



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, October 21, 2015

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3731 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 # 15-830

Rishi Gidwani
3609 Northside Drive
Sec. 26-126 Clearing of property of debris and noxious material required
Sec. 62-2 Obstructions
Officer Bonnita Badgett
Hand Served: 9-18-2015
Initial Hearing: 10-21-2015

In compliance October 14, 2015, request dismissal

Count 1: The yard needs to be cleared on trash and debris and the lawn needs to be mowed. **Count 2:** The City's right of way needs to be cleared on trash and debris.

The Special Magistrate granted the request to dismiss this case.

2

Case # 15-299

Millionaire Gallery Inc.
Bruce Matthews, R/A
Ocean Blue Commercial Holding
824 Duval Street
Sec. 114-104 Restriction on number of signs permitted
Officer Peg Corbett
Certified Service: 10-5-2015
Initial Hearing: 10-21-2015

In compliance September 25, 2015, request dismissal

Count 1: Photographed 12 signs affixed to the store front by either box wood sign and or stencils which exceed the allowable amount.

The Special Magistrate granted the request to continue this case to November 18, 2015.

3

Case # 15-564

Key West Strip Inc.

Joel Marcus, R/A

Michael & Sharon Irwin

509 Duval Street

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

Sec. 14-40 Permits in historic districts

Officer Peg Corbett

Certified Service: 9-18-2015 - owner

Posted: 9-25-2015 - business

Initial Hearing: 10-21-2015

Continued from October 21, 2015

Count 1: For failure to obtain a building permits for the new signs.

Count 2: For failure to obtain a certificate of appropriateness for the new signs.

The Special Magistrate granted the request to continue this case to November 18, 2015.

4

Case # 15-863

Angela Petronia LLC

Charles Krumel, R/A

607 Petronia Street

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

Sec. 14-40 Permits in historic districts. Modified

Officer Peg Corbett

Certified Service: 10-3-2015

Initial Hearing: 10-21-2015

Continued from October 21, 2015

Count 1: For building a deck without benefit of a permit. Wardlow Construction applied for the permits, but they remain in callback.

Count 2: A certificate of appropriateness is required prior to building a deck.

The Special Magistrate found Mr. Krumel in violation. Costs of \$250 were imposed. Also imposed was a fine of \$100 per day, per count (total of 2 counts) if compliance is not obtained by November 17, 2015. A compliance hearing will be held on November 18, 2015.

5**Case # 15-1138**

Terry J Barrett & Richard H Dericks
540 White Street
Sec. 58-31 Container and receptacle requirements
Office Peg Corbett
Certified Service: 9-14-2015
Initial Hearing: 10-21-2015

In compliance 9-24-2015, request dismissal

Count 1. On Wednesday, 2 Sept 2015, bins were being stored on the city right of way. Trash pickup is on Monday.

The Special Magistrate granted the request to dismiss this case.

6**Case # 15-1146**

Sheila K Mullins
828 Fleming Street 830
Sec. 58-31 Container and receptacle requirements
Officer Peg Corbett
Certified Service: 9-10-2015
Initial Hearing: 9-30-2015

In compliance September 24, 2015, request dismissal

Count 1: On Wednesday, 2 Sept 2015, bins were being stored the the City right of way. Pick up is on Mondays.

The Special Magistrate granted the request to dismiss this case.

7**Case # 15-1162**

Michael Brockner
1004 Watson Street 1
Sec. 58-31 Container and receptacle requirements
Officer Peg Corbett
Certified Service:
Initial Hearing: 10-21-2015

In compliance November 7, 2015, request dismissal

Count 1: On Wednesday, 2 Sept 2015, the bins were being store on

the city right of way. Pickup is on Mondays.

The Special Magistrate granted the request to continue this case to November 18, 2015 for service.

8

Case # 14-1488

Sunrise at Seaside Condo Association

3625 Seaside Drive

FBC. 1612.4 (ASCE 24-05) Floor Hazard Construction - **Counts 1 through 3**

Officer Scott Fraser

Certified Service: 9-15-2014

Initial Hearing: 10-21-2015

Continuance granted to January 27, 2016

Count 1: Unprotected enclosed structures below design floor elevation. **Count 2:** Flood venting below design flood elevation - required. **Count 3:** Unsecured fuel tanks - propane

The Special Magistrate granted the request to continue this case to January 27, 2016.

