SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC

ATTORNEYS AND COUNSELORS AT LAW 500 FLEMING STREET KEY WEST, FLORIDA 33040

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OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 - 1975)

September 2, 2025

SEP 0 2 2025

VIA HAND DELIVERY AND ELECTRONIC MAIL

James Singelyn, Acting Planning Director City of Key West Planning Department 1300 White Street Key West, Florida 33040

RE: Parking Variance – 701 Palm Ave., Key West, Florida 33040

RE# 00001761-000000

Dear Mr. Singelyn,

Please allow this letter and supporting documentation to serve as the City of Key West, ("Applicant"), application for a parking variance at 701 Palm Ave., Key West, Florida 33040 (the "Property") located in the Public and Semipublic Services ("PS") zoning district, This variance request is made pursuant to Code Sec. 108-572, Schedule of off-street parking requirements by use generally, to allow for five (5) vehicle parking spaces to accommodate the new marina uses. This is an increase from the existing zero (0) official spaces currently on site. As evidenced by the parking calculations below, the proposed uses will decrease the current parking demand by thirty-three (33) spaces.

The Property is located on a commercially used lot within the city-owned Garrison Bight and situated along the highly-trafficked Palm Avenue thoroughfare bridging new town and the historic downtown area. The Property provides a variety of maritime uses, such as vessel maintenance and repairs for Key West tourism-based businesses, boat rentals, both wet slips and dry storage, vessel launching, on-site fueling and retail supplies. Although there is limited space on the Property itself, there is additional vehicle spaces open to the public on the adjacent city owned property.

The following illustrates the parking demand for both existing and proposed uses.

	USES	CODE REQUIREMENTS	DEMAND	
	12 Rental Boats	1 sp/4 pleasure boats	3 spaces	
EXISTING	2 Commercial Boats	1 sp / 3 passengers based on total capacity	6 spaces	84.97 (85) spaces
	Boat Repair – Commercial Service	1 sp/300 sq. ft (22,292 sq ft)	74.31 spaces	04.77 (63) spaces
	Commercial Retail 500 sq ft	1 sp/300 sq ft	1.66 spaces	

	USES	CODE REQUIREMENTS	DEMAND	
	12 Rental Boats	1 sp/4 pleasure boats	3 spaces	
	2 Commercial Boats	1 sp / 3 passengers based on total capacity	6 spaces	
PROPOSED	Boat Repair – Commercial Service	1 sp/300 sq. ft (8,747 sq ft)	29.17 spaces	51.87 (52) spaces
	Commercial Retail 480 sq ft	1 sp/300 sq ft	1.6 spaces	
	Office Space 480 sq ft	1 sp/300 sq ft	1.6 spaces	
	Dry Racks	42 Dry Rack Spots 1 sp/4 pleasure boats	10.5 spaces	
DIFFERENCE	DIFFERENCE			

Pursuant to code Sec. 90-395, the following standards, findings shall be considered before variances may be granted.

1. Existence of special conditions or circumstances. 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.

Response: The Property is a historic site that provided maritime services for many decades and is located within the city-owned Garrison Bight. Special conditions exist in that the site has

functioned successfully for years without any formal/official parking. The proposed reconfiguration of uses will upgrade the Property and actually decrease the current parking demand.

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

Response: The Applicant purchased an existing business with a variety of maritime uses that were never officially recognized by the City and provides no official parking on site.

3. 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.

Response: Special privileges are not conferred. The granting of the variance will not confer upon the Applicant any special privilege. The recognition of existing uses along with the improvements to the Property will decrease the existing parking demand and create five (5) legally recognized vehicle spaces on site.

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.

Response: The hardship faced by the Applicant is the existing parking limitations of the site along with no official parking currently existing.

5. 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.

Response: The variance requested is the minimum necessary to make reasonable use of the Property. As stated, this site has functioned successfully without any formal parking on site. The proposed new site plan provides for five (5) additional spaces and decreases the existing parking demand by thirty-three (33) spaces.

6. Not injurious to the public welfare. That granting of the variance 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.

Response: The granting of the variance does not appear to be injurious to the area involved or detrimental to the public interest. The proposed variance will allow for improvements to site conditions and benefit the public and the community.

7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming uses 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.

Response: The Applicant did not consider other nonconforming uses of other property in developing this application.

If you should have any questions, comments, or concerns, please do not hesitate to contact me.

Sincerely,

Richard J. McChesney

Enc.

