



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, October 31, 2018

1:30 PM

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order

Code Violations

1

Case # 18-280

Robert Janicki

1205 11th Street

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

Sec. 14-262 Request for inspection

FBC P2503.1 Inspections

FBC 1612.4 Flood Hazard Construction

Sec. 18-117 Acts declared unlawful

Officer Bonnita Badgett

Certified Service: 5-18-2018

Initial Hearing: 5-30-2018

Continuance granted to 28 Nov 2018 for compliance

Count 1: Building, electrical and plumbing work being done without the benefit of a permits. **Count 2:** Failure to request electrical inspection for work being done without the benefit of a permit. **Count 3:** Failure to request plumbing inspections for work being done without the benefit of a permit. **Count 4:** The new rear room in the main house, the tiki hut and shed shall comply to the ordinance for structures located in the flood hazard areas. **Count 5:** Cease using an unlicensed contractor.

The Special Magistrate granted the request to continue this case to 28 Nov 2018.

2

Case # 18-1098

Southernmost Homes, Inc.

Joseph Cleghorn, Jr

2002 Seidenberg Avenue

Sec. 62-2 Obstruction of Streets

Sec. 26-126 Clearing of property of debris and noxious material required

Officer Bonnita Badgett

Certified Service:

Initial Hearing: 9-26-2018

In compliance 3 Oct 2018; Request dismissal

Count 1: In front and side of the property at 2002 Seidenberg Avenue, the City right of way has trash and furniture obstructing the passage of pedestrians. **Count 2:** Failure to clear the City right of way of debris and noxious materials.

The Special Magistrate granted the request to dismiss this case.

3

Case # 18-357

Bob Sunderman
922 Catherine Street
Sec. 110-292 Failure to achieve a compliance agreement
Officer Wherden Charles
Certified Service:
Initial Hearing: 4-25-2018

Continued from 26 Sept 2018 for compliance

Count 1: For failure to come into compliance with the signed settlement agreement for violations Sec. 110-256 and 110-321. The payment of \$500 and the planting of one coconut palm 8' tall has not been met.

Officer Charles represents the City. Karen Demaria, Urban Forestry Manager for the City. Ms. DeMaria gave testimony stating the Special Magistrate had asked the Tree Commission to review this. The respondent asked that the palm tree be planted on city property since the homeowners did not want it which was part of the original settlement agreement. The Tree Commission on the Oct. 9th meeting did approve a changed settlement agreement. Ms. DeMaria emailed him on Oct. 11 asking him to contact Community Services about the palm tree. As of this morning, there has been no contact made and there has been no communication from Mr. Sunderman. As such, we do not have a palm tree. The Special Magistrate asked if that was on Oct 11 and Ms. DeMaria stated yes. The Special Magistrate stated we are 20 days post from the email. Officer Charles stated we have a Finding of the Violation. The Special Magistrate stated we find he is not in compliance as per the updated agreement with the Tree Commission from October 9th. Mr. Sunderman is not in compliance and failed to show after proper notice. The fine will start November 1, 2018.

4

Case # 18-595

Curtis A Skomp
410 Caroline Street
Sec. 14-40 Permits in historic districts
Officer Wherden Charles
Certified Service: 8-6-2018
Initial Hearing: 9-26-2018

Continuance granted to 28 Nov 2018

Count 1: Failure to obtain required HARC permit for approval of signage.

The Special Magistrate granted the request to continue this case to 28 Nov 2018. The Special Magistrate informed us that he has represented Mr. Skomp in the past but not now. He said he wanted it known in case there were any objections.

5

Case # 18-1132

Tyclay LP
Kimberly A Parker
3314 Northside Drive 13
Sec. 90-363 Certificate of Occupancy
Sec. 58-61 Determination and Levy
Officer Wherden Charles
Certified Service:
Initial Hearing: 10-31-2018

City request dismissal

Count 1: Failure to obtain the requisite certificate of occupancy. **Count 2:** Failure to pay the impact fees related to Utilities.

The Special Magistrate granted the request to dismiss this case.

