



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Meeting Agenda Full Detail Code Compliance Hearing

---

Wednesday, April 24, 2013

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 # 12-120**

Peter & Dixie Janker  
417 United Street

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

Sec. 14-40 Permits in historic district

Officer Bonnita Badgett

Certified Service: 3-22-2013

Initial Hearing: 4-24-2013

#### **New Case**

**Count 1:** On 1/20/2012 the city received a complaint regarding two units in the single family home. Upon request for a Lawful Unit Determination to the Planning Dept. it was determined this is a single family home. In order for your property to come into compliance the home will need to be brought back to its original structure. This will require demo permits for building and plumbing. **Count 2:** On 1/20/2012 the city received a complaint regarding two units in the single family home. Upon request for a Lawful Unit Determination to the Planning Dept. it was determined this is a single family home. In order for your property to come into compliance the home will need to be brought back to its original structure. This will require HARC approvals.

**Attachments:** [12-120 417 United St NOH](#)  
[12-120 417 United LUD application](#)  
[12-120 417 united LUD letters](#)  
[12-120 417 United St. pics](#)  
[12-120 417 United St. timeline](#)

2

**Case # 12-222**

Peter Anderson  
1205 11th Street  
Sec. 66-102 Dates due and delinquent; penalties  
Sec. 58-72 Responsibility of owner and tenant for payment  
Sec. 74-206 Owners responsibility for payment  
Officer Bonnita Badgett  
Certified Service: 8-6-2012  
Initial Hearing: 9-26-2012

**Continued from November 14, 2012 for compliance**

**Count 1:** The business tax receipt to rent this property is delinquent.

**Count 2:** The solid waste account is past due. **Count 3:** The sewer account is past due.

**Attachments:** [12-222 1205 11th St NOH](#)  
[12-222 1205 11th St past due](#)  
[12-222 1205 11th St current tenant](#)  
[12-222 1205 11th St Keys Energy Acct Info](#)  
[12-222 1205 11th St Lease](#)  
[12-222 1205 11th St Utilities](#)

**Legislative History**

9/26/12	Code Compliance Hearing	Continuance
10/17/12	Code Compliance Hearing	Continuance
11/14/12	Code Compliance Hearing	Continuance

**3****Case # 12-883**

Oxygen  
Harley Cutler  
Oliver Amar  
Harper Business Services, Inc.  
George W Harper, R/A  
128 Duval Street  
Sec. 30-1 Fees for false alarms and fire code inspections  
Officer Bonnita Badgett  
Certified Service: 4-4-2013  
Initial Hearing: 4-24-2013

**In compliance, request dismissal**

**Count 1:** On September 27, 2011 a Fire Inspection was performed at Oxygen. Code Compliance was informed on June 20, 2012 that the inspection fee had not been paid.

**Attachments:** [12-883 128 Duval St NOH](#)

**4****Case # 12-1688**

Stephen Strunk  
The Restaurant Store  
Richard & Cathy Tallmadge  
1111 Eaton Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Bonnita Badgett  
Certified Service: 3-26-2013  
Initial Hearing: 4-24-2013

**New Case**

**Count 1:** On November 19, 2012 the City received a complaint that tables and chairs are set up and people are eating at the Restaurant Store.

**Attachments:** [12-1688 1111 Eaton St NOH](#)

5

**Case # 13-40**

On Pointe Restaurant Group LLC  
William Lay  
Virgilio's  
CT Corporation System, R/A  
522 Duval Street  
Sec. 62-2 Obstruction  
Sec. 58-31 Container and receptacle requirements  
Officer Bonnita Badgett  
Certified Service: 4-2-2013 R/A  
Initial Hearing: 4-24-2013

**New Case**

**Count 1:** On January 9, 2013 the city received another complaint regarding garbage containers and debris obstructing the sidewalk. A check with Waste Management shows that there is service of two 64 gallon and one 95 gallon containers 7 days a week. Recycle are seven 95 gallon containers Wednesday and Friday. all the cans are being left on the city right of way seven days a week. **Count 2:** The trash cans are stored on the city right of way which is prohibited.

