

IN THE CITY OF KEY WEST, BEFORE THE CITY COMMISSION SITTING AS
THE BOARD OF ADJUSTMENT FOR THE CITY OF KEY WEST, FLORIDA

YATISH GOYAL and
VIDYA GOYAL, husband and wife,

Appellants,

v.

CITY OF KEY WEST

Appellee,

RECEIVED
CITY CLERK'S OFFICE
2019 DEC -5 PM 3:37
CITY OF KEY WEST
KEY WEST, FLORIDA

NOTICE OF APPEAL OF DENIAL OF LAWFUL UNIT DETERMINATION

NOTICE IS HEREBY GIVEN, that YATISH GOYAL AND VIDYA GOYAL (“Appellants”), hereby appeal to the Board of Adjustment of the City of Key West, Florida, the administrative decision of the Planning Director Roy Bishop (“Planning Director”) of the City of Key West, Florida, denying the lawful unit determination application with respect to the property commonly known as 1409 White Street Key West, Florida¹, (the “Subject Property”) which was executed on November 25, 2019, a copy of which is attached hereto and made a part of this Appeal a copy of the City’s determination is attached hereto, made a part hereof and marked as Exhibit “A”.

Appellants have standing to bring this Appeal pursuant to Section 90-430, Key West, Florida, Municipal Code (2016), because Appellants were affected by the decision rendered by a City of Key West, Chief Official.

BACKGROUND

1. Appellants are the owners of the subject property located at 1409 White Street, Key West, Florida, by virtue of a Warranty Deed executed on January 10, 2005 and recorded

¹ The Subject Property has RE: Number 00041330-000000 and Alternate Key # 1042005

on February 10, 2005 in Book 2084, Page 307, of the Official Records Book of the Monroe County, Florida. Subsequently, Yatish C. Goyal and Vidya Y. Goyal, executed a Quit Claim Deed on October 26, 2005, which was record on November 8, 2005 in Book 2164, Page 260, of the Official Records Book of Monroe County, Florida. A copy of this Warranty Deed and Quit Claim Deed are attached hereto made a part hereof and marked as Exhibit "B"

2. The subject property consists of two (2) story framed residence consisting of four (4) bedrooms that has approximately 1748 finished square feet that was constructed in 1938 with an effective year built of 1992. A copy of the Monroe County Property Record Card of the Subject Property is attached hereto, made a part hereof and marked as Exhibit "C"
3. Appellants have been renting the subject property as a transient since the year 2009.
4. On or about June 14, 2018, Appellants filed with the City their Lawful Unit Determination Application with the City of Key West seeking a determination that their existing transient use was exempt for the City's Building Permit Allocation System (BPAS) pursuant to section 108-991, Key West, Fla. Municipal Code (2016).
5. On or about November 25, 2019, more than one and one-half (1.5) years after the submittal of the application, the Planning Director, reviewed Appellants' application in accordance with the criteria found in Key West Code of Ordinances section 108-991. Specially, 108-991(3) finding that none of the categories of pertinent historic records support a granting of the LUD application. It should be noted that when Appellants submitted their application, Sec. 108-991 provided that "*Transient Units which meet the criteria in this subsection will be licensed by the City*". This provision was removed by Ord. 19-10, more than a year after the date the subject application was submitted.

6. Section 108-991, Key West, Fla., Municipal Code (2016) only requires that two of the delineated categories are required under the ordinance to grant LUD recognition. Despite ample evidence submitted with the application, the Planning Director made a determination that the Applicant was not entitled to the requested LUD recognition and determined that the Applicants only established the existence of one non-transient unit, which existed prior to April 2010. As further evidence, the Planning Director states that the Appellants applied for a Homestead Exemption during the years of 2010 through 2013.
7. Following the Planning Director's denial this appeal ensued.

ARGUMENT

THE CITY PASSED THE LUD ORDINANCE TO ADDRESS THE CURRENT ISSUES AT HAND. THE CITY IS REQUIRED TO FOLLOW ITS OWN RULES AND REGULATIONS.

Section 108-991, Key West, Fla., Municipal Code (2016), states:

Development consistent with the following shall not be affected by the terms of this article, but such development shall comply with all applicable sections of the city's land development regulations:

(3) 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. Applications received after May 2, 2017 must demonstrate that the unit sought to be established hereunder is or has been legally permissible

under the current or any former zoning requirements of the applicable district in which the unit is located.

- 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;
- 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.

Section 108-991(3) states that if at least two of the nine criteria listed in subsection (3) are met and a site visit is performed that it will be determined that the unit was existence on or about April 1, 2010 and is, therefore not affected by the City of Key West's Building Permit Allocation System, ("BPAS"). There is no question that the two-family structure existed on the subject land prior to April 1, 2010, thereby meeting one of the required elements. To meet the requirements of Section 108-991(3), the Appellants submitted thirteen (13) documents demonstrating the existence of the transient use on or before April 1, 2010.

The Appellants submitted the following records which substantiated the record under section 108-991(3)(e):

- a. LUD Application with exhibits;
- b. September 30, 2009 Invoice/Receipt for HomeAway rental program;
- c. September 26, 2010, Invoice/Receipt for HomeAway rental program;
- d. Map used by the HomeAway rental program;

- e. HomeAway email inquiry dated January 20, 2010;
- f. HomeAway email inquiry dated January 19, 2010;
- g. HomeAway email inquiry and response dated March 6, 2010;
- h. Email between owners and guests dated February 26, 2010;
- i. Affidavit from Nadine Grossman Orr stating that the unit was used for short term rentals in 2009 and 2010;
- j. Affidavit from Joseph Kukella, the neighbor who witnessed the short-term rental of the subject property for the years 2009 and 2010, also admitted that he rented the unit himself on a short-term basis.

Additionally, the Appellants' application demonstrated prior to 1986, the zoning for the subject property was HP-3, which permitted transient lodging as a special exemption. Additionally, the City did not prohibit transient tenancy of residential dwellings, prior to 1986. The rental of residential property was permitted for any length of time. This was the status quo until 1997 when the City determined transient rentals should be more tightly regulated. As a result, Ordinance 97-20 was approved clarifying the definition of transient living accommodations to include single family dwellings. Copies of the above stated evidence are attached hereto, made a part hereof and marked as composite Exhibit "D".

A plain reading of Section 108-991(3) requires the City to make a determination of a lawful unit if two of the criteria have been met. Here, there is documented support despite the Planning Director's determination that none existed. However, despite the overwhelming evidence contrary to the denial, the Planning Director has determined that the applicant only established a single non-transient unit exists on the property. Presumably, as it has been argued in the past, the Planning Director is taking the position that the applicant is applying for a

“transient use” and not a transient unit, as the unit being used was not new “development” as stated by the Code and the subject ordinance. To make that determination, “development” must be defined. Development is defined in Section 86-8 – Definitions of Terms, the Code of Ordinances of the City of Key West as:

“Development means the carrying out of any building activity or excavation, including the making of any *material change in the use* or appearance of any structure or land, or the dividing of land into two or more parcels.” Sec. 86-8, Code of Ordinances. [Emphasis added by undersigned]

Examining the record in this matter, there is unequivocal documented support that there was a material change of use, from non-transient to transient and therefore, under Section 108-991(3), Appellants are entitled to a determination that the Subject Property has a lawfully established transient unit.

It should be noted that all exhibits, except for the Denial of the Lawful Use Determination were apart of the Lawful Use Determination Application.

HOMESTEAD ISSUE

Appellants are “snow birds” and despite the fact that they applied for an were granted a Homestead Exemption under Chapter 196 of the Florida Statutes, Appellants rented the unit on a short-term basis when they were not living there. Florida Homestead exemptions does not prohibit a homeowner from renting the subject unit, rather it restricts the time periods in which it can be rented, before the homeowner abandons the exemption. Therefore by merely having a homestead exemption on the property, it does not conclusively establish that the property was not used for transient rentals.

