



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, July 25, 2012

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 # 11-1326**
Carton J Ditto
906 Olivia Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Bonnita Badgett
Posted: 5-17-2012
Initial Hearing: 6-12-2012

In compliance - fees still due

Count 1: A business tax receipt is required to rent your property.

Officer Badgett stated that this case had not come into compliance until some time during the day of our last meeting on July 25, 2012. The Special Magistrate upheld his order and imposed the costs and fees.

- 2** **Case # 11-1463**
Michael Downer
Jessica Johnson
1420 6th Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 58-61 Determination and levy of charge
Sec. 14-37 Building permits; professional plans; display
Sec. 90-363 Certificate of Occupancy
Officer Bonnita Badgett
POSTED: 6-28-2012
Initial Hearing: 7-25-2012

In compliance, request dismissal

Count 1: A business tax receipt is required to rent your property.

Count 2: Solid waste accounts are required for each unit. **Count 3:**

Building permits are required to divide the property into two units.

Count 4: A certificate of occupancy is required for the second unit.

This case was dismissed by the Special Magistrate at the request of the Code Officer.

3**Case # 11-1541**

James & Judith Wert

1424 Petronia Street

Sec. 66-87 Business tax receipt required

Sec. 58-61 Determination and levy of charge

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

Sec. 90-363 Certificate of Occupancy required

Officer Bonnita Myers

Certified Service: 4-13-2012

Initial Hearing: 4-25-2012

Settlement Agreement

Count 1: A business tax receipt for all units is required to rent the property. **Count 2:** A solid waste account is required for all units.

Count 3: A building permit is required to build a third unit. **Count 4:** A certificate of occupancy is required prior to renting the third unit.

The Special Magistrate approved the Settlement Agreement.

4**Case # 12-153**

Stella A Rylander

532 Duval Street 534

Sec. 10-11 Keeping fowl or wildlife

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

Officer Bonnita Myers

Certified Service: 4-26-2012

Initial Hearing: 5-23-2012

Continued from May 23, 2012

Count 1: The chickens and roosters were not secure and the chicken feed was spread all over the entire yard, porches and driveway. Approximately three pounds of fresh cat food was in bowls all over the yard. The cage for the chickens and roosters has not been cleaned on

a regular basis. **Count 2:** The odor from the droppings and the flies have become a nuisance to the city and the neighboring properties.

This case was continued to August 22, 2012 for a Settlement Agreement.

5

Case # 12-338

James & Holly Cooney
415 United Street
Sec. 66-87 Business tax receipt required
Sec. 58-61 Determination and levy of charge
Sec. 90-363 Certificate of occupancy - required
Officer Bonnita Myers
Certified Service: 4-7-2012
Initial Hearing: 4-25-2012

Continued from May 23, 2012

Count 1: A business tax receipt is required to rent the two units on the property. **Count 2:** A solid waste account is required for both units. **Count 3:** A certificate of occupancy is required for the second unit.

The Special Magistrate approved the continuance request to September 26, 2012.

6

Case # 12-440

Janice Isherwood
523 Elizabeth Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Certified Service: 4-25-2012
Initial Hearing: 5-23-2012

Continued from June 12, 2012

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

The Special Magistrate found Janice Isherwood in violatin. Costs of \$250 were imposed. Also imposed was a fine of \$50 per month up to a total of \$250 until compliance is met. If compliance is met by August 21, 2012, no fines will be imposed but the administrative fee will still be due. A compliance hearing will be held on August 22, 2012.

7

Case # 12-572

Mark & Lynn Burris
3301 Duck Avenue E

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Bonnita Badgett
Certified Service:
Initial Hearing: 7-25-2012

In compliance, request dismissal

Count 1: A business tax receipt is required to rent this property.

This case was dismissed by the Special Magistrate at the request of the Code Officer.

8

Case # 12-766

Paul S Mills
1541 5th Street
Sec. 66-102 Dates due and delinquent; penalties
Sec. 58-63 Delinquency
Officer Bonnita Badgett
Certified Service: 5-30-2012
Initial Hearing: 7-25-2012

New Case

Count 1: The business tax receipt for Paul S Mills, CPA is delinquent.

