

Carlene Smith

From: Carlene Smith
Sent: Friday, August 29, 2014 10:12 AM
To: 'davelehmkuhl@gmail.com'
Cc: Don Craig
Subject: 618 Petronia - Variance
Attachments: 20140811 Site Plans.pdf

Good morning Mr. Lehmkuhl.

I am the planner processing the variance request for 618 Petronia Street. During the last Planning Board meeting you voiced a concern regarding the proposed location of the a/c unit. I understand that you have been contacted by the applicants, Mr. and Mrs. McChesney. Please let me know if there are any questions that you may have regarding the proposed project. I have attached the site plans for your review.

Thank you and I look forward to hearing from you.

Carlene Smith, LEED Green Associate, Planner Analyst

City of Key West Planning Department
3140 Flagler Avenue | Key West, FL 33040
Ph. 305.809.3722 | Fax 305.809.3978
cesmith@cityofkeywest-fl.gov | www.keywestcity.com

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Carlene Smith

From: richard@smithoropeza.com
Sent: Thursday, August 28, 2014 4:36 PM
To: cesmith@keywestcity.com
Subject: FW: 618 Petronia Street
Attachments: 618 Petronia Street Variance comments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Carlene,

Please see my below response to Mr. Lehmkuhl regarding my variance application. I spoke with Jim Young today and he informed me that this is not a code violation. Please let me know if you have any questions.

Thank you,

Richard J. McChesney, Esq.

SMITH | OROPEZA, P.L.
138-142 Simonton St.
Key West, FL 33040
Tel: [305-296-7227](tel:305-296-7227)
Fax: [305-296-8448](tel:305-296-8448)
Richard@smithoropeza.com
www.SmithOropeza.com

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From: richard@smithoropeza.com
Sent: Thursday, August 28, 2014 4:36 PM
To: 'david lehmkuhl'
Cc: 'jjyoung@keywestcity.com'
Subject: RE: 618 Petronia Street

Mr. Lehmkuhl,

Thank you for your email response regarding my variance application. I look forward to reaching an agreement and resolving this matter.

You continue to state that my wife and I neglected to inform you of our variance application. I would like to point out that the “good neighbor policy” requires an applicant to contact or attempt to contact all noticed property owners **who have objected** to the variance application. Please refer to section 90-395(b)(2) of the Code of Ordinances.

With that being said, I am happy to try to address your concerns regarding my variance application.

Most homes in the historic high density residential district do not have the requisite five foot side yard setback required by the Code. In this case, my property has five feet on one side and it is important for life safety reasons to keep it at the maximum of five feet. The current planned placement of the A/C units on top of the roof over the first floor keeps the A/C units from blocking the ingress and egress of either side of my property. The A/C units will be screened with louvers to mitigate the noise and visual concerns. The placement of the A/C units on the first floor roof situates them well above any person standing on the ground, thus further mitigating noise and visual concerns. Furthermore, these particular A/C units are much smaller and quieter than a standard A/C unit.

My variance application is only for the placement of the A/C units and the upper portion of the interior staircase. The second story addition is not subject to this variance application and has already received approval from HARC. I am not required to, nor do I have to entertain any of your concerns about that portion of my project. With that being said, as a courtesy to you, I will agree to remove the windows on the second story of my property facing your side as a condition to the granting of this variance.

My temporary A/C unit located within the setback has been approved by the City to provide a safe environment to the workers performing work in the front portion of my home. I spoke with the head of Code Compliance and the Chief Building Official at that City and they informed me that the location of my temporary A/C is not a violation of the code. I will, however, remove the temporary A/C unit within a reasonable time as a condition of my variance approval.

For more information about my ability to reconstruct the first floor within its legally nonconforming footprint, please review section 122 of the City of Key West Land Development Regulations.

For a copy of the current plans submitted to the planning department, please find them here <https://keywest.legistar.com/Calendar.aspx>

Richard J. McChesney, Esq.

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Key West, FL 33040
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From: david lehmkuhl [<mailto:davelehmkuhl@gmail.com>]
Sent: Tuesday, August 26, 2014 10:01 PM
To: richard@smithoropeza.com
Subject: Re: 618 Petronia Street

Hello Richard

Please find attached my comments regarding the variance application issues. I did meet your wife at the property on Friday and that did help clarify some questions, but there are issues that need to be resolved.

Thanks

David Lehmkuhl

On Fri, Aug 22, 2014 at 10:39 AM, richard@smithoropeza.com <richard@smithoropeza.com> wrote:

Good Morning Mr. Lehmkuhl,

I am writing in regards to the planning board hearing that took place on Thursday, August 21 at Old City Hall. I was hoping you could provide me with your concerns regarding my variance request so that we can attempt to resolve these issues. Please let me know your thoughts when you have a moment. I look forward to hearing from you.

Thank you,

Richard J. McChesney, Esq.

SMITH | OROPEZA, P.L

138-142 Simonton St.

Key West, FL 33040

Tel: [305-296-7227](tel:305-296-7227)

Fax: [305-296-8448](tel:305-296-8448)

Richard@smithoropeza.com

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David Lehmkuhl

August 26, 2014

Property owner: 620 Petronia Street

Comments regarding 618 Petronia Street plans and variance application

As per your request, below are my comments from the application materials I obtained from the City of Key West website a week ago. I'm sorry you may have been surprised by my appearance at the Planning Board Meeting on the 21st. However if your wife had mentioned to me thru the phone call or email I received regarding the tree pruning that there was a variance hearing coming, and what the content was, we may have been able to discuss these issues in advance of the meeting.

My number one objection is the placement of the A/C units within the setback on my side of your house. The A/C units could be piped to far rear of your yard and not affect yourself or either of your neighbors. An alternative is to place on the opposite side of the house where you have no setback issue.

Second - Privacy impairment with a new second story with windows overlooking my backyard. The windows should be placed to allow in light and mitigate this issue.

Lastly, please provide an updated set of plans - Your wife indicated that the spiral staircase with the open sides was being deleted. It was to serve a third floor sundeck overlooking my backyard. The staircase and sundeck will impair the privacy of my backyard.

If you are serious about being a good neighbor, please remove the new "temporary" A/C unit that has appeared on the ground in the setback adjacent to my backyard. Getting Code Enforcement involved at this point would not be neighborly, but I'm obliged to defend my property.



Further, I'm curious as to the interpretation of the regulation on non-conforming setbacks, as your proposal is to demolish the existing structure and then rebuild the first floor on the existing footprint. My understanding is once a structure is removed, the non-conforming is extinguished and anything new must conform. Some professional opinions on this matter might be required to assist me.

If you wish to discuss these points, you have my phone number and email address.