



**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 2, 2011  
RE: CASE NUMBER 11-00000188

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5346 0384

To: Dan H & Joanna A Schoneck-II  
2525 Patterson Ave  
Key West FL 33040

Subject Address:  
2525 Patterson Ave  
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 - Building work done without permits.

**Violation Detail**

00020 BUSINESS TAX RECEIPT REQU Sec. 66-87 - Business Tax receipt required for a transient or non-transient rental.

**Violation Detail**

00030 BUILDING PERMIT REQUIRED Sec. 90-356 - Certificate of occupancy required for the illegal unit.

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 3, 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**

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**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.**

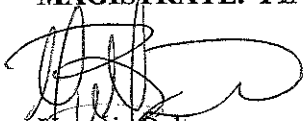
You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

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.**

  
Mesenia Beltranena  
Code Compliance Officer  
City of Key West

*Hand served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2011 @ \_\_\_\_\_ *am/pm.*

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

CASE NUMBER 11-00000188  
 PROPERTY ADDRESS 2525 PATTERSON AVE

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 VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1  
 DESCRIPTION: Sec. 14-37 DATE: 2/10/11  
 LOCATION:

NARRATIVE :  
 Building work done without 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 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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 VIOLATION: BUSINESS TAX RECEIPT REQU QUANTITY: 1  
 DESCRIPTION: Sec. 66-87 DATE: 2/10/11  
 LOCATION:

NARRATIVE :

CONTINUED

CASE NUMBER 11-00000188  
 PROPERTY ADDRESS 2525 PATTERSON AVE

## NARRATIVE :

Business Tax receipt required for a transient or non-transient rental.

## ORDINANCE DESCRIPTION :

No person shall engage in, manage, carry on or practice, wholly or in part, within the city limits, any business, profession or occupation without first procuring a city business tax receipt. For the purposes of this article, any person holding himself out to the public by sign, printed matter, telephone directory classified section, city directory or otherwise as being engaged in business or as offering services or property to the public for a consideration, regardless of whether such person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for a business tax receipt fee thereon.

## CORRECTIVE ACTION REQUIRED :

Obtain business tax receipt or cease activity.

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 VIOLATION: BUILDING PERMIT REQUIRED                      QUANTITY: 1  
 DESCRIPTION: Sec. 90-356                                      DATE: 2/10/11  
 LOCATION:

## NARRATIVE :

Certificate of occupancy required for the illegal unit.

## ORDINANCE DESCRIPTION :

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.

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ORDINANCE DESCRIPTION :  
(Ord. No. 97-10, § 1(1-2.3(A)), 7-3-1997)