



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Meeting Agenda Full Detail Code Compliance Hearing

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Wednesday, February 25, 2015

1:30 PM

Old City Hall

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**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 305-809-3731 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 # 14-1632**  
William Cope  
925 Duval Street  
Sec. 18-146 License required  
Officer Bonnita Badgett  
Certified Service: 11-28-2014  
Initial Hearing: 1-28-2015

#### **Settlement Agreement**

**Count 1:** For engaging as a contractor without a contractor's license.

#### Legislative History

1/28/15            Code Compliance Hearing            Continuance

**2**                    **Case # 14-1637**  
William Cope  
529 Caroline Street  
Sec. 18-146 License required  
Officer Bonnita Badgett  
Certified Service: 11-28-2014  
Initial Hearing: 1-28-2015

#### **Settlement Agreement**

**Count 1:** For engaging as a contractor without a contractor's license.

#### Legislative History

1/28/15            Code Compliance Hearing            Continuance

**3****Case # 14-1656**

Sun Island of Key West

David Perets - Registered Agent

1108 Duval Street C

Sec. 106-51 Prohibited - dismissed on 1-28-2015

Sec. 114-103 Prohibited Signs - dismissed on 1-28-2015

Sec. 14-40 Permits in historic districts

Officer Peg Corbett

Certified Service: 12-16-2014

Initial Hearing: 1-28-2015

**In compliance February 17, 2015, request dismissal**

~~Count 1: Outdoor displays are prohibited in the historic zones unless an exception is granted by the planning board. Count 2: Posterboard signs are prohibited in the historic zones.~~ **Count 3:** Failure to obtain HARC approval for the hanging sign.

**Legislative History**

1/28/15

Code Compliance Hearing

Continuance

**4****Case # 14-1745**

Scott Hendricks

1916 Patterson Avenue

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

Sec. 14-256 Required

Sec. 14-31 Adopted

Officer Peg Corbett

Certified Service: 1-22-2015

Initial Hearing: 2-25-2015

**Continuance granted to March 20, 2015**

**Count 1:** A detached habitable space was built without the benefit of a building permit. **Count 2:** Electricity was installed in the detached habitable space without the benefit of an electrical permit. **Count 3:** Plumbing was installed in the detached habitable space without the benefit of a plumbing permit.

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**Case # 14-1434**

Erol &amp; Yleana Vural

1608 Dennis Street 1

Sec. 90-363 Certificate of Occupancy - Required - Dismissed on  
1-28-2015

Sec. 14-35 Flood venting - required

Sec. 34-135(2) Open sewer connections below flood level prohibited

Sec. 34-139(1) Flood resistant materials - required

Officer Scott Fraser

Certified Service: 12-4-2014

Initial Hearing: 1-28-2015

**In compliance February 24, 2015, request dismissal**

~~Count 1: Did allow, by renting an apartment, the occupancy of a dwelling unit absent a required Certificate of Occupancy.~~ **Count 2:** Unpermitted construction below the Design Flood Elevation, creating enclosed areas without required flood venting. **Count 3:** Plumbing fixtures with open sewer connections below Design Flood Elevation. **Count 4:** Constructed a wood-frame enclosure with electrical wiring below the Design Flood Elevation using materials not resistant to flood damage.

Legislative History

1/28/15          Code Compliance Hearing          Continuance

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**Case # 14-1631**

Theresa Cioffi

3222 Riviera Drive

a/k/a 1600 Riviera Street

FBC Fuel/Gas 301.11 (ASCE 24-05 Sec. 7.4.1) Unsecured Fuel tank,  
propane, within a flood zone, below flood level

Officer Scott Fraser

Certified Service: 12-20-2014

Initial Hearing: 1-28-2015

**Continued from January 28, 2015 for compliance****Continuance request denied**

**Count 1:** For failure to obtain a fuel gas permit and property secure the tank against buoyancy in accordance with the International Building Code.

Legislative History

1/28/15          Code Compliance Hearing          Continuance

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**Case # 13-1418**

Carolyn Sprogell  
 907 Frances Street  
 Sec. 14-37 Building permits, professional plans; display of permits  
 Sec. 14-40 Permits in historic district  
 Sec. 62-2 Obstructions  
 Officer Leonardo Hernandez  
 Certified Service: 10-5-2014  
 Initial Hearing: 11-14-2014

**Continued from January 28, 2015**

**Count 1:** For building a eight foot fence without benefit of a permit.

**Count 2:** For building a eight foot fence without benefit of HARC approval. **Count 3:** The fence is on the City's right of way.

