



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, August 31, 2011

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 # 09-1412
Lee & Sherry Mattingly
2333 Fogarty Avenue
Sec. 74-167 Infiltration and inflow and other discharges to sewer prohibited
Sec. 74-32 Discharges to natural outlets
Officer Gary Addleman
POSTED: 8-9-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal

For allowing sewerage to flow into natural outlets. for allowing or to cause infiltration of storm water, etc. into the City's sewer system.

This case was dismissed by the Special Magistrate.

- 2 Case # 11-233
Michael Ben-Shoaff
for Key West Style, Inc.
Sunset Plaza Inc.
for Hamuy
Key West Style
101 Duval Street
Sec. 18-192 Permit Required
Officer Gary Addleman
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal.

A custom wearing apparel permit is required prior to engaging in the business of selling custom wearing apparel.

This case was dismissed by the Special Magistrate.

3

Case # 11-722
Keith Reilly
101 Petronia Street
Sec. 66-102 Delinquent Business Tax
Officer Gary Addleman
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

New Case

For renting your property with a delinquent business tax receipt.

The Special Magistrate found Mr. Reilly in violation. Costs of \$250 were imposed along with a fine and the costs of certified copies. Total due is \$521.00. A compliance hearing will be held on September 28, 2011.

4

Case # 11-646
First-Citizens Bank & Trust Company
3883 S Roosevelt Blvd
Sec. 26-126 Clearing of Property
Sec. 26-37 Removal of Graffiti
Officer Gary Addleman
Certified Service: 8-16-2011
Initial Hearing: 8-31-2011

New Case

The property needs to be cleared of debris and maintained. The graffiti needs to be removed from the storage trailer.

This case was continued to September 28, 2011 for service.

5

Case # 11-781
David N Hartman
David E Bray R/S
721 Windsor Lane
Sec. 18-117 Acts Declared Unlawful
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Gary Addleman

Certified Service: 6-24-2011
Initial Hearing: 8-3-2011

Continued from 8-3-2011

For aiding and abetting an unlicensed contractor. A building permit and HARC approval are required prior to the demolition and rebuild of a deck and fencing, re-plumbing outside shower and replacing two lite doors prior to the commencement of work.

This case was continued to September 28, 2011.

6

Case # 11-782
Charles Lee
727 Windsor Lane
Sec. 18-117 Acts Declared Unlawful
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Gary Addleman
Certified Service: 6-17-2011
Initial Hearing: 8-3-2011

Continued from 8-3-2011

For aiding and abetting an unlicensed contractor. A building permit and HARC approval are required for the deck and fence prior to the commencement of work.

This case was continued to September 28, 2011.

7

Case # 10-642
Mary Jo Pfund
1405 4th Street
Sec. 14-37 Building Permits, Display
Officer Dotty Austin
Certified Service: 5-12-2011
Initial Hearing: 6-29-2011

Continuance granted to September 28, 2011

Interior build outs, plumbing and electrical work require building permits prior to commencement of work.

This case was continued to September 28, 2011.

8

Case # 11-674

White Knuckle LLC
Teah & Douglas Getchel
2407 N Roosevelt Blvd
Sec. 66-92 License required for each location
Officer Dotty Austin
Certified Service: 6-15-2011
Initial Hearing: 8-3-2011

In compliance, request dismissal.

A business tax receipt is required for each location.

This case was dismissed. The business closed on August 3, 2011.

9

Case # 10-1274
Rockwell Property, INc.
Catalfomo & Farrelly, R/A
Trepanier & Assoc., Inc.
Owen Trepanier
2 Scheppens Lane
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Sec. 122-1371 Transient Living Accommodations
Officer Dotty Austin
Certified Service: 8-15-2011
Initial Hearing: 8-31-2011

New Case

Roof demolition and deck construction require permits and HARC approval prior to commencement. Unlicensed transient rental use is prohibited in the City of Key West.

This case was continued to October 19, 2011.

10

Case # 10-1454
Rishi Gidwani
3609 Northside Drive
Sec. 66-87 Business tax receipt required
Officer Dotty Austin
POSTED: 7-7-2011
Initial Hearing: 8-31-2011

New Case

A business tax receipt is required to rent your property.

The Special Magistrate found Mr. Gidwani in violation. No costs or fines were imposed at this time. The property must be in compliance by September 27, 2011. A compliance hearing will be held on September 28, 2011.

11

Case # 11-712
Roger W Akers
Sandra J Henning
804 Eisenhower Drive
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Sec. 26-126 Clearing of Property
Sec. 14-256 Required for Electric
Officer Dotty Austin
Certified Service: 7-25-2011
Initial Hearing: 8-31-2011

New Case**Continuance granted to September 28, 2011**

A building permit and HARC approval are required prior to the commencement of building a shed. An electrical permit is required prior to the installation of pool equipment.

The Special Magistrate granted a continuance to September 28, 2011.

