



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, May 27, 2015

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 at 305-809-1000 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Call Meeting to Order

Code Violations

- 1** **Case # 13-296**
JJJ's A Place in the Sun, Inc.
John Correa
1029 Southard Street
Sec. 2-939 Licenses
Officer Bonnita Badgett
Posted: 3-6-2015
Initial Hearing: 4-29-2015

Continued from April 29, 2015

Count 1: A revocable license is required for the planters and all other items prior to placing them on the city right of way.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

- 2** **Case # 15-189**
Pier 1 Imports
2716 N Roosevelt Boulevard
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Bonnita Badgett
Certified Service: 4-2-2015
Initial Hearing: 5-27-2015

In compliance March 31, 2015, request dismissal

Count 1: A fire inspection was done on September 22, 2015. The fee

of \$50 has not been paid.

This case was dismissed by the Special Magistrate at the request of the code officer.

3

Case # 15-38

1103/1105 Whitehead St of Key West
Southernmost Resort Wear
Yakov Blives - R/A
1103 Whitehead Street
Sec. 62-2 Obstructions
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts
Florida Accessibility Code 202.4 Alterations Affecting Primary Function Areas
Officer Peg Corbett
Certified Service: 4-28-2015
Initial Hearing: 5-27-2015

New Case

Count 1: A concrete ramp was poured on the city sidewalk creating a ramped entrance which obstructs the city sidewalk. **Count 2:** The concrete ramp was poured without benefit of a building permit. **Count 3:** The concrete ramp was poured without benefit of a certificate of appropriateness. **Count 4:** A permit was issued for interior renovations which required a 20% investment in accessibility. Once completed, an architectural barrier was left at the entrance of the door contrary to Federal ADA guidelines. There is no documented evidence of the 20% investment as there are interior architectural barriers as well.

The Special Magistrate imposed the Administrative fee in the amount of \$250. The costs for the removal of the concrete by the City of Key West will be announced at the hearing on July 29, 2015 which is to be paid by the respondent.

4

Case # 15-172

Southernmost Cigar Group LLC
Marc Milette - R/A
230 East 7th Street Associates
Joseph Cohen - R/A
300 Front Street 1
Sec. 58-68 Commercial solid waste accounts
Officer Peg Corbett
Certified Service: 2-9-2015
Certified Service: 4-20-2015 - Property Owner
Initial Hearing: 3-20-2015

Continuance granted to June 24, 2015

Count 1: The subject business was issued a notice of hearing for July of 2013 for a delinquent waste management account which was paid and was dismissed. The account became delinquent again in February of 2014.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

5**Case # 15-535**

Hot Cuts

Julie Hanson

3255 Flagler Avenue 305

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service: 5-8-2015

Initial Hearing: 5-27-2015

New Case - Repeat Violation

Count 1: The business tax receipt is delinquent

The Special Magistrate found Patricia Eables in violation and imposed the \$250 Administrative Fee as requested by Officer Corbett.

6**Case # 15-539**

1127 Washington Of KW LLC

Yakov Blives - R/A

1127 Washington Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service: 5-7-2015

Initial Hearing: 5-27-2015

In compliance May 27, 2015, request a finding of violation with administrative fees

Count 1: The business tax receipt is delinquent

The Special Magistrate found 1127 Washington of KW LLC/Yakov Blives in violation and imposed the \$250 Administrative Fee as requested by Officer Corbett.

7**Case # 15-544**

International Legal & Forensic

Deandra Grant
422 Fleming Street
Sec. 66-102 Dates due and delinquent
Officer Peg Corbett
Certified Service: 5-11-2015
Initial Hearing: 5-27-2015

In compliance May 13, 2015, request dismissal

Count 1: The business tax receipt is delinquent

This case was dismissed by the Special Magistrate at the request of the code officer.

