

APPLICATION

**AMENDED VARIANCE AND AFTER THE FACT VARIANCE APPLICATION
MEMORANDUM**

801 Eaton Street (R.E. # 00003340-000000)

Title Block:

- a. Name of Development: Eaton Seafood
- b. Name of Owner: 801 Eaton, LLC, a Florida limited liability company
- c. Name of Tenant/Operator: Eaton Seafood
- d. Name of Applicant: Oropeza Stones & Cardenas, PLLC
- e. North Arrow: As identified on the survey

Identification of Key Persons:

- a. Owners: 801 Eaton, LLC, a Florida limited liability company
- b. Authorized Agent: Oropeza, Stones & Cardenas, Esq.
- c. Surveyor: Florida Keys Land Surveying
- d. Engineer: Reynolds Engineering

Proposed Project: The proposed project is to amend the existing conditional use allowance to allow for seven (7) additional restaurant seats. The existing conditional use allowance provides for nine (9) restaurant seats. The Applicant is seeking a total of sixteen (16) restaurant seats.

Requested Variance: The Requested variance is for the waiver of four parking spaces. Based upon the parking requirements pursuant to applicable code as relates the HNC-2 zoning district, one (1) parking space is required for every 45 square feet of serving or consumption area. Additionally, 1 parking space is required for every 300 square feet of retail and office space. The Development currently provides for 135 square feet of consumption/serving area, and therefore requires three (3) parking spaces for consumption area. The Development further provides for 661.5 square feet of retail and office space, requiring 3 parking spaces for retail and office space. This amounts to a total of six (6) required parking spaces in its current condition.

The Proposed Project, which increases the total number of restaurant seats from nine (9) to sixteen (16), would require additional consumption/serving area square footage. Thus, the total square footage allotted for consumption/serving would increase to 242.5 square feet, and therefore would require roughly five (5) parking spaces. The Proposed Project does not require an increase in the square footage allotted for office/retail space, therefore no increase in parking is required there. Given the increased square footage, the total parking space requirement increases to eight (8) total spaces.

Additional Factors:

1. Two additional parking spaces exist which can be reallocated as scooter and golf cart parking.

The Property currently consists of six (6) total parking spaces. Four (4) of the existing parking spaces are located on Eaton Street, and two (2) of the existing parking spaces are located on William Street. It is the Applicant's understanding that the two (2) parking spaces located on William Street are spaces of concern for the Planning Department, as the proximity to the restaurant seating would likely trigger a requirement for the installation of bollards which, in turn, reduce the overall depth of the spaces and thus creates the potential for parked vehicles impeding the City right-of-way when in use. To alleviate this issue, the Property Owner is prepared to reallocate these two (2) parking spaces as exclusively scooter and golf cart parking spaces, both of which require far less depth within a parking space than a sub-standard vehicle does. In doing so, the Property Owner is able to eliminate the potential right-of-way impediment, but also is able to continue to serve the actual patrons of its business, as opposed to theoretical patrons. In other words, because the large majority of the business's patrons are tourists, they are statistically more likely to visit the Property on foot, on a bicycle, or on either a scooter or golf cart, as is the reality for most primarily tourist-serving businesses in Old Town. For this reason, the use of the two (2) existing parking spaces on William Street as exclusive scooter and/or golf cart parking spaces is a more effective use of the space than sub-standard vehicle parking is. As such, the Applicant believes these two (2) existing spaces may be appropriately and effectively substituted for two (2) of the additional required vehicle parking spaces.

2. Substitution of Bicycle Parking.

In its current condition, the Property currently provides for twelve (12) total bicycle parking spaces. The Proposed Project calls for the replacement of the existing bicycle racks for twelve (12) u-shaped bicycle stalls, which will ensure that there are no impediments upon the City right-of-way. The Applicant is aware that the Planning Department takes the position that the substitution of bicycle parking for vehicle parking does not apply as the Planning Department believes the City's Land Development Code, Chapter 108 Section 574 only applies to new development. However, a plain reading of 108-574 directs you to Article II of the Planning and Development chapter, which relates to Development Plans. Article II Section 108-63, Power and Duties, states in pertinent part, "the development review committee shall have the responsibility to review applications for annexation, subdivision, development plans, **conditional uses**... It is clear that the intent of Article II, which controls Chapter 108-574 pertaining to substitution of bicycle parking for vehicle parking, was to grant the Development Review Committee and the Planning Board the authority to review a wide variety of applications, including applications for conditional uses, and therefore the Development Review Committee and the Planning Board are authorized to review the request for substitution of bicycle parking for vehicle parking within a conditional use application, and further to approve such request if it meets all requirements.

Pursuant to Chapter 108- 574, four (4) bicycle parking spaces may be substituted for one (1) vehicle parking space so long as the additional bicycle parking spaces will be beneficial and would satisfy the standards set forth in Sections 90.395. Those standards are as follows:

Sec. 90.395- Standards, findings.

- (a) 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 which limits the total number of restaurant seats available for on-site consumption. The special condition, in its current condition, is peculiar to this property as it is not one which is applicable to other land, structures or buildings within the HNC-2 zoning district.

- (b) Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

The special condition is not one which was created by the Application. Moreover, it is significant to note that the Property Owner has consistently fought for the adaptive reuse of this historic and architecturally important property.

- (c) Special privileges not conferred. 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.

The requested variance for the waiver of four (4) parking spaces does not confer a special privilege upon the Property Owner, in part because the majority of the business's patrons utilize bicycles and/or are pedestrians, but also as the large majority of the business's patrons are tourists and, as such, the limited parking will encourage a reduced number of vehicles in this historic area.

- (d) 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.

Other businesses of a like kind in the area are not prohibited as to the total consumption seats authorized despite limited to no parking available to the patrons of those businesses.

- (e) Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested variance does not seek an unreasonable use of the land, building, or structure. Rather, it seeks to utilize the land, building and structure to its fullest extent while maintaining the integrity of this historic, architecturally important piece of Property through its continued adaptive reuse and further encourages the use of non-motorized vehicles in the historic district.

- (f) Not injurious to the public welfare. That the grant 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.

The waiver of four (4) parking spaces will not effect the public welfare as the proposed alternative parking, including bicycle, scooter, and golf cart parking, will provide more effective and useful parking for patrons.

