



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, October 17, 2012

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 305-809-3951 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 # 07-676

Sylvia E Marucci Shelly TR U/T/D 09-02-88

Carolyn Cochrane Executive

1402 Vernon Avenue Down Rear

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

Sec. 90-363 Certificate of Occupancy

Officer Bonnita Badgett

Certified Service: 7-27-2012

Initial Hearing: 8-22-2012

Continued from October 17, 2012

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

Count 2: A certificate of occupancy is required for all units located on the property. There are a total of 5 units and the city only recognizes 3.

The Special Magistrate continued this case to December 19, 2012.

2

Case # 12-222

Peter Anderson

1205 11th Street

Sec. 66-102 Dates due and delinquent; penalties

Sec. 58-72 Responsibility of owner and tenant for payment

Sec. 74-206 Owners responsibility for payment

Officer Bonnita Badgett

Certified Service: 8-6-2012

Initial Hearing: 9-26-2012

Continued from September 26, 2012 for compliance

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

Count 2: The solid waste account is past due. **Count 3:** The sewer account is past due.

The Special Magistrate found Peter Anderson in violation. No fees or fines were imposed at this time. The court reserves the right to imposed fines and fees if a payment schedule for the delinquent sewer/solid waste accounts is not in place by November 13, 2012. A compliance hearing will be held on 11-14-12.

3

Case # 12-338

James & Holly Cooney
415 United Street
Sec. 66-87 Business tax receipt required
Sec. 58-61 Determination and levy of charge
Sec. 90-363 Certificate of occupancy - required
Officer Bonnita Badgett
Certified Service: 4-7-2012
Initial Hearing: 4-25-2012

Continued from September 26, 2012

Count 1: A business tax receipt is required to rent the two units on the property. **Count 2:** A solid waste account is required for both units.

Count 3: A certificate of occupancy is required for the second unit.

The Special Magistrate continued this case to December 19, 2012 for status.

4

Case # 12-344

Dan & Joanna Schoneck
3675 Seaside Drive 439
Sec. 66-102 Dates due and delinquent; penalties
Officer Bonnita Badgett
Posted: 8-30-2012
Initial Hearing: 9-26-2012

Continued from September 26, 2012 for compliance

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

The Special Magistrate imposed the fines at the request of the Code Officer.

Compliance has not been met.

5

Case # 12-1082

Tony's Sheet Metal & Roofing

Emigdio A Gill

1730 Bahama Drive

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

Sec. 18-150 Certificate of competency required

Officer Bonnita Badgett

Certified Service: 9-21-2012

Initial Hearing: 10-17-2012

Continuance granted to November 14, 2012

Irreparable Violation

Count 1: A building permit is required to do structural work on the trusses prior to commencement. **Count 2:** A certificate of competency is required for structural work.

The Special Magistrate continued this case to January 30, 2013 at the request of the City. Mr. Gill does not go back in front of the Contractors Board until January.

6

Case # 12-569

Clifford C Cutler

726 Olivia Street

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

Officer Peg Corbett

Posted: 7-25-2012

Initial Hearing: 9-26-2012

Continued from September 26, 2012 for compliance

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

The Special Magistrate imposed the fines at the request of the Code Officer. Compliance has not been met.

7

Case # 12-762

709 Windsor Lane LLC

c/o Peter Nelson Brawn

Vacation Homes of Key West

c/o Cindy Rhoades

B, B & B-B Registries, LLC/ R/A

709 Windsor Ln Rear, D & E

Sec. 18-601 License Required

Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations - Counts 2 through 8
Sec. 122-629 Prohibited uses (HHDR)
Officer Peg Corbett
Certified Service: 6-27-2012 Peter Brawn
Certified Service: 6-29-2012 Cindy Rhoades
Initial Hearing: 8-22-2012

**Continued from September 26, 2012 for Settlement Agreement
Irreparable violation**

Count 1: The captioned property was held out/or advertised as being available transiently on May 19, 2012 through May 26, 2012. **Counts 2 through 8:** The respondent(s) held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 19, 2012 through May 26, 2012. **Count 9:** The captioned property is located in the Historic High Density Residential (HHDR) district which prohibits transient rentals.

The Special Magistrate found Peter Brawn and Cindy Rhoades in violation, and was found in violation. A Settlement Agreement was presented to the Special Magistrate which was approved. Respondent Brawn: There will be a new suspended fine in the amount of \$10,000 for 24 months from the date of the Special Magistrate's signature associated with the above captioned case. Brawn agrees to immediately cease and desist activities that violate the code violations listed herein at this or any other property in the City of Key West. Specifically, Respondents agree to cease advertising, or holding any residential property out in the City of Key West as being available for rent transiently for a period of less than 30 days or one calendar month; whichever is greater. Respondent Rhoades: \$5,000 of the \$10,000 suspended fine associated with cases 10-1537 and 11-362 wherein Brawn settled with the City in a similar case and agreed to refrain from engaging in transient rental activities in the future will be imposed and collected from Respondent Rhoades. Further, \$250 in costs will be assessed and payable by Rhoades. Rhoades shall also pay a \$4,200 fine associated with the above captioned case for a total fine for Rhoades of \$9,450.00. There will be a suspended fine in the amount of \$5,000 for Rhoades associated with the above captioned case for 24 months from the date of the Special Magistrate's signature. Rhoades agrees to cease advertising, or holding any residential property out in the City of Key West as being available for rent transiently for a period of less than 30 days or one calendar month; whichever is greater. Further, Respondents agree to cease contracting on any properties in the City of Key West for a period greater or equal to 30 days or one calendar month; whichever is greater when it is the intent of the parties to have a tenancy shorter than that.

