



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, April 29, 2015

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 # 13-296**
JJJ's A Place in the Sun, Inc.
John Correa
1029 Southard Street
Sec. 2-939 Licenses
Officer Bonnita Badgett
Posted: 3-6-2015
Initial Hearing: 4-29-2015

Continuance granted to May 27, 2015

Count 1: A revocable license is required for the planters and all other items prior to placing them on the city right of way.

2

Case # 14-1745

Scott Hendricks
1916 Patterson Avenue
Sec. 14-37 Building permits, professional plans; display of permits
Sec. 14-256 Required
Sec. 14-31 Adopted
Officer Peg Corbett
Certified Service: 1-22-2015
Initial Hearing: 2-25-2015

Continued from February 25, 2015

Count 1: A detached habitable space was built without the benefit of a building permit. **Count 2:** Electricity was installed in the detached habitable space without the benefit of an electrical permit. **Count 3:** Plumbing was installed in the detached habitable space without the benefit of a plumbing permit.

Legislative History

2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance

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Case # 15-172

Southernmost Cigar Group LLC
Marc Miclette - R/A
230 East 7th Street Associates
Joseph Cohen - R/A
300 Front Street 1
Sec. 58-68 Commercial solid waste accounts
Officer Peg Corbett
Certified Service: 2-9-2015
Certified Service: 4-20-2015 - Property Owner
Initial Hearing: 3-20-2015

Continuance granted to May 27, 2015

Count 1: The subject business was issued a notice of hearing for July of 2013 for a delinquent waste management account which was paid and was dismissed. The account became delinquent again in February of 2014.

Legislative History

3/20/15	Code Compliance Hearing	Continuance
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Case # 15-190

Southernmost Cigar Group LLC
Marc Miclette - R/A
230 East 7th Street Associates
Joseph Cohen - R/A
300 Front Street 1
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Peg Corbett
Certified Service: 2-9-2015
Certified Service: 4-20-2015 - Property Owner
Initial Hearing: 3-20-2015

In compliance April 28, 2015, request dismissal

Count 1: The fire inspection fees is more than 90 days past due. This business was previously cited for the same violation in February, 2014.

Legislative History

3/20/15 Code Compliance Hearing Continuance

5

Case # 14-1631

Theresa Cioffi
3222 Riviera Drive
a/k/a 1600 Riviera Street
FBC Fuel/Gas 301.11 (ASCE 24-05 Sec. 7.4.1) Unsecured Fuel tank,
propane, within a flood zone, below flood level
Officer Scott Fraser
Certified Service: 12-20-2014
Initial Hearing: 1-28-2015

In compliance April 9, 2015, request dismissal

Count 1: For failure to obtain a fuel gas permit and properly secure the tank against buoyancy in accordance with the International Building Code.

Legislative History

1/28/15 Code Compliance Hearing Continuance
2/25/15 Code Compliance Hearing Continuance
3/20/15 Code Compliance Hearing Continuance

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Case # 14-878

1415 Olivia St LLC
 David MJR Graham, R/A
 1415 Olivia Street
 Sec. 62-2 Obstructions
 Officer Leonardo Hernandez
 Certified Service: 9-19-2014
 Initial Hearing: 11-14-2014

Continuance granted to May 27, 2015

Count 1: For installing pavers and plants on the city's right of way.

Legislative History

11/14/14	Code Compliance Hearing	Continuance
12/17/14	Code Compliance Hearing	Continuance
2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance

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Case # 14-1546

Patricia Ledo Fernandez
 2910 Fogarty Avenue
 Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
 Sec. 26-126 Clearing of property of debris and noxious material required
 Officer Leonardo Hernandez
 Certified Service: 2-28-2015
 Initial Hearing: 4-29-2015

In compliance April 14, 2015, request dismissal

Count 1: A business tax receipt is required to rent your property. **Count 2:** The property is overgrown with vegetation and yard waste is scattered on the ground.

