



# 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, August 26, 2015

1:30 PM

Old City Hall

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Revised Agenda 8/19/15

**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 1-800-955-8771 or for voice 1-800-955-8770 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 # 15-651**  
The Saint Hotel of Key West  
Seaside Hospitality Corporation  
Mark Wyant  
417 Eaton Street  
Sec. 14-40 Permits in historic district  
Officer Bonnita Badgett  
Certified Service: 7-7-2015  
Initial Hearing: 7-29-2015

**In compliance 8-3-2015, request dismissal**

**Count 1:** Lettering, The Saint, was placed in the tile without benefit of a certificate of appropriateness.

### Legislative History

7/29/15              Code Compliance Hearing              Continuance

**2****Case # 15-587**

Dana Dickinson  
417 Porter Lane 3  
Sec. 66-102 Date due and delinquent; penalties - Dismiss  
Sec. 66-103 Trasfer of license  
Officer Peg Corbett  
Certified Service: 6-17-2015  
Initial Hearing: 7-29-2015

**Continued from July 29, 2015**

**Count 1:** The business tax receipt to rent this property has been delinquent since September 30, 2014. **Count 2:** The license needs to be transferred into the new owners name.

**Legislative History**

7/29/15      Code Compliance Hearing      Continuance

**3****Case # 15-630**

John Schoneck  
Philip Bird  
621 Elizabeth Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 8-20-2015  
Initial Hearing: 8-26-2015

**In compliance August 13, 2015, request dismissal**

**Count 1:** The business tax receipt for this property has been delinquent since 9-30-2014

**4****Case # 15-640**

313 Truman LLC

Thomas M Bowlus - R/A

313 Truman Avenue

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

Officer Peg Corbett

Certified Service: 7-20-2015

Initial Hearing: 8-26-2015

**In compliance August 7, 2015, request dismissal****Count 1:** A business tax receipt is required to rent this property.**5****Case # 15-674**

Barnyard Works Inc.

Jeremy Folger R/A

Mobile Service

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service: 7-7-2015

Initial Hearing: 7-29-2015

**In compliance August 26, 2015, request dismissal****Count 1:** The business tax receipt has been delinquent since September 30, 2014**Legislative History**

7/29/15

Code Compliance Hearing

Continuance

**6****Case # 15-693**

Island Cigar Factory

Assaf Azoulay - R/A

1100 Duval Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service: 8-19-2015

Initial Hearing: 8-26-2015

**In compliance August 18, 2015, request dismissal****Count 1:** The business tax receipt has been delinquent since 9-30-2015

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**Case # 15-764**

Diane Scholl  
807 Washington Street 102  
Sec. 66-102 Dates due and delinquent; penalties  
Sec. 66-103 Transfer of license  
Officer Peg Corbett  
Certified Service: 7-21-2015  
Initial Hearing: 8-26-2015

**New Case**

**Count 1:** The business tax receipt to rent this property has been delinquent since 9-30-2014. **Count 2:** The business tax receipt has not been transferred to Ms. Scholl.

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**Case # 15-901**

Dr. McCawley Burke  
2027 Flagler Avenue  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 8-6-2015  
Initial Hearing: 8-26-2015

**In compliance August 13, 2015, dismissal**

**Count 1:** The business tax receipt has been delinquent since 9-30-2014

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**Case # 15-909**

A.C. Nichols, Inc.  
Paulene Nichols - R/A  
Sunshine Pools  
Mobile Service  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 8-26-2015

**New Case**

**Count 1:** The business tax receipt has been delinquent since 9-30-2014

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**Case # 15-978**

Philip Grant  
1616 Washington Street  
Sec. 58-31 Container and receptacle requirements (f)  
Officer Peg Corbett  
Certified Service: 7-30-2015  
Initial Hearing: 8-26-2015

**In compliance August 13, 2015, request Finding of violation with fees**

**Count 1:** For failure to remove debris from the city right of way. Mr. Grant has also been cited four other times for the same violation.

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**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 October 21, 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
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 September 30, 2015 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
2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance
4/29/15	Code Compliance Hearing	Continuance
5/27/15	Code Compliance Hearing	Continuance

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**Case # 14-1248**

Kenneth Dooley  
Peter Bek-Gran  
1410 Albury Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Leonardo Hernandez  
Certified Service:  
Initial Hearing: 8-26-2015

**Continuance granted to September 30, 2015**

**Count 1:** For failure to obtain a building permit for installation of brick pavers around the pool, rear, front and side property. **Count 2:** For failure to obtain a certificate of appropriateness for installation of brick pavers around the pool, rear, front and side property.

