

City of Key West, FL

City Hall 1300 White Street Key West FL 33040

Meeting Agenda Full Detail

Code Compliance Hearing

Wednesday, July 25, 2018 1:30 PM City Hall

Call Meeting to Order

Code Violations

1 Case # 18-669

Banyan Tree Gallery and Cuban Leaf Cigar William Bell 310 Duval Street Sec. 58-68 Commercial Solid Waste Account

Officer Bonnita Badgett Certified Service: 6-22-2018 Initial Hearing: 7-25-2018

In compliance 25 June 2018; request dismissal

Count 1: Failure to obtain a commercial solid waste account for both businesses.

2 Case # 18-716

Zelma B. Dawson 2433 Linda Avenue

Sec. 26-126 Clearing of property of debris and noxious material required Sec. 62-31 Maintenance of area between property line and adjacent paved roadway

Officer Bonnita Badgett

Certified Service:

Initial Hearing: 7-25-2018

Request continuance to 29 Aug 2018 for service

Count 1: The subject property is very unsightly with trash in the yard and overgrown. **Count 2:** The subject property between the property line and pavement has weeds and overgrown trees hanging over the city right of way. The fence is down in places onto city property, very unsightly and obstructing the city right of way.

Antonio Manuel Herce III

Patricia Lee

635 United Street Front

Sec. 14-40 Permits in historic districts

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

address; exceptions Officer Wherden Charles Certified Service: 5-7-2018 Initial Hearing: 5-30-2018

Continued from 30 May 2018

Count 1: The renovation of this property shows that the window units were relocated to the walls of the home which are visible from the right of way without HARC approval. **Count 2:** The relocated window units to the wall required removal of a portion of the wall which did not have a building permit.

Legislative History

5/30/18 Code Compliance Hearing Continuance

Case # 18-357

Bob Sunderman

922 Catherine Street

Sec. 110-292 Failure to achieve a compliance agreement

Officer Wherden Charles

Certified Service:

Initial Hearing: 4-25-2018

Continued from 30 May 2018

Count 1: For failure to come into compliance with the signed settlement agreement for violations Sec. 110-256 and 110-321. The payment of \$500 and the planting of one coconut palm 8' tall has not been met.

Legislative History

4/25/18 Code Compliance Hearing Continuance 5/30/18 Code Compliance Hearing Continuance

Janice Isherwood 523 Elizabeth Street

Sec. 26-32 Nuisances illustrated

Officer Wherden Charles

Posted: 6-21-2018

Initial Hearing: 6-27-2018

Repeat Violation

In compliance 24 Jul 2018; Request dismissal

Count 1: Failure to remove substances that emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia from the residence. This is a repeat violation Case# 17-869.

Legislative History

6/27/18 Code Compliance Hearing Continuance

6 Case # 18-730

David Cunningham 428 Greene Street

Sec. 110-292 Failure to achieve a compliance agreement

Officer Wherden Charles

Certified Service:

Initial Hearing: 7-25-2018

Request continuance to 29 August 2018 for service

Count 1: Failure to achieve compliance regarding a settlement agreement with Karen Demaria of Urban Forestry.

William Larose

2750 North Roosevelt Boulevard

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

address; exceptions

Sec. 18-15 Certificate of Competency required

Officer Sophia Doctoche Certified Service: 6-1-2018 Initial Hearing: 6-27-2018

Continuance granted to 29 August 2018

Count 1: An unlicensed contractor doing electrical work without a permit. **Count 2:** Engaging in business without being a licensed contractor.

Legislative History

6/27/18 Code Compliance Hearing Continuance

8 Case # 18-776

Gary Roberts

3308 Duck Avenue

Sec. 18-150 Certificate of competency required

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business Officer Sophia Doctoche Certified Service: 6-11-2018 Initial Hearing: 7-25-2018

New Case

Count 1: Advertising to be a contractor without a certificate of competency. **Count 2:** Failure to obtain the required license for the contracting of business in the City of Key West.

Frank Joseph

1612 Bertha Street

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

address; exceptions

Sec. 14-42 Construction site requirements

Officer Sophia Doctoche Certified Service: 6-28-2018 Initial Hearing: 7-25-2018

In compliance 30 June 2018; request dismissal

Count 1: Stop Work Order placed for newly installed fence posts for a new fence and pavers installed without the benefit of required permits. Count2: Continuing work with a Stop Work Order posted without the benefit of required permits.

