



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, February 20, 2020

1:30 PM

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 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order - 1:31 P.M.

Code Violations

1

Case # 19-1592

Rosemie Thomas
1213 14th Street 54
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Troy Montero
Certified Mail: 11-25-2019
Initial Hearing: 1-30-2020

Continued to 20 February 2020 for compliance

Count 1: Failure to obtain all proper building permits.

Troy Montero is the code officer and this case was continued from 30 January 2020. Raymond Lovelle of Gary the Carpenter Construction appeared for respondent - this was allowed as there is an existing permit application on file with building department from vendor. Building department is requiring engineering inspection prior to releasing permit that was applied for on 10 December 2019. Respondent has not been successful in finding an engineer willing to sign off on inspection which would release permit. Special magistrate found violation and continued non-compliance, \$250 admin fee, and \$250 fine per day until remedied.

Update at 2:20 P.M. - Respondent arrived and special magistrate granted time to re-hear case. After discussion, special magistrate reversed ruling and granted continuance to 26 March 2020 in order to come into compliance.

2

Case # 20-00035

Gladio Roma LLC - Terrace Roma

Alessandro Altigieri - Registered agent

300 Front Street 1

Sec. 90-142 Historic architectural commission design guidelines
adopted

Officer Paul Navarro

Certified Mail: 1-30-2020

Initial Hearing: 2-20-2020

New Case**Count 1:** Failure to remove prohibited LED strip lights from the subject
property.**The code officer is Paul Navarro. Violation has been corrected as observed
today by code officer. Special magistrate found violation with no fees or fines
imposed.**

3

Case #19-1788

Bourbon Street Pub INC.

Joseph J Schroeder - Registered agent

724 Duval Street

Sec. 90-142 (4-a.6) Historic architectural commission design guidelines adopted - **Repeat**Sec. 90-142 (7) Historic architectural commission design guidelines adopted - **Repeat**

Officer Paul Navarro

Certified Mail: 12-26-2019

Initial Hearing: 1-30-2020

Continued to 20 February 2020**Count 1:** Failure to remove prohibited animated sign (TV) from the property. - **Repeat****Count 2:** Failure to remove the LED strip lights from the subject property. - **Repeat**

Paul Navarro is code officer and this is a continued case from 30 January 2020. Joseph Schroeder is respondent. Repeat LED strip lighting in violation for past 10 days until today. Initial violation 20 November 2019 for separate case 19-1520. Findings are as follows:

Count 1: Special magistrate granted continuance to 25 June 2020 at request of city due to possible consideration of ordinance change by city commission.

Count 2: City is requesting a finding of violation, \$250 admin fee, \$1,000 total fine and \$4,000 suspended fine to satisfy this case and former violation. Both violations involve special occasion lighting. Respondent indicated previous violation was due to preparing holiday lights. For this violation, he was not aware that Mardi Gras was not considered a special event by city and was told this morning by city manager of that fact. Reported he removed lighting this morning as a result of that conversation. Special magistrate granted continuance to 26 March 2020 in order to confirm compliance. Would like respondent to attend next month as well.

4

Case # 19-1779

Old Town Key West Development Inc.

Edwin O. Swift III - Registered Agent

618 Duval Street

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

Sec. 14-40 Permits in historic districts

Sec. 2-939 Revocable licenses

Officer Troy Montero

Initial Hearing: 2-20-2020

Certified Mail: 2-3-2020

New Case**Count 1:** Failure to obtain proper building permits for lighting attached to the front of the building.**Count 2:** Failure to obtain a HARC certificate of appropriateness for the lighting attached to the front of the building.**Count 3:** Failure to obtain a revocable license for the awning over the city right of way.

Troy Montero is code officer. Frank Herrada appearing for Old Town Key West Development. City indicates initial notice of violation was issued 23 December 2020 and that permit to remove lights was picked up today, 20 February 2020. Also indicated the revocable license for awning (Count 3) has been renewed and is now in compliance.

Count 1: Special magistrate found violation, issued \$250 admin fee, and \$250 per day fine and ordered compliance by 25 March 2020. Indicated Mr. Herrada should phone code officer once lights are down to confirm compliance.

Count 2: Special magistrate dismissed this count based on HARC certification not being necessary once lights are removed.

Count 3: Special magistrate dismissed count due to compliance.

5

Case # 19-1727

KW Trent 1419 Thompson, LLC

Ronald Tschetter - Registered agent

1419 Thompson Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulationsSec. 122-1371(d)(9) Transient living accommodations in residential
dwellings; regulations

Officer Sophia Doctoche

Certified Mail: 1-29-2020

Initial Hearing: 2-20-2020

New Case - Repeat violations**Counts 1-7:** Failure to obtain a transient rental license.**Counts 8-10:** Failure to obtain a transient rental medallion and failure to
obtain a fire inspection from Key West Fire Department.**Counts 11-17:** Failure to cease all transient rental advertising for this
property.

