

Amanda McWilliams

From: Owen Trepanier <owen@owentrepanier.com>
Sent: Wednesday, October 11, 2023 12:00 PM
To: Bruce Baffer
Cc: Oksana@constructionkeywest.com; Dave@constructionkeywest.com; Nicholas.Perez-Alvarez@stantec.com; pbaffer@juno.com; Amanda McWilliams
Subject: [EXTERNAL] 1905 Staples Ave.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Baffer,
Thank you for the response.

I appreciate you clarifying your understandings.

Setback: We attempted to address your concern regarding the side setback. We brought the wall of the house in 1ft from your side of the property allowing for 6ft between your property line and the side façade of the house. The overhang extends 1 additional ft. 5ft is the required setback for your property, so in terms of neighborhood character for side yards, it is consistent. The front and rear setbacks are also consistent with the immediate character. Your duplex has nonconforming front and rear setbacks (i.e. your existing setbacks are a fraction of that required by zoning) and the house on the other side of our property has the same. Our proposed setbacks are consistent in that manner, which maintains the rhythm of the residential streetscape.

Parking: We attempted to address the parking concerns by redesigning the structural components to allow four onsite auto spaces. This significantly exceeds the requirements and also exceeds the character of the neighborhood, i.e. most homes, including yours, do not meet minimum parking requirements.

Height: Height in KW is measured from crown of road. The proposed height is 39'2.5". We are required to also delineate height on plans in terms of NGVD (roughly a measure from 1929 sea level) which is why the measurement of 44ft appears on the plans. But to be clear, the height of the structure is 39.2ft. from crown of road. We attempted to address architecture, mass and scale concerns, by redesigning the house to have a hip roof to reduce the mass and scale and we altered the fenestration to be more consistent with the architectural character of the neighborhood.

4 unit roommate style barracks building, masquerading as a Single Family House: I wish I had gone to bootcamp with you if your barracks were like this. This is a 4-bed single-family home. That is all it can ever be. SF homes in Key West can be lived in by a single family, which has several definitions, one of which allows up to 4 unrelated persons. So, if roommates live here, it can have up to 4 unrelated persons – that's it. That is the same regulation that applies to your property, however being a duplex, your property could have up to 8 unrelated persons living on it. The occupancy load on the engineering plans is the maximum number of people allowed in the structure at one time under the life-safety code. Is a calculation based on the ability to evacuate people from the structure in an emergency. Is it not the number of people permitted to live in the home pursuant to zoning code.

Alternatives: As you may have seen in the presentation and in the supporting materials, this property, like any other in the CL district, cannot be developed with residential use without discretionary approvals. The CL zoning code was developed for commercial lots with a minimum area of 10,000 sq. ft. This lot being zoned CL is understandable given its history and association with the old grocery store (now Advanced Auto), but it was surely not reflective of good planning practice. However, today we are left with the existing situation. From a planning perspective, residential development is the most appropriate use of the property. The proposed design preserves all the existing trees, reflects the neighborhood character and is consistent with the rhythm of the streetscape.

Horizontal development: I assume this means ground-level development? This house cannot be ground-level due to FEMA flood elevation requirements. Flood and setbacks dramatically and unreasonably restrict the design and viability of a structure without the benefit of discretionary approvals. The proposal is a 2-story SF home elevated above flood. If your duplex underwent its previous redevelopment today, it would also need to be elevated in a similar manner. 2-story development is consistent with the neighborhood character, as evidenced, of course, by your duplex, and elevating for flood is simply an unfortunate reality of sea level rise.

I appreciate the opportunity to coordinate with you. I am not sure what else we can do to mitigate your concerns and still reasonably develop the property. However, I am certainly willing to continue a good faith discussion to address your concerns if you think it will be productive.

Thanks again.

Owen

Trepanier & Associates, Inc.

Land Planners & Development Consultants
305-293-8983

From: Bruce Baffer <bafferbruce@gmail.com>

Sent: Wednesday, October 11, 2023 9:04 AM

To: Owen Trepanier <owen@owentrepanier.com>; Oksana Pouliot <Oksana@constructionkeywest.com>; Dave@constructionkeywest.com; Perez-Alvarez, Nicholas <Nicholas.Perez-Alvarez@stantec.com>; Jenny Metz <Jenny.metz@cityofkeywest-fl.gov>; MAG <mguadagno@comcast.net>; Perfecta Baffer <pbaffer@juno.com>; keywestquestions@yahoo.com

Subject: Fwd: 1905 Staples Ave.