CONCLUSION

The record reflects that the Appellants have met the threshold burden of proving the existence of a transient unit on or before April 1, 2010. Additionally, the Appellants provided

the City of Key West, ample evidence to establish that they met the criteria in Section 108-991(3) proving that the unit not only existed but was used as a transient unit since 2009. As such, Appellants respectfully request the Board of Adjustment to enter a decision:

1. Granting the Appeal by VIDYA GOYAL AND YATISH GOYAL;
2. Denying or Striking the decision of the Planning Director of the City of Key West, Florida denying the lawful unit determination filed by Appellants; and
3. For any further relief this Board of Adjustment deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 5, 2019, a true and correct copy of the foregoing appeal was personally served on Cheri Smith, Clerk of the City of Key West, 1300 White Street, Key West, Florida 33040.

Highsmith & Van Loon, P.A.

Attorneys for Appellantss

3158 Northside Drive

Key West, Florida 33040

Telephone (305) 296-8851

E-mail: david@hvl-law.com

Secondary E-mail: service@hvl-law.com

By: 

David Van Loon

Florida Bar #0655074

EXHIBIT "A"



THE CITY OF KEY WEST

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

November 20, 2019

Trepanier & Associates, Inc,
Lori Thompson
1421 1st Street #101
Key West FL 33040

RE: LUD Application – Vidya & Yatish Goyal, 1409 White Street, Key West, FL 33040 (RE # 00041330-000000)

Dear Ms. Thompson,

We have reviewed your application for one transient unit for the real property located at 1409 White Street, Key West, FL 33040, where the City recognizes one non-transient unit. 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. Applications received after May 2, 2017 must demonstrate that the unit sought to be established hereunder is or has been legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located.

Transient units which meet the criteria in this subsection will be licensed by the city.

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

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



THE CITY OF KEY WEST

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

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 review of your application considering these criteria, coupled with a site visit on September 20, 2018, it is my determination that you have established that one non-transient unit exists on the property. The unit is not a new determination as it has been recognized by the city since prior to April of 2010. In addition, according to the Monroe County Tax Appraiser, a homestead exemption was applied to the property during years 2010, 2011, 2012, and 2013.

Sincerely,

A handwritten signature in dark ink that reads "Roy Bishop".

Roy Bishop
Planning Director

Dated: _____

11/25/19

EXHIBIT "B"

Return to:
Century Title Corp.
701 Caroline Street
Key West, FL 33040

Instrument Prepared by and return to
Century Title Corp.
Century Title Corporation
701 Caroline Street
Key West, FL 33040

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
1042005
Grantee(s) S.S.#(s):
File No: 2004-507

Doc# 1498070 02/10/2005 1:58PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

DEED DOC STAMP CL: FP \$3,950.00

Doc# 1498070
Skn 2084 Pgn 307

WARRANTY DEED

This Warranty Deed Made the 10th day of January, 2005, by MARY HILL, A Single Woman, an undivided one-eighth interest hereinafter called the grantor, whose post office address is: 205 NW 22nd Street, Homestead, FL 33030.

to YATISH C. GOYAL and Vidya Y. Goyal, Husband and Wife, whose post office address is: 1409 White Street, Key West, FL 33040, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Monroe County, Florida, viz:

On the Island of Key West, known on William A. Whitehead's Map delineated in February 1829 as a part of Tract 19, and is better known as Lot 2, in Block 5, in Tract 19 of the Island of Key West, according to a subdivision of said Tract 19 surveyed and made by W.A. Gwynn, surveyor, the map or plat of said subdivision being duly recorded in Monroe County, Recorded in Plat Book 1 on Page 34, to which reference is hereby made. The lot conveyed lies on the easterly side of White Street, between Washington and South Streets; and having a frontage of 46'9" on White Street, extending back at right angles to White Street, and parallel with Washington Street 100'1", Monroe County, Florida.

SUBJECT TO: Taxes for the year 2005 and all subsequent years, conditions, restrictions and reservations of record, zoning ordinances and easements for public utilities, if any. This is not the homestead property of the grantor, nor that of his spouse, nor contiguous thereto, who reside at 205 NW 22nd Street, Homestead, FL 33030

The property is not the homestead of the Grantor(s).

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, , reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this, 10th day of January 2005, by MARY HILL, A Single Woman, an undivided one-eighth interest who is personally known to me or have produced driver's licenses as identification

My Commission Expires:



Printed Name:
Notary Public
Serial Number

MONROE COUNTY
OFFICIAL RECORDS

Return to: (Enclose self addressed stamped envelope)

Name: STONES & CARDENAS

Address: 221 Simonton Street
Key West, FL 33040

Doc# 1549994 11/08/2005 1:21PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Instrument Prepared By:

STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

11/08/2005 1:21PM
DEED DOC STAMP CL: PW \$1,926.40

QUIT CLAIM DEED

Doc# 1549994
Bk# 2164 Pg# 260

THIS QUIT CLAIM DEED, executed this 26 day of October, 2005, by and between YATISH C. GOYAL, a married man, joined by his wife VIDYA Y. GOYAL, whose address is 3700 Sunrise Lane, Key West, Florida, 33040, party of the first part, and YATISH C. GOYAL and VIDYA Y. GOYAL, husband and wife, whose address is 3700 Sunrise Lane, Key West, Florida, 33040, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, have remised, released and quit-claimed, and by these presents do remise, release and quit-claim unto the said party of the second part all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Monroe, State of Florida, to wit:

On the Island of Key West, known on William A. Whitehead's Map delineated in February 1829 as a part of Tract 19, and is better known as Lot 2, in Block 5, in Tract 19 of the Island of Key West, according to a subdivision of said Tract 19 surveyed and made by W.A. Gwynn, surveyor, the map or plat of said subdivision being duly recorded in Monroe County, Recorded in Plat Book 1 of Page 34, to which reference is hereby made. The lot conveyed lies on the easterly side of White Street, between Washington and South Streets; and having a frontage of 46'9" on White Street, extending back at right angles to White Street, and parallel with Washington Street 100'1", Monroe County, Florida.

PARCEL IDENTIFICATION NO.: 00041330-000000

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

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

THIS DOCUMENT WAS PREPARED WITHOUT BENEFIT OF TITLE SEARCH OR ABSTRACT EXAMINATION AND IS BASED SOLELY ON THE FACTS PROVIDED BY EITHER OF THE PARTIES OR THEIR AGENTS.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim

whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

IN WITNESS WHEREOF, the said party of the first part has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Maxine Rosen
Signature of Witness
Maxine Rosen
Printed Name of Witness
Anna P. Harris
Signature of Witness
Anna P. Harris
Printed Name of Witness

Yatish C. Goyal
YATISH C. GOYAL

Maxine Rosen
Signature of Witness
Maxine Rosen
Printed Name of Witness
Anna P. Harris
Signature of Witness
Anna P. Harris
Printed Name of Witness

Vidya Y Goyal
VIDYA Y GOYAL

STATE OF NEW YORK:
COUNTY OF Onondaga:

MONROE COUNTY
OFFICIAL RECORDS

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, YATISH C. GOYAL and VIDYA Y. GOYAL, husband and wife, who are personally known to me to be the persons described in and who executed the foregoing Quit Claim Deed or who produced NYS drivers license as identification, and they have acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Syracuse, County of Onondaga, State of New York, this 26th day of October, 2005.

Lynette Sue Smith
Printed Name of Notary

Lynette Sue Smith
NOTARY PUBLIC

My Commission Expires: 2/28/07

LYNETTE SUE SMITH
NOTARY PUBLIC ST. OF NY
QUAL. ON. CO. NO. 4670014
MY COMM. EXP. FEB. 28. 2007

whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

IN WITNESS WHEREOF, the said party of the first part has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Maxine Rosen
Signature of Witness

Maxine Rosen
Printed Name of Witness

Anna P. Harris
Signature of Witness

Anna P. Harris
Printed Name of Witness

Yatish C. Goyal
YATISH C. GOYAL

Maxine Rosen
Signature of Witness

Maxine Rosen
Printed Name of Witness

Anna P. Harris
Signature of Witness

Anna P. Harris
Printed Name of Witness

Vidya Y Goyal
VIDYA Y GOYAL

STATE OF NEW YORK:
COUNTY OF Onondaga

MONROE COUNTY
OFFICIAL RECORDS

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, YATISH C. GOYAL and VIDYA Y. GOYAL, husband and wife, who are personally known to me to be the persons described in and who executed the foregoing Quit Claim Deed or who produced NYS drivers license as identification, and they have acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Syracuse, County of Onondaga, State of New York, this 26th day of October, 2005.

