



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, January 25, 2024

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 # 23-1304

Key West Rentals LLC

Michael A Stanley- **Registered Agent**

1228 Flagler Ave

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

Sec. 14-256 Permit required

Sec. 14-262 Request for inspection

Officer Ashton Gentry

Certified Mail:

Initial Hearing: 1-25-2024

New Case

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 2: Failure to apply and obtain electrical permits with the City of Key West Building Department.

Count 3: Failure to schedule a required inspection with the City of Key West Building Department.

The Code Officer was Ashton Gentry. The Respondent Chris Santi was present. Director Jim Young was present on behalf of the City. Assistant City Attorney

Nicolas Trovato was present on behalf of the City. Chief Building Official Raj Ramsingh was present on behalf of the City. Chief Building Official Raj Ramsingh explained that a building inspector was at the property and observed over the scope work that had been done at the subject address while evidence was shown to the court. Chief Building Official Raj Ramsingh and the FEMA Coordinator for the City inspected the property because they believed that the property would be over the FEMA 50% rule due to amount of demolition to the house. Chief Building Official Raj Ramsingh explained that the Respondent did a level 3 renovation which means that the house has to come into compliance with all current codes, and would require to bring the subject address from a AE6 to AE7. Chris Santi explained that he has been working with the FEMA Coordinator and the Chief Building Official where he has obtained a elevation certificate. Now the Respondent is working with an architect and builder to bring the subject address to the current code. He explained that he needs to elevate the house a foot or so and work on other issues so that this case can be resolved. Chief Building Official Raj Ramsingh stated that there are 2 options that the Respondent can take either demo the house or raise the house 7 feet to bring it to BFE plus 1, also service to the house needs to be disconnected. The Respondent stated that he had the electric company turn off the electric to the home. The Special Magistrate asked the City if it would be ok to continue the case to February so we can see where the progress is. The City did not object. The Respondent stated that he would like more time since the architect said it will take more than a month to come up with a solution and that he will not be available during the February hearing. The Special Magistrate stated that he will continue the case to February for the City to confirm that there is no electric at the home. The Respondent stated that he will give the Chief Building Official proof that there is no electric at the home. If the electric is turned off we will move the case to the March docket. Director Jim Young wanted it on the record that Mr.Santi did admit to the violation. The Special Magistrate granted a continuance to 29 February 2024.

2

Case # 23-61

Carrco Enterprises LLC
Jeremy Carr- **Registered Agent**
105 Fitzpatrick Street
Sec. 2-939 Revocable licenses
Officer Keenan Mellendorf
Certified Mail: 11-16-2023
Initial Hearing: 12-7-2023

Continued from 7 December 2023

Count 1: Failure to apply and obtain a revocable license with the City of Key West Licensing Department.

The Code Officer was Keenan Mellendorf. The Respondent did not attend. Officer Mellendorf stated that at the 7 December hearing the Special Magistrate gave a compliance date of 14 December 2023, and he inspected the property after the compliance date and the sign is still hanging over the right of way and is still there today. The Special Magistrate granted that the fines

start to run from 14 December 2023 \$250.00 administration cost and \$250.00 per count per day until in compliance.

4

Case #23-1153

LKT Services & Companies LLC
Richard McChesney- **Registered Agent**
409 Caroline Street
Sec. 26-192 Unreasonable noise prohibited
Officer Keenan Mellendorf
Hand Served: 11-9-2023
Initial Hearing: 12-7-2023

Settlement Agreement

Count 1: Failure to keep music at a legal level.

This case had a settlement agreement between the City and LKT Services & Companies LLC of \$250.00 Administrative Cost and a fine of \$250.00. The settlement agreement was signed by all parties and the Special Magistrate executed the agreement.

5

Case # 23-1153

Stephen Marshall Morlock- **Musician**
409 Caroline Street
Sec. 26-192 Unreasonable noise prohibited
Officer Keenan Mellendorf
Hand Posted: 11-9-2023
Initial Hearing: 12-7-2023

Settlement Agreement

Count 1: Failure to keep music at a legal level.

