

From: Peter Janker <psjanker@yahoo.com>

Sent: Friday, September 6, 2024 3:05 PM

To: Dan Gulizio <dan.gulizio@cityofkeywest-fl.gov>; Katie P. Halloran <katie.halloran@cityofkeywest-fl.gov>

Cc: Samantha Jones <sammy@sjgckw.com>; Paul Janker <jankerpl@yahoo.com>

Subject: [EXTERNAL] Re: [EXTERNAL] Variance 418 United

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dan,

Please update the staff report to reflect that this is not a request for a 1 inch setback variance but rather either a four foot setback with no issue with a three foot setback for the windows of 417 United or a five foot setback with consideration of the easement to satisfy the issue of 3 foot setback for windows of 417 United (easement ensures that there will always be 7 feet of clearance for window egress or access.

I have also requested validation of the 3 foot setback to property line requirement for windows from the CBO as I have not been able to find reference to that requirement in the city ordinances. If you can cite the relevant element that would be appreciated.

V/r

Peter

[Sent from Yahoo Mail for iPhone](#)

On Friday, September 6, 2024, 1:52 PM, Dan Gulizio <dan.gulizio@cityofkeywest-fl.gov> wrote:

Peter,

Please accept this as confirmation of receipt of your email below. I will update the planning report accordingly and have shared your email with both the Fire Marshall and the Chief Building Official.

Respectfully,

Dan Gulizio,

Senior Planner

From: Peter Janker <psjanker@yahoo.com>

Sent: Thursday, September 5, 2024 5:19 AM

To: Dan Gulizio <dan.gulizio@cityofkeywest-fl.gov>; Katie P. Halloran

<katie.halloran@cityofkeywest-fl.gov>

Cc: Samantha Jones <sammy@sjgckw.com>; Paul Janker <jankerpl@yahoo.com>

Subject: [EXTERNAL] Variance 418 United

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dan

Please find enclosed the easement prepared for 418 United per guidance provided at the last Planning board meeting.

This easement precludes any impedance to be placed between the 417 & 418 United Street and provides a cleared seven foot pathway between the buildings.

In addition, its proposed to offset property lines to allow for a 4-5 foot setback of the AC systems to the property line between the two properties.

Please update the city variance package accordantly and send me a copy when completed.

V/r

Peter Janker

GRANT OF EASEMENT

BETWEEN 417 UNITED STREET AND 418 UNITED STREET

THIS GRANT OF EASEMENT OF APPURMANCE IS MADE AND ENTERED INTO AS OF THE FIRST DAY OF JULY, 2024, BY AND AMONG JANKER LIVING TRUST, REPRESENTED BY PETER S. JANKER 'GRANTOR' AND PAUL L. JANKER, 'GRANTEE'. AS USED THE TERM "GRANTOR" SHALL INCLUDE ANY AND ALL HEIRS, SUCCESSORS OR ASSIGNS OF THE GRANTOR, AND ALL SUBSEQUENT OWNERS OF THE "PROPERTY" (HEREINAFTER DEFINED) TERM "GRANTEE" SHALL INCLUDE ANY SUCCESSOR OR ASSIGNEE OF GRANTEE.

WITNESSETH

WHEREAS, GRANTOR IS THE TRUSTEE OF RECORD FOR 418 UNITED STREET, KEY WEST, MONROE COUNTY, FLORIDA AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN (THE "PROPERTY"); AND

WHEREAS, GRANTOR HAS AGREED TO GRANT AND CONVEY TO GRANTEE, A PERMANENT NON-EXCLUSIVE EASEMENT OVER, ON, UPON, AND ACROSS THE PROPERTY FOR THE SPECIFIC AND LIMITED PURPOSES SET FORTH HEREIN.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL CONVENANTS, PROMISES, TERMS AND CONDITIONS SET FORTH HEREIN, TOGETHER WITH OTHER GOOD AND VALUABLE CONSIDERATIONS PROVIDED TO GRANTOR, THE ADEQUACY AND RECEIPT OF WHICH ARE HEREBY ACKNOWLEDGED, GRANTOR HEREBY VOLUNTARILY GRANTS, CREATES, CONVEYS, AND ESTABLISHES A PERPETUAL EASEMENT FOR AND IN FAVOR OF GRANTEE UPON THE PROPERTY DESCRIBED ON EXHIBIT "A" WHICH SHALL RUN WITH THE LAND AND BE BINDING UPON THE GRANTOR.