Sohpia Doctoche is code officer. Greg Oropeza, Esq. represented respondent. City indicated this is a repeat offense as same owners own another property on South Street that has been cited for same violation. Code officer was able to make several bookings for one week at a time on VRBO at subject property, Thompson Street, and exchanged several emails/messages with Tara Trent regarding bookings. Further indicated listing was taken down on 16 December 2019. Mr. Oropeza contested that this is a repeat offense due to properties having different owners of record and also contested that Tara Trent is the owner of record on subject property. Testimony of code officer confirmed Ken Trent owns the South Street property from earlier case and KW Trent 1419 Thompson, LLC (whose only members are Ken and Tara Trent) owns subject property of this case. With that, Mr. Oropeza contended there should have been an opportunity to come into compliance as this is not a repeat case. Code officer reported the South Street case was initially give time to comply, which it did for a time but then was cited again and entered into a settlement agreement with the city. City's claim is that the same two people are owners of both property - as an individual owner at South Street property and as LLC members at Thompson Street property. Special magistrate found a violation and issued \$250 admin fee. No other fines imposed and this was not considered a repeat at this time and for this case.

6

Case #19-206

Cassandra D. Butler

Regina E. Brownlow

Charnette Valdez

1000 Howe Street

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

Sec. 58-61 Determination and levy of charge

Sec. 62-2 Obstructions

Officer Bonnita Badgett

Certified Mail: 12-7-2019

Initial Hearing: 1-30-2020

In compliance 14 February 2020; Request dismissal

Count 1: Failure to clear yard of trash and debris. **Count 2:** Failure to pay past utility bill totaling \$2,265.00.

Count 3: Failure to keep bags of waste, weeds, trash and furniture off of the city right of way.

Bonnita Badgett is code officer. Special magistrate granted dismissal based on compliance as of 14 February 2020.

7

Case # 19-1680

Pete F. Woldanski

316 Julia Street

Sec. 58-31 Container and receptacle requirements

Officer Bonnita Badgett

Posted: 1-30-2020

Initial Hearing: 1-30-2020

Continued to 20 February 2020 for good service

Count 1: Failure to remove bins from the city right of way by 8pm on day of pick up.

Bonnita Badgett is code officer and this case is continued from 30 January 2020. Code officer indicated repeated violations with leaving bins out. Special magistrate found a violation, issued \$250 admin fee and \$250 per day fine and ordered a compliance date of 26 February 2020.

8

Case # 19-1655

Joseph Donagher

415 Julia Street

Sec. 18-601 License required - Counts 1-6

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 7-9Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 10-15

Officer Sophia Doctoche

Certified Mail: 11-25-19

Initial Hearing: 12-18-19

Settlement Agreement**Counts 1-6:** Subject property advertising a minimum stay of 3-28 nights without a transient license. Previously cited case # 19-1584. -**Settlement Agreement****Counts 7-9:** Subject property holding out/advertising for short term rental without the benefit of the required city, county, or state licensing.

Does not have a transient medallion and has not been inspected by the City of Key West Fire Department. Previously cited case #19-1584. -

Settlement Agreement**Counts 10-15:** Subject property owner holding out for transient rental for six nights the dates of November 26 through December 2, 2019 for \$4,740.38. - **Settlement Agreement****Sophia Doctoche is code officer. Special magistrate signed settlement agreement previously executed by all other parties which outlined the following:**

1. Suspended fine of \$1,000 for 60 months from today's date. If respondent is in violation of Code 18-601 or Code 122-1371 in the future, respondent understands it will be considered a repeat violation subject to fines of \$500 per day, per charge.
2. A cease and desist agreement signed by respondent for all code violations as cited in paragraph two. Respondent understands an order would be entered in cases where violations were found and acknowledges if compliance is not achieved, violations would be subject to fines of \$250 per day per charge.

9

Case # 18-1784

Lindholm Construction, Inc
Richard Lindholm - Registered Agent
Native Builders, Inc
Carl Denny - Registered Agent
Nicholas Obea LLC
Clint Gordon - Registered Agent
Cristian J Swanson
1610 Dennis Street
Sec. 14-262 Request for inspection
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 18-117 Acts declared unlawful
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 Edward Keane
Certified Mail: 5-30-2019 - Lindholm Construction, Inc.
Certified Mail: 5-30-2019 - Native Builders, Inc.
Certified Mail: 11-28-2019 - Lindhold Construction, Inc.
Certified Mail: 11-27-2019 - Cristian J Swanson
Certified Mail: 12-28-19 - Native Builders, Inc
Posted: 7-19-2019 - Nicholas Obea LLC
Initial Hearing: 6-27-2019

Continuace granted to 26 March 2020**Lindholm Construction Inc dismissed on all counts****Counts 1-3 - Cristian J Swanson only**

Count 1: Electrical work was performed without the benefit of permit
and inspection. **Count 2:** Interior structural work at the subject location
without the benefit of a permit. **Count 3:** Interior plumbing work
performed at the subject location without the benefit of a permit.