6

Case # 18-760

Hector Godoy

1020 18th Street

Sec. 108-677 Parking and storage of certain vehicles

Sec. 108-677 Parking and storage of certain vehicles

Officer Sophia Doctoche

Certified Service: 7-20-2018

Initial Hearing: 10-31-2018

In compliance 24 Jul 2018; request dismissal

Count 1: Vehicle with expired license plate must be stored in a completely enclosed building or removed from any residentially zoned property. **Count 2:** Vehicle without a license plate must be stored in a completely enclosed building or removed from any residentially zoned property.

he Special Magistrate granted the request to dismiss this case

7

Case # 18-849

Child Life Society

Chaim A. Wolkenfeld

1000 17th Street

Sec. 110-292 Failure to achieve a compliance agreement

Officer Sophia Doctoche

Posted: 7-5-2018

Initial Hearing: 7-25-2018

In compliance 12 Oct 2018; Pending administrative fees

Count 1: Failure to achieve compliance regarding a settlement agreement with Karen Demaria of Urban Forestry.

Officer Doctoche attended for the City. Karen DeMaria, Urban Forestry for City. Ms. DeMaria stated he came into compliance. Officer Doctoche stated he was informed about the administrative fees. Ms. Anderson, recording secretary, stated she spoke with him and Mr. Wokenfeld is sending a check. The Special Magistrate stated he will continue this case to 28 Nov 2018 for payment of the administrative fee.

8

Case # 18-913

Federal National Mortgage Association
3367 Donald Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Sophia Doctoche
Certified Service: 7-31-2018
Initial Hearing: 8-29-2018

In compliance 30 Oct 2018; Request dismissal

Count 1: Redoing windows and door without the benefit of permits.

The Special Magistrate granted the request to dismiss this case.

9

Case # 18-927

RCJB Properties Inc.
3402 Eagle Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Sophia Doctoche
Certified Service: 7-28-2018
Initial Hearing: 9-26-2018

Continuance granted to 28 Nov 2018

Count 1: Failure to obtain permits for installation of a new door, windows and stucco on the house.

The Special Magistrate granted the request to continue this case to 28 Nov 2018.

10

Case # 18-1064

Heron House Court
Marsh Enterprises of SW Florida Inc
412 Frances Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Sophia Doctoche
Certified Service: 8-21-2018
Initial Hearing: 9-26-18

Continuance granted to 28 Nov 2018

Count 1: Failure to obtain a building permit for putting in a new fence.

The Special Magistrate granted the request to continue this case to 28 Nov 2018.

11

Case # 18-1773

Gerald R. Herms
1730 United Street
Sec. 122-235 Uses Permitted
Sec. 122-236 Conditional Uses
Officer Sophia Doctoche
Certified Mail: 10-9-2018
Initial Hearing: 10-31-2018

Settlement Agreement

Count 1: Charley Toppino and Sons Inc. is utilizing this property for construction storage which is prohibited. **Count 2:** A storage lot is prohibited in this single family residential neighborhood.

A settlement agreement was presented to the Special Magistrate which he approved. There is an administrative cost of \$250 and a fine of \$500 for a total of \$750 which was suspended.

12

Case # 17-1198

Harold J Merritt II

Marianne L Csigi

1301 Atlantic Drive

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **City request dismissal**

Sec. 90-363 Certificate of Occupancy - required - **City request
dismissal**

Sec. 58-61 Determination and levy of charge - **City request dismissal**

Sec. 14-262 Request for inspection - **City request dismissal**

FBC 1612.4 & ASCE 24-05 Floor hazard construction

FBC 1612.5; ASCE 24-05 Sec 2.6 Flood venting required

FBC 301.16 Flood hazard

Scott Fraser

Certified Service: 10-23-2017

Initial Hearing: 12-20-2017

Continued from 26 Sept 2018

Count 1: For failure to obtain building permits to convert the shed into habitable space. **Count 2:** For failure to obtain a Certificate of Occupancy for the shed. **Count 3:** For failure to obtain a solid waste account for shed. **Count 4:** For failure to obtain an electrical inspection for installing electric in the storage area/habitable space below the house for the window air conditioners. **Count 5:** For the construction of habitable space under the elevated home in a flood zone for use other than the permitted uses for storage, parking or access to higher building levels. **Count 6:** For failure to provide adequate flood venting for a substantially improved residential building located in the AE-8 flood zone. **Count 7:** Electrical appliances have been installed below the minimum flood safety elevation.