8

Case # 15-545

William E Ehring
1102 Whitehead Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service:
Initial Hearing: 5-27-2015

Continue for service

Count 1: The business tax receipt is delinquent

The request to continue this case for service to June 24, 2015 was granted by the Special Magistrate.

9

Case # 15-546

Patricia Eables
302 Southard Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 5-11-2015
Initial Hearing: 5-27-2015

In compliance May 15, 2015, request finding of violation with administrative fees

Count 1: The business tax receipt is delinquent.

The Special Magistrate found Patricia Eables in violation and imposed the \$250 Administrative Fee as requested by Officer Corbett.

10

Case # 15-547

Chiropratic Health Center
Dr. John Meyers

1010 Kennedy Drive
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service:
Initial Hearing: 5-27-2015

Continue for service

Count 1: The business tax receipt is delinquent

The request to continue this case for service to June 24, 2015 was granted by the Special Magistrate.

11

Case # 14-1628

117 Duval LLC
117 Duval Street
FBC 1612.4 (ASCE 24-415) Unprotected enclosed structure below design flood elevation
Officer Scott Fraser
Certified Service: 3-23-2015
Initial Hearing: 5-27-2015

New Case

Count 1: In accordance with the City's requirements for participation in the National Flood Insurance Program (NFIP), the City's 2000 approval for construction of this commercial structure below the established NFIP flood level was contingent upon the installation and maintenance of approved floodproofing measures. These floodproofing measures no longer exist.

The Special Magistrate found 117 Duval Street LLC/Charles Ittah in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day if compliance is not achieved by July 28, 2015. A compliance hearing will be held on July 29, 2015.

12

Case # 14-1712

Serge Gerass
2310 Seidenberg Avenue
Sec. 90-363 Certificate of occupancy - required
Sec. 14-35 Admendments to building code Sec. 1612.5.1 Elevation certificate - required
Officer Scott Fraser
Certified Service: 2-21-2015
Initial Hearing: 3-20-2015

In compliance March 24, 2015, request dismissal

Count 1: A certificate of occupancy is required prior to allowing a substantially improved building to be occupied. **Count 2:** For failure to submit a FEMA Elevation Certificate demonstrating a substantially improved building has been elevated to the minimum required elevation within a FEMA designated AE-7/8 flood zone.

This case was dismissed by the Special Magistrate at the request of the code officer.

13

Case # 14-878

1415 Olivia St LLC
David MJR Graham, R/A
1415 Olivia Street
Sec. 62-2 Obstructions
Officer Leonardo Hernandez
Certified Service: 9-19-2014
Initial Hearing: 11-14-2014

Continuance granted to June 24, 2015

Count 1: For installing pavers and plants on the city's right of way.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

14

Case # 15-263

Dog On IT
Sean Seaman
801 Eaton Street
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Leonardo Hernandez
Certified Service: 4-13-2015
Initial Hearing: 5-5-2015

In compliance April 15, 2015, request dismissal

Count 1: A fire inspection was done on October 10, 2015. The fee of \$50 has not been paid.

This case was dismissed by the Special Magistrate at the request of the code officer.

15

Case # 15-264

AT&T
BellSouth Telecommunications Inc.
dba AT&T

530 Southard Street
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Leonardo Hernandez
Certified Service: 4-14-2015
Initial Hearing: 5-27-2015

In compliance April 21, 2015, request dismissal

Count 1: A fire inspection was done on October 7, 2014. The fee of \$50 has not been paid.

This case was dismissed by the Special Magistrate at the request of the code officer.

16

Case # 15-283

Wells Fargo Bank
National Association
3500 Flagler Avenue
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Leonardo Hernando
Certified Service: 3-30-2015
Initial Hearing: 5-27-2015

New Case

Count 1: The yard debris needs to be cleared along with the pile of palm fronds on the 17th Street side. The pool is stagnant and is breeding mosquitoes.

The Special Magistrate found Wells Fargo Bank National Association in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day if compliance is not achieved by June 23, 2015. A compliance hearing will be held on June 24, 2015.

