



# 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, March 30, 2016

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 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 # 15-794**

Edwin O Swift

Historic Tours of America

809 Terry Lane

Sec. 14-40 Permits in historic districts

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

Officer Bonnita Badgett

Certified Service: 8-11-2015

Initial Hearing: 9-30-2015

**Continued from February 24, 2016**

**Count 1:** For failure to obtain a certificate of appropriateness for the fence and gate. **Count 2:** For failure to obtain a building permit for the fence and gate.

**Legislative History**

9/30/15	Code Compliance Hearing	Continuance
11/18/15	Code Compliance Hearing	Continuance
1/27/16	Code Compliance Hearing	Continuance
2/24/16	Code Compliance Hearing	Continuance

**2****Case # 15-837**

Fred V &amp; Eileen A Redmond

3314 Northside Drive 16

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

Sec. 90-365 Violations and penalties

Officer Bonnita Badgett

Certified Service: 12-10-2015

Initial Hearing: 12-16-2015

**Continued from January 27, 2016**

**Count 1:** Each rental unit requires a business tax receipt to rent non-transiently. **Count 2:** The second unit needs to be legalized as a residential unit.

**Legislative History**

12/16/15      Code Compliance Hearing      Continuance

1/27/16      Code Compliance Hearing      Continuance

**3****Case # 16-61**

Paul &amp; Cindy Lou Mead

3536 Duck Avenue

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

Officer Bonnita Badgett

Certified Service: 3-11-2016

Initial Hearing: 3-30-2016

**In compliance March 23, 2016, request dismissal**

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

**4****Case # 09-1501**

Wells Fargo Bank, NA  
c/o Select Portfolio Servicing  
Choice Legal Group PA  
908 Trinity Drive 4  
Sec. 14-37 Building permits, professional plans, display of permits  
Officer Peg Corbett  
Certified Service: 2-17-2016  
Initial Hearing: 3-30-2016

**FYI:** On May 10, 2011, Planning Department received a variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side and rear yard setback requirements. The variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

The construction of the accessory unit, if a permit was submitted, would not have been approved for the above reasons. This accessory unit must be demolished to bring this property into compliance.

**Count 1:** A demolition permit must be obtained to remove the accessory unit.

**5****Case # 15-185**

Grunts, Inc.  
Gregory Farrelly, Registered Agent  
Christopher & Cynthia Trevett  
409 Caroline Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business.  
Officer Peg Corbett  
Certified Service: 2-23-2016  
Initial Hearing: 3-30-2016

**New Case**

**Count 1:** This business is licensed for take-out only. There are 40 seats requiring that the business be licensed as a restaurant.

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**Case # 15-1077**

Hotspur LLC (Flaming Buoy Filet Co)  
Richard S Forste - Business Owner  
Rolando Aguiar and Felix Aguiar Estate  
Ana Aguiar - Personal Representative of the Estate  
1100 Packer Street  
Sec. 30-1 Fees for false alarms and fire code inspections  
Officer Peg Corbett  
Posted: 2-18-2016  
Initial Hearing: 1-27-2016

**Continued from February 24, 2016**

**Count 1:** For failure to pay the fee of \$50 for the fire inspection

**Legislative History**

12/16/15	Code Compliance Hearing	Continuance
1/27/16	Code Compliance Hearing	Continuance
2/24/16	Code Compliance Hearing	Continuance

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**Case # 15-1327**

Far Niente, LLC  
Jack Spottswood, Registered Agent  
416 Elizabeth Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Peg Corbett  
Certified Service: 2-18-2016  
Initial Hearing: 3-30-2016

**New Case**

**Count 1:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a building permit. **Count 2:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a certificate of appropriateness.

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**Case # 15-1393**

Cotton Palm Inc.

Moshe Gvili, Registered Agent &amp; Property Owner

600 Duval Street

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

Sec. 14-40 Permits in historic districts

Sec. 114-103 Prohibited signs

Officer Peg Corbett

Certified Service: 1-6-2016

Initial Hearing: 1-27-2016

**In compliance March 14, 2016, Administrative Fees still due**

**Count 1:** For failure to obtain a building permit prior to the installation of a new sign. **Count 2:** For failure to obtain a certificate of appropriateness prior to the installation of the new sign. **Count 3:** Posterboard signs are prohibited in the historic district.

**Legislative History**

1/27/16	Code Compliance Hearing	Continuance
2/24/16	Code Compliance Hearing	Continuance

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**Case # 16-144**

Ella Mae Knowles L/E

1112 Eaton Street 1

Sec. 58-31 Container and receptacle requirements

Officer Peg Corbett

Certified Service: 2-23-2016

Initial Hearing: 3-30-2016

**In compliance March 9, 2016, request dismissal**

**Count 1:** For storing bins of the city right of way. This property has been cited twice in the recent past. Cases 15-460 and 13-1255.

