Van D. Fischer, Esquire
626 Josephine Parker Road
Suite 205
Key West, Florida 33040
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SEP 3 '25 PM3:44

Via Hand Delivery

September 3, 2025

Keri O'Brien, MMC
City Clerk
City of Key West
1300 White Street
Key West, FL 33040

Re: Notice of Appeal of the Acting Planning Director's August 22, 2025, Notice of Revocation of Business License – LIC2025-000307, Mile Zero Tattoo, 302 Front Street, Key West, FL 33040.

Dear Ms. O'Brien:

My firm represents Mile Zero Tattoo, which operates its business at 302 Front Street, Key West, Florida. Please allow this correspondence to serve as a Notice of Appeal, pursuant to Sections 90-426 and 90-431 of the City of Key West Code of Ordinances, of the Acting Planning Director's August 22, 2025, revocation of Business License – LIC2025-000307 issued to Mile Zero Tattoo. Pursuant to Section 90-431(1)(b), the appeal deadline is ten (10) days from the date of the decision by the Acting Planning Director (a/k/a City Planner). The USPS post mark was August 27, 2025, and my client received the notice on August 29, 2025. Pursuant to Section 90-431(c), an additional three (3) days is added to the prescribed time period for appeal. The 10-day appeal deadline pursuant to the City Code as written is September 4, 2025. However, constitutional due process requires that the appeal deadline be calculated based on the date of receipt of the notice which was August 29, 2025, thereby making the appeal deadline September 11, 2025. Regardless, this notice of appeal was timely submitted. A copy of the August 22, 2025,

Acting Planning Director's denial letter is attached as **Exhibit "A"**. A check in the amount of $2,552.56 is attached for payment of the fee for the appeal.

My client, Mile Zero Tattoo, the holder of Business License LIC2025-000307, respectfully requests that the Board of Adjustment, pursuant to section 90-430, review the merits of this appeal and reverse the revocation of Business License LIC2025-000307. Mile Zero Tattoo worked directly with the City of Key West and was issued all required state and City permits, licenses, and approvals. Mile Zero Tattoo was entitled to rely on the permits, licenses, and approvals issued by the City and justifiably relied on same. Revocation of Business License LIC2025-000307 is barred by the doctrine of equitable estoppel. Mile Zero Tattoo did everything required to open its business and, in fact, received full approval to open. It is unjust for the City to now shut down Mile Zero Tattoo based on nothing more than an arbitrary 500-foot separation distance requirement that serves no discernable purpose.

A detailed legal brief will be timely submitted prior to the hearing before the Board of Adjustment which will more fully address the merits of this appeal. This notice of appeal may be supplemented with additional information as may be required prior to the hearing.

It is respectfully requested that the hearing date for this appeal be coordinated with the City Attorney. Thank you for your consideration and assistance. Please do not hesitate to contact me with any questions.

Sincerely,

Van D. Fischer, Esq.

Exhibits (1)

Exhibit A

THE CITY OF KEY WEST

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

City of Key West
Planning Department
1300 White Street
Key West, FL 33040
August 228, 2025

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 22, 2025

Mile Zero Tattoo
302 Front Street
Key West, FL 33040

Daniel H Paine, Registered Agent
3828 Duck Ave.
Key West, FL 33040

RE: NOTICE OF REVOCATION OF BUSINESS LICENSE - LIC2025-000307

Dear Mile Zero Tattoo,

We are writing to formally notify you of the revocation the business license issued to Mile Zero Tattoo (LIC2025-000307) on June 3, 2025. Upon receipt of a code complaint, it has come to our attention that the license was issued in violation of the City of Key West Code of Ordinances *Sec. 122-1543.* - ***Separation requirements,*** which prohibits the operation of a tattoo establishment within 500 feet of a public park.

Upon review, it was determined that Mile Zero Tattoo is located within the restricted distance from Mallory Square and Clinton Square, thereby contravening the relevant ordinance. The issuance of your business license was an error, and we sincerely apologize for any inconvenience this may cause.

As a result, the business license is hereby ***revoked effective immediately.*** We understand that this may cause inconvenience, and we are committed to assisting you through this process.

To rectify this situation, we recommend that you cease operations at the current location within 10 days of receipt of this letter and explore alternative locations that comply with zoning regulations. Should you choose to do so, you may reapply for a business license once a suitable location is secured.

For further assistance or clarification regarding this matter, please do not hesitate to contact our Planning Department at 305-809-3764 or via email at Planning-Dept@cityofkeywest-fl.gov. Our team is available to provide guidance and assist you through this process.

We sincerely apologize for any inconvenience this may cause and appreciate your understanding and cooperation as we work to address the situation.

Exhibit A

THE CITY OF KEY WEST
Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

Sincerely,

Jim Singleyn
Acting Planning Director

Kendal L. Harden
Interim City Attorney

cc:

Amanda Brady – Chief Licensing Official

THE CITY OF KEY WEST
Post Office Box 1409
Key West, FL 33041-1409
Planning

CERTIFIED MAIL®

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FL 330
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0000383780 AUG 26 2025

Mile Zero Tattoo
302 Front St
Key West, FL 33040

33040-661502

Exhibit A