



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Meeting Agenda Full Detail Code Compliance Hearing

---

Wednesday, July 31, 2013

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 305-809-3951 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 # 12-222**

Peter Anderson  
1205 11th Street  
Sec. 66-102 Dates due and delinquent; penalties  
Sec. 58-72 Responsibility of owner and tenant for payment  
Sec. 74-206 Owners responsibility for payment  
Officer Bonnita Badgett  
Certified Service: 8-6-2012  
Initial Hearing: 9-26-2012

**In compliance, request dismissal**

**Count 1:** The business tax receipt to rent this property is delinquent.

**Count 2:** The solid waste account is past due. **Count 3:** The sewer account is past due.

**Attachments:** [12-222 1205 11th St NOH](#)  
[12-222 1205 11th St past due](#)  
[12-222 1205 11th St current tenant](#)  
[12-222 1205 11th St Keys Energy Acct Info](#)  
[12-222 1205 11th St Lease](#)  
[12-222 1205 11th St Utilities](#)

**Legislative History**

9/26/12	Code Compliance Hearing	Continuance
10/17/12	Code Compliance Hearing	Continuance
11/14/12	Code Compliance Hearing	Continuance

4/24/13 Code Compliance Hearing Continuance

**2**

**Case # 12-836**

SHS Investment of South Florida Inc.

Si Stern

Robert M Weinberger, Registered Agent

820 White Street

Sec. 14-40 Permits in historic district

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

Sec. 90-363 Certificate of occupancy - required

Officer Bonnita Badgett

Certified Service: 8-31-2012 - Owner

9-13-2012 - Registered Agent

Initial Hearing: 9-26-2012

**Continuance granted to October 30, 2013**

**Count 1:** Placed low voltage cameras outside without HARC approval.

In compliance. **Count 2:** A business tax receipt is required for all 32

rooms. Only licensed for 19 guestrooms and 1 transient rental. **Count 3:**

A certificate of occupancy is required for the extra 12 rooms.

**Attachments:** [12-836 820 White St NOH](#)

[12-836 820 White St NOH RA](#)

**Legislative History**

9/26/12 Code Compliance Hearing Continuance

12/19/12 Code Compliance Hearing Continuance

1/30/13 Code Compliance Hearing Continuance

2/27/13 Code Compliance Hearing Continuance

**3**

**Case # 13-308**

Yogesh R Jagasia Revocable Trust 6/08/2010

3701 Pearlman Terrace

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

Officer Bonnita Badgett

Certified Service: 6-11-2013

Initial Hearing: 6-26-2013

**In compliance, request dismissal**

**Count 1:** On February 26, 2013, a complaint was received regarding a deck that was built without benefit of a building permit.

**Attachments:** [13-308 3701 Pearlman Ter. NOH](#)

**Legislative History**

6/26/13 Code Compliance Hearing Continuance

4

**Case # 13-401**

Donal Morris Sr.  
Gregory Morris R/S  
918 James Street  
Sec. 14-40 Permits in the historic district  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Bonnita Badgett  
Posted: 5-7-2013  
Initial Hearing: 5-22-2013

**Continued from June 26, 2013**

**Count 1:** On March 20, 2013 the city received a complaint regarding a shed on the property that was built without HARC approval. **Count 2:** A 200 sq. ft. shed that was built on the property without benefit of a building permit. HARC denied the application.

Attachments: [13-401 918 James St NOH Posting](#)  
[13-401 918 James St NOH](#)  
[13-401 918 James St pics](#)

Legislative History

5/22/13 Code Compliance Hearing Continuance  
6/26/13 Code Compliance Hearing Continuance

5

**Case # 13-471**

Karen L Boscamp  
2705 Flagler Avenue  
Sec. 26-126 Clearing of property of debris and noxious material required  
Sec. 66-102 Dates due and delinquent; penalties  
Officer Bonnita Badgett  
Certified Service: 5-30-2013  
Initial Hearing: 6-26-2013

**Continued from June 26, 2013**

**Count 1:** On April 4, 2013 the city found the property unsightly and full of trash and debris. **Count 2:** On April 4, 2013 the city found the business tax receipt is delinquent.

