



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, October 30, 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 # 13-1184**
AT&T FL
AT&T Mobility Corporation
Teresa G Blizzard
CT Corporation System, R/A
Leon Street
Sec. 74-32 Discharges to natural outlets
Officer Bonnita Badgett
Certified Service: 10-11-2013
Initial Hearing: 10-30-2013

Request dismissal

Count 1: For pumping water out of a manhole onto Leon Street causing a nuisance.

Attachments: [13-1184 NOH 8606](#)

2

Case # 12-972

Cecil Wilson Bain
Marcelyn R Cox
326 Truman Avenue
Sec. 90-363 Certificate of occupancy - required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Peg Corbett
Certified Service: 10-18-2013
Initial Hearing: 10-30-2013

Continuance granted to November 20, 2013

Count 1: A certificate of occupancy was not obtained for the stand-alone building on the Julia Street side which has two rental units.

Count 2: A business tax receipt is required for the two rental units.

Attachments: [12-972 ANOCV - NOH 8897](#)

3

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

Continued from October 2, 2013 for compliance

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
10/2/13 Code Compliance Hearing Continuance

4**Case # 13-511**

Kevin & Yvette Talbott

1701 Johnson Street

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

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

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of change

Officer Peg Corbett

Certified Service: 7-8-2013

Initial Hearing: 7-31-2013

Continued from August 28, 2013 for compliance

Count 1: A complaint was received that the garage was enclosed. Site visit confirmed that it was enclosed and a door and two windows were also installed. A fence was built on either side with a gate entry from the Ashby Street side all without benefit of a building permit. **Count 2:** A business tax receipt is required to rent this property. **Count 3:** A certificate of occupancy is required to rent this property. **Count 4:** The subject property does not have the required utility accounts or a waste management account as required by the city.

Attachments: [13-511 1701 Johnson NOH 5491](#)
[13-511 1701 Johnson St Photos of illegal unit](#)
[13-511 Naviline view shows one legal unit](#)

Legislative History

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

5

Case # 13-566

Jake Brady

Tetyana Rassokhina

3635 Flagler Avenue

Sec. 58-61 Determination and 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 - **Dismiss**

Officer Peg Corbett

Posted: 10-17-2013

Initial Hearing: 10-30-2013

New Case

Count 1: Subject property has two units. The rear unit must obtain utility accounts. **Count 2:** A certificate of occupancy is required for the second unit. **Count 3:** Building permits were obtained in 2000 to add a bedroom. This conversion was subsequently modified to add a second unit without the benefit of building permits and required inspections.

Count 4: A non-transient rental license is required for the second unit.

Attachments: [13-566 NOH 2 9871](#)

[13-566 NOH 8270](#)

[13-566 Affidavit of Mailing](#)

[13-566 Affidavit of Posting](#)

[13-566 Photo of Posting NOH](#)

6

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 October 2, 2013 - taken under advisement
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
10/2/13	Code Compliance Hearing	Continuance

7

Case # 13-894

Stephen Pla Estate

407 Olivia Street

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

Sec. 14-40 Permits in the historic district

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

Officer Peg Corbett

Certified Service: 9-27-2013

Initial Hearing: 10-30-2013

New Case

Count 1: A new front door was installed without benefit of a building permit. **Count 2:** A new front door was installed without benefit of a HARC certificate of appropriateness. **Count 3:** The subject property is being rented without the benefit of a non-transient rental license.

Attachments: [13-894 NOH 9864](#)

8

Case # 13-758

Andrea Shaye Morgan

621 Eaton Street

Sec. 74-209 Delinquent payments; disconnection and reconnection of service

Sec. 74-206 Owner's responsibility for payment

Officer Leonardo Hernandez

Certified Service: 6-13-2013

Initial Hearing: 6-26-2013

Continued from August 28, 2013

Count 1: Utility account is delinquent **Count 2:** Owner is responsible for payment.

