



**THE CITY OF KEY WEST**  
**Code Compliance Division**  
P.O. BOX 1409  
KEY WEST, FL 33041  
(305) 809-3740

**NOTICE OF ADMINISTRATIVE HEARING**

DATE: April 15, 2011  
RE: CASE NUMBER 11-00000043

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 5839

To:  
Maria G & Frank Freeman  
Ratcliff 16 Emerald Dr  
Key West FL 33040

Subject Address:  
1105 Simonton St  
Key West, FL 33040

**TAKE NOTICE** that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address. You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Violation Detail

00010 BUILDING PERMITS,DISPLAY Sec. 14-37 - Concrete work done without a permit.

Violation Detail

00020 PERMITS IN HISTORIC DISTR Sec. 14-40 - Concrete work done without HARC approval.

Violation Detail

00030 CERT OF APPROPRIATENESS Sec. 102-152 - HARC must issue a Certificate of Appropriateness for the installation of the three newly installed containers.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at **Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:**

**May 25, 2011**

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO**

*nd*

**APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

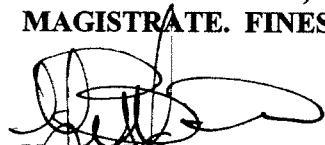
You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

**Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.**

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of **\$250.00** may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). **Failure to pay these costs will result in a lien against the property in violation.**

**PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.**



Yesenia Beltranena  
Code Compliance Officer  
City of Key West

*Hand served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2011 @ \_\_\_\_\_ *am/pm.*

*Received by:* \_\_\_\_\_ *Served By:* \_\_\_\_\_

CASE NUMBER 11-00000043  
 PROPERTY ADDRESS 1105 SIMONTON ST

-----  
 VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1  
 DESCRIPTION: Sec. 14-37 DATE: 1/07/11  
 LOCATION: 1105 SIMONTON

## NARRATIVE :

Concrete work done without a permit.

## ORDINANCE DESCRIPTION :

Sec. 14-37. Building permits; professional plans; display of permits.

(a) Building permit required; display. Building permits shall be procured from the building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

(b) Professional plans required. Professional plans shall be required as follows:

(1) Plans for work requiring a building permit shall be submitted in duplicate or in triplicate if required by the state to the building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the building official.

(c) Work done by owner-occupant. A building permit may be issued to the owner-occupant of real property to construct or cause to be constructed, while the owner-occupant is present on the site, a one- or two-family residential structure for his own use and not offered for sale or lease or to repair the structure without being required to be a qualified contractor himself in accordance with this article and without being required to employ a licensed contractor. The owner-occupant may not construct or repair or cause the construction or repair of more than one such structure during any one-year period.

(Code 1986, § 31.010)

## CORRECTIVE ACTION REQUIRED :

Obtain proper building permits and display at site.

-----  
 VIOLATION: PERMITS IN HISTORIC DISTRICT QUANTITY: 1  
 DESCRIPTION: Sec. 14-40 DATE: 1/07/11  
 LOCATION: 1105 SIMONTON

CASE NUMBER 11-00000043  
 PROPERTY ADDRESS 1105 SIMONTON ST

NARRATIVE :

Concrete work done without HARC approval.

ORDINANCE DESCRIPTION :

(a) Requirements. No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission, attested by signature of its presiding member, and until the city manager finds that the building or work permit conforms to all laws and regulations of the city.

-----  
 VIOLATION: CERT OF APPROPRIATENESS QUANTITY: 1  
 DESCRIPTION: Sec. 102-152 DATE: 3/02/11  
 LOCATION:

NARRATIVE :

HARC must issue a Certificate of Appropriateness for the installation of the three newly installed containers.

ORDINANCE DESCRIPTION :

(a) No person shall cause any of the activity in this section to occur without first obtaining a certificate of appropriateness for such work and all other permits required by the Code of Ordinances, including the land development regulations. A certificate of appropriateness is required for the erection of any new structure, building, fence, deck or sign or the painting, repainting, repair, alteration, remodeling, landscaping or demolition of the exterior of any existing building, structure, fence, deck, sign, landscape, or lot located in any of the following areas:

- (1) In the historic preservation districts of the city;
- (2) In tidal waters contiguous to and within 600 feet of the historic preservation districts;
- (3) In a location so as to directly affect any building, structure or property listed in the city historic sites survey as may be amended from time to time and the National Register of Historic Places; or
- (4) Within a building, structure, archaeological site or district classified as "contributing" on the city historic preservation survey.

(b) A certificate of appropriateness may only be granted by a vote of the historic architectural review commission, attested by signature of its presiding member.

