

Application



VARIANCE AND AFTER THE FACT VARIANCE APPLICATION

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov



Application Fee Schedule	
Variance Application Fee	\$ 2,315.25
Advertising and Noticing Fee	\$ 325.50
Fire Department Review Fee	\$ 115.76
Total Application Fee	\$2,756.51

After the Fact Application Fee Schedule	
After the Fact Variance Application Fee	\$ 4,630.50
Advertising and Noticing Fee	\$ 325.50
Fire Department Review Fee	\$ 115.76
Total Application Fee	\$5,071.76

Please read the following carefully before filling out the application

This application and all required attachments should be submitted to the City Planning Department at 1300 White Street.

- Owners and applicants are notified of their scheduled Planning Board hearing date.
- Attendance at the formal public hearing is mandatory.
- Notice of Public Meeting is published in the newspaper.
- Owners of property within 300 feet of the subject property or parcels are notified by mail.
- Notice of public hearing will be posted on the property and must be left up until after the hearing.
- Variances are quasi-judicial hearings, and it is improper to speak to a Planning Board and/or Board of Adjustment member about the variance outside of the hearing.

Application Process

- Prior to submittal, the applicant will schedule a pre-application meeting with staff to review the application and suggest any modifications that may be necessary before submittal. A pre-application meeting is free of charge and should be the final step before submittal. To schedule a pre-application meeting, please call the Planning Department at (305) 809-3764.
- After submittal, the application will be reviewed by staff and additional modifications to the site plan may be necessary at that time. Any modifications within eight (8) days of the scheduled Planning Board meeting may result in the item being postponed till the following Planning Board meeting.
- The applicant will be responsible for submitting a landscape approval letter from the Urban Forestry Program Manager and a Stormwater approval letter from the Director of Engineering.
- **When the application is determined to be complete**, it will be brought forth to the Planning Board. If the application is approved, there is a 10-day appeal period.
- After the 10-day appeal period, the application will be sent to the Department of Environmental Opportunity (DEO) for rendering. The rendering period is 45 days.

Please include the following with this application:

1. A copy of the most recent warranty deed with the Book and Page numbers from the office of the Clerk of Circuit Court for Monroe County containing a legal description of the subject parcel. The application forms must be signed by all owners listed on the deed. For business/corporate ownership, please attach authorization for name of executive authorized to make the application.
2. An application fee is determined according to the attached fee schedule. Make the check payable to the City of Key West and include the site address on the memo portion of the check. Be advised that upon review by the Planning Department, additional or fewer variances may be required necessitating a different fee.
3. Sign and Sealed site plan(s) of the subject site, indicating the following:
 - a. **Existing and proposed** lot coverage including buildings, pools, spas, driveways and other walkways, patios, porches, covered areas, and decks.
 - b. Location and identification/names of existing trees of 3.5 inches diameter or greater on the property or extending over the proposed work (including access routes and stormwater areas). Please provide photos.
 - c. All proposed changes to what exist, including those which make the variance(s) necessary.
 - d. Lot dimensions on all drawings and the distance from all property lines of all existing and proposed structures.
 - e. Dimensions (**existing and proposed**) of all the items in (a) above, including the height and number of stories of the structure.
 - f. Parking spaces and dimensions (**existing and proposed**).
 - g. Easements or other encumbrances on the property.
4. A survey of the property no more than ten years old
5. Elevation drawings or proposed structures, indicating finished height above established grade as measured from crown of road
6. Floor Plans of existing and proposed development
7. Stormwater management plan
8. PDF version of application and all required materials submitted to the Planning Department

The attached Verification and Authorization Forms must be notarized. This can be done at City Hall or the Planning Department. Identification is required. An out-of-state notarization is acceptable, if necessary.

Make sure that the applicable application and authorization forms are signed by all people listed as owners on the recorded Warranty Deed.

Be advised that the City will not grant a variance unless the City Impact Fees of sewer and solid waste services are paid in full.

For assistance, please call the Planning Department at (305) 809-3764.



VARIANCE AND AFTER THE FACT VARIANCE APPLICATION

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

Application Fee Schedule	
Variance Application Fee	\$ 2,315.25
Advertising and Noticing Fee	\$ 325.50
Fire Department Review Fee	\$ 115.76
Total Application Fee	\$2,756.51

After the Fact Application Fee Schedule	
After the Fact Variance Application Fee	\$ 4,630.50
Advertising and Noticing Fee	\$ 325.50
Fire Department Review Fee	\$ 115.76
Total Application Fee	\$5,071.76

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 305-809-3764.

PROPERTY DESCRIPTION:

Site Address: 821-823 Whitehead Street, Key West, Florida 33040

Zoning District: Historic Medium Density Residential

Real Estate (RE) #: 00017250-000000, 00017250-000100

Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative

Name: Gregory S. Oropeza, Esq., Oropeza Stones & Cardenas Mailing Address: 221 Simonton Street

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-294-0252 Office: 305-294-0252 Fax: _____

Email: greg@oropezastonescardenas.com; lisa@oropezastonescardenas.com

PROPERTY OWNER: (if different than above)

Name: Butanella 821, LLC, a Florida limited liability company Mailing Address: 821 Olivia Street

City: Key West State: FL Zip: 33040

Home/Mobile Phone: c/o (305) 294-0252 Office: _____ Fax: _____

Email: c/o greg@oropezastonescardenas.com

Description of Proposed Construction, Development, and Use: This Application is for an amendment to the Planning Board Resolution Number 2017-18. The Owner is seeking to redistribute the existing authorized seats so that the back patio becomes usable consumption area.

List and describe the specific variance(s) being requested:

Please see Memorandum Attached.

Are there any easements, deed restrictions or other encumbrances attached to the property? Yes No

If yes, please describe and attach relevant documents: _____

Type text here

Will any work be within the dripline (canopy) of any tree on or off the property? Yes No

If yes, provide date of landscape approval, and attach a copy of such approval.

Is this variance request for habitable space pursuant to Section 122-1078? Yes No

Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R. *provide square footages and percentages.*

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	HMDR			
Flood Zone	X			
Size of Site	5,133 Sq. Ft.			
Height	40 Feet	N/A	N/A	No Change
Front Setback	10 Feet	N/A	N/A	No Change
Side Setback	5 Feet	N/A	N/A	No Change
Side Setback	5 Feet	N/A	N/A	No Change
Street Side Setback	10 Feet	N/A	N/A	No Change
Rear Setback	15 Feet	N/A	N/A	No Change
F.A.R	1.0	N/A	N/A	No Change
Building Coverage	40%			No Change
Impervious Surface	60%			No Change
Parking	12.2	N/A	N/A	No Change
Handicap Parking	1	N/A	N/A	No Change
Bicycle Parking	25% of 12.2 vehicles (3)	3 Balusters- 6 bicycle parking spots	3 Balusters- 6 bicycle parking spots	No Change
Open Space/ Landscaping				No Change
Number and type of units				No Change
Consumption Area or Number of seats	107; 1 per 18.5 Sq. Ft.	107	107	No Change

This application is reviewed pursuant to Section 90-391 through 90-397 of the City of Key West Land Development Regulations (LDRs). The City's LDRs can be found in the Code of Ordinances online at <http://www.municode.com/Library/FL/Key West> under Subpart B.