- (g) Existing nonconforming uses of other property not the basis for approval. 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 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 variance.

Standards Met for Substitutions:

As the standards for the granting of a substitution of bicycle parking spaces for vehicle parking spaces are met, the planning board is authorized to substitute one (1) vehicle parking space for every four (4) bicycle parking spaces provided. Here, a total of twelve (12) bicycle parking spaces are being provided, therefore, the substitution of three (3) parking spaces for these twelve (12) bicycle parking spaces is authorized.

Conclusion: The Proposed Project requires a total of eight (8) parking spaces pursuant to applicable code. The Property provides for four (4) parking spaces plus two (2) additional parking spaces which the Planning Department have deemed unusable due to possible infringement upon the City's right-of-way. Under the Code, the substitution of three (3) parking spaces for the Property's twelve (12) bicycle parking spaces is authorized. Further, these two (2) additional parking spaces can easily be reallocated to exclusive parking for scooters and/or golf carts. Given the available substitutions, it is the Applicant's belief that no variance is inherently required, as there are four (4) vehicle parking spaces and five (5) substituted parking spaces (bicycle parking spaces plus scooter/golf cart parking spaces). However, although the Applicant does not believe a waiver would be required, the Applicant is seeking a waiver of four (4) total parking spaces such that only four (4) total parking spaces would be required.



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

RECEIVED
NOV 02 2023
BY: AM

Application Fee Schedule	
Variance Application Fee	\$ 2,431.01
Advertising and Noticing Fee	\$ 341.78
Fire Department Review Fee	\$ 121.55
Total Application Fee	\$ 2,894.34

After the Fact Application Fee Schedule	
After the Fact Variance Application Fee	\$ 4,862.03
Advertising and Noticing Fee	\$ 341.78
Fire Department Review Fee	\$ 121.55
Total Application Fee	\$ 5,325.35

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: 801 Eaton Street, Key West, Florida 33040

Zoning District: HNC-2

Real Estate (RE) #: 00003340-000000

Property located within the Historic District? Yes No

APPLICANT:

Owner

Authorized Representative

Name: Oropeza, Stones & Cardenas, PLLC

Mailing Address: 221 Simonton Street

City: Key West

State: FL

Zip: 33040

Home/Mobile Phone: _____

Office: 305-294-0252

Fax: _____

Email: greg@oropezastonescardenas.com

PROPERTY OWNER: (if different than above)

Name: 801 Eaton Street, LLC, a Florida limited liability company Mailing Address: 801 Eaton Street

City: Key West

State: FL

Zip: 33040

Home/Mobile Phone: _____

Office: 305-294-0252

Fax: 305-402-2802

Email: greg@oropezastonescardenas.com

Description of Proposed Construction, Development, and Use: Expansion of the existing, approved variance, PB 205-33, which allows for restaurant consumption with 9 seats, to increase seating capacity by 7 seats for a total of 16 seats.

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

Variance for 2 parking spaces triggered by the addition of 7 seats.

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

If yes, please describe and attach relevant documents PB 2015-33, which allows for restaurant consumption with 9 seats.

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	HNC-2			
Flood Zone	X/AE-6			
Size of Site	2,840.5 SF			
Height	30 Ft. max	N/A	No Change	No
Front Setback	10 Ft. minimum	13' - 10.5"	No Change	No
Side Setback	5 Ft. Minimum	1' - 1.2"	No Change	No
Side Setback	5 Ft. Minimum	N/A	No Change	No
Street Side Setback	7.5 Ft. Minimum	13' - 3"	No Change	No
Rear Setback	15 Ft. Minimum	3' - 9"	No Change	No
F.A.R	1.0 Max	874 SF	No Change	No
Building Coverage	40% Max/1,136.2SF	1,379SF/48.5%	No Change	No
Impervious Surface	60% Max/1,704.3SF	60%2,399.3SF/84.5%	No Change	No
Parking	1/45SF 1/300SF	3 spaces	6 spaces	No
Handicap Parking	1	0	0	No
Bicycle Parking	25%/ 4 bikes = 1 car	12 bikes/3 spaces	No Change	Yes
Open Space/ Landscaping	20% Min. / 568.1SF	441.2 SF/15.5%	No Change	No
Number and type of units	N/A	N/A	N/A	No
Consumption Area or Number of seats	N/A	135 SF - 9 Seats	242.5SF - 16 Seats	Yes

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 limiting the number of seats available for on-site consumption 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.

No conditions were created by the Applicant.

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 variance in allowing for the substitution of 3 parking spaces for the additional 4 bicycle parking spaces pursuant to City of Key West Code of Ordinances Section 108-574 will not confer special privileges, but rather should be granted as the majority of the business's patrons utilize bicycles. Further, the substitution will encourage a reduced number of vehicles in the area.

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.

Other businesses of a likekind in the area are not prohibited as to the total consumption seats authorized despite limited to no parking available to the patrons of those businesses.

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 variance request does not seek an unreasonable use of the land, building, or structure. Rather, it seeks to utilize the land, building and structure to its fullest extent while encourage use of non-motorized vehicles in the historic district.

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.

The substitution of 4 bicycle parking spaces for 3 vehicle parking spaces will not effect the public welfare.

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.

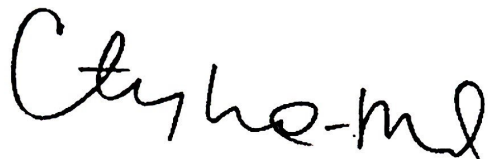
- Correct application fee, made payable to "City of Key West."
- Pre-application meeting form
- Notarized verification form signed by property owner or authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- 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

12/15/2023

To whom it may concern:

We are the neighbors directly behind the Eaton Street Seafood Market on William Street The Seaport Inn. We have been neighbors for over 10 years and wanted to express how great of a neighborly relationship we have had over the years. We worked together after hurricane Wilma cleaning fallen trees and fixing destroyed fences. Eaton Street Seafood Market has our support in their application for more seating with the city of Key West.

