



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

Code Compliance Hearing

Thursday, July 30, 2020

1:30 PM

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Virtual Instructions

Attachments: [virtual instructions](#)

Call Meeting to Order

Code Violations

1

Case # 20-132

Jagasia Yogesh

1215 5th Street

Sec. 58-35 Requirements for bulk and excess yard waste pickup

Sec. 58-31 Container and receptacle requirements

Officer Bonnita Badgett

Certified Mail: 3-2-2020

Initial Hearing: 3-26-2020

In compliance 16 March 2020; request dismissal

Count 1: Failure to remove trash and debris from city right of way

Count 2: Failure to remove containers from city right of way after pick-up day

2

Case # 20-163

Westerfeld Construction by Glick, LLC
Brandon Bey
5846 S. Flamingo Road, Suite 164
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Certified Mail: 2-12-2020
Initial Hearing: 3-26-2020

In compliance 6 March 2020; request dismissal**Count 1:** Failure to renew license

3

Case # 20-165

B & W Concrete Pumping
18 Bluewater Drive
Sec. 66-102 Dated due and delinquent; penalties
Officer Bonnita Badgett
Certified Mail:
Initial Hearing: 3-26-2020

In compliance 11 February 2020; request dismissal**Count 1:** Failure to renew license.

4

Case # 20-167

Entek International, Inc.
Bruce Gragg
3539 Flagler Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Certified Mail: 2-29-2020
Initial Hearing: 3-26-2020

In compliance 3 March 2020; request dismissal**Count 1:** Failure to renew license

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Case # 20-180

Crossfit Mile Zero
Eric Sindone
3224 Flagler Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Certified Mail: 3-2-2020
Initial Hearing: 3-26-2020

In compliance 18 March 2020; request dismissal**Count 1:** Failure to renew license

6

Case # 20-539

Nichol Gonzon
1002 Fleming Street
Sec. 26-126 Cleaning of property debris and noxious material required
Officer Bonnita Badgett
Certified mail: 6-29-2020
Initial Hearing: 7-30-2020

In compliance 22 July 2020; request finding no fees or fines**Count 1:** Failure to clear all tree debris and garbage from the yard.

7

Case # 20-841

Eva Baranova Weinberg
1709 Jamaica Drive
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Bonnita Badgett
Certified mail:
Initial Hearing: 7-30-2020

In compliance 22 July 2020; request finding no fees or fines**Count 1:** Failure to clear property of trash and debris.

8

Case # 20-506

Mark A Hunt
1020 Eaton Street
Sec. 18-601 License required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Officer Sophia Doctoche
Certified Mail: 6-15-2020
Initial Hearing: 7-30-2020

Continuance granted to 27 August 2020

Counts 1-8: Unlawful to lease a residential property for a period of less than 30 days or one calendar month without having obtained a business tax receipt. - **Repeat**

Counts 9-11: Failure to obtain the required city, county or state license for holding out/advertising a short-term rental at this property. - **Repeat**

Counts 12-19: Unlawfully holding out this short-term rental for eight nights. - **Repeat**

9

Case # 20-880

TJBSP LLC
Ben Solove - Registered agent
320 Grinnell Street
Sec. 62-1 Deposits of oil, grease or other waste - **Irreparable**
Officer Sophia Doctoche
Certified mail: 6-6-2020
Initial Hearing: 7-30-2020

Settlement Agreement

Count 1: Failure to prevent grease or waste to be placed on the city sidewalk. - **Irreparable**

10

Case # 18-1784

Lindholm Construction, Inc
 Richard Lindholm - Registered Agent
 Native Builders, Inc
 Carl Denny - Registered Agent
 Nicholas Obea LLC
 Clint Gordon - Registered Agent
 Cristian J Swanson
 1610 Dennis Street
 Sec. 14-262 Request for inspection
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 18-117 Acts declared unlawful
 Sec. 18-150 Certificate of competency required
 Sec. 66-87 Business tax receipt required for all holding themselves out to
 be engaged in business
 Officer Edward Keane
 Certified Mail: 5-30-2019 - Lindholm Construction, Inc.
 Certified Mail: 5-30-2019 - Native Builders, Inc.
 Certified Mail: 11-28-2019 - Lindhold Construction, Inc.
 Certified Mail: 11-27-2019 - Cristian J Swanson
 Certified Mail: 12-28-19 - Native Builders, Inc
 Posted: 7-19-2019 - Nicholas Obea LLC
 Initial Hearing: 6-27-2019

