



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, August 29, 2018

1:30 PM

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.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order

Code Violations

1

Case # 14-1318

Luisa and Thomas M. Black
TBL of North Grove, LLC
327 Margaret Street
Sec. 58-61 Determination and levy of charge
Officer Bonnita Badgett
Certified Service: 7-2-2018
Initial Hearing: 8-29-2018

In compliance 12 July 2018; request dismissal

Count 1: Failure to pay levy for solid waste charge for the addition of a 5th unit on this property.

The Special Magistrate granted the request to dismiss this case.

2

Case # 18-280

Robert Janicki

1205 11th Street

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

Sec. 14-262 Request for inspection

FBC P2503.1 Inspections

FBC 1612.4 Flood Hazard Construction

Sec. 18-117 Acts declared unlawful

Officer Bonnita Badgett

Certified Service: 5-18-2018

Initial Hearing: 5-30-2018

Continued from 27 June 2018 for compliance

Count 1: Building, electrical and plumbing work being done without the benefit of a permits. **Count 2:** Failure to request electrical inspection for work being done without the benefit of a permit. **Count 3:** Failure to request plumbing inspections for work being done without the benefit of a permit. **Count 4:** The new rear room in the main house, the tiki hut and shed shall comply to the ordinance for structures located in the flood hazard areas. **Count 5:** Cease using an unlicensed contractor.

Lori Thompson from Trepanier & Associates attended this hearing as representative of the owner. Officer Badgett represented the City. Ms. Thompson stated permits have been applied for and a lawful unit determination application has been submitted. They would like to ask for a two months' continuance. Officer Badgett stated the city has no objection. The Special Magistrate granted the continuance to 31 Oct 2018.

3

Case # 18-716

Zelma B. Dawson

2433 Linda Avenue

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

Officer Bonnita Badgett

Certified Service:

Initial Hearing: 7-25-2018

In compliance 8 Aug 2018; request dismissal

Count 1: The subject property is very unsightly with trash in the yard and overgrown. **Count 2:** The subject property between the property line and pavement has weeds and overgrown trees hanging over the city right of way. The fence is down in places onto city property, very unsightly and obstructing the city right of way.

The Special Magistrate granted the request to dismiss this case.

4

Case # 18-750

Martha J. Wilkerson Estate

Karen Allen-Valdez

914 Emma Street Front

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

Sec. 26-127 Periods of mowing and removal of debris

Officer Bonnita Badgett

Certified Service:

Initial Hearing: 8-29-2018

In compliance 16 Aug 2018; request dismissal

Count 1: Subject property is unsightly and overgrown. **Count 2:** Subject property needs to be mowed and cleared of weeds.

The Special Magistrate granted the request to dismiss this case.

5 **Case # 18-841**
Anthony Pienczkowski
408 Virginia Street Down
Sec. 58-35 Requirements for bulk and excess yard waste pickup
Officer Bonnita Badgett
Certified Service: 7-7-2018
Initial Hearing: 8-29-2018

In compliance 21 Aug 2018; request dismissal

Count 1: Yard debris placed on city right of way for a week.

The Special Magistrate granted the request to dismiss this case.

6 **Case # 18-994**
James D. Carey
2804 Seidenberg Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Certified Service: 8-11-2018
Initial Hearing: 8-29-2018

In compliance 21 Aug 2018; request dismissal

Count 1: Failure to renew their license which expired 30 Sept 2017.

The Special Magistrate granted the request to dismiss this case.

7 **Case # 18-1002**
David Montagano
Bayshore Landscaping Nursery
27001 Overseas Highway
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Certified Service: 8-13-2018
Initial Hearing: 8-29-2018

In compliance 14 Aug 2018; request dismissal

Count 1: Failure to renew their license which expired 30 Sept 2017.

The Special Magistrate granted the request to dismiss this case.

8

Case # 18-1157

Gold Empire, LLC
Nir Chen
Zohar Alon
518 Duval Street
Sec. 18-705 Requirements of permit holder
Officer Bonnita Badgett
Certified Service: 8-15-2018 - Nir Chen
Certified Service: 8-13-2018 - Zohar Alon
Initial Hearing: 8-29-2018

Settlement Agreement

Count 1: Failure to give written statement before cream was applied to face.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed along with a suspended fine of \$500 for a total due of \$250.

9

Case # 18-244

Antonio Manuel Herce III
Patricia Lee
635 United Street Front
Sec. 14-40 Permits in historic districts
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Officer Wherden Charles
Certified Service: 5-7-2018
Initial Hearing: 5-30-2018

In compliance 30 Jul 2018; request dismissal

Count 1: The renovation of this property shows that the window units were relocated to the walls of the home which are visible from the right of way without HARC approval. **Count 2:** The relocated window units to the wall required removal of a portion of the wall which did not have a building permit.

The Special Magistrate granted the request to dismiss this case.

10

Case # 18-357

Bob Sunderman
922 Catherine Street
Sec. 110-292 Failure to achieve a compliance agreement
Officer Wherden Charles
Certified Service:
Initial Hearing: 4-25-2018

Continued from 25 Jul 2018 for compliance

Count 1: For failure to come into compliance with the signed settlement agreement for violations Sec. 110-256 and 110-321. The payment of \$500 and the planting of one coconut palm 8' tall has not been met.

