

File #: 2025-212

Owner's Name: 6630 Maloney, LLC

Applicant: Van D Fischer, Esq VDF Law
PLLC

Agent/Contact: Van D Fischer

Type of Application: PC Appeal

Key: Stock Island

RE #: 00127510-000000

Additional Information added to File 2025-212

End of Additional File 2025-212

APPLICATION
MONROE COUNTY, FLORIDA
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT



RECEIVED
2025-212
OCT 21 2025

MONROE COUNTY
PLANNING DEPT.

APPEAL TO THE PLANNING COMMISSION
[MUST BE RECEIVED WITHIN 30 CALENDAR DAYS OF THE DECISION]

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review.

Application Fee: \$1500.00 (*required*)

Advertisement Fee: \$245.00 (*required*)

Surrounding Property Owner Notification: *\$3.00 for each property owner required to be noticed*

Pursuant to Monroe County Code Section 102-185, the Planning Commission shall hear and decide upon appeals to administrative actions regarding provisions of the Land Development Code, excluding those related to floodplain management and actions by the Historic Preservation Commission.

Date of Application: 10 / 20 / 2025
Month Day Year

Appellant:

6630 Maloney LLC

Van Fischer, Esq.

Appellant (Name of Person, Business or Organization)

Contact Name

c/o VDF Law PLLC, 626 Josephine Parker Dr., #205, Key West, FL 33040

Appellant Mailing Address (Street, City, State and Zip Code)

305-849-3893

van@vdf-law.com

Appellant Phone #

Appellant Email Address

Agent Authorized to Act for Appellant (if applicable):

Van Fischer, Esq./VDF Law PLLC

Van Fischer

Agent (Name of Person, Business or Organization)

Contact Name

626 Josephine Parker Dr, #205, Key West, FL 33040

Agent Mailing Address (Street, City, State and Zip Code)

305-849-3893

van@vdf-law.com

Agent Phone #

Agent Email Address

APPLICATION

Decision being appealed:

September 22, 2025, Letter of Development Rights Determination (LDRD), 6630 Maloney Avenue, Stock Island, Parcel ID# 00127510-000000 (File 2024-120)

Date of decision being appealed: September 22, 2025

Property Owner of Affected Property (if applicable): Check Box if not applicable []

6630 Maolney LLC

Property Owner (Name of Person, Business or Organization)

Mailing Address (Street, City, State and Zip Code)

Legal Description of Affected Property (if applicable): Check Box if not applicable []

(If in metes and bounds, attach legal description on separate sheet.)

Block	1 through 25 Lot	Blue Waters Subdivision	Stock Island Key
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00127510-000000

Real Estate (RE) / Parcel ID Number(s)

Alternate Key Number(s)

6630 Maloney Drive, Key West, FL 33040

Street Address (Street, City, State & Zip Code)

5

Approximate Mile Marker

A notice of appeal in the form prescribed by the Planning Director must be filed with the County Administrator and with the office or department rendering the decision, determination or interpretation within 30 calendar days of the decision. Failure to file such appeal shall constitute a waiver of any rights under this Land Development Code to appeal any decision, interpretation or determination made by an administrative official. Such notice shall be accompanied by the names and addresses of the owner, applicant, property owner, and adjacent property owners.

* * * * *

APPLICATION

All of the following items must be included in order to have a complete application submission:
(Please check the box as each required item is attached to the application.)

- Completed application form (unaltered and unbound)
Applicable fees (check or money order to Monroe County Planning & Environmental Resources)
Full and unedited copy of the document(s) that provides the administrative decision being appealed
Basis for the appeal in the nature of an initial brief and any evidence, including testimony, affidavits and the curriculum vitae of any expert witness that will be called (the brief must at a minimum state all grounds for the appeal, including but not limited to, the law being appealed and any facts necessary for interpretation of those laws)

If applicable, the following must be submitted in order to have a complete application submittal:

- Agent Authorization form (required if application is submitted on behalf of another party)
Proof of ownership (i.e. Warranty Deed) (required if appellant is owner of a specific property that is subject of the appeal)
Property Record Card(s) from the Monroe County Property Appraiser (required if a specific property(s) is subject of the appeal)
A list of names and addresses of all real property owners within a 600 foot radius of the subject property(ies). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included.

Is there a pending code enforcement proceeding involving all or a portion of this property?

Yes No Code Case file # CE22070036 Describe the enforcement proceedings and if this application is being submitted to correct the violation

The LDRD was necessary for the permits required to resolve this code case. The case is stayed pending this appeal of the LDRD and LOU.

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

Additional fees may apply pursuant to the approved fee schedule.

* * * * *

APPLICATION

The applicant hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

I, the Applicant, certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

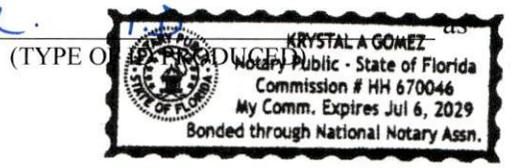
Signature of Applicant: Van Fischer Date: 10/20/2025

STATE OF Florida

COUNTY OF Monroe

Sworn to and subscribed before me, by means of either physical presence OR online notarization, on 20 day of Oct, 2025 by VAN FISCHER
(PRINT NAME OF PERSON MAKING STATEMENT)

Who is personally known to me OR produced FL. identification.



K. Gomez
SIGNATURE OF NOTARY PUBLIC

PRINT, TYPE OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC
MY COMMISSION EXPIRES:

Please submit or send the application package to:

Monroe County Administrator
The Gato Building
1100 Simonton Street, Key West, FL 33040

and to:

Monroe County Planning & Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400, Marathon, FL 33050

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note: A transcript made from recordings or other secondary means does not provide a sufficiently accurate record of all the speakers. Therefore, such "secondary" transcripts may not be accepted as a valid verbatim transcript.

AGENT AUTHORIZATION FORM

Date of Authorization: 10 / 9 / 2025
Month Day Year

I hereby authorize Van D. Fischer, Esq./VDF Law PLLC be listed as authorized agent
(Print Name of Agent)

representing 6630 Maloney LLC for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of PC Appeal File# 2024-120, Sept. 22, 2025 LDRD, Sept. 22, 2025 LOU
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

1-25 Blue Waters Stock Island
Lot Block Subdivision Key (Island)
00127510-000000

Real Estate (RE) / Parcel ID Number Alternate Key Number
6630 Maloney Ave., Key West, FL 33040 5

Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Authorized Agent Contact Information:

626 Josephine Parker Dr., #205, Key West, FL 33040

Mailing Address (Street, City, State and Zip Code)

305-849-3893 305-849-3893 van@vdf-law.com
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Signature]

Date: 10/9/2025

STATE OF Florida

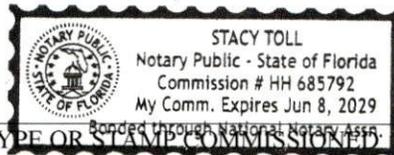
COUNTY OF MIAMI-DADE

Sworn to and subscribed before me, by means of either [] physical presence OR [] online notarization,

on 9th day of OCT., 2025, by Joseph Cohen
(PRINT NAME OF PERSON MAKING STATEMENT)

