



# 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, April 29, 2015

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 # 13-296**

JJJ's A Place in the Sun, Inc.  
John Correa  
1029 Southard Street  
Sec. 2-939 Licenses  
Officer Bonnita Badgett  
Posted: 3-6-2015  
Initial Hearing: 4-29-2015

**Continuance granted to May 27, 2015**

**Count 1:** A revocable license is required for the planters and all other items prior to placing them on the city right of way.

The request to continue this case to May 27, 2015 was granted by the Special Magistrate.

**2**

**Case # 14-1745**

Scott Hendricks  
1916 Patterson Avenue  
Sec. 14-37 Building permits, professional plans; display of permits  
Sec. 14-256 Required  
Sec. 14-31 Adopted  
Officer Peg Corbett  
Certified Service: 1-22-2015  
Initial Hearing: 2-25-2015

**Continued from February 25, 2015**

**Count 1:** A detached habitable space was built without the benefit of a building permit. **Count 2:** Electricity was installed in the detached habitable space without the benefit of an electrical permit. **Count 3:** Plumbing was installed in the detached habitable space without the benefit of a plumbing permit.

**The request to continue this case to June 24, 2015 was granted by the Special Magistrate.**

**3**

**Case # 15-172**

Southernmost Cigar Group LLC  
Marc Miclette - R/A  
230 East 7th Street Associates  
Joseph Cohen - R/A  
300 Front Street 1  
Sec. 58-68 Commercial solid waste accounts  
Officer Peg Corbett  
Certified Service: 2-9-2015  
Certified Service: 4-20-2015 - Property Owner  
Initial Hearing: 3-20-2015

**Continuance granted to May 27, 2015**

**Count 1:** The subject business was issued a notice of hearing for July of 2013 for a delinquent waste management account which was paid and was dismissed. The account became delinquent again in February of 2014.

**The request to continue this case to May 27, 2015 was granted by the Special Magistrate.**

**4**

**Case # 15-190**

Southernmost Cigar Group LLC  
Marc Miclette - R/A  
230 East 7th Street Associates  
Joseph Cohen - R/A  
300 Front Street 1  
Sec. 30-1 Fees for false alarms and fire code inspections  
Officer Peg Corbett  
Certified Service: 2-9-2015  
Certified Service: 4-20-2015 - Property Owner  
Initial Hearing: 3-20-2015

**In compliance April 28, 2015, request dismissal**

**Count 1:** The fire inspection fees is more than 90 days past due. This

business was previously cited for the same violation in February, 2014.

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

**5**

**Case # 14-1631**

Theresa Cioffi  
3222 Riviera Drive  
a/k/a 1600 Riviera Street  
FBC Fuel/Gas 301.11 (ASCE 24-05 Sec. 7.4.1) Unsecured Fuel tank,  
propane, within a flood zone, below flood level  
Officer Scott Fraser  
Certified Service: 12-20-2014  
Initial Hearing: 1-28-2015

**In compliance April 9, 2015, request dismissal**

**Count 1:** For failure to obtain a fuel gas permit and properly secure the tank against buoyancy in accordance with the International Building Code.

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

**6**

**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

**Continuance granted to May 27, 2015**

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

**The request to continue this case to May 27, 2015 was granted by the Special Magistrate.**

**7**

**Case # 14-1546**

Patricia Ledo Fernandez  
2910 Fogarty Avenue  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Sec. 26-126 Clearing of property of debris and noxious material required

Officer Leonardo Hernandez  
Certified Service: 2-28-2015  
Initial Hearing: 4-29-2015

**In compliance April 14, 2015, request dismissal**

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

**Count 2:** The property is overgrown with vegetation and yard waste is scattered on the ground.

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

**8**

**Case # 15-33**

Robert Edward Sunderman  
415 Bahama Street  
Sec. 110-292 Failure to achieve a compliance agreement  
Officer Leonardo Hernandez  
Certified Service: 3-16-2015  
Initial Hearing: 4-29-2015

**New Case**

**Count 1:** For failure to fulfill the conditions of the settlement agreement with the tree commission

**The Special Magistrate found Mr. Sunderman in violation of failure to fulfill the conditions of the settlement agreement with the tree commission. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day if compliance is not achieved by May 26, 2015 at 5 pm. A compliance hearing will be held on May 27, 2015.**

**9**

**Case # 15-43**

Doctor's Spa  
Adrienne Curran  
1075 Duval Street C18  
Sec. 114-104 Restriction on number of signs permitted  
Officer Leonardo Hernandez  
Certified Service: 1-15-2015  
Initial Hearing: 2-25-2015

**In compliance February 26, 2015, request dismissal**

**Count 1:** For exceeding the number number of allowable signs

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

10

**Case # 15-63**

Aqua Key West LLC  
Kimball Ingram  
711 Duval Street  
Sec. 114-103 Prohibited signs  
Officer Leonardo Hernandez  
Certified Service: 2-2-2015  
Initial Hearing: 4-29-2015

**In compliance February 27, 2015, request dismissal**

**Count 1:** Portable signs are prohibited in the historic district

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

11

**Case # 15-360**

Michael Dicken  
325 Duval Street  
Sec. 26-192 Unreasonably excessive noise prohibited  
Officer Leonardo Hernandez  
Hand Served: 3-23-2015  
Initial Hearing: 4-29-2015

**Continuance granted to May 27, 2015**

**Count 1:** Mr. Thomas Gocham finds the drummer, Michael, loud drumming disturbing.

**The request to continue this case to May 27, 2015 was granted by the Special Magistrate.**

12

**Case # 14-1752**

BO's Fish Wagon, Inc.  
Holly Owen - President  
Dragonfly Consulting - Registered Agent  
801 Caroline Street  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in historic district  
Officer Mary Lockyear  
Certified Service: 1-23-2015 - Holly Owen  
Initial Hearing: 2-25-2015

**In compliance February 25, 2015, request dismissal**

**Count 1:** A counter was installed without the benefit of a building permit. **Count 2:** A counter was installed without the benefit of HARC

approval.

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

**13**

**Case # 14-1788**

National Playground Construction  
William Calhoun - Registered Agent  
1100 Varela Street  
Sec. 62-3 Schedule of right-of-way permit fees  
Sec. 14-150 Insurance coverage  
Officer Mary Lockyear  
Certified Service: 1-29-2015  
Initial Hearing: 2-25-2015

**Continuance granted to May 27, 2015**

**Count 1:** Heavy equipment was used to install the playground equipment without obtaining a right-of-way permit for use of the sidewalk. **Count 2:** Heavy equipment was driven over the sidewalk without providing insurance to cover any damage to the sidewalk.

**The request to continue this case to May 27, 2015 was granted by the Special Magistrate.**

**14**

**Case # 15-11**

Neptune Designs  
Jay Pfahl  
301 Duval Street A & B  
Sec. 14-40 Permits in historic district  
Sec. 114-104 Restriction on number of signs permitted  
Officer Mary Lockyear  
Certified Service: 1-28-2015  
Initial Hearing: 2-25-2015

**In compliance April 17, 2015, request dismissal**

**Count 1:** For failure to obtain HARC approval for the 13 signs. **Count 2:** For exceeding the number of allowable signs.

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

**15**

**Case # 15-17**

The Restaurant Store

Richard Tallmadge  
1111 Eaton Street Front  
Sec. 66-87 Business tax receipt required for all holding themselves out  
to be engaged in business - **Dismiss**  
Sec. 14-40 Permits in historic district  
Sec. 114-103 Prohibited signs  
Officer Mary Lockyear  
Certified Service: 1-9-2015  
Initial Hearing: 2-25-2015

**In compliance March 17, 2015, request dismissal**

**Count 1:** For the exterior seating which is not licensed. **Count 2:** For failure to obtain HARC approval for the Bone Island Brewing sign.

**Count 3:** For exceeding the number of allowable signs.

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

16

**Case # 15-101**

Abaco Gold  
Angela Williamson  
422 Front Street  
Sec. 114-104 Restriction on number of signs permitted  
Sec. 14-40 Permits in historic districts  
Officer Mary Lockyear  
Certified Service: 3-9-2015  
Initial Hearing: 4-29-2015

**New Case**

**Count 1:** For exceeding the number of allowable signs. **Count 2:** For failure to obtain a certificate of appropriateness for the signs.

**The request to continue this case to May 27, 2015 was granted by the Special Magistrate.**

17

**Case # 13-332**

Jean Venes Dieujuste  
1300 15th Court 78  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Barbara Meizis  
Certified Service: 12-17-2014  
Initial Hearing: 1-28-2015

**In compliance April 28, 2015, request dismissal**

**Count 1:** For failure to obtain a building permit prior to replacing the floors and walls of the trailer and adding onto the trailer.

