

VDF LAW, PLLC

Van D. Fischer, Esquire

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Suite 205, Mail Box 7
Key West, Florida 33040

Phone: (305) 849-3893
Email: van@vdf-law.com

RECEIVED
CITY CLERK'S OFFICE
JUN 27 PM 1:03
CITY OF KEY WEST
KEY WEST, FLORIDA

June 27, 2019

Cheri Smith, City Clerk
City of Key West City Hall
1300 White Street
Key West, Florida 33040

RE: Notice of Administrative Appeal of Planning Board Resolution No. 2019-37, dated June 25, 2019, denying the application of 328 Simonton Street LLC for the transfer of one transient unit and license from 1213 Georgia Street (RE# 00035240-000000) to 328 Simonton Street (RE# 00004170-000100).

Dear Ms. Smith:

I represent the interests of 328 Simonton Street LLC. I am submitting this Notice of Appeal pursuant to sections 90-426, 90-427, and 90-431, City Code, together with the required fee of One Thousand and 00/100 Dollars (\$1,000.00) for purposes of timely appealing the June 25, 2019, Planning Board Resolution No. 2019-37 denying the transfer of a transient unit and license from 1213 Georgia Street to 328 Simonton Street. A true and correct copy of Planning Board Resolution No. 2019-37 is attached hereto and incorporated herein as Exhibit A.

Basis of Appeal

Section 2-289(a), City Code¹, provides in pertinent part: "All advisory board members are subject to the conflict of interest provisions of F.S. ch. 112. Board members with an actual conflict of interest in a particular agenda item shall not vote or in any way participate in the item." Section 2-289(b) provides in pertinent part: "No board member shall use information not available to the general public and gained because of his official position..."

The video recording of the June 20, 2019, Planning Board is publicly-available on the City website, and will be referenced by the approximate time comments were made in the video. The comments of the Chairman, Sam Holland, begin at approximately 14:52. The comments of Board Member Gregory Lloyd begin at approximately 18:10.

Chairman Holland admitted to a conflict of interest and failed to recuse himself as required by Code. In his opening remarks, Mr. Holland stated he was "very good friends with the owner of 328 [Simonton Street]" and that he was "very disturbed to be in this position." (14:58). The

¹ A true and accurate copy is attached hereto and incorporated herein as Exhibit B.

fact that Mr. Holland was personally “very disturbed” and bothered by my client’s proposal was an objective, actual conflict of interest. He should have recused himself at that time pursuant to Section 2-289(a), but did not. This tainted and unduly influenced the decision of the Planning Board.

Chairman Holland exhibited clear personal bias and animosity toward Owen Trepanier.² Mr. Holland immediately attacked Mr. Trepanier when he opened his comments with the snide remark “Sounds like things are going pretty good for you Owen, but I’m going to tell you about my perspective.” (14:52). He followed that with letting Mr. Trepanier know he was “very disturbed” that “you brought this forward the way that you did.” (15:08). In his closing remarks Mr. Holland told Mr. Trepanier that it was a “disgrace” and that he was “disappointed you took the owners down this path.” (18:02). In fact, Board Member Michael Browning was visibly disturbed and remarked “I don’t like the tone that we are addressing a professional.”³ (19:24). The clear bias and animosity exhibited toward Mr. Trepanier was a conflict of interest and Mr. Holland should have recused himself. He did not, and this further tainted and unduly influenced the decision of the Planning Board.

The materials before the Planning Board were contained in the meeting agenda, and Planning Board review was limited to these materials. Planning Board members cannot provide their own independent research or evidence. The February 7, 2019, application of my client was the primary item for review which is attached hereto and incorporated herein as Exhibit C (“Application”). The Staff Report was the other main item for review which is attached hereto and incorporated herein as Exhibit D. The Application requested the transfer of an existing lawful transient unit and license which is nonconforming because of zoning to a conforming zoning location. This is exactly what City Code Chapter 122, Article V, Division 6 “Transient Units” intended.⁴ However, Chairman Holland impermissibly presented information which was not part of the record to be reviewed by the Planning Commission, thereby unduly influencing the vote.

Chairman Holland admitted that he conducted his own research regarding the subject transient unit and license, and informed the Board that his research revealed that the owners of the sender site “illegally operated transient rentals for years.” (16:26). He then insinuated that Mr. Trepanier improperly took advantage of the “unintended consequences of [the] BPAS ordinance” when Mr. Trepanier helped the owner of the sender site obtain three transient licenses through the LUD process⁵ (16:46). Mr. Holland remarked “thank god we have stopped any more transient units coming through the LUD process.” (17:03). The fact that Chairman Holland conducted his own research and presented his findings as material facts was a breach of authority and a direct violation of Section 2-289(b) which prohibits the use of information not available to the public and gained by his public position. Further, Mr. Holland’s mischaracterization of the transient unit as being “illegal” irreparably influenced other Board members.

The transient unit in question is recognized by the City as a lawful transient unit. This determination was made in the Lawful Unit Determination for 1213 Georgia Street dated June 16,

²The professional planner representing my client at the meeting.

³ Mr. Browning’s comment also applied to Board Member Lloyd.

⁴ The “transfer ordinance.”

⁵ Lawful Unit Determination process.

2017, which is attached hereto and incorporated herein as Exhibit E. It was improper and erroneous for Chairman Holland to treat the subject transient unit as anything other than a lawfully existing transient unit. It was especially egregious that he treated the unit as being illegal when it is, in fact, a legal transient unit. This mischaracterization of the subject transient unit was arbitrary and capricious and warrants reversal of the Planning Board decision.

Chairman Holland's bias and conflict is further corroborated by a text message he sent to my client during the Planning Board meeting. The text message was:

I am very, very sorry. It really upset me. I attempted to put the blame on your planner. I believe there's a good chance you'd receive a different outcome with a different source for the transient unit. It was difficult to be in that position. I hope you can understand. One Love, Sam

It is readily apparent that Mr. Holland had a problem with Owen Trepanier, and the owner of sender site.⁶ For whatever reason, he did not want the owner of the sender site to profit from the sale of the transient unit, which is why he presented it to the Board as being an illegal unit. His text message implies that it was not the transfer of a transient unit to 328 Simonton Street that was the problem, it was the transfer of a transient unit from 1213 Georgia Street. Further, Mr. Holland stated on the record "the transient unit transfer is what really bothers me" because the sender "illegally operated transient rentals for years." (16:16). Regardless, Chairman Holland was personally conflicted in the matter and should have recused himself from the meeting.

Chairman Holland's impermissible, arbitrary and capricious comments unduly influenced Board Members Gregory Lloyd, Ann Henderson, and James Gilleran. Mr. Lloyd stated he "concurred" with Mr. Holland and stated "here we are taking an unlawful unit determination"⁷ that is "rewarding people who illegally rented out their units to the detriment of the community, to the detriment of affordable housing." (18:20). He reiterated that these people "get rewarded for their illegal cheating, if you will." (18:34). He concluded his remarks stating that it was a "disgrace" and that he "concurred with the chairman that this needs to end right now." (19:03). The undue influence of Chairman Holland was evident because Mr. Lloyd's comments were focused on the opinion of the Chairman that the sender site transient units were "illegal." As explained, the transient unit in question is a lawful unit per the LUD determination, and it was clear error for Chairman Holland to present his own research findings stating otherwise. Further, Board Member Ann Henderson and Vice-Chairman James Gilleran appeared in the video to be visibly swayed by the improper discussions and evidence implying that the transient unit was illegal. In fact, Mr. Gilleran initially indicated that he supported the transfer because it would improve the sender site (13:30), but denied the transfer after being improperly influenced by Mr. Holland's spurious claims that the transient unit was illegal. The comments of Mr. Lloyd and the unduly influenced vote of Ms. Henderson and Mr. Gilleran illustrate why Mr. Holland was prohibited by Section 2-289(a) to "vote or in any way participate in the item." Therefore, the vote was impermissibly tainted and should be reversed.

⁶ Additionally, my client will testify as to a telephone conversation he had with Mr. Holland.

⁷ This appears to have been a Freudian slip.

The Resolution provides that the transferred unit would increase density of the receiver site, 328 Simonton Street, above the maximum allowed density of 0.69. This finding is erroneous because the City recognizes that two residential living units exist at 328 Simonton Street as evidenced by the August 29, 2018, build-back letter which is attached hereto and incorporated herein as Exhibit F. The transfer of the transient unit and license would not change the number of recognized residential living units. As such, the transfer would not exceed the maximum allowed density because 328 Simonton Street is lawfully recognized as having two residential units. Also, there will not be a reduction in housing for permanent residents as erroneously stated by City Staff.

For the reasons described, the decision of the Planning Board denying the transfer of the transient unit and license was erroneous. Chairman Holland should have been recused because of his conflict of interest and bias, but was not. As a result, his impermissible research and comments unduly influenced and tainted the Board Members' votes. The transient unit and license in question are lawfully existing and the subject transfer would resolve a nonconformity and do exactly what the transfer ordinance intended. Therefore, it is respectfully requested that the decision of the Planning Board be overruled and that the transfer of the transient unit and license be approved.

It is respectfully requested that this appeal be scheduled pursuant to section 90-431(2) for the August 6, 2019, or August 20, 2019, scheduled meeting of the city commission or board of adjustment, as the case may be, or at a mutually agreed upon date. If you should have any questions regarding this request, please do not hesitate to contact me.

Sincerely,



Van D. Fischer, Esq.
Attorney for 328 Simonton Street LLC

Attachments (6)

Exhibit A

PLANNING BOARD RESOLUTION NO. 2019-37

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD DENYING AN APPLICATION FOR A TRANSFER OF ONE TRANSIENT UNIT AND LICENSE FROM 1213 GEORGIA STREET UNIT 2 (RE# 00035240-000000) IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT TO PROPERTY LOCATED AT 328 SIMONTON STREET (RE# 00004170-000100) IN THE HISTORIC NEIGHBORHOOD COMMERCIAL - 1 (HNC-1) ZONING DISTRICT PURSUANT TO CHAPTER 122, ARTICLE V, DIVISION 6 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant proposes a transfer of one transient unit and license from 1213 Georgia Street Unit 2 (RE# 00035240-000000) in the HMDR zoning district to the existing second-floor three-bedroom non-transient residential unit at 328 Simonton Street (RE# 00004170-000100) in the HNC-1 zoning district; and

WHEREAS, pursuant to section 122-807, within the historic neighborhood commercial (HNC) districts, redevelopment or conversion of permanent housing structures to transient residential, office, or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs; and

WHEREAS, pursuant to section 122-1338 (4), the transferred units shall not operate to increase density of the receiver site above the maximum allowed density (0.69); and

WHEREAS, pursuant to section 122-1338 (5), unless the planning board determines that special conditions exist at the receiver site that warrant otherwise, the transient unit may not include more than two rooms, excluding bathrooms, and excluding porches and decks that are clearly not enclosed or habitable; and

USA Chairman
PW Planning Director

Exhibit A

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on June 20, 2019; and

WHEREAS, the request for a transfer of one transient unit and license was denied.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That a transfer of one transient unit and license, pursuant to Section 122-1338 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, is hereby **denied**.

Section 3. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 4. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty-five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.



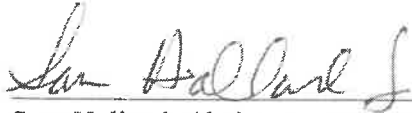
 Chairman
 Planning Director

Exhibit A

Read and passed on first reading at a regularly scheduled meeting held this 20th day of June 2019.

Authenticated by the Chair of the Planning Board and the Planning Director.



Sam Holland, Chairman, Key West Planning Board

6-25-19

Date

Attest:



Patrick Wright, Planning Director

6-25-19

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

6-25-19

Date

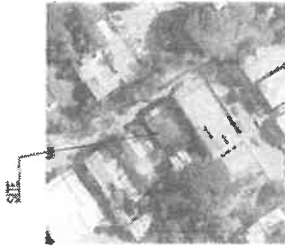


Chairman



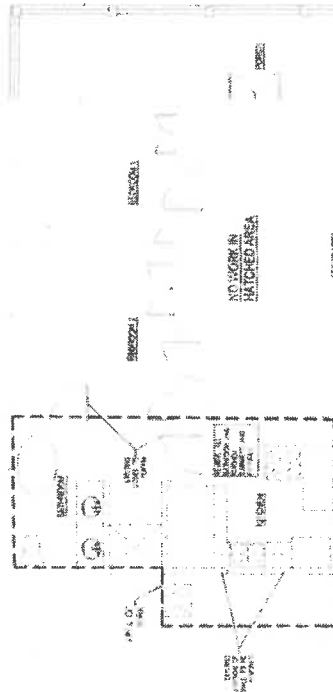
Planning Director

RESIDENTIAL RENOVATION
328 SIMONTON STREET
KEY WEST, FLORIDA 33040



三

A circular stamp with a compass rose in the center. The text 'LOCATION MAP' is written in a circle around the compass rose. Below the compass rose, the year '2000' is printed. The stamp is slightly faded and has a textured appearance.



NO WORK IN
UNTESTED
HATCHED AREA

68407

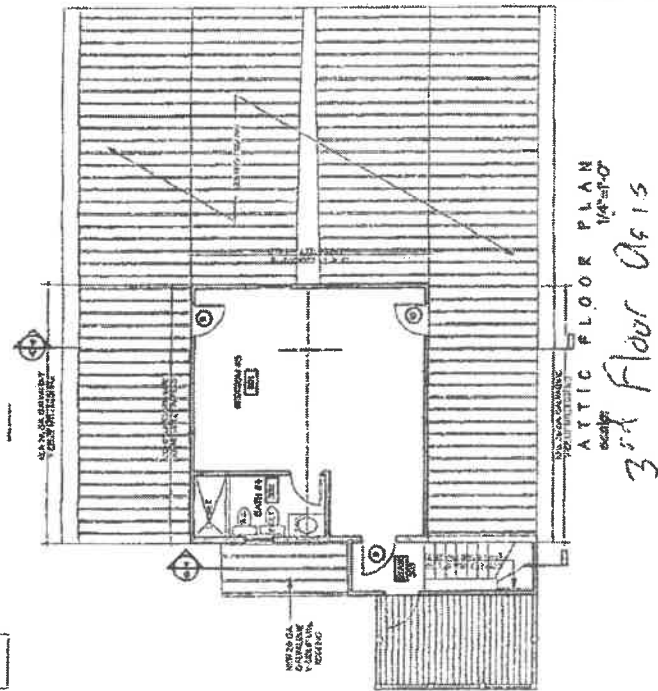
INTERIOR DEMOLITION FLOOR PLAN

As is completed
2nd Floor

[illegible]

61-52-9
61-52-19

Exhibit A



RW
6-25-19
Call
6-25-19

Exhibit B

Sec. 2-289. - Conflict of interest.