Attachments: [13-471 2705 Flagler Ave NOH](#)  
[13-471 2705 Flagler Ave Pics](#)  
[13-471 2705 Flagler pics](#)

Legislative History

5/22/13 Code Compliance Hearing Continuance

6/26/13 Code Compliance Hearing Continuance

6

**Case # 12-1773**

Dwight Oglesbee

2434 Fogarty Avenue

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

Sec. 90-363 Certificate of occupancy - Required

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

Sec. 122-238 Dimensional requirements (SF)

Officer Peg Corbett

Certified Service:

Initial Hearing: 7-31-2013

**New Case**

**Count 1:** A complaint was received by the Key West Police Department stating that a cottage exists in the backyard of the subject property.

There are no building permits on file for the cottage. **Count 2:** The subject cottage does not have the required certificate of occupancy.

**Count 3:** The subject cottage is being rented without the benefit of a business tax receipt. **Count 4:** The subject cottage was built in the setback without benefit of an approved variance.

**Attachments:** [12-1773 2434 Fogarty NOH 5347](#)

[12-1773 2434 Fogarty NOH 5354](#)

7

**Case # 13-374**

Ybarmea Artica (Q) &  
Kevin & Yvette M Talbott R/S  
Anola Mira L/E  
c/o Appraisers of Key West  
1104 Virginia Street  
Sec. 14-40 Permits in the historic district  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 66-87 Business tax receipt required for all holding themselves out  
to be engaged in business.  
Officer Peg Corbett  
Certified Service: 6-19-2013  
Initial hearing: 7-31-2013

**Continuance granted to August 28, 2013**

**Count 1:** The fence was built without the benefit of a certificate of appropriateness. **Count 2:** The fence was built without the benefit of a building permit. **Count 3:** The subject property has two units. There is no business tax receipt to rent the second unit.

**Attachments:** [13-374 1104 Virginia NOH 5453](#)  
[13-374 1104 Virginia NOH 5460](#)

8

**Case # 13-379**

Maurice & Lynn De La Valette  
1100 Virginia Street  
Sec. 14-40 Permits in the historic district  
Sec. 14-37 Building permits; professional plans, display of permits  
Officer Peg Corbett  
Certified Service: 6-24-2013  
Initial hearing: 7-31-2013

**New Case**

**Count 1:** On March 8, 2013 a complaint was received that a fence was being built without the benefit of a certification of appropriateness. It was confirmed through Engineering that all of the fences on the southeast side of the 1100 block of Virginia are encroaching on the city right of way by 1 foot 7 inches. **Count 2:** On March 8, 2013 a complaint was received that a fence was being built without the benefit of a building permit.

**Attachments:** [13-379 1100 Virginia St 5439](#)

9

**Case # 13-383**

Maurice & Lynn De La Valette  
1028 Virginia Street  
Sec. 14-40 Permits in the historic district  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Peg Corbett  
Certified Service: 6-24-2013  
Initial Hearing: 7-31-2013

**New Case**

**Count 1:** It was observed that all fences built on the southeast side of the 1100 block of Virginia Street are encroaching by 1 foot 7 inches. It was also confirmed that the fence was built without benefit of a certificate of appropriateness. **Count 2:** It was also confirmed that the fence was built without benefit of a building permit.

**Attachments:** [13-383 1028 Virginia NOH 5415](#)

10

**Case # 13-511**

Kevin & Yvette Talbott  
1701 Johnson Street  
Sec. 14-37 Building permits, professional plans; display of permits  
Sec. 66-87 Business tax receipt for all holding themselves out to be engaged in business  
Sec. 90-363 Certificate of occupancy - Required  
Sec. 58-61 Determination and levy of change  
Officer Peg Corbett  
Certified Service: 7-8-2013  
Initial Hearing: 7-31-2013

**Continuance granted to August 28, 2013**

**Count 1:** A complaint was received that the garage was enclosed. Site visit confirmed that it was enclosed and a door and two windows were also installed. A fence was built on either side with a gate entry from the Ashby Street side all without benefit of a building permit. **Count 2:** A business tax receipt is required to rent this property. **Count 3:** A certificate of occupancy is required to rent this property. **Count 4:** The subject property does not have the required utility accounts or a waste management account as required by the city.

