

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chairman and Planning Board Members

**From:** Ashley Monnier, Planner II *AM*

**Through:** Donald Leland Craig, AICP, Interim Planning Director

**Meeting Date:** April 21, 2011

**Agenda Item:** **Variance– 305 Petronia Street, 309 Petronia Street, 729 Thomas Street, (RE# 0001325000000, 00013270-000000, 00013260-000000) –** A variance requesting to waive parking requirements for 30 automobile spaces; of which 6 automobile spaces are requested to be waived through bicycle substitution, in the HNC-3 zoning district per Section 108-572 (9) and 108-574 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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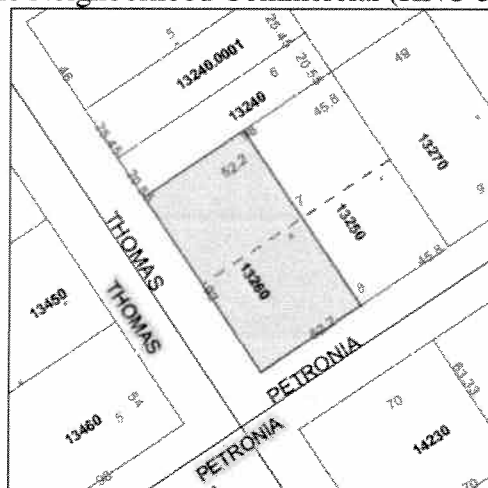
**Request:** To allow the Blue Heaven restaurant to expand from 66 licensed seats to 157 seats, requiring parking variance approval.

**Applicant:** Richard Hatch & Sueann Kitchar

**Property Owner:** Richard W. Hatch, III and Suanne Kitchar

**Location:** 305 Petronia Street, 309 Petronia Street, and 729 Thomas Street (RE# 0001325000000, 00013270-000000, 00013260-000000)

**Zoning:** Historic Neighborhood Commercial (HNC-3) zoning district



**Background:**

The property has existed as a restaurant for several years, on the corner of Thomas and Petronia Streets. Over the years, various approvals related to the restaurant use have been granted on the site that may have allowed up to 157 seats. However, on January 9, 2009, the City Planning Department determined that over time, the owners did not complete the necessary actions to secure all of the seats under the timeframes stipulated under the approvals. Currently, the City recognizes that 66 seats exist and are licensed on the site today at the Blue Heaven restaurant. The applicant and City entered into a joint stipulated settlement agreement on November 1, 2010 following litigation on the matter, in which the City prevailed. The agreement was entered due to the fact that the applicant contends that the restaurant is entitled to 144 seats as a result of prior approvals given by the City, which the City contests. The applicant agreed to file an application demonstrating an increase in seats from 66 to 157, for the purposes of moving an application forward for City consideration.

Due to the fact that restaurants are allowed conditionally in the HNC-3 zoning district, the proposed expansion of the restaurant from 66 to 157 seats would require conditional use approval to be granted by the City. Further, the proposed increase in seating from 66 to 157 would generate approximately 1,365 square feet of new consumption area (based on the licensing standard of multiplying 15 square feet per the additional 91 seats proposed). Consequently, the application is subject to development plan approval and conditional use approval, pursuant to Sections 108-91 (A.)(1) (b.) and (c.) and 122-868 (9).

It is important to distinguish that because the addition of seating generates additional consumption and floor area, the special provisions within the historic commercial pedestrian-oriented (Code Section 108-573) area do not apply.

**Request:**

The applicant is requesting to waive the 30 off-street parking spaces required as a result of adding 91 seats to the restaurant (please refer to Table 1). However, the applicant has proposed to partially mitigate this request by means of bicycle substitution, which under 108-574 of the Code, allows for four bicycle spaces to be equivalent to one motorized vehicle space. As a result, 32 bicycle parking spaces are proposed to be added on the site (as demonstrated on page 4 of the site plans). Of the 32 bicycle spaces, 8 of the spaces would not qualify to be used for bicycle substitution, as they must satisfy the requirement in Section 108-572 of the Code that bicycle spaces comprise 25% of the required number of motor vehicle spaces (See Table 1). As a result, 24 bicycle parking spaces are proposed to substitute for 6 motorized vehicle parking spaces, pursuant to 108-574 of the Code (please refer to Table 2).

It is important to recognize that the request for substitution of bicycle parking spaces is distinct from other types of variances typically heard by the Planning Board. An applicant for development plan approval pursuant to Article II of Chapter 108 may file a request for a variance to substitute additional bicycle parking (i.e., bicycle parking in excess of that required pursuant to Section 108-572). The Planning Board may grant such variance upon a finding that such additional bicycle parking would be beneficial and would satisfy the specific conditions of Sections 90-394 and 90-395. However, hardship conditions shall not be a mandatory condition of obtaining the subject variance. If the Planning Board determines the requested bicycle parking is

compliant with the referenced criteria, the Planning Board shall require that such additional parking be located within 100 feet of the subject site. Furthermore, in determining the appropriate substitution, four bicycle parking spaces shall be equivalent to one motorized vehicle parking space. All such approved bicycle parking spaces shall satisfy pavement, maintenance, and construction specifications of subdivision II of Division 2. of Article VII of Chapter 108 as well as bicycle parking, design, lighting, and security criteria of Section 108-643 of the Land Development Regulations.

<b>Table 1</b> <b>Section 108-572 (9), Schedule of Off-Street Parking Requirements by Use Generally</b>			
<b>Vehicle Type</b>	<b>Existing</b>	<b>Proposed</b>	<b>Required to Meet Requirements in 108-572 (9)</b>
Motor Vehicle	0	0	30 Spaces Requesting variance approval for 30 spaces
Bicycles as % of Motor Vehicles	0 <sup>1</sup>	32	8 Meets requirements

<b>Table 2</b> <b>Section 108-574, Substitution of Bicycle Parking Spaces</b>		
<b>Proposed Number of Bicycle Spaces to be Utilized for Bicycle Substitution Variance</b>	<b>Motor Vehicle Equivalency (Number of Parking Spaces Requested to be Varied Under Bicycle Substitution Provision)</b>	<b>Number of Motor Vehicle Parking Spaces Requested to be Varied Subject to Hardship Conditions in Sections 90-394 and 90-395</b>
24	6	24

**Process:**

**Development Review Committee Meeting:** January 27, 2011  
**HARC Meeting:** Not Applicable  
**Planning Board Meeting:** April 21, 2011

**Analysis – Evaluation for Compliance With The Land Development Regulations:**

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board before granting a variance must find all of the following:

- 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.**

<sup>1</sup> Bicycles are parked informally on the site; however, the applicants were not able to provide an existing number of actual bicycle spaces. As a result, the applicant indicated to the Planning Department that the existing number was zero.

The property is located within the HNC-3 zoning district, which is a mixed-use zoning district comprising of a blend of residential and commercial uses. Physical land constraints within the area surrounding the Blue Heaven restaurant are not conducive for the addition of off-street parking. However, this physical limitation is not a condition exclusively unique to Blue Heaven, but is applicable to other properties within the same zoning district. Therefore, the conditions prompting request for 24 spaces to be varied do not demonstrate existence of special conditions.

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

With exception to the 6 spaces requested under the City's bicycle substitution provision, the conditions prompting the variance request for 24 parking spaces do result from action of the applicant. The demand to meet parking requirements results from the applicant's request to expand restaurant seating from 66 seats to 157 seats.

**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.**

With exception to the 6 spaces requested under the City's bicycle substitution provision, granting of the variance to waive 24 parking spaces would confer upon the applicant special privileges denied by the Land Development Regulations to other lands, buildings, or structures in the same zoning district.

**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.**

With exception to the 6 spaces requested under the City's bicycle substitution provision, hardship conditions do not exist to support the granting of the variance to waive the additional 24 parking spaces. With respect to the requested 24 spaces not subject to bicycle substitution, the applicant would not be deprived rights commonly enjoyed by other properties in the HNC-3 zoning district.

**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.**

Granting variance approval of the 6 spaces requested utilizing bicycle substitution is the minimum variance granted. However, the request to waive 24 off-street spaces is not the minimum variance that will make possible reasonable use of the land, building, or structure. The applicant currently operates a 66 seat restaurant on the site and does exercise reasonable use of property.

**6. Not injurious to the public welfare. That the granting 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 request to waive off-street parking spaces does not appear to be injurious to the public welfare; however, the current plan would need to be modified to correct concerns raised by the Fire Department in an April 12, 2011 memo written to the Planning Department. In this memo, the Fire Marshal's office raised concerns regarding the proposed bicycle parking plan, in that the bicycle rack proposed on the east side of the building does not appear to allow sufficient room for the means of ingress and egress to the rear and upstairs apartment. The Fire Department suggested that this issue could be corrected should the applicant revise the plans to provide for angled bicycle parking, which would provide sufficient room for appropriate ingress and egress on the site.

**7. 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.**

The existing nonconforming uses of other property are 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.

**Concurrency Facilities and Other Utilities or Service (Section 108-233):**

The Planning Department reviewed concurrency in-depth as part of the associated development plan and conditional use request. To summarize, City staff has determined that adequate public facilities, utilities, and services exist to meet the demands that would be generated as a result of this request. It is important to note that the Comprehensive Plan and Land Development Regulations do not directly address parking as a concurrency issue; however, do identify that developments shall not be approved that would decrease the existing level of service below the adopted standard, or degrade operating conditions in certain areas of the City below the 5% threshold established in Comprehensive Plan policy 2-1.1.2 unless impacts are mitigated by the developer. These concerns were not raised as part of development plan review or analysis by the Planning Department.

**The Planning Board shall make factual findings regarding the following:**

**1. That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.**

With exception to the 6 spaces requested under the City's bicycle substitution provision, the standards established by Section 90-395 of the City Code have not been met by the applicant for a variance to the 24 off-street parking spaces requested to be varied.

**2. 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.**

The applicant has indicated to the Planning Department that reasonable attempts were made to contact property owners who may have objections or concerns with respect to the variance application. The applicant has also coordinated with the Department with respect

to neighborhood impact concerns that were raised at the Development Review Committee meeting.

**RECOMMENDATION:**

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends that the request to vary 6 motor vehicle spaces utilizing bicycle substitution be **approved**, and the request for variance to waive 24 off-street parking spaces be **denied**.

However, should the Planning Board approve the request for variance to waive the 24 off-street parking spaces, the Planning Department recommends the following condition:

- The proposed bicycle parking plan shall be revised to absolve concerns raised by the Fire Department prior to building permit issuance. Written approval demonstrating satisfaction of the concerns raised in the April 12, 2011 memo from the Fire Department must be provided to the Planning Department. The revised bicycle parking plan must also be provided to the Department of Engineering and General Services, and their written approval demonstrating plan satisfaction of the revised bicycle parking must also be provided to the Planning Department.

**Draft  
Resolution**

RESOLUTION NUMBER 2011-\_\_\_\_\_

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A PARKING VARIANCE FOR PROPERTY IN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-3) ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTIONS 108-572 (9) AND 108-574 OF THE CODE OF ORDINANCES, ALLOWING THE WAIVER OF PARKING REQUIREMENTS FOR 30 AUTOMOBILE SPACES; OF WHICH 6 AUTOMOBILE SPACES ARE REQUESTED TO BE WAIVED THROUGH BICYCLE SUBSTITUTION FOR PROPERTY LOCATED AT 305 PETRONIA STREET, 309 PETRONIA STREET, 729 THOMAS STREET, (RE# 00013250-000000, 00013270-000000, 00013260-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, 108-572 (9) of the Land Development Regulations provides that restaurants within the City must provide 1 off-street parking space per 45 square feet of serving and/or consumption area; and

**WHEREAS**, 108-574 of the Land Development Regulations provides that an applicant for development plan approval may file a request for a variance to substitute additional bicycle parking (i.e., bicycle parking in excess of that required pursuant to Section 108-572); and

**WHEREAS**, the applicant has requested to waive 30 required off-street automobile parking



spaces as a result of minor development plan and conditional use approval to expand the existing restaurant on-site by means of adding 1,365 square feet of consumption area, and 91 additional seats, a combination of which are proposed indoors and outdoors; and

**WHEREAS**, the applicant has requested to utilize bicycle substitution, as provided for in Section 108-574 of the Land Development Regulations, and has proposed 24 bicycle spaces as an equivalency for 6 automobile parking spaces; and

**WHEREAS**, Section 108-574 of the Land Development Regulations provides that hardship conditions shall not be a mandatory condition of obtaining a variance to substitute additional bicycle parking; and

**WHEREAS**, the subject property is located in the HNC-3 zoning district; and

**WHEREAS**, the matter came before the Planning Board at a duly noticed public meeting on \_\_\_\_\_; and

**WHEREAS**, the Planning Board finds 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; and

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

**WHEREAS**, the Planning Board finds that the special conditions and circumstances do not result from the action or negligence of the applicant; and

**WHEREAS**, the Planning Board finds that the granting of 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; and

**WHEREAS**, the Planning Board finds 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; and

**WHEREAS**, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

**WHEREAS**, the Planning Board finds 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; and

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

**WHEREAS**, the Planning Board finds that 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; and

**WHEREAS**, the Planning Board finds that the standards established in Section 90-395 (a) have been met by the applicant for a variance; and

**WHEREAS**, the Planning Board finds 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; and

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That the application for parking variance be conditionally approved, per Sections 108-572 (9) and 108-574 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as follows: To vary the 30 off-street parking spaces through means of allowing 24 bicycle parking spaces to be substituted for 6 motorized vehicle parking spaces, and to vary the remaining 24 required off-street automobile parking spaces (RE# 00013250-000000,

00013270-000000, 00013260-000000), see attached plans with the following condition:

- The proposed bicycle parking plan shall be revised to absolve concerns raised by the Fire Department prior to building permit issuance. Written approval demonstrating satisfaction of the concerns raised in the April 12, 2011 memo from the Fire Department must be provided to the Planning Department. The revised bicycle parking plan must also be provided to the Department of Engineering and General Services, and their written approval demonstrating plan satisfaction of the revised bicycle parking must also be provided to the Planning Department.

**Section 3.** Permits associated with the development and construction contemplated by this approval shall be commenced within 12 months of the effective date of the approval, as determined to be reasonable pursuant to Section 90-395 (b) of the Land Development Regulations.

**Section 4.** This resolution does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 5.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

**Section 6.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

DRAFT

Read and passed at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Authenticated by the Chairman of the Planning Board and the Planning Director.

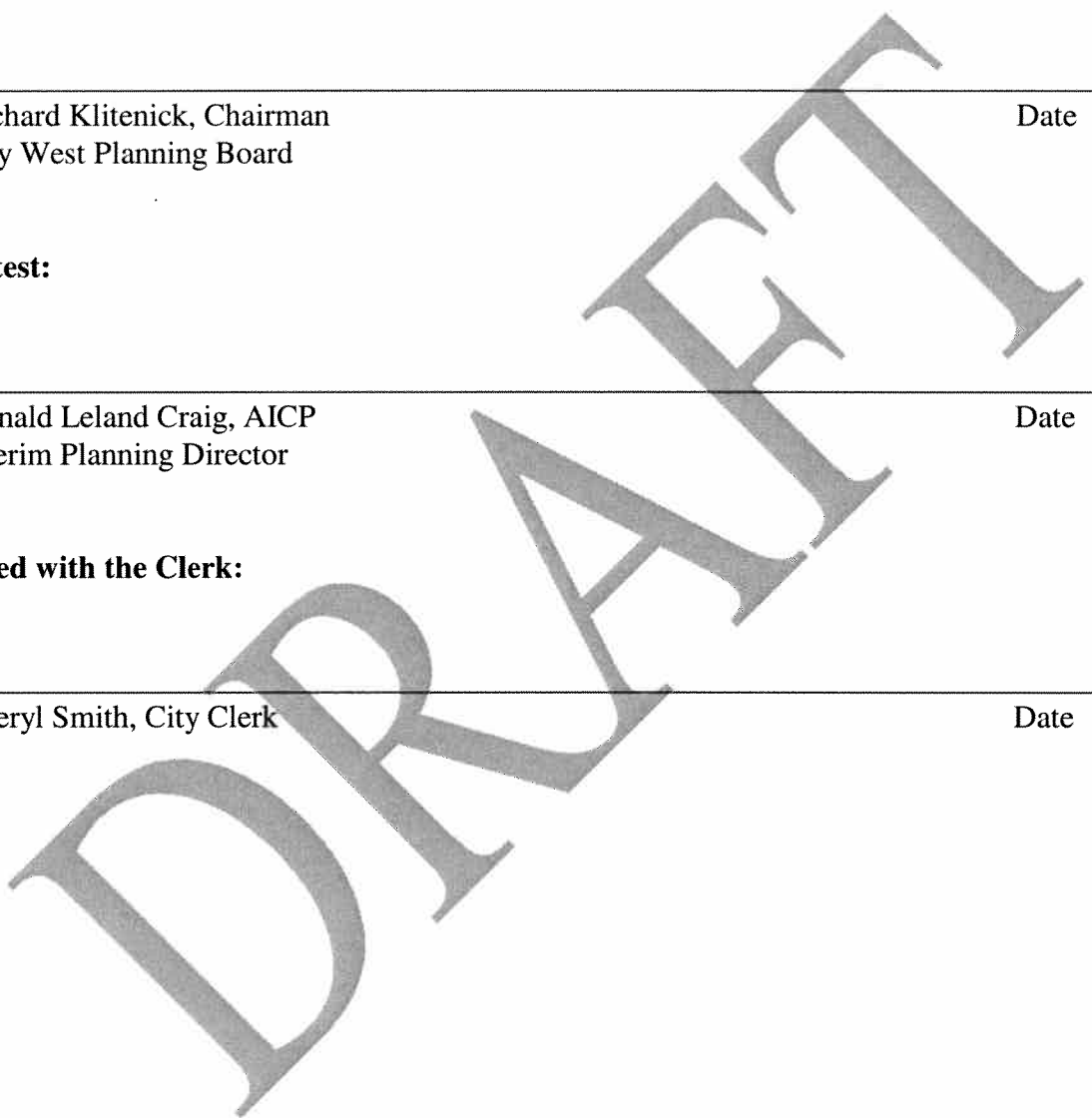
\_\_\_\_\_  
Richard Klitenick, Chairman  
Key West Planning Board  
Date

**Attest:**

\_\_\_\_\_  
Donald Leland Craig, AICP  
Interim Planning Director  
Date

**Filed with the Clerk:**

\_\_\_\_\_  
Cheryl Smith, City Clerk  
Date



# Application

**VARIANCES ARE QUASI-JUDICIAL HEARINGS AND IT IS IMPROPER TO SPEAK TO A PLANNING BOARD AND/OR BOARD OF ADJUSTMENT MEMBER ABOUT THE VARIANCE OUTSIDE THE HEARING**

***Variance Application***

City of Key West  
Planning Department

Please print or type a response to the following:

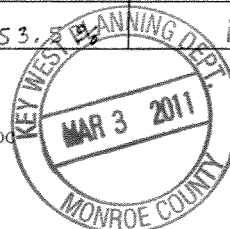
1. Site Address 729 Thomas st, 305 and 311 Petronia street
2. Name of Applicant Richard Hatch and Suanne Kitchar
3. Applicant is: Owner  Authorized Representative \_\_\_\_\_  
(attached Authorization Form must be completed)
4. Address of Applicant 1701 White St.  
Key West, FL 33040
5. Phone # of Applicant 305 293-6697 Mobile# 305 3046687 Fax# 305 296-9052
6. E-Mail Address SKitchar@aol.com
- \*7. Name of Owner, if different than above 729 Thomas St. LLC
8. Address of Owner 729 Thomas St  
Key West FL 33040
9. Phone Number of Owner 305 296-8666 Fax# 305 296-9052
10. Email Address Blueheaven729@gmail.com
11. Zoning District of Parcel HNC-3 RE# 00013250-000000  
00013260-000000  
00013270-000000
12. Description of Proposed Construction, Development, and Use  
owner seeks a variance waiving 30 off street parking spaces in connection with application to expand conditional use to license 91 additional seats for a total proposed seating of 157 seats (66 existing)\*\*
13. Required information: (application will not move forward until all information is provided)

	Required	Existing	Requested
Front Setback <small>Petronia</small>	0'	0'	N.C.
<small>Thomas</small>	7.5'	1.5'	N.C.
Side Setback	5'	9'	N.C.
Side Setback	see front setback		
Rear Setback	15'	16'	N.C.
* Building Coverage	40% / 5447 S.F.	42.2% / 5758 S.F.	N.C.
Open Space Requirements		38.9%	N.C.
Impervious Surface	60% or less	7286 ÷ 13616 = 53.5%	N.C.

\* see attached

K:\FORMS\Applications\Variance\Variance Application rev 2009.08.doc

\*\* see stipulation agreement





14. Is Subject Property located within the Historic District? Yes  No   
 If Yes, indicate date of HARC approval as well as the HARC Approval Number. Attach minutes of the meeting.

Date N.A. HARC # N.A.

15. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes  No  If Yes, please describe and attach relevant documents.

16. Will the 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.

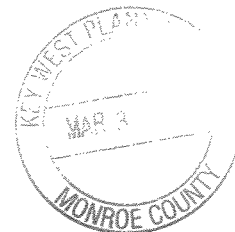
N.A.

### Check List

*(to be completed by Planning Staff and Applicant at time of submittal)*

Applicant Initials	Staff Initials	<b>The following must be included with this application</b>
_____	_____	Copy of the most recent recorded deed showing ownership and a legal description of the subject property
_____	_____	Application Fee (to be determined according to fee schedule)
_____	_____	Site Plan (existing and proposed) as specified on Variance Application Information Sheet
_____	_____	Floor Plans of existing and proposed development (8.5 x 11)
_____	_____	Copy of the most recent survey of the subject property
_____	_____	Elevation drawings as measured from crown of road
_____	_____	Stormwater management plan
_____	_____	HARC Approval (if applicable)
_____	_____	Notarized Verification Form
_____	_____	A PDF or compatible electronic copy of the complete application on a compact disk

**Please note that all architecture or engineering designs must be prepared and sealed by a professional architect or engineer registered in the state pursuant to F.S. chs. 471 and 481, respectively. Two signed and sealed copies will be required at time of submittal.**



## STANDARDS FOR CONSIDERING VARIANCES

Before any variance may be granted, the board of adjustments must find all of the following:

- (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.

