File #: 2018-091

Owner's Name: Debra S. Toppino (Trustee Debra S. Toppino Living Trust) & Richard Toppino

Applicant: Smith Hawks, PL

Agent / Contact: Barton W. Smith, Esq.

Type of Application: LUD Map Amendment

Key: Geiger Key

RE #: 00142020-000000
County of Monroe

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

We strive to be caring, professional, and fair.

Date: 05.02.18

Dear Applicant:

This is to acknowledge submittal of your application for LUD Map Amendment
Type of application

Debra S. Toppino Living Trust Project Name to the Monroe County Planning Department.

Agent: Barton W. Smith

Thank you.

Legués
Planning Staff
MONROE COUNTY, FLORIDA
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT

Land Use District (Zoning) Map Amendment Application

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

Application Fee: $5,570.00
The base fee includes two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is exceeded, additional fees shall be charged pursuant to Fee Schedule Resolution and paid prior to the private application proceeding through public hearings.

In addition to the application fee, the following fees also apply:
Advertising Costs: $245.00
Surrounding Property Owner Notification (SPON): $3.00 for each property owner required to be noticed
Transportation Study Review: $5,000.00 Deposit (any unused funds will be returned upon approval)
Advertising and Noticing fees for a community meeting: $245.00 plus $3.00/SPON

Date of Request: 05 / 01 / 2018

Applicant / Agent Authorized to Act for Property Owner: (Agents must provide notarized authorization from all property owners.)
Smith Hawks, PL
Barton W. Smith, Esq.

Applicant (Name of Person, Business or Organization) Name of Person Submitting this Application
138 Simonton Street, Key West, FL 33040
Mailing Address (Street, City, State and Zip Code)
(305) 296-7227 bart@smithhawks.com
Work Phone Home Phone Cell Phone Email Address

Property Owner: (Business/Corp must include documents showing who has legal authority to sign.)
Debra S. Toppino, as Trustee of the Debra S. Toppino Living Trust, and Richard Toppino c/o Barton W. Smith, Esq.
(Name/Entity) Contact Person
138 Simonton Street, Key West, FL 33040
Mailing Address (Street, City, State and Zip Code)
(305) 296-7227 bart@smithhawks.com
Work Phone Home Phone Cell Phone Email Address
**Legal Description of Property** (if in metes and bounds, please attach separate sheet):

<table>
<thead>
<tr>
<th>Block</th>
<th>Lot</th>
<th>Subdivision</th>
<th>Key Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>00142020-000000</td>
<td>1183377</td>
<td>Boca Chica Ocean Shores</td>
<td>Geiger</td>
</tr>
</tbody>
</table>

**Real Estate (RE) Number**

10 Egret Lane, Geiger Key, FL 33040

**Approximate Mile Marker**

11

**Current Future Land Use Map Designation(s):** Residential Low (RL)

**Current Land Use District (Zoning) Designation(s):** Sparsely Settled (SS)

**Proposed Land Use District (Zoning) Designation(s):** Suburban Residential (SR)

**Total Land Area Affected by Proposed Land Use District (in acres):** 0.7 acre

**Tier Designation(s):** III

Is the property located within the Military Installation Area of Impact (MIAI):  ☑ Yes  ☐ No

**Existing Use of the Property** (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any nonresidential development):

See attached.

**Please describe the reason for the proposed Land Use District amendment** (attach additional sheets if necessary):

See attached.
The Board of County Commissioners may consider an amendment if the change is based on one or more of the following factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

1) Changed projections (e.g. regarding public service needs) from those on which the text was based
   See attached.

2) Changed assumptions (e.g. regarding demographic trends):
   See attached.

3) Data errors, including errors in mapping, vegetative types and natural features:
   See attached.

4) New issues:
   See attached.

5) Recognition of a need for additional detail or comprehensiveness:
   See attached.
6) Data updates:
See attached.

In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located or to any area in accordance with a Livable CommuniKeys master plan. Please describe how the text amendment would not result in an adverse community change (attach additional sheets if necessary):
See attached.

* * * * * * * * *

Applicants requesting a Land Use District (Zoning) Map Amendment shall provide for community participation through a community meeting, as indicated in Section 102-159.

Scheduling. The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site, between 45 - 120 days prior to any of the public hearings.

Notice of Meeting. The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.

Noticing and Advertising Costs. The applicant shall pay the cost of the public notice and advertising for the community meeting and provide proof of proper notice to the Planning Director.

The community meeting shall be facilitated by a representative from the Monroe County Planning & Environmental Resources Department and the applicant shall be present at the meeting.