Marianne Csigi attended this hearing. Officer Scott Fraser was unable to attend this meeting. Director Young spoke requesting a continuance. Ms. Csigi asked to be heard. She stated that Director Young and City Manager Scholl have done their best to resolve the issues. All that is being discussed is 22+ years in age. She has tried to reconstruct it to the best of her knowledge. This case started with the address not being correct. There were issues with the Code Officer. This was when the issues with the downstairs unit came up. Ms. Csigi had a meeting with several departments in the City including Jim Scholl to work the issue out. This has been going on since November 2018. The Special Magistrate stated that this is about construction of habitable space under the elevated home in a flood zone. Ms. Csigi said the house is above flood plain of what existed back then. The Special Magistrate stated he wanted to know what exists now. Ms. Csigi stated it will not pass now because everything has changed since then. Ms. Csigi gave explanation of her

documents that she has. The Special Magistrate stated that Ms. Csigi wants to try the case but the city is asking for a continuance as Scott Fraser is not here as he is the flood plain officer but Ms. Csigi does not want the continuance. Director Young stated that the city sent Ms. Csigi a settlement agreement then Ms. Csigi gave more documentation that Mr. Fraser said was not relevant to the case. The last communication was that Ms. Csigi wanted to sign a settlement agreement admitting to the violation. Director Young stated he would feel more comfortable if Mr. Fraser was here. The Special Magistrate stated he will continue this one last time but it is the last one whether Ms. Csigi or the city request it. This case will be over on November 28, 2018. Ms. Csigi asked for guidance and the Special Magistrate said he cannot give legal advice. The Special Magistrate encouraged Ms. Csigi to speak with the City and try to settle this. If there are issues with the settlement agreement speak with the city and ask it to be brought to court for the Special Magistrate to make the decision whether certain parts stays in or not. The Special Magistrate stated there has been a request from the city to dismiss four violations. The Special Magistrate asked if Ms. Csigi had an objection to this and she stated no. This case will be heard on November 28, 2018.

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Case # 18-269

Larry O Strom - President

Nathan Eden ESQ

Jack Niles

Marino Construction Group, Inc

3500 North Roosevelt Boulevard

Sec. 90-356 Building permit required

FBC 1612.4 Flood hazard construction & ASCE 24-05 Unprotected
enclosed below design flood elevation - **In compliance 8 Sept 2018;**

request dismissal

Officer Scott Fraser

Certified Service: 6-7-2018 - Jack Niles

Certified Service: 6-20-2018 - Marino Construction Group, Inc

Certified Service: 6-7-2018 - Larry O Strom

Certified Service: 6-7-2018 - Nathan Eden ESQ

Initial Hearing: 7-25-2018

In compliance 28 Sept 2018; Request dismissal

Count 1: Construct a non-residential steel-framed metal clad building absent the required building permits. **Count 2:** Within a FEMA delineated type AE-9 flood zone, allow the construction of a non-residential steel-framed metal clad building below the minimum flood safety elevation in the Special Flood Hazard Area.

The Special Magistrate granted the request to dismiss this case.

14

Case # 18-69

Lam Fong Yin

Tong Yat Hok

2108 Harris Avenue

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

~~Sec. 14-261 Failure to obtain~~ - **Dismissed**

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Posted: 4-10-2018

Initial Hearing: 4-25-2018

City requesting dismissal; Administrative fees pending

Count 1: For failure to obtain building permits for the interior work involving dry wall, ceiling and exterior porch roof coverage. **Count 2:** ~~An electrical permit was obtained but the work performed was not done by that electrical contractor.~~ - Dismissed. **Count 3:** For failure to obtain required electrical inspections.

Officer Hernandez attended for the City. Officer Hernandez stated he spoke with the respondent's daughter last week to tell them about the \$250 administrative fee that is due. Officer Hernandez requests a 30 day continuance to receive this payment. The Special Magistrate granted the request to continue this case to 28 Nov 2018 for payment of the administrative fees.

