



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, September 28, 2011

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 # 11-722

Keith Reilly
101 Petronia Street
Sec. 66-102 Delinquent Business Tax
Officer Gary Addleman
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

Continued from 8-31-2011 for compliance

For renting your property with a delinquent business tax receipt.

Officer Addleman stated that the property was not in compliance and the Special Magistrate ordered the fines to be imposed.

2

Case # 11-781

David N Hartman
David E Bray R/S
721 Windsor Lane
Sec. 18-117 Acts Declared Unlawful
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Gary Addleman
Certified Service: 6-24-2011
Initial Hearing: 8-3-2011

Continued from 8-31-2011

For aiding and abetting an unlicensed contractor. A building permit and HARC approval are required prior to the demolition and rebuild of a deck and fencing, re-plumbing outside shower and replacing two lite doors prior to the commencement of work.

The Special Magistrate found Mr. Hartman and Mr. Bray in violation of aiding and abetting an unlicensed contractor. Administrative fees of \$250.00 were imposed.

3

Case # 11-782

Charles Lee
727 Windsor Lane
Sec. 18-117 Acts Declared Unlawful
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Gary Addleman
Certified Service: 6-17-2011
Initial Hearing: 8-3-2011

Continued from 8-31-2011

For aiding and abetting an unlicensed contractor. A building permit and HARC approval are required for the deck and fence prior to the commencement of work.

The Special Magistrate found Mr. Lee in violation of aiding and abetting an unlicensed contractor. Administrative fees of \$250.00 were imposed.

4

Case # 10-642

Mary Jo Pfund
1405 4th Street
Sec. 14-37 Building Permits, Display
Officer Dotty Austin
Certified Service: 5-12-2011
Initial Hearing: 6-29-2011

Continuance granted to October 19, 2011

Interior build outs, plumbing and electrical work require building permits prior to commencement of work.

The Special Magistrate granted the continuance to October 19, 2011.

5

Case # 10-1454

Rishi Gidwani
3609 Northside Drive
Sec. 66-87 Business tax receipt required

Officer Dotty Austin
POSTED: 7-7-2011
Initial Hearing: 8-31-2011

Continued from 8-31-2011 for compliance

A business tax receipt is required to rent your property.

Officer Austin stated that compliance has not been met. The Special Magistrate imposed Administrative fee of \$250 along with a fine of 25% of the business tax receipt for a total of \$259.99.

6

Case # 11-523

Armida Averette
3730 Eagle Avenue
Sec. 14-37 Building Permits, Display
Sec. 66-87 Business Tax Receipt Required
Sec. 90-363 Certificate of Occupancy
Officer Dotty Austin
Certified Service: 6-6-2011
Initial Hearing: 6-29-2011

In compliance, request dismissal

Building permits are required for dividing a single family residence into two units. A business tax receipt for each unit is required prior to renting the property. A Certificate of Occupancy is required prior to renting units.

Officer Austin stated that this property is in compliance and the case was dismissed by the Special Magistrate.

7

Case # 11-712

Roger W Akers
Sandra J Henning
804 Eisenhower Drive
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Sec. 26-126 Clearing of Property
Sec. 14-256 Required for Electric
Officer Dotty Austin
Certified Service: 7-25-2011
Initial Hearing: 8-31-2011

New Case

Continuance granted to October 19, 2011

A building permit and HARC approval are required prior to the commencement of building a shed. An electrical permit is required

prior to the installation of pool equipment.

Continuance was granted by the Special Magistrate to October 19, 2011.

8

Case # 11-732

Edward G DeLeon
1005 United Street A
Sec. 18-601 Transient License
Sec. 122-1371 Transient Living Accommodations
Sec. 122-269 Prohibited Uses - MDR
Officer Dotty Austin
Certified Service: 7-25-2011
Initial Hearing: 8-31-2011

**Continued from 8-31-2011 for compliance
In compliance, waiting for payment of administrative fee.**

A transient rental license is required prior to renting units transiently. Unlicensed transient rental use of residential dwellings is prohibited. Transient rental use of residential dwellings is prohibited in the MDR district.

Case was continued by the Special Magistrate for payment of Administrative fees.

