

From: Robert Wood [<mailto:bob.wood63@yahoo.com>]

Sent: Tuesday, September 16, 2014 2:06 PM

To: Cheri Smith

Subject: Objection 1320-1322 Olivia Street Variance

Dear Sir or Madam,

My Name is Robert Wood, and I am the owner of 1317 Olivia Street, which is located across from the properties at 1320 and 1322 Olivia street. It has come to my attention that this property is requesting a variance in order to further propagate an already out of regulation structure on that property. This property in its current state, is (in my opinion) disproportionate to the surrounding properties which exist within the regulations of the Old Towne neighborhood. Allowing this variance would only denigrate the properties appearance, further perpetuating an existing problem.

The property is desperately in need of changes, as it has been an eye sore on the corner of Olivia and Florida streets for some time, but there is no clear reason for allowing a variance on this property in my opinion. The property allows for ample space to develop within the current setback requirements, and the new owner needs to honor those set back requirements in their development plans. Additionally, the stairs should be designed for access within the building, instead of trying to create a variance to accommodate the current compliance violation. These are not new discoveries for this property, the new owner and developer should have been aware of these requirements before planning and design, and thus - created a design that would bring the property back into compliance, instead of seeking variances for further deviation.

I am supportive of the development of this property, but the development needs to exist within the same guidelines that all properties in Old town are expected to adhere to.

I know that my views are shared with many of my neighbors in the Meadows, so individually and collectively, we ask that this variance be denied.

Thank you,

Bob Wood
1317 Olivia Street
Key West, FL 33040

Kevin Bond

From: Venetia A. Flowers
Sent: Monday, September 15, 2014 10:12 AM
To: Kevin Bond
Subject: FW: Variance Request for 1320-1322 Olivia Street
Attachments: Variance Request.pdf

From: Cheri Smith
Sent: Monday, September 15, 2014 9:19 AM
To: Venetia A. Flowers
Subject: FW: Variance Request for 1320-1322 Olivia Street

For your planning board meetings.

From: Therese Fanta [<mailto:therese.fanta@yahoo.com>]
Sent: Sunday, September 14, 2014 6:18 PM
To: Cheri Smith
Subject: Variance Request for 1320-1322 Olivia Street

Dear Ms Smith,

Please find attached our comments regarding the variance request for 1320-1322 Olivia Street. Unfortunately we will be unable to attend the meeting on the 18th as we will be out of town. Thank you for your consideration.

Regards,

Therese Fanta & Sheila Monroe
906 Florida Street

Cheri Smith, City Clerk
City of Key West
3132 Flagler Avenue
Key West, FL 33040
csmith@cityofkeywest-fl.gov
305-809-3835

September 14, 2014

Re: 1320-1322 Olivia Street Variance Request

Dear Ms Smith,

Our names are Therese Fanta and Sheila Monroe and we own the property at 906 Florida Street. We purchased this property in December 2013 and have just recently completed a total renovation of that property. Our home is two doors down from 1320-1322 Olivia Street which is seeking variance.

We **strongly object** to the grant of any of the requested variances for this property because this home is already quite large for the lot on which it sits and the request to make it larger and further infringe into the designated setbacks would jeopardize the privacy and comfort of adjoining neighbors as well as degrade the integrity and aesthetic of the quaint neighborhood in which it is located. When we renovated our home we ensured that we were careful to work well within the city code, collaborate with our neighbors, and take care to preserve the look, feel, spirit and appeal of the Old Town/ Meadows area. I would expect others to do the same and for both HARC and the city and county to enforce standards that have been set out to do the same.

With that said we strongly object to this and request that all variance requests be denied. Unfortunately we will not be able to attend the meeting on September 18 as we are currently out of town. If you have any questions or concerns please contact us at 302-332-1953. Thank you for your time.

Sincerely,



Therese Fanta & Sheila Monroe
906 Florida Street
Key West, 33040

Kevin Bond

From: Venetia A. Flowers
Sent: Monday, September 15, 2014 10:13 AM
To: Kevin Bond
Subject: FW: Variance Application for 1322 Olivia Street
Attachments: 1320-1322 Variance Objection.doc

From: Cheri Smith
Sent: Monday, September 15, 2014 9:23 AM
To: Venetia A. Flowers
Subject: FW: Variance Application for 1322 Olivia Street

For your Planning Board meeting.

