



THE CITY OF KEY WEST
Code Compliance Division

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

NOTICE OF CODE VIOLATION

DATE: January 10, 2018
RE: CASE NUMBER 18-00000030

CERTIFIED MAIL RECEIPT#: 7017 1070 0000 0343 2506

To: *Property owner*
Lee Fitzgibbon Bennett & Melanie Bennett
137 Pioneer Drive
Leesville, SC 29070-8403

Subject Address: *Location of code violation*
2811 Staples Avenue
Key West, FL 33040

According to the records of The City of Key West, you are the current property owner/ representative or the business owner at the above-referenced property. You are hereby noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

COUNT 1-4

Sec. 14-37. - Building permits; professional plans; display of permits; address; exceptions.

TO WIT: After the fact Building permits are required for the construction of kitchen, interior siding and ceiling renovations and for the enclosed storage room erected towards end of driveway.

(a)

Building permit required; display. Building permits shall be procured from the chief 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.

Inspections may not be performed if the permit is not posted and address numbers are not a minimum of 4" high and clearly visible from the street.

Exception 1: Total contract price less than \$1,000.00 per FBC Sect. 105.2.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the chief building official without a building permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangements of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any

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standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical circuit wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

Any new electrical circuits or wiring will require a permit.

Any new plumbing fixtures or piping will require a permit.

Exception 2: Painting, both interior and exterior, residential or commercial does not require a permit. Tile repair or installation, floor covering, including carpet, laminate, resilient, and wood, both residential and commercial, do not require a permit.

Work that falls under the \$1,000.00 threshold for a building permit may be performed only by the property owner or a licensed contractor. Unlicensed workers, including 'handymen' are not allowed to conduct any type of work to a residential or commercial structure.

(b)

Professional plans required. Professional plans shall be required as follows:

(1)

Plans for work requiring a building permit shall be submitted in multiple sets, as determined by the chief building official, to the chief 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 chief building official.

(3)

The chief building official may waive the requirements in [subsection] (b)(1) and/or (2) by special permission.

(Code 1986, § 31.010; Ord. No. 15-06, § 1, 4-7-2015)

COUNT 2-4

P2503.1 INSPECTIONS:

TO WIT: After the fact Plumbing building permit is issued inspections are required.

New plumbing work and parts of existing systems affected by new work or alterations shall be inspected by the building official to ensure compliance with the requirements of this code.

COUNT 3-4

Sec. 90-363. - Certificate of occupancy—Required.

TO WIT: Certificate of occupancy is required to be issued by chief building official's approval thru a final inspection.

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.

(Ord. No. 97-10, § 1(1-2.3(H)), 7-3-1997; Ord. No. 98-14, § 3, 5-5-1998)

COUNT 4-4

Sec. 66-87. - Business tax receipt required for all holding themselves out to be engaged in business.

TO WIT: A business license is required to rent real property non-transiently.

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.

(Code 1986, § 91.01; Res. No. 06-292, § 1, 9-6-2006)

TO WIT: Code compliance officer Lenny Leggett and I conducted a site inspection on Wednesday 1.10.2018. We met with lease holder Jeffrey Kenneth Greenspun who is also the electric utility account holder. Mr. Greenspun mentioned that the lease is shared with Andrew Ewing. A copy of the lease was obtained via request to Keys Energy Services where this information was confirmed and that the lease commenced on September 15th, 2016 and was signed by the property owner Mr. Bennett, Mr. Greenspun & Mr. Ewing.

We also met other tenants Mr. Brian Whitaker and Steven Ross who both have separate bedrooms within the residence. An inspection of the residence revealed 4 bedrooms, one bathroom, 2 kitchens (there are no building records for the 2nd kitchen), one laundry room, an enclosed storage room at the end of the driveway that permits were not obtained for and wall siding and ceiling work that was constructed behind kitchens leading towards the rear of home also constructed without required building permits. The home is listed as a single-family residence 2 bedrooms 1 full bathroom at the Monroe County Property Appraiser website and the City of Key West only recognizes it to have one unit with one utility account. Also, this property owner does not have a business license to rent non-transiently.

CORRECTIVE ACTION: Please apply for a business license to continue to rent non-transiently and apply for a lawful unit determination for the additional bedrooms & kitchen or apply for a demolition permit to bring property back to single family occupancy. After the fact building permits must

be obtained for all the work in question and inspections need to be called in and approved for compliance to be achieved.

Florida Statutes Chapter 162 and Key West Code of Ordinances Article VI authorize code enforcement proceedings. You have ten (10) days after receipt of this notice to take corrective action on the above-described violation(s). **PLEASE CONTACT THE UNDERSIGNED CODE COMPLIANCE OFFICER** so that we can assist you in achieving compliance and scheduling a re-inspection. **If corrective action is not taken within the specified 10 days, this matter will be referred to The Special Magistrate for an administrative non-criminal hearing concerning the alleged violation(s).**

The violation listed herein does not necessarily constitute all the violations that may exist with regard to this matter/property. Lack of enforcement proceedings at this time does not constitute a waiver of the right to any future notices of violations.

IF THE VIOLATION IS CORRECTED AND THEN RECURS OR IF THE VIOLATION IS NOT CORRECTED BY THE TIME SPECIFIED BY THE CODE OFFICER, THE CASE MIGHT BE PRESENTED TO THE SPECIAL MAGISTRATE EVEN IF THE VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE.

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.

FINES THAT ARE NOT PAID MAY BECOME LIENS UPON YOUR PROPERTY AND BE RECORDED IN THE PUBLIC RECORDS OF MONROE COUNTY.



Leonardo Hernandez
Code Compliance Officer

City of Key West

(305) 809-3730 Desk

(305) 788-8535 Cell

lhernandez@cityofkeywest-fl.gov

Work schedule M-F 8am-5pm