

# VDF LAW, PLLC

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June 3, 2019

Cheri Smith, City Clerk  
City of Key West City Hall  
1300 White Street  
Key West, Florida 33040

RECEIVED  
CITY CLERK'S OFFICE  
2019 JUN -3 PM 1:50  
CITY OF KEY WEST  
KEY WEST, FLORIDA

RE: Notice of Administrative Appeal of the May 23, 2019 Administrative Action made by the City of Key West Planning Department regarding Build-back Rights for 717 Duval Street 2 (RE# 00015910-000000)

Dear Ms. Smith:

I represent the interests of the David W. Wolkowsky Living Trust with respect to the property located at 717 Duval Street 2 (RE# 00015910-000000). I am submitting this Notice of Appeal pursuant to sections 90-426, 90-430, and 90-431, City Code, together with the required fee of One Thousand and 00/100 Dollars (\$1,000.00) for purposes of timely appealing the May 23, 2019, letter regarding Build-back Rights for 717 Duval Street 2. A true and correct copy of the build-back letter is attached hereto and incorporated herein as Exhibit A.

The build-back letter is incorrect in that it treats the existing residential unit as nonconforming, and errantly states that the "alleged transient use cannot be confirmed through a buildback letter." The history of the existing dwelling unit and supporting documentation unit was provided to the Planning Director in a January 23, 2019, letter from Trepanier and Associates, Inc., requesting a build-back determination. A true and correct copy of the request letter is attached hereto and incorporated herein as Exhibit B. The documentation provided shows that the property has had a residential unit since at least the 1970's which was used for transient rentals. Further, the Historic Residential Commercial Core-1 (HRCC-1) zoning district expressly allows transient residential accommodations.

## **Basis of Appeal**

The build-back letter recognized that 717 Duval Street consisted of one commercial and one residential unit, but incorrectly treated the unit as nonconforming. The existence of the residential unit was confirmed in a May 28, 2019, email from Jeffry Burgess as well as the recognition that the unit had an expired transient business tax receipt. A true and correct copy of the email is attached hereto and incorporated herein as Exhibit C. As detailed in the January 23,

2019, request letter (Exhibit B), the residential unit existed since the 1970's and the HRCC-1 zoning district allows residential dwelling units as-of-right. As such, the existing residential unit is a recognized and a conforming use in HRCC-1 zoning, and the build-back letter was incorrect in its determination that the property was "without dwelling units" and that the existing dwelling unit was nonconforming. Thus, the application of section 122-28, is incorrect because the unit is lawfully existing and conforming.

The build-back letter states that "the alleged transient use cannot be confirmed through a build-back letter." This statement is incorrect and has no supporting basis under the City Code. There is no specific provision of the Code which addresses build-back letters. Rather, as is the case here, when a fire destroys a building the property owner can make a request to the City as to what can be rebuilt. The City's response is commonly referred to as a "build-back letter," which bases the determination on multiple Code provisions depending on the specific circumstances. Here, the request letter documented the existence of the commercial unit and transient residential unit at 717 Duval Street. To my knowledge, there is no code provision which prevents the City from confirming a transient unit in a build-back letter.

Pursuant to section 122-686, the HRCC-1 zoning district is specifically intended for "transient residential accommodations." Likewise, section 122-687(8) expressly allows "transient lodging." The existing dwelling unit at 717 Duval Street was used as a transient lodging unit as evidenced by the expired transient license and the affidavits contained in the request letter (Exhibit B). The expiration of the transient license business tax receipt is not what controls whether or not a transient unit is a permitted use. The expired license simply means that a new license must be obtained before renting out the unit transiently. Also, section 108-991 provides that "transient units which meet the criteria in this subsection will be licensed by the city." The transient unit at 717 Duval Street meets the criteria of section 108-991, and therefore, is entitled to a transient business tax receipt.

For the reasons described, the build-back letter was incorrect. The existing residential unit at 717 Duval Street was, and is, a conforming use and is entitled to a transient license business tax receipt.

It is respectfully requested that this appeal be scheduled pursuant to section 90-431(2) for the next regularly scheduled meeting of the city commission or board of adjustment, as the case may be, or at a mutually agreed upon date. If you should have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Van D. Fischer", with a long horizontal flourish extending to the right.

Van D. Fischer, Esq.  
Attorney for David W. Wolkowsky Living Trust

Attachments (3)

# EXHIBIT A



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 899-3700

May 23, 2019

Trepanier & Associates, Inc.  
Attn: Lori Thompson  
1421 1<sup>st</sup> Street  
Key West, FL 33040

RE: Build-back rights for 717 Duval Street 2 (RE # 00015910-000000)

Dear Ms. Thompson,

This letter is in response to your request regarding build-back rights for the property located at 717 Duval Street - 2 in the Historic Residential Commercial Core - 1 (HRCC-1) zoning district. According to the Monroe County Property Appraiser, the parcel is 2,926.00-square-feet.

A fire occurred at the property in September of 2017, causing substantial damage to the existing structure. The Chief Building Official of Key West ordered the structure be demolished by 5 pm on September 21, 2018.

The property is currently recognized by the City as a property without dwelling units. If the property owner of 717 Duval Street - 2 wishes to replace an unrecognized residential unit, a residential utility account must be established, and an address will be assigned to the unit. The property at 717 Duval Street - 2 will then be classified as a mixed-use property.

Section 122-28, states, in part, that nonconforming residential dwelling units may be replaced at their existing nonconforming density, location, and three-dimensional building envelope. Dwelling units involuntarily destroyed do not need variances to be replaced. If a noncomplying property without dwelling units is involuntarily destroyed, reconstruction or replacement does not require a variance. Moreover, the alleged transient use cannot be confirmed through a buildback letter.

With respect to section 122-28, under no circumstances shall an involuntarily destroyed noncomplying structure be replaced to a degree or level that increases or expands the prior existing noncomplying building or structure.

Please do not hesitate to call or email me with any questions or comments.

Best regards,

A handwritten signature in cursive script that reads "Vanessa Sellers".

Vanessa Sellers  
Planner II

Attachments:  
Property Record Card  
Chapter 122, Article II. Nonconformities

#### Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

#### Summary

Parcel ID 00015910-000000  
 Account# 1016292  
 Property ID 1016292  
 Millage Group 10KW  
 Location Address 717 DUVAL St 2, KEY WEST  
 Legal Description KW PT LOT 4 SQR 2 TR 4 OR593-176 OR611-54 OR611-55 OR822-571/74 OR1742-1461/70  
 OR2939-2395PET/ADM  
 (Note: Not to be used on legal documents.)  
 Neighborhood 32050  
 Property Class COMMERCIAL (1000)  
 Subdivision  
 Sec/Twp/Rng 06/68/25  
 Affordable No  
 Housing



#### Owner

WOLKOWSKY DAVID W LIVING TRUST 7/5/2001  
 C/O KARIN GREENFIELD-SANDERS CO-TRUSTEE  
 116 W SHORE DR  
 Putnam Valley NY 10579

#### Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$30,818	\$154,092	\$167,543	\$174,336
+ Market Misc Value	\$2,136	\$2,136	\$2,136	\$1,857
+ Market Land Value	\$393,693	\$279,960	\$279,016	\$279,016
= Just Market Value	\$426,647	\$436,188	\$448,695	\$455,209
= Total Assessed Value	\$344,205	\$436,188	\$448,695	\$455,209
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$426,647	\$436,188	\$448,695	\$455,209

#### Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL DRY (100D)	2,926.00	Square Foot	0	0

#### Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
BRICK PATIO	1983	Roll Year	1	490 SF	2

#### Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
2/1/1974	\$20,200	Conversion Code		611	55	Q - Qualified	Improved

#### Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
A954219	11/1/1995	12/1/1995	\$1,200		INSTALL 6 SQS V-CRIMP ROO
B954100	11/1/1995	12/1/1995	\$3,000		RME&REPL 600SF METAL ROOF

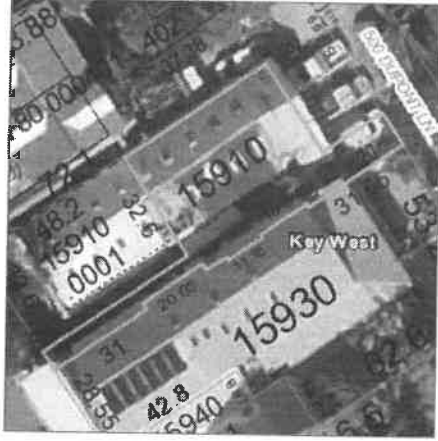
#### View Tax Info

[View Taxes for this Parcel](#)

#### Photos



## Map



## TRIM Notice

Trim Notice

2018 Notices Only

No data available for the following modules: Buildings, Commercial Buildings, Mobile Home Buildings, Exemptions, Sketches (click to enlarge).

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

Last Data Upload: 5/23/2019 5:31:53 AM

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## ARTICLE II. - NONCONFORMITIES<sup>[2]</sup>

### Footnotes:

--- (2) ---

Cross reference— Buildings and building regulations, ch. 14.

Sec. 122-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Acquiring authority* means the governmental entity proposing to acquire private property for a public transportation or other public purpose, pursuant to eminent domain action or by voluntary conveyance. Acquiring authorities include, but are not limited to, Monroe County, the City of Key West, and the Florida Department of Transportation ("FDOT").

*Cure plan* means a site plan submitted by an acquiring authority or a private property owner for a site subject to an eminent domain action or a voluntary conveyance for public transportation or other public purpose. The cure plan shall show proposed changes to structures or other features of the remainder parcel necessary to make the remainder parcel comply with the applicable land development regulations or, comply to the degree feasible.

*Dwelling unit.* See section 86-9.

*Eminent domain action* means one or a series of actions taken by an acquiring authority to obtain fee simple title to all or some part of privately held real property for a public use.

*Eminent domain/public purpose waiver* means authorization from the City of Key West for the continued use and enjoyment of a remainder parcel subsequent to an eminent domain action or a voluntary conveyance for public transportation or other public purpose. An eminent domain/public purpose waiver shall not be issued where the remainder parcel and the existing structures located thereon conform with the applicable zoning district land development regulations as of the date that title transferred to an acquiring authority under an eminent domain action or through a voluntary conveyance.

*Noncomplying building or structure* means any building or other structure, for which the use is lawful (permitted or nonconforming), but the building or other structure does not comply with all applicable sections of the land development regulations, including, but not limited to, size and dimension regulations, off-street parking requirements, landscape requirements, nuisance abatement standards, or height requirements, either on the effective date of the ordinance from which this section derives or as a result of any subsequent amendment.

*Nonconforming density* means the number of dwelling or living units per acre greater than the number allowed by the land development regulations, which were legally established or licensed prior to the effective date of the ordinance from which this section derives.

*Nonconforming use* means a use of a building or structure or a tract of land which does not, on the effective date of the ordinance from which this section derives or amendment thereto, conform to any one of the current permitted uses of the zoning district in which it is located, but which was legally established in accordance with the zoning in effect at the time of its inception or which use predates all zoning codes and which use has not changed or been abandoned. This definition shall not operate to make legal an unlicensed transient rental accommodation located in a residential structure.