10

**Case # 16-152**

Mark &amp; Lucy Mayer

528 Grinnell Street

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

Officer Peg Corbett

Posted: 3-9-2016

Initial Hearing: 3-30-2016

**In compliance March 30, 2016, request dismissal**

**Count 1:** The city received another complaint concerning pig feces that has a strong smell. On site visit observed a litter box on the front porch that had quite a bit of feces and a strong odor. Had a previous case on 28Jan2016, case #16-91.

11

**Case # 16-197**

Linda Rae Phillips &amp;

Curtis J Turocy - rental agents

Jim Shea - property owner

5555 College Road Slip 10

Sec. 122-130 Prohibited uses (Conservation District)

Officer Peg Corbett

Certified Service: 3-7-2016 - property owner

Certified Service: 3-3-2016 - rental agents

Initial Hearing: 3-30-2016

**New Case**

**Count 1:** For renting Perky II in slip ten transiently which is not allowed in District C (Conservation)

12

**Case # 16-219**

Charles B Hoffman  
1420 Whalton Street  
Sec. 18-601 Transient License  
Sec. 122-1371 (d) (9)  
Sec. 122-599 Prohibited uses Historic Medium Density Residential district (HMDR)  
Officer Peg Corbett  
Certified Service: 3-3-2016  
Initial Hearing: 3-30-2016

**Repeat Violation****New Case**

**Count 1:** A transient rental license is required to rent this property transiently. **Count 2:** This property is be offered for transient rentals on Airbnb.com for \$125 per night. Booking dates of 17April16 through 20April2016 were entered and received a rate quote back. **Count 3:** Transient rentals are prohibited in the HMDR district. This property was previously cited in April 2015 wherein owner entered into a Settlement Agreement.

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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 April 27, 2016**

**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
8/26/15	Code Compliance Hearing	Continuance
10/21/15	Code Compliance Hearing	Continuance
12/16/15	Code Compliance Hearing	Continuance

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**Case # 15-828**

Karen & Delmar Lewis - property owner  
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 - property owner  
Initial Hearing: 8-26-2015

**Continued from February 24, 2016 for compliance**

**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.

**Legislative History**

11/18/15	Code Compliance Hearing	Continuance
12/16/15	Code Compliance Hearing	Continuance
2/24/16	Code Compliance Hearing	Continuance

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**Case # 15-838**

Thomas Mustakas  
903 Frances Street  
Sec. 62.2 Obstructions  
Sec. 122-1078 Restrictions on buildings and structures; including entryways  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Leonardo Hernandez  
Posted: 9-17-2015  
Initial Hearing: 11-18-2015

**Continuance granted to April 27, 2016**

**Count 1:** For encroaching on the city right of way with a fence and foliage. **Count 2:** For failure to obtain an easement for the encroachments onto city right of way. **Count 3:** A business tax receipt is required to rent this property.

**Legislative History**

11/18/15	Code Compliance Hearing	Continuance
12/16/15	Code Compliance Hearing	Continuance



16

**Case # 15-1606**

Jack De Baar / Joseph Seifert  
2418 Patterson Avenue  
Sec. 122-238 Dimensional requirements  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Officer Leonardo Hernandez  
Certified Service: 2-5-2016  
Initial Hearing: 2-24-2016

**Continuance granted to May 25, 2016**

**Count 1:** A shed was built in the setback. **Count 2:** For failure to obtain a permit for the shed.

**Legislative History**

2/24/16            Code Compliance Hearing            Continuance

17

**Case # 15-1663**

Michael J Marino  
Sanibel Glass & Mirror, Inc.  
Jennifer Munden - Registered Agent  
805 Shavers Lane  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 102-216 Submission of application to historic architectural review  
Sec. 102-152 Requirements for permits  
Officer Leonardo Hernandez  
Posted: 2-18-2016 - Property Owner  
Certified Service: 2-11-2016 - Registered Agent  
Initial Hearing: 2-24-2016

**Taken under advisement February 24, 2016**

**Count 1:** Respondent worked over the scope of the issued demolition permit. **Count 2:** Application for demolition of contributing structure was not sought prior to commencing work. **Count 3:** A certificate of appropriateness is required for the demolition of a contributing structure.

**Legislative History**

2/24/16            Code Compliance Hearing            Continuance

18

**Case # 16-107**

Peter N Brawn

1413 South Street

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

Sec. 26-127 Periods for mowing and removal of debris

Officer Leonardo Hernandez

Certified Service: 2-22-2016

Initial Hearing: 3-30-2016

**In compliance March 10, 2016, request dismissal****Count 1:** Property needs to be cleared of yard debris. **Count 2:** The property needs to be mowed.

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**Case # 16-140**

Delfina Rodriguez

1315 William Street

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

Officer Leonardo Hernandez

Certified Service: 2-13-2016

Initial Hearing: 3-30-2016

**In compliance February 19, 2016, request dismissal****Count 1:** Property needs to be clear of yard debris and trash

20

**Case # 15-1192**

Cary Robert Hanson - Property Owner

Asta Parking Inc.