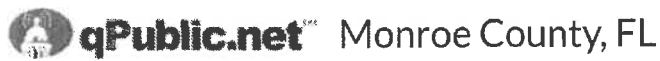
Lynette Sue Smith
Printed Name of Notary

Lynette Sue Smith
NOTARY PUBLIC

My Commission Expires: 2/28/07

LYNETTE SUE SMITH
NOTARY PUBLIC ST. OF NY
QUAL. ON. CO. NO. 4670014
MY COMM. EXP. FEB. 28. 2007

EXHIBIT "C"



Summary

Parcel ID 00041330-000000
Account # 1042005
Property ID 1042005
Millage Group 10KW
Location 1409 WHITE St, KEY WEST
Address
Legal KW TROPICAL BLDG AND INVESTMENT CO SUB LOT 2 SQR 5 TR 19 PB1-34
Description G12-586 OR446-214 OR931-1553L/E OR1013-1261P/R OR1053-2194 OR2084-307
 OR2084-308 OR2084-309 OR2084-310 OR2084-311 OR2164-260/61
 (Note: Not to be used on legal documents)
Neighborhood 6131
Property Class SINGLE FAMILY RESID (0100)
Subdivision Tropical Building and Investment Co
Sec/Twp/Rng 05/68/25
Affordable No
Housing



Owner

GOYAL VIDYA Y
 PO Box 4870
 Key West FL 33041

GOYAL YATISH C
 PO Box 4870
 Key West FL 33041

Valuation

	2017	2016	2015	2014
+ Market Improvement Value	\$217,428	\$186,643	\$182,118	\$186,158
+ Market Misc Value	\$22,343	\$23,401	\$20,191	\$18,775
+ Market Land Value	\$391,268	\$440,892	\$513,697	\$373,375
= Just Market Value	\$631,039	\$650,936	\$716,006	\$578,308
= Total Assessed Value	\$631,039	\$650,936	\$636,138	\$578,308
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$631,039	\$650,936	\$716,006	\$578,308

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	4,678.00	Square Foot	47	100

Buildings

Building ID	3233	Exterior Walls	ABOVE AVERAGE WOOD with 11% C.B.S.
Style		Year Built	1938
Building Type	S.F.R. - R1 / R1	Effective Year Built	1992
Gross Sq Ft	2117	Foundation	WD CONC PADS
Finished Sq Ft	1748	Roof Type	GABLE/HIP
Stories	2 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	CONC S/B GRND
Perimeter	270	Heating Type	NONE with 0% NONE
Functional Obs	0	Bedrooms	4
Economic Obs	0	Full Bathrooms	2
Depreciation %	32	Half Bathrooms	0
Interior Walls	WALL BD/WD WAL	Grade	550
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
DGF	DETACHED GARAGE	180	0	0
EPB	ENCL PORCH BLK	189	0	0
FLA	FLOOR LIV AREA	1,748	1,748	0
TOTAL		2,117	1,748	0

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
PATIO	1937	1938	1	260 SF	2
BRICK PATIO	1947	1948	1	260 SF	2
RES POOL	2010	2011	1	128 SF	5
WOOD DECK	2010	2011	1	412 SF	2

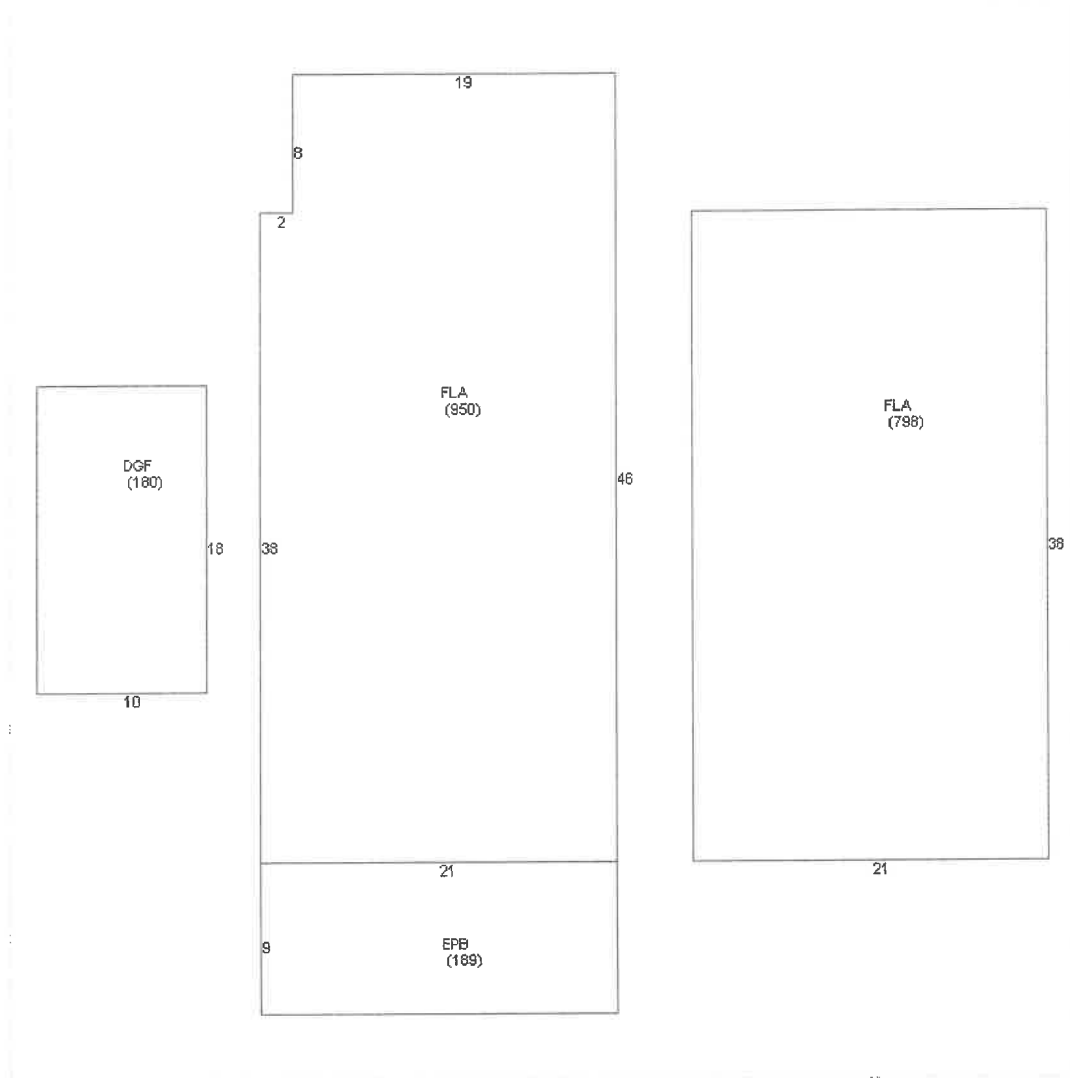
Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
10/26/2005	\$275,200	Warranty Deed		2164	260	H - Unqualified	Improved
1/10/2005	\$850,000	Warranty Deed		2084	307	Q - Qualified	Improved

Permits

Number ↕	Date Issued ↕	Date Completed ↕	Amount ↕	Permit Type ↕	Notes ↕
10-2040	7/8/2010	3/24/2011	\$12,000		CONSTRUCT WOOD DECK 412sf
10-1788	6/2/2010	3/4/2011	\$24,000		8 x16 NEW INGROUND CONCRETE POOL
07-0688	2/15/2007	8/3/2007	\$1,000	Residential	REPAIR ROTTEN SIDING
05-0569	4/18/2005	12/20/2005	\$2,400	Residential	UPGRADE ELECTRIC TO 200AMP
96-2533	6/1/1996	11/1/1996	\$4,500	Residential	PAINTING
96-1605	4/1/1996	11/1/1996	\$2,000	Residential	ROOF
96-1287	3/1/1996	11/1/1996	\$880	Residential	ROOF

Sketches (click to enlarge)



Photos



Map



No data available for the following modules: Commercial 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

Developed by

Last Data Upload: 6/5/2018, 4:14:40 AM

EXHIBIT "D"



June 14, 2018

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

**RE: Lawful Unit Determination (LUD) Amendment
 1409 White Street – The Pita Vacation Home
 RE# 00041330-000000**

Dear Mr. Wright:

Attached is an application for a lawful unit determination pursuant to Sec. 108-991, requesting the recognition of one transient unit at the above property.