From: jcwkeywest@comcast.net [<mailto:jcwkeywest@comcast.net>]
Sent: Sunday, September 14, 2014 11:53 AM
To: Cheri Smith
Subject: Variance Application for 1322 Olivia Street

Cheri Smith, City Clerk
City of Key West
3132 Flagler Avenue
Key West, FL 33040
csmith@cityofkeywest-fl.gov
305-809-3835

My wife, Rosi, and I reside at 1400 Olivia Street and object to the granting of variances sought by the owner of 1320-1322 Olivia Street (located on the corner of Olivia and Florida Street).

We have reviewed the proposed changes submitted to the Planning Department for the property located at 1322 Olivia Street and have found the request for a variance to be totally inappropriate for our neighborhood.

This matter is scheduled for a variance hearing on September 18, 2014. The Owner's name is Peter Williams (he lives in New York) and the architect/contractor is Michael Skoglund of Kinky Construction. Mr. Williams wants to add a 13'5' by 7.5' two-story addition to the existing two-family residence, a new exterior stairway and new porches and a balcony to the property.

We understand that Mr. Williams is asking to reduce the rear setback from 15 feet to 5 feet; reduce the street side setback from 7.5 feet to 4'6"; and increase maximum building coverage from 40% permitted under current regulations and 49% existing, to 55%. This would appear to require a total demolition and reconstruction of the existing non code compliant building on the property.

We strongly object to the planned changes to the footprint of the existing structure which already exceeds current regulations. In particular the proposed outside staircase on the Olivia Street side as it looks too "commercial" for this residential area, and the porch and balcony additions on the Florida Street side. After reviewing the plans we believe that the additions should not be allowed; the required setbacks should not be reduced or waived; and that there should be no variation from the allowed plot coverage for this building. In fact when studying the existing structures footprint it is clear that the residence already exceeds maximum building coverage. We have also noted that some work has already been carried out on the existing structure. In particular the removal of Asbestos Siding without apparent necessary health and safety precautions being observed.

This property has been unoccupied for over 10 years and therefore we respectfully suggest that the City Planning Department take this opportunity to enforce all current City Building Codes and force the owner to renovate this property so that it complies with all regulations with regard to set backs and plot coverage for our historic district.

We have both read the attached document authored by our neighbor, Susan Cardenas and her husband, and adopt its arguments and reasoning.

We therefore strongly object to the requested variances, and request that the Planning Department reject Mr Peter Williams application and suggest that he submits new plans for the property that brings it back into code compliance for this historic residential area.

Sincerely,

Jeff & Rosi Ware

My name is Susan Cardenas. My husband and I reside at 902 Florida Street which we have owned for 25 years. Our home shares 90' property line which is the side of our property and the rear of 1320-1322 Olivia Street. We also own property located one-half block away at 1309 Albury Street.

We **strongly object** to the grant of any of the requested variances for this property because this project does not comply with any of the criteria for variances set forth in Section 90-395(a) of the City of Key West Land Development Regulations. The property is already overbuilt, the density exceeds current regulations, the setbacks already violate the requirements of the City's Land Development Regulations, all to the detriment of the adjoining property owners and the neighborhood in general. The Applicant should not be permitted to construct an addition and an exterior staircase which expands these nonconformities.

1. THERE ARE NO SPECIAL CONDITIONS OR CIRCUMSTANCES PECULIAR TO THE LAND, STRUCTURES, OR BUILDINGS INVOLVED.

The fact that the noncontributing buildings on the subject property were in existence before the Applicant purchased the property and before the LDRs were adopted does not create a special condition peculiar to this property which justifies the granting of the requested variances. Many of the homes in this neighborhood were built before enactment of the LDRs. All properties are required to comply with current regulations. Renovations to this property should be required to comply with applicable restrictions, just as other properties in the HMDR Zoning District have done.

2. THE CONDITIONS RESULTING IN THE NEED FOR THE VARIANCES WERE CREATED BY THE APPLICANT.

The Applicant purchased a property with structures that exceed maximum building coverage restrictions by nearly 25% on a lot which is 400 square feet smaller than the minimum lot size permitted under current regulations. Applicant now seeks to **expand** these nonconformities. Applicant should be required to design the project in a manner that eliminates the need for the variances, not exacerbate existing violations of the LDRs.

