



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, February 29, 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 # 10-1450

Peter Gomez
Ann Marie Robinson R/S
Wayne Garcia General Contracting
936 United Street
Sec. 102-152 Requirements for permits
Officer Gary Addleman
Certified Service: 9-24-2011
Initial Hearing: 10-19-2011

Continued from January 25, 2012

The columns that were installed are square and were approved as turned (round) columns.

The Special Magistrate found Peter Gomez, Ann Marie Robinson and Wayne Garcia in violation. Costs of \$250 were imposed. A compliance hearing will be held on 5-23-12.

2

Case # 11-1029

1200 Duval Street, LLC
Juan Carlos Betancur
Olha Lysyak
Richard Klitenick, R/A
1200 Duval Street
Sec. 14-325 Mechanical permits required
Sec. 14-256 Electrical permits required
Sec. 14-40 Permits in historic district

Officer Gary Addleman
Certified Service: 11-22-2011
Initial Hearing: 12-14-2011

Continued from January 25, 2012 for compliance

On August 12, 2011 a complaint was received from the Mechanical Inspector that an A/C unit had been mounted on to the rear portion of the building without mechanical and electrical permits.

The Special Magistrate closed this case. The permit was issued and the administrative fees were paid.

3

Case # 10-1319

Eloy M Lopez Jr
Stacy O'Keefe T/C
2403 Patterson Avenue Up
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 58-61 Determination and levy of charge
Sec. 90-363 Certificate of occupancy - required
Officer Jim Young
POSTED: 2-22-2012
Initial Hearing: 1-25-2012

New Case

Count 1: A business tax receipt is required is required to rent the two units.

Count 2: There are two rental units on this property and only one sewer/solid waste account.

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

The Special Magistrate granted the request from Eloy Lopez to continue this case to 4-25-2012.

4

Case # 11-1233

Asset Holdings Group, LP
Jeanette M Straga, PSTD
3601 Northside Drive
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-256 Electrical permit required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 18-117 Acts declared unlawful

Officer Dotty Austin
Certified Service: 12-6-2011
Initial Hearing: 1-25-2012

Continued from January 25, 2012 for compliance - In Compliance

- Count 1:** On October 1, 2010, a bathroom was demolished without permits
Count 2: June 10, 2011 a new kitchen was constructed without permits
Count 3: June 10, 2011 new plumbing was installed in the new kitchen without permits
Count 4: June 10, 2011 Drywall was installed and finished in hall and future a/c closet
Count 5: February 11, 2011, concrete was added to a bedroom floor after tiles were removed.
Count 6: Electrical wiring and fixtures were installed in the kitchen, added exterior flood lights, bedroom ceiling fan and outlets on or around June 10, 2011 without electrical permits.
Count 7: Property has been rented without a business tax receipt since Dec. 2010.
Count 8: Work was performed was by unlicensed contractors.

The Special Magistrate closed this case. Compliance was met one day after the the compliance date. A request for mitigation was received and approved. The fine was mitigated from \$3000 to \$300 and that amount was paid in full.

5

Case # 11-1515

RPV Realty Trust 7/16/02
Roland Valois
Dan-Ace Roofing
Daniel Eloy Acevedo
1008 Eaton Street
Sec. 14-37 Building Permits, display; professional plans; display of permits
Sec. 14-40 Permits in the Historic District
Officer Dotty Austin
Certified Service: 12-23-2011
Initial Hearing: 1-25-2012

Continued from January 25, 2012 for compliance - In compliance

- Count 1:** Four (4) Scuttles were removed and replaced with V-Crimp roofing without building permits on a contributing structure in the Historic District. **Count 2:** Four (4) Scuttles were removed and replaced with V-Crimp roofing without HARC approval on a contributing structure in the Historic District.

The Special Magistrate was informed that compliance had been achieved in this case. The administrative fees had not been paid by the owner at the time of the hearing. However, payment was received on 3-1-12. This case is now closed.

6

Case # 11-1530

Larry Z & Helen Barcza

1700 Bahama Drive

Sec. 74-141 Separate building sewers required; exception

Sec. 74-131 Required where public sewer available

Officer Dotty Austin

Certified Service: 2-7-2012

Initial Hearing: 2-29-2012

In compliance, request dismissal

Count 1: In December, 2011, during a sewer lateral repair at 1704 Bahama Drive, it was discovered that the sewer lateral from 1700 Bahama Drive is connected into the neighboring sewer lateral. **Count 2:** Per Count 1, existing sewer lateral at subject property is connected to neighbor's lateral connecting to the City's Sanitary System and is not directly connected as required by code.

