



# 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, May 25, 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

**Continuance granted to June 29, 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 June 29, 2016.

2

**Case # 15-837**

Fred V &amp; 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 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.

Nick Batty appeared for the Respondents. Ron Ramsingh stated that Nick's client has submitted an application for the Legal Unit Determination and requested a 60 day continuance. Mr. Batty stated he would prefer a lengthy continuance. Mr. Ramsingh stated that he would prefer 60 days to keep it on track. The Special Magistrate granted the request to continue this case to July 27, 2016.

3

**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

**Continuance granted to July 27, 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.

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

4

**Case # 15-1327**

Far Niente, LLC

Jack Spottswood, Registered Agent

416 Elizabeth Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptionsSec. 14-40 Permits in historic districts - **Request dismissal of count 2**

Officer Peg Corbett

Certified Service: 2-18-2016

Initial Hearing: 3-30-2016

**Continued from April 27, 2016 for compliance**

**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 appeared for the respondents. Mr. Ramsingh stated that the application for the fence was submitted but it needs a variance. The Special Magistrate granted the request to continue this case to June 29, 2016.

5

**Case # 16-228**

Donal Morris, Sr

Donal Morris, Jr

Gregory Morris

916 James Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential  
dwellings; regulation

Officer Peg Corbett

Certified Service: 5-4-2016 - Accepted by Mr. Smith

Initial Hearing: 4-27-2016

**Irreparable/Repeat Violation****Continued from April 27, 2016 for service**

**Count 1:** This property is be held out/advertised for short term rental on Airbnb. On 4 march 2016 Mr. Morris was paid \$498 for rental of this property for 8 April 2016 and 10 April 2016. There was a previous case 15-369 where Mr. Morris signed a Settlement Agreement. **Count 2:** This property is being held out/advertised for short term rental.

Wayne LaRue Smith appeared for the respondents. He stated that Mr. Morris Sr. has signed the Settlement Agreement and he has the check for the entire amount. Would like 10 days to have the other respondents sign and return the agreement. The Special Magistrate granted the request to continue this case to June 29, 2016.

6

**Case # 16-330**

Peter G &amp; Maria P Gomez - property owner

Rebecca Peige - tenant

925 Seminary Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations

Officer Peg Corbett

Certified Service: 4-6-2015 - property owner

Certified Service: 4-5-2016 - tenant

Initial Hearing: 4-27-2016

**Repeat Violation****Continued from April 27, 2016**

**Count 1:** This property is be held out/advertised for short term rental on Airbnb. The tenant replied and agreed to the request for a ten day rental and would block the whole month. Ms. Peige was previously cited for the same violation and signed a Settlement Agreement.

**Count 2:** Ms. Peige is renting short term without meeting the requirements of Sec. 122-1371 (c) 1 through 8.

Officer Corbett presented evidence to the Special Magistrate and gave testimony. She stated that Rebecca Peige responded to her request for a ten day rental and would block the whole month. He also heard testimony from Rebecca Peige who stated that she thought she was okay if she blocked the whole month. She's trying to find a full time person and that she is trying to make ends meet. The city requested costs of \$250 and a \$500 fine for each count. The Special Magistrate imposed costs of \$250 and a fine of \$500.

7

**Case # 16-338**

Blue Petronia LLC

Charles Weitzel

Teresa Willis

323 Petronia Street Up

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations

Officer Peg Corbett

Certified Service: 5-4-2016 No signature - Charles Weitzel

Hand Served: 4-19-2016 - Teresa Willis

Initial Hearing: 5-25-2016

**New Case**

**Count 1:** This property is being held out/advertised for short term rental on AIRBNB for \$175 per night. The subject business was previously cited for the same violation on 13 Oct 2015 case# 15-130. At the time of notice, Ms. Willis has 2 tenants renting for 7 days.

**Count 2:** This property is being held out/advertised for short term rental on AIRBNB for \$175 per night. The property does not have requisite medallion and licensing nor has the property been vetted to meet the guidelines required in the City ordinance (c) 1-7. The subject business was previously cited for the same violation on 13 Oct 2015 case# 15-130. At the time of notice, Ms. Willis has 2 tenants renting for 7 days.

Officer Corbett presented evidence to the Special Magistrate and gave testimony stating that Ms. Willis had previously been cited for the same violation. Teresa Willis stated that she had already booked the rentals and she returned the money, allowing them to stay for free. She stated that she won't do this again until she has a transient license in place. The City requested costs of \$250 and a fine of \$500 for each count which the Special Magistrate agreed to.

