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IN THE CITY OF KEY WEST, BEFORE THE CITY COMMISSION SITTING AS
THE BOARD OF ADJUSTMENT FOR THE CITY OF KEY WEST, FLORIDA

2019 SEP 11 PM 8:33
CITY OF KEY WEST
KEY WEST, FLORIDA

DOMINIQUE BARRERA and
JANELLE BARRERA

Appellants,

v.

CITY OF KEY WEST

Appellee,

_____/

NOTICE OF APPEAL OF DENIAL OF LAWFUL UNIT DETERMINATION

NOTICE IS HEREBY GIVEN, that DOMINIQUE BARRERA and JANELLE BARRERA, ("Appellants"), hereby appeal to the Board of Adjustment of the City of Key West, Florida, the administrative decision of the Planning Director Roy Bishop ("Planning Director") of the City of Key West, Florida, denying the lawful unit determination application with respect to the property commonly known as 1507 South Street Key West, Florida¹, (the "Subject Property") which was executed on September 5, 2019, a copy of which is attached hereto and made a part of this Appeal² a copy of the City's determination is attached hereto, made a part hereof and marked as Exhibit "A".

Appellants have standing to bring this Appeal pursuant to Section 90-430, Key West, Florida, Municipal Code (2016), because Appellants are affected by the decision rendered by a City of Key West, Chief Official.

BACKGROUND

¹ The Subject Property has RE: Number 00043360-000000 and Alternate Key # 1043991

² Although the Denial was executed on September 5, 2019, it was not provided to Appellant until after business hours on September 6, 2019. Appellants were not aware of the decisions until September 9, 2019 which has reduced the time period in which Appellants can formulate their appeal from ten (10) days down to six (6) days.

1. Appellants are the owners of the subject property located at 1507 South Street, Key West, Florida, by virtue of a Quit Claim Deed executed on February 25, 2004 and recorded on February 27, 2004 in Book 1978, Page 1359, of the Official Records Book of the Monroe County, Florida. A copy of this Quit Claim Deed is attached hereto made a part hereof and marked as Exhibit "B"
2. The subject property consists of one story, three-bedroom one bath CBS home approximately 1398 finished square feet that was constructed in 1957. A copy of a sketch of the Subject Property is attached hereto, made a part hereof and marked as Exhibit "C"
3. Appellants have been renting the subject property as a transient unit since approximately 2009.
4. On or about October 17, 2018, Appellants filed with the City their Lawful Unit Determination Application with the City of Key West seeking a determination that their existing transient use of a non-transient unit was exempt for the City's Building Permit Allocation System (BPAS) pursuant to section 108-991, Key West, Fla. Municipal Code (2016).
5. On or about September 5, 2019, almost one (1) year after the submittal of the application, the Planning Director, reviewed Appellants application in accordance with the criteria found in Key West Code of Ordinances section 108-991. Specially, 108-991(3) finding that none of the categories of pertinent historic records support a granting of the LUD application. Section 108-991, Key West, Fla., Municipal Code (2016) only requires that two of the delineated categories are required under the ordinance to grant LUD recognition. Despite ample evidence submitted with the application, the Planning

Director made a determination that the Applicant was not entitled to the requested LUD recognition and determined that the Applicants only established the existence of one non-transient unit.

6. Following the Planning Director's denial this appeal ensued.

ARGUMENT

THE CITY PASSED THE LUD ORDINANCE TO ADDRESS THE CURRENT ISSUES AT HAND. THE CITY IS REQUIRED TO FOLLOW ITS OWN RULES AND REGULATIONS.

Section 108-991, Key West, Fla., Municipal Code (2016), states:

Development consistent with the following shall not be affected by the terms of this article, but such development shall comply with all applicable sections of the city's land development regulations:

(3) Units determined to have been in existence at the time the April 1, 2010, census was prepared are presumed not to be affected by BPAS. The city planner shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 2010. Units existing in 2010 will be documented through a mandatory site visit by city staff and at least two of the following records:

- a. Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;
- b. Building permits issued prior to April 1, 2010;
- c. Copies of city directory entries on or about April 1, 2010;
- d. Applications received after May 2, 2017 must demonstrate that the unit sought to be established hereunder is or has been legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located. Transient units which meet the criteria in this subsection will be licensed by the city.
- e. Rental, occupancy or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;
- f. Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;

- g. Documentation for Keys Energy Service, Florida Keys Aqueduct Authority and other available utilities indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 2010;
- h. Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010, (Green Card); and
- i. Similar documentation as listed above.

Section 108-991(3) states that if at least two of the nine criteria listed in subsection (3) are met and a site visit is performed that it will be determined that the unit was existence on or about April 1, 2010 and is, therefore not affected by the City of Key West's Building Permit Allocation System, ("BPAS"). There is no question that the single-family structure existed on the subject land prior to April 1, 2010, thereby meeting one of the required elements. To meet the requirements of Section 108-991(3), the Appellants submitted fourteen (14) documents demonstrating the existence of the transient use on or before April 1, 2010.

