



## MEMORANDUM

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Date: March 14, 2024

To: Honorable Mayor and Commissioners

Via: Albert P. Childress   
City Manager

From: Katie P. Halloran  
Planning Department Director

Subject: **24-5601 A Resolution granting/denying an appeal by attorney Michael Halpern, Esq. representing 423 Caroline LLC, owner, of the Planner's requirement to seek a Conditional Use to expand bar area to 2<sup>nd</sup> floor at 423 Caroline Street, Florida.**

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### **Introduction**

The property owner, 423 Caroline LLC, has requested that the Board of Adjustment grant their appeal of the Planning Department's electronic determination (email) that an expansion of "bar area" at 423 Caroline Street would require Conditional Use Permit approval pursuant to Section 122-62 of the Land Development Regulations of the City of Key West.

### **Background**

The property owner/their representative contacted the City Planning Department to request information as to whether development approval would be required to add additional "bar area" to their business at 423 Caroline Street, known as "General Horseplay", specifically to add bar area to the second floor. Staff reviewed the zoning requirements for the subject property and noted that the property is in the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district and in that district, bar and lounge land uses are conditional uses. Conditional uses are approved by the Planning Board. Staff could not identify a conditional use approval for a bar and lounge use at this property. Staff noted applicability of Section 122-32(d) which states:

*A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. This prohibition shall include but not be limited to the extension of a nonconforming use within a building or structure or to any other building or structure.*

**Procurement**

There is no cost associated with this determination.

**Recommendation**

The City Manager's Office recommends that the City Commission deny the appeal and direct staff to continue to work with the City Legal Department and the property owner to facilitate their development review process.