

Kelly Perkins

From: Laurie Scott <lkscott06@sbcglobal.net>
Sent: Friday, February 24, 2017 1:18 PM
To: Enid Torregrosa; Kelly Perkins
Subject: February 28 HARC Meeting
Attachments: 820 Carsten Lane Exterior Wall Analysis.docx

Attached please find an analysis of the proposed removal of the historic wall at 820 Carsten Lane. Please provide to the HARC Board and include it in the record for the February 28th meeting.

Thank you.
Laurie Scott

EXTERIOR WALL ANALYSIS
820 Carsten Lane

612 sq ft Historic Cigar Makers Cottage

Total exterior Historic wall:	74 Lineal ft.
Exterior Historic wall being removed:	39 Lineal ft.
Historic wall remaining:	35 Lineal ft.

Percentage of Historic wall being removed:	53%
Percentage of Historic wall remaining:	47%

Dominant feature of historic wall being removed: Offset on southwest wall visible from Carsten Lane.

Offset appears on 1912 Sanborn Map and is a distinct feature that has been part of the building for over 100 years.

A minor relocation of the offset is indicated on the 1962 Map and may have occurred sometime between 1948 and 1962. This relocation (if it occurred) does not change this feature and is itself over 50 years old. HARC Guidelines similarly apply to the relocation.

“Distinctive features that characterize a historic property shall be preserved”
HARC Guidelines, pg. 16.

“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property”
HARC Guidelines, pg. 17.

“The building’s features should not be radically changed, obscured, damaged or destroyed”.
HARC Guidelines, pg. 23.

“Most properties change over time, those changes that have acquired Historic significance shall be retained”.
HARC Guidelines, pg. 19.

“New work shall be differentiated from the old...”
HARC Guidelines, pg. 23.

“New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired”.
HARC Guidelines, pg. 23.

THE PROPOSED DESIGN IS CONFIGURED SOLEY TO MAXIMIZE SQUARE FOOTAGE. IT DESTROYS AN EXCESSIVE AMOUNT OF THE BUILDINGS HISTORIC EXTERIOR AND ELIMINATES CHARACTER DEFINING FEATURES. MODIFICATION OF THOSE FEATURES BETWEEN 1948 AND 1962 IS PART OF THE HISTORY OF THE BUILDING AND IS APPROPRIATELY PROTECTED BY THE GUIDELINES.

Kelly Perkins

From: Laurie Scott <lkscott06@sbcglobal.net>
Sent: Friday, February 24, 2017 12:55 PM
To: Enid Torregrosa; Kelly Perkins
Subject: Feb. 28 HARC Meeting
Attachments: 820 Carsten sq footage.docx

Hi Enid and Kelly,

Attached please find the following: Square footage analysis. Neighborhood height plat. Please distribute these to the HARC Board and include in the record for the February 28th HARC Meeting. I would like to comment on these at the meeting, would it be possible to have them on the screen when I speak?

Thank you.

Laurie Scott

**SQUARE FOOTAGE ANALYSIS
820 CARSTEN LANE**

EXISTING SQUARE FOOTAGE

(Data derived from Monroe County Tax Assessor)

Historic Cottage	612 sf
Covered Patio	248 sf
Upstairs Open Porch	266 sf

TOTAL EXISTING: 1,126 sf

HISTORIC COTTAGE:	54%
EXISTING ADDITION:	46%

(non-contributing)

PROPOSED SQUARE FOOTAGE:

(Data provided in drawings submitted by Bill Rowan)

1 st Floor	1,367 sq ft
Upstairs	319 sq ft

TOTAL PROPOSED: 1,686 sq ft

HISTORIC COTTAGE:	36%
NEW ADDITION:	64%

(non-contributing)