*Owner of a remainder parcel* means the owner in fee simple title of a remainder parcel who is a successor in interest to a private property owner's interest in the remainder parcel; or, the owner in fee simple title of a remainder parcel whose title to the remainder parcel is derived from the private property owner or the private property owner's successors in title.

*Parent tract* means the parcel of land that existed prior to an acquiring authority's acquisition of some portion of the parcel through eminent domain action or voluntary conveyance for public transportation or other public purpose.

*Private property owner* means the owner in fee simple title of a parent tract.

*Remainder parcel* means that portion of the parent tract remaining in private ownership following an eminent domain action or a voluntary conveyance for public transportation or other public purpose.

*Voluntary conveyance* means the transfer of title to any portion of a parent tract by the private property owner to an acquiring authority for public transportation or other public purpose in lieu of an eminent domain action.

(Ord. No. 00-10, § 3, 6-6-2000; Ord. No. 12-18, § 1, 7-17-2012)

**Cross reference**— Definitions generally, § 1-2.

Sec. 122-27. - Intent.

The intent of this article is to permit a nonconforming use and a noncomplying structure or building to be continued, to be reconstructed or replaced, or to be repaired or maintained under certain conditions, but not to encourage their expansion. Nonconforming densities may also be continued, reconstructed, replaced, repaired or maintained, although a distinction is made for reconstruction or replacement purposes between transient and permanent residential densities.

(Ord. No. 00-10, § 4, 6-6-2000)

Sec. 122-28. - Replacement or reconstruction.

- (a) *Applicability.* This section applies both to voluntary reconstruction or replacement of dwelling units and involuntary reconstruction or replacement of dwelling units. Nothing in this section is intended to supersede applicable Federal Emergency Management Agency requirements for elevation in flood zones.
- (b) *Dwelling units (residential).* Residential dwelling units may be replaced at their existing nonconforming density, location and three-dimensional building envelope. Dwelling units involuntarily destroyed do not require variances to be reconstructed or replaced. If a voluntary reconstruction or replacement occurs and if the dwelling units exist or existed in a noncomplying building or structure, the reconstruction or replacement that increases the nonconformity of the building or structure shall require a variance granted by the planning board. In a voluntary reconstruction of a structure on a corner lot, the property owner must apply to the planning board for all necessary setback variances. All noncomplying accessory structures to the principal building or structure (e.g., a shed, pool, fence, etc., but not including a condominium clubhouse) shall also require a variance in order to be enlarged, reconstructed or replaced, either voluntarily or involuntarily. If a proposed reconstruction or replacement would not otherwise require a variance but would add a new building or structure to the site to accommodate allowed density, a variance shall be required for the additional building or structure. A residential building in which one or more units hold a residential transient use business tax receipt shall be deemed residential for the purposes of this section. Variances which would increase density or intensity beyond that maximum allowed on the particular property or lot by the land development regulations shall be prohibited.
- (c) *Dwelling units (transient).* Transient dwelling units may be replaced at their existing nonconforming density so long as the reconstruction or replacement complies with all zoning district regulations, review procedures and performance criteria contained in the land development regulations. No variances shall be granted to accommodate such reconstruction or replacement; provided, however,



that a variance may be granted to setbacks only if existing setback regulations would create undue hardship.

- (d) *Properties without dwelling units.* For a proposed reconstruction or replacement of a property without dwelling units, where that property is either a nonconforming use or a noncomplying building or structure, (i) if the property is involuntarily destroyed, reconstruction or replacement does not require a variance; and (ii) if voluntarily destroyed to the extent that reconstruction or replacement would exceed 50 percent of the property's appraised or assessed value, the applicant must apply to the planning board for a variance.
- (e) *Mixed use properties.* If a property contains both a dwelling unit and a commercial use, its reconstruction or replacement shall be governed, separately, under each applicable subsection set forth in this section.
- (f) *Historic district.* Notwithstanding any other subsection contained in this section, if a noncomplying building or structure is a contributing building or structure according to the historic architectural review commission (HARC) and it is involuntarily destroyed, such building or structure may be reconstructed or replaced without a variance so long as it is to be rebuilt in the three-dimensional footprint of the original building and built in the historic vernacular as approved by the historic architectural review commission.
- (g) *Miscellaneous.* With respect to subsections (a) through (f) of this section, the development review committee and the planning board, in evaluating petitions for variance, shall balance the need to protect life and property with the need to preserve the economic base of the community. Under no circumstances shall a voluntarily or involuntarily destroyed nonconforming use or noncomplying building or structure be replaced to a degree or level that increases or expands the prior existing nonconforming use or noncomplying building or structure.

(Ord. No. 00-10, § 5, 6-6-2000; Res. No. 06-292, § 1, 9-6-2006; Ord. No. 08-04, § 24, 5-20-2008; Ord. No. 13-18, § 3, 10-16-2013)

Sec. 122-29. - Repairs and maintenance.

- (a) *Generally.* Any building or structure devoted in whole or in part to a nonconforming density or nonconforming use may be repaired and maintained as provided in this section. If repair or maintenance shall exceed the criteria set forth in this section, renovation of the building or structure shall be governed by section 122-28.
- (b) *Residential or transient dwelling units.* For residential or transient dwelling units, work may be done in any period of 12 consecutive months for repairs and maintenance to an extent not exceeding 66 percent of the current assessed or appraised value.
- (c) *Property without dwelling units or mixed use (commercial).* For property without dwelling units or mixed use (commercial), work may be done in any period for 12 consecutive months on ordinary repairs and maintenance to an extent not exceeding 50 percent of the current assessed or appraised value.

(Ord. No. 00-10, § 6, 6-6-2000)

Sec. 122-30. - Abandonment of nonconforming use.

If a nonconforming use ceases, except when government action impedes access to the premises, any and every future use of the building or structure and/or premises shall be in conformity with the use sections of the land development regulations. All material and equipment associated with the abandoned nonconforming use shall be completely removed from the premises by its owner. No new structure or addition that does not conform to the requirements of this article shall be erected in connection with such nonconforming use. A nonconforming use shall be considered abandoned when such use has ceased for

a period of 24 months. If a dispute occurs with the city about whether a use has been abandoned, the owner shall be entitled to a hearing before the planning board.

(Ord. No. 00-10, § 7, 6-6-2000; Ord. No. 08-04, § 25, 5-20-2008)

Sec. 122-31. - Noncomplying lots or building sites of record.

- (a) In any district in which single-family dwellings are allowed, a single-family dwelling and customary accessory buildings may be erected on any legal nonconforming single lot that is in existence on January 1, 1994, and that is in different ownership from the adjoining property. This subsection shall apply even though such lot fails to meet the requirements for area, depth or width, provided that all other zoning requirements shall apply.
- (b) If two or more adjoining lots or portions of lots in single ownership on January 1, 1994, do not meet the requirements for building site width, depth and area as established by this article, the land involved shall be considered to be an undivided parcel, and no portion of the parcel shall be used or sold that does not meet building site width, depth and area requirements, nor shall any division of the parcel be made that leaves remaining any lot with substandard width, depth, area, parking, open space or stormwater retention. Notwithstanding anything to the contrary in this subsection, two or more adjoining lots or building sites shall not be considered to be an undivided parcel, and may be sold or used for single-family dwellings, if allowed by applicable district regulations, so long as each lot or building site is at least 75 percent of the minimum lot size of the applicable district regulations and is not otherwise required to provide required parking for the adjacent parcel.

(Ord. No. 00-10, § 8, 6-6-2000)

Sec. 122-32. - Additional regulations.

- (a) A nonconforming use, nonconforming density or a noncomplying building or structure may be continued, subject to this article.
- (b) A casual, intermittent, temporary or illegal use of land, building or structure shall not be sufficient to establish the existence of a nonconforming use, nonconforming density or noncomplying building or structure.
- (c) Should any noncomplying building or structure be moved for any reason from its location, it shall thereafter conform to the regulations or the zoning district of its new location.
- (d) 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.
- (e) A nonconforming use of a building or structure may be changed to another nonconforming use if the planning board finds that:
  - (1) The new use is equally or more appropriate to the zoning district; and
  - (2) The change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage.
- (f) This article shall apply to signs, consistent with chapter 114.
- (g) Enlargement and extensions: Nonconforming structures which are used in a manner conforming to the provisions of this chapter may be enlarged or expanded provided that the existing nonconformity is not further increased, nor any new nonconformity created.

(Ord. No. 00-10, § 9, 6-6-2000; Ord. No. 08-04, § 26, 5-20-2008; Ord. No. 13-18, § 4, 10-16-2013)

Sec. 122-33. - Eminent domain/public purpose waiver.

An eminent domain/public purpose waiver is intended to provide private property owners and owners of remainder parcels a viable and fair alternative to the adverse impact on their real property, as a result of an eminent domain action or voluntary conveyance to an acquiring authority. It allows the continued use of the remainder parcel in a manner similar to its pre-acquisition, pre-taking, or pre-conveyance condition. Waivers provided pursuant to this section 122-33 can be obtained for nonconforming lots and structures. Waivers cannot be granted for nonconforming uses.

(a) Applicability.

- (1) Vacant parcels, whether conforming or nonconforming lots, shall be eligible for an eminent domain/public purpose waiver from land development regulations including, but not limited to, minimum lot size, setbacks, parking, open space, pervious versus impervious area, density, floor area ratios, landscaping and landscape buffers, and signage setbacks, pursuant to sections 122-33(c), (d), and (e).
- (2) Developed parcels. Where an eminent domain action or voluntary conveyance for public transportation or other public purpose reduces the lot size and creates a nonconforming remainder parcel but does not require the relocation of site features, said parcel shall be eligible for an eminent domain/public purpose waiver from land development regulations including, but not limited to, minimum lot size, setbacks, parking, open space, pervious versus impervious area, floor area ratios, density, landscaping and landscape buffers, and signage setbacks, pursuant to sections 122-33(c), (d) and (e).
- (3) Developed parcels. Where an eminent domain action or voluntary conveyance for public transportation or other public purpose requires the relocation of site features including, but not limited to, buildings, parking spaces, landscaping, stormwater facilities, dumpsters, light poles and signs, such a parcel shall be eligible for an eminent domain/public purpose waiver, pursuant to sections 122-33(c) and (e).

- (b) An acquiring authority, a private property owner, and an owner of a remainder parcel are each hereby granted the authority to apply for a waiver from the land development regulations on a remainder parcel that has resulted or will result from an eminent domain action or voluntary conveyance for public transportation or other public purpose. The application may be made prior to or after the acquiring authority has obtained title to some part of the parent tract. The city planner shall have authority to grant eminent domain/public purpose waivers pursuant to sections 122-33(c), (d) and (e).

- (c) Procedure for an acquiring authority or private property owner to apply for an eminent domain/public purpose waiver.