8

Case # 15-33

Robert Edward Sunderman
 415 Bahama Street
 Sec. 110-292 Failure to achieve a compliance agreement
 Officer Leonardo Hernandez
 Certified Service: 3-16-2015
 Initial Hearing: 4-29-2015

New Case

Count 1: For failure to fulfill the conditions of the settlement agreement with the tree commission

9

Case # 15-43

Doctor's Spa
 Adrienne Curran
 1075 Duval Street C18
 Sec. 114-104 Restriction on number of signs permitted
 Officer Leonardo Hernandez
 Certified Service: 1-15-2015
 Initial Hearing: 2-25-2015

In compliance February 26, 2015, request dismissal

Count 1: For exceeding the number number of allowable signs

Legislative History

2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance

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Case # 15-63

Aqua Key West LLC
 Kimball Ingram
 711 Duval Street
 Sec. 114-103 Prohibited signs
 Officer Leonardo Hernandez
 Certified Service: 2-2-2015
 Initial Hearing: 4-29-2015

In compliance February 27, 2015, request dismissal

Count 1: Portable signs are prohibited in the historic district

11

Case # 15-360

Michael Dicken
325 Duval Street
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Leonardo Hernandez
Hand Served: 3-23-2015
Initial Hearing: 4-29-2015

Continuance granted to May 27, 2015

Count 1: Mr. Thomas Gocham finds the drummer, Michael, loud drumming disturbing.

12

Case # 14-1752

BO's Fish Wagon, Inc.
Holly Owen - President
Dragonfly Consulting - Registered Agent
801 Caroline Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Officer Mary Lockyear
Certified Service: 1-23-2015 - Holly Owen
Initial Hearing: 2-25-2015

In compliance February 25, 2015, request dismissal

Count 1: A counter was installed without the benefit of a building permit.

Count 2: A counter was installed without the benefit of HARC approval.

Legislative History

2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance

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Case # 14-1788

National Playground Construction
William Calhoun - Registered Agent
1100 Varela Street
Sec. 62-3 Schedule of right-of-way permit fees
Sec. 14-150 Insurance coverage
Officer Mary Lockyear
Certified Service: 1-29-2015
Initial Hearing: 2-25-2015

Continuance granted to May 27, 2015

Count 1: Heavy equipment was used to install the playground equipment without obtaining a right-of-way permit for use of the sidewalk. **Count 2:** Heavy equipment was driven over the sidewalk without providing insurance to cover any damage to the sidewalk.

Legislative History

2/25/15 Code Compliance Hearing Continuance

14

Case # 15-11

Neptune Designs
Jay Pfahl
301 Duval Street A & B
Sec. 14-40 Permits in historic district
Sec. 114-104 Restriction on number of signs permitted
Officer Mary Lockyear
Certified Service: 1-28-2015
Initial Hearing: 2-25-2015

In compliance April 17, 2015, request dismissal

Count 1: For failure to obtain HARC approval for the 13 signs. **Count 2:** For exceeding the number of allowable signs.

Legislative History

2/25/15 Code Compliance Hearing Continuance
3/20/15 Code Compliance Hearing Continuance

15

Case # 15-17

The Restaurant Store

Richard Tallmadge

1111 Eaton Street Front

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

Sec. 14-40 Permits in historic district

Sec. 114-103 Prohibited signs

Officer Mary Lockyear

Certified Service: 1-9-2015

Initial Hearing: 2-25-2015

In compliance March 17, 2015, request dismissal

Count 1: For the exterior seating which is not licensed. **Count 2:** For failure to obtain HARC approval for the Bone Island Brewing sign.

Count 3: For exceeding the number of allowable signs.

Legislative History

2/25/15 Code Compliance Hearing Continuance

3/20/15 Code Compliance Hearing Continuance

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Case # 15-101

Abaco Gold

Angela Williamson

422 Front Street

Sec. 114-104 Restriction on number of signs permitted

Sec. 14-40 Permits in historic districts

Officer Mary Lockyear

Certified Service: 3-9-2015

Initial Hearing: 4-29-2015

New Case

Count 1: For exceeding the number of allowable signs. **Count 2:** For failure to obtain a certificate of appropriateness for the signs.

17

Case # 13-332

Jean Venes Dieujuste

1300 15th Court 78

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

Officer Barbara Meizis

Certified Service: 12-17-2014

Initial Hearing: 1-28-2015

In compliance April 28, 2015, request dismissal

Count 1: For failure to obtain a building permit prior to replacing the floors and walls of the trailer and adding onto the trailer.

Legislative History

1/28/15 Code Compliance Hearing Continuance

18

Case # 14-1720

CAMA SDIRA LLC FBO Alex Model

C/O Camaplan

1501 White Street

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

Sec. 118-516 Stop work orders

Officer Barbara Meizis

Certified Service: 3-23-2015

Initial Hearing: 4-29-2015

In compliance March 27, 2015, request dismissal

Count 1: A building permit is required prior to the installation of a concrete fence. **Count 2:** A stop work order was issued on December 3, 2014 for the concrete fence. On March 4, 2015, the work had been completed without the benefit of a permit.