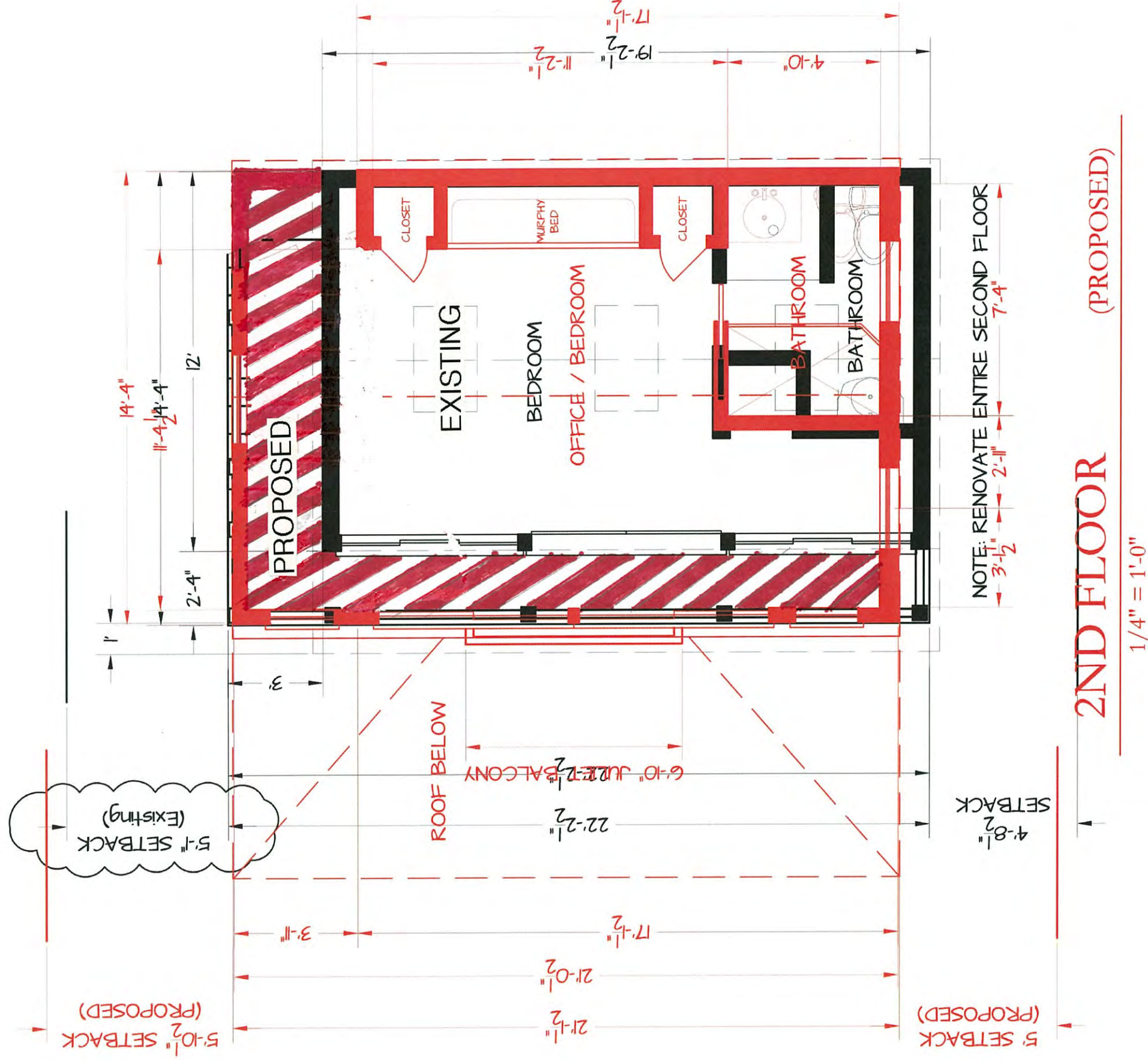
Kelly Perkins

From: KEVIN SCOTT <Avpetro@sbcglobal.net>
Sent: Friday, February 24, 2017 12:20 PM
To: Enid Torregrosa; Kelly Perkins
Subject: 820 Carsten
Attachments: overlays_Page_1.pdf

Attached please find an overlay prepared for the February 28, 2017 HARC meeting regarding proposed new construction at 820 Carsten Ln in Key West. This overlay was generated using scaled drawings prepared by Bill Rowan for the project. Please distribute to the board and include in the record.

The following should be noted:

- Black lines are from Sheet 2 (EXISTING) of the drawings. Red lines are from Sheet 4 (PROPOSED). Sheet 2 has been overlaid with Sheet 4.
- The red shaded area is the increase in the enclosed area. It also shows the difference between the “after-the-fact” permit being requested and what is being proposed.
- The red shaded area shows an increase in mass as defined by the HARC Guidelines.
- Black walls are those shown on sheet 2 as being retained. Red walls are new. The only wall shown in red that corresponds to a demo’d wall on sheet 2 is the rear wall.
- Black also indicates walls incorrectly shown as being retained. These walls are not shown in the demo plan but are removed on Sheet 4 (PROPOSED).
-



2ND FLOOR (EXISTING)

2ND FLOOR (PROPOSED)

1/4" = 1'-0"

N

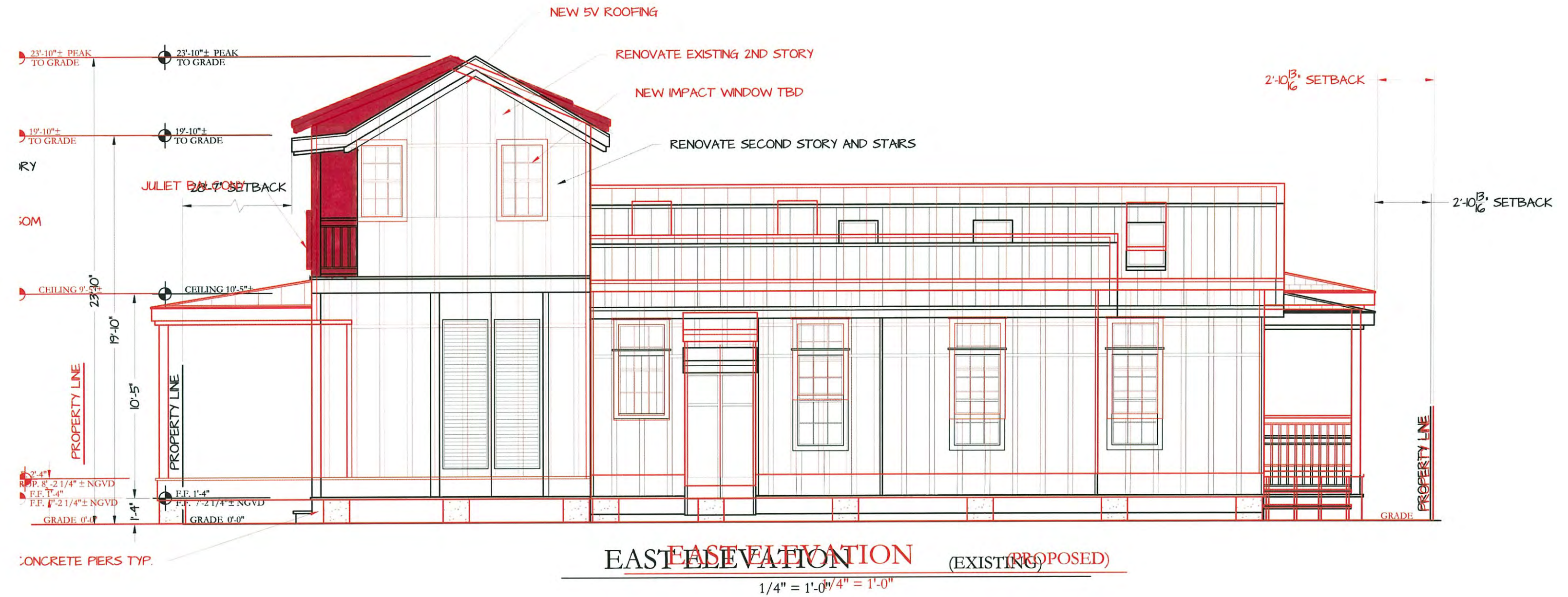
Kelly Perkins

From: KEVIN SCOTT <Avpetro@sbcglobal.net>
Sent: Friday, February 24, 2017 12:10 PM
To: Enid Torregrosa; Kelly Perkins
Subject: 820 Carsten Ln
Attachments: overlays_Page_2.pdf

Attached please find an overlay prepared for the February 28, 2017 HARC meeting. It was generated from the scaled drawings provided in the proposal by Bill Rowan. Please distribute to the Board and include in the record.

Please note the following:

- Sheet 3 (EXISTING) is shown in black. Sheet 5 (PROPOSED) is shown in red. Sheet 3 is overlaid with sheet 5.
- The red shaded area shows the increase in the size of the side elevation of the second story that would result from the construction.
- The increase in the second story is an increase in massing as defined by HARC guidelines.
- The red shaded area does not include changes from massing resulting from increases in the size of the first floor.



