

City of Key West, FL

Old City Hall 510 Greene Street Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, March 27, 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 # 07-676

Sylvia E Marucci Shelly TR U/T/D 09-02-88 Carolyn Cochrane Executive

1402 Vernon Avenue Down Rear

Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business

Sec. 90-363 Certificate of Occupancy

Officer Bonnita Badgett Certified Service: 7-27-2012 Initial Hearing: 8-22-2012

Continued from February 27, 2013

Count 1: A business tax receipt is required to rent your property. **Count 2:** A certificate of occupancy is required for all units located on the property. There are a total of 5 units and the city only recognizes 3.

Attachments: 07-676 1402 Vernon Ave NOH

<u>07-676 1402 Vernon St leases</u> 07-676 1402 Vernon letter to DCA

Legislative History

8/22/12	Code Compliance Hearing	Continuance
10/17/12	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

3

2 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 Badgett Certified Service: 4-7-2012 Initial Hearing: 4-25-2012

Continued from December 19, 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.

Attachments: 12-338 415 United St NOH

12-338 415 United pics 6.8.12

12-338 415 United St Resolution 89-290

Legislative History

12/19/12 Code Compliance Hearing Continuance

Case # 12-1416

Peter & Carole Bombaro 1075 Duval Street R26

Sec. 18-602 Rebuttable presumption of violation

Sec. 18-601 License Required

Officer Bonnita Badgett Certified Service: 2-14-2013 Initial Hearing: 2-27-2013

Continued from February 27, 2013

Count 1: On September 27, 2012 the city received a complaint regarding advertising for transient rentals at the property of 1075 Duval Street R26. This property holds a non-transient rental license. **Count 2:** A transient rental license in required to rent this townhome transiently.

Attachments: 12-1416 1075 Duval St R26 NOH

Legislative History

Kevin & Beverly Jacobsen

2413 Linda Avenue

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

Officer Bonnita Badgett Certified Service: 12-6-2012 Initial Hearing: 1-30-2013

Continuance granted to May 22, 2013

Count 1: Replaced shed without benefit of a building permit

Attachments: 12-1421 2413 Linda Ave NOH

Legislative History

1/30/13 Code Compliance Hearing Continuance

5 Case # 12-1617

Pro-Crete Systems of Florida, LLC

Gregory Doyle 281 Trumbo Road

Sec. 74-32 Discharges to natural outlets

Officer Bonnita Badgett Certified Service: 2-4-2013 Initial Hearing: 2-27-2013

Continued from February 27, 2013

Irreparable Violation

Count 1: The city received a complaint on November 6, 2012. An R/V had its discharge hose running into the city storm water drain. OMI did testing for human fecal matter in the drain and the test was positive.

Attachments: 12-1617 281 Trumbo Rd NOH

12-1617 281 Trumbo Rd. OMI lab test

12-1617 281 Trumbo Rd. pics.

Legislative History

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 May 22, 2013

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

Legislative History

2/27/13 Code Compliance Hearing Continuance

Case # 12-1489

7

Eye Catcher Display & Signage (Cindy's Signs Inc.)

Cynthia Phillips

Sandra Phillips Registered Agent

All Keys Construction Inc.

Amber Shaffer

1700 N Roosevelt Blvd

Sec. 18-146 License Required - Eye Catcher

Sec. 18-117 Acts declared unlawful - All Keys Construction

Officer Kevin Caruso

Certified Service: 12-2-2012 - Eye Catcher

Initial Hearing: 12-19-2012

Continued from February 27, 2013

Count 1: Eye Catcher Display & Signage was installing a sign on or about October 9, 2012 without benefit of a contractor's license.

Count 2: On or about October 9, 2012, Eye Catcher Display & Signage was installing a sign. The permit was issued to All Keys Construction. Eye Catcher Display & Signage does not have a license to install signs.

Attachments: 12-1489 1700 N Roosevelt Blvd NOH Eye Catcher

12-1489 1700 N Roosevelt Blvd NOH All Keys Construction

12-1489 1700 N Roosevelt Pics

Legislative History

12/19/12	Code Compliance Hearing	Continuance
1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance

Alexel Saenko

406 Petronia Street

Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business

Sec. 122-869 Prohibited uses - HNC-3

Officer Kevin Caruso Posted: 2-6-2013

Initial Hearing: 2-27-2013

Continued from 2-27-2013 for compliance Request for rehearing was denied - untimely filed

Count 1: A business tax receipt is required to rent your property. **Count 2:** Boarding houses are prohibited in the HNC-3 district.

