



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, July 2, 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 # 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

**In compliance June 14, 2014, request dismissal**

**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.

**Attachments:** [12-836 820 White St NOH](#)

[12-836 820 White St NOH RA](#)

**Legislative History**

9/26/12	Code Compliance Hearing	Continuance
12/19/12	Code Compliance Hearing	Continuance
1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance

10/2/13	Code Compliance Hearing	Continuance
1/29/14	Code Compliance Hearing	Continuance
3/19/14	Code Compliance Hearing	Continuance
4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

**2****Case # 12-972**

Cecil Wilson Bain

Marcelyn R Cox

326 Truman Avenue

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 Peg Corbett

Certified Service: 10-18-2013

Initial Hearing: 10-30-2013

**In compliance June 26, 2014, request dismissal****Count 1:** A certificate of occupancy was not obtained for the stand-alone building on the Julia Street side which has two rental units.**Count 2:** A business tax receipt is required for the two rental units.**Attachments:** [12-972 ANOCV - NOH 8897](#)**Legislative History**

10/30/13	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

3

**Case # 13-1417**

Dasha Renee Ray

1215 Mac Millan Drive

Sec. 62.2 Obstructions - **Dismiss**

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

Sec. 14-261 Failure to obtain electrical permit

Sec. 90-363 Certificate of occupancy - Required - **Dismiss**Sec. 58-61 Determination and levy of charge - **Dismiss**

Sec. 74-206 Owner's responsibility for payment

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

Officer Peg Corbett

Certified Service: 1-7-2014

Initial Hearing: 1-29-2014

**Continued from May 28, 2014 for compliance**

**Count 1:** A scooter was blocking the city sidewalk. **Count 2:** The property owner was issued a permit to "enclose empty space at rear for laundry and infill of a carport under existing roof for storage only: in October 2001. The area is currently occupied by a tenant. No permits for the renovation for the second kitchen or the second bathroom.

**Count 3:** The property owner did not apply for or obtain an electrical permit for the second kitchen. **Count 4:** The property owner has a second unit which is occupied without the benefit of a certificate of occupancy. **Count 5:** The property owner has not obtained the required utility accounts for the second unit. **Count 6:** The property owner has a delinquent utility account. **Count 7:** The subject property has two units individually rented without the benefit of the required business tax receipt.

**Attachments:** [13-1417 1215 Mac Millan Dr NOH](#)

**Legislative History**

1/29/14	Code Compliance Hearing	Continuance
2/26/14	Code Compliance Hearing	Continuance
3/19/14	Code Compliance Hearing	Continuance
4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

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**Case # 13-1512**

Five Guys Burgers & Fries  
 Corporation Service Company, R/A  
 E. Miles Prentice, Mgr.  
 500 Truman Avenue 1  
 Sec. 114-103 Prohibited signs - **dismiss**  
 Sec. 114-104 Restriction on the number of signs permitted  
 Officer Peg Corbett  
 Certified Service: 1-16-2014  
 Certified Service: 2-7-2014 - revised notice  
 Initial Hearing: 1-29-2014

**In compliance, request dismissal**

**Count 1:** The subject business has an interior illuminated sign and five paper signs/banners attached to the windows facing both Duval and Truman contrary to city ordinance. **Count 2:** The subject business has six signs

**Attachments:** [13-1512 500 Truman 1 NOH 0083](#)

[13-1512 500 Truman 1 NOH 0090](#)

**Legislative History**

1/29/14	Code Compliance Hearing	Continuance
2/26/14	Code Compliance Hearing	Continuance
3/19/14	Code Compliance Hearing	Continuance
4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

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**Case # 14-309**

Norma Jean Peacock Sonzogni  
 Nancy Fay Peacock Ruiz T/C  
 825 Southard Street Rear  
 Sec. 14-40 Permits in historic district  
 Sec. 14-37 Building permits; professional plans; display of permits  
 Officer Peg Corbett  
 Certified Service: 3-10-2014  
 Initial Hearing: 4-23-2014

**Continued from May 28, 2014**

**Count 1:** For failure to obtain a certificate of appropriateness for the deck and pavers. **Count 2:** For failure to obtain a building permit for the deck and pavers.