Legislative History

11/14/14	Code Compliance Hearing	Continuance
1/28/15	Code Compliance Hearing	Continuance

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**Case # 14-878**

1415 Olivia St LLC  
 David MJR Graham, R/A  
 1415 Olivia Street  
 Sec. 62-2 Obstructions  
 Officer Leonardo Hernandez  
 Certified Service: 9-19-2014  
 Initial Hearing: 11-14-2014

**Continued from December 17, 2014 for compliance**

**Count 1:** For installing pavers and plants on the city's right of way.

Legislative History

11/14/14	Code Compliance Hearing	Continuance
12/17/14	Code Compliance Hearing	Continuance

**9****Case # 14-1620**

Asset Holdings Group, LP  
G. Gilbert, Registered Agent  
Jeanette Straga  
3601 Northside Drive  
Sec. 14-72 Minimum facilities  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Leonardo Hernandez  
Certified Service: 1-22-2015 - Jeanette Straga  
Initial Hearing: 2-25-2015

**In compliance February 20, 2015, request dismissal**

**Count 1:** There is a tenant living in a lockout with no access to a kitchen. **Count 2:** A building permit is required to install a door to gain access to the main house's kitchen.

**10****Case # 15-43**

Doctor's Spa  
Adrienne Curran  
1075 Duval Street C18  
Sec. 114-104 Restriction on number of signs permitted  
Officer Leonardo Hernandez  
Certified Service: 1-15-2015  
Initial Hearing: 2-25-2015

**New Case**

**Count 1:** For exceeding the number number of allowable signs

11

**Case # 14-1499**

230 East 7th St Associates

Joseph Cohen

512 Bahama Street

Sec. 26.126 Clearing of property of debris and noxious material required

Sec. 58-31 Container and receptacle requirements

Sec. 58-33 Storage of garbage causing pollution

Sec. 58-34 Unlawful disposal

Sec. 62-2 Obstructions

Officer Mary Lockyear

Certified Service: 12-23-2014

Initial Hearing: 1-28-2015

**In compliance February 18, 2015, owes administrative fees**

**Count 1:** Trash is overflowing onto the city sidewalk. **Count 2:** Containers are being stored on the city sidewalk. **Count 3:** The trash is unsightly and can pose a health threat. **Count 4:** Trash is all over the ground. **Count 5:** The garbage is blocking safe passage of the city sidewalk.

Legislative History

1/28/15

Code Compliance Hearing

Continuance

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**Case # 14-1752**

BO's Fish Wagon, Inc.

Holly Owen - President

Dragonfly Consulting - Registered Agent

801 Caroline Street

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

Sec. 14-40 Permits in historic district

Officer Mary Lockyear

Certified Service: 1-23-2015 - Holly Owen

Initial Hearing: 2-25-2015

**New Case**

**Count 1:** A counter was installed without the benefit of a building permit.

**Count 2:** A counter was installed without the benefit of HARC approval.

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**Case # 14-1776**

Infinity Hair Salon

Tennille Grassi

126 Simonton Street

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

Officer Mary Lockyear

Certified Service: 1-31-2015

Initial Hearing: 2-25-2015

**In compliance February 24, 2015, request dismissal**

**Count 1:** Tennille Grassi is working at Infinity Hair Salon without the benefit of a business tax receipt.

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**Case # 14-1777**

Infinity Hair Salon

Melinda Dann

126 Simonton Street

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

Officer Mary Lockyear

Certified Service: 1-28-2015

Initial Hearing: 2-25-2015

**In compliance December 23, 2014, request dismissal**

**Count 1:** Melinda Dann is working at Infinity Hair Salon without the benefit of a business tax receipt

15

**Case # 14-1788**

National Playground Construction  
William Calhoun - Registered Agent  
1100 Varela Street  
Sec. 62-3 Schedule of right-of-way permit fees  
Sec. 14-150 Insurance coverage  
Officer Mary Lockyear  
Certified Service: 1-29-2015  
Initial Hearing: 2-25-2015

**Continuance granted to April 29, 2015**

**Count 1:** Heavy equipment was used to install the playground equipment without obtaining a right-of-way permit for use of the sidewalk. **Count 2:** Heavy equipment was driven over the sidewalk without providing insurance to cover any damage to the sidewalk.

