



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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.

The request to continue this case to January 29, 2014 was granted.

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.

The request to continue this case to January 29, 2014 was granted.

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

This case was continued for service.

4

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

This case was dismissed as requested by the code officer.

5

The Special Magistrate found Mr. Oglesbee in violation of all four counts. Imposed are costs of \$250. Also imposed is a fine of \$250 per day, per count if

compliance is not met by October 29, 2013. A compliance hearing will be held on October 30, 2013.

6

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.

This case was dismissed as requested by the code officer.

7

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.

The request to continue this case to January 29, 2014 was granted.

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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

This case was continued for service.

9

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.

The Special Magistrate listened to argument on whether an irreparable violation can be charged with \$5,000 per count, per day or if it can only be charged per count. He took this under advisement.

10

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.

The Special Magistrate found that Ms. Ayres was in violation. A Settlement Agreement was presented and approved. The Respondent agrees to the imposition of the Administrative Costs in the amount of \$250. If Respondent is found in violation of Section 66-87 again in the future, Respondent understands that the violation will be considered as repeat, punishable by up to \$500 per day, per count in addition to the irreparable fines. The Respondent also agrees to the payment of a fine in the amount of \$500. The total costs and fines will be \$750. The Respondent also agrees to a suspended fine of \$4,500. The suspension period shall be for 24 months from the date of the Special Magistrate's signature. If Respondent is found in violation of this or similar violations again within 24 months, or if the Respondent is otherwise found to be in violation of the agreement by a judge of competent jurisdiction, Respondent understands that the \$4,500 suspended fine will be imposed in addition to any new fines.

11

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.

Officer Hernandez stated that this case is in compliance but requested a finding without costs or fines which was granted by the Special Magistrate.

12

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.

The request to continue this case to December 18, 2013 was granted.

13

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.

The request to continue this case to December 18, 2013 was granted.

14**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.

The Special Magistrate found Ms. Coyle in violation. A Settlement Agreement was present and approved. The Respondent stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent is found in violation of sections 18-601, 122-1371 and 122-599 again in the future, Respondent understands that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

15**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.

The request to continue this case to October 30, 2013 was granted.

16

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.

The Special Magistrate found Mr. Cowles and Ms. Williams in violation. A Settlement Agreement was present and approved. The Respondents stipulate to the imposition of the Administrative Costs in the amount of \$250. If Respondents are found in violation of sections 18-601, 122-1371 and 122-599 again in the future, Respondents understand that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

17

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.

The Special Magistrate found Mr. Santoro in violation. Costs of \$150 were imposed.

18

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.

The Special Magistrate found Mr. Grandcourt in violation. Costs of \$150 were imposed.

19

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.

The Special Magistrate found Ms. Matarazzo in violation. A Settlement Agreement was present and approved. The Respondent stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent is found in violation of sections 18-601, 122-1371 and 122-599 again in the future, Respondent understands that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

20

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.

The Special Magistrate found Ms. Watkins in violation. A Settlement Agreement was present and approved. The Respondent stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent is found in violation of sections 18-601, 122-1371 and 122-599 again in the future, Respondent understands that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

Mitigations

21

Case # 09-1288

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

The Special Magistrate approved the mitigated amount of \$49,812.50 as long as the short sale goes through. If the short sale does not go through, the original amount of \$996,250 will be due and will have to be mitigated again.

22

Case # 13-401
Donal Morris Sr.
Gregory Morris R/S
918 James Street

The Special Magistrate did not accept the offer of "zero dollars". He took this matter under advisement and requested that the fines and fees per the ordinance be imposed. The original amount due was \$6,750. The amount now due is \$675 which is 10% of the original amount. Payment must be made within 30 days or the original amount will be due.

Liens

23

Case # 12-991
Rishi Gidwani
3609 Northside Drive
Hand Served: 9-5-2013

The Special Magistrate approved the filing of the lien.

24

Case # 12-1613
Orlando Alvarido
1010 Whitehead Street
Certified Service: 9-7-2013

The Special Magistrate approved the filing of the lien.

25

Case # 12-1744
Michael Bernhardt
815 Pearl Street #4
Posted: 9-17-2013

Continuance granted to October 30, 2013

The request to continue this case to October 30, 2013 was granted.

26

Case # 12-1771
Alexei Saenko
406 Petronia Street

Certified Service: 7-12-2013

After some discussion with Mr. Saenko, the Special Magistrate approved the filing of the lien.

27

Case # 12-1793

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

The request to continue this case to January 29, 2014 was granted.

Adjournment