Attachments: 12-1771 406 Petronia St NOH

12-1771 406 Petronia St NOH Posting

<u>12-1771 406 Petronia St Pics 1</u> <u>12-1771 406 Petronia St Pics 2</u>

Legislative History

1/30/13 Code Compliance Hearing Continuance 2/27/13 Code Compliance Hearing Continuance

9 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 8 and 9

Officer Peg Corbett

Certified Service: 8-3-2012 Initial Hearing: 9-26-2012

Continued from February 27, 2013 for compliance

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

Attachments: 11-1286 2310 Patterson Ave NOH

11-1286 2310 Patterson Ave Amended NOCV

11-1286 2310 Patterson Ave Print Screen of Permits

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

Michael Pettry
Wanda Weeks

Wanda Weeks, R/S 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

Sec. 122-237 Prohibited uses - Single Family

Officer Peg Corbett

Certified Service: 12-24-2012 Initial Hearing: 1-30-2013

Continued from February 27, 2013 for compliance

Count 1: There are two units on this property. The city only recognizes one unit. Count 2: A certificate of occupancy is required for the second unit. Count 3: In April of 2000, permits were obtained to add a bedroom and bath. This conversion was subsequently modified to add a second unit without benefit of building permits and required inspections. Count 4: A business tax receipt is required to rent the second unit. Count 5: Multiple dwelling units are not permitted in the single family district.

Attachments: 12-1225 3635 Flagler Ave NOH

12-1225 3635 Flagler Email Planner to Home Owner

12-1225 3635 Flagler Planning Document outlining options to comply

Legislative History

1/30/13 Code Compliance Hearing Continuance 2/27/13 Code Compliance Hearing Continuance

11 Case # 12-1454A

Wilma R Jetter Estate

Roger A Wigle

2601 S Roosevelt Blvd C324

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

Sec. 102-158 Stop work order and penalty

Sec. 18-117 Acts declared unlawful

Officer Peg Corbett

Certified Service: 11-13-2012 Initial Hearing: 12-19-2012

Continued from January 30, 2013 for compliance Irreparable violation

Count 1: Remodeling unit without benefit of a permit. **Count 2:** For working over a stop work order. **Count 3:** The person doing the remodeling was Floyd Roloff, an unlicensed contractor.

Attachments: 12-1454 2601 S Roosvelt Blvd C324 NOH

12-1454 2601 S Rsvlt Blvd C324 Findings & Order Good Service on 14

Feb 2013

Legislative History

12/19/12 Code Compliance Hearing Continuance
1/30/13 Code Compliance Hearing Continuance

12 Case # 12-1454B

Floyd Roloff

2601 S Roosevelt Blvd C324

Sec. 14-37 Building Permits; professional plan; display of permit

Sec. 102-158 Stop work order and penalty

Sec. 18-146 License Required

Officer Peg Corbett

Certified Service: 2-7-2013 - original Notice of Hearing
Certified Service: - amended Notice of Hearing

Initial Hearing: 2-27-2013

Continued from February 27, 2013 Irreparable violation

Count 1: Received complaint on 2 October 2012 for remodeling this unit without the benefit of building permits. On 5-October 2012 a site visit with Dan McMahon (property manager) confirmed that electrical, plumbing and renovations had been done. A stop work order was posted. Count 2: On 24 October 2012, another site visit was conducted with the building inspector, myself and Dan McMahon. Additional work had been done after the stop work order was issued. Count 3: On 5 October 2012, Mr. Wigel (owner) and the property manager were notified that the handyman, Floyd doing the work was not licensed and could not continue the renovation work.

Attachments: 12-1454B 2601 S Roosevelt Blvd C324 Amended NOH

12-1454 2601 S Rsvlt Blvd C324 Photographs

Legislative History

Maor Kainan 1202 17th Terrace

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 Sec. 122-237 Prohibited uses

Officer Peg Corbett Posted: 2-8-2013

Initial Hearing: 2-27-2013

Continued from February 27, 2013

Count 1: A second unit has been added on the second floor of the main house. Utility accounts and impact fees need to be setup and paid in full. Count 2: A second unit has been added on the second floor of the main house for which there is no certificate of occupancy. Count 3: A second unit was added to the second floor of the main house without the benefit of building permits as required by City ordinance. Count 4: There is a tenant who currently resides in the upstairs unit. There is no business tax receipt to rent the second unit. Count 5: Multiples dwelling units are not permitted in a single family district.

<u>Attachments:</u> 12-1762 1202 17th Ter - Posted NOH

12-1762 Affidavits of Posting and Mailing 12-1762 1202 17th Terrace Bathroom

12-1762 1202 17th Terrace Photos of Kitchen

12-1762 1202 17th Terrace Email from Property Owner

Legislative History

Michael Bernhardt 815 Pearl Street 4 Sec. 58-63 Delinquency Officer Peg Corbett

Certified Service: 3-16-2013 Initial Hearing: 3-27-2013

New Case

Count 1: The sewer/solid waste account is delinquent.

