



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, April 23, 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

**Continued from March 19, 2014**

**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

**2****Case # 12-1802**

Teresa A Cathey  
 718 Thomas Street  
 Sec. 58-61 Determination of levy charge  
 Sec. 90-363 Certificate of Occupancy; Required  
 Officer Bonnita Badgett  
 Certified Service: 2-22-2013  
 Initial Hearing: 2-27-2013

**In compliance April 21, 2014, request dismissal**

**Count 1:** There are two units on the property. The city only recognizes one. **Count 2:** A Certificate of Occupancy is required for the second unit.

**Attachments:** [12-1802 718 Thomas St NOH](#)  
[12-1802 718 Thomas LUD appl.](#)  
[12-1802 718 Thomas St pics](#)

**Legislative History**

2/27/13	Code Compliance Hearing	Continuance
3/27/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	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

**3****Case # 14-157**

Amy Lachat  
 822 Windsor Lane 824  
 Sec. 58-31 Determination of Levy Charge  
 Sec. 90-363 Certificate of occupancy - required  
 Officer Bonnita Badgett  
 Certified Service: 4-2-2014  
 Initial Hearing: 4-23-2014

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

**Count 1:** City only recognizes 1 unit.

4

**Case # 14-412**

Louis Gazzale  
1320 Leon Street  
Sec. 58-31 Container and receptacle requirements  
Officer Bonnita Badgett  
Certified Service: 3-29-2014  
Initial Hearing: 4-23-2014

**In compliance March 24, 2014, request dismissal**

**Count 1:** Recycle/trash containers were on the city right of way on Monday, February 24, 2014 and Monday, March 24, 2014. Trash pick up is on Wednesdays.

5

**Case # 14-467**

Melvin H Eaton II  
1401 United Street  
Sec. 58-31 Container and receptacle requirements  
Officer Bonnita Badgett  
Certified Service: 4-1-2014  
Initial Hearing: 4-23-2014

**In compliance March 25, 2014, request dismissal**

**Count 1:** The recycle/trash bins were on the city right of way on Thursday, February 27, 2014 and Monday March 24, 2014. Trash pick up is on Wednesdays.

6

**Case # 14-707**

Sybil E Wingert, L/E  
1517 Rose Street  
Sec. 26-192 Prohibition against unreasonable noise  
Officer Bonnita Badgett  
Hand Served: 4-16-2014  
Initial Hearing: 4-23-2014

**Repeat violation from code case 13-1441**

**Count 1:** On April 8, 2014, the City received a noise complaint from John Penoske regarding the roosters disturbing their peace.

7

**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  
 Officer Peg Corbett  
 Certified Service: 3-15-2013  
 Initial Hearing: 3-27-2013

**Continuance granted to November 19, 2014****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.

**Attachments:** [13-292 1118 Fleming St NOH](#)  
[13-292 1118 Fleming St Amended NOH](#)  
[13-292 1118 Fleming Web Advertisement](#)

**Legislative History**

3/27/13	Code Compliance Hearing	Continuance
5/22/13	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

8

**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

Sec. 58-61 Determination and levy of charge

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

**Continuance granted to May 28, 2014**

**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

9

**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  
 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

**Continuance granted to May 28, 2014**

**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

10

**Case # 14-309**

Norma Jean Peacock Sonzogni  
 Nancy Fay Peacock Ruiz T/C  
 825 Southard Street  
 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

**Continuance granted to 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.

11

**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

**Continuance granted to May 28, 2014**

**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.

12

**Case # 13-1621**

Timothy Behan  
 1801 N Roosevelt Blvd M18  
 Sec. 14-185 Compartmentation and flotation devices  
 Sec. 14-37 Building permits; professional plans, display of permits  
 Officer Leonardo Hernandez  
 Posted: 1-30-2014  
 Initial Hearing: 2-26-2014

**Continued from March 19, 2014 for compliance****In compliance - still owes \$250 in administrative fees**

**Count 1:** Decking material shall be of a type not adversely affected by moisture or shall be treated. **Count 2:** For failure to obtain building permits for the ceiling beams and deck joists

**Attachments:** [13-1621 1801 N Roosevelt Blvd M18 NOH](#)  
[13-1621 1801 N Roosevelt Blvd M18 returned mail 1](#)  
[13-1621 1801 N Roosevelt Blvd M18 returned mail 2](#)  
[13-1621 1801 N Roosevelt Blvd M18 affiv. of mailing](#)  
[13-1621 1801 N Roosevelt Blvd M18 affiv. of posting](#)