Units and Use:

The above property, also known as the Pita Vacation Home, is a 2-story frame residence consisting of 4 bedrooms. The property was used transiently on or about April 1, 2010 as evidenced by the material submitted herewith. We are seeking recognition of the transient use of the Pita Vacation Home located at 1409 White Street.

Units Recognized by the City of Key West today	
Utilities Department	1 residential unit
Licensing Department	1 non-transient rental

Heron House Main Residence			
Date	Evidence	Compliance	Exhibit
2009	HomeAway listing (#171742) receipt	Sec. 108-991(3)i	A
2010	HomeAway listing (#171742) receipt	Sec. 108-991(3)i	B
2009-2010	HomeAway Map	Sec. 108-991(3)i	C
01-20-10	Email inquiry listing #171742	Sec. 108-991(3)e	D
01-19-10	Email inquiry listing #171742	Sec. 108-991(3)e	E
03-06-10	Email inquiry listing #171742	Sec. 108-991(3)e	F
02-26-10	Reservation for April 15-21, 2010	Sec. 108-991(3)e	G
05-24-18	Affidavit of transient use	Sec. 108-991(3)i	H

Legal Permissibility (under current or any former zoning requirements):

The property's current zoning is HMDR. Prior to 1986, the zoning for this area was HP-3 which permitted transient lodging as a special exception¹. Additionally, the City did not prohibit transient tenancy of residential dwellings, prior to 1986. The rental of residential property was permitted for any length of time². This was the status quo until 1997 when the City determined transient rentals should be more tightly regulated. As a result, Ordinance 97-20 was approved clarifying the definition of transient living accommodations to include single family dwellings.

In conclusion, given the above documentation, we respectfully request the City of Key West recognize that one transient dwelling unit existed on the subject property on, or about, April 1,

¹ Ordinance 85-23

² Sec. 122-1371. – Transient living accommodations in residential dwellings; regulations.

1421 First Street, Key West, FL • 33040

Phone: 305-293-8983 • Fax: 305-293-8748 • Email: Lori@owentrepanier.com

June 14, 2018
Page 2 of 2

2010 and was a permissible use under former zoning requirements. Thank you in advance for your consideration.

Best Regards,

A handwritten signature in cursive script, appearing to read 'Lori Thompson', written in dark ink.

Lori Thompson
Project Manger



Application For Lawful Unit Determination

City of Key West, Florida • Planning Department

1300 White Street • Key West, Florida 33040-4602 • 305-809-3764 • www.cityofkeywest-fl.gov

Application Fee: \$1,000.00

Ordinance 17-02, Effective May 3, 2017

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

PROPERTY DESCRIPTION:

Site Address: 1409 White Street

Real Estate (RE) #: 00041330-000000

Alternate Key: 1042005

Zoning District: HMDR

Total Land Area (sq ft): 4,678.0

Property located within the Historic District?

☒ Yes ☐ No

APPLICANT: ☐ Owner ☒ Authorized Representative

Name: Trepanier & Associates, Inc.

Mailing Address: 1421 1st Street unit 101

City: Key West

State: FL

Zip: 33040

Home/Mobile Phone: NA

Office: 305-293-8983

Fax: 305-293-8748

Email: lori@owentrepanier.com

PROPERTY OWNER: (if different than above)

Name: Vidya Goyal and Yatish Goyal

Mailing Address: PO Box 4870

City: Key West

State: FL

Zip: 33040

Home/Mobile Phone: NA

Office: c/o 305-293-8983

Fax: c/o 305-293-8748

Email: c/o lori@owentrepanier.com

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

Case Number: _____

UNIT TYPE	NUMBER OF UNITS	
	EXISTING	LICENSED ¹ / RECOGNIZED
Market-Rate Residential Dwelling Units	0	1
Affordable Residential Dwelling Units ²		
Transient Units	1	0
Commercial Units		

¹ Please provide City Licensing Records from the Building Department

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

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

- ☐ Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;
- ☐ Building permits issued prior to April 1, 2010;
- ☐ Copies of city directory entries on or about April 1, 2010;
- ☒ Applications received after May 2, 2017 must demonstrate that the unit sought to be established hereunder is or has been legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located.
- ☐ Site visits which indicate that the age of the structure and associated improvements likely pre-date 2010;
- ☒ Rental, occupancy or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;
- ☐ Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;
- ☐ Documentation for Keys Energy Service, Florida Keys Aqueduct Authority and other available utilities indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 2010;
- ☐ Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010 (Green Card); and
- ☒ Similar documentation as listed above.

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

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

- a. The applicant satisfies the building department that the unit meets the Florida Building Code, through as-built certifications or other means acceptable to the building official; and
- b. Fees: All back-fee payments shall be paid current and in full, from the date determined to be the established date of the unit. All impact fees shall be paid in full for units determined to have been established after the implementation of the Impact Fee Ordinance (January 1, 1985).
- c. Occupational license with the city is updated, and street addresses are assigned commensurate with the updated unit count.
- d. Applications received after May 2, 2017 must demonstrate that the unit sought to be established hereunder is or has been legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located.

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

The review process for lawful unit determination is as follows:

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

Application checklist:

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



Summary

Parcel ID 00041330-000000
Account # 1042005
Property ID 1042005
Millage Group 10KW
Location 1409 WHITE St., KEY WEST
Address
Legal KW TROPICAL BLDG AND INVESTMENT CO SUB LOT 2 SQR 5 TR 19 PB1-34
Description G12-586 OR446-214 OR931-1553L/E OR1013-1261P/R OR1053-2194 OR2084-307 OR2084-308 OR2084-309 OR2084-310 OR2084-311 OR2164-260/61
 (Note: Not to be used on legal documents)
Neighborhood 6131
Property Class SINGLE FAMILY RESID (0100)
Subdivision Tropical Building and Investment Co
Sec/Twp/Rng 05/68/25
Affordable No
Housing



Owner

GOYAL VIDYA Y
 PO Box 4870
 Key West FL 33041

GOYAL YATISH C
 PO Box 4870
 Key West FL 33041

Valuation

	2017	2016	2015	2014
+ Market Improvement Value	\$217,428	\$186,643	\$182,118	\$186,158
+ Market Misc Value	\$22,343	\$23,401	\$20,191	\$18,775
+ Market Land Value	\$391,268	\$440,892	\$513,697	\$373,375
= Just Market Value	\$631,039	\$650,936	\$716,006	\$578,308
= Total Assessed Value	\$631,039	\$650,936	\$636,138	\$578,308
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$631,039	\$650,936	\$716,006	\$578,308

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	4,678.00	Square Foot	47	100

Buildings

Building ID 3233
Style
Building Type S.F.R. - R1 / R1
Gross Sq Ft 2117
Finished Sq Ft 1748
Stories 2 Floor
Condition AVERAGE
Perimeter 270
Functional Obs 0
Economic Obs 0
Depreciation % 32
Interior Walls WALL BD/WD WAL
Exterior Walls ABOVE AVERAGE WOOD with 11% C.B.S.
Year Built 1938
EffectiveYearBuilt 1992
Foundation WD CONC PADS
Roof Type GABLE/HIP
Roof Coverage METAL
Flooring Type CONC S/B GRND
Heating Type NONE with 0% NONE
Bedrooms 4
Full Bathrooms 2
Half Bathrooms 0
Grade 550
Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
DGF	DETACHED GARAGE	180	0	0
EPB	ENCL PORCH BLK	189	0	0
FLA	FLOOR LIV AREA	1,748	1,748	0
TOTAL		2,117	1,748	0

