



# 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, March 30, 2016

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

**Continued from 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.

Frank Herrada appeared for Mr. Swift. The city requested a violation without fees and fines which was approved by the Special Magistrate. A compliance hearing will be held on May 25, 2016.

**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

**Continued from 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.

**Nick Batty, attorney for Fred & Eileen Redmond, requested a continuance to May 25, 2016 which the Special Magistrate granted.**

**3**

**Case # 16-61**

Paul & Cindy Lou Mead

3536 Duck Avenue

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

Officer Bonnita Badgett

Certified Service: 3-11-2016

Initial Hearing: 3-30-2016

**In compliance March 23, 2016, request dismissal**

**Count 1:** A business tax receipt is required to rent this property.

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

**4**

**Case # 09-1501**

Wells Fargo Bank, NA

c/o Select Portfolio Servicing

Choice Legal Group PA

908 Trinity Drive 4

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

Officer Peg Corbett

Certified Service: 2-17-2016

Initial Hearing: 3-30-2016

**FYI:** On May 10, 2011, Planning Department received a variance request for an after the fact accessory unit which was constructed without building permits or a Certificate of Occupancy. The variance request was for building coverage, impervious surface ratio, and side and rear yard setback requirements. The variance was denied at the Planning Board Hearing of July 21, 2011. The Planning Board Resolution 2011-036 went into effect on August 2, 2011. There was no appeal to the City Commission.

The construction of the accessory unit, if a permit was submitted,

would not have been approved for the above reasons. This accessory unit must be demolished to bring this property into compliance.

**Count 1:** A demolition permit must be obtained to remove the accessory unit.

**Mr. Steven Greenfield, attorney for Wells Fargo Bank, requested a continuance of 90 days to bring the property into compliance. The city objected but agreed to a 60 day continuance which the Special Magistrate granted. The hearing will be held on May 25, 2016.**

**5**

**Case # 15-185**

Grunts, Inc.

Gregory Farrelly, Registered Agent

Christopher & Cynthia Trevett

409 Caroline Street

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

Officer Peg Corbett

Certified Service: 2-23-2016

Initial Hearing: 3-30-2016

**New Case**

**Count 1:** This business is licensed for take-out only. There are 40 seats requiring that the business be licensed as a restaurant.

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

**6**

**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

Posted: 2-18-2016

Initial Hearing: 1-27-2016

**Continued from February 24, 2016**

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

**Officer Corbett stated that they still have not paid their fire inspection fee of**

**\$50.** She requested a findings with costs. It was pointed out that the cost can only be \$100 which was approved by the Special Magistrate.

**7**

**Case # 15-1327**

Far Niente, LLC

Jack Spottswood, Registered Agent

416 Elizabeth 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: 2-18-2016

Initial Hearing: 3-30-2016

**New Case**

**Count 1:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a building permit. **Count 2:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a certificate of appropriateness.

Richard McChesney , attorney for Far Niente, LLC, requested to continue this case to April 27, 2016 which the Special Magistrate granted.

**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

**In compliance March 14, 2016, Administrative Fees still due**

**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.

Compliance was obtained on March 14 2016. The administrative fees are still due. A Notice of Lien Hearing will be sent if payment is not received by April 1, 2016.

9

**Case # 16-144**

Ella Mae Knowles L/E  
1112 Eaton Street 1  
Sec. 58-31 Container and receptacle requirements  
Officer Peg Corbett  
Certified Service: 2-23-2016  
Initial Hearing: 3-30-2016

**In compliance March 9, 2016, request dismissal**

**Count 1:** For storing bins of the city right of way. This property has been cited twice in the recent past. Cases 15-460 and 13-1255.

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

10

**Case # 16-152**

Mark & Lucy Mayer  
528 Grinnell Street  
Sec. 26-126 Clearing of property of debris and noxious material required  
Officer Peg Corbett  
Posted: 3-9-2016  
Initial Hearing: 3-30-2016

**In compliance March 30, 2016, request dismissal**

**Count 1:** The city received another complaint concerning pig feces that has a strong smell. On site visit observed a litter box on the front porch that had quite a bit of feces and a strong odor. Had a previous case on 28Jan2016, case #16-91.

