



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Friday, November 14, 2014

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 305-809-3731 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 # 14-1205

Melissa Bordelon - **In compliance November 14, 2014, request dismissal**

Paradise Spa

Cindy's Signs, Inc. dba Eye Catcher Display & Designs

Cindy Phillips

Sandra Phillips, R/A

1012 Truman Avenue

Sec. 14-40 Permits in historic district

Officer Bonnita Badgett

Certified Service: 9-6-2014 - Bordelon

Hand Served: 11-4-2014 - C Phillips

Certified Service: 10-31-2014 - S Phillips

Initial Hearing: 10-29-2014

**Repeat Violation for Cindy's Signs, Inc.
Continued from October 29, 2014**

Count 1: For failure to obtain HARC approval for the signs.

The Special Magistrate found Cindy's Signs, Inc. - Cindy Phillips in violation. Costs of \$250 were imposed. Also imposed was a fine of \$500 for the repeat violation. Total amount due the City is \$750, payable within 30 days.

2

Case # 13-292

Torres Real Estate LLC

Orlando F Torres, R/A

Alexander's Guest House

1118 Fleming Street

Sec. 18-601 License Required
Sec. 122-1371 Transient living accommodations in residential dwellings
Sec. 122-599 Prohibited uses - HMDR - **Dismiss**
Officer Peg Corbett
Certified Service: 3-15-2013
Initial Hearing: 3-27-2013

Continuance granted to January 28, 2015
Irreparable violation

Count 1: The subject property was held out and/or advertised as being available transiently on 22 February 2013 for a total of 17 units. Transient license is for 15 units only. **Count 2:** The subject property was held out and or advertised as being available transiently on 22 February 2013 for a total of 17 units when they are only licensed for 15. **Count 3:** Transient rentals are not permitted in Historic Medium Density Residential areas.

The Special Magistrate continued this case to December 17, 2014.

3

Case # 14-479

New Potter's Cottage, LLC
Charles T Kemp, R/A
1212 Duval Street
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
Sec. 14-40 Permits in historic districts
Sec. 90-363 Certificate of occupancy - required
Sec. 14-256 Required
Sec. 14-325 Permits required
Sec. 58-61 Determination of levy of charge
Officer Peg Corbett
Certified Service:
Initial Hearing: 7-30-2014

In compliance October 10, 2014, request dismissal

Counts 1 - 2: The subject property has two units for which there are no business tax receipts for non-transient rental. **Counts 3 - 4:** The City of Key West recognizes three units. The subject property has five units. There are no building permits for the additional two units. **Counts 5 - 6:** The subject property has two units for which a HARC Certificate of Appropriateness has not been obtained. **Counts 7 - 8:** The subject property has tenants in the two units that have not received a certificate of occupancy from the City of Key West. **Counts**

9 - 10: The subject property did not obtain a required electrical permits for units 4 and 5. **Counts 11 - 12:** The subject property did not obtain the required mechanical permits for units 4 and 5. **Counts 13 - 14:** The subject property has two units for which there are no active utility accounts contrary to city ordinance.

The Special Magistrate dismissed this case per the request from the Code Officer.

4

Case # 14-820

Vicki Gordon
1406 Leon Street
Sec. 62-2 Obstructions
Officer Peg Corbett
Certified Service: 6-9-2014
Initial Hearing: 9-17-2014

In compliance October 31, 2014, request dismissal

Count 1: A wall and pool are five feet onto the city right of way on the Washington Street side and two feet on the Leon Street side.

The Special Magistrate dismissed this case per the request from the Code Officer.

5

Case # 14-936

Stephen & Janice Dickson
816 Eaton Street
Sec. 122-600 Dimensional requirements - **Dismiss**
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts
Officer Peg Corbett
Certified Service: 9-15-2014
Initial Hearing: 9-17-2014

Continued from October 29, 2014

Count 1: The air conditioning unit was installed within the 5' setback for HMDR. **Count 2:** The fence is 8' which exceeds the scope of the permit. **Count 3:** The fence is 8' which exceeds the certificate of appropriateness.

The Special Magistrate found Stephen and Janice Dickson in violation of exceeding the allowable fence height. Costs of \$250 were imposed. Also imposed was a fine of \$100 per day, per count if compliance is not achieved by December 16, 2014. A compliance hearing will be held on December 17, 2014.

6

Case # 14-1380

Colonial Suites, Inc.
Joseph Cohen
326 Duval Street
Sec. 14-294 Penalty for violation
Officer Peg Corbett
Certified Service: 10-6-2014
Initial Hearing: 10-29-2014

In compliance November 13, 2014, request dismissal

Count 1: The electrical box is blocked by Kiosks

The Special Magistrate dismissed this case per the request from the Code Officer.