17

Case # 15-360

Michael Dicken
325 Duval Street
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Leonardo Hernandez
Hand Served: 3-23-2015
Initial Hearing: 4-29-2015

Continuance granted to June 24, 2015

Count 1: Mr. Thomas Gocham finds the drummer, Michael, loud drumming disturbing.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

18

Case # 14-1737

Adrienne Curran
1408 Albury Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Officer Mary Lockyear
Certified Service: 4-6-2015
Initial Hearing: 5-27-2015

Continuance granted to June 24, 2015

Count 1: A building permit is required to replace the window. Exceeded the scope of a building permit by installing brick pavers on more than 60% of the property. **Count 2:** HARC approval is required to replace the window. Also, the cameras that were installed are not supposed to be visible from the street.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

19

Case # 14-1788

National Playground Construction
William Calhoun - Registered Agent
1100 Varela Street
Sec. 62-3 Schedule of right-of-way permit fees
Sec. 14-150 Insurance coverage
Officer Mary Lockyear
Certified Service: 1-29-2015
Initial Hearing: 2-25-2015

In compliance May 11, 2015, request dismissal

Count 1: Heavy equipment was used to install the playground equipment without obtaining a right-of-way permit for use of the sidewalk. **Count 2:** Heavy equipment was driven over the sidewalk without providing insurance to cover any damage to the sidewalk.

This case was dismissed by the Special Magistrate at the request of the code officer.

20

Case # 15-99

Zuzanna Jakubas

2309 Patterson Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Officer Mary Lockyear
Certified Service: 4-20-2015
Initial Hearing: 5-27-2015

In compliance May 7, 2015, request dismissal

Count 1: A fence was built without benefit of a building permit.

This case was dismissed by the Special Magistrate at the request of the code officer.

21

Case # 15-101

Abaco Gold
Angela Williamson
422 Front Street
Sec. 114-104 Restriction on number of signs permitted
Sec. 14-40 Permits in historic districts
Officer Mary Lockyear
Certified Service: 3-9-2015
Initial Hearing: 4-29-2015

In compliance May 26, 2015, request dismissal

Count 1: For exceeding the number of allowable signs. **Count 2:** For failure to obtain a certificate of appropriateness for the signs.

This case was dismissed by the Special Magistrate at the request of the code officer.

22

Case # 15-212

Joel R & Donna Nelson
2409 Harris Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Officer Mary Lockyear
Certified Service: 5-4-2015
Initial Hearing: 5-27-2015

In compliance May 15, 2015, request dismissal

Count 1: During a site inspection for debris on the right of way, it was found that a portion of the fence had been replaced and the old fence was dumped on the easement. There are no permits for the fence.

This case was dismissed by the Special Magistrate at the request of the code

officer.

23

Case # 15-220

Isabelle Holloway
3227 Harriet Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Officer Mary Lockyear
Certified Service: 3-27-2015
Initial Hearing: 5-27-2015

New Case

Count 1: A building permit is required prior to the removal of a section of the balcony.

The Special Magistrate found Isabelle Holloway in violation. No fees or fines were imposed at this time. He reserves the right to impose fees and fines if compliance is not achieved by July 28, 2015. A compliance hearing will be held on July 29, 2015.

24

Case # 15-482

Yummy KW, LLC
Iris Peretz
512 Duval Street 1/2
Sec. 114-103 Prohibited signs
Officer Mary Lockyear
Certified Service: 4-18-2015
Initial Hearing: 5-27-2015

In compliance May 11, 2015, request a finding of violation, no costs

Count 1: Portable signs are prohibited in the historic district. Received a complaint from a person in a wheelchair that hit an a-frame sign outside of this business and was injured. This business was warned about portable signs in January, 2015.

The Special Magistrate found Yummy KW, Inc./Iris Peretz in violation but did not impose any fees or fines as requested by Officer Lockyear.

