

SMITH | OROPEZA | HAWKS
ATTORNEYS AT LAW

VIA HAND DELIVERY
AND ELECTRONIC MAIL

March 25, 2017

Cheri Smith, City Clerk
City of Key West City Hall
3126 Flagler Avenue
Key West, Florida 33040

RE: Notice of Administrative Appeal of Administrative Decision rendered by City Planner regarding violation of Land Development Regulations pertaining to 822 Sawyers Lane, Key West, Florida 33040.

Dear Ms. Smith,

My firm represents the interest of Mark H. Langley with respect to the real property located at 822 Sawyers Lane, Key West, Florida 33040 (the Property"). Mr. Langley is an adjoining and affected neighbor. Pursuant to Sections 90-305 and 90-430 of the City of Key West Code of Ordinances ("City Code") we are submitting this Notice of Appeal together with the requisite fee of One Thousand and 00/100 Dollars (\$1,000.00) for purposes of appealing the March 16, official opinion rendered by City of Key West Interim City Planner, Patrick Wright ("Determination Letter"). A true and correct copy of the Determination Letter is attached hereto and incorporated herein as Exhibit A.

Once a hearing date is determined, we will submit a hearing brief and binder for the commissioners' review.

Very Truly Yours,



Gregory S. Oropeza, Esq.

Enc.
CC:

Patrick Wright, Interim City Planner
George Wallace, Esq., Assistant City Attorney

EXHIBIT A

Greg Oropeza

From: Patrick Wright <pwright@cityofkeywest-fl.gov>
Sent: Thursday, March 16, 2017 10:15 AM
To: Greg Oropeza
Cc: George Wallace; Kelly Perkins
Subject: RE: 822 Sawyers
Attachments: 13-18 Administrative Variance and DEO rendering ONLY.PDF

Greg,

My position is as follows:

122-29 (a) reads:

Generally. Any building or structure devoted in whole or in part to a nonconforming density or nonconforming use may be repaired and maintained as provided in this section. If repair or maintenance shall exceed the criteria set forth in this section, renovation of the building or structure shall be governed by section 122-28.

Section 122-29 (b) & (c) are the "criteria set forth in this section", therefore anything exceeding the 66% requirement mentioned in those sections is governed by 122-28 as stated in part (a). 122-28 sets forth voluntary and involuntary reconstruction of a nonconformity and what does and does not require a variance. Ordinance 13-16 (attached) removed any reference the 66% requirement from 122-28.

Regarding the frontage, it is my understanding after speaking with Kelly that Thaddeus made a determination that the houses at 818 and 822 Sawyer's Lane already had an established front yard oriented towards the north and the direction was to continue the existing historic frontage.

I have reviewed the plan and it appears that there is no expansion of a nonconformity in the existing setback.

Patrick Wright, Interim Planning Director

City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040-4602
P 305.809.3778 | F 305.809.3978
www.cityofkeywest-fl.gov

From: Greg Oropeza [mailto:greg@smithoropeza.com]
Sent: Thursday, March 16, 2017 12:14 AM
To: Patrick Wright <pwright@cityofkeywest-fl.gov>
Subject: 822 Sawyers

Hi Patrick,

Have you had a chance to look at the 822 Sawyer plans? Going back to our conversation of the 66% reference. On the phone, your question was well what? if you trigger the 66% rule. The code reads you are only allowed to renovate 66% of the value, therefore, if you are going to exceed 66%, you simply cannot do it and you are not permitted to obtain a variance, I think this is clear in the code and understand Don wanted to fix this, but it apparently was not completely fixed.