



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

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Wednesday, January 25, 2017

1:30 PM

City Hall 1300 White Street

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**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 305-809-3811 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 # 16-1390**

Marie Delus

Poinciana Park Partners, LLP - Property Owner

1300 15th Court 11

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

Officer Sophia Doctoche

Certified Service: 12-28-2016 - Marie Delus

Certified Service: 1-9-17 - Poinciana Park Partners, LLP

Initial Hearing: 1-25-2017

**In compliance January 20, 2017, request dismissal**

**Count 1:** Failure to apply for an after-the-fact building permit for the construction of a deck.

**The Special Magistrate granted the request to dismiss this case.**

2

**Case # 16-1480**

Billy D Busche  
1607 Venetian Drive  
Sec. 108-677 Parking and storage of certain vehicles.  
Officer Sophia Doctoche  
Certified Service:  
Initial Hearing: 1-25-2017

**Request continuance to February 15, 2017 for service.**

**Count 1:** All vehicles require current tags or to be stored in an enclosed building.

**The Special Magistrate granted the request to continue this case to February 15, 2017 for service.**

3

**Case # 16-1541**

Jean Walner Desire - Tenant  
Poinciana Partners, LLP - Property Owner  
1300 15th Court Lot 63  
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions.  
Officer Sophia Doctoche  
Certified Service: 12-15-2016 - Property Owner  
Certified Service: 12-9-2016 - Tenant  
Initial Hearing: 1-25-2017

**New Case**

**Count 1:** Porch and back enclosure built without benefit of building permits.

**Jean Walner Desire attended the hearing. After hearing testimony, the Special Magistrate granted the request to find Mr. Desire in violation, no fees or fines were imposed. The court reserves the right to impose fees and fines if compliance is not obtained by March 28, 2017. A compliance hearing will be held on March 29, 2017.**

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; exceptions

Sec. 14-40 Permits in historic districts

Officer Peg Corbett

Certified Service: 2-18-2016

Initial Hearing: 3-30-2016

**In compliance January 11, 2017, request dismissal**

**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.

**The Special Magistrate granted the request to dismiss this case.**

5

**Case # 16-336**

Kevin &amp; Karen J Craig

620 Thomas Street 288

Sec. 18-601 License required

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

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(8)

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9) Count(s) 4-9

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9) Count(s) 10-17

Officer Peg Corbett

Certified Service 11-29-2016

Initial Hearing: 12-21-2016

**Continued from December 21, 2016.**

**Count 1:** The property was held out and rented on Nov 5 through Nov 13 and Nov 14 through Nov 20, 2016 without benefit of a transient rental business tax receipt. **Count 2:** The subject property is being rented transiently without a city, county or state license. The subject property does not have a medallion and has not had a fire inspection. **Count 3:** The property owner offered and executed a short term rental agreement with the mutual intent of the owner and tenant to sign a 30 day lease while noting that only 7 days of occupancy would be provided and paid for by the tenant. **Counts 4 - 9:** The property owner transiently rented the subject property to Sue Brent for the dates of Nov 14, 2016 through Nov 20, 2016 for \$3,4000 without the benefit of a transient rental license. **Counts 10 - 17:** The property owner originally rented for the dates of Nov 13, 2016 through Nov 20, 2016. Sue Brent was contacted in August by Ms. Craig who stated that the unit would be occupied by another transient rental who wished to stay Sunday the 13th. Ms. Craig issued a check for \$225 to refund Ms. Brent that day. The property does not have a transient rental license.

**The Special Magistrate granted the request to continue this case to February 15, 2017 for the Settlement Agreement.**

6

**Case # 16-1129**

Key Cove Landing LLC

Christopher Belland - Registered Agent

10 Key Cove Drive

Sec. 18-601 License required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-12-2016

Initial Hearing: 8-31-2016

**Continued from December 21, 2016.**

**Count 1:** For holding out/advertising for short term rentals on **VRBO** without a business tax receipt. City reserved the dates of 17 Sept 2016 through 23 Sept 2016 (6 nights) for \$4,035.60. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3 - 8: Sec. 122-1371 (d) 9:** For holding out/advertising for short term rentals when it is not permitted. Previous case was 15-249 where Mr. Belland signed a Settlement Agreement.