3. SPECIAL PRIVILEGES WOULD BE CONFERRED UPON THE APPLICANT IF THESE VARIANCES ARE GRANTED.

Granting of this variance will most definitely confer privileges upon Applicant that are denied to other properties in the District. When we renovated our home in 2002, we were required to comply with setbacks and maximum lot coverage restrictions, as have all other property owners in this District. There is no compelling reason to confer special privileges upon this Applicant by granting these variances.

4. REQUIRING THE APPLICANT TO COMPLY WITH THE LAND DEVELOPMENT REGULATIONS WILL NOT RESULT IN UNDUE HARDSHIP.

Applicant has reasonable use of the property as zoned. Denial of these variances will not deprive the Applicant of rights commonly enjoyed by our property and other properties in this District. Applicant can show no “hardship” if the variances are denied. In fact, the opposite would occur if the variances are granted. Expanding nonconformities would result in a hardship to all neighboring properties, particularly ours. Applicant seeks to build out to 5.3’ from a 90’ property line we share, rather than the 15 foot rear setback required by current regulations. Such a variance is unjustified, invasive, and should not be allowed.

5. THE REQUESTED VARIANCES ARE NOT THE MINIMUM NECESSARY TO MAKE REASONABLE USE OF THE PROPERTY. The proposed development can and should be designed in a manner that eliminates the requested variances and reduces nonconformities, not increases them. If a stairway is required for access to the second floor, it should be located inside the structure, not outside of the property in violation of the City’s regulations.

6. THE GRANTING OF THE VARIANCES WOULD VIOLATE THE CITY’S LAND DEVELOPMENT REGULATIONS AND WILL BE INJURIOUS TO THE NEIGHBORHOOD AND PUBLIC INTEREST. The existing structures already violate land development regulations for density, building coverage, and setbacks. An expansion of the nonconformities will negatively impact our property by significantly reducing the buffer provided by maximum building coverage and setback restrictions. Increasing the nonconformities on this property is absolutely injurious to the public welfare.

For all of the reasons cited, we respectfully request that the Planning Board deny this application.a

Kevin Bond

From: Venetia A. Flowers
Sent: Monday, September 15, 2014 10:13 AM
To: Kevin Bond
Subject: FW: 1320-1322 Olivia Variance request

From: Cheri Smith
Sent: Monday, September 15, 2014 9:42 AM
To: Venetia A. Flowers
Subject: FW: 1320-1322 Olivia Variance request

From: Daniel Bready [<mailto:dbready@aol.com>]
Sent: Monday, September 15, 2014 9:29 AM
To: Cheri Smith
Subject: 1320-1322 Olivia Variance request

Cheri Smith- City Clerk,

My name is Daniel Bready. I reside at 1319 Olivia Street. (Directly across from the subject property.

I **strongly object** to the grant of any of the requested variances for this property because this project does not comply with any of the criteria for variances set forth in Section 90-395(a) of the City of Key West Land Development Regulations. **The property is already overbuilt, the density exceeds current regulations, the setbacks already violate the requirements of the City's Land Development Regulations, all to the detriment of the adjoining property owners and the neighborhood in general.** The Applicant should not be permitted to construct an addition and an exterior staircase which expands these nonconformities.

1. THERE ARE NO SPECIAL CONDITIONS OR CIRCUMSTANCES PECULIAR TO THE LAND, STRUCTURES, OR BUILDINGS INVOLVED.

The fact that the noncontributing buildings on the subject property were in existence before the Applicant purchased the property and before the LDRs were adopted does not create a special condition peculiar to this property which justifies the granting of the requested variances. Many of the homes in this neighborhood were built before enactment of the LDRs. All properties are required to comply with current regulations. Renovations to this property should be required to comply with applicable restrictions, just as other properties in the HMDR Zoning District have done.

2. THE CONDITIONS RESULTING IN THE NEED FOR THE VARIANCES WERE CREATED BY THE APPLICANT.

The Applicant purchased a property with structures that exceed maximum building coverage restrictions by nearly 25% on a lot which is 400 square feet smaller than the minimum lot size permitted under current regulations. Applicant now seeks to **expand** these nonconformities. Applicant should be required to design the project in a manner that eliminates the need for the variances, not exacerbate existing violations of the LDRs.

