



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, January 25, 2012

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 # 10-1450

Peter Gomez
Ann Marie Robinson R/S
936 United Street
Sec. 102-152 Requirements for permits
Officer Gary Addleman
Certified Service: 9-24-2011
Initial Hearing: 10-19-2011

Continuance granted to February 29, 2012

The columns that were installed are square and were approved as turned (round) columns.

The Special Magistrate granted the continuance request that was received from Hugh Morgan to the February 29th hearing.

2

Case # 11-1029

1200 Duval Street, LLC
Juan Carlos Betancur
Olha Lysyak
Richard Klitenick, R/A
1200 Duval Street
Sec. 14-325 Mechanical permits required
Sec. 14-256 Electrical permits required
Sec. 14-40 Permits in historic district
Officer Gary Addleman
Certified Service: 11-22-2011

Initial Hearing: 12-14-2011

Continued from December 14, 2011

On August 12, 2011 a complaint was received from the Mechanical Inspector that an A/C unit had been mounted on to the rear portion of the building without mechanical and electrical permits.

The Special Magistrate found 1200 Duval Street, LLC/Juan Carlos Betancur and Olha Lysyak in violation. Costs of \$250 were imposed. The Court reserves the right to impose a fine if compliance is not met by February 28, 2012. A compliance hearing will be held on February 29, 2012.

3

Case # 11-1116

Diane & Richard Cain

Mildred B Lehecka

1103 Virginia Street

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

Sec. 14-40 Permits in the historic district

Officer Gary Addleman

Certified Service: 10-14-2011

Initial Hearing: 11-16-2011

In compliance, request dismissal

Building permit and HARC approval required prior to the construction of a carport

The Special Magistrate closed this case. Property is in compliance and the fees have been paid.

4

Case # 09-1193

Allen Hansen

2002 Seidenberg Avenue

Sec. 58-61 Determination of Levy Charge

Sec. 90-363 Certificate of Occupancy - Required

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

Officer Dotty Austin

Certified Service: 9-22-2011

Initial Hearing: 10-19-2011

Continued from November 16, 2011

For renting two units when only 1 sewer/solid waste account exists with the City. A certificate of occupancy is required for all units. A

business tax receipt is required for all units.

The Special Magistrate found Allen Hansen in violation. Costs of \$250 were imposed. The court reserves the right to impose a fine if compliance is not met by March 27, 2012. A compliance hearing will be held on March 28, 2012.

5

Case # 10-642

Mary Jo Pfund
1405 4th Street
Sec. 14-37 Building Permits, Display
Officer Dotty Austin
Certified Service: 5-12-2011
Initial Hearing: 6-29-2011

Continued from December 14, 2011 for status

Interior build outs, plumbing and electrical work require building permits prior to commencement of work.

The Special Magistrate granted the continuance request that was received from Adele V Stones to the April 25th hearing. It was announced after Ms. Stones left that the Special Magistrate has a conflict with this date. A new date will be set.

6

Case # 10-1274

Rockwell Property, Inc.
Catalfomo & Farrelly, R/A
Trepanier & Assoc., Inc.
Owen Trepanier
Richard W Hoy, DPS
2 Scheppens Lane
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Dotty Austin
Certified Service: 8-15-2011
Certified Service: 11-10-2011 - Irreparable Notice
Initial Hearing: 8-31-2011

**Continued from December 14, 2011 for Settlement Agreement
Continuance request denied**

Count 1: Prior to October 8, 2010 it was determined that a staircase was demolished without a building permit. **Count 2:** Prior to October 8, 2010 it was determined that a staircase was demolished without HARC approval. **Count 3:** Prior to October 8, 2011 it was determined that a staircase was built without required building permits. **Count 4:** Prior to October 8, 2010 it was determined that a gable roof was demolished without a building permit. **Count 5:** Prior to October 8, 2010 it was determined that a roof deck was built without required

building permits. **Count 6:** Prior to October 8, 2010 it was determined that a fence was built on the roof deck without building permits.

The Special Magistrate found Rockwell Property, Inc./Richard Hoy in violation and approved the Settlement Agreement. Costs of \$250 were imposed along with a fine of \$5,000. Also imposed was a suspended fine of \$1,250 for a period of 24 months. If no more violations occur on this property, the suspended fine will be vacated. Total compliance must be met in 45 days.

7

Case # 10-1319

Eloy M Lopez Jr

Stacy O'Keefe T/C

2403 Patterson Avenue Up

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

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy - required

Officer Dotty Austin

Certified Service:

Initial Hearing: 1-25-2012

New Case

Count 1: A business tax receipt is required is required to rent the two units.

Count 2: There are two rental units on this property and only one sewer/solid waste account.

Count 3: A certificate of occupancy is required for the second unit.

This case was continued for service.

8

Case # 10-1425

Richard Walker

2407 N Roosevelt Blvd

Sec. 14-37 Building Permits; Professional Plans; Display of Permits

Officer Dotty Austin

Certified Service: 10-11-2011

Initial Hearing: 10-19-2011

Continued from December 14, 2011 for status on the permits to keep or remove the docks, railings, buildings, electric, etc.

On May 16, 2011, construction and or renovations of docks, railings, 3 buildings including plumbing and electrical was observed on the property. No permits have been issued for this work.

The Special Magistrate found Dr. Walker in violation. The Administrative fees were imposed at the hearing that was held on November 16, 2011. A fine of \$200 per day was imposed starting January 25, 2012.

9

Case # 11-712

Roger W Akers
Sandra J Henning
804 Eisenhower Drive
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Sec. 26-126 Clearing of Property
Officer Dotty Austin
Certified Service: 7-25-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal

A building permit and HARC approval are required prior to the commencement of building a shed. Yard is littered with discarded demo items and yard waste adding to unsanitary and nuisance conditions.

Case went before the Special Magistrate on 1-25-12. The property is in compliance and this case was dismissed.

10

Case # 11-1170

Samuel Albury Est
c/o Jeremiah Albury
G.F. Albury P/O/A
403 Amelia Street
Sec. 14-37 Building Permits, display, professional plans; display of permits
Sec. 14-40 Permits in the Historic District
Officer Dotty Austin
Certified Service: 12-6-2011
Initial Hearing: 1-25-2012

In compliance, request dismissal

A 6' wood fence was built without benefit of a building permit or HARC approval.

Case went before the Special Magistrate on 1-25-12. The property is in compliance and this case was dismissed.

11

Case # 11-1233

Asset Holdings Group, LP
Jeanette M Straga, PSTD
3601 Northside Drive

Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-256 Electrical permit required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 18-117 Acts declared unlawful
Officer Dotty Austin
Certified Service: 12-6-2011
Initial Hearing: 1-25-2012

Repeat Violation

New Case

Count 1: On October 1, 2010, a bathroom was demolished without permits

Count 2: June 10, 2011 a new kitchen was constructed without permits

Count 3: June 10, 2011 new plumbing was installed in the new kitchen without permits

Count 4: June 10, 2011 Drywall was installed and finished in hall and future a/c closet

Count 5: February 11, 2011, concrete was added to a bedroom floor after tiles were removed.

Count 6: Electrical wiring and fixtures were installed in the kitchen, added exterior flood lights, bedroom ceiling fan and outlets on or around June 10, 2011 without electrical permits.

Count 7: Property has been rented without a business tax receipt since Dec. 2010.

Count 8: Work was performed was by unlicensed contractors.

The Special Magistrate found Asset Holdings Group, Inc./Jeanette M Straga in violation. Costs of \$250 were imposed along with an irreparable fine of \$500 per day, per count (total of 8 counts) if compliance is not met by February 8, 2012. A compliance hearing will be held on February 29, 2012.