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**Case # 14-1820**

Key Property LLC  
42 Seaside South Court  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Mary Lockyear  
Certified Service: 2-2-2015  
Initial Hearing: 2-25-2015

**New Case**

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

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**Case # 14-1823**

Key Property LLC  
46 Seaside South Court  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Mary Lockyear  
Certified Service: 2-2-2015  
Initial Hearing: 2-25-2015

**New Case**

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

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**Case # 15-11**

Jay Pfahl

301 Duval Street A &amp; B

Sec. 14-40 Permits in historic district

Sec. 114-104 Restriction on number of signs permitted

Officer Mary Lockyear

Certified Service: 1-28-2015

Initial Hearing: 2-25-2015

**Continuance granted to March 20, 2015**

**Count 1:** For failure to obtain HARC approval for the 13 signs. **Count 2:** For exceeding the number of allowable signs.

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**Case # 15-17**

The Restaurant Store

Richard Tallmadge

1111 Eaton Street Front

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

Sec. 14-40 Permits in historic district

Sec. 114-103 Prohibited signs

Officer Mary Lockyear

Certified Service: 1-9-2015

Initial Hearing: 2-25-2015

**Continuance granted to March 20, 2015**

**Count 1:** For the exterior seating which is not licensed. **Count 2:** For failure to obtain HARC approval for the Bone Island Brewing sign.

**Count 3:** For exceeding the number of allowable signs.

20

**Case # 13-860**

Don C Miller  
 1611 Venetian Drive  
 Sec. 14-37 Building permits; professional plans; display of permits  
 Officer Barbara Meizis  
 Certified Service: 1-6-2015  
 Initial Hearing: 1-28-2015

**In compliance February 9, 2015 - Owes administrative fee**

**Count 1:** For failure to close out any open building permits pertaining to the additional unit that was built concerning the lawful unit determination.

Legislative History

1/28/15          Code Compliance Hearing          Continuance

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**Case # 14-1468**

James Chris Fiorella  
 Djin Suk Kim  
 George R & Marcia E Halloran  
 16 Hilton Haven Road D  
 Sec. 14-184 Certificate of Occupancy  
 Sec. 14-185 Compartmentation and flotation devices  
 Sec. 14-186 Electrical wiring and service  
 Sec. 14-188 Inboard sewage device  
 Sec. 14-191 Exit facilities  
 Sec. 14-192 Guardrails  
 Sec. 14-37 Building permits; professional plans; display of permits  
 Sec. 14-327 Inspection  
 Sec. 14-262 Request for inspection  
 Officer Barbara Meizis  
 Certified Service: 1-2-2015  
 Initial Hearing: January 28, 2015

**Continued from January 28, 2015**

**Count 1:** For failure to obtain a certificate of occupancy. **Count 2:** Requires inspection to ensure items are installed according to the building code. **Count 3:** For to obtain electrical/mechanical permits. **Count 4:** Sewage devices requires an inspection. **Count 5:** Exit facilities requires an inspection. **Count 6:** Guardrails require an inspection. **Count 7:** All construction work, new sliding glass doors and new back deck with railing requires a building permit prior to construction. **Count 8:** All refrigeration and air conditioning apparatus requires inspections. **Count 9:** All electrical work requires inspections such as roughing-in, equipment installations, final inspections, etc.

Legislative History

12/17/14	Code Compliance Hearing	Continuance
1/28/15	Code Compliance Hearing	Continuance

**22****Case # 14-727**

Alena Lembach  
 3226 Eagle Avenue  
 Sec. 14-37 Building permits; professional plans, display of permits  
 Sec. 18-157 Employment of unlicensed persons prohibited  
 Officer Matt Willman  
 Hand Served: 8-8-2014  
 Initial Hearing: 8-20-2014

**In compliance February 15, 2015, request dismissal**

**Count 1:** For building an addition onto the rear of the house in the setback. **Count 2:** No person shall hire an unlicensed contractor

Legislative History

8/20/14	Code Compliance Hearing	Continuance
9/17/14	Code Compliance Hearing	Continuance
12/17/14	Code Compliance Hearing	Continuance
1/28/15	Code Compliance Hearing	Continuance

**23****Case # 14-1629**

Tong Hok Yat  
 Yin Fong Lam  
 1717 Thompson Street  
 Sec. 90-363 Certificate of occupancy - required  
 Sec. 58-61 Determination of levy of charge  
 Officer Matt Willman  
 Hand Served: 2-14-2015  
 Initial Hearing: 2-25-2015

**In compliance February 23, 2015, request dismissal**

**Count 1:** A certificate of occupancy is required for the second unit.  
**Count 2:** A Lawful Unit Determination is required to legalize the second unit.