25

Case # 15-515

Island Breeze of Key West LLC
Erick Araneda, R/A
126 Duval Street
Sec. 66-102 Dates due and delinquent; penalties
Sec. 106-51 Prohibited
Officer Mary Lockyear

Certified Service: 4-30-2015
Initial Hearing: 5-27-2015

In compliance May 4, 2015, request finding of violation, no fees

Count 1: The business tax receipt is delinquent. **Count 2:** Exterior displays are prohibited unless an exception has been granted by the planning board.

The Special Magistrate found Island Breeze of Key West, LLC/Amit Teri in violation but did not impose any fees or fines as requested by Officer Lockyear.

26

Case # 15-520

Bliss of Key West 2 Inc.
Yakov Blives
520 Duval Street
Sec. 106-51 Prohibited
Officer Mary Lockyear
Certified Service: 4-30-2015
Initial Hearing: 5-27-2015

In compliance May 21, 2015, request a finding without fees

Count 1: Exterior displays are prohibited in the historic district

The Special Magistrate found Bliss of Key West 2 Inc./Yakov Blives in violation but did not impose any fees or fines as requested by Officer Lockyear.

27

Case # 15-524

Barefoot Billy's Inc.
Billy Mosblech
109 Duval Street Booth
Sec. 114-103 Prohibited Signs
Sec. 114-104 Restriction on number of signs permitted
Officer Mary Lockyear
Certified Service: 5-8-2015
Initial Hearing: 5-27-2015

Compliance May 21, 2015, request finding with no fees

Count 1: Portable signs are prohibited in the historic district. **Count 2:** For exceeding the number of allowable signs.

The Special Magistrate found Barfoot Billy's Inc./Billy Mosblech in violation but did not impose any fees or fines as requested by Officer Lockyear.

28

Case # 15-525

5 Dollar Store Inc.
Juan Carlos Betancur
109 Duval Street
Sec. 106-51 Prohibited
Officer Mary Lockyear
Certified Service: 5-2-2015
Initial Hearing: 5-27-2015

Compliance May 21, 2015, request finding with no fees

Count 1: Exterior displays are prohibited in the historic district unless an exception is granted by the planning board.

The Special Magistrate found Yummy KW, Inc./Iris Peretz in violation but did not impose any fees or fines as requested by Officer Lockyear.

29

Case # 15-526

Flirt
Harley Cutler
330 Duval Street
Sec. 114-103 Prohibited signs
Officer Mary Lockyear
Certified Service: 5-8-2015
Initial Hearing: 5-27-2015

In compliance 5-4-2015, request dismissal

Count 1: Posterboard signs are prohibited in the historic district.

This case was dismissed by the Special Magistrate at the request of the code officer.

30

Case # 15-51

James E & Laura D Thornbrugh
1107 Truman Avenue
Sec. 66-102 Date due and delinquent; penalties
Sec. 66-103 Transfer of license
Officer Barbara Meizis
Certified Service: 3-17-2015
Initial Hearing: 4-29-2015

In compliance May 26, 2015. Fees have not been paid.

Count 1: The business tax receipt for Island Advertising & Printing is delinquent. **Count 2:** Your expired business tax receipt is from 1025 White Street and needs to be transferred to your current location of

1107 Truman Avenue.

The property is in compliance but the administrative fees are still due.

31

Case # 15-165

Vila Natividad L/E
Ines M Brown T/C
1324 20th Terrace
Sec. 90-356 Building permits required
Sec. 90-365 Violations and penalties
Officer Barbara Meizis
Posted: 3-19-2015
Certified Service: 5-12-2015 - Ines Brown
Initial Hearing: 4-29-2015

Continued from April 29, 2015

Count 1: Building permits are required prior to construction of the addition. **Count 2:** Constructed an addition on the side of the structure in the setbacks without a building permit.

