



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final Code Compliance Hearing

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Wednesday, December 17, 2014

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 at 305-809-1000 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 # 13-292**

Torres Real Estate LLC  
Orlando F Torres, R/A  
Alexander's Guest House  
1118 Fleming Street  
Sec. 18-601 License Required  
Sec. 122-1371 Transient living accommodations in residential dwellings  
Sec. 122-599 Prohibited uses - HMDR - **Dismiss**  
Officer Peg Corbett  
Certified Service: 3-15-2013  
Initial Hearing: 3-27-2013

**In compliance November 19, 2014, request dismissal  
Irreparable violation**

**Count 1:** The subject property was held out and/or advertised as being available transiently on 22 February 2013 for a total of 17 units. Transient license is for 15 units only. **Count 2:** The subject property was held out and or advertised as being available transiently on 22 February 2013 for a total of 17 units when they are only licensed for 15. **Count 3:** Transient rentals are not permitted in Historic Medium Density Residential areas.

**Officer Corbett requested this case be dismissed. Compliance was achieved on November 19, 2014. The Special Magistrate dismissed this case.**

2

**Case # 14-823**

Timothy & Amy Williams

1500 Atlantic Boulevard 101  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 9-2-2014  
Initial Hearing: 9-17-2014

**In compliance November 19, 2014, request dismissal**

**Count 1:** The business tax receipt to rent this property is delinquent

**Officer Corbett requested this case be dismissed. Compliance was achieved on November 19, 2014. The Special Magistrate dismissed this case.**

**3**

**Case # 14-936**

Stephen & Janice Dickson  
816 Eaton Street  
Sec. 122-600 Dimensional requirements - **Dismiss**  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in historic districts  
Officer Peg Corbett  
Certified Service: 9-15-2014  
Initial Hearing: 9-17-2014

**Rehearing**

**Count 1:** The air conditioning unit was installed within the 5' setback for HMDR. **Count 2:** The fence is 8' which exceeds the scope of the permit. **Count 3:** The fence is 8' which exceeds the certificate of appropriateness.

**Mr. Fairbank, Officer Corbett and Mr. Bridger gave testimony. The Special Magistrate found this property to be in violation of exceeding the allowable fence height. He imposed Administrative Fees in the amount of \$250. Also imposed is a fine of \$250 per day if compliance is not achieved by January 27, 2015. A compliance hearing will be held on January 28, 2015.**

**4**

**Case # 14-1074**

Southernmost Group LLC  
Ronen Teshouva - Registered Agent  
Southernmost Resort Wear  
1103 Whitehead Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business.  
Officer Peg Corbett  
Certified Service: 10-7-2014  
Initial Hearing: 10-29-2014

**Continuance granted to January 28, 2015**

**Count 1:** For failure to obtain a business tax receipt prior to opening the business.

The Special Magistrate granted the request to continue this case to January 28, 2015.

5

**Case # 14-1391**

Wells Fargo Bank NA  
C/O Anchutz & Schneid Robertson  
2522 Staples Avenue  
Sec. 26-126 Clearing of property of debris and noxious material required  
Officer Peg Corbett  
Certified Service: 10-14-2014  
Initial Hearing: 10-29-2014

**Continued from October 29, 2014 for compliance**

**Count 1:** Yard debris from the rear yard is overflowing onto the City of Key West easement. Yard is overgrown and garbage and waste is also present.

Officer Corbett stated that the property is not in compliance. The Special Magistrate imposed the fines.

6

**Case # 14-1444**

Candida Cobb  
1016 Varela Street F  
Sec. 66-89 Individual professionals required to pay license fee  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 12-17-2014

**Continuance granted to January 28, 2015**

**Count 1:** All professions are required to obtain and renew yearly their business tax receipt. **Count 2:** A business tax receipt is required for the the professional business.

The Special Magistrate granted the request to continue this case to January 28, 2015.

7

**Case # 14-1503**

Mark & Deborah Thielen  
67 Golf Club Drive 258  
Sec. 66-87 Business tax receipt required for all holding themselves out  
to be engaged in business  
Officer Peg Corbett  
Certified Service: 11-15-2014  
Initial Hearing: 12-17-2014

**New Case**

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

Officer Corbett gave testimony. The Special Magistrate found Mark & Deboarh Thielen in violation of renting their property without a business tax receipt. Costs of \$250 were imposed. Also imposed is a fine of 25% of the business tax receipt ( $\$19.95 \times 25\% = \$4.99$ ) if compliance is not achieved by January 27, 2015. A compliance hearing will be held on January 28, 2015.