The respondent did not attend. Officer Charles attended for the City. Karen DeMaria, Urban Forestry Manager for the City of Key West gave testimony stating that he did pay the \$500 settlement fine. He still needs to plant an 8-ft coconut palm tree on site. As this took so long, the homeowner does not want the palm tree. Ms. DeMaria stated her recommendation is that Mr. Sunderman provide the City of Key West that palm tree or he could pay a \$500 mitigation fee. The Special Magistrate has a problem with this as this is a settlement agreement worked out with the tree commission and the respondent. The Special Magistrate does not think he can do anything and he thinks it would need to get sent back to the Tree Commission to work this out. Ms. DeMaria says this case has been going on for so long and the code allows us to go to the Special Magistrate for compliance. It doesn't say anything about going back to the Tree Commission and renegotiating the settlement. The Special Magistrate stated the problem he has is there is a property owner who does not want the tree but to come into compliance the contractor has to plant the tree. It sounds like he wants to plant the tree on the property but now the owner does not want it. The owner is not a party to the settlement agreement and as such he can't force the owner to take the tree which seems like the right thing to do. Ron Ramsingh asked to make a suggestion stating that this is born from Ordinance 100-292 stating that if the alleged violator declines to come into compliance with the settlement agreement then the Tree Commission will forward the case to the Code Enforcement Special Magistrate for further hearing and penalty. It depends on the circumstances as to whether it should get sent back to the Tree Commission. The Special Magistrate stated he cannot make the property owner take the tree as he is not a part of the settlement. If the property owner comes in and states that he told the contractor well before the six months were up that he did not want this tree as opposed to it was after the six months and the contractor never go back to them about planting the tree, then the contractor is in violation of this agreement. The Special Magistrate does not want to find the contractor in violation without knowing exactly the true facts of what has happened. Ron Ramsingh stated we can continue it for that purpose or if you want the Tree Commission can hear it again. We could try it that way and if they don't abide by the settlement agreement for the second time than come back to the Code hearing. The Special Magistrate stated he would like to know if the contractor complied with this agreement or he did not. If the property owner told the

contractor he did not want the tree within the six months than the contractor would have to go back to the Tree Commission. Ms. DeMaria stated she knows that it was not within the six months. The Special Magistrate would like something from the property owner stating the contractor never offered the tree to them within the six months with the date on it. The Special Magistrate will accept an email. The Special Magistrate stated this will be continued to 26 Sept 2018 hearing.

11

Case # 18-730

David Cunningham

428 Greene Street

Sec. 110-292 Failure to achieve a compliance agreement

Officer Wherden Charles

Posted: 7-23-2018

Initial Hearing: 7-25-2018

Continued from 25 Jul 2018

Count 1: Failure to achieve compliance regarding a settlement agreement with Karen Demaria of Urban Forestry.

The respondent did not attend the hearing. Officer Charles attended for the City. Karen DeMaria, Urban Forestry Manager for the City of Key West, attended. Officer Charles gave testimony stating that he was in touch with Mr. Cunningham and he stated he would make payment by August 15, 2018 and there has not been a payment made. Ms. DeMaria stated on December 2015 Mr. Cunningham signed an agreement with the Tree Commission for violation of our ordinance. He was asked to pay a \$2000 fine which was to be paid in three months of the signed agreement. There was good service on a mailing reminding him of this settlement agreement but there was no response. This was forwarded to the Code Compliance Department in May of 2018. The Special Magistrate finds there is a violation. Officer Charles stated the City would like \$250 court cost and \$250 per day for the count. The Special Magistrate finds there is a violation and there has been proper notice with \$250 administrative cost with \$250 per day for the fine imposed. This will begin immediately on this date of 29 Aug 2018.

12

Case # 17-1397

Manuel Kushner

SHS Investments of South Florida, Inc.

820 White Street

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

Sec. 14-40 Permits in Historic Districts

Officer Sophia Doctoche

Certified Service: 8-15-2018

Initial Hearing: 8-29-2018

In compliance 10 Aug 2018; request dismissal

Count 1: Failure to obtain permits for new shutters, deck work, PVC fencing and a rear wooden door added. **Count 2:** Failure to obtain Certificate of Appropriateness for all work done in the historic district.

The Special Magistrate granted the request to dismiss this case.

13

Case # 18-641

William Larose

Key West Trim Works, Inc.

2750 North Roosevelt Boulevard

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

Sec. 18-150 Certificate of Competency required

Officer Sophia Doctoche

Certified Service: 6-1-2018

Initial Hearing: 6-27-2018

In compliance 23 Aug 2018; request dismissal

Count 1: An unlicensed contractor doing electrical work without a permit.

Count 2: Engaging in business without being a licensed contractor.

The Special Magistrate granted the request to dismiss this case.

14

Case # 18-729

Salinero Construction, LLC
Fred Salinero
3743 Donald Avenue
Sec. 110-292 Failure to achieve a compliance agreement
Officer Sophia Doctoche
Certified Service: 5-31-2018
Initial Hearing: 6-27-2018

In compliance 27 Jul 2018; request dismissal

Count 1: Failure to achieve compliance regarding a settlement agreement with Karen DeMaria of Urban Forestry.

The Special Magistrate granted the request to dismiss this case.

15

Case # 18-776

Gary Roberts
3308 Duck Avenue
Sec. 18-150 Certificate of competency required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Certified Service: 6-11-2018
Initial Hearing: 7-25-2018

Continued from 25 Jul 2018 for compliance

Count 1: Advertising to be a contractor without a certificate of competency. **Count 2:** Failure to obtain the required license for the contracting of business in the City of Key West.

The respondent did not attend the hearing. Officer Doctoche attended for the City and gave testimony stating that as of today she was still able to locate an advertisement for the House Doctor on Facebook. He was given two weeks to come into compliance and is not in compliance. The Special Magistrate stated there has been a failure for compliance and \$250 per day with \$250 administrative costs have been ordered.

16

Case # 18-849

Child Life Society

Chaim A. Wolkenfeld

1000 17th Street

Sec. 110-292 Failure to achieve a compliance agreement

Officer Sophia Doctoche

Posted: 7-5-2018

Initial Hearing: 7-25-2018

Continued from 25 Jul 2018

Count 1: Failure to achieve compliance regarding a settlement agreement with Karen Demaria of Urban Forestry.