12

Case # 11-1482

715 Duval Street Realty LLC

Eric Gilliland

Lazy Days of Key West, Inc.

David Mizrachi, Pres. R/A

715 Duval Street

Sec. 106-51 Exterior displays prohibited

Officer Dotty Austin

Certified Service: 12-21-2011

Initial Hearing: 1-25-2012

New Case

On December 9th, 15th, and 18th, 2011, merchandise was displayed outside the entryway to the store.

The Special Magistrate found Lazy Days of Key West, Inc., David Mizrahi, in violation. Costs of \$250 were imposed and paid for on January 25, 2012.

13

Case # 11-1515

RPV Realty Trust 7/16/02

Roland Valois

Dan-Ace Roofing

Daniel Eloy Acevedo

1008 Eaton Street

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

Sec. 14-40 Permits in the Historic District

Officer Dotty Austin

Certified Service: 12-23-2011

Initial Hearing: 1-25-2012

New Case

Count 1: Four (4) Scuttles were removed and replaced with V-Crimp roofing without building permits on a contributing structure in the Historic District. **Count 2:** Four (4) Scuttles were removed and replaced with V-Crimp roofing without HARC approval on a contributing structure in the Historic District.

The Special Magistrate found both the homeowner and contractor in violation. Costs of \$250 was imposed on both. The court reserves the right to impose a fine if compliance is not met by February 28, 2012. A compliance hearing will be held on February 29, 2012.

14

Case # 11-854Christie V Gagnon, Registered Agent for
Simple Breeze Property Management, LLC

310 Elizabeth Street

Sec. 14-325 Permits required for mechanical

Officer Ginny Haller

Certified Service: 11-18-2011

Initial Hearing: 12-14-2011

In compliance, request dismissal

Count 1: A mechanical final inspection was disapproved for an air conditioner package unit that was not properly installed and two air conditioner units that were installed or replaced without permits that do not meet the minimum code requirements.

Case went before the Special Magistrate on 1-25-12. The property is in compliance and this case was dismissed.

15

Case # 09-1501

Angel & Daniela Rodriguez

Angel Rodriguez Sr

908 Trinity Drive #4

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

Sec. 14-256 Permit required for electric

Sec. 14-262 Request for inspection of electric

Sec. 14-325 Permit required for mechanical

Sec. 14-327 Request for inspection of mechanical

Sec. 14-358 Permit required for plumbing

Sec. 14-362 Connect to public sewer

Sec. 90-363 Certificate of Occupancy required

Officer Barbara Meizis

Certified Service: 11-8-2011

Initial Hearing: 12-14-2011

Continued from December 14, 2011**Count 1:** Failure to obtain a building permit for the accessory unit.**Count 2:** Failure to obtain an electrical permit for the accessory unit.**Count 3:** Failure to obtain an electrical inspection for the accessory unit. **Count 4:** Failure to obtain a mechanical permit for the accessory unit.**Count 5:** Failure to obtain a mechanical inspection for theaccessory unit. **Count 6:** Failure to obtain a plumbing permit for theaccessory unit. **Count 7:** Failure to connect the accessory unit topublic sewer. **Count 8:** Failure to obtain a certificate of occupancy for

the accessory unit

The Special Magistrate found Angel I & Daniela O Rodriguez and Angel F Rodriguez Sr. in violation. No fines or fees have been imposed at this time. A status hearing will be held on March 28, 2012.

16

Case # 11-1444

Bird Construction LLC

Deborah & Richard Bird

730 Southard Trust

c/o Vincent F Barletta, Trustee

730 Southard Street

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

Sec. 14-40 Permits in the Historic District

Officer Leonardo Hernandez

Certified Service: 12-23-2011

Initial Hearing: 1-25-2012

Irreparable Violation

Continuance granted to February 29, 2012

Count 1: The chimney at this location was demolished without a demolition permit. **Count 2:** The chimney at this location was demolished without HARC approval.

The Special Magistrate granted the continuance request that was received from Adele V Stones to the February 29th hearing.

17

Case # 11-750

Joan Thoman
1107 Varela Street
Sec. 58-31 Container and receptacle requirements
Officer Bonnita Myers
Certified Service: 11-22-2011
Initial Hearing: 12-14-2011

In compliance, request dismissal

Count 1: June 29, 2011 the city received a complaint of recycle and garbage bins being stored on the sidewalk

Case went before the special magistrate on 1-25-12. The property is in compliance and this case was dismissed.

18

Case # 11-785

Brian & Kimberly Blanchette
1312 Reynolds Street 1
Sec. 14-40 Permits in the Historic District
Sec. 14-31 Florida Building Code
Officer Bonnita Myers
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

Continued from December 14, 2011 for a plan on how this violation will be resolved.

A building permit and HARC approval is required prior to replacing roof with V-crimp.

The Special Magistrate found Brian & Kimberly Blanchette in violation. Costs of \$250 were imposed along with a fine of \$150 per day, per count (total of 2 counts) if compliance is not met by February 29, 2012. A compliance hearing will be held on February 29, 2012.

19

Case # 11-859

Patrick W & Ann T Plauga O'Neal
3314 Northside Drive 112
Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business
Officer Bonnita Myers
Certified Service: 12-23-2011
Initial Hearing: 1-25-2012

In compliance, request dismissal

Count 1: A business tax receipt is required to rent your property

Case went before the Special Magistrate on 1-25-12. The property is in compliance and this case was dismissed.

20

Case # 11-1193
Helen S Carbonell
c/o Ron Saunders
1315 Olivia Street
Sec. 26-126 Clearing of Property
Officer Bonnita Myers
Certified Service: 12-21-2011
Initial Hearing: 1-25-2012

In compliance, request dismissal

Count 1: Property needs to be mowed and maintained

Case went before the Special Magistrate on 1-25-12. The property is in compliance and this case was dismissed.

21

Case # 11-1360
Martin Busam
1126 Grinnell Street
Sec. 62-31 Maintenance of area between property line and adjacent paved roadway.
Officer Bonnita Myers
Certified Service: 12-20-2011
Initial Hearing: 1-25-2012

In compliance, request dismissal

Count 1: The area between the property line to the pavement needs to be clear of weeds and overgrown plantings

Case went before the Special Magistrate on 1-25-12. The property is in compliance and this case was dismissed.

22

Case # 11-1442
Joseph Cleghorn
Mark Burris T/C

1421 1st Street
Sec. 26-192 Prohibition against unreasonable noise
Officer Bonnita Myers
Certified Service: 12-9-2011
Initial Hearing: 1-25-2012

In compliance, request dismissal

Count 1: Roosters crowing and are disturbing the neighbors

Case went before the Special Magistrate on 1-25-12. The property is in compliance and this case was dismissed.

23

Case # 11-1043

Donald R Dye
825 Elizabeth Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in a business
Sec. 18-601 Transient license
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Sec. 122-629 Prohibited uses in HHDR
Officer Bonnita Myers
Certified Service: 1-12-2012
Initial Hearing: 1-25-2012

Continuance granted to February 29, 2012 for Settlement Agreement

Count 1: The captioned property was held out and/or advertised as being available on April 5, 2011 through April 13, 2011, on June 16, 2011 through July 1, 2011 and again on August 1, 2011 through August 31, 2011 without benefit of a non-transient license. **Count 2:** A transient license is required to rent your property transiently. **Counts 3 through 27:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 5, 2011, April 6, 2011, April 7, 2011, April 8, 2011, April 9, 2011, April 10, 2011, April 11, 2011, April 12, 2011, April 13, 2011, June 16, 2011, June 17, 2011, June 18, 2011, June 19, 2011, June 20, 2011, June 21, 2011, June 22, 2011, June 23, 2011, June 24, 2011, June 25, 2011, June 26, 2011, June 27, 2011, June 28, 2011, June 29, 2011, June 30, 2011 and July 1, 2011. **Count 28:** Transient rentals are prohibited in the HHDR district.

