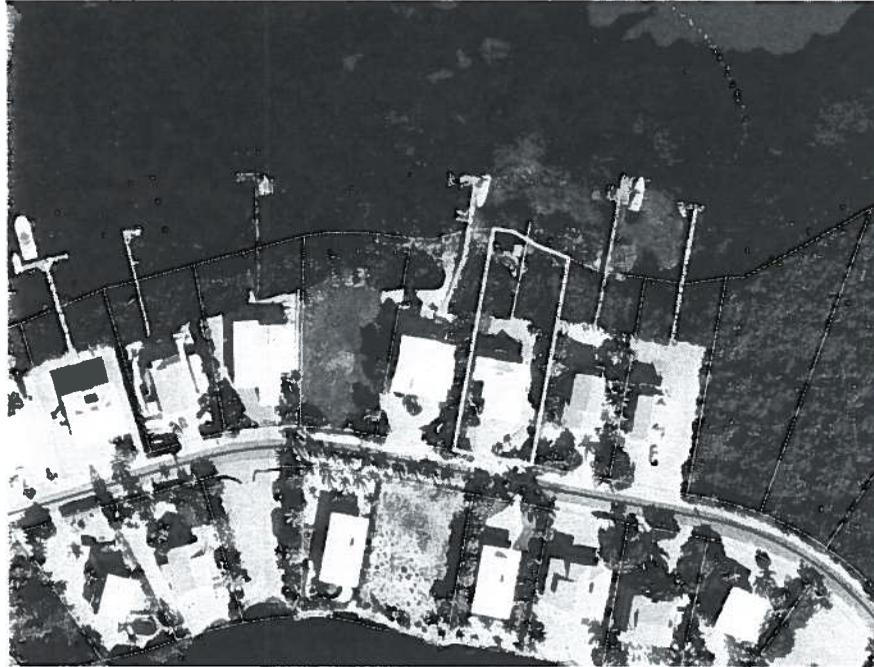
9  
10 **Property Location:**

11 Address: 63 Mutiny Place, Key Largo

12 Legal Description: Lot 32 Block 3 Buccaneer Point Subdivision, Plat Book 7 Page 6, Key  
13 Largo, Monroe County, Florida

14 Real Estate (RE) number: 00496131-007600

15  
16 **Appellant:** Terry Polyak/Mutiny Place, Inc.



Subject Property (2012)

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II. RELEVANT PRIOR COUNTY ACTIONS

Permit # 93311607 for a conventional single family house was issued on August 17, 1994 and the Certificate of Occupancy was issued on May 29, 1996. No other building permits are on file for the subject property.

On April 16, 2014 the Planning Director approved the application for a special exception for a 184.6 linear foot walkway and an 8' x 20' terminal platform (file # 2014-016).

III. BACKGROUND INFORMATION

1	Total Size of Lot	.4 acre (17,400 square feet)
2	Land Use District	IS (Improved Subdivision)
3	Future Land Use (FLUM) Designation	RM (Residential Medium)
4	Tier Designation	Tier III
5	Existing Vegetation/Habitat	Developed Land
6	Community Character	Single family waterfront homes. Existing homes adjacent to the subject parcel also have docks that exceed 100' in length.

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IV. REVIEW OF APPLICATION

Per 118-12(m)(10)(c) a special exception may be granted by the director of planning and environmental resources to allow the minimum relaxation of the 100' length restriction as necessary to provide access to adequate water depths specified for docking facilities. Such special exceptions shall only be granted based on a written determination that, amongst other criteria, the proposed dock:

- will not be inconsistent with community character,
- will not interfere with public recreational uses in or on adjacent waters, and
- will pose no navigational or safety hazard

As detailed in the Technical Memorandum for the application (Attachment C), Staff made the following conclusions regarding the proposed projects consistency with the specific criteria of 118-12(m)10(c):

*The proposed dock will not be inconsistent with community character:*

The proposed dock is consistent with existing docks on nearby properties. While the subject pier is proposed to be slightly longer than adjacent docks which are approximately 125' and 150' long, the increased length is required for the docking area to be in -5' MLW to protect seagrasses as required by FDEP.

*The proposed dock will not interfere with public recreational uses in or on adjacent waters:*

There are no improved water access points in proximity to the proposed dock. Public recreational use is limited to boaters in the adjacent near-shore waters and the proposed facility is not expected to interfere with boating activities.

*The proposed dock will pose no navigational or safety hazard.*

The proposed dock is located on open water (Atlantic Ocean). It is not anticipated that proposed dock will pose a navigational or safety hazard to boaters on adjacent waters.

In addition to the criteria stated above, staff reviewed the following information in evaluating the application:

The physical characteristics of the proposed construction: This request is for a pier type dock that will exceed 100' in length. Based on the site plans provided (Dock & Boat Lift plan dated 7/15/2013 and revised 3/4/14), staff finds that the pier type dock consists of a four (4) feet by 184.6 feet (738.4 ft<sup>2</sup>) walkway (142' over MHW) and an 8' X 20' (160 ft<sup>2</sup>) terminal platform for a total area of 728 square feet over MHW. These specifications meet the current codes needing only an exception for length.

The necessity of the exception: Based on plans by Glen Boe & Associates, LLC., permit documents, aerial photographs, and data provided in the application, the exception is necessary for access to adequate water depths (-4' MLW) for the proposed docking facility. In addition, at -4' MLW the terminal platform would be located over seagrasses. Florida Department of Environmental Protection regulations (Ch. 18-21 F.A.C.) required the terminal platform to be located in -5' MLW.

Danger to life and property if the exception is granted or is not granted: Staff has no data related to life safety or danger to the property with or without the requested exception.

Community importance: The proposed dock will be for private residential use only and therefore will provide no benefit to the community.

82 Community compatibility: Based on a review of the application, current and historical  
83 aerial photographs, and Monroe County Building Department records, staff finds that the  
84 dock is consistent with the other docks of this type and shoreline configuration in the  
85 community and would therefore be compatible.

86  
87 Emergency access: Based on the application submitted by the applicant it does not appear  
88 that the dock will impede emergency response to property or the surrounding properties.  
89

90 Costs of governmental services: Based on the application supplied by the applicant staff  
91 finds that the costs of supplying governmental services would not be affected if this  
92 exception is granted or denied.  
93

94 V. BASIS OF APPEAL

95 As provided by the appellant in the appeal application, the proposed dock extends  
96 approximately 30' beyond the end of appellants dock as well as the dock on the property  
97 to the east of the subject parcel. The appellant points out that the subject dock extends to  
98 a depth of -5' MLW and questions the rationale of an additional 120 square feet of  
99 coverage over existing seagrass. In addition, the appellant provided the following specific  
100 objections:

- 101 • The proposed dock would be inconsistent with the adjacent docks
- 102 • The longer dock would interfere with kayaking in the area
- 103 • Watercraft often hug near to the shoreline at elevated speeds
- 104 • The appellants sunset view will be significantly compromised

105  
106 VI. RECOMMENDATION

107 The decision by the Senior Director of Planning & Environmental Resources was based  
108 on the criteria provided in the Land Development Code and the findings of fact  
109 summarized in this staff report. Based on a review of all of the available information,  
110 staff requests that the Planning Commission uphold the decision of the Senior Director of  
111 Planning & Environmental Resources.



## MEMORANDUM

To: Townsley Schwab  
From: Michael Roberts   
Subject: Long Dock Exception Application for Jose & Lilliam Perea  
File #: 2014-016  
Date: April 16, 2014

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**Application Date:** February 3, 2014

### **I Request:**

- 1) Applicant: Jose and Lilliam Perea
- 2) Proposed Long Dock Length: 184.6 Linear Foot walkway and an 8' X 20' Terminal Platform with 12,000 lb capacity cradle boat lift.
- 3) Legal Description: BK 3 LT 32 BUCCANEER POINT SUBDIVISION PB7-6 KEY LARGO OR787-450 OR963-209 OR1028-1550 OR1469-472DC OR1545-1128DC OR2196-1034/35

Monroe County Real Estate # 00496131-007600

- 4) Street Address: 63 Mutiny Place, Key Largo

### **II Background Information:**

Land Use District: IS (Improved Subdivision)

Size of the Site: approximately .4 acre (17,400 square feet)

Community Character of Immediate Vicinity: The community character of the immediate vicinity can be described as single family waterfront homes. Existing homes adjacent to the subject parcel also have docks that exceed 100' in length.

### **III Discussion of Compliance with the Land Development Regulations:**

Section 118-12(m)10 (c) contains conditions for pier type docks. Staff has made the following conclusions regarding the proposed projects consistency with the specific criteria of 118-12(m)10(c):

- A. *The proposed dock will not be inconsistent with community character:*

As discussed in the background information above, the proposed dock is consistent with existing docks on nearby properties. While the subject pier is proposed to be slightly longer than adjacent docks, the increased length is required for the docking area to be in -5' MLW to protect seagrasses as required by FDEP.

*B. The proposed dock will not interfere with public recreational uses in or on adjacent waters:*

There are no improved water access points in proximity to the proposed dock. Public recreational use is limited to boaters in the adjacent near-shore waters and the proposed facility is not expected to interfere with boating activities.

*C. The proposed dock will pose no navigational or safety hazard.*

The proposed dock is located on open water (Atlantic Ocean). It is not anticipated that proposed dock will pose a navigational or safety hazard to boaters on adjacent waters.

In addition to the criteria stated above, staff reviewed the following information in evaluating the application:

1) The physical characteristics of the proposed construction:

This Variance request is for a pier type dock that will exceed 100' in length. Based on the site plans provided (Dock & Boat Lift plan dated 7/15/2013 and revised 3/4/14), staff finds that the pier type dock consists of a four (4) feet by 184.6 feet (738.4 ft<sup>2</sup>) walkway (142' over MHW) and an 8' X 20' (160 ft<sup>2</sup>) terminal platform for a total area of 728 square feet over MHW. These specifications meet the current codes needing only an exception for length.

2) The necessity of the exception:

Based on plans by Glen Boe & Associates, LLC., permit documents, aerial photographs, and data provided in the application, the exception is necessary for access to adequate water depths (-4' MLW) for the proposed docking facility. In addition, at -4' MLW the terminal platform would be located over seagrasses. Florida Department of Environmental Protection regulations (Ch. 18-21 F.A.C.) required the terminal platform to be located in -5' MLW.

3) Danger to life and property if the exception is granted or is not granted:

Staff has no data related to life safety or danger to the property with or without the requested exception.

4) Community importance:

The proposed dock will be for private residential use only and therefore will provide no benefit to the community.

5) Community compatibility:

Based on a review of the application, current and historical aerial photographs, and Monroe County Building Department records, staff finds that the dock is consistent with the other docks of this type and shoreline configuration in the community and would therefore be compatible.

6) Emergency access:

Based on the application submitted by the applicant it does not appear that the dock will impede emergency response to property or the surrounding properties.

7) Costs of governmental services:

Based on the application supplied by the applicant staff finds that the costs of supplying governmental services would not be affected if this exception is granted or denied.

**IV Staff Recommendation:**

Based on the findings of fact, the Environmental Resources staff recommends **APPROVAL** of the application with the following conditions:

- 1) Applicable Federal (U.S. Army Corps of Engineers) and state (Florida Department of Environmental Protection) permits must be obtained and submitted to the Monroe County Building Department prior to commencement of construction.

FLORIDA BAY



REVISIONS	
1	03/04/14

CERTIFIED BY:  
SEAN KIRWAN, P.E. #57506

DOCK & BOAT LIFTS  
FOR JOSE A & LILLIAM M PEREA  
KEY LARGO, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061  
5800 OVERSEAS HIGHWAY, SUITE 4, MAWRATHON, FL 33050  
Telephone (305) 743-9121 Fax (305) 743-9187

# County of Monroe

## Growth Management Division

### Planning & Environmental Resources

#### Department

2798 Overseas Highway, Suite 410

Marathon, FL 33050

Voice: (305) 289-2500

FAX: (305) 289-2536



### Board of County Commissioners

Mayor Sylvia Murphy, Dist. 5

Mayor Pro Tem Danny L. Kolhage, Dist. 1

Heather Carruthers, Dist. 3

David Rice, Dist. 4

George Neugent, Dist. 2

*We strive to be caring, professional, and fair.*

April 16, 2014

Jose Perea

c/o Webb Brothers Contracting, Inc.

101631 Overseas Highway

Key Largo, Fl 33037

Sean Kirwan, P.E.

Glen Boe & Associates

5800 Overseas Highway, Suite 4

Marathon, FL 33050

**Re: Length Variance Application for a 184.6 foot long dock and 8' X 20' terminal platform for the property described as BK 3 LT 32 BUCCANEER POINT SUBDIVISION PB7-6 KEY LARGO OR787-450 OR963-209 OR1028-1550 OR1469-472DC OR1545-1128DC OR2196-1034/35**

Monroe County Real Estate # **00496131-007600.**

Dear Mr. Perea;

The Growth Management Division has received and reviewed the above referenced application for a special exception to the dock length restriction of the Monroe County Land Development Code. We are pleased to inform you that we have determined that your application complies with the criteria for a special exception contained in the Monroe County Code Section 118-12(m)(10)(c).

This letter constitutes an approval of your application for a special exception to construct a 184.6' long X 4' wide dock with a 8' X 20' terminal platform and boat lifts as described in your application. The applicable U.S. Army Corps of Engineers permit (# 2013-02506) must be obtained and submitted to the Monroe County Building Department (along with FDEP permit # 44-0321022-001) prior to commencement of construction.

A notice of this variance approval is being sent to shoreline property owners within three hundred (300) feet of the subject parcel. These (or any other) individuals may appeal this variance within thirty (30) working days of its issuance.

If you have any questions or need further assistance, please do not hesitate to contact us at (305) 289-2500.

