



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, November 20, 2019

1:30 PM

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order

Code Violations

1

Case # 18-1922

3314 Northside Dr. 29 LLC

Joanne Tarantino Wilson

3314 Northside Drive 29

Sec. 90-363 Certificate of occupancy required

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

Officer Bonnita Badgett

Posted: 8-2-2019

Initial Hearing: 7-31-2019

Continued from 30 Oct 2019

Count 1: An "As built certificate" or other means of proof is needed to show the unit meets the Florida Building Code as is required for the process of the Legal Unit Determination for the 2nd Unit. **Count 2:** Apply for and obtain a business tax receipt as is required for the process of the Legal Unit Determination for the 2nd Unit if being rented out.

Officer Badgett gave a testimony. No respondent despite good service. Officer Badgett stated that she wanted a finding. Special Magistrate granted the \$250 administrative fee and the \$250 fine per day per count. Case is continued to 30 January 2020.

2

Case # 19-1189

Javier H. Castano

1221 2nd Street

Sec. 58-31 Container and receptacle requirements

Sec. 62-31 Maintenance of area between property line and adjacent paved roadway

Sec. 58-35 Requirements for bulk and excess yard waste pickup

Officer Bonnita Badgett

Certified Mail:

Initial Hearing: 11-20-2019

New Case

Count 1: Failure to store bins off of the city right of way. **Count 2:** Plants overgrown on the city right of way. **Count 3:** Yard debris obstructing the city right of way.

Officer Badgett requested a continuance for good service to 30 January 2020. The Special Magistrate granted the continuance.

3

Case # 19-1487

Konk Life

Guy Debour

1127 1127 1100 1195 United Street

Sec. 62-176 Labels Required

~~Sec. 66-102 Dates due and delinquent; penalties~~ - **Dismissed.**

Officer Bonnita Badgett

Certified Mail: 10-17-2019

Initial Hearing: 10-30-2019

In compliance 8 Nov 2019; Fees pending

Count 1: Failure to renew annual news rack permit. **Count 2:** ~~Failure to renew business license by September 30, 2019.~~ **Dismissed.**

This case is in compliance but has fees pending. This case will be taken off the agenda.

4

Case # 19-1362

Kenneth C. Trent

1430 South Street

Sec. 18-601 License required - Counts 1-7 - **Settlement agreement**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - Counts 8-10 - **Settlement agreement**

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - Counts 11-17 - **Settlement agreement**

Sec. 110-259 Duty of private property owner - Count 18 - **In compliance 25 September 2019; Request dismissal**

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - Count 19 - **In compliance 18 Nov 2019; Request dismissal**

Sec. 14-262 Request for inspection - Count 20 - **In compliance 18 Nov 2019; Request dismissal**

Officer Sophia Doctoche

Certified Mail: 9-16-2019

Initial Hearing: 9-25-2019

Continued from 30 Oct 2019

Counts 1-7: Subject property held out for short-term rental without the benefit of a transient rental license. Previously cited case #17-902.

Counts 8-10: Subject property holding out/advertising for short-term rental without the benefit of the required city, county, or state licensing. Does not have a transient medallion and has not been inspected by the City of Key West Fire Department. Previously cited case #17-902.

Counts 11-17: Subject property owner holding out for transient rental for seven nights the dates of 29 August 2019 through 5 September 2019 for \$4,774.13. Previously cited case #17-902. **Count 18:** Areca palms obstructing the sidewalk. **Count 19:** Failure to obtain permits for an outdoor shower and a tiki with electrical installed. **Count 20:** Failure to obtain the required electrical inspection for the tiki.

This case has a settlement agreement for Counts 1-17 and a request of dismissal for Count 18-20. There is an amount of \$750.00 due.

5

Case # 19-1486

Konk Life

Guy Deboer - Registered Agent

280 Margaret Street

Sec. 62-176 Label required

Officer Sophia Doctoche

Certified Mail: 10-5-2019

Initial Hearing: 10-30-2019

In compliance 5 Nov 2019; Fees pending.

