



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, January 28, 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 # 14-1595

Ramon & Pura Gonzalez

1218 Margaret Street

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

Sec. 26-126 Clearing of property of debris and noxious material required

Sec. 62-2 Obstructions

Officer Bonnita Badgett

Certified Service: 1-14-2015

Initial Hearing: 1-28-2015

New Case

Count 1: A business tax receipt is required to rent your property. **Count 2:** The property is unsightly and needs to be cleaned. **Count 3:** Clear the debris from the city right of way.

2**Case # 14-1609**

Rene & Asuncion Ruiz

1216 Margaret Street

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of Occupancy required

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. 14-256 Required electric

Officer Bonnita Badgett

Posted: 1-5-2015

Initial Hearing: 1-28-2015

In compliance January 28, 2015, request dismissal

Count 1: There are three separate living units on this property. The city only recognizes two. **Count 2:** A Certificate of Occupancy is required for the third unit. **Count 3:** For failure to obtain a building permit for the third unit. **Count 4:** A business tax receipt is required for rental of the third unit. **Count 5:** For failure to obtain and electrical permit for the third unit.

3**Case # 14-1632**

William Cope

925 Duval Street

Sec. 18-146 License required

Officer Bonnita Badgett

Certified Service: 11-28-2014

Initial Hearing: 1-28-2015

Continuance granted to February 25, 2015

Count 1: For engaging as a contractor without a contractor's license.

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Case # 14-1637

William Cope
529 Caroline Street
Sec. 18-146 License required
Officer Bonnita Badgett
Certified Service: 11-28-2014
Initial Hearing: 1-28-2015

Continuance granted to February 25, 2015**Count 1:** For engaging as a contractor without a contractor's license.

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Case # 14-936

Stephen & Janice Dickson
816 Eaton Street
Sec. 122-600 Dimensional requirements - **Dismiss**
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts
Officer Peg Corbett
Certified Service: 9-15-2014
Initial Hearing: 9-17-2014

In compliance January 27, 2015. Administrative fees still due.

Count 1: The air conditioning unit was installed within the 5' setback for HMDR. **Count 2:** The fence is 8' which exceeds the scope of the permit. **Count 3:** The fence is 8' which exceeds the certificate of appropriateness.

Legislative History

9/17/14	Code Compliance Hearing	Continuance
10/29/14	Code Compliance Hearing	Continuance
11/14/14	Code Compliance Hearing	Continuance
12/17/14	Code Compliance Hearing	Continuance

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Case # 14-1074

Southernmost Group LLC
Ronen Teshouva - Registered Agent
Southernmost Resort Wear
1103 Whitehead Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business.
Officer Peg Corbett
Certified Service: 10-7-2014
Initial Hearing: 10-29-2014

In compliance January 8, 2015, request dismissal

Count 1: For failure to obtain a business tax receipt prior to opening the business.

Legislative History

10/29/14	Code Compliance Hearing	Continuance
12/17/14	Code Compliance Hearing	Continuance

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Case # 14-1347

Sheila McFarland
1625 Flagler Avenue
Sec. 122-1183 Walls and fences
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 66-87 Business tax receipt required for all holding themselves out to be in business
Officer Peg Corbett
Certified Service: 12-10-2014
Initial Hearing: 1-28-2015

In compliance January 14, 2015, request dismissal

Count 1: The fence on the subject property exceeds height restrictions.

Count 2: The fence was altered/renovated without the benefit of a building permit. **Count 3:** A business tax receipt is required to rent this property.

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Case # 14-1444

Candida Cobb

1016 Varela Street F

Sec. 66-89 Individual professionals required to pay license fee

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 12-17-2014

In compliance January 10, 2015, request dismissal

Count 1: All professions are required to obtain and renew yearly their business tax receipt. **Count 2:** A business tax receipt is required for the the professional business.

Legislative History

11/14/14 Code Compliance Hearing Continuance

12/17/14 Code Compliance Hearing Continuance

9

Case # 14-1503

Mark & Deborah Thielen

67 Golf Club Drive 258

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

Officer Peg Corbett

Certified Service: 11-15-2014

Initial Hearing: 12-17-2014

In compliance December 23, 2014, administrative fees still due

Count 1: A business tax receipt is required to rent the property.

Legislative History

12/17/14 Code Compliance Hearing Continuance

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Case # 14-1521

1514 Von Phister LLC

Jamil Daoud - Registered Agent

1514 Von Phister Street

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

Officer Peg Corbett

Certified Service: 12-8-2014

Initial Hearing: 1-28-2015

In compliance 12-21-2014, request dismissal**Count 1:** A business tax receipt is required to rent your property.