***Please note, variances are reviewed as quasi-judicial hearings, and it is improper for the owner or applicant to speak to a Planning Board member or City Commissioner about the hearing.**

Standards for Considering Variances

Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met: Please print your responses.

1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.

This request is to remove a special condition such that this Property is treated like similarly situated properties of its kind.

2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

The condition was created by a neighboring property.

3. Special privileges not conferred. That granting the variance(s) requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district.

The update to the variance will allow this Property and business to operate in a similarly situated manner as other like kind businesses.

4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

The condition creates a hardship which is not commonly experienced by other properties in the same zoning district.

5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

This Amendment to Planning Board Resolution Number 2017-18 is the minimum possible amendment which makes reasonable use of of the land and the building.

6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

No injuries to the public welfare will result from this Amendment. The neighboring property supports the change as shown in the letter of support included herein.

7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Existing non-conforming uses of other properties are not the basis for approval of the requested amendment.

The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:

- That the standards established in Section 90-395 have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors. Please describe how you have addressed the "good neighbor policy."

REQUIRED SUBMITTALS: All of the materials listed below must be submitted in order to have a complete application. Applications will not be processed until all materials are provided. Please submit one (1) paper copy of the materials to the Planning Department and one (1) electronic version in PDF format.

- Correct application fee, made payable to "City of Key West."
- Pre-application meeting form
- Notarized verification form signed by property owner or authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Monroe County Property record card
- Signed and sealed survey (Survey must be within 10 years from submittal of this application)
- Sign and sealed site plan (sign and sealed by an Engineer or Architect)
- Floor plans
- Any additional supplemental information necessary to render a determination related to the variance request

Authorization and Verification Forms



**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, Jamille Cucci as
Please Print Name of person with authority to execute documents on behalf of entity

Managing Member of Butanella 821, LLC, a Florida limited liability company
Name of office (President, Managing Member) *Name of owner from deed*

authorize Oropeza, Stones & Cardenas, PLLC
Please Print Name of Representative

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

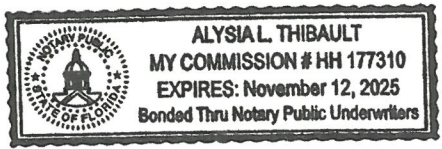
[Signature]
Signature of person with authority to execute documents on behalf of entity owner

Subscribed and sworn to (or affirmed) before me on this 9/25/23
Date

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

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

[Signature]
Notary's Signature and Seal



Alysia L. Thibault
Name of Acknowledger typed, printed or stamped

HH 177310
Commission Number, if any



**City of Key West
Planning Department
Verification Form**

(Where Applicant is an entity)

I, Gregory S. Oropeza, in my capacity as Managing Partner
(print name) *(print position; president, managing member)*


of Oropeza, Stones & Cardenas, PLLC
(print name of entity)

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:

821-823 Whitehead Street, Key West, Florida 33040
Street address of subject property

I, the undersigned, declare under penalty of perjury under the laws of the State of Florida that I am the Authorized Representative of the property involved in this application; that the information on all plans, drawings and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct.

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 Applicant

Subscribed and sworn to (or affirmed) before me on this 9/25/20' by
date

Gregory S. Oropeza
Name of Applicant

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


Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Commission Number, if any



Check

5367

OROPEZA STONES & CARDENAS PLLC

ATTORNEYS AT LAW
221 SIMONTON STREET
KEY WEST, FLORIDA 33040



63-9138/2631

9/26/2023

PAY TO THE
ORDER OF City of Key West .

\$ **2,756.51

Two Thousand Seven Hundred Fifty-Six and 51/100*****

DOLLARS

City of Key West .



AUTHORIZED SIGNATURE

MEMO

riance Application 821-823 Whitehead Street

⑈00005367⑈ ⑆263191387⑆0000245909195⑈

Security features. Details on back.



OROPEZA STONES & CARDENAS PLLC

5367

City of Key West .

9/26/2023

riance Application 821-823 Whitehead Street

2,756.51

OropezaStonesCarderiance Application 821-823 Whitehead Street

2,756.51

OROPEZA STONES & CARDENAS PLLC

5367

City of Key West .

9/26/2023

riance Application 821-823 Whitehead Street

2,756.51

OropezaStonesCarderiance Application 821-823 Whitehead Street

2,756.51



Receipt



Cash Register Receipt

City of Key West

Receipt Number
R74765

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			\$2,756.51
VAR2023-0011	Address: 821 WHITEHEAD ST	APN: 00017250-000100	\$2,756.51
ADMINISTRATIVE			\$441.26
ADVERTISING AND NOTICING FEE		0	\$325.50
FIRE DEPARTMENT REVIEW FEE		0	\$115.76
VARIANCE			\$2,315.25
VARIANCE APPLICATION FEE		0	\$2,315.25
TOTAL FEES PAID BY RECEIPT: R74765			\$2,756.51

Date Paid: Wednesday, September 27, 2023

Paid By: Oropeza, Stones & Cardenas

Cashier: AM1

Pay Method: CHECK 5367

Warranty Deed

Prepared by and return to:

Erica Hughes-Sterling
Attorney at Law
Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, FL 33040
305-294-9556
File Number: 185-16.00599 EB
Purchase Price: \$1,150,000.00

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 15th day of February, 2017 between Shady Cat, LLC, a Florida limited liability company whose post office address is 628 William Street, Key West, FL 33040, grantor, and Butanella 821 LLC, a Florida limited liability company whose post office address is 3729 Eagle Avenue, Key West, FL 33040, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida to-wit:

On the Island of Key West, known on William A. Whitehead's Map, delineated in February, A.D. 1829, as part of Tract 4, but better known according to Simonton & Wall's Addition to the City of Key West, as part of Lot 4, in Square 6, of Tract 4, being described as follows: COMMENCING at a point on Whitehead Street distant 96.8 feet Northwesterly from the corner of Olivia Street for a Point of Beginning; thence run in a Northwesterly direction along Whitehead Street 33.7 feet to a point; thence at right angles and Northeasterly 76.67 feet to a point; thence at right angles and Southeasterly 38.5 feet to a point; thence at right angles and Southwesterly 41.67 feet to a point; thence at right angles and Northwesterly 4.8 feet to a point; thence at right angles and Southwesterly 35 feet back to the Point of Beginning.