7

Case # 14-1400

Barefoot Bill's Inc.
William Mosblech
Paradise Fishing Inc.
Robert Henkel
903 Duval 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. 114-104 Restrictions on number of signs permitted
Officer Peg Corbett
Certified Service: 10-23-2014 - Henkel & Mosblech
Initial Hearing: 11-14-2014

In compliance November 5, 2014, request dismissal

Count 1: A booth was installed on this property without the benefit of a HARC certificate of appropriateness. **Count 2:** A business tax receipt is required for sell water sports tickets and scooter and electric car rentals for Barefoot Billy's. **Count 3:** For exceeding the number of allowable signs.

The Special Magistrate dismissed this case per the request from the Code Officer.

8

Case # 14-1423

Patricia Eables
302 Southard Street
Sec. 66-102 Date due and delinquent; penalties
Officer Peg Corbett
Certified Service: 11-3-2014
Initial Hearing: 11-14-2014

In compliance November 12, 2014, request dismissal

Count 1: The business tax receipt is delinquent

The Special Magistrate dismissed this case per the request from the Code Officer.

9

Case # 14-1444

Candida Cobb

1016 Varela Street F

Sec. 66-89 Individual professionals required to pay license fee

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 11-14-2014

Continue for service

Count 1: All professions are required to obtain and renew yearly their business tax receipt. **Count 2:** A business tax receipt is required for the the professional business.

The Special Magistrate continued this case to December 17, 2014 for service.

10

Case # 14-1508

Helen Carbonell

c/o Ron Saunders

1315 Olivia Street

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 11-14-2014

Continue for service

Count 1: The property is overgrown and unsightly

The Special Magistrate continued this case to December 17, 2014 for service.

11

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 January 28, 2014

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 and the are on the City's right of way.

The Special Magistrate continued this case to January 28, 2015.

12

Case # 14-203

Salvatore Zappulla
9 Gerome Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Sec. 62-2 Obstructions
Officer Leonardo Hernandez
Posted: 6-20-2014
Initial Hearing: 7-2-2014

In compliance November 13, 2014, administrative fees still due

Count 1: For failure to obtain a building permit for the fence. **Count 2:** For failure to obtain a certificate of appropriateness for the fence.
Count 3: The fence is obstructing the city right of way.

Mr. Zappulla achieved compliance but the costs that were imposed on October 29, 2014 are still due.

13

Case # 14-429

Thomas & Paula Yardley
Mary Elizabeth Yardley
206 Olivia Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts
Officer Leonardo Hernandez
Certified Service: 8-14-2014
8-12-2014
Initial Hearing: 9-17-2014

In compliance November 12, 2014, request dismissal

Count 1: For failure to obtain a building permit prior to the construction

of a deck and walkway. **Count 2:** For failure to obtain a certificate of appropriateness prior to the construction of a deck and walkway.

The Special Magistrate dismissed this case per the request from the Code Officer.

14

Case # 14-878

1415 Olivia St LLC
David MJR Graham, R/A
1415 Olivia Street
Sec. 62-2 Obstructions
Officer Leonardo Hernandez
Certified Service: 9-19-2014
Initial Hearing: 11-14-2014

Continuance granted to December 17, 2014

Count 1: For installing pavers and plants on the city's right of way.

The Special Magistrate continued this case to December 17, 2014.

15

Case # 14-906

Duc Nguyen
1213 14th Street 278
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-256 Required
Sec. 14-358 Amendments to Florida Plumbing Code - **Dismiss**
Officer Mary Lockyear
Posted: 9-30-2014
Initial Hearing: 11-14-2014

Continuance granted to December 17, 2014

Count 1: For covering the side of the trailer with wooden siding, enclosing the washer, dryer, Jacuzzi and hot water heater with wood and wrapping the existing deck and steps in new wood without benefit of a permit. **Count 2:** For failure to obtain an electrical permit for the washer, dryer, Jacuzzi and hot water installation. **Count 3:** For failure to obtain a plumbing permit for the washer, Jacuzzi and hot water installation.

The Special Magistrate continued this case to December 17, 2014.

16

Case # 14-908

Joseph & Ellen Tetreault
2509 Harris Avenue

Sec. 66-102 Dates due and delinquent; penalties
Officer Mary Lockyear
Certified Service: 10-9-2014
Initial Hearing: 11-14-2014

In compliance October 10, 2014, request dismissal

Count 1: The business tax receipt to rent this property is delinquent.

