



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final Code Compliance Hearing

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Wednesday, September 26, 2012

1:30 PM

Old City Hall

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**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 # 11-1541**

James & Judith Wert

1424 Petronia Street

Sec. 66-87 Business tax receipt required

Sec. 58-61 Determination and levy of charge

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

Sec. 90-363 Certificate of Occupancy required

Officer Bonnita Badgett

Certified Service: 4-13-2012

Initial Hearing: 4-25-2012

**Continued to September 26, 2012 for compliance**

**Count 1:** A business tax receipt for all units is required to rent the property. **Count 2:** A solid waste account is required for all units.

**Count 3:** A building permit is required to build a third unit. **Count 4:** A certificate of occupancy is required prior to renting the third unit.

**This case was granted a continuance to November 14, 2012 for compliance.**

2

**Case # 12-222**

Peter Anderson

1205 11th Street

Sec. 66-102 Dates due and delinquent; penalties

Sec. 58-72 Responsibility of owner and tenant for payment

Sec. 74-206 Owners responsibility for payment

Officer Bonnita Badgett

Certified Service: 8-6-2012

Initial Hearing: 9-26-2012

### Rehearing

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

**Count 2:** The solid waste account is past due. **Count 3:** The sewer account is past due.

The Special Magistrate found Mr. Anderson in violation. Costs and fines were imposed. A request came in from Mr. Anderson requesting a rehearing which was granted. The new hearing will be held on October 17, 2012.

3

### Case # 12-338

James & Holly Cooney

415 United Street

Sec. 66-87 Business tax receipt required

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy - required

Officer Bonnita Myers

Certified Service: 4-7-2012

Initial Hearing: 4-25-2012

### Continued from September 26, 2012

**Count 1:** A business tax receipt is required to rent the two units on the property. **Count 2:** A solid waste account is required for both units.

**Count 3:** A certificate of occupancy is required for the second unit.

The Special Magistrate granted the continuance to October 17, 2012. A complete application must be submitted to Planning no later than October 10, 2012.

4

### Case # 12-344

Dan & Joanna Schoneck

3675 Seaside Drive 439

Sec. 66-102 Dates due and delinquent; penalties

Officer Bonnita Badgett

Posted: 8-30-2012

Initial Hearing: 9-26-2012

### Continued from September 26, 2012 for compliance

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

The Special Magistrate found Dan & Joanna Schoneck in violation. Costs of

\$250 were imposed. Also imposed was a fine of \$250. A compliance hearing will be held on October 17, 2012.

5

**Case # 12-514**

Brook W Gassner  
1012 Catherine Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Bonnita Badgett  
Posted: 9-12-2012  
Initial Hearing: 9-26-2012

**In compliance, request dismissal**

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

The Special Magistrate dismissed this case at the request of the Code Officer.

6

**Case # 12-586**

Michael Coppola  
1109 Fleming Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Sec. 58-63 Delinquency  
Officer Bonnita Badgett  
Certified Service: 7-30-2012  
Initial Hearing: 8-22-2012

**Continued from August 22, 2012 for compliance**

**Count 1:** A business tax receipt is required to rent your property.

**Count 2:** The sewer/solid waste accounts are delinquent.

The Code Officer stated that this property was not in compliance and the Special Magistrate ordered the fines be imposed.

7

**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

**New case**

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

**Count 2:** Placed low voltage cameras outside without

**The Special Magistrate granted the request to continue this case to December 19, 2012.**

8

**Case # 11-1286**

Faye G Logun

2310 Patterson Avenue

Sec. 122-1078 Restrictions on buildings and structures, including entryways, Counts 1-5

Sec. 14-37 Building permits; professional plans; display of permits, Count 6

Sec. 90-356 Building permits required, Count 7

Sec. 90-391 Variances, Counts 10 and 11

Officer Peg Corbett

Certified Service: 8-3-2012

Initial Hearing: 9-26-2012

**New Case**

**Counts 1-5:** Subject property has five rooms held out for rent (3 occupied at the time of inspection) without property ingress/egress.

**Count 6:** The main house was altered/renovated to add the above five subject rooms without the benefit of a building permit(s). **Count 7:** Two additional rooms were added to the original home in 2005 without the benefit of a building permit. **Counts 8 and 9:** For extending the main house to add the subject rooms identified in count one through five on the side setback of the property. For adding an outdoor shared bathroom facility on the rear setback of the property.

