



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, August 26, 2015

1:30 PM

Old City Hall

Revised Agenda 8/19/15

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 305-809-3731 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 # 15-651**
The Saint Hotel of Key West
Seaside Hospitality Corporation
Mark Wyant
417 Eaton Street
Sec. 14-40 Permits in historic district
Officer Bonnita Badgett
Certified Service: 7-7-2015
Initial Hearing: 7-29-2015

In compliance 8-3-2015, request dismissal

Count 1: Lettering, The Saint, was placed in the tile without benefit of a certificate of appropriateness.

Legislative History

7/29/15 Code Compliance Hearing Continuance

2**Case # 15-587**

Dana Dickinson
417 Porter Lane 3
Sec. 66-102 Date due and delinquent; penalties - Dismiss
Sec. 66-103 Trasfer of license
Officer Peg Corbett
Certified Service: 6-17-2015
Initial Hearing: 7-29-2015

Continued from July 29, 2015

Count 1: The business tax receipt to rent this property has been delinquent since September 30, 2014. **Count 2:** The license needs to be transferred into the new owners name.

Legislative History

7/29/15 Code Compliance Hearing Continuance

3**Case # 15-630**

John Schoneck
Philip Bird
621 Elizabeth Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 8-20-2015
Initial Hearing: 8-26-2015

In compliance August 13, 2015, request dismissal

Count 1: The business tax receipt for this property has been delinquent since 9-30-2014

4

Case # 15-640

313 Truman LLC

Thomas M Bowlus - R/A

313 Truman Avenue

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

Officer Peg Corbett

Certified Service: 7-20-2015

Initial Hearing: 8-26-2015

In compliance August 7, 2015, request dismissal**Count 1:** A business tax receipt is required to rent this property.

5

Case # 15-674

Barnyard Works Inc.

Jeremy Folger R/A

Mobile Service

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service: 7-7-2015

Initial Hearing: 7-29-2015

In compliance August 26, 2015, request dismissal**Count 1:** The business tax receipt has been delinquent since September 30, 2014**Legislative History**

7/29/15 Code Compliance Hearing Continuance

6

Case # 15-693

Island Cigar Factory

Assaf Azoulay - R/A

1100 Duval Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Peg Corbett

Certified Service: 8-19-2015

Initial Hearing: 8-26-2015

In compliance August 18, 2015, request dismissal**Count 1:** The business tax receipt has been delinquent since 9-30-2015

7

Case # 15-764

Diane Scholl
807 Washington Street 102
Sec. 66-102 Dates due and delinquent; penalties
Sec. 66-103 Transfer of license
Officer Peg Corbett
Certified Service: 7-21-2015
Initial Hearing: 8-26-2015

New Case

Count 1: The business tax receipt to rent this property has been delinquent since 9-30-2014. **Count 2:** The business tax receipt has not been transferred to Ms. Scholl.

8

Case # 15-901

Dr. McCawley Burke
2027 Flagler Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service: 8-6-2015
Initial Hearing: 8-26-2015

In compliance August 13, 2015, dismissal

Count 1: The business tax receipt has been delinquent since 9-30-2014

9

Case # 15-909

A.C. Nichols, Inc.
Paulene Nichols - R/A
Sunshine Pools
Mobile Service
Sec. 66-102 Dates due and delinquent; penalties
Officer Peg Corbett
Certified Service:
Initial Hearing: 8-26-2015

New Case

Count 1: The business tax receipt has been delinquent since 9-30-2014

10

Case # 15-978

Philip Grant
 1616 Washington Street
 Sec. 58-31 Container and receptacle requirements (f)
 Officer Peg Corbett
 Certified Service: 7-30-2015
 Initial Hearing: 8-26-2015

In compliance August 13, 2015, request Finding of violation with fees

Count 1: For failure to remove debris from the city right of way. Mr. Grant has also been cited four other times for the same violation.

11

Case # 13-1418

Carolyn Sprogell
 907 Frances Street
 Sec. 14-37 Building permits, professional plans; display of permits
 Sec. 14-40 Permits in historic district
 Sec. 62-2 Obstructions
 Officer Leonardo Hernandez
 Certified Service: 10-5-2014
 Initial Hearing: 11-14-2014

Continuance granted to October 21, 2015

Count 1: For building a eight foot fence without benefit of a permit.

Count 2: For building a eight foot fence without benefit of HARC approval. **Count 3:** The fence is on the City's right of way.

Legislative History

11/14/14	Code Compliance Hearing	Continuance
1/28/15	Code Compliance Hearing	Continuance
2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance

12

Case # 14-878

1415 Olivia St LLC
 David MJR Graham, R/A
 1415 Olivia Street
 Sec. 62-2 Obstructions
 Officer Leonardo Hernandez
 Certified Service: 9-19-2014
 Initial Hearing: 11-14-2014

Continuance granted to September 30, 2015 for compliance

Count 1: For installing pavers and plants on the city's right of way.