3. SPECIAL PRIVILEGES WOULD BE CONFERRED UPON THE APPLICANT IF THESE VARIANCES ARE GRANTED.

Granting of this variance will most definitely confer privileges upon Applicant that are denied to other properties in the District. When we renovated our home in 2002, we were required to comply with setbacks and maximum lot coverage restrictions, as have all other property owners in this District. There is no compelling reason to confer special privileges upon this Applicant by granting these variances.

4. REQUIRING THE APPLICANT TO COMPLY WITH THE LAND DEVELOPMENT REGULATIONS WILL NOT RESULT IN UNDUE HARDSHIP.

Applicant has reasonable use of the property as zoned. Denial of these variances will not deprive the Applicant of rights commonly enjoyed by our property and other properties in this District. Applicant can show no “hardship” if the variances are denied. In fact, the opposite would occur if the variances are granted. Expanding nonconformities would result in a hardship to all neighboring properties, particularly ours. Applicant seeks to build out to 5.3’ from a 90’ property line we share, rather than the 15 foot rear setback required by current regulations. Such a variance is unjustified, invasive, and should not be allowed.

5. THE REQUESTED VARIANCES ARE NOT THE MINIMUM NECESSARY TO MAKE REASONABLE USE OF THE PROPERTY. The proposed development can and should be designed in a manner that eliminates the requested variances and reduces nonconformities, not increases them. If a stairway is required for access to the second floor, it should be located inside the structure, not outside of the property in violation of the City’s regulations.

6. THE GRANTING OF THE VARIANCES WOULD VIOLATE THE CITY’S LAND DEVELOPMENT REGULATIONS AND WILL BE INJURIOUS TO THE NEIGHBORHOOD AND PUBLIC INTEREST. The existing structures already violate land development regulations for density, building coverage, and setbacks. An expansion of the nonconformities will negatively impact our property by significantly reducing the buffer provided by maximum building coverage and setback restrictions. Increasing the nonconformities on this property is absolutely injurious to the public welfare.

For all of the reasons cited, I respectfully request that the Planning Board deny this application.a

Kevin Bond

From: Venetia A. Flowers
Sent: Monday, September 15, 2014 10:16 AM
To: Kevin Bond
Subject: FW: Objections to Waiver of setback and maximum building coverage restrictions for 1320-1322 Olivia Street
Attachments: 1320-1322 Variance Objection.doc

Good morning Cheri,

Thank you for sending me these comments. I have forwarded them to Kevin Bond who is the planner for that address.

If you receive any others please send them to me so I may have them prepared for the Planning Board meeting this week.

Warmest regards,

Venetia

From: Cheri Smith
Sent: Monday, September 15, 2014 10:13 AM
To: Venetia A. Flowers
Subject: FW: Objections to Waiver of setback and maximum building coverage restrictions for 1320-1322 Olivia Street

Another letter

From: Sheldon Davidson [<mailto:sdavidson13@yahoo.com>]
Sent: Monday, September 15, 2014 10:06 AM
To: Cheri Smith
Subject: Fw: Objections to Waiver of setback and maximum building coverage restrictions for 1320-1322 Olivia Street

Cheri Smith, City Clerk
City of Key West
3132 Flagler Avenue
Key West, FL 33040
csmith@cityofkeywest-fl.gov
305-809-3835

Dear Ms. Smith,

The undersigned reside at 1312 Olivia Street and object to the granting of variances sought by the owner of 1320-1322 Olivia Street (located on the corner of Olivia and Florida Street).

We reviewed the proposed changes at the Planning Department and found the request for a variance, a waiver of setback and a waiver of building coverage restrictions to be inappropriate for our neighborhood.

At present, this matter is scheduled for a variance hearing on September 18, 2014. The Owner's name is Peter Williams (he lives in New York) and the architect/contractor is Michael Skoglund of Kinky Construction. Mr. Williams wants to add a 13'5" by 7.5' two-story addition to the existing two-family residence and a new exterior stairway.

