



# 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, September 30, 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 1-800-955-8771 or for voice 1-800-955-8770 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 # 15-794**

Edwin O Swift  
Historic Tours of America  
809 Terry Lane  
Sec. 14-40 Permits in historic districts  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Bonnita Badgett  
Certified Service: 8-11-2015  
Initial Hearing: 9-30-2015

**Continuance granted to November 18, 2015**

**Count 1:** For failure to obtain a certificate of appropriateness for the fence and gate. **Count 2:** For failure to obtain a building permit for the fence and gate.

**The Special Magistrate granted the request to continue this case to November 18, 2015.**

**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

**In compliance September 10, 2015, request dismissal**

**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 Special Magistrate granted the request to dismiss this case.

**3****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

**Continued from August 26, 2015 for compliance**

**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 Code Officer stated that compliance had not been achieved. Administrative fees were imposed at the hearing on August 26, 2015 and have not been paid. The Special Magistrate imposed a fine of \$50 per day starting September 30, 3015.

**4****Case # 15-592**

Gregg & Margaret Scholl

3625 Seaside Drive 306

Sec. 66-102 Dates due and delinquent; penalties

Sec. 66-103 Transfer of license

Officer Peg Corbett

Posted: 9-10-2015

Initial Hearing: 9-30-2015

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

**Count 1:** The business tax receipt to rent this property has been delinquent since September 30, 2014. **Count 2:** The transient rental license and medallion has not been transferred to the new property owners.

The Special Magistrate granted the request to dismiss this case.

**5**

**Case # 15-764**

Diane Scholl  
807 Washington Street 102  
Sec. 66-102 Dates due and delinquent; penalties  
Sec. 66-103 Transfer of license  
Officer Peg Corbett  
Certified Service: 7-21-2015  
Initial Hearing: 8-26-2015

**Continued from August 26, 2015 for compliance**

**Count 1:** The business tax receipt to rent this property has been delinquent since 9-30-2014. **Count 2:** The business tax receipt has not been transferred to Ms. Scholl.

The Code Officer stated that compliance had not been achieved. Administrative fees were imposed at the hearing on August 26, 2015 and have not been paid. The Special Magistrate imposed a fine of \$250.

**6**

**Case # 15-909**

A.C. Nichols, Inc.  
Paulene Nichols - R/A  
Sunshine Pools  
Mobile Service  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 8-26-2015

**In compliance September 10, 2015, request dismissal**

**Count 1:** The business tax receipt has been delinquent since 9-30-2014

The Special Magistrate granted the request to dismiss this case.

**7**

**Case # 15-1041**

518 Duval Street, LLC  
Henry Allen, R/A  
OG 1 of Key West, LLC  
Nir Sela, R/A  
518 Duval Street  
Sec. 18-705 Requirements of permit holder  
Officer Peg Corbett

Certified Service: 8-19-2015

Certified Service: 8-25-2015

Initial Hearing: 9-30-2015

**New Case - Settlement Agreement**

**Irreparable violation**

**Count 1:** On 14 May 2015 we received a complaint from Leland Stevens stating that the subject cosmetic store charged his credit card \$3,225 without the benefit of a prior written statement showing the final cost of the item or service.

**A Settlement Agreement was presented to the Special Magistrate which he approved. The Respondent stipulates to the imposition of costs of \$250. Also imposed is a fine of \$500 for a total amount of \$750. The Respondent agrees to a suspended fine of \$4,500. Suspension will be for 60 months.**

**8**

**Case # 15-1060**

Paul & Cindy Mead

3536 Duck Avenue

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service:

Initial Hearing: 9-30-2015

**In compliance August 21, 2015, request dismissal**

**Count 1:** The business tax receipt for the rental of the subject property has been delinquent since September 30, 2014.

**The Special Magistrate granted the request to dismiss this case.**

**9**

**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 October 21, 2015 for compliance**

**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 October 21, 2015 for compliance.**

**10**

**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

**In compliance September 18, 2015, request dismissal**

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

**The Special Magistrate granted the request to dismiss this case.**

**11**

**Case # 14-1248**

Kenneth Dooley  
Peter Bek-Gran  
1410 Albury Street  
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Leonardo Hernandez  
Certified Service:  
Initial Hearing: 8-26-2015

**Continue to October 21, 2015 for service**

**Count 1:** For failure to obtain a building permit for installation of brick pavers around the pool, rear, front and side property. **Count 2:** For failure to obtain a certificate of appropriateness for installation of brick pavers around the pool, rear, front and side property.