11

Case # 14-1553

Dean Crawford

145 Golf Club Drive 303

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 1-28-2015

In compliance December 17, 2014, request dismissal**Count 1:** A business tax receipt is required to rent your property.

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Case # 14-1554

Key West Golf Club Homeowner's Association

148 Golf Club Drive 189

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

Officer Peg Corbett

Hand Served: 1-23-2015

Initial Hearing: 1-28-2015

In compliance January 27, 2015, request dismissal**Count 1:** A business tax receipt is required to rent your property.

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Case # 14-1642

Paradise Fishing Inc.
Robert Henkel - Registered Agent
1102 Duval Street C
Sec. 106-51 Prohibited
Sec. 114-104 Restriction on number signs permitted
Officer Peg Corbett
Certified Service: 12-30-2014
Initial Hearing: 1-28-2015

In compliance January 10, 2015, request Finding

Count 1: Outdoor displays are prohibited in the historic zones unless an exception is granted by the planning board. **Count 2:** For exceeding the number of allowable signs.

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Case # 14-1656

Sun Island of Key West
David Perets - Registered Agent
1108 Duval Street C
Sec. 106-51 Prohibited
Sec. 114-103 Prohibited Signs
Sec. 14-40 Permits in historic districts
Officer Peg Corbett
Certified Service: 12-16-2014
Initial Hearing: 1-28-2015

New Case

Count 1: Outdoor displays are prohibited in the historic zones unless an exception is granted by the planning board. **Count 2:** Posterboard signs are prohibited in the historic zones. **Count 3:** Failure to obtain HARC approval for the hanging sign.

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Case # 14-1697

Michael J Biskupich

3930 S Roosevelt Boulevard E304

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

Officer Peg Corbett

Certified Service: 12-23-2014

Initial Hearing: 1-28-2015

In compliance December 31, 2014, request dismissal**Count 1:** A business tax is required to rent your property.

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Case # 14-1700

Barbara Halawani Cano

3930 S Roosevelt Boulevard E208

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 1-28-2015

Continue for service**Count 1:** A business tax receipt is required to rent your property.

17

Case # 14-1434

Erol & Yleana Vural

1608 Dennis Street 1

Sec. 90-363 Certificate of Occupancy - Required - **Dismiss**

Sec. 14-35 Flood venting - required

Sec. 34-135(2) Open sewer connections below flood level prohibited

Sec. 34-139(1) Flood resistant materials - required

Officer Scott Fraser

Certified Service: 12-4-2014

Initial Hearing: 1-28-2015

New Case

Count 1: Did allow, by renting an apartment, the occupancy of a dwelling unit absent a required Certificate of Occupancy. **Count 2:** Unpermitted construction below the Design Flood Elevation, creating enclosed areas without required flood venting. **Count 3:** Plumbing fixtures with open sewer connections below Design Flood Elevation. **Count 4:** Constructed a wood-frame enclosure with electrical wiring below the Design Flood Elevation using materials not resistant to flood damage.

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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

New Case

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

19

Case # 13-1418

Carolyn Sprogell
907 Frances Street
Sec. 14-37 Building permits, professional plans; display of permits
Sec. 14-40 Permits in historic district
Sec. 62-2 Obstructions
Officer Leonardo Hernandez
Certified Service: 10-5-2014
Initial Hearing: 11-14-2014

Continuance granted to February 25, 2015

Count 1: For building a eight foot fence without benefit of a permit.

Count 2: For building a eight foot fence without benefit of HARC approval. **Count 3:** The fence and the are on the City's right of way.

Legislative History

11/14/14 Code Compliance Hearing Continuance

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Case # 14-1467

McConnell's Pub and Grill
Gerard F Kehoe
900 Duval Street
Sec. 75-169 Discharge of potentially harmful wastes
Sec. 62-1 Deposits of oil, grease or other waste
Officer Mary Lockyear
Certified Service: 10-18-2014
Initial Hearing: 10-29-2014

In compliance December 8, 2014, request dismissal

Count 1: Water is flowing across the sidewalk from the side of McDonnell's Pub and Grill turning the sidewalk green and is extremely slippery. **Count 2:** Water if flowing across the sidewalk.

Legislative History

10/29/14 Code Compliance Hearing Continuance
11/14/14 Code Compliance Hearing Continuance

21**Case # 14-1499**

230 East 7th St Associates

Joseph Cohen

512 Bahama Street

Sec. 26.126 Clearing of property of debris and noxious material required

Sec. 58-31 Container and receptacle requirements

Sec. 58-33 Storage of garbage causing pollution

Sec. 58-34 Unlawful disposal

Sec. 62-2 Obstructions

Officer Mary Lockyear

Certified Service: 12-23-2014

Initial Hearing: 1-28-2015

New Case

Count 1: Trash is overflowing onto the city sidewalk. **Count 2:** Containers are being stored on the city sidewalk. **Count 3:** The trash is unsightly and can pose a health threat. **Count 4:** Trash is all over the ground. **Count 5:** The garbage is blocking safe passage of the city sidewalk.

