



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, July 31, 2019

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 # 19-565

B&B Cleaning Service

Maria Barros

8120 14th Terrace, Miami

Sec. 66-102 Dates due and delinquent; penalties

Officer Bonnita Badgett

Certified Mail:

Initial Hearing: 6-27-2019

In compliance 3 July 2019; Request dismissal

Count 1: Subject business owner has not renewed their business tax receipt which expired 30 September 2018.

The Special Magistrate granted the request to dismiss this case.

2

Case # 19-604

Orogold Cosmetics

Nir Chen

Zohar Alon

518 Duval Street

Repeat - Sec. 18-705 Requirement of permit holder (3) No written statement

Sec. 18-705 Requirement of permit holder (8) Consent Form

Sec. 18-705 Requirement of permit holder (9) Use of disposable applicators and disposable gloves

Repeat - Sec. 18-705 Requirement of permit holder (3) No written statement

Sec. 18-705 Requirement of permit holder (8) Consent Form

Sec. 18-705 Requirement of permit holder (9) Use of disposable applicators and disposable gloves

Officer Bonnita Badgett

Certified Mail: 4-15-2019 - Nir Chen

Certified Mail: 4-15-2019 - Zohar Alon

Initial Hearing: 5-29-2019

Continuance granted to 25 September 2019 - Repeat Counts 1 & 4

Count 1: Failure to provide a written statement to sign before applying sample products to Mr. Keller's face. - **Repeat.** **Count 2:** Failure to provide a consent form before applying sample products to Mr. Keller's face. **Count 3:** Failure to use gloves while applying sample products to Mr. Keller's face. **Count 4:** Failure to provide a written statement to sign before applying sample products to Ms. De More's face. - **Repeat.** **Count 5:** Failure to provide a consent form before applying sample products to Ms. De More's face. **Count 6:** Failure to use gloves while applying sample products to Mr. De More's face.

The Special Magistrate granted the request to continue this case to 25 September 2019.

3

Case # 19-931

Daniel F. Muzyka

Mary B. Ackenhusen

1126 Von Phister Street

Sec. 18-601 License required - **Counts 1 - 14**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Counts 15 - 17**Sec. 122-1371 (d) (9) - **Counts 18 - 31**

Officer Sophia Doctoche

Certified Mail: 6-24-2019

Initial Hearing: 7-31-2019

Settlement Agreement

Counts 1 - 14: Renting the subject property out for 14 nights without the benefit of a transient rental license. **Counts 15 - 17:** Subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 18 - 31:** Subject property owner is holding out for transient rental for 14 nights the dates of 1 November 2019 thru 15 November 2019 for a total of \$3,943.24.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed along with a fine of \$2,943.00 for a total due of \$3,193.00. There was also imposed a suspended fine of \$5,00.00.

4

Case # 19-189

Noam Zano

2117 Harris Avenue

Sec. 90-363 Certificate of occupancy required

Sec. 58-61 Determination and levy of charge

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

Sec. 90-363 Certificate of occupancy required

Sec. 58-61 Determination and levy of charge

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

Officer Lindsey Dunlap

Certified Mail: 4-5-2019

Initial Hearing: 4-24-2019

In compliance 6 Jun 2019; Request dismissal**Count 1:** Failure to obtain a certificate of occupancy for rear unit 1.**Count 2:** Failure to pay impact fees related to utilities for rear unit 1.**Count 3:** Failure to obtain required building permits and inspections forrear unit 1. **Count 4:** Failure to obtain a certificate of occupancy for rearunit 2. **Count 5:** Failure to pay impact fees related to rear unit 2. **Count****6:** Failure to obtain required building permits and inspections for rear
unit 2.**The Special Magistrate granted the request to dismiss this case.**

5

Case # 19-561

China's Cleaning Service

Roxanna Rodriguez

1200 First Street N7 - Mobile Service

Sec. 66-102 Dates due and delinquent; penalties

Officer Lindsey Dunlap

Certified Mail:

Initial Hearing: 6-27-2019

In compliance 1 July 2019; Request dismissal**Count 1:** Subject business owner has not renewed their business tax
receipt which expired 30 September 2018.**The Special Magistrate granted the request to dismiss this case.**

6

Case # 19-621

Soiree Key West Inc.

