



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, January 29, 2014

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 # 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

**Continuance granted to March 19, 2014**

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

In compliance. **Count 2:** A business tax receipt is required for all 32

rooms. Only licensed for 19 guestrooms and 1 transient rental. **Count 3:**

A certificate of occupancy is required for the extra 12 rooms.

**Attachments:** [12-836 820 White St NOH](#)

[12-836 820 White St NOH RA](#)

**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
7/31/13	Code Compliance Hearing	Continuance

10/2/13 Code Compliance Hearing Continuance

**2**

**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 March 19, 2014**

**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](#)  
[12-1802 718 Thomas LUD appl.](#)  
[12-1802 718 Thomas St pics](#)

**Legislative History**

2/27/13 Code Compliance Hearing Continuance  
3/27/13 Code Compliance Hearing Continuance  
5/22/13 Code Compliance Hearing Continuance  
6/26/13 Code Compliance Hearing Continuance  
10/2/13 Code Compliance Hearing Continuance

**3**

**Case # 13-1441**

Sybil E Wingert  
1517 Rose Street  
Sec. 26-192 Prohibition against unreasonable noise  
Officer Bonnita Badgett  
Certified Service: 12-9-2013  
Initial Hearing: 1-29-2014

**New Case**

**Count 1:** On November 18, 2013 at 6:20 am, recorded 24 minutes of roosters crowing.

**Attachments:** [13-1441 1517 Rose St NOH](#)

4

**Case # 13-1578**

Kirk C Zuelch, Executive Director  
Florida Keys Aqueduct Authority  
1200 White Street  
Sec. 62-2 Obstructions  
Officer Bonnita Badgett  
Certified Service: 12-20-2013  
Initial Hearing: 1-29-2014

**In Compliance, request dismissal**

**Count 1:** On December 11, 2013, the City received a complaint that FCAA had blocked the 1200 block of White Street and detoured the traffic around the work area. They also closed the sidewalk. They did not obtain a right of way permit to close the street or sidewalk.

**Attachments:** [13-1578 1200 White St NOH](#)

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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 March 19, 2014****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 Amended NOH](#)  
[13-292 1118 Fleming Web Advertisement](#)

**Legislative History**

3/27/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
10/2/13	Code Compliance Hearing	Continuance

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**Case # 13-374**

Ybarnea Artica (Q) &  
Kevin & Yvette M Talbott R/S  
Anola Mira L/E  
c/o Appraisers of Key West  
1104 Virginia Street  
Sec. 14-40 Permits in the historic district  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Peg Corbett  
Certified Service: 6-19-2013  
Initial hearing: 7-31-2013

**Continued from December 18, 2013 for compliance**

**Count 1:** The fence was built without the benefit of a certificate of appropriateness. **Count 2:** The fence was built without the benefit of a building permit.

**Attachments:** [13-374 1104 Virginia NOH 5453](#)  
[13-374 1104 Virginia NOH 5460](#)  
[13-374 Survey](#)

**Legislative History**

7/31/13	Code Compliance Hearing	Continuance
8/28/13	Code Compliance Hearing	Continuance
11/20/13	Code Compliance Hearing	Continuance
12/18/13	Code Compliance Hearing	Continuance

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**Case # 13-1025**

Five Guys Burgers

Sean Bogle, R/A

Eaton &amp; Van Winkle LLP

E. Miles Prentice

Historic Tours of America, INC.

Edwin O Swift, III, R/A

500 Truman Avenue 1

Sec. 108-650 Provision for handicapped parking and loading zones

Officer Peg Corbett

Certified Service: 12-6-2013

Initial Hearing: 1-29-2014

**In compliance, request dismissal**

**Count 1:** On November 1, 2013, the handicap parking spot was blocked with two red cones. There was a motorcycle parked without a handicap placard. There were two untagged scooters parked in the access lane of the handicapped parking space.

**Attachments:** [13-1025 500 Truman Avenue NOH 1](#)

[13-1025 500 Truman Avenue NOH 2](#)

[13-1025 500 Truman Avenue NOH 3](#)

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**Case # 13-1135**

Patricia P Antich

704 Catherine Street

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

Sec. 14-40 Permits in historic district

Officer Peg Corbett

Certified Service: 11-9-2013

Initial Hearing: 12-18-2013

**Continued from December 18, 2013 for compliance**

**Count 1:** For partial demolition of a second story deck without benefit of a building permit. **Count 2:** For partial demolition of a second story deck without benefit of a certificate of appropriateness.

