



THE CITY OF KEY WEST
Code Compliance Division

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

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

Date: November 2, 2011
Re: Case Number 09-00001501

Certified Mail Receipt#: 7007 3020 0000 5345 7353

To:	Subject Address:
Rodriguez, Angel & Daniela, & Angel Rodriguez Sr 908 Trinity Drive #4 Key West FL 33040	908 Trinity Dr 4 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):

BUILDING PERMITS, DISPLAY Sec. 14-37 (See attached Violation Detail)

Count 1:

On May 10, 2010, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

Corrective Action: Obtain a demolition permit to gut the interior including the drywall and floor tile and install vents for water drainage to turn it into a nonhabitable shed.

REQUIRED FOR ELECTRIC Sec. 14-256 (See attached Violation Detail)

Count 2:

On May 10, 2010, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning

Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

Corrective Action: obtain an after the fact electrical permit. Obtain a demolition permit to gut the interior and install vents for water drainage to turn it into a nonhabitable shed.

REQUEST FOR INSPECTION Sec. 14-262 (See attached Violation Detail)

Count 3:

On May 10, 2010, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

Corrective Action: obtain an approved final electrical inspection. Obtain a demolition permit to gut the interior and install vents for water drainage to turn it into a nonhabitable shed.

PERMITS REQUIRED Sec. 14-325 (See attached Violation Detail)

Count 4:

On May 10, 2010, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

Corrective Action: obtain after the fact mechanical permits. Obtain a demolition permit to gut the interior and install vents for water drainage to turn it into a nonhabitable shed.

MECHANICAL INSPECTION Sec. 14-327 (See attached Violation Detail)

Count 5:

On May 10, 2010, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

Corrective Action: obtain an approved mechanical inspection. Obtain a demolition permit to gut the interior and install vents for water drainage to turn it into a nonhabitable shed.

PLUMBING PERMIT REQ Sec. 14-358 (See attached Violation Detail)

Count 6:

On May 10, 2010, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

Corrective Action: Obtain a demolition/removal permit of toilet, tub/shower, bathroom sink, kitchen sink, and capping of sewer & water lines. Obtain a demolition permit to gut the interior and install vents for water drainage to turn it into a nonhabitable shed.

CONNECT TO PUBLIC SEWER Sec. 14-362 (See attached Violation Detail)

Count 7:

On May 10, 2010, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

Corrective Action: Chief Building Official shall examine all plumbing to ascertain that it is in such condition so as to be in conformity with the Code.

CERTIFICATE OF OCCUPANCY Sec. 90-363 (See attached Violation Detail)

Count 8:

On May 10, 2010, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

Corrective Action: The Chief Building Official shall make a final inspection of the building or premises to determine that the building and the proposed use are found to be in conformity with the provisions of the land development regulations.

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:**

December 14, 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.**

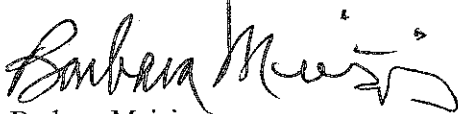
You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

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.



Barbara Meizis
Code Compliance Officer
City of Key West
(305) 809-3740

*Attachments: Violation Detail
Planning Board Resolution 2011-036
Planning Board Staff Report
Planning Department After the Fact Variance Application*

Hand Served this _____ day of _____, 2011

RECEIVED BY: _____

SERVED BY: _____

CASE NUMBER 09-00001501
PROPERTY ADDRESS 908 TRINITY DR 4

VIOLATION: BUILDING PERMITS, DISPLAY QUANTITY: 1
DESCRIPTION: Sec. 14-37 DATE: 10/01/09
LOCATION: 908 TRINITYDR#4

NARRATIVE :

Count 1:

On May 10, 2011, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

Corrective Action: Obtain a demolition permit to gut the interior including the drywall and floor tile and install vents for water drainage to turn it into a nonhabitable shed.

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

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ORDINANCE DESCRIPTION :

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.

 VIOLATION: REQUIRED FOR ELECTRIC QUANTITY: 1
 DESCRIPTION: Sec. 14-256 DATE: 10/01/09
 LOCATION: 908 TRINITYDR#4

NARRATIVE :

Count 2:

On May 10, 2011, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission. Corrective Action: obtain an after the fact electrical permit. Obtain a demolition permit to gut the interior and install vents for water drainage to turn it into a nonhabitable shed.

ORDINANCE DESCRIPTION :

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.

CORRECTIVE ACTION REQUIRED :

Obtain an electrical permit.

 VIOLATION: REQUEST FOR INSPECTION QUANTITY: 1
 DESCRIPTION: Sec. 14-262 DATE: 10/01/09
 LOCATION: 908 TRINITYDR#4

NARRATIVE :

Count 3:

On May 10, 2011, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a

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NARRATIVE :

Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission. Corrective Action: obtain an approved final electrical inspection. Obtain a demolition permit to gut the interior and install vents for water drainage to turn it into a nonhabitable shed.

