



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final Code Compliance Hearing

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Wednesday, June 26, 2013

1:30 PM

Old City Hall

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**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 # 12-1802**  
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 October 2, 2013**

**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 granted the continuance to October 2, 2013.**

**2**                    **Case # 12-120**  
Peter & Dixie Janker  
417 United Street  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in historic district  
Officer Bonnita Badgett  
Certified Service: 3-22-2013  
Initial Hearing: 4-24-2013

**Continued from May 22, 2013 for compliance - in compliance, still owes \$250 administrative fees**

**Count 1:** On 1/20/2012 the city received a complaint regarding two units in the single family home. Upon request for a Lawful Unit Determination to the Planning Dept. it was determined this is a single family home. In order for your property to come into compliance the home will need to be brought back to its original structure. This will require demo permits for building and plumbing. **Count 2:** On 1/20/2012 the city received a complaint regarding two units in the single family home. Upon request for a Lawful Unit Determination to the Planning Dept. it was determined this is a single family home. In order for your property to come into compliance the home will need to be brought back to its original structure. This will require HARC approvals.

**This case was continued from May 22, 2013 for compliance. Compliance was achieved, but the administrative fees of \$250 have not been paid.**

**3**

**Case # 13-49**

Jon Hynes

1012 Truman Avenue 201

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

Officer Bonnita Badgett

Certified Service: 5-29-2013

Initial Hearing: 6-26-2013

**In compliance, request dismissal**

**Count 1:** In an area canvas on January 8, 2012 code officer found the unit being rented without a business tax receipt.

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

**4**

**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

**Continuance granted to July 31, 2013**

**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 granted the continuance to July 31, 2013.

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**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

**Continuance granted to July 31, 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 granted the continuance to July 31, 2013.

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**Case # 13-440**

Matelus Marceline Msrie S Pierre  
1300 15th Court #3  
Erwin Mayer - Moritz Didier - Property Owners  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Bonnita Badgett  
Certified Service: 4-24-2013 - Property Owners  
Initial Hearing: 5-22-2013

**In compliance, request dismissal**

**Count 1:** On March 28, 2013 police advised that an accessory unit was being rented. Unit was built without benefit of a building permit. A demolition permit is required to remove the six foot section of the rear of the structure, all plumbing and exterior doors.

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

7

**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

**Continuance granted to July 31, 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 granted the continuance to July 31, 2013.**

**8**

**Case # 12-1400**

BO's Fish Wagon  
c/o Wayne Owen, Sr.  
Holly Owen, R/A  
801 Caroline Street  
Sec. 14-37 Building permits; professional plans; display of permits  
Sec. 14-40 Permits in the Historic District  
Officer Kevin Caruso  
Certified Service: 4-26-2013  
Initial Hearing: 5-22-2013

**In compliance, request dismissal**

**Count 1:** On September 24, 2012 an inspection was done and it was determined that the following work was performed without the benefit of a building permit: (1) replaced trusses with 2 X 4's, (2) replaced a main beam. **Count 2:** On September 24, 2012 an inspection was done and it was determined that the following work was performed without the benefit of HARC approval: (1) replaced trusses with 2 X 4's, (2) replaced a main beam.

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

**9**

**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

**Continuance granted to July 31, 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 granted the continuance to July 31, 2013.

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**Case # 13-631**

Enterprise J & C Inc.  
Juan C Betancur, R/A  
Life in Paradise  
422 Front Street  
Sec. 18-415 Restrictions in historic district  
Officer Peg Corbett  
Certified Service: 5-24-2013  
Initial Hearing: 6-26-2013

**New Case  
Irreparable Violation**

**Count 1:** On Thursday May 16, 2013 Officer Hernandez observed and filmed the owner off premises canvassing. On May 17, 2013, Officer Corbett observed and filmed the owner off premises canvassing.

The Special Magistrate approved the Settlement Agreement that was presented. Administrative fees of \$250 were imposed along with a fine of \$500 for a total of \$750. Also imposed was a suspended fine of \$500. The suspension period is 24 months after the date the Settlement Agreement was signed. The fines and fees must be paid within 30 days of the Special Magistrate's order.

