

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

KIRKSTEN C. IRICK

Appellant,

v.

CITY OF KEY WEST

Appellee,

RECEIVED
CITY CLERK'S OFFICE
2019 DEC - 5 PM 3:37
CITY OF KEY WEST
KEY WEST, FLORIDA

NOTICE OF APPEAL OF DENIAL OF LAWFUL UNIT DETERMINATION

NOTICE IS HEREBY GIVEN, that KIRKSTEN C. IRICK ("Appellant"), hereby appeals 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 1427 Washington Street, Key West, Florida¹, (the "Subject Property") which was executed on November 25, 2019, a copy of which is attached hereto and made a part of this Appeal a copy of the City's determination is attached hereto, made a part hereof and marked as Exhibit "A".

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

BACKGROUND

1. Appellant is the owner of the subject property located at 1427 Washington Street, Key West, Florida, by virtue of a Warranty Deed executed on January 14, 2005 and recorded on January 18, 2005 in Book 2075, Page 1499, of the Official Records Book of the

¹ The Subject Property has RE: Number 00041600-000100 and Alternate Key # 8924615

Monroe County, Florida. A copy of this Warranty Deed is attached hereto made a part hereof and marked as Exhibit “B”

2. The subject property consists of two story, three-bedroom, two and one-half bath CBS home, consisting of approximately 2440 finished square feet that was constructed in 1998. A copy of a sketch of the Subject Property is attached hereto, made a part hereof and marked as Exhibit “C”
3. Appellant has been renting the subject property as a transient unit since approximately February 19, 2010.
4. On or about September 26, 2018, Appellant filed with the City their Lawful Unit Determination Application with the City of Key West seeking a determination that his existing 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 November 20, 2019, over one (1) year after the submittal of the application, the Planning Director, reviewed Appellant’s 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. It should be noted that when Appellant submitted his application, Sec. 108-991 provided that “*Transient Units which meet the criteria in this subsection will be licensed by the City*”. This provision was removed by Ord. 19-10, nearly eight (8) months after the date this application was submitted.
6. 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 which was previously recognized by the City.

7. 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.
- 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), Appellant submitted seven (7) documents demonstrating the existence of the transient use on or before April 1, 2010.

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

- a. Short Term Rental Agreement dated March 19, 2010, executed on February 19, 2010;
- b. Calendar for the month of February 2010 showing use of unit as a short-term rental unit;
- c. Short Term Rental Agreement dated March 7, 2010;
- d. Short Term Rental Agreement dated March 31, 2010;
- e. Calendar for the month of March 2010 showing use of unit as a short-term rental unit;
- f. Calendar for the month of April 2010, showing use of unit as a short-term rental unit;
- g. Receipts for cleaning of 1427 Washington Street, dated March and April 2010;

Additionally, the Appellant's 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. However, the Planning Director has determined that the applicant only established one non-transient unit exists on the property. Presumably, as it has been argued in the past, the Planning Director is taking the position that the applicant is applying for a "transient use" and not a transient unit and or "development" as contemplated by the Code and or the subject ordinance. Development is defined in Section 86-8 – Definitions of Terms, the Code of Ordinances of the City of Key West as:

"Development means the carrying out of any building activity or excavation, including the making of any material change in the use or appearance of any structure or land, or the dividing of land into two or more parcels." Sec. 86-8, Code of Ordinances. [Emphasis added by undersigned]

Despite the Planning Director's determination that the subject property was not "developed" under the ordinance and that the property does not qualify under Section 108-991(3), there is sufficient evidence that the property's use was materially changed which qualifies as "development" under the Code. Therefore, under Section 108-991(3), Appellant is entitled to a determination that the Subject Property has one (1) lawfully established transient unit.

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 Appellant has met the threshold burden of proving the existence that a unit existed on or before April 1, 2010. Additionally, the Appellant provided the City of Key West, ample evidence to establish that she 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, Appellant respectfully request the Board of Adjustment to enter a decision:

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 5, 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 Appellant

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: 

David Van Loon

Florida Bar #0655074

EXHIBIT "A"



THE CITY OF KEY WEST

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

November 20, 2019

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

RE: LUD Application – 1427 Washington Street, Key West, FL 33040

Dear Ms. Thompson,

We have reviewed your application for one transient unit for the real property located at 1427 Washington Street, Key West, FL 33040, where the City recognizes one non-transient unit. 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.

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



THE CITY OF KEY WEST

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

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.

After review of your application considering these criteria, coupled with a site visit on October 24, 2018, it is my determination that you have established that one non-transient unit exists on the property. The unit is not a new determination as it has been recognized by the city since 1998.

Sincerely,

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

Roy Bishop
Planning Director

Dated: _____

11/25/19

EXHIBIT "B"

This Document Prepared By and Return to:
Thoms J. DiDato, P.A.
Attorney-at-Law
302 Southard St, Suite 101
Key West, FL 33040
(305) 293-4684

DEED DOC STAMP CL: PW \$7,525.00

Parcel ID Number: 00041600-000100

Doc# 1490791
Bk# 2076 Pg# 1499

Warranty Deed

This Indenture, Made this 14th day of January, 2005 A.D.,
CLAYTON M. DOHERTY and PAMELA L. BRANDT, husband and wife

of the County of CHATHAM, State of Georgia, grantors, and
KIRKSTEN C. IRICK, a single man

whose address is: 1300 8TH STREET, KEY WEST, FL 33040

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

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 GRANTEE, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of MONROE State of Florida to wit:

