



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, May 22, 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 # 12-120

Peter & Dixie Janker

417 United Street

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

Sec. 14-40 Permits in historic district

Officer Bonnita Badgett

Certified Service: 3-22-2013

Initial Hearing: 4-24-2013

Request to extend the compliance date to 5-28-13 was granted.

Count 1: On 1/20/2012 the city received a complaint regarding two units in the single family home. Upon request for a Lawful Unit Determination to the Planning Dept. it was determined this is a single family home. In order for your property to come into compliance the home will need to be brought back to its original structure. This will require demo permits for building and plumbing. **Count 2:** On 1/20/2012 the city received a complaint regarding two units in the single family home. Upon request for a Lawful Unit Determination to the Planning Dept. it was determined this is a single family home. In order for your property to come into compliance the home will need to be brought back to its original structure. This will require HARC approvals.

The Special Magistrate granted the request to extend the compliance date to May 28, 2013. A compliance hearing will be held on June 26, 2013.

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

In compliance, request dismissal

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 dismissed this case at the request of the code officer.

3

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

Continued from March 27, 2013

Count 1: Replaced shed without benefit of a building permit

The Special Magistrate dismissed this case at the request of the code officer.

4

Case # 12-1688

Stephen Strunk
The Restaurant Store
Richard & Cathy Tallmadge
1111 Eaton Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Bonnita Badgett
Certified Service: 3-26-2013
Initial Hearing: 4-24-2013

Continued from April 24, 2013 for compliance - in compliance - owes fees

Count 1: On November 19, 2012 the City received a complaint that tables and chairs are set up and people are eating at the Restaurant

Store.

The code officer stated that this property is in compliance. The administrative fees are still owed.

5

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 June 26, 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.

The Special Magistrate granted the request for a continuance to June 26, 2013.

6

Case # 13-401

Donal Morris Sr.
Gregory Morris R/S
918 James Street
Sec. 14-40 Permits in the historic district
Sec. 14-37 Building permits; professional plans; display of permits
Officer Bonnita Badgett
Posted: 5-7-2013
Initial Hearing: 5-22-2013

Continuance granted to June 26, 2013

Count 1: On March 20, 2013 the city received a complaint regarding a shed on the property that was built without HARC approval. **Count 2:** A 200 sq. ft. shed that was built on the property without benefit of a building permit. HARC denied the application.

The Special Magistrate granted the request for a continuance to June 26, 2013.

7

Case # 13-440

Matelus Marceline Msrie S Pierre
1300 15th Court #3
Erwin Mayer - Moritz Didier - Property Owners
Sec. 14-37 Building permits; professional plans; display of permits

Officer Bonnita Badgett
Certified Service: 4-24-2013 - Property Owners
Initial Hearing: 5-22-2013

New Case

Count 1: On March 28, 2013 police advised that an accessory unit was being rented. Unit was built without benefit of a building permit. A demolition permit is required to remove the six foot section of the rear of the structure, all plumbing and exterior doors.

The Special Magistrate granted the request for a continuance to June 26, 2013 for compliance.

8

Case # 13-471

Karen L Boscamp
2705 Flagler Avenue
Sec. 26-126 Clearing of property of debris and noxious material required
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Certified Service:
Initial Hearing: 5-22-2013

New Case

Count 1: On April 4, 2013 the city found the property unsightly and full of trash and debris. **Count 2:** On April 4, 2013 the city found the business tax receipt is delinquent.

The Special Magistrate continued this case for service.

9

Case # 13-532

Daniel B Michie
1319 Eliza Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 62-3 Schedule of right-of-way permit fees
Officer Bonnita Badgett
Certified Service: 5-7-2013
Initial Hearing: 5-22-2013

Repeat violation

New case

Count 1: On April 18, 2013 a dumpster was observed on the city

right-of-way without a permit. Contractor stated that Dan Michie was hired to place the dumpster. Mr. Michie is not licensed in the city.

Count 2: The dumpster placed on the city right-of-way does not have a permit.

The Special Magistrate found Mr. Michie in violation. Costs of \$250 were imposed. Also imposed was a fine of 25% of the business tax receipt (\$136.50 X 25% = \$34.13) and an irreparable fine of \$5,000. The total amount due the City is \$5,284.13.

10

Case # 12-1400

BO's Fish Wagon

c/o Wayne Owen, Sr.

