



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, March 19, 2014

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 # 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 April 23, 2014

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 |
| 7/31/13 | Code Compliance Hearing | Continuance |

| | | |
|---------|-------------------------|-------------|
| 10/2/13 | Code Compliance Hearing | Continuance |
| 1/29/14 | Code Compliance Hearing | Continuance |

2**Case # 12-1802**

Teresa A Cathey
718 Thomas Street
Sec. 58-61 Determination of levy charge
Sec. 90-363 Certificate of Occupancy; Required
Officer Bonnita Badgett
Certified Service: 2-22-2013
Initial Hearing: 2-27-2013

Continuance granted to April 23, 2014

Count 1: There are two units on the property. The city only recognizes one. **Count 2:** A Certificate of Occupancy is required for the second unit.

Attachments: [12-1802 718 Thomas St NOH](#)
[12-1802 718 Thomas LUD appl.](#)
[12-1802 718 Thomas St pics](#)

Legislative History

| | | |
|---------|-------------------------|-------------|
| 2/27/13 | Code Compliance Hearing | Continuance |
| 3/27/13 | Code Compliance Hearing | Continuance |
| 5/22/13 | Code Compliance Hearing | Continuance |
| 6/26/13 | Code Compliance Hearing | Continuance |
| 10/2/13 | Code Compliance Hearing | Continuance |
| 1/29/14 | Code Compliance Hearing | Continuance |

3**Case # 13-1171**

Tong Sio San and Miao Ling He

3301 Duck Avenue B

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

Sec. 34-130 Violations (1)(3)

Officer Bonnita Badgett

Certified Service: 2-13-2014

Initial Hearing: 2-26-2014

In compliance, request dismissal

Count 1: A stop work order was posted on October 1, 2013 for not having a building, plumbing and electrical permit for converting non-habitable space into habitable space. **Count 2:** Construction was done in violation with the city's floodplain management ordinance.

Attachments: [13-1171 3301 Duck Ave B revised NOH](#)

Legislative History

2/26/14

Code Compliance Hearing

Continuance

4**Case # 14-244**

Linda Sanchez Agin

Dianne Sanchez Barlow

1914 Staples Avenue

Sec. 26-126 Clearing or property of debris and noxious material required

Officer Bonnita Badgett

Certified Service: 3-14-2014

Initial Hearing: 3-19-2014

In compliance, request dismissal

Count 1: Yard is unsightly and overgrown

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Case # 13-292

Torres Real Estate LLC
Orlando F Torres, R/A
Alexander's Guest House
1118 Fleming Street
Sec. 18-601 License Required
Sec. 122-1371 Transient living accommodations in residential dwellings
Sec. 122-599 Prohibited uses - HMDR
Officer Peg Corbett
Certified Service: 3-15-2013
Initial Hearing: 3-27-2013

**Continuance granted to April 23, 2014
Irreparable violation**

Count 1: The subject property was held out and/or advertised as being available transiently on 22 February 2013 for a total of 17 units. Transient license is for 15 units only. **Count 2:** The subject property was held out and or advertised as being available transiently on 22 February 2013 for a total of 17 units when they are only licensed for 15. **Count 3:** Transient rentals are not permitted in Historic Medium Density Residential areas.

Attachments: [13-292 1118 Fleming St NOH](#)
[13-292 1118 Fleming St Ammended NOH](#)
[13-292 1118 Fleming Web Advertisement](#)

Legislative History

| | | |
|---------|-------------------------|-------------|
| 3/27/13 | Code Compliance Hearing | Continuance |
| 5/22/13 | Code Compliance Hearing | Continuance |
| 10/2/13 | Code Compliance Hearing | Continuance |
| 1/29/14 | Code Compliance Hearing | Continuance |

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Case # 13-1417

Dasha Renee Ray

1215 Mac Millan Drive

Sec. 62.2 Obstructions - **Dismiss**

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

Sec. 14-261 Failure to obtain electrical permit

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 74-206 Owner's responsibility for payment

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

Officer Peg Corbett

Certified Service: 1-7-2014

Initial Hearing: 1-29-2014

Continued from February 26, 2014

Count 1: A scooter was blocking the city sidewalk. **Count 2:** The property owner was issued a permit to "enclose empty space at rear for laundry and infill of a carport under existing roof for storage only: in October 2001. The area is currently occupied by a tenant. No permits for the renovation for the second kitchen or the second bathroom.

Count 3: The property owner did not apply for or obtain an electrical permit for the second kitchen. **Count 4:** The property owner has a second unit which is occupied without the benefit of a certificate of occupancy. **Count 5:** The property owner has not obtained the required utility accounts for the second unit. **Count 6:** The property owner has a delinquent utility account. **Count 7:** The subject property has two units individually rented without the benefit of the required business tax receipt.

