



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, February 26, 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 # 13-1171

Tong Sio San and Miao Ling He
3301 Duck Avenue B
Sec. 14-37 Building permits; professional plans; display of permits -
Dismiss
Sec. 34-130 Violations (1)(3)
Officer Bonnita Badgett
Certified Service: 2-13-2014
Initial Hearing: 2-26-2014

Continuance granted to March 19, 2014

Count 1: A stop work order was posted on October 1, 2013 for not having a building, plumbing and electrical permit for converting non-habitable space into habitable space. **Count 2:** Construction was done in violation with the city's floodplain management ordinance.

This case was continued by the Special Magistrate at the request of Mr. Tong to March 19, 2014.

2

Case # 14-124

Glenn Wilson & Barbara Ross
621 United Street
Sec. 58-31 Containers and receptacle requirements
Office Bonnita Badgett
Certified Service: 2-14-2014
Initial Hearing: 2-26-2014

In compliance, request dismissal

Count 1: Trash and recycle bins were out of the city right of way on Wednesday, January 15, 2014 and again on Thursday, January 30, 2014. Pickup day is Tuesday.

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

3

Case # 13-1354

William T Lane
1122 Angela Street
Sec. 122-1406 Obstructions to visibility
Officer Peg Corbett
Certified Service: 12-14-2013
Initial Hearing: 1-29-14

In compliance, request dismissal

Count 1: The trees and foliage extending from the subject property blocks the line of site on the Ashe Street side of the property.

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

4

Case # 13-1417

Dasha Renee Ray
1215 Mac Millan Drive
Sec. 62.2 Obstructions
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-261 Failure to obtain
Sec. 90-363 Certificate of occupancy - Required
Sec. 58-61 Determination and levy of charge
Sec. 74-206 Owner's responsibility for payment
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Peg Corbett
Certified Service: 1-7-2014
Initial Hearing: 1-29-2014

Continuance granted to March 19, 2014

Count 1: A scooter was blocking the city sidewalk. **Count 2:** The property owner was issued a permit to "enclose empty space at rear for laundry and infill of a carport under existing roof for storage only: in October 2001. The area is currently occupied by a tenant. No permits for the renovation for the second kitchen or the second bathroom.

Count 3: The property owner did not apply for or obtain an electrical

permit for the second kitchen. **Count 4:** The property owner has a second unit which is occupied without the benefit of a certificate of occupancy. **Count 5:** The property owner has not obtained the required utility accounts for the second unit. **Count 6:** The property owner has a delinquent utility account. **Count 7:** The subject property has two units individually rented without the benefit of the required business tax receipt.

This case was continued by the Special Magistrate at the request of Ms. Ray to March 19, 2014.

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Case # 13-1500

Northside Builders, Inc.
Michael Halpern, R/A
1215 1st Street
Sec. 122-1406 Obstructions to visibility
Officer Peg Corbett
Certified Service:
Initial Hearing: 2-26-2014

In compliance, request dismissal

Count 1: On December 16, 2013, it was observed that the buttonwoods are exceeding the allowable height which is causing a line of site issue at the stop sign on Roosevelt Drive and 1st Street.

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

6

Case # 13-1512

Five Guys Burgers & Fries
Corporation Service Company, R/A
E. Miles Prentice, Mgr.
500 Truman Avenue 1
Sec. 114-103 Prohibited signs
Sec. 114-104 Restriction on the number of signs permitted
Officer Peg Corbett
Certified Service: 1-16-2014
Certified Service: 2-7-2014 - revised notice
Initial Hearing: 1-29-2014

Continuance granted to March 19, 2014

Count 1: The subject business has an interior illuminated sign and five paper signs/banners attached to the windows facing both Duval and Truman contrary to city ordinance. **Count 2:** The subject business has six signs

This case was continued by the Special Magistrate at the request of Mr. Rysman to March 19, 2014.

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Case # 13-1569

Joseph P Browning TR
c/o Michael L Browning Trustee
1907 Roosevelt Drive
Sec. 58-31 Container and receptacle requirements
Officer Peg Corbett
Certified Service: 2-6-2014
Initial Hearing: 2-26-2014

In compliance, request dismissal

Count 1: On Friday, December 13, 2013, trash receptacles were stored on the city right of way. On Friday, December 27, 2013, Saturday, January 11, 2014 and Friday, January 31, 2014 the trash receptacles were photographed on the city right of way. Trash pickup is on Thursdays.

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

8

Case # 13-1612

James H Jr & Tracey L Waddell
2310 Staples Avenue
Sec. 122-1406 Obstructions to visibility
Officer Peg Corbett
Certified Service: 1-18-2014
Initial Hearing: 2-26-2014

In compliance, request dismissal

Count 1: On December 19, 2013, photos were taken of an overgrown tree blocking the line of sight.