**PROOF OF PROPER NOTICING ON THE COMMUNITY MEETING WILL BE REQUIRED.**
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 (unaltered and unbound)
☐ Correct fee (check or money order payable to Monroe County Planning & Environmental Resources)
☐ Proof of ownership (i.e., Warranty Deed)
☐ Ownership Disclosure Form
☐ Current Property Record Card(s) from the Monroe County Property Appraiser
☐ Location map
☐ Photograph(s) of site(s) from adjacent roadway(s)
☐ Signed and Sealed Boundary Survey(s), prepared by a Florida registered surveyor – eight (8) 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; total acreage by habitat; and total upland area
☐ Typed name and address mailing labels of all property owners within a 600 foot radius of the
property(s) – (three sets). 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 600 foot
radius, each unit owner must be included
☐ Copy of current Land Use District Map (request from the Planning & Environmental Resources
Department prior to application submittal)
☐ Copy of current Future Land Use Map (request from the Planning & Environmental Resources
Department prior to application submittal)

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)
☐ Traffic Study, prepared by a licensed traffic engineer *(required if application affects specific and
defined area)*
☐ Transportation fee of $5,000 to cover the cost of experts hired by the Department to review the
traffic study – any unused funds deposited will be returned upon approval *(required if application
affects specific and defined area)*

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.
Has a previous application been submitted for this site(s) within the past two years? ☑ Yes ☐ No

Is there a pending code enforcement proceeding involving all or a portion of the parcel(s) proposed for development? ☑ Yes ☐ No Code Case file # CE18040104 Describe the enforcement proceedings and if this application is being submitted to correct the violation: This code enforcement case is related to seawall-concrete work and is not related to this application.
The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

I, the Applicant, 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: __________________________ Date: 5-1-18

STATE OF FLORIDA

COUNTY OF MONROE

Sworn to and subscribed before me this 1st day of May, 2018,

by Barton W. Smith, who is personally known to me OR
produced (PRINT NAME OF PERSON MAKING STATEMENT)

_________ as identification.

(TYPE OF ID PRODUCED)

Brandi Green

Signature of Notary Public

Brandi Green

Print, Type or Stamp Commissioned Name of Notary Public

My commission expires: 1/29/2020

Send complete application package to:

Monroe County Planning & Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, FL 33050
May 2, 2018

Via FedEx Standard Overnight Delivery
Emily Schemper, Assistant Director
Monroe County Planning & Environmental Resources Department
2798 Overseas Highway, Suite 400
Marathon, FL 33050

RE: Richard Toppino & Debra S. Toppino, Trustee of Debra S. Toppino Living Trust
10 Egret Lane, Geiger Key, FL 33040
Land Use District (Zoning) Map Amendment Application

Dear Emily,

Pursuant to my conversation with Christine Hurley, enclosed for your review is the Land Use District (Zoning) Map Amendment Application ("Application" or "LUD Amendment") submitted on behalf of Richard Toppino and Debra S. Toppino, as Trustee of the Debra S. Toppino Living Trust (collectively, "Applicant") concerning the property located at 10 Egret Lane, Geiger Key, FL 33040 (Parcel ID: 00142020-000000) consisting of approximately 0.7 acre ("Property").

Also enclosed is a check payable to Monroe County in the amount of $6,180.00 for the Application Fee and additional costs associated with the Application. No Traffic Study should be required for this LUD Amendment because there is no change in allowed density and the zoning does not allow transient uses or non-residential uses.¹

I. Request

Applicant submits the Application to amend the Land Use District ("LUD") designation concerning the Property from Sparsely Settled (SS) to Suburban Residential (SR).

II. Amendment Summary

A. Basis for Amendment.

The Property is currently used by the Applicant as the Applicant's residence, and the Applicant's house located on the Property was destroyed by Hurricane Irma in September 2017. The house located on the Property have been in existence for decades and were built pre-Code. The Applicant

¹ Suburban Residential does allow non-residential uses but the non-residential use must have been established prior to the adoption of the 2010 Comprehensive Plan. The property has always been utilized as a single family residence.
would like to rebuild the house but has an issue because the Property consists of a total of 28,800 square feet. The existing open space on the Property is 16,894 square feet and the remainder consists of their home, driveways, paving a pool a hardscape; however, in SS the minimum open space required for the Property is 23,040 square feet. Per Sec. 102-58(b) of the Land Development Code (“Code”), when the principal use or structure is demolished, the accessory structures must come into compliance with the land use district, which would require the Applicant remove 6,146 square feet of hardscape, including his pool, driveways and many of the features that existed at the home. Even if he removed these features they would not be permitted to be replaced unless there was a significant reduction in the hardscape.

