



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

Code Compliance Hearing

Wednesday, August 30, 2017

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 # 15-837

Fred V & Eileen A Redmond

3314 Northside Drive 16

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

Sec. 90-365 Violations and penalties

Officer Bonnita Badgett

Certified Service: 12-10-2015

Initial Hearing: 12-16-2015

Continuance granted to December 20, 2017

Count 1: Failure to obtain the required business tax receipt for the second unit. **Count 2:** Failure to legalize second unit as a residential unit.

2

Case # 17-488

Messera Grace Estate C/O James Messera

~~Kenneth Fagen - Dismissed~~

1409 Flagler Avenue

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

~~Sec. 108-677 Parking and storage of certain vehicles - In compliance~~**August 24, 2017; Dismissed**~~Sec. 26-31 Offensive and nuisance conditions prohibited - In compliance~~**May 11, 2017; Dismissed**~~Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - Dismissed~~

Officer Sophia Doctoche

Certified Service: 8-2-2017 - James Messera

Initial Hearing: 6-28-2017

In compliance August 28, 2017; request dismissal

Count 1: Failure to maintain the property to prevent unsanitary conditions and a breeding place for snakes, rodents and vermin. **Count 2:** ~~Failure to have a valid license plate for a trailer on the property or to store the trailer in a completely enclosed building.~~ **Count 3:** ~~Failure to maintain all substances that may cause a foul odor in the neighborhood along with maintaining the growth of the lot.~~ **Count 4:** ~~Failure to have business tax receipts for the businesses Carpenter on Wheels and property manager.~~

Legislative History

6/28/17 Code Compliance Hearing Continuance

7/26/17 Code Compliance Hearing Continuance

3

Case # 17-934

J.D. Hayden & Sons, LLC

James Hayden

1300 White Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Sophia Doctoche

Certified Service: 7-15-2017

Initial Hearing: 8-30-2017

In compliance August 17, 2017; request dismissal

Count 1: Failure to renew four business licenses that expired 30 September 2016.

4

Case # 17-956

Arbortech Tree & Landscaping
Spiegel & Utrera, P.A. - Registered Agent
1300 White Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Service: 7-12-2017
Initial Hearing: 8-30-2017

In compliance August 24, 2017; request dismissal

Count 1: Failure to renew business license which expired 30 September 2016.

5

Case # 17-959

Tommy's Tile of Key West, LLC
Thomas P. Lapp - Registered Agent
1300 White Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Service: 7-14-2017
Initial Hearing: 8-30-2017

In compliance July 14, 2017; request dismissal

Count 1: Failure to renew business license which expired 30 September 2016.

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Case # 17-968

Stump's Concrete Inc.
Susan M. Corbin - Registered Agent
1300 White Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Service: 7-13-2017
Initial Hearing: 8-30-2017

In compliance August 16, 2017; request dismissal

Count 1: Failure to renew business license which expired 30 September 2016.

7

Case # 17-1007

Southernmost Hotel/Hall
Carrie Hall - Violator
1300 White Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Service:
Initial Hearing: 8-30-2017

In compliance August 24, 2017; request dismissal

Count 1: Failure to renew business license which expired 30 September 30, 2016.

8

Case # 17-1015

Island Advertising & Printing
James E. Thornbrugh - Registered Agent
1107 Truman Avenue
Sec. 66-102 Dates due and delinquent; penalties - **Repeat Violation**
Officer Sophia Doctoche
Certified Service:
Initial Hearing: 8-30-2017

New Case

Count 1: Failure to renew business license which expired 30 September 2017. Repeat code violation is based on the Finding and Order from case# 16-688.

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Case # 17-1056

Laura D. Thornbrugh
James E. Thornbrugh
2014 Roosevelt Drive
Sec. 66-102 Dates due and delinquent; penalties - **Repeat Violation**
Officer Sophia Doctoche
Certified Service:
Initial Hearing: 8-30-2017

New Case

Count 1: Failure to renew business license which was due 30 September 2016.

10

Case # 17-1060

Laura Thornbrugh
James Thornbrugh
2016 Roosevelt Drive
66-102 Dates due and delinquent; penalties - **Repeat Violation**
Officer Sophia Doctoche
Certified Service:
Initial Hearing: 8-30-2017

New Case

Count 1: Failure to renew business license which expired 30 September 2016.

11

Case# 17-1075

Peter Kendrick
1313 Petronia Street
Sec. 74-131 Required where public sewer available
Sec. 62-2 Obstructions
Officer Sophia Doctoche
Hand Served: 7-20-2017
Initial Hearing: 7-26-2017

In compliance August 4, 2017; request dismissal

Count 1: Failure to have proper sewer connection. **Count 2:** Plants located on City property are an obstruction to the sidewalk.