22**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

New Case

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

23**Case # 13-860**

Don C Miller

1611 Venetian Drive

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

Officer Barbara Meizis

Certified Service: 1-6-2015

Initial Hearing: 1-28-2015

New Case

Count 1: For failure to close out any open building permits pertaining to the additional unit that was built concerning the lawful unit determination.

24**Case # 14-722**

Hana Siebertova

Tomas Zindulka, T/C

3806 Cindy Avenue

Sec. 90-359 Expiration of building permits

Sec. 90-363 Certificate of occupancy - Required

Officer Barbara Meizis

Certified Service: 8-26-2014

Initial Hearing: 9-17-2014

In compliance January 27, 2015, request dismissal

Count 1: Building permit 13-5379 was issued on December 20, 2013 and has had no inspections. It has been 181 days. Building permit 13-2617 was issued on September 26, 2013 and has had no inspections. It has been 266 days.

Legislative History

9/17/14	Code Compliance Hearing	Continuance
11/14/14	Code Compliance Hearing	Continuance

25

Case # 14-1468

James Chris Fiorella

Djin Suk Kim

George R & Marcia E Halloran

16 Hilton Haven Road D

Sec. 14-184 Certificate of Occupancy

Sec. 14-185 Compartmentation and flotation devices

Sec. 14-186 Electrical wiring and service

Sec. 14-188 Inboard sewage device

Sec. 14-191 Exit facilities

Sec. 14-192 Guardrails

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

Sec. 14-327 Inspection

Sec. 14-262 Request for inspection

Officer Barbara Meizis

Certified Service: 1-2-2015

Initial Hearing: January 28, 2015

Continuance granted to February 25, 2015

Count 1: For failure to obtain a certificate of occupancy. **Count 2:** Requires inspection to ensure items are installed according to the building code. **Count 3:** For to obtain electrical/mechanical permits. **Count 4:** Sewage devices requires an inspection. **Count 5:** Exit facilities requires an inspection. **Count 6:** Guardrails require an inspection. **Count 7:** All construction work, new sliding glass doors and new back deck with railing requires a building permit prior to construction. **Count 8:** All refrigeration and air conditioning apparatus requires inspections. **Count 9:** All electrical work requires inspections such as roughing-in, equipment installations, final inspections, etc.

Legislative History

12/17/14

Code Compliance Hearing

Continuance

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Case # 14-727

Alena Lembach
3226 Eagle Avenue
Sec. 14-37 Building permits; professional plans, display of permits
Sec. 18-157 Employment of unlicensed persons prohibited
Officer Matt Willman
Hand Served: 8-8-2014
Initial Hearing: 8-20-2014

Continued from December 17, 2014 for compliance

Count 1: For building an addition onto the rear of the house in the setback. **Count 2:** No person shall hire an unlicensed contractor

Legislative History

8/20/14	Code Compliance Hearing	Continuance
9/17/14	Code Compliance Hearing	Continuance
12/17/14	Code Compliance Hearing	Continuance

27

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

In compliance January 8, 2015, request dismissal

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.

Legislative History

7/30/14	Code Compliance Hearing	Continuance
10/29/14	Code Compliance Hearing	Continuance
12/17/14	Code Compliance Hearing	Continuance

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Case # 14-1458

Robert Livingston

1019 Whitehead Street

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

Officer Matt Willman

Certified Service: 1-5-2015

Initial Hearing: 1-28-2015

In compliance January 8, 2015, request dismissal**Count 1:** A business tax receipt is required to rent your property.

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Case # 14-1540

Stella A Rylander - Property Owner

419 Southard Street

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

Officer Mathew Willman

Certified Service: 1-5-2015

Initial Hearing: 1-28-2015

In compliance January 9, 2015, request dismissal**Count 1:** This property was found advertising transient rentals on Craigslist. **Count 2:** A transient rental license is required to rent this property out transiently. **Count 3:** A business tax receipt is required to rent this property out non-transiently.**Legislative History**

11/14/14	Code Compliance Hearing	Continuance
12/17/14	Code Compliance Hearing	Continuance

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Case # 14-1648

Keith MacDonald

1913 Seidenberg Avenue A & B

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

Sec. 122-237 Prohibited uses

Sec. 18-601 License Required

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

Officer Matt Willman

Certified Service: 12-1-2014

Initial Hearing: 12-17-2014

Continued from December 17, 2014 - Settlement Agreement

Count 1: The property is be offered for short term rentals through Air
BnB. **Count 2:** Transient rentals are prohibited in the Single Family
district (SF). **Count 3:** A transient rental license is required to rent this
property transiently. **Count 4:** A business tax receipt is required to rent
this property.