**The Special Magistrate granted the request to continue this case to October 21, 2015 for service.**

**12**

**Case # 15-622**

Edwards Healthcare & Diagnostic  
Edward Garrido  
3414 Duck Avenue 3418  
Sec. 30-1 Fees for false alarms and fire code inspections

Officer Leonardo Hernandez  
Certified Service: 7-28-2015  
Initial Hearing: 6-24-2015

**Continued from August 26, 2015 for compliance**

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

The Code Officer stated that compliance had not been achieved. Administrative fees were imposed at the hearing on August 26, 2015 and have not been paid. The Special Magistrate imposed a fine of \$250 per day starting September 30, 2015.

**13**

**Case # 15-760**

KWHS Inc.  
James Hendricks, Registered Agent  
KWHS Inc.  
Bianca Digennaro, Business owner  
Living Dolls  
Tanner Partners LLP  
516 Fleming Street 101  
Sec. 2-939 Licenses  
Officer Leonardo Hernandez  
Certified Service: 6-10-2015 - R/A  
Certified Service: 6-16-2015 - B/O  
Initial Hearing: 6-24-2015

**Continued from August 26, 2015 for compliance**

**Count 1:** The chairs on the sidewalk require a revocable license

The Special Magistrate granted the request to continue this case to November 18, 2015 for compliance.

**14**

**Case # 15-828**

Karen & Delmar Lewis - property owner  
T Ryan Contracting Inc. - contractor  
704 Caroline Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - homeowner only  
Sec. 14-40 Permits in historic districts - home owner only  
Sec. 18-117 Acts declared unlawful (1) - contractor only  
Officer Leonardo Hernandez  
Certified Service: 8-12-2015 - property owner  
Hand Served: 9-16-2015 - contractor  
Initial Hearing: 8-26-2015

**Continuance granted to October 21, 2015**

**Count 1:** For failure to obtain a building permit prior to the removal of a wooden deck. **Count 2:** For failure to obtain a certificate of appropriateness prior to the removal of a wooden deck. **Count 3:** For working outside the scope of your contractors license.

The Special Magistrate granted the request to continue the case for T Tyan Contracting to October 21, 2015. He found Karen & Delmar Lewis in violation and imposed Administrative Fees in the amount of \$250. The Court reserves the right to impose fines if compliance is not obtained by November 18, 2015.

15

**Case # 15-1044**

Key Cove Landings LLC

Christopher Belland - R/A

Ben McPherson - violator

3 Key Cove Drive

Sec. 18-601 License required

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

Sec. 122-269 Prohibited uses

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

Officer Leonardo Hernandez

Certified Service: 8-14-2015 - R/A

Certified Service: 8-14-2015 - violator

**New Case - Settlement Agreement****Repeat / Irreparable violation**

**Count 1:** A transient rental license is required to rent this property transiently. **Count 2:** The subject property was rented from August 8 through August 15, contrary to city ordinances. **Count 3:** Transient rentals are prohibited in Medium Density Residential district (MDR). **Count 4:** A business tax receipt is required to rent your property.

A Settlement Agreement was presented to the Special Magistrate which he approved. The Respondent stipulates to the imposition of costs of \$250. Also imposed is a fine of \$4,837.50 for a total amount of \$5,087.50. The Respondent agrees to a suspended fine of \$5,000. Suspension will be for 60 months.

16

**Case # 14-1110**

JP Morgan Chase Bank National Association

905 Emma Street

Sec. 90-363 Certificate of occupancy - required

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

Officer Barbara Meizis  
Certified Service: 9-2-2015  
Initial Hearing: 9-30-2015

**Continuance granted to October 21, 2015**

**Count 1:** Two more units were added to this single family home without benefit of a certificate of occupancy. **Count 2:** A building permit is required prior to added to units to this single family home.

The Special Magistrate granted the request to continue this case to October 21, 2015.

17

**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 July 29, 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 October 21, 2015 for compliance.