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
PATIO	1937	1938	1	260 SF	2
BRICK PATIO	1947	1948	1	260 SF	2
RES POOL	2010	2011	1	128 SF	5
WOOD DECK	2010	2011	1	412 SF	2

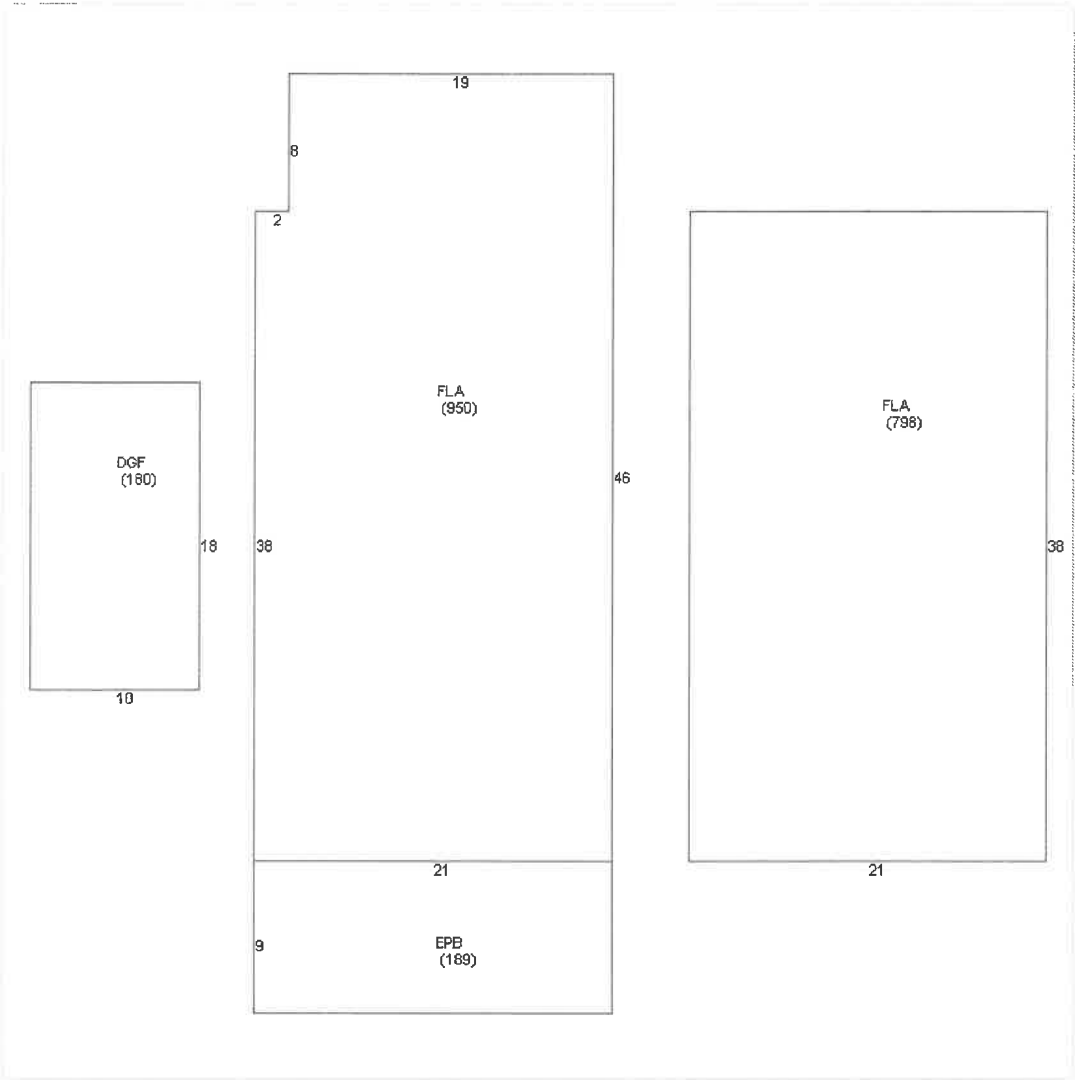
Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
10/26/2005	\$275,200	Warranty Deed		2164	260	H - Unqualified	Improved
1/10/2005	\$850,000	Warranty Deed		2084	307	Q - Qualified	Improved

Permits

Number ⇅	Date Issued ⇅	Date Completed ⇅	Amount ⇅	Permit Type ⇅	Notes ⇅
10-2040	7/8/2010	3/24/2011	\$12,000		CONSTRUCT WOOD DECK 412sf
10-1788	6/2/2010	3/4/2011	\$24,000		8 x16 NEW INGROUND CONCRETE POOL
07-0688	2/15/2007	8/3/2007	\$1,000	Residential	REPAIR ROTTEN SIDING
05-0569	4/18/2005	12/20/2005	\$2,400	Residential	UPGRADE ELECTRIC TO 200AMP
96-2533	6/1/1996	11/1/1996	\$4,500	Residential	PAINTING
96-1605	4/1/1996	11/1/1996	\$2,000	Residential	ROOF
96-1287	3/1/1996	11/1/1996	\$880	Residential	ROOF

Sketches (click to enlarge)



Photos



Map

No data available for the following modules: Commercial 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

Developed by

Last Data Upload: 6/5/2018, 4:14:40 AM

Return to: (Enclose self addressed stamped envelope)
Name: STONES & CARDENAS
Address: 221 Simonton Street
Key West, FL 33040

Doc# 1549994 11/08/2005 1:21PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Instrument Prepared By:

STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

11/08/2005 1:21PM
DEED DOC STAMP CL: PW \$1,926.40

QUIT CLAIM DEED

Doc# 1549994
Bk# 2164 Pg# 260

THIS QUIT CLAIM DEED, executed this 26 day of October, 2005, by and between YATISH C. GOYAL, a married man, joined by his wife VIDYA Y. GOYAL, whose address is 3700 Sunrise Lane, Key West, Florida, 33040, party of the first part, and YATISH C. GOYAL and VIDYA Y. GOYAL, husband and wife, whose address is 3700 Sunrise Lane, Key West, Florida, 33040, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, have remised, released and quit-claimed, and by these presents do remise, release and quit-claim unto the said party of the second part all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Monroe, State of Florida, to wit:

On the Island of Key West, known on William A. Whitehead's Map delineated in February 1829 as a part of Tract 19, and is better known as Lot 2, in Block 5, in Tract 19 of the Island of Key West, according to a subdivision of said Tract 19 surveyed and made by W.A. Gwynn, surveyor, the map or plat of said subdivision being duly recorded in Monroe County, Recorded in Plat Book 1 of Page 34, to which reference is hereby made. The lot conveyed lies on the easterly side of White Street, between Washington and South Streets; and having a frontage of 46'9" on White Street, extending back at right angles to White Street, and parallel with Washington Street 100'1", Monroe County, Florida.

PARCEL IDENTIFICATION NO.: 00041330-000000

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

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

THIS DOCUMENT WAS PREPARED WITHOUT BENEFIT OF TITLE SEARCH OR ABSTRACT EXAMINATION AND IS BASED SOLELY ON THE FACTS PROVIDED BY EITHER OF THE PARTIES OR THEIR AGENTS.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim

whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

IN WITNESS WHEREOF, the said party of the first part has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Maxine Rosen
Signature of Witness
Maxine Rosen
Printed Name of Witness
Anna P. Harris
Signature of Witness
Anna P. Harris
Printed Name of Witness

Yatish C. Goyal
YATISH C. GOYAL

Maxine Rosen
Signature of Witness
Maxine Rosen
Printed Name of Witness
Anna P. Harris
Signature of Witness
Anna P. Harris
Printed Name of Witness

Vidya Y Goyal
VIDYA Y GOYAL

STATE OF NEW YORK:
COUNTY OF Onondaga:

MONROE COUNTY
OFFICIAL RECORDS

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, YATISH C. GOYAL and VIDYA Y. GOYAL, husband and wife, who are personally known to me to be the persons described in and who executed the foregoing Quit Claim Deed or who produced NYS drivers license as identification, and they have acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Syracuse, County of Onondaga, State of New York, this 26th day of October, 2005.