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

9

Case # 13-541

Armando & Mercedes Parra
2922 Flagler Avenue
Sec. 90-356 Building permits required
Sec. 90-363 Certificate of occupancy - Required - **Dismiss**
Sec. 90-391 Variances - **Dismiss**

Sec. 108-887 Same - Elevation of residential buildings
Sec. 14-256 Required - Electrical Permit
Sec. 14-258 Plans and specifications - **Dismiss**
Sec. 14-362 Connection to public sewer - **Dismiss**
Officer Leonardo Hernandez
Certified Service: 6-11-2013
Initial Hearing: 6-26-2013

In compliance as of February 11, 2014. Still owes fees

Count 1: Failure to obtain a building permit for detached habitable space. **Count 2:** Habitable space was built below required flood elevation. **Count 3:** Failure to obtain electrical permit.

This case is in compliance but still owes the administrative fees of \$250.

10

Case # 13-1465

Southern Most Cigar Club
Marc Miclette
Dragonfly Consulting, R/A
230 East 7th Street Associates
c/o The Cohen Organization
300 Front Street 1
Sec. 14-37 Building permits; professional plans, display of permits
Sec. 14-40 Permits in the historic district
Officer Leonardo Hernandez
Certified Service: 1-7-2014
Initial Hearing: 1-29-2014

Continued from January 29, 2014 for compliance

Count 1: For failure to obtain a building permit for installation of speakers. **Count 2:** For failure to obtain a certificate of appropriateness for the installation of speakers.

This case is in compliance but still owes the administrative fees of \$250.

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Case # 13-1509

Susan Rafferty
514 Duval Street / 512 1/2 Duval Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Officer Leonardo Hernandez
Certified Service: 1-13-2014
Initial Hearing: 1-29-2014

In compliance, request dismissal

Count 1: For failure to obtain a building permit for the handing sign and the stationary "ice cream cone" sign. **Count 2:** For failure to obtain a certificate of appropriateness for the handing sign and the stationary "ice cream cone" sign.

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

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Case # 13-1607

Michael Murrell
1801 N Roosevelt Blvd T40
Sec. 14-37 Building permits; professional plans; display of permits
Officer Leonardo Hernandez
Certified Service: 2-5-2014
Initial Hearing: 2-26-2014

In compliance, request dismissal

Count 1: For failure to provide plans to the building department for the permit.

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

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Case # 13-1621

Timothy Behan
1801 N Roosevelt Blvd M18
Sec. 14-185 Compartmentation and flotation devices
Sec. 14-37 Building permits; professional plans, display of permits
Officer Leonardo Hernandez
Posted: 1-30-2014
Initial Hearing: 2-26-2014

New Case

Count 1: Decking material shall be of a type not adversely affected by moisture or shall be treated. **Count 2:** For failure to obtain building permits for the ceiling beams and deck joists

This case was continued by the Special Magistrate at the request of Mr. Behan to March 19, 2014.

14

Case # 14-215

Angela Williamson
John Kunke
Abaco Gold

422 Front Street
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Leonardo Hernandez
Certified Service: 2-14-2014
Initial Hearing: 2-26-2014

Continuance granted to March 19, 2014

Count 1: For failure to pay for the fire code inspection fee.

This case was continued by the Special Magistrate at the request of Officer Hernandez to March 19, 2014.

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Case # 13-1583

Whitehead Street Inc.
410 Angela Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business.
Officer Mathew Willman
Certified Service: 1-27-2014
Initial Hearing: 2-26-2014

In compliance, request dismissal

Count 1: For failure to obtain a business tax receipt to rent the property.

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

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Case # 13-1630
Seadog Tavern
Sandra Pope
Michael Sutilla
Jenny Robinson
Historic Tours of America, Inc.
Georgetown Key West, LLC
William LaRose, R/A
628 Duval Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 18-57 Required, application; fee; term; exemption
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts
Officer Mathew Willman
Certified Service: 1-22-2014
Initial Hearing: 2-26-2014

New Case

Count 1: For failure to obtain a business tax receipt for the Seadog Tavern.

Count 2: For failure to obtain an entertainment license. **Count 3:** For failure to obtain a building permit for the sign. **Count 4:** For failure to obtain a certificate of appropriateness for the sign.

The Special Magistrate found Seadog Tavern/Sandra Pope, Michael Sutilla and Jenny Robinson, Historic Tours of America, Georgetown Key West LLC/William LaRose in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count (total of two counts) if compliance is not achieved by March 18, 2014. A compliance hearing will be held on March 19, 2014.

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Case # 13-57

Yuliya Andrews

The Adult Entertainment Club

Anthony B Huggins

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 from October 2, 2013**Repeat/Irreparable Violation**

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.

This case was continued by the Special Magistrate to the March 19, 2014 hearing for status. Mr. Kaufman appealed Judge Audlin's order denying certiorari.

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Case # 13-185

KWSC, Inc. d/b/a

Adult Entertainment Club

Yuliya Andrews, Owner

Neile Bassi Favreau

Albert L Kelley, R/A

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

Continued from October 2, 2013
Repeat/Irreparable Violation

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.

This case was continued by the Special Magistrate to the March 19, 2014 hearing for status. Mr. Kaufman appealed Judge Audlin's order denying certiorari.

Adjournment