



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Meeting Agenda Full Detail Code Compliance Hearing

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Wednesday, April 29, 2015

1:30 PM

Old City Hall

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**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

**3****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

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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

**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.

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**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

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**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

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**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.

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**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

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**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

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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

**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.



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**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

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**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.

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**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.

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**Case # 15-51**

James E &amp; 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 if 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.

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**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

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**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 &amp; 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).

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**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).

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**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).

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**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.



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**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.

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**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**