



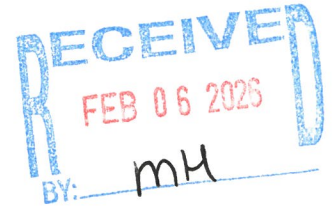
CHANGE OF NONCONFORMING USE APPLICATION

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

Change of Nonconforming Use Application	\$ 1,608.12
Advertising and Noticing Fee	\$ 376.81
Fire Department Review Fee	\$ 134.01
Total Application Fee	\$ 2,118.94

Please complete this application and attach all required documents. This will enable staff to process your request efficiently and obtain the necessary information promptly. If you have any questions, please call 305-809-3764.

PROPERTY DESCRIPTION:

Site Address: 600 Whitehead Street
 Real Estate (RE) #: 00012901-000100
 Zoning District: HRO Total Land Area (sq ft): 3,050
 Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative
 Name: Trepanier & Associates, Inc.
 Mailing Address: 1902 Staples Lane
 City: Key West State: FL Zip: 33040
 Home/Mobile Phone: _____ Office: 305-293-8983 Fax: _____
 Email: Owen@OwenTrepanier.com

PROPERTY OWNER: (if different than above)
 Name: 600 Whitehead, LLC
 Mailing Address: 608 Griffin Lane
 City: Key West State: FL Zip: 33040
 Home/Mobile Phone: _____ Office: 305-747-0799 Fax: _____
 Email: mariusventer37@gmail.com

Are there any easements, deed restrictions or other encumbrances attached to the property? Yes No
 If yes, please describe and attach relevant documents: None known

Description of existing use and proposed use. If there is more than one use, please describe each use:
 Existing: Restaurant/ Retail with 8 outdoor seats
 Proposed: Restaurant 18 indoor seats

Pursuant to Section 122-32(e) of the Municipal Code, a nonconforming use of a building or structure may be changed to another nonconforming use if the Planning Board finds: (1) that the new use is equally or more appropriate to the zoning district; and (2) 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. Please explain how the change complies with this standard (use a separate sheet of paper if necessary):

The new use is equally or more appropriate to the zoning district pursuant to 122-32(e)(1).

Converting from a nonconforming restaurant with outdoor seating and nonconforming general retail to a small-scale restaurant with 18 indoor seats is more appropriate to the HRO district, which is intended for business and professional offices and residential uses, with only limited commercial activity in designated locations and an express exclusion of general retail. Eliminating the general retail component and all outdoor seating reduces nonconformities, contains activity indoors, and better aligns the premises with the district's low-medium intensity purpose and trip-generation limits.

(Continued on attached Compliance Analysis)

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 along with one (1) electronic copy of the materials on a flash drive.

- Correct application fee. Check may be payable to "City of Key West."
- Notarized verification form signed by the property owner or the authorized representative.
- Notarized authorization form signed by the property owner if the 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 the submittal date of this application)
- Site and Elevation plan - Not applicable, interior work only
- Floor plans
- Stormwater management plan - Not applicable, interior work only

122-32(e) Compliance Analysis

The new use is equally or more appropriate to the zoning district pursuant to 122-32(e)(1).

Converting from a nonconforming restaurant with outdoor seating and nonconforming general retail to a small-scale restaurant with 18 indoor seats is more appropriate to the HRO district, which is intended for business and professional offices and residential uses, with only limited commercial activity in designated locations and an express exclusion of general retail. Eliminating the general retail component and all outdoor seating reduces nonconformities, contains activity indoors, and better aligns the premises with the district's low-medium intensity purpose and trip-generation limits.

The new use will not increase the need for parking facilities pursuant to 122-32(e)(2).

The change reduces overall parking demand by removing the higher-turnover general retail use and replacing the existing mixed operation with a single, small-scale restaurant. Pursuant to ITE Trip Generation rates, general retail typically generates frequent, short-stay trips with frequent and constant parking demand. With one 18-seat indoor restaurant, trip generation reduced significantly, patterns become more predictable and more consistent and compatible with HRO intensity standards. The limitation on seating will ensure there is no increase in the need for parking facilities pursuant to Sec. 108-572ⁱ.

The change of use will not increase vehicular traffic to the neighborhood pursuant to 122-32(e)(2).

Eliminating the nonconforming general retail component removes a classic high-frequency, short-stay trip generator that adds vehicle movements beyond restaurant traffic. The premises shifts from a mixed, nonconforming condition to a single low-medium-intensity restaurant use more consistent with the HRO district. ITE Trip Generation standards demonstrate peak hour vehicle trips will be significantly less than the current condition and more consistent and compatible with the district's trip-generation ceiling, so neighborhood traffic is not intensifiedⁱⁱ.

The change of use will not increase noise, dust, fumes, or other environmental hazards pursuant to 122-32(e)(2).

Removing the eight nonconforming outdoor seats eliminates a significant source of audible activity in the street and adjacent properties. All patron activity, and service noise will be contained indoors, reducing off-site noise impacts. Eliminating general retail also reduces deliveries, and handling of goods thereby reducing added dust, fumes, and similar nuisances in this historic mixed-use context.

The change of use will not adversely impact drainage pursuant to 122-32(e)(2).

Elimination of outdoor seating reduces the intensity of use in the public realm and decreases litter and other pollutants associated with the existing outdoor seating. With all patron activity indoors, there is less potential for trash and similar contaminants to accumulate on adjacent streets and sidewalks and be carried into stormwater facilities and nearshore waters, so no adverse drainage impact is anticipated.

ⁱ Change in Parking Demand

Existing Parking Demand

- Retail stores and service establishments: 1 spaces / 300 sq. ft. of gross floor area = No. of parking spaces
(1sp / 300 sq. ft. X 1,004 sq. ft. = 3.4 parking spaces)
 - Seats: No. of seats X 15 sq. ft. of serving and or consumption area / seat X 1 space / 45 sq. ft. of serving and or consumption area = No. of parking spaces
(8 seats X 15 sq. ft. / seat X 1 space / 45 sq. ft. = 2.7 parking spaces)
- Total Existing Parking Demand: 6.1 Spaces

Proposed Parking Demand

- Seats: No. of seats X 15 sq. ft. of serving and or consumption area / seat X 1 space / 45 sq. ft. of serving and or consumption area = No. of parking spaces
(18 seats X 15 sq. ft. / seat X 1 space / 45 sq. ft. = 6 parking spaces)
- Total Proposed Parking Demand: 6.0 Spaces

