



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, December 19, 2012

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 # 07-676

Sylvia E Marucci Shelly TR U/T/D 09-02-88

Carolyn Cochran Executive

1402 Vernon Avenue Down Rear

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

Sec. 90-363 Certificate of Occupancy

Officer Bonnita Badgett

Certified Service: 7-27-2012

Initial Hearing: 8-22-2012

Continuance granted to January 30, 2013

Count 1: A business tax receipt is required to rent your property.

Count 2: A certificate of occupancy is required for all units located on the property. There are a total of 5 units and the city only recognizes 3.

The Special Magistrate granted the continuance to January 30, 2013.

2

Case # 12-338

James & Holly Cooney

415 United Street

Sec. 66-87 Business tax receipt required

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy - required

Officer Bonnita Badgett
Certified Service: 4-7-2012
Initial Hearing: 4-25-2012

Continued from October 17, 2012 for status

Count 1: A business tax receipt is required to rent the two units on the property. **Count 2:** A solid waste account is required for both units. **Count 3:** A certificate of occupancy is required for the second unit.

The Special Magistrate granted the continuance to April 3, 2013.

3

Case # 12-836

SHS Investment of South Florida Inc.
Si Stern
Robert M Weinberger, Registered Agent
820 White Street
Sec. 14-40 Permits in historic district
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 90-363 Certificate of occupancy - required
Officer Bonnita Badgett
Certified Service: 8-31-2012 - Owner
9-13-2012 - Registered Agent
Initial Hearing: 9-26-2012

Continuance granted to January 30, 2013

Count 1: Placed low voltage cameras outside without HARC approval. In compliance. **Count 2:** A business tax receipt is required for all 32 rooms. Only licensed for 19 guestrooms and 1 transient rental. **Count 3:** A certificate of occupancy is required for the extra 12 rooms.

The Special Magistrate granted the continuance to January 30, 2013.

4

Case # 12-1079

Hotspur, LLC
Flaming Buoy Filet Co.
Richard S Forste
1100 Packer Street
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Bonnita Badgett
Certified Service:
Initial Hearing: 12-19-2012

In compliance, request dismissal

Certified Service: 11-24-2012
Initial Hearing: 12-19-2012

In compliance, request dismissal

Count 1: A fire inspection was done on April 16, 2012. The fee of \$50 has not been paid

The Special Magistrate dismissed this case at the request of the code officer.

8

Case # 12-1523

Jean Delice
Christella Brevil
1116 White Street
Sec. 30-1 Fees for false alarms and fire code inspections
Sec. 66-102 Dates due and delinquent; penalties
Sec. 58-63 Delinquency
Sec. 74-206 Owner's responsibility for payment
Officer Bonnita Badgett
Certified Service: 11-24-2012
Initial Hearing: 12-19-2012

New Case

Count 1: A fire inspection was done on April 19, 2012. The fee of \$50 has not been paid

The Special Magistrate found Jean Delice and Christella Brevil in violation. Costs of \$250 were imposed. The court reserves the right to impose fines if the sewer/solid waste accounts are not paid by January 29, 2013. A compliance hearing will be held on January 30, 2013.

9

Case # 12-1489

Eye Catcher Display & Signage (Cindy's Signs Inc.)
Cynthia Phillips
Sandra Phillips Registered Agent
All Keys Construction Inc.
Amber Shaffer
Sec. 18-146 License Required - Eye Catcher
Sec. 18-117 Acts declared unlawful - All Keys Construction
Officer Kevin Caruso
Certified Service: 12-2-2012 - Eye Catcher
Initial Hearing: 12-19-2012

Continuance granted to January 30, 2013

Count 1: Eye Catcher Display & Signage was installing a sign on

or about October 9, 2012 without benefit of a contractor's license.

Count 2: On or about October 9, 2012, Eye Catcher Display & Signage was installing a sign. The permit was issued to All Keys Construction. Eye Catcher Display & Signage does not have a license to install signs.

The Special Magistrate granted the continuance to January 30, 2013.

10

Case # 12-1143

Robin Lacey & Diana Mellon-Lacey

920 Eisenhower Drive

Sec. 62-2 Obstructions

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

Officer Peg Corbett

Posted: 11-21-2012

Initial Hearing: 12-19-2012

In compliance, request dismissal

Count 1: The property has a tree that has grown over the city sidewalk preventing pedestrian traffic. **Count 2:** The property is overgrown, unsightly and has two discarded mattresses, an old stove and piles of yard debris in the driveway.

The Special Magistrate dismissed this case at the request of the code officer.

11

Case # 12-1255

Youman Carey Richardson

917 Center Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service: 11-9-2012

Initial Hearing: 12-19-2012

New Case

Count 1: The business tax receipt for the mobile business is delinquent

The Special Magistrate found Youman Carey Richardson in violation. Costs of \$250 were imposed along with a fine of 25% of the business tax receipt. Compliance must be met by January 29, 2013. A compliance hearing will be held on January 30, 2013.

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Case # 12-1428

Kevin Todd Williams
Andrew Theede T/C
1717 South Street
Sec. 62-2 Obstructions
Sec. 26-126 Clearing of property of debris and noxious materials
required
Officer Peg Corbett
Certified Service:
Initial Hearing: 12-19-2012

New Case

Count 1: Palm trees and other plantings are on the city right of way without benefit of a permit. **Count 2:** There is a fish pond that is filled with algae. The property is severely overgrown and overgrowth onto the city right of way.