10 Case # 18-849

Child Life Society Chaim A. Wolkenfeld 1000 17th Street

Sec. 110-292 Failure to achieve a compliance agreement

Officer Sophia Doctoche

Posted: 7-5-2018

Initial Hearing: 7-25-2018

Continuance granted to 29 August 2018

Count 1: Failure to achieve compliance regarding a settlement agreement with Karen Demaria of Urban Forestry.

Zachary Humphries 14 D 10th Avenue

Sec. 18-150 Certificate of competency required

Sec. 66-87 Business tax receipt required

Officer Sophia Doctoche
Certified Mail: 7-12-2018
Initial Hearing: 7-25-2018

New Case

Count 1: Advertising to be a contractor without the required certificate of competency. **Count 2:** Holding himself out for business in the City of Key West without procuring a city business tax receipt.

12 Case # 18-899

Lance Andrew Harvey 1313 Eliza Street

Sec. 122-237 Prohibited uses

Officer Sophia Doctoche

Certified Service: 7-11-2018 Initial Hearing: 7-25-2018

Settlement Agreement

Count 1: Performing a car detailing business on the city right of way in a single-family residential zoned area.

13 Case # 16-1707

Terence Schmida

Joanna M Schmida Rev Trust DTD

Walter G Schmida Rev Trust DTD

3301 Duck Avenue C

FBC 1612.4 Flood Hazard Construction

Sec. 90-356 Building Permit Required

Sec. 90-363 Certificate of Occupancy

Sec. 14-74 Nuisances - Dismissed

FBC 1612.4 Flood Hazard Construction -

Officer Scott Fraser

Certified Service: 8-17-2017 - W. Schmida

Initial Hearing: 8-30-2017

Continued from 27 Jun 2018 for compliance

Count 1: Within FEMA designated AE-7 flood zone, interior space at ground level has been enclosed and said areas are actively being used for purposes other than the permitted uses for storage, parking or access to higher building levels. Count 2: Construct or allow to be constructed without the required building permits enclosed ground-floor areas for habitation. Count 3: Allowed occupancy of enclosed areas below the established flood level- constituting an unauthorized change of use from parking and storage to habitation; said enclosed areas not having been issued a certificate of occupancy, as required. Count 4: Front of property-exits a dilapidated wooden fence with concrete posts, both of which have deteriorated to the point where they present a danger from falling or collapse and injury to the occupants, neighbors and passers-by. Count 5: Construct or allow to be constructed an enclosed area below the established floor level without benefit of the required permits a patio area at the rear of this building.

Legislative History

8/30/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance
11/15/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance
2/28/18	Code Compliance Hearing	Continuance
4/25/18	Code Compliance Hearing	Continuance
5/30/18	Code Compliance Hearing	Continuance
6/27/18	Code Compliance Hearing	Continuance

Larry O Strom - President

Nathan Eden ESQ

Jack Niles

Marino Construction Group, Inc 3500 North Roosevelt Boulevard

Sec. 90-356 Building permit required

FBC 1612.4 Flood hazard construction & ASCE 24-05 Unprotected

enclosed below design flood elevation

Officer Scott Fraser Certified Service:

Initial Hearing: 7-25-2018

Continuance granted to 29 August 2018

Count 1: Construct a non-residental steel-framed metal clad building absent the required building permits. **Count 2:** Within a FEMA delineated type AE-9 flood zone, allow the construction of a non-residental steel-framed metal clad building below the minimum flood safety elevation in the Special Flood Hazard Area.

15 Case # 16-1414

Stafford Family Trust

724 Olivia Street

Sec. 90-363 Certificate of occupancy - required

Sec. 90-356 Building permits required

Sec. 58-61 Determination and levy of charge - Request dismissal; In

compliance 18 Jul 2018

Officer Leonardo Hernandez Certified Service: 8-24-2017 Initial Hearing: 9-27-2017

Continued from 25 Apr 2018

Count 1: For failure to obtain a certificate of occupancy for the second unit. **Count 2:** For failure to obtain building permits to convert the second floor into another unit, adding a kitchen and converting the attic into a bedroom. **Count 3:** For failure to pay for the solid waste charges for the second unit.

Legislative History

10/18/17 Code Compliance Hearing Continuance4/25/18 Code Compliance Hearing Continuance

16 Case # 17-885

Carolyn C. Helliesen Douglas A. Helliesen 1221 Laird Street

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

address; exceptions

Officer Leonardo Hernandez Certified Service: 5-4-2018 Initial Hearing: 5-30-2018

Continued from 27 Jun 2018

Count 1: After-the-fact permit application for upstairs walkway/porch has been in call back status since June 23, 2017 due to the property owners not providing the required supporting documentation.

