



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

**NOTICE OF ADMINISTRATIVE HEARING**

DATE: June 4, 2013  
RE: CASE NUMBER 13-541

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 8583

To:  
Armando & Mercedes Parra  
2922 Flagler Avenue  
Key West, FL 33040

Subject Address:  
2922 Flagler Avenue  
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. 18-157. - Employment of unlicensed persons prohibited.**

(a) No licensed person shall employ any person required to be certified pursuant to this article to work unless the person has in his possession a certificate of competency as provided for in section 18-150

(b) No person shall do work of any character which requires a license outside, inside or attached to buildings or premises, whether for permanent or temporary work, in the city unless he is employed by and works under the direct supervision of a licensed person who is duly certified as provided for in this Code.

**Count 2: 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.

**Count 3: Sec. 90-363. - Certificate of occupancy—Required.**

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.

**Count 4: Sec. 90-391. - Variances.**

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.

**Count 5: Sec. 122-238. - Dimensional requirements.**

The dimensional requirements in the single-family residential district (SF) are as follows:

- (1) Maximum density: eight dwelling units per acre (8 du/acre).
- (2) Maximum floor area ratio: not applicable.
- (3) Maximum height: 25 feet plus an additional five feet for no habitable purposes if the structure has a pitched roof.
- (4) Maximum lot coverage:
  - a. Maximum building coverage: 35 percent, except that in the following areas the maximum building coverage shall be 30 percent:
    1. The Venetian Subdivision located south of the Riviera Canal; and
    2. The area bounded on the north by Flagler Drive, on the south by Casa Marina Court, on the east by White Street and on the west by Reynolds Street.
  - b. Maximum impervious surface ratio:
    1. Single-family: 50 percent.
    2. Community facilities: 60 percent.
- (5) Minimum lot size:
  - a. Single-family and two-family units: 6,000 square feet, **except** that in the following areas the minimum lot area shall be 8,000 square feet:
    1. The Venetian Subdivision located south of the Riviera Canal; and

2. The area bounded on the north by Flagler Drive, on the south by Casa Marina Court, on the east by White Street and on the west by Reynolds Street.
  - b. Two-family dwelling units (duplexes) are permitted as a conditional use in all portions of the SF district, excepting the area defined below, but only if the land area comprised a minimum area of 10,890 square feet in order to satisfy minimum density requirements. Two-family dwellings shall not be allowed within the areas described in subsections (5)a.1 and (5)a.2 of this section.
  - c. The minimum lot size for educational institutions and community facilities, including places of worship areas, follows:
    1. Community facilities including places of worship: one-half acre; and
    2. Educational institutions: 1 acre.
  - d. Minimum width: 50 feet.
  - e. Minimum depth: 100 feet.
  - f. Minimum width: 100 feet.
  - g. Minimum depth: 100 feet.
- (6) Minimum setbacks:
  - a. Single-family:
    1. Front: 30 feet or the average depth of front yards on developed lots within 100 feet each side, but not less than 20 feet.
    2. Side: 5 feet.
    3. Rear: 25 feet or 20 feet when abutting an alley.
    4. Street side: 10 feet.
  - b. Community facilities:
    1. Front: 30 feet.
    2. Side: 15 feet.
    3. Rear: 25 feet.
    4. Street side: 20 feet.

**Count 6: Sec. 108-887. - Same—Elevation of residential buildings.**

In a development project determined to be within a flood hazard zone, residential buildings must have the lowest floor elevated to the flood protection elevation for that site.

**Count 7: Sec. 14-256. - Required.**

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.

**Count 8: Sec. 14-262. - Request for inspection.**

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.

**Count 9: Sec. 14-258. - Plans and specifications.**

(a) Plans and specifications with complete descriptions of all proposed electrical work shall be submitted to the building department at the same time application is made for a building permit. The plans must be legibly drawn or printed to a definite scale by a registered architect, registered engineer, general contractor, electrical contractor or owner-occupant, two floor plans being sufficient provided they show all the proposed electrical work. The plans shall show the outline of the total floor area, the square feet of the building under consideration, the point at which the service connection is to be made with the public utility or isolated plant or with another building, the size of service and subfeeder wires, the location of service switches and center of distribution, and the arrangement of circuits showing the number of outlets connected thereto. The plans must be stamped "approved" by the building official before the building permit or the electrical permit can be obtained and before any electrical work can be started. All blueprints or drawings of this nature are filed in the office of the building official for safekeeping and future reference.

(b) The installation of the wiring, apparatus or equipment for light, heat or power within or attached to any building or premises, whether for private or public use, must be done in accordance with the plans and specifications submitted, as described in this section. Any changes or omissions in the wiring system shown on the plans must be made by the owner-occupant in the form of revised plans setting forth the changes and accepting the responsibilities for the changes. The revised plans must be addressed to the building official and shall be filed in his office.

**Count 10: Sec. 14-362. - Connection to public sewer.**

Where a public sewer becomes available to an abutting property on which has been constructed a septic tank, leaching field, cesspool, leaching well or other method of sewage disposal, such septic tank, leaching field, cesspool, leaching well, etc., shall be emptied of its entire contents and filled with earth or suitable fill, and the waste, drainage, etc., of such premises shall be connected with the public sewer in accordance with this Code. Where such transfer from an outmoded disposal system is made to the public sewer, the building official shall first examine all plumbing facilities of such place and ascertain that it is in such condition so as to be in conformity with this Code and that it is safe and dependable to connect with the public sewer. If finding it not to conform to this Code, the building official shall require such owner-occupant, agent, tenant or other person occupying such premises to immediately provide such alterations as shall be necessary to comply with this Code.

**Count 11: 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:

(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
- (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.

**TO WIT:** Anonymous complainant states that two one bedroom units are being constructed at this location. Complainant states is you go to the back of the property you can clearly see the work. Responding to this complaint I called home owner Armando Parra. He said he is not home that he will meet me at his house later today. When asked he did admit that he has been doing some work so I told him that I needed to do an inspection with a building inspector to find out the scope of work performed and request required permits that would need to be applied for. Armando showed up and I had Wayne Giordano come in as well and we inspected the work. He has been building a structure that is intended to be detached habitable space. Bathroom, plumbing, electrical work is in progress and room for two bedrooms. The structure is built in the setbacks rear and side. Armando has been advised to cease work and pursue building permits to remove structure because of setbacks and flood issues and turn it into a storage shed or apply for a variance by visiting our Planning Department. Stop work order issued and posted. Mr. Parra said he will be come in tomorrow to pick up application.

**CORRECTIVE ACTION:** Please visit our Planning Department to apply for variance. Cease work until variance is approved or denied.

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:**

**June 26, 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.**



Leonardo Hernandez  
Code Compliance Officer  
City of Key West

*Hand served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2013 @ \_\_\_\_\_ *am/pm.*

*Received by:* \_\_\_\_\_ *Served By:* \_\_\_\_\_