Count 2: The sewer/solid wastes accounts are past due.

The Special Magistrate found Paul Mills in violatin. Costs of \$250 were imposed. Also imposed was a fine of 25% of the business tax receipt (\$309.75 X 25% = \$77.44) plus a fine of \$50 per month up to a total of \$250 until compliance is met. If compliance is met by August 21, 2012, the \$50 per month fine will not be imposed but the 25% of the business tax receipt and the administrative fee will still be due. A compliance hearing will be held on August 22, 2012.

9

Case # 11-1417

Michael Syring
Michael Marrone T/C
905 Trinity Drive
Sec. 74-31 Unlawful Deposits
Officer Peg Corbett
Certified Service: 6-4-2012
Initial Hearing: 7-25-2012

New Case

Count 1: On 11-22-11 it was observed what appeared to be old

cooking oil spilled from a 50-gallon barrel. OMI was contacted to have the hazardous oil cleaned up which was completed on 11-24-2012. The OMI invoice has not been paid. Total due is \$375.00.

The Special Magistrate found Michael Syring and Michael Marrone in violation. Costs of \$250 were imposed. They were ordered to pay the costs of cleanup. Also imposed was a fine of \$50 per day if compliance is not met by August 21, 2012. A compliance hearing will be held on August 22, 2012.

10

Case # 12-370

Old Keystone Church, Inc.
Teresa Willis
328 Julia Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 5-21-2012
Initial Hearing: 6-12-2012

Continued from June 12, 2012 for compliance

Count 1: The business tax receipt to rent unit B is delinquent

The Special Magistrate found Teresa Willis in violation. Compliance was supposed to be met on July 25, 2012. Costs of \$250 were imposed along with 25% of the business tax receipt (\$19.95 X 25% = \$4.99). The total due to the city is \$259.99.

11

Case # 12-719

Eric R Dickstein
727 Emma Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 58-67 Delinquency
Sec. 74-206 Owner's responsibility for payment.
Officer Peg Corbett
Certified Service: 6-6-2012
Initial Hearing: 7-25-2012

In compliance, request dismissal

Count 1: A business tax receipt is required to rent this property. **Count 2:** The sewer account is past due. **Count 3:** The solid waste account is past due.

This case was dismissed by the Special Magistrate at the request of the Code Officer.

12

Case # 11-1467

Victor W Olson
1316 Eliza Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 102-152 Requirements for permits
Sec. 102-158 Stop work order and penalty
Officer Leonardo Hernandez
Certified Service: 1-26-2012
Initial Hearing: 2-29-2012

Continued from May 23, 2012 for compliance
Irreparable violation for working over a stop work order

Count 1: On December 6, 2012 a stop work order was issued for renovations of the fence without a building permit. **Count 2:** On December 6, 2012 a stop work order was issued for renovations of the fence without a certificate of appropriateness. **Count 3:** On December 9, 2011 it was noticed that more of the fence had been worked on. A second stop work order was posted.

The Special Magistrate found Victor Olson in violation. Costs of \$250 were imposed. Also imposed is a fine of \$100 for working over a stop work order.

13

Case # 11-1444

Bird Construction LLC
Deborah & Richard Bird
730 Southard Trust
c/o Vincent F Barletta, Trustee
730 Southard Street
Sec. 14-37 Building permits professional plans; display of permits
Sec. 14-40 Permits in the Historic District
Officer Leonardo Hernandez
Certified Service: 12-23-2011
Initial Hearing: 1-25-2012

Irreparable Violation
Continued from June 12, 2012 for ruling

Count 1: The chimney at this location was demolished without a demolition permit. **Count 2:** The chimney at this location was demolished without HARC approval.

The Special Magistrate continued this case to October 17, 2012 for status.

14

Case # 11-1548

Tamara Redhead
1101 Simonton Street
Sec. 14-37 Building permits; professional plans; display of permits

Sec. 14-40 Permits in historic district
Sec. 90-363 Certificate of occupancy - required
Officer Leonardo Hernandez
Certified Service: 3-14-2012
Initial Hearing: 3-28-2012

Continued from April 25, 2012 for compliance

Count 1: A complaint was received on December 27, 2011 that the shed was converted into living space without a permit. **Count 2:** A complaint was received on December 27, 2011 that the shed was converted into living space without HARC approval. **Count 3:** A Certificate of Occupancy was not issued to use the shed as a living unit.