The respondent did not attend this hearing. Officer Doctoche attended for the City. Karen DeMaria, Urban Forestry Manager for the City of Key West, attended this hearing and gave testimony. Officer Doctoche stated that she received an email today from Ms. DeMaria stating that the landscaper would not be attending. As per previous conference call, Rabbi Wolkenfeld did state that the landscaper would be at this hearing. Ms. DeMaria stated that in July 2017, the homeowner signed a settlement agreement with the Tree Commission as there was removal of a tree without a permit. The agreement stated that they would plant 18 caliber inches of trees on the property within six months of the agreement and that did not happen. The planting was held up because of construction work but once the work was done they did not do the planting. An email was sent requesting an update of the settlement agreement and Rabbi Wolkenfeld said that two trees were planted before the hurricane last year and documentation was requested regarding the tree planting. They were documentation given and credit was given for two trees. There is still 16 caliber inches of trees still needed to be planted to settle the agreement. Subsequent emails from Rabbi Wolkenfeld stating he was not interested in planting these trees and the file was sent to Code on June 2018. Ms. DeMaria has been in discussion with the owner, the landscaper and Mama's Garden. Rabbi Wolkenfeld shows a receipt for an order of green Buttonwood trees. This order is short of the number of inches needed and Ms. DeMaria has tried to explain to them what is needed. There seems to be some type of barrier in the understanding and that is where they are as of today. The City is requesting \$250 court costs and \$250 per day fine. The Special Magistrate imposed \$250 court costs and \$250 per day fine with compliance by 25 Sept 2018. This is set for 26 Sept 2018 hearing.

17

Case # 18-866

Zachary Humphries

14 D 10th Avenue

Sec. 18-150 Certificate of competency required

Sec. 66-87 Business tax receipt required

Officer Sophia Doctoche

Certified Mail: 8-1-2018

Initial Hearing: 7-25-2018

Continued from 25 Jul 2018

Count 1: Advertising to be a contractor without the required certificate of competency. **Count 2:** Holding himself out for business in the City of Key West without procuring a city business tax receipt.

The Special Magistrate stated that the City is requesting that the Findings of Order be vacated as there was a procedural issue with the service. Officer Doctoche stated this was true and that there is now good service. The Special Magistrate gave a continuance to 26 Sept 2018 for this case to be heard.

19

Case # 18-913

Federal National Mortgage Association

3367 Donald Avenue

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

Officer Sophia Doctoche

Certified Service: 7-31-2018

Initial Hearing: 8-29-2018

Continuance granted to 26 Sept 2018

Count 1: Redoing windows and door without the benefit of permits.

The Special Magistrate granted the request to continue this case to 26 Sept 2018.

20

Case # 16-1707

Terence Schmida

Joanna M Schmida Rev Trust DTD

Walter G Schmida Rev Trust DTD

3301 Duck Avenue C

FBC 1612.4 Flood Hazard Construction

Sec. 90-356 Building Permit Required

Sec. 90-363 Certificate of Occupancy

~~Sec. 14-74 Nuisances~~ - **Dismissed**

FBC 1612.4 Flood Hazard Construction -

Officer Scott Fraser

Certified Service: 8-17-2017 - W. Schmida

Initial Hearing: 8-30-2017

In compliance 15 Aug 2018; request dismissal

Count 1: Within FEMA designated AE-7 flood zone, interior space at ground level has been enclosed and said areas are actively being used for purposes other than the permitted uses for storage, parking or access to higher building levels. **Count 2:** Construct or allow to be constructed without the required building permits enclosed ground-floor areas for habitation. **Count 3:** Allowed occupancy of enclosed areas below the established flood level- constituting an unauthorized change of use from parking and storage to habitation; said enclosed areas not having been issued a certificate of occupancy, as required. **Count 4:** ~~Front-of-property exists a dilapidated wooden fence with concrete posts, both of which have deteriorated to the point where they present a danger from falling or collapse and injury to the occupants, neighbors and passers by.~~ **Count 5:** Construct or allow to be constructed an enclosed area below the established floor level without benefit of the required permits a patio area at the rear of this building.

The Special Magistrate granted the request to dismiss this case.

21

Case # 18-269

Larry O Strom - President

Nathan Eden ESQ

Jack Niles

Marino Construction Group, Inc

3500 North Roosevelt Boulevard

Sec. 90-356 Building permit required

FBC 1612.4 Flood hazard construction & ASCE 24-05 Unprotected enclosed below design flood elevation - **In compliance 8 Sept 2018;****request dismissal**

Officer Scott Fraser

Certified Service: 6-7-2018 - Jack Niles

Certified Service: 6-20-2018 - Marino Construction Group, Inc

Certified Service: 6-7-2018 - Larry O Strom

Certified Service: 6-7-2018 - Nathan Eden ESQ

Initial Hearing: 7-25-2018

Continued from 25 Jul 2018

Count 1: Construct a non-residential steel-framed metal clad building absent the required building permits. **Count 2:** Within a FEMA delineated type AE-9 flood zone, allow the construction of a non-residential steel-framed metal clad building below the minimum flood safety elevation in the Special Flood Hazard Area.

Jack Niles attended this hearing. Officer Fraser for the City. Officer Fraser stated the city would like to dismiss Count 2 as they came into compliance as the flood plain issues have been resolved. The Special Magistrate asked the respondent if he has any objection to Count 2 being dismissed and Mr. Niles said no. Mr. Niles stated on Count 1 that they were made aware of the issues and will get the appropriate corrections done as soon as possible. Mr. Niles admitted to the violation. Officer Fraser said 60 days for continuance and Mr. Niles agreed. The Special Magistrate granted the request for \$250 administrative costs and \$250 per day fine for Count 1. Compliance within 60 days with the hearing set for 31 Oct 2019.

22

Case # 16-1414

Stafford Family Trust

724 Olivia Street

Sec. 90-363 Certificate of occupancy - required

Sec. 90-356 Building permits required

~~Sec. 58-61 Determination and levy of charge -~~ **Dismissed**

Officer Leonardo Hernandez

Certified Service: 8-24-2017

Initial Hearing: 9-27-2017

In compliance 21 Aug 2018; request dismissal

Count 1: For failure to obtain a certificate of occupancy for the second unit. **Count 2:** For failure to obtain building permits to convert the second floor into another unit, adding a kitchen and converting the attic into a bedroom. **Count 3:** ~~For failure to pay for the solid waste charges for the second unit.~~

The Special Magistrate granted the request to dismiss this case.

23

Case # 17-716

Rockwell Property, Inc. - Property Owner

Gregory G. Farrelly - Registered Agent

816 Fleming Street

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

Officer Leonardo Hernandez

Certified Service: 4-13-2018 - Registered Agent

Certified Service: 4-16-2018 - Property Owner

Initial Hearing: 5-30-2018

Continued from 27 Jun 2018

Count 1: Addition to the roof with black tar coating poured down that extends to the neighbor's property was erected without the required building permits.