8

**Case # 16-395**

Donal Morris Sr

Donal Morris Jr

Gregory Morris

Flip Key Inc.

916 James Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations

Officer Peg Corbett

Certified Service: 4-15-2016 - Flip Key

Certified Service: 5-4-2016 - Accepted by Mr. Smith

Initial Hearing: 4-27-2016

**Repeat Violation****Continued from April 27, 2016**

**Count 1:** The subject property is being held out/advertised on flipkey.com. Dates of 15 April 2016 through 21 April 2016 were held out for \$1,305.00. There was a previous case 15-369 where Mr. Morris signed a Settlement Agreement. **Count 2:** The subject property is being held out/advertised without meeting the guidelines of this ordinance. There was a previous case 15-369 where Mr. Morris signed a Settlement Agreement.

Wayne LaRue Smith appeared for the respondents. He stated that Mr. Morris Sr. has signed the Settlement Agreement and he has the check for the entire amount. Would like 10 days to have the other respondents sign and return the agreement. The Special Magistrate granted the request to continue this case to June 29, 2016.

9

**Case # 16-404**

Rick Mohe

Tint Crafters of Key West

Speigel &amp; Utrera, P.A. - Registered Agent

817 Simonton Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations

Officer Peg Corbett

Certified Service: 4-19-2016 - Rick Mohe

Certified Service: 4-29-2016 - Registered agent

Initial Hearing: 5-25-2016

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

**Count 1:** This property is being held out/advertised for short term rental on AIRBNB for \$249 with a 1 night minimum stay without benefit of requisite transient rental license. The subject business owner was previously cited for the same offense 23 Oct 2015 case# 15-1447. In Nov. 2015, this property was listed on AIRBNB for rental and has 47 verified reviews. **Count 2:** The subject property does not have the requisite medallion and licensing nor has the property been vetted to meet the guidelines required in the City ordinance (c) 1-7. The subject property has been rented and is now held out/advertised on AIRBNB for \$249.00 per night with a 1 night minimum stay.

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



10

**Case # 16-406**

Cleare &amp; Charles Dixon

Barbara Declemente

816 Center Street

Sec. 18-601 License required - Repeat

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - Repeat

Officer Peg Corbett

Certified Service: 4-23-2016

Initial Hearing: 5-25-2016

**Settlement Agreement**

**Count 1:** The subject property is being held out/advertised for short term rental on TripAdvisor.com for \$2000.00 per week with a 7 night minimum stay. This property owner was previously cited for the same violation on 20 Jan. 2016 case# 16-69. **Count 2:** The subject property does not have the requisite medallion and licensing nor has the property been vetted to meet the guidelines required in the City ordinance (c) 1-7. The subject property is being held out/advertised for short term rental on TripAdvisor.com for \$2000.00 per week with a 7 night minimum stay. This property owner was previously cited for the same violation on 20 Jan. 2016 case# 16-69.

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent stipulates to the imposition of the administrative fee of \$250. A fine in the amount of \$500 for each count was also imposed. The total amount due the city of \$1,250.

11

**Case # 16-475**

Donal Morris Sr.

916 James Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations

Officer Peg Corbett

Certified Service: 5-4-2016 - Accepted by Mr. Smith

Initial Hearing: 5-25-2016

**Repeat Violation****New Case**

**Count 1:** Advertising on www.homeaway.com for \$244.00 per night with a minimum stay of 3-5 nights without benefit of a transient rental license. There was a previous case 15-369 where Mr. Morris signed a Settlement Agreement. **Count 2:** Subject property has been rented and is now held out/advertised on www.homeaway.com for \$244.00 per night with a 3-5 minimum stay. The subject property does not have the requisite medallion and licensing nor has the property been vetted to meet the guidelines required in this city ordinance (c) 1-7. There was a previous case 15-369 where Mr. Morris signed a Settlement Agreement.

Wayne LaRue Smith appeared for the respondents. He stated that Mr. Morris Sr. has signed the Settlement Agreement and he has the check for the entire amount. Would like 10 days to have the other respondents sign and return the agreement. The Special Magistrate granted the request to continue this case to June 29, 2016.