**Legislative History**

4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

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**Case # 14-378**

Dereck Berger  
 Lance Torres  
 2333 Fogarty Avenue  
 Sec. 90-356 Building permits required  
 Sec. 108-680 Recreational vehicles and boats  
 Sec. 118-4 Recording of plats, lot splits or other change in lines or boundaries defining land configuration  
 Officer Peg Corbett  
 Certified Service: 6-7-2014  
 Initial Hearing: 7-2-2014

**Continuance granted to July 30, 3014**

**Count 1:** A gate was built on the city right of way (easement) without permits. **Count 2:** The boat belonging to Mr. Berger has been placed on the easement behind the gate. **Count 3:** A lot split has been recorded at the county clerk's office without the benefit of city approval.

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**Case # 14-388**

Peter Legrady  
 Peppers of Key West  
 500 Truman Avenue 6  
 Sec. 114-103 Prohibited signs  
 Sec. 114-104 Restriction on number of signs permitted  
 Officer Peg Corbett  
 Certified Service: 3-15-2014  
 Initial Hearing: 4-23-2015

**In compliance. Administrative fees have not been paid.**

**Count 1:** On February 21, 2014, during a site visit, there were two neon signs and five paper signs hanging inside the window of the subject business. **Count 2:** On the same site visit, ten signs were counted, four directory, two awning, two logo signs and two separate sets of stenciling on the outside of the windows which were installed without benefit of a certificate of appropriateness.

**Legislative History**

4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

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**Case # 14-397**

Fury Management Inc.  
Scott Saunders, Registered Agent  
500 Truman Avenue  
Sec. 114-104 Restrictions on number of signs permitted  
Officer Peg Corbett  
Certified Service: 6-5-2014  
Initial Hearing: 7-2-2014

**New Case**

**Count 1:** This business has four signs and is only allowed two.

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**Case # 14-203**

Salvatore Zappalla  
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

**Continuance granted to August 20, 2014**

**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.

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**Case # 14-259**

Yebo Island Grille, LLC  
Joel Dos Santos  
Paul Mills, SC P.A. Registered Agent  
629 Duval Street  
Sec. 108-91 Scope; major and minor developments  
Sec. 114-103 Prohibited signs  
Officer Leonardo Hernandez  
Certified Service: 3-29-2014  
Initial Hearing: 4-23-2014

**Continuance granted to August 20, 2014**

**Count 1:** The food trailer was opened without HARC approval, in violation of major and minor development plans within the historic district. **Count 2:** Portable signs are prohibited in the historic district.

Legislative History

4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

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**Case # 14-260**

Linda Wheeler  
1213 White Street  
Sec. 108-452 Required sight distances for landscaping adjacent to public rights-of-way and point of access  
Sec. 122-1406 Obstructions to visibility  
Officer Leonardo Hernandez  
Certified Service: 3-25-2014  
Initial Hearing: 4-23-2014

**Continued from May 28, 2014 for ruling**

**Count 1:** The hedges at the corner of White and Duncan exceed the height and length for clear visibility. **Count 2:** The hedges at the corner of White and Duncan obstructs traffic and traffic visibility.

Legislative History

4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

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**Case # 14-477**

Bank of New York Mellon  
c/o SHD Legal Group, P.A.  
1429 Johnson Street  
Sec. 26-126 Clearing of property of debris and noxious material required  
Officer Leonardo Hernandez  
Certified Service: 6-2-2014  
Initial Hearing: 5-28-2014

**Continued from May 28, 2014**

**Count 1:** Property needs to be cleared of yard waste and debris which is causing a nuisance and a fire hazard.

Legislative History

5/28/14          Code Compliance Hearing          Continuance

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**Case # 14-606**

Cathy Fernandez  
912 Simonton Street  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in historic districts  
Officer Leonardo Hernandez  
Certified Service: 6-17-2014  
Initial Hearing: 7-2-2014

**New Case**

**Count 1:** For failure to obtain a demolition permit to remove the railings.

**Count 2:** For failure to obtain a certificate of appropriateness for removal of the railings.



14

**Case # 14-659**

Crystal Clear Pools  
Charles & Melina Witch  
3116 Riviera Drive  
Sec. 18-150 Certificate of competency required  
Officer Leonardo Hernandez  
Certified Service: 4-12-2014  
Initial Hearing: 5-28-2014

**In compliance as of June 6, 2014, request dismissal**

**Count 1:** Crystal Clear Pools does not have a license/certificate of competency to do pool work in the City of Key West. Crystal Clear Pools gave pool work estimates and billed Bobby Builders Construction for work done.

