



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, October 19, 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

Code Violations

1

Case # 10-1450

Peter Gomez
Ann Marie Robinson R/S
936 United Street
Sec. 102-152 Requirements for permits
Officer Gary Addleman
Certified Service: 9-24-2011
Initial Hearing: 10-19-2011

New Case

The columns that were installed are square and were approved as turned (round) columns.

Hugh Morgan requested a continuance to December 14, 2011 which was granted by the Special Magistrate.

2

Case # 09-1193

Allen Hansen
2002 Seidenberg Avenue
Sec. 58-61 Determination of Levy Charge
Sec. 90-363 Certificate of Occupancy - Required
Sec. 66-87 Business Tax Receipt required for all holding themselves out to be engaged in business
Officer Dotty Austin
Certified Service: 9-22-2011
Initial Hearing: 10-19-2011

Continuance granted to November 16, 2011

For renting two units when only 1 sewer/solid waste account exists with the City. A certificate of occupancy is required for all units. A business tax receipt is required for all units.

Allen Hansen requested a continuance to November 16, 2011 which was granted by the Special Magistrate.

3

Case # 10-642

Mary Jo Pfund
1405 4th Street
Sec. 14-37 Building Permits, Display
Officer Dotty Austin
Certified Service: 5-12-2011
Initial Hearing: 6-29-2011

Continued from September 28, 2011

Interior build outs, plumbing and electrical work require building permits prior to commencement of work.

The Special Magistrate found Mary Pfund in violation. Compliance must be met by December 13, 2011. A compliance hearing will be held on December 14, 2011. No costs or fines were imposed at this time.

4

Case # 10-1274

Rockwell Property, Inc.
Catalfomo & Farrelly, R/A
Trepanier & Assoc., Inc.
Owen Trepanier
Richard W Hoy, DPS
2 Scheppens Lane
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Dotty Austin
Certified Service: 8-15-2011
Initial Hearing: 8-31-2011

Continuance granted to November 16, 2011

Roof demolition and deck construction require permits and HARC approval prior to commencement.

Samuel Kaufman requested a continuance to November 16, 2011 which was granted by the Special Magistrate.

5

Case # 10-1425

Richard Walker

2407 N Roosevelt Blvd
Sec. 14-37 Building Permits; Professional Plans; Display of Permits
Officer Dotty Austin
Certified Service: 10-11-2011
Initial Hearing: 10-19-2011

Continuance granted to November 16, 2011

On May 16, 2011, construction and or renovations of docks, railings, 3 buildings including plumbing and electrical was observed on the property. No permits have been issued for this work.

Richard Walker requested a continuance to November 16, 2011 which was granted by the Special Magistrate.

6

Case # 11-712

Roger W Akers
Sandra J Henning
804 Eisenhower Drive
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Sec. 26-126 Clearing of Property
Sec. 14-256 Required for Electric
Officer Dotty Austin
Certified Service: 7-25-2011
Initial Hearing: 8-31-2011

Continuance granted to November 16, 2011

A building permit and HARC approval are required prior to the commencement of building a shed. An electrical permit is required prior to the installation of pool equipment.

Sandra Henning requested a continuance to November 16, 2011 which was granted by the Special Magistrate.

7

Case # 11-732

Edward G DeLeon
1005 United Street A
Sec. 18-601 Transient License
Sec. 122-1371 Transient Living Accommodations
Sec. 122-269 Prohibited Uses - MDR
Officer Dotty Austin
Certified Service: 7-25-2011
Initial Hearing: 8-31-2011

Continued from 8-31-2011 for payment of administrative fee -

PAID

A transient rental license is required prior to renting units transiently. Unlicensed transient rental use of residential dwellings is prohibited. Transient rental use of residential dwellings is prohibited in the MDR district.

This case was continued for payment of administrative fee which was paid. Case is closed.

8

Case # 10-919

John A Williams
Paul N Hayes, R/A for
Rent Key West Vacations
1328 Atlantic Blvd
Sec. 66-87 Business Tax Receipt required for all holding themselves out to be engaged in business
Officer Jim Young
Certified Service: 9-22-2011
Initial Hearing: 10-29-2011

New Case

A business tax receipt is required for all units being rented

John A Williams and Paul N Hayes (R/A for Rent Key West Vacations) were found in violation. Compliance must be met by December 13, 2011. A compliance hearing will be held on December 14, 2011. No costs of fines were imposed at that time.

9

Case # 10-1554

Reshma Gidwani
3700 Pearlman Court
Sec. 14-37 Building Permits, Display
Sec. 66-102 Delinquent Business Tax
Officer Jim Young
Hand Served: 7-15-2011
Initial Hearing: 8-3-2011

Continued from September 28, 2011

For failure to obtain a building permit for installing electricity in the shed and the business tax receipt is delinquent

Reshma Gidwani was found in violation. Compliance must be met by November 15, 2011. A compliance hearing will be held on November 16, 2011. No costs of fines were imposed at this time.

