

EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager

FROM: Mark Z. Finigan, Assistant City Manager - Administration

DATE: August 29, 2011

SUBJECT: Code Case #04-2181
1110 White Street / Owner Brent Matthessen
Acceptance of Mitigated Amount
Release of Lien



Action statement:

Request City of Key West City Commission accepts the proposed mitigated amount of \$1,000.00 of accrued fines totaling \$4,100 for the property located at 1110 White Street. Additionally, request City of Key West City Commission release the lien placed by the City of Key West on the subject property pursuant to City of Key West Code of Ordinances Sec 2.635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove lien). All outstanding utility charges will be paid in full "outside of closing" by the listing agent. The City shall not release the lien until such time all outstanding utility charges are satisfied.

Background:

On November 23, 2004 the City of Key West received a complaint that a neon sign had been installed without HARC approval and a building permit. After an investigation, a Notice of Code Violation was sent November 29, 2004 to the address listed in the tax collector's office for failure to obtain HARC approval and a building permit prior to the installation of the sign. Corrective action was to be taken within ten days of the notice. A building permit and HARC approval was applied for on 12-3-2004, which was denied. The size of the sign exceeded the maximum size and it projected out more than four inches from the building.

A Notice of Administrative Hearing was issued on December 20, 2004 for the January 26, 2005 hearing. A Motion to Continue the hearing was received from the attorney which was approved to the February 23, 2005 hearing.

A second request for continuance was approved to the March 30, 2005 hearing.

On February 28, 2005, a meeting was held between the CBO, HARC Planner and the Attorney where a second application was denied. That also exceeded the maximum sign size.

The hearing was held on March 30, 2005 and a Findings of Fact, Conclusions on Law and Order was issued for failure to obtain a building permit and HARC approval for the sign. Administrative Costs of \$100.00 was imposed along with a fine of \$250.00 per day, per count for a total of two counts if not in compliance by April 1, 2005. The sign was removed on April 10, 2005.

A Notice of Non-Compliance Payment Update was sent via certified mail on May 20, 2005 stating that compliance was not met until April 10, 2005 and the fines had accrued to \$4,100.00.

A lien was filed with the County and a copy was sent to the Brent & Christine Matheessen on June 14, 2005.

Recommendation:

Approve the proposed mitigated amount of \$1,000.00 of accrued fines totaling \$4,100 for the property located at 1110 White Street and release the lien placed by the City of Key West on the subject property pursuant to City of Key West Code of Ordinances Sec 2.635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove lien).

A review of direct and indirect costs expended by the Code, Building and Planning Departments in the administration of this violation from citation to compliance indicates the proposed mitigated amount of \$1,000 will cover such costs.