Attachments: 12-1744 815 Pearl St 4 NOH

15 Case # 12-1793

Robert Schreiber

2308 Patterson Avenue

Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business

Officer Peg Corbett

Certified Service: 1-24-2013 Initial Hearing: 2-27-2013

Continued from February 27, 2013 for compliance

Count 1: Mr. Schreiber states he is the property manager for 2310 Patterson Avenue but he does not have a business tax receipt for subject business nor does he have a home occupational license with the city of Key West.

Attachments: 12-1793 2308 Patterson Ave NOH

12-1793 2308 F&O Good Service 3-6-13

12-1793 2308 Patterson Ave Email from Licensing

Legislative History

Shafiqul D Islam 1205 1st Street

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

Sec. 90-363 Certificate of occupancy - required Sec. 122-370 Dimensional requirements - MDR

Officer Peg Corbett

Certified Service: 3-14-2013 Initial Hearing: 3-27-2013

New Case

Count 1: For installing pvc pipe to a converted shed by Robert's Plumbing without the benefit of required building permits. **Count 2:** For renting out the converted shed without a certificate of occupancy. **Count 3:** The converted shed was built in the setback of the subject property.

<u>Attachments:</u> 13-143 1205 1st St NOH

13-143 1205 1st St Screen print of Permit in Plan Check

17 Case # 13-222

Cityview Trolley Tours of Key West, Inc.

c/o Gregory Wythe, R/A

Mallory Square

Sec. 18-414 Prohibited in certain locations

Officer Peg Corbett

Certified Service: 2-20-2013 Initial Hearing: 2-27-2013

Repeat/Irreparable Violation

Continued from February 27, 2013

Count 1: On February 11, 2013 at approximately 12:30 pm, a female employee (Darlene Gilkison) of Cityview Trolley approached a couple who were exiting the cruise ship Ryndam to ask of they had trolley tickets. When the couple replied no, the employee then handed them a Cityview map and began a transaction where tickets were exchanged and they were direct to other Cityview staff who then sold them tickets.

<u>Attachments:</u> 13-222 Mallory Square NOH

Legislative History

Cityview Trolley Tours of Key West, Inc. c/o Gregory Wythe, R/A Michael Thomas, P Tim Nechville

Sec. 18-414 Prohibited in certain locations

Officer Peg Corbett

Certified Service: 2-20-2013 Initial Hearing: 2-27-2013

Repeat/Irreparable Violation Continued from February 27, 2013

Count 1: On February 11, 2013 at approximately 12:20 pm a male employee (Tim Nechville) of Cityview Trolley approached an elderly couple who were exiting the cruise ship Ryndam and asked if they had trolley tickets. When the couple replied no, the employee then handed them a Cityview map and directed them to other Cityview staff who then sold them tickets.

Attachments: 13-223 Mallory Square NOH

Legislative History

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 Inititial Hearing: 3-27-2013

Continuance granted to May 22, 2013 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 Ammended NOH 13-292 1118 Fleming Web Advertisement

20 Case # 12-822

Blanche M Stapleton Michael J McMahon R/S 28 Seaside South Court

Sec. 66-87 Business tax receipt required

Officer Leonardo Hernandez

POSTED: 1-4-2013 Initial Hearing: 12-19-2012

Continued from February 27, 2013 for compliance

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

Attachments: 12-822 28 Seaside South Court NOH

12-822 28 Seaside South Ct Posting Pic

Legislative History

12/19/12 Code Compliance Hearing Continuance1/30/13 Code Compliance Hearing Continuance

2/27/13 Code Compliance Hearing Continuance

21 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 February 27, 2013 for status

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.

Attachments: 12-851 2301 Linda Ave NOH

Legislative History

9/26/12	Code Compliance Hearing	Continuance
10/17/12	Code Compliance Hearing	Continuance
12/19/12	Code Compliance Hearing	Continuance
1/30/13	Code Compliance Hearing	Continuance

Mary Ann Worth, L/E 314 Simonton Street

Sec. 14-40 Permits in historic district

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

Counts 2 and 3

Officer Leonardo Hernandez Certified Service: 3-8-2013 Initial Hearing: 3-27-2013

New Case

Count 1: Exceeded the scope of the HARC Certificate of Appropriateness by replacing 18 windows instead of the 8 windows that were applied for. Count 2: Exceeded the scope of the Building Permit by replacing 18 windows instead of the 8 windows that were applied for. Count 3: For installing two new toilets and two new hand washing sinks without benefit of a building permit.