Thank you,


COURTNEY MIRABAL

S. Brandon Dimando, Esq. TEL: 305 304 1620
Authorized Agent for
Mathews Development Company Inc.
3320 W. Highway 30A
Santa Rosa Beach, FL 32459

December 19, 2023

801 Eaton Street, LLC
801 Eaton Street
Key West, FL 33040

Via Email: info@kwseafood.com

For submittal to:

City of Key West, Florida/ Planning Department
1300 White Street, Key West FL 33040

RE: LETTER OF SUPPORT/ NON-OBJECTION FOR Increased Seating and Parking Variance requested by 801 Eaton Street, LLC. ("Applicant")

To Whom It May Concern

We are Mathews Development Company, Inc. The owner of 802-806 Eaton Street, comprising of 9 residential units, is located directly across the street from the Applicant. We have owned this property since 2005.

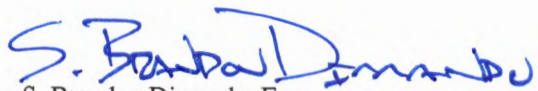
We support and do not object to the request made by the Applicant for additional seating of seven seats and a variance for parking spaces.

We have known the applicant since their inception at this property. They are good neighbors and always responsive to any concerns of the neighborhood. Prior unrelated businesses at that location have had a negative impact on our neighborhood and the current applicant has had nothing but a positive impact with their well-run business approach and considerations.

We have observed that the vehicle parking and bicycle parking are mainly used by locals for the fish market and have never seen any overflow of vehicles into surrounding street parking spaces. The restaurant seems to draw customers that are walking in the neighborhood, or occasionally bicycling. The applicant is a staple in our neighborhood and is enjoyed by all.

Please do not hesitate to contact us if we can provide more information in support of the applicant's request. Thank you in advance for your consideration of this letter.

Regards,



S. Brandon Dimando, Esq.
Fla Bar No. 0159281
Authorized Representative for
Mathews Development Company, Inc.

Brian F. Wruble
Kathleen W. Bratton
309 Caraballo Lane
Key West, FL 33040

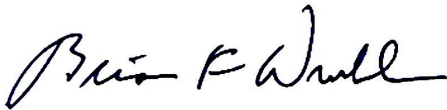
To whom it may concern:

December 22, 2023

We have lived at our home since 2009. We are quite close to the Eaton Street Seafood Market. We consider the Eaton Street Seafood Market to provide a substantial improvement to our quality of life. We are supportive of their plans to add seating to their restaurant area.

Please feel free to call either of us if you wish to discuss this.

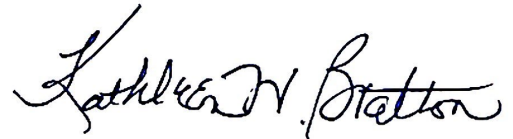
Regards,



Brian F. Wruble

646-391-6547

bwruble@gmail.com



Kathleen W. Bratton

646-391-6577

kwbratton@gmail.com

PROPERTY CARD

Disclaimer

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

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

Summary

Parcel ID 00003340-000000
 Account# 1003476
 Property ID 1003476
 Millage Group 10KW
 Location 801 EATON St, KEY WEST
 Address
 Legal KW PT LOT 4 SQR 21 PARCEL 1 XX-387 OR546-717 OR744-691/92 OR782-1493/94
 Description OR956-2421/22 OR1291-354/55 OR1650-441/44 OR2658-2459/60 OR2843-1370 OR2843-1375/77
 (Note: Not to be used on legal documents.)
 Neighborhood 32090
 Property Class RETAIL-SINGLE TENANT (1100)
 Subdivision
 Sec/Twp/Rng 06/68/25
 Affordable No
 Housing



Owner

801 EATON STREET LLC
 801 Eaton St
 Key West FL 33040

Valuation

	2023 Preliminary Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$104,755	\$109,824	\$109,824	\$113,203
+ Market Misc Value	\$4,999	\$4,999	\$4,999	\$4,999
+ Market Land Value	\$959,581	\$671,707	\$639,721	\$543,763
= Just Market Value	\$1,069,335	\$786,530	\$754,544	\$661,965
= Total Assessed Value	\$865,183	\$786,530	\$728,161	\$661,965
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,069,335	\$786,530	\$754,544	\$661,965

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$671,707	\$109,824	\$4,999	\$786,530	\$786,530	\$0	\$786,530	\$0
2021	\$639,721	\$109,824	\$4,999	\$754,544	\$728,161	\$0	\$754,544	\$0
2020	\$543,763	\$113,203	\$4,999	\$661,965	\$661,965	\$0	\$661,965	\$0
2019	\$517,869	\$113,203	\$4,999	\$636,071	\$636,071	\$0	\$636,071	\$0
2018	\$517,869	\$112,744	\$4,999	\$635,612	\$635,612	\$0	\$635,612	\$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	Number of Units	Unit Type	Frontage	Depth
(1100)	2,847.00	Square Foot	70	40

Buildings

Building ID	39273	Exterior Walls	C.B.S.
Style		Year Built	1945
Building Type	1 STY STORE-D / 11D	EffectiveYearBuilt	1994
Building Name		Foundation	
Gross Sq Ft	1160	Roof Type	
Finished Sq Ft	893	Roof Coverage	
Stories	2 Floor	Flooring Type	
Condition	AVERAGE	Heating Type	
Perimeter	178	Bedrooms	0
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	38	Grade	450
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
CAN	CANOPY	252	0	0
FLA	FLOOR LIV AREA	893	893	0
SBF	UTIL FIN BLK	15	0	0
TOTAL		1,160	893	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
CONC PATIO	1947	1948	0 x 0	1	1114 SF	2
BRICK PATIO	1947	1948	5 x 14	1	70 SF	2
FENCES	1981	1982	7 x 18	1	126 SF	2

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
3/8/2017	\$750,000	Warranty Deed	2114114	2843	1375	01 - Qualified	Improved	BOYNTON JOYCE	
11/13/2013	\$0	Warranty Deed		2658	2459	11 - Unqualified	Improved		
10/1/1985	\$252,000	Warranty Deed		956	2421	M - Unqualified	Improved		

