

## Keri O'Brien

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**From:** David Owens <bubbadave1056@yahoo.com>  
**Sent:** Thursday, July 16, 2020 3:11 PM  
**To:** Keri O'Brien  
**Subject:** Re: Comments for Planning Board  
**Attachments:** IMG\_20200716\_0001.pdf

Good Afternoon, Keri,

Please reply, just to let me know you've received this.

Thank you so much for the opportunity to comment. I've attached the signed form. Below are my comments:

This structure did not even meet the requirements for use as a shed, and it should be removed or the owner forced to bring it into compliance as a shed. It certainly does not meet the requirements for a dwelling unit of any kind, affordable or otherwise, and this application should be denied. This property is already a neighborhood nuisance.

This owner and the previous owner have dealt with the City in bad faith, and I believe they cannot be relied upon to continue to comply with the deed restrictions and requirements of an accessory unit. On one occasion, we noticed a Police car parked in the vicinity, and later discovered that Code Compliance had to get the help of an officer to get access to observe the illegal construction.

This was built without a permit from the very beginning. When we built a shed, we had to get plans approved. We had to have holes augured and had to tie down the structure to anchors in poured concrete. We had to have at least three inspections. This structure was begun without a permit. I would be interested to view the plans for the current structure that were approved for the after-the-fact permit.

I don't believe this structure is anchored, as required.

I don't believe it has the required hurricane straps in its construction. I saw it being built.

It should not have electric, water, or sewer connected to it currently. If it does, these were done without permits.

The existing structure is a detriment to the neighborhood, and it would only get worse if approved as a living unit.

In spite of being red-tagged, we have seen lights on inside the shed at night and early in the morning. We most recently saw lights on in the building at 8:30 PM and 10:00 PM on or about July 5<sup>th</sup>, and again on or about the evening of July 6<sup>th</sup>.

There are often six or seven vehicles parked there currently. There is a high volume of traffic in and out of the property. There is not enough off-street parking for the number of people currently there. It spills over to the sidewalk in front of adjacent homes and those across the street. Vehicles are often double-parked or blocking the sidewalk. Commercial vehicles have been parked on city right-of-way overnight on at least a few occasions.

I often hear the sound of an air compressor being used, and I sometimes smell paint fumes. I believe that some type of business, legal or illegal, is operating on the rear patio.

Sec 108.572 seems to indicate that this unit would require two off-street parking spaces in addition to those required for the principal structure, which the property does not have.

The Staff Report to the Planning Board mentions that, "an accessory unit must meet criteria such as size and deed restrictions, and must follow the same setbacks as the principal structure in the SF zoning district. However, the "Site Data Table," on page two, shows a required rear setback of ten feet, instead of the twenty feet (25' minus 5' because it abuts an alley) required by Sec 122-1151 (Size and Dimension). This would mean that a 17' variance would be required.

Below are excerpts from applicable City Code, with my comments:

Subdivision III. - Single-Family Residential District (SF)

Sec. 122-231. - Intent.

...

(c) The single-family residential (SF) designation is established to:

(1) Protect the quality and character of existing single-family neighborhoods; This structure would not protect the quality and character of the existing neighborhood.

(2) Preserve open space; This would eliminate a large portion of the open space on this parcel.

...

(Ord. No. 97-10, § 1(2-5.2.2(A)(1)), 7-3-1997)

Sec. 122-233. - Special criteria applicable to accessory units.

(a) Accessory units proposed within the single-family residential district (SF) shall meet the following criteria:

(1) Each unit shall have a rental rate, including utilities, not exceeding 15 percent of the median household income in the county. This affordability criteria shall be duly recorded

as a deed restriction in perpetuity. *How could this be enforced, especially considering the owners record up to this date?*

(2) Accessory units shall be restricted to occupancy by permanent residents.

(3) Accessory units shall not be sold separately as a condominium.

(4) When an accessory unit permit is originally initiated, the principal unit must be owned and occupied by a permanent resident. Neither of the owners resides there, to the best of my knowledge.

...

(9) Parking requirements shall be satisfied by both the principal and accessory unit. They do not even meet the current parking requirements.

Thank you once again for allowing me to comment. Please contact me if you have any questions. I am available this evening, in case any Board members have questions.

David P. Owens  
3524 Eagle Avenue  
Key West, FL 33040  
305-296-9938

On Thursday, July 16, 2020, 2:44:54 PM EDT, Keri O'Brien <kobrien@cityofkeywest-fl.gov> wrote:

Hi there – here is the form that can go with your comments or you may just add the sworn language at the bottom of your letter, sign and send back. Thanks.

Regards,

Keri O'Brien

Deputy City Clerk



City of Key West

1300 White Street

Key West, FL 33040

305-809-3832

[kobrien@cityofkeywest-fl.gov](mailto:kobrien@cityofkeywest-fl.gov)

[www.cityofkeywest-fl.gov](http://www.cityofkeywest-fl.gov)

**Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. F.S. 668.6076.**

**PLEASE COMPLETE, SIGN, AND ATTACH THIS FORM TO ANY WRITTEN  
COMMENTS SUBMITTED FOR AN AGENDA ITEM**

Meeting: Planning Board

Item Reference: number 7

Date: 7/16/2020

3528 Eagle Ave  
Estero 2

Under penalties of perjury, I declare that I have read the foregoing statement dated 07/16/2020 and that the facts stated in it are true.

Signature:

David P. Owens 7/16/20

Print Name: David P. Owens

Address or Organization: 3524 Eagle Ave.; Key West, FL 33040

Date: 7/16/20

Please provide this form, along with your written statement, to the City of Key West Clerk's Office by 3:00 PM of the date of the meeting. Please contact 305-809-3832 with any questions. Thank you.