**The special magistrate accepted the admission to all counts. This case was continued to 12-19-12.**

9

**Case # 12-569**

Clifford C Cutler

726 Olivia Street

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

Officer Peg Corbett

Posted: 7-25-2012

Initial Hearing: 9-26-2012

**Continued from September 26, 2012 for compliance**

**Count 1:** A business tax receipt is required to rent your property.

The Special Magistrate found Mr. Cutler to be in violation. Costs of \$250 were imposed.

Also imposed was a fine of 25% of the business tax receipt (19.95 X 25% = \$4.99) The total amount due to the city is \$254.99. A compliance hearing will be held on October 17, 2012.

10

**Case # 12-762**

709 Windsor Lane LLC  
c/o Peter Nelson Brawn  
Vacation Homes of Key West  
c/o Cindy Rhoades  
B, B & B-B Registries, LLC/ R/A  
709 Windsor Ln Rear, D & E  
Sec. 18-601 License Required  
Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations - Counts 2 through 8  
Sec. 122-629 Prohibited uses (HHDR)  
Officer Peg Corbett  
Certified Service: 6-27-2012 Peter Brawn  
Certified Service: 6-29-2012 Cindy Rhoades  
Initial Hearing: 8-22-2012

**Continued from September 26, 2012**

**Irreparable violation**

**Count 1:** The captioned property was held out/or advertised as being available transiently on May 19, 2012 through May 26, 2012. **Counts 2 through 8:** The respondent(s) held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 19, 2012 through Mary 26, 2012. **Count 9:** The captioned property is located in the Historic High Density Residential (HHDR) district which prohibits transient rentals.

The Special Magistrate granted the continuance to October 17, 2012.

11

**Case # 12-789**

Barracuda Scooter dba KW Wheels  
Henry Dean  
1800 N Roosevelt Blvd  
Sec. 66-102 Dates due and delinquent; penalties. Counts 1 through 3  
Officer Peg Corbett  
Certified Service: 8-11-2012

Initial Hearing: 9-26-2012

**In compliance, request dismissal**

**Count 1:** The business tax receipt for bicycle rentals is delinquent.

**Count 2:** The business tax receipt for ticket sales is delinquent. **Count**

**3:** The business tax receipt for retail sales as accessory to rental activity is delinquent.

The Special Magistrate dismissed this case at the request of the Code Officer.

12

**Case # 12-1052**

Delice St Martin

1213 14th Street Lot 61

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

Sec. 102-158 Stop work order and penalty

Officer Peg Corbett

Certified Service: 8-29-2012

Initial Hearing: 9-26-2012

**Continuance granted to October 17, 2012**

**Irreparable violation**

**Count 1:** Restored/repared a screened addition without benefit of a building permit. **Count 2:** Work was continued after the stop work order was posted. The stop work order was removed without permission.

The Special Magistrate granted the continuance to October 17, 2012.

13

**Case # 11-1444**

Bird Construction LLC

Deborah & Richard Bird

730 Southard Trust

c/o Vincent F Barletta, Trustee

730 Southard Street

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

Sec. 14-40 Permits in the Historic District

Officer Leonardo Hernandez

Certified Service: 12-23-2011

Initial Hearing: 1-25-2012

**Irreparable Violation**

**Continued from June 12, 2012 for ruling**

**Count 1:** The chimney at this location was demolished without a

demolition permit. **Count 2:** The chimney at this location was demolished without HARC approval.

The Special Magistrate found Vincent F Barletta, Trustee and Bird Construction in violation. Costs of \$250 were imposed. Also imposed was a suspended fine of \$250.

14

**Case # 11-1548**

Tamara Redhead

1101 Simonton Street

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

Sec. 14-40 Permits in historic district

Sec. 90-363 Certificate of occupancy - required

Officer Leonardo Hernandez

Certified Service: 3-14-2012

Initial Hearing: 3-28-2012

**Continued from September 26, 2012 for compliance**

**Count 1:** A complaint was received on December 27, 2011 that the shed was converted into living space without a permit. **Count 2:** A complaint was received on December 27, 2011 that the shed was converted into living space without HARC approval. **Count 3:** A Certificate of Occupancy was not issued to use the shed as a living unit.

The Special Magistrate granted the continuance to October 17, 2012 for compliance.

