



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, June 29, 2011

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 # 11-212
Jarvis Nelson Osorio
1721 Johnson Street

Continued from May 25, 2011 for Compliance

Attachments: [11-212 1721 Johnson F-O](#)

2 Case # 11-268
Janeth Brody
Arthur R Rosenberg, R/A for
Braza Lena of Florida, LLC
421 Caroline Street
Sec. 62-2 Obstruction of Streets
Officer Gary Addleman
Certified Service: 5-18-2011
Initial Hearing: 6-29-2011

New Case

Trash receptacle and laundry cart are obstructing the City right of way.

Attachments: [11-268 421 Caroline NOH](#)
[11-268 421 Caroline pic 1](#)
[11-268 421 Caroline pic 2](#)
[11-268 421 Caroline pic 3](#)

3

Case # 11-400
Stadium Mobile Home Park
Anna Marie Crena
Jean Marcelin
Hugh J Morgan, R/A for
Island-West Investment Corp
1213 14th Street, 142
Sec. 14-37 Building Permits, Display
Officer Gary Addleman
Certified Service: 5-25-2011
Initial Hearing: 6-29-2011

New Case

A building permit is required prior to the construction of the addition to the trailer.

Attachments: [11-400 1213 14th #142 NOH](#)
[11-400 1213 14th #142 pics](#)
[11-400 1213 14th 142 pics](#)

4

Case # 11-410
Charles & Margaret Russell
1433 Reynolds Street
Sec. 18-601 Transient License
Sec. 122-1371 Transient Living Accommodations
Sec. 122-599 Prohibited Uses HMDR
Officer Gary Addleman
Certified Service: 6-6-2011
Initial Hearing: 6-29-2011

Settlement Agreement**New Case**

A transient license is required to rent your property transiently. The property was held out and/or advertised as being available transiently March 19, 2011 through March 24, 2011. Transient rentals are prohibited in the HMDR district.

Attachments: [11-410 1433 Reynolds NOH](#)
[11-410 1433 Reynolds Lease](#)

5

Case # 11-654
Bonnie L Boccitto
Marco E Boccitto T/C
1122 Seminary Street
Sec. 122-1371 Transient Living Accommodations
Sec. 122-599 Prohibited Uses HMDR
Sec. 18-601 Transient License
Officer Gary Addleman
Certified Service: 5-23-2011
Initial Hearing: 6-29-2011

New Case

A transient license is required to rent your property transiently. For renting your property transiently from May 11, 2011 through May 18, 2011 to Rostilav M Monev without a transient license. Transient rentals are prohibited in the HMDR district.

Attachments: [11-654 1122 Seminary NOH](#)
[11-654 1122 Seminary Web ad](#)
[11-654 1122 Seminary Fimbianti Agreement](#)
[11-654 1122 Seminary Jeep Ownership](#)
[11-654 1122 Seminary Credit Card Statement](#)
[11-654 1122 Seminary A & M Tally Sheet 6-11-11](#)
[11-654 1122 Seminary A & M Tally Sheet 6-8-11](#)
[11-654 1122 Seminary A & M Rental Agreement](#)
[11-654 1122 Seminary Instructions](#)
[11-654 1122 Seminary pic 5-16-11](#)
[11-654 1122 Seminary pic 6-6-11](#)
[11-654 1122 Seminary pic 6-7-11](#)
[11-654 1122 Seminary pic 6-8-11](#)
[11-654 1122 Seminary pic 6-9-11](#)
[11-654 1122 Seminary pic 6-11-11](#)
[11-654 1122 Seminary pic 6-13-11](#)
[11-654 1122 Seminary pics](#)

6 Case # 11-695
Elvis Groman
Spiderman
Sec. 6-3 Locations
Sec. 6-4 Permit Regulations
Hand Served: 5-27-2011
Initial Hearing: 6-29-2011

New Case

For bringing the performance out on the street which violates Section 6-3(e). For interfering with the passage of a vehicle which violates Section 6-4(m).

