



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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.

The Special Magistrate dismissed this case at the request of the code officer.

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.

This case was continued to October 30, 2013.

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.

The Special Magistrate dismissed this case at the request of the code officer.

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.

The Special Magistrate found Donal Morris and Gregory Morris in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count (total 2 counts) if compliance is not met by August 27, 2013. A compliance hearing will be held on August 28, 2013.

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.

The Special Magistrate found Karen L Boscamp in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count (total 2 counts) and 25% of the business tax receipt ($\$19.95 \times 25\% = \4.99) if compliance is not met by August 27, 2013. A compliance hearing will be held on August 28, 2013.

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.

This case was continued for service.

7

Case # 13-374

Ybarnea 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.

This case was continued to August 28, 2013.

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.

The Special Magistrate found Maurice & Lynn De La Valette in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count (total 2

counts) if compliance is not met by August 27, 2013. A compliance hearing will be held on August 28, 2013.

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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.

The Special Magistrate found Maurice & Lynn De La Valette in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count (total 2 counts) if compliance is not met by August 27, 2013. A compliance hearing will be held on August 28, 2013.

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.

This case was continued to August 28, 2013.

11

Case # 13-597

Tim & 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.

The Special Magistrate found Maurice & Lynn De La Valette in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count (total 3 counts) if compliance is not met by August 27, 2013. A compliance hearing will be held on August 28, 2013.

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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.

The Special Magistrate dismissed this case at the request of the code officer.

13

Case # 13-717

Marc Milette
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.

The Special Magistrate dismissed this case at the request of the code officer.

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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.

This case was continued to August 28, 2013.

15

Case # 13-777

Marcia & 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.

This case was continued to August 28, 2013.

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Case # 13-541

Armando & 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

The Special Magistrate found Armando and Mercedes Parra in violation. No fines or fees were imposed at this time. The court reserves the right to imposed fines and fees if compliance is not met by November 19, 2013. A compliance hearing will be held on November 20, 2013.

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.

This case was continued to August 28, 2013.

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.

The Special Magistrate dismissed this case at the request of the code officer. The fees were previously paid.

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.

This case was continued to August 28, 2013.

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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.

This case was continued to August 28, 2013.

Liens**21****Case # 09-2040**

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

Continuance granted to August 28, 2013

The Special Magistrate approved the filing of the lien.

22**Case # 10-1425**

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

Continued from June 28, 2013

This case was continued to August 28, 2013.

23**Case # 12-378**

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

Continued from May 22, 2013

This case was continued to August 28, 2013.

24**Case # 12-453**

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

The Special Magistrate approved the filing of the lien.

Adjournment