



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, August 22, 2012

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 # 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

Continued from August 22, 2012

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 granted the continuance request to October 17, 2012.

2

Case # 11-1413

710 Caroline St LLC

Richard Klitenick, Esq.

710 Caroline Street

Sec. Certificate of occupancy - required

Sec. 58-63 Delinquency

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

Officer Bonnita Badgett
Certified Service: 7-26-2012
Initial Hearing: 8-22-2012

In compliance, request dismissal

Count 1: A certificate of occupancy is required for the single family residence. **Count 2:** The sewer/solid waste accounts are delinquent. **Count 3:** A business tax receipt is required to rent your property.

This case was dismissed by the Special Magistrate at the request of the code officer.

3

Case # 11-1541

James & Judith Wert
1424 Petronia Street
Sec. 66-87 Business tax receipt required
Sec. 58-61 Determination and levy of charge
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 90-363 Certificate of Occupancy required
Officer Bonnita Badgett
Certified Service: 4-13-2012
Initial Hearing: 4-25-2012

Continued to September 26, 2012 for compliance

Count 1: A business tax receipt for all units is required to rent the property. **Count 2:** A solid waste account is required for all units. **Count 3:** A building permit is required to build a third unit. **Count 4:** A certificate of occupancy is required prior to renting the third unit.

The Special Magistrate granted to extend compliance to September 26, 2012.

4

Case # 12-153

Stella A Rylander
532 Duval Street 534
Sec. 10-11 Keeping fowl or wildlife
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Bonnita Badgett
Certified Service: 4-26-2012
Initial Hearing: 5-23-2012

Continued from July 25, 2012 for Settlement Agreement

Count 1: The chickens and roosters were not secure and the chicken feed was spread all over the entire yard, porches and driveway.

Approximately three pounds of fresh cat food was in bowls all over the yard. The cage for the chickens and roosters has not been cleaned on a regular basis. **Count 2:** The odor from the droppings and the flies have become a nuisance to the city and the neighboring properties.

The Special Magistrate found Ms. Rylander in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per count (2 counts). The fine will be suspended for three (3) years.

5**Case # 12-221**

Sylvia E Marucci Shelly TR U/T/D/ 09-02-88
Carolyn Cochran Executive
1402 Vernon Avenue
Sec. 62-31 Maintenance of area between property line and adjacent paved roadway
Officer Bonnita Badgett
Certified Service: 7-30-2012
Initial Hearing: 8-22-2012

In compliance, request dismissal

Count 1: Tile pavers were installed, a fence was built and plants were planted on the city right of way without benefit of a right of way permit.

This case was dismissed by the Special Magistrate at the request of the code officer.

6**Case # 12-344**

Dan & Joanna Schoneck
3675 Seaside Drive 439
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Posted: 8-30-2012
Initial Hearing: 9-26-2012

Continued from September 26, 2012 for compliance

Count 1: The business tax receipt to rent this property is delinquent

The Special Magistrate continued this case for service.

7**Case # 12-440**

Janice Isherwood
523 Elizabeth Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Certified Service: 4-25-2012

Initial Hearing: 5-23-2012

In compliance. Administrative fees due.

Count 1: The business tax receipt to rent this property is delinquent

This property is in compliance but the case will remain open until the administrative fees are paid.

8

Case # 12-586

Michael Coppola

1109 Fleming Street

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

Sec. 58-63 Delinquency

Officer Bonnita Badgett

Certified Service: 7-30-2012

Initial Hearing: 8-22-2012

Continued from August 22, 2012 for compliance

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

Count 2: The sewer/solid waste accounts are delinquent.

The Special Magistrate found Mr. Coppola in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count (2 counts) if compliance is not met by September 25, 2012. A compliance hearing will be held on September 26, 2012.

9

Case # 12-637

Robert W Olin

1803 Atlantic Blvd 1

Sec. 58-31 Container and receptacle requirements

Officer Bonnita Badgett

Certified Service: 7-27-2012

Initial Hearing: 8-22-2012

In compliance, request dismissal

Count 1: Garbage receptacles are being left on the city right of way.

This case was dismissed by the Special Magistrate at the request of the code officer.

10

Case # 12-662

Argelia A McCrory
1800 Blanche Street
Sec. 58-31 Container and receptacle requirements
Sec. 58-63 Delinquency
Officer Bonnita Badgett
Certified Service: 7-9-2012
Initial Hearing: 8-22-2012

In compliance, request dismissal

Count 1: Yard debris and garbage containers left of the city right of way. **Count 2:** The sewer/solid waste account is delinquent.

This case was dismissed by the Special Magistrate at the request of the code officer.