- (a) All advisory board members are subject to the conflict of interest provisions of F.S. ch. 112. Board members with an actual conflict of interest in a particular agenda item shall not vote or in any way participate in the item. Accordingly, when a board member who has declared a conflict of interest is either the applicant or a representative of the applicant of the particular agenda item, that board member must remove himself from the dais during the discussion of the item.
- (b) Advisory board members shall refrain from using their official positions as board members to solicit or obtain business for personal remuneration. No board member shall use information not available to the general public and gained because of his official position for his personal gain or benefit or for the personal gain or benefit of any other person or business entity.
- (c) When considering an appointment or reappointment to an advisory board, the city commission shall consider the applicant's record of conflicts of interest.

(Code 1986, § 11.07)

State Law reference— Conflicts of interest, F.S. § 112.311 et seq.

Application

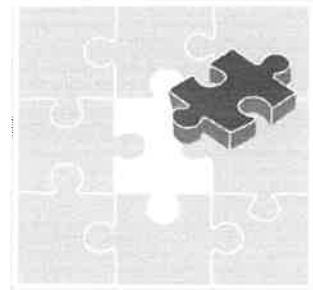
Exhibit C

February 7, 2019

Mr. Patrick Wright, Planning Director
City of Key West
1300 White Street
Key West, FL 33040

**RE: Transient Unit Transfer
1213 Georgia to 328 Simonton**

TREPANIER



& ASSOCIATES INC.

LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Dear Patrick:

Attached is a Transient Unit Transfer application and the associated application fee. We propose to transfer 1 transient unit from 1213 Georgia Street, Unit 2 (HMDR) to 328 Simonton Street (HNC-1).

Sender Site:

1213 Georgia Street is a 3-unit, two-structure property with duly-issued transient licenses. There are two units in the front structure (units 1 & 2) and one unit in the rear structure (unit 3). Upon transfer, the front structure will be renovated into a single unit and the property will have just 2 units.

Receiver Site:

328 Simonton Street is a mixed-use property with commercial retail and restaurant on the first floor, and one unit of housing for permanent residents on the second floor. Upon transfer, the property will be renovated to remove the restaurant and a portion of the commercial retail on the first floor to accommodate the relocation of the permanent housing unit. The relocated unit will be 795 sq. ft. The incoming transient unit will be located on the second floor.

Uses/ Units:

Number & Type of Units	Sq. Ft. / No. of Units	
	Existing	Proposed
Commercial Floor Area - Retail	1,218 sq. ft.	No Change
Commercial Floor Area - Restaurant	591 sq. ft.	No Change
Density	2 unit	No Change
BPAS-Exempt Residential Units	1 unit	2 unit
Housing for Permanent Residents	1 unit	No Change
Transient Units	0 unit	1 unit

Exhibit C

February 12, 2019
Page 2 of 4

Site Data:

Site Data	Existing	Proposed
FLUM	Historic Commercial	No Change
Zoning	HNC-1	No Change
FEMA	X Flood zone	No Change
Height	32.5 ft	No Change
Site Size	1,882 sq. ft.	No Change
Density	2 units	No Change
BPAS-Exempt Units	1 unit	2 units
Housing for Permanent Residents	1 unit	No Change
Transient Units	0 units	1 unit
Floor Area Ratio Total	1.0	No Change
Building Coverage	98% (1,844 sq. ft.)	No Change
Impervious Surface	100% (1,882 sq. ft.)	No Change
Open Space (Mixed use)	2% (38 sq. ft.)	No Change
Landscape	0% (0 sq. ft.)	No Change
Setback – Front	0 ft.	No Change
Setback – Side	0 ft.	No Change
Setback – Rear	0 ft.	No Change
Consumption Area	0 sq. ft.	No Change

Compliance Analysis:

This application meets the approval criteria for a transient unit transfer pursuant to Sec. 122-1338, as demonstrated below:

(1) The unit being transferred must currently be counted as a unit for purposes of calculating evacuation time under the hurricane model set forth in the comprehensive plan, and must have been obtained in accordance with all applicable regulations, including building permits, at the time of approval or have been otherwise validly obtained if unbuilt at the time of transfer. A transfer pursuant to this division shall not cause a net increase of units in the city.

The proposed unit for transfer is an existing, recognized unit and will not cause a net increase of units in the City

(2) Transient use must be an allowed zoning use on the receiver site, unless the units are to be converted into non-transient units as contemplated by subsection (3) of this section. Further, no transient unit shall be recognized for transfer purposes, regardless of whether it will be used transiently or non-transiently, unless accompanied by a business tax receipt duly issued pursuant to section 66-109(10). When units are transferred for non-transient use, the licenses will be extinguished.

Transient use is allowed on the receiver site and the unit is accompanied by a business tax receipt duly issued pursuant to section 66-109(10).

Exhibit C

February 12, 2019
Page 3 of 4

(3) *Transient units may be converted to residential units at the appropriate exchange rate as determined by the comprehensive plan so as not to increase hurricane evacuation time. Where a residential unit is created by the transfer of a transient unit and the new residential unit is 600 square feet or less, the transient unit may be transferred at its .58 ROGO unit equivalency into a residential unit with transient use prohibited.*

NA – This unit shall remain transient.

(4) *The transferred units shall not operate to increase density of the receiver site above the maximum allowed density.*

The transferred units will not operate to increase density of the receiver site above the maximum allowed density. Two units of density are permitted, and two units shall exist.

(5) *Unless the planning board determines that special conditions exist at the receiver site that warrant otherwise, the transient unit may not include more than two rooms, excluding bathrooms, and excluding porches and decks that are clearly not enclosed or habitable.*

Special conditions exist at the receiver site. This is an existing historic structure. No interior renovations are proposed for the transient unit. The structure has two historic bedrooms which would require demolition. The demolition of the historic interior would create a hardship and be detrimental to the integrity of the structure and the district.

(6) *At the sender site, any remaining transient units that are remodeled or combined may not increase the existing number of rooms, excluding bathrooms. All such units shall not have "lockout" capacity.*

No increase in rooms or lock-outs are proposed at the sender site.

(7) *There shall be no transfer of units into a "V" zone as depicted on the most current flood insurance rate map, if the transfer would produce new construction.*

The receiver site is not located in the V-zone.

(8) *Existing nonconforming buildings may receive units providing their nonconforming aspects are not increased.*

No increase in nonconforming building aspects will occur as a result of this transfer.

(9) *Development plans for both sites shall be processed as provided in the LDRs, according to the magnitude and type of development.*

Plans for the sender and receiver sites have been submitted.

Exhibit C

February 12, 2019
Page 4 of 4

(10) No building permit shall be granted for the receiver site until the city has verified that the transient use at the sender site unit(s) has been extinguished. A person or entity who has lawfully terminated or extinguished legal transient units existing as of January 1, 1999, may preserve the right to transfer the units and then transfer such units pursuant to this section, provided the transient licenses have been maintained. Furthermore, the city shall conduct on-site inspections at both the sender site and receiver site to verify that the terms of this ordinance are being met in the proposed transfer application.

The sender site unit shall be extinguished prior to building permits for the receiver site.

Sec. 122-1345. - Consent by mortgagee and condominium/homeowner's association.

When a sender site is subject to a mortgage that references the transient license or use, the application must be accompanied by a consent executed by the mortgagee. If the receiver site is governed either by a condominium association or a homeowners' association, such association must approve the transfer by a majority vote as defined by the governing documents of the association. Proof of approval shall accompany the application for transfer.

The sender site is not subject to a mortgage that references the transient license or use.

Given the above, we respectfully request your support and recommendation of approval to transfer this transient unit from 1213 Georgia Street to 328 Simonton Street

Please don't hesitate to call if you have questions or need additional information.

Thank you and best regards.

Sincerely,

A handwritten signature in dark ink, appearing to read "Owen Trepanier", written over a horizontal line.

Owen Trepanier

Exhibit C
City of Key West Planning Department
P. O. Box 1409, Key West, FL 33041-1409
(305) 809-3720

Application for Transfer of Transient Units and / or Licenses

Please complete this application in its entirety accompanied by a check for **\$2,000.00** made out to the City of Key West. There are also **separate fees** of **\$50.00** for Fire Department Review and Advertising and Noticing fee of **\$100.00**. **Deliver the original and 2 signed & sealed surveys and site plans** to the Planning Department at 1300 White Street, Key West. It is suggested that a pre-application discussion be scheduled as well as an appointment to deliver the application. Due to the complexity and individuality of each transaction, the Planning Department may need additional information prior to processing.

This application is for a transaction involving a transfer from one location (sender site) to another (receiver site). If there is an additional site at either end of the transfer process, this requires another application.

The owner(s) of both the sender site and receiver site are the applicants and must sign the application. Corporations and partnerships must sign as legally required. If another person is acting as the agent or authorized representative of the owner, supporting documentation must be provided as indicated.

The application process for a Transient Transfer is:
Development Review Committee (DRC)
Planning Board

A. Fill in the following information.

Sender Site

Address of Site

1213 Georgia Street #2

RE# 00004170-000100

Name(s) of Owner(s):

Susan J Murphy

Name of Agent or Person to Contact:

Trepanier & Associates, Inc.

Address: 1421 First Street unit 101

Key West, FL 33040

Telephone 305-293-8983

Email alvina@owentrepanier.com

Receiver Site

Address of Site

328 Simonton Street

RE# 00004170-000100

Name(s) of Owner(s):

Simonton Street, LLC

Name of Agent or Person to Contact:

Trepanier & Associates, Inc.

Address: 1421 First Street unit 101

Key West, FL 33040

Telephone 305-293-8983

Email alvina@owentrepanier.com

Exhibit C

For Sender Site:

"Local name" of property 1213 Georgia Street, #2 Zoning district HMDR

Legal description KW Moffats Sub, PB 1-12, Lot 3 SQR 3

Current use: 3 rentals

Number of existing transient units: 3

Size of site 3,930.0 Number of existing city transient rental licenses: 3

What is being removed from the sender site? 1 transient unit

What are your plans for the sender site? renovate existing to incorporate
unit 2 into unit 1 and the property will become a
2 unit property

For Receiver Site:

"Local name" of property 328 Simonton Street Zoning district HNC-1

Legal description KW PT Lot 1, SQR 24

Current use Mixed-use (residential, retail, office, restaurant)

Size of site: 1,882.0 Number of existing city transient rental licenses: 0

Number of existing transient and/or residential units: 1 residential unit

Existing non-residential floor area 1,218.0

What will be transferred to the receiver site? 1 transient unit w/ business tax receipt

What are your plans for the receiver site? Eliminate restaurant and some
commercial retail, move 1 unit of housing for permanent residents
to the first floor and transfer new transient to the second floor

Exhibit C

Sender Site: Current Owner Information

FOR INDIVIDUALS

1. NAME Susan J Murphy 2. NAME _____
ADDRESS 411 Walnut St, #10144 Green Cove Spring, FL 32043 ADDRESS _____
TELEPHONE(1) c/o Trepanier & Associates TELEPHONE(1) _____
(2) 305-293-8983 (2) _____
FAX _____ FAX _____

FOR CORPORATIONS

A. CORPORATE NAME _____
B. STATE/COUNTRY OF INCORPORATION _____
C. REGISTERED TO DO BUSINESS IN THE STATE OF FLORIDA ☐ YES ☐ NO
D. NAMES OF OFFICERS AND DESIGNATIONS

FOR PARTNERSHIPS

A. NAME OF PARTNERSHIP: _____
B. STATE OF REGISTRATION: _____
C. GENERAL PARTNER WITH AUTHORITY TO BIND PARTNERSHIP:

FOR CORPORATIONS AND PARTNERSHIPS

NAME AND ADDRESS OF PERSON "IN HOUSE" TO CONTACT:

TELEPHONE(S) _____ FAX _____

Exhibit C

Receiver Site: Current Owner Information

FOR INDIVIDUALS

1. NAME _____ 2. NAME _____
ADDRESS _____ ADDRESS _____
TELEPHONE(1) _____ TELEPHONE(1) _____
(2) _____ (2) _____
FAX _____ FAX _____

FOR CORPORATIONS

A. CORPORATE NAME 328 Simonton Street, LLC
B. STATE/COUNTRY OF INCORPORATION Florida
C. REGISTERED TO DO BUSINESS IN THE STATE OF FLORIDA ☒ YES ☐ NO
D. NAMES OF OFFICERS AND DESIGNATIONS
Paul McGrail MGRM

FOR PARTNERSHIPS

A. NAME OF PARTNERSHIP: _____
B. STATE OF REGISTRATION: _____
C. GENERAL PARTNER WITH AUTHORITY TO BIND PARTNERSHIP: _____

FOR CORPORATIONS AND PARTNERSHIPS

NAME AND ADDRESS OF PERSON "IN HOUSE" TO CONTACT:

c/o Owen Trepanier, 1421 First St unit 101 Key West

TELEPHONE(S) c/o 305-293-8983 FAX 305-293-8748

Exhibit C

REQUIRED ATTACHMENTS

Sender Site

1. Current survey
2. Current floor plans
3. Copies of current occupational license(s) for transient rental use
OR Letter from City Licensing Official verifying number of licenses and date
4. Copy of last recorded deed to show ownership as listed on application
5. If property is mortgaged, a letter from the mortgagee consenting to the transfer of the transient licenses and the proposed disposition of the property
6. Proposed site plan if changed for future use
7. Proposed floor plans if changed for future use
8. Detailed description of how use of transient rental units will be extinguished.
9. Other _____

Receiver Site

1. Current survey
 2. Current floor plans
 3. Copies of current occupational license(s).
 4. Copy of last recorded deed to show ownership as listed on application
 5. If there is a homeowner's or condominium association, provide proof of the association's approval of the transfer. (This approval must be by a majority vote as defined by the governing documents of the association.)
 6. Proposed site plan if changed for future use
 7. Proposed floor plans if changed for future use
 8. Other _____
- ~ NOTE: The above items constitute one complete application package. Two signed & sealed surveys and site plans are required ~***

**Subject License & Medallion
Business Tax Receipts**

Exhibit C

CITY OF KEY WEST, FLORIDA

Regulatory Permit / License

Sender Site
Medallion

This Document is a business tax receipt
Holder must meet all City zoning and use provisions.
P.O. Box 1409, Key West, Florida 33040 (305) 809-3955

Business Name MURPHY, SUSAN (TR)
Location Addr 1213 GEORGIA ST 2
Lic NBR/Class 33851 REGULATORY LICENSES AND PERMITS
Issued Date 10/24/2018 Expiration Date: September 30, 2019

TRANSIENT RENTAL MEDALLION

Comments: ONE TRANSIENT RENTAL UNIT

Restrictions: MEDALLION #933

MURPHY, SUSAN (TR)
411 WALNUT ST #10144

This document must be prominently displayed.