Holly Owen, R/A

801 Caroline Street

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

Sec. 14-40 Permits in the Historic District

Officer Kevin Caruso

Certified Service: 4-26-2013

Initial Hearing: 5-22-2013

New Case

Count 1: On September 24, 2012 an inspection was done and it was determined that the following work was performed without the benefit of a building permit: (1) replaced trusses with 2 X 4's, (2) replaced a main beam. **Count 2:** On September 24, 2012 an inspection was done and it was determined that the following work was performed without the benefit of HARC approval: (1) replaced trusses with 2 X 4's, (2) replaced a main beam.

The Special Magistrate granted the request for a continuance to June 26, 2013.

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 April 24, 2013 for Settlement Agreement
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 was presented a Settlement Agreement which he approved. The respondent stipulates to the imposition of the Administrative costs in the amount of \$250. Respondent further agrees to the imposition of a \$500 fines. The total cost is \$750. The Respondent also agrees to a suspended fine of \$4,500. The suspension period will be for 24 months from the date of the Special Magistrate's signature on the Settlement Agreement. If Respondent is found in violation of this or similar violations again within 24 months of the Magistrate's signature, or if the Respondent understands that the \$4,500 suspended fine will be imposed in addition to any new fines. If Respondent is found in violation of any of the City of Key West code of ordinances as contained above again in the future, the respondent understands that any of the violations will be considered as repeat punishable by up to \$500 per day, per count in addition to the irreparable fines explained herein. Respondent agrees to immediately cease and desist activities that violate the code violations listed above at this or any other property in the city of Key West. Respondent understands that the payment of the \$750 must be made within 30 days of the Magistrate's signature on the Settlement Agreement.

12

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 April 24, 2013 for compliance

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 code officer stated that this property is in compliance. The administrative fees are still owed.

13

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

Continued from March 27, 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.

The Special Magistrate granted the request for a continuance to October 2, 2013.

14

Case # 13-438

Richard Rettig
1011 Whitehead Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 90-363 Certificate of Occupancy - Required
Sec. 14-40 Permits in historic district
Sec. 14-37 Building permits; professional plans; display of permits
Officer Peg Corbett
Certified Service: 5-11-2013
Initial Hearing: 5-22-2013

In compliance, request dismissal

Count 1: The non-conforming commercial property is being rented non-transiently without the benefit of a business tax receipt. **Count 2:**

This commercial unit does not have a certificate of occupancy as required. **Count 3:** The renovations done to convert the commercial unit to a residential unit were completed without benefit of HARC certificate of appropriateness. **Count 4:** The renovations done to convert the commercial unit to a residential unit were completed without benefit of required building permits.

The Special Magistrate dismissed this case at the request of the code officer.

15

Case # 13-656

Timothy Wegman
Ariella Wegman T/C
702 Pearl Street
Sec. 62-2 Obstructions
Officer Peg Corbett
Hand Served 5-17-2013
Initial Hearing: 5-22-2013

New Case

Count 1: On May 16, 2013 code officer observed several large piles of boxes, books, mattresses, junk, garbage, etc. that is laid out over the right of way and spills over onto the pavement.

The Special Magistrate dismissed this case at the request of the code officer.

16

Case # 13-211

David W Lehmkuhl
800 Elizabeth Street
Sec. 14-37 Building permits; professional plans; display of permits
Officer Leonardo Hernandez
Certified Service: 4-22-2013
Initial Hearing: 5-22-2013

Continuance granted to June 26, 2013

Count 1: An inspection was done the Inspector Giordano and it was observed that the property owner completed electrical, plumbing, demo and remodeled without the benefit of required building permits. A kitchen and bathroom were completely gutted and re-done.

The Special Magistrate granted the request for a continuance to June 26, 2013.

17

Case # 13-399

Susan Barlow
Kevin Barlow T/C

1209 Knowles Lane
Sec. 26-126 Clearing of property of debris and noxious material
required
Officer Leonardo Hernandez
Posted: 5-1-2013
Initial Hearing: 5-22-2013

New Case

Count 1: On March 20, 2013, responded to a complaint that the hot tub was green and possibly breeding mosquitoes and the yard was full of debris.

The Special Magistrate found Susan Barlow and Kevin Barlow in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day if compliance is not met by June 1, 2013. A compliance hearing will be held on June 26, 2013.

18

Case # 12-436

James E & Laura D Thornbrugh
2016 Roosevelt Drive
Sec. 66-102 Date due and delinquent; penalties
Sec. 58-63 Delinquency
Sec. 74-206 Owner's responsibility for payment
Officer Barbara Meizis
Certified Service: 5-16-2012
Initial Hearing: 6-12-2012

In compliance, request dismissal

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

Count 2: The solid waste account is past due. **Count 3:** The sewer account is past due.

