



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, July 29, 2015

1:30 PM

Old 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 a 800-955-8771 or 800-955-8770 (Voice) 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

In compliance July 28, 2015, request dismissal

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 Special Magistrate dismissed this case as requested by the code officer.

- 2** **Case # 15-537**
Margarita R Castillo Life Estate
1217 Flagler Avenue
Sec. 26-126 Clearing of property of debris and noxious material
required
Officer Bonnita Badgett
Certified Service: 7-8-2015
Initial Hearing: 7-29-2015

In compliance July 20, 2015, request dismissal

Count 1: There is a bee hive on the property which is causing a nuisance

The Special Magistrate dismissed this case as requested by the code officer.

3

Case # 15-649

714 Bakers Lane LLC

c/o Peter Nelson Brawn

714 Bakers Lane

Sec. 26-126 Clearing of property of debris and noxious material required

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

Officer Bonnita Badgett

Certified Service: 7-6-2015

Initial Hearing: 7-29-2015

In compliance July 13, 2015, request dismissal

Count 1: Property needs to be cleared of tree and yard waste and dog feces. **Count 2:** A business tax receipt is required to rent your property.

The Special Magistrate dismissed this case as requested by the code officer.

4

Case # 15-651

The Saint Hotel of Key West

Seaside Hospitality Corporation

Mark Wyant

417 Eaton Street

Sec. 14-40 Permits in historic district

Officer Bonnita Badgett

Certified Service: 7-7-2015

Initial Hearing: 7-29-2015

Continuance granted to August 26, 2015

Count 1: Lettering, The Saint, was placed in the tile without benefit of a certificate of appropriateness.

The Special Magistrate granted the request to continue this case to August 26, 2015.

5

Case # 15-661

Rosemary Perez

710 Bakers Lane

Sec. 26-126 Clearing of property of debris and noxious material

required
Office Bonnita Badgett
Certified Service: 7-3-2015
Initial Hearing: 7-29-2015

In compliance July 13, 2015, request dismissal

Count 1: Property needs to be cleared of debris and trash

The Special Magistrate dismissed this case as requested by the code officer.

6

Case # 15-38

1103/1105 Whitehead St of Key West
Southernmost Resort Wear
Yakov Blives - R/A
1103 Whitehead Street
Sec. 62-2 Obstructions
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts
Florida Accessibility Code 202.4 Alterations Affecting Primary Function Areas
Officer Peg Corbett
Certified Service: 4-28-2015
Initial Hearing: 5-27-2015

In compliance July 22, 2015, request dismissal

Count 1: A concrete ramp was poured on the city sidewalk creating a ramped entrance which obstructs the city sidewalk. **Count 2:** The concrete ramp was poured without benefit of a building permit. **Count 3:** The concrete ramp was poured without benefit of a certificate of appropriateness. **Count 4:** A permit was issued for interior renovations which required a 20% investment in accessibility. Once completed, an architectural barrier was left at the entrance of the door contrary to Federal ADA guidelines. There is no documented evidence of the 20% investment as there are interior architectural barriers as well.

The Special Magistrate dismissed this case as requested by the code officer.

7

Case # 15-587

Dana Dickinson
417 Porter Lane 3
Sec. 66-102 Date due and delinquent; penalties - Dismiss
Sec. 66-103 Trasfer of license
Officer Peg Corbett

Certified Service: 6-17-2015

Initial Hearing: 7-29-2015

New Case

Count 1: The business tax receipt to rent this property has been delinquent since September 30, 2014. **Count 2:** The license needs to be transferred into the new owners name.

The Special Magistrate granted the request to continue this case to August 26, 2015.

8

Case # 15-614

Eric Dickstein

1009 Packer Street 1

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service: 6-18-2015

Initial Hearing: 7-29-2015

In compliance 6-23-2015, request dismissal

Count 1: The business tax receipt to rent this property has been delinquent since September 30, 2014

The Special Magistrate dismissed this case as requested by the code officer.