**8****Case # 14-1508**

Helen Carbonell  
c/o Ron Saunders  
1315 Olivia Street  
Sec. 26-126 Clearing of property of debris and noxious material  
required  
Officer Peg Corbett  
Posted: 11-19-2014  
Initial Hearing: 12-17-2014

**In compliance December 17, 2015, request Finding**

**Count 1:** The property is overgrown and unsightly

Compliance was achieved on December 17, 2015. A finding was requested and the Special Magistrate found Helen Carbonell, c/o Ron Saunders in violation. No fees or fines were imposed. This case may may serve as a predicate for a repeat violation should a similar violation occur in the future.

**9****Case # 14-1510**

US Bank National Association  
C/O Nationstar Mortgage LLC  
National LLC  
Corporation Service Company RA  
63 Golf Club Drive 256  
Sec. 66-87 Business tax receipt required for all holding themselves out  
to be engaged in business  
Officer Peg Corbett  
Certified Service: 11-19-2014 - Nationstar Mortgage  
Certified Service: 11-12-2014 - National LLC - Corp Service

Initial Hearing: 12-17-2014

**In compliance December 11, 2014, request dismissal`**

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

Officer Corbett requested this case be dismissed. Compliance was achieved on December 11 2014. The Special Magistrate dismissed this case.

10

**Case # 14-1566**

Bascom & Beth Grooms

279 Golf Club Drive 332

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

Officer Peg Corbett

Certified Service: 11-12-2014

Initial Hearing: 12-17-2014

**In compliance November 14, 2014, request dismissal**

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

Officer Corbett requested this case be dismissed. Compliance was achieved on November 14, 2014. The Special Magistrate dismissed this case.

11

**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

**Continued from November 14, 2014**

**Count 1:** For installing pavers and plants on the city's right of way.

Attorney Ashby, Mr. Bridges and Officer Hernandez gave testimony. The Special Magistrate found 1415 Olivia St LLC, David Graham in violation of installing pavers on the city's right of way without an easement or right of way permit. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day if compliance is not achieved by February 24, 2015. A compliance hearing will be held on February 25, 2015.

12

**Case # 14-906**

Duc Nguyen

1213 14th Street 278

Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-256 Required - **Dismiss**  
Sec. 14-358 Amendments to Florida Plumbing Code - **Dismiss**  
Officer Mary Lockyear  
Posted: 9-30-2014  
Initial Hearing: 11-14-2014

**In compliance December 17, 2014, request dismissal**

**Count 1:** For covering the side of the trailer with wooden siding, enclosing the washer, dryer, Jacuzzi and hot water heater with wood and wrapping the existing deck and steps in new wood without benefit of a permit. **Count 2:** For failure to obtain an electrical permit for the washer, dryer, Jacuzzi and hot water installation. **Count 3:** For failure to obtain a plumbing permit for the washer, Jacuzzi and hot water installation.

Officer Corbett requested this case be dismissed. Compliance was achieved on December 17, 2014. The Special Magistrate dismissed this case.

13

**Case # 14-1511**

Michael & Sarah Travis  
3635 Seaside Drive 307  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Mary Lockyear  
Certified Service: 11-24-2014  
Initial Hearing 12-17-2014

**In compliance December 16, 2014, request dismissal**

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

Officer Corbett requested this case be dismissed. Compliance was achieved on December 16, 2014. The Special Magistrate dismissed this case.

14

**Case # 14-1525**

Charles McCoy  
3635 Seaside Drive 410  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Mary Lockyear  
Certified Service: 11-20-2014  
Initial Hearing: 12-17-2014

**In compliance November 21, 2014, request dismissal**

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

**Officer Corbett requested this case be dismissed. Compliance was achieved on November 21, 2014. The Special Magistrate dismissed this case.**

**15**

**Case # 14-1572**

Nancy Wozniak

3655 Seaside Drive 419

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

Officer Mary Lockyear

Certified Service: 11-24-2014

Initial Hearing: 12-17-2014

**In compliance December 9, 2014, request dismissal**

**Count 1:** A business tax receipt is required for all holding themselves out to be engaged in business

**Officer Corbett requested this case be dismissed. Compliance was achieved on December 9, 2014. The Special Magistrate dismissed this case.**

**16**

**Case # 14-1468**

James Chris Fiorella

Djin Suk Kim

George R & Marcia E Halloran

16 Hilton Haven Road 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:

Initial Hearing: December 17, 2014

**New Case**

**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.

The Special Magistrate granted the request to continue this case to January 28, 2015 for service.

17

**Case # 14-727**

Alena Lembach

3226 Eagle Avenue

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

Sec. 18-157 Employment of unlicensed persons prohibited

Officer Matt Willman

Hand Served: 8-8-2014

Initial Hearing: 8-20-2014

**Continued from September 17, 2014 for compliance**

**Count 1:** For building an addition onto the rear of the house in the setback. **Count 2:** No person shall hire an unlicensed contractor

The Special Magistrate granted the request to continue the compliance date to January 27, 2015. A compliance hearing will be held on January 28, 2015.

18

**Case # 14-1109**

Wayne Kruer

1105 Thomas Street

Sec. 62-2 Obstructions

Officer Matt Willman

Certified Service: 7-21-2014

Initial Hearing: 7-30-2014

**Continued from October 29, 2014**

**Count 1:** The coconut tree is overhanging the city right of way limiting the use of the sidewalk as well as the adjacent parking space.

Mr. Kruer admitted to the violation and stated that he would have the coconut tree removed by January 10, 2015. The Special Magistrate accepted this and found Mr. Kruer in violation. No fines or fees were imposed as long as compliance is achieved by January 10, 2015. A compliance hearing will be held on January 28, 2015.

19

**Case # 14-1333**

Ted Franse Living Trust 9/22/11



616 Petronia Street  
Sec. 18-601 License required  
Sec. 122-629 Prohibited Uses  
Sec. 122-1371 (d)(9)  
Officer Matt Willman  
Certified Service: 9-2-2014  
Initial Hearing: 9-17-2014

**Continued from November 14, 2014 for Settlement Agreement  
Irreparable Violation**

**Counts 1 - 6:** A transient rental license is required to rent the property transiently. **Counts 7 - 13:** Transient rental are prohibited in the Historic High Density Residential district (HHDR). **Counts 14 - 20:** The subject property was rented transiently from August 12, 2014

The Special Magistrate was presented a Settlement Agreement which he approved. Respondent stipulates to the imposition of the Administrative Cost in the amount of \$250. A fine of \$1,081.50 was also imposed. If Respondent is found in violation of Sections 18-601, 122-1371(d)(9) and 122-629 again in the future, Respondent understands that the violations will be considered as repeat punishable by up to \$500 per day, per count. All fines and fees have been paid.

20

**Case # 14-1489**

June K Waage  
921 Whitehead Street  
Sec. 122-1371 Transient living accommodations in residential dwellings  
Sec. 122-5-99 Prohibited uses  
Sec. 18-601 License required  
Officer Mathew Willman  
Certified Service: 10-14-2014  
Initial Hearing: 11-14-2014

**Continued from November 14, 2014 - Settlement Agreement**

**Count 1:** This property was held out for transient rental of six nights. **Count 2:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR). **Count 3:** A transient rental license is required to rent the property transiently.

The Special Magistrate was presented a Settlement Agreement which he approved. Respondent stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent is found in violation of Sections 18-601, 122-1371(d)(9) and 122-599 again in the future, Respondent understands that the violations will be considered as repeat punishable by up to \$500 per day, per count.

21

**Case # 14-1540**

Stella A Rylander - Property Owner

William J Hackett - Tenant

419 Southard Street

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

Sec. 18-601 License required - Tenant

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

Officer Mathew Willman

Certified Service: 11-19-2014 - Tenant

Initial Hearing: 12-17-2014

**New Case - Settlement Agreement - Tenant**

**Count 1:** This property was found advertising transient rentals on Craigslist. **Count 2:** A transient rental license is required to rent this property out transiently. **Count 3:** A business tax receipt is required to rent this property out non-transiently.

The Special Magistrate granted the request to continue this case to January 28, 2015 for the property owner for service. The Tenant signed a Settlement Agreement which was approved by the Special Magistrate. Costs of \$250 were imposed and paid.

22

**Case # 14-1648**

Keith MacDonald

1913 Seidenberg Avenue A &amp; B

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

Sec. 122-237 Prohibited uses

Sec. 18-601 License Required

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

Officer Matt Willman

Certified Service: 12-1-2014

Initial Hearing: 12-17-2014

**Continuance granted to January 28, 2015**

**Count 1:** The property is be offered for short term rentals through Air BnB. **Count 2:** Transient rentals are prohibited in the Single Family district (SF). **Count 3:** A transient rental license is required to rent this property transiently. **Count 4:** A business tax receipt is required to rent this property.

The Special Magistrate granted the request to continue this case to January 28,

2015.

**Mitigations**

**23**

**Case # 12-1773**

Dwight Oglesbee - previous owner  
Jad & Ghada Maouad - new owners  
2434 Fogarty Avenue

The City requested that this case be dismissed and was granted by the Special Magistrate.

**Adjournment**