



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, November 20, 2013

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 # 13-345

Richard C Wilson

Anne Wilson R/S

1024 Virginia Street

Sec. 14-40 Permits in historic district

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

Officer Peg Corbett

Certified Service: 6-20-2013

Initial Hearing: 11-20-2013

Continued to December 18, 2013

Count 1: For failure to obtain a certificate of appropriateness for the fence. **Count 2:** For failure to obtain a building permit for the fence.

The Special Magistrate granted the continuance to December 18, 2013.

2

Case # 13-374

Ybarnea Artica (Q) &

Kevin & Yvette M Talbott R/S

Anola Mira L/E

c/o Appraisers of Key West

1104 Virginia Street

Sec. 14-40 Permits in the historic district

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

Officer Peg Corbett

Certified Service: 6-19-2013

Initial hearing: 7-31-2013

Continued to December 18, 2013 for compliance

Count 1: The fence was built without the benefit of a certificate of appropriateness. **Count 2:** The fence was built without the benefit of a building permit.

The Special Magistrate granted the continuance to December 18, 2013 for compliance.

3**Case # 13-541**

Armando & Mercedes Parra
2922 Flagler Avenue
Sec. 90-356 Building permits required
Sec. 90-363 Certificate of occupancy - Required
Sec. 90-391 Variances
Sec. 108-887 Same - Elevation of residential buildings
Sec. 14-256 Required - Electrical Permit
Sec. 14-258 Plans and specifications
Sec. 14-362 Connection to public sewer
Officer Leonardo Hernandez
Certified Service: 6-11-2013
Initial Hearing: 6-26-2013

Continued from July 31, 2013 for compliance

Count 1: Failure to obtain a building permit for detached habitable space. **Count 2:** A certificate of occupancy is required for the new habitable space. **Count 3:** A variance is required to build in the setback. **Count 4:** Habitable space was built below required flood elevation. **Count 5:** Failure to obtain electrical permit. **Count 6:** Failure to submit plans for electrical work. **Count 7:** Failure to connect to public sewer.

The Special Magistrate granted the continuance to December 18, 2013 for compliance.

4**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

Continued from October 30, 2013 for compliance

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

The code officer stated that compliance was not achieved and the Special Magistrate imposed the fines that were announced at the hearing on October 30, 2013.

5

Case # 13-1220

Delfina Rodriguez

1315 William Street

Sec. 26-31 Offensive and nuisance conditions prohibited

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

Officer Leonardo Hernandez

Certified Service: 11-8-2013

Initial Hearing: 11-20-13

Continuance granted to December 18, 2013

Count 1: Windows are opened and may contribute to the entrance of pests or potential break-ins. **Count 2:** Property needs to be cleared of debris and trash.

The Special Magistrate granted the continuance to December 18, 2013.

6

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 February 26, 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 granted the continuance to February 26, 2014.

7

Case # 13-1237

Howard Paul Schneider Jr.
Howard Paul Schneider IV
3217 Pearl Avenue
Sec. 18-150 Certificate of competency required
Sec. 14-37 Building permits; professional plans; display of permits
Officer Barbara Meizis
Certified Service: 11-14-2013 Howard Jr.
Initial Hearing: 11-20-2013

New Case

Count 1: You shall not engage in the business of nor act in the capacity of a contractor without a certificate of competency. **Count 2:** For failure to obtain a building permit for the fence.

The Special Magistrate found Mr. Schneider in violation. Costs of \$250 were imposed. No fines will be imposed if the administrative fees are paid in thirty days of the date of the Findings and Order.

8

Case # 13-1337

David J Cuff
David Zelinske and
Karen S Wells-Zelinske
1223 2nd Street
Sec. 18-601 License required
Sec. 18-602 Rebuttable presumption of violation
Sec. 122-269 Prohibited uses
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Paul Nickle
Certified Service:
Initial Hearing: 11-20-2013

New Case

Count 1: For failure to obtain a transient rental license. **Count 2:** For holding out this property for transient rentals without a transient license. **Count 3:** Transient rentals are prohibited in the Medium Density Residential District. **Count 4:** A business tax receipt is required to rent a parking facility.

The Special Magistrate granted the continuance for service.

Mitigations

9 **Case # 12-1744**
Keys Island Properties
Gary Carney
815 Pearl Street #4

Continued from October 2, 2013

The Special Magistrate approved the mitigation of the fines and fees to \$250.00.

Liens

10 **Case # 12-1523**
Jean Delice
Christella Brevil
1116 White Street
Certified Service:

The Special Magistrate granted the continuance for service.

11 **Case # 13-532**
Daniel B Michie III
Discount Dumpsters & Demolition
1319 Eliza Street
Certified Service: 10-25-2013

The Special Magistrate approved the filing of the lien.

12 **Case # 10-304**
Ronald & Henrietta Deel
3727 Flagler Avenue
Certified Service: 11-7-2013

The Special Magistrate approved the filing of the lien.

Adjournment