AND:

On the Island of Key West, known on William A. Whitehead's Map, delineated in February A.D., 1829, as part of Tract 4, but better known according to Simonton & Wall's Addition to the City of Key West, as part of Lot 4 in Square 6, of said Tract 4, being described as follows: COMMENCING at a point on Whitehead Street, distant 65 feet Northwesterly from the corner of Olivia Street for a point of beginning; thence run in a Northwesterly direction along Whitehead Street 31.8 feet to a point; thence at right angles and Northeasterly 35 feet to a point; thence at right angles and Southeasterly 31.8 feet to a point; thence at right angles and Southwesterly 35 feet back to the Point of Beginning.

AND:

On the Island of Key West, and known as Part of Lot Four (4) in Square Six (6) of Simonton and Wall's Addition to the City of Key West: COMMENCING at a point Forty (40) feet from the corner of Whitehead and Olivia Streets, and running Northeasterly along the line of Olivia Street, Fifty-five (55) feet; thence at right angles Northwesterly Eighty-Nine (89) feet Four-Twelfths (89-4/12) feet; thence at right angles in a Southwesterly direction Five (5) feet; thence at right angles in a Northwesterly direction Two (2) feet, Two (2) inches; thence at right angles in a Southwesterly

direction Fifty (50 feet; thence at right angles in a Southeasterly direction Ninety-one (91) feet Six (6) inches to the Point of Beginning.

LESS AND EXCEPT:

A part of land on the Island of Key West, and known as part of Lot 4, in Square 6 of Simonton and Walls Addition to the City of Key West, said parcel being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the NE'ly right of way line of Whitehead Street with the NW'ly right of way line of Olivia Street for a distance of 40 feet to the Point of Beginning; thence continue NE'ly along the NW'ly right of way line of the said Olivia Street for a distance of 55.00 feet; thence NW'ly and at right angles for a distance of 72.32 feet; thence SW'ly with a deflection angle of 91°10'58" to the left and along the NW'ly face of an existing wood fence and extension thereof for a distance of 48.24 feet to a fence corner; thence SE'ly with a deflection angle of 89°24'40" to the left and along the SW'ly face of said fence for a distance of 16.87 feet to a fence corner; thence SW'ly with a deflection angle of 87°20'01" to the right and along the NW'ly face of said fence for a distance of 6.95 feet to a point; thence SE'ly with a deflection angle of 86°44'23" to the left for a distance of 54.06 back to the Point of Beginning.

AND:

A parcel of land on the Island of Key West and known as a part of Lot 4, in Square 6 of Simonton and Wall's Addition to the City of Key West as Part of Tract 4, said parcel being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the NW'ly right of way line of Olivia Street with the NE'ly right of way line of Whitehead Street and run thence NW'ly along the NE'ly right of way line of the said Whitehead Street for a distance of 65.00 feet; thence NE'ly and at right angles for a distance of 35.00 feet to the Point of Beginning; thence NW'ly and at right angles for a distance of 27.00 feet; thence NE'ly and at right angles for a distance of 41.67 feet; thence SE'ly and at right angles for a distance of 0.50 feet to the NW'ly boundary line of the lands described in Official Records Book 1505, at Page 1091, of the Public Records of Monroe County, Florida; thence SW'ly and at right angles along the NW'ly boundary line of said lands for a distance of 36.67 feet; thence SE'ly and at right angles along the SW'ly boundary line of said lands for a distance of 26.50 feet; thence SW'ly and at right angles for a distance of 5.00 feet back to the Point of Beginning.

Parcel Identification Number: 00017250-000100 & 00017250-000000

Subject to taxes for 2017 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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, 2016.

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:

[Signature]
Witness Name: ERICA H. STERLING

[Signature]
Witness Name: MARY E. TURSO

[Signature]
Witness Name: ERICA H. STERLING

[Signature]
Witness Name: MARY E. TURSO

Shady Cat, LLC

By: [Signature]
David Pollman, Member

By: [Signature]
Robert P. Pollman, Manager

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 15th day of February, 2017 by David Pollman, Member and Robert P. Pollman, Manager of Shady Cat, LLC, on behalf of the limited liability company. They [] are personally known to me or [] have produced a driver's license as identification.

[Notary Seal]



[Signature]
Notary Public

Printed Name: MARY E. TURSO

My Commission Expires: 5/16/17

Property Card

Monroe County, FL

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 00017250-000100
Account# 1017710
Property ID 1017710
Millage Group 11KW
Location 821 WHITEHEAD St, KEY WEST
Address
Legal KW PT LT 4 SQR 6 TR 4 OR519-212 OR1036-236/38 OR1193-1256/58 OR1243-208/10 OR1433-464/67 OR1755-766/67 OR1770-228/29 OR1770-230/231 OR2006-2391/92 OR2425-1318/20 OR2425-1330/32 OR2425-1333/35 OR2464-1736/39 OR2466-1/4 OR2839-1967/69
Description
 (Note: Not to be used on legal documents.)
Neighborhood 32060
Property Class STORE COMBO (1200)
Subdivision
Sec/Twp/Rng 06/68/25
Affordable Housing No



Owner

[BUTANELLA 821 LLC](#)
 823 Whitehead St
 Key West FL 33040

Valuation

	2023 Preliminary Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$184,400	\$184,400	\$188,234	\$188,234
+ Market Misc Value	\$960	\$960	\$960	\$960
+ Market Land Value	\$834,504	\$834,504	\$606,912	\$515,875
= Just Market Value	\$1,019,864	\$1,019,864	\$796,106	\$705,069
= Total Assessed Value	\$938,445	\$853,132	\$775,575	\$705,069
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,019,864	\$1,019,864	\$796,106	\$705,069

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$834,504	\$184,400	\$960	\$1,019,864	\$853,132	\$0	\$1,019,864	\$0
2021	\$606,912	\$188,234	\$960	\$796,106	\$775,575	\$0	\$796,106	\$0
2020	\$515,875	\$188,234	\$960	\$705,069	\$705,069	\$0	\$705,069	\$0
2019	\$515,875	\$144,620	\$960	\$661,455	\$661,455	\$0	\$661,455	\$0
2018	\$491,515	\$138,528	\$960	\$631,003	\$631,003	\$0	\$631,003	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use (1200)	Number of Units	Unit Type	Frontage	Depth
	2,784.00	Square Foot	0	0

Buildings

Building ID	39729	Exterior Walls	AB AVE WOOD SIDING
Style		Year Built	1928
Building Type	RESTRNT/CAFETR-B- / 21B	EffectiveYearBuilt	2010
Building Name		Foundation	
Gross Sq Ft	3008	Roof Type	
Finished Sq Ft	1104	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	GOOD	Heating Type	
Perimeter	142	Bedrooms	0
Functional Obs	0	Full Bathrooms	2
Economic Obs	0	Half Bathrooms	1
Depreciation %	15	Grade	400
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FAT	FINISHED ATTIC	624	0	0
FLA	FLOOR LIV AREA	1,104	1,104	0
OPU	OP PR UNFIN LL	1,280	0	0
TOTAL		3,008	1,104	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
FENCES	1988	1989	4 x 80	1	320 SF	2
FENCES	1996	1997	5 x 29	1	145 SF	2
FENCES	1996	1997	6 x 13	1	78 SF	2

