



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

**NOTICE OF ADMINISTRATIVE HEARING**

DATE: April 6, 2011  
RE: CASE NUMBER 10-00000655

CERTIFIED MAIL RECEIPT#:      HAND DELIVERED

To:	Subject Address:
Moseley Dianne & Bruce / Christy Moseley	3308 Duck Ave
3308 Duck Ave	Key West, Fl 33040
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

00020 BLDG PERMIT APPL REQUIRED Sec. 90-357

Date Est: October 22, 2010 Location: ON PROPERTY Qty: 001

Addition was added to the right side of property without a development plan.

Violation Detail

00030 VARIANCES Sec. 90-391

Date Est: October 22, 2010 Location: ON PROPERTY Qty: 001

Addition was added to the right side of house, needs a variance

Violation Detail

00040 BUILDING PERMITS,DISPLAY Sec. 14-37

Date Est: October 22, 2010 Location: ON PROPERTY Qty: 001

Addition was added to the right side of house without proper permits

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:**

**April 27, 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.**

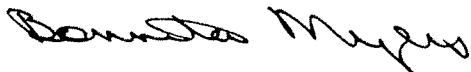
You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

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.**



Bonnita Myers  
Code Compliance Officer  
City of Key West

Hand served this 6 day of April, 2011 @ 5 am/pm

Received by:  Served By: Bonnita Myers

CASE NUMBER 10-00000655  
 PROPERTY ADDRESS 3308 DUCK AVE

-----  
 VIOLATION: BLDG PERMIT APPL REQUIRED QUANTITY: 1  
 DESCRIPTION: Sec. 90-357 DATE: 10/22/10  
 LOCATION: ON PROPERTY

NARRATIVE :

Addition was added to the right side of property.

ORDINANCE DESCRIPTION :

Sec. 90-357. Application for building permit.

(a) All applications for building permits for any structure shall be accompanied by a development plan, if required pursuant to article II of chapter 108. Where development plan approval is required, the approved development plan, including a construction management plan and schedule as provided in section 108-248, if the construction period is anticipated to exceed one year, and all other required components, shall be submitted with the building permit application. If no development plan is required pursuant to article II of chapter 108, the application for a building permit shall include a scale drawing at one inch to 20 feet, in triplicate, showing the following:

(1) A survey prepared and certified by a state-registered land surveyor showing the actual dimensions and shape of the lot to be built upon.

(2) The exact sizes and locations on the lots of buildings already existing, if any.

(3) The location and dimensions of the proposed building or alteration.

(4) When applicable, the required parking spaces, loading and unloading spaces, maneuvering space and openings for ingress and egress.

(5) When applicable, grading and drainage plans meeting the South Florida Water Management District requirements and showing any and all cuts, fills and provisions for adequately carrying off surface water on premises plus provisions for any surface water which would naturally flow over or through the area. Such plans shall be reviewed and approved by the city engineer.

(6) All applications shall contain written documentation from the Florida Keys Aqueduct Authority and the city, including but not limited to the city engineering department, which states that the respective public facilities have sufficient existing capacity to supply the proposed development or that capacity will exist upon completion of the proposed development.

(7) Such other information as required by the city planner, city engineer or chief building official, including but not limited to the following:

a. Existing or proposed building construction or alteration;

b. Existing or proposed uses of the building and land;

c. The number of families, housekeeping units, or rental

CASE NUMBER 10-00000655  
PROPERTY ADDRESS 3308 DUCK AVE

ORDINANCE DESCRIPTION :

units the building is designed to accommodate;  
d. Conditions existing on the lot; and  
e. Such other matters as may be necessary to determine conformance with and provide for the enforcement of the land development regulations.  
(b) One copy of the plans shall be returned to the applicant by the chief building official, after the chief building official shall have marked such copy either as approved or disapproved as attested to by signature of the chief building official on the copy. The original and one copy of the plans, similarly marked, shall be retained by the building department.  
(Ord. No. 97-10, § 1(1-2.3(B)), 7-3-1997)

-----  
VIOLATION: VARIANCES QUANTITY: 1  
DESCRIPTION: Sec. 90-391 DATE: 10/22/10  
LOCATION: ON PROPERTY

NARRATIVE :

Addition was added to the right side of house.

ORDINANCE DESCRIPTION :

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.

CORRECTIVE ACTION REQUIRED :

Remove or obtain variance

-----  
VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1  
DESCRIPTION: Sec. 14-37 DATE: 10/22/10  
LOCATION: ON PROPERTY

NARRATIVE :

Addition was added to the right side of house without proper permits

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

CASE NUMBER 10-00000655  
PROPERTY ADDRESS 3308 DUCK AVE

## ORDINANCE DESCRIPTION :

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.