The Special Magistrate found Natividad Vila and Ines M Brown in violation. Administrative Fees of \$250 were imposed. He reserved the right to impose fines if compliance is not achieved by June 23, 2015. A compliance hearing will be held on June 24, 2015.

32

Case # 15-187

Home Depot
2811 N Roosevelt Boulevard
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Barbara Meizis
Certified Service: 4-3-2015
Initial Hearing: 5-27-2015

In compliance May 21, 2015, request dismissal

Count 1: A fire inspection was done on September 17, 2014. The fee of \$50 has not been paid.

This case was dismissed by the Special Magistrate at the request of the code officer.

33

Case # 15-194

PNC Bank National Association
1017 Windsor Lane
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Barbara Meizis

Certified Service: 4-27-2015

Initial Hearing: 5-27-2015

In compliance May 1, 2015, request a finding without fees

Count 1: There are palm frond piles in the front and rear yards of this property that need to be cleared.

The Special Magistrate found PNC Bank National Association in violation but did not impose any fees or fines as requested by Officer Meizis.

34

Case # 15-277

Thomas Kirsten & Elizabeth Blount, R/S

1326 10th Street

Sec. 58-31 Container and receptacle requirements (f)

Officer Barbara Meizis

Certified Service: 4-14-2015

Initial Hearing: 5-27-2015

Compliance April 15, 2015, request finding of violation without fees

Count 1: The city received three complaints regarding trash bins left out on the right of way. Trash pickup is on Thursdays. Bins were observed on the city right of way on Friday, March 6; Monday, March 23; Wednesday, April 1, and Tuesday, April 7.

The Special Magistrate found Thomas Kirsten & Elizabeth Blount in violation but did not impose any fees or fines as requested by Officer Meizis.

35

Case # 14-1798

Matthew N Boucher

3128 Riviera Drive

Sec. 18-601 License required - Counts 1-8, Counts 9-16 and Counts 17-24

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - Counts 25-27

Sec. 122-237 Prohibited uses - Counts 28-30

Sec. 41-1 Offenses under state law - Count 31

FL Statute 489.103 Exemptions - Count 32

Officer Matt Willman

Certified Service: 2-26-2015

Initial Hearing: 2-25-2015

Amended Hearing: 5-27-2015

Continued from April 29, 2015

Counts 1 - 8: The subject property was rented transiently to Kristen & Kevin Kaczmarek from 12-19-14 through 12-26-14 for \$7,500 without the benefit of a transient license. **Counts 9 - 16:** The subject property was rented transiently to Brian Kindred from 12-27-14 through 1-3-15 for \$7,500 without the benefit of a transient license. **Counts 17 - 24** The subject property was rented transiently to Greg Sweeney from 1-10-15 through 1-17-15 for \$5,200 without the benefit of a transient license. **Count 25 - 27:** This property is being offered/advertised by owner Matthew Boucher on the websites VRBO and Home Away for short term rental at the rate of \$725 - \$1,200/night, with a 3-7 night minimum stay. **Counts 28 - 30:** The subject property is being rented for short term rentals which is not a permitted use in the Single Family zoning district. **Count 31:** A violation of FL Statute is enforceable under this section. See Count 32. **Count 32:** It is unlawful to offer a property for sale or lease within one year after the completion of owner building permits.

For your information: Sec. 18-603 Penalty for violation - A violation of this division shall be punishable in accordance with section 1-15 of this Code of Ordinances. Each day an unlicensed residential unit is rented or advertised for rental constitutes a separate violation. This property was rented on at least three different occasions for a total of twenty four days.

The Special Magistrate found Mr. Boucher is violation. Administrative Fees of \$250 were imposed. Also imposed was a fine of \$20, 200 which represents the amount received for each of the three transient rentals. A hearing will be held on June 24, 2015 for the fee affidavit for the other costs incurred with the investigation and subpoenas issued in this case.