The three properties that comprise Blue Heaven Restaurant are located in the Petronia Street parking waiver zone. The structures date back to 1892 and are significant in historic value. The historic structures on the subject property cannot be removed or altered in order to create the required off-street parking.

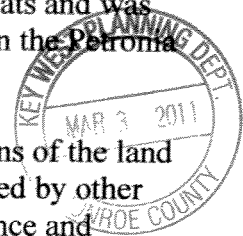
- (2) Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

The use of this property as a restaurant/bar without on-site parking, is a condition not created by applicant. It is a use that has been continuous over the past 22+ years. Applicant did not construct the structures in their current configuration, parking has never been provided on site. The City recognized there has historically been limited parking in Bahama Village, and that is one reason for creating the Petronia Street waiver zone. There have been businesses in operation on this property for more than 100 years. Petronia Street has long been recognized as a business corridor.

- (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.

There are no restaurants in the HNC-3 zoning district, or in historic structures in other old town zoning districts in the city, which provide all of the off street parking required by city code section 108-573 (B). Restaurants in the HNC-3 district which do not include on site parking for all of the license seats include: Better Than Sex, The Creperie, Santiago's Bodega and Columbian Grace. Columbian Grace at 223 Petronia Street received a variance waiving 33 required spaces by Key West resolution No. 97-35 in 1997. Santiago's Bodega at 207 Petronia Street recently increased seating to 56 seats and was told it did not need to provide parking for the additional seats because it is in the Petronia Street waiver zone.

- (4) Hardship conditions exist. That literal interpretation of the provisions of the land development 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.



City code requires 30 parking spaces. The Blue heaven property does not have space for this requirement. If the variance is not granted, the applicant will have the hardship of not being able to replace historic structures with buildings and parking conforming with the latest building code. The parking limitations are a hardship that affects applicant as well as other businesses on Petronia Street. A denial of a parking variance for applicant would deprive applicant of rights enjoyed by 223 Petronia, Columbian Grace, 207 Petronia, Santiago's Bodega, 300 Petronia/801 Thomas, the Creperie and 411 Petronia Street, Better Than Sex.

- (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.

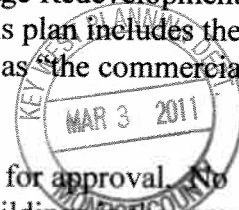
Applicant only seeks a variance for 30 parking spaces or 10 for each of the three properties. The grant of a variance allowing 91 additional seats, for a total of 157 seats, with no off street parking is consistent with the manner in which the property has been used and operated since the late 1980's. The city Fire Marshall has reported sufficient floor area to allow 280-331 seats on the combined 3 Blue heaven properties. The proposed variance is the minimum necessary to make reasonable use of the land so situated in this peculiar location. Blue Heaven has submitted an on-site bicycle substitution plan reducing the request to 24 parking spaces that need a waiver.

- (6) Nor 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 parking for this addition will not be injurious to the area or otherwise detrimental to the health, safety or welfare of the public. Blue Heaven helps promote Bahama Village as a safe popular destination for locals and guests. The variance will be consistent with the intent and purpose of the land development regulations in that this site is in the middle of the "historic commercial pedestrian oriented area." The variance will further the objectives and recommendations of the "Bahama Village Redevelopment Plan" adopted by the City in 1999. The urban design element of this plan includes the following element: Strengthening of the Petronia Street Corridor as "the commercial and activity spine of the community."

- (7) Existing nonconforming uses of the 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, structure or buildings in the other districts shall be considered grounds for the issuance of a variance.

Blue Heaven is asking for this approval to service clientele currently waiting up to two hours to sit down and eat. Rain and bad weather play havoc when we have to carry seats inside and upstairs. Further Blue Heaven is in the historic commercial pedestrian-oriented area as defined in sec. 108-573 of Key West Code. Blue Heaven's 3 commercial



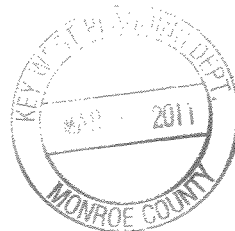
properties operate under the letter (b) of sec. 108-573. Items (1) through (4) do not trigger a parking requirement. Key West City Planner Gail Kenson AICP wrote in the Nov. 15 2007 staff report recommending approval of 165 seats, “the development is located in the historic commercial pedestrian-oriented area and is exempt from the parking requirements of the city code per section 108-573.



\* 13. ATTACHMENT.

Standard allowed / required	on site Existing	requested
1 parking space for every 45 square feet of consumption area	0 parking spaces	30 additional parking spaces

revised 2/4/11



# Verification Form

# Verification Form

**Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.**

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, Suzanne M Ketcher + Richard W Hatcher III, being duly sworn, depose and say  
Name(s) of Applicant(s)

that: I am (check one) the  Owner  Owner's Legal Representative  
for the property identified as the subject matter of this application:

Blue Heaven Restaurant 127 Thomas St. N.W.  
Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

[Signature]  
Signature of Owner/Legal Representative

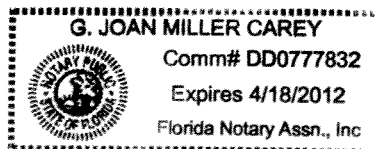
[Signature]  
Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 12/28/10 (date) by

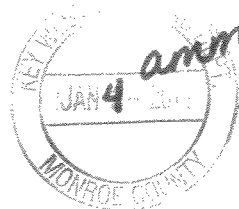
Suzanne Ketcher + Richard Hatcher III (name) He/She is personally known to me or has

presented \_\_\_\_\_ as identification.

G. Joan Miller Carey  
Notary's Signature and Seal



G. Joan Miller Carey Name of Acknowledger typed, printed or stamped  
\_\_\_\_\_  
Title or Rank DD0777832 Commission Number (if any)



Verification Form

Please note, Conditional Use requests are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the request outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, Richard G. Rumrell, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the Owner Owner's Legal Representative
for the property identified as the subject matter of this application:

729 Thomas St. Key West FL + 309 Petronia St, Key West, FL
Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

Signature of Owner/Legal Representative Signature of Joint/Co-owner

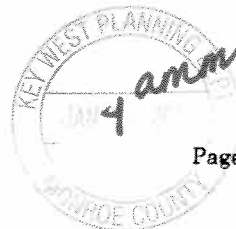
Subscribed and sworn to (or affirmed) before me on 1st day of July 2010 by Richard G. Rumrell (name). He/She is personally known to me or has

presented as identification.

Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped
Title or Rank Commission Number (if any)





**Deed**

Return to: (Enclose self addressed stamped envelope)  
Name: STONES & CARDENAS  
Address: 221 Simonton Street  
Key West, FL 33040

MONROE COUNTY  
OFFICIAL RECORDS

FILE # 1 4 3 2 8 9 6  
BK# 1 9 8 6 PG# 1 2 2 0

This Instrument Prepared By:

STONES & CARDENAS  
221 Simonton Street  
Key West, FL 33040  
(305) 294-0252

RCD Mar 24 2004 02:26PM  
DANNY L KOLHAGE, CLERK

DEED DOC STAMP 0.70  
03/24/2004 DEP CLK

### QUIT CLAIM DEED

**THIS QUIT CLAIM DEED**, executed this 24<sup>th</sup> day of March, 2004, by and between RICHARD W. HATCH, III, a single man, and SUANNE M. KITCHAR, a single woman, as joint tenants with rights of survivorship, whose address is 729 Thomas Street, Key West, Florida, 33040, party of the first part, and 729 THOMAS STREET, LLC, a Florida limited liability company, whose address is 729 Thomas Street, Key West, Florida, 33040, party of the second part.

**WITNESSETH**, That the said party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, have remised, released and quit-claimed, and by these presents do remise, release and quit-claim unto the said party of the second part all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Monroe, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED  
HEREIN BY REFERENCE

PARCEL IDENTIFICATION NOS.: 0013250-000000  
00013260-000000  
00013270-000000

SUBJECT TO: Taxes for the year 2004 and subsequent years.

SUBJECT TO: Conditions, restrictions, limitations, reservations and easements of record, if any.

THIS DOCUMENT WAS PREPARED WITHOUT BENEFIT OF TITLE SEARCH OR ABSTRACT EXAMINATION AND IS BASED SOLELY ON THE FACTS PROVIDED BY EITHER OF THE PARTIES OR THEIR AGENTS.

**TO HAVE AND TO HOLD** the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part forever.

**IN WITNESS WHEREOF**, the said party of the first part has signed and sealed these

presents the day and year first above written.  
Signed, Sealed and Delivered  
in the Presence of:

[Signature]  
RICHARD W. HATCH, III

[Signature]  
Signature of Witness  
Susan M. Cardenas  
Printed Name of Witness

[Signature]  
Signature of Witness  
Cindy Sawyer  
Printed Name of Witness

[Signature]  
Signature of Witness  
Susan M. Cardenas  
Printed Name of Witness

[Signature]  
SUANNE M. KITCHAR

[Signature]  
Signature of Witness  
Cindy Sawyer  
Printed Name of Witness

STATE OF FLORIDA:  
COUNTY OF MONROE:

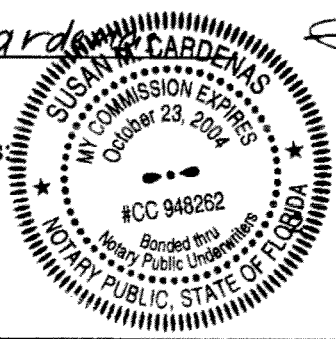
I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, RICHARD W. HATCH, III and SUANNE M. KITCHAR, who are personally known to me to be the persons described in and who executed the foregoing Quit Claim Deed or who produced personally known as identification, and they have acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Key West, County of Monroe, State of Florida, this 24th day of March, 2004.

Susan M. Cardenas  
Printed Name of Notary

[Signature]  
NOTARY PUBLIC

My Commission Expires:



**EXHIBIT "A"**FILE # 1 4 3 2 8 9 6  
BK# 1 9 8 6 PG# 1 2 2 2

## Legal Description

On the Island of Key West, and known as part of Lots 7 & 8, Square 1, Tract 3, according to a diagram made by William H. VonPhister as recorded in Deed Book "F" at page 621 of the Public Records of Monroe County, Florida; said parcel being more particularly described by metes and bounds as follows: COMMENCING at the intersection of the NE'ly right of way line of Thomas Street with the NW'ly right of way line of Petronia Street and run thence in a NE'ly direction along the NW'ly right of way line of the said Petronia Street for a distance of 52.2 feet to the Point of Beginning; thence continue NE'ly along the NW'ly right of way line of the said Petronia Street for a distance of 45.8 feet; thence NW'ly and at right angles for a distance of 92.0 feet; thence SW'ly and at right angles for a distance of 45.8 feet; thence SE'ly and at right angles for a distance of 92.0 feet back to the Point of Beginning. (Parcel A: 729 Thomas Street, Key West, Florida).

AND

On the Island of Key West, and known as part of Lots 7 & 8, Square 1, Tract 3, according to a diagram made by William H. VonPhister as recorded in Deed Book "F" at page 621 of the Public Records of Monroe County, Florida; said parcel being more particularly described by metes and bounds as follows: BEGIN at the intersection of the NE'ly right of way line of Thomas Street with the NW'ly right of way line of Petronia Street and run thence in a NE'ly direction along the NW'ly right of way line of the said Petronia Street for a distance of 52.2 feet; thence NW'ly and at right angles for a distance of 92.0 feet; thence SW'ly and at right angles for a distance of 52.2 feet to the NE'ly right of way line of the said Thomas Street; thence SE'ly and along the NE'ly right of way line of the said Thomas Street for a distance of 92.0 feet back to the Point of Beginning. (Parcel B: 305 Petronia Street, Key West, Florida).

AND

In Monroe County, State of Florida, on the Island of Key West and known as Lot 9 and part of Lot 10, of Square 1 in Tract 3, according to C.W. Tift's Map of said Island, more particularly described as follows:

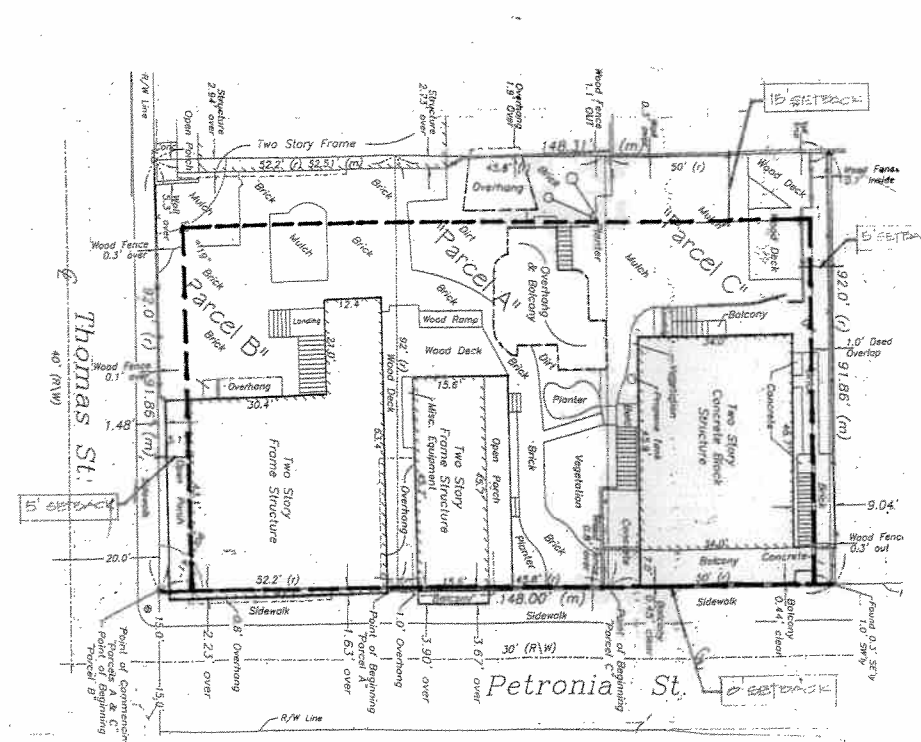
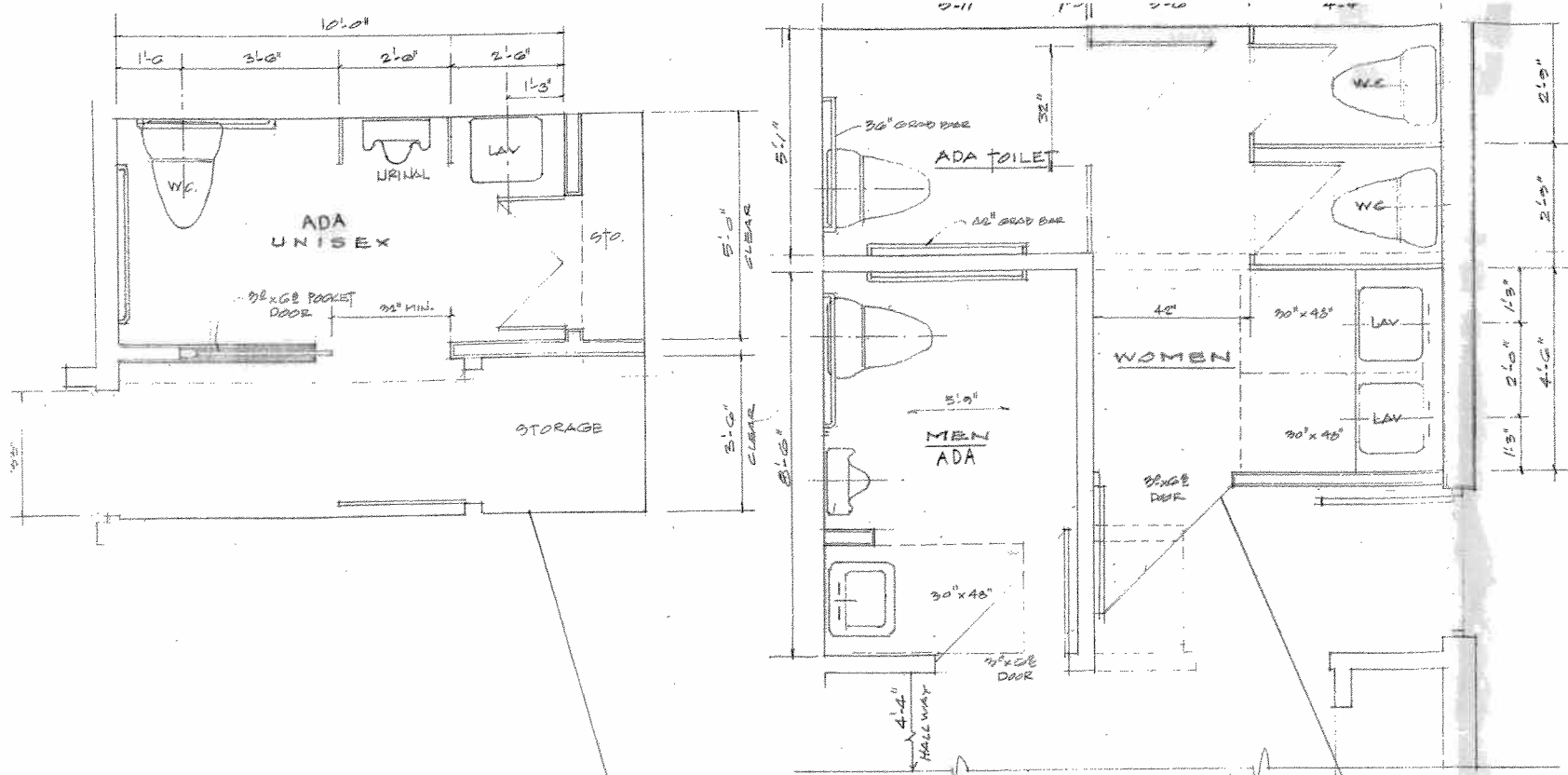
COMMENCING at a point of Petronia Street distant 98 feet from the corner of Thomas and Petronia Streets and runs thence along Petronia Street in a NE'ly direction 50 feet; thence at right angles in a NW'ly direction 92 feet; thence at right angles in a SW'ly direction 50 feet; thence at right angles in a SE'ly direction 92 feet to the point of beginning. (Parcel C: 309 Petronia Street, Key West, Florida ).

MONROE COUNTY  
OFFICIAL RECORDS

# Survey

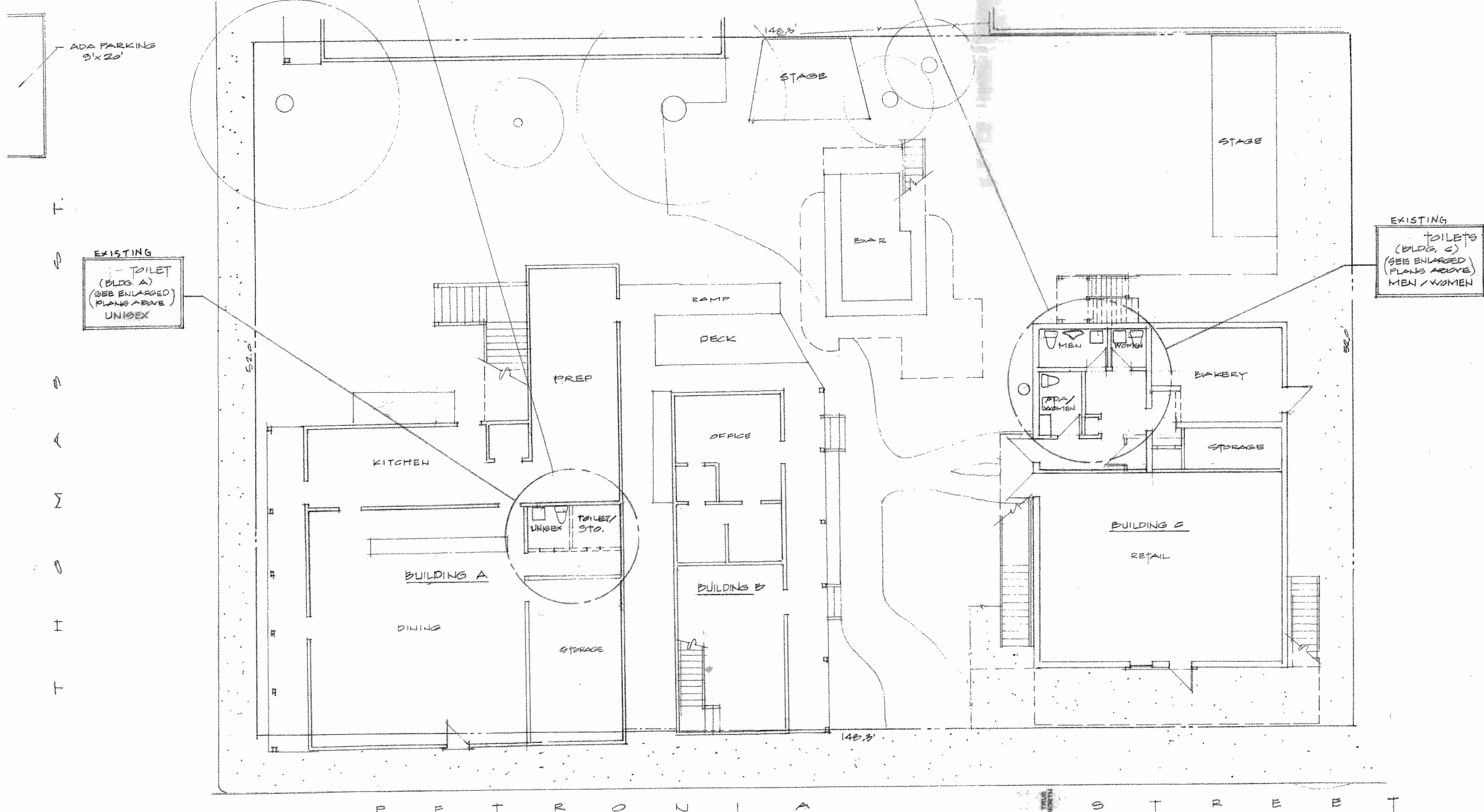


# Site Plans



SITE SETBACKS

BUILDING A ENLARGED PLAN-ADA TOILETS BUILDING C  
SCALE 1/2"=1'-0"