- (1) An acquiring authority or a private property owner may apply in writing to the city planner for a waiver pursuant to sections 122-33(c) and (e). The applicable fee, established by resolution, shall be submitted with the following documents:
  - a. An as-built drawing of the parent tract and a legal description of the portion to be acquired by or transferred to the acquiring authority and the remainder parcel shall be submitted for those circumstances described in sections 122-33(a)(1), (2) and (3) above. The as-built drawing must show the parent tract and the remainder parcel with the proposed changes to the site including, but not limited to, buildings, parking, landscaping, stormwater facilities, topographic data and adjacent right-of-way; and
  - b. A site plan (a cure plan as defined herein) showing the parent tract and the remainder parcel with the proposed changes to the site including, but not limited to, buildings, parking, landscaping, stormwater facilities, topographic data and adjacent right-of-

way. Submittal of a cure plan shall not be necessary on a vacant parcel but shall be required for those parcels described in section 122-33(a)(3) above.

- (2) If an application for a waiver is submitted by an acquiring authority, the private property owner shall be notified via certified mail (return receipt requested) by the city planner within ten days of the application submittal date. Likewise if the private property owner applies for a waiver, the acquiring authority shall be notified via certified mail (return receipt requested) by the city planner within ten days of the application submittal date.
  - (3) The city planner shall grant or deny a waiver pursuant to section 122-33(c) in accordance with the standards set forth in section 122-33(e) below. A certified letter (return receipt requested) shall be issued within 30 days to the acquiring authority and the private property owner following the decision. The private property owner shall not be required to accept the waiver or implement a cure plan, as approved by the city planner.
- (d) Procedure for an owner of a remainder parcel to apply for an eminent domain/public purpose waiver.
- (1) An owner of a remainder parcel may apply in writing to the city planner for a waiver pursuant to sections 122-33(d) and (e). The applicable fee, established by resolution, shall be submitted with the following documents:
    - a. An as-built drawing depicting the remainder parcel and that portion of the parent tract previously acquired by or transferred to the acquiring authority following an eminent domain action or as a result of a voluntary conveyance shall be submitted for those circumstances described in section 122-33(a)(1) and (2) above; and
    - b. A certified copy of the recorded document evidencing the acquiring authority's acquisition of a portion of the parent tract following an eminent domain action or a certified copy of the deed of conveyance wherein the private property owner conveyed a portion of the parent tract to the acquiring authority as a result of a voluntary conveyance for public transportation or other public purpose.
  - (2) The city planner shall grant or deny a waiver pursuant to section 122-33(d) in accordance with the standards set forth in section 122-22(e) below. A certified letter (return receipt requested) shall be issued within 30 days to the owner of a remainder parcel following the decision.
- (e) Standards for issuance of eminent domain/public purpose waivers.
- (1) If an existing lot, parcel or structure becomes nonconforming (or an existing nonconformity becomes less conforming) as a result of a voluntary conveyance to an acquiring authority or an eminent domain action, a waiver may be granted by the city planner, provided a determination is made by the city planner that:
    - a. The requested waiver will not adversely affect safety, aesthetic or environmental conditions of neighboring properties; and
    - b. The requested waiver shall not adversely affect the safety of pedestrians or operations of motor vehicles; and
    - c. The requested waiver will not encourage or promote the continuation of existing uses of the property which have been or will be rendered unfeasible or impractical due to the impacts of the taking, conveyance, and/or construction of the roadway or other facility including, but not limited to, aesthetic, visual noise, dust, vibration safety, land use compatibility, environmental or other impacts.

(Ord. No. 12-18, § 2, 7-17-2012)

Sec. 122-34. - Status of parcels during or after acquisition by eminent domain action or voluntary conveyance for public transportation or other public purpose.

- (a) Where a waiver is issued pursuant to section 122-33(c) and (d), the waiver shall become effective and the remainder parcel shall be considered compliant to the degree feasible after an acquiring authority takes title to any portion of real property subject to an eminent domain action or voluntary conveyance for public transportation or other public purpose.
- (b) Where a private property owner accepts a waiver on a remainder parcel that was also a vacant parcel or where no cure plan was necessary, the waiver shall remain valid and applicable to the remainder parcel indefinitely. However, future site plan and building permit approvals shall comply with all provisions in the land development regulations except those listed in the waiver.
- (c) Where a private property owner accepts a waiver based upon a cure plan, the physical changes to the remainder parcel, specified in the cure plan, shall occur within two years of the waiver and cure plan being approved. Future site plan and building permit approvals shall comply with all provisions in the land development regulations except those listed in the waiver.
- (d) Waivers issued pursuant to this section may be appealed in the manner provided for appeals of administrative interpretations of the city planner pursuant to section 90-430.
- (e) The city planner shall cause waivers issued pursuant to this section to be filed with the city clerk and recorded in the public records of Monroe County no later than 30 days from the effective date of the waiver.
- (f) The provisions of sections 122-33(c), (d), and (e) shall not be interpreted to allow for the continued existence of building or safety code violations that are determined to be an immediate threat to the public health, safety or welfare.
- (g) The appropriate city staff are hereby authorized to take any necessary steps to enforce all applicable building and safety codes though the subject property is part of a pending governmental acquisition.

(Ord. No. 12-18, § 3, 7-17-2012)

Secs. 122-35—122-60. - Reserved.

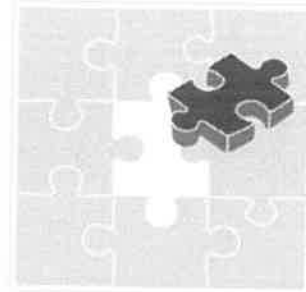
# EXHIBIT B

January 23, 2019

Mr. Patrick Wright, Planning Director  
City of Key West  
1300 White Street  
Key West, FL 33040

**RE: Build Back Letter Request – 717 Duval Street #2**  
**RE# 00015910-000000**

TREPANIER



& ASSOCIATES INC.  
LAND USE PLANNING  
DEVELOPMENT CONSULTANTS

Dear Mr. Wright,

This is a request for a Build-Back Letter recognizing the bundle of property rights associated with 717 Duval Street #2. The following is an analysis of the available records obtained by Trepanier & Associates.

We request recognition of the following rights pursuant to Key West Code, that can be rebuilt on the property:

Commercial Floor Area	1,303 sq. ft.
BPAS-Exempt Transient Residential Units	1 unit



#### Background:

717 Duval Street has been historically mixed-use<sup>1</sup> and was a single (35ft x 116ft) parcel<sup>2</sup> prior to a subdivision which occurred in 1990<sup>3</sup>. The subdivision created two lots (front and rear). This Request for a Build-Back Letter is for the rear lot identified as 717 Duval, #2 (a.k.a. 717 Duval, Rear) RE# 00015910-000000.

According to the 1926 Sanborn Fire Insurance Map<sup>4</sup>, the original building was used commercially with a front facade set back from the public right-of-way, much like it sits today, but with a one-story porch or addition that extended to the property line. Notes on the Monroe County Property Appraiser's historic property record card documents the commercial use in the 1960's as well as the demolition of the front 10 feet of the structure in the 1970's and the property subdivision in 1990. City records confirm the "false front" was removed in 1974.<sup>5</sup> Photos from that time period illustrate the condition of the structure.<sup>6</sup>

<sup>1</sup> "City Approvals/Documents" table below

<sup>2</sup> Exhibit A, Historic Property Card

<sup>3</sup> Exhibit A, Historic Property Card

<sup>4</sup> Exhibit B, 1926 Sanborn

<sup>5</sup> Exhibit C, Building permit B-5549 dated 9/20/74

<sup>6</sup> Exhibit D, photo

The property was used residentially in the 1970s, 1980's and 1990s as evidenced by a 1975 city directory listing<sup>7</sup>, 1988 building permit<sup>8</sup>, 1991 certificate of occupancy (C.O.)<sup>9</sup> and 1992 property record card<sup>10</sup>. The property's transient use is documented by the 1975 city directory, 1988 check payment,<sup>11</sup> 1996 city licensing<sup>12</sup> and affidavits<sup>13</sup>.

In September 2017, the structure was significantly damaged by fire and declared unsafe by the City Building Official. A build back determination letter<sup>14</sup> was received on August 6, 2018 which recognized the commercial use of the building but did not recognize the transient residential dwelling unit. This request is to provide the City with the documentation verifying the existence of that dwelling unit that was not provided by the previous request made by Meridian Engineering.



As mentioned previously and part of the documentation provided herein, the property received a residential C.O. from the City in 1991 for renovations to add a loft apartment. The City issued the property a second C.O.<sup>15</sup> the following year to create commercial space on the first floor. The loft apartment remained in residential use until the recent fire<sup>16</sup>.

#### Chronological History of Use:

DATE	USE	EVENT/DOCUMENTATION
1926	Commercial	Original commercial structure appears on Sanborn <sup>17</sup>
1960s	Commercial	Historic property card <sup>18</sup>
1975	Residential	Property used transiently <sup>19</sup>
1988	Residential	Demolition of 900 sf of residential <sup>20</sup>
1990	Residential	Bldg permit approved for renovations & addition of loft apartment <sup>21</sup>
1990	Residential	Impact fees paid for apartment addition <sup>22</sup>
1990	Residential	DEO approves residential renovations <sup>23</sup>
1991	Residential	Certificate of Occupancy - Residence <sup>24</sup>

<sup>7</sup> Exhibit E, City Directory, 1975

<sup>8</sup> Exhibit H, 1988 building permit

<sup>9</sup> Exhibit N, 1991 CO

<sup>10</sup> Exhibit O, 1992 Prop record card

<sup>11</sup> Exhibit W, Transient rental payment

<sup>12</sup> Exhibit R, City BTR

<sup>13</sup> Exhibits S & T, Affidavits

<sup>14</sup> Exhibit G, Buildback determination

<sup>15</sup> Exhibit Q, Certificate of Occupancy

<sup>16</sup> Exhibit F, Age of Structure Report

<sup>17</sup> Exhibit B, 1926 Sanborn

<sup>18</sup> Exhibit A, Historic Property Card

<sup>19</sup> Exhibit E, City Directory listing

<sup>20</sup> Exhibit H, 1988 Building Permit

<sup>21</sup> Exhibit L, 1990 Building Permit

<sup>22</sup> Exhibit K, Impact fee statement

<sup>23</sup> Exhibit M, DEO Letter

<sup>24</sup> Exhibit N, Certificate of Occupancy



1992	Residential	Property Record Card <sup>25</sup>
1992	Commercial	Certificate of Occupancy - Commercial <sup>26</sup>
1996	Residential	Transient license #1206 <sup>27</sup>
2017	Comm/Res	Fire substantially damaged structure <sup>28</sup>

**Site Information:**

Number & Type of Units	Sq. Ft. / No. of Units
Commercial Floor Area	1,303 sq. ft.
Historic Residential Density <sup>29</sup>	2 units
BPAS-Exempt Residential Units	1 unit

Site Data	Existing
FLUM	Historic Commercial
Zoning	HRCC-1
FEMA	X Flood zone
Height	<30 ft
Site Size	2,926 sq. ft.
Density	1 unit
Floor Area Ratio Total	1.0
Building Coverage	50%
Impervious Surface	~100%
Open Space (Mixed use)	~0%
Landscape	~0%
Setback – Front	0 ft.
Setback – Side	2.5 ft.
Setback – Rear	10 ft.
Consumption Area	0 sq. ft.