Attachments: [11-695 Spiderman NOH](#)
[11-695 Spiderman pic](#)

7 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

Continuance granted to 8-3-2011

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

Attachments: [10-642 1405 4th St NOH](#)

8

Case # 10-625
Victor Cushman
720 Emma Street
Sec. 102-152 Certificate of Appropriateness
Officer Dotty Austin
Hand Served: 6-3-2010
Initial Hearing: 6-23-2010

Appealed Order Affirming HARC Decision to the Sixteenth Judicial Circuit Court

For failure to obtain a Certificate of Appropriateness to paint the roof white.

Continued from 10-20-2010.

Attachments: [10-625 720 Emma NOH](#)
[10-625 720 Emma St Photos](#)

9

Case # 10-626
Victor Cushman
726 Emma Street
Sec. 102-152 Certificate of Appropriateness
Officer Dotty Austin
Hand Served: 6-3-2010
Initial Hearing: 6-23-2010

Appealed Order Affirming HARC Decision to the Sixteenth Judicial Circuit Court

For failure to obtain a Certificate of Appropriateness to paint the roof white.

Continued from 10-20-2010.

Attachments: [10-626 726 Emma NOH](#)
[10-626 726 Emma St Photos](#)

10

Case # 10-706
Pirate Seafood - Armando Parra
James J Maun - Officer
Truman & White Chevron Inc.
1127 Truman Avenue
Sec. 102-152 Certificate of Appropriateness
Officer Dotty Austin
Certified Service: 10-25-2010
Initial Hearing: 12-2-2010

Continued from 4-27-2011

A certificate of appropriateness has not been obtained for all the signage and other paraphernalia at Pirate Seafood.

Attachments: [10-706 1127 Truman Ave NOH](#)
[10-706 1127 Truman Appl](#)
[10-706 1127 Truman HARC Approved Mobile Wagon](#)
[10-706 1127 Truman Staff Report](#)
[10-706 1127 Truman pics 4-26-2011](#)
[10-706 1127 Truman time line](#)
[10-706 1127 Truman 2008 picture](#)
[10-706 1127 Truman Ave HARC decision](#)

Legislative History

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

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Case # 10-1434
Roman Samek
Tatana Campbell
3312 Eagle Avenue
Sec. 26-31 Offensive and nuisance conditions prohibited
Officer Dotty Austin
POSTED: 6-12-2011
Initial Hearing: 6-29-2011

Request dismissal, case turned over to Building Official - unsafe structure.

Roof leaking into adjoining unit is causing property damage and creating unhealthful and nuisance conditions.

Attachments: [10-1434 3312 Eagle Ave NOH Posted](#)
[10-1434 3312 Eagle Ave Photos](#)

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Case # 11-523
Armida Averette
3730 Eagle Avenue
Sec. 14-37 Building Permits, Display
Sec. 66-87 Business Tax Receipt Required
Sec. 90-363 Certificate of Occupancy
Officer Dotty Austin
Certified Service: 6-6-2011
Initial Hearing: 6-29-2011

Continuance granted to 9-28-2011

Building permits are required for dividing a single family residence into two units. A business tax receipt for each unit is required prior to renting the property. A Certificate of Occupancy is required prior to renting units.

Attachments: [11-523 3730 Eagle NOH](#)

13

Case # 10-1026
Maria D Tuya
2209 Flagler Ave, Front & Rear Units
Sec. 66-87 Business Tax Receipt Required
Officer Yesenia Beltranena
Certified Service: 5-19-2011
Initial Hearing: 6-29-2011

New Case

A business tax receipt for each unit is required to rent your property.

Attachments: [10-1026 2209 Flagler Ave Fr & R NOH](#)
[10-1026 2209 Flagler Ave Fr & R Paperwork](#)

14

Case # 10-1429
 Perfect Pedicab, Inc.
 Anthony Catalfomo R/A
 Front & Duval
 Sec. 18-415 Restrictions in the Historic District
 Officer Yesenia Beltranena
 Certified Service: 1-8-2011
 Initial Hearing: 1-26-2011

Continued from 4-27-2011

For off premises canvassing in a prohibited area.