SITE DATA			
SITE AREA		13,645 SF	
PARCEL A 305 PETRONIA		4,214 SF	
PARCEL B 729 THOMAS		4,831 SF	
PARCEL C 309/311 PETRONIA		4,600 SF	
LAND USE ZONE		HNC-3	
FLOOD ZONE		X	
SETBACKS ALLOWED EXISTING PROPOSED			
FRONT PETRONIA ST. 0'		0'	N.C.
STREET THOMAS ST. 7.5'		1.5'	N.C.
SIDE EAST 5'		0'	N.C.
REAR NORTH 5'		10'	N.C.
HEIGHT 30'		30'	N.C.
F.A.R.	1.0	2.65	N.C.
LOT COVERAGE	40% MAX.	42.2%	N.C.
IMPERVIOUS RATIO	30% MAX.	52%	N.C.
OPEN SPACE	20% MIN.	38.5%	N.C.
CONSUMPTION AREAS			
DESCRIPTION	SQ. FT.	DINING SEATS	
EXISTING	300 SF	66	
ADDITIONAL	1365 SF	91	
PROPOSED	2365 SF	157	
PARKING (ON SITE)		0	0*
BICYCLES (ON SITE)		100	32
STORM DRAINAGE (SHT. 4)		NOT REQUIRED	
LANDSCAPE (SHT. 4)		NOT REQUIRED	
LIGHTING/SOUND (SHT. 4)			
N.C. - NO CHANGE * PARKING VARIANCE BEING REQUESTED			

SHEET INDEX	
SHT.	DESCRIPTION
1	SITE PLAN, SITE DATA, SETBACKS, ADA TOILETS,
2	CONSUMPTION AREAS
3	SEATING LAYOUT, ADA ROUTES, RETAIL/ REFUSE
4	BICYCLES, LANDSCAPE, LIGHTING, SOUND, STORM DRAINAGE

RESIDENTIAL UNITS	
BUILDING A	0 UNITS
BUILDING B	1 UNIT
BUILDING C	6 UNITS
TOTAL	7 UNITS



**CONSUMPTION AREAS**

LEGEND

○ AREA #

□ NO. OF SEATS

PROPOSED OCCUPANCY LOAD  
INDOOR CONSUMPTION AREA  
BASED ON FIRE SAFETY

- 1. 12' x 30' = 360 S.F. / 24 SEATS
- 2. 23' x 25' = 575 S.F. / 38 SEATS
- 3. 7' x 14' = 98 S.F. / 6 SEATS

SUBTOTAL 1033 S.F. / 68 SEATS  
(SECOND FLR)

PROPOSED OCCUPANCY LOAD  
OUTDOOR CONSUMPTION AREA  
BASED ON FIRE SAFETY

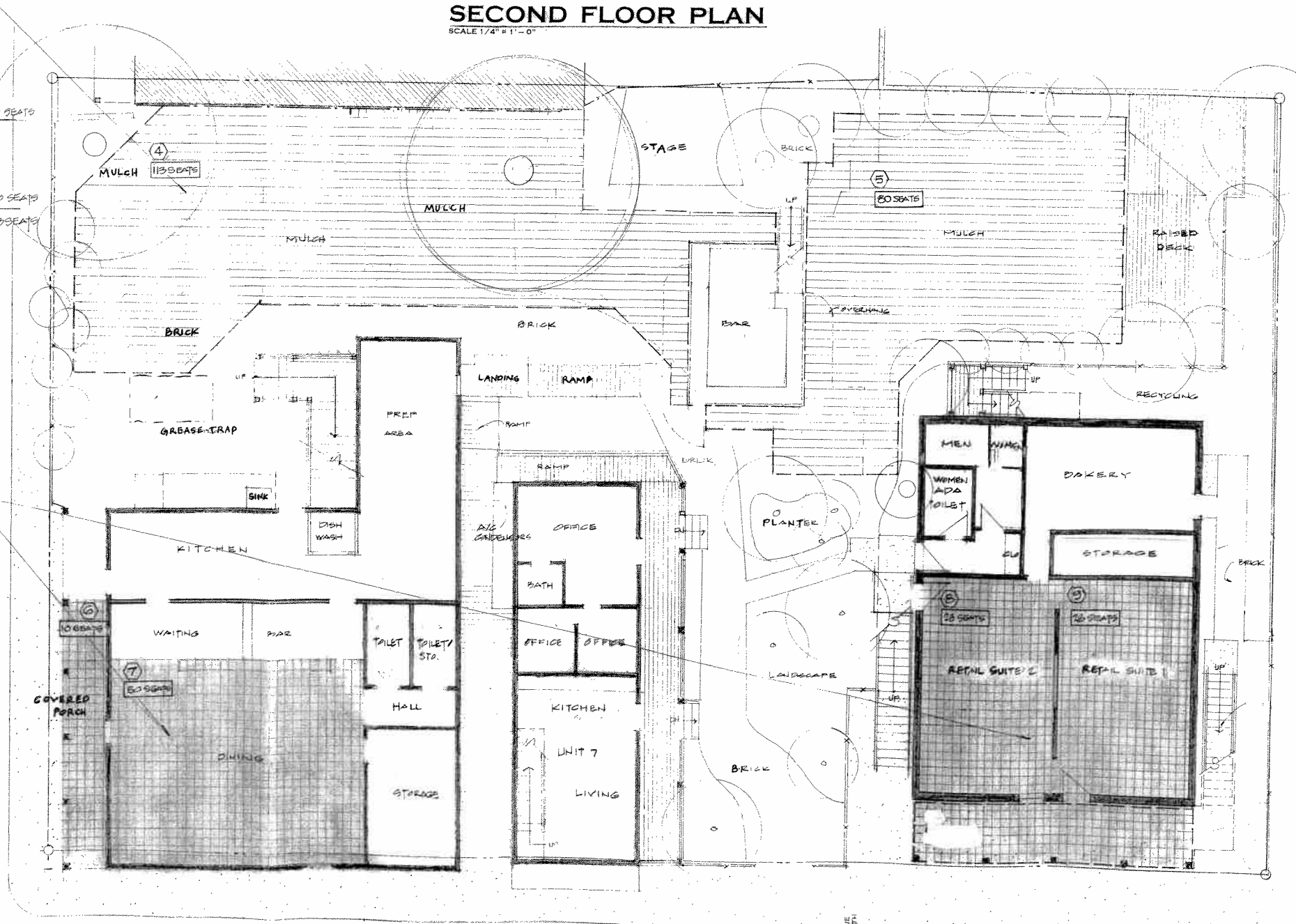
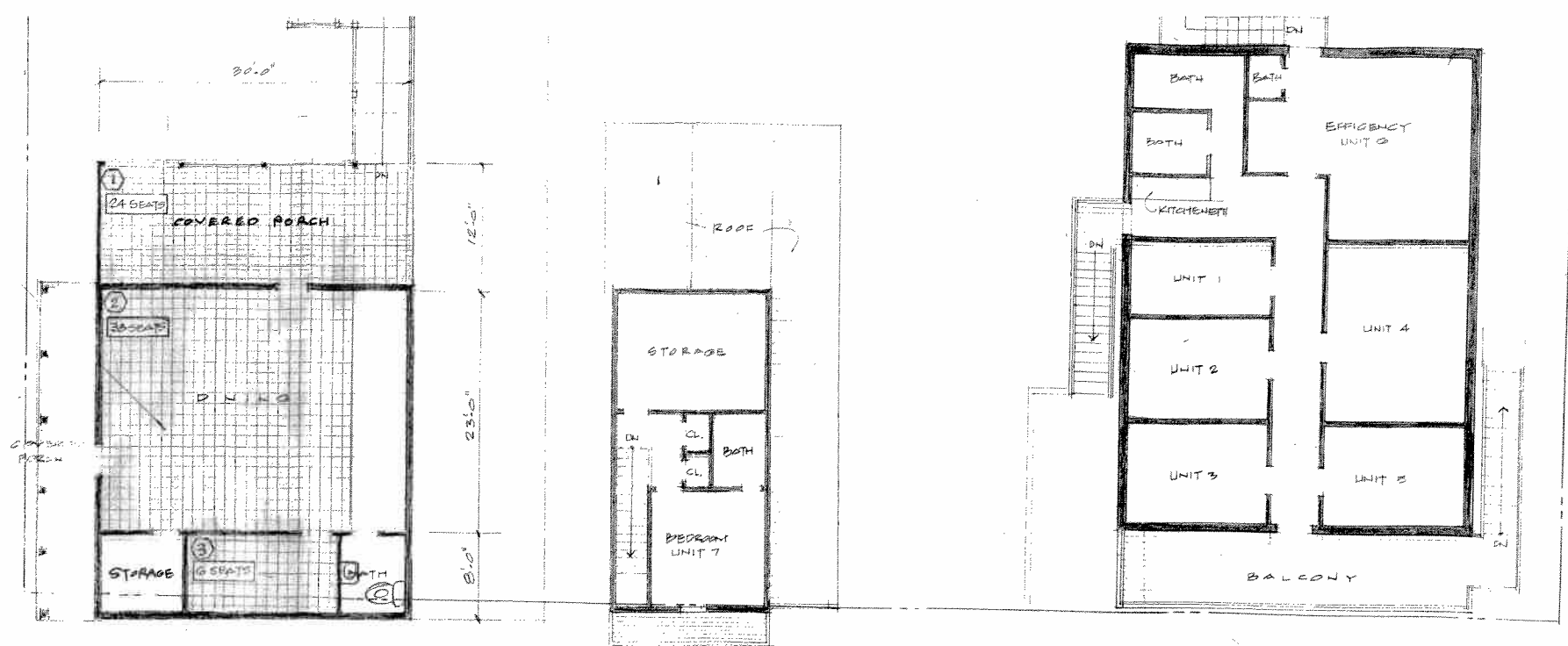
- 4. 14' x 2' = 28 S.F.
- 12' x 12' = 144
- 6' x 10' = 60
- 8' x 10' = 80
- 8' x 10' = 80
- 23' x 47' = 1081
- 12' x 13' = 156
- 3' x 12' = 36
- 2' x 11' = 22
- 1605 S.F. / 110 SEATS
- 5. 3' x 12' = 36
- 3' x 6' = 18
- 10' x 38' = 380
- 6' x 7' = 42
- 27' x 27' = 729
- 1205 S.F. / 80 SEATS
- TOTAL 2800 S.F. / 190 SEATS

PROPOSED OCCUPANCY LOAD  
INDOOR CONSUMPTION AREA  
BASED ON FIRE SAFETY

- 6. 5' x 20' = 100 S.F. - 10 SEATS
- 7. 25' x 30' = 750 S.F. + 50 SEATS
- 8. 10' x 20' = 400 S.F. - 20 SEATS
- 9. 10' x 20' = 400 S.F. - 20 SEATS

SUBTOTAL 1550 S.F. / 116 SEATS  
(FIRST FLR)

NOTE: AREAS 1 - 10 WILL NOT HAVE MORE THAN 157 CONSUMPTION DINING SEATS AT ANY GIVEN TIME.

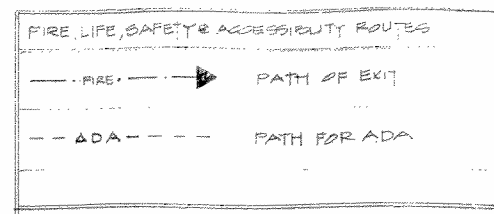
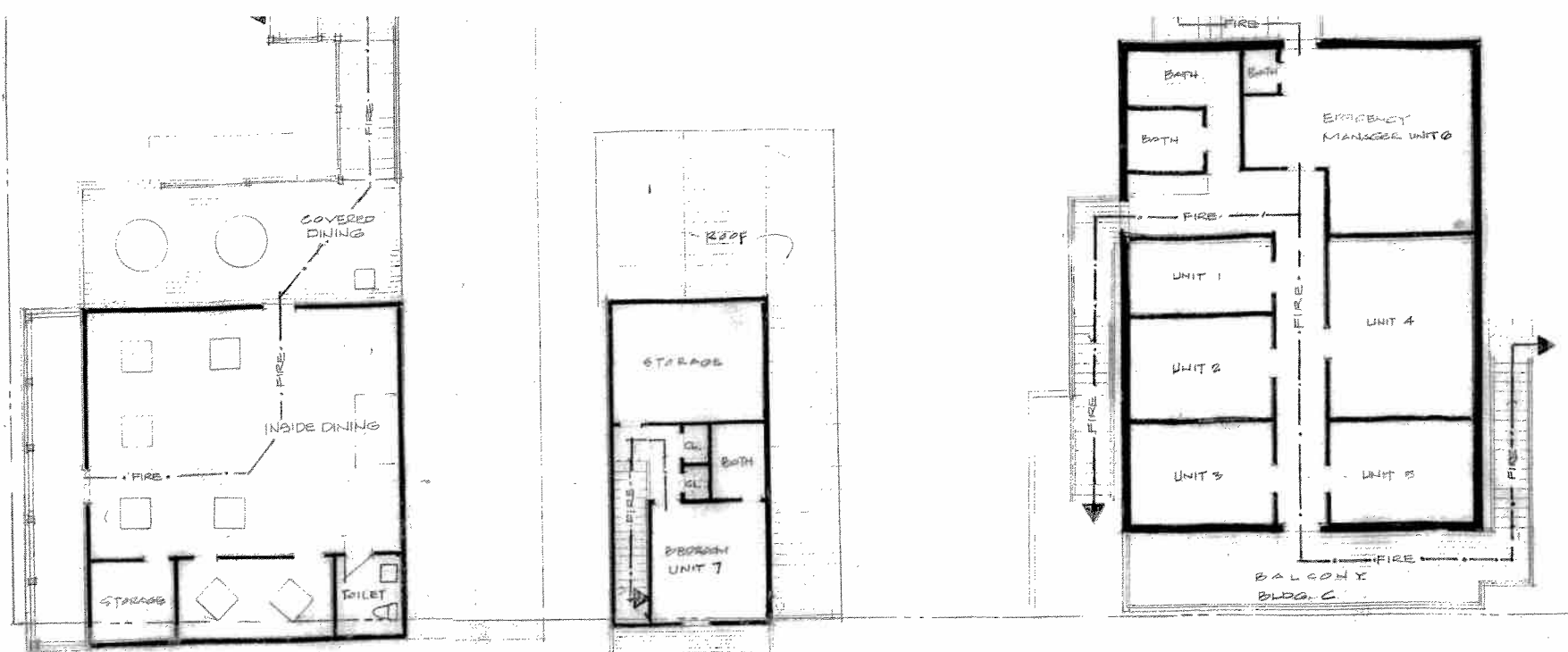


**BLUE HEAVEN**  
MINOR USE DEVELOPMENT PLAN  
729 THOMAS STREET  
KEY WEST, FLORIDA

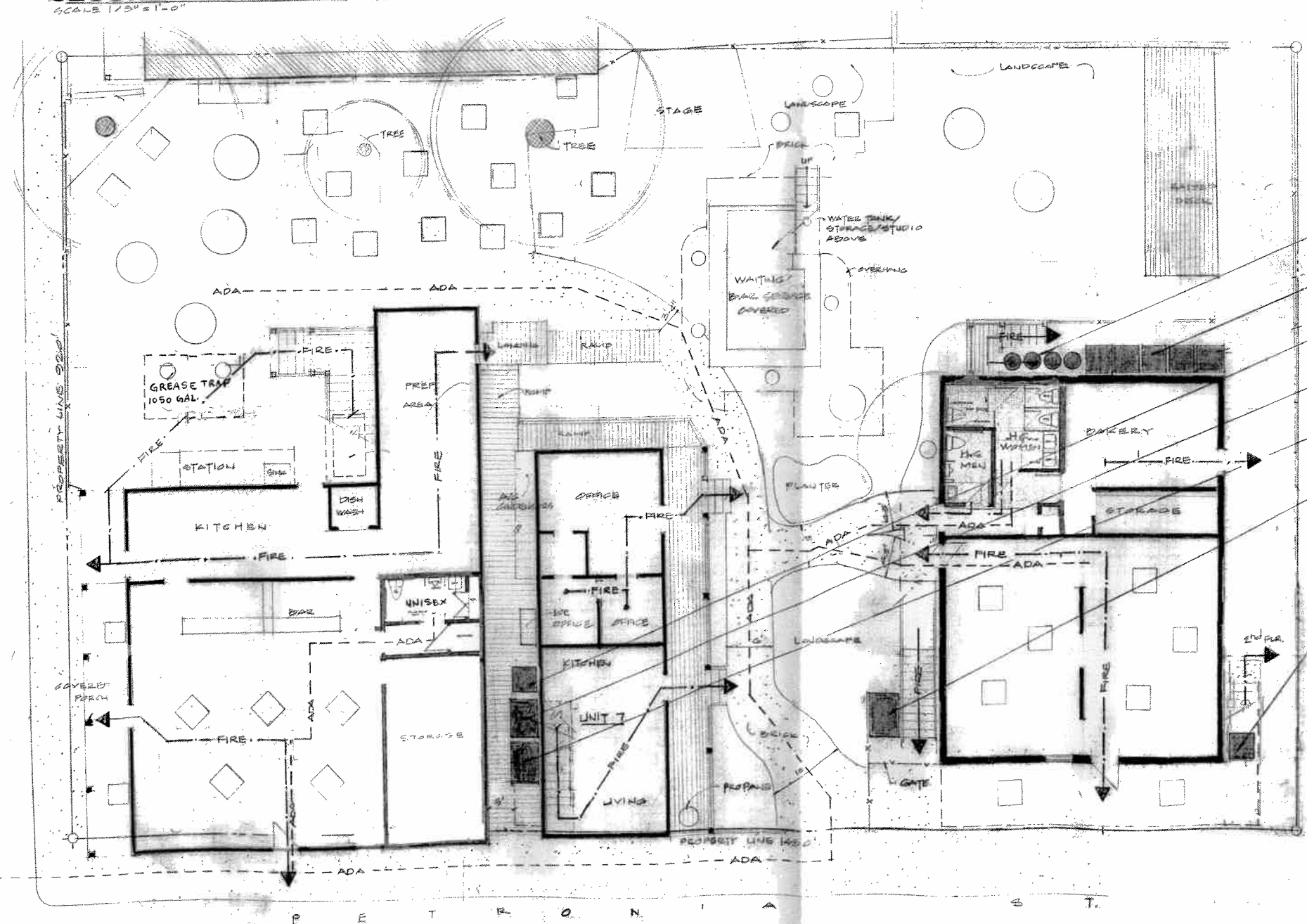
**WILLIAM ROWAN**  
ARCHITECTURE  
321 PEACOCK LANE  
305 296 3784  
KEY WEST, FLORIDA  
FLORIDA LICENSE # 0001757

JOB NUMBER 0786

REV	2.13.11
REV	12.23.10
REV	11.2.10
REV	5.21.10
REV	12.16.07
DATE	12.13.07



**SECOND FLOOR PLAN**  
SCALE 1/8" = 1'-0"



- PROPOSED 30 GAL. (RECYCLING) (4) ADDITIONAL
- EXISTING 30 GAL. (RECYCLING) (5)
- PROPOSED 30 GAL. (RECYCLING) (1) ADDITIONAL
- EXISTING 2 YD. BIN (SOLID WASTE) (1)
- PROPOSED 2 CU. YD. (SOLID WASTE) (1) ADDITIONAL
- EXISTING 2 YD. BIN RECYCLING (COMPOSTED) (1)
- PROPOSED 30 GAL. RECYCLING (1) ADDITIONAL

RECYCLING AND REFUSE		
	EXISTING	PROPOSED
<b>SOLID WASTE</b>		
3.5'x5'x3' (2 CU. YD.) BIN	1	2
<b>RECYCLING</b>		
30 GAL.	5	7
30 GAL. RECYCLE BIN	1	4
3.5'x5'x3' COMPOSTED	1	1

RECYCLING AREAS EMPTIED TWICE A WEEK VIA PETRONIA ST.  
SOLID WASTE BINS EMPTIED EVERY DAY

**SITE - FIRST FLOOR PLAN**  
SCALE 1/8" = 1'-0"

**SEATING LAYOUT**



**Joint Stipulation for Amended Development  
Plan and Conditional Use Application**

**JOINT STIPULATION FOR AMENDED DEVELOPMENT PLAN  
AND CONDITIONAL USE APPLICATION**

729 Thomas Street, LLC, a Florida limited liability company, ("Applicant"), and The City of Key West, a municipal corporation, ("the City") (collectively "the Parties"), for good and valuable consideration, hereby Stipulate for the filing of the Amended Development Plan and Conditional Use Application as follows:

WHEREAS, Applicant filed a revised development plan and conditional use application with the City on September 24, 2010 ("Application A"), a copy of which is attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, the City advised that it cannot process Application A because it is not based on previous documentation, including a code enforcement judgment, that Applicant is currently entitled to only sixty-six ("66") seats (which Applicant contests); and

WHEREAS, Applicant contends it is currently entitled to one hundred forty-four ("144") seats as shown on Application A as a result of various prior approvals given by the City and for other reasons previously provided to the City (which City contests); and

WHEREAS, based on this Stipulation the City and Applicant have agreed to the filing and processing of an application by Applicant seeking to increase the seating from 66 seats to 157 seats ("Amended Application").

NOW, THEREFORE, Applicant and the City agree as follows:



1. The whereas clauses set forth above are substantive and not mere recitals and are hereby incorporated as though fully set forth herein.
2. Applicant shall submit the Amended Application, consisting of an amended development plan and conditional use application for increased seating above 66 seats based on this Stipulation.
3. The submission of the Amended Application by Applicant does not waive, alter, amend, estop, admit, preclude or prejudice in any way Applicant's contention of its current entitlement to 144 seats.
4. This Stipulation does not waive alter, amend, estop, admit, preclude or prejudice in any way the City's position that Applicant is currently only entitled to 66 seats.
5. Applicant and the City have entered into this Stipulation in order to have the Planning Commission or such other governmental body as may be necessary to have the right to consider and approve or disapprove of the application based upon the 66 seats.
6. The City will not directly or indirectly, contend, assist or support an argument from any person that the filing, submission, and presentation to the Planning Commission or other governmental body for approval of the Amended Application constitutes a waiver, inconsistency, estoppel, deviation or change in any position based on the submission by Applicant that it is entitled to less than 144 seats.