Proposed change in Parking demand: -0.1 spaces

ⁱⁱ Trip Generation

Existing Trip Generation - ITE 852 Convenience Store

- Weekday 32.60 trips/1,000 sq. ft. AM Peak Hour
- Weekday 36.22 trips/1,000 sq. ft. PM Peak Hour

Proposed Trip Generation - ITE 931 Restaurant

- Weekday 5.57 trips/1,000 sq. ft. AM Peak Hour
- Weekday 9.02 trips/1,000 sq. ft. PM Peak Hour

Proposed Change in Trip Generation:

- **Weekday -27.03 trips/1,000 sq. ft. AM Peak Hour**
- **Weekday -27.20 trips/1,000 sq. ft. PM Peak Hour**



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

Manager of 600 Whitehead, LLC
Name of office (President, Managing Member) Name of owner from deed

authorize Trepanier & Associates, Inc.
Please Print Name of Representative

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

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

Subscribed and sworn to (or affirmed) before me on this 2/5/26
Date

by Marius Venter, Mgr. 600 Whitehead, LLC
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
Owen Trepanier
Comm.: HH 721130
Expires: Sep. 16, 2029

Name of Acknowledged Party, printed, and stamped

Commission Number, if any



**City of Key West
Planning Department
Verification Form**
(Where Applicant is an entity)

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

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:

600 White Street
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.

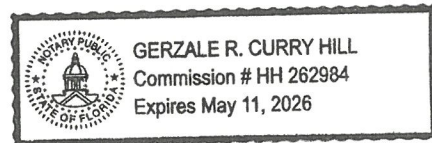
In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

[Handwritten Signature]
Signature of Applicant

Subscribed and sworn to (or affirmed) before me on this Feb. 6 2026 by
Owen Trepanier
Name of Applicant *date*

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

[Handwritten Signature]
Notary's Signature and Seal
Gerzale R. Curry Hill
Name of Acknowledger typed, printed or stamped



Commission Number, if any

Prepared by and return to:

Gregory S. Oropeza
Attorney
Oropeza Stones & Cardenas, P.L.L.C.
221 Simonton Street
Key West, FL 33040
(305) 294-0252
File Number: 23-712
Consideration: \$1,400,000.00

Parcel Identification No.: 00012901-000100

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 22 day of January, 2024 between Peace, Love & Custard, LLC, a Florida limited liability company whose post office address is 1016 Varela Street, Rear, Key West, FL 33040 of the County of Monroe, State of Florida, grantor*, and 600 Whitehead LLC, a Florida Limited Liability Company whose post office address is 608 Griffin Lane, Key West, FL 33040 of the County of Monroe, State of Florida, grantee*,

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:

Condominium Unit C-1, Jackson Square Courthouse Condominium, a Condominium, according to the Declaration of Condominium recorded in O.R. Book 2183, Page 675; as amended by Certificate of Amendment to Declaration of Condominium of Jackson Square Courthouse Condominium recorded in O.R. Book 2532, Page 1233, all of the Public Records of Monroe County, Florida.

Subject to taxes for 2024 and subsequent years; covenants, conditions, restrictions, easements, reservations, and limitations of record, if any.

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

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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
Printed Name: Gregory Oropeza
Address: 221 S Montair St
Ky West FL 33040

[Signature]
William C. Dawkins, As Manager

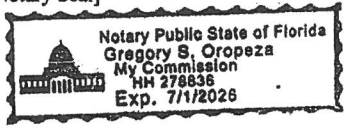
[Signature]
Witness
Printed Name: Patricia H. Barry
Address: 221 S Montair St
Ky West FL 33040

[Signature]
Carla Fry, as Manager

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 21st day of January, 2024 by William C. Dawkins, Manager and Carla Fry, Manager of Peace, Love & Custard, LLC, who are personally known or have produced a driver's license as identification.

[Notary Seal]



[Signature]
Notary Public
Printed Name: _____
My Commission Expires: _____



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
600 WHITEHEAD LLC

Filing Information

Document Number L23000490880
FEI/EIN Number 93-4186155
Date Filed 10/30/2023
State FL
Status ACTIVE

Principal Address

600 WHITEHEAD STREET
KEY WEST, FL 33040

Mailing Address

608 GRIFFIN LANE
KEY WEST, FL 33040

Registered Agent Name & Address

VENTER, MARIUS
608 GRIFFIN LANE
KEY WEST, FL 33040

Authorized Person(s) Detail

Name & Address

Title MGR

VENTER, MARIUS
608 GRIFFIN LANE
KEY WEST, FL 33040

Annual Reports

Report Year	Filed Date
2024	04/23/2024

Document Images

04/23/2024 -- ANNUAL REPORT	View image in PDF format
10/30/2023 -- Florida Limited Liability	View image in PDF format

Monroe County, FL

PROPERTY RECORD 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 00012901-000100
Account# 9085096
Property ID 9085096
Millage Group 10KW
Location Address 600 WHITEHEAD St C-1, KEY WEST
Legal Description UNIT C-1 JACKSON SQUARE COURTHOUSE CONDOMINIUM OR2692-378 OR2859-2012 OR3259-2061
(Note: Not to be used on legal documents.)
Neighborhood 8145
Property Class RETAIL-CONDO (1104)
Subdivision
Sec/Twp/Rng 06/68/25
Affordable Housing No

Owner

600 WHITEHEAD LLC
608 Griffin Ln
Key West FL 33040

Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$626,411	\$546,739	\$546,739	\$546,739
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$0	\$0	\$0	\$0
= Just Market Value	\$626,411	\$546,739	\$546,739	\$546,739
= Total Assessed Value	\$601,412	\$546,739	\$524,755	\$477,050
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$626,411	\$546,739	\$546,739	\$546,739

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$0	\$546,739	\$0	\$546,739	\$546,739	\$0	\$546,739	\$0
2021	\$0	\$546,739	\$0	\$546,739	\$524,755	\$0	\$546,739	\$0
2020	\$0	\$546,739	\$0	\$546,739	\$477,050	\$0	\$546,739	\$0
2019	\$0	\$365,500	\$0	\$365,500	\$365,500	\$0	\$365,500	\$0
2018	\$0	\$365,500	\$0	\$365,500	\$365,500	\$0	\$365,500	\$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.

