



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Meeting Agenda Full Detail

### Code Compliance Hearing

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Thursday, October 22, 2020

1:30 PM

Virtual Meeting

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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 305-809-3811 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 # 18-1784**  
Lindholm Construction, Inc  
Richard Lindholm - Registered Agent  
Native Builders, Inc  
Carl Denny - Registered Agent  
Nicholas Obea LLC  
Clint Gordon - Registered Agent  
Cristian J Swanson  
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  
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:        5-30-2019 - Lindholm Construction, Inc.  
Certified Mail:        5-30-2019 - Native Builders, Inc.  
Certified Mail:        11-28-2019 - Lindhold Construction, Inc.  
Certified Mail:        11-27-2019 - Cristian J Swanson  
Certified Mail:        12-28-19 - Native Builders, Inc  
Posted:                7-19-2019 - Nicholas Obea LLC  
Initial Hearing:        6-27-2019

## Settlement Agreement

### Lindholm Construction Inc dismissed on all counts

#### Counts 1-3 - Cristian J Swanson only

**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.

**Count 4:** Failure to obtain the appropriate license from the city of key west. - **All parties**

**Count 5:** Failure to obtain a certificate of competency. - **Cristian J Swanson only**

**Count 6:** Failure to obtain a business license from the city of key west. - **Cristian J Swanson only**

#### Legislative History

6/27/19	Code Compliance Hearing	Continuance
8/28/19	Code Compliance Hearing	Continuance
11/20/19	Code Compliance Hearing	Continuance
1/30/20	Code Compliance Hearing	Continuance
2/20/20	Code Compliance Hearing	Continuance
7/30/20	Code Compliance Hearing	Continuance
8/27/20	Code Compliance Hearing	Continuance

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### Case # 19-1715

Futerman Phenphak - Owner

3011 Riviera Drive

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

~~Sec. 14-256 Permit required~~

~~Sec. 14-359 Permit display~~

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

Officer Edward Keane

Posted: 7-31-2020

Initial Hearing: 3-26-2020

### Continued from 27 August 2020

**Count 1:** Failure to obtain all proper building permits.

~~Count 2: Failure to obtain all electrical permits and or convert the structure back to storage.~~

~~Count 3: Failure to obtain all plumbing permits or convert the structure back to storage.~~

~~Count 4: Failure to cease renting the storage enclosure and apply for a~~

~~LUD from the City Planning Department.~~

Legislative History

7/30/20	Code Compliance Hearing	Continuance
8/27/20	Code Compliance Hearing	Continuance

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**Case # 19-1268**

S&M of Lazy Ways Inc.

Scott Saunders - Registered agent

205 Elizabeth Street

Sec. 14-40 Permits in historic districts

Sec. 114-103 Prohibited signs

Sec. 66-109 Schedule of taxes

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

Sec. 110-256 Tree abuse

Officer Rachel Kobylas

Certified Mail: 8-25-2020

Initial Hearing: 9-24-2020

**New Case**

**Count 1:** Failure to obtain building permits and a HARC certificate of appropriateness for unpermitted items.

**Count 2:** Failure to hire a licensed contractor to apply for and obtain the proper permits for the additional signs on the property.

**Count 3:** Failure to apply and pay for the amount of outdoor seating.

**Count 4:** Failure to remove electrical wiring, fans and lights attached to trees.

**Count 5:** Failure to remove all things attached to trees.

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**Case # 20-1120**

Kenneth Michels

1312 4th Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Rachel Kobylas

Certified Mail:

Initial Hearing: 8-27-2020

**This case came into compliance on 23 September 2020; request dismissal**

**Count 1:** Failure to pay all past due fines and fees to the Licensing Department.

Legislative History

8/27/20	Code Compliance Hearing	Continuance
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**Case # 19-1081**

Lazy Days of Key West, LLC  
 Nira Sela - Registered agent  
 715 Duval St. 1  
 Sec. 14-40 Permits in historic districts  
 Sec. 114-103 Prohibited signs  
 Sec. 14-37 Building permits; professional plans; display of permits;  
 address; exceptions  
 Officer Troy Montero  
 Hand Served: 1-9-2020  
 Initial Hearing: 3-26-2020

**Continued to 22 October 2020 for compliance**

**Count 1:** Failure to obtain HARC certificate for awning (front).

**Count 2:** Failure to remove prohibited signs (front).

**Count 3:** Failure to obtain building permit.

**Legislative History**

7/30/20	Code Compliance Hearing	Continuance
8/27/20	Code Compliance Hearing	Continuance

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**Case # 19-1535**

Tropical Fruits and Juice  
 Charles Mendola - Registered Agent  
 925 Duval Street  
 Sec. 114-106 Prohibited signs  
 Sec. 106-51 Prohibited outdoor display  
 Sec. 66-109 Schedule of taxes  
 Officer Troy Montero  
 Certified Mail: 3-2-2020  
 Initial Hearing: 3-26-2020

**Continued to 22 October 2020 for compliance**

**Count 1:** Failure to obtain HARC certificate of appropriateness.

**Count 2:** Failure to obtain and exception to outside display from planning department.

**Count 3:** Failure to obtain authorization for additional seating from planning department.

**Legislative History**

7/30/20	Code Compliance Hearing	Continuance
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**Case # 19-1568**

TU-TI-FRU-TI, Inc.

Charles Mendola - Registered agent  
 828 Duval Street  
 Sec. 114-103 Prohibited signs  
 Sec. 14-40 Permits in historic districts  
 Sec. 14-37 Building permits; professional plans; display of permits;  
 address; exceptions  
 Sec. 66-109 Schedule of taxes  
 Sec. 2-939 Revocable Licenses  
 Officer Troy Montero  
 Certified Mail: 3-2-2020  
 Initial Hearing: 3-26-2020

**Continued to 22 October 2020 for compliance**

**Count 1:** Failure to obtain HARC approval for signage.  
**Count 2:** Failure to obtain HARC certificate of appropriateness for  
 installation of cameras and outside bar.  
**Count 3:** Failure to obtain building permits.  
**Count 4:** Failure to obtain approval for additional seating.  
**Count 5:** Failure to obtain revocable license for awning over city right of  
 way.

**Legislative History**

7/30/20          Code Compliance Hearing          Continuance

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**Case # 19-1592**

Rosemie Thomas  
 1213 14th Street 54  
 Sec. 14-37 Building permits; professional plans; display of permits;  
 address; exceptions  
 Officer Troy Montero  
 Certified Mail: 11-25-2019  
 Initial Hearing: 1-30-2020

**Continued to 22 October 2020 for compliance**

**Count 1:** Failure to obtain all proper building permits.

**Legislative History**

1/30/20          Code Compliance Hearing          Continuance

2/20/20          Code Compliance Hearing          Continuance

7/30/20          Code Compliance Hearing          Continuance

8/27/20          Code Compliance Hearing          Continuance

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**Case # 20-313**

SH5 LTD  
 Robert A. Spottswood - registered agent

3841 N Roosevelt Blvd  
 Sec. 14-37 Building permits; professional plans; display of permits;  
 address; exceptions  
 Officer Troy Montero  
 Certified Mail: 6-15-2020  
 Initial Hearing: 7-30-2020

**Continued to 22 October 2020 for compliance**

**Count 1:** Failure to apply for fence permits.

**Legislative History**

7/30/20	Code Compliance Hearing	Continuance
8/27/20	Code Compliance Hearing	Continuance

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**Case # 20-1176**

230 East 7th St Associates  
 C/O Cohen Joseph  
 300 Front Street #2  
 Sec. 106-51 Prohibited  
 Officer Laurie Skinner  
 Certified Mail: 10-14-2020  
 Initial Hearing: 10-22-2020

**New Case**

**Count 1:** Failure to obtain required permits for outside display or remove any merchandise on the exterior of a business structure, including a wall, roof, overhand, entranceway or window within a required setback area.

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**Case # 20-1178**

Front Street Investments LLC  
 C/O Cohen Joseph  
 304 Front Street  
 Sec. 106-51 Prohibited  
 Officer Laurie Skinner  
 Certified Mail: 10-14-2020  
 Initial Hearing: 10-22-2020

**New Case**

**Count 1:** Failure to remove outdoor displays.

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**Case # 18-241**

Lawney Management Company - **New Owner**  
~~Theresa Didato Gioffi - **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

### Continuance granted to 22 October 2020

**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
11/20/19	Code Compliance Hearing	Continuance
1/30/20	Code Compliance Hearing	Continuance
7/30/20	Code Compliance Hearing	Continuance

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### Case # 18-2089

Duval and Caroline, LLC  
 Joseph Walsh  
 429 Caroline Street  
 Sec. 66-109 ~~Schedule of taxes~~ - **Dismissed**  
 Sec. 14-40 Permits in historic districts  
 Officer Sophia Doctoche  
 Posted: 4-30-2019  
 Initial Hearing: 4-24-2019

**Mitigation**

**Count 1:** ~~Failure to obtain seating authorization for the seats located at the subject property. - Dismissed.~~ **Count 2:** Failure to apply for and obtain an after the fact certificate of appropriateness for the subject property.

**Legislative History**

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	Violation Fine
8/27/20	Code Compliance Hearing	Continuance

**Adjournment**