**Attachments:** [13-40 522 Duval St NOH](#)  
[13-40 522-524 Duval pics](#)

6

**Case # 13-165**

Bernadette D'Ornellos  
3126 Flagler Avenue  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Bonnita Badgett  
Certified Service: 3-22-2013  
Initial Hearing: 4-24-2013

**In compliance, request dismissal**

**Count 1:** On January 28, 2013 the city received a complaint regarding A Keys Wedding offering weddings in Key West. The business tax receipt expired on September 30, 2010.

**Attachments:** [13-165 3126 Flagler Ave NOH](#)

7

**Case # 12-977**

Gary R &amp; Diane M Onderdonk

Scott Ahrens T/C

2916 Riviera Drive

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

Officer Peg Corbett

Certified Service: 3-29-2013

Initial Hearing: 4-24-2013

**New Case**

**Count 1:** A converted shed was renovated into an accessory living unit without benefit of building permits and planning approval. A Lawful Unit Determination was made by the Planning Department denying the application. Based on the findings the unit must be reverted back to a shed. Since there is evidence that the unit was a shed in 1985, a variance is not required.

**Attachments:** [12-977 2916 Riviera Dr NOCV-NOH](#)

8

**Case # 11-1286**

Faye G Logun

2310 Patterson Avenue

Sec. 122-1078 Restrictions on buildings and structures, including entryways, Counts 1-5

Sec. 14-37 Building permits; professional plans; display of permits, Count 6

Sec. 90-356 Building permits required, Count 7

Sec. 90-391 Variances, Counts 8 and 9

Officer Peg Corbett

Certified Service: 8-3-2012

Initial Hearing: 9-26-2012

**Continued from March 27, 2013 for compliance**

**Counts 1-5:** Subject property has five rooms held out for rent (3 occupied at the time of inspection) without proper ingress/egress. **Count 6:** The main house was altered/renovated to add the above five subject rooms without the benefit of a building permit(s). **Count 7:** Two additional rooms were added to the original home in 2005 without the benefit of a building permit. **Counts 8 and 9:** For extending the main house to add the subject rooms identified in count one through five on the side setback of the property. For adding an outdoor shared bathroom facility on the rear setback of the property.

**Attachments:** [11-1286 2310 Patterson Ave NOH](#)  
[11-1286 2310 Patterson Ave Amended NOCV](#)  
[11-1286 2310 Patterson Ave Print Screen of Permits](#)

**Legislative History**

9/26/12	Code Compliance Hearing	Continuance
12/19/12	Code Compliance Hearing	Continuance
1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance
3/27/13	Code Compliance Hearing	Continuance

9

**Case # 12-1454A**

Wilma R Jetter Estate

Roger A Wigle

2601 S Roosevelt Blvd C324

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

Sec. 102-158 Stop work order and penalty

Sec. 18-117 Acts declared unlawful

Officer Peg Corbett

Certified Service: 11-13-2012

Initial Hearing: 12-19-2012

**Continued from March 27, 2013 for compliance****Irreparable violation**

**Count 1:** Remodeling unit without benefit of a permit. **Count 2:** For working over a stop work order. **Count 3:** The person doing the remodeling was Floyd Roloff, an unlicensed contractor.

**Attachments:** [12-1454 2601 S Roosevelt Blvd C324 NOH](#)

[12-1454 2601 S Rsvlt Blvd C324 Findings & Order Good Service on 14 Feb 2013](#)

[12-1454A 2601 S Roosevelt Blvd C324 Photos](#)

**Legislative History**

12/19/12	Code Compliance Hearing	Continuance
1/30/13	Code Compliance Hearing	Continuance
3/27/13	Code Compliance Hearing	Continuance

10

**Case # 12-1454B**

Floyd Roloff

2601 S Roosevelt Blvd C324

Sec. 14-37 Building Permits; professional plan; display of permit

Sec. 102-158 Stop work order and penalty

Sec. 18-146 License Required

Officer Peg Corbett

Certified Service: 2-7-2013 - original Notice of Hearing

Certified Service: - amended Notice of Hearing

Initial Hearing: 2-27-2013

**Continued from March 27, 2013 - Settlement Agreement  
Irreparable violation**

**Count 1:** Received complaint on 2 October 2012 for remodeling this unit without the benefit of building permits. On 5-October 2012 a site visit with Dan McMahon (property manager) confirmed that electrical, plumbing and renovations had been done. A stop work order was posted. **Count 2:** On 24 October 2012, another site visit was conducted with the building inspector, myself and Dan McMahon. Additional work had been done after the stop work order was issued. **Count 3:** On 5 October 2012, Mr. Wigel (owner) and the property manager were notified that the handyman, Floyd doing the work was not licensed and could not continue the renovation work.

