



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final Code Compliance Hearing

---

Wednesday, July 30, 2014

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 305-809-3731 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 # 14-410**

Timothy William Randall Dunn  
Christopher Bautista R/S  
906 Truman Avenue 1  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in historic district  
Officer Bonnita Badgett  
Certified Service:  
Initial Hearing: 5-28-2014

**In compliance July 3, 2014, request dismissal**

**Count 1:** For replacing rotten siding and wood around windows and doors without benefit of a building permit. **Count 2:** For replacing rotten siding and wood around windows and doors without benefit of a certificate of appropriateness.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

**2**

**Case # 14-432**

Gary R & Diane M Onderdonk  
Scott & Jennifer Shaffer T/C  
2408 Flagler Avenue  
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. 58-61 Determination and levy of charge  
Sec. 90-363 Certificate of occupancy - required

Officer Bonnita Badgett  
Certified Service: 5-1-2014  
Initial Hearing: 5-28-2014

**Continuance granted to August 20, 2014**

**Count 1:** For building a fence and cinder block to to make a storage area for the mother-in-law unit without benefit of a building permit.

**Count 2:** For renting the mother-in-law unit and the house without benefit of a business tax receipt. **Count 3:** The city only recognizes one (1) single family residence. **Count 4:** A certificate of occupancy is required for the second unit.

**This case was continued to August 20, 2014.**

**3**

**Case # 14-715**

Lee R & Lynda J Hanke  
906 Truman Avenue 2  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in historic district  
Officer Bonnita Badgett  
Certified Service: 5-9-2014  
Initial Hearing: 5-28-2014

**In compliance July 3, 2014, request dismissal**

**Count 1:** For replacing rotten siding and wood around windows and door without benefit of a building permit. **Count 2:** For replacing rotten siding, wood around windows and doors and painting without benefit of a certificate of appropriateness.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

**4**

**Case # 14-717**

Joseph A Jr & Amy Vanore  
906 Truman Avenue 3  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in historic district  
Officer Bonnita Badgett  
Certified Service: 5-10-2014  
Initial Hearing: 5-28-2014

**In compliance July 3, 2014, request dismissal**

**Count 1:** For replacing rotten siding and wood around doors and

windows without benefit of a building permit.

**Count 2:** For replacing rotten siding, wood around doors and windows and painting without benefit of a certificate of appropriateness.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

5

**Case # 13-1568**

Joseph P Browning  
c/o Michael L Browning Trustee  
1907 Roosevelt Drive A  
Sec. 58-31 Container and receptacle requirements  
Officer Peg Corbett  
Certified Service: 6-12-2014  
Initial Hearing: 7-30-2014

**In compliance June 27, 2014, request dismissal**

**Count 1:** Trash and recycle receptacles were left on the city right of way on Friday, December 13, 2013, Friday, December 27, 2013, Friday, January 31, 2014 and Saturday, June 7, 2014. Trash pick up is on Thursdays.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

6

**Case # 14-378**

Dereck Berger  
Lance Torres  
2333 Fogarty Avenue  
Sec. 90-356 Building permits required  
Sec. 108-680 Recreational vehicles and boats  
Sec. 118-4 Recording of plats, lot splits or other change in lines or boundaries defining land configuration  
Officer Peg Corbett  
Certified Service: 6-7-2014  
Initial Hearing: 7-2-2014

**In compliance July 17, 2014, request dismissal**

**Count 1:** A gate was built on the city right of way (easement) without permits. **Count 2:** The boat belonging to Mr. Berger has been placed on the easement behind the gate. **Count 3:** A lot split has been recorded at the county clerk's office without the benefit of city approval.

This case was dismissed by the Special Magistrate at the request of the code officer.

7

**Case # 14-479**

Maynard &amp; Marcie Lowe

1212 Duval Street

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

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

Sec. 14-40 Permits in historic districts

Sec. 90-363 Certificate of occupancy - required

Sec. 14-256 Required

Sec. 14-325 Permits required

Sec. 58-61 Determination of levy of charge

Officer Peg Corbett

Posted: 6-25-2014

Initial Hearing: 7-30-2014

**Continuance granted to August 20, 2014**

**Counts 1 - 2:** The subject property has two units for which there are no business tax receipts for non-transient rental. **Counts 3 - 4:** The City of Key West recognizes three units. The subject property has five units. There are no building permits for the additional two units.