Legislative History

7/26/17 Code Compliance Hearing Continuance

12

Case # 16-1495

Dennis P Saviano

Mikus Berzins

2822 North Roosevelt Boulevard

Sec. 90-356 Building Permits Required

FBC 1612.4 & ASCE 24-05 Unprotected Enclosed Below Design Flood
Elevation

Sec. 90-356 Building Permits Required

Sec. 90-363 Certificate of Occupancy

Sec.14-261 - 363 Failure to Obtain Electrical Permit

Sec. 34-136 Manufactured Homes

Officer Scott Fraser

Certified Service: 8-15-2017 - Dennis P Saviano

Initial Hearing: 8-30-2017

New Case

Count 1: Install a commercial modular office structure without having applied nor received a building permit. **Count 2:** Install, or allow to be installed, an inhabitable structure being utilized as an office within a FEMA designated AE-8 flood zone, below the minimum required elevation deemed necessary for flood damage prevention. **Count 3:** Placed two unpermitted advertising signs upon a building all in addition to other commercial signs already affixed to the building without having first obtain a building permit. **Count 4:** Occupy a commercial modular office structure without having obtained a Certificate of Occupancy. **Count 5:** Install, or allow to be installed, a buried electrical power cable from an as yet unidentified power source to a commercial modular office structure without having obtained required electrical work building permit. **Count 6:** Did install, or allow to be installed, an inhabitable structure being utilized as an office within a FEMA designated AE-8 flood zone, with an inadequate/unsafe foundation without required anchoring and installed by someone other than a licensed mobile home installer as required.

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Case # 16-1707

Terence Schmida
Joanna M Schmida Rev Trust DTD
Walter G Schmida Rev Trust DTD
3301 Duck Avenue C
FBC 1612.4 Flood Hazard Construction
Sec. 90-356 Building Permit Required
Sec. 90-363 Certificate of Occupancy
Sec. 14-74 Nuisances
FBC 1612.4 Flood Hazard Construction
Officer Scott Fraser
Certified Service:
Initial Hearing: 8-30-2017

Continuation granted to September 27, 2017

Count 1: Within FEMA designated AE-7 flood zone, interior space at ground level has been enclosed and said areas are actively being used for purposes other than the permitted uses for storage, parking or access to higher building levels. **Count 2:** Construct or allow to be constructed without the required building permits enclosed ground-floor areas for habitation. **Count 3:** Allowed occupancy of enclosed areas below the established flood level- constituting an unauthorized change of use from parking and storage to habitation; said enclosed areas not having been issued a certificate of occupancy, as required. **Count 4:** Front of property exists a dilapidated wooden fence with concrete posts, both of which have deteriorated to the point where they present a danger from falling or collapse and injury to the occupants, neighbors and passers-by. **Count 5:** Construct or allow to be constructed an enclosed area below the established floor level without benefit of the required permits a patio area at the rear of this building.

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Case # 17-961

John Allan Strong
3704 Eagle Avenue
Flood Hazard Construction FBC 1612.4
Officer Scott Fraser
Certified Service: 7-11-2017
Initial Hearing: 7-26-2017

No violation; request dismissal

Count 1: Within a FEMA designated type AE-7 flood zone, did construct, allow to be constructed or occupy an area under the main residence, below the established flood level, contrary to law, safety of its occupants and floodplain management requirements.

Legislative History

7/26/17 Code Compliance Hearing Continuance

15

Case # 17-226

Robert Bowersox Trust 12/30/92
1212 Georgia Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Officer Leonardo Hernandez
Certified Service: 3-31-2017
Initial Hearing: 4-26-2017

Continued from May 31, 2017

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

Legislative History

4/26/17 Code Compliance Hearing Continuance
5/31/17 Code Compliance Hearing Continuance

16

Case # 17-431

Jean Dieuveze Azard

1300 15th Court #12

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

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Certified Service: 6-30-2017

Initial Hearing: 7-26-2017

Continued from July 26, 2017 for compliance

Count 1: ~~Failure to obtain after-the-fact plumbing permit and to get final inspections for all open after-the-fact permits for the construction of a laundry room and a concrete slab for a portable plastic shed. -- In-Compliance July 7, 2017. - Dismissed~~ **Count 2:** After-the-fact plumbing permit has yet to be paid for in full and the need for final inspections for after-the-fact plumbing and electrical permits.

Legislative History

7/26/17 Code Compliance Hearing Continuance

17

Case # 17-854~~Ms. Maribel Perez~~ Property Owner - **Dismissed**~~Ms. Raquel Perez T/C~~ Property Co-Owner - **Dismissed**

Ernesto Balmaceda - Violator

2930 Flagler Avenue

Sec. 26-192 Unreasonably excessive noise prohibited.