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**Case # 15-532**

Jose &amp; Gloria Balbontin

1008 White Street Down

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

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 8-26-2015

**In compliance July 20, 2015, request dismissal**

**Count 1:** For failure to obtain a building permit for placing a freezer on the back of the house. **Count 2:** For failure to obtain a certificate of appropriateness for placing a freezer on the back of the house.

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**Case # 15-622**

Edwards Healthcare &amp; Diagnostic

Edward Garrido

3414 Duck Avenue 3418

Sec. 30-1 Fees for false alarms and fire code inspections

Officer Leonardo Hernandez

Certified Service: 7-28-2015

Initial Hearing: 6-24-2015

**Continued from June 24, 2015 for service**

**Count 1:** The fire inspection fees are more than 60 days past due

**Legislative History**

7/29/15

Code Compliance Hearing

Continuance

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**Case # 15-760**

KWHS Inc.  
James Hendricks, Registered Agent  
KWHS Inc.  
Bianca Digennaro, Business owner  
Living Dolls  
Tanner Partners LLP  
516 Fleming Street 101  
Sec. 2-939 Licenses  
Officer Leonardo Hernandez  
Certified Service: 6-10-2015 - R/A  
Certified Service: 6-16-2015 - B/O  
Initial Hearing: 6-24-2015

**Continuance granted to September 30, 2015 for compliance**

**Count 1:** The chairs on the sidewalk require a revocable license

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**Case # 15-802**

Mary Ann Arnold &  
Gary S Weech  
1008 18th Terrace  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exception  
Officer Leonardo Hernandez  
Certified Service: 7-22-2015  
Initial Hearing: 8-26-2015

**In compliance July 22, 2015, request dismissal**



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**Case # 15-828**

Karen &amp; Delmar Lewis - property owner

Tryan Contracting Inc. - contractor

704 Caroline Street

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

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service: 8-12-2015

Initial Hearing: 8-26-2015

**Continued to September 30, 2015**

**Count 1:** For failure to obtain a building permit prior to the removal of a wooden deck. **Count 2:** For failure to obtain a certificate of appropriateness prior to the removal of a wooden deck.

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**Case # 14-1468**

James Chris Fiorella

Djin Suk Kim

George R &amp; Marcia E Halloran

16 Hilton Haven Drive 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: 5-14-2015

Initial Hearing: January 28, 2015

**Continued from June 24, 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
2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance

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**Case # 15-839**

Marcelline H &amp; Harry A Moyer

1214 Virginia Street

Sec. 18-601 License required

Sec. 18-602 Rebuttable presumption of violation - **Dismiss**Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9)

Sec. 122-599 Prohibited uses

Officer Barbara Meizis

Certified Service:

Initial Hearing: 8-26-2015

**In compliance August 19, 2015, request dismissal**

**Count 1:** A transient rental license is required to rent transiently. **Count 2:** This property is being held out for nightly rentals on Airbnb for \$154 per night for a lovely room with private bath. **Count 3:** This property is being held out for transient rentals. **Count 4:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR).

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**Case # 15-878**

Mark J &amp; Lisa C Laskow

Brooke S Atkinson Revocable Trust

615 Grinnell Street

Sec. 58-31 Container and receptacle requirements (f)

Officer Barbara Meizis

Certified Service: 7-20-2015

Initial Hearing: 8-26-2015

**In compliance July 23, 2015, request a finding of violation without fees**

**Count 1:** Three code officers have responded to the same complaint of leaving bins on the city right of way on a nonscheduled pickup day.

**22****Case # 14-1737**

Adrienne Curran

1408 Albury Street

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

Sec. 14-40 Permits in historic district

Officer Jim Young

Certified Service: 4-6-2015

Initial Hearing: 5-27-2015

**Continued from July 29, 2015**

**Count 1:** A building permit is required to replace the window. Exceeded the scope of a building permit by installing brick pavers on more than 60% of the property. **Count 2:** HARC approval is required to replace the window. Also, the cameras that were installed are not supposed to be visible from the street.