Legislative History

6/27/18 Code Compliance Hearing Continuance

17 Case # 18-155

Todd & Tonya Feit 3343 Flagler Avenue 33

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez Certified Service: 6-6-2018 Initial Hearing: 6-27-2018

In compliance 23 July 2018, request dismissal

Count 1: Failure to obtain a final inspection with approval for after-the-fact electrical permit to be closed out.

Legislative History

Carmar Transportation, Inc Margaret C. Scholl - Owner

United Stated Corp. Agents, Inc. - Registered Agent

1300 White Street Sec. 78-126 Required Sec. 78-91 Required

Officer Leonardo Hernandez

Certified Service: 6-5-2018 - Owner

Initial Hearing: 6-27-2018

Continuance granted to 29 August 2018

Count 1: Failure to obtain required passenger vehicle for hire license. **Count 2:** Failure to obtain passenger vehicle for hire driver's permit.

Legislative History

6/27/18 Code Compliance Hearing Continuance

19 Case # 18-536

Brugman Holdings LLC - Owner

Thomas J Sireci, Jr - Registered Agent

10 Hilton Haven Drive C

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

address; exceptions

Officer Leonardo Hernandez

Certified Service: 5-30-2018 - Owner

Certified Service: 5-23-2018 - Registered Agent

Initial Hearing: 6-27-2018

Continued from 27 Jun 2018

Count 1: Failure to obtain an after-the-fact building permit for interior framing of shed and dock behind shed.

Legislative History

Ronit Berdugo - Violator

Brian Behar, ESQ. - Registered Agent

The Oaks Key West LLC - Property Owner

330 Julia Street

Sec. 18-601 License required

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

regulations

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

dwellings; regulations - Counts 3 - 27

Officer Leonardo Hernandez

Certified Service: 6-21-2018 - Registered Agent

Initial Hearing: 6-27-2018

Repeat Violations

Continuance granted to 29 August 2018

Count 1: Subject property held out for short term rental without the benefit of a transient rental license. Count 2: Subject property holding out/advertising for short term rental without the benefit of the required city, county and state licensing. Subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. Counts 3 - 27: Subject property is holding out for transient rental for 27 nights the dates of 3 Jun 2018 thru 30 Jun 2018 for a total of \$3,529.00.

Legislative History

Collage Beauty

Aviv Shmuel - Registered Agent

Maor Illouz - Authorized Person #1

Raziel Buchris - Authorized Person #2

211 Duval Street Company - Building Owner

211 Duval Street A

Sec. 18-441 Required

Officer Leonardo Hernandez

Certified Service: 6-29-2018 - Registered Agent Certified Service: 6-29-2018 - Collage Beauty

Certified Service: 6-29-2018 - Authorized Person #2
Certified Service: 6-29-2018 - Authorized Person #1

Initial Hearing: 7-25-2018

Repeat Violation

City request dismissal

Count 1: Off-premise canvassing without required valid off-premise canvassing permit. This is a repeat violation - Case# 17-483 & 17-1554.

22 Case # 16-720

Trevor Cook
Elizabeth Fuller
908 Packer Street
Sec. 62-2 Obstructions
Officer Beau Langford

Certified Service: 6-21-2018

Initial Hearing: 6-27-2018

Continued from 27 Jun 2018

Count 1: Fence was built over the property line and will either need to be demolished or a variance applied for.

Legislative History

23 Case # 16-773

Brittany D Delgado

Mark R Delgado Estate

2807 Seidenberg Avenue

Sec. 90-363 Certificate of occupancy - Required Sec. 58-61 Determination and levy of charge

Sec. 66-87 Business tax receipt required for all holding themselves out to

be engaged in business Officer Beau Langford Certified Service:

Posted: 8-10-2017 Posted: 7-10-2018

Initial Hearing: 8-30-2017

Continued from 27 Jun 2018

Count 1: Failure to obtain a Certificate of Occupancy for residential unit in the rear of the property. **Count 2:** Failure to have Utilities associated with the residential unit in the rear of the property. **Count 3:** Failure to have a non-transient business tax receipt for the residential unit in the rear of the property.

Legislative History

8/30/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance
2/28/18	Code Compliance Hearing	Continuance
4/25/18	Code Compliance Hearing	Continuance
5/30/18	Code Compliance Hearing	Continuance
6/27/18	Code Compliance Hearing	Continuance

24 Case # 16-1336

Douglas Whitman - Owner

Suburban Propane 1317 Newton Street

Sec. 14-31 Adopted construction codes

Officer Beau Langford

Certified Service: 5-30-2018 - Owner

Certified Service: 5-30-2018 - Suburban Propane

Initial Hearing: 7-25-2018

In compliance 8 Jun 2018; request dismissal

Count 1: Failure to secure propane tank against buoyancy in a FEMA designated AE-6 flood zone.