12

Case # 11-732
Edward G DeLeon
1005 United Street A
Sec. 18-601 Transient License
Sec. 122-1371 Transient Living Accommodations
Sec. 122-269 Prohibited Uses - MDR
Officer Dotty Austin
Certified Service: 7-25-2011
Initial Hearing: 8-31-2011

New Case

A transient rental license is required prior to renting units transiently. Unlicensed transient rental use of residential dwellings is prohibited. Transient rental use of residential dwellings is prohibited in the MDR district.

The Special Magistrate found Mr. DeLeon in violation. Costs of \$250 were imposed along with a fine of \$250 per day if not in compliance by September 27, 2011. A compliance hearing will be held on September 28, 2011.

13 Case # 11-821
Oliver S Blake
1624 Bertha Street 3
Sec. 66-102
Officer Dotty Austin
Certified Service: 8-2-2011
Initial Hearing: 8-31-2011

In compliance as of 7-28-2011, request dismissal

Renting unit 3 with a delinquent business tax receipt.

This case was dismissed by the Special Magistrate.

14 Case # 11-904
The Artist House on Fleming Street
Raymond & Joanna Kearney, MGMR
1016 Fleming Street 1
Sec. 66-102 Delinquent Business Tax
Officer Dotty Austin
Certified Service: 8-11-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal

The business tax receipt for medallions #235, 236, 237, 238 and 239 is delinquent.

This case was dismissed by the Special Magistrate.

15 Case # 10-760
Gordon & Juliana MacDowell
910 United Street
Sec. 14-37 Building Permits, Display
Sec. 14-40 Permits in the Historic District
Officer Yesenia Beltranena
Certified Service: 6-18-2011
Initial Hearing: 8-3-2011

In compliance, request dismissal

For failure to obtain building permits for removal of walls, kitchen and bath and to re-frame several walls and re-drywall.

This case was dismissed by the Special Magistrate.

16 Case # 10-1026
Maria D Tuya
2209 Flagler Avenue
Sec. 66-102 Delinquent Business Tax Receipt
Officer Yesenia Beltranena
POSTED: 8-17-2011
Initial Hearing: 8-31-2011

New Case

Delinquent business tax receipt for two non-transient units, front and rear.

The Special Magistrate found Ms. Tuya in violation. Costs of \$250 were imposed along with 25% of the business tax receipt. A compliance hearing will be held on September 28, 2011.

17 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 6-29-2011 for ruling

For off premises canvassing in a prohibited area.

This case was continued to September 28, 2011.

18 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 6-29-2011 for ruling

For off premises canvassing in a prohibited area.

This case was continued to September 28, 2011.

19 Case \$ 11-517

Jack Farley R/A for Loyal Order of Moose
Joe Warren VP
William Russell TD
Julian Barrios PD
700 Eisenhower Drive
Sec. 58-31 Container & Receptacle
Officer Yesenia Beltranena
Certified Service: 7-25-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal

All businesses in the city shall have and maintain property watertight metal garbage containers.

This case was dismissed by the Special Magistrate.

20

Case # 11-934
Kenneth (Kenyatta) Arrington
Street Performer
Sec. 6-2 Permit Required
Sec. 6-4 Permit Regulations
Officer Yesenia Beltranena
Hand Served: 7-21-2011
Initial Hearing: 8-31-2011

New Case

Permittee shall furnish and maintain public liability and property damage insurance. Amplified music is prohibited.

This case was continued to September 28, 2011 for ruling.

21

Case # 11-935
Elizabeth O'Connor
Street Performer
Sec. 6-2 Permit Required
Officer Yesenia Beltranena
Hand Served: 7-14-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal

Permittee shall furnish and maintain public liability and property damage insurance.

This case was dismissed by the Special Magistrate.

22 Case # 11-936
Tiger Maximus & River Seine
c/o Earl Washington
Street Performer
Sec. 6-2 Permit Required
Officer Yesenia Beltranena
Hand Served: 7-14-2011
Initial Hearing: 8-31-2011

New Case

Permittee shall furnish and maintain public liability and property damage insurance.

The Special Magistrate continued this case to September 28, 2011 for verification of insurance.

23 Case # 11-939
George B Davis
Street Performer
Sec. 6-3 Locations
Sec. 6-2 Permit Required
Officer Yesenia Beltranena
Hand Served: 7-20-2011
Initial Hearing: 8-31-2011

New Case

Performing less than 20' for the closest intersection. Permittee shall furnish and maintain public liability and property damage insurance.

The Special Magistrate continued this case to September 28, 2011 for verification of insurance.

24 Case # 11-678
Earl Washington
Parent/Guardian Street Performers
Sec. 6-4 Permit Regulations
Officer Ginny Haller
Certified Service: 5-28-2011
Initial Hearing: 6-29-2011

New Case

(w) Amplification in any form is prohibited.

The Special Magistrate found Tiger Maximus & River Seine in violation. Costs to be determined at the hearing on September 28, 2011.

25

Case # 11-615
Constance Kara & John McCoy
215 Eneas Lane
Sec. 14-37 Building Permits, Required
Sec. 102-152 Certificate of Appropriateness
Sec. 102-158 Stop Work Order & Penalty
Officer Ginny Haller
Certified Service: 8-4-2011
Initial Hearing: 8-31-2011

**Irreparable Violation
New Case**

A building permit and Certificate of Appropriateness are required prior to change out the door, stucco, installation of A/C units and installation of copper tubing. For working over a stop work order.

