



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

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Thursday, July 30, 2020

1:30 PM

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 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

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

The case came into compliance on 16 March 2020 and the city is requesting a dismissal. Dismissal granted.

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

The case came into compliance on 6 March 2020 and the city is requesting a dismissal. Dismissal granted.

**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.

This case came before the Special Magistrate on 30 July 2020. The case came into compliance on 11 February 2020 and the city is requesting a dismissal. Dismissal granted.

**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

The case came into compliance on 3 March 2020 and the city is requesting a dismissal. Dismissal granted.

**5**

**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

The case came into compliance on 18 March 2020 and the city is requesting a dismissal. Dismissal granted.

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.

The case came into compliance on 22 July 2020 and the city is requesting a finding no fees or fines. The Special Magistrate granted the finding no fees or fines and the case is dismissed.

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.

The case came into compliance on 22 July 2020 and the city is requesting a finding no fees or fines. The Special Magistrate granted the finding no fees or

finest and the case is dismissed.

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**

**Continuance previously granted to 27 August 2020.**

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**

**The City of Key West and TJBSP LLC have a settlement agreement for \$750.00 that is due within 30 days. The Special Magistrate granted and signed the settlement agreement.**

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**

The code officer is Edward Keane. Edward Keane requested a continuance to  
 27 August 2020. The Special Magistrate granted the 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

The code officer is Edward Keane. Edward request a continuance for good service. The Special Magistrate granted the continuance to 27 August 2020.

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.

The code officer was Dorian Patton. The City of Key West and La Grignote Inc has a settlement agreement in the amount of \$500.00 which is due in 30 days.

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**

The code officer was Edward Keane. The City of Key West and Corporation Service Company has a settlement agreement in the amount of \$1,285.00. Corporation Service Company paid the fines and only need to pay the \$250.00 administrative cost which is due in 30 days.

14

**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**

The code officer was Edward Keane. The City of Key West and Corporation Service Company has a settlement agreement in the amount of \$1,285.00. Corporation Service Company paid the fines and only need to pay the \$250.00 administrative cost which is due in 30 days.

15

**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.

The case came into compliance on 27 July 2020. The City is requesting a dismissal. The Special Magistrate granted the dismissal.

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.

The case came into compliance on 23 July 2020 and the city is requesting a finding and order no fees or fines. The Special Magistrate granted the finding and order no fees or fines.

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.

The case came into compliance on 23 July 2020 and the city is requesting a finding and order no fees or fines. The Special Magistrate granted the finding and order no fees or fines.

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.**

This case came into compliance on 10 February 2020 and the City of Key West is requesting a dismissal. The Special Magistrate granted the dismissal.

19

### **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.

The code officer is Dorian Patton. Dorian Patton explained how Nira Sela has not submitted any permits for the signs. Dorian Patton requested a finding and order no fees or fines and 30 days for them to come into compliance. Nira Sela

the violator has to come into compliance by 26 August 2020. The case will be continued to 27 August 2020. The Special Magistrate granted the finding and order no fees or fines and a continuance for compliance to 27 August 2020.

20

**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.

The code officer is Dorian Patton. The violator is Charles Mendola. Attorney Richard McChesney was representing Charles Mendola. Dorian Patton explained to the Special Magistrate that Charles was cited for all the unpermitted signs. As of today they have removed some of the signs but not all of them and no permits have been applied for. Dorian Patton requested a finding and order with a \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 26 August 2020. Richard McChesney explained that his client would like a continuance to come into compliance. The signage is what generates his business so he wants to find a way to get them into compliance. The Special Magistrate asked McChesney why this has not been fixed before the hearing. Nathalia Mellies the assistant city attorney objected to the continuance. The Special Magistrate granted the finding and order with fees and fines if not in compliance by 24 September 2020.

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.

Dorian Patton is the code officer. Richard McChesney was the attorney for Charles Mendola. Charles Mendola was present as well. Dorian explained that the signs, lighting, cameras and fans were all unpermitted and the seating exceeding the license amount. Dorian stated that he met with McChesney when this first started to explain what Charles needed to do to come into compliance. As of today they still have the seating, signs and the awning without the proper licenses and permits. Dorian requested a finding and order with a \$250.00 administrative cost and \$250.00 per day per count if not in compliance by 24 September 2020. Richard McChesney stated that they have submitted permits and took away some of the seats. Richard said they have a permit for the awning and that he doesn't understand why they now need a license for it. Richard is requesting more time to come into compliance. Charles Mendola then spoke and explained that this building is grandfathered in due to it having all of the signs, seating, and awning since 1982. The Special Magistrate granted the finding and order with \$250.00 administrative cost and \$250.00 per day per county if not in compliance by 24 September 2020.

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.

Troy Montero is the code officer. Troy explained that no engineer will sign off on the permits and that is what is holding this all up. They got permits for the electrical and plumbing. Nathalia Mellies assistant city attorney explained that there is already a previous finding and order for them to come into compliance and that they have not and that no engineer will sign off. The Special Magistrate granted a continuance for compliance to 27 August 2020.

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.

The case came into compliance on 27 February 2020 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.

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.

The case came into compliance on 17 March 2020 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.

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.

The case came into compliance on 18 March 2020 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.

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.

Continuance previously granted to 27 August 2020.

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).

The case came into compliance on 13 May 2020 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.

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.

**The case came into compliance on 13 May 2020 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.**

29

**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.

**The case came into compliance on 23 July 2020 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.**

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.

**This case was in compliance on 23 April 2020. The City is requesting a dismissal. The Special Magistrate granted the dismissal.**

**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.

**This case was in compliance on 13 March 2020. The City is requesting a dismissal. The Special Magistrate granted the dismissal.**

**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.

**This case was in compliance on 13 March 2020. The City is requesting a dismissal. The Special Magistrate granted the dismissal.**

**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.

**This case was in compliance on 10 February 2020. The City is requesting a dismissal. The Special Magistrate granted the dismissal.**

**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.

**This case was in compliance on 17 March 2020. The City is requesting a dismissal. The Special Magistrate granted the dismissal.**

**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.

**This case was in compliance on 13 May 2020. The City is requesting a dismissal. The Special Magistrate granted the dismissal.**

**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.

Continuance previously granted to 27 August 2020.

37

**Case # 18-241**

Lawney 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.**~~

**Dismissed.**

Jim Young is the code officer for the case. Ron Ramsingh the assistant city attorney will be speaking on behalf of the city. Melissa Leto from Planning will also be giving testimony. Wayne Larue Smith is the violator's attorney. Ron explained the history of this case and that there were never permits for any of the work that was done. They applied for an after the fact permit and now is postponed indefinitely and they want to have it go back on the planning board. Ron stated there is no proof of permits for the structure except for AC and windows. Ron stated that they are requesting a variance for the setbacks and that this case should be continued. Wayne LaRue Smith responded by stating that the new owner has taken care of all the violations except the permits for the accessory structure and that they need a variance for that structure. Wayne requested a continuance so this can go back to the planning board to prove this structure existed prior to 1974. He found evidence that shows this structure was built in 1974 and he wants to show this to the planning board. Ron Ramsingh then said the city does object the continuance. The Special Magistrate granted the continuance to 24 September 2020.

**Adjournment**

Note

Note