The Special Magistrate continued this case to September 26, 2012.

15

Case # 12-372

Cynthia D Fairbanks
3408 Eagle Avenue
Sec. 66-102 Date due and delinquent; penalties
Officer Leonardo Hernandez
Posted: 6-28-2012
Initial Hearing: 5-23-2012

In compliance, request dismissal

Count 1: The business tax receipt to rent the second unit is delinquent

This case was dismissed by the Special Magistrate at the request of the Code Officer.

16

Case # 12-439

Alan & Marci Mather
3930 S Roosevelt Blvd N106
Sec. 66-87 Business tax receipt required
Officer Leonardo Hernandez
Certified Service: 4-23-2012
Initial Hearing: 5-23-2012

In compliance, request dismissal

Count 1: A business tax receipt is required to rent the property

This case was dismissed by the Special Magistrate at the request of the Code Officer.

17

Case # 12-526

James E & Laura D Thornbrugh

2014 Roosevelt Drive

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

Sec. 58-63 Delinquency

Sec. 74-206 Owner's responsibility for payment

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 6-12-2012

Continued from June 12, 2012

Count 1: A business tax receipt is required to rent the property. **Count 2:** The solid waste account is past due. **Count 3:** The solid waste account is past due.

The Special Magistrate did not impose any fines or fees at this time. The court reserves the right to impose fines and fees if the payments are not made on the sewer/solid waste account as per the agreement with the Revenue Department of the City of Key West. A status hearing will be held on November 14, 2012.

18

Case # 12-671

Cynthia A Grissom

1401 Sunset Drive

Sec. 58-61 Determination and levy of charge

Officer Leonardo Hernandez

Certified Service: 5-5-2012

Initial Hearing: 5-23-2012

Continuance granted to September 26, 2012**Repeat Violation**

Count 1: Repeat violation of having two units when the City only recognizes one unit.

The Special Magistrate continued this case to September 26, 2012.

19

Case # 09-1501

Angel & Daniela Rodriguez

Angel Rodriguez Dr

908 Trinity Drive #4

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

Sec. 14-256 Required for electric

Sec. 14-262 Request for inspection

Sec. 14-325 Permits required
Sec. 14-327 Mechanical inspection
Sec. 14-358 Plumbing permit required
Sec. 14-362 Connect to public sewer
Sec. 90-363 Certificate of occupancy
Officer Barbara Meizis
Certified Service: 11-8-2011
Initial Hearing: 12-14-2011

Continued from June 12, 2012 for status

Count 1: On May 10, 2010, planning department received an after the fact variance for an after the fact accessory unit which was constructed without building permits. **Count 2:** Electrical work done on the accessory unit without the benefit of an electrical permit. **Count 3:** Electrical inspections are required for all electrical work done. **Count 4:** Mechanical work done without the benefit of a mechanical permit. **Count 5:** Mechanical inspections are required for all mechanical work done. **Count 6:** Plumbing work done without the benefit of a plumbing permit. **Count 7:** Connection to the city sewer system is required. **Count 8:** A certificate of occupancy is required for the accessory unit.

The Special Magistrate imposed the fines. Compliance has not been met.

20

Case # 11-633

Arturo Cobo
Elsa Degraffenreid R/S
1517 Dennis 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. 14-256 Required
Sec. 14-262 Request for inspection
Sec. 14-325 Permits required
Sec. 14-358 Amendments to Florida Plumbing Code
Sec. 14-327 Inspection
Sec. 14-362 Connection to public sewer
Sec. 90-363 Certificate of occupancy - required
Officer Barbara Meizis
Certified Service: 5-22-2012
Initial Hearing: 6-12-2012

Continuance granted to August 22, 2012

Count 1: A business tax receipt is required to rent the five dwelling units. **Count 2:** A building permit is required prior to subdividing the building into five dwelling units. **Count 3:** An electrical permit is required prior to doing any electrical work. **Count 4:** An electrical inspection is required. **Count 5:** A mechanical permit is required prior to doing any mechanical work. **Count 6:** A plumbing inspection is required prior to doing any plumbing work. **Count 7:** A mechanical inspection is required. **Count 8:** Coin operated washing machines and all other plumbing disposal systems must be connected to public sewer after having been inspected by the chief building official. **Count 9:** A certificate of occupancy is required for each of the five dwelling units.