Attachments: [13-758 621 Eaton St NOH 9030](#)
[13-758 621 Eaton account balance](#)
[13-758 621 Eaton emails](#)
[13-758 621 Eaton payment history & amount owed](#)

Legislative History

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

9

Case # 13-1091

Kevin & Grace Chaney

1203 17th Terrace

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

Officer Leonardo Hernandez

Certified Service: 10-8-2013

Initial Hearing: 10-30-2013

In compliance, request dismissal**Count 1:** A business tax receipt is required to rent the subject property.

Attachments: [13-1091 1203 17th Ter NOH 9031](#)
[13-1091 1203 17th Ter NOH 9079](#)
[13-1091 1203 17th Terrace courtesy notice](#)
[13-1091 1203 17th Terrace pics](#)
[13-1091 Keys Energy Services Account detail](#)
[13-1091 NOCV 8041](#)
[13-1091 NOCV Gcard 8041](#)
[13-1091 Rental Lease](#)
[13-1091 1203 17th Terr NOH Gcard 9031](#)
[13-1091 1203 17th ter Gcard 9079](#)

10

Case # 13-1239

John F Calleja
623 Angela Street
Sec. 110-256 Tree Abuse
Officer Leonardo Hernandez
Certified Service: 10-17-2013
Initial Hearing: 10-30-2013

New Case**Irreparable violation**

Count 1: A large portion of the bark from the Norfolk Pine tree has been removed

Attachments: [13-1239 623 Angela NOHI 8973](#)
[13-1239 623 Angela NOHI 8997](#)
[13-1239 623 Angela courtesy notice](#)
[13-1239 623 Angela pics](#)
[13-1239 623 Angela leo-calleja conversation affidavit](#)
[13-1239 623 Angela NOH hand served](#)
[13-1239 623 Angela NOH to tenant 8934](#)
[13-1239 623 Angela Up close pics](#)

11

Case # 13-1007

Burton Family Partnership
Eric T Burton, CPA, R/A
1446 Kennedy Drive
Sec. 14-262 Request for inspection
Sec. 14-237 Inspection
Officer Barbara Meizis
Certified Service: 9-14-2013
Initial Hearing: 10-30-2013

In compliance, request dismissal

Count 1: Failure to obtain an approved electrical inspection. **Count 2:**
.Failure to obtain an approved mechanical inspection.

Attachments: [13-1007 1446 Kennedy Dr signed NOH](#)
[13-1007 1446 Kennedy rtnd green card-reg agent refused](#)
[13-1007 1446 Kennedy Dr photos](#)

12

Case # 13-1188

Roger W Akers
Sandra J Henning R/S
804 Eisenhower Drive
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Barbara Meizis
Certified Service: 10-16-2013
Initial Hearing: 10-30-2013

Continuance granted to November 20, 2013**Repeat Violation**

Count 1: Pine Street side of property is littered with discarded items and is leaning against the neighbor's fencing along the entire 50 feet of the property. There is a second pile of debris located on the Eisenhower side and is visible from the city right of way.

Attachments: [13-1188 804 eisenhower nocv&noh signed](#)

13

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

Continued from October 2, 2013 - Settlement Agreement

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](#)

Legislative History

10/2/13 Code Compliance Hearing Continuance

Liens

14 **Case # 10-1425**
Dr. Richard Walker
2407 N Roosevelt Blvd
Certified Service: 10-10-2013

Attachments: [10-1425 NOLH](#)

15 **Case # 12-416**
Keys Shuttle
701 Thomas Street
Certified Service: 9-24-2013

Attachments: [12-416 NOLH](#)

16 **Case # 12-428**
Daniel Michie III
Discount Dumpsters
1430 7th Street
Certified Service: 9-19-2013

Attachments: [12-428 NOLH](#)

17 **Case # 12-586**
Michael Coppola
1109 Fleming Street
Certified Service:

Attachments: [12-586 NOLH](#)

18 **Case # 13-399**
Kevin Barlow
Susan Barlow, T/C
1209 Knowles Lane
Certified Service: 9-19-2013

Attachments: [13-399 NOLH](#)

Mitigations

19

Case # 12-1744

Michael Bernhardt
815 Pearl Street #4

Continued from October 2, 2013

Attachments: [12-1744 Request for Mitigation](#)
[12-1744 815 Pearl #4](#)

Adjournment