



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, January 30, 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** **SMA-08-PD**
Bare Bones Beach Shop, Inc.
Tamara Camden
2770 N Roosevelt Blvd

The Special Magistrate found that the fines for the false alarms should be paid.

- 2** **SMA-09-PD**
J & M Threading
Josh Ben-Shoaff
101 Duval Street

Continuance granted to February 27, 2013

The Special Magistrate approved the continuance to February 27, 2013.

- 3** **SMA-10-PD**
Charles Taylor
1117 Royal Street

The Special Magistrate approved the removal of one false alarm.

- 4** **Case # 07-676**
Sylvia E Marucci Shelly TR U/T/D 09-02-88
Carolyn Cochrane Executive
1402 Vernon Avenue Down Rear
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Sec. 90-363 Certificate of Occupancy
Officer Bonnita Badgett
Certified Service: 7-27-2012
Initial Hearing: 8-22-2012

Continuance granted to February 27, 2013

Count 1: A business tax receipt is required to rent your property.

Count 2: A certificate of occupancy is required for all units located on the property. There are a total of 5 units and the city only recognizes 3.

The Special Magistrate continued this case to February 27, 2013.

5

Case # 12-181

Roger J Moyle
911 Virginia Street
Sec. 14-40 Permits in Historic District
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 108-452 Required sight distances for landscaping adjacent to public rights-of-way and points of access
Officer Bonnita Badgett
Hand Served: 1-7-2013
Initial Hearing: 1-30-2013

In compliance, request dismissal

Count 1: A fence was erected without benefit of HARC approval.

Count 2: A fence was erected without benefit of a building permit.

Count 3: The fence that was erected is obstructing the line of site.

The Special Magistrate dismissed this case at the request of the code officer.

6

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 February 27, 2013

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 February 27, 2013.

7

Case # 12-1082

Tony's Sheet Metal & Roofing

Emigdio A Gill

1730 Bahama Drive

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

Sec. 18-150 Certificate of competency required

Officer Bonnita Badgett

Certified Service: 9-21-2012

Initial Hearing: 10-17-2012

Continued from October 17, 2012

Irreparable Violation

Count 1: A building permit is required to do structural work on the trusses prior to commencement. **Count 2:** A certificate of competency is required for structural work.

The Special Magistrate continued this case to February 27, 2013.

8

Case # 12-1421

Kevin & Beverly Jacobsen

2413 Linda Avenue

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

Officer Bonnita Badgett

Certified Service: 12-6-2012

Initial Hearing: 1-30-2013

Continuance granted to April 3, 2013

Count 1: Replaced shed without benefit of a building permit

The Special Magistrate continued this case to April 3, 2013.

9

Case # 12-1523

Jean Delice

Christella Brevil
1116 White Street
Sec. 58-63 Delinquency
Sec. 74-206 Owner's responsibility for payment
Officer Bonnita Badgett
Certified Service: 11-24-2012
Initial Hearing: 12-19-2012

In compliance, fees still due

Count 1: The solid waste account is past due. **Count 2:** The sewer account is past due.

The property is in compliance. The fees have not been paid.

10

Case # 12-1752

Amanda Phelps
3029 N Roosevelt Blvd 37
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Bonnita Badgett
Certified Service: 1-16-2013
Initial Hearing: 1-30-2013

In compliance, request dismissal

Count 1: A business tax receipt is required to rent your property.

The Special Magistrate dismissed this case at the request of the code officer.

11

Case # 12-1489

Eye Catcher Display & Signage (Cindy's Signs Inc.)
Cynthia Phillips
Sandra Phillips Registered Agent
All Keys Construction Inc.
Amber Shaffer
1700 N Roosevelt Blvd
Sec. 18-146 License Required - Eye Catcher
Sec. 18-117 Acts declared unlawful - All Keys Construction
Officer Kevin Caruso
Certified Service: 12-2-2012 - Eye Catcher
Initial Hearing: 12-19-2012

Continuance granted to February 27, 2013

Count 1: Eye Catcher Display & Signage was installing a sign on

or about October 9, 2012 without benefit of a contractor's license.