11

Case # 12-766
Paul S Mills
1541 5th Street
Sec. 66-102 Dates due and delinquent; penalties
Sec. 58-63 Delinquency
Officer Bonnita Badgett
Certified Service: 5-30-2012
Initial Hearing: 7-25-2012

Continued from July 25, 2012 for status

Count 1: The business tax receipt for Paul S Mills, CPA is delinquent.
Count 2: The sewer/solid wastes accounts are past due.

The Special Magistrate imposed the fines on this case. Compliance has not been met.

12

Case # 11-1417
Michael Syring
Michael Marrone T/C
905 Trinity Drive
Sec. 74-31 Unlawful Deposits
Officer Peg Corbett
Certified Service: 6-4-2012
Initial Hearing: 7-25-2012

In compliance. OMI fees due.

Count 1: On 11-22-11 it was observed what appeared to be old cooking oil spilled from a 50-gallon barrel. OMI was contacted to have

the hazardous oil cleaned up which was completed on 11-24-2012.
The OMI invoice has not been paid. Total due is \$375.00.

The Special Magistrate imposed the fines. The bill from OMI has not been paid.

13

Case # 12-569

Clifford C Cutler

726 Olivia Street

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

Officer Peg Corbett

Certified Service:

Initial Hearing: 8-22-2012

New case

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

The Special Magistrate continued this case for service.

14

Case # 12-762

709 Windsor Lane LLC

c/o Peter Nelson Brawn

Vacation Homes of Key West

c/o Cindy Rhoades

B, B & B-B Registries, LLC/ R/A

709 Windsor Ln Rear, D & E

Sec. 18-601 License Required

Sec. 122-1371 Transient Living Accommodations in Residential
Dwellings; Regulations - Counts 2 through 8

Sec. 122-629 Prohibited uses (HHDR)

Officer Peg Corbett

Certified Service: 6-27-2012 Peter Brawn

Certified Service: 6-29-2012 Cindy Rhoades

Initial Hearing: 8-22-2012

Continued from September 26, 2012

Irreparable violation

Count 1: The captioned property was held out/or advertised as being available transiently on May 19, 2012 through May 26, 2012. **Counts 2 through 8:** The respondent(s) held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 19, 2012 through May 26, 2012. **Count 9:** The captioned property is located in the Historic High Density Residential (HHDR) district which prohibits transient rentals.

The Special Magistrate granted the continuance request to September 26, 2012.

15

Case # 12-815

Joseph L Lamaraca III
Bonnie Chu T/C
Larry Doyle
Property Manager
1318 Petronia Street
Sec. 18-601 License required
Sec. 122-1371 Transient Living Accommodations in Residential
Dwellings; Regulations
Sec. 122 599 Prohibited uses
Officer Peg Corbett
POSTED: 8-3-2012
Initial Hearing: 8-22-2012

**New case - Settlement Agreement
Irreparable violation**

Count 1: The captioned property was held out/or advertised as being available transiently on May 31, 2012 through June 4, 2012. **Counts 2 through 6:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 31, 2012 through June 4, 2012. **Count 7:** Transient rentals are prohibited in the Historic Medium Density Residential (HMDR) district.

The Special Magistrate approved the Settlement Agreement that was submitted. 1. The Respondents stipulate to the imposition of the Administrative Costs in the amount of \$250.00. Respondents further agree to pay a fine in the amount of One Thousand Two Hundred Forty-five Dollars (\$1,245.00) which represents the offered rental contract amount. The total fine will be One Thousand Four Hundred Ninety-five Dollars (\$1,495.00). The Respondents also agree to the imposition of a suspended fine of Five Thousand Dollars (\$5,000.00). The suspension period shall be for 24 months from the date of the Special Magistrate's signature on the Settlement Agreement. 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 Five Thousand Dollars (\$5,000.00) suspended fine will be imposed in addition to any new fines. If Respondents are found in violation of sections 18-601, 122-599, 122-1371 and 66-87 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 \$5,000.00 per count in addition to the irreparable fines explained herein. The Respondents agree to immediately cease and desist activities that violate the code violations listed in paragraph two (2) at this or any other property in the City of Key West.

16

Case # 12-845

Southermost Development Inc.
Roberto Sanchez
1111 12th Street
Sec. 14-37 Building permits; professional plans; display of permits
Officer Peg Corbett
Certified Service:
Initial Hearing: 8-22-2012

In compliance, request dismissal

Count 1: A building permit is required prior to the repair/modification of the shed.

This case was dismissed by the Special Magistrate at the request of the code officer.