Officer Leonardo Hernandez

Certified Service: 7-14-2017 - Raquel Perez

Certified Service: 7-13-2017 - Maribel Perez

Certified Service: 7-26-2017 - Ernesto Balmaceda

Initial Hearing: 7-26-2017

Continued from July 26, 2017

Count 1: The subject property has been visited on June 6, June 18, and the weekend of July 2 & 3, 2017 regarding disturbing noise. The complainant has been suffering disturbing noise for quite a long time and defendants have made zero efforts to cease activity.

Legislative History

7/26/17 Code Compliance Hearing Continuance

18

Case # 16-773

Mark R Delgado
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
Posted: 7-8-2016
Initial Hearing: 8-30-2017

New Case

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.

19

Case # 17-550

Hainalka Raffai
1221 Royal Street
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 permits in historic districts
Officer Gerald L Leggett
Certified Service: 6-24-2017
Initial Hearing: 7-26-2017

In compliance July 28, 2017; request dismissal

Count 1: Failure to obtain a building permit for a newly constructed "Cabana". **Count 2:** Failure to obtain a certificate of appropriateness for the structure recently constructed in the rear of the property.

Legislative History

7/26/17 Code Compliance Hearing Continuance

20

Case # 17-869

Janice Isherwood

523 Elizabeth Street

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

Repeat

Sec. 26-31 Offensive and nuisance conditions prohibited

Sec. 26-32 Nuisances illustrated

Officer Gerald L. Leggett

Posted: 8-16-2017

Initial Hearing: 8-30-2017

New Case

Count 1: Failure to clean property of debris which tend to promote breeding of insects and rodents (debris and food containers left outside).

Count 2: Failure to clean property of any substance which shall permit, cause or do any nuisance or contribute to the nuisance. **Count 3:** Failure to remove all substances which emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia as it was determined that the presence of the odor was from cats defecating and urinating. Additionally, a large bee hive was observed on the side of the home.

21

Case # 17-978

Dominic Ip

1117 Fleming Street

Sec. 18-117 Acts declared unlawful. - **Repeat**

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **In compliance June 30, 2017; request dismissal**

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **In compliance August 10, 2017; request dismissal**

Sec. 14-40 Permits in historic districts - **In compliance August 4, 2017; request dismissal**

Officer Gerald L Leggett

Posted: 7-13-2017

Initial Hearing: 7-26-2017

Continued from July 26, 2017

Count 1: A licensed contractor is required to continue work within the scope observed performed as the subject property is being utilized as a rental property. **Count 2:** The subject property is being utilized as a rental property without an active business license. **Count 3:** A licensed contractor is required to apply for a building permit. **Count 4:** The subject property is in the historic district and will need a certificate of appropriateness.

Legislative History

7/26/17

Code Compliance Hearing

Continuance

22

Case # 17-1019

Key West Restorations, LLC
David L. Firestine/Incorporator
Michael Herrera - Owner
1435 Flagler Avenue
Sec. 18-150 Certificate of competency - Required - **Michael Herrera**

Count 1

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **David L. Firestine Count 2**

Sec. 18-117 Acts declared unlawful - **David L. Firestine Count 3**

Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business - **David L. Firestine Count 4**

Officer Gerald L Leggett

Certified Service: 8-1-2017 - Michael Herrera

Certified Service: 8-7-2017 - David Firestine

Initial Hearing: 8-30-2017

New Case

Count 1: Failure to obtain the required contractor's license to perform the observed work being done at subject property. **Count 2:** Failure to obtain required permits for work being performed. **Count 3:** Failure to hire a licensed contractor. **Count 4:** Failure to obtain a business tax receipt for a rental property.

23

Case # 16-335

Eleanor J Miller-Laino

3735 Cindy Avenue

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 122-238 Dimensional requirements

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

Officer Jorge Lopez

Certified Service: 7-17-2017

Initial Hearing: 8-30-2017

Continuation granted to December 20, 2017

Count 1: Failure to obtain a certificate of occupancy. **Count 2:** Failure to pay impact fees related to utilities. **Count 3:** This unit/structure is located in the rear side of the subject property in the setback. **Count 4:** Renovations including plumbing and electrical work done without the benefit of building permits.

24

Case # 16-939

R R Beason Jr Trust 12/18/2000

1603 Von Phister Street

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

Officer Jorge Lopez

Officer Scott Fraser

Certified Service: 10-5-2016

Initial Hearing: 10-19-2016

Continuation granted to October 18, 2017

Count 1: For failure to obtain building permits for the interior and exterior renovations.

Legislative History

10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance
12/21/16	Code Compliance Hearing	Continuance
1/25/17	Code Compliance Hearing	Continuance
3/29/17	Code Compliance Hearing	Continuance
4/26/17	Code Compliance Hearing	Continuance
6/28/17	Code Compliance Hearing	Continuance
7/26/17	Code Compliance Hearing	Continuance

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Case # 17-256

Meisel Holdings FL 1321 Simonton St, LLC.

