



**THE CITY OF KEY WEST**  
**Code Compliance Division**

3-4-11

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

**NOTICE OF CODE VIOLATION AND  
ADMINISTRATIVE HEARING**

Date: March 3, 2011  
Re: Case Number 11-00000271

Certified Mail Receipt#: 7007 3020 0000 5346 8854

To: Patrick T Curry, Registered Agent  
Curry Refrigeration & A/C, Inc  
2513 Linda Avenue  
Key West Fl 33040

Subject Address:  
722 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**

**BUILDING PERMITS, DISPLAY Sec. 14-37**

Date Est: February 28, 2011 Location: 722 SIMONTON

Curry Refrigeration installed 2 new a/c condensers on side of property without HARC approval or building permits.

**PERMITS IN HISTORIC DISTR Sec. 14-40**

Date Est: February 28, 2011 Location: 722 SIMONTON

Curry Refrigeration installed 2 new a/c condensers on side of property without HARC approval or building permits.

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:**

**March 30, 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.**



Barbara Meizis  
Code Compliance Officer  
City of Key West  
(305) 809-3729

cc: *Edward T & Ann Marie Reilly*  
*21 State Road*  
*Breezy Point, NY 11697-2203*

*Hand Served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2011

**RECEIVED BY:** \_\_\_\_\_

**Served By:** \_\_\_\_\_

CASE NUMBER 11-00000271  
 PROPERTY ADDRESS 722 SIMONTON ST

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 VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1  
 DESCRIPTION: Sec. 14-37 DATE: 2/28/11  
 LOCATION: 722 SIMONTON

## NARRATIVE :

Curry REfrigeration installed 2 new a/c condensers on side of property without HARC approval or building permits.

## 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.

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 VIOLATION: PERMITS IN HISTORIC DISTRICT QUANTITY: 1  
 DESCRIPTION: Sec. 14-40 DATE: 2/28/11

VIOLATION DETAIL

CASE NUMBER 11-00000271  
PROPERTY ADDRESS 722 SIMONTON ST

NARRATIVE :

CONTINUED

Curry Refrigeration installed 2 new a/c condensers on side of property without HARC approval or building permits.

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.



THE CITY OF KEY WEST

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

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March 3, 2011

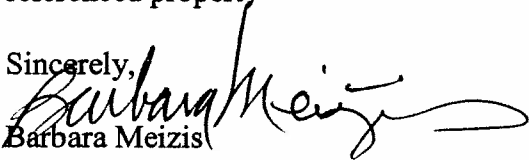
Certified Mail Receipt #: 7007 3020 0000 5346 8861

Edward T & Ann Marie Reilly  
21 State Road  
Breezy Point, NY 11697-2203

Dear Mr and Ms Reilly:

Please be advised that the attached Notice of Code Violation and Administrative Hearing is currently pending against your property located at 722 Simonton Street, Key West. This letter shall serve as notice under Florida Statute §162.09 that the resolution of this case can result in a lien being placed at the referenced property

Sincerely,

  
Barbara Meizis

Code Compliance Officer  
City of Key West  
(305) 809-3729  
[bmeizis@keywestcity.com](mailto:bmeizis@keywestcity.com)