Count 2: On or about October 9, 2012, Eye Catcher Display & Signage was installing a sign. The permit was issued to All Keys Construction. Eye Catcher Display & Signage does not have a license to install signs.

The Special Magistrate continued this case to February 27, 2013.

12

Case # 12-1771

Alexel Saenko

406 Petronia Street

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

Sec. 122-869 Prohibited uses - HNC-3

Officer Kevin Caruso

Certified Service:

Initial Hearing: 1-30-2013

New Case

Count 1: A business tax receipt is required to rent your property.

Count 2: Boarding houses are prohibited in the HNC-3 district.

The Special Magistrate continued this case for service.

13

Case # 12-1799

John Minskoff

801 Duval Street - sidewalk

Sec. 6-3 Locations

Officer Kevin Caruso

Hand Served: 12-20-2012

Initial Hearing: 1-30-2013

New Case

Count 1: On December 13, 2012, Mr. Minskoff was performing in front of 801 Duval Street which is a prohibited area.

The Special Magistrate found John Minskoff in violation. Costs of \$250.00 were imposed. Also imposed was a fine of \$100.00 which was suspended.

14

Case # 11-1286

Faye G Logun

2310 Patterson Avenue

Sec. 122-1078 Restrictions on buildings and structures, including entryways, Counts 1-5

Sec. 14-37 Building permits; professional plans; display of permits,
Count 6

Sec. 90-356 Building permits required, Count 7

Sec. 90-391 Variances, Counts 8 and 9

Officer Peg Corbett

Certified Service: 8-3-2012

Initial Hearing: 9-26-2012

Continued from December 19, 2012 for compliance

Counts 1-5: Subject property has five rooms held out for rent (3 occupied at the time of inspection) without proper ingress/egress.

Count 6: The main house was altered/renovated to add the above five subject rooms without the benefit of a building permit(s). **Count 7:** Two additional rooms were added to the original home in 2005 without the benefit of a building permit. **Counts 8 and 9:** For extending the main house to add the subject rooms identified in count one through five on the side setback of the property. For adding an outdoor shared bathroom facility on the rear setback of the property.

The Special Magistrate continued this case to February 27, 2013.

15

Case # 12-991

Rishi Gidwani

3609 Northside Drive

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

Officer Peg Corbett

Posted: 12-27-2012

Initial Hearing: 1-30-2013

New Case

Count 1: New side door was installed without benefit of a permit.

The Special Magistrate found Rishi Gidwani in violation. Costs of \$250 were imposed. Also imposed was a fine of \$100.00 per day if compliance is not met by 2-26-13. A compliance hearing will be held on 2-27-13.

16

Case # 12-1225

Michael Pettry

Wanda Weeks, R/S

3635 Flagler Avenue

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy - required

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

Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business
Sec. 122-237 Prohibited uses - Single Family
Officer Peg Corbett
Certified Service: 12-24-2012
Initial Hearing: 1-30-2013

Continuance granted to February 27, 2013

Count 1: There are two units on this property. The city only recognizes one unit. **Count 2:** A certificate of occupancy is required for the second unit. **Count 3:** In April of 2000, permits were obtained to add a bedroom and bath. This conversion was subsequently modified to add a second unit without benefit of building permits and required inspections. **Count 4:** A business tax receipt is required to rent the second unit. **Count 5:** Multiple dwelling units are not permitted in the single family district.

The Special Magistrate continued this case to February 27, 2013.

17

Case # 12-1255

Youman Carey Richardson
917 Center Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 11-9-2012
Initial Hearing: 12-19-2012

Continued from December 19, 2012 for compliance - In compliance, fees paid on January 29, 2013.

Count 1: The business tax receipt for the mobile business is delinquent

The Special Magistrate closed this case. They are in compliance the the fees and fine have been paid.

18

Case # 12-1428

Kevin Todd Williams
Andrew Theede T/C
1717 South Street
Sec. 62-2 Obstructions
Sec. 26-126 Clearing of property of debris and noxious materials required
Officer Peg Corbett
POSTED: 12-27-2012
Initial Hearing: 1-30-2013

New Case

Count 1: Palm trees and other plantings are on the city right of way without benefit of a permit. **Count 2:** There is a fish pond that is filled with algae. The property is severely overgrown and overgrowth onto the city right of way.

