



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, April 29, 2021

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

Code Violations

1

Case # 19-672

808 Southard Street LLC

C/O Brawn Peter Nelson

The Tree Man

Sean Creedon - Registered Agent

808 & 812 Southard Street

Sec. 26-192 Unreasonably excessive noise prohibited - 808 Southard Street LLC

Sec. 26-192 Unreasonably excessive noise prohibited - The Tree Man

Sec. 122-597 Permitted uses - 808 Southard Street LLC

Sec. 122-597 Permitted uses - The Tree Man

Sec. 122-598 Conditional Uses - 808 Southard Street LLC

Sec. 122-598 Conditional Uses - The Tree Man

Sec. 122-837 Use permitted - 808 Southard Street LLC

Sec. 122-837 Use permitted - The Tree Man

Sec. 108-677 Parking and storage of certain vehicles - 808 Southard Street LLC - **ONLY**

Officer Dorian Patton

Certified Mail: 1-11-20

Initial Hearing: 1-30-2020

Continued to 29 April 2021 for final ruling

Count 1: Failure to cease from allowing the company "Tree Man" from

operating their equipment and performing their business. - **both parties**
Count 2: Failure to remove all commercial vehicles, utility trailers. and boat/jet ski trailers from all residential lots on the property. - **both parties**
Count 3: Failure to refrain from using residential lots for commercial use or for the storage of vehicles, utility trailers, and boat/jetski trailers. - **both parties**
Count 4: Failure to stop the company "Tree Man" from performing light industrial activity on the property. - **both parties**
Count 5: Failure to relocate all vehicles that have a missing or expired license plate to an enclosed building. - **808 Southard Street LLC ONLY**

Susan Cardenas was representing Peter Brawn of 808 Southard Street LLC. Ron Ramsingh was present on behalf of the City. The Special Magistrate requested copies of both sides arguments to which Ron Ramsingh provided to him. The Special Magistrate then asked both parties what the disagreements were between them. Susan Cardenas went on to explain her disagreements with the code violations. Ron Ramsingh then went on to explain his disagreements with Susan Cardenas arguments. The Special Magistrate then requested to have all of the transcribed meetings sent to him so that he can review all of them before he makes his final ruling so that nothing is let out. Both parties agreed to the continuance. This case was continued to 27 May 2021 for a final ruling.

2

Case # 19-1715

Futterman 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 18 February 2021**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.~~

Michael Halpern was present on behalf of Futterman Phenphak. The Code Officer Edward Keane was present on behalf of the City of Key West. Mr. Halpern requested a continuance to 27 May 2021. 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

Continued from 18 February 2021**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.

The Code officer is Edward Keane. The respondent is Lisa Rivard who was present on zoom. Edward Keane explained that she is only missing one permit which is for plumbing. Terrence Justice the Chief Building Official then stated that he intends to approve the plumbing permit and that it will be issued at the end of the day. The Special Magistrate said that the case can be dismissed pending the issuance of the plumbing permit. The city had no objections and the respondent Lisa Rivard had no objections either.

4**Case # 21-160**

Edward Cabrera

2506 N Roosevelt Blvd 101

Sec. 30-1 Fees for false alarms and fire code inspections

Officer Edward Keane

Certified Mail:

Initial Hearing: 4-29-2021

In compliance on 15 April 2021; request dismissal**Count 1:** Failure to contact the Revenue Department to submit payment for the delinquent fire inspection fees.

This case came into compliance on 15 April 2021 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.

5

Case # 19-846

Bimini Village Condominium

James Marsh - Registered agent

806 Thomas 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: 1-19-2021

Initial Hearing: 1-28-2021

Continued from 25 March 2021

Count 1: Failure to apply and obtain a demolition permit to remove all unpermitted construction, roof and awning structures and return the building to its original state.

Count 2: Failure to apply for a certificate of appropriateness from HARC, for the fence.

James Marsh was present on zoom. Terrence Justice the Chief Building Official was present on behalf of the City. Terrence went on to explain that the permit for the fencing is on hold due to it being on the adjacent property. Terrence stated that the only way this could come into compliance is if they dismantled the fence and placed it on the respondents property along with the good side of the fence facing the adjacent property which is based on the survey that Mr. Marsh provided. The Special Magistrate asked Mr. Marsh if he would like more time to come into compliance. Mr. Marsh agreed. This case was continued to 27 May 2021.

