

**Supplement to Record on Appeal  
Planning Department  
Lawful Unit Determination  
Calculation of Fees**

Impact fees: \$5,675  
Parking: \$4,000  
Sewer/Solid: \$48,015.95  
**Total: \$57,690.95**



## THE CITY OF KEY WEST

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

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**December 7, 2011**

**VIA ELECTRONIC MAIL**

Mr. Owen Trepanier  
Trepanier & Associates, Inc.  
402 Appelrouth Lane  
Key West FL 33040

**RE: Douglas House –Unit Recognition  
419 Amelia Street**

Dear Mr. Trepanier:

This letter is sent in response to your Unit Recognition request regarding the Douglas House Guest House. I have reviewed historical records and determined that this request does not require a Lawful Unit Determination under Sec. 108-991(3). These five units, subject to your request, were previously recognized by the City of Key West through a determination by the Board of Adjustment (“BOA”) on 10/05/94 at a time which the City Commission, acting as the BOA could recognize previously unrecorded dwelling units by means of a special exception.

Given the above, the Planning Department is able to support that 15 transient units at the Douglas House are lawfully established under the Building Permit Allocation System. However, the records also appear to show that the BOA action on 10/05/94 required the payment of a parking related impact fee of \$2,000 per parking space (for two parking spaces). It is our understanding that the Douglas House has not yet paid that fee. Payment will be required along with any other associated fees that remain unpaid for the five recognized units.

### **Analysis:**

The Douglas House applied for transient unit recognition on, or about, 05/03/94. The City and the Douglas House moved through the process and the Douglas House eventually disagreed with the City’s parking-related impact fee calculation and subsequently appealed to the BOA (Attachment 1). The BOA upheld the Douglas House appeal on 10/05/94 overturning the decision of the Licensing Division thus recognizing the Douglas House transient units with the condition that Douglas House pay a \$2,000 per parking space impact fee (Attachment 2) associated with impacts resulting from the Douglas House’s inability to provide the additional off street parking spaces associated with the recognition of five units (two parking spaces were required at that time).

No further appeal was filed disagreeing with the BOA’s decision and the BOA’s action became final. Notwithstanding, the Douglas House never paid for and never received the licenses associated with the units recognized by the BOA.

The following is an overview of our understanding of units and licenses at the Douglas House:

Address	Trans units applied for Recognition	Trans. units Recognized by BOA	Trans units recognized by KW Licensing (licenses)	Trans units recognized by FL DBPR (licenses)	Trans units recognized by Mo.Co. (licenses)	Actual Transient Units
417 Amelia	11	15	3	11	11	11
419 Amelia			6			
423 Amelia			0			
418 Virginia	4		1	4	4	4
<b>Total</b>	<b>15</b>		<b>15</b>	<b>10</b>	<b>15</b>	<b>15</b>

After the consideration of available information, the Planning Department is able to support that 15 transient units are lawfully established under the Building Permit Allocation System at the Douglas House Guest House in the configuration outlined above.

Units acknowledged by this finding are presumed to be legally established if the following requirements are met:

1. The determination of payment in-lieu of parking amount must be remitted.
2. Building Department Submittals and Inspections: Per Ordinance 2009-07, units which have not been recognized by the Administrative Official but are presumed to be lawfully established must meet the requirements in the Florida Building Code. This can be accomplished through as built inspections and certifications or other means acceptable by the Building Official.
3. Impact Fees and / or Back Fees: As the additional units were in place in 1994, impact fees and back fees for sewer and solid waste back to that year need to be assessed and paid. Please contact the Revenue Department at 809.3861.
4. Utilities: Provide proof via new account status, service acknowledgement and / or payment for additional meters for both Keys Energy Services and the Florida Keys Aqueduct Authority recognizing the additional units.
5. Monroe County Property Appraisers Office: Please inform the MCPA of the additional units if not already assessed. Provide documentation of the notice via a copy of an e-mail or a modified Property Record Card.
6. You will need to update your Occupational License to reflect all additional units.

Please note that this letter does not grant building permit allocations, but rather recognizes that fifteen transient units exist at the Douglas House in the above-noted configuration.

Douglas House  
November 29, 2011  
Page 3

Please do not hesitate to contact me at 809.3724 with any questions or comments that you may have.

