



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, May 25, 2011

1:30 PM

Old 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 at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Call Meeting to Order

1:35

Code Violations

- 1 Case # 08-2343
Billy D Bushe
1607 Venetian Drive
Sec. 108-681 Camping Vehicles & Equipment
Sec. 108-683 Exceptions
Officer Gary Addleman
Certified Service: 2-11-2011
Initial Hearing: 3-30-2011

In compliance 5-3-2011, request dismissal.

It is unlawful to live in a recreational vehicle on a residential lot.

Compliance was met on 5-3-11, case was dismissed.

- 2 Case # 11-212
Jarvis Nelson Osorio
Nelson Valdez
1721 Johnson Street
Sec. 26-126 Clearing of Property
Sec. 62-31 Maintenance of Area
Officer Gary Addleman
POSTED: 5-6-2011
Initial Hearing: 5-25-2011

New Case

Property needs to be cleared of debris, mowed and maintained. You

are required to maintain the area from your property line to the paved roadway.

The Special Magistrate found Mr. Osorio in violation of Sec. 26-126 and Sec. 62-31 and imposed costs of \$250 along with a fine of \$100 per day if compliance is not met by June 28, 2011, 5 pm. A compliance hearing will be held on June 29, 2011.

3

Case # 10-706
Pirate Seafood - Armando Parra
James J Maun - Officer
Truman & White Chevron Inc.
1127 Truman Avenue
Sec. 102-152 Certificate of Appropriateness
Officer Dotty Austin
Certified Service: 10-25-2010
Initial Hearing: 12-2-2010

Continued from 4-27-2011

A certificate of appropriateness has not been obtained for all the signage and other paraphernalia at Pirate Seafood.

A request from Merrell Sands to continue the case to June 29, 2011 was granted.

4

Case # 10-1502
Timothy G Wegman
702 Pearl Street
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Dotty Austin
POSTED: 5-6-2011
Initial Hearing: 5-25-2011

In compliance 5-17-2011, request dismissal

Trash and debris on your lot contributes to dangerous and unsanitary conditions.

In compliance as of May 17, 2011. The request to dismiss was granted.

5

Case # 11-412
Compass Realty - John Behmke
William C Ogle & Lisa D Van Gilder
LVG Properties LLC - Lisa D Van Gilder, Mgr.
F & L Corp. - Charles Hedrick

R/A for LVG Properties LLC
510 Emma Street
Sec. 122-1372 Transient Acc Truman Annex
Sec. 18-601 Transient License
Sec. 122-989 Prohibited Uses HPRD
Officer Dotty Austin
Certified Service: 5-4-2011
Initial Hearing: 5-25-2011

In compliance as of 4-29-2011, request dismissal.

Unlicensed transient renting is prohibited. A transient license is required to rent your property transiently. Unlicensed transient renting is prohibited in the HPRD zone.

In compliance as of April 29, 2011 and the request to dismiss was granted.

6

Case # 10-1429
Perfect Pedicab, Inc.
Anthony Catalfomo R/A
Front & Duval
Sec. 18-415 Restrictions in the Historic District
Officer Yesenia Beltranena
Certified Service: 1-8-2011
Initial Hearing: 1-26-2011

Continued from 4-27-2011

For off premises canvassing in a prohibited area.

Mr. Oropeza asked for a continuance to June 29, 2011 so the settlement agreements could be completed. Approved by the Special Magistrate.

7

Case # 10-1526
Perfect Pedicab, Inc.
Anthony Catalfomo R/A
Front & Duval
Sec. 18-415 Restrictions in the Historic District
Officer Yesenia Beltranena
Certified Service: 1-8-2011
Initial Hearing: 1-26-2011

Continued from 4-27-2011

For off premises canvassing in a prohibited area.

Mr. Oropeza asked for a continuance to June 29, 2011 so the settlement agreements could be completed. Approved by the Special Magistrate.

8 Case # 10-1453
Richard Wunsch
613 Ashe Street
Sec. 66-87 Business Tax Receipt Required
Sec. 14-37 Building Permits, Display
Sec. 90-363 Certificate of Occupancy
Officer Yesenia Beltranena
POSTED: 5-6-2011
Initial Hearing: 5-25-2011

New Case

A business tax receipt is required to rent your property. A building permit is required to add a living unit. A certificate of occupancy is required for the third unit.

Case was continued to August 3, 2011 to legalize the third unit.

9 Case # 11-262
Turtle Kraals, LLC
Urban E Smith, R/A
231 Margaret Street
Sec. 26-192 Prohibition against unreasonable noise
Officer Yesenia Beltranena
Certified Service: 4-6-2011
Initial Hearing: 4-27-2011

Continued from 4-27-2011

Noise levels are disturbing the residents on Sawyer Lane.

Turtle Kraals was found in violation of the sound ordinance. Costs of \$250 were imposed and the court reserved ruling on the fines. The Special Magistrate gave them 60 days for a response on how they will rectify the problem. A compliance hearing will be held on August 3, 2011.