This property was in compliance on 2-26-12 and this case was dismissed by the Special Magistrate .

7

Case # 11-1551

Richard & Tammy Fox

1110 Fleming Street 2

Sec. 18-601 Transient License

Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations

Sec. 122-599 Prohibited uses in HMDR

Officer Ginny Haller

Certified Service: 2-21-2012

Initial Hearing: 2-29-2012

Continued from February 29, 2012

Count 1: The captioned property was held out and/or advertised as being available transiently on April 1, 2011 through April 8, 2011, June 4, 2011 through June 12, 2011, October 25, 2011 through October 28, 2011 and December 18, 2011 through December 25, 2011 without the benefit of a valid transient rental license. **Counts 2 through 30:** The captioned property was held out and/or advertised as being available transiently on April 1, 2011 through April 8, 2011, June 4, 2011 through June 12, 2011, October 25, 2011 through October 28, 2011

and December 18, 2011 through December 25, 2011. **Count 31:**
Transient rentals are prohibited in the HMDR district.

The Special Magistrate granted the request from Diane Covan to continue this case to 3-28-2012.

8

Case # 12-176

Island Cigar & Tobacoria
Alon Croitoru & Carol Croitoru
501 Greene Street
Sec. 106-51 Prohibited - 2 Counts
Officer Ginny Haller
Certified Service: 2-1-2012
Initial Hearing: 2-29-2012

Repeat Violation**New Case**

Count 1 and Count 2: The display with cigars was on the sidewalk on January 29, 2012 at approximately 1:49 pm and on January 30, 2012 at approximately 12:18 pm.

The Special Magistrate found Alon Croitoru and Carol Croitoru in violation. Costs of \$250 were imposed along with a fine of \$500 per count (two counts) for the repeat violation of exterior displays.

9

Case # 11-1444

Bird Construction LLC
Deborah & Richard Bird
730 Southard Trust
c/o Vincent F Barletta, Trustee
730 Southard Street
Sec. 14-37 Building permits professional plans; display of permits
Sec. 14-40 Permits in the Historic District
Officer Leonardo Hernandez
Certified Service: 12-23-2011
Initial Hearing: 1-25-2012

Irreparable Violation**Continued from February 29, 2012**

Count 1: The chimney at this location was demolished without a demolition permit. **Count 2:** The chimney at this location was demolished without HARC approval.

The Special Magistrate granted the request from Adele Stones to continue this

case to 3-28-2012.

10

Case # 11-1467

Victor W Olson

1316 Eliza Street

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

Sec. 102-152 Requirements for permits

Sec. 102-158 Stop work order and penalty

Officer Leonardo Hernandez

Certified Service: 1-26-2012

Initial Hearing: 2-29-2012

Continued from February 29, 2012

New Case

Irreparable violation for working over a stop work order

Count 1: On December 6, 2012 a stop work order was issued for renovations of the fence without a building permit. **Count 2:** On December 6, 2012 a stop work order was issued for renovations of the fence without a certificate of appropriateness. **Count 3:** On December 9, 2011 it was noticed that more of the fence had been worked on. A second stop work order was posted.

The Special Magistrate granted the request from Victor Olson to continue this case to 3-28-2012.

11

Case # 11-1559

Gene B Demambro

2514 Staples Avenue

Sec. 18-601 Transient license

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - **Eight Counts**

Sec. 122-599 Prohibited uses in SF

Officer Leonardo Hernandez

Certified Service: 1-25-2012

Initial Hearing: 2-29-2012

New Case

Irreparable Violation

Count 1: The captioned property was held out and/or advertised as being available transiently on December 26, 2011 through January 1, 2012 without the benefit of a valid transient rental license. **Count 2:** The respondent held out the property in questions as being available for rent transiently contrary to 122-1371(d)(9) on December 26, 2011. **Count 3:** The respondent held out the property in questions as being available for rent transiently contrary to 122-1371(d)(9) on December

27, 2011. **Count 4:** The respondent held out the property in questions as being available for rent transiently contrary to 122-1371(d)(9) on December 28, 2011. **Count 5:** The respondent held out the property in questions as being available for rent transiently contrary to 122-1371(d)(9) on December 29, 2011. **Count 6:** The respondent held out the property in questions as being available for rent transiently contrary to 122-1371(d)(9) on December 30, 2011. **Count 7:** The respondent held out the property in questions as being available for rent transiently contrary to 122-1371(d)(9) on December 31, 2011. **Count 8:** The respondent held out the property in questions as being available for rent transiently contrary to 122-1371(d)(9) on January 1, 2012. **Count 9:** The captioned property is located in the SF (single family) district which prohibits transient rentals.