The Special Magistrate granted the continuance for service.

13

Case # 12-1454

Wilma R Jetter Estate
Roger A Wigle
2601 S Roosevelt Blvd C324
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 102-158 Stop work order and penalty
Officer Peg Corbett
Certified Service: 11-13-2012
Initial Hearing: 12-19-2012

Continuance granted to January 30, 2013

Count 1: Remodeling unit without benefit of a permit. **Count 2:** For working over a stop work order.

The Special Magistrate granted the continuance to January 30, 2013.

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Case # 11-1286

Faye G Logun
2310 Patterson Avenue
Sec. 122-1078 Restrictions on buildings and structures, including
entryways, Counts 1-5
Sec. 14-37 Building permits; professional plans; display of permits,
Count 6
Sec. 90-356 Building permits required, Count 7
Sec. 90-391 Variances, Counts 10 and 11
Officer Peg Corbett

Certified Service: 8-3-2012
Initial Hearing: 9-26-2012

Continued from September 26, 2012

Counts 1-5: Subject property has five rooms held out for rent (3 occupied at the time of inspection) without property ingress/egress. **Count 6:** The main house was altered/renovated to add the above five subject rooms without the benefit of a building permit(s). **Count 7:** Two additional rooms were added to the original home in 2005 without the benefit of a building permit. **Counts 8 and 9:** For extending the main house to add the subject rooms identified in count one through five on the side setback of the property. For adding an outdoor shared bathroom facility on the rear setback of the property.

The Special Magistrate found Faye Logun in violation. No fines or fees were imposed at this time. The court reserves the right to impose fines and fees if compliance is not met by January 29, 2013. A compliance hearing will be held on January 30, 2013.

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Case # 12-671

Cynthia A Grissom
1401 Sunset Drive
Sec. 58-61 Determination and levy of charge
Officer Leonardo Hernandez
Certified Service: 5-5-2012
Initial Hearing: 5-23-2012

Continuance granted to January 30, 2013

Repeat Violation

Count 1: Repeat violation of having two units when the City only recognizes one unit.

The Special Magistrate granted the continuance to January 30, 2013.

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Case # 12-822

Blanche M Stapleton
Michael J McMahon R/S
28 Seaside South Court
Sec. 66-87 Business tax receipt required
Officer Leonardo Hernandez
Certified Service:
Initial Hearing: 12-19-2012

New Case

Count 1: A business tax receipt is required to rent your property

The Special Magistrate granted the continuance for service.

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Case # 12-851

Vladimir Prokhodnoy

2301 Linda Avenue

Sec. 90-363 Certificate of occupancy - required

Sec. 58-61 Determination and levy of charge

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

Sec. 90-356 Building permits required

Officer Leonardo Hernandez

Certified Service: 8-8-2012

Initial Hearing: 9-26-2012

Continued from October 17, 2012 for status

Count 1: A certificate of occupancy is required for the two extra units.

Count 2: A solid waste account is required for all units on the property.

Count 3: A business tax receipt is required to rent your property.

Count 4: A building permit is required for all renovations that have been done.

The Special Magistrate granted the continuance to January 30, 2013.

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Case # 12-1059

Helen S Carbonell L/E

Ron Saunders

1315 Olivia Street

Sec. 26-126 Clearing of property

Officer Leonardo Hernandez

Certified Service: 11-5-2012

Initial Hearing: 12-19-2012

In compliance, request dismissal

Count 1: Property needs to be mowed and maintained

The Special Magistrate dismissed this case at the request of the code officer.

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Case # 12-1484

Conch Shell Properties Inc.

Fouad Samaha, R/A

Hard Rock Cafe

313 Duval Street
Sec. 62-1 Deposits of oil, grease or other waste
Officer Leonardo Hernandez
Certified Service: 10-15-2012
Initial Hearing: 11-14-2012

**Continued to January 30, 2013 for the Settlement Agreement
Irreparable violation**

Count 1: The grease receptacle spilled onto Rose Lane, Down Duval Street towards Caroline on October 6, 2012. The sidewalk and street needed to be closed for cleanup.

The Special Magistrate granted the continuance to January 30, 2013 for the Settlement Agreement.

HARC Appeals

20 **SMA 12-07**
Carl Reid
Southernmost Sign Service
218 Duval Street

Continuance granted to January 30, 2013

The Special Magistrate granted the continuance to January 30, 2013.

Liens

21 **Case # 11-1417**
Michael Syring
Michael Morrone T/C
905 Trinity Drive
Certified Service: 11-9-2012

The Special Magistrate approved the filing of the lien.

22 **Case # 11-1326**
Carlton J Ditto
906 Olivia Street
Certified Service:

The Special Magistrate granted the continuance for service.

23 **Case # 12-302**
David Neil Austin
1215 Duncan Street
Certified Service:

The Special Magistrate granted the continuance for service.

24 **Case # 12-373**
Benjamin Shatkun
Raquel Barouh
908 Trinity Drive #2
Posted: 11-29-2012

The Special Magistrate approved the filing of the lien.

25 **Case # 12-416**
Keys Shuttle
Raul Cisneros
Certified Service:

The Special Magistrate granted the continuance for service.

Adjournment