



# 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, June 29, 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 May 25, 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.

Melissa Leto, Planning Department, attended the hearing. The request to continue this case to August 31, 2016 was granted by the Special Magistrate.

**2****Case # 16-194**

Susan C Stone

1417 Albury Street

Sec. 14-40 Permits in historic district

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

Officer Bonnita Badgett

Certified Service: 4-5-2016

Initial Hearing: 4-27-2016

**In compliance June 15, 2016, request dismissal**

**Count 1:** A certificate of appropriateness is required for all exterior work. **Count 2:** Building permits are required for all exterior, interior and plumbing work.

The Special Magistrate granted the request to dismiss this case.

**3****Case # 16-664**

A Touch of Life Inc.

Kevin Life

316 Amelia Street 101

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

Sec. 14-40 Permits in historic districts

Sec. 18-117 Acts declared unlawful

Officer Bonnita Badgett

Certified Service: 6-9-2016

Initial Hearing: 6-29-2016

**In compliance June 7, 2016, request dismissal**

**Count 1:** For failure to obtain a building permit prior to repairing/replacing a deck and railing posts. **Count 2:** For failure to obtain a certificate of appropriateness prior to repairing/replacing a deck and railing posts. **Count 3:** It is unlawful to hire unlicensed individuals to perform construction work at a property.

The Special Magistrate granted the request to dismiss this case.

**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; exceptions

Sec. 14-40 Permits in historic districts

Officer Peg Corbett

Certified Service: 2-18-2016

Initial Hearing: 3-30-2016

**Continued from May 25, 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 represented Far Niente LLC and agreed to the continuance to July 27, 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

**Settlement Agreement**

**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.

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the administrative costs in the amount of \$250 and the return of city funds of \$498 which were paid for the occupancy of subject unit. A fine in the amount of \$500 for each repeat count per day will also be imposed. Two counts for each rental day at \$1,000 for a total of \$2,000 in repeat fines. A suspended fine of \$5,000 from the previously adjudicated case number 16-369 will also be imposed. In addition, a suspended fine of \$5,000 for each irreparable count will be imposed for a total of \$10,000 in suspended fines.

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**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

**Settlement Agreement**

**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.

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the administrative costs in the amount of \$250 and a fine in the amount of \$500 for a total of \$750.

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**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

**Settlement Agreement**

**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.

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the administrative costs in the amount of \$250 and a fine in the amount of \$500 for a total of \$750.

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**Case # 16-320**

Ralph Filannino

1613 Bahama Drive

FBC Fuel/Gas 301.11 (ASCE 24-05 Sec. 7.4.1) Unsecured fuel tank, propane - within a flood zone, below flood level

Officer Scott Fraser

Certified Service: 3-31-2016

Initial Hearing: 6-29-2016

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

**Count 1:** The 100-gallon propane tank rests unsecured.

The Special Magistrate granted the request to dismiss this case.

**9****Case # 15-1381**

Touch of Gold LLC

Albert Kelley, registered agent

Carina Alwani

New Ideas Inc - property owner

413 Greene 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: 5-24-2016 - registered agent

Certified Service: 5-21-2016 - business

Hand Served: 5-20-2016

Initial Hearing: 6-29-2016

**In compliance June 9, 2016, request dismissal****Count 1:** For failure to obtain a building permit for the hanging sign.**Count 2:** For failure to obtain a certificate of appropriateness for the  
hanging sign.**The Special Magistrate granted the request to dismiss this case.**

10

**Case # 15-1403**

Silver Shack Inc.

Vimi Alwani - business owner

Kevin C Zuelch - registered agent

New Ideas - property owner

413 Greene Street - 105 Fitzpatrick Street

Sec. 14-40 Permits in historic districts

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

Sec. 114-104 Restriction on number of signs permitted

Officer Leonardo Hernandez

Certified Service: 5-24-2016 - registered agent

Certified Service: 5-25-2016 - business owner

Certified Service: 5-23-2016 - property owner

Initial Hearing: 6-29-2016

**In compliance June 9, 2016, request dismissal****Count 1:** For failure to obtain a certificate of appropriateness for 2  
signs. **Count 2:** For failure to obtain a building permit for 2 signs.**Count 3:** Number of signs exceeds the allowable amount, has 5 and  
only allowed 2.**The Special Magistrate granted the request to dismiss this case.**



