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May 18, 2021

**ELECTRONIC MAIL**

Key West Planning Board

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**RE: Objection to Application for Variance- 1115 Grinnell Street (RE# 00031810-000000)**

Please allow this correspondence to serve as a public comment and objection to the Application for Variance (“Variance”) for 1115 Grinnell Street (the “Property”). This firm represents the interests of the neighboring property owner, Guy “Tony” Willis individually and as trustee of the Willis Guy A Trust Restated 10/22/2012 (“Willis”). The neighboring property is located at 1111 Grinnell Street and was provided notice of the May 20, 2021 Planning Commission meeting.

Willis requests that the Planning Board agree with the recommendation in the Staff Report and deny the Variance as there is no compliance with the good neighbor policy, there are prior issues with regard to permitting on the Property, the Property already has numerous tenants and parking issues, and most importantly, and the Applicant does not meet the standards for the Variance.

**GROUND FOR OBJECTION**

The Variance should be denied as the Variance, on its face, does not comply with the “good neighbor policy” as required, and Rick Milelli, Meridian Engineering LLC (the “Applicant”) has made no attempt since the issuance of the staff report to comply with the good neighbor policy. Code § 90-395(b)(2) requires that the Applicant demonstrate the good neighbor policy “by

contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.” Applicant has not contacted Willis, and has not begun the process of addressing any objections that Willis might have to the Variance. *See also* Staff Report at 7. On Sunday afternoon, May 16, 2021, the property owner, not the Applicant, contacted Willis to insist that Willis “sign off” on the Variance. The property owner has not provided Willis a copy of the Variance and no attempt was made to engage with Willis or address any objections.

Next, Willis notes that the Staff Report finds that six of the seven standards for granting a variance have not been met. *See* Code § 90-395(a); *accord* Staff Report 6-7. The only standard for granting a variance that has been met is that the Applicant is not relying on other properties’ non-conforming uses as the basis for approval. To put this in terms that are perfectly clear- the Applicant cannot meet any of the standards for a Variance for the Property as the Applicant is already non-conforming in multiple ways and seeks to further increase the non-conformities, and the only standard that the Applicant can meet is that the other properties in the area, such as Willis, are abiding by the rules such that Applicant is not stating that “everyone else is doing it.”

Notably, the Property already (1) exceeds the required maximum building coverage for the zoning district; (2) exceeds the required maximum impervious surface ratio for the zoning district; and (3) does not have the required minimum open space ratio. The Variance seeks to not just approve the prior nonconforming uses, but validate an expansion of that use. Staff Report at 4-5. Willis objects to the continued overdevelopment of the Property as it is next door to Willis, it lacks the parking for the vehicles currently there (there can be up to six trucks and cars that spill out on to the street), the Property is often noisy due to numerous tenants, and it appears that prior work has already been done that was never authorized.

In particular, Willis wants to emphasize the ongoing parking issues caused by the Property. The intensive (and non-conforming) current use of the Property, and the number of people that habitually reside there, cause continual issues with parking; there are numerous times when Willis finds it nearly impossible to drive down that section of Grinnell Street or park at his own property due to the overflow of vehicles parked at the Property. Willis is sometimes unable to move his car

Key West Planning Board

Objection to Application for Variance- 1115 Grinnell Street (RE# 00031810-000000)


May 18, 2021

Page 3 of 3

from his own authorized spot without causing damage to the numerous vehicles blocking his way due to the intensive and unauthorized current use of the Property. The Variance would create additional habitable space, and likely lead to more tenants that will create additional parking and safety issues, without rectifying the issues already created by the current non-conforming use of the Property.

In conclusion, at a minimum Willis needs to be consulted pursuant to the “good neighbor policy” to better understand these changes and/or mitigations that Applicant will undergo. However, based on the limited amount of information contained within the Application and the Staff Report, Willis objects to the Variance.

Sincerely,



Christopher B. Deem

CBD/bg

Cc: Client