



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, December 20, 2017

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 # 15-837

Fred V & Eileen A Redmond

3314 Northside Drive 16

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

Sec. 90-365 Violations and penalties

Officer Bonnita Badgett

Certified Service: 12-10-2015

Initial Hearing: 12-16-2015

In compliance December 5, 2017, request dismissal

Count 1: Each rental unit requires a business tax receipt to rent non-transiently. **Count 2:** The second unit needs to be legalized as a residential unit.

The request to dismiss this case was granted by the Special Magistrate.

2

Case # 17-1509

The Bank of New York as Trustee for
The Benefit of The CWABS, Inc.
3402 Eagle Avenue
Sec. 122-1185 Swimming pools
Sec. 26.32 Nuisances illustrated
Officer Bonnita Badgett
Certified Service: 12-8-2017
Initial Hearing: 12-20-2017

New Case

Count 1: For failure to repair the gate to the pool with a self-closing and self latching device to prevent accessibility to small children. **Count 2:** For failure to maintain the yard which is overgrown, tree debris is everywhere and the pool has black water and may be breeding mosquitoes.

Officer Badgett gave testimony. She stated that gate to the pool is open and the lock is broken. The yard is overgrown, tree debris is everywhere and the pool has black water. The Special Magistrate found The Bank of New York as Trustee for The Benefit of CWABS, Inc. in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day, per count (2 counts) if compliance is not obtained by January 30, 2018. A compliance hearing will be held on January 31, 2018.

3

Case # 17-101

Jeffrey L Smith
1601 Government Road
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Sophia Doctoche
Certified Service: 11-16-2017
Initial Hearing: 12-20-2017

Continuance granted to January 31, 2018

Count 1: For failure to obtain a building permit for the 6' fence.

The request to continue this case to January 31, 2018 was previously granted by the Special Magistrate.

4

Case # 17-534

Anchor Line Realty, LLC
David C. Austin - Registered Agent
820 Ashe Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Posted: 11-15-2017
Initial Hearing: 12-20-2017

In compliance December 8, 2017, request dismissal

Count 1: Failure to renew the business license which expired 30 September 2016.

The request to dismiss this case was granted by the Special Magistrate.

5

Case # 17-970

Clifford Fick
415 Julia Street
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions.
Sec. 14-40 Permits in historic districts.
Officer Sophia Doctoche
Read Receipt: 11-1-2017
Initial Hearing: 11-15-2017

In compliance December 5, 2017, request dismissal

Count 1: A permit was obtained for placement of a gate and the General Contractor worked beyond the scope of work for that permit.

Count 2: Failure to obtain the Certificate of Appropriateness for the subject property.

The request to dismiss this case was granted by the Special Magistrate.

6

Case # 17-975

Adam Kraskewicz
Pamela Kraskewicz
9 Pierce Lane
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Service: 11-21-2017 - amended notice
Initial Hearing: 7-26-2017

In compliance November 27, 2017, request dismissal

Count 1: Subject business owner has not renewed their license which expired 30 September 2016.

The request to dismiss this case was granted by the Special Magistrate.

7

Case # 17-1202

Ramirez Family Land Trust
Gary Sibley
2401 Harris Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions.
Sec. 90-363 Certificate of Occupancy - Required.
Sec. 58-61 Determination and levy of charge
Sec. 14-262 Request for inspection
Officer Sophia Doctoche
Certified Service: 10-24-2017
Initial Hearing: 11-15-2017

In compliance December 14, 2017, request dismissal

Count 1: Shed/additon built without the benefit of building permits and built within the setbacks. **Count 2:** Failure to apply and obtain a Certificate of Occupancy for the addition. **Count 3:** The subject property has 1 set of utilities associated with this single-family home but does not reflect utilities for the addition. The subject property will need to apply for and obtain a legal unit determination for the additional residential unit. **Count 4:** Failure to obtain a building inspection for all electrical work done at the subject property.