8 Case # 12-896
Island Oasis LLC
Donald E Whitehead
630 South Street
Sec. 58-63 Delinquency
Sec. 74-206 Owner's responsibility for payment
Officer Peg Corbett
Certified Service: 9-15-2012
Initial Hearing 10-17-2012

In compliance, request dismissal

Count 1: The solid waste account is past due. **Count 2:** The sewer account is past due.

The Special Magistrate dismissed this case at the request of the Code Officer.

9 **Case # 12-1052**
Delice St Martin
1213 14th Street Lot 61
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 102-158 Stop work order and penalty
Officer Peg Corbett
Certified Service: 8-29-2012
Initial Hearing: 9-26-2012

Continuance granted to October 17, 2012

Irreparable violation

Count 1: Restored/repared a screened addition without benefit of a building permit. **Count 2:** Work was continued after the stop work order was posted. The stop work order was removed without permission.

The Special Magistrate found Delice St. Martin in violation. Costs of \$250 were imposed.

10 **Case # 12-1077**
Samantha Levin
3739 Duck Avenue
Sec. 14-37 Building permits; professional plans; display of permits
Officer Peg Corbett
Certified Service: 9-21-2012
Initial hearing: 10-17-2012

In compliance, request dismissal

Count 1: A building permit is required prior to the commencement of building a deck.

The Special Magistrate dismissed this case at the request of the Code Officer.

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Case # 12-1231

Paul Findlay & Yolande Guillaume
1124 Varela Street
Sec. 62-2 Obstructions
Officer Peg Corbett
Certified Service: 9-29-2012
Initial Hearing: 10-17-2012

**Continued from October 17, 2012 for compliance
In compliance - still owe fines and fees**

Count 1: Trash containers are left on the sidewalk seven days a week.

The Special Magistrate found Paul Findlay and Yolande Guillaume in violation. Costs of \$250 were imposed. Also imposed is a fine of \$10 per day if compliance is not met by 11-1-12. A compliance hearing will be held on 11-14-12.

12

Case # 11-1548

Tamara Redhead
1101 Simonton Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Sec. 90-363 Certificate of occupancy - required
Officer Leonardo Hernandez
Certified Service: 3-14-2012
Initial Hearing: 3-28-2012

Continued from September 26, 2012 for compliance

Count 1: A complaint was received on December 27, 2011 that the shed was converted into living space without a permit. **Count 2:** A complaint was received on December 27, 2011 that the shed was converted into living space without HARC approval. **Count 3:** A Certificate of Occupancy was not issued to use the shed as a living unit.

The Special Magistrate imposed costs of \$250 at the request of the Code Officer.

13

Case # 12-671

Cynthia A Grissom
1401 Sunset Drive
Sec. 58-61 Determination and levy of charge
Officer Leonardo Hernandez
Certified Service: 5-5-2012
Initial Hearing: 5-23-2012

Continued from October 17, 2012
Continuance request denied

Repeat Violation

Count 1: Repeat violation of having two units when the City only recognizes one unit.

The Special Magistrate continued this case at the request from the property owner.

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Case # 12-689

Charles & Jacqueline Hewett
Vacation Homes of Key West
c/o Cindy Rhoades
1006 Packer Street
Sec. 18-601 Transient License
Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations - Counts 2 through 8
Sec. 122-599 Prohibited uses
Officer Leonardo Hernandez
Certified Service: 7-6-2012
Initial Hearing: 8-22-2012

Continued from September 26, 2012 for Settlement Agreement
Irreparable violation

Count 1: The captioned property was held out and/or advertised as being available transiently on June 4, 2012 through June 11, 2012.

Counts 2 through 8: The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 4, 2012 through June 11, 2012. **Count 9:** The captioned property is located in the Historic Medium Density Residential (HMDR) district which prohibits transient rentals.

The Special Magistrate found Charles & Jacqueline Hewett and Cindy Rhoades in violation. A Settlement Agreement was presented and approved by the Special Magistrate. Respondent Rhoades shall pay a \$2,725 fine. Further, \$250 in costs will be assessed for a total of \$2,975.00. Fines and costs shall be paid to the City of Key West within 30 days of the Special Magistrate's signature. There will be a suspended fine in the amount of \$5,000 for 24 months from the date of the Special Magistrate's signature associated with the above

captioned case assessed against each of the Respondents. Respondents agree to immediately cease and desist activities that violate the code violations listed herein at this property in the City of Key West. Specifically, Respondents agree to cease advertising or holding any residential property out in the City of Key West as being available for rent transiently for a period of less than 30 days or one calendar month; whichever is greater. Further, Respondents agree to cease contracting on any properties in the City of Key West for a period greater or equal to 30 days or one calendar month; whichever is greater when it is the intent of the parties to have a tenancy shorter than that. This suspended fine associated with Respondent Rhoades shall only be triggered if a violation is proved in the future to be committed by Respondent Rhoades at this property only.

