



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, August 3, 2011

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 # 09-1412
Lee & Sherry Mattingly
2333 Fogarty Avenue
Sec. 74-32 Discharges to Natural Outlets
Sec. 74-167 Infiltration and Inflow
Officer Gary Addleman
Certified Service:
Initial Hearing: 8-3-2011

New Case

For allowing sewerage to flow into natural outlets. For allowing or to cause infiltration of storm water, etc. into the City's sewer system.

Attachments: [09-1412 2333 Fogarty NOH](#)

2

Case # 11-268
Janeth Brody
Arthur R Rosenberg, R/A for
Braza Lena of Florida, LLC
421 Caroline Street
Sec. 62-2 Obstruction of Streets
Officer Gary Addleman
Certified Service: 5-18-2011
Initial Hearing: 6-29-2011

In compliance, request dismissal

Trash receptacle and laundry cart are obstructing the City right of way.

Attachments: [11-268 421 Caroline NOH](#)
[11-268 421 Caroline pic 1](#)
[11-268 421 Caroline pic 2](#)
[11-268 421 Caroline pic 3](#)
[11-268 421 Caroline pic 7-21-11](#)

Legislative History

6/29/11 Code Compliance Hearing Continuance

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Case # 11-400
Stadium Mobile Home Park
Anna Marie Crena
Jean Marcelin
Hugh J Morgan, R/A for
Island-West Investment Corp
1213 14th Street, 142
Sec. 14-37 Building Permits, Display
Officer Gary Addleman
Certified Service: 5-25-2011
Initial Hearing: 6-29-2011

In compliance as of 8-2-2011, request dismissal

A building permit is required prior to the construction of the addition to the trailer.

Attachments: [11-400 1213 14th #142 NOH](#)
[11-400 1213 14th #142 pics](#)
[11-400 1213 14th 142 pics](#)

Legislative History

6/29/11 Code Compliance Hearing Continuance

4

Case # 11-654
Bonnie L Boccitto
Marco E Boccitto T/C
1122 Seminary Street
Sec. 122-1371 Transient Living Accommodations
Sec. 122-599 Prohibited Uses HMDR
Sec. 18-601 Transient License
Officer Gary Addleman
Certified Service: 5-23-2011
Initial Hearing: 6-29-2011

Continued from 6-29-2011 for Settlement Agreement

A transient license is required to rent your property transiently. For renting your property transiently from May 11, 2011 through May 18, 2011 to Rostilav M Monev without a transient license. Transient rentals are prohibited in the HMDR district.

Attachments: [11-654 1122 Seminary NOH](#)
[11-654 1122 Seminary Web ad](#)
[11-654 1122 Seminary Fimbianti Agreement](#)
[11-654 1122 Seminary Jeep Ownership](#)
[11-654 1122 Seminary Credit Card Statement](#)
[11-654 1122 Seminary A & M Tally Sheet 6-11-11](#)
[11-654 1122 Seminary A & M Tally Sheet 6-8-11](#)
[11-654 1122 Seminary A & M Rental Agreement](#)
[11-654 1122 Seminary Instructions](#)
[11-654 1122 Seminary pic 5-16-11](#)
[11-654 1122 Seminary pic 6-6-11](#)
[11-654 1122 Seminary pic 6-7-11](#)
[11-654 1122 Seminary pic 6-8-11](#)
[11-654 1122 Seminary pic 6-9-11](#)
[11-654 1122 Seminary pic 6-11-11](#)
[11-654 1122 Seminary pic 6-13-11](#)
[11-654 1122 Seminary pics](#)

Legislative History

6/29/11 Code Compliance Hearing Continuance

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Case # 11-781
David N Hartman
David E Bray R/S
721 Windsor Lane
Sec. 18-117 Acts Declared Unlawful
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
William Cauthen
Sec. 18-157 Employment of unlicensed persons prohibited
Sec. 18-150 Certificate of competency required
Officer Gary Addleman
Certified Service: 6-24-2011
Initial Hearing: 8-3-2011

New Case**Settlement Agreement for William Cauthen**

Owners: For aiding and abetting an unlicensed contractor. A building permit and HARC approval are required prior to the demolition and rebuild of a deck and fencing, re-plumbing outside shower and replacing two lite doors prior to the commencement of work.