36

Case # 14-1821

Janice Isherwood

523 Elizabeth Street

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

Sec. 14-40 Permits in historic districts

Officer Matt Wilman

Hand Served: 4-25-2015

Initial Hearing: 4-29-2015

Continued from April 29, 2015 for compliance

Count 1: A building permit is required prior to the construction of a new deck. **Count 2:** A certificate of appropriateness is required prior to the construction of a new deck.

This case was heard at the April 29, 2015 hearing. At that time, the Special

Magistrate imposed Administrative Fees of \$250. He reserved the right to impose fines if compliance was not achieved by May 26, 2015. Officer Willman advised the Special Magistrate that this property was not in compliance and the Special Magistrate imposed a daily fine of \$250 starting May 27, 2015.

37

Case # 15-160

Stephen & Luna Phillips
1012 Varela Street 1
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)
Sec. 122-599 Prohibited uses
Officer Matt Willman
Certified Service: 2-26-2015
Initial Hearing: 4-29-2015

In compliance May 15, 2015, request dismissal

Count 1: The property is being held out on www.homexchange.com for short term rentals without a transient license. **Count 2:** The property is being held out on www.homexchange.com for short term rentals. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR).

This case was dismissed by the Special Magistrate at the request of the code officer.

38

Case # 15-238

Chicagos LLC
Ben Richmond
CT Corporation System - R/A
610 Greene Street
Edwin O Swift III - R/A
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 114-104 Restriction on number of signs
Sec. 14-40 Permits in historic district
Officer Matt Willman
Hand Served: 4-9-2015 - Business
Certified Service: 5-1-2015 - Mr. Swift - R/A
Initial Hearing: 5-27-2015

New Case

Count 1: A business tax receipt is required for Chicagos. **Count 2:** For installing 4 signs when only 2 are allowed. **Count 3:** For installing 4 signs without HARC approval.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

39

Case # 15-248

Key Cove Landings LLC
Christopher Belland, R/A
3 Key Cove Drive
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)
Sec. 122-579 Prohibited uses
Officer Matt Willman
Certified Service: 2-28-2015 - owner
Initial Hearing: 4-29-2015

Continued from April 29, 2015 - Settlement Agreement

Count 1: The property is being held out on Last Key Realty and Home Away for short term rentals without a transient license. **Count 2:** The property is being held out on Last Key Realty and Home Away for short term rentals. **Count 3:** Transient rentals are prohibited in the Medium Density Residential district (MDR-1).

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent(s) are found in violation of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

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Case # 15-249

Key Cove Landings LLC
Christopher Belland, R/A
10 Key Cove Drive
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)
Sec. 122-579 Prohibited uses
Officer Matt Willman
Certified Service: 3-2-2015 - owner
Initial Hearing: 4-29-2015

Continued from April 29, 2015 - Settlement Agreement

Count 1: The property is being held out on Last Key Realty and Home Away for short term rentals without a transient license. **Count 2:** The property is being held out on Last Key Realty and Home Away for

short term rentals. **Count 3:** Transient rentals are prohibited in the Medium Density Residential district (MDR-1).

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent(s) are found in violation of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

41

Case # 15-310

Sea Cups LLC

dba; Dante's

Wayne Smith - R/A

Brandon Shea Kocis, DJ

955 Caroline Street

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Matt Willman

Certified Service: 3-16-2015 - Dante's

Certified Service: 3-25-2015 - Mr. Kocis

Initial Hearing: 4-29-2015

Continued from April 29, 2015 - Settlement Agreement

Count 1: On March 9, 2015, Officer's Lockyear and Hernandez responded to a complaint of loud music. Noise readings were 99.3 dbc.

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent(s) are found in violation of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

42

Case # 15-341

Bahama Gardens LDT

Steven A Justi, Inc.