Attachments: [10-1429 Front & Duval NOH](#)
[10-1429 Front & Duval Pic](#)

Legislative History

3/30/11	Code Compliance Hearing	Continuance
4/27/11	Code Compliance Hearing	Continuance
5/25/11	Code Compliance Hearing	Continuance

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Case # 10-1526
 Perfect Pedicab, Inc.
 Anthony Catalfomo R/A
 Front & Duval
 Sec. 18-415 Restrictions in the Historic District
 Officer Yesenia Beltranena
 Certified Service: 1-8-2011
 Initial Hearing: 1-26-2011

Continued from 4-27-2011

For off premises canvassing in a prohibited area.

Attachments: [10-1526 Front & Duval NOH](#)

Legislative History

3/30/11	Code Compliance Hearing	Continuance
4/27/11	Code Compliance Hearing	Continuance
5/25/11	Code Compliance Hearing	Continuance

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Case # 11-43
Maria G & Frank Ratcliff
Ratcliff Welding of Key West
1105 Simonton Street
Sec. 14-37 Building Permits; Display
Sec. 14-40 Permits in the Historic District
Sec. 102-152 Certificate of Appropriateness
Officer Yesenia Beltranena
Certified Service: 4-19-2011
Initial Hearing: 5-25-2011

Continuance granted to 8-3-2011

A building permit and HARC approval are required prior to pouring concrete. A Certificate of Appropriateness is required prior to the installation of three new containers.

Attachments: [11-43 1105 Simonton St. NOH](#)
[11-43 1105 Simonton St. Additional letters](#)
[11-43 1105 Simonton St. Pics](#)
[11-43 1105 Simonton St. Planning and Lic docs](#)
[11-43 1105 Simonton St. Options in writing \(city\)](#)
[11-43 1105 Simonton St. response ltr from Ratcliff](#)

Legislative History

5/25/11 Code Compliance Hearing Continuance

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Case # 11-517
Key West Lodge No 1760
Loyal Order of Moose Inc.
700 Eisenhower Drive
Sec. 30-1 Fees for false alarms & fire code inspections
Sec. 58-31 Container & Receptacle
Officer Yesenia Beltranena
Certified Service: 6-3-2011
Initial Hearing: 6-29-2011

New Case

Past due fire inspection fee of \$50 needs to be paid. All premises occupied as a dwelling, store or other place of business in the City shall have and maintain a proper watertight metal garbage container or plastic container for receiving garbage.

Attachments: [11-517 700 Eisenhower Dr NOH](#)
[11-517 700 Eisenhower Dr Paperwork](#)
[11-517 700 Eisenhower Dr Pics](#)

18

Case # 11-525
Key West Hideaway, Inc.
Roger Holtkamp, R/A for
Lost Weekend, LLC
Lost Weekend, LLC
1310 Royal Street
Sec. 18-601 Transient License
Sec. 122-599 Prohibited Uses HMDR
Sec. 122-1371 Transient Living Accommodations
Officer Yesenia Beltranena
Certified Service: 6-8-2011
Initial Hearing: 6-29-2011

Settlement Agreement

A transient rental license is required to rent your property transiently. Transient rentals are prohibited in the HMDR district. The property was held out and/or advertised as being available transiently on May 2, 2011 without the benefit of a valid transient rental license.

Attachments: [11-525 1310 Royal St NOH](#)
[11-525 1310 Royal St Paperwork](#)

19 Case # 11-697
Javier Arellano
Street Performer
Sec. 6-4 Permit Regulations
Officer Yesenia Beltranena
Certified Service:
Initial Hearing: 6-29-2011

In compliance, request dismissal

The size of the display is 50" X 52" and 76" in height which is in violation of Sec. 6-4 (k).

Attachments: [11-697 Javier Arellano NOH](#)
[11-697 Javier Arellano Pics](#)

20 Case # 11-404
Brian McKendry
Robert Burke
1320 South Street
Sec. 18-601 Transient License
Sec. 122-1371 Transient Living Accommodations
Sec. 122-237 Prohibited Uses SF District
Officer Ginny Haller
Certified Service: 5-7-2011
Initial Hearing: 5-25-2011

Settlement Agreement

Transient rental business tax receipt is required to rent this property transiently. Transient living accommodations in residential dwellings; regulations. Transient rentals are prohibited in the SF zone.