This case had a settlement agreement between the City and Stephen Marshall Morlock that the Respondent agrees to testify as witness for the Petitioner regarding the violation filed against LKT Services & Companies LLC. The Respondent and Petitioner agree to dismiss without prejudice. The settlement agreement was signed by all parties and the Special Magistrate executed the agreement.

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Case # 23-1177

Tiffany L. Keefer
1226 Seminary Street 2
Sec. 26-134 Prohibition
Officer Keenan Mellendorf
Hand Posted: 1-16-2024
Initial Hearing: 1-25-2024

New Case

Count 1: Failure to adjust or remove exterior lights that cause a nuisance to the neighboring property.

The Code Officer was Keenan Mellendorf. The Respondent Tiffany Keefer was present. Officer Mellendorf read his timeline and evidence was shown. The City called upon a witness Joe Petzack the neighbor to the subject address to testify. Joe Petzack explained that he is a neighbor in the front and explained how the light shining into his unit has affected him. The Respondent Tiffany Keefer explained that she has lived at the address for over 20 years and has never had someone tell her that the light is a problem. They had changed the light direction, and since that was not satisfactory to the complainant Petzack they have changed the whole light fixture as of last night. Tiffany also said that light is to illuminate their back deck for their safety and their pets safety and that she has done what she can to not have the light shining into the neighbors property while still illuminating her deck area. The witness Robert Balckwell stated that light permeates through glass. Officer Mellendorf stated that he would like to inspect the property again from Mr. Petzacks side after the latest change to the light by Ms. Keefer. Officer Mellendorf also stated that Mr. Petzack had sent him a picture from last night with the change to the light and that he would still like to visit the property to see the light for himself as he could not tell if the light had been changed. The City requested a continuance to inspect the property. The Special Magistrate granted a continuance to 29 February 2024.

7

Case # 23-1134

Marsh Enterprises of SW Florida Inc.
Steven Pribramsky- **Registered Agent**
412 Frances Street
Sec. 58-68 Commercial solid waste accounts
Officer Laurie Skinner
Certified Mail: 12-13-2023
Initial Hearing: 1-25-2024

In compliance as of 26 December 2023; Request dismissal

Count 1: Failure to hold a trash account with Waste Management.

This case came into compliance as of 26 December 2023. The Special Magistrate granted the dismissal.

8

Case # 24-6

Vapor World Key West LLC
Joseph Cohen- **Registered Agent**
300 Front Street
Sec. 102-282 Outdoor display of goods
Officer Leo Slection

Hand Served: 1-4-2024
Initial Hearing: 1-25-2024

Settlement Agreement

Count 1: Failure to remove the outdoor display.

This case had a settlement agreement between the City and Vapor World Key West LLC of \$250.00 Administrative Cost and a fine of \$250.00. The settlement agreement was signed by all parties and the Special Magistrate executed the agreement.

9

Case # 23-496

Gabriel Wright
Kim Fitzke
612 Mickens Lane
Sec. 58-31 Container and receptacle requirements
Sec. 2-939 Revocable licenses
Officer Jim Young
Certified Mail: 6-3-2023
Initial Hearing: 7-27-2023

Requesting dismissal without prejudice

Count 1: Failure to remove trash bins from the right of way.

Count 2: Failure to apply and obtain a revocable license with the City of Key West Licensing Department.

The City requested for this case to be dismissed without prejudice. The Special Magistrate dismissed the case without prejudice.

3

Case # 23-886

Harry Aure
1300 15th Court #60
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Keenan Mellendorf
Certified Mail: 11-21-2023
Initial Hearing: 12-7-2023

