



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, February 15, 2017

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 305-809-3811 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 # 15-837

Fred V & Eileen A Redmond

3314 Northside Drive 16

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

Sec. 90-365 Violations and penalties

Officer Bonnita Badgett

Certified Service: 12-10-2015

Initial Hearing: 12-16-2015

Continuance granted to August 30, 2017

Count 1: Each rental unit requires a business tax receipt to rent non-transiently. **Count 2:** The second unit needs to be legalized as a residential unit.

The Special Magistrate granted the request to continue this case to August 30, 2017

2

Case # 16-336

Kevin & 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

Settlement Agreement

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 was presented with a Settlement Agreement which he approved. Costs of \$250 were imposed and the return of the city funds of \$3,400 which were paid for the occupancy of subject unit. Also imposed was a suspended fine of \$5,000 for the irreparable count.

3

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

Settlement Agreement

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 was presented with a Settlement Agreement which he approved. The City acknowledges that the website advertisements are now in compliance. Respondent does not admit the violations, however, Respondent does not contest the violations. The respondent stipulates to the imposition of the Administrative Costs in the amount of \$250 for all cases concurrently.

4

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

Settlement Agreement

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 was presented with a Settlement Agreement which he approved. The City acknowledges that the website advertisements are now in compliance. Respondent does not admit the violations, however, Respondent does not contest the violations. The respondent stipulates to the imposition of the Administrative Costs in the amount of \$250 for all cases concurrently.

5

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

Settlement Agreement

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 was presented with a Settlement Agreement which he approved. The City acknowledges that the website advertisements are now in compliance. Respondent does not admit the violations, however, Respondent does not contest the violations. The respondent stipulates to the imposition of the Administrative Costs in the amount of \$250 for all cases concurrently.

6

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

Settlement Agreement

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 was presented with a Settlement Agreement which he approved. The City acknowledges that the website advertisements are now in compliance. Respondent does not admit the violations, however, Respondent does not contest the violations. The respondent stipulates to the imposition of the Administrative Costs in the amount of \$250 for all cases concurrently.

7

Case # 16-1480

Billy D Busche
1607 Venetian Drive
Sec. 108-677 Parking and storage of certain vehicles.
Officer Sophia Doctoche
Posted: 1-19-2017
Initial Hearing: 1-25-2017

In compliance February 15, 2017, request dismissal

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

The Special Magistrate granted the request to dismiss this case

8

Case # 16-917

Phillip & 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 April 26, 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 April 26, 2017

9

Case # 16-1028

Phillip & 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 April 26, 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 April 26, 2017

10

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 March 29, 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 March 29, 2017

11

Case # 16-1430

Luz M Zapata
326 Virginia 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: 1-6-2017
Initial Hearing: 2-15-2017

Continuance granted to March 29, 2017

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

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

12

Case # 16-1053

Greengo LLC
Damian Vantriglia
830 Caroline Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 12-24-2016
Initial Hearing: 2-15-2017

In compliance December 29, 2016, request dismissal

Count 1: The business tax receipt has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to dismiss this case

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Case # 16-1156

Capital Bank Corporation
c/o Corporation Service Company - Registered Agent
330 Whitehead Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 12-27-2016
Initial Hearing: 2-15-2017

In compliance February 8, 2017, request dismissal

Count 1: The business tax receipt has been delinquent since 30 Sept 2015.

The Special Magistrate granted the request to dismiss this case

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Case # 16-1552

Laney & Stephanie Caston
1901 S Roosevelt Blvd S302
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings
Sec. 122-1371 Transient living accommodations in residential dwellings - **Counts 3 - 14**
Officer Beau Langford
Certified Service: 1-23-2017
Initial Hearing: 2-15-2017

New Case

Count 1: For holding the property out for short term rentals on VRBO.com for the dates of 15 Jan 2017 through 27 Jan 2017 without a transient rental license. **Count 2:** For holding the property out for short term rentals on VRBO.com for the dates of 15 Jan 2017 through 27 Jan 2017 without the benefit of the required city, county and state licensing, medallion and fire inspection. **Counts 3 through 14:** The subject property owner is holding out for transient rental for 12 nights for a total of \$3,744.00.

Lori Thompson attended the hearing representing the respondents. After hearing testimony and reviewing the evidence, the Special Magistrate found Laney & Stephanie Caston in violation. Costs of \$250 were imposed. The court reserves the right to impose fines if compliance is not obtained by April 26, 2017. Another continuance may be granted.

15

Case # 16-1008

Heather & David Dulinski

822 Thomas Street

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

Sec. 14-40 Permits in historic districts

Sec. 90-358 Building permit time limitations

Officer Jorge Lopez

Certified Service: 1-7-2017

Initial Hearing: 2-15-2017

In compliance January 26, 2017, request dismissal

Count 1: For exceeding the scope of the fence permit - 6 foot fence permitted - built 7' 2" foot high fence. **Count 2:** For exceeding the scope of the certificate of appropriateness - 6 foot fence permitted - built 7' 2" foot high fence. **Count 3:** The building permit had expired in November - no inspections had been done.

The Special Magistrate granted the request to dismiss this case

16

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

In compliance February 15, 2017 - administrative fees still due

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.

Compliance was obtained on February 15, 2017. Case will be closed once the fees of \$250 have been paid.

17

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

Continuance granted to March 29, 2017

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.

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

18

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 January 25, 2017

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 the hearing. After hearing testimony and reviewing the evidence, the Special Magistrate found Ms. Jarman in violation. Costs of \$250 were imposed. No fines were imposed. The Special Magistrate stated that if she is cited again, he will impose fines.