25 Case # 17-1146

Jordan James & Sara Key

1309 Newton Street

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

address; exceptions

Sec. 14-40 Permits in historic districts Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 3-26-2018 Initial Hearing: 4-25-2018

Continuance granted to 29 Aug 2018

Count 1: For failure to obtain a mechanical permit to install the A/C condenser on the roof. **Count 2:** For failure to obtain HARC approval for installation of the A/C condenser on the roof. **Count 3:** For failure to obtain an inspection for the A/C condenser.

Legislative History

4/25/18 Code Compliance Hearing Continuance 6/27/18 Code Compliance Hearing Continuance

26 Case # 17-1203

Browning Family Irrevocable Trust Michael Leo Browning 1300 White Street Sec. 78-126 Required Sec. 78-91 Required Officer Jorge Lopez Certified Service:

Initial Hearing: 6-27-2018

Continued from 27 Jun 2018

Count 1: Subject business owner has not renewed their vehicle for hire license. **Count 2:** The subject individual has not received their documented permit which is required to operate a passenger vehicle for hire within the city limits.

Legislative History

6/27/18 Code Compliance Hearing Continuance

27 Case # 17-1213

Erwin Mayer & Didier R Moritz - property owner

1300 15th Court Lot 77

Sec. 90-363 Certificate of Occupancy - required Sec. 58-61 Determination and levy of charge

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

address; exceptions Officer Jorge Lopez

Certified Service: 11-16-2017 Initial Hearing: 12-20-2017

Continuance granted to 29 August 2018

Count 1: For failure to obtain a certificate of occupancy for the addition that was built. **Count 2:** For failure to pay impact fees related to utilities. **Count 3:** For failure to obtain building permits for the addition to the trailer and for the installed plumbing.

Legislative History

12/20/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance
2/28/18	Code Compliance Hearing	Continuance
3/28/18	Code Compliance Hearing	Continuance
4/25/18	Code Compliance Hearing	Continuance

5/30/18 Code Compliance Hearing Continuance 6/27/18 Code Compliance Hearing Continuance

28 Case # 17-1579

Home Depot U.S.A. Inc.

Corporation Service Company - Registered Agent

2811 North Roosevelt Boulevard

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 6-15-2018 Initial Hearing: 7-25-2018

New Case

Count 1: Noise complaint was investigated and the noise emanating from the subject property on 8 Jan 2018 was 83.9 Decibels which exceeds the noise limitation of 77 Decibels. As of this date, the subject property has not scheduled a sound reading to check that the noise level is within the limits set forth by the ordinance.

29 Case # 18-185

Wild Sales II, Inc.

Noam Zano - Registered Agent

291 Front Street 8

Sec. 114-103 Prohibited signs

Officer Jorge Lopez

Certified Service: 5-7-2018 Initial Hearing: 5-30-2018

Continued from 30 May 2018

Count 1: Observed prohibited signs on the windows and on the exterior doors of this building.

Legislative History

Theresa Cioffi

Wilmington Trust Company

CT Corporation System

3222 Riviera Drive

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

address; exceptions

Sec. 122-238 Dimensional requirements

Sec. 90-363 Certificate of occupancy - Required Sec. 58-61 Determination and levy of charge

Sec. 26-32 Nuisance illustrated

Officer Jorge Lopez

Certified Service: 6-15-2018 - CT Corporation System

Certified Service: 7-17-2018 - Theresa Cioffi

Initial Hearing: 5-30-2018

Continuance granted to 26 Sept 2018

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. Count 2: The roof is located in the rear side of the subject property in the setbacks. Count 3: The detached unit located in the rear side of the property has not been issued the requisite certificate of occupancy. Count 4: This unit has not paid impact fees related to utilities. Count 5: Observed the pool with stagnant water.

Legislative History

Silver KW. Inc.

Alon Croitoru - Registered Agent

137 Duval Street 141

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

address; exceptions

Sec. 14-40 Permits in historic districts

Sec. 114-103 Prohibited signs

Sec. 2-939 Licenses Officer Jorge Lopez

Certified Service: 6-11-2018 Initial Hearing: 5-30-2018

Continued from 27 Jun 2018

Count 1: New installation of rolling steel doors on the exterior of the building without the benefit of a permit. **Count 2:** The rolling steel doors and the hanging sign over the sidewalk were installed without the benefit of a certificate of appropriateness. **Count 3:** Multiple prohibited signs on the exterior of the building. **Count 4:** The sign hanging over the sidewalk does not have a revocable license.