Who is [] personally known to me OR [] produced as
identification. (TYPE OF ID PROVIDED)

SIGNATURE OF NOTARY PUBLIC



PRINT, TYPE OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC MY COMMISSION EXPIRES:



AGENT AUTHORIZATION FORM

Date of Authorization: 10 / 9 / 2025
Month Day Year

I hereby authorize Van D. Fischer, Esq./VDF Law PLLC be listed as authorized agent
(Print Name of Agent)

representing 6630 Maloney LLC for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of PC Appeal File# 2024-120, Sept. 22, 2025 LDRD, Sept. 22, 2025 LOU
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305-849-3893 305-849-3893 van@vdf-law.com
Work Phone Home Phone Cell Phone Email Address

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Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Signature] Date: 10/9/2025

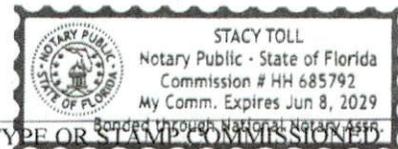
STATE OF Florida COUNTY OF MIAMI-DADE

Sworn to and subscribed before me, by means of either [] physical presence OR [] online notarization,

on 9th day of OCT., 2025, by Joseph Cohen
(PRINT NAME OF PERSON MAKING STATEMENT)

Who is [] personally known to me OR [] produced as
(TYPE OF ID PROVIDED)

identification. [Signature]
SIGNATURE OF NOTARY PUBLIC



PRINT, TYPE OR STAMP COMMISSIONED
NAME OF NOTARY PUBLIC
MY COMMISSION EXPIRES:

2,460,000 00

Doc# 2213145 03/29/2019 1 49PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

Prepared by and return to

David Van Loon
Attorney at Law
Highsmith & Van Loon, P A
3158 Northside Drive
Key West, FL 33040
305-296-8851
File Number 1909-019
Will Call No

03/29/2019 1 49PM
DEED DOC STAMP CL Brit \$18,620 00

Doc# 2213145
Bk# 2956 Pg# 134

Parcel Identification No 00127510-000000

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM SECTION 689 02 F S)

This Indenture made this 29th day of March, 2019 between Edith Losley as Trustee(s) of the Edith Losley Declaration of Trust dated 09/20/1999 whose post office address is 1018 17th Street, East Rockland Key, FL 33040 of the County of Monroe, State of Florida, grantor*, and 6630 Maloney, LLC, a Florida limited liability company whose post office address is 45 NW 21 Street, Miami, FL 33127 of the County of Miami-Dade, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10 00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit

Lots 1 through 25, inclusive, Blue Waters Subdivision, according to the map or plat thereof as recorded in Plat Book 4, Page 151, Public Records of Monroe County, Florida

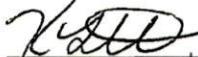
Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property

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

* Grantor' and Grantee are used for singular or plural as context requires

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written

Signed, sealed and delivered in our presence


Witness Name Kasey Liberatore

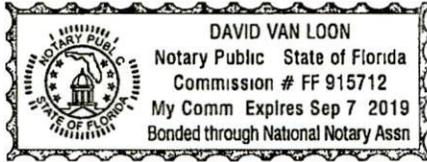

Edith Losley, Trustee


Witness Name David Van Loon

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 29th day of March, 2019 by Edith Losley as Trustee(s) of the Edith Losley Declaration of Trust dated 09/20/1999, who is personally known or has produced a driver's license as identification

[Notary Seal]





Notary Public

Printed Name David Van Loon

My Commission Expires 9-7-19

MONROE COUNTY
OFFICIAL RECORDS

Monroe County, FL

PROPERTY RECORD CARD

Disclaimer

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

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

Summary

Parcel ID 00127510-000000
 Account# 1161691
 Property ID 1161691
 Millage Group 110A
 Location Address 6630 MALONEY Ave 1-25, STOCK ISLAND
 Legal Description LOTS 1 THRU 25 BLUE WATERS SUB PB4-151 STOCK ISLAND OR580-508 OR782-1936 OR1784-19 OR2953-1146 OR2956-0134
 (Note: Not to be used on legal documents.)
 Neighborhood 10060
 Property Class MULTI FAMILY 10 OR MORE UNITS (0300)
 Subdivision BLUE WATERS SUBD
 Sec/Twp/Rng 35/67/25
 Affordable No
 Housing



Owner

6630 MALONEY LLC
 45 NW 21st St
 Miami FL 33127

Valuation

	2025 Certified Values	2024 Certified Values	2023 Certified Values	2022 Certified Values
+ Market Improvement Value	\$968,220	\$1,015,072	\$990,477	\$1,020,955
+ Market Misc Value	\$10,540	\$10,472	\$11,139	\$11,854
+ Market Land Value	\$1,353,720	\$1,167,780	\$1,167,780	\$1,167,780
= Just Market Value	\$2,332,480	\$2,193,324	\$2,169,396	\$2,200,589
= Total Assessed Value	\$2,332,480	\$2,193,324	\$2,169,396	\$2,200,589
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$2,332,480	\$2,193,324	\$2,169,396	\$2,200,589

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$1,167,780	\$1,015,072	\$10,472	\$2,193,324	\$2,193,324	\$0	\$2,193,324	\$0
2023	\$1,167,780	\$990,477	\$11,139	\$2,169,396	\$2,169,396	\$0	\$2,169,396	\$0
2022	\$1,167,780	\$1,020,955	\$11,854	\$2,200,589	\$2,200,589	\$0	\$2,200,589	\$0
2021	\$1,167,780	\$1,017,930	\$12,568	\$2,198,278	\$2,198,278	\$0	\$2,198,278	\$0
2020	\$1,167,780	\$1,063,508	\$13,283	\$2,244,571	\$2,244,571	\$0	\$2,244,571	\$0
2019	\$1,152,312	\$1,058,352	\$13,997	\$2,224,661	\$2,224,661	\$0	\$2,224,661	\$0
2018	\$1,090,272	\$1,025,450	\$10,515	\$2,126,237	\$2,126,237	\$0	\$2,126,237	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
MULTI FAMILY DRY (030D)	38,400.00	Square Foot	0	0
MULTI FAMILY WATER (030W)	10,200.00	Square Foot	0	0

Buildings

Building ID	8021	Exterior Walls	AVE WOOD SIDING	
Style	STILT 1 STORY	Year Built	1986	
Building Type	APARTMENTS / 03C	EffectiveYearBuilt	1996	
Building Name		Foundation	CONC PILINGS	
Gross Sq Ft	2848	Roof Type	GABLE/HIP	
Finished Sq Ft	1200	Roof Coverage	ASPHALT SHINGL	
Stories	1 Floor	Flooring Type	CONC S/B GRND	
Condition	AVERAGE	Heating Type	NONE with 0% NONE	
Perimeter	140	Bedrooms	4	
Functional Obs	0	Full Bathrooms	2	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	38	Grade	300	
Interior Walls	WALL BD/WD WAL	Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
CPU	COVERED PARKING UNFIN	1,200	0	0
FLA	FLOOR LIV AREA	1,200	1,200	0
OUF	OP PRCH FIN UL	448	0	0
TOTAL		2,848	1,200	0

