



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, November 14, 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 # 12-222

Peter Anderson

1205 11th Street

Sec. 66-102 Dates due and delinquent; penalties

Sec. 58-72 Responsibility of owner and tenant for payment

Sec. 74-206 Owners responsibility for payment

Officer Bonnita Badgett

Certified Service: 8-6-2012

Initial Hearing: 9-26-2012

Continued from September 26, 2012 for compliance

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.

This case was continued to April 13, 2013 for status.

2

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 Badgett

Certified Service: 4-13-2012

Initial Hearing: 4-25-2012

Continuance granted to December 19, 2012

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.

This case was continued to February 27, 2013 for compliance.

3

Case # 12-991

Rishi Gidwani
3609 Northside Drive
Sec. 14-37 Building permits; professional plans; display of permits
Officer Corbett
Certified Service:
Initial Hearing: 11-14-2012

New Case

Count 1: A building permit is required to replace a door prior to commencement.

This case was continued for service.

4

Case # 12-1231

Paul Findlay & Yolande Guillaume
1124 Varela Street
Sec. 62-2 Obstructions
Officer Peg Corbett
Certified Service: 9-29-2012
Initial Hearing: 10-17-2012

**Continued from October 17, 2012 for compliance
In compliance - still owe fines and fees**

Count 1: Trash containers are left on the sidewalk seven days a week.

The Special Magistrate imposed the fines for non-compliance.

5

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

Continued from October 17, 2012
Continuance request denied

Repeat Violation

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

This case was continued to December 19, 2012.

6

Case # 12-846
Crowne Plaza La Concha
430 Duval Street
Sec. 26-31 Offensive and nuisance conditions prohibited
Sec. 14-74 Nuisances
Officer Leonardo Hernandez
Certified Service: 8-20-2012
Initial Hearing: 9-26-2012

Continued from September 26, 2012 for compliance

Count 1: Offensive and nuisance conditions exist on and around the dumpsters since June 9, 2012. **Count 2:** The drain located in the dumpster enclosure was clogged and needed repair.

The Special Magistrate found Key West Florida Hotel LTD Partnership in violation. Costs of \$250 were imposed as requested by the Code Officer.

7

Case # 12-1020
Danielle K Kehoe
Andrew J Mendez
1006 17th Street
Sec. 14-37 Building permits; professional plans; display of permits
Officer Leonardo Hernandez
Certified Service: 8-31-2012
Initial Hearing: 9-26-2012

Continued from October 17, 2012 for compliance
In compliance - fines and fees still due

Count 1: A building permit is required prior to the commencement of work.

The Code Officer stated that this property is in compliance but still owed \$3,000 in fines and costs which was paid at the hearing.

8

Case # 12-1218

Pearl's Rainbow
Heather Carruthers
524 Louisa Street
Sec. 14-37 Building permits; professional plans; display of permit
Officer Leonardo Hernandez
Certified Service: 10-27-2012
Initial Hearing: 11-14-2012

New Case

Count 1: For failure to obtain a building permit to replace a window prior to the commencement of work.

The Special Magistrate found Pearl's Rainbow/Ms. Carruthers to be in violation. Costs of \$250 were imposed as requested by the Code Officer.

9

Case # 12-1484

Conch Shell Properties Inc.
Fouad Samaha, R/A
Hard Rock Cafe
313 Duval Street
Sec. 62-1 Deposits of oil, grease or other waste
Officer Hernandez
Certified Service: 10-15-2012
Initial Hearing: 11-14-2012

**Continuance granted to December 19, 2012
Irreparable violation**

Count 1: The grease receptacle spilled onto Rose Lane, Down Duval Street towards Caroline on October 6, 2012. The sidewalk and street needed to be closed for cleanup.

This case was continued to December 19, 2012.

10

Case # 12-904

Sean Seckel
Scott Zurbrigen
1224 Florida Street
Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations Counts 2 through 9
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 122-599 Prohibited uses
Sec. 58-63 Delinquency
Sec. 74-206 Owner's responsibility for payment
Sec. 14-37 Building permits; professional plans, display of permits
Sec. 14-40 Permits in historic district
Officer Barbara Meizis
Hand Served:
Initial Hearing: 9-26-2012

Continued from October 17, 2012 for a Settlement Agreement Repeat/Irreparable Violation

Count 1: A transient rental license is required to rent your property transiently. **Counts 2 through 9:** The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371 on June 20, 2012 through June 27, 2012. **Count 10:** A business tax receipt is required to rent your property. **Count 11:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR). **Count 12:** The solid waste account is delinquent. **Count 13:** The sewer account is delinquent. **Count 14:** Cameras were installed without benefit of a build permit. **Count 15:** Cameras were installed without benefit of a certificate of appropriateness.

