



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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.

This case was continued to March 19, 2014 at the request of the City.

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.

This case was continued to March 19, 2014 at the request of the City.

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.

The Special Magistrate found Sybil Wingert in violation. No costs or fines were imposed.

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 FKAA 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.

This case was dismissed at the request of the code officer.

5

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.

This case was continued to March 19, 2014 at the request of the City.

6

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.

The Special Magistrate denied Mr. Garcia's request to extend the compliance date and imposed the fines and fees that were previously announced at the hearing on August 28, 2013.

7 **Case # 13-1025**
Five Guys Burgers
Sean Bogle, R/A
Eaton & 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.

This case was dismissed at the request of the code officer.

8 **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.

The Special Magistrate found Patricia Antich in violation. No costs or fines were imposed.

9 **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.

The Special Magistrate found Alvin & Gail Conway in violation. No costs or fines were imposed.

10

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.

The Special Magistrate found Clarence Clay in violation. No costs or fines were imposed.

11

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.

This case was dismissed at the request of the code officer.

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.

The request to continue this case to February 26, 2014 was granted.

13

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.

This case was continued to February 26, 2014 at the request of the City.

14

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

The request to continue this case to February 26, 2014 was granted.

15

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.

This case was dismissed at the request of the code officer.

16

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.

This case was dismissed at the request of the code officer.

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.

This case was dismissed at the request of the code officer.

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.

The compliance date was extended to February 26, 2014 at the request of Mr. Parra.

19

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.

The city requested dismissal to refile this case which was granted by the Special Magistrate.

20

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.

The Special Magistrate found Southern Most Cigar Club/Marc Miclette in violation. Costs of \$250 were imposed. Also imposed is a fine of \$100 per day if compliance is not met by February 25, 2014. A compliance hearing will be held on February 26, 2014.

21

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

The request to continue this case to February 26, 2014 was granted.

22

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.

This case was dismissed at the request of the code officer.

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.

This case was dismissed at the request of the code officer.

24

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.

This case was dismissed at the request of the code officer.

25

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.

This case was dismissed at the request of the code officer.

26

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

This case was dismissed at the request of the code officer.

Liens

27

Case # 12-1523

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

The Special Magistrate approved filing of the lien.

28

Case # 13-471

Karen L Boscamp
2705 Flagler Avenue
Certified Service:

This case was continued for service.

29

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

The Special Magistrate approved filing of the lien.

Adjournment