For working as a contractor without a license. for failure to have a certificate of competency to work as a contractor

Attachments: [11-781 721 Windsor F NOH Contr 8-3-11](#)
[11-781 721 Windsor F NOH Owner 8-3-11](#)
[11-781 721 Windsor Contract](#)

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Case # 11-782
Charles Lee
727 Windsor Lane
Sec. 18-117 Acts Declared Unlawful
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
William Cauthen
Sec. 18-157 Employment of unlicensed persons prohibited
Sec. 18-150 Certificate of competency required
Officer Gary Addleman
Certified Service: 6-17-2011
Initial Hearing: 8-3-2011

New Case**Settlement Agreement for William Cauthen**

Owner: For aiding and abetting an unlicensed contractor. A building permit and HARC approval are required for the deck and fence prior to the commencement of work.

For working as a contractor without a license. For failure to have a certificate of competency to work as a contractor.

Attachments: [11-782 727 Windsor NOH Contr 8-3-11](#)
[11-782 727 Windsor NOH Owner 8-3-11](#)
[11-782 727 Windsor Contract](#)

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Case # 11-790
Daniel Michie
Dan's Discount Dumpsters
1411 Petronia Street
Sec. 58-32 Dumpsters on the right of way
Sec. 66-87 Business Tax Receipt Required
Officer Gary Addleman
Certified Service: 6-23-2011
Initial Hearing: 8-3-2011

Repeat Violation
New Case

For failure to renew the dumpster permit that was in front of 1411 Petronia Street. For working in the City of Key West without a valid business tax receipt.

Attachments: [11-790 Dan's Dumpsters NOH](#)
[11-790 Dan's Discount Dumpster License](#)
[11-790 Dan's Discount Dumpster Pic](#)
[11-790 Dan's Dumpsters Expired Permit](#)
[11-790 Dan's Dumpsters Renewed Permit](#)

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Case # 10-625
Victor Cushman
720 Emma Street
Sec. 102-152 Certificate of Appropriateness
Officer Dotty Austin
Hand Served: 6-3-2010
Initial Hearing: 6-23-2010

Motion for Stay

For failure to obtain a Certificate of Appropriateness to paint the roof white.

Attachments: [10-625 720 Emma NOH](#)
[10-625 720 Emma St Photos](#)

Legislative History

6/29/11 Code Compliance Hearing Continuance

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Case # 10-626
Victor Cushman
726 Emma Street
Sec. 102-152 Certificate of Appropriateness
Officer Dotty Austin
Hand Served: 6-3-2010
Initial Hearing: 6-23-2010

Motion for Stay

For failure to obtain a Certificate of Appropriateness to paint the roof white.

Attachments: [10-626 726 Emma NOH](#)
 [10-626 726 Emma St Photos](#)

Legislative History

6/29/11 Code Compliance Hearing Continuance

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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

Continuance granted to 8-31-2011

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

Attachments: [10-642 1405 4th St NOH](#)

Legislative History

6/29/11 Code Compliance Hearing Continuance

11 Case # 11-674
White Knuckle LLC
Teah & Douglas Getchel
2407 N Roosevelt Blvd
Sec. 66-92 License required for each location
Officer Dotty Austin
Certified Service: 6-15-2011
Initial Hearing: 8-3-2011

New Case

A business tax receipt is required for each location.

Attachments: [11-674 2407 N Roosevelt NOH](#)
[11-674 2407 N Roosevelt Pics](#)
[11-674 2407 N Roosevelt Pic 6-9-11](#)

12 Case # 10-760
Gordon & Juliana MacDowell
910 United Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Yesenia Beltranena
Certified Service: 6-18-2011
Initial Hearing: 8-3-2011

New Case

For failure to obtain building permits for removal of walls, kitchen and bath and to re-frame several walls and re-drywall.

Attachments: [10-760 910 United St NOH](#)

13

Case # 10-1554
Reshma Gidwani
3700 Pearlman Court
Sec. 14-37 Building Permits, Display
Sec. 66-102 Delinquent Business Tax -**issued 8-2-2011**
Officer Yesenia Beltranena
Hand Served: 7-15-2011
Initial Hearing: 8-3-2011

New Case

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

Attachments: [10-1554 3700 Pearlman Ct Signed NOH](#)

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Case # 11-14
Amy Tennyson
3636 Duck Avenue
Sec. 66-87 Business Tax Receipt Required
Sec. 90-363 Certificate of Occupancy
Officer Yesenia Beltranena
Certified Service: 6-16-2011
Initial Hearing: 8-3-2011

New Case

A business tax receipt is required for all units on the property. A Certificate of Occupancy is required for all units.