The Special Magistrate found Sean Seckel and Scott Zurbrigen in violation. Respondents shall be jointly and severally liable to pay the outstanding fines associated with case no. 08-795 in the amount of \$1,900 in addition to the \$250 administrative costs associated with the case at bar within 30 days of the Special Magistrate's signature. Respondents will pay a fine in the amount of \$4,500 within 60 days of the Magistrate's signature. Respondents agree to either, seek and obtain an after the fact permit and HARC approval for the electrical work and surveillance camera or in the alternative, remove these components completely and lawfully within 60 days of the Magistrate's signature. City admits that the Respondents are in compliance in counts 12 and 13 and dismisses those counts accordingly.

11

Case # 12-1239

Island Cigar & Tobacoria
Alon Croitoru
Carol Croitoru
135 Duval Company - Property Owner
c/o Peter Nelson Brawn
Charles Ittah, Registered Agent
Sec. 106-51 Prohibited - Counts 1 through 3 - Repeat

Sec. 42-6 Tattoo establishments; temporary tattoos
Officer Barbara Meizis
Certified Service: 9-13-2012
Initial Hearing: 9-26-2012

**Continued from October 17, 2012 for Settlement Agreement
Repeat Violation**

Counts 1 through 3: On September 1, 2012, September 2, 2012 and September 5, 2012, a "boat" filled with cigars; a ' tall cigar "man" display and another display with cigars in it were located on the exterior of the building. The two doors which open out to Greene Street had a sign board on one with temporary henna tattoos and the other door had cigar boxes attached to it. This business does not currently have an exception to the outdoor display ordinance. **Count 4:** On September 1, 2012, September 2, 2012 and September 5, 2012, the signage warning about PPD was not displayed.

The Special Magistrate found Mr. Croitoru/Island Cigar in violation. A Settlement Agreement was presented to the Special Magistrate and was approved. The respondent acknowledges that this is his 3rd violation of the nature at this location. Respondents further acknowledge that they face fines in the instant case in excess of \$8,000. In light of the fact that respondent has secured Planning Board conditional approval on or about 9-20-12 for said outdoor displays, the Respondent will abide by all of the conditions as set forth by the Planning Board. To wit: seek and obtain all requisite HARC approvals for signage within 30 days of the Special Magistrate's signature and maintain a 36" clearance around said displays. Respondent will permanently remove the "Cigar Man" at this location and Island Cigar's other location at 1100 Duval Street or seek and obtain the requisite approval for same. The Respondent shall pay a fine in the amount of \$1,750 plus costs of \$250 to the City of Key West within 30 days of the Special Magistrate's signature. There shall be a suspended fine in the amount of \$6,000. If the Respondent commits the same violations referenced herein at this or any other commercial properties in the City of Key West again within 36 months of the Special Magistrate's signature, the Respondent understands that the suspended fine will be imposed and collected immediately upon said subsequent finding in addition to any further fines and costs associated with a new violation.

12

Case # 12-1135

Dennis & Karen Baso R/S
William & Delaina M Leird
3715 Donald Avenue
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 74-206 Owner's responsibility for payment
Officer Jim Young

Certified Service: 10-11-2012
Initial Hearing: 10-17-2012

Continued from October 17, 2012 for compliance

Count 1: A business tax receipt is required to rent your property.
Count 2: The sewer/solid waste account is past due. As of October 5, 2012, the total amount due is \$1,039.58.

The Special Magistrate imposed the costs.

13

Case # 12-1589
Stephen Martin Walker
400 Whitehead Street
Sec. 14-40 Permits in historic district
Sec. 114-103 Prohibited signs
Officer Jim Young
Certified Service:
Initial Hearing: 11-14-2012

New Case

Count 1: On September 17, 2012 there were several portable signs at the subject property advertising a pay parking lot. Signs were installed without HARC approval. **Count 2:** Portable signs are prohibited in the Historic District

The Special Magistrate found Mr. Walker in violation. Costs of \$250 was imposed. Also imposed was an irreparable fine of \$5,000 if the signs are not removed by 5:00 pm on 11-14-12. The \$5,000 fine will be suspended until the HARC approved signs are up, as long as the unapproved signs remain down. The court reserves the right to imposed a daily fine, if the signs are not removed, back to the beginning of the complaint.

Liens

14

Case # 11-1229
Julio N Castro-Rivas
Yvonne G Ametin
Information Management Group
3229 Flagler Avenue
Certified Service:

The Special Magistrate continued this case for service.

15

Case # 12-701

Daniel D Kolbe
Kolbe Corporation
Southernmost Photography
Certified Service: 10-27-2012

The Special Magistrate approved the filing of the lien.

16

Case # 12-322
Daniel D Kolbe
Kolbe Corporation
Southernmost Photography
Certified Service: 10-27-2012

The Special Magistrate approved the filing of the lien.

Code Violations

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 July 25, 2012 for status

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.

This case was continued to May 29, 2012 for compliance.

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 July 25, 2012 for status

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 sewer/solid waste account has been paid in full. Ms. Thornbrugh still needs to obtain the business tax receipt in order to rent her property. Costs of \$250 were imposed.

Adjournment