**Attachments:** [13-1135 704 Catherine Street NOH](#)

**Legislative History**

12/18/13

Code Compliance Hearing

Continuance

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**Case # 13-1274**

Alvin & Gail Conway  
1411 Johnson Street  
Sec. 58-31  
Officer Peg Corbett  
Certified Service: 12-31-2013  
Initial Hearing: 1-29-2014

**New Case**

**Count 1:** It was observed and photographed bins stored on the city right of way on the following dates: Sunday October 20, 2013, Thursday November 7, 2013 and Saturday December 14, 2013. Trash pickup is on Wednesdays.

**Attachments:** [13-1274 1411 Johnson St NOH](#)

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**Case # 13-1275**

Clarence Clay  
1415 Johnson Street  
Sec. 58-31 Container and receptacle requirements  
Officer Peg Corbett  
Certified Service: 12-28-2013  
Initial Hearing: 1-29-2014

**New Case**

**Count 1:** It was observed and photographed bins stored on the city right of way on the following dates: Sunday October 20, 2013 and Saturday October 26, 2013. Trash pickup is on Wednesdays.

**Attachments:** [13-1275 1415 Johnson St NOH](#)

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**Case # 13-1320**

Jeffrey G & Sarah S Johnston  
1221 Johnson Street  
Sec. 58-31 Container and receptacle requirements  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 1-29-2014

**In compliance, request dismissal**

**Count 1:** It was observed and photographed bins stored on the city right of way on the following dates: Sunday October 27, 2013, Saturday November 2, 2013 and Saturday November 30, 2013. Trash pickup is on Tuesdays. **Count 2:** A business tax receipt is required to rent your property.

Attachments: [13-1320 1221 Johnson NOH 0076](#)

12

**Case # 13-1354**

William T Lane  
1122 Angela Street  
Sec. 122-1406 Obstructions to visibility  
Officer Peg Corbett  
Certified Service: 12-14-2013  
Initial Hearing: 1-29-14

**Continuance granted to February 26, 2014**

**Count 1:** The trees and foliage extending from the subject property blocks the line of site on the Ashe Street side of the property.

Attachments: [13-1354 1122 Angela St NOH](#)



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**Case # 13-1417**

Dasha Renee Ray

1215 Mac Millan Drive

Sec. 62.2 Obstructions

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

Sec. 14-261 Failure to obtain

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 74-206 Owner's responsibility for payment

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

Officer Peg Corbett

Certified Service: 1-7-2014

Initial Hearing: 1-29-2014

**Continuance granted to February 26, 2014**

**Count 1:** A scooter was blocking the city sidewalk. **Count 2:** The property owner was issued a permit to "enclose empty space at rear for laundry and infill of a carport under existing roof for storage only: in October 2001. The area is currently occupied by a tenant. No permits for the renovation for the second kitchen or the second bathroom.

**Count 3:** The property owner did not apply for or obtain an electrical permit for the second kitchen. **Count 4:** The property owner has a second unit which is occupied without the benefit of a certificate of occupancy. **Count 5:** The property owner has not obtained the required utility accounts for the second unit. **Count 6:** The property owner has a delinquent utility account. **Count 7:** The subject property has two units individually rented without the benefit of the required business tax receipt.

**Attachments:** [13-1417 1215 Mac Millan Dr NOH](#)

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**Case # 13-1512**

Five Guys Burgers & Fries  
Sean Bogle, R/A  
E. Miles Prentice, Mgr.  
500 Truman Avenue 1  
Sec. 114-103 Prohibited signs  
Sec. 114-104 Restriction on the number of signs permitted  
Officer Peg Corbett  
Certified Service: 1-16-2014  
Initial Hearing: 1-29-2014

**New Case**

**Count 1:** The subject business has an interior illuminated sign and five paper signs/banners attached to the windows facing both Duval and Truman contrary to city ordinance. **Count 2:** The subject business has six signs

**Attachments:** [13-1512 500 Truman 1 NOH 0083](#)  
[13-1512 500 Truman 1 NOH 0090](#)

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**Case # 13-1543**

E Douglas Kutney  
1707 Washington Street  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 1-29-2014

**New Case**

**Count 1:** The property owner is holding yard sales at the subject property every Saturday. It is advertised in the Citizen every Friday.

**Attachments:** [13-1543 1707 Washington St NOH](#)

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**Case # 13-1582**

Gerald W Smith & Gina Soldano  
1726 Johnson Street  
Sec. 58-31 Container and receptacle requirements  
Officer Peg Corbett  
Certified Service:  
Initial Hearing: 1-29-2014

**In compliance, request dismissal**

**Count 1:** On Saturday December 14, 2013 the trash receptacle was on the city right of way. Trash pick up is on Wednesdays.