Attachments: [11-404 1320 South AMENDED 1-2 Repeat NOH](#)
[11-404 1320 South emails](#)
[11-404 1320 South Findings of Fact 10-889](#)
[11-404 1320 South photos](#)
[11-404 1320 South Web Ad](#)

Legislative History

5/25/11 Code Compliance Hearing Continuance

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Case # 11-542
John E Anding, Mgr - 906 Fleming Street LLC
Richard M Klitenick, R/A for 906 Fleming Street
Chris Santry - Last Key Realty, Inc.
Peter H Rysman - Broker, Last Key Realty, Inc.
906 Fleming Street
Sec. 122-1371 Transient Living Accommodations
Sec. 18-601 Transient License
Sec. 122-839 Prohibited Uses in HNC-2 Zone
Officer Ginny Haller
Certified Service: 5-2-2011
Initial Hearing: 5-25-2011

Continuance granted to 8-3-2011**Settlement Agreement for Chris Santry and Peter Rysman**

Transient living accommodations in residential dwellings; regulations. A transient license is required to rent the property transiently. Transient rentals are prohibited in the HNC-2 zone.

Attachments: [11-542 906 Fleming 1-4 AMENDED NOH](#)
[11-542 906 Fleming 7-30 to 8-3](#)
[11-542 906 Fleming 8-5 to 8-19](#)
[11-542 906 Fleming 8-21 to 8-24](#)
[11-542 906 Fleming PICS](#)
[11-542 906 Fleming web ad](#)

Legislative History

5/25/11 Code Compliance Hearing Continuance

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Case # 11-544
Claude and Marylene Vogel
Chris Santry - Last Key Realty
Peter H Rysman - Last Key Realty Broker
1306 Villa Mill Alley
Sec. 122-1371 Transient Living Accommodations
Sec. 18-601 Transient License
Sec. 122-929 Prohibited Uses in HRO Zone
Officer Ginny Haller
Certified Service: 4-23-2011
Initial Hearing: 5-25-2011

Settlement Agreement

Transient living accommodations in residential dwellings; regulations. Transient licenses required to rent the property. Transient rentals are prohibited in the HRO zone.

Attachments: [11-544 1306 Villa Mill Alley-Owners AMENDED 1-2 NOH](#)
[11-544 1306 Villa Mill Alley Rysman Santry AMENDED 1-2 NOH](#)
[11-544 1306 Villa Mill email](#)
[11-544 1306 Villa Mill Alley Noise Survey Form](#)
[11-544 1306 Villa Mill Alley Ad on web](#)

Legislative History

5/25/11 Code Compliance Hearing Continuance

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Case # 11-678
Earl Washington
Parent/Guardian Street Performers
Sec. 6-4 Permit Regulations
Officer Ginny Haller
Certified Service: 5-28-2011
Initial Hearing: 6-29-2011

New Case

(k) Performers display area larger than allowed. (w) Amplification in any form is prohibited.

Attachments: [11-678 Earl Washington NOH](#)
[11-678 Earl Washington photos](#)

24 Case # 11-699
 Michael Syring
 Michael Marrone T/C
 905 Trinity Drive
 Sec. 62-2 Obstruction of Streets
 Sec. 58-31 Container & Receptacle
 Officer Ginny Haller
 Certified Service: 6-14-2011
 Initial Hearing: 6-29-2011

In compliance as of 6-27-2011, request dismissal

Large pile of household debris is blocking the city right of way. Debris can not be placed on the right of way prior to 4 pm the day before scheduled pickup.

Attachments: [11-699 905 Trinity 1-2 NOH](#)
[11-699 905 Trinity 2 Photos](#)

25 Case # 10-1365
 Thomas Savage
 Rebecca Anderson
 Perfect Pedicab, Inc.
 Tifts at Front
 Sec. 6-151 Conditions of Use
 Officer Barbara Meizis
 Certified Service: 11-10-2010
 Initial Hearing: 12-8-2010

Continued from 3-30-2011
Repeat violation for Perfect Pedicab

For parking in a prohibited area and for driving the wrong way on a one way street.