704 Thomas Street

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

Sec. 122-599 Prohibited uses

Sec. 18-601 License required

Officer Matt Willman

Hand Served: 4-8-2015

Initial Hearing: 5-27-2015

Continuance granted to June 24, 2015

Count 1: The property is being held out for less than a one month rental on bahamagardens.com. **Count 2:** Transient rentals are prohibited historic medium density residential district (HMDR). **Count 3:** A transient license is required to rent the property transiently.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

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Case # 15-351

Barbara S Grob
1207 Florida Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Sec. 122-599 Prohibited Uses
Officer Matt Willman
Certified Service:
Initial Hearing: 5-27-2015

New Case - Settlement Agreement

Count 1: A transient rental license is required to rent property transiently. **Count 2:** The property is being held out for transient rentals on the Flipkey website under "1207 Heaven", offered for \$395 per night. **Count 3:** Transient rentals are prohibited in the historic medium density residential district (HMDR).

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent(s) are found in violation of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

44

Case # 15-369

Donal Morris Sr.
Donal Morris Jr.
Gregory Morris
916 James Street
Sec. 18-601 License Required
Sec. 122-1371 Transient living accommodation in residential dwellings; regulations
Officer Matt Willman
Hand Served: 4-25-2015
Initial Hearing: 5-27-2015

**New Case - Settlement Agreement
Irreparable**

Count 1: A transient rental license is required to rent transiently.

Count 2: The property is being held out on the Flipkey website for short term rentals. The complainant rented this property from February 9 - February 17, 2015 for a fee of \$1,779.84. **Count 3:** Transient rentals are prohibited in the historic medium density residential district (HMDR).

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the Administrative Costs in the amount of \$250. Also imposed was a fine of \$1,648 which represents the amount received for the transient rental. If Respondent(s) are found in violation of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

45

Case # 15-437

Kai Kai LLC
Carl S Frost
910 Duval Street
Sec. 106-51 Prohibited
Officer Matt Willman
Certified Service: 4-11-2015
Initial Hearing: 5-27-2015

New Case

Count 1: Exterior displays are prohibited in the historic district unless an exception is granted by the planning board. This business was warned a few months ago.

The Special Magistrate found Kai Kai LLC/Carl S Frost in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day if compliance is not achieved by June 23, 2015. A compliance hearing will be held on June 24, 2015.

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Case # 15-438

Number One T-Shirt Store
Sunshine Apparel of Key West Inc.
Kevin C Zuelch
928 Duval Street
Sec. 106-51 Prohibited. Outdoor displays
Officer Matt Willman
Certified Service 4-14-2015
Initial Hearing: 5-27-2015

New Case

Count 1: Exterior displays are prohibited in the historic district unless an exception is granted by the planning board. This business was warned a few months ago.

The Special Magistrate found Sunshine Apparel of Key West E, Inc./Aryeh Friedman, c/o Kevin C Zuelch in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day if compliance is not achieved by June 23, 2015. A compliance hearing will be held on June 24, 2015.

47

Case # 14-154

Deutsche Bank Trust Company Americas
2321 Fogarty Avenue
Sec. 26-126 Clearing of property of debris and noxious materials required
Officer Jim Young
Certified Service: 3-3-2015
Initial Hearing: 4-29-2015

Continued from April 29, 2015 for compliance

Count 1: Property is overgrown with landscaping and debris

Officer Young stated that this property was not in compliance. The Special Magistrate imposed the fines.

48

Case # 15-0001

Airbnb, Inc.
c/o Lawyers Incorporating Service, R/A
528 Grinnell Street
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)
Office Jim Young
Certified Service: 2-17-2015
Initial Hearing: 4-29-2015

Continuance granted to June 24, 2015 for Settlement Agreement

Count 1: On 30 Dec 15 a bedroom located at this property was being held out/advertised on website Airbnb.com for rent at a rate of \$225 per night without the required transient business tax receipt.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

49

Case # 15-0002

Airbnb, Inc.