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

**18**

**Case # 14-1720**

CAMA SDIRA LLC FBO Alex Model

C/O Camaplan

1501 White Street

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

Sec. 118-516 Stop work orders

Officer Barbara Meizis

Certified Service: 3-23-2015

Initial Hearing: 4-29-2015

**In compliance March 27, 2015, request dismissal**

**Count 1:** A building permit is required prior to the installation of a concrete fence. **Count 2:** A stop work order was issued on December 3, 2014 for the concrete fence. On March 4, 2015, the work had been completed without the benefit of a permit.

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

**19**

**Case # 14-1781**

David W Lehmkuhl

620 Petronia Street

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

Sec. 14-40 Permits in historic district

Officer Barbara Meizis

Certified Service:

Initial Hearing: 4-29-2015

**In compliance March 5, 2015, request dismissal**

**Count 1:** A building permit is required prior to constructing a fence and gate. **Count 2:** A Certificate of appropriateness is required prior to constructing a fence and gate.

**This case was dismissed by the Special Magistrate at the request of the Code Officer.**

**20**

**Case # 15-51**



James E & Laura D Thornbrugh  
1107 Truman Avenue  
Sec. 66-102 Date due and delinquent; penalties  
Sec. 66-103 Transfer of license  
Officer Barbara Meizis  
Certified Service: 3-17-2015  
Initial Hearing: 4-29-2015

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

**Count 1:** The business tax receipt for Island Advertising & Printing is delinquent. **Count 2:** Your expired business tax receipt is from 1025 White Street and needs to be transferred to your current location of 1107 Truman Avenue.

The Special Magistrate found Mr. & Mrs. Thornbrugh in violation for a delinquent business tax receipt. Costs of \$250 were imposed. Also imposed was a fine for the repeat violation of \$500 per day if compliance is not achieved by May 26, 2015 at 5 pm. A compliance hearing will be held on May 27, 2015.

21

**Case # 15-65**  
Daniele Fazekas  
818 Carstens Lane  
Sec. 58-31 Container and receptacle requirements (f)  
Officer Barbara Meizis  
Certified Service: 2-18-2015  
Initial Hearing: 4-29-2015

**In compliance March 4, 2015, request dismissal**

**Count 1:** Waste containers have been left out on the city right of way on the following days: Thursday, January 15, Friday, January 16 and Thursday, January 22. Trash pick up is on Monday.

This case was dismissed by the Special Magistrate at the request of the Code Officer.

22

**Case # 15-165**  
Vila Natividad L/E  
Ines M Brown T/C  
1324 20th Terrace  
Sec. 90-356 Building permits required  
Sec. 90-365 Violations and penalties  
Officer Barbara Meizis  
Posted: 3-19-2015  
Initial Hearing: 4-29-2015

**New Case**

**Count 1:** Building permits are required prior to construction of the addition. **Count 2:** Constructed an addition on the side of the structure in the setbacks without a building permit.

The request to continue this case to May 27, 2015 was granted by the Special Magistrate.

**23****Case # 14-1798**

Matthew N Boucher

3128 Riviera Drive

Sec. 18-601 License required - Counts 1-8 and Counts 9-16

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - Counts 17-18

Sec. 122-237 Prohibited uses - Counts 19-20

Officer Matt Willman

Certified Service: 2-26-2015

Initial Hearing: 2-25-2015

**Continuance granted to May 27, 2015**

**Counts 1 - 8:** The subject property was rented transiently to Brian Kindred from 12-27-14 through 1-3-15 for \$7,500 without the benefit of a transient license. **Counts 9 - 16:** The subject property was rented transiently to Kristen & Kevin Kaczmarek from 12-19-14 through 12-26-14 for \$7,500 without the benefit of a transient license. **Counts 17 - 18** The subject property is offered/advertised by the owner, Matt Boucher, on VRBO and Home Away for short term rentals. **Count 19-20:** The subject property is being rented for short term rentals which is not a permitted use in the Single Family zoning district.

The request to continue this case to May 27, 2015 was granted by the Special Magistrate.

**24****Case # 14-1821**

Janice Isherwood

523 Elizabeth Street

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

Sec. 14-40 Permits in historic districts

Officer Matt Wilman

Hand Served: 4-25-2015

Initial Hearing: 4-29-2015

**New Case**

**Count 1:** A building permit is required prior to the construction of a

new deck. **Count 2:** A certificate of appropriateness is required prior to the construction of a new deck.

The Special Magistrate found Ms. Isherwood in violation of constructing a deck without benefit of a building permit or HARC approval. Costs of \$250 were imposed. The court reserves the right to imposed fines if compliance is not achieved by May 26, 2015. A compliance hearing will be held on May 27, 2015.

25

**Case # 15-160**

Stephen &amp; Luna Phillips

1012 Varela Street 1

Sec. 18-601 License required

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

Sec. 122-599 Prohibited uses

Officer Matt Willman

Certified Service: 2-26-2015

Initial Hearing: 4-29-2015

**Continuance was granted to May 27, 2015**

**Count 1:** The property is being held out on www.homexchange.com for short term rentals without a transient license. **Count 2:** The property is being held out on www.homexchange.com for short term rentals. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR).

The request to continue this case to May 27, 2015 was granted by the Special Magistrate.

26

**Case # 15-203**

Ronald Kaisen

1211 Catherine Street

Sec. 18-601 License required

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

Sec. 122-599 Prohibited uses

Officer Matt Willman

Posted: 4-9-2015

Initial Hearing: 4-29-2015

**Settlement Agreement**

**Count 1:** The property is being held out on VRBO for short term rentals without a transient license. **Count 2:** The property is being held out on VRBO for short term rentals. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR).

The Special Magistrate was presented a Settlement Agreement that had been signed by Mr. Kaisen and it was approved. The Respondent(s) stipulates to the imposition of the Administrative Cost in the amount of \$250. If Respondent is found in violation of Sections 18-601, 122-1371(d)(9) and 122-599 of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation will be considered as repeat punishable by up to \$500 per day, per count.

27

**Case # 15-248**

Key Cove Landings LLC  
Christopher Belland, R/A  
Last Key Realty  
Peter Rysman, R/A  
3 Key Cove Drive  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)  
Sec. 122-579 Prohibited uses  
Officer Matt Willman  
Certified Service: 2-28-2015 - owner  
Certified Service: 3-3-2015 - Last Key Realty  
Initial Hearing: 4-29-2015

**Settlement Agreement - Last Key Realty****Settlement Agreement - Key Cove Landings LLC - Continuance granted to May 27, 2015**

**Count 1:** The property is being held out on Last Key Realty and Home Away for short term rentals without a transient license. **Count 2:** The property is being held out on Last Key Realty and Home Away for short term rentals. **Count 3:** Transient rentals are prohibited in the Medium Density Residential district (MDR-1).

The request to continue the case for Key Cove Landings, LLC to May 27, 2015 was granted by the Special Magistrate.

The Special Magistrate was presented a Settlement Agreement that had been signed by Mr. Rysman and it was approved. The Respondent(s) stipulates to the imposition of the Administrative Cost in the amount of \$250. If Respondent is found in violation of Sections 18-601, 122-1371(d)(9) and 122-599 of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation will be considered as repeat punishable by up to \$500 per day, per count.

28

**Case # 15-249**

Key Cove Landings LLC

Christopher Belland, R/A  
Last Key Realty  
Peter Rysman, R/A  
10 Key Cove Drive  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)  
Sec. 122-579 Prohibited uses  
Officer Matt Willman  
Certified Service: 3-2-2015 - owner  
Initial Hearing: 4-29-2015

**Settlement Agreement - Last Key Realty**  
**Settlement Agreement - Key Cove Landings LLC - Continuance granted to May 27, 2015**

**Count 1:** The property is being held out on Last Key Realty and Home Away for short term rentals without a transient license. **Count 2:** The property is being held out on Last Key Realty and Home Away for short term rentals. **Count 3:** Transient rentals are prohibited in the Medium Density Residential district (MDR-1).

The request to continue the case for Key Cove Landings, LLC to May 27, 2015 was granted by the Special Magistrate.

The Special Magistrate was presented a Settlement Agreement that had been signed by Mr. Rysman and it was approved. The Respondent(s) stipulates to the imposition of the Administrative Cost in the amount of \$250. If Respondent is found in violation of Sections 18-601, 122-1371(d)(9) and 122-599 of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation will be considered as repeat punishable by up to \$500 per day, per count.