**City Approvals/Residential Documentation:**

Document	Date	Notes	Exhibit
City Directory	1975	Shows 2 transiently used residential units	E
Building Permit approval	12/14/1988	Demolition approval for residential structure	H
Building Permit approval	05/21/1990	Commercial electrical permit #E-12984	I
City Plan Review	06/21/1990	Commercial renovation of first floor	J
Impact Fee	06/22/1990	Residential Studio Apt.	K
Building Permit approval	07/12/1990	Purpose of Building: Residence #B-017033	L
DEO Letter	07/13/1990	No appeal	M
Certificate of Occupancy	04/29/1991	Residence Renovations – #B-017033	N
Property Record Card	1992	Single residence	O
City Memo	09/01/1992	Request to return to commercial use.	P
Certificate of Occupancy	08/14/1992	Rear-Commercial – no sq. footage declared	Q
Transient License	03/03/1996	One transient rental unit	R
Code case	08/09/2007	Complaint that there are living quarters behind Key west Hammock	S

<sup>25</sup> Exhibit O, 1992 prop card

<sup>26</sup> Exhibit Q, Certificate of Occupancy

<sup>27</sup> Exhibit R, Business Tax Receipt

<sup>28</sup> Exhibit V, Key West Citizen news article

<sup>29</sup> Exhibit E, City Directory

Signed Affidavit Wolkowsky	05/29/2018	Apartment was used transiently	T
Signed Affidavit Ashwell	05/24/2018	Apartment was used transiently	U
Age of Structure	05/27/2018	The existing unit existed on, or about April 1, 2010	F

**Analysis:**

Property Dimensions – According to the Property Appraisers office this property was split in 1990 from a larger parcel that measured 35' x 116'. The current irregularly shaped parcel is the rear portion of the original lot that consists of a total of 2,926 sq. ft. of which 1,303 sq. ft. is commercial floor area.

Commercial Floor Area – According to the Monroe County Property Appraiser property card, there was 1,303 sq. ft. of commercial floor area. The 344 sq. feet of floor area located in the finished half story was the transient residential unit.

Residential Units – According to City of Key West records, a residential unit has existed at 717 Duval (#2/ rear) since 1991. Building permits were approved, DEO reviewed and cleared, Impact fees paid, a transient license and a Certificate of Occupancy were all issued for the unit located in the half-story.

Historic Residential Density - According to the Monroe County Property Appraiser's Property Record Card, Comprehensive Plan Policy 1-1.10.3<sup>1</sup> protects historic residential density in historic structures. As mentioned previously in this application, this property has a history of residential use dating back to the 1970s.

BPAS-Exempt Units - According to the City of Key West records, impact fees were paid for one 1-bedroom apartment in 1990 and subsequently was issued a transient license for the 1996 licensing year. Evidence is provided herewith that the units existed on or about April 1, 2010.

**Conclusions:**

It is the conclusion of Trepanier & Associates that the current bundle of property rights includes 1,303 sq. ft. of commercial floor area and one BPAS exempt transient residential unit.

Number & Type of Units	Sq. Ft. / No. of Units
Commercial Floor Area	1,303 sq. ft.
BPAS-Exempt Transient Residential Units	1 unit

Best Regards,



Lori Thompson  
Project Manager


<sup>1</sup> **Comprehension Plan Policy 1-1.10.3: Retention of Historic Character and All Permanent Single-Family Housing Units.** The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect the entire City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal lot of record.

---

Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.



# Exhibit A



11

12

13

14

SCALE 1" = 10'

PLANNED BY

CLASSIFIED BY

CARD

PLOTTED

REASON

CONSTRUCTION DATA

IMPROVEMENT	1	2	3	4	5	6
TYPE OF STRUCTURE	Unfinished					
	Wt. or Cell Rels.					
	Wallboard					
	Plaster, M. Furring					
	Plaster, Parting					
YEAR BUILT	Drywall					
	Wood Panel					
	Steel					
	Single Ply					
	Concrete					
FOUNDATIONS	Cont. Appl. Tile					
	Cont. Terrazzo					
	Double Ply					
	Double Mclelland					
	Precast Conc					
ADJUSTMENTS	Perpetual					
	Cont. Q. Tile					
	Cont. Car. Tile					
	Marble					
	None					
EXTERIOR WALLS	None					
	Unit Heat					
	Chim. Heating					
	Chim. Cooling					
	Chim. Cool. & Heat					
ROOF TYPE	None					
	Flat					
	Average					
	Good					
	CLASS B SCALE					
ROOF MATERIAL	CLASS C SCALE					
	CLASS D SCALE					
	CLASS E SCALE					
	CLASS F SCALE					
	CLASS G SCALE					
ADJUSTMENTS	None					
	Unit Heat					
	Chim. Heating					
	Chim. Cooling					
	Chim. Cool. & Heat					
ROOF TYPE	None					
	Flat					
	Average					
	Good					
	CLASS B SCALE					
ROOF MATERIAL	CLASS C SCALE					
	CLASS D SCALE					
	CLASS E SCALE					
	CLASS F SCALE					
	CLASS G SCALE					
ADJUSTMENTS	None					
	Unit Heat					
	Chim. Heating					
	Chim. Cooling					
	Chim. Cool. & Heat					
ROOF TYPE	None					
	Flat					
	Average					
	Good					
	CLASS B SCALE					
ROOF MATERIAL	CLASS C SCALE					
	CLASS D SCALE					
	CLASS E SCALE					
	CLASS F SCALE					
	CLASS G SCALE					
ADJUSTMENTS	None					
	Unit Heat					
	Chim. Heating					
	Chim. Cooling					
	Chim. Cool. & Heat					
ROOF TYPE	None					
	Flat					
	Average					
	Good					
	CLASS B SCALE					
ROOF MATERIAL	CLASS C SCALE					
	CLASS D SCALE					
	CLASS E SCALE					
	CLASS F SCALE					
	CLASS G SCALE					
ADJUSTMENTS	None					
	Unit Heat					
	Chim. Heating					

[illegible]

C.T

© 2000 Blackwell Science Ltd

2

*D*



725

6/L

111

5

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24

2

100

4

100

Chem.

2017

15

D

11

504  
1 D

105



## CITY OF KEY WEST

## APPLICATION FOR BUILDING MIT

FOR OFFICE USE ONLY

This application is subject to the Building Ordinance and all other Ordinances of the City of Key West, Laws of the State of Florida and Rules and Regulations of the Building Division applicable thereto. A copy of approved plans and specifications must be kept at building site during progress of the work. All employers of labor are subject to the provisions of the Florida Workmen's Compensation Act.

Applicant shall complete the following:

OWNER C. Walsh & WalkowOWNER'S ADDRESS 717 Duval St.CONTRACTOR owner

CONTRACTOR'S ADDRESS \_\_\_\_\_

ARCHITECT OR ENGINEER \_\_\_\_\_

ARCHITECT'S OR ENGINEER'S ADDRESS \_\_\_\_\_

PURPOSE OF BUILDING \_\_\_\_\_

NATURE OF WORK Replace walls where neededReplacing windows & doors& to remove false front.

APPLICANT'S SIGNATURE \_\_\_\_\_

BY \_\_\_\_\_

PERMIT NUMBER

B- 5549

DATE ISSUED

9/20/74

TOTAL FEE \$

13.00

BY

D. Fraza

BUILDING GROUP

BUILDING TYPE

APPROVALS

DATE

ZONING

RESOLUTION

SEWER

LINE

GRADE

STRUCTURAL

ELECTRICAL

PLUMBING

FIRE

PREVENTION

MECHANICAL

STATE HOTEL

PERMIT #

STATE HEALTH

DEPARTMENT

NEW BUILDING	SQ. FT.	COST \$	FEE \$
ADDITION	SQ. FT.	COST \$	FEE \$
REMODELING		COST \$ 1,500	FEE \$ 13.00
REPAIRS		COST \$	FEE \$
PATIO	SQ. FT.	COST \$	FEE \$
SWIMMING POOL	GALLONAGE	COST \$	FEE \$
CONSTRUCTION: C.B.S. <input type="checkbox"/> FRAME <input type="checkbox"/> OTHER <input type="checkbox"/>			
TYPE COMPOSITION <input type="checkbox"/>			
ROOF: TILE <input type="checkbox"/> PLUMBING YES <input type="checkbox"/> NO <input type="checkbox"/> ELECTRICAL YES <input type="checkbox"/> NO <input type="checkbox"/>			

LOT SIZE X

NUMBER OF PARKING SPACES REQUIRED

APPROVED

REAR

FRONT

This space represents the lot: Indicate the building in space showing the distance from lot lines and other buildings.

## INSPECTIONS

Inspector's Name

DATE

COMMENTS

FOUNDATION

FOUNDATION WALL CAP

GRADE BEAM

FLOOR SLAB

LINTEL

COLUMNS

TIE BEAMS

FRAMING

LATHING

PARAPET - CAP OR BRAKE

ROOFING - TIN CAPS

ROOFING - FINISH

OFFSTREET PARKING

FINAL

C.O. ISSUED

45960 2374

13.00

Exhibit C

JOB ADDRESS

BLOCK

SUBDIVISION

APP.

