



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, December 14, 2011

1:30 PM

Old City Hall

Code Violations

Call Meeting to Order

Code Violations

1

Case # 10-1450

Peter Gomez

Ann Marie Robinson R/S

936 United Street

Sec. 102-152 Requirements for permits

Officer Gary Addleman

Certified Service: 9-24-2011

Initial Hearing: 10-19-2011

Continuance granted to January 25, 2012

The columns that were installed are square and were approved as turned (round) columns.

The Special Magistrate approved the continuance to January 25, 2012.

2

Case # 11-646

CT Corporation Systems, R/A for

First-Citizens Bank & Trust Company

3883 S Roosevelt Blvd

Sec. 26-126 Clearing of Property

Sec. 26-37 Removal of Graffiti

Officer Gary Addleman

Certified Service: 10-11-2011

Initial Hearing: 11-16-2011

Continued from November 16, 2011

Continuance request denied

The property needs to be cleared of debris and maintained. The graffiti needs to be removed from the storage trailer.

The Special Magistrate found that there is a violation. Costs of \$250 were imposed along with a fine of \$200 per day if compliance is not met by January 3, 2012. A compliance hearing will be held on January 25, 2012.

3

Case # 11-710

Katerina Gomez
2524 Fogarty Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Officer Gary Addleman
Certified Service: 10-20-2011
Initial Hearing: 11-16-2011

In compliance, request dismissal

A building permit is required for all pools that extend more the 30 inches above the existing ground level

This case was in compliance on December 2, 2011 and was dismissed by the Special Magistrate.

4

Case # 11-980

Justo Maqueira
1218 White Street
Sec. 66-87 Business Tax receipt required for all holding themselves out to be engaged in business
Officer Gary Addleman
Certified Service: 10-8-2011
Initial Hearing: 11-16-11

In compliance, request dismissal

A business tax receipt is required for each unit that is being rented

This case was in compliance on November 21, 2011 and was dismissed by the Special Magistrate.

5

Case # 11-1116

Diane & Richard Cain
Mildred B Lehecka
1103 Virginia Street
Sec. 14-37 Building permits; professional plans, display of permits
Sec. 14-40 Permits in the historic district
Officer Gary Addleman
Certified Service: 10-14-2011
Initial Hearing: 11-16-2011

Continued from November 16, 2011 for status

The Key West Historic Architecture Review Commission approved the first reading

Building permit and HARC approval required prior to the construction of a carport

The Special Magistrate approved the continuance to January 25, 2012.

6

Case # 11-1029

1200 Duval Street, LLC
Juan Carlos Betancur
Olha Lysyak
Richard Klitenick, R/A
1200 Duval Street
Officer Gary Addleman
Sec. 14-325 Mechanical permits required
Sec. 14-256 Electrical permits required
Sec. 14-40 Permits in historic district

Continuance granted to January 25, 2012

On August 12, 2011 a complaint was received from the Mechanical Inspector that an A/C unit had been mounted on to the rear portion of the building without mechanical and electrical permits.

The Special Magistrate approved the continuance to January 25, 2012.

7

Case # 10-642

Mary Jo Pfund
1405 4th Street
Sec. 14-37 Building Permits, Display
Officer Dotty Austin
Certified Service: 5-12-2011
Initial Hearing: 6-29-2011

Continued from September 28, 2011 for compliance

Interior build outs, plumbing and electrical work require building permits prior to commencement of work.

The Special Magistrate approved the continuance to January 25, 2012 for status.

8

Case # 10-1274

Rockwell Property, Inc.
Catalfomo & Farrelly, R/A

Trepanier & Assoc., Inc.
Owen Trepanier
Richard W Hoy, DPS
2 Scheppens Lane
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Dotty Austin
Certified Service: 8-15-2011
Certified Service: 11-10-2011 - Irreparable Notice
Initial Hearing: 8-31-2011

Continued from November 16, 2011 for Settlement Agreement

Count 1: Prior to October 8, 2010 it was determined that a staircase was demolished without a building permit. **Count 2:** Prior to October 8, 2010 it was determined that a staircase was demolished without HARC approval. **Count 3:** Prior to October 8, 2011 it was determined that a staircase was built without required building permits. **Count 4:** Prior to October 8, 2010 it was determined that a gable roof was demolished without a building permit. **Count 5:** Prior to October 8, 2010 it was determined that a roof deck was built without required building permits. **Count 6:** Prior to October 8, 2010 it was determined that a fence was built on the roof deck without building permits.