A parcel of land on the Island of Key West, said parcel being a part
of Lot 8 in Block 6 indicated on plat of the SUBDIVISION OF TRACT 19
BY THE TROPICAL BUILDING AND INVESTMENT COMPANY, the said plat thereof
being recorded in Plat Book 1 at Page 34 of the Public Records of
Monroe County, Florida; and the said parcel of land being described as
follows: BEGIN at the East corner of the aforesaid Lot 8 and run
thence SW'ly and along the SE'ly boundary line of the aforesaid Lot 8
for a distance of 36.38 feet; thence NW'ly and at right angles for a
distance of 93.50 feet to the NW'ly boundary line of the aforesaid Lot
8, thence NE'ly and along the NW'ly boundary line of the aforesaid Lot
8 for a distance of 36.38 feet to the north corner of the aforesaid
Lot 8; thence SE'ly and along the NE'ly boundary line of the aforesaid
Lot 8 for a distance of 93.50 feet back to the POINT OF BEGINNING.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

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:

Printed Name: Wesley Sharp
Witness

Printed Name: Wesley Sharp
Witness

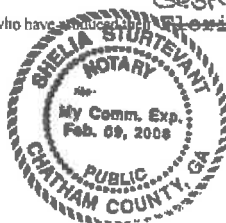
CLAYTON M. DOHERTY (Seal)
P.O. Address: 608 HERB RIVER DRIVE, SAVANNAH, GA 31406

PAMELA L. BRANDT (Seal)
P.O. Address: 608 HERB RIVER DRIVE, SAVANNAH, GA 31406

STATE OF GEORGIA
COUNTY OF CHATHAM

The foregoing instrument was acknowledged before me this day of January, 2005 by
CLAYTON M. DOHERTY and PAMELA L. BRANDT, husband and wife

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

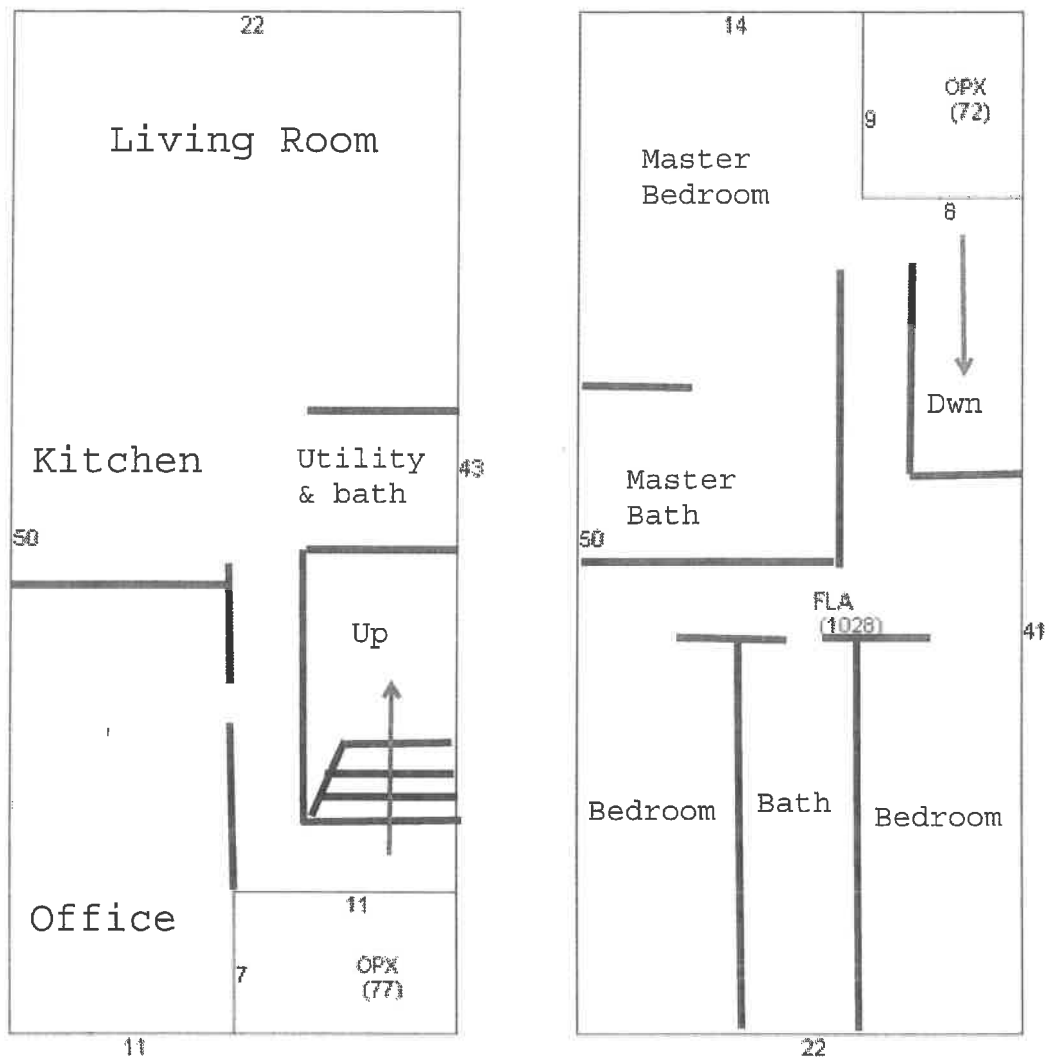


Shelia Sturtevant
Printed Name: SSA
Notary Public
My Commission Expires:

MONROE COUNTY
OFFICIAL RECORDS

EXHIBIT "C"

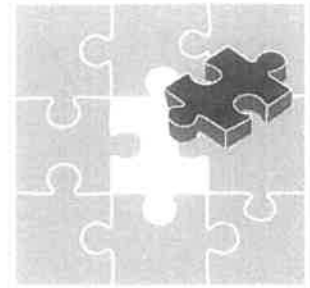
1427 Washington Street



Floor Plan

EXHIBIT "D"

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

December 5, 2018

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

**RE: Supplement to Lawful Unit Determination Application
1427 Washington Street (RE# 00041600-000100)**

Dear Mr. Wright:

This letter serves as a supplement to the LUD application submitted on 9-26-18. The current recognition of the property, as development not affected pursuant to BPAS, the Hurricane Evacuation Clearance Time and the TIME model, is inconsistent with Policy 1-1.16.3, Sec. 108-991, Sec. 108-987, and Sec. 108-994.

