



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, May 27, 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.

Call Meeting to Order - 1:30 P.M.

Code Violations

1

Case # 19-672

808 Southard Street LLC

C/O Brawn Peter Nelson

The Tree Man

Sean Creedon - Registered Agent

808 & 812 Southard Street

Sec. 26-192 Unreasonably excessive noise prohibited - 808 Southard Street LLC

Sec. 26-192 Unreasonably excessive noise prohibited - The Tree Man

Sec. 122-597 Permitted uses - 808 Southard Street LLC

Sec. 122-597 Permitted uses - The Tree Man

Sec. 122-598 Conditional Uses - 808 Southard Street LLC

Sec. 122-598 Conditional Uses - The Tree Man

Sec. 122-837 Use permitted - 808 Southard Street LLC

Sec. 122-837 Use permitted - The Tree Man

Sec. 108-677 Parking and storage of certain vehicles - 808 Southard Street LLC - **ONLY**

Officer Dorian Patton

Certified Mail: 1-11-20

Initial Hearing: 1-30-2020

Continued to 29 April 2021 for final ruling**Count 1:** Failure to cease from allowing the company "Tree Man" from operating their equipment and performing their business. - **both parties****Count 2:** Failure to remove all commercial vehicles, utility trailers. and boat/jet ski trailers from all residential lots on the property. - **both parties****Count 3:** Failure to refrain from using residential lots for commercial use or for the storage of vehicles, utility trailers, and boat/jetski trailers. - **both parties****Count 4:** Failure to stop the company "Tree Man" from performing light industrial activity on the property. - **both parties****Count 5:** Failure to relocate all vehicles that have a missing or expired license plate to an enclosed building. - **808 Southard Street LLC ONLY**

Susan Cardenas was present on behalf of both respondents and Ron Ramsingh was present on behalf of the City of Key West. Don Yates reviewed all documents and videos from this case. Don Yates stated that there is a finding of the violation for the following Sections:

Sec. 192, Sec. 122-597, Sec. 122-598, 122-598, Sec. 108-677 and that there was plenty of evidence that supported these violations taking place and that there was proper notice of all of these violations to the property owner. Don made a point to state that he does not rule on due process and that any arguments on that would need to be taken to another level. He then stated that when you look at the evidence and all of the bate stamped documents, it is very clear

that both parties were properly noticed and that they were given plenty of time to correct all of these issues. Don Yates ruled that there is a finding in order with a \$250.00 administrative for Peter Brawn and a \$250.00 administrative cost for Sean Creedon. Don Yates has drafted a order to which he will get it out to both parties within the next few weeks.

2

Case # 19-1715

Futterman Phenphak - Owner

3011 Riviera Drive

Sec.14-37 Building permits; professional plans; display of permits;
address; exceptions~~Sec. 14-256 Permit required~~~~Sec. 14-359 Permit display~~~~Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business~~

Officer Edward Keane

Posted: 7-31-2020

Initial Hearing: 3-26-2020

Continued from 18 February 2021**Count 1:** Failure to obtain all proper building permits.~~Count 2: Failure to obtain all electrical permits and or convert the
structure back to storage.~~~~Count 3: Failure to obtain all plumbing permits or convert the structure
back to storage.~~~~Count 4: Failure to cease renting the storage enclosure and apply for a
LUD from the City Planning Department.~~

Edward Keane stated that the case came into compliance on 27 May 2021 and that the City would like to dismiss this case. Don Yates granted the dismissal.

3

Case # 19-1568

TU-TI-FRU-TI, Inc.