Nika Stroble

9 Bougainvillea Avenue - Mobile Service

Sec. 66-102 Dates due and delinquent; penalties

Officer Lindsey Dunlap

Posted: 7-17-2019

Initial Hearing: 7-31-2019

In compliance 29 July 2019; Request a Finding of Violation without fees or fines**Count 1:** Subject business has not renewed their license (Control #25317) which expired 30 September 2018.

The Respondent did not attend. Officer Lindsey Dunlap gave testimony that in 2016 there was a notice of code violation for the same violation and also in 2017 as well as a notice of administrative hearing. This is the third time that this business left the business tax receipt be delinquent. The City is asking for a finding of the violation without fees or fines. The Special Magistrate asked how he could find a violation if they came into compliance. Mr. Ramsingh stated that under Chapter 162 that if there were previous cases that were brought into compliance and they violate again you can give a Finding and Order even if they come into compliance before the hearing. The Special Magistrate stated that the respondent is not here and they were duly noticed. The Special Magistrate finds they came into compliance for the third citing of a violation. The Special Magistrate granted the request to a Finding of the violation without fees or fines without objection.

7

Case # 17-1213

Erwin Mayer & Didier R Moritz - property owner

Jean Lefils Bien - Tenant

1300 15th Court Lot 77

Sec. 90-363 Certificate of Occupancy - required

Sec. 58-61 Determination and levy of charge

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

Officer Edward Keane

Certified Service: 11-16-2017

Certified Service: 7-9-2019 - Amended - Tenant

Certified Service: 7-15-2019 - Amended - Property Owner

Initial Hearing: 12-20-2017

Continuance granted to 28 Aug 2019 for compliance

Count 1: For failure to obtain a certificate of occupancy for the addition that was built. **Count 2:** For failure to pay impact fees related to utilities.

Count 3: For failure to obtain building permits for the addition to the trailer and for the installed plumbing. **Count 4:** For failure to obtain building permits for the addition to the trailer and for the installed plumbing.

Director Young gave testimony that Mr. Mayer is in the process of eviction of the mobile home owner. The Code Officer sent an amended notice to the mobile home owner also and their new attorney requested a continuance. Mr. Mayer, mobile home park owner, requested a continuance. The Special Magistrate stated this has previously been granted a continuance to 28 Aug 2019.

8

Case # 19-848

William Shepler & Associates Architecture LLC

William Shepler

201 Front Street Suite 203

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

Officer Edward Keane

Certified Mail:

Initial Hearing: 7-31-2019

In compliance 23 July 2019; Request dismissal

Count 1: Operating a business in the City of Key West without the benefit of a business tax receipt.

The Special Magistrate granted the request to dismiss this case.

9

Case # 19-851

Steven Liedtky

1614 Washington Street

Sec. 108-680 Recreational vehicles and boats

Officer Edward Keane

Certified Mail: 6-19-2019

Initial Hearing: 7-31-2019

In compliance 23 July 2019; Request dismissal

Count 1: Recreational vehicle parked more than 50% forward of the front plane of the structure and extends out into the public right of way.

The Special Magistrate granted the request to dismiss this case.

10

Case # 16-773

Brittany D Delgado

~~Mark R Delgado Estate~~

2807 Seidenberg Avenue

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

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

Officer Beau Langford

Certified Service:

~~Posted: 8-10-2017-~~

Posted: 7-10-2018

Initial Hearing: 8-30-2017

Continued from 24 April 2019 for status/compliance

Count 1: Failure to obtain a Certificate of Occupancy for residential unit in the rear of the property. **Count 2:** Failure to have Utilities associated with the residential unit in the rear of the property. **Count 3:** Failure to have a non-transient business tax receipt for the residential unit in the rear of the property.

