



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final Code Compliance Hearing

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Wednesday, August 20, 2014

1:30 PM

Old 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 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.

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

**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.

**The Special Magistrate granted the request to continue this case to November 14, 2014.**

3

**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.

**The code officer stated that compliance was not achieved and the Special Magistrate imposed the fines that were announced at the hearing on July 30, 2014.**

**4****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

**The Special Magistrate granted the request to continue this case to September 17, 2014 for service.**

**5****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

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

**6****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

The Special Magistrate found Florida Reference Lab/Armando Vicente in violation. Administrative fees of \$250 were imposed. Also imposed was a penalty of \$250 and ordered the back fees of \$463 for the business tax receipt be paid. A compliance hearing will be held on September 17, 2014.

7

**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.

The Special Magistrate found Delores Mathies Estate in violation. No fees or fines were imposed. This case may serve as a predicate for a repeat violation.

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.

**The Special Magistrate granted the request to continue this case to September 17, 2014.**

9

**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.

**The Special Magistrate granted the request to continue this case to September 17, 2014.**

10

**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.

**The Special Magistrate granted the request to continue this case to September 17, 2014.**

11

**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.

**The Special Magistrate found Delores Mathies Estate in violation. No fees or fines were imposed. This case may serve as a predicate for a repeat violation.**

12

**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.

**The Special Magistrate granted the request to continue this case to October 19, 2014.**

13

**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.

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

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

The Special Magistrate found Bank of America in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 if compliance is not achieved by September 3, 2014. A compliance hearing will be held on September 17, 2014.

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

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

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**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

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

17

**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

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

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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.

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

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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.

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

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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.

The Special Magistrate granted the request to continue this case to September 17, 2014.

21

**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.

The Special Magistrate granted the request to continue this case to September 17, 2014.

22

**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.

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

23

**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.

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

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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.

The Special Magistrate extended the compliance date to September 17, 2014 at the request of the city.

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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:**

The Special Magistrate granted the request to continue this case to September 17, 2014.

**Adjournment**