



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, October 21, 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.

You may also attend these meetings virtually via Zoom by telephoning +1 646-558-8656, Meeting ID: 860 4120 5446 Passcode: 680737 or online at:
[https://cityofkeywest-fl-gov.zoom.us/j/86041205446?](https://cityofkeywest-fl-gov.zoom.us/j/86041205446?pwd=aFBnK1BWNEFPSlp0bnVHZVRKaUJJUT09)
[pwd=aFBnK1BWNEFPSlp0bnVHZVRKaUJJUT09](https://cityofkeywest-fl-gov.zoom.us/j/86041205446?pwd=aFBnK1BWNEFPSlp0bnVHZVRKaUJJUT09) Passcode: 680737

Call Meeting to Order

1

Case # 21-1452

Last Key Realty Inc.

Peter Rysman- Registered Agent

2718 Harris Ave

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

Officer Sophia Doctoche

Certified Mail: 8-31-2021

Initial Hearing: 10-21-2021

New Case

Count 1: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

Sophia Doctoche was the code officer. Chris Santry CO of Last Key Realty Inc. was present representing the respondent. Officer Doctoche read her timeline and evidence was shown. Chris admitted to the violation, and the City requested a finding of violation with a \$250.00 Administration Fee and no fine. The Special Magistrate granted the finding and Administration Fee.

2

Case # 21-1586

Barbary House Key West
Diamondrock KW South Tenant, LLC
NRAI Services, INC
2001 S Roosevelt Blvd
Sec. 30-5 Excessive false alarms declared a public nuisance
Sec. 30-6 False alarm signal service charge; collection
Officer Paul Navarro
Certified Mail: 10-18-2021
Initial Hearing: 10-21-2021

New Case

Count 1: Failure to avoid more than three false alarms within a 12-month period.

Count 2: Failure to pay false alarm fees with the City of Key West Revenue Department or City of Key West Fire Department.

Paul Navarro was the code officer. Jeremy Dasilva was present as the respondent. The City asked for a continuance to 16 December 2021 to amend the notice of hearing. The respondent had no objections, and the Special Magistrate granted the continuance.

3**Case # 20-524**

Gregory G Farrelly- Registered Agent
828 Windsor Lane
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 58-61 Determination and levy of charge
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Edward Keane
Certified Mail: 6-30-2021
Initial Hearing: 6-24-2021

Continued from 26 August 2021

Count 1: Failure to submit as built certifications to the City of Key West.

Count 2: Failure to apply and obtain an LUD with the City of Key West Planning Department.

Count 3: Failure to apply and obtain a non-transient license from the City of Key West Licensing Department.

Director Jim Young represented Edward Keane for this case. Attorney Van Fisher was present representing the respondent. Assistant City Attorney Ron Ramsingh was present as well. Director Young stated that this was a case about illegal dwelling units, and the owner of the property submitted an application to the Planning Department to be recognized, but the Planning

Director denied the application. Attorney Fisher stated that the appeal was filed on October 19, and asked for a continuance pursuant to Sec 90-431 sub 6. The Special Magistrate asked how long the appeal will take. Director Young stated that he did not know. Assistant City Attorney Ron Ramsingh suggested the January hearing to give time for the Planning Department. Attorney Van Fisher had no objections to a continuance to 27 January 2022. The Special Magistrate granted the continuance.

4

Case # 21-246

Thomas L Fortin

1106 Grinnell Street

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

Sec. 14-40 Permits in historic districts

Sec. 122-600 Dimensional requirements

Officer Edward Keane

Certified Mail:

Initial Hearing: 8-26-2021

Continued from 26 August 2021

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 2: Failure to apply and obtain the appropriate roofing permits for the HARC district.

Count 3: Failure to have the proper dimensional setback requirements for the HARC district.