Richard Klitenick attended for the property owner. Officer Hernandez was in attendance for the city and asked if Mr. Klitenick would be admitting to the violation or will he be arguing the case. Mr. Klitenick stated the owner admits that he inherited this situation but no one knows who created the overhang of the roof. The owner has applied for two after-the-fact permits and is working with the neighbor to come into compliance. They would not like to admit to a violation as they did not commit the violation but to admit they inherited the violation. They are asking for a continuance to figure out how to fix this prior to any finding. They are asking for 90 days for continuance. The city would recommend 30 days instead of 90 days for status as they have had more than sufficient time to get this into compliance; and recommend a finding of the violation. The Special Magistrate said he will not make a finding of the violation and will set this for 30 days. The Special Magistrate told Mr. Klitenick that as this moves through the system to make sure to keep in touch with the city as they may not need to come back in 30 days if you are making significant progress. This will be continued to 26 Sept 2018 hearing.

24

Case # 17-885

Carolyn C. Helliesen

Douglas A. Helliesen

1221 Laird Street

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

Officer Leonardo Hernandez

Certified Service: 5-4-2018

Initial Hearing: 5-30-2018

In compliance 16 Aug 2018; request dismissal

Count 1: After-the-fact permit application for upstairs walkway/porch has been in call back status since June 23, 2017 due to the property owners not providing the required supporting documentation.

The Special Magistrate granted the request to dismiss this case.

25

Case # 18-69

Lam Fong Yin

Tong Yat Hok

2108 Harris Avenue

Sec. 14-37 Building permits; professional plans; display of permits;
exceptions; address~~Sec. 14-261 Failure to obtain~~ - **Dismissed**

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Posted: 4-10-2018

Initial Hearing: 4-25-2018

Continuance granted to 26 Sept 2018 for compliance

Count 1: For failure to obtain building permits for the interior work involving dry wall, ceiling and exterior porch roof coverage. **Count 2:** ~~An electrical permit was obtained but the work performed was not done by that electrical contractor.~~ - **Dismissed.** **Count 3:** For failure to obtain required electrical inspections.

The Special Magistrate granted the request to continue this case to 26 Sept 2018.

26

Case # 18-310

Carmar Transportation, Inc
Margaret C. Scholl - Owner
United Stated Corp. Agents, Inc. - Registered Agent
1300 White Street
Sec. 78-126 Required
Sec. 78-91 Required
Officer Leonardo Hernandez
Certified Service: 6-5-2018 - Owner
Initial Hearing: 6-27-2018

In compliance 28 Aug 2018; Request dismissal

Count 1: Failure to obtain required passenger vehicle for hire license.

Count 2: Failure to obtain passenger vehicle for hire driver's permit.

The Special Magistrate granted the request to dismiss this case.

27

Case # 18-745

Ronit Berdugo - Violator

Brian Behar, ESQ. - Registered Agent

The Oaks Key West LLC - Property Owner

330 Julia Street

Sec. 18-601 License required - **Counts 1 through 36**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Counts 37 through 73**Sec. 122-1371 D (9) Transient living accommodations in residential
dwellings; regulations - **Counts 74 through 110**Sec. 18-601 License required - **Counts 111 through 147**

Officer Leonardo Hernandez

Certified Service: 6-21-2018 - Registered Agent

Posted: 6-28-2018 - Violator/Property Owner

Initial Hearing: 6-27-2018

Repeat Violations**Continuance granted to 26 Sept 2018**

Counts 1 through 36: Subject property held out for short term rental without the benefit of a transient rental license. **Counts 37 through 73:** Subject property holding out/advertising for short term rental without the benefit of the required city, county and state licensing. Subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 74 through 110:** Subject property is holding out for transient rental for 27 nights the dates of 3 Jun 2018 thru 30 Jun 2018 for a total of \$3,529.00. **Counts 111 through 147:** Subject property held out for short term rental without the benefit of a transient rental license.

The Special Magistrate granted the request to continue this case to 26 Sept 2018.

28

Case # 18-1024

Michael McMahon

100 Admiral Lane

Sec. 18-601 License required - **Counts 1-3**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - **Count 4**Sec. 122-1371 D (9) Transient living accommodations in residential
dwellings; regulations - **Counts 5-10**

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 8-29-2018

Repeat/Irreperable**Request continuance to 26 Sept 2018 for service**

Counts 1-3: On July 16, 2018 found the property to be advertised on VRBO.com hosted by Michael McMahon and pre-booked it for 5 nights at a nightly rate of \$596.95 with a service fee of \$180.00 for a total of \$3,164.73 from August 23rd to August 28th, 2018. Previous cases with pending fines #17-166 (02.02.2017), #17-1154 (08.03.2017) & #17-1187 (08.11.2017). **Count 4:** 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 5-10:** July 20, 2018 the subject property was advertised by the host, Michael McMahon on VRBO. com again for the dates of August 28 through September 2, 2018 for a total of \$3,164.73.

The Special Magistrate granted the request to continue this case to 26 Sept 2018 for service. The Special Magistrate would like to make a disclosure that he has known Mr. McMahon for many years, has sued him many times and has represented clients for litigation against him. The Special Magistrate stated he needs to make this disclosure to the City.

29

Case # 18-1050

Kennedy's Cafe

Shukrat Rakhimov

McCar Investment Corporation

924 Kennedy Drive A

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

Officer Leonardo Hernandez

Certified Service: 7-26-2018 - Shukrat Rakhimov

7-25-2018 - McCar Investment Corp.

Initial Hearing: 8-29-2018

Settlement Agreement

Count 1: Cooking oil spill that went down the driveway and parking lot areas causing a slip and fall hazard and unsanitary situation. Key West Fire Department was contacted and cordoned off the area. Key West Community Services and OMI were contacted for clean up of this incident.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed along with a suspended fine of \$500 for a total due of \$250. This was paid on August 22, 2018.

