



THE CITY OF KEY WEST

Code Compliance Division

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

AMENDED NOTICE OF CODE VIOLATION AND NOTICE OF ADMINISTRATIVE HEARING

DATE: August 29, 2012
RE: CASE NUMBER 12-535

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4757 9989

To:
Steven Ness
Canvas Creations
524 Olivia Street
Key West, FL 33040

Subject Address:
508 William Street
Key West, FL 33040

CERTIFIED MAIL RECEIPT #: 7003 3110 0003 4757 9996

To:
Steven Ness
Kathryn McKee Ness
Canvas Creations
1319 United Street
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. 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.

To wit: On March 29, 2012, a complaint from an anonymous caller stated construction work was being performed without building permits. Upon my inspection, work was permitted except for the construction and installation of the large awning on the side of the property.

Corrective Action: Obtain an after the fact building permit.

Count 2: 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.

To wit: On March 29, 2012, a complaint from an anonymous caller stated construction work was being performed without Historic Architectural Review Commission Certificate of appropriateness. Upon my inspection, work was permitted except for the construction and installation of the large awning on the side of the property.

Corrective Action: Obtain an After the Fact Certificate of Appropriateness from the Historic Architectural Review Commission.

Count 3: Sec. 18-146. - License required.

Every person engaged in or who shall engage in the business or capacity of a contractor as defined in section 18-116 shall procure and maintain at all times while so engaged a city license.

To wit: Steven Elliott Ness, the owner of canvas creation, a sales consultant-home occupation business #12-16890, did fabricate and install a new frame and awning structure at this location without a contractor license. According to City of Key West records, Mr Ness downgraded his contractor to sales consultant only city business tax receipt on January 29, 2004. His current business tax receipt is for "sales consultant only home occupation business No Contracting; No Installation". This structure was installed without a building permit or historic architectural review commission certificate of appropriateness.

Corrective Actions: Obtain a City of Key West business tax receipt to include contracting, fabrication and installation of these types of structures.

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:**

September 26, 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.

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

Barbara Meizis
Code Compliance Officer
City of Key West



THE CITY OF KEY WEST
Code Compliance Division

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

**NOTICE OF CODE VIOLATION AND
ADMINISTRATIVE HEARING**

DATE: August 29, 2012
RE: CASE NUMBER 12-535

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4758 2835

To:
Carter N Norris, REV TR 1/27/2009
11745 SW 70th Avenue
Kendall, FL 33156

Subject Address:
508 William Street
Key West, FL 33040

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(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.

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To wit: On March 29, 2012, a complaint from an anonymous caller stated construction work was being performed without building permits. Upon my inspection, work was permitted except for the construction and installation of the large awning on the side of the property.
Requirements

Corrective Action: Obtain an after the fact building permit.

Count 2: Sec. 14-40. - Permits in historic districts.

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Where such offenses are of a continuing nature, no two separate offenses shall be charged against the same person within any one-hour period.

Count 3: Sec. 18-117. - Acts declared unlawful.

It shall be unlawful for any contractor, as defined in section 18-116, operating anywhere within the city, licensed individually or as a firm contractor, or any officers, directors or qualified representatives of a firm contractor to commit any one or more of the acts or omissions set forth in this section. It shall also be unlawful for any property owner to commit any one or more of the acts or omissions set forth in this section as it may pertain to a property owner who directly employs others to perform construction work at a property. Violations of this section by a property owner shall be subject to the authority of the special master. The following acts are declared unlawful:

(8) Aid or abet an unlicensed person to evade the provisions of this article or allow his license to be used by any unlicensed person or to act as an agent of an unlicensed person with the intent to evade this article.

Corrective Action: Cease activity

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

Hand Served this day of , 2012

RECEIVED BY:

SERVED BY: