



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

Code Compliance Hearing

Wednesday, October 30, 2019

1:30 PM

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order

Code Violations

1

Case # 18-1922

3314 Northside Dr. 29 LLC

Joanne Tarantino Wilson

3314 Northside Drive 29

Sec. 90-363 Certificate of occupancy required

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

Officer Bonnita Badgett

Posted: 8-2-2019

Initial Hearing: 7-31-2019

Continued from 25 Sept 2019

Count 1: An "As built certificate" or other means of proof is needed to show the unit meets the Florida Building Code as is required for the process of the Legal Unit Determination for the 2nd Unit. **Count 2:** Apply for and obtain a business tax receipt as is required for the process of the Legal Unit Determination for the 2nd Unit if being rented out.

Legislative History

8/28/19 Code Compliance Hearing Continuance

9/25/19 Code Compliance Hearing Continuance

2**Case # 19-1205**

Violet Rosalie Hollowell

314 Julia Street

Sec. 58-31 Container and receptacle requirements

Officer Bonnita Badgett

Certified Mail: 10-9-2019

Initial Hearing: 10-30-2019

In compliance 10 October 2019; Request dismissal

Count 1: Failure to remove garbage and recycle bins to private property by 8pm on the day of pickup.

3**Case # 19-1487**

Konk Life

Guy Debour

1127 1127 1100 1195 United Street

Sec. 62-176 Labels Required

Sec. 66-102 Dates due and delinquent; penalties - **In compliance 29 Oct 2019; Request dismissal**

Officer Bonnita Badgett

Certified Mail: 10-17-2019

Initial Hearing: 10-30-2019

New Case

Count 1: Failure to renew annual news rack permit. **Count 2:** Failure to renew business license by September 30, 2019.

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Case # 19-1362

Kenneth C. Trent

1430 South Street

Sec. 18-601 License required - Counts 1-7 - **Settlement agreement**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 8-10 - **Settlement agreement**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 11-17 - **Settlement agreement**Sec. 110-259 Duty of private property owner - Count 18 - **In compliance**
25 September 2019; Request dismissalSec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - Count 19

Sec. 14-262 Request for inspection - Count 20

Officer Sophia Doctoche

Certified Mail: 9-16-2019

Initial Hearing: 9-25-2019

Continued from 25 Sept 2019**Counts 1-7:** Subject property held out for short-term rental without the benefit of a transient rental license. Previously cited case #17-902.**Counts 8-10:** Subject property holding out/advertising for short-term rental without the benefit of the required city, county, or state licensing. Does not have a transient medallion and has not been inspected by the City of Key West Fire Department. Previously cited case #17-902.**Counts 11-17:** Subject property owner holding out for transient rental for seven nights the dates of 29 August 2019 through 5 September 2019 for \$4,774.13. Previously cited case #17-902. **Count 18:** Areca palms obstructing the sidewalk. **Count 19:** Failure to obtain permits for an outdoor shower and a tiki with electrical installed. **Count 20:** Failure to obtain the required electrical inspection for the tiki.Legislative History

9/25/19

Code Compliance Hearing

Continuance

5

Case # 19-1486

Konk Life
 Guy Deboer - Registered Agent
 280 Margaret Street
 Sec. 62-176 Label required
 Officer Sophia Doctoche
 Certified Mail: 10-5-2019
 Initial Hearing: 10-30-2019

New Case

Count 1: Failure to apply for the application and permit for the news rack that is on the City right of way.

6

Case # 18-1784

Lindholm Construction, Inc
 Richard Lindholm - Registered Agent
 Native Builders, Inc
 Carl Denny - Registered Agent
 Nicholas Obea LLC
 Clint Gordon - Registered Agent
 1610 Dennis Street
 Sec. 14-262 Request for inspection
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Officer Edward Keane
 Certified Mail: 5-30-2019 - Lindholm Construction, Inc.
 Certified Mail: 5-30-2019 - Native Builders, Inc.
 Posted: 7-19-2019 - Nicholas Obea LLC
 Initial Hearing: 6-27-2019

Request continuance for good service to 20 Nov 2019

Count 1: Electrical work was performed without the benefit of permit and inspection. **Count 2:** Interior structural work at the subject location without the benefit of a permit. **Count 3:** Interior plumbing work performed at the subject location without the benefit of a permit.