The Appellants submitted the following records which substantiated the record under section 108-991(3)(e):

- a. Transient rental lease dated July 25, 2009 through August 1, 2009;
- b. July 2009 calendar identifying the transient use;
- c. October 9, 2009 through November 2, 2009 Short Term Rental Agreement;
- d. October 2009 calendar identifying transient rentals;
- e. November 2009, calendar identifying transient rentals;
- f. December 9, 2009 through January 2, 2010 Short Term Rental Agreement;
- g. December 2009, calendar identifying transient rentals;
- h. January, 2010 calendar identifying transient rentals;
- i. March 20, through April 3, 2010 Short Term Rental Agreement;

- j. March, 2010 calendar identifying transient rentals;
- k. April 2010 calendar identifying transient rentals;
- l. Cleaning receipts from 2009-2010 identifying the use of the unit in a transient capacity;

Under section 108-991(3)(i), the Appellants submitted the following:

- m. Owner Affidavits; and
- n. Short Term Renter Affidavits;

Additionally, the Appellants application demonstrated prior to 1986, the zoning for the subject property was R-1B. R-1B did not prohibit transient tenancy and therefore residential rents of single-family homes, of any length of time, were not regulated by the City. This qualification stood until 1997 and the passage of Section 97-20, of the Code of Ordinances. Copies of the above stated evidence are attached hereto, made a part hereof and marked as composite Exhibit "D".

A plain reading of Section 108-991(3) requires the City to make a determination of a lawful unit if two of the criteria have been met. Here, there is documented support despite the Planning Director's determination that none existed. Therefore, under Section 108-991(3), Appellants are entitled to a determination that the Subject Property has one (1) lawfully established transient unit.

Lastly, Appellants agent, Trepanier & Associates, Inc. has previously filed approximately eleven (11) Lawful Use Determination Applications, with characteristics and evidence consistent with this immediate case. All prior applications were approved, and all units recognized as transient units by the City of Key West. A records request to filed to further analyze approvals and denials by the City of Key West, has been made, however as of the date of

the filing of this Appeal, the City of Key West, has not made those records available to Appellants. A copy of the Records Request is attached hereto, made a part hereof and marked as Exhibit "E". Appellants specifically requests the right to supplement the record on Appeal once the City has provided those records.

It should be noted that all exhibits, except for the Denial of the Lawful Use Determination were apart of the Lawful Use Determination Application.

CONCLUSION

The record reflects that the Appellants have met the threshold burden of proving the existence that a unit existed on or before April 1, 2010. Additionally, the Appellants provided the City of Key West, ample evidence to establish that they met the criteria in Section 108-991(3) proving that the unit not only existed but was used as a transient unit since 2009. As such, Appellants respectfully request the Board of Adjustment to enter a decision:

1. Granting the Appeal by DOMINIQUE BARRERA and JANELLE BARRERA;
2. Denying or Striking the decision of the Planning Director of the City of Key West, Florida denying the lawful unit determination filed by Appellants; and
3. For any further relief this Board of Adjustment deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 16, 2019, a true and correct copy of the foregoing appeal was personally served on Cheri Smith, Clerk of the City of Key West, 1300 White Street, Key West, Florida 33040.

Highsmith & Van Loon, P.A.
Attorneys for Appellants
3158 Northside Drive
Key West, Florida 33040
Telephone (305) 296-8851
E-mail: david@hvl-law.com

Secondary E-mail: service@hvl-law.com

By:

A handwritten signature in blue ink, appearing to read 'David Van Loon', is written over a horizontal line.

David Van Loon

Florida Bar #0655074

EXHIBIT "A"



THE CITY OF KEY WEST – PLANNING DEPARTMENT

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3764

August 31, 2019

Trepanier & Associates, Inc
1421 First Street
Key West FL 33040

RE: LUD Application – 1507 South Street, Key West, FL 33040 (RE #00043360-000000)

Dear Ms. Thompson,

We have reviewed your application for one transient unit for the real property located at 1507 South Street, Key West, FL 33040. Your application was reviewed in accordance with the criteria found in Key West Code of Ordinances section 108-991. Specifically, 108-991 (3) provides in part that:

Units determined to have been in existence at the time the April 1, 2010, census was prepared are presumed not to be affected by BPAS. The city planner shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 2010. Units existing in 2010 will be documented through a mandatory site visit by city staff and at least two of the following records:

- a. Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;
- b. Building permits issued prior to April 1, 2010;
- c. Copies of city directory entries on or about April 1, 2010;
- d. Applications received after May 2, 2017 must demonstrate that the unit sought to be established hereunder is or has been legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located.

Transient units which meet the criteria in this subsection will be licensed by the city.

- e. Rental, occupancy or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;
- f. Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;
- g. Documentation for Keys Energy Service, Florida Keys Aqueduct Authority and other available utilities indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 2010;
- h. Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010, (Green Card); and
- i. Similar documentation as listed above.

Provision of affidavits to support the existence of a unit is allowed but cannot be the sole record upon which a decision is based. Provision of documents is the responsibility of the applicant. The city planner's decision shall be rendered to the department of economic opportunity for a determination of consistency with the principals for guiding development.

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.



THE CITY OF KEY WEST – PLANNING DEPARTMENT

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3764

After review of your application considering these criteria, coupled with a site visit by my staff on April 16, 2019, it is my determination that you have established one non-transient unit exists on the property. The unit is not a new determination as it has been recognized by the City.

Sincerely,

A handwritten signature in cursive script that reads "Roy Bishop".