Officer Langford gave testimony that that this is a status check once a quarter and the fees are up to date. They are paying them monthly and on time. The next status check would be October 30, 2019 which will be the next quarter. The Special Magistrate asked why we are doing this and Officer Langford stated that we are holding off running the fines as long as they continue to pay installments on time which are the back utilities to the City. The Special Magistrate stated that without objection we will continued this to October 30, 2019 for status/compliance.

11

Case # 19-807

C&V Multi Services Group Inc.

Josie Val - Registered Agent

3110 Flagler Avenue

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

Officer Paul Navarro

Certified Mail: 6-26-2019

Initial Hearing: 7-31-2019

New Case

Count 1: Failure to apply for business tax receipts for all the services that are provided at the subject property.

Josie Val attended this hearing. Officer Navarro gave testimony that a complaint of a unpermitted nail salon was at this address. When he arrived, he photographed several unpermitted services being performed at the property. There was a barber shop, income tax, legal and immigration services, money transfer, U-Haul rentals, nursing programs, security training school and traffic school. The business owner stated she had all the licenses but she refused to provide him with the licenses. On May 17, she revised the license for everything but the nail salon; barber shop; U-Haul rental; and the security, traffic and nursing schools. On June 21, she met with the Licensing Official and stated that she would renew everything; and she did not. I then issued a Notice of Hearing. On June 31, she obtained the license for the barber shop. The U-Haul rental; traffic, security and nursing school are still unpermitted. Ms. Val gave testimony that Officer Navarro came to speak with her but she was not there as she was out of the office with her father in the hospital. She stated that she didn't allow anyone to work there as she was waiting for the State to give them their license. Ms. Val stated she sat down with Jeffery Burgess, Licensing Official, and realized that when she moved from Josephine Parker Way to Flagler Ave that she forgot to transfer the licenses. She thought everything was okay until this morning and she stated that everything is okay now. The Special Magistrate stated that she is here at the hearing to comply with the City codes. He asked Ms. Val if she has all of the licenses that she is required to have at that location. She stated yes. Officer Navarro said she does not have the license for the U-Haul rental; security, nursing and traffic schools. She is still advertising these businesses. The Special Magistrate asked Ms. Val if she has those licenses. Ms. Val stated the U-Haul rental is closed. The nursing program is a State program and there is no requirement for a license; and she explained it to Mr. Burgess. The security school, she has all the paperwork she needs as of this morning for the license. Jeffery Burgess, Licensing Official, gave testimony that he sent Ms. Val an email with all the requirement she will need for the licensing. She came in today and completed all the licensing requirements for the cosmetology and rental party equipment. She did show him the documentation that she no longer rents U-Hauls. The only remaining licenses are the educational licenses. Mr. Burgess stated that location is not zoned for educational as a primary use; however, it came be a conditional use. He

requested that she set up an appointment with Planning to get approval for the security training and also to discuss whether the nursing and traffic program would be considered education in their eyes because it is not actually an instruction type based program. Everything from a licensing standpoint is resolved with the exception the educational items. The Special Magistrate asked if she was doing the educational problems now. Ms. Val stated it has not started yet. She stated she is waiting for an appointment with Ms. Vanessa as she is not in today but she has an appointment for Monday at 9:30. Mr. Burgess stated he informed her that she should remove any items that she does not have currently available from her advertising. Officer Navarro requests a finding of the violation with \$250 administrative fee and 25% of each one of the licenses that she does not have. Mr. Burgess stated that City and State statute states that if a person is found to be operating without a license than an additional fee of 25% of the base fee can be charged. The Special Magistrate asked for a dollar amount so that he can cap it out. Mr. Burgess stated at this time they are not sure if she needs multi educations licenses and all the other ones are in compliance so the issue is only the ones related to education. He is not sure exactly what is needed. The Special Magistrate is requesting a dollar amount for the fine. He stated that by her own admission there is a violation so there is not issue for the violation. Director Young stated that he believes that the 25% would be tacked on to the license fee. The Special Magistrate stated there was a violation which was explained by Ms. Val to him and any issue she has with the way that was handled in the informational aspect she would need to go to Code and speak with Director Young about whatever happened. The Special Magistrate stated he is going to find that there is a violation and there will be a \$250 administrative court cost fee imposed today. Mr. Ramsingh asked the Special Magistrate if he could reserve, depending on what Planning says that if she is required to have multiple licenses, the ability to come back and address fines, the City would appreciate it. He stated it appears she is still holding out as there are still signs in the median from the picture. The Special Magistrate stated he is going to find that there is a violation with administrative costs and continue for determination of fines so that way she has time to know what the exact amount is. The Special Magistrate stated the violation is there with a \$250 administrative cost for the City and no finding of any fines right now as the City wants to find out if she is violating any conditional use issue. This will be continued to 28 August 2019 and a determination will be made then.