Dated this 1<sup>st</sup> day of NOVEMBER, 2010.

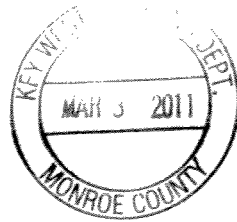


CITY OF KEY WEST

By: J. K. Scholl  
Jim Scholl, City Manager

729 THOMAS STREET, LLC

By: S. M. Kitchar  
Suanne M. Kitchar, Manager  
By: R. Hatch  
Richard Hatch, Manager



**City Planner Memo**  
**January 9, 2009**






## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

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**To:** Jim Scholl  
**From:** Amy Kimball-Murley   
**Date:** January 9, 2009  
**Reference:** Analysis of Seating  
Blue Heaven Restaurant

The purpose of this memo is to summarize the Planning Department's key findings regarding the permitted number of seats at the Blue Heaven Restaurant. These findings were derived from file research, meetings with the Building Department to review licensing records, and discussions with the City Attorney regarding legal issues.

For the purposes of this summary two addresses are used to identify approvals associated with specific land areas: 729 Thomas Street (the original restaurant) and 309 Petronia Street (also known as the Bakery).

There appear to be three main areas from which seating can be derived:

- 1. Outdoor seating which predates the City's requirement to license outdoor seating:** Prior to October 1991 the City did not require licenses or parking facilities for outdoor restaurant seating. On September 17, 1992, the City of Key West issued licenses for 44 outdoor seats at 729 Thomas Street which were determined to exist prior to October 1991. Licensing files include photographs of outdoor seating dated July 26, 1991, as well as an Outdoor License Application dated September 17, 1991, for 660 square feet of outside consumption area (which equates to 44 seats, at 15 square feet of consumption area per seat). The action is further documented through a conversation record between Carolyn Walker (Licensing) and Ted Strader (Planning Director) dated August 3, 1992. Licensing records are included in Attachment A to this memorandum.
- 2. Indoor consumption area as approved via Resolution 91-75 for 729 Thomas Street:** A Special Exception (similar to today's Conditional Use) was granted for restaurant at 729 Thomas Street. The application associated with the request (as modified) shows a floor plan with two proposed restaurant use areas totaling approximately 1,457 square feet of consumption area, or a maximum of 97 seats. All the consumption area addressed in this approval is indoors. A copy of Resolution 91-75 and the associated application is included as Attachment B. The subject area is located in the parking waiver district, but per section 35.09(c) of the code in place at the time, the change in use allowed by the Special

*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*

Exception would have triggered the parking requirement. It appears that Resolution 91-41, dated January 22, 1991, and Resolution 92-445, dated October 7, 1992, collectively provide parking variances for 18 spaces, or an equivalent of 810 square feet of consumption area (per Section 35.09 of the 1987 Code of Ordinances, which requires one space per every 45 feet of gross dining area). Therefore, only 54 seats (one seat per 15 square feet of consumption area) had associated parking variances. Copies of the referenced parking variances are included as Attachment C.

A prior Planning Department determination dated March 13, 2006, found that most of the consumption area associated with this approval expired due to a clause in the resolution requiring construction permits and approvals to be obtained within one year of the resolution (see Sections 2 and 3 of the resolution in Attachment B for resolution language). The owner of the restaurant was notified of this interpretation and did not appeal the Director's decision. Subsequent planning and legal review has substantiated this earlier finding. Importantly, conditions associated with Special Exceptions (addressed as Conditional Uses in today's code) are reviewed relative to specific site and neighborhood conditions; when uses are not implemented over time the conditions can change, and uses may no longer be appropriate. Therefore, the intent of established timeframes in the resolution is to ensure that any action associated with the implementation of the approved action occurs within a reasonable timeframe.

**3. Consumption area associated with 309 Petronia Street (also known as the Bakery):** A Special Exception was granted via Resolution 97-114 for a restaurant use at 309 Petronia Street. A letter dated April 4, 1997, from Planning Director Ted Strader verified that 240 square feet of consumption area (or a maximum of 16 seats) and the equivalent of 5.4 parking spaces existed on the site. It appears that assumption area associated with this approval is indoors. Copies of the resolution and associated correspondence are included as Attachment D. This resolution contains the same language as Resolution 91-75; therefore, activities associated with implementing the approved use were required to be complete within twelve months of the approval.

Although various approvals which might have allowed up to 157 seats were granted between 1991 and 1997, owners over time did not complete necessary actions to secure all the seats under the timeframes stipulated in the approvals. Today 66 seats are licensed at the Blue Heaven Restaurant. Any additional seats require a new Conditional Use Approval and associated parking variances.

#### Attachments

Xc: Mark Finigan, Assistant City Manager  
Shawn Smith, City Attorney  
Larry Erskine, Chief Assistant City Attorney  
Carolyn Walker, Licensing Official  
Geo Files 907 Thomas and 309 Petronia  
K:\Geo Projects\Thomas St\729 Blue Heaven\072308-ak-js-729 Thomas Seating summary.doc

**Attachment A**

# OCCUPATIONAL LICENSE APPLICATION

LICENSE # 50021335019  
 DATE ISSUED 9/17/92  
 MACHINE # 1-53199  
1-33200

CITY OF KEY WEST  
 CITY HALL ANNEX  
 604 SIMONTON ST.  
 P.O. BOX 1408  
 KEY WEST, FL 33041  
 (305) 292-6139 FAX (305) 292-6276 (800) 438-0376

DATE APPLIED 9/17/92

(660 of outside area for starting - MAX 5 inches seals)

TYPE OF LICENSE: RESTRICTED SEWERING

BUSINESS NAME: RICKY'S BLUE HEAVEN

BUSINESS LOCATION: 729 THOMAS ST. KEY WEST, FLA 33040

BUSINESS OWNER: RICARDO W. HATCHER III

AGENT: \_\_\_\_\_

MAILING ADDRESS: 729 THOMAS ST. KEY WEST, FLA 33040

PHONE NUMBER: BUSINESS 796-6998 HOME \_\_\_\_\_

I, Ricardo W. Hatcher III, being first duly sworn, depose and say that I am the owner, legal representative, or the property or business which is the subject matter of this application. All of the information supplied and documentation provided with this application is true and correct to the best of my knowledge and belief.

Ricardo W. Hatcher III  
 Applicant's Signature

State of Florida  
 County of Monroe

This foregoing instrument was acknowledged before me this 17th day of September, 1992, by Ricardo W. Hatcher III (name of person acknowledging and title of position), who is personally known to me or who has produced proper identification (name of manufacturer) and who did (did not) take an oath.

Ricardo W. Hatcher III (Signature of person making Acknowledgment)  
RICARDO W. HATCHER III (Name of Acknowledger Typed, Printed, or Stamped)  
OCCUPATIONAL (Title or Rank)

NOTARY SEAL  
 201208

Notary Public, State of Florida (Serial Number, if any)  
 My Commission Expires April 9, 1993

- SALES TAX NUMBER: 3118 Pledge # 292-6738
  - COMMERCIAL GARBAGE ACCOUNT: IWS: 3146 Northside Drive, Suite 108
  - LEASE/DEED/LETTER OF AUTHORIZATION
  - SANITATION INSPECTION: Monroe County Health Unit, Jr. College Rd. 298-6894 (PINK SLIP)
  - LIABILITY INSURANCE: \_\_\_\_\_ WORKER'S COMPENSATION: \_\_\_\_\_
  - CODE NOTICE ENCLOSED
  - CO/FINAL INSPECTION
  - STATE LICENSE
  - OTHER see attached
- Licensed under Chapter 91, Section 91-25

SEWER UNITS: CONS  
 ACCT # 10190360016 BALANCE OK  
 ACCT # \_\_\_\_\_ BALANCE \_\_\_\_\_  
 WASTE UNITS: \_\_\_\_\_ BALANCE \_\_\_\_\_  
 ACCT # \_\_\_\_\_ BALANCE \_\_\_\_\_

OK see file for spec sheet + sanitation info.

PREVIOUS USE: Blue Heaven  
 Category 4x8 ZONING HR30  
 Fee 510.00 Prorate \_\_\_\_\_

Approved \_\_\_\_\_ Denied/Reason: \_\_\_\_\_

W. Hatcher 9/17/92  
 CHIEF LICENSING OFFICIAL Date

12.50  
 100.00



THE CITY OF KEY WEST  
CONVERSATION RECORD

Name: Ted Strader

Address:

In Person       By Phone      Phone No.

Conversation: RE BLUE HEAVEN. ISSUE WAS THAT WORKING HAD A TAKE-OUT YOGURT-ICE CREAM SHOP IN 1990 + MERLIN WORKY HAD A REST. SEATING 5 IN 1991. SPEC EXEP FOR REST. + VARIANCE FOR 8 PARKING SPACES GRANTED IN 1990. HOWEVER, NO USE IN 9 MONTHS. QUESTION IS SPEC EXEP + VARIANCE STILL VALID? LESLIE SAID THAT IN PAST ART, STEVE DETERMINED THAT SPEC EXEP + VARIABLE STAYED WITH PROPERTY FOREVER, AND THAT UNLESS STATED IN VARIANCE THAT WOULD EXPIRE OR UNLOUE TO ONE OWNER. IN FUTURE, MAY WANT TO ADD THAT LANGUAGE TO RESOLUTIONS. BUT FOR NOW, THIS VAR + SPEC EXEP ARE STILL GOOD.

IMPACT FEES: CORINNE DOCUMENTED THEM PHOTOS +

Date:      Time:      A.M. / P.M.      Signature:

Refer to \_\_\_\_\_ for action / information

Action: AN AFFIDAVIT THAT SEATING EXISTED OUTSIDE 1906 TO OCT 1971 WHEN WE STARTED CHARGING OUTDOOR SEATS IMPACT FEES + PARKING. TED + I DEMOED THAT 660 SQ OF OUTSIDE AREA IS GRANDFATHERED IN FOR SEATING AREA.

CW. 8/3/92  
729 THOMAS.

Initials:

August 2, 1992

Building Department  
City of Key West  
Key West, Florida

This affidavit is to reaffirm the following seating arrangement at Blue Heaven, 729 Thomas Street, Key West, Florida.

As of June 1990 the sandwich shop at Blue Heaven had 5 tables (4-top) for outdoor dining.

In June 1991 the Caribbean Bistro @ Blue Heaven added an additional six (6) tables on the outdoor grounds @ Blue Heaven.

This letter now allows Blue Heaven to operate with 44 outdoor seats. Variance #91-41 approved indoor seating of 24 seats. Impact fees for 5 seats have been paid and, upon payment of the fees, the balance of 19 seats will be available for use.

STATE OF FLORIDA  
COUNTY OF MONROE

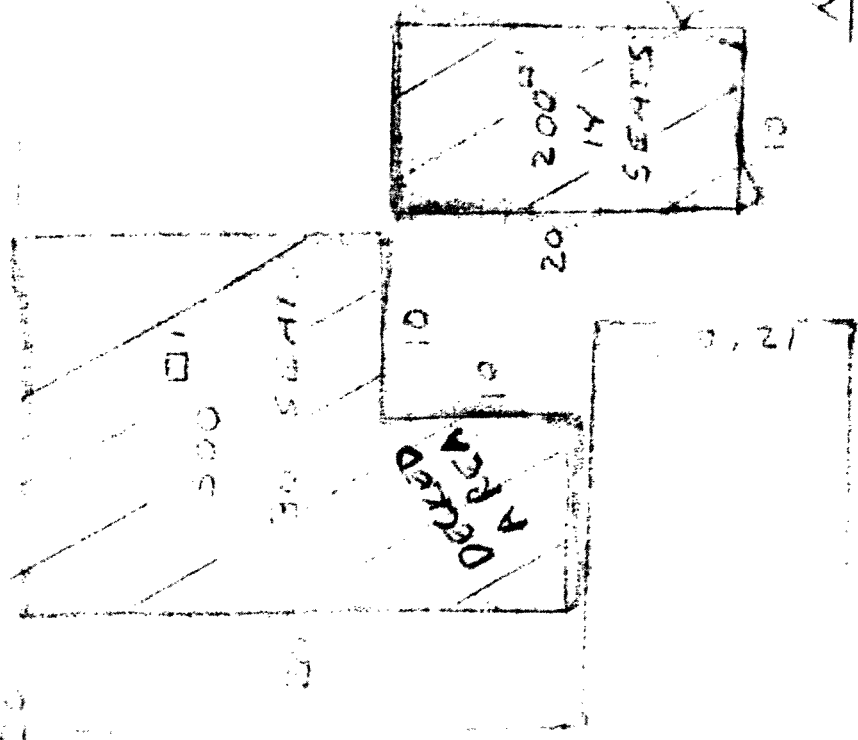
Subscribed and sworn to before me  
this 3rd day of August, 1992

Walter  
NOTARY PUBLIC, STATE OF FLORIDA

Corinne K Crockett 8/2/92  
Blue Heaven Signature Date

THOMAS  
STYRENE

1200 V.I.M. 229 229 229



NOTE

THIS GROUND  
WAS  
COVERED &  
AVAILABILITY  
FOR SEATING  
BY 10/19/92

(PREVIOUSLY, SEATS WERE  
SPREAD ACROSS OVER YARD. NOW  
CONSOLIDATED INTO DESIGNATED  
AREAS)

**Attachment B**



A RESOLUTION GRANTING A SPECIAL EXCEPTION TO HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT PURSUANT TO SECTION 12.02 OF THE KEY WEST CODE OF ORDINANCES BY ALLOWING USE AS A RESTAURANT ON THE FOLLOWING DESCRIBED PROPERTY: LOTS 7 AND 8, SQUARE 1, TRACT 3, ACCORDING TO DIAGRAM THEREOF MADE BY WILLIAM H. VONPHISTER AS RECORDED IN DEED BOOK "F" AT PAGE 621 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA. ALSO KNOWN AS: ON THE ISLAND OF KEY WEST AND KNOWN, ACCORDING TO WILLIAM A. WHITEHEAD'S MAP DELINEATED IN FEBRUARY, 1829, AS LOTS 7 AND 8, SQUARE 1, TRACT 3: COMMENCING AT THE NORTHEAST CORNER OF THOMAS AND PETRONIA STREETS AND RUNNING THENCE NORTHEASTERLY 98 FEET; THENCE NORTHWESTERLY 92 FEET; THENCE SOUTHWESTERLY 98 FEET; THENCE SOUTHEASTERLY 92 FEET TO THE PLACE OF BEGINNING.; ALSO KNOWN AS 729 THOMAS STREET, KEY WEST, MONROE COUNTY, FLORIDA.

WHEREAS, the Board of Adjustment of the City of Key West finds that, pursuant to the City zoning codes, it is empowered to grant the special exception herein described, and that such grant will not adversely affect the public interest; and

WHEREAS, satisfactory provision and arrangement has been made concerning the following, as applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Off-street parking or loading areas where required, with particular attention to the items in paragraph 1 (above) and the economic, noise, glare, or odor effects of the special exception on adjoining property generally in the district;
3. Refuse and service areas, with particular reference to the items in paragraphs 1 and 2 (above);
4. Utilities, with reference to locations, availability, and compatibility;
5. Screening and buffering with reference to type, dimensions, and character;

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; and

7. Required yards and other open space; and

**WHEREAS**, the use will be reasonably compatible with surrounding uses in its function, its hours of operation, the type and amount of traffic to be generated, building size and setbacks, its relationship to land values, and other factors noted on the record, if any, that may be used to measure compatibility; and

**WHEREAS**, the use will not violate the rules and regulations of the Historic Architectural Review Committee, as applicable; **NOW THEREFORE**

**BE IT RESOLVED**, by the Board of Adjustment of the City of Key West, as follows:

**Section 1.** A special exception is hereby granted to HP-3, Light Commercial Historic Preservation District, pursuant to Section 12.02 of the Key West Code of Ordinances, to allow use as a restaurant on the following described property:

LOTS 7 AND 8 , SQUARE 1, TRACT 3, ACCORDING TO DIAGRAM THEREOF MADE BY WILLIAM H. VONPHISTER AS RECORDED IN DEED BOOK 'F' AT PAGE 621 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA. ALSO KNOWN AS: ON THE ISLAND OF KEY WEST AND KNOWN, ACCORDING TO WILLIAM A. WHITEHEAD'S MAP DELINEATED IN FEBRUARY, 1829, AS LOTS 7 AND 8, SQUARE 1, TRACT 3: COMMENCING AT THE NORTHEAST CORNER OF THOMAS AND PETRONIA STREETS AND RUNNING THENCE NORTHEASTERLY 98 FEET; THENCE NORTHWESTERLY 92 FEET; THENCE SOUTHWESTERLY 98 FEET; THENCE SOUTHEASTERLY 92 FEET TO THE PLACE OF BEGINNING. ; Also known as 729 Thomas Street, Monroe County, Key West, Florida.

**Section 2.** It is an essential condition of this special exception that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this special exception is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within 12 months after the date hereof. It is an

essential condition of this special exception that no application or reapplication for new construction for which the special exception is wholly or partly necessary shall be made after expiration of said 12-month period.

**Section 3.** Failure to submit full and complete application for permits for new construction for which this special exception is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this special exception in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this special exception, which special exception shall be of no force or effect.

**Section 4.** This special exception does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 5.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed at a regular meeting held this 19th day of February, 1990.

  
TONY LARRACINO, CHAIRMAN  
BOARD OF ADJUSTMENT

ATTEST:

  
JOSEPHINE PARKER, CITY CLERK

THE CITY OF KEY WEST  
Post Office Box 1409  
Key West, FL 33011-1409  
PLANNING DEPARTMENT  
(305) 292-8229

APPLICATION FOR VARIANCE OR SPECIAL EXCEPTION

PLEASE PRINT

1. APPLICATION FOR: (Please check one)

VARIANCE

SPECIAL EXCEPTION

2. SITE ADDRESS 729 Thomas Street  
(Street)

3. NAME OF APPLICANT W.G. & Corinne Crockett

4. OWNER  AUTHORIZED REPRESENTATIVE

5. ADDRESS OF APPLICANT 729 Thomas Street  
(Street)  
Key West Florida 33041  
(City) (State) (Zip)

6. PHONE NUMBER OF APPLICANT (305) 296-8666

7. DIMENSIONS AND AREA OF SITE 92' x 98'

8. ZONE HP 3 REN 1325, 1326

9. DESCRIPTION OF PROPOSED CHANGE Use of upstairs for restaurant, including beer and wine sales.

10. SITE PLAN (If attached separately, please note)

~~Special exception to allow restaurant~~

- Floor Plans Attached -

Revised Special exception to use the <sup>existing</sup> second floor as a restaurant.

Variance to allow zero parking (8 spaces required) passed Jan 22, 91

CITY COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. This application must demonstrate justification of request pursuant to code sections noted on reverse side:

JUSTIFICATION FOR THIS APPLICATION \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. REQUIRED ATTACHMENTS: (Please check if attached).

- \_\_\_\_\_ Deed(s) or abstract with legal description (must cover entire property).
- \_\_\_\_\_ Existing site plan with dimensions, setbacks and proposed changes (if not provided in Item 11).
- \_\_\_\_\_ Fee (payable to the City of Key West).
- \_\_\_\_\_ Notarized authorization from current owner (if applicable).

STATE OF FLORIDA  
COUNTY OF MONROE

I, Corinne K. Crockett being first duly sworn,  
(please print)

depose and say that: I am the owner  legal representative \_\_\_\_\_ of the property which is the subject matter of this application. All of the answers to the above questions, sketches, and attached data which make up this application, are true and correct to the best of my knowledge and belief.

Corinne K. Crockett  
(Applicant's Signature)

Sworn to and subscribed before me this

31 day of February 19 90

[Signature]  
(Notary Signature)  
(Seal)

Notary Public, State of Florida  
My Commission Expires March 6, 1996  
Bonded thru Frye-Pete - Insurance Inc.

