



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, December 16, 2021

1:30 PM

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 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.

You may also attend these meetings virtually via Zoom by telephoning +1 646-558-8656 Meeting ID: 863 7517 8145 Passcode: 076350 or Online at: <https://cityofkeywest-fl-gov.zoom.us/j/86375178145?pwd=MFp3aDBsWjdmUHR6U3EyS0NXd3Zldz09> Meeting ID: 863 7517 8145 Passcode: 076350

Call Meeting to Order

Code Violations

14

Case # 20-676

Futterman Phenphak
1704 Jamaica Drive
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-262 Request for inspection
Officer Jim Young
Certified Mail: 4-10-2021
Initial Hearing: 4-29-2021

Continued from 21 October 2021

Count 1: Failure to apply and obtain the after the fact permits for all un-permitted work.

Count 2: Failure to schedule an inspection for all work that has been completed.

Jim Young was the Code Officer who was present on behalf of the City. Attorney Michael Halpern was present representing the Respondent. Attorney Halpern asked for a continuance. The City did not object to the continuance and the Special Magistrate granted the continuance to 24 February 2022.

16

Case # 21-128

Singh Business Trust V
518 Elizabeth Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 122-629 Prohibited uses
Officer Jim Young
Certified Mail: 11-15-2021
Initial Hearing: 12-16-2021

New Case

Count 1: Failure to apply and obtain a business tax receipt with the City of Key West Licensing Department.

Count 2: Conducting tours in the Historic High Density Residential District which prohibits this type of activity.

Jim Young was the Code Officer and present at the hearing. Attorney Michael Halpern was present at the hearing representing the Respondent. Attorney Halpern asked for a continuance due to a 3 month wait for the correct licensing and paperwork. The City did not object to the continuance. The Special Magistrate granted the continuance to 24 February 2022.

11

Case # 19-1445

Adrienne Bond
1207 19th Terrace
Sec. 58-61 Determination and levy of charge
Sec. 90-363 Certificate of occupancy required
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 66-87 Business tax required for all holding themselves out to be engaged in business
Officer: Igor Timus
Certified Mail:
Initial Hearing: 5-27-2021

Continued from 21 October 2021

Count 1: Failure to contact the Revenue Department to pay all delinquent utility fees.

Count 2: Failure to contact the Building Department to apply and obtain

a Certificate of Occupancy for the additional residential unit.

Count 3: Failure to contact the Building Department to apply and obtain the after the fact permits.

Count 4: Failure to contact the Licensing Department to apply an obtain a business tax receipt for a non transient rental license.

Igor Timus was the Code Officer and present at the hearing. Attorney Greg Oropeza was present representing the Respondent. Director Jim Young was present representing the City. Officer Timus asked for a continuance due to the Planning Department is still reviewing the project. Attorney Oropeza stated that it was a joint agreement on asking for a continuance. The City did not object to the continuance. The Special Magistrate granted the continuance to 24 February 2022.

12

Case # 19-1707

211 Duval Company

C/O Duval Group

Charles Ittah- Registered Agent

215 Duval Street

~~Sec. 2-939 Licenses-~~ **Dismissed**

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

Sec. 114-108 Maintenance of all signs

~~Sec. 14-40 Permits in historic districts-~~ **Dismissed**

Officer Igor Timus

Certified Mail: 10-4-2021

Initial Hearing: 11-18-2021

Continued from 18 November 2021

~~Count 1: Failure to apply and obtain a revocable license from the City of Key West Licensing Department.-~~ **Dismissed**

~~Count 2: Failure to apply and obtain a permit from the City of Key West Building Department.-~~ **Dismissed**

Count 3: Failure to restore historic sign.

~~Count 4: Failure to apply and obtain a certificate of appropriateness from the City of Key West HARC Department.-~~ **Dismissed**

Igor Timus was the Code Officer present at the hearing. Director Jim Young was present representing the City. Eizik Shvero was present representing the Respondent. Officer Timus read his timeline. The City is asking for the Respondent to pay \$250.00 Admin costs and \$250.00 per one count per day. Director Young clarified to Mr. Shvero that the City was asking \$250.00 Admin costs which is normal and \$250.00 per for one count per day and also that the date of compliance is determined by the Special Magistrate. Mr. Shvero explained how long he has been working on the sign and how it would break within a month from fixing it, so he stopped fixing it. The Special Magistrate

stated that the Respondent admitted to the violation for saying that the sign does not work. The Special Magistrate imposed a finding of violation with \$250.00 Admin Cost and \$250.00 per count per day if not in compliance by 24 January 2022.