30

Case # 18-1113

Federal National Mortgage Association

2811 Staples Avenue

Sec. 90-363 Certificate of occupancy - Required - **City request****dismissal**

Sec. 58-61 Determination and levy of charge

FBC P2503.1 Inspections

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

Officer Leonardo Hernandez

Certified Service: 8-6-2018

Initial Hearing: 8-29-2018

New Case**Count 1:** For failure to obtain a certificate of occupancy for second unit.**Count 2:** For failure to obtain utility accounts for second unit. **Count 3:**
For failure to obtain inspections for plumbing work. **Count 4:** For failure
to obtain building permits for the kitchen, storage room, wall siding and
ceiling work that was done. **Count 5:** For failure to obtain required
business tax receipt to rent non-transiently.

The respondent did not appear. Officer Hernandez attended for the City and gave testimony. There are a total of 5 counts and the city is asking for Count 1 to be dismissed. The Special Magistrate granted the request to dismiss Count 1. Officer Hernandez gave a description of each violation and the issue. This residency is a single-family residence and is recognized by the County and City records to have 2 bedrooms and 1 bathroom; and we observed 4 bedrooms, 3 kitchens and 1 bathroom. There are no records for any permits for these renovations. The City would like a finding of the violation with court costs and \$250 per violation daily if not in compliance by the next hearing. The Special Magistrate granted the finding of violation with \$250 administrative costs with \$250 per day per count making this \$1,000 per day and compliance by 25 Sept 2018. This will be set on the 26 Sept 2018 calendar.

31

Case # 16-773

Brittany D Delgado

~~Mark R Delgado Estate~~

2807 Seidenberg Avenue

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

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

Officer Beau Langford

Certified Service:

~~Posted: 8-10-2017~~

Posted: 7-10-2018

Initial Hearing: 8-30-2017

Continued from 25 Jul 2018 for compliance

Count 1: Failure to obtain a Certificate of Occupancy for residential unit in the rear of the property. **Count 2:** Failure to have Utilities associated with the residential unit in the rear of the property. **Count 3:** Failure to have a non-transient business tax receipt for the residential unit in the rear of the property.

Brittany D. Delgado attended this hearing. Officer Beau Langford for the City. Ms. Delgado gave testimony stating that her father has passed away and left her with these violations. She would like a continuance to continue to work with Code Compliance on this. Officer Langford stated that a LUD application has been submitted to Planning and it generally takes 60 days to work through that process. The City does not object to a continuance to 31 Oct 2018. The Special Magistrate granted the request to continue this case to 31 Oct 2018. The Special Magistrate requests that Ms. Delgado keep the City apprised of what is going on.

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Case # 16-1570

Robert Reilly

Nicola Roques

1535 5th Street

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

FBC 1612.4 Flood Hazard Construction & ASCE 24-05 Unprotected Enclosed Below Design Flood Elevation

Sec. 122-238 Dimensional requirements. Paragraph 6, Section a.

Single-family

Officer Beau Langford

Certified Service: 10-16-2017

Initial Hearing: 11-15-2017

Continued from 30 May 2018 for compliance

Count 1: Construction of a new one room structure and roof structural changes to the original house have been made without the benefit of required permits. **Count 2:** Did install, or installing or allowed to be installed, an inhabitable structure within a FEMA designated AE-8 flood zone, below the minimum required elevation deemed necessary for flood damage prevention. **Count 3:** One room structure is currently being built within the rear setback of the property and possibly on top of a 10' utility easement.

Robert Reilly attended this hearing. Melissa Leto attended for the Planning Department. Officer Langford for the City. Ms. Leto stated the owner did attend the August Planning Board meeting for an after-the-fact variance and gave testimony about what the applicant needs to do within 90 days of Planning Board approval. They are waiting for the resolutions to be done and then the building permits can be approved. The applicant is asking for a continuance as all of his building permits are waiting for approval. Officer Langford stated the City is willing to grant a continuance on his compliance. The Special Magistrate granted a continuance for compliance to 26 Sept 2018.

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Case # 18-987

Linda Rae Phillips
11 Starfish Pier
Sec. 122-130 Prohibited uses - Counts 1-7
Officer Beau Langford
Certified Service: 7-17-2018
Initial Hearing: 8-29-2018

New Case

Counts 1 - 7: Failure to achieve full compliance with Findings and Order issued from Case# 18-0019.

Officer Langford stated Ms. Phillips was in attendance and the city is asking for a dismissal of this case. The Special Magistrate granted the request for dismissal as there is no objection.

34

Case # 18-989

Linda Rae Phillips
16 Starfish Pier
Sec. 122-130 Prohibited uses - Counts 1-7
Officer Beau Langford
Certified Service: 7-17-2018
Initial Hearing: 8-29-2018

New Case

Counts 1 - 7: Failure to achieve full compliance with Findings and Order issued from Case# 18-0017.

Officer Langford stated Ms. Phillips was in attendance and the city is asking for a dismissal of this case. The Special Magistrate granted the request for dismissal as there is no objection.

35

Case # 18-1082

Paul S Mills, CPA

1541 5th Street

Sec. 66-102 - **Counts 1 & 2**

Officer Beau Langford

Hand Served: 7-20-2018

Initial Hearing: 8-29-2018

Repeat Violation**Settlement Agreement**

Count 1: Subject business is delinquent with license renewal for 2016-17. **Count 2:** Subject business is delinquent with license renewal for 2017-18.

A settlement agreement was presented to the Special Magistrate which he approved. Costs of \$250 were imposed along with payment of two suspended fines from Case# 14-885 of \$500 and Case# 16-929 of \$750 with a suspended fine in this case of \$1,000 for a total amount due of \$1,500.

36

Case # 17-1146

Jordan James & Sara Key

1309 Newton Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 3-26-2018

Initial Hearing: 4-25-2018

Continued from 25 Jul 2018 for compliance

Count 1: For failure to obtain a mechanical permit to install the A/C condenser on the roof. **Count 2:** For failure to obtain HARC approval for installation of the A/C condenser on the roof. **Count 3:** For failure to obtain an inspection for the A/C condenser.

