

SMITH / HAWKS

ATTORNEYS AT LAW

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SENT VIA EMAIL

February 6, 2025

Keri O'Brien, CMC, City Clerk
City of Key West
1300 White Street
Key West, FL 33040
Email: KObrien@CityofKeyWest-FL.Gov

Re: Amended Notice of Appeal of Planning Director's Administrative Decision


Dear Keri,

Please allow this correspondence to serve as an Amended Notice of Appeal of the determination of the City of Key West Planning Director's decision provided in the City of Key West Licensing Official concerning the Business Tax Receipt for KW Boardwalk, LLC ("Applicant").

Pursuant to Key West, FL, Code § 90-301(b) "[t]he city planner shall have the administrative responsibility to interpret the land development regulations. Such interpretations shall be in writing and accompanied by review and written consent by the city attorney." The planning director's interpretation was provided via the Licensing Official. Pursuant to Key West, FL, Code § 90-426 "administrative and enforcement decisions by the city planner and chief building official may be appealed to the city commission." The planning decision was issued to the Applicant on January 17, 2025, attached hereto **Exhibit A** and the appeal was timely made on January 22, 2025. Pursuant to Key West, FL, Code § 90-426, an applicant may appeal a decision of the planning director to the City Commission by providing the City Clerk notice of appeal within ten (10) calendar days following the decision of the planning director. Check number 9094 in the amount of \$2,552.56 was provided on January 22, 2025 for payment of the fee for the appeal to the City Commission.

Please contact me regarding coordinating the appeal. Thank you for your consideration and assistance, and please do not hesitate to contact me with any questions.

Sincerely,



Barton W. Smith

BWS/bg

Attachment

From: Amanda Brady <abrady@cityofkeywest-fl.gov>

Sent: Friday, January 17, 2025 11:24 AM

To: Richard McChesney
<richard@spottswoodlaw.com>

Subject: RE: [EXTERNAL] RE: [EXTERNAL] BTR Application

Good morning Richard,

I have reviewed the application for 218 Duval St (rear) and everything is complete. However, I cannot process the BTR prior to zoning approval.

I will hold on to the application and we can discuss the BTR after the February Planning Board meeting.

Please let me know if you need anything else prior to the scheduled Planning Board meeting.

*Amanda Brady
Licensing Official
City of Key West*

<image001.jpg>

Licensing Department -1300 WHITE STREET-
KEY WEST- FLORIDA 33040
OFFICE: 305.809-3971
licensing@cityofkeywest-fl.gov

From: Richard McChesney
<richard@spottswoodlaw.com>

Sent: Thursday, January 16, 2025 4:24 PM

To: Amanda Brady <abrady@cityofkeywest-fl.gov>

Subject: [EXTERNAL] RE: [EXTERNAL] BTR Application

EXHIBIT A

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Amanda,

I have obtained the sublease. I think with this we now have everything on the checklist. Can you confirm that the fee is \$342 and I can drop off the check?

Thank you,

Richard J. McChesney, Esq.

Spottswood, Spottswood, Spottswood & Sterling
500 Fleming Street

Key West, FL 33040

(305) 294-9556 - Office

(305) 504-2696 - Fax

richard@spottswoodlaw.com

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EXHIBIT A

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From: Amanda Brady <abrady@cityofkeywest-fl.gov>

Sent: Friday, January 3, 2025 11:48 AM

To: Richard McChesney
<richard@spottswoodlaw.com>

Subject: RE: [EXTERNAL] BTR Application

Good afternoon Richard,

The pro-rated fee for 180 seats is \$342.00. However, there is a discrepancy in the lease. The lease shows tenant "218 Backyard LLC" and the application shows "KW Boardwalk LLC"
Could you provide a lease for KW Boardwalk LLC?

All food trucks vending on private property need approval from planning prior to being issued a BTR. Could you also include the zoning approval from planning?

*Amanda Brady
Licensing Official
City of Key West*

<image001.jpg>
Licensing Department -1300 WHITE STREET-

EXHIBIT A

KEY WEST- FLORIDA 33040
OFFICE: 305.809-3971
licensing@cityofkeywest-fl.gov

From: Richard McChesney
<richard@spottswoodlaw.com>
Sent: Friday, January 3, 2025 11:24 AM
To: Amanda Brady <abrady@cityofkeywest-fl.gov>
Subject: [EXTERNAL] BTR Application

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Good Morning Amanda,

I wanted to check in on the application fee. My receptionist indicated that the application fee was incorrect. Can you let me know the correct amount and I will get that over to you today?

Richard J. McChesney, Esq.
Spottswood, Spottswood, Spottswood & Sterling
500 Fleming Street
Key West, FL 33040
(305) 294-9556 - Office
(305) 504-2696 - Fax
richard@spottswoodlaw.com

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EXHIBIT A

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