Director Jim Young represented Edward Keane for this case. Attorney Van Fisher was present representing the respondent. Director Young stated that they did do an inspection with Attorney Fisher, and the home owner has applied for permits to demo the structure. Director Young also stated that Attorney Fisher was present to ask for a continuance to the end of January, but he thought it would be best to continue the case to December. Attorney Fisher stated that he was asking for a continuance to provide time to get the structure demoed. The Special Magistrate commented on how much space there was in back of the property which would make it hard to get a backhoe in the back. The Special Magistrate granted the continuance to 16 December 2021.

5

Case # 20-1335

John Lindle

1617 White Street

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

Officer Jim Young

Certified Mail: 2-2-2021

Initial Hearing: 2-18-2021

Continued from 26 August 2021

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

Director Jim Young was the code officer. Attorney Van Fisher was present representing the respondent. Director Young stated that this was a case of building with out building permits, and there was some issues with the Planning Department, and that there was a variance they applied for and was denied. Attorney Fisher stated what was going on with the case, and asked for a continuance to 16 December 2021. The City had no objections. The Special Magistrate granted the continuance.

6**Case # 19-1445**

Adrienne Bond

1207 19th Terrace

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy required

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

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

Officer: Igor Timus

Certified Mail:

Initial Hearing: 5-27-2021

Continued from 27 May 2021

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

Count 2: Failure to contact the Building Department to apply and obtain a Certificate of Occupancy for the additional residential unit.

Count 3: Failure to contact the Building Department to apply and obtain the after the fact permits.

Count 4: Failure to contact the Licensing Department to apply an obtain a business tax receipt for a non transient rental license.

Igor Timus was the code officer. Attorney Greg Orpeza was present representing the respondent. Officer Timus read his timeline. Attorney Orpeza asked for a continuance. The Special Magistrate granted the continuance to 16 December 2021.

7**Case # 21-1537**

Richard Hoy

Alan Walker - **Repeat**~~John Eric Spencer~~ - **Dismissed**

Edward A. Chilton
1011 Windsor Lane
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **All parties - Repeat Alan Walker**
Sec. 14-40 Permits in historic districts - **All parties - Repeat Alan Walker**
Sec. 14-256 Permit required - **All parties**
Sec. 14-262 Request for inspection - **All parties**
Sec. 14-359 Permit display - **All parties**
Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business - **Alan Walker, John Spencer, Edward Chilton**
Sec. 18-150 Certificate of competency required - **Alan Walker, John Spencer, Edward Chilton**
Sec. 18-117 Acts declared unlawful - **Richard Hoy**
Officer Leo Slecton
Certified Mail: 9-27-2021 - Richard Hoy
Hand Posted: 10-15-2021 - Alan Walker
Initial Hearing: 10-21-2021

New Case

Counts 1-5 All parties

Count 1: Failure to apply and obtain a building permits with the City of Key West Building Department. - **Repeat Alan Walker**

Count 2: Failure to apply and obtain a Certificate of Appropriateness with the City of Key West HARC Department. - **Repeat Alan Walker**

Count 3: Failure to apply and obtain electrical permits with the City of Key West Building Department.

Count 4: Failure to schedule a required inspection with the City of Key West Building Department.

Count 5: Failure to apply and obtain a plumbing permit with the City of Key West Building Department.

Counts 6-7 Alan Walker, John Spencer, Edward Chilton

Count 6: Failure to achieve Certificate of Competency.

Count 7: Failure to apply and obtain a Business Tax Receipt with the City of Key West Licensing Department.

Count 8 Richard Hoy only

Count 8: Failure to apply and obtain a Business Tax Receipt with the City of Key West Licensing Department.

Leo Slecton was the code officer. Director Jim Young was present and stated that one of the respondents Richard Hoys attorney was requesting a continuance to 16 December 2021. Alan Walker was present as one of the respondents. Mr. Walker also asked for a continuance to 16 December 2021. Respondent John Eric Spencer was dismissed from the case as he is deceased.