The request to dismiss this case was granted by the Special Magistrate.

8

Case # 17-1312

George & Leonor Pallas

1125 Washington Street

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - Counts 1 & 2Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business - Count 3 & 4

Sec. 90-363 Certificate of Occupancy - required - Counts 5 & 6

Sec. 58-61 Determination and levy of charge - Counts 7 & 8

Officer Sophia Doctoche

Certified Service: 11-17-2017

Initial Hearing: 12-20-2017

Continuance granted to January 31, 2018

Counts 1 & 2: For failure to obtain a building permit for converting the property from 3 units to 5 units. **Counts 3 & 4:** For failure to obtain a business tax receipt for units 4 and 5. **Counts 5 & 6:** For failure to obtain a certificate of occupancy for unit 4 and for unit 5. **Counts 7 & 8:** The subject property has 3 utility accounts associated with the property. The accounts do not reflect the 2 unrecognized units.

The request to continue this case to January 31, 2018 was previously granted by the Special Magistrate.

9

Case # 17-1393

1026 Whitehead LLC

1026 Whitehead Street

Sec. 26-126 Clearing of property of debris and noxious material required

Sec. 26-31 Offensive and nuisance conditions prohibited

Officer Sophia Doctoche

Certified Service: 12-1-2017

Initial Hearing: 12-20-2017

Continuance granted to January 31, 2018

Count 1: For failure to remove the debris from the property and not placing the trash bins out for pickup. **Count 2:** Failure to maintain all substances that may cause a foul odor.

The request to continue this case to January 31, 2018 was previously granted by the Special Magistrate.

10

Case # 17-1560

Clifford Fick

415 Julia Street

Sec. 74-34 Damaging equipment of sewer system

Sec. 74-132 Permits required to open or make connection to public sewer

Officer Sophia Doctoche

Hand Served: 12-1-2017

Initial Hearing: 12-20-2017

Request dismissal

Count 1: For severing the sewer line. **Count 2:** Permits are required to connect to the city sewer line.

The request to dismiss this case was granted by the Special Magistrate.

11

Case # 16-917

Phillip & Patsy Amsterdam - Property Owner

512 Caroline Street

Sec. 18-601 License required.

Sec. 90-363 Certificate of occupancy - Required.

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

Officer Leonardo Hernandez

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-15-2016 - Registered Agent

Initial Hearing: 1-25-2017

Continuance granted to January 31, 2018

Count 1: This business is renting short term at least two illegal units without the required license. There are 8 actual units, one is allegedly employee housing but only 5 are recognized. **Count 2:** Required certificate of occupancy was never procured or issued for 3 units in question. **Count 3:** Required building permits were never procured or issued for the 3 units in question.

The request to continue this case to January 31, 2018 was previously granted by the Special Magistrate.

12

Case # 16-1028

Phillip & Patsy Amsterdam - Property Owner

511 Caroline Street

Sec. 18-601 License required.

Sec. 90-363 Certificate of occupancy - Required.

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

Officer Leonardo Hernandez

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-15-2016 - Registered Agent

Initial Hearing: 1-25-2017

Continuance granted to January 31, 2018

Count 1: This business is renting short term 5 units without the required license. **Count 2:** Required certificate of occupancy was never procured or issued for 5 units in question. **Count 3:** Required building permits were never procured or issued for the 5 units in question.

The request to continue this case to January 31, 2018 was previously granted by the Special Magistrate.

13

Case # 17-1346

Sunder Alwani

1335 20th Terrace

Sec. 62-1 Deposits of oil, grease or other waste - Irreparable

Officer Leonardo Hernandez

Certified Service: 11-13-2017

Initial Hearing: 12-20-2017

Request dismissal

Count 1: On 26 Oct 2017, during an area canvass, pool water was being drained onto the right of way causing flooding across Cindy Avenue and onto 20th Terrace.

The request to dismiss this case was granted by the Special Magistrate.

14

Case # 17-1487

Mike's Painting Repair, Inc.

Mike Monsalvatge

431 Duval Street - City's ROW

Sec. 62-1 Deposits of oil, grease or other waste - **Irreparable Violation**

Officer Leonardo Hernandez

Certified Service: 11-22-2017

Initial Hearing: 12-20-2017

Request dismissal

Count 1: On 15 Nov 2017, observed Mike's Painting and Repair, Inc. staff pressure washing paint off the 2nd store of the old Express location, 431 Duval Street, where paint chips from the building were unlawfully discharged on the right of way, obstructing the clear and safe passage of pedestrians. The paint chips were all over the sidewalk, street and the storm drain was compromised.

The request to dismiss this case was granted by the Special Magistrate.

15

Case # 17-1317

Mark Hunt

1020 Eaton Street

Sec. 18-601 License required - Counts 1 - 7

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 8-10Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9) - Counts 11 - 17

Officer Beau Langford

Certified Service: 11-8-2017

Certified Service: 11-21-2017 - Amended Notice

Initial Hearing: 12-20-2017

Continuance granted to January 31, 2018**Irreparable violation**

Counts 1 through 7: For renting the property transiently without the benefit of a transient license from 23 Oct 2017 to 30 Oct 2017. **Count 8 through 10:** The subject property owner is holding out/advertising for short term rentals without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion. The subject property has not been inspected by the Fire Department. **Counts 11 through 17:** The subject property owner is holding out for transient rental for 7 nights; dates of 30 Oct 2017 through 6 Nov 2017 for a total of \$5,500.00.

The request to continue this case to January 31, 2018 was previously granted by the Special Magistrate.

16

Case # 17-846

A Modern Romance
Eric Baker
Mobile Vendor
Sec. 66-102 Dates due and delinquent; penalties
Officer Gerald Leggett
Certified Service:
Initial Hearing: 12-20-2017

Request continuance to January 31, 2018 for service

Count 1: The business tax receipt for A Modern Romance expired 30 Sept 2016.

The request to continue this case to January 31, 2018 for service was granted by the Special Magistrate.

17

Case # 17-886

James R McCarthy Estate
c/o Suzzane Willard, Curator
c/o Hugh J Morgan Esq.
1117 Virginia Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Gerald Leggett
Certified Service: 11-22-2017
Initial Hearing: 12-20-2017

In compliance November 27, 2017, request dismissal

Count 1: The business tax receipt to rent this property has been delinquent since 30 Sept 2016.

The request to dismiss this case was granted by the Special Magistrate.

18

Case # 17-1019

Key West Restorations, LLC - Property Owner

David L. Firestine/Incorporator

Michael Herrera

1435 Flagler Avenue

Sec. 18-150 Certificate of competency - Required - **Michael Herrera**

Count 1

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **David L. Firestine Count 2**

Sec. 18-117 Acts declared unlawful - **David L. Firestine Count 3**

Officer Gerald L Leggett

Certified Service: 8-1-2017 - Michael Herrera

Certified Service: 8-7-2017 - David Firestine

Initial Hearing: 8-30-2017

Continuance granted to February 28, 2018

Count 1: Failure to obtain the required contractor's license to remove concrete from the house. **Count 2:** Failure to obtain required permits for the removal of concrete from the house. **Count 3:** Failure to hire a licensed contractor.

The request to continue this case to February 28, 2018 was previously granted by the Special Magistrate.

19

Case # 17-1190

Michael Levi

3425 16th Terrace

Sec. 90-363 Certificate of occupancy - required - **Request dismissal**

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

Sec. 58-61 Determination and levy of charge - **Request dismissal**

Officer Gerald L Leggett

Certified Service: 9-28-2017

Initial Hearing: 10-18-2017

In compliance December 14, 2017, request a Finding of Violation without fees or fines

Count 1: For failure to obtain a certificate of occupancy for the second unit. **Count 2:** For failure to obtain the required building permits to divide the single family residence into a two family, add a kitchen and a third bedroom. **Count 3:** For failure to pay the solid waste charges for the second unit.