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

11

**Case # 16-197**

Linda Rae Phillips &  
Curtis J Turocy - rental agents  
Jim Shea - property owner  
5555 College Road Slip 10  
Sec. 122-130 Prohibited uses (Conservation District)  
Officer Peg Corbett  
Certified Service: 3-7-2016 - property owner  
Certified Service: 3-3-2016 - rental agents  
Initial Hearing: 3-30-2016

**New Case**

**Count 1:** For renting Perky II in slip ten transiently which is not allowed in District C (Conservation)

Linda Rae Phillips and Curtis Turocy attended the hearing. Officer Corbett presented evidence to the Special Magistrate and stated that the same was sent to the Respondents. The Respondents admitted that they rented transiently and stated that they could not get answers to their questions of why they could not rent. The Special Magistrate stated that it was a zoning issue and the they should consult an attorney. Officer Corbett requested a violation with costs of \$250 and a fine of \$250.

12

**Case # 16-219**

Charles B Hoffman  
1420 Whalton Street  
Sec. 18-601 Transient License  
Sec. 122-1371 (d) (9)  
Sec. 122-599 Prohibited uses Historic Medium Density Residential district (HMDR)  
Officer Peg Corbett  
Certified Service: 3-3-2016  
Initial Hearing: 3-30-2016

**Repeat Violation  
New Case**

**Count 1:** A transient rental license is required to rent this property transiently. **Count 2:** This property is be offered for transient rentals on Airbnb.com for \$125 per night. Booking dates of 17April16 through 20April2016 were entered and received a rate quote back. **Count 3:** Transient rentals are prohibited in the HMDR district. This property was previously cited in April 2015 wherein owner entered into a Settlement Agreement.

Charles Hoffman attended. Officer Corbett presented an evidence package and gave testimony. Stated that the last time she checked the website was yesterday and the ad was there. Mr. Hoffman pleaded not guilty because of extenuating circumstances to all of the evidence. He also stated that he put his ad back up yesterday for 1 hour so he could do reserach then took it down. Mr. Hoffman stated that the notice stated he needed to obtain a license but when he called licensing, they told him that he could not obtain one. Magistrate Yates told him that he should have obtained counsel at that time. Mr. Hoffman also stated that he feels the ordinance is flawed. After more discussion, Magistrate Yates found Mr. Hoffman in violation. Costs of \$250 were imposed. Officer Corbett requested a \$500 fine each for counts and 2 and to dismiss count 3. Mr. Hoffman stated that it was too much money and Magistrate Yates reduced the amount of the fine for count 2 to \$250 so the total amount due the city is \$1,000.

13

**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 April 27, 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 Special Magistrate granted the request to continue this case to April 27, 2016.**

14

**Case # 15-828**

Karen &amp; 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 February 24, 2016 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.**Tom Sireci and Luigi Vaccaro requested one more continuance which the Special Magistrate granted. This case was continued to April 27, 2016.**

15

**Case # 15-838**

Thomas Mustakas

903 Frances Street

Sec. 62.2 Obstructions

Sec. 122-1078 Restrictions on buildings and structures; including  
entrywaysSec. 66-87 Business tax receipt required for all holding themselves out  
to be engaged in business

Officer Leonardo Hernandez  
Posted: 9-17-2015  
Initial Hearing: 11-18-2015

**Continuance granted to April 27, 2016**

**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 Special Magistrate granted the request to continue this case to April 27, 2016. He also granted the request to dismiss count 3.

16

**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 May 25, 2016**

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

The Special Magistrate granted the request to continue this case to May 25, 2016.

17

**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



**Taken under advisement February 24, 2016**

**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.

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

**18****Case # 16-107**

Peter N Brawn

1413 South Street

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

Sec. 26-127 Periods for mowing and removal of debris

Officer Leonardo Hernandez

Certified Service: 2-22-2016

Initial Hearing: 3-30-2016

**In compliance March 10, 2016, request dismissal**

**Count 1:** Property needs to be cleared of yard debris. **Count 2:** The property needs to be mowed.

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

**19****Case # 16-140**

Delfina Rodriguez

1315 William Street

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

Officer Leonardo Hernandez

Certified Service: 2-13-2016

Initial Hearing: 3-30-2016

**In compliance February 19, 2016, request dismissal**

**Count 1:** Property needs to be clear of yard debris and trash

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

**20****Case # 15-1192**

Cary Robert Hanson - Property Owner

Asta Parking Inc.

