

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

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

CITY OF KEY COLONY BEACH, FLORIDA,

Petitioner,

v.

MONROY INVESTMENT, LLC

Respondent.

COMPLIANCE ORDER

IN RE: 210 15th Street Circle, Key Colony Beach, Florida, 33051
MAILING ADDRESS: 958 S Patrick Circle, West Palm Beach FL 33406
PARCEL ID: 00079872-008900

VIOLATIONS: Sec. 6-6, Construction Activities without a Permit

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, the Special Magistrate now issues the following **COMPLIANCE ORDER**.

FINDINGS OF FACT

1. Respondent is the title owner of real property located at 210 15th Street Circle, Key Colony Beach, Florida 33051 (the "Property").
2. On November 29, 2023, the Key Colony Beach Building Official was on site at 210 15th Street Circle, Key Colony Beach, for an inspection of a seawall project when he observed construction debris from interior remodel including, but not limited to, plumbing, drywall, electrical and framing items, piled under a porch behind the property.
3. Upon return to the office the Key Colony Beach Building Official notified the Key Colony Beach Code Officer there was building activity at this residence without a building permit.

4. A review of the City of Key Colony Beach records reveals three building permits of recent record for this property, one in 2001 for windows and doors, since closed; one in 2023 for a roof, since closed; and the seawall project, which permit is still open. No building permit has been issued or exists for either this owner or this residence for any partial or complete interior remodel of this unit, or for plumbing, electric, drywall, or framing.

5. The performance of such work described herein clearly requires the need for a lawfully issued Building Permit pursuant to Ordinance 6-6 (1)(b) and(d), and is prohibited without said permit.

6. Based on the above, a “stop work order” was immediately issued for this property on November 30, 2023, and all work on it was to be brought to a halt.

7. 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 December 13, 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, interior remodel.

8. Sufficient, competent evidence was produced at hearing of December 13, 2023, to prove by a preponderance of the evidence that the performance of construction work including, but not limited to, interior remodel, 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).

9. Sufficient, competent evidence was also produced at the code violation hearing of December 13, 2023, to prove by a preponderance of the evidence that Respondents did engage in construction activities in the nature of interior remodel without the required building permit(s) from the City of Key Colony Beach pursuant to Key Colony Beach Code section 6-6 (1)(b)(d).

10. Sufficient, competent evidence was also produced at the code violation hearing of December 13, 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.

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.

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.

2. Respondent, MONROY INVESTMENT, LLC, must immediately:

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

b. 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.

c. 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 are 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 interior remodel, 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 the scope of unpermitted work, 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 30 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 \$250.00 for a violation of 6-6, from November 29, 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 14th day of December, 2023.



John G. Van Laningham, Special Magistrate



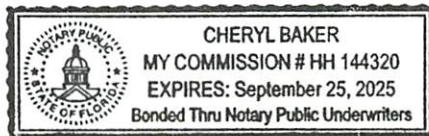
ATTEST:

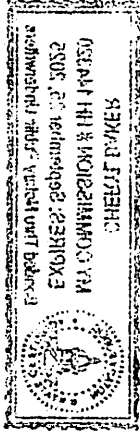
Silvia Grasse
City Clerk
City of Key Colony Beach

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 Grasse City Clerk, 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 12/15/23.

Cheryl Baker
Notary Public, State of Florida



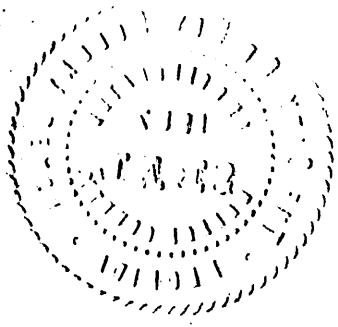


7/10/50

EXHIBIT

EXHIBIT EXHIBIT CO. 3052
VIA COMMISSION & IMPORTERS
CHEESE TRADES

EXHIBIT EXHIBIT CO. 3052
VIA COMMISSION & IMPORTERS
CHEESE TRADES



Certificate of Service

***Copies furnished via First-Class Mail and Email to**

Monroy Investment, LLC.
958 S. Patrick Circle
West Palm Beach, FL 33406
Respondent

Date: 12-15-2023