The corrective application submitted on 09-26-18 seeks to identify and clarify the number of units and the residential unit type associated with the above property according to the April 1, 2010 census and pursuant to Sec. 108-991.

Sec. 108-991 identifies development not affected by the Building Permit Allocation System ("BPAS"). BPAS identifies development in terms of "Residential Structure Type" and its associated impact on hurricane evacuation through the structure type's equivalent single-family unit factor. Key West's required 24-hour evacuation time is based on the TIME model which relies on the ratio of the average number of vehicles per unit based on the 2010 U.S. Census for the respective residential structure types divided by the vehicles per single-family units (i.e., 1.28 vehicles per unit).

Therefore, the residential structure type has been, and continues to be, a critical determination under Sec. 108-991 to maintain consistency with:

Policy 1-1.16.3: Permit Allocation System Ratios by Structure Type.

The permit allocation system shall be sensitive to differing trip generating characteristics of permanent and transient residential units as well as single-family units, accessory apartment units and multi-family residential units.

Sec. 108-987. - Purpose and intent.

- (1) Reduce or maintain hurricane evacuation clearance times measured by the Transportation Interface for Modeling Evacuations (TIME) Model for the Florida Keys.
- (5) Limit units allocated from the BPAS by using those units which are identified and derive from the following sources: City of Key West Comprehensive Plan Policy 1.1.1.1; units recovered by the city which were previously allocated and unused and subsequently returned to the city; units recaptured by the city which are derived from decreases in existing residential density and changes in residential uses and subsequently returned to the city through the waiver and release of building permit allocation process and any pre-existing reserve units. [emphasis added]

Sec. 108-994. - Established.

The city establishes a building permit allocation system in order to limit the number of permits issued for permanent and transient units by structure type and affordability level (as shown on Table 1.0 below) to those available through the following means:

- (3) Units as recovered by the city which were either previously allocated and unused or which derive from units which are determined not be affected by this article per section 108-991.

Thank you in advance for your consideration. Please do not hesitate to contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Owen Trepanier', written over a horizontal line.

Owen Trepanier

AFFIDAVIT

I, Kirksten C. Irick swear/affirm the following to be true and correct to the best of my knowledge:

1. I have submitted an application for Lawful United Determination with The City of Key West.
2. On April 1, 2010 one transient unit existed on the property that I own.

Address of 1427 Washington Street, Key West

3. I acknowledge a false statement herein is punishable by perjury as provided in Florida

Statutes 837.6

K. C. Irick
Signature
K. C. IRICK
Print Name

STATE OF FLORIDA

COUNTY OF MONROE

Subscribed and sworn to (or affirmed) before me on 11-1-18 (date) by Kirksten C. Irick (name of affiant), he/she is personally known to me or has presented _____ as identification.

Dominique Barrera
Notary's Signature and Seal



DOMINIQUE BARRERA
Commission # 00231882
Expires June 26, 2022
Bonded Thru Budget History Services

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



September 26, 2018

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

RE: Lawful Unit Determination Application
1427 Washington Street
RE# 00041600-000100

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 home was used transiently on or about April 1, 2010.

Units and Use:

The above referenced property is a two-story, 3 bedroom/2 bath, single family, cbs home constructed in 1998.

Units Recognized by the City of Key West & Monroe County today	
Utilities Department	1 residential unit
Licensing	No licensing records
Monroe County Tax Collector	1 non-transient residential unit

Units in Existence on or about April 1, 2010

This property was used transiently on or about April 1, 2010. This application seeks recognition of the transient use of 1427 Washington Street, as evidenced by the materials submitted below:

Evidence:

Date	Evidence	Compliance	Exhibit
Feb 19 – March 5, 2010	Transient rental lease	Sec. 108-991(3)e	A
Feb. 2010	Calendar	Sec. 108-991(3)i	B
March 7 - 17, 2010	Transient rental lease	Sec. 108-991(3)e	C
March 31 – April 7, 2010	Transient rental lease	Sec. 108-991(3)e	D
March 2010	Calendar	Sec. 108-991(3)i	E
April 2010	Calendar	Sec. 108-991(3)i	F
2009-2010	Cleaning receipt	Sec. 108-991(3)i	G

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 city¹. 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.

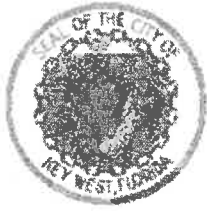
In conclusion, given the above documentation, we respectfully request the City of Key West recognize that one transient dwelling unit existed on the subject property on, or about, April 1, 2010 and was a permissible use under former zoning requirements. Thank you in advance for your consideration.

