



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, April 27, 2016

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3731 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 # 16-194

Susan C Stone

1417 Albury Street

Sec. 14-40 Permits in historic district

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

Officer Bonnita Badgett

Certified Service: 4-5-2016

Initial Hearing: 4-27-2016

New Case

Count 1: A certificate of appropriateness is required for all exterior work. **Count 2:** Building permits are required for all exterior, interior and plumbing work.

After hearing testimony, the Special Magistrate found Ms. Stone in violation. No fines or fees were imposed at this time. The court reserves the right to impose fines and fees if compliance is not obtained by June 28, 2016. A compliance hearing will be held on June 29, 2016.

2

Case # 16-282

Ronald R Johnson &
Henry J Johnson Jr. (B/Q)
1404 Albury Street
Sec. 10-11 Keeping fowl or wildlife
Officer Bonnita Badgett
Certified Service: 4-8-2016
Initial Hearing: 4-27-2016

In compliance April 26, 2016, request violation without fees

Count 1: For the keeping and feeding chickens that are not penned.
This is the fifth complaint that the city has received.

The Special Magistrate granted the request to find Ronald Johnson and Henry Johnson in violation. No fines or fees were imposed. This case may serve as a predicate for a repeat violation should similar violations occur in the future.

3

Case # 15-185

Grunts, Inc.
Gregory Farrelly, Registered Agent
Christopher & Cynthia Trevett
409 Caroline Street
Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business.
Officer Peg Corbett
Certified Service: 2-23-2016
Initial Hearing: 3-30-2016

In compliance April 25, 2016, request dismissal

Count 1: This business is licensed for take-out only. There are 40
seats requiring that the business be licensed as a restaurant.

The Special Magistrate granted the request to dismiss this case.

4

Case # 15-1327

Far Niente, LLC

Jack Spottswood, Registered Agent

416 Elizabeth Street

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsSec. 14-40 Permits in historic districts - **Request dismissal of count 2**

Officer Peg Corbett

Certified Service: 2-18-2016

Initial Hearing: 3-30-2016

Continued from March 30, 2016

Count 1: A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a building permit. **Count 2:** A fence in excess of 8' in height was built on the side and rear of the subject property without benefit of a certificate of appropriateness.

After hearing testimony, the Special Magistrate found Far Niente, LLC in violation of constructing a fence without benefit of a building permit. Administrative fees of \$250 were imposed. The court reserves the right to impose fines if compliance is not obtained by May 24, 2016. A compliance hearing will be held on May 25, 2016.

5

Case # 16-36

Mark & Lucy Mayer

528 Grinnell Street

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

Sec. 14-40 Permits in historic districts

Sec. 26-126 Clearing of property of debris and noxious material
required

Officer Peg Corbett

Certified Service: 3-11-2016

Initial Hearing: 4-27-2016

In compliance April 6, 2016, request dismissal

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

Count 3: The property, on the left side, was filled with debris.

The Special Magistrate granted the request to dismiss this case.

6

Case # 16-227

Gwenuel & Cynthia Mingo

1 Baptist Lane

Sec. 18-601(b) Transient license required - Count 1 and Counts 3 through 12

Sec. 122-1371(d)(9) Transient living accommodations - Count 2 and Counts 13 through 22

Officer Peg Corbett

Certified Service: 3-11-2016

Hand Serve Amended Notice: 4-27-2016

Initial Hearing: 4-27-2016

Repeat Violation

Count 1: The subject property was being held out/advertised on Airbnb.com for transient rental for the period of 16 May 2016 through 30 May 2016 for \$211 per night without the required transient rental license. The subject property owner was previously cited and admitted to the violation and signed a Settlement Agreement. **Count 2:** The subject property was being held out/advertised on Airbnb.com for transient rental. **Counts 3 through 12:** (3) Rented transiently 15 Jan through 12 Feb 2015. (4) Rented transiently 16 Feb through 23 Feb 2015. (5) Rented transiently 2 July through 6 July 2015. (6) Rented transiently 22 July through 26 July. (7) Rented transiently 20 Oct through 3 Nov 2015. (8) Rented transiently 26 Dec 2015 through 2 Jan 2016. (9) Rented transiently 15 Jan through 23 Jan 2016. (10) Rented transiently 23 Jan through 30 Jan 2016. (11) Rented transiently 1 Feb through 22 Feb 2016. (12) Rented transiently 4 March through 13 March 2016. **Counts 13 through 22:** The subject property has been transiently rented for the above dates contrary to a settlement agreement signed on 28 Jan 2015. The subject property does not have the requisite medallion and licensing nor has the property been vetted to meet the guidelines required in this city ordinance (c) 1-7.

After hearing testimony, the Special Magistrate found Gwenuel & Cynthia Mingo and Gerald Mingo in violation. Rental income of \$24,898 was imposed. Also imposed was an irreparable fine of \$5,000. A suspended fine of \$106,000 was imposed. Total amount due the City is \$29,898.

7

Case # 16-228

Donal Morris, Sr

Donal Morris, Jr

916 James Street

Sec. 18-601 License required - **Irreparable/Repeat**Sec. 122-1371 Transient living accommodations in residential dwellings; regulation - **Irreparable/Repeat**

Officer Peg Corbett

Certified Service:

Initial Hearing: 4-27-2016

Irreparable/Repeat Violation**Request continuance to May 25, 2016 for service**

Count 1: This property is be held out/advertised for short term rental on Airbnb. On 4 march 2016 Mr. Morris was paid \$498 for rental of this property from 4 April 2016 to 10 April 2016. There was a previous case 15-369 where Mr. Morris signed a Settlement Agreement. **Count 2:** This property is being held out/advertised for short term rental.

The request to continue this case to May 25, 2016 for service was granted.

8

Case # 16-330

Peter G & Maria P Gomez - property owner

Rebecca Peige - tenant

925 Seminary Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations

Officer Peg Corbett

Certified Service: 4-6-2015 - property owner

Certified Service: 4-5-2016 - tenant

Initial Hearing: 4-27-2016

Continuance granted to May 25, 2016

Count 1: This property is be held out/advertised for short term rental on Airbnb. The tenant replied and agreed to the request for a ten day rental and would block the whole month. Ms. Peige was previously cited for the same violation and signed a Settlement Agreement.

Count 2: Ms. Peige is renting short term without meeting the requirements of Sec. 122-1371 (c) 1 through 8.

The request to continue this case to May 25, 2016 was granted.

9

Case # 16-395

Donal Morris Sr

Donal Morris Jr

Flip Key Inc.

916 James Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations

Officer Peg Corbett

Certified Service: 4-15-2016 - Flip Key

Certified Service:

Initial Hearing: 4-27-2016

Continuance granted to May 25, 2016

Count 1: The subject property is being held out/advertised on flipkey.com. Dates of 15 April 2016 through 21 April 2016 were entered into the scheduling tool. A response of \$1,305.00 was received for the six nights. **Count 2:** The subject property is being held out/advertised without meeting the guidelines of this ordinance.

The request to continue this case to May 25, 2016 for service was granted.

10

Case # 16-293

Key West Botanical Garden Society
Blask Construction
5100 College Road
Sec. 110-467 FEMA and wildlife service endangered species requirements
Sec. 90-356 Building permit required
Officer Scott Fraser
Certified Service: 3-21-2016 - Botanical Garden
Certified Service: 3-21-2016 - Blask Construction
Initial Hearing: 4-27-2016

New Case

Count 1: Did construct or allow to be constructed a structure upon lands identified by the Federal Emergency Management Agency & U.S. Fish & Wildlife Service as potentially having endangered species habitat as delineated on the Species Focus Area Maps without of an assessment having been conducted, contrary to law. **Count 2:** Did construct or allow to be constructed a structure without benefit of a building permit having been issued, contrary to law.

After hearing testimony, the Special Magistrate found Key West Botanical Garden and Blask Construction in violation. An administrative fee of \$250 was imposed.

11

Case # 13-1418

Carolyn Sprogell
907 Frances Street
Sec. 14-37 Building permits, professional plans; display of permits
Sec. 14-40 Permits in historic district
Sec. 62-2 Obstructions
Officer Leonardo Hernandez
Certified Service: 10-5-2014
Initial Hearing: 11-14-2014

Continued from November 14, 2016

Count 1: For building a eight foot fence without benefit of a permit.
Count 2: For building a eight foot fence without benefit of HARC approval. **Count 3:** The fence is on the City's right of way.

The request to continue this case to May 25, 2016 was granted.

12

Case # 15-828

Karen & Delmar Lewis - property owner
704 Caroline Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Officer Leonardo Hernandez
Certified Service: 8-12-2015 - property owner
Initial Hearing: 8-26-2015

In compliance April 19, 2016, request dismissal

Count 1: For failure to obtain a building permit prior to the removal of a wooden deck. **Count 2:** For failure to obtain a certificate of appropriateness prior to the removal of a wooden deck.

