



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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.

The Special Magistrate found Sylvia E Marucci Shelly TR in violation. Costs of \$250 were imposed. The property has been brought into compliance. The costs have been paid and this case is now closed.

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.

The Special Magistrate found James & Holly Cooney in violation. No fees or fines were imposed at this time. The court reserves the right to impose fines and fees if the property is not brought into compliance by May 21, 2013. A compliance hearing will be held on May 22, 2013.

3

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 is required to rent this townhome transiently.

The Special Magistrate found Peter & Carole Bombara in violation. The property is in compliance. The transient rental advertisement was removed from the internet. No fines or fees were imposed. This case may serve as a predicate for a repeat violation status should similar violations occur in the future as applicable.

4

Case # 12-1421

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

This case was continued to May 22, 2013.

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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.

The Special Magistrate was presented with a Settlement Agreement that he approved. The Respondent agrees and stipulates to the imposition of a fine in the amount of \$500.00 and Administrative Costs and Clean-up Costs in the amount of \$650.74 for a total of \$1,150.74. The Respondent has 30 days from the March 27, 2013 to make full payment. The Respondent also agrees to a suspended fine of \$4,500.00. The suspension period shall be for 24 months from March 27, 2013. 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 or similar violations again within 24 months, or if the Respondent is otherwise found in violation of the agreement by a judge of competent jurisdiction, Respondent understands that the \$4,500.00 suspended fine will be imposed in addition to any new fines.

6

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 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.

This case was continued to May 22, 2013.

7

Case # 12-1489

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.

The Special Magistrate was presented a Settlement Agreement which he approved. Respondents agree to the imposition of the Administrative Costs in the amount of \$250.00 to be paid equally between the Respondents. If Respondents All Keys Construction, Inc. is found in violation of Sec. 18-117 again in the future, or if the Respondent Eye Catcher Display & Signage, (Cindy's Signs, Inc.) is found in violation of Sec. 18-146 again in the future, Respondents understand that the violations will be considered as repeat, punishable by up to \$500.00 per day, per count. The Respondents also each agree to the payment of a fine in the amount of \$100.00. The total fines and costs to be paid between the Respondents is \$450.00. The Respondents also each agree to a suspended fine of \$150.00. The suspension period shall be for 24 months from March 27, 2013. If either Respondent is found in violation of this or similar violations again within 24 months of March 27, 2013, or if a Respondent is otherwise found to be in violation of this agreement by a judge of competent jurisdiction, that Respondent understands that the \$150.00 suspended fine will be imposed in addition to any new fines. Fines and fees were paid in full, this case is now closed.

8

Case # 12-1771

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.

The code officer stated that this case is not in compliance and the Special Magistrate imposed the fines and fees that were assessed at the hearing on February 27, 2013.

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.

The Special Magistrate extended the compliance date to April 24, 2013 at the request of the attorney for Ms. Logun.

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Case # 12-1225

Michael Pettry

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.

The code officer stated that this property is not in compliance and the Special Magistrate imposed the fines and fees that were assessed at the hearing on February 27, 2013. The realtor for the property stated that this property was sold on March 15, 2013. The Special Magistrate stated that the violations go with the property.

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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.

The Special Magistrate extended the compliance date to April 24, 2013 at the request of the attorney for Mr. Wigle.

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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.

The Special Magistrate granted the continuance to April 24, 2013 for the Settlement Agreement.

13

Case # 12-1762

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.

The Special Magistrate found Mr. Kainan in violation. Costs of \$250 were imposed. Also imposed was a fine of \$100 per day, per count, total of 4 counts, if compliance is not met by April 23, 2013. A compliance hearing will be held on April 24, 2013.

14

Case # 12-1744

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.

The Special Magistrate found Mr. Bernhardt in violation. Costs of \$250 were imposed. The delinquent sewer/solid waste account must be paid in full by April 23, 2013 or a fine of \$50 per day will be imposed. A compliance hearing will be held on April 24, 2013.

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.

The Special Magistrate found that Mr. Schreiber was not in compliance. He imposed the fines and fees that were assessed at the hearing on February 27, 2013.

16

Case # 13-143

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.

The Special Magistrate found Mr. Islam in violation. No fines or fees were impose at this time. The court reserves the right to imposed fines and fees if the property is not brought into compliance by April 23, 2013. A compliance hearing will be held on April 24, 2013.

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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.

The Special Magistrate was presented a Settlement Agreement which he disapproved. He stated that there should be a clause in the agreement stating what City View would do to train their employees what they are allowed to do or not allowed to do. This case was continued to April 24, 2013.

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Case # 13-223

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.

The Special Magistrate was presented a Settlement Agreement which he disapproved. He stated that there should be a clause in the agreement stating what City View would do to train their employees what they are allowed to do or not allowed to do. This case was continued to April 24, 2013.

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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 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.

This case was continued to May 22, 2013.

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

The code officer stated that this property is not in compliance. The lien cannot be filed until the bankruptcy is completed.

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.

The code officer stated that the property is in compliance but requested a finding and costs. The Special Magistrate granted the request.

22

Case # 13-194

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.

The code officer stated that this property is in compliance and the Special Magistrate dismissed the case.

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.

The code officer stated that the compliance date for this case is March 29, 2013. The Special Magistrate stated that he would reserve ruling.

24

Case # 12-1613

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.

The Special Magistrate found Mr. Alvarido in violation. Costs of \$250 were imposed. Also imposed was a fine of \$100 per day, per count if compliance was not met by April 23, 2013. A compliance hearing will be held on April 24, 2013.

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.

The code officer stated that the property is in compliance but requested a finding without fees or fines. The Special Magistrate granted the request.

26

Case # 12-1820

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.

The Special Magistrate granted the continuance to April 24, 2013.

27

Case # 13-55

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.

The code officer stated that Mr. Arrington is in compliance. After some discussion, the Special Magistrate stated that the fines from this case were vacated and the costs of \$250 would be suspended if Mr. Arrington paid the costs that he owes from the previous case. Mr. Arrington has 30 days to pay.

28

Case # 13-59

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.

The Special Magistrate granted the continuance to April 24, 2013.

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

The Special Magistrate extended the compliance date to March 27, 2013.

Liens

30

Case # 10-1425
Dr. Richard Walker
2407 N Roosevelt Blvd
Certified Service: 2-13-2013

Continuance granted to May 22, 2013

The case was continued to May 22, 2013.

Adjournment