



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, July 30, 2014

1:30 PM

Old City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Call Meeting to Order

Code Violations

1

Case # 14-410

Timothy William Randall Dunn

Christopher Bautista R/S

906 Truman Avenue 1

Sec. 14-37 Building permits; professional plans; display of permits

Sec. 14-40 Permits in historic district

Officer Bonnita Badgett

Certified Service:

Initial Hearing: 5-28-2014

In compliance July 3, 2014, request dismissal

Count 1: For replacing rotten siding and wood around windows and doors without benefit of a building permit. **Count 2:** For replacing rotten siding and wood around windows and doors without benefit of a certificate of appropriateness.

Legislative History

5/28/14

Code Compliance Hearing

Continuance

2

Case # 14-432

Gary R & Diane M Onderdonk
Scott & Jennifer Shaffer T/C
2408 Flagler Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business
Sec. 58-61 Determination and levy of charge
Sec. 90-363 Certificate of occupancy - required
Officer Bonnita Badgett
Certified Service: 5-1-2014
Initial Hearing: 5-28-2014

Continuance granted to August 20, 2014

Count 1: For building a fence and cinder block to to make a storage area for the mother-in-law unit without benefit of a building permit.
Count 2: For renting the mother-in-law unit and the house without benefit of a business tax receipt. **Count 3:** The city only recognizes one (1) single family residence. **Count 4:** A certificate of occupancy is required for the second unit.

Legislative History

5/28/14 Code Compliance Hearing Continuance

3

Case # 14-715

Lee R & Lynda J Hanke
906 Truman Avenue 2
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Officer Bonnita Badgett
Certified Service: 5-9-2014
Initial Hearing: 5-28-2014

In compliance July 3, 2014, request dismissal

Count 1: For replacing rotten siding and wood around windows and door without benefit of a building permit. **Count 2:** For replacing rotten siding, wood around windows and doors and painting without benefit of a certificate of appropriateness.

Legislative History

5/28/14 Code Compliance Hearing Continuance

4

Case # 14-717

Joseph A Jr & Amy Vanore
906 Truman Avenue 3
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Officer Bonnita Badgett
Certified Service: 5-10-2014
Initial Hearing: 5-28-2014

In compliance July 3, 2014, request dismissal

Count 1: For replacing rotten siding and wood around doors and windows without benefit of a building permit.

Count 2: For replacing rotten siding, wood around doors and windows and painting without benefit of a certificate of appropriateness.

Legislative History

5/28/14 Code Compliance Hearing Continuance

5

Case # 13-1568

Joseph P Browning
c/o Michael L Browning Trustee
1907 Roosevelt Drive A
Sec. 58-31 Container and receptacle requirements
Officer Peg Corbett
Certified Service: 6-12-2014
Initial Hearing: 7-30-2014

In compliance June 27, 2014, request dismissal

Count 1: Trash and recycle receptacles were left on the city right of way on Friday, December 13, 2013, Friday, December 27, 2013, Friday, January 31, 2014 and Saturday, June 7, 2014. Trash pick up is on Thursdays.

6

Case # 14-378

Dereck Berger

Lance Torres

2333 Fogarty Avenue

Sec. 90-356 Building permits required

Sec. 108-680 Recreational vehicles and boats

Sec. 118-4 Recording of plats, lot splits or other change in lines or boundaries defining land configuration

Officer Peg Corbett

Certified Service: 6-7-2014

Initial Hearing: 7-2-2014

In compliance July 17, 2014, request dismissal

Count 1: A gate was built on the city right of way (easement) without permits. **Count 2:** The boat belonging to Mr. Berger has been placed on the easement behind the gate. **Count 3:** A lot split has been recorded at the county clerk's office without the benefit of city approval.

