

**CITY OF KEY COLONY BEACH, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF KEY COLONY BEACH, FLORIDA,

Petitioner,

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v.

LEAD LENDING LLC
3601 NW 2nd Ave, Boca Raton, FL 33431

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

Respondent.

COMPLIANCE ORDER

IN RE: 211 9th Street, Key Colony Beach, Florida 33051
MAILING ADDRESS: 3601 NW 2nd Ave, Boca Raton, FL 33431
PARCEL ID: 00075500-000000

VIOLATIONS: Sec. 6-6, Construction Activities without a Permit
Sec. 6-8, Remodeling: Required Performance and Permit Expiration
Sec. 6-34. – Standards
Sec. 6-56. – Maintenance

The Code Enforcement Special Magistrate for Key Colony Beach, Florida, having before it the above-referenced Code Violations, Sec. 6-6, Construction Activities without a Permit, Sec. 6-8, Remodeling: Required Performance and Permit Expiration, Sec. 6-34. – Standards, Sec. 6-56. – Maintenance, the Special Magistrate now issues the following **COMPLIANCE ORDER**.

FINDINGS OF FACT

1. Respondent is the title owners of real property located at 211 9th Street, Key Colony Beach, Florida 33051 (the "Property").

2. On August 19, 2022, the Key Colony Beach Code Enforcement Officer observed the ground-level residence was dilapidated and in violation of Key Colony Beach Code of Ordinances 6-34, Standards, and 6-56, Maintenance. The entire property was so dilapidated it was

possibly unfit for habitation, and a Notice of Ordinances Violation letter was sent to this new owner with instructions for compliance.

3. On September 19, 2022, this owner obtained a valid Key Colony Beach Building Permit for “Demo yard items, decking, trellis cleaning property. Not authorized to perform any structural demolition without additional permitting”. This Permit expires December 20, 2023.

4. A second Key Colony Beach Building Permit was obtained on February 8, 2023, for “remove cast iron sewer and drain lines replace with PVC”, expiring May 8, 2023.

5. During the summer of 2023, over numerous routine patrols by the Key Colony Beach Code Enforcement Officer and Building Official, it was evident that work on this property clearly exceeded the first permit, said unpermitted work including new building additions, kitchen demolition, and other things not set forth by the first Permit.

6. During the aforementioned routine patrols, it was also evident that all work on the building and the sewer lines as per the second Permit had suddenly come to a halt. No workers were ever present and said work was not progressing. Currently, parts of the structure remain open to the elements, unfinished, and the structure is not habitable. Furthermore, no interim inspections have ever been requested and it appears as though the demo permit has been cancelled.

7. An in-person meeting with the owner and City of Key Colony Beach Officials took place on August 14, 2023. At this meeting the issue of the cessation of work and expiration of Permits was discussed. In addition, and perhaps more importantly, it was made clear by the City of Key Colony Beach Officials that the scope of work done to the structure, and the work still remaining to be done to the structure to make it habitable, would implicate the FEMA Substantial Improvement/Substantial Damage Regulations (more commonly referred to as the 50% rule) requiring the structure to be elevated, or demolished and re-built elevated.

8. At that meeting options were discussed with the owner, including his obtaining a new structural appraisal to increase the FEMA value basis, but to date no such appraisal has been furnished.

9. Furthermore, to date no additional building permits have been obtained, no further work has been performed, and the property sits idle with an unused construction dumpster out front. It also remains open to the elements, unfinished, uninhabitable, and there is open sewer line trench in the front yard, all of which constitute life safety hazards.

10. The Key Colony Beach Building Official directed the Key Colony Beach Code Enforcement Department to commence code enforcement proceedings against Respondent, which resulted in a public code enforcement violation hearing held on November 8, 2023, alleging the code violation of Construction Activities without a Permit as required by Key Colony Beach Code section 6-6 (1)(b)(d), which work included, but was not limited to, new building additions, kitchen demolition, and other things not set forth by the first Permit. Additional violations include Sec. 6-8, Remodeling: Required Performance and Permit Expiration, Sec. 6-34. – Standards, Sec. 6-56. – Maintenance.