As stated

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

\$ 2,552.56
\$ 358.87
\$ 127.63
\$ 3,039.06

After the Fact Application Fee Schedule

2-2	
After the Fact Variance Application Fee	\$ 5,105.13
Advertising and Noticing Fee	\$ 358.87
Fire Department Review Fee	\$ 127.63
Total Application Fee	\$ 5,591.63

Please complete this application and attach all required documents. This will help staff process your request quicklyand obtain necessary information without delay. If you have any questions, please call 305-809-3764.

PROPERTY DESCRIPTION: Site Address: 701 Palm Avenue	
Zoning District: Public Services (PS)	
Real Estate (RE) #:00001761-000000	
Property located within the Historic District?	□Yes ☑No
Name: Spottswood, Spottswood, Spottswood & Sterling, F	
City: Key West	State: FL Zip: 33040
Home/Mobile Phone: 305-304-3884	Office: 305-294-9556 Fax:
Email: Richard@spottswoodlaw.com	
PROPERTY OWNER: (if different than above) Name: Clty of Key West	Mailing Address: 1300 White Street
City: Key West	State: FL Zip: 33040
Home/Mobile Phone: <u>C/O</u> 305-304-3884	
Email:	
Description of Proposed Construction, Developmen	
	accompany a minor development plan to reconfigure the
uses on site. The proposal allows for previous	sly unrecognized, but longstanding uses of the site to be officially
established and broght into compliance to the great	atest extent practicable.

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

This request is a variance for 47 vehicle spaces. The current site has no official parking. The proposed uses will decrease demand by 33 spaces and provide five (5) new spaces are proposed as part of the proposed plan.

Are there any easements, deed restrictions or other encumbrances attached to the pro-	operty? □Yes	□No
If yes, please describe and attach relevant documents:	J. W. C	
Will any work be within the dripline (canopy) of any tree on or off the property? If yes, provide date of landscape approval, and attach a copy of such approval.	□Yes	⊠No
s 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	Existing	Proposed	Variance Request
	Requirement			
Zoning				
Flood Zone				
Size of Site				
Height				
Front Setback				
Side Setback				
Side Setback	SEE ATTACH	ED COVER I	ETTER AND	
Street Side Setback	MINOR DEVE	LOPMENT P	LAN APPLICA	ATION
Rear Setback				
F.A.R				
Building Coverage				
Impervious Surface				
Parking				
Handicap Parking				
Bicycle Parking				
Open Space/Landscaping				
Number and type of units				
Consumption Area				
or No. of seats				

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.

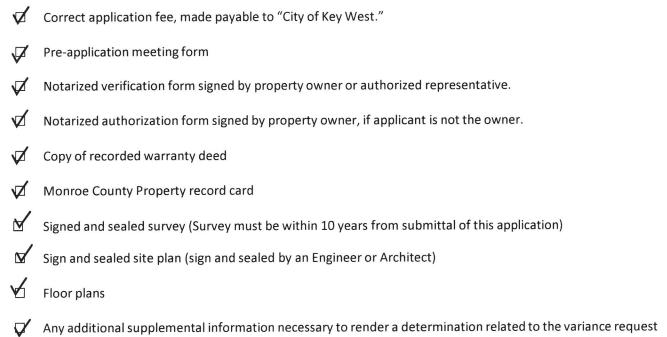
1.	Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.			
-	SEE ATTACHED COVER LETTER			
2. -	Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant. SEE ATTACHED COVER LETTER			
_				
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. SEE ATTACHED COVER LETTER			
_				
_				
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 termsof this ordinance and would work unnecessary and undue hardship on the applicant.			
_	SEE ATTACHED COVER LETTER			
-	SEE ATTACHED COVER LETTER			
_ 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.			
-	SEE ATTACHED COVER LETTER			
_				
_				

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.
_	SEE ATTACHED COVER LETTER
_	
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.
	SEE ATTACHED COVER LETTER
_	

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.



Authorization and Verification



City of Key West Planning Department Verification Form

(Where Applicant is an entity)

I, Richard J. McChesney , in my capacity asMember
(print name) (print position; president, managing member)
of Spottswood, Spottswood & Sterling, 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:
701 Palm Avenue, Key West, FL 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.
Subscribed and sworn to (or affirmed) before me on this 9/2/25 by Richard Ochesney Name of Applicant He/She is personally known to me or has presented
Commission Number, if any

Ownership (Deeds and PRC)

86080 357 PALE 489

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND
OF THE STATE OF FLORIDA

DEED NO. 19259-B

the State of Florida, have granted, bargained and sold, and do by paid by the CITY OF KEY WEST, FLORIDA, a municipal corporation of sum of Five Hundred and 00/100 bollars, (\$500.00), to them in hand Florida, under authority of law, for and in consideration of the the Trustees of the Internal Improvement Fund of the State of KNOW ALL MEN BY THESE PRESENTS: That the undersigned,