29

**Case # 15-310**

Sea Cups LLC  
dba; Dante's  
Wayne Smith - R/A  
Brandon Shea Kocis, DJ  
955 Caroline Street  
Sec. 26-192 Unreasonably excessive noise prohibited  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **Dismiss**  
Officer Matt Willman  
Certified Service: 3-16-2015  
Initial Hearing: 4-29-2015

**Continuance granted to May 27, 2015**

**Count 1:** On March 9, 2015, Officer's Lockyear and Hernandez responded to a complaint of loud music. Noise readings were 99.3 dbc. **Count 2:** A business tax receipt is required for the live entertainment.

The request to continue this case to May 27, 2015 was granted by the Special Magistrate.

30

**Case # 14-154**

Deutsche Bank Trust Company Americas  
2321 Fogarty Avenue  
Sec. 26-126 Clearing of property of debris and noxious materials required  
Officer Jim Young  
Certified Service: 3-3-2015  
Initial Hearing: 4-29-2015

**New Case**

**Count 1:** Property is overgrown with landscaping and debris

The Special Magistrate found Deutsche Bank Trust Company in violation of the property being overgrown with landscaping and debris. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day if compliance is not achieved by May 26, 2015 at 5 pm. A compliance hearing will be held on May 27, 2015.

31

**Case # 15-0001**

Airbnb, Inc.  
c/o Lawyers Incorporating Service, R/A  
528 Grinnell Street  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)  
Office Jim Young  
Certified Service: 2-17-2015  
Initial Hearing: 4-29-2015

**Continuance granted to May 27, 2015**

**Count 1:** On 30 Dec 15 a bedroom located at this property was being held out/advertised on website Airbnb.com for rent at a rate of \$225 per night without the required transient business tax receipt.

The request to continue this case to May 27, 2015 was granted by the Special Magistrate.

32

**Case # 15-0002**

Airbnb, Inc.  
c/o Lawyers Incorporating Service, R/A  
719 Catherine Street  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)  
Officer Jim Young  
Certified Service: 2-17-2015  
Initial Hearing: 4-29-2015

**Continuance granted to May 27, 2015**

**Count 1:** On 30 Dec 14 this property was being held out/advertised on website Airbnb.com for rent at a rate of \$325 per night without the required transient business tax receipt.

The request to continue this case to May 27, 2015 was granted by the Special Magistrate.

33

**Case # 15-0003**

Airbnb, Inc.  
c/o Lawyers Incorporating Service, R/A  
104 Geraldine Street  
Sec. 122-1371. - Transient living accommodations in residential dwellings; regulations (d)(9)  
Officer Jim Young  
Certified Service: 2-17-2015  
Initial Hearing: 4-29-2015

**Continuance granted to May 27, 2015**

**Count 1:** On 30 Dec 14 a bedroom located at this property was being held out/advertised on website Airbnb.com for rent at a rate of \$100 per night without the required transient business tax receipt.

The request to continue this case to May 27, 2015 was granted by the Special Magistrate.

34

**Case # 15-0005**

Airbnb, Inc.  
c/o Lawyers Incorporating Service, R/A  
925 Seminary Street Rear  
Sec. 122-1371. - Transient living accommodations in residential dwellings; regulations (d)(9)  
Officer Jim Young  
Certified Service: 2-17-2015

Initial Hearing: 4-29-2015

**Continuance granted to May 27, 2015**

**Count 1:** On 30 Dec 14 a bedroom located at this property was being held out/advertised on website Airbnb.com for rent at a rate of \$140 per night without the required transient business tax receipt.

**The request to continue this case to May 27, 2015 was granted by the Special Magistrate.**

**35**

**Case # 15-0027**

Airbnb, Inc.

c/o Lawyers Incorporating Service, R/A

1 Baptist Lane

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

Officer Jim Young

Certified Service: 2-17-2015

Initial Hearing: 4-29-2015

**Continuance granted to May 27, 2015**

**Count 1:** On 30 Dec 14 this property was being held out/advertised on website Airbnb.com for rent at a rate of \$395 per night without the required transient business tax receipt.

**The request to continue this case to May 27, 2015 was granted by the Special Magistrate.**

**Liens**

**36**

**Case # 13-374**

Anola Mira

Yvette Talbott

1104 Virginia Street

Certified Service: 4-8-2015

**The Special Magistrate approved filing of the lien.**

**Adjournment**