15

**Case # 12-671**

Cynthia A Grissom

1401 Sunset Drive

Sec. 58-61 Determination and levy of charge

Officer Leonardo Hernandez

Certified Service: 5-5-2012

Initial Hearing: 5-23-2012

**Continued from September 26, 2012****Repeat Violation**

**Count 1:** Repeat violation of having two units when the City only recognizes one unit.

The Special Magistrate granted the continuance to October 17, 2012.

16

**Case # 12-689**

Charles & Jacqueline Hewett  
Vacation Homes of Key West  
c/o Cindy Rhoades  
1006 Packer Street  
Sec. 18-601 Transient License  
Sec. 122-1371 Transient Living Accommodations in Residential  
Dwellings; Regulations - Counts 2 through 8  
Sec. 122-599 Prohibited uses  
Officer Leonardo Hernandez  
Certified Service: 7-6-2012  
Initial Hearing: 8-22-2012

**Continued from September 26, 2012**  
**Irreparable violation**

**Count 1:** The captioned property was held out and/or advertised as being available transiently on June 4, 2012 through June 11, 2012.

**Counts 2 through 8:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 4, 2012 through June 11, 2012. **Count 9:** The captioned property is located in the Historic Medium Density Residential (HMDR) district which prohibits transient rentals.

**The Special Magistrate granted the continuance to October 17, 2012 for the Settlement Agreement.**

17

**Case # 12-846**  
Crowne Plaza La Concha  
430 Duval Street  
Sec. 26-31 Offensive and nuisance conditions prohibited  
Sec. 14-74 Nuisances  
Officer Leonardo Hernandez  
Certified Service: 8-20-2012  
Initial Hearing: 9-26-2012

**New Case**

**Count 1:** Offensive and nuisance conditions exist on and around the dumpsters since June 9, 2012. **Count 2:** The drain located in the dumpster enclosure was clogged and needed repair.

**The Special Magistrate granted the continuance to November 14, 2012.**

18

**Case # 12-851**  
Vladimir Prokhodnoy  
2301 Linda 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  
Sec. 90-356 Building permits required  
Officer Leonardo Hernandez  
Certified Service: 8-8-2012  
Initial Hearing: 9-26-2012

**Continued from September 26, 2012**

**Count 1:** A certificate of occupancy is required for the two extra units.  
**Count 2:** A solid waste account is required for all units on the property.  
**Count 3:** A business tax receipt is required to rent your property.  
**Count 4:** A building permit is required for all renovations that have been done.

The Special Magistrate granted the continuance to October 17, 2012.

19

**Case # 12-857**

Big Dave's Pets  
David Bradford  
2756 N Roosevelt Blvd  
Sec. 58-68 Commercial Waste Account  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Leonardo Hernandez  
Certified Service: 8-6-2012  
Initial Hearing: 9-26-2012

**In compliance, request dismissal**

**Count 1:** All commercial businesses must have a commercial solid waste account. **Count 2:** A business tax receipt is required the for the location of Big Dave's pets.

The Special Magistrate dismissed this case at the request of the Code Officer.

20

**Case # 12-878**

Scott R Zurbrigen  
Sean P Seckel T/C  
1123 Petronia Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Leonardo Hernandez  
Hand Served: 9-7-2012  
Initial Hearing: 9-26-2012

**In compliance, request dismissal**

**Count 1:** A business tax receipt is required to rent this property.

The Special Magistrate dismissed this case at the request of the Code Officer.

21

**Case # 12-950**

Angela Petronia LLC

Charles Krumel

610 Angela Street

Sec. 18-601 License required

Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations

Sec. 122-629 Prohibited uses

Office Leonardo Hernandez

Certified Service: 7-31-2012

Initial Hearing: 8-22-2012

**Continued from August 22, 2012****Irreparable violation**

**Count 1:** The subject property was rented transiently from July 1, 2012 through July 6, 2012 without a transient business tax receipt. **Counts 2 through 7:** The respondent held out the property in question as being available for rent transiently contrary on July 1, 2012 through July 6, 2012. **Count 8:** Transiently rental are prohibited in the Historic High Density Residential (HHDR) district.