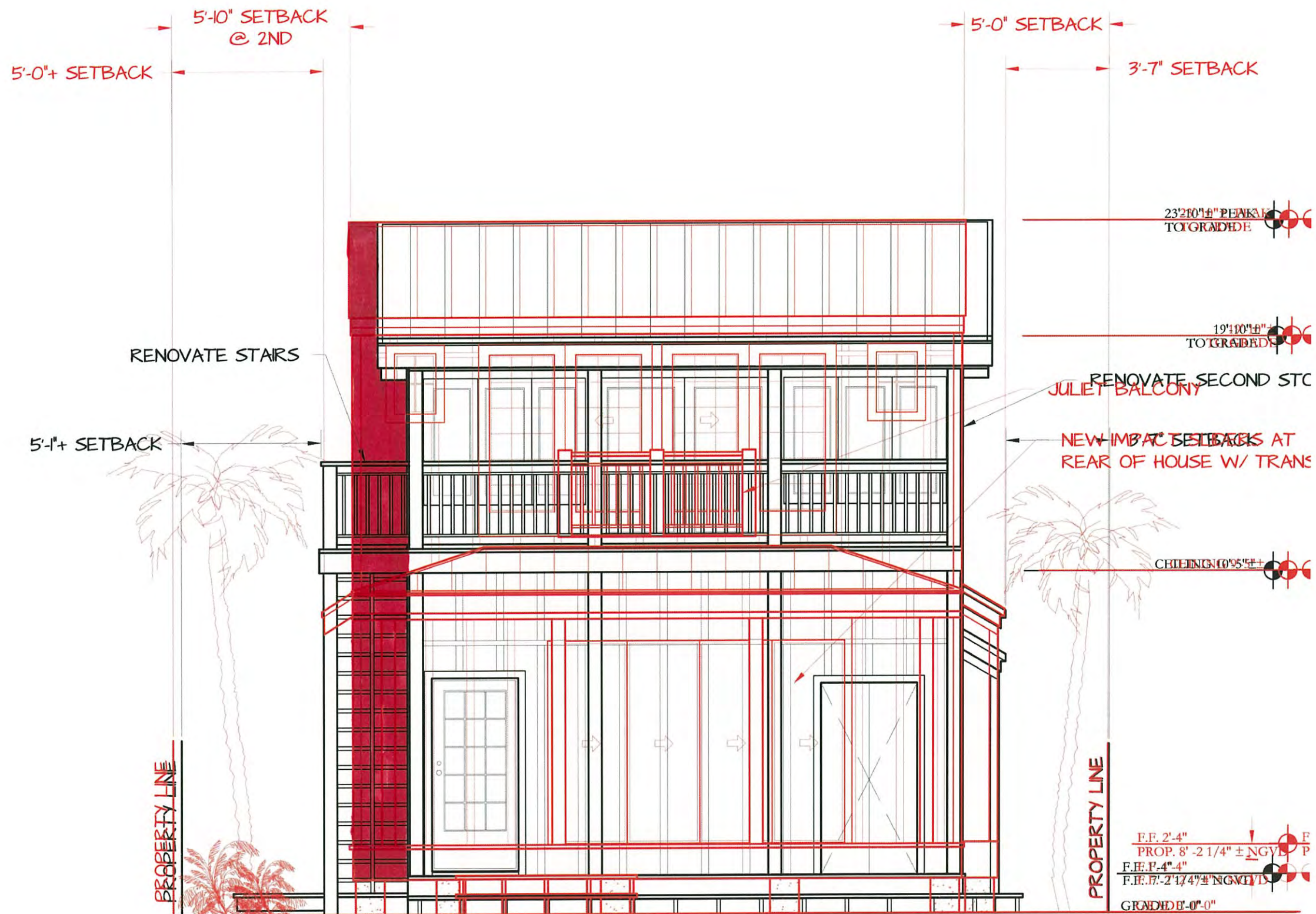
Kelly Perkins

From: KEVIN SCOTT <Avpetro@sbcglobal.net>
Sent: Friday, February 24, 2017 12:25 PM
To: Enid Torregrosa; Kelly Perkins
Subject: 820 Carsten
Attachments: overlays_Page_3.pdf

Attached please find an overlay prepared for the February 28, 2017 HARC meeting regarding proposed new construction at 820 Carsten Ln, Key West. This overlay was generated using scaled drawings prepared by Bill Rowan for the project. Please distribute to the Board and include in the record.

The following should be noted:

- Sheet 3 of the drawings (EXISTING) is shown in black. Sheet 5 (PROPOSED) is shown in red. Sheet 5 is overlaid sheet 3.
- The red shaded area reflects the increase in the width of the building from the Carey Ln elevation.
- The red shaded area shows an increase in mass as defined in the HARC Guidelines.
- The increase in width would also be visible from Carsten with a similar impact on massing.
-



SOUTH ELEVATION

(PROPOSED)
(EXISTING)

NEW C

Kelly Perkins

From: KEVIN SCOTT <Avpetro@sbcglobal.net>
Sent: Friday, February 24, 2017 12:08 PM
To: Enid Torregrosa; Kelly Perkins
Subject: Overlay Sheet 2/4, 820 Carsten
Attachments: 820 Carston_floor plan.pdf

Please provide the following information to Board Members for the February 28 HARC meeting and include in the record for 820 Carsten.

The drawings provided are conflicting and do not represent the work being proposed. The following statements are not consistent with the floor plans provided on Sheets 2 and 4.

