



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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.

The Special Magistrate denied the request to extend the compliance date. The respondent can request the fines be mitigated at the next hearing as long as the property is in compliance.

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.

The code officer started that compliance was achieved on Sec. 26-126 but not on Sec. 66-102. The Special Magistrate imposed the fines on that section and the costs were also imposed.

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.

The Special Magistrate found Ybarnea Artica and Kevin & Yvette Talbott in violation. Costs of \$250 were imposed. Also imposed was a fine of \$100 per day, per count (total two counts) if compliance was not obtained by November 19, 2013. A compliance hearing will be held on November 20, 2013.

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.

The code officer stated that compliance was achieved. The fees are still owed.

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.

The code officer stated that compliance was achieved. The fees are still owed.

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.

The Special Magistrate found Kevin & Yvette Talbott in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day, per case if compliance was not achieved by October 29, 2013. A compliance hearing will be held on October 30, 2013.

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.

The code officer stated that compliance was achieved. The fees are still owed.

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.

After some discussion, Sec. 122-1371 was dismissed. This case was continued to October 2, 2013.

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.

The Special Magistrate approved the Settlement Agreement that was presented to him. The administrative costs were paid in full.

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.

The Special Magistrate dismissed this case at the request of the code officer.

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.

The Special Magistrate approved the Settlement Agreement that was presented to him. Costs of \$250 were imposed.

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.

The Special Magistrate approved the Settlement Agreement that was presented to him. The costs of \$250 that were imposed were paid.

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.

This case was continued by the Special Magistrate in order for the respondent to obtain an interpreter. The property owner also needs to be sent a notice of hearing.

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.

The Special Magistrate found Ms. Ayres in violation. Costs of \$250 were imposed. Also imposed was a fine of 25% of the business tax receipt (\$19.95 X 25% = \$4.99). Officer Hernandez stated that this was an irreparable case. The Special Magistrate requested that a notice of rehearing be sent for October 2, 2013.

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.

The Special Magistrate granted the continuance request to October 30, 2013.

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.

Officer Hernandez stated that this case is in compliance but wanted a finding because it took so long for the permit to be picked up. The Special Magistrate imposed \$250 court costs and found them in violation.

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.

The Special Magistrate granted the continuance to October 2, 2013.

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.

The Special Magistrate granted the continuance to October 2, 2013.

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.

The Special Magistrate approved the Settlement Agreement that was presented to him. The administrative costs that were imposed were paid in full.

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.

The Special Magistrate found Mr. Aydent in violation. Costs of \$250 were imposed which were paid in full.

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.

The Special Magistrate approved the Settlement Agreement that was presented to him. The administrative costs that imposed were paid in full.

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.

The Special Magistrate approved the Settlement Agreement that was presented to him. The administrative costs that imposed were paid in full.

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.

The Special Magistrate approved the Settlement Agreement that was presented to him. Costs of \$250 were imposed.

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.

The Special Magistrate approved the Settlement Agreement that was presented to him. Costs of \$250 were imposed.

Mitigations

25

Case # 10-1425
Dr. Richard Walker
2407 N Roosevelt Blvd

The Special Magistrate took this mitigation under advisement. He has decided that he is denying the request and that the full amount is due.

Liens

26

Case # 12-378
Tarzan Tree Care
Sandra Downs
414 Louisa Street
Certified Service: 5-19-2013

Continued from May 22, 2013

The Special Magistrate approved the continuance to October 2, 2013.

27

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

Continuance granted to October 2, 2013

The Special Magistrate approved the continuance to October 2, 2013.

Adjournment