**Counts 5 - 6:** The subject property has two units for which a HARC Certificate of Appropriateness has not been obtained. **Counts 7 - 8:**

The subject property has tenants in the two units that have not received a certificate of occupancy from the City of Key West. **Counts**

**9 - 10:** The subject property did not obtain a required electrical permits for units 4 and 5. **Counts 11 - 12:** The subject property did not obtain

the required mechanical permits for units 4 and 5. **Counts 13 - 14:**

The subject property has two units for which there are no active utility accounts contrary to city ordinance.

This case was continued to August 20, 2014.

8

**Case # 14-604**

Charles Walingue - tenant

Poinciana Park Partners

Erwin Mayer - TA

1300 15th Court 47

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

Sec. 34-130 Violations

Officer Peg Corbett

Certified Service: 6-12-2014

Initial Hearing: 7-30-2014

**New Case**

**Count 1:** Mobile home owner was constructing a new room on the inside of a large screened in porch. The room has a wooden foundation that is sitting on wet ground within this latticed in porch. There are no permits. **Count 2:** The new construction at the subject property violates FEMA flood guidelines.

The Special Magistrate found Charles Walingue and Poinciana Park Partners in violation. cots of \$250.00 were imposed. Also imposed was a fine of \$125.00 per day, per count (total of 2 counts) if compliance is not achieved by August 19, 2014. A compliance hearing will be held on August 20, 2014.

9

**Case # 14-820**

Vicki Gordon  
1406 Leon Street  
Sec. 62-2 Obstructions  
Officer Peg Corbett  
Certified Service: 6-7-2014  
Initial Hearing: 7-30-2014

**Continuance granted to September 17, 2014**

**Count 1:** A wall and a pool were built five feet onto the city right of way. An easement was applied for but not granted due to failure of the property owner to meet the conditions therein.

This case was continued to September 17, 2014.

10

**Case # 14-825**

Sandra Johnson  
Bright Goldsmith  
409 Catherine Street  
Sec. 66-102 Due dates and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 6-23-2014  
Initial Hearing: 7-30-2014

**In compliance June 17, 2014, request dismissal**

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

This case was dismissed by the Special Magistrate at the request of the code officer.

11

**Case # 14-826**

Julie Ann Garber - Registered Agent  
Whitehead Properties II, LLC  
401 Whitehead Street 403  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 6-16-2014  
Initial Hearing: 7-30-2014

**In compliance July 23, 2014, request dismissal**

**Count 1:** The business tax receipt for two non-transient units is delinquent.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

12

**Case # 14-830**  
Overseas Radio LLC  
Guy Deboer - Registered Agent  
Konk AM  
402 Appelrouth Lane  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 6-7-2014  
Initial Hearing: 7-30-2014

**In compliance July 3, 2014, request dismissal**

**Count 1:** The business tax receipt for Konk AM is delinquent.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

13

**Case # 14-831**  
Konk Life  
Guy Deboer, Registered Agent  
402 Appelrouth Lane  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 6-7-2014  
Initial Hearing: 7-30-2014

**In compliance July 3, 2014, request dismissal**

**Count 1:** The business tax receipt for Konk Life is delinquent.

**This case was dismissed by the Special Magistrate at the request of the code**

officer.

14

**Case # 14-834**

Sun N Sand of Key West, Inc.  
Yakov Blives, Registered Agent  
300 Front Street 1  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 6-12-2014  
Initial Hearing: 7-30-2014

**In compliance July 7, 2014, request dismissal**

**Count 1:** The business tax receipt for Sun N Sand of Key West, Inc. is delinquent.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

15

**Case # 14-835**

Sunset Watersports Inc.  
Paul S Mills, Registered Agent  
1 Duval Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 6-12-2014  
Initial Hearing: 7-30-2014

**In compliance July 23, 2014, request dismissal**

**Count 1:** The business tax receipt for Sunset Watersports Inc. is delinquent.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

16

**Case # 14-836**

William Gerhardt  
115 Front Street 204  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Peg Corbett  
Certified Service: 6-12-2014  
Initial Hearing: 7-30-2014

**In compliance June 19, 2014, request dismissal**

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

**This case was dismissed by the Special Magistrate at the request of the code officer.**

17

**Case # 14-260**

Linda Wheeler

1213 White Street

Sec. 108-452 Required sight distances for landscaping adjacent to public rights-of-way and point of access

Sec. 122-1406 Obstructions to visibility

Officer Leonardo Hernandez

Certified Service: 3-25-2014

Initial Hearing: 4-23-2014

**Continued from July 2, 2014 for ruling**

**Count 1:** The hedges at the corner of White and Duncan exceed the height and length for clear visibility. **Count 2:** The hedges at the corner of White and Duncan obstructs traffic and traffic visibility.