Attachments: [10-1365 Tifts & Front NOH](#)

Legislative History

3/30/11	Code Compliance Hearing	Continuance
4/27/11	Code Compliance Hearing	Continuance
5/25/11	Code Compliance Hearing	Continuance

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Case # 11-149
Arthur Sawyer Post No 28
Am Legion Dept of FL
Gary Decker, R/A
5610 College Road
Sec. 70-463 Recreational Vehicle Designated Parking
Sec. 122-1019 Prohibited Uses PS
Sec. 122-130 Conservation District Uses Prohibited
Officer Barbara Meizis
Certified Service: 5-28-2011
Initial Hearing: 6-29-2011

New Case

Off-street parking of recreational shall be confined to those areas allowed by code to accommodate such parking. An RV park is not a use permitted nor is it a conditional use permitted in the PS district. An RV park is not specifically or provisionally provided for in this division and is therefore prohibited in the conservation district.

Attachments: [11-149 5610 College Rd NOH](#)
[11-149 5610 College Rd Photos](#)
[11-149 5610 college rd zoning map](#)
[11-149 5610 college rd prop record view-appr office](#)
[11-149 5610 college rd PlanDirDeterminationEmail](#)
[11-149 5610 college rd-email Plnng Determination](#)
[11-149 5610 college rd-ltr 2 post e-board 20090617](#)
[11-149 5610 college rd-ltr from atty collins](#)

27

Case # 11-423
David W Wolkowsky
Peter H Rysman - Broker, Last Key Realty
Chris Santry - Property Manager
1419 Von Phister Street
Sec. 122-1371 Transient Living Accommodations (d) (8) (9)
Sec. 122-237 Prohibited Uses - SF Zone
Sec. 18-601 Transient License
Officer Barbara Meizis
Certified Service:4-28-2011
Initial Hearing: 5-25-2011

Settlement Agreement

You entered a long-term lease with the intent to subvert the regulatory goals of Sec. 122-1371. Transient lodging is prohibited in the SF zone. A business tax receipt is required to rent transiently.

Attachments: [11-423 1419 Von Phister NOCV NOH](#)
[11-423 1419 Von Phister email 2 rent 9 days](#)
[11-423 1419 Von Phister 2 Contracts](#)
[11-423 1419 Von Phister St website](#)
[11-423 1419 Von Phister rental cars & NONTR Lic dtd 20110331](#)

Legislative History

5/25/11 Code Compliance Hearing Continuance

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Case # 11-581
Robert B Walsh
Richard Klitenick, R/A for
Summer Wind Properties of Newport, LLC
810 Terry Lane
Sec. 122-1371 Transient Living Accommodations
Sec. 122-599 Prohibited Uses HMDR
Officer Barbara Meizis
Certified Service: 6-20-2011
Initial Hearing: 6-29-2011

New Case

A business tax receipt is required to rent your property transiently.
Transient rental units are not permitted in the HMDR district.

Attachments: [11-581 810 Terry Ln amended irreparable NOCV-NOH](#)
[11-581 810 terry Ln Attchs -rental contract](#)
[11-581 810 terry Ln Attchs-VRBO prev rental](#)
[11-581 810 terry Ln Attchs-VRBO website](#)
[11-581 810 terry Ln Attchs-walsh house rules](#)
[11-581 810 terry Ln Attchs-walsh instructions](#)
[11-581 810 terry Ln Attchs-walsh tips](#)
[11-581 810 Terry Ln email Attchs from Hagen](#)
[11-581 810 terry Ln email from compl](#)

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Case # 11-598
Frank & Irina Krystofik
Robert Weig T/C
Kevin McGinty - Key West Hideaways
904 Frances Street
Sec. 122-1371 Transient Living Accommodations
Sec. 122-629 Prohibited Uses - HHDR Zone
Sec. 18-601 Transient License
Officer Barbara Meizis
Certified Service: 5-12-2011
Initial Hearing: 5-25-2011

Settlement Agreement

It is unlawful to hold out or advertise a residential dwelling for transient rental if the property is not permitted. It shall be a violation of these regulations to enter into a long-term lease with a mutual intent to subvert the regulatory goals of this section. A transient license is required to rent this property transiently.