Legislative History

7/2/14

Code Compliance Hearing

Continuance

7

Case # 14-479

Maynard & Marcie Lowe

1212 Duval Street

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Sec. 14-37 Building permits; professional plans; display of permits

Sec. 14-40 Permits in historic districts

Sec. 90-363 Certificate of occupancy - required

Sec. 14-256 Required

Sec. 14-325 Permits required

Sec. 58-61 Determination of levy of charge

Officer Peg Corbett

Posted: 6-25-2014

Initial Hearing: 7-30-2014

Continuance granted to August 20, 2014

Counts 1 - 2: The subject property has two units for which there are no business tax receipts for non-transient rental. **Counts 3 - 4:** The City of Key West recognizes three units. The subject property has five units. There are no building permits for the additional two units. **Counts 5 - 6:** The subject property has two units for which a HARC Certificate of Appropriateness has not been obtained. **Counts 7 - 8:** The subject property has tenants in the two units that have not received a certificate of occupancy from the City of Key West. **Counts 9 - 10:** The subject property did not obtain a required electrical permits for units 4 and 5. **Counts 11 - 12:** The subject property did not obtain the required mechanical permits for units 4 and 5. **Counts 13 - 14:** The subject property has two units for which there are no active utility accounts contrary to city ordinance.

8

Case # 14-604

Charles Walingue - tenant
Poinciana Park Partners
Erwin Mayer - TA
1300 15th Court 47
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 34-130 Violations
Officer Peg Corbett
Certified Service: 6-12-2014
Initial Hearing: 7-30-2014

New Case

Count 1: Mobile home owner was constructing a new room on the inside of a large screened in porch. The room has a wooden foundation that is sitting on wet ground within this latticed in porch. There are no permits. **Count 2:** The new construction at the subject property violates FEMA flood guidelines.

9

Case # 14-820

Vicki Gordon
1406 Leon Street
Sec. 62-2 Obstructions
Officer Peg Corbett
Certified Service: 6-7-2014
Initial Hearing: 7-30-2014

Continuance granted to September 17, 2014

Count 1: A wall and a pool were built five feet onto the city right of way. An easement was applied for but not granted due to failure of the property owner to meet the conditions therein.

10

Case # 14-825

Sandra Johnson
Bright Goldsmith
409 Catherine Street
Sec. 66-102 Due dates and delinquent; penalties
Officer Peg Corbett
Certified Service: 6-23-2014
Initial Hearing: 7-30-2014

In compliance June 17, 2014, request dismissal

Count 1: The business tax receipt to rent this property non-transiently is delinquent.

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Case # 14-826

Julie Ann Garber - Registered Agent
Whitehead Properties II, LLC
401 Whitehead Street 403
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 6-16-2014
Initial Hearing: 7-30-2014

In compliance July 23, 2014, request dismissal

Count 1: The business tax receipt for two non-transient units is delinquent.

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Case # 14-830

Overseas Radio LLC
Guy Deboer - Registered Agent
Konk AM
402 Appelrouth Lane
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 6-7-2014
Initial Hearing: 7-30-2014

In compliance July 3, 2014, request dismissal

Count 1: The business tax receipt for Konk AM is delinquent.

13

Case # 14-831

Konk Life
Guy Deboer, Registered Agent
402 Appelrouth Lane
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 6-7-2014
Initial Hearing: 7-30-2014

In compliance July 3, 2014, request dismissal

Count 1: The business tax receipt for Konk Life is delinquent.

14

Case # 14-834

Sun N Sand of Key West, Inc.
Yakov Blives, Registered Agent
300 Front Street 1
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 6-12-2014
Initial Hearing: 7-30-2014

In compliance July 7, 2014, request dismissal

Count 1: The business tax receipt for Sun N Sand of Key West, Inc. is delinquent.

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Case # 14-835

Sunset Watersports Inc.
Paul S Mills, Registered Agent
1 Duval Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 6-12-2014
Initial Hearing: 7-30-2014

In compliance July 23, 2014, request dismissal

Count 1: The business tax receipt for Sunset Watersports Inc. is delinquent.

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Case # 14-836

William Gerhardt
 115 Front Street 204
 Sec. 66-102 Dates due and delinquent; penalties
 Officer Peg Corbett
 Certified Service: 6-12-2014
 Initial Hearing: 7-30-2014

In compliance June 19, 2014, request dismissal

Count 1: The business tax receipt to rent this property is delinquent.