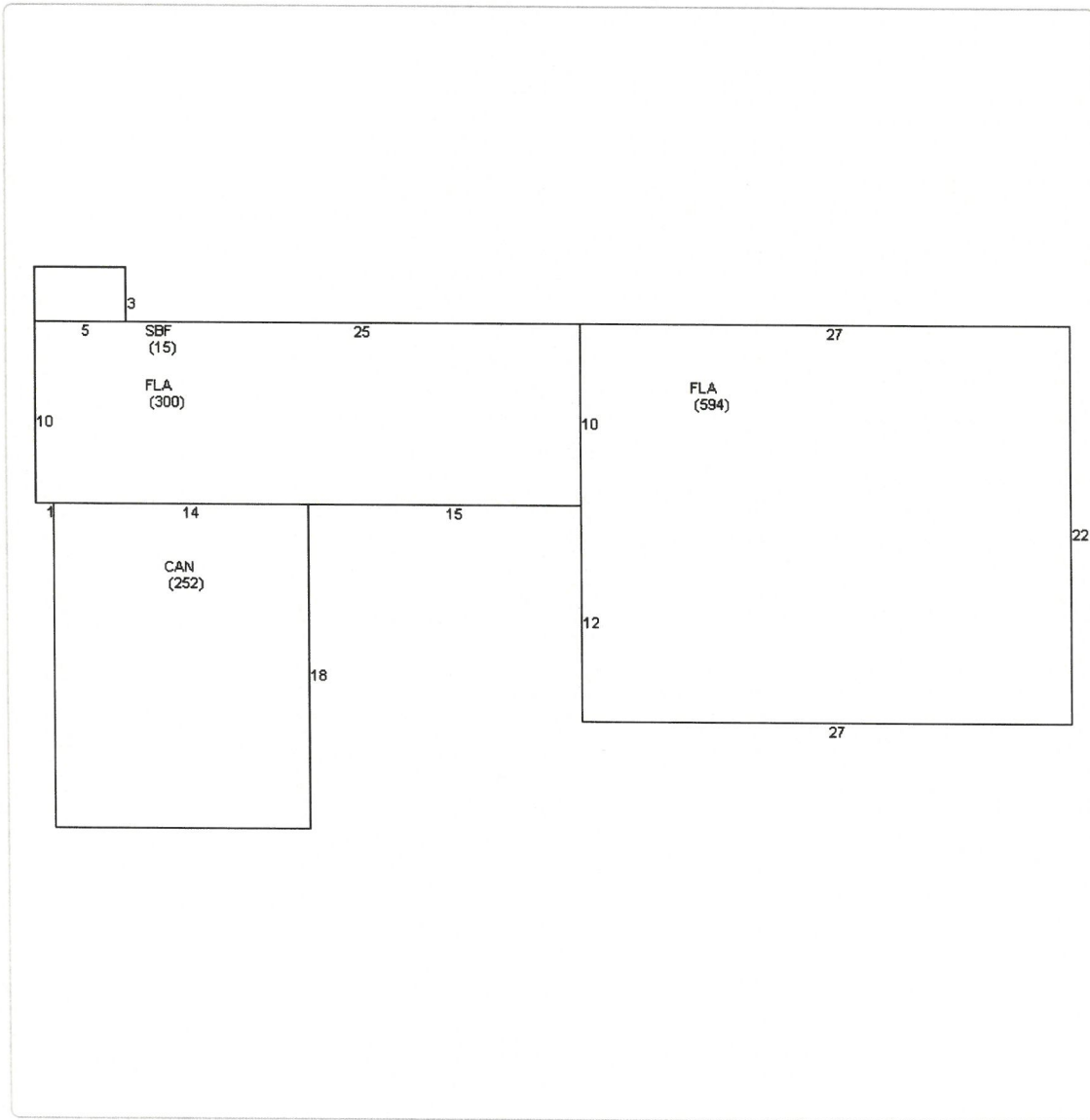
Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
BLD2019-2631	8/5/2019	10/1/2019	\$8,000	Commercial	Replace broken windows and replace doors on front of building Harc has already approved window type
10-1171	4/20/2010	7/19/2010	\$16,340	Commercial	REMOVE AND INSTALL ROOF COVERING
	4/20/2010		\$16,340	Commercial	REMOVE AND INSTALL NEW ROOFING, REMOVE DOWN TO WOOD DECK PEEL AND STICK 1/4" DECK, INSULLATION SINGLE PLY ROOF SYSTEM
B952804	8/1/1995	11/1/1995	\$700		INSTALL STORM PANELS
M932037	7/1/1993	12/1/1993	\$1,600		INSTALL 1.5 TON AC

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: 10/30/2023, 4:00:44 AM

[Contact Us](#)

Developed by
 Schneider
GEOSPATIAL

**AUTHORIZATION
FORM**



**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, Damon M. Santelli as
Please Print Name of person with authority to execute documents on behalf of entity

Manager of 801 Eaton Street, LLC, a Florida limited liability Co.
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 of person with authority to execute documents on behalf of entity owner

Subscribed and sworn to (or affirmed) before me on this 11/1/23
Date

by Damon M. Santelli
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.

Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Commission Number, if any



**VERIFICATION
FORM**



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:

801 Eaton 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.

[Handwritten Signature]
Signature of Applicant

Subscribed and sworn to (or affirmed) before me on this 11/1/23, by
date
Gregory S. Oropeza
Name of Applicant

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

[Handwritten Signature]
Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Commission Number, if any



DEED

Doc# 2114114 03/14/2017 1:17PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

NOTE TO CLERK/TAX EXAMINER: Actual consideration
paid is \$ 750,000.00

03/14/2017 1:17PM
DEED DOC STAMP CL: Krys \$5,250.00

This Instrument Prepared by and Return to:

Jennifer G. Sanchez, Esq.
Sanchez & Ashby, P.A.
1223 White Street, Unit 104
Key West, FL 33040
(305) 293-0084

Doc# 2114114
Bk# 2843 Pg# 1375

Parcel ID Number: 00003340-000000

Warranty Deed

This Indenture, Made this 8th day of March, 2017 A.D., Between
Joyce M. Boynton, a single woman

of the County of Monroe, State of Florida, grantor, and
801 Eaton Street, LLC, a Florida limited liability company

whose address is: 801 Eaton St., Key West, FL 33040

of the County of Monroe, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

~~TEN DOLLARS (\$10)~~ DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Monroe, State of Florida to wit:

SEE EXHIBIT "A" ATTACHED HERETO

Subject to current taxes, easements and restrictions of record.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

Warranty Deed - Page 2

Parcel ID Number: 00003340-000000

Doc# 2114114
Bk# 2843 Pg# 1376

In Witness Whereof, the grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

~~Signature~~
Printed Name: John Agnetti
Witness

Angela Scott
Printed Name: Angela Scott
Witness

Joyce M. Boynton (Seal)
Joyce M. Boynton
P.O. Address: 1704 Laird St., Key West, FL 33040

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 8th day of March, 2017 by Joyce M. Boynton, a single woman

who is personally known to me or who has produced her Florida driver's license as identification.



