



THE CITY OF KEY WEST

Code Compliance Division

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

NOTICE OF ADMINISTRATIVE HEARING

Date: July 8, 2011

Re: Case Number 10-00001375

7007 3020 0000 5346 6515

Certified Mail Receipt#:

To:
MCCAR Investment Corporation
#1 W Cypress Terrace
Key West FL 33040

Subject Address:
924 Kennedy Dr A
Key West, FL 33040

7007 3020 0000 5346 6508

Certified Mail Receipt#:

To:
MCCAR Investment Corporation
Michael Browning, R/A
402 Appelrouth Ln
Key West FL 33040

Subject Address:
924 Kennedy Dr A

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: November 10, 2010 Location: 924 KENNEDY DR

Electrical permits and plumbing permits are required prior to installation of electrical outlets and running water.

REQUIRED FOR ELECTRIC Sec. 14-256

Date Est: November 10, 2010 Location: 924 KENNEDY DR

Electrical permit is required before installation of electricity.

REQUEST FOR INSPECTION Sec. 14-262

Date Est: November 10, 2010 Location: 924 KENNEDY DR

An electrical inspection is required.

PLUMBING PERMIT REQ Sec. 14-358

Date Est: November 10, 2010 Location: 924 KENNEDY DR

Plumbing plans must be submitted, approval secured, and a permit obtained and paid before commencing work.

DETERMINATION AND LEVY Sec. 58-61

Date Est: November 10, 2010 Location: 924 KENNEDY DR

Property owner must obtain a determination & levy for solid waste collection on new shed/unit.

BUILDING PERMIT REQUIRED Sec. 90-356

Date Est: November 10, 2010 Location: 924 KENNEDY DR

Building permits are required.

CERTIFICATE OF OCCUPANCY Sec. 90-363

Date Est: November 10, 2010 Location: 924 KENNEDY DR

A Certificate of Occupancy is required.

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:**

August 31, 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.

A handwritten signature in black ink, appearing to read 'Barbara Meizis', with a stylized flourish at the end.

Barbara Meizis
Code Compliance Officer
City of Key West
(305) 809-3740

CASE NUMBER 10-00001375
PROPERTY ADDRESS 924 KENNEDY DR A

VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1
DESCRIPTION: Sec. 14-37 DATE: 11/12/10
LOCATION: 924 KENNEDY DR

NARRATIVE :

Electrical permits and plumbing permits are required prior to installation of electrical outlets and running water.

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: REQUIRED FOR ELECTRIC QUANTITY: 1
DESCRIPTION: Sec. 14-256 DATE: 11/12/10

VIOLATION DETAIL

CASE NUMBER 10-00001375
 PROPERTY ADDRESS 924 KENNEDY DR A

NARRATIVE : CONTINUED
 Electrical permit is required before installation of electricity.

ORDINANCE DESCRIPTION :
 Except as otherwise provided in this division, no person shall install any electrical apparatus or perform any other work coming under this article without first obtaining a written permit from the building department.

CORRECTIVE ACTION REQUIRED :
 Obtain an electrical permit.

VIOLATION: REQUEST FOR INSPECTION QUANTITY: 1
 DESCRIPTION: Sec. 14-262 DATE: 11/12/10
 LOCATION: 924 KENNEDY DR

NARRATIVE :
 An electrical inspection is required.

ORDINANCE DESCRIPTION :
 A request for the inspection of electrical work, such as roughing-in, equipment installations, final inspection or electrical work for light, heat or power of any character, must be made at the building department as soon as the job is ready. The request for inspection must be made by the person installing the wiring, and failure to request such inspection constitutes a violation of this Code.

CORRECTIVE ACTION REQUIRED :
 Request an inspection

VIOLATION: PLUMBING PERMIT REQ QUANTITY: 1
 DESCRIPTION: Sec. 14-358 DATE: 11/12/10
 LOCATION: 924 KENNEDY DR

NARRATIVE :
 Plumbing plans must be submitted, approval secured, and a permit obtained and paid before commencing work.

ORDINANCE DESCRIPTION :
 Sec. 14-358. Amendments to Florida Plumbing Code. The Florida Plumbing Code adopted by the provisions of section 14-356 is hereby amended, altered and changed in the following respects:
 Section 106.3 Schedule of permit fees is amended to read as follows:
 No person, firm or corporation shall commence work in connection with the items listed herewith without first submitting plans for the same, securing approval and a permit therefor, and paying for the permit at the following rates:

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 PROPERTY ADDRESS 924 KENNEDY DR A

ORDINANCE DESCRIPTION :