Prakash R Patel, Registered Agent

515 Angela Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Sec. 14-40 Permits in historic districts  
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
FBC Accessibility - 208.2 Minimum number of parking spaces at a ratio of one per twenty-five  
Sec. 114-104 Restrictions on number of signs permitted  
Officer Jorge Lopez  
Certified Service: 2-16-2016 - Property Owner  
Certified Service: 2-8-2016 - Registered Agent  
Initial Hearing: 3-30-2016

**Continuance granted to May 25, 2016**

**Count 1:** A business tax receipt is required for the public parking lot.  
**Count 2:** For failure to obtain a certificate of appropriateness for the 7 signs. **Count 3:** A Kiosk and 7 signs were installed without benefit of the required building/electrical permits and inspections. **Count 4:** The parking facility does not have the requisite amount of accessible parking spaces. **Count 5:** Restriction on number of signs permitted.

**The Special Magistrate granted the request to continue this case to May 25, 2016.**

**21**

**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  
Hand Served: 2-4-2016  
Initial Hearing: 1-27-2016

**In compliance February 24, 2016, request dismissal**

**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 dismiss this case.**

**22**

**Case # 15-1450**

Allen Zamrok  
1406 Laird Street  
Sec. 26-126 Clearing of property of debris and noxious material

required  
Officer Jorge Lopez  
Certified Service: 3-7-2016  
Initial Hearing: 3-30-2016

**In compliance March 16, 2016, request dismissal**

**Count 1:** Property needs to be cleared of debris and trash.

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

**23**

**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

**In compliance March 23, 2016, request dismissal**

**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 dismiss this case.**

**24**

**Case # 15-1664**

Mark & Mary Krizmanic  
704 William Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Jorge Lopez  
Certified Service: 2-29-2016  
Initial Hearing: 3-30-2016

**In compliance February 29, 2016, request dismissal**

**Count 1:** A business tax receipt is required to rent this property.

The Special Magistrate granted the request to dismiss this case.

**25**

**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

**Continued from February 24, 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.

Officer Lopez presented evidence and gave testimony. After reviewing the photos, Magistrate Yates found Ms. Isherwood in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 if compliance was not obtained by April 26, 2016. A compliance hearing will be held on April 27, 2016.

**26**

**Case # 16-138**

Eleanor & Nathan R Alexander  
2509 Harris Avenue  
Sec. 62-31 Maintenance of area between property line and adjacent  
paved roadway  
Officer Jorge Lopez  
Certified Service: 3-8-2016  
Initial Hearing: 3-30-2016

**In compliance March 16, 2016, request dismissal**

**Count 1:** Debris and bulk waste needs to be removed from the city right of way

The Special Magistrate granted the request to dismiss this case.

**27**

**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

**In compliance March 29, 2016, request dismissal**

**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 dismiss this case.**

28

**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

**Continued from February 24, 2016 for compliance**

**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).

**Officer Young stated that they are still in violation and showed photos that**

were taken on March 29, 2016. Brett Smith represented Guy De Boer. Officer Corbett gave testimony about the call she made to the number that is located on a stand on Duval Street. It was a concierge service. Mr. Ramsingh asked for a violation with fines. The Special Magistrate continued this case to April 27, 2016 because he thought that they were trying to come into compliance.

29

**Case # 16-227**

Gwenuel & Cynthia Mingo

1 Baptist Lane

Sec. 18-601(b) Transient license required

Sec. 122-1371(d)(9) Transient living accommodations

Officer Peg Corbett

**On agenda for subpoenaed records**

This case was added to the agenda for the subpoena duces tecum for trial. Mr. Gwenuel submitted what records he had. Mr. Sara Vita stated that she did not have any records, all she did was unlock the house. The case will be heard on April 27, 2016 as originally scheduled.

**Adjournment**