The Special Magistrate dismissed this case per the request from the Code Officer.

17

Case # 14-1162
ATL Productions
Jose Collazo
Mobile Vendor
Sec. 66-102 Dates due and delinquent; penalties
Officer Mary Lockyear
Certified Service:
Initial Hearing: 11-14-2014

In compliance October 29, 2014, request dismissal

Count 1: The business tax receipt for ATL Productions is delinquent.

The Special Magistrate dismissed this case per the request from the Code Officer.

18

Case # 14-1199
Dominion Key West LLC
3841 N Roosevelt Blvd Bldg 2
Sec. 66-102 Date due and delinquent; penalties
Officer Mary Lockyear
Certified Service: 9-18-2014
Initial Hearing: 11-14-2014

In compliance November 6, 2014, request dismissal

Count 1: The business tax receipt to rent this property is delinquent.

The Special Magistrate dismissed this case per the request from the Code Officer.

19

Case # 14-1203
Claude A & Terry L Johnson
3214 Harriet Avenue
Sec. 66-102 Date due and delinquent; penalties

Officer Mary Lockyear
Certified Service:
Initial Hearing: 11-14-2014

In compliance September 16, 2014, request dismissal

The Special Magistrate dismissed this case per the request from the Code Officer.

20

Case # 14-1227

Washington International Insurance
Chief Financial Officer
Mobile Vendor
Sec. 66-102 Dates due and delinquent; penalties
Officer Mary Lockyear
Certified Service: 9-12-2014
Initial Hearing: 11-14-2014

In compliance November 13, 2014, request dismissal

Count 1: The business tax receipt for Washington International Insurance is delinquent.

The Special Magistrate dismissed this case per the request from the Code Officer.

21

Case # 14-1298

North American Specialty Insurance
Mobile Vendor
Sec. 66-102 Dates due and delinquent; penalties
Officer Mary Lockyear
Certified Service: 9-12-2014
Initial Hearing: 11-14-2014

In compliance November 13, 2014, request dismissal

Count 1: The business tax receipt for North American Specialty Insurance is delinquent

The Special Magistrate dismissed this case per the request from the Code Officer.

22

Case # 14-1392

Barefoot Billy's
William Mosblech
109 Duval Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Mary Lockyear
Certified Service: 9-26-2014
Initial Hearing: 11-14-2014

In compliance October 30, 2014, request dismissal

Count 1: A business tax receipt is required for Barefoot Billy's

The Special Magistrate dismissed this case per the request from the Code Officer.

23

Case # 14-1467

McConnell's Pub and Grill
Gerard F Kehoe
900 Duval Street
Sec. 75-169 Discharge of potentially harmful wastes
Sec. 62-1 Deposits of oil, grease or other waste
Officer Mary Lockyear
Certified Service: 10-18-2014
Initial Hearing: 10-29-2014

Continued from October 29, 2014

Count 1: Water is flowing across the sidewalk from the side of McDonnell's Pub and Grill turning the sidewalk green and is extremely slippery. **Count 2:** Water is flowing across the sidewalk.

The Special Magistrate continued this case to January 28, 2015.

24

Case # 14-542

Jan & George LLC
Jan K Oostdijk, Registered Agent
Jan & George LLC
600 Frances Street
Sec. 102-152 Requirements for permits
Sec. 62-2 Obstructions
Officer Barbara Meizis
Certified Service: 6-14-2014
Initial Hearing: 7-30-2014

Continued from October 29, 2014

Count 1: The step sticks out across the city right of way approximately 18 inches. There has not been an application to the Historic Architectural Review Commission for this step. **Count 2:** There is a larger protrusion over the original concrete step as pictured in a HARC application for the Historic Marker from 2011

The Special Magistrate found Jan & George, LLC - Jan K Oostkijk in violation of obstruction of the city right of way and failure to obtain a certificate of appropriateness for the step. Costs of \$250 were imposed. Also imposed was a fine of \$100 per day, per count if compliance is not achieved by December 16, 2014. A compliance hearing will be held on December 17, 2014.

25

Case # 14-722

Hana Siebertova
Tomas Zindulka, T/C
3806 Cindy Avenue
Sec. 90-359 Expiration of building permits
Sec. 90-363 Certificate of occupancy - Required
Officer Barbara Meizis
Certified Service: 8-26-2014
Initial Hearing: 9-17-2014

Continued from September 17, 2014

Count 1: Building permit 13-5379 was issued on December 20, 2013 and has had no inspections. It has been 181 days. Building permit 13-2617 was issued on September 26, 2013 and has had no inspections. It has been 266 days.