**The Special Magistrate had to continue this case to February 15, 2017 because it was around 5 pm and there was another meeting being held in the chambers at 6.**

7

**Case # 16-1130**

Key Cove Landing LLC

Christopher Belland - Registered Agent

10 Key Cove Drive

Sec. 18-601 License required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-12-2016

Initial Hearing: 8-31-2016

**Continued from December 21, 2016.**

**Count 1:** For holding out/advertising for short term rentals on **www.homeaway.com** without a business tax receipt. City reserved the dates of 17 Sept 2016 through 23 Sept 2016 (6 nights) for \$4,035.60. **Count 2:** For holding out/advertising for short term rentals without the requisite state and county licenses, fire inspection and medallion. **Counts 3 - 8: Sec. 122-1371 (d) 9:** For holding out/advertising for short term rentals when it is not permitted. Previous case was 15-249 where Mr. Belland signed a Settlement Agreement.

**The Special Magistrate had to continue this case to February 15, 2017 because it was around 5 pm and there was another meeting being held in the chambers at 6.**

8

**Case # 16-1167**

Key Cove Landing LLC

Christopher Belland - Registered Agent

4 Key Cove Drive

Sec. 18-601 License Required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-16-2016

Initial Hearing: 8-31-2016

**Continued from December 21, 2016.**

**Count 1:** Being held out/advertised on VRBO for short term rental without the required business tax receipt. City reserved the dates of 17- Sept 2016 through 23 Sept 2016 for \$3,979.35. Mr. Belland was previously cited for the same charge and signed a Settlement Agreement for case number 15-249. **Count 2:** The property is being held out/advertised for short term rental without the requisite city, county and state licensing. The property does not have a transient medallion and has not been inspected by the Fire Department. **Counts 3 - 8: Sec. 122-1371 (d) 9:** The property is being held out/advertised for short term rental for six nights beginning 17 Sept 2016 for \$3,979.35 without the benefit of a transient license.

The Special Magistrate had to continue this case to February 15, 2017 because it was around 5 pm and there was another meeting being held in the chambers at 6.

9

**Case # 16-1169**

Key Cove Landings LLC

Christopher Belland - Registered Agent

4 Key Cove Drive

Sec. 18-601 License Required - **Repeat Violation**Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Repeat Violation**

Officer Peg Corbett

Certified Service: 8-16-2016

Initial Hearing: 8-31-2016

**Continued from December 21, 2016.**

**Count 1:** Being held out/advertised on www.homeaway.com for short term rental without the required business tax receipt. City reserved the dates of 17- Sept 2016 through 23 Sept 2016 for \$4,016.35. The property is advertised with a four night minimum. Mr. Belland was previously cited for the same charge and signed a Settlement Agreement for case number 15-249. **Count 2:** The property is being held out/advertised for short term rental without the requisite city, county and state licensing. The property does not have a transient medallion and has not been inspected by the Fire Department. **Counts 3 - 8: Sec. 122-1371 (d) 9:** The property is being held out/advertised for short term rental for six nights beginning 17 Sept 2016 for \$4,016.35 without the benefit of a transient license.

**The Special Magistrate had to continue this case to February 15, 2017 because it was around 5 pm and there was another meeting being held in the chambers at 6.**

10

**Case # 14-1488**

Sunrise at Seaside Condo Association

3625 Seaside Drive

FBC. 1612.4 (ASCE 24-05) Floor Hazard Construction

Officer Scott Fraser

Certified Service: 9-15-2015

Initial Hearing: 10-21-2015

**Continuance granted to March 29, 2017**

**Count 1:** Unprotected enclosed structures below design flood elevation.

**The Special Magistrate granted the request to continue this case to March 29, 2017.**



11

**Case # 16-917**

Phillip &amp; Patsy Amsterdam - Property Owner

Mr. Wayne Smith - Registered Agent

512 Caroline Street

Sec. 18-601 License required.

Sec. 90-363 Certificate of occupancy - Required.

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

Officer Leonardo Hernandez

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-15-2016 - Registered Agent

Initial Hearing: 1-25-2017

**Continuance granted to February 15, 2017**

**Count 1:** This business is renting short term at least two illegal units without the required license. There are 8 actual units, one is allegedly employee housing but only 5 are recognized. **Count 2:** Required certificate of occupancy was never procured or issued for 3 units in question. **Count 3:** Required building permits were never procured or issued for the 3 units in question.

**The Special Magistrate granted the request to continue this case to February 15, 2017.**

12

**Case # 16-1028**

Phillip &amp; Patsy Amsterdam - Property Owner

Mr. Wayne Smith - Registered Agent

511 Caroline Street

Sec. 18-601 License required.

Sec. 90-363 Certificate of occupancy - Required.

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

Officer Leonardo Hernandez

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-15-2016 - Registered Agent

Initial Hearing: 1-25-2017

**Continuance granted to February 15, 2017**

**Count 1:** This business is renting short term 5 units without the required license. **Count 2:** Required certificate of occupancy was never procured or issued for 5 units in question. **Count 3:** Required building permits were never procured or issued for the 5 units in question.

The Special Magistrate granted the request to continue this case to February 15, 2017.

13

**Case # 16-1248**

William D Letrick

1801 N Roosevelt Blvd King Fish Pier 39-41

Sec. 14-185 Compartmentation and flotation devices

Officer Leonardo Hernandez

Posted: 9-8-2016

Initial Hearing: 12-21-2016

**Continuance granted to February 15, 2017**

**Count 1:** For failure to repair/secure the hull of the floating home that came loose exposing the floor joists and subfloor.

The Special Magistrate granted the request to continue this case to February 15, 2017.

14

**Case # 16-1573**

Peter Nelson Brawn  
1413 South Street  
Sec. 26-197 Animals  
Officer Leonardo Hernandez  
Certified Service: 12-1-2016  
Initial Hearing: 12-21-2016

**Continued from December 21, 2016.**

**Count 1:** This is the 5th complaint in the past 5 years for barking dogs. Previous cases: 16-107, 15-976, 13-1528 and 12-1337.

**Susan Cardenas and Peter Brawn attended the hearing. After hearing testimony, the Special Magistrate granted the request to find Mr. Brawn in violation. No fines or fees were imposed.**

15

**Case # 16-1226**

Peter & Dixie Janker  
417 United Street  
Sec. 14-40 Permits in historic districts  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions - **Repeat Violation**  
Sec. 14-40 Permits in historic districts - **Repeat Violation**  
Officer Beau Langford  
Certified Service: 9-3-2016  
Initial Hearing: 9-28-2016

**Continued from November 16, 2016 for compliance.**

**Count 1:** Failure to apply and obtain an after-the-fact HARC Certificate of Appropriateness for painting. **Count 2:** Failure to apply and obtain proper permit for spiral staircase. **Count 3:** Failure to apply and obtain a HARC Certificate of Appropriateness for the spiral staircase.

**Director Jim Young stated that this property is now in compliance but requested administrative fees of \$250 which was granted by the Special Magistrate.**

16

**Case # 16-1587**

Circle K Stores, Inc.  
Corporation Service Company - Registered Agent  
1890 North Roosevelt Boulevard  
Sec. 74-32 Discharges to natural outlets  
Officer Beau Langford  
Certified Service: 12-5-2016  
Initial Hearing: 1-25-2017

**Settlement Agreement**

**Count 1:** Brown water overflowing and draining into property's storm drains.

A Settlement Agreement was presented which the Special Magistrate approved. The respondent stipulates to the imposition of the administrative cost of \$250. The respondent also agrees to pay a fine in the amount on \$250 for a total of \$500.

17

**Case #16-306**

Anthony Lazarus & Brenda Lynch  
628 Elizabeth Street  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in the historic district  
Sec. 14-262 Request for inspection  
Officer Jorge Lopez  
Certified Service: 11-1-2016  
Initial Hearing: 12-21-20126

**In compliance January 25, 2017, request dismissal**

**Count 1:** A shed was built without the benefit of a building permit.  
**Count 2:** A shed was built without the benefit of a certificate of appropriateness. **Count 3:** Electricity was added to the shed. Electrical work requires a final inspection.

The Special Magistrate granted the request to dismiss this case.

18

**Case # 16-727**

Whammy Key LLC  
Alfred Phillips - Registered Agent  
903 Duval Street  
Sec. 26-192 Unreasonably excessive noise prohibited  
Officer Jorge Lopez  
Certified Service: 6-30-2016  
Initial Hearing: 7-27-2016

**Continued from November 16, 2016**

**Count 1:** Was given warning with a DBC of 86.9 on 6/3/16. Received another complaint, conducted a second reading on 6/25/16 with a DBC of 81.1 and was found in violation.

**Cristy Spottswood and Daren Cassani attended the hearing. She submitted an amended motion to dismiss which was denied. After hearing testimony, the Special Magistrate found Whammy Key LLC/Daren Cassani in violation. Costs of \$250 were imposed.**

19

**Case # 16-939**

R R Beason Jr Trust 12/18/2000  
1603 Von Phister Street  
Sec. 14-37 Building permits; professional plans; display of permit;  
address; exception  
Officer Jorge Lopez  
Certified Service: 10-5-2016  
Initial Hearing: 10-19-2016

**Continued from December 21, 2016.**

**Count 1:** For failure to obtain building permits for the interior and exterior renovations.

**Owen Trepanier attended the hearing. After hearing testimony, the Special Magistrate found R R Beason Jr Trust in violation. No fees or fines were imposed at that time. The court reserves the right to impose fees and fines if compliance is not obtained by March 28, 2017. A compliance hearing will be held on March 29, 2017**

20

**Case # 16-1012**

C. W. Dement

227 Duval Street

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

Sec. 14-40 Permits in the historic districts

Officer Jorge Lopez

Certified Service: 9-2-2016

Initial Hearing: 9-28-2016

**Continued from December 21, 2016 for compliance.**

**Count 1:** Failure to obtain building permit or remove the unpermitted structure. **Count 2:** Failure to obtain the required Certificate of Appropriateness or remove the unpermitted structure.

**Joe Walsh attended the hearing. After hearing testimony, the Special Magistrate extended the compliance date to February 15, 2017 so that Mr. Walsh and the city can decide what will be put case into compliance.**

21

**Case # 16-1247**

Stuart Kessler

1801 North Roosevelt Boulevard

Sec. 14-185 Compartmentation and flotation devices

Officer Jorge Lopez

Certified Service: 12-28-2016

Initial Hearing: 1-25-2017

**New Case**

**Count 1:** Owner of the vessel was notified by the Dock Master that this vessel needs to be repaired and to secure the floating device. As of December 14, 2016, there has been no progress towards compliance.

**Stuart Kessler attended the hearing. After hearing testimony about the request for a stay, Mr. Kessler had submitted evidence showing that he filed a case with the United States District Court for the Eastern District of Florida. The Special Magistrate continued this case to February 15, 2017.v**

22

**Case # 16-1403**

808 Southard Street, LLC

Peter Brawn - Owner

G, B&amp;B-B Registries, LLC - Registered Agent

812 Southard Street

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

Sec. 62-31 Maintenance of area between property line and adjacent paved roadway - **Request dismissal of count 2**

Officer Jorge Lopez

Certified Service: 10-20-2016 - Registered Agent

Certified Service: 11-02-2016 - Owner

Initial Hearing: 11-16-2016

**Continued from December 21, 2016.**

**Count 1:** Failure to cut overgrown weeds and remove trailer loaded with debris and bulk waste to avoid unsightly and unsanitary conditions. **Count 2:** Failure to clean up debris accumulated on the sidewalk.

**After hearing testimony, the Special Magistrate dismissed this case even though he thought it is border line in violation; that he doesn't think that there is substantial evidence to support the finding.**

23

**Case # 16-1469**

Kathryn Jarman

113 Petronia Street

Sec. 6-2 Permit required; application; appeal; fees

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

Officer Jorge Lopez

Hand Served: 12-31-2016

Posted: 1-13-2017

Initial Hearing: 12-21-2016

**Continued from December 21, 2016.**

**Count 1:** For performing in front of 724 Duval Street without the required permit. **Count 2:** For failure to obtain a business tax receipt prior to performing during the Bahama Village Goombay Festival.

**Kathryn Jarman attended. She is filing paperwork with the clerk but did not have them with her. Her request to continue this case to February 15, 2017 was granted by the Special Magistrate.**

24

**Case # 16-1527**

Steam Plant Condominium, LLC

Christopher Belland - Registered Agent

Icamco - Registered Agent

281 Trumbo Road

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

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service: 12-13-2016 - Icamco

Certified Service: 12-12-2016 - Christopher Belland

Initial Hearing: 1-25-2017

**Continuance granted to February 15, 2017****Count 1:** Installation of a fence without the benefit of required permits.**Count 2:** Fence installed without benefit of certificate of appropriateness.

The Special Magistrate granted the request to continue this case to February 15, 2017.