Count 4: Failure to obtain the appropriate license from the city of key
west. - **All parties**

Count 5: Failure to obtain a certificate of competency. - **Cristian J
Swanson only**

Count 6: Failure to obtain a business license from the city of key west. -
Cristian J Swanson only

Continuance previously granted to 26 March 2020.

10

Case # 19-1590

Blake Feldman c/o The Green Room

501 Green Street

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

Sec. 14-40 Permits in historic districts

Officer Rachel Kobylas

Certified Mail: 12-12-19

Initial Hearing: 12-18-19

In compliance 8 February 2020; Request dismissal

Count 1: Failure to obtain all proper building permits. **Count 2:** Failure to obtain a HARC certificate of appropriateness.

Rachel Kobylas is code officer. Special magistrate granted dismissal based on compliance as of 8 February 2020.

11

Case # 19-1637

Boyer Arnon Gold Estate Jr - c/o Sherry Boyer

906 17th Terrace

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

Sec. 18-117 Acts declared unlawful

Officer Rachel Kobylas

Posted: 1-13-2020

Initial Hearing: 1-30-2020

In compliance 4 February 2020; Request dismissal

Count 1: Failure to obtain all proper building permits. **Count 2:** Failure to hire licensed contractors.

Rachel Kobylas is code officer. Special magistrate granted dismissal based on compliance as of 4 February 2020.

12

Case #19-1728

John Allen Lloyd Gunn

713 Southard Street

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

Sec. 14-40 Permits in historic districts

Sec. 102-158 Stop work order and penalty

Officer Rachel Kobylas

Certified Mail:

Initial Hearing: 1-30-2020

In compliance 17 January 2020; Request dismissal**Count 1:** Failure to obtain building permits. **Count 2:** Failure to obtain all necessary certificates of appropriateness from HARC.**Count 3:** Failure to pay for building permits.**Rachel Kobylas is code officer. Special magistrate granted dismissal based on compliance as of 17 January 2020**

13

Case # 19-1811

The New Camilles Inc

Shukhrat Rakimov - Registered agent

1202 Simonton Street

Sec. 58-31 Container and receptacle requirements

Sec. 58-33 Storage of garbage causing pollution

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

Officer Rachel Kobylas

Certified Mail: 1-27-2020

Initial Hearing: 2-20-2020

New Case**Count 1:** Failure to contact Waste Management to schedule additional trash pick ups.**Count 2:** Failure to keep containers closed to ensure that non of the debris is exposed.**Count 3:** Failure to ensure sanitary disposal of all debris and trash that is exposed.**Rachel Kobylas is code officer. Respondent did not attend hearing. Special magistrate found violation, issued \$250 admin fee and fines of \$250 per count, per day. Ordered compliance by 26 February 2020.**

14

Case # 18-1133

Scott & Stephen Simons
3314 Northside Drive 26a
Sec. 58-61 Determination and levy of charge
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business
Officer Paul Navarro
Certified Mail: 1-20-2020
Initial Hearing: 2-20-2020

In Compliance 27 January 2020; Request dismissal

Count 1: Failure to pay remaining balance of \$2,701.26 for illegal unit to Shirley Sealey in the Revenue Department.

Count 2: Failure to submit as built certificates to the building department.

Count 3: Failure to obtain a non transient license for the unit in question.

Paul Navarro is code officer. Special magistrate granted dismissal based on compliance as of 27 January 2020

15

Case # 19-1131

Mineshaft Designs, LLC
Kelley L Albert - registered agent
424 Duval Street A
Sec. 90-142 Historic architectural commission design guidelines
adopted
Officer Paul Navarro
Certified mail: 1-30-2020
Initial Hearing: 2-20-2020

Request Dismissal

Count 1: Failure to remove all unpermitted signs.

Paul Navarro is code officer. Special magistrate granted dismissal based on staff request.

16

Case # 19-1544

Bike Man Bike Rental
C/O Thomas Theisen
301 Duval Street

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

Officer Paul Navarro
Certified Mail: 1-30-2020
Initial Hearing: 2-20-2020

In compliance 10 February 2020; Request dismissal

Count 1: Failure to obtain a business license from the Licensing Department.

Paul Navarro is code officer. Special magistrate granted dismissal based on compliance as of 10 February 2020

17

Case #20-00036

IVs in the Keys INC
Danette Nelson - Registered agent
531 Whitehead Street

Sec. 90-142 Historic Architectural Commission Design Guidelines adopted

Officer Paul Navarro
Certified Mail: 1-30-2020
Initial Hearing: 1-30-2020

Continued to 20 February 2020 for good service

Count 1: Failure to remove prohibited LED strip lights from the property.