Building ID	8022	Exterior Walls	AVE WOOD SIDING	
Style	STILT 1 STORY	Year Built	1987	
Building Type	APARTMENTS / 03C	EffectiveYearBuilt	1996	
Building Name		Foundation	CONC PILINGS	
Gross Sq Ft	3248	Roof Type	GABLE/HIP	
Finished Sq Ft	1200	Roof Coverage	ASPHALT SHINGL	
Stories	1 Floor	Flooring Type	CONC S/B GRND	
Condition	AVERAGE	Heating Type	NONE with 0% NONE	
Perimeter	140	Bedrooms	4	
Functional Obs	0	Full Bathrooms	2	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	38	Grade	300	
Interior Walls	WALL BD/WD WAL	Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
CPU	COVERED PARKING UNFIN	1,600	0	0
FLA	FLOOR LIV AREA	1,200	1,200	0
OUF	OP PRCH FIN UL	448	0	0
TOTAL		3,248	1,200	0

Building ID	8023	Exterior Walls	AVE WOOD SIDING	
Style	STILT 1 STORY	Year Built	1987	
Building Type	APARTMENTS / 03C	EffectiveYearBuilt	1996	
Building Name		Foundation	CONC PILINGS	
Gross Sq Ft	3248	Roof Type	GABLE/HIP	
Finished Sq Ft	1200	Roof Coverage	ASPHALT SHINGL	
Stories	1 Floor	Flooring Type	CONC S/B GRND	
Condition	AVERAGE	Heating Type	NONE with 0% NONE	
Perimeter	140	Bedrooms	4	
Functional Obs	0	Full Bathrooms	2	
Economic Obs	0	Half Bathrooms	0	
Depreciation %	38	Grade	300	
Interior Walls	WALL BD/WD WAL	Number of Fire Pl	0	
Code	Description	Sketch Area	Finished Area	Perimeter
CPU	COVERED PARKING UNFIN	1,600	0	0
FLA	FLOOR LIV AREA	1,200	1,200	0
OUF	OP PRCH FIN UL	448	0	0
TOTAL		3,248	1,200	0

Building ID	8024	Exterior Walls	AVE WOOD SIDING	
Style	STILT 1 STORY	Year Built	1987	
Building Type	APARTMENTS / 03C	EffectiveYearBuilt	1996	
Building Name		Foundation	CONC PILINGS	
Gross Sq Ft	3248	Roof Type	GABLE/HIP	
Finished Sq Ft	1200	Roof Coverage	ASPHALT SHINGL	
Stories	1 Floor	Flooring Type	CONC S/B GRND	
Condition	AVERAGE	Heating Type	NONE with 0% NONE	
Perimeter	140	Bedrooms	4	
Functional Obs	0	Full Bathrooms	2	

Economic Obs 0
 Depreciation % 38
 Interior Walls WALL BD/WD WAL

Half Bathrooms 0
 Grade 300
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
CPU	COVERED PARKING UNFIN	1,600	0	0
FLA	FLOOR LIV AREA	1,200	1,200	0
OUF	OP PRCH FIN UL	448	0	0
TOTAL		3,248	1,200	0

Building ID 8025
 Style STILT 1 STORY
 Building Type APARTMENTS / 03C
 Building Name
 Gross Sq Ft 3080
 Finished Sq Ft 1160
 Stories 1 Floor
 Condition AVERAGE
 Perimeter 138
 Functional Obs 0
 Economic Obs 0
 Depreciation % 38
 Interior Walls WALL BD/WD WAL

Exterior Walls AVE WOOD SIDING
 Year Built 1989
 EffectiveYearBuilt 1996
 Foundation CONC PILINGS
 Roof Type GABLE/HIP
 Roof Coverage ASPHALT SHINGL
 Flooring Type CONC S/B GRND
 Heating Type NONE with 0% NONE
 Bedrooms 4
 Full Bathrooms 2
 Half Bathrooms 0
 Grade 300
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
CPU	COVERED PARKING UNFIN	1,440	0	0
FLA	FLOOR LIV AREA	1,160	1,160	0
OUU	OP PR UNFIN UL	200	0	0
OUF	OP PRCH FIN UL	280	0	0
TOTAL		3,080	1,160	0

Building ID 8026
 Style STILT 1 STORY
 Building Type APARTMENTS / 03C
 Building Name
 Gross Sq Ft 2848
 Finished Sq Ft 1200
 Stories 1 Floor
 Condition AVERAGE
 Perimeter 140
 Functional Obs 0
 Economic Obs 0
 Depreciation % 38
 Interior Walls DRYWALL

Exterior Walls AVE WOOD SIDING
 Year Built 1990
 EffectiveYearBuilt 1996
 Foundation CONC PILINGS
 Roof Type GABLE/HIP
 Roof Coverage ASPHALT SHINGL
 Flooring Type SFT/HD WD
 Heating Type NONE with 0% NONE
 Bedrooms 4
 Full Bathrooms 2
 Half Bathrooms 0
 Grade 300
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
CPU	COVERED PARKING UNFIN	1,200	0	0
FLA	FLOOR LIV AREA	1,200	1,200	0
OUF	OP PRCH FIN UL	448	0	0
TOTAL		2,848	1,200	0

Building ID 8027
 Style STILT 1 STORY
 Building Type APARTMENTS / 03C
 Building Name
 Gross Sq Ft 2848
 Finished Sq Ft 1200
 Stories 1 Floor
 Condition AVERAGE
 Perimeter 140
 Functional Obs 0
 Economic Obs 0
 Depreciation % 38
 Interior Walls DRYWALL

Exterior Walls AVE WOOD SIDING with 83% MIN WOOD SIDING
 Year Built 1990
 EffectiveYearBuilt 1996
 Foundation CONC PILINGS
 Roof Type GABLE/HIP
 Roof Coverage ASPHALT SHINGL
 Flooring Type SFT/HD WD
 Heating Type NONE with 0% NONE
 Bedrooms 4
 Full Bathrooms 2
 Half Bathrooms 0
 Grade 300
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	1,200	1,200	0
LLF	LOW LEV FIN	1,000	0	0
OPU	OP PR UNFIN LL	200	0	0
OUF	OP PRCH FIN UL	448	0	0
TOTAL		2,848	1,200	0

Building ID 8028
 Style STILT 1 STORY
 Building Type APARTMENTS / 03C
 Building Name

Exterior Walls AVE WOOD SIDING
 Year Built 1990
 EffectiveYearBuilt 1996
 Foundation CONC PILINGS