The Special Magistrate granted the request to dismiss this case.

13

Case # 15-838

Thomas Mustakas
903 Frances Street
Sec. 62.2 Obstructions
Sec. 122-1078 Restrictions on buildings and structures; including
entryways
Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business
Officer Leonardo Hernandez
Posted: 9-17-2015
Initial Hearing: 11-18-2015

In compliance April 7, 2016, request dismissal

Count 1: For encroaching on the city right of way with a fence and foliage. **Count 2:** For failure to obtain an easement for the encroachments onto city right of way. **Count 3:** A business tax receipt is required to rent this property.

The Special Magistrate granted the request to dismiss this case.

14

Case # 15-1647

United States Corp Agents, Inc.
Registered Agent for Instabike LLC
Instabike LLC
Sean Blaise - Business Owner
City of Key West Bicycle Racks
Sec. 106-56 Use of streets and sidewalks for advertising or display
Officer Leonardo Hernandez
Certified Service: 2-6-2016 - Registered Agent
Posted: 2-1-2016 - Business Owner
Initial Hearing: 2-24-2016

In Compliance April 20, 2016, request dismissal

Count 1: For using the City of Key West bicycle racks to store and advertise the Instabike business

The Special Magistrate granted the request to dismiss this case.

15

Case # 16-259

Joan G & Jose S Condeelis
1305 South Street B
Sec. 58-31 Container and receptacle requirements
Officer Leonardo Hernandez
Certified Service: 3-29-2016
Initial Hearing: 4-27-2016

In compliance 4-20-2016, request finding without fees

Count 1: Bins are being left out on the city right of way on non-pickup days. This violation has been addressed on previous cases, 15-1514, and 16-54.

After hearing testimony, the Special Magistrate found Joan & Jose Condeelis in violation. No fines or fees were imposed at this time. This case may serve as a predicate for a repeat violation should similar violations occur in the future as applicable.

16

Case # 16-118

Reginald Leon Kuntti

1525 5th Street

Sec. 26-126 Clearing of property of debris and noxious material

Officer Beau Langford

Certified Service: 3-15-2016

Initial Hearing: 4-27-2016

In compliance April 6, 2016, request dismissal

Count 1: For failure to maintain the property, it is overgrown with weeds and is in minor disrepair.

The Special Magistrate granted the request to dismiss this case.

17

Case # 15-1132

Hok Yat Tong

2108 Harris Avenue

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

Sec. 90-363 Certificate of occupancy - required

Sec. 58-61 Determination and levy of charge

Officer Jorge Lopez

Certified Service:

Initial Hearing: 4-27-2016

In compliance April 15, 2016, request dismissal

Count 1: For failure to obtain building permits to divide this property into two units. **Count 2:** A certificate of occupancy is required for the second unit. **Count 3:** Fees have not been paid on the second unit.

The Special Magistrate granted the request to dismiss this case.

18

Case # 16-20

Janice Isherwood
523 Elizabeth Street
Sec. 26-126 Clearing of property of debris and noxious material
required
Officer Jorge Lopez
Hand Served: 2-7-2016
Initial Hearing: 2-24-2016

Continued from March 30, 2016 for compliance

Count 1: For failure to maintain the property. It is littered with empty bags and cans of cat food, bulk waste and debris. There are a lot of flies due to the cat and chicken feces. Property was last cited on 7-22-2015.

Officer Lopez stated that this property is not in compliance. The Special Magistrate imposed the fees and fines announced at the hearing on March 30, 2016.

19

Case # 16-105

Benjamin C Bruce - property owner
Key West Dream Collection LLC
Diana White Eagle - R/A
613 Simonton Street
Sec. 106-56 Use of streets and sidewalks for advertising or display
purposes
Officer Jorge Lopez
Certified Service: 3-28-2016 - property owner
Certified Service: 3-26-2016 - R/A
Initial Hearing: 4-27-2016

In compliance April 5, 2016, request dismissal

Count 1: A bicycle, in front of the business on the street, was being used to advertise the business

The Special Magistrate granted the request to dismiss this case.