The Special Magistrate continued this case to September 28, 2011. Fines are under advisement.

26

Case # 10-1181
Gloria K McGee
John W McGee T/C
2812 Fogarty Avenue
Sec. 10-16 Number Restricted
Officer Barbara Meizis
Certified Service: 5-6-2011
Initial Hearing: 5-25-2011

In compliance, request dismissal.

Number of domestic animals is limited to four unless animals are six months or younger, or operating a duly licensed kennel or pet shop.

This case was dismissed by the Special Magistrate.

27

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 6-29-2011 for ruling
Repeat violation for Perfect Pedicab**

For parking in a prohibited area and for driving the wrong way on a one way street.

This case was continued to September 28, 2011.

28

Case # 10-1375
MCCAR Investment Corp
Michael Browning, R/A
924 Kennedy Drive A
Sec. 14-37 Building Permits, Display
Sec. 14-256 Permit Required for Electric
Sec. 14-262 Request for Inspection
Sec. 14-358 Permit Required for Plumbing
Sec. 58-61 Determination & Levy
Sec. 90-356 Building Permit Required
Sec. 90-363 Certificate of Occupancy
Officer Barbara Meizis
Certified Service: 7-13-2011
Initial Hearing: 8-31-2011

New Case

Electrical and plumbing permits are required prior to installation of electrical outlets and running water. Electrical permit is required before installation of electricity. An electrical inspection is required. Plumbing plans must be submitted, approval secured and a permit obtained and paid for prior to commencing work. Property owner must obtain a determination & levy for solid waste collection on new shed/unit. Building permits are required. A certificate of occupancy is required.

The Special Magistrate continued this case to September 28, 2011.

29

Case # 11-192
Shirley L Mills
1015 Packer Street
Sec. 108-680 Recreational Vehicles/Boats
Sec. 108-681 Camping Vehicles & Equipment
Officer Barbara Meizis
POSTED: 8-15-2011
Initial Hearing: 8-31-2011

Continuance granted to September 28, 2011

Trailers shall be parked within an enclosed structure or screened by a fence or vegetation of sufficient height and opaqueness so as not to be seen from off-site. Trailers may not be parked forward of front building line or occupied for living quarters except in a licensed trailer park.

The Special Magistrate granted a continuance to September 28, 2011.

30

Case # 11-648
Perfect Pedicabs
South & Whitehead
Sec. 6-151 Conditions of Use
Officer Barbara Meizis
Certified Service: 5-28-2011
Initial Hearing: 6-29-2011

Repeat Violation

Continued from 6-29-2011

You shall not park, stand, or stop at a yellow curb and/or with a "no parking anytime tow away zone" sign thereby creating a hazardous situation.

This case was continued to September 28, 2011.

31

Case # 11-649
Pirate One Pedicab
South & Whitehead
Sec. 6-151 Conditions of Use
Officer Barbara Meizis
Certified Service: 6-1-2011
Initial Hearing: 6-29-2011

Continued from 6-29-2011

You shall not park, stand or stop at a yellow curb and/or with a "no parking anytime tow away zone" sign thereby creating a hazardous situation.

This case was continued to September 28, 2011.

32

Case # 11-325
Rolando Rivera

1019 Watson Street
Sec. 66-87 Business Tax Receipt Required
Officer Bonnita Myers
Certified Service: 7-28-2011
Initial Hearing: 8-31-2011

In compliance, request dismissal

A business tax receipt is required to rent your property.

This case was dismissed by the Special Magistrate.

33

Case # 11-329
Joanne C Robertson
706 Elizabeth Street A
Sec. 14-37 Building Permits, Display
Officer Bonnita Myers
Certified Service: 8-12-2011
Initial Hearing: 8-31-2011

Continuance granted to September 28, 2011

A building permit is required prior to changing out a window.

The Special Magistrate granted a continuance to September 28, 2011.

34

Case # 11-785
Brian & Kimberly Blanchette
1312 Reynolds Street 1
Sec. 14-40 Permits in the Historic District
Sec. 14-31 Florida Building Code
Sec. 66-87 Business Tax Receipt
Officer Bonnita Myers
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

Continuance granted to September 28, 2011

A building permit and HARC approval is required prior to replacing roof with V-crimp. A business tax receipt is required to rent your property.

The Special Magistrate granted a continuance to September 28, 2011.

HARC Appeals

35

SMA 11-03

Arch. William Rowan
1107 Grinnell Street
H11-01-445

Continuance granted to September 28, 2011

The Special Magistrate granted a continuance to September 28, 2011.

Liens

36 Case # 08-1477
David Blain
1019 Elgin Lane

Posted 8-11-2011

The Special Magistrate approved the lien.

37 Case # 10-673
Norma Barton
1922 Patterson Avenue

Posted 8-11-2011

The Special Magistrate approved the lien.

38 Case # 10-1059
Matthew K McDowell
1333 20th Street

Certified Service: 7-15-2011

The Special Magistrate approved the lien.

Adjournment