



THE CITY OF KEY WEST
Code Compliance Division

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

AMMENDED
NOTICE OF CODE VIOLATION

DATE: July 12, 2012
RE: CASE NUMBER 11-00001286

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4758 1166

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

Subject Address:
2310 PATTERSON AVE
Key West, Florida 33040

According to the records of The City of Key West, you are the current property owner/ representative or the business owner at the above-referenced property. You are hereby 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 proper 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)

Section 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 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 a 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 count 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 Actions: 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(s)

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 number 05-3319 was cancelled on 2 November 2005 and reapplied for under building permit number 05-4884 which was also cancelled on 24 October 2007.

Corrective Actions: Obtain after the fact building permits and inspections.

Count 8 through 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 setbacks identified by Sec. 122-238 (6)a have all been encroached by buildings.

Correction Actions: Apply for demo permits to remove buildings on setbacks.

Counts 10 through 11. For building on the setbacks without the 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 of the property.

Corrective Actions: Apply for and obtain required variances.

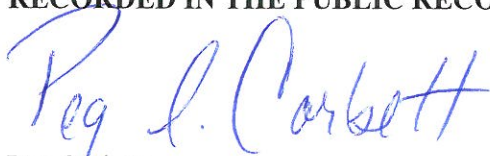
Florida Statutes Chapter 162 and Key West Code of Ordinances Article VI authorize code enforcement proceedings. You have ten (10) days after receipt of this notice to take corrective action on the above-described violation(s). **PLEASE CONTACT THE UNDERSIGNED CODE COMPLIANCE OFFICER** so that we can assist you in achieving compliance and scheduling a re-inspection. **If corrective action is not taken within the specified 10 days, this matter will be referred to The Special Magistrate for an administrative non-criminal hearing concerning the alleged violation(s).**

The violation listed herein does not necessarily constitute all the violations that may exist with regard to this matter/property. Lack of enforcement proceedings at this time does not constitute a waiver of the right to any future notices of violations.

IF THE VIOLATION IS CORRECTED AND THEN RECURS OR IF THE VIOLATION IS NOT CORRECTED BY THE TIME SPECIFIED BY THE CODE OFFICER, THE CASE MIGHT BE PRESENTED TO THE SPECIAL MAGISTRATE EVEN IF THE VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE.

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.

FINES THAT ARE NOT PAID MAY BECOME LIENS UPON YOUR PROPERTY AND BE RECORDED IN THE PUBLIC RECORDS OF MONROE COUNTY.



Peg Corbett
Code Compliance Officer
City of Key West
(305) 809-3740

Hand Served this _____ *day of* _____, 2012

RECEIVED BY: _____

SERVED BY: _____