6

Case # 20-676

Futterman Phenphak

1704 Jamaica Drive

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

Sec. 14-262 Request for inspection

Officer Rachel Kobylas

Certified Mail: 4-10-2021

Initial Hearing: 4-29-2021

New Case

Count 1: Failure to apply and obtain the after the fact permits for all unpermitted work.

Count 2: Failure to schedule an inspection for all work that has been completed.

Michael Halpern was present on behalf of Futterman Phenphak. The Code Officer Rachel Kobylas was present on behalf of the City of Key West. Mr. Halpern requested a continuance to 27 May 2021. The Special Magistrate granted the continuance.

7

Case # 20-1457

Florida Keys Ventures LLC

Pacelli Luidmyla

2119 Flagler Avenue

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

Officer Rachel Kobylas

Certified Mail: 4-19-2021

Initial Hearing: 4-29-2021

In compliance on 22 April 2021; request dismissal

Count 1: Failure to cease and desist bicycle/pedicab/rickshaw tours due to no licensing being available for this activity.

This case came into compliance on 22 April 2021 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.

8

Case # 18-1639

Jessica Clark

1824 Fogarty Ave 1

Sec. 90-363 Certificate of occupancy required

Sec. 58-61 Determination and levy of charge

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

Sec. 14-72 Minimum facilities

Officer Troy Montero

Certified Mail: 1-27-2021

Initial Hearing: 2-18-2021

Continued from 25 March 2021

Count 1: Failure to apply and obtain a certificate of occupancy for the unit located in the rear side of the property.

Count 2: Failure to contact the Planning Department to apply and obtain cost of impact fees.

Count 3: Failure to provide an as-built certificate to the Building

Department.

Count 4: Failure to remove the tarp and bed from this area.

Jessica Clark was present on zoom . Jim Young spoke on behalf of the City. Jim went on to explain that Jessica Clark agreed to a payment plan agreement with the City of Key West for her to pay the back utility fees in the amount of \$8,057.38. Jim also requested a 6 month continuance to make sure that she is paying her payments on time. Jessica Clark agreed to the continuance. The Special Magistrate granted a continuance to 21 October 2021.

9

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 from 25 March 2021

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.~~

Assistant City Attorney Nathalia Mellies spoke on behalf of the City. Nathalia explained the life and safety issues that were left and that when the Building Official went out at 1:00pm to check for compliance, they were not in compliance with the agreement they had. The Special Magistrate then asked Nathalia what counts were left. Nathalia stated that count 2 was the only one left for compliance. Richard McChensey was present on behalf of the respondent on zoom. Richard went to explain what was left for compliance. The Special Magistrate granted a continuance to 27 May 2021 so that Charles Mendola can finish the last few things that need to be done before the case can be dismissed. Richard and the City both agreed.

10

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

Settlement Agreement

Count 1: Failure to apply for fence permits.

This case has a settlement agreement between SH5 LTD and the City of Key West. The Special Magistrate signed the settlement agreement.

11

Case # 20-1029

Rene Leslie Bird
 311 Amelia Street
 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~~
 Sec. 58-61 Determination and levy of charge
 Sec. 90-363 Certificate of occupancy required
 Officer Troy Montero
 Certified mail: 1-16-2021
 Initial Hearing: 2-18-2021

Continuance previously granted to 27 May 2021

Count 1: Failure to apply and obtain the appropriate after the fact permits through the Building Department.

~~Count 2: Failure to apply and obtain a non-transient business tax receipt through the Licensing Department.~~

Count 3: Failure to apply and obtain a legal unit determination for the additional residential units.

Count 4: Failure to apply and obtain a certificate of occupancy for the residential unit in the rear of the property.

This case was previously granted a continuance to 27 May 2021.

12

Case # 20-1335

John Lindle
 1617 White Street
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Officer Troy Montero

Certified Mail: 2-2-2021
Initial Hearing: 2-18-2021

Continuance previously granted to 27 May 2021

Count 1: Failure to apply and obtain after the fact permits for building, electrical and plumbing.

This case was previously granted a continuance to 27 May 2021.

13

Case # 21-174

The Sole Man Inc
John M BRandolino - Registered agent
610 Duval Street
Sec. 30-1 Fees or false alarms and fire code inspections
Officer Troy Montero
Certified Mail: 3-29-2021
Initial Hearing: 3-25-2021

In compliance on 6 April 2021; request dismissal

Count 1: Failure to pay all past due fees and fines.

