



# 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, November 18, 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 January 27, 2016**

**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.

**Continuance granted to January 27, 2016.**

**2**

**Case # 15-299**

Millionaire Gallery Inc.  
Bruce Matthews, R/A  
Ocean Blue Commercial Holding  
824 Duval Street  
Sec. 114-104 Restriction on number of signs permitted  
Officer Peg Corbett  
Certified Service: 10-5-2015  
Initial Hearing: 10-21-2015

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

**Count 1:** Photographed 12 signs affixed to the store front by either box wood sign and or stencils which exceed the allowable amount.

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

**3**

**Case # 15-564**

Key West Strip Inc.

Joel Marcus, R/A

Michael & Sharon Irwin

509 Duval Street

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

Sec. 14-40 Permits in historic districts

Officer Peg Corbett

Certified Service: 9-18-2015 - owner

Posted: 9-25-2015 - business

Initial Hearing: 10-21-2015

**Continued from October 21, 2015**

**Count 1:** For failure to obtain a building permits for the new signs.

**Count 2:** For failure to obtain a certificate of appropriateness for the new signs.

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

**4**

**Case # 15-863**

Angela Petronia LLC

Charles Krumel, R/A

607 Petronia Street

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

Sec. 14-40 Permits in historic districts. Modified

Officer Peg Corbett

Certified Service: 10-3-2015

Initial Hearing: 10-21-2015

**Continued from October 21, 2015**

**Count 1:** For building a deck without benefit of a permit. Wardlow Construction applied for the permits, but they remain in callback.

**Count 2:** A certificate of appropriateness is required prior to building a deck.

Continuance granted to December 16, 2015 for compliance.

5

**Case # 15-1162**

Michael Brockner  
1004 Watson Street 1  
Sec. 58-31 Container and receptacle requirements  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 10-21-2015

**In compliance November 7, 2015, request dismissal**

**Count 1:** On Wednesday, 2 Sept 2015, the bins were being store on the city right of way. Pickup is on Mondays.

The Special Magistrate granted the request to dismiss this case.

6

**Case # 15-1437**

Debra Flynn  
3405 Flagler Avenue  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - Counts 1 - 4  
Sec. 14-262 Request for inspection - Counts 5 - 6  
Sec. 90-363 Certificate of occupancy - required - Counts 7 - 11  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - Count 12  
Sec. 122-237 Prohibited uses - Count 13  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 11-18-2015

**Continuance granted to December 16, 2015**

**Count 1:** For failure to obtain a building permit to build a wall between the living room and kitchen. **Count 2:** For failure to obtain a building permit for the wood deck in the rear of the property. **Count 3:** For failure to obtain a building permit for the PVC and electrical lines for a Jacuzzi which was installed and placed on the wood deck. **Count 4:** For failure to obtain a permit to install a window A/C (including electric lines from the house) in the tin shed on the south side of the home. **Count 5:** For failure to obtain a plumbing inspection. **Count 6:** For failure to obtain an electrical inspection. **Count 7 through 11:** For failure to obtain a certificate of occupancy for each of the five separate living units. **Count 12:** For failure to obtain a business tax receipt to rent for four extra units. **Count 13:** Current renovations and use of the subject property is a prohibited use as defined by the zoning regulations for single family zone.

Continuance granted to December 16, 2015.

7

**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

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

**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 dismiss this case.

8

**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

**In compliance November 12, 2015. Administrative fees still due**

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

Officer Hernandez stated that compliance was achieved but the administrative fees were still due. The Special Magistrate granted Ms. DiGennaro request to pay the fees by December 16, 2015.

9

**Case # 15-828**

Karen & Delmar Lewis - property owner  
704 Caroline 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: 8-12-2015 - property owner  
Initial Hearing: 8-26-2015

**Continued from September 30, 2015 for compliance**

**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.

Continuance granted to December 16, 2015 for compliance.

10

**Case # 15-838**

Thomas Mustakas  
903 Frances Street  
Sec. 90-391 Variances  
Sec. 2-938 Easements  
Sec. 2-939 Licenses  
Sec. 122-1078 Restrictions on buildings and structures; including entryways  
Officer Leonardo Hernandez  
Posted: 9-17-2015  
Initial Hearing: 11-18-2015

**Continuance granted to December 16, 2015**

**Count 1:** For failure to obtain a variance. **Count 2:** For failure to obtain an easement for the encroachments onto city right of way. **Count 3:** For failure to obtain a revocable license for the nonpermanent use of city property. **Count 4:**

Continuance granted to December 16, 2015

11

**Case # 15-1295**

Blue Gecko Key Lime Pie & Ice Cream Inc.  
Christian M Zuelch - R/A  
William R Rupp Trustee  
411 Greene Street  
Sec. 66-102 Dates due and delinquent; penalties

Office Jorge Lopez  
Certified Service:  
Initial Hearing: 11-18-2015

**In compliance November 12, 2015, request dismissal**

**Count 1:** The business tax receipt is delinquent.

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

**12**

**Case # 14-1468**

James Chris Fiorella  
Djin Suk Kim  
George R & Marcia E Halloran  
16 Hilton Haven Drive 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: 5-14-2015  
Initial Hearing: January 28, 2015

**Continued from October 21, 2015**

**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.

**Respondents agreed to the violation and were given until January 27, 2016 for compliance with extension for good cause shown. No fees or fines were imposed but the court reserves the right to impose fees and fines if compliance is not obtained.**

**13**

**Case # 15-1303**

Richard Johnson, MD

Joseph Faber, R/A  
428 Greene Street  
Sec. 110-292 Failure to achieve  
Officer Barbara Meizis  
Certified Service:  
Initial Hearing: 10-21-2015

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

**Count 1:** The property owner does not agree with the findings of the Tree Commission.

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

**14**

**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 September 30, 2015 for compliance**

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

**The Special Magistrate imposed costs of \$250 and a fine of \$100 per day starting November 18, 2015.**

**Mitigations**

**15**

**Case # 15-535**

Hot Cuts  
Julie Hanson  
3255 Flagler Avenue 305

**Compliance date extended to February 24, 2016**

**Continuance granted to February 24, 2016 for payment.**

**Liens**

**16**

**Case # 14-1238**

Richard Watherwax Photography  
Richard Watherwax

719 Windsor Lane A

Certified Service:

**Continue to December 18, 2015 for service**

Continuance granted to December 16, 2015 for service.

17

**Case # 14-1821**

Janice Isherwood

523 Elizabeth Street

Posted: 11-5-2015

The Special Magistrate approved filing of the lien.

18

**Case # 15-606**

Glenn Tanner - registered agent

KWHS Inc.

Bianca DiGennaro - business owner

James T Hendrick - registered agent

Angela Richardson - employee

516 Fleming Street 101

Certified Service: 10-31-2015 - business owner

Continuance granted to December 16, 2015 for payment.

19

**Case # 15-678**

Patrick Cattern

1801 N Roosevelt Blvd

Certified Service: 11-2-2015

The Special Magistrate approved filing of the lien.

20

**Case # 15-760**

KWHS Inc.

Bianca DiGennaro - business owner

James Hendricks - registered agent

516 Fleming Street 101

Certified Service: 10-31-2015 - business owner

Continuance granted to December 16, 2015 for payment.



**Adjournment**