9

Case # 15-653

Kathy Brown

Mobile Cleaning Service

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service: 7-10-2015

Initial Hearing: 7-29-2015

In compliance July 17, 2015, request dismissal

Count 1: The business tax receipt has been delinquent since September 30, 2015

The Special Magistrate dismissed this case as requested by the code officer.

10

Case # 15-662

Southern Comfort Charters

Eric Allen - Registered Agent

Garrison Bight

Sec. 66-102 Date due and delinquent; penalties
Officer Peg Corbett
Certified Service:
Initial Hearing: 6-24-2015

In compliance June 25, 2015, request dismissal

Count 1: The business tax receipt has been delinquent since September 30, 2014.

The Special Magistrate dismissed this case as requested by the code officer.

11

Case # 15-673

A & M Scooter of KW LLC
Andrew Hetu, Registered Agent
521 Truman Avenue 523
Sec. 66-102 Date due and delinquent; penalties
Officer Peg Corbett
Certified Service:
Initial Hearing: 6-24-2015

In compliance July 10, 2015, request dismissal

Count 1: The business tax receipt has been delinquent since September 30, 2014. Mr. Hetu was previously cited for the same violation on July 14, 2014.

The Special Magistrate dismissed this case as requested by the code officer.

12

Case # 15-674

Barnyard Works Inc.
Jeremy Folger R/A
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 7-7-2015
Initial Hearing: 7-29-2015

New Case

Count 1: The business tax receipt has been delinquent since September 30, 2014

After hearing testimony from the code officer, the Special Magistrate found Barnyard Works, Inc./Jeremy Folger in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 if compliance is not obtained by 8-25-15. A compliance hearing will be held on 8-26-15.

13

Case # 15-680

Adventure Rentals
Adventure Rentals LLC
Mary Beth Meyers
1111 Eaton Street Rear
Sec. 66-102 Dates due and delinquent; penalties
Sec. 66-102 Transfer of license
Officer Peg Corbett
Certified Service:
Initial Hearing: 7-29-2015

In compliance July 24, 2015, request dismissal

Count 1: The business tax receipt has been delinquent since September 30, 2013. **Count 2:** The business moved from 501 Greene Street 503 to 1111 Eaton Street and has not transferred the license.

The Special Magistrate dismissed this case as requested by the code officer.

14

Case # 15-685

Stumps Concrete Inc.
Susan Corbin R/A
Mobile Business
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 7-2-2015
Initial Hearing: 7-29-2015

In compliance July 15, 2015, request a finding of violation without fees

Count 1: The business tax receipt has been delinquent since September 30, 2014

After hearing testimony from the code officer, the Special Magistrate found Stumps Concrete/Susan Corbin in violation. No fines or fees were imposed. This case may serve as a predicate for a repeat violation status should similar violations occur in the future.

15

Case # 15-692

Connecticut General Life Insurance
Matthew Manders - Principle
City of Key West
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 7-16-2015
Initial Hearing: 7-29-2015

In compliance July 27, 2015, request dismissal

Count 1: The business tax receipt has been delinquent since September 30, 2014.

The Special Magistrate dismissed this case as requested by the code officer.

16**Case # 15-749**

Scott Brothers Towing

Frank Sciortion

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

Officer Peg Corbett

Certified Service: 6-30-2015

Initial Hearing: 7-29-2015

In compliance July 27, 2015, request dismissal

Count 1: A business tax receipt is required to do business in the City of Key West.

The Special Magistrate dismissed this case as requested by the code officer.

17**Case # 15-801**

Padron Scrap Metal & Recycling

Yosvany Padron R/A

2338 N Roosevelt Boulevard

Sec. 58-34 Unlawful disposal - **Dismiss count 1**

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

Officer Peg Corbett

Certified Service: 6-19-2015

Initial Hearing: 7-29-2015

New Case

Count 1: The subject business was photographed leaving with a trailer load of scrap metal contrary to city ordinance. **Count 2:** Padron Scrap Metal & Recycling Inc. does not have a business tax receipt in the city.

