



City of Key West
Code Compliance Department
P.O. Box 1409
Key West, FL 33041

GOOD NEIGHBOR COURTESY NOTICE

On this day, a Key West Code Compliance Officer performed an inspection of this property in response to a complaint / personal observation. The purpose of the inspection was to determine if the property is in violation of the City Code of Ordinances. As a result of that inspection, the Compliance Officer observed your property is in violation of the Code Section(s) below. The City of Key West seeks your voluntary compliance with this matter. In order to address and resolve the issue(s), you or your representative should correct this violation within 7 days of the date of this warning notice, and then contact the Compliance Officer listed below to verify that the violation has been corrected.

Date 1-9-15 Time 4 p Case# 14-1821
Address 523 E 10th St
Owner (if known) Jan Ischel

VIOLATION:	SECTION:	CORRECTION METHOD:
Building	<u>14.37</u>	<u>Permit Req'd.</u>
Business Tax		
Plumbing		
Electrical		
Mechanical		
Sign		
Landscaping		
Fence		
Engineering		
Zoning		
Trash		
Water Restrictions		
Other	<u>14.40</u>	<u>Permits in place</u>

This notice was issued by Code Compliance Officer M. V. Wilson who can be reached at (305) 809- 3735 to verify compliance.

Thank you for helping keep our city clean and green.



**THE CITY OF KEY WEST
Code Compliance Division**

P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3735

NOTICE OF CODE VIOLATION

DATE: January 21, 2015
RE: CASE NUMBER 14-00001821

Hand Signed
CERTIFIED MAIL RECEIPT#: 7013-2630-0000-9541-8584

To:
Janice Isherwood
523 Elizabeth St
Key West FL 33040

Subject Address:
523 Elizabeth St
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):

Violation Detail

Count 1 of 1: 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.

To Wit: I conducted a site visit to find a new deck constructed, as complainant David Ray advised. There are no permits for this structure.

Corrective Action: Consult with Building Official Wampler to obtain after the fact permits. NOCV issued requesting action within 10 days.

Count 2 of 2: Sec. 14-40. - Permits in historic districts.

(a) Requirements. No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission, attested by signature of its presiding member, and until the city manager finds that the building or work permit conforms to all laws and regulations of the city.

(b) Contents. All permits issued by the city shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all city laws and regulations and of the historic architectural review commission.

(c) Stop work order; penalty. The building official is authorized to post a signed and dated notice to stop work on any site on which work is being performed in violation of the city laws and regulations or of the historic architectural review commission. Any person shall be guilty of an offense punishable as provided in section 1-15 if the person:

(1) Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the building official; or

(2) Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the building official.

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

To Wit: I conducted a site visit to find a new deck constructed, as complainant David Ray advised. There are no permits for this structure.

Corrective Action: Consult with HARC planner to obtain after the fact cert of appropriateness. NOCV issued requesting action within 10 days.

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.



Matt Willman
Code Compliance Inspector
3139 Riviera Drive
Key West, FL. 33040
305-809-3735 o
305-797-6775 c
Work Schedule Wed-Sun 3pm-12am

Doc # 4407

Hand Served this 3 day of Jan, 2015

Received by: [Signature]

Served By: [Signature]



THE CITY OF KEY WEST
Code Compliance Division
P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

**NOTICE OF CODE VIOLATION/
NOTICE OF ADMINISTRATIVE HEARING**

DATE: April 22, 2015
RE: CASE NUMBER 14-00001821

CERTIFIED MAIL RECEIPT#: HAND SERVED

To:
Janice Isherwood
704 Eaton St
Key West FL 33040

Subject Address:
523 Elizabeth St
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

Count 1 of 1: 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)

To Wit: I conducted a site visit to find a new deck constructed as complainant David Ray advised. There are no permits for this structure.

Corrective Action: Consult with Building Official Wampler to obtain after the fact permits. CN issued requesting action within 7 days on Jan 9, 2015. Now 60 days later, Notice of Hearing issued.