15

Case # 18-295

Renee R Spencer

Fogarty Builders

Christopher Fogarty

1405 12th Street

Sec. 14-261 Failure to obtain - In Compliance 22 Jun 2018 - Request Dismissal**Sec. 14-325 Permits required - In Compliance 22 Jun 2018 - Request Dismissal****Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - In Compliance 22 Jun 2018 - Request****Dismissal****Sec. 14-327 Mechanical inspection - In Compliance 17 Oct 2018 -****Request Dismissal**

FBC 1612.4 Flood hazard construction

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 10-31-2018

Continuance granted to 28 Nov 2018

Count 1: Failure to obtain an electrical permit. **Count 2:** Failure to obtain a mechanical permit. **Count 3:** Failure to obtain required building permits. **Count 4:** Failure to obtain mechanical inspections for permit #18-1721. **Count 5:** Failure to obtain required inspection for Florida Building Code FBC 16512.4. **Count 6:** Failure to obtain required final electrical inspection.

The Special Magistrate granted the request to continue this case to 28 Nov 2018.

16

Case # 18-536

Brugman Holdings LLC - Owner

Thomas J Sireci, Jr - Registered Agent

10 Hilton Haven Drive C

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

Officer Leonardo Hernandez

Certified Service: 5-30-2018 - Owner

Certified Service: 5-23-2018 - Registered Agent

Initial Hearing: 6-27-2018

Continuance granted to 28 Nov 2018**Count 1:** Failure to obtain an after-the-fact building permit for interior framing of shed and dock behind shed.**The Special Magistrate granted the request to continue this case to 28 Nov 2018.**

17

Case # 18-556

Wendall A. Wall

4 Go Lane

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

Officer Leonard Hernandez

Certified Service: 5-18-2018

Initial Hearing: 6-27-2018

Continued from 26 Sept 2018**Count 1:** Failure to obtain after-the-fact building permit for fence with required supporting documents provided to the Planning Department and Urban Forestry Manager.**Greg Oropeza represented the respondent. Officer Hernandez attended for the City. Officer Hernandez gave testimony that Mr. Oropeza is willing to admit to the violation with a request for 90 days for compliance. The Special Magistrate asked if the city approves and Officer Hernandez stated we have no objection. Mr. Oropeza stated this is correct. The Special Magistrate stated we have an admission to the violation by the respondent with \$250 administrative fee with no fine with 90 days for compliance on 30 Jan 2019.**

18

Case # 18-864

Shawarma of Key West, LLC

Nir Chen

413 Greene Street

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

Officer Leonardo Hernandez

Certified Service: 8-15-2018 - Shawarma of Key West, LLC

Certified Service: 8-10-2018 - Nir Chen

Initial Hearing: 9-26-2018

In compliance 11 Oct 2018; Request dismissal**Count 1:** Failure to obtain a business tax receipt to operate as a food service establishment.**The Special Magistrate granted the request to dismiss this case.**

19

Case # 18-1113

Federal National Mortgage Association

2811 Staples Avenue

Sec. 90-363 Certificate of occupancy - Required - **Dismissed**

Sec. 58-61 Determination and levy of charge

FBC P2503.1 Inspections

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

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

Officer Leonardo Hernandez

Certified Service: 8-6-2018

Initial Hearing: 8-29-2018

Continuance granted to 19 Dec 2018 for compliance**Count 1:** ~~For failure to obtain a certificate of occupancy for second unit. -~~Dismissed **Count 2:** For failure to obtain utility accounts for second unit.**Count 3:** For failure to obtain inspections for plumbing work. **Count 4:**For failure to obtain building permits for the kitchen, storage room, wall siding and ceiling work that was done. **Count 5:** For failure to obtain

required business tax receipt to rent non-transiently.

Special Magistrate granted the request to continue this case to 19 Dec 2018.

20

Case # 16-720

Trevor Cook
Elizabeth Fuller
908 Packer Street
Sec. 62-2 Obstructions
Officer Beau Langford
Certified Service: 6-21-2018
Initial Hearing: 6-27-2018

Continued from 26 Sept 2018 for compliance

Count 1: Fence was built over the property line and will either need to be demolished or a variance applied for.

Richard McChesney represented the respondents. Officer Langford attended for the City. Mr. McChesney gave testimony of where they are on compliance with this case. The tank has been moved. Mr. McChesney said that they won't be able to get onto the City Commission agenda until maybe January and am asking for a continuance to that time. Officer Langford stated the city has not objection to that. The Special Magistrate granted the request for continuance to 30 Jan 2019 without objection.