Best Regards,



Lori Thompson
Project Manger

¹ 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: 1427 Washington Street

Real Estate (RE) #: 00041600-000100 Alternate Key: 8924615

Zoning District: resid Total Land Area (sq ft): 3,401.53

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: none Office: 305-293-8983 Fax: 305-293-8748

Email: lori@owentrepanier.com

PROPERTY OWNER: (if different than above)

Name: Kirksten C Irick

Mailing Address: PO Box 267

City: Key West State: FL Zip: 33041-0267

Home/Mobile Phone: NA Office: c/o 305-293-8983 Fax: c/o 305-293-8748

Email:

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		
Transient Units	1	0
Commercial Units		

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 indication 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:

1427 Washington St

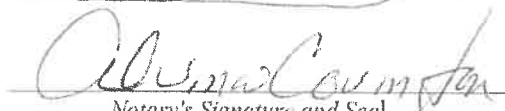
Street Address of subject property

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 26 Sept 2018 by
date
Owen Trepanier
Name of Authorized Representative

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


Notary's Signature and Seal

Alvina Covington
Name of Acknowledger typed, printed or stamped



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

FF
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, Kirksten Irick 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.

K. Irick
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 Kirksten Irick

Name of Owner

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

D. Barrera



DOMINIQUE BARRERA
Commission # GG 231952
Expires June 25, 2022
Bonded Through Budget Notary Services

Notary's Signature and Seal

Dominique Barrera
Name of Acknowledger typed, printed or stamped

GG 231952

Commission Number, if any

This Document Prepared By and Return to:
Thoms J. DiDato, P.A.
Attorney-at-Law
302 Southard St, Suite 101
Key West, FL 33040
(305) 293-4684

DEED DOC STAMP CL: PW \$7,525.00

Parcel ID Number: 00041600-000100

Doc# 1490791
Bkn 2075 Pgn 1499

Warranty Deed

This Indenture, Made this 14th day of January, 2005 A.D., Between
CLAYTON M. DOHERTY and PAMELA L. BRANDT, husband and wife

of the County of CHATHAM, State of Georgia, grantors, and
KIRKSTEN C. IRICK, a single man

whose address is: 1300 8TH STREET, KEY WEST, FL 33040

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

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 GRANTEE, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of MONROE State of Florida to wit:

A parcel of land on the Island of Key West, said parcel being a part
of Lot 8 in Block 6 indicated on plat of the SUBDIVISION OF TRACT 19
BY THE TROPICAL BUILDING AND INVESTMENT COMPANY, the said plat thereof
being recorded in Plat Book 1 at Page 34 of the Public Records of
Monroe County, Florida; and the said parcel of land being described as
follows: BEGIN at the East corner of the aforesaid Lot 8 and run
thence SW'ly and along the SE'ly boundary line of the aforesaid Lot 8
for a distance of 36.38 feet; thence NW'ly and at right angles for a
distance of 93.50 feet to the NW'ly boundary line of the aforesaid Lot
8, thence NE'ly and along the NW'ly boundary line of the aforesaid Lot
8 for a distance of 36.38 feet to the north corner of the aforesaid
Lot 8; thence SE'ly and along the NE'ly boundary line of the aforesaid
Lot 8 for a distance of 93.50 feet back to the POINT OF BEGINNING.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

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:

Printed Name: Wesley Sharp
Witness

Printed Name: Wesley Sharp
Witness

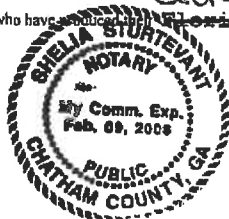
CLAYTON M. DOHERTY (Seal)
P.O. Address: 608 HERB RIVER DRIVE, SAVANNAH, GA 31406

PAMELA L. BRANDT (Seal)
P.O. Address: 608 HERB RIVER DRIVE, SAVANNAH, GA 31406

STATE OF GEORGIA
COUNTY OF CHATHAM

The foregoing instrument was acknowledged before me this day of January, 2005 by
CLAYTON M. DOHERTY and PAMELA L. BRANDT, husband and wife

