

Sue Harrison

From: Patrick Wright
Sent: Monday, March 27, 2017 3:44 PM
To: Cheri Smith
Cc: Sue Harrison; Virginia Haller
Subject: FW: 812 Duval LUD

Cheri,

Please see below. This is the item that is currently slated for the Board of Adjustment next week.

Patrick Wright, Interim Planning Director

City of Key West Planning Department
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From: Wayne Smith [mailto:wayne@thesmithlawfirm.com]
Sent: Monday, March 27, 2017 3:06 PM
To: Virginia Haller <vhaller@cityofkeywest-fl.gov>; Patrick Wright <pwright@cityofkeywest-fl.gov>
Cc: Jane Lowe (Jane@TropicalInn.com) <Jane@TropicalInn.com>; Ronald Ramsingh <rramsingh@cityofkeywest-fl.gov>; Shawn D. Smith <sdsmith@cityofkeywest-fl.gov>
Subject: RE: 812 Duval LUD

Ginny,

This email confirms that the Applicant does not intend to appeal or otherwise challenge the LUD determination as set forth in the letter dated February 8, 2017 wherein two additional transient units and transient use of one non-transient unit were recognized as being in existence prior to April 2010 and, therefore, exempt from BPAS. If we need to formally file a notice of dismissal of the appeal to the Board of Adjustment with the City Clerk, we will certainly do that.

The applicant has begun the process of fulfilling the conditions in the LUD determination letter. We believe the most prudent approach is to complete the fulfillment of those conditions upon the expiration of the 45 day appeal window afforded the DEO, just in case the DEO does, in fact, appeal (though we consider that to be unlikely since we believe the LUD determination is completely consistent with the LUD Code provisions which were previously approved by DEO). If for any reason you do not agree, please let me know.

If you require a more formal notice, please let me know.

Wayne

Wayne LaRue Smith*
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Martindale-Hubbell



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From: Virginia Haller [<mailto:vhaller@cityofkeywest-fl.gov>]

Sent: Monday, March 27, 2017 11:25 AM

To: Wayne Smith; Patrick Wright

Subject: 812 Duval LUD

Good morning Wayne,

Will you send a short letter or email confirming that you and the applicant are no longer appealing the Lawful Unit Determination at the Tropical Inn at the Board of Adjustment.

Thanks,

Ginny Haller

Planner II