Count 1: Failure to apply for the application and permit for the news

rack that is on the City right of way.

This case has fees pending but it will be taken off the agenda.

6

Case # 18-1784

Lindholm Construction, Inc
Richard Lindholm - Registered Agent
Native Builders, Inc
Carl Denny - Registered Agent
Nicholas Obea LLC
Clint Gordon - Registered Agent
1610 Dennis Street
Sec. 14-262 Request for inspection
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Edward Keane
Certified Mail: 5-30-2019 - Lindholm Construction, Inc.
Certified Mail: 5-30-2019 - Native Builders, Inc.
Posted: 7-19-2019 - Nicholas Obea LLC
Initial Hearing: 6-27-2019

Continued from 30 Oct 2019

Count 1: Electrical work was performed without the benefit of permit and inspection. **Count 2:** Interior structural work at the subject location without the benefit of a permit. **Count 3:** Interior plumbing work performed at the subject location without the benefit of a permit.

Edward Keane is the officer. The city is requesting a continuance to 18 December 2019 for good service.

7

Case # 19-1252

Patrick W Oneal
3314 Northside Drive 112
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Edward Keane
Certified Mail: 10-8-2019
Initial Hearing: 10-30-2019

In compliance 18 Nov 2019; Request dismissal

Count 1: Failure to obtain a permit for the building of a deck.

The city is requesting dismissal. The special magistrate granted the dismissal.

8

Case # 19-1371

Terance E Keenan
1021 Watson Street
Sec. 26-32 Nuisances illustrated
Officer Edward Keane
Posted: 10-9-2019
Initial Hearing: 9-25-2019

Continued from 30 Oct 2019 - Repeat Violation

Count 1: Pool was observed to have stagnant water at the bottom.
Repeat violation - Case # 18-125.

The city is requesting a dismissal. The special magistrate granted the dismissal

9

Case # 19-1444

La Bodeguita Del Medio De Key West, Inc
Ludaime Avila Vega - Registered Agent
722 Duval Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Edward Keane
Hand Served: 10-11-2019
Initial Hearing: 10-30-2019

In compliance 14 Nov 2019; Request dismissal

Count 1: Failure to obtain a business tax receipt.

The city requested a dismissal. The special magistrate granted the dismissal.

10

Case # 19-1482

Michael Herrera
1005 Eaton Street
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 Permits in historic districts
Sec. 18-117 Acts declared unlawful
Sec. 18-150 Certificate of competency required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Edward Keane

Posted: 11-7-2019
Initial Hearing: 10-30-2019

Continued from 30 Oct 2019

Count 1: Failure to obtain permits for interior renovation with plumbing and electrical being done. Repeat cases #18-1904. **Count 2:** Failure to obtain a certificate of appropriateness for work being performed. Repeat violation case #18-1904. **Count 3:** Work being performed by unlicensed construction workers. Repeat case #18-2070. **Count 4:** Mr. Herrera does not have a valid certificate of competency. Repeat case #18-1904. **Count 5:** Mr. Herrera does not have a license for the City of Key West. Repeat cases #18-1904.

Edward Keane is the officer testifying and Michael Herrera was the respondent. Edward read his timeline in regards to building without permits. Michael Herrera stated he does landscaping, housekeeping and that he has business tax receipts for them. Michael Herrera stated he did not do any of the construction work and that his three workers only cleaned the property. The homeowner was the one who hired all the unlicensed workers. The Special Magistrate granted continuance until 18 December 2019.

11

Case # 19-1514

James R Phillips
2325 Harris Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-262 Request for inspection
FBC P2503.1 Inspection required
Officer Edward Keane
Certified Mail: 10-15-2019
Initial Hearing: 10-30-2019

In compliance 13 Nov 2019; Request dismissal

Count 1: Failure to obtain building permits for installation of cabinets, sliding doors, plumbing, and electrical work. **Count 2:** Failure to obtain an electrical inspection. **Count 3:** Failure to obtain plumbing inspection.