Eleanor Lynn Wilkins
Printed Name: Eleanor Lynn Wilkins
Notary Public
My Commission Expires:

EXHIBIT "A"

On the Island of Key West, Monroe County, Florida, and known on William A. Whitehead's map of said City of Key West, delineated in February, 1829, as part of Lot 4, Square 21, and being more particularly described as follows:

BEGIN at the intersection of the Northwesterly Right of Way Line of Eaton Street and the Northeasterly Right of Way line of William Street; thence in a Northeasterly direction along the said Northwesterly Right of Way Line of Eaton Street for 128.00 feet; thence at a right angle and in a Northwesterly direction for 125.00 feet; thence at a right angle and in a Southwesterly direction for 30 feet; thence at a right angle and in a Northwesterly direction for 14.00 feet; thence at a right angle and in a Southwesterly direction for 33.28 feet; thence at an angle of 89°53'00" to the right and in a Southeasterly direction for 22.87 feet; thence at a right angle and in a Northeasterly direction for 5.00 feet; thence at a right angle and in a Southeasterly direction for 76.00 feet; thence at a right angle and in a Southwesterly direction for 70 feet to the said Northeasterly Right-of-Way Line of William Street; thence at a right angle and in a Southeasterly direction along the said Northeasterly Right-of-Way Line of William Street for forty feet to the Point of Beginning.

LESS

Those lands conveyed pursuant to Warranty Deed recorded in Official Records Book 1973, Page 1786 and re-recorded in Official Records Book 2116, Page 1044, and more particularly described as follows:

On the Island of Key West, Monroe County, Florida, and known on William A. Whitehead's map of said City of Key West, delineated in February, 1829, as part of Lot 4, Square 21, and being more particularly described as follows: COMMENCE of the intersection of the Northwesterly Right-of-Way line of Eaton Street and the Northeasterly Right-of-Way line of William Street; thence in a Northeasterly direction along the said Northwesterly Right-of-Way Line of Eaton Street for 71.00 feet to the POINT OF BEGINNING; thence continue in a Northeasterly direction along the said Northwesterly Right-of-Way line of Easton Street for 57.00 feet; thence at a right angle and in a Northwesterly direction for 125.00 feet; thence at a right angle and in a Southwesterly direction for 30.00 feet; thence at a right angle in a Northwesterly direction for 14.00 feet; thence at a right angle and in a Southwesterly direction for 33.28 feet; thence at an angle of 90°07'00" to the left and in a Southeasterly direction for 22.87 feet; thence at a right angle and in a Northeasterly direction for 5.00 feet; thence at a right angle in a Southeasterly direction for 76.00 feet; thence at a right angle in a Northeasterly direction for 1.08 feet; thence at an angle of 90°07'00" to the left and in a Southeasterly direction for 40.14 feet to the Northeasterly Right of Way Line of Easton Street and the said Point of Beginning.

Property Address: 801 Eaton St., Key West, FL 33040

MONROE COUNTY
OFFICIAL RECORDS

SURVEY



LOCATION MAP - NTS SEC. 06-T685-R25E

BEARING BASE: ALL BEARINGS ARE BASED ON N85°13'04"E ASSUMED ALONG THE CENTERLINE OF EATON STREET.

