

Keri O'Brien

From: Bruce Baffer <BBaffer@eagle.org>
Sent: Sunday, December 8, 2024 8:28 PM
To: Mayor E-Mail
Cc: Keri O'Brien; Todd C. Stoughton
Subject: [EXTERNAL] 12 Dec Board of Adjustment Meeting - 1905 Staples Ave.
Attachments: KW Code Letter 1905 Staples (6).pdf

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Dear Ms. Henriquez,

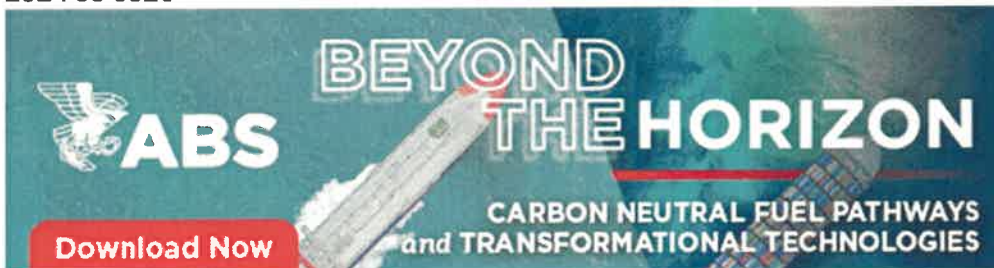
I understand you will be hearing file 24-6750 sitting as the Board of Adjustment on 12 Dec 2024. I own the property immediately adjacent to the property under appeal and would like to draw your attention to the ongoing code compliance issues at 1905 Staples Avenue. I delivered the attached letter on 6 Nov 2023 to Key West Code Compliance. The petitioner was contacted by the city, but has continued to violate the City Key West Land Development Regulations as well as the Good Neighbor Policy.

I would also like to suggest that the City of Key West Planning Department was absolutely correct in denying the request for a "Policy Determination". The parcel exists due to an illegal subdivision. The petitioner is asking the City to determine retroactively that an illegal act is now legal simply because he purchased the defective parcel. While the possibility exists, no efforts have been made to return the parcel to legal status.

Thank you in advance for your attention to this issue.

Sincerely,

Bruce Baffer P.E.
1907 Staples Ave
Key West, FL 33040
202 705 6526



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6 Nov 2023

City of Key West
Code Compliance Department
Director Jim Young
1300 White Street
Key West, Florida 33040

Delivered via E-Mail to:
Code_Enforcement@cityofkeyest-fl.gov

Dear Mr. Young,

I am the owner of 1907 Staples Ave. The owner of the adjacent property, 1905 Staples, is Mr. David Pouliot who operates One Call Construction, 1901 Flagler Ave. Key West, Florida.

Although 1905 Staples Avenue is zoned Limited Commercial, Mr. Pouliot has been using the property continuously for the past year for building materials supply and storage, and contractor's storage which is a specifically permitted Conditional use only within the General Commercial District.

Likewise, his skilled trade employees use the property daily for light manufacturing which is considered a Light Industrial Use and is also not permitted within the Limited Commercial District.

I have attached documentary evidence which was provided by Mr. Pouliot personally to the City of Key West Planning Board in support of a requested zoning variance.

Your assistance in returning this property to a Permitted Limited Commercial use is requested as his activities are a blight on the surrounding Single Family Residential District.

Sincerely,



City of Key West Code of Ordinances
Land Development Regulations (LDR) Definitions

Sec. 122-387. - Uses permitted.

Uses permitted in the limited commercial district (CL) are as follows:

Sec. 122-388. - Conditional uses.

Conditional uses in the limited commercial district (CL) are as follows:

(1)Single-family and two-family residential dwellings.(2)Multiple-family residential dwellings.(3)Group homes with seven to 14 residents as provided in section 122-1246.(4)Community centers, clubs and lodges.(5)Educational institutions and day care.(6)Nursing homes, rest homes and convalescent homes.(7)Parks and recreation, active and passive.(8)Protective services.(9)Public and private utilities.(10)Commercial amusement.(11)Commercial retail low and medium intensity greater than 5,000 square feet.(12)Commercial retail high intensity.(13)Medical services.(14)Parking lots and facilities.(15)Restaurants, excluding drive-through.(16)Small recreational power-driven equipment rentals (allowed only as an accessory use to a hotel/motel).(17)Veterinary medical services, with or without outside kennels.