21

Case # 16-773

Brittany D Delgado

~~Mark R Delgado Estate~~

2807 Seidenberg Avenue

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

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

Officer Beau Langford

Certified Service:

~~Posted: 8-10-2017-~~

Posted: 7-10-2018

Initial Hearing: 8-30-2017

Continuance granted to 28 Nov 2018 for compliance

Count 1: Failure to obtain a Certificate of Occupancy for residential unit in the rear of the property. **Count 2:** Failure to have Utilities associated with the residential unit in the rear of the property. **Count 3:** Failure to have a non-transient business tax receipt for the residential unit in the rear of the property.

Officer Langford spoke for the city. The Special Magistrate asked Officer Langford why there were so many continuances. Officer Langford stated that Mr. Delgado had passed away and we waited through probate to get to Brittany Delgado. Now her mother has stepped in to help her with the LUD process. At this point, we are asking for a continuance for them to go through the LUD process. We do have an inspection scheduled for tomorrow to inspect the property and they are progressing along.

22

Case # 16-1570

Robert Reilly

Nicola Roques

1535 5th Street

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsFBC 1612.4 Flood Hazard Construction & ASCE 24-05 Unprotected
Enclosed Below Design Flood Elevation

Sec. 122-238 Dimensional requirements. Paragraph 6, Section a.

Single-family

Officer Beau Langford

Certified Service: 10-16-2017

Initial Hearing: 11-15-2017

Continuance granted to 28 Nov 2018 for compliance

Count 1: Construction of a new one room structure and roof structural changes to the original house have been made without the benefit of required permits. **Count 2:** Did install, or installing or allowed to be installed, an inhabitable structure within a FEMA designated AE-8 flood zone, below the minimum required elevation deemed necessary for flood damage prevention. **Count 3:** One room structure is currently being built within the rear setback of the property and possibly on top of a 10' utility easement.

The Special Magistrate granted the request to continue this case to 28 Nov 2018.

23

Case # 17-1146

Jordan James & Sara Key

1309 Newton Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 3-26-2018

Initial Hearing: 4-25-2018

Continuance granted to 28 Nov 2018 for compliance

Count 1: For failure to obtain a mechanical permit to install the A/C condenser on the roof. **Count 2:** For failure to obtain HARC approval for installation of the A/C condenser on the roof. **Count 3:** For failure to obtain an inspection for the A/C condenser.

The Special Magistrate granted the request to continue this case to 28 Nov 2018.

24

Case # 17-1203

Browning Family Irrevocable Trust
Michael Leo Browning
1300 White Street
Sec. 78-126 Required
Sec. 78-91 Required
Officer Jorge Lopez
Posted: 7-2-2018
Initial Hearing: 6-27-2018

Continued from 26 Sept 2018

Count 1: Subject business owner has not renewed their vehicle for hire license. **Count 2:** The subject individual has not received their documented permit which is required to operate a passenger vehicle for hire within the city limits.

Thomas Sireci attended for the respondents. Jorge Lopez Code Officer for the City of Key West. Ronald Ramsingh Chief Assistant City Attorney for City of Key West. Mr. Sireci requests another continuance. He stated with another continuance, it should get done. Mr. Ramsingh stated this will be the 5th continuance and this matter had been going on long before that. The City will agree to a one month continuance as the parties were suppose to come to the City with an agreement but this has not been done. The Special Magistrate agreed to a continuance one last time but he asked Mr. Sireci to let everyone know that it will be settled by the next hearing or it will be tried. The next code hearing is 28 Nov 2018.

25

Case # 17-1213

Erwin Mayer & Didier R Moritz - property owner

1300 15th Court Lot 77

Sec. 90-363 Certificate of Occupancy - required

Sec. 58-61 Determination and levy of charge

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

Officer Jorge Lopez

Certified Service: 11-16-2017

Initial Hearing: 12-20-2017

Continuance granted to 28 Nov 2018 for compliance**Count 1:** For failure to obtain a certificate of occupancy for the addition that was built. **Count 2:** For failure to pay impact fees related to utilities.**Count 3:** For failure to obtain building permits for the addition to the trailer and for the installed plumbing.

he Special Magistrate granted the request to continue this case to 28 Nov 2018. The Special Magistrate ask for a brief update. Officer Lopez stated on Monday he went to the County Court with the owner of the park and the owner of the trailer for them to get a settlement which they couldn't get so Judge Fowler agreed to give them another date so that they can come back with a settlement. Officer Lopez believes that it will be settled by next court hearing in November. The Special Magistrate granted the request to continue this case to 28 Nov 2018.