**Attachments:** [13-511 1701 Johnson NOH 5491](#)

11

**Case # 13-597**

Tim &amp; Lynn Gallagher

3122 Riviera Drive

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

Sec. 90-363 Certificate of occupancy - Required

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

Sec. 58-61 Determination and levy of charge

Sec. 14-38 Minimum floor elevation

Officer Peg Corbett

Certified Service: 6-20-2013

Initial Hearing: 6-26-2013

**Continued from June 26, 2013**

**Count 1:** On May 3, 2013 a complaint was received that a unit was built without benefit of a permit. **Count 2:** A Certificate of Occupancy is required for the second unit. **Count 3:** A business tax receipt is required to rent the second unit. **Count 4:** A solid waste account is required for all units. **Count 5:** The second unit was built below flood elevation.

**Attachments:** [13-597 3122 Riviera Dr NOH](#)  
[13-597 3122 Riviera dr photos](#)

**Legislative History**

6/26/13      Code Compliance Hearing      Continuance

12

**Case # 13-689**

Florida Reference Laboratory

Armando F Vicente R/A

3150 Northside Drive

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

Officer Peg Corbett

Certified Service: 6-24-2013

Initial Hearing: 7-31-2013

**In compliance, request dismissal**

**Count 1:** A complaint was received from the licensing department that this blood lab does not have a business tax receipt.

**Attachments:** [13-689 3150 Northside Dr 5507 NOH 5507](#)  
[13-689 3150 Northside Dr 5514](#)

13

**Case # 13-717**

Marc Miclette  
Corporate Creations  
Southernmost Cigar Group LLC  
300 Front Street 1  
Sec. 58-63 Delinquency  
Officer Peg Corbett  
Certified Service: 6-20-2013  
Initial Hearing: 7-31-2013

**In compliance, request dismissal**

**Count 1:** The waste management account has been terminated due to non-payment. An active waste management account is required by all those holding themselves out to do business in the city of Key West.

**Attachments:** [13-717 300 Front 1 NOH 5477](#)  
[13-717 300 Front 1 NOH 5484](#)



14

**Case # 13-776**

Joseph L Lamarca III

Bonnie Chu

Larry Doyle

Walbach LLC

Stacy M Rocheleau, R/A

1318 Petronia Street

Sec. 18-601 License required - Counts 1 through 7

Sec. 122-1371 Transient living accommodations in residential dwellings;  
regulations - Counts 9 through 14

Sec. 122-599 Prohibited uses in HMDR - Counts 15 through 21

Officer Peg Corbett

Certified Service: 6-17-2013

Initial Hearing: 7-31-2013

**Continuance granted to August 28, 2013****Repeat/Irreparable**

**Counts 1 through 7:** The captioned property was held out and/or advertised as being available transiently on June 8, 2013, June 9, 2013, June 10, 2013, June 11, 2013, June 12, 2013, June 13, 2013 and June 14, 2013. **Counts 9 through 14:** The respondent rented the property in question transiently contrary to 122-1371(d)(9) on June 8, 2013, June 9, 2013, June 10, 2013, June 11, 2013, June 12, 2013, June 13, 2013 and June 14, 2013. **Counts 15 through 21:** The respondent rented the property located in the Historic Medium Density Residential area transiently on June 8, 2013, June 9, 2013, June 10, 2013, June 11, 2013, June 12, 2013, June 13, 2013 and June 14, 2013. Transient rentals are not permitted in the Historic Medium Density Residential area.

**Attachments:** [13-776 NOCV 5316](#)

[13-776 NOCV 5323](#)

[13-776 NOCV 5330](#)

[13-776 Transient Rental Agreement](#)

15

**Case # 13-777**

Marcia &amp; David Zensinger

Michael T Hogan

David Zensinger, R/A

Casa Vacations

807 Washington Street 101

Sec. 18-601 License required

Sec. 122-599 Prohibited uses - HMDR

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

Officer Peg Corbett

Certified Service: 6-18-2013

Initial Hearing: 7-31-2013

**Continuance granted to August 28, 2013**

**Count 1:** The subject property was held out for transient rental for the dates of November 16, 2013 through November 30, 2013 without the benefit of a transient rental license. **Count 2:** Transient rentals are prohibited in the historic medium density residential district (HMDR).