The Special Magistrate granted the continuance request to August 22, 2012.

21

Case # 11-1385

Dean Townsend
826 Olivia Street
Sec. 14-40 Permits in the Historic District
Sec. 14-37 Building permits; professional plans; display of permits
Officer Barbara Meizis
Certified Service: 6-22-2012
Initial Hearing: 7-25-2012

New Case

Count 1: An air conditioner condenser was installed without HARC approval. **Count 2:** An air conditioner condenser was installed without the benefit of a building permit.

This case was dismissed by the Special Magistrate at the request of the Code Officer.

22

Case # 12-436

James E & Laura D Thornbrugh
2016 Roosevelt Drive
Sec. 66-102 Date due and delinquent; penalties
Sec. 58-63 Delinquency
Sec. 74-206 Owner's responsibility for payment
Officer Barbara Meizis
Certified Service: 5-16-2012
Initial Hearing: 6-12-2012

Continued from June 12, 2012

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

Count 2: The solid waste account is past due. **Count 3:** The sewer account is past due.

The Special Magistrate did not impose any fines or fees at this time. The court reserves the right to impose fines and fees if the payments are not made on the sewer/solid waste account as per the agreement with the Revenue Department of the City of Key West. A status hearing will be held on November 14, 2012.

23

Case # 12-680

Scott J & Karen A Mangini
1401 Olivia Street Down
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Sec. 122-599 Prohibited uses in the HMDR (historic medium density residential) district
Officer Barbara Meizis
Certified Service: 5-16-2012
Initial Hearing: 6-12-2012

Settlement Agreement

Count 1: You shall not rent your property transiently without a transient license to do so. **Count 2:** The property was rented out on May 3, 2012 in violation of Sec. 122-1371(b)(9). **Count 3:** Transient rentals are prohibited in the HMDR (historic medium density residential) district.

The Special Magistrate approved the Settlement Agreement. 1. The Respondent(s) stipulate to the imposition of the Administrative Costs in the amount of \$250.00. A fine of \$2,125.00 which represents the rental contract amount will also be imposed. The total fine, including costs will be \$2,375.00. The Respondent(s) also agree to a suspended fine of \$5,000.00. The suspension period shall be for 24 months from the date of the Special Magistrate's signature on the Settlement Agreement. If Respondent(s) are found in violation of this or similar violations again within 24 months of the Magistrate's signature, or if the Respondent(s) are otherwise found to be in violation of this agreement by a judge of competent jurisdiction, the Respondent(s) understand that the \$5,000.00 suspended fine will be imposed in addition to any new fines. If the Respondent(s) are found in violation of sections 18-601, 122-599 and 122-1371 of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation(s) will be considered as repeat punishable by up to \$500.00 per day, per count in addition to the irreparable fines explained herein. The Respondent(s) agree to immediately cease and desist activities that violate the code violation(s) listed in paragraph two (2) at this or any other property in the City of Key West. In addition, the Respondent(s) shall have 15 days from the date of the Special Magistrate's signature to remove all internet advertisement holding the Property out as being available for transient rentals. All fines and fees are payable within thirty (30) days from the date of this order

24

Case # 12-731

Ingo Scharrenbroich
1612 Josephine Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9) 4 Counts
Sec. 122-237 Prohibited uses in the SF (Single Family) district
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Barbara Meizis
Certified Service: 5-21-2012
Initial Hearing: 6-12-2012

Settlement Agreement

Count 1: You shall have a business tax receipt from the City of Key West to rent your property transiently. **Count 2:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 11, 2012. **Count 3:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 12, 2012. **Count 4:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 13, 2012. **Count 5:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 14, 2012. **Count 6:** Transient rentals are prohibited in the SF (Single Family) district. **Count 7:** A business tax receipt is required to rent your property.