Sincerely,



Townsley Schwab  
Director, Planning and Environmental Resources



Michael Roberts, C.E.P.; P.W.S.  
Senior Administrator, Environmental Resources

Cc: Rey Ortiz, Biological Plans Exam Supervisor, Key Largo

**ATTACHMENT B**

**§118-12(m)10**

**MONROE COUNTY LAND DEVELOPMENT CODE**

118-12(m)(10) **Pier type docks.** Pier type docks shall be permitted, provided that:

- a. Such structures are oriented approximately perpendicular to the shoreline;
- b. Such structures are located in an existing break in the mangroves or shoreline vegetation; however, if no such break exists, a walkway, no more than four feet in width, may be cut through the mangroves or shoreline vegetation;
- c. Such structures are no longer than twice the linear shoreline frontage of the parcel or 100 feet, whichever is less. For purposes of this subsection (m)(10)c., dock length shall be measured from MLW out to the waterward extension of the dock. A special exception may be granted by the director of planning and environmental resources to allow the minimum relaxation of this length restriction as is necessary to provide the upland owner with access to adequate water depths specified for docking facilities. Such special exceptions shall only be granted based on a written determination that, amongst other criteria, the proposed dock will not be inconsistent with community character, will not interfere with public recreational uses in or on adjacent waters, and will pose no navigational or safety hazard. At least 30 calendar days prior to the issuance of a county permit issued under such a special exception, the director of planning and environmental resources shall ensure that shoreline property owners within 300 feet of the subject parcel are notified by regular mail of the proposed special exception in order to allow an opportunity for appeal; and
- d. If proposed, the terminal platform is no wider than eight feet in one dimension and does not exceed a total of 160 square feet in area. The terminal platform may include stairways for swimming access, provided that all stairways are contained within the square footage allowed for the terminal platform. The terminal platform may include a nonenclosed gazebo that does not exceed 100 square feet in area and the highest portion of the roof shall be no more than 12 feet above the decking or terminal platform level.



As discussed in the background information above, the proposed dock is consistent with existing docks on nearby properties. While the subject pier is proposed to be slightly longer than adjacent docks, the increased length is required for the docking area to be in -5' MLW to protect seagrasses as required by FDEP.

B. *The proposed dock will not interfere with public recreational uses in or on adjacent waters:*

There are no improved water access points in proximity to the proposed dock. Public recreational use is limited to boaters in the adjacent near-shore waters and the proposed facility is not expected to interfere with boating activities.

C. *The proposed dock will pose no navigational or safety hazard.*

The proposed dock is located on open water (Atlantic Ocean). It is not anticipated that proposed dock will pose a navigational or safety hazard to boaters on adjacent waters.

In addition to the criteria stated above, staff reviewed the following information in evaluating the application:

1) The physical characteristics of the proposed construction:

This Variance request is for a pier type dock that will exceed 100' in length. Based on the site plans provided (Dock & Boat Lift plan dated 7/15/2013 and revised 3/4/14), staff finds that the pier type dock consists of a four (4) feet by 184.6 feet (738.4 ft<sup>2</sup>) walkway (142' over MHW) and an 8' X 20' (160 ft<sup>2</sup>) terminal platform for a total area of 728 square feet over MHW. These specifications meet the current codes needing only an exception for length.

2) The necessity of the exception:

Based on plans by Glen Boe & Associates, LLC., permit documents, aerial photographs, and data provided in the application, the exception is necessary for access to adequate water depths (-4' MLW) for the proposed docking facility. In addition, at -4' MLW the terminal platform would be located over seagrasses. Florida Department of Environmental Protection regulations (Ch. 18-21 F.A.C.) required the terminal platform to be located in -5' MLW.

3) Danger to life and property if the exception is granted or is not granted:

Staff has no data related to life safety or danger to the property with or without the requested exception.

4) Community importance:

The proposed dock will be for private residential use only and therefore will provide no benefit to the community.

5) Community compatibility:

Based on a review of the application, current and historical aerial photographs, and Monroe County Building Department records, staff finds that the dock is consistent with the other docks of this type and shoreline configuration in the community and would therefore be compatible.

6) Emergency access:

Based on the application submitted by the applicant it does not appear that the dock will impede emergency response to property or the surrounding properties.

7) Costs of governmental services:

Based on the application supplied by the applicant staff finds that the costs of supplying governmental services would not be affected if this exception is granted or denied.

**IV Staff Recommendation:**

Based on the findings of fact, the Environmental Resources staff recommends **APPROVAL** of the application with the following conditions:

- 1) Applicable Federal (U.S. Army Corps of Engineers) and state (Florida Department of Environmental Protection) permits must be obtained and submitted to the Monroe County Building Department prior to commencement of construction.

**File #:** **2014-058**

**Owner's Name:** Perea, Jose & Lilliam

**Applicant:** Polyak, Terry/Mutiny Place Inc.

**Agent:** N/A

**Type of Application:** Appeal – PC  
Long Dock Variance Approval for  
Perea, Jose - April 16, 2014

**Key:** Key Largo

**RE:** 00496131-007600

## **Additional Information added to File 2014-058**

County of Monroe  
Growth Management Division

Planning & Environmental Resources  
Department

2798 Overseas Highway, Suite 410  
Marathon, FL 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



Board of County Commissioners

Mayor Sylvia Murphy, Dist. 5  
Mayor Pro Tem Danny L. Kolhage, Dist. 1  
Heather Carruthers, Dist. 3  
David Rice, Dist. 4  
George Neugent, Dist. 2

Date: 5.09.14  
Time: \_\_\_\_\_

Dear Applicant:

This is to acknowledge submittal of your application for Appeal - PE  
Type of application

Polyak, Terry to the Monroe County Planning Department.  
Project / Name

Thank you.

Stail Creech

Planning Staff



**Scott P. Russell, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

Key West (305) 292-3420  
Marathon (305) 289-2550  
Plantation Key (305) 852-7130

## Property Record Card -

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

**Alternate Key: 1613061 Parcel ID: 00496131-007600**

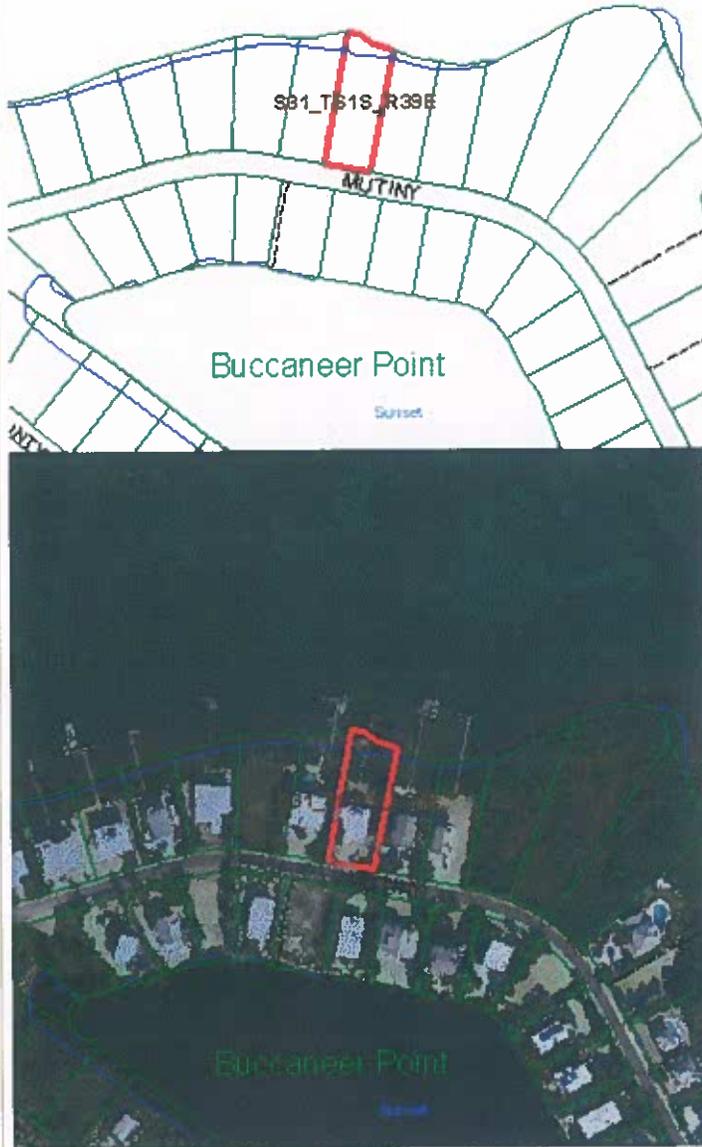
### Ownership Details

**Mailing Address:**  
PEREA JOSE A AND LILLIAM M  
9445 SW 100 ST  
MIAMI, FL 33176

### Property Details

**PC Code:** 01 - SINGLE FAMILY  
**Millage Group:** 500K  
**Affordable Housing:** No  
**Section-Township-Range:** 31-61-39  
**Property Location:** 63 MUTINY PL KEY LARGO  
**Subdivision:** BUCCANEER PT (LARGO SOUND TARPON BASIN)  
**Legal Description:** BK 3 LT 32 BUCCANEER POINT SUBDIVISION PB7-6 KEY LARGO OR787-450 OR963-209 OR1028-1550 OR1469-472DC OR1545-1128DC OR2196-1034/35

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



### Land Details

Land Use Code	Frontage	Depth	Land Area
010W - RES WATERFRONT	0	0	17,400.00 SF

### Building Summary

Number of Buildings: 1

Number of Commercial Buildings: 0  
 Total Living Area: 2054  
 Year Built: 1996

### Building 1 Details

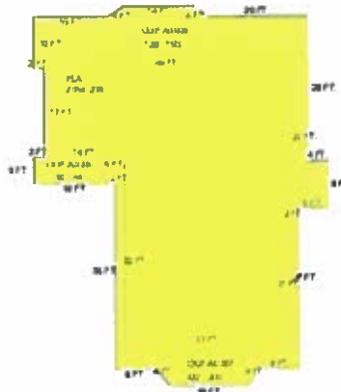
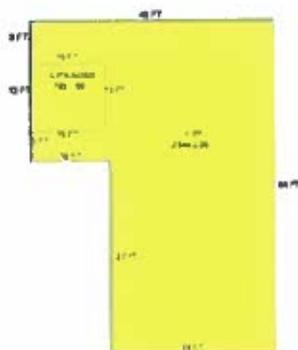
Building Type R1 Condition A Quality Grade 600  
 Effective Age 18 Perimeter 206 Depreciation % 24  
 Year Built 1996 Special Arch 0 Grnd Floor Area 2,054  
 Functional Obs 0 Economic Obs 0

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP Roof Cover METAL Foundation CONC PILINGS  
 Heat 1 NONE Heat 2 NONE Bedrooms 3  
 Heat Src 1 NONE Heat Src 2 NONE

Extra Features:

2 Fix Bath	1	Vacuum	0
3 Fix Bath	0	Garbage Disposal	0
4 Fix Bath	1	Compactor	0
5 Fix Bath	0	Security	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	0	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	<u>OUF</u>	5:C.B.S.	1	1996					322
0	<u>OUF</u>	5:C.B.S.	1	1996					728
1	<u>CPF</u>	5:C.B.S.	1	1996	N	Y	0.00	0.00	2,544
2	<u>FLA</u>	5:C.B.S.	1	1996	N	Y	0.00	0.00	2,054
5	<u>CPX</u>	5:C.B.S.	1	1996					195

6 OUF 5:C.B.S. 1 1996 90

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	DK4:WOOD DOCKS	332 SF	0	0	1998	2006	3	40

**Building Permits**

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	9311607	08/01/1994	05/01/1996	1		SFR

**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
2013	265,676	4,208	996,618	1,266,502	1,002,765	0	1,266,502
2012	290,183	4,402	694,803	989,388	911,605	0	989,388
2011	293,721	4,532	694,469	992,722	828,732	0	992,722
2010	285,827	4,726	462,840	753,393	753,393	0	753,393
2009	409,685	4,856	633,360	1,047,901	1,047,901	0	1,047,901
2008	488,458	5,050	852,600	1,346,108	1,346,108	0	1,346,108
2007	494,072	5,179	852,600	1,351,851	1,351,851	0	1,351,851
2006	418,146	234	791,700	1,210,080	325,478	25,500	299,978
2005	389,308	240	791,700	1,181,248	315,998	25,500	290,498
2004	346,050	246	514,605	860,901	306,794	25,500	281,294
2003	230,700	252	368,445	599,397	301,074	25,500	275,574
2002	168,039	258	191,835	360,132	294,018	25,500	268,518
2001	151,316	264	137,808	289,388	289,388	25,500	263,888
2000	189,145	180	109,620	298,945	298,944	25,500	273,444
1999	158,903	147	103,356	262,406	262,406	25,500	236,906
1998	189,145	188	103,356	292,689	292,689	25,000	267,689
1997	189,145	193	103,356	292,694	292,694	25,000	267,694
1996	0	0	103,356	103,356	103,356	0	103,356
1995	0	0	103,356	103,356	103,356	0	103,356
1994	0	0	103,356	103,356	103,356	0	103,356
1993	0	0	103,356	103,356	103,356	0	103,356
1992	0	0	103,356	103,356	103,356	0	103,356
1991	0	0	103,356	103,356	103,356	0	103,356
1990	0	0	100,224	100,224	100,224	0	100,224
1989	0	0	87,696	87,696	87,696	0	87,696

1988	0	0	75,168	75,168	75,168	0	75,168
1987	0	0	66,816	66,816	66,816	0	66,816
1986	0	0	800	800	800	0	800
1985	0	0	800	800	800	0	800
1984	0	0	800	800	800	0	800
1983	0	0	413	413	413	0	413
1982	0	0	413	413	413	0	413

### 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
3/14/2006	2196 / 1034	1,675,000	WD	Q
6/1/1987	1028 / 1550	87,000	WD	Q
1/1/1986	963 / 209	1	WD	M

This page has been visited 113,465 times.

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

**End of Additional File 2014-058**

MONROE COUNTY, FLORIDA  
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT



Appeal to the Planning Commission Application

Application Fee: \$1500.00 (required)

Advertisement Fee:  
\$245.00 (required)

Surrounding Property Owner Notification Fee:  
\$3.00 per each property owner (only applicable if appeal affects specific and defined area)

Pursuant to Monroe County Code Section 102-185, the Planning Commission shall hear and decide upon appeals to administrative actions regarding provisions of the Land Development Code, excluding those related to floodplain management. Appeals regarding floodplain management provisions shall be heard and decided upon by the Board of County Commissioners.

Submittal Date: MAY 9TH, 2014

**Appellant:**

TERRY POLYAK / MUTINY PLACE INC.