GREEN COVE SPRINGS, FL 32043

MURPHY, SUSAN

Exhibit C

CITY OF KEY WEST, FLORIDA

Business Tax Receipt

Sender Site
Business Tax
Receipt

This Document is a business tax receipt
Holder must meet all City zoning and use provisions.
P.O. Box 1409, Key West, Florida 33040 (305) 809-3955

Business Name MURPHY, SUSAN
Location Addr 1213 GEORGIA ST 2
Lic NBR/Class 33847 PROPERTY RENTAL
Issued Date 10/24/2018 Expiration Date: September 30, 2019
TRANSIENT RESIDENTIAL

Comments: ONE TRANSIENT RENTAL UNIT

Restrictions:

MURPHY, SUSAN
411 WALNUT ST #10144

This document must be prominently displayed.

GREEN COVE SPRINGS, FL 32043

MURPHY, SUSAN

Sender Site Warranty Deed

Exhibit C

Doc# 1754079 08/06/2009 Sender Site
Filed & Recorded in Official ReDeed
MONROE COUNTY DANNY L. KOLHAR

Assessor's Parcel No: 00035240-000000

RECORDING REQUESTED BY:

Stephen A. Bowers, Esq.
9841 Airport Blvd
Suite 1200
Los Angeles CA 90045

08/06/2009 10:41AM
DEED DOC STAMP CL: TRINA \$0.70

WHEN RECORDED MAIL AND SEND

ALL TAX DOCUMENTS TO:

Susan J. Murphy
630 South Street
Key West FL 33040

Doc# 1754079
Bk# 2426 Pg# 486

DOCUMENT PREPARED BY:


United Wealth Protection Concepts, LLC

QUITCLAIM DEED

This indenture witnesseth: Michael J. Sanchez and Susan J. Murphy, a husband and wife as their SOLE AND SEPARATE PROPERTY, hereby QUIT-CLAIM without consideration to Susan J. Murphy, a married woman all that real property situated in the County of Monroe, State of Florida, bounded and more particularly described as follows:

See Exhibit "A" attached

SUBJECT TO:


1. Taxes for the current year, paid current.
2. Conditions, covenants, restrictions, reservations, rights, rights of way and easements now of record, if any

Together with all and singular the tenements, hereditament and appurtenances hereunto belonging or in anywise appertaining.

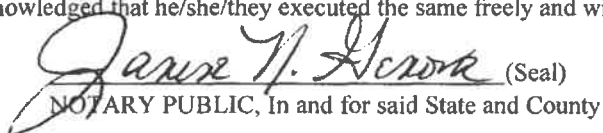
WITNESS my hand on this 30 day of May, 2009.


Michael J. Sanchez

STATE OF FLORIDA)
) ss.
COUNTY OF MONROE)


Witness Print name:
EDWARD S. KILIAN JR.
Witness Print name:

On this 30 day of MAY, 2009, MICHAEL J. SANCHEZ personally appeared before me, a Notary Public, who acknowledged that he/she/they executed the same freely and without reservation.


(Seal)
NOTARY PUBLIC, in and for said State and County

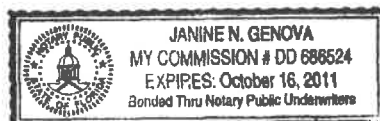


Exhibit C

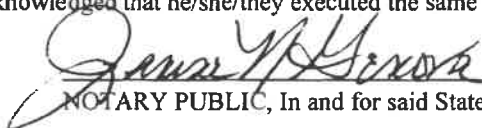
Doc# 1754079
Bk# 2426 Pg# 487Sender Site
DeedWITNESS my hand on this 30 day of May, 2009.
Susan J. MurphySTATE OF FLORIDA)
) ss.
COUNTY OF MONROE)Judith A Kilian
Witness Print name:
EDWARD S. KILIAN JR.
Witness Print name:On this 30 day of MAY, 2009, personally appeared before me, a Notary Public,
MICHAEL J. SANCHEZ SUSAN J. MURPHY who
acknowledged that he/she/they executed the same freely and without reservation. (Seal)
NOTARY PUBLIC, In and for said State and County

EXHIBIT "A"

On the Island of Key West, and known on Wm. A. Whitehead's Map of said Island, delineated in February, 1829 as a part of Tract Fourteen (14), but better known and described as Lot Three (3) of Square Three (3) of said Tract Fourteen (14), according to plat of the S.E. 1/3 of said Tract Fourteen (14), which plat is recorded in Plat Book One (1) at Page Twelve (12) of Monroe County, Florida Public Records. Said Lot Three (3) being described by metes and bounds as follows:

Commencing at a point on the Northeasterly side of Georgia Street, distant Eighty-eight (88) feet from the corner of Catherine and Georgia Streets and from said point run along the Northeasterly side of Georgia Street in a Southeasterly direction Forty-four (44) feet; thence run at right angles in a Northeasterly direction Ninety (90) feet; thence run at right angles in a Northwesterly direction Forty-four (44) feet; thence run at right angles in a Southwesterly direction Ninety (90) feet to the Point of Beginning on Georgia Street.

MONROE COUNTY
OFFICIAL RECORDS

Sender Site Property Record Card



Disclaimer

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

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

Summary

Parcel ID 00035240-000000
 Account# 1036099
 Property ID 1036099
 Millage Group 10KW
 Location 1213 GEORGIA ST, KEY WEST
 Address
 Legal KW MOFFATS SUB PB1-12 LOT 3 SQR 3 TR 14 G12-168/69 OR622-770 OR697-589/590 OR772-871 CASE #78-462 OR774-774/775 OR839-334/335 OR843-795/C OR850-1537 OR877-663/C OR877-662 OR906-1084Q/C OR919-14/15 OR1425-163/165 OR1569-927/30F/J-STU/AGR OR1592-500/502 OR2426-486/87Q/C OR2426-486/87Q/C
 Description (Note: Not to be used on legal documents.)
 Neighborhood 6096
 Property Class MULTI FAMILY LESS THAN 10 UNITS (0800)
 Subdivision Moffat's Sub
 Sec/Twp/Rng 05/68/25
 Affordable No
 Housing



Owner

MURPHY SUSAN J
 1200 4th St
 Key West FL 33040

Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$167,221	\$167,221	\$151,127	\$156,997
+ Market Misc Value	\$2,761	\$2,761	\$2,762	\$2,402
+ Market Land Value	\$316,721	\$316,721	\$472,005	\$426,226
= Just Market Value	\$486,703	\$486,703	\$625,894	\$585,625
= Total Assessed Value	\$486,703	\$486,703	\$447,585	\$406,896
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$486,703	\$486,703	\$625,894	\$585,625

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
MULTI RES DRY (080D)	3,960.00	Square Foot	44	90

Buildings

Building ID	2799	Exterior Walls	ABOVE AVERAGE WOOD	
Style	GROUND LEVEL	Year Built	1928	
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	1995	
Gross Sq Ft	1196	Foundation	WD CONC PADS	
Finished Sq Ft	988	Roof Type	GABLE/HIP	
Stories	1 Floor	Roof Coverage	METAL	
Condition	AVERAGE	Flooring Type	CONC S/B GRND	
Perimeter	142	Heating Type	FCD/AIR DUCTED with 0% NONE	
Functional Obs	0	Bedrooms	2	
Economic Obs	0	Full Bathrooms	1	
Depreciation %	31	Half Bathrooms	0	
Interior Walls	WALL BD/WD WAL	Grade	500	
		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	168	0	0
FLA	FLOOR LIV AREA	988	988	0
OPU	OP PR UNFIN LL	40	0	0
TOTAL		1,196	988	0

Building ID	2800	Exterior Walls	WD FRAME
Style	GROUND LEVEL	Year Built	1923
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	1995
Gross Sq Ft	530	Foundation	WD CONC PADS
Finished Sq Ft	380	Roof Type	GABLE/HIP
Stories	1 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	CONC S/B GRND
Perimeter	84	Heating Type	NONE with 0% NONE
Functional Obs	0	Bedrooms	1
Economic Obs	0	Full Bathrooms	1
Depreciation %	31	Half Bathrooms	0
Interior Walls	WALL BD/WD WAL	Grade	450
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	380	380	0
OPF	OP PRCH FIN LL	16	0	0
PTO	PATIO	134	0	0
TOTAL		530	380	0

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
CONC PATIO	1927	1928	1	350 SF	1
BRICK PATIO	1984	1985	1	100 SF	2
FENCES	1984	1985	1	140 SF	2
FENCES	1984	1985	1	528 SF	2
LC UTIL BLDG	1984	1985	1	60 SF	1

Exhibit C

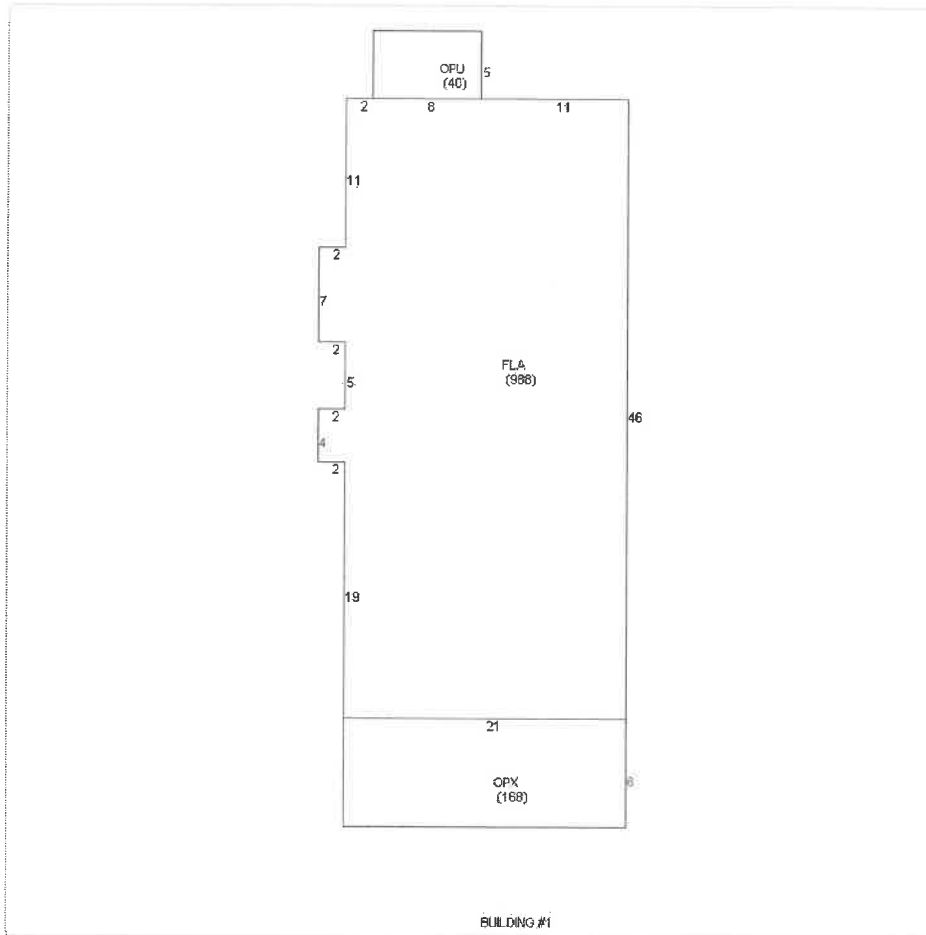
Sales

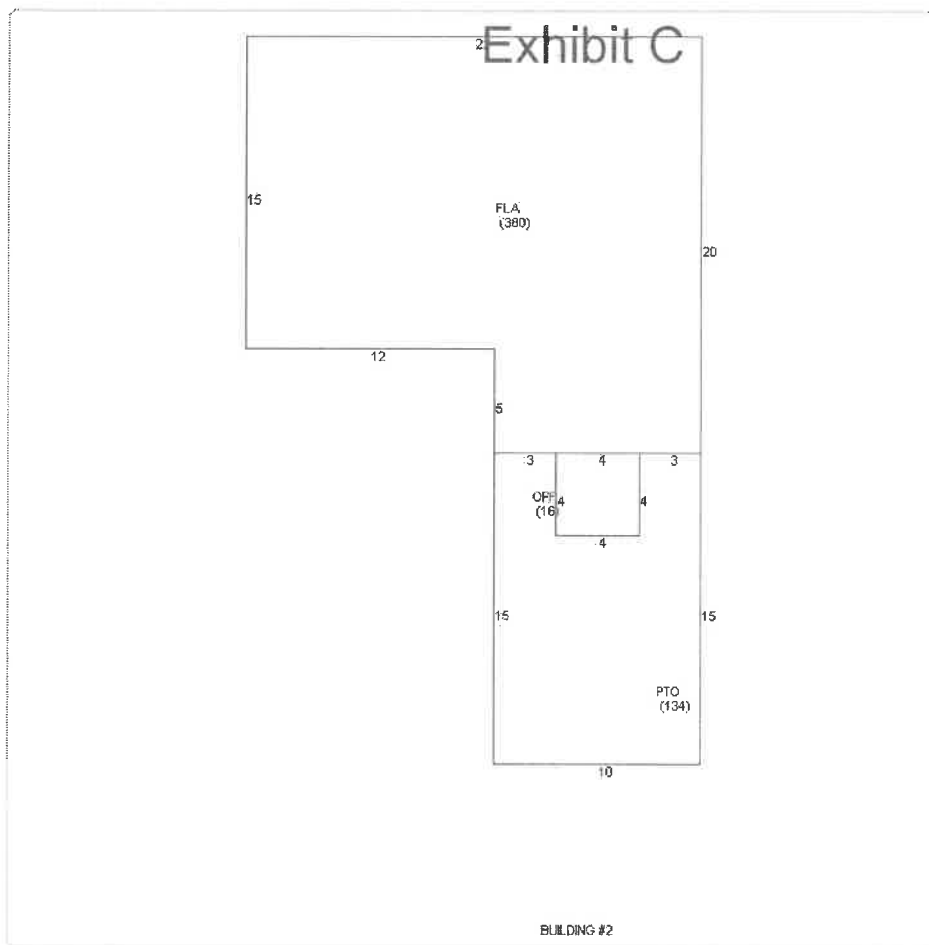
Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
5/30/2009	\$100	Quit Claim Deed		2426	486	11 - Unqualified	Improved
8/10/1999	\$282,500	Warranty Deed		1592	0500	Q - Qualified	Improved
9/1/1996	\$245,000	Warranty Deed		1425	0163	Q - Qualified	Improved
8/1/1984	\$98,000	Warranty Deed		919	14	Q - Qualified	Improved
4/1/1983	\$70,000	Warranty Deed		877	662	Q - Qualified	Improved
3/1/1982	\$35,000	Warranty Deed		850	1537	Q - Qualified	Improved
10/1/1978	\$30,000	Conversion Code		774	774	Q - Qualified	Improved

