



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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.

The case was dismissed by the Special Magistrate as requested by the code officer.

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.

The Special Magistrate granted the continuance to November 20, 2013.

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.

The code officer stated that this property is not in compliance and the Special Magistrate imposed the fees and fines that were announced at the hearing on October 2, 2013.

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.

The code officer stated that this property is not in compliance and the Special Magistrate imposed the fees and fines that were announced at the hearing on August 28, 2013.

13-56
65

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.

Mr. Brady stated that he was in violation. The Special Magistrate did not impose any fines or fees at this time but reserves the right to if compliance is not met by December 17, 2013. A compliance hearing will be held on December 18, 2013.

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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 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.

The Special Magistrate stated that this is an irreparable violation and imposed \$5,000 per count, per day plus an administrative fee of \$250.

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.

The Special Magistrate found Mr. Pla in violation. Costs of \$250 were imposed. No fines will be imposed if compliance is met by December 17, 2013. A compliance hearing will be held on December 18, 2013.

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 October 30, 2013 for compliance

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

The Special Magistrate found Ms. Morgan in violation for not complying with the payment schedule. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day if compliance is not met by November 19, 2013. A compliance hearing will be held on November 20, 2013.

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.

The case was dismissed by the Special Magistrate as requested by the code officer.

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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

The Special Magistrate found Mr. Calleja and Armando Hernandez in violation. Costs of \$250 were imposed.

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.

The case was dismissed by the Special Magistrate as requested by the code officer.

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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

Continued from October 30, 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.

The Special Magistrate granted the continuance to November 20, 2013.

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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

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.

A Settlement Agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed.

Liens

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

The Special Magistrate approved the filing of the lien.

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

The Special Magistrate approved the filing of the lien.

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

The Special Magistrate approved the filing of the lien.

17 **Case # 12-586**
Michael Coppola

1109 Fleming Street

Certified Service:

This case was continued for service.

18

Case # 13-399

Kevin Barlow

Susan Barlow, T/C

1209 Knowles Lane

Certified Service: 9-19-2013

The Special Magistrate approved the filing of the lien.

Mitigations

19

Case # 12-1744

Michael Bernhardt

815 Pearl Street #4

Continued from October 2, 2013

This mitigation could not be heard. The property is not in compliance.

Adjournment