The Special Magistrate found Gene Demambro in violation. An irreparable fine of \$5000 was imposed of which \$2500 was suspended. The administrative fee is included in the fine.

12

Case # 12-27

Bank of America

Tiaquanda S Turner, Field Services

Alliance Roofing Corporation

Adam Ryckman R/A

3220 Eagle Avenue

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

Sec. 118-516 Stop work orders

Officer Leonardo Hernandez

Certified Service: 1-26-2012 - Contractor

Initial Hearing: 2-29-2012

New Case**Irreparable Violation**

Count 1: On January 5, 2012 a complaint was received that roofing work was being done without permits. A stop work order was issued.

Count 2: On January 18, 2012, while conducting an inspection, two workers were on the roof working over the stop work order.

The Special Magistrate granted the request from the City to continue this case to 3-28-2012 for service.

13

Case # 12-49

Richard L Rettig Revocable TR

1011 Whitehead Street
Sec. 18-601 Transient License
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations(d)(9) - **Three Counts**
Sec. 122-599 Prohibited uses in HMDR
Officer Leonardo Hernandez
Certified Service: 1-13-2012
Initial Hearing: 2-29-2012

Continued from February 29, 2012

New Case

Irreparable Violation

Count 1: The captioned property was held out and/or advertised as being available transiently on January 7, 2012 through January 9, 2012 without benefit of a valid transient rental license. **Count 2:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on January 7, 2012. **Count 3:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on January 8, 2012. **Count 4:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on January 9, 2012. **Count 5:** The captioned property is located in the HMDR district which prohibits transient rentals.

The Special Magistrate granted the request from Richard Klitenick to continue this case to 3-28-2012.

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Case # 11-785

Brian & Kimberly Blanchette
1312 Reynolds Street 1
Sec. 14-40 Permits in the Historic District
Sec. 14-31 Florida Building Code
Officer Bonnita Myers
Certified Service: 8-1-2011
Initial Hearing: 8-31-2011

Continued from January 25, 2012 for compliance

A building permit and HARC approval is required prior to replacing roof with V-crimp.

Officer Myers stated that this property was still not in compliance and the Special Magistrate imposed the fines.

15

Case # 11-1043

Donald R Dye

825 Elizabeth Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in a business
Sec. 18-601 Transient license
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations
Sec. 122-629 Prohibited uses in HHDR
Officer Bonnita Myers
Certified Service: 1-12-2012
Initial Hearing: 1-25-2012

Continuance granted to February 29, 2012 for Settlement Agreement

Count 1: The captioned property was held out and/or advertised as being available on April 5, 2011 through April 13, 2011, on June 16, 2011 through July 1, 2011 and again on August 1, 2011 through August 31, 2011 without benefit of a non-transient license. **Count 2:** A transient license is required to rent your property transiently. **Counts 3 through 27:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on April 5, 2011, April 6, 2011, April 7, 2011, April 8, 2011, April 9, 2011, April 10, 2011, April 11, 2011, April 12, 2011, April 13, 2011, June 16, 2011, June 17, 2011, June 18, 2011, June 19, 2011, June 20, 2011, June 21, 2011, June 22, 2011, June 23, 2011, June 24, 2011, June 25, 2011, June 26, 2011, June 27, 2011, June 28, 2011, June 29, 2011, June 30, 2011 and July 1, 2011. **Count 28:** Transient rentals are prohibited in the HHDR district.

The Special Magistrate found Mr. Dye in violation. A settlement agreement was approved. The administrative fee of \$250 was imposed along with a fine of \$3000.

16

Case # 12-60

Traci Totino
1800 Atlantic Blvd A208
Sec. 18-601 Transient license
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations(d)(9) - **Eight Counts**

Sec. 66-87 Business tax receipt required
Sec. 122-299 Prohibited uses in MDR-C
Officer Bonnita Myers
Certified Service: 1-17-2012
Initial Hearing: 2-29-2012

Continued from February 29, 2012

Count 1: The captioned property was held out and/or advertised as being available transiently on March 5, 2012 through March 12, 2012 without the benefit of a valid transient rental license. **Count 2:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 5, 2012. **Count 3:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 6, 2012. **Count 4:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 7, 2012. **Count 5:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 8, 2012. **Count 6:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 9, 2012. **Count 7:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 10, 2012. **Count 8:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 11, 2012. **Count 9:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 12, 2012. **Count 10:** The captioned property was held out and/or advertised as being available on March 5, 2012 through March 12, 2012 without benefit of a non-transient rental license. **Count 11:** The captioned property was is located in the MDR-C district which prohibits transient rentals.