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**Case # 15-1486**

Nautical Treasures - business

Vinod Alwani - registered agent

New Ideas Inc - property owner

417 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

Officer Leonardo Hernandez

Certified Service: 5-17-2016 - property owner

Certified Service: 5-17-2016 - registered agent

Initial Hearing: 6-29-2016

**In compliance June 9, 2016, request dismissal****Count 1:** For failure to obtain a building permit for the hanging sign.**Count 2:** For failure to obtain a certificate of appropriateness for the  
hanging sign. **Count 3:** For exceeding the number of allowable signs.**The Special Magistrate granted the request to dismiss this case.**

12

**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

Posted: 5-18-2016

Initial Hearing: 5-25-2016

**Continued from May 25, 2016****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.

Officer Hernandez stated that HARC had denied the request for the shutters at the meeting on June 28, 2016. Mr. Belland asked if he could keep the shutters because they really can't be seen from the right of way and that he did not want to appeal HARC's decision. The Special Magistrate stated that he could not give him that approval. Mr. Belland was given to July 27, 2016 to come into compliance.

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**Case # 16-25**

Konk Life

Guy Deboer

305 Duval Street

Sec. 62-180 Affixing label after issuance

Sec. 62-184 Relocation

Sec. 62-186 News rack mounting standards

Officer Beau Langford

Hand Served: 6-24-2016

Initial Hearing: 6-29-2016

**New Case**

**Count 1:** Konk Life news rack does not have the required permit affixed. **Count 2:** Konk Life news rack is not in it's assigned spot.

**Count 3:** Konk Life news rack does not have the requisite base nor does it weigh 80 pounds.

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

14

**Case # 16-146**

Wells Fargo Bank NA

Paul Seeman/Michael Kitzman

3714 Flagler Avenue

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

Sec. 122-1185 Swimming pools - **Request dismissal of count 2**Sec. 42-2 Airtight containers - **Request dismissal of count 3**

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

Sec. 122-238 Dimensional requirements, Paragraph 6 Minimum setbacks

Sec. 14-262 Request for inspection

Officer Beau Langford

Certified Service: 5-23-2016

Initial Hearing: 6-29-2016

**New Case**

**Count 1:** The property is littered with furniture and garbage and the yard needs maintenance. **Count 2:** The gate lock needs to be repaired to eliminate open access to the public. **Count 3:** There is an abandoned refrigerator on the open rear patio with the door still place with no lock. **Count 4:** The carport was enclosed to create living space without benefit of a building permit. **Count 5:** The shed has been built within the 5 foot setback on the right side of the residence without benefit of a variance. **Count 6:** An inspection is required for the electrical work done in the enclosed carport.

The Special Magistrate heard testimony from Officer Langford and found the property to be in violation. Costs of \$250 were imposed along with a fine of \$250 per day starting July 1, 2016.

15

**Case # 16-210**

Konk Life

Guy Deboer

102 Duval Street

Sec. 62-180 Affixing label after issuance

Sec. 62-184 Relocation

Sec. 62-186 News rack mounting standards

Officer Beau Langford

Hand Served: 6-24-2016

Initial Hearing: 6-29-2016

**New Case**

**Count 1:** Konk Life news rack does not have the required permit affixed. **Count 2:** Konk Life news rack is not in it's assigned spot.

**Count 3:** Konk Life news rack does not have the requisite base nor does it weigh 80 pounds.

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

16

**Case # 16-265**Key West Yoga Sanctuary LLC - **In compliance**

Ronald A Barker, registered agent

The Green Pineapple LLC - **In compliance**

Deborah Lippi, registered agent

Date &amp; Thyme LLC

Charlotte Wilson, registered agent

1130 Duval Street

Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - **In compliance**Sec. 14-40 Permits in historic districts - **In compliance**

Sec. 2-939 Licenses

Sec. 66-87 Business tax receipt required for all holdings themselves  
out to be engaged in business - **Date & Thyme LLC only**

Officer Beau Langford

Certified Service: 5-11-2016 - Key West Yoga

Certified Service: 5-11-2016 - The Green Pineapple

Certified Service: 5-10-2016 - Date &amp; Thyme

Initial Hearing: 6-29-2016

**New Case**

**Count 1:** For failure to obtain building permits for the signs hanging from the awning for the three businesses. **Count 2:** For failure to obtain a certificate of appropriateness for the signs hanging from the awning for the three businesses. **Count 3:** For failure to obtain a revocable license for the signs hanging from the awning for the three businesses. **Count 4:** For failure to transfer the business tax receipt to 1130 Duval Street - Date & Thyme only.

Robin Guieb attended the hearing for Date & Thyme LLC. The request to continue this case to August 31, 2016 to obtain all licenses was granted by the Special Magistrate.