This case came into compliance on 6 April 2021 and the City is requesting a dismissal.

14

Case # 21-182

ICONI KEY WEST LLC
Christian M. Zuelch - Registered agent
533 Duval Street
Sec. 30-1: Fees for false alarms and fire code inspections
Officer Troy Montero
Certified Mail: 3-12-2021
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to pay all past due fees and fines.

This case came into compliance on 28 April 2021 and the City is requesting a dismissal.

15

Case # 21-382

Stephen G Whitesell
1408 White Street

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

Sec. 14-40 Permits in historic districts

Officer Troy Montero

Hand Served: 3-18-2021

Initial Hearing: 4-29-2021

In compliance on 14 April 2021; request dismissal

Count 1: Failure to contact the City of Key West Building Department to apply and obtain an after the fact permits for the duct/HVAC work performed.

Count 2: Failure to contact the City of Key West Building Department to apply and obtain an after the fact HARC certificate of appropriateness for the gutters.

This case came into compliance on 14 April 2021 and the City is requesting a dismissal.

16

Case # 19-1691

Alena Lembach

3226 Eagle Ave

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

Sec. 122-63 Review; enforcement

Officer Paul Navarro

Certified Mail: 11-17-2020

Initial Hearing: 12-17-2020

Continued from 28 January 2021

Count 1: Failure to apply and obtain a demolition permit or reapply for a new building permit.

Count 2: Failure to apply and obtain a demolition permit or reapply for a new variance.

Paul Navarro is the code officer on the code case who is requesting a continuance to 24 June 2021. The Special Magistrate granted the continuance.

17

Case # 21-159

The Studio Hair and Salon

Conch Beach Management LLC

James Spreitzer - registered agent

1106 Key Plaza A

Sec. 30-1 Fees for false alarms and fire code inspections
Officer Paul Navarro
Certified Mail: 3-24-2021
Initial Hearing: 4-29-2021

In compliance on 21 April 2021; request dismissal

Count 1: Failure to contact the Revenue Department to pay all delinquent fees.

This case came into compliance on 21 April 2021 and the City is requesting a dismissal.

18

Case # 20-1493

Lewis Richard T
Susan Derosé
1102 Washington Street
Sec. 62-2 Obstructions
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
Sec. 62-2 Obstructions
Officer Roy Owens
Hand Served: 3-25-2021
Initial Hearing: 2-18-2021

Continued from 25 March 2021 for amended notice of hearing

Count 1: Failure to contact the Engineering Department to obtain the proper permits for installation of plants, trees and shrubs on public easements.

Count 2: Failure to obtain permits to install plants, trees and shrubs on a public easement.

Count 3: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Count 4: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Count 5: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

The code officer Roy Owens was present on behalf of the City. Richard Lewis

was present on behalf of himself who is the homeowner in violation. Roy Owens went on to read his testimony. Richard Lewis then gave his testimony and explained that he has lived at this address for over 40 years. He stated that everyone on Washington Street plants landscaping out to the right of way which is causing issues with parking. He planted the two palm trees on the right of way in front of his driveway so that he would have access to pull in and out of his driveway. Mr. Lewis admitted to knowing this was a violation but that he wants an exceptions from the City so he can get in and out of his driveway. The Special Magistrate then went on to explain that Mr. Lewis needs to contact the City so that he can find a way to come into compliance. The Assistant City Attorney Nathalia Mellies told Mr. Lewis that they will exchange contact information so that he can find a way to come into compliance. This case got continued to 27 May 2021.

19

Case # 21-304

Express Mobile Oil Service LLC
Luis Garcia Orellana
3333 Duck Ave #L 102
Sec. 66-102 Dates due and delinquent; penalties
Officer Roy Owens
Certified Mail:
Initial Hearing: 3-25-2021

In compliance on 7 April 2021; request dismissal

Count 1: Failure to pay all fees and delinquencies to the City of Key West Licensing Department.

This case came into compliance on 7 April 2021 and the City is requesting a dismissal.

20

Case # 21-314

Jude M Brogli
2824 Seidenberg Ave
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Roy Owens
Certified Mail: 3-14-2021
Initial Hearing: 4-29-2021

Continuance previously granted to 27 May 2021

Count 1: Failure to apply and obtain all after the fact permits for the removal of the awning and installation of the concrete deck.

This case was previously continued to 27 May 2021.

Adjournment