Legislative History

11/14/14	Code Compliance Hearing	Continuance
12/17/14	Code Compliance Hearing	Continuance
2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance
4/29/15	Code Compliance Hearing	Continuance
5/27/15	Code Compliance Hearing	Continuance

13

Case # 14-1248

Kenneth Dooley
 Peter Bek-Gran
 1410 Albury 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:
 Initial Hearing: 8-26-2015

Continuance granted to September 30, 2015

Count 1: For failure to obtain a building permit for installation of brick pavers around the pool, rear, front and side property. **Count 2:** For failure to obtain a certificate of appropriateness for installation of brick pavers around the pool, rear, front and side property.

14

Case # 15-532

Jose & Gloria Balbontin
1008 White Street Down

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

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 8-26-2015

In compliance July 20, 2015, request dismissal

Count 1: For failure to obtain a building permit for placing a freezer on the back of the house. **Count 2:** For failure to obtain a certificate of appropriateness for placing a freezer on the back of the house.

15

Case # 15-622

Edwards Healthcare & Diagnostic

Edward Garrido

3414 Duck Avenue 3418

Sec. 30-1 Fees for false alarms and fire code inspections

Officer Leonardo Hernandez

Certified Service: 7-28-2015

Initial Hearing: 6-24-2015

Continued from June 24, 2015 for service

Count 1: The fire inspection fees are more than 60 days past due

Legislative History

7/29/15

Code Compliance Hearing

Continuance

16

Case # 15-760

KWHS Inc.
James Hendricks, Registered Agent
KWHS Inc.
Bianca Digennaro, Business owner
Living Dolls
Tanner Partners LLP
516 Fleming Street 101
Sec. 2-939 Licenses
Officer Leonardo Hernandez
Certified Service:6-10-2015 - R/A
Certified Service: 6-16-2015 - B/O
Initial Hearing: 6-24-2015

Continuance granted to September 30, 2015 for compliance**Count 1:** The chairs on the sidewalk require a revocable license

17

Case # 15-802

Mary Ann Arnold &
Gary S Weech
1008 18th Terrace
Sec. 14-37 Building permits; professional plans; display of permits;
address; exception
Officer Leonardo Hernandez
Certified Service: 7-22-2015
Initial Hearing: 8-26-2015

In compliance July 22, 2015, request dismissal

18

Case # 15-828

Karen & Delmar Lewis - property owner

Tryan Contracting Inc. - contractor

704 Caroline 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: 8-12-2015

Initial Hearing: 8-26-2015

Continued to September 30, 2015

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

19

Case # 14-1468

James Chris Fiorella

Djin Suk Kim

George R & Marcia E Halloran

16 Hilton Haven Drive D

Sec. 14-184 Certificate of Occupancy

Sec. 14-185 Compartmentation and flotation devices

Sec. 14-186 Electrical wiring and service

Sec. 14-188 Inboard sewage device

Sec. 14-191 Exit facilities

Sec. 14-192 Guardrails

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

Sec. 14-327 Inspection

Sec. 14-262 Request for inspection

Officer Barbara Meizis

Certified Service: 5-14-2015

Initial Hearing: January 28, 2015

Continued from June 24, 2015

Count 1: For failure to obtain a certificate of occupancy. **Count 2:** Requires inspection to ensure items are installed according to the building code. **Count 3:** For to obtain electrical/mechanical permits. **Count 4:** Sewage devices requires an inspection. **Count 5:** Exit facilities requires an inspection. **Count 6:** Guardrails require an inspection. **Count 7:** All construction work, new sliding glass doors and new back deck with railing requires a building permit prior to construction. **Count 8:** All refrigeration and air conditioning apparatus requires inspections. **Count 9:** All electrical work requires inspections such as roughing-in, equipment installations, final inspections, etc.

Legislative History

12/17/14	Code Compliance Hearing	Continuance
1/28/15	Code Compliance Hearing	Continuance
2/25/15	Code Compliance Hearing	Continuance
3/20/15	Code Compliance Hearing	Continuance

20

Case # 15-839

Marcelline H & Harry A Moyer

1214 Virginia Street

Sec. 18-601 License required

Sec. 18-602 Rebuttable presumption of violation - **Dismiss**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)

Sec. 122-599 Prohibited uses

Officer Barbara Meizis

Certified Service:

Initial Hearing: 8-26-2015

In compliance August 19, 2015, request dismissal

Count 1: A transient rental license is required to rent transiently. **Count 2:** This property is being held out for nightly rentals on Airbnb for \$154 per night for a lovely room with private bath. **Count 3:** This property is being held out for transient rentals. **Count 4:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR).

21

Case # 15-878

Mark J & Lisa C Laskow

Brooke S Atkinson Revocable Trust

615 Grinnell Street

Sec. 58-31 Container and receptacle requirements (f)

Officer Barbara Meizis

Certified Service: 7-20-2015

Initial Hearing: 8-26-2015

In compliance July 23, 2015, request a finding of violation without fees

Count 1: Three code officers have responded to the same complaint of leaving bins on the city right of way on a nonscheduled pickup day.

