



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

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.

The Special Magistrate granted the request for a Finding of Violation without fees or fines.

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; regulations

Sec. 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) 4-9

Sec. 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 transiently without a city, county or state license. The subject property does not have a medallion and has not had a fire inspection. **Count 3:** The property 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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

4

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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

5

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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

6

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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

7

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.

The Special Magistrate granted the request to dismiss this case.

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 not 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.

The Special Magistrate granted the request to continue this case to March 29, 2017.

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 painting

The Special Magistrate granted the request for a Finding of Violation without fees or fines.

10

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.

The Special Magistrate granted the request to dismiss this case.

11

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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

13

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.

A Settlement Agreement was presented to the Special Magistrate which he approved. The Respondent stipulates to the imposition of Administrative fees of \$250 and a fine in the amount of \$250 for a total of \$500.

14

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.

David Pouliot attended the hearing for the Janker's. Officer Langford gave testimony. After some discussion, the Special Magistrate imposed administrative fees in the amount of \$250 and a fine of \$250 per count (2 counts) for the repeat violation if compliance is not obtained by January 24, 2017. A compliance hearing will be held on January 25, 2017.

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: 12-21-2016

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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

15

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.**The Special Magistrate granted the request to dismiss this case.**

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.

The Special Magistrate granted the request to dismiss this case.

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

The Special Magistrate granted the request to dismiss this case.

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.**The Special Magistrate granted the request to continue this case to January 25, 2017.**

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.**Joseph Walsh attended the hearing. Officer Lopez stated that he went by the property today and the structure was still there. Mr. Walsh stated that the City does not have jurisdiction over umbrellas. After more discussion, Mr.****Ramsingh requested that this case be continued to January 25, 2017 which was granted.**

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
requiredSec. 62-31 Maintenance of area between property line and adjacent
paved roadwaySec. 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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

22

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.

The Special Magistrate granted the request to dismiss this case.

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.

A Settlement Agreement was presented to the Special Magistrate which he approved. The Respondent stipulates to the imposition of Administrative fees of \$250 and a suspended fine in the amount of \$250.

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.

The Special Magistrate granted the request to continue this case to January 25, 2017 for service.

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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

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.

Officer Waite gave testimony. After some discussion, the Special Magistrate found Interstate Enterprises Group in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count (2 counts) if compliance is not obtained by January 24, 2017. A compliance hearing will be held on January 25, 2017.

27

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.

The Special Magistrate granted the request to continue this case to January 25, 2017.

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).

A Settlement Agreement was presented to the Special Magistrate which he approved. The Respondent stipulates to the imposition of Administrative fees of \$250 and a suspended fine in the amount of \$250.

29

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.

The Special Magistrate granted the request to dismiss this case.

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

The Special Magistrate granted the request to continue this case to January 25, 2017 for service.

Adjournment