Settlement Agreement**Lindholm Construction Inc dismissed on all counts****Counts 1-3 - Cristian J Swanson only**

Count 1: Electrical work was performed without the benefit of permit and inspection. **Count 2:** Interior structural work at the subject location without the benefit of a permit. **Count 3:** Interior plumbing work performed at the subject location without the benefit of a permit.

Count 4: Failure to obtain the appropriate license from the city of key west. - **All parties**

Count 5: Failure to obtain a certificate of competency. - **Cristian J Swanson only**

Count 6: Failure to obtain a business license from the city of key west. - **Cristian J Swanson only**

Legislative History

6/27/19	Code Compliance Hearing	Continuance
8/28/19	Code Compliance Hearing	Continuance

11/20/19 Code Compliance Hearing Continuance
1/30/20 Code Compliance Hearing Continuance
2/20/20 Code Compliance Hearing Continuance

11**Case # 19-1715**

Futerman Phenphak - Owner
3011 Riviera Drive
Sec.14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Edward Keane
Certified Mail:
Initial Hearing: 3-26-2020

New Case

Count 1: Failure to obtain all proper building permits

12**Case # 20-351**

La Grignote Inc
Joel Odou - Registered Agent
517 Fleming St.
Sec. 66-109 Schedule of taxes
Officer Edward Keane
Certified Mail: 3-12-2020
Initial Hearing: 3-26-2020

Settlement agreement

Count 1: Failure to apply and pay for 10 additional seating.

13**Case # 20-579**

Corporation Service Company
3900 S. Roosevelt Blvd
Sec. 74-32 Discharges to natural outlets - **Irreparable**
Officer Edward Keane
Certified mail: 5-8-2020
Initial Hearing: 7-30-2020

Settlement agreement

Count 1: Failure to prevent sewage spilling into a storm drain. -
Irreparable

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Case # 20-671

Ocean Walk
3900 S. Roosevelt Blvd
Sec. 74-32 Discharges to natural outlets - **Irreparable**
Officer Edward Keane
Certified Mail: 5-26-2020
Initial Hearing: 6-25-2020

Settlement agreement

Count 1: Failure to prevent sewage and or polluted waters from discharging into the storm drains. - **Irreparable**

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Case # 17-1259

Jonathan and Megan Pigeon
2207 Flagler Avenue
Sec. 108-991 Development not affected by article
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
Officer Rachel Kobylas
Certified Mail: 1-24-2020
Initial Hearing: 1-30-2020

In compliance 27 July 2020; request dismissal

Count 1: Failure to obtain all required steps in the BPAS process from the Planning Department. **Count 2:** Failure to obtain all necessary certificates of occupancy for all units.

Count 3: Failure to contact the Planning Department and obtain the necessary legal unit determination for each unit. **Count 4:** Failure to obtain a non transient business tax receipt for each unit.

Legislative History

1/30/20 Code Compliance Hearing Continuance

16

Case # 19-1811

The New Camilles Inc
Shukhrat Rakimov - Registered agent
1202 Simonton Street
Sec. 58-31 Container and receptacle requirements
Sec. 58-33 Storage of garbage causing pollution
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Rachel Kobylas
Certified Mail: 6-25-2020
Initial Hearing: 2-20-2020

In compliance 23 July 2020; request finding no fees or fines

Count 1: Failure to contact Waste Management to schedule additional trash pick ups.

Count 2: Failure to keep containers closed to ensure that non of the debris is exposed.

Count 3: Failure to ensure sanitary disposal of all debris and trash that is exposed.