CITY OF KEY WEST, FLORIDA and its successors and assigns, the these presents grant, bargain, sell and convey, unto the said

following described lands, to-wit:

A parcel of sovereignty land in Garrison Bight on the Island of Key West, Florida and being more particularly

Commence at the Southeast corner of the "City sewerage plant property", the same point being on the Wortherly May of False on the Wortherly RVW of RAM of Palm Avenue and also on the Wortherly RVW of Garrison Bight Causeway (State Job Mo. 90500-3604) at tight angles to station 9 plus 51.50 of said State Job; which are to station 9 plus 51.50 of said State Job; which are to station Bight Causeway, 80 feet to the RVW of said Garrison Bight Causeway, 80 feet to the Southeast corner of U. S. Mavy property described in Deed Book G-12, pages 2 thru 4, of the Public Records of Monroe County, Florida, said point being the Point of Beginning of the land herein described, thence conciled and property described for Garrison Bight Causeway, 94 feet; thence run Morth 47° 37' 32' mest, 203.41 feet to the East boundary of U. S. Mavy property referred to the East boundary of U. S. Wavy property referred to boundary of the Boog said Garrison Bight Causeway RW, to the East bond said U. S. Wavy property, referred to the East bond and Causeway RW, Spoundary of U. S. Wavy property mest, seek back to the Point of Beginning; containing U.46 acres, more to the Point of Beginning; containing U.46 acres, more or less. Commence at the Southeast corner of the "City sewerage

This deed is issued for the express purpose of lifting

rective being described in the following words: the public purpose use limitation in said Deed No. 19259-A Cor-West, Florida, of which the parcel described herein is a part, conveys a larger tract of sovereignty land to the City of Key ment Deed No. 19259-A Corrective, dated July 1, 1965, which deed described herein as contained in Trustees of the Internal Improveand removing the public purpose use provision as to the parcel

RECORD 357 PAGE 49U

"PROVIDED, HOWEVER, anything herein to the contrary not-withstanding, this deed is given and granted upon the express con-dition subsequent that the Grantee herein or its successors and assigns shall never sell or convey or lease the above described land or any part thereof to any private person, firm or corpora-tion for any private use or purpose, it being the intention of this restriction that the said lands shall be used solely for public purposes.

It is covenanted and agreed that the above conditions subsequent shall run with the land and any violation thereof shall render this deed null and void and the above described lands, shall, in such event, revert to the Grantors or their successors."

TO HAVE AND TO HOLD the above granted and described

SAVING AND RESERVING unto the said Trustees of the Internal Improvement Fund of the State of Florida, and their successors, title to an undivided three-fourths of all phosphats, minerals and metals, and title to an undivided one-half of all petroleum that may be in, on or under the above described land, with the privilege to mine and develop the same.

IN TESTIMONY WHEREOF, the said Trustees of the Internal Improvement Fund of the State of Florida have hereunto subscribed their names and have caused the official seal of said Trustees to be hereunto affixed, in the City of Tallahassee, Florida, on this

the 29th day of September , A. D. 1965.

Recorded to Minoral Sabring SOA Governor Monte of the Somble EARL R. A. AMS Comptroller SHEERS OF CIRCUIT COURT REDURB VERMINE Atorney General Trustees I. I. Fund

The Comment Commissioner of Agriculture

As and Constituting the Trustoes of the Internal Improvement Fund of the State of Florida.

MOTE:

(SEAL)

The attached instrument is executed in the name of the Trustees of the Internal Improvement Fund, by a majority of its members. Signature of all members could not be secured by reason of absence from the United States of the member whose signature is not inscribed. Reference is made to "27 So. 2nd 524", Watson v. Caldwell in which the Supreme Court held that a majority of the Trustees may legally act for the entire Board.

Director
Trustees of the Internal Improvement Fund

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

 Parcei iD
 00001761-000000

 Account#
 8902182

 Property ID
 8902182

Mant of Colonia, Keywest

Address

Legal KW PARCEL OF SOVEREIGNTY LAND IN GARRISON BIGHT (LEASE-RICKY Description SPENCER D/B/A A-1 BOAT SERVICE INC) OR357-489(II DEED 19259-B)

(Note: Not to be used on legal documents.)

