



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, December 16, 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 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 # 15-415

Robert H & Pamela Edmonds
410 Virginia Street
Sec. 14-40 Permits in historic districts
Sec. 14-37 Building permits, professional plans; display of permits;
address; exceptions
Officer Bonnita Badgett
Certified Service: 11-28-2015
Initial Hearing: 12-16-2015

Continuance granted to January 27, 2016

Count 1: For failure to obtain a certificate of appropriateness to enclose the carport, install 3 new windows and install lattice on the exterior of the building. **Count 2:** For failure to obtain a building permit to enclose the carport, install 3 new windows and install lattice on the exterior of the building.

The request to continue this case to January 27, 2016 was granted.

2

Case # 15-837

Fred V & Eileen A Redmond
3314 Northside Drive 16
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 90-365 Violations and penalties
Officer Bonnita Badgett
Certified Service: 12-10-2015
Initial Hearing: 12-16-2015

Continuance granted to January 27, 2016

Count 1: Each rental unit requires a business tax receipt to rent non-transiently. **Count 2:** The second unit needs to be legalized as a residential unit.

The request to continue this case to January 27, 2016 was granted.

3**Case # 15-1238**

Douglas C Leohr Trust 12/13/2002

3800 Duck Avenue

Sec. 14-261 Failure to obtain

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

Sec. 18-117 Acts declared unlawful (8)

Officer Bonnita Badgett

Certified Service:

Initial Hearing: 12-16-2015

New Case

Count 1: For failure to obtain an electrical permit. **Count 2:** For failure to obtain a permit for the deck prior to commencement. **Count 3:** For aiding and abetting an unlicensed contractor.

The request to continue this case to January 27, 2016 for service was granted.

4**Case # 15-602**

820 Center Street LLC

Donald Whitehead

820 Center Street

Sec. 66-102 Date due and delinquent; penalties

Sec. 66-103 Transfer of license

Officer Peg Corbett

Certified Service: 11-20-2015

Initial Hearing: 12-16-2015

In compliance November 25, 2015, request dismissal

Count 1: The business tax receipt is delinquent. **Count 2:** The business tax receipt needs to be transferred into the new owners name.

The Special Magistrate granted the request to dismiss this case.

5

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

In compliance December 10, 2015, request dismissal**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.**The Special Magistrate granted the request to dismiss this case.**

6

Case # 15-1077

Hotspur LLC (Flaming Buoy Filet Co)

Richard S Forste

1100 Packer Street

Sec. 30-1 Fees for false alarms and fire code inspections

Officer Peg Corbett

Certified Service: 11-7-2015

Initial Hearing: 12-16-2015

New Case**Count 1:** For failure to pay the fee of \$50 for the fire inspection**After hearing testimony that was given by Officer Corbett, the Special
Magistrate found Hotspur LLC/Richard S Forste in violation. Costs of \$250
were imposed. Also imposed was a fine of \$250 if compliance is not obtained
by January 26, 2016. A compliance hearing will be held on January 27, 2016.**

7

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: 11-2-2015
Initial Hearing: 11-18-2015

In compliance December 11, 2015, request dismissal

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.

The Special Magistrate granted the request to dismiss this case.

8

Case # 15-1537

Hayes Robertson Group Inc.
C. W. Dement - R/A
SK Land Company
William Spottswood - R/A
227 Duval Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 18-117 Acts declared unlawful
Officer Peg Corbett
Certified Service: 11-23-2015 - C.W. Dement
Certified Service: 11-30-2015 - William Spottswood
Initial Hearing: 12-16-2015

New Case

Count 1: For failure to obtain building permits for the renovations to the second the third floors of 227 Duval Street. **Count 2:** For aiding and abetting an unlicensed contractor.

After hearing testimony that was given by Officer Corbett and Key West Iron Works, the Special Magistrate found Hayes Robertson Group Inc/C. W. Dement in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 if compliance is not obtained by February 23, 2016. A compliance hearing will be held on February 24, 2016.

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Case # 13-1418

Carolyn Sprogell

907 Frances Street

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

Sec. 14-40 Permits in historic district

Sec. 62-2 Obstructions

Officer Leonardo Hernandez

Certified Service: 10-5-2014

Initial Hearing: 11-14-2014

Continuance granted to March 30, 2016**Count 1:** For building a eight foot fence without benefit of a permit.**Count 2:** For building a eight foot fence without benefit of HARC approval. **Count 3:** The fence is on the City's right of way.

The request to continue this case to March 30, 2016 was granted.

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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

Posted: 9-25-2015

Initial Hearing: 8-26-2015

Continued from October 21, 2015

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.

After hearing testimony the Special Magistrate found no violation. Without the plans, there was no proof that the pavers were not permitted. This case was dismissed.

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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 November 18, 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.

The request to continue this case to February 24, 2016 for compliance was granted.

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Case # 15-838

Thomas Mustakas
903 Frances Street
Sec. 62.2 Obstructions
Sec. 122-1078 Restrictions on buildings and structures; including entryways
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Leonardo Hernandez
Certified Service:
Initial Hearing: 11-18-2015

Continued from November 18, 2015

Count 1: For encroaching on the city right of way with a fence and foliage. **Count 2:** For failure to obtain an easement for the encroachments onto city right of way. **Count 3:** A business tax receipt is required to rent this property.

The request to continue this case to March 30, 2016 was granted.

13

Case # 15-1030

Rockwell Property Inc.
Gregory Farrelly - R/A
Richard Hoy - business owner
Equator Resort
2 Scheppens Lane
Sec. 14-37 Building permits; professional plans; display of permits;

address; exceptions
Sec. 14-40 Permits in historic districts
Officer Leonardo Hernandez
Certified Service: 11-20-2015 - R/A
Certified Service: 11-21-2015 - business owner
Initial Hearing: 12-16-2015

New Case

Count 1: For failure to obtain a building permit prior to the installation of the awning. **Count 2:** For failure to obtain a certificate of appropriateness for the awning prior to installation.

The request to continue this case to January 27, 2016 was granted.

14**Case # 15-877**

Judy Ann Kook - property owner
JKH Group, Inc.
Eric Geen, VP
Jacqueline Herbst, R/A
908 Frances Street A
Sec. 18-146 License required
Sec. 18-150 Certificate of competency required
Sec. 18-160 Certificate number; state certified number
Officer Barbara Meizis
Certified Service: 12-2-2015 - property owner
Initial Hearing: 12-16-2015

New Case

Count 1: Every person engaged in business or capacity of a contractor shall obtain a license. **Count 2:** Every person engaged in business or capacity of a contractor shall obtain a certificate of competency. **Count 3:** Every person engaged in business or capacity of a contractor shall obtain a certificate number; state certified number.

The request to continue the case concerning Eric Geen to January 27, 2016 was granted. The case concerning Judy Ann Kook was dismissed.

Liens**15****Case # 14-1238**

Richard Watherwax Photography
Richard Watherwax
719 Windsor Lane A
Certified Service:

Continue to January 27, 2016 for service

The request to continue this case to January 27, 2016 for service was granted.

16**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

Continued from November 18, 2015 for payment

The request to continue this case to December 23, 2015 for payment was granted. If payment is not received, the Special Magistrate will sign the lien for filing.

17**Case # 15-760**

KWHS Inc.

Bianca DiGennaro - business owner

James Hendricks - registered agent

516 Fleming Street 101

Certified Service: 10-31-2015 - business owner

Continued from November 18, 2015 for payment

The request to continue this case to December 23, 2015 for payment was granted. If payment is not received, the Special Magistrate will sign the lien for filing.

Adjournment