The request for a finding of violation without fees or fines was granted by the Special Magistrate.

20

Case # 16-335

Eleanor J Miller-Laino

3735 Cindy Avenue

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 122-238 Dimensional requirements

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

Officer Jorge Lopez

Certified Service: 7-17-2017

Initial Hearing: 8-30-2017

Continued from August 30, 2017

Count 1: Failure to obtain a certificate of occupancy. **Count 2:** Failure to pay impact fees related to utilities. **Count 3:** This unit/structure is located in the rear side of the subject property in the setback. **Count 4:** Renovations including plumbing and electrical work done without the benefit of building permits.

Officer Lopez gave testimony. He stated that this case is for an illegal dwelling unit. He first posted the property on May 26, 2016. Mr. Miller-Laino did contact him and stated she would work on legalizing this unit. Nothing had happened so he sent a notice of hearing and obtained good service on July 17, 2017. Ms. Miller-Laino sent a request to continue this case for 4 to 5 months on August 1, 2017 which was granted to this hearing. To date, Ms. Miller-Laino has not submitted the application for the Lawful Unit Determination. Magistrate Yates stated that he denied the request that he had received yesterday for another continuance. He found Ms. Miller-Laino in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day, per count (4 counts) if the application is not submitted by January 30, 2018. A status hearing will be held on January 31, 2018.

21

Case # 17-982

Sheila McFarland

1625 Flagler Avenue

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

Officer Jorge Lopez

Certified Service: 8-29-2017

Initial Hearing: 10-18-2017

Continued from November 15, 2017 for compliance**Count 1:** For exceeding the scope of the paving permit by installing pavers on the City right-of-way.

Officer Lopez submitted evidence and stated that the brick pavers had been removed. They still needed to restore the right of way which requires a right of way permit. Officer Lopez requested that the compliance date be extended to January 31, 2018 which was granted by the Special Magistrate.

22

Case # 17-1213

Erwin Mayer & Didier R Moritz - property owner

Jean Lefils Bien-Aime - **Request dismissal**

1300 15th Court Lot 77

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

Officer Jorge Lopez

Certified Service: 11-16-2017 - property owner

Certified Service:

Initial Hearing: 12-20-2017

Continuance granted to January 31, 2018**Count 1:** For failure to obtain a certificate of occupancy for the addition that was built. **Count 2:** For failure to pay impact fees related to utilities.**Count 3:** For failure to obtain building permits for the addition to the trailer and for the installed plumbing.

The request to continue this case to January 31, 2018 was previously granted by the Special Magistrate.

23

Case # 17-1318

Ciara Barthlett

1113 B Truxton Road

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

Officer Jorge Lopez

Certified Service: 10-31-2017

Initial Hearing: 11-15-2017

In compliance December 4, 2017, request dismissal

Count 1: Respondent has a mobile vendors license for pet grooming (Cici's Pet Grooming) but is providing services where she lives.

The request to dismiss this case was granted by the Special Magistrate.

24

Case # 16-455

Donald R Lynch

820 Carstens Lane

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Counts 1 - 3**Sec. 102-152 Required for permits - **Counts 4 - 5**Sec. 90-142 Historic Architectural Commission Design Guidelines
adopted - **Count 6 - in compliance, request dismissal**

Officer Kenneth JW Waite

Certified Service: 2-3-2017 - amended notice

Posted: March 30, 2017

Initial Hearing: 10-19-2016

**Continued from July 26, 2017, pending decision of the HARC
Appeal**

Count 1: For failure to obtain a building permit for the enclosure of the second story porch. **Count 2:** For failure to obtain a building permit for the exterior stairway. **Count 3:** For failure to obtain a building permit and inspections for the plumbing that was installed. **Count 4:** For failure to obtain a certificate of appropriateness for the enclosure of the second story porch. **Count 5:** For failure to obtain a certificate of appropriateness for the exterior stairway. **Count 6:** For failure to obtain a certificate of appropriateness for the satellite dish that was installed.

