



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, March 30, 2011

1:00 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

1:35 pm

Code Violations

- 1 Case # 08-2343
Billy D Bushe
1607 Venetian Drive
Sec. 108-681 Camping Vehicles & Equipment
Sec. 108-683 Exceptions
Officer Gary Addleman
Certified Service: 2-11-2011
Initial Hearing: 3-30-2011

New Case

Attachments: [08-2343 1607 Venetian Dr NOH](#)
[08-2343 1607 Venetian Dr Letter](#)
[08-2343 1607 Venetian Dr Pic](#)

Judge Overby requested that Mr. Bushe bring all updated/open permits to the next meeting, April 27, 2011, and a plan on when the trailer will be removed.

- 2 Case # 11-44
Violet Sears L/E
c/o Charncenell Sears
904 Thomas Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Sec. 66-87 Business Tax Receipt Required
Officer Gary Addleman
Certified Service: 2-17-2011

Initial Hearing: 3-30-2011

New Case

Attachments: [11-44 904 Thomas St NOH](#)
[11-44 904 Thomas St Pic](#)

Judge Overby found that Violet Sears L/E is in violation of section 14-37, 14-40 for constructing a fence without HARC approval and a building permit. The violation for renting without a business tax receipt was dismissed. The business tax receipt was obtained on March 23, 2011. Costs of \$250 were imposed along with a fine of \$100 per day, per count if compliance is not met by April 26, 2011. A compliance hearing will be held on April 27, 2011.

3

Case # 11-9
Island Welcome Center
Joe Walsh, Pres.
C W Dement, R/A
402 Wall Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Sec. 62-3 Schedule of Right of Way Permit Fees
Officer Dottie Austin
Certified Service: 2-8-2011
Initial Hearing: 2-23-2011

Continued for Compliance

Attachments: [11-9 402 Wall St F-O](#)

Officer Austin stated that HARC approval was received, the property is in compliance and requested dismissal which was approved by Judge Overby.

4

Case # 10-1486
Peter Anderson
Benjamin Bruce
613 Simonton Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in Historic District
Officer Dottie Austin
Certified Service: 2-27-2011
Initial Hearing: 3-30-2011

New Case

Attachments: [10-1486 613 Simonton St NOH](#)
[10-1486 613 Simonton St Pic](#)

Mr. Anderson stated that the permits were applied for. A continuance was granted to April 27, 2011.

5 Case # 09-2109
Lissette Cuervo
Louis Cuervo
2804 Seidenberg Avenue
Sec. 14-37 Building Permits, Display
Officer Yenenia Beltranena
Posted: 8-20-2011
Initial Hearing: 9-1-2010

Continued for compliance

Attachments: [09-2109 2804 Seidenberg Ave F-O](#)

Judge Overby stated that he could not stop the fines because it has been over a year. He denied the request for a continuance.

6 Case # 10-988
Radio Shack
Auburndale Properties Inc.
Corporation Service Co R/A
1104 Key Plaza A/B
Sec. 30-1 Fire Code Inspections
Officer Yesenia Beltranena
Certified Service: 2-24-2011
Initial Hearing: 3-30-2011

In compliance, request dismissal

Attachments: [10-988 1104 Key Plaza NOH](#)

Officer Beltranena stated that the fire inspection fees have been paid and requested dismissal which was approved by Judge Overby.

7 Case # 10-1420
Edwin O Swift R/A
John Wilson Yarborough EE
Historic Tours of America
Clinton Square
Sec. 18-415 Restrictions in the Historic District
Officer Yesenia Beltranena
Certified Service: 1-7-2011
Initial Hearing: 1-26-2011

Continued from 2-23-2011

Attachments: [10-1420 Clinton Sq NOH](#)

Assistant City Attorney Ron Ramsingh stated that a settlement agreement was in process and requested a continuance to April 27, 2011 which was approved by Judge Overby.

8

Case # 10-1423
Gregory Wythe R/A
CityView Trolley Tours
Clinton Square
Sec. 18-415 Restrictions in the Historic District
Office Yesenia Beltranena
Certified Service: 1-8-2011
Initial Hearing: 1-26-2011

Continued from 2-23-2011

Attachments: [10-1423 Clinton Sq NOH](#)

A settlement agreement was presented to Judge Overby. The respondents agreed to pay costs of \$250 within thirty days. Also, a fine of \$250 was imposed and suspended for five years. Judge Overby approved the agreement.