Legislative History

5/28/14          Code Compliance Hearing          Continuance

15

**Case # 14-709**

Paul & Cindy Lou Mead  
3536 Duck Avenue  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **Dismiss**  
Sec. 74-206 Owner's responsibility for payment  
Sec. 74-209 Delinquent payments; disconnection and reconnection of services  
Officer Leonardo Hernandez  
Certified Service: 5-27-2014  
Initial Hearing: 7-2-2014

**In compliance, request dismissal**

**Count 1:** For failure to obtain a business tax receipt to rent the property.

**Count 2.** The utilities account is delinquent.

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**Case # 13-1330**

801/803 Elizabeth Street LLC  
c/o Peter Nelson Brawn  
G, B & B-B Registries, LLC  
803 Elizabeth Street  
Sec. 14-325 Permits required  
Sec. 14-327 Inspection  
Sec. 14-40 Permits in historic districts  
Officer Barbara Meizis  
Certified Service: 6-10-2013  
Initial Hearing: 7-2-2014

**Continuance granted to August 20, 2014**

**Count 1:** For failure to obtain a permit for the condenser. **Count 2:** For failure to obtain an inspection for the condenser. **Count 3:** For failure to obtain a certificate of appropriateness for the condenser.

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**Case # 13-1333**

801/803 Elizabeth Street LLC  
c/o Peter Nelson Brawn  
G, B & B-B Registries, LLC  
801 Elizabeth Street  
Sec. 14-325 Permits required  
Sec. 14-327 Inspection  
Sec. 14-40 Permits in historic districts  
Officer Barbara Meizis  
Certified Service: 6-10-2014  
Initial Hearing: 7-2-2014

**Continuance granted to August 20, 2014**

**Count 1:** For failure to obtain a permit for the condenser. **Count 2:** For failure to obtain an inspection for the condenser. **Count 3:** For failure to obtain a certificate of appropriateness for the condenser.

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**Case # 13-1524**

Nancy Flynn  
 Mama's Rock and Sand Inc.  
 Michael Biskupick  
 1405 Petronia Street  
 Sec. 14-40 Permits in historic district  
 Sec. 14-37 Building permits; professional plans; display of permits  
 Officer Barbara Meizis  
 Certified Service: 4-4-2014 - Mama's Rock and Sand  
 Initial Hearing: 4-23-2014

**Continuance granted to July 30, 2014**

**Count 1:** For exceeding the scope of the certificate of appropriateness by installing brick pavers on the city right of way.

**Count 2:** For exceeding the scope of the building permit by installing brick pavers on the city right of way.

Legislative History

4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance

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**Case # 14-449**

Ann J Kolson  
 1401 Albury Street  
 Sec. 58-31 Container and receptacle requirements  
 Officer Barbara Meizis  
 Certified Service:  
 Initial Hearing: 7-2-2014

**In compliance June 6, 2014, request dismissal**

**Count 1:** On Thursday, February 27, 2014, bins were on the city right of way. Trash pick up is on Tuesdays. In the months of March and April, 2014 the recycle and yard waste bins were being stored on the city right of way.

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**Case # 13-57**

Yuliya Andrews  
 The Adult Entertainment Club  
 Anthony B Huggins  
 Albert L Kelley, R/A  
 200 Block of Duval Street  
 Sec. 18-415 (b) (1) a. Restrictions in the Historic District  
 Sec. 18-441 Required  
 Officer Jim Young  
 Certified Service: 1-14-2013 - Albert Kelley  
 Certified Service: 1-14-2013 - Yuliya Andrews  
 Initial Hearing: 1-30-2013

**Continued from April 14, 2014****Repeat/Irreparable Violation**

**Count 1:** On January 10, 2013 at approximately 1:33 am, Anthony B Huggins was soliciting customers for the Adult Entertainment Club at 210 Duval Street which is a prohibited area. **Count 2:** An Off-Premises Canvassing permit is required to engage in off-premises canvassing.