BUD OR CORINNE CROCKETT  
PROPERTY ACCOUNT  
P.O. BOX 4828  
KEY WEST, FL 33041

0475

82-216/878

11/21/90

PAY TO THE  
ORDER OF

City of Key West

\$ 100<sup>00</sup>/<sub>100</sub>

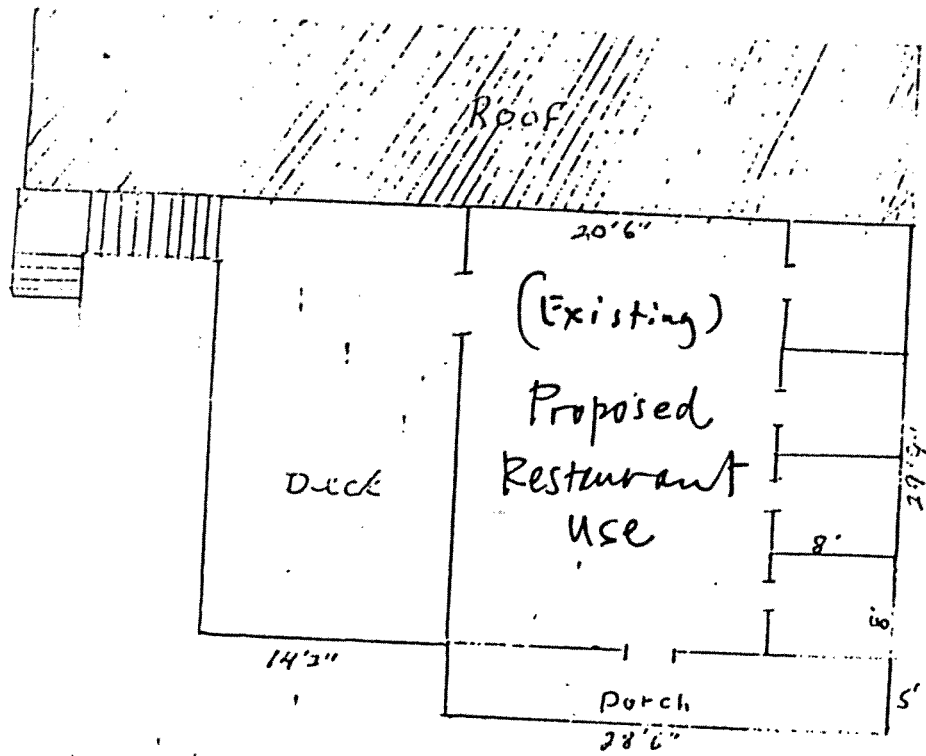
One hundred and 00/100

DOLLARS

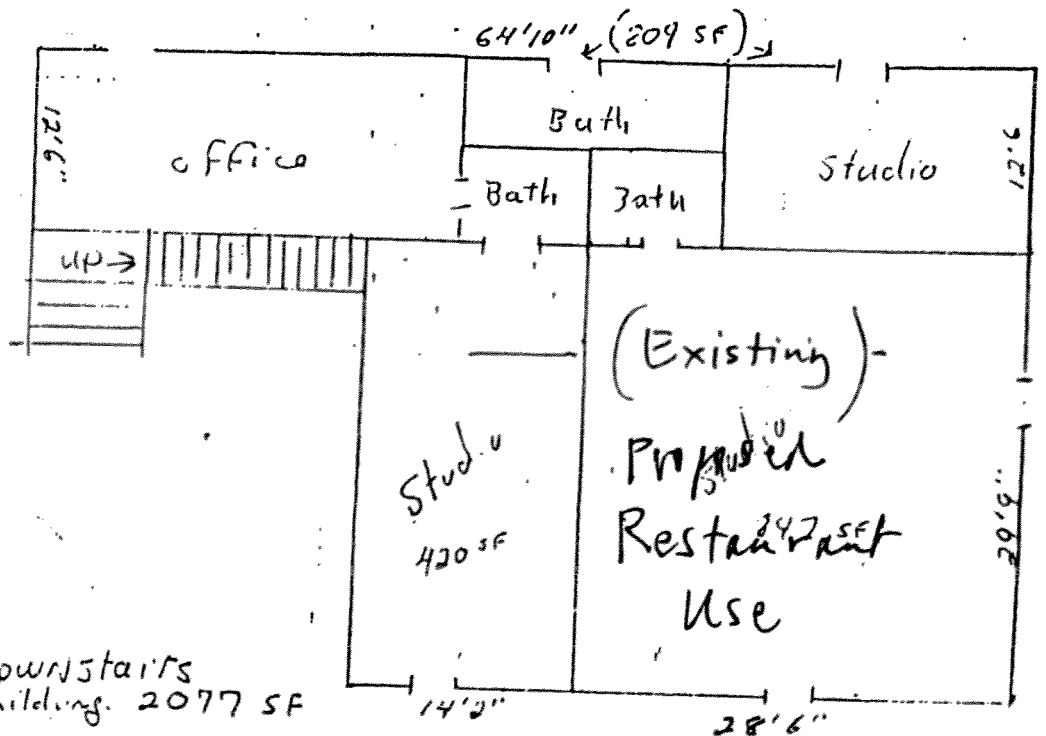
**C&S** The Citizens and Southern Bank  
of Monroe County

Corinne K. Crockett

⑆067006283⑆ 04750006516797⑈



upstairs Building 817 SF



Downstairs  
Building 2077 SF

# This Indenture

THIS IS A BALLOON MORTGAGE AND THE FINAL PAYMENT OF THE BALANCE DUE UPON MATURITY IS \$150,020.17 TOGETHER WITH ACCRUED INTEREST, IF ANY, AND ALL ADVANCEMENTS MADE BY THE MORTGAGEE UNDER THE TERMS OF THIS MORTGAGE.

(Wherever used herein the terms "mortgagor" and "mortgagee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations; and the term "party" includes all the parties herein described if more than one.) Wherever used the singular number shall include the plural and the plural the singular, and the use of any gender shall include all genders.)

13.00  
2.00  
300.00  
400.00

Made this 31st day of January, A. D. 19 89

Between W. G. CROCKETT and CORINNE K. CROCKETT, Husband and Wife

called the Mortgagor, and CHARLES ANDREW BAXTER and CATHERINE ANN STILL, both single persons, jointly and severally, called the Mortgagee,

Witnesseth, That the said Mortgagor, for and in consideration of the sum of TWO HUNDRED THOUSAND and 00/100 (\$200,000.00) Dollars, to him in hand paid by the said Mortgagee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Mortgagee, the following described land situate, lying and being in the County of Monroe State of Florida to wit:

Lots 7 and 8, Square 1, Tract 3, according to diagram thereof made by William H. VonPhister as recorded in Deed Book "F" at Page 621 of the Public Records of Monroe County, Florida.

ALSO KNOWN AS:

On the Island of Key West and known, according to William A. Whitehead's map delineated in February, 1829, as Lots 7 and 8, Square 1, Tract 3: COMMENCING at the Northeast corner of Thomas and Petronia Streets and running thence Northeasterly 98 feet; thence Northwesterly 92 feet; thence Southwesterly 98 feet; thence Southeasterly 92 feet to the place of beginning.

THIS IS A PURCHASE MONEY FIRST MORTGAGE.

THIS MORTGAGE MAY NOT BE ASSUMED OR ANY INTEREST IN THE PROPERTY TRANSFERRED WITHOUT PRIOR WRITTEN CONSENT OF MORTGAGEE.

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

Provided always, That if said Mortgagor shall pay to the said Mortgagee a certain promissory note, a copy of which is on the reverse side hereof, and shall perform and comply with each and every stipulation, agreement and covenant of said note and of this mortgage, then this mortgage and the estate hereby created shall be void, otherwise the same shall remain in full force and virtue. And the said Mortgagor covenants to pay the interest and principal promptly when due; to pay the taxes and assessments on said property; to carry insurance against fire on the building on said land for not less than \$ Highest insurable value and windstorm insurance in amount of \$ Highest insurable value, approved by the Mortgagee, with standard mortgage loss clause payable to Mortgagee, the policy to be held by the Mortgagee, to keep the buildings on said land in proper repair; and to waive the homestead exemption.

Should any of the above covenants be broken, then said note and all moneys secured hereby shall without demand, if the Mortgagee so elects, at once become due and payable and the mortgage be foreclosed, and all costs and expenses of collection of said moneys by foreclosure or otherwise, including solicitor's fees shall be paid by the Mortgagor, and the same are hereby secured.

In Witness Whereof, The said Mortgagor hereunto sets his hand and seal the day and year first above written.

THIS IS A BALLOON MORTGAGE AND THE FINAL PAYMENT OF THE BALANCE DUE UPON MATURITY IS \$150,020.17 TOGETHER WITH ACCRUED INTEREST, IF ANY, AND ALL ADVANCEMENTS MADE BY THE MORTGAGEE UNDER THE TERMS OF THIS MORTGAGE.

RECORDED  
JAN 13 1989  
11:24 AM

Signed, Sealed and Delivered in Presence of Me:

*[Handwritten signatures]*

W. G. CROCKETT  
CORINNE K. CROCKETT



State of OHIO

County of LAKE

I Herby Certify, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, W. G. CROCKETT and CORRINE K. CROCKETT, Husband and Wife,

to me well known and known to me to be the persons described in and who executed the foregoing mortgage; and they acknowledged before me that they executed the same for the purposes therein expressed.

Witness my hand and official seal at Painesville County of Lake and State of Ohio, this 31 day of January, A. D. 1989.

My Commission Expires 7/1/92

*David D. Pinsky*  
Notary Public

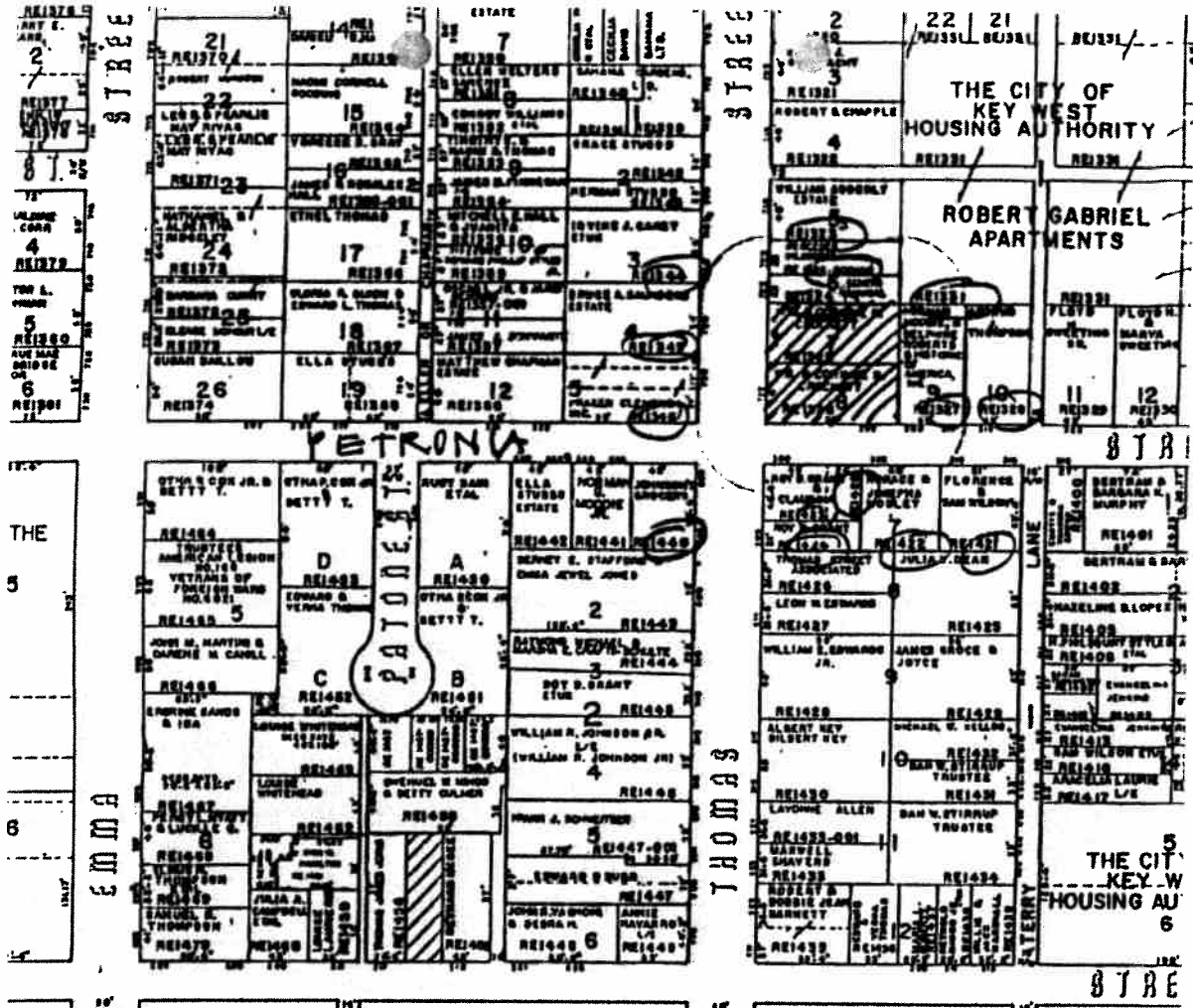
**Mortgage Deed**

TO

Date

FIG. 118 1372  
FEE \$30.00  
TAX \$400.00  
PROPERTY  
INTEREST \$ 2-13-89

CLERK OF COURT  
*Robert Madrials*  
DEPUTY CLERK



ENDED ON PAGE NO. 26

CONTINUED ON PAGE NO. 26

- 1323
- 1324
- 1324-0001
- 1327
- 1328
- 1331
- 1344
- 1345
- 1346

- ~~1420~~ list listed
- 1421
- 1422
- 1423
- ~~1424~~ not listed.
- 1440

729 Thomas.

00013330-000000	C1	C1	01	1013625	6027	70-648	39,445
0024							
P/C = 01							
00013343-000000	C1	C1	01	1013637	6027	63-654	19,723
0024							
P/C = 01							
00013340-000100	C1	01	01	8744676	6027	52,291	19,723
0024							
P/C = 01							
00013370-000000	C1	01	C1	1013668	6027	114,628	39,445
0024							
P/C = 12							
PORT = FK							
00013378-000000	C1	01	C1	1013676	6027	61,778	39,445
0024							
P/C = 01							
00013370-000000	C1	C1	C1	1013706	6027	1,679,791	
0024							
P/C = 27							
00013340-000000	C1	01	01	101382C	6027	59,415	40,303
0024							
P/C = 01							
00013350-000000	C1	C1	C1	101383E	6027	56,101	45,205
0024							
P/C = 01							
00013340-000000	C1	01	01	1013844	6027	118,610	54,243
0024							
P/C = 25							
00014230-000000	C1	C1	01	1014591	6027	40,865	33,801
0024							
P/C = 01							
00014220-000000	01	01	01	1014605	6027	68,193	28,950
0024							
P/C = 21							
00014230-000000	C1	01	C1	1014613	6027	36,093	17,036
0024							
P/C = 01							
00014400-000000	C1	C1	C1	1014796	6027	92,662	21,493
0024							
P/C = 12							

729 Thomas St. p1 of 1

For advance

at 729 Thomas

Ch# 0475 \$1000

Quilia



TR 86008

0178 1 02026144 NEVE 12/03/90 13:22  
GENERAL REVENUE FUND 120390  
NAME & BND CROCKETT CR06/75 \$  
030 ZOMING FEES\$41200 \$ 100.00

BY

**Attachment C**

RESOLUTION NO. 92-445

A RESOLUTION ALLOWING A VARIANCE TO HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA ALLOWING A VARIANCE TO ALLOW ZERO ADDITIONAL OFF-STREET PARKING SPACES (UP TO 10 REQUIRED) FOR LIGHT COMMERCIAL USES PERMITTED BY SPECIAL EXCEPTION, ON THE FOLLOWING DESCRIBED PROPERTY: LOTS 7 AND 8, SQUARE 1, TRACT 3, ACCORDING TO DIAGRAM THEREOF MADE BY WILLIAM H. VONPHISTER AS RECORDED IN DEED BOOK "F" AT PAGE 621 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; ALSO KNOWN AS: ON THE ISLAND OF KEY WEST AND KNOWN, ACCORDING TO WILLIAM A. WHITEHEAD'S MAP DELINEATED IN FEBRUARY, 1829, AS LOTS 7 AND 8, SQUARE 1, TRACT 3: COMMENCING AT THE NORTHEAST CORNER OF THOMAS AND PETRONIA STREETS AND RUNNING THENCE NORTHEASTERLY 98 FEET; THENCE NORTHWESTERLY 92 FEET; THENCE SOUTHWESTERLY 98 FEET; THENCE SOUTHEASTERLY 92 FEET TO THE PLACE OF BEGINNING. ; ALSO KNOWN AS 729 THOMAS STREET, KEY WEST, MONROE COUNTY, FLORIDA.

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and

WHEREAS, literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

WHEREAS, the special conditions and circumstances do not result from the actions of the applicant.

WHEREAS, the granting of the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district, now therefore,

BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1. That a variance to HP-3, Light Commercial Historic Preservation District to allow zero additional off-street parking spaces (up to 10 required) for light commercial uses permitted by special exception, under Chapter 35 of the Code of Ordinances of the City of Key West, Florida be on the following described property:

LOTS 7 AND 8, SQUARE 1, TRACT 3, ACCORDING TO DIAGRAM THEREOF MADE BY WILLIAM H. VONPHISTER AS RECORDED IN DEED BOOK "F" AT PAGE 621 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; ALSO KNOWN AS: ON THE ISLAND OF KEY WEST AND KNOWN, ACCORDING TO WILLIAM A. WHITEHEAD'S MAP DELINEATED IN FEBRUARY, 1829, AS LOTS 7 AND 8, SQUARE 1, TRACT 3: COMMENCING AT THE NORTHEAST CORNER OF THOMAS AND PETRONIA STREETS AND RUNNING THENCE NORTHEASTERLY 98 FEET; THENCE NORTHWESTERLY 92 FEET; THENCE SOUTHWESTERLY 98 FEET; THENCE SOUTHEASTERLY 92 FEET TO THE PLACE OF BEGINNING.  
; Also known as 729 Thomas Street, Key West, Monroe County, Florida

Section 2. It is an essential condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented

in support of this variance, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this variance that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of said 12-month period.

Section 3. Failure to submit full and complete application for permits for new construction for which this variance is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 4. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.


Section 5. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 7th day of October, 1992.

ATTEST:

  
JOSEPHINE PARKER, CITY CLERK



  
DENNIS J. WARDLOW, CHAIRMAN  
BOARD OF ADJUSTMENT  
STATE OF FLORIDA  
COUNTY OF MONROE  
CITY OF KEY WEST

This copy is a true copy of the original on file in this office.  
Witness my hand and official seal  
this 7th day of October, 2006

Deputy City Clerk  


92-445



A RESOLUTION ALLOWING A VARIANCE TO HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA ALLOWING A VARIANCE TO ALLOW ZERO PARKING (8 SPACES REQUIRED), ON THE FOLLOWING DESCRIBED PROPERTY: LOTS 7 AND 8, SQUARE 1, TRACT 3, ACCORDING TO DIAGRAM THEREOF MADE BY WILLIAM H. VONPHLISTER AS RECORDED IN DEED BOOK "T" AT PAGE 621 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA. ALSO KNOWN AS: ON THE ISLAND OF KEY WEST AND KNOWN, ACCORDING TO WILLIAM A. WHITEHEAD'S MAP DELINEATED IN FEBRUARY, 1829, AS LOTS 7 AND 8, SQUARE 1, TRACT 3: COMMENCING AT THE NORTHEAST CORNER OF THOMAS AND PETRONIA STREETS AND RUNNING THENCE NORTHEASTERLY 96 FEET; THENCE NORTHWESTERLY 92 FEET; THENCE SOUTHWESTERLY 96 FEET; THENCE SOUTHEASTERLY 92 FEET TO THE PLACE OF BEGINNING.; ALSO KNOWN AS 729 THOMAS STREET, KEY WEST, MONROE COUNTY, FLORIDA.

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and

WHEREAS, literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

WHEREAS, the special exceptions and circumstances do not result from the actions of the applicant.

WHEREAS, the granting of the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district, now therefore,

BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1. That a variance to allow zero parking (8 spaces required) to HP-3, Light commercial Historic Preservation District, under Chapter 35 of the Code of Ordinances of the City of Key West, Florida be on the following described property:

LOTS 7 AND 8, SQUARE 1, TRACT 3, ACCORDING TO DIAGRAM THEREOF MADE BY WILLIAM H. VONPHLISTER AS RECORDED IN DEED BOOK "T" AT PAGE 621 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA. ALSO KNOWN AS: ON THE ISLAND OF KEY WEST AND KNOWN, ACCORDING TO WILLIAM A. WHITEHEAD'S MAP DELINEATED IN FEBRUARY, 1829, AS LOTS 7 AND 8, SQUARE 1, TRACT 3: COMMENCING AT THE NORTHEAST CORNER OF THOMAS AND PETRONIA STREETS AND RUNNING

THENCE NORTHEASTERLY 98 FEET; THENCE  
NORTHWESTERLY 92 FEET; THENCE  
SOUTHWESTERLY 98 FEET; THENCE SOUTHEASTERLY  
92 FEET TO THE PLACE OF BEGINNING.; Also  
known as 729 Thomas Street, Key West,  
Monroe County, Florida

Section 2. It is an essential condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this variance that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of said 12-month period.

Section 3. Failure to submit full and complete application for permits for new construction for which this variance is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 4. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

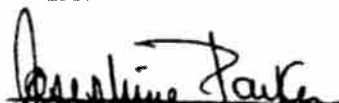
Section 5. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 22nd day of January, 1991.

  
TONY LARRALDE, CHAIRMAN  
BOARD OF ADJUSTMENT

By: SALLY J. LEWIS, MAYOR PRO TEMPORE

ATTEST:

  
JOSEPHINE PARKER, CITY CLERK



STATE OF FLORIDA  
COUNTY OF MONROE  
CITY OF KEY WEST

This copy is a true copy of the  
original on file in this office.  
Witness my hand and official seal  
this 22nd day of January, 1991

Deputy City Clerk

By: 

3. Churches, temples or places of worship: 1 space for each 5 persons or seats, or 1 space for each 150 square feet of floor area of the main assembly hall, whichever is greater.
4. Clubs or lodges: 1 space for each 5 seats or persons or 1 space for each 150 square feet of floor area of the main assembly hall, whichever is greater.
5. Hospitals, sanitariums: 1 space for each 4 patient beds, plus 1 space for every 2 employees on the largest working shift, exclusive of spaces required for doctors.
6. Libraries, museums: A parking area equal to 50 percent of the floor area open to the public.
7. Manufacturing and industrial uses: 1 space for each 2 employees on the largest working shift.
8. Medical or dental clinics: 5 spaces for each doctor or dentist.
9. Mortuaries: 1 space for each 8 seats of chapel capacity, plus 1 additional space for each 2 employees, exclusive of areas needed for ambulances.
10. Nursing or convalescent homes: 1 space for each 4 beds.
11. Office and professional buildings: 1 space for 300 square feet of gross floor area.
12. Restaurant or other eating places:
  - a. Indoor dining: 1 space for every 45 square feet of gross dining area (total gross floor area less area(s) devoted to kitchen, storage, restrooms and related circulation);
  - b. Outdoor dining: 1 space for every 45 square feet of gross dining area.
13. Rooming, boarding houses: 1 space for each 2 beds.
14. Schools and public buildings: 1 space for each 5 seats, or 1 space for every 150 square feet of floor area in the main assembly hall, whichever is greater.
15. Transient lodging facilities: 1 space for each sleeping unit plus 1 space for the owner or manager.
16. Residential dwelling unit: 1 space for each unit.
17. Marinas: 1 space for each live-aboard boat, 1 space for each 4 pleasure boats stored on-site, and 1 space for each 3 passengers' capacity of commercial boats.
18. All other uses: To be determined by the official agency of the City of Key West charged with approving plans for such uses to be constructed.