Greg Oropeza attended the hearing representing the Lynch's. Officer Waite submitted evidence and gave testimony. Mr. Ramsingh stated that the City would like to dismiss counts 2 and 5 regarding the staircase which was granted by the Special Magistrate. He also stated that work was done post 2015, He asked Officer Waite if permits were found for the upstairs enclosure. Answer was no. Mr. Ramsingh called Kevin Scott of 818 Carsten Lane to testify. He lives on the side of the staircase. He had looked at this property prior to purchasing 818 Carsten Lane. Mr. Ramsingh submitted evidence showing the sides open. Mr. Scott stated they were closed in with plywood several months later. He also stated there was a meeting with neighbors and asked Mr. Lynch who enclosed the porch and Mr. Lynch admitted to doing the work. Mr. Oropeza asked if the only thing put up by the Lynch's was the plywood and Mr. Scott said yes. Mr. Ramsingh called Laurie Scott to testify. She stated that the windows were not there when they saw the property, were installed after they purchased in July of 2015. She also stated that Mr. Lynch said he enclosed the property for hurricane protection. Maureen Bramlage was called to testify. She lives at 812 Carsten Lane. She stated before Susan Schock had moved, there were several Birds of Paradise plants so you could not see the back of the house. When she left, she took them all. At that time, the windows were not installed. Ms. Schock originally had used vinyl curtains. Mr. Oropeza called Erica Sterling to testify. She is a Real Estate Agent and relies on the closed permit certificate. Mr. Oropeza called Mr. Lynch to testify. Had viewed the property 30 to 40 days prior to purchasing. Sides were open. Louvers were in

the upper half of the gable portion. The seller was supposed to close the permits and wouldn't have purchased if there had been open permits. Mr. Ramsingh asked if the back of the house had changed since he purchased - No. Did he have tenants - had a tenant for a year and was not allowed to use the 2nd floor. Only 1 key and he had it. Mr. Oropeza called Kevin Talbot to testify. He is a Real Estate Broker and Appraiser. The upstairs would be worth about \$152,000 closed in. Substantially less not closed in but did not have that figure. Magistrate Yates stated that the Lynch's tried to remedy the issues but according to HARC, there is no remedy except to remove. The Special Magistrate stated that there was an admission to the violation of count 1 for the enclosure. No plumbing permit had been pulled for the violation of count 3. A certificate of appropriateness was not obtained for the enclosure for count 4. On count 6, the city hasn't met the burden of proof. Counts 2 and 5 have been dismissed. The Special Magistrate imposed costs of \$250. Also imposed was a fine of \$150 per day, per count (3 counts) if compliance is not obtained by March 27, 2018. A compliance hearing will be held on March 28, 2018.

25

Case # 16-1620

Roxanne E Fleszar

Michel Appellis

723 Catherine Street

Sec. 18-601 License Required - **Counts 1 and 2**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations D (9) - **Count 3 through 9**

Officer Kenneth JW Waite

Certified Service: 2-23-2017

Initial Hearing: 4-26-2017

In compliance July 13, 2017, request dismissal

Count 1: The subject property was held out for 7 nights rental, 15 August 2017 - 22 August 2017 without the required transient rental business tax receipt. **Count 2:** The subject property is being held out/advertised for short term rental without the benefit of the required city, county and state licensing and does not have the required transient medallion or the required fire inspection. **Counts 3 through 9:** The subject property is being held out for transient rental for 7 nights, 15 August 2017 through 22 August 2017 for a total of \$4,130.00.

The request to dismiss this case was granted by the Special Magistrate.

26

Case # 17-710

AIRBNB, Inc.

