



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, November 16, 2011

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 # 11-646
CT Corporation Systems, R/A for
First-Citizens Bank & Trust Company
3883 S Roosevelt Blvd
Sec. 26-126 Clearing of Property
Sec. 26-37 Removal of Graffiti
Officer Gary Addleman
Certified Service: 10-11-2011
Initial Hearing: 11-16-2011

Continuance granted to December 14, 2011

The property needs to be cleared of debris and maintained. The graffiti needs to be removed from the storage trailer.

The Special Magistrate approved the continuance to December 14, 2011.

- 2 **Case # 11-710**
Katerina Gomez
2524 Fogarty Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Officer Gary Addleman
Certified Service: 10-20-2011
Initial Hearing: 11-16-2011

New Case

A building permit is required for all pools that extends more the 30

inches above the existing ground level

The Special Magistrate found Katerina Gomez in violation for installing a pool that is more than 30" above the exiting ground level. No fines or fees were imposed at this time. A compliance hearing will be held on December 16, 2011.

3

Case # 11-980

Justo Maqueira
1218 White Street
Sec. 66-87 Business Tax receipt required for all holding themselves out to be engaged in business
Officer Gary Addleman
Certified Service: 10-8-2011
Initial Hearing: 11-16-11

Continuance granted to December 14, 2011

A business tax receipt is required for each unit that is being rented

The Special Magistrate approved the continuance to December 14, 2011.

4

Case # 11-1053

Frederick S Naugler
1012 Watson Street
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. 90-363 Certificate of occupancy - Required
Officer Gary Addleman
Certified Service: 10-20-2011
Initial Hearing: 11-16-2011

In compliance, request dismissal

A building permit is required prior to the installation of propane tanks. A business tax receipt is required for the fourth unit. A certificate of occupancy is required for the fourth unit.

Officer Addleman stated that this property is in compliance and the case was dismissed by the Special Magistrate.

5

Case # 11-1116

Diane & Richard Cain
Mildred B Lehecka
1103 Virginia Street
Sec. 14-37 Building permits; professional plans, display of permits
Sec. 14-40 Permits in the historic district

Officer Gary Addleman
Certified Service: 10-14-2011
Initial Hearing: 11-16-2011

New Case

Building permit and HARC approval required prior to the construction of a carport

The Special Magistrate found that Diane & Richard Cain and Mildred Lehecka are in violation of failure to obtain a building permit and HARC approval for the carport. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day if not in compliance by December 15, 2011 (HARC Commission meeting is December 14, 2011). A status hearing will be held on December 14, 2011. If the respondent needs additional time to remove the carport, a written request must be received prior to the 15th.

6

Case # 09-1193

Allen Hansen
2002 Seidenberg Avenue
Sec. 58-61 Determination of Levy Charge
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 Dotty Austin
Certified Service: 9-22-2011
Initial Hearing: 10-19-2011

Continued from October 19, 2011

For renting two units when only 1 sewer/solid waste account exists with the City. A certificate of occupancy is required for all units. A business tax receipt is required for all units.

The Special Magistrate continued this case to January 25, 2012. The LUD has been with planning since April of 2011. Mr. Craig (Planning Director) stated that is should be completed by that time.

7

Case # 10-1274

Rockwell Property, Inc.
Catalfomo & Farrelly, R/A
Trepanier & Assoc., Inc.
Owen Trepanier
Richard W Hoy, DPS
2 Scheppens Lane
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Dotty Austin

Certified Service: 8-15-2011
Certified Service: 11-10-2011 - Irreparable Notice
Initial Hearing: 8-31-2011

Continuance granted to December 14, 2011

Count 1: Prior to October 8, 2010 it was determined that a staircase was demolished without a building permit. **Count 2:** Prior to October 8, 2010 it was determined that a staircase was demolished without HARC approval. **Count 3:** Prior to October 8, 2011 it was determined that a staircase was built without required building permits. **Count 4:** Prior to October 8, 2010 it was determined that a gable roof was demolished without a building permit. **Count 5:** Prior to October 8, 2010 it was determined that a roof deck was built without required building permits. **Count 6:** Prior to October 8, 2010 it was determined that a fence was built on the roof deck without building permits.

The Special Magistrate approved the continuance to December 14, 2011.

8

Case # 10-1425

Richard Walker
2407 N Roosevelt Blvd
Sec. 14-37 Building Permits; Professional Plans; Display of Permits
Officer Dotty Austin
Certified Service: 10-11-2011
Initial Hearing: 10-19-2011

Continued from October 19, 2011

On May 16, 2011, construction and or renovations of docks, railings, 3 buildings including plumbing and electrical was observed on the property. No permits have been issued for this work.