Owen,

Thank you for sending your latest proposal for 1905 Staples. As the adjacent property owner, I have been clear and consistent from the beginning that my concern is the lack of legally required building setbacks.

From sheet 4 of your attached proposal below, it would appear you have made no effort to address my concerns and your proposed setbacks are only fractions of what is required.

SETBACKS

FRONT:	
REQUIRED	20'-0"
EXISTING	0'-0"
PROPOSED	6'-5"

LEFT SIDE:	
REQUIRED	15'-0"
EXISTING	0'-0"
PROPOSED	7'-3"

RIGHT SIDE:	
REQUIRED	15'-0"
EXISTING	0'-0"
PROPOSED	6'-0"

REAR:	
REQUIRED	25'-0"
EXISTING	0'-0"
PROPOSED	5'-0"

Additionally I note on sheet 5 (pasted below) a project height of 44 feet and an occupant load of 11 persons

4. HEIGHTS AND AREAS:		
PROJECT AREA: ±1,047.4 S.F. PROJECT HEIGHT: 3 STORY / 44.0 FT		
5. OCCUPANT LOAD:		
OCCUPANCY R2: FACTOR LOAD: 200 GSF FBC-B TABLE 1004.5 NFPA 101 TABLE 7.3.1.2		
SPACE	AREA	OCCUPANT LOAD
LIVING AREA	2,094.8 SF.	11 PERSONS
TOTAL OCCUPANT LOAD		11 PERSONS

Based on the Sept 21 2023 Planning Board Staff Report, the allowed height is 40 feet and you previously proposed a height of 39 feet 2.5 inches. It would appear the building has grown nearly 5 feet in height. Are you now proposing a 4 foot height variance as well? If so, your correspondence below should highlight these changes rather than bury them within your building plans.

There has been much discussion concerning the fact that you are proposing a 4 unit roommate style barracks building, masquerading as a Single Family House. I note the proposed occupant load of 11 persons, based on 4 rooms and a single BPAS permit. How do you reconcile 11 persons living within this minimal footprint?

Overall my concerns have not changed. I am not adverse to developing the property, but whatever is proposed must fit within its limitations. I understand the lot is small, but you understood it had a defect when you bought it 2 years ago in order to remove your commercial vehicles from First Street. There is a reason it sold for a tenth of the cost of a buildable lot in Key West. You knew this when you bought it and you knew why it had never been developed. It is very disingenuous to now imply that you somehow did not know it would have limitations.

Expecting current zoning law to be enforced is not an unreasonable position. I understand the need for employee housing, but it still must comply with applicable zoning laws. You have a limited footprint and height on the property within which to build. If you have a need to develop horizontally rather than vertically in order to meet Employee Housing ADA requirements, we can have that discussion, but you have offered no alternative proposals.

I have attended all previous Planning Board meetings remotely, and hope to finally be permitted to speak on 19 Oct.

Sincerely,

Bruce Baffer
1907 Staples Ave

----- Forwarded message -----From: **Owen Trepanier** <owen@owentrepanier.com>
Date: Tue, Oct 3, 2023 at 1:28 PM
Subject: 1905 Staples Ave.
To: Bruce Baffer <bafferbruce@gmail.com>

Hi Mr. Baffer,

I am following up on the email below to see if you would like to discuss this any further. In addition the items listed below, I forgot to mention that we increased the side yard along your property line by an additional foot to what is now 6ft.

Owen

Trepanier & Associates, Inc.

Land Planners & Development Consultants

305-293-8983

From: Owen Trepanier

Sent: Tuesday, September 19, 2023 11:04 AM

To: bafferbruce@gmail.com

Subject: 1905 Staples Ave.

Hi Mr. Baffer,

Please see the attached plans. They have been revised as follows:

- Revised fenestration in a more KW style
- Total of four parking space provided on site
- Footprint reduced
- Reduced floor area

I'd enjoy discussing the project with you at your convenience.

Owen

Trepanier & Associates, Inc.

Land Planners & Development Consultants

305-293-8983