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

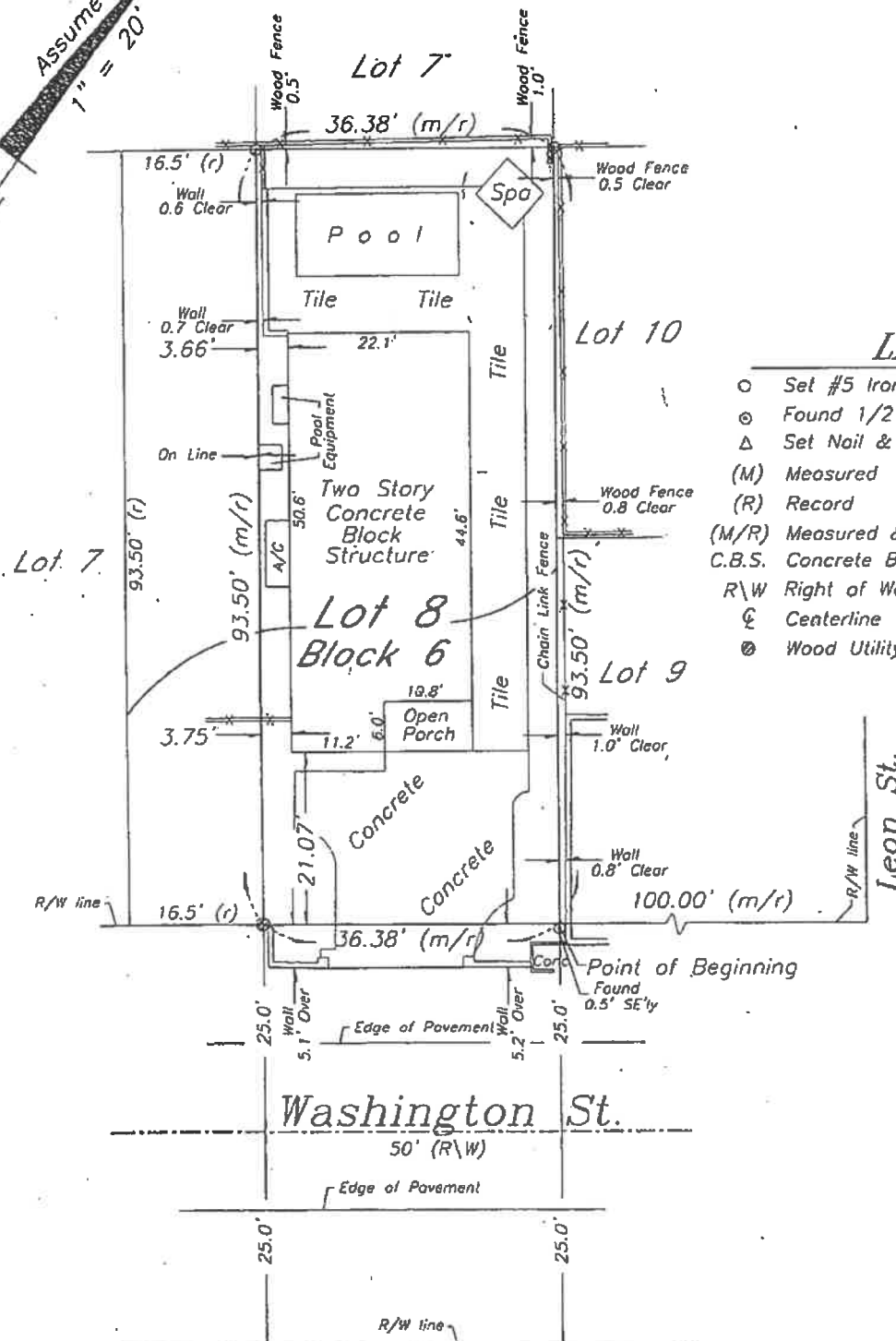


Shelia Sturtevant
Printed Name: SSA
Notary Public
My Commission Expires:

MONROE COUNTY
OFFICIAL RECORDS

Boundary Survey Map of part of Lot 8 in Bl

Assumed
1" = 20'



LEGEND

- Set #5 Iron Rod (LB 7131)
- ⊙ Found 1/2" Iron Pipe (FHH)
- △ Set Nail & Disc (LB 7131)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- ⊕ Centerline
- ⊙ Wood Utility Pole

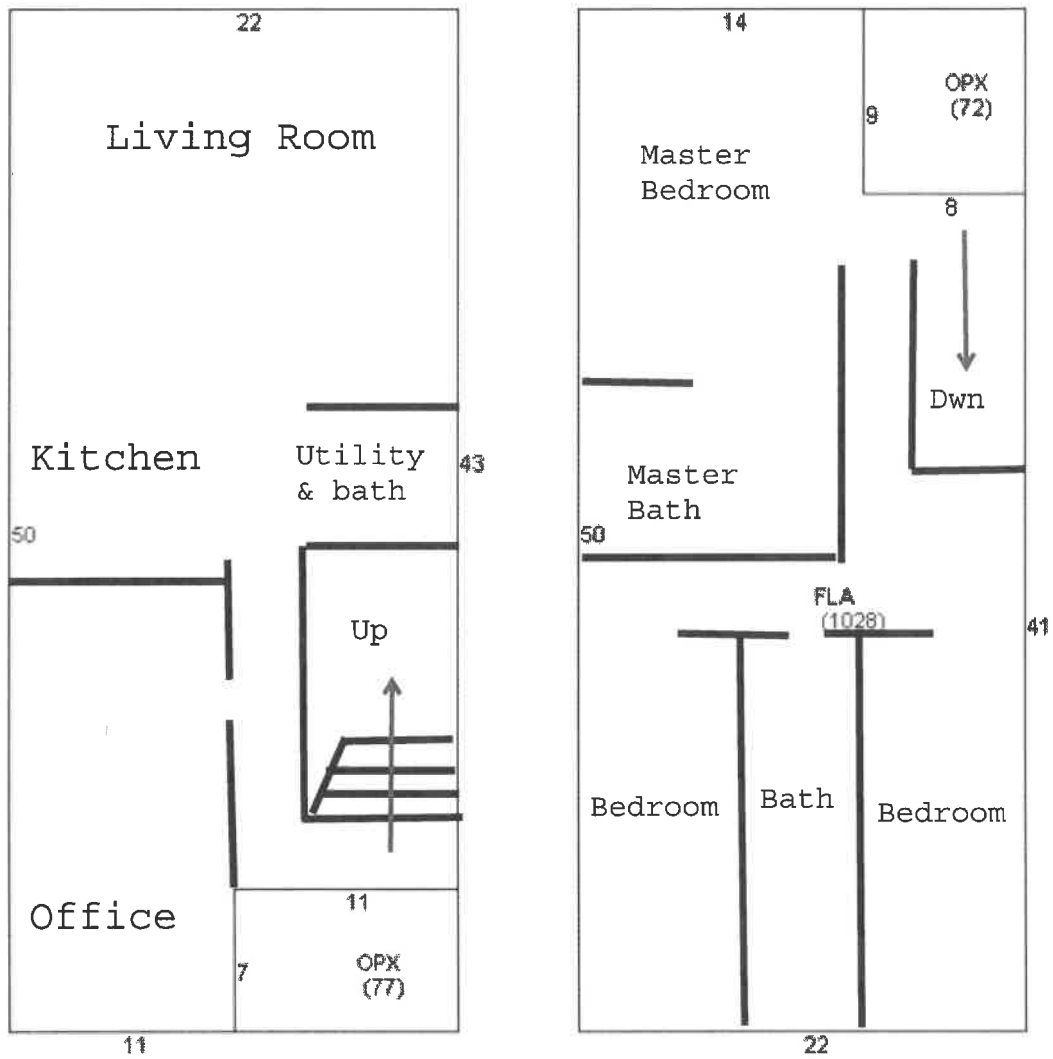
NOTE
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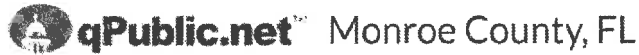
BOU