Buildings

Building ID	57746	Exterior Walls	
Style		Year Built	1948
Building Type	CN_1 / CN_1	EffectiveYearBuilt	1948
Building Name		Foundation	
Gross Sq Ft	1004	Roof Type	
Finished Sq Ft	1004	Roof Coverage	
Stories		Flooring Type	
Condition	AVERAGE	Heating Type	
Perimeter	0	Bedrooms	1
Functional Obs	0	Full Bathrooms	0
Economic Obs	0	Half Bathrooms	0
Depreciation %	0	Grade	
Interior Walls		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	1,004	1,004	0
TOTAL		1,004	1,004	0

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
1/22/2024	\$1,400,000	Warranty Deed	2448884	3259	2061	01 - Qualified	Improved		
6/9/2017	\$525,000	Warranty Deed	2127355	2859	2012	03 - Qualified	Improved	SAUNDERS BUILDING LLC	
7/1/2014	\$430,000	Warranty Deed		2692	378	02 - Qualified	Improved		

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
17-2689	8/30/2017		\$10,000	Commercial	INSTALLING 2-FLOOR DRAINS TIE IN TO EXISTING MOVING 2-PLUMB FIXTURES & ADDING WATER SUPPLY FOR NEW EQUIPMENT. N.O.C. REQUIRED.
17-2686	8/22/2017		\$65,000	Commercial	RENOVATE EXISTING 1-STORY COMMERCIAL SPACE. REMOVAL OF A SUSPENDED CEILING RELOCATE 2-PLUMBING FIXTURES REPLACEMENT OF 1 EXISTING WINDOW & ALTERATION OF EXISTING ELECTRICAL SERVICE TO ACCOMMODATE NEW FIXTURES. NOC REC'D 8/28/17

View Tax Info

[View Taxes for this Parcel](#)

Map



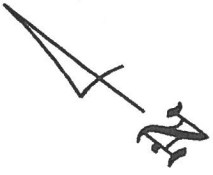
TRIM Notice

No data available for the following modules: Land, Yard Items, Sketches (click to enlarge), Photos.

JACKSON SQUARE COURTHOUSE

1ST FLOOR PLAN

Doc# 1563472
Bk# 2183 P# 703



WHITEHEAD STREET

SOUTHARD STREET

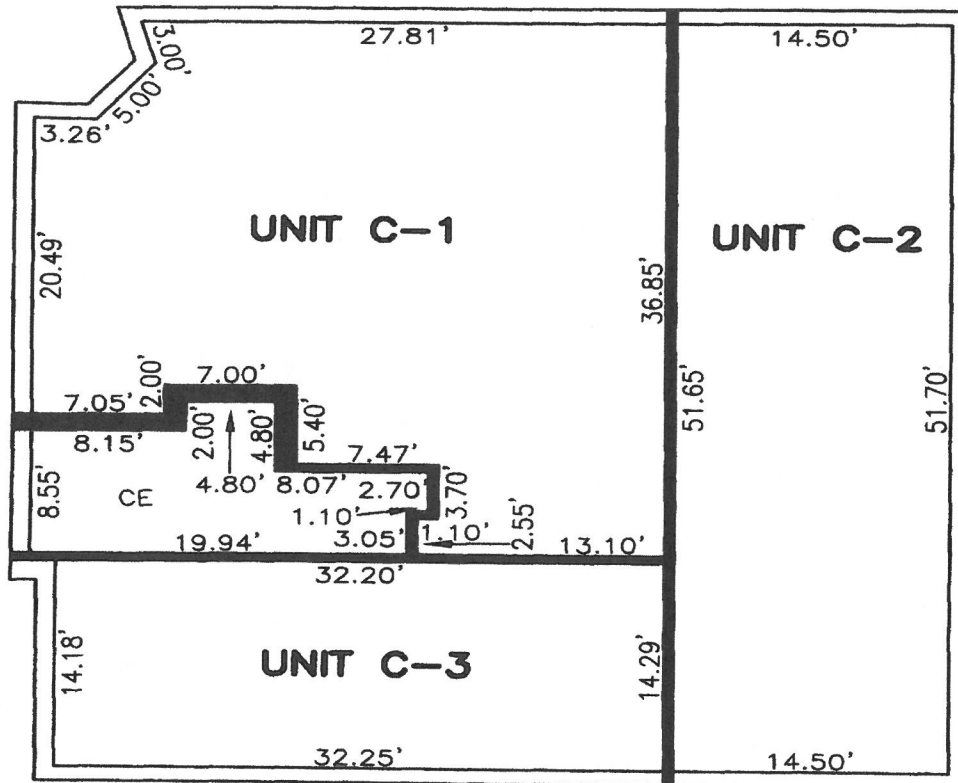


Exhibit "B" to Declaration
Page 6 of 14

NOTE: DIMENSIONS ± 6"

SHEET 6 OF 14

Jackson Square Courthouse
600 Whitehead Street Key West FL. 33040

CONDOMINIUM SURVEY

Dwg. No.
05-146

Scale 1"= 10'

Ref.

Flood Panel No. 1518H

Dwn. By C.M.C

Date 3/23/05

182-8-11

Flood Zone X

Flood Elev. -

REVISIONS AND/OR ADDITIONS

FREDERICK H. HILDEBRANDT
ENGINEER PLANNER SURVEYOR

3152 Northside Drive
Suite 201
Key West, Fl. 33040
(305) 293-0466
Fax. (305) 293-0237

SITE DATA

SITE ADDRESS: 600 WHITEHEAD ST C-1, KEY WEST, FL 33040
 RE: 00012601-000100
 ZONING: HRO
 FLOOD ZONE: X
 F.I.R.M. - COMMUNITY#12087C, MAP & PANEL #1516 SUFFIX K, DATE:02-18-05
 SECTION/TOWNSHIP/RANGE: 6-68-25
 LEGAL DESCRIPTION: UNIT C-1 JACKSON SQUARE COURTHOUSE CONDOMINIUM
 OCCUPANCY: R-3 RESIDENTIAL SINGLE FAMILY
 TYPE OF CONSTRUCTION: VB

DESIGN DATA

THE WORK DEPICTED HEREIN WAS DESIGNED TO MEET THE REQUIREMENTS OF THE 2023 FLORIDA BUILDING CODE AND THE LATEST EDITIONS OF THE FLORIDA MODEL ENERGY CODE, FIRE CODE, LIFE SAFETY CODE AND THE NATIONAL ELECTRIC CODE.
 THE FOLLOWING LOADINGS WERE USED:
 DESIGN LOADS: ASCE 7-22
 WIND LOAD: 180 mph; 3 sec gust; EXPOSURE C; ROOF LIVE LOAD 20 PSF; DEAD LOAD 15 PSF; FLOOR LL 40 PSF, DECK LL 60 PSF
 SOIL BEARING CAPACITY ASSUMED 2000LBS PER SQ.FT.
 FEMA FLOOD DESIGN PER ASCE 24-14