Attachments: [11-14 3636 Duck NOH](#)

15

Case # 11-188
 Dan H & Joanna A Schoneck - II
 2525 Patterson Avenue
 Sec. 14-37 Building Permits, Display
 Sec. 66-87 Business Tax Receipt Required
 Sec. 90-356 Certificate of Occupancy
 Officer Yesenia Beltranena
 Certified Service:
 Initial Hearing: 8-3-2011

New Case

For failure to obtain a building permit for the new unit. A Certificate of Occupancy is required for the additional unit. A business tax receipt is required to rent the unit.

Attachments: [11-188 2525 Patterson Ave NOH](#)

16

Case # 11-262
 Turtle Kraals, LLC
 Urban E Smith, R/A
 231 Margaret Street
 Sec. 26-192 Prohibition against unreasonable noise
 Officer Yesenia Beltranena
 Certified Service: 4-6-2011
 Initial Hearing: 4-27-2011

Continued from 4-27-2011

Noise levels are disturbing the residents on Sawyer Lane.

Attachments: [11-262 231 Margaret St NOCV-NOH](#)

Legislative History

4/27/11	Code Compliance Hearing	Continuance
5/25/11	Code Compliance Hearing	Continuance

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Case # 10-1453
Richard Wunsch
613 Ashe Street
Sec. 66-87 Business Tax Receipt Required
Sec. 14-37 Building Permits, Display
Sec. 90-363 Certificate of Occupancy
Officer Yesenia Beltranena
POSTED: 5-6-2011
Initial Hearing: 5-25-2011

Continued from 5-25-2011

A business tax receipt is required to rent your property. A building permit is required to add a living unit. A certificate of occupancy is required for the third unit.

Attachments: [10-1453 613 Ashe St NOH](#)
 [10-1453 613 Ashe St pics](#)
 [10-1453 613 Ashe St. Posting pic](#)

Legislative History

4/27/11	Code Compliance Hearing	Continuance
5/25/11	Code Compliance Hearing	Continuance

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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 6-29-2011

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.

Attachments: [11-542 906 Fleming 1-4 AMENDED NOH](#)
[11-542 906 Fleming Email July 30 to Aug 3](#)
[11-542 906 Fleming Email Aug 5 to Aug 19](#)
[11-542 906 Fleming Email Aug 21 to Aug 24](#)
[11-542 906 Fleming web ad](#)
[11-542 906 Fleming PICS](#)

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Case # 11-643
Tim Gallagher
2904 Harris Avenue
Sec. 66-87 Business Tax Receipt Required
Officer Ginny Haller
Certified Service: 7-6-2011
Initial Hearing: 8-3-2011

In compliance as of 8-1-2011, request dismissal.

A business tax receipt is required to rent your property.

Attachments: [11-643 2904 Harris NOH](#)

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Case # 11-662
Erca Ab - Owner
214 Eneas Lane
Sec. 18-601 Transient License
Sec. 122-599 Prohibited Uses HMDR
Roger Holtkamp/Key West Island Rentals - Agent
Sec. 122-599 Prohibited Uses HMDR
Sec. 122-1371 Transient Living Accommodations
Officer Ginny Haller
Certified Service: 7-14-2011
Initial Hearing: 8-3-2011

New Case

Transient rentals are prohibited in the HMDR district. The property was held out and/or advertised as being available transiently on June 30, 2011. A transient license is required to rent the property transiently.

Attachments: [11-662 214 Eneas Owner NOH](#)
[11-662 214 Eneas Agent NOH](#)

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Case # 11-707
Kurt & Linda Gehring
515 Amelia Street
Sec. 122-63 Conditional Uses - Review
Officer Ginny Haller
Certified Service: 6-20-2011
Initial Hearing: 8-3-2011

New Case

Violation of the planning board resolution that limits the transient occupants to a maximum of two vehicles.

Attachments: [11-707 515 Amelia NOH](#)
[11-707 515 Amelia Pic](#)

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Case # 11-824
James Nabors II
James Nabors III
3314 Riviera Drive
Sec. 14-37 Building Permits, Display
Sec. 18-117 Acts Declared Unlawful
Officer Ginny Haller
Certified Service: 7-12-2011
Initial Hearing: 8-3-2011

In compliance as of 7-21-2011, request dismissal

A building permit is required prior to resurfacing a swimming pool. It is an irreparable violation for working over a stop work order. For aiding and abetting an unlicensed contractor.

