



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

NOTICE OF ADMINISTRATIVE HEARING

DATE: May 18, 2012
RE: CASE NUMBER 12-608

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 6387

To:
Key Lime Pie Factory, Inc.
William F Wood, Reg. Agent
PO Box 4087
Key West, FL 33041

Subject Address:
Key Lime Pie Factory
412 Greene 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):

Count 1 - Sec. 102-152. - Requirements for permits.

(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.



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NOTICE OF ADMINISTRATIVE HEARING

DATE: May 18, 2012
RE: CASE NUMBER 12-608

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5345 6370

To:
QS KWA Greene, LLC
Gary J Langton, Mgr.
Peter P DePierro, Mgr.
13095 N Telecom Parkway
Temple Terrace, FL 33637

Subject Address:
Key Lime Pie Factory
412 Greene Street
Key West, FL 33040

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(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.

To wit: On April 12, 2012, Mr. Bill Wood was observed painting 412 Greene Street without a Certificate of Appropriateness.

Corrective Action: Hire a licensed contractor to obtain an after the fact Certificate of Appropriateness.

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:**

June 12, 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.



Dotty Austin
Code Compliance Officer
City of Key West