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**Case # 14-1798**

Matthew N Boucher

3128 Riviera Drive

Sec. 18-601 License required - Counts 1-8 and 9-16

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - Counts 17-24 and 25-32

Sec. 122-237 Prohibited uses - Counts 33-40 and 41-48

Officer Matt Willman

Certified Service: 2-5-2015

Initial Hearing: 2-25-2015

**Continuance granted to March 20, 2015 for Settlement Agreement**

**Counts 1 - 8:** The subject property was rented transiently to Brian Kindred from 12-27-14 through 1-3-15 for \$7,500 without the benefit of a transient license. **Counts 9 - 16:** The subject property was rented transiently to Kristen & Kevin Kaczmarek from 12-19-14 through 12-26-14 for \$7,500 without the benefit of a transient license. **Counts 17 - 32** The subject property is offered/advertised by the owner, Matt Boucher, on VRBO and Home Away for short term rentals. **Count 33 - 48:** The subject property is being rented for short term rentals which is not a permitted use in the Single Family zoning district.

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**Case # 15-0009**

Brianna Birtles

3359 Flagler Avenue

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulationsSec. 122-269 Prohibited uses in the Medium Density Residential district  
(MDR)

Officer Matt Willman

Certified Service:

Initial Hearing: 1-28-2015

**Settlement Agreement**

**Count 1:** This property does not have the appropriate license for transient rentals. **Count 2:** This property is being advertised on Airbnb for nightly rentals. **Count 3:** Transient rentals are prohibited in the Medium Density Residential district.

**Legislative History**

1/28/15

Code Compliance Hearing

Continuance

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**Case # 15-120**

Robert M Olson Rev Trust 6/10/1998

1017 Fleming Street

Sec. 18-601 License required

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

Sec. 122-839 Prohibited uses

Officer Matt Willman

Certified Service: 2-7-2015

Initial Hearing: 2-25-2015

**In compliance February 14, 2015, request dismissal****Count 1:** A transient rental license is required to rent this property.**Count 2:** The property was held out for short term rental from Feb 21 thru Feb 28, 2015 for \$1,300. **Count 3:** Transient rentals are prohibited in the Historic Neighborhood Commercial district (HNC-2).

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**Case # 15-147**

Susan Schock

820 Carstens Lane

Sec. 18-601 License required

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

Sec. 122-629 Prohibited uses

Officer Matt Willman

Certified Service: 2-12-2015

Initial Hearing: 2-25-2015

**In compliance February 4, 2015, request dismissal****Count 1:** A transient rental license is required to rent the property transiently. **Count 2:** The property is being held out for \$240/night on flip key web site. **Count 3:** Transient rentals are prohibited in the Historic High Density Residential district (HHDR).

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**Case # 15-0001**

Mark & Lucy Mayer  
528 Grinnell Street  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations  
Sec. 122-629 Prohibited uses in the Historic High Density Residential  
district (HHDR)  
Officer Jim Young  
Certified Service: 1-15/2015  
Initial Hearing: 1-28-2015

**Settlement Agreement**

**Count 1:** This property does not have the appropriate license for  
transient rentals. **Count 2:** This property is being advertised on Airbnb  
for nightly rentals. **Count 3:** Transient rentals are prohibited in the  
Historic High Density Residential district.

Legislative History

1/28/15          Code Compliance Hearing          Continuance

**Mitigations**

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**Case # 13-374**

Anola Y Mira L/E  
1104 Virginia Street  
Certified Service: 1-8-2015

**Continued from January 28, 2015**

Under advisement

Legislative History

1/28/15          Code Compliance Hearing          Continuance

**Liens**

30

**Case # 13-758**

Andrea Shaye Morgan  
621 Eaton Street  
Posted: 12-18-2014

**Continuance granted to March 20, 2015**

Under advisement

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**Case # 14-604**

Walingue Charles  
1300 15th Court 47  
Certified Service: 12-2-2014

**Continuance granted to March 20, 2015**

**Adjournment**