Continued from 7 December 2023

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

The Code Officer was Keenan Mellendorf. Attorney Robert Fischl was present on behalf of the Respondent. The Respondent Harry Aure was present. Assistant City Attorney Nicholas Trovato was present on behalf of the City. Chief Building Official Raj Ransingh was present on behalf of the City. Officer Mellendorf read his timeline and evidence was shown. Assistant City Attorney asked Officer Mellendorf what he saw when inspecting the subject address after a complaint had been filed. Officer Mellendorf stated that he saw what appeared to be a portion of a wall to the porch was removed entirely and work was being done on a couple of walls inside. Officer Mellendorf then explained that he talked to the home owner Harry Aure and he informed Officer Mellendorf that he was doing some window repair. Assistant City Attorney Trovato asked Officer Mellendorf if he had visited the property again after the initial inspection. Officer Mellendorf stated that during his initial visit he told the property owner that he needed to revert the porch back to its original status as best as he could and then inspected the property again two days later to see if there had been any changes made. Assistant City Attorney Trovato asked Officer Mellendorf if he had visited the property a third time. Officer Mellendorf answered that he visited a third time due to another complaint from the property manager Jenny Figueroa who said that the property owner continued to have people work on the property over the holiday weekend and finished the project of enclosing the porch area. During Officer Mellendorfs third visit he was shown the inside of the property and observed and photographed sheet rock put up inside the rooms and dry wall. Officer Mellendorf also observed that the porch area was made into two small rooms both with an air conditioner unit and beds in each room. At that point Officer Mellendorf told the owner that he was going to receive a notice and that they would need to apply for a building permit application for the work they did. Officer Mellendorf communicated with Chief Building Official Raj Ransingh about the porch and CBO Ransingh informed Officer Mellendorf that the porch has to be a porch and that they would never be able to obtain a building permit to convert the porch into two habitable spaces. After meeting with the CBO Officer Mellendorf told the owner that he would have to convert the two rooms back into a porch and also set up a meeting with the owners, CBO, and property management. Officer Mellendorf did a site visit with the CBO at the subject property and again the property owner showed Officer Mellendorf and the CBO inside the trailer where they observed two rooms that used to be a porch. During the meeting with the property management and the property owner the property owners told Officer Mellendorf that they will not be reverting the two rooms back to a porch. Assistant City Attorney Trovato asked Officer Mellendorf if there has been a building permit applied for this address. Officer Mellendorf answered no. Attorney Fischl asked Officer Mellendorf what he observed on his second visit to the subject property. Officer Mellendorf said that he observed a portion of the wall removed. Attorney Fischl asked where was the wall that was removed. Officer Mellendorf stated that the wall was located on the front facade of the trailer. A picture of the removed wall was shown to the court. Attorney Fischl asked Officer Mellendorf if he had visited the property before the first visit and Officer Mellendorf answered no. Attorney Fischl asked if Officer Mellendorf was stated that the photo shown was a photo of a wall and not a window. Officer Mellendorf answered it was a wall. The City called upon a witness Chief Building Official Raj Ransingh. Assistant City Attorney Trovato asked CBO how long he had been in the construction industry and also how long he has been Chief Building Official. CBO Ransingh answered that he has been in construction since 1999 and Chief Building Official for over 2 years. Assistant City Attorney Trovato asked CBO Ransingh if

the photo shown looks like a window space or a wall. CBO Ramsingh stated that the photo was of a wall. CBO Ramsingh also stated that the porch area was turned into a habitable space. Attorney Fischl asked CBO Ramsingh how he knew the photo shown became a wall. CBO Ramsingh answered that from the photos after that there was evidence of drywall installed. The Special Magistrate asked CBO Ramsingh how many times he had visited the subject property. CBO Ramsingh stated that he had visited the property two times, once for the initial inspection and once for a meeting with the owner and the property management. CBO Ramsingh stated that during his visits the area was already enclosed. The Special Magistrate asked CBO Ramsingh if there have been any permits pulled for the address. CBO Ramsingh answered no. Attorney Fischl had witness Jean Aure come up to testify. Attorney Fischl asked Jean when he purchased the property what did it look like. Jean answered that he purchased the property exactly the way it is now. Attorney Fischl asked Jean if he enclosed the porch and Jean said no. Attorney Fischl asked Jean if he did any construction to the trailer and Jean answered no. Attorney Fischl asked what did Jean do to the trailer and Jean answered just replaced the window. Attorney Fischl asked Jean why he replaced the window. Jean said he replaced the window because the window was leaking and he did not need to pull a permit to replace the window because the window was already there. The Special Magistrate asked Jean if he pulled a permit to replace the window. Jean answered no. Assistant City Attorney Trovato made his closing statements. The City requested \$250.00 administrative cost and \$250.00 fine per count per day until compliance. The Special Magistrate thought that there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 13 February 2024.

Adjournment