



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, January 23, 2025

1:30 PM

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 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order

Code Violations

1

Case # 24-1301

Havana Cabana

NRAI Services Inc.- **Registered Agent**

3420 N Roosevelt Blvd

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Erin Buchele

Certified Mail: 12-20-2024

Initial Hearing: 1-23-2025

New Case

Count 1: Failure to keep music at a legal level.

The Code Officer was Erin Buechele. The Respondent was not present. Director Jim Young was present on behalf of the City. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. The complainant was Nathaniel McIntyre who was present at the hearing. Officer Buechele read her timeline and evidence was shown. Mr. McIntyre then gave his testimony expressing concerns about Havana Cabana. Mr. McIntyre raised concerns about a sound system installed 15 feet from the residential zone during Havana Cabana's renovation. He cited the ordinance on disturbing noise, emphasizing its impact on his family's peaceful enjoyment. He noted bass vibrations in his home despite noise barriers and shared that his sons, both on the autism spectrum, struggle with sleep due to the noise, with one experiencing distress and self-harm. Mr. McIntyre questioned how code officers assess noise interference,

highlighting the ordinance's wording on noise "in" the residential zone. He submitted evidence, including a 43-page diagnosis for his son, which he plans to redact before formal submission. The City requested a finding of the violation. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$250.00 fine.

2**Case # 24-1192**

Key Westie LLC

Spiegel & Utrera- **Registered Agent**

1519 Florida Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodation in residential dwellings; regulations

Sec. 122-1371 Transient living accommodation in residential dwellings; regulations D(9)

Officer Sophia Doctoche

Certified Mail: 12-13-2024

Initial Hearing: 12-19-2024

Continued from 19 December 2024

Count 1-7: Failure to obtain a transient medallion and license to advertise and rent short-term.

Count 8-10: Failure to obtain all required city, county and state licensing to advertise and rent short-term.

Count 11-16: Failure to obtain all required city, county and state licensing to advertise and rent short-term.

The Code Officer was Sophia Doctoche. The Respondent did not attend. Officer Doctoche read her timeline and evidence was shown. The City requested a finding of the violation with \$250.00 administrative cost and \$250.00 per count for the sections cited. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$250.00 per count for the sections cited: Sections 18-601, 122-1371, and 122-1371D(9) for a total of \$1,000.00.

3**Case # 24-665**

Corporation Service Company

1300 15th CT #67

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

Officer Alma Montano

Certified Mail: 12-3-2024

Initial Hearing: 12-19-2024

Continued from 19 December 2024

Count 1: Failure to apply and obtain the appropriate building permits from the Key West Building Department.

The Code Officer was Alma Montano. Attorney Richard McChesney was present on behalf of the Respondent. Director Jim Young was present on behalf of the City. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. The City informed the court of a violation involving a recreational vehicle (RV) that had been placed on concrete piers in a mobile home park without the required building permits. The RV had its axles and wheels removed, classifying it as a structure under city regulations and triggering the need for permits. Attorney McChesney explained that discussions with the city resulted in a potential resolution: returning the RV to its original vehicle status by reattaching the axles and wheels, which would eliminate the need for building permits. However, this solution requires approval from the city planning department. Attorney McChesney reported that delays in receiving feedback from the planning department were due to staffing turnover and the holidays. A pre-application meeting was held in December, and a formal request was submitted, but no response has been received to date. The City and the respondent agreed that a violation exists but requested additional time for compliance. The Special Magistrate found the Respondents in violation due to admission and imposed no fees or fines at this time. The case was continued to 20 February 2025.

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Case # 24-963

4911 Carter LLC

Michael J. Santis- **Registered Agent**

3608 Duck Ave

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

Officer Alma Montano

Certified Mail: **Amended Notice**

Initial Hearing: 9-26-2024

New Case

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

The Code Officer was Alma Montano. Attorney Ari Pregon was present via Zoom on behalf of the Respondent. Director Jim Young was present on behalf of the City. Assistant City Attorney Ryan Waterhouse was present on behalf of the City. Officer Montano read her timeline and evidence was shown. On January 2, 2025, a notice of an administrative hearing was mailed to Mr. Santis and his legal representative, including counts for failure to apply for and obtain appropriate building permits. As of January 23, 2025, the exterior renovation permit was still under review. Zoe Porter, FEMA Coordinator, testified that the permit was still under review by FEMA. She clarified that a

determination of substantial improvement was made on August 8, 2024, exceeding the threshold for improvement. Settlement negotiations are ongoing regarding substantial improvement determination, but the current issue remains the roofing and exterior renovation permits. The city clarified that the primary issue today is the building and construction violations due to unpermitted work. Mr. Santis has made significant progress in applying for permits but still has outstanding requirements. The Special Magistrate granted a continuation to 20 February 2025, with an update on the permit status and settlement outcome.