The Special Magistrate dismissed this case as requested by the code officer.

18**Case # 14-1628**

117 Duval LLC

117 Duval Street

FBC 1612.4 (ASCE 24-415) Unprotected enclosed structure below design flood elevation
Officer Scott Fraser
Certified Service: 3-23-2015
Initial Hearing: 5-27-2015

Continuance granted to September 30, 2015

Count 1: In accordance with the City's requirements for participation in the National Flood Insurance Program (NFIP), the City's 2000 approval for construction of this commercial structure below the established NFIP flood level was contingent upon the installation and maintenance of approved floodproofing measures. These floodproofing measures no longer exist.

The Special Magistrate granted the request to continue this case to September 30, 2015.

19

Case # 15-576

Fairbanks Construction Inc.
Jay Fairbanks
Herbert & Patrice Miller
1112 Southard Street A
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts - Dismiss
Officer Leonardo Hernandez
Certified Service: 5-15-2015 - Fairbanks Construction
Certified Service: 5-16-2015 - Property Owner
Initial Hearing: 6-24-2015

In compliance July 24, 2015, request dismissal

Count 1: For demolishing an historic wall without benefit of a building permit. For demolishing an historic wall which was not supposed to be removed per HARC.

The Special Magistrate dismissed this case as requested by the code officer.

20

Case # 15-622

Edward Healthcare & Diagnostic
3414 Duck Avenue 3418
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Leonardo Hernandez
Certified Service:
Initial Hearing: 6-24-2015

Continue for service

Count 1: The fire inspection fees are more than 60 days past due

The Special Magistrate granted the request to continue this case to August 26, 2015 for service.

21**Case # 14-1737**

Adrienne Curran

1408 Albury Street

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

Sec. 14-40 Permits in historic district

Officer Jim Young

Certified Service: 4-6-2015

Initial Hearing: 5-27-2015

Continuance granted to August 26, 2015

Count 1: A building permit is required to replace the window.

Exceeded the scope of a building permit by installing brick pavers on more than 60% of the property. **Count 2:** HARC approval is required to replace the window. Also, the cameras that were installed are not supposed to be visible from the street.

The Special Magistrate granted the request to continue this case to August 26, 2015.

22**Case # 15-215**

Poinciana Park Partners LLP - property owner

Gloria Jean Murray - home owner

1300 15th Court 61

Sec. 14-27 Building permits; professional plans; display of permits

Officer Mary Lockyear

Certified Service: 6-4-2015 - property owner

Certified Service: 5-27-2015 - home owner

Initial Hearing: 6-24-2015

In compliance June 4, 2015, request dismissal

Count 1: For enclosing the back porch and erecting a fence without building permits.

The Special Magistrate dismissed this case as requested by the code officer.

23**Case # 15-220**

Isabelle Holloway

3227 Harriet Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Officer Jim Young
Certified Service: 3-27-2015
Initial Hearing: 5-27-2015

Continued from May 27, 2015 for compliance

Count 1: A building permit is required prior to the removal of a section of the balcony.

The Special Magistrate granted the request to continue this case to August 26, 2015 for compliance.

24

Case # 15-504

Gelato in Key West LLC
Saltanat Sarinova
628 Duval Street (626)
Sec. 114-104 Restriction on number of signs permitted
Sec. 14-40 Permits in historic district
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Mary Lockyear
Certified Service: 6-16-2015
Initial Hearing: 7-29-2015

In compliance July 21, 2015, request dismissal

Count 1: For exceeding the amount of allowable signs. **Count 2:** For failure to obtain a certificate of appropriateness for all the signs. **Count 3:** The business has seats inside which have not been paid for. License states no seats.

The Special Magistrate dismissed this case as requested by the code officer.