9

Case # 11-775

Kimberly L Blanchette
407 Whitehead Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Dotty Austin
Certified Service: 8-22-2011
Initial Hearing: 9-28-2011

New Case

Building permits and HARC approval are required prior to the construction of a laundry room.

Continuance was granted by the Special Magistrate to November 16, 2011. The HARC application must be submitted no later than October 14, 2011.

10

Case # 10-1026

Maria D Tuyra
2209 Flagler Avenue
Sec. 66-102 Delinquent Business Tax Receipt
Officer Yesenia Beltranena
POSTED: 8-17-2011

Initial Hearing: 8-31-2011

Continued from 8-31-2011 for compliance

Delinquent business tax receipt for two non-transient units, front and rear.

Officer Beltranena stated that compliance has not been met. The Special Magistrate ordered that the fines be imposed.

11

Case # 10-1429

Perfect Pedicab, Inc.
Anthony Catalfomo R/A
Front & Duval
Sec. 18-415 Restrictions in the Historic District
Officer Yesenia Beltranena
Certified Service: 1-8-2011
Initial Hearing: 1-26-2011

Ruling in favor of Perfect Pedicab, Request Dismissal

For off premises canvassing in a prohibited area.

The Special Magistrate ruled in favor of Respondent and dismissed this case.

12

Case # 10-1526

Perfect Pedicab, Inc.
Anthony Catalfomo R/A
Front & Duval
Sec. 18-415 Restrictions in the Historic District
Officer Yesenia Beltranena
Certified Service: 1-8-2011
Initial Hearing: 1-26-2011

Ruling in favor of Perfect Pedicab, Request Dismissal

For off premises canvassing in a prohibited area.

The Special Magistrate ruled in favor of Respondent and dismissed this case.

13

Case # 10-1554

Reshma Gidwani
3700 Pearlman Court
Sec. 14-37 Building Permits, Display
Sec. 66-102 Delinquent Business Tax
Officer Yesenia Beltranena

Hand Served: 7-15-2011
Initial Hearing: 8-3-2011

Continuance granted to October 19, 2011

For failure to obtain a building permit for installing electricity in the shed and the business tax receipt is delinquent

The Special Magistrate granted the continuance request to October 19, 2011.

14

Case # 11-43

Maria G & Frank Ratcliff
Ratcliff Welding of Key West
1105 Simonton Street
Sec. 14-37 Building Permits; Display
Sec. 14-40 Permits in the Historic District
Sec. 102-152 Certificate of Appropriateness
Officer Yesenia Beltranena
Certified Service: 4-19-2011
Initial Hearing: 5-25-2011

Continued from 6-29-2011

A building permit and HARC approval are required prior to pouring concrete. A Certificate of Appropriateness is required prior to the installation of three new containers.

The Special Magistrate granted the continuance request to October 19, 2011.
Compliance must be met no later than October 18, 2011 at 5 pm.

15

Case # 11-234

Poinciana Park Partners LLP
Charles Walinque
1300 15th Ct 47
Officer Yesenia Beltranena
Certified Service: 8-13-2011
Initial Hearing: 9-28-2011

In compliance, request dismissal

Permit was rescinded because the permit application was not signed by the owner of Poinciana Park Partners LLP and also because the permit went over the scope of work. The structure is to be removed completely with the appropriate permits.

Officer Beltranena stated that this property is in compliance and the case was dismissed by the Special Magistrate.

16 Case # 11-934
Kenneth (Kenyatta) Arrington
Street Performer
Sec. 6-2 Permit Required
Sec. 6-4 Permit Regulations
Officer Yesenia Beltranena
Hand Served: 7-21-2011
Initial Hearing: 8-31-2011

Continued from 8-31-2011 - under advisement

Permittee shall furnish and maintain public liability and property damage insurance. Amplified music is prohibited.

The Special Magistrate took this case under advisement to October 19, 2011.

17 **Case # 11-936**
Tiger Maximus & River Seine
c/o Earl Washington
Street Performer
Sec. 6-2 Permit Required
Officer Yesenia Beltranena
Hand Served: 7-14-2011
Initial Hearing: 8-31-2011

Continued from 8-31-2011 for proof of insurance

Permittee shall furnish and maintain public liability and property damage insurance.