**Attachments:** [13-57 200 Blk of Duval St NOH](#)[13-57 Huggins NOH](#)[12-67 Findings and Order](#)[13-57 Evidence](#)[13-57 Green Cards](#)[13-57 Subpoenas](#)**Legislative History**

1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance
4/24/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance
8/28/13	Code Compliance Hearing	Continuance
10/2/13	Code Compliance Hearing	Continuance
2/26/14	Code Compliance Hearing	Continuance
3/19/14	Code Compliance Hearing	Continuance
3/31/14	Code Compliance Hearing	Continuance
4/14/14	Code Compliance Hearing	Continuance

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**Case # 13-185**

KWSC, Inc. d/b/a  
 Adult Entertainment Club  
 Yuliya Andrews, Owner  
 Neile Bassi Favreau  
 Albert L Kelley, R/A  
 300 Block of Duval Street  
 Sec. 18-411 Title  
 Sec. 18-415 Restrictions in the historic district  
 Officer Jim Young  
 Certified Service: 2-8-2013 - R/A  
 Certified Service: 2-9-2013 - Owner  
 Initial Hearing: 2-27-2013

**Continued from April 14, 2014****Repeat/Irreparable Violation**

**Count 1:** This article shall be known as the off-premises canvassing ordinance. **Count 2:** On January 10, 2013 at approximately 1:30 am, Neile Bassi Favreau was soliciting customers for the Adult Entertainment Club in the 300 block of Duval Street which is a prohibited area.

**Attachments:** [13-185 Adult Entertainment Club 330 Blk of Duval NOH](#)  
[13-185 300 Blk of Duval NOH](#)  
[13-185 300 Duval Bassi NICV NOH](#)

**Legislative History**

2/27/13	Code Compliance Hearing	Continuance
4/24/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance
8/28/13	Code Compliance Hearing	Continuance
10/2/13	Code Compliance Hearing	Continuance
2/26/14	Code Compliance Hearing	Continuance
3/19/14	Code Compliance Hearing	Continuance
3/31/14	Code Compliance Hearing	Continuance
4/14/14	Code Compliance Hearing	Continuance

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**Case # 13-1640**

Martha J Wilkerson Estate  
c/o Allen & Karen Valdez  
914 Emma Street  
Sec. 26-126 Clearing of property debris and noxious material required  
Officer Jim Young  
Certified Service: 4-7-2014  
Initial Hearing: 4-23-2014

**Continued from April 23, 2014**

**Count 1:** The lot is overgrown with weeds.

Legislative History

4/23/14            Code Compliance Hearing            Continuance

23

**Case # 14-785**

Brookwood LLC  
James E Berger  
1216 Watson Street  
Sec. 18-601 License required - Counts 1 - 5  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9) - Counts 6 - 10  
Sec. 122-599 Prohibited uses - Counts 11 - 15  
Officer Matt Willman  
Certified Service: 5-20-2014  
Initial Hearing: 5-28-2014

**New Case - Settlement Agreement****Repeat Violation****Irreparable Violation**

**Counts 1 thru 5:** On April 30 thru May 4, 2014 the subject property was rented without the benefit of the required transient rental license.

**Counts 6 thru 9:** On April 30 thru May 4, 2014, the property owner or their representative entered into a short term rental agreement. Spoke with Bob Pelletier, renter, on May 3 and received a rental confirmation in email format confirming the stay from April 30 thru May 4, 2014. **Counts**

**10 thru 15:** Transient rental in the Historic Medium Density Residential District (HMDR) are not specifically or provisionally provided for and therefore is prohibited.

Legislative History

5/28/14            Code Compliance Hearing            Continuance

**HARC Appeals**

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**SMA 14-01**

Yebo Island Grille LLC  
629 Duval Street  
H13-01-823

**Continued from May 28, 2014 for ruling**

Legislative History

5/28/14      Code Compliance Hearing      Continuance

**Adjournment**