The LUD Amendment would allow for a change in Minimum Open Space Ratio from 0.80 in SS to 0.50 in SR which would allow the Applicant to rebuild the house on the Property and have hardscape and a pool without changing the density or the restricted usage of his property.

The amendment would not change the allowable development because SS-designated properties have an Allocated Density of 0.5 units per acre, and SR-designated properties have an Allocated Density of 0.5 units per acre.

Therefore, the Amendment will allow the Applicant to rebuild the house and guesthouse within the original footprint and the necessary amount of open space to comply with the Code.

III. Proposed Amendment

A. Overview of Amendment

The Application proposes to amend the LUD designation of the Property from SS to SR. Pursuant to Code Section 130-157, Maximum Permanent Residential Density and Minimum Open Space, the following residential density applies:
Current LUD (SS)

<table>
<thead>
<tr>
<th>Land Use District</th>
<th>Allocated Density (DU/Gross Acre of Upland)</th>
<th>Maximum Net Density (DU/Buildable Area)</th>
<th>Minimum Open Space Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>SS</td>
<td>0.5</td>
<td>N/A</td>
<td>0.80</td>
</tr>
</tbody>
</table>

Proposed LUD (SR)

<table>
<thead>
<tr>
<th>Land Use District</th>
<th>Allocated Density (DU/Gross Acre of Upland)</th>
<th>Maximum Net Density (DU/Buildable Area)</th>
<th>Minimum Open Space Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR</td>
<td>0.5</td>
<td>5.0²</td>
<td>0.50</td>
</tr>
</tbody>
</table>

With the approval of the LUD Amendment from SS to SR, the Property would have a Minimum Open Space Ratio of 0.50 instead of 0.80 which would allow the Applicant to rebuild the house using 0.4 acre of the 0.7 acre Property instead of only 0.1 acre of the 0.7 acre Property as limited by SS.

The maximum net density does not create an issue either as maximum net density is based on buildable area which takes out open space. A 28,800 square foot parcel with a .5 open space has 14,400 buildable area or .33 of an acre. Based on a maximum net density of 5 the total allowable density is 1.65 which permits one residential dwelling unit, which already exists and is ROGO exempt, and may be built back under the current .5 density per Code Sec. 130-163.

**B. Property Involved**

The Property contains a total of 0.7 acre zoned as SS. An aerial of the Property overlaid with the respective LUD is attached to this letter for your reference as **Exhibit “A”**.

The Property has a corresponding Future Land Use Map (“FLUM”) designation of Residential Low (RL). An aerial of the Property overlaid with the respective FLUM designation is attached to this letter for your reference as **Exhibit “B”**.

The entirety of the Property is designated Tier III. An aerial of the Property overlaid with its Tier designation is attached to this letter for your reference as **Exhibit “C”**.

² Please note that the
C. Deed and Legal Description

The Deeds by which the Applicant took title to the Property are attached to this letter for your reference as Exhibit “D”.

IV. Absence of Adverse Community Change in Planning Area

The LUD Amendment will not result in an adverse community change in the planning area or surrounding community. The Property is used for residential purposes with the intention of rebuilding 1 house and 1 guest house on the Property with the same footprint. The Property is adjacent to neighboring residential properties zoned as SS which is a compatible use with the Property and will not create any significant impacts. The Property is located on a point lot and is surrounded by other residences and water.

The densities for SS and SR are the same. Moreover, the permitted uses are the same for SS and SR, except SR allows for parks and vacation rentals while SS does not. For minor conditional uses, SR allows institutional uses, but SS does not. SS allows public buildings while SR does not. Neither SS nor SR allow hotel/motel/RV uses. Furthermore, the setbacks for SS and SR are the same.

The land area which is the subject of the requested LUD Amendment is designated as Tier III, classified as developed land, and is not classified as habitat for any protected species.

The property is located within the Military Installation Area of Impact, however, the request is not an amendment to the Future Land Use Map and therefore Policy 108.2.5 is inapplicable. Regardless of its application, the permitted density is not changing and the property becomes conforming as to density.

V. Policies and District Purposes

A. Current Comprehensive Plan Policies

The Property has a corresponding FLUM designation of Residential Low (RL), and the Monroe County Year 2030 Comprehensive Plan provides as follows:

Existing FLUM:

Policy 101.5.2
The principal purpose of the Residential Low (RL) future land use category is to provide for low-density residential development in partially developed areas with substantive native vegetation. Low intensity public and low intensity institutional uses are also allowed.

This LUD Amendment is consistent with Policy 101.5.2.

Existing:

Sec. 130-49
Purpose of the Sparsely Settled Residential District (SS)
The purpose of the SS district is to establish areas of low-density residential development where the predominant character is native or open space lands.