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
05-4901	11/3/2005	8/10/2006	\$200	Residential	*****HURRICANE WILMA DAMAGE***** REPLACE THE WEATHERHEAD
04-1418	5/3/2004	9/28/2004	\$2,400	Residential	SEWER LINE #1
04-1419	5/3/2004	9/28/2004	\$1,900	Residential	SEWER LINE
03-3909	11/12/2003	11/24/2003	\$1,500	Residential	RENEW SHOWER
9903405	9/29/1999	11/5/1999	\$4,800	Residential	ROOF
9701442	5/1/1997	7/1/1997	\$1	Residential	SECURITY ALARM

Sketches (click to enlarge)





Photos



Map



2018 Notices Only

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

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Last Data Upload: 3/6/2019 1:53:23 AM

Version 2.2.3

Developed by



Sender Site Survey

Exhibit C

Sender Site
Survey

NORBY

& Associates, Inc.
Professional Land Surveyors

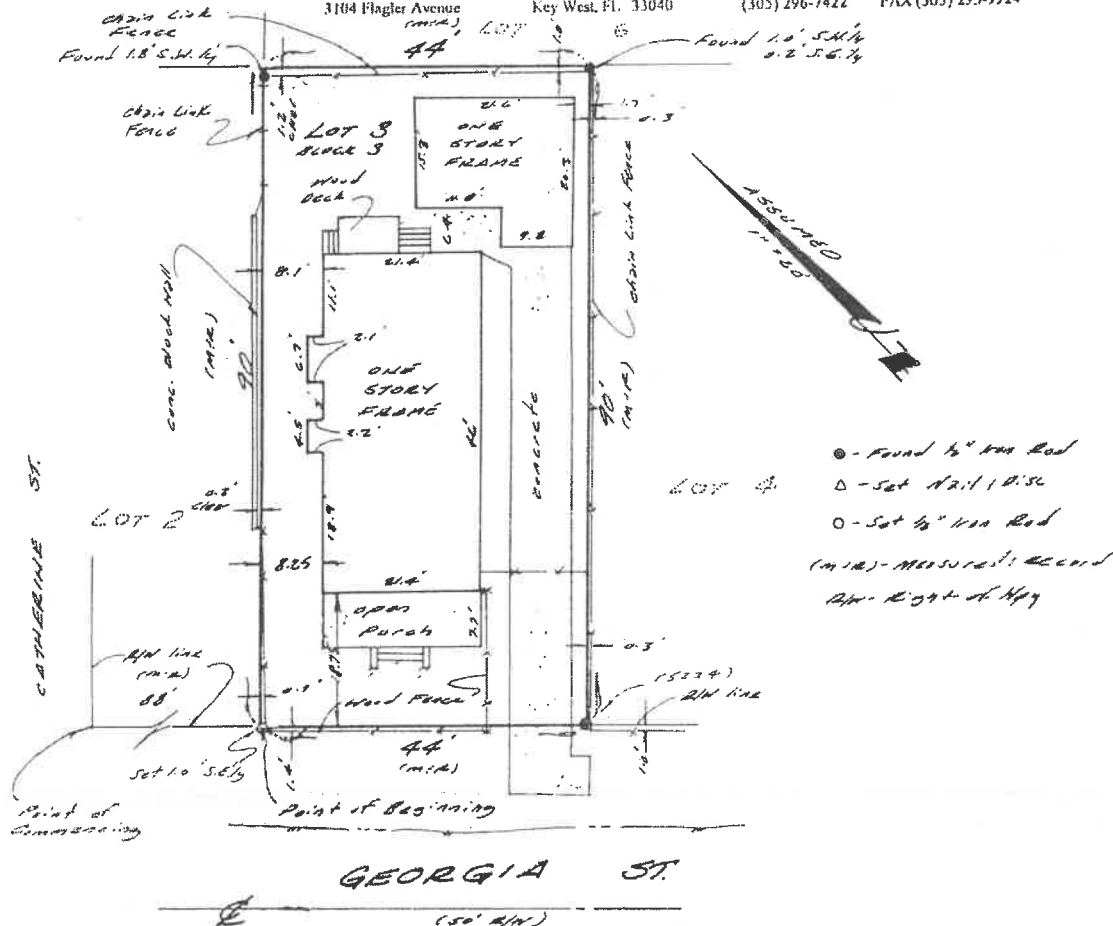
Thomas A. Norby, PLS
Reg. No. 5234

3104 Flagler Avenue

Key West, FL 33040

(305) 296-7422

FAX (305) 293-9924



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. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
5. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
6. Street address: 1213 Georgia Street, Key West, FL 33040.
7. Date of field work: August 9, 1999.

BOUNDARY SURVEY OF: On the Island of Key West, and known on Wm. A. Whitehead's map of said Island, delineated in February, A.D., 1829 as a part of Tract Fourteen (14), but better known and described as Lot Three (3) of Square Three (3) of said Tract Fourteen (14), according to plat of the S.E. 1/3 of said Tract Fourteen (14), which plat is recorded in Plat Book One (1) at page Twelve (12) of Monroe County, Florida Public Records. Said Lot Three (3) being described by metes and bounds as follows: **COMMENCING** at a point on the Northeasterly side of Georgia Street, distant Eighty-eight (88) feet from the corner of Catherine and Georgia Streets and from said point run along the Northeasterly side of Georgia Street in a Southeasterly direction Forty-four (44) feet; thence run at right angles in a Northeasterly direction Ninety (90) feet; thence run at right angles in a Northwesterly direction Forty-four (44) feet; thence at right angles in a Southwesterly direction Ninety (90) feet to the Point of Beginning on Georgia Street.

BOUNDARY SURVEY FOR: Michael J. Sanchez & Susan J. Murphy;
Cendant Mortgage, ISAOA ATIMA;
Keys Title & Abstract Company;
Commonwealth Land Title Insurance Company;

NORBY & ASSOCIATES, INC.

Thomas A. Norby, PLS
Florida Reg. #5234

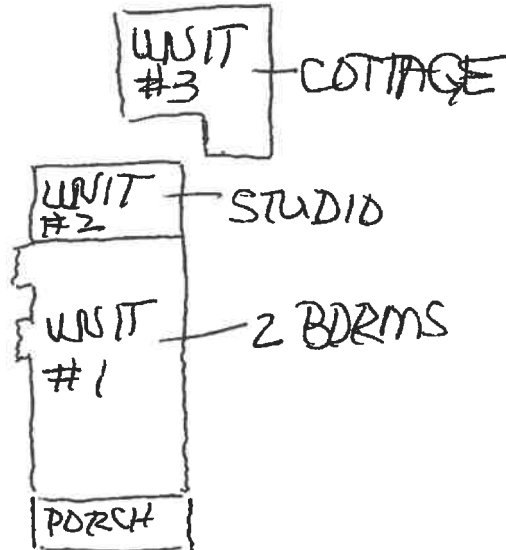
August 10, 1999

Sender Site Proposed Plans

Exhibit C

Sender Site
Floor Plans

CURRENT:



ACTIONS: Remove kitchen unit from unit 2 (studio) + open wall to make it accessible from main house.
PROPOSED:

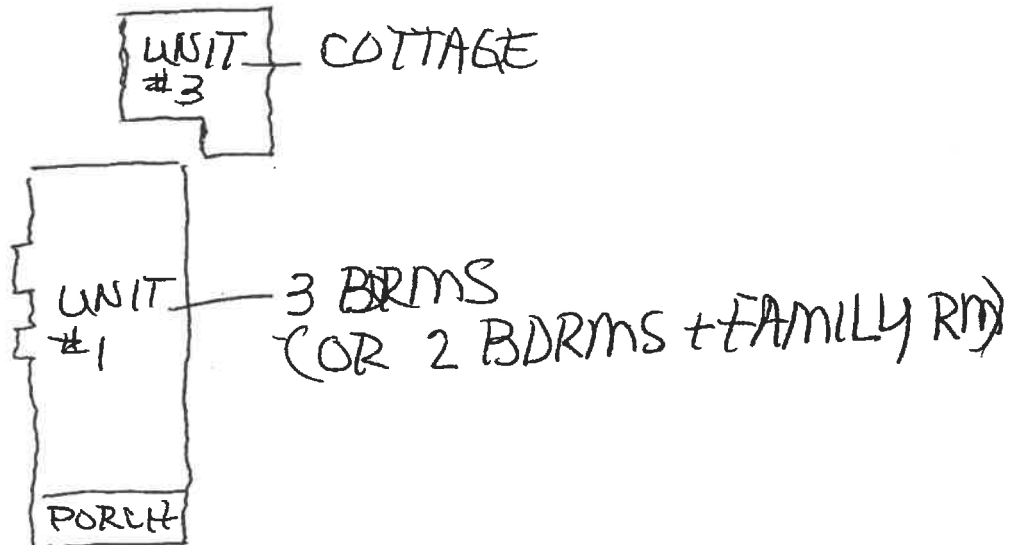
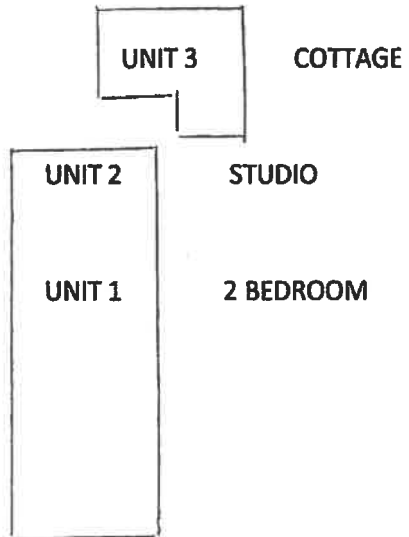


Exhibit C

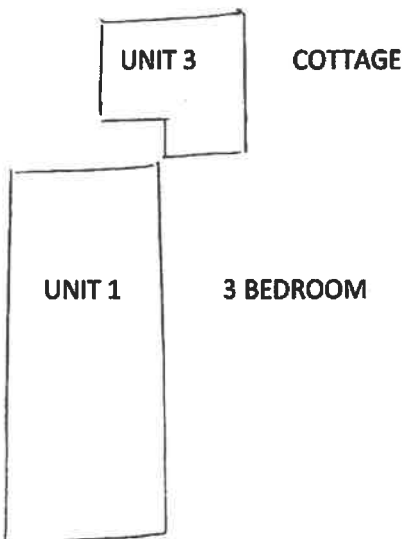
1213 GEORGIA

CURRENT:



ACTION: Remove kitchen in Unit 2 and open wall to make it part of the main house as a 3rd bedroom

PROPOSED:



Sender Site Authorization Form

Sender Site
Authorization

Authorization Form

(Individual Owner)

I, Susan J. Murphy authorize
Please Print Name(s) of Owner(s) (as appears on the deed)

Please Print Name of Representative

x Pusan Murphy
Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 7th Feb 2019 by _____
date

Susan Murphy
Name of Authorized Representative

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

Notary's Signature and Seal

ALVINA COVINGTON
Name of Acknowledger typed, printed or stamped



Alvina Covington

COMMISSION #FF912801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

FF913801
Commission Number, if any

Sender Site Verification Form

Exhibit C

City of Key West Planning Department



Verification Form

(Where Authorized Representative is an Entity)

I, Owen Trepanier, in my capacity as President
(print name) (print position: president, managing member)
of Trepanier & Associates, Inc.
(print name of entity serving as Authorized Representative)

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:

1213 Georgia Street unit

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.

A handwritten signature of Owen Trepanier in black ink, written over a horizontal line.

Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 12th MAR 2019
owen Trepanier
Name of Authorized Representative date

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

A handwritten signature of Alvin Covington in black ink, written over a horizontal line.

Notary's Signature and Seal



Alvin Covington
COMMISSION #FF913801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

Alvin Covington

Name of Acknowledger typed, printed or stamped

FF913801

Commission Number, if any

Receiver Site Warranty Deed

Return to: (Enclose self addressed stamped envelope)
Name: John S. Bohatch, Esq.
Address: GUTTENMACHER & BOHATCH, P.A.
2600 Douglas Road
Coral Gables, FL 33134

Exhibit C

Doc# 1518191 05/24/2005 12:15PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. Receiver Site
Deed
DEED DOC STAMP CL: JILL \$0.70

This Instrument Prepared By:
John S. Bohatch, Esq.
GUTTENMACHER & BOHATCH, P.A.
2600 Douglas Road
Coral Gables, FL 33134

Doc# 1518191
Bk# 2116 Pg# 2412

WARRANTY DEED

THIS INDENTURE made this 12th day of May, 2005, by and between PAUL H. MCGRAIL, a married man, joined by his wife, TAMMY LYNCH MCGRAIL, whose address is 328 Simonton Street, Key West, Florida, 33040, as Grantor, and 328 SIMONTON STREET, LLC, a Florida limited liability company, whose address is 328 Simonton Street, Key West, Florida, 33040, Grantee,

WITNESSETH: that the said Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration to said Grantor, in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, its successors, heirs, and assigns forever, the following described property, situate lying and being in the County of Monroe, State of Florida, to wit:

On the Island of Key West, Florida, and known on William A. Whitehead's Map delineated in February, A.D., 1829, as a part of Lot One (1), Square Twenty-Four (24), and more particularly described by metes and bounds as follows:

COMMENCING at the Northwestern corner of Simonton and Eaton Streets, run in a Northwesternly direction along the Westerly right of way line of Simonton Street for a distance of Fifty-eight (58) feet to the Point of Beginning; thence continue in a Northwesternly direction along said Westerly right of way line of Simonton Street for a distance of Thirty-nine (39) feet; thence at right angles in a Southwesterly direction for a distance of 42.5 feet; thence at right angles in a Southeasterly direction for a distance of 11.47 feet; thence at right angles in a Southwesterly direction for a distance of 4.1 feet; thence at right angles in a Southeasterly direction for a distance of 12.55 feet; thence at right angles in a Southwesterly direction for a distance of 7.7 feet; thence at right angles in a Southeasterly direction for a distance of 13.25 feet; thence at right angles in a Northeasterly direction for a distance of 4.4 feet; thence at right angles in a Southeasterly direction for a distance of 1.61 feet; thence at right angles in a Northeasterly direction for a distance of 50.0 feet back to the Point of Beginning.

