

Enid Torregrosa

From: Wayne Smith <wayne@thesmithlawfirm.com>
Sent: Tuesday, August 23, 2016 5:09 PM
To: Enid Torregrosa; Kelly Perkins
Subject: FW: HARC Application H16-03-0058, 616 Eaton Street

Please include this email chain in the Public Comments for Item 12 on tonight's HARC Agenda. Thank you.

Wayne LaRue Smith*
The Smith Law Firm
509 Whitehead Street
Key West, Florida 33040
Voice: 305-296-0029
Fax: 305-296-9172
E-mail: wsmith@thesmithlawfirm.com



Wayne LaRue Smith

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 Please consider the environment before printing this e-mail

From: Wayne Smith
Sent: Tuesday, August 23, 2016 4:48 PM
To: 'Ronald Ramsingh'
Cc: Shawn D. Smith; James K. Scholl
Subject: RE: HARC Application H16-03-0058, 616 Eaton Street

Ron,

Thank you for your response. I disagree that the stay is moot altogether, as our clients will be seeking review at the Third District Court of Appeal and the stay, by its terms remains in effect until all appeals are exhausted, minimum as to what was part of that application that was the subject of the petition proceedings.

Thank you for explaining the City's position with regard to the scope of HARC applications and the meaningfulness of something being specified in the narrative of the application. We understand and respect the City's interpretation, and we will proceed accordingly.

Wayne

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 Please consider the environment before printing this e-mail

From: Ronald Ramsingh [<mailto:rramsingh@cityofkeywest-fl.gov>]
Sent: Tuesday, August 23, 2016 3:45 PM
To: Wayne Smith
Cc: Shawn D. Smith; James K. Scholl
Subject: RE: HARC Application H16-03-0058, 616 Eaton Street

Wayne:

Good Afternoon. Given the fact that Judge Koenig issued his ruling affirming HARC on the underlying appeal, I feel that this issue is moot.

However, to address the merits of your concern, although plans that are submitted with HARC applications invariably make a lot of representation or "plans", it is what is contained in the narrative of the *actual* application that we consider to be binding on the application as the work that is sought to be performed. To my knowledge, the underlying HARC application does not contain a request in the narrative to demolish the west side addition that is sought as part of a new application that will be considered tonight.

Thank you,

Ron Ramsingh

From: Wayne Smith [<mailto:wayne@thesmithlawfirm.com>]
Sent: Sunday, August 21, 2016 4:38 PM
To: Ronald Ramsingh <rramsingh@cityofkeywest-fl.gov>
Cc: Shawn D. Smith <sdsmith@cityofkeywest-fl.gov>; James K. Scholl <jscholl@cityofkeywest-fl.gov>
Subject: HARC Application H16-03-0058, 616 Eaton Street

Ron,

You may know that a HARC application to demolish a side addition at 616 Eaton Street is set to come before HARC this coming Tuesday, August 23. Staff has concluded that the stay imposed by Special Magistrate Yates is not applicable. It seems plain to me that this proposed demolition will, indeed, violate the stay as I explain below. While I expect the litigation between our clients, all neighbors, and the property owners will continue until all avenues of relief are exhausted, I vastly prefer to avoid having to make an assertion that the City has violated the stay. For that reason, I ask that you consider my analysis.

Only July 28, 2015, HARC considered the design and demolition components of HARC Application H15-01-0842 ("2015 HARC Application"). That 2015 HARC Application, at page 1, described the project as follows: "Renovation of historic house, demo rear additions, add new addition, new residence in rear of property with pool & site work – see plans." (emphasis supplied). The demolition of the side addition (on the Northwest side) is plainly shown on the plans attached to and made a part of the 2015 HARC Application. More importantly, staff explicitly recognized that the demolition of the side addition was part of the 2015 HARC application (which is now subject to a comprehensive stay) as staff stated the following in the Staff Analysis section of the July 28, 2015 "Staff Report for Item 5b": "This Certificate of Appropriates (sic) proposes to demolish two additions on a historic house and an exterior staircase. The staircase is not original to the house and is not appropriate for the contributing structure. There is one addition in the rear that is historic and first appears on the 1926 Sanborn map. After 1962, another rear addition was attached onto that historic addition. The interior of the historic addition has been completely gutted, and there is very little historic fabric left on that addition. There is also a side addition that is not historic. Staff believes the additions and staircase do not meet any of the criteria listed in Sec. 102-125, and therefore it can be considered for demolition. Because one of the additions is historic, a second reading is needed." (emphasis supplied).

Because the demolition of the side addition is plainly included in the 2015 HARC Application, and because demolition of the side addition is specifically identified by staff in its staff analysis of the 2015 HARC Application, it defies logic and common sense to conclude that demolition of the side addition was not part of the 2015 HARC Application and, therefore, not subject to the Special Magistrate's stay. We very much prefer to stay focused on the merits of the pending appeal and we would prefer to avoid asking the Special Magistrate to address any violation of the stay – which as you know was re-affirmed when the Special Magistrate recently when he denied a motion to lift the stay. I would particularly prefer to avoid having to make the argument that the City itself, which supported keeping the stay in place, has violated the stay by permitting the demolition of the side addition.

Accordingly, we request that you consider advising HARC that the most recent application (HARC Application H16-03-0058) for demolition of the side addition is, indeed, subject to the Special Magistrate's stay order and that the proposed demolition cannot proceed unless and until the stay is lifted.