25

**Case # 16-1603**

Upper Keys Property Management

Ilias Agelis - Registered Agent

City of Key West

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

Sec. 18-150 Certificate of competency required.

Officer Jorge Lopez

Certified Service:

Initial Hearing: 1-25-2017

**In compliance January 3, 2017, request dismissal****Count 1:** A business tax receipt needed for handyman services.**Count 2:** A certificate of competency is required for engaging in business as a licensed contractor.

The Special Magistrate granted the request to dismiss this case.



26

**Case # 16-1613**

Whammy Key, LLC  
Alfred Phillips  
903 Duval Street  
Sec. 26-192 Unreasonably excessive noise prohibited.  
Officer Jorge Lopez  
Certified Service: 12-21-2016  
Initial Hearing: 1-25-2017

**New Case**

**Count 1:** Responding to this complaint, I conducted a sound reading on December 3, 2016. I found this establishment in violation at 85.5 DBC. There is a previous case from June 25, 2016 with 81.1 DBC, case 16-727.

**After hearing testimony the Special Magistrate dismissed this case because he couldn't say that the noise came from this property due to the fact that December 3rd was the night of the Christmas Parade.**

27

**Case # 16-1614**

Matelus & Marie M. Pierre  
1300 15th Court 03  
Sec. 90-363 Certificate of occupancy required  
Determination and levy of charge.  
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions.  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business.  
Officer Jorge Lopez  
Certified Service: 12-12-2016  
Certified Service: 1-23-2017  
Initial Hearing: 1-25-2017

**Continuance granted to February 15, 2017**

**Count 1:** Failure to apply for and obtain a certificate of occupancy.  
**Count 2:** Failure to pay impact fees related to utilities. **Count 3:** Plumbing and electrical work done without the benefit of the required building permits and inspections. **Count 4:** The free standing structure is being rented without the benefit of a business tax receipt.

**The Special Magistrate granted the request to continue this case to February 15, 2017.**

28

**Case # 16-455**

Donald R Lynch  
820 Carstens Lane  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions  
Sec. 14-40 Permits in historic districts  
Officer Kenneth JW Waite  
Certified Service: 10-4-2016  
Initial Hearing: 10-19-2016

**Continued from December 21, 2016.**

**Count 1:** For failure to obtain a building permit for the enclosure of the second story porch and plumbing for the shower. **Count 2:** For failure to obtain a certificate of appropriateness for the enclosure of the second story porch.

**The Special Magistrate granted the request to continue this case to February 15 2017.**

29

**Case # 16-667**

Daniel J. Dingeman  
6 Sunset Key Drive  
Sec. 122-990(6)(b) Dimensional requirements  
Sec. 14-37 Building permits; professional plans; display of permits;  
address; exceptions.  
Sec. 14-327 Inspection.  
Officer Kenneth JW Waite  
Certified Service: 12-12-2016  
Initial Hearing: 1-25-2017

**New Case**

**Count 1:** Failure to obtain an after-the-fact permit or an after-the-fact variance as the location of pool pump to the dividing fence is 8 inches and the required minimum setback is 2.5 feet. **Count 2:** Failure to apply for permits to relocate the pool pump. **Count 3:** Failure to obtain a mechanical inspection for the pool pump from the City of Key West Building Department.

**Owen Trepanier attended the hearing. After hearing testimony, the Special Magistrate granted the request to continue this case to March 29, 2017.**

30

**Case # 16-861**

Interstate Enterprises Group, Inc.

901 White Street 903

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

Sec. 14-262 Request for inspection

Sec. 90-363 Certificate of occupancy - required - **Request dismissal**Sec. 58-61 Determination and levy charge - **Request dismissal**Sec. 66-87 Business tax receipt required for all holding themselves out  
to be engaged in business - **Request dismissal**

Officer Kenneth JW Waite

Certified Service: 9-15-2016

Initial Hearing: 10-19-2016

**Continued from December 21, 2016 for compliance.**

**Count 1:** For failure to obtain a building permit for the pool house which contain windows. Original permit was for a shed only without windows. **Count 2:** For failure to obtain an electrical permit/inspection for the window air conditioner that was installed in the pool house.

**Count 3:** For failure to obtain a certificate of occupancy. Pool house is being advertised as a rental unit. **Count 4:** The pool house does not have the required utility accounts or legal unit determination. **Count 5:** For failure to obtain a business tax receipt to rent the pool house.