Respectfully,

Brendon Cunningham   
Senior Planner

Attachments

C: Donald Craig, AICP, Planning Director  
John Woodson, Building Official  
Carolyn Walker, Licensing Official  
Shirley Sealey, Revenue Department

City of Key West

Impact Fee Worksheet

Date: 4.16 Permit # \_\_\_\_\_

Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

Use: 5 transient lodging

Type	Calculation	Total	Credits	Total Due
<u>Sewer</u>	<u>5 - 200</u>	_____	_____	<u>1000</u>
<u>waste</u>	<u>5 - 129</u>	_____	_____	<u>645</u>
<u>traffic</u>	<u>5 - 306</u>	_____	_____	<u>1530</u>
_____	_____	_____	_____	_____
Sewer Connection	_____	_____	_____	_____

Sewer Flow Calculation:

Total sewer impact fee \$ 1000  
 $\frac{1}{2}$  500  
 x 30 days 15000  
 /6,000 gal 2500 2.5  
 x \$1,000 2500

\$ 5675

Notes:

Prepared By: [Signature] Date 4.16



	Period	#Months	Charge	Total
	Aug 02 - Sep 02	2	\$ 4.00	\$ 8.00
	Oct 02 - Sep 03	12	\$ 4.00	\$ 48.00
	Oct 03 - Sep 04	12	\$ 5.00	\$ 60.00
	Oct 04 - Sep 05	12	\$ 5.16	\$ 61.92
	Oct 05 - Sep 06	12	\$ 5.34	\$ 64.08
	Oct 06 - Sep 07	12	\$ 5.87	\$ 70.44
	Oct 07 - Sep 08	12	\$ 7.05	\$ 84.60
	Oct 08 - Sep 09	12	\$ 7.35	\$ 88.20
	Oct 09 - Sep 10	12	\$ 7.35	\$ 88.20
	Oct 10 - Sep 11	<b>10</b>	\$ 7.50	\$ 75.00
	Dec 11	1	\$ 7.68	\$ 7.68
	<b>STORM</b>	<b>TOTAL</b>		<b>\$ 656.12</b>
	<b>TOTAL CHARGES</b>			<b>\$ 9,603.19</b>
				<b>Per Units</b>

FOR THE 5 UNITS THE AMOUNT IS GOING TO BE **\$48,015.95**

# **Attachment 1**

**BROWNING, GULLER AND ASSOCIATES, P.A.**

**ATTORNEYS AT LAW  
402 APPELROUTH LANE  
KEY WEST, FLORIDA 33040  
TELEPHONE (305) 294-0548  
FAX (305) 294-1144**

**MICHAEL L. BROWNING\***  
**CHARLENE GULLER-BROWNING\*\***

**\* ADMITTED IN FLORIDA**  
**\*\* ADMITTED IN FLORIDA AND MASSACHUSETTS**

**LYNNE HANKINS-FIELDER**  
**ALBERT L. KELLEY**

**August 16, 1994**

**Josephine Parker, City Clerk  
City of Key West  
P.O. Box 1409  
Key West, FL 33041-1409**

**RE: Licensing of Douglas House, 419 Amelia Street**

**Dear Ms. Parker:**

Please accept this letter as notice of appeal of a decision made by the Building Department/Licensing not to license phantom units at 419 Amelia Street. Pursuant to Resolution by the City Commission dated the 1st day of February, 1994, applicants would receive proper transient licensing upon complying with the criteria set forth in the Resolution. To date, the applicant has supplied and met all criteria set forth therein and the City will still not issue the licenses. To wit, there are several issues which have been rejected by the City as follows:

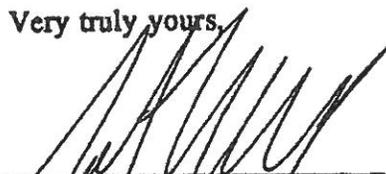
A. That the applicant pay for five (5) parking spaces when in fact only two (2) were required pursuant to the regulations of the City of Key West as then enforce.

B. The City is requiring an HRS certificate for certain swimming pools prior to issuance of Certificate of Occupancy. This has never been required in the past and if the applicable property is in somehow in violation of some State regulation, it is not within the privy of the City of Key West to assure that compliance.

C. The City refuses to recognize two of the units as the owner has on occasion made use of those units for his own use. The fact that an owner has not rented out a unit for a particular period of time does not vitiate the use of that property.

If you could place this on the earliest agenda, I would be most appreciative.