Thank you for giving this matter your consideration,

Wayne

Wayne LaRue Smith*
The Smith Law Firm
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Wayne LaRue Smith

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 **Please consider the environment before printing this e-mail**

Ronald Ramsingh

From: Ronald Ramsingh
Sent: Tuesday, March 15, 2016 1:44 PM
To: Enid Torregrosa; Kelly Perkins; Ron Wampler
Cc: Thaddeus L. Cohen
Subject: RE: Order - Case No. 15-1663 - 805 Shavers Lane

It would be my recommendation to use the language as soon as it is possible.

Thanks,
RR

From: Enid Torregrosa
Sent: Tuesday, March 15, 2016 12:33 PM
To: Ronald Ramsingh <r Ramsingh@cityofkeywest-fl.gov>; Kelly Perkins <kperkins@cityofkeywest-fl.gov>; Ron Wampler <rwampler@cityofkeywest-fl.gov>
Cc: Thaddeus L. Cohen <tcohen@cityofkeywest-fl.gov>
Subject: RE: Order - Case No. 15-1663 - 805 Shavers Lane

Thanks! Can we include immediately this statement in the HARC/ Building Combo application? We will be creating a new application for all HARC projects that are presented to the Commission and will definitely include the recommended statement.

Again, thanks!

Enid

Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone." Fl. Stat. 668.6076

From: Ronald Ramsingh
Sent: Friday, March 11, 2016 3:45 PM
To: Kelly Perkins <kperkins@cityofkeywest-fl.gov>; Ron Wampler <rwampler@cityofkeywest-fl.gov>; Enid Torregrosa <etorregrosa@cityofkeywest-fl.gov>
Subject: RE: Order - Case No. 15-1663 - 805 Shavers Lane

"The applicant further hereby acknowledges that the scope of work as described in the HARC application/Combined Building Application shall be the scope of work that is contemplated by the applicant and the city. The applicant further stipulates that should further action be taken by the city for exceeding the scope of the description of work, as described herein, and if there is conflicting information between the description of work and the submitted plans, the aforementioned description of work shall be controlling."

From: Kelly Perkins
Sent: Thursday, March 10, 2016 2:55 PM
To: Ronald Ramsingh <r Ramsingh@cityofkeywest-fl.gov>
Subject: RE: Order - Case No. 15-1663 - 805 Shavers Lane

Then send us the wording!

We can work on getting it with the application next week when Enid gets back.

From: Ronald Ramsingh
Sent: Thursday, March 10, 2016 2:54 PM
To: Kelly Perkins <kperkins@cityofkeywest-fl.gov>
Subject: RE: Order - Case No. 15-1663 - 805 Shavers Lane

The affidavit that I mentioned

Sent from my Verizon Wireless 4G LTE smartphone, so please excuse any typographical errors or predictive text mistakes.

----- Original message -----

From: Kelly Perkins <kperkins@cityofkeywest-fl.gov>
Date: 03/10/2016 2:36 PM (GMT-05:00)
To: Ronald Ramsingh <r Ramsingh@cityofkeywest-fl.gov>
Subject: RE: Order - Case No. 15-1663 - 805 Shavers Lane

I really thought this was more black and white. Whatever we need to do to stop this from happening, we need to do it.

From: Ronald Ramsingh
Sent: Thursday, March 10, 2016 2:31 PM
To: Enid Torregrosa <etorregrosa@cityofkeywest-fl.gov>; Kelly Perkins <kperkins@cityofkeywest-fl.gov>; Leo Hernandez <lhernandez@cityofkeywest-fl.gov>; Jim J. Young <jjyoung@cityofkeywest-fl.gov>
Subject: Fwd: Order - Case No. 15-1663 - 805 Shavers Lane

Sent from my Verizon Wireless 4G LTE smartphone, so please excuse any typographical errors or predictive text mistakes.

----- Original message -----

From: Debbie Millett-Fowley <dmillett@cityofkeywest-fl.gov>
Date: 03/10/2016 2:29 PM (GMT-05:00)
To: Ronald Ramsingh <r Ramsingh@cityofkeywest-fl.gov>; receptionist@smithoropeza.com
Cc: "Jim J. Young" <jjyoung@cityofkeywest-fl.gov>; Leo Hernandez <lhernandez@cityofkeywest-fl.gov>
Subject: Order - Case No. 15-1663 - 805 Shavers Lane

Please see the attached order from Magistrate Yates.

Debbie Millett-Fowley
Code Compliance Legal Analyst
City of Key West
305-809-3736



- Home
- Select Permit
- Select Permit by Address
- Status Detail
- View Application Fees
- Permit Status
- Inspection Status
- Plan Tracking Status
- Schedule / Cancel Inspections
- Email Us
- Log Off

Plan Tracking Status

Select a plan below, to view agency comments.

Parcel ID: 0000-6210-000000 - **Address:** 616 EATON ST
Application Date: 08/24/16 **Owner:** SERBINSKI MARK & KRISTINA
Application #: 16 - 3375 **Application Type:** RENOVATION, CONVERSION: RESIDENTIAL

Agency Description	Key Dates		Action Summary			Revision	
	In	Est. Comp.	Last	Type	By	No.	Description
01-PERMIT TECHNICIAN	08/24/16	08/25/16	08/24/16	AFR	MAC		
02-PLANNING	08/24/16	09/02/16	08/29/16	AP	ML		
03-UTILITY DIRECTOR	08/24/16	09/02/16	09/02/16	AP	EI		
04-URBAN FORESTRY	08/24/16	09/02/16	09/02/16	AP	KD		
08-HARC	08/24/16	09/02/16	09/13/16	AP	KP		
09-BUILDING	08/24/16	09/02/16	10/14/16	AP	EC		