Attachments: [11-598 904 Frances St NOCV-NOH](#)
 [11-598 904 Frances St email req 4 tr rental](#)
 [11-598 904 Frances St website rental request](#)

Legislative History

5/25/11 Code Compliance Hearing Continuance

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Case # 11-648
Perfect Pedicabs
Dmytro Kubrak
South & Whitehead
Sec. 6-151 Conditions of Use
Officer Barbara Meizis
Certified Service: 5-28-2011
Initial Hearing: 6-29-2011

Repeat Violation**New Case****Settlement Agreement for Dmytro Kubrak**

You shall not park, stand, or stop at a yellow curb and/or with a "no parking anytime tow away zone" sign thereby creating a hazardous situation.

Attachments: [11-648 Perfect Pedicab RepeatNOCV-NOH](#)
[11-648 Perfect Pedicab & Dmytro Kubrak photos](#)

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Case # 11-649
Pirate One Pedicab
Olena Rychkova
South & Whitehead
Sec. 6-151 Conditions of Use
Officer Barbara Meizis
Certified Service: 6-1-2011
Initial Hearing: 6-29-2011

New Case**Settlement Agreement for Olena Rychkova**

You shall not park, stand or stop at a yellow curb and/or with a "no parking anytime tow away zone" sign thereby creating a hazardous situation.

Attachments: [11-649 Pirate One Pedicab NOCV-NOH](#)
[11-649 Pirate One Pedicab & Olena Rychkova photos](#)

32 Case # 11-284
Robert Burke
3629 Flagler Avenue

Continued from 5-25-2011 for compliance

Attachments: [11-284 3629 Flagler F-O](#)

33 Case # 11-446
Stacy D O'Keefe
15 Whistling Duck Lane
Sec. 66-87 Business Tax Receipt Required
Officer Bonnita Myers
POSTED: 6-15-2011
Initial Hearing: 6-29-2011

New Case

A business tax receipt is required to rent your property.

Attachments: [11-446 15 Whistling Duck NOH](#)

34 Case # 11-554
Karen Boscamp
2705 Flagler Avenue
Sec. 66-87 Business Tax Receipt Required
Sec. 62-2 Obstruction of Streets
Sec. 58-34 Unlawful Disposal
Officer Bonnita Myers
POSTED: 6-3-2011
Initial Hearing: 6-29-2011

Continuance granted to 8-3-2011

A business tax receipt is required to rent your property. Yard debris needs to be containerize and also garbage container needs to stored on your property after pick up.

Attachments: [11-554 2705 Flagler Ave](#)

35 Case # 11-645
FJ Investors, LLC
c/o Frederick L Troike R/A
615 Duval Street 1/2
Sec. 122-1371 Transient Living Accommodations
Sec. 18-601 Transient License
Sec. 66-87 Business Tax Receipt Required
Officer Jim Young
Certified Service: 5-26-2011
Initial Hearing: 6-29-2011

Settlement Agreement

Irreparable Violation
New Case

Property was rented and occupied from 19 Apr 11 thru 30 Apr 11.
There are no active transient or non-transient rentals licenses. The total cost of the rental was \$2,250.00

Attachments: [11-645 615 Duval 1-2 NOH](#)
[11-645 615 1-2 Duval Lease Agreement](#)
[11-645 615 1-2 Duval Ad on Web](#)
[11-645 615 Duval pics](#)

Liens

36 Case # 10-673
Norma Barton
1922 Patterson Avenue

Attachments: [10-673 1922 Patterson Lien](#)

37 Case # 10-950
Russell Lane
1208 Florida Street

Attachments: [10-950 1208 Florida Lien Hearing](#)

Mitigations

HARC Appeals

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SMA 11-03
Arch. William Rowan
1107 Grinnell Street
H11-01-445

Continuance granted to 6-29-2011

Attachments: [SMA 11-03 Hearing Notice](#)
[SMA 11-03 Letter HARC Denial](#)

Legislative History

5/25/11	Code Compliance Hearing	Continuance
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Adjournment