The Special Magistrate found Kevin Todd Williams and Andrew Theede in violation. No fees or fines were imposed at this time. The court reserves the right to impose fines and fees if the property is not brought into compliance by February 26, 2013. A compliance hearing will be held on February 27, 2013.

19

Case # 12-1454

Wilma R Jetter Estate
Roger A Wigle
2601 S Roosevelt Blvd C324
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 102-158 Stop work order and penalty
Officer Peg Corbett
Certified Service: 11-13-2012
Initial Hearing: 12-19-2012

Continued from December 19, 2012

Count 1: Remodeling unit without benefit of a permit. **Count 2:** For working over a stop work order.

The Special Magistrate found the Wilma R Jetter Estate in violation. No fees or fines were imposed at this time. The court reserves the right to impose fines and fees if the property is not brought into compliance by April 2, 2013. A compliance hearing will be held on April 3, 2013.

20

Case # 12-1549

Thomas Merrill Drew
Timothy John Thirkield
506 Grinnell Street
Sec. 58-63 Delinquency
Officer Peg Corbett
Certified Service: 12-11-2012
Initial Hearing: 1-30-2013

In compliance, request dismissal

Count 1: The sewer/solid waste account is past due.

The Special Magistrate dismissed this case at the request of the code officer.

21

Case # 12-1590

Margaret Makris, Rev. Tr.
303 Grinnell Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Peg Corbett
Certified Service: 12-12-2012
Initial Hearing: 1-30-2013

New Case

Count 1: A business tax receipt is required to rent this property.

The Special Magistrate continued this case to April 3, 2013.

22

Case # 12-671

Cynthia A Grissom
1401 Sunset Drive
Sec. 58-61 Determination and levy of charge
Officer Leonardo Hernandez
Certified Service: 5-5-2012
Initial Hearing: 5-23-2012

Continued from December 19, 2012

Repeat Violation

Count 1: Repeat violation of having two units when the City only recognizes one unit.

The Special Magistrate found Cynthia Grissom in violation. Costs of \$250 were imposed. Also imposed was a fine of \$500.00 per day for the repeat violation if compliance is not met by February 26, 2013. A compliance hearing will be held on February 27, 2013.

23

Case # 12-822

Blanche M Stapleton
Michael J McMahon R/S
28 Seaside South Court
Sec. 66-87 Business tax receipt required
Officer Leonardo Hernandez
POSTED: 1-4-2013
Initial Hearing: 12-19-2012

New Case

Count 1: A business tax receipt is required to rent your property

The Special Magistrate continued this case to February 27, 2013.

24

Case # 12-851

Vladimir Prokhodnoy

2301 Linda Avenue

Sec. 90-363 Certificate of occupancy - required

Sec. 58-61 Determination and levy of charge

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

Sec. 90-356 Building permits required

Officer Leonardo Hernandez

Certified Service: 8-8-2012

Initial Hearing: 9-26-2012

Continued from December 19, 2012 for status

Count 1: A certificate of occupancy is required for the two extra units.

Count 2: A solid waste account is required for all units on the property.

Count 3: A business tax receipt is required to rent your property.

Count 4: A building permit is required for all renovations that have been done.

The Special Magistrate continued this case to April 3, 2013.

25

Case # 12-1484

Conch Shell Properties Inc.

Fouad Samaha, R/A

Hard Rock Cafe

313 Duval Street

Sec. 62-1 Deposits of oil, grease or other waste

Officer Leonardo Hernandez

Certified Service: 10-15-2012

Initial Hearing: 11-14-2012

**Continued from December 19, 2012 for the Settlement Agreement
Irreparable violation**

Count 1: The grease receptacle spilled onto Rose Lane, down Duval Street towards Caroline on October 6, 2012. The sidewalk and street needed to be closed for cleanup.