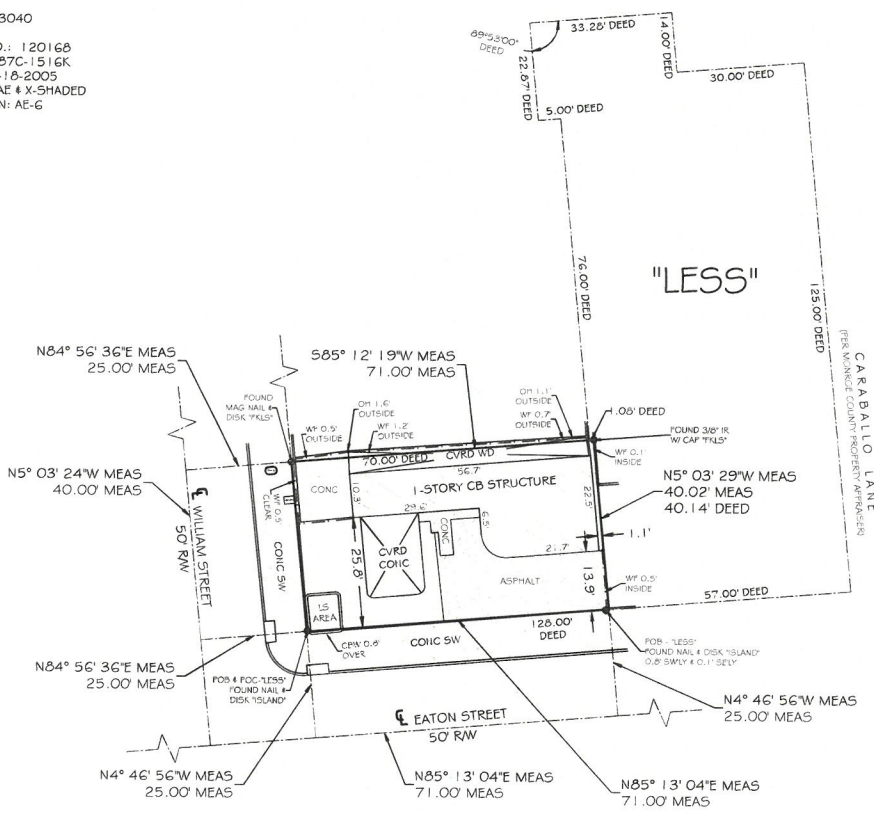
MAP OF BOUNDARY SURVEY

ALL ANGLES DEPICTED ARE 90 DEGREES UNLESS OTHERWISE INDICATED

ALL UNITS ARE SHOWN IN U.S. SURVEY FEET

ADDRESS: 801 EATON ST KEY WEST, FL 33040

COMMUNITY NO.: 120168 MAP NO.: 12087C-1516K MAP DATE: 02-18-2005 FLOOD ZONE: AE # X-SHADED BASE ELEVATION: AE-6



LEGAL DESCRIPTION(S) -

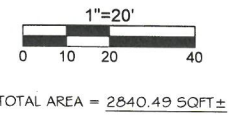
On the Island of Key West, Monroe County, Florida, and known as William A. Whitehead's map of said City of Key West, delineated in February, 1829, as part of Lot 4, Square 21, and being more particularly described as follows: BEGIN at the intersection of Northwesterly Right of Way Line of Eaton Street and the Northeasterly Right of Way Line of William Street; thence in a Northeasterly direction along the said Northwesterly Right of Way Line of Eaton Street for 120.00 feet; thence at a right angle and in a Northwesterly direction for 125.00 feet; thence at a right angle and in a Southwesterly direction for 30.00 feet; thence at a right angle and in a Northwesterly direction for 22.87 feet; thence at a right angle and in a Northeasterly direction for 5.00 feet; thence at a right angle and in a Southwesterly direction for 76.00 feet; thence at a right angle and in a Southwesterly direction for 70.00 feet; thence at a right angle and in a Northwesterly direction along the said Northwesterly Right of Way Line of Eaton Street for 57.00 feet; thence at a right angle and in a Northwesterly direction for 14.00 feet; thence at a right angle and in a Southwesterly direction for 33.28 feet; thence at a right angle and in a Northwesterly direction for 22.87 feet; thence at a right angle and in a Northwesterly direction for 5.00 feet; thence at a right angle and in a Southwesterly direction for 76.00 feet; thence at a right angle and in a Northwesterly direction for 5.00 feet; thence at a right angle and in a Southwesterly direction for 1.00 feet; thence at a right angle and in a Southwesterly direction for 40.14 feet to the Northeasterly Right of Way Line of Eaton Street and the said Point of Beginning.

CERTIFIED TO - 801 EATON STREET LLC;

SURVEYOR NOTES: • THIS SURVEY WAS PERFORMED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE PARTIES LISTED HEREIN AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHO'S/OVER, LIKEWISE, ANY REUSE OF THIS SURVEY FOR ANY PURPOSE OTHER THAN WHICH WAS ORIGINALLY INTENDED, WITHOUT THE WRITTEN PERMISSION OF THE UNDERSIGNED SURVEYOR & MAPPER, WILL BE DONE SO AT THE RISK OF THE REUSING PARTY AND WITHOUT ANY LIABILITY TO THE UNDERSIGNED SURVEYOR & MAPPER. • THIS SURVEY DOES NOT PURPORT TO SHOW OWNERSHIP OF WALLS OR FENCES ALONG PROPERTY LINES.

Table with columns for abbreviations and their meanings. Includes terms like BEAR, BOND, CON, CO, etc.

LEGEND: Symbols for water meter, sanitary sewer clean out, mailbox, wood power pole, concrete power pole.

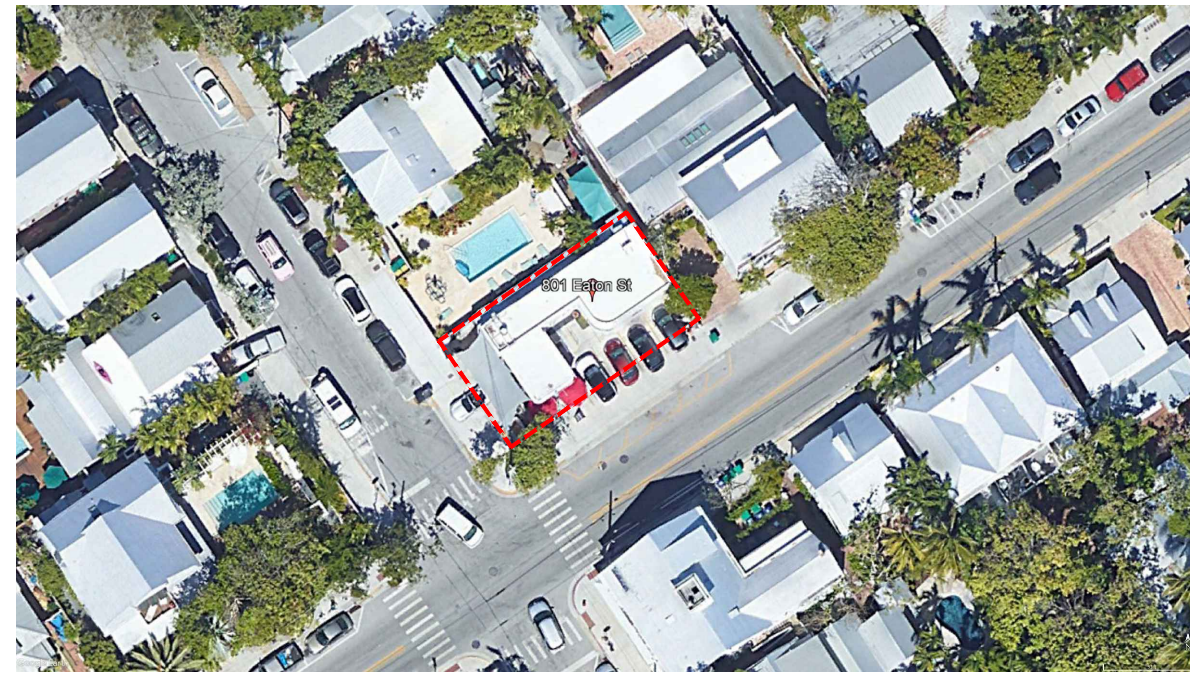


TOTAL AREA = 2840.49 SQFT ±

Surveyor's declaration and signature area. Includes 'I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS...' and a signature line.