26

Case # 17-1579

Home Depot U.S.A. Inc.
Corporation Service Company - Registered Agent
2811 North Roosevelt Boulevard
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Jorge Lopez
Certified Service: 6-15-2018
Initial Hearing: 7-25-2018

Continued from 26 Sept 2018

Count 1: Noise complaint was investigated and the noise emanating from the subject property on 8 Jan 2018 was 83.9 Decibels which exceeds the noise limitation of 77 Decibels. As of this date, the subject property has not scheduled a sound reading to check that the noise level is within the limits set forth by the ordinance.

Mike Cavey, Home Depot store manager, attended for the respondent. Officer Lopez attended for the City. Officer Lopez gave testimony. The Special Magistrate asked if Home Depot is asking for an extension and what was the City's position. Officer Lopez stated Mr Cavey is asking for 60 days and the City would like 30 days continuance. Mr. Cavey stated that they have a commitment to have the project completed by December 15. As soon as the materials are delivered the project will begin. The equipment is suppose to arrive on the first week in December. The Special Magistrate stated he wants to continue this to November 28 hearing to make sure this is on track for completion. The City agrees.

27

Case # 18-46

Jana Kopkova
Kukal Vaclav
3304 Duck Avenue
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Jorge Lopez
Certified Service:
Initial Hearing: 10-31-2018

Continuance granted to 28 Nov 2018

Count 1: Failure to obtain required permits for the enclosed driveway and new roof.

The Special Magistrate granted the request to continue this case to 28 Nov 2018.

28

Case # 18-241

Theresa Cioffi

Wilmington Trust Company

CT Corporation System

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 26-32 Nuisance illustrated

Officer Jorge Lopez

Certified Service: 6-15-2018 - CT Corporation System

Certified Service: 7-17-2018 - Theresa Cioffi

Initial Hearing: 5-30-2018

Continuance granted to 30 Jan 2019

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** The detached unit located in the rear side of the property has not been issued the requisite certificate of occupancy. **Count 4:** This unit has not paid impact fees related to utilities. **Count 5:** Observed the pool with stagnant water.

e Special Magistrate granted the request to continue this case to 30 Jan 2019.

29

Case # 18-392

Silver KW, Inc.

Alon Croitoru - Registered Agent

137 Duval Street 141

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

Sec. 14-40 Permits in historic districts

Sec. 114-103 Prohibited signs

Sec. 2-939 Licenses

Officer Jorge Lopez

Certified Service: 6-11-2018

Initial Hearing: 5-30-2018

Continued from 26 Sept 2018

Count 1: New installation of rolling steel doors on the exterior of the building without the benefit of a permit. **Count 2:** The rolling steel doors and the hanging sign over the sidewalk were installed without the benefit of a certificate of appropriateness. **Count 3:** Multiple prohibited signs on the exterior of the building. **Count 4:** The sign hanging over the sidewalk does not have a revocable license.

Charles Perry, Gary the Carpenter Contractor employee, attended for the respondent. Officer Lopez attended for the City. Officer Lopez gave testimony of the history of this case concerning rolling doors being put in without permits. The City is requesting a finding of the violation with \$150 administrative cost with 30 days for compliance. Mr. Perry stated that the situation can be resolved with the current information that they have. Mr. Perry did admit that there was a violation and they could come into compliance if HARC approves them being there. The Special Magistrate stated that by admission of the violation by the respondent we will find that there is a violation with \$250 administrative fee and \$250 per day per count with compliance on 28 Nov 2018.

30

Case # 18-615

Martin Busam

1126 Grinnell Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Sec. 102-152 Requirements for permits

Officer Jorge Lopez

Certified Service: 5-23-2018

Initial Hearing: 6-27-2018

Continued from 29 Aug 2018 for compliance**Count 1:** Ductless AC units installed without the benefit of a permit.**Count 2:** Metal fence was installed and a new structure is being built in the rear side of the property without the benefit of a HARC certificate of appropriateness. **Count 3:** Two ductless AC units were installed without the benefit of inspections. **Count 4:** Significant alterations were made to the deck at the subject property without the benefit of applying and obtaining the required HARC certificate of appropriateness.