Jan

1427 Washington Street



Floor Plan



Summary

Parcel ID 00041600-000100
 Account # 8924615
 Property ID 8924615
 Millage Group 10KW
 Location 1427 WASHINGTON St , KEY WEST
 Address
 Legal KWL TROPICAL BLDG AND INVESTMENT CO SUB PT LOT 8 SQR 6 TR 19 PB1-34
 Description OR1171-1048/1049 OR1398-830/832 OR1517-166/167Q/C OR1556-437/438
 OR1723-858 OR2076-1499
 (Note: Not to be used on legal documents)
 Neighborhood 6157
 Property Class SINGLE FAMILY RESID (0100)
 Subdivision Tropical Building and Investment Co
 Sec/Twp/Rng 05/68/25
 Affordable No
 Housing



8924615 1427 WASHINGTON ST 6/18/18

Owner

IRICK KIRKSTEN C
 PO Box 267
 Key West FL 33041

Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$306,653	\$314,132	\$272,567	\$269,016
+ Market Misc Value	\$25,709	\$26,491	\$28,056	\$24,448
+ Market Land Value	\$299,403	\$297,566	\$294,790	\$370,258
= Just Market Value	\$631,765	\$638,189	\$595,413	\$663,722
= Total Assessed Value	\$631,765	\$638,189	\$595,413	\$663,722
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$631,765	\$638,189	\$595,413	\$663,722

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	3,401.53	Square Foot	36	94

Buildings

Building ID	35007	Exterior Walls	C.B.S.	
Style		Year Built	1998	
Building Type	S.F.R. - R1/ R1	EffectiveYearBuilt	2002	
Gross Sq Ft	2440	Foundation	CONCR FTR	
Finished Sq Ft	2051	Roof Type	GABLE/HIP	
Stories	2 Floor	Roof Coverage	METAL	
Condition	GOOD	Flooring Type	CERM/CLAY TILE	
Perimeter	288	Heating Type	FCD/AIR DUCTED with 0% NONE	
Functional Obs	0	Bedrooms	3	
Economic Obs	0	Full Bathrooms	2	
Depreciation %	18	Half Bathrooms	1	
Interior Walls	DRYWALL	Grade	550	
		Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	149	0	0
DCF	F DET CARPORT	240	0	0
FLA	FLOOR LIV AREA	2,051	2,051	0
TOTAL		2,440	2,051	0

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
CH LINK FENCE	1964	1965	1	372 SF	1
FENCES	1995	1996	1	144 SF	2
WATER FEATURE	1997	1998	1	1 UT	1
FENCES	1997	1998	1	102 SF	5
RES POOL	1997	1998	1	210 SF	5
PATIO	1997	1998	1	468 SF	2
PATIO	1997	1998	1	625 SF	2
FENCES	1997	1998	1	80 SF	2

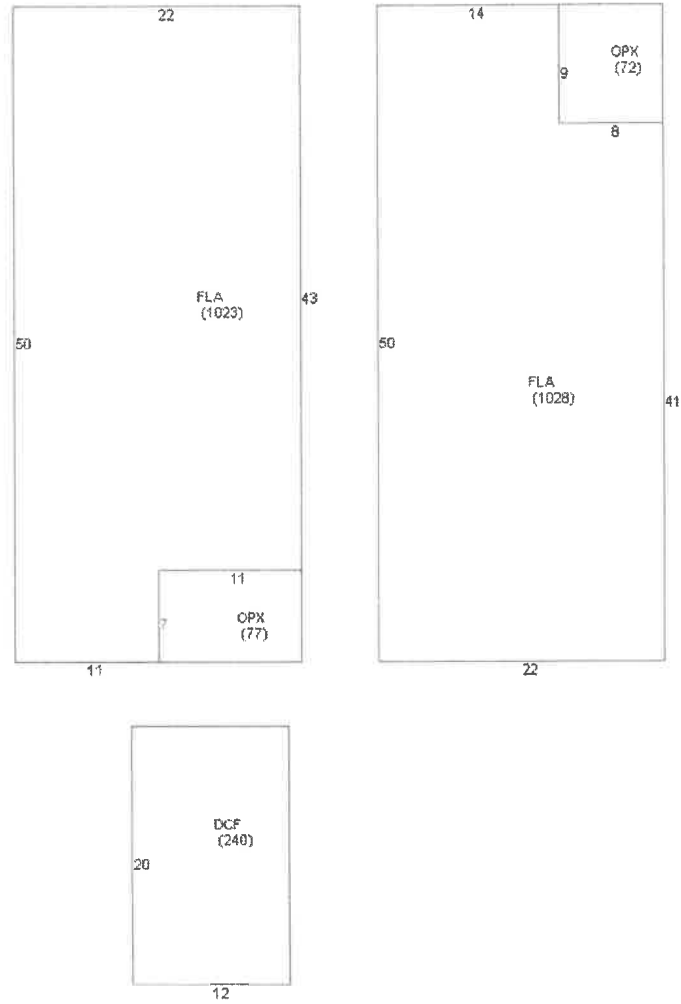
Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
1/14/2005	\$1,075,000	Warranty Deed		2076	1499	Q - Qualified	Improved
9/4/2001	\$600,000	Warranty Deed		1723	0858	Q - Qualified	Improved
1/7/1999	\$420,000	Warranty Deed		1556	0437	Q - Qualified	Improved

