



THE CITY OF KEY WEST

Executive Summary

To: Jim Scholl, City Manager
Cc: Greg Veliz, Assistant City Manager
From: Jim Young, Director of Code Compliance
Date: March 7, 2017
Subject: Release of lien 1324 20th Terrace

Action statement:

Request the Key West City Commission considers releasing the lien placed by the Key West Code Compliance Department on the subject property, 1324 20th Terrace, Key West, FL, pursuant to Key West Code of Ordinances Section 2.635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove lien). The amount of the lien is Thirty-Four Thousand Eight Hundred Dollars, (\$34,800.00), and the proposed mitigated payment is Six Thousand Seven Hundred Dollars, (\$6,700.00).

Background:

February 3, 2015, the Key West Code Compliance Department received an anonymous complaint a concrete slab had been poured at the subject property.

February 4, 2015, the code officer responded and was unable to gain access to the rear and sides of the property due to a six-foot fence surrounding the property. The code officer issued a stop work order and posted it at the subject property, due to no permits were obtained by the property owner or a licensed contractor.

February 23, 2015, the code officer issued a second stop work order due to the first stop work order being removed.

February 27, 2015, Key West Code Compliance Department received an anonymous complaint an addition was being built on the Northside of the subject property.

March 5, 2015, Key West Code Compliance Department received an anonymous complaint construction work was still being performed on an addition and the second stop work order had been removed. A notice of code violation was mailed via certified mail to the property owner.

March 9, 2015, the certified notice was delivered to the property owner.

March 11, 2015, a notice of code violation was posted at the subject property.

March 19, 2015, a notice of hearing for the April 29, 2015 hearing date was mailed via certified mail to the property owner and posted at the subject property.

April 29, 2015, the case was continued to the May 27, 2015 hearing date upon request of the property owner's son, Emilio Vila.

May 27, 2015, at the Code Compliance Hearing the property owner's son, admits to the violations. Administrative cost in the amount of Two Hundred and Fifty Dollars, (\$250.00) was imposed and a compliance hearing was set for June 24, 2015.

This violation was continued from the June 24, 2015 Hearing Date to the July 29, 2015 Hearing Date and eventually to the January 27, 2016 Hearing Date, due to the property owner retaining an attorney, Dustin Hunter, who applied for a variance to the Planning Department.

July 29, 2015 Planning Director refuses to process the after the fact variance application and states that the addition should be demolished first before the variance application is accepted by the Planning Department.

August 27, 2015 the after the fact variance application is submitted to the Planning Department by the property owner's son.

October 19, 2015 the after the fact variance application is completed.

December 17, 2015 the Planning Board denies granting an after the fact variance.

January 26, 2016 the Planning Board denial is rendered.

January 27, 2016 the Special Magistrate imposes daily fines in the amount of Two Hundred Dollars, (\$200.00), per day. The Special Magistrate rules once compliance is achieved the fines may be mitigated.

March 15, 2016 Dustin Hunter requests the appeal to the Planning Board's denial that was placed on the March 16, 2016 City Commission Agenda be postponed to the April 5, 2016 City Commission Agenda.

April 5, 2016 the appeal is continued to April 6, 2016, due to the Commission Meeting exceeding the time limit.

April 6, 2016 the appeal is postponed to the May 3, 2016 City Commission due to letters of support from neighbors that were submitted to the Planning Department were not submitted to the Planning Board.

May 3, 2016 the City Commission votes to deny the appeal of the Planning Boards decision.

August 10, 2016 Order Imposing Lien filed with Monroe County Clerk of Courts.

November 16, 2016 a demolition permit application is submitted to the Building Department.

January 6, 2017 the permit was paid for and picked up by Mr. Vila.

January 9, 2017 the addition is demolished and converted back to a carport. Violation in compliance.

February 24, 2017 lien mitigation request is sent to Code Compliance.