INDEX OF DRAWINGS

SHEET CS-1 - EXISTING AND PROPOSED PLAN
 SHEET A-1 - LIFE SAFETY PLAN AND DROP CEILING PLAN
 SHEET S-1 - STRUCTURAL PLAN AND DETAILS
 SHEET M-1.0 - MECHANICAL SCOPE, NOTES AND DETAILS
 SHEET M-2.0 - MECHANICAL PLAN
 SHEET E-1.0 - ELECTRICAL SCOPE NOTES AND DETAILS
 SHEET E-2 - ELECTRICAL PLANS
 SHEET P-1.0 - PLUMBING SCOPE, NOTES AND DETAILS
 SHEET P-2.0 - PLUMBING PLAN AND RISERS

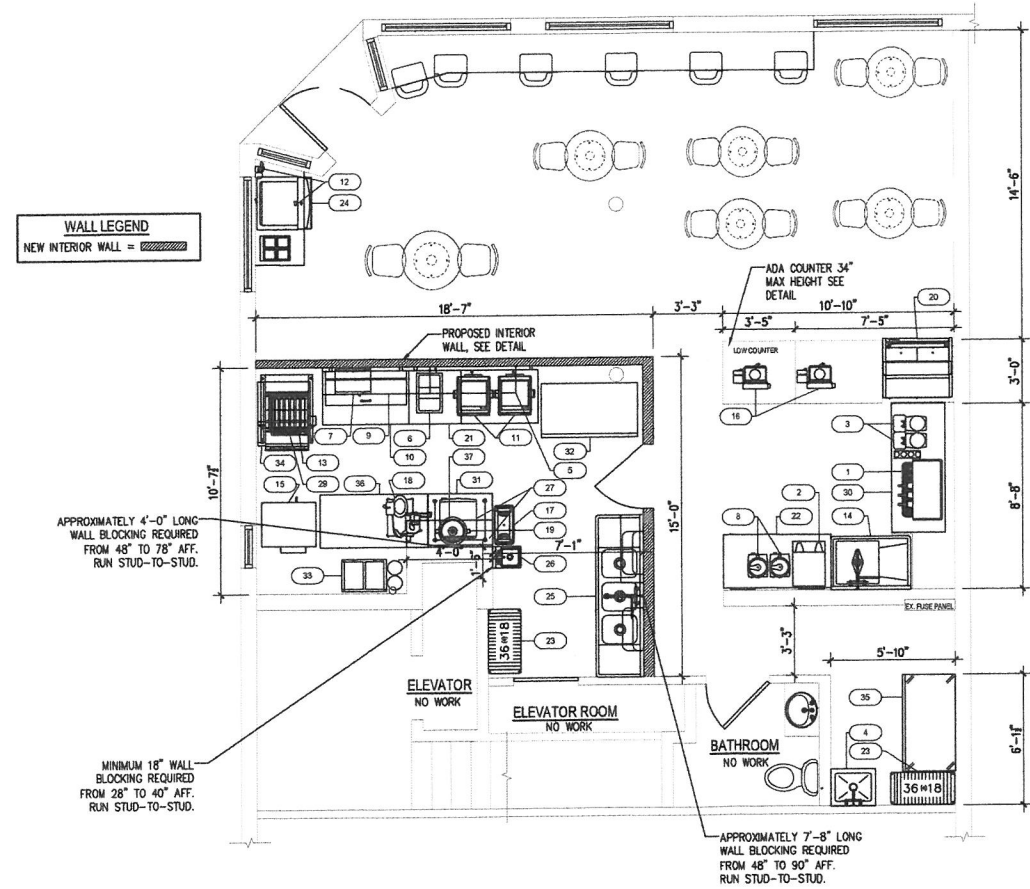
SCOPE OF WORK

REMODEL OF EXISTING RESTAURANT TO NEW RESTAURANT

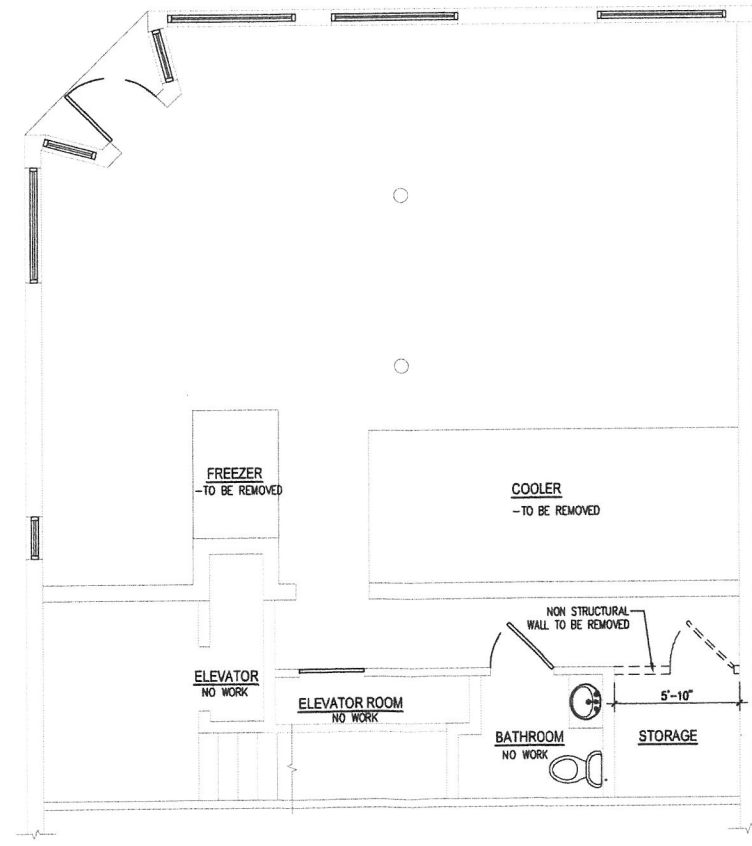
GENERAL NOTES

1. THESE PLANS ARE FOR THE CONSTRUCTION AT THE LOCATION SO DESIGNATED HEREIN.
2. THE CONTRACTOR SHALL PROVIDE ALL MATERIAL, LABOR, EQUIPMENT AND SUPERVISION NECESSARY TO PROVIDE THE WORK COMPLETE AND READY FOR USE.
3. THERE SHALL BE NO DEVIATION FROM THESE PLANS WITHOUT PRIOR APPROVAL FROM THE ENGINEER OF RECORD.
4. THE CONTRACTOR SHALL VISIT THE SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS BEFORE BID. CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS OF THE WORK SITE AND REPORT ANY DISCREPANCIES, DIFFERENCES OR CONDITIONS THAT ARE UNSATISFACTORY OR UNSAFE.
5. NOTIFY THE ENGINEER OF RECORD IMMEDIATELY OF ANY DISCREPANCIES, DIFFERENCES, UNSATISFACTORY OR UNSAFE CONDITIONS. ANY MODIFICATIONS OR CHANGES MADE WITHOUT PRIOR WRITTEN APPROVAL FROM THE OWNER AND ENGINEER OF RECORD SHALL NOT BE ALLOWED. ANY REWORK, RESTORATION OR OTHER IMPACT AS A RESULT OF NOT OBTAINING SUCH PRIOR APPROVAL WILL BE MADE BY THE CONTRACTOR WITHOUT ADDITIONAL COST OR COMPENSATION FROM THE OWNER.
6. THE CONTRACTOR SHALL PROVIDE FOR THE SAFETY, PREVENTION OF INJURY OR OTHER LOSS AT THE JOB TO ALL PERSONS EMPLOYED IN THE WORK, PERSONS VISITING THE WORK AND THE GENERAL PUBLIC. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE PREVENTION OF DAMAGE, DUE TO THE WORK, TO MATERIALS OR EQUIPMENT AND OTHER PROPERTY AT THE SITE OR ADJACENT THERETO.
7. NO RESEARCH AS TO THE PRESENCE OF UNDERGROUND UTILITIES HAS BEEN INCLUDED ON OR PERFORMED FOR THIS PROJECT. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING SUNSHINE UTILITY LOCATE SERVICE PRIOR TO ANY CONSTRUCTION WITHIN ANY PUBLIC RIGHT-OF-WAY OR OTHER AREAS WHERE UNDERGROUND UTILITIES MAY BE PRESENT (I.E. IN AND AROUND UTILITY EASEMENTS, ETC.)
8. THE GENERAL CONTRACTOR SHALL PROVIDE AN ON-SITE DUMPSTER IN A LOCATION COORDINATED WITH THE OWNER FOR THE DISPOSAL OF REMOVED MATERIAL AND CONSTRUCTION DEBRIS. THE DUMPSTER SHALL BE EMPTIED AT APPROPRIATE INTERVALS TO PREVENT OVERFLOW AND UNSIGHTLY CONDITIONS.