25

Case # 15-517

KW T-Shirt Outlet LLC
Hai Haim Fartush, Business owner
Christian Zielch R/A
Emanuel Joy - Property Owner
222 Duval Street
Sec. 106-51 Prohibited
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Mary Lockyear
Certified Service: 6-24-2015 - R/A
Certified Service: 6-30-2015 - Business owner

Certified Service: 6-30-2015 - Property owner
Initial Hearing: 7-29-2015

In compliance July 10, 2015, request dismissal

Count 1: Outdoor display of merchandise is prohibited unless an exception is granted by the planning board. **Count 2:** This business applied for a "going out of business" license, which was valid through 5-31-2015 but is still operating the business.

The Special Magistrate dismissed this case as requested by the code officer.

26

Case # 15-165

Natividad Vila 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
Certified Service: 5-12-2015 - Ines Brown
Initial Hearing: 4-29-2015

Continued from June 24, 2015 for compliance

Extended compliance date from 6-24-15 to 7-29-15

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 Special Magistrate granted the request to continue this case to September 30, 2015.

27

Case # 15-488

Fred & Joanne Klein
1400 Albury Street
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 Permits in historic districts
Officer Barbara Meizis
Certified Service: 7-20-2015
Initial Hearing: 7-29-2015

In compliance July 17, 2015, request dismissal

Count 1: A building permit is required for the fence prior to construction. **Count 2:** A certificate of appropriateness is required for

the fence prior to construction.

The Special Magistrate dismissed this case as requested by the code officer.

28

Case # 15-510

Robert & Heather Sunderman
2429 Fogarty Avenue
Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business
Officer Barbara Meizis
Certified Service: 6-13-2015
Initial Hearing: 7-29-2015

In compliance June 18, 2015, request dismissal

The Special Magistrate dismissed this case as requested by the code officer.

29

Case # 15-747

Coach House LLC & Florida Holdings LLC
George Wilson
315 William Street
Sec. 58-31 Container and receptacle requirements
Officer Barbara Meizis
Certified Service: 6-15-2015
Initial Hearing: 7-29-2015

In compliance June 18, 2015, request Finding of violation, without fees

Count 1: The city has received numerous complaints since 2008 regarding the placing of palm fronds, mattresses, yard waste and trash and recycle bins on the right of way on a non-scheduled pickup day. This is the third case in less than a year.

After hearing testimony from the code officer, the Special Magistrate found Florida Holdings LLC/ George Wilson in violation. No fines or fees were imposed. This case may serve as a predicate for a repeat violation status should similar violations occur in the future.

30

Case # 15-238

Chicagos LLC
Ben Richmond
CT Corporation System - R/A
610 Greene Street
Edwin O Swift III - R/A
Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business - **Dismiss**
Sec. 114-104 Restriction on number of signs - **Dismiss**
Sec. 14-40 Permits in historic district
Officer Jim Young
Hand Served: 4-9-2015 - Business
Certified Service: 5-1-2015 - Mr. Swift - R/A
Initial Hearing: 5-27-2015

Continued from June 24, 2015

Count 1: A business tax receipt is required for Chicagos. **Count 2:** For installing 4 signs when only 2 are allowed. **Count 3:** For installing 4 signs without HARC approval.

The Special Magistrate dismissed this case as requested by the code officer.

31

Case # 15-641
Love Quay West LLC
12 Duval Street
Sec. 58-68 Commercial solid waste accounts
Officer Matt Willman
Certified Service: 6-25-2015
Initial Hearing: 7-29-2015

In compliance June 23, 2015, request dismissal

Count 1: All businesses are required to maintain a solid waste account

The Special Magistrate dismissed this case as requested by the code officer.

32

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

Continued from June 24, 2015 for the Settlement Agreement

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 Special Magistrate was present with a Settlement Agreement for the following cases: 15-1, 15-2, 15-3, 15-5 and 15-27. Administrative fees were paid by the property owners. Airbnb added a link labeled "Key West, FL" to the "Responsible Hosting" page concerning transient rentals.