10 Case # 10-1410
Richard Watherwax
1408 Von Phister Street
Sec. 66-102 Dates Due and Delinquent; Penalties
Officer Yesenia Beltranena
Posted: 4-16-2011
Initial Hearing: 5-25-2011

In compliance, request dismissal

In compliance as of May 2, 2011. The request to dismiss was granted.

- 11 Case # 11-43
Maria G & Frank Ratcliff
Ratcliff Welding of Key West
1105 Simonton Street
Sec. 14-37 Building Permits; Display
Sec. 14-40 Permits in the Historic District
Sec. 102-152 Certificate of Appropriateness
Officer Yesenia Beltranena
Certified Service: 4-19-2011
Initial Hearing: 5-25-2011

Continuance granted to 6-29-2011

A building permit and HARC approval are required prior to pouring concrete. A Certificate of Appropriateness is required prior to the installation of three new containers.

Received a request from Adele V Stones to continue this case to June 29, 2011 which was granted by the Special Magistrate.

- 12 Case # 11-404
Brian McKendry
Robert Burke
1320 South Street
Sec. 18-601 Transient License
Sec. 122-1371 Transient Living Accommodations
Sec. 122-237 Prohibited Uses SF District
Officer Ginny Haller
Certified Service: 5-7-2011
Initial Hearing: 5-25-2011

Continuance granted to 6-29-2011

Transient rental business tax receipt is required to rent this property transiently. Transient living accommodations in residential dwellings; regulations. Transient rentals are prohibited in the SF zone.

Continuance

- 13 Case # 11-542
John E Anding, Mgr - 906 Fleming Street LLC
Richard M Klitenick, R/A for 906 Fleming Street
Chris Santry - Last Key Realty, Inc.
Peter H Rysman - Broker, Last Key Realty, Inc.
906 Fleming Street

Sec. 122-1371 Transient Living Accommodations
Sec. 18-601 Transient License
Sec. 122-839 Prohibited Uses in HNC-2 Zone
Officer Ginny Haller
Certified Service: 5-2-2011
Initial Hearing: 5-25-2011

Continuance granted to 6-29-2011

Transient living accommodations in residential dwellings; regulations.
A transient license is required to rent the property transiently.
Transient rentals are prohibited in the HNC-2 zone.

Received a request from Adele V Stones to continue this case to June 29, 2011 which was granted by the Special Magistrate.

14

Case # 11-544
Claude and Marylene Vogel
Chris Santry - Last Key Realty
Peter H Rysman - Last Key Realty Broker
1306 Villa Mill Alley
Sec. 122-1371 Transient Living Accommodations
Sec. 18-601 Transient License
Sec. 122-929 Prohibited Uses in HRO Zone
Officer Ginny Haller
Certified Service: 4-23-2011
Initial Hearing: 5-25-2011

Contuance granted to 6-29-2011

Transient living accommodations in residential dwellings; regulations.
Transient licenses required to rent the property. Transient rentals are prohibited in the HRO zone.

This case is continued to June 29, 2011 for completion of the settlement agreement.

15

Case # 10-522
Sean P Glass
912 Fleming Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Barbara Meizis
Certified Service: 11-18-10
Initial Hearing: 12-8-2010

Continued for status from 3-30-2011

A building permit and HARC approval are required prior to installation of a pool heater.

Compliance was met on May 16, 2011. Mr. Glass mitigated the fine.

16 Case # 10-1365
Thomas Savage
Rebecca Anderson
Perfect Pedicab, Inc.
Tifts at Front
Sec. 6-151 Conditions of Use
Officer Barbara Meizis
Certified Service: 11-10-2010
Initial Hearing: 12-8-2010

**Continued from 3-30-2011
Repeat violation for Perfect Pedicab**

For parking in a prohibited area and for driving the wrong way on a one way street.

Mr. Oropeza asked for a continuance to June 29, 2011 so the settlement agreements could be completed. Approved by the Special Magistrate.

17 Case # 10-1059
Matthew McDowell
1333 20th Street
Sec. 26-126 Clearing of Property
Officer Barbara Meizis
Certified Service: 3-14-2011
Initial Hearing: 4-27-2011

Continued from 4-27-2011 for compliance

The property needs to be cleared of debris and maintained

Code Officer stated that the property had not been cleared of the debris and the Special Magistrate requested that the fines be imposed.

18 Case # 10-1181
Gloria K McGee
John W McGee T/C
2812 Fogarty Avenue
Sec. 10-16 Number Restricted
Officer Barbara Meizis
Certified Service: 5-6-2011

Initial Hearing: 5-25-2011

New Case

Number of domestic animals is limited to four unless animals are six months or younger, or operating a duly licensed kennel or pet shop.

The Special Magistrate found Ms. McGee in violation of Sec. 10-16 for having exceeded the allowable number of domestic animal. He continued the case to August 31, 2011 so that she could go before the Commission to request a special exemption. He also stated that she is not allowed any more additional animals from this day forward and that she has to allow an inspection to be done by Code Compliance.

