



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, August 20, 2014

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 305-809-3731 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 # 14-432

Gary R & Diane M Onderdonk

Scott & Jennifer Shaffer T/C

2408 Flagler Avenue

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. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy - required

Officer Bonnita Badgett

Certified Service: 5-1-2014

Initial Hearing: 5-28-2014

In compliance August 20, 2014, request dismissal

Count 1: For building a fence and cinder block to to make a storage area for the mother-in-law unit without benefit of a building permit.

Count 2: For renting the mother-in-law unit and the house without benefit of a business tax receipt. **Count 3:** The city only recognizes one (1) single family residence. **Count 4:** A certificate of occupancy is required for the second unit.

Legislative History

5/28/14 Code Compliance Hearing Continuance

7/30/14 Code Compliance Hearing Continuance

2

Case # 14-479

New Potter's Cottage, LLC

Charles T Kemp, R/A

1212 Duval 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. 14-40 Permits in historic districts

Sec. 90-363 Certificate of occupancy - required

Sec. 14-256 Required

Sec. 14-325 Permits required

Sec. 58-61 Determination of levy of charge

Officer Peg Corbett

Certified Service:

Initial Hearing: 7-30-2014

Continuance granted to November 14, 2014

Counts 1 - 2: The subject property has two units for which there are no business tax receipts for non-transient rental. **Counts 3 - 4:** The City of Key West recognizes three units. The subject property has five units. There are no building permits for the additional two units. **Counts 5 - 6:** The subject property has two units for which a HARC Certificate of Appropriateness has not been obtained. **Counts 7 - 8:** The subject property has tenants in the two units that have not received a certificate of occupancy from the City of Key West. **Counts 9 - 10:** The subject property did not obtain a required electrical permits for units 4 and 5. **Counts 11 - 12:** The subject property did not obtain the required mechanical permits for units 4 and 5. **Counts 13 - 14:** The subject property has two units for which there are no active utility accounts contrary to city ordinance.

Legislative History

7/30/14

Code Compliance Hearing

Continuance

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Case # 14-604

Charles Walingue - tenant
Poinciana Park Partners
Erwin Mayer - TA
1300 15th Court 47
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 34-130 Violations
Officer Peg Corbett
Certified Service: 6-12-2014
Initial Hearing: 7-30-2014

Continued from July 30, 2014 for compliance

Count 1: Mobile home owner was constructing a new room on the inside of a large screened in porch. The room has a wooden foundation that is sitting on wet ground within this latticed in porch. There are no permits. **Count 2:** The new construction at the subject property violates FEMA flood guidelines.

Legislative History

7/30/14 Code Compliance Hearing Continuance

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Case # 14-1053

Boo Ya II
Patrick Cattern
1801 N Roosevelt Boulevard
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service:
Initial Hearing: 8-20-2014

New Case

Count 1: The business tax receipt for the subject vessel is delinquent

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Case # 14-1057

Island Beauty Supply & Accessories
William Roberts - Sole Proprietor
730 Emma Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 7-28-2014
Initial Hearing: 8-20-2014

In compliance July 28, 2014, request dismissal

Count 1: The business tax receipt for this business is delinquent

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Case # 14-1086

Arthur Grizzle - Property Owner
Florida Reference Lab - Tenant
Armando Vicente - R/A
3150 Northside Drive
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 8-11-2014 - Owner
Certified Service: 8-4-2014 - Tenant
Initial Hearing: 8-20-2014

New Case

Count 1: The business tax receipt is delinquent

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Case # 14-1195

Delores Mathies Estate
522 Olivia Street
Sec. 58-31 Container and receptacle requirements
Officer Peg Corbett
Certified Service: 7-22-2014
Initial Hearing: 8-20-2014

In compliance - Request a Finding - No fees or fines

Count 1: Property owner uses bins on the Center Street side of her property to reserve parking. Respondent has been told on two separate occasions in 2013 that she cannot reserve parking on the city right of way. Officer Badgett had cited this respondent two, once in January, 2012 and again in November, 2013.

8

Case # 14-1218

Historic Tours of America Inc
Edwin O Swift III - R/A - Property Owner
Five Guys Burgers & Fries - Tenant
Corporate Service Co - R/A
500 Truman Avenue 1
Sec. 114-104 Restriction on number of signs permitted
Officer Peg Corbett
Certified Service: 7-29-2014 - Property Owner
Certified Service: 7-31-2014 - Tenant
Initial Hearing: 8-20-2014

Continuance granted to September 17, 2014

Count 1: On July 16, 2014 the directory signs for Five Guys Burgers had been reinstalled on both directory locations, increasing their sign count by four for a total of six signs. Advised that they were reinstalled by the maintenance staff of the property owner.

