



# THE CITY OF KEY WEST

## Code Compliance Division

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

### NOTICE OF ADMINISTRATIVE HEARING

DATE: August 1, 2012

RE: CASE NUMBER 11-1286

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4757 9866

To:  
Faye G Logun  
2310 Patterson Avenue  
Key West, FL 33040

Subject Address:  
2310 Patterson Avenue  
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):

**Counts 1 through 5:** Subject property has five (5) rooms held out for rent (three occupied at the time of inspection) without property ingress/egress.

**Sec. 122-1078. - Restrictions on buildings and structures, including entryways.**

No building or other structure shall be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of building site area; or to have narrower or smaller rear yard setbacks, front yard setbacks, side yard setbacks or other open spaces than specified in the land development regulations or in any other manner contrary to the land development regulations. All habitable space shall be accessible from the interior of exterior walls.

**To wit:** All five rooms share an outdoor bathroom facility. All five rooms have refrigerators, microwaves and cable TV access. Ingress/Egress is available only from an individual door located outside of the main house. There is one single door for all five units. There is no shared access from the interior walls of this structure for any of these five units.

**Corrective actions:** Remove exterior doors. Replace with interior doors placed within the interior walls.

**Count 6:** The main house was altered/renovated to add the above five subject rooms without the benefit of a building permit(s).

**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.

**To wit:** Upon inspection it was discovered that the rooms identified in counts 1 through 5 are additions to/enclosures of the side of the main house which appears to have been a driveway when the home was built in 1968 without the benefit of a building permit(s).

**Corrective action:** Apply for and obtain after the fact building permits and inspections.

**Count 7:** Two additional rooms were added to the original home in 2005 without the benefit of a building permit.

**Sec. 90-356. - Building permits required.**

(a) No building or other structure shall be erected, demolished, moved, added to, or structurally altered without a building permit issued by the chief building official.

(b) In accordance with F.S. § 380.04, changes in use classification of a building or structure shall also require a development permit issued by the chief building official.

(c) All building permits issued shall be in conformity with the provisions of the fire codes, the building codes, and the land development regulations, except after written order in the form of an administrative review or a variance from the board of adjustment as provided for in the land development regulations. No building permit shall be granted unless the developer has submitted all requisite plans and permits required by the city and other entities having jurisdiction. No building permit shall be issued until concurrency management program requirements in chapter 94 are met.

(d) Any required supportive written documentation from other essential public facility and service agencies must be submitted and shall demonstrate that sufficient capacity exists to supply the proposed development.

**To wit:** Upon inspection, two separate rooms with bathrooms in two separate locations of the main house were built without the benefit of a building permit(s). Building permit #05-3319 was cancelled on 2 November 2005 and reapplied for under building permit #05-4884 which was also cancelled on 24 October 2007.

**Corrective Action:** Obtain after the fact building permits and inspections.

**Counts 8 and 9:** For extending the main house to add the subject rooms identified in count one through five on the side setback of the property. For adding an outdoor shared bathroom facility on the rear setback of the property.

**Sec. 122-238. - Dimensional requirements.**

(6) Minimum setbacks:

a. Single-family:

1. Front: 30 feet or the average depth of front yards on developed lots within 100 feet each side, but not less than 20 feet.
2. Side: 5 feet.
3. Rear: 25 feet or 20 feet when abutting an alley.
4. Street side: 10 feet.

**To wit:** Upon inspection, the single family setback identified by Sec. 122-238(6)a have all been encroached by buildings.

**Corrective action:** Apply for demo permits to remove buildings on setbacks.

**Counts 10 and 11:** For building on the setbacks without benefit of an approved variance.

**Sec. 90-391. - Variances.**

An owner or his authorized agent may request a variance from the land development regulations as provided for in this division. The planning board shall have the quasi-judicial power necessary

to grant such variances that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the land development regulations would result in unnecessary hardship. A variance from the terms of the land development regulations shall not be granted by the planning board unless and until the requirements of this division are met.

**To wit:** Upon investigation of this property's building file, there are no applications for variances for the side or rear property.

**Corrective action:** Apply for and obtain required variances.

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:**

**September 26, 2012**

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.**



Peg Corbett  
Code Compliance Officer  
City of Key West

*Hand served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2012 @ \_\_\_\_\_ *am/pm.*

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