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
2/15/2017	\$1,150,000	Warranty Deed	2110840	2839	1967	05 - Qualified	Improved	SHADY CAT LLC	
7/29/2009	\$850,000	Warranty Deed		2425	1330	05 - Qualified	Improved		
12/1/1996	\$390,000	Warranty Deed		1433	0464	M - Unqualified	Improved		
12/1/1992	\$9,500	Warranty Deed		1243	208	H - Unqualified	Improved		
12/1/1991	\$1	Warranty Deed		1193	1256	P - Unqualified	Improved		
11/1/1987	\$75,000	Warranty Deed		1036	236	Q - Qualified	Improved		

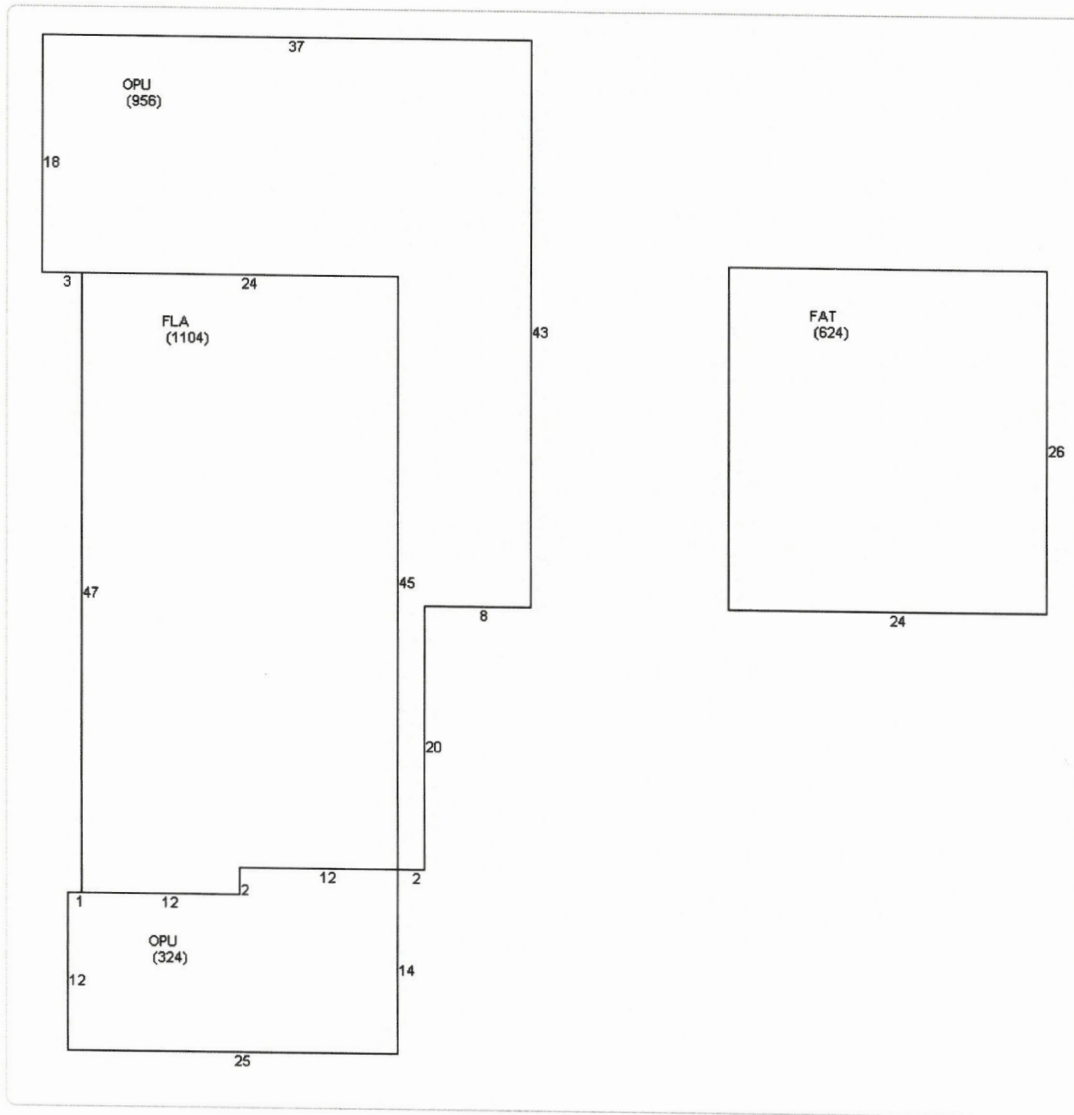
Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
13-0614	2/15/2013		\$15,000	Residential	REPLACE DECKING WITH NEW COMPOSITE DECKING, NEW RAILING, NEW LATTICE
10-00000341	2/4/2010		\$500		INSTALL 6" STOVE PIPE DUCT IN BACK WALL
9702196	7/1/1997	10/1/1997	\$500		3 NEW FIXTURES
9701817	6/1/1997	10/1/1997	\$2,000		ADD BATH ON 2ND FLOOR
9701417	5/1/1997	10/1/1997	\$5,500		1536 SQ FT GALVALUME ROOF
9701634	5/1/1997	10/1/1997	\$6,300		CENTRAL AC
9701695	5/1/1997	10/1/1997	\$5,000		ELECTRICAL
9701140	4/1/1997	10/1/1997	\$6,000		REMODELING
9700576	3/1/1997	10/1/1997	\$1		RENOVATIONS
9700576	3/1/1997	10/1/1997	\$28,000	Commercial	REPAIRS/REMODELING
9700685	3/1/1997	10/1/1997	\$3,500		REPLACE 9 FIXTURES
1951335	4/1/1995	4/1/1995	\$1	Commercial	IMPACT FEES 552SF RETAIL
B942029	6/1/1994	12/1/1994	\$1,976		INSTALL 544 SF TILE/FLOOR
B940973	3/1/1994	12/1/1994	\$1,600		INSTALL GATES IN RAILS

View Tax Info

[View Taxes for this Parcel](#)

Sketches (click to enlarge)



Photos



Map



TRIM Notice

[2023 TRIM Notice \(PDF\)](#)