Paul Navarro is the code officer. This case was continued from 30 January 2020. Compliance was attained on 19 February 2020 and city is asking for finding only. Special magistrate found violation with no admin fee or fines.

18

Case # 19-672

808 Southard Street LLC

C/O Brawn Peter Nelson

812 Southard Street

Sec. 26-192 Unreasonably excessive noise prohibited

Sec. 122-597 Permitted uses

Sec. 122-598 Conditional Uses

Officer Dorian Patton

Certified Mail: 1-11-20

Initial Hearing: 1-30-2020

Continuance granted to 26 March 2020

Count 1: Failure to cease from allowing the company "Tree Man" from operating their equipment and performing their business.

Count 2: Failure to remove all vehicles, utility trailers. and boat/jet ski trailers from all residential lots on the property.

Count 3: Failure to stop the company "Tree Man" from performing light industrial activity on the property.

Code officer is Dorian Patton. This case was previously continued to 26 March 2020.

19

Case # 19-927

F&L Corp

711 Love Lane

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

Sec. 14-40 Permits in historic districts

Officer Dorian Patton

Certified Mail: 12-10-19

Initial Hearing: 12-18-19

In compliance 18 February 2020; Request dismissal

Count 1: Failure to obtain building permits for an addition behind the house.

Count 2: Failure to obtain a HARC certificate of appropriateness for the addition behind the house.

Dorian Patton is code officer. Special magistrate granted dismissal based on compliance as of 18 February 2020.

20

Case # 19-1035

Banana Cafe

Kevin Zulch - Registered agent

1215 Duval Street

Sec. 14-40 Permits in historic districts

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

Officer Dorian Patton

Certified Mail:

Initial Hearing: 1-30-20

In compliance 20 February 2020 8:35AM; Request dismissal**Counts 1:** Failure to obtain a HARC certificate of appropriateness for all signs on the property.**Count 2:** Failure to obtain building permits for all signs on property.**Dorian Patton is code officer. Special magistrate granted dismissal based on compliance as of 20 February 2020.**

21

Case # 19-1062

Panini Schimini LLC

Dawn Vincent - Registered agent

1075 Duval Street C-10

Sec. 14-40 Permits in historic districts

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

Officer Dorian Patton

Certified Mail: 12-16-19

Initial Hearing: 1-30-20

In compliance 19 February 2020; Request dismissal**Count 1:** Failure to obtain a certificate of appropriateness for all signage on restaurants. **Count 2:** Failure to obtain building permits.**Dorian Patton is code officer. Special magistrate granted dismissal based on compliance as of 19 February 2020.**

22

Case # 19-1161

Marlene Cruz Morato - Registered agent

1016 Howe Street Common

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

Sec. 14-40 Permits in historic districts

Sec. 14-327 Inspection

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Dorian Patton

Certified Mail: 12-13-19

Initial Hearing: 1-30-20

In compliance 14 February 2020; Request dismissal

Count 1: Failure to obtain building permits. **Count 2:** Failure to obtain a certificate of appropriateness for the fence.

Count 3: Failure to call the building department for final inspection.

Count 4: Failure to check pool pump for proper operation and installation.

Dorian Patton is code officer. Special magistrate granted dismissal based on compliance as of 14 February 2020.

23

Case # 19-1178

Mile Zero Cafe

Gleidson Gevargas

119 Fitzpatrick Street

Sec. 114-103 Prohibited signs

Sec. 14-40 Permits in historic districts

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

Officer Dorian Patton

Hand Served: 2-5-2020

Initial Hearing: 12-18-19

In compliance 12 February 2020; Request dismissal

Count 1: Failure to remove portable sign, unpermitted signs on building and unpermitted seating.

Count 2: Failure to obtain a HARC certificate of appropriateness for all signage.

Count 3: Failure to obtain building permits for all signs attached to the building.

Dorian Patton is code officer. Special magistrate granted dismissal based on compliance as of 12 February 2020.

24

Case # 20-77

The Green Room

Blake Feldman - Owner

501 Greene Street

Sec. 18-117 Acts declared unlawful

Sec. 14-40 Permits in historic districts

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

Officer Dorian Patton

Certified Mail: 1-31-2020

Initial Hearing: 2-20-2020

In compliance 18 February 2020; Request dismissal

Count 1: Failure to hire a licensed contractor.

Count 2: Failure to obtain a HARC certificate of appropriateness and building permits for the structure built on the roof.

Count 3: Failure to obtain the appropriate building permits for the structure on the roof.

Dorian Patton is code officer. Special magistrate granted dismissal based on compliance as of 18 February 2020.

Adjournment