NARRATI VE :

CONTI NUED



# THE CITY OF KEY WEST

## Code Compliance Division

P.O. BOX 1409  
KEY WEST, FL 33041  
(305) 809-3740

### NOTICE OF ADMINISTRATIVE HEARING

DATE: April 15, 2011  
RE: CASE NUMBER 11-00000043

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 5846

To:  
Ratcliff Welding Of Key West  
1105 Simonton St  
Key West FL 33040

Subject Address:  
1105 Simonton St  
Key West, FL 33040

**TAKE NOTICE** that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address. You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

#### Violation Detail

00010 BUILDING PERMITS,DISPLAY Sec. 14-37 - Concrete work done without a permit.

#### Violation Detail

00020 PERMITS IN HISTORIC DISTR Sec. 14-40 - Concrete work done without HARC approval.

#### Violation Detail

00030 CERT OF APPROPRIATENESS Sec. 102-152 - HARC must issue a Certificate of Appropriateness for the installation of the three newly installed containers.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at **Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:**

**May 25, 2011**

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO**

**APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

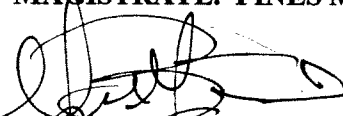
You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

**Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.**

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of **\$250.00** may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). **Failure to pay these costs will result in a lien against the property in violation.**

**PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.**

  
Yesenia Bohranena  
Code Compliance Officer  
City of Key West

*Hand served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2011@ \_\_\_\_\_ *am/pm.*

*Received by:* \_\_\_\_\_ *Served By:* \_\_\_\_\_

CASE NUMBER 11-00000043  
 PROPERTY ADDRESS 1105 SIMONTON ST

-----  
 VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1  
 DESCRIPTION: Sec. 14-37 DATE: 1/07/11  
 LOCATION: 1105 SIMONTON

## NARRATIVE :

Concrete work done without a permit.

## ORDINANCE DESCRIPTION :

Sec. 14-37. Building permits; professional plans; display of permits.

(a) Building permit required; display. Building permits shall be procured from the building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

(b) Professional plans required. Professional plans shall be required as follows:

(1) Plans for work requiring a building permit shall be submitted in duplicate or in triplicate if required by the state to the building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the building official.

(c) Work done by owner-occupant. A building permit may be issued to the owner-occupant of real property to construct or cause to be constructed, while the owner-occupant is present on the site, a one- or two-family residential structure for his own use and not offered for sale or lease or to repair the structure without being required to be a qualified contractor himself in accordance with this article and without being required to employ a licensed contractor. The owner-occupant may not construct or repair or cause the construction or repair of more than one such structure during any one-year period.

(Code 1986, § 31.010)

## CORRECTIVE ACTION REQUIRED :

Obtain proper building permits and display at site.

-----  
 VIOLATION: PERMITS IN HISTORIC DISTR QUANTITY: 1  
 DESCRIPTION: Sec. 14-40 DATE: 1/07/11  
 LOCATION: 1105 SIMONTON



CASE NUMBER 11-00000043  
 PROPERTY ADDRESS 1105 SIMONTON ST

NARRATIVE :

Concrete work done without HARC approval.

ORDINANCE DESCRIPTION :

(a) Requirements. No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission, attested by signature of its presiding member, and until the city manager finds that the building or work permit conforms to all laws and regulations of the city.

-----  
 VIOLATION: CERT OF APPROPRIATENESS QUANTITY: 1  
 DESCRIPTION: Sec. 102-152 DATE: 3/02/11  
 LOCATION:

NARRATIVE :

HARC must issue a Certificate of Appropriateness for the installation of the three newly installed containers.

ORDINANCE DESCRIPTION :

(a) No person shall cause any of the activity in this section to occur without first obtaining a certificate of appropriateness for such work and all other permits required by the Code of Ordinances, including the land development regulations. A certificate of appropriateness is required for the erection of any new structure, building, fence, deck or sign or the painting, repainting, repair, alteration, remodeling, landscaping or demolition of the exterior of any existing building, structure, fence, deck, sign, landscape, or lot located in any of the following areas:

- (1) In the historic preservation districts of the city;
- (2) In tidal waters contiguous to and within 600 feet of the historic preservation districts;
- (3) In a location so as to directly affect any building, structure or property listed in the city historic sites survey as may be amended from time to time and the National Register of Historic Places; or
- (4) Within a building, structure, archaeological site or district classified as "contributing" on the city historic preservation survey.

(b) A certificate of appropriateness may only be granted by a vote of the historic architectural review commission, attested by signature of its presiding member.

NARRATI VE :

CONTI NUED