Legislative History

6/27/19	Code Compliance Hearing	Continuance
8/28/19	Code Compliance Hearing	Continuance

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Case # 19-1143

William L Hardy
Como Oil Company of Florida
Josef A Starhiha - Registered Agent
627 Louisa Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in the historic districts
Officer Edward Keane
Posted: 10-15-2019 - William L Hardy
Initial Hearing: 10-30-2019

New Case

Count 1: Failure to obtain building permit for installation of fuel tanks.
Count 2: Failure to obtain a certificate of appropriateness from HARC.

8

Case # 19-1252

Patrick W Oneal
3314 Northside Drive 112
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Edward Keane
Certified Mail: 10-8-2019
Initial Hearing: 10-30-2019

Continuance granted to 20 Nov 2019

Count 1: Failure to obtain a permit for the building of a deck.

9

Case # 19-1280

Pamela Elizabeth Adams

313 Catherine Street Unit 2

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

Sec. 14-327 Inspection

Sec. 14-40 Permits in historic districts

Officer Edward Keane

Certified Mail: 9-14-2019

Initial Hearing: 9-25-2019

In compliance 23 Oct 2019; Request dismissal

Count 1: Failure to obtain the appropriate building permit for installation of an air conditioner condenser. **Count 2:** Failure to obtain a mechanical inspection for an installed air conditioner condenser. **Count 3:** Failure to obtain a HARC certificate of appropriateness for installation of an air conditioner condenser.

Legislative History

9/25/19 Code Compliance Hearing Continuance

10

Case # 19-1286

Christopher H Wardlow

506 Southard Street

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

Sec. 14-40 Permits in historic districts

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

Officer Edward Keane

Posted: 10-9-2019

Initial Hearing: 10-30-2019

New Case - Repeat violations

Count 1: Construction work without permits. **Count 2:** Failure to obtain HARC permits. **Count 2:** Failure to obtain a business license.

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Case # 19-1371

Terance E Keenan
1021 Watson Street
Sec. 26-32 Nuisances illustrated
Officer Edward Keane
Posted: 10-9-2019
Initial Hearing: 9-25-2019

Continued from 25 Sept 2019 - Repeat Violation

Count 1: Pool was observed to have stagnant water at the bottom.
Repeat violation - Case # 18-125.

Legislative History

9/25/19 Code Compliance Hearing Continuance

12

Case # 19-1387

Patricia Fox Green
1430 Vernon Ave
Sec. 26-126 Clearing of property of debris and noxious material required.
Sec. 108-680 Recreational Vehicles and boats.
Officer Edward Keane
Certified Mail: 10-16-2019
Initial Hearing: 10-30-2019

In compliance 23 Oct 2019; Request dismissal

Count 1: Unsightly debris and multiple objects in the yard that could be a breeding ground for insects and rodents. **Count 2:** Recreational Vehicle in the Historic District is not screened in and can be seen off site.

13

Case # 19-1444

La Bodeguita Del Medio De Key West, Inc

Ludaime Avila Vega - Registered Agent

722 Duval Street

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

Officer Edward Keane

Hand Served: 10-11-2019

Initial Hearing: 10-30-2019

New Case**Count 1:** Failure to obtain a business tax receipt.

14

Case # 19-1482

Michael Herrera

1005 Eaton Street

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

Sec. 14-40 Permits in historic districts

Sec. 18-117 Acts declared unlawful

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 Edward Keane

Certified Mail:

Initial Hearing: 10-30-2019

Request continuance for good service to 20 Nov 2019

Count 1: Failure to obtain permits for interior renovation with plumbing and electrical being done. Repeat cases #18-1904. **Count 2:** Failure to obtain a certificate of appropriateness for work being performed. Repeat violation case #18-1904. **Count 3:** Work being performed by unlicensed construction workers. Repeat case #18-2070. **Count 4:** Mr. Herrera does not have a valid certificate of competency. Repeat case #18-1904. **Count 5:** Mr. Herrera does not have a license for the City of Key West. Repeat cases #18-1904.

