



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Enforcement Hearing

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Thursday, April 30, 2026

1:30 PM

City Hall

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**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 # 22-328**

712 Eaton St Land Trust

Eaton St Enterprises LLC

Richard M. Klitenick- **Registered Agent**

712 Eaton 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 Erin Buechele

Hand Served: 7-15-2024

Initial Hearing: 7-25-2024

**Continued from 22 January 2026**

**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 a certificate of appropriateness with the City of Key West HARC Department.

**The Code Officer was Erin Buechele. Attorney Wayne Smith was present on behalf of the Respondent. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. Discussion centered on the Respondent's pending Motion to Stay Proceedings while a related Quiet Title Action remained pending in Circuit Court. Counsel for the Respondent advised that**

the Quiet Title Action was progressing slowly due to health issues involving opposing counsel but stated that the matter was expected to move forward within the coming weeks. Respondent's counsel explained that the ownership determination in Circuit Court would directly affect what remedies and compliance options would be available concerning the structure at issue. Counsel further argued that if the Respondent ultimately established ownership of the disputed property area, there could be avenues available to resolve the code compliance issues through permits, variances, or other measures. The City argued that no injunction had been entered by a higher court preventing the City from proceeding with the code enforcement matter. The City maintained that the pending civil litigation did not prevent prosecution of the alleged code violations, which included unpermitted construction, lack of a certificate of appropriateness, and setback violations. The City further noted that the Respondent had not obtained relief by staying the proceedings and asserted that the City could legally proceed on the merits of the violations. The Special Magistrate questioned the practical effect of proceeding while the Quiet Title Action remained unresolved, noting that any finding of violation would likely lead to requests for a stay of fines and enforcement pending the outcome of the Circuit Court case. The Special Magistrate observed that the Quiet Title Action could significantly impact the Respondent's ability to bring the property into compliance. The Special Magistrate also discussed the lengthy procedural history of the case and the uncertainty surrounding the ownership dispute. Respondent's counsel explained that the alleged encroachment and uncertainty regarding the property boundary had complicated the Respondent's ability to obtain permits or pursue after-the-fact approvals since the case began in 2022. Counsel additionally argued that accumulating fines while ownership issues remained unresolved could create fairness and due process concerns. The Special Magistrate declined to formally stay the proceedings at that time but stated that the matter would remain on the docket for continued status monitoring.

**2****Case # 26-48**

Hemingway House

Whitehead &amp; Company LLC

Darren Horan- **Registered Agent**

907 Whitehead Street

26-192 Unreasonably excessive noise prohibited- **Repeat**

Officer Erin Buechele

Certified Mail: 2-13-2026

Initial Hearing: 2-19-2026

**Requesting dismissal without prejudice****Count 1: Failure to keep music at a legal level.- Repeat**

The City requested this case be dismissed without prejudice. The Special Magistrate granted the dismissal without prejudice.

**3****Case # 25-1689**

Colovos Jeffrey

3312 Northside Drive #413

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Sophia Doctoche  
Certified Mail: 3-9-2026  
Initial Hearing: 4-30-2026

**In compliance as of 18 March 2026; 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 as of 18 March 2026. The Special Magistrate granted the dismissal.**

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**Case # 26-39**

Plant Braden B  
620 Thomas Street #279  
Sec. 18-601 License required  
122-1371 Transient living accommodations in residential dwellings; regulations  
66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Sophia Doctoche  
Certified Mail: 4-8-2026  
Initial Hearing: 4-30-2026

**In compliance as of 18 March 2026; Request dismissal**

**Count 1:** Failure to apply and obtain a transient medallion and license to advertise and rent short-term.

**Count 2:** Failure to obtain all required city, county and state licensing to advertise and rent short-term.

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

**This case came into compliance as of 18 March 2026. The Special Magistrate granted the dismissal.**

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**Case # 26-118**

Rzd Laird Street Trust  
C/O Richard M Debay  
1716 Laird Street  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions  
Sec. 14-262 Request for inspection  
Officer Sophia Doctoche  
Certified Mail: 3-17-2026  
Initial Hearing: 4-30-2026

**Continuance granted to 28 May 2026**

**Count 1:** Failure to obtain a transient medallion and license to advertise and rent short-term.

**Count 2:** Failure to obtain all required city, county and state licensing to advertise and rent short-term.

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

**Count 4:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

**Count 5:** Failure to schedule a required inspection with the City of Key West Building Department.

This case was previously granted a continuance to 28 May 2026.

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**Case # 26-300**

Ayala Gloria  
1544 5th Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Sophia Doctoche  
Certified Mail: 3-24-2026  
Initial Hearing: 4-30-2026

**New Case**

**Count 1:** Failure to pay all past due, delinquent and collection fees for the delinquent regulatory license.

The Code Officer was Sophia Doctoche. The Respondent Gloria Ayala was present. Gloria stated that she spoke only Spanish and did not bring a translator with her. Officer Doctoche read her timeline. Officer Doctoche stated that the business came into compliance as of 29 April 2026. The City requested a finding of the violation with \$250.00 administrative cost since this is a recurring case. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost.

