



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, February 25, 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 # 14-1632**
William Cope
925 Duval Street
Sec. 18-146 License required
Officer Bonnita Badgett
Certified Service: 11-28-2014
Initial Hearing: 1-28-2015

Settlement Agreement

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

Legislative History

1/28/15 Code Compliance Hearing Continuance

2 **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

Settlement Agreement

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

Legislative History

1/28/15 Code Compliance Hearing Continuance

3**Case # 14-1656**

Sun Island of Key West

David Perets - Registered Agent

1108 Duval Street C

Sec. 106-51 Prohibited - dismissed on 1-28-2015

Sec. 114-103 Prohibited Signs - dismissed on 1-28-2015

Sec. 14-40 Permits in historic districts

Officer Peg Corbett

Certified Service: 12-16-2014

Initial Hearing: 1-28-2015

In compliance February 17, 2015, request dismissal

~~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.

Legislative History

1/28/15

Code Compliance Hearing

Continuance

4**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

Continuance granted to March 20, 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.

5

Case # 14-1434

Erol & Yleana Vural

1608 Dennis Street 1

Sec. 90-363 Certificate of Occupancy - Required - Dismissed on
1-28-2015

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

In compliance February 24, 2015, request dismissal

~~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.

Legislative History

1/28/15

Code Compliance Hearing

Continuance

6

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

Continued from January 28, 2015 for compliance**Continuance request denied**

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

Legislative History

1/28/15

Code Compliance Hearing

Continuance

7

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

Continued from January 28, 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 is on the City's right of way.**Legislative History**

11/14/14	Code Compliance Hearing	Continuance
1/28/15	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

Continued from December 17, 2014 for compliance**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

9**Case # 14-1620**

Asset Holdings Group, LP
G. Gilbert, Registered Agent
Jeanette Straga
3601 Northside Drive
Sec. 14-72 Minimum facilities
Sec. 14-37 Building permits; professional plans; display of permits
Officer Leonardo Hernandez
Certified Service: 1-22-2015 - Jeanette Straga
Initial Hearing: 2-25-2015

In compliance February 20, 2015, request dismissal

Count 1: There is a tenant living in a lockout with no access to a kitchen. **Count 2:** A building permit is required to install a door to gain access to the main house's kitchen.

10**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

New Case

Count 1: For exceeding the number number of allowable signs

11

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

In compliance February 18, 2015, owes administrative fees

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.

Legislative History

1/28/15

Code Compliance Hearing

Continuance

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

New Case

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.

13

Case # 14-1776

Infinity Hair Salon

Tennille Grassi

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: 1-31-2015

Initial Hearing: 2-25-2015

In compliance February 24, 2015, request dismissal

Count 1: Tennille Grassi is working at Infinity Hair Salon without the benefit of a business tax receipt.

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Case # 14-1777

Infinity Hair Salon

Melinda Dann

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: 1-28-2015

Initial Hearing: 2-25-2015

In compliance December 23, 2014, request dismissal

Count 1: Melinda Dann is working at Infinity Hair Salon without the benefit of a business tax receipt

15

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 April 29, 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.

16

Case # 14-1820

Key Property LLC
42 Seaside South Court
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Mary Lockyear
Certified Service: 2-2-2015
Initial Hearing: 2-25-2015

New Case

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

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Case # 14-1823

Key Property LLC
46 Seaside South Court
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Mary Lockyear
Certified Service: 2-2-2015
Initial Hearing: 2-25-2015

New Case

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

18

Case # 15-11

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

Continuance granted to March 20, 2015

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

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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

Continuance granted to March 20, 2015

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.

20

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

In compliance February 9, 2015 - Owes administrative fee

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

Legislative History

1/28/15

Code Compliance Hearing

Continuance

21

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

Continued from January 28, 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
1/28/15 Code Compliance Hearing Continuance

22**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

In compliance February 15, 2015, request dismissal

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
1/28/15 Code Compliance Hearing Continuance

23**Case # 14-1629**

Tong Hok Yat
Yin Fong Lam
1717 Thompson Street
Sec. 90-363 Certificate of occupancy - required
Sec. 58-61 Determination of levy of charge
Officer Matt Willman
Hand Served: 2-14-2015
Initial Hearing: 2-25-2015

In compliance February 23, 2015, request dismissal

Count 1: A certificate of occupancy is required for the second unit.
Count 2: A Lawful Unit Determination is required to legalize the second unit.

24

Case # 14-1798

Matthew N Boucher

3128 Riviera Drive

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

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 17-24 and 25-32

Sec. 122-237 Prohibited uses - Counts 33-40 and 41-48

Officer Matt Willman

Certified Service: 2-5-2015

Initial Hearing: 2-25-2015

Continuance granted to March 20, 2015 for Settlement Agreement

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 - 32** The subject property is offered/advertised by the owner, Matt Boucher, on VRBO and Home Away for short term rentals. **Count 33 - 48:** The subject property is being rented for short term rentals which is not a permitted use in the Single Family zoning district.

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Case # 15-0009

Brianna Birtles

3359 Flagler Avenue

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulationsSec. 122-269 Prohibited uses in the Medium Density Residential district
(MDR)

Officer Matt Willman

Certified Service:

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 Medium Density Residential district.

Legislative History

1/28/15

Code Compliance Hearing

Continuance

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Case # 15-120

Robert M Olson Rev Trust 6/10/1998
1017 Fleming Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-839 Prohibited uses
Officer Matt Willman
Certified Service: 2-7-2015
Initial Hearing: 2-25-2015

In compliance February 14, 2015, request dismissal

Count 1: A transient rental license is required to rent this property.

Count 2: The property was held out for short term rental from Feb 21 thru Feb 28, 2015 for \$1,300. **Count 3:** Transient rentals are prohibited in the Historic Neighborhood Commercial district (HNC-2).

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Case # 15-147

Susan Schock
820 Carstens Lane
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)
Sec. 122-629 Prohibited uses
Officer Matt Willman
Certified Service: 2-12-2015
Initial Hearing: 2-25-2015

In compliance February 4, 2015, request dismissal

Count 1: A transient rental license is required to rent the property transiently. **Count 2:** The property is being held out for \$240/night on flip key web site. **Count 3:** Transient rentals are prohibited in the Historic High Density Residential district (HHDR).

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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

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 High Density Residential district.

Legislative History

1/28/15 Code Compliance Hearing Continuance

Mitigations

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Case # 13-374

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

Continued from January 28, 2015

Under advisement

Legislative History

1/28/15 Code Compliance Hearing Continuance

Liens

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Case # 13-758

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

Continuance granted to March 20, 2015

Under advisement

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Case # 14-604

Walingue Charles

1300 15th Court 47

Certified Service: 12-2-2014

Continuance granted to March 20, 2015

Adjournment