Charles Mendola - Registered agent

828 Duval Street

Sec. 114-103 Prohibited signs

Sec. 14-40 Permits in historic districts

~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions~~~~Sec. 66-109 Schedule of taxes~~~~Sec. 2-939 Revocable Licenses~~

Officer Troy Montero

Certified Mail: 3-2-2020

Initial Hearing: 3-26-2020

Continued from 25 March 2021**Count 1:** Failure to obtain HARC approval for signage.**Count 2:** Failure to obtain HARC certificate of appropriateness for-
~~installation of cameras and outside bar.~~~~Count 3: Failure to obtain building permits.~~~~Count 4: Failure to obtain approval for additional seating.~~~~Count 5: Failure to obtain revocable license for awning over city right of way.~~

Nathalia Mellies spoke on behalf of the City and stated that this case came into compliance on 27 May 2021 and that the City is requesting a dismissal. Don Yates granted the dismissal.

4

Case # 20-1029

Rene Leslie Bird

311 Amelia Street

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions~~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. 90-363 Certificate of occupancy required

Officer Troy Montero

Certified mail: 1-16-2021

Initial Hearing: 2-18-2021

Continuance previously granted to 27 May 2021**Count 1:** Failure to apply and obtain the appropriate after the fact
permits through the Building Department.~~Count 2: Failure to apply and obtain a non-transient business tax receipt
through the Licensing Department.~~**Count 3:** Failure to apply and obtain a legal unit determination for the
additional residential units.**Count 4:** Failure to apply and obtain a certificate of occupancy for the
residential unit in the rear of the property.

Troy Montero was the Code Officer who was present on behalf of the City. Leslie Rene Bird was present via zoom. Nathalia Mellies then intervened and stated that Daniel from the Planning Department was present to speak on behalf of the application that Ms. Bird submitted. Daniel stated that the application is still pending and under review and that this should be approved soon. The City requested a continuance to 24 June 2021 for a status update. Don Yates granted the continuance due to Ms. Bird working on coming into compliance.

5

Case # 20-1335

John Lindle

1617 White Street

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

Officer Troy Montero

Certified Mail: 2-2-2021

Initial Hearing: 2-18-2021

Continuance previously granted to 27 May 2021**Count 1:** Failure to apply and obtain after the fact permits for building,
electrical and plumbing.

Troy Montero was the Code Officer on this case. Nathalia Mellies the Assistant City Attorney stated that Melissa Paul - Leto was present on behalf of the Planning Department to explain that there is a variance request that is going before the Planning board on 15 July 2021 so this case would need to be continued. Melissa Paul-Leto then confirmed this. The City requested a continuance to 29 July 2021. Don Yates granted the continuance.

6

Case # 20-1493

Lewis Richard T

Susan Derosé

1102 Washington Street

Sec. 62-2 Obstructions

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

Sec. 14-40 Permits in historic districts

Sec. 62-2 Obstructions

Officer Roy Owens

Hand Served: 3-25-2021

Initial Hearing: 2-18-2021

Continued from 25 March 2021 for amended notice of hearing

Count 1: Failure to contact the Engineering Department to obtain the proper permits for installation of plants, trees and shrubs on public easements.

Count 2: Failure to obtain permits to install plants, trees and shrubs on a public easement.

Count 3: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Count 4: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Count 5: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Troy Montero was the Code Officer for this case. Richard Lewis who is the property owner was present. Troy Montero stated that Mr. Lewis has applied and obtained the permits that were needed and that the only issue left is the trees on the right of way to which he is working on getting a variance through planning for them. Troy Montero requested a continuance to 24 June 2021 for a status update since the Planning Board meeting with his variance request is on 17 June 2021. Don Yates granted the continuance.

7

Case # 21-314

Jude M Brogli
2824 Seidenberg Ave
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Roy Owens
Certified Mail: 3-14-2021
Initial Hearing: 4-29-2021

Settlement Agreement

Count 1: Failure to apply and obtain all after the fact permits for the removal of the awning and installation of the concrete deck.

This case has a settlement agreement of \$250.00 administrative cost with a suspended fine of \$250.00. Don Yates executed the agreement.