Proposed:

Sec. 130-47
Purpose of the Suburban Residential District (SR)
The purpose of the SR district is to establish areas of low- to medium-density residential uses characterized principally by single-family detached dwellings. This district is predominated by development; however, natural and developed open space creates an environment defined by plants, spaces and over-water views.

Sec. 130-94
Suburban Residential District (SR)

(a) The following uses are permitted as of right in the suburban residential district:

(1) Detached dwellings;...

VI. Conclusion

Applicant respectfully requests granting of the LUD Amendment based on the foregoing and the Applicant’s need to rebuild the Applicant’s house after being destroyed by Hurricane Irma in September 2017 while allowing for the rebuilt house and hardscape to comply with the Code.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your kind attention to this matter.

Sincerely,

[Signature]

Barton W. Smith, Esq.
cc: File

Enclosures

Exhibit “A”

Zoning Map
Exhibit "B"

Future Land Use Map
Exhibit “C”

Tier Designation
Exhibit "D"

Deeds
WARRANTY DEED

(Prepared Without Benefit of Title Search Examination)

THIS WARRANTY DEED, executed this 24th day of December, 2007, by RICHARD J. TOPPINO, a married man, joined by his wife, DEBRA S. TOPPINO, whose post office address is: 10 Egret Lane, Key West, Florida 33040, hereinafter referred to as the "GRANTOR," * and DEBRA S. TOPPINO, as Trustee of THE DEBRA S. TOPPINO LIVING TRUST, dated September 18, 2007, whose post office address is: 10 Egret Lane, Key West, Florida 33040, hereinafter referred to as the "GRANTEE." *(* Whenever used herein the term "Grantor," "Grantee," and "party" include all the parties to this instrument, whether singular or plural).

WITNESSETH that the GRANTOR for and in consideration of the sum of TEN & NO/100 ($10.00) DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situated, lying and being in the County of Monroe, State of FLORIDA (street address: 10 Egret Lane, Key West, Florida), to wit:

Lots 5, 6 and 7, Block 6, BOCA CHICA OCEAN SHORES, Geiger Key,
recorded in Plat Book 5 at Page 49, of the Public Records of Monroe County, Florida.

The property conveyed here is the homestead property of the GRANTOR.

And the GRANTOR does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

TO HAVE AND TO HOLD the said real estate in fee simple with its appurtenances upon the Trust and for the purposes set forth herein and in said Trust Agreement.

Full power and authority is hereby granted to said Trustee to improve and protect said real estate or any part thereof, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said real estate or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said Trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber said real estate or any part thereof, to lease said real estate or any part thereof, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about said real estate or any part thereof, and to deal, with said real estate and every part thereof in all other ways

WARRANTY DEED

Page 1 of 2
and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said Trustee in relation to said real estate or to whom said real estate or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on said real estate.

IN WITNESS WHEREOF, the GRANTOR has hereunto executed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signatures]

STATE OF FLORIDA )
COUNTY OF MONROE )

I HEREBY CERTIFY that on this 3rd day of December, 2007, before me, an officer duly authorized in the State and County aforesaid to administer oaths and take acknowledgments, personally appeared RICHARD J. TOPPINO, a married man, joined by his wife, DEBRA S. TOPPINO, who are personally known to me OR have produced Driver's License or Identification Card, number: ___________________________ as identification and did not take an oath, but acknowledged before me the execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of December, 2007.

[Signature]

WARRANTY DEED
Page 2 of 2

MONROE COUNTY
OFFICIAL RECORDS

NOTARY SEAL
AS SECOND WITNESS
WARRANTY DEED

This Indenture, Made this 20th day of February, 1996, between

ADOLFO AVAEL, a married man,

of the County of MONROE, State of Florida

and

RICHARD J. TOPPINO, a married man,

of the County of MONROE, State of Florida

for and in consideration of the sum of TEN & NO/100 ($10.00) DOLLARS, and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, assigned and conveyed to the said ADOLFO AVAEL, the herein and hereafter described land, lying and being in the County of MONROE, State of Florida, to wit:

Lot Four (4), Block Six (6), BOCA CHICA OCEAN SHORES, according to the Plat thereof as recorded in plat book 5 at page 49 of the Public Records of Monroe County, Florida.

SUBJECT TO THE FOLLOWING:

1. Taxes for the current year and subsequent years.

2. Conditions, limitations, restrictions and easements of record.

3. Prior grants of gas, oil and mineral rights.

4. AICU Zoning exception as set forth in Resolution as to high noise or high hazard area recorded in OR 787, Page 234, Public Records of Monroe County, Florida.