It is our understanding that Mr. Williams is asking to reduce the rear setback from 15 feet to 5 feet; reduce the street side setback from 7.5 feet to 4'6"; and increase maximum building coverage from 40% permitted under current regulations and 49% existing, to 55.

Among other things, we object to the planned staircase on the Olivia Street side as being too commercial for this residential area. After reviewing the plans, it is our judgment, that the addition should not be allowed; the required setbacks should not be reduced or waived; and there should be no variation from the allowed building coverage for this building. We have been informed that the residence already exceeds maximum building coverage by almost 25%.

We have read the attached document authored by our neighbor, Susan Cardenas and her husband, and adopt its arguments and reasoning.

Accordingly, we do not support the requested waivers and variances,

Sincerely,

Sheldon Davidson and
Susan Server

My name is Susan Cardenas. My husband and I reside at 902 Florida Street which we have owned for 25 years. Our home shares 90' property line which is the side of our property and the rear of 1320-1322 Olivia Street. We also own property located one-half block away at 1309 Albury Street.

We **strongly object** to the grant of any of the requested variances for this property because this project does not comply with any of the criteria for variances set forth in Section 90-395(a) of the City of Key West Land Development Regulations. The property is already overbuilt, the density exceeds current regulations, the setbacks already violate the requirements of the City's Land Development Regulations, all to the detriment of the adjoining property owners and the neighborhood in general. The Applicant should not be permitted to construct an addition and an exterior staircase which expands these nonconformities.

1. THERE ARE NO SPECIAL CONDITIONS OR CIRCUMSTANCES PECULIAR TO THE LAND, STRUCTURES, OR BUILDINGS INVOLVED.

The fact that the noncontributing buildings on the subject property were in existence before the Applicant purchased the property and before the LDRs were adopted does not create a special condition peculiar to this property which justifies the granting of the requested variances. Many of the homes in this neighborhood were built before enactment of the LDRs. All properties are required to comply with current regulations. Renovations to this property should be required to comply with applicable restrictions, just as other properties in the HMDR Zoning District have done.

2. THE CONDITIONS RESULTING IN THE NEED FOR THE VARIANCES WERE CREATED BY THE APPLICANT.

The Applicant purchased a property with structures that exceed maximum building coverage restrictions by nearly 25% on a lot which is 400 square feet smaller than the minimum lot size permitted under current regulations. Applicant now seeks to **expand** these nonconformities. Applicant should be required to design the project in a manner that eliminates the need for the variances, not exacerbate existing violations of the LDRs.

3. SPECIAL PRIVILEGES WOULD BE CONFERRED UPON THE APPLICANT IF THESE VARIANCES ARE GRANTED.

Granting of this variance will most definitely confer privileges upon Applicant that are denied to other properties in the District. When we renovated our home in 2002, we were required to comply with setbacks and maximum lot coverage restrictions, as have all other property owners in this District. There is no compelling reason to confer special privileges upon this Applicant by granting these variances.

4. REQUIRING THE APPLICANT TO COMPLY WITH THE LAND DEVELOPMENT REGULATIONS WILL NOT RESULT IN UNDUE HARDSHIP.

Applicant has reasonable use of the property as zoned. Denial of these variances will not deprive the Applicant of rights commonly enjoyed by our property and other properties in this District. Applicant can show no “hardship” if the variances are denied. In fact, the opposite would occur if the variances are granted. Expanding nonconformities would result in a hardship to all neighboring properties, particularly ours. Applicant seeks to build out to 5.3’ from a 90’ property line we share, rather than the 15 foot rear setback required by current regulations. Such a variance is unjustified, invasive, and should not be allowed.

5. THE REQUESTED VARIANCES ARE NOT THE MINIMUM NECESSARY TO MAKE REASONABLE USE OF THE PROPERTY. The proposed development can and should be designed in a manner that eliminates the requested variances and reduces nonconformities, not increases them. If a stairway is required for access to the second floor, it should be located inside the structure, not outside of the property in violation of the City’s regulations.

6. THE GRANTING OF THE VARIANCES WOULD VIOLATE THE CITY’S LAND DEVELOPMENT REGULATIONS AND WILL BE INJURIOUS TO THE NEIGHBORHOOD AND PUBLIC INTEREST. The existing structures already violate land development regulations for density, building coverage, and setbacks. An expansion of the nonconformities will negatively impact our property by significantly reducing the buffer provided by maximum building coverage and setback restrictions. Increasing the nonconformities on this property is absolutely injurious to the public welfare.