The Special Magistrate approved the Settlement Agreement that was presented. 1. Respondents understand that the maximum penalties provided by law which may be imposed upon a finding of a violation which has not achieved compliance within the time frame allowed by the Code Compliance Special Magistrate is \$250.00 per day, per charge for a first violation, \$500.00 per day, per charge for a repeat until the violation(s) are found to be in compliance and \$5,000.00 per charge, if found to be irreparable. 2. Respondents understand Administrative costs in the amount of \$250.00 incurred by the City of Key West for the investigation or prosecution of this violation will be assessed and that fines and costs could result in judgment enforcement and/or liens against me and any qualified properties in Monroe County, Florida. 3. The parties stipulate to a factual basis for this agreement and agree to a finding of violation by the Special Magistrate for violations of the Key West Code of Ordinances listed in paragraph two. 4. The parties enter into the following settlement agreement, to be presented to the Code Compliance Special Magistrate for acceptance: The Respondents stipulate to the imposition of the Administrative Cost in the amount of \$250.00 and the imposition of the recovery of cost for the cleanup of the oil spill in the amount of One Thousand and Seventy Dollars and Fifty One Cents (\$1,170.51). A fine in the amount of Five Hundred Dollars (\$500.00) will also be imposed. The total cost and fines will be One Thousand Nine Hundred and Twenty Dollars and Fifty One Cents (\$1,920.51). The Respondents also agree to a suspended fine of Four Thousand Five Hundred Dollars (\$4,500.00). The suspension period shall be for 24 months from the date of the Special Magistrate's signature below. If Respondents are found in violation of this or similar violations again within 24 months of the Magistrate's signature, or if the Respondents are otherwise found to be in violation of this agreement by a judge of competent jurisdiction, Respondents understand that the Four Thousand Five Hundred Dollars (\$4,500.00) suspended fine will be imposed in addition to any new fines. If Respondents are found in violation of Section 63-1 of the City of Key West Code of Ordinances again in the future, Respondents understand that the violation(s) will be considered as repeat punishable by up to \$500.00 per day, per count in addition to the irreparable fines explained herein. Respondent agrees to immediately cease and desist activities that violate the code violation(s) listed herein at this or any other property in the City of Key West. The Respondents understand that an order will be entered in this case finding a violation of the code sections listed in paragraph two (2). Respondents understand that the Code Compliance Special Magistrate's order will acknowledge the above representations and require the payment of the One Thousand Nine Hundred and Twenty Dollars and Fifty One Cents (\$1,920.51) within thirty (30) days of the Magistrate's signature.

26

Case # 12-1538

Timothy Behan

1801 N Roosevelt Blvd M18

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

Officer Leonardo Hernandez

Hand Served: 1-4-2013

Certified Service: 1-18-2013

Initial Hearing: 1-30-2013

In compliance, request dismissal.

Count 1: The roof deck was being built/rebuilt, new wood columns were installed around the roof deck without benefit of a building permit.

The Special Magistrate dismissed this case at the request of the code officer.

27

Case # 12-1659

Key West Office Management Inc.

Dr. Eshri Singh

Pegasus International Hotel

420 Southard Street

Sec. 108-681 Camping vehicles and equipment

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

Sec. 122-929 Prohibited uses in HRO

Officer Leonardo Hernandez

Certified Service: 1-7-2013

Initial Hearing: 1-30-2013

In compliance, request dismissal

Count 1: Camping is not allowed except in a licensed trailer park or areas appropriately zoned for trailers. **Count 2:** Building permits are required prior to the installation of an outside shower. **Count 3:** Camping is prohibited in the HRO (historic residential/office district)

The Special Magistrate dismissed this case at the request of the code officer.

28

Case # 12-1159

Daniel Soldano

617 Angela Street

Sec. 14-256 Electrical permit required

Sec. 14-262 Request for inspection

Officer Barbara Meizis

Certified Service:

Initial Hearing: 1-30-2013

New Case

Count 1: Temporary electric pole shall be disconnected and permanent connection from house to main pole shall be installed.

Count 2: Electrical inspection is required.

The Special Magistrate continued this case for service.

29

Case # 12-1531

400 Duval Retail LLC
Nrai Services, Inc. R/A
Subway/Tom Thumb Food Stores I
Sandra D Pceod McCarthy, R/A
Preferred Signs, Inc.
Howard Weber, R/A
Mark Weber, Qualifier
422 Eaton Street
Sec. 14-40 Permits in the historic district
Sec. 14-37 Building permit; professional plans; display of permits
Officer Barbara Meizis
Certified Service: 12-14-2012
Initial Hearing: 1-30-2013

New Case

Count 1: For working over the scope of HARC by installing a sign over the sidewalk at least three feet from the building that was permitted to be installed flush to the building over the door. For installing a lighting fixture below the sign without HARC approval. **Count 2:** For working over the scope of the building permit by installing a sign over the sidewalk at least three feet from the building that was permitted to be installed flush to the building over the door. For installing a lighting fixture below the sign without a building permit.

The Special Magistrate continued this case to February 27, 2013.

30**Case # 12-1613**

Orlando Alvarido
1010 Whitehead Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in the historic district
Officer Barbara Meizis
Certified Service:
Initial Hearing: 1-30-2013

New Case

Count 1: A building permit is required prior to the construction of a new roof. **Count 2:** A certificate of appropriateness is required prior to the construction of a new roof.

The Special Magistrate continued this case for service.

31**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 Jim Young
POSTED: 5-6-2011
Initial Hearing: 5-25-2011

Continued from July 25, 2012 for compliance

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.

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

32

Case # 12-1820

Living Dolls Inc.
Glenn Tanner
Herschell Major
Bianco Digennaro
516 Fleming Street
Sec. 114-103 Prohibited signs
Sec. 70-116 Prohibited parking
Officer Jim Young
Certified Service: 1-12-2013
Initial Hearing: 1-30-2013

Continuance granted to February 27, 2013

Count 1: On 11 Dec 12, 17 Dec 12, 18 Dec 12, 19 Dec 12, 10 Jan 13 at ~ 12:46 am and 10 Jan 13 at ~ 1:04 am I observed a 1995 Chevrolet pick-up truck parked at the subject property with a prohibited portable sign attached to the rear bed. **Count 2:** No person shall park a vehicle upon any city street for the purpose of displaying advertising.

The Special Magistrate continued this case to February 27, 2013.

33

Case # 13-55

Kenneth (Kenyatta) Arrington
400 Duval Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Jim Young
Hand Served: 1-9-2013
Initial Hearing: 1-30-2013

**New Case
Irreparable Violation**

Count 1: On January 9, 2013, Mr. Arrington was performing on private property without a business tax receipt. Subject was soliciting money for his performance.

The Special Magistrate continued this case to February 27, 2013.

34

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
Initial Hearing: 1-30-2013

**Continuance granted to February 27, 2013
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 February 27, 2013.

35

Case # 13-59

Living Dolls
Glenn Tanner
Chelsea Lawson
300 Block of Duval
Sec. 18-415 (b) (1) a. Restrictions in the Historic District
Sec. 18-441 Required
Officer Jim Young
Certified Service:
Hand Serve: 1-10-2013 Chelsea Lawson
Certified Service: 1-12-2013
Initial Hearing: 1-30-2013

Continuance granted to February 27, 2013

Count 1: On January 10, 2013 at approximately 1:45 am, Chelsea Lawson was soliciting customers for Living Dolls at 300 Block 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 February 27, 2013.

HARC Appeals

36 **SMA 12-07**
Carl Reid
Southernmost Sign Service
218 Duval Street

Continuance granted to January 30, 2013

The Special Magistrate heard arguments from Consel and agreed that the appeal was untinely filed. He upheld HARC's decision.

Liens

37 **Case # 09-1502**
Timothy Wegman
702 Pearl Street
Posted: 1-14-2013

The Special Magistrate approved continuing this case to February for status. The delinquent sewer/solid waste account has been paid. The fines and fees imposed by the Special Magistrate are still due.

38 **Case # 11-1326**
Carlton J Ditto
906 Olivia Street
Certified Service: 1-10-2013

The Special Magistrate approved the filing of the lien.

39 **Case # 12-302**
David Neil Austin
1215 Duncan Street
Posted: 12-19-12

The Special Magistrate approved the filing of the lien.

Adjournment