ORDINANCE DESCRIPTION :

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.

CORRECTIVE ACTION REQUIRED :

Request an inspection

VIOLATION: PERMITS REQUIRED	QUANTITY: 1
DESCRIPTION: Sec. 14-325	DATE: 10/01/09
LOCATION: 908 TRINITYDR#4	

NARRATIVE :

Count 4:

On May 10, 2011, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission. Corrective Action: obtain after the fact mechanical permits. Obtain a demolition permit to gut the interior and install vents for water drainage to turn it into a nonhabitable shed.

ORDINANCE DESCRIPTION :

Sec. 14-325. Permits required.

(a) Permits will be issued only to master mechanics, limited master mechanics and homeowners-occupants who qualify.

(b) Permits will be required for air-cooled and water-cooled refrigeration and air conditioning equipment installed in commercial buildings, motels, hotels, stores, apartments and roominghouses, regardless of the horsepower

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 PROPERTY ADDRESS 908 TRINITY DR 4

ORDINANCE DESCRIPTION :

rating of the units. If central plants are installed,
 installation must be according to the applicable sections
 of this Code.
 (Code 1986, § 31.109)

 VIOLATION: Mechanical Inspection QUANTITY: 1
 DESCRIPTION: Sec. 14-327 DATE: 10/01/09
 LOCATION: 908 TRINITYDR#4

NARRATIVE :

Count 5:

On May 10, 2011, Planning Department received an After the
 Fact Variance request for an after the fact accessory unit
 which was constructed without building permits or a
 Certificate of Occupancy. The variance request was for
 building coverage, impervious surface ratio, and side, and
 rear yard setback requirements. The After the Fact Variance
 was denied at the Planning Board Hearing of July 21, 2011.
 The Planning Board Resolution 2011-036 went into effect on
 August 2, 2011. There was no appeal to the City Commission.
 Corrective Action: obtain an approved mechanical
 inspection. Obtain a demolition permit to gut the interior
 and install vents for water drainage to turn it into a
 nonhabitable shed.

ORDINANCE DESCRIPTION :

Inspection. It shall be the duty of the building official
 to inspect all refrigeration and air conditioning apparatus,
 equipment and installations within the city.

CORRECTIVE ACTION REQUIRED :

Corrective Action: obtain mechanical building permits

 VIOLATION: PLUMBING PERMIT REQ QUANTITY: 1
 DESCRIPTION: Sec. 14-358 DATE: 10/01/09
 LOCATION: 908 TRINITYDR#4

NARRATIVE :

Count 6:

On May 10, 2011, Planning Department received an After the
 Fact Variance request for an after the fact accessory unit
 which was constructed without building permits or a
 Certificate of Occupancy. The variance request was for
 building coverage, impervious surface ratio, and side, and
 rear yard setback requirements. The After the Fact Variance
 was denied at the Planning Board Hearing of July 21, 2011.
 The Planning Board Resolution 2011-036 went into effect on
 August 2, 2011. There was no appeal to the City Commission.
 Corrective Action: Obtain a demolition/removal permit of
 toilet, tub/shower, bathroom sink, kitchen sink, and capping
 of sewer & water lines. Obtain a demolition permit to gut

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 PROPERTY ADDRESS 908 TRINITY DR 4

NARRATIVE :

the interior and install vents for water drainage to turn it into a nonhabitable shed.

ORDINANCE DESCRIPTION :

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

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ORDINANCE DESCRIPTION :

- (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.

 VIOLATION: Connect to public sewer
 DESCRIPTION: Sec. 14-362

QUANTITY: 1
 DATE: 10/01/09

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 PROPERTY ADDRESS 908 TRINITY DR 4

NARRATIVE : CONTINUED

Count 7:

On May 10, 2011, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission. Corrective Action: Chief Building Official shall examine all plumbing to ascertain that it is in such condition so as to be in conformity with the Code.

ORDINANCE DESCRIPTION :

Connection to public sewer is required.

CORRECTIVE ACTION REQUIRED :

Corrective action: transfer from an outmoded disposal system being 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.

 VIOLATION: CERTIFICATE OF OCCUPANCY QUANTITY: 1
 DESCRIPTION: Sec. 90-363 DATE: 10/01/09
 LOCATION: 908 TRINITYDR#4

NARRATIVE :

Count 8:

On May 10, 2011, Planning Department received an After the Fact Variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side, and rear yard setback requirements. The After the Fact Variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission. Corrective Action: The Chief Building Official shall make a final inspection of the building or premises to determine the building and the proposed use are found to be in conformity with the provisions of the land development regulations.

ORDINANCE DESCRIPTION :

No land or building or part thereof erected or altered in

CASE NUMBER 09-00001501
PROPERTY ADDRESS 908 TRINITY DR 4

ORDINANCE DESCRIPTION :

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.

CORRECTIVE ACTION REQUIRED :

Cease activity until a Certificate of Occupancy is obtained.