The Special Magistrate found Dr. Walker in violation of construction and or renovations of docks, railings, three buildings including plumbing and electrical without benefit of a permit. Costs of \$250 were imposed. The court reserves the right to impose fines if completed applications to DEP and Army Corps are not filed by December 13, 2011. A status hearing will be held on December 14, 2011.

9

Case # 11-712

Roger W Akers
Sandra J Henning
804 Eisenhower Drive
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Sec. 26-126 Clearing of Property
Sec. 14-256 Required for Electric

Officer Dotty Austin
Certified Service: 7-25-2011
Initial Hearing: 8-31-2011

Continued from October 19, 2011

A building permit and HARC approval are required prior to the commencement of building a shed. An electrical permit is required prior to the installation of pool equipment.

The Special Magistrate found Roger Akers and Sandra Henning in violation of building a shed without benefit of a permit and HARC approval and for the unsightly yard. The violation for the electric was dismissed. No fines or fees were imposed at this time. Compliance must be met by January 24, 2012. A compliance hearing will be held on January 25, 2012.

10

Case # 11-775

Kimberly L Blanchette
407 Whitehead Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Dotty Austin
Certified Service: 8-22-2011
Initial Hearing: 9-28-2011

Continued from September 28, 2011

Building permits and HARC approval are required prior to the construction of a laundry room.

The Special Magistrate found Kimberly Blanchette in violation of building a laundry room without benefit of a permit. Costs of \$250 were imposed. The court reserves the right to impose fines if compliance is not met by December 13, 2011. A compliance hearing will be held on December 14, 2011.

11

Case # 11-923

Kiyoto Wada
2015 Seidenberg Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Officer Dotty Austin
Certified Service: 10-8-2011
Initial Hearing: 11-16-2011

New Case

On July 13, 2011 it was discovered that an addition was being built onto the house without required building, plumbing and electrical permits.

The Special Magistrate granted the continuance to December 14, 2011.

12

Case # 11-542

906 Fleming Street, LLC
John E Anding, Mgr.
Richard M Klitenick, R/A
for 906 Fleming Street LLC
906 Fleming Street
Sec. 18-601 Transient License
Sec. 122-839 Prohibited uses in HNC-2
Sec. 122-1371 Transient Living Accommodations
Officer Ginny Haller
Certified Service: 6-7-2011
Initial Hearing: 6-29-2011

Continued from October 19, 2011

A transient license is required to rent property transiently. Transient rentals are prohibited in the HNC-2 district. The property was held out and/or advertised as being available transiently on August 5, 2011 through August 19, 2011 without the benefit of a valid transient rental license.

The Special Magistrate continued this case to December 14, 2011 so that he could review the evidence that was submitted.

13

Case # 11-615

John McCoy & Constance Kara
215 Eneas Lane
Sec. 14-37 Building Permits, Required
Sec. 102-152 Certificate of Appropriateness
Sec. 102-158 Stop Work Order & Penalty
Officer Ginny Haller
Certified Service: 8-4-2011
Initial Hearing: 8-31-2011

Irreparable Violation**Continued from October 19, 2011**

A building permit and Certificate of Appropriateness are required prior to change out the door, stucco, installation of A/C units and installation of copper tubing. For working over a stop work order.

The Special Magistrate approved the continuance to December 14, 2011 so that Mr. McCoy could make all of his payments for the sewer/solid waste account.

14

Case # 10-1375

MCCAR Investment Corp
Michael Browning, R/A
924 Kennedy Drive A
Sec. 14-37 Building Permits, Display
Sec. 14-358 Permit Required for Plumbing
Sec. 58-61 Determination & Levy
Sec. 90-356 Building Permit Required
Sec. 90-363 Certificate of Occupancy
Officer Barbara Meizis
Certified Service: 7-13-2011
Initial Hearing: 8-31-2011

Continued from October 19, 2011

Plumbing permits are required prior to installation of running water. Property owner must obtain a determination & levy for solid waste collection on new shed/unit. Building permits are required. A certificate of occupancy is required.

Mr. Ramsingh requested that this case be continued to December 14, 2011 so that the inspection of the shed can be done. The continuance was approved by the Special Magistrate.

15

Case # 11-300

Patricia D Lewis & Claudina T V Castillo (B/Q)
Ronald C Lewis & Daryl E Lewis (T/C)
Joan Jean Poitier T/C
820 Johnson Lane
Sec. 14-262 Request for inspection
Officer Barbara Meizis
Certified Service: 11-2-2011
Initial Hearing: 11-16-2011

New Case

Person installing the wiring must request a final inspection by the City of Key West Electrical Inspector immediately and be approved.

The Special Magistrate found Daryl Lewis and Ronald Lewis in violation. No fines or fees were imposed at this time. Compliance must be met by December 13, 2011. A compliance hearing will be held on December 14, 2011.

16

Case # 11-785

Brian & Kimberly Blanchette
1312 Reynolds Street 1
Sec. 14-40 Permits in the Historic District
Sec. 14-31 Florida Building Code

Officer Bonnita Myers
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

Continued from October 19, 2011

A building permit and HARC approval is required prior to replacing roof with V-crimp.

The Special Magistrate found Brian & Kimberly Blanchette in violation of replacing their roof without HARC approval and a building permit. Costs of \$250 were imposed. The Special Magistrate took the imposition of fines under advisement. A hearing will be held on December 14, 2011 if no order is issued prior to that date.

17

Case # 10-1453
Richard Wunsch
613 Ashe Street
Sec. 66-87 Business Tax Receipt Required
Sec. 14-37 Building Permits, Display
Sec. 90-363 Certificate of Occupancy
Officer Jim Young
POSTED: 5-6-2011
Initial Hearing: 5-25-2011

Continued from 8-3-2011 for compliance

A business tax receipt is required to rent your property. A building permit is required to add a living unit. A certificate of occupancy is required for the third unit.

The Special Magistrate approved the continuance request to December 14, 2011.

18

Case # 10-1554
Reshma Gidwani
3700 Pearlman Court
Sec. 14-37 Building Permits, Display
Sec. 66-102 Delinquent Business Tax
Officer Jim Young
Hand Served: 7-15-2011
Initial Hearing: 8-3-2011

Continued from October 19, 2011 for compliance

For failure to obtain a building permit for installing electricity in the shed and the business tax receipt is delinquent

The Special Magistrate approved the continuance request to December 14, 2011.

19

Case # 11-43

Maria G & Frank Ratcliff
Ratcliff Welding of Key West
1105 Simonton Street
Sec. 14-37 Building Permits; Display
Sec. 14-40 Permits in the Historic District
Sec. 102-152 Certificate of Appropriateness
Officer Jim Young
Certified Service: 4-19-2011
Initial Hearing: 5-25-2011

In compliance, request dismissal

A building permit and HARC approval are required prior to pouring concrete. A Certificate of Appropriateness is required prior to the installation of three new containers.

Officer Young stated that this property is in compliance and the case was dismissed by the Special Magistrate.

20

Case # 11-929

Cecil E Alf Irrevocable Trust
Knabe Family Ltd. Partnership T/C
c/o Craig Knabe, R/A
431 Front Street
Sec. 14-37 Building Permits Required; Display
Sec. 14-40 Permits in the Historic District
Officer Jim Young
Certified Service: 8-15-2011
Initial Hearing: 9-28-2011

Continued from September 28, 2011

On July 19, 2011 a new sign was erected atop of the ticket booth located at 431 Front Street C without the required HARC Certificate of Appropriateness.

The Special Magistrate took testimony from the City. The balance of this case will be heard on February 29, 2012 at 10 am.

21

Case # 11-934

Kenneth (Kenyatta) Arrington
Street Performer
Sec. 6-2 Permit Required
Sec. 6-4 Permit Regulations
Officer Jim Young
Hand Served: 7-21-2011

Initial Hearing: 8-31-2011

Continued from October 19, 2011 for compliance

Permittee shall furnish and maintain public liability and property damage insurance. Amplified music is prohibited.

The Special Magistrate was informed that Mr. Arrington was not in compliance. He gave Mr. Arrington five days to submit anything in writing for his consideration.

22

Case # 11-1209

Darryl Fohrman R/A for
Hildenborough Hotels LTD., Inc.
1129 Fleming Street
Sec. 122-839 Prohibited uses in HNC-2
Officer Jim Young
Certified Service: 10-26-2011
Initial Hearing: 11-16-2011

New Case

The subject property has a bar and restaurant open to the general public. This type of activity is prohibited in the HNC-2 zoning district.

This case has been continued to January 9, 2012 at 10 am.

23

Case # 11-1334
Kenneth (Kenyatta) Arrington
Street Performer
Sec. 6-2(c)(vi)
Sec. 6-4(w)
Officer Jim Young
Hand Served: 11-2-2011
Initial Hearing: 11-16-2011

New Case

Repeat Violation

Count 1: On October 27, 2011 at ~ 8:22 pm, Kenneth (Kenyatta) Arrington was in front of the La Concha performing. Mr. Arrington has not obtained public liability and property damage insurance and therefore is not allowed to perform on the city right-of-way. **Count 2:** On October 27, 2011 at ~ 8:22 pm, Kenneth (Kenyatta) Arrington was in front of the La Concha performing using an amplifier which is prohibited.

The Special Magistrate approved the continuance request to December 14, 2011.

Mitigations

24 Case # 10-397
Bank of America
c/o US Real Estate Services, Inc.
3317 Eagle Avenue

The Special Magistrate approved the mitigated amount of \$2,500.

Adjournment