Roy Bishop,
Planning Director

Dated: _____

9/5/19

EXHIBIT "B"

RCD Feb 27 2004 09:16AM
DANNY L KOLHAGE, CLERK

This Document Prepared By and Return to:
Thomas J. DiDato, P.A.
302 Southard Street, Suite 104
Key West, Florida 33040

DEED DOC STAMPED 0.70
02/27/2004 DEF CLK

Parcel ID Number: 00043360-000000/00043370-000000

Quitclaim Deed

This Quitclaim Deed, Made this 25th day of February, 2004 A.D. Between
JUAN A BARRERA and SARAH JANELLE BARRERA, husband and wife

of the County of MONROE, State of Florida, grantors, and
JUAN A BARRERA and SARAH JANELLE BARRERA, husband and wife and
DOMINIQUE BARRERA, a single woman
whose address is: 1402 LEON STREET, KEY WEST, FL 33040

of the County of MONROE, State of Florida, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, have
granted, bargained and quitclaimed to the said GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of MONROE State of Florida to wit:

On the Island of Key West and known as Lots 4 and 5, Square 10, Tract
20, MONROE INVESTMENT COMPANY'S DIAGRAM, according to the Plat
thereof, recorded in Plat Book 1, Page 41, of the Public Records of
Monroe County, Florida.

The property herein conveyed DOES NOT constitute the HOMESTEAD
property of the Grantor.

Conveyance between related parties of unencumbered property,
therefore, minimum documentary stamps are affixed.

The preparer of this instrument was neither furnished with, nor
requested to review, an abstract on the described property and
therefore expresses no opinion as to condition of title.

To Have and to Hold the same together with all and singular the appurtenances thereto belonging or in anywise
appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for
the use, benefit and profit of the said grantees forever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Kirsten C. Trick
Printed Name: Kirsten Trick
Witness

Dominique Barrera
Printed Name: Dominique Barrera
Witness

Juan A Barrera (Seal)
JUAN A BARRERA

P.O. Address: 1402 LEON STREET, KEY WEST, FL 33040

Sarah Janelle Barrera (Seal)
SARAH JANELLE BARRERA
P.O. Address: 1402 LEON STREET, KEY WEST, FL 33040

STATE OF Florida
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 25th day of February, 2004 by
JUAN A BARRERA and SARAH JANELLE BARRERA, husband and wife

who are personally known to me or who have produced their Florida driver's license as identification.



John G. Dell
Printed Name: John G. Dell
Notary Public

My Commission Expires:

EXHIBIT "C"

