

Margo Alexander
6 Scheppen's Lane
Key West, Florida
305-296-0945
February 8, 2011

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BY:.....

✓To: Dottie Austin, Code Officer
To: Enid Tertagrossa, Historical Architectural Review Commission
Copy: Jim Young, Manager, Code Compliance

I am writing to file a complaint against the Equator Resort for constructing in the historic district without HARC approval, without building permits, and in operation of the property in violation of the City's land development regulations.

As the adjacent neighbor, I share the long side of my property with #2. The new, unpermitted 6 foot fence on the second floor blocking the new, unpermitted sundeck, towers over my property for nearly half its length and stands approximately 16-17 feet into the air. (The fence at ground level is about 7 feet, then the side of the building rises 3-4 feet to the base of the unpermitted sundeck, and then begins the new unpermitted 6 foot fence.) Prior to this construction I had a view of the sky (though bamboo) and light filtering into my yard.

The owner tells me that the fence was built to preclude me having sight of his guests' sunbathing/activities on the new deck. Without the fence, it appears that I would have a clear view through railing of people, very close to my property line, at an elevation of 10-11 (?) feet in the air. The owner says he is willing to "work with me" and suggests two options: a rail or a fence. I do not believe a fair (or legal) choice is: (a) a fence blocking air and light or (b) a clear view of male guests (possibly nude) on an unapproved and unpermitted deck. Also, as I understand the situation, he has no right to offer "options" when he does not have a right to the deck or fence in the first place. Richard Hoy, the owner, claimed to me that he has the right to build a deck; implied that HARC has no issue with the deck and the fence is the only disputed matter.

In contrast, it is my understanding that the Equator built the deck and fence without any permits or approvals. It is also my understanding that # 2 Scheppen's is being used as part of the Equator Resort, including unlicensed transient rentals and, perhaps, other commercial purposes including "film making" activities which took place recently for two hours).

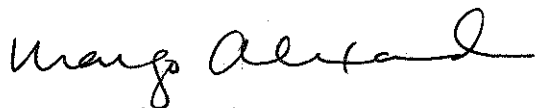
I've been told by other residents (without concrete examples) that this is one way to avoid town rules/restrictions: go ahead and build and then argue, delay, postpone, refile, etc. until everyone loses interest or somehow the offending construction gets approved.

Obviously, I object to the diminution of my enjoyment and the unquantifiable decline in my property value as a result of reduced airflow and sky view. I also object to the deliberate abuse of the law. Key West is a special place that needs to be protected by appropriate laws and guidelines. It is terribly wrong to disregard the laws/regulations for one's private or commercial purposes, to the detriment of other citizens.

I request that I be informed of procedures around this case and that no settlement is reached before my neighbors and I are notified.

Thank you for taking the time to review this letter and for the courtesy of Ms. Austin and Ms. Tertagrossa who patiently answered my questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Margo Alexander". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Margo Alexander