9

Case # 14-1628

117 Duval LLC

117 Duval Street

FBC 1612.4 (ASCE 24-415) Unprotected enclosed structure below design flood elevation

Officer Scott Fraser

Certified Service: 3-23-2015

Initial Hearing: 5-27-2015

In compliance November 4, 2015, request dismissal

Count 1: In accordance with the City's requirements for participation in the National Flood Insurance Program (NFIP), the City's 2000 approval for construction of this commercial structure below the established NFIP flood level was contingent upon the installation and maintenance of approved floodproofing measures. These floodproofing measures no longer exist.

The Special Magistrate granted the request to extended the compliance date to November 4, 2015.

10

Case # 13-1418

Carolyn Sprogell

907 Frances Street
Sec. 14-37 Building permits, professional plans; display of permits
Sec. 14-40 Permits in historic district
Sec. 62-2 Obstructions
Officer Leonardo Hernandez
Certified Service: 10-5-2014
Initial Hearing: 11-14-2014

Continuance granted to December 16, 2015

Count 1: For building a eight foot fence without benefit of a permit.

Count 2: For building a eight foot fence without benefit of HARC approval. **Count 3:** The fence is on the City's right of way.

The Special Magistrate granted the request to continue this case to December 16, 2015.

11

Case # 14-1248

Kenneth Dooley
Peter Bek-Gran
1410 Albury Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Officer Leonardo Hernandez
Posted: 9-25-2015
Initial Hearing: 8-26-2015

Continued from September 30, 2015

Count 1: For failure to obtain a building permit for installation of brick pavers around the pool, rear, front and side property. **Count 2:** For failure to obtain a certificate of appropriateness for installation of brick pavers around the pool, rear, front and side property.

The Special Magistrate granted the request to continue this case to December 16, 2015.

12

Case # 15-828

Karen & Delmar Lewis - property owner
T Ryan Contracting Inc. - contractor
704 Caroline Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Sec. 18-117 Acts declared unlawful (1)
Officer Leonardo Hernandez

Certified Service: 8-12-2015 - property owner
Hand Served: 9-16-2015 - contractor
Initial Hearing: 8-26-2015

Continued from September 30, 2015 - contractor - Settlement Agreement

The case against the property owner was continued to November 18, 2015

Count 1: For failure to obtain a building permit prior to the removal of a wooden deck. **Count 2:** For failure to obtain a certificate of appropriateness prior to the removal of a wooden deck. **Count 3:** For working outside the scope of your contractors license.

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent stipulates to the imposition of a Fine in the amount of \$250. If the Respondent is found in violation of Sections 14-37, 14-40 and 18-117 again in the future, Respondent understands that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

13

Case # 15-1177

Aubrey Marie Otten
914 Frances Street
Sec. 58-31 Container and receptacle requirements
Officer Jorge Lopez
Certified Service: 9-14-2015
Initial Hearing: 10-21-2015

In compliance September 13, 2015, request dismissal

Count 1: On Thursday, 3 Sept 2015, a sofa was on the city right of way. As of 10 Sept 2015, the sofa was still there.

The Special Magistrate granted the request to dismiss this case.

14

Case # 15-1288

Haskins Plumbing Inc.
Thomas Haskins, R/A
2023 Flagler Avenue
Sec. 108-679 Commercial vehicles
Officer Jorge Lopez
Certified Service: 10-9-2015
Initial Hearing: 10-21-2015

In compliance October 15, 2015, request dismissal

Count 1: On 25 Sept 2015 during a site inspection, there were three commercial vehicles parked on the city's right of way. Mr. Haskins was cited for the same violation on 22 Dec 2013.

The Special Magistrate granted the request to dismiss this case.

15

Case # 14-1110

JP Morgan Chase Bank National Association
905 Emma Street
Sec. 90-363 Certificate of occupancy - required
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Barbara Meizis
Certified Service: 9-2-2015
Initial Hearing: 9-30-2015

Request dismissal to cite new owner

Count 1: Two more units were added to this single family home without benefit of a certificate of occupancy. **Count 2:** A building permit is required prior to added to units to this single family home.