Respondent Edward Chilton was not present, so the City went forward with presenting a case against Edward Chilton. Officer Slecton read his timeline and evidence was shown. The City requested a finding against Edward Chilton of \$250.00 per count and no administrative fees. The Special Magistrate granted the fines against Edward Chilton.

8

Case # 21-1311

Charles Means

515 Bahama Street

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

Sec. 14-40 Permits in historic districts

Officer Sophia Doctoche

Certified Mail: 8-20-2021

Initial Hearing: 10-21-2021

Continued from 21 October 2021

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 2: Failure to apply and obtain the appropriate permits for the HARC district.

Sophia Doctoche was the code officer. Charles Means was present as the respondent. Officer Doctoche read her timeline, and evidence was shown. The respondent stated that the person who is staying at the property was doing the work on the door and he had no idea that there was work being done at the property. The Special Magistrate asked the respondent if he has applied for an after the fact permit, and the respondent stated he did. Officer Doctoche stated that she checked before the hearing if a permit was applied for and there was none. The City is requesting a finding of violation with \$250.00 administration fees and \$250.00 per count per day if not in compliance by 15 November 2021. The Special Magistrate granted the finding.

11

Case # 21-1451

Alison Jane Johnson

1610 Trinidad Drive

Sec. 18-601 License required

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

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

Sec. 58-61 Determination and levy of charge

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

Officer Sophia Doctoche

Hand Posted: 10-8-2021

Initial Hearing: 10-21-2021

Continued from 21 October 2021

Count 1-27: Unlawful to lease a residential property for a period of less than 30 days or one calendar month without having obtained a business tax receipt.

Count 28-30: Failure to obtain the required city, county or state license for holding out/ advertising a short-term rental at this property.

Count 31-58: Unlawfully holding out this short-term rental for twenty seven nights.

Count 59: Failure to contact the Planning Department and obtain the necessary legal unit determination for each unit.

Count 60: Failure to apply and obtain a building permit from the City of Key West Building Department.

The request to continue this case to the 18 November 2021 hearing date was previously granted by the Special Magistrate.

12

Case # 21-1564

Glenn M Kingsbury

825 Southard Street

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

Officer Sophia Doctoche

Certified Mail: 9-23-2021

Initial Hearing: 10-21-2021

In compliance 24 September 2021; Request dismissal

Count 1: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

This case came into compliance on 24 September 2021 and the City is requesting a dismissal. The Special Magistrate granted the dismissal.

13

Case # 21-1615

Truman Annex Real Estate Co. INC.

Compass Realty

Michael Richard Behmke- Registered Agent

512 Emma Street

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

Officer Sophia Doctoche

Certified Mail: 10-12-2021
Initial Hearing: 10-21-2021

New Case

Count 1: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

Sophia Doctoche was the code officer. The Respondent did not attend. Officer Doctoche read her timeline and evidence was shown. The City requested a finding of violation with \$250.00 Administrative Costs and no fines. The Special Magistrate granted the \$250.00 Administrative Cost.

14

Case # 20-227

Tadd Mallard
3359 Flagler Ave
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Paul Navarro
Hand Posted: 9-30-2021
Initial Hearing: 10-21-2021

Continued from 21 October 2021

Count 1: Failure to apply and obtain permits from the City of Key West Building Department.

Paul Navarro was the code officer. The Respondent did not attend. Officer Navarro read his timeline and evidence was shown. The City requested a finding of the violation \$250.00 Administrative Costs and \$250.00 per count per day. The Special Magistrate granted the fines if not in compliance by 15 November 2021.

17

Case # 21-1430

Big Fish Restaurant Group LLC
Jane E Patterson- Registered Agent
633 Duval Street
Sec. 26-32 Nuisances illustrated
Officer Paul Navarro
Certified Mail: 8-16-2021
Initial Hearing: 8-26-2021

In compliance as of 12 October 2021; Request dismissal

Count 1: Failure to cease all slop, foul or dirty water, filth, refuse or offal, discharged in or upon any right-of-way.

