



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

Code Compliance Hearing

Wednesday, December 21, 2016

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 1-800-955-8771 or for voice 1-800-955-8770 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 # 16-1399**
Nir Sela
David Mizrachi
Lazy Days of Key West LLC
715 Duval Street
Sec. 58-31 Container and receptacle requirements
Officer Bonnita Badgett
Certified Service: 11-22-2016
Initial Hearing: 12-21-2016

In compliance December 6, 2016, request Finding of Violation without fees or fines

Count 1: For failure to place the trash in a container.

2

Case # 16-336

Kevin & Karen J Craig

620 Thomas Street 288

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulationsSec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(8)Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9) Count(s) 4-9Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9) Count(s) 10-17

Officer Kenneth JW Waite

Certified Service 11-29-2016

Initial Hearing: 12-21-2016

Continuance granted to January 25, 2017**Count 1:** The property was held out and rented on Nov 5 - Nov 13 and
Nov 14 - Nov 20 2016 without benefit of a transient rental business tax
receipt. **Count 2:** The subject property is being rented transientlywithout a city, county or state license. The subject property does not
have a medallion and has not had a fire inspection. **Count 3:** Theproperty owner offered and executed a short term rental agreement with
the mutual intent of the owner and tenant to sign a 30 day lease while
noting that only 7 days of occupancy would be provided and paid for by
the tenant. **Counts 4 - 9:** The property owner transiently rented the
subject property to Sue Brent for the dates of Nov 14, 2016 through Nov
20, 2016 for \$3,4000 without the benefit of a transient rental license.**Counts 10 - 17:** The property owner originally rented for the dates of
Nov 13, 2016 through Nov 20, 2016. Sue Brent was contacted in August
by Ms. Craig who stated that the unit would be occupied by another
transient rental who wished to stay Sunday the 13th. Ms. Craig issued a
check for \$225 to refund Ms. Brent the that day. The property does not
have a transient rental license.

3

Case # 16-1129

Key Cove Landing LLC

Christopher Belland - Registered Agent

10 Key Cove Drive

Sec. 18-601 License required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-12-2016

Initial Hearing: 8-31-2016

Continuance granted to January 25, 2017

Count 1: For holding out/advertising for short term rentals on **VRBO** without a business tax receipt. City reserved the dates of 17 Sept 2016 through 23 Sept 2016 (6 nights) for \$4,035.60. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3 - 8: Sec. 122-1371 (d) 9:** For holding out/advertising for short term rentals when it is not permitted. Previous case was 15-249 where Mr. Belland signed a Settlement Agreement.

Legislative History

8/31/16	Code Compliance Hearing	Continuance
10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance

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Case # 16-1130

Key Cove Landing LLC

Christopher Belland - Registered Agent

10 Key Cove Drive

Sec. 18-601 License required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-12-2016

Initial Hearing: 8-31-2016

Continuance granted to January 25, 2017**Count 1:** For holding out/advertising for short term rentals on **www.homeaway.com** without a business tax receipt. City reserved the dates of 17 Sept 2016 through 23 Sept 2016 (6 nights) for \$4,035.60.**Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion.**Counts 3 - 8: Sec. 122-1371 (d) 9:** For holding out/advertising for short term rentals when it is not permitted. Previous case was 15-249 where Mr. Belland signed a Settlement Agreement.**Legislative History**

8/31/16	Code Compliance Hearing	Continuance
10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance

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Case # 16-1167

Key Cove Landing LLC

Christopher Belland - Registered Agent

4 Key Cove Drive

Sec. 18-601 License Required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-16-2016

Initial Hearing: 8-31-2016

Continuance granted to January 25, 2017

Count 1: Being held out/advertised on VRBO for short term rental without the required business tax receipt. City reserved the dates of 17-Sept 2016 through 23 Sept 2016 for \$3,979.35. Mr. Belland was previously cited for the same charge and signed a Settlement Agreement for case number 15-249. **Count 2:** The property is being held out/advertised for short term rental without the requisite city, county and state licensing. The property does not have a transient medallion and has not been inspected by the Fire Department. **Counts 3 - 8: Sec. 122-1371 (d) 9:** The property is being held out/advertised for short term rental for six nights beginning 17 Sept 2016 for \$3,979.35 without the benefit of a transient license.