The Special Magistrate dismissed this case at the request of the code officer.

19

Case # 13-101

Key West Office Management, Inc.
Pegasus International Hotel, R/A
420 Southard Street
Sec. 18-609 Use of parking areas for purposes other than parking
prohibited
Sec. 122-929 Prohibited uses - HRO
Officer Barbara Meizis
Certified Service: 4-16-2013
Initial Hearing: 4-24-2013

In compliance, request dismissal

Count 1: There are currently two trailers parked against the back fence. One has a generator and the other has recyclables. **Count 2:** Use of the parking lot for storage is prohibited in the Historic Residential/Office (HRO) district.

The Special Magistrate dismissed this case at the request of the code officer.

20**Case # 13-518**

Gary Rivenson & Donna Stabile

907 United Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations, Counts 2 through 9

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

Sec. 122-599 Prohibited uses (HMDR)

Officer Barbara Meizis

Certified Service: 5-3-2013

Initial Hearing: 5-22-2013

Irreparable Violation**Continuance granted to June 26, 2013**

Count 1: This property was rented on April 11, 2013 through April 18, 2013 without the benefit of a transient rental license. **Counts 2 through 9:** The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on April 11, 12, 13, 14, 15, 16, 17 and 18, 2013 without benefit of a valid transient rental license. **Count 10:** This property was rented transiently without benefit of a business tax receipt on April 11, 2013 through April 18, 2013. **Count 11:** Transient rental are prohibited in the Historic Medium Density Residential district.

The Special Magistrate granted the request for a continuance to June 26, 2013.

21**Case # 13-57**

Yuliya Andrews

The Adult Entertainment Club

Albert L Kelley, R/A

200 Block of Duval Street

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

Sec. 18-441 Required

Officer Jim Young

Certified Service: 1-14-2013 - Albert Kelley

Certified Service: 1-14-2013 - Yuliya Andrews
Initial Hearing: 1-30-2013

Continued from April 24, 2013
Repeat/Irreparable

Count 1: On January 10, 2013 at approximately 1:33 am, Anthony B Huggins was soliciting customers for the Adult Entertainment Club at 210 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 request for a continuance to June 26, 2013 for Subpoena Duces Tecum.

22

Case # 13-185
KWSC, Inc. d/b/a
Adult Entertainment Club
c/o Albert L Kelley, R/A
Yuliya Andrews, Owner
300 Block of Duval Street
Sec. 18-411 Title
Sec. 18-415 Restrictions in the historic district
Officer Jim Young
Certified Service: 2-8-2013 - R/A
Certified Service: 2-9-2013 - Owner
Initial Hearing: 2-27-2013

Repeat/Irreparable Violation

Continued from April 24, 2013

Count 1: This article shall be known as the off-premises canvassing ordinance. **Count 2:** On January 10, 2013 at approximately 1:30 am, Neile Bassi Favreau was soliciting customers for the Adult Entertainment Club in the 300 block of Duval Street which is a prohibited area.

The Special Magistrate granted the request for a continuance to June 26, 2013 for Subpoena Duces Tecum.

23

Case # 13-293
Richard Pinney
2601 S Roosevelt Blvd C310
Sec. 14-37 Building permits; professional plans; display of permits
Officer Jim Young
Certified Service: 4-29-2013

Initial Hearing: 5-22-2013

New Case

Count 1: On February 22, 2013 Building Inspector Giordano observed the condominium had been renovated. Plumbing and electrical work was ongoing without the benefit of permits.

The Special Magistrate dismissed this case.

Liens

24

Case # 10-1425

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

Continuance granted to June 26, 2013

The Special Magistrate granted the request for a continuance to June 26, 2013.

25

Case # 11-1417

Michael Syring
Michael Marrone
905 Trinity Drive
Certified Service: 4-26-2013

The Special Magistrate approved the filing of the lien.

26

Case # 12-378

Tarzan Tree Care
Sandra Downs
414 Louisa Street
Certified Service: 5-19-2013

Continuance granted to June 26, 2013

The Special Magistrate granted the request for a continuance to June 26, 2013.

27

Case # 12-526

James E & Laura D Thornbrugh
2014 Roosevelt Drive
Certified Service: 4-30-2013

The Special Magistrate approved the filing of the lien.

Adjournment