15

Case # 19-1514

James R Phillips

2325 Harris Avenue

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

Sec. 14-262 Request for inspection

FBC P2503.1 Inspection required

Officer Edward Keane

Certified Mail: 10-15-2019

Initial Hearing: 10-30-2019

Continuance granted to 20 Nov 2019

Count 1: Failure to obtain building permits for installation of cabinets, sliding doors, plumbing, and electrical work. **Count 2:** Failure to obtain an electrical inspection. **Count 3:** Failure to obtain plumbing inspection.

16

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 31 July 2019 for status/compliance

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
7/25/18	Code Compliance Hearing	Continuance
8/29/18	Code Compliance Hearing	Continuance
10/31/18	Code Compliance Hearing	Continuance
11/28/18	Code Compliance Hearing	Continuance
1/30/19	Code Compliance Hearing	Continuance
4/24/19	Code Compliance Hearing	Continuance
7/31/19	Code Compliance Hearing	Continuance

17

Case # 16-455

Donald R Lynch

820 Carsten Lane

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Counts 1 & 3; Count 2 - Dismissed**

Sec. 102-152 Required for permits - **Count 4; Count 5 - Dismissed**

~~Sec. 90-142 Historic Architectural Commission Design Guidelines
adopted~~ - **Count 6 - City has not met the burden of proof.**

Officer Beau Langford

Certified Service: 2-3-2017 - Amended notice

Posted: 3-30-2017

Initial Hearing: 10-19-2016

In compliance 28 October 2019; Fees Pending

Count 1: For failure to obtain a building permit for the enclosure of the second story porch. **Count 2:** ~~For failure to obtain a building permit for the exterior stairway.~~ - **Dismissed.** **Count 3:** For failure to obtain a building permit and inspections for the plumbing that was installed. **Count 4:** For failure to obtain a certificate of appropriateness for the enclosure of the second story porch. **Count 5:** ~~For failure to obtain a certificate of appropriateness for the exterior stairway.~~ - **Dismissed.** **Count 6:** ~~For failure to obtain a certificate of appropriateness for the satellite dish that was installed.~~ - **City has not met the burden of proof.**

Legislative History

10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance
12/21/16	Code Compliance Hearing	Continuance
1/25/17	Code Compliance Hearing	Continuance
2/15/17	Code Compliance Hearing	Continuance
3/29/17	Code Compliance Hearing	Continuance
5/31/17	Code Compliance Hearing	Continuance

6/28/17	Code Compliance Hearing	Continuance
7/26/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance
3/28/18	Code Compliance Hearing	Continuance

18**Case # 19-1080**

Sunny Island of Key West, LLC

Sela Nir - Title Ambassador

Talia Krespy - Title Ambassador

720 Duval Street

Sec. 14-40 Permits in historic districts

Sec. 90-142 Historic Architectural Commission Design Guidelines
adopted

Officer Paul Navarro

Certified Mail: 9-27-2019

Initial Hearing: 10-30-2019

In compliance 10-29-19; Request dismissal

Count 1: Failure to obtain HARC approval for awning lights attached underneath the awning at the entrance to the business. **Count 2:** Lights are attached to an awning at the entrance to the business and are prohibited as per guidelines.

19

Case # 19-1105

Walgreen Company Store 7089

Richard Ashworth - President/Director

Joana Pierce - Store Manager

Kathleen Seus - National Program Manger

Prentice-Hall Corporation System, Inc. - Registered Agent

527 Duval Street

Sec. 114-108 Maintenance of all signs

Officer Paul Navarro

Certified Mail: 8-21-2019 - Kathleen Seus

Certified Mail: 8-21-2019 - Richard Ashworth

Certified Mail: 8-12-2019 - Joana Pierce

Certified Mail: 8-12-2019 - Prentice-Hall Corporation System, Inc.

Initial Hearing: 8-28-2019

Continued from 28 August 2019 for compliance

Count 1: Failure to provide the proper maintenance to the historic sign as it was not functioning as its intended use.

Legislative History

8/28/19 Code Compliance Hearing Continuance

20

Case # 19-1200

Aryeh Friedman

616 Duval Street

Sec. 106-51 Prohibited

Officer Paul Navarro

Certified Mail: 10-11-2019

Initial Hearing: 10-30-2019

In compliance 23 October 2019; Request dismissal

Count 1: Failure to remove T-shirt displays and clothing racks to the interior of the entranceway.