9. THE CONTRACTOR SHALL PERFORM ALL WORK IN STRICT CONFORMANCE WITH THE PLANS, 2023 FLORIDA BUILDING CODE, LOCAL CODES AND ORDINANCES, MANUFACTURER RECOMMENDATIONS AND ACCEPTABLE TRADE PRACTICES. ANY CONFLICT BETWEEN THESE REQUIREMENTS AND THE MOST STRINGENT REQUIREMENTS SHALL GOVERN THE WORK.
10. SHOP DRAWINGS OF ALL PREFABRICATED STRUCTURAL FLOOR AND ROOF SYSTEMS AND MECHANICAL SYSTEMS SHALL BEAR THE SEAL OF A FLORIDA PROFESSIONAL ENGINEER AS REQUIRED BY THE 2023 FLORIDA BUILDING CODE AND SHALL BE SUBMITTED TO THE ENGINEER OF RECORD BY THE CONTRACTOR FOR APPROVAL PRIOR TO FABRICATION AND INSTALLATION.
11. THE CONTRACTOR SHALL NOT SCALE DRAWINGS. ANY INFORMATION THAT THE CONTRACTOR CANNOT OBTAIN FROM DIMENSIONS, DETAIL OR SCHEDULE SHALL BE OBTAINED FROM THE ENGINEER OF RECORD.
12. THE CONTRACTOR SHALL COORDINATE THE WORK OF ALL TRADES TO PREVENT ANY CONFLICTS.
13. THE CONTRACTOR SHALL FURNISH ALL SUBCONTRACTORS WITH A COMPLETE SET OF PLANS. ALL CHANGES SHALL BE NOTED ON THE DRAWINGS AND (2) COMPLETE AS-BUILT SETS SHALL BE DELIVERED TO THE OWNER AFTER COMPLETION OF WORK.

Item No	Quantity	Category
1	1	Coffee
2	1	Coffee Brewer
3	2	Coffee Grinder
6	1	Food Pan Warmer, Countertop
7	1	Microwave Oven
8	2	Blender, Bar
10	1	Sandwich / Salad Preparation Refrigerator
11	2	Sandwich / Panini Grill
12	1	Ice Maker, Cube-Style
13	1	Griddle, Electric, Countertop
15.1	1	Convection Oven, Electric
15.2	1	Ventless Exhaust System
16	2	POS System
18	1	Meat Slicer
19	1	Rice / Grain Cooker
20	1	Open Display Merchandiser
21	1	Undercounter Refrigerator
22	1	Reach-in Undercounter Freezer
24	1	Soda Fountain with Vendor
27	1	Ice Maker with Bin, Cube-Style
29	1	Undercounter Refrigerator
30	1	Undercounter Refrigerator
32	1	Reach-in Freezer
33	1	Bag in Box Syrup Tank Rack
34	1	Ventless Exhaust System
35	1	Reach-in Refrigerator
36	1	Undercounter Refrigerator



PROPOSED FLOOR PLAN
 SCALE: 1/4" = 1'-0"



EXISTING FLOOR PLAN
 SCALE: 1/4" = 1'-0"

NOT VALID FOR CONSTRUCTION UNLESS DIGITALLY SIGNED WITH ORIGINAL SEAL.
 PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SEA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

DATE:	REV. SET

COMMERCIAL INTERIOR REMODEL
 600 WHITEHEAD ST C-1, KEY WEST, FL 33040








DATE: 8.27.2024

EXISTING AND PROPOSED FLOOR PLAN
CS-1

SEAL

NOT VALID FOR CONSTRUCTION UNLESS DIGITALLY SIGNED WITH ORIGINAL SEAL.
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGN AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

