



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, February 24, 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 # 15-794

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

2

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

Continued from January 27, 2016

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

The request from Mr. Goldman for the Special Magistrate to recuse himself from this case was granted. The Special Magistrate did not agree with the case law that was presented but chose to recuse himself. This case will be continued to March 30, 2016.

3

Case # 15-1077

Hotspur LLC (Flaming Buoy Filet Co)
Richard S Forste - Business Owner
Rolando Aguiar and Felix Aguiar Estate
Ana Aguiar - Personal Representative of the Estate
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 March 30, 2016 for service

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

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

4

Case # 15-1383

Tropical Soup Corp
C W Dement - Registered Agent
402 Wall Street
Sec. 114-103 Prohibited Signs
Officer Peg Corbett
Certified Service:
Initial Hearing: 2-24-2016

In compliance February 12, 2016, request dismissal

Count 1: There are seven prohibited signs on the Wall Street side of the building and ten prohibited signs on the west side of the building.

The request to dismiss this case was granted.

5**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

Continued from January 27, 2016 for compliance

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.

The request to extend the compliance date to March 30, 2016 was granted.

6**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

In compliance February 4, 2016. Administrative fees still due

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.

Compliance was obtained on February 4, 2016. The administrative fees have not been paid.

7**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

In compliance February 11, 2016. Administrative fees still due

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.

Compliance was obtained on February 11, 2016. The administrative fees have not been paid.

8

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

In compliance February 23, 2016, request dismissal

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.

The request to dismiss this case was granted.

9

Case # 16-143

Roof Top Cafe LLC
Charles Weitzel - Registered Agent
230 East 7th Street Associates
Joseph Cohen - Property Owner
310 Front Street
Sec. 62-1 Deposits of oil, grease or other waste

Officer Peg Corbett
Certified Service: 2-17-2016
Initial Hearing: 2-24-2016

Irrreparable violation

**In compliance February 7, 2016, request Finding with
Administrative Fees**

Count 1: Site visit showed grease spill flowing into the city storm drain.
This is the second grease spill in two months.

**After hearing testimony from Mr. Vobel and Officer Corbett, the Special
Magistrate granted the request to find Roof Top Cafe in violation. Costs of \$250
were imposed.**

10

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 December 16, 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 extend the compliance date to March 30, 2016 was granted.

11

Case # 15-1534

Beazley Catsam Living Trust
1116 Thompson Street
Sec. 62-2 Obstructions
Officer Leonardo Hernandez
Certified Service: 1-29-2016
Initial Hearing: 2-24-2016

In compliance February 10, 2016, request dismissal

Count 1: For obstructing the city right of way with palms trees.

The request to dismiss this case was granted.

12

Case # 15-1606

Jack De Baar / Joseph Seifert
2418 Patterson Avenue
Sec. 122-238 Dimensional requirements
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Leonardo Hernandez
Certified Service: 2-5-2016
Initial Hearing: 2-24-2016

Continuance granted to March 30, 2016

Count 1: A shed was built in the setback. **Count 2:** For failure to obtain a permit for the shed.

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

13

Case # 15-1647

United States Corp Agents, Inc.
Registered Agent for Instabike LLC
Instabike LLC
Sean Blaise - Business Owner
City of Key West Bicycle Racks
Sec. 106-56 Use of streets and sidewalks for advertising or display
Officer Leonardo Hernandez
Certified Service: 2-6-2016 - Registered Agent
Posted: 2-1-2016 - Business Owner
Initial Hearing: 2-24-2016

New Case

Count 1: For using the City of Key West bicycle racks to store and advertise the Instabike business

After hearing testimony from the City and Sandy Evans, the Special Magistrate found Instabike in violation of using the City bike racks for advertising their business. Administrative fees in the amount of \$250 were imposed. The case was continued to April 27, 2016 for compliance. Darryl Fohrman is the attorney for Instabike.

14

Case # 15-1663

Michael J Marino
Sanibel Glass & Mirror, Inc.
Jennifer Munden - Registered Agent

805 Shavers Lane
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 102-216 Submission of application to historic architectural review
Sec. 102-152 Requirements for permits
Officer Leonardo Hernandez
Posted: 2-18-2016 - Property Owner
Certified Service: 2-11-2016 - Registered Agent
Initial Hearing: 2-24-2016

New Case

Count 1: Respondent worked over the scope of the issued demolition permit. **Count 2:** Application for demolition of contributing structure was not sought prior to commencing work. **Count 3:** A certificate of appropriateness is required for the demolition of a contributing structure.