8

Case # 18-241Lawney Management Company - **New Owner**~~Theresa Didato-Cioffi - **Removed**~~~~Wilmington Trust Company - **Removed**~~

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

~~Sec. 26-32 Nuisance illustrated - **Dismissed**~~~~Sec. 26-126 Clearing of property of debris and noxious material required - **Dismissed**~~

Director Jim Young

Certified Service: 6-15-2018 - Registered Agent

Certified Service: 7-17-2018 - Theresa Cioffi - Amended Notice

Initial Hearing: 5-30-2018

Continuance previously granted to 24 June 2021

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** ~~Observed the pool with stagnant water that is a breeding ground or feeding area for mosquitoes.~~ - **Dismissed.** **Count 4:** ~~Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition.~~ - **Dismissed.**

Director Jim Young stated this case came into compliance on 27 May 2021 and that the City is requesting a dismissal. Don Yates granted the dismissal.

9

Case # 19-846

Bimini Village Condominium

James Marsh - Registered agent

806 Thomas Street

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

Sec. 14-40 Permits in historic districts

Officer Jim Young

Certified Mail: 1-19-2021

Initial Hearing: 1-28-2021

Continued to 27 May 2021 for compliance

Count 1: Failure to apply and obtain a demolition permit to remove all unpermitted construction, roof and awning structures and return the building to its original state.

Count 2: Failure to apply for a certificate of appropriateness from HARC, for the fence.

Director Jim Young requested a continuance to 24 June 2021 for compliance and stated that he has had correspondence between James Marsh in regards to the three options that the City has given him to come into compliance. Don Yates granted the continuance.

10

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

New Case

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

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

Director Jim Young requested a continuance to 24 June 2021 due to his conversation with the contractor who says that this case will be in compliance within the next week. Don Yates granted the continuance.

11

Case # 21-457

Cleghorn Homes LLC
C/O Lawrence U. Taube, R.A
801 Waddell Avenue
Sec. 66-102 Dates due and delinquent; Penalties
Officer Jim Young
Certified Mail:
Initial Hearing: 5-27-2021

In compliance as of 27 April 2021; request dismissal

Count 1: Failure to renew business tax receipt with the City of Key West Licensing Department.

This case came into compliance on 27 April 2021 and the City is requesting a dismissal. Don Yates granted the dismissal.

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Case # 21-474

Thomas Merrill Drew
& Timothy Thirkield
506 Grinnell Street
Sec. 66-102 Dates due and delinquent; penalties.
Officer Jim Young
Certified Mail: 4-19-2021
Initial Hearing: 5-27-2021

In compliance as of 19 April 2021; request dismissal

Count 1: Failure to renew business tax receipt with the City of Key West Licensing Department.

This case came into compliance on 19 April 2021 and the City is requesting a dismissal. Don Yates granted the dismissal.

Proposed Add On

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Case # 19-1445

Adrienne Bond

1207 19th Ter

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

Officer Troy Montero

Certified Mail:

Initial Hearing: 5-27-2021

New Case**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 and obtain
a business tax receipt for a non transient rental license.

Troy Montero was the Code Officer for this case. Adrienne Bond who is the property owner was present and stated that she did have proper notice since she picked up the certified letter from the post office. Troy Montero read his timeline. Don Yates then asked the property owner what she has done since receiving notice of the violation. Adrienne Bond stated that she purchased the property with this structure already built and that she has been trying to find a contractor but cannot. Scott Fraser the FEMA Coordinator for the City of Key West then read his timeline and stated that if this structure is going to be a habitable space then it needs to meet the flood guidelines but that if it is going to be just storage then it would meet different requirements. Troy Montero requested a finding and order with a \$250.00 administrative cost and a \$250.00 per count per day. Director Jim Young then stated that the city understands the circumstances and that the city is willing to work with people so with that a \$250.00 administrative cost with a \$250.00 per day per count if not in compliance by 120 days. Don Yates then agreed with what the Director stated. This case will be continued to 21 October 2021. The respondent agreed to the continuance.

Adjournment - 2:19 P.M.