The Special Magistrate granted the request from Gregory Oropeza to continue this case to 3-28-2012.

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Case # 10-919

John A Williams
Paul N Hayes, R/A for
Rent Key West Vacations
1328 Atlantic Blvd

Sec. 66-87 Business Tax Receipt required for all holding themselves out to be engaged in business
Officer Jim Young
Certified Service: 9-22-2011
Initial Hearing: 10-29-2011

Continued to February 29, 2012 for compliance

A business tax receipt is required for all units being rented

The Special Magistrate granted the request from Michael Ingram to continue this case to 3-28-2012.

18

Case # 10-1453
Richard Wunsch
613 Ashe Street
Sec. 66-87 Business Tax Receipt Required
Sec. 14-37 Building Permits, Display
Sec. 90-363 Certificate of Occupancy
Officer Jim Young
POSTED: 5-6-2011
Initial Hearing: 5-25-2011

Continued from February 29, 2012 for compliance

A business tax receipt is required to rent your property. A building permit is required to add a living unit. A certificate of occupancy is required for the third unit.

The Special Magistrate granted the request from Richard Wunsch to continue this case to 3-28-2012.

19

Case # 11-929
Cecil E Alf Irrevocable Trust
Knabe Family Ltd. Partnership T/C
c/o Craig Knabe, R/A
431 Front Street
Sec. 14-37 Building Permits Required; Display
Sec. 14-40 Permits in the Historic District
Officer Jim Young
Certified Service: 8-15-2011
Initial Hearing: 9-28-2011

Continued from February 29, 2012

On July 19, 2011 a new sign was erected atop of the ticket booth located at 431 Front Street C without the required HARC Certificate of

Appropriateness.

The Special Magistrate granted the request from Wayne LaRue Smith to continue this case to 3-28-2012.

20

Case # 12-16

Ronald D Kaisen

1211 Catherine Street

Sec. 18-601 Transient License

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations(d)(9) Eight Counts

Sec. 122-599 Prohibited uses in HMDR

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

Officer Jim Young

Certified Service: 1-12-2012

Initial Hearing: 1-25-2012

Continued from January 25, 2012 for Settlement Agreement

Count 1: A transient license is required to rent your property transiently. **Counts 2 through 9:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 1, 2012, March 2, 2012, March 3, 2012, March 4, 2012, March 5, 2012, March 6, 2012, March 7, 2012, and March 8, 2012. **Count 10:** The caption property is located in the HMDR district which prohibits transient rentals. **Count 11:** The captioned property was held out and/or advertised as being available on March 1, 2012 through March 8, 2012 without benefit of a non-transient rental license.

The Special Magistrate found Mr. Kaisen in violation. The settlement agreement was approved. An administrative fee of \$250 was imposed along with a fine of \$250. A suspended fine of \$3,150 which represents the offered rental contract amount was also imposed.

21

Case # 10-950

IBERIABANK

1208 Florida Street

Amend Findings of Fact, Conclusions of Law and Order

Certified Service: 2-27-2012

Initial Hearing: 2-29-2012

Amend Findings of Fact, Conclusions of Law and Order

The Special Magistrate approved the amended Findings of Fact, Conclusions of Law and Order to include IBERIABANK.

22

Case # 11-1209

Darryl Fohrman R/A for
Hildenborough Hotels LTD., Inc.
1129 Fleming Street
Sec. 122-839 Prohibited uses in HNC-2
Officer Jim Young
Certified Service: 10-26-2011
Initial Hearing: 11-16-2011

Continued from February 29, 2012 for ruling

The subject property has a bar and restaurant open to the general public. This type of activity is prohibited in the HNC-2 zoning district.

The Special Magistrate continued this case to 3-28-12 for his ruling.

Mitigations

23

Case # 11-125

Oscar Javier Alvarado
2927 Seidenberg Avenue

The Special Magistrate approved the mitigation to suspend the administrative fees.

24

Case # 11-1233

Asset Holdings Group, LP
3601 Northside Drive

The Special Magistrate approved the mitigated amount of \$300 and to suspend the balance of \$2700 for two years.

Adjournment