**Legislative History**

2/26/14	Code Compliance Hearing	Continuance
3/19/14	Code Compliance Hearing	Continuance

13

**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 May 28, 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.

14

**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

**New Case**

**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.



15

**Case # 13-1528**

Peter N Brawn

1413 South Street

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

**- Dismiss**

Sec. 62-31 Maintenance of area between property line and adjacent paved roadway

Sec. 10-7 Nuisance animals prohibited - **Dismiss**

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

Sec. 14-40 Permits in historic district

Officer Barbara Meizis

Certified Service: 3-7-2014

Initial Hearing: 3-19-2014

**Continued from March 19, 2014**

**Count 1:** The lot is overgrown and there are various piles of yard debris, including palm fronds, which attract rats and vermin. **Count 2:** The area between your property line and the nearest adjacent paved roadway, including the swale, needs to be kept clean. **Count 3:** The barking dogs on this property are a nuisance. **Count 4:** A building permit is required prior to adding concrete blocks and mortar to the existing wall. **Count 5:** A certificate of appropriateness is required prior to adding concrete blocks and mortar to the existing wall.

Legislative History

3/19/14 Code Compliance Hearing Continuance

16

**Case # 14-193**

David Austin

820 Ashe Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Officer Barbara Meizis

POSTED: 3-14-2014

Initial Hearing: 3-19-2014

**Continuance granted to May 28, 2014**

**Count 1:** Building permits required for "walkway" fence and new wood decking. **Count 2:** Permits in historic district are required for "walkway" fence and new wood decking. **Count 3:** An approved electrical inspection is required for pool permit #04-3894 and an approved final pool inspection is required.

Legislative History

3/19/14 Code Compliance Hearing Continuance

17

**Case # 14-353**

Paige Crump

Tyler Talmadge

Snapper Pier Unit 17

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations

Sec. 122-419 Prohibited uses General Commercial district (CG)

Officer Barbara Meizis

Certified Service:

Initial Hearing: 4-23-2014

**Continuance granted to May 28, 2014****Repeat Violation from case # 10-874****New Case**

**Count 1:** On December 27, 2013, February 18, 2014, March 5, 2014 and March 26, 2014 you advertised your houseboat for rent for \$240/nightly, \$1,680/weekly or \$7,200/monthly. **Count 2:** On December 27, 2013, February 18, 2014, March 5, 2014 and March 26, 2014 you held out/advertised your houseboat for rent for \$240/nightly, \$1,680/weekly or \$7,200/monthly. **Count 3:** Transient rentals are prohibited in the General Commercial district (CG).

18

**Case # 14-369**

Jeffrey C &amp; Rosemary J Ware

1400 Olivia Street

Sec. 58-31 Container and receptacle requirements

Officer Barbara Meizis

Certified Service: 4-2-2014

Initial Hearing: 4-23-2014

**In compliance April 3 2014, request dismissal**

**Count 1:** On Friday, February 14, 2014 and Friday, March 28, 2014 the trash/recycle bins were on the right of way. Trash pick up is on Tuesdays.

19

**Case # 14-446**

Robert Steven Baker, Revocable Trust  
1401 Petronia Street  
Sec. 58-31 Container and receptacle requirements  
Officer Barbara Meizis  
Certified Service: 4-3-2014  
Initial Hearing: 4-23-2014

**In compliance April 10, 2014, request dismissal**

**Count 1:** On Thursday, February 27, 2014 and Friday, March 28, 2014, bins were observed on the right of way. Trash pick up is on Tuesdays.

20

**Case # 14-613**

Shawn M Cowles &  
Adele Williams, T/C  
1216 White Street  
Sec. 18-601 License Required  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9)  
Sec. 122-809 Prohibited uses in the Historic Neighborhood Commercial  
district (HNC-1)  
Officer Barbara Meizis  
Certified Service:  
Initial Hearing: 4-23-2014

**Settlement Agreement****Repeat violation from code case # 13-981****New Case**

**Count 1:** A transient rental license is required to rent this property transiently. **Counts 2 through 8:** On June 10, 2014 through June 17, 2014 (total of seven nights), you held out the subject property for transient rental for \$110.00 per night. **Count 9:** Transient rentals are prohibited in the Historic Neighborhood Commercial (HNC-1) district.