17

Case # 14-260

Linda Wheeler
 1213 White Street
 Sec. 108-452 Required sight distances for landscaping adjacent to
 public rights-of-way and point of access
 Sec. 122-1406 Obstructions to visibility
 Officer Leonardo Hernandez
 Certified Service: 3-25-2014
 Initial Hearing: 4-23-2014

Continued from July 2, 2014 for ruling

Count 1: The hedges at the corner of White and Duncan exceed the height and length for clear visibility. **Count 2:** The hedges at the corner of White and Duncan obstructs traffic and traffic visibility.

Legislative History

4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance
7/2/14	Code Compliance Hearing	Continuance

18

Case # 14-606

Cathy Fernandez
912 Simonton Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts
Officer Leonardo Hernandez
Certified Service: 6-17-2014
Initial Hearing: 7-2-2014

In compliance July 28, 2014, fees still due

Count 1: For failure to obtain a demolition permit to remove the railings.

Count 2: For failure to obtain a certificate of appropriateness for removal of the railings.

Legislative History

7/2/14 Code Compliance Hearing Continuance

19

Case # 14-895

Doctor's Spa
Andrienne Curran
1075 Duval Street C18
Sec. 114-104 Restrictions on number of signs permitted
Officer Leonardo Hernandez
Certified Service:
Initial Hearing: 7-30-2014

In compliance July 22, 2014, request dismissal

Count 1: For exceeding the number of allowable signs. The business has 3 signs, only 2 are allowed.

20

Case # 14-844

George & Leonor Pallas
726 United Street
Sec. 110-259 Duty of property owner(s)
Officer Mary Lockyear
Certified Service: 7-14-2014
Initial Hearing: 7-30-2014

In compliance July 14, 2014, request dismissal

Count 1: The roots of the tree on this property have lifted up a portion of the city sidewalk causing an obstruction to pedestrians.

21

Case # 14-863

Infinity Hair
 Allysa Rosado
 126 Simonton Street
 Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
 Officer Mary Lockyear
 Certified Service: 7-5-2014
 Initial Hearing: 7-30-2014

In compliance July 8, 2014, request dismissal

Count 1: Allysa Rosado is performing professional services as a nail specialist without the benefit of a business tax receipt.

22

Case # 13-519

G Phillip & Susan Morris
 909 United Street
 Sec. 14-325 Permits required
 Sec. 14-327 Inspection
 Sec. 90-363 Certificate of occupancy - required
 Sec. 108-991 Development not affection by article
 Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
 Sec. 74-131 Required where pubic sewer available
 Officer Barbara Meizis
 Certified Service: 10-21-2013
 Initial Hearing: 11-20-2013

In compliance July 23, 2014, request dismissal

Count 1: Failure to obtain an after the fact mechanical permit. **Count 2:** Failure to obtain a mechanical inspection. **Count 3:** A certificate of occupancy is required before a unit is occupied. **Count 4:** Failure to obtain a Lawful Unit Determination for the second unit. **Count 5:** Failure to obtain a business tax receipt to rent the second unit. **Count 6:** Failure to connect the second unit to the City sewer system.

Attachments: [13-519 909 united AmendedNOH](#)

Legislative History

11/20/13	Code Compliance Hearing	Continuance
3/19/14	Code Compliance Hearing	Continuance

23

Case # 13-1524

Nancy Flynn

Mama's Rock and Sand Inc.

Michael Biskupick

William H & Holly A Fehr - New Owner

1405 Petronia Street

Sec. 14-40 Permits in historic district

Sec. 14-37 Building permits; professional plans; display of permits

Officer Barbara Meizis

Certified Service: 4-4-2014 - Mama's Rock and Sand

Certified Service: 4-1-2014 - Owner

Initial Hearing: 4-23-2014

Continuance granted to August 20, 2014**Count 1:** For exceeding the scope of the certificate of appropriateness by installing brick pavers on the city right of way.**Count 2:** For exceeding the scope of the building permit by installing brick pavers on the city right of way.**Legislative History**

4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance
7/2/14	Code Compliance Hearing	Continuance

24

Case # 14-353

Paige Crump

Tyler Talmadge

5555 College Road

Snapper Pier Unit 17

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations

Sec. 122-419 Prohibited uses General Commercial district (CG)

Officer Barbara Meizis

Posted: 4-29-2014

Initial Hearing: 5-28-2014

Continued from July 2, 2014 - Settlement Agreement**Repeat Violation from case # 10-874**

Count 1: On December 27, 2013, February 18, 2014, March 5, 2014 and March 26, 2014 you advertised your houseboat for rent for \$240/nightly, \$1,680/weekly or \$7,200/monthly. **Count 2:** On December 27, 2013, February 18, 2014, March 5, 2014 and March 26, 2014 you held out/advertised your houseboat for rent for \$240/nightly, \$1,680/weekly or \$7,200/monthly. **Count 3:** Transient rentals are prohibited in the General Commercial district (CG).