Lawyers Incorporating Services 2710

3333 Duck Avenue J204

Sec. 122-1371 D (9) Transient living accommodations in residential dwellings; regulations - Counts 1 thru 7

Officer Kenneth JW Waite

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

Continued from November 15, 2017

Counts 1 - 7: During a routine investigation of the online website www.airbnb.com, the subject property was held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017.

Paul S Figg, Berger Singerman Firm, attended the hearing representing AIRBNB Inc. Ron Ramsingh stated that they did file application for subpoenas that would be returnable at the next hearing. Magistrate Yates stated he did execute them. Mr. Ramsingh asked that the hearing be rescheduled to January 31, 2018 for subject to the production of the subpoenas. Mr. Figg stated that he received the supoenas today and has not had a chance to review them and did not want to reschedule. He had driven four hours, one way, for this hearing. The Special Magistrate granted the request to continue this case to January 31, 2018.

27

Case # 17-724

AIRBNB, Inc.

Lawyers Incorporating Services 2710

620 Thomas Street 165

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1 thru 7

Officer Kenneth JW Waite

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

Continued from November 15, 2017

Counts 1 - 7: During routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 11 June 2017 through 18 June 2017.

See notes for item 26, Case # 17-710

28

Case # 17-745

AIRBNB, Inc.

Lawyers Incorporating Services 2710

714 Thomas Street

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1 thru 7

Officer Kenneth JW Waite

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

Continued from November 15, 2017

Counts 1-7: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 July 2017 through 8 July 2017 for a total of \$1,638.00.

See notes for item 26, Case # 17-710

29

Case # 17-746

AIRBNB, Inc. - Registered Agent
Lawyers Incorporating Services 2710
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1 thru 4
1207 Florida Street
Officer Kenneth JW Waite
Certified Service: 5-22-2017
Initial Hearing: 7-26-2017

Continued from November 15, 2017

AIRBNB, Inc.: Counts 1-4: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 4 nights for the dates of 1 July 2017 through 5 July 2017 for a total of \$551.00.

See notes for item 26, Case # 17-710

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Case # 17-751

AIRBNB, Inc.
Lawyers Incorporating Services 2710
3312 Northside Drive 106
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1 thru 7
Officer Kenneth JW Waite
Certified Service: 5-22-2017
Initial Hearing: 7-26-2017

Continued from November 15, 2017

Counts 1-7: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017 for a total of \$808.00.

See notes for item 26, Case # 17-710

31

Case # 17-866

AIRBNB, Inc

Lawyers Inc Service - Registered Agent

721 Georgia Street A

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

Officer Kenneth JW Waite

Certified Service: 11-15-2017 Amended Notice

Initial Hearing: 7-26-2017

Continued from November 15, 2017

Counts 1-7: The subject property was held out/advertised by the respondent for transient rental for 7 nights the dates of 19 June 2017 through 26 June 2017 for a total of \$834.00

See notes for item 26, Case # 17-710

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Case # 17-1198

Harold J Merritt II

Marianne L Csigi

1301 Atlantic Drive

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

Sec. 90-363 Certificate of Occupancy - required

Sec. 58-61 Determination and levy of charge

Sec. 14-262 Request for inspection

FBC 1612.4 & ASCE 24-05 Floor hazard construction

FBC 1612.5; ASCE 24-05 Sec 2.6 Flood venting required

Officer Kenneth JW Waite

Certified Service: 10-23-2017

Initial Hearing: 12-20-2017

Continuance granted to March 28, 2018

Count 1: For failure to obtain building permits to convert the shed into habitable space. **Count 2:** For failure to obtain a Certificate of Occupancy for the shed. **Count 3:** For failure to obtain a solid waste account for shed. **Count 4:** For failure to obtain an electrical inspection for installing electric in the storage area/habitable space below the house for the window air conditioners. **Count 5:** For the construction of habitable space under the elevated home in a flood zone for use other than the permitted uses for storage, parking or access to higher building levels. **Count 6:** For failure to provide adequate flood venting for a substantially improved residential building located in the AE-8 flood zone. **Count 7:** Electrical appliances have been installed below the minimum flood safety elevation.