1507 South Street

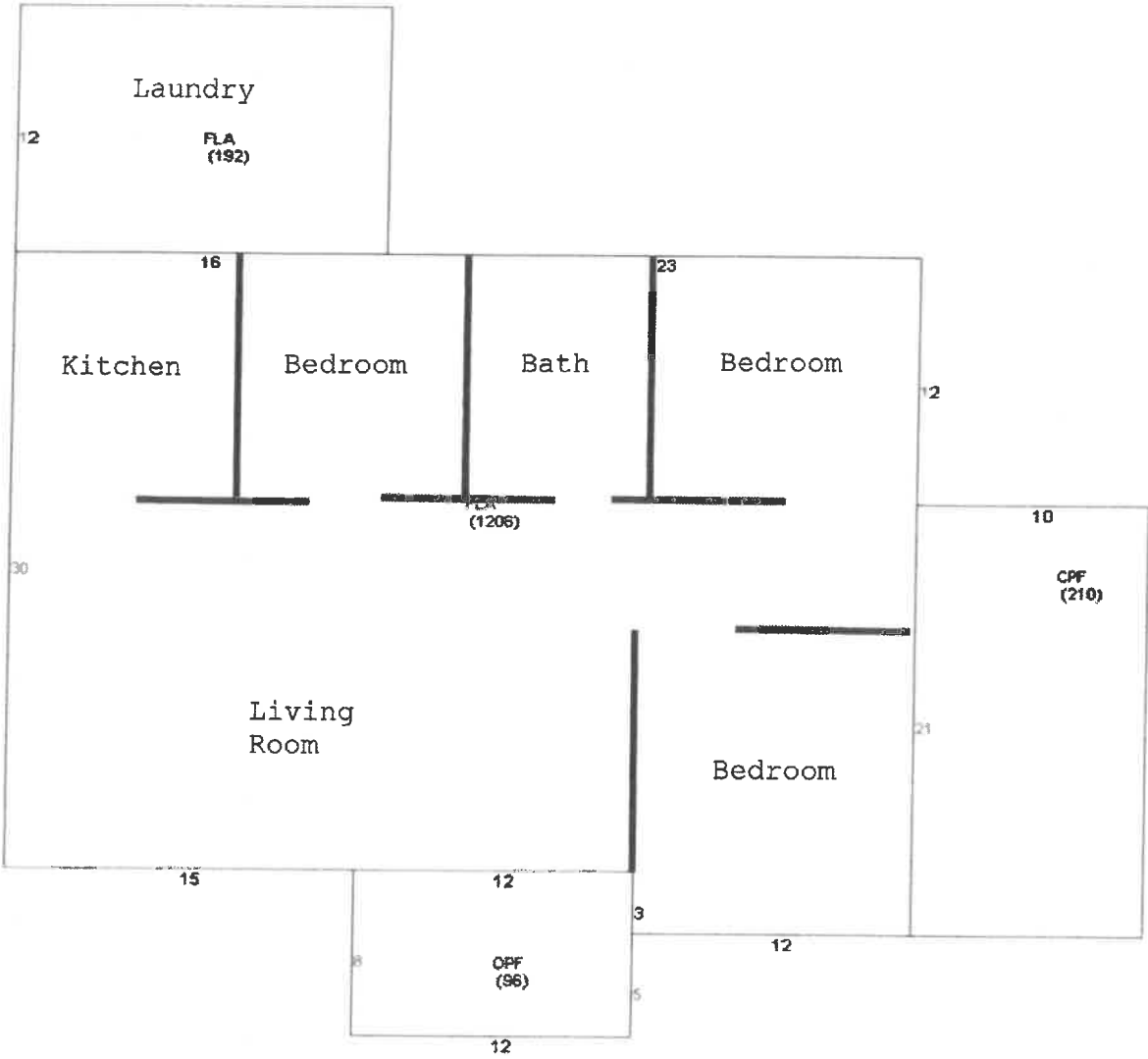


EXHIBIT "D"

TREPANTER

September 17, 2018



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

RE: Lawful Unit Determination Application
1507 South Street
RE# 00043360-000000

Dear Mr. Wright:

Attached is an application for a lawful unit determination pursuant to Sec. 108-991, requesting the recognition of one transient SFR at the above property. The attached records demonstrate that 1507 South Street was used transiently before and on April 1, 2010

Units and Use:

The above referenced property has a 1-story, 3-bedroom/1 bath CBS home constructed in 1957.

Units Recognized by the City of Key West & Monroe County Currently	
Utilities Department	1 residential unit
Licensing	1 non-transient residential rental unit ¹
Monroe County Tax Collector	1 non-transient residential rental unit ²

Units in Existence on or about April 1, 2010

The following records indicate that property was used transiently on or about April 1, 2010. This application seeks recognition of the transient use of 1507 South Street, as evidenced by the materials submitted below:

Evidence:

Date	Evidence	Compliance	Exhibit
July 25 - Aug 1, 2009	Transient rental lease	Sec. 108-991(3)e	C
July 2009	Calendar	Sec. 108-991(3)i	D
Oct 9 - Nov 2, 2009	Transient rental lease	Sec. 108-991(3)e	E
Oct 2009	Calendar	Sec. 108-991(3)i	F
Nov 2009	Calendar	Sec. 108-991(3)i	G
Dec 9 - Jan 2, 2010	Transient rental lease	Sec. 108-991(3)e	H

DOMINIQUE BARRERA
PH. 305-923-1530
1505 SOUTH STREET
KEY WEST, FL 33040

63-7955/2670

1108

DATE 9-13-18

PAY TO
THE ORDER OF

City of Key West \$ 1000-
One thousand dollars and 00/100

DOLLARS



Pay to Cash or
Bank on Card



MEMO

Dominique Barrera

MP



September 17, 2018

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

RE: Lawful Unit Determination Application
1507 South Street
RE# 00043360-000000

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July 2009	Calendar	Sec. 108-991(3)i	D
Oct 9 - Nov 2, 2009	Transient rental lease	Sec. 108-991(3)e	E
Oct 2009	Calendar	Sec. 108-991(3)i	F
Nov 2009	Calendar	Sec. 108-991(3)i	G
Dec 9 - Jan 2, 2010	Transient rental lease	Sec. 108-991(3)e	H
Dec 2009	Calendar	Sec. 108-991(3)i	I
Jan 2010	Calendar	Sec. 108-991(3)i	J
March 20 - April 3, 2010	Transient rental lease	Sec. 108-991(3)e	K
March 2010	Calendar	Sec. 108-991(3)i	L
April 2010	Calendar	Sec. 108-991(3)i	M
2009-2010	Cleaning receipts	Sec. 108-991(3)i	N
7.25.18	Owner Affidavit	Sec. 108-991(3)i	O
7.24.18	Tenant Affidavits	Sec. 108-991(3)i	P

¹ Exhibit A – City BTR

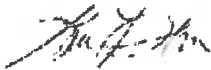
² Exhibit B – County BTR

Legal Permissibility (under current or any former zoning requirements):

The property's current zoning is single family (SF). Prior to 1986, the zoning for this area was R-1B. R-1B did not prohibit transient tenancy and therefore residential rentals of single-family homes, of any length of time, were not regulated by the city. This was the status quo until 1997 when the City determined transient rentals should be more tightly regulated. As a result, Ordinance 97-20 was approved clarifying the definition of transient living accommodations to include single family dwellings.³

In conclusion, given the above documentation, we respectfully request the City of Key West recognize that one transient dwelling unit existed on the subject property on, or about, April 1, 2010 and was a permissible use under former zoning requirements. Thank you in advance for your consideration.

Best Regards,



Lori Thompson
Project Manager

³ Sec. 122-1371. – Transient living accommodations in residential dwellings; regulations.



Application For Lawful Unit Determination

City of Key West, Florida • Planning Department

1300 White Street • Key West, Florida 33040-4602 • 305-809-3764 • www.cityofkeywest-fl.gov

Application Fee: \$1,000.00

Ordinance 17-02, Effective May 3, 2017

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720.

PROPERTY DESCRIPTION:

Site Address: 1507 South Street

Real Estate (RE) #: 00043360-000000

Alternate Key: 1043991

Zoning District: Single Family (SF)

Total Land Area (sq ft): 4,698.0

Property located within the Historic District?