**Count 3:** The subject property was held out for rental for the dates of November 16 through November 30 without the benefit of a transient license.

**Attachments:** [13-777 NOCV-NOH 5361](#)  
[13-777 NOCV-NOH 5378](#)  
[13-777 NOCV-NOH 5385](#)  
[13-777 Email from Prop Owner](#)

16

**Case # 13-541**

Armando &amp; Mercedes Parra

2922 Flagler Avenue

Sec. 18-157 Employment of unlicensed persons prohibited - **Dismiss**

Sec. 90-356 Building permits required

Sec. 90-363 Certificate of occupancy - Required

Sec. 90-391 Variances

Sec. 122-238 Dimensional Requirements - **Dismiss**

Sec. 108-887 Same - Elevation of residential buildings

Sec. 14-256 Required - Electrical Permit

Sec. 14-262 Request for inspection - **Dismiss**

Sec. 14-258 Plans and specifications

Sec. 14-362 Connection to public sewer

Sec 14-358 Amendments to Florida Plumbing Code - **Dismiss**

Officer Leonardo Hernandez

Certified Service: 6-11-2013

Initial Hearing: 6-26-2013

**Continued from June 26, 2013**

**Count 1:** Dismiss **Count 2:** Failure to obtain a building permit for detached habitable space. **Count 3:** A certificate of occupancy is required for the new habitable space. **Count 4:** A variance is required to build in the setback. **Count 5:** Dismiss **Count 6:** Habitable space was built below required flood elevation. **Count 7:** Failure to obtain electrical permit. **Count 8:** Dismiss **Count 9:** Failure to submit plans for electrical work. **Count 10:** Failure to connect to public sewer. **Count 11:** Dismiss

**Attachments:** [13-541 2922 Flagler Ave NOH 8583](#)  
[13-541 2922 Flagler Ave green card 8583](#)  
[13-541 2922 Flagler Ave NOCV 6864](#)  
[13-541 2922 Flagler Ave pics](#)  
[13-541 2922 Flagler NOCV hand served](#)  
[13-541 2922 Flagler NOCV 6864 good service](#)

**Legislative History**

6/26/13

Code Compliance Hearing

Continuance

17

**Case # 13-748**

Andrea Ayres  
 1121 Whitehead Street  
 Sec. 66-87 Business tax receipt required for all holding themselves out  
 to be engaged in business  
 Officer Leonardo Hernandez  
 Certified Service: 7-12-2013  
 Initial Hearing: 7-31-2013

**Continuance granted to August 28, 2013**  
**Irreparable violation**

**Count 1:** For renting the property without a business tax receipt. The  
 property is owned by US National Bank Association.

**Attachments:** [13-748 1121 Whitehead St NOH](#)  
[13-748 1121 Whitehead Rental lease](#)  
[13-748 1121 Whitehead NOH posted](#)  
[13-748 1121 Whitehead Street NOH posting](#)  
[13-541 2922 Flagler continuance request](#)  
[13-748 1121 Whitehead email granting continuance](#)

18

**Case # 10-1453**

Richard Wunsch  
 613 Ashe Street  
 Sec. 66-87 Business Tax Receipt Required  
 Sec. 14-37 Building Permits, Display  
 Sec. 90-363 Certificate of Occupancy  
 Officer Jim Young  
 POSTED: 5-6-2011  
 Initial Hearing: 5-25-2011

**In compliance, request dismissal**

A business tax receipt is required to rent your property. A building  
 permit is required to add a living unit. A certificate of occupancy is  
 required for the third unit.