The request to continue this case to March 28, 2018 was previously granted by the Special Magistrate.

33

Case # 17-1216

Key Cove Landings, LLC - registered agent

Edwin O Swift III

5 Key Cove Drive

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

Officer Kenneth JW Waite

Certified Service: 8-25-2017

Initial Hearing: 10-18-2017

Continued from November 15, 2017 for the Findings and Order

Count 1: Per the tenants, Mr. & Mrs. Hulett, the subject property was held out as being an alternate for 522 Dupont Lane. The original property, 522 Dupont Lane would be undergoing construction during the reserved dates of 17 August 2017 through 21 August 2017 for a total of \$2684.75. Mr. Hulett completed an affidavit stating he was never issued an updated contract, or receipt, for choosing 5 Key Cove Drive.

The request to continue this case to January 31, 2018 for the Findings and Order was granted by the Special Magistrate.

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Case # 17-1296

Hoover & Hoover, LLC

Deanna Hoover - registered agent/mgrm

605 Angela Street

Sec. 18-601 License required -Count 1

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Count 2Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d) (9) - Counts 3 - 11

Officer Kenneth JW Waite

Certified Service: 10-19-2017

Initial Hearing: 12-20-2017

**In compliance October 23, 2017, request a finding of violation
without fees or fines**

Count 1: The subject property is being held out/advertised for short term rental without the benefit of a transient license for 9 nights for the dates 21 Oct 2017 through 30 Oct 2017. **Count 2:** The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing, does not have a transient medallion and has not had the required fire inspection. **Count 3 through 11:** The subject property owner is holding out for transient rental for 9 nights for the dates of 21 Oct 2017 through 30 Oct 2017 for a total of \$7,821.00.

**The request for a finding of violation without fees or fines was granted by the
Special Magistrate.**

35

Case # 17-1464

Laurie Henderson

3910 S Roosevelt Blvd W201

Sec. 18-601 License required

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

Officer Kenneth JW Waite

Certified Service:

Initial Hearing: 12-20-2017

**In compliance November 21, 2017, request a finding of violation
without fees or fines**

Count 1: The property is being held out on AIRBNB.com for transient rental without the benefit of a transient license from 1 Dec 2017 through 8 Dec 2017. **Count 2:** The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not been inspected by the fire department. **Count 3:** The subject property owner is holding out for transient rental for 7 night the dates of 1 Dec 2017 through 8 Dec 2017 for a total of \$1,247.00.

**The request for a finding of violation without fees or fines was granted by the
Special Magistrate.**

36

Case # 17-1478

Brookwood, LLC
c/o Dan Marrin
1216 Watson Street

Sec. 18-601 License required - Count 1 of 9 - **Repeat Violation**

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - Count 2 of 9 - **Repeat Violation**

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - Counts 3 through 9 - **Repeat Violation**

Officer Kenneth JW Waite
Certified Service: 11-21-2017
Initial Hearing: 12-20-2017

New Case

Count 1: For holding the property out for transient rental on vrbo.com/497773 without the benefit of a transient license. **Count 2:** The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not been inspected by the Fire Department. **Count 3 through 9:** The subject property owner is holding out for transient rental for 7 nights the dates of 1 Dec 2017 through 8 Dec 2017 for a total of \$6,758.00.

Daniel Marrin attended the hearing along with his daughter Joanna Marrin. Officer Waite gave testimony. Mr. Ramsingh asked if Mr. Marrin had a valid transient license - no. Mr. Marrin stated that they had hired a local property manager. Wasn't working out so they let the person go. His daughter is now handling it. Allow friends and family stay. Will rent out for long term. Calendar is kept on vrbo, if openings, vrbo books the property. Officer Waite stated that if the minimum is set for 28 or more, you wouldn't be able to rent for less. City requested \$250 court costs, the \$9,750 suspended fine from case # 14-785 and \$500 per count (9 counts) for the repeat violation for a total of \$14,500. The Special Magistrate imposed the costs of \$250 but re-suspended the fine of \$9,750 and the \$4,500 fine for 60 months. Compliance must be obtained by January 3, 2018. A compliance hearing will be held on January 31, 2018.