**After hearing testimony, the Special Magistrate granted the request to continue this case to March 29, 2017 for compliance.**

31

**Case # 16-1523**

KDA Group Inc.

D'Or 24K KW

Elidor Oz

291 Front Street

Sec. 18-705 Requirements of permit holder

Officer Kenneth JW Waite

Hand Served: 11-4-2016

Initial Hearing: 12-21-2016

**Continuance granted to February 15, 2017**

**Repeat Violation**

**Count 1:** For failure to supply the customer a pre-written statement prior to applying lotion.

**The Special Magistrate granted the request to continue this case to February 15, 2017.**

32

**Case # 16-1593**

Ronald Kaisen

1211 Catherine Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. - Count 2 and Counts 3 through 9

Officer Kenneth JW Waite

Posted: 1-11-2017

Initial Hearing: 1-25-2017

**Settlement Agreement**

**Count 1:** The subject property was being held out/advertised on AIRBNB.com for transient rental for the period of 22 October 2016 - 29 October 2016 for a total of \$4876.75 without the required transient rental license. This is a repeat violation reference case numbers 12-0016, 15-0203, 16-0793, 16-0942. **Count 2:** The subject property has not provided the required city, county, and state licensing. The subject property does not have transient medallion and has not been inspected by City of Key West Fire Department. **Counts 3 through 9:** A rental agreement was secured for the subject property from the tenant at 1211 Catherine St for 22 October 2016 - 29 October 2016. The rental agreement was executed by Key West Properties of PA d for a total of \$4,876.75.

A Settlement Agreement was presented and approved. The respondent stipulates to the imposition of the Administrative Cost in the amount of \$250, and a fine in the amount of \$500 for each repeat violation. The respondent stipulates to eight repeat violations for a total cost of \$4,000. The respondent also agrees to pay the proceeds of \$4,876.75 which was the total amount paid for the rental of the respondent's property and a \$5,000 fine for the irreparable count as well as a suspended fine in the amount of \$2,000 assessed from previous case 16-942 for a total of \$16,126.75. The respondent agrees to a suspended fine in the amount of \$35,000. Respondent agrees to pay \$8,126.75 within 30 days and the balance in monthly payments of \$1,000 starting March 1.

33

**Case # 16-1595**

Scott Zurbrigen - Owner

Sean Seckel - Owner

Caroline V. Zurbrigen - Owner

1224 Florida Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. Count 2 and Counts 3 through 9

Officer Kenneth JW Waite

Certified Service: 12-20-2016 - Scott Zurbrigen

Initial Hearing: 1-25-2016

**In compliance January 17, 2017, request dismissal.**

**Count 1:** The subject property was being held out/advertised on AIRBNB.com for the period of 11 December 2016 through 18 December 2016 for a total of \$2,927.00 without the benefit of a transient rental license. This is a repeat violation reference case number 12-0904. **Count 2:** The subject property is holding out/advertising for short term rental without the benefit of required city, county and state licensing. The subject property does not have transient medallion and has not been inspected by City of Key West Fire Department. **Counts 3 through 9:** The subject property is holding out for the dates of 11 December 2016 through 18 December 2016 for transient rental for a total of \$2,927.00.

**The Special Magistrate granted the request to dismiss this case.**

34

**Case # 16-1597**

Charles B. Hoffman

1420 Whalton Street

Sec. 18-601 License required.

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. Count 2 and Counts 3 through 10

Officer Kenneth JW Waite

Certified Service: 12-3-2016

Initial Hearing: 1-25-2017

**Repeat Violation**

**Count 1:** The subject property being held out/advertised on AIRBNB.com for transient rental for the period of 22 November 2016 through 30 November 2016 without the benefit of a transient rental license for a total of \$1,295.00. This is a repeat violation reference case numbers 16-0219, 16-0574, 16-0976, 16-0977, 16-0978. **Count 2:** The subject property is being held out without benefit of required city, county and state licensing. The subject property does not have transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 3 through 10:** The subject property owner is holding out for transient rental from 22 November 2016 through 30 November 2016 for eight nights for a total of \$1,295.00.