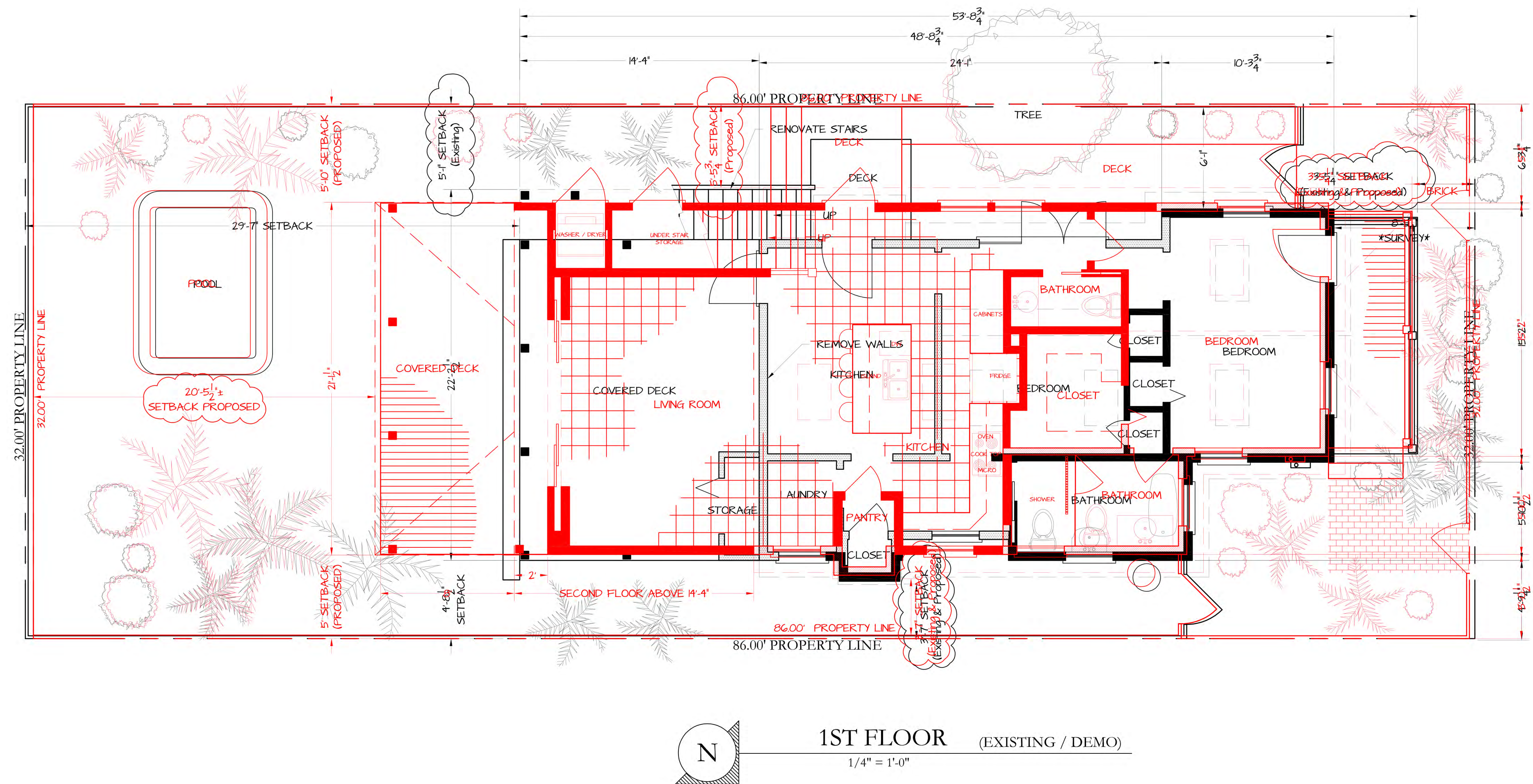
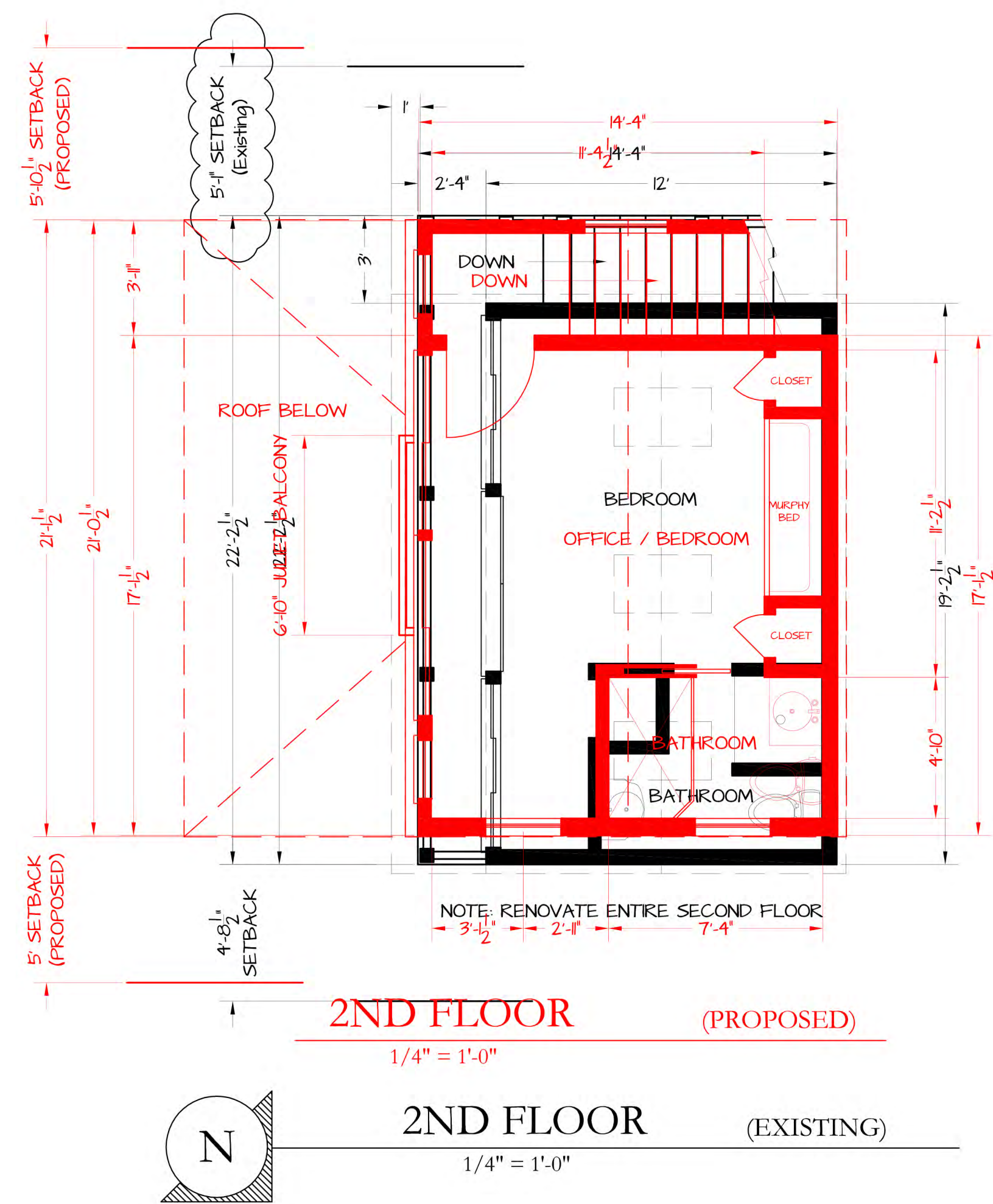
- Sheet 2: “Renovate entire second floor”.
- Sheet 3, SOUTH: “Renovate 2nd story and stairs, exterior walls and structural members to remain”.
- Sheet 3, EAST: “Renovate 2nd story and stairs”.
- Sheet 3, NORTH: “Renovate 2nd story and stairs, exterior walls and structural members to remain”.
- Sheet 3, WEST: “Renovate 2nd Story and stairs”.