10

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 Jim Young
Certified Service: 4-19-2011
Initial Hearing: 5-25-2011

Continued from September 28, 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.

Adele Stones requested a continuance to November 16, 2011 which was granted by the Special Magistrate.

11

Case # 11-612
Gregory Scorza
101 Duval Street
Sec. 106-51 Prohibited - Exterior Displays
Officer Jim Young
Certified Service: 9-21-2011
Initial Hearing: 10-19-2011

In compliance, request dismissal

Outdoor displays are prohibited in the Historic District unless an exception is granted by the Planning Board

Case was dismissed by the Special Magistrate.

12

Case # 11-903
MHC Enterprise, LLC
Michele Cates Deal R/A
505 Whitehead Street Up
Sec. 66-102 Dates Due and Delinquent; Penalties
Officer Jim Young
Certified Service: 9-22-2011
Initial Hearing: 10-19-2011

New Case

Business Tax Receipt is delinquent on one transient rental and one medallion

The business tax receipt was obtained and the Special Magistrate dismissed this case.

13

Case # 11-934

Kenneth (Kenyatta) Arrington
Street Performer
Sec. 6-2 Permit Required
Sec. 6-4 Permit Regulations
Officer Jim Young
Hand Served: 7-21-2011
Initial Hearing: 8-31-2011

Continued from September 28, 2011 - under advisement

Permittee shall furnish and maintain public liability and property damage insurance. Amplified music is prohibited.

The Special Magistrate found Mr. Arrington in violation. Costs of \$250 were imposed along with a fine of \$100 per count which will be suspended if compliance is met immediately for the amplified music and if the required insurance is obtained by October 26, 2011. A compliance hearing will be held on November 16, 2011.

14

Case # 11-936

Tiger Maximus & River Seine
c/o Earl Washington
Street Performer
Sec. 6-2 Permit Required
Officer Jim Young
Hand Served: 7-14-2011
Initial Hearing: 8-31-2011

Continued from September 28, 2011 for compliance

Permittee shall furnish and maintain public liability and property damage insurance.

Tiger Maximus & River Seine were found not to be in compliance and the Special Magistrate imposed the fines.

15

Case # 11-542

906 Fleming Street, LLC
John E Anding, Mgr.
Richard M Klitenick, R/A
for 906 Fleming Street LLC
906 Fleming Street
Sec. 18-601 Transient License
Sec. 122-839 Prohibited uses in HNC-2

Sec. 122-1371 Transient Living Accommodations
Officer Ginny Haller
Certified Service: 6-7-2011
Initial Hearing: 6-29-2011

Continued from September 28, 2011

A transient license is required to rent property transiently. Transient rentals are prohibited in the HNC-2 district. The property was held out and/or advertised as being available transiently on August 5, 2011 through August 19, 2011 without the benefit of a valid transient rental license.

Adele Stones requested a continuance to November 16, 2011 which was granted by the Special Magistrate.

16

Case # 11-615

John McCoy & Constance Kara
215 Eneas Lane
Sec. 14-37 Building Permits, Required
Sec. 102-152 Certificate of Appropriateness
Sec. 102-158 Stop Work Order & Penalty
Officer Ginny Haller
Certified Service: 8-4-2011
Initial Hearing: 8-31-2011

Irreparable Violation

Continued from September 28, 2011 for status

A building permit and Certificate of Appropriateness are required prior to change out the door, stucco, installation of A/C units and installation of copper tubing. For working over a stop work order.

John McCoy was found in violation. Compliance must be met by November 15, 2011. A compliance hearing will be held on November 16, 2011. No costs of fines were imposed at this time.

17

Case # 11-1072

Island Cigar & Tobacoria
Alon & Carol Croitoru
501 Greene Street 503
Sec. 106-51 Outdoor Display of Merchandise
Officer Ginny Haller
Certified Service: 9-7-2011
Initial Hearing: 9-28-2011

Repeat Violation

Continued from September 28, 2011

The outdoor display of merchandise in the historic zoning districts of the city is prohibited unless an exception is granted by the planning board as provided in Section 106-52.

The Special Magistrate found Island Cigar & Tobacoria - Alon Croitoru & Carol Croitoru in violation. Costs of \$250 were imposed along with a fine of \$500 for the repeat violation.

18

Case # 10-1375

MCCAR Investment Corp
Michael Browning, R/A
924 Kennedy Drive A
Sec. 14-37 Building Permits, Display
Sec. 14-358 Permit Required for Plumbing
Sec. 58-61 Determination & Levy
Sec. 90-356 Building Permit Required
Sec. 90-363 Certificate of Occupancy
Officer Barbara Meizis
Certified Service: 7-13-2011
Initial Hearing: 8-31-2011

Continued from September 28, 2011 for agreement

Plumbing permits are required prior to installation of running water. Property owner must obtain a determination & levy for solid waste collection on new shed/unit. Building permits are required. A certificate of occupancy is required.