TERRY POLYAK

Appellant (Name of Person, Business or Organization)

Contact Name

965 STONEBROOK ROAD, CAMBRIDGE, ONTARIO CANADA N1T1H4

Appellant Mailing Address (Street, City, State and Zip Code)

OFFICE: 519-653-2654 CELL: 519-241-4141

terry@milestoneintegrated.com

Appellant Phone #

Appellant Email Address

**Agent Authorized to Act for Appellant (if applicable):**

n/a

Agent (Name of Person, Business or Organization)

Contact Name

n/a

Agent Mailing Address (Street, City, State and Zip Code)

n/a

Agent Phone #

Agent Email Address

**Decision being appealed:**

VARIANCE FOR LONG DOCK VARIANCE — FILE # 2014-016

Date of decision being appealed: APRIL 14th, 2014

**Property Owner of Affected Property (if applicable):**

**Check Box if not applicable**

TERRY POLYAK / MUTINY PLACE INC.

Property Owner (Name of Person, Business or Organization)

101 KING STREET WEST, CAMBRIDGE, ONTARIO CANADA N1T1H4

Mailing Address (Street, City, State and Zip Code)

**Legal Description of Affected Property (if applicable):**

**Check Box if not applicable**

(If in metes and bounds, attach legal description on separate sheet)

BK 3 LT BUCCANEER PT. 3 ON PB7-6 KEY LARGO OR787-450 OR963-209 OR1142-1377(CMS) OR1459-489(CW)

Block

Lot

Subdivision

Key

(I am not sure where to find this)

Real Estate (RE) Number

P.O. BOX 379004 (61 MUTINY PLACE) KEY LARGO FLORIDA 33037

91

Street Address (Street, City, State, Zip Code)

Approximate Mile Marker

**Are there any pending codes violations on the property? Yes**  **No**

**If yes, please provide case number(s):** \_\_\_\_\_

**Appeals must be filed with the County Administrator within thirty (30) calendar days of the date of the decision. Failure to file such appeal shall constitute a waiver of any rights under the Land Development Code to appeal any interpretation or determination made by an administrative official.**

\* \* \* \* \*

**All of the following must be submitted in order to have a complete application submittal:**

(Please check as you attach each required item to the application)

- Completed application form
- Applicable fees (check or money order to Monroe County Planning & Environmental Resources)
- Full and unedited copy of the document(s) that provides the administrative decision being appealed
- Basis for the appeal in the nature of an initial brief and any evidence, including testimony, affidavits and the curriculum vitae of any expert witness that will be called (the brief must at a minimum state all grounds for the appeal, including but not limited to, the law being appealed and any facts necessary for interpretation of those laws)

**If applicable, the following must be submitted in order to have a complete application submittal:**

- Agent Authorization form (required if application is submitted on behalf of another party)
- Proof of ownership (i.e. Warranty Deed) (required if appellant is owner of a specific property that is subject of the appeal)

Property Record Card(s) from the Monroe County Property Appraiser (required if a specific property(s) is subject of the appeal)

If deemed necessary to complete a full review of the application, within reason, the Planning & Environmental Resources Department reserves the right to request additional information. Additional fees may apply pursuant to the approved fee schedule.

\* \* \* \* \*

By signing this application, the Applicant certifies that he or she is a person who is familiar with the information contained in the application, and that to the best of his or her knowledge such information is true, complete and accurate.

Signature of Applicant: [Handwritten Signature] May 8/14

State of Florida, County of Monroe

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, by \_\_\_\_\_ He/she is personally known to me or has produced \_\_\_\_\_ as identification.

Notary Public  
My Commission Expires  
[Handwritten Signature]  
JOE SZEFELICK I  
SENIOR PRIVATE BANKER  
TO WEALTH, PRIVATE  
CLIENT GROUP.  
381 KING ST. W 3RD FL.  
KITCHEMER, OH  
N2G 1B8

Please submit or send the application package to:  
Monroe County Administrator  
The Gato Building  
1100 Simonton Street, Key West, FL 33040

To facilitate and expedite the process, please submit or send a copy of the application package to:  
Planning Commissioner Coordinator  
Monroe County Planning & Environmental Resources Department  
2798 Overseas Highway, Suite 400, Marathon, FL 33050

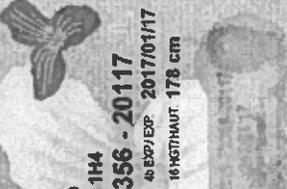
Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note: A transcript made from recordings or other secondary means does not provide a sufficiently accurate record of all the speakers. Therefore, such "secondary" transcripts may not be accepted as a valid verbatim transcript.



Driver's Licence  
Permis de conduire

ON  
CANADA



1,2 NAME / NOM  
POLYAK,  
TERRY, J  
3 ADDRESS / ADRESSE  
965 STONEBROOK RD  
CAMBRIDGE, ON, N1T 1H4  
4 LICENCE NUMBER / NO. DE PERMIS  
P6315 - 73356 - 20117  
5 SEX / SEXE  
M  
6 CLASS / CLASSE  
G  
7 CATEG / CATEG  
X  
8 HEIGHT / HAUT  
178 cm  
9 DOB / DATE DE NAISSANCE  
1962/10/17  
10 IDENTIFICATION NUMBER / NO. D'IDENTIFICATION  
5239436\*

# County of Monroe Growth Management Division

## Planning & Environmental Resources

### Department

2798 Overseas Highway, Suite 410  
Marathon, FL 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



## Board of County Commissioners

Mayor Sylvia Murphy, Dist. 5  
Mayor Pro Tem Danny L. Kolhage, Dist. 1  
Heather Carruthers, Dist. 3  
David Rice, Dist. 4  
George Neugent, Dist. 2

## **NOTICE TO SURROUNDING PROPERTY OWNERS**

A Variance pursuant to Monroe County Code Section 116-12(m)(10)(c) has been approved for Jose & Lilliam Perea to construct a dock consisting of a 184.6 foot long dock and 8' X 20' terminal platform for the property described as BK 3 LT 32 BUCCANEER POINT SUBDIVISION PB7-6 KEY LARGO OR787-450 OR963-209 OR1028-1550 OR1469-472DC OR1545-1128DC OR2196-1034/35 RE# 00496131-007600.

**Requested Variance:** To construct a 184.6' long X 4' wide dock with a 8' X 20' terminal platform and boat lifts as described in your application. The applicable U.S. Army Corps of Engineers permit (# 2013-02506) must be obtained and submitted to the Monroe County Building Department (along with FDEP permit # 44-0321022-001) prior to commencement of construction.

PURSUANT TO MONROE COUNTY CODE SECTION 102-185, AN APPEAL OF THIS VARIANCE MAY BE INITIATED BY AN OWNER, APPLICANT, ADJACENT PROPERTY OWNER, ANY AGGRIEVED OR ADVERSELY AFFECTED PERSON AS DEFINED BY SECTION 286.0105 FLORIDA STATUTES AND MONROE COUNTY RESOLUTION 131-1992, OR ANY RESIDENT OR REAL PROPERTY OWNER.

THE RIGHT TO APPEAL THIS VARIANCE IS NOT LIMITED TO THOSE RECEIVING THIS NOTICE. IF YOU KNOW ANY NEIGHBOR OR OTHER AFFECTED PROPERTY OWNER, WHO, FOR ANY REASON, FAILED TO RECEIVE THIS NOTICE, IT WOULD BE APPRECIATED IF YOU WOULD INFORM THEM OF THIS VARIANCE.

TO APPEAL THIS VARIANCE, AN APPLICATION FOR ADMINISTRATIVE APPEAL TO THE PLANNING COMMISSION MUST BE FILED WITH THE MONROE COUNTY PLANNING DEPARTMENT AND THE COUNTY ADMINISTRATOR WITHIN 30 CALENDAR DAYS FROM THE DATE OF THE VARIANCE.

**Date of variance: April 16, 2014**

To obtain an appeal application form please visit our website @ [www.monroecounty-fl.gov](http://www.monroecounty-fl.gov) or contact:

THE PLANNING COMMISSION COORDINATOR  
2798 OVERSEAS HIGHWAY, SUITE 410  
MARATHON, FLORIDA 33050-2227  
(305) 289-2500

## DECISION BEING APPEALED

THE DECISION OF THE DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES TO ISSUE A SPECIAL EXCEPTION PURSUANT TO SECTION 118-12(M)(10)(C) OF THE MONROE COUNTY LAND DEVELOPMENT CODE.

*118-12(m)(10) Pier type docks.*

*Pier type docks shall be permitted, provided that:*

- a) Such structures are oriented approximately perpendicular to the shoreline;*
- b) Such structures are located in an existing break in the mangroves or shoreline vegetation; however, if no such break exists, a walkway, no more than four feet in width, may be cut through the mangroves or shoreline vegetation;*
- c) Such structures are no longer than twice the linear shoreline frontage of the parcel or 100 feet, whichever is less. For purposes of this subsection (m)(10)c., dock length shall be measured from MLW out to the waterward extension of the dock. A special exception may be granted by the director of planning and environmental resources to allow the minimum relaxation of this length restriction as is necessary to provide the upland owner with access to adequate water depths specified for docking facilities. Such special exceptions shall only be granted based on a written determination that, amongst other criteria, the proposed dock will not be inconsistent with community character, will not interfere with public recreational uses in or on adjacent waters, and will pose no navigational or safety hazard. At least 30 calendar days prior to the issuance of a county permit issued under such a special exception, the director of planning and environmental resources shall ensure that shoreline property owners within 300 feet of the subject parcel are notified by regular mail of the proposed special exception in order to allow an opportunity for appeal; and*
- d) If proposed, the terminal platform is no wider than eight feet in one dimension and does not exceed a total of 160 square feet in area. The terminal platform may include stairways for swimming access, provided that all stairways are contained within the square footage allowed for the terminal platform. The terminal platform may include a nonenclosed gazebo that does not exceed 100 square feet in area and the highest portion of the roof shall be no more than 12 feet above the decking or terminal platform level.*

## BASIS FOR THE APPEAL

SIMPLE: THE PROPOSED DOCK NEXT DOOR TO OUR PROPERTY EXTENDS APPROXIMATLY 30 FEET BEYOND THE END OF OUR DOCK, AS WELL AS THE ADJACENT NEIGHBOURS' DOCKS.

THE LAW AS I UNDERSTAND IT, AND AS DESCRIBED TO ME BY THE PLANNING DEPT. STATES THE END OF THE DOCK CAN EXTEND OUT UNTIL A 4 FT DEPTH IS ACHIEVED AT MEAN LOW WATER. — THIS PARTICULAR VARIANCE IS ALLOWING THE DOCK IN QUESTION TO EXTEND MUCH FURTHER TO REACH A **5 FT DEPTH**, ON THE BASIS OF PROTECTING THE SEA GRASS.

THE RATIONALE IS UNCLEAR TO ME—DOES 30 FEET OF ADDITIONAL LENGTH OF DOCK NOT COVER AN ADDITIONAL 120 SQFT MORE OF SEA GRASS? (ASSUMING A 4FT WIDTH)?

ALSO, WHY SUDDENLY IS THE LAW NOT APPLICABLE? THERE IS A RELATIVELY NEW DOCK (3 YEARS OR SO) TO OUR EAST SIDE THAT ADHERES TO THE 4 FT DEPTH AT THE END.

1— A DOCK THAT EXTENDS THAT MUCH FURTHER INTO THE SOUND WILL BE INCONSISTENT WITH THE OTHER NEIGHBORING DOCKS.

2— THE SHORELINE IN THIS AREA IS A POPULAR KAYAKING ROUTE. A SIGNIFICANTLY LONGER DOCK WILL FORCE THEM FURTHER INTO THE SOUND TO GO AROUND THE END.

3— WATERCRAFT OFTEN HUG NEAR TO THE SHORE LINE AT ELEVATED SPEEDS

4— OUR SUNSET VIEW WILL BE SIGNIFICANTLY COMPROMISED

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Samuel A. Persaud, Esq.  
Reef Title Company  
31 Ocean Reef Drive  
Key Largo, FL 33037

DEED DOC STAMP CL: FP \$11,900.00

Property Appraisers Parcel Identification (Folio) Numbers: 1613053

Doc# 1481403  
Bkn 2062 Pgn 849

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 23 day of November, 2004 by Rodger Wilson and Kathleen Wilson, his wife, whose post office address is 16991 SW 266<sup>th</sup> Terrace, Homestead, FL 33031 herein called the grantors, to Mutiny Place, Inc., a Florida corporation, whose post office address is 101 King Street West, Cambridge, Ontario Canada N3H 1B5, hereinafter called the Grantee:  
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in MONROE County, State of Florida, viz.:

Lot 31, in Block 3, of BUCCANEER POINT, according to the Plat thereof, as recorded in Plat Book 7, at Page 6, of the Public Records of Monroe County, Florida.

And the grantor hereby covenants with said grantees that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2003 and subject to:

1. Zoning and/or restrictions and prohibitions imposed by government authority.
2. Restrictions, easements and other matters appearing on the plat and/or common to the subdivision or condominium regime.
3. Taxes for the year of Closing, and thereafter.
4. Public utility easements of record.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Hermenegildo Garcia  
Witness #1 Signature

Rodger Wilson  
Rodger Wilson

Hermenegildo Garcia  
Witness #1 Printed Name

Gerard Z Siatkowski  
Witness #2 Signature

Kathleen Wilson  
Kathleen Wilson

GERARD Z SIATKOWSKI  
Witness #2 Printed Name

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 17 day of November, 2004 by Rodger Wilson and Kathleen Wilson who are personally known to me or have produced \_\_\_\_\_ as identification.

SEAL  
Blanca E. Veliz  
My Commission DD263087  
Expire October 29, 2007

Blanca E. Veliz  
Notary Public

Blanca Veliz  
Printed Notary Name

My Commission Expires:

MONROE COUNTY  
OFFICIAL RECORDS



**TD Wealth**  
Private Banking  
The Toronto-Dominion Bank  
381 King Street West, 3<sup>rd</sup> Floor  
Kitchener, Ontario N2G 1B8

To Whom it may concern:

May 8, 2014

Re: Mr. Terry J Polyak and Mrs. Anne M Polyak

965 Stonebrook Rd

Cambridge, Ontario Canada

N1T 1H4

This letter will act as confirmation that I have personally known Mr. Terry J Polyak and Mrs. Anne M Polyak for at least the past 5 years. I attest to their identity, address, identification and date of birth provided below.