The Special Magistrate approved the continuance to January 25, 2012 for the Settlement Agreement.

9

Case # 10-1425

Richard Walker
2407 N Roosevelt Blvd
Sec. 14-37 Building Permits; Professional Plans; Display of Permits
Officer Dotty Austin
Certified Service: 10-11-2011
Initial Hearing: 10-19-2011

**Continued from November 16, 2011 for compliance
Continuance request denied**

On May 16, 2011, construction and or renovations of docks, railings, 3 buildings including plumbing and electrical was observed on the property. No permits have been issued for this work.

The Special Magistrate approved the continuance to January 25, 2012 for status.

10

Case # 11-775

Kimberly L Blanchette
407 Whitehead Street

Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Dotty Austin
Certified Service: 8-22-2011
Initial Hearing: 9-28-2011

**Continued from November 16, 2011 for compliance
Continuance request denied**

Building permits and HARC approval are required prior to the construction of a laundry room.

The continuance was denied by the Special Magistrate. A fine of \$100 per day was imposed starting December 14, 2011.

11

Case # 11-923

Kiyoto Wada
2015 Seidenberg Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Officer Dotty Austin
Certified Service: 10-8-2011
Initial Hearing: 11-16-2011

In compliance, request dismissal

On July 13, 2011 it was discovered that an addition was being built onto the house without required building, plumbing and electrical permits.

This case was in compliance on December 9, 2011 and was dismissed by the Special Magistrate.

12

Case # 11-1032

Key West Style, Inc.
Michael Ben-Shoaff, R/A
Nissam & Michael Ben-Shoaff
Benjamin Hamuy, R/A
Sunset Plaza
101 Duval Street
Officer Dotty Austin
Sec. 14-37 Building permits; professional plans; display of permit
Certified Service: 11-22-2011
Initial Hearing: 12-14-2011

In compliance, request dismissal

On August 12, 2011 a stop work order was issued at 101 Duval Street

for work being done without permits. Electrical permits required for the installation of security cameras and lighting for the cameras.

This case was in compliance on December 11, 2011 and was dismissed by the Special Magistrate.

13

Case # 11-542

906 Fleming Street, LLC
John E Anding, Mgr.
Richard M Klitenick, R/A
for 906 Fleming Street LLC
906 Fleming Street
Sec. 18-601 Transient License
Sec. 122-839 Prohibited uses in HNC-2
Sec. 122-1371 Transient Living Accommodations
Officer Ginny Haller
Certified Service: 6-7-2011
Initial Hearing: 6-29-2011

Continued from November 16, 2011

A transient license is required to rent property transiently. Transient rentals are prohibited in the HNC-2 district. The property was held out and/or advertised as being available transiently on August 5, 2011 through August 19, 2011 without the benefit of a valid transient rental license.

The Special Magistrate found 906 Fleming Street LLC/John Anding in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day (14 days) for a total of \$3,500 of which half is suspended. Total due the City is \$2,000.

14

Case # 11-615

John McCoy & Constance Kara
215 Eneas Lane
Sec. 14-37 Building Permits, Required
Sec. 102-152 Certificate of Appropriateness
Sec. 102-158 Stop Work Order & Penalty
Officer Ginny Haller
Certified Service: 8-4-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal

A building permit and Certificate of Appropriateness are required prior to change out the door, stucco, installation of A/C units and installation of copper tubing. For working over a stop work order.

This case was in compliance on December 14, 2011 and was dismissed by the

Special Magistrate.

15

Case # 11-854

Christie V Gagnon, Registered Agent for
Simple Breeze Property Management, LLC
310 Elizabeth Street
Sec. 14-325 Permits required for mechanical
Officer Ginny Haller
Certified Service: 11-18-2011
Initial Hearing: 12-14-2011

Continuance granted to January 25, 2012

Count 1: A mechanical final inspection was disapproved for an air conditioner package unit that was not properly installed and two air conditioner units that were installed or replaced without permits that do not meet the minimum code requirements.

The Special Magistrate approved the continuance to January 25, 2012.