Legislative History

4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

25

Case # 14-542

Jan & George LLC
Jan K Oostdijk, Registered Agent
Jan & George LLC
600 Frances Street
Sec. 102-152 Requirements for permits
Sec. 62-2 Obstructions
Officer Barbara Meizis
Certified Service: 6-14-2014
Initial Hearing: 7-30-2014

New Case

Count 1: The step sticks out across the city right of way approximately 18 inches. There has not been an application to the Historic Architectural Review Commission for this step. **Count 2:** There is a larger protrusion over the original concrete step as pictured in a HARC application for the Historic Marker from 2011

26

Case # 14-550

Robin Lacey &
Diana Mellon-Lacey H/W
920 Eisenhower Drive
Sec. 26-126 Clearing of property of debris and noxious material required
Sec. 62-2 Obstructions
Sec. 10-11 Keeping of fowl or wildlife
Sec. 26-31 Offensive and nuisance conditions prohibited
Officer Barbara Meizis
Certified Service: 6-24-2014
Initial Hearing: 7-30-2014

Continuance granted to August 20, 2014

Count 1: There are piles of palm fronds in the front, rear and side yards. **Count 2:** The trees in the front yard are hanging over the sidewalk forcing pedestrians to walk into the street. **Count 3:** Chickens are being raised but are not being kept in a coop or pen. **Count 4:** There is an outdoor jacuzzi that has stagnant water in it.

27

Case # 14-544

Poinciana Park Partners LLP
Gabriele Ostrowsicki PA R/A
Mary Louis - tenant
1300 15th Court 38
Sec. 14-37 Building permits; professional plans; display of permits
Officer Matt Willman
Certified Service: 7-18-2014 - property owner
Hand Served: 7-24-2014 - tenant
Initial Hearing: 7-30-2014

New Case

Count 1: For failure to obtain a building permit for the floor/deck.

28

Case # 14-838

William J Smith
1010 Emma Street Building 5
Sec. 26-194 Citation procedure for disturbing noise
Officer Matt Willman
Certified Service: 6-26-2014
Initial Hearing: 7-30-2014

New Case

Count 1: The city has received several complaints regarding the same violator. On June 20, 2014 Officer Willman witnessed loud music from a sound system operated by Mr. Smith. He was advised to turn it down and would be back if there were other complaints. Received another complaint from the Key West Police Department

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Case # 14-1109

Wayne Kruer
 1105 Thomas Street
 Sec. 62-2 Obstructions
 Officer Matt Willman
 Certified Service: 7-21-2014
 Initial Hearing: 7-30-2014

New Case

Count 1: The coconut tree is overhanging the city right of way limiting the use of the sidewalk as well as the adjacent parking space.

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Case # 13-1640

Martha J Wilkerson Estate
 c/o Allen & Karen Valdez
 914 Emma Street
 Sec. 26-126 Clearing of property debris and noxious material required
 Officer Jim Young
 Certified Service: 4-7-2014
 Initial Hearing: 4-23-2014

**Continued from July 2, 2014 for compliance
 In compliance July 29, 2014, fees still due**

Count 1: The lot is overgrown with weeds.

Legislative History

4/23/14	Code Compliance Hearing	Continuance
7/2/14	Code Compliance Hearing	Continuance

HARC Appeals

31

SMA 14-01

Yebo Island Grille LLC
 629 Duval Street
 H13-01-823

Continued from July 2, 2014 for ruling

Legislative History

5/28/14	Code Compliance Hearing	Continuance
7/2/14	Code Compliance Hearing	Continuance

Adjournment