Terry J Polyak: Date of Birth JAN/17/1962 Drivers License number P6315-73356-20117

Anne M Polyak: Date of Birth JUL/09/1961 Drivers License number P6115-05066-15709

I have worked for TD Bank for the last 15 years and I confirm I am Bonded.

Joe Szpeflicki

Senior Private Banker, TD Wealth Private Client Group

519-570-7785

Joe.szpeflicki@td.com



**MONROE COUNTY, FLORIDA  
PLANNING COMMISSION RESOLUTION NO. P21-14**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION DENYING THE ADMINISTRATIVE APPEAL REQUEST BY TERRY POLYAK/MUTINY PLACE, INC. TO OVERTURN A DECISION BY TOWNSLEY SCHWAB, SENIOR DIRECTOR OF PLANNING & ENVIRONMENTAL RESOURCES, TO GRANT A SPECIAL EXCEPTION FOR A DOCK EXCEEDING 100' FEET IN LENGTH ON PROPERTY LEGALLY DESCRIBED AS LOT 32 BLOCK 3 BUCCANEER POINT SUBDIVISION, PLAT BOOK 7 PAGE 6, KEY LARGO, MONROE COUNTY, FLORIDA, REAL ESTATE NO. 00496131-007600.

---

**WHEREAS**, Townsley Schwab, in his capacity as Senior Director of Planning and Environmental Resources granted a special exception in accordance with §118-12(m)(10)(c) of the Monroe County Code to Jose Perea; and

**WHEREAS**, the subject property is located at 63 Mutiny Place on Key Largo, approximate mile marker 98.5, and is legally described as Lot 32, Block 3, Buccaneer Point Subdivision (Plat Book 7, Page 6), Monroe County, Florida, having real estate number 00496131-007600; and

**WHEREAS**, the appellant appealed to the Planning Commission regarding a decision by Townsley Schwab, Senior Director of Planning & Environmental Resources, which was set forth in a letter to Jose Perea, on April 16, 2014; and

**WHEREAS**, The specific decision being appealed is the planning director's decision to issue a special exception for a dock exceeding 100 feet in length pursuant to §118-12(m)(10)(c); and

**WHEREAS**, the Planning Commission reviewed the following documents and other information relevant to the request, which by reference are hereby incorporated as part of the record of said hearing:

1. Application for an Administrative Appeal to the Planning Commission received by the Monroe County Planning & Environmental Resources Department on May 9, 2014; and
2. Letter to Jose Perea, from Townsley Schwab, Senior Director of Planning & Environmental Resources, dated April 16, 2014; and
3. Technical Memorandum prepared by Michael Roberts, Sr. Administrator/Environmental Resources, dated April 16, 2014; and
4. Staff report dated July 8, 2014; and
5. Sworn testimony of Monroe County Planning & Environmental Resources Department Staff; and
6. Sworn testimony of the Appellants; and
7. Advice and counsel of Susan Grimsley, Assistant County Attorney, and John Wolfe, Planning Commission Counsel; and

**WHEREAS**, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact:

1. The proposed structure on the subject property is a pier type dock consisting of a 184.6 Linear Foot walkway and an 8' X 20' terminal Platform with 12,000 lb capacity cradle boat lift; and
2. On February 3, 2014, Jose Perea filed an application for a Special Exception pursuant to §118-12(m)10(c) with the Planning & Environmental Resources Department; and
3. Townsley Schwab, in his capacity as Planning Director, approved the requested exception in a letter dated April 16, 2014; and
4. On May 9, 2014, the appellant filed an application for an administrative appeal, requesting that the Planning Commission overturn the April 16, 2014, decision by the Senior Director of Planning & Environmental Resources and deny the application for the requested 184.6' dock; and
5. Pursuant to §102-185 of the Monroe County Code, the Planning Commission shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of the Land Development Regulations of the Monroe County Code, except for appeals regarding the floodplain management provisions; and
6. The Planning & Environmental Resources Department recommended denial of the administrative appeal request.

**WHEREAS**, based upon the information and documentation submitted, the Planning Commission makes the following Conclusions of Law:

1. The administrative appeal request is consistent with the provisions and intent of the Monroe County Code.

2. Based on the information provided by the appellants, their sworn testimony and the sworn testimony of the witnesses speaking at the hearing, and the evidence presented, there is substantial competent evidence to support the decision of the Planning Commission that the proposed dock meets the criteria contained in §118-12(m)10(c) .

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA,** that the preceding Findings of Fact and Conclusions of Law support its decision to deny the administrative appeal request of Terry Polyak/Mutiny Place Inc. to overturn the decision by Townsley Schwab, Senior Director of Planning & Environmental Resources approving the requested special exception for a long dock on property legally described as Lot 32 Block 3 Buccaneer Point Subdivision, Plat Book 7 Page 6, Key Largo, Monroe County, Florida, Real Estate No. 00496131-007600.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION** of Monroe County, Florida, at a regular meeting held on the 30<sup>th</sup> day of July, 2014.

Chair Wiatt	_____
Vice Chair Hale	_____
Commissioner Lustberg	_____
Commissioner Miller	_____
Commissioner Werling	_____

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
William Wiatt, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission  
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources  
From: Karl W. Bursa, Senior Planner *(KS)*  
Date: July 18, 2014  
Subject: *Request for a Setback Variance for property located at 2 Cypress Terrace, Key Haven, Real Estate #00138970.000000 (File #2014-078)*

1 **I REQUEST:**  
2

3 The applicant is requesting approval of a variance of 17'-0" from the required 25' front yard  
4 setback along the northern property line, which is adjacent to Cypress Terrace, and a 4'-6"  
5 variance from the required 10' side yard setback to the northwest property line. As a result,  
6 the front yard setback along the northern property line would be 8' and the side yard setback  
7 along the northwestern property line would be 5'-6". The granting of this variance will  
8 provide the applicant with additional buildable area to construct a new 10' x 20' tiki hut.  
9



Subject Property with Land Use District Overlaid (Aerial dated 2012)

1 Location:

2 Address: 2 Cypress Terrace, Raccoon Key (aka Key Haven), approximate mile marker  
3 5.5 (Gulf of Mexico side of US 1)

4 Legal Description: Block 3, Lot 21, Key Haven 8<sup>th</sup> Addition (Plat Book 5, Page 61)

5 Real Estate Number: 00138970.000000  
6  
7  
8  
9

10 Applicant:

11 Property Owner: Joseph and Lorraine Grobarek

12 Agent: N/A  
13  
14  
15  
16

17 **II RELEVANT PRIOR COUNTY ACTIONS:**

18  
19 On April 26, 2005, the Building Department issued Building Permit #021-1114 for the  
20 construction of the existing single-family residence on the subject property. The ROGO  
21 allocation award for this permit was approved by the Planning Commission on March 9,  
22 2005, under Resolution #05-05.  
23

24 On December 20, 2006, Building Permit #061-6494 was issued for the construction of the  
25 existing seawall.  
26

27 On August 6, 2009, Building Permit #091-2765 was issued for the construction of 2,204  
28 square feet of pavers, including the existing driveway, walkways, and patios.  
29

30 On August 22, 2011, Building Permit #111-2698 was issued for the construction of a 5' or 6'  
31 high masonry or wood fence along the front yard property lines adjacent to Cypress Terrace  
32 and Cypress Avenue.  
33

34 At a public hearing on February 27, 2013, the Planning Commission approved a variance of  
35 20' from the required 25' front yard setback along the Cypress Terrace right-of-way  
36 (Planning Department File #2012-152). The variance allowed the property owner to construct  
37 an in-ground swimming pool in the front yard setback. The approval was memorialized in  
38 Planning Commission Resolution #P06-13, signed by the Planning Commission Chair on  
39 February 27, 2013. [Note: Resolution #P06-13 specifically states that the variance does not  
40 apply to any future development beyond the swimming pool.]  
41

42 On April 8, 2013, Building Permit #121-3653 was issued for the construction of the new in-  
43 ground swimming pool that was subject of the variance granted by Resolution #P06-13.  
44

45 On November 14, 2013, the property owner submitted a building permit application for the  
46 subject tiki hut (Building Permit Application #131-4573). On November 15, 2013, a county  
47 biologist failed the application as the tiki hut was proposed to be located in a  
48 designated/recorded preservation area and the 40% shoreline setback open space requirement  
49 would not be met. The county biologist has yet to approve the application. On January 30,  
50 2014, a county planner failed the application as the tiki hut was proposed to be located in the

1 required 25' front yard setback along the Cypress Terrace and in the required 10' side yard  
2 setback. As a variance is required to approve the tiki hut in a required non-shoreline setback,  
3 the county planner has yet to approve the application.  
4

5 **III BACKGROUND INFORMATION:**  
6

- 7 A. Size of Site: 9,852 SF (0.22 acres)
- 8 B. Land Use District: Improved Subdivision (IS)
- 9 C. Future Land Use Map (FLUM) Designation: Residential Medium (RM)
- 10 D. Tier Designation: Tier III
- 11 E. Flood Zone: VE – EL 11 and VE – EL 13 (including proposed tiki area)
- 12 F. Existing Use: Single-Family Residential
- 13 G. Existing Vegetation / Habitat: Scarified, developed land
- 14 H. Community Character of Immediate Vicinity: Single-Family Residential
- 15

16 **IV REVIEW OF APPLICATION:**  
17

18 As set forth in MCC §130-186, the required non-shoreline setbacks for the IS district are as  
19 follows: Front yard – 25'; Rear yard – 20'; and Side yard – 10'/15' (where 10' is the required  
20 side yard for one side and 15' is the minimum combined total of both side yards).  
21

22 The property is an irregularly shaped, six-sided lot. The lot has frontage along Cypress  
23 Terrace and Cypress Avenue, and therefore has two required front yard setbacks. There is a  
24 required 25' front yard setback along the property line adjacent to Cypress Terrace; a  
25 required 25' front yard setback along the property line adjacent to Cypress Avenue; a  
26 required 5' side yard setback along the southwestern property line; a required 10' side yard  
27 setback along the northwestern property line; and a required 20' shoreline setback (for  
28 principal structures) along the property lines adjacent to the canal.  
29

30 As shown on the boundary survey by J. Lynn O'Flynn, Inc., dated September 17, 2012, the  
31 site is not developed in compliance with the 25' front yard setback requirement along  
32 Cypress Terrace, as the existing building's attached porch is set back approximately 12.5';  
33 and pavers along the seawall are set back approximately 16.5' from Cypress Terrace. The  
34 site is not developed in compliance with the 5' side yard setback requirement along the  
35 southwestern property line as a paved walkway is set back 0'. However, as this development  
36 was approved in its current configuration by building permits on file, it is considered to be  
37 lawfully nonconforming.  
38

39 As shown on the proposed site plan by Peter Pike, P.A., dated and sealed June 6, 2014, the  
40 proposed tiki hut would be placed 8' from the property line along Cypress Terrace and 5'-6''  
41 from the northwest property line. In addition, the tiki hut would be set back 7' from the edge  
42 of the canal- in compliance with the shoreline setback required by MCC §118-12(c)(1)(b).  
43 The area of the 20' x 10' tiki hut would be approximately 200 square feet.  
44

1 Pursuant to MCC §102-186, a variance may only be granted if the applicant demonstrates  
2 that all of the following standards are met:  
3

4 A. *The applicant demonstrates a showing of good and sufficient cause:*  
5

6 The applicant is requesting a front yard and side yard setback variance for the purpose of  
7 constructing a new tiki hut. The subject property, while uniquely configured, retains  
8 enough space for the placement of a tiki hut of comparable size outside of the required  
9 non-shoreline setback areas (over the existing pavers adjacent to the residence).  
10 Therefore, the applicant has failed to demonstrate good and sufficient cause.  
11

12 B. *Failure to grant the variance would result in exceptional hardship to the applicant:*  
13

14 As defined in MCC §101-1, *Exceptional Hardship* means a burden on a property owner  
15 that substantially differs in kind or magnitude from the burden imposed on other similarly  
16 situated property owners in the same land use district as a result of adoption of these  
17 regulations.  
18

19 As previously stated regarding the aforementioned standard, the subject property, while  
20 uniquely configured, retains enough space for the placement of a tiki hut of comparable  
21 size outside of the required non-shoreline setback areas. In addition, a majority of the  
22 county's single family residences do have an accessory tiki hut. As the majority of  
23 residents do not have such an accessory use, the lack of a tiki hut is not a hardship.  
24 Furthermore, it is also not a hardship given the fact that the applicant could relocate the  
25 proposed tiki hut to an alternate location or reduce its size from the proposed 200 square  
26 feet.  
27

28 Therefore, the applicant has failed to demonstrate the criteria required to establish the  
29 determination of exceptional hardship.  
30

31 C. *Granting the variance will not result in increased public expenses, create a threat to  
32 public health and safety, create a public nuisance, or cause fraud or victimization of the  
33 public:*  
34

35 Granting the variance will not result in increased public expenses, create a threat to  
36 public health and safety, create a public nuisance, or cause fraud or victimization of the  
37 public. Note: staff will review all comments from surrounding property owners following  
38 notification of the application and valid objections from surrounding property owners  
39 may lead the Planning and Environmental Resources Department to reevaluate its  
40 recommendation.  
41

42 D. *The property has unique or peculiar circumstances, which apply to this property, but  
43 which do not apply to other properties in the same zoning district:*  
44

1 The property is uniquely shaped, having two 25' front yard non-shoreline setbacks and a  
2 rear yard shoreline setback.

3  
4 Therefore, the property has unique or peculiar circumstances, which apply to this  
5 property, but which do not apply to other properties in the same zoning district.  
6

- 7 E. *Granting the variance will not give the applicant any special privilege denied other*  
8 *properties in the immediate neighborhood in terms of the provisions of this chapter or*  
9 *established development patterns:*

10  
11 There is not a variance application on file that was approved or denied for a similar  
12 accessory structure in the immediate vicinity.

