

# 210-216 Duval Lawful Unit Determination



Amended request that the City recognize four (4) non-transient residential units on their property located at 210-216 Duval in the Historic Residential Commercial Core (HRCC-1) zoning district.

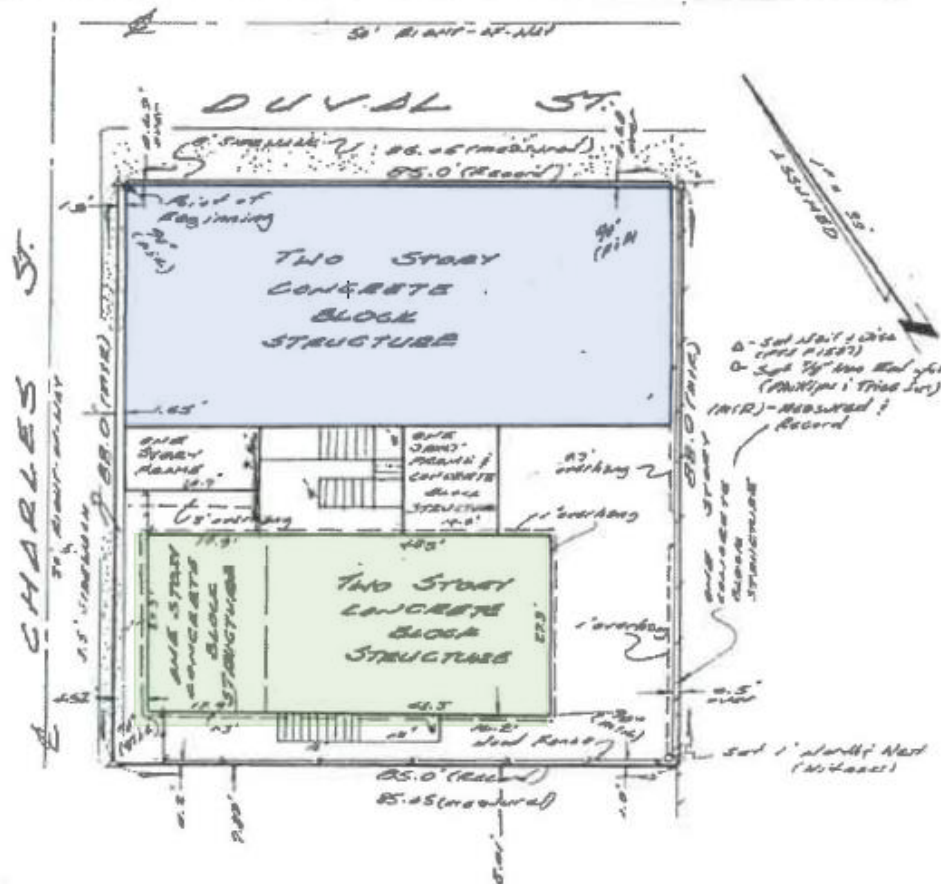
# Amended Request



Dwelling units are a “single unit providing complete, independent living facilities for one or more persons, including permanent provisions for **living, sleeping, eating, cooking and sanitation.**”

All dwelling units must have a living area, a sleeping area, a kitchen, and a bathroom.

# Dwelling units



- The parcel contains two main structures, historically addressed as 210-216 Duval St. and 8 Charles St.
- Duval structure
  - Historically commercial structure with a residential unit on the second floor.
  - Currently has two commercial units on the ground floor and has been approved for one residential unit on the second floor
- Charles structure
  - Historically commercial structure with a residential unit on the second floor
  - Currently the structure is vacant and has been approved for one residential unit on the second floor.