Count 2 of 2: Sec. 14-40. - Permits in historic districts.

(a) Requirements. No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission, attested by signature of its presiding member, and until the city manager finds that the building or work permit conforms to all laws and regulations of the city.

(b) Contents. All permits issued by the city shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all city laws and regulations and of the historic architectural review commission.

(c) Stop work order; penalty. The building official is authorized to post a signed and dated notice to stop work on any site on which work is being performed in violation of the city laws and regulations or of the historic architectural review commission. Any person shall be guilty of an offense punishable as provided in section 1-15 if the person:

(1) Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the building official; or

(2) Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the building official.

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

(Code 1986, §§ 31.013, 31.014, 31.016)

To Wit: I conducted a site visit to find a new deck constructed as complainant David Ray advised. There are no permits or Certificate of Appropriateness for this structure.

Corrective Action: Consult with HARC planner to obtain after the fact cert of appropriateness. CN issued requesting action within 7 days. On Jan 9, 2015. Now after no action 60 days later a Notice of Hearing is issued.

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:

April 29, 2015

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.

Matt Willman
Code Compliance Inspector
3139 Riviera Drive
Key West, FL. 33040
305-809-3735 o
305-797-6775 c
Work Schedule Wed-Sun 3pm-12am

Hand served this 15 day of April, 2015 @ 4:15 am/pm
Received by: [Signature] Served By: [Signature]

Doc # 4553 2014



THE CITY OF KEY WEST

Code Compliance Division

P.O. Box 1409, Key West, FL 33040

(305) 809-3740 (305) 809-3978 FAX

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE OF THE CITY OF KEY WEST, FLORIDA

CITY OF KEY WEST

FILE NO. 14-1821

CERTIFIED MAIL # 7014 3490 0001 9323 0415

VS.

Janice Isherwood
704 Eaton Street
Key West, FL 33040

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This cause having come before the Special Magistrate on May 27, 2015, pursuant to the Florida Statutes Chapter 162 and Article VI et seq of the Key West Code, and the Special Magistrate having heard from the Code Officer that compliance has not been achieved, and being otherwise advised of the premises; The Special Magistrate finds that Janice Isherwood is in violation of Key West Code of Ordinances, section(s) 14-37 and 14-40. In that the following condition(s) exists at 523 Elizabeth Street: **Count 1:** For failure to obtain a building permit for the new deck. **Count 2:** For failure to obtain a certificate of appropriateness for the new deck.

Accordingly it is hereby
ORDERED:

1. A fine of \$250.00 per day is imposed starting May 27, 2015.
2. The Respondent is further ordered to contact the City of Key West Code Inspector to verify compliance, which may include an inspection. Any continuing fine imposed shall continue to accrue until such time as the Code Inspector inspects the property and verifies compliance with this Order. This Order may be recorded in the official records of Monroe County for lien and judgment purposes. This case may serve as a predicate for a repeat violation should similar violations occur in the future as applicable.
3. If you request that the fine be reduced or mitigated you must be in compliance and you must request in writing to appear before the Special Magistrate two weeks prior to a hearing to show cause why said fine should be mitigated.

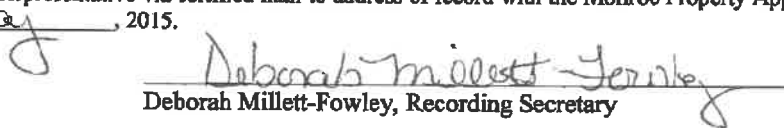
Done and Ordered this 28th day of May, 2015.

The Code Enforcement Special Magistrate of the City of Key West, Florida


Donald E Yates

Certificate of Order and Service

I hereby certify that this is a true and correct copy of the above Order and that a true and correct copy has been furnished to the Respondent(s) and/or Authorized Representative via certified mail to address of record with the Monroe Property Appraiser's Office on this 28th day of May, 2015.