THE GRANTOR HEREBY STATES THAT THE ABOVE PROPERTY IS NOT HIS HOMESTEAD AS DEFINED UNDER THE FLORIDA CONSTITUTION.

This grantor does hereby fully execute the title to said land, and will defend the same against lawful claim of all persons whatsoever.

In Witness Whereof, the parties hereto have set their hand and seal this 20th day of February, 1996.

WILLIAM B. SPOONWOOD
P.O. Address 1213 14th Street, LOT 86, KEY WEST, FL 33040

MELINDA ROBERTS
Witness

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 20th day of February, 1996 by ADOLFO AVAEL, a married man,

who is personally known to me or who has produced his Florida driver's license as identification.

MELINDA ROBERTS
NOTARY PUBLIC
My Commission Expires: 09/26/96
AGENT AUTHORIZATION FORM

Date of Authorization: 5 / 1 / 2018

I hereby authorize Smith Hawks, PL/Barton W. Smith, Esq. be listed as authorized agent
representing Debra S. Toppino, Trustee of the Debra S. Toppino Living Trust for the application submission
of Application for Variance and all related matters for 10 Egret Lane, Geiger Key, FL 33040
(List the Name and Type of applications for the authorization)
for the Property described as: (if in metes and bounds, attach legal description on separate sheet)
5, 6 & 7 6 Boca Chica Ocean Shores Geiger
Lot Block Subdivision
00142020-000000
Real Estate (RE) Number Alternate Key Number
10 Egret Lane, Geiger Key, FL 33040 11
Street Address (Street, City, State & Zip Code)

Authorized Agent Contact Information:
138 Simonton Street, Key West, FL 33040
Mailing Address (Street, City, State and Zip Code)
305-296-7227 bart@smithhawks.com
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner:

Printed Name of Property Owner: Debra S. Toppino, Trustee of the Debra S. Toppino Living Trust

STATE OF FLORIDA COUNTY OF MONROE
Sworn to and subscribed before me this 1st day of May, 2018 by Debra S. Toppino, who is personally known to me OR produced
(Print Name of Person Making Statement)

(Type of ID Produced) as identification.

Signature of Notary Public

My commission expires:

Last Revised October 2016
AGENT AUTHORIZATION FORM

Date of Authorization: 5/1/2018

I hereby authorize Smith Hawks, PL/Barton W. Smith, Esq. to be listed as authorized agent representing Debra S. Toppino, Trustee of the Debra S. Toppino Living Trust for the application submission of Application for Land Use District (Zoning) Map Amendment and all related matters for 10 Egret Lane, Geiger Key, FL 33040 (List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

5, 6 & 7 6 Boca Chica Ocean Shores Geiger

Lot Block Subdivision

00142020-000000

Real Estate (RE) Number

10 Egret Lane, Geiger Key, FL 33040 Alternate Key Number

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

Geiger Key (Island)

1183377

Authorized Agent Contact Information:

138 Simonton Street, Key West, FL 33040

Mailing Address (Street, City, and Zip Code)

305-296-7227 bart@smithhawks.com

Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: ____________________________

Printed Name of Property Owner: Debra S. Toppino, Trustee of the Debra S. Toppino Living Trust

STATE OF FLORIDA COUNTY OF MONROE

Sworn to and subscribed before me this 1st day of May, 2018.

by ____________________________ (Print Name of Person Making Statement)

(type of ID produced) as identification.

Signature of Notary Public ____________________________

Print, Type or Stamp Commissioned Name of Notary Public ____________________________

My commission expires: ____________________________

Last Revised October 2016
AGENT AUTHORIZATION FORM

Date of Authorization: 5 / 1 / 2018

I hereby authorize Smith Hawks, PL/Barton W. Smith, Esq. be listed as authorized agent
representing Richard J. Toppino for the application submission
of Application for Variance and all related matters for 10 Egret Lane, Geiger Key, FL 33040
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

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<th>Block</th>
<th>Subdivision</th>
<th>Geiger</th>
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<td>Key (Island)</td>
<td>1183377</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alternate Key Number</td>
<td></td>
</tr>
<tr>
<td>10 Egret Lane, Geiger Key, FL 33040</td>
<td></td>
<td>Approximate Mile Marker</td>
<td></td>
</tr>
</tbody>
</table>

Street Address (Street, City, State & Zip Code) | Alternate Key Number |

Authorized Agent Contact Information:
138 Simonton Street, Key West, FL 33040
Mailing Address (Street, City, State and Zip Code)
305-296-7227 bart@smithhawks.com

Work Phone | Home Phone | Cell Phone | Email Address
--- | --- | --- | ---
--- | --- | --- | ---

