

City of Key West, FL

Old City Hall 510 Greene Street Key West FL 33040

Meeting Agenda Full Detail Code Compliance Hearing

Wednesday, March 28, 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 # 11-1156

Jorge Romero 2805 Flagler Avenue

Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business.

Officer Ginny Haller

Certified Service: 3-1-2012 Initial Hearing: 3-28-2012

In compliance, request dismissal

Count 1: Property is being rented without a business tax receipt.

Attachments: 11-1156 2805 Flagler Ave NOH

² 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 for Settlement Agreement

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.

Attachments: 11-1551 1110 Fleming St 2 NOH

<u>11-1551 1110 Fleming Emails to rent</u> <u>11-1551- 1110 Fleming Subpoenas</u>

11-1551 1110 Fleming-booking confirmation and rental agreement

11-1551-1110 Fleming- VRBO

Legislative History

2/29/12 Code Compliance Hearing Continuance

David Wolkowsky 1701 Laird Street

Sec. 14-72 Minimum facilities

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

Officer Leonardo Hernandez Certified Service: 2-17-2012 Initial Hearing: 3-28-2012

New Case

Count 1: On February 9, 2012 a call was received from KWPD stating that two people were living on this property with a sleeping facility, grill and food. No running water or bathing facilities. **Count 2**: A structure was built without the benefit of a permit.

Attachments: 11-1437 1701 Laird St NOH

11-1437 1701 Laird St pics

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.

Attachments: 11-1444 730 Southard St NOH

11-1444 730 Southard St pics

Legislative History

1/25/12 Code Compliance Hearing Continuance 2/29/12 Code Compliance Hearing Continuance

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.

Attachments: 11-1467 1316 Eliza St NOH

<u>11-1467 1316 Eliza St pics</u> <u>11-1467 1316 Eliza St pics</u>

Legislative History

2/29/12 Code Compliance Hearing Continuance

405 Frances, LLC
Andrea M Amato, Mgr.
BDB Agent Co. R/A
John P Slagter
405 Frances Street
Sec. 62-2 Obstructions
Officer Leonardo Hernandez

Certified Service: 2-24-2012 - Owner

2-28-2012 - R/A

Initial Hearing: 3-28-2012

New Case

Count 1: On December 13, 2011 a complaint was received that trees were being planted on the City's right of way without a permit and the fence had been installed on the right of way, exceeding the scope of the permit.

Attachments: 11-1506 405 Frances St NOH

<u>11-1506 405 Frances St pics</u> <u>11-1506 405 Frances St Permit</u>

7 Case # 11-1548

Tamara Redhead 1101 Simonton Street

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

Sec. 14-40 Permits in historic district

Sec. 90-363 Certificate of occupancy - required

Officer Leonardo Hernandez Certified Service: 3-14-2012 Initial Hearing: 3-28-2012

Continuance granted to April 25, 2012

Count 1: A complaint was received on December 27, 2011 that the shed was converted into living space without a permit. **Count 2**: A complaint was received on December 27, 2011 that the shed was converted into living space without HARC approval. **Count 3**: A Certificate of Occupancy was not issued to use the shed as a living unit.

Attachments: 11-1548 1101 Simonton St NOH

11-1548 1101 Simonton St pics

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.

Attachments: 12-27 3220 Eagle Ave - Owner -NOH

12-27 3220 Eagle Ave - Contractor - NOH

12-0027 3220 Eagle Ave pics

Legislative History

2/29/12 Code Compliance Hearing Continuance

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.

Attachments: 12-49 1011 Whitehead St NOH

12-49 1011 Whitehead St Confirmation BTR

12-49 1011 Whitehead St Ad

Legislative History

2/29/12 Code Compliance Hearing Continuance

10 Case # 09-1501

Angel & Daniela Rodriguez

Angel Rodriguez Dr 908 Trinity Drive #4

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

Sec. 14-256 Required for electric Sec. 14-262 Request for inspection Sec. 14-325 Permits required Sec. 14-327 Mechanical inspection

Sec. 14-358 Plumbing permit required Sec. 14-362 Connect to public sewer Sec. 90-363 Certificate of occupancy

Officer Barbara Meizis Certified Service: 11-8-2011 Initial Hearing: 12-14-2011

Continued from January 25, 2012

Count 1: On May 10, 2010, planning department received an after the fact variance for an after the fact accessory unit which was constructed without building permits. Count 2: Electrical work done on the accessory unit without the benefit of an electrical permit. Count 3: Electrical inspections are required for all electrical work done. Count 4: Mechanical work done without the benefit of a mechanical permit. Count 5: Mechanical inspections are required for all mechanical work done. Count 6: Plumbing work done without the benefit of a plumbing permit. Count 7: Connection to the city sewer system is required. Count 8: A certificate of occupancy is required for the accessory unit.

Attachments: 09-1501 908 Trinity NOH

Arthur Robert Kara Living Trust

7 Hunts Lane

Sec. 14-40 Permits in the historic district

Sec. 6.6.1.6 Installation of Containers - NFPA 58 Liquefied Petroleum

Gas Code 2008

Sec. 6.6.2.1 Installation of Cylinders - NFPA 58 Liquefied Petroleum

Gas Code 2008

Officer Barbara Meizis

Certified Service: 2-17-2012 Initial Hearing: 3-28-2012

In compliance, request dismissal

Count 1: On November 10, 2011 it was observed that a propane tank had been installed on the ground without HARC approval. No building or work permit required by this code for work in the Historic District shall be issued until a Certificate of Appropriateness has been granted.

Count 2: On November 10, 2011 it was observed that a propane tank had been installed on the ground without being securely anchored.

Count 3: On NOvember 10, 2011 it was observed that a propane tank had been installed on the ground in contact with the soil.

Attachments: 11-1399 7 Hunts Ln NOH

11-1399 7 Hunts Ln NOCV

11-1399 7 Hunts Ln - gas code & photos

11-1399 nocv 7 Hunts Ln-rtn recpt