



THE CITY OF KEY WEST
Code Compliance Division

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

**NOTICE OF IRREPARABLE CODE VIOLATION
AND ADMINISTRATIVE HEARING**

DATE: August 2, 2011
RE: CASE NUMBER 11-615

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 7475

To:	Subject Address:
Constance Kara & John McCoy	215 Eneas Lane
215 Eneas Lane	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

00010 BUILDING PERMITS, DISPLAY Sec. 14-37

Date Est: August 02, 2011 Location: Qty: 001

A building permit is required prior to changing out the door, stucco, installation of A/C units, and installation of copper tubing.

Violation Detail

00020 CERT OF APPROPRIATENESS Sec. 102-152

Date Est: August 02, 2011 Location: Qty: 001

Failure to obtain a Certificate of Appropriateness for changing the door, stucco, installation of A/C units, installation of copper tubing, and painting of soffit.

Violation Detail

00030 STOP WORK ORDER & PENALTY Sec. 102-158

Date Est: August 02, 2011 Location: Qty: 001

Working over a Stop Work Order.

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:

August 31, 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.



Ginny Haller
Code Compliance Officer
City of Key West
(305) 809-3740

VIOLATION DETAIL

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CASE NUMBER 11-00000615
PROPERTY ADDRESS 215 ENEAS LN

VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1
DESCRIPTION: Sec. 14-37 DATE: 8/02/11
LOCATION:

NARRATIVE :

A building permit is required prior to changing out the door, stucco, installation of A/C units, and installation of copper tubing.

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 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.

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 PROPERTY ADDRESS 215 ENEAS LN

 VIOLATION: CERT OF APPROPRIATENESS QUANTITY: 1
 DESCRIPTION: Sec. 102-152 DATE: 8/02/11
 LOCATION:

NARRATIVE :

Failure to obtain a Certificate of Appropriateness for changing the door, stucco, installation of A/C units, installation of copper tubing, and painting of soffit.

ORDINANCE DESCRIPTION :

(a) No person shall cause any of the activity in this section to occur without first obtaining a certificate of appropriateness for such work and all other permits required by the Code of Ordinances, including the land development regulations. A certificate of appropriateness is required for the erection of any new structure, building, fence, deck or sign or the painting, repainting, repair, alteration, remodeling, landscaping or demolition of the exterior of any existing building, structure, fence, deck, sign, landscape, or lot located in any of the following areas:

- (1) In the historic preservation districts of the city;
- (2) In tidal waters contiguous to and within 600 feet of the historic preservation districts;
- (3) In a location so as to directly affect any building, structure or property listed in the city historic sites survey as may be amended from time to time and the National Register of Historic Places; or
- (4) Within a building, structure, archaeological site or district classified as "contributing" on the city historic preservation survey.

(b) A certificate of appropriateness may only be granted by a vote of the historic architectural review commission, attested by signature of its presiding member.

 VIOLATION: STOP WORK ORDER & PENALTY QUANTITY: 1
 DESCRIPTION: Sec. 102-158 DATE: 8/02/11
 LOCATION:

NARRATIVE :

Working over a Stop Work Order.

ORDINANCE DESCRIPTION :

(a) The city manager is authorized and directed to post a signed and dated notice to stop work on any site on which work is being performed in violation of the laws and regulations of the city or of the historic architectural review commission. Any person who engages in the following activities shall be guilty of an offense punishable as provided in section 1-15:

- (1) Performing work with actual or constructive knowledge that the work site has been posted by such notice, which

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PROPERTY ADDRESS 215 ENEAS LN

ORDINANCE DESCRIPTION :

notice has not been withdrawn by dated, signed order of the city manager; or

(2) Removing, defacing, concealing or altering such notice to stop work without dated, signed authorization of the city manager.

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