For all of the reasons cited, we respectfully request that the Planning Board deny this application.

Kevin Bond

From: Rita A Linder <senoritarita@icloud.com>
Sent: Monday, September 15, 2014 11:16 AM
To: Cheri Smith
Cc: Kevin Bond
Subject: Fwd: Objections to Waiver of setback and maximum building coverage restrictions for 1320-1322 Olivia Street
Attachments: 1320-1322 Variance Objection.doc; ATT00001.htm

Cheri Smith, City Clerk
City of Key West
3132 Flagler Avenue
Key West, FL 33040
csmith@cityofkeywest-fl.gov
305-809-3835

Kevin Bond, Senior Planner
City of Key West
3132 Flagler Avenue
Key West, FL 33040
kbond@cityofkeywest-fl.gov
305-809-3725

Dear Ms. Smith and Mr. Bond:

The undersigned are the members of 1314-1318 Olivia Street, LLC which owns the property located at 1314-1318 Olivia Street, immediately adjacent to the parcel for which the variances are being sought. We are writing to object to the granting of variances sought by the owner of 1322 Olivia Street (located on the corner of Olivia and Florida Street).

At present, this matter is scheduled for a variance hearing on September 18, 2014. The Owner's name is Peter Williams (he lives in New York) and the architect/contractor is Michael Skoglund of Kinky Construction. Mr. Williams wants to add a 13'5' by 7.5' two-story addition to the existing two-family residence and a new exterior stairway and is asking to reduce the rear setback from 15 feet to 5 feet; reduce the street side setback from 7.5 feet to 4'6"; and increase maximum building coverage from 40% permitted under current regulations and 49% existing, to 55%.

After reviewing the plans online, it is our judgment, that the addition should not be allowed; the required setbacks should not be reduced or waived; and there should be no variation from the allowed building coverage for this building. We have been informed that the residence already exceeds maximum building coverage by almost 25%. Please refer to the attached document authored by our neighbors, Susan Cardenas and her husband, as we support their legal arguments and reasoning.

Additionally, according to the Property Appraiser's Record Card, there are two separate parcels on this lot with a combination of 3 kitchens and 4 sewer accounts. 1320 Olivia is a single family home with one (1) legal non-transient license. The subject property, 1322 Olivia, is stated to have three (3) legal non-transient licenses. Among other things, the planned exterior staircase may allow the subject parcel to house three distinct living units, which is out of character for this residential neighborhood.

Accordingly, we do not support the requested waivers and variances. We would also bring to your attention that the construction on 1320 Olivia Street by the same owner and architect/builder has recently been tagged with a red "stop work" order for failure to obtain HARC approval and after the fact permits for electric and plumbing.

Sincerely,

Rita Linder and Perry Arnold

My name is Susan Cardenas. My husband and I reside at 902 Florida Street which we have owned for 25 years. Our home shares 90' property line which is the side of our property and the rear of 1320-1322 Olivia Street. We also own property located one-half block away at 1309 Albury Street.

We **strongly object** to the grant of any of the requested variances for this property because this project does not comply with any of the criteria for variances set forth in Section 90-395(a) of the City of Key West Land Development Regulations. The property is already overbuilt, the density exceeds current regulations, the setbacks already violate the requirements of the City's Land Development Regulations, all to the detriment of the adjoining property owners and the neighborhood in general. The Applicant should not be permitted to construct an addition and an exterior staircase which expands these nonconformities.

1. THERE ARE NO SPECIAL CONDITIONS OR CIRCUMSTANCES PECULIAR TO THE LAND, STRUCTURES, OR BUILDINGS INVOLVED.

The fact that the noncontributing buildings on the subject property were in existence before the Applicant purchased the property and before the LDRs were adopted does not create a special condition peculiar to this property which justifies the granting of the requested variances. Many of the homes in this neighborhood were built before enactment of the LDRs. All properties are required to comply with current regulations. Renovations to this property should be required to comply with applicable restrictions, just as other properties in the HMDR Zoning District have done.

