



THE CITY OF KEY WEST

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

February 12, 2013

**VIA CERTIFIED MAIL
& ELECTRONIC MAIL**
7007-3020-0000-5347-9515
psjanker@yahoo.com

Peter Janker
7688 Oak Field Ct
Springfield, VA 22153-3506

Re: Lawful Unit Determination
417 United Street - upstairs addition

Dear Mr. Janker,

This letter is in response to your letter received February 11, 2013. As stated in our Lawful Unit Determination (LUD), 417 United Street was recognized as a single family home before, during, and after the period (1990-1993) when the state mandated residential Building Permit Allocation System (BPAS) was implemented in the City. The Planning Department reviewed available information and determined there was not sufficient information to substantiate your request for the second unit. Additionally, the minimum lot size in the Historic High Density Residential (HHDR) zoning district is 4,000 square feet. Since your lot is only 2,048 square feet, your property does not meet density requirements and will not qualify for a ROGO/BPAS unit allocation.

In conclusion you will need to maintain access to the unpermitted apartment from the main house and remove the kitchen in its entirety (cabinets, sink, stove, etc.) by June 2013. Please note that at the last Code Hearing on January 30, 2013, Special Magistrate Jefferson Overby, asked the Planning Department to re-examine the six month timeframe given on LUD denials. Therefore, please note that your six month timeframe to remove the kitchen in its entirety is currently under review. You will be notified in writing regarding the final determination.

Please do not hesitate to contact me at 809-3722 with any questions or comments that you may have.

Respectfully,

A handwritten signature in blue ink that reads "Carlene Smith".

Carlene Smith
Development Review Administrator

Attachment: 1 Applicant Response Letter received 2/11/13

cc: Donald Leland Craig, AICP, Planning Director
John Woodson, Building Official
Larry Erskine, Chief Assistant City Attorney
Ron Ramsingh, Assistant City Attorney
Carolyn Walker, Licensing Official

Jim Young, Code Compliance Manager
Bonnita Badgett, Code Officer
Michael Turner, Utilities Collection Manager
Dave Kraus, Monroe County Property Appraiser

Attachment 1

Applicant Response Letter
Received February 11, 2013

Ms. Carlene Smith

26 January 2013

City of Key West

PO Box 1409

Key West, FL 33041-1409

Re: Lawful Unit Determination

417 United Street-Upstairs Addition



Dear Ms. Smith

I am replying to your letter dated 28 December 2012 in which you stated that "there is not sufficient information to substantiate your request for the second unit" and directed that the apartment's kitchen be removed within six months.

I disagree with your position that sufficient information does not exist to substantiate my request for the city's recognition of a lawful second unit. Specifically I submit the following:

- That Monroe county records showing 417 United had registered as two units prior to 1990 were not used despite their being part of official county records.
- That city code requires the use of a second entry/exit in the case where a spiral staircase is used as primary access. Hence the second entry is a city requirement that must be maintained.
- That the secondary entry into the apartment is via a closet/hallway which is clearly not part of the main residence although it provides the ability for both units to be used by an extended family.
- That while a second electrical meter does not exist, that the apartment has its own electrical box. The report by JW specifically indicates that these utilities predate the 1990 date established in the LDR.
- That the city's own report indicates that the plumbing and utilities predate the 1990 date and that it otherwise make no sense for two kitchens to be installed within a single building without the intent for them to be two individual units or the ability to be use as such.

Request that 417 United Street be determined as meeting density requirements for the HHDR zoning district and allocated a ROGO/BPAS unit in July and/or that your findings be modified to show two units.

V/r

A handwritten signature in blue ink, appearing to read "Peter S. Janker", written over a horizontal line.

Peter S. Janker