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

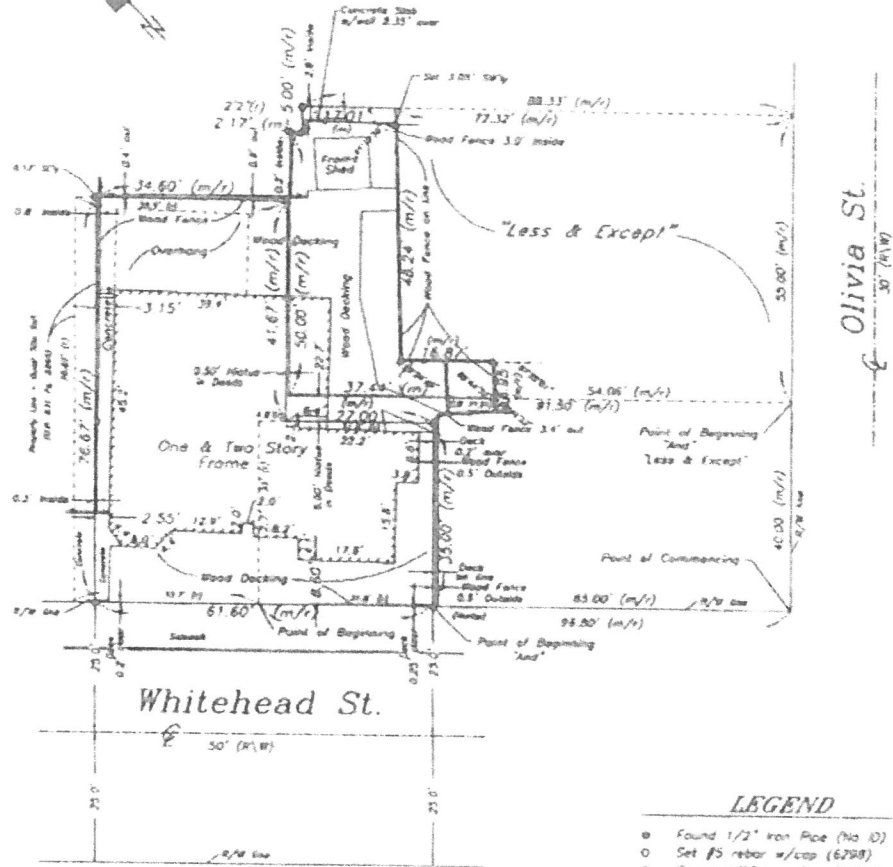
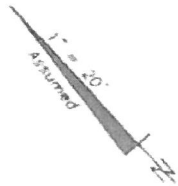
[User Privacy Policy](#) | [GDPR Privacy Notice](#)
Last Data Upload: 9/13/2023, 4:01:47 AM

[Contact Us](#)



Survey

Boundary Survey Map of Part of Lot 4, Square 6, Tract 4 Island of Key West



LEGEND

- Found 1/2" Iron Pipe (No ID)
- Set #5 rebar w/cap (6298)
- Found 1/2" Iron Rod (7131)
- ▲ Found Nail & Disc (Norb.)
- ▲ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R/W Right of Way
- C.L.F. Chain Link Fence
- ⊙ Centerline
- ⊙ Wood Utility Pole
- ⊙ Concrete Utility Pole
- P- Overhead Utility Lines

NOTE
This Survey Map is not
full and complete without
the attached Survey Report.

Sheet One of Two Sheets

J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper
P.L.S. 4023

3430 Duck Ave. Key West, FL 33040
(305) 288-7423 fax (305) 288-2244

Site Plans

FLOOR PLANS FOR 823 WHITEHEAD ST LIFE SAFETY AND SEATING LAYOUT




SITE LOCATION

LOCATION MAP:

PROJECT LOCATION:
823 WHITEHEAD ST,
KEY WEST, FL 33040

THIS DRAWING IS NOT VALID WITHOUT THE
SIGNATURE AND ORIGINAL SEAL

SIGNATURE:
DATE:
SERGE MASHYAKOV
PROFESSIONAL ENGINEER
LICENSE NO. 71480

REV. DESCRIPTION: TABLE: FINAL	REV.	DATE
		
ARTIBUS DESIGN ENGINEERING AND PLANNING 4710 SW 11th St Key West, FL 33040 (305) 304-3512 WWW.ARTIBUSDESIGN.COM CA # 39833		
CLIENT: MOONDOG CAFE		
PROJECT: 823 WHITEHEAD ST MOONDOG CAFE		
SITE: 823 WHITEHEAD ST, KEY WEST, FL 33040		
TITLE: COVER		
SCALE: AS SHOWN PROJECT NO: 1706-18	DATE: 09/25/23 DRAWING NO: G-100	SHEET NO: 1 TOTAL SHEETS: 1

DESIGN DATA:

- 1. APPLICABLE BUILDING CODE: FBC EXISTING BUILDING 7TH EDITION (2020)
- 1.A. HARC - HISTORIC ARCHITECTURAL GUIDELINES
- 2. APPLICABLE DESIGN LOADS: PER ASCE/SEI 7-10
 - FLOOR LIVE LOAD: 100 PSF
 - ROOF LIVE LOAD: 20 PSF (300 LB CONC.)
 - BASIC WIND SPEED: 180 MPH
- EXPOSURE: D
- STRUCTURAL CATEGORY: II
- ASCE 24-14 FLOOD RESISTANT DESIGN AND CONSTRUCTION
- FLOOD ZONE: X

ALL PRESSURES SHOWN ARE BASED ON ASD DESIGN, WITH A LOAD FACTOR OF 0.6

LEVEL 1 ALTERATIONS

OCCUPANCY:
ASSEMBLY GROUP A-2

MAXIMUM EMERGENCY EGRESS TRAVEL DISTANCE
FBC TABLE 1017.2, OCCUPANCY A-2, WITHOUT SPRINKLER SYSTEM: 200 FT
MAXIMUM ROUTE: ±121 FT

CONSTRUCTION TYPE:
TYPE V - B

ITEM	EXISTING	FBC TABLE 503 TYPE V - B	PROPOSED
CONSTRUCTION TYPE	<40'	40'-0"	NO CHANGE
MAX HEIGHT (FEET)	GROUP A-2	GROUP A-2	NO CHANGE
OCCUPANCY	1	1	NO CHANGE
MAX STORIES	2, 195 SF	6, 000 SF	NO CHANGE

OCCUPANCY LOAD: PER TABLE 1004.1.2 FBC

AREA LOAD (PER 1004.1.2) REQ. EGRESS (PER 1005.3.2) PROVIDED

CONSUMPTION	107 (1 PER 15.0 SF)
1,610.0 SF	
COMMERCIAL KITCHEN	5 (1 PER 200 SF)
942 SF	2 (1 PER 100 SF)
BAKERY 192 SF	

TOTAL LOAD: 110 110 X (0.20) = 22" WIDTH 318" (6-QTY)

UN-SPRINKLERED AREA PER 903.2.1.2(2)
PER EXCEPTION: A RESTAURANT, CAFETERIA, OR SIMILAR DINING FACILITY, INCLUDING AN ASSOCIATED COMMERCIAL KITCHEN, IS REQUIRED TO HAVE SPRINKLERS ONLY IF IT HAS A FIRE AREA OCCUPANCY LOAD OF 200 PATRONS OR MORE.