Legislative History

12/17/14

Code Compliance Hearing

Continuance

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Case # 14-1801

Robert (Rob) Greeley

1600 South Street

Sec. 18-601 License required

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

Sec. 122-237 Prohibited uses in the single-family residential district (SF)

Officer Matt Willman

Certified Service: 1-6-2015

Initial Hearing: 1-28-2015

Settlement Agreement

Count 1: This property does not have the appropriate license for
transient rentals. **Count 2:** This property is being advertised on Airbnb
for nightly rentals. **Count 3:** Transient rentals are prohibited in the
Single-Family residential district.

32**Case # 15-0009**

Brianna Birtles
3359 Flagler Avenue
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-269 Prohibited uses in the Medium Density Residential district
(MDR)
Officer Matt Willman
Certified Service:
Initial Hearing: 1-28-2015

New Case - Request continuance for a Settlement Agreement

Count 1: This property does not have the appropriate license for transient rentals. **Count 2:** This property is being advertised on Airbnb for nightly rentals. **Count 3:** Transient rentals are prohibited in the Medium Density Residential district.

33**Case # 14-1735**

Konk Life
c/o Guy de Boer, Publisher
915 Duval Street
Sec. 62-176
Officer Jim Young
Certified Service:
Initial Hearing: 1-28-2015

In compliance, request dismissal

Count 1: For failure to obtain registration labels for each news rack on the city right of way.

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Case # 15-0001

Mark & Lucy Mayer
528 Grinnell Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-629 Prohibited uses in the Historic High Density Residential
district (HHDR)
Officer Jim Young
Certified Service: 1-15/2015
Initial Hearing: 1-28-2015

New Case

Count 1: This property does not have the appropriate license for transient rentals. **Count 2:** This property is being advertised on Airbnb for nightly rentals. **Count 3:** Transient rentals are prohibited in the Historic High Density Residential district.

35

Case # 15-0002

Anna Sweet
719 Catherine Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-599 Prohibited uses in the Historic Medium Density
Residential district (HMDR)
Officer Jim Young
Certified Service: 1-9-2015
Initial Hearing: 1-28-2015

Settlement Agreement

Count 1: This property does not have the appropriate license for transient rentals. **Count 2:** This property is being advertised on Airbnb for nightly rentals. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district .

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Case # 15-0003

Alisa Aniski
104 Geraldine Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-599 Prohibited uses in the Historic Medium Density
Residential district (HMDR)
Officer Jim Young
Certified Service: 1-3-2015
Initial Hearing: 1-28-2015

New Case - Settlement Agreement

Count 1: This property does not have the appropriate license for transient rentals. **Count 2:** This property is being advertised on Airbnb for nightly rentals. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district.

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Case # 15-0005

Rebecca Peige
925 Seminary Street Rear
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-599 Prohibited uses in the Historic Medium Density
Residential district (HMDR)
Officer Jim Young
Certified Service: 1-7-2015
Initial Hearing: 1-28-2015

New Case - Settlement Agreement

Count 1: This property does not have the appropriate license for transient rentals. **Count 2:** This property is being advertised on Airbnb for nightly rentals. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district.

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Case # 15-0027

Gwenuel W & Cynthia Mingo
1 Baptist Lane
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-599 Prohibited uses in the Historic Medium Density
Residential district (HMDR)
Office Jim Young
Certified Service: 1-12-2015
Initial Hearing: 1-28-2015

New Case - Settlement Agreement

Count 1: This property does not have the appropriate license for transient rentals. **Count 2:** This property is being advertised on Airbnb for nightly rentals. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district.

Mitigations

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Case # 13-374

Anola Y Mira L/E
1104 Virginia Street
Certified Service: 1-8-2015

Liens

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Case # 13-758

Andrea Shaye Morgan
621 Eaton Street
Posted: 12-18-2014

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Case # 14-604

Walingue Charles
1300 15th Court 47
Certified Service: 12-2-2014

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Case # 14-885

Paul Mills, CPA
1541 5th Street
Certified Service: 11-24-2014

43**Case # 14-967**

Bank of America
1627 Laird Street
Certified Service: 12-1-2014

44**Case # 14-1086**

Florida Reference Lab
Armando Vicente, R/A
3150 Northside Drive
Certified Service: 12-22-2014

Adjournment