TOGETHER with a perpetual easement concerning the following described property to-wit:

On the Island of Key West, Florida, and known on William A. Whitehead's Map delineated in February, A.D., 1829, as a part of Lot One (1), Square Twenty-four (24) and more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Simonton and Eaton Streets, run in a Northwesterly direction along the Westerly right of way line of Simonton Street for a distance of Fifty (50) feet to a Point of Beginning; thence continue in a Northwesterly direction along said Westerly right of way line of Simonton Street for a distance of Eight (8) feet; thence at right angles in a Southwesterly direction for a distance of Fifty (50) feet; thence at right angles in a Southeasterly direction for a distance of Eight (8) feet; thence at right angles in a Northeasterly direction for a distance of Fifty (50) feet back to the Point of Beginning.

Property Appraiser's Parcel Identification No.: 00004170-000100

SUBJECT TO: Taxes for the year 2005, and subsequent years.

SUBJECT TO: Conditions, limitations, reservations and easements of record.


TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the said Grantor does hereby covenant with said Grantee that the said Grantor is lawfully seized of the said property; that it is free of all encumbrances except as above stated; that he/she/it has good right and lawful authority to sell the same; and that the said Grantee shall have quiet enjoyment thereof. The said Grantor does hereby fully warrant the title to said property, and will defend the same against the lawful claims of all persons whomsoever.


IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:



Signature of Witness
Mark Stanton

Printed Name of Witness

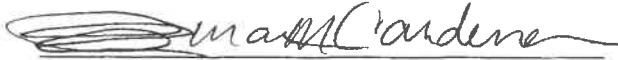


PAUL H. MCGRAIL

Exhibit C

Receiver Site
Deed

Doc# 1518191
Bk# 2116 Pg# 2414



Signature of Witness

Susan M. Cardenas

Printed Name of Witness




Signature of Witness

Mark Stanton

Printed Name of Witness


TAMMY LYNCH MCGRAIL



Signature of Witness

Susan M. Cardenas

Printed Name of Witness

STATE OF FLORIDA:
COUNTY OF MONROE:

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, PAUL H. MCGRAIL, a married man, who is personally known to me to be the individual described in and who executed the foregoing instrument, or who produced Florida Drivers License, as identification, and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Key West, County of Monroe and State of Florida, this _____ day of May, 2005.

Susan M. Cardenas

Printed Name of Notary



NOTARY PUBLIC

My Commission Expires



Exhibit C

Doc# 1518191
Bk# 2116 Pg# 2415

STATE OF FLORIDA:
COUNTY OF MONROE:

Receiver Site
Deed

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, TAMMY LYNCH MCGRAIL, a married woman, who is personally known to me to be the individual described in and who executed the foregoing instrument, or who produced Florida Drivers
license, as identification, and she acknowledged before me that she executed the same freely and voluntarily for the purposes therein expressed.

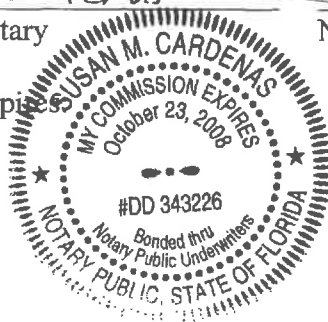
WITNESS my hand and official seal at Key West, County of Monroe and State of Florida, this 12th day of May, 2005.

Susan M. Cardenas

Printed Name of Notary


NOTARY PUBLIC

My Commission Expires



MONROE COUNTY
OFFICIAL RECORDS

Receiver Site Property Record Card

Disclaimer

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

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

Summary

Parcel ID 00004170-000100
 Account# 1004341
 Property ID 1004341
 Millage Group 10KW
 Location Address 328 SIMONTON ST, KEY WEST
 Legal Description KW PT LOT 1 SQR 24 OR 707-591/592 OR 831-2491/2492 OR 1091-1036/1037Q/C OR 1330-1466/67 OR 2116-2412/15
 (Note: Not to be used on legal documents.)
 Neighborhood 32040
 Property Class STORE COMBO (1200)
 Subdivision
 Sec/Twp/Rng 06/68/25
 Affordable No
 Housing



Owner

328 SIMONTON STREET LLC
 205 Elizabeth St
 Unit 1
 Key West FL 33040

Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$478,822	\$502,467	\$394,735	\$404,023
+ Market Misc Value	\$2,583	\$2,583	\$2,583	\$2,246
+ Market Land Value	\$418,369	\$418,369	\$408,926	\$408,926
= Just Market Value	\$899,774	\$923,419	\$806,244	\$815,195
= Total Assessed Value	\$899,774	\$886,868	\$806,244	\$815,195
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$899,774	\$923,419	\$806,244	\$815,195

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL DRY (100D)	1,882.00	Square Foot	37	45

Commercial Buildings

Style APTS-B / 03B
 Gross Sq Ft 5,524
 Finished Sq Ft 4,212
 Perimeter 853
 Stories 4
 Interior Walls
 Exterior Walls AB AVE WOOD SIDING
 Quality 450 ()
 Roof Type
 Roof Material
 Exterior Wall1 AB AVE WOOD SIDING
 Exterior Wall2
 Foundation
 Interior Finish
 Ground Floor Area
 Floor Cover
 Full Bathrooms 2
 Half Bathrooms 0
 Heating Type
 Year Built 1928
 Year Remodeled
 Effective Year Built 2003
 Condition

Code	Description	Sketch Area	Finished Area	Perimeter
ATC	Attic	1,046	0	264
OPX	EXC OPEN PORCH	266	0	90
FLA	FLOOR LIV AREA	4,212	4,212	499
TOTAL		5,524	4,212	853

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
LC UTIL BLDG	1979	1980	1	24 SF	2
FENCES	1979	1980	1	448 SF	5
WALL AIR COND	1989	1990	1	1 UT	2

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
3/1/1981	\$192,000	Warranty Deed		831	2491	Q - Qualified	Improved
2/1/1977	\$82,000	Conversion Code		707	591	Q - Qualified	Improved

Exhibit C

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
17-3614	10/12/2017		\$2,300	Commercial	BATHROOM REMODEL, REPAIR, AND/OR REPLACE EXISTING ELECTRICAL DEVICES.
12-2781	7/31/2012	12/31/2012	\$1,100	Residential	KITCHEN AREA: INSTALL 144 S.F. DRYWALL, TWO SHEETS OF 5/8 DRYWALL ON CEILING & INTERIOR WALL. ONE SHEET 5/8 DRYWALL ON EXTERIOR WALLS.
04-3058	9/20/2004	12/16/2004	\$2,450		ROOF - COOLEY C-3 WHITE
04-0356	3/15/2004	10/21/2004	\$1,500		SKYLIGHTS
04-0033	1/12/2004	10/21/2004	\$2,200		ELEC OUTLETS...
03-4153	12/11/2003	10/21/2004	\$3,500		INT RENOV
03-4136	12/8/2003	10/21/2004	\$8,100		2.5 & 3-TON A/C'S; 100 AMP SUBPANEL
03-1247	4/8/2003	12/29/2003	\$300		REPLACE ROTTEN SIDING
0002181	8/3/2000	12/1/2000	\$800		ELECTRICAL
0001838	7/18/2000	8/7/2000	\$2,500		HURRICANE PANELS
9902874	9/21/1999	8/7/2000	\$4,200		306 SF EPDM ROOF
9903121	9/16/1999	8/7/2000	\$8,900		ADD BATH 1ST FL
9801957	6/22/1998	8/7/2000	\$65,000		ADDITION/RENOVATION
9702664	8/1/1997	12/1/1997	\$10,000		SBF & RESTROOM CONSTRUCTI
9702551	7/1/1997	12/1/1997	\$1,000		DEMOLITION
8950912	3/1/1995	8/1/1995	\$6,000		PAINT BUILDING

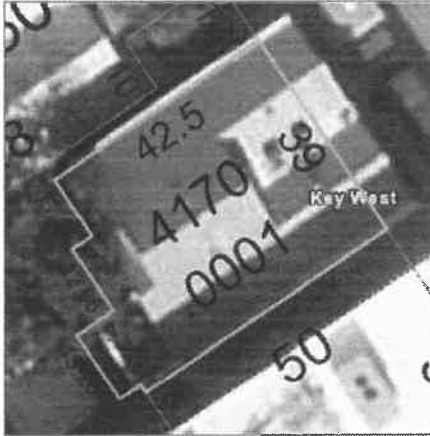
Sketches (click to enlarge)



Photos



Map



TRIM Notice

Trim Notice

2018 Notices Only

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

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

Last Data Upload: 3/6/2019 1:53:23 AM

Developed by



Version 2.2.3

Receiver Site Survey

MAP OF BOUNDARY SURVEY PART OF LOT 2, SQUARE 24 WILLIAM A. WHITEHEAD 6 MAP KEY WEST, FLORIDA



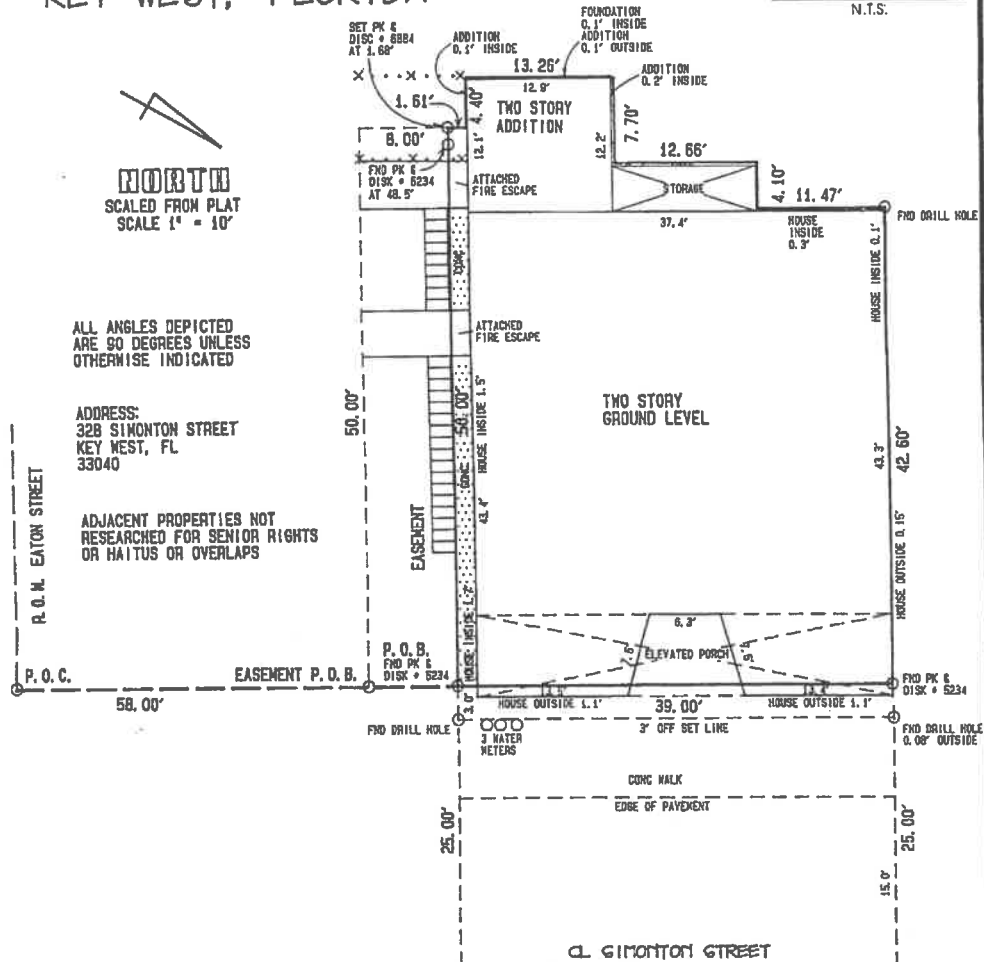
LOCATION MAP
N.T.S.

NORTH
SCALED FROM PLAT
SCALE 1" = 10'

ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED

ADDRESS:
328 SIMONTON STREET
KEY WEST, FL
33040

ADJACENT PROPERTIES NOT
RESEARCHED FOR SENIOR RIGHTS
OR HAITUS OR OVERLAPS



NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE.

CERTIFIED TO:

PAUL H. MCGRAIL
TIB BANK OF THE KEYS ITS SUCCESSORS AND/OR ASSIGNS
INDEPENDENT ABSTRACT AND TITLE COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK

LEGAL DESCRIPTION

SEE PAGE 1 OF 2

SCALE 1" = 10'	A = CENTRAL ANGLE ASPH = ASPHALT CALC = CALCULATED CL = CENTER LINE CM = CONCRETE MONUMENT CONC = CONCRETE	CVRD = COVERED DEASE = DRAINAGE EASEMENT SI = ELEVATION ENCL = ENCLOSED ENCR = ENCROACHMENT FND = FOUND	FF = FINISHED FLOOR IP = IRON PIPE IR = IRON ROD L = ARC LENGTH MEAS = MEASURED NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929)	OS = OFFSET PC = POINT OF CURVE PCC = POINT OF COMPOUND CURVE PCP = PERMANENT CONTROL POINT PR = PARKED RAILON NAIL PL = PROPERTY LINE	POB = POINT OF BEGINNING POC = POINT OF COMMENCEMENT PRC = POINT OF REVERSE CURVE PRM = PERMANENT REFERENCE MONUMENT PT = POINT OF TANGENT R = RADIUS	RES = RESIDENCE TYP = TYPICAL UEASE = UTILITY EASEMENT
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Rev. sed 12/23/99
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS
THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL
SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT
TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED
MEETS THE PROVISIONS OF FLORIDA'S ENCROACHMENT FORM 9, SUBPARAGRAPH 1(B) (SETBACKS),
1(B)3(ENCROACHMENTS), & 1(B)4(ENCROACHMENTS) SCHEDULE "B" HAS NOT BEEN PROVIDED.

