

# **LUD Application**

STONES & CARDENAS

ATTORNEYS AT LAW

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ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

April 29, 2014

Mrs. Carlene Smith  
City of Key West Planning Dept.  
PO Box 1409  
Key West, FL 33041

RE: LUD Application  
729 Truman Avenue & 916 Windsor Lane / Mermaid & Alligator

Dear Mrs. Smith:

Enclosed please find the completed application, supporting documentation, and check #9681 payable to the City of Key West in the sum of \$1,000.00 submitted on behalf of Paul Hayes and Michael L. Laughlin, owners of the Mermaid & Alligator Guesthouse.

I have included an informal narrative of the historic combined use of these two properties in order to provide a framework for reviewing the attached documentation.

If you have any questions regarding the documentation submitted, I am available to meet with you at your convenience.

Best Regards,



Adele V. Stones

AVS/cms

Enclosures as stated



# Application For Lawful Unit Determination

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

**Application Fee: \$1,000.00**

Ordinance 13-19, Effective March 1, 2014

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720.

## PROPERTY DESCRIPTION:

Site Address: 729 Truman Avenue & 916 Windsor Lane, Key West, FL "Mermaid & Alligator"

Real Estate (RE) #: 00020420-000000 & 00020470-000000 Alternate Key: 1021172 & 1021229

Zoning District: \_\_\_\_\_ Total Land Area (sq ft): 16,350 sf

Property located within the Historic District? ☒ Yes ☐ No

**APPLICANT:** ☐ Owner ☒ Authorized Representative

Name: Adele V. Stones, Stone & Cardenas

Mailing Address: 221 Simonton Street

City: Key West State: FL Zip: 33040

Home/Mobile Phone: \_\_\_\_\_ Office: (305) 294-0252 Fax: (305) 292-5442

Email: ginny@keyslaw.net

## PROPERTY OWNER: (if different than above)

Name: Paul Hayes & Michael L. Laughlin

Mailing Address: PO Box 323

City: Aiken State: SC Zip: 29802-0323

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Is this request based on a code case? ☐ Yes ☒ No

Case Number: \_\_\_\_\_

UNIT TYPE	NUMBER OF UNITS	
	EXISTING	LICENSED <sup>1</sup> / RECOGNIZED
Market-Rate Residential Dwelling Units	<u>0</u>	<u>2</u>
Affordable Residential Dwelling Units <sup>2</sup>		
Transient Units	<u>9</u>	<u>4</u>
Commercial Units		

<sup>1</sup> Please provide City Licensing Records from the Building Department

<sup>2</sup> All units allocated as affordable are subject to Section 122-1467(c), (d), (e), and (f) of the Workforce Housing Ordinance. Applicant Eligibility Requirements are subject to Section 122-1469 (2) through (15) of the Workforce Housing Ordinance. Affordable housing projects enabled by federal tax credit housing are not subject to 122-1467(c)

Sec 108-991(4) - Units determined to have been in existence at the time the April 1, 2010 census was prepared are presumed not to be affected by BPAS. The City Planner shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 2010. Units existing in 2010 will be documented through a mandatory site visit by city staff and at least two of the following records:

- ☐ Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;
- ☐ Building permits issued prior to April 1, 2010;
- ☒ Copies of city directory entries on or about April 1, 2010 (*City Staff will obtain*);
- ☐ Site visits which indication that the age of the structure and associated improvements likely pre-date 2010;
- ☒ Rental, occupancy or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;
- ☒ Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;
- ☒ Documentation for Keys Energy Service, Florida Keys Aqueduct Authority and other available utilities indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 2010 (*City Staff will obtain*) ;
- ☒ Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010 (Green Card) (*City Staff will obtain*); and
- ☒ Similar documentation as listed above.

Provision of affidavits to support the existence of a unit is allowed, but cannot be the sole record upon which a decision is based. **Provision of documents is the responsibility of the applicant.** The City Planner's decision shall be rendered to the Department of Economic Opportunity (DEO) for a determination of consistency with the principals for guiding development.

Units which are determined not to be affected by the building permit allocation system per this subsection but which have not been previously acknowledged by the City Planner are presumed to be lawfully established per Chapter 122, Article II, Nonconformities, if the additional following requirements are met:

- a. The applicant satisfies the building department that the unit meets the Florida Building Code, through as-built certifications or other means acceptable to the building official; and
- b. Fees: All back fee payments shall be paid current and in full, from the date determined to be the established date of the unit. All impact fees shall be paid in full for units determined to have been established after the implementation of the Impact Fee Ordinance (January 1, 1985).
- c. Occupational license with the city is updated, and street addresses are assigned commensurate with the updated unit count.