LIFE SAFETY SYMBOL KEY

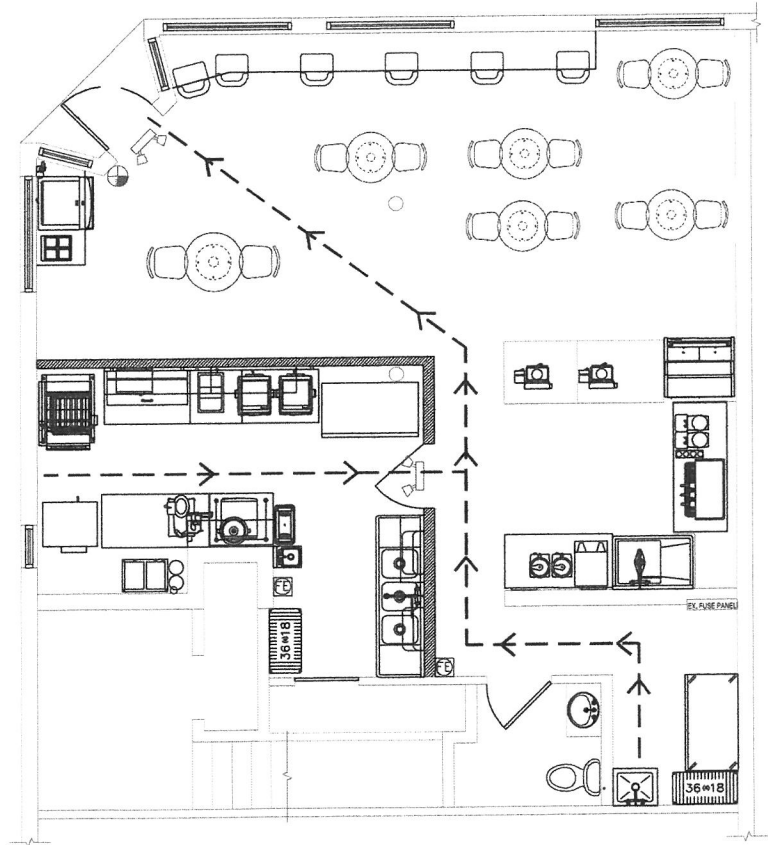
-  EMERGENCY LIGHT
-  EXIT SIGN
-  SMOKE DETECTOR
-  AUDIO/VISUAL ALARM
-  HEAT DETECTOR
-  PULL STATION
-  FIRE EXTINGUISHER

LIFE SAFETY NOTES:

- BUILDING CODES: 2023 FLORIDA BUILDING CODE, NFPA 101 AND NFPA 10
- BUILDING FLOOR AREA: 977 SF
- OCCUPANCY: ASSEMBLY A-2
- FIRE PROTECTION: SMOKE ALARMS THROUGHOUT
- FIRE RATING: 2 HR FIRE SEPARATION
- CORRIDOR MIN WIDTH 44 INCHES (FBC 1018.2)
- EXIT WIDTH CAPACITY: 0.3 INCHES/PERSON; ASSUMED OCCUPANT LOAD 18 PERSONS = 5.4 INCHES

NOTE:
PER FLORIDA BUILDING CODE (BUILDING) 1005.5 DISTRIBUTION OF MINIMUM WIDTH AND REQUIRED CAPACITY. WHERE MORE THAN ONE EXIT, OR ACCESS TO MORE THAN ONE EXIT, IS REQUIRED, THE MEANS OF EGRESS SHALL BE CONFIGURED SUCH THAT THE LOSS OF ANY ONE EXIT, OR ACCESS TO ONE EXIT, SHALL NOT REDUCE THE AVAILABLE CAPACITY OR WIDTH TO LESS THAN 50 PERCENT OF THE REQUIRED CAPACITY OR WIDTH.

1. EACH LAYER OF TYPE X DRYWALL SHALL BE TAPED AND JOINTS SHALL BE OFFSET.
2. ALL PENETRATIONS SHALL BE SEALED WITH AN APPROVED FIRE CAULK OR FIRE COLLAR.
3. EXISTING SMOKE DETECTORS AND FIRE EXTINGUISHERS.
4. INTERIOR STAIRS FIRE RESISTANCE RATING 1HR.
5. EXIT ACCESS TRAVEL DISTANCE (46FT) (FBC 1016.2)
6. CORRIDOR FIRE RESISTANCE 0HR (TABLE 1018.1 FBC)



LIFE SAFETY PLAN
SCALE: 1/4" = 1'-0"

DATE:	REV. SET

COMMERCIAL INTERIOR REMODEL
600 WHITEHEAD ST C-1, KEY WEST, FL 33040

DATE: 8.27.2024

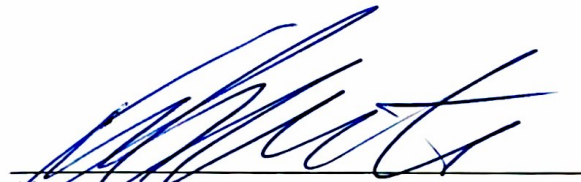
LIFE SAFETY AND DROP CEILING PLAN

A-1

AFFIDAVIT


I, Marius Venter, MMBR of 600 Whitehead Street, LLC, swear/affirm the following to be true and correct to the best of my knowledge:

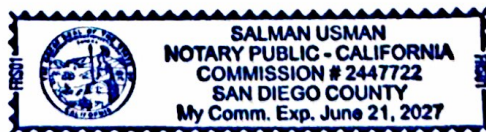
1. 600 Whitehead Street, LLC. purchased 600 White Street on or about 01/22/24.
2. In my personal experience, outdoor seating existed with a capacity of 8-10 seats for more than 30 years; and indoor seating existed with a varying capacity of approximately 5-8 takeout seats during that same period.
3. At the time of purchase, the outdoor seating capacity was 8; and 7 indoor.
4. The outdoor seating benches were removed on or about June 15th, 2025.
5. The indoor seating capacity has varied since the time of purchase but has typically remained around 5 take-out seats.
6. 600 Whitehead Street, LLC. did not and does not intend to abandon nonconforming seating nor any rights associated with that seating.


Signature

2/20/26
Date

State of California
County of San Diego
Subscribed and sworn to (or affirmed) before me on February 20, 2026 (date) by
Marius Venter (name of affiant), he/she is personally known to me or
has presented Florida Driver's License as identification.


Notary's Signature and Seal



SALMAN USMAN

Name of Acknowledger printed or stamped

2447722

Commission Number, if any







COURTHOUSE BEU

COURTHOUSE BEU
OPEN

SMITH'S

DAY SPA

NO PARKING
LOADING ZONE

THE SECRETARIAT OFFICE, P.A.
Administrative Law
305-308-6227

SMITH'S

CALL
305-877-5528

305-308-6227



FOR YOUR PROTECTION

Key Photo - Department of Public Safety
 are authorized by the Department of Public Safety to use
 premises to identify and locate individuals who are
 the premises.