17

**Case # 16-342**

Little Room Jazz Club LLC  
Wayne L Smith, registered agent  
821 Duval Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Beau Langford  
Certified Service: 5-12-2016  
Initial Hearing: 6-29-2016

**New Case**

**Count 1:** There are 3 signs at this location and only approved for 2.  
The pole sign was to be removed per building permit 15-00001766.

**Count 2:** There are 3 signs at this location and only approved for 2.  
The pole sign was to be removed per HARC permit 15-01000655.

Mr. Wayne LaRue Smith represented Little Jazz Room. He requested a continuance to October 19, 2016 for the new sign ordinance to be adopted and to process the permits for the new signs. The Special Magistrate granted his request.

18

**Case # 16-417**

Jack & Jennifer Smith  
1510 Johnson Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 122-1183 Walls and fences  
Officer Beau Langford  
Certified Service: 5-10-2016  
Initial Hearing: 6-29-2016

**New Case**

**Count 1:** For failure to obtain a building permit for the 6 foot fence that extends across the front of the property. **Count 2:** The fence that was built across the front of the property is a solid 6 foot fence which is not allowed.

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

19

**Case # 16-543**

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

**In compliance June 24, 2016, 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 city requested a finding of violation which was granted by the Special Magistrate. He imposed costs of \$250.

20

**Case # 16-547**

All Things Drywall Inc.  
Timothy Lucas - Registered Agent  
1107 Key Plaza  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service:  
Initial Hearing: 5-25-2016

**No longer in business, request to dismiss case**

**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 dismiss this case.

21

**Case # 16-602**

Barefoot Billy's Inc.

William Mosblech, registered agent

821 Duval Street

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

Officer Beau Langford

Certified Service: 5-17-2016

Initial Hearing: 6-29-2016

**New Case****Count 1:** There is a Barefoot Billy's ticket booth at this location without the required business tax receipt.

Officer Langford gave testimony. He requested a finding of violation which was granted by the Special Magistrate. Costs of \$250 were imposed along with a fine of \$250 per day starting July 1, 2016.

22

**Case # 16-679**

Frey Mull

328 Simonton Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 6-2-2016

Initial Hearing: 6-29-2016

**In compliance June 7, 2016, request dismissal****Count 1:** The business tax receipt for Buddha Beauty Bar/Mull #23103 has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to dismiss this case.



**23****Case # 16-680**

Bumble Bee Silver Co.  
Conch Tee's & Souvenirs, Inc.  
Pribramsky & Zuelch, registered agent  
419 Greene Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service: 6-3-2016  
Initial Hearing: 6-29-2016

**New Case**

**Count 1:** The business tax receipt for Bumble Bee Silver Co. has been delinquent since 30 Sept 2015.

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

**24****Case # 16-681**

Christa J Bruett  
1124 Seminary Street  
Sec. 66-102 Date due and delinquent; penalties  
Officer Beau Langford  
Certified Service: 6-4-2016  
Initial Hearing: 6-29-2016

**In compliance June 7, 2016, request Finding of Violation without fees**

**Count 1:** The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

The city requested a finding of violation which was granted by the Special Magistrate. He imposed costs of \$250.

25

**Case # 16-682**

Claude A &amp; Terry L Johnson

3214 Harriet Avenue

Sec. 66-102 Dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 6-13-2016

Initial Hearing: 6-29-2016

**In compliance June 15, 2016, request Finding of Violations without fees****Count 1:** The business tax receipt to rent this property has been delinquent since 30 Sept 2015.**The city requested a finding of violation which was granted by the Special Magistrate. He imposed costs of \$250.**

26

**Case # 16-683**

Cynthia D Fairbanks

3408 Eagle Avenue

Sec. 66-102 Dates due and delinquent; penalties

Officer Beau Langford

Certified Service:

Initial Hearing: 6-29-2016

**Request continuance to July 27, 2016 for service****Count 1:** The business tax receipt to rent this property has been delinquent since 30 Sept 2015.**The Special Magistrate granted the request to continue this case to July 27, 2016 for service.**

27

**Case # 16-684**

Daniel &amp; Mlssy Hower

405 William Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 6-7-2016

Initial Hearing: 6-29-2016

**In compliance June 14, 2016, request Finding of Violation without fees**

**Count 1:** The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

**The city requested a finding of violation which was granted by the Special Magistrate. He imposed costs of \$250.**

28

**Case # 16-685**

David Service Landscaping

1610 Patricia Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Beau Langford

Certified Service:

Initial Hearing: 6-29-2016

**Request continuance to July 27, 2016 for service**

**Count 1:** The business tax receipt for David Service Landscaping has been delinquent since 30 Sept 2015.

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

29

**Case # 16-686**

Griffins' Nest LLC  
James McQuade, registered agent  
2431 Seidenberg Avenue  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service:  
Initial Hearing: 6-29-2016

**Request continuance to July 27, 2016 for service**

**Count 1:** The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

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

30

**Case # 16-687**

J.S.W. Associates Inc.  
1230 Seminary Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service: 6-4-2016  
Initial Hearing: 6-29-2016

**New Case**

**Count 1:** The business tax receipt for J.S.W. Associates Inc. #16669 has been delinquent since 30 Sept 2015.

Officer Langford gave testimony. He requested a finding of violation which was granted by the Special Magistrate. Costs of \$250 were imposed along with a fine of \$250.