Deborah Millett-Fowley, Recording Secretary

Doc# 2053839
Bk# 2770 Pg# 1025

**CODE ENFORCEMENT SPECIAL
MAGISTRATE IN AND FOR
THE CITY OF KEY WEST,
MONROE COUNTY, FLORIDA**

CASE NO.: 14-1821

**CITY OF KEY WEST, a
Florida municipal corporation
Key West, Florida 33040
Petitioner**

vs.

**Janice Isherwood
523 Elizabeth Street
Key West, FL 33040**

Respondent(s)

ORDER IMPOSING PENALTY/LIEN

Subject Property Legal Description: 523 Elizabeth Street, On the Island of Key West and known on William A Whitehead's map of said Island delineated in February A.D. 1829, as part of Lot 4 in Square 48. COMMENCING at a point on the Easterly side of Elizabeth Street, 135 feet from the corner of Elizabeth and Southard Streets and extending thence in a Northwesterly direction along Elizabeth Street 45 feet; thence at right angles in a Northeasterly direction 110 feet; thence at right angles in a Southeasterly direction 45 feet; and thence at right angles in a Southwesterly direction 110 feet to the Point or Place of Beginning.

Parcel ID: 00008830-000000

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate (herein referred to as "Special Magistrate") on April 29, 2015 for case #14-1821 after due notice to Respondent(s), at which time the Special Magistrate heard testimony under oath, received evidence, and issued its Findings of Fact and Conclusions of Law and thereupon issued its oral Order which was reduced to writing and furnished to Respondent(s). This Finding and Order was mailed on May 1, 2015.

Said Order required Respondent(s) to pay an Administrative Cost of \$250.00 and to come into compliance by May 26, 2015. A compliance hearing was held on May 27, 2015. Compliance had not been obtained and the Special Magistrate imposed a fine of \$250.00 per day. Compliance was obtained on May 28, 2015.

ORDERED that Respondent(s) pay to the City of Key West an amount of \$500.00 and this amount shall be subject to the maximum statutory interest charges provided by law.

This Order can be recorded and shall then constitute a lien for all the accrued fines against the above described property, and any other real or personal property that the violator owns in Key West, Monroe County where recorded pursuant to Section 162.09 of the Florida Statutes.

DONE AND ORDERED this 18th day of Nov, 2015.

CODE ENFORCEMENT
SPECIAL MAGISTRATE

By: _____

Donald E Yates
Special Magistrate

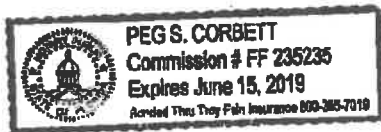
ATTEST:

DATED: 11-18-15

Deborah Millett-Fowley
Deborah Millett-Fowley
Recording Secretary

PERSONALLY appeared before me, the undersigned authority, Deborah Millett-Fowley, well known to me and known by me to be the Clerk and Recording Secretary, respectively of the CODE ENFORCEMENT SPECIAL MAGISTRATE, and acknowledged before me that they executed the foregoing instrument on behalf of the CODE ENFORCEMENT SPECIAL MAGISTRATE, as its true act and deed, and that they were duly authorized to do so. They are personally known to me and have each produced a Florida Drivers License as identification.

WITNESS my hand and official seal this 18th day of Nov, 2015.



Peg S. Corbett
NOTARY PUBLIC

My Commission Expires:

I HEREBY CERTIFY that a true and correct copy of the above and foregoing **ORDER IMPOSING PENALTY/LIEN** has been furnished by certified mail (7014 3490 0001 9322 9815) and regular mail to 523 Elizabeth Street, Key West, FL 33040 this 19th day of Nov, 2015.

I hereby certify that as Clerk and Recording Secretary of the Code Enforcement Special Magistrate of the City of Key West, the Office to whose custody the original is entrusted, this is a true and correct copy of the document maintained on file in the Office of the Code Enforcement Special Magistrate of the City of Key West.

Deborah Millett-Fowley
Deborah Millett-Fowley
Recording Secretary