33**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

Continued from June 24, 2015 for the Settlement Agreement

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 Special Magistrate was present with a Settlement Agreement for the following cases: 15-1, 15-2, 15-3, 15-5 and 15-27. Administrative fees were paid by the property owners. Airbnb added a link labeled "Key West, FL" to the "Responsible Hosting" page concerning transient rentals.

34**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

Continued from June 24, 2015 for the Settlement Agreement

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 Special Magistrate was present with a Settlement Agreement for the following cases: 15-1, 15-2, 15-3, 15-5 and 15-27. Administrative fees were paid by the property owners. Airbnb added a link labeled "Key West, FL" to the "Responsible Hosting" page concerning transient rentals.

35**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

Continued from June 24, 2015 for the Settlement Agreement

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 Special Magistrate was present with a Settlement Agreement for the following cases: 15-1, 15-2, 15-3, 15-5 and 15-27. Administrative fees were paid by the property owners. Airbnb added a link labeled "Key West, FL" to the "Responsible Hosting" page concerning transient rentals.

36

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

Continued from June 24, 2015 for the Settlement Agreement

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 Special Magistrate was present with a Settlement Agreement for the following cases: 15-1, 15-2, 15-3, 15-5 and 15-27. Administrative fees were paid by the property owners. Airbnb added a link labeled "Key West, FL" to the "Responsible Hosting" page concerning transient rentals.

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Case # 15-804

Waterfront Brewery, LLC
c/o Christopher Shultz R/A
Joseph H Walsh, Business owner
201 William Street

Sec. 90-363 Certificate of occupancy required - 2 Counts
Officer Jim Young
Certified Service: 6-27-2015 - R/A
Initial Hearing: 7-29-2015

Irreparable violation - Settlement Agreement

Count 1: On June 11, 2015 the Waterfront Brewery was open to host an event where the Howard Livingston band played. The Respondent was notified on June 12, 2015 that a Certificate of Occupancy was required. **Count 2:** On June 13, 2015 the Waterfront Brewery was open to host a paid event where alcohol was served along with food.

The Special Magistrate was present a Settlement Agreement which he approved. Costs of \$250 were imposed. Also imposed was a fine of \$500 for a total of \$750. A suspended fine of \$4500 was imposed. The suspension period will be for 60 months.

38

Case # 15-811

Spring Retail, LLC
c/o Steve Levy R/A
Adore Enterprise, LLC
c/o Gilad Shamir R/A
119 Duval Street
Sec. 18-705 Requirements of permit - 2 Counts
Officer Jim Young
Certified Service: 6-24-2015 - Gilad Shamir
Certified Service: 6-24-2015 - Steve Levy
Initial Hearing: 7-29-2015

Irreparable violation

Counts 1 and 2: On June 3, 2015 Livia Carol Bass advised she and her fiancé, Joseph Teale, had received a facial treatment and purchased approximately \$12,400 in cosmetics from Adore Organic Innovation on March 22, 2015. Ms. Bass advised the employee who performed the services and sold the product, Ben, never provided the required written statement showing the total costs. Ms. Bass also advised Adore has refused to accept her return of unopened merchandise.

The Special Magistrate was presented a Settlement Agreement which he approved. Costs of \$250 were imposed. Also imposed was a fine of \$500 for a total of \$750. A suspended fine of \$4500 was imposed. The suspension period is for 60 months. Should another violation of section 18-705 occur within that time, the \$4500 would be due along with any new fines.

Mitigations

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Case # 15-535

Julie Hanson
3255 Flagler Avenue 305

The Special Magistrate reduced the amount of the fine to \$100. The Administrative fees are still due. The total amount due is \$350. Ms. Hanson was given 90 days to pay.

Liens

40

Case # 14-1391

Wells Fargo Bank NA
Robertson Anschultz Schneid
2522 Staples Avenue
Certified Service: 6-15-2015

The Special Magistrate approved filing of the lien.

Adjournment