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
05-3959	9/28/2005	12/19/2005	\$8,000	Residential	NEW CARPORT & TRELLIS(HAS VARIANCE & CONDITIONS WITH THIS PERMIT
05-3960	9/28/2005	12/19/2005	\$2,000	Residential	V-CRIMP ROOF FOR CARPORT
9801695	6/2/1998	4/23/1998	\$4,500	Residential	POOL
9800843	3/16/1998	4/23/1998	\$200	Residential	ELECTRICAL
9800146	1/15/1998	4/23/1998	\$1,800	Residential	ELECTRICAL
9800153	1/15/1998	4/23/1998	\$5,700	Residential	MECHANICAL
9702250	8/1/1997	4/23/1998	\$100,000	Residential	NEW SFR

Sketches (click to enlarge)



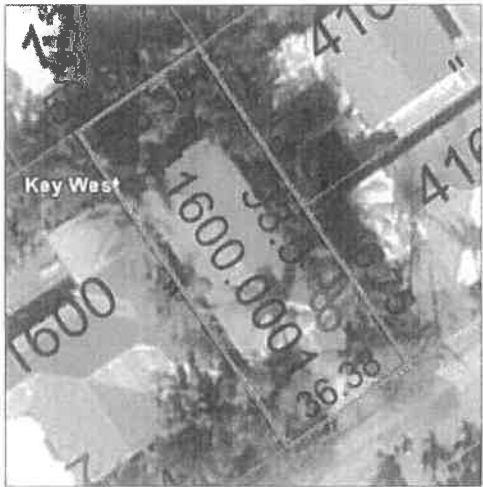
Photos



8924216 1427 WASHINGTON ST 6/18/18



Map



TRIM Notice

Trim Notice

2018 Notices Only

No data available for the following modules: Commercial Buildings, Mobile Home Buildings, Exemptions.

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: 8/21/2018, 3:40:55 AM



Exhibit A

SHORT TERM RENTAL AGREEMENT

1. The Parties

This agreement made this 19 day of MARCH 2010,
2010 between RICHARD KRAFI [name of tenant] of
1527 WASHINGTON ST [address of tenant]
Hereinafter referred to as "Tenant", and K.C. IRICK [name of
landlord] of 1427 WASHINGTON ST [address of
landlord] Hereinafter referred to as "Landlord".

2. The Property

Property Location: Key West FL.

3. Period and Guests

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

Rental period begins at 10:00 ☒ AM ☐ PM on the 19 day of
MARCH FEB., 2010 and ends at 11:00 ☒ AM ☐
PM on the day of MARCH 5, 2010

4. Rental Amount

Total rental amount for the period is \$350.00 Dollars
(\$ 350.00)
or equal to \$5250 TOTAL - Rent Dollars (\$ 5250) per night.

5. Fees, Taxes, and Deposit

☒ Cleaning Fee: \$ 150.00

☐ Security Deposit: \$ 0

☐ Taxes: \$

Exhibit A

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: K.C. irick

Landlord/Manager's Telephone: 305-923-1741

Landlord/Manager's E-Mail: _____

30. Other Agreements

NO PETS

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

Exhibit A

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

Feb, 20 10 and hereby swear that the Information provided is accurate and true.

Tenant's Signature

Richard Kraft

Date:

2/19/10

Print Name

RICHARD KRAFT

Tenant's Signature

Date

Print Name

Landlord's Signature

K.C. Irwin

Date:

2/19/2010

Print Name:

K.C. Irwin

FEBRUARY 2010 Exhibit B

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4 CASA SHOWING 1:00	5 VON HARTEN	6 KICK
	8	9 Surprise Party Inviting Rich Fr. Weigens	10 CASA SHOWING	11 PICK CASA 1:00 CASA	12 CASA 1:00 CASA	13
15 PICKUP CASA 1:00 CASA	16	17	18 CASA SHOWING	19 CASA SHOWING	20 CASA SHOWING	21
22 CASA SHOWING	23	24 PPL SHOWING	25	26	27	28
29	30	31				

February 2010

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

March 2010

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2010

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 2010

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June 2010

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Exhibit C

SHORT TERM RENTAL AGREEMENT

1. The Parties

This agreement made this 7 day of MARCH 2010,
2010 between DALE ODOM [name of tenant] of _____
[address of tenant]
Hereinafter referred to as "Tenant", and _____ [name of
landlord] of KC IRICK [address of
landlord] Hereinafter referred to as "Landlord".

2. The Property

Property Location: 1427 WASH ST Key West

3. Period and Guests

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

Rental period begins at 11:00 ☒ AM ☐ PM on the 7 day of
MARCH, 2010 and ends at 11:00 ☒ AM ☐
PM on the day of 11 MARCH, 2010

4. Rental Amount

Total rental amount for the period is 350.00 Dollars
(\$ _____)
or equal to \$1400 TOTAL RENT Dollars (\$ _____) per night.