**Legislative History**

5/27/15      Code Compliance Hearing      Continuance

7/29/15      Code Compliance Hearing      Continuance

**23****Case # 15-220**

Isabelle Holloway

3227 Harriet Avenue

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

Officer Jim Young

Certified Service: 3-27-2015

Initial Hearing: 5-27-2015

**Continued from July 29, 2015 for compliance**

**Count 1:** A building permit is required prior to the removal of a section of the balcony.

**Legislative History**

5/27/15      Code Compliance Hearing      Continuance

7/29/15      Code Compliance Hearing      Continuance

**24****Case # 15-606**

Living Dolls Inc.  
Glenn Tanner, Registered Agent - Owner  
KWHS Inc.  
James T Hendrick, Registered Agent  
516 Fleming Street 101  
Sec. 18-441 Required, Off Premises Canvassing Permit  
Officer Jim Young  
Certified Service: 5-23-2015 - Owner  
Certified Service: 5-19-2015 - R/A  
Initial Hearing: 6-24-2015

**Continued from June 24, 2015 - Settlement Agreement  
Repeat Violation**

**Count 1:** Angela Richardson was off premises canvassing on Duval at Fleming on May 8th at approximately 11:20 pm without a permit.

**25****Case # 15-1015**

Robert C & Kathleen A Gillis  
2823 Patterson Avenue  
Sec. 18-601 Transient license required  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9)  
Officer Jim Young  
Certified Service: 8-6-2015  
Initial Hearing: 8-26-2015

**In compliance August 13, 2015, request dismissal**

**Count 1:** A transient rental license is required to rent transiently. **Count 2:** The property is being held out on Airbnb for nightly rental at \$110.00 per night.

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**Case # 15-1016**

Lenzie Purcell

508 Southard Street 204

Sec. 18-602 Transient license required

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

Officer Jim Young

Certified Service: 8-7-2015

Initial Hearing: 8-26-2015

**In compliance August 10, 2015, request dismissal****Count 1:** A transient license is required to rent property transiently.**Count 2:** The property is be held out for on Airbnb.com for transient rental at a rate of \$90.00 per night.

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**Case # 15-1017**

Wesley David Young

709 Chapman Lane

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

Sec. 18-601 Transient license required

Officer Jim Young

Certified Service: 8-7-2015

Initial Hearing: 8-26-2015

**In compliance August 13, 2015, request dismissal****Count 1:** The property is be held out for on Airbnb.com for transient rental at a rate of \$120.00 per night. **Count 2:** A transient rental license is required to rent property transiently.

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**Case # 15-1033**

James & Roberta Holtzinger  
1801 N Roosevelt Blvd Kingfisher Pier  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Sec. 122-130 Uses prohibited - semipublic services district (PS)  
Officer Jim Young  
Certified Service: 8-14-2015  
Initial Hearing: 8-26-2015

**New Case**

**Count 1:** A business tax receipt is required to rent your houseboat.

**Count 2:** Transient rentals are prohibited in the semipublic services district (PS)

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**Case # 15-1048**

WD Florida Properties, LLC  
c/o Wolfgang Stuhler, R/A  
422 Amelia Street  
Sec. 18-601 Transient license required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)  
Officer Jim Young  
Certified Service:  
Initial Hearing: 8-26-2015

**In compliance August 14 2015, request dismissal**

**Count 1:** A transient license is required to rent a property transiently.

**Count 2:** On August 10, 2015, this property was being held out on Airbnb.com for transient rental at a rate of \$234 per night.

**30****Case # 15-1052**

Diego Pedraza  
416 Petronia Street 1  
Sec. 18-601 Transient license required  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9)  
Officer Jim Young  
Certified Service:  
Initial Hearing: 8-26-2015

**Continue to September 30th for service****Count 1:** A transient license is required to rent property transiently.**Count 2:** On August 10, 2015, this property was being advertised on Airbnb.dom for transiently rental at \$180.00 per night.**Mitigation****31****Case # 14-154**

Deutsche Bank Trust Company Americas  
C/O PNC Bank NA  
2321 Fogarty Avenue  
Certified Service: 8-18-2015

**Liens****32****Case # 14-1798**

Matthew Boucher  
3128 Riviera Drive  
Certified Service:

**Continue to September 30th for service****HARC Appeals**



**33****SMA 15-01**

Far Niente, LLC, a Minnesota Limited Liability Company;  
Eric Detwiler and Elizabeth Ford; Walter S. Szot  
and Dawn Szot; David M. Keller and Janine C. Keller;  
G.C.J., LLC, a Florida Limited Liability Company;  
LANDTRUST #426 KW dated 2/11/2010; DUCK  
AND DOLPHIN ANTIQUES, LLC, a Florida Limited  
Liability Company; Company; CONCH REPUBLIC  
CYCLE, LLC, a Florida Limited Liability Company; and  
BIKE FIT KEY WEST, INC., a Florida Corporation  
C/O The Smith Law Firm  
616 Eaton Street  
H15-01-0842

Attachments: [SMA 15 - 01 Notice of Appeal](#)

**Adjournment**