



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, October 2, 2013

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 305-809-3951 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 # 12-836

SHS Investment of South Florida Inc.

Si Stern

Robert M Weinberger, Registered Agent

820 White Street

Sec. 14-40 Permits in historic district

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

Sec. 90-363 Certificate of occupancy - required

Officer Bonnita Badgett

Certified Service: 8-31-2012 - Owner

9-13-2012 - Registered Agent

Initial Hearing: 9-26-2012

Continuance granted to January 29, 2014

Count 1: Placed low voltage cameras outside without HARC approval.

In compliance. **Count 2:** A business tax receipt is required for all 32

rooms. Only licensed for 19 guestrooms and 1 transient rental. **Count 3:**

A certificate of occupancy is required for the extra 12 rooms.

Attachments: [12-836 820 White St NOH](#)

[12-836 820 White St NOH RA](#)

Legislative History

9/26/12	Code Compliance Hearing	Continuance
12/19/12	Code Compliance Hearing	Continuance
1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance

2**Case # 12-1802**

Teresa A Cathey
718 Thomas Street
Sec. 58-61 Determination of levy charge
Sec. 90-363 Certificate of Occupancy; Required
Officer Bonnita Badgett
Certified Service: 2-22-2013
Initial Hearing: 2-27-2013

Continuance granted to January 29, 2014

Count 1: There are two units on the property. The city only recognizes one. **Count 2:** A Certificate of Occupancy is required for the second unit.

Attachments: [12-1802 718 Thomas St NOH](#)
 [12-1802 718 Thomas LUD appl.](#)
 [12-1802 718 Thomas St pics](#)

Legislative History

2/27/13	Code Compliance Hearing	Continuance
3/27/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance

3**Case # 13-718**

F James Manson
5 Hilton Haven Drive
Sec. 58-61 Determination of levy of charge
Sec. 90-363 Certificate of occupancy - Required
Officer Bonnita Badgett
Certified Service:
Initial Hearing: 10-2-2013

New Case

Count 1: A solid waste account is required for all units **Count 2:** A certificate of occupancy is required for all units

Attachments: [13-718 5 Hilton Haven NOH 8256](#)

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Case # 12-1755

Norma Barton
3722 Duck Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service:
Initial Hearing: 10-2-2013

In compliance, request dismissal

Count 1: The business tax receipt to rent this property is delinquent

Attachments: [12-1755 NOH](#)

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Case # 12-1773

Dwight Oglesbee
2434 Fogarty Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 90-363 Certificate of occupancy - Required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 122-238 Dimensional requirements (SF)
Officer Peg Corbett
Posted: 9-12-2013
Initial Hearing: 10-2-2013

New Case

Count 1: A complaint was received by the Key West Police Department stating that a cottage exists in the backyard of the subject property. There are no building permits on file for the cottage. **Count 2:** The subject cottage does not have the required certificate of occupancy. **Count 3:** The subject cottage is being rented without the benefit of a business tax receipt. **Count 4:** The subject cottage was built in the setback without benefit of an approved variance.

Attachments: [12-1773 2434 Fogarty NOH 5347](#)
[12-1773 2434 Fogarty NOH 5354](#)
[12-1773 Affidavit of Mailing](#)
[12-1773 Affidavit of Posting](#)

Legislative History

7/31/13 Code Compliance Hearing Continuance

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Case # 13-284

Alonzetta Theresa Thomas
224 Olivia Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Sec. 122-600 Dimensional requirements
Officer Peg Corbett
Certified Service: 8-19-2013
Initial Hearing: 10-2-2013

In compliance, request dismissal

Count 1: Shed was built without benefit of a permits **Count 2:** Shed was built without benefit of HARC certificate of appropriateness **Count 3:** Shed was built on the setback without the benefit of an approved variance.

Attachments: [13-284 NOH 8287](#)

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Case # 13-292

Torres Real Estate LLC
Orlando F Torres, R/A
Alexander's Guest House
1118 Fleming Street
Sec. 18-601 License Required
Sec. 122-1371 Transient living accommodations in residential dwellings
Sec. 122-599 Prohibited uses - HMDR
Officer Peg Corbett
Certified Service: 3-15-2013
Initial Hearing: 3-27-2013

Continuance granted to January 29, 2014**Irreparable violation**

Count 1: The subject property was held out and/or advertised as being available transiently on 22 February 2013 for a total of 17 units. Transient license is for 15 units only. **Count 2:** The subject property was held out and or advertised as being available transiently on 22 February 2013 for a total of 17 units when they are only licensed for 15. **Count 3:** Transient rentals are not permitted in Historic Medium Density Residential areas.

