



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, January 27, 2016

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

In compliance January 26, 2016, request dismissal

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 Special Magistrate granted the request to dismiss this case.

2

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 February 24, 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.

The Special Magistrate granted the request to continue this case to February 24, 2016.

3**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 March 30, 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 Special Magistrate granted the request to continue this case to March 30, 2016.

4**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

In compliance December 29, 2015, request dismissal

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 Special Magistrate granted the request to dismiss this case.

5

Case # 15-1504

OG1 of Key West, Inc.
Maor Taharani
Nir Sela, Registered Agent
518 Duval Street, LLC - property owner
Henry B Allen, Registered Agent
518 Duval Street
Sec. 18-705 Requirements of permit holder
Officer Bonnita Badgett
Certified Service: 12-26-2015 - property owner
Certified Service: 12-23-2015 - business owner
Certified Service: 12-23-2015 - registered agent
Initial Hearing: 1-27-2016

Repeat Violation

New Case

Count 1: For failure to furnish the customer with a pre-written statement prior to applying cream.

The Special Magistrate granted the request to continue this case to February 24, 2016.

6

Case # 15-1632

Soap Stories
Melissa A Stops, Registered Agent
Tomer Rotem, Officer
Mariam Bassily, Qualifier
404 Duval Street
Sec. 18-702 Permit required
Sec. 18-703 Cosmetics permit required; inspection; fee
Officer Bonnita Badgett
Certified Service: 12-22-2015 - Registered Agent
Certified Service: 1-8-2016 - Qualifier
Initial Hearing: 1-27-2016

New Case

Count 1: On 25 Nov 2015 officer observed Soap Stories handing out samples of cosmetics and engaging in business without a cosmetic permit. **Count 2:** On 11 Dec 2015 city received a complaint from Mary & Nick Foster regarding creams being applied to an area under Mr. Foster's right eye and to Ms.

Foster's right forearm. Soap Stories still had not obtained their business tax receipt for cosmetics.

A Settlement Agreement was presented to the Special Magistrate which he approved. The Respondent stipulates to the imposition of the Administrative Costs in the amount of \$250. The Respondent also agrees to the suspended fine of \$250. If Respondent is found in violation of Section 18-702 of the City of Key West code of ordinances again in the future, Respondent understands that the violation will be considered as repeat punishable by up to \$500 per day, per count.

7

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:
Initial Hearing: 1-27-2016

Continue to February 24, 2016 for service

Count 1: For failure to pay the fee of \$50 for the fire inspection

The Special Magistrate granted the request to continue this case to February 24, 2016 for service.

8

Case # 15-1393

Cotton Palm Inc.
Moshe Gvili, Registered Agent & Property Owner
600 Duval Street
Sec. 14-37 Building permits; professional plans; display per permits; address; exceptions
Sec. 14-40 Permits in historic districts
Sec. 114-103 Prohibited signs
Officer Peg Corbett
Certified Service: 1-6-2016
Initial Hearing: 1-27-2016

New Case

Count 1: For failure to obtain a building permit prior to the installation of a new sign. **Count 2:** For failure to obtain a certificate of appropriateness prior to the installation of the new sign. **Count 3:** Posterboard signs are prohibited in the historic district.

After hearing testimony Officer Corbett, the Special Magistrate found Mr. Gvili

in violation on all counts. Administrative Fees in the amount 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.

9

Case # 15-1442

Thirsty's Paradise Ventures, LLC
William B Spottswood, Jr., Registered Agent
Historic Tours of America, Inc.
Edwin O Swift III, Registered Agent
531 Greene Street
Sec. 114-103 Prohibited signs
Sec. 106-51 Prohibited
Sec. 14-40 Permits in historic districts
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Peg Corbett
Certified Service: 1-4-2016
Initial Hearing: 1-27-2016

In compliance January 20, 2016, request dismissal

Count 1: There are 22 prohibited signs at this location. **Count 2:** Exterior displays are prohibited unless an exception is granted by the planning board. **Count 3:** A certificate of appropriateness is required for the awning and the hanging sign prior to the installation. **Count 4:** A building permit is required for the awning and the hanging sign prior to the installation.

