



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

July 26, 2011

VIA U.S. MAIL & ELECTRONIC MAIL

Mr. Steven Weeks
c/o Michael Pettry
1515 17th Terrace
Key West, Florida 33040

RE: 3635 Flagler Avenue (RE# 00052280-000000) Unit Count

Dear Mr. Weeks,

It is my understanding that there has been an on going issue with the unit count at your property at 3635 Flagler Avenue which you wish the Planning Department to resolve. It appears from our review of the building permit file that what was originally permitted as a bedroom and bathroom addition was actually constructed as an entire separate living quarters including a kitchen. This action by a previous owner was not permitted by the City nor did the City provide a Building Permit Allocation System unit for the construction. Moreover, the County Property Appraiser recognizes only one residential unit on the property. It is my understanding that you purchased this property in its current configuration and that you had no influence in its development. You have met with staff including the previous Planning Director. Several options have been considered including accessory unit status for the front building, a conditional use for a duplex and a lawful unit determination to establish the correct property rights.

Based on our review of all of the files in both the Building and Planning Departments and a discussion with staff, it is my determination that the solution to this situation is for the rear house to be considered as an accessory unit. To reach this end, the City will assign a deed restricted accessory Building Permit Allocation to the property. Our office will coordinate with our legal department to craft an appropriate document outlining the rental structure for the leasing of that portion of the property. Attached is the section of the Land Development Regulations pertaining to accessory units in the single family zoning district. If you are not willing to accept the designation of the rear unit as deed restricted, meeting the City's affordable housing criteria, your only other option is to remove those parts of the unit in question which make it a stand alone dwelling unit. In this case this would be the kitchen. It would also mean that the additional permitted master bedroom would require direct access to the original house.

Please contact me directly at 809.3728 to arrange an appointment to discuss one of the two solutions offered.

Respectfully,


Donald Leland Craig, AICP
Planning Director

CC: Jim Scholl, City Manager
Shawn Smith, City Attorney
John Woodson, Building Official