



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, August 28, 2013

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 # 13-401

Donal Morris Sr.

Gregory Morris R/S

918 James Street

Sec. 14-40 Permits in the historic district

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

Officer Bonnita Badgett

Posted: 5-7-2013

Initial Hearing: 5-22-2013

Continued from July 31, 2013 for compliance

Count 1: On March 20, 2013 the city received a complaint regarding a shed on the property that was built without HARC approval. **Count 2:** A 200 sq. ft. shed that was built on the property without benefit of a building permit. HARC denied the application.

Attachments: [13-401 918 James St NOH Posting](#)

[13-401 918 James St NOH](#)

[13-401 918 James St pics](#)

Legislative History

5/22/13 Code Compliance Hearing Continuance

6/26/13 Code Compliance Hearing Continuance

7/31/13 Code Compliance Hearing Continuance

2

Case # 13-471

Karen L Boscamp

2705 Flagler Avenue

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

Sec. 66-102 Dates due and delinquent; penalties

Officer Bonnita Badgett

Certified Service: 5-30-2013

Initial Hearing: 6-26-2013

Continued from July 31, 2013 for compliance

Count 1: On April 4, 2013 the city found the property unsightly and full of trash and debris. **Count 2:** On April 4, 2013 the city found the business tax receipt is delinquent.

Attachments: [13-471 2705 Flagler Ave NOH](#)

[13-471 2705 Flagler Ave Pics](#)

[13-471 2705 Flagler pics](#)

Legislative History

5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance

3

Case # 13-374

Ybarnea Artica (Q) &
Kevin & Yvette M Talbott R/S
Anola Mira L/E
c/o Appraisers of Key West
1104 Virginia Street
Sec. 14-40 Permits in the historic district
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business.
Officer Peg Corbett
Certified Service: 6-19-2013
Initial hearing: 7-31-2013

Continued from July 31, 2013

Count 1: The fence was built without the benefit of a certificate of appropriateness. **Count 2:** The fence was built without the benefit of a building permit. **Count 3:** The subject property has two units. There is no business tax receipt to rent the second unit.

Attachments: [13-374 1104 Virginia NOH 5453](#)
[13-374 1104 Virginia NOH 5460](#)
[13-374 Survey](#)

Legislative History

7/31/13 Code Compliance Hearing Continuance

4

Case # 13-379

Maurice & Lynn De La Valette
1100 Virginia Street
Sec. 14-40 Permits in the historic district
Sec. 14-37 Building permits; professional plans, display of permits
Officer Peg Corbett
Certified Service: 6-24-2013
Initial hearing: 7-31-2013

Continued from July 31, 2013 for compliance**In compliance, still owes \$250 in administrative fees**

Count 1: On March 8, 2013 a complaint was received that a fence was being built without the benefit of a certification of appropriateness. It was confirmed through Engineering that all of the fences on the southeast side of the 1100 block of Virginia are encroaching on the city right of way by 1 foot 7 inches. **Count 2:** On March 8, 2013 a complaint was received that a fence was being built without the benefit of a building permit.

Attachments: [13-379 1100 Virginia St 5439](#)

Legislative History

7/31/13 Code Compliance Hearing Continuance

5

Case # 13-383

Maurice & Lynn De La Valette
1028 Virginia Street
Sec. 14-40 Permits in the historic district
Sec. 14-37 Building permits; professional plans; display of permits
Officer Peg Corbett
Certified Service: 6-24-2013
Initial Hearing: 7-31-2013

Continued from July 31, 2013 for compliance**In compliance, still owes \$250 in administrative fees**

Count 1: It was observed that all fences built on the southeast side of the 1100 block of Virginia Street are encroaching by 1 foot 7 inches. It was also confirmed that the fence was built without benefit of a certificate of appropriateness. **Count 2:** It was also confirmed that the fence was built without benefit of a building permit.

