



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

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Thursday, November 19, 2020

1:30 PM

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 305-809-3811 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**

#### Code Violations

**1**

**Case # 20-1318**

Waterfront Brewery LLC  
Joseph H Walsh - Registered agent  
201 William Street  
Sec. 20-14 Requirement of wearing facial covering  
Officer Stephanie Cintron  
Hand Served: 11-3-2020  
Initial Hearing: 11-19-2020

**Dismissed**

**Count 1:** Failure to wear facial coverings.

This case went before the special magistrate on 19 November 2020. The Special Magistrate granted the dismissal.

**2**

**Case # 19-1715**

Futerman Phenphak - Owner  
3011 Riviera Drive  
Sec.14-37 Building permits; professional plans; display of permits;  
address; exceptions  
~~Sec. 14-256 Permit required~~  
~~Sec. 14-359 Permit display~~  
~~Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business~~

Officer Edward Keane  
Posted: 7-31-2020  
Initial Hearing: 3-26-2020

**Continued from 22 October 2020**

- Count 1:** Failure to obtain all proper building permits.
- ~~Count 2: Failure to obtain all electrical permits and or convert the structure back to storage.~~
- ~~Count 3: Failure to obtain all plumbing permits or convert the structure back to storage.~~
- ~~Count 4: Failure to cease renting the storage enclosure and apply for a LUD from the City Planning Department.~~

**Nathalia Mellies the Assistant City Attorney spoke on behalf of the case. The city requested a 30 day continuance to 17 December 2020. The Special Magistrate granted the continuance.**

**3**

**Case # 20-790**

Lisa Rivard  
727 Emma Street  
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. 14-37 Building permits; professional plans; display of permits; address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Edward Keane  
Certified Mail: 11-6-2020  
Initial Hearing: 11-19-2020

**New Case**

- Count 1:** Failure to apply and obtain the appropriate electrical permits.
- Count 2:** Failure to apply and obtain the appropriate plumbing permits.
- Count 3:** Failure to apply and obtain the appropriate building permits.
- Count 4:** Failure to apply and obtain a HARC Certificate of Appropriateness.

**Nathalia Mellies the Assistant City Attorney spoke on behalf of the case. The city requested a 30 day continuance to 17 December 2020. The Special Magistrate granted the continuance.**

**4**

**Case # 20-802**

Christine L Gorham

1105 Thomas Street  
 Sec. 14-40 Permits in historic districts  
 Sec. 14-37 Building permits; professional plans; display of permits;  
 address; exceptions  
 Officer Rachel Kobylas  
 Certified Mail:  
 Initial Hearing: 11-19-2020

**In Compliance on 29 October 2020; request dismissal**

**Count 1:** Failure to apply and obtain the building permits.

**Count 2:** Failure to apply and obtain the HARC certificate of appropriateness.

This case came into compliance on 29 October 2020 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.

**5**

**Case # 20-1121**

Genevieve Degroot - Registered Agent  
 C/O DGK Key West LLC  
 1420 Von Phister Street  
 Sec. 66-102 Dates due and delinquents; penalties  
 Officer Rachel Kobylas  
 Certified Mail: 10-14-2020  
 Initial Hearing: 11-19-2020

**New Case**

**Count 1:** Failure to pay all past due fines and fees to the Licensing Department.

Nathalia Mellies the Assistant City Manager spoke on behalf of the code officer and requested a continuance to 17 December 2020. The Special Magistrate granted the continuance.

**6**

**Case # 19-1568**

TU-TI-FRU-TI, Inc.  
 Charles Mendola - Registered agent  
 828 Duval 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~~  
~~Sec. 66-109 Schedule of taxes~~  
~~Sec. 2-939 Revocable Licenses~~

Officer Troy Montero  
Certified Mail: 3-2-2020  
Initial Hearing: 3-26-2020

**Continued to 19 November 2020**

**Count 1:** Failure to obtain HARC approval for signage.

**Count 2:** Failure to obtain HARC certificate of appropriateness for-  
~~installation of cameras and outside bar.~~

~~Count 3: Failure to obtain building permits.~~

~~Count 4: Failure to obtain approval for additional seating.~~

~~Count 5: Failure to obtain revocable license for awning over city right of-  
way.~~

Nathalia Mellies the Assistant City Manager spoke on behalf of the code officer.  
This case is in compliance on count 1 and requested a continuance to 17  
December 2020 for count 2. The Special Magistrate granted the continuance.

7

**Case # 20-313**

SH5 LTD

Robert A. Spottswood - registered agent

3841 N Roosevelt Blvd

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

Officer Troy Montero

Certified Mail: 6-15-2020

Initial Hearing: 7-30-2020

**Continued to 19 November 2020**

**Count 1:** Failure to apply for fence permits.

This case went before the Special Magistrate on 19 November 2020. Troy Montero is the code officer for this case and read his timeline which explained that the fence never had permits to be built and that they have after the fact permits applied for now but that there is an issue with 20 feet of the fence. No one is claiming ownership of the land on which the 20 feet of fence was built on. Director Jim Young then went on to support Troy Montero's testimony by reiterating that the fence never had permits to be built. Nathalia Mellies the assistant city attorney also gave testimony on behalf of the city explaining they are still waiting to hear if DVP owns the land that the fence was built on and if not them, then who owns that land. Richard McChensey spoke on behalf of SH5 LTD and Robert Spottswood. McChensey went on to explain how they applied for after the fact permits and how they are waiting for a survey to show who owns the land. The Chief Building Official for the city of key west also gave testimony and explained that once Robert Spottswood supplies the city with a survey showing who owns that land then the city will be able to approve the permit. The Special Magistrate continued the case to 28 January 2020 in order for Robert Spottswood to supply the city with proof of ownership of the 20 feet of land that the fence was built on.

8

**Case # 20-887**

Rooster Rental LLC  
 Szentgyorgyi Istvan - registered agent  
 5031 5th Ave  
 Sec. 66-102 Dates due and delinquent; penalties  
 Officer Troy Montero  
 Certified mail: 11-2-2020  
 Initial Hearing: 11-19-2020

**New Case**

**Count 1:** Failure to contact the Licensing Department to renew or close this license.

**Troy Montero is the code officer for this case and read his timeline which explained Rooster Rental did not renew their licenses even after receiving notices. Troy Montero is requesting a \$250.00 administrative fee and \$250.00 per day per count if not in compliance by 1 December 2020. This case**

9

**Case # 18-241**

Lawney Management Company - **New Owner**  
~~Theresa Didato-Cioffi - Removed~~  
~~Wilmington Trust Company - Removed~~  
 3222 Riviera Drive  
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
 Sec. 122-238 Dimensional requirements  
 Sec. 26-32 Nuisance illustrated - **Dismissed**  
~~Sec. 26-126 Clearing of property of debris and noxious material required -~~  
**Dismissed**  
 Director Jim Young  
 Certified Service: 6-15-2018 - Registered Agent  
 Certified Service: 7-17-2018 - Theresa Cioffi - Amended Notice  
 Initial Hearing: 5-30-2018

**Continued to 19 November 2020**

**Count 1:** Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** ~~Observed the pool with stagnant water that is a breeding ground or feeding area for mosquitoes.~~ - **Dismissed.** **Count 4:** ~~Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition.~~ -

**Dismissed.**

**Both parties entered into a settlement agreement. The amount due to the city of key west is \$250.00 administrative fee and \$250.00 per day per count if not in compliance by 27 May 2020.**

**Adjournment**