22

Case # 14-1737

Adrienne Curran

1408 Albury Street

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

Sec. 14-40 Permits in historic district

Officer Jim Young

Certified Service: 4-6-2015

Initial Hearing: 5-27-2015

Continued from July 29, 2015

Count 1: A building permit is required to replace the window. Exceeded the scope of a building permit by installing brick pavers on more than 60% of the property. **Count 2:** HARC approval is required to replace the window. Also, the cameras that were installed are not supposed to be visible from the street.

Legislative History

5/27/15 Code Compliance Hearing Continuance

7/29/15 Code Compliance Hearing Continuance

23

Case # 15-220

Isabelle Holloway

3227 Harriet Avenue

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

Officer Jim Young

Certified Service: 3-27-2015

Initial Hearing: 5-27-2015

Continued from July 29, 2015 for compliance

Count 1: A building permit is required prior to the removal of a section of the balcony.

Legislative History

5/27/15 Code Compliance Hearing Continuance

7/29/15 Code Compliance Hearing Continuance

24

Case # 15-606

Living Dolls Inc.
Glenn Tanner, Registered Agent - Owner
KWHHS Inc.
James T Hendrick, Registered Agent
516 Fleming Street 101
Sec. 18-441 Required, Off Premises Canvassing Permit
Officer Jim Young
Certified Service: 5-23-2015 - Owner
Certified Service: 5-19-2015 - R/A
Initial Hearing: 6-24-2015

**Continued from June 24, 2015 - Settlement Agreement
Repeat Violation**

Count 1: Angela Richardson was off premises canvassing on Duval at Fleming on May 8th at approximately 11:20 pm without a permit.

25

Case # 15-1015

Robert C & Kathleen A Gillis
2823 Patterson Avenue
Sec. 18-601 Transient license required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)
Officer Jim Young
Certified Service: 8-6-2015
Initial Hearing: 8-26-2015

In compliance August 13, 2015, request dismissal

Count 1: A transient rental license is required to rent transiently. **Count 2:** The property is being held out on Airbnb for nightly rental at \$110.00 per night.

26

Case # 15-1016

Lenzie Purcell
508 Southard Street 204
Sec. 18-602 Transient license required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)
Officer Jim Young
Certified Service: 8-7-2015
Initial Hearing: 8-26-2015

In compliance August 10, 2015, request dismissal

Count 1: A transient license is required to rent property transiently.

Count 2: The property is be held out for on Airbnb.com for transient rental at a rate of \$90.00 per night.

27

Case # 15-1017

Wesley David Young
709 Chapman Lane
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)
Sec. 18-601 Transient license required
Officer Jim Young
Certified Service: 8-7-2015
Initial Hearing: 8-26-2015

In compliance August 13, 2015, request dismissal

Count 1: The property is be held out for on Airbnb.com for transient rental at a rate of \$120.00 per night. **Count 2:** A transient rental license is required to rent property transiently.

28

Case # 15-1033

James & Roberta Holtzinger
1801 N Roosevelt Blvd Kingfisher Pier
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 122-130 Uses prohibited - semipublic services district (PS)
Officer Jim Young
Certified Service: 8-14-2015
Initial Hearing: 8-26-2015

New Case

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

Count 2: Transient rentals are prohibited in the semipublic services district (PS)

29

Case # 15-1048

WD Florida Properties, LLC
c/o Wolfgang Stuhler, R/A
422 Amelia Street
Sec. 18-601 Transient license required
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9)
Officer Jim Young
Certified Service:
Initial Hearing: 8-26-2015

In compliance August 14 2015, request dismissal

Count 1: A transient license is required to rent a property transiently.

Count 2: On August 10, 2015, this property was being held out on Airbnb.com for transient rental at a rate of \$234 per night.

30**Case # 15-1052**

Diego Pedraza
416 Petronia Street 1
Sec. 18-601 Transient license required
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d)(9)
Officer Jim Young
Certified Service:
Initial Hearing: 8-26-2015

Continue to September 30th for service**Count 1:** A transient license is required to rent property transiently.**Count 2:** On August 10, 2015, this property was being advertised on Airbnb.dom for transiently rental at \$180.00 per night.**Mitigation****31****Case # 14-154**

Deutsche Bank Trust Company Americas
C/O PNC Bank NA
2321 Fogarty Avenue
Certified Service: 8-18-2015

Liens**32****Case # 14-1798**

Matthew Boucher
3128 Riviera Drive
Certified Service:

Continue to September 30th for service**HARC Appeals**

33**SMA 15-01**

Far Niente, LLC, a Minnesota Limited Liability Company;
Eric Detwiler and Elizabeth Ford; Walter S. Szot
and Dawn Szot; David M. Keller and Janine C. Keller;
G.C.J., LLC, a Florida Limited Liability Company;
LANDTRUST #426 KW dated 2/11/2010; DUCK
AND DOLPHIN ANTIQUES, LLC, a Florida Limited
Liability Company; Company; CONCH REPUBLIC
CYCLE, LLC, a Florida Limited Liability Company; and
BIKE FIT KEY WEST, INC., a Florida Corporation
C/O The Smith Law Firm
616 Eaton Street
H15-01-0842

Attachments: [SMA 15 - 01 Notice of Appeal](#)

Adjournment