The Special Magistrate granted the continuance request that was received from the city to the February 29th hearing for the Settlement Agreement.

24

Case # 10-919

John A Williams
Paul N Hayes, R/A for
Rent Key West Vacations
1328 Atlantic Blvd
Sec. 66-87 Business Tax Receipt required for all holding themselves out to be engaged in business
Officer Jim Young
Certified Service: 9-22-2011
Initial Hearing: 10-29-2011

Continued to February 29, 2012 for compliance

A business tax receipt is required for all units being rented

The Special Magistrate granted the continuance request that was received from the city to the February 29th hearing.

25

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

Continued to February 29, 2012

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 granted the continuance request that was received from the city to the February 29th hearing.

26

Case # 10-1554

Reshma Gidwani

3700 Pearlman Court
Sec. 14-37 Building Permits, Display
Sec. 66-102 Delinquent Business Tax
Officer Jim Young
Hand Served: 7-15-2011
Initial Hearing: 8-3-2011

In compliance, request dismissal

For failure to obtain a building permit for installing electricity in the shed and the business tax receipt is delinquent

Case went before the Special Magistrate on 1-25-12. The property is in compliance and this case was dismissed.

27

Case # 11-1334
Kenneth (Kenyatta) Arrington
Street Performer
Sec. 6-2(c)(vi)
Sec. 6-4(w)
Officer Jim Young
Hand Served: 11-2-2011
Initial Hearing: 11-16-2011

Continued from December 14, 2011 for compliance

Count 1: On October 27, 2011 at ~ 8:22 pm, Kenneth (Kenyatta) Arrington was in front of the La Concha performing. Mr. Arrington has not obtained public liability and property damage insurance and therefore is not allowed to perform on the city right-of-way. **Count 2:** On October 27, 2011 at ~ 8:22 pm, Kenneth (Kenyatta) Arrington was in front of the La Concha performing using an amplifier which is prohibited.

Case went before the special magistrate for compliance on 1-25-12. Mr. Arrington had liability insurance and his amplifier fell into the ocean. He is in compliance.

28

Case # 12-15
Joseph H & Carol D Irwin
508 Louisa Street, Unit 2
Sec. 18-601 Transient License
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations; Count 2 through 8
Officer Jim Young
Certified Service: 1-9-2012
Initial Hearing: 1-25-2012

New Case

Count 1: A transient license is required to rent your property transiently. **Counts 2 through 8:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 7, 2012, May 8, 2012, May 9, 2012, May 10, 2012, May 11, 2012, May 12, 2012, and May 13, 2012.

The Special Magistrate found Joseph & Carol Irwin in violation. No fines or fees were imposed at the request of the Code Officer.

29

Case # 12-16

Ronald D Kaisen
1211 Catherine Street
Sec. 18-601 Transient License
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations(d)(9) Eight Counts
Sec. 122-599 Prohibited uses in HMDR
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in a business
Officer Jim Young
Certified Service: 1-12-2012
Initial Hearing: 1-25-2012

Continuance granted to February 29, 2012

Count 1: A transient license is required to rent your property transiently. **Counts 2 through 9:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 1, 2012, March 2, 2012, March 3, 2012, March 4, 2012, March 5, 2012, March 6, 2012, March 7, 2012, and March 8, 2012. **Count 10:** The caption property is located in the HMDR district which prohibits transient rentals. **Count 11:** The captioned property was held out and/or advertised as being available on March 1, 2012 through March 8, 2012 without benefit of a non-transient rental license.

The Special Magistrate granted the continuance request that was received from John Allison to the February 29th hearing.

Liens

30

Case # 10-1026
Maria D Tuya
2209 Flagler Avenue
Posted: 12-29-2011

The Special Magistrate approved the filing of the lien.

Adjournment