11. Sufficient, competent evidence was produced at hearing of November 8, 2023, to prove by a preponderance of the evidence that the performance of construction work including, but not limited to, new building additions, kitchen demolition, and other things not set forth by the first Permit requires the need for a lawfully issued Building Permit(s) pursuant to Ordinance 6-6 (1)(b) and(d), and is prohibited without said permit(s).

12. Sufficient, competent evidence was also produced at the code violation hearing of November 8, 2023, to prove by a preponderance of the evidence that Respondents did engage in construction activities in the nature of new building additions, kitchen demolition, and other things

not set forth by the first Permit, without the required, lawfully issued building permit(s) from the City of Key Colony Beach pursuant to Key Colony Beach Code section 6-6 (1)(b)(d).

13. Sufficient, competent evidence was also produced at the code violation hearing of November 8, 2023, to prove by a preponderance of the evidence that the Code Violation Construction Activities without a Permit as required by Key Colony Beach Code section 6-6 (1)(b)(d) typically carries with it a fine of \$250.00 per day.

14. Sufficient, competent evidence was also produced at the code violation hearing of November 8, 2023, to prove by a preponderance of the evidence that cessation of work for more than 30 days, and no interim inspections, on a remodel Permit clearly implicates the daily \$30.00 dollar fee conditions of the Key Colony Beach Code pursuant to Sec. 6-8. - Remodeling: required performance and permit expiration.

15. Sufficient, competent evidence was also produced at the code violation hearing of November 8, 2023, to prove by a preponderance of the evidence that the structure sitting idle with an unused construction dumpster out front, open to the elements, unfinished, and not habitable, and with an open sewer line trench in the front yard, all constituting life safety hazards, clearly implicates Sec. 6-34, Standards, and Sec. 6-56, Maintenance, which typically carries with them a fine of \$250.00 per day

CONCLUSION OF LAW

1. The findings of fact above result in a violation of Section 6-6, Code of Ordinances of the City of Key Colony Beach, Florida, described as Construction Activities without the Issuance of a Valid Building Permit. The penalty for a violation of each of Key Colony Beach Ordinances 6-6 is \$250.00 per day.

2. The findings of fact relative to the cessation of work for more than 30 days on a remodel Permit clearly implicates the daily fee conditions of the Key Colony Beach Code 6-8, and there is a \$3.00 per day penalty for the “indefinite extension”.

3. The findings of fact relative to the structure sitting idle with an unused construction dumpster out front, open to the elements, unfinished, and not habitable, and with an open sewer line trench in the front yard, all constituting life safety hazards, violates Sec. 6-34, Standards, and Sec. 6-56, Maintenance.

ORDER FOR COMPLIANCE

1. Based on the foregoing Findings of Fact and Conclusions of Law, the Special Magistrate now finds that Respondent has violated Section 6-6, Unlawful Construction Activities Without the Issuance of a Valid Building Permit, Sec. 6-8, Remodeling: Required Performance and Permit Expiration, Sec. 6-34. – Standards, Sec. 6-56. – Maintenance Code of Ordinances of the City of Key Colony Beach, Florida.

2. Respondent, LEAD LENDING LLC, must immediately:

a. remove the dumpster, close the sewer trench, and board/close up and secure the structure to make it safe and impervious to the elements, pending further issuance of Building Permits;

b. Provide the Key Colony Beach Building Department with a detailed description and accounting of ALL work performed on the structure to this point. This will be required to include the fair-market cost of all material, labor, demolition, and disposal associated with the remodel work performed. One Key Colony Beach Substantial Improvement / Substantial Damage worksheet will be required to detail this work and the costs associated with it.