Attachments: [13-383 1028 Virginia NOH 5415](#)

Legislative History

7/31/13 Code Compliance Hearing Continuance

6

Case # 13-511

Kevin & Yvette Talbott

1701 Johnson Street

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

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

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of change

Officer Peg Corbett

Certified Service: 7-8-2013

Initial Hearing: 7-31-2013

Continued from July 31, 2013

Count 1: A complaint was received that the garage was enclosed. Site visit confirmed that it was enclosed and a door and two windows were also installed. A fence was built on either side with a gate entry from the Ashby Street side all without benefit of a building permit. **Count 2:** A business tax receipt is required to rent this property. **Count 3:** A certificate of occupancy is required to rent this property. **Count 4:** The subject property does not have the required utility accounts or a waste management account as required by the city.

Attachments: [13-511 1701 Johnson NOH 5491](#)

[13-511 1701 Johnson St Photos of illegal unit](#)

[13-511 Naviline view shows one legal unit](#)

Legislative History

7/31/13

Code Compliance Hearing

Continuance

7

Case # 13-597

Tim & Lynn Gallagher

3122 Riviera Drive

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

Sec. 90-363 Certificate of occupancy - Required

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

Sec. 58-61 Determination and levy of charge

Sec. 14-38 Minimum floor elevation

Officer Peg Corbett

Certified Service: 6-20-2013

Initial Hearing: 6-26-2013

Continued from July 31, 2013 for compliance

Count 1: On May 3, 2013 a complaint was received that a unit was built without benefit of a permit. **Count 2:** A Certificate of Occupancy is required for the second unit. **Count 3:** A business tax receipt is required to rent the second unit. **Count 4:** A solid waste account is required for all units. **Count 5:** The second unit was built below flood elevation.

Attachments: [13-597 3122 Riviera Dr NOH](#)
[13-597 3122 Riviera dr photos](#)

Legislative History

6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance

8

Case # 13-776

Joseph L Lamarca III

Bonnie Chu

Larry Doyle

Walbach LLC

Stacy M Rocheleau, R/A

1318 Petronia Street

Sec. 18-601 License required - Counts 1 through 7

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 9 through 14

Sec. 122-599 Prohibited uses in HMDR - Counts 15 through 21

Officer Peg Corbett

Certified Service: 6-17-2013

Initial Hearing: 7-31-2013

Continued from July 31, 2013**Repeat/Irreparable**

Counts 1 through 7: The captioned property was held out and/or advertised as being available transiently on June 8, 2013, June 9, 2013, June 10, 2013, June 11, 2013, June 12, 2013, June 13, 2013 and June 14, 2013. **Counts 9 through 14:** The respondent rented the property in question transiently contrary to 122-1371(d)(9) on June 8, 2013, June 9, 2013, June 10, 2013, June 11, 2013, June 12, 2013, June 13, 2013 and June 14, 2013. **Counts 15 through 21:** The respondent rented the property located in the Historic Medium Density Residential area transiently on June 8, 2013, June 9, 2013, June 10, 2013, June 11, 2013, June 12, 2013, June 13, 2013 and June 14, 2013. Transient rentals are not permitted in the Historic Medium Density Residential area.

Attachments: [13-776 NOCV 5316](#)

[13-776 NOCV 5323](#)

[13-776 NOCV 5330](#)

[13-776 Transient Rental Agreement](#)

[13-776 Receipt for Payment](#)

Legislative History

7/31/13

Code Compliance Hearing

Continuance

9

Case # 13-777

Marcia & David Zensinger

Michael T Hogan

David Zensinger, R/A

Casa Vacations

807 Washington Street 101

Sec. 18-601 License required

Sec. 122-599 Prohibited uses - HMDR

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

Officer Peg Corbett

Certified Service: 6-18-2013

Initial Hearing: 7-31-2013

Continued from July 31, 2013 - Settlement Agreement

Count 1: The subject property was held out for transient rental for the dates of November 16, 2013 through November 30, 2013 without the benefit of a transient rental license. **Count 2:** Transient rentals are prohibited in the historic medium density residential district (HMDR).

Count 3: The subject property was held out for rental for the dates of November 16 through November 30 without the benefit of a transient license.