The Special Magistrate granted the request to dismiss this case to cite the new owners.

16

Case # 14-1468

James Chris Fiorella
Djin Suk Kim
George R & Marcia E Halloran
16 Hilton Haven Drive D
Sec. 14-184 Certificate of Occupancy
Sec. 14-185 Compartmentation and flotation devices
Sec. 14-186 Electrical wiring and service
Sec. 14-188 Inboard sewage device
Sec. 14-191 Exit facilities
Sec. 14-192 Guardrails
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-327 Inspection
Sec. 14-262 Request for inspection
Officer Barbara Meizis
Certified Service: 5-14-2015
Initial Hearing: January 28, 2015

Continued from October 21, 2015

Count 1: For failure to obtain a certificate of occupancy. **Count 2:** Requires inspection to ensure items are installed according to the

building code. **Count 3:** For to obtain electrical/mechanical permits. **Count 4:** Sewage devices requires an inspection. **Count 5:** Exit facilities requires an inspection. **Count 6:** Guardrails require an inspection. **Count 7:** All construction work, new sliding glass doors and new back deck with railing requires a building permit prior to construction. **Count 8:** All refrigeration and air conditioning apparatus requires inspections. **Count 9:** All electrical work requires inspections such as roughing-in, equipment installations, final inspections, etc.

The Special Magistrate granted the request to continue this case to November 18, 2015.

17

Case # 15-165

Natividad Vila L/E
Ines M Brown T/C
1324 20th Terrace
Sec. 90-356 Building permits required
Sec. 90-365 Violations and penalties
Officer Barbara Meizis
Posted: 3-19-2015
Certified Service: 5-12-2015 - Ines Brown
Initial Hearing: 4-29-2015

**Continued from September 30, 2015 for compliance
Extended compliance date from 6-24-15 to 7-29-15**

Count 1: Building permits are required prior to construction of the addition. **Count 2:** Constructed an addition on the side of the structure in the setbacks without a building permit.

The Special Magistrate granted the request to continue this case to January 27, 2016.

18

Case # 15-1303

Richard Johnson, MD
Joseph Faber, R/A
428 Greene Street
Sec. 110-292 Failure to achieve
Officer Barbara Meizis
Certified Service:
Initial Hearing: 10-21-2015

In compliance November 10, 2015, request dismissal

Count 1: The property owner does not agree with the findings of the Tree Commission.

The Special Magistrate granted the request to continue this case to November

18, 2015 for service.

Liens

19 **Case # 09-1288**
Richard & Deborah Bird
1316 Whalton Street
Certified Service 9-18-2015

The Special Magistrate approved filing of the lien.

20 **Case # 14-1821**
Janice Isherwood
523 Elizabeth Street
Posted: 11-5-2015

The Special Magistrate granted the request to continue this case to November 18, 2015 for service.

21 **Case # 15-283**
Wells Fargo Bank
3500 Flagler Avenue
Certified Service: 10-9-2015

The Special Magistrate approved filing of the lien.

22 **Case # 15-616**
James Merkel
Nari Nari
Mola Mola
202 William Street
Certified Service: 10-28-2015

The Special Magistrate granted the request to continue this case to November 18, 2015 for service.

HARC Appeals

23 **SMA 15-02**
Far Niente, LLC, a Minnesota Limited Liability Company; Eric Detwiler and Elizabeth Ford; Walter S Szot and Dawn Szot; David M Keller and Janine C Keller; G.C.J., LLC, a Florida Limited Liability Company; LANDTRUST #426 KW dated 2/11/2010; DUCK AND DOLPHIN ANTIQUES, LLC, a Florida Limited Liability Company; CONCH

REPUBLIC CYCLE, LLC, a Florida Limited Liability Company; and
BIKE FIT KEY WEST, INC., a Florida Corporation
c/o The Smith Law Firm
616 Eaton Street
H15-01-0842

The Special Magistrate upheld HARC decision for the demolition of the rear structure but is staying the demolition until a decision on the civil case is made.

Adjournment