The Special Magistrate found Angela Petronia LLC / Charles Krumel in violation. The Respondent was charged in the above styled cause with the following violations: Sec. 18-601, a regulation regarding the requirement for transient rental property to possess a valid business tax receipt. Sec. 122-1371(d)(9), a regulation regarding the prohibition of advertising or holding properties out as being available for transient rentals. Sec. 122-629, A regulation regarding the prohibition of transient rentals in the Historic High Density District. The Respondent stipulates to the imposition of the Administrative Cost in the amount of \$250.00. A fine of \$1,500 which represents the offered rental contract amount will also be imposed. The total fine will be \$1,750.00. The Respondent also agrees to a suspended fine of \$5,000.00. The suspension period shall be for 24 months from the date of the Special Magistrate's signature on the Settlement Agreement. 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 this agreement by a judge of competent jurisdiction, Respondent understands that the \$5,000.00 suspended fine will be imposed in addition to any new fines. If Respondent is found in violation of sections 18-601, 122-1371 and 122-629 of the City of Key West code of ordinances again in the future, Respondent understands that the violation(s) will be considered as repeat punishable by up to \$500.00 per day, per count in addition to the irreparable fines explained herein. The

Respondent agrees to immediately cease and desist activities that violate the code violation(s) listed in paragraph two at this or any other property in the City of Key West.

22

**Case # 12-1020**

Danielle K Kehoe

Andrew J Mendez

1006 17th Street

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

Officer Leonardo Hernandez

Certified Service: 8-31-2012

Initial Hearing: 9-26-2012

**Continued from September 26, 2012**

**Count 1:** A building permit is required prior to the commencement of work.

**This case was granted a continuance to October 17, 2012.**

23

**Case # 12-1078**

Peter N Brawn

1413 South Street &amp; 1314 Seminary Street

Sec. 62-2 Obstructions

Sec. 62-31 Maintenance of area between property line and adjacent paved roadway

Officer Bernice Hill

Certified Service: 9-10-2012

Initial Hearing: 9-26-2012

**New case**

**Counts 1 and 2:** These properties have landscaping that is overgrown and is blocking the City's right-of-way. **Counts 3 and 4:** These properties have landscaping that is overgrown and is blocking the City's right-of-way.

**The Special Magistrate dismissed this case at the request of the Code Officer.**

24

**Case # 12-1092**

Tim Gallagher

2904 Harris Avenue

Sec. 26-126 Clearing of property of debris and noxious material required

Sec. 62-2 Obstructions

Officer Bernice Hill

Certified Service:  
Initial Hearing: 9-26-2012

**In compliance, request dismissal**

**Count 1:** The lot is overgrown, and furniture is scattered within the property. **Count 2:** Furniture and palm trees are blocking the city right of way

**The Special Magistrate dismissed this case at the request of the Code Officer.**

**25**

**Case # 12-1118**

Raymond Mortimer Estate  
c/o Antonio Osborn  
419 Simonton Street  
Sec. 66-103 Transfer of License  
Officer Bernice Hill  
Certified Service:  
Initial Hearing: 9-26-2012

**Request dismissal for redraft**

**Count 1:** The business tax receipt to rent this property needs to be transferred to the current owner.

**The Special Magistrate dismissed this case at the request of the Code Officer for redraft.**

**26**

**Case # 11-633**

Arturo Cobo  
Elsa Degraffenreid R/S  
1517 Dennis Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-256 Required  
Sec. 14-262 Request for inspection  
Sec. 14-325 Permits required  
Sec. 14-358 Amendments to Florida Plumbing Code  
Sec. 14-327 Inspection  
Sec. 14-362 Connection to public sewer  
Sec. 90-363 Certificate of occupancy - required  
Officer Barbara Meizis  
Certified Service: 5-22-2012  
Initial Hearing: 6-12-2012

**Continued from August 22, 2012**

**Count 1:** A business tax receipt is required to rent the five dwelling units. **Count 2:** A building permit is required prior to subdividing the building into five dwelling units. **Count 3:** An electrical permit is required prior to doing any electrical work. **Count 4:** An electrical inspection is required. **Count 5:** A mechanical permit is required prior to doing any mechanical work. **Count 6:** A plumbing inspection is required prior to doing any plumbing work. **Count 7:** A mechanical inspection is required. **Count 8:** Coin operated washing machines and all other plumbing disposal systems must be connected to public sewer after having been inspected by the chief building official. **Count 9:** A certificate of occupancy is required for each of the five dwelling units.

The Special Magistrate found Arturo Cobo and Elsa Degraffenried in violation. The Respondents have secured a valid business tax receipt for non-transient rental at one recognized residential unit at 1517 Dennis Street. The Respondents shall have until December 31, 2012 to remove any persons occupying any structures not recognized by the City of Key West as habitable space. Specifically, the only structures recognized by the City are the single family residence located at the southern end of the Property and a commercial office and storage shed(s) located at the northern end of the Property. Any other use or occupancy must be vacated and definitively abandoned by December 31, 2012.