KITCHEN/BAR STAFF	05
BREAK ROOM	02
INTERIOR TABLE DINING	40 SEATS
INTERIOR BAR COUNTER	9 SEATS
TOTAL INTERIOR:	49 SEATS
FRONT PATIO DINING	30 SEATS
REAR PATIO DINING	28 SEATS
TOTAL SITTING:	107 SEATS

110 PERSONS TOTAL

FBC TABLE 906.3(1)
FIRE EXTINGUISHERS CLASS:
MAXIMUM FLOOR AREA PER EXTINGUISHER:
MAXIMUM TRAVEL DISTANCE TO EXTINGUISHER:
2-A
3,000 SF
75 FT

FIRE ALARM & DETECTION SYSTEMS: GROUP A-2
THE BUILDING SHALL NOT BE EQUIPPED WITH A FIRE ALARM & DETECTION SYSTEM
PER FBC (F) 907.2.1 - GROUP A OCCUPANCY UNDER 300 PERSONS

REV: DESCRIPTION: BY: DATE:
STATE: FINAL



ARTIBUS DESIGN
3710 N. ROOSEVELT BLVD
KEY WEST, FL 33040
TEL: 305-857-1111
WWW.ARTIBUSDESIGN.COM
CA # 30835

CLIENT: MOONDOG CAFE

PROJECT: 823 WHITEHEAD ST
MOONDOG CAFE

SITE: 823 WHITEHEAD ST.
KEY WEST, FL 33040

TITLE: NOTES

SCALE AT TITLE:	DATE:	DRAWN:	CHECKED:
AS SHOWN	09/25/23	GA	SHM
1706-1 B		GA	SHM
		6-101	1

THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL.

SIGNATURE:

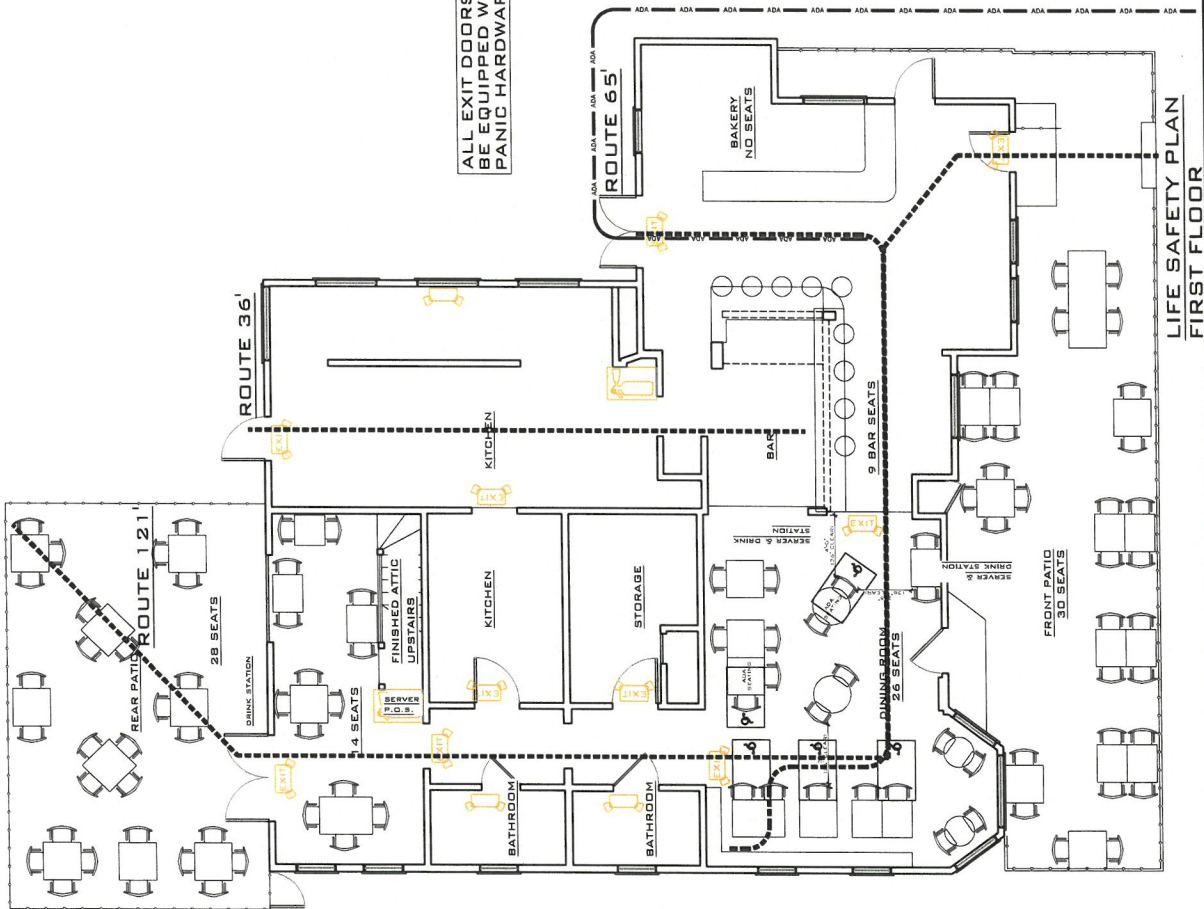
DATE:

SERGE MASHYAKOV
PROFESSIONAL ENGINEER
STATE OF FLORIDA
LICENSE NO 71480

SYMBOL LEGEND

	EXIT DOOR WITH PANIC HARDWARE
	EXIT DOOR WITH BATTERY BACKUP
	EXIT DOOR WITH FIRE EXTINGUISHER

ALL EXIT DOORS SHALL BE EQUIPPED WITH PANIC HARDWARE



LIFE SAFETY PLAN
FIRST FLOOR

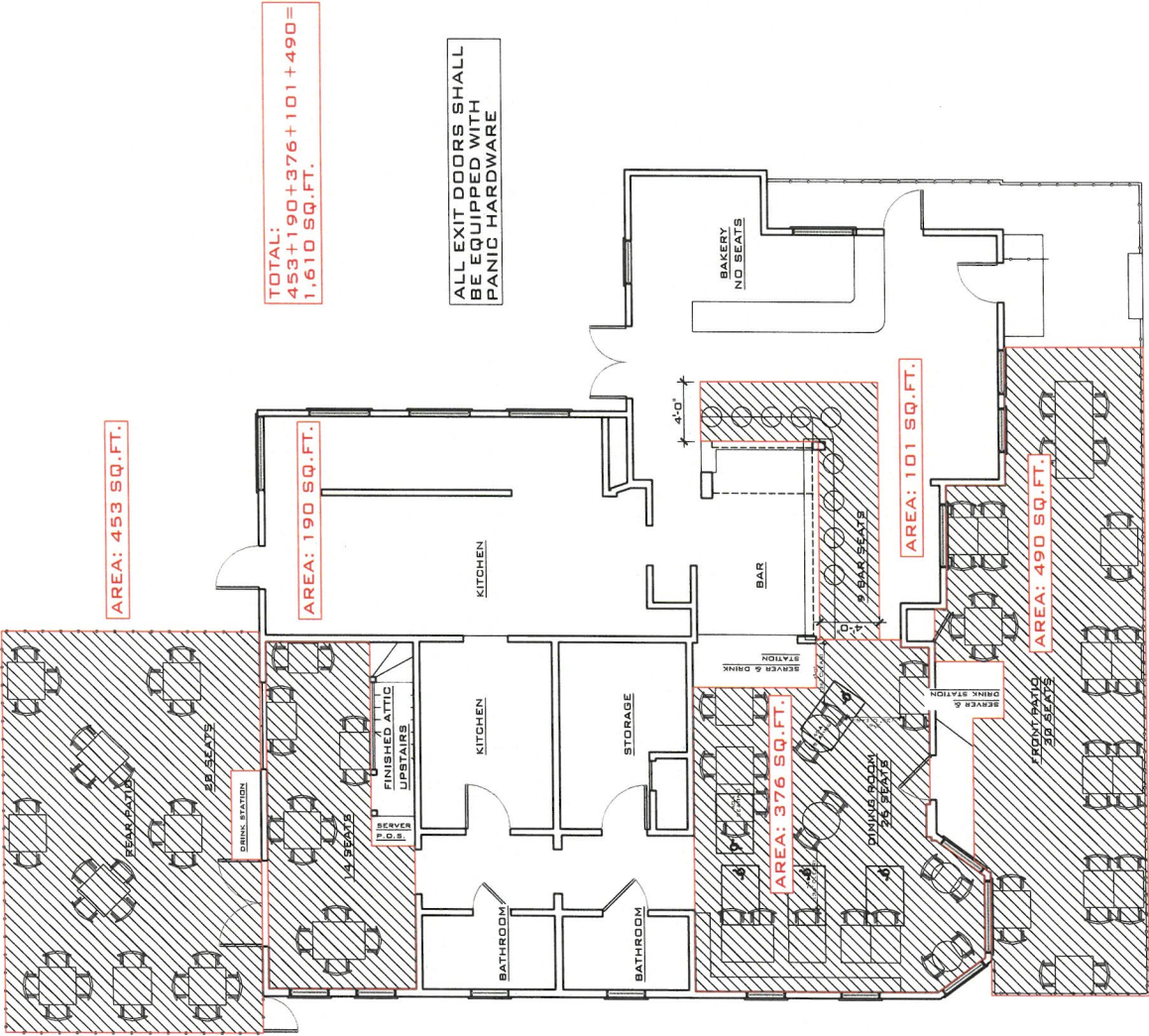
PROJECT DESCRIPTION:	FINAL	BY:	DATE:
ARTIBUS DESIGN ENGINEERING AND PLANNING ARTIBUS DESIGN 3710 N. ROOSEVELT BLVD KEY WEST, FL 33040 305.858.3535 WWW.ARTIBUSDESIGN.COM CA # 30835			
CUSTOMER:	MOONDOG CAFE		
PROJECT:	823 WHITEHEAD ST MOONDOG CAFE		
SITE:	823 WHITEHEAD ST. KEY WEST, FL 33040		
TITLE:	LIFE SAFETY PLAN		
SCALE AT 1/4" = 1'-0"	DATE:	DRAWN:	CHECKED:
AS SHOWN	09/25/23	CA	SAH
PROJECT NO:	17006-18	DRAWING NO:	REVISED:
		LS-101	1

THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL.

SIGNATURE:

DATE:

SERGE MASHAKOV
PROFESSIONAL ENGINEER
LICENSE NO 71480



SEATING CALCULATION

EXISTING CONSUMPTION AREA: 1,610 SF
 PROPOSED CONSUMPTION AREA: 1,610 SF
 (1 PER 15 SF)

PROPOSED OCCUPANCY:

INTERIOR TABLE DINING 40 SEATS
 INTERIOR BAR COUNTER 9 SEATS
 TOTAL INTERIOR: 49 SEATS
 FRONT PATIO DINING 30 SEATS
 REAR PATIO DINING 28 SEATS
 TOTAL SITTING: 107 SEATS

REV: DESCRIPTION: BY: DATE:
 STATUS: FINAL



ARTIBUS DESIGN
 3710 N. RODDEVOLT BLVD
 KEY WEST, FL 33040
 305.853.3333
 WWW.ARTIBUSDESIGN.COM
 CA # 30835

CLIENT: MOONDOG CAFE

PROJECT: 823 WHITEHEAD ST
 MOONDOG CAFE

OFF: 823 WHITEHEAD ST.
 KEY WEST, FL 33040

TITLE: SEATING PLAN

SCALE AS SHOWN: 09/23/23
 DRAWN: CA
 CHECKED: SHAN
 PROJECT NO: 1706-18
 SHEET NO: LS-102
 TOTAL SHEETS: 1

THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL.

SIGNATURE: SERGE MASHYAKOV
 PROFESSIONAL REGISTERED ARCHITECT
 STATE OF FLORIDA
 LICENSE NO 71480

SEATING PLAN
 SCALE: 1/8" = 1'-0"

Memorandum

Memorandum

The Owner is seeking an Amendment to Planning Board Resolution Number 2017-18 to remove provisions 3 and 8, which state as follows:

3. All additional consumption area confined to the current interior of the premises.
8. The rear deck will not be used for consumption and any sound shall comply with the requirements of Sec. 26-191 and 26-192.

Currently, the Property has a total consumption area of 1,610 square feet, which equates to 1 seat per every 18.5 square feet of consumption area, or 107 total seats. The Property is currently permitted for 60 total interior seats and 47 total exterior patio seats. The Amendment would redistribute the total permitted seats by reducing the total number of interior seats from 60 to 52, reducing the total number of permitted front patio seats from 47 to 31, and would add 24 seats in the rear patio area. This redistribution results in no additional seats being added to the Property, but rather allows the Owner to space the seating out more appropriately for the setting as well as for safety of all patrons, employees and invitees of the Property, and for emergency responses in the event of an emergency. Additionally, the front of the Property provides far less shade than the rear of the Property. The lack of shade in the front area creates issues related to the extreme heat during the majority of the year in Key West, and creates comfort issues for patrons and employees. Seating in the rear will allow for patrons and employees to be more shaded from the sun and thus for a more enjoyable experience.

It should further be noted that the Owner has discussed this proposed amendment with the rear neighbors, who are in full support of the proposed change requested herein, as evidenced by the enclosed letters of support prepared by the neighbors.