Attachments: 13-194 314 Simonton St NOH

23 Case # 12-1159

Daniel J Soldano 617 Angela Street Sec. 14-256 Required

Sec. 14-262 Request for inspection

Officer Barbara Meizis Posted: 2-3-2013

Initial Hearing: 2-27-2013

Continued from February 27, 2013 for compliance

Count 1: Temporary electric pole shall be disconnected and permanent connection from house to main pole shall be installed. **Count 2:** Electrical inspection is required.

<u>Attachments:</u> 12-1159 617 Angela St - Posted NOH

12-1159 617 Angela St Photos

Orlando Alvarido

1010 Whitehead Street

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

Sec. 14-40 Permits in the historic district

Officer Barbara Meizis Posted: 2-3-2013

Initial Hearing: 2-27-2013

Continued from February 27, 2013

Count 1: A building permit is required prior to the construction of a new roof. **Count 2:** A certificate of appropriateness is required prior to the construction of a new roof.

Attachments: 12-1613 1010 Whitehead St - Amended NOH

12-1613 1010 Whitehead St - photos

<u>12-1613 1010 Whitehead St POSTED NOH</u> <u>12-1613 1010 Whitehead St - Posted NOH</u>

Legislative History

1/30/13 Code Compliance Hearing Continuance 2/27/13 Code Compliance Hearing Continuance

25 Case # 13-90

Christian & Michael Henriquez

3350 Pearl Avenue 40

Sec. 66-102 Dates due and delinquent; penalties

Officer Barbara Meizis Certified Service: 3-7-2013 Initial Hearing: 3-27-2012

In compliance, request dismissal

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

Attachments: 13-90 3350 Pearl Avenue 40 Amended NOCV&NOH

13-90 3350 Pearl Ave 40 KeysEnergy&Lease

Living Dolls Inc. Glenn Tanner Herschell Major Bianco Digennaro 516 Fleming Street

Sec. 114-103 Prohibited signs Sec. 70-116 Prohibited parking

Officer Jim Young

Certified Service: 1-12-2013 Initial Hearing: 1-30-2013

Continuance granted to April 24, 2013

Count 1: On 11 Dec 12, 17 Dec 12, 18 Dec 12, 19 Dec 12, 10 Jan 13 at ~ 12:46 am and 10 Jan 13 at ~ 1:04 am I observed a 1995 Chevrolet pick-up truck parked at the subject property with a prohibited portable sign attached to the rear bed. **Count 2:** No person shall park a vehicle upon any city street for the purpose of displaying advertising.

Attachments: 12-1820 516 Fleming St NOH

12-1820 Living Dolls truck pic B 12-1820 Living Dolls truck pic

Legislative History

1/30/13 Code Compliance Hearing Continuance 2/27/13 Code Compliance Hearing Continuance

Kenneth (Kenyatta) Arrington

400 Duval Street

Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business

Officer Jim Young

Hand Served: 1-9-2013 Initial Hearing: 1-30-2013

Continued from February 27, 2013 for compliance Irreparable Violation

Count 1: On January 9, 2013, Mr. Arrington was performing on private property without a business tax receipt. Subject was soliciting money for his performance.

<u>Attachments:</u> 13-55 Kenneth Arrington NOH Hand Served

13-55 400 Duval Street pic

13-55 400 Duval Street Chico's letter

Legislative History

1/30/13 Code Compliance Hearing Continuance 2/27/13 Code Compliance Hearing Continuance

Living Dolls Glenn Tanner Chelsea Lawson 300 Block of Duval

Sec. 18-415 (b) (1) a. Restrictions in the Historic District

Sec. 18-441 Required Officer Jim Young Certified Service:

Hand Serve: 1-10-2013 Chelsea Lawson

Certified Service: 1-12-2013 Initial Hearing: 1-30-2013

Continuance granted to April 24, 2013

Count 1: On January 10, 2013 at approximately 1:45 am, Chelsea Lawson was soliciting customers for Living Dolls at 300 Block Duval Street which is a prohibited area. **Count 2:** An Off-Premises Canvassing permit is required to engage in off-premises canvassing.

Attachments: 13-59 300 Blk of Duval St NOH Hand Served

13-59 300 Blk of Duval St NOH 13-59 Living Dolls NOH Amended

Legislative History

1/30/13 Code Compliance Hearing Continuance 2/27/13 Code Compliance Hearing Continuance

29 Case # 12-991

Rishi Gidwani

3609 Northside Drive

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

Officer Peg Corbett Posted: 12-27-2012 Initial Hearing: 1-30-2013

Continued to amend the Findings and Order

Attachments: 12-991 3609 Northside Dr F&O

Liens

30 Case # 10-1425

Dr. Richard Walker 2407 N Roosevelt Blvd Certified Service: 2-13-2013

Continuance granted to May 22, 2013

<u>Attachments:</u> 10-1425 2407 N Roosevelt Blvd Lien Hearing

Adjournment