Further, in exchange for the good and valuable consideration herein, the Respondents agree to hold harmless and defend the City of Key West for any and all actions arising in tort, breach of contract, or any action brought where the City of Key West is named as a party defendant in connection with the existence of these unlawful units.

The Respondents will have until January 31, 2013 to: a: Restore the property by removing all residential units except for the existing single family residence on the south end of the Property and the storage shed (commercial use) on the north end of the property. b: Obtain the required after the fact electrical permits and inspections to keep the existing electrical or remove. c: Obtain the required after the fact plumbing permits and inspections to keep the existing plumbing or remove. d: Obtain the required after the fact mechanical permits and inspections to keep the existing mechanical components or remove.

The Respondents agree that the work outlined above will be done in compliance with the City of Key West Code of Ordinances.

The Respondents shall pay the administrative costs of \$250 within 30 days of the Special Magistrate's signature on the Settlement Agreement as outlined in paragraph 2. Further, if the Special Magistrate or a judge of competent jurisdiction makes the determination that compliance as outlines herein was not achieved on or before December 31, 2012, the Respondents are subject to a daily fine consistent with paragraph 1 above.

The Respondents acknowledge that if they are found in violation of the code sections listed in paragraph 1 again within 5 years of the Special Magistrate's signature on the Settlement Agreement, the future violation(s) will be considered as a repeat violation under Florida law.

Respondents agree to immediately Cease and Desist activities that violate the Code Violation(s) listed in paragraph one at this property or any other property in the City of Key West.

27

**Case # 12-453**

Patrick Ritter  
Samantha O'Farrell  
1707 Leon Street  
Sec. 66-102 Date due and delinquent; penalties  
Sec. 74-206 Owner's responsibility for payment  
Sec. 58-63 Delinquency  
Officer Barbara Meizis  
Certified Service: 8-13-2012  
Initial Hearing: 9-26-2012

**New Case**

**Count 1:** The business tax receipt to rent this property is delinquent  
**Count 2:** Property owner is responsible for delinquent sewer account  
**Count 3:** Property owner is responsible for delinquent solid waste account

The Special Magistrate found Patrick Ritter and Samantha O'Farrell in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 for the delinquent business tax receipt. The owners were also ordered to pay the delinquent sewer/solid waste account. As of 9-26-12 the amount due was \$3,631.04. The business tax needs to be paid in full. Amount due is \$89.79. All fees are payable within 30 days from the date of this order.

28

**Case # 12-535**

Canvass Creations  
Steven Ness - Contractor  
Kathryn McKee Ness  
Sec. 14-37 Building permits; professional plans, display of permits  
Sec. 14-40 Permits in the historic district  
Sec. 18-146 License required  
Carter N Norris, Rev. Tr. 1/27/2009 - Property owner  
508 William Street  
Sec. 14-37 Building permits; professional plans, display of permits  
Sec. 14-40 Permits in the historic district  
Sec. 18-117 Acts declared unlawful  
Officer Barbara Meizis  
Certified Service: 8-31-2012  
Certified Service: 9-5-2012  
Initial Hearing: 9-26-2012

**New Case**

**Count 1:** A building permit is required prior to the installation of an awning - owner of Canvass Creations and property owner. **Count 2:**

HARC approval is required prior to the installation of an awning -owner of Canvass Creations and property owner. **Count 3:** A license is required for installation of an awning - owner of Canvass Creations. **Count 4:** Aiding and abetting an unlicensed contractor - property owner

The Special Magistrate found Canvass Creations/Steve Ness and Carter Norris in violation. (1) The Respondents acknowledges that the maximum penalty provided by law which may be imposed upon a finding of a violation is \$250 per day, per charge, until the violation(s) are found to be in compliance. In addition, pursuant to FL Stat. 162.09, if the Code Compliance Special Magistrate finds that the damage is irreparable or irreversible in nature, a fine can be imposed of up to \$5,000 per count. (2) The Respondents understand that Administrative Costs in the amount of \$250 incurred by the City of Key West for the investigation or prosecution of this violation will be assess for the Norris Trust and that fines and Costs could result in judgment enforcement and/or liens against us and any qualified properties in Monroe County, Florida. The Respondents will secure an after the fact demolition approval of the awning structure within 30 days of the Special Magistrate's signature on the Settlement Agreement.