☒ Yes ☐ No

APPLICANT:

☐ Owner

☒ Authorized Representative

Name: Trepanier & Associates, Inc.

Mailing Address: 1421 1st Street Unit 101

City: Key West

State: FL

Zip: 33040

Home/Mobile Phone: NA

Office: 305-293-8983

Fax: 305-293-8747

Email: lori@owentrepanier.com

PROPERTY OWNER: (if different than above)

Name: Dominique Barrera & Janelle Barrera

Mailing Address: 1507 South Street

City: Key West

State: FL

Zip: 33040

Home/Mobile Phone: NA

Office: C/O 305-293-8983

Fax: C/O 305-293-8747

Email: C/O lori@owentrepanier.com

Is this request based on a code case?

☐ Yes

☒ No

Case Number:

UNIT TYPE	NUMBER OF UNITS	
	EXISTING	LICENSED ¹ / RECOGNIZED
Market-Rate Residential Dwelling Units	0	1
Affordable Residential Dwelling Units ²	0	0
Transient Units	1	0
Commercial Units	0	0

¹ Please provide City Licensing Records from the Building Department

² All units allocated as affordable are subject to Section 122-1467(c), (d), (e), and (f) of the Workforce Housing Ordinance. Applicant Eligibility Requirements are subject to Section 122-1469 (2) through (15) of the Workforce Housing Ordinance. Affordable housing projects enabled by federal tax credit housing are not subject to 122-1467(c).

Sec 108-991(4) - Units determined to have been in existence at the time the April 1, 2010 census was prepared are presumed not to be affected by BPAS. The City Planner shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 2010. Units existing in 2010 will be documented through a mandatory site visit by city staff and at least two of the following records:

- ☐ Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;
- ☐ Building permits issued prior to April 1, 2010;
- ☐ Copies of city directory entries on or about April 1, 2010;
- ☐ Applications received after May 2, 2017 must demonstrate that the unit sought to be established hereunder is or has been legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located.
- ☐ Site visits which indicate that the age of the structure and associated improvements likely pre-date 2010;
- ☒ Rental, occupancy or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;
- ☐ Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;
- ☐ Documentation for Keys Energy Service, Florida Keys Aqueduct Authority and other available utilities indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 2010;
- ☐ Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010 (Green Card); and
- ☒ Similar documentation as listed above.

Provision of affidavits to support the existence of a unit is allowed, but cannot be the sole record upon which a decision is based. **Provision of documents is the responsibility of the applicant.** The City Planner's decision shall be rendered to the Department of Economic Opportunity (DEO) for a determination of consistency with the principals for guiding development.

Units which are determined not to be affected by the building permit allocation system per this subsection but which have not been previously acknowledged by the City Planner are presumed to be lawfully established per Chapter 122, Article II, Nonconformities, if the additional following requirements are met:

- a. The applicant satisfies the building department that the unit meets the Florida Building Code, through as-built certifications or other means acceptable to the building official; and
- b. Fees: All back-fee payments shall be paid current and in full, from the date determined to be the established date of the unit. All impact fees shall be paid in full for units determined to have been established after the implementation of the Impact Fee Ordinance (January 1, 1985).
- c. Occupational license with the city is updated, and street addresses are assigned commensurate with the updated unit count.
- d. Applications received after May 2, 2017 must demonstrate that the unit sought to be established hereunder is or has been legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located.

Transient units which meet the criteria in subsection 108-991 will be licensed by the city.

Additional information that may be considered as evidence to prove existence of a unit(s) includes but is not limited to the following:

1. Official Appraisal Reports;
2. Inspection reports on company letterhead; and/or
3. Similar documentation.

The review process for lawful unit determination is as follows:

1. Applications will be processed on a first come, first serve basis. If the property is under contract with a scheduled closing date, staff will consider an expedited review;
2. Staff will schedule a site visit to include the Building Official when the application is under review;
3. If a unit(s) is recognized, the Collections Manager will coordinate with the applicant regarding any back fees owed; and
4. The lawful unit determination shall be rendered to the DEO for a determination of consistency with the principals for guiding development.

Application checklist:

- ☒ Application fee. Please make checks payable to "City of Key West."
- ☒ Notarized verification form signed by property owner or the authorized representative.
- ☒ Notarized authorization form signed by property owner, if applicant is not the owner.
- ☒ Copy of recorded warranty deed
- ☒ Survey
- ☒ Sketch of site and floor plan
- ☒ Supporting documentation that unit existed

**City of Key West
Planning Department**



Verification Form

(Where Authorized Representative is an Entity)

I, Owen Trepanier, in my capacity as President
(print name) *(print position; president, managing member)*
of Trepanier & Associates, Inc.
(print name of entity serving as Authorized Representative)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

1507 South Street

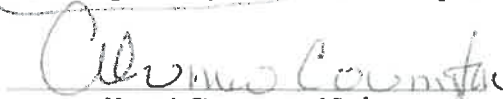
Street Address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.


Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 17 Sept 2018 by
Owen Trepanier
Name of Authorized Representative
date

He ~~She~~ is personally known to me or has presented _____ as identification.