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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

In compliance February 15, 2017, request dismissal

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 dismiss this case

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Case # 16-1614

Erwin & Didier M Mayer - Property Owner

Matelus & Marie M Pierre - Mobile Home Owner

1300 15th Court 03

Sec. 90-363 Certificate of occupancy required

Sec. 58-61 Determination and levy of charge

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Counts 3 - 4**Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business

Officer Jorge Lopez

Certified Service: 1-26-2017 - Property Owner

Certified Service: 1-23-2017 - Mobile Home Owner

Initial Hearing: 2-15-2017

Continuance granted to March 29, 2017

Count 1: For failure to obtain a certificate of occupancy for unit that is attached to the trailer. **Count 2:** For failure to pay impact fees related to utilities. **Count 3:** For failure to obtain a building permit for the new plumbing fixtures and piping. **Count 4:** For failure to obtain a building permit for the new electrical circuits or wiring. **Count 5:** For failure to obtain a business tax receipt to rent this unit.

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

21

Case # 16-1656

Key West Restorations, LLC
Witschey, Witschey & Firestine Co., LPA
Michael Herrera
1435 Flagler Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-42 Construction site requirements
Sec. 1-15 General penalty
Officer Jorge Lopez
Certified Service: 1-23-2017
Initial Hearing: 2-15-2017

Continuance granted to March 29, 2017

Count 1: For failure to obtain building permits and a licensed contractor to replace drywall. **Count 2:** For working over and removing a stop work order. **Count 3:** Penalty for removing the stop work order.

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

22

Case # 17-52

J & C Inc.
Juan C Betancur - Registered Agent
124 Duval Street
Sec. 18-415 Restrictions in historic district
Sec. 18-193 Custom work permit required; inspection; fee - **Request dismissal**
Sec. 66-102 Dates due and delinquent; penalties - **Request dismissal**
Officer Jorge Lopez
Certified Service: 2-4-2017
Initial Hearing: 2-15-2017

Request continuance to March 29, 2017 for Settlement Agreement

Count 1: Louis Lambardi, an employee of the subject business, was actively off premises canvassing on Duval Street on 12 Jan 2017 and also on 14 Jan 2017 and 15 Jan 2017 after being explained that this activity is prohibited. **Count 2:** The business is conducting custom work without the benefit of a custom wearing apparel license. **Count 3:** The business tax receipt has been delinquent since 30 Sept 2016.

The Special Magistrate granted the request to continue this case to March 29, 2017 for the Settlement Agreement

23

Case # 17-79

Solana Village Condominium Association, Inc.

ICAMCO, Inc. Peter Batty - Registered Agent

3314 Northside Drive

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

Officer Jorge Lopez

Certified Service: 1-23-2017

Initial Hearing: 2-15-2017

New Case

Count 1: Responding to a complaint, conducted inspection and found a lot of garbage bags on the ground. There was a bad smell and there were a lot of flies due to the fact that the garbage bags were open. On 31 Aug 2016, Code had received the same complaint regarding unsanitary conditions.

Nick Batty attended the hearing. After hearing testimony and reviewing the evidence, the Special Magistrate found Solana Village Condominium in violation. Costs of \$250 were imposed.

24

Case # 16-455

Donald R Lynch

820 Carstens Lane

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Counts 1 - 3**Sec. 102-152 Required for permits - **Counts 4 - 5**Sec. 90-142 Historic Architectural Commission Design Guidelines
adopted - **Count 6**

Officer Kenneth JW Waite

Certified Service: 2-3-2017 - amended notice

Initial Hearing: 10-19-2016

Continuance granted to March 29, 2017

Count 1: For failure to obtain a building permit for the enclosure of the second story porch. **Count 2:** For failure to obtain a building permit for the exterior stairway. **Count 3:** For failure to obtain a building permit and inspections for the plumbing that was installed. **Count 4:** For failure to obtain a certificate of appropriateness for the enclosure of the second story porch. **Count 5:** For failure to obtain a certificate of appropriateness for the exterior stairway. **Count 6:** For failure to obtain a certificate of appropriateness for the satellite dish that was installed.

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

25

Case # 16-948

Beauty Boutique & The Glam Squad, LLC

Karrie P Bond

1920 Patterson Avenue

Sec. 66-102 Dates due and delinquent; penalties

Officer Kenneth JW Waite

Certified Service:

Initial Hearing: 2-15-2017

Continuance granted to March 29, 2017 for service

Count 1: The business tax receipt for Beauty Boutique & The Glam Squad has been delinquent since 30 Sept 2015

The Special Magistrate granted the request to continue this case to March 29, 2017 for service

26

Case # 16-1490

Poinciana Park Partners LLP - Property Owner

Gabriele Ostrowicki, PA

Jean F Camille - Mobile Home Owner

1300 15th Court 28

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

Officer Kenneth JW Waite

Certified Service: 1-13-2017

Initial Hearing: 2-15-2017

Continuance granted to March 29, 2017

Count 1: For failure to obtain a building permit and a licensed contractor for the enclosed structure.

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

27

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

Continued from January 25, 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 April 26, 2017

28

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

Request continuance to March 29, 2017 for service of the Amended Notice

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 March 29, 2017 for service of the amended notice of hearing.

29

Case # 16-1686

Soap Stories Tampa Bay Inc. - Registered Agent

Incorporation Services LTD

617 Duval Street

Sec. 18-415 (b)(1)(a) Restrictions in historic districts

Officer Kenneth JW Waite

Certified Service: 12-27-2016

Initial Hearing: 2-15-2017

Continuance granted to March 29, 2017

Count 1: On 21 Dec 2016, officer observed of a male employee of Soap Stories Tampa Bay Inc. d.b.a Era Ageless applying cosmetics to a female on the sidewalk directly in front of 617 Duval Street.

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

Adjournment