Lynette Sue Smith
Printed Name of Notary

Lynette Sue Smith
NOTARY PUBLIC

My Commission Expires: 2/28/07

LYNETTE SUE SMITH
NOTARY PUBLIC ST. OF NY
QUAL. ON. CO. NO. 4670014
MY COMM. EXP. FEB. 28. 2007

whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

IN WITNESS WHEREOF, the said party of the first part has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Maxine Rosen
Signature of Witness
Maxine Rosen
Printed Name of Witness
Anna P. Harris
Signature of Witness
Anna P. Harris
Printed Name of Witness

Yatish C. Goyal
YATISH C. GOYAL

Maxine Rosen
Signature of Witness
Maxine Rosen
Printed Name of Witness
Anna P. Harris
Signature of Witness
Anna P. Harris
Printed Name of Witness

Vidya Y Goyal
VIDYA Y GOYAL

STATE OF NEW YORK:
COUNTY OF Onondaga:

MONROE COUNTY
OFFICIAL RECORDS

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, YATISH C. GOYAL and VIDYA Y. GOYAL, husband and wife, who are personally known to me to be the persons described in and who executed the foregoing Quit Claim Deed or who produced NYS drivers license as identification, and they have acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Syracuse, County of Onondaga, State of New York, this 26th day of October, 2005.

Lynette Sue Smith
Printed Name of Notary

Lynette Sue Smith
NOTARY PUBLIC

My Commission Expires: 2/28/07

LYNETTE SUE SMITH
NOTARY PUBLIC ST. OF NY
QUAL. ON. CO. NO. 4670014
MY COMM. EXP. FEB. 28. 2007

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an Entity)

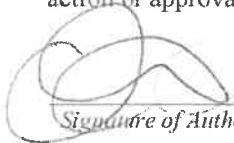
I, Owen Trepanier, in my capacity as President
(print name) (print position; president, managing member)
of Trepanier & Associates, Inc.
(print name of entity serving as Authorized Representative)

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:

1409 White Street

Street Address of subject property

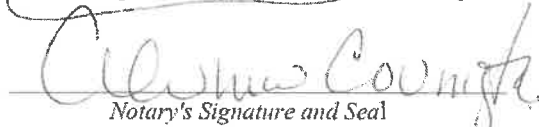
All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, 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 14th June 2018 by
date

Owen Trepanier
Name of Authorized Representative

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


Notary's Signature and Seal

Alvin Covington
Name of Acknowledger typed, printed or stamped



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

FF 913801
Commission Number, if any

**City of Key West
Planning Department**



Authorization Form
(Individual or Joint Owner)

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

I, Vidya Goyal & Yatish Goyal authorize
Please Print Name(s) of Owner(s) as appears on the deed

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.

Vidya Goyal
Signature of Owner

Yatish C. Goyal
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 6/13/2018
Date

by Vidya Goyal & Yatish Goyal
Name of Owner

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

Stephanie Langer
Notary's Signature and Seal

Stephanie Langer
Name of Acknowledger typed, printed or stamped

STEPHANIE LANGER
Notary Public State of New York
Qualified in Onondaga and Cortland County
Reg. No. 01LA6374413
My Commission Expires April 30, 2022

01LA6374413
Commission Number, if any

Exhibit A

Invoice/Receipt



Runi Goyal
PO Box 4870
Key West
United States
33041

Invoice number: 594342 of Sep 30 2009
Order number: 297322/373456 of Sep 30 2009
Username: runi_goyal@hotmail.com
Property number: 171742 (Pita Vacation Home: Book Now! For Low Summer rates.)

Item	Quantity	Unit cost (\$)	Total cost (\$)
HomeAway Listing- 12 months (12m)	1	329.00	329.00
Sub total			329.00
Total			329.00

Payments for this invoice (to date)	Payment amount (\$)
Total payment received	329.00
Total outstanding	0.00
Your payment has been received. Thank you! Please keep this receipt for your records.	

HomeAway
1011 W. 5th St, Suite
300, Austin, TX 78703
+1 877-225-6723

Exhibit B

Invoice/Receipt



Runi Goyal
PO Box 4870
Key West
United States
33041

Invoice number: 831342 of Sep 26 2010
Order number: 484262/636337 of Sep 26 2010
Username: runi.goyal@gmail.com
Property number: 171742 (Pita Vacation Home: Book Now! For Low Summer rates.)

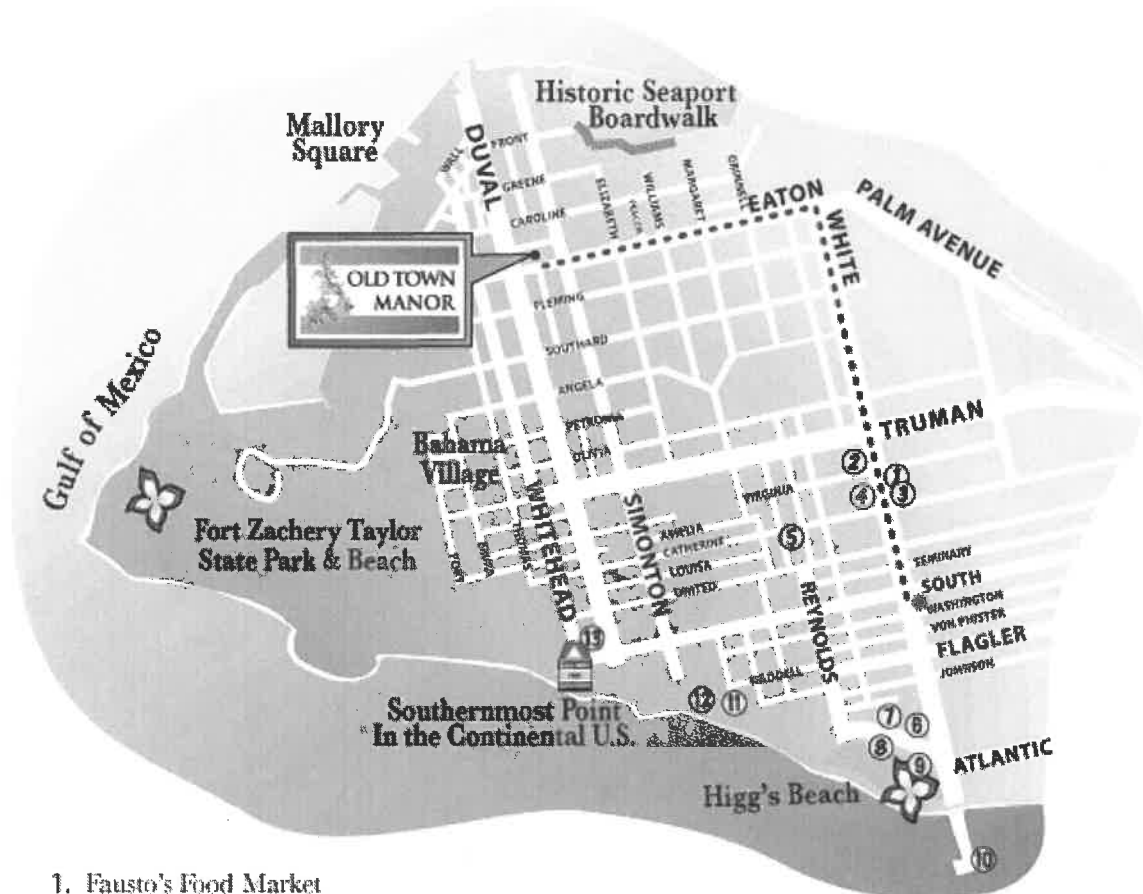
Item	Quantity	Unit cost (\$)	Total cost (\$)
HomeAway Listing- 12 months (12m)	1	329.00	329.00
Sub total			329.00
Total			329.00

Payments for this invoice (to date)	Payment amount (\$)
Total payment received	329.00
Total outstanding	0.00
Your payment has been received. Thank you! Please keep this receipt for your records.	