The Special Magistrate approved the Settlement Agreement. 1. The Respondent stipulates to the imposition of the Administrative Costs in the amount of \$250.00. A fine of \$1,400.00 which represents the rental contract amount will also be imposed. The total fine, including costs will be \$1,650.00. The Respondent also agrees to a suspended fine of \$5,000.00. The suspension period shall be for 24 months from the date of the Special Magistrate's signature on the Settlement Agreement. If Respondent is found in violation of this or similar violations again within 24 months of the Magistrate's signature, or if the Respondent is otherwise found to be in violation of this agreement by a judge of competent jurisdiction, the Respondent understands that the \$5,000.00 suspended fine will be imposed in addition to any new fines. If the Respondent is found in violation of sections 18-601, 122-237 and 122-1371 of the City of Key West code of ordinances again in the future, Respondent understands that the violation(s) will be considered as repeat punishable by up to \$500.00 per day, per count in addition to the irreparable fines explained herein. The Respondent agrees to immediately cease and desist activities that violate the code violation(s) listed in paragraph two (2) at this or any other property in the City of Key West. In addition, the Respondent shall have 15 days from the date of the Special Magistrate's signature to remove all internet advertisement holding the Property out as being available for transient rentals.

All fines and fees are payable within thirty (30) days from the date of this order.

25

Case # 10-1450

Peter Gomez
Ann Marie Robinson R/S
Wayne Garcia General Contracting
936 United Street
Sec. 102-152 Requirements for permits
Officer Jim Young
Certified Service: 9-24-2011
Initial Hearing: 10-19-2011

Continued from May 23, 2012 for compliance

The columns that were installed are square and were approved as turned (round) columns.

This case was dismissed by the Special Magistrate at the request of the Code Officer.

26

Case # 10-1453

Richard Wunsch
613 Ashe Street
Sec. 66-87 Business Tax Receipt Required
Sec. 14-37 Building Permits, Display
Sec. 90-363 Certificate of Occupancy
Officer Jim Young
POSTED: 5-6-2011
Initial Hearing: 5-25-2011

Continued from May 23, 2012 for compliance

A business tax receipt is required to rent your property. A building permit is required to add a living unit. A certificate of occupancy is required for the third unit.

The Special Magistrate approved the agreement that Mr. Wunsch has with the Revenue Department to pay back fees on the extra unit. A status hearing will be held on January 30, 2013.

27

Case # 12-603

Fred Tillman - owner
Robert Chinnis Construction
Robert Chinnis - contractor
301 Whitehead Street 303
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Officer Dotty Austin

Certified Service: 5-22-2012
Initial Hearing: 6-12-2012

In compliance, request dismissal

Count 1: On April 11, 2012, a complaint was filed that Chinnis Construction constructed railings and attached them to a tree on the back deck of 301 Whitehead Street without building permits. **Count 2:** On April 11, 2012, a complaint was filed that Chinnis Construction constructed railings and attached them to a tree on the back deck of 301 Whitehead Street without HARC approval.

This case was dismissed by the Special Magistrate at the request of the Code Officer.

28

Case # 11-262
Turtle Kraals
231 Margaret Street

City's Motion to Correct Findings and Order

The Special Magistrate approved to amend the order to disturbing noise and continued the case to August 22, 2012 for the Settlement Agreement.

HARC Appeals

29

SMA 12-02
Gary Burchfield
300 Front Street
H12-01-870

The Special Magistrate upheld HARC's decision to not allow the store front windows to be replaced with windows that open.

Mitigations

30

Case # 09-2058
Bank of New York Mellon
923 Eaton Street

The Special Magistrate denied the request to mitigate the fines to \$5,000. He felt that the bank took too long to clean up the property.

31

Case # 10-919
John A Williams
Paul N Hayes, R/A for

Rent Key West Vacations
1328 Atlantic Blvd

The Special Magistrate took this mitigation under advisement.

Liens

32

Case # 10-1454
Rishi Gidwani
3609 Northside Drive

The Special Magistrate approved the filing of the lien.

33

Case # 11-785
Brian & Kimberly Blanchette
1312 Reynolds Street

The Special Magistrate approved the filing of the lien.

Adjournment