Respondent Ness shall pay a fine in the amount of \$250 to the City of Key West within 30 days of the Special Magistrate's signature on the Settlement Agreement.

The Respondents agree that the work outlined above will be done in compliance with the City of Key West Code of Ordinances.

The Respondents shall pay the administrative costs of \$250 within 30 days of the Special Magistrate's signature below as outlined in paragraph 2. Further, if the Special Magistrate or a judge of competent jurisdiction makes the determination that compliance as outlined herein was not achieved within 30 days of the Special Magistrate's signature on the Settlement Agreement, the Respondents are subject to a daily fine consistent with paragraph 1. The Respondents acknowledges that if they are found in violation of the code sections listed in paragraph 1 again within 5 years of the Special Magistrate's signature on the Settlement Agreement, the future violation( s)will be considered as a repeat violation under Florida law. Respondents agree to immediately Cease and Desist activities that violate the Code Violation(s) listed in paragraph one at this or any other property in the City of Key West.

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**Case # 12-904**

Sean Seckel

Scott Zurbrigen

1224 Florida Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations Counts 2 through 9

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

Sec. 122-599 Prohibited uses

Sec. 58-63 Delinquency

Sec. 74-206 Owner's responsibility for payment

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

Sec. 14-40 Permits in historic district  
Officer Barbara Meizis  
Hand Served:  
Initial Hearing: 9-26-2012

**Continued from September 26, 2012**  
**Repeat/Irreparable Violation**

**Count 1:** A transient rental license is required to rent your property transiently. **Counts 2 through 9:** The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371 on June 20, 2012 through June 27, 2012. **Count 10:** A business tax receipt is required to rent your property. **Count 11:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR). **Count 12:** The solid waste account is delinquent. **Count 13:** The sewer account is delinquent. **Count 14:** Cameras were installed without benefit of a build permit. **Count 15:** Cameras were installed without benefit of a certificate of appropriateness.

**The Special Magistrate granted the continuance to October 17, 2012.**

**30**

**Case # 12-982**  
Timothy O Greene  
726 Southard Street  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Barbara Meizis  
Certified Service: 8-31-2012  
Initial hearing: 9-26-2012

**In compliance, request dismissal**

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

**The Special Magistrate dismissed this case at the request of the Code Officer.**

**31**

**Case # 12-1014**  
Timothy O Greene  
1311 Villa Mill Alley  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Barbara Meizis  
Certified Service: 8-31-2012  
Initial Hearing: 9-26-2012

**In compliance, request dismissal**



**Count 1:** A business tax receipt is required to rent your property.

The Special Magistrate dismissed this case at the request of the Code Officer.

32

**Case # 12-1239**

Island Cigar & Tobacoria  
Alon Croitoru  
Carol Croitoru  
135 Duval Company - Property Owner  
c/o Peter Nelson Brawn  
Charles Ittah, Registered Agent  
Sec. 106-51 Prohibited - Counts 1 through 3 - Repeat  
Sec. 42-6 Tattoo establishments; temporary tattoos  
Officer Barbara Meizis  
Certified Service: 9-13-2012  
Initial Hearing: 9-26-2012

**Continued from September 26, 2012**

**Repeat Violation**

**Counts 1 through 3:** On September 1, 2012, September 2, 2012 and September September 5, 2012, a "boat" filled with cigars; a ' tall cigar "man" display and another display with cigars in it were located on the exterior of the building. The two doors which open out to Greene Street had a sign board on one with temporary henna tattoos and the other door had cigar boxes attached to it. This business does not currently have an exception to the outdoor display ordinance. **Count 4:** On September 1, 2012, September 2, 2012 and September 5, 2012, the signage warning about PPD was not displayed.

The Special Magistrate granted the continuance to October 17, 2012.

**HARC Appeals**

33

**SMA 12-05**

Daniel Harris  
c/o Patrick Wright  
914 James Street

The Special Magistrate continued this case to November 14, 2012.

**Mitigations**

**34**

**Case # 10-919**

John A Williams  
Paul N Hayes, R/A for  
Rent Key West Vacations  
1328 Atlantic Blvd

The Special Magistrate denied mitigating the fines and fees to \$250. He changed the date for the fines to start to the date of the letter from FEMA to the date the architect's letter was written. The total amount due is \$1950.00.

**Adjournment**