Legislative History

8/31/16	Code Compliance Hearing	Continuance
10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance

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Case # 16-1169

Key Cove Landings LLC

Christopher Belland - Registered Agent

4 Key Cove Drive

Sec. 18-601 License Required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-16-2016

Initial Hearing: 8-31-2016

Continuance granted to January 25, 2017

Count 1: Being held out/advertised on www.homeaway.com for short term rental without the required business tax receipt. City reserved the dates of 17- Sept 2016 through 23 Sept 2016 for \$4,016.35. The property is advertised with a four night minimum. Mr. Belland was previously cited for the same charge and signed a Settlement Agreement for case number 15-249. **Count 2:** The property is being held out/advertised for short term rental without the requisite city, county and state licensing. The property does not have a transient medallion and has not been inspected by the Fire Department. **Counts 3 - 8: Sec. 122-1371 (d) 9:** The property is being held out/advertised for short term rental for six nights beginning 17 Sept 2016 for \$4,016.35 without the benefit of a transient license.

Legislative History

8/31/16	Code Compliance Hearing	Continuance
10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance

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Case # 16-1402

James R McCarthy Estate

1409 Whalton Street

Sec. 26-126 Clearing of property of debris and noxious material required

Officer Sophia Doctoche

Certified Service: 11-9-2016

Initial Hearing: 12-21-2016

In compliance November 21,2016, request dismissal**Count 1:** For failure to clear the property of long grass and debris.

8

Case # 16-1398

Suzana Dragacevac

68 Seaside North Court

FBC 1612.4 [ASCE 24-05] Unprotected Enclosed Structures Below Design Flood Elevation

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

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

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

Sec. 14-262 Requests for inspection, required

Sec. 66-87 Business tax receipt required

FBC 1612 & ASCE 24-05 [Sections 7.2, 7.3 & 7.4]

Plumbing/Electrical/Mechanical Installed/Constructed Below Flood

Officer Scott Fraser

Certified Service:

Initial Hearing: 12-21-2016

Continuance granted to March 29, 2017

Count 1: Within a FEMA designated AE-8 flood zone, open area has been enclosed, contrary to flood damage prevention provisions. **Count 2:** Within a FEMA designated AE-8 flood zone, Respondent did install or allow to be installed, electronic devices/appliances below established flood safety levels. **Count 3:** Within a FEMA designated AE-8 flood zone, Respondent did install or allow to be installed, plumbing connections and fixtures below established flood safety levels. **Count 4:** Within a FEMA designated AE-8 flood zone, Respondent did install or allow to be installed, electrical wiring, outlets and fixtures below established flood safety levels. **Count 5:** Within a FEMA designated AE-8 flood zone, Respondent did energize or allow to be energized, electrical wiring, electrical outlets and fixtures absent the required safety inspections having been requested nor performed, contrary to law and the safety of the general public. **Count 6:** For failure to obtain a business receipt to rent the second dwelling. **Count 7:** Within a FEMA designated AE-8 flood zone, Respondent did install or allow to be installed, electrical wiring, outlets, receptacles and plumbing fixtures below established flood safety levels, contrary to the safety of the general public.

9

Case # 16-532

Truman Books & Video

Ms. Terry G. Galardi - Business Owner

Ms. Patricia Burnside - Register Agent

Mr. Michael L. Browning Trust 6.28.91 - Property Owner

922 Truman Avenue

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service: 6-21-2016 - Business Owner

Certified Service: 6-22-2016 - Registered Agent

Initial Hearing: 7-27-2016

In compliance December 5, 2016, request Finding of Violation without fees or fines**Count 1:** For failure to obtain a certificate of appropriateness for exterior paintingLegislative History

7/27/16	Code Compliance Hearing	Continuance
8/31/16	Code Compliance Hearing	Continuance
10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance

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Case # 16-1037

Mr. Randolph Lathrop Jones

2330 Staples Avenue

Sec. 180-680 Recreational vehicles and boats

Sec. 66-87 Business tax receipt required for all holdings themselves out to be engaged in business - **In compliance September 8, 2016 -****dismiss**

Officer Leonardo Hernandez

Certified Service: 9-13-2016

Initial Hearing: 9-28-2016

In compliance December 19, 2016, request dismissal**Count 1:** Failure to cease utilizing an RV as habitable space on property. **Count 2:** Failure to obtain a business tax receipt for non-transient rental.Legislative History

9/28/16	Code Compliance Hearing	Continuance
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Case # 16-1248

William D Letrick
1801 N Roosevelt Blvd King Fish Pier 39-41
Sec. 14-185 Compartmentation and flotation devices
Officer Leonardo Hernandez
Certified Service:
Initial Hearing: 12-21-2016

Continuance granted to January 25, 2017

Count 1: For failure to repair/secure the hull of the floating home that came loose exposing the floor joists and subfloor.

12

Case # 16-1573

Peter Nelson Brawn
1413 South Street
Sec. 26-197 Animals
Officer Leonardo Hernandez
Certified Service: 12-1-2016
Initial Hearing: 12-21-2016

Continuance granted to January 25, 2017

Count 1: This is the 5th complaint in the past 5 years for barking dogs. Previous cases: 16-107, 15-976, 13-1528 and 12-1337.

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Case # 16-1574

Armando Parra Jr.
3208 Flagler Avenue
Sec. 74-31 Unlawful deposits
Leonardo Hernandez
Certified Service: 11-25-2016
Initial Hearing: 12-21-2016

Settlement Agreement

Count 1: For illegally dumping cooking grease down the storm drain.

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Case # 16-1226

Peter & Dixie Janker

417 United Street

Sec. 14-40 Permits in historic districts

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Repeat Violation**Sec. 14-40 Permits in historic districts - **Repeat Violation**

Officer Beau Langford

Certified Service: 9-3-2016

Initial Hearing: 9-28-2016

Continued from November 16, 2016

Count 1: Failure to apply and obtain an after-the-fact HARC Certificate of Appropriateness for painting. **Count 2:** Failure to apply and obtain proper permit for spiral staircase. **Count 3:** Failure to apply and obtain a HARC Certificate of Appropriateness for the spiral staircase.

Legislative History

9/28/16	Code Compliance Hearing	Continuance
10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance

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Case # 15-1192

Cary Robert Hanson - Property Owner

Asta Parking Inc.

Prakash R Patel, Registered Agent

515 Angela Street

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

Sec. 14-40 Permits in historic districts

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

FBC Accessibility - 208.2 Minimum number of parking spaces at a ratio of one per twenty-five

Sec. 114-104 Restrictions on number of signs permitted

Officer Jorge Lopez

Certified Service: 2-16-2016 - Property Owner

Certified Service: 2-8-2016 - Registered Agent

Initial Hearing: 3-30-2016

Request dismissal**Count 1:** A business tax receipt is required for the public parking lot.**Count 2:** For failure to obtain a certificate of appropriateness for the 7 signs. **Count 3:** A Kiosk and 7 signs were installed without benefit of the required building/electrical permits and inspections. **Count 4:** The parking facility does not have the requisite amount of accessible parking spaces. **Count 5:** Restriction on number of signs permitted.Legislative History

3/30/16	Code Compliance Hearing	Continuance
5/25/16	Code Compliance Hearing	Continuance

16

Case #16-306

Anthony Lazarus & Brenda Lynch
628 Elizabeth Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in the historic district
Sec. 14-262 Request for inspection
Officer Jorge Lopez
Certified Service: 11-1-2016
Initial Hearing: 12-21-20126

Continuance granted to January 25, 2017

Count 1: A shed was built without the benefit of a building permit.

Count 2: A shed was built without the benefit of a certificate of appropriateness. **Count 3:** Electricity was added to the shed. Electrical work requires a final inspection.