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Case # 18-536

Brugman Holdings LLC - Owner

Thomas J Sireci, Jr - Registered Agent

10 Hilton Haven Drive C

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

Director Jim Young

Certified Service: 5-30-2018 - Owner

Certified Service: 5-23-2018 - Registered Agent

Initial Hearing: 6-27-2018

Continued from 27 June 2019 for compliance**Count 1:** Failure to obtain an after-the-fact building permit for interior framing of shed and dock behind shed.

Mr. Rick Babbit, RC Babbit Construction, attended for the Respondent. Director Young attended for the City. Mr. Babbit gave testimony that they did receive the permit from the Corp. of Engineers and applied for the permit with the City. When the City went out to inspect, the deck was different than the drawings given. The City is requesting that the dock be made smaller as shown in the permit from the Corp. Director Young gave testimony that the permit given to the Corp. of Engineers was for a 400 sq. ft. deck. Once they applied for the City permit, it sat in the permit process for a month. Director Young spoke with the new Building Official Mr. Ramsingh and Mr. Ramsingh went out and inspected the dock. It was determined that it was over the 400 sq. ft. that was applied for. Their options are to demo or reapply to the Corp. They can either demo it entirely or just the extra footage. This was told to the respondent yesterday. Mr. Babbit stated he would like to work with the Building Dept. to see if he can take off the extra footage. He is asking for a continuance for compliance. The City does not object to a continuance for compliance. Mr. Babbit is asking for a month. The Special Magistrate agreed to a month and if necessary to see the progress if not completed. The Special Magistrate granted the request for continuance to 28 August 2019 without objection.

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Case # 18-1211

Island-West Investments Corp.

Richard Estevez - Owner

Hugh J Morgan - Registered Agent

1213 14th Street 41

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

Director Jim Young

Certified Mail: 12-12-2018 - Hugh Morgan

Certified Mail: 12-18-2018 - Richard Estevez

Initial Hearing: 1-30-2019

Continued from 27 June 2019 for compliance

Count 1: Failure to obtain a building permit for an addition built. A demolition permit had been applied for on 6 Nov 2018 and more details are needed along with the property card.

Mr. Sireci attended for Island-West Investments and is covering for Mr. Goldman who represents Mr. Estevez. Mr. Estevez also attended. Director Young attended for the City. Mr. Sireci says that the City has determined that the only solution to this is to demo the addition. Mr. Estevez stated he put in after-the-fact plans and is waiting. Director Young had a discussion with Mr. Milelli, engineer of record, and Mr. Estevez was not there. After speaking to Mr. Ramsingh, Building Official and Mr. Milelli, the only option for Mr. Estevez is demolition due to FEMA issues and the fact that mobile homes are not governed by Florida Building Code as they are considered motor vehicles under DMHSV. This was sent to Mr. Goldman via email either last week or possibly Monday. Mr. Estevez would like to get plans for the addition and keep it. Mr. Sireci stated the mobile home park wants Mr. Estevez to come into compliance with the City's requests otherwise they will have to start eviction plans as the fines will be imposed on the park also. Mr. Sireci would like Mr. Estevez to be given 30 days to do whatever he needs to do whether it is a demo permit or after-the-fact permit. Special Magistrate stated that it has been determined that demolition is the compliance for this case because it can't meet the Road Ready in 30 Minutes option because of the new addition. The Special Magistrate will give until 28 August 2019 to come into compliance. He will give this one more continuance for compliance and then the fines will start running. Mr. Estevez feels like he is getting pointed out as no one else has been cited. The Special Magistrate stated other people being cited has nothing to do with this case. This is an issue in all the mobile home parks. The Special Magistrate stated Mr. Estevez could call Code if he sees violations. Mr. Ramsingh stated we have had other cases with the same issue. Mr. Ramsingh stated that he needs to speak with Mr. Milelli as he is not willing to draw up plans because he cannot be in compliance unless it is demoed. This is between Mr. Estevez and Mr. Milelli and they need to talk. The Special Magistrate stated that if they are not in compliance on 28 August 2019 the fines will start running for the mobile home owner and the park owner.