7

Case # 21-1846

Margaritaville Beach House Key West

Diamondrock KW South Tenant, LLC

2001 S Roosevelt Blvd

Sec. 30-5 Excessive false alarms declared a public nuisance

Sec. 30-6 False alarm signal service charge; collection

Officer Paul Navarro

Hand Posted: 12-1-2021

Initial Hearing: 12-16-2021

New Case

Count 1: Failure to avoid more than three false alarms within a 12-month period.

Count 2: Failure to pay false alarm fees with the City of Key West Revenue Department or City of Key West Fire Department.

Paul Navarro was the Code Officer present at the hearing. Jeremy Desilva the General Manager of the Margaritaville Beach House Key West was present as the Respondent. Director Jim Young was present as well representing the City. Greg Barroso from the Fire Department was present. Officer Navarro read his timeline. The Respondent explained that the check for the false alarm fees was cut and the Fire Department should have it today. Respondent Desilva also explained that some of the false alarms are caused by dust and that the system will be cleaned often from now to avoid the false alarms. Greg Barroso explained that this situation is not a monetary issue and that the false alarms have been going on since 2019 so it brings down the integrity of alarm and the safety of the guests also pulls away resources away from the Fire Department. Greg Barroso asked the Special Magistrate if he would put some emphasis on the situation to bring them into compliance. The Special Magistrate explained that by admission from the General Manager that there is a finding of the violation. The Special Magistrate imposed \$250.00 Admin Costs and \$250.00 per day per count if there are no false alarms from December 17, 2021 to January 20, 2022.

2

Case # 21-246

Thomas L Fortin

1106 Grinnell 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 Edward Keane

Certified Mail:

Initial Hearing: 8-26-2021

Continued from 21 October 2021

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 the appropriate roofing permits for the HARC district.

Count 3: Failure to have the proper dimensional setback requirements for the HARC district.

Director Jim Young was present representing the City. Attorney Van Fischer was present representing the Respondent. Director Young said The Chief Building Official and him went to the subject address that morning of the hearing and conducted an inspection. They observed that the shed was demoed and the Chief Building Official said that the Respondent would be able to close out the demo permit for the shed. Director Young said that the Respondent is in compliance and the City would like to ask for \$250.00 in Admin Costs. Attorney Fischer wanted to put on the record that his client the Respondent was verbally harassed about taking down the back fence from one of the neighbors. Attorney Fischer just wanted it to be known that the demo permit did include the fence and he was not building out of scope. The Special Magistrate imposed the \$250.00 Admin Cost with a compliance date of January 24, 2022 and said that the Respondent will be in compliance after payment.

15

Case # 20-1335

John Lindle

1617 White Street

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

Officer Jim Young

Certified Mail: 2-2-2021

Initial Hearing: 2-18-2021

Continued from 21 October 2021

Count 1: Failure to apply and obtain after the fact permits for building, electrical and plumbing.

Director Jim Young was present on behalf of the City. Attorney Van Fischer was present representing the Respondent. Attorney Fischer requested a continuance due to The Planning Department and the lack of surveyors. The City did not object to the continuance. The Special Magistrate granted the continuance to 24 February 2022.

19

Case # 19-1592

Rosemie Thomas

1213 14th Street 54
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Troy Montero
Certified Mail: 11-25-2019
Initial Hearing: 1-30-2020

Mitigation

Count 1: Failure to obtain all proper building permits.

Director Jim Young was present on behalf of the City. The Respondent Rosemie Thomas was present with her translator Jim Noel who is her husband. The Special Magistrate asked the Respondent when and who came to fix the windows of the trailer and the Respondent did not know. The Respondent stated that she paid cash to fix the windows over \$2,000.00. The Special Magistrate explained he needed to be fair and by the Code book since there is lack of evidence and a communication barrier that he will grant the mitigation down to \$20,000.00 from the original fine of \$33,000.00.