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**Case # 16-556**

Richard &amp; Betsy Naselli

1209 Packer Street

Sec. 18-601 License required

Sec. 122-1371 - Transient living accommodations in residential dwellings; regulations

Officer Peg Corbett

Certified Service: 5-9-2016

Initial Hearing: 5-25-2016

**Irreparable Violation****Continuance granted to July 27, 2016**

**Count 1:** Code Director and Officer Waite conducted a site visit on 3 May 2016 and met with the tenants. They were advised by the tenants that they had obtained a rental agreement from the property owner for a stay of 4 nights for a total of \$3250.25. Tenants forwarded the rental agreement to the transient code officer on 4 May 2016. The subject property does not have the required transient rental license. **Count 2:** The subject property is being transiently rented without the benefit of the required vetting outlined in this city ordinance.

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

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

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

**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 dismiss this case.**

14

**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

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

**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 dismiss this case.

15

**Case # 16-239**

Christopher Belland  
Piper Smith  
626 Grinnell 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:  
Initial Hearing: 2-25-2016

**Request continuance to 6-29-2016 for service**

**Count 1:** Notified on Mar. 11, 2016 of the requirements needed to achieve compliance regarding the hurricane shutters at this property. As of April 25, 2016, there has been no progress towards compliance.

**Count 2:** Notified on Mar. 11, 2016 of the requirements needed to achieve compliance regarding the hurricane shutters at this property. As of April 25, 2016, there has been no progress towards compliance.

The Special Magistrate granted the request to continue this case to June 29, 2016.

16

**Case # 16-334**

Overtown Public Assistance Trust No 909.10.09

c/o Shirley E Trustee

829 Emma Street

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

Officer Leonardo Hernandez

Certified Service: 5-23-2016

Initial Hearing: 5-25-2016

**In compliance May 2, 2016, request dismissal**

**Count 1:** Notified of the need for a business tax receipt to rent the subject property. As of April 29, 2016, a business tax receipt has not been sought or obtained.

The Special Magistrate granted the request to dismiss this case.

17

**Case # 16-200**

EGJLKW, LLC

Jeffrey Barefoot Lamm - Registered Agent

810 Florida Street

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

Sec. 14-40 Permits in historic districts

Officer Guy Langford

Certified Service: 5-11-2016

Initial Hearing: 5-25-2016

**In compliance May 20, 2016, request Finding of Violation without fees**

**Count 1:** A lattice fence had been built within the last 2 years at the front and side of this property. It was discovered that the fence permit has been in call back since Oct. 2014. Call back notes indicate "corporations are not allowed to pull permits as owner/builder". **Count 2:** Required to have a HARC Certificate of Appropriateness. It was discovered that the HARC application has been in call back since Oct. 2014.

The Special Magistrate found EGJLKW,LLC/Jeffrey Barefoot Lamm in violation. No fees or fines were imposed at this time.

18

**Case # 16-543**

Adam Kraskewicz  
Pamela Kraskewicz Living Trust  
9 Pierce Lane 11  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Guy Langford  
Certified Service: 5-9-2016  
Initial Hearing: 5-25-2016

**New Case****Request Finding of Violation without fees**

**Count 1:** The subject business owner has not renewed his license which expired 30 Sept. 2015. Previous Case # 14-1210.

The Special Magistrate found Adam Kraskewicz and Pamela Kraskewicz in violation. No fees or fines were imposed at this time. The court reserves the right to impose fees and fines if compliance is not obtained by June 28, 2016. A compliance hearing will be held on June 29, 2016.

19

**Case # 16-544**

Adventure Amusements  
Thomas Means  
1514 Bertha Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Guy Langford  
Certified Service: 5-6-2016  
Initial Hearing: 5-25-2016

**In compliance May 10, 2016, request Finding of Violation without fees**

**Count 1:** Business owner has not renewed his license which expired 30 Sept. 2015. Previous Case # 15-0689

The Special Magistrate found Adventure Amusement/Thomas Means in violation. No fees or fines were imposed at this time.

20

**Case # 16-546**

Kenneth Schultz

Ajax Realty

329 Elizabeth Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Guy Langford

Certified Service: 5-13-2016

Initial Hearing: 5-25-2016

**In compliance May 18, 2016, request dismissal**

**Count 1:** The subject business owner has not renewed his license which expired 30 Sept 2015. Business Control# 10051. Previous Case# 15-628.

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

21

**Case # 16-547**

All Things Drywall Inc.