21

Case # 19-463

G. B & B-B Registries, LLC

210 Simonton Street Lot

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 Dorian Patton

Certified Mail: 8-9-2019

Initial Hearing: 9-25-2019

Continued from 25 Sept 2019

Count 1: Failure to obtain building permits for all signs placed, security cameras installed, and electric wiring running to a shed with lights running throughout the property. **Count 2:** Failure to obtain HARC certificate of appropriateness for all signs placed, security cameras installed, and electric wiring running to a shed with lights running throughout the property. **Count 3:** Failure to receive inspections for electrical work done on the property.

Legislative History

9/25/19 Code Compliance Hearing Continuance

22

Case # 19-556

Christopher Gazzale

Douglas C Hart

1818 Venetia Street

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

Sec. 14-327 Inspection

Officer Dorian Patton

Certified Mail: 8-15-2019 - Douglas C Hart

Initial Hearing: 9-25-2019

Continued from 25 Sept 2019 for compliance

Count 1: Failure to obtain a building permit for A/C work performed.

Count 2: Failure to obtain a final inspection for the A/C work performed.

Legislative History

9/25/19 Code Compliance Hearing Continuance

23

Case # 19-862

Key West Sign Company LLC

901 Fleming Street LLC

901 Fleming Street

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

Officer Dorian Patton

Hand Served: 8-13-2019 - Key West Sign Company LLC

Certified Mail: 8-22-2019 - 901 Fleming Street LLC

Initial Hearing: 9-25-2019

Continuance granted to 20 Nov 2019**Count 1:** Failure to obtain a building permit for a structure built.Legislative History

9/25/19 Code Compliance Hearing Continuance

24

Case # 19-956

The Green Pineapple Key West, LLC

Jennifer Hulse - RA

1130 Duval Street

Sec. 106-51 Prohibited

Officer Dorian Patton

Certified Mail: 09-11-2019

Initial Hearing: 10-30-2019

New Case**Count 1:** Failure to renew outdoor display application for exterior display
including bistro table and chairs.

25

Case # 19-1196

Key West Strip, Inc.
 Noam Zano
 507 Duval Street
 Sec. 106-51 Prohibited
 Officer Dorian Patton
 Certified Mail: 10-02-2019
 Initial Hearing: 10-30-2019

In compliance 03 October 2019; Request dismissal

Count 1: Failure to remove T-shirt displays and clothing racks to the interior of the entranceway.

26

Case # 18-241

James Dick - **New Owner**
~~Theresa Didato Cioffi - **Removed**~~
~~Wilmington Trush Company - **Removed**~~
 3222 Riviera Drive
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 122-238 Dimensional requirements
 Sec. 26-32 Nuisance illustrated - **Dismissed**
 Sec. 26-126 Clearing of property of debris and noxious material required -
Dismissed
 Director Jim Young
 Certified Service: 6-15-2018 - Registered Agent
 Certified Service: 7-17-2018 - Theresa Cioffi - Amended Notice
 Initial Hearing: 5-30-2018

Continued from 28 August 2019

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:** ~~Observed the pool with stagnant water that is a breeding ground or feeding area for mosquitoes. - **Dismissed.**~~ **Count 4:** ~~Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition. - **Dismissed.**~~

Legislative History

5/30/18	Code Compliance Hearing	Continuance
7/25/18	Code Compliance Hearing	Continuance

9/26/18	Code Compliance Hearing	Continuance
10/31/18	Code Compliance Hearing	Continuance
1/30/19	Code Compliance Hearing	Continuance
4/24/19	Code Compliance Hearing	Continuance
5/29/19	Code Compliance Hearing	Continuance
6/27/19	Code Compliance Hearing	Continuance
8/28/19	Code Compliance Hearing	Continuance

HARC Appeals**27****SMA 19-02**

KHP IV Key West LLC
Barton W. Smith, Esq.
601 Caroline Street
H2019 - 20

Continued from 28 August 2019**Legislative History**

7/31/19	Code Compliance Hearing	Continuance
8/28/19	Code Compliance Hearing	Continuance

Adjournment