

## Keri O'Brien

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**From:** Jordan Mannix-Lachner  
**Sent:** Tuesday, January 30, 2024 8:50 AM  
**To:** Haven Burkee  
**Cc:** christopher shultz; Katie P. Halloran  
**Subject:** RE: [EXTERNAL] 423 Caroline Street and Ft. Zack Visitor Center

Hi Haven,

We dug a little deeper into the Code, and it looks like a conditional use *would* be required to expand the floor area of the bar use at 423 Caroline Street. The Code defines “nonconforming use” as any use that doesn’t “conform to any one of the current *permitted* uses of the zoning district in which it is located, but which was legally established in accordance with the zoning in effect at the time of its inception...”

Since bars are a conditional use rather than a *permitted use*, it would be considered nonconforming. Further, Sec. 122-32 states that “A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. This prohibition shall include but not be limited to the *extension of a nonconforming use within a building or structure* or to any other building or structure.

The next application deadline is 2/16, which would have a CUP app on the March DRC and May Planning Board.

Additionally, the City does have jurisdiction over development approval at Fort Zach and it looks like a development plan would be required for that project as well (major or minor depending on the square footage).

Let me know if you have any questions!

Thank you,

## Jordan Mannix-Lachner

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**From:** Haven Burkee <[hburkee@benderarchitects.com](mailto:hburkee@benderarchitects.com)>  
**Sent:** Thursday, January 25, 2024 2:39 PM  
**To:** Jordan Mannix-Lachner <[jordan.lachner@cityofkeywest-fl.gov](mailto:jordan.lachner@cityofkeywest-fl.gov)>; Katie P. Halloran <[katie.halloran@cityofkeywest-fl.gov](mailto:katie.halloran@cityofkeywest-fl.gov)>

Cc: christopher shultz <christophertshultz@icloud.com>

Subject: [EXTERNAL] 423 Caroline Street and Ft. Zack Visitor Center

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Jordan,

See attached (as discussed).

The 423 Caroline Street PDF indicates the existing condition on the first page and our proposed alteration on the second page. Please keep in mind the existing condition of the second floor has changed since the fire and currently there are no interior walls. Our objective is to utilize the second floor for additional bar area. No structural walls will be altered, all exterior doors and windows will remain as is, and a bathroom will be added back (it was destroyed in the fire). We would like confirmation that the project will not need development approval (i.e. proceed with building permit only).

The other PDF is a very preliminary schematic of the Ft. Zach visitor center we are working on. This building will be located just outside the actual Fort (where the existing restroom building is now), will replace the existing restroom building, will house some conditioned exhibit area, and include interpretive installations (i.e. history and context information pertaining to the Fort). The overall size would be approximately 2,400 SF under roof. We would like to know if this project will require a development review / submittal.

Regards,

Haven Burkee

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