Legislative History

2/20/20 Code Compliance Hearing Violation Fine

17

Case # 20-382

Ez Riders Rentals
Jeremy Carr - Registered Agent
511 Truman Ave
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Rachel Kobylas
Certified Mail: 6-26-2020
Initial Hearing: 4-30-2020

New Case

Count 1: Failure to apply and obtain the appropriate licenses for electric bike rentals and the selling of any tour or water activity.

18

Case # 16-455

Donald R Lynch

820 Carsten Lane

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Counts 1 & 3; Count 2 - Dismissed**Sec. 102-152 Required for permits - **Count 4; Count 5 - Dismissed**~~Sec. 90-142 Historic Architectural Commission Design Guidelines-~~
~~adopted -~~ **Count 6 - City has not met the burden of proof.**

Officer Jorge Lopez

Certified Service: 2-3-2017 - Amended notice

Posted: 3-30-2017

Initial Hearing: 10-6-2016

In compliance 10 February 2020; request dismissal

Count 1: For failure to obtain a building permit for the enclosure of the second story porch. **Count 2:** ~~For failure to obtain a building permit for the exterior stairway. - Dismissed.~~ **Count 3:** For failure to obtain a building permit and inspections for the plumbing that was installed. **Count 4:** For failure to obtain a certificate of appropriateness for the enclosure of the second story porch. **Count 5:** ~~For failure to obtain a certificate of appropriateness for the exterior stairway. - Dismissed.~~ **Count 6:** ~~For failure to obtain a certificate of appropriateness for the satellite dish that was installed. -~~ **City has not met the burden of proof.**

Legislative History

10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance
12/21/16	Code Compliance Hearing	Continuance
1/25/17	Code Compliance Hearing	Continuance
2/15/17	Code Compliance Hearing	Continuance
3/29/17	Code Compliance Hearing	Continuance
5/31/17	Code Compliance Hearing	Continuance
6/28/17	Code Compliance Hearing	Continuance
7/26/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance
3/28/18	Code Compliance Hearing	Continuance

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Case # 19-1081

Lazy Days of Key West, LLC
Nira Sela - Registered agent
715 Duval St. 1
Sec. 14-40 Permits in historic districts
Sec. 114-103 Prohibited signs
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Troy Montero
Hand Served: 1-9-2020
Initial Hearing: 3-26-2020

New Case

Count 1: Failure to obtain HARC certificate for awning (front).

Count 2: Failure to remove prohibited signs (front).

Count 3: Failure to obtain building permit.

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Case # 19-1535

Charles Mendola - Registered Agent
925 Duval Street
Sec. 114-106 Prohibited signs
Sec. 106-51 Prohibited outdoor display
Sec. 66-109 Schedule of taxes
Officer Troy Montero
Certified Mail: 3-2-2020
Initial Hearing: 3-26-2020

New Case

Count 1: Failure to obtain HARC certificate of appropriateness.

Count 2: Failure to obtain and exception to outside display from planning department.

Count 3: Failure to obtain authorization for additional seating from planning department.

21

Case # 19-1568

TU-TI-FRU-TI, Inc.

Charles Mendola - Registered agent

828 Duval Street

Sec. 114-103 Prohibited signs

Sec. 14-40 Permits in historic districts

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

Sec. 66-109 Schedule of taxes

Sec. 2-939 Revocable Licenses

Officer Troy Montero

Certified Mail: 3-2-2020

Initial Hearing: 3-26-2020

New Case**Count 1:** Failure to obtain HARC approval for signage.**Count 2:** Failure to obtain HARC certificate of appropriateness for
installation of cameras and outside bar.**Count 3:** Failure to obtain building permits.**Count 4:** Failure to obtain approval for additional seating.**Count 5:** Failure to obtain revocable license for awning over city right of
way.

22

Case # 19-1592

Rosemie Thomas

1213 14th Street 54

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

Officer Troy Montero

Certified Mail: 11-25-2019

Initial Hearing: 1-30-2020

Continued to 30 July 2020**Count 1:** Failure to obtain all proper building permits.**Legislative History**

1/30/20	Code Compliance Hearing	Continuance
2/20/20	Code Compliance Hearing	Continuance

23

Case # 19-1779

Old Town Key West Development Inc.

