

519 Frances St.

Key West, Fl. 33040

October 1, 2016

City of Key West Planning Department

P.O. Box 1409

Key West, Fl 33040

Ref: Variance request for 1109 Stump Lane-Hearing October 20, 2016

Dear Planning Board:

It is my intention to attend the Planning Board meeting on October 20, 2016 and voice my objection to this variance request. However, in the event that I am not able to attend I am providing you with this letter so that you may know of my objections.

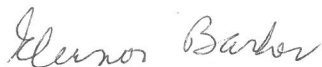
I have been year round resident of Key West for 59 years and have lived at this address for 57 of those years; my property abuts the side yard of 1109 Stump Lane.

The applicant has not only changed the pitch of the roof but has raised the height of the structure. Enclosed you will find a photo, taken from my backyard, which shows how far into the setback the shed protrudes. The photo also shows the added height of the new unpermitted construction. The shed, with its flat roof, had always been visible from my house; however, I find this increase in height to have a significant negative impact on my backyard. In addition, I am concerned that the increase in height could allow this space to be used as a bedroom.

I ask that the Board please deny the request for the variance and require that the structure be returned to its previous height and roof design.

Thank you for your consideration of this request.

Sincerely,



Eleanor Barker



Melissa Paul-Leto

From: Vicky Walker
Sent: Wednesday, October 12, 2016 8:55 AM
To: Melissa Paul-Leto
Subject: FW: 1109 Stump Lane

From: jaballet@netzero.net [mailto:jaballet@netzero.net]
Sent: Tuesday, October 11, 2016 7:53 PM
To: Vicky Walker <vwalker@cityofkeywest-fl.gov>
Subject: 1109 Stump Lane

I do not object to the renovations at 1109 Stump Lane as long as the owners pull the correct permits and pay a fine for doing the work before the permits were pulled. Julianne Dopp Arroyo 514 Frances St. Key West

TO: Key West Planning Board
FROM: Mary and Karl Haffenreffer
RE: 1109 Stump Lane (RE# 00007120-000000; AK# 1007382)
DATE: 17 November 2016

We have resided year-round for 17 years at 525 Frances Street, abutting 1109 Stump Lane, and regret that we cannot attend this hearing.

The Staff Report describes the large and unpermitted increase in height of a non-conforming storage shed with one-foot side and rear setbacks. Submitted photos show a neighbor's back yard dominated by this enlarged structure, which before now was barely noticeable.

The September Staff Report includes a photo of bicycles and seat cushions inside the shed, but repeats the applicant's initial statement that the structure was being renovated "to use it as a guest room." The statement was recanted when the applicant learned that this change of use would make permitting even more difficult. Yet nobody owning a three-bedroom house occupied only half the year undertakes the trouble and expense of raising the walls and constructing a windowed cathedral ceiling above a shed for the greater comfort of seat cushions and bicycles. If allowed to proceed, the enlarged structure will be used as a guest room, eventually if not immediately.

We support the Staff's recommendation that this request for after-the-fact variances be denied. The shed should be restored to its pre-existing dimensions.

Respectfully,

Mary Haffenreffer

Karl Haffenreffer

305-292-2525

From: Karl Haffenreffer <khaffen@gmail.com>
Sent: Tuesday, September 13, 2016 9:48 AM
To: Joelle Volenec
Subject: Variance-1109 Stump Lane (RE# 00007120-000000; AK# 1007382)

Dear Chair and Members of the Planning Board:

We are year-round resident owners of a property abutting 1109 Stump Lane.

The Planning Department has set forth compelling reasons to deny this request for retroactive variances. Increasing the height of the walls, pitching the flat roof, expanding the volume, and converting the use of a non-conforming storage shed into an additional bedroom and half-bathroom for an existing three-bedroom residence proceeded without a permit and without notification to neighbors of the scope of work, until the City stopped it.

We support the Department's recommendation that the requested variances be denied, and hope that the shed will be restored to its pre-existing use and external dimensions.