c. Provide the Key Colony Beach Building Department with engineered plans (signed and sealed) drawn by a Florida-licensed design professional for the scope of ALL work required to bring the structure back to habitable status. This includes the roof repair, a floor plan of both floors of the structure, detailed descriptions of work, and Mechanical/Electrical/Plumbing (MEP) plans showing the replacement systems.

d. Provide the Key Colony Beach Building Department with a detailed Key Colony Beach SI/SD worksheet that is required to be completed with ALL work required to return the structure to habitable status. This document and its accompanying information is required to be approved before the permit can be issued. This document is required to have ALL necessary information on it, including the costs of the work prior to the fire, the cost of the remediation permit (including demolition and disposal costs), and the cost of all permits pulled within the last 3 years as part of the Cumulative Substantial Improvement regulations in effect per KCB LDR Section 101-8 and KCB Code of Ordinances Article 1, Section 6-26.

3. The Special Magistrate hereby authorizes the City's Code Enforcement Officer and Building Official to inspect both the exterior and interior of the dwelling located on the Property in order to further determine whether the dwelling is a dangerous building/structure, unfit for human habitation in accordance with Chapter 6 of the Code of Ordinances of City of Key Colony Beach, Florida and the relevant provisions of the Florida Building Code.

4. If Respondents fail to bring the Property back into compliance with the Code of Ordinances of the City of Key Colony Beach, Florida, within 90 days of the date of this Order the City shall be authorized to undertake efforts to repair, remediate, and/or clean up the Property such that it may become compliant. The City shall be further authorized to seek

reimbursement for its cost to repair, remediation and/or clean up Respondents' Property. Such cost of repair, remediation, and/or clean up may result in a lien being placed against the Property in accordance with Chapter 162, *Florida Statutes*. The City may also otherwise condemn the property pursuant to Key Colony Beach Code, section 6-38 et seq. and proceed as authorized.

5. Respondent's failure to abide by the terms and conditions of this Final Order shall also result in the imposition of a statutory daily fine of \$753.00 per day (\$250.00 for a violation of 6-6, 6-34, 6-56, and \$3.00 per day for violation of 6-8) from August 14, 2023, until the Property has been determined to have been brought into compliance with the Code of Ordinances of the City of Key Colony Beach, Florida. The City shall also recover the cost of its compliance prosecution should the Respondents fail to satisfy the terms and conditions of this Final Order.

5. A certified copy of this Order may be recorded in the Public Records of Monroe County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the Respondents and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. A certified copy of an Order Imposing Fine may be recorded in the Public Records of Monroe County, Florida, and once recorded shall constitute a lien against the property upon which the violation exists and upon any other real or personal property owned by the Respondents. Any such recording and subsequent lien will be satisfied by the subsequent filing of a Compliance Order.

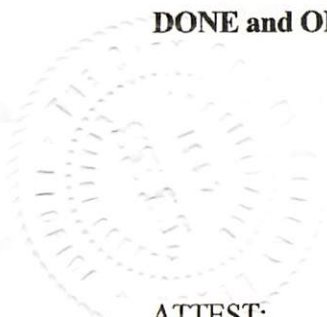
PURSUANT TO SECTION 162.011, *FLORIDA STATUTES*, AN APPEAL OF THIS FINAL ORDER MAY BE FILED IN THE CIRCUIT COURT IN MONROE COUNTY, FLORIDA, WITHIN THIRTY DAYS OF ITS EXECUTION.

DONE and ORDERED this 8th day of November, 2023



John G. Van Laningham, Special Magistrate

ATTEST:



Silvia Gransee
City Clerk,
City of Key Colony Beach

STATE OF FLORIDA)
) ss.
COUNTY OF)

I hereby certify that on this day, before me, an officer duly qualified to take acknowledgements, personally appeared Silvia Gransee, of the City of Key Colony Beach, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that she executed the same. Witness my hand and official seal in the County and State as aforesaid this date 11/8/2023.

Cheryl Baker
Notary Public, State of Florida