**Attachments:** [12-1454B 2601 S Roosevelt Blvd C324 Amended NOH](#)

[12-1454 2601 S Rsvlt Blvd C324 Photographs](#)

**Legislative History**

2/27/13	Code Compliance Hearing	Continuance
3/27/13	Code Compliance Hearing	Continuance

11

**Case # 12-1744**

Michael Bernhardt

815 Pearl Street 4

Sec. 58-63 Delinquency

Officer Peg Corbett

Certified Service: 3-16-2013

Initial Hearing: 3-27-2013

**Continued from March 27, 2013 for compliance**

**Count 1:** The sewer/solid waste account is delinquent.

**Attachments:** [12-1744 815 Pearl St 4 NOH](#)

**Legislative History**

3/27/13	Code Compliance Hearing	Continuance
---------	-------------------------	-------------



12

**Case # 12-1762**

Maor Kainan

1202 17th Terrace

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy - required

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

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

Sec. 122-237 Prohibited uses

Officer Peg Corbett

Posted: 2-8-2013

Initial Hearing: 2-27-2013

**Continued from March 27, 2013 for compliance**

**Count 1:** A second unit has been added on the second floor of the main house. Utility accounts and impact fees need to be setup and paid in full. **Count 2:** A second unit has been added on the second floor of the main house for which there is no certificate of occupancy. **Count 3:** A second unit was added to the second floor of the main house without the benefit of building permits as required by City ordinance. **Count 4:** There is a tenant who currently resides in the upstairs unit. There is no business tax receipt to rent the second unit. **Count 5:** Multiples dwelling units are not permitted in a single family district.

**Attachments:** [12-1762 1202 17th Ter - Posted NOH](#)

[12-1762 Affidavits of Posting and Mailing](#)

[12-1762 1202 17th Terrace Bathroom](#)

[12-1762 1202 17th Terrace Photos of Kitchen](#)

[12-1762 1202 17th Terrace Email from Property Owner](#)

**Legislative History**

2/27/13	Code Compliance Hearing	Continuance
3/27/13	Code Compliance Hearing	Continuance

13

**Case # 13-143**

Shafiqul D Islam

1205 1st Street

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

Sec. 90-363 Certificate of occupancy - required

Sec. 122-370 Dimensional requirements - MDR

Officer Peg Corbett

Certified Service: 3-14-2013

Initial Hearing: 3-27-2013

**In compliance, request dismissal**

**Count 1:** For installing pvc pipe to a converted shed by Robert's Plumbing without the benefit of required building permits. **Count 2:** For renting out the converted shed without a certificate of occupancy. **Count 3:** The converted shed was built in the setback of the subject property.

**Attachments:** [13-143 1205 1st St NOH](#)

[13-143 1205 1st St Screen print of Permit in Plan Check](#)

**Legislative History**

3/27/13            Code Compliance Hearing            Continuance

14

**Case # 13-222**

Cityview Trolley Tours of Key West, Inc.

c/o Gregory Wythe, R/A

Mallory Square

Sec. 18-414 Prohibited in certain locations

Officer Peg Corbett

Certified Service: 2-20-2013

Initial Hearing: 2-27-2013

**Repeat/Irreparable Violation****Continued from March 27, 2013 - Settlement Agreement**

**Count 1:** On February 11, 2013 at approximately 12:30 pm, a female employee (Darlene Gilkison) of Cityview Trolley approached a couple who were exiting the cruise ship Ryndam to ask if they had trolley tickets. When the couple replied no, the employee then handed them a Cityview map and began a transaction where tickets were exchanged and they were directed to other Cityview staff who then sold them tickets.