1

Case # 21-1808

Rent Key West Vacations Inc.
Paul N Hayes- Registered Agent
Michael A. Mele- Property Owner
504 Catherine Street
Sec. 18-601 License required- **Irreparable**
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations- **Irreparable**
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations D(9)- **Irreparable**
Officer Sophia Doctoche
Certified Mail: 11-22-2021- Rent Key West Vacations Inc.
Certified Mail: Michael A. Mele
Initial Hearing: 12-16-2021

Continuance granted to 27 January 2021

Count 1-5: Unlawful to lease a residential property for a period of less than thirty days or one calendar month without having obtained a business tax receipt.- **Irreparable**

Count 6-8: Failure to obtain the required city, county or state license for holding out/ advertising a short-term rental at this property.- **Irreparable**

Count 9-13: Unlawfully holding out this short-term rental for five nights.- **Irreparable**

Sophia Doctoche was the Code Officer. This case was previously granted a continuance to 27 January 2022.

3**Case # 20-227**

Tadd Mallard
3359 Flagler Ave
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Paul Navarro
Hand Posted: 9-30-2021
Initial Hearing: 10-21-2021

In compliance as of 7 December 2021; Request dismissal

Count 1: Failure to apply and obtain permits from the City of Key West Building Department.

The Code Officer was Paul Navarro. This case came into compliance 7 December 2021. The Special Magistrate granted the dismissal.

4**Case # 21-1569**

801/803 Elizabeth St LLC
C/O Peter Brawn
801 Elizabeth Street
Sec. 108-453 Required clearance over roadways and fire lanes
Officer Paul Navarro
Certified Mail: 11-18-2021- **Amended**
Initial Hearing: 12-16-2021

In compliance as of 13 December 2021; Request dismissal

Count 1: Failure to trim Poinciana tree branches fourteen feet from the roadway.

The Code Officer was Paul Navarro. This case came into compliance 13 December 2021. The Special Magistrate granted the dismissal.

5**Case # 21-1586**

Barbary House Key West
Diamondrock KW South Tenant, LLC
NRAI Services, INC
2001 S Roosevelt Blvd
Sec. 30-5 Excessive false alarms declared a public nuisance
Sec. 30-6 False alarm signal service charge; collection
Officer Paul Navarro
Certified Mail: 10-18-2021
Initial Hearing: 10-21-2021

In compliance as of 25 October 2021; Request dismissal

Count 1: Failure to avoid more than three false alarms within a 12-month period.

Count 2: Failure to pay false alarm fees with the City of Key West Revenue Department or City of Key West Fire Department.

The Code Officer was Paul Navarro. This case came into compliance 25 October 2021. The Special Magistrate granted the dismissal.

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Case # 21-1631

Tadd Mallard

3359 Flagler Ave

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

Officer Paul Navarro

Hand Posted: 12-1-2021

Initial Hearing: 12-16-2021

Continuance granted to 27 January 2021

Count 1: Failure to apply and obtain permits from the City of Key West Building Department.

Paul Navarro was the Code Officer. This case was previously granted a continuance to 27 January 2022.

8

Case # 21-1537

Richard Hoy

1011 Windsor Lane

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

Sec. 14-40 Permits in historic districts

Sec. 14-256 Permit required

Sec. 14-262 Request for inspection

Sec. 14-359 Permit display

Sec. 18-117 Acts declared unlawful

Officer Leo Slecton

Certified Mail: 9-27-2021

Initial Hearing: 10-21-2021

Continuance granted to 27 January 2022

Count 1: Failure to apply and obtain a 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 apply and obtain electrical permits with the City of Key West Building Department.

Count 4: Failure to schedule a required inspection with the City of Key West Building Department.

Count 5: Failure to apply and obtain a plumbing permit 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.

Leo Slecton was the Code Officer. This case for Richard Hoy was previously granted a continuance to 27 January 2022.

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Case # 21-1537

Alan Walker

1011 Windsor Lane

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

Sec. 14-40 Permits in historic districts- **Repeat**

Sec. 14-256 Permit required

Sec. 14-262 Request for inspection

Sec. 14-359 Permit display

Sec. 18-150 Certificate of competency required- **Repeat**

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

Officer Leo Slecton

Hand Posted- 10-15-2021

Initial Hearing: 10-21-2021

Continued from 21 October 2021

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

Count 2: Failure to apply and obtain a Certificate of Appropriateness with the City of Key West HARC Department.- **Repeat**

Count 3: Failure to apply and obtain electrical permits with the City of Key West Building Department.

Count 4: Failure to schedule a required inspection with the City of Key West Building Department.

