

Carlene Smith

From: Kelly Young <kellyyoungkw@comcast.net>
Sent: Wednesday, May 20, 2015 11:08 AM
To: Carlene Smith
Subject: 805 Olivia St. (RE# 00019930-000000;AK # 1020621)

Hello,

I live at 831 Olivia St and am against a 2 1/2 story structure on the property at 805 Olivia St.
It is out of scale of the neighborhood.

We don't need another vacation rental with the noise and traffic it brings.

Parking is already an nightmare, this would bring housekeepers, pool cleaners, leaf blowers etc to our already congested street.

I have lived in this house for 18 years and before that on Poorhouse Lane for 9 1/2 and I've watched our nice quiet, friendly neighborhood all but disappear.

Thank you for efforts in this matter.

Sincerely,

Kelly A. Young
305 849 0540

Carlene Smith

Subject: RE: Variance Request 805 Olivia Street

From: Sharon Grayden [mailto:grayden@umich.edu]

Sent: Wednesday, March 18, 2015 2:17 PM

To: greg@smithoropeza.com

Cc: Carlene Smith; Stephen Bayne

Subject: Re: Variance Request 805 Olivia Street

Dear Mr. Orepeza--Thank you for reaching out to us. This is an extremely impersonal process so we appreciate the direct contact with you.

Our primary issue is understanding why this project was not planned to conform to the Comprehensive Plan and Land Development Regulations from the outset. It seems that there is ample space on the lot to easily design a structure that meets all the setback requirements and not require a variance at all .

Key West is such a unique city, especially the historic district, with distinct issues related to fire, police, density and construction. We believe the LRD make total sense and are important to protect all property owners. It is our feeling that plans for new construction should respect these regulations and that architects should make every effort to design structures to be in compliance.

Sincerely,

Sharon K. Grayden
and Stephen Bayne

On Wed, Mar 18, 2015 at 1:36 PM, greg@smithoropeza.com <greg@smithoropeza.com> wrote:

Ms. Grayden,

I represent Mr. and Mrs. Mineroff with respect to 805 Olivia Street. As the applicants we were forwarded your below concerns. I certainly understand and appreciate your concerns and wanted to reach out to you to determine if there was anything we could do to possible alleviate those concerns, or work with you to address them.

I welcome the opportunit to discuss further with you.

Thank You,

Gregory S. Oropeza, Esq.
SMITH | OROPEZA | HAWKS
ATTORNEYS AT LAW

138 - 142 Simonton Street

Key West, Florida 33040

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From: Carlene Smith [mailto:cesmith@cityofkeywest-fl.gov]
Sent: Wednesday, March 18, 2015 12:05 PM
To: WILLIAM SHEPLER; greg@smithoropeza.com
Subject: FW: Variance Request 805 Olivia Street

Please see the comment below. Thank you.

Carlene Smith, LEED Green Associate, Planner II
City of Key West Planning Department
3140 Flagler Avenue | Key West, FL 33040
Ph. [305.809.3722](tel:305.809.3722) | Fax [305.809.3978](tel:305.809.3978)
cesmith@cityofkeywest-fl.gov | www.keywestcity.com

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From: Sharon Grayden [mailto:grayden@umich.edu]
Sent: Wednesday, March 18, 2015 11:32 AM
To: Carlene Smith
Cc: Stephen Bayne
Subject: Variance Request 805 Olivia Street

Dear Carlene:

After reviewing the documentation in detail, we find the staff report and to be sound in recommending that this variance be denied. Therefore, my husband and I wish to enter into the record our opposition to the variance requested for the property at 805 Olivia Street. We ask the Planning Board to follow staff recommendation and deny Mr. Shepler's request for the side and rear setbacks.

As a couple who recently purchased property in this neighborhood we understand to the Mineroff's to wish to construct a new home to their desired specifications on this property. However, as is noted in the staff report, there are neither any special circumstances nor any hardships which would merit granting special privileges to the applicants.

The City of Key West and the Planning Board have set reasonable setback requirements for new construction. These requirements are designed for the safety and security of all property owners as well as to protect the historic integrity of our community. It is imperative these standards are uniformly applied and that the Planning Board consistently adheres to current land development regulations. The 805 Olivia Street application and request for variance does not provide a compelling reason as to why the plan cannot conform to current land development regulations. Based on the proposal presented in the application, this structure can be built to conform to established land development regulations so there is no basis to vary from these regulations.

Stephen Bayne & Sharon Grayden
732 Poor House Lane
Key West, FL 33040

From: Gail Miller [<mailto:dancekeywest@me.com>]
Sent: Thursday, July 09, 2015 12:32 PM
To: Thaddeus L. Cohen
Subject: 805 Olivia Street

I object to the variance to side yard setback at 805 Olivia St.

Gail Miller, 728 Poorhouse Lane, Key West, FL

July 13, 2015

Mr. Greg Oropeza, Esq.
138 Simonton Street
Key West, FL 33040

RE: 805 Olivia Street



Dear Greg,

Thanks for your and your client's continued willingness to work out the remaining issue related to the proposed variances at 805 Olivia. The licensed arborist Nick Downs of A Caring Tree Company, provided direction and a professional determination (attached) that is reflected in the attached site plan depiction. We request that this be used as a basis for a design modification that will effectively reduce negative construction impacts on our client's tree.

We hope that your client understands the inherent advantages that this arboreal asset has to both properties and the neighborhood in general. If your client is able to protect the tree as described in the attached, we fully support the pending variance request.

Thank you for your thoughtful consideration. I'll make myself available to you at your convenience if needed.

Best regards,

A handwritten signature in blue ink, appearing to read 'Owen Trepanier', is written over a horizontal line.