Attachments: [13-777 NOCV-NOH 5361](#)

[13-777 NOCV-NOH 5378](#)

[13-777 NOCV-NOH 5385](#)

[13-777 Email from Prop Owner](#)

Legislative History

7/31/13

Code Compliance Hearing

Continuance

10

Case # 13-800

Schooner Wharf Bar

Evalena Worthington

202 William Street

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

Sec. 14-40 Permits in historic district

Sec. 18-117 Acts declared unlawful

Officer Peg Corbett

Hand Served: 8-8-2013

Initial Hearing: 8-28-2013

In compliance, request dismissal

Count 1: One 17 June 2013 a complaint was received that a wall removed and a new wall (lattice) was installed without benefit of a building permit. **Count 2:** One 17 June 2013 a complaint was received that a wall removed and a new wall (lattice) was installed without benefit of a Certificate of Appropriateness. **Count 3:** The work was being performed by an employee of Schooner Wharf who is not a licensed contractor.

Attachments: [13-800 202 William NOH Hand Served](#)
[13-800 Schooner Wharf Photos of unpermitted work](#)

11

Case # 13-916

Audrey Samz-Liggins Rev Trust 12/15/2003
1507 George Street
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 18-601 License required
Sec. 122-237 Prohibited uses (SF)
Office Peg Corbett
Certified Service: 7-30-2013
Initial Hearing: 8-28-2013

New Case - Settlement Agreement

Count 1: The subject property was held out for transient rental on 22 July 2013 at <https://www.airbnb.com/rooms/1009015> **Count 2:** The subject property was held out for transient rental on 22 July 2013 at <https://www.airbnb.com/rooms/1009015> without benefit of a transient rental license. **Count 3:** Transient rentals are prohibited in the Signal Family Zoning District.

Attachments: [13-916 NOH 7396](#)

12

Case # 13-940

Silvia Fancisca Escoin
3930 S Roosevelt Blvd S308
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 18-601 Transient license
Officer Peg Corbett
Certified Service: 8-24-2013
Initial Hearing: 8-28-2013

New Case

Count 1: On 26 July 2013 the subject property was held out for transient rental by the tenant. **Count 2:** On 26 July 2013 the subject property was held out for transient rental without the benefit of the proper licensing.

Attachments: [13-940 NOH Tenant](#)

13

Case # 13-683

Jean M Noel
1300 15th Court #71
Sec. 14-37 Building permits; professional plans; display of permits
Officer Leonardo Hernandez
Certified Service: 7-31-2013
Initial Hearing: 8-28-2013

New Case

Count 1: Fence was erected without benefit of a building permit.

Attachments: [13-683 1300 15th ct #71 NOH 7891](#)
[13-683 Trailer # 71 pics](#)
[13-683 1300 15th CT #71 Compliance pic](#)
[13-683 1300 15th ct # 71 NOH g card tenant](#)
[13-683 1300 15th ct #71 evidence](#)

14

Case # 13-748

Andrea Ayres
1121 Whitehead Street
Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business
Officer Leonardo Hernandez
Certified Service: 7-12-2013
Initial Hearing: 7-31-2013

Continued from July 31, 2013

Irreparable violation

Count 1: For renting the property without a business tax receipt. The
property is owned by US National Bank Association.

Attachments: [13-748 1121 Whitehead St NOH](#)
[13-748 1121 Whitehead Rental lease](#)
[13-748 1121 Whitehead NOH posted](#)
[13-748 1121 Whitehead Street NOH posting](#)
[13-541 2922 Flagler continuance request](#)
[13-748 1121 Whitehead email granting continuance](#)

Legislative History

7/31/13 Code Compliance Hearing Continuance

15

Case # 13-758

Andrea Shaye Morgan

621 Eaton Street

Sec. 74-209 Delinquent payments; disconnection and reconnection of service

Sec. 74-206 Owner's responsibility for payment

Officer Leonardo Hernandez

Certified Service: 6-13-2013

Initial Hearing: 6-26-2013

Continuance granted to October 30, 2013**Count 1:** Utility account is delinquent **Count 2:** Owner is responsible for payment.

Attachments: [13-758 621 Eaton St NOH 9030](#)
[13-758 621 Eaton account balance](#)
[13-758 621 Eaton emails](#)

Legislative History

6/26/13 Code Compliance Hearing Continuance

16

Case # 13-782

RL-BB FL Hillsborough LLC

Atlantic/Pacific Management

CT Corporation, R/A

3114 Flagler Avenue

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

Officer Leonardo Hernandez

Certified Service: 7-16-2013

Initial Hearing: 8-28-2013

In compliance, request dismissal**Count 1:** Permit was applied for by GEM Designs, Inc. Their insurance and workers compensation had expired.