5. Fees, Taxes, and Deposit

☒ Cleaning Fee: \$ 150

☐ Security Deposit: \$ _____

☐ Taxes: \$ _____

Referral

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 NO 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: KC Irick

Landlord/Manager's Telephone: 305-923-1744

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 C

Landlord and Tenant agree to the above conditions on this 7 day of

March, 2010 and hereby swear that the Information provided is accurate and true.

Tenant's Signature [Signature] Date: 3-7-10

Print Name D

Tenant's Signature _____ Date _____

Print Name _____

Landlord's Signature [Signature] Date: March 7, 15

Print Name: _____

SHORT TERM RENTAL AGREEMENT

1. The Parties

This agreement made this 31 day of MARCH,
2010 between DAVID SEITZER [name of tenant] of
DAVID SEITZER [address of tenant]
Hereinafter referred to as "Tenant", and
landlord] of K.C. IRICK [name of
landlord] Hereinafter referred to as "Landlord". [address of

2. The Property

Property Location: 1427 WASHINGTON ST

3. Period and Guests

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

Rental period begins at 11:00 ☒ AM ☐ PM on the 31 day of
MARCH, 2010 and ends at 11:00 ☒ AM ☐
PM on the day of April, 2010.

4. Rental Amount

Total rental amount for the period is 350.00 Dollars
(\$ _____)
or equal to \$12450 TOTAL - Rent Dollars (\$ _____) per night.

5. Fees, Taxes, and Deposit

☐ Cleaning Fee: \$ 150.00

☐ Security Deposit: \$ _____

☐ Taxes: \$ _____

Exhibit D

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 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: K.C. irick

Landlord/Manager's Telephone: 305 923 1744

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 D

Landlord and Tenant agree to the above conditions on this 31 day of

March, 2010 and hereby swear that the Information provided is accurate and true.

Tenant's Signature David Setzer Date: March 31, 10

Print Name _____

Tenant's Signature _____ Date _____

Print Name _____

Landlord's Signature KC Date: 3/31/10

Print Name: KC Irick

March 2010

April 2010

May
2010

June 2010

2

July 2010

August 2010

[illegible]

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AT-A-GLANCE™

3507
Cindy

Chlorophyll

65 ANT LEASE @ #106 SUNRISE	7 1427 CHECKOUT SGLT
-----------------------------------	----------------------------

CLEANS IN
4 fire inspection
2000
10/20/00
10/20/00

University of Illinois at Chicago

AT-A-GLANCE™

Exhibit G

RECEIPT

date 3 / 15 / 10 No. 738301

received from C. IRICK \$150⁰⁰

for payment of FOR cleaning service dollars,

1427 Washington

for payment of ☒ cash ☐ money order ☐ credit card ☐ check # _____

amount due	
amount paid	
balance	

from _____ to _____

signature _____ **a** DC250IWS

RECEIPT

date 3 / 11 / 10 No. 738306

received from IRICK \$150⁰⁰

1427 Washington dollars

for payment of Cleaning

☒ cash ☐ money order ☐ credit card ☐ check # _____

amount due	
amount paid	
balance	

from _____ to _____

signature _____ **a** DC250IWS

RECEIPT

date 4 / 7 / 10 No. 738316

received from IRICK \$150⁰⁰

Cleaning-1427 dollars

for payment of Washington St

☒ cash ☐ money order ☐ credit card ☐ check # _____

amount due	
amount paid	
balance	

from _____ to _____

signature _____ **a** DC250IWS

Approved Transient LUDs – Previously Non-transient

Unit Address	Zoning	Submission Date	Determination Date
822 Fleming St & 822 Fleming St (rear)	HNC	03/02/10 transient units"	08/27/10
802-822 White St	HNC	09/25/13	03/25/14
904 Eaton St	HMDR	08/05/14 isient units"	06/09/17
511 Eaton St	HNC	08/20/14	06/09/17
418 White St	HNC	10/01/14 ransient units"	06/06/17
307 Elizabeth St	HMDR	02/13/15 -transient units"	06/16/17
1213 Georgia St	HMDR	02/13/15 a previously	06/16/17
1011 Whitehead St	HMDR	02/27/16	06/09/17
903 Eisenhower Dr	CG	05/07/16 -transient units"	
723 Catherine St	HMDR	08/01/16 it"	06/09/17
815 Catherine St	HMDR	08/01/16	06/09/17
1901 S. Roosevelt Blvd, Unit 302-S	MDR-C	11/22/16 : unit"	06/16/17
906 Windsor Ln	HHDR	11/22/16 nit"	09/06/17
1901 S. Roosevelt Blvd, Unit 202-W	MDR-C	03/09/17	06/16/17
408 Petronia St	HNC-3	05/02/17 ty previously	04/13/18
603 Southard St	HNC-1	05/02/17	06/16/17
629 United St	HMDR	05/02/17	06/16/17
906 Windsor Ln	HMDR	11/22/16	06/09/17
05/07/19 - City Commission adopts ordinance change			05/07/19
901 Truman	HNC	nt units"	06/25/19
1507 South St	SF	09/17/18 it is not a new unit	09/05/19
1427 Washington St	HMDR	09/26/18 it is not a new unit	11/25/19
528 Grinnell St	HHDR	04/30/18 its are not a new	11/21/19
1409 White	HMDR	06/14/18 it is not a new unit	11/25/19
3700-3702 Sunrise	SF	06/13/18 its are not a new	11/25/19
1111-B Grinnell	HMDR	07/11/18 its are not a new	11/25/19
427 Catherine	HRCC3	11/15/18 ed with the LUD nsiently on or /."	11/25/19
1009 #7 Simonton	HNC1	11/15/18 t is not a new unit	11/25/19