Neighborhood 32220

Property Class AIRPORT, MARINAS, BUS TERM (2000)

Subdivision

Sec/Twp/Rng 32/67/25 Affordable No Housing



Owner

CITY OF KEY WEST PO Box 1409 Key West FL 33041

Valuation

	2023 Preliminary Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$71,367	\$71,367	\$71,367	\$71,367
+ Market Misc Value	\$43,414	\$43,468	\$43,521	\$43,574
+ Market Land Value	\$3,597,426	\$3,597,426	\$3,597,426	\$1,806,782
= Just Market Value	\$3,712,207	\$3,712,261	\$3,712,314	\$1,921,723
= Total Assessed Value	\$1,049,460	\$954,055	\$867,323	\$788,476
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$3,712,207	\$3,712,261	\$3,712,314	\$1,921,723

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$3,597,426	\$71,367	\$43,468	\$3,712,261	\$954,055	\$0	\$3,712,261	\$0
2021	\$3.597.426	\$71,367	\$43,521	\$3,712,314	\$867,323	\$0	\$3,712,314	\$0
2020	\$1.806.782	\$71,367	\$43,574	\$1,921,723	\$788,476	\$0	\$1,921,723	\$0
2019	\$1.535.764	\$74.766	\$43,627	\$1,654,157	\$716,797	\$0	\$1,654,157	\$0
2018	\$651.634	\$0	\$0	\$651.634	\$651,634	\$0	\$651,634	\$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	
COMMERCIAL DRY (100D)	38,682.00	Square Foot	0	0	

Buildings

aa			
Building ID	44360	Exterior Walls	C.B.S.
Style		Year Built	1970
Building Type	OFF BLDG-1 STY-D / 17D	EffectiveYearBuilt	1974
Building Name		Foundation	
Gross Sq Ft	740	Roof Type	
Finished Sq Ft	656	Roof Coverage	
Stories	1 Floor	Flooring Type	
Condition	FAIR	Heating Type	

Perimeter Functional C Economic O Depreciation Interior Wal Code	bs 0 n % 60	Sketch Area	Finished Area	Bedrooms Full Bathrooms Half Bathrooms Grade Number of Fire Pl Perimeter	0 0 0 250 0
Couc				T C. IIII C. C.	
FLA	FLOOR LIV AREA	656	656	0	
OPF	OP PRCH FIN LL	84	0	0	
TOTAL		740	656	0	

Building ID	44361			Exterior Walls	NO VALUE
Style				Year Built	1970
Building Type	MARINA/AUTO/BUS	TERM / 27C		EffectiveYearBuilt	1972
Building Name				Foundation	
Gross Sq Ft	1260			Roof Type	
Finished Sq Ft	1260			Roof Coverage	
Stories	1 Floor			Flooring Type	
Condition	POOR			Heating Type	
Perimeter	146			Bedrooms	0
Functional Obs	0			Full Bathrooms	0
Economic Obs	0			Half Bathrooms	0
Depreciation %	60			Grade	150
Interior Walls				Number of Fire PI	0
Code De	escription	Sketch Area	Finished Area	Perimeter	
FLA FL	OOR LIV AREA	1,260	1,260	0	
TOTAL		1,260	1,260	0	

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
CONC PATIO	1969	1970	4 x 10	1	40 SF	2
WALL AIR COND	1984	1985	0 x 0	1	1 UT	1
LC UTIL BLDG	1984	1985	10 x 10	1	100 SF	1
LC UTIL BLDG	1984	1985	12 x 16	1	192 SF	1
ASPHALT PAVING	1969	1970	0 x 0	1	19427 SF	2
FENCES	2009	2013	6 x 60	1	360 SF	2