17

Case # 16-401

EWL Holdings, Inc.
Christopher B Waldera, Registered Agent
Daisy Reyes
3124 Flagler Avenue
Sec. 90-358 Building permit time limitations
Officer Jorge Lopez
Certified Service: 11-30-2016 - Waldera
Certified Service: 12-5-2016 - Reyes
Initial Hearing: 12-21-2016

In compliance December 9, 2016, request dismissal

Count 1: A building permit extension was obtained on 31 May 2016 for the plumbing permit. To date, the inspection has not been requested.

18

Case # 16-634

Peter N Brawn

B-B Registries, LLC - Registered Agent

525 Caroline Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Requests for inspection

Officer Jorge Lopez

Certified Service: 6-17-2016 - Registered Agent

Initial Hearing: 7-27-2016

In compliance November 18, 2016, request dismissal

Count 1: For failure to obtain building permit for installation of bathtub and toilet. **Count 2:** For failure to obtain a certificate of appropriateness to do siding replacement, deck repairs and installation of exterior door.

Count 3: Must request inspection for electrical work as soon as job is ready

Legislative History

7/27/16	Code Compliance Hearing	Continuance
9/28/16	Code Compliance Hearing	Continuance
10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance

19

Case # 16-939

R R Beason Jr Trust 12/18/2000

1603 Von Phister Street

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

Officer Jorge Lopez

Certified Service: 10-5-2016

Initial Hearing: 10-19-2016

Continuance granted to January 25, 2017

Count 1: For failure to obtain building permits for the interior and exterior renovations.

Legislative History

10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance

20

Case # 16-1012

C. W. Dement

227 Duval Street

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

Sec. 14-40 Permits in the historic districts

Officer Jorge Lopez

Certified Service: 9-2-2016

Initial Hearing: 9-28-2016

Continued from November 16, 2016 for compliance

Count 1: Failure to obtain building permit or remove the unpermitted structure. **Count 2:** Failure to obtain the required Certificate of Appropriateness or remove the unpermitted structure.

Legislative History

9/28/16

Code Compliance Hearing

Continuance

21

Case # 16-1403

808 Southard Street, LLC

Peter Brawn - Owner

G, B&B-B Registries, LLC - Registered Agent

812 Southard Street

Sec. 26-126 Clearing of property of debris and noxious material required

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

Sec. 108-677 Parking storage of certain vehicles - **Request dismissal of count 3**Sec. 108-680 Recreational vehicles and boats - **Request dismissal of count 4**

Officer Jorge Lopez

Certified Service: 10-20-2016 - Registered Agent

Certified Service: 11-02-2016 - Owner

Initial Hearing: 11-16-2016

Continuance granted to January 25, 2017**Count 1:** Failure to cut overgrown weeds and remove trailer loaded with debris and bulk waste to avoid unsightly and unsanitary conditions.**Count 2:** Failure to clean up debris accumulated on the sidewalk.**Count 3:** Failure to remove or put vehicles without license plates into completely enclosed building. **Count 4:** Failure to put boats in an enclosed building or behind fence and/or plant vegetation so that it cannot be seen.Legislative History

11/16/16 Code Compliance Hearing Continuance

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Case # 16-1410

Richard Dostal & Kelly Spero

208 Truman Avenue

Sec. 26-126 Clearing of property of debris and noxious material required

Sec. 108-677 Parking storages of certain vehicles

Officer Jorge Lopez

Certified Service: 10-24-2016

Initial Hearing: 11-16-2016

In compliance December 21, 2016, request dismissal**Count 1:** Failure to clear yard debris which can be a breeding place for vermin, and/or create a nuisance or other unsightly or unsanitary condition. **Count 2:** Failure to remove or put in a completely

enclosed building an unlicensed vehicle.