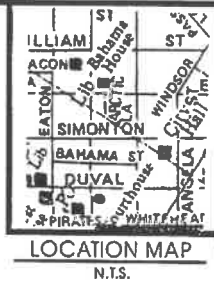
DATE
12/14/99
12/22/99
DRAWN BY
JM
CHECKED BY
RR

SIGNED
ROBERT E. REECE, PSM #5032
REGISTERED PROFESSIONAL SURVEYOR AND MAPPER

NOT VALID WITHOUT THE
SIGNATURE AND THE RAISED
SEAL OF A FLORIDA
SURVEYOR AND MAPPER

ROBERT E. REECE, P.A.
PROFESSIONAL SURVEYOR
AND MAPPER
30677 OVERSEAS HIGHWAY
BIG PINE KEY, FL 33043

Exhibit "A"



LEGAL DESCRIPTION:

EXHIBIT "A"

On the Island of Key West, Florida, and known on William A. Whitehead's Map delineated in February, A.D. 1829, as a part of Lot One (1), Square Twenty-four (24), and more particularly described by metes and bounds as follows:

COMMENCING at the Northwestern corner of Simonton and Eaton Streets, run in a Northwesternly direction along the Westerly right of way line of Simonton Street for a distance of Fifty-eight (58) feet to the Point of Beginning; thence continue in a Northwesternly direction along said Westerly right of way line of Simonton Street for a distance of thirty-nine (39) feet; thence at right angles in a Southwesterly direction for a distance of 42.5 feet; thence at right angles in a Southeasterly direction for a distance of 11.47 feet; thence at right angles in a Southwesterly direction for a distance of 4.1 feet; thence at right angles in a Southeasterly direction for a distance of 12.55 feet; thence at right angles in a Southwesterly direction for a distance of 7.7 feet; thence at right angles in a Southeasterly direction for a distance of 13.25 feet; thence at right angles in a Northeasterly direction for distance 4.4 feet; thence at right angles in a Southeasterly direction for a distance of 1.61 feet; thence at right angles in a Northeasterly direction for a distance of 50.0 feet back to the Point of Beginning.

TOGETHER WITH a perpetual easement concerning the following described property to-wit:

On the Island of Key West, Florida, and known of William A. Whitehead's Map delineated in February, A.D. 1829, as a part of Lot one (1), Square Twenty-four (24) and more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Simonton and Eaton Streets, run in a Northwesternly direction along the Westerly right of way line of Simonton Street for a distance of fifty (50) feet to a Point of Beginning; thence continue in a Northwesternly direction along said Westerly right of way line of Simonton Street for a distance of Eight (8) feet; thence at right angles in a Southwesterly direction for a distance of Fifty (50) feet; thence at right angles in a Southeasterly direction for a distance of Eight (8) feet; thence at right angles in a Northeasterly direction for a distance of Fifty (50) feet back to the Point of Beginning.

PAGE 1 OF 2

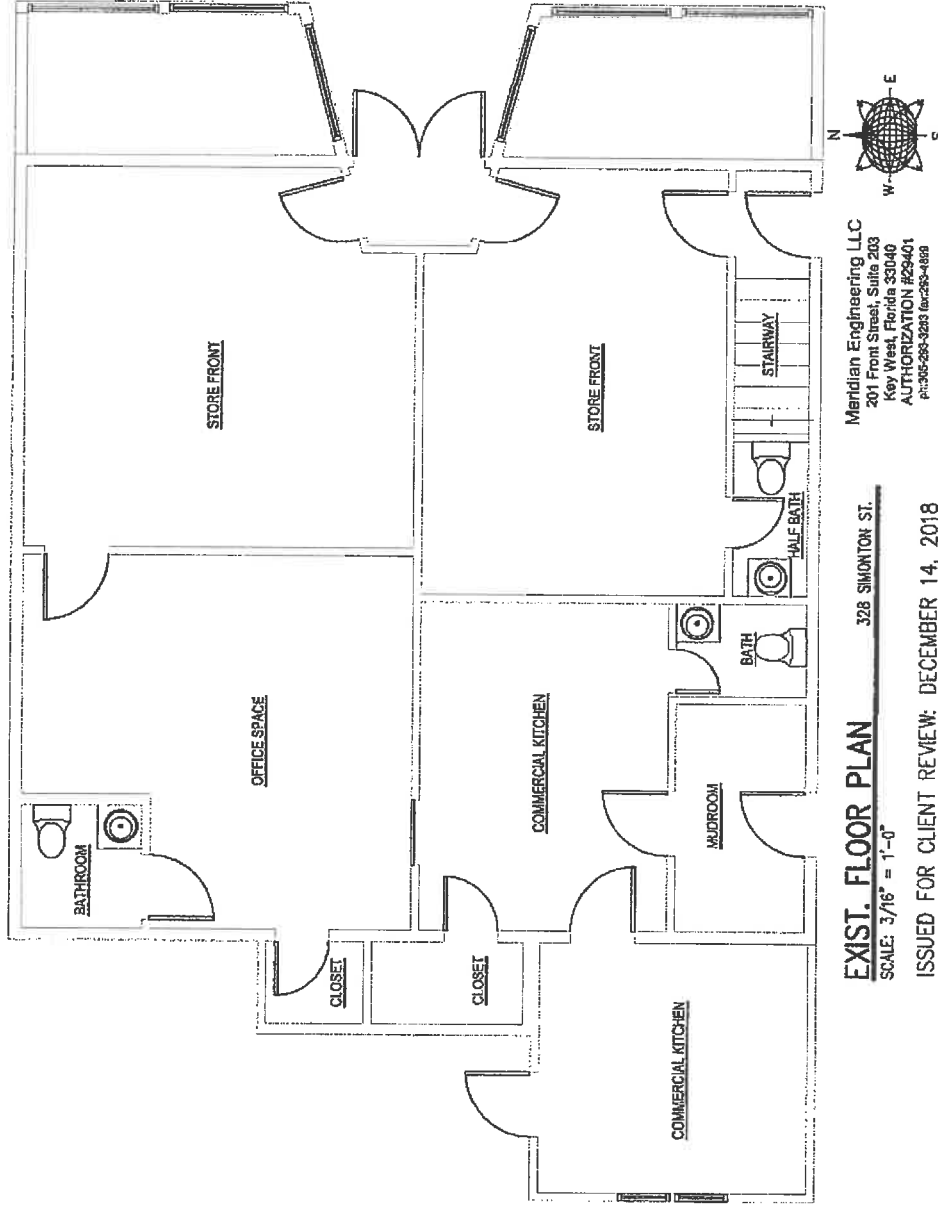
NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE.

CERTIFIED TO:		LEGAL DESCRIPTION	
PAUL H. MCGRAIL TIB BANK OF THE KEYS ITS SUCCESSORS AND/OR ASSIGNS INDEPENDENT ABSTRACT AND TITLE COMPANY FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK		SEE ABOVE	
SCALE 1" = 16' DATE FIELD 12/14/89 DRAWN BY Jm CHECKED BY KB	A = CENTRAL ANGLE ASPH = ASPHALT CALC = CALCULATED CL = CENTER LINE CM = CONCRETE MONUMENT CONC = CONCRETE	CYRD = COVERED DEASE = DRAINAGE EASEMENT EL = ELEVATION ENCL = ENCLOSURE ENCR = ENCROACHMENT FND = FOUND	FF = FINISHED FLOOR IR = IRON PIPE IR = IRON ROD L = ARC LENGTH MEAS = MEASURED NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929)
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED MEETS THE PROVISIONS OF FLORIDA ENDORSEMENT FORM 9, SUBPARAGRAPH 1(B) (SEE BACKS), 1(B)(3) (ENCROACHMENTS), & 1(B)(4) (EASEMENTS). SCHEDULE "B" HAS NOT BEEN PROVIDED.		OS-OFFSET PC = POINT OF CURVE PCC = POINT OF COMPOUND CURVE PCP = PERMANENT CONTROL POINT PE = PERMANENT EASEMENT PL = PROPERTY LINE POB = POINT OF BEGINNING POC = POINT OF COMMENCEMENT PRC = POINT OF REVERSE CURVE PRM = PERMANENT REFERENCE MONUMENT PT = POINT OF TANGENT R = RADIUS RES = RESIDENCE TRP = TYPICAL UEASE = UTILITY EASEMENT	
9121305		SIGNED ROBERT E. REECE, P.S.M. #5532 REGISTERED PROFESSIONAL SURVEYOR AND MAPPER	
NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER		ROBERT E. REECE, P.A. PROFESSIONAL SURVEYOR AND MAPPER 30677 OVERSEAS HIGHWAY BIG PINE KEY, FL 33043	

**Receiver Site
Existing & Proposed Plans**

Exhibit C

Receiver Site
Existing 1st Floor
Plan



Meridian Engineering LLC
201 Front Street, Suite 203
Key West, Florida 33040
AUTHORIZATION #23401
PH: 305-253-3223 FAX: 305-253-1818

EXIST. FLOOR PLAN
SCALE: 3/16" = 1'-0"

ISSUED FOR CLIENT REVIEW: DECEMBER 14, 2018

1st Floor

Receiver Site
Proposed 1st Floor
Plan

ISSUED FOR CLIENT REVIEW: DECEMBER 14, 2018

1st Floor

Receiver Site
Existing & proposed
2nd Flr Plan

328 SIMONTON STREET
KEY WEST, FLORIDA 33040

[illegible]

GENERAL NOTES

1. The first step in the process of the investigation is the identification of the problem. This is done by the researcher who is interested in the problem. The next step is the formulation of the research question. This is done by the researcher who is interested in the problem. The next step is the design of the study. This is done by the researcher who is interested in the problem. The next step is the collection of data. This is done by the researcher who is interested in the problem. The next step is the analysis of the data. This is done by the researcher who is interested in the problem. The next step is the interpretation of the results. This is done by the researcher who is interested in the problem. The next step is the presentation of the results. This is done by the researcher who is interested in the problem. The next step is the conclusion. This is done by the researcher who is interested in the problem.

ON THE

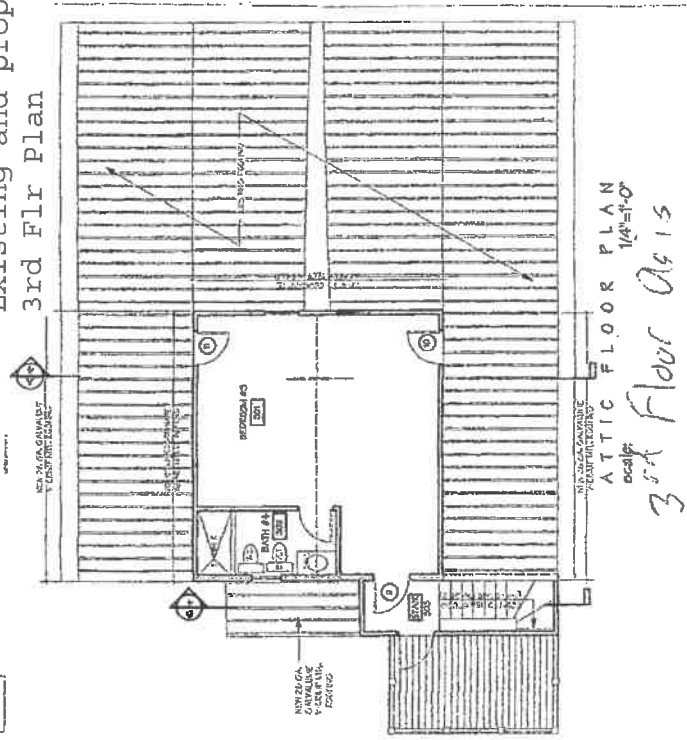
SYMBOLS		MATERIAL INDICATIONS		LIST OF ABBREVIATIONS	
	CAST IRON		STEEL		ALUMINUM
	BRASS		COPPER		INCONEL
	TITANIUM		STAINLESS STEEL		NICKEL
	MONEL		HASTELLOY		INVAR
	DURALUMIN		MAGNESIUM		ZIRCONIUM
	KOVAR		INCONEL		INCONEL
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As is completed
2nd Floor

INTERIOR DEMOLITION FLOOR PLAN

Exhibit C

Receiver Site
Existing and proposed
3rd Flr Plan



Receiver Site Authorization Form

Exhibit C

Receiver Site
Authorization

City of Key West Planning Department



Authorization Form (Where Owner is a Business Entity)

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

I, Paul McGrail

Please Print Name of person with authority to execute documents on behalf of entity

as

MGRM

Name of office (President, Managing Member)

328 Simonton Street, LLC

Name of owner from deed

authorize Trepanier & Associates, Inc.

Please Print Name of Representative

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

Signature of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this 2nd day of July, 2018

Date

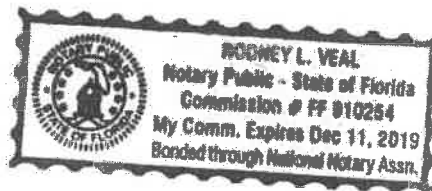
by Paul McGrail

Name of person with authority to execute documents on behalf on entity owner

☒ He/She is personally known to me or has presented _____ as identification.