John Marston attended the hearing for the owner. Melissa Leto attended for the Planning Department. Officer Lopez for the Code Department. Ron Ramsingh on behalf of the City. Ms. Leto gave testimony about the location of the A/C. HARC requested the A/C be placed on the back gable and the contractor was going to speak with the owner. The contractor and home owner have been proactive on this issue. Mr. Marston gave testimony about the previous homeowner's getting a permit than canceling it. She then put the A/C on the roof at a different place without permits. The new homeowner has tried twice to get a permit and has been denied. Mr. Marston would like the original permit be re-issued to the new owner but this can't because it would have expired and also HARC guidelines have changed since that permit. Where HARC is requiring it now be put is in a place that is a terrible place. Mr. Marston is asking for time to possibly get the original permit and see the new guidelines that would prevent this from happening. The Special Magistrate granted a continuance to 31 October 2018 and this will be the last continuance so that they can get the permit that they need and get this fixed.

37

Case # 17-1203

Browning Family Irrevocable Trust

Michael Leo Browning

1300 White Street

Sec. 78-126 Required

Sec. 78-91 Required

Officer Jorge Lopez

Posted: 7-2-2018

Initial Hearing: 6-27-2018

Continued from 25 Jul 2018

Count 1: Subject business owner has not renewed their vehicle for hire license. **Count 2:** The subject individual has not received their documented permit which is required to operate a passenger vehicle for hire within the city limits.

Michael Browning attended the hearing. Officer Lopez for the City of Key West. Ron Ramsingh on behalf of the City of Key West. Mr. Browning gave testimony that he is here in two capacities which are being trustee for Michael Deegan Trust and for Kathleen Mirkoft who is a holder of licenses. This is a related case to Carmar which has been settled with the city. We are in the process of dealing with Attorney Smith and his client; and hopefully will have this resolved. We are seeking a continuance for one month and want to cooperate and get this transfer done properly. Mr. Ramsingh stated they are not contesting to the violation but asking for time to come into compliance and the city is agreeing. The Special Magistrate granted the request for continuance to 26 Sept 2018.

38

Case # 17-1213

Erwin Mayer & Didier R Moritz - property owner

1300 15th Court Lot 77

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

Officer Jorge Lopez

Certified Service: 11-16-2017

Initial Hearing: 12-20-2017

Continuance granted to 26 Sept 2018 for compliance**Count 1:** For failure to obtain a certificate of occupancy for the addition that was built. **Count 2:** For failure to pay impact fees related to utilities.**Count 3:** For failure to obtain building permits for the addition to the trailer and for the installed plumbing.**The Special Magistrate granted the request to continue this case to 26 Sept 2018.**

39

Case # 18-185

Wild Sales II, Inc.

Noam Zano - Registered Agent

291 Front Street 8

Sec. 114-103 Prohibited signs

Officer Jorge Lopez

Certified Service: 5-7-2018

Initial Hearing: 5-30-2018

In compliance 9 Aug 2018; request dismissal**Count 1:** Observed prohibited signs on the windows and on the exterior doors of this building.**The Special Magistrate granted the request to dismiss this case.**

40

Case # 18-420

La Grignote Inc.

Joel Odou - Registered Agent

1211 Duval St Down

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

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service: 6-12-2018

Initial Hearing: 7-25-2018

In compliance 8 Aug 2018; request dismissal

Count 1: Three signs were installed without the required building permits. **Count 2:** Eight signs at this location were installed without a certificate of appropriateness.

The Special Magistrate granted the request to dismiss this case.

41

Case # 18-569

American Ambulance Service, Inc

Raul Medina Jr - Registered Agent

3710 North Roosevelt Boulevard

Sec. 66-102 Dates due and delinquent; penalties

Officer Jorge Lopez

Certified Service: 7-25-2018

Initial Hearing: 8-29-2018

In compliance 31 Jul 2018; request dismissal

Count 1: Subject business owner has not renewed their license which expired 20 Sept 2017.

The Special Magistrate granted the request to dismiss this case.

42

Case # 18-615

Martin Busam

1126 Grinnell Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Sec. 102-152 Requirements for permits

Officer Jorge Lopez

Certified Service: 5-23-2018

Initial Hearing: 6-27-2018

Continuance granted to 31 Oct 2018**Count 1:** Ductless AC units installed without the benefit of a permit.**Count 2:** Metal fence was installed and a new structure is being built in the rear side of the property without the benefit of a HARC certificate of appropriateness. **Count 3:** Two ductless AC units were installed without the benefit of inspections. **Count 4:** Significant alterations were made to the deck at the subject property without the benefit of applying and obtaining the required HARC certificate of appropriateness.**The Special Magistrate granted the request to continue this case to 31 Oct 2018.**

43

Case # 18-668

Waterfront Brewery LLC.

Joseph Walsh - Registered Agent

201 William Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Posted: 7-18-2018

Initial Hearing: 7-25-2018

Continued from 25 Jul 2018

Count 1: Speakers and lights installed on the exterior of the building without obtaining required permits. **Count 2:** Speakers and lights installed on the exterior of the building without obtaining certificate of appropriateness. **Count 3:** Speakers and lights installed at the subject property without the required permits and inspections.

Joe Walsh attended this hearing. Officer Lopez attended for the City and gave testimony stating that there were no permits regarding the lights, speakers and sign. Once they received notice, they removed the speakers and sign. The lights are still there and were done without permits. He spoke with HARC and investigated the City's records and could not find a permit for the lights. As of last night, the lights are still there. Mr. Walsh gave testimony stating he has about 40 permits for the project and he stated that permit page E4 CD phase 2 dated 4/5/13 shows those lights and field inspection Life Safety drawing dated 6/28/13 CD phase 2 which shows the lights as well. The Special Magistrate asked if he has shown these to the City and he stated the city has them. The Special Magistrate stated he would pass this case if he wanted to show the City. Mr. Walsh then asked if the City made the complaint about the noise and Officer Lopez said yes and he stated he told the City there was no violation; but, at that time the other violations were pointed out. Officer Lopez asked when these permits were issued as he found a picture three years ago on Google Earth and the lights were not there. Ron Ramsingh asked if he could suggest it would have been a lot more prudent if Mr. Walsh had called us and tell us this is what he have evidence-wise to refute. Given the scope of this project and how massive it was, I would prefer having an outside meeting with Mr. Walsh to go through it to see what he has as opposed to what Officer Lopez has. The Special Magistrate asked if the City is requesting a continuance to 26 Sept 2018 and the City said yes. Mr. Walsh stated that the he would like to look at the Florida Building Code Chapter 10 for means of egress and removal of those lights would put us in violation of illumination of that point of egress. The Special Magistrate is going to continue this case to 26 Sept 2018 because we are talking about another code provision. Mr. Walsh stated he has plans that show it was permitted. The Special Magistrate says he understands that, but he is talking about another provision that includes lighting of egress and ingress. Mr. Walsh stated that if he is to do what Code

requires that would put me violation of an alternate code section and the lights there are permanent. The Special Magistrate stated he is going to continue this case at the City request and that you all have a meeting because of all the permitting and if it can be resolved than the case will go away and if not, we will meet on 26 Sept 2018 and find a way to remedy this. The Special Magistrate asked that Mr. Walsh and City please keep in contact with each other.