17

Case # 12-918

Joseph L Lamarca III
Bonnie Chu T/C
1318 Petronia Street
Sec. 18-601 License required
Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations
Sec. 122-599 Prohibited uses
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business.
Officer Peg Corbett
POSTED: 8-4-2012
Initial Hearing: 8-22-2012

**New Case - Settlement Agreement
Irreparable violation**

Count 1: The captioned property was held out and/or advertised as being available transiently on June 24, 2012 through July 1, 2012.

Counts 2 through 8: The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 24, 2012 through July 1, 2012. **Count 9:** The captioned property is located in the Historic Medium Density Residential (HMDR) district which prohibits transient rentals. **Count 10:** A business tax receipt is required to rent your property non-transiently.

The Special Magistrate approve the Settlement Agreement. 1. The Respondents stipulate to the imposition of the Administrative Costs in the amount of \$250.00. Respondents further agree to pay a fine in the amount of One Thousand Two Hundred Forty-five Dollars (\$1,945.00) which represents the offered rental contract amount. The total fine will be One Thousand Four

Hundred Ninety-five Dollars (\$2,195.00). The Respondents also agree to the imposition of a suspended fine of Five Thousand Dollars (\$5,000.00). The suspension period shall be for 24 months from the date of the Special Magistrate's signature on the Settlement Agreement. 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 Five Thousand Dollars (\$5,000.00) suspended fine will be imposed in addition to any new fines. If Respondents are found in violation of sections 18-601, 122-599, 122-1371 and 66-87 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 \$5,000.00 per count in addition to the irreparable fines explained herein. The Respondents agree to immediately cease and desist activities that violate the code violations listed in paragraph two (2) at this or any other property in the City of Key West.

18

Case # 12-689

Charles & Jacqueline Hewett
Vacation Homes of Key West
c/o Cindy Rhoades
1006 Packer Street
Sec. 18-601 Transient License
Sec. 122-1371 Transient Living Accommodations in Residential
Dwellings; Regulations - Counts 2 through 8
Sec. 122-599 Prohibited uses
Officer Leonardo Hernandez
Certified Service: 7-6-2012
Initial Hearing: 8-22-2012

Continued from September 26, 2012**Irreparable violation**

Count 1: The captioned property was held out and/or advertised as being available transiently on June 4, 2012 through June 11, 2012.

Counts 2 through 8: The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 4, 2012 through June 11, 2012. **Count 9:** The captioned property is located in the Historic Medium Density Residential (HMDR) district which prohibits transient rentals.

The Special Magistrate granted the continuance request to September 26, 2012.

19

Case # 12-950

Angela Petronia LLC
Charles Krume
610 Angela Street
Sec. 18-601 License required
Sec. 122-1371 Transient Living Accommodations in Residential
Dwellings; Regulations
Sec. 122-629 Prohibited uses

Office Leonardo Hernandez
Certified Service: 7-31-2012
Initial Hearing: 8-22-2012

Continued from August 22, 2012

Irreparable violation

Count 1: The subject property was rented transiently from July 1, 2012 through July 6, 2012 without a transient business tax receipt. **Counts 2 through 7:** The respondent held out the property in question as being available for rent transiently contrary on July 1, 2012 through July 6, 2012. **Count 8:** Transiently rental are prohibited in the Historic High Density Residential (HHDR) district.

The Special Magistrate granted the continuance request to September 26, 2012.

20

Case # 11-633

Arturo Cobo
Elsa Degraffenreid R/S
1517 Dennis Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-256 Required
Sec. 14-262 Request for inspection
Sec. 14-325 Permits required
Sec. 14-358 Amendments to Florida Plumbing Code
Sec. 14-327 Inspection
Sec. 14-362 Connection to public sewer
Sec. 90-363 Certificate of occupancy - required
Officer Barbara Meizis
Certified Service: 5-22-2012
Initial Hearing: 6-12-2012

Continued from August 22, 2012

Count 1: A business tax receipt is required to rent the five dwelling units. **Count 2:** A building permit is required prior to subdividing the building into five dwelling units. **Count 3:** An electrical permit is required prior to doing any electrical work. **Count 4:** An electrical inspection is required. **Count 5:** A mechanical permit is required prior to doing any mechanical work. **Count 6:** A plumbing inspection is required prior to doing any plumbing work. **Count 7:** A mechanical inspection is required. **Count 8:** Coin operated washing machines and all other plumbing disposal systems must be connected to public sewer after having been inspected by the chief building official. **Count**

9: A certificate of occupancy is required for each of the five dwelling units.

The Special Magistrate granted the continuance request to September 26, 2012.

HARC Appeals

21

SMA 12-05
Daniel Harris
c/o Patrick Wright
914 James Street

Withdrawn

The Special Magistrate continued this case for ruling.

Adjournment