FLORIDA KEYS LAND SURVEYING logo and contact information: 21460 OVERSEAS HWY, SUITE 4 OUDJOE KEY, FL 33042 PHONE: (305) 394-3630 EMAIL: FKLSmail@gmail.com

SITE PLAN



SCOPE OF WORK

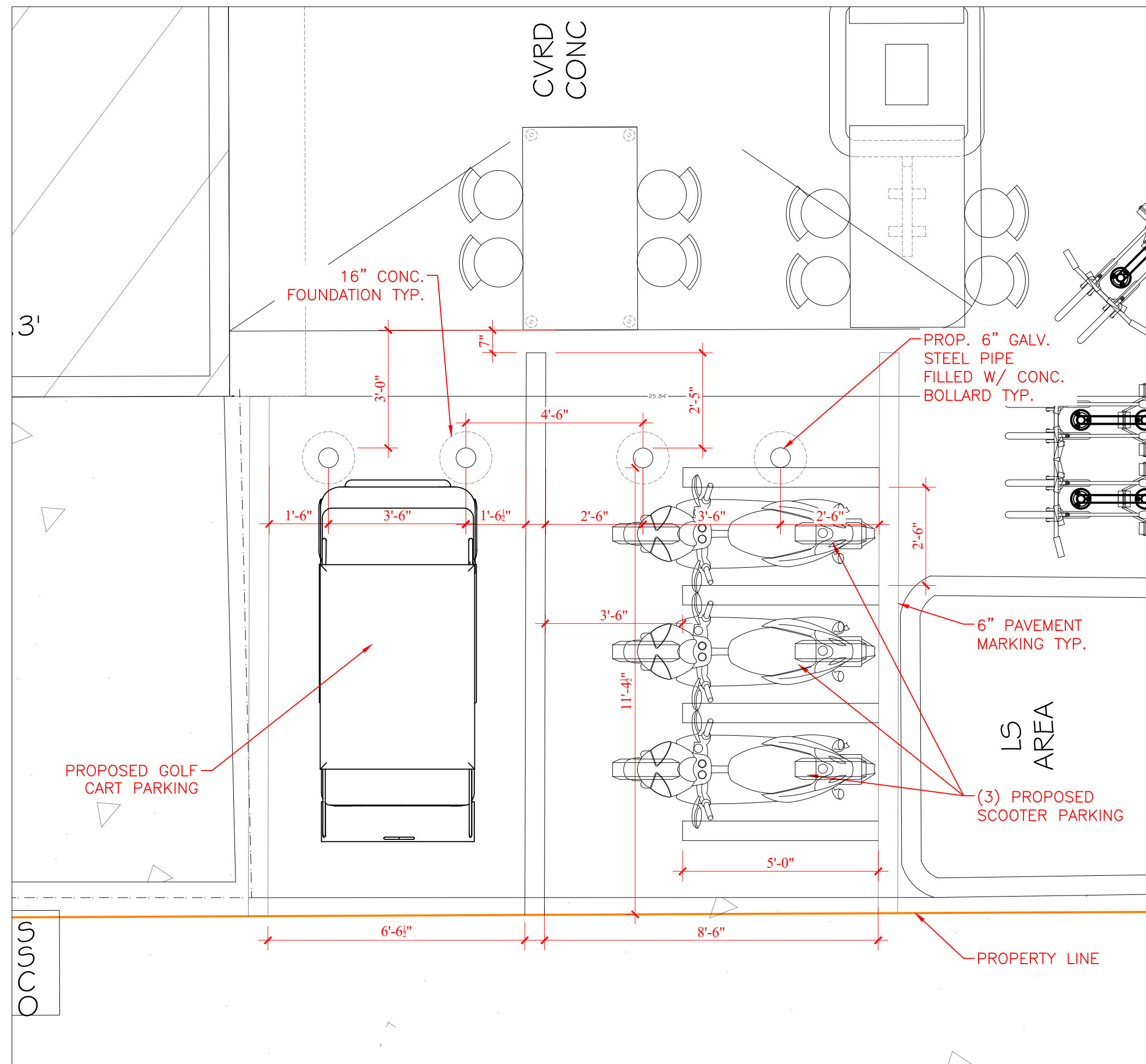
ADD 7 SEATS TO AN EXISTING 9 SEATING RESTAURANT

INDEX OF DRAWINGS

S-1 - SITE DATA, NOTES & SITE PLAN

SITE DATA

OWNER: 801 EATON STREET LLC
 PARCEL ID: 00003340-000000
 SECTION-TOWNSHIP-RANGE: 06/68/25
 ZONING DISTRICT: HNC-2 (HISTORIC NEIGHBORHOOD COMMERCIAL)
 OCCUPANCY: A-2
 FLOOD ZONE: X / AE
 BASE FLOOD ELEV. 6.0' NGVD 1929
 DESIGN FLOOD ELEV. 7.0' NGVD 1929
 F.I.R.M. -
 COMMUNITY #120168
 PREFIX #12087
 MAP & PANEL #1516
 SUFFIX "K"
 DATED: 02-18-2005
 LEGAL DESCRIPTION:
 KW PT LOT 4 SQR 21 PARCEL 1 XX-387
 SETBACKS:
 FRONT: 10 FT
 STREET SIDE: 7.5 FT
 SIDE YARD: 5 FT
 REAR YARD: 15 FT



