

LUD Application

STONES & CARDENAS

ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
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WWW.STONESCARDENAS.COM

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
325 Duval Street / Old Customs House d/b/a Casa 325 Guesthouse

Dear Mrs. Smith:

Enclosed please find the completed application, supporting documentation, and check #10655 payable to the City of Key West in the sum of \$1,000.00 submitted on behalf of Georgeann Favelli, owner of Casa 325 Guesthouse.

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: 325 Duval Street, Key West, FL Old Customs House d/b/a Casa 325
Real Estate (RE) #: 00004320-000000 Alternate Key: 1004499
Zoning District: HRCC-1 Total Land Area (sq ft): 12,811 sf
Property located within the Historic District? ☒ Yes ☐ No

APPLICANT: ☐ Owner ☒ Authorized Representative

Name: Adele V. Stones, Stones & 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: Georgeann M. Favelli, Trustee
Mailing Address: 1523 Patricia Street
City: Key West State: FL Zip: 33040
Home/Mobile Phone: (305) 394-3056 Office: _____ Fax: _____
Email: _____

Is this request based on a code case? ☐ Yes ☒ No Case Number: _____

UNIT TYPE	NUMBER OF UNITS	
	EXISTING	LICENSED ¹ / RECOGNIZED
Market-Rate Residential Dwelling Units		
Affordable Residential Dwelling Units ²		
Transient Units	<u>12</u>	<u>6</u>
Commercial Units	<u>1</u>	<u>1</u>

¹ Please provide City Licensing Records from the Building Department

2 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 indicate 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

Verification Form


This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, Georgia Favelli, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the x Owner _____ Owner's Legal Representative
for the property identified as the subject matter of this application:

325 Duval Street, Key West, Florida
Street Address and Commonly Used Name if any

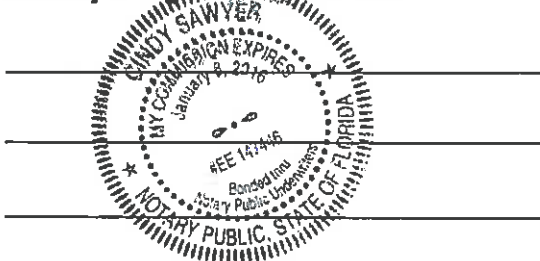
All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.


Signature of Owner/Legal Representative

Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 4/21/14 (date) by
Georgia Favelli (name). He/She is personally known to me or has
presented _____ personally known _____ as
identification.


Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped

Title or Rank

Commission Number, if any

Doc# 1908367 11/21/2012 10:22AM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN ✓

Doc# 1898342 09/10/2012 12:12PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1908367
Bkn 2599 Pgn 1466 ✓

Doc# 1898342
Bkn 2587 Pgn 2044

Recording requested by: G. FAVEILL

Space above reserved for use by Recorder's Office

When recorded, mail to:

Document prepared by:

Name: G. FAVEILL

Name: G. FAVEILL

Address: 1523 Patricia St

Address: 1523 Patricia St

City/State/Zip: Key West, FL 33040

City/State/Zip: Key West, FL 33040

Property Tax Parcel/Account Number: 00004320-00000 00004320-000000

Alt. Key # 104499-1004499

CORRECTED* Quitclaim Deed

This Quitclaim Deed is made on September 1, 2012, between

GEORGE ANN FAVEILL IRREVOCABLE TRUST, Grantor, of 325 DUVAL ST

, City of KEY WEST, State of FLORIDA. AND

GEORGE ANN MAJOR FAVEILL Living Trust dtd, Grantee, of 325 DUVAL ST

, City of KEY WEST 11/9/06, State of FLORIDA.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at 325 DUVAL ST

, City of KEY WEST, State of FLORIDA:

* legal description attached

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.

Taxes for the tax year of 2012 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

* correcting missing
legal description on
02.2587.2044

Doc# 1808367
Bk# 2599 Pg# 1467✓

Doc# 1898342
Bk# 2587 Pg# 2045

Dated: 9-10-12

Thomas Favelli
Signature of Grantor

THOMAS FAVELLI, TRUSTEE
Name of Grantor

[Signature]
Signature of Witness #1

John T. Bann
Printed Name of Witness #1

[Signature]
Signature of Witness #2

CHRISTY CLARK
Printed Name of Witness #2

State of Florida County of Monroe
On 9/10/12, the Grantor, Thomas Favelli,

personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

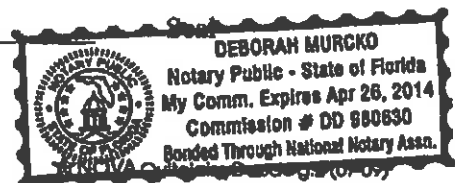
[Signature]
Notary Signature

Notary Public,

In and for the County of Monroe State of Florida

My commission expires: 4/26/14

Send all tax statements to Grantee.



MONROE COUNTY
OFFICIAL RECORDS

lying and being in the County of MONROE

State of Florida

On the Island of Key West and known on Wm. A. Whitehead's map of said Island delineated in February, A.D. 1829, as part of Lot 4 in Square 24 and described by metes and bounds as follows: BEGIN at a point on Duval Street distance 130 feet from the corner of Duval and Eaton Streets, and running thence along Duval Street in a Northwesterly direction 55 feet; thence at right angles in a Northeasterly direction 241 feet 3 inches (241.25 feet); thence at right angles in a Southeasterly direction 55 feet; thence at right angles in a Southwesterly direction 241 feet 3 inches (241.25 feet) back to the POINT OF BEGINNING.

AND ALSO:

On the Island of Key West and known on Wm. A. Whitehead's map of the said Island delineated in February, A. D., 1829, as a part of Lot 4 in Square 24 and described by metes and bounds as follows: BEGIN at a point on Duval Street distant 121.00 feet from the corner of Duval and Eaton Streets, running thence along Duval Street in a Northwesterly direction 9.00 feet; thence at right angles in a Northeasterly direction 120.00 feet; thence at right angles in a Southeasterly direction 9.00 feet; thence at right angles in a Southwesterly direction for a distance of 120.00 feet back to the POINT OF BEGINNING.

Doc# 1908367
Bk# 2599 Pg# 1468 ✓

LESS AND EXCEPT:

On the Island of Key West and known on Wm. A. Whitehead's map of said Island delineated in February, A. D. 1829, as part of Lot 4 in Square 24 and described by metes and bounds as follows: BEGIN at a point on Duval Street distance 127.90 feet from the corner of Duval and Eaton Streets, and running thence along Duval Street in a Northwesterly direction 44.09 feet; thence at right angles in a Northeasterly direction 37.05 feet; thence at right angles in a Southeasterly direction 44.09 feet; thence at right angles in a Southwesterly direction 37.05 feet back to the POINT OF BEGINNING.

* Legal Description OP. 2587-2044

MONROE COUNTY
OFFICIAL RECORDS ✓