Attachments: [13-292 1118 Fleming St NOH](#)
[13-292 1118 Fleming St Amended NOH](#)
[13-292 1118 Fleming Web Advertisement](#)

Legislative History

3/27/13 Code Compliance Hearing Continuance
5/22/13 Code Compliance Hearing Continuance

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Case # 13-566

Jake Brady

Tetyana Rassokhina

3635 Flagler Avenue

Sec. 58-61 Determination of levy of charge

Sec. 90-363 Certificate of occupancy - Required

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

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 10-2-2013

New Case

Count 1: Utility accounts are required for the second unit **Count 2:** A certificate of occupancy is required for the second unit **Count 3:** Per the building file in April of 2000, permits were obtained to add a bedroom and bath. This conversion was subsequently modified to add a second unit without the benefit of building permits and required inspections

Count 4: A business tax receipt is required to rent the second unit

Attachments: [13-566 NOH 8270](#)

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Case # 13-776

Joseph L Lamarca III

Bonnie Chu

Larry Doyle

Walbach LLC

Stacy M Rocheleau, R/A

1318 Petronia Street

Sec. 18-601 License required - Counts 1 through 7

Sec. 122-599 Prohibited uses in HMDR - Counts 8 through 14

Officer Peg Corbett

Certified Service: 6-17-2013

Initial Hearing: 7-31-2013

Continued from August 28, 2013**Repeat/Irreparable**

Counts 1 through 7: The captioned property was held out and/or advertised as being available transiently on June 8, 2013, June 9, 2013, June 10, 2013, June 11, 2013, June 12, 2013, June 13, 2013 and June 14, 2013. **Counts 8 through 14:** The respondent rented the property located in the Historic Medium Density Residential area transiently on June 8, 2013, June 9, 2013, June 10, 2013, June 11, 2013, June 12, 2013, June 13, 2013 and June 14, 2013. Transient rentals are not permitted in the Historic Medium Density Residential area.

Attachments: [13-776 NOCV 5316](#)

[13-776 NOCV 5323](#)

[13-776 NOCV 5330](#)

[13-776 Transient Rental Agreement](#)

[13-776 Receipt for Payment](#)

Legislative History

7/31/13	Code Compliance Hearing	Continuance
8/28/13	Code Compliance Hearing	Continuance

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Case # 13-748

Andrea Ayres

1121 Whitehead Street

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

Officer Leonardo Hernandez

Certified Service: 9-10-2013

Initial Hearing: 10-2-2013 - rehearing

**Continued from August 28, 2013 - Settlement Agreement
Irreparable violation**

Count 1: For renting the property without a business tax receipt. The property is owned by US National Bank Association.

Attachments: [13-748 1121 Whitehead St NOH](#)

[13-748 1121 Whitehead Rental lease](#)

[13-748 1121 Whitehead NOH posted](#)

[13-748 1121 Whitehead Street NOH posting](#)

[13-541 2922 Flagler continuance request](#)

[13-748 1121 Whitehead email granting continuance](#)

[13-748 1121 Whitehead certificate of title](#)

[13-748 1121 Whitehead Court Order to Vacate](#)

[13-748 1121 Whitehead email from Bank representative](#)

[13-748 1121 Whitehead letter to bank good service 8897](#)

[13-748 1121 Whitehead RH NOH good service 8621](#)

[13-748 NOH letter 8621](#)

[13-748 NOH letter 8638](#)

[13-748 Gcard 8648](#)

Legislative History

7/31/13	Code Compliance Hearing	Continuance
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8/28/13	Code Compliance Hearing	Continuance
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Case # 13-683