The Special Magistrate continued this case to January 28, 2015.

26

Case # 14-1333

Ted Franse Living Trust 9/22/11
616 Petronia Street
Sec. 18-601 License required
Sec. 122-629 Prohibited Uses
Sec. 122-1371 (d)(9)
Officer Matt Willman
Certified Service: 9-2-2014
Initial Hearing: 9-17-2014

Continued from October 29, 2014**Irreparable Violation**

Counts 1 - 6: A transient rental license is required to rent the property transiently. **Counts 7 - 13:** Transient rental are prohibited in the Historic High Density Residential district (HHDR). **Counts 14 - 20:** The subject property was rented transiently from August 12, 2014

The Special Magistrate continued this case to December 17, 2014 for the Settlement Agreement.

27

Case # 14-1334

Ted Franse Living Trust 9/22/11
815 Pearl Street 3
Sec. 18-601 License Required
Sec. 122-699 Prohibited uses
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Officer Matt Willman
Certified Service: 9-2-2014
Initial Hearing: 9-17-2014

Continued from October 29, 2014 for Settlement Agreement

Count 1: A transient license is required to rent your property transiently. **Count 2:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR). **Count 3:** On August 27, 2014, the property owner was holding out this property for transient rental, 11 days.

The Special Magistrate was presented a Settlement Agreement which he approved. Costs of \$250 were imposed. If Respondent is found in violation of Sections 18-601, 122-1371(d)(9) and 122-599 of the City of Key West Code of Ordinances again in the future, the violations will be considered as repeat punishable by up to \$500 per day, per count.

28

Case # 14-1346

Ted Franse Living Trust 9/22/11
616 Petronia Street
Sec. 18-601 License Required
Sec. 122-629 Prohibited uses
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Officer Matt Willman
Certified Service: 9-2-2014
Initial Hearing: 9-17-2014

Continued from October 29, 2014 for Settlement Agreement

Count 1: A transient license is required to rent your property transiently. **Count 2:** Transient rentals are prohibited in the Historic High Density Residential district (HHDR). **Count 3:** The property owner has offered this property for transient rent from April 12 through April 16, 2015.

The Special Magistrate was presented a Settlement Agreement which he approved. Costs of \$250 were imposed. If Respondent is found in violation of Sections 18-601, 122-1371(d)(9) and 122-629 of the City of Key West Code of

Ordinances again in the future, the violations will be considered as repeat punishable by up to \$500 per day, per count.

29

Case # 14-1489

June K Waage
921 Whitehead Street
Sec. 122-1371 Transient living accommodations in residential dwellings
Sec. 122-5-99 Prohibited uses
Sec. 18-601 License required
Officer Mathew Willman
Certified Service:10-14-2014
Initial Hearing: 11-14-2014

New Case

Count 1: This property was held out for transient rental of six nights.

Count 2: Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR). **Count 3:** A transient rental license is required to rent the property transiently.

The Special Magistrate continued this case to December 17, 2014 for Settlement Agreement.

30

Case # 14-1540

Stella A Rylander
419 Southard Street
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Sec. 18-601 License required
Sec. 66-87 Business tax receipt required for all holding themselves to be engaged in business
Officer Mathew Willman
Certified Service:
Initial Hearing: 11-14-2014

Continue for service

Count 1: This property was found advertising transient rentals on Craigslist. **Count 2:** A transient rental license is required to rent this property out transiently. **Count 3:** A business tax receipt is required to rent this property out non-transiently.

The Special Magistrate continued this case to December 17, 2014 for service.

31

Case # 14-1578

Richard C Walker
2407 N Roosevelt Blvd

Sec. 74-32 Discharges to natural outlet
Officer Jim Young
Certified Service: 10-23-2014
Initial Hearing: 11-14-2014

**New Case - Settlement Agreement
Irreparable violation**

Count 1: For discharging gray water into the bay bottom.

The Special Magistrate was present with a Settlement Agreement which he approved. Costs of \$250 were imposed. Also imposed was a fine of \$500. The Respondent also agrees to a suspended fine of \$4,500. The suspension period will be for 24 months. If the Respondent is found in violation of this or similar violations again within the 24 months, the suspended fine will be imposed in addition to any new fines.

Liens

32

Case # 13-1640
Martha J Wilkerson Estate
Karen Allen-Valdez
914 Emma Street Front
Certified Service:

The Special Magistrate approved the filing of the lien.

Adjournment