



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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.

This case was continued to November 14, 2014.

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 receipt

The Special Magistrate was presented with a Settlement Agreement which he approved. The Respondent stipulates to the imposition of the administrative costs in the amount of \$250.00 and clean-up costs of \$250.00 for a total of \$500.00. The Respondent also agrees to a suspended fine of \$5,000.00. The suspension period shall be for 24 months from October 29, 2014. If the Respondent is found in violation again within the 24 months, the \$5,000.00 suspended fine will be due along with the imposition of any new fines. Payment of fines and fees must be made within 30 days.

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.

The Special Magistrate dismissed this case as requested by the Code Officer.

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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.

The Special Magistrate dismissed this case as requested by the Code Officer.

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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

This case was continued to December 17, 2014.

6

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.

This case was continued to November 14, 2014.

7

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.

The Special Magistrate dismissed this case as requested by the Code Officer.

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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.

This case was continued to December 17, 2014.

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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

This case was continued to November 14, 2014.

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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.

The Special Magistrate found Wells Fargo Bank NA in violation. Costs of \$250.00 were imposed. Also imposed was a fine of \$100.00 per day is compliance is not achieved by December 16, 2014. A compliance hearing will be held on December 17, 2014.

11

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

The Special Magistrate dismissed this case as requested by the Code Officer.

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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

The Special Magistrate dismissed this case as requested by the Code Officer.

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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.

The Special Magistrate found Mr. Zappulla in violation. Costs of \$250.00 were imposed. Also imposed was a fine of \$100.00 per day, per count for a total of two counts if compliance is not achieved by November 13, 2014. A compliance hearing will be held on November 14, 2014.

14

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.

The Special Magistrate found Thomas & Paula Yardley and Mary Yardley in violation. Costs of \$250.00 were imposed. Also imposed was a fine of \$100.00 per day, per count if compliance is not achieved by November 13, 2014. A compliance hearing will be held on November 14, 2014.

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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.

The Special Magistrate dismissed this case as requested by the Code Officer.

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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.

This case was continued to November 14, 2014.

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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

This case was continued to November 14, 2014.

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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.

This case was continued to December 17, 2014.

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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

This case was continued to November 14, 2014.

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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.

This case was continued to November 14, 2014.

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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.

This case was continued to November 14, 2014.

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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

This case was continued to November 14, 2014.

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Case # 13-374

Anola Mira
Yvette Talbott
1104 Virginia Street

Continuance granted to November 14, 2014

This case was continued to November 14, 2014.

Adjournment