Jean M Noel

Erwin Mayer & Moritz Didier - property owner

1300 15th Court #71

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

Officer Leonardo Hernandez

Certified Service: 7-31-2013 - tenant

Certified Service: 9-19-2013 - owner

Initial Hearing: 8-28-2013

Continued from August 28, 2013**Count 1:** Fence was erected without benefit of a building permit.**Attachments:** [13-683 1300 15th ct #71 NOH 7891](#)[13-683 Trailer # 71 pics](#)[13-683 1300 15th CT #71 Compliance pic](#)[13-683 1300 15th ct # 71 NOH g card tenant](#)[13-683 1300 15th ct #71 evidence](#)[13-683 1300 15th ct #71 letter to owner 7907](#)[13-683 1300 15th Ct #71 NOH notice land owner 8645](#)[13-683 1300 15th Ct #71 NOH notice to RA](#)[13-683 1300 15th ct lot 71 gcard 7907](#)[13-683 gcard NOH register agent](#)[13-683 1300 15th Ct #71 NOH Gcard 8645](#)**Legislative History**

8/28/13

Code Compliance Hearing

Continuance

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Case # 13-57

Yuliya Andrews
The Adult Entertainment Club
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

Motion to Stay Code Enforcement Proceedings filed with Judge Audlin

Continuance granted to December 18, 2013
Repeat/Irreparable

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.

Attachments: [13-57 200 Blk of Duval St NOH](#)
[13-57 Motion to Stay](#)

Legislative History

1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance
4/24/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance
8/28/13	Code Compliance Hearing	Continuance

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Case # 13-185

KWSC, Inc. d/b/a
 Adult Entertainment Club
 c/o Albert L Kelley, R/A
 Yuliya Andrews, Owner
 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

**Motion to Stay Code Enforcement Proceedings filed with Judge
 Audlin**

Repeat/Irreparable Violation**Continuance granted to December 18, 2013**

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.

Attachments: [13-185 Adult Entertainment Club 330 Blk of Duval NOH](#)
[13-185 300 Blk of Duval NOH](#)

Legislative History

2/27/13	Code Compliance Hearing	Continuance
4/24/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance
8/28/13	Code Compliance Hearing	Continuance

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Case # 13-938

Elaine S Coyle
810 Pearl Street
Sec. 18-601 License required
Sec. 122-1271 Transient living accommodations in residential dwellings;
regulations
Sec. 122-599 Prohibited uses in HMDR
Officer Jim Young
Certified Service: 9-3-2013
Initial Hearing: 10-2-2013

New Case - Settlement Agreement

Count 1: On July 26, 2013 this property was being held out for transient rental for \$150 per night without the benefit of the required transient license. **Count 2:** On July 26, 2013 this property was being held out for transient rental for \$150 per night without the benefit of the required transient license. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district.

Attachments: [13-938 Amended NOH](#)

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Case # 13-980

Allan C Flott
1304 Seminary Street A
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-599 Prohibited uses in HMDR
Officer Jim Young
Certified Service: 8-19-2013
Initial Hearing: 10-2-2013

Continuance granted to October 30, 2013

Count 1: On July 26, 2013 this property was held out for transient rental for \$95 per night without the benefit of the required transient license. **Count 2:** On July 26, 2013 this property was held out for transient rental for \$95 per night without the benefit of the required transient license. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district.

Attachments: [13-980 Amended NOH](#)
[13-980 1304 Seminary St ads](#)

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Case # 13-981

Shawn M Cowles

Adele Williams T/C

1216 White Street

Sec. 18-601 License required

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

Sec. 122-809 Prohibited uses HNCD

Officer Jim Young

Certified Service: 8-21-2013

Initial Hearing: 10-2-2013

New Case - Settlement Agreement

Count 1: On July 26, 2013 this property was being held out for transient rental for \$110 per night without benefit of the required transient license. **Count 2:** On July 26, 2013 this property was being held out for transient rental for \$110 per night without benefit of the required transient license. **Count 3:** Transient rentals are prohibited in the Historic Neighbor Commercial District.

Attachments: [13-981 Amended NOH](#)
[13-981 1216 White St ads](#)
[13-981 1216 White St. certified receipt](#)

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Case # 13-982

Todd A Santoro
1819 Venetia Street
Sec. 18-601 License required
Sec. 122-1371 Transient Living Accommodations in residential dwellings; regulations
Sec. 122-389 Prohibited uses in CL
Officer Jim Young
Certified Service: 8-22-2013
Initial Hearing: 10-2-2013

New Case

Count 1: On July 26, 2013 this property was being held out for transient rental for \$110.00 per night without the benefit of the required transient license. **Count 2:** On July 26, 2013 this property was being held out for transient rental for \$110.00 per night without the benefit of the required transient license. **Count 3:** Transient rentals are prohibited in the Limited Commercial district.