Very truly yours,

  
\_\_\_\_\_  
Michael L. Browning  
MLB/pps

cc: Carolyn Walker  
John Castro  
client

## **Attachment 2**

DATE May 5, 1994

APPLICATION FOR GUESTHOUSE UNITS / AUTHORIZED BY RES. 94-49

BUSINESS NAME Douglas House

BUSINESS LOCATION 419 Amelia St. RE#            + 418+420 Virginia

OWNER NAME Douglas House, Inc. / Robert Maccero → Street  
RE#           

AGENT IF OTHER THAN ABOVE (N/A)

BUSINESS PHONE (305) 294-5269 (same) →

#UNITS LICENSED / APTS	_____	ROOMS	<u>9</u>	} Douglas House	} # Units Licensed <u>1</u> Rms
#UNITS EXISTING / APTS	_____	ROOMS	<u>11</u>		

All the following must be specific as to total number of units.

1. Attach owner's affidavit.
2. Attach secondary affidavit.
3. Attach one or more of: Insurance or tax records  
Rental receipts or reservation books  
State hotel/motel license  
Other acceptable documentation

Attach site plan showing total number of and layout of units.

Handicap accessible units required \_\_\_\_\_

Fire Department requirements must be met.

Building and Fire Department scheduled for CO inspection dates \_\_\_\_\_

PARKING:

Previously licensed units are required to have:  
 1 parking space for each apt / 1 space for each 3 rooms.  
 If there is adequate parking for additional units (one space each unlicensed room or apt), attach site plan showing spaces, including measurements. If the CO inspection verifies these legal parking spaces, no fees will be due. If the parking is unavailable, \$2000 per space required will be due.

FEES: (attach receipts)

1. Administrative fee \$500.00
2. Impact fees \_\_\_\_\_
3. Sewer connection fees \_\_\_\_\_
4. Building permit fees \_\_\_\_\_
5. Parking fee \$2,000 per unit. \_\_\_\_\_
6. Sewer and waste backbilling \_\_\_\_\_
7. Occupational license fees \_\_\_\_\_

CO Checklist

1. All Fees paid \_\_\_\_\_
2. City acct's upgraded \_\_\_\_\_
3. All inspections made \_\_\_\_\_

License Checklist

1. Documentation rec'd \_\_\_\_\_
2. DBR license rec'd \_\_\_\_\_
3. CO issued \_\_\_\_\_

NOTES:



Josephine Parker, CMC  
City Clerk

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

525 Angela Street  
(305) 292-819  
Fax 292-813.

CERTIFIED MAIL P 878 311 973  
RECEIPT REQUESTED

September 21, 1994

Michael L. Browning  
Attorney At Law  
402 Appelrouth Lane  
Key West, FL 33040

Dear Attorney Browning:

Subject: Appeal filed by Attorney Michael L. Browning, appealing the decision of the Building and Licensing Departments to deny licensing of phantom units for the Douglas House located at 419 Amelia Street.

Please be advised that an Administrative Review will be held by the Board of Adjustment of the City of Key West, Florida, at 6:00 p.m., Wednesday, October 5, 1994, in Commission Chambers at Old City Hall, 510 Greene Street, Key West, Florida, regarding above-referenced subject.

If you desire to appeal the Board's decision on October 5, 1994, you need to ensure that a proper record exists and you may wish to retain a court reporter for that purpose. In the absence of a court reporter, you may obtain a copy of the meeting tape from my office at a cost of \$3.00 per tape and have a transcript made up from the tape. The Board does not vouch for the accuracy of any transcription of its meetings.

Your presence at this meeting is required.

Sincerely,

  
Josephine Parker, CMC  
City Clerk

JR/lh

c: John Castro, Chief Building Official (Hand Delivered)  
Carolyn Walker, Chief Licensing Official (Hand Delivered)  
Robert Marrero, Douglas Guest House, 419 Amelia Street

AGENDA

BOARD OF ADJUSTMENT

WEDNESDAY, OCTOBER 5, 1994

6:00 P.M.

OLD CITY HALL, 510 GREENE STREET

1. Call meeting to order. Roll Call. 6:05 P.M.

2. ADMINISTRATIVE REVIEW:

*Upheld*

(1) Appeal filed by Attorney Michael L. Browning, appealing the decision of the Building and Licensing Departments to deny licensing of phantom units for the Douglas House located at 419 Amelia Street.

*Upheld*

(2) Appeal filed by Peter Gomez, appealing denial of HARC to build a two-story elevated residence on his lot at 1220 Grinnell Street (rear).