After hearing testimony, the Special Magistrate took the plans and all items that were submitted. He requested that any arguments need to be submitted in ten days. This case is under advisement. Bart Smith is the attorney for Michael Marino.

15**Case # 15-1412**

Windsor Holdings of Key West LLC
Jennifer Hulse - Registered Agent
705 Duval Street
Sec. 14-37 Building permits; professional plans; display of permit;
address; exception
Sec. 14-40 Permits in historic districts
Officer Jorge Lopez
Certified Service: 2-9-2016
Initial Hearing: 2-24-2016

In compliance February 17, 2016, request dismissal

Count 1: For failure to obtain a building permit for the sign hanging from the awning. **Count 2:** For failure to obtain a certificate of appropriateness for the sign hanging from the awning.

The request to dismiss this case was granted.

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

17

Case # 16-20

Janice Isherwood
523 Elizabeth Street
Sec. 26-126 Clearing of property of debris and noxious material
required
Officer Jorge Lopez
Hand Served: 2-7-2016
Initial Hearing: 2-24-2016

Cotinuance granted to March 30, 2016

Count 1: For failure to maintain the property. It is littered with empty bags and cans of cat food, bulk waste and debris. There are a lot of flies due to the cat and chicken feces. Property was last cited on 7-22-2015.

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

18

Case # 14-1468

James Chris Fiorella
Djin Suk Kim
Geoge & Marcia Halloran
16 Hilton Haven Drive D
Sec. 14-184 Certificate of Occupancy
Sec. 14-185 Compartmentation and flotation devices
Sec. 14-186 Electrical - Floating home

Sec. 14-187 Plumbing
Sec. 14-188 Inboard sewage device
Sec. 14-189 Fuel gas piping
Sec. 14-190 Building heights
Sec. 14-191 Exit Facilities
Sec. 14-192 Guardrails
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-261 Failure to obtain
Sec. 14-327 Inspection
Officer Jim Young
Certified Service:
Initial Hearing: 11-14-2014

Continued from January 27, 2016 for compliance

Count 1: Failure to obtain a certificate of occupancy prior to occupying the dwelling. **Count 2:** The building official needs to determine that the compartmentation and floatation devices are installed according to code. **Count 3:** The building official needs to determine if the electrical wiring and service is installed correctly. **Count 4:** Failure to obtain a plumbing permit. **Count 5:** The inboard sewage device requires an inspection. **Count 6:** The building official shall inspect and approve all gas piping installed. **Count 7:** The building height shall not exceed 22 feet. **Count 8:** The building official shall inspect and approve all exits. **Count 9:** The building official shall inspect and approve all guardrails. **Count 10:** For failure to obtain a building permit for the a/c condenser on the roof, tubing, sliding glass door and back deck with railing. **Count 11:** For failure to obtain an electrical inspection. **Count 12:** All refrigeration and air conditioning apparatus, equipment and installations shall be inspected by the building official.

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

19

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

Continued from January 27, 2016

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

Instabike business.

After hearing testimony from the City and Sandy Evans, the Special Magistrate found Instabike in violation of using the City bike racks for advertising their business. Administrative fees in the amount of \$250 were imposed. The case was continued to April 27, 2016 for compliance. Darryl Fohrman is the attorney for Instabike.

20

Case # 15-1692

Overseas Radio, LLC

Neil Willits, MGRM

Guy De Boer - Registered Agent

405 Duval Street

Sec. 106-56 Use of streets and sidewalks for advertising or display purposes

Officer Jim Young

Hand Served: 2-12-2016

Initial Hearing: 2-24-2016

New Case

Count 1: Konk Coupon does not meet the definition of a newspaper or periodical, therefore, the news racks are advertising signs (on 29 Dec 15 rack was advertising a concierge service under the name of Key West GoGo).

After hearing testimony from the City and Mr. De Boer, the Special Magistrate found Mr. De Boer in violation. Administrative fees in the amount of \$250 were imposed. A compliance hearing will be held on March 30, 2016.

Liens

21

Case # 14-1632

William Cope

Bill's Rebuild

925 Duval Street

Certified Service: 1-25-2016

The Special Magistrate approved filing of the lien.

22

Case # 14-1637

William Cope

Bill's Rebuild

529 Caroline Street

Certified Service: 1-25-2016

The Special Magistrate approved filing of the lien.

23

Case # 15-535

Hot Cuts

Julie Hanson

3255 Flagler Avenue 305

In compliance, request dismissal

The request to dismiss this case was granted. All fines and fees were paid.

Adjournment