(Ord. No. 97-10, § 1(2-5.3.1(C)), 7-3-1997)

Sec. 122-389. - Prohibited uses.

In the limited commercial district (CL), all uses not specifically or provisionally provided for in this subdivision are prohibited.

Subdivision III. - General Commercial District (CG)[5]

Sec. 122-416. - Intent.

(a)The general commercial district (CG) is established to implement comprehensive plan policies for areas designated "CG" on the comprehensive plan future land use map. The CG district shall accommodate general commercial uses which shall include commercial retail, highway-oriented sales and services, other general commercial activities specified in section 122-1111 pertaining to land use by districts, customary accessory uses, and requisite community facilities. The general commercial district shall service the general commercial needs of residents and tourists which are not fulfilled in the historic area mixed use districts. The area is generally located along the North Roosevelt Corridor. Single-family, duplex and multiple-family residential activities may be accommodated only if approved as a conditional use pursuant to conditions and procedures identified in article III of this chapter. Height restrictions shall ensure a more effective land use transition from adjacent and nearby single-family neighborhoods.(b)The CG area shall not accommodate manufacturing of goods or other activities which may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration, major fire hazards, or other impacts generally associated with more intensive industrial uses. On the other hand, transient lodging including hotels and motels, timesharing or fractional fee residential complexes or other transient quarters may be located within the CG district if the use complies with all provisions of the comprehensive plan and land development regulations.

(Ord. No. 97-10, § 1(2-5.3.2(A)), 7-3-1997)

Sec. 122-417. - Uses permitted.

Uses permitted in the General Commercial (CG) Zoning District are as follows:

(1)Single-family/two-family residential dwellings for workforce affordable housing in compliance with Article V, Division 10, Work Force Housing.(2)Multiple-family residential dwellings for workforce affordable housing in compliance with Article V, Division 10, Work Force Housing.(3)Group homes with less than or equal to six residents as provided in section 122-1246.(4)Cultural and civic activities.(5)Hospitals and extensive care.(6)Places of worship.(7)Business and professional offices.(8)Commercial retail low and medium intensity less than or equal to 10,000 square feet.(9)Commercial retail high intensity less than or equal to 5,000 square feet.(10)Hotels, motels, and transient lodging.(11)Medical services.(12)Parking lots and facilities.(13)Restaurants, with or without drive-through.(14)Veterinary medical services with or without outside kennels.

(Ord. No. 97-10, § 1(2-5.3.2(B)), 7-3-1997; Ord. No. 19-39 , § 2, 12-3-2019)

Sec. 122-418. - Conditional uses.

Conditional uses in the general commercial district (CG) are as follows:

(1)Single-family/two-family residential dwellings.(2)Multiple-family residential dwellings.(3)Group homes with seven to 14 residents as provided in section 122-1246.(4)Community centers, clubs and lodges.(5)Educational institutions and day care.(6)Nursing homes, rest homes and convalescent homes.(7)Parks and recreation, active and passive.(8)Protective services.(9)Public and private utilities.(10)Bars and lounges.(11)Boat sales and service.(12)Commercial retail low and medium intensity greater than 10,000 square feet.(13)Commercial retail high intensity greater than 5,000 square feet.(14)Commercial amusement.(15)Funeral homes.(16)Gasoline stations.(17)Light industrial.(18)Marinas.(19)Small recreational power-driven equipment rentals (allowed only as an accessory use to a hotel/motel).(20)Vehicular sales and related services.(21)Tattoo establishments (see division 13 of article V).(22)Pain management clinics (see division 14 of article V).

Light industrial. The following compatible land uses shall be considered light industry:

- a.Warehousing, miniwarehousing, and wholesaling within enclosed buildings
- b.Mechanical repair and service, including, but not limited, to machine shops and vehicular repair, service and maintenance.
- c.Light manufacturing including skilled trades and services, light processing and metal fabrication, assembly and distribution functions, electronics, research and development, and similar uses
- d.Building materials supply and storage, and contractor's storage.

1905 Staples Avenue - Existing