Attached please find an overlay of the scaled drawings provided by Bill Rowan for the project. Sheet 4 (RED), is overlaid on Sheet 2 (BLACK)

Please note the following:

- Sheet 2 of the drawings (EXISTING) shows walls to be retained. Sheet 4 (PROPOSED) shows new along with retained walls.
- There are numerous inconsistencies between sheets 2 and 4. Many of the walls shown as being retained on sheet 2, are not on sheet 4.
- Black walls or posts on the overlay that are to be retained conflict with red walls (new construction).
- Sheet 4 shows none of the 2nd story walls or structural elements are being retained.
- None of the 1st story posts or supporting walls for the 2nd story are being retained.
- No portion of the stairs are being retained.
- Walls and posts being removed are not shown on the demo plan.

While is not clear what exactly is being proposed, based on sheet four this is a completely new addition and not a renovation.



Site Data			
	Allowed	Existing	Proposed
Zoning	HHDR		
Flood	AE-G	72' NGVD	82' NGVD
Lot Size		2,752 SF.	
Building Coverage	50% (1,376 SF.)		
		40% (1,123 SF.)	49% (1,367 SF.)
Impervious ratio	60% (1,651 SF.)		
		44% (1,231 SF.)	53% (1,475 SF.)
Open Space	35% min. (963 SF.)		
		55% (1,521 SF.)	41% (1,143 SF.)
Setbacks *(FROM EAVES - NOT EXTERIOR WALLS AS SURVEY)*			
Front	10'	29'	29' NC.
Side	5'	51'	55'
Side	5'	3.75'	3.75' NC.
Rear	20'	28.8'	20.6'

Kelly Perkins

From: Kelly Perkins
Sent: Friday, February 24, 2017 9:11 AM
To: 'Maureen Bramlage'
Cc: Enid Torregrosa
Subject: RE: View 820 Carsten from Carey/correction

Hi Maureen,

The photos in this email aren't showing. I received the earlier email from 12:42 am that had the photos attached. Were those the photos you wanted to be uploaded?

Kelly Perkins, HARC Assistant Planner

Planning Department, City of Key West
1300 White Street, Parking Lot Entrance
Key West, Florida 33040
P: 305.809.3975 | E: kperkins@cityofkeywest-fl.gov

From: Maureen Bramlage [<mailto:maureen.bramlage@comcast.net>]
Sent: Friday, February 24, 2017 9:05 AM
To: Kelly Perkins <kperkins@cityofkeywest-fl.gov>
Cc: Enid Torregrosa <etorregrosa@cityofkeywest-fl.gov>
Subject: View 820 Carsten from Carey/correction

Dear Kelly,

Would you please upload these pics taken of the view of 820 Carsten to show the difference in roof heights of the houses on either side and confirm when done? They show the drastic difference between a two story and all the surrounding one stories.

Please ignore the earlier request and upload this one. Something went wrong with the attachments on that first one.

Thank you,

Maureen Bramlage

From: Rodger Stuart Davis



Enter album name here

[VIEW SLIDE SHOW](#) [DOWNLOAD ALL](#)

This album has 1 photo and will be available on OneDrive until 5/25/2017.

Add more
photos





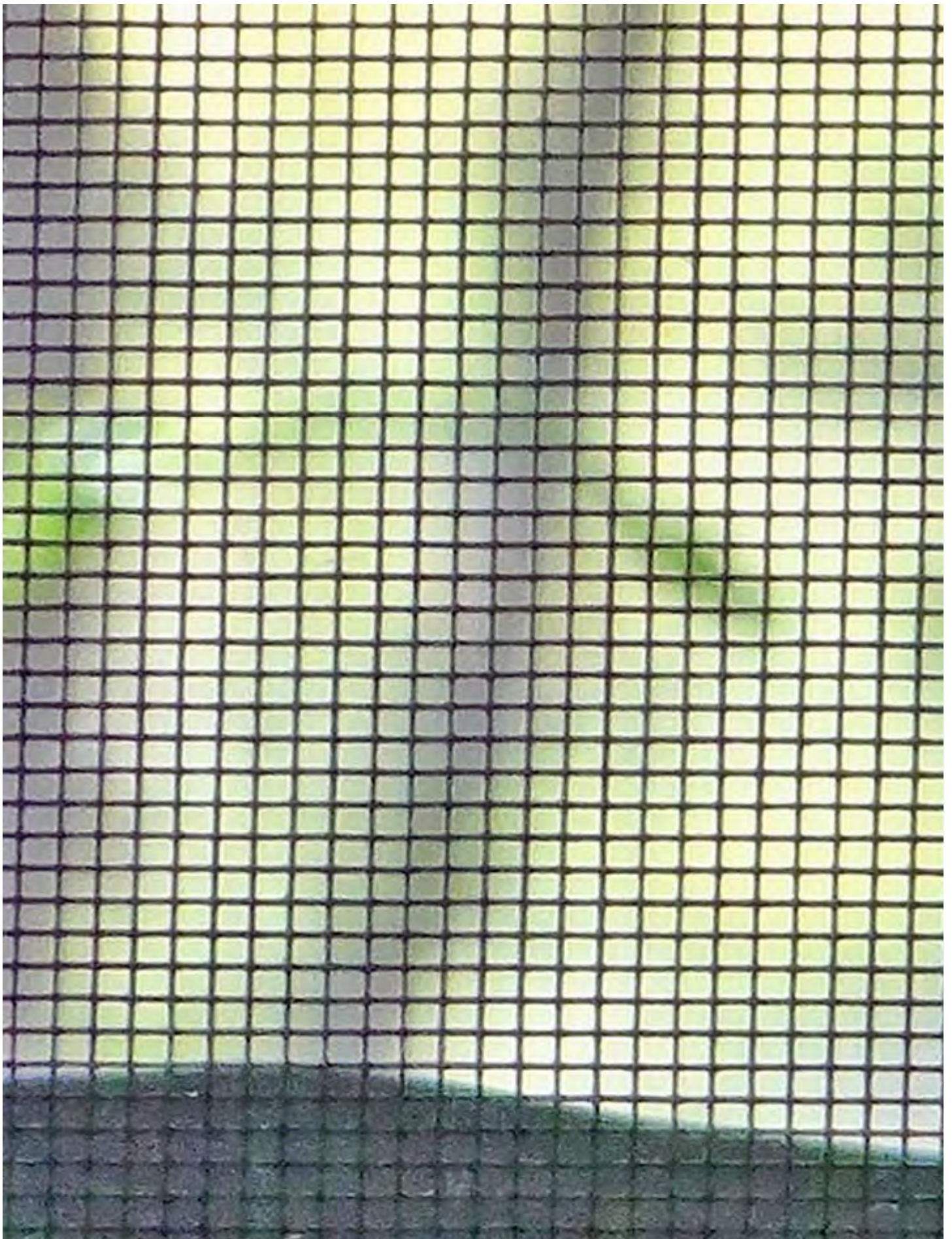
This email has been checked for viruses by Avast antivirus software.
www.avast.com

Kelly Perkins

From: Maureen Bramlage <maureen.bramlage@comcast.net>
Sent: Friday, February 24, 2017 12:40 AM
To: Kelly Perkins
Cc: Enid Torregrosa
Subject: Fw: Carey Lane view of 820 Carsten
Attachments: DSC05644.JPG; DSC05645.JPG; DSC05647.JPG; DSC05648.JPG

Could you please upload the attachment pics of 820 Carsten as seen from Carey Lane. They were shot to underscore the difference in roof height of a two story among all one stories. I was unable to reformat them to be attached to my letter of comments for the 2/28 HARC hearing.