31

**Case # 16-688**

James E & Laura D Thornbrugh  
2016 Roosevelt Drive  
Sec. 66-102 Date due and delinquent; penalties  
Officer Beau Langford  
Certified Service:  
Initial Hearing: 6-29-2016

**Request continuance to July 27, 2016 for service  
Repeat Violation**

**Count 1:** The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

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

32

**Case # 16-689**

Jorge Romero  
2805 Flagler Avenue  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Beau Langford  
Certified Service: 6-20-16  
Initial Hearing: 6-29-2016

**Request continuance to July 27, 2016 for service**

**Count 1:** The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

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

33

**Case # 16-690**

Kenneth Michels

1312 4th Street

Sec. 66-102 dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 6-3-2016

Initial Hearing: 6-29-2016

**New Case**

**Count 1:** The business tax receipt to rent this property has been delinquent since 30 Sept 2015.

Officer Langford gave testimony. He requested a finding of violation which was granted by the Special Magistrate. Costs of \$250 were imposed along with a fine of \$250.

34

**Case # 16-692**

L.A. Nails

3212 N Roosevelt Blvd

Sec. 66-102 dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 6-2-2016

Initial Hearing: 6-29-2016

**New Case**

**Count 1:** The business tax receipt L.A. Nails has been delinquent since 30 Sept 2015.

Officer Langford gave testimony. He requested a finding of violation which was granted by the Special Magistrate. Costs of \$250 were imposed along with a fine of \$250.

**35****Case # 16-693**

Magical Arts &amp; Design LLC

William Grosscup, registered agent

330 Elizabeth Street

Sec. 66-102 dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 6-3-2016

Initial Hearing: 6-29-2016

**In compliance June 7, 2016, request dismissal**

**Count 1:** The business tax receipt this business has been delinquent since 30 Sept 2015.

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

36

**Case # 16-311**

Instituto Patriotico Y Docente San Carlos Inc.

Rafael Penalver - R/A

Asta Parking Inc.

Kash Patel - R/A

Schroeder Builders, Inc.

Joseph Schroeder - R/A

407 Appelrouth Lane

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 ration of one per twenty-five

Officer Jorge Lopez

Certified Service: 4-1-2016 - Patel and Schroeder

Certified Service: 4-4-2016 - Penalver

Initial Hearing: 4-27-2016

**Continued from April 27, 2016**

**Count 1:** A business tax receipt is required for the parking lot. **Count 2:** A certificate of appropriateness is required for the two signs and the pre-pay parking kiosk prior to installation. **Count 3:** A building permit is required for the two signs and the pre-pay parking kiosk prior to installation. **Count 4:** The parking lot does not have the requisite amount of accessible parking spaces.

**Mr. Joseph Schroeder attended the hearing. The Special Magistrate granted the request to continue this case to August 31, 2016.**



37

**Case # 16-358**

Frederick L &amp; Diane Covan

1409 Albury Street 1

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

Sec. 14-40 Permits in historic districts

Sec. 14-327 Inspections

Officer Jorge Lopez

Certified Service: 5-23-2016

Initial Hearing: 6-29-2016

**New Case**

**Count 1:** Renovations and changes on the exterior of this building were done without benefit of the required building permits including the HVAC units which are installed in the set back. **Count 2:** Renovations and changes on the exterior of this building were done without benefit of the required certificate of appropriateness including the HVAC units which are installed in the set back. **Count 3:** The HVAC system was installed without the required inspections.

Diane Covan attended the hearing. The request to continue this case to July 27, 2016 was granted by the Special Magistrate.

38

**Case # 16-370**

Jason Cervantes

2108 Harris Avenue

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

Sec. 18-150 Certificate of competency required

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

Officer Jorge Lopez

Posted: 6-16-2016

Initial Hearing: 6-29-2016

**New Case**

**Count 1:** For failure to obtain a building permits for the pavers prior to installation. **Count 2:** For engaging as a contractor without the required certificate of competency. **Count 3:** For failure to obtain a business tax receipt.