**Attachments:** [13-222 Mallory Square NOH](#)

**Legislative History**

2/27/13            Code Compliance Hearing            Continuance

3/27/13            Code Compliance Hearing            Continuance

15

**Case # 13-223**

Cityview Trolley Tours of Key West, Inc.  
c/o Gregory Wythe, R/A  
Michael Thomas, P  
Tim Nechville  
Sec. 18-414 Prohibited in certain locations  
Officer Peg Corbett  
Certified Service: 2-20-2013  
Initial Hearing: 2-27-2013

**Repeat/Irreparable Violation****Continued from March 27, 2013 - Settlement Agreement**

**Count 1:** On February 11, 2013 at approximately 12:20 pm a male employee (Tim Nechville) of Cityview Trolley approached an elderly couple who were exiting the cruise ship Ryndam and asked if they had trolley tickets. When the couple replied no, the employee then handed them a Cityview map and directed them to other Cityview staff who then sold them tickets.

**Attachments:** [13-223 Mallory Square NOH](#)

**Legislative History**

2/27/13	Code Compliance Hearing	Continuance
3/27/13	Code Compliance Hearing	Continuance

16

**Case # 13-187**

Eliyahu Senior  
 3349 Flagler Avenue  
 Sec. 74-206 Owner's responsibility for payment  
 Sec. 74-209 Delinquent payments; disconnection and reconnection of service  
 Officer Leonardo Hernandez  
 Posted: 3-16-2013  
 Initial Hearing: 4-24-2013

**New Case**

**Counts 1 and 2:** The sewer account is delinquent

**Attachments:** [13-187 3349 Flagler Ave NOH](#)  
[13-187 3349 Flagler Ave Posting](#)  
[13-187 3349 Flagler Ave Time Line](#)  
[13-187 3349 Flagler Ave Utility Records](#)  
[13-187 3349 Flagler Ave City Elec Records](#)

17

**Case # 12-1613**

Orlando Alvarido  
 1010 Whitehead Street  
 Sec. 14-37 Building permits; professional plans; display of permits  
 Sec. 14-40 Permits in the historic district  
 Officer Barbara Meizis  
 Posted: 2-3-2013  
 Initial Hearing: 2-27-2013

**Continued from March 27, 2013 for compliance**

**Count 1:** A building permit is required prior to the construction of a new roof. **Count 2:** A certificate of appropriateness is required prior to the construction of a new roof.

**Attachments:** [12-1613 1010 Whitehead St - Amended NOH](#)  
[12-1613 1010 Whitehead St - photos](#)  
[12-1613 1010 Whitehead St POSTED NOH](#)  
[12-1613 1010 Whitehead St - Posted NOH](#)

**Legislative History**

1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance
3/27/13	Code Compliance Hearing	Continuance

18

**Case # 13-101**

Key West Office Management, Inc.  
Pegasus International Hotel, R/A  
420 Southard Street  
Sec. 18-609 Use of parking areas for purposes other than parking prohibited  
Sec. 122-929 Prohibited uses - HRO  
Officer Barbara Meizis  
Certified Service: 4-16-2013  
Initial Hearing: 4-24-2013

**New Case**

**Count 1:** There are currently two trailers parked against the back fence. Once has a generator and the other has recyclables. **Count 2:** Use of the parking lot for storage is prohibited in the Historic Residential/ Office (HRO) district.

**Attachments:** [13-101 420 Southard St NOH](#)  
[13-101 420 Southard St Photos](#)

19

**Case # 12-1820**

Living Dolls Inc.  
Glenn Tanner  
Herschell Major  
Bianco Digennaro  
516 Fleming Street  
Sec. 114-103 Prohibited signs  
Sec. 70-116 Prohibited parking  
Officer Jim Young  
Certified Service: 1-12-2013  
Initial Hearing: 1-30-2013

**Continued from March 27, 2013 - Settlement Agreement**

**Count 1:** On 11 Dec 12, 17 Dec 12, 18 Dec 12, 19 Dec 12, 10 Jan 13 at ~ 12:46 am and 10 Jan 13 at ~ 1:04 am I observed a 1995 Chevrolet pick-up truck parked at the subject property with a prohibited portable sign attached to the rear bed. **Count 2:** No person shall park a vehicle upon any city street for the purpose of displaying advertising.