Prakash R Patel, Registered Agent

515 Angela Street

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

Sec. 14-40 Permits in historic districts

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

FBC Accessibility - 208.2 Minimum number of parking spaces at a ratio of one per twenty-five

Sec. 114-104 Restrictions on number of signs permitted

Officer Jorge Lopez

Certified Service: 2-16-2016 - Property Owner

Certified Service: 2-8-2016 - Registered Agent

Initial Hearing: 3-30-2016

**Continuance granted to May 25, 2016****Count 1:** A business tax receipt is required for the public parking lot.**Count 2:** For failure to obtain a certificate of appropriateness for the 7 signs. **Count 3:** A Kiosk and 7 signs were installed without benefit of the required building/electrical permits and inspections. **Count 4:** The parking facility does not have the requisite amount of accessible parking spaces. **Count 5:** Restriction on number of signs permitted.

21

**Case # 15-1220**

William B Cope

3126 Flagler Avenue

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

Officer Jorge Lopez

Hand Served: 2-4-2016

Initial Hearing: 1-27-2016

**In compliance February 24, 2016, request dismissal****Count 1:** For failure to obtain a business tax receipt for the handyman services as advertised on Craigslist.**Legislative History**

1/27/16

Code Compliance Hearing

Continuance

**22****Case # 15-1450**

Allen Zamrok  
1406 Laird Street  
Sec. 26-126 Clearing of property of debris and noxious material required  
Officer Jorge Lopez  
Certified Service: 3-7-2016  
Initial Hearing: 3-30-2016

**In compliance March 16, 2016, request dismissal**

**Count 1:** Property needs to be cleared of debris and trash.

**23****Case # 15-1457**

Blue Gecko Key Lime Pie & Ice Cream Inc.  
Christian M Zuelch, Registered Agent  
William R Rupp Trust 10/03/1991  
c/o Prager and Fenton LLD  
411 Greene Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Sec. 114-104 Restriction on number of signs permitted  
Sec. 2-939 Licenses  
Officer Jorge Lopez  
Certified Service: 12-7-2015 - registered agent  
Initial Hearing: 1-27-2016

**In compliance March 23, 2016, request dismissal**

**Count 1:** For failure to obtain a building permit for the signs that were installed. **Count 2:** For failure to obtain a certificate of appropriateness for the signs that were installed. **Count 3:** For exceeding the number of allowable signs. **Count 4:** For failure to obtain a revocable license for the sign that is hanging over the city sidewalk.

**Legislative History**

1/27/16	Code Compliance Hearing	Continuance
2/24/16	Code Compliance Hearing	Continuance

24

**Case # 15-1664**

Mark & Mary Krizmanic  
704 William Street

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

Officer Jorge Lopez

Certified Service: 2-29-2016

Initial Hearing: 3-30-2016

**In compliance February 29, 2016, request dismissal**

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

25

**Case # 16-20**

Janice Isherwood

523 Elizabeth Street

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

Officer Jorge Lopez

Hand Served: 2-7-2016

Initial Hearing: 2-24-2016

**Continued from February 24, 2016**

**Count 1:** For failure to maintain the property. It is littered with empty bags and cans of cat food, bulk waste and debris. There are a lot of flies due to the cat and chicken feces. Property was last cited on 7-22-2015.

**Legislative History**

2/24/16      Code Compliance Hearing      Continuance

26

**Case # 16-138**

Eleanor & Nathan R Alexander

2509 Harris Avenue

Sec. 62-31 Maintenance of area between property line and adjacent paved roadway

Officer Jorge Lopez

Certified Service: 3-8-2016

Initial Hearing: 3-30-2016

**In compliance March 16, 2016, request dismissal**

**Count 1:** Debris and bulk waste needs to be removed from the city right of way

27

**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 Jim Young

Certified Service: 5-14-2015

Initial Hearing: January 28, 2015

**In compliance March 29, 2016, request dismissal**

**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
8/26/15	Code Compliance Hearing	Continuance
10/21/15	Code Compliance Hearing	Continuance
11/18/15	Code Compliance Hearing	Continuance
1/27/16	Code Compliance Hearing	Continuance

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**Case # 15-1692**

Overseas Radio, LLC

Neil Willits, MGRM

Guy De Boer - Registered Agent

405 Duval Street

Sec. 106-56 Use of streets and sidewalks for advertising or display purposes

Officer Jim Young

Hand Served: 2-12-2016

Initial Hearing: 2-24-2016

**Continued from February 24, 2016 for compliance**

**Count 1:** Konk Coupon does not meet the definition of a newspaper or periodical, therefore, the news racks are advertising signs (on 29 Dec 15 rack was advertising a concierge service under the name of Key West GoGo).

**Legislative History**

2/24/16

Code Compliance Hearing

Continuance

29

**Case # 16-227**

Gwenuel &amp; Cynthia Mingo

1 Baptist Lane

Sec. 18-601(b) Transient license required

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

Officer Peg Corbett

**On agenda for subpoenaed records****Adjournment**