3. RESOLUTIONS:

*94-424*

(1) Granting an exception to Ordinances Nos. 87-25 and 93-52; allowing outdoor display of certain merchandise by the business Bali of Key West, at 111 Fitzpatrick Street. Applicant: Jack Anderson, d/b/a Bali of Key West.

*94-425*

(2) Granting an exception to Ordinances Nos. 87-25 and 93-52; allowing outdoor display of certain merchandise by the business Inter Arts, Inc., at 506 Southard Street. Applicant: Jeffrey Dunaway and S. Greene, d/b/a Inter Arts, Inc.

*94-426*

(3) Granting an exception to Ordinances Nos. 87-25 and 93-52; allowing outdoor display of certain merchandise by the business Artstream at 109 Fitzpatrick Street. Applicant: R.J. Ivory, d/b/a Artstream.

*Denied*

(4) Granting an exception to Ordinances Nos. 87-25 and 93-52; allowing outdoor display of certain merchandise by the business BrainWash Yourself, Inc., at 221 Duval Street. Applicant: Steve Lecklitner, President, Brainwash Yourself, Inc.

*Denied*

(5) Granting an exception to Ordinances Nos. 87-25 and 93-52; allowing outdoor display of certain merchandise by the business Rising Star Video Karaoke, at 412 Greene Street. Applicant: Gary Pecorella, d/b/a Rising Star Video Karaoke.

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**OLD CITY HALL**  
**WEDNESDAY, OCTOBER 5, 1994**

A regular meeting of the Board of Adjustment of the City of Key West, Florida, was held in the Commission Chambers, Old City Hall, 510 Greene Street, on Wednesday, October 5, 1994.

The Mayor called the meeting to order at 6:05 p.m.

Answering roll call were Commissioners Charles Percy Curry, Sally Lewis, Emery Major, Joseph Pais, James F. Weekley and Mayor Dennis J. Wardlow presiding.

Commissioner Harry Bethel was absent.

Also present were City Planner Ted Strader, Chief Building Official John Castro, City Attorney Diane Covan, Fire Inspector Craig Marston, City Clerk Josephine Parker and general public.

**SO ORDERED**

The Clerk advised the Board that Sewer and Solid Waste Accounts for 300 Front Street were not current.

It was moved by Commissioner Weekley and seconded by Commissioner Pais to table the item to November 2, 1994.

The Mayor requested the Clerk to call the roll.

Yeas: Commissioners Curry, Lewis, Major, Pais, Weekley and Mayor Wardlow

Nays: None

**SO ORDERED**

**ADMINISTRATIVE REVIEW:**

- (1) Appeal filed by Attorney Michael L. Browning appealing the decision of the Building and Licensing Department to deny licensing of phantom units for the Douglas House located at 419 Amelia Street.

The Clerk read the appeal.

The following person spoke on the matter:

Michael L. Browning, 402 Appelrouth

It was moved by Commissioner Pais and seconded by Commissioner Major to grant the appeal and to pay \$2,000.00 for each parking space.

The Mayor requested the Clerk to call the roll.

Yeas: Commissioners Curry, Major, Pais and Mayor Wardlow

Nays: Commissioners Lewis and Weekley

**SO ORDERED**

- (2) Appeal filed by Peter Gomez appealing denial of HARC to building a two-story elevated residence on his lot at 1220 Grinnell Street (rear).

The Clerk read the appeal.

The following people spoke on the matter:

Ralph Brooks, Morgan and Hendrick  
Peter G. Gomez, 917 United Street  
William Horn, 1307 Petronia

It was moved by Commissioner Major to uphold the appeal

The Mayor passed the gavel to Mayor pro tem Pais and seconded the motion to grant the appeal.

The Mayor pro tem requested the Clerk to call the roll.

Yeas: Commissioners Curry, Major, Mayor Wardlow and Mayor pro tem Pais

Nays: Commissioners Lewis, Weekley

**SO ORDERED**

Mayor pro tem Pais then passed the gavel back to Mayor Wardlow.

**RESOLUTIONS:**

**RESOLUTION NO. 94-424**

**A RESOLUTION GRANTING AN EXCEPTION TO ORDINANCES NOS. 87-25 AND 93-52; ALLOWING OUTDOOR DISPLAY OF CERTAIN MERCHANDISE BY THE BUSINESS BALI OF KEY**