# Background





- Electric meters
  - The applicant has submitted six (6) letters from a staff assistant at Keys Energy stating there are six (6) residential meters that serve the property.
  - Upon request, the City sought confirmation of the electrical meters at 210-216 Duval. Gricel Owens, the Human Resources/Records Coordinator for Keys Energy confirmed that all meters on the property are correctly categorized as ***small commercial accounts***, and **not** residential accounts.
- Civil Lawsuit
  - A civil lawsuit from 2012 states that there were two active residential units at the 210-216 Duval parcel, Section 5 of the civil suit states “The second floor apartments currently rented (i.e. the 210 Duval Street Apartment and the 8 Charles Street Apartment, which apartments comprise 2,755 square-feet – collectively referred to herein as “Apartments”).)
- Pictures dated 2014
  - Show three bathrooms and one kitchen in the Duval Structure
  - Show one bathroom and one kitchen in the Charles Structure

# Applicants submitted materials



- The 2<sup>nd</sup> floor of the Duval Structure contains:
  - An eight-bedroom three bath single dwelling unit with one kitchen area.
  - Pictures submitted by the applicant and pictures taken during a site-visit by Planning Staff do not show any other kitchen area
    - Upon a site visit, there was no secondary sink, nor secondary counter prep area, nor secondary 220 Volt outlet which would power a stove/oven.
  - There are two separate entrances for this dwelling unit, a rear entrance off Charles Street and an entrance off Duval Street.

Duval structure



- The 2<sup>nd</sup> floor of the Charles Structure contains:
  - A two-bedroom, one bath single dwelling unit with one kitchen area.
  - Pictures submitted by the applicant and pictures taken during a site-visit by Planning Staff show only one kitchen area

Charles structure

**From:** Owen, Gricel <Gricel.Owen@KeysEnergy.com>  
**Sent:** Tuesday, March 31, 2020 11:22 AM  
**To:** Daniel Sobczak  
**Subject:** FW: Electrical meter quick questions

Hi Daniel,

Please see email below from Sabrina Hall, Customer Service Supervisor. 210-216 Duval St and 8 Charles St are all commercial accounts. Not sure why you received letters indicating they were residential. I do apologize for the confusion. Please let me know if you need anything else. Stay safe!

Thank you,

***Gricel Owen***   
Human Resources/Records Coordinator  
Keys Energy Services  
Phone 305-295-1067  
Fax 305-295-1070  
[Gricel.Owen@Keysenergy.com](mailto:Gricel.Owen@Keysenergy.com)



# Keys Energy Documentation



## Daniel Sobczak

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**From:** Kimberly Judge <kjudge@fkaa.com>  
**Sent:** Friday, January 17, 2020 1:04 PM  
**To:** Daniel Sobczak  
**Subject:** RE: Contact From Customer

Daniel,

I have found the following accounts and information for 210-216 Duval Street:

#000292, 210 Duval Street, Opened in 1943 and is an active account

#000904, 214 Duval Street, Opened in 1943 and is an active account

#000907, 210-1/2 Duval Street Up, Opened in 1943 and closed around 1955

#020361, 216 Duval Street, Opened in 1970 and is an active account

#047663, 216 Duval Street, Opened in 1999 and closed in 2013. This was a meter the City paid for and used for Irrigation.

#006885, 8 Charles Street Up, Opened in 1954 and is an active account. Even though this address is Charles Street, the RE number in our billing system is the same as 210-216 Duval. The meter is located on Charles Street with other meters for 210-216 Duval Street.

Let me know if you have any questions or need additional information.

Thank you!!

Kim

Four (4) open accounts:  
- Two (2) commercial units  
- Two (2) residential units

Closed  
Accounts

# FKAA Documentation

- The body of evidence for two residential units consists of; photos submitted by the applicant, a Planning Staff site visit, a 2012 civil court case, documentation by Keys Energy, and documentation from Florida Keys Aqueduct Authority.
- Per City Code, a dwelling unit must have living/sleeping space, a kitchen, and a bathroom. Without evidence of a second kitchen in the Duval structure no other dwelling unit can be established.

## Conclusion