9

Case # 10-1429
Perfect Pedicab, Inc.
Robert Zaremba EE
Anthony Catalfomo R/A
Front & Duval
Sec. 18-415 Restrictions in the Historic District
Officer Yesenia Beltranena
Certified Service: 1-8-2011
Initial Hearing: 1-26-2011

Continued from 2-23-2011

Attachments: [10-1429 Front & Duval NOH](#)
[10-1429 Front & Duval Pic](#)

The case against Robert Zaremba (driver) was found in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per count (total of 2 counts - 18-415 and 6-151) for a total of \$750. The case against Perfect Pedicabs was taken under advisement. Both sides have 10 days to do write motions.

10

Case # 10-1526
Perfect Pedicab, Inc.
Orion Burnham EE
Anthony Catalfomo R/A
Front & Duval
Sec. 18-415 Restrictions in the Historic District

Officer Yesenia Beltranena
Certified Service: 1-8-2011
Initial Hearing: 1-26-2011

Continued from 2-23-2011

Attachments: [10-1526 Front & Duval NOH](#)

The case against Orion Burnham (driver) was found in violation. Costs of \$250 were imposed. Also imposed was a fine of \$100 for 18-415 for a total of \$350. The case against Perfect Pedicabs was taken under advisement. Both sides have 10 days to do write motions.

11

Case # 10-1546
Edwin O Swift R/A
Veronica De Koster EE
Historic Tours of America
Clinton Sq
Sec. 18-415 Restrictions in the Historic District
Officer Yesenia Beltranena
Certified Service: 1-7-2011
Initial Hearing: 1-26-2011

Continued from 2-23-2011

Attachments: [10-1546 Clinton Sq NOH](#)
 [10-1546 Clinton Sq Map](#)

Assistant City Attorney Ron Ramsingh stated that a settlement agreement was in process and requested a continuance to April 27, 2011 which was approved by Judge Overby.

12

Case # 09-2040
James T Peterson
1609 Jamaica Drive
Sec. 66-102 Delinquent Business Tax
Sec. 14-37 Building Permits Required
Sec. 90-356 Building Permis Required
Sec. 90-363 Certificate of Occupancy Required
Sec. 58-61 Determination of Levy Charge
Officer Barbara Meizis
Certified Service: 3-7-2011
Initial Hearing: 3-30-2011

New Case

Attachments: [09-2040 1609 Jamaica Dr NOH](#)
 [09-2040 1609 Jamaica Dr Pics int](#)

James Peterson was found in violation of Sections 66-102 (delinquent business tax receipt), 14-37 (building permits required), 90-363 (certificate of occupancy required for the two extra units) and 58-61 (determination of levy charge) solid waste account required for all three units. Costs of \$250 were imposed along with a fine of \$250 per count, per day (total of three counts) if not in compliance in 10 days (April 13, 2011) and 25% for the delinquent business tax receipt (\$19.95 X 25% = \$4.99). A compliance hearing will be held on April 27, 2011.

13

Case # 10-522
Sean P Glass
912 Fleming Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Barbara Meizis
Certified Service: 11-18-10
Initial Hearing: 12-8-2010

Continued for Status

Attachments: [10-522 912 Fleming St NOH](#)

Mr. Glass requested a continuance to April 27,2011 which was approved by Judge Overby.

14

Case # 10-930
Dennis D & Leigh A Hooten
2829 Seidenberg Avenue
Sec. 26-126 Clearing of Property
Officer Barbara Meizis
Certified Service: 11-12-2010
Initial Hearing: 12-8-2010

Continued from 2-23-2011

Attachments: [10-930 2829 Seidenberg Ave NOH](#)

Officer Meizis stated that this property was in compliance and requested that the case be dismissed which was approved by Judge Overby.

15

Case # 10-1365
Thomas Savage
Rebecca Anderson
Perfect Pedicab, Inc.
Tifts at Front
Sec. 6-151 Conditions of Use
Officer Barbara Meizis
Certified Service:11-10-2010

Initial Hearing: 12-8-2010

Continued from 2-23-2011

Attachments: [10-1365 Tifts & Front NOH](#)

The case against Perfect Pedicabs was taken under advisement. Both sides have 10 days to do write motions.

16

Case # 11-271
Patrick T Curry R/A
Curry Refrigeration & A/C, Inc.
722 Simonton Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Barbara Meizis
Certified Service: 3-4-2011
Initial Hearing: 3-30-2011

In compliance, request dismissal

Attachments: [11-271 722 Simonton St NOH](#)

Officer Meizis stated that Curry Refrigeration was in compliance and requested that the case be dismissed which was approved by Judge Overby.