Transient units which meet the criteria in subsection 108-991 will be licensed by the city.

**Additional information that may be considered as evidence to prove existence of a unit(s) includes but is not limited to the following:**

1. Official Appraisal Reports;
2. Inspection reports on company letterhead; and/or
3. Similar documentation.

**The review process for lawful unit determination is as follows:**

1. Applications will be processed on a first come, first serve basis. If the property is under contract with a scheduled closing date, staff will consider an expedited review;
2. Staff will schedule a site visit when the application is under review;
3. If a unit(s) is recognized, the decision shall be rendered to the DEO for a determination of consistency with the principals for guiding development;
4. Collections Manager will contact the applicant regarding any back fees owed;
5. The applicant will need to schedule an inspection with the Building Department in order to obtain a certificate of occupancy.

**Application checklist:**

- ☒ Application fee. Please make checks payable to "City of Key West."
- ☒ Notarized verification form signed by property owner or the authorized representative.
- ☐ Notarized authorization form signed by property owner, if applicant is not the owner.
- ☒ Copy of recorded warranty deed
- ☒ Survey
- ☒ Sketch of site and floor plan
- ☒ Supporting documentation that unit existed

City of Key West  
Planning Department



Verification Form

(Where Authorized Representative is an individual)

I, Adele V. Stones, being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

729 Truman Avenue & 916 Windsor Lane, Key West, FL

*Street address of subject property*

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

Adele V. Stones  
*Signature of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this 4/29/14 by  
*date*

Adele V. Stones  
*Name of Authorized Representative*

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

Candy Sawyer  
*Notary's Signature and Seal*

Name of Acknowledged Party to be stamped

Commission Number 147446  
*Notary Public, State of Florida*

### 729 Truman Avenue

In the 1960's, 70's and 80's, 729 Truman was utilized as a rooming house with most rooms rented separately, each having a kitchen and baths. Michael & Ursula Keating bought the house in 1987, renovating it entirely. The owner's quarters consisted a large bedroom & bath on the ground floor of the house. The main living room, dining room and kitchen were accessible to guests in the daytime, but were locked off for the Keating's personal use at night. Upon purchasing the house in 1997 from the Keatings, the bedroom was utilized as the innkeeper's quarters. In 1999, the current owners added a new bath (with permits) onto the owner's quarters and utilized the former bath for storage from the kitchen. At this point, the innkeepers moved into a room in 916 Windsor Lane, establishing the owner's unit as a rentable room, the Audubon Room.

During the 1987-88 renovations the Keatings added onto the house a ground floor room on the left side of the house. Plans show this as an office, though it included a full bathroom. We are assuming that this is the additional unlicensed unit. The third floor suite would be the second mostly likely additional unlicensed unit. Former rooming house tenants, who resided in a room on the second floor in approximately 1973, verified to the current innkeepers that the third floor was utilized as an apartment while they lived at 729 Truman. Thus, leading us to believe that it was the ground floor room that was the unlicensed unit. Guest registration cards on file show this room, the Garden Room, was rented at least as early as August 1989.

The Keatings started operating the inn in 1988. Five rooms in 729 Truman Avenue were being offered for rent in 1996 when the current owners contracted to buy the property. The sixth room was then added in 1999 with this as the current number of units rented.

### 916 Windsor Lane

In 1988 or 1989, the Keating's leased 916 Windsor Lane, a single-family residence, from the then owner, Hyman Abady. The Keating's utilized the existing two bedrooms and one bath, as well as the living room to have three guest rooms with a shared bath. They were called Alamanda, Orchid & Jasmine. This arrangement was in place in 1997 when the current owners purchased 729 Truman Avenue and retained the lease until purchasing the property in 2003. In 1999, a bath was added to the Alamanda room, in a portion of what was the kitchen of the single-family house. This was then utilized as the innkeeper's quarters from 1999 until March 2001. In March 2001, the innkeepers rented 914 Windsor Lane for personal quarters directly next door, before purchasing that house. Once the innkeepers vacated this space, this room was re-established as a guest room called Bamboo (formerly Alamanda). The front two rooms remained sharing a bath until approx. August 2002, when the original hallway that connected all three rooms and the bath were demolished and re-established as two nearly identical bathrooms, one for each of the guest room, now referred to as Key Lime and Papaya (formerly Jasmine & Orchid).

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729  
Truman

910  
Wilkinson