Notary's Signature and Seal

Alvin Covington
Name of Acknowledger typed, printed or stamped



Alvin Covington
COMMISSION #FF913801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

FF913801
Commission Number, if any

**City of Key West
Planning Department**



**Authorization Form
(Individual or Joint Owner)**

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, **Dominique Barrera & Janelle Barrera**

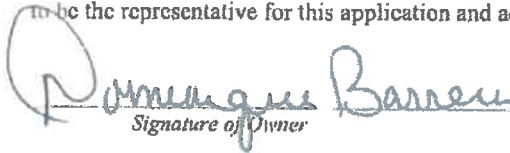
authorize

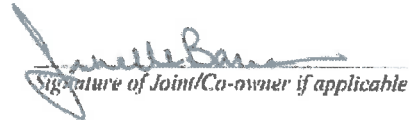
Please Print Name(s) of Owner(s) as appears on the deed

Trepanier & Associates, Inc.

Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.


Signature of Owner

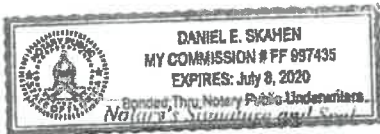

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this August 23 - 2018
Date

by **Dominique Barrera and Janelle Barrera**

Name of Owner

He/She is personally known to me or has presented personally known as identification.



Daniel Skohen

Name of Acknowledger typed, printed or stamped

997435

Commission Number, if any

CITY OF KEY WEST, FLORIDA

Business Tax Receipt

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	BARRERA, DOMINIQUE	CtrlNbr:0027914
Location Addr	1507 SOUTH ST	
Lic NBR/Class	18-00034500 RENTAL - NON-TRANSIENT RESIDENTIAL	
Issue Date:	August 21, 2018	Expiration Date: September 30, 2018
License Fee	\$3.33	
Add. Charges	\$3.33	
Penalty	\$0.00	
Total	\$3.33	
Comments:	ONE NON-TRANSIENT RENTAL UNIT	

This document must be prominently displayed.

BARRERA, DOMINIQUE

BARRERA, DOMINIQUE
1505 SOUTH ST

KEY WEST FL 33040

**2018 / 2019
MONROE COUNTY BUSINESS TAX RECEIPT
EXPIRES SEPTEMBER 30, 2019**

Business Name: DOMINIQUE BARRERA

RECEIPT# 25230-123742

Owner Name: DOMINIQUE BARRERA

Business Location: 1507 SOUTH ST
KEY WEST, FL 33040

Mailing Address:
1505 SOUTH ST
KEY WEST, FL 33040

Business Phone: 305-923-1774
Business Type: APARTMENTS CONDOS HOUSES & COMMERCIAL
UNITS (NON TRANS)

Rooms 1

Tax Amount	Transfer Fee	Sub-Total	Penalty	Prior Years	Collection Cost	Total Paid
20.00	0.00	20.00	0.00	0.00	0.00	20.00

Paid 000-17-00027657 09/06/2018 20.00

THIS BECOMES A TAX RECEIPT
WHEN VALIDATED

Danise D. Henriquez, CFC, Tax Collector
PO Box 1129, Key West, FL 33041

THIS IS ONLY A TAX.
YOU MUST MEET ALL
COUNTY AND/OR
MUNICIPALITY PLANNING
AND ZONING REQUIREMENTS.

**MONROE COUNTY BUSINESS TAX RECEIPT
P.O. Box 1129, Key West, FL 33041-1129
EXPIRES SEPTEMBER 30, 2019**

Business Name: DOMINIQUE BARRERA

RECEIPT# 25230-123742

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Rooms 1

Tax Amount	Transfer Fee	Sub-Total	Penalty	Prior Years	Collection Cost	Total Paid
20.00	0.00	20.00	0.00	0.00	0.00	20.00

Paid 000-17-00027657 09/06/2018 20.00

SHORT TERM RENTAL AGREEMENT

1. The Parties

This agreement made this 25 day of July 2009,
20 09 between Rick Thrasher [name of tenant] of
Boston, MA [address of tenant]
Hereinafter referred to as "Tenant", and Dominique Barrera [name of
landlord] of 1507 South St [address of
landlord] Hereinafter referred to as "Landlord".

2. The Property

Property Location:

1507 South St, Key West, FL

3. Period and Guests

Total people in renting party consists of 6 Adults, 0 Children,
_____, and not to exceed _____.

Rental period begins at 1:____ ☒ AM ☐ PM on the 25 day of
July, 2009, 20____ and ends at 11:____ ☒ AM ☐
PM on the day of August 1 2009, 20____.

4. Rental Amount

Total rental amount for the period is \$1500 Dollars
(\$_____)

or equal to _____ Dollars (\$ 250⁰⁰) per night.

5. Fees, Taxes, and Deposit

☒ Cleaning Fee: \$ 100

☒ Security Deposit: \$ 100

☐ Taxes: \$ _____

Exhibit C

11. Smoking (Check One)

☐ Smoking is allowed inside the home.

☒ Smoking is not allowed inside the house

12. Rental Deposit

Amount is fully refundable up to 8 prior to the beginning of the rental period.
After said period prior to the rental start date the Landlord shall have the right to retain the initial Rental Deposit at the Landlord's discretion.

13. Use of Property

Tenants expressly acknowledge and agree that this agreement is for transient occupancy of the Property and that Tenants do not intend to make the property a residence or household.