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Case # CCBLD24-29

Julie Marie McGrane

2205 Harris Ave

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

Officer Alma Montano

Hand Posted: 1-15-2025

Initial Hearing: 1-23-2025

New Case

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

The Code Officer was Alma Montano. The Respondent was not present. Officer Montano received a phone call from the Respondent Julie McGrane at 11:30 AM. Mrs. McGrane informed Officer Montano that she had been admitted to the hospital the previous evening and requested a continuance. She indicated she would submit proof of her hospitalization. Officer Montano advised Mrs. McGrane to submit the necessary documents and her request for a continuance. The Special Magistrate granted a continuation to 20 February 2025.

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Case # 22-328

712 Eaton St Land Trust

Eaton St Enterprises LLC

Richard M. Klitenick- **Registered Agent**

712 Eaton Street

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

Sec. 14-40 Permits in historic districts

Sec. 122-600 Dimensional requirements

Officer Paul Navarro

Hand Served: 7-15-2024

Initial Hearing: 7-25-2024

Continued from 21 November 2024

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 2: Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.

The Code Officer was Paul Navarro. Attorney Wayne Smith was present on behalf of the Respondent. The Respondent Richard Pesce was present as well. City Attorney Ron Ramsingh was present on behalf of the City. Code Director Jim Young was present on behalf of the City. Chief Building Official Raj Ramsingh was present on behalf of the City. Complainant Wade Morgan was present as well. The Special Magistrate reviewed both the City's Memorandum and Respondent's Memorandum, focusing on the applicability of res judicata in this quasi-judicial proceeding. It was confirmed that res judicata does apply in quasi-judicial matters, however, the ruling indicated that it does not apply in this case due to differences in parties involved. The Special Magistrate ruled that res judicata does not bar the current charges related to the Pesces, despite the settlement of Mr. Herrera's case. Attorney Smith, argued that res judicata should prevent the new charges because the violations at issue (Counts 1 and 2) had already been adjudicated in the previous case against Mr. Herrera, citing the Holiday Inn case as a precedent. He contended that the principle of collateral estoppel should prevent recharging the Pesces on the same violation. The Special Magistrate noted that the Holiday Inn case did not apply in this case, as the parties and facts were not the same, particularly since the Pesces did not have an adjudication on all counts, unlike Mr. Herrera. Wade Morgan testified regarding the structural changes to the property, the encroachment issue, and interactions with the property owner. During Wade Morgans testimony surveys of 712 Eaton Street were shown to the court. Attorney Smith cross examined witness Wade Morgan. Richard Pesce the Respondent regarding his understanding of the prior settlement agreement, interactions with contractors, and steps taken to bring the property into compliance. Attorney Smith cross examined the Respondent. Chief Building Official Raj Ramsingh gave testimony on inspecting the property of 712 Eaton Street when he was a building inspector for the City of Key West. Attorney Smith cross examined Chief Building Official Ramsingh. Mr. Pesce was called back to the stand by Attorney Smith. Mr. Pesce gave testimony on the work that was done at the subject property. City Attorney Ramsingh cross examined Mr. Pesce. It was decided that the City would send the Magistrate and Attorney Smith all building permits that were pulled for 712 Eaton Street. The Special Magistrate continued this case to 27 March 2025.

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Case # 24-733

Orioles Nest Key West Inc.

David W. Lehmkuhi- **Registered Agent**

106 Simonton Street

Sec. 122-63 Review; enforcement (F)- **Irreparable**

Officer Leo Slecton

Certified Mail:

Initial Hearing: 11-21-2024

Continued from 19 December 2024

Count 1: Failure to not adhere to the conditional use.- Irreparable

The Code Officer was Leo Slection. Attorney Lucas Lanasa was present on behalf of the Respondent. Director Jim Young was present on behalf of the City. Attorney Lanasa stated that his client and the City have come to an agreement and requested a continuance to draft a settlement agreement. Director Young stated on the record what the City and the Respondent agreed to which was \$250.00 administrative cost and \$2,500.00 in fines with a suspended fine of \$7,500.00. The payment will be due 60 days from the date of the Special Magistrates signature on the order.

Case # 25-9

William Crowl

255 Trumbo Road

Sec. 74-31 Unlawful deposits- **Irreparable**

Sec. 62-1 Deposits of oil, grease or other waste- **Irreparable**

Officer David Wilson

Certified Mail:

Initial Hearing: 1-23-2025

New Case

Count 1: Failure to cease the deposit of any human or animal excrement, garbage, or other waste on any public property within the City.
- Irreparable

Count 2: Failure to prevent grease or waste from spilling onto the City right of way.- **Irreparable**

The Code Officer was David Wilson. The Respondent did not attend. Officer Wilson requested for a continuance to achieve good service. The Special Magistrate granted the continuance to 20 February 2025.

Adjournment