Gross Sq Ft	2848	Roof Type	GABLE/HIP
Finished Sq Ft	1200	Roof Coverage	ASPHALT SHINGL
Stories	1 Floor	Flooring Type	SFT/HD WD
Condition	AVERAGE	Heating Type	NONE with 0% NONE
Perimeter	140	Bedrooms	4
Functional Obs	0	Full Bathrooms	2
Economic Obs	0	Half Bathrooms	0
Depreciation %	38	Grade	300
Interior Walls	DRYWALL	Number of Fire PI	0

Code	Description	Sketch Area	Finished Area	Perimeter
CPU	COVERED PARKING UNFIN	1,200	0	0
FLA	FLOOR LIV AREA	1,200	1,200	0
OUF	OP PRCH FIN UL	448	0	0
TOTAL		2,848	1,200	0

Building ID	8029	Exterior Walls	AVE WOOD SIDING with 100% BRICK
Style	STILT 1 STORY	Year Built	1994
Building Type	APARTMENTS / 03C	EffectiveYearBuilt	1996
Building Name		Foundation	CONC PILINGS
Gross Sq Ft	3720	Roof Type	GABLE/HIP
Finished Sq Ft	1200	Roof Coverage	ASPHALT SHINGL
Stories	1 Floor	Flooring Type	CONC S/B GRND
Condition	AVERAGE	Heating Type	NONE with 0% NONE
Perimeter	140	Bedrooms	2
Functional Obs	0	Full Bathrooms	2
Economic Obs	0	Half Bathrooms	0
Depreciation %	38	Grade	350
Interior Walls	WALL BD/WD WAL	Number of Fire PI	0

Code	Description	Sketch Area	Finished Area	Perimeter
CAT	CATWALK UPPER	1,264	0	0
CPF	COVERED PARKING FIN	570	0	0
FLA	FLOOR LIV AREA	1,200	1,200	0
LLF	LOW LEV FIN	630	0	0
OUF	OP PRCH FIN UL	56	0	0
TOTAL		3,720	1,200	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
CONC PATIO	1993	1994	0 x 0	1	80 SF	5
FENCES	1997	1998	4 x 120	1	480 SF	2
ASPHALT PAVING	2012	2012	22 x 251	1	5522 SF	1

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
3/29/2019	\$2,660,000	Warranty Deed	2213145	2956	0134	01 - Qualified	Improved		
3/7/2019	\$100	Warranty Deed	2210676	2953	1146	30 - Unqualified	Improved		

Permits

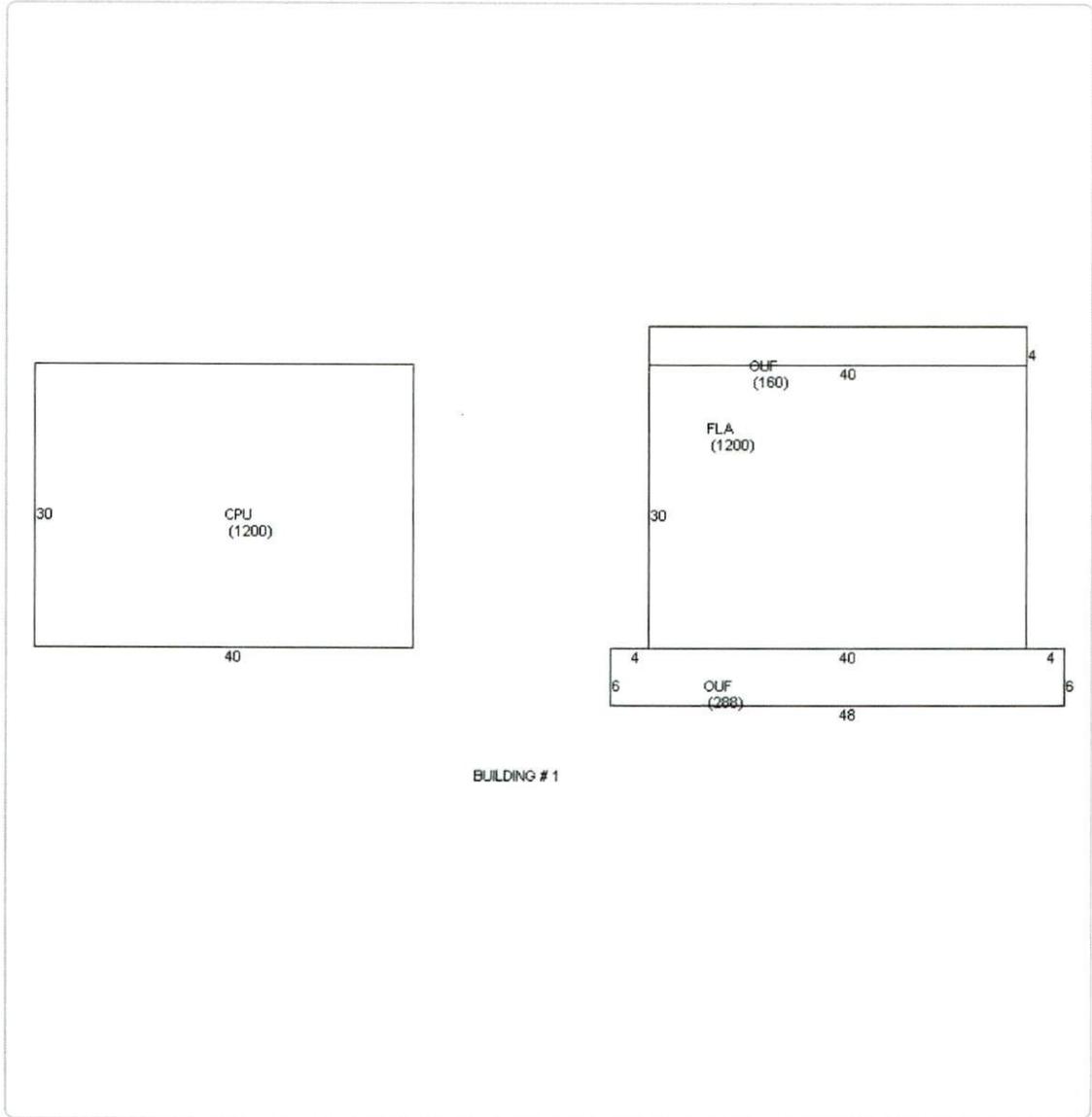
Number	Date Issued	Status	Amount	Permit Type	Notes
C-RMDL-2024-0111	09/04/2024	Active	\$18,000	Residential	Codo UNITS A1, A2, A4 ,A5 AND A6 front porch repair existing wood deck ,railings and stairs with landings currently there are missing spindles ,hangers
C-DEMO-2023-0007	10/06/2023	Active	\$1,500	Commercial	demo (2) small travel trailers remove completely hall away debris
22100849	03/28/2022	Completed	\$350	Residential	RECONNECT UNITS 2-A, 3-A, 6-B AND 8-B
22100207	01/31/2022	Completed	\$1,000	Commercial	REPAIR LOSE METER HUB
19101728	07/25/2019	Completed	\$29,571	Residential	BLDG #1- RE-ROOF - REMOVE & REPLACE 4 ATTIC WINDOWS & INSTALL 30# FELT UNDERLAYMENT & INSTALL MASTER RIB METAL PANEL ROOF.
19101729	07/25/2019	Completed	\$22,465	Residential	BLDG #2 - RE-ROOF - REMOVE & REPLACE 4 ATTIC WINDOWS & INSTALL 30# FELT UNDERLAYMENT & INSTALL MASTER RIB METAL PANEL ROOF.
19101730	07/25/2019	Completed	\$22,465	Residential	BLDG #3- RE-ROOF - REMOVE & REPLACE 4 ATTIC WINDOWS & INSTALL 30# FELT UNDERLAYMENT & INSTALL MASTER RIB METAL PANEL ROOF.
19101731	07/25/2019	Completed	\$22,465	Residential	BLDG #4- RE-ROOF - REMOVE & REPLACE 4 ATTIC WINDOWS & INSTALL 30# FELT UNDERLAYMENT & INSTALL MASTER RIB METAL PANEL ROOF.
19101732	07/25/2019	Completed	\$22,465	Residential	BLDG #5- RE-ROOF - REMOVE & REPLACE 4 ATTIC WINDOWS & INSTALL 30# FELT UNDERLAYMENT & INSTALL MASTER RIB METAL PANEL ROOF.
19101733	07/25/2019	Completed	\$22,465	Residential	BLDG #6- RE-ROOF - REMOVE & REPLACE 4 ATTIC WINDOWS & INSTALL 30# FELT UNDERLAYMENT & INSTALL MASTER RIB METAL PANEL ROOF.
19101734	07/25/2019	Completed	\$22,465	Residential	BLDG #7 - RE-ROOF - REMOVE & REPLACE 4 ATTIC WINDOWS & INSTALL 30# FELT UNDERLAYMENT & INSTALL MASTER RIB METAL PANEL ROOF.
19101735	07/25/2019	Completed	\$22,465	Residential	BLDG #8 - RE-ROOF - REMOVE & REPLACE 4 ATTIC WINDOWS & INSTALL 30# FELT UNDERLAYMENT & INSTALL MASTER RIB METAL PANEL ROOF.

