

From: [Peter Janker](#)
To: [Carlene Smith](#)
Cc: [Don Craig](#); [John Woodson](#); [Larry Erskine](#); [Ronald Ramsingh](#); [Carolyn Walker](#); [Jim Young](#); [Bonnita Badgett](#); [Dixie Janker](#); [Scott Russell](#); [Dave Krause](#)
Subject: RE: 417 United - LUD Response ltr
Date: Tuesday, February 19, 2013 11:08:11 AM

Good Morning Carlene

Thanks, I will make arrangements to pick up the registered letter.

I am also preparing a formal letter regarding the lawful determination letter. From the process outlined in your correspondence it appears clear that 417 United does meet the requirements in being determined as a lawful residence per the process outlined in the documents you have provided.

The attachment you provided shows that the city was formally aware that the home was used as a multi residential property for a number of years prior to 1990. While county records do not determine that the units were both lawful (that is a city determination) they do provide direct evidence that 417 United in use as a multi residential property prior to 1990.

The county also contacted me in 2007 inquiring if I desired to change 417 United back to a single unit from a multi residential designation which it currently still retains. I elected at the time to retain the multi unit designation. At the time I purchased the home the apartment was established and it was obvious that it was built as a second unit. (Since the only way to move from one unit to another was to go thru a closet).

Having reviewed the qualification criteria I believe that it is clear that 417 United exceeds the necessary number of criteria for a favorable finding of it being a lawful multi unit.

In regards to my apartment tenant, the past lease was a 12 month lease; it falls within your six month deadline. Per your earlier correspondence I have not re-leased the apartment for a full year since I was uncertain that I would be permitted to do so.

V/r

Peter

--- On Tue, 2/19/13, Carlene Smith <cesmith@keywestcity.com> wrote:

From: Carlene Smith <cesmith@keywestcity.com>
Subject: RE: 417 United - LUD Response ltr
To: "Peter Janker" <psjanker@yahoo.com>
Cc: "Don Craig" <dcraig@keywestcity.com>, "John Woodson" <jwoodson@keywestcity.com>, "Larry Erskine" <lerskine@keywestcity.com>, "Ronald Ramsingh" <rramsing@keywestcity.com>, "Carolyn Walker" <cwalker@keywestcity.com>, "Jim Young" <jjyoung@keywestcity.com>, "Bonnita Badgett" <bbadgett@keywestcity.com>, "Dixie Janker" <dljanker@yahoo.com>, "Scott Russell" <srussell@mcpafl.org>, "Dave Krause" <dkrause@mcpafl.org>
Date: Tuesday, February 19, 2013, 9:57 AM

Good morning Peter.

The postal notification you received on Friday, was a certified letter of our response to your letter received February 11, 2013.

The Monroe County Property Appraiser changed the designation at 417 United from single family to multi-family from 1986-1988; however, the use was changed back to single family in 1989. This established the use of the structure as single family before, during and after the period (1990-1993) when the state mandated residential Building Permit Allocation System (BPAS) was implemented in the City. Because the structure was recognized as single family during the crucial date of April 1, 1990, the Planning Department has determined that the structure cannot be established as multi-family.

Please forward a copy of the current lease you have with your upstairs tenant **within the next ten days** in order for us to revisit the six month timeframe for the removal of the kitchen.

Respectfully,

Carlene Smith

From: Peter Janker [mailto:psjanker@yahoo.com]

Sent: Sunday, February 17, 2013 6:19 PM

To: Carlene Smith

Cc: Don Craig; John Woodson; Larry Erskine; Ronald Ramsingh; Carolyn Walker; Jim Young; Bonnita Badgett; Dixie Janker

Subject: 417 United - LUD Response ltr

Carlene

I was not sure if you had contacted Monroe County for access to their records, thank you for letting me know that you have. Just to be sure I understand the city's position, my request for 417 United Street second unit lawful determination has currently been denied based upon the point that I have not been able to prove that it was used as a multi-unit prior to 1990. Is that correct?

Are there any other areas for which I need to provide evidence for? I

assume that the city accepts that the unit and its associated elements was in place prior to 1990, given the on site inspection and report. Is that correct?

I also had a postal notification on Friday about a receipt requested postage from Key West. Has your office sent me a registered item of mail as of last week?

V/r

Peter Janker

--- On **Tue, 2/12/13, Carlene Smith** <cesmith@keywestcity.com> wrote:

From: Carlene Smith <cesmith@keywestcity.com>
Subject: RE: 417 United - LUD Response ltr
To: psjanker@yahoo.com
Cc: "Don Craig" <dcraig@keywestcity.com>, "John Woodson" <jwoodson@keywestcity.com>, "Larry Erskine" <lorskine@keywestcity.com>, "Ronald Ramsingh" <rramsing@keywestcity.com>, "Carolyn Walker" <cwalker@keywestcity.com>, "Jim Young" <jjyoung@keywestcity.com>, "Bonnita Badgett" <bbadgett@keywestcity.com>, "Michael Turner" <mturner@keywestcity.com>, "Dave Krause" <dkrause@mcpafl.org>
Date: Tuesday, February 12, 2013, 3:01 PM

Mr. Janker,

Prior to the LUD Determination, I communicated with several city departments as well as Monroe County Property Appraiser, Florida Keys Aqueduct, Keys Energy and Monroe County Tax Collector. Dave Krause with the Property Appraiser informed me that the additional unpermitted unit was discovered during a site visit in 2007. If you have additional information you would like for us to review please forward that to us as soon as possible. Otherwise, the Planning Department determination stands and your code case will proceed to hearing.

Thank you.

Carlene Smith

From: psjanker@yahoo.com [mailto:psjanker@yahoo.com]

Sent: Tuesday, February 12, 2013 1:37 PM

To: Key West Occupancy determinator Carleen Smith

Cc: Don Craig; John Woodson; Larry Erskine; Ronald Ramsingh; Carolyn Walker; Jim Young; Bonnita Badgett; Michael Turner; Dave Krause

Subject: Re: 417 United - LUD Response ltr

Carleen

I do not understand your point that all available information was used. The county indicates that you did not contact them nor do you acknowledge assessing the documented point that 417 United street was used as a county registered duplex prior to 1990.

Please explain why this documented fact is not relevant in this adjudication when your own documented procedures, provided me, would justify this home as having met the requirements.

V /r

Peter

Sent from my Verizon Wireless BlackBerry

From: Carlene Smith <cesmith@keywestcity.com>

Date: Tue, 12 Feb 2013 09:34:38 -0500

To: <psjanker@yahoo.com>

Cc: Don Craig<dcraig@keywestcity.com>; John Woodson<jwoodson@keywestcity.com>; Larry Erskine<lberskine@keywestcity.com>; Ronald Ramsingh<rramsing@keywestcity.com>; Carolyn Walker<cwalker@keywestcity.com>; Jim Young<jjyoung@keywestcity.com>; Bonnita Badgett<bbadgett@keywestcity.com>; Michael Turner<mturner@keywestcity.com>; Dave Krause<dkrause@mcpafl.org>

Subject: 417 United - LUD Response ltr

Good morning Mr. Janker,

Please find the Planning Department response to your letter received February 1, 2013.

Thank you.

Carlene Smith