Thank you,
Maureen Bramlage





This email has been checked for viruses by Avast antivirus software.
www.avast.com









Kelly Perkins

From: Maureen Bramlage <maureen.bramlage@comcast.net>
Sent: Friday, February 24, 2017 9:04 AM
To: Kelly Perkins
Cc: Enid Torregrosa
Subject: 820 Carsten/After the Fact permit request.
Attachments: Shawn Smith Jan.6.'17 Letter.pdf

Please upload this letter into the comments section for the 2/28/17 meeting and confirm when done. Thank you.

AFTER-THE-FACT PERMIT REQUEST?

After just what fact might that be? Apparently, it is after the fact that applicant, Mr. Lynch, himself enclosed it before leaving town for the winter, and painted it green to match the siding, "to protect it from hurricanes." At least that's what he said at the only meeting with neighbors at the beginning of this process, when challenged by neighbors who saw it. . Dr. Mike Mc Grath has this very clearly on the taped record of the meeting.

Here is a picture posted by realtor on Mar. 11, 2015. The present owners were under contract before Mar. 20, 2015. This is what they bought.



They then took out the shutters, and then enclosed it all the way up to the peak of the roof . So the question becomes: **why was this request for an after-the fact permit entered in the November 2016 proposal to HARC, and why not before, in previous proposals March & June 28?**

For one thing, the applicant changed lawyers from Mr. Klitenick to Mr. Oropeza. Mr. Oropeza then uncovered several mistakes on the part of the City staff in having certified, in March 2015, all permits closed. Examples of mistakes: Stairs to the upstairs porch had been relocated from the rear of the house to the side; the roof, permitted to 23' on the HARC certificate but never inspected, turned out to be 25 ft.; an unpermitted and inspected bathroom and kitchen had been let stand.

Next the original permit for the OPEN second story porch, #0700000029, CANCELED by Architect Michael Skoglund, in '08. as previously reported to HARC by Att'y Wayne Smith, – this original permit was found **changed** in the City Bldg. Dept. record on Jul. 1, from CANCELED (cn) to OPEN (pp), Carolyn Walker's initials were on the change but she did not make the change. At that time the City did not have any plans and did not know that Mr. Skoglund himself had canceled his permits because owner insisted on overbuilding. Mr. Ramsingh refused to discuss this change with Mr. Smith. (See correspondences attached to Shawn Smith letter.)

None of us wants this issue to have to go beyond HARC, but whether this change was intentional or erroneous, it cannot be allowed to stand without investigation and uncorrected, as the net effect is to allow for a permit for renovation/remodeling, as opposed to a new building permit, which the LDR's do not allow when a permit has stood canceled for more than two years "barring force majeure." The LDR's, more authoritative and binding than HARC guidelines, specifically forbid reopening a canceled building permit after two years, "barring force majeure". (See Sec. 90-359 – all 4 reasons) At best, in the face of the surviving '06 HARC permit and the approved architectural drawings, only a second-story open porch may be built.

Mr. Ramsingh would have us believe that this was not done to accommodate the applicant, or to compensate for a liability possibly incurred via the several City mistakes in closing out the permits, but rather that an estoppel argument exists. He specifically states that no one can really know what was built when and by whom. This is not correct. Neighbors and owner Susan Schock assert, and are willing to testify, that construction stopped when Skoglund withdrew and the house went into foreclosure in August of '08, leaving it an open porch on all **four** sides as per plan.

Construction only re-started in 2011-12, after Ms. Schock determined that her "lost loan" had been sold and resold, and no one could prove chain of title until 2014 when Assets Recovery filed the foreclosure action. She admits to adding bath and kitchenette and pony wall, but denies that it was ever enclosed, and that she put up open louvers and 6mil plastic above the pony walls. Neighbors complained to code **many** times. .

Mr. Ramsingh's estoppel argument omits the fact that Code Compliance stopped taking action on complaints after they found the house in foreclosure, as they would be unable to collect on the lien they'd already attached. Their only other choice was to jail Ms. Schock, a 65 year old woman, broke, in poor health, and frequently sleeping in her car while she rented out the house transiently. If anyone is responsible for nothing having been done about the house for ten years as Mr. Ramsingh incorrectly claimed, look to the City, who never followed up on the original building permits, did only one inspection (augur holes), issued four more permits, and failed to follow up on either those or the construction complaints. No one, neighbors or City, anticipated 7 yrs in foreclosure.

In summary, an after-the-fact permit for enclosure has no legal or real standing in this case, would controvert the LDR's, be severely inconsistent with HARC guidelines, allow for the only two-story home on the two back-to-front lanes of Carsten and Carey, and very negatively affect the neighbors, the neighborhood and the Historic District.

Maureen Bramlage
812 Carsten Lane
305 295 0162



This email has been checked for viruses by Avast antivirus software.

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Jan. 6, 2017
To: Shawn Smith, City Att'y

Re: 820 Carsten Ln. Key West

Dear Shawn:

It appears, since Ron Ramsingh copied you on an Oct. 21 note to Wayne Smith, opposition attorney, that you are up-to-date on this project, but just in case you are not, I thought it prudent to share with you information of which I have become aware, that may misrepresent the case to HARC resulting in a flawed and contestable outcome at this month's hearing. Nobody wants to see this matter go beyond HARC, when all it need do is abide honestly by the governing laws.