37

Case # 17-253

National Field Network

c/o Donna Chieco, Violations Department

3514 Duck Avenue

Sec. 26-126 Clearing property of debris and noxious material required

Sec. 26-127 Periods for mowing and removal of debris

Officer Jim Young

Certified Service: 12-8-2017

Initial Hearing: 12-20-2017

New Case

Count 1: Failure to maintain the property. It is filled with weeds, is unkempt, vines are growing on the side and inside the house and there are large piles of leaves everywhere. The house is in disrepair. **Count 2:** Failure to mow and remove debris on a quarterly basis.

Director Jim Young gave testimony. He stated that the property is going through foreclosure but is now being handled by National Field Network. He had contacted them and they stated that they would be initiating a work order to get the property cleaned up. Nothing has happened. The Special Magistrate imposed costs of \$250. Also imposed were fines of \$250 per day, per count (2 counts) if compliance is not obtained by January 30, 2018. A Compliance hearing will be held on January 31, 2018.

38

Case # 17-767

Wendell Wall

1610 South Street

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsFBC 1612.4 Flood Hazard Construction & ASCE 24-05 Unprotected
Enclosed Below Design Flood Elevation

Officer Jim Young

Posted: 6-7-2017

Initial Hearing: 6-28-2017

In compliance October 11, 2017, request dismissal

Count 1: Failure to obtain building permits for a structure being built in the rear of the property. **Count 2:** Subject property being within a FEMA designated AE-7 flood zone without benefit of required building permits has demolished the interior, windows electrical and plumbing contrary to flood damage prevention provisions of the Florida Building Code. Said area being below the established minimum safe flood elevation for purposes other than storage and parking, contrary to the state building code.

The request to dismiss this case was granted by the Special Magistrate.

39

Case # 17-964

George Broughton

1801 N Roosevelt Blvd D12

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

Officer Jim Young

Posted: 9-29-2017

Initial Hearing: 9-27-2017

In compliance October 25, 2017, request dismissal

Count 1: For failure to obtain a building permit to install new decking and a sliding glass door.

The request to dismiss this case was granted by the Special Magistrate.

40

Case # 17-720

Land 10031, LLC
Frances Casey Lowe - RA
3700 North Roosevelt Boulevard
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Jorge Lopez
Certified Service: 6-26-2017
Initial Hearing: 7-26-2017

In compliance December 19, 2017, request dismissal

Count 1: The car wash is operating 24 hours daily and the neighbor suffers disturbing noise within the boundaries of his property.

The request to dismiss this case was granted by the Special Magistrate.

Liens

41

Case # 17-1534

Jessica Campos Aviles
Truman Annex
Sec. 42-1 Offenses under state law - Possession of Cannabis
Certified Service: 12-11-2017
Initial Hearing: 12-20-2017

In compliance December 4, 2017, request dismissal

The request to dismiss this case was granted by the Special Magistrate.

42

Case # 17-1535

Reynaldo Acosta
Truman Annex
Sec. 42-1 Offenses under state law - Possession of Cannabis
Certified Service: 12-5-2017
Initial Hearing: 12-20-2017

In compliance December 4, 2017, request dismissal

The request to dismiss this case was granted by the Special Magistrate.

HARC Appeals

43

SMA 17-01

Donald and Susan Lynch
William Rowan - Architect
Gregory S. Oropeza, Esq.
820 Carsten Lane
H16-03-0015

Continued from July 26, 2017

The Special Magistrate affirmed the HARC decision in this case. The application of the Historic Architectural Guidelines adopted by Ordinance by the City of Key West were properly applied in this case.

Adjournment