Attachments: [13-782 3114 Flagler NOH 6252](#)
[13-782 3114 Flagler NOH 6290](#)
[13-782 3114 Flagler NOH good service 6252](#)
[13-782 3114 Flagler permit obtained](#)
[13-782 3114 Flagler pic](#)

17

Case # 13-57

Yuliya Andrews
The Adult Entertainment Club
Albert L Kelley, R/A
200 Block of Duval Street
Sec. 18-415 (b) (1) a. Restrictions in the Historic District
Sec. 18-441 Required
Officer Jim Young
Certified Service: 1-14-2013 - Albert Kelley
Certified Service: 1-14-2013 - Yuliya Andrews
Initial Hearing: 1-30-2013

Motion to Stay Code Enforcement Proceedings filed with Judge Audlin**Continuance granted to October 2, 2013****Repeat/Irreparable**

Count 1: On January 10, 2013 at approximately 1:33 am, Anthony B Huggins was soliciting customers for the Adult Entertainment Club at 210 Duval Street which is a prohibited area. **Count 2:** An Off-Premises Canvassing permit is required to engage in off-premises canvassing.

Attachments: [13-57 200 Blk of Duval St NOH](#)
[13-57 Motion to Stay](#)

Legislative History

1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance
4/24/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance

18

Case # 13-185

KWSC, Inc. d/b/a
 Adult Entertainment Club
 c/o Albert L Kelley, R/A
 Yuliya Andrews, Owner
 300 Block of Duval Street
 Sec. 18-411 Title
 Sec. 18-415 Restrictions in the historic district
 Officer Jim Young
 Certified Service: 2-8-2013 - R/A
 Certified Service: 2-9-2013 - Owner
 Initial Hearing: 2-27-2013

**Motion to Stay Code Enforcement Proceedings filed with Judge
 Audlin**

Repeat/Irreparable Violation**Continuance granted to October 2, 2013**

Count 1: This article shall be known as the off-premises canvassing ordinance. **Count 2:** On January 10, 2013 at approximately 1:30 am, Neile Bassi Favreau was soliciting customers for the Adult Entertainment Club in the 300 block of Duval Street which is a prohibited area.

Attachments: [13-185 Adult Entertainment Club 330 Blk of Duval NOH](#)
[13-185 300 Blk of Duval NOH](#)

Legislative History

2/27/13	Code Compliance Hearing	Continuance
4/24/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance

19

Case # 13-918

Kaleb Smith

909 Virginia Street #4

Sec. 18-601 Transient license required

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)

Sec. 122-597 Permitted uses (HMDR)

Office Jim Young

Certified Service: 7-30-2013

Initial Hearing: 8-28-2013

New Case - Settlement Agreement

Count 1: Only July 22, 2013 this property was being held out for transient rental for \$200.00 per night without a transient license. **Count 2:** On July 22, 2013 this property was being held out for transient rental for \$200.00 per night. **Count 3:** On July 22, 2013 this property was being held out for transient rental for \$200.00 per night which is not a permitted use in this zone.

Attachments: [13-918 909 Virginia St #4 NOH](#)
[13-918 909 Virginia St #4 ads](#)
[13-918 909 Virginia St #4 Certified receipt](#)

20

Case # 13-919

John Aydent

3333 Duck Avenue D210

Sec. 18-601 Transient license required

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

Sec. 122-269 Prohibited Uses (MDR)

Officer Jim Young

Certified Service: 8-12-2013

Initial Hearing: 8-28-2013

New Case

Count 1: On July 22, 2013 this property was being held out for transient rental for \$121.00 per night without a transient license. **Count 2:** On July 22, 2013 this property was being held out for transient rental for \$121.00 per night. **Count 3:** On July 22, 2013 this property was being held out for transient rental for \$121.00 per night which is prohibited in this zone.