(c) [Exception.] The requirements set forth in subsection 35.09(1)(b) shall not apply to existing buildings and other structures in the following described area of the City of Key West, Florida:

Bounded on the north by the Bay of Florida shoreline, on the east by the westerly boundary of White Street, on the south by the southerly boundary of Truman Avenue including all structures fronting on the southerly side of Truman Avenue and on the west by the properties known as Fort Taylor and Truman Annex PRD.

This waiver of off-street parking shall apply only so long as a change in use from residential to commercial or a change in residential use density does not occur to said existing buildings and other structures any portion of which is situated in that part of the above-described area from Simonton Street to Whitehead Street (including all structures fronting on either side of Simonton Street or Whitehead Street.) The waiver shall apply to structures throughout the remainder of the area only so long as any change in use does not occur to said existing buildings and other structures. If such a change or changes in use occur, then the additional increase in parking requirements generated as a result of such change(s) in use shall be provided as set forth in subsection (1)(b) above.

(d) Location of off-street parking spaces:

1. Parking spaces for all dwellings shall be located on the same property with the main building to be served where

**Attachment D**

309 PETRONIA ST.

RESOLUTION NO. 97-114

**SPECIAL EXCEPTION:**

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA PERMITTING A SPECIAL EXCEPTION TO ALLOW: A RESTAURANT ON THE SUBJECT PROPERTY, ON THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT A POINT OF PETRONIA STREET, DISTANT 98 FEET FROM THE CORNER OF THOMAS AND PETRONIA STREETS AND RUNS THENCE ALONG PETRONIA STREETS IN NE'LY DIRECTION 50 FEET; THENCE AT RIGHT ANGLES IN A NW'LY DIRECTION 92 FEET; THENCE AT RIGHT ANGLES IN A SW'LY DIRECTION 50 FEET; THENCE AT RIGHT ANGLES IN A SE'LY DIRECTION 92 FEET TO THE POINT OF BEGINNING

ALSO KNOWN AS RE# 1327 AND 309 PETRONIA STREET, KEY WEST, MONROE COUNTY, FLORIDA

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and

WHEREAS, literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

WHEREAS, the special conditions and circumstances do not result from the actions of the applicant.

WHEREAS, the granting of the SPECIAL EXCEPTION requested will not confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district.

BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1. That a SPECIAL EXCEPTION to: HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT, under Chapter 35 of the Code of Ordinances of the City of Key West, Florida, permitting a SPECIAL EXCEPTION to allow:

A RESTAURANT ON THE SUBJECT PROPERTY, ON THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT A POINT OF PETRONIA STREET, DISTANT 98 FEET FROM THE CORNER OF THOMAS AND PETRONIA STREETS AND RUNS THENCE ALONG PETRONIA STREETS IN NE'LY DIRECTION 50 FEET; THENCE AT RIGHT ANGLES IN A NW'LY DIRECTION 92 FEET; THENCE AT RIGHT ANGLES IN A SW'LY DIRECTION 50 FEET; THENCE AT RIGHT ANGLES IN A SE'LY DIRECTION 92 FEET TO THE POINT OF BEGINNING

ALSO KNOWN AS RE# 1327 AND 309 PETRONIA STREET, KEY WEST, MONROE COUNTY, FLORIDA

Section 2. It is an essential condition of this SPECIAL EXCEPTION that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this SPECIAL EXCEPTION is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this SPECIAL EXCEPTION, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this SPECIAL EXCEPTION that no application or reapplication for new construction for which the SPECIAL EXCEPTION is wholly or partly necessary shall be made after expiration of said 12-month period.

Section 3. Failure to submit full and complete application for permits for new construction for which this SPECIAL EXCEPTION is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this SPECIAL EXCEPTION in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this SPECIAL EXCEPTION, which SPECIAL EXCEPTION shall be of no force or effect.

Section 4. This SPECIAL EXCEPTION does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion

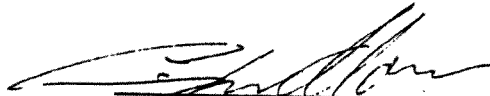
of legal authority respecting the property.

Section 5. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

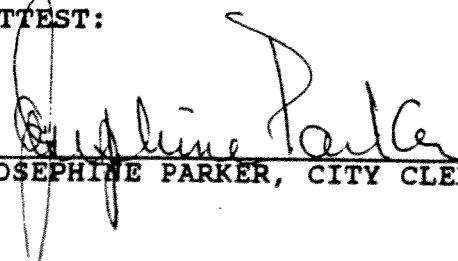
Read and passed on first reading at a regular meeting held this 5th day of March, 1997.

Authenticated by the presiding officer and Clerk of the Board on 6th day of March, 1997.

Filed with the Clerk on March 7, 1997.

  
DENNIS J. WARDLOW, CHAIRMAN  
BOARD OF ADJUSTMENT

ATTEST:

  
JOSEPHINE PARKER, CITY CLERK

C:\WPDOCS\CITYATTY\VARIANCE\309PSTAS.WPD





THE CITY OF KEY WEST  
P. O. BOX 1409  
KEY WEST, FLORIDA 33041-1409

PLANNING DEPARTMENT  
(305) 292-8229

68 seats rest  
16 seats bakery  
p. 3 of bakery  
p. 59 restaurant  
pgs for 17 mins

April 4, 1997

Mrs. Corinne Crockett  
PO Box 4230  
Key West, Florida 33041

RE: 309 Petronia Street  
Restaurant seating entitlement


Dear Corinne:

This will verify that you are entitled to a total of 16 restaurant seats (or 240 square feet of floor area devoted to seating area) at 309 Petronia Street. Ten will be associated with the Bakery, and six will be in the Gallery. You have these rights because the previous use was commercial and had "grandfathered" parking rights to 5.4 spaces.

I understand that you are requesting this verification because you are unable to install all of the seats at this time due to the impact fees.

As we discussed, I will be working toward getting an impact fee payment program established in accordance with the Bahama Village Community Redevelopment Plan.

Sincerely,

  
Theodore C. Strader, AIA  
City Planner

T

**Case #2006-CA-170-K**

Doc# 1819268 12/27/2006 9:28AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1819268  
Bk# 2281 Pg# 378

IN THE CIRCUIT COURT OF THE 16<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR MONROE COUNTY, FLORIDA

729 Thomas Street, LLC,  
a Florida limited liability company, and  
S D R & R Corporation,  
a Florida corporation,

Plaintiffs,

v.

City of Key West,  
a municipal corporation, and  
Julio Avel, as City Manager  
of the City of Key West,

Defendants.

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CIVIL DIVISION

Case No.: 2006-CA-170-K

**ORDER DISMISSING ACTION WITHOUT PREJUDICE**

This matter came before the Court on the motion of Defendant, The City of Key West, a Florida municipal corporation, (the "City"), for summary judgment on all counts of the first amended complaint of Plaintiffs, 729 Thomas Street, LLC, a Florida limited liability company, and S D R & R, a Florida corporation. After considering the amended complaint in the light of the record and the applicable law, hearing argument of counsel, and being otherwise fully informed in the premises, the Court finds that



37

4 OF 7

The dispute arises out of the Plaintiffs' efforts to obtain an occupational license that they claim would reflect the actual current seating capacity of the restaurant, Rick's Blue Heaven, (the "Restaurant"). Their claim for the increased seating capacity is based on special exceptions previously granted by the City. These special exceptions increased the floor space that could be used for restaurant purposes. The controversy arises out of the fact the while the special exceptions increased the total floor space of the Restaurant, they were silent as to any increase in the seating capacity.

The Plaintiff's original complaint was dismissed on the City's motion. In large part, the dismissal was based on the doctrine of exhaustion of administrative remedies. The City asserted – and the Court accepted – that the Plaintiffs had failed to exhaust their administrative remedies because at that time there was a pending code enforcement proceeding. Further, the Plaintiffs had applied to the City Planner for a determination of the Restaurant's seating.

Upon reflection, the Court has determined that the doctrine of exhaustion of administrative is irrelevant to the code enforcement proceeding. Code enforcement could neither advance nor hinder the Plaintiffs' effort to secure the occupational license. If the Special Master found a code violation, he could impose a fine. But, even if there was a code violation, that, by itself, would not prevent the Plaintiffs from obtaining the proper occupational license.

The exhaustion of remedies argument does apply to the Plaintiffs' letter seeking the City Planner's determination of seating capacity. They had more to do. The adverse determination of the City Planner was correct on the facts as they existed at



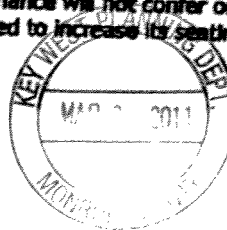
the time. The Plaintiffs had not taken a required step so that the City Planner could not approve the greater seating capacity.

The Code Enforcement Special Master ruled in his order of March 29, 2006 that the Plaintiffs had to apply for a minor conditional use to legalize the increased capacity of the Restaurant. They must fulfill all of the conditions precedent of the administrative procedure. They have not yet done so.

Many years ago, the City repeatedly authorized the expansion of the Restaurant. But, as noted above, the approvals of increased floor space were silent as to increases in seating capacity. However, the seating capacity of the Restaurant or any restaurant is a function of the area of its legally usable floor space divided by the number of square feet of floor space required for one restaurant seat. There would not seem to be a great deal of room for equivocation about the number of seats that any establishment is authorized.

Because the Plaintiffs have not complied with all the conditions precedent for the higher capacity occupational license,<sup>1</sup> they have not exhausted their administrative remedies. Therefore, they are unable to state a cause of action for a declaratory judgment or, indeed, any cause of action. They are not entitled to judicial relief at this

<sup>1</sup> The Court notes that the Plaintiffs seem to want it both ways. They are seeking an occupational license authorizing a greater seating capacity, but there was expressed in their pleadings a reluctance to pay the impact fees for the additional seats. The approvals of the special exceptions attached by the Plaintiffs to their complaint state, *inter alia*, that "the granting of the variance will not confer on the applicant any special privilege ...." Any other restaurant that is permitted to increase its seating capacity must pay an impact fee based on the additional capacity.



time. For that reason, the Court deems the City's motion for summary judgment to be a motion to dismiss for failure to state a cause of action.

Wherefore, it is

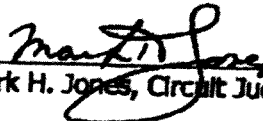
Doc# 1819288  
Bk# 2281 Pg# 378

**ORDERED AND ADJUDGED** that

1. The City's motion for a summary judgment is deemed to be a motion to dismiss for failure to state a cause of action.

2. The City's motion to dismiss is granted without prejudice.

**DONE AND ORDERED** in chambers in Key West, Monroe County, Florida, on this 19<sup>th</sup> day of December, 2006

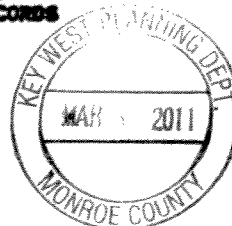
  
Mark H. Jones, Circuit Judge

Copies furnished:

Susan M. Cardenas, Esquire  
221 Simonton Street  
Key West, FL 33040

Kevin M. Hoyes  
Assistant City Attorney  
City of Key West  
605-B Simonton Street  
Key West, FL 33040

MONROE COUNTY  
OFFICIAL RECORDS



**DRC**  
**Minutes & Comments**

**Ashley Monnier**

---

**From:** Ashley Monnier  
**Sent:** Tuesday, April 12, 2011 4:38 PM  
**To:** Don Craig  
**Subject:** Fwd: FW: 729 Thomas: Application Plans Review & Comments  
**Flag Status:** Red

FYI,

*Ashley Monnier, Planner II  
City of Key West Planning Department  
3140 Flagler Avenue  
Phone: (305) 809-3725  
Fax: (305) 809-3978  
[www.keywestcity.com](http://www.keywestcity.com)*

----- Forwarded message -----

**From:** **Marcus Delvalle** <[mdelvalle@keywestcity.com](mailto:mdelvalle@keywestcity.com)>  
**Date:** Tue, Apr 12, 2011 at 3:56 PM  
**Subject:** Re: FW: 729 Thomas: Application Plans Review & Comments  
**To:** Ashley Monnier <[amonnier@keywestcity.com](mailto:amonnier@keywestcity.com)>  
**Cc:** Alan Averette <[aaverett@keywestcity.com](mailto:aaverett@keywestcity.com)>, Elizabeth Ignaffo <[eignaffo@keywestcity.com](mailto:eignaffo@keywestcity.com)>

Ashley,

After reviewing the site plans we done a site visit, in reference to the viable concerns that Elizabeth Ignoffo, Permits Engineer had concerning the placement of the public use bicycle rack in front of the gift shop on Thomas Street. As per the site plans it seemed to create a conflict with a fire exit.

This door is not used as an exit. Therefore this outside space can be utilized for the bicycle rack. That being said, the main exit which is next to this door shall be free and clear at all times.

The proposed bicycle rack located on the east side of the building has to accommodate angle parking in order to allow sufficient room for the means of egress to the rear and upstairs apartment.

Stairs leading to the upstairs apartment shall not be blocked at any time.

***Marcus del Valle***, Fire Marshal

Key West Fire Department

1600 N. Roosevelt Blvd.

Key West, Florida 33040

305-292-8179 Office

305-293-8399 Fax

[mdelvalle@keywestcity.com](mailto:mdelvalle@keywestcity.com)

*Serving the Southernmost City*



On Thu, Feb 17, 2011 at 11:16 AM, Ashley Monnier <[amonnier@keywestcity.com](mailto:amonnier@keywestcity.com)> wrote:

Dear Marcus,

I just wanted to follow up on the email you sent yesterday (2/16/11) pertaining to Blue Heaven (please find attached). In that email, you had addressed occupancy loads. Does the 2/16/11 email address the project as it was heard at the January 27th DRC meeting (addressing the minor development plan, conditional use, and parking variance)? Also, the Engineering Department attended a recent site visit, and indicated (as provided below) that the proposed public use bicycle racks may conflict with fire exits and proposed dining seats. At the January 27th DRC meeting, we did not have proposed locations to review on the site plans for the proposed bicycle parking, and as a result, we are expecting the applicant to provide revised site plans clarifying where the proposed bicycle parking will be located on the site. Once we receive those plans, we will forward them to your office for review also.

Thank you for any help that you can provide, and please do not hesitate to contact me with any questions that you may have.

*Ashley Monnier  
Planner II  
City of Key West Planning Department  
3140 Flagler Avenue  
Key West, Florida 33040  
Phone: (305) 809-3725  
Fax: (305) 809-3978*

---

**From:** Elizabeth Ignaffo  
**Sent:** Wednesday, February 16, 2011 2:45 PM  
**To:** Don Craig; Ashley Monnier  
**Cc:** Doug Bradshaw; Jay Gewin; Diane Nicklaus  
**Subject:** 729 Thomas: Application Plans Review & Comments

Hi Ashley,

Please find the attached review & comments memorandum for the Blue Heaven Restaurant request for additional seats.

To summarize my review and comments:

1. The kitchen wastewater grease interceptors (2), each 1,050 gallons, have a combined capacity to serve a 96 seat restaurant with 14 hours of operation;
2. The stormwater drainage swale, shown on Sheet 3 Landscape-Lighting-Sound-Storm Drainage Plan, is non-existent;
3. The location for the solid waste dumpster will accommodate an additional dumpster, if warranted;
4. Two (2) recycling centers for paper/cardboard and plastic and glass, are located onsite and screened from view;
5. Installation of bicycle racks in the proposed onsite locations will create 12 public use and 12 employee bicycle spaces;
6. The public use bicycle racks conflict with fire exits and proposed dining seats (8);
7. Dimensions for the ADA Accessible routes and restrooms are not identified on the Site Plan, Sheet 1; and
8. The Site Plan, Sheet 1, shows four (4) restrooms, identified as ADA Toilet, located in separate buildings. A minimum of one (1) male and one (1) female restroom is required for every 75 restaurant seats. At least one restroom for each sex or a single unisex restroom is required to be ADA Accessible compliant.

Thanks.  
Elizabeth

Elizabeth Ignoffo, E.I.  
Permits Engineer  
City of Key West  
305-809-3966  
[eignaffo@keywestcity.com](mailto:eignaffo@keywestcity.com)

----- Forwarded message -----

From: Nicole Malo <[nmalo@keywestcity.com](mailto:nmalo@keywestcity.com)>  
To: Marcus Delvalle <[mdelvalle@keywestcity.com](mailto:mdelvalle@keywestcity.com)>  
Date: Wed, 16 Feb 2011 13:13:52 -0500  
Subject: RE: Blue Heaven  
Thank you Marcus!

*Nicole Malo  
Planner, City of Key West  
305-809-3778*

---

**From:** Marcus Delvalle  
**Sent:** Wednesday, February 16, 2011 1:13 PM  
**To:** Nicole Malo  
**Subject:** FW: Blue Heaven

Nicole,  
Regarding the Blue Heaven Restaurant, This office conducted an inspection on October 8, 2010 their occupancy load was set at 180 for 729 Thomas St., 305 and 309 Petronia St. This is the letter that we gave the blue heaven regarding their occupancy load.

If I can be of any further assistance, as always don't hesitate to contact me.

Marcus

---

**From:** Danny Blanco  
**Sent:** Wednesday, February 16, 2011 10:58 AM  
**To:** Marcus Delvalle  
**Subject:** Blue Heaven



**KEY WEST FIRE DEPARTMENT**

**FIRE MARSHAL'S OFFICE**

To: Blue Heaven

From: Lt. Fire Inspector Danny Blanco

Date: 10/08/10

Reference: Occupancy Load.

Address: 729 Thomas/ 305 & 309 Petronia St.

This is to advise you that based on our inspection of your property, a maximum occupancy load of 180 persons has been established.

A sign must be posted in plain view within the establishment stating this maximum allowable occupancy load. The sign shall have dimensions of not less than six inches in height and eighteen inches in length. The statement "Occupancy Load" followed by the number assigned above shall be printed clearly in red letters and numerals upon a white background. The letters and numbers shall not be less than two inches in height.

Your cooperation in this matter of public safety is greatly appreciated, if you have any questions regarding this or any other matter concerning the Key West Fire Prevention Bureau; please contact our office at 305-809-3933.

*Danny Blanco*, Lt. Fire Inspector

Key West Fire Department

1600 N. Roosevelt Boulevard

Key West, Florida 33040

305-809-3933 Office

305-293-8399 Fax

[dblanco@keywestcity.com](mailto:dblanco@keywestcity.com)

*Serving the Southernmost City*

--  
**Marcus del Valle**  
Division Chief / Fire Marshal  
Key West Fire Department  
Key West Fla,33040  
305-292-8178 Office  
305-293-8399 Fax  
mdelvalle@keywestcity.com  
*Serving the Southernmost City*



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

---

TO: Ashley Monnier, Planner

FROM: Elizabeth Ignoffo, E.I., Permits Engineer

CC: Doug Bradshaw, Senior Project Manager  
Diane Nicklaus, ADA Coordinator

DATE: March 18, 2011

SUBJECT: **729 Thomas Street: Minor Development Plan and Conditional Use Revised Site Plan Review & Comments**

The Blue Heaven Restaurant Minor Use Development Plans, revision dates 2-13-11 and 3-3-11, have been reviewed. The plans have been revised to correct misinformation, show onsite bicycle parking spaces, and ADA access route dimensions. An additional plan was added to show dimensions for restroom facilities. The following items are noted:

1. Sanitary Sewer Infrastructure: Grease Interceptors

Sheet 3 shows a 1,050-gallon grease interceptor located in the courtyard adjacent to the main kitchen. The grease interceptor provides capacity to serve 48 seats, as calculated on 14 hours of restaurant operation.

Please revise the plans to show installation of grease traps on the kitchen sinks and dishwashers. Grease traps shall be sized based on the dimensions of sinks and dishwasher basins.

2. Stormwater Management: Drainage Swale

Sheet 4 shows details for one existing stormwater runoff swale. The swale is not shown on the site plans. No swale was observed at the time of the site visit conducted on February 2, 2011.

Please revise Sheet 4 to show the location for the existing stormwater retention swale. Provide notation for reconstruction of the existing stormwater retention swale.

Note: Impervious area is not being increased by this application request. Additional stormwater treatment is not required.

3. Bicycle Facilities: Proposed Bicycle Rack Locations

Sheet 4 shows shaded spaces for 32 bicycle spaces. The proposed plan will utilize existing bicycle parking areas. Please revise the bicycle space plan to identify the location of existing and proposed bicycle parking spaces.

Bicycle space 26 and 27 will be located in the exit path of a building exterior door. Please revise the bicycle space plan to maintain a clear exit path from all doorways.

#### 4. Solid Waste: Dumpster and Recycling Centers

Sheet 3 shows the location for solid waste storage. The location, a corridor between buildings partially screened behind a locked gate, will accommodate the existing and a proposed 2-cu yd dumpster. In this corridor, storage for an additional 90-gallon recycling container is proposed.

Two 2 cu yd dumpsters will be adequate to meet the trash production of the 157-seat restaurant and residential units located on the property, based on 6.37 lbs/capita/day non-residential and 2.66 lbs/capita/day residential trash production rates, and typical municipal solid waste volume to weight ratios.

Existing recycling consists of five 90-gallon containers for glass and plastic and a bin for cardboard. Additional recycling 32-gallon containers are proposed. The areas are screened from public view.

#### 5. Accessibility Standards

Sheet 3 of 4 shows ADA accessible routes provide a minimum of 40 inches path of travel. Outdoor and first floor interior dining areas appeared accessible, based on the February 2, 2011 site visit observations. It is noted that vertical accessibility was not provided for inside dining located on the second floor plan.

Sheet 1 of 4 identifies the structures as Building A, B and C. One unisex restroom is located in Building A. Two women's restrooms, one ADA accessible, and one men's restroom with urinal are located in Building C.

Proposed renovations include renovation of Building A unisex restroom into an ADA accessible unisex restroom with urinal. Building C proposed renovations result in a men's ADA accessible restroom, and expand the women's restrooms to include an ADA accessible water closet.

The Florida Building Code-Plumbing requires a minimum number of male and female plumbing fixtures shall be 1 water closet per 75 seats and 1 lavatory per 200 seats. Urinals may be substituted for 67% of the male water closet. Based on proposed renovations and including the unisex restroom in Building A, 225 restaurant seats will be allowed for three female water closets and two male water closets and urinals.