2. THE CONDITIONS RESULTING IN THE NEED FOR THE VARIANCES WERE CREATED BY THE APPLICANT.

The Applicant purchased a property with structures that exceed maximum building coverage restrictions by nearly 25% on a lot which is 400 square feet smaller than the minimum lot size permitted under current regulations. Applicant now seeks to **expand** these nonconformities. Applicant should be required to design the project in a manner that eliminates the need for the variances, not exacerbate existing violations of the LDRs.

3. SPECIAL PRIVILEGES WOULD BE CONFERRED UPON THE APPLICANT IF THESE VARIANCES ARE GRANTED.

Granting of this variance will most definitely confer privileges upon Applicant that are denied to other properties in the District. When we renovated our home in 2002, we were required to comply with setbacks and maximum lot coverage restrictions, as have all other property owners in this District. There is no compelling reason to confer special privileges upon this Applicant by granting these variances.

4. REQUIRING THE APPLICANT TO COMPLY WITH THE LAND DEVELOPMENT REGULATIONS WILL NOT RESULT IN UNDUE HARDSHIP.

Applicant has reasonable use of the property as zoned. Denial of these variances will not deprive the Applicant of rights commonly enjoyed by our property and other properties in this District. Applicant can show no “hardship” if the variances are denied. In fact, the opposite would occur if the variances are granted. Expanding nonconformities would result in a hardship to all neighboring properties, particularly ours. Applicant seeks to build out to 5.3’ from a 90’ property line we share, rather than the 15 foot rear setback required by current regulations. Such a variance is unjustified, invasive, and should not be allowed.

5. THE REQUESTED VARIANCES ARE NOT THE MINIMUM NECESSARY TO MAKE REASONABLE USE OF THE PROPERTY. The proposed development can and should be designed in a manner that eliminates the requested variances and reduces nonconformities, not increases them. If a stairway is required for access to the second floor, it should be located inside the structure, not outside of the property in violation of the City’s regulations.

6. THE GRANTING OF THE VARIANCES WOULD VIOLATE THE CITY’S LAND DEVELOPMENT REGULATIONS AND WILL BE INJURIOUS TO THE NEIGHBORHOOD AND PUBLIC INTEREST. The existing structures already violate land development regulations for density, building coverage, and setbacks. An expansion of the nonconformities will negatively impact our property by significantly reducing the buffer provided by maximum building coverage and setback restrictions. Increasing the nonconformities on this property is absolutely injurious to the public welfare.

For all of the reasons cited, we respectfully request that the Planning Board deny this application.

Kevin Bond

From: Venetia A. Flowers
Sent: Monday, September 15, 2014 12:44 PM
To: Kevin Bond
Subject: FW: Objection to Variance - 1320-1322 Olivia Street (RE # 00024850-00000, AK # 1025631)
Attachments: Objection to Variances for 1320-1322 Olivia Street 9.15.14.pdf

From: Cheri Smith
Sent: Monday, September 15, 2014 12:42 PM
To: Venetia A. Flowers
Subject: FW: Objection to Variance - 1320-1322 Olivia Street (RE # 00024850-00000, AK # 1025631)

From: Susan Cardenas [<mailto:susan@keyslaw.net>]
Sent: Monday, September 15, 2014 12:18 PM
To: Cheryl Smith
Subject: Re: Objection to Variance - 1320-1322 Olivia Street (RE # 00024850-00000, AK # 1025631)

Hi Cheri:

Please see the attached objection to a variance application scheduled to be heard by the Planning Board this week. You will probably be receiving more of these as the neighbors appear unified in opposition to these variances.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Susan M. Cardenas
Stones & Cardenas
221 Simonton Street
Key West, FL 33040
Telephone: 305.294.0252, ext. 4
Facsimile: 305.292.5442
E-mail: susan@keyslaw.net
www.stonescardenas.com

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STONES & CARDENAS

ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442
WWW.STONESCARDENAS.COM

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

September 15, 2014

VIA Hand delivery and
E-mail: csmith@cityofkeywest-fl.gov

Cheri Smith, City Clerk
City of Key West
3132 Flagler Avenue
Key West, FL 33040

Dear Ms. Smith:

Re: Variance – 1320-1322 Olivia Street (RE # 00024850-00000, AK # 1025631)

My name is Susan Cardenas. My husband and I reside at 902 Florida Street which we have owned for 25 years. Our home shares a 90 foot property line which is the side or our property and the rear of the Olivia Street properties which are the subject of the above-referenced variance application. We also own property located one-half block away, at 1309 Albury Street.