THE SCOPE, NATURE, AND CHARACTER OF THIS EASEMENT SHALL BE AS FOLLOWS:

IN CONSIDERATION OF 1 DOLLAR (\$1.00) AND OTHER AND VALUABLE CONSIDERATION FROM THE GRANTEE, THE GRANTOR HEREBY GRANTS THE FOLLOWING.... NO GROUND BASED STRUCTURES OR OBJECTS WILL BE BASED BETWEEN 417 UNITED AND 418 UNITED TO INCLUDE BUT NOT LIMITED TO FENCING, STORAGE UNITS, MECHANICLES, THAT WILL OBSTRUCT, IMPEDE OR HINDER ACCESS OR EGRESS ALONG THE PATHWAY BETWEEN THE TWO STRUCTURES.

GRANTOR IS THE OWNER OF CERTAIN PROPERTY LOCATED IN MONROE COUNTY, FLORIDA, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO IN THE SURVEYS CONDUCTED BY LYNN SURVEYING ON 4 APRIL 2024 WHICH DESCRIBES BOTH PARCELS WITH 417 UNITED BEING THE SERVIENT PARCEL AND 418 UNITED BEING THE DOMINANT PARCEL. THE EASEMENT ITSELF IS THAT AREA THAT EXISTS BETWEEN THE PHYSICAL WALLS OF BOTH STRUCTURES WITH THE WALLS IN QUESTION BEING THE EAST WALL OF 417 UNITED AND THE WEST WALL OF 418 UNITED.

THE PERPETUAL EASEMENT IS A COVENANT INTENDED TO RUN WITH THE LAND IS APPURTENANT TO THE DOMINANT PARCEL. THIS EASEMENT IS NONEXCLUSIVE AND MAY BE ACCESSED BY THE OWNER OF THE SERVIENT ESTATE. THE GRANTOR WILL MAINTAIN THE AREA BETWEEN THE BUILDINGS AND SHALL MAKE ANY REPAIRS AS IDENTIFIED, WHILE THE GRANTEE (DOMINANT OWNER) WILL MAINTAIN ALL AC

SYSTEMS MOUNTED ON 418 UNITED STREET WALLS ENSURING THEY REMAIN FREE OF HAZARDS AND IN GOOD REPAIR.

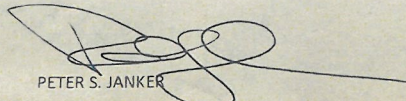
THE RECITALS HEREIN ARE TRUE AND CORRECT AND ARE HEREBY INCORPORATED INTO AND MADE A PART OF THIS EASEMENT.

NO RIGHT OF ACCESS BY THE GENERAL PUBLIC TO ANY PORTION OF THE PROPERTY IS CONVEYED BY THIS EASEMENT.

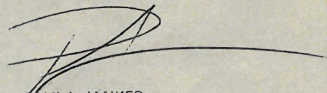
GRANTEE LIABILITY IS LIMITED AS PROVIDED IN SUBSECTION 704.06(10) AND SECTION 768.28, F.S.

THIS EASEMENT SHALL REMAIN IN FULL FORCE AND EFFECT IN PERPETUITY.

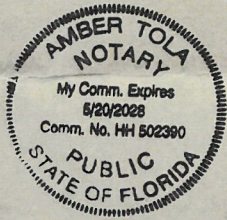
THIS EASEMENT MAY BE AMENDED, ALTERED, RELEASED OR REVOKED ONLY BY WRITTEN AGREEMENT BETWEEN THE PARTIES HERETO OR THEIR HEIRS, ASSIGNS OR SUCCESSORS-IN-INTEREST, WHICH SHALL BE FILED IN THE PUBLIC RECORDS IN MONROE COUNTY, FLORIDA.


PETER S. JANKER
JANKER LIVING TRUST, GRANTOR

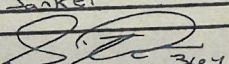
NOTARY


PAUL L. JANKER
OWNER 418 UNITED, GRANTEE

NOTARY



Amber Tola
9/4/24

County of Fairfax
Commonwealth of Virginia
The foregoing instrument was acknowledged before me
this 12th day of July 2024 by
Paul L. Janker
Notary Public 
Notary Registration # 364902
My commission expires: 08-31-2025

STEVEN SCHINDELHOLZ
Notary Public 364902
Commonwealth of Virginia
My Commission Expires 08/31/2025