Attachments: [13-1417 1215 Mac Millan Dr NOH](#)

Legislative History

| | | |
|---------|-------------------------|-------------|
| 1/29/14 | Code Compliance Hearing | Continuance |
| 2/26/14 | Code Compliance Hearing | Continuance |

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Case # 13-1512

Five Guys Burgers & Fries
Corporation Service Company, R/A
E. Miles Prentice, Mgr.
500 Truman Avenue 1
Sec. 114-103 Prohibited signs
Sec. 114-104 Restriction on the number of signs permitted
Officer Peg Corbett
Certified Service: 1-16-2014
Certified Service: 2-7-2014 - revised notice
Initial Hearing: 1-29-2014

Continued from February 26, 2014

Count 1: The subject business has an interior illuminated sign and five paper signs/banners attached to the windows facing both Duval and Truman contrary to city ordinance. **Count 2:** The subject business has six signs

Attachments: [13-1512 500 Truman 1 NOH 0083](#)

[13-1512 500 Truman 1 NOH 0090](#)

Legislative History

| | | |
|---------|-------------------------|-------------|
| 1/29/14 | Code Compliance Hearing | Continuance |
| 2/26/14 | Code Compliance Hearing | Continuance |

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Case # 13-1621

Timothy Behan
1801 N Roosevelt Blvd M18
Sec. 14-185 Compartmentation and flotation devices
Sec. 14-37 Building permits; professional plans, display of permits
Officer Leonardo Hernandez
Posted: 1-30-2014
Initial Hearing: 2-26-2014

New Case

Count 1: Decking material shall be of a type not adversely affected by moisture or shall be treated. **Count 2:** For failure to obtain building permits for the ceiling beams and deck joists

Attachments: [13-1621 1801 N Roosevelt Blvd M18 NOH](#)
[13-1621 1801 N Roosevelt Blvd M18 returned mail 1](#)
[13-1621 1801 N Roosevelt Blvd M18 returned mail 2](#)
[13-1621 1801 N Roosevelt Blvd M18 affiv. of mailing](#)
[13-1621 1801 N Roosevelt Blvd M18 affiv. of posting](#)

Legislative History

2/26/14 Code Compliance Hearing Continuance

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Case # 14-215

Angela Williamson
John Kunke
Abaco Gold
422 Front Street
Sec. 30-1 Fees for false alarms and fire code inspections
Officer Leonardo Hernandez
Certified Service: 2-14-2014
Initial Hearing: 2-26-2014

In compliance, request dismissal

Count 1: For failure to pay for the fire code inspection fee.

Attachments: [14-215 420 Front Street NOH letter 2759](#)
[14-215 420 Front Street letter to owner NOH 2742](#)
[14-215 422 Front Street good service NOH 2742](#)
[14-215 422 Front Street good service NOH letter 2759](#)

Legislative History

2/26/14 Code Compliance Hearing Continuance

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Case # 13-519

G Phillip & Susan Morris
909 United Street
Sec. 14-325 Permits required
Sec. 14-327 Inspection
Sec. 90-363 Certificate of occupancy - required
Sec. 108-991 Development not affection by article
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 74-131 Required where pubic sewer available
Officer Barbara Meizis
Certified Service: 10-21-2013
Initial Hearing: 11-20-2013

Continuance granted to July 30, 2014

Count 1: Failure to obtain an after the fact mechanical permit. **Count 2:** Failure to obtain a mechanical inspection. **Count 3:** A certificate of occupancy is required before a unit is occupied. **Count 4:** Failure to obtain a Lawful Unit Determination for the second unit. **Count 5:** Failure to obtain a business tax receipt to rent the second unit. **Count 6:** Failure to connect the second unit to the City sewer system.

Attachments: [13-519 909 united AmendedNOH](#)

Legislative History

11/20/13 Code Compliance Hearing Continuance

11

Case # 13-1662

John Gordon
1121 George Street
Sec. 58-31 Container and receptacle requirements
Officer Barbara Meizis
Certified Service: 2-26-2014
Initial Hearing: 3-19-2014

In compliance, request dismissal

Count 1: On Friday, January 3, Thursday, January 9 and Friday January 24, the bins were on the city right of way. The scheduled pick up day is Wednesday.

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Case # 13-1528

Peter N Brawn

1413 South Street

Sec. 26-126 Clearing of property of debris and noxious material required

- Dismiss

Sec. 62-31 Maintenance of area between property line and adjacent paved roadway

Sec. 10-7 Nuisance animals prohibited - **Dismiss**

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

Sec. 14-40 Permits in historic district

Officer Barbara Meizis

Certified Service: 3-7-2014

Initial Hearing: 3-19-2014

Continuance granted to April 23, 2014

Count 1: The lot is overgrown and there are various piles of yard debris, including palm fronds, which attract rats and vermin. **Count 2:** The area between your property line and the nearest adjacent paved roadway, including the swale, needs to be kept clean. **Count 3:** The barking dogs on this property are a nuisance. **Count 4:** A building permit is required prior to adding concrete blocks and mortar to the existing wall. **Count 5:** A certificate of appropriateness is required prior to adding concrete blocks and mortar to the existing wall.

