

**Monroe County Building Department**

Middle Keys Office:2798 Overseas Highway,Marathon,FL,33050,(305) 289-2501 ❖ Lower Keys Office:5503 College Road,Key West,33040,(305) 295-3990  
Upper Keys Office:102050 Overseas Highway,Key Largo,FL,33037,(305) 453-8800 ❖ Ocean Reef Office:11601 CR 905,Key Largo,FL 33037,(305) 453-8765  
<http://fl-monroecounty.civicplus.com/149/Building-and-Permitting>

**APPEAL TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS  
[MUST BE RECEIVED WITHIN 30 CALENDAR DAYS OF THE DECISION]**

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review. Per the current Monroe County Building Department Fee Resolution a fee will be charged

**Pursuant to Monroe County Code Section 6-57, the owner of a building, structure or service system, or his duly authorized agent, may appeal an administrative decision or interpretation of the building official relative to a building, structure or service owned by such person related to the Florida Building Code to the construction board of adjustment and appeals if one of the following conditions is alleged to exist:**

- (1) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system;**
- (2) The provisions of the Florida Building Code do not apply to this specific case;**
- (3) An equally good or more desirable form of installation can be employed in any specific case; or**
- (4) The true intent and meaning of the Florida Building Code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.**

**Date of Application:** \_\_\_\_\_  
Month Day Year

**Appellant:**

\_\_\_\_\_  
Appellant (Name of Person, Business or Organization)      Contact Name

\_\_\_\_\_  
Appellant Mailing Address (Street, City, State and Zip Code)

\_\_\_\_\_  
Appellant Phone #      Appellant Email Address

**Agent Authorized to Act for Appellant (if applicable):**

\_\_\_\_\_  
Agent (Name of Person, Business or Organization)      Contact Name

\_\_\_\_\_  
Agent Mailing Address (Street, City, State and Zip Code)

\_\_\_\_\_  
Agent Phone #      Agent Email Address

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**Decision being appealed (include permit number if applicable):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date of decision being appealed:** \_\_\_\_\_

**Property Owner of Affected Property (if applicable):**      **Check Box if not applicable**

\_\_\_\_\_  
Property Owner (Name of Person, Business or Organization)

\_\_\_\_\_  
Mailing Address (Street, City, State and Zip Code)

**Legal Description of Affected Property (if applicable):**      **Check Box if not applicable**   
**(If in metes and bounds, attach legal description on separate sheet.)**

\_\_\_\_\_  
Block                      Lot                      Subdivision                      Key

\_\_\_\_\_  
Real Estate (RE) Number(s)                      Alternate Key Number(s)

\_\_\_\_\_  
Street Address (Street, City, State & Zip Code)                      Approximate Mile Marker

**Is there a pending code enforcement proceeding involving all or a portion of this property?**

Yes     No    Code Case file # \_\_\_\_\_

Describe the enforcement proceedings and if this application is being submitted to correct the violation

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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### **APPEAL TO THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

**All of the following items must be included in order to have a complete application submission- Please check the box as each required item is attached to the application:**

- Completed application form (unaltered and unbound)
- Applicable fees (check or money order to *Monroe County Building Department*)
- Full and unedited copy of the document(s) that provides the administrative decision being appealed
- Basis for the appeal in the nature of an initial brief and any evidence, including testimony, affidavits and the curriculum vitae of any expert witness that will be called (the brief must at a minimum state all grounds for the appeal, including but not limited to, the law being appealed and any facts necessary for interpretation of those laws)

**If applicable, the following must be submitted in order to have a complete application submittal:**

- Agent Authorization form (*required if application is submitted on behalf of another party*)
- Proof of ownership (i.e. Warranty Deed) (*required if appellant is owner of a specific property that is subject of the appeal*)
- Property Record Card(s) from the Monroe County Property Appraiser (*required if a specific property(s) is subject of the appeal*)

**Please submit or send the application package to Both Offices:**

Monroe County Administrator The Gato Building 1100 Simonton Street Key West, FL 33040	Monroe County Building Department Marathon Government Center 2798 Overseas Highway, Suite 300 Marathon, FL 33050
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**A notice of appeal in the form prescribed by the Building Official must be filed with the County Administrator and with the office or department rendering the decision, determination or interpretation within 30 calendar days of the decision. Failure to file such appeal shall constitute a waiver of any rights under this Code of Ordinances to appeal any decision, interpretation or determination made by an administrative official. Such notice shall be accompanied by the names and addresses of the owner, applicant, property owner, and adjacent property owners.**

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note: A transcript made from recordings or other secondary means does not provide a sufficiently accurate record of all the speakers. Therefore, such "secondary" transcripts may not be accepted as a valid verbatim transcript.

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**ACKNOWLEDGMENT**

If deemed necessary to complete a full review of the application, the Building Department reserves the right to request additional information.

If new evidence, or the basis for appeal, is submitted at the Board of Adjustment & Appeals hearing, Staff shall request that the hearing be continued to the next meeting so that Staff has the opportunity to prepare a response to the new evidence.

If the applicant does not submit the basis for the appeal with the application, then the application will be Deemed incomplete and returned to the applicant without submission to the Board of Adjustments & Appeals.

Additional fees may apply pursuant to the approved fee schedule

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

\_\_\_\_\_ **Date:** \_\_\_\_\_  
*Signature of Applicant*

**NOTARY PUBLIC**

**STATE OF FLORIDA**

**COUNTY OF** \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ (year), by

\_\_\_\_\_  
*(Name of person making statement).*

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification

Type of Identification Produced: \_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_