13  
14 Therefore, granting the variance will not give the applicant any special privilege denied  
15 other properties in the immediate neighborhood in terms of the provisions of the land  
16 development regulations or established development patterns.  
17

18 Note: A variance application was recently submitted concerning 1 West Cypress Terrace,  
19 the neighboring property to the northwest. The application was to allow a similar tiki hut  
20 that was constructed in a required setback area without the benefit of a building permit.  
21 The variance application is currently under review and the tiki hut has been removed.  
22

- 23 F. *Granting the variance is not based on disabilities, handicaps or health of the applicant or*  
24 *members of his family:*

25  
26 Concerning the development requiring a variance, granting the variance would not be  
27 based on disabilities, handicaps or health of the applicant or members of his family.  
28

- 29 G. *Granting the variance is not based on the domestic difficulties of the applicant or his*  
30 *family:*

31  
32 Concerning the development requiring a variance, granting the variance would not be  
33 based on the domestic difficulties of the applicant or his family.  
34

- 35 H. *The variance is the minimum necessary to provide relief to the applicant:*

36  
37 There are other suitable alternative locations for the tiki hut on the property, including  
38 adjacent the residence over the existing paver patio in as-of-right buildable area. In  
39 addition, the applicant did not provide any documentation or sufficient rationale  
40 supporting the necessity for a tiki hut of 200 square feet, as opposed to a smaller, less  
41 intrusive tiki hut.  
42

43 Therefore the variance exceeds the minimum necessary to provide relief to the Applicant.  
44

45 Other Issues:

1 As shown on the proposed site plan, the tiki hut would also not be in compliance with the  
2 shoreline setback open space requirements (40% of the shoreline setback area shall be open  
3 space). As defined in MCC §101-1, *open space* means that portion of any parcel or area of  
4 land or water that is required to be maintained such that the area within its boundaries is open  
5 and unobstructed from the ground to the sky. It should be noted that there is no variance to  
6 this requirement and compliance must be demonstrated.  
7

8 Per MCC §118-12(c)(1)(a), the total of all accessory structures within the shoreline setback  
9 may not exceed 60% of the total area of the shoreline setback. Per information submitted  
10 with the application for Planning Commission Resolution #P06-13, the area within the 20'  
11 shoreline setback on this property is 2,565 square feet. After the construction of the pool that  
12 was the subject of Building Permit #121-3653, the total area of accessory structures (pavers  
13 and pool) within the shoreline setback is 1,545 square feet, which is 60% of the shoreline  
14 setback area and therefore compliant with MCC §118-12(c)(1)(a). The proposed tiki hut  
15 would add an additional 200 square feet to the shoreline setback, raising the total area of  
16 accessory structures to 1,745 square feet or approximately 68% of the total area of the  
17 shoreline setback.  
18

19 If the variance is granted, prior to the issuance of any building permit, the applicant will be  
20 required to remove pavers or other development in the required shoreline setback to  
21 demonstrate compliance.  
22

## 23 V RECOMMENDATION:

24  
25 Staff recommends **DENIAL** of the requested variances of 17' along the Cypress Terrace  
26 right-of-way and 4'6" along the northwestern property line, as the applicant has not  
27 demonstrated that all eight required standards have been met.  
28

29 In the event that the Planning Commission approves the variance, staff recommends the  
30 following conditions be applied:  
31

- 32 1) This variance is based on the design and placement of the tiki hut shown on the site plan  
33 by Peter Pike, P.A., signed and sealed June 6, 2014 included with the application. Work  
34 not specified or alterations to the site plan may not be carried out without additional  
35 Planning & Environmental Resources Department approval.  
36
- 37 2) This variance is to allow the placement of a tiki hut as shown on the site plan submitted  
38 with the variance application within the required front yard setback along West Cypress  
39 Terrace. It does not waive any other required setbacks and it does not waive the required  
40 setbacks for any future structures or additions to the tiki hut.  
41

## 42 VI PLANS REVIEWED:

- 43
- 44 A. Site Plan by Peter Pike, signed and sealed June 6, 2014\*
- 45 B. Boundary Survey by J. Lynn O'Flynn, Inc., signed and sealed September 17, 2012\*
- 46

1 \*As a note, the plans received for review did not show the newly constructed swimming pool. As  
2 such, they do not show all existing development. Staff used plans from Building Permit #121-  
3 3563 to confirm location and dimensions of this structure during the course of its review.

**Item #3 Grobarek – Variance - PC  
File**

**File #:** **2014-078**

**Owner's Name:** Grobarek, Joseph & Lorraine

**Applicant:** Grobarek, Joseph & Lorraine

**Agent:** N/A

**Type of Application:** Variance - PC

**Key:** Key Haven

**RE:** 00138970-000000

## **Additional Information added to File 2014-078**

County of Monroe  
Growth Management Division

Planning & Environmental Resources  
Department

2798 Overseas Highway, Suite 410  
Marathon, FL 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



Board of County Commissioners

Mayor Sylvia J. Murphy, District 5  
Mayor Pro Tem Danny L. Kolhage, Dist. 1  
George Neugent, District 2  
Heather Carruthers, District 3  
David Rice, District 4

Date: 6.10.14  
Time: \_\_\_\_\_

Dear Applicant:

This is to acknowledge submittal of your application for Variance - PC  
Type of application

Grobaret, Joseph Lorraine to the Monroe County Planning Department.  
Project / Name

Thank you.

Gail Creech

Planning Staff

MCPA GIS Public Portal  
Scott P. Russell, CFA

- **Pan**
- [Legend](#)
- **Zoom In**

MCPA GIS Public Portal  
Major Roads

**Zoom Out**

Monroe Outline  
**Address**

Subdivisions  
**Find**

Section Lines  
**Identify**

SECTION TEXT  
**Select**

Parcels  
**Buffer**

Shoreline  
**Measure**

Lot Lines  
**Print**

Hooks Leads  
[Help](#)  
Check out our [Getting Started](#) tutorial!

- 2014 Condo
- Expand All
- 2013 Condo
  - MCPA GIS Public Portal
  - Monroe Overlay
- 2012 Condo
  - Subdivisions
  - Section Lines
- 2011 Condo
  - Parcels
  - Shoreline
  - Lot Lines
- 2010 Condo
  - Hooks Leads
  - Easements
- 2009 Condo
  - Text Displays
  - Qualified Condo Sales
  - Qualified Sales
- 2008 Condo
  - Transportation

- 2014 Sales
- 2013 Sales
- 2012 Sales
- 2011 Sales
- 2010 Sales
- 2009 Sales
- 2008 Sales

Road Centerline  
Road Block Name  
Right of Way

Zoom-in Zoom-in to a defined extent...  
 Zoom-out Zoom-out to a defined extent...  
 Full Extent Zoom to the full extent tool was clicked!  
 Address: 34.687997 City, Longitude: 81.744111 [Clear](#)

Basemap Select a basemap Filter parcels within 5 feet of location [Clear](#)

Zoom  
" " Delimited Go

OBJECTID	SDE.DBO.W_PARCELS.ID	SDE.DBO.W_PARCELS.RECHAR	SDE.DBO.W_PARCELS.GEO_FEAT
20138	138930	00138930-000000	8761
27724	138930	00138930-000000	8760

Verified GC

✓ ALVAREZ RAY AND ROSE G  
7 W CYPRESS TER  
KEY WEST, FL 33040-6234

✓ BARRETT JAMES H  
26 ASTER TER  
KEY WEST, FL 33040-6205

✓ BLANCO EDUARDO GONZALEZ  
5 W CYPRESS TER  
KEY WEST, FL 33040-6234

✓ BLESSING BETTY L L/E  
4947 LAKESIDE DR  
ZEPHYRHILLS, FL 33542-5599

✓ BOTWAY CLIFFORD REV TRUST  
PO BOX 1578  
KEY WEST, FL 33041-1578

✓ BRASOVAN LOUIS III  
35934 HWY 27  
HAINES CITY, FL 33844-3737

✓ BRICKLEY-MEISTRELL FAMILY REV TR  
3/3/1999 C/O BRICKLEY JOHN KEVIN  
PO BOX 729  
KEY WEST, FL 33041-0729

✓ DOAN VINH DANG  
3 W CYPRESS TER  
KEY WEST, FL 33040-6234

✓ DROSSEL DIANA BERRY L/E  
11 W CYPRESS TER  
KEY WEST, FL 33040-6234

~~GROBAREK JOSEPH AND LORRAINE  
2 CYPRESS TER  
KEY WEST, FL 33040-6215~~

✓ H AND C CYPRESS TERRACE LLC  
4119 MASSARD RD  
FORT SMITH, AR 72903-6223

✓ KEY HAVEN ASSOCIATED ENTERPRISES INC  
C/O SOUTHERNMOST INSURANCE  
1010 KENNEDY DR STE 300  
KEY WEST, FL 33040-4133

✓ KRUMMEL MARILYN POPY AND RALPH R JR  
5 CYPRESS TER  
KEY WEST, FL 33040-6215

✓ LUJAN BETTY QUAL PER RES TRUST I  
46 CYPRESS AVE  
KEY WEST, FL 33040

✓ MATTHEWS FRED SAWYER AND KARIN E  
9 W CYPRESS TER  
KEY WEST, FL 33040-6234

✓ OROPEZA STEVEN P AND PAMELA  
3540 EAGLE AVE  
KEY WEST, FL 33040-4654

✓ RICE MICHAEL DAVID  
6 W CYPRESS TER  
KEY WEST, FL 33040-6235

✓ RUFF TIMOTHY AND GINA  
3324 RIVIERA DR  
KEY WEST, FL 33040-4632

✓ RUIZ MARIA CHRISTINA  
1 W CYPRESS TER  
KEY WEST, FL 33040-6234

✓ SWEETING GERALDINE DEC TR 8/29/01  
1 COCONUT DR  
KEY WEST, FL 33040-6214

✓ WALSH JOSEPH H  
909 16TH TER  
KEY WEST, FL 33040-4244

Verified GC 1 of 1

**End of Additional File 2014-078**

APPLICATION  
**MONROE COUNTY**  
**PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**



RECEIVED  
 JUN 10 2014  
 MONROE CO. PLANNING DEPT

**Variance Application to the Monroe County Planning Commission**

**An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review**

Planning Commission Variance Application Fee: \$1,608.00

*In addition to the application fee, the following fees also apply:*  
 Advertising Costs: \$245.00

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed

**Date of Submittal:** 06/06/2014  
Month Day Year

**Property Owner:**

Joseph & Lorraine D Grobarek  
Name  
2 CYPRESS TERRACE  
KEY WEST, FL 33040  
Mailing Address (Street, City, State, Zip Code)  
847-710-7311  
Daytime Phone  
JGROBAREK @ AOL-COM  
Email Address

**Agent (if applicable):**

\_\_\_\_\_  
Name  
 \_\_\_\_\_  
Mailing Address (Street, City, State, Zip Code)  
 \_\_\_\_\_  
Daytime Phone  
 \_\_\_\_\_  
Email Address

**Legal Description of Property:**

(If in metes and bounds, attach legal description on separate sheet)

<u>3</u>	<u>21</u>	<u>KEY HAVEN - EIGHTH ADDITION</u>	<u>RACCOON KEY</u>
<small>Block</small>	<small>Lot</small>	<small>Subdivision</small>	<small>Key</small>
<u>OR291272/80</u>	<u>OR321-1/8</u>	<u>OR549-799</u>	<u>OR 1698-905 1173142</u>
<small>Real Estate (RE) Number</small>	<small>Alternate Key Number</small>		
<u>2 CYPRESS TERRACE, KEY WEST, FL 33040</u>			
<small>Street Address (Street, City, State, Zip Code)</small>		<small>Approximate Mile Marker</small>	

APPLICATION

Land Use District Designation(s): RESIDENTIAL

Present Land Use of the Property: RESIDENTIAL

Total Land Area: 9965 SQUARE FT.

Please provide the standard required by the land development regulations: TIKI HUT 5' FROM PROPERTY LINE  
(i.e. front yard setback of 25 feet, 100 off-street parking spaces, etc.)

Please provide that requested: TIKI HUT 5' FROM PROPERTY LINE IS OK  
(i.e. front yard setback of 10 feet, 70 off-street parking spaces, etc.)

**All of the following standards must be met in order to receive variance approval. Please describe how each standard shall be met.**

- 1) The applicant shall demonstrate a showing of good and sufficient cause:  
THIS IS AN "L" SHAPED CORNER LOT WITH A LONG NARROW STRIP OF LAND. THE CONSTRAINTS OF THE SHAPE GIVE US THIS ONLY LOCATION FOR THE TIKI HUT.
- 2) Failure to grant the variance would result in exceptional hardship to the applicant:  
FAILURE TO GRANT A VARIANCE WOULD LEAVE A CORNER OF OUR LOT UNUSEABLE AND HURT THE RESALE VALUE
- 3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance or cause fraud or victimization of the public:  
THE PURPOSED TIKI HUT IS WITHIN ALL SETBACKS AND INSIDE THE EXISTING FENCE. ON OUR LOT. THE PUBLIC WILL NOT BE VISIBLE TO THE PUBLIC
- 4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district:  
THIS IS A CORNER LOT WITH A LONG NARROW STRIP OF LAND 60'X20' AT THE END OF A CANAL. VERY UNIQUE TO THE AREA.
- 5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns:  
THIS VARIANCE IS JUST FOR A SIMPLE TIKI HUT LIKE MANY IN KEY WEST AND KEY HAVEN.

## APPLICATION

- 6) Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family:

No, THE VARIANCE HAS NOTHING TO DO WITH THE HEALTH OF MYSELF OR MY FAMILY

- 7) Granting the variance is not based on the domestic difficulties of the applicant or his family:

NO, THE VARIANCE IS NOT BASED ON THE DOMESTIC DIFFICULTIES OF MYSELF OR MY FAMILY

- 8) The variance is the minimum necessary to provide relief to the applicant:

YES, THE VARIANCE IS THE MINIMUM NECESSARY TO PROVIDE RELIEF.

