



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, October 29, 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 # 14-1205**
Melissa Bordelon
1012 Truman Avenue
Sec. 14-40 Permits in historic district
Officer Bonnita Badgett
Certified Service: 9-6-2014
Initial Hearing: 10-29-2014

Continuance granted to November 14, 2014

Count 1: For failure to obtain HARC approval for the signs.

2**Case # 14-1358**

ICS Team Clean

Taran Edge

2101 Harris Avenue

Sec. 58-34 Unlawful Disposal

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

Officer Bonnita Badgett

Certified Service: 9-3-2014

Initial Hearing: 9-17-2014

**Continued from September 17, 2014 - Settlement Agreement
Irreparable Violation****Count 1:** For illegally dumping kitchen grease into the storm drain.**Count 2:** ICS Team Clean does not have a business tax receiptLegislative History

9/17/14 Code Compliance Hearing Continuance

3**Case # 14-1374**

Eric Trimas

2101 Harris Avenue

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

Officer Bonnita Badgett

Certified Service: 10-3-2014

Initial Hearing: 10-29-2014

In compliance October 20, 2014, request dismissal**Count 1:** A business tax receipt is required to rent your property.

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Case # 13-1417

Dasha Renee Ray

1215 Mac Millan Drive

Sec. 62.2 Obstructions - **Dismiss**

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

Sec. 14-261 Failure to obtain electrical permit

Sec. 90-363 Certificate of occupancy - Required - **Dismiss**Sec. 58-61 Determination and levy of charge - **Dismiss**

Sec. 74-206 Owner's responsibility for payment

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

Officer Peg Corbett

Certified Service: 1-7-2014

Initial Hearing: 1-29-2014

In compliance October 28, 2014, request dismissal

Count 1: A scooter was blocking the city sidewalk. **Count 2:** The property owner was issued a permit to "enclose empty space at rear for laundry and infill of a carport under existing roof for storage only: in October 2001. The area is currently occupied by a tenant. No permits for the renovation for the second kitchen or the second bathroom.

Count 3: The property owner did not apply for or obtain an electrical permit for the second kitchen. **Count 4:** The property owner has a second unit which is occupied without the benefit of a certificate of occupancy. **Count 5:** The property owner has not obtained the required utility accounts for the second unit. **Count 6:** The property owner has a delinquent utility account. **Count 7:** The subject property has two units individually rented without the benefit of the required business tax receipt.

Attachments: [13-1417 1215 Mac Millan Dr NOH](#)

Legislative History

| | | |
|---------|-------------------------|-------------|
| 1/29/14 | Code Compliance Hearing | Continuance |
| 2/26/14 | Code Compliance Hearing | Continuance |
| 3/19/14 | Code Compliance Hearing | Continuance |
| 4/23/14 | Code Compliance Hearing | Continuance |
| 5/28/14 | Code Compliance Hearing | Continuance |
| 7/2/14 | Code Compliance Hearing | Continuance |

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Case # 14-823

Timothy & Amy Williams
1500 Atlantic Boulevard 101
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 9-2-2014
Initial Hearing: 9-17-2014

Continued from September 17, 2014

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

Legislative History

9/17/14 Code Compliance Hearing Continuance

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Case # 14-936

Stephen & Janice Dickson
816 Eaton Street
Sec. 122-600 Dimensional requirements
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts
Officer Peg Corbett
Certified Service: 9-15-2014
Initial Hearing: 9-17-2014

Continued from September 17, 2014

Count 1: The air conditioning unit was installed within the 5' setback for HMDR. **Count 2:** The fence is 8' which exceeds the scope of the permit. **Count 3:** The fence is 8' which exceeds the certificate of appropriateness.

Legislative History

9/17/14 Code Compliance Hearing Continuance

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Case # 14-1034

Kolbe Corp
Daniel Kolbe
Mobile Service
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service:
Initial Hearing: 10-29-2014

In compliance October 15, 2014, request dismissal

Count 1: The business tax receipt for Key West Premier Wedding Photographer is delinquent.

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Case # 14-1074

Southernmost Group LLC
Ronen Teshouva - Registered Agent
Southernmost Resort Wear
1103 Whitehead Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business.
Officer Peg Corbett
Certified Service: 10-7-2014
Initial Hearing: 10-29-2014

New Case

Count 1: For failure to obtain a business tax receipt prior to opening the business.

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Case # 14-1380

Colonial Suites, Inc.
Joseph Cohen
326 Duval Street
Sec. 14-294 Penalty for violation
Officer Peg Corbett
Certified Service: 10-6-2014
Initial Hearing: 10-29-2014

New Case

Count 1: The electrical box is blocked by Kiosks

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Case # 14-1391

Wells Fargo Bank NA
C/O Anchutz & Schneid Robertson
2522 Staples Avenue
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Peg Corbett
Certified Service: 10-14-2014
Initial Hearing: 10-29-2014

New Case

Count 1: Yard debris from the rear yard is overflowing onto the City of Key West easement. Yard is overgrown and garbage and waste is also present.

