



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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

1:47

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.

Case was continued to August 31, 2011 for service.

- 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.

Case was dismissed. Compliance was met on July 21, 2011.

3

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.

Case was dismissed. Compliance was met on August 2, 2011.

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.

Case was found in violation by the special magistrate. Costs of \$250 were imposed along with a fine of \$2500.00. Also imposed is a suspended fine of \$2500. Payment was received in full on 8-1-2011.

5

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

The case against William Cauthen, unlicensed contractor, was found in violation. Costs of \$250 were imposed along with a fine of \$500 of which \$250 was suspended. The case against David Hartman and David Bray was continued to August 31, 2011.

6

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.

The case against William Cauthen, unlicensed contractor, was found in violation. Costs of \$250 were imposed along with a fine of \$500 of which \$250 was suspended. The case against Charles Lee was continued to August 31, 2011.

7

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.

Case was found to be a repeat violation by the special magistrate. Costs of \$250 were imposed along with a fine of \$500. Also imposed were the suspended fees and fines from case # 10-869. Total amount due \$1,250.00.

8

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.

The special magistrate took the Motion to Stay under advisement and continued the case to August 31, 2011.

9

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.

The special magistrate took the Motion to Stay under advisement and continued the case to August 31, 2011.

10

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.

The special magistrate approved the continuance request to August 31, 2011.

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.

The special magistrate found White Knuckle LLC, Teach & Souglas Getchel in violation. Costs of \$250 were imposed. A fine of \$250 will be imposed if

compliance is not met by 5:00 pm on August 3, 2011. A compliance hearing will be held on August 31, 2011.

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.

The special magistrate approved the continuance to August 31, 2011.

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

The special magistrate approved the continuance to August 31, 2011.

14

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.

The special magistrate approved the City's request to dismiss for refile.

- 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.

The special magistrate approved the continuance to September 28, 2011 for service.

- 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.

The special magistrate denied the Motion to Stay.

- 17 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.

This case was found in violation by the special magistrate. Costs of \$250 were imposed. Compliance must be met within 90 days from the date of the order (8-3-11). A compliance hearing will be held on 11-16-11.

18

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.

After some discussion between Mr. Anding's attorney, Adele Stones, Ron Ramsingh and the special magistrate, the case will be set for a special hearing.

19

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.

This case was dismissed. Compliance was met on August 1, 2011.

20

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.

This case was dismissed by the special magistrate.

21

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.

This case was found in violation the special magistrate. Costs of \$250 were imposed.

22

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.

This case was dismissed by the special magistrate. Compliance was met on July 21, 2011.

23

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.

This case was continued to September 28, 2011.

24

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.

This case was continued to September 28, 2011.

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.

This case was dismissed by the special magistrate. Compliance was met on May 22, 2011.

26 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.

This case was dismissed by the special magistrate. Compliance was met on 8-3-2011.

27 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

The special magistrate approved the Settlement Agreement. Costs of \$250 were imposed along with a fine of \$2,150 which represents the contract amount and cleaning fee. An irreparable fine of \$5,000 was also imposed and suspended for 24 months from the date of the special magistrate's signature (8-3-11). Payment was received in full on 7-3-2011.

HARC Appeals

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

The special magistrate upheld HARC decision requiring that the columns be round and not square.

Liens

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

This case was continued for service.

Adjournment

Adjourn