Edwin O. Swift III - Registered Agent

618 Duval Street

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

Sec. 14-40 Permits in historic districts

Sec. 2-939 Revocable licenses

Officer Troy Montero

Initial Hearing: 2-20-2020

Certified Mail: 2-3-2020

In compliance 27 February 2020; request dismissal**Count 1:** Failure to obtain proper building permits for lighting attached to the front of the building.**Count 2:** Failure to obtain a HARC certificate of appropriateness for the lighting attached to the front of the building.**Count 3:** Failure to obtain a revocable license for the awning over the city right of way.**Legislative History**

2/20/20

Code Compliance Hearing

Violation Fine

24

Case # 20-83

Key West Reach Owner LLC

Corporation Services Company - Registered agent

1435 Simonton Street

Sec. 30-1 Fees for false alarms and fire code inspections

Officer Troy Montero

Hand Served: 2-20-20

Initial Hearing: 3-26-2020

In compliance 17 March 2020; request dismissal**Count 1:** Failure to pay fire inspection fee.

25

Case # 20-158

Computers Are My Life
Mike Mongo
1407 United Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Troy Montero
Certified Mail:
Initial Hearing: 3-26-2020

In compliance 18 March 2020; request dismissal**Count 1:** Failure to renew license.

26

Case # 20-313

SH5 LTD
Robert A. Spottswood - registered agent
3841 N Roosevelt Blvd
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Troy Montero
Certified Mail: 6-15-2020
Initial Hearing: 7-30-2020

Continuance granted to 27 August 2020**Count 1:** Failure to apply for fence permits.

27

Case # 19-1044

Southernmost Smoothie Shop
Robert E. Clark, LLC - Registered Agent
1219 Duval Street
Sec. 114-103 - Prohibited signs
Officer Paul Navarro
Hand Served: 2-24-2020
Initial Hearing: 3-26-2020

In compliance 13 May 2020; request dismissal**Count 1:** Failure to remove prohibited sign (front).

28

Case # 19-1105

Walgreen Company Store 7089
 Richard Ashworth - President/Director
 Joana Pierce - Store Manager
 Kathleen Seus - National Program Manger
 Prentice-Hall Corporation System, Inc. - Registered Agent
 527 Duval Street
 Sec. 114-108 Maintenance of all signs
 Officer Paul Navarro
 Certified Mail: 8-21-2019 - Kathleen Seus
 Certified Mail: 8-21-2019 - Richard Ashworth
 Certified Mail: 8-12-2019 - Joana Pierce
 Certified Mail: 8-12-2019 - Prentice-Hall Corporation System, Inc.
 Initial Hearing: 8-28-2019

In compliance 13 May 2020; request dismissal

Count 1: Failure to provide the proper maintenance to the historic sign as it was not functioning as its intended use.

Legislative History

8/28/19	Code Compliance Hearing	Continuance
11/20/19	Code Compliance Hearing	Continuance
1/30/20	Code Compliance Hearing	Continuance

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Case # 19-1411

Marina Dietrich - Property owner
 2423 Patterson Ave.
 Sec. 58-61 Determination and levy of charge
 Sec. 66-87 Business tax receipt required
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Officer Paul Navarro
 Posted: 2-27-2020
 Initial Hearing: 3-26-2020

In compliance 23 July 2020; request dismissal

Count 1: Failure to obtain legal unit determination for 2 units.

Count 2: Failure to obtain non-transient license.

Count 3: Failure to provide as-built certificates to building department.

30

Case # 19-1777

Henry Karp - Owner
1800 Atlantic Blvd. 431C
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-262 Request for inspection
Officer Paul Navarro
Certified Mail: 2-12-2020
Initial Hearing: 3-26-2020

In compliance 23 April 2020; request dismissal

Count 1: Failure to obtain all proper building permits.