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**Case # 26-641**

Herrick Russel and Judith  
1800 Atlantic Blvd 235C

Sec. 66-102 Dates due and delinquent; penalties  
Officer Sophia Doctoche  
Certified Mail: 3-28-2026  
Initial Hearing: 4-30-2026

**In compliance as of 30 March 2026; Request dismissal**

**Count 1:** Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

**This case came into compliance as of 30 March 2026. The Special Magistrate granted the dismissal.**

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**Case # 26-953**

Romare Joseph  
216 Southard Street  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations  
Officer Sophia Doctoche  
Certified Mail: 4-13-2026  
Initial Hearing: 4-30-2026

**New Case**

**Count 1:** Failure to obtain a transient medallion and license to advertise and rent short-term.

**Count 2:** Failure to obtain all required city, county and state licensing to advertise and rent short-term.

**The Code Officer was Sophia Doctoche. The Respondent did not attend. Officer Doctoche stated that she needed to amend the notice and requested a continuance. The Special Magistrate granted the continuance to 28 May 2026.**

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**Case # CCBLD25-103**

Arbesu Eduardo Ubieta  
1119 Catherine 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- **Irreparable**  
Officer Todd Macfarlane  
Hand Posted: 11-7-2025  
Initial Hearing: 11-20-2025

**Compliance Hearing**

**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 a certificate of appropriateness with the City of Key West HARC Department.

**Count 3:** Failure to hire a licensed contractor.- **Irreparable**

The Code Officer was Todd Macfarlane. Attorney Can Fischer was present on behalf of the Respondent. The Respondent Eduardo Ubieta was present. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. The City advised that the Respondent had previously entered into a settlement agreement requiring either the permitting of the replacement staircase or removal of the staircase if permitting could not be obtained within the compliance time frame. The City stated that extensions had previously been granted through April 30. Officer Macfarlane stated that the Respondent has not come into compliance and that the staircase still existed. The Respondent testified that he intended to properly resolve the violation through the permitting process and had been working with engineers and contractors to determine whether the staircase could be repaired or would require full replacement. The Respondent explained that prior repairs to the staircase had historically been completed through repair permits and that he had not realized the extent of the permitting and engineering requirements when the work began. The Respondent requested additional time to continue working through the permitting and engineering process. The City objected to a continuance. The Special Magistrate acknowledged that the Respondent appeared to be making efforts toward compliance but found that the Respondent remained in violation of the settlement agreement due to the lack of permits or removal of the staircase. The Special Magistrate stated that additional compliance extensions could not be granted at that stage but advised the Respondent that future mitigation could be considered once compliance was achieved. The Special Magistrate also suggested that the Respondent consider blocking off or removing the staircase while the engineering and permitting process continued. The Special Magistrate ordered for the fines to begin running pursuant to the terms of the settlement agreement.

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**Case # 25-1671**

John and Melanie Zahner

1514 5th Street

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

Sec. 58-61 Determination of levy of charge

Sec. 90-363 Certificate of occupancy, required

Sec. 18-601 License required

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

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

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

Officer Alma Montano

Hand Posted: 4-21-2026- **Amended Notice**

Initial Hearing: 12-18-2025

**Continued from 19 February 2026**

**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 a LUD with the City of Key West Licensing Department.

**Count 3:** Failure to apply and obtain a Certificate of Occupancy with the City of Key West Building Department.

**Count 4-20:** Failure to obtain a transient medallion and license to advertise and rent short-term.

**Count 21-23:** Failure to obtain all required city, county and state licensing to advertise and rent short-term.

**Count 24-40:** Failure to obtain all required city, county and state licensing to advertise and rent short-term.

**Count 41:** Failure to apply and obtain a license from the City of Key West Licensing Department.

The Code Officer was Alma Montano. The Respondent did not attend. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. Assistant City Attorney Waterhouse stated that Respondent Melanie Zahner had recently retained legal counsel approximately two days prior to the hearing. Assistant City Attorney Waterhouse also stated that Mrs. Zahner's counsel requested a continuance due to having undergone surgery the previous week. The City did not object to a continuance. The Special Magistrate granted a continuance to 28 May 2026.

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**Case # CCBLD25-33**

DGK Key West LLC

Henry Degroot III

1320 Seminary Street

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

Sec. 18-117 Acts declared unlawful- **Irreparable**

Sec. 14-40 Permits in historic district

Sec. 58-61 Determination and levy of 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 Alma Montano

Hand Posted: 6-16-2025- **Amended Notice**

Initial Hearing: 5-22-2025

**Settlement Agreement**

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

- Count 2:** Failure to hire a licensed contractor.- **Irreparable**
- Count 3:** Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.
- Count 4:** Failure to apply and obtain a LUD with the City of Key West Planning Department.
- Count 5:** Failure to apply and obtain a Certificate of Occupancy with the City of Key West Building Department.
- Count 6:** Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

The Code Officer was Alma Montano. Attorney AJ Davila was present on behalf of the Respondent. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. Assistant City Attorney Waterhouse stated that there was a Settlement Agreement on the table, but when the code officer did an inspection before the hearing and found additional unpermitted work. Attorney Davila stated that he was unaware of the situation until he walked in. He also stated that there was a permit that was applied for and passed all inspections but was never picked up. Both the City and Attorney Davila agreed to a continuance. The Special Magistrate granted a continuance to 28 May 2026.

## Mitigations

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**Case # CCBLD25-86**  
Filip Popp  
2418 Flagler Ave  
Sec. 18-117 Acts declared unlawful- **Irreparable**  
Officer Todd Macfarlane  
Hand Posted: 7-24-2025  
Initial Hearing: 8-28-2025

### Mitigation

**Count 1:** Failure to hire a licensed contractor.- **Irreparable**

The Code Officer was Todd Macfarlane. Legal Analyst Ashley Dixon was present on behalf of the City. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. The Respondent Filip Popp was present. Mr.Popp was requesting to mitigate a \$2,250.00 fine down to \$500.00. The Special Magistrate explained to the Respondent that the count he was cited for was irreparable and that he could not mitigate an irreparable fine. The Special Magistrate denied the Respondents request for mitigation.

## Adjournment