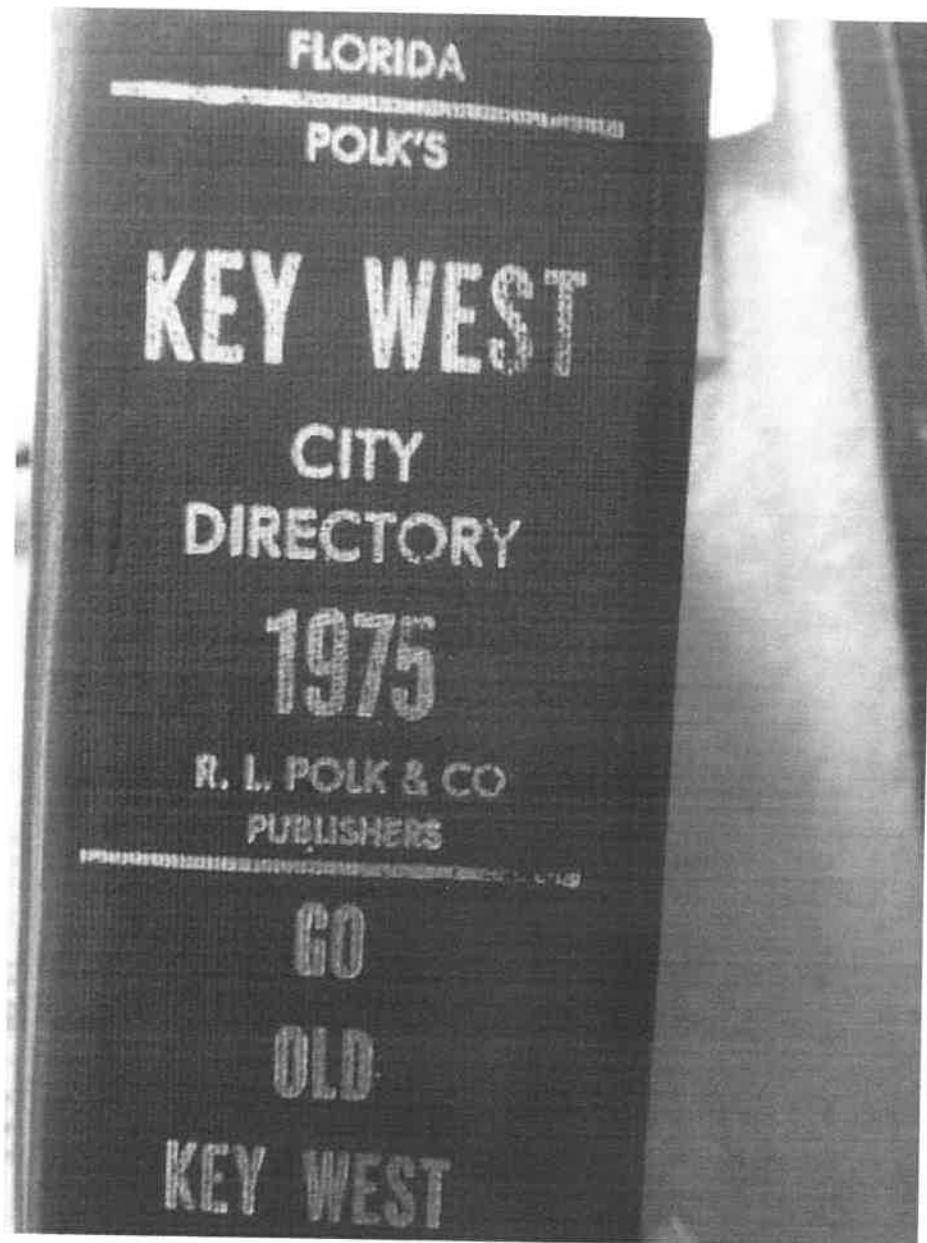
INSPECTOR'S COPY

# Exhibit D





# Exhibit E



# Exhibit E

42

## DUVAL ST—Contd

613 \* Riccardi Jack  
 613½ Little Dipper Ice Cream Co  
 615 Royal Standard Pub Of Key  
 West night club  
 Rear Greyhound Lines East  
 296-9072  
 616 Vacant  
 617 Swift's Electronics Serv  
 Center 294-4442  
 618 Vacant  
 St Gordon Bruce R 296-8093  
 619 Key West Photographic  
 Gallery  
 620 Vacant  
 621 Cloud Crafts  
 \* Maes David  
 622 Put On Shirt 296-9962  
 623 Monroe Theatre 294-3511  
 624 Vacant (4 Hses 524-27¼)  
 ANGELA ST INTERSECTS  
 700 Vacant  
 703½ Cafe Express  
 705 Boatwright String Instrument  
 Repair  
 705½ Rain Day Sound Studio  
 recording 294-3661  
 706 Vacant  
 707 Consolidated Elec Sup  
 (Showrm)  
 709 Vacant  
 710 Five 6666's Cab Co 296-6666  
 711 Vacant  
 716 State Div Of Family Servs  
 (food stamp ofc) 294-6569  
 Rear Transient  
 717 Vacant  
 1 Transient (Apts 1-2)  
 718 Agrela Sergio  
 Transient

728 Sosin Georgina H Ma  
 296-9534  
 730 Vacant  
 731 Monsalvatge Cigar &  
 Co whol 296-6543  
 PETRONIA ST INTERSECTS  
 800 Vacant  
 802a Vacant (2 Hses 802a)  
 806 Esquinaldo Photo Studio  
 Esquinaldo Villiers  
 808 Perez Apartments  
 3 Estrada Felix  
 4 \* Russell Henry  
 6 Russell Frank  
 7 Alvarez Recs 296-6666  
 8 \* Brougugton Mike  
 810 Apartments  
 1 \* Hutchinson Edw E  
 2 \* Garvin Pat  
 4 \* Claro Felix  
 5 Russell Henry  
 812 Snyder Sylvan  
 812½ Lake Rose  
 813 Transients  
 815 \* Higgs Harriet 296-6666  
 816 Valle Felix  
 817 \* Palk Ernest  
 821 \* Macrudo Miguel  
 825 Dion Appliances & Rep  
 296-2400  
 826 Goodwin Industries 296-6666  
 Apartments  
 1 Transient  
 2 \* Mick Maria L & 296-6666  
 3 \* Transient 296-6666  
 826½ Transient  
 828 Dunlap 296-6666  
 828½ Parker Wm 296-6666  
 1 Vacant  
 OLIVIA ST INTERSECTS  
 829 Goodwin Industries 296-6666  
 829½ 296-6666

# Exhibit F

## AGE OF STRUCTURE AND ASSOCIATED IMPROVEMENTS REPORT

I, Brian McKendry McKendry Builders Inc. swear/affirm the following to be true and correct to the best of my knowledge:

1. I am a Licensed Florida General Contractor (License No. CGC1505150).

2. I inspected the structure, the unit and the unit's associated improvements

at 717 Duval St Key West FL 33040 on 12/23/18.

3. Based on my professional experience and knowledge, it is my opinion that the existing unit(s) existed on, or about April 1, 2010;

4. I currently have no monetary interest in the property.

Brian McKendry 5/27/18  
Signature Date

Subscribed and sworn to (or affirmed) before me on 5/27/18 (date) by Brian McKendry (name of affiant), he/she is personally known to me or has presented as identification.

Marisa H. Compton  
Notary Signature and Seal  
Marisa H. Compton  
My Commission GG 197118  
Expires 03/15/2022  
Acknowledged printed or stamped

Name of

Title or Rank

Commission

CGC 197118  
Number, if any



# Exhibit G

## THE CITY OF KEY WEST

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

August 6, 2018

Meridian Engineering  
Attn: Rick Milelli  
201 Front Street  
Suite 207  
Key West, FL 33040

RE: Build-back rights for 717 Duval Street (RE # 00015910-000100) and 717 Duval Street 2 (RE # 00015910-000000)

Dear Mr. Milelli,

This letter is in response to your request regarding build-back rights for the properties located at 717 Duval Street and 717 Duval Street - 2 in the Historic Residential Commercial Core - 1 (HRCC-1) zoning district. According to the Monroe County Property Appraiser, the two parcels total 4,497.00 square feet when combined.

A fire occurred at the properties in September of 2017, causing substantial damage to the existing structure. The Chief Building Official of Key West ordered the structure be demolished by 5 pm on September 21, 2018.

Both properties are recognized by the City as properties without dwelling units. If the property owner of 717 Duval Street - 2 wishes to replace an unrecognized residential unit, a residential utility account must be established, and an address will be assigned to the unit. The property at 717 Duval Street - 2 will then be classified as a mixed-use property.

Section 122-28, states, in part, that nonconforming residential dwelling units may be replaced at their existing nonconforming density, location, and three-dimensional building envelope. Dwelling units involuntarily destroyed do not need variances to be replaced. If a noncomplying property without dwelling units is involuntarily destroyed, reconstruction or replacement does not require a variance.

With respect to section 122-28, under no circumstances shall an involuntarily destroyed noncomplying structure be replaced to a degree or level that increases or expands the prior existing noncomplying building or structure.

Please do not hesitate to call or email me with any questions or comments.

Best regards,

A handwritten signature in dark ink, appearing to read "Vanessa Sellers".

Vanessa Sellers  
Planner I

# CITY OF KEY WEST, FLORIDA

APPLICATION FOR ROOFING, SLAB, PAVING,  
FENCE, DEMOLITION, AWNING, SIGN, SHEET  
METAL AND MISCELLANEOUS PERMIT

This application is subject to the Building Ordinance and all other Ordinances of the City of Key West, Laws of the State of Florida and Rules and Regulations of the Building Division applicable thereto. A copy of approved plans and specifications must be kept at building site during progress of the work. All employers of labor are subject to the provisions of the Florida Workmen's Compensation Act.

Applicant shall complete the following:

OWNER David Welkowsky

OWNER'S ADDRESS 717 Duval

CONTRACTOR John Etmanczyk

CONTRACTOR'S ADDRESS Box 486

ARCHITECT OR ENGINEER

ARCHITECT'S OR ENGINEER'S ADDRESS

PURPOSE OF BUILDING Residence

NATURE OF WORK demo. wooden

add 900 sq ft

APPLICANT'S SIGNATURE

BY [Signature]

FOR OFFICE USE ONLY

## Exhibit H

PERMIT NUMBER **M- 012963**

DATE ISSUED 12-14-88 TOTAL FEE \$ 135.00

BY JMBolavio

BUILDING GROUP BUILDING TYPE

APPROVALS DATE

ZONING

RESOLUTION

SEWER

LINE GRADE

STRUCTURAL

ELECTRICAL

PLUMBING

FIRE PREVENTION

MECHANICAL

STATE HOTEL PERMIT #

STATE HEALTH DEPARTMENT

JOB ADDRESS

LOT

BLOCK

SUBDIVISION

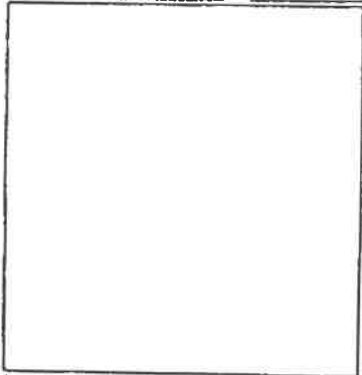
717 Duval St.  
File 11-2039-88

APP.

ROOFING: SQ.	TYPE	COST	FEE
SLAB OR PAVING: SQ.			
FENCE OR WALLS: CONST.	HI LF		
DEMOLITION: SQ. FT.	HI L	2,000.-	135.00
AWNING: CONST.	SIZE		
S TYPE	ELECTRICAL - YES <input type="checkbox"/> NO <input type="checkbox"/>		
I SIZE	SQ. FT. SF <input type="checkbox"/> DF <input type="checkbox"/>		
G CONSTRUCTION:			
N			
SHEET METAL			
MISC.			

0034 1 01039743 REVE 12/14/88 11:48  
GENERAL REVENUE FUND M012963  
NAME: JOHN ETMANCZYK CK7509  
002 PERMITS 322-100 133.00

LOT SIZE \_\_\_\_\_ X \_\_\_\_\_



This space represents the lot. Indicate the building in space showing the distance from lot lines and other buildings.

INSPECTION	INSPECTOR	DATE	COMMENTS
			<u>Complete</u>
			<u>LO 8/2/90</u>

## CITY OF KEY WEST

## BUILDING DEPARTMENT

BOX 1550 525 ANGELA STREET KEY WEST, FLA.