Owen Trepanier

Owen Trepanier

Subject: FW: 811 Olivia St tree

From: Nicholas Downs <acaringtreecompany@gmail.com>

Subject: Re: Letter requested

Date: July 9, 2015 7:44:39 AM EDT

To: sidmagee@gmail.com

To Whom It May Concern,

I was contacted by Mr. Magee about his concerns with the development of the property next to his & the impact it may have on his Ficus tree. Mr. Magee explained his desire to keep this tree as it provides shade for his property & has been there since he came to the Keys.

I have been attending a lot of Tree Commission meetings representing clients whose trees have become invasive to their structures. What I tell them is "right tree, wrong place". We are losing too many old growth trees in Key West. If the house is built too close to the tree, eventually it will impact some portion of the structure & will become another lost tree.

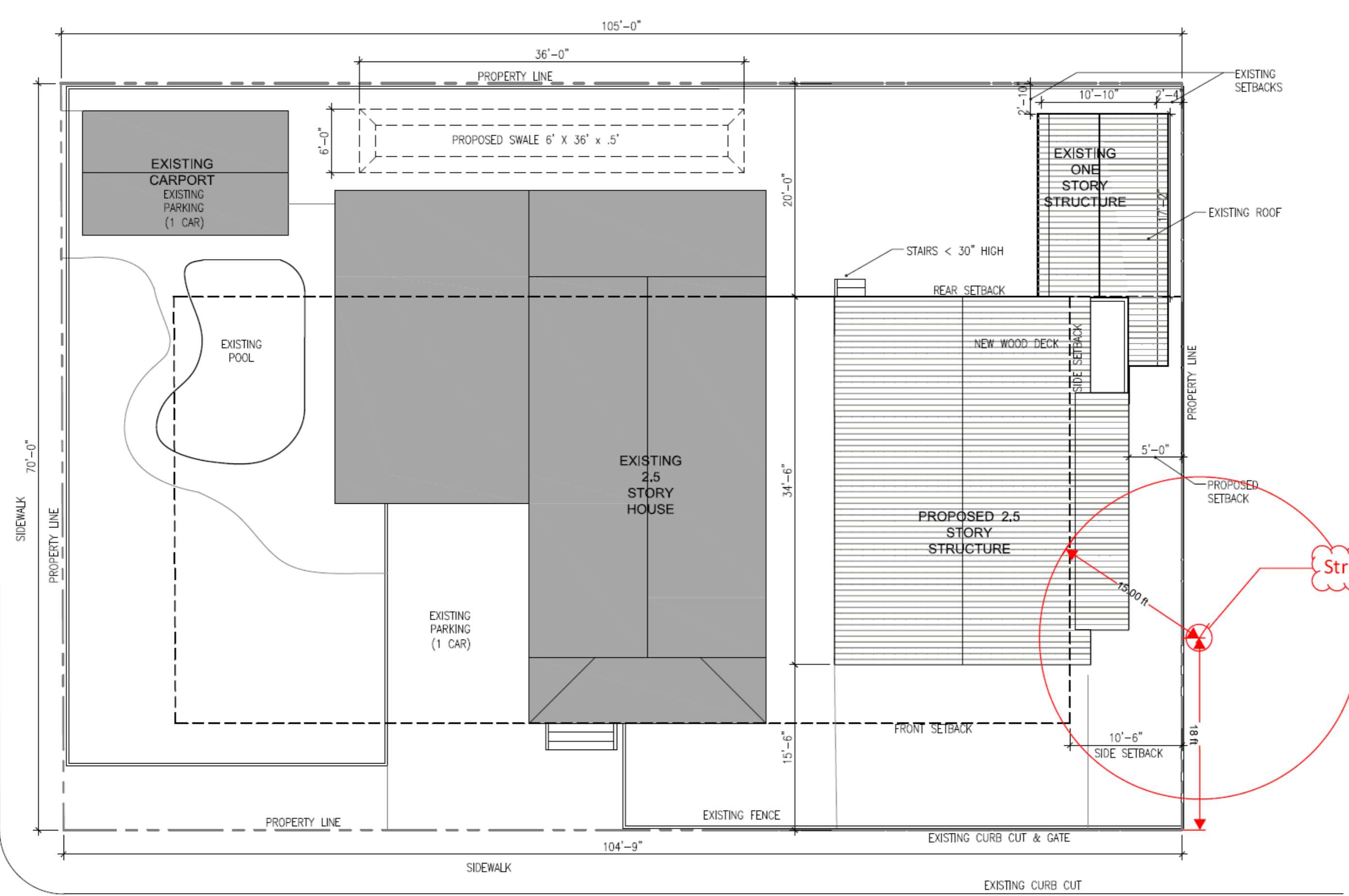
My recommendation is the house be built outside the drip line of the tree or 15-20 feet from the root flair.

Let me know if I can be of further assistance.

Regards,

Nick Downs,
A Caring Tree Company

WINDSOR LANE



Strangler Fig

OLIVIA STREET

From: greg@smithoropeza.com

Sent: Wednesday, July 15, 2015 4:32:55 PM (UTC) Monrovia, Reykjavik

To: Owen Trepanier; Venetia A. Flowers; Thaddeus L. Cohen

Subject: RE: 803 Olivia Street

Thanks Owen. Unfortunately the only way to accomplish this is to push the structure back which would trigger a rear setback. The direction of the commission was to reduce the variance requests therefore we cannot trigger a new setback requirement.

We are happy to abide by Karen Demaria's recommendation as the expert for the city. Florida Case law is very clear that encroachments of trees are a trespass, I hope Mr. Magee understands that our willingness to not have the tree removed from our property altogether (removing his trespass) as our legal remedy, is a fair and adequate compromise.

Gregory S. Oropeza, Esq.

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