



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

AMENDED NOTICE OF ADMINISTRATIVE HEARING

Date: December 12, 2012

Re: Case Number 12-00001531

Certified Mail Receipt#: 7003 3110 0003 4758 8370

To:
400 Duval Retail LLC
Nrai Services Inc., R/A
515 E Park Avenue
Tallahassee FL 32301

Subject Address:
422 Eaton 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. Working over the scope of HARC sign permit #11-100984 and sign permit #11-2694.

To Wit: On August 5, 2011, Preferred Signs Inc picked up and paid for harc permit to install "1-wall 12" x 36" 12" X 36"x 2" cedar sandblasted "subway" H11-01-984" and building permit to "install 1'x 3" sandblasted - under canopy, sign copy "SUBWAY" SUBWAY N.O.C. exempt. H11-01984 staff approved 7/26/11".

This sign was to be under the canopy above front doors to business. Actual location of sign is approximately three feet from outside wall of building sticking out over city right of way (sidewalk). There is a lighting fixture directly below sign sticking out of wall approximately three feet over city right of way which was installed without HARC approval or building permits. Sign is also hanging too low and must be higher than 8 feet.

For Your Information: Wayne Giordano, Building Inspector for the City of Key West, issued on October 16, 2012 a STOP WORK ORDER which stated sign was not installed by contractor of record; sign was not installed in compliance with HARC application or guidelines; illumination was added without the benefit of an electrical permit; and metal conduit as well as sign extends over city right of way and is less than 8' high above sidewalk.

Corrective Actions: Remove sign hanging over city right of



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AMENDED NOTICE OF ADMINISTRATIVE HEARING

Date: December 12, 2012

Re: Case Number 12-00001531

Certified Mail Receipt#:

7003 3110 0003 4758 8332

To:

Subway/Tom Thumb Food Stores I
Sandra D Pceod Mccarthy,R/A
97 W Okeechobee Rd
Hialeah FL 33010

Subject Address:

422 Eaton St
Key West, FL 33040

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This sign was to be under the canopy above front doors to business. Actual location of sign is approximately three feet from outside wall of building sticking out over city right of way (sidewalk). There is a lighting fixture directly below sign sticking out of wall approximately three feet over city right of way which was installed without HARC approval or building permits. Sign is also hanging too low and must be higher than 8 feet.

For Your Information: Wayne Giordano, Building Inspector for the City of Key West, issued on October 16, 2012 a STOP WORK ORDER which stated sign was not installed by contractor of record; sign was not installed in compliance with HARC application or guidelines; illumination was added without the benefit of an electrical permit; and metal conduit as well as sign extends over city right of way and is less than 8' high above sidewalk.

Corrective Actions: Remove sign hanging over city right of way. Obtain after the fact demo permit for illegal



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AMENDED NOTICE OF ADMINISTRATIVE HEARING

Date: December 12, 2012

Re: Case Number 12-00001531

Certified Mail Receipt#: 7003 3110 0003 4758 8295

To:
400 Duval Retail LLC
1119 Von Phister Street
Key West FL 33040

Subject Address:
422 Eaton St
Key West, FL 33040

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This sign was to be under the canopy above front doors to business. Actual location of sign is approximately three feet from outside wall of building sticking out over city right of way (sidewalk). There is a lighting fixture directly below sign sticking out of wall approximately three feet over city right of way which was installed without HARC approval or building permits. Sign is also hanging too low and must be higher than 8 feet.

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Corrective Actions: Remove sign hanging over city right of way. Obtain after the fact demo permit for illegal



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AMENDED NOTICE OF ADMINISTRATIVE HEARING

Date: December 12, 2012

Re: Case Number 12-00001531

Certified Mail Receipt#: 7003 3110 0003 4758 8257

To:
Preferred Signs, Inc.
Howard Weber, R/A
12301 NW 23rd Court
Sunrise FL 33323

Subject Address:
422 Eaton 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):

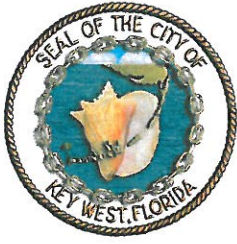
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To Wit: On August 5, 2011, Preferred Signs Inc picked up and paid for harc permit to install "1-wall 12" x 36" 12" X 36"x 2" cedar sandblasted "subway" H11-01-984" and building permit to "install 1'x 3" sandblasted - under canopy, sign copy "SUBWAY" SUBWAY N.O.C. exempt. H11-01984 staff approved 7/26/11".

This sign was to be under the canopy above front doors to business. Actual location of sign is approximately three feet from outside wall of building sticking out over city right of way (sidewalk). There is a lighting fixture directly below sign sticking out of wall approximately three feet over city right of way which was installed without HARC approval or building permits. Sign is also hanging too low and must be higher than 8 feet.

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Corrective Actions: Remove sign hanging over city right of



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Date: December 12, 2012

Re: Case Number 12-00001531

Certified Mail Receipt#: 7003 3110 0003 4758 8219

To:
Preferred Signs, Inc.
Mark Weber, Qualifier
1906 N Dixie Hwy
Hollywood FL 33020

Subject Address:
422 Eaton St
Key West, FL 33040

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This sign was to be under the canopy above front doors to business. Actual location of sign is approximately three feet from outside wall of building sticking out over city right of way (sidewalk). There is a lighting fixture directly below sign sticking out of wall approximately three feet over city right of way which was installed without HARC approval or building permits. Sign is also hanging too low and must be higher than 8 feet.

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Corrective Actions: Remove sign hanging over city right of

way. Obtain after the fact demo permit for illegal lighting. Reinstall sign under canopy as per HARC approval #11-984 and building permit #11-2694. Obtain after the fact electrical permit and after the fact HARC approval for lighting for this sign. Obtain approved electrical and sign inspections after all proper building and HARC permits have been issued including paying any fees or fines.

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)

Count 2. Working over the scope of HARC sign permit #11-100984 and sign permit #11-2694.

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This sign was to be under the canopy above front doors to business. Actual location of sign is approximately three feet from outside wall of building sticking out over city right of way (sidewalk). There is a lighting fixture directly below sign sticking out of wall approximately three feet over city right of way which was installed without HARC approval or building permits. Sign is also hanging too low

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Corrective Actions: Remove sign hanging over city right of way. Obtain after the fact demo permit for illegal lighting. Reinstall sign under canopy as per HARC approval #11-984 and building permit #11-2694. Obtain after the fact electrical permit and after the fact HARC approval for lighting for this sign. Obtain approved electrical and sign inspections after all proper building and HARC permits have been issued including paying any fees or fines.

Sec. 14-40 Permits in historic districts.

(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.

(b) Contents. All permits issued by the city shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all city laws and regulations and of the historic architectural review commission.

(c) Stop work order; penalty. The building official is authorized to post a signed and dated notice to stop work on any site on which work is being performed in violation of the city laws and regulations or of the historic architectural review commission. Any person shall be guilty of an offense punishable as provided in section 1-15 if the person:

(1) Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the building official; or

(2) Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the building official.

Where such offenses are of a continuing nature, no two separate offenses shall be charged against the same person within any one-hour period. (Code 1986, §§ 31.013, 31.014, 31.016)

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:**

January 30, 2013

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

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

Received by: _____ *Served By:* _____