19

Case # 14-1781

David W Lehmkuhl

620 Petronia Street

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

Sec. 14-40 Permits in historic district

Officer Barbara Meizis

Certified Service:

Initial Hearing: 4-29-2015

In compliance March 5, 2015, request dismissal

Count 1: A building permit is required prior to constructing a fence and gate. **Count 2:** A Certificate of appropriateness is required prior to constructing a fence and gate.

20

Case # 15-51

James E & Laura D Thornbrugh

1107 Truman Avenue

Sec. 66-102 Date due and delinquent; penalties

Sec. 66-103 Transfer of license

Officer Barbara Meizis

Certified Service: 3-17-2015

Initial Hearing: 4-29-2015

New Case**Repeat Violation**

Count 1: The business tax receipt for Island Advertising & Printing is delinquent. **Count 2:** Your expired business tax receipt is from 1025 White Street and needs to be transferred to your current location of 1107 Truman Avenue.

21

Case # 15-65

Daniele Fazekas
818 Carstens Lane
Sec. 58-31 Container and receptacle requirements (f)
Officer Barbara Meizis
Certified Service: 2-18-2015
Initial Hearing: 4-29-2015

In compliance March 4, 2015, request dismissal

Count 1: Waste containers have been left out on the city right of way on the following days: Thursday, January 15, Friday, January 16 and Thursday, January 22. Trash pick up is on Monday.

22

Case # 15-165

Vila Natividad L/E
Ines M Brown T/C
1324 20th Terrace
Sec. 90-356 Building permits required
Sec. 90-365 Violations and penalties
Officer Barbara Meizis
Posted: 3-19-2015
Initial Hearing: 4-29-2015

New Case

Count 1: Building permits are required prior to construction of the addition. **Count 2:** Constructed an addition on the side of the structure in the setbacks without a building permit.

23

Case # 14-1798

Matthew N Boucher

3128 Riviera Drive

Sec. 18-601 License required - Counts 1-8 and Counts 9-16

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 17-18

Sec. 122-237 Prohibited uses - Counts 19-20

Officer Matt Willman

Certified Service: 2-26-2015

Initial Hearing: 2-25-2015

Continuance granted to May 27, 2015

Counts 1 - 8: The subject property was rented transiently to Brian Kindred from 12-27-14 through 1-3-15 for \$7,500 without the benefit of a transient license. **Counts 9 - 16:** The subject property was rented transiently to Kristen & Kevin Kaczmarek from 12-19-14 through 12-26-14 for \$7,500 without the benefit of a transient license. **Counts 17 - 18** The subject property is offered/advertised by the owner, Matt Boucher, on VRBO and Home Away for short term rentals. **Count 19-20:** The subject property is being rented for short term rentals which is not a permitted use in the Single Family zoning district.

Legislative History

2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance

24

Case # 14-1821

Janice Isherwood

523 Elizabeth Street

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

Sec. 14-40 Permits in historic districts

Officer Matt Wilman

Hand Served: 4-25-2015

Initial Hearing: 4-29-2015

New Case

Count 1: A building permit is required prior to the construction of a new deck. **Count 2:** A certificate of appropriateness is required prior to the construction of a new deck.

25

Case # 15-160

Stephen & Luna Phillips

1012 Varela Street 1

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)

Sec. 122-599 Prohibited uses

Officer Matt Willman

Certified Service: 2-26-2015

Initial Hearing: 4-29-2015

Continuance was granted to May 27, 2015

Count 1: The property is being held out on www.homexchange.com for short term rentals without a transient license. **Count 2:** The property is being held out on www.homexchange.com for short term rentals. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR).

26

Case # 15-203

Ronald Kaisen

1211 Catherine Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)

Sec. 122-599 Prohibited uses

Officer Matt Willman

Posted: 4-9-2015

Initial Hearing: 4-29-2015

Settlement Agreement

Count 1: The property is being held out on VRBO for short term rentals without a transient license. **Count 2:** The property is being held out on VRBO for short term rentals. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR).

27

Case # 15-248

Key Cove Landings LLC
Christopher Belland, R/A
Last Key Realty
Peter Rysman, R/A
3 Key Cove Drive
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)
Sec. 122-579 Prohibited uses
Officer Matt Willman
Certified Service: 2-28-2015 - owner
Certified Service: 3-3-2015 - Last Key Realty
Initial Hearing: 4-29-2015

Settlement Agreement - Last Key Realty**Settlement Agreement - Key Cove Landings LLC - Continuance
granted to May 27, 2015**

Count 1: The property is being held out on Last Key Realty and Home Away for short term rentals without a transient license. **Count 2:** The property is being held out on Last Key Realty and Home Away for short term rentals. **Count 3:** Transient rentals are prohibited in the Medium Density Residential district (MDR-1).