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**Case # 13-211**

David W Lehmkuhl  
800 Elizabeth Street  
Sec. 14-37 Building permits; professional plans; display of permits  
Officer Leonardo Hernandez  
Certified Service: 4-22-2013  
Initial Hearing: 5-22-2013

**Continued from May 22, 2013**

**Count 1:** An inspection was done the Inspector Giordano and it was observed that the property owner completed electrical, plumbing, demo and remodeled without the benefit of required building permits. A kitchen and bathroom were completely gutted and re-done.

Code Officer Hernandez stated that this case was in compliance and requested that the Special Magistrate find that there was a violation and to impose the court costs which was granted by the Special Magistrate. Costs of \$250 were imposed.

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**Case # 13-399**

Susan Barlow  
Kevin Barlow T/C  
1209 Knowles Lane  
Sec. 26-126 Clearing of property of debris and noxious material required  
Officer Leonardo Hernandez  
Posted: 5-1-2013  
Initial Hearing: 5-22-2013

**Continued from May 22, 2013**

**Count 1:** On March 20, 2013, responded to a complaint that the hot tub was green and possibly breeding mosquitoes and the yard was full of debris.

Code Officer Hernandez stated that this case was in compliance and requested that the Special Magistrate find that there was a violation and to impose the court costs which was granted by the Special Magistrate. Costs of \$250 were imposed.

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**Case # 13-509**

Edward & Lori Garrett  
Mama's Rock & Sand  
Michael J Biskupich  
1110 Curry Lane  
Sec. 14-40 Permits in the Historic District  
Officer Leonardo Hernandez  
Certified Service:  
Initial Hearing: 6-26-2013

**In compliance, request dismissal**

**Count 1:** On April 15, 2013 a complaint was received that a gravel driveway was replaced with concrete pavers.

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

officer.

14

**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

**Continuance granted to July 31, 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 granted the continuance to July 31, 2013.**

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**Case # 13-758**

Andrea Shaye Morgan

621 Eaton Street

Sec. 74-209 Delinquent payments; disconnection and reconnection of service

Sec. 74-206 Owner's responsibility for payment

Officer Leonardo Hernandez

Certified Service: 6-13-2013

Initial Hearing: 6-26-2013

**New Case**

**Count 1:** Utility account is delinquent **Count 2:** Owner is responsible for payment.

The Special Magistrate granted the continuance to August 28, 2013.

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**Case # 13-518**

Gary Rivenson & Donna Stabile  
907 United Street  
Sec. 18-601 License required  
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations, Counts 2 through 9  
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business  
Sec. 122-599 Prohibited uses (HMDR)  
Officer Barbara Meizis  
Certified Service: 5-3-2013  
Initial Hearing: 5-22-2013

**Irreparable Violation**

**Continued from May 22, 2013**

**Count 1:** This property was rented on April 11, 2013 through April 18, 2013 without the benefit of a transient rental license. **Counts 2 through 9:** The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371(d)(9) on April 11, 12, 13, 14,15, 16, 17 and 18, 2013 without benefit of a valid transient rental license. **Count 10:** This property was rented transiently without benefit of a business tax receipt on April 11, 2013 through April 18, 2013. **Count 11:** Transient rental are prohibited in the Historic Medium Density Residential district.

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**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

**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.

**The Special Magistrate continued this case to July 31, 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

**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.

**The Special Magistrate continued this case to July 31, 2013.**

**Liens**

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**Case # 10-1425**

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

**Continued from May 22, 2013**

**The Special Magistrate granted the continuance to July 31, 2013.**

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**Case # 12-378**

Tarzan Tree Care  
Sandra Downs  
414 Louisa Street

Certified Service: 5-19-2013

**Continued from May 22, 2013**

The Special Magistrate granted the continuance to July 31, 2013.

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**Case # 12-453**

Samantha L O'Farrell

Patrick Ritter T/C

1707 Leon Street

Certified Service:

The Special Magistrate continued this case for service.

**Adjournment**