16

Case # 09-1501

Angel & Daniela Rodriguez
Angel Rodriguez Sr
908 Trinity Drive #4
Sec. 14-37 Building permits; professional plans, display of permits
Sec. 14-256 Permit required for electric
Sec. 14-262 Request for inspection of electric
Sec. 14-325 Permit required for mechanical
Sec. 14-327 Request for inspection of mechanical
Sec. 14-358 Permit required for plumbing
Sec. 14-362 Connect to public sewer
Sec. 90-363 Certificate of Occupancy required
Officer Barbara Meizis
Certified Service: 11-8-2011
Initial Hearing: 12-14-2011

Continuance granted to January 25, 2012

Count 1: Failure to obtain a building permit for the accessory unit.
Count 2: Failure to obtain an electrical permit for the accessory unit.
Count 3: Failure to obtain an electrical inspection for the accessory unit.
Count 4: Failure to obtain a mechanical permit for the accessory unit.
Count 5: Failure to obtain a mechanical inspection for the accessory unit.
Count 6: Failure to obtain a plumbing permit for the accessory unit.
Count 7: Failure to connect the accessory unit to public sewer.
Count 8: Failure to obtain a certificate of occupancy for the accessory unit

The Special Magistrate approved the continuance to January 25, 2012.

17

Case # 10-1375

MCCAR Investment Corp
Michael Browning, R/A
924 Kennedy Drive A
Sec. 14-37 Building Permits, Display
Sec. 14-358 Permit Required for Plumbing
Sec. 58-61 Determination & Levy
Sec. 90-356 Building Permit Required
Sec. 90-363 Certificate of Occupancy
Officer Barbara Meizis
Certified Service: 7-13-2011
Initial Hearing: 8-31-2011

Continued from November 16, 2011

Plumbing permits are required prior to installation of running water. Property owner must obtain a determination & levy for solid waste collection on new shed/unit. Building permits are required. A certificate of occupancy is required.

The Special Magistrate found that there was a violation and imposed costs of \$250. Compliance was met on November 29, 2011.

18

Case # 11-300

Patricia D Lewis & Claudina T V Castillo (B/Q)
Ronald C Lewis & Daryl E Lewis (T/C)
Joan Jean Poitier T/C
820 Johnson Lane
Sec. 14-262 Request for inspection
Officer Barbara Meizis
Certified Service: 11-2-2011
Initial Hearing: 11-16-2011

In compliance, request dismissal

Person installing the wiring must request a final inspection by the City of Key West Electrical Inspector immediately and be approved.

This case was in compliance on December 8, 2011 and was dismissed by the Special Magistrate.

19

Case # 11-750

Joan Thoman

1107 Varela Street
Sec. 58-31 Container and receptacle requirements
Officer Bonnita Myers
Certified Service: 11-22-2011
Initial Hearing: 12-14-2011

New Case

Count 1: June 29, 2011 the city received a complaint of recycle and garbage bins being stored on the sidewalk

The Special Magistrate approved the continuance to January 25, 2012.

20

Case # 11-785

Brian & Kimberly Blanchette
1312 Reynolds Street 1
Sec. 14-40 Permits in the Historic District
Sec. 14-31 Florida Building Code
Officer Bonnita Myers
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

Continued to December 14, 2011 for ruling

A building permit and HARC approval is required prior to replacing roof with V-crimp.

The Special Magistrate found that there is a violation. A plan must be submitted by January 24, 2012 explaining how this matter will be resolved. A status hearing will be held on January 25, 2012.

21

Case # 11-1340

James & Kathleen Patton
1425 Laird Street
Sec. 62-2 Obstructions
Officer Bonnita Myers
Certified Service: 11-23-2011
Initial Hearing: 12-14-2011

New Case

Count 1: Yard debris is obstructing the city right-of-way

The Special Magistrate found this property to be in violation. Costs of \$250 were imposed along with a fine of \$100. The total amount due to the City is \$350.

22

Case # 11-1374

Daniel B Michie III
Discount Dumpsters LLC
1124 Margaret Street
Sec. 58-32 Dumpsters on City Right-of-Way
Officer Bonnita Myers
Certified Service:
Initial Hearing: 12-14-2011

Repeat Violation

New Case

Count 1: On November 9, 2011 there was a dumpster reading Dan's Discount Dumpsters placed on the city right of way in front of 1124 Margaret Street without a right of way permit. **Count 2:** On November 10, 2011 there was a dumpster reading Dan's Discount Dumpsters placed on the city right of way in front of 1124 Margaret Street without a right of way permit.