44

Case # 18-755

Joseph Humberger

421 United Street

Sec. 122-630 Dimensional requirements - **City request dismissal**Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **City request dismissal**Sec. 14-40 Permits in historic districts - **City request dismissal**Sec. 14-262 Request for inspection - **In compliance 27 Aug 2018;****Request dismissal**

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 7-13-2018

Initial Hearing: 8-29-2018

New Case

Count 1: Structures (2 aviaries) built are in the setback and will need either a variance or to relocate 20 feet back from rear property line.

Count 2: Failure to obtain an electrical permit for the placement of a camera installed on the second floor of the subject property. **Count 3:**

Failure to obtain a certificate of appropriateness for the installation of a camera on the second floor of the subject property. **Count 4:** The

camera installed on the subject property's second floor needs an electrical inspection. **Count 5:** A noise complaint was filled out for

disturbing noise emanating from multiple birds at the subject property and upon investigation this was found to be a disturbing noise.

Joseph Humberger attended this hearing. Officer Lopez attended for the City and gave testimony about a structure being built without permits. Upon investigation, he spoke with the tenant and they stated bird cages were being built. Officer Lopez asked them to stop and they complied. The next day there was a complaint at this location about disturbing noise from Mr. Willman and Mr. Fernandez; two neighbors of this property. Officer Lopez returned to the property and it appeared there were 30 to 40 birds on the property and the chirping is nonstop. The sound meter was not used as this is a disturbing noise complaint. Mr. Humberger gave testimony stating that he would like to apologize to anyone that was affected by this. The birds are a rescue project from Indiana. We do recognize there is a problem and are attempting to correct this problem. He is admitting that the birds initially were loud, and they have since been taking steps to rectify this. Since then the birds have been relatively quiet. Mr. Humberger stated he has sound reports and his job in the county is certifying sound equipment that is used by the City of Key West and Monroe County. He has taken sound reports after they moved the aviaries and he has them with him as well as pictures. Mr. Ramsingh stated this is a disturbing noise and there are witnesses that are in attendance today. The Special Magistrate asked if Officer Lopez has been out since and Officer Lopez stated he went out there yesterday and they did move one of them, but it still

sounds the same to him. Mr. Ramsingh stated this is a disturbing noise and the complainants are here today to give testimony. Mr. Humberger stated he would be open to sitting down to a round table discussion with the neighbors to work out their differences. Matt Willman, the first complainant stated that it is an annoying noise and they have many more birds than would typically be referred to as pets. You can hear the birds with the windows closed, over the TV and the a/c on. The Special Magistrate asked if there is any improvement now and Mr. Willman stated they are not as active as long during the day but when they are active it is rather annoying. Alejandro Reyes, the second complainant stated that he comes home after midnight and is unable to sleep as the birds start chirping around 6am through 8pm. They are very loud. The Special Magistrate asked if he noticed any improvement and he stated it is the same as he live too close to them. Officer Lopez requested that Counts 1 through 4 be dismissed. The Special Magistrate granted the request to dismiss counts 1 through 4 at the City's request without objection. The Special Magistrate stated the Mr. Humberger did admit to the violation. The Special Magistrate finds that there is a violation with \$250 administrative fee as that is standard and a fine of \$250 per day and will give them to 25 Sept 2018 to come into compliance. This will be scheduled for the 26 Sept 2018 hearing.

45

Case # 18-886

Victor Cushman

909 Grinnell Street

Sec. 90-363 Certificate of occupancy - Required - Unit D

Sec. 90-393 Certificate of occupancy - Required - Unit E

Sec. 90-363 Certificate of occupancy - Required - Unit F

Sec. 90-363 Certificate of occupancy - Required - Unit G

Officer Jorge Lopez

Certified Service: 7-12-2018

Initial Hearing: 8-29-2018

In compliance 18 July 2018, request dismissal

Count 1: Failure to provide as-built certification to the Building Department for Unit D. **Count 2:** Failure to provide as-built certification to the Building Department for Unit E. **Count 3:** Failure to provide as-built certification to the Building Department for Unit F. **Count 4:** Failure to provide as-built certification to the Building Department for Unit G.

The Special Magistrate granted the request to dismiss this case.

46

Case # 18-882

Alex's Auto Wrecking & Parts, Inc.

Christine Rodriguez - Registered Agent

111 US 1

Sec. 70-706 New applications/renewals and issuance of non-consensual tow permit; fees

Officer Paul Navarro

Certified Service: 7-9-2018 - R/A

Initial Hearing: 7-25-2018

Continued from 25 Jul 2018 for compliance

Count 1: Subject business has not submitted renewal of their non-consensual towing permit.

