

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, CLARIFYING THE INTENT OF A DEED RESTRICTION AS REFERENCED IN THE BOARD'S PRIOR DECISION ON DECEMBER 2, 2025 REGARDING THE LAWFUL UNIT DETERMINATION FOR THE PROPERTY LOCATED AT 901 FLEMING STREET, KEY WEST, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Adjustment ("Board") held a duly noticed public hearing on December 2, 2025, regarding the Lawful Unit Determination Application for the property located at 901 Fleming Street, Key West, Florida("Property"); and

WHEREAS, following the hearing, the Board rendered a decision on December 2, 2025 ("Prior Decision"), which referenced a deed restriction applicable to the Property; and

WHEREAS, the Board has become aware that questions have arisen concerning the intent and scope of the deed restriction as it relates to the Board's Prior Decision; and

WHEREAS, the Board has authority to clarify the intent and meaning of its own decisions for purposes of interpretation, implementation, and administrative consistency, provided that such clarification does not modify, amend, or reopen the substance of the Prior Decision; and

WHEREAS, the Board desires to clearly state the intent of the deed restriction as it was understood and applied by the Board at the time the Prior Decision was rendered.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: The foregoing recitals are true and correct and are hereby incorporated into this Resolution as findings of the Board.

Section 2: The Board hereby clarifies that, in referencing the deed restriction in its Prior Decision attached and incorporated herein as Exhibit A, it intended the term "deed restriction" to mean as follows:

Section 3: This Resolution is intended solely to clarify the Board's original intent and shall not be construed as modifying, amending, or reopening the Prior Decision, nor as granting any new rights or imposing any new obligations beyond those expressly stated in the Prior Decision and the recorded deed restriction.

Section 4: That this Resolution shall go into effect

immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Board.

Passed and adopted by the Board of Adjustment at a meeting held this _____ day of _____, 2026.

Authenticated by the Presiding Officer and Clerk of the Board on the _____ day of _____, 2026.

Filed with the Clerk on _____, 2026.

Chair Danise Henriquez	_____
Vice Chair Donald "Donie" Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Sam Kaufman	_____
Commissioner Greg Veliz	_____

DANISE HENRIQUEZ, CHAIR

ATTEST:

KERI O'BRIEN, CITY CLERK