

RESOLUTION NO. 25-369

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA CONSIDERING AN APPEAL BY VAN D. FISCHER, ESQ. REPRESENTING 901 FLEMING STREET, LLC, THE PROPERTY OWNER OF 901 FLEMING STREET, KEY WEST, FLORIDA ~~UPHOLDING/AMENDING/DENYING IN PART THE GROWTH MANAGEMENT DIRECTOR'S ADMINISTRATIVE DECISION DATED AUGUST 12, 2025 DENYING THE LAWFUL UNIT DETERMINATION APPLICATION FOR THE PROPERTY LOCATED AT 901 FLEMING STREET, KEY WEST, FLORIDA AND FINDING THE GROWTH MANAGEMENT DIRECTOR'S DETERMINATION WAS/WAS NOT MADE IN ACCORDANCE WITH PROCEDURAL AND SUBSTANTIVE LAND DEVELOPMENT REGULATIONS AS WELL AS THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.~~

WHEREAS, at its meeting of October 9, 2025 the City Commission, sitting as the Board of Adjustment for the City of Key West, Florida, conducted a quasi-judicial hearing concerning an appeal by Van D. Fischer, Esq. representing 901 Fleming Street, LLC, the property owners of 901 Fleming Street, Key West, Florida of the Growth Management Director's Administrative Decision dated August 12, 2025 denying the applicant's Lawful Unit Determination Application; and

WHEREAS, pursuant to Sec. 108-991(3) of the City's Code of Ordinances, the Growth Management Director found no existing body of evidence was provided, nor found, recognizing the existence of three (3) legally permissible residential units on the property located at 901 Fleming Street, Key West, Florida on or about April 1, 2010; and

WHEREAS, Section 90-431(4) of the City's Code of Ordinances requires the concurring vote of no less than four (4) members of the Board of Adjustment/City Commission to reverse or modify the order, requirement, decision or determination of the City Growth Management Director; and

WHEREAS, the Board of Adjustment considered the record upon which the Growth Management Director rendered a decision, and provided opportunity for presentation by the Appellant and the City Planner;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the appeal of the City Planner/Growth Management Director's determination is hereby **upheld/denied in part and the City Commission does recognize a total of two (2) lawful units at the property. The additional unit being recognized today will be deed restricted according to Affordable Work Force Housing Eligibility Requirements as outlined in Section 122-1469,** based upon the following findings: The records reflects that the land owner has met the burden of proof to establish a total of two (2) lawful units at the property.

Section 2: That the determination of the City Planner is hereby ~~upheld and affirmed~~/denied in part as consistent and in accordance with Land Development Regulations.

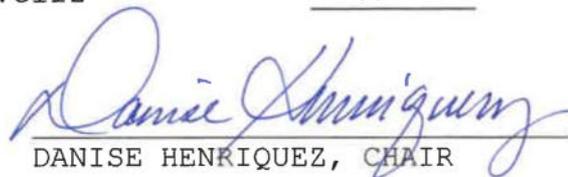
Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Board.

Passed and adopted by the Board of Adjustment at a meeting held this 2nd day of December, 2025.

Authenticated by the Presiding Officer and Clerk of the Board on the 12th day of December, 2025.

Filed with the Clerk on December 12, 2025.

Chair Danise Henriquez	<u>Yes</u>
Vice Chair Donald "Donie" Lee	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Aaron Castillo	<u>Yes</u>
Commissioner Monica Haskell	<u>No</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Greg Veliz	<u>Yes</u>


DANISE HENRIQUEZ, CHAIR

ATTEST:


~~KERI O'BRIEN, CITY CLERK~~
Donna Phillips, Sr. Deputy City Clerk