The city is requesting a dismissal. The special magistrate granted the dismissal.

12

Case # 19-1520

Bourbon Street Pub Inc
Joseph J Schroeder - Register Agent
724 Duval Street

Sec. 90-142 Historic Architectural Commission Design Guidelines adopted
Officer Paul Navarro
Certified Mail: 10-21-2019
Initial Hearing: 11-20-2019

New Case

Count 1: Unpermitted and prohibited animated sign on top of the door, LED strip lights around the door frame, and a TV in the HARC district.

The Officer is Paul Navarro. The respondent is Joseph J Schroeder. Paul Navarro read a timeline that stated the lights were never approved by HARC and that they are still up. Mr. Schroeder gave a testimony stating his lights are per the ordinance that states his lights are for the holidays. The special magistrate determined a finding of \$250.0 administrative fee and then \$250.00 per day per count if not in compliance by the end of tonight. If he is in compliance by the end of the day then the fines would be suspended.

13

Case # 19-862

Key West Sign Company LLC
901 Fleming Street LLC
901 Fleming Street
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Officer Dorian Patton
Hand Served: 8-13-2019 - Key West Sign Company LLC
Certified Mail: 8-22-2019 - 901 Fleming Street LLC
Initial Hearing: 9-25-2019

In compliance 4 Nov 2019; Request dismissal

Count 1: Failure to obtain a building permit for a structure built.

The city requested a dismissal. The special magistrate granted the dismissal.

14

Case # 11-678

Earl Washington
315 Virginia Street
Sec. 6-4 Permit regulations
Director Jim Young
Certified Mail:
Initial Hearing: 29 June 2011

City request to vacate findings and order; Request dismissal.

Count 1: Use of amplified music.

This is an older case that we vacated the finding and order. The special magistrate granted dismissal.

15

Case # 18-241Lawney Management Company - **New Owner**~~Theresa Didato Cioffi - **Removed**~~~~Wilmington Trush Company - **Removed**~~

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

~~Sec. 26-32 Nuisance illustrated - **Dismissed**~~~~Sec. 26-126 Clearing of property of debris and noxious material required - **Dismissed**~~

Director Jim Young

Certified Service: 6-15-2018 - Registered Agent

Certified Service: 7-17-2018 - Theresa Cioffi - Amended Notice

Initial Hearing: 5-30-2018

Continued from 30 Oct 2019

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** ~~Observed the pool with stagnant water that is a breeding ground or feeding area for mosquitoes. - **Dismissed.**~~ **Count 4:** ~~Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition. - **Dismissed.**~~

The Officer is Jim Young and the representative is Wayne Larue Smith. Mr. Smith stated that the planning department still needs to review it and have it go before the planning board. Jim Young is requesting to continue it to 30 January 2020. The Special Magistrate granted continuance to 30 January 2020.

16

Case # 19-1105

Walgreen Company Store 7089

Richard Ashworth - President/Director

Joana Pierce - Store Manager

Kathleen Seus - National Program Manger

Prentice-Hall Corporation System, Inc. - Registered Agent

527 Duval Street

Sec. 114-108 Maintenance of all signs

Officer Paul Navarro

Certified Mail: 8-21-2019 - Kathleen Seus

Certified Mail: 8-21-2019 - Richard Ashworth

Certified Mail: 8-12-2019 - Joana Pierce

Certified Mail: 8-12-2019 - Prentice-Hall Corporation System, Inc.

Initial Hearing: 8-28-2019

Continued from 30 Oct 2019

Count 1: Failure to provide the proper maintenance to the historic sign as it was not functioning as its intended use.

The officer is Paul Navarro. No representative from Walgreens appeared. Officer Navarro stated that they submitted plans and it is going through the process and they are waiting on the building department to approve it. Ron Ramsingh requested to continue it to 30 January 2020. The Special Magistrate granted the continuance.

Adjournment

Note

Note