## ELECTRICAL PERMIT APPLICATION

## JOB DATA

TYPE	NUMBER	FEE
1. a OUTLETS 1ST 3 b OUTLETS ROUGH WIRING EACH ADDITIONAL	94	\$47.00
2. a RANGES b OVENS, RANGE TOPS		
3. WATER HEATERS		
4. REFRIGERATORS		
5. DRYERS		
6. CLOTHES WASHERS		
7. DISHWASHERS		
8. DISPOSALS		
9. SPACE HEATERS WINDOWN A/C	1	\$5.00
10. AIR CONDITIONERS SHR	1	\$18.00
11. CEILING FANS	4	\$12.00
12. MOTORS AHU	1	\$8.00
TELEPHONE		
13. SERVICE 200A	1	\$20.00
14. SUB FEEDS		
Inspection		\$8.00
15. TEMPORARY SERVICE		
16. FESTOON LIGHTS Stylized		\$20.00
17. SIGN ZONING OR		
18. ALTERATIONS		
19. TIME CLOCKS		
20.		
SEE CODE MINIMUM FEE \$2.50		TOTAL FEE → \$138.00

5-21-90  
5000.00

FOR OFFICE USE ONLY

Exhibit I

0173 2 02001229 REVE 05/21/90 16:31  
 GENERAL REVENUE FUND E012984  
 NAME: RICHARDSON ELECTRIC CK441  
 002 PERMITS 322-100 \$ 138.00

This application becomes a valid permit when signed by an authorized representative of the director, CITY OF KEY WEST BUILDING DEPARTMENT and all fees are paid and receipt acknowledged in the space provided.

BUILDING OCCUPIED AS

NEW CONSTRUCTION

EXISTING

ADDITION

CHECK ONE

DO NOT WRITE IN THIS AREA

APPLICATION APPROVED BY

E. M. Waller

VIOLATION CHECKED

PINKY PULLED

FINAL INSPECTION MADE

DATE

OK NO.

ELECTRICAL INSPECTOR

FOR

OWNER'S NAME

David Wolkowski

CONTRACTING FIRM

Richardson Electric

TELEPHONE NO.

Application is hereby made to obtain a permit to do the work and installations as hereon indicated. I certify that no work or installation has been effected prior to the issuance of said permit and that all work will be performed to meet the standards of all laws regulating construction in CITY OF KEY WEST.

*James H. Thibault*  
 SIGNATURE OF MASTER ELECTRICIAN

## INSPECTOR'S REPORT

	APPROVED		DISAPPROVED		
	INSPECTOR'S SIGNATURE	DATE	INSPECTOR'S SIGNATURE	DATE	REASON
SLAB					
ROUGH					
FINAL-ELECTRIC					

REMARKS

JOB ADDRESS

BLOCK

SUBDIVISION

ELECTRICAL PERMIT NO.

E - 12984

# Exhibit J

## PLAN REVIEW APPROVAL FORM

AFTER REVIEW OF PLANS, PLEASE SIGN BELOW FOR YOUR APPROVAL.

OWNER'S NAME Wolkowski

CONSTRUCTION LOCATION: 717 DUVAL Rear

PROJECT: Renovation (commercial)

→ BUILDING INSPECTOR LO DATE 6/21/90

→ ELECTRICAL INSPECTOR E.G. DATE 6-13-90

→ PLUMBING INSPECTOR C. Wallan DATE 6-14-90

→ MECHANICAL INSPECTOR A.M. (prev.) DATE 6-11-90

FIRE MARSHAL \_\_\_\_\_ DATE \_\_\_\_\_

ZONING APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_

\* SHOW LOCATION OF SLOP SINK 1<sup>ST</sup> FLOOR

# Exhibit K

## IMPACT FEES

NO. N° 0301  
Date: 6/22/90

TO: Director of Finance  
FROM: Building Department  
RE: Impact Fee Payment

Applicant:

Name: DAVID WOLKOWSKY

Address: 717 DUVAL, REAR - AS RESIDENTIAL.  
(studio Apt.)

City: KW Zip:

5 LB @ \$3.00

\$215.00 SOLID

1. Solid Waste: (A) lbs./day x \$43.00 =

2. Sewer: (B) 1 Bedroom @ 300.00

\$300.00 SEWER

(a). gpd less 200 gpd x \$6.00 =

(b). gpd x \$2.00 =

3. Traffic 1 Unit @ 270.00

\$270.00

A. Calculation of lbs. generated is as follows:

B. Calculation of gpd generated is as follows:

  
Applicant Signature

  
Building Official  
Signature



# CITY OF KEY WEST APPLICATION FOR BUILDING PERMIT

FOR OFFICE USE ONLY

# Exhibit L

This application is subject to the Building Ordinance and all other Ordinances of the City of Key West, Laws of the State of Florida and Rules and Regulations of the Building Division applicable thereto. A copy of approved plans and specifications must be kept at building site during progress of the work. All employers of labor are subject to the provisions of the Florida Workmen's Compensation Act.

Applicant shall complete the following:

OWNER David Waskowsky  
OWNER'S ADDRESS 717 Duval road  
CONTRACTOR Otis May Inc  
CONTRACTOR'S ADDRESS 208-B Duval St  
ARCHITECT OR ENGINEER  
ARCHITECT'S OR ENGINEER'S ADDRESS  
PURPOSE OF BUILDING Residence  
NATURE OF WORK lost stairs sheetrock ceiling tile glass door windows + paint  
APPLICANT'S SIGNATURE Otis May

PERMIT NUMBER	B-017033	
DATE ISSUED	7-12-90	TOTAL FEE \$ 1,332.00
BY	<u>Intaballin</u>	
BUILDING GROUP	BUILDING TYPE	
APPROVALS		DATE
ZONING	HP2	
RESOLUTION		
SEWER		
LINE GRADE		
STRUCTURAL		
ELECTRICAL		
PLUMBING		
FIRE PREVENTION		
MECHANICAL		
STATE HOTEL PERMIT #		
STATE HEALTH DEPARTMENT		

HARC #

5-8906-90

LOT

BLOCK

SUBDIVISION

JOB ADDRESS

717 Duval St. near

APP

NEW BUILDING	SQ. FT.	COST \$	FEE \$
ADDITION	SQ. FT.	COST \$	FEE \$
REMODELING		COST \$ 24,625	FEE \$ 600.-
REPAIRS		COST \$ <u>after lost</u>	FEE \$ 132.00
PATIO	SQ. FT.	COST \$ <u>fenestration</u>	FEE \$ 1,332.00
SWIMMING POOL	GALLONAGE	COST \$	FEE \$
CONSTRUCTION: C.B.S.	<input type="checkbox"/> FRAME <input type="checkbox"/> OTHER		
TYPE ROOF:	COMPOSITION <input type="checkbox"/> TILE <input type="checkbox"/>	PLUMBING YES <input type="checkbox"/> NO <input type="checkbox"/>	ELECTRICAL YES <input type="checkbox"/> NO <input type="checkbox"/>

LOT SIZE X

NUMBER OF PARKING SPACES REQUIRED

APPROVED

REAR

FRONT

INSPECTIONS	Inspector's Name	DATE	COMMENTS
FOUNDATION			
FOUNDATION WALL CAP			
GRADE BEAM			
FLOOR SLAB		0129 1 02007536 REVE 07/12/90 14:56	
LINTEL		GENERAL REVENUE FUND 80170300	
COLUMNS		NAME: DAVID WASKOWSKY CR1237	
TIE BEAMS		002 PERMITS 322-100 \$ 1332.00	
FRAMING			
LATHING			
PARAPET - CAP OR BRAKE			
ROOFING - TIN CAPS			
ROOFING - FINISH			
OFFSTREET PARKING			
FINAL			
C.O. ISSUED			

This space represents the lot; indicate the building in space showing the distance from lot lines and other buildings.

APPLICATION FOR BUILDING PERMIT  
BUILDING AND ZONING DEPARTMENT  
CITY OF KEY WEST, FLORIDA

001458

Issued  
7-12-90  
B17033

Exhibit L

DATE: 6/5/90

1. OWNER: Wolkowsky, David TELEPHONE NO.: 2968627
2. LOCATION OF CONSTRUCTION: 717 Duval St. Rear
3. BUILDER: OTIS MAY INC. ADDRESS: 208- B Duval
4. ZONE CLASSIFICATION: HP-2 RESIDENCE: Yes COMMERCIAL: No
5. OFF-STREET PARKING REQUIRED? YES: N/A NO: N/A
6. LOT SIZE: NA LOT COVERAGE: NA DIMENSIONS OF EXISTING BUILDINGS:  
DIMENSIONS OF PROPOSED NEW BUILDINGS OR ADDITIONS:

7. SETBACK: FRONT N/A REAR NA SIDE NA CORNER LOT SIDE NA
8. REAR LOT ABUTS ALLEY: NA TYPE OF CONSTRUCTION: (Frame, CBS, Metal) NA
9. ARCHITECT: ADDRESS:

10. NATURE OF WORK: New Renovation - Construct loft, Stairs, sheetrock - whole rear area, install ceiling in renovated area & paint (All INTERIOR WORK) - TILE  
INSTALL ADDITIONAL GLASS DOORS AS APPROVED BY HARC  
(For New Construction Only) (Nos. 11 & 12) & WINDOWS

11. FIRST FLOOR LEVEL 8' ABOVE M.S.L.: NA HEIGHT: FT.
12. LOT: NA BLOCK: NA SUBDIVISION: NA
13. ESTIMATED COST OF COMPLETED WORK: \$ 24625.00 PERMIT FEE: \$ 600.00

All work will be performed in accordance with the above statements and City of Key West Fl. Codes and Zoning Regulations. Permit Void if Zoning Classification is Violated.

NOTE: If cost is over \$5,000.00, completed plans and specifications bearing the seal of an architect or engineer registered in the State of Florida, must be submitted in duplicate, otherwise, a sketch is required. (See Building Dept. for Exceptions)

old 9,200  
Not included

"FAILURE TO COMPLY WITH THE MECHANICS' LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS."

Owner or Contractor: OTIS MAY 6-22-90  
State Registration No. 047678  
Zoning Director- Date 6/21/90  
Building Official- Date

APPLICATION FOR BUILDING PERMIT  
BUILDING AND ZONING DEPARTMENT  
CITY OF KEY WEST, FLORIDA

HARE  
5-8906

Exhibit L

DATE

June 7

\$

1. OWNER: Wolkowsky TELEPHONE NO.: 296 86 27

2. LOCATION OF CONSTRUCTION: 71 Duval Road

3. BUILDER/CONTRACTOR: ADDRESS:

4. ZONE CLASSIFICATION: AP2 RESIDENCE: COMMERCIAL: ☒

5. OFF-STREET PARKING REQUIRED? YES: NO:

6. LOT SIZE: LOT COVERAGE: DIMENSIONS OF EXISTING BUILDINGS:

DIMENSIONS OF PROPOSED NEW BUILDINGS OR ADDITIONS:

7. SETBACK: FRONT REAR SIDE CORNER LOT SIDE

8. REAR LOT ABUTS ALLEY: TYPE OF CONSTRUCTION: (Frame, CBS, Metal)

9. ARCHITECT: ADDRESS:

10. NATURE OF WORK: 6 Double glass doors on S wall  
+ 4 windows + 1 Circle of glass on E. wall

(For New Construction Only) (Nos. 11 & 12)

11. FIRST FLOOR LEVEL 8' ABOVE M.S.L.: HEIGHT: FT.

12. LOT: BLOCK: THE CITY OF KEY WEST SUBDIVISION:

13. ESTIMATED COST OF COMPLETED WORK: \$ PERMIT FEE: \$

14. DEED TO HOUSE:

All work will be performed in accordance with the above statements and City of Key West  
Fl. Codes and Zoning Regulations. Permit Void if zoning Classification is Violated.

governing bodies, with regards to this application.