HomeAway
1011 W. 5th St, Suite
300, Austin, TX 78703
+1 877-225-6723

Exhibit C

1409 WHITE STREET



1. Fausto's Food Market
2. Sandy's Cuban Deli
3. Island Gym
4. Matheeson's Ice Cream Parlor
5. El Siboney - Cuban Restaurant
6. Dog Park
7. AstroCity - Kid's Park
8. Salute - Beachside Italian Dining
9. West Martello Museum
10. White Street Pier
11. Louie's Backyard - Beachside Fine Dining
12. Dog Beach
13. Butterfly Conservatory

Exhibit D



Destination Old Town <roselanevillas@gmail.com>

HomeAway Inquiry for Property #171742 - Mar 20, 2010 through Mar 26, 2010

Patrick Rogers <inquiry@homeaway.com>
Reply-To: progers8@fuse.net
To: info@homestylekeywest.com

Wed, Jan 20, 2010 at 5:39 PM



Inquiry for Property #171742

Inquiry Details

Name: Patrick Rogers
Email: progers8@fuse.net
Phone #: + 1 5135206299
Total in party: 12 total, 0 children
Arrival/Departure: Mar 20, 2010 - Mar 26, 2010



Message From Patrick Rogers

We are all responsible 22 year olds. Just wondering if this is alright. Thank you.

Calendar Availability *(at the time of this email: Jan 20, 2010 4:39:02 PM CST)*

Your property calendar is **available** for the requested dates (**Mar 20, 2010** through **Mar 26, 2010**) .

[Reply as Available](#)[Reply as Booked](#)[Add to Calendar](#)

Responding within 3 hours increases bookings 57%!

Respond Quickly! Data shows that owner who respond to inquiries within 3 hours close 57% more bookings than owners that respond within 24 hours.

[View more best practices on the Owner Community](#)

Need help? Call 1-866-771-3010 to speak with Customer Care, M-F 8am to 5pm CST



© 2009 HomeAway.com Inc. 1011 W. Fifth Street, Suite 300, Austin, TX 78703

This email was sent to info@HomeStyleKeyWest.com. Please add us to your address book to ensure you continue receiving HomeAway emails.

[View our Privacy Statement](#) | [Contact Us](#) | [Terms & Conditions](#)



Exhibit E

Destination Old Town <roselanevillas@gmail.com>

HomeAway Inquiry for Property #171742 - Apr 16, 2010 through Apr 19, 2010

Jessica Cummings <inquiry@homeaway.com>
Reply-To: jessicalcumplings33@gmail.com
To: info@homestylekeywest.com

Tue, Jan 19, 2010 at 11:28 AM



Inquiry for Property #171742

Inquiry Details

Name: Jessica Cummings
Email: jessicalcumplings33@gmail.com
Phone #: + 1 727-422-2911
Total in party: 8 total, 0 children
Arrival/Departure: Apr 16, 2010 - Apr 19, 2010

Message From Jessica Cummings

Is it available? Is there access to a pool or hot tub?

Calendar Availability *(at the time of this email: Jan 19, 2010 10:28:56 AM CST)*

Your property calendar is **available** for the requested dates **(Apr 16, 2010 through Apr 19, 2010)**.

[Reply](#) [Available](#)[Reply as Booked](#)[Add to Calendar](#)

Responding within 3 hours increases bookings 57%!

Respond Quickly! Data shows that owner who respond to inquiries within 3 hours close 57% more bookings than owners that respond within 24 hours.

[View more best practices on the Owner Community](#)

Need help? Call 1-866-771-3010 to speak with Customer Care, M-F 8am to 5pm CST



© 2009 HomeAway.com Inc. 1011 W. Fifth Street, Suite 300, Austin, TX 78703

This email was sent to info@HomeStyleKeyWest.com. Please add us to your address book to ensure you continue receiving HomeAway emails.

[View our Privacy Statement](#) | [Contact Us](#) | [Terms & Conditions](#)



Exhibit F

Destination Old Town <roselanevillas@gmail.com>

HomeAway Inquiry for Property #171742 - 10/28/10 through 11/1/10

Homestyle <info@homestylekeywest.com>
To: dellurban@comcast.net

Sat, Mar 6, 2010 at 5:23 PM

Thank you for inquiring about the Pita Vacation Home.

This great affordable home is available for the nightly rate of \$500 plus \$200 cleaning for a total of \$3,700.00. The house has 4 bedrooms and 2 baths. There are 3 queens and 2 twins and sleeps 8 people comfortably. We usually only require a 3 night minimum stay, except for holidays and special events when we may require 7 nights. This is during Fantasy Fest, so we do require a 7 night minimum.

This property is located near the Atlantic Ocean beaches and White St Pier. Some of the island's best restaurants are within a few blocks. Bike riding is the best way to get around. Renting bicycles can easily be arranged and dropped off for your convenience.

For more information and photos, please visit www.HomeStyleKeyWest.com. You'll also find a few of our other vacation homes on this website. We only accept cash and/or checks. We require a 50% deposit to confirm the reservation, and full payment due 30 days prior to arrival. We also have a 60 day cancellation policy, or 90 days for holidays/special events.

If there is anything else that we can help you with, please feel free to call us or reply to this email. Thanks again for your inquiry, and we look forward to meeting you in sunny Key West, FL!

On Sat, Mar 6, 2010 at 4:41 PM, Dell Urban <inquiry@homeaway.com> wrote:



Inquiry for Property #171742

Inquiry Details

Name: **Dell Urban**
Email: dellurban@comcast.net
Phone #: + 1 847-276-1478
Total in party: 6 total, 0 children
Arrival/Departure: Oct 28, 2010 - Nov 1, 2010



Message From Dell Urban

Wondering if your home is availbe to rent on the dates listed I am flexible on arrival and departure as long as we can be there for the weekend. Also wondering what the total would be for the rental Thanks in advance

Calendar Status

Oct 28, 2010 - Nov 1, 2010 is showing as **available** in your calendar as of Mar 6, 2010 3:41:54 PM CST



Reply Available



Reply Booked



Add to Calendar



Exhibit G

Destination Old Town <roselanevillas@gmail.com>

Reservation: Price

Old Town Manor Rose Lane Villas <roselanevillas@gmail.com>

Fri, Feb 26, 2010 at 12:23 PM

Reply-To: info@oldtownmanor.com

To: cindyprice@gmail.com

Pita Vacation Home
Check-in at Old Town Manor
511 Eaton Street
Key West, FL 33040
(305) 292 - 2170/ (800) 294 - 2170
Office Hours 8am to 8pm
Web: www.HomeStyleKeyWest.com
Email: info@HomeStyleKeyWest.com
After hours EMERGENCY No. 305 879 3224

02/26/2010

Reservation Number: 12158

Cindy Price

cindyprice@gmail.com

Thank you for choosing the Pita Vacation Home as your Key West destination. We look forward to your visit and want you to know that we will do everything possible to make your stay pleasant and enjoyable. Please review this document in its entirety, especially the guidelines section below. The details of your reservation are:

Arrival: Apr 15, 2010

Departure: Apr 21, 2010

Number in your party: 3 Adults + 0 Children

Rooms booked: PITA VAC HOME

Number of nights booked: 6

Room Charges: \$1,800.00

Cleaning + misc.: \$0.00

Taxes: \$0.00

Total Charges: \$1,800.00

Deposit Received: \$900.00

Balance Due 30 days prior to arrival: \$900.00

Cash, Personal Checks, Cashier Checks ONLY

**Please make checks payable to Swati Goyal

If you have any questions during our Office Hours (8:00 am - 8:00 pm) please call our office at 305-292-2170 and one of our front desk specialists will assist you.

Check-in time is after 4pm at the front desk of the Old Town Manor. If you are arriving after 6pm, please call us for instructions about the after hours check-in procedure. Check-out time is promptly at 10am on the day of departure. Late check-outs may be available for additional fees. For your protection, at check-in you will be required to present a photo ID and a credit card for incidentals.

Our Vacation Home rentals adhere to a 30-day rental agreement whereby we offer only one contract per 30 day cycle. Should the tenant choose to stay less than 30 days, the monthly rate is prorated to a daily or weekly rate agreed upon by the lessor and lessee. Cancellations or changes made less than 60 days prior to Apr 15, 2010, will result in the forfeiture of your deposit. Cancellations made more than 60 days will result in a fee of \$100. Furthermore, refunds will not be issued for early departures. Full payment due 30 days prior to arrival date.