1. Until June, HARC staff opposed submittals for an enclosed 2nd story. In June, Greg Oropeza representing the owners, met with R. Wampler, HARC staff, Carolyn Walker, & R. Ramsingh and held out the City as liable to his clients for numerous errors and omissions. Attachment 1.
2. Then, as of the June meeting, HARC staff began to refer to the porch as having been enclosed, and stated in its report that the City Attorney had opined that no one could know what was done when. A half dozen first hand witnesses claim otherwise, including myself and Susan Shock, owner until Feb. 2014 foreclosure. Wayne Smith, representing neighbors, wrote to Ron Ramsingh asking to discuss changes and was turned down. You were copied. Attachment 2.
3. Carolyn Walker certified all permits closed on April 16th, including permit number 0700000029, the original permit for an open second-story porch. She states that some time after this, someone changed that permit from canceled to open. Architect/Builder Skoglund states he canceled the permit himself in '08 and pulled the plans, as owner insisted on overbuilding. It was not "closed in error." "It seems it was illegally changed because the LDR's invalidated it after cancelation, wherea "Open", can allow the owners an enclosed second story, after-the-fact to the detriment of the neighbors and the historic character of two beautiful Old Town Lanes. Attachment 3

I hope you can assure me otherwise, but it looks like City officials may have decided to avoid liability by casting a canceled, invalid open porch, as an enclosed porch. Dave Rooney, 806 Carey Ln., and I, helped Susan Schock move in Feb. 2015. Only the door wall was enclosed. In 2013 she installed a bathroom and a door wall, put up temporary materials like heavy vinyl curtains over some openings, moved onto the porch, and rented out her downstairs. The sides were still open when she left and the present owner enclosed them after purchase, without permits, in full view of neighbors who assumed they were legal. Attachment 4.

Shawn, the City has let the neighborhood down over and over and over on this building. Failure to ever follow up on those '07 permits; failure to inspect, failure to approve, failure to enforce rental violations, and now, altered records? It is the neighbors and the Historic District who are injured.

How much liability can there be? Realtors claim the house would easily sell today for what the owners paid, and it has been almost fully rented while they've carried it. Just this once, on this property, can we get justice? I am cc'ing everyone you sent my June inquiry to and all the neighbors, too many to list here if I want to keep this on one page. Every neighbor but the one behind me waiting to see how this goes as he too wants two-stories, is opposed, hurt, sad, and angry. Attachment 5.

Maureen Bramlage

Att. 1 & 3

Maureen Bramlage

From: "Carolyn Walker" <cwalker@cityofkeywest-fl.gov>
Date: Monday, December 5, 2016 1:16 PM
To: "Maureen Bramlage" <maureen.bramlage@comcast.net>
Subject: RE: 2015 closed permits 820 Carsten Ln

Hi Maureen, I'm sorry I guess I'm not clear on what you are requesting. First of all, the information pertains to 820 Carsten? And you are just asking if each of the closed permits had an approval final inspection, the name of the applicant, and if not an approved final inspection, whom closed the permit?

By the way, earlier this year I was in a meeting with a lawyer representing either the property owner or a neighbor (can't remember) and we found that one permit had an error: Below is the email exchange regarding that --- after reading the attached, please let me know if you need additional information on the remaining permits. Also, on 5-4-16, we received an application to "demolish existing 2 story porch at rear of building and adjoining staircase." That application remains pending. Finally, I'm sorry if you were told that only I had access to certain files -- totally not factual. All of our information, except what's in my head, is stored either in boxes or is contained in our scanning system. All public record.

Please see below for previous emails and notes.....

Thanks Carolyn.

Ron (Ramsingh) - Seems there are a few moving parts and a few different positions on this. Maybe a meeting with all of us would help so we can sort through the process to correct this? It would appear Count 2 of the amended code notice is compliant regarding the rental license.

How was it "corrected"?

Thanks, Greg

Gregory S. Oropeza, Esq.

SMITH | OROPEZA | HAWKS
 ATTORNEYS AT LAW

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 Key West, Florida 33040
 Tel: 305-296-7227
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Please note: This law firm may be deemed a "debt collector" under the Fair Debt Collection Practices Act. Any and all information obtained during and from communications may be used for the purpose of collecting debt.

From: Carolyn Walker [<mailto:cwalker@cityofkeywest-fl.gov>]
Sent: Wednesday, July 13, 2016 10:10 AM
To: Greg Oropeza; Ronald Ramsingh
Cc: Enid Torregrosa; Ron Wampler
Subject: RE: 820 Carsten Lane

Good morning everyone,

I prepared the closed permit certificate for this property on 4/16/15. When I prepare these certificates I make sure the status of all permits are one of the following:

CM = completed (indicating all inspections were performed).

12/30/2016

CO = Certificate of Occupancy issued (indicating all inspections were performed).

PE = permit extended (work was performed, permit was left open and expired. New "administrative" permit is pulled and inspector conducts inspection to close.

CL = closed (I administratively close the permit).

CN = cancelled. These are permits actually cancelled by the owner or contractor before the work commences, or applications that were left pending for some reason. I typically close these if they are over 2 years old. *IN THIS CASE BY ARCHITECT/CONTRACTOR SKOGLUND*

I have become aware of the issues at 820 Carsten, and recently was informed of permit 07-0000029 regarding the addition with no final inspection. I looked back at the closed permit certificate which listed 36 permits and saw the permit in question was cancelled; however now the status has been changed to PP, which means the permit is open. There are no notes in the body of the permit indicating why the permit would have been cancelled then reopened. Therefore my conclusion is that after I prepared the closed permit certificate someone realized the permit was inappropriately cancelled and changed the status.

As far as property appraiser records, please be advised that we send the property appraiser a copy of every permit we issue. The property appraiser staff then record the information on the property record cards. There is no follow-up regarding final inspections; in discussions with their staff, I was informed that "completed" means that an appraiser visually saw the work as described as completed. There is no correlation between an approved final inspection by a building inspector and the completed section of the property card.

Finally, this code complaint initially came in as an illegal rental unit totaling 2 units on the property. The owner has obtained a rental license for a single unit. Please understand that this does not imply one rental and one owner's unit for a total of 2 units. If there are actually 2 independent dwelling units on the property then one of them is not recognized by the City.

Carolyn

Application Miscellaneous Information Maintenance

Application number: 07 00000029

RE #PARCEL #TAX ID etc: 0001-1410-000000- -

Address: 820 CARSTENS

Code	Date	Print	Miscellaneous Information
DESC	1/04/07	Y	* * 2 STORY PORCH ADDITION AT REAR OF
DESC	1/04/07	Y	RESIDENCE * * SEE PLANS IN FILE!
DESC	1/04/07	Y	* HARC #06-1103-1617 *
DESC	1/04/07	Y	* NOTE: NOC rec'd* * * TM
DESC	1/04/07	Y	T/S: 01/17/2007 11:06 AM CWALKER ---
DESC	7/01/16	Y	July 1, 2016 8:35:56 AM keywcaw.
DESC	7/01/16	Y	****When this permit is extended to
DESC	7/01/16	Y	close, please see Enid for plans and
DESC	7/01/16	Y	attached to extension application*****

Att. 2 a.