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Case # 12-851

Vladimir Prokhnodnoy

2301 Linda 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

Sec. 90-356 Building permits required

Officer Leonardo Hernandez

Certified Service: 8-8-2012

Initial Hearing: 9-26-2012

Continued from September 26, 2012**Count 1:** A certificate of occupancy is required for the two extra units.**Count 2:** A solid waste account is required for all units on the property.**Count 3:** A business tax receipt is required to rent your property.**Count 4:** A building permit is required for all renovations that have been done.

The Special Magistrate continued this case to December 19, 2012 for status from the Planning Department. The Respondent does not have to appear.

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Case # 12-1020

Danielle K Kehoe

Andrew J Mendez

1006 17th Street

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

Officer Leonardo Hernandez

Certified Service: 8-31-2012

Initial Hearing: 9-26-2012

**Continued from October 17, 2012 for compliance
In compliance - fines and fees still due**

Count 1: A building permit is required prior to the commencement of work.

The Special Magistrate found Danielle Kehoe and Andrew Mendez in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day starting October 18, 2012. A compliance hearing will be held on November 14, 2012.

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Case # 12-904

Sean Seckel

Scott Zurbrigen

1224 Florida Street

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations Counts 2 through 9

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

Sec. 122-599 Prohibited uses

Sec. 58-63 Delinquency

Sec. 74-206 Owner's responsibility for payment

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

Sec. 14-40 Permits in historic district

Officer Barbara Meizis

Hand Served:

Initial Hearing: 9-26-2012

Continued from October 17, 2012 for a Settlement Agreement Repeat/Irreparable Violation

Count 1: A transient rental license is required to rent your property transiently. **Counts 2 through 9:** The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371 on June 20, 2012 through June 27, 2012. **Count 10:** A business tax receipt is required to rent your property. **Count 11:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR). **Count 12:** The solid waste account is delinquent. **Count 13:** The sewer account is delinquent. **Count 14:** Cameras were installed without benefit of a build permit. **Count 15:** Cameras were installed without benefit of a certificate of appropriateness.

The Special Magistrate continued this case to November 14, 2012 for the signed Settlement Agreement.

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Case # 12-1239

Island Cigar & Tobacoria
Alon Croitoru
Carol Croitoru
135 Duval Company - Property Owner
c/o Peter Nelson Brawn
Charles Ittah, Registered Agent
Sec. 106-51 Prohibited - Counts 1 through 3 - Repeat
Sec. 42-6 Tattoo establishments; temporary tattoos
Officer Barbara Meizis
Certified Service: 9-13-2012
Initial Hearing: 9-26-2012

**Continued from October 17, 2012 for Settlement Agreement
Repeat Violation**

Counts 1 through 3: On September 1, 2012, September 2, 2012 and September 5, 2012, a "boat" filled with cigars; a ' tall cigar "man" display and another display with cigars in it were located on the exterior of the building. The two doors which open out to Greene Street had a sign board on one with temporary henna tattoos and the other door had cigar boxes attached to it. This business does not currently have an exception to the outdoor display ordinance. **Count 4:** On September 1, 2012, September 2, 2012 and September 5, 2012, the signage warning about PPD was not displayed.

The Special Magistrate continued this case to November 14, 2012 for a revised Settlement Agreement. The Settlement Agreement that was present at this hearing was rejected.

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Case # 12-1135

Dennis & Karen Baso R/S
William & Delaina M Leird
3715 Donald Avenue
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 74-206 Owner's responsibility for payment
Officer Jim Young
Certified Service: 10-11-2012
Initial Hearing: 10-17-2012

Continued from October 17, 2012 for compliance

Count 1: A business tax receipt is required to rent your property.
Count 2: The sewer/solid waste account is past due. As of October 5,

2012, the total amount due is \$1,039.58.

The Special Magistrate found Dennie & Karen Baso and William & Delaina Leird in violation. Costs of \$250 were imposed. Also imposed is a fine of \$100 per day if compliance is not met by November 13, 2012. A compliance hearing will be held on November 14, 2012.

HARC Appeals

20

SMA 12-06
Carlos Octavio Rojas AIA
300 Front Street
H12-01-1491

The Special Magistrate upheld HARC's decision. Costs of \$250 were imposed.

Liens

21

Case # 11-1326
Carlton J Ditto
906 Olivia Street
Certified Service:

This case was continued for service.

22

Case # 12-243
Keys Shuttle
Raul Cisneros
3990 S Roosevelt Blvd
Certified Service: 9-11-2012

The Special Magistrate approved the filing of the lien.

Adjournment