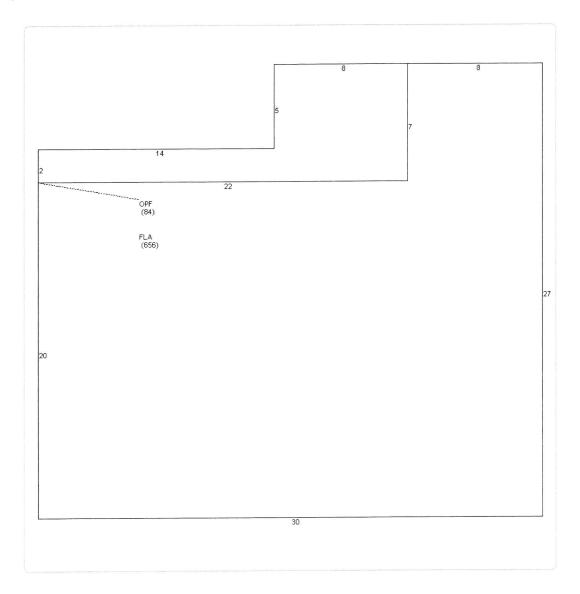
Permits

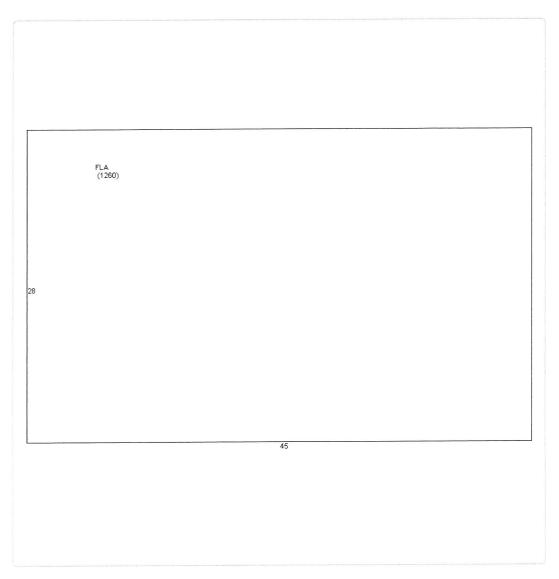
Number	Date Issued	Date Completed ♦	Amount	Permit Type	Notes ≑
13-0203	1/18/2013		\$600	Commercial	SAFETY RAILS ON TOP OF DECK PER MARINE PLANS.
12-3720	10/11/2012		\$500	Commercial	AFTER THE FACT: OWNER BUILT AND INSTALL 4X6 VINYL LETTERING WITH PLYWOOD. SIGN COPY "BOAT RENTALS 305-296-8826" "NICEST BOATS IN TOWN"
09-0715	3/16/2009		\$600	Commercial	ATF INSTALL 60FT OF STOCKADE STYLE P.T. FENCING
07-5508	12/27/2007	1/24/2008	\$4,500	Commercial	INSTALL 12 SQS OF V-CRIMP ROOFING
00-1173	5/3/2000	8/3/2000	\$21,000	Commercial	ELECTRICAL

View Tax Info

View Taxes for this Parcel

Sketches (click to enlarge)





Photos





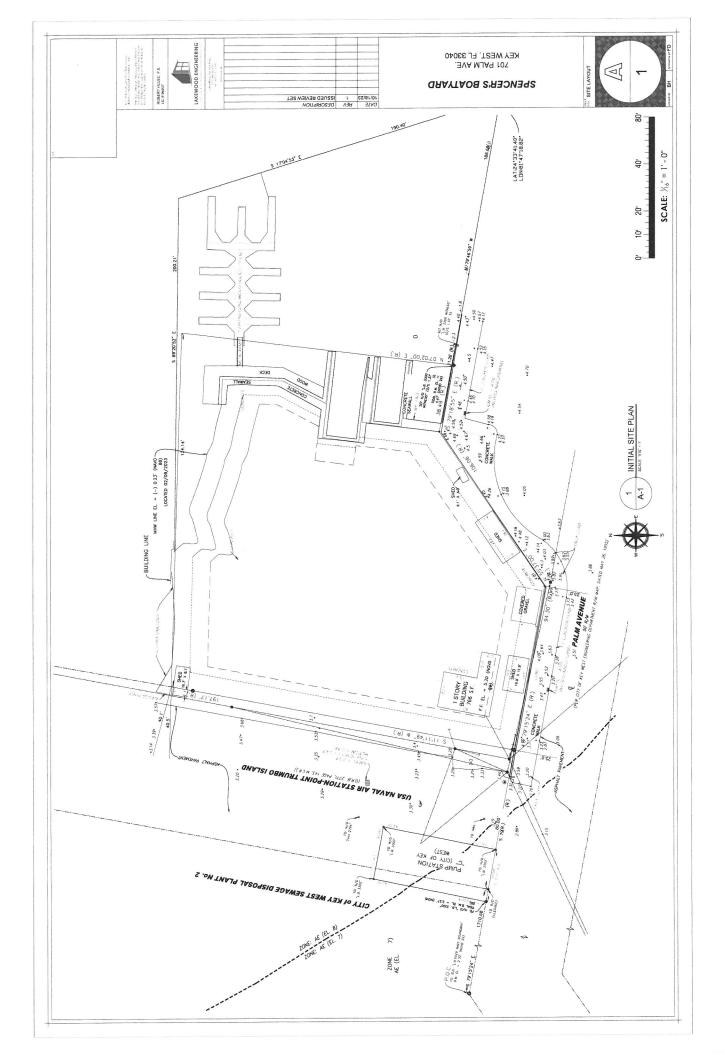
Map



TRIM Notice



Survey



Site Plan