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Case # 14-193

David Austin

820 Ashe Street

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

Sec. 14-40 Permits in historic districts

Officer Barbara Meizis

Certified Service: 3-10-2014

Initial Hearing: 3-19-2014

New Case

Count 1: For failure to obtain a building permit for the archway or wood awning that was built on the left side of the property. **Count 2:** For failure to obtain a certificate of appropriateness for the archway or wood awning that was built on the left side of the property.

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Case # 14-379

Oria Isabel Goodrich

1718 United Street

Sec. 58-31 Container and receptacle requirements

Officer Barbara Meizis

Certified Service:

Initial Hearing: 3-19-2014

In compliance, request dismissal

Count 1: On Tuesday, February 18 trash bins were on the city right of way. Pick up is on Wednesdays.

15

Case # 13-1630

Seadog Tavern

Sandra Pope

Michael Sutila

Jenny Robinson

Historic Tours of America, Inc.

Georgetown Key West, LLC

William LaRose, R/A

628 Duval Street

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

Sec. 18-57 Required, application; fee; term; exemption

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

Dismiss

Sec. 14-40 Permits in historic districts - **Dismiss**

Officer Mathew Willman

Certified Service: 1-22-2014

Initial Hearing: 2-26-2014

Continued from February 26, 2014 for compliance - In compliance - owes administrative fees

Count 1: For failure to obtain a business tax receipt for the Seadog Tavern. **Count 2:** For failure to obtain an entertainment license. **Count 3:** For failure to obtain a building permit for the sign. **Count 4:** For failure to obtain a certificate of appropriateness for the sign.

Attachments: [13-1630 628 Duval St NOH 1](#)
[13-1630 628 Duval St NOH 2](#)
[13-1630 628 Duval St NOH 3](#)
[13-1630 628 Duval St NOH 4](#)
[13-1630 628 Duval St pic 2 \(1\)](#)
[13-1630 628 Duval St pic 2 \(2\)](#)

Legislative History

2/26/14

Code Compliance Hearing

Continuance

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Case # 13-57

Yuliya Andrews
 The Adult Entertainment Club
 Anthony B Huggins
 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

**Continued from February 26, 2014 for status
 Repeat/Irreparable Violation**

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 Huggins NOH](#)
[12-67 Findings and Order](#)
[13-57 Evidence](#)
[13-57 Green Cards](#)
[13-57 Subpoenas](#)

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 |
| 7/31/13 | Code Compliance Hearing | Continuance |
| 8/28/13 | Code Compliance Hearing | Continuance |
| 10/2/13 | Code Compliance Hearing | Continuance |
| 2/26/14 | Code Compliance Hearing | Continuance |

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Case # 13-185

KWSC, Inc. d/b/a
 Adult Entertainment Club
 Yuliya Andrews, Owner
 Neile Bassi Favreau
 Albert L Kelley, R/A
 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

**Continued from February 26, 2014 for status
 Repeat/Irreparable Violation**

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](#)
[13-185 300 Duval Bassi NICV 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 |
| 7/31/13 | Code Compliance Hearing | Continuance |
| 8/28/13 | Code Compliance Hearing | Continuance |
| 10/2/13 | Code Compliance Hearing | Continuance |
| 2/26/14 | Code Compliance Hearing | Continuance |

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Case # 13-1449

Wong Song Enterprises, INc.
c/o Walter Price, R/A
511 Eaton Street
Sec. 14-37 Building permits, professional plans; display of permits
Sec. 14-256 Permits required for electric
Sec. 18-28 Proximity to churches (b)(2)
Officer Jim Young
Certified Service: 3-5-2014
Initial Hearing: 3-19-2014

In compliance, request dismissal

Count 1: For failure to obtain a building permit for the permanent bar that was erected. **Count 2:** For failure to obtain an electrical permit.
Count 3: Violation of condition four of the special exemption for sale of alcohol.

19

Case # 14-481

Donal Morris, Sr.
Donal Morris, Jr.
Gregory Morris, R/S
916 James Street
Sec. 18-601 Transient License Required
Sec. 122-1371(d)(9)
Sec. 122-509 Prohibited uses in Historic Medium Density Residential (HMDR)
Officer Jim Young
Certified Service: 3-5-2014
Initial Hearing: 3-19-2014

In compliance, request dismissal

Count 1: On February 28, 2014 the property was advertised on the internet for night rental at a cost of \$175.00 per night with a three night minimum stay, without benefit of a transient rental license.

Liens

20

Case # 12-1773

Dwight Oglesbee
2434 Fogarty Avenue
Certified Service:

21 **Case # 13-931**
David Lassiter
708-A Elizabeth Street
Certified Service:

Code Violations

22 **Case # 13-213**
1016 Duval LLC
c/o Rita Linder, R/A
1216 Petronia Street
Sec. 108-452 Required sight distance for landscaping
Sec. 122-1406 Obstruction to visibility
Officer Bonnita Badgett
Certified Service:
Initial Hearing: 3-19-2014

Settlement Agreement

Count 1: Landscaping exceeds 30 inches. **Count 2:** Fence exceeds the height of 2 1/2 feet.

Adjournment