RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA CONSIDERING AN APPEAL BY VAN D. FISCHER, ESQ. REPRESENTING *901 FLEMING STREET, LLC*, THE PROPERTY OWNER OF 901 FLEMING STREET, KEY WEST, FLORIDA [UPHOLDING/AMENDING/DENYING] THE GROWTH MANAGEMENT DIRECTOR'S ADMINISTRATIVE DECISION DATED AUGUST 12, 2025 DENYING THE LAWFUL UNIT DETERMINATION APPLICATION FOR THE PROPERTY LOCATED AT 901 FLEMING STREET, KEY WEST, FLORIDA AND FINDING THE GROWTH MANAGEMENT DIRECTOR'S DETERMINATION [WAS/WAS NOT MADE] IN ACCORDANCE WITH PROCEDURAL AND SUBSTANTIVE LAND DEVELOPMENT REGULATIONS AS WELL AS THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at its meeting of October 9, 2025 the City Commission, sitting as the Board of Adjustment for the City of Key West, Florida, conducted a quasi-judicial hearing concerning an appeal by Van D. Fischer, Esq. representing 901 Fleming Street, LLC, the property owners of 901 Fleming Street, Key West, Florida of the Growth Management Director's Administrative Decision dated August 12, 2025 denying the applicant's Lawful Unit Determination Application; and

WHEREAS, pursuant to Sec. 108-991(3) of the City's Code of Ordinances, the Growth Management Director found no existing body of evidence was provided, nor found, recognizing the existence of three (3) legally permissible residential units on the property located at 901 Fleming Street, Key West, Florida on or about April 1, 2010; and

WHEREAS, Section 90-431(4) of the City's Code of Ordinances requires the concurring vote of no less than four (4) members of the Board of Adjustment/City Commission to reverse or modify the order, requirement, decision or determination of the City Growth Management Director; and

WHEREAS, the Board of Adjustment considered the record upon which the Growth Management Director rendered a decision, and provided opportunity for presentation by the Appellant and the City Planner;

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

Section 1: That the appeal of the City Planner/Growth Management Director's determination is hereby [**upheld/denied]**, based upon the following findings:_____

_____

_____

_____

_____

Section 2: That the determination of the City Planner is hereby [**upheld and affirmed/denied]** as consistent and in accordance with Land Development Regulations.

Section 3: 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 _____,2025.

Authenticated by the Presiding Officer and Clerk of the Board on the _____ day of _____,2025.

Filed with the Clerk on _____,2025.

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

_____
DANISE HENRIQUEZ, CHAIR

ATTEST:

_____
KERI O'BRIEN, CITY CLERK