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Case # 12-335

Christine B Bollong
1423 Rose Street
Sec. 66-87 Business tax receipt required
Officer Leonardo Hernandez
Certified Service: 4-5-2012
Initial Hearing: 4-25-2012

In compliance October 22, 2014, request dismissal

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

Attachments: [12-335 1423 Rose St NOH](#)
[12-335 1423 Rose St Affidavit](#)

Legislative History

| | | |
|---------|-------------------------|-------------|
| 4/25/12 | Code Compliance Hearing | Continuance |
| 5/23/12 | Code Compliance Hearing | Continuance |

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Case # 12-336

Christine B Bollong
909 Elizabeth Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Leonardo Hernandez
Certified Service: 4-5-2012
Initial Hearing: 4-25-2012

In compliance October 22, 2014, request dismissal

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

Attachments: [12-336 909 Elizabeth St NOH](#)

Legislative History

| | | |
|---------|-------------------------|-------------|
| 4/25/12 | Code Compliance Hearing | Continuance |
| 5/23/12 | Code Compliance Hearing | Continuance |

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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

Continued from August 20, 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 |
| 8/20/14 | Code Compliance Hearing | Continuance |

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Case # 14-429

Thomas & Paula Yardley

Mary Elizabeth Yardley

206 Olivia Street

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

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service: 8-14-2014

8-12-2014

Initial Hearing: 9-17-2014

Continued from September 17, 2014

Count 1: For failure to obtain a building permit prior to the construction of a deck and walkway. **Count 2:** For failure to obtain a certificate of appropriateness prior to the construction of a deck and walkway.

Legislative History

9/17/14 Code Compliance Hearing Continuance

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Case # 14-1200

XOM Imaginations

Marcella Ploegman-Wilbur

Mobile Business

Sec. 66-102 Dates due and delinquent; penalties

Officer Mary Lockyear

Certified Service:

Initial Hearing: 10-29-2014

In compliance September 24, 2014, request dismissal

Count 1: The business tax receipt for XOM Imaginations is delinquent.

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Case # 14-1467

McConnell's Pub and Grill
Gerard F Kehoe
900 Duval Street
Sec. 75-169 Discharge of potentially harmful wastes
Sec. 62-1 Deposits of oil, grease or other waste
Officer Mary Lockyear
Certified Service: 10-18-2014
Initial Hearing: 10-29-2014

Continuance granted to November 14, 2014

Count 1: Water is flowing across the sidewalk from the side of McDonnell's Pub and Grill turning the sidewalk green and is extremely slippery. **Count 2:** Water if flowing across the sidewalk.

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Case # 14-542

Jan & George LLC
Jan K Oostdijk, Registered Agent
Jan & George LLC
600 Frances Street
Sec. 102-152 Requirements for permits
Sec. 62-2 Obstructions
Officer Barbara Meizis
Certified Service: 6-14-2014
Initial Hearing: 7-30-2014

Continuance granted to November 14, 2014

Count 1: The step sticks out across the city right of way approximately 18 inches. There has not been an application to the Historic Architectural Review Commission for this step. **Count 2:** There is a larger protrusion over the original concrete step as pictured in a HARC application for the Historic Marker from 2011

Legislative History

7/30/14 Code Compliance Hearing Continuance

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Case # 14-1109

Wayne Kruer
1105 Thomas Street
Sec. 62-2 Obstructions
Officer Matt Willman
Certified Service: 7-21-2014
Initial Hearing: 7-30-2014

Continuance granted to December 17, 2014

Count 1: The coconut tree is overhanging the city right of way limiting the use of the sidewalk as well as the adjacent parking space.

Legislative History

7/30/14 Code Compliance Hearing Continuance

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Case # 14-1333

Ted Franse Living Trust 9/22/11
616 Petronia Street
Sec. 18-601 License required
Sec. 122-629 Prohibited Uses
Sec. 122-1371 (d)(9)
Officer Matt Willman
Certified Service: 9-2-2014
Initial Hearing: 9-17-2014

Continued from September 17, 2014**Irreparable Violation**

Counts 1 - 6: A transient rental license is required to rent the property transiently. **Counts 7 - 13:** Transient rental are prohibited in the Historic High Density Residential district (HHDR). **Counts 14 - 20:** The subject property was rented transiently from August 12, 2014

Legislative History

9/17/14 Code Compliance Hearing Continuance

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Case # 14-1334

Ted Franse Living Trust 9/22/11
815 Pearl Street 3
Sec. 18-601 License Required
Sec. 122-699 Prohibited uses
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Officer Matt Willman
Certified Service: 9-2-2014
Initial Hearing: 9-17-2014

Continued from September 17, 2014

Count 1: A transient license is required to rent your property transiently.
Count 2: Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR). **Count 3:** On August 27, 2014, the property owner was holding out this property for transient rental, 11 days.

Legislative History

9/17/14 Code Compliance Hearing Continuance

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Case # 14-1346

Ted Franse Living Trust 9/22/11
616 Petronia Street
Sec. 18-601 License Required
Sec. 122-629 Prohibited uses
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations
Officer Matt Willman
Certified Service: 9-2-2014
Initial Hearing: 9-17-2014

Continued from September 17, 2014

Count 1: A transient license is required to rent your property transiently.
Count 2: Transient rentals are prohibited in the Historic High Density Residential district (HHDR). **Count 3:** The property owner has offered this property for transient rent from April 12 through April 16, 2015.

Legislative History

9/17/14 Code Compliance Hearing Continuance

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Case # 14-1407

Paal Fuglevaag
Kjerstin Kartrud
2122 Staples Avenue
Sec. 18-601 License required - Counts 1 through 8
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 9 through 16
Sec. 122-237 Prohibited uses - Counts 17 through 24
Officer Mathew Willman
Posted: 10-15-2014
Initial Hearing: 10-29-2014

New Case**Irreparable Violation**

Counts 1 through 8: For renting the property from September 6 through September 13, 2014 without a transient rental license. **Counts 9 through 16:** The property owner is advertising transient rental of VRBO, listing #363366. **Counts 17 through 24:** The property was being rented transiently from September 6 through September 13, 2014 which is prohibited in the Single Family district (SF).

Mitigations

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Case # 12-1773

Dwight Oglesbee - previous owner
Jad & Ghada Maouad - new owners
2434 Fogarty Avenue

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Case # 13-374

Anola Mira
Yvette Talbott
1104 Virginia Street

Continuance granted to November 14, 2014

Adjournment