c/o Lawyers Incorporating Service, R/A

719 Catherine Street

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

Officer Jim Young

Certified Service: 2-17-2015

Initial Hearing: 4-29-2015

Continuance granted to June 24, 2015 for Settlement Agreement

Count 1: On 30 Dec 14 this property was being held out/advertised on website Airbnb.com for rent at a rate of \$325 per night without the required transient business tax receipt.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

50

Case # 15-0003

Airbnb, Inc.

c/o Lawyers Incorporating Service, R/A

104 Geraldine Street

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

Officer Jim Young

Certified Service: 2-17-2015

Initial Hearing: 4-29-2015

Continuance granted to June 24, 2015 for Settlement Agreement

Count 1: On 30 Dec 14 a bedroom located at this property was being held out/advertised on website Airbnb.com for rent at a rate of \$100 per night without the required transient business tax receipt.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

51

Case # 15-0005

Airbnb, Inc.
c/o Lawyers Incorporating Service, R/A
925 Seminary Street Rear
Sec. 122-1371. - Transient living accommodations in residential dwellings; regulations (d)(9)
Officer Jim Young
Certified Service: 2-17-2015
Initial Hearing: 4-29-2015

Continuance granted to June 24, 2015 for Settlement Agreement

Count 1: On 30 Dec 14 a bedroom located at this property was being held out/advertised on website Airbnb.com for rent at a rate of \$140 per night without the required transient business tax receipt.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

52

Case # 15-0027

Airbnb, Inc.
c/o Lawyers Incorporating Service, R/A
1 Baptist Lane
Sec. 122-1371. - Transient living accommodations in residential dwellings; regulations (d)(9)
Officer Jim Young
Certified Service: 2-17-2015
Initial Hearing: 4-29-2015

Continuance granted to June 24, 2015 for Settlement Agreement

Count 1: On 30 Dec 14 this property was being held out/advertised on website Airbnb.com for rent at a rate of \$395 per night without the required transient business tax receipt.

The request to continue this case to June 24, 2015 was granted by the Special Magistrate.

53

Case # 15-500

Charles B Hoffman
1420 Whalton Street
Sec. 18-601 Transient license required
Sec. 122-1371 Transient living accommations in residential dwellings; regulations(d)(9)
Sec. 122-599 Prohibited uses HMDR
Officer Jim Young
Certified Service: 5-4-2015

Initial Hearing: 5-27-2015

New Case - Settlement Agreement

Count 1: A transient license is required to rent a property transiently.

Count 2: On April 20, 2015, the subject property was being held out on the website Airbnb.com as available for rent at a rate of \$150 per night with a 3 night minimum. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential zoning district.

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent(s) are found in violation of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

54

Case # 15-503

Stephen D Habberstad Irrevocable Trust

302 Amelia Street

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

Sec. 18-601 License required

Sec. 122-599 Prohibited uses (HMDR)

Officer Barbara Meizis

Certified Service:

Initial Hearing: 5-27-2015

Settlement Agreement

Count 1: The subject property is being advertised on Airbnb.com for nightly rental. **Count 2:** A transient rental license is required to rent the property transiently. **Count 3:** Transient rentals are prohibited in the Historic Medium Density Residential district.

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent(s) stipulates to the imposition of the Administrative Costs in the amount of \$250. If Respondent(s) are found in violation of the City of Key West code of ordinances again in the future, Respondent(s) understand that the violation(s) will be considered as repeat punishable by up to \$500 per day, per count.

Liens

55

Case # 13-758

Andrea Shaye Morgan

621 Eaton Street

Posted: 12-18-2014

Continued from February 25, 2015

Assistant City Attorney Chris Bridger stated that the appeal to the circuit court had nothing to do with filing the lien. If Ms. Morgan wins her appeal, the lien can be released. The Special Magistrate approved filing of the lien.

56

Case # 14-1391

Wells Fargo Bank NA
c/o Robertson Anschutz & Schneid
2522 Staples Avenue
Certified Service:

The request to continue this case for service to June 24, 2015 was granted by the Special Magistrate.

Adjournment