Timothy Lucas - Registered Agent

1107 Key Plaza

Sec. 66-102 Dates due and delinquent; penalties

Officer Guy Langford

Certified Service:

Initial Hearing: 5-25-2016

**Request continuance to 6-29-2016 for service**

**Count 1:** The subject business owner has not renewed his license which expired 30 Sept 2015. Previous Case #15-609.

**The Special Magistrate granted the request to continue this case to June 29, 2016 for service.**

22

**Case # 16-548**

Barefoot Billy's Inc.  
William Mosblech - Registered Agent  
1500 Reynolds Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Guy Langford  
Certified Service: 5-6-2016  
Initial Hearing: 5-25-2016

**In compliance May 20, 2016, request Finding of Violation without fees**

**Count 1:** Business owner has not renewed his license which expired 30 Sept 2015. Previous Case #15-637. BCN 16533 11A Barefoot Billy's. **Count 2:** Business owner has not renewed his license which expired 30 Sept 2015. Previous Case #15-637. BCN 20609 12C Barefoot Billy's. **Count 3:** Business owner has not renewed his license which expired 30 Sept 2015. Previous Case #15-637. BCN 20610 10J Barefoot Billy's. **Count 4:** Business owner has not renewed his license which expired 30 Sept 2015. Previous Case #15-637. BCN 20611 10K Barefoot Billy's. **Count 5:** Business owner has not renewed his license which expired 30 Sept 2015. Previous Case #15-637. BCN 24156 RRV Barefoot Billy's.

**The Special Magistrate found Barefoot Billy's Inc./William Mosblech in violation. No fees or fines were imposed at this time.**



23

**Case # 16-549**

Barefoot Billy's Inc  
William Mosblech - Registered Agent  
1800 North Roosevelt Boulevard  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Guy Langford  
Certified Service: 5-6-2016  
Initial Hearing: 5-25-2016

**In compliance May 20, 2016, request Finding of Violation without fees**

**Count 1:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-637. BCN 19218 10K Barefoot Billy's. **Count 2:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-637. BCN 19217 10J Barefoot Billy's. **Count 3:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-637. BCN 19220 12C Barefoot Billy's. **Count 4:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-637. BCN 24154 RRV Barefoot Billy's.

**The Special Magistrate found Barefoot Billy's Inc./William Mosblech in violation. No fees or fines were imposed at this time.**

24

**Case # 16-550**

Barefoot Billy's Inc  
William Mosblech - Registered Agent  
1435 Simonton Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Guy Langford  
Certified Service: 5-6-2016  
Initial Hearing: 5-25-2016

**In compliance May 20, 2016, request Finding of Violation without fees**

**Count 1:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-637. BCN 3506 10J Barefoot Billy's. **Count 2:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-637. BCN 3507 10K Barefoot Billy's. **Count 3:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-637. BCN 3508 11A Barefoot Billy's

**The Special Magistrate found Barefoot Billy's Inc./William Mosblech in violation. No fees or fines were imposed at this time.**

25

**Case # 16-552**

Barefoot Billy's Inc  
William Mosblech - Registered Agent  
105 Whitehead Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Guy Langford  
Certified Service: 5-6-2016  
Initial Hearing: 5-25-2016

**In compliance May 17, 2016, request dismissal**

**Count 1:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-637.

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

26

**Case # 16-553**

Yakov Blives  
1125 Southard Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Guy Langford  
Certified Service: 5-4-2016  
Initial Hearing: 5-25-2016

**Repeat Violation**

**In compliance May 20, 2016, request Finding of Violation with administrative fees of \$250 and a fine of \$250.**

**Count 1:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-539.

**The Special Magistrate found Yakov Blives in violation. He imposed costs of \$250 along with a \$250 fine for the repeat violation of a delinquent business tax receipt.**

27

**Case # 16-554**

Blue Gecko Key Lime Pie & Ice Cream Factory  
Christian Zuelch - Registered Agent  
411 Greene Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Guy Langford  
Certified Service: 5-6-2016  
Initial Hearing: 5-25-2016

**In compliance May 20, 2016, request dismissal**

**Count 1:** The business owner has not renewed his license which expired 30 Sept 2015. Previous Case # 15-886.

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

28

**Case # 16-411**

Patrick Ritter

Samantha O'Farrell

1707 Leon Street

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

Officer Jordan Loer

Certified Service:

Initial Hearing: 5-25-2016

**Repeat Violation****Request continuance to 6-29-2016 for service**

**Count 1:** Subject property is being non-transiently rented without the benefit of a non-transient rental license. Subject property owner was previously cited for the same violation Case # 12-453.