**All of the following must be submitted in order to have a complete application submittal:**  
(Please check as you attach each required item to the application)

- Complete variance application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 16 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Signed and Sealed Site Plans, prepared by a Florida registered architect, engineer or landscape architect– 16 sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:
  - Date, north point and graphic scale;
  - Boundary lines of site, including all property lines and mean high-water lines;
  - Land use district of site and any adjacent land use districts;
  - Locations and dimensions of all existing and proposed structures and drives;
  - Type of ground cover (i.e. concrete, asphalt, grass, rock);
  - Adjacent roadways;
  - Setbacks as required by the land development regulations;
  - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included;

**APPLICATION**

**If applicable, the following must be submitted in order to have a complete application submittal:**

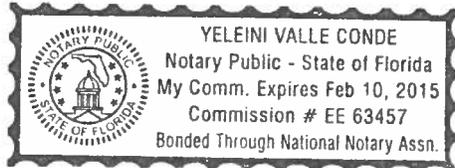
- Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: Joseph D. [Signature] Date: 6-9-14

Sworn before me this 9 day of June, 2014



[Signature]  
Notary Public  
My Commission Expires

Please send the complete application package to the Monroe County Planning & Environmental Resources Department, Marathon Government Center, 2798 Overseas Highway, Suite 400, Marathon, FL 33050.

# Monroe County Property Record Card (021)

Alternate Key: 1173142  
 Effective Date: 6/5/2014 1:29:11 PM  
 Roll Year 2014  
 Run: 06/05/2014 01:29 PM

GROBAREK, JOSEPH AND LORRAINE

2 CYPRESS TER  
 KEY WEST FL 33040-6215

Parcel 00138970-000000-26-67-25 Nhd 127  
 Alt Key 1173142 Mill Group 100A  
 Affordable Housing No PC 0100  
 FEMA Injunction  
 Inspect Date May 23, 2011 Next Review  
 Business Name  
 Physical Addr 2 CYPRESS TER, KEY HAVEN

## Associated Names

Name	DBA	Role
GROBAREK, JOSEPH AND LORRAINE		Owner

## Legal Description

BK 3 LT 21 KEY HAVEN-EIGHTH ADDITION PB5-61 RACCOON KEY OR291-272/80 OR321-1/8 OR549-799 OR1698-905

## Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
19531	010C	0	0	Yes	9,965.00	SF	0.00		1.00	1.00	1.00	0.94		N		
Total Just Value																

# Monroe County Property Record Card (021)

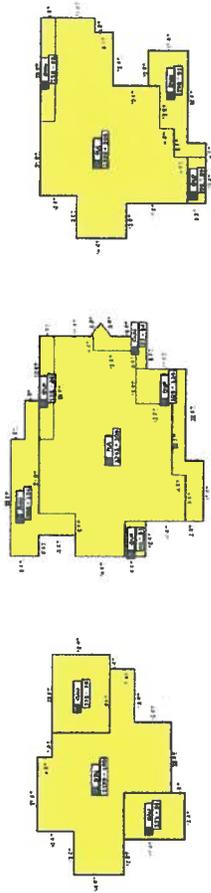
Alternate Key: 1173142

Roll Year 2014

Effective Date: 6/5/2014 1:29:11 PM

Run: 06/05/2014 01:29 PM

Building Sketch 4908



### Building Characteristics

**Building Nbr** 1    **Building Type** R1    **Perimeter** 412    **Functional Obs** 0.00  
**Effective Age** 4    **Condition** G    **Depreciation %** 0.02    **Economic Obs** 0.00  
**Grnd Floor Area** 3,331    **Quality Grade** 600    **Year Built** 2009    **Special Arch** 0

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

**Roof Type** 2    **Roof Cover** 2    **Heat 1** 6    **Heat 2** 0    **Heat Src 1** 0    **Heat Src 2** 0    **Foundation** 6    **Bedrooms** 3

**Extra Features:** 2 Fix Bath 0    4 Fix Bath 0    6 Fix Bath 0    **Extra Fix** 0    **Vacuum** 0    **Security** 0    **Garbage Disposal** 0  
 3 Fix Bath 2    5 Fix Bath 0    7 Fix Bath 0    **Dishwasher** 0    **Intercom** 0    **Fireplaces** 0    **Compactor** 0

### Sections

Type	Number	Exterior Wall Type	# Stories	Year Built	Attic	A/C	Basement %	Finished Bsmt %	Area	Sketch ID	SOH %
SBU	1	3:WD FR STUCCO	1	2009					1,189	000	0.00
FLA	10	1:WD FRAME/COMPOSITE	1	2009					1,589	009	0.00
OOU	11	:	1	2009					116	010	0.00
OOU	12	:	1	2009					258	011	0.00

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OUF	13	:	1	2009	65	012	0.00
GAU	2	3:WD FR STUCCO	1	2009	221	001	0.00
GAU	3	3:WD FR STUCCO	1	2009	352	002	0.00
FLA	4	1:WD FRAME/COMPOSITE	1	2009	1,742	003	0.00
OUU	5	:	1	2009	368	004	0.00
OUF	6	:	1	2009	116	005	0.00
OUF	7	:	1	2009	305	006	0.00
OUU	8	:	1	2009	87	007	0.00
OUF	9	:	1	2009	60	008	0.00

## Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
4	PT2:BRICK PATIO	1,500	SF	0.00	50	30	2009	2011	2	50		
3	PT2:BRICK PATIO	240	SF	0.00	16	15	2009	2011	2	50		
2	PT2:BRICK PATIO	234	SF	0.00	13	18	2009	2011	2	50		
1	SW2:SEAWALL	136	SF	0.00	85	2	2007	2011	2	60		
<b>Total Depreciated Value</b>												

## Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	09102765	Aug 6 2009 12:00AM	Dec 20 2009 12:00AM	13,000	Residential	PAVING
	11102698	Jun 2 2011 12:00AM		8,000	Residential	FENCE
	12103653	Apr 8 2013 12:00AM		32,500	Residential	POOL & SPA
	02101114	Apr 26 2005 12:00AM	Oct 7 2009 12:00AM	400,000	Residential	SFR CONVENTIONAL 6118 SF & 45 CY
	06106494	Dec 20 2006 12:00AM	Feb 10 2007 12:00AM	37,000	Residential	ADD SEAWALL (85) LF.

# Monroe County Property Record Card (021)

Alternate Key: 1173142

Roll Year 2014

Effective Date: 6/5/2014 1:29:11 PM

Run: 06/05/2014 01:29 PM

## Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2013F	C	366,910	0	465,213	17,420	849,543	265,502	0	N	849,543
2012F	C	409,029	0	465,213	17,754	891,996	241,366	0	N	891,996
2011F	C	354,626	0	469,913	18,127	842,666	219,424	0	N	842,666
2010F	C	199,477	0	0	0	199,477	199,477	0	N	199,477
2009F	C	295,522	0	0	0	295,522	295,522	0	N	295,522
2008F	C	762,323	0	0	0	762,323	762,323	0	N	762,323
2007F	C	762,323	0	0	0	762,323	762,323	0	N	762,323
2006F	C	647,725	0	0	0	647,725	647,725	0	N	647,725
2005F	C	398,600	0	0	0	398,600	398,600	0	N	398,600
2004F	C	199,300	0	0	0	199,300	199,300	0	N	199,300
2003F	C	139,510	0	0	0	139,510	139,510	0		139,510
2002F	C	139,510	0	0	0	139,510	139,510	0		139,510
2001F	C	75,734	0	0	0	75,734	75,734	0		75,734
2000F	C	75,734	0	0	0	75,734	75,734	0		75,734
1999F	C	75,734	0	0	0	75,734	75,734	0		75,734
1998F	C	75,734	0	0	0	75,734	75,734	0		75,734
1997F	C	75,734	0	0	0	75,734	75,734	0		75,734
1996F	C	75,734	0	0	0	75,734	75,734	0		75,734
1995F	C	75,734	0	0	0	75,734	75,734	0		75,734
1994F	C	75,734	0	0	0	75,734	75,734	0		75,734
1993F	C	75,734	0	0	0	75,734	75,734	0		75,734
1992F	C	65,769	0	0	0	65,769	65,769	0		65,769
1991F	C	65,769	0	0	0	65,769	65,769	0		65,769
1990F	C	63,776	0	0	0	63,776	63,776	0		63,776
1989F	C	63,377	0	0	0	63,377	63,377	0		63,377
1988F	C	47,832	0	0	0	47,832	47,832	0		47,832
1987F	C	55,759	0	0	0	55,759	55,759	0		55,759
1986F	C	53,392	0	0	0	53,392	53,392	0		53,392
1985F	C	52,117	0	0	0	52,117	52,117	0		52,117
1984F	C	52,117	0	0	0	52,117	52,117	0		52,117
1983F	C	52,117	0	0	0	52,117	52,117	0		52,117

# Monroe County Property Record Card (021)

Alternate Key: 1173142  
 Effective Date: 6/5/2014 1:29:11 PM

Roll Year 2014  
 Run: 06/05/2014 01:29 PM

1982F C 28,284 0 0 28,284 28,284 0 28,284

## Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
549	799	2/1/1973	Conversion Code	0	Q	V	14,800
1698	905	5/14/2001	Warranty Deed	0	Q	V	189,000



Map of:  
**2 Cypress Ter**  
Key West, FL 33040-6215

Notes



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# Monroe County Property Appraiser - Radius Report

<b>AK:</b> 8648871	<b>Parcel ID:</b> 00139261-000000	<b>Physical Location</b> VACANT LAND	KEY HAVEN
<b>Legal Description:</b> KEY HAVEN EIGHTH ADDITION RACCOON KEY PB5-61 SS LAKE II DEED 24044 AND II DEED 23844 (14.4)			
<b>Owners Name:</b> KEY HAVEN ESTATES LTD C/O SOUTHERNMOST INSURANCE			
<b>Address:</b> 1010 KENNEDY DR STE 300		KEY WEST	FL 33040-4133
<b>AK:</b> 1173096	<b>Parcel ID:</b> 00138920-000000	<b>Physical Location</b> 41 CYPRESS DR	KEY HAVEN
<b>Legal Description:</b> BK 3 LT 16 KEY HAVEN-EIGHTH ADDITION RACCOON KEY B5-61 OR291-272/80 OR321-1/8 OR642-806/807 OR6-			
<b>Owners Name:</b> BARRETT JAMES H			
<b>Address:</b> 26 ASTER TER		KEY WEST	FL 33040-6205
<b>AK:</b> 1173291	<b>Parcel ID:</b> 00139120-000000	<b>Physical Location</b> 6 W CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 15 KEY HAVEN-EIGHTH ADDITION RACCOON KEY B5-61 OR291-272/80 OR321-1/8 OR582-472 OR1231-			
<b>Owners Name:</b> RICE MICHAEL DAVID			
<b>Address:</b> 6 W CYPRESS TER		KEY WEST	FL 33040-6235
<b>AK:</b> 1173282	<b>Parcel ID:</b> 00139110-000000	<b>Physical Location</b> 8 W CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 14 KEY HAVEN-EIGHTH ADDITION RACCOON KEY B5-61 OR291-272/80 OR321-1/8 OR546-616 OR883-8-			
<b>Owners Name:</b> ORÓPEZA STEVEN P AND PAMELA			
<b>Address:</b> 3540 EAGLE AVE		KEY WEST	FL 33040-4654
<b>AK:</b> 1173312	<b>Parcel ID:</b> 00139140-000000	<b>Physical Location</b> 11 CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 17 KEY HAVEN-EIGHTH ADDITION RACCOON KEY B-5-61 OR291-272/80 OR321-1/8 OR558-636 OR687-3			
<b>Owners Name:</b> H AND C CYPRESS TERRACE LLC			
<b>Address:</b> 4119 MASSARD RD		FORT SMITH	AR 72903-6223
<b>AK:</b> 1173169	<b>Parcel ID:</b> 00138990-000000	<b>Physical Location</b> 3 W CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 2 KEY HAVEN-EIGHTH ADDITION RACCOON KEY 5-61 OR291-272/80 OR321-1/8 OR535-852 OR698-810			
<b>Owners Name:</b> DOAN VINH DANG			
<b>Address:</b> 3 W CYPRESS TER		KEY WEST	FL 33040-6234
<b>AK:</b> 1173177	<b>Parcel ID:</b> 00139000-000000	<b>Physical Location</b> 5 W CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 3 KEY HAVEN-EIGHTH ADDITION RACCOON KEY -5-61 OR291-272/80 OR321-1/8 OR645-197 OR2108-2			
<b>Owners Name:</b> BLANCO EDUARDO GONZALEZ			
<b>Address:</b> 5 W CYPRESS TER		KEY WEST	FL 33040-6234
<b>AK:</b> 1173100	<b>Parcel ID:</b> 00138930-000000	<b>Physical Location</b> 45 CYPRESS AVE	KEY HAVEN
<b>Legal Description:</b> BK 3 LTS 17 - 18 KEY HAVEN-EIGHTH ADDITION PB5-61 RACCOON KEY OR291-272/80 OR321-1/8 OR549-79			
<b>Owners Name:</b> BRASOVAN LOUIS III			
<b>Address:</b> 35934 HWY 27		HAINES CITY	FL 33844-3737
<b>AK:</b> 1173347	<b>Parcel ID:</b> 00139180-000000	<b>Physical Location</b> 5 CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> KEY HAVEN-EIGHTH ADDITION PB5-61 RACCOON KEY 20' LOT 3 ALL LOT 4 & SE'LY 8' LOT 5 BLK 5 OR2-			
<b>Owners Name:</b> KRÜMMEL MARILYN POPY AND RALPH R JR			
<b>Address:</b> 5 CYPRESS TER		KEY WEST	FL 33040-6215
<b>AK:</b> 1173355	<b>Parcel ID:</b> 00139190-000000	<b>Physical Location</b> 7 CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> KEY HAVEN-EIGHTH ADDITION PB5-61 RACCOON KEY 70' LOT 5 & S 36' LOT 6 BLK 5 OR291-272/80 OR32			
<b>Owners Name:</b> WALSH JOSEPH H			
<b>Address:</b> 909 16TH TER		KEY WEST	FL 33040-4244
<b>AK:</b> 1173142	<b>Parcel ID:</b> 00138970-000000	<b>Physical Location</b> 2 CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 3 LT 21 KEY HAVEN-EIGHTH ADDITION PB5-61 RACCOON KEY OR291-272/80 OR321-1/8 OR549-799 OR1698			
<b>Owners Name:</b> GROBAREK JOSEPH AND LORRAINE			
<b>Address:</b> 2 CYPRESS TER		KEY WEST	FL 33040-6215