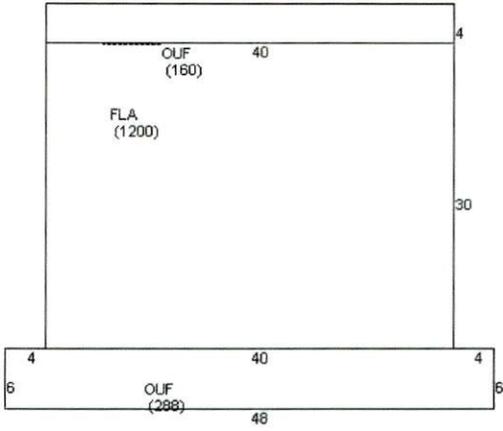
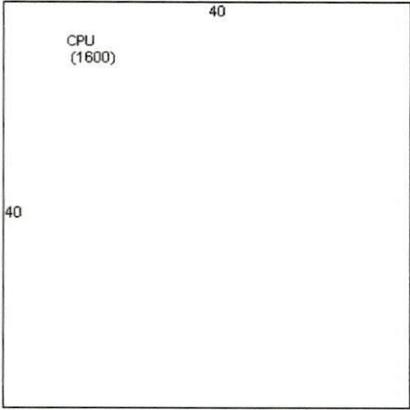
Number	Date Issued	Status	Amount	Permit Type	Notes
19101736	07/25/2019	Completed	\$19,533	Residential	BLDG #9 - RE-ROOF - REMOVE & REPLACE 4 ATTIC WINDOWS & INSTALL 30# FELT UNDERLAYMENT & INSTALL MASTER RIB METAL PANEL ROOF.
11105292	11/28/2011	Completed	\$10,194	Residential	5520 SQ ASPHALT PAVING
08102406	07/03/2008	Completed	\$500	Residential	REPLACE 100 AMP SERVICE
08102302	06/20/2008	Completed	\$250	Residential	ELEC UPGRADE
98-0492	05/01/1998	Completed	\$1,000	Residential	FENCE

View Tax Info

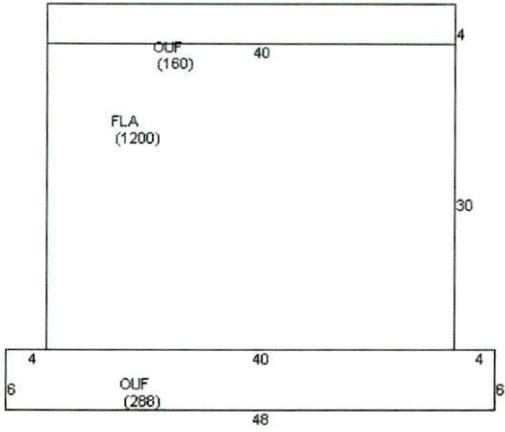
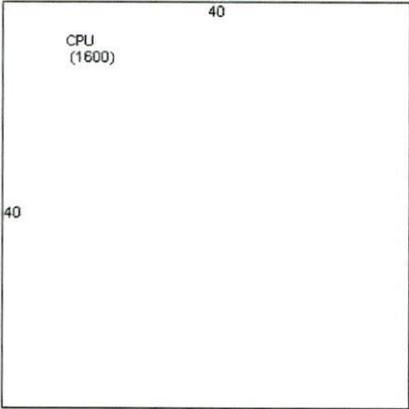
[View Taxes for this Parcel](#)

Sketches (click to enlarge)

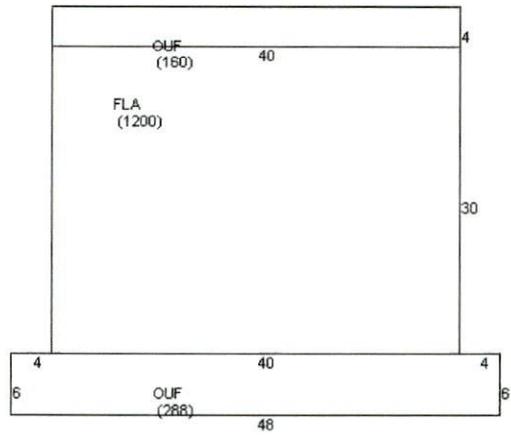
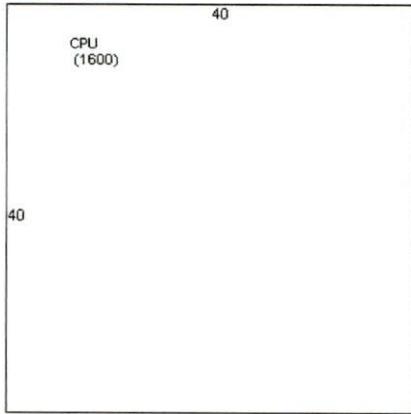