The Special Magistrate found Tiger Maximus & River Seine in violation. Costs of \$250 2343 imposed along with a fine of \$250 per day starting September 29, 2011. A compliance hearing will be held on October 19, 2011.

18 **Case # 11-939**
George B Davis
Street Performer
Sec. 6-3 Locations
Sec. 6-2 Permit Required
Officer Yesenia Beltranena
Hand Served: 7-20-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal

Performing less than 20' for the closest intersection. Permittee shall furnish and maintain public liability and property damage insurance.

Officer Austin stated that Mr. Davis is in compliance and the case was dismissed by the Special Magistrate.

19

Case # 11-542

906 Fleming Street, LLC
John E Anding, Mgr.
Richard M Klitenick, R/A
for 906 Fleming Street LLC
906 Fleming Street
Sec. 18-601 Transient License
Sec. 122-839 Prohibited uses in HNC-2
Sec. 122-1371 Transient Living Accommodations
Officer Ginny Haller
Certified Service: 6-7-2011
Initial Hearing: 6-29-2011

Continued from 8-23-2011 for status

A transient license is required to rent property transiently. Transient rentals are prohibited in the HNC-2 district. The property was held out and/or advertised as being available transiently on August 5, 2011 through August 19, 2011 without the benefit of a valid transient rental license.

The Special Magistrate granted the contiuance request to October 19, 2011.

20

Case # 11-615

John McCoy & Constance Kara
215 Eneas Lane
Sec. 14-37 Building Permits, Required
Sec. 102-152 Certificate of Appropriateness
Sec. 102-158 Stop Work Order & Penalty
Officer Ginny Haller
Certified Service: 8-4-2011
Initial Hearing: 8-31-2011

Irreparable Violation**Continued from 8-31-2011 for status**

A building permit and Certificate of Appropriateness are required prior to change out the door, stucco, installation of A/C units and installation of copper tubing. For working over a stop work order.

The Special Magistrate granted the contiuance request to October 19, 2011. Mr. McCoy will need to have a payment plan submitted by the next hearing.

21

Case # 11-678

Earl Washington
Parent/Guardian Street Performers
Sec. 6-4 Permit Regulations
Officer Ginny Haller
Certified Service: 5-28-2011
Initial Hearing: 6-29-2011

Continued from 8-31-2011 for compliance and determination of costs

(w) Amplification in any form is prohibited.

The Special Magistrate found Tiger Maximus and River Seine in violation. Costs of \$250 were imposed along with a fine of \$250. The fine was suspended.

22

Case # 11-1072
Island Cigar & Tobacoria
Alon & Carol Croitoru
501 Greene Street 503
Sec. 106-51 Outdoor Display of Merchandise
Officer Ginny Haller
Certified Service: 9-7-2011
Initial Hearing: 9-28-2011

Repeat Violation

Continuance granted to October 19, 2011

The outdoor display of merchandise in the historic zoning districts of the city is prohibited unless an exception is granted by the planning board as provided in Section 106-52.

The Special Magistrate granted the continuance request to October 19, 2011.

23

Case # 10-1365
Thomas Savage
Rebecca Anderson
Perfect Pedicab, Inc.
Tifts at Front
Sec. 6-151 Conditions of Use
Officer Barbara Meizis
Certified Service: 11-10-2010
Initial Hearing: 12-8-2010

Ruling in favor of Perfect Pedicab, Request Dismissal for Perfect Pedicab

For parking in a prohibited area and for driving the wrong way on a

one way street.

The Special Magistrate ruled in favor of Respondent and dismissed this case. He also found Ms. Anderson in violation. No costs or fines were imposed.

24

Case # 10-1375

MCCAR Investment Corp
Michael Browning, R/A
924 Kennedy Drive A
Sec. 14-37 Building Permits, Display
Sec. 14-256 Permit Required for Electric
Sec. 14-262 Request for Inspection
Sec. 14-358 Permit Required for Plumbing
Sec. 58-61 Determination & Levy
Sec. 90-356 Building Permit Required
Sec. 90-363 Certificate of Occupancy
Officer Barbara Meizis
Certified Service: 7-13-2011
Initial Hearing: 8-31-2011

Continued from 8-31-2011

Electrical and plumbing permits are required prior to installation of electrical outlets and running water. Electrical permit is required before installation of electricity. An electrical inspection is required. Plumbing plans must be submitted, approval secured and a permit obtained and paid for prior to commencing work. Property owner must obtain a determination & levy for solid waste collection on new shed/unit. Building permits are required. A certificate of occupancy is required.