17

Case # 10-1484
Ellen Hemmert
2116 Fogarty Avenue
Sec. 26-126 Clearing of Property
Officer Bonnita Myers
Certified Service: 2-11-2011
Initial Hearing: 2-23-2011

In compliance, request dismissal

Attachments: [10-1484 2116 Fogarty Ave NOH](#)
[10-1484 2116 Fogarty pic 1](#)

Officer Myers stated that the property was in compliance and requested a dismissal which was approved by Judge Overby.

18

Case # 11-127
Lime Grove Properties, LLC
Jeanne G & Thomas W Wesson
2907 Seidenberg Avenue
Sec. 18-117 Acts Declared Unlawful

Officer Bonnita Myers
Certified Service: 2-7-2011
Initial Hearing: 2-23-2011

Continued from 2-23-2011

Attachments: [11-127 2907 Seidenberg Ave NOH](#)
 [11-127 2907 Seidenberg Pic 1](#)
 [11-127 2907 Seidenberg Pic 2](#)

Judge Overby found that Jeanne & Thomas Wesson were in violation. Costs of \$250 were imposed and reserved ruling on fines. Judge Overby requested that they make sure that they have all the proper permits and continued the case to April 27, 2011 for a status update.

19

Case # 11-127
Clifford Cutler
2907 Seidenberg Avenue
Sec. 18-146 License Required
Sec. 18-150 Certificate of Competency Required
Officer Bonnita Myers
POSTED: 2-28-2011
Initial Hearing: 3-30-2011

New Case

Attachments: [11-127 2907 Seidenberg Ave NOH](#)
 [11-127 2907 Seidenberg Pic 1](#)
 [11-127 2907 Seidenberg Pic 2](#)

Judge Overby took the case under advisement. On April 4, 2011, he advised the Legal Analyst that he found Mr. Cutler in violation of 18-146 - license required and 18-150 - certificate of competency required. He imposed costs of \$250 along with a fine of \$250 on each count. Total due is \$750.00.

20

Case # 10-1259
Wayne P & Lara L Fox
1417 Pine Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Bonnita Myers
POSTED: 3-9-2011
Initial Hearing: 3-30-2011

New Case

Attachments: [10-1259 1417 Pine St NOH](#)
[10-1259 1417 Pine St. Pics 1](#)
[10-1259 1417 Pine St. Pics 2](#)
[10-1259 1417 Pine St. Pics 3](#)
[10-1259 1417 Pine St. 03.30.11 pic](#)
[10-1259 1417 Pine St. pics 4 posted NOCV](#)
[10-1259 1417 Pine St. pics 5 posted NOH](#)

Judge Overby found Wayne & Lara Fox in violation of 14-37 - building permits, display and 14-40 - Permits in the Historic District. Costs of \$250 were imposed and this case was continued to May 25, 2011. Judge Overby also stated that they need to continue to work on obtaining the permits.

21

Case # 09-37
Lilly Kehoe
Gerard Kehoe
900 Duval Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Sec. 90-363 Certificate of Occupancy - Required
Officer Jim Young
Certified Service: 1-30-2009
Initial Hearing: 2-25-2009

Continued for Compliance

Attachments: [09-37 900 Duval F-O](#)

Officer Young stated that this property is in compliance and requested to close the case. Findings and Order had previously been done and the costs had been paid. Judge Overby approved the closing of the case.

22

Case # 10-1105
Jacob Zucker, Registered Agent
Chabad of Key West
906 Trinity Drive
Sec. 90-363 Certificate of Occupancy - Required
Officer Jim Young
Certified Service: 1-13-2011
Initial Hearing: 1-26-2011

Continued from 2-23-2011

Attachments: [10-1105 906 Trinity Dr NOH](#)

Officer Young stated that this case still requires some documentation in order for a certificate of occupancy can be issued and requested that it be continued to April 27, 2011. This was approved by Judge Overby.

Liens

23 Case # 10-904
Mark & Elizabeth MacLaughlin
3710 Pearlman Avenue
Certified Service: 2-11-2011

Attachments: [10-904 3710 Pearlman Terr Lien](#)

Judge Overby approved filing of the lien.

HARC Appeals

24 SMA 10-04
Victor Cushman
720-726 Emma Street
H10-05-27-594
H10-05-27-595

Attachments: [SMA 10-04 720-726 Emma St](#)

The HARC appeal was continued to April 27, 2011. Mr. Marston will be contacting the company that makes the reflective paint. Judge Overby would like all the information as to costs and reflectivity for the white, gray and clear.

Adjournment

6:19 pm