**Attachments:** [13-1582 1726 Johnson St NOH](#)

17

**Case # 12-414**

Gordon & Juliana McDowell  
910 United Street  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in historic district  
Sec. 14-261 Failure to obtain - **Dismiss**  
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 Leonardo Hernandez  
Certified Service: 11-14-2013  
Initial Hearing: 12-18-2013

**Continued from December 18, 2013**

**Count 1:** Failure to obtain building permits. **Count 2:** For failure to obtain a certificate of appropriateness. **Count 3:** A certificate of occupancy is required for the second unit. **Count 4:** A business tax receipt is required to rent the second unit.

**Attachments:** [12-414 910 United Street NOH letter 9481](#)

[12-414 910 United Street NOH letter 9498](#)

[12-414 910 United Street pics \(1\)](#)

[12-414 910 United Street pics \(2\)](#)

[12-414 910 United Street good service notice of hearing 9498](#)

**Legislative History**

12/18/13      Code Compliance Hearing      Continuance

18

**Case # 13-541**

Armando & Mercedes Parra  
 2922 Flagler Avenue  
 Sec. 90-356 Building permits required  
 Sec. 90-363 Certificate of occupancy - Required - **Dismiss**  
 Sec. 90-391 Variances - **Dismiss**  
 Sec. 108-887 Same - Elevation of residential buildings  
 Sec. 14-256 Required - Electrical Permit  
 Sec. 14-258 Plans and specifications - **Dismiss**  
 Sec. 14-362 Connection to public sewer - **Dismiss**  
 Officer Leonardo Hernandez  
 Certified Service: 6-11-2013  
 Initial Hearing: 6-26-2013

**Continued from December 18, 2013 for compliance**

**Count 1:** Failure to obtain a building permit for detached habitable space. **Count 2:** Habitable space was built below required flood elevation. **Count 3:** Failure to obtain electrical permit.

**Attachments:** [13-541 2922 Flagler Ave NOH 8583](#)  
[13-541 2922 Flagler Ave green card 8583](#)  
[13-541 2922 Flagler Ave NOCV 6864](#)  
[13-541 2922 Flagler Ave pics](#)  
[13-541 2922 Flagler NOCV hand served](#)  
[13-541 2922 Flagler NOCV 6864 good service](#)

**Legislative History**

6/26/13	Code Compliance Hearing	Continuance
7/31/13	Code Compliance Hearing	Continuance
11/20/13	Code Compliance Hearing	Continuance
12/18/13	Code Compliance Hearing	Continuance

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**Case # 13-1412**

Linda B Wheeler  
1213 White Street  
Sec. 122-1406 Obstructions to visibility  
Officer Leonardo Hernandez  
Certified Service: 12-9-2013  
Initial Hearing: 1-29-2014

**New Case**

**Count 1:** The highest measurement for the hedge is 3'5", the highest measurement for the fence is 5' for a total of 8'5" in height.

**Attachments:** [13-1412 1213 White Street NOH letter 8327](#)  
[13-1412 1213 White Street good service NOH 8327](#)  
[13-1412 1213 White Street Nov 30th pics](#)

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**Case # 13-1465**

Southern Most Cigar Club  
Marc Miclette  
Dragonfly Consulting, R/A  
230 East 7th Street Associates  
c/o The Cohen Organization  
300 Front Street 1  
Sec. 14-37 Building permits; professional plans, display of permits  
Sec. 14-40 Permits in the historic district  
Officer Leonardo Hernandez  
Certified Service: 1-7-2014  
Initial Hearing: 1-29-2014

**New Case**

**Count 1:** For failure to obtain a building permit for installation of speakers. **Count 2:** For failure to obtain a certificate of appropriateness for the installation of speakers.

**Attachments:** [13-1465 300 Front Street #1 NOH letter business owner 5699](#)  
[13-1465 300 Front Street #1 NOH letter property owner 5675](#)  
[13-1465 300 Front Street #1 NOH letter register agent 5682](#)  
[13-1465 300 Front Street # 1 pics](#)  
[13-1465 300 Front Street #1 good service NOH letter to corporation register age](#)  
[13-1465 300 Front Street #1 good service NOH letter to violator 5699](#)  
[13-1465 300 Front Street #1 property owner letter and copy of NOH 5774](#)  
[13-1465 300 Front Street 1 NOH letter to owner 5774](#)

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**Case # 13-1509**

Susan Rafferty  
514 Duval Street / 512 1/2 Duval Street  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in historic district  
Officer Leonardo Hernandez  
Certified Service: 1-13-2014  
Initial Hearing: 1-29-2014

**Continuance granted to February 26, 2014**

**Count 1:** For failure to obtain a building permit for the hanging sign and the stationary "ice cream cone" sign. **Count 2:** For failure to obtain a certificate of appropriateness for the hanging sign and the stationary "ice cream cone" sign.