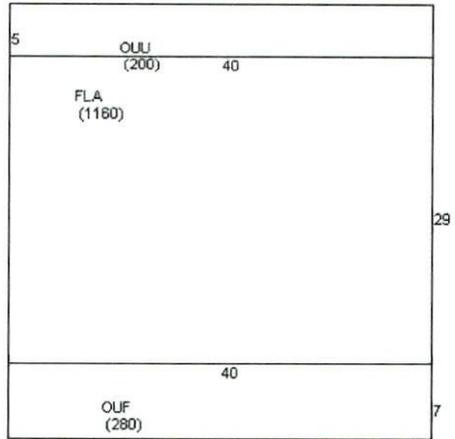
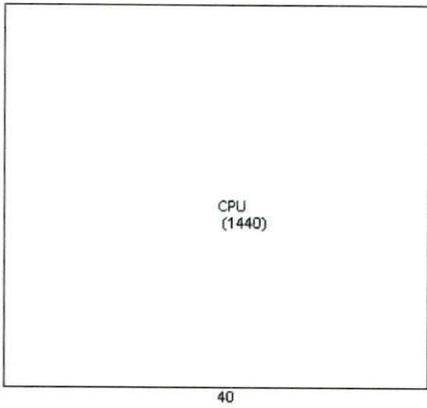
BUILDING # 2



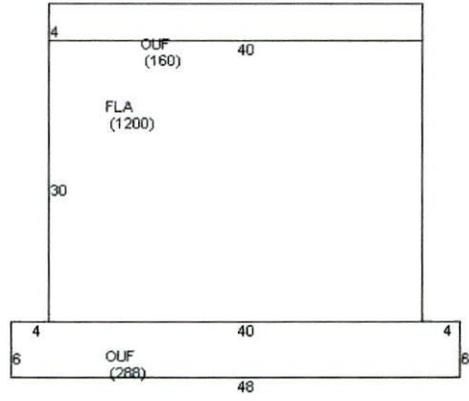
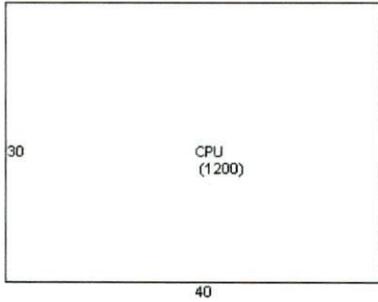
BUILDING # 3



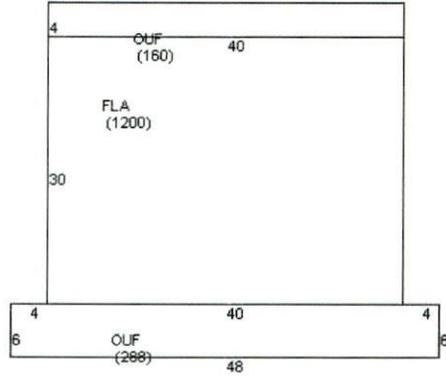
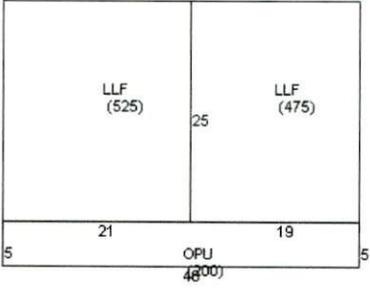
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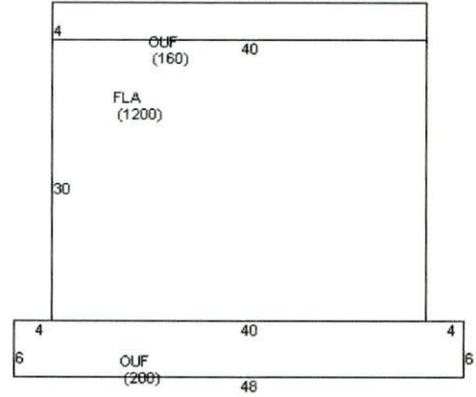
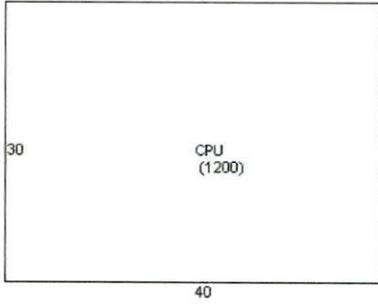
BUILDING # 5