20

Case # 16-172

Clarfield, Okon, Salomone & Pincus

Steven Clarfield - R/A

1213 Grinnell Street

Sec. 26-126 Clearing of property of debris and noxious material
required

Officer Jorge Lopez

Certified Service: 3-28-2016

Initial Hearing: 4-27-2016

In compliance April 3, 2016, request dismissal**Count 1:** The pool has brown water due to mechanical problems with
the pool pump.**Dismissed**

21

Case # 16-224

Joseph & Tina Moody

1406 Olivia Street

Sec. 74-131 Required where public sewer available

Officer Jorge Lopez

Certified Service: 3-17-2016

Initial Hearing: 4-27-2016

In compliance March 24, 2016, request dismissal**Count 1:** Sewer line is hooked up to the neighbors sewer line**The Special Magistrate granted the request to dismiss this case.**

22

Case # 16-284

Eleanor & Nathan R Alexander

2509 Harris Avenue

Sec. 66-102 Dates due and delinquent; penalties

Officer Jorge Lopez

Certified Service: 4-8-2016

Initial Hearing: 4-27-2016

In compliance April 1, 2016, request dismissal**Count 1:** The non-transient rental license is delinquent**The Special Magistrate granted the request to dismiss this case.**

23

Case # 16-298

Gregory Scorza
500 Duval Street
Sec. 6-4 Permit regulations; prohibitions
Officer Jorge Lopez
Hand Served: 4-20-2016
Initial Hearing: 4-27-2016

New Case

Count 1: On March 13, 2016 and on March 20, 2016, Mr. Scorza had 2 birds outside of the cage. Mr. Scorza was cited previously, case # 15-1511.

After hearing testimony, the Special Magistrate found Mr. Scorza in violation. An administrative fee of \$250 was imposed along with a fine of \$250. The total amount due the City is \$500. This case may serve as a predicate for a repeat violation should similar violations occur in the future as applicable.

24

Case # 16-302

Dereck Berger
2333 Fogarty Avenue
Sec. 62-2 Obstructions
Officer Jorge Lopez
Certified Service:
Initial Hearing: 4-27-2016

In compliance April 14, 2015, request dismissal

Count 1: A fence was built which closes off an alley which exceeds five feet beyond the property line.

The Special Magistrate granted the request to dismiss this case.

25

Case # 16-311

Instituto Patriotico Y Docente San Carlos Inc.

Rafael Penalver - R/A

Asta Parking Inc.

Kash Patel - R/A

Schroeder Builders, Inc.

Joseph Schroeder - R/A

407 Appelrouth Lane

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

Sec. 14-40 Permits in historic districts

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

FBC Accessibility - 208.2 Minimum number of parking spaces at a ration of one per twenty-five

Officer Jorge Lopez

Certified Service: 4-1-2016 - Patel and Schroeder

Certified Service: 4-4-2016 - Penalver

Continuance granted to June 29, 2016

Count 1: A business tax receipt is required for the parking lot. **Count 2:** A certificate of appropriateness is required for the two signs and the pre-pay parking kiosk prior to installation. **Count 3:** A building permit is required for the two signs and the pre-pay parking kiosk prior to installation. **Count 4:** The parking lot does not have the requisite amount of accessible parking spaces.

The request to continue this case to June 29, 2016 was granted.

26

Case # 15-1688

Instabike, LLC

c/o Sean Blaise, AMBR

425 Front Street

Sec. 106-56 Use of streets and sidewalks

Office Jim Young

Certified Service: 1-19-2016

Initial Hearing: 1-27-2016

In Compliance 4-20-2016, request dismissal

Count 1: For locking bikes to the city bike rack to advertise the Instabike business.

The Special Magistrate granted the request to dismiss this case.

27

Case # 15-1692

Overseas Radio, LLC

Neil Willits, MGRM

Guy De Boer - Registered Agent

405 Duval Street

Sec. 106-56 Use of streets and sidewalks for advertising or display purposes

Officer Jim Young

Hand Served: 2-12-2016

Initial Hearing: 2-24-2016

Continued from March 30, 2016 for compliance

Count 1: Konk Coupon does not meet the definition of a newspaper or periodical, therefore, the news racks are advertising signs (on 29 Dec 15 rack was advertising a concierge service under the name of Key West GoGo).

The Special Magistrate granted the request to dismiss this case.

28

Case # 16-44

Waterfront Brewery, LLC

Joe Walsh

201 William Street

Sec. 90-363 Certificate of occupancy - required

Office Jim Young

Certified Service:

Initial Hearing: 4-27-2016

Request continuance to 5-25-2016 for service

Count 1: The temporary certificate of occupancy expired on 1 Jan 16 and has not be re-issued due to landscaping and irrigation being incomplete.

The request to continue this case to May 25, 2016 for service was granted.

HARC Appeals

29

SMA 16-01

William Shepler - Architect
813 Waddell Properties, LLC
Frederick J Maggio
813 Waddell Avenue

The Special Magistrate took this case under advisement.

Adjournment