Respectfully,

Mary and Karl Haffenreffer
525 Frances Street
305-294-7757

Melissa Paul-Leto

From: Karl Haffenreffer <khaffen@gmail.com>
Sent: Tuesday, September 20, 2016 9:44 AM
To: Melissa Paul-Leto
Subject: Variance-1109 Stump Lane (RE# 00007120-000000; AK# 1007382)

Dear Ms Paul-Leto,

Photo 1 (*see* below) shows that the shed's illegally heightened walls and illegally constructed peaked roof rise higher than the "Proposed" height of "7.75 feet" stated in the Staff Report's table. Hence the shed's actual increase in height (from an "Existing ... 6.75 feet") cannot be "1 foot". A tape-measure will show that this "existing non-conformity" has been raised to *> 11 feet above grade*: an increase of *> 4.25 feet*.

Under the heading "Code Section 122-630", the table states that the purported "1 foot" increase in height "Complies" with the LDRs. But Sec. 122-630(3) merely sets a 30-foot height limit for **conforming** structures: it does not authorize "expanding the 3-d envelope of the existing **non-conformity**" (*emphasis supplied*), as the Staff Report correctly describes the illegal construction.

The City Commission on 4 Dec 2012 annulled partly-performed permits for adding a 26-inch-high peaked roof (*see* its framework in Photo 2, below, dated 24 Oct 2012) to the existing flat roof of **an existing non-conforming accessory structure** at 525 Frances Street (abutting 1109 Stump Lane), even though the new peaked roof would have created no usable interior space. The framework had to be removed. The Commission held that in the HHDR district *any increase in the height of an existing non-conforming accessory structure is strictly prohibited*.

In sum, the application for and the illegal construction at 1109 Stump Lane fail to meet Code Section 90-395's standards for the granting of variances:

- (1) No special conditions or circumstances exist.

- (2) The pre-existing "accessory structure is non-conforming as to the rear and side setback requirements." The applicant, without permits, "raise[d] the height of the structure . . . thus expanding the 3-d envelope of the existing non-conformity"; plus expanding its habitable interior volume atop a footprint of 144 sq ft; plus constructing a peak that has open ends (*see* Photo 1, below), resembling the end-windows in the three peaked roofs of the property's main house (*see* Photo 2, below).

- (3) Granting this application for variances would confer special privileges to the applicant for a non-complying exterior and interior expansion of an existing non-conforming accessory structure. The City Commission established a controlling precedent when it annulled partly performed permits on an abutting lot for a smaller, strictly exterior enlargement of an existing non-conforming accessory structure.

(4) No hardship conditions exist.

(5) The variances required are not the minimum required for the reasonable use of the structure.

(6) Granting the required variances would be detrimental to the neighborhood's historic openness, attractive character, and quiet enjoyment.

Accordingly, we object to the granting of any variance for expanding this existing non-conformity, and request the removal of its 2016 illegal expansion and the restoration of its flat roof at 6.75 feet or less above grade.

Respectfully,

Mary and Karl Haffenreffer
525 Frances Street
305-292-2525

Photo 1



Photo 2



Natalie Hill

From: Melissa Paul-Leto
Sent: Friday, March 03, 2017 9:18 AM
To: Natalie Hill
Subject: FW: Comments on Variance Request for 1109 Stump Lane

Please include this email comment in the 1109 Stump Lane package.

Thank you, Melissa

From: Richard Klein [mailto:kleinrb@gmail.com]
Sent: Friday, March 03, 2017 8:17 AM
To: Melissa Paul-Leto <mleto@cityofkeywest-fl.gov>
Subject: Fwd: Comments on Variance Request for 1109 Stump Lane

----- Forwarded message -----

From: **Richard Klein** <kleinrb@gmail.com>
Date: Thu, Mar 2, 2017 at 6:21 PM
Subject: Comments on Variance Request for 1109 Stump Lane
To: mleto@citykeywest-fl.gov

We are responding to the subject request for comments by the City of Key West Planning Board

Our home is located at 524 Frances St, and as such, is not contiguous to the property being renovated.

We were not familiar with the details of the planned renovation until we read the letter submitted to the Board by Patricia and Lewis Mastrobuono. Subsequent to reading the letter, we had a discussion with Mr. Mastrobuono, and we are concerned that approving this variance is another step in eroding the character of the Key West Historic District.

By way of background, we have been on Frances Street for ten years. We maintained a home in Truman Annex for about eight years before that. Our move "outside the gates" was precipitated by the settlement which allowed Truman Annex property owners to rent on a short term basis simply by paying a small legal fee. In a very short time, it felt like we were living in a hotel complex and could not open our doors without being disturbed by rowdy parties into the late hours of the night, every night. The entire character of the Annex changed, and remains so.