Erica Hughes-Steerling - Registered Agent

1321 Simonton Street

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

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service: 6-9-2017

Initial Hearing: 6-28-2017

In compliance August 15, 2017; request dismissal

Count 1: Chain link fence installed without required permits and inspections. **Count 2:** Failure to submit the corrections needed to process the HARC application.

Legislative History

6/28/17 Code Compliance Hearing Continuance

26

Case # 17-720

Land 10031, LLC

Frances Casey Lowe - RA

3700 North Roosevelt Boulevard

Sec. 26-192 Unreasonably excessive noise prohibited

Officer Jorge Lopez

Certified Service: 6-26-2017

Initial Hearing: 7-26-2017

Continued from July 26, 2017

Count 1: The car wash is operating 24 hours daily and the neighbor suffers disturbing noise within the boundaries of his property.

Legislative History

7/26/17 Code Compliance Hearing Continuance

27

Case # 17-811

Far Beauty LLC
Aviv Shmuel - Registered Agent
218 Duval Street
Sec. 18-415 Restrictions in historic districts - **Repeat**
Officer Jorge Lopez
Hand Served: 6-23-2017
Hand Served: 7-14-2017 - Amended Notice of Administrative Hearing
Initial Hearing: 7-26-2017

Continued from July 26, 2017

Count 1: On June 7, 2017, Hovav Frank was observed actively off premise canvassing a passerby on the City right of way within the restricted area and was issued a civil citation. On May 27, 2017, Haim Kanelsky was observed actively off premise canvassing a passerby within the restricted area on the City right of way and was given a courtesy notice. On June 19, 2017, Hovav Frank was observed actively off premise canvassing in the restricted area on the City right of way.

Legislative History

7/26/17 Code Compliance Hearing Continuance

28

Case # 17-944

Nationstar Mortgage LLC
Corporation Service Company - Registered Agent
905 Trinity Drive
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Jorge Lopez
Certified Service: 8-4-2017 - Corporation Service Company
Certified Service: 8-4-2017 - Dante Marrone
Initial Hearing: 8-30-2017

In compliance August 23, 2017; request dismissal

Count 1: Failure to obtain a business tax receipt for the subject property currently being rented.

29

Case # 17-938

Omaira Urbay
1300 White Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Demi R Vazquez
Certified Service: 7-29-2017
Initial Hearing: 8-30-2017

In compliance August 8, 2017; request dismissal

Count 1: Failure to renew business license which expired 30 September 2016.

30

Case # 17-1055

Mike Mongo
1300 White Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Demi R Vazquez
Certified Service: 7-25-2017
Initial Hearing: 8-30-2017

In compliance August 15, 2017; request dismissal

Count 1: Failure to renew business license which was due 30 September 2016.

31

Case # 17-1057

Mashin Ahmed
712 Caroline Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Demi R Vazquez
Certified Mail: 7-24-2017
Initial Hearing: 8-30-2017

In compliance August 25, 2017; request dismissal

Count 1: Failure to renew business license which expired 30 September 2016.

32

Case # 17-1089

Christian Zuelch
 411 Greene Street
 66-102 Dates due and delinquent; penalties - Counts 1 & 2
 Officer Demi R Vazquez
 Certified Service: 7-24-2017
 Initial Hearing: 8-30-2017

In compliance August 25, 2017; request dismissal

Count 1: Failure to renew business license number 23137 (revocable license) which expired 30 September 2016. **Count 2:** Failure to renew business license number 23138 (retail/mailorder/wholesale license) which expired 30 September 2016

33

Case # 17-767

Wendell Wall
 1610 South Street
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
 FBC 1612.4 Flood Hazard Construction & ASCE 24-05 Unprotected Enclosed Below Design Flood Elevation
 Officer Jim Young
 Posted: 6-7-2017
 Initial Hearing: 6-28-2017

Continued from July 26, 2017

Count 1: Failure to obtain building permits for a structure being built in the rear of the property. **Count 2:** Subject property being within a FEMA designated AE-7 flood zone without benefit of required building permits has demolished the interior, windows electrical and plumbing contrary to flood damage prevention provisions of the Florida Building Code. Said area being below the established minimum safe flood elevation for purposes other than storage and parking, contrary to the state building code.

Legislative History

6/28/17	Code Compliance Hearing	Continuance
7/26/17	Code Compliance Hearing	Continuance

HARC Appeals

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SMA 17-02

Tropical Soup Corporation
Joseph H. Walsh
Pike Architects, Inc.
Van D. Fischer, Esquire
Mallory Square
H17-03-0008

Continued from June 28, 2017

Legislative History

6/28/17 Code Compliance Hearing Continuance

Adjournment