The Special Magistrate granted the continuance request to October 19, 2011.

25

Case # 11-125

Oscar Javier Alvarado
2927 Seidenberg Avenue
Sec. 108-677 Parking & Storage of Certain Vehicle
Officer Barbara Meizis
Certified Service: 9-10-2011
Initial Hearing: 9-28-2011

New Case

All vehicles shall have current license plates or be placed in an enclosure or removed from the property.

The Special Magistrate found Oscar Javier Alvarado in violation. Costs of \$250 were imposed along with a fine of \$50 per day if not in compliance by October

18, 2011. A compliance hearing will be held on October 19, 2011.

26

Case # 11-149

Arthur Sawyer Post No 28
Am Legion Dept of FL
Gary Decker, R/A
5610 College Road
Sec. 70-463 Recreational Vehicle Designated Parking
Sec. 122-1019 Prohibited Uses PS
Sec. 122-130 Conservation District Uses Prohibited
Officer Barbara Meizis
Certified Service: 5-28-2011
Initial Hearing: 6-29-2011

Continued from 8-3-2011

Off-street parking of recreational shall be confined to those areas allowed by code to accommodate such parking. An RV park is not a use permitted nor is it a conditional use permitted in the PS district. An RV park is not specifically or provisionally provided for in this division and is therefore prohibited in the conservation district.

Officer Meizis stated that this property is in compliance and the Special Magistrate dismissed the case.

27

Case # 11-192

Shirley L Mills
1015 Packer Street
Sec. 108-680 Recreational Vehicles/Boats
Sec. 108-681 Camping Vehicles & Equipment
Officer Barbara Meizis
POSTED: 8-15-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal

Trailers shall be parked within an enclosed structure or screened by a fence or vegetation of sufficient height and opaqueness so as not to be seen from off-site. Trailers may not be parked forward of front building line or occupied for living quarters except in a licensed trailer park.

Officer Meizis stated that this property is in compliance and the case was dismissed by the Special Magistrate.

28

Case # 11-510

The Original Ghost Tours, Key West

Dead Donkey, LLC - Owner
Karen Cabanas, R/A
Jason D McIntire
~ 537 Eaton Street
Sec. 26-192 Prohibition against unreasonable noise
Officer Barbara Meizis
Certified Service: 7-13-2011
Initial Hearing: 8-3-2011

Continued from 8-3-2011

Nightly, at approximately 10 pm, the tour congregates across the street from a residence and for 15 to 30 minutes, the group shouts at the top of their lungs.

The Special Magistrate granted the continuance request to October 19, 2011 for the Settlement Agreement.

29

Case # 11-648
Perfect Pedicabs
South & Whitehead
Sec. 6-151 Conditions of Use
Officer Barbara Meizis
Certified Service: 5-28-2011
Initial Hearing: 6-29-2011

Ruling in favor of Perfect Pedicab, Request Dismissal

You shall not park, stand, or stop at a yellow curb and/or with a "no parking anytime tow away zone" sign thereby creating a hazardous situation.

The Special Magistrate ruled in favor of Respondent and dismissed this case.

30

Case # 11-649
Pirate One Pedicab
South & Whitehead
Sec. 6-151 Conditions of Use
Officer Barbara Meizis
Certified Service: 6-1-2011
Initial Hearing: 6-29-2011

Ruling in favor of Pirate One Pedicab, Request Dismissal

You shall not park, stand or stop at a yellow curb and/or with a "no parking anytime tow away zone" sign thereby creating a hazardous situation.

The Special Magistrate ruled in favor of Respondent and dismissed this case.

31

Case # 11-906

Frank Cicalese
Hot Cuts
3255 Flagler Avenue 304
Sec. 66-102 Delinquent Business Tax Receipt
Sec. 74-209 Delinquent sewer account
Officer Barbara Meizis
Certified Service: 9-10-2011
Initial Hearing: 9-28-2011

In compliance, request dismissal

Count 1: Hot Cuts retail/wholesale/ sales business tax receipt expired on 20100930. **Count 2:** Frank Cicalese, cosmetologist business tax receipt expired on 20100930. **Count 3:** Hanson, cosmetologist business tax receipt expired on 20100930. **Count 4:** Lavalee, cosmetologist business tax receipt expired on 20100930. **Count 5:** Sewer/solid waste account is delinquent.

