



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final 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.

The Special Magistrate was presented a Settlement Agreement which he approved. Mr. Cope stipulates to the imposition of the administrative cost in the amount of \$250 and a fine in the amount of \$250 for a total of \$500.

**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.

The Special Magistrate was presented a Settlement Agreement which he approved. Mr. Cope stipulates to the imposition of the administrative cost in the amount of \$250 and a fine in the amount of \$250 for a total of \$500.

**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.

The Special Magistrate dismissed this case as requested by the Code Officer.

**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.

The Special Magistrate granted the request to continue this case to March 20, 2015.

**5****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.

**The Special Magistrate dismissed this case as requested by the Code Officer. The property is in compliance and the administrative fees have been paid.**

**6**

**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.

**Manny Garcia represented Ms. Cioffi. An Order for Removal was presented to the Special Magistrate which he approved. It stated that the propane tank needs to be either secured or removed by June 1, 2015. Mr. Garcia stated that it would be in compliance before the next hearing. The Special Magistrate extended the compliance date to 3-19-15 with a compliance hearing on 3-20-15.**

**7**

**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.

The Special Magistrate continued this case for his ruling to March 20, 2015.

8

**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.

Jon Ashby represented 1415 Olivia LLC. The Special Magistrate approved the request to extend the compliance date to 3-19-15. A compliance hearing will be held on 3-20-15.

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.

**The Special Magistrate dismissed this case as requested by the Code Officer.**

**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

**The Special Magistrate found Ms. Curran in violation of exceeding the number of allowable signs. Administrative fees of \$250 were imposed. Also imposed was a fine of \$250 per day if compliance is not achieved by 3-4-15. A compliance hearing will be held on 3-20-15.**

**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.

The property is in compliance. The administrative fees are still due.

12

**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.

The Special Magistrate granted the request to continue this case to March 20, 2015. Mr. Owen stated that the property is in compliance. Officer Lockyear will inspect.

13

**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.

The Special Magistrate dismissed this case as requested by the Code Officer.

14

**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

**The Special Magistrate dismissed this case as requested by the Code Officer.**

**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.

**The Special Magistrate granted the request to continue this case to April 29, 2015.**

**16**

**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.

**The Special Magistrate found Key Property LLC in violation of renting without**

a business tax receipt. Administrative fees of \$250 were imposed. Also imposed was a fine of 25% per the business tax receipt ( $\$19.95 \times 25\% = \$4.99$ ). The total amount due is \$254.99.

17

**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.

The Special Magistrate found Key Property LLC in violation of renting without a business tax receipt. Administrative fees of \$250 were imposed. Also imposed was a fine of 25% per the business tax receipt ( $\$19.95 \times 25\% = \$4.99$ ). The total amount due is \$254.99.

18

**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.

The Special Magistrate granted the request to continue this case to March 20, 2015.

19

**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.

The Special Magistrate granted the request to continue this case to March 20, 2015.

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.

The property is in compliance. The administrative fees are still due.

21

**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.

The Special Magistrate granted the request to continue this case to March 20, 2015. After some discussion, Mr. Fiorella agreed to an inspection on March 4, 2015.

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

The Special Magistrate dismissed this case as requested by the Code Officer. The property is in compliance and the administrative fees have been paid.

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.

The Special Magistrate dismissed this case as requested by the Code Officer.

24

**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.

The Special Magistrate granted the request to continue this case to March 20, 2015 for a Settlement Agreement.

25

**Case # 15-0009**

Brianna Birtles

3359 Flagler Avenue

Sec. 18-601 License required

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

Sec. 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.

The Special Magistrate was present a Settlement Agreement which he approved. Ms. Birtles stipulates to the imposition of the Administrative fees of \$250. If found in violation again, it will be considered a repeat violation.

26

**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).

The Special Magistrate dismissed this case as requested by the Code Officer.

27

**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).

The Special Magistrate dismissed this case as requested by the Code Officer.

28

**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.

The Special Magistrate was present a Settlement Agreement which he approved. Mark & Lucy Mayer stipulate to the imposition of the Administrative fees of \$250. If found in violation again, it will be considered a repeat violation.

**Mitigations****29****Case # 13-374**

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

**Continued from January 28, 2015**

Under advisement

The Special Magistrate denied the request to mitigate the fines. Compliance was achieved 91 days after the compliance date. The amount offered was \$1,500 which is not 50% of the fines as the ordinance states. The total amount of \$18,200 is imposed.

**Liens****30****Case # 13-758**

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

**Continuance granted to March 20, 2015**

Under advisement

The Special Magistrate granted the request to continue this case to March 20, 2015.

30 Case # 13-758  
Andrea Shaye Morgan  
621 Eaton Street  
Posted: 12-18-2014

30 Case # 13-758  
Andrea Shaye Morgan  
621 Eaton Street  
Posted: 12-18-2014

31 **Case # 14-604**  
Walingue Charles  
1300 15th Court 47  
Certified Service: 12-2-2014

**Continuance granted to March 20, 2015**

The Special Magistrate granted the request to continue this case to March 20, 2015.

**Adjournment**