Count 2: Failure to obtain all proper inspections.

31

Case # 20-113

Brendan Milligan - License Holder
1430 Grinnell Street 2
Sec. 66-102 Dates due and delinquent; penalties
Officer Paul Navarro
Certified Mail:
Initial Hearing: 3-26-2020

In compliance 13 March 2020; request dismissal

Count 1: Failure to renew license.

32

Case # 20-115

Keys Cooling LLC
Christopher S Gazzale - registered agent
1504 18th Ter
Sec. 66-102 Dates due and delinquent; penalties
Officer Paul Navarro
Certified Mail: 2-6-2020
Initial Hearing: 3-26-2020

In compliance 13 March 2020; request dismissal

Count 1: Failure to renew license.

33

Case # 20-116

Adventure Amusement
Thomas Means - License Holder
1514 Bertha Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Paul Navarro
Certified Mail: 2-8-2020
Initial Hearing: 3-26-2020

In compliance 10 February 2020; request dismissal**Count 1:** Failure to renew license.

34

Case # 20-225

Mineshaft Designs, LLC
Albert Kelley - Registered Agent
424 Greene St. A
Sec. 14-40 Permits in historic districts
Officer Paul Navarro
Certified Mail: 2-24-2020
Initial Hearing: 3-26-2020

In compliance 17 March 2020; request dismissal**Count 1:** Failure to obtain HARC certificate of appropriateness.

35

Case # 20-333

Kim's Kuban
Kimberlie Grizzle
2302 N Roosevelt Blvd
Sec. 66-109 Schedule of taxes
Officer Paul Navarro
Certified Mail: 03-11-2020
Initial Hearing: 03-26-2020

In compliance 13 May 2020; request dismissal**Count 1:** Failure to pay the licensing department for additional seating added.

36

Case # 19-672

808 Southard Street LLC

C/O Brawn Peter Nelson

812 Southard Street

Sec. 26-192 Unreasonably excessive noise prohibited

Sec. 122-597 Permitted uses

Sec. 122-598 Conditional Uses

Officer Dorian Patton

Certified Mail: 1-11-20

Initial Hearing: 1-30-2020

Continuance granted to 27 August 2020

Count 1: Failure to cease from allowing the company "Tree Man" from operating their equipment and performing their business.

Count 2: Failure to remove all vehicles, utility trailers. and boat/jet ski trailers from all residential lots on the property.

Count 3: Failure to stop the company "Tree Man" from performing light industrial activity on the property.

Legislative History

1/30/20	Code Compliance Hearing	Continuance
2/20/20	Code Compliance Hearing	Continuance

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Case # 18-241Lawney Management Company - **New Owner**~~Theresa Didato Cioffi - **Removed**~~~~Wilmington Trush Company - **Removed**~~

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

~~Sec. 26-32 Nuisance illustrated - **Dismissed**~~~~Sec. 26-126 Clearing of property of debris and noxious material required - **Dismissed**~~

Director Jim Young

Certified Service: 6-15-2018 - Registered Agent

Certified Service: 7-17-2018 - Theresa Cioffi - Amended Notice

Initial Hearing: 5-30-2018

Continuance granted to 30 April 2020

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** ~~Observed the pool with stagnant water that is a breeding ground or feeding area for mosquitoes. - **Dismissed.**~~ **Count 4:** ~~Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition. - **Dismissed.**~~

Legislative History

5/30/18	Code Compliance Hearing	Continuance
7/25/18	Code Compliance Hearing	Continuance
9/26/18	Code Compliance Hearing	Continuance
10/31/18	Code Compliance Hearing	Continuance
1/30/19	Code Compliance Hearing	Continuance
4/24/19	Code Compliance Hearing	Continuance
5/29/19	Code Compliance Hearing	Continuance
6/27/19	Code Compliance Hearing	Continuance
8/28/19	Code Compliance Hearing	Continuance
11/20/19	Code Compliance Hearing	Continuance
1/30/20	Code Compliance Hearing	Continuance

Adjournment