**Attachments:** [12-1820 516 Fleming St NOH](#)  
[12-1820 Living Dolls truck pic B](#)  
[12-1820 Living Dolls truck pic](#)

**Legislative History**

1/30/13      Code Compliance Hearing      Continuance

2/27/13 Code Compliance Hearing Continuance  
3/27/13 Code Compliance Hearing Continuance

**20****Case # 13-57**

Yuliya Andrews  
The Adult Entertainment Club  
Albert L Kelley, R/A  
200 Block of Duval Street  
Sec. 18-415 (b) (1) a. Restrictions in the Historic District  
Sec. 18-441 Required  
Officer Jim Young  
Certified Service: 1-14-2013 - Albert Kelley  
Certified Service: 1-14-2013 - Yuliya Andrews  
Initial Hearing: 1-30-2013

**Continued to May 22, 2013****Repeat/Irreparable**

**Count 1:** On January 10, 2013 at approximately 1:33 am, Anthony B Huggins was soliciting customers for the Adult Entertainment Club at 210 Duval Street which is a prohibited area. **Count 2:** An Off-Premises Canvassing permit is required to engage in off-premises canvassing.

**Attachments:** [13-57 200 Blk of Duval St NOH](#)

**Legislative History**

1/30/13 Code Compliance Hearing Continuance  
2/27/13 Code Compliance Hearing Continuance

21

**Case # 13-59**

Living Dolls

Glenn Tanner

Chelsea Lawson

300 Block of Duval

Sec. 18-415 (b) (1) a. Restrictions in the Historic District

Sec. 18-441 Required

Officer Jim Young

Certified Service:

Hand Serve: 1-10-2013 Chelsea Lawson

Certified Service: 1-12-2013

Initial Hearing: 1-30-2013

**Continued from March 27, 2013 - Settlement Agreement**

**Count 1:** On January 10, 2013 at approximately 1:45 am, Chelsea Lawson was soliciting customers for Living Dolls at 300 Block Duval Street which is a prohibited area. **Count 2:** An Off-Premises Canvassing permit is required to engage in off-premises canvassing.

**Attachments:** [13-59 300 Blk of Duval St NOH Hand Served](#)

[13-59 300 Blk of Duval St NOH](#)

[13-59 Living Dolls NOH Amended](#)

**Legislative History**

1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance
3/27/13	Code Compliance Hearing	Continuance

22

**Case # 13-185**

KWSC, Inc. d/b/a  
Adult Entertainment Club  
c/o Albert L Kelley, R/A  
Yuliya Andrews, Owner  
300 Block of Duval Street  
Sec. 18-411 Title  
Sec. 18-415 Restrictions in the historic district  
Officer Jim Young  
Certified Service: 2-8-2013 - R/A  
Certified Service: 2-9-2013 - Owner  
Initial Hearing: 2-27-2013

**Repeat/Irreparable Violation****Continued to May 22, 2013**

**Count 1:** This article shall be known as the off-premises canvassing ordinance. **Count 2:** On January 10, 2013 at approximately 1:30 am, Neile Bassi Favreau was soliciting customers for the Adult Entertainment Club in the 300 block of Duval Street which is a prohibited area.

**Attachments:** [13-185 Adult Entertainment Club 330 Blk of Duval NOH](#)  
[13-185 300 Blk of Duval NOH](#)

**Legislative History**

2/27/13      Code Compliance Hearing      Continuance



23

**Case # 13-330**

KW Parking, LLC  
c/o Harold Wolfe, Jr. Esq., R/A  
400 Whitehead Street  
Sec. 14-40 Permits required in the historic district  
Sec. 114-103 Prohibited signs in the historic district  
Officer Jim Young  
Certified Service:  
Initial Hearing: 4-24-2013

**Repeat Violation****New Case - Settlement Agreement**

**Count 1:** One March 5, 2013 and March 19, 2013 the Respondent had displayed several portable signs without HARC certificate of appropriateness. This is a repeat violation, case # 12-1598. **Count 2:** Portable signs are prohibited in the Historic District

**Attachments:** [13-330 400 Whitehead St NOH](#)

24

**Case # 13-472**

Wilma R Jetter Estate  
c/o Roger Wigle  
2601 S Roosevelt Blvd C324  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 18-117 Acts declared unlawful  
Officer Jim Young  
Certified Service:  
Initial Hearing: 4-24-2013

**In compliance, request dismissal**

**Count 1:** On April 1, 2013 building inspector Wayne Giordano red tagged this property for interior and exterior renovations without benefit of a building permit. **Count 2:** Work was being performed by two unlicensed contractors.

**Attachments:** [13-472 2601 S Roosevelt Blvd C324](#)

**Adjournment**