Marci Rose represented the respondent. Officer Lopez attended for the City. Ms. Rose asked for a continuance as they have been working with Officer Lopez. Ms. Rose is asking for a 90 day continuance with the hopes of coming in to compliance earlier. Officer Lopez stated the city is okay with the 90 days continuance and will work with Ms. Rose to help them come into compliance before then. The Special Magistrate stated without objection this will be continued to 30 Jan 2019.

31

Case # 18-668

Waterfront Brewery LLC.

Joseph Walsh - Registered Agent

201 William Street

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Posted: 7-18-2018

Initial Hearing: 7-25-2018

In compliance 26 Oct 2018; Pending administrative fees

Count 1: Speakers and lights installed on the exterior of the building without obtaining required permits. **Count 2:** Speakers and lights installed on the exterior of the building without obtaining certificate of appropriateness. **Count 3:** Speakers and lights installed at the subject property without the required permits and inspections.

Mr. Walsh attended this hearing. Officer Lopez attended for the city. There is compliance and there are pending fees. Mr. Walsh gave testimony and he believes they are in compliance. The Special Magistrate stated there are pending administrative fees and Mr. Walsh stated he will send a check. The Special Magistrate stated he will continued this to 28 Nov 2018 for the pending administrative fees.

32

Case # 18-673

John Cameron

Lara Schmidt

620 Thomas Street 178

~~Sec. 14-325 Permit required - Dismissed~~~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - Dismissed~~~~Sec. 14-40 Permits in historic districts - Dismissed~~

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 6-28-2018

Initial Hearing: 7-25-2018

Continued from 26 Sept 2018

~~Count 1: Installation of the HVAC system without required permit. - Dismissed~~ **Count 2:** ~~The HVAC system was installed without required mechanical permit. - Dismissed~~ **Count 3:** ~~HVAC system was installed without certificate of appropriateness. - Dismissed~~ **Count 4:** HVAC installed without required permits and inspections.

ohn Cameron (the owner) and Pablo Cuzi (the contractor) attended this hearing. Officer Jorge Lopez attended for the City. Officer Lopez stated they had gotten a final inspection that was not approved. They have been working for compliance. They will be asking for five business days to come into compliance. Mr. Cuzi asked for five days. The Special Magistrate gave him until November 15. The compliance date is November 15, 2018 with compliance hearing on November 28, 2018.

33

Case # 18-675

Victor & Cynthia Mills

1202 White Street

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

~~Sec. 14-325 Permit required - Dismissed~~

~~Sec. 14-262 Request for inspection - Dismissed~~

Officer Jorge Lopez

Certified Service: 6-6-2018

Initial Hearing: 6-27-2018

Continuance granted to 28 Nov 2018 for compliance

Count 1: Failure to obtain all required permits for drywall work and ceiling work. **Count 2:** ~~Failure to obtain mechanical permits for the HVAC system installation. - Dismissed~~ **Count 3:** ~~Failure to obtain all required inspections. - Dismissed~~

The Special Magistrate granted the request to continue this case to 28 Nov 2018.

34

Case # 18-755

Joseph Humberger

421 United Street

Sec. 122-630 Dimensional requirements - **Dismissed**Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Dismissed**Sec. 14-40 Permits in historic districts - **Dismissed**Sec. 14-262 Request for inspection - **Dismissed**

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 7-13-2018

Initial Hearing: 8-29-2018

In compliance 14 Sept 2018; City request vacating administrative fee

Count 1: ~~Structures (2 aviaries) built are in the setback and will need either a variance or to relocate 20 feet back from rear property line. - Dismissed~~ **Count 2:** ~~Failure to obtain an electrical permit for the placement of a camera installed on the second floor of the subject property. - Dismissed~~ **Count 3:** ~~Failure to obtain a certificate of appropriateness for the installation of a camera on the second floor of the subject property. - Dismissed~~ **Count 4:** ~~The camera installed on the subject property's second floor needs an electrical inspection. - Dismissed~~ **Count 5:** A noise complaint was filled out for disturbing noise emanating from multiple birds at the subject property and upon investigation this was found to be a disturbing noise.