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: Richard J. Toppino
Printed Name of Property Owner: Richard J. Toppino

STATE OF FLORIDA COUNTY OF MONROE

Sworn to and subscribed before me this 1st day of May, 2018.

by Richard J. Toppino, who is personally known to me OR produced
(Print Name of Person Making Statement)

(TYPE OF ID PRODUCED)

Signature of Notary Public

Brandi Green
Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

Last Revised October 2016
AGENT AUTHORIZATION FORM

Date of Authorization: 5 /1 /2018

I hereby authorize Smith Hawks, PL/Barton W. Smith, Esq. to be listed as authorized agent representing Richard J. Toppino for the application submission of Application for Land Use District (Zoning) Map Amendment and all related matters for 10 Egret Lane, Geiger Key, FL 33040

(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

<table>
<thead>
<tr>
<th>Lot</th>
<th>Block</th>
<th>Subdivision</th>
<th>Street Address (Street, City, State &amp; Zip Code)</th>
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</thead>
<tbody>
<tr>
<td>4</td>
<td>6</td>
<td>Boca Chica Ocean Shores</td>
<td>Geiger Key (Island) 1183377</td>
</tr>
</tbody>
</table>

Real Estate (RE) Number

10 Egret Lane, Geiger Key, FL 33040

Alternate Key Number

11

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

138 Simonton Street, Key West, FL 33040

Authorized Agent Contact Information:

305-296-7227 bart@smithhawks.com

Work Phone Home Phone Cell Phone Email Address

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Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: Richard J. Toppino

Printed Name of Property Owner: Richard J. Toppino

STATE OF FLORIDA

Sworn to and subscribed before me this 1st day of May, 2018,

by Richard J. Toppino

(Print Name of Person Making Statement)

(Type of ID Produced)

Signature of Notary Public

My commission expires:

Last Revised October 2016
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State, Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>BRANNAN TAMMY L</td>
<td>15 CORMORANT LN</td>
<td>KEY WEST, FL 33040</td>
</tr>
<tr>
<td>FIALA F HARRY</td>
<td>5762 CEDAR FOREST DR S</td>
<td>JACKSONVILLE, FL 32210</td>
</tr>
<tr>
<td>IRURZUN LYONEL</td>
<td>3109 Glenwood Rd</td>
<td>West Palm Beach, FL 33405</td>
</tr>
<tr>
<td>JIOVANI CRAIG</td>
<td>2 Jay Ln</td>
<td>Key West, FL 33040</td>
</tr>
<tr>
<td>KIRK JEFFERY L</td>
<td>2 KINGBIRD LN</td>
<td>KEY WEST, FL 33040</td>
</tr>
<tr>
<td>KNIGGE DONALD WAYNE</td>
<td>2 IBIS LN</td>
<td>KEY WEST, FL 33040</td>
</tr>
<tr>
<td>LIFLAND RICHARD SCOTT</td>
<td>3911 23rd W Ave</td>
<td>Bradenton, FL 34205</td>
</tr>
<tr>
<td>MC HUGH RAYMOND V</td>
<td>5 KINGBIRD LN</td>
<td>KEY WEST, FL 33040</td>
</tr>
<tr>
<td>MORRIS MICHELLE MONIQUE</td>
<td>7 CORMORANT LN</td>
<td>KEY WEST, FL 33040</td>
</tr>
<tr>
<td>MURDOCK CRAIG S</td>
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</tr>
<tr>
<td>RANSBOTTOM DEBORAH LYNN H/W</td>
<td>6 Egret Ln</td>
<td>Key West, FL 33040</td>
</tr>
<tr>
<td>RIEDEL ANNA A</td>
<td>11 CORMORANT LN</td>
<td>KEY WEST, FL 33040</td>
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<tr>
<td>ROCKTESCHEL ELKE F</td>
<td>1481 Boca Chica Rd</td>
<td>Key West, FL 33040</td>
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<tr>
<td>SPURLOCK FRANCES THERESA ESTATE</td>
<td>323 DEE DR</td>
<td>MONTGOMERY, AL 36108</td>
</tr>
<tr>
<td>STATE OF FLA DEPT OF TRANSPORTATION</td>
<td>1000 NW 111TH AVE</td>
<td>MIAMI, FL 33172</td>
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<td>RIEDEL ANNA A</td>
<td>11 CORMORANT LN</td>
<td>KEY WEST, FL 33040</td>
</tr>
<tr>
<td>ROCKTESCHEL ELKE F</td>
<td>1481 Boca Chica Rd</td>
<td>Key West, FL 33040</td>
</tr>
<tr>
<td>STEVENSON DANIEL K</td>
<td>8 Karakara Ln</td>
<td>Key West, FL 33040</td>
</tr>
<tr>
<td>TOWPOINO DEBRA LIVING TRUST 9/18/200</td>
<td>10 EGRET LN</td>
<td>KEY WEST, FL 33040</td>
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<tr>
<td>UNITED STATES OF AMERICA</td>
<td>PO BOX 10068</td>
<td>CHARLESTON, SC 29411</td>
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<tr>
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<td>CHARLESTON, SC 29411</td>
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<td>PO BOX 10068</td>
<td>CHARLESTON, SC 29411</td>
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</table>
Disclaimer

