

# **MICHAEL HALPERN, P.A.**

**ATTORNEY AT LAW**

209 DUVAL STREET  
KEY WEST, FL 33040  
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*November 13, 2015*

**VIA E-MAIL & HAND DELIVERY**

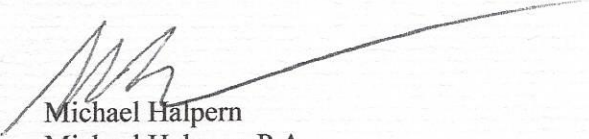
***jscholl@cityofkeywest-fl.gov***

James K. Scholl  
City Manager  
City of Key West, Florida

Dear Jim,

Enclosed please find an Administrative Appeal. Please place this Appeal on next City Commission agenda for hearing.

Sincerely,



Michael Halpern  
Michael Halpern, P.A.  
Attorney for Banana, LLC and KW26, LLC

: Thaddeus Cohen, Director, Planning Department  
Cheri Smith, City Clerk  
Shawn Smith, City Attorney

## NOTICE OF APPEAL

Pursuant to Section 90-46, Key West Florida Code of Ordinances, the property owners of 2319 and 2401 North Roosevelt Boulevard, Key West, Florida, BANANA, LLC and KW26, LLC, do hereby appeal the determination and administrative interpretation of the land development regulations made by the City Planner Thaddeus L. Cohen in his written opinion dated November 6<sup>th</sup>, 2015, attached hereto as Exhibit "A".

The Basis of this Appeal is as follows:

1, The Major Development Plans for 2319 and 2401 North Roosevelt Boulevard submitted by Thomas E. Pope to the Planning Department on or about September 4<sup>th</sup>, 2015, are in full compliance with the City Land Development Regulations Section 122-1149 as to building height.

2. The City Planner's interpretation of the land development regulation relating to Section 122-1149 violates Section 90-301 of the Key West Florida Code of Ordinances in that it was not in writing and accompanied by review and written consent by the City Attorney prior to the date the Major Development Plans were submitted on or about September 4, 2015.



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

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November 6, 2015

Michael Halpern, P.A.  
Attorney at Law  
209 Duval Street  
Key West Florida 33040

Re: Major Development Plan for 2319 and 2401 N. Roosevelt Blvd. Key West Florida

Dear Mr. Halpern,

This letter is in response to your letter dated November 3, 2015 with regards to the project stated above. The plans provided by Thomas E. Pope in a revised development plan submittal to the Planning Department on or about September 4, 2015, are not in compliance with the City Land Development Regulations Section 122-1149 as to the building height which was the topic of our discussion.

In my conversations with Thomas E. Pope, it is my understanding, he will revise the documents to be in compliance and will seek a height variance for that portion of the roof some plus or minus (7) seven inches which is above the height allowance.

I believe the above is consistent with our conversation.

Sincerely,

A handwritten signature in blue ink that reads "THADDEUS L. COHEN".

Thaddeus L. Cohen  
Planning Director

cc: Patrick Wright  
Larry Erskine

TLC/vaf

EXHIBIT "A"