City requests to vacate the administrative fees. The Special Magistrate reviewed the documentation and grants the City's request. The City acknowledges there is compliance and the Special Magistrate will close the case.

35

Case # 18-785

Eithne Dunne

John Dunne

Josephine Dunne

1506 Rose Street

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

Sec. 14-262 Request for inspection

Officer Jorge Lopez

Certified Service: 9-21-2018

Initial Hearing: 9-26-2018

In compliance 24 Oct 2018; Request dismissal**Count 1:** Electrical outlets and sliding glass doors installed without permits. **Count 2:** Failure to obtain electrical inspection.**The Special Magistrate granted the request to dismiss this case.**

36

Case # 18-1011

Bahama Gardens LTD

Steven Justi - Registered Agent

712 Thomas Street

Sec. 14-325 Permit required

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

Sec. 14-40 Permits in historic districts

Sec. 14-262 Request for inspections

Officer Jorge Lopez

Certified Service: 09-17-2018

Initial Hearing: 10-31-2018

New Case

Count 1: Failure to obtain required permits for a new HVAC system installed in the rear side of the subject property. **Count 2:** Failure to obtain mechanical permit for the installation of a new HVAC system in the rear side of the subject property. **Count 3:** Failure to obtain the certificate of appropriateness from HARC for the new HVAC system. **Count 4:** Failure to obtain all required inspections for the new HVAC system.

Pablo Cusi (Keys Cooling representative) attended for the respondent. Officer Lopez attended for the City. Officer Lopez gave testimony to the case stating that a new a/c was installed without permits. Keys Cooling applied for the after-the-fact permit for the installation and the Planning Dept. is requesting to revise the location of the equipment. We are working with the respondent to remedy this issue because as of today it is in the setbacks. Mr. Cusi gave testimony that he gave Planning the survey from 2001 and it was placed exactly at that same location but it is now on the neighbor's property line which was wasn't stated on the survey in 2001. The Special Magistrate stated the problem is that it is on someone else's property and Mr. Cusi stated yes. Mr. Cusi said this is the problem now and he is waiting on the owner, Steve Justi, and the City to find a solution where to put it. Officer Lopez says the whole unit is on the neighbor's property. Officer Lopez told Mr. Cusi that we will work with him to find a solution as to where to place this a/c. The Special Magistrate asked Mr. Cusi is he is requesting a continuance and Mr. Cusi stated he would like 60 days. Officer Lopez stated the city would agree to the 60 days with a Finding of the violation. Mr. Cusi had no objection to this. The Special Magistrate stated that by admission we will find that there is a violation with \$250 administrative costs and \$250 per count per day with 60 days for compliance to Dec. 19. The Special Magistrate asked that Mr. Cusi keep the City informed and if need be more time can be added to the compliance date.

37

Case # 18-1154

Larry Blackburn
901 Emma Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Jorge Lopez
Certified Mail: 9-26-2018
Initial Hearing: 10-31-2018

In compliance 30 Oct 2018; Request dismissal

Count 1: The subject business owner is advertising his services without the benefit of a business tax receipt.

he Special Magistrate granted the request to dismiss this case.

38

Case # 18-1177

Victor & Cynthia Mills
1204 White Street
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Officer Jorge Lopez
Certified Service:
Initial Hearing: 9-26-2018

Continuance granted to 28 Nov 2018 for compliance

Count 1: Failure to obtain building permits for drywall work.

The Special Magistrate granted the request to continue this case.

39

Case # 18-1182

Katherine Lebrigio Cruz

817 Duval Street

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

Officer Jorge Lopez

Certified Service:

Initial Hearing: 10-31-2018

In compliance 11 Oct 2018; Request dismissal

Count 1: Failure to obtain a business tax receipt with the City of Key West.

The Special Magistrate granted the request to dismiss this case.

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40

Case #18-1689

Antonia German, Jr

1075 Duval Street, C5&6

Sec. 42-1 Offenses under state law (c) (1)

Certified Service:

Initial Hearing: 9-26-2018

In compliance 26 Sept 2018; Request dismissal

The Special Magistrate granted the request to dismiss this case.

Adjournment