Christine Rodriguez attended this hearing. Officer Navarro attended for the City and gave testimony stating this is a compliance hearing and as of today, she is not in compliance for renewal of the permit. Ms. Rodriguez gave testimony stating she received a notice of code violation and she stated there was no violation as the license expires on June 30. She spoke with the Licensing Department and explained that and Licensing explained to her that they were sending them out to collect licensing fees. She was upset that she was receiving a violation when she was not in violation. Then she received a notice certified mail to come to the hearing on August 29 and then she received another certified notice for the July 25 hearing then she received the order from the Special Magistrate. The ordinance states that all non-consensual permits that are not renewed by June 30 will expire and they shall cease immediately, and renewal will expire each year on June 30. At the time of the violation, she had a valid license. Officer Navarro stated she was not issued a notice of code violation/notice of hearing until July 3 and the notice that was hand delivered was a courtesy notice. The Special Magistrate asked if Ms. Rodriguez had spoken with the City about this and she stated she had spoken to them the day of the hand delivered notice. The Special Magistrate asked if Ms. Rodriguez was here on July 25 and she stated no. She said the reason was because the ordinance specifically says that if not renewed it will expire on June 30; and there was no reason for me to come. The Special Magistrate stated that the problem is that she did not show, and the City presented their case; and it complied with the substantial evidence requirement, so he made the finding of the violation. The Special Magistrate stated that she needs to show that she is in compliance to the City and then there would only be an administrative fee. She stated that even if she had come in to compliance 5 days after the notice, she still would have been in compliance because that was before the expiration date. She does not intend to renew the permit. The Special Magistrate said he can either find that she is not in compliance or grant a continuance to September so that you can meet with the City to show them that she have been in compliance throughout. Ms. Rodriguez said she would like number two. Jeffery Burgess, Chief Licensing Official, stated he did speak with her that day and told her that Paul was there as a courtesy because in most cases when a license gets that close to expiring we try to give them the courtesy of bringing it to their attention that it needs to

be renewed so that it does not go to Code Compliance. Mr. Burgess stated that at that time she did not tell him that she was not going to renew that permit which resulted in the case being started. The Special Magistrate asked if it is a violation for her not to renew her permit and Mr. Burgess stated no. The Special Magistrate asked if they were working inside the City limits to the best of his knowledge. Mr. Burgess said he did not have an answer for that. He asked Officer Navarro and he said he had seen them before. The Special Magistrate said that is not what was asked because if they were not in violation then he will find them in compliance but if they were in violation and were operating outside their scope working after June 30 without a permit than he will find them in violation. Officer Young stated that Mr. Burgess asked that Code give a courtesy notice to these businesses to let them know their license is due and as per ordinance if not renewed their license can be revoked. Director Young understands that she was not in violation in June but what about July as she has not made any attempt to renew her license since June 30. The Special Magistrate wanted to know if this is a violation and Director Young said yes if they don't renew by June 30. Ms. Rodriguez stated that this is a specialty permit for nonconsensual tow and has nothing to do with her valid towing license that is due September 30. She has chosen not to renew the license and the ordinance allows her to let it expire. Director Young said she is correct but that she should have got in touch with the Licensing Department stating she was not going to renew. Ms. Rodriguez stated there is nothing in the ordinance that states she has to call the office and she said she did call the office on the date of the first notice. Director Young asked that she is on the record for no longer doing consensual towing. She stated that is correct. Director Young said okay and that she is not in violation. The Special Magistrate finds compliance. Ms. Rodriguez asked if she still has administrative costs and she was told yes. Ms. Rodriguez stated she was not in violation. The Special Magistrate said he was going to do something that he rarely does and suspend the administrative costs but if she came back with licensing issues that she should make sure she tells the City if she are not going to renew her license so that we do not get into this mess again but because she is not in violation and we can't go back he is going to suspend the administrative fee but asked her to be proactive. Ms. Rodriguez stated she understands.

47

Case # 18-969

Linda Freeman

Personal Representative of Mr. McKinzie Estate

925 Whitehead Street

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

Sec. 26-31 Offensive and nuisance conditions prohibited

Officer Paul Navarro

Certified Service:

Initial Hearing: 8-29-2018

In compliance 21 Aug 2018; request dismissal**Count 1:** Failure to remove a large bee hive on the side of the property.**Count 2:** Failure to remove a bee hive that is a nuisance condition.

The Special Magistrate granted the request to dismiss this case.

48

Case # 17-1198

Harold J Merritt II

Marianne L Csigi

1301 Atlantic Drive

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **City request dismissal**

Sec. 90-363 Certificate of Occupancy - required - **City request
dismissal**

Sec. 58-61 Determination and levy of charge - **City request dismissal**

Sec. 14-262 Request for inspection - **City request dismissal**

FBC 1612.4 & ASCE 24-05 Floor hazard construction

FBC 1612.5; ASCE 24-05 Sec 2.6 Flood venting required

FBC 301.16 Flood hazard

Director Jim Young

Certified Service: 10-23-2017

Initial Hearing: 12-20-2017

Continued from 30 May 2018

Count 1: For failure to obtain building permits to convert the shed into habitable space. **Count 2:** For failure to obtain a Certificate of Occupancy for the shed. **Count 3:** For failure to obtain a solid waste account for shed. **Count 4:** For failure to obtain an electrical inspection for installing electric in the storage area/habitable space below the house for the window air conditioners. **Count 5:** For the construction of habitable space under the elevated home in a flood zone for use other than the permitted uses for storage, parking or access to higher building levels. **Count 6:** For failure to provide adequate flood venting for a substantially improved residential building located in the AE-8 flood zone. **Count 7:** Electrical appliances have been installed below the minimum flood safety elevation.

The respondent did not attend the hearing. Director Young attended for the city and gave testimony requesting a 30-day continuance as there is new information and they need to do more research. The Special Magistrate granted the request for the 30-day continuance to 26 Sept 2018 without objection.

Mitigations

49

Case # 17-253

Reverse Mortgage Solutions, Inc.
Jeffery Baker, President
3415 Duck Avenue

Akhtar Qureshi attended for the property owner and has made himself known to the City. Director Jim Young responding for the City. Director Young gave testimony that there were some frustrating factors in the mitigation but as soon as the new owner was given notice they came into compliance within weeks. The City is in agreement on how they came into compliance and they were diligent in achieving compliance. The original fine was \$52,000 and they are offering 10%. Mr. Ramsingh stated that given the fact that the new owners took care of the violation quickly, we are willing to forgoing in this particularly instance the guidelines and say they were in compliance within 30 days with a 90% discount. The Special Magistrate stated he does not want to make a habit of doing this because these fines are so high but beings they were so diligent in remedying the situations immediately; without objection from the City; we will mitigate the fine to 90% which is \$5,200 with 30 days for payment. This will be set for the next hearing on 26 Sept 2018 for compliance.

Adjournment