**Attachments:** [13-1509 514 Duval Street NOH letter 7951](#)  
[13-1509 514 Duval Street NOH letter 7968](#)  
[13-1509 514 Duval Street NOH letter 7975](#)  
[13-1509 514 Duval Street good service NOH letter to corporation register agent](#)  
[13-1509 514 Duval Street good service NOH letter to property owner 7951](#)  
[13-1509 514 Duval Street NOH letter 7975](#)

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**Case # 14-66**

Theresa Alma Paturno  
Frank C & Ann K Ewing  
1221 Olivia Street  
Sec. 66-87 Business tax receipt for all holding themselves out to be engaged in business  
Officer Leonardo Hernandez  
Certified Service: 1-10-2014  
Initial Hearing: 1-29-2014

**In compliance, request dismissal**

**Count 1:** A business tax receipt is required to run a produce business out of this location.

**Attachments:** [14-066 1221 Olivia Street NOH letter 5736](#)  
[14-066 1221 Olivia Street NOH letter 5767](#)  
[14-0066 1221 Olivia Street good service NOCV NOH letter to violator 5736](#)  
[14-0066 1221 Olivia Street good service NOCVNOH letter to property owner 57](#)

23

**Case # 13-1188**

Roger W Akers  
Sandra J Henning R/S  
804 Eisenhower Drive  
Sec. 26-126 Clearing of property of debris and noxious material required  
Officer Barbara Meizis  
Certified Service: 10-16-2013  
Initial Hearing: 10-30-2013

**In compliance, request dismissal**

**Count 1:** Pine Street side of property is littered with discarded items and is leaning against the neighbor's fencing along the entire 50 feet of the property. There is a second pile of debris located on the Eisenhower side and is visible from the city right of way.

**Attachments:** [13-1188 804 eisenhower nocv&noh signed](#)

**Legislative History**

10/30/13	Code Compliance Hearing	Continuance
12/18/13	Code Compliance Hearing	Continuance

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**Case # 13-1337**

David J Cuff  
David Zelinske and  
Karen S Wells-Zelinske  
1223 2nd Street  
Sec. 18-601 License required  
Sec. 18-602 Rebuttable presumption of violation  
Sec. 122-269 Prohibited uses  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Officer Paul Nickle  
Certified Service: 11-22-2013  
Initial Hearing: 12-18-2013

**In compliance, request dismissal**

**Count 1:** For failure to obtain a transient rental license. **Count 2:** For holding out this property for transient rentals without a transient license. **Count 3:** Transient rentals are prohibited in the Medium Density Residential District. **Count 4:** A business tax receipt is required to rent a parking facility.

**Attachments:** [13-1337 1223 2nd street notice of irreparable code violation letter 6040](#)  
[13-1337 1223 2nd street notice of irreparable code violation letter 6046](#)  
[13-1337 1223 2nd street holding out evidence \(2\)](#)  
[13-1337 1223 2nd street photos](#)

**Legislative History**

11/20/13	Code Compliance Hearing	Continuance
12/18/13	Code Compliance Hearing	Continuance

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**Case # 13-1490**

Jeremy Edelstein  
1521 Seminary Street  
Sec. 62-2 Obstructions  
Officer Paul Nickle  
Certified Service: 1-10-2014  
Initial Hearing: 1-29-2014

**In compliance, request dismissal**

**Count 1:** Yard debris needs to be containerized and only put out on trash pick up days or make arrangements for pick up.



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**Case # 12-898**

Cameron R and Gerri Jewell  
1505 Washington Street  
Sec. 122-237 Prohibited Uses  
Officer Jim Young  
Posted: 11-12-2013  
Initial Hearing: 12-18-2013

**In compliance, request dismissal**

**Count 1:** For storing vehicles, trailers and pods in a prohibited district;  
Single Family

**Attachments:** [12-898 1505 Washington St Notice of Hearing Posted](#)  
[12-898 1505 Washington St Affidavit of Posting](#)  
[12-898 1505 Washington St pixs](#)

**Legislative History**

12/18/13      Code Compliance Hearing      Continuance

**Liens**

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**Case # 12-1523**

Jean Delice  
Christella Brevil  
1116 White Street  
Certified Service: 1-11-14

**Attachments:** [13-345 1024 Virginia NOH 5408](#)

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**Case # 13-471**

Karen L Boscamp  
2705 Flagler Avenue  
Certified Service:

**Attachments:** [13-471 2705 Flagler Avenue NOLH](#)

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**Case # 13-776**

Joseph L Lamarca III  
Bonnie Chu  
Larry Doyle  
Walbach, LLC  
c/o Stacey M Rochleeau, R/A  
1318 Petronia Street  
Certified Service: 12-20-2013

**Attachments:** [13-776 1318 Petronia Street NOLH](#)

**Adjournment**