14. Manager/Landlord Contact

Landlord/manager's Name: DBarrera

Landlord/Manager's Telephone: 305 294-3227

Landlord/Manager's E-Mail: _____

30. Other Agreements

In addition to the language stated in this agreement the parties, Landlord and Tenant, agree to the following:

No Pets, No Smoking

Exhibit C

Landlord and Tenant agree to the above conditions on this 25 day of

July, 20 09 and hereby swear that the Information provided is accurate and true.

Tenant's Signature _____ Date: _____

Print Name RICK THRASHER

Tenant's Signature [Signature] Date 7/25/09

Print Name _____

Landlord's Signature D. Barrera Date: July 25/09

Print Name: _____

SHORT TERM RENTAL AGREEMENT

F.F. 09

1. The Parties

This agreement made this 26 day of October 09,
 2009 between Bill Brown [name of tenant] of
Port St. Lucie [address of tenant]
 Hereinafter referred to as "Tenant", and Dominique Barrera [name of
 landlord] of _____ [address of
 landlord] Hereinafter referred to as "Landlord".

2. The Property

Property Location: 1507 South Street Key West FL 33040

3. Period and Guests

Total people in renting party consists of 4 Adults, 0 Children,
 _____, and not to exceed _____.

Rental period begins at 10:☒ AM ☐ PM on the 26 day of
October, 2009 and ends at 11:☒ AM ☐
 PM on the day of 2nd October November, 20 09.

4. Rental Amount

Total rental amount for the period is \$2100 - Dollars
 (\$ _____)

or equal to \$2100 - Dollars (\$ 300) per night.

5. Fees, Taxes, and Deposit

☒ Cleaning Fee: \$ 150

☒ Security Deposit: \$ 100

☐ Taxes: \$ _____

11. Smoking (Check One)

☐

Smoking is allowed inside the home.

☒

Smoking is not allowed inside the house

12. Rental Deposit

Amount is fully refundable up to No Refunds prior to the beginning of the rental period.
After said period prior to the rental start date the Landlord shall have the right to retain the initial Rental Deposit at the Landlord's discretion.

13. Use of Property

Tenants expressly acknowledge and agree that this agreement is for transient occupancy of the Property and that Tenants do not intend to make the property a residence or household.

14. Manager/Landlord Contact

Landlord/manager's Name: D Barnera

Landlord/Manager's Telephone: 305 294-3227

Landlord/Manager's E-Mail: _____

30. Other Agreements

In addition to the language stated in this agreement the parties, Landlord and Tenant, agree to the following:

No Pets

Exhibit E

Landlord and Tenant agree to the above conditions on this 26 day of

October 2009, 20____ and hereby swear that the Information provided is accurate and true.

Tenant's Signature

Date:

Print Name

Tenant's Signature

Date

Print Name

Landlord's Signature

Date:

Print Name:

SHORT TERM RENTAL AGREEMENT

1. The Parties

This agreement made this 19 day of December 09,
2009 between Doug Bruce [name of tenant] of
Griffin GA [address of tenant]
Hereinafter referred to as "Tenant", and D. Barreira [name of
landlord] of 1507 South Street Key West [address of
landlord] Hereinafter referred to as "Landlord".

2. The Property

Property Location: 1507 South St. Key West, FL 33040

3. Period and Guests

Total people in renting party consists of 2 Adults, 2 Children,
_____, and not to exceed _____.

Rental period begins at 11:00 ☒ AM ☐ PM on the 19 day of
December, 2009 and ends at 11:00 ☒ AM ☐
PM on the day of 2 January 2010, 2010.

4. Rental Amount

Total rental amount for the period is \$3500 Dollars
(\$ _____)

or equal to _____ Dollars (\$ 250⁰⁰) per night.

5. Fees, Taxes, and Deposit

☒ Cleaning Fee: \$ 150
☒ Security Deposit: \$ 100

☐ Taxes: \$ _____

11. Smoking (Check One)

☐ Smoking is allowed inside the home.

☒ Smoking is not allowed inside the house

12. Rental Deposit

Amount is fully refundable up to No Refunds prior to the beginning of the rental period.
After said period prior to the rental start date the Landlord shall have the right to retain the initial Rental Deposit at the Landlord's discretion.

13. Use of Property

Tenants expressly acknowledge and agree that this agreement is for transient occupancy of the Property and that Tenants do not intend to make the property a residence or household.

14. Manager/Landlord Contact

Landlord/manager's Name: OBanera

Landlord/Manager's Telephone: 305 294-3227

Landlord/Manager's E-Mail: _____

30. Other Agreements

In addition to the language stated in this agreement the parties, Landlord and Tenant, agree to the following:

No Pets

Exhibit H

Landlord and Tenant agree to the above conditions on this 19 day of

December, 20 09 and hereby swear that the Information provided is accurate and true.

Tenant's Signature _____ Date: _____

Print Name _____

Tenant's Signature [Signature] Date 12/19/09

Print Name _____

Landlord's Signature [Signature] Date: 12/19/09

Print Name: _____

11. Smoking (Check One)

☐ Smoking is allowed inside the home.

☒ Smoking is not allowed inside the house

12. Rental Deposit

Amount is fully refundable up to No returns prior to the beginning of the rental period. After said period prior to the rental start date the Landlord shall have the right to retain the initial Rental Deposit at the Landlord's discretion.

13. Use of Property

Tenants expressly acknowledge and agree that this agreement is for transient occupancy of the Property and that Tenants do not intend to make the property a residence or household.