Notary's Signature and Seal

Rodney L. Veal
Name of Acknowledger typed, printed or stamped



FF 910254

Commission Number, if any

Expires 11 December, 2019

Receiver Site Verification Form

Exhibit C

City of Key West Planning Department



Verification Form

(Where Authorized Representative is an Entity)

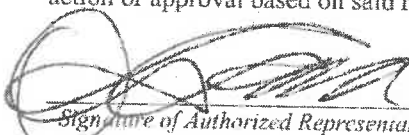
I, Owen Trepanier, in my capacity as President
(print name) (print position; president, managing member)
of Trepanier & Associates, Inc.
(print name of entity serving as Authorized Representative)

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:

328 Simonton Street

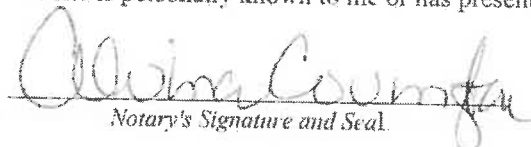
Street Address of subject property

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


Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 16th March 2019 by
Owen Trepanier
Name of Authorized Representative date

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


Notary's Signature and Seal

Alvina Covington

Name of Acknowledger typed, printed or stamped



Alvina Covington
COMMISSION #FF913801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

FF913801

Commission Number, if any



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner II

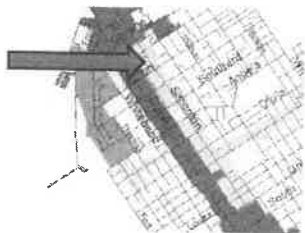
Meeting Date: May 16, 2019 (postponed)
June 20, 2019

Agenda Item:

Transient Unit/License Transfer – One (1) Unit & License assigned to 1213 Georgia Street Unit 2 (RE# 00035240-000000) to 328 Simonton Street (RE# 00004170-000100) - A request to transfer one transient unit & license from property located within the Historic Medium Density Residential (HMDR) zoning district to property located within the Historic Neighborhood Commercial - 1 (HNC-1) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

SITE DATA:		
	Sender Site	Receiver Site
License Owner:	Susan Murphy	328 Simonton Street LLC
Property Owner:	Susan J. Murphy	328 Simonton Street LLC
Agent:	Trepanier & Associates	Trepanier & Associates
Location:	1213 Georgia Street Unit 2	328 Simonton Street
Real Estate (RE) Number:	00035240-000000	00004170-000100
Zoning District:	HMDR	HNC-1
Existing Use:	Transient Residential	3-bedroom/2-bathroom non-transient residential
Proposed Use:	(Extinguished)	3-bedroom/2-bathroom transient residential

Proposed Receiver Site:



TRANSFER LOCATIONS

- Permitted (Zoned HNC-1, HNC-2, HNC-3)
- Permitted only when no use replacement or use change occurs (Zoned HNC-1, HNC-2)
- Permitted only as a Conditional Use (Zoned HNC-1)

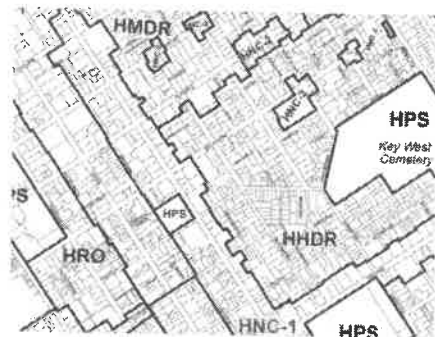


Exhibit D

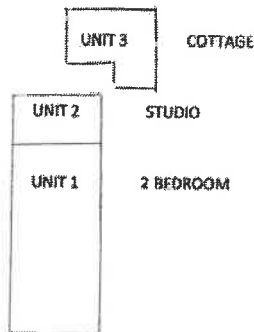
Background:

Currently, the property at 1213 Georgia Street consists of three (3) units, each with a transient license. However, historically, the City of Key West recognized two (2) non-transient residential dwelling units at 1213 Georgia Street. The increase of the number of units from two (2) units to three (3) units and the change of use from non-transient residential to transient residential was the result of a lawful unit determination (LUD) dated June 16, 2017, executed pursuant to section 108-991, "Development not affected by article."

The applicant is proposing to eliminate Unit 2 (approximately 238-square-feet) by removing the kitchen and opening a wall. According to the applicant, the floor area will be incorporated into Unit 1 as a third bedroom. However, pursuant to section 122-1338 (6) any remaining transient units (Unit 1) that are remodeled or combined may not increase the number of rooms, excluding bathrooms. To remedy this, the applicant proposes to place the license currently assigned to Unit 1 into unassigned status. Unit 1 will then be a non-transient unit.

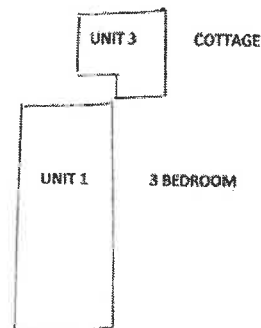
Sender Site

Existing unit plan provided by applicant:



Sender Site

Proposed unit plan provided by applicant:



The applicant is seeking approval to transfer the unit and license from Unit 2 to a receiver site at 328 Simonton Street.

The proposed receiver site at 328 Simonton Street currently consists of one (1) non-transient 3-bedroom/2-bathroom residential unit with a kitchen and living area (occupying the second and third floors), two (2) commercial retail units on the first floor, and one (1) commercial kitchen on the first floor (rear). However, prior to the current configuration and ownership, it is believed that two (2) residential units existed on the second floor of the structure. In 2018, the applicant provided historical records to the planning department and received a "build-back" letter that granted build-back rights for one (1) non-transient residential unit at 328 Simonton Street.

The proposed receiver site is located in the Historic Neighborhood Commercial (HNC-1) zoning district where transient use is permitted only when no on-site displacement of permanent housing occurs. Section 86-9 of the LDRs defines market-rate or permanent housing as housing occupied on a full-time basis or seasonally and is not intended for rent for less than 28 days.

The applicant is proposing to relocate the existing non-transient residential unit at 328 Simonton Street (on the 2nd and 3rd floors) to an area on the first floor of the receiver site, currently occupied by the commercial kitchen and a portion of one of the commercial retail units. The applicant

Exhibit D

proposes to then transfer the subject transient unit and license from 1213 Georgia Street Unit 2 to the second/third floor of the receiver site.

Relevant Code Sections:

The purpose of City Code Chapter 122, Article V, Division 6 "Transient Units" outlined in Section 122-1336 is to:

- Provide for the transfer of existing transient units and transient licenses in order to reduce noncomplying density, structures and uses;
- Remove legal nonconforming transient uses from zoning districts that now prohibit them;
- Encourage permanent residential housing by relocating transient licenses;
- Provide for the conversion of transient units to single-family dwellings by the transfer of units;
- Allow for redevelopment without increasing the population requiring evacuation during emergencies or increasing other public services;
- Protect environmentally sensitive lands; and
- Encourage redevelopment under the existing Building Permit Allocation System (BPAS) that limits the allowable number of residential and transient units.

City Code Section 122-1338. Transfer of transient units.

- (1) The unit being transferred must currently be counted as a unit for purposes of calculating evacuation time under the hurricane model set forth in the comprehensive plan and must have been obtained in accordance with all applicable regulations, including building permits, at the time of approval or have been otherwise validly obtained if unbuilt at the time of transfer. A transfer pursuant to this division shall not cause a net increase of units in the city.
- (2) Transient use must be an allowed zoning use on the receiver site, unless the units are to be converted into non-transient units as contemplated by subsection (3) of this section. Further, no transient unit shall be recognized for transfer purposes, regardless of whether it will be used transiently or non-transiently, unless accompanied by a business tax receipt duly issued pursuant to section 66-109(10). When units are transferred for non-transient use, the licenses will be extinguished.
- (3) Transient units may be converted to residential units at the appropriate exchange rate as determined by the comprehensive plan so as not to increase hurricane evacuation time. Where a residential unit is created by the transfer of a transient unit and the new residential unit is 600 square feet or less, the transient unit may be transferred at its .58 ROGO unit equivalency into a residential unit with transient use prohibited.
- (4) The transferred units shall not operate to increase density of the receiver site above the maximum allowed density.
- (5) Unless the planning board determines that special conditions exist at the receiver site that warrant otherwise, the transient unit may not include more than two rooms, excluding bathrooms, and excluding porches and decks that are clearly not enclosed or habitable.
- (6) At the sender site, any remaining transient units that are remodeled or combined may not increase the existing number of rooms, excluding bathrooms. All such units shall not have "lockout" capacity.

Exhibit D

- (7) There shall be no transfer of units into a "V" zone as depicted on the most current flood insurance rate map, if the transfer would produce new construction.
- (8) Existing nonconforming buildings may receive units providing their nonconforming aspects are not increased.
- (9) Development plans for both sites shall be processed as provided in the LDRs, according to the magnitude and type of development.
- (10) No building permit shall be granted for the receiver site until the city has verified that the transient use at the sender site unit(s) has been extinguished. A person or entity who has lawfully terminated or extinguished legal transient units existing as of January 1, 1999, may preserve the right to transfer the units and then transfer such units pursuant to this section, provided the transient licenses have been maintained. Furthermore, the city shall conduct on-site inspections at both the sender site and receiver site to verify that the terms of this ordinance are being met in the proposed transfer application.

City Code Section 122-1339 (a) states that a business tax receipt (e.g., license) for transient use of a unit may itself be transferred from an area where transient uses are prohibited to a receiver site without the accompanying transfer of the unit. In addition, licenses may be transferred from the HNC-1 and HNC-3 zoning districts. A transfer of a license under this section does not allow a loss of affordable housing at the receiver site.

City Code Section 122-1339 (b) states that where a license alone is transferred, the Planning Board shall consider whether the receiver site is suitable for transient use in the zoning district, shall consider the relative size of the unit from which the license is transferred, and shall consider the room configuration of both sites to maintain approximately the same or less net number of occupants.

City Code Section 122-1340. Development review committee and planning board review.

The development review committee (DRC) shall review each application for transfer. The planning board will receive comments from the DRC and the recommendation of the planning department and may deny an application on the grounds of inconsistency with the purpose of the ordinance or a violation of the specific provisions of the ordinance. When approving an application, the planning board may impose conditions, including but not limited to: physical modifications and the filing of deed restrictions, in order to assure the continuation of permanent residential housing, the preservation of community character and that the transfer advances the purposes of this division. The decision of the planning board shall be final.

Analysis:

The proposed transient unit/license transfer involves the transfer of one transient unit. The receiver site at 328 Simonton Street has one existing non-transient dwelling unit and rights to build-back a second non-transient dwelling unit.

The existing use of the receiver site at 328 Simonton Street is mixed-use. The proposed transfer would not result in a loss of affordable housing because there is no existing deed-restricted affordable housing at the receiver site.

Exhibit D

Pursuant to section 108-571, parking shall be provided in all districts at the time any building or structure is erected or enlarged or increased in capacity by a change of use or the addition of dwelling units, transient units, floor area, seats, beds, employees or other factors impacting parking demand as stated in this article. However, the overall off-street parking requirement will be reduced with the proposed uses and, therefore, no additional parking is required.

The following table summarizes the applicable approval criteria for the transfer of a transient unit pursuant to City Code **Section 122-1338**.

Criteria:	Proposal:	Complies? (Yes or No)
Sender Site		
Has transient license from the City	Transient rental license number 33847 / medallion #933 license number 33851.	Yes.
The unit is lawful and has been counted in the BPAS	The unit was in existence on or before April 2010 and would have been counted.	Yes.
Remaining number of rooms to same / does not increase BPAS count	Unit 2 will be absorbed into Unit 1. The applicant has proposed that the new floor area will serve as a 3 rd bedroom for Unit 1 and that the transient license for Unit 1 will be lifted and placed into unassigned status.	Yes.
Final use conforms with the LDRs	The transfer would place the license in assigned status at a location that permits transient use. Transient lodging is a permitted use of the HNC-1 zoning district.	Yes.
Development review process required for proposed construction / redevelopment	There is no proposed construction or redevelopment at this time.	Yes.
Receiver Site		
Transient use is allowed or the use is residential	Transient lodging is a permitted use of the HNC-1 zoning district.	Yes.
Complies with density	Maximum allowable density for this property is .69.	No. The nonconforming property has one unit and rights to rebuild a second non-transient unit. The applicant is proposing to transfer an additional transient unit and license.
The transient units retain BPAS equivalency	The license and unit will be transferred as 0.86 ESFU.	Yes.

Exhibit D

Criteria:	Proposal:	Complies? (Yes or No)
New construction is not located with the "V" zone	The property is located in the X-flood zone.	Yes.
Homeowners or Condo Association has approved	N/A. No association exists.	Yes.
Transient units may not exceed two rooms in size, excluding bathrooms	The receiver site has three bedrooms.	No. However, the structure at 328 Simonton Street is a contributing structure to the Key West Historic District. Pursuant to section 122-1342, if the receiver site is an historic structure, the planning board may consider retaining the room layout.

The following table summarizes the applicable approval criteria for a transient business tax receipt transfer pursuant to City Code **Section 122-1339**:

(a) A business tax receipt for transient use of a unit may itself be transferred from an area where transient uses are prohibited to a receiver site without the accompanying transfer of the unit. In addition, licenses may be transferred from the HNC-1 and HNC-3 zoning districts. A transfer of a license under this section shall not result in a loss of affordable housing at the receiver site.

	Analysis	Complies? (Yes or No)
Transient license transfer from an area where transient uses are prohibited	Sender site is in the HMDR district where transient use is prohibited	Yes
Transient license transfer from HNC-1 and HNC-3 zoning districts	Sender site is in the HMDR district where transient use is prohibited	Yes
Transfer would not result in a loss of affordable housing at the receiver site	The receiver site is not deed-restricted affordable	Yes

(b) Where a license alone is transferred, the planning board shall consider whether the receiver site is suitable for transient use in the zoning district, shall consider the relative size of the unit from which the license is transferred, and shall consider the room configuration of both sites to maintain approximately the same or less net number of occupants.

Receiver site suitable for transient use	N/A – The proposed transfer includes the transfer of a unit.	N/A
Relative size of the unit from which the licenses are transferred	N/A – The proposed transfer includes the transfer of a unit.	N/A
Room configuration of both sites to maintain approximately the same or less net number of occupants	N/A – The proposed transfer includes the transfer of a unit.	N/A

Exhibit D

Recommendation:

Pursuant to section 122-807, within the historic neighborhood commercial (HNC) districts, redevelopment or conversion of permanent housing structures to transient residential, office, or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs.

Pursuant to section 122-1338 (4), the transferred units shall not operate to increase density of the receiver site above the maximum allowed density (0.69).

Pursuant to section 122-1338 (5), unless the planning board determines that special conditions exist at the receiver site that warrant otherwise, the transient unit may not include more than two rooms, excluding bathrooms, and excluding porches and decks that are clearly not enclosed or habitable.

Based on the above analysis of the standards for considering transfers of transient units and transient business tax receipts in Section 122-1338 and 122-1339 of the Land Development Regulations, the Planning Department recommends the request to transfer one transient unit and associated business tax receipt from 1213 Georgia Street Unit 2 to 328 Simonton Street be **denied**.

However, if the Planning Board approves the request, staff would like to require the following conditions:

1. All requirements of City Code Section 122-1371 shall be met for the transient use of the residential dwelling unit at 328 Simonton Street.
2. The owner or manager of the transient unit must instruct all tenants of the historic district's residential parking program and if the vehicle is not eligible to park on the street, then the owner or manager shall ensure that the tenant is directed to a lawful and appropriate parking space.
3. The unit proposed to be used on a transient basis shall comply with all applicable codes and requirements of the Building Department, Fire Department, and all other regulatory agencies. The unit may not undergo a renovation or remodel that would increase the number of bedrooms.
4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.
5. The transient license assigned to 1213 Georgia Street Unit 1 shall be placed in an unassigned status and the remaining unit shall be re-classified as non-transient.