Legislative History

11/16/16 Code Compliance Hearing Continuance

23

Case # 16-1424

Elysse of Key West, Inc.
Judith Greenberg, Registered Agent
Beach Club
216 Duval Street
Sec. 18-415 Restrictions in historic districts
Sec. 18-192 Permit required
Officer Jorge Lopez
Certified Service: 10-20-2016
Initial Hearing: 12-21-2016

Settlement Agreement

Count 1: For off premises canvassing in a prohibited area (Duval Street). **Count 2:** For failure to obtain a business tax receipt for custom wearing apparel.

24

Case # 16-1469

Kathryn Jarman
113 Petronia Street
Sec. 6-2 Permit required; application; appeal; fees
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Jorge Lopez
Certified Service:
Initial Hearing: 12-21-2016

Request continuance to January 25, 2017 for service

Count 1: For performing in front of 724 Duval Street without the required permit. **Count 2:** For failure to obtain a business tax receipt prior to performing during the Bahama Village Goombay Festival.

25

Case # 16-455

Donald R Lynch
 820 Carstens Lane
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 14-40 Permits in historic districts
 Officer Kenneth JW Waite
 Certified Service: 10-4-2016
 Initial Hearing: 10-19-2016

Continuance granted to January 25, 2017

Count 1: For failure to obtain a building permit for the second story porch. **Count 2:** For failure to obtain a certificate of appropriateness for the satellite dish that was installed.

Legislative History

10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance

26

Case # 16-861

Interstate Enterprises Group, Inc.
 901 White Street 903
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 14-262 Request for inspection
 Sec. 90-363 Certificate of occupancy - required - **Request dismissal**
 Sec. 58-61 Determination and levy charge - **Request dismissal**
 Sec. 66-87 Business tax receipt required for all holding themselves out
 to be engaged in business - **Request dismissal**
 Officer Kenneth JW Waite
 Certified Service: 9-15-2016
 Initial Hearing: 10-19-2016

Continued from October 19, 2016

Count 1: For failure to obtain a building permit for the pool house which contain windows. Original permit was for a shed only without windows. **Count 2:** For failure to obtain an electrical permit/inspection for the window air conditioner that was installed in the pool house. **Count 3:** For failure to obtain a certificate of occupancy. Pool house is being advertised as a rental unit. **Count 4:** The pool house does not have the required utility accounts or legal unit determination. **Count 5:** For failure to obtain a business tax receipt to rent the pool house.

Legislative History

10/19/16	Code Compliance Hearing	Continuance
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Case # 16-1523

KDA Group Inc.
D'Or 24K KW
Elidor Oz
291 Front Street
Sec. 18-705 Requirements of permit holder
Officer Kenneth JW Waite
Hand Served: 11-4-2016
Initial Hearing: 12-21-2016

Continuance granted to January 25, 2017**Repeat Violation**

Count 1: For failure to supply the customer a pre-written statement prior to applying lotion.

28

Case # 16-1567

Maricella Diaz
423 Duval Street
Sec. 18-415 Restrictions in historic district (b) (1) (a)
Officer Kenneth JW Waite
Hand Served: 11-21-2016
Initial Hearing: 12-21-2016

Settlement Agreement

Count 1: For off premises canvassing (Employee: Joshua R Rios) in a prohibited area (Duval Street).

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Case # 13-1012

David & Marjorie A. Rodriguez
 1823 Venetia Street
 Sec. 66-87 Business tax receipt required
 Sec. 90-363 Certificate of occupancy required
 Officer Jim Young
 Certified Service: 6-18-2016
 Initial Hearing: 7-27-2016

In compliance December 20, 2016, request dismissal

Count 1: This property is being rented without the benefit of a non-transient business tax receipt. **Count 2:** There is no certificate of occupancy for the subject property.

Legislative History

7/27/16	Code Compliance Hearing	Continuance
8/31/16	Code Compliance Hearing	Continuance
9/28/16	Code Compliance Hearing	Continuance
10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Violation Fine

Liens

30

Case # 16-1609

Charles W Brockunier
 1100 Simonton Street
 Sec. 42-1 Offenses under state law (c) (1)
 Certified Service:
 Initial Hearing: 12-21-2016

Request continuance to January 25, 2017 for service**Adjournment**