The Special Magistrate found Daniel Michie/Discount Dumpsters in violation. Costs of \$250 were imposed along with a fine of \$500 per count (2 counts) for the repeat violations. Total amount due to the City is \$1,250.

23

Case # 10-919

John A Williams
Paul N Hayes, R/A for
Rent Key West Vacations
1328 Atlantic Blvd
Sec. 66-87 Business Tax Receipt required for all holding themselves out to be engaged in business
Officer Jim Young
Certified Service: 9-22-2011
Initial Hearing: 10-29-2011

Continued from October 19, 2011 for compliance

Continuance request denied

A business tax receipt is required for all units being rented

The Special Magistrate approved the continuance to January 25, 2012.

24

Case # 10-1554

Reshma Gidwani
3700 Pearlman Court
Sec. 14-37 Building Permits, Display
Sec. 66-102 Delinquent Business Tax
Officer Jim Young
Hand Served: 7-15-2011

Initial Hearing: 8-3-2011

Continued from November 16, 2011 for compliance

For failure to obtain a building permit for installing electricity in the shed and the business tax receipt is delinquent

The Special Magistrate approved the continuance to January 25, 2012 for compliance but stated that this would be the last one that is granted. If compliance is not met by January 24, 2012, costs of \$250 would be imposed along with a fine of \$250 per day.

25

Case # 11-1190

Shirrel & Diane Rhoades
1318 Duncan Street #4
Sec. 66-102 Delinquent Business Tax Receipt
Officer Jim Young
Certified Service: 9-27-2011
Initial Hearing: 10-19-2011

Continued from October 19, 2011

The business tax receipt to rent this property is delinquent

This case was in compliance on December 8, 2011 and was dismissed by the Special Magistrate.

26

Case # 11-1191

Shirrel & Diane Rhoades
1318 Duncan Street #3
Sec. 66-102 Delinquent Business Tax Receipt
Officer Jim Young
Certified Service: 9-27-2011
Initial Hearing: 10-19-2011

In compliance, request dismissal

The business tax receipt to rent this property is delinquent

This case was in compliance on December 7, 2011 and was dismissed by the Special Magistrate.

27

Case # 11-1334

Kenneth (Kenyatta) Arrington
Street Performer
Sec. 6-2(c)(vi)
Sec. 6-4(w)
Officer Jim Young

Hand Served: 11-2-2011
Initial Hearing: 11-16-2011

Continued from November 16, 2011
Repeat Violation

Count 1: On October 27, 2011 at ~ 8:22 pm, Kenneth (Kenyatta) Arrington was in front of the La Concha performing. Mr. Arrington has not obtained public liability and property damage insurance and therefore is not allowed to perform on the city right-of-way. **Count 2:** On October 27, 2011 at ~ 8:22 pm, Kenneth (Kenyatta) Arrington was in front of the La Concha performing using an amplifier which is prohibited.

The Special Magistrate found Kenneth Arrington in violation of two counts of performing without obtaining the required public liability and property damage insurance. Costs of \$250 were imposed. The court reserves the right to impose a fine if compliance is not met by January 24, 2012. A compliance hearing will be held on January 25, 2012. The court reserves ruling on amplification for research.

28

Case # 10-685
Clifford Cutler
526 Petronia Street
Sec. 18-146 License required
Sec. 18-147 Business tax receipt applicable
Sec. 18-150 Certificate of Competency

Order to Vacate Findings and Order

The Findings and Order were vacated by the Special Magistrate at the request of the City due to a resolution to Circuit Court Case # 2010-CA-1484-K.

Liens

29

Case # 11-722
Keith Reilly
101 Petronia Street
Certified Service: 11-14-2011

Continuance request denied

The Special Magistrate ordered the lien to be filed.

30

Case # 11-790
Dan Michie
Discount Dumpsters

Dan's Discount Dumpsters
City Right-of-Way
POSTED: 11-16-2011

Continuance request denied

The Special Magistrate ordered the lien to be filed.

Mitigations

31

Case # 08-152
Fred Demshar
718 Bakers Lane

The Special Magistrate approved the mitigated amount of \$5,250 which was paid in full.

32

Case # 11-284
REDUS Florida Land LLC
3629 Flagler Avenue

The Special Magistrate denied the mitigated amount of \$250. However, he changed the charge date to begin October 11, 2011. The new amount due to the City is \$3,800 which reflects thirty-eight days from receipt of the certified mail to the compliance date of November 18, 2011.

Adjournment