Mr. Averette stated that as long as the new addition meets setbacks and the existing building is not changing the footprint, Fire Department has no issues.

Mrs. Torregrosa stated that the addition has been approved by HARC, and she requested that the HARC approval number be listed on the variance application.

Mrs. Domenech-Coogle requested that the applicant set up a site visit.

- 6. Minor Development Plan and Conditional Use – 305 Petronia Street, 309 Petronia Street, 729 Thomas Street, (RE# 0001325000000, 00013270-000000, 00013260-000000) –** A minor development plan and conditional use request for the addition of 1,365 square feet of consumption area, and the addition of 91 seats, a combination of which are proposed indoors and outdoors in the HNC-3 zoning district per Section 108-91 (A.) (c) and 122-868 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Ashley Monnier reviewed the project. She reviewed site plan and consumption area clarifications that needed to be made as well as waste management and lighting plan corrections and existing and proposed delineation that needed to be made. Concerning the variance, Mrs. Monnier asked for clarification to be demonstrated on the site plans for parking. Mrs. Monnier clarified that the 22 parking spaces are approved spaces and not existing.

Mrs. Domenech-Coogle stated that the applicant had met their requirements for buffer and landscaping.

Mr. Torrence stated the applicant should contact ABT regarding consumption with alcohol.

Mrs. Torregrosa and Mr. Cruz had no comments.

Mrs. Nicklaus stated that the site plan was unclear on the configuration of the tables regarding accessibility. She added that because of increased seating the bathroom numbers may not be adequate.

Alan Averette stated the seating calculation may conflict with exits as well as ADA.

Mr. Craig stated that from a planning standpoint the seating was calculated by 15 square feet per seat which allows a standard table, the occupancy of the seat, and meet the circulation standards around the table. He added that the fire department may need to do a site visit to verify exit signage that meets seating requirements, as well as ADA to verify if the 15 square feet includes the 36'' for circulation.

Mrs. Ignaffo stated the plans don't address any additional uses, because of the increased number of seats will cause additional impacts with garbage, sewer and water. She added that current and future usage would need to be indicated on the plans.

Mrs. Nicklaus stated that she would need to do a site visit to determine bike rack space and capacity.

Public Comment:

Marcy Rose, 810 Thomas Street

Jeffrey Dunaway, 807 Thomas Street

Mr. Craig responded to Ms. Rose's comments concerning parking, traffic, and deliveries issues in the surrounding area. Mr. Craig stated that Code Compliance and the Parking Department would be notified about the delivery truck issues.



7. **Variance— 305 Petronia Street, 309 Petronia Street, 729 Thomas Street, (RE# 0001325000000, 00013270-000000, 00013260-000000)** – A variance requesting to waive parking requirements for 30 spaces, 6 of which are being requested to be substituted with bicycle spaces, in the HNC-3 zoning district per Section 108-572 (9) and 108-574 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

See comments for Item 6.

8. **Easement – 305 Petronia Street, 729 Thomas Street (RE# 0001325000000, 00013260-000000)** – A request for easements in the HNC-3 zoning district per Section 2-938 of the Code of Ordinances of the City of Key West, Florida.

See comments for Item 6.

#### **Adjournment**

A motion to adjourn was made by Alan Averette and seconded by Mr. Cruz. Motion was carried by unanimous voice vote. Meeting adjourned at 11:12 am.

Respectively Submitted,  
Patrick Wright  
Administrative Coordinator

DRAFT

Mrs. Torregrosa stated that the project was approved by HARC and the new modifications need HARC approval.

Mrs. Nicklaus stated that 20% of the value of the restoration needs to be spent on ADA improvements. She stated that access to the stage should be considered.

Mr. Miller stated that he had concerns with the mezzanine not being ADA accessible. He added that he would provide space on the ground floor for wheelchairs.

Mrs. Nicklaus recommended the applicant look into a wheelchair stair climber.

Mr. Cruz stated that there were some life safety issues that the Fire Department would discuss in further detail.

Marcus Delvalle stated that there was an issue concerning the exits in the rear and limited side setbacks.

Mr. Miller stated that he would have a meeting with the Fire Department concerning the life safety issues.

**e. Easement – 1009 Catherine Street (RE# 00031880-000000) – A request for an easement in the HMDR zoning district per Section 2-938 of the Code of Ordinances of the City of Key West, Florida**

Mrs. Monnier reviewed the project. She stated that the applicant needed to provide a specific purpose survey highlighting the actual proposed easement area. She then reviewed the conditions associated with easements, as well as the annual fee for the easement depending on square footage.

Mr. Batty stated that the reason for the easement was to correct a wrong as well as to replace the chain link fence. He added that if he asked for an easement for the steps and the porch area it would leave no front yard, which is why the easement for the entire area is being requested.

No public comment.

Ms. Ignaffo, Mr. Cruz, and Mr. Delvalle had no comments.

Mrs. Torregrosa stated that she supports the removal of the fence.

Mrs. Nicklaus stated that there are similar issues in this neighborhood on other streets. She added that the city will remove any structures not apart of the main building when considering construction done on city property.

Mrs. Kimball-Murley suggested that Mr. Batty coordinate with Engineering for further direction.

**f. Conditional Use – 729 Thomas Street (RE# 00013260-000000) – A conditional use request for the addition of 495 square feet of outdoor consumption area, and the addition of 91 seats, a combination of which are proposed indoors and outdoors in the HNC-3 zoning district per Section 122-63 (e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Kimball-Murley stated that the Department received another document earlier this week that stimulates further analysis. She then informed the applicant that an additional meeting is needed to better understand some of the issues pertaining to the request. Mrs. Kimball-Murley informed DRC members that the questions pertain primarily to the vesting of existing entitlements for consumption area and seats on the site which are being reviewed legally. She then added that the areas in which they are doing additional review including legal review as to whether or not prior approvals entitle the applicant

to existing consumption area that is not acknowledged today. The applicant currently has 66 seats which exist somewhere on the site, and they are claiming a higher number of seats than approved through prior resolutions and agreements. Mrs. Kimball-Murley stated that the applicant has structured the request through a Conditional Use approval only, which is one of the things that will need to be resolved as to whether that actually addresses the full extent of the proposed development or whether it triggers other approval processes.

Mrs. Monnier reviewed the extent of the Conditional Use application and requested that the applicant break down the number of seats proposed indoor and outdoors. She then stated that the application is for 495 square feet of expansion of outdoor consumption area and 593 square feet expansion of indoor consumption area. In previous discussions with the applicant, the proposed application of outdoor consumption area falls just underneath the technical requirements for a minor development plan and as such there may be additional applications that may need to be forthcoming.

Mrs. Monnier stated that the site plans need to show dimensions to more clearly depict existing and proposed consumption area as well as meet site plan requirements to include demonstration of existing and proposed seating and bakery seating. She then pointed out to the applicant that the site plan shows one of three pages; however there is only one page and she wanted to confirm if this was labeling error.

Mrs. Monnier asked the applicant if the seating would impact the other two properties associated with the restaurant, and if so would there be a mechanism to unify these properties. She stated the gross leasable floor area and trip generation numbers needed to be clarified and that the memorandums in the concurrency analysis need to be brought up to date as well as recognize the increase in solid waste generated on site due to the increase in seats. Ms. Monnier also asked for clarification on the acreage number.

Mrs. Monnier asked for clarification if the applicant is proposing as indicated on the site plan that solid waste will be handled on Petronia and the recycling on Thomas.

Mrs. Kimball-Murley stated that solid waste generation or increase would need to be considered.

Mrs. Monnier inquired why the proposed square footage for the outdoor consumption area was included but the indoor consumption expansion was excluded in the traffic generation portion of the concurrency report. She then stated that she did not see on the site plans how the controlling of ingress and egress would be accomplished. She also requested if sound attenuation measures other than angling of speakers would be used. She then addressed parking concerns. Mrs. Monnier then asked the applicant how many service vehicles are existing since the application indicated that there would not be an expansion.

No public comment.

Recording Secretary Patrick Wright read the following comments into the record from FCAA: The site is currently being served by FCAA Location # 002309 which is a 5/8 service. The site has a 12" water main located on Thomas Street and a 6" water main located on Petronia Street which seem capable of serving this project. A complete set of plans will be required for review to determine meter requirements and System Development Charges.

Ms Ignaffo asked how the number of trips per seat was calculated.

Rick Rumrell, the applicant's legal representative, stated that they had met with the neighbors in mediation concerning sound mitigation, and the music was moved away from Thomas Street. He stated the parking on the property was being mitigated especially for employees, as well as increased signage and advertisement for pedestrian patrons. He added that he had expressed in an e-mail the number for indoor and outdoor seating.

Mrs. Kimball-Murley stated that they may need to map out the seating because it is still unclear since the numbers do not correlate to the application.

Mr. Rumrell stated that the applicant has paid for 84 seats. He added that the application was to increase the seating to 157 seats, of which they believe there are 144 seats that have already been pre-approved by the City. He added that impact fees have been used to track seating throughout the years.

Mrs. Kimball-Murley stated that there was a footnote on the application that stated there were 160 seats. She then stated that the application may need to be amended so that the total request for seats and their locations are clear.

Ms. Ignaffo pointed out that the survey does not show drainage improvements and a grease interceptor.

Mrs. Torregrosa stated that there was some encroachment on the survey and there are no easements on the properties.

Owen Trepanier, the owner's representative, stated that they could make it a condition of the approval to get the easement if staff requested it.

Mrs. Torregrosa stated that any exterior changes would require a certificate of appropriateness.

Mrs. Nicklaus stated she would like a site plan showing clearance around the additional tables. She added that restroom capacity may need to be increased because of the additional seating.

Mr. Cruz clarified that all the parcels are being included in the application. He asked if the seating would be exterior on the first and second floor of the corner building.

Mr. Trepanier stated that they would be working that issue out, but the existing building consumption area has been approved but they would be looking to increase the outdoor seating.

Mr. Cruz stated that there may be life safety issue depending on the number of seating in the area, but that would need to be determined by the Fire Marshall.

Mr. Delvalle stated that they need a site plan to determine exits and seating arrangements.

Mrs. Kimball-Murley stated that the site plan should illustrate many of these issues as well as show any entitlements.

Mrs. Nicklaus stated that there may not be adequate bicycle racks since they are a bicycle and pedestrian destination.

**6. Discussion Items**

None

**7. Adjournment**

A motion to adjourn was made by Mrs. Torregrosa and seconded by Mrs. Nicklaus.

Motion was carried by unanimous voice vote.

Meeting adjourned at 5:15 pm.

Respectively Submitted,

Patrick Wright  
Administrative Coordinator

DRAFT

# **Property Appraiser Information**

**Ervin A. Higgs, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

office (305) 292-3420  
 fax (305) 292-3501

**Friday - April 22, 2011, Our Offices will be closed in observation of Good Friday.**

**Property Record View**

Alternate Key: 1013650 Parcel ID: 00013260-000000

**Ownership Details**

**Mailing Address:**  
 729 THOMAS STREET LLC

729 THOMAS ST  
 KEY WEST, FL 33040

**Property Details**

**PC Code:** 21 - RESTAURANTS & CAFETERIAS  
**Millage Group:** 11KW  
**Affordable Housing:** No  
**Section-Township-Range:** 06-68-25  
**Property Location:** 729 THOMAS ST KEY WEST  
**Legal Description:** KW PT LOT 7 & PT LOT 8 SQR 1 TR 3 C3-262 OR898-1906/07OR1081-1700 OR1235-1870/73(RES NO 92-517) OR1396-678/680 OR1698-603/607R/S OR1986-1220/22Q/C(LG)

**Parcel Map**

**Land Details**

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	92	52	4,802.00 SF

**Building Summary**

Number of Buildings: 1  
 Number of Commercial Buildings: 1  
 Total Living Area: 2886  
 Year Built: 1909

**Building 1 Details**

Building Type	Condition A	Quality Grade 500
Effective Age 19	Perimeter 326	Depreciation % 23
Year Built 1909	Special Arch 0	Grnd Floor Area 2,886
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type  
Heat 1  
Heat Src 1

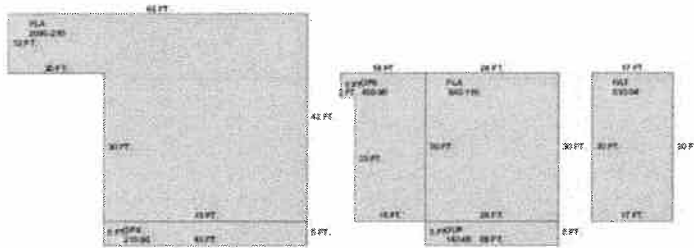
Roof Cover  
Heat 2  
Heat Src 2

Foundation  
Bedrooms 0

Extra Features:

2 Fix Bath 0  
3 Fix Bath 0  
4 Fix Bath 0  
5 Fix Bath 0  
6 Fix Bath 0  
7 Fix Bath 0  
Extra Fix 16

Vacuum 0  
Garbage Disposal 0  
Compactor 0  
Security 0  
Intercom 0  
Fireplaces 0  
Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1992					2,046
2	OPX		1	1992					215
3	FLA		1	1992					840
4	OUF		1	1992					140
5	OOU		1	1992					465
6	FAT		1	1992					510

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	2540	RESTAURANT & CAFETR	50	N	Y
	2541	1 STORY STORES	50	N	Y
	2543	1 STORY STORES	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
662	AB AVE WOOD SIDING	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	WD2:WOOD DECK	210 SF	0	0	1982	1983	1	40
2	FN2:FENCES	288 SF	0	0	1984	1985	2	30
3	PT2:BRICK PATIO	540 SF	0	0	1982	1983	2	50

Appraiser Notes

BLUE HEAVEN RESTAURANT



### Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
20	05-3773	09/02/2005	12/13/2005	5,200 Commercial	REPLACE PORCH TILE & INTERIOR WORK
11	01-0976	02/26/2001	11/02/2001	9,000 Commercial	DUCTLESS AC SYSTEM
12	01-3178	09/25/2001	11/02/2001	5,000 Commercial	ROOF OVER UPSTAIRS PORCH
13	02-2503	10/08/2002	11/05/2002	8,100 Commercial	ELECTRIC FOR HOOD EX
14	02-2503	10/07/2002	11/05/2002	8,100 Commercial	INSTALL KITCHEN HOOD
15	02-2728	10/11/2002	11/05/2002	5,000 Commercial	RED TAG PAINTING SIDE
16	02-2503	11/14/2002	11/05/2002	8,100 Commercial	ATF INSTALL FIRE SUPP.
17	03-3267	09/11/2003	12/29/2003	450 Commercial	TILE OVER CON SEATING ARE
18	03-3367	09/18/2003	12/29/2003	2,300 Commercial	AWNINGS
21	05-0007	01/04/2005	12/13/2005	350 Commercial	REPLACE ROTTED SIDING & REPAINT
22	06-5278	09/29/2006	12/19/2006	4,000 Commercial	INSTALL ONE 1200 GALLON GREASE INTERCEPTOR.
23	06-5210	09/21/2006	12/19/2006	1,000 Commercial	REPLACE WOOD SIDING 60 LF & KITCHEN TILE 129 SF.
24	06-5366	09/25/2006	12/19/2006	175 Commercial	LOWER EXISTING EYEBROW OVER DOORWAYS.
25	06-5277	09/19/2006	12/19/2006	1,500 Commercial	SEWER CONNECTION.
26	07-4641	10/19/2007	02/19/2008	3,000 Commercial	INSTALL NEW WOOD RAMP SYSTEM, LANDING, NEW RAILING SYS AT 2ND RAMP REPLACE 50 SF EXISTING DECKING
19	04-3123	11/24/2004	12/31/2004	4,300 Commercial	SUBFLOOR & HARDWOOD FLOOR UPSTAIRS

### Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2010	314,295	2,833	417,551	734,679	734,679	0	734,679
2009	314,295	2,914	522,938	840,147	840,147	0	840,147
2008	326,541	2,995	600,250	929,786	929,786	0	929,786
2007	232,476	3,076	552,230	787,782	787,782	0	787,782
2006	222,944	3,200	408,170	634,314	634,314	0	634,314
2005	216,130	3,309	336,140	555,579	555,579	0	555,579
2004	216,119	3,433	288,120	507,672	507,672	0	507,672
2003	216,119	3,542	144,060	363,721	363,721	0	363,721
2002	216,119	3,696	76,832	296,647	296,647	0	296,647
2001	199,104	3,846	76,832	279,782	279,782	0	279,782
2000	199,104	1,312	67,228	267,644	267,644	0	267,644
1999	199,104	1,358	67,228	267,690	267,690	0	267,690
1998	132,736	1,413	67,228	201,377	201,377	0	201,377
1997	132,736	1,459	57,624	191,819	191,819	0	191,819
1996	88,171	1,512	57,624	147,307	147,307	0	147,307
1995	88,171	1,563	57,624	147,358	147,358	0	147,358
1994	88,171	1,614	57,624	147,409	147,409	25,000	122,409
1993	80,924	1,661	57,624	140,209	140,209	25,000	115,209
1992	120,117	0	54,096	174,213	174,213	0	174,213
1991	120,117	0	54,096	174,213	174,213	0	174,213
1990	48,931	0	39,445	88,376	88,376	0	88,376
1989	44,279	0	38,318	82,597	82,597	0	82,597

1988	33,688	0	31,556	65,244	65,244	0	65,244
1987	33,293	0	16,116	49,409	49,409	0	49,409
1986	33,480	0	14,876	48,356	48,356	0	48,356
1985	32,487	0	14,651	47,138	47,138	0	47,138
1984	30,153	0	14,651	44,804	44,804	0	44,804
1983	56,905	0	14,651	71,556	71,556	0	71,556
1982	58,174	0	12,667	70,841	70,841	0	70,841

**Parcel Sales History**

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
9/12/2000	1698 / 0603	1	WD	M
3/1/1996	1396 / 0678	210,000	WD	Q
1/1/1989	1081 / 1700	300,000	WD	M
12/1/1983	898 / 1906	1	WD	M

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Monroe County Property Appraiser  
 Ervin A. Higgs, CFA  
 P.O. Box 1176  
 Key West, FL 33041-1176

**Ervin A. Higgs, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

office (305) 292-3420  
 fax (305) 292-3501

**Friday - April 22, 2011, Our Offices will be closed in observation of Good Friday.**

**Property Record View**

Alternate Key: 1013641 Parcel ID: 00013250-000000

**Ownership Details**

**Mailing Address:**  
 729 THOMAS STREET LLC  
  
 729 THOMAS ST  
 KEY WEST, FL 33040

**Property Details**

**PC Code:** 12 - STORE/OFF/RES OR COMBINATION  
**Millage Group:** 11KW  
**Affordable Housing:** No  
**Section-Township-Range:** 06-68-25  
**Property Location:** 305 PETRONIA ST KEY WEST  
**Legal Description:** KW PT LOT 7 & PT LOT 8 SQR 1 TR 3 C3-262 OR898-1906/07 OR1081-1700 OR1235-1870/73(RES NO 92-517) OR1396-675/677 OR1698-603/607R/S OR1986-1220/22Q/C(LG)

**Parcel Map**



**Land Details**

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	46	92	4,214.00 SF

**Building Summary**

**Number of Buildings:** 1  
**Number of Commercial Buildings:** 1  
**Total Living Area:** 1248  
**Year Built:** 1909

**Building 1 Details**

<b>Building Type</b>	<b>Condition</b> A	<b>Quality Grade</b> 450
<b>Effective Age</b> 19	<b>Perimeter</b> 220	<b>Depreciation %</b> 23
<b>Year Built</b> 1909	<b>Special Arch</b> 0	<b>Grnd Floor Area</b> 1,248
<b>Functional Obs</b> 0	<b>Economic Obs</b> 0	

Inclusions:

Roof Type  
Heat 1  
Heat Src 1

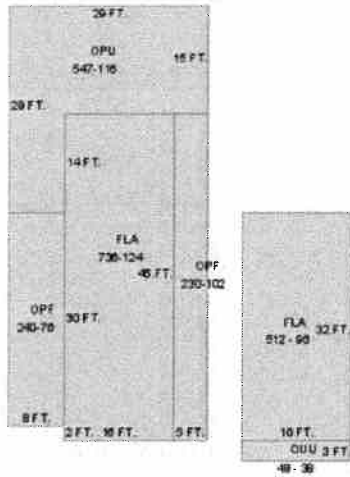
Roof Cover  
Heat 2  
Heat Src 2

Foundation  
Bedrooms 0

Extra Features:

2 Fix Bath 0  
3 Fix Bath 0  
4 Fix Bath 0  
5 Fix Bath 0  
6 Fix Bath 0  
7 Fix Bath 0  
Extra Fix 0

Vacuum 0  
Garbage Disposal 0  
Compactor 0  
Security 0  
Intercom 0  
Fireplaces 0  
Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1909					736
2	OPF		1	1909					230
3	OPF		1	1999					240
4	OPU		1	1999					547
5	FLA		1	1909					512
6	OUU		1	1909					48

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	2538	1 STY STORE-D	100	N	N
	2539	APARTMENTS	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
	AB AVE WOOD SIDING	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	708 SF	0	0	1984	1985	2	30
2	TK2:TIKI	324 SF	0	0	1984	1985	1	40
3	PT2:BRICK PATIO	362 SF	0	0	1984	1985	2	50
4	WF2:WATER FEATURE	1 UT	0	0	1984	1985	1	20
5	FN2:FENCES	210 SF	35	6	2006	2007	2	30

Appraiser Notes

1996 SALE INVOLVED BUSINESS PCW 9/96 - PART OF BLUE HEAVEN

TPP - 8928102 - ROOSTER GAL. 8782331 - APT

**Building Permits**

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
9601789	04/01/1996	12/01/1996	6,000	Commercial	REMODELING
9601967	05/01/1996	12/01/1996	10,448	Commercial	REMODELING
9602609	06/01/1996	12/01/1996	700	Commercial	REPAIRS
9700226	01/01/1997	07/01/1997	500	Commercial	PLUMBING
9900479	02/08/1999	08/12/1999	1,350	Commercial	ELECTRICAL
0100857	02/20/2001	10/22/2001	650	Commercial	CIRCUITS FOR DUCTLESS SYS
06-4759	08/11/2006	12/13/2006	425	Commercial	ATF - CONSTRUCT WOOD FENCE 34 1/2 LF 5 3/4' HIGH.