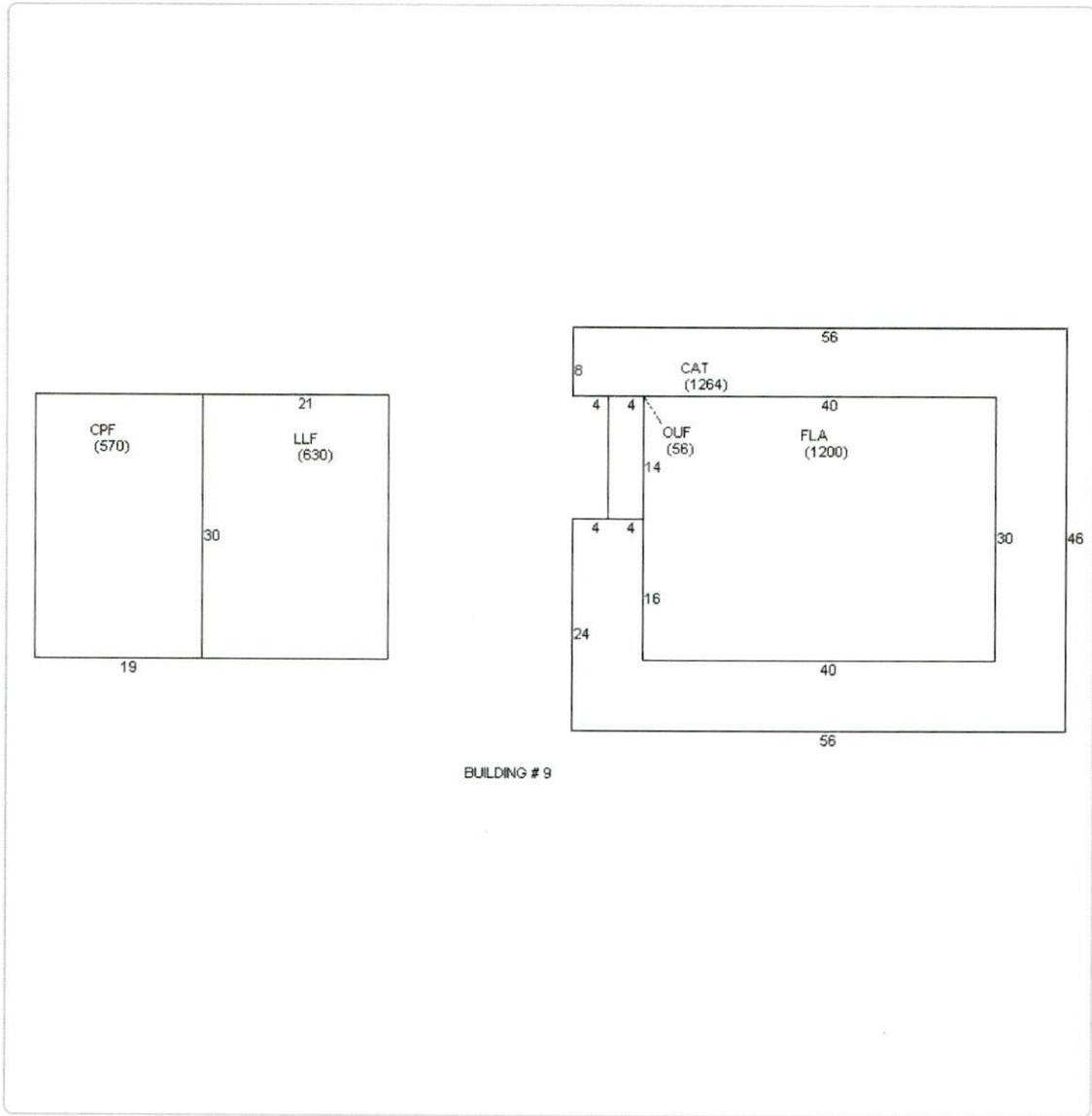
BUILDING # 6



BUILDING # 7



BUILDING # 8



BUILDING # 9

Photos



Map



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BASIS OF APPEAL

Appellant, 6630 Maloney, LLC, owns the property located at 6630 Maloney Avenue, Stock Island, Key West, Florida, Parcel ID# 001275100-000000. This appeal is of the Letter of Development Rights Determination (“LDRD”) and the concurrently issued Letter of Understanding (“LOU”) issued by Monroe County on September 22, 2025. The LDRD and LOU are attached as **Exhibit 1**.

This Basis of Appeal is not a full and detailed legal brief, but it does identify the legal issues involved as required. Appellant respectfully requests and reserves the right to submit additional exhibits and legal briefs prior to the hearing before the Planning Commission.

Background

On September 9, 2020, Appellant submitted seven (7) building permit applications for the nine (9) dwelling structures on the property—permit numbers: 20102310, 20102312, 20102314, 20102315, 20102317, 20102318, 20102319. These seven permits were for interior remodeling and bringing the duplexes up to current building and fire code standards. Monroe County approved these

applications and the seven permits were ready to issue on August 31, 2023. The unusually long three-year permit review process caused a significant delay in Appellant's renovation project and the impacts of COVID-19 further delayed the project. Unfortunately, due to unforeseen circumstances, these seven approved permits were not picked up on time which caused the permits to become void.

The Appellant resubmitted the seven permit applications which had been previously approved. However, the Monroe County Planning Department denied the resubmitted applications despite the fact that these same permits were approved previously. Appellant attempted to resolve this Planning Department denial but was unsuccessful. Appellant was directed to submit an application for a Letter of Development Rights Determination to have the 18 dwelling units recognized.

On or about June 4, 2024, a Request for a Letter of Development Rights Determination (LDRD) was submitted by Trepanier & Associates, Inc., on behalf of the Appellant. Attached as **Exhibit 2**. A Pre-Application Conference for the LOU was held on December 20, 2023. The LDRD application requested recognition of the 18

permanent residential units located at 6300 Maloney Avenue. The LOU application proposed four (4) additional dwelling units to be developed at 6630 Maloney Avenue.

Applicable Florida law

Statutory interpretation requires that every word, phrase, and part of an ordinance be given effect, and that words cannot be treated as surplusage. See *Garavan v. Miami-Dade Cnty.*, 352 So. 3d 515, 517, n. 4 (Fla. 3d DCA 2022) (“we are required to give effect to ‘every word, phrase, sentence, and part of the statute if possible, and words in a statute should not be construed as mere surplusage.’” (quoting *Am. Home Assurance Co. v. Plaza Materials Corp.*, 908 So.2d 360, 366 (Fla. 2005))).

A county’s interpretation of its ordinances and regulations is not entitled to deference if it conflicts with the plain and ordinary meaning of the language. See *Fla. Dep’t of Health v. Louis Del Favero Orchids, Inc.*, 313 So.3d 876, 880 (Fla. 1st DCA 2021) (“if the agency’s interpretation conflicts with the plain and ordinary meaning of the statute, deference is not required. ... [W]hen the language of the

statute under interpretation is unambiguous and has a plain and ordinary meaning, the plain meaning should be given effect.”).

Competent substantial evidence is “such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. We have stated it to be such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.” *DeGroot v. Sheffield*, 95 So.2d 912, 916 (Fla. 1957).

With regard to administrative and planning decisions, Florida law requires that the reviewing body must consider the entire record to determine whether a decision is supported by competent substantial evidence. See *City of Jacksonville Beach v. Car Spa, Inc.*, 772 So. 2d 630, 632 (Fla. 1st DCA 2000) (“the circuit court applied the wrong law to the extent that it failed to review the entire record to determine whether the Planning Commission’s decision was supported by competent substantial evidence...”). Likewise, while a decision-maker may assess the weight of evidence, a decision-maker may not arbitrarily disregard relevant portions of the record or substitute their own judgment. See *id.* Administrative decision-makers must consider the entire record, not just isolated pieces of

evidence. See *Miami-Dade Cnty. V. Publix Supermarkets Inc.*, 305 So.3d 668, 671 (Fla. 3d DCA 2020). The mere presence of evidence is insufficient; the evidence must be relevant and valid to support the decision. See *Jesus Fellowship, Inc. v. Miami-Dade Cnty.*, 752 So.2d 708, 710 (Fla. 3d DCA 2000)(holding that “the mere presence in the record of these items is not, however, sufficient. They must be or contain relevant valid evidence which supports the Commission's decision.”).

Florida law requires that all administrative agency actions be supported by competent substantial evidence, and that decisions which lack the requisite competent substantial evidence are subject to reversal. See *Citizens of Fla. v. Fla. Pub. Serv. Comm’n*, 146 So.3d 1143, 1147 (Fla. 2014) (“this Court will affirm the Commission’s ‘findings and conclusions if they are based upon competent, substantial evidence and are not clearly erroneous.’”). Agencies must not only base decisions on competent substantial evidence but must also “reasonably explain” decisions by explaining how the evidence supports the decision. See *Floridians Against Increased Rates, Inc. v. Clark*, 371 So.3d 905, 913 (Fla. 2023). Agency decisions must be

explained with “sufficient clarity to permit judicial review.” See *Florida Power & Light Co. v. City of Dania*, 761 So. 2d 1089, 1092 (Fla. 2000) (“An agency’s findings must be supported by competent substantial evidence and must be explained with sufficient clarity to permit judicial review.”).