**The Special Magistrate granted the request to continue this case to June 29, 2016 for service.**

29

**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 July 27, 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 July 27, 2016.**

30

**Case # 15-1359**

Tropicar Inc.

Robert Ramey III - Registered Agent

1300 Duval Street

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

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service: 4-23-2016

Initial Hearing: 5-25-2016

**Continuance granted to July 27, 2016**

**Count 1:** Observed and photographed 2 signs installed on top of the roof without benefit of building permit. Records show you have applied for an after-the-fact permit on Nov. 3, 2015. The permit has not been issued due to the corrections needed and have not been corrected as of today. **Count 2:** HARC Dept. received an after-the-fact application not matching the description of the current signs at the subject property. This permit is still in call back due to corrections needed and have not been corrected as of today.

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

31

**Case # 15-1644**

Patrica &amp; Gary Papke

1320 Angela Street

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

Sec. 14-40 Permits in historic district

Officer Jorge Lopez

Certified Service: 4-25-2016

Initial Hearing: 5-25-2016

**In compliance April 26, 2016, request dismissal**

**Count 1:** Has obtained a demolition permit; has not removed unpermitted deck on the second floor. **Count 2:** Has obtained HARC demolition permit; unpermitted addition has not been removed.

The Special Magistrate granted the request to dismiss this case.

32

**Case # 15-1695**

Blue Gecko Key Lime Pie  
Christian M. Zuelch, Registered Agent  
Jack Alwani, Business Owner  
411 Greene Street  
Sec. 58-34 Unlawful disposal  
Sec. 58-68 Commercial solid waste accounts  
Officer Jorge Lopez  
Certified Service: 4-29-2016 - business owner  
Certified Service: 4-29-2016 - registered agent  
Initial Hearing: 5-25-2016

**In compliance May 18, 2016, request dismissal**

**Count 1:** Waste from the subject business disposed in City owned receptacles. **Count 2:** This business account is written off for nonpayment since 2014 with a current balance of \$1,366.44.

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

33

**Case # 16-422**

Barbara & William Foster  
GMBG3, LLC  
Dustin Hunter - Registered Agent  
217 Duval St.  
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
Sec. 14-40 Permits in the historic districts  
Officer Jorge Lopez  
Certified Service: 5-9-2016 - William Foster  
Certified Service: 5-10-2016 - Registered Agent  
Initial Hearing: 5-25-2016

**In compliance May 11, 2016, request dismissal**

**Count 1:** Observed and photographed multiple speakers attached on the exterior of the subject property without the benefit of an electrical permit. **Count 2:** According to records, the speakers were installed without the benefit of a HARC Certificate of Appropriateness.

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

**34****Case # 16-479**

Frog's Key West LLC

Abigail Watts - Registered Agent

Carlos Ramirez - General Manager

221 Duval Street

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 5-12-16 - Registered Agent

Certified Service: 5-9-2016 - General Manager

Initial Hearing: 5-25-2016

**Settlement Agreement**

**Count 1:** Responding to a complaint, I conducted a sound reading on April 30, 2016. I found subject business in violation with 99.4 DBC. I spoke with the general manager who was given a warning and 5 minutes to comply. I came back in 5 minutes for a second reading and the subject business was found in violation with 97.0 DBC.

The Special Magistrate was present with a Settlement Agreement which he approved. The Respondent stipulates to the imposition of administrative costs in the amount of \$250 and a fine in the amount of \$250 for a total of \$500.

**35****Case # 16-44**

Waterfront Brewery, LLC

Joe Walsh

201 William Street

Sec. 90-363 Certificate of occupancy - required

Office Jim Young

Certified Service:

Initial Hearing: 4-27-2016

**In compliance May 4, 2016, request dismissal**

**Count 1:** The temporary certificate of occupancy expired on 1 Jan 16 and has not be re-issued due to landscaping and irrigation being incomplete.

The Special Magistrate granted the request to dismiss this case.

**Liens**



**36**

**Case # 16-555**

David Randall Bevens, Jr.  
Key West  
Sec. 42-1 (c) Offenses under state law  
Civil Citation # 0202  
Certified Service:

**Request continuance to 6-29-2016 for service**

The Special Magistrate granted the request to continue this case to June 29, 2016 for service.

**HARC Appeals**

**37**

**SMA 16-01**

William Shepler - Architect  
813 Waddell Properties, LLC  
Frederick J Maggio  
813 Waddell Avenue

**To announce decision**

The Special Magistrate upheld HARC's decision.

**Adjournment**