



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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.

The Special Magistrate granted the request to dismiss this case.

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 August 26, 2015 for compliance

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.

The Special Magistrate, after hearing testimony from the code officer, found Dana Dickinson in violation of failure to transfer the business tax receipt to rent this property transiently. An Administrative fee of \$250 was imposed. The court reserves the right to impose fines if compliance is not obtained by September 29, 2015. A compliance hearing will be held on September 30, 2015.

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

The Special Magistrate granted the request to dismiss this case.

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.

The Special Magistrate granted the request to dismiss this case.

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

The Special Magistrate granted the request to dismiss this case.

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

The Special Magistrate granted the request to dismiss this case.

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

Continued from August 26, 2015 for compliance

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.

The Special Magistrate, after hearing testimony from the code officer, found Diane Scholl in violation of the business tax receipt to rent this property is delinquent and of failure to transfer the business tax receipt to rent this property non-transiently. An Administrative fee of \$250 was imposed. The court reserves the right to impose fines if compliance is not obtained by September 29, 2015. A compliance hearing will be held on September 30, 2015.

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

The Special Magistrate granted the request to dismiss this case.

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

In compliance September 10, 2015, request dismissal

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

The Special Magistrate granted the request to continue this case to September 30, 2015 for service.

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.

The Special Magistrate, after hearing testimony from the code officer and Mr. Grant, found Philip Grant in violation of storing the waste receptacles on the city right of way. An Administrative fee of \$250 was imposed.

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.

The Special Magistrate granted the request to continue this case to October 21, 2015.

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

Continued from August 26, 2015 for compliance

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

The Special Magistrate granted the request to continue this case to September 30, 2015 for compliance.

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

Continued from August 26, 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.

The Special Magistrate granted the request to continue this case to September 30, 2015.

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.

The Special Magistrate granted the request to dismiss this case.

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 August 26, 2015 for compliance

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

The Special Magistrate, after hearing testimony from the code officer, found Edwards Healthcare & Diagnostic/Eduardo Garrido in violation of failure to pay the fire inspection fee of \$50. An Administrative fee of \$250 was imposed. The court reserves the right to impose fines if compliance is not obtained by September 29, 2015. A compliance hearing will be held on September 30, 2015.

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

Continued from August 26, 2015

Count 1: The chairs on the sidewalk require a revocable license

The Special Magistrate granted the request to continue this case to September 30, 2015 for compliance.

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

The Special Magistrate granted the request to dismiss this case.

18**Case # 15-828**

Karen & Delmar Lewis - property owner
T Ryan 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
Sec. 18-117 Acts declared unlawful
Officer Leonardo Hernandez
Certified Service: 8-12-2015 - property owner
Hand Served: 9-16-2015 - contractor
Initial Hearing: 8-26-2015

Continued from August 26, 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. **Count 3:**

The Special Magistrate granted the request to continue this case to September 30, 2015.

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.

The Special Magistrate granted the request to continue this case to October 21, 2015.

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).

The Special Magistrate granted the request to dismiss this case.

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.

The Special Magistrate, after hearing testimony from the code officer, found Mark J & Lisa C Laskow and Brooke S Atkinson Revocable Trust in violation of storing the waste receptacles on the city right of way. No fines or fees were imposed at this time. This case may serve as a predicate for a repeat violation status should similar violations occur in the future as applicable.

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 August 26, 2015 for compliance

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.

The Special Magistrate, after hearing testimony from the code officer and F. Margaret Baldwin, found Adrienne Curran in violation of exceeding the scope of the permit by installing brick pavers on more than 60% of the property. No fines or fees were imposed at this time. The court reserves the right to impose fines and fees if compliance is not obtained by September 29, 2015. A compliance hearing will be held on September 30, 2015. This case may serve as a predicate for a repeat violation status should similar violations occur in the future as applicable.

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 August 26, 2015 for compliance

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

The Special Magistrate, after hearing testimony from the code officer, found Isabelle Holloway was found in violation of failure to obtain a building permit for removal of a section of the balcony. An Administrative fee of \$250 was imposed and suspended. The court reserves the right to impose the

suspended fee if compliance is not obtained by September 29, 2015. A compliance hearing will be held on September 30, 2015.

24**Case # 15-606**

Living Dolls Inc.

Glenn Tanner, Registered Agent - Owner

KWHS 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.

A Settlement Agreement was presented to the Special Magistrate which he approved. The Respondents stipulate to the imposition of the Administrative Costs in the amount of \$250. A Fine in the amount of \$500 will be imposed against Respondent DiGennaro. The total cost and fines will be \$750.

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.

The Special Magistrate granted the request to dismiss this case.

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.

The Special Magistrate granted the request to dismiss this case.

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.

The Special Magistrate granted the request to dismiss this case.

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

Continued from August 26, 2015 for compliance

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

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

The Special Magistrate, after hearing testimony from the code officer, found James & Roberta Holtzinger in violation of renting their houseboat without a business tax receipt and transient rentals are prohibited in the semipublic services district. An Administrative fee of \$250 was imposed. The court reserves the right to impose fines if compliance is not obtained by September 29, 2015. A compliance hearing will be held on September 30, 2015.

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.

The Special Magistrate granted the request to dismiss this case.

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 from August 26, 2015 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.com for transiently rental at \$180.00 per night.

The Special Magistrate granted the request to continue this case to September 30, 2015 for service.

Mitigation

31

Case # 14-154

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

The Special Magistrate, after hearing testimony from the respondent and the code officer, agreed to reduce the amount of fines and fees that had accrued to \$19,250 to \$15,000 which includes the Administrative Costs. The reduced fine is payable within 30 days.

Liens

32

Case # 14-1798

Matthew Boucher
3128 Riviera Drive
Posted: 9-10-2015

Continue to September 30th for service

The Special Magistrate continued this case to September 30, 2015 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

Adjournment