Officer Lopez gave testimony. He requested a finding of violation which was granted by the Special Magistrate. Costs of \$250 were imposed along with a fine of \$250.

39

**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 Jorge Lopez

Certified Service: 5-24-2016 - Ritter

Posted: 6-24-2016 - O'Farrell

Initial Hearing: 5-25-2016

**Repeat Violation****Continued from May 25, 2016**

**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 July 27, 2016.

40

**Case # 16-525**

Bone Island Originals  
Kristopher Roehrig  
2303 Seidenberg Avenue  
Sec. 66-87 Business tax receipt required for all holding themselves to be engaged in business  
Sec. 122-237 Prohibited uses  
Officer Jorge Lopez  
Certified Service: 6-11-2016  
Initial Hearing: 6-29-2016

**In compliance June 13, 2016, request dismissal**

**Count 1:** For failure to obtain a business tax receipt for the woodworking business. **Count 2:** Commercial activity is prohibited in the single family district.

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

41

**Case # 16-630**

McConnell's Irish Pub & Grill Corp.  
Lewis J McConnell Jr, registered agent  
900 Duval Street  
Sec. 26-192 Unreasonably excessive noise prohibited  
Officer Jorge Lopez  
Certified Service: 6-9-2016  
Initial Hearing: 6-29-2016

**Settlement Agreement**

**Count 1:** Responding to a complaint, at 11:15 pm, June 3, 2016, conducted a sound reading and found the business to be in violation with 102.8 DBC. A warning was given with 10 minutes to comply. Ten minutes later a second reading was done and found the business in violation with 101.1 DBC.

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

**42****Case # 16-508**

Scott Crowe  
3126 Flagler Avenue  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Kenneth Waite  
Certified Service:  
Initial Hearing: 6-29-2016

**In compliance June 7, 2016, request dismissal**

**Count 1:** The business tax receipt has been delinquent since 30 Sept 2016

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

**43****Case # 16-529**

Island Mutt Ropes LLC  
Nicholas Formico, registered agent  
818 Caroline Street 822  
Sec. 66-102 Dates due and delinquent, penalties  
Officer Kenneth Waite  
Certified Service: 6-11-2016  
Initial Hearing: 6-29-2016

**In compliance June 15, 2016, request dismissal**

**Count 1:** The business tax receipt for Island Mutt Ropes has been delinquent since 30 Sept 2016

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

44

**Case # 16-530**

Good Day On A Happy Planet LLC

Randy Althouse

907 Caroline Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Kenneth Waite

Certified Service:

Initial Hearing: 6-29-2016

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

**Count 1:** The business tax receipt for Good Day On A Happy Planet has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to dismiss this case.

45

**Case # 16-551**

230 East 7th Street Associates

Joseph Cohen

512 Bahama Street

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

Sec. 58-31 Container and receptacle requirements

Sec. 58-33 Storage of garbage causing pollution

Sec. 58-34 Unlawful deposits

Sec. 62-2 Obstructions

Officer Kenneth Waite

Certified Service: 5-17-2016

Initial Hearing: 6-29-2016

**Settlement Agreement****Repeat Violation**

**Count 1:** There is garbage overflowing onto the city sidewalk and can pose health hazard. **Count 2:** Garbage needs to be containerized and bins can not be put out until 4 pm the day prior to pickup. **Count 3:** Garbage cannot be stored in an exposed manner, it is all over the ground. **Count 4:** The garbage is all over the sidewalk. **Count 5:** The garbage is blocking the safe passage of the city sidewalk.

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the administrative costs in the amount of \$250 and a fine in the amount of \$500 for a total of \$750.

46

**Case # 16-581**

Michael T McGrath Living Trust  
Paul Gray Living Trust  
822 Carstens Lane  
Sec. 14-40 Permits in historic districts  
Officer Kenneth Waite  
Certified Service:  
Initial Hearing: 6-29-2016

**New Case**

**Count 1:** Reed fencing is prohibited in the historic district.

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

47

**Case # 16-621**

Ohio State Life Insurance Company  
3126 Flagler Avenue  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Kenneth Waite  
Certified Service:  
Initial Hearing: 6-29-2016

**In compliance June 14, 2016, request dismissal**

**Count 1:** The business tax receipt for Ohio State Life Insurance has been delinquent since 30 Sept 2016

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

**48**

**Case # 16-721**

BLB Retail LLC

Shay Priove

211 Duval Street A

Sec. 18-415 Restrictions in historic districts

Officer Kenneth Waite

Certified Service:

Initial Hearing: 6-29-2016

**Request continuance to July 27, 2016 for service**

**Count 1:** For off-premises canvassing on Duval Street which is prohibited.

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

**Adjournment**