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Case # 14-1219

Historic Tours of America Inc.
Edwin O Swift, III - R/A - Property Owner
Fury Management Inc - Tenant
Scott Saunders - R/A
500 Truman Avenue
Sec. 114-104 Restrictions on number of signs permitted
Officer Peg Corbett
Certified Service: 7-30-2014 - Property Owner
Certified Service: - Tenant
Initial Hearing: 8-20-2014

Continuance granted to September 17, 2014

Count 1: On July 16, 2014 the directory signs for Fury Sports had been reinstalled on both directory locations increasing their sign count by four for a total of six signs. Was advised that these directory signs were reinstalled by the maintenance staff of the property owner.

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Case # 14-1221

Historic Tours of America Inc
Edwin O Swift, III - R/A - Property Owner
Sofa King Hot Sauces Inc
Peter Legrady - R/A
500 Truman Avenue 6
Sec. 114-104 Restrictions on the number of signs permitted - Repeat
Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business
Officer Peg Corbett
Certified Service: 7-30-2014 - Property Owner
Certified Service: 7-29-2014 - Tenant
Initial Hearing: 8-20-2014

Continuance granted to September 17, 2014

Count 1: On July 16, 2014 the directory signs had been reinstalled increasing their sign count by four for a total of six signs. Advised that these directory signs were reinstalled by the maintenance staff of the property owner. **Count 2:** Sofa King Hot Sauces does not have a business tax receipt to conduct retail sales.

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Case # 14-1230

Hot Cuts
Julie Hanson
3255 Flagler Avenue 304
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 7-29-2014
Initial Hearing: 8-20-2014

In compliance - Request a Finding - No fees or fines

Count 1: The business tax receipt is delinquent. Ms. Hanson was also cited in 2011 for a delinquent business tax receipt at the same business.

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Case # 14-203

Salvatore Zappalla

9 Gerome Avenue

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

Sec. 14-40 Permits in historic district

Sec. 62-2 Obstructions

Officer Leonardo Hernandez

Posted: 6-20-2014

Initial Hearing: 7-2-2014

Continuance granted to October 29, 2014

Count 1: For failure to obtain a building permit for the fence. **Count 2:** For failure to obtain a certificate of appropriateness for the fence. **Count 3:** The fence is obstructing the city right of way.

Legislative History

7/2/14	Code Compliance Hearing	Continuance
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Case # 14-259

Yebo Island Grille, LLC

Joel Dos Santos

Paul Mills, SC P.A. Registered Agent

629 Duval Street

Sec. 108-91 Scope; major and minor developments

Sec. 114-103 Prohibited signs

Officer Leonardo Hernandez

Certified Service: 3-29-2014

Initial Hearing: 4-23-2014

In compliance July 8, 2014, request dismissal

Count 1: The food trailer was opened without HARC approval, in violation of major and minor development plans within the historic district. **Count 2:** Portable signs are prohibited in the historic district.

Legislative History

4/23/14	Code Compliance Hearing	Continuance
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5/28/14	Code Compliance Hearing	Continuance
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7/2/14	Code Compliance Hearing	Continuance
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- 14** **Case # 14-967**
Bank of America
Specialized Loan Services, LLC
Nationstar Mortgage LLC
1627 Laird Street
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Leonardo Hernandez
Certified Service: 8-1-2014
Certified Service: 8-5-2014
Certified Service: 7-28-2014
Initial Hearing: 8-20-2014

New Case

Count 1: Property is overgrown and full of debris

- 15** **Case # 14-981**
5 Dollar Stores Inc
Juan Betancur
109 Duval Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Mary Lockyear
Posted: 8-8-2014
Initial Hearing: 8-20-2014

In compliance August 14, 2014, request dismissal

Count 1: The business tax receipt for the 5 Dollar Stores Inc. is delinquent

- 16** **Case # 14-985**
Bliss of Key West 2 Inc
Yakov Blives
520 Duval Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Mary Lockyear
Certified Service: 7-14-2014
Initial Hearing: 8-20-2014

In compliance July 23, 2014, request dismissal

Count 1: This business was doing custom wearing apparel without a business tax receipt

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Case # 14-986

Bikini Fish Inc
Amit Teri
423 Duval Street C
Sec. 66-102 Dates due and delinquent; penalties
Officer Mary Lockyear
Certified Service: 7-12-2014
Initial Hearing: 8-20-2014

In compliance July 14, 2014, request dismissal

Count 1: The business tax receipt for Bikini Fish Inc is delinquent

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Case # 14-1306

Cissy Bourzikos
Jim Young
902 Thomas Street
Sec. 18-117 Acts declared unlawful
F.S. 489.103 Contracting
FYI: The above Florida Statute has been adopted by the City of Key West Code of Ordinances under Section 42-1.
Officer Mary Lockyear
Certified Service: 8-13-2014
Initial Hearing: 8-20-2014

In compliance August 13, 2014, request dismissal

Count 1: For aiding and abetting an unlicensed contractor and failure to disregard or violate safety, health insurance and worker's compensation laws of the state. **Count 2:** For violating F.S. 489.103 after signing homeowner's disclosure statement.