Count 5: Failure to apply and obtain a plumbing permit 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.- **Repeat**

Count 7: Failure to achieve Certificate of Competency.- **Repeat**

Leo Slecton was the Code Officer present at the hearing. Alan Walker the Respondent was present as well. Walker asked for a continuance. The Special

Magistrate granted the continuance to 27 January 2022.

10

Case # 21-1789

Ashford Pier House LP

1 Duval Street

Sec. 62-1 Deposits of oil, grease or other waste- **Irreparable**

Officer Leo Slection

Hand Posted: 11-9-2021

Initial Hearing: 12-16-2021

Settlement Agreement

Count 1: Failure to prevent or cause any oil, grease or other waste to flow or otherwise be placed upon any right of way, street, alley, swale, public square or sidewalk with in the city.- **Irreparable**

This case has a Settlement Agreement of \$250.00 Admin Cost and a one time fine of \$500.00 with a suspended fine of \$4,500.00. The Special Magistrate executed the agreement.

13

Case # 18-1639

Jessica Clark

1824 Fogarty Ave 1

Sec. 90-363 Certificate of occupancy required

Sec. 58-61 Determination and levy of charge

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

Sec. 14-72 Minimum facilities

Officer Jim Young

Certified Mail: 1-27-2021

Initial Hearing: 2-18-2021

Continued from 21 October 2021

Count 1: Failure to apply and obtain a certificate of occupancy for the unit located in the rear side of the property.

Count 2: Failure to contact the Planning Department to apply and obtain cost of impact fees.

Count 3: Failure to provide an as-built certificate to the Building Department.

Count 4: Failure to remove the tarp and bed from this area.

Director Jim Young was the Code Officer and present at the hearing. Director Young stated that Jessica Clark has been making her monthly payments to the City. Director Young asked for a continuance to make sure she keeps paying.

The Special Magistrate granted the continuance to 27 January 2022.

17

Case # 21-1557

Donna Chavis
827 Emma Street
Sec. 110-292 Failure to achieve a settlement agreement
Officer Jim Young
Certified Mail: 11-01-2021- **Amended Notice**
Initial Hearing: 11-18-2021

Continued from 18 November 2021

Count 1: Failure to comply with the settlement agreement.

Director Jim Young was the Code Officer and present at the hearing. Karen DeMaria Urban Forestry Manager was present as well. Karen stated that the Respondent Donna Chavis still has not complied with the Settlement Agreement that was signed by all parties. The Special Magistrate granted that the fines of \$250.00 Admin cost and \$250 per count per day starting from the day of the hearing 16 December 2021.

18

Case # 21-1562

Michael Donoghue
1501 George Street
Sec. 110-292 Failure to achieve a settlement agreement
Officer Jim Young
Certified Mail: Amended Notice
Initial Hearing: 11-18-2021

Continued from 18 November 2021

Count 1: Failure to comply with the settlement agreement.

Director Jim Young was the Code Officer present at the hearing. Karen DeMaria Urban Forestry Manager was present as well. Assistant City Attorney Ron Ramsign was present. Karen stated that this case has not come into compliance that they have not lived up to their part in the Settlement Agreement. Assistant City Attorney Ramsign explained how the Tree Commissions go so that the Special Magistrate understood. The Special Magistrate imposed a \$250.00 Admin fine and \$250.00 per one count per day starting 17 December 2021.

Mitigations

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Case # 21-1537

Edward A. Chilton

1011 Windsor Lane
Sec. 14-37 Building permits; professional plans; display of permits;
address; execeptions
Sec. 14-40 Permits in historic districts
Sec. 14-256 Permit required
Sec. 14-262 Request for inspection
Sec. 14-359 Permit display
Sec. 18-150 Certificate of competency required
Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business
Officer Leo Slecton
Certified Mail: 11-01-2021
Initial Hearing: 10-21-2021

Mitigation

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

Count 4: Failure to schedule a required inspection with the City of Key West Building Department.

Count 5: Failure to apply and obtain a plumbing permit with the City of Key West Building Department.

Count 6: Failure to achieve Certificate of Competency.

Count 7: Failure to apply and obtain a Business Tax Receipt with the City of Key West Licensing Department.

Leo Slecton was the Code Officer present at the hearing. Director Jim Young was present representing the City. Edward Chilton was present as the Respondent for this Mitigation. Mr.Chilton explained his role in this Code case. Director Young asked Mr.Chilton a couple of questions about the case. The City asked for a continuance since they needed more information and asked for the continuance until 24 February 2022. The Special Magistrate granted the continuance.

Adjournment