<b>AK:</b> 8749830	<b>Parcel ID:</b> 00123110-000101	<b>Physical Location</b> 46 CYPRESS AVE	KEY HAVEN
<b>Legal Description:</b> 26 67 25 LITTLE RACCOON KEY PT GOVT LOT 1 (1.63 AC ) OR1077-283/284 OR1187-1088/1118PET/ORD/WILI			
<b>Owners Name:</b> LUJAN BETTY QUAL PER RES TRUST I			
<b>Address:</b> 46 CYPRESS AVE		KEY WEST	FL 33040
<b>AK:</b> 1173134	<b>Parcel ID:</b> 00138960-000000	<b>Physical Location</b> 49 CYPRESS AVE	KEY HAVEN
<b>Legal Description:</b> BK 3 LT 20 KEY HAVEN EIGHTH ADDITION RACCOON KEY B5-61 OR291-272/80 OR321-1/8 OR612-788 OR739-61			
<b>Owners Name:</b> BLÉSSING BETTY L L/E			
<b>Address:</b> 4947 LAKESIDE DR		ZEPHYRHILLS	FL 33542-5599
<b>AK:</b> 1173428	<b>Parcel ID:</b> 00139260-000000	<b>Physical Location</b> VACANT LAND	KEY HAVEN
<b>Legal Description:</b> KEY HAVEN-EIGHTH ADDITION RACCOON KEY PB5-61 TE PARK NO 2 OR291-272/280 OR321-1/8 OR854-13:			
<b>Owners Name:</b> KEY HAVEN ASSOCIATED ENTERPRISES INC C/O SOUTHERNMOST INSURANCE			
<b>Address:</b> 1010 KENNEDY DR STE 300		KEY WEST	FL 33040-4133
<b>AK:</b> 1173321	<b>Parcel ID:</b> 00139150-000000	<b>Physical Location</b> 1 CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> KEY HAVEN-EIGHTH ADDITION RACCOON KEY PB5-61 1, 2 AND SELY 58 LT 3 BLK 5 OR291-272/80 OR321-1/8			
<b>Owners Name:</b> BOTWAY CLIFFORD REV TRUST			
<b>Address:</b> PO BOX 1578		KEY WEST	FL 33041-1578
<b>AK:</b> 1173126	<b>Parcel ID:</b> 00138950-000000	<b>Physical Location</b> 47 CYPRESS AVE	KEY HAVEN
<b>Legal Description:</b> BK 3 LT 19 KEY HAVEN-EIGHTH ADDN PB5-61 RACCOON Y OR291-272/80 OR321-1/8 OR608-488 OR612-789 O			
<b>Owners Name:</b> BRICKLEY-MEISTRELL FAMILY REV TR 3/3/1999 C/O BRICKLEY JOHN KEVIN			
<b>Address:</b> PO BOX 729		KEY WEST	FL 33041-0729
<b>AK:</b> 1173193	<b>Parcel ID:</b> 00139020-000000	<b>Physical Location</b> 9 W CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 5 KEY HAVEN EIGHTH ADDITION RACCOON KEY 5-61 OR291-272/80 OR321-1/8 OR728-163/64 OR728-			
<b>Owners Name:</b> MATTHEWS FRED SAWYER AND KARIN E			
<b>Address:</b> 9 W CYPRESS TER		KEY WEST	FL 33040-6234
<b>AK:</b> 1173380	<b>Parcel ID:</b> 00139220-000000	<b>Physical Location</b> 8 CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BLK 5 PT LT 6 AND ALL LOTS 7 AND 8 KEY HAVEN-EI GHT ADDITION PB5-61 RACCOON KEY OR291-272/80			
<b>Owners Name:</b> RUFF TIMOTHY AND GINA			
<b>Address:</b> 3324 RIVIERA DR		KEY WEST	FL 33040-4632
<b>AK:</b> 1173185	<b>Parcel ID:</b> 00139010-000000	<b>Physical Location</b> 7 W CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 4 KEY HAVEN EIGHTH ADDITION RACCOON KEY 5-61 OR291-272/80 OR321-1/8 OR527-869			
<b>Owners Name:</b> ALVÁREZ RAY AND ROSE G			
<b>Address:</b> 7 W CYPRESS TER		KEY WEST	FL 33040-6234
<b>AK:</b> 1173207	<b>Parcel ID:</b> 00139030-000000	<b>Physical Location</b> 11 W CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 6 KEY HAVEN EIGHTH ADDITION RACCOON KEY 5-61 OR291-272/80 OR321-1/8 OR502-414 OR502-503			
<b>Owners Name:</b> DRÖSSEL DIANA BERRY L/E			
<b>Address:</b> 11 W CYPRESS TER		KEY WEST	FL 33040-6234
<b>AK:</b> 1173151	<b>Parcel ID:</b> 00138980-000000	<b>Physical Location</b> 1 W CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 1 KEY HAVEN-EIGHTH ADDN RACCOON KEY OR291-272/80 OR321-1/8 OR321-1/8 OR291-272/280			
<b>Owners Name:</b> RUIZ MÁRIA CHRISTINA			
<b>Address:</b> 1 W CYPRESS TER		KEY WEST	FL 33040-6234
<b>AK:</b> 1173304	<b>Parcel ID:</b> 00139130-000000	<b>Physical Location</b> 4 W CYPRESS TER	KEY HAVEN
<b>Legal Description:</b> BK 4 LT 16 KEY HAVEN-EIGHTH ADDITION RACCOON KEY B-5-61 OR291-272/80 OR321-1/8 OR629-365 OR775-1			
<b>Owners Name:</b> SWÉETING GERALDINE DEC TR 8/29/01			
<b>Address:</b> 1 COCONUT DR		KEY WEST	FL 33040-6214

KEY HAVEN ESTATES LTD  
C/O SOUTHERNMOST INSURANCE  
1010 KENNEDY DR STE 300  
KEY WEST, FL 33040-4133

BARRETT JAMES H  
26 ASTER TER  
KEY WEST, FL 33040-6205

RICE MICHAEL DAVID  
6 W CYPRESS TER  
KEY WEST, FL 33040-6235

OROPEZA STEVEN P AND PAMELA  
3540 EAGLE AVE  
KEY WEST, FL 33040-4654

H AND C CYPRESS TERRACE LLC  
4119 MASSARD RD  
FORT SMITH, AR 72903-6223

DOAN VINH DANG  
3 W CYPRESS TER  
KEY WEST, FL 33040-6234

BLANCO EDUARDO GONZALEZ  
5 W CYPRESS TER  
KEY WEST, FL 33040-6234

BRASOVAN LOUIS III  
35934 HWY 27  
HAINES CITY, FL 33844-3737

KRUMMEL MARILYN POPY AND RALPH R JR  
5 CYPRESS TER  
KEY WEST, FL 33040-6215

WALSH JOSEPH H  
909 16TH TER  
KEY WEST, FL 33040-4244

GROBAREK JOSEPH AND LORRAINE  
2 CYPRESS TER  
KEY WEST, FL 33040-6215

LUJAN BETTY QUAL PER RES TRUST I  
46 CYPRESS AVE  
KEY WEST, FL 33040

BLESSING BETTY L L/E  
4947 LAKESIDE DR  
ZEPHYRHILLS, FL 33542-5599

KEY HAVEN ASSOCIATED ENTERPRISES INC  
C/O SOUTHERNMOST INSURANCE  
1010 KENNEDY DR STE 300  
KEY WEST, FL 33040-4133

BOTWAY CLIFFORD REV TRUST  
PO BOX 1578  
KEY WEST, FL 33041-1578

BRICKLEY-MEISTRELL FAMILY REV TR  
3/3/1999  
C/O BRICKLEY JOHN KEVIN  
PO BOX 729  
KEY WEST, FL 33041-0729

MATTHEWS FRED SAWYER AND KARIN E  
9 W CYPRESS TER  
KEY WEST, FL 33040-6234

RUFF TIMOTHY AND GINA  
3324 RIVIERA DR  
KEY WEST, FL 33040-4632

ALVAREZ RAY AND ROSE G  
7 W CYPRESS TER  
KEY WEST, FL 33040-6234

DROSSEL DIANA BERRY L/E  
11 W CYPRESS TER  
KEY WEST, FL 33040-6234

RUIZ MARIA CHRISTINA  
1 W CYPRESS TER  
KEY WEST, FL 33040-6234

SWEETING GERALDINE DEC TR 8/29/01  
1 COCONUT DR  
KEY WEST, FL 33040-6214

NO.	DATE



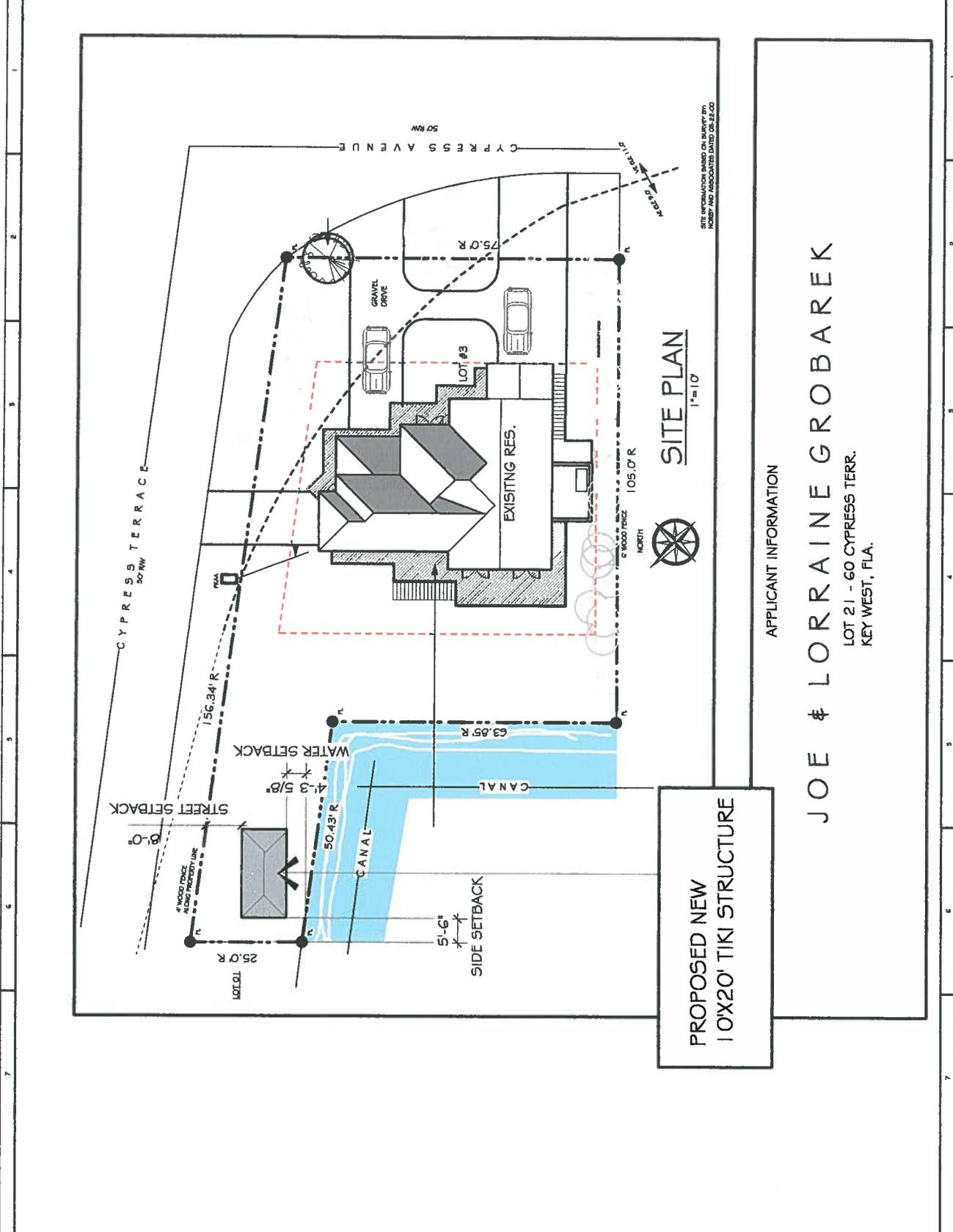
PETER PIKE  
ARCHITECT  
471 US HWY 1  
SUITE 101  
KEY WEST, FLORIDA  
33040

PROJECT:  
JOE & LORRAINE GROBAREK  
LOT 21 - 60 CYPRESS TERR.  
KEY WEST, FLA.

DRAWING TITLE:  
SITE PLAN

PROJECT NAME:  
DRAWN:  
CHECKED:  
DATE:  
SHEET #

FLA. REGISTRATION # AR0015198  
PETER M. PIKE



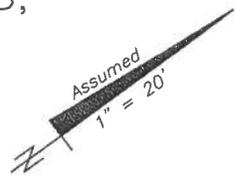
PROPOSED NEW  
10X20' TIKI STRUCTURE

APPLICANT INFORMATION  
**JOE & LORRAINE GROBAREK**  
LOT 21 - 60 CYPRESS TERR.  
KEY WEST, FLA.