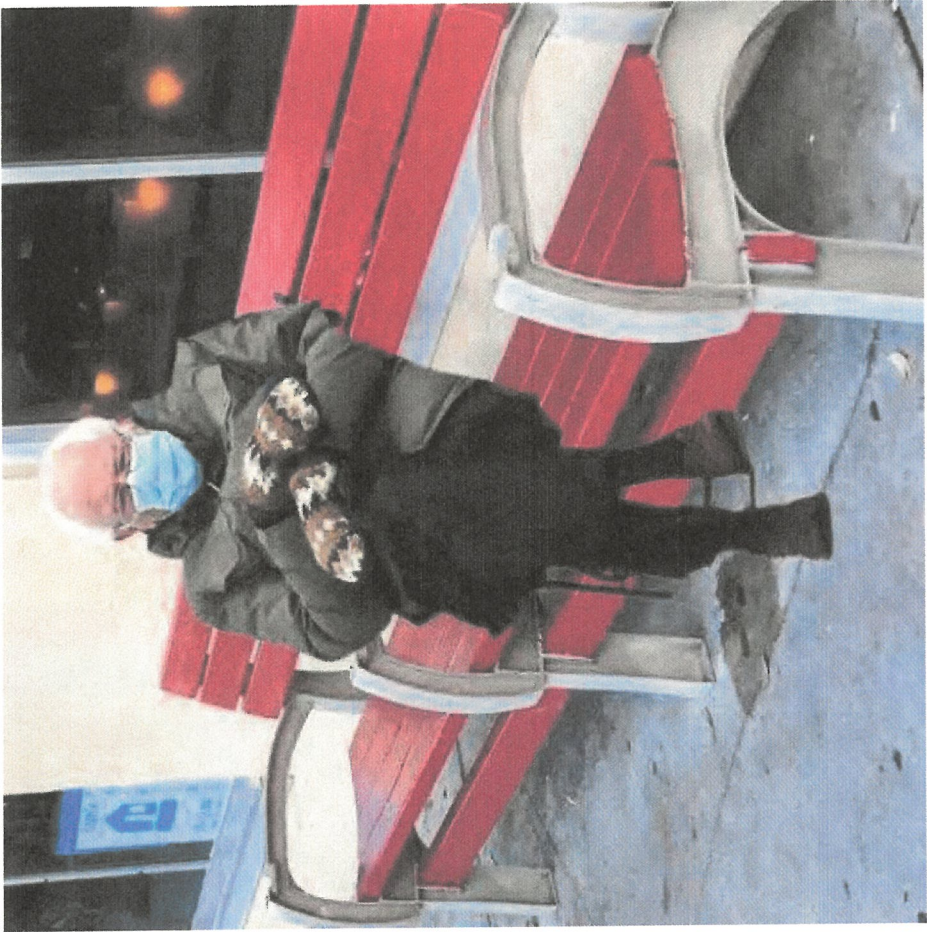
Failure to leave the premises after
 being requested may result in
 arrest for trespassing for entering
 premises.

Florida State Statute 818.01
 HOPKINSON - STATE UNIVERSITY
 CRIME STOPPERS 407-253-1111
 www.floridastate.edu/crime









IN THE DISTRICT COURT OF
APPEAL

OF FLORIDA

THIRD DISTRICT

December 18, 2025

LKT Services, LLC,

3D2025-0763

Petitioner(s),

Trial Court Case No. 2024-AP-4-K

v.

City Commission, etc.,

Respondent(s).

Upon consideration of the second-tier Petition for Writ of Certiorari, and the Response and Reply thereto, it is ordered that said Petition is hereby denied.

FERNANDEZ, MILLER and GOODEN, JJ., concur.

A True Copy
ATTEST

~~3D2025-0763~~ 12/18/25 *Prieto*
Mercedes M. Prieto, Clerk
District Court of Appeal
Third District



CC: Ryan Alexander Abrams
Christopher Benson Deem
Hudson Carter Gill
Hon. Timothy J. Koenig
Ronald Ramsingh
Barton William Smith

GD

IN THE CIRCUIT COURT OF THE 16th JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA, IN AND FOR MONROE COUNTY,

APPELLATE DIVISION

Case No.: 24-AP-4-K

LKT SERVICES & COMPANIES, LLC,
a Florida Limited Liability Company,

Petitioner,

v.

CITY COMMISSION, sitting as the
BOARD OF ADJUSTMENT OF
THE CITY OF KEY WEST, FLORIDA,

Respondent.

_____ /

ORDER ON PETITION FOR WRIT OF CERTIORARI

THIS CAUSE is before the Court on LKT SERVICES & COMPANIES, LLC's ("Petitioner") Petition for Writ of Certiorari to review Resolution No. 23-354 issued by the Key West Board of Adjustment ("Respondent"). Having heard arguments of counsel, considered Petitioner's Petition, Respondent's Response in Opposition to the Petition, Petitioner's Reply, pertinent legal authority, and being otherwise fully advised in the premises, the Court finds and orders as follows:

I. Factual and Procedural Background

Petitioner owns the property located at 409 Caroline Street, Key West, Florida ("Subject Property"). The original zoning ordinance permitted the previous owner to establish a bar and restaurant business on the Subject Property. (Pet. App. 41). In 1997, the City of Key West ("City")

amended its zoning laws and included the Subject Property within the Historic Residential/Office (HRO) zoning district which prohibited the operation of a bar or restaurant outside of the Appelrouth Business Corridor. (Pet. App. 41). Acknowledging that the bar and restaurant business constituted a legal nonconforming use, the City permitted forty-nine (49) seats on the Subject Property. (Pet. App. 18, 41, 42). When Petitioner acquired the Subject Property in 2018, the City issued Petitioner a business tax receipt for a bar and restaurant business with forty-nine (49) seats. (Pet. App. 41).

After performing a restaurant seat license compliance audit in early 2023, the Code Compliance Department cited Petitioner for having sixty-nine (69) unlicensed seats on the Subject Property. (Pet. App. 41). In response, Petitioner submitted a request to the Planning Department to increase seating on the Subject Property from forty-nine (49) seats to one hundred and fifty-six (156) seats. (Pet. App. 42). On September 20, 2023, the Planning Director denied Petitioner's seating request pursuant to Section 122-32(d) of the Key West Code of Ordinances. (Pet. App. 42). Petitioner filed its Notice of Appeal on September 26, 2023, to appeal the Planning Director's denial of the request to increase seating. (Pet. App. 8).