This case came into compliance on 12 October 2021 and the City is requesting a dismissal. The Special Magistrate granted the dismissal.

18

Case # 21-1125

Peter N Brawn
1413 South Street
Sec. 110-259 Duty of private property owner
Sec. 26-126 Clearing of property of debris and noxious material required
Sec. 26-32 Nuisances illustrated
Sec. 62-2 Obstructions
Officer Roman Stenko
Certified Mail: 10-15-2021
Initial Hearing: 10-21-2021

Continued from 21 October 2021

- Count 1:** Failure to cut the overgrown plants around the subject property.
- Count 2:** Failure to remove all noxious materials, beehive, and unsanitary conditions from the subject property.
- Count 3:** Failure to remove all nuisances conditions and stagnant water from the subject property.
- Count 4:** Failure to remove all plants obstructing the ordinary use of the right-of-way.

The request to continue this case to 18 November 2021 was previously granted by the Special Magistrate.

19

Case # 21-1376

Circle K Stores INC
Corporation Service Company- Registered Agent
3032 N Roosevelt Blvd
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Roman Stenko
Certified Mail: 10-12-2021
Initial Hearing: 10-21-2021

In compliance as of 12 October 2021; Request dismissal

- Count 1:** Failure to pay delinquent fire inspection fee.

This case came into compliance on 12 October 2021 and the City is requesting a dismissal. The Special Magistrate granted the dismissal.

20

Case # 21-1385

Circle K Stores INC
Corporation Service Company- Registered Agent
1890 N Roosevelt Blvd
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Roman Stenko
Certified Mail: 10-12-2021
Initial Hearing: 10-21-2021

In compliance as of 12 October 2021; Request dismissal**Count 1:** Failure to pay delinquent fire inspection fee.

This case came into compliance on 12 October 2021 and the City is requesting a dismissal. The Special Magistrate granted the dismissal.

21

Case # 21-1386

Circle K Stores INC
Corporation Service Company- Registered Agent
1075 Duval Street
Sec. 30-1 Fees for false alarms and fire code inspection
Officer Roman Stenko
Certified Mail: 10-12-2021
Initial Hearing: 10-21-2021

In compliance as of 12 October 2021; Request dismissal**Count 1:** Failure to pay delinquent fire inspection fees.

This case came into compliance on 12 October 2021 and the City is requesting a dismissal. The Special Magistrate granted the dismissal.

23

Case # 21-1526

Summer Breeze Oxygen Bar, LLC
Hershoff Lupino Yagel L.L.P.- Registered Agent
335 Duval Street #6
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Igor Timus
Certified Mail: 10-15-2021
Initial Hearing: 10-21-2021

Continued from 21 October 2021**Count 1:** Failure to apply and obtain a business tax receipt with the City

of Key West Licensing Department.

The request to continue this case to 18 November 2021 was previously granted by the Special Magistrate.

24

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 Jim Young
Certified Mail: 1-27-2021
Initial Hearing: 2-18-2021

Continued from 29 April 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.

Jim Young was the code officer. The Respondent did not attend. Officer Young stated that this case has been going on for some time now because the Respondent entered into a payment plan. The City requested a continuance to the 16 December 2021 hearing date. The Special Magistrate granted the continuance.

25

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 Jim Young
Certified Mail: 4-10-2021
Initial Hearing: 4-29-2021

Continued from 26 August 2021

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

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

Jim Young was the code officer. Michael Hepburn attended the hearing for the Respondent. Mr. Hepburn asked for a continuance to December because of problems with hiring a contractor. The City had no objections to the continuance. The Special Magistrate granted the continuance to 16 December 2021.

26

Case # 20-1029

Leslie Rene 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 Jim Young

Certified mail: 1-16-2021

Initial Hearing: 2-18-2021

In compliance as of 1 October 2021; Request dismissal

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 came into compliance on 1 October 2021 and the City is requesting a dismissal. The Special Magistrate granted the dismissal.

Adjournment