SITE PLAN  
1" = 10'

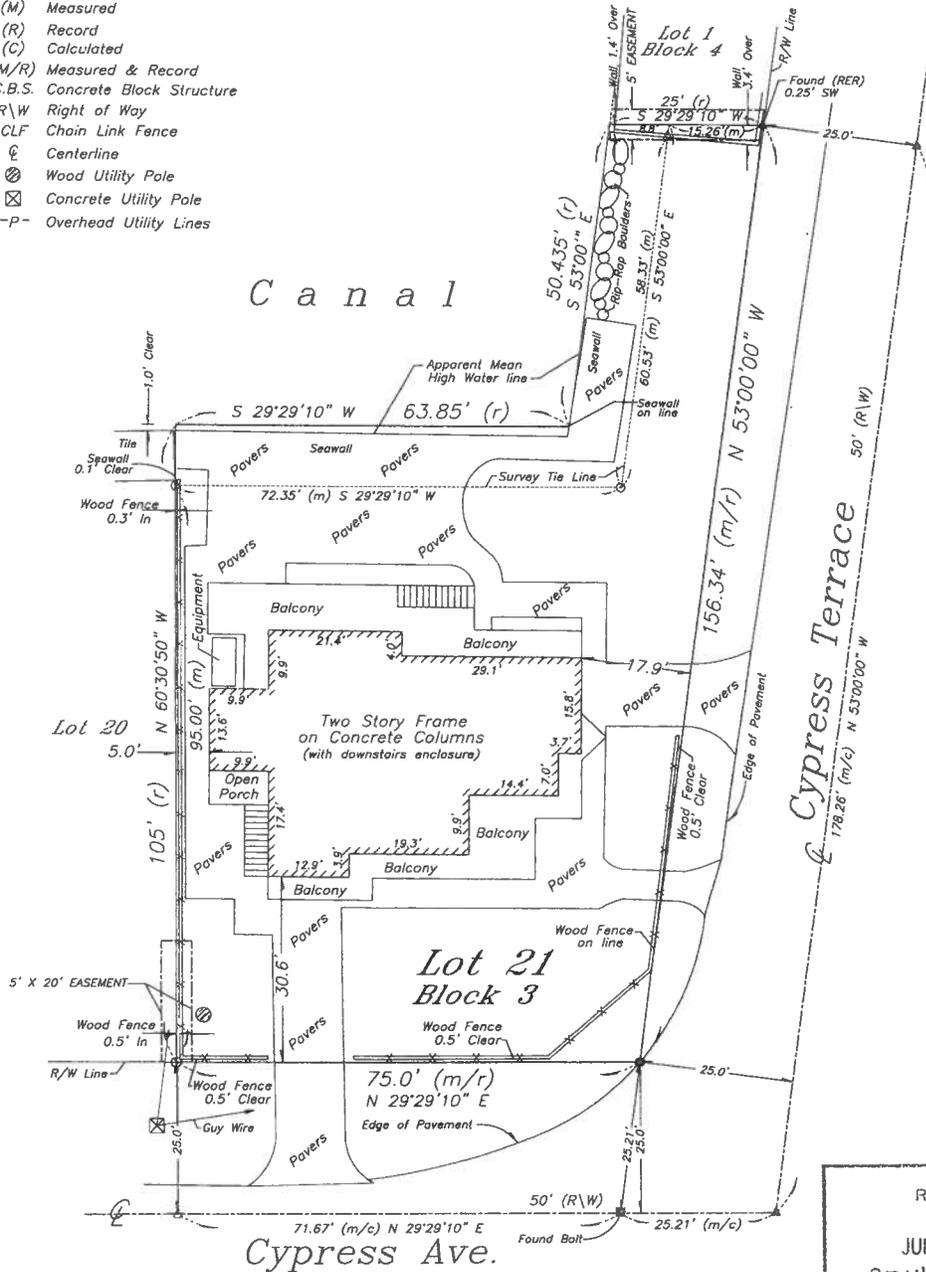
SITE INFORMATION BASED ON SURVEY BY:  
ROBERT AND ASSOCIATED ENGINEERS

# Boundary Survey Map of Lot 21, Block 3, KEY HAVEN EIGHTH ADDITION



## LEGEND

- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (No ID)
- ▲ Found Nail & Disc (RER)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (C) Calculated
- (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



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**JUN 10 2014**

2014-078

MONROE CO. PLANNING DEPT

Sheet One of Two Sheets

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

Professional Surveyor & Mapper  
PSM #6298

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

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

Boundary Survey Report of Lot 21, Block 3,  
KEY HAVEN EIGHTH ADDITION

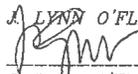
NOTES:

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: 2 Cypress Terrace, Key Haven, 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 NW'ly R/W line of Cypress Ave. as N 29°29'10" E.
8. Date of field work: September 4, 2012.
9. Ownership of fences is undeterminable, unless otherwise noted.
10. The Survey Report is not full and complete without the attached Survey Map.
11. 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: Lot 21, Block 3, KEY HAVEN EIGHTH ADDITION according to the plat thereof as recorded in Plat Book 5, Page 61 of the Public Records of Monroe County, Florida.

BOUNDARY SURVEY FOR: Joseph & Lorraine Grobarek;

J. LYNN O'FLYNN, INC.

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

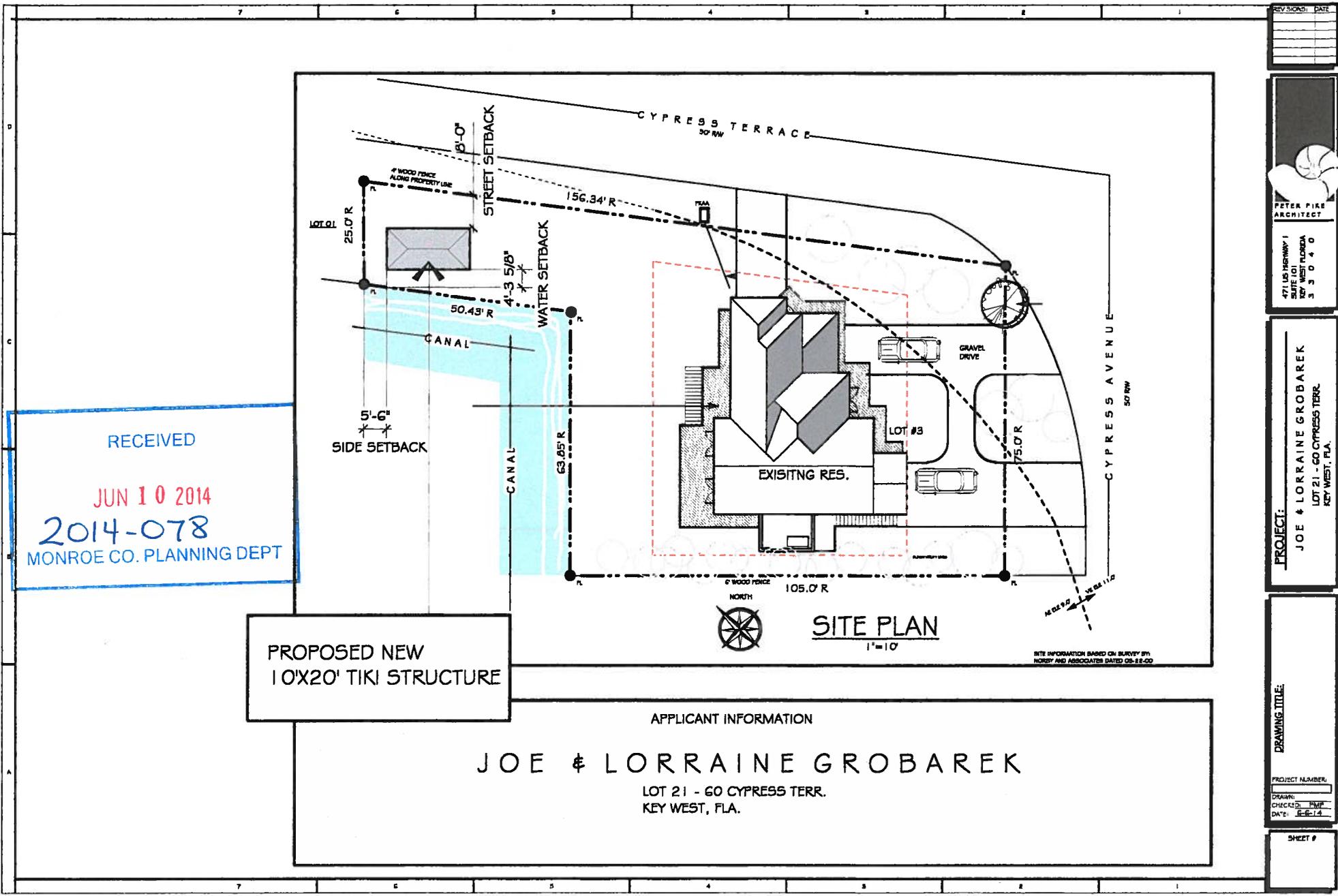
THIS SURVEY  
IS NOT  
ASSIGNABLE

September 17, 2012



Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.  
Professional Surveyor & Mapper  
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3430 Duck Ave., Key West, FL 33040  
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 2014-078  
 MONROE CO. PLANNING DEPT

PROPOSED NEW  
 10'X20' TIKI STRUCTURE

APPLICANT INFORMATION  
**JOE & LORRAINE GROBAREK**  
 LOT 21 - 60 CYPRESS TERR.  
 KEY WEST, FLA.

REV	NO.	DATE



PETER PIKE  
 ARCHITECT  
 471 US HIGHWAY 1  
 SUITE 101  
 KEY WEST FLORIDA  
 33040

PROJECT:  
 JOE & LORRAINE GROBAREK  
 LOT 21 - 60 CYPRESS TERR.  
 KEY WEST, FLA.

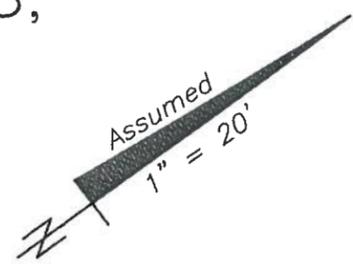
DRAWING TITLE:  
 PROJECT NUMBER:  
 DRAWN:  
 CHECKED: PMP  
 DATE: 6-6-14

SHEET #

PETER M. PIKE  
 FLA. REGISTRATION # ARO015198

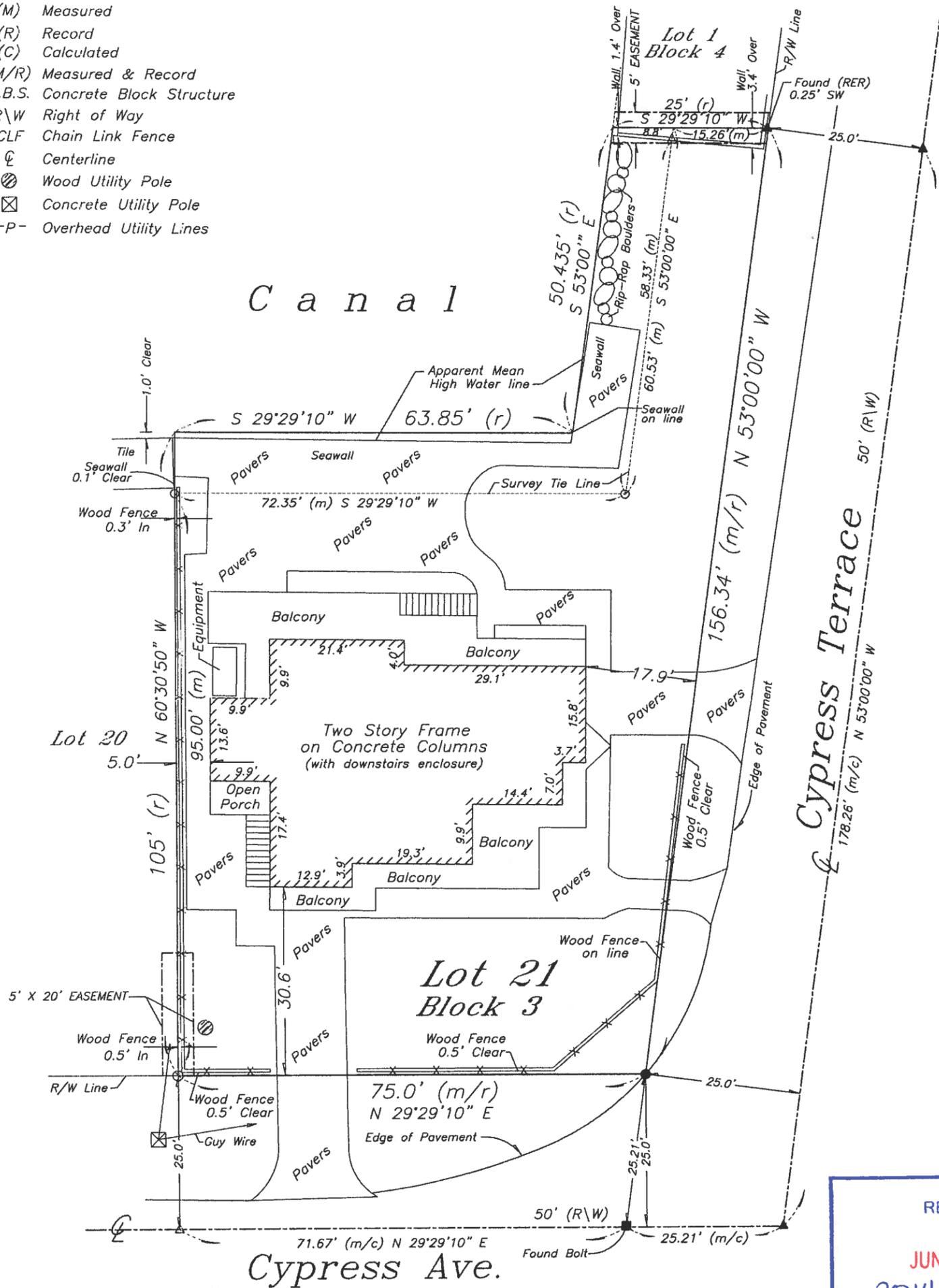
SITE INFORMATION BASED ON SURVEY BY  
 HORSBY AND ASSOCIATES DATED 08-28-00

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MONROE CO. PLANNING DEPT

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**NOTE:**  
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Boundary Survey Report of Lot 21, Block 3,  
KEY HAVEN EIGHTH ADDITION

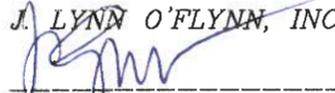
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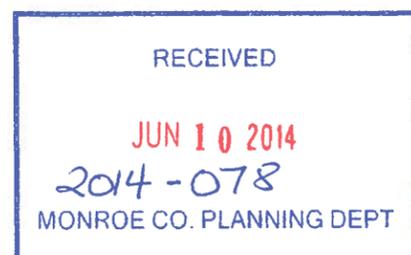
BOUNDARY SURVEY FOR: Joseph & Lorraine Grobarek;

J. LYNN O'FLYNN, INC.

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

THIS SURVEY  
IS NOT  
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September 17, 2012



Sheet Two of Two Sheets

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