**Attachments:** [10-1453 613 Ashe St NOH](#)  
[10-1453 613 Ashe St pics](#)  
[10-1453 613 Ashe St. Posting pic](#)

**Legislative History**

4/27/11	Code Compliance Hearing	Continuance
5/25/11	Code Compliance Hearing	Continuance
8/3/11	Code Compliance Hearing	Continuance

11/16/11	Code Compliance Hearing	Continuance
1/25/12	Code Compliance Hearing	Continuance
2/29/12	Code Compliance Hearing	Continuance
3/28/12	Code Compliance Hearing	Continuance
4/25/12	Code Compliance Hearing	Continuance
5/23/12	Code Compliance Hearing	Continuance
7/25/12	Code Compliance Hearing	Continuance
1/30/13	Code Compliance Hearing	Continuance

19

**Case # 13-57**

Yuliya Andrews

The Adult Entertainment Club

Albert L Kelley, R/A

200 Block of Duval Street

Sec. 18-415 (b) (1) a. Restrictions in the Historic District

Sec. 18-441 Required

Officer Jim Young

Certified Service: 1-14-2013 - Albert Kelley

Certified Service: 1-14-2013 - Yuliya Andrews

Initial Hearing: 1-30-2013

**Motion to Stay Code Enforcement Proceedings filed with Judge Audlin****Continued from May 22, 2013 for documents Repeat/Irreparable**

**Count 1:** On January 10, 2013 at approximately 1:33 am, Anthony B Huggins was soliciting customers for the Adult Entertainment Club at 210 Duval Street which is a prohibited area. **Count 2:** An Off-Premises Canvassing permit is required to engage in off-premises canvassing.

**Attachments:** [13-57 200 Blk of Duval St NOH](#)  
[13-57 Motion to Stay](#)

**Legislative History**

1/30/13	Code Compliance Hearing	Continuance
2/27/13	Code Compliance Hearing	Continuance
4/24/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance

20

**Case # 13-185**

KWSC, Inc. d/b/a  
 Adult Entertainment Club  
 c/o Albert L Kelley, R/A  
 Yuliya Andrews, Owner  
 300 Block of Duval Street  
 Sec. 18-411 Title  
 Sec. 18-415 Restrictions in the historic district  
 Officer Jim Young  
 Certified Service: 2-8-2013 - R/A  
 Certified Service: 2-9-2013 - Owner  
 Initial Hearing: 2-27-2013

**Motion to Stay Code Enforcement Proceedings filed with Judge  
 Audlin**

**Repeat/Irreparable Violation**

**Continued from May 22, 2013 for documents**

**Count 1:** This article shall be known as the off-premises canvassing ordinance. **Count 2:** On January 10, 2013 at approximately 1:30 am, Neile Bassi Favreau was soliciting customers for the Adult Entertainment Club in the 300 block of Duval Street which is a prohibited area.

**Attachments:** [13-185 Adult Entertainment Club 330 Blk of Duval NOH](#)  
[13-185 300 Blk of Duval NOH](#)

**Legislative History**

2/27/13	Code Compliance Hearing	Continuance
4/24/13	Code Compliance Hearing	Continuance
5/22/13	Code Compliance Hearing	Continuance
6/26/13	Code Compliance Hearing	Continuance

**Liens**

21

**Case # 09-2040**

James T Petterson  
 1609 Jamaica Drive  
 Hand Served: 7-12-2013

**Continuance granted to August 28, 2013**

22

**Case # 10-1425**

Dr. Richard Walker  
2407 N Roosevelt Blvd  
Certified Service: 2-13-2013

**Continued from June 28, 2013**

Attachments: [10-1425 2407 N Roosevelt Blvd Lien Hearing](#)

23

**Case # 12-378**

Tarzan Tree Care  
Sandra Downs  
414 Louisa Street  
Certified Service: 5-19-2013

**Continued from May 22, 2013**

Attachments: [12-378 Tarzan Tree Care NOLH](#)

24

**Case # 12-453**

Samantha L O'Farrell  
Patrick Ritter T/C  
1707 Leon Street  
Posted: 7-9-2013

Attachments: [12-453 1707 Leon St NOLH](#)

[12-453 NOLH 1](#)

[12-453 NOLH 2](#)

[12-453 NOLH Posting](#)

**Adjournment**