- (A) Fixtures roughed in and set, per fixture . . . 15.00
 (B) Minimum fee . . . 50.00
 (C) Sewer:
 (1) Building interior lines and connection . . . 50.00
 (2) Outside sanitary and storm lines (site work) for each
 \$1,000.00 of cost or fractional part thereof . . . 50.00
 (D) Water piping:
 (1) Connection to supply system (each) . . . 20.00
 (2) Connection (each) to any appliance or fixture . . .
 15.00
 (3) Irrigation system for each \$1,000.00 of cost or
 fractional part thereof . . . 12.00
 (4) Fire sprinkler system connection to city water for
 each \$1,000.00 or fraction thereof . . . 30.00
 (5) Fire control system, including standpipe and siamese
 connections, each . . . 10.00
 (a) Each standpipe . . . 12.00
 (b) Each hose rack . . . 12.00
 (c) Each sprinkler head . . . 0.50
 (6) Solar water heater installations, per system . . .
 30.00
 (E) Mechanical permit fees:
 (1) Minimum fee . . . 50.00
 (2) Air conditioning systems:
 (a) 2-ton or less capacity . . . 50.00
 (b) 2-ton to 5-ton . . . 75.00
 (c) 5-ton to 10-ton . . . 100.00
 (d) 10-ton to 25-ton . . . 115.00
 (e) 25-ton to 50-ton . . . 150.00
 (f) 50-ton to 100-ton . . . 300.00
 (g) Over 100-ton . . . 350.00
 (3) Ductwork, per each opening . . . 10.00
 (4) Hoods:
 (a) Residential (flat fee) . . . 50.00
 (b) Commercial for each \$1,000.00 of costs or fractional
 part thereof . . . 30.00
 (5) Fire suppression system (flat fee) . . . 30.00
 (6) Walk-in cooler . . . 30.00
 (7) Refrigeration display cases, each . . . 10.00
 (8) Heat pump (per unit) . . . 65.00
 (9) Miscellaneous:
 For each \$1,000.00 of costs or fractional part thereof . .
 . 50.00
 (F) Manholes, each . . . 50.00
 (G) Sewage treatment plant:
 For each \$1,000.00 of cost or fractional part thereof for
 collection system and disposal well . . . 65.00
 (H) Water mains and distribution lines:
 For each \$1,000.00 of cost or fractional parts thereof . .
 . 50.00
 (I) Swimming pool:
 (1) Hook-up and site work (residential) . . . 50.00
 (2) Commercial . . . 100.00

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 PROPERTY ADDRESS 924 KENNEDY DR A

ORDINANCE DESCRIPTION :

- (J) Wells (where applicable), each . . . 25.00
- (K) Repairs/remodeling:
 Same fee structure as applicable to new work as specified herein
- (L) Miscellaneous:
 (1) For each \$1,000.00 of cost or fractional part thereof . . . 25.00
- (2) Site work, underground utilities: \$0.03 a square foot of total area.
- (M) Reinspection: All instances of reinspection . . . 25.00

A reinspection fee shall be paid to the city prior to the reinspection. Within ten days of its imposition, a person may appeal a reinspection fee in a written submission to the building official. The building official shall investigate all matters relating to the appeal and shall provide a reasonable basis in either sustaining or denying the appeal. Payment of a reinspection fee shall be made before the city will issue any further permits relating to the property.

(N) Minimum permit fee . . . 30.00

(O) Penalty. In the event that any work for which a permit is required is commenced or is in process prior to the issuance of a permit by the building department, then the fees specified for such work shall be doubled. The payment of a double fee shall not relieve any person from fully complying with the requirements of any applicable code. Notwithstanding the foregoing, the fee for work commenced without a permit shall be a minimum of \$250.00 if the value of the work (labor and materials) is found by the building official to exceed \$1,500.00.

(Code 1986, § 31.171; Ord. No. 01-19, § 4, 12-4-2001; Ord. No. 08-06, § 4, 6-3-2008)

Editor's note: It should be noted that the amendments set out in the above section are amendments to the 1971 Southern Standard Plumbing Code, adopted by Ord. No. 72-8, § 1, enacted Feb. 14, 1972, and subsequently amended.

VIOLATION: DETERMINATION AND LEVY	QUANTITY: 1
DESCRIPTION: Sec. 58-61	DATE: 11/12/10
LOCATION: 924 KENNEDY DR	

NARRATIVE :

Property owner must obtain a determination & levy for solid waste collection on new shed/unit.

ORDINANCE DESCRIPTION :

- (a) The city commission shall determine, fix and levy upon all improved properties within the city a solid waste charge for the availability of waste collection, transfer and disposal service as set forth in this chapter.
- (b) The fact that any residential or commercial unit

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 PROPERTY ADDRESS 924 KENNEDY DR A

ORDINANCE DESCRIPTION :

located in the city is occupied or is capable of being occupied shall be prima facie evidence that garbage or solid waste is being produced or accumulated upon such premises. Temporary vacancy, regardless of duration, shall not constitute grounds for a refund or excuse the nonpayment of any solid waste charge. A solid waste charge for waste collection and disposal shall be levied against all existing and newly constructed residential or commercial units for which a certificate of occupancy is required.

CORRECTIVE ACTION REQUIRED :

Legalize all units.

VIOLATION: BUILDING PERMIT REQUIRED	QUANTITY: 1
DESCRIPTION: Sec. 90-356	DATE: 11/12/10
LOCATION: 924 KENNEDY DR	

NARRATIVE :

Building permits are required.

ORDINANCE DESCRIPTION :

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.
 (Ord. No. 97-10, § 1(1-2.3(A)), 7-3-1997)

VIOLATION: CERTIFICATE OF OCCUPANCY	QUANTITY: 1
DESCRIPTION: Sec. 90-363	DATE: 11/12/10
LOCATION: 924 KENNEDY DR	

NARRATIVE :

CONTINUED

VIOLATION DETAIL

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PROPERTY ADDRESS 924 KENNEDY DR A

NARRATIVE :

A Certificate of Occupancy is required.

ORDINANCE DESCRIPTION :

No land or building or part thereof erected or altered in its use or structure after the effective date of the ordinance from which this section derives shall be used until the chief building official shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of the land development regulations. Development permits shall also be required as provided in section 90-356. It shall be the duty of the chief building official to make a final inspection of the building or premises and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the land development regulations or, if such certificate is refused, to state such refusal in writing together with the cause. Failure to obtain a certificate of occupancy shall be deemed a violation of the land development regulations.

CORRECTIVE ACTION REQUIRED :

Cease activity until a Certificate of Occupancy is obtained.