



# 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, April 27, 2011

1:00 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

1:30:00

### Code Violations

- 1 Case # 08-2343  
Billy D Bushe  
1607 Venetian Drive  
Sec. 108-681 Camping Vehicles & Equipment  
Sec. 108-683 Exceptions  
Officer Gary Addleman  
Certified Service: 2-11-2011  
Initial Hearing: 3-30-2011

### Continued from 3-30-2011

It is unlawful to live in a recreational vehicle on a residential lot.

**The Special Magistrate found Mr. Bushe in violation. Costs of \$250 were imposed along with a fine of \$250 per day, per count if the trailer is not removed by May 4, 2011 5 pm. A compliance hearing will be held on 5-25-11.**

- 2 Case # 11-44  
Violet Sears L/E  
c/o Charncenell Sears  
904 Thomas Street  
Sec. 14-37 Building Permits, Display  
Sec. 14-40 Permits in the Historic District  
Sec. 66-87 Business Tax Receipt Required  
Officer Gary Addleman  
Certified Service: 2-17-2011  
Initial Hearing: 3-30-2011

**In compliance 4-5-2011**

HARC approval and a building permit are required prior to installing a fence.

Close case once admin fee is paid.

3

Case # 11-362  
Peter Brawn  
c/o Bob Kelly  
Susan Cardenas, R/A  
Susan Hetzel, Rental Agent  
1413 South Street  
Sec. 18-601 Transient License  
Sec. 122-599 Transient Rentals are prohibited in the HMDR District  
Sec. 122-1371 Transient Living Conditions  
Officer Gary Addleman  
Certified Service: 3-28-2011  
Initial Hearing: 4-27-2011

**New Case  
Irreparable Violation**

A transient rental license is required to rent this property. Transient rentals are prohibited in the HMDR district.

**A settlement agreement was presented to the Special Magistrate. The agreement imposes a \$250 admin fee and a fine of \$10,500 which represents the rental contract amount. An irreparable fine of \$5,000 was imposed and suspended for 24 months. The Special Magistrate approved the settlement agreement.**

4

Case # 11-212  
Jarvis Nelson Osorio  
Nelson Valdez  
1721 Johnson Street  
Sec. 26-126 Clearing of Property  
Sec. 62-31 Maintenance of Area  
Officer Gary Addleman  
Certified Service:  
Initial Hearing: 4-27-2011

**New Case**

Property needs to be cleared of debris, mowed and maintained. You are required to maintain the area from your property line to the paved

roadway.

**Case was continued to 5-25-11 for service.**

- 5 Case # 10-1486  
Peter Anderson  
Benjamin Bruce  
613 Simonton Street  
Sec. 14-37 Building Permits, Display  
Sec. 14-40 Permits in Historic District  
Officer Dotty Austin  
Certified Service: 2-27-2011  
Initial Hearing: 3-30-2011

**In compliance, request dismissal**

For failure to obtain HARC approval and a building permit for the signs.

**This case was dismissed by the Special Magistrate as requested by Code Officer Austin.**

- 6 Case # 11-58  
Elizabeth J Smith  
715 Ashe Street  
Sec. 14-37 Building Permits, Display  
Sec. 14-40 Permits in the Historic District  
Officer Dotty Austin  
Certified Service: 4-15-2001  
Initial Hearing: 4-27-2011

**In compliance, request dismissal**

HARC approval and building permits are required prior to building a fence.

**This case was dismissed by the Special Magistrate as requested by Code Officer Austin.**

- 7 Case # 10-706  
Pirate Seafood - Armando Parra  
James J Maun - Officier  
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 2-23-2011**

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

**Merrill Sands appeared on behalf of Amando Parra and requested a continuance to 5-25-11 which was granted.**

8

Case # 11-193  
Kenneth Dockery  
1115 South Street  
Sec. 14-37 Building Permits, Display  
Sec. 14-40 Permits in the Historic District  
Officer Dotty Austin  
Certified Service: 3-24-2011  
Initial Hearing: 4-27-2011

**In compliance, request dismissal.**

Building permits and HARC approval are required prior to altering fences.