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

Susan Murphy
1200 4th Street
Key West, FL 33040

RE: LUD Application – 1213 Georgia Street, Key West, FL 33040

Dear Ms. Murphy,

Initially, on behalf of the City, please allow me to apologize for the length of time it has taken to process your lawful unit determination application. We have recently undertaken a concerted effort to review all pending applications and appreciate your patience during this period.

We have reviewed your application for 3 transient units for the real property located at 1213 Georgia Street, Key West, FL 33040, where the City recognizes 2 non-transient units. Your application was reviewed in accordance with the criteria found in Key West Code of Ordinances section 108-991. Specifically, 108-991(3) provides in part that:

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:

- a. Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;
- b. Building permits issued prior to April 1, 2010;
- c. Copies of city directory entries on or about April 1, 2010;
- d. Site visits which indicate that the age of the structure and associated improvements likely pre-date 2010;
- e. Rental, occupancy or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;
- f. Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;
- g. 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;



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

h. Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010, (Green Card); and

i. 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 for a determination of consistency with the principals for guiding development.

After a review of your application considering these criteria, coupled with a site visit on March 27, 2017, it is my determination that you have established that 3 transient units exist on the property. This is a net change to 3 transient units where 2 non-transient units were previously recognized.

In order for your unit(s) to be legally recognized the Key West Code of Ordinances requires the following additional criteria to be 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.

Under separate letter, you will receive a calculation of the back fee payments due. This letter should be sent to you within a maximum of 60 days of the receipt of this correspondence.

While the City of Key West recognizes the unit contingent upon fulfillment of the three additional requirements above, City Code also mandates that we render our decision to the Department of Economic Opportunity in Tallahassee for a determination of consistency with the Principals for Guiding Development. If the Department makes a finding that this determination is consistent with the Principals, you will have 180 days from the Department's finding to meet the criteria described in A, B & C above.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Wright".

Patrick Wright
Planning Director

Dated: 6-16-17

cc: Owen Trepanier



Exhibit F

THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

August 29, 2018

Trepanier & Associates, Inc
Attn: Lori Thompson
1421 1st Street
Key West FL 33040

RE: Build-back for 328 Simonton Street (RE # 00004170-000100)

Dear Ms. Thompson,

This letter is in response to your request of build-back rights for the property located at 328 Simonton Street in the Historic Neighborhood Commercial – Truman/Simonton (HNC-1) zoning district. According to the Monroe County Property Appraiser, the parcel is 1,882-square-feet (property record card attached). It has one wood frame primary structure, with commercial retail on the ground floor, and one residential unit on the second floor.

Historical background was provided to the planning department in the request for build back rights. It stated that prior to the current owner's purchase of the property in 1981, the second floor of the structure consisted of two residential units. It was estimated that the two units were combined to create one unit sometime between the years 1977 and 1981. Several pieces of evidence were included with the request.

During staff's review of this request, it was realized that although the 1,882-square-foot parcel has one structure today, prior to 1977 it was a 4,400 square-foot parcel, and it held two structures. A warranty deed analysis performed by staff confirmed that the original parcel was subdivided on April 1, 1977. Further analysis of the provided evidence confirmed that the rear structure, on the parcel now known as 326 Simonton Street, has a history of two residential units.

Although the original historic property record card (before the subdivision) indicates only one bathroom in the structure at 328 Simonton Street, it has a notation of "2 apts." This exhibit is accepted by the planning department as evidence of two residential living units at 328 Simonton Street.

Please do not hesitate to call me with any questions, comments, or concerns you may have.

Best regards,

A handwritten signature in cursive script that reads "Vanessa Sellers".

Vanessa Sellers
Planner I

Enclosure

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

Disclaimer

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

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

Summary

Parcel ID 00004170-000100
 Account # 1004341
 Property ID 1004341
 Millage Group 10KW
 Location 328 SIMONTON St, KEY WEST
 Address
 Legal KW PT LOT 1 SQR 24 OR707-591/592 OR831-2491/2492 OR1091-1036/1037Q/C OR1330-1466/67 OR2116-2412/15
 Description (Note: Not to be used on legal documents)
 Neighborhood 32040
 Property Class STORE COMBO (1200)
 Subdivision
 Sec/Twp/Rng 06/68/25
 Affordable No
 Housing



Owner

328 SIMONTON STREET LLC
 205 Elizabeth St
 Unit 1
 Key West FL 33040

Valuation

	2017	2016	2015	2014
+ Market Improvement Value	\$502,467	\$394,735	\$404,023	\$404,023
+ Market Misc Value	\$2,583	\$2,583	\$2,246	\$2,042
+ Market Land Value	\$418,369	\$408,926	\$408,926	\$397,874
= Just Market Value	\$923,419	\$806,244	\$815,195	\$803,939
= Total Assessed Value	\$886,868	\$806,244	\$815,195	\$803,939
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$923,419	\$806,244	\$815,195	\$803,939

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL DRY (100D)	1,882.00	Square Foot	37	45

Commercial Buildings

Style APTS-B / 03B
 Gross Sq Ft 5,524
 Finished Sq Ft 4,212
 Perimeter 853
 Stories 4
 Interior Walls
 Exterior Walls AB AVE WOOD SIDING
 Quality 450 ()
 Roof Type
 Roof Material
 Exterior Wall1 AB AVE WOOD SIDING
 Exterior Wall2
 Foundation
 Interior Finish
 Ground Floor Area
 Floor Cover
 Full Bathrooms 2
 Half Bathrooms 0
 Heating Type
 Year Built 1928
 Year Remodeled
 Effective Year Built 2003
 Condition

Code	Description	Sketch Area	Finished Area	Perimeter
ATC	Attic	1,046	0	264

Exhibit F

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	266	0	90
FLA	FLOOR LIV AREA	4,212	4,212	499
TOTAL		5,524	4,212	853

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
LC UTIL BLDG	1979	1980	1	24 SF	2
FENCES	1979	1980	1	448 SF	5
WALL AIR COND	1989	1990	1	1 UT	2

Sales

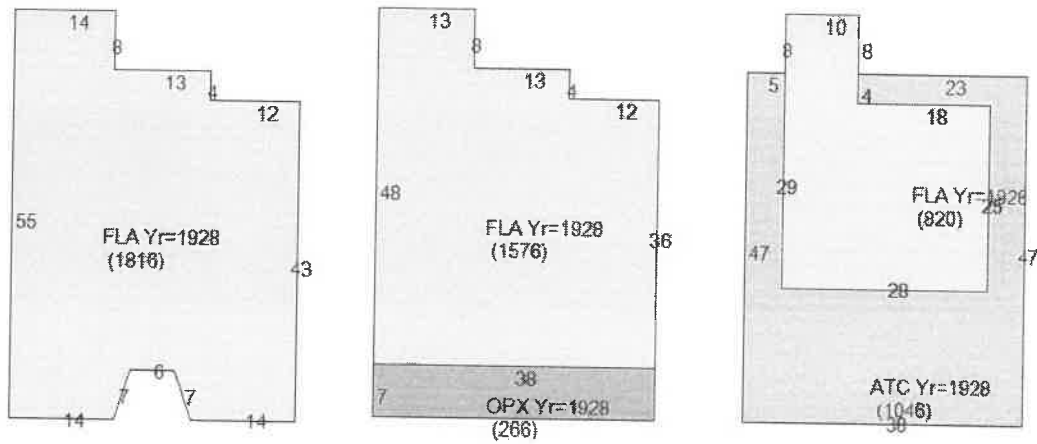
Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
3/1/1981	\$192,000	Warranty Deed		831	2491	Q - Qualified	Improved
2/1/1977	\$82,000	Conversion Code		707	591	Q - Qualified	Improved

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
17-3614	10/12/2017		\$2,300	Commercial	BATHROOM REMODEL, REPAIR, AND/OR REPLACE EXISTING ELECTRICAL DEVICES.
12-2781	7/31/2012	12/31/2012	\$1,100	Residential	KITCHEN AREA: INSTALL 144 S.F. DRYWALL, TWO SHEETS OF 5/8 DRYWALL ON CEILING & INTERIOR WALL. ONE SHEET 5/8 DRYWALL ON EXTERIOR WALLS.
04-3058	9/20/2004	12/16/2004	\$2,450		ROOF - COOLEY C-3 WHITE
04-0356	3/15/2004	10/21/2004	\$1,500		SKYLIGHTS
04-0033	1/12/2004	10/21/2004	\$2,200		ELEC OUTLETS...
03-4153	12/11/2003	10/21/2004	\$3,500		INT RENOV
03-4136	12/8/2003	10/21/2004	\$8,100		2.5 & 3-TON A/C'S; 100 AMP SUBPANEL
03-1247	4/8/2003	12/29/2003	\$300		REPLACE ROTTEN SIDING
0002181	8/3/2000	12/1/2000	\$800		ELECTRICAL
0001838	7/18/2000	8/7/2000	\$2,500		HURRICANE PANELS
9902874	9/21/1999	8/7/2000	\$4,200		306 SF EPDM ROOF
9903121	9/16/1999	8/7/2000	\$8,900		ADD BATH 1ST FL
9801957	6/22/1998	8/7/2000	\$65,000		ADDITION/RENOVATION
9702664	8/1/1997	12/1/1997	\$10,000		SBF & RESTROOM CONSTRUCTI
9702551	7/1/1997	12/1/1997	\$1,000		DEMOLITION
B950912	3/1/1995	8/1/1995	\$6,000		PAINT BUILDING

Sketches (click to enlarge)

Exhibit F



Photos



Map

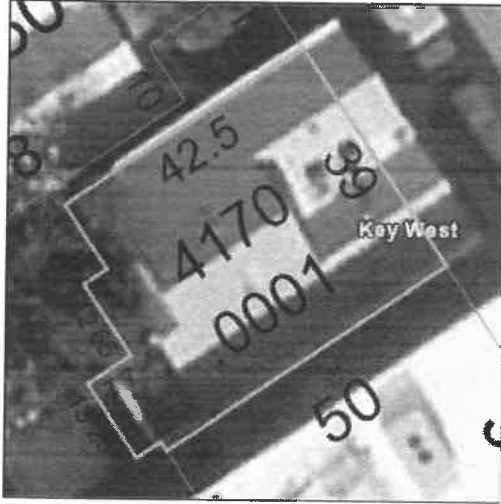


Exhibit F

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

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

Last Data Upload: 7/23/2018 2:07:38 AM

Developed by



HOLKINSKY DAVID W
5 DUVAL ST
KEY WEST, FL 33040

RV	\$GN 24
PT LOT 1	
0R234-59-60	
0R243-572-573	0R190-438-439

0907-207-588

005

LAND ACQUISITIONS						
QUARTER - TYPE OF SEC.	SUITE - AREA	UNIT PRICE	C/F	C/F	SHEET REF FROM BOOK	VALUE
Q1-1968 - 100' x 50'		75			7422	3250
Q2-1968 - 100' x 50'		75			7423	3250
TOTAL						6500

REAL PROPERTY RECORD CARD

MONTE COBAY FLORIDA

VALUATION TOTAL

[illegible]

— 894.204 —

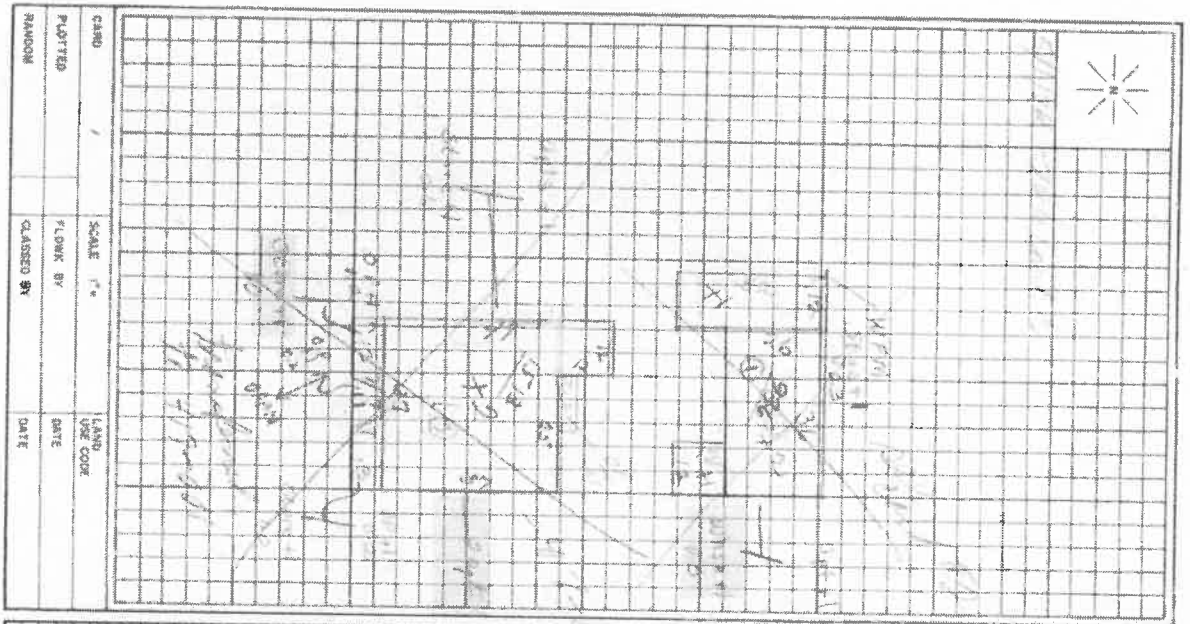
7/25/00 CR 20-100 400



1000

[illegible]

Exhibit C



IMPROVEMENT		CONSTRUCTION DATA			
1	2	3	4	5	6
TYPE OF STRUCTURE	1	2	3	4	5
YEAR BUILT	1	2	3	4	5
ROOF TYPE	1	2	3	4	5
ROOF MATERIAL	1	2	3	4	5
EXTERIOR WALLS	1	2	3	4	5
FOUNDATION	1	2	3	4	5
ADJUSTMENTS	1	2	3	4	5
PLUMBING	1	2	3	4	5
ELECTRICITY	1	2	3	4	5
MECHANICAL	1	2	3	4	5
PAVING	1	2	3	4	5
LANDSCAPE	1	2	3	4	5
UTILITIES	1	2	3	4	5
OTHER	1	2	3	4	5
REMARKS					
DATE					
BY					
CHECKED BY					
APPROVED BY					