Attachments: [11-824 3314 Riviera NOH](#)
[11-824 3314 Riviera Pic](#)

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Case # 11-149
Arthur Sawyer Post No 28
Am Legion Dept of FL
Gary Decker, R/A
5610 College Road
Sec. 70-463 Recreational Vehicle Designated Parking
Sec. 122-1019 Prohibited Uses PS
Sec. 122-130 Conservation District Uses Prohibited
Officer Barbara Meizis
Certified Service: 5-28-2011
Initial Hearing: 6-29-2011

Continued from 6-29-2011

Off-street parking of recreational shall be confined to those areas allowed by code to accommodate such parking. An RV park is not a use permitted nor is it a conditional use permitted in the PS district. An RV park is not specifically or provisionally provided for in this division and is therefore prohibited in the conservation district.

Attachments: [11-149 5610 College Rd NOH](#)
[11-149 5610 College Rd Photos](#)
[11-149 5610 college rd zoning map](#)
[11-149 5610 college rd prop record view-appr office](#)
[11-149 5610 college rd PlanDirDeterminationEmail](#)
[11-149 5610 college rd-email Plnng Determination](#)
[11-149 5610 college rd-ltr 2 post e-board 20090617](#)
[11-149 5610 college rd-ltr from atty collins](#)

Legislative History

6/29/11 Code Compliance Hearing Continuance

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Case # 11-510
The Original Ghost Tours, Key West
Dead Donkey, LLC - Owner
Karen Cabanas, R/A
~ 537 Eaton Street
Sec. 26-192 Prohibition against unreasonable noise
Officer Barbara Meizis
Certified Service: 7-13-2011
Initial Hearing: 8-3-2011

New Case

Nightly, at approximately 10 pm, the tour congregates across the street from a residence and for 15 to 30 minutes, the group shouts at the top of their lungs.

Attachments: [11-510 streetcity original ghost tour NOCV-NOH](#)
[11-510 streetcity original ghost tours noise compl](#)
[11-510 streetcity original ghost tour-tour restrictions](#)

25

Case # 11-679
Manuel Miranda
South Street @ Duval Street
Sec. 18-316 License Required
Officer Barbara Meizis
Certified Service: 7-7-2011
Initial Hearing: 8-3-2011

In compliance, request dismissal

A mobile vendor's license is required to sell coconuts from your vehicle.

Attachments: [11-679 Manuel Miranda no mobile vendor license](#)
[11-679 Manuel Miranda-no mobile vendor photos](#)

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Case # 11-554
Karen Boscamp
2705 Flagler Avenue
Sec. 66-87 Business Tax Receipt Required
Sec. 62-2 Obstruction of Streets
Sec. 58-34 Unlawful Disposal
Officer Bonnita Myers
POSTED: 6-3-2011
Initial Hearing: 6-29-2011

Continued from 6-29-2011

A business tax receipt is required to rent your property. Yard debris needs to be containerized and also garbage container needs to be stored on your property after pick up.

Attachments: [11-554 2705 Flagler Ave](#)

Legislative History

6/29/11 Code Compliance Hearing Continuance

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Case # 11-645
FJ Investors, LLC
c/o Frederick L Troike R/A
615 Duval Street 1/2
Sec. 122-1371 Transient Living Accommodations
Sec. 18-601 Transient License
Sec. 66-87 Business Tax Receipt Required
Officer Jim Young
Certified Service: 5-26-2011
Initial Hearing: 6-29-2011

Continued from 6-29-2011 for Settlement Agreement

Irreparable Violation
New Case

Property was rented and occupied from 19 Apr 11 thru 30 Apr 11.
There are no active transient or non-transient rentals licenses. The total cost of the rental was \$2,250.00

Attachments: [11-645 615 Duval 1-2 NOH](#)
 [11-645 615 1-2 Duval Lease Agreement](#)
 [11-645 615 1-2 Duval Ad on Web](#)
 [11-645 615 Duval pics](#)

Legislative History

6/29/11 Code Compliance Hearing Continuance

HARC Appeals

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SMA 11-04
Peter Gomez
936 United Street
H11-01-685

Attachments: [SMA 11-04 936 United Appeal Hearing](#)
 [SMA 11-04 936 United Letter](#)

Liens

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Case # 10-1059
Matthew K McDowell
1333 20th Street
Certified Service: 7-15-2011

Attachments: [10-1059 1333 20th Lien](#)

Adjournment