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Case # 15-249

Key Cove Landings LLC
Christopher Belland, R/A
Last Key Realty
Peter Rysman, R/A
10 Key Cove Drive
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)
Sec. 122-579 Prohibited uses
Officer Matt Willman
Certified Service: 3-2-2015 - owner
Initial Hearing: 4-29-2015

Settlement Agreement - Last Key Realty

**Settlement Agreement - Key Cove Landings LLC - Continuance
granted to May 27, 2015**

Count 1: The property is being held out on Last Key Realty and Home Away for short term rentals without a transient license. **Count 2:** The property is being held out on Last Key Realty and Home Away for short term rentals. **Count 3:** Transient rentals are prohibited in the Medium Density Residential district (MDR-1).

29

Case # 15-310

Sea Cups LLC
dba; Dante's
Wayne Smith - R/A
Brandon Shea Kocis, DJ
955 Caroline Street
Sec. 26-192 Unreasonably excessive noise prohibited
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **Dismiss**
Officer Matt Willman
Certified Service: 3-16-2015
Initial Hearing: 4-29-2015

Continuance granted to May 27, 2015

Count 1: On March 9, 2015, Officer's Lockyear and Hernandez responded to a complaint of loud music. Noise readings were 99.3 dbc. **Count 2:** A business tax receipt is required for the live entertainment.

30

Case # 14-154

Deutsche Bank Trust Company Americas
2321 Fogarty Avenue
Sec. 26-126 Clearing of property of debris and noxious materials
required
Officer Jim Young
Certified Service: 3-3-2015
Initial Hearing: 4-29-2015

New Case

Count 1: Property is overgrown with landscaping and debris

31

Case # 15-0001

Airbnb, Inc.
c/o Lawyers Incorporating Service, R/A
528 Grinnell Street
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)
Office Jim Young
Certified Service: 2-17-2015
Initial Hearing: 4-29-2015

Continuance granted to May 27, 2015

Count 1: On 30 Dec 15 a bedroom located at this property was being held out/advertised on website Airbnb.com for rent at a rate of \$225 per night without the required transient business tax receipt.

32

Case # 15-0002

Airbnb, Inc.
c/o Lawyers Incorporating Service, R/A
719 Catherine Street
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)
Officer Jim Young
Certified Service: 2-17-2015
Initial Hearing: 4-29-2015

Continuance granted to May 27, 2015

Count 1: On 30 Dec 14 this property was being held out/advertised on website Airbnb.com for rent at a rate of \$325 per night without the required transient business tax receipt.

33

Case # 15-0003

Airbnb, Inc.
c/o Lawyers Incorporating Service, R/A
104 Geraldine Street
Sec. 122-1371. - Transient living accommodations in residential
dwellings; regulations (d)(9)
Officer Jim Young
Certified Service: 2-17-2015
Initial Hearing: 4-29-2015

Continuance granted to May 27, 2015

Count 1: On 30 Dec 14 a bedroom located at this property was being held out/advertised on website Airbnb.com for rent at a rate of \$100 per night without the required transient business tax receipt.

34

Case # 15-0005

Airbnb, Inc.
c/o Lawyers Incorporating Service, R/A
925 Seminary Street Rear
Sec. 122-1371. - Transient living accommodations in residential dwellings; regulations (d)(9)
Officer Jim Young
Certified Service: 2-17-2015
Initial Hearing: 4-29-2015

Continuance granted to May 27, 2015

Count 1: On 30 Dec 14 a bedroom located at this property was being held out/advertised on website Airbnb.com for rent at a rate of \$140 per night without the required transient business tax receipt.

35

Case # 15-0027

Airbnb, Inc.
c/o Lawyers Incorporating Service, R/A
1 Baptist Lane
Sec. 122-1371. - Transient living accommodations in residential dwellings; regulations (d)(9)
Officer Jim Young
Certified Service: 2-17-2015
Initial Hearing: 4-29-2015

Continuance granted to May 27, 2015

Count 1: On 30 Dec 14 this property was being held out/advertised on website Airbnb.com for rent at a rate of \$395 per night without the required transient business tax receipt.

Liens

36

Case # 13-374

Anola Mira
Yvette Talbott
1104 Virginia Street
Certified Service: 4-8-2015

Legislative History

10/29/14 Code Compliance Hearing Continuance

Adjournment