**Charles Hoffman attended the hearing. After hearing testimony the Special Magistrate found Mr. Hoffman in violation. Costs of \$250 were imposed. Also imposed was a fine of \$500 per count (10 counts) for the repeat violation. The total amount due the city is \$5,275.00**

35

**Case # 16-1644**

Ronald Baecker

1111 Watson Street A

Sec. 18-601 License required.

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. Count 2 and Counts 3 through 9

Officer Kenneth JW Waite

Certified Service: 12-16-2016

Initial Hearing: 1-25-2016

**Continuance granted to February 15, 2017**

**Count 1:** The subject property being held out/advertised on AIRBNB.com from 2 May 2016 through 9 May 2016 for a total of \$1,548.00 without the benefit a transient rental license. **Count 2:** The subject property is being rented transiently without the benefit of city, county, and state license. The subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 3 - 9:** The subject property owner is holding out for transient rental for 7 nights the dates of 2 May 2016 through 9 May 2016 for a total of \$1,548.00.

**The Special Magistrate granted the request to continue this case to February 15, 2017.**



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**Case # 16-1650**

The Oaks Key West, LLC

Eric Dickstein

Ronit S. Berdugo Dickstein

328 Julia Street

Sec. 18-601 License required.

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. Count 2 and Counts 3 through 16

Officer Kenneth JW Waite

Certified Service: 12-17-2016

Initial Hearing: 1-25-2017

**In compliance January 9, 2017, request Finding of Violation without fees or fines.****Count 1:** The subject property is being held out/adversied on AIRBNB.com from 21 November 2016 through 28 November 2016 for a total of \$3,402.00 without the benefit of a transient rental license.**Count 2:** The subject property is holding out/advertising for short term rental without the benefit of the required city, county, and state licensing. The subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department.**Counts 3 - 16:** The subject property owner is holding out for transient rental for 14 nights 23 December 2017 for a total of 2,304.00.**The request to find The Oaks Key West, LLC/Eric Dickstein/Ronit S Berdugo Dickstein in violation was granted. No fees or fines were imposed.**

37

**Case # 16-1661**

Kimberly K. Byrd-Rider

609 Margaret Street

Sec. 18-601 License required.

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. Count 2 and Counts 3 - 9

Officer Kenneth JW Waite

Certified Service: 12-19-2016

Initial Hearing: 1-25-2017

**In compliance January 4, 2017, request Finding of Violation without fees or fines**

**Count 1:** The subject property advertised on AIRBNB.com on 14 December 2016 for short term rental without the benefit of of a transient rental license. **Count 2:** The subject property is holding out/advertising transiently without a city, county or state license. This subject property does not have a transient rental medallion and has not been inspected by the City of Key West Fire Department. **Counts 3 - 9:** The subject property is being held out/advertised for short term rental for seven nights beginning 1 March 2017 for \$7,008.00 without the benefit of a transient rental license.

The request to find Kimberly K Byrd-Rider in violation was granted. No fees or fines were imposed.

38

**Case # 16-1236**

Whammy Key, LLC  
Alfred Phillips - Registered Agent  
903 Duval Street  
Sec. 14-37 Building permits, display  
Sec. 14-40 Permits in the Historic District  
Sec. 122-750 (6) Dimensional HRCC-3  
Sec. 110-256 (5)(i) Tree abuse  
Officer Jim Young  
Certified Service: 11-09-2016 - Registered Agent  
Initial Hearing: 11-16-2016

**Continued from December 21, 2016 for compliance.**

**Count 1:** Failure to obtain after-the-fact Building permits or obtain a demolition permit and remove the stage as the stage has been built in the side setback. **Count 2:** Failure to obtain HARC Certificate of Appropriateness or obtain a demolition permit and remove the stage as the stage has been built in the side setback. **Count 3:** Failure to obtain after-the-fact Building permits or obtain a demolition permit and remove the stage as the stage has been built in the side setback. **Count 4:** Failure to un-attach the stage from the tree as it is nailed to the tree with a two by four.

**Cristy Spottswood attended the hearing. Director Young requested that count 3 be dismissed which was granted. After hearing testimony, the Special Magistrate granted the request to continue this case to March 29, 2017.**

**Liens**

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**Case # 16-1609**

Charles W Brockunier  
1100 Simonton Street  
Sec. 42-1 Offenses under state law (c) (1)  
Certified Service:  
Initial Hearing: 12-21-2016

**Request dismissal**

**The Special Magistrate granted the request to dismiss this case.**

**Adjournment**