6-11-90  
date

authorized signature

authorized signature

"FAILURE TO COMPLY WITH THE  
MECHANICS' LIEN LAW CAN RE-  
SULT IN THE PROPERTY OWNER  
PAYING TWICE FOR BUILDING  
IMPROVEMENTS."

Dee Wolkowsky  
Owner, or Contractor

State Registration No.

Zoning Director- Date

Building Official- Date

# Exhibit L

\* Bathroom ~~Fixtures~~ Plumbing, 5300  
 DRYWALL  
 CONCRETE  
 SHEETROCK

Interior work = 3456 New  
 16,700 - 9200 = 7500 Completion

12,225  
 9200

16,700  
 3,456  
 20,156

7,325  
 10  
 732.50

12,225  
 9200  
 21,425

24,625

12,225  
 4200 —  
 5000 —  
 3200 —  
 24,625

24.6 x 24

730

Exhibit L

7,325<sup>00</sup>

Penalty -

732.50

24,625<sup>00</sup>

$$25 \times 24 = 600$$

$$\begin{array}{r} 600^{00} \\ \hline 1332.50 \end{array}$$

7,325<sup>00</sup>

12,225 + Plumbing

+ Elect.

+ Mech.

24,625<sup>00</sup>

~~24~~

$$25 \times 24 = 600$$

~~24,625~~

732.50

$$\$600^{00} + 732.50 = \$1332.50$$



# Exhibit M

## STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ  
Governor

THOMAS G. PELHAM  
Secretary

July 13, 1990

David Wolkowsky  
717 Rear Duval Street  
Key West, Florida 33040

Dear Mr. Wolkowsky:

By Rule of the Administration Commission, which established the City of Key West Area of Critical State Concern (ACSC), the Department of Community Affairs is required to review all development activities within the City of Key West for consistency with the City's comprehensive plan and all applicable land development regulations (City Code). The department has reviewed building permit number 17033 for the renovation of a part of an existing building into a residential apartment. The building permit was issued July 12, 1990 and staff has determined that the development activity, as proposed, is consistent with these requirements.

Please consider this letter as an indication that the department does not intend to file a recommended action for appealing the development, as issued, provided that you comply with all conditions prescribed by the City of Key West in its approval.

Sincerely,

*James L. Quinn*  
James L. Quinn,  
ACSC Administrator

cc. File

# Exhibit N

## CITY OF KEY WEST OFFICE OF THE BUILDING DEPARTMENT CERTIFICATE OF OCCUPANCY

OWNER: DAVID WOLKOWSKY

PERMIT # B-017033

THIS IS TO CERTIFY that the building located at 717 DUVAL ST. REAR  
for which permit has heretofore been issued, has been completed according to  
plans and specifications filed in the office of the CITY OF KEY WEST  
BUILDING DEPARTMENT, and that the proposed use of the building, to wit, as a  
RESIDENCE RENOVATIONS, complies with all the building and health laws and  
ordinances of the CITY OF KEY WEST, and is approved for this use.

ALLOWABLE FLOOR LOAD PER SQUARE FOOT	MAXIMUM NUMBER OF PERSONS FOR EACH FLOOR
1ST FLOOR	
2ND FLOOR	
3RD FLOOR	

DATED THIS 29th DAY OF APRIL, 1991

CERTIFICATE NUMBER C-427

James C. Elwood  
BUILDING INSPECTOR

Charles Wallan  
MECHANICAL INSPECTOR

N/A  
FIRE MARSHALL

T. Geagan  
PLUMBING INSPECTOR

Charles Wallan  
ELECTRICAL INSPECTOR

James C. Elwood for  
HARC INSPECTOR

Exhibit O

PARCEL/NAME: 00015910-000000 WOLKOWSKY DAVID W

\*\*G 10\*\*

O A S I S - MONROE COUNTY

PROPERTY RECORD CARD 10/22/92

WOLKOWSKY DAVID W  
PO BOX 1429

PARCEL 00015910-000000 01 01 01  
ALTERNATE KEY 1016292 MILL GROUP 10KW  
0048

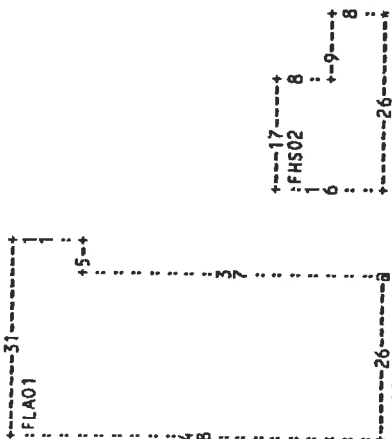
KEY WEST FL 33041

LAND DATA 01\*\*\*\*\*  
LINE USE FRONT DEPTH ZONE NOTES NBR UNITS TYP RATE DEPTH% LOC SHP% PHY% JUS VAL  
01 0100 0 0 2926.00 SF 32.25 100 100 100 94364  
NEIGHBORHOOD 6065 DUVAL ST FROM ANGELA TO JULIA TOTAL LAND CLASSIFIED 0  
1.100 TOTAL LAND JUST VALUE 94,364

LEGAL DESCRIPTION \*\*\*\*\*

KW PT LOT 4, SQR 2 TR 4  
OR593-176 OR611-54 OR611-55 OR822-571/5740/C

BUILDING SKETCH \*\*\*\*\*  
BUILDING 01 OF 01 \*\*\*\*\*



BUILDING 01 OF 01

FLA01=L26U4BR31D11L5D37.R40FHS02=L26U16R  
17DBR9D8.

BUILDING CHARACTERISTICS

BUILDING 01 OF 01 APPRAISED BY 014 ERVIN A. HIGGS ON  
EFF. AGE GROUP 2 TWO NEXT REVIEW 00/00  
CONDITION GROUP 2 GAP YEAR BUILT 1948 FUNCTIONAL OBSOLESCENCE 0  
QUALITY GRADE 450 GRADE 9 SPEC.ARC.CODE LOCATIONAL OBSOLESCENCE 0  
IMPROVE. TYPE RT S.F.R. PERIMETER 158.0

SECTION TYPE ID	EXTERIOR WALL TYPE	NBR STORIES	ROLL FINISH	ATTIC BASEMENT% FINISHED BASEMENT%	FLOOR AREA
FLA 01	06 WD WITH CONC BL	1.0	92 N	0 0	1,303.0 SF
FHS 02	06 WD WITH CONC BL	1.0	92 N	0 0	344.0 SF

BUILDING REFINEMENTS

PARCEL/NAME: 00015910-000000 WOLKOWSKY DAVID W

\*\*H 10\*\*

BUILDING 01 OF 01



# Exhibit O

PARCEL/NAME: 00015910-000000 WOLKOWSKY DAVID W

PARCEL/NAME: 00015910-000000 WOLKOWSKY DAVID W

BUILDING 01 OF 01  
 ROOM TYPE 02 GABLE/HIP  
 ROOF COVER 02 METAL FTR  
 FOUNDATION 03 CONC FTR  
 INT-FINISH 03 CONC S/B  
 SRC-HEAT 04 NONE  
 TYPE HEAT 01 NONE

BEDROOMS 1 FIREPLACES 0 BUILT-IN KITCHEN N  
 3/1XBATH 0 DISHWASHER N AIR-CONDITIONING N  
 3/1XBATH 1 VACUUM N GARBAGE DISPOSAL N  
 4/1XBATH 0 INTERCOM N COMPACTOR N  
 XFIXTURE 3 SECURITY N

MISCELLANEOUS IMPROVEMENTS  
 TYPE NUMBER UNITS UNIT TYPE LIFE YEAR IN GRADE LENGTH WIDTH DEP. VALUE  
 PT2 BRIC 490.00 SF 50 1984 2 0.0 TOTAL 1.042

APPRaiser NOTES  
 717 DUVAL ST

COST/MARKET METHOD  
 BLDG REPLACEMENT COST 60.004  
 ADJUSTED REPLACEMENT COST 58.744  
 BLDG. VALUES 58.744 03/23/92  
 M.I. VALUES 1.042 03/23/92  
 LAND VALUES 94.364 09/26/91  
 PROP VALUES 154.150

VALUE SELECTED  
 SPECIFIED BY ERVIN A. HIGGS ON 01/01/92 VALUE METHOD 1 COST/MARKET METHOD  
 VALUE 154.150

HISTORY OF TAXABLE VALUES  
 TAX LAND BUILDING MISC. IMPR/ ASSESSED EXEMPTION TAXABLE  
 YEAR VALUE VALUE EQUIPVALUE VALUE VALUE VALUE  
 1982 22,046 17,613 0 39,659 0 39,659  
 1983 25,700 23,769 0 49,469 0 49,469  
 1984 38,350 23,769 0 63,119 0 63,119  
 1985 39,350 24,206 0 63,556 0 63,556  
 1986 49,225 25,155 0 74,380 0 74,380  
 1987 50,690 24,918 0 75,608 0 75,608  
 1988 110,646 25,735 0 136,381 0 136,381  
 1989 131,136 31,056 818 163,010 0 163,010  
 1990 75,143 67,047 992 143,182 0 143,182  
 1991 94,364 54,668 1,066 149,898 0 149,898  
 1992 94,364 58,744 1,042 154,150 0 154,150

SALES HISTORY  
 O.R. SALE INSTRUMENT TRANSFER QUALIFIED VACANT SALE  
 BOOK PAGE DATE UNQUALIFIED IMPROVED PRICE  
 611 55 02/74 00 CONVERSIO 0 0 QUALIFIED I 20,200

EQUIPMENT LINES  
 TYPE DESCRIPTION # UNITS UN RATE YEAR IN/PWT DEPR VALUE

TOTAL VALUES  
 TOTAL-J-VAL 0  
 TOTAL-EXPT-VAL 0  
 T-VALUE 154.150  
 PREV-TX-VAL 154.150  
 PREV-JUST 154.150  
 NEW-CON-VAL 0

PARCEL/NAME: 00015910-000100 KULA LEON D & NORMA A

PARCEL/NAME: 00015910-000100 KULA LEON D & NORMA A

O A S I S - MONROE COUNTY

PROPERTY RECORD CARD

10/22/92

PARCEL/NAME: 00015910-000100 KULA LEON D & NORMA A

PARCEL/NAME: 00015910-000100 KULA LEON D & NORMA A

O A S I S - MONROE COUNTY

PROPERTY RECORD CARD

10/22/92

**CITY OF KEY WEST, FLORIDA****OFFICE MEMORANDUM****DATE** September 1, 1992

**TO:** Building Department Files

**FROM:** Technical Services, Diane Nicklaus

**SUBJECT:** 717 Duval Street

**Exhibit P**

With respect to the above captioned address, the property was originally commercial use (entire building) back in and prior to 1984-85. Therefore, at this time his request to return to commercial use at this location will require the payment of NO sewer connection fees.