14. Manager/Landlord Contact

Landlord/manager's Name: Dominique Barrera

Landlord/Manager's Telephone: 305-294 3227

Landlord/Manager's E-Mail: _____

30. Other Agreements

In addition to the language stated in this agreement the parties, Landlord and Tenant, agree to the following:

no pets

Exhibit K

Landlord and Tenant agree to the above conditions on this 20 day of

March 2016, 20 and hereby swear that the information provided is accurate and true.

Tenant's Signature Cynthia R Tingley Date: 3-20-2016

Print Name _____

Tenant's Signature _____ Date _____

Print Name _____

Landlord's Signature D. Banera Date: March 20, 2016

Print Name: _____

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APRIL 2010
Exhibit M

MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

March 2010

April 2010

May 2010

June 2010

July 2010

August 2010

AT-A-GLANCE™

Good Friday

Fifth Day

Administrative Professionals
Day (C US)

65 min
Lecture @
10:00 Sunrise

1427
check out -
SATUR

CLEANERS IN
4 fine inspection

check out
Cindy T.

Cleaners

~

Exhibit N

Receipt No. **47196**
 Date **01-04-2000**
 FROM **1507 SOUTH ST** **\$50.00**
CLEANING **DOLLARS**
☐ FOR RENT
☐ FOR **BARRERA**
 FROM **1505 SOUTH ST** TO **#150**

ACCT.			<input type="radio"/> cash
PAID			<input type="radio"/> check
DUE			<input type="radio"/> money order

 BY **TOTAL \$300.00**
 DC 2501

No. **11-03** **2009**
 Received from **BARRERA FOR CLEANING**
1505/1507 SOUTH ST. **100** Dollars

Amnt of Account		
Amnt Paid		
Balance Due		

BOTH HOUSES CLEANED
\$ 300.00 PAID CASH

AFFIDAVIT

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

1. I have owned the properties at 1505 and 1507 South Street since February 2004.
2. Both properties, 1505 South Street and 1507 South Street, were rented transiently on or about April 1, 2010.

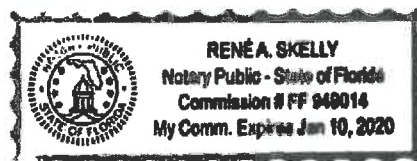
Dominique Barrera 9-4-18
Signature Date

Subscribed and sworn to (or affirmed) before me on Sept 5, 2018 (date) by Dominique Barrera (name of affiant), he/she is personally known to me or has presented _____ as identification.

René A. Skelly
Notary's Signature and Seal
René A. Skelly

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

1/10/20



AFFIDAVIT

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

1. I have personal knowledge of property located at 1505 South, during and prior to April 1, 2010.
2. There were 2 units located on the property.
3. The units were used transiently / non-transient.

Charlene Schuler 7-26-18
Signature Date

Subscribed and sworn to (or affirmed) before me on 26 July 2018 (date) by Charlene Schuler (name of affiant), he/she is personally known to me or has presented _____ as identification.

Alvina Covington
Notary's Signature and Seal



Alvina Covington
COMMISSION #FF013801
EXPIRES: August 27, 2018
www.AaronNotary.com

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

AFFIDAVIT

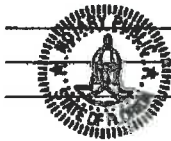
I, Cynthia R Tingley, swear/affirm the following to be true and correct to the best of my knowledge:

1. I have personal knowledge of property located at
1507 South St., during and prior to April 1, 2010.
2. There were 2 units located on the property.
3. The units were used transiently / ~~non-transient~~.

Cynthia R Tingley 7-24-2018
Signature Date

Subscribed and sworn to (or affirmed) before me on 24 July 2018 (date) by
Cynthia Tingley (name of affiant), he/she is personally known to me or
has presented _____ as identification.

Aaron Covington
Notary's Signature and Seal



Aaron Covington
COMMISSION #9813901
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

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

EXHIBIT "E"

W009115-091019 - Public Records Request

Message History (3)

On 9/11/2019 3:49:36 PM, Alvina Covington wrote:

I would like to request, copies of all transient LUD Applications submitted to the City of Key West from 2009 to Present, Incl. submission applications, inter/intra office communications regarding said applications & any draft and final LUD determinations.

This is an edit request

On 9/10/2019 12:04:49 PM, Public Records Center wrote:

Dear Alvina:

Thank you for your interest in public records of the City of Key West. Your request has been received and is being processed. Your request was received in this office on 9/10/2019 and given the reference number W009115-091019 for tracking purposes.

Record Requested: "Planning dept

I would like to request copy's of ALL TRANSIENT LUD submission application.
dated back from January 2009- to current."

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

City of Key West

To monitor the progress or update this request please log into the [Public Records Center](#).

On 9/10/2019 12:04:48 PM, Alvina Covington wrote:

Request was created by customer

TREPANIER & ASSOCIATES INC.
P O Box 2155 Ph. 305-293-8983
Key West, FL 33045

6010
63-91381/2631

DATE 9/16/19

PAY
TO THE
ORDER OF

CITY OF KEY WEST
ONE THOUSAND \$ 001100

\$ 1,000.00

DOLLARS



BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.com

FOR

Hercia Appel

James P. Trepanier

⑈00006010⑈ ⑆263191387⑆000014562051⑈