We will be out of town on Thursday, September 18, 2014, and therefore unable to attend the Planning Board Meeting scheduled for that evening. We ask that you read this letter into the record in our absence.

We **strongly object** to the grant of any of the requested variances for this property because this project does not comply with any of the criteria for variances set forth in Section 90-395(a) of the City of Key West Land Development Regulations. The property is already overbuilt, the density exceeds current regulations, the setbacks already violate the requirements of the City's Land Development Regulations, all to the detriment of the adjoining property owners and the neighborhood in general. The Applicant should not be permitted to construct an addition and an exterior staircase which expands these nonconformities.

1. THERE ARE NO SPECIAL CONDITIONS OR CIRCUMSTANCES PECULIAR TO THE LAND, STRUCTURES, OR BUILDINGS INVOLVED.

The fact that the noncontributing buildings on the subject property were in existence before the Applicant purchased the property and before the LDRs were adopted does not create a special condition peculiar to this property which justifies the granting of the requested variances. Many of the homes in this neighborhood were built before enactment of the LDRs. All properties are required to comply with current regulations. Renovations to this property should be required to comply with applicable restrictions, just as other properties in the HMDR Zoning District have done.

2. THE CONDITIONS RESULTING IN THE NEED FOR THE VARIANCES WERE CREATED BY THE APPLICANT.

The Applicant purchased a property with structures that exceed maximum building coverage restrictions by nearly 25% on a lot which is 400 square feet smaller than the minimum lot size permitted under current regulations. Applicant now seeks to **expand** these nonconformities.

Applicant should be required to design the project in a manner that eliminates the need for the variances, not exacerbate existing violations of the LDRs.

3. SPECIAL PRIVILEGES WOULD BE CONFERRED UPON THE APPLICANT IF THESE VARIANCES ARE GRANTED.

Granting of this variance will most definitely confer privileges upon Applicant that are denied to other properties in this zoning district. When we renovated our home in 2002, we were required to comply with setbacks and maximum lot coverage restrictions, as have all other similarly situated property owners. There is no compelling reason to confer special privileges upon this Applicant by granting these variances.

4. REQUIRING THE APPLICANT TO COMPLY WITH THE LAND DEVELOPMENT REGULATIONS WILL NOT RESULT IN UNDUE HARDSHIP.

Applicant has reasonable use of the property as zoned. The Staff Report notes that the property has 3 units (which have been vacant and unoccupied for more than a decade); a condition which exceeds the permitted density. Denial of these variances will not deprive the Applicant of rights commonly enjoyed by our property and other properties in this district. Applicant can show no "hardship" if the variances are denied. In fact, the opposite would occur if the variances are granted. Expanding nonconformities would result in a hardship to all neighboring properties, particularly ours. Applicant seeks a variance to allow a 5 foot 3 inch setback along a 90' property line that our properties share, rather than respect the 15 foot rear setback required by current regulations. Such a variance is unjustified, invasive, and should not be allowed.

5. THE REQUESTED VARIANCES ARE NOT THE MINIMUM NECESSARY TO MAKE REASONABLE USE OF THE PROPERTY. The proposed development can and should be designed in a manner that eliminates the requested variances and reduces nonconformities, not increases them. If a stairway is required for access to the second floor, it should be located inside the structure, not outside of the property in violation of the City's regulations.

6. THE GRANTING OF THE VARIANCES WOULD VIOLATE THE CITY'S LAND DEVELOPMENT REGULATIONS AND WILL BE INJURIOUS TO THE NEIGHBORHOOD AND PUBLIC INTEREST. The existing structures already violate land development regulations for density, building coverage, and setbacks. An expansion of the nonconformities will negatively impact our property by significantly reducing the buffer provided by maximum building coverage and setback restrictions. Increasing the nonconformities on this property is absolutely injurious to the public welfare.

For all of the reasons cited, we respectfully request that the Planning Board deny this application.

Sincerely,



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