Legislative History

5/30/18 Code Compliance Hearing Continuance 6/27/18 Code Compliance Hearing Continuance

32 Case # 18-420

La Grignote Inc.

Joel Odou - Registered Agent

1211 Duval St Down

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

address; exceptions

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service: 6-12-2018 Initial Hearing: 7-25-2018

Continuance granted to 29 August 2018

Count 1: Three signs were installed without the required building permits. **Count 2:** Eight signs at this location were installed without a certificate of appropriateness.

Bumble Bee Silver Co

Vinod Alwani

201 William Street

Sec. 66-102 Dates due and delinquent; penalties - Repeat Violation; In

Compliance

Sec. 102-282 Outdoor display of goods

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

address; exceptions - Dismissed

Sec. 14-40 Permit in historic districts - Dismissed

Sec. 2-939 Licenses - Dismissed

Officer Jorge Lopez

Certified Service: 4-13-2018 Initial Hearing: 5-30-2018

In compliance 25 Jul 2018; Request closure

Count 1: The subject business owner has not renewed their license which expired 30 September 2017. This is a repeat violation case# 17-979 - In compliance; No fine imposed on 30 May 2018 for this count. Count 2: Observed merchandise located outside the store on the city's right of way. Count 3: Hanging sign installed without the required permit. Count 4: Hanging sign installed without obtaining a certificate of appropriateness. Count 5: Hanging sign installed without a revocable license.

Legislative History

Waterfront Brewery LLC.

Joseph Walsh - Registered Agent

201 William Street

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

address; exceptions

Sec. 14-40 Permits in historic districts Sec. 14-262 Request for inspection

Officer Jorge Lopez Certified Service:

Initial Hearing: 7-25-2018

Request continuance to 29 August 2018 for service

Count 1: Speakers and lights installed on the exterior of the building without obtaining required permits. **Count 2:** Speakers and lights installed on the exterior of the building without obtaining certificate of appropriateness. **Count 3:** Speakers and lights installed at the subject property without the required permits and inspections.

35 Case # 18-673

John Cameron

Lara Schmidt

620 Thomas Street 178 Sec. 14-325 Permit required

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

address; exceptions

Sec. 14-40 Permits in historic districts Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 6-28-2018 Initial Hearing: 7-25-2018

Continuance granted to 26 September 2018

Count 1: Installation of the HVAC system without required permit. **Count 2:** The HVAC system was installed without required mechanical permit.

Count 3: HVAC system was installed without certificate of appropriateness. **Count 4:** HVAC installed without required permits and inspections.

Alex's Auto Wrecking & Parts, Inc. Christine Rodriguez - Registered Agent 111 US 1

Sec. 70-706 New applications/renewals and issuance of non-consensual tow permit; fees

Officer Paul Navarro

Certified Service: 7-9-2018 - R/A

Initial Hearing: 7-25-2018

New Case

Count 1: Subject business has not submitted renewal of their non-consensual towing permit.

37 Case # 18-887

Donna Moody

1328 South Street

Sec. 90-363 Certificate of occupancy - required - Apartment #1 Sec. 58-61 Determination and levy of charge - Apartment #1 Sec. 90-363 Certificate of occupancy - required - Apartment #2 Sec. 58-61 Determination and levy of charge - Apartment #2

Officer Paul Navarro Certified Service:

Initial Hearing: 7-25-2018

Continuance granted to 29 August 2018

Count 1: Apartment #1, the requisite certificate of occupancy has not been applied for and obtained. Count 2: Apartment #1, the impact fees related to utilities have not been paid. Count 3: Apartment #2, the requisite certificate of occupancy has not been applied for and obtained. Count 4: Apartment #2, the impact fees related to utilities have not been paid.

38 Case # 17-1603

Susan Lynn Williams Howanitz

809 Ashe Street

Sec. 108-680 Recreational Vehicles/Boats

Director Jim Young

Certified Service: 6-28-2018 Initial Hearing: 7-25-2018

In compliance 17 July 2018; request dismissal

Count 1: Having a boat on a trailer within plain view from the City right of way in the historic district.

Mitigations

39 Case # 17-253

Reverse Mortgage Solutions, Inc.

Jeffery Baker, President 3415 Duck Avenue

40 Case # 18-113

Richard A. Dostal 210 Truman Avenue

Adjournment