Attachments: [13-982 Amended NOH](#)
[13-982 1819 Venetia St ads](#)
[13-982 1819 Venetia St certified receipt](#)

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Case # 13-983

Eric W Grandcourt
1823 Venetia Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-389 Prohibited uses in CL
Officer Jim Young
Certified Service: 8-22-2013
Initial Hearing: 10-2-2013

New Case

Count 1: On July 26, 2013 this property was being held out for transient rental for \$100.00 per night without the benefit of the required transient license. **Count 2:** On July 26, 2013 this property was being held out for transient rental for \$100.00 per night without the benefit of the required transient license. **Count 3:** Transient rentals are prohibited in the Limited Commercial district.

Attachments: [13-983 Amended NOH](#)
[13-983 1823 Venetia St ads](#)
[13-983 1823 Venetia St certified receipt\(1\)](#)

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Case # 13-984

Natasha Matarazzo
1124 Stump Lane
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-629 Prohibited uses in HHDR
Officer Jim Young
Certified Service: 8-21-2013
Initial Hearing: 10-2-2013

New Case - Settlement Agreement

Count 1: On July 26, 2013 this property was being held out for transient rental for \$175.00 per night without the benefit of the required transient license. **Count 2:** On July 26, 2013 this property was being held out for transient rental for \$175.00 per night without the benefit of the required transient license. **Count 3:** Transient rentals are prohibited in the Historic High Density Residential district.

Attachments: [13-984 Amended NOH](#)

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Case # 13-985

Stephanie D Watkins
2501 Seidenberg Avenue Front
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Sec. 122-237 Prohibited uses in SF
Officer Jim Young
Certified Service: 9-12-2013
Initial Hearing: 10-2-2013

New Case - Settlement Agreement

Count 1: On July 26, 2013 this property was being held out for transient rental for \$95.00 per night without the benefit of the required transient license. **Count 2:** On July 26, 2013 this property was being held out for transient rental for \$95.00 per night without the benefit of the required transient license. **Count 3:** Transient rentals are prohibited in the Single Family district.

Attachments: [13-985 Amended NOH](#)
[13-985 2501 Seidenberg Ave ads](#)
[13-985 Green card 8355](#)

Mitigations

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Case # 09-1288

Richard & Deborah Bird
1316 and 1316 1/2 Whalton Street

Attachments: [09-1228 Request for Mitigatoin](#)
[09-1288 Mitigation Letter](#)
[09-1288 Notice of Migiation Hearing](#)

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Case # 13-401

Donal Morris Sr.
Gregory Morris R/S
918 James Street

Attachments: [13-401 918 James St NOH Posting](#)
[13-401 918 James St NOH](#)
[13-401 918 James St pics](#)

Legislative History

5/22/13 Code Compliance Hearing Continuance

6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance
8/28/13	Code Compliance Hearing	Continuance

Liens**23****Case # 12-991**

Rishi Gidwani
3609 Northside Drive
Hand Served: 9-5-2013

Attachments: [12-991 NOLH](#)

24**Case # 12-1613**

Orlando Alvarido
1010 Whitehead Street
Certified Service: 9-7-2013

Attachments: [12-1613 NOLH](#)

25**Case # 12-1744**

Michael Bernhardt
815 Pearl Street #4
Posted: 9-17-2013

Continuance granted to October 30, 2013

Attachments: [12-1744 815 Pearl NOLH 5897](#)

[12-1744 NOLH Posting](#)

[12-1744 NOLH Regular Mail](#)

26**Case # 12-1771**

Alexei Saenko
406 Petronia Street
Certified Service: 7-12-2013

Attachments: [12-1771 NOLH 5729](#)

[12-1771 NOLH 5736](#)

27**Case # 12-1793**

Robert Schreiber
2308 Patterson Avenue
Certified Service: 9-23-2013

Attachments: [12-1793 NOLH](#)

Adjournment