



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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.

The Special Magistrate continued this case to April 23, 2014 at the request of the city.

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.

The Special Magistrate continued this case to April 23, 2014 at the request of Peter Rysman.

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.

This case was dismissed by the Special Magistrate at the request of the code officer.

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

This case was dismissed by the Special Magistrate at the request of the code officer.

5

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.

The Special Magistrate continued this case to April 23, 2014 at the request of Susan Cardenas.

6

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.

The Special Magistrate continued this case to April 23, 2014 at the request of the city.

7

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

The Special Magistrate continued this case to April 23, 2014 at the request of Peter Rysman.

8

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

The Special Magistrate found Timothy Behan in violation. Administrative fees of \$250.00 were imposed. Also imposed is a fine of \$100.00 per day, per count (total of two counts) if compliance is not obtained by April 22, 2014. A compliance hearing will be held on April 23, 2014.

9

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.

This case was dismissed by the Special Magistrate at the request of the code officer.

10

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.

The Special Magistrate continued this case to July 30, 2014 at the request of the city.

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.

This case was dismissed by the Special Magistrate at the request of the code officer.

12

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.

The Special Magistrate continued this case to April 23, 2014 at the request of Susan Cardenas.

13

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.

The Special Magistrate continued this case to April 23, 2014 at the request of David Austin.

14

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.

This case was dismissed by the Special Magistrate at the request of the code officer.

15

Case # 13-1630

Seadog Tavern
Sandra Pope
Michael Sutilla
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.

This case is in compliance but the administrative fees are still owed.

16

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.

The Special Magistrate continued this case to March 31, 2014 at the request of

Sam Kaufman.

17

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.

The Special Magistrate continued this case to March 31, 2014 at the request of Sam Kaufman.

18

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.

This case was dismissed by the Special Magistrate at the request of the code

officer.

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.

This case was dismissed by the Special Magistrate at the request of the code officer.

Liens

20

Case # 12-1773

Dwight Oglesbee
2434 Fogarty Avenue
Certified Service:

The Special Magistrate continued this case for service.

21

Case # 13-931

David Lassiter
708-A Elizabeth Street
Certified Service:

The Special Magistrate continued this case for 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.

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent stipulates to the imposition of administrative fees of \$250.00. The Respondent will correct the sight triangle violation as indicated in the attached plans. Respondent will apply for all necessary demolition and construction permits and pay any applicable fees. Demolition will be completed in 30 days.

Adjournment