Regretfully, we can not assume responsibility for any cancellations or early departures due to weather conditions or any sort of transportation delays or health concerns. Please consider travel insurance from TravelGuard.com or any other reputable travel insurance company.

Maximum occupancy is strictly enforced. Occupancy applies to children over the age of 12. Dogs are allowed, however a \$25/day per dog fee will apply and advance notification is required. Cats are not allowed. Check-out housekeeping has

Exhibit G

not been added to your bill, however, should the occupancy increase to 4 adults, a \$200 fee will be added to your bill. Housekeeping is NOT responsible for dishes, excessive cleaning due to accidents, etc. For excessive cleaning due to accidents caused by pets or otherwise, or dirty dishes, cleaning fees will be applied to the credit card on file. You must properly dispose of refuse, cigarette butts and recyclables in the proper receptacles. Your vacation home comes with basic cleaning supplies, including a vacuum cleaner. Please take note to refrigerate all foods. Lots of critters live in the Florida Keys – keep your kitchen clean to avoid them. We reserve the right to refuse accommodations to bachelor/ette parties and Spring Breakers. Should a vacation house be reserved to host this type of event you will be asked to leave with no refund for deposit and outstanding nights. The vacation home owner and the management property of the Old Town Manor are not responsible for accidents or injury to guests or for loss of money or valuables of any kind.

Smoking is not permitted indoors, and will result in a \$200 charge. There are no refunds for early check-outs. If you lose your key, there is a \$25 key replacement charge, and \$100 fee if you lock yourself out. The lessee is responsible for their own consumable products, such as dish soap and paper products.

Driving directions are available online in a printable format, please visit www.oldtownmanor.com for directions to the office. If you have trouble printing this document, please let us know and we will be happy to mail or fax directions to you. If you are taking the Key West Express ferry, be sure to ask us for \$15/person discounted vouchers. Minimum two week advance reservation required to book the ferry.

Don't forget to check out our favorite activities on our "Book activities now" page. We can handle all the arrangements for you. Please call the Old Town Manor front desk (305-292-2170) for concierge services including dining or activity suggestions and/or reservations. Our staff can help you and probably save you some money.

Breakfast is not included with your room rate, however if you would like to partake in the Old Town Manor breakfast spread, you may do so for \$5/person for each day you wish to join us. Reservations are recommended.

The renter agrees to the above policies, pay the room rate plus taxes for designated length of stay as well as any damages to room or grounds caused by registered guests.

The staff at Old Town Manor and Rose Lane Villas

Exhibit H

AFFIDAVIT

I, Nadene Grossman Orr, swear/affirm the following to be true and correct to the best of my knowledge:

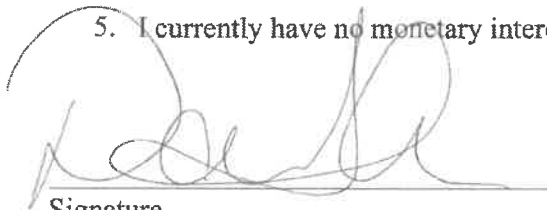
1. I have personal knowledge of the building located at 1409 White Street due to the following:

As Owner/Operator of We've Got the Keys, I was the Event Director for the annual Key West Songwriters Festival. I coordinated the rental of the Pita Vacation Home, located at 1409 White Street, for visiting musicians and crew on April 2009 and April 2010. Each reservation was booked for 5 nights.

2. My personal knowledge covers the following timeframe:

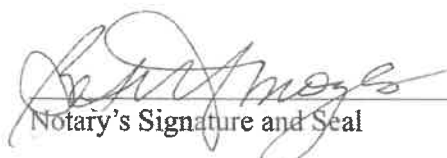
January 2009 to April 2010
month/year month/year

3. To my personal knowledge, there existed 1 residential unit on the property.
4. To my personal knowledge, on or about April 1, 2010, the unit on the property was used transiently.
5. I currently have no monetary interest in the property.


Signature

5/24/18
Date

Subscribed and sworn to (or affirmed) before me on 5/24/18 (date) by NADENE GROSSMAN ORR (name of affiant), he/she is personally known to me or has presented _____ as identification.


Notary's Signature and Seal

Name of Acknowledger printed or stamped

Title or Rank

Commission Number, if any

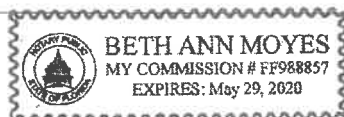


Exhibit H

AFFIDAVIT

I, Joseph Kukella, swear/affirm the following to be true and correct to the best of my knowledge:

1. I have personal knowledge of the building located at 1409 White Street due to the following:

As the former owner of 1407 White Street between 2007 and 2014, I lived next door to 1409 White Street, aka Pita Vacation Home. We were informed by the management of Old Town Manor each time the house was rented, in case of problems or concerns. I have also rented the home myself for its convenience and proximity to my residence, to accommodate visiting family members.

2. My personal knowledge covers the following timeframe:

January 2009 to April 2010
month/year month/year

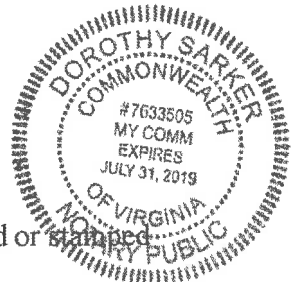
3. To my personal knowledge, there existed 1 residential unit on the property.
4. To my personal knowledge, on or about April 1, 2010, the unit on the property was used transiently.
5. I currently have no monetary interest in the property.

[Signature] 6/11/2018
Signature Date

Subscribed and sworn to (or affirmed) before me on 6/11/2018 (date) by Joseph Kukella (name of affiant), he/she is personally known to me or has presented Driver's License as identification.

[Signature]
Notary's Signature and Seal
Dorothy Sarker
Notary Public
7633505

Name of Acknowledger printed or stamped
Title or Rank
Commission Number, if any



Approved Transient LUDs – Previously Non-transient

Unit Address	Zoning	Submission Date		Determination Date
822 Fleming St & 822 Fleming St (rear)	HNC	03/02/10	nsient units"	08/27/10
802-822 White St	HNC	09/25/13		03/25/14
904 Eaton St	HMDR	08/05/14	sient units"	06/09/17
511 Eaton St	HNC	08/20/14		06/09/17
418 White St	HNC	10/01/14	ransient units"	06/06/17
307 Elizabeth St	HMDR	02/13/15	-transient units"	06/16/17
1213 Georgia St	HMDR	02/13/15	e previously	06/16/17
1011 Whitehead St	HMDR	02/27/16		06/09/17
903 Eisenhower Dr	CG	05/07/16	-transient units"	
723 Catherine St	HMDR	08/01/16	it"	06/09/17
815 Catherine St	HMDR	08/01/16		06/09/17
1901 S. Roosevelt Blvd, Unit 302-S	MDR-C	11/22/16	t unit"	06/16/17
906 Windsor Ln	HHDR	11/22/16	nit"	09/06/17
1901 S. Roosevelt Blvd, Unit 202-W	MDR-C	03/09/17		06/16/17
408 Petronia St	HNC-3	05/02/17	ty previously	04/13/18
603 Southard St	HNC-1	05/02/17		06/16/17
629 United St	HMDR	05/02/17		06/16/17
906 Windsor Ln	HMDR	11/22/16		06/09/17
05/07/19 - City Commission adopts ordinance char				05/07/19
901 Truman	HNC		nt units"	06/25/19
1507 South St	SF	09/17/18	it is not a new unit	09/05/19
1427 Washington St	HMDR	09/26/18	it is not a new unit	11/25/19
528 Grinnell St	HHDR	04/30/18	its are not a new	11/21/19
1409 White	HMDR	06/14/18	it is not a new unit	11/25/19
3700-3702 Sunrise	SF	06/13/18	its are not a new	11/25/19
1111-B Grinnell	HMDR	07/11/18	its are not a new	11/25/19
427 Catherine	HRCC3	11/15/18	led with the LUD ransiently on or ty."	11/25/19
1009 #7 Simonton	HNC1	11/15/18	it is not a new unit	11/25/19