Maureen Bramlage

From: "KEVIN SCOTT" <avpetro@sbcglobal.net>
Date: Friday, December 30, 2016 4:09 PM
To: "Maureen Bramlage" <maureen.bramlage@comcast.net>
Cc: "David and MaryJo Rooney" <mjgrkw@gmail.com>; "Dick and Beverly Jenkins" <bev@usicable.com>; "Mike McGrath" <doctormikemd@gmail.com>; "Scott Laurie" <lkscott06@sbcglobal.net>
Attach: FW_ HARC Applications 16-9264 & 16-9265 (820 Carsten Lane).eml
Subject: 818 Carsten

Maureen:

Attached please find email from Wayne Smith to Ron Ramsingh with Mr. Ramsingh's terse response. Mr. Ramsingh's position on the project at 820 was clearly presented in the June HARC Staff Report. I understand from Kelly Perkins the June report was produced only after extensive consultation with Mr. Ramsingh and Mr. Wampler. Mr. Ramsingh's 180 degree reversal was stunning and came without explanation. Apparently Mr. Ramsingh has no desire to help us understand his abrupt change of opinion.

After the June HARC Staff report came out, Applicants Don and Sue Lynch dismissed Mr. Klitnick as Counsel and retained Mr. Oropeza. Shortly after that Mr. Ramsingh reversed his position and formulated an opinion that supported the project. It's difficult to not see some connection between Mr. Oropeza's retention and the change in Mr. Ramsingh's view.

Recently it has become clear that Mr. Oropeza had been in direct contact with Mr. Ramsingh, Mr. Wampler, Carolyn Walker and Enid Torregrosa in an effort to alter the conclusions of HARC Staff and City Officials. That influence and contact has been in the form of both email and in person meetings. I wouldn't suggest that this contact is necessarily inappropriate. But Mr. Ramsingh's refusal to even discuss the matter with Mr. Smith while at the same time conducting meetings with Staff and Mr. Oropeza, could hardly be considered equal treatment.

Perception of impartial treatment and an open process is just as important as adhering to those values. I am not suggesting there is anything unethical or inappropriate in this matter. Mr. Ramsingh however has done nothing to avoid the perception of favoritism and has not created a sense of openness in the City's process. We feel he has a responsibility to communicate and listen to Neighbors and Neighbor's Counsel in the same manner the he does with Mr. Oropeza.

Correspondence attached below.

Att 2b

Maureen Bramlage

From: "Wayne Smith" <wayne@thesmithlawfirm.com>
Date: Friday, October 21, 2016 11:25 AM
To: <avpetro@sbcglobal.net>
Subject: FW: HARC Applications 16-9264 & 16-9265 (820 Carsten Lane)

FYI

Wayne LaRue Smith*
The Smith Law Firm
509 Whitehead Street
Key West, Florida 33040
Voice: 305-296-0029
Fax: 305-296-9172
E-mail: wsmith@thesmithlawfirm.com
*



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From: Ronald Ramsingh [<mailto:r Ramsingh@cityofkeywest-fl.gov>]
Sent: Friday, October 21, 2016 10:02 AM
To: Wayne Smith
Cc: Shawn D. Smith
Subject: RE: HARC Applications 16-9264 & 16-9265 (820 Carsten Lane)

I respectfully decline.

Ron

From: Wayne Smith [<mailto:wayne@thesmithlawfirm.com>]
Sent: Friday, October 21, 2016 9:32 AM
To: Ronald Ramsingh <r Ramsingh@cityofkeywest-fl.gov>

12/30/2016

Att 2c

Cc: Shawn D. Smith <sdsmith@cityofkeywest-fl.gov>

Subject: HARC Applications 16-9264 & 16-9265 (820 Carsten Lane)

Mr. Ramsingh,

We have been retained to represent five neighbors of this applicant. In June of this year, HARC staff concluded that the entire two-story addition required HARC approval because the massive addition to this cigar-maker's cottage was illegally constructed without a building permit (while a permit was issued in early 2007, that same permit was cancelled rendering it void) and, therefore, the 2006 HARC approval for a 23 foot high two-story structure open on four sides expired in 2008. There is a pending Code violation for building the addition without a building permit.

Now, HARC staff informs these neighbors that "the City Attorney has concluded that the two-story structure (not the staircase and not the enclosure) is legal for HARC as it matches the massing that was approved in 2006." However, the illegal structure, completed without a permit, is 25 feet high, not 23 feet. This is a significant change to the massing, even if it could be argued that the 2006 HARC approval somehow applies. At a minimum, HARC should be required to approve the 25 foot height as the 2006 HARC minutes plainly reference a conceptual drawing (since lost, apparently) of a structure that was to be 23 feet at its peak. There are other issues that HARC should be required to address, in addition to the unpermitted enclosure of the second floor of the addition, including the addition of skylights and hip walls.

I write to ask if you could take some time to speak with me today, to help me understand this change in the City's view of the application. The five neighbors are quite upset about this recent development and I would like to be able to fully explain the City's conclusions.

I am available most of the afternoon.

Thank you,

Wayne

Wayne LaRue Smith*
The Smith Law Firm
509 Whitehead Street
Key West, Florida 33040
Voice: 305-296-0029
Fax: 305-296-9172
E-mail: wsmith@thesmithlawfirm.com

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12/30/2016

Att. 4

Maureen Bramlage

From: "Maureen Bramlage" <maureen.bramlage@comcast.net>
Date: Friday, December 30, 2016 5:58 PM
To: "Maureen Bramlage" <Maureen.Bramlage@comcast.net>
Subject: Fw: enclosed porch

From: Susan Schock
Sent: Wednesday, December 7, 2016 5:52 PM
To: Maureen Bramlage
Subject: Re: enclosed porch

No permit for moving stairs from inside porch to side. They were literally on the porch, made a turn at a landing and opened into the upper porch. However, there is sufficient clearance of side setback to build stairs on the side. I intended to get a permit and rebuild them on the side at some point.

No permit for enclosure of porch. The porch was never actually enclosed, and although I intended to eventually enclose it with a permit, at the time it was a very temporary structure. I built a pony wall and set homemade windows in the sides and front. These windows were never installed permanently and are not made of thick enough wood to qualify as real windows. I also never finished all the windows and one section was plastic stapled to the pony wall. Additionally, the area above the side windows had louvers, not a wall. I always knew I'd have to disassemble the windows, etc. in the case of a hurricane.

2013
2012
FRANCIS
CAREY

No permit for upstairs plumbing although it was done to meet code.

No permit for upstairs electric although it was done to meet code.



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