The Monroe County Property Appraiser’s office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser’s office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

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

Summary

<table>
<thead>
<tr>
<th>Parcel ID</th>
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<tr>
<td>Account #</td>
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<tr>
<td>Property ID</td>
<td>1183377</td>
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<tr>
<td>Millage Group</td>
<td>100B</td>
</tr>
<tr>
<td>Location</td>
<td>10 EGRET Ln., GEIGER KEY</td>
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<tr>
<td>Legal</td>
<td>BOCA CHICA OCEAN SHORES PB5-49 GEIGER KEY LOTS 4-7 BLK 6 OR343-242 OR445-163/164Q OR500-797 OR764-1861/62 OR776-1534/35 OR810-1880/81F/8 OR845-2134 OR930-2389/91 OR1047-1606 OR1392-1254 OR2358-768/69</td>
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<tr>
<td>Neighborhood</td>
<td>201</td>
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<tr>
<td>Property Class</td>
<td>VACANT RES (0000)</td>
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<td>Subdivision</td>
<td>BOCA CHICA OCEAN SHORES</td>
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<td>Sec/Twp/Rng</td>
<td>26/67/26</td>
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<tr>
<td>Affordable</td>
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<td>Housing</td>
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Owner

TOMPINO DEBRA LIVING TRUST 9/18/2007
10 EGRET LN
KEY WEST FL 33040

Valuation

<table>
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<tr>
<th></th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
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<tr>
<td>+ Market Improvement Value</td>
<td>$264,842</td>
<td>$227,854</td>
<td>$233,034</td>
<td>$210,593</td>
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<td>+ Market Misc Value</td>
<td>$150,296</td>
<td>$128,314</td>
<td>$109,589</td>
<td>$100,524</td>
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<tr>
<td>+ Market Land Value</td>
<td>$591,552</td>
<td>$630,353</td>
<td>$504,282</td>
<td>$504,282</td>
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<tr>
<td>= Just Market Value</td>
<td>$1,006,692</td>
<td>$986,521</td>
<td>$846,905</td>
<td>$815,399</td>
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<tr>
<td>- Total Assessed Value</td>
<td>$465,977</td>
<td>$456,393</td>
<td>$453,220</td>
<td>$449,623</td>
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<tr>
<td>- School Exempt Value</td>
<td>$(25,000)</td>
<td>$(25,000)</td>
<td>$(25,000)</td>
<td>$(25,000)</td>
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<tr>
<td>= School Taxable Value</td>
<td>$440,977</td>
<td>$431,393</td>
<td>$428,220</td>
<td>$424,623</td>
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Land

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Number of Units</th>
<th>Unit Type</th>
<th>Frontage</th>
<th>Depth</th>
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<tbody>
<tr>
<td>RES WATERFRONT (010W)</td>
<td>28,800.00</td>
<td>Square Foot</td>
<td>0</td>
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Yard Items