Should you have any questions concerning this matter, please do not hesitate to contact the office.

Thank-you.

dwn

CITY OF KEY WEST  
OFFICE OF THE BUILDING DEPARTMENT  
CERTIFICATE OF OCCUPANCY

OWNER: DAVID WOLKOWSKYPERMIT # N/A

THIS IS TO CERTIFY that the building located at 717 DUVAL ST. REAR  
for which permit has heretofore been issued, has been completed according to  
plans and specifications filed in the office of the CITY OF KEY WEST  
BUILDING DEPARTMENT, and that the proposed use of the building, to wit, as a  
COMMERCIAL, complies with all the building and health laws and  
(CHANGE THE USE FROM RESIDENTIAL TO COMMERCIAL)  
ordinances of the CITY OF KEY WEST, and is approved for this use.

ALLOWABLE FLOOR LOAD  
PER SQUARE FOOTMAXIMUM NUMBER OF PERSONS  
FOR EACH FLOOR1ST FLOOR2ND FLOOR3RD FLOORDATED THIS 14th DAY OF AUGUST, 19 92CERTIFICATE NUMBER C- 722Mice Mancini  
BUILDING INSPECTORN/A  
MECHANICAL INSPECTORJim Foley  
FIRE MARSHALLT. Geagan  
PLUMBING INSPECTORCharles Waller  
ELECTRICAL INSPECTORMice Mancini  
HARC INSPECTOR

# CITY OF KEY WEST, FLORIDA

## Business Tax Receipt

# Exhibit R

This Document is a business tax receipt  
Holder must meet all City zoning and use provisions.  
P.O. Box 1409, Key West, Florida 33040 (305) 809-3955

Business Name      SOKOLOFF, MCCLAIN  
Location Addr      717 DUVAL ST  
Lic NBR/Class      1206      PROPERTY RENTAL  
Issued Date      3/3/1996      Expiration Date:    September 30, 1996  
TRANSIENT RESIDENTIAL

Comments:      ONE TRANSIENT RENTAL UNIT

Restrictions:

SOKOLOFF, MCCLAIN  
C/O RENT KEY WEST  
1107 TRUMAN AVENUE  
KEY WEST, FL 33040

This document must be prominently displayed.

SOKOLOFF, MCCLAIN



# Case Details - No Attachments

City of Key West

Case Number  
07-02369

Description:		Status: CASE CLOSED	
Type: CONVERTED		Subtype: PROHIBITED ACTIVITY	
Opened: 8/9/2007	Closed: 8/13/2007	Last Action: Fllw Up:	
Site Address: 717 DUVAL ST KEY WEST, FL 33040			
Site APN: 00015910-000000		Officer: Z -Jeff Stotts	
Details: 08/09/2007 09:53 AM KEYWDLM ----- Received a complaint that there are living quarters behind Key West Hammock. There isn't a license to rent.			

## Case Summary

CASE OPEN  
OPEN  
COMPLETED

DAYS

4

[2] INSPECTIONS

1

1

VIOLATIONS

[3] ACTIONS

3

## ADDITIONAL SITES

## LINKED CASES

## CHRONOLOGY

CHRONOLOGY TYPE	STAFF NAME	ACTION DATE	COMPLETION DATE	NOTES
PERSONAL CONTACT	JAS	8/13/2007	8/13/2007	
SPECIAL MASTER COMP HEARING	JAS	8/13/2007	8/13/2007	
SPECIAL MASTER HEARING	JAS	8/13/2007	8/13/2007	

## CONTACTS

NAME TYPE	NAME	ADDRESS	PHONE	FAX	EMAIL
COMPLAINANT	ANONYMOUS COMPLAINT				
OWNER	WOLKOWSKY DAVID W	P O BOX 660 SUMMERFIELD, FL 33492			

## FINANCIAL INFORMATION

## INSPECTIONS



# Case Details - No Attachments

City of Key West

Case Number  
**07-02369**

INSPECTION TYPE	INSPECTOR	SCHEDULED DATE	COMPLETED DATE	RESULT	REMARKS	NOTES
Follow up Inspection	JAS					
Initial Inspection	JAS	8/13/2007	8/13/2007			08/13/2007 04:12 PM KEYWDLM ----- Met with Mgr/Owner. Howed me that the space in the rear is a storage space. Did not see any signs of living.

## VIOLATIONS

# Exhibit T

## AFFIDAVIT

I, David Wolkowsky, swear/affirm the following to be true and correct to the best of my knowledge:

1. I purchased the building at 717 Duval Street in January of 1975 and remain the owner today.
2. When I purchased the building, there was a small apartment in the rear of the building.
3. The apartment remained in the building until it was destroyed by fire in January of 2018.
4. The apartment was used transiently.

David Wolkowsky

Signature

May 24, 2018

Date

Subscribed and sworn to (or affirmed) before me on May 24, 2018 (date) by DAVID WOLKOWSKY (name of affiant), he/she is personally known to me or has presented \_\_\_\_\_ as identification.

Sarah S. Benson

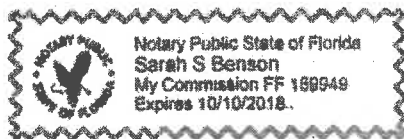
Notary's Signature and Seal

Name of Acknowledger printed or stamped

Title or Rank

Commission Number, if any

FF 159949



# Exhibit U

## AFFIDAVIT

I, Paul Ashwell, swear/affirm the following to be true and correct to the best of my knowledge:

1. I leased and operated my business at 717 Duval Street from 2004 to 2017.
2. The property had small bedroom, without cooking facilities, during the time I leased the building.
3. The bedroom was used transiently (never leased for more than 28 days).

Paul Ashwell 5/29/18  
Signature Date

Subscribed and sworn to (or affirmed) before me on 25th May 2018 (date) by Paul Ashwell (name of affiant) FL 86 he/she is personally known to me or has presented as identification.

Alvina Covington  
Notary's Signature and Seal



Alvina Covington  
COMMISSION #FP613801  
EXPIRES: August 27, 2019  
WWW.AARONNOTARY.COM

Name of Acknowledger printed or stamped  
Title or Rank  
Commission Number, if any



## Duval Street tattoo shop heavily damaged in fire

By Adam Linhardt Key West Citizen

September 23, 2017



Timothy O'Hara/The Citizen Key West fire fighters battle a blaze that broke out Friday at a Duval Street tattoo shop.

A Friday afternoon fire tore through parts of the north end of the 700 block of Duval Street leaving the Southernmost Tattoo business heavily damaged.

Key West firefighters responded to 717 Duval St. at 2:06 p.m. at which the time the building was fully engulfed, said city of Key West spokeswoman Alyson Crean.

One firefighter was taken to Lower Keys Medical Center on Stock Island for smoke inhalation, but his injuries were not believed to be life-threatening.

## Exhibit V

There were no other reported injuries. Fire crews had the fire contained by 3:15 p.m., but were still dousing hot spots with water at that time.

Key West Fire Chief Mike Davila was still on the scene late afternoon and could not be reached for comment as of press time.

The blaze also appeared to have damaged the two buildings neighboring the tattoo shop. The extent of the damage and an estimate of that damage was not immediately available Friday night.

The state Fire Marshal's Office will be further investigating the cause of the blaze, Crean said.

Key West resident Brent White was riding his bicycle on Duval when he said he saw the building go up in flames.

"I think it was electrical," White said. "The fire was around a bunch of wires and was sparking, but it started to explode and the police ran me off."

White reported hearing multiple loud explosions while he was on scene and seeing "a lot of sparks," before he left.

"I didn't see any transformers, but there were (several) explosions," White said.

White said he saw several people run out of the tattoo shop, but he wasn't sure if the business had re-opened yet given the hurricane. Attempts to reach employees or business owners were not successful.

Key West Police Chief Donie Lee was among the many officers on scene who cordoned off Duval Street in both directions as well as at Petronia and Whitehead streets where fire trucks were positioned.

The fire drew some curious onlookers, but not large numbers given much of the Duval Street businesses are still in the process of re-opening after the storm.

# Exhibit W

Feb. 15 1988 63-7018-20  
2660

PAY TO THE ORDER OF David Wolkowsky \$ 600.00 1/10

Six Hundred 00 100 DOLLARS

**AMERIFIRST**  
FEDERAL  
Alton Road Office  
900 Alton Road, Miami Beach, Florida 33139

MEMO great time! Clayce Schneider

⑆ 266070188⑆ 001 0 020 016242⑆

Fri 12<sup>th</sup> Feb

Sat 13<sup>th</sup> Feb

Sun 14<sup>th</sup> Feb

rented apt.

7/7-7/9 Daniel

Information in case

made a long distance  
call.

# EXHIBIT C

**From:** Jeffrey Burgess <[jburgess@cityofkeywest-fl.gov](mailto:jburgess@cityofkeywest-fl.gov)>  
**Sent:** Tuesday, May 28, 2019 2:39 PM  
**To:** Lori Thompson <[lori@owentrepanier.com](mailto:lori@owentrepanier.com)>  
**Cc:** Vanessa T. Sellers <[vsellers@cityofkeywest-fl.gov](mailto:vsellers@cityofkeywest-fl.gov)>  
**Subject:** RE: 717 Duval Street #2 transient license

Good afternoon Lori –

The transient BTR for license #1206, 717 Duval St, expired 9/30/96. Although transfer paperwork was sent out 5/15/97 to Jules Klapper, no action was ever taken, and as a result, on 6/15/98, the transient BTR was closed. Once a transient BTR is closed (i.e. no transfer of ownership has been processed), the transient rental rights are relinquished.

I discussed this with the Planning Dept. They have issued a build-back letter for this property for one commercial & one residential unit, but the residential unit will be non-transient. Transient rental rights no longer exist on this property, and the property owner would need to go through the LUD process in order to have it recognized by the City of Key West as a transient rental property.

Cordially,

***Jeffrey Burgess***

Licensing Official, City of Key West  
PO Box 1409  
Key West, FL 33041  
(305) 809-3959  
[jburgess@cityofkeywest-fl.gov](mailto:jburgess@cityofkeywest-fl.gov)  
[licensing@cityofkeywest-fl.gov](mailto:licensing@cityofkeywest-fl.gov)

DAVID W WOLKOWSKY LIVING TRUST  
11058 CANARY ISLAND CT  
PLANTATION, FL 33324

10-18

162

84-7041/2652

6/3/19 Date

Pay to the Order of City of Key West \$ 100.00 per

Dollars

Photo  
Safe  
Deposit  
Box  
Number

IBERIABANK

For 717 Dival per

*[Signature]*

1-800-855-5555