After conducting a quasi-judicial hearing on Petitioner's appeal, Respondent issued Resolution No. 23-354 ("Resolution") denying the appeal and affirming the Planning Director's denial of Petitioner's seating request. (Pet. App. 22-24). In the Resolution, Respondent concluded that "the

proposed additional seats in [sic] an extension or an expansion or an intensity of non-conformity at Subject Property.” *Id.* at 23.

On January 18, 2024, Petitioner filed a petition for writ of certiorari seeking to quash the Resolution.

II. Standard of Review

Certiorari review of an administrative action is given in the circuit court as a matter of right. *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982). First-tier certiorari review is limited to reviewing whether procedural due process is accorded, whether the essential requirements of the law have been observed, and whether the administrative findings and judgment are supported by competent substantial evidence. *Id.* Neither party raised the issue of procedural due process and it is not at issue in this proceeding. Regarding the evidence, circuit courts are not permitted to analyze the record and make their own factual findings. See *Haines City Com’ty Dev. v. Heggs*, 658 So. 2d 523, 530 (Fla. 1995). Circuit courts cannot usurp the fact-finding authority of the agency and are constrained to determining whether the agency’s decision is supported by competent substantial evidence. See *Florida Power & Light Co. v. City of Dania*, 761 So. 2d 1089, 1093 (Fla. 2000).

III. Analysis

A. Adherence to the Essential Requirements of Law

Petitioner argues that Respondent departed from the essential requirements of the law because Respondent did not accurately interpret

and apply the Key West Code of Ordinances (“Code”) in its Resolution. The Court disagrees.

A circuit court reviewing an agency action looks to whether the agency “applied the correct law,” which is synonymous with “observing the essential requirements of law.” *Haines City Cmty. Dev.*, 658 So. 2d at 530. An administrative agency departs from the essential requirements of law if it applies the wrong law. *Id.* at 531 n.7.

In this case, the Respondent observed the essential requirements of law by applying the correct law to the evidence. Since the bar and restaurant business on the Subject Property is a legal nonconforming use, Respondent applied Section 122-32(d) of the Code to determine whether to affirm the Planning Director’s denial of Petitioner’s seating request. (Pet. App. 58, 81-83). Code Section 122-32(d) pertains to the modification of nonconforming uses and provides that “[a] nonconforming use shall not be extended, expanded, enlarged, or increased in intensity.” Immediately before voting on the Resolution to affirm the Planning Director’s denial of Petitioner’s seating request, the City Attorney explained that Code Section 122-32(d) prohibits the extension, expansion, enlargement, or intensity of a nonconforming use. (Pet. App. 83). The Court agrees that Section 122-32(d) of the Code is not limited to prohibiting the intensification of nonconforming uses.

Petitioner’s claim that Respondent departed from the essential requirements of law by not applying the Code’s definition of “intensity” is

incorrect. The Court finds that the legislative intent is unclear from the plain language of the section and that when read in accordance with the doctrine of the last antecedent, Code Section 122-32(d) prohibits the extension or expansion of nonconforming uses. When courts must interpret unclear language to determine legislative intent, they apply the doctrine of the last antecedent which provides that a qualifying phrase is read as limited to the last item in the series when the phrase follows that item without a comma. See *Kasischke v. State*, 991 So. 2d 803, 813 (Fla. 2008). However, the rule is not inflexible and can be overcome where the qualifying phrase is applicable as much to the first and other words as to the last. See *Id.* When applying the rule to Code Section 122-32(d), “intensity” only modifies the last verb in the series and the context does not support Petitioner’s interpretation because “intensity” is defined in the Code as a ratio and ratios can only be increased or decreased. Thus, Respondent observed the essential requirements of law because Code Section 122-32(d) also prohibits the extension or expansion of nonconforming uses and Respondent determined that granting additional seats would constitute an extension or an expansion of the nonconforming use on the Subject Property. (Pet. App. 23).

Therefore, by affirming the Planning Director’s decision on the basis that granting the seating request would violate Section 122-32(d), Respondent adhered to the essential requirements of the law.

B. Competent Substantial Evidence

Petitioner argues that Respondent's determination is not supported by competent and substantial evidence because it did not provide studies, data, or expert testimony to support its conclusion that the additional seats would extend or expand the nonconforming use on the Subject Property. The Court disagrees.

Competent evidence is evidence that is sufficiently relevant and material to the ultimate determination that a reasonable mind would accept it as adequate to support the conclusion reached. See *Degroot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957). Substantial evidence is evidence that provides a factual basis from which a fact at issue may reasonably be inferred. *Id.* Circuit courts are required to defer to the findings of an agency fact-finder in the context of zoning determinations. *Wiggins v. Florida Dep't of Highway Safety & Motor Vehicles*, 87 So. 3d 1165, 1171 (Fla. 2017). When determining whether an administrative decision is founded on competent, substantial evidence, circuit courts may only look for facts in the record that support the agency fact-finder's conclusions. *Id.*

Based on a review of the record in this case, Respondent's determination is supported by competent and substantial evidence. Before voting on the Resolution to affirm the Planning Director's denial of Petitioner's seating request, Respondent heard testimony from the Planning Director, the Assistant City Attorney, and interested citizens regarding whether an increase in seating would extend or expand the nonconforming use on the Subject Property. (Pet. App. 60, 68-72, 79-80). The Court finds

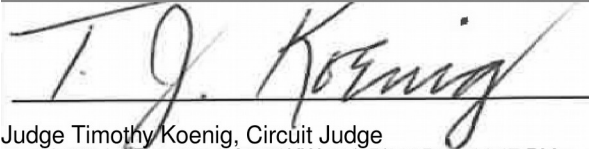
that the testimony included relevant fact-based statements which constitute competent, substantial evidence. Therefore, Respondent's determination that an increase in seating would constitute an expansion or extension of the bar and restaurant business on the Subject Property is supported by competent, substantial evidence.

IV. Conclusion

The Court finds that Respondent observed the essential requirements of the law and based its determination to affirm the Planning Director's denial of Petitioner's seating request on competent, substantial evidence. Therefore, the Petition for Writ of Certiorari is **DENIED**.

DONE AND ORDERED at Key West, Monroe County, Florida this Tuesday, March 25, 2025

44-2024-AP-000004-A0-01KW 03/25/2025 03:44:17 PM

A handwritten signature in black ink, appearing to read "T. J. Koenig", is written over a horizontal line. The signature is cursive and somewhat stylized.

Judge Timothy Koenig, Circuit Judge
44-2024-AP-000004-A0-01KW 03/25/2025 03:44:17 PM

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