Attachments: [13-919 3333 Duck Ave D210 NOH](#)
[13-919 3333 Duck Ave D210 ads](#)
[13-919 3333 Duck D210 certified receipt](#)

21

Case # 13-920

Polina Vasina

2007 Flagler Avenue

Sec. 18-601 Transient license required

Sec. 122-1371 Transient Living Accommodations in residential dwellings; regulations (d)(9)

Sec. 122-389 Prohibited Uses (CL)

Office Jim Young

Certified Service: 8-10-2013

Initial Hearing: 8-28-2013

New Case - Settlement Agreement

Count 1: On July 22, 2013 this property was being held out for transient rental for \$100.00 per night without a transient license. **Count 2:** On July 22, 2013 this property was being held out for transient rental for \$100.00 per night without a transient license. **Count 3:** On July 22, 2013 this property was being held out for transient rental for \$100.00 per night which is not a permitted use in this zone.

Attachments: [13-920 2007 Flagler Ave. NOH](#)
[13-920 2007 Flagler Ave. ads](#)

22

Case # 13-921

Irina Trifonova

2616 Patterson Avenue #4

Sec. 18-601 Transient license required

Sec. 122-1371 Transient Living Accommodations in residential dwellings; regulations (d)(9)

Sec. 122-237 Prohibited uses (SF)

Officer Jim Young

Certified Service: 7-29-2013

Initial Hearing: 8-28-2013

New Case - Settlement Agreement

Count 1: On July 22, 2013 this property was being held out for transient rental for \$110.00 per night without a transient license. **Count 2:** On July 22, 2013 this property was being held out for transient rental for \$ 110.00 per night without a transient license. **Count 3:** On July 22, 2013 this property was being held out for transient rental for \$ 110.00 per night which is not permitted in this zone.

Attachments: [13-921 2616 Patterson Ave#\\$ NOH](#)

[13-921 2616 Patterson Ave certified receipt](#)

[13-921 2616 Patterson Ave #4 ads](#)

23

Case # 13-922

Lagotta Bachman Living Trust 6/15/12
c/o Geraldine Lagotta &
Joseph S Bachman
1220 Royal Street
Sec. 18-601 Transient license required
Sec. 122-1371 Transient Living Accommodations in residential
dwellings; regulations (d)(9)
Sec. 122-599 Prohibited Uses (HMDR)
Office Jim Young
Certified Service: 7-31-2013
Initial Hearing: 8-28-2013

New Case - Settlement Agreement

Count 1: On July 22, 2013 this property was being held out for transient rental for \$125.00 per night without a transient license. **Count 2:** On July 22, 2013 this property was being held out for transient rental for \$125.00 per night without a transient license. **Count 3:** On July 22, 2013 this property was being held out for transient rental for \$125.00 per night which is prohibited in this zone.

Attachments: [13-922 1220 Royal St NOH](#)
[13-922 1220 Royal Certified Receipt](#)

24

Case # 13-931

David Lassiter
708 Elizabeth Street
Sec. 18-601 Transient license required
Sec. 122-1371 Transient Living Accommodations in residential dwellings; regulations (d)(9)
Sec. 122-629 Prohibited uses (HHDR)
Officer Jim Young
Certified Service: 8-12-2013
Initial Hearing: 8-28-2013

New Case - Settlement Agreement

Count 1: On July 22, 2013 this property was being held out for transient rental for \$201.00 per night without a transient license. **Count 2:** On July 22, 2013 this property was being held out for transient rental for \$201.00 per night without a transient license. **Count 3:** On July 22, 2013 this property was being held out for transient rental for \$201.00 per night which is not a permitted use in this zone.

Attachments: [13-931 708 Elizabeth Street NOH](#)
[13-931 708 Elizabeth St ads](#)
[13-931 708 Elizabeth St certified receipt.pdfSKMBT_C45213081215291](#)

Mitigations

25

Case # 10-1425

Dr. Richard Walker
2407 N Roosevelt Blvd

Attachments: [10-1425 Notice of Mitigation Hearing](#)

Liens

26

Case # 12-378

Tarzan Tree Care
Sandra Downs
414 Louisa Street
Certified Service: 5-19-2013

Continued from May 22, 2013

Attachments: [12-378 Tarzan Tree Care NOLH](#)

27

Case # 12-1771
Alexei Saenko
406 Petronia Street
Certified Service: 7-12-2013

Continuance granted to October 2, 2013

Attachments: [12-1771 NOLH](#)

Adjournment