**This case was dismissed by the Special Magistrate as requested by Code Officer Austin.**

9

Case # 11-288  
William G & Estaleda Vogan  
706 Catherine Street 9  
Sec. 66-87 Business Tax Receipt Required  
Officer Dotty Austin  
Certified Service: 4-21-2011  
Initial Hearing: 4-27-2011

**In compliance, request dismissal**

A business tax receipt is required to operate a business in the city.

**This case was dismissed by the Special Magistrate as requested by Code Officer Austin.**

10

Case # 10-1420  
Edwin O Swift R/A  
John Wilson Yarborough EE  
Historic Tours of America  
Clinton Square

Sec. 18-415 Restrictions in the Historic District  
Officer Yesenia Beltranena  
Certified Service: 1-7-2011  
Initial Hearing: 1-26-2011

**Continued from 3-30-2011**

For off premises canvassing in a prohibited area.

**The settlement agreements were signed off by the Assistant City Manager but were not brought to the hearing. The Special Magistrate stated that if they can be signed off prior to next months hearing, that we wouldn't have to continue the case.**

11

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 3-30-2011**

For off premises canvassing in a prohibited area.

**All Perfect Pedicab cases were continued to 5-25-11.**

12

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 3-30-2011**

For off premises canvassing in a prohibited area.

**All Perfect Pedicab cases were continued to 5-25-11.**

13

Case # 10-1546  
Edwin O Swift R/A  
Veronica De Koster EE  
Historic Tours of America

Clinton Sq  
Sec. 18-415 Restrictions in the Historic District  
Officer Yesenia Beltranena  
Certified Service: 1-7-2011  
Initial Hearing: 1-26-2011

**Continued from 3-30-2011**

For off premises canvassing in a prohibited area.

The settlement agreements were signed off by the Assistant City Manager but were not brought to the hearing. The Special Magistrate stated that if they can be signed off prior to next months hearing, that we wouldn't have to continue the case.

14

Case # 10-1453  
Richard Wunsch  
613 Ashe Street  
Sec. 66-87 Business Tax Receipt Required  
Sec. 14-37 Building Permits, Display  
Sec. 90-363 Certificate of Occupancy  
Officer Yesenia Beltranena  
Certified Service:  
Initial Hearing: 4-27-2011

**New Case**

A business tax receipt is required to rent your property. A building permit is required to add a living unit. A certificate of occupancy is required for the third unit.

**Case was continued to 5-25-11 for service.**

15

Case # 11-262  
Turtle Kraals, LLC  
Urban E Smith, R/A  
231 Margaret Street  
Sec. 26-192 Prohibition against unreasonable noise  
Officer Yesenia Beltranena  
Certified Service: 4-6-2011  
Initial Hearing: 4-27-2011

**New Case**

Noise levels are disturbing the residents on Sawyer Lane.

**After hearing testimony from both sides, the Special**

**Magistrate continued the case to 5-25-11 so that information on the license and the building permit could be obtained.**

16

Case # 09-2040  
James T Peterson  
1609 Jamaica Drive  
Sec. 66-102 Delinquent Business Tax  
Sec. 14-37 Building Permits Required  
Sec. 90-356 Building Permits Required  
Sec. 90-363 Certificate of Occupancy Required  
Sec. 58-61 Determination of Levy Charge  
Officer Barbara Meizis  
Certified Service: 3-7-2011  
Initial Hearing: 3-30-2011

**Continued from 3-30-2011 for compliance.**

Your business tax receipt is delinquent. Subdivision of your property requires a building permit, certificate of occupancy and sewer and solid waste accounts for all unit.

**Compliance was not met, fines started.**

17

Case # 10-522  
Sean P Glass  
912 Fleming Street  
Sec. 14-37 Building Permits, Display  
Sec. 14-40 Permits in the Historic District  
Officer Barbara Meizis  
Certified Service: 11-18-10  
Initial Hearing: 12-8-2010

**Continued for status from 3-30-2011**

A building permit and HARC approval are required prior to installation of a pool heater.

**An email from Sean Glass was present to the Special Magistrate with the status of his progress. The case was continued to 5-25-11.**

18

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.

**All Perfect Pedicab cases were continued to 5-25-11.**

19 Case # 10-1059  
Matthew McDowell  
1333 20th Street  
Sec. 26-126 Clearing of Property  
Officer Barbara Meizis  
Certified Service: 3-14-2011  
Initial Hearing: 4-27-2011

**New Case**

The property needs to be cleared of debris and maintained.