<table>
<thead>
<tr>
<th>Description</th>
<th>Year Built</th>
<th>Roll Year</th>
<th>Quantity</th>
<th>Units</th>
<th>Grade</th>
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<tbody>
<tr>
<td>SEAWALL</td>
<td>1975</td>
<td>1976</td>
<td>1</td>
<td>1280 SF</td>
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<tr>
<td>SEAWALL</td>
<td>1975</td>
<td>1976</td>
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<td>375 SF</td>
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<td>SEAWALL</td>
<td>1975</td>
<td>1976</td>
<td>1</td>
<td>390 SF</td>
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<tr>
<td>CONCRETE DOCK</td>
<td>1975</td>
<td>1976</td>
<td>1</td>
<td>500 SF</td>
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<tr>
<td>CONCRETE DOCK</td>
<td>1975</td>
<td>1976</td>
<td>1</td>
<td>520 SF</td>
<td>4</td>
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<tr>
<td>BOAT RAMP</td>
<td>1975</td>
<td>1976</td>
<td>1</td>
<td>70 SF</td>
<td>3</td>
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<tr>
<td>FENCES</td>
<td>1976</td>
<td>1977</td>
<td>1</td>
<td>346.5 SF</td>
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<td>SEAWALL</td>
<td>1976</td>
<td>1977</td>
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<td>FENCES</td>
<td>1979</td>
<td>1980</td>
<td>1</td>
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<td>5</td>
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<tr>
<td>FENCES</td>
<td>1985</td>
<td>1986</td>
<td>1</td>
<td>144 SF</td>
<td>5</td>
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<tr>
<td>FENCES</td>
<td>1987</td>
<td>1988</td>
<td>1</td>
<td>1024 SF</td>
<td>3</td>
</tr>
<tr>
<td>SEAWALL</td>
<td>1988</td>
<td>1989</td>
<td>1</td>
<td>240 SF</td>
<td>2</td>
</tr>
<tr>
<td>Description</td>
<td>Year Built</td>
<td>Roll Year</td>
<td>Quantity</td>
<td>Units</td>
<td>Grade</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------</td>
<td>-----------</td>
<td>----------</td>
<td>---------</td>
<td>-------</td>
</tr>
<tr>
<td>CONCRETE DOCK</td>
<td>1986</td>
<td>1989</td>
<td>1</td>
<td>828 SF</td>
<td>1</td>
</tr>
<tr>
<td>CONC DAVITS</td>
<td>1998</td>
<td>1999</td>
<td>1</td>
<td>1 UT</td>
<td>1</td>
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</table>

**Sales**

- **Sale Date**: 12/1/1984
- **Sale Price**: $43,000
- **Instrument**: Warranty Deed
- **Instrument Number**: 930
- **Deed Book**: 2389
- **Deed Page**: U - Unqualified
- **Sale Qualification**: Improved

**Permits**

<table>
<thead>
<tr>
<th>Number</th>
<th>Date Issued</th>
<th>Date Completed</th>
<th>Amount</th>
<th>Permit Type</th>
<th>Notes</th>
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<tbody>
<tr>
<td>17106225</td>
<td>11/21/2017</td>
<td>12/18/2017</td>
<td>$10,000</td>
<td>Residential</td>
<td>DEMO</td>
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<tr>
<td>10190281</td>
<td>1/20/2010</td>
<td>2/10/2010</td>
<td>$2,000</td>
<td>Residential</td>
<td>SEWER TIE-IN</td>
</tr>
</tbody>
</table>

**Photos**

![1183377](image)

**Map**

No data available for the following modules: Buildings, Commercial Buildings, Mobile Home Buildings, Exemptions, Sketched (click to enlarge).

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Last Data Upload: 5/1/2018 5:06:53 AM
Pursuant to Section 101-6 of the Land Development Code, this form shall accompany land-use related applications. The intent is to disclose the identity of true parties in interest to the public, thereby enabling the public to ascertain which parties will potentially benefit.

Any person or entity holding real property in the form of a partnership, limited partnership, corporation, assignment of interest, trust, option, assignment of beneficial or contractual interest, or any form of representative capacity whatsoever for others, except as otherwise provided, shall, during application submittal for a specified application types, make a public disclosure, in writing, under oath, and subject to the penalties prescribed for perjury. Exemptions to the requirements of this section include the beneficial interest which is represented by stock in corporations registered with the federal securities exchange commission or in corporations registered pursuant to Chapter 517, Florida Statutes, whose stock is for sale to the general public.

This written disclosure shall be made to the planning director at the time of application. The disclosure information shall include the name and address of every person having a beneficial or contractual interest in the real property, however small or minimal.

- If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest. (Use additional sheets if necessary):

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard J. Toppino - 10 Egret Lane, Geiger Key, FL 33040</td>
<td>100% of Lot 4</td>
</tr>
</tbody>
</table>

- If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each. (Use additional sheets if necessary):

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
- If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest. (Use additional sheets if necessary):

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debra S. Toppino - 10 Egret Lane, Geiger Key, FL 33040</td>
<td>100% of Lots 5,6,7</td>
</tr>
</tbody>
</table>

* In the case of a trust, the four largest beneficiaries must also sign the affidavit.

- If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners. (Use additional sheets if necessary):

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners. (Use additional sheets if necessary):

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Please provide date of contract

- If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. (Use additional sheets if necessary):

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Printed Name / Signature of Person Completing Form: Barton W. Smith, as Authorized Agent

State of Florida, County of Monroe

The foregoing instrument was acknowledged before me this 1st day of May, 2018, by Brandi Green, as identification.

Notary Public
My Commission Expires 1/29/2020
Additional Information added to File 2018-091
End of Additional File 2018-091