John Marston requested a continuance to November 16, 2011 which was granted by the Special Magistrate.

19

Case # 11-510

The Original Ghost Tours, Key West
Dead Donkey, LLC - Owner
Karen Cabanas, R/A
Jason D McIntire
~ 537 Eaton Street
Sec. 26-192 Prohibition against unreasonable noise
Officer Barbara Meizis
Certified Service: 7-13-2011
Initial Hearing: 8-3-2011

Continued from September 28, 2011 for Settlement Agreement

Nightly, at approximately 10 pm, the tour congregates across the

street from a residence and for 15 to 30 minutes, the group shouts at the top of their lungs.

The Special Magistrate approved the Settlement Agreement between the City and Dead Donkey LLC. Costs of \$250 were imposed and suspended.

20

Case # 11-125

Oscar Javier Alvarado
2927 Seidenberg Avenue
Sec. 108-677 Parking & Storage of Certain Vehicle
Officer Barbara Meizis
Certified Service: 9-10-2011
Initial Hearing: 9-28-2011

Continued from September 28, 2011 for compliance

All vehicles shall have current license plates or be placed in an enclosure or removed from the property.

The Special Magistrate found that this property was in compliance. This case will remain open until the costs of \$250 that were imposed on September 28, 2011 are paid.

21

Case # 11-785

Brian & Kimberly Blanchette
1312 Reynolds Street 1
Sec. 14-40 Permits in the Historic District
Sec. 14-31 Florida Building Code
Officer Bonnita Myers
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

Continued from September 28, 2011

A building permit and HARC approval is required prior to replacing roof with V-crimp.

Code Officer Bonnita Myers requested a continuance to November 16, 2011 which was granted by the Special Magistrate.

22

Case # 11-1190

Shirrel & Diane Rhoades
1318 Duncan Street #4
Sec. 66-102 Delinquent Business Tax Receipt
Officer Jim Young
Certified Service: 9-27-2011
Initial Hearing: 10-19-2011

New Case

The business tax receipt to rent this property is delinquent

Al Kelly requested a continuance to December 14, 2011 which was granted by the Special Magistrate.

23

Case # 11-1191

Shirrel & Diane Rhoades
1318 Duncan Street #3
Sec. 66-102 Delinquent Business Tax Receipt
Officer Jim Young
Certified Service: 9-27-2011
Initial Hearing: 10-19-2011

New Case

The business tax receipt to rent this property is delinquent

Al Kelly requested a continuance to December 14, 2011 which was granted by the Special Magistrate.

24

Case # 11-1198

Shirrel & Diane Rhoades
329 Virginia Street
Sec. 66-102 Delinquent Business Tax
Officer Jim Young
Certified Service: 9-27-2011
Initial Hearing: 10-19-2011

New Case

The business tax receipt to rent this property is delinquent

The business tax receipt was obtained and the Special Magistrate dismissed this case.

25

Case # 11-1201

Shirrel & Diane Rhoades
217 Virginia Street
Sec. 66-102 Delinquent Business Tax
Officer Jim Young
Certified Service: 9-27-2011
Initial Hearing: 10-19-2011

New Case

The business tax receipt to rent this property is delinquent

The business tax receipt was obtained and the Special Magistrate dismissed this case.

26

Case # 11-1202

Shirrel & Diane Rhoades
1101 Varela Street
Sec. 66-102 Delinquent Business Tax
Officer Jim Young
Certified Service: 9-27-2011
Initial Hearing: 10-19-2011

New Case

The business tax receipt to rent this property is delinquent

The business tax receipt was obtained and the Special Magistrate dismissed this case.

27

Case # 11-1210

Shirrel & Diane Rhoades
830 Olivia Street
Sec. 66-102 Delinquent Business Tax
Officer Jim Young
Certified Service: 9-27-2011
Initial Hearing: 10-19-2011

New Case

The business tax receipt to rent this property is delinquent

The business tax receipt was obtained and the Special Magistrate dismissed this case.

Mitigations

28

Case # 10-625 & 10-626

Victor Cushman
720 - 726 Emma Street

Continued from September 28, 2011 for ruling

The mitigation request that was presented to the Special Magistrate was denised. The total amount of the fines are due.

29

Case # 11-127
Clifford Cutler
2901 Seidenberg Avenue

The Special Magistrate approved the payment schedule for Clifford Cutler which starts on November 1, 2011.

HARC Appeals

30

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

Continued from September 28, 2011 for ruling

The Special Magistrate upheld HARC's decision.

Liens

Case # 11-790
Dan's Discount Dumpsters
Dan Michie

Continue for service

This case was continued for service.

Adjournment