The Owner proposes that all other provisions of Resolution Number 2017-18 remain in full force and effect.

PB Resolution 2017-019

**PLANNING BOARD
RESOLUTION NO. 2017-19**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING A CHANGE OF NONCONFORMING USE FROM COMMERCIAL RETAIL TO RESTAURANT USE ON PROPERTY LOCATED WITHIN THE HISTORIC MEDIUM RESIDENTIAL (HMDR) ZONING DISTRICT PURSUANT TO SECTIONS 122-32(E) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant proposes to change an existing nonconforming retail use dedicated to a 552 square feet space in order to expand the existing non-conforming restaurant use on property located at 821-823 Whitehead Street (RE # 00017250-000000, 00017250-000000); and

WHEREAS, the property is located within the Historic Medium Density (HMDR) Zoning District; and

WHEREAS, Section 122-32(e) of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that a nonconforming use of a building or structure may be changed to another nonconforming use under certain findings of the Planning Board; and

WHEREAS, the new use is equally or more appropriate to the zoning district; and

WHEREAS, the change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage; and



Chairman


Planning Director

WHEREAS, the Planning Board finds that the granting of the change of nonconforming use will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

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 change of nonconforming use from commercial retail to restaurant use is hereby granted on property located at 821-823 Whitehead Street (RE # 00017250-000000, 00017250-000000) within the HMDR Zoning District pursuant to Section 122-32(e) of the City of Key West Land Development Regulations.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this change of nonconforming use in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate this change of nonconforming use, which change of nonconforming use shall be of no force or effect.

Section 5. This change of nonconforming use does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.



Chairman


Planning Director

Section 6. 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 7. 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

Read and passed on first reading at a regularly scheduled meeting held this 18th day of May 2017.

Authenticated by the Chairman of the Planning Board and the Planning Director;



Sam Holland, Planning Board Chairman

5/26/17

Date

Attest:



Patrick Wright, Planning Director

5-26-17

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

5-26-17

Date



Chairman


Planning Director

PB Resolution 2017-018

**PLANNING BOARD
RESOLUTION NO. 2017-18**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING A VARIANCE TO PARKING REQUIREMENTS FOR 13 VEHICLE PARKING SPACES ON PROPERTY LOCATED WITHIN THE HISTORIC MEDIUM DENSITY (HMDR) ZONING DISTRICT PURSUANT TO SECTIONS 90-395, AND 108-572 (9) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant proposes to change 552 square feet of retail space into restaurant consumption use on property located at 821-823 Whitehead Street (RE # 00017250-000000, 00017250-000000); and

WHEREAS, Section 108-572 (9) of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that minimum required off-street parking for restaurants, bars, and lounges is 1 space per 45 square feet of gross floor area ; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on May 18, 2017; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or



Chairman


Planning Director

buildings in the same district; and

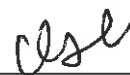
WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and


WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and



Chairman



Planning Director

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts are grounds for the issuance of the requested variances; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.


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. An approval by Resolution of the Key West Planning Board for a variance to parking requirements for property located at 821-823 Whitehead Street (RE # 00017250-000000, 00017250-000000) for 13 vehicle parking spaces on property located within the Historic Medium Density (HMDR) zoning district pursuant to sections 90-395 and 108-572 (9) Regulations.

General Conditions:

1. No live music on the premises at any time, without a duly approved Special Event Permit pursuant to Sec. 66-98



Chairman



Planning Director

2. No amplified music anywhere on the exterior of the premises, shall exceed the requirements of Sec. 26-191 and 26-192. If there is amplified music on the front deck, they shall comply with Chapter 6 of Article 5 whereas, the amplified music must not exceed 75 decibels in the daytime up until 8 p.m.. After 8 p.m. the amplified music may not exceed 60 decibels.
3. All additional consumption area confined to the current interior of the premises.
4. No patrons are seated past 10 p.m., and the kitchen closes no later than 11 p.m.
5. Landscape buffer of at least six feet in height is maintained between the front deck and the adjacent residential property.
6. Gate that is at the Southwest corner of neighbor's property will be reversed to open outward, if approved by the City of Key West Building Department (to facilitate the landscape buffer).
7. Property owners shall instruct waiting patrons to wait on the front porch adjacent to the front entrance and / or inside the restaurant. Patrons will be discouraged to congregate adjacent to neighboring residential properties and shall be informed they may not be seated and directed to the waiting area.
8. The rear deck area will not be used for consumption and any sound shall comply with the requirements of Sec. 26-191 and 26-192.
9. This approval shall be enforced consistent with Sec. 122-63(f).


Chairman



Planning Director

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in its entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.


Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.


Section 6. 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.


Chairman

Planning Director

Section 7. 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

Read and passed on first reading at a regularly scheduled meeting held this 18th day of May 2017.

Authenticated by the Chairman of the Planning Board and the Planning Director;



Sam Holland, Planning Board Chairman

5/26/17

Date

Attest:



Patrick Wright, Planning Director

5-26-17

Date

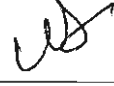
Filed with the Clerk:




Cheryl Smith, City Clerk

5-26-17

Date



Chairman


Planning Director

Supporting Documentation



C O N S T R U C T I O N G R O U P

September 6, 2023

To Whom It May Concern:

I am a local business owner and adjacent neighbor to Moondog Café. The management and staff have always demonstrated incredible professionalism and are great neighbors. I fully support the use of their rear patio for outdoor dining/consumption area.

Thank you,

Michael Marino

Michael Marino
Marino Construction Group

September 7, 2023

To Whom It May Concern,

I am a physician and homeowner with property located in the neighboring house to Moondog Café. My property is at 819 Whitehead Street. We consider having Moondog next door, literally sharing a fenceline, to be an asset to our property. I have been pleased with the willingness of the management to work together to help with any landscaping projects we have had performed. We have monthly rentals at times in my home and have never had a complaint about Moondog. Everyone loves it. The rear dining area has never caused any issue with noise or disruption of any kind. I support the continued use of the rear patio dining area.

Thank you,

Matthew Wilson, MD

Pre-app Meeting Notes

Pre-Application Meeting Notes

City of Key West, Florida • Planning Department • 1300 White Street •
Key West, Florida 33040 • 305-809-3764 • www.cityofkeywest-fl.gov

Meeting Date: 8/30/23 Zoning District: HMDR

Address/Location: 821-823 Whitehead St

Request: Amending conditions of previous variance

Type of Application: Variance (Amendment?)

Attendees: Jordan M-L and Greg Oropeza

Notes:

Previous parking variance was approved under the condition that there would be no consumption area in the outdoor rear patio. This was requested by neighbors. Neighboring property is under new ownership, and new owners do not object to use of outdoor rear patio. Would like to amend conditions of variance to allow that.