18

**Case # 15-704**

Emilio Noste  
2213 Staples Avenue  
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
Sec. 18-117 Acts declared unlawful  
Officer Barbara Meizis  
Certified Service: 8-3-2015  
Initial Hearing: 9-30-2015

**In compliance August 10, 2015, request dismissal**

**Count 1:** For failure to obtain a building permits for construction of the

front porch, railings and steps; installation of windows and window frames; doors and door frames on both structures; and the installation of wood siding on both structures. **Count 2:** For aiding and abetting unlicensed contractors.

**The Special Magistrate granted the request to dismiss this case.**

**19**

**Case # 15-835**

Conch Electric Cars of Key West  
Renata Lavenir  
Albert Kelley, R/A  
100 Grinnell Street  
Sec. 18-359 Identification by decal  
Sec. 18-351 Registration of rental units  
Officer Barbara Meizis  
Certified Service: 9-3-2015  
Initial Hearing: 9-30-2015

**In compliance September 21, 2015, request dismissal**

**Count 1:** Observed at least 12 electric cars parked at the terminal and 2 across the street without the decals permanently affixed. **Count 2:** Only 12 electric cars are licensed for this location.

**The Special Magistrate granted the request to dismiss this case.**

**20**

**Case # 15-915**

Martin Busam  
3500 Flagler Avenue  
Sec. 62-31 Maintenance of area between property line and adjacent paved roadway  
Officer Barbara Meizis  
Certified Service:  
Initial Hearing: 9-30-2015

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

**Count 1:** There has been a very large pile of yard debris and black yard waste bags on the city right of way since July 15, 2015.

**The Special Magistrate granted the request to dismiss this case.**

**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

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

**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 dismiss this case.

22

**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 August 26, 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 October 21, 2015 for compliance.

23

**Case # 15-1037**

Homes Away, LLC  
DBA: VRBO  
c/o Brian Sharples, CEO  
c/o Tammy Diane Dey, R/A  
313 Truman, LLC  
c/o Thomas M Bowlus, R/A  
313 Truman Avenue  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations  
Officer Jim Young  
Certified Service: 8-31-2015 - CEO  
Certified Service: 8-21-2015 - LLC  
Initial Hearing: 9-30-2015

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

**Count 1:** On 6 Aug 15 this property was being advertised for transient rental at a price of \$232 per night with a 10 day minimum on VRBO.

The Special Magistrate granted the request to dismiss this case.

**24**

**Case # 15-1052**

Diego Pedraza

416 Petronia Street 1

Sec. 18-601 Transient license required

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

Officer Jim Young

Posted: 9-22-2015

Initial Hearing: 8-26-2015

**In compliance September 29, 2015, request dismissal**

**Count 1:** A transient license is required to rent property transiently.

**Count 2:** On August 10, 2015, this property was being advertised on Airbnb.com for transiently rental at \$180.00 per night.

The Special Magistrate granted the request to dismiss this case.

**25**

**Case # 15-1033**

James & Roberta Holtzinger

1801 N Roosevelt Blvd Kingfisher Pier

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

Sec. 122-130 Uses prohibited - semipublic services district (PS)

Officer Jim Young

Certified Service: 8-14-2015

Initial Hearing: 8-26-2015

**In compliance September 23, 2015, request dismissal**

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

**Count 2:** Transient rentals are prohibited in the semipublic services district (PS)

The Special Magistrate granted the request to dismiss this case.

**26**

**Case #15-1068**

Homes Away, LLC

c/o Brian Sharples, CEO

c/o Tammy Diane Dey, R/A  
Raymon B Fogg, Jr. Rev. Tr. 9/1/2000  
1501 Olivia Street  
Sec. 122-1371 Transient living accommodations in residential  
dwellings; regulations  
Officer Jim Young  
Certified Service: 8-31-2015 - CEO  
Certified Service: 8-21-2015 - LLC  
Initial Hearing: 9-30-2015

**In compliance September 10, 2015, request dismissal**

**Count 1:** On 14 Aug 15 this property was being advertised for transient rental at a price of \$200 per night with a 10 night minimum on VRBO.

**The Special Magistrate granted the request to dismiss this case.**

**Liens**

**27**

**Case # 14-1798**  
Matthew Boucher  
3128 Riviera Drive  
Posted: 9-10-2015

**Continue to September 30, 2015 for service**

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

**Adjournment**