Essential requirements of the law were not followed

Section 138-22(a), Monroe County Land Development Regulations (“LDRs”), provides the criteria for recognizing existing development which is not subject to residential ROGO. The review standard provided by section 138-22(a) is whether a “body of evidence exists” to support the lawful existence of units on or about July 13, 1992. Florida law requires that all of the submitted document evidence in the LDRD application be considered and that the Planning Director cannot arbitrarily disregard evidence. Any evidence excluded or disregarded by the Planning Director must be reasonably explained. The LDRD provided no explanation as to why the evidence in the application was disregarded. All of the document evidence submitted by Appellant is the body of evidence which must be considered holistically. This was not done in the LDRD.

Section 138-22(a) requires the Planning Director to determine if a body of evidence exists. The LDRD did not find or determine that a body of evidence *did not* exist, thus it directly follows that a body of evidence exists. The LDRD failed to meet the minimum requirements of Florida law which requires the Planning Director to make a decision based on competent substantial evidence and to explain why evidence was excluded from consideration. The LDRD did not provide any reasonable explanation as to why the body of evidence did not support the existence of 17 dwelling units. As will be explained herein, the LDRD states that the body of evidence supports the existence of 17 dwelling units on or about July 13, 1992, yet the LDRD summarily concluded that only nine (9) residential dwelling units existed on or about July 13, 1992. Pursuant to Florida law, the conclusion of the LDRD was arbitrary and capricious because it was not based on competent substantial evidence and it lacked reasonable explanation as to how the decision was reached.

A body of evidence exists supporting 17 dwelling units

As recognized in the LDRD, a total of nine (9) dwelling units were built in nine (9) duplex structures pursuant to Monroe County

building permits. Pursuant to section 138-22(a), these building permits may serve as the only piece of evidence required to confirm the existence of the nine dwelling units. However, section 138-22(a) further provides that if there are no building permits for the structures or uses on or about July 13, 1992, then the application *shall include*, at a minimum, *at least two* documents from the list of eight (8) enumerated categories. The Appellant provided documents from at least six (6) of the enumerated categories which directly support the existence of 17 residential dwelling units.

Property Appraiser documentation, aerial photos, and permit records support 17 units existing on or about July 13, 1992

The LDRD recognized that the Monroe County Property Appraiser documentation provided evidence which supported the existence of 17 dwelling units on or about July 13, 1992. [LDRD p. 5 of 11]. However, the LDRD summarily dismissed this evidence without explanation.

The LDRD noted that the permit file for Monroe County Building Permit #A15950 included a note by County staff which stated that “4 more SFH’s might become duplexes under future proposed LUP.” [LDRD p. 4 of 11]. Appellant’s LDRD application provided

documentation that eight (8) of the residential structures built were designed as duplexes plus a single dwelling unit for a total of nine (9) dwelling units. These nine structures are seen in the aerial photographs provided—a third enumerated document type. These eight structures were initially utilized as single units because of the septic tank rules in place at the time. However, the eight structures were subsequently used as duplexes as documented by the Property Appraiser evidence, and as expressly stated in the LDRD.

The building permits, the aerial photographs, and the Property Appraiser documentation provide three of the enumerated documents supporting the existence of 17 units on or about July 13, 1992. The permit documentation shows that one (1) single family dwelling structure was built and that (8) duplex structures were built, for a total of nine (9) structures. These nine structures housed 17 total dwelling units. The Property Appraiser documentation, as stated in the LDRD, directly supported that 17 dwelling units existed on or about July 13, 1992.

These three (3) types of enumerated documents supporting the existence of 17 dwelling units on the property on or about July 13,

1992, satisfy the requirements of section 138-22(a). These documents provide a body of evidence which directly supports the existence of 17 dwelling units which are not subject to residential ROGO.

The 1995 phone directory for Pine and Palm Condominium was competent evidence of the existence of 17 dwelling units

Section 138-22(a) uses the term “on or about” when referring to the July 13, 1992, effective date of ROGO. This term allows for the effective date to be bracketed with evidence supporting the existence of dwelling units on or about July 13, 1992. The phone directory evidence submitted is a fourth type of enumerated document under section 138-22(a). The directory shows that 18 dwelling units existed at 6630 Maloney Avenue circa July 1995. Logic dictates that the phone directory was most likely compiled sometime in 1994 prior to printing and publication in 1995.

This phone directory evidence considered along with the building permit documentation, the aerial photographs, and the Property Appraiser documentation provides a body of evidence supporting the existence of 17 dwelling units on or about July 13,

1992. This is true because the Property Appraiser documentation established that the 17 dwelling units existed in 1992 and the phone directory documentation provides evidence showing that those 17 dwelling units continued to exist in 1995. This satisfies the “on or about” standard.

Therefore, the 1995 phone directory evidence directly supports that 17 dwelling units existed on or about July 13, 1992.

Affidavits provide a fifth type of enumerated document evidence supporting the existence of 17 dwelling units

Appellant provided affidavits from James Tompkins, a licensed electrician, and Serge Mashtakov, a licensed engineer. These sworn affidavits provide a fifth type of enumerated document evidence supporting the existence of 17 dwelling units on or about July 13, 1992.

The affidavit of James Thomkins stated that 6630 Maloney Avenue has 19 electric panels and that in his professional opinion 16 of the electrical panels predated July 13, 1992. The affidavit of Serge Mashtakov stated that 6630 Maloney Avenue has 19 dwelling units and that in his professional opinion 16 of those residential dwelling

units predate July 13, 1992. Considering these affidavits along with the other five types of enumerated document evidence described above, there is a convincing body of evidence, of at least five enumerated document evidence types, showing that 17 dwelling units existed on or about July 13, 1992.

The electric and water utility documentation support the existence of 17 dwelling units

The Keys Energy Service and Florida Keys Aqueduct Authority documents, a sixth enumerated evidence type, support the existence of the 17 dwelling units. As described above, a body of evidence exists which directly supports the existence of 17 dwelling units on or about July 13, 1992. The electric utility records available were not complete but provide additional evidence that corroborates that 17 units exist. The available water utility records provide evidence showing that at least 11 dwelling units existed in 1992 and that 14 water meters service the existing 17 dwelling units.

The utility records are part of the entire body of evidence which supports the existence of 17 residential dwelling units. The utility records do not have to independently establish the existence of 17 units. Instead, the records provide additional evidentiary support to

the other evidence which shows that 17 dwelling units existed in 1992.

Section 138-22(a) requires at least two of the enumerated document types to establish the existence of dwelling units on or about July 13, 1992. Here, Appellant provided six (6) of the enumerated document types showing the existence of 17 dwelling units on or about July 13, 1992. This is competent, substantial evidence which shows the existence of 17 dwelling units not subject to residential ROGO.

Conclusion

For the reasons stated, the document evidence submitted by the Appellant, pursuant to section 138-22(a), provides a body of evidence which established that 17 dwelling units existed on or about July 13, 1992.

WHEREFORE, Appellant respectfully request the Planning Commission to amend the LDRD to recognize the 17 residential dwelling units which existed at 6630 Maloney Avenue on or about July 13, 1992, as exempt from residential ROGO.

Respectfully submitted,

/s/ Van D. Fischer
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