The Special Magistrate granted the request to dismiss this case.

10

Case # 15-1465

Historic Tours of America Inc.
Edwin O Swift III, Registered Agent
120 Simonton Street
FBC 307.2.1 Condensate disposal (Adopted by City of Key West via Ordinance 14-31)
Officer Peg Corbett
Certified Service: 1-4-2016
Initial Hearing: 1-27-2016

New Case

Count 1: Gutters that have been placed at the subject property directs water from an unknown source across the city sidewalk creating a slip and fall condition for tourists.

After hearing testimony Officer Corbett, the Special Magistrate found Mr. Swift in violation. Administrative Fees in the amount 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.

11

Case # 15-1550

Abdull L Rahimi

1516 Duncombe Street

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

Officer Peg Corbett

Certified Service: 12-14-2015

Initial Hearing: 1-27-2016

In compliance 12-30-2015, request dismissal**Count 1:** For failure to keep the property properly maintained.

The Special Magistrate granted the request to dismiss this case.

12

Case # 15-1587

Sun Island of Key West

David Perets, Registered Agent

Thomas E & Deborah L Smith

1108 Duval Street C

Sec. 106-51 Prohibited

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

Officer Peg Corbett

Certified Service: 12-17-2015

Initial Hearing: 1-27-2016

New Case**Count 1:** Exterior displays are prohibited in the historic district unless an exception is granted by the planning board. **Count 2:** A building permit is required for the hanging sign.

After hearing testimony from Mr. Perets and Officer Corbett, the Special Magistrate found Mr. Perets in violation for both counts. Administrative Fees in the amount of \$250 were imposed. Also imposed was a fine of \$250 for Count 1, exterior display. The court reserves the right to imposed fines for Count 2 (building permit for sign) if compliance is not obtained by February 23, 2016. A compliance hearing will be held on February 24, 2016.

13

Case # 15-1594

Bella Construction of Key West

Edgar Braswell, Registered Agent

D.L. Porter Constructors, Inc.

C. Marshall White, Registered Agent
1220 Simonton St. LLC - Casa Marina
Erica Hughes-Sterling, Registered Agent
1222 Simonton Street
Sec. 26-193 Exception (to unreasonable excessive noise prohibited)
FYI: Sec. 26-194 Citation procedure and penalties
Officer Peg Corbett
Certified Service: 12-21-2015 - Bella Construction
Certified Service: 12-15-2015 - property owner's registered agent
Certified Service: 12-21-2015 - D.L. Porter Constructors
Initial Hearing: 1-27-2016

New Case - Settlement Agreement

Count 1: For starting construction prior to 8 am on Friday, 4 Dec 2015; prior to 9 am on 5 Dec 2015 and 12 Dec 2015.

A Settlement Agreement was presented and approved. The Respondent stipulates to the imposition of the Administrative Costs in the amount of \$250. The Respondent also agrees to the suspended fine of \$250. If Respondent is found in violation of Section 26-193 of the City of Key West code of ordinances again in the future, Respondent understands that the violation will be considered as repeat punishable by up to \$500 per day, per count.

14

Case # 14-1488

Sunrise at Seaside Condo Association
3625 Seaside Drive
FBC. 1612.4 (ASCE 24-05) Floor Hazard Construction - **Counts 1 through 3**
Officer Scott Fraser
Certified Service: 9-15-2015
Initial Hearing: 10-21-2015

Continued from October 21, 2015

Count 1: Unprotected enclosed structures below design floor elevation. **Count 2:** Flood venting below design flood elevation - required. **Count 3:** Unsecured fuel tanks - propane

The Special Magistrate granted the request to continue this case to July 27, 2016.

15

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

In compliance January 6, 2016, request dismissal

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 Special Magistrate granted the request to dismiss this case.

16

Case # 15-1432

Nora M Koenig
1101 Flagler Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Leonardo Hernandez
Certified Service: 12-7-2015
Initial Hearing: 1-27-2016

In compliance December 9, 2015, request dismissal

Count 1: For failure to obtain a building permit for the picket fence

The Special Magistrate granted the request to dismiss this case.