**Parcel Value History**

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2010	129,799	5,616	397,968	533,383	533,383	0	533,383
2009	129,799	5,692	480,380	615,871	615,871	0	615,871
2008	134,856	5,866	526,750	667,472	667,472	0	667,472
2007	94,751	6,002	484,610	585,363	585,363	0	585,363
2006	58,479	5,412	358,190	422,081	422,081	0	422,081
2005	60,618	5,527	294,980	361,125	361,125	0	361,125
2004	60,607	5,671	252,840	319,118	319,118	0	319,118
2003	60,607	5,786	126,420	192,813	192,813	0	192,813
2002	60,607	6,006	67,424	134,037	134,037	0	134,037
2001	145,350	6,219	67,424	218,993	218,993	0	218,993
2000	156,918	7,540	54,782	219,240	219,240	0	219,240
1999	118,087	4,662	54,782	177,531	177,531	0	177,531
1998	96,615	4,018	54,782	155,415	155,415	0	155,415
1997	96,615	4,162	46,354	147,131	147,131	0	147,131
1996	53,735	2,659	46,354	102,748	102,748	25,000	77,748
1995	60,086	3,081	46,354	109,521	105,739	25,000	80,739
1994	53,735	2,871	46,354	102,960	102,960	0	102,960
1993	53,735	2,958	46,354	103,047	103,047	0	103,047
1992	0	0	49,588	49,588	49,588	0	49,588
1991	0	0	49,588	49,588	49,588	0	49,588
1990	0	0	39,445	39,445	39,445	0	39,445
1989	0	0	38,318	38,318	38,318	0	38,318
1988	0	0	31,556	31,556	31,556	0	31,556
1987	0	0	16,116	16,116	16,116	0	16,116
1986	0	0	14,876	14,876	14,876	0	14,876
1985	0	0	14,651	14,651	14,651	0	14,651
1984	0	0	14,651	14,651	14,651	0	14,651
1983	0	0	14,651	14,651	14,651	0	14,651
1982	0	0	12,667	12,667	12,667	0	12,667

**Parcel Sales History**

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
9/12/2000	1698 / 0603	1	WD	M
3/1/1996	1396 / 0675	270,000	WD	O
1/1/1989	1081 / 1700	1	WD	M

12/1/1983

898 / 1906

60,000

WD

M

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Monroe County Property Appraiser  
Ervin A. Higgs, CFA  
P.O. Box 1176  
Key West, FL 33041-1176

**Ervin A. Higgs, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

office (305) 292-3420  
 fax (305) 292-3501

**Friday - April 22, 2011, Our Offices will be closed in observation of Good Friday.**

**Property Record View**

Alternate Key: 1013668 Parcel ID: 00013270-000000

**Ownership Details**

**Mailing Address:**  
 729 THOMAS STREET LLC  
 729 THOMAS ST  
 KEY WEST, FL 33040

**Property Details**

**PC Code:** 12 - STORE/OFF/RES OR COMBINATION  
**Millage Group:** 11KW  
**Affordable Housing:** No  
**Section:** 06-68-25  
**Township-Range:**  
**Property:** 309 PETRONIA ST KEY WEST  
**Location:** 311 PETRONIA ST KEY WEST  
**Legal:** KW LOT 9 SQR 1 TR 3 OR213-426/27 COUNTY JUDGES DOC 10-222 CASE#85-376-CP-12 OR1102-825 OR1106-640 PROB#86-326-CP-12 OR1151-899  
**Description:** OR1163-492/93 OR1163-1598Q/C OR1163-1620Q/C OR1238-923/25 OR1256-405/08C/T OR1335-2087/89 OR1507-1929/31R/S OR1568-1029/31-C OR1698-603/607R/S OR1986-1220/22Q/C

**Parcel Map**

**Land Details**

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	49	92	4,508.00 SF

**Building Summary**

Number of Buildings: 1  
 Number of Commercial Buildings: 1  
 Total Living Area: 3360  
 Year Built: 1933

**Building 1 Details**

Building Type	Condition	Quality Grade
14	A 332	450 15





**Appraiser Notes**

CAMILLE BODY BOUTIQUE

**Building Permits**

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	B950634	02/01/1995	11/01/1996	6,000	Commercial	REMODELING
	A950560	02/01/1995	11/01/1996	1,000	Commercial	METAL RFG
	E952400	07/01/1995	11/01/1996	3,200	Commercial	ELECTRICAL
	96-1886	05/01/1996	11/01/1996	28,000	Commercial	REMODELING
	96-2326	06/01/1996	11/01/1996	5,986	Commercial	ROOF REPAIR
	96-3440	08/01/1996	11/01/1996	900	Commercial	PLUMBING
	96-3169	07/01/1996	11/01/1996	80,000	Commercial	REMODELING
	96-4107	10/01/1996	12/01/1996	8,200	Commercial	PLUMBING
1	96-4203	10/01/1996	02/01/1997	9,000	Commercial	ELECTRICAL
	9700653	02/01/1997	08/01/1997	165	Commercial	ELECTRICAL
	9701016	04/01/1997	08/01/1997	24,000	Commercial	8 SEAT RESTAURANT
	06-5212	09/13/2006	12/13/2006	500	Commercial	INSTALL 85 LF OF NEW TILE.
	06-4762	08/14/2006	12/13/2006	400	Commercial	ATF - BUILD 6' HIGH FENCE.

**Parcel Value History**

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2010	442,797	4,530	407,746	855,073	855,073	0	855,073
2009	442,797	4,707	506,440	953,944	953,944	0	953,944
2008	453,216	4,890	563,500	1,021,606	1,021,606	0	1,021,606
2007	308,891	5,112	518,420	832,423	832,423	0	832,423
2006	347,947	4,835	383,180	735,962	735,962	0	735,962
2005	347,947	5,000	315,560	668,507	668,507	0	668,507
2004	319,065	384	270,480	589,929	589,929	0	589,929
2003	319,065	384	135,240	454,689	454,689	0	454,689
2002	319,065	384	72,128	391,577	391,577	0	391,577
2001	319,065	384	72,128	391,577	391,577	0	391,577
2000	319,065	120	63,112	382,297	382,297	0	382,297
1999	215,337	126	63,112	278,575	278,575	0	278,575
1998	215,331	132	63,112	278,575	278,575	25,000	253,575
1997	224,341	138	54,096	278,575	278,575	25,000	253,575
1996	94,580	0	49,588	144,168	144,168	0	144,168
1995	94,580	0	49,588	144,168	144,168	0	144,168
1994	94,580	0	49,588	144,168	144,168	0	144,168
1993	90,755	0	49,588	140,343	140,343	0	140,343
1992	90,755	0	49,588	140,343	140,343	0	140,343
1991	90,755	0	49,588	140,343	140,343	0	140,343
1990	75,183	0	39,445	114,628	114,628	0	114,628
1989	67,664	0	38,318	105,982	105,982	0	105,982
1988	57,729	0	31,556	89,285	89,285	0	89,285
1987	56,527	0	16,116	72,643	72,643	0	72,643
1986	56,756	0	14,876	71,632	71,632	0	71,632
1985	53,220	0	14,651	67,871	67,871	23,123	44,748
1984	52,023	0	14,651	66,674	66,674	0	66,674
1983	52,023	0	14,651	66,674	66,674	22,502	44,172
1982	41,438	0	10,864	52,302	52,302	17,759	34,543

**Parcel Sales History**

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
9/12/2000	1698 / 0603	206,700	WD	M
4/1/1998	1507 / 1929	450,000	WD	C
12/1/1994	1335 / 2087	55,000	WD	B
11/1/1992	1238 / 923	12,000	WD	P
5/1/1990	1151 / 899	10,000	WD	P
9/1/1989	1106 / 640	10,000	WD	U

This page has been visited 16,008 times.

Monroe County Property Appraiser  
Ervin A. Higgs, CFA  
P.O. Box 1176  
Key West, FL 33041-1176

**Public Notices**  
**(radius map & mailing list)**

# Public Meeting Notice

The Key West Planning Board will hold a public hearing **at 6:00 p.m., April 21, 2011 at Old City Hall, 510 Greene Street**, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

**Variance – 305 Petronia Street, 309 Petronia Street, 729 Thomas Street, (RE# 00013250000000, 00013270-000000, 00013260-000000)** – A variance requesting to waive parking requirements for 30 automobile spaces; of which 6 automobile spaces are requested to be waived through bicycle substation, in the HNC-3 zoning district per Section 108-572 (9) and 108-574 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at [www.keywestcity.com](http://www.keywestcity.com) .

## YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing to hear the following requests:

**Minor Development Plan and Conditional Use** – A minor development plan and conditional use request for the addition of 1,365 square feet of consumption area, and the addition of 91 seats, a combination of which are proposed indoors and outdoors in the HNC-3 zoning district per Section 108-91 (A.)(1) (b.) and (c.) and 122-868 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

**Variance** – A variance requesting to waive parking requirements for 30 automobile spaces; of which 6 automobile spaces are requested to be waived through bicycle substation, in the HNC-3 zoning district per Section 108-572 (9) and 108-574 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

---

**Applicant:** Rumrell, Costabel, Warrington & Brock LLP **Owner:** Richard Hatch, III, Suanne Kitcher & Robert Hatch

**Project Location:** 305 Petronia St, 309 Petronia St, 729 Thomas St (RE# 0001325000000, 00013270-000000, 00013260-000000)

**Date of Hearing:** Thursday, April 21, 2011 **Time of Hearing:** 6:00 PM

**Location of Hearing:** Old City Hall – City Commission Chambers, 510 Greene St

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Ave, Key West, FL, Monday through Friday between the hours of 8:00 am and 5:00 pm. **Packets can be viewed online at [www.keywestcity.com](http://www.keywestcity.com). Click on City Board & Committee Agendas.** Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409, by FAX (305) 809-3978 or by email [ccowart@keywestcity.com](mailto:ccowart@keywestcity.com).

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m., or information on access available to individuals with disabilities. To request materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), please call 305-809-1000 for assistance.

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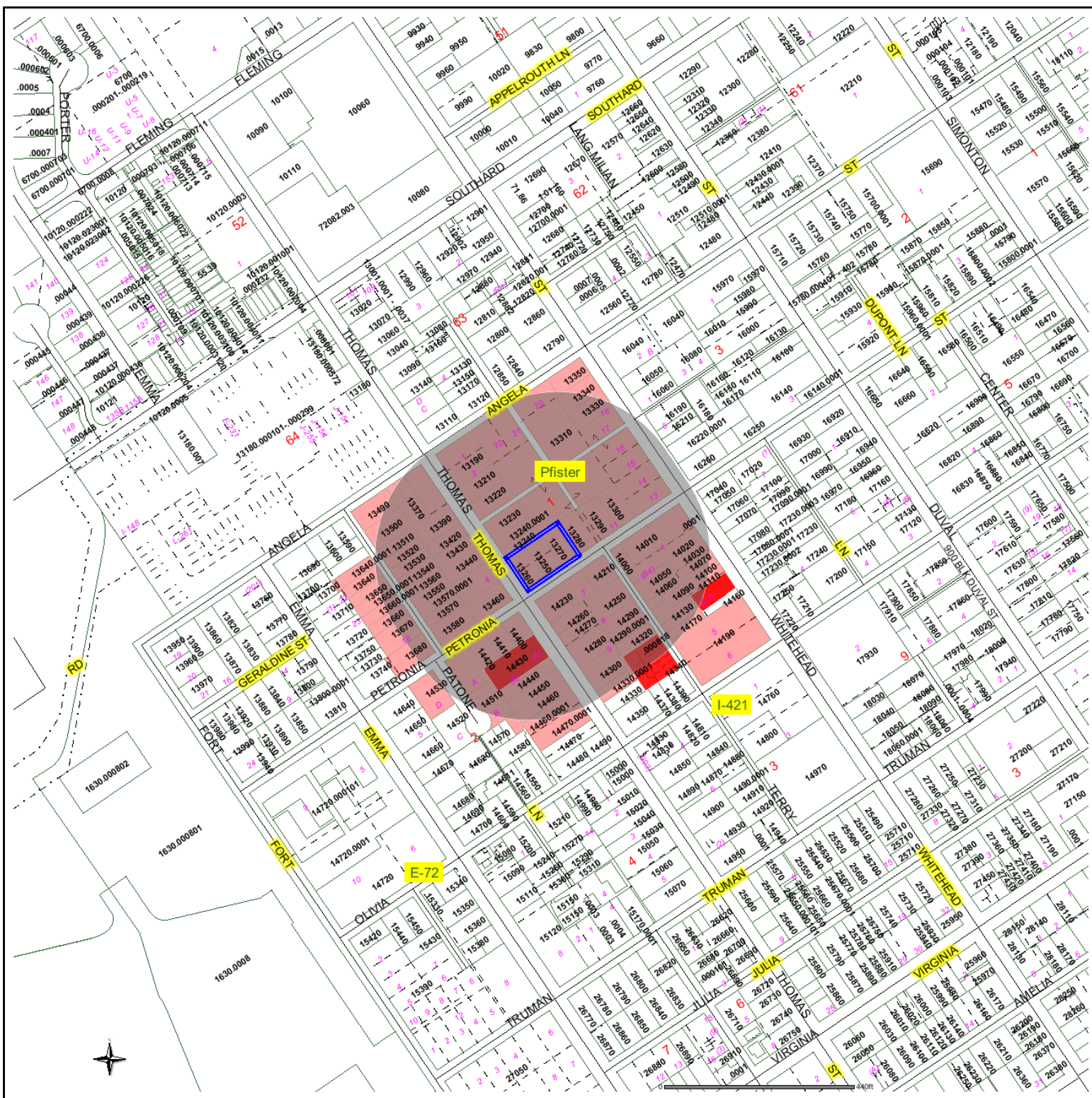
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# Blue Heaven

- Legend
- theBuffer
  - theBufferTarget
  - Real Estate Number
  - Parcel Lot Text
  - Block Text
  - Hooks/Leads
  - Lot Lines
  - Easements
  - Road Centerlines
  - Water Names
  - Parcels
  - Shoreline
  - Section Lines



PALMIS

Monroe County Property Appraiser  
500 Whitehead Street  
Key West, FL

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.

Blue Heaven

725 THOMAS STREET LLC  
729 THOMAS ST  
KEY WEST, FL 33040

729 THOMAS STREET LLC  
729 THOMAS ST  
KEY WEST, FL 33040

A TOUCH OF LIFE INC  
302 ANGELA ST  
KEY WEST, FL 33040

BAHAMA CONCH COMMUNITY  
LAND TRUST OF KEY WEST INC  
201 TRUMAN AVE  
KEY WEST, FL 33040

BAHAMA GARDENS LTD  
P O BOX 460426  
FT LAUDERDALE, FL 33346

BAHAMA VILLAGE MARKET LLC  
201 FRONT ST  
KEY WEST, FL 33040

BARON DORIS BARBARA AND  
MOZINO THEODORE J  
5100 STATE ROAD  
DREXEL HILL, PA 19026

BI STATE REALTY LIMITED LLC  
444 NORTH MAIN ST  
HUBBARD, OH 44425

BI-STATE REALTY LTD  
444 N MAIN ST  
HUBBARD, OH 44425

BRICE WILLIAM L  
823 TERRY LN  
KEY WEST, FL 33040

CALABRO DANIEL J  
P O BOX 1857  
BRIDGEHAMPTON, NY 11932

CALDWELL JOHN G  
807 THOMAS ST  
KEY WEST, FL 33040

CAREY IRVING J AND EDNA L  
ESTATES  
720 THOMAS ST  
KEY WEST, FL 33040

CATHEY TERESA A  
PO BOX 1873  
KEY WEST, FL 33041

CHAPMAN JAMES MATHEW  
221 PETRONIA ST  
KEY WEST, FL 33040

CHAPPLE RALPH S SR  
715 THOMAS ST  
KEY WEST, FL 33040

CHURCH A M E ZION TRUSTEE  
702 WHITEHEAD ST  
KEY WEST, FL 33040

COIRA STANLEY MD TRUST AGR  
4/23/2001  
4140 BONITA AVE  
COCONUT GROVE, FL 33133

COX OTHA P DEC OF TRUS  
07/07/2000  
600 ALMINAR AVE  
CORAL GABLES, FL 33146

CURTIS JERRY T/C  
724 THOMAS ST  
KEY WEST, FL 33040

DAVIS CECILIA HAYES  
228 ANGELA STREET  
KEY WEST, FL 33040

DAVIS CECILIA THOMPSON  
826 ANGELA ST  
KEY WEST, FL 33040

DEAN JULIA V  
808 TERRY LN  
KEY WEST, FL 33040

DIXON GLORIA  
718 CHAPMAN LN  
KEY WEST, FL 33040

DULINSKI DAVID A AND HEATHER  
M  
822 THOMAS ST  
KEY WEST, FL 33040

FOWLER NORMAN E AND SUSAN J  
824 TERRY LN  
KEY WEST, FL 33040

GALLAGHER WILLIAM E AND  
PATRICIA A  
708 WHITEHEAD ST  
KEY WEST, FL 33040

GAMBERT RICHARD AND JULIA  
PO BOX 4294  
KEY WEST, FL 33041

GRANNIS JANE G  
818 TERRY LN  
KEY WEST, FL 33040

HALL MITCHELL C SR AND  
JUANITA  
717 CHAPMAN LN  
KEY WEST, FL 33040

HEMBLING JOHN J AND JUDITH B  
508 N OAK PK  
OAK PARK, IL 60302

HIGGINS CHRISTOPHER  
820 TERRY LN  
KEY WEST, FL 33040

HOUSING AUTHORITY OF THE  
CITY OF KW FL  
PO BOX 2476  
KEY WEST, FL 33045

JOHNSON LEONARD A  
29 6TH AVE  
KEY WEST, FL 33040

JUSTEN RALPH J  
812 TERRY LN  
KEY WEST, FL 33040

KEE GILBERT  
308 VIRGINIA ST  
KEY WEST, FL 33040

KELLY SAMUEL D JR  
208 TRUMAN AVE  
KEY WEST, FL 33040

KOHNKE PETER C  
340 FRUITWOOD DR  
BETHEL PARK, PA 15102

KOPPENAAL RICHARD J  
822 TERRY LN  
KEY WEST, FL 33040

LATHAN DYANNE  
501 RAINS LN  
BOHANNON, VA 23021

LENNOX GEORGE H III AND SUSAN  
B  
817 TERRY LN  
KEY WEST, FL 33040

LIFE KEVIN S AND JANET R  
709 THOMAS ST  
KEY WEST, FL 33040

MCINTOSH JULIA  
6081 W CALUMET RD  
MILWAUKEE, WI 53223

MENITE MARLYN E  
711 CHAPMAN LANE  
KEY WEST, FL 33040

MIN KHIN MICHAEL  
1624 SIRUGO AVE  
KEY WEST, FL 33040

MINGO CLIFFORD AND YOLANDA  
708 EMMA ST  
KEY WEST, FL 33040

MOBLEY HORACE AND JOSEPHA  
609 THOMAS ST  
KEY WEST, FL 33041

MONROE LUCRETIA A ESTATE  
2204 FOGARTY AVE  
KEY WEST, FL 33040

MURPHY RITA  
PO BOX 4191  
KEY WEST, FL 33041

MYERS BOBBIE E AND POOCHIE  
813 THOMAS ST  
KEY WEST, FL 33040

OHLINGER BIRCHARD HAYES  
PO BOX 57  
FRANKFORT, MI 49635

OLD TOWN KEY WEST  
DEVELOPMENT LTD  
201 FRONT ST  
KEY WEST, FL 33040

PARKS DENNIS L  
1385 NW 192ND TER  
MIAMI, FL 33169

PENN-OHIO ELECTRICAL  
COMPANY  
1370 SHARON-HOGUE RD  
MASURY, OH 44438

PRAZEN RUDY  
225 PETRONIA ST  
KEY WEST, FL 33040

ROSE MARCI L  
810 THOMAS ST  
KEY WEST, FL 33040

RYDMAN STEVEN  
1075 DUVAL ST  
KEY WEST, FL 33040

SANCHEZ ELLEN WELTERS  
ESTATE  
515 WHITEHEAD ST  
KEY WEST, FL 33040

SOUTHERNMOST INVESTMENTS  
LLC  
44 KEY HAVEN RD  
KEY WEST, FL 33040

SOUTHSTAR III LLC  
PO BOX 11438  
FORT LAUDERDALE, FL 33339



SUMMERWIND PROPERTIES OF  
NEWPORT LLC  
80 OLD BEACH RD  
NEW PORT, RI 02840

SWEETING FLOYD H SR  
REVOCABLE TRUST U/A/D 7/14/03  
1012 HOWE ST  
KEY WEST, FL 33040

TERRA KEVIN J  
819 TERRY LN  
KEY WEST, FL 33040

TERRY MYRNA  
9135 HEMSWORTH WAY  
SACRAMENTO, CA 95829

THOMAS TIMOTHY E AND NAOMI S  
713 CHAPMAN LN  
KEY WEST, FL 33040

TREGO PHILIP M  
1000 DUVAL ST  
KEY WEST, FL 33040

TURNER JEFF B  
826 TERRY LN  
KEY WEST, FL 33040

US BANK NATIONAL ASSOC  
150 ALLEGHENY CENTER MALL  
PITTSBURGH, PA 15212

VILLAGE ON WHITEHEAD I LLC  
820 WHITEHEAD ST  
KEY WEST, FL 33040

WEST INDIES LLC  
226 PETRONIA ST  
KEY WEST, FL 33040

WIK COLETTE  
810 WHITEHEAD ST  
KEY WEST, FL 33040

WILDGOOSE CLARENCE G JR  
1525 42ND ST  
WEST PALM BEACH, FL 33407

WILLIAMS JON M  
2721 13TH ST  
WASHINGTON, DC 20009

WILLIAMS VOREECE S  
712 CHAPMAN LN  
KEY WEST, FL 33040

WILLINGHAM CHARLES  
434 BILL KENNEDY WAY SE  
ATLANTA, GA 30316