**The Special Magistrate found Matthew McDowell in violation. Costs of \$250 were imposed along with a fine of \$250 per day if not in compliance by May 11, 2011. A compliance hearing will be held on 5-25-11.**

20 Case # 10-1537  
Peter Brawn  
Robert E Kelly, Jr. R/A for  
223 Ann Street, LLC  
Susan M Cardenas, R/A for  
Brawn Property Management, Inc.  
Sec. 18-601 Transient License  
Sec. 122-1371 Transient Living Accommodation  
Officer Barbara Meizis  
Certified Service: 3-28-2011  
Initial Hearing: 4-27-2011

**New Case**  
**Irreparable Violation**

A transient license is required to rent your property for less than thirty days.



A settlement agreement was presented to the Special Magistrate. The agreement imposes a \$250 admin fee and a fine of \$5,400 which represents the rental contract amount. An irreparable fine of \$5,000 was imposed and suspended for 24 months. The Special Magistrate approved the settlement agreement.

21 Case # 11-127  
Lime Grove Properties, LLC  
Jeanne G & Thomas W Wesson  
2907 Seidenberg Avenue  
Sec. 18-117 Acts Declared Unlawful  
Officer Bonnita Myers  
Certified Service: 2-7-2011  
Initial Hearing: 2-23-2011

**Continued from 3-30-2011 for compliance.**

For aiding and abetting an unlicensed contractor.

The case on the property owners, Jeanne & Thomas Wesson was closed. All permits were issued and the unlicensed contractor did not finish the job. The Wesson's paid the admin fee that was imposed at the March hearing.

23 Case # 10-99  
Maria Betancourt  
3301 Duck Avenue D  
Sec. 14-37 Building Permits, Displays  
Officer Bonnita Myers  
Certified Service:  
Initial Hearing: 4-27-2011

**New Case**

Building permits are required to convert the downstairs into a living unit.

**This case was dismissed by the Special Magistrate as requested by Code Officer Myers.**

24 Case # 10-655  
Dianne & Bruce Moseley  
Christy Moseley  
3308 Duck Avenue  
Sec. 14-37 Building Permits, Display  
Sec. 90-357 Application for building permit  
Sec. 90-391 Variances

Officer Bonnita Myers  
Hand Served: 4-6-2011  
Initial Hearing: 4-27-2011

**Continuance granted to 5-25-2011**

**New Case**

A building permit is required prior to the additon to the right side of your house.

Received a continuance request from Christy Moseley on 4-25-11 which was approved by the Special Magistrate the same day to May 25, 2011.

25 Case # 10-1105  
Jacob Zucker R/A  
Chabad of Key West  
906 Trinity Drive  
Sec. 90-363 Certificate of Occupancy  
Officer Jim Young  
Certified Service: 1-13-2011  
Initial Hearing: 1-26-2011

**Continued from 3-30-2011**

A certificate of occupancy is required for the Synagogue.

This case was dismissed by the Special Magistrate as requested by Code Officer Young.

**HARC Appeals**

26 SMA 10-04  
Victor Cushman  
720-726 Emma Street  
H10-05-27-594  
H10-05-27-595

The Special Magistrate affirmed HARC's decision. The use of colors, other than white are reflective.

27 SMA 11-01  
Monroe Glass & Mirror  
Spence Lewis  
500 Duval Street  
H10-01-264

Initially, the Special Magistrate took the matter under advisement. He later stated that he is affirming HARC's decision in that they applied the rules appropriately based on the guidelines page 37 , numbers 1 and 3.

28

SMA 11-02  
Peter Gomez  
c/o Manuel E Garcia, Esq.  
936 United Street  
H11-01-320

Ron Ramsingh stated that he had received mail requesting to withdraw this HARC appeal.

**Mitigations**

29

Case # 10-1429  
Robert Zaremba  
Perfect Pedicabs

Jim Young requested to continue this mitigation to 5-25-11 so that the documentation that Mr. Zaremba dropped off can be viewed by the City which was approved by the Special Magistrate.

**Adjournment**

Adjourn