17

Case # 15-1220

William B Cope
3126 Flagler Avenue
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Jorge Lopez
Certified Service:
Initial Hearing: 1-27-2016

Continue to February 24, 2016 for service

Count 1: For failure to obtain a business tax receipt for the handyman services as advertised on Craigslist.

The Special Magistrate granted the request to continue this case to February 24, 2016 for service.

18

Case # 15-1374

135 Duval Street Company
Charles Ittah, Registered Agent
501 Greene Street
Sec. 14-40 Permits in historic districts
Officer Jorge Lopez
Certified Service: 12-14-2015
Initial Hearing: 1-27-2016

In compliance December 18, 2015, request dismissal

Count 1: For failure to obtain a certificate of appropriateness for exterior painting.

The Special Magistrate granted the request to dismiss this case.

19

Case # 15-1457

Blue Gecko Key Lime Pie & Ice Cream Inc.
Christian M Zuelch, Registered Agent
William R Rupp Trust 10/03/1991
c/o Prager and Fenton LLD
411 Greene Street
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 Permits in historic districts
Sec. 114-104 Restriction on number of signs permitted
Sec. 2-939 Licenses
Officer Jorge Lopez
Certified Service: 12-7-2015 - registered agent
Initial Hearing: 1-27-2016

Continuance granted to February 24, 2016

Count 1: For failure to obtain a building permit for the signs that were installed. **Count 2:** For failure to obtain a certificate of appropriateness for the signs that were installed. **Count 3:** For exceeding the number of allowable signs. **Count 4:** For failure to obtain a revocable license for the sign that is hanging over the city sidewalk.

The Special Magistrate granted the request to continue this case to February 24, 2016.

20

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 Jim Young
Certified Service: 5-14-2015
Initial Hearing: January 28, 2015

Continuance was granted to February 24, 2016

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.

The Special Magistrate granted the request to continue this case to February 24, 2016.

21

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 Jim Young
Posted: 3-19-2015
Certified Service: 5-12-2015 - Ines Brown
Initial Hearing: 4-29-2015

Continued from October 21, 2015 for compliance

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.

After hearing argument from Dustin Hunter and Ron Ramsingh concerning running fines, the Special Magistrate imposed \$100 per day, per count (total 2 counts). Mr. Hunter is appealing the Planning Boards decision to deny the structure that was built in the setback. The Special Magistrate stated that once compliance has been obtained, the fines could be mitigated.

22**Case # 15-730**

Ronald & Cynthia Wood - property owners

Eric A Geen - unlicensed contractor

1319 Catherine Street

Sec. 14-256 Required

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

Sec. 18-150 Certificate of competency required - Mr. Geen

Sec. 102-152 Requirements for permits

Officer Jim Young

Certified Service: 12-14-2015

12-21-2015

Initial Hearing: 1/27/2016

New Case - Settlement Agreement - unlicensed contractor**Request case be dismissed against the property owner**

Count 1: For failure to obtain an electrical permit. **Count 2:** For failure to obtain building permits for for the interior renovations, roofing and new fence. **Count 3:** For acting as a contractor without a certificate of competency. **Count 4:** For failure to obtain a certificate of appropriateness for the roofing and new fence.

A Settlement Agreement was presented and approved. The Respondent stipulates to the imposition of the Administrative Costs in the amount of \$250 and a fine of \$250 for a total of \$500. If Respondent is found in violation of Section 18-150 of the City of Key West code of ordinances again in the future, Respondent understands that the violation will be considered as repeat punishable by up to \$500 per day, per count.

23**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 Jim Young

Certified Service: 12-2-2015 - property owner
Initial Hearing: 12-16-2015

In compliance December 17, 2015, request dismissal

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 Special Magistrate granted the request to dismiss this case.

24

Case # 15-1688

Instabike, LLC
c/o Sean Blaise, AMBR
425 Front Street
Sec. 106-56 Use of streets and sidewalks
Office Jim Young
Certified Service: 1-19-2016
Initial Hearing: 1-27-2016

Continuance granted to February 24, 2016

Count 1: For locking bikes to the city bike rack to advertise the Instabike business.

The Special Magistrate granted the request to continue this case to February 24, 2016.

Adjournment