19

Case # 11-423
David W Wolkowsky
Peter H Rysman - Broker, Last Key Realty
Chris Santry - Property Manager
1419 Von Phister Street
Sec. 122-1371 Transient Living Accommodations (d) (8) (9)
Sec. 122-237 Prohibited Uses - SF Zone
Sec. 18-601 Transient License
Officer Barbara Meizis
Certified Service:4-28-2011
Initial Hearing: 5-25-2011

Continuance granted to 6-29-2011

You entered a long-term lease with the intent to subvert the regulatory goals of Sec. 122-1371. Transient lodging is prohibited in the SF zone. A business tax receipt is required to rent transiently.

This case is continued to June 29, 2011 for completion of the settlement agreement.

20

Case # 11-598
Frank & Irina Krystofik
Robert Weig T/C
Kevin McGinty - Key West Hideaways
904 Frances Street
Sec. 122-1371 Transient Living Accommodations
Sec. 122-629 Prohibited Uses - HHDR Zone
Sec. 18-601 Transient License
Officer Barbara Meizis
Certified Service: 5-12-2011
Initial Hearing: 5-25-2011

New Case

It is unlawful to hold out or advertise a residential dwelling for transient rental if the property is not permitted. It shall be a violation of these regulations to enter into a long-term lease with a mutual intent to subvert the regulatory goals of this section. A transient license is required to rent this property transiently.

This case is continued to June 29, 2011 for completion of the settlement agreement.

21

Case # 10-655
Dianne & Bruce Moseley
Christy Moseley
3308 Duck Avenue
Sec. 14-37 Building Permits, Display
Sec. 90-357 Application for building permit
Sec. 90-391 Variances
Officer Bonnita Myers
Hand Served: 4-6-2011
Initial Hearing: 4-27-2011

In compliance 5-18-2011, request dismissal.

A building permit is required prior to the additon to the right side of your house.

In compliance as of May 18, 2011. The request to dismiss was granted.

22

Case # 10-720
Donal Morris, Dr
Gregory Morris, R/S
77 Seaside North Court
Sec. 66-87 Business Tax Receipt Required
Officer Bonnita Myers
Certified Service: 4-21-2011
Initial Hearing: 5-25-2011

New Case

A business tax receipt is required to rent your property.

In compliance as of May 24, 2011. The request to dismiss was granted.

23

Case # 10-723
Donal Morris Jr.
Donal Morris Sr.
74 Seaside North Court

Sec. 66-87 Business Tax Receipt Required
Officer Bonnita Myers
Certified Service: 4-21-2011
Initial Hearing: 5-25-2011

New Case

A business tax receipt is required to rent your property.

In compliance as of May 24, 2011. The request to dismiss was granted.

24

Case # 10-724
Donal Morris, Jr.
Donal Morris, Sr.
75 Seaside North Court
Sec. 66-87 Business Tax Receipt Required
Officer Bonnita Myers
Certified Service: 4-21-2011
Initial Hearing: 5-25-2011

New Case

A business tax receipt is required to rent your property.

In compliance as of May 24, 2011. The request to dismiss was granted.

25

Case # 11-284
Robert Burke
3629 Flagler Avenue
Sec. 26-126 Clearing of Property
Sec. 26-37 Removal of Graffiti
Officer Bonnita Myers
Certified Service: 5-13-2011
Initial Hearing: 5-25-2011

New Case

Lot is overgrown and needs to be cleared of debris. Graffiti needs to be removed from the building at the rear of the property.

The Special Magistrate found Mr. Burke in violation of Sec. 26-126 and imposed costs of \$250 along with a fine of \$100 per day if compliance is not met by June 28, 2011, 5 pm. A compliance hearing will be held on June 29, 2011.

26

Case # 11-554

Karen L Boscamp
2705 Flagler Avenue
Sec. 66-87 Business Tax Receipt Required
Officer Bonnita Myers
Certified Service:
Initial Hearing: 5-25-2011

New Case

A business tax receipt is required to rent your property.

This case was continued to June 29, 2011 for service.

27

Case # 08-3373
Radim Havlicek - Havlicek Stump Grinding, Inc.
St Mary's Star of the Sea Catholic Church
1010 Windsor Lane Rectory

Tree Commission

The Special Magistrate approved the Settlement Agreements. The costs and fines were paid and this case is closed.

Liens

28

Case # 10-673
Norma Barton
1922 Patterson Avenue

This case was continued to June 29, 2011 for service.

HARC Appeals

29

SMA 11-03
Arch. William Rowan
1107 Grinnell Street
H11-01-445

Continuance granted to 6-29-2011

Received a request from Adele V Stones to continue this case to June 29, 2011 which was granted by the Special Magistrate.

Mitigations

30 Case # 10-522
Sean & Kellee Glass
912 Fleming Street

The Special Magistrate took this case under advisement. On May 27, 2011, he approved the mitigation to \$250 costs and a \$250 fine.

31 Case # 10-1428
Mathew Frank
Greene & Whitehead Streets

The Special Magistrate approved to mitigate the fines and fees. The costs of \$250 are due in two payments of \$125 each and the fine of \$250 is suspended for one year.

Adjournment

3:35