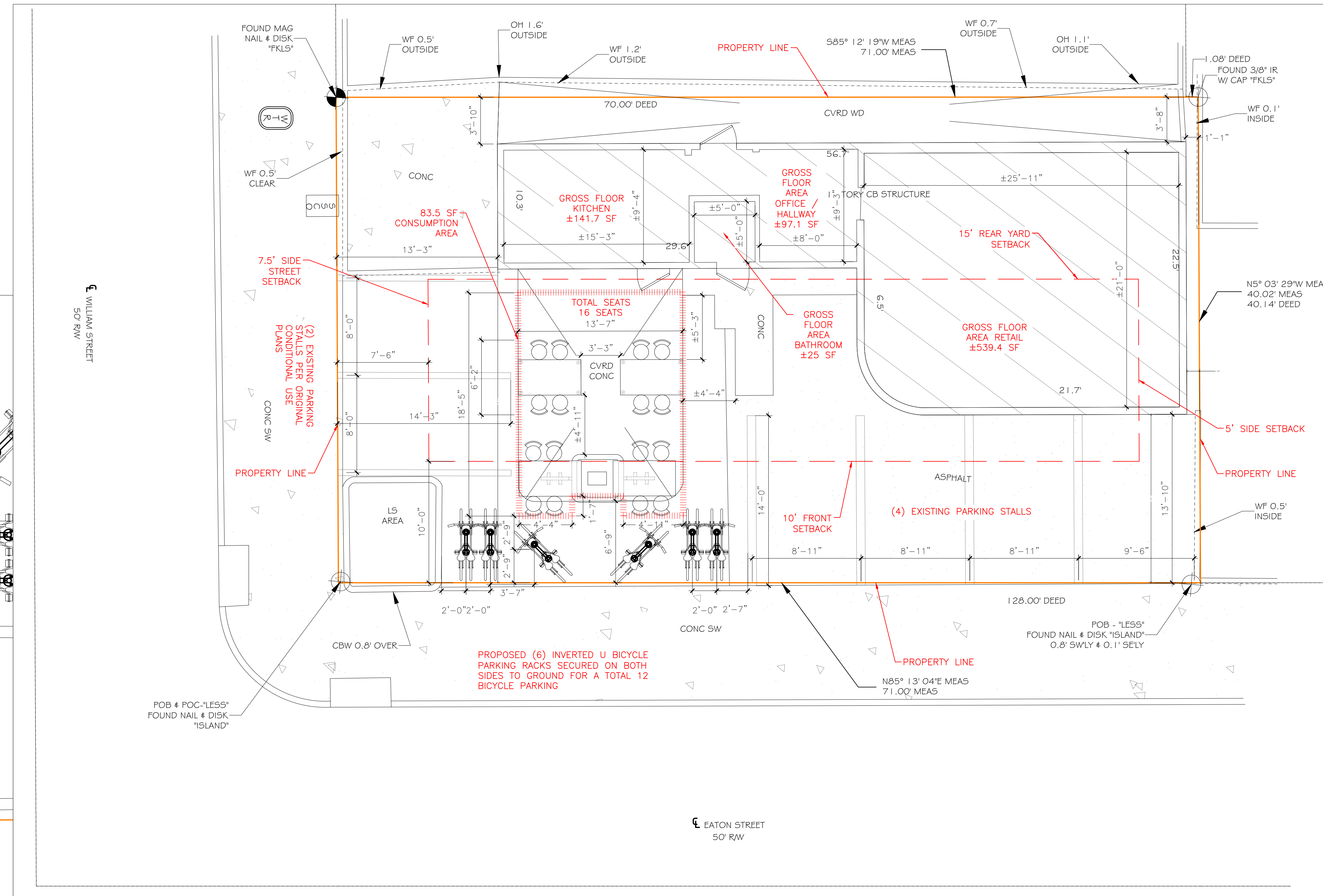
PROPOSED GOLF CART/SCOOTER PARKING PLAN
 SCALE: 1"=5'-0"

CONDITIONAL USE REVISION

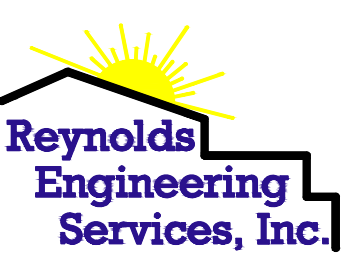
FOR

801 EATON ST. KEY WEST, FL

SITE DATA TABLE 801 EATON ST. KEY WEST FL.				
	CODE REQUIREMENT	EXISTING	PROPOSED	VARIANCE REQUEST
ZONING	HNC-2			
FLOOD ZONE	X / AE-6			
SIZE OF SITE	2,840.5 SF			
HEIGHT	30 FT MAX	NA	NO CHANGE	NO
FRONT SETBACK	10 FT MIN	13'-10.5"	NO CHANGE	NO
SIDE SETBACK	5 FT MIN	1'-1.2"	NO CHANGE	NO
SIDE SETBACK	5 FT MIN	NA	NO CHANGE	NO
STREET SIDE SETBACK	7.5 FT MIN	13'-3"	NO CHANGE	NO
REAR SETBACK	15 FT MIN	3'-0"	NO CHANGE	NO
F.A.R.	1.0 MAX	874 SF	NO CHANGE	NO
BUILDING COVERAGE	40% MAX / 1,136.2SF	1,379 SF/48.5%	NO CHANGE	NO
IMPERVIOUS SURFACE	60% MAX / 1,704.3SF	2,399.3 SF/84.5%	NO CHANGE	NO
PARKING	1 SPACE / 45 SF OF SERVING OR CONSUMPTION AREA 1 SPACE / 300 SF OF RETAIL AND OFFICE SPACE	135 SF/45 SF 3 SPACES 661.5 SF/300 SF 3 SPACES	242.5 SF / 45 SF 6 SPACES 661.5 SF / 300 SF 3 SPACES	YES
HANDICAP PARKING	1 SPACE (UP TO 25 IN LOT)	0	0	NO
BICYCLE PARKING	25% PER MOTOR VEH 4 BIKES = 1 CAR SPACE	12 BIKES / 3 SPACES	NO CHANGE	NO
GOLF CART PARKING	NA	NA	1 SPACE	NO
SCOOTER PARKING	NA	NA	3 SPACES	NO
OPEN SPACE / LANDSCAPING	20% MIN. / 568.1 SF	441.2 SF/15.5%	NO CHANGE	NO
NUMBER / TYPE OF UNITS	NA	NA	NA	NO
CONSUMPTION AREA OR NUMBER OF SEATS	NA	135 SF 9 SEATS	242.5 SF 16 SEATS	YES



SITE PLAN
 SCALE: 1"=5'-0"



REVISIONS:		
No.	DATE	REMARKS

Reynolds Engineering Services, Inc
 Fl. C.A. No. 26597
 24478 Overseas Highway
 Summerland Key, Fl. 33042
 305-394-5987
 jim@reynoldsendgeerservices.com

CONDITIONAL USE REVISION
 FOR
 801 EATON STREET LLC
 801 EATON ST. KEY WEST, FL

James C. Reynolds, PE
 Fl. License No. 46685

SITE DATA, NOTES & SITE PLAN

Sheet: 1 OF 1

Date: 7/19/2023