14

Case # 18-2029

218 Duval Street Corp.

Elizabeth Johnson - Business Registered Agent

Famlo Development Corporation

Michael Halpern - Building Registered Agent (Amended Notice only)

Jennifer Stefanacci Doll - Sec. 26-32 only (Original Notice)

218 Duval Street

~~Sec. 26-32 Nuisances illustrated (Original Notice only) -~~ **Dismissed**~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions (Amended Notice) -~~ **Dismissed**~~Sec. 14-40 Permits in historic districts (Amended Notice) -~~ **Dismissed**

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions (Amended Notice)

Sec. 14-262 Request for inspection (Amended Notice)

Director Jim Young

Certified Mail: 12-7-2018 (Original Notice) - Jennifer Stefanacci Doll

Certified Mail: 1-4-2019 (Amended Notice) - Michael Halpern

Posted: 1-17-2019 (Amended Notice) - Elizabeth Johnson

Initial Hearing: 1-30-2019

Continued from 27 June 2019 for compliance

~~**Count 1 (Original Notice):** The use of a foam machine spreading foam on the City's right of way which was causing a hazard to pedestrians and adjacent properties. **Dismissed.**~~

~~**Count 1 (Amended Notice):** Two signs installed without the benefit of a building permit. - **Dismissed.**~~

~~**Count 2 (Amended Notice):** Signs installed without the benefit of a certificate of appropriateness. - **Dismissed.**~~

Count 3 (Amended Notice): Two flood lights installed without the benefit of an electrical permit. **Count 4 (Amended Notice):** Electrical work performed without an inspection.

Respondent did not appear. Officer Young gave testimony that the respondent did have an electrical contractor submit the application for the lights which is the last remaining issue. He checked the application last night and found out that it is being held up by the Historic Planner. She received it July 9 and there is a notation that stated needs corrections. Director Young sent an email asking what the corrections were and if the contractor was notified; and he have not as of yet received a response. The Special Magistrate stated this will be continued to 28 August 2019 and the City does not object. This will be continued to the 28 August 2019 code hearing.

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Case # 18-2033

SK II, Inc.
Robert A. Spottswood - RA
2700 North Roosevelt Boulevard
Sec. 122-63 Review; enforcement
Director Jim Young
Certified Mail:
Initial Hearing: 3-27-2019

Continued from 27 June 2019 for compliance

Count 1: The masonry wall behind store plaza was damaged and needs to be replaced as per Resolution 89-26. Our records indicate that an application has not been submitted to rebuild the masonry wall. The only permit applied for is Permit #2018-2722 to remove fence debris.

Director Young gave testimony that he went by the wall today and it is complete except for stucco. He was informed by the Building Department that they will not issue a final inspection until the stucco is done which will be this week. The Special Magistrate stated it will be continued to 28 August 2019 if there is no objection. The City has no objection. This will be continued to 28 August 2019 for compliance.

HARC Appeals

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SMA 19-02

KHP IV Key West LLC
Barton W. Smith, Esq.
601 Caroline Street
H2019 - 20

Continuance granted to 28 August 2019

The Special Magistrate granted the request to continue this case to 28 August 2019.

Adjournment