Many residents, of the Historic District, including ourselves have submitted requests to beautify or enhance the utility of our properties which have been rejected by City or HARC regulations. It is disappointing. It is particularly frustrating when you walk through the Historic District and see extreme violations and wonder how they were able to get away with them.

Allowing additional construction on an existing structure which is in violation of the current building code, but is grandfathered, is an additional violation. Two wrongs don't make a right. More important, it appears to be a first step in converting a storage shed to a habitable structure. It is these kinds of seemingly innocuous projects which morph into larger projects which concern, us as overtime they may change the character of Key West to something we don't want.

Respectfully,

Richard Klein Norma Klein

September 13, 2016

To: Key West Planning Department

From: Jim and MaryBeth McCulloch
531 Frances St., Key West

Re: Variance Request 1109 Stump Lane

Our understanding is that the structure for which this variance has been requested was originally constructed outside of the required setbacks as a storage shed. Subsequently, unpermitted construction began to convert it into a habitable space (bed/bath) or guest quarters.

We cannot support the issuance of a variance in this instance as it, in effect, legitimizes and encourages unpermitted building and a lack of consideration for the adjoining neighbors.

Thank you.

To: City of Key West Planning Department

Subject: Variance Request for 1109 Stump, March 16, 2017 agenda

From: Patricia Mastrobuono

Date: March 9, 2017

As a result of the direction of Planning Board at its November 17, 2016 meeting for the neighbors to meet to see if an agreement could be met regarding variance request for 1109 Stump Lane, 3 neighbors went to see Kelly at her house the next day.

At that meeting attended by myself, Lewis Mastrobuono and MaryBeth McCulloch along with Kelly, we inspected the red tagged enlarged structure. Kelly asked first what we wanted to see accomplished and stated she would do whatever was necessary to be a good neighbor. We indicated that what would please all would be a return to the original height of the structure with a pitched-flat roof. Kelly asserted that she would move forward with that and went so far as to ask us how she should proceed so that she could have the variance request rescinded. We left the meeting with the clear impression that she understood our concerns and agreed with us.

It is surprising that we now see this variance request still active. Clearly, an agreement was not reached and I request that you deny this application.

Natalie Hill

From: Melissa Paul-Leto
Sent: Tuesday, March 14, 2017 2:31 PM
To: Natalie Hill
Subject: FW: Comments on Variance Request for 1109 Stump Lane

Martyne Kostka is the lady that made the below comment, please include the comment to the 1109 Stump Lane.-
Melissa

From: Melissa Paul-Leto
Sent: Thursday, March 09, 2017 1:17 PM
To: Natalie Hill <nhill@cityofkeywest-fl.gov>
Cc: 'wigwamer35@aol.com' <wigwamer35@aol.com>
Subject: FW: Comments on Variance Request for 1109 Stump Lane

Vern,
Please keep the below email for your records.

Natalie,
Please submit this additional apposing comment to 1109 Stump Lane.
Sincerely,
Melissa Paul-Leto

Planner Analyst
The City of Key West Planning Department
1300 White Street
Key West , Florida 33041
<http://www.cityofkeywest-fl.gov/>
305-809-3724

From: m k [<mailto:cayokw@gmail.com>]
Sent: Thursday, March 09, 2017 12:45 PM
To: Melissa Paul-Leto <mleto@cityofkeywest-fl.gov>
Subject: Fwd: Comments on Variance Request for 1109 Stump Lane

9 March 2017

To Whom it may concern:

I am forwarding the email below as the Kleins are my next door neighbors. I am in total agreement with all said below concerning the planned renovation at 1109 Stump Lane.

My address is 526 Frances Street and I have lived here for ten years, also appreciating our beautiful Historic District.

Thank you,
Martyne Kostka

----- Forwarded message -----

From: **Richard Klein** <kleinrb@gmail.com>
Date: Thu, Mar 2, 2017 at 6:21 PM
Subject: Comments on Variance Request for 1109 Stump Lane
To: mleto@citykeywest-fl.gov

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Respectfully,

Richard Klein Norma Klein