**The Special Magistrate ruled in favor of Ms. Wheeler and dismissed this case.**

18

**Case # 14-606**

Cathy Fernandez

912 Simonton Street

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

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service: 6-17-2014

Initial Hearing: 7-2-2014

**In compliance July 28, 2014, fees still due**

**Count 1:** For failure to obtain a demolition permit to remove the railings. **Count 2:** For failure to obtain a certificate of appropriateness for removal of the railings.

**This case is in compliance but the administrative fees are still due.**

19

**Case # 14-895**

Doctor's Spa

Andrienne Curran

1075 Duval Street C18

Sec. 114-104 Restrictions on number of signs permitted

Officer Leonardo Hernandez

Certified Service:



Initial Hearing: 7-30-2014

**In compliance July 22, 2014, request dismissal**

**Count 1:** For exceeding the number of allowable signs. The business has 3 signs, only 2 are allowed.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

**20**

**Case # 14-844**

George & Leonor Pallas  
726 United Street  
Sec. 110-259 Duty of property owner(s)  
Officer Mary Lockyear  
Certified Service: 7-14-2014  
Initial Hearing: 7-30-2014

**In compliance July 14, 2014, request dismissal**

**Count 1:** The roots of the tree on this property have lifted up a portion of the city sidewalk causing an obstruction to pedestrians.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

**21**

**Case # 14-863**

Infinity Hair  
Allysa Rosado  
126 Simonton Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Mary Lockyear  
Certified Service: 7-5-2014  
Initial Hearing: 7-30-2014

**In compliance July 8, 2014, request dismissal**

**Count 1:** Allysa Rosado is performing professional services as a nail specialist without the benefit of a business tax receipt.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

**22**

**Case # 13-519**

G Phillip & Susan Morris  
909 United Street

Sec. 14-325 Permits required  
Sec. 14-327 Inspection  
Sec. 90-363 Certificate of occupancy - required  
Sec. 108-991 Development not affection by article  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Sec. 74-131 Required where pubic sewer available  
Officer Barbara Meizis  
Certified Service: 10-21-2013  
Initial Hearing: 11-20-2013

**In compliance July 23, 2014, request dismissal**

**Count 1:** Failure to obtain an after the fact mechanical permit. **Count 2:** Failure to obtain a mechanical inspection. **Count 3:** A certificate of occupancy is required before a unit is occupied. **Count 4:** Failure to obtain a Lawful Unit Determination for the second unit. **Count 5:** Failure to obtain a business tax receipt to rent the second unit. **Count 6:** Failure to connect the second unit to the City sewer system.

**This case was dismissed by the Special Magistrate at the request of the code officer.**

23

**Case # 13-1524**

Nancy Flynn  
Mama's Rock and Sand Inc.  
Michael Biskupick  
William H & Holly A Fehr - New Owner  
1405 Petronia Street  
Sec. 14-40 Permits in historic district  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Barbara Meizis  
Certified Service: 4-4-2014 - Mama's Rock and Sand  
Certified Service: 4-1-2014 - Owner  
Initial Hearing: 4-23-2014

**Continuance granted to August 20, 2014**

**Count 1:** For exceeding the scope of the certificate of appropriateness by installing brick pavers on the city right of way.  
**Count 2:** For exceeding the scope of the building permit by installing brick pavers on the city right of way.

**This case was continued to August 20, 2014.**

24

**Case # 14-353**

Paige Crump  
Tyler Talmadge  
5555 College Road  
Snapper Pier Unit 17  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations  
Sec. 122-419 Prohibited uses General Commercial district (CG)  
Officer Barbara Meizis  
Posted: 4-29-2014  
Initial Hearing: 5-28-2014

**Continued from July 2, 2014 - Settlement Agreement  
Repeat Violation from case # 10-874**

**Count 1:** On December 27, 2013, February 18, 2014, March 5, 2014 and March 26, 2014 you advertised your houseboat for rent for \$240/nightly, \$1,680/weekly or \$7,200/monthly. **Count 2:** On December 27, 2013, February 18, 2014, March 5, 2014 and March 26, 2014 you held out/advertised your houseboat for rent for \$240/nightly, \$1,680/weekly or \$7,200/monthly. **Count 3:** Transient rentals are prohibited in the General Commercial district (CG).

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent(s) stipulate to the imposition of the Administrative Fees of \$250.00 and a Fine of \$1,000.00 for a total of \$1,250.00. The Respondent(s) also agree to a suspended fine of \$5,000.00. The suspension period shall be for sixty months from the date of the order. If the Respondent(s) are found in violation of this or similar violations again within the sixty months or if the Respondent(s) are otherwise found to be in violation of Sections 18-601, 122-1371(d)(9) and 122-419 again in the future, Respondent(s) understand that the violations will be considered as repeat punishable by up to \$500.00 per day, per count.

25

**Case # 14-542**

Jan & George LLC  
Jan K Oostdijk, Registered Agent  
Jan & George LLC  
600 Frances Street  
Sec. 102-152 Requirements for permits  
Sec. 62-2 Obstructions  
Officer Barbara Meizis  
Certified Service: 6-14-2014  
Initial Hearing: 7-30-2014

**New Case**

**Count 1:** The step sticks out across the city right of way approximately 18 inches. There has not been an application to the Historic Architectural Review Commission for this step. **Count 2:** There is a larger protrusion over the original concrete step as pictured in a HARC application for the Historic Marker from 2011

This case was continued to October 29, 2014.

26

**Case # 14-550**

Robin Lacey &  
Diana Mellon-Lacey H/W  
David Wolkowski  
920 Eisenhower Drive  
Sec. 26-126 Clearing of property of debris and noxious material required  
Sec. 62-2 Obstructions  
Sec. 10-11 Keeping of fowl or wildlife  
Sec. 26-31 Offensive and nuisance conditions prohibited  
Officer Barbara Meizis  
Certified Service: 6-24-2014  
Initial Hearing: 7-30-2014

**Continuance granted to August 20, 2014**

**Count 1:** There are piles of palm fronds in the front, rear and side yards. **Count 2:** The trees in the front yard are hanging over the sidewalk forcing pedestrians to walk into the street. **Count 3:** Chickens are being raised but are not being kept in a coop or pen. **Count 4:** There is an outdoor jacuzzi that has stagnant water in it.

This case was continued to August 20, 2014.

27

**Case # 14-544**

Poinciana Park Partners LLP  
Gabriele Ostrowsicki PA R/A  
Mary Louis - tenant  
1300 15th Court 38  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Matt Willman  
Certified Service: 7-18-2014 - property owner  
Hand Served: 7-24-2014 - tenant  
Initial Hearing: 7-30-2014

**New Case**

**Count 1:** For failure to obtain a building permit for the floor/deck.

The Special Magistrate found Mary Louis and Poinciana Park Partners in violation. cots of \$250.00 were imposed. Also imposed was a fine of \$100.00 per day if compliance is not achieved by August 19, 2014. A compliance hearing will be held on August 20, 2014.

28

**Case # 14-838**

William J Smith  
1010 Emma Street Building 5  
Sec. 26-194 Citation procedure for disturbing noise  
Officer Matt Willman  
Certified Service: 6-26-2014  
Initial Hearing: 7-30-2014

**New Case**

**Count 1:** The city has received several complaints regarding the same violator. On June 20, 2014 Officer Willman witnessed loud music from a sound system operated by Mr. Smith. He was advised to turn it down and would be back if there were other complaints. Received another complaint from the Key West Police Department

The Special Magistrate found William Smith in violation. An administrative fee of \$250.00 and a fine of \$250.00 were imposed and suspended. If Mr. Smith is found in violation of this ordinance again, Respondent understands that the \$500.00 suspended fine will be imposed in addition to any new fines.

29

**Case # 14-1109**

Wayne Kruer  
1105 Thomas Street  
Sec. 62-2 Obstructions  
Officer Matt Willman  
Certified Service: 7-21-2014  
Initial Hearing: 7-30-2014

**New Case**

**Count 1:** The coconut tree is overhanging the city right of way limiting the use of the sidewalk as well as the adjacent parking space.

This case was continued to October 29, 2014.

30

**Case # 13-1640**

Martha J Wilkerson Estate  
c/o Allen & Karen Valdez  
914 Emma Street  
Sec. 26-126 Clearing of property debris and noxious material required

Officer Jim Young  
Certified Service: 4-7-2014  
Initial Hearing: 4-23-2014

**Continued from July 2, 2014 for compliance  
In compliance July 29, 2014, fees still due**

**Count 1:** The lot is overgrown with weeds.

**This case is in compliance but the administrative fees are still due.**

**HARC Appeals**

**31**

**SMA 14-01**  
Yebo Island Grille LLC  
629 Duval Street  
H13-01-823

**Continued from July 2, 2014 for ruling**

**The Special Magistrate ruled in favor of Yebo Island Grill and reversed HARC's decision.**

**Adjournment**