Officer Meizis stated that this property is in compliance and the case was dismissed by the Special Magistrate.

32

Case # 11-329

Joanne C Robertson
706 Elizabeth Street A
Sec. 14-37 Building Permits, Display
Officer Bonnita Myers
Certified Service: 8-12-2011
Initial Hearing: 8-31-2011

Continued from 8-31-2011

A building permit is required prior to changing out a window.

Officer Myers stated that this property is in compliance and the case was dismissed by the Special Magistrate.

33

Case # 11-785

Brian & Kimberly Blanchette
1312 Reynolds Street 1
Sec. 14-40 Permits in the Historic District
Sec. 14-31 Florida Building Code

Sec. 66-87 Business Tax Receipt
Officer Bonnita Myers
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

Continued from 8-31-2011

A building permit and HARC approval is required prior to replacing roof with V-crimp. A business tax receipt is required to rent your property.

**The Special Magistrate granted the contiuance request to October 19, 2011.
The hardship must be submitted to HARC no later than 10-19-2011.**

34

Case # 11-929

Cecil E Allf Irrevocable Trust
Knabe Family Ltd. Partnership T/C
c/o Craig Knabe, R/A
431 Front Street
Sec. 14-37 Building Permits Required; Display
Sec. 14-40 Permits in the Historic District
Officer Jim Young
Certified Service: 8-15-2011
Initial Hearing: 9-28-2011

Continuance granted to November 16, 2011

On July 19, 2011 a new sign was erected atop of the ticket booth located at 431 Front Street C without the required HARC Certificate of Appropriateness.

The Special Magistrate granted the contiuance request to November 16, 2011.

35

Case # 11-1012

Clifford & Yolanda Mingo
708 Emma Street
Sec. 66-102 Delinquent Business Tax
Officer Jim Young
Certified Service:
Initial Hearing: 9-28-2011

In compliance, request dismissal

Business Tax Receipt is delinquent and needs to be paid.

Officer Young stated that this property is in complianace and the case was dismissed by the Special Magistrate.

36

Case # 11-1020

Charles & Sheila Freeman
2627 Patterson Avenue
Sec. 66-102 Delinquent Business Tax Receipt
Officer Jim Young
Certified Service: 8-11-2011
Initial Hearing: 9-28-2011

In compliance, request dismissal

The business tax receipt is delinquent and needs to be paid and kept up to date

Officer Young stated that this property is in compliance and the case was dismissed by the Special Magistrate.

37

Case # 11-1100

Margaret G Johnson
3314 Northside Drive 31
Sec. 66-102 Delinquent Business Tax Receipt
Officer Jim Young
Certified Service: 9-3-2011
Initial Hearing: 9-28-2011

In compliance 9-7-2011, request dismissal

The business tax receipt is delinquent and needs to be paid and kept up to date

Officer Young stated that this property is in compliance and the case was dismissed by the Special Magistrate.

38

Case # 11-1103

Wells Fargo Bank
Corporation Service Co R/A
1004 Watson Street 2
Officer Jim Young
Sec. 66-102 Delinquent Business Tax Receipt
Certified Service: 9-6-2011
Initial Hearing: 9-28-2011

New Case

The business tax receipt is delinquent and needs to be paid and kept up to date

The Special Magistrate granted the contiuance request to November 16, 2011 for service.

HARC Appeals

39 **SMA 11-03**
Arch. William Rowan
1107 Grinnell Street
H11-01-445

Continued from 8-31-2011

The Special Magistrate too this issue under advisement and continued this case to October 19, 2011.

Mitigations

40 **Case # 10-625 & 10-626**
Victor Cushman
720 - 726 Emma Street

The Special Magistrate took the mitigation request under advisement.

Liens

41 **Case # 09-2109**
Lissette Cuervo
Louis Cuervo
2804 Seidenberg Avenue

Certified Service: 8-24-2011

The Special Magistrate approved imposing the lien.

Adjournment