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Case # 13-1330

801/803 Elizabeth Street LLC
c/o Peter Nelson Brawn
G, B & B-B Registries, LLC
803 Elizabeth Street
Sec. 14-325 Permits required
Sec. 14-327 Inspection
Sec. 14-40 Permits in historic districts
Officer Barbara Meizis
Certified Service: 6-10-2013
Initial Hearing: 7-2-2014

In compliance January 2, 2014, request dismissal

Count 1: For failure to obtain a permit for the condenser. **Count 2:** For failure to obtain an inspection for the condenser. **Count 3:** For failure to obtain a certificate of appropriateness for the condenser.

Legislative History

7/2/14 Code Compliance Hearing Continuance

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Case # 13-1333

801/803 Elizabeth Street LLC
c/o Peter Nelson Brawn
G, B & B-B Registries, LLC
801 Elizabeth Street
Sec. 14-325 Permits required
Sec. 14-327 Inspection
Sec. 14-40 Permits in historic districts
Officer Barbara Meizis
Certified Service: 6-10-2014
Initial Hearing: 7-2-2014

Continued from July 2, 2014

Count 1: For failure to obtain a permit for the condenser. **Count 2:** For failure to obtain an inspection for the condenser. **Count 3:** For failure to obtain a certificate of appropriateness for the condenser.

Legislative History

7/2/14 Code Compliance Hearing Continuance

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Case # 13-1524

Mama's Rock and Sand Inc.

Michael Biskupick

William H & Holly A Fehr - New Owner

1405 Petronia Street

Sec. 14-40 Permits in historic district

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

Officer Barbara Meizis

Certified Service: 4-4-2014 - Mama's Rock and Sand

Certified Service: - Owner

Initial Hearing: 4-23-2014

Request continuance for service

Count 1: For exceeding the scope of the certificate of appropriateness by installing brick pavers on the city right of way.

Count 2: For exceeding the scope of the building permit by installing brick pavers on the city right of way.

Legislative History

4/23/14	Code Compliance Hearing	Continuance
5/28/14	Code Compliance Hearing	Continuance
7/2/14	Code Compliance Hearing	Continuance
7/30/14	Code Compliance Hearing	Continuance

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Case # 14-550

David Wolkowski

920 Eisenhower Drive

Sec. 26-31 Offensive and nuisance conditions prohibited

Officer Barbara Meizis

Certified Service: 8-4-2014

Initial Hearing: 8-20-2014

In compliance 8-20-2014, request dismissal

Count 1: There is an outdoor jacuzzi that has stagnant water in it. Stagnant water in a swimming pool, cistern or fountain that is a breeding ground or feeding area for mosquitoes is a nuisance.

Legislative History

7/30/14	Code Compliance Hearing	Continuance
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Case # 14-1009

230 East 7th Street Associates - Property Owner
C/O Joseph Cohen
Southernmost Cigar Club
Mark Miclette & Shannon Janney
Dragonfly Consulting - R/A
300 Front Street 1
Sec. 114-103 Prohibited signs
Sec. 114-104 Restriction on number of signs permitted
Officer Barbara Meizis
Certified Service: 8-6-2014 - Property Owner
Certified Service: 8-6-2014 - Tenant
Initial Hearing: 8-20-2014

In compliance August 14, 2014, request dismissal

Count 1: On July 9 and July 31 posterboard signs were on the front door and on the store side window. **Count 2:** Posterboard signs are not permitted and are thereby increasing the number of signs allowed.

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Case # 14-544

Poinciana Park Partners LLP
Gabriele Ostrowsicki PA R/A
Mary Louis - tenant
1300 15th Court 38
Sec. 14-37 Building permits; professional plans; display of permits
Officer Matt Willman
Certified Service: 7-18-2014 - property owner
Hand Served: 7-24-2014 - tenant
Initial Hearing: 7-30-2014

Continued from July 30, 2014 for compliance

Count 1: For failure to obtain a building permit for the floor/deck.

Legislative History

7/30/14 Code Compliance Hearing Continuance

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Case # 14-727

Alena Lembach

3226 Eagle Avenue

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

Sec. 18-157 Employment of unlicensed persons prohibited

Officer Matt Willman

Hand Served: 8-8-2014

Initial Hearing: 8-20-2014

Continuance granted to September 17, 2014

Count 1: For building an addition onto the rear of the house in the setback. **Count 2:**

Adjournment