21

**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 Paul Nickle

Certified Service: 4-4-2014 - Mama's Rock and Sand

Initial Hearing: 4-23-2014

**Continuance granted to July 2, 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.

22

**Case # 13-1640**

Martha J Wilkerson Estate

c/o Allen &amp; 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

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

23

**Case # 14-28**

Paul Julio De Poo  
2932 Staples Avenue  
Sec. 58-31 Container and receptacle requirements  
Officer Paul Nickle  
Certified Service: 4-3-2014  
Initial Hearing: 4-23-2014

**In compliance April 9, 2014, request dismissal**

**Count 1:** On Tuesday, January 6, 2014, on the morning of Wednesday, February 12, 2014 and on Friday, March 21, 2014, the trash/recycle bins were on the right of way. Trash pick up is on Thursdays.

24

**Case # 14-222**

White Street Station  
M & M Wilson Enterprises, Inc.  
Truman & White Chevron Inc.  
c/o Richard D Maun, R/A  
1127 Truman Avenue  
Sec. 108-91 Scope, major and minor developments  
Sec. 14-40 Permits in historic district  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-256 Required - electrical permit  
Sec. 14-359 Permit display - plumbing and gas permits  
Officer Leonardo Hernandez  
Certified Service: 4-3-2014 - property owner  
Initial Hearing: 4-23-2014

**New Case**

**Count 1:** For failure to obtain a development plan. **Count 2:** For failure to obtain HARC approval. **Count 3:** For failure to obtain building permits. **Count 4:** For failure to obtain electrical permit. **Count 5:** For failure to obtain plumbing and gas permits.

25

**Case # 14-333**

Robert H Lyhne  
2827 Staples Avenue  
Sec. 58-31 Container and receptacle requirements  
Officer Paul Nickle  
Certified Service: 4-2-2014  
Initial Hearing: 4-23-2014

**In compliance April 9, 2014, request dismissal**

**Count 1:** On the morning of Wednesday, February 21, 2014, Friday, February 21, 2014 and Friday, March 21, 2014, the trash/recycle bins were on the right of way. Trash pick up is on Thursdays.

26

**Case # 14-172**

Brockwood LLC  
James Berger, R/A  
1216 Watson Street  
Sec. 18-601 License required  
Sec. 18-602 Rebuttable presumption of violation  
Officer Mathew Willman  
Certified Service:  
Initial Hearing: 4-23-2014

**New Case - Settlement Agreement**

**Count 1:** A transient license is required to rent your property transiently.

**Count 2:** The property was held out for transient rental (VRBO listing #497773) for a minimum stay of 4-7 nights.

27

**Case # 14-163**

Mark Connolly Trust Dated 1/30/1998  
307 Truman Avenue  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations  
Sec. 122-599 Prohibited uses in the Historic Medium Density  
Residential district (HMDR)  
Officer Jim Young  
Certified Service: 3-24-2014  
Initial Hearing: 4-23-2014

**Irreparable Violation****Continuance granted to May 28, 2014**

**Counts 1 through 7:** On March 1, 2014 through March 8, 2014 the subject property was rented without the benefit of the required transient rental license. **Counts 8 through 14:** On March 1, 2014 through March 8, 2014 the property owner entered into a long-term lease with the mutual intent to subvert the regulatory goals of this section. **Counts 15 through 21:** On March 1, 2014 through March 8, 2014 the subject property owner rented the subject property transiently which is a use in the Historic Medium Density Residential district (HMDR), not specifically or provisionally provided for and therefore is prohibited.

28

**Case # 14-506**

Timothy Behan  
1801 N Roosevelt Boulevard Marlin 18  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9)  
Officer Jim Young  
Hand Served: 4-18-2014  
Initial Hearing: 4-23-2014

**New Case**

**Count 1:** On March 4, 2014, the houseboat was advertised on an internet web site, Airbnb.com, advertising to rent for one week for a total of \$600.00 without the benefit of a transient rental license. **Count 2:** On March 4, 2014, the houseboat was advertised on an internet web site, Airbnb.com, advertising to rent for one week for a total of \$600.00.

29

**Case # 14-641**

Vladimir Prokhdnoy  
2301 Linda Avenue  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations (d)(9)  
Sec. 122-237 Prohibited uses in the Single Family residential district  
(SF)  
Officer Jim Young  
Certified Service: 4-8-2014  
Initial Hearing: 4-23-2014

**New Case - Settlement Agreement**

**Count 1:** On April 2, 2014 a complaint was received stating that the owner is renting the property on a transient basis without the required business tax receipt. **Count 2:** On April 2, 2014, an internet advertisement on Airbnb.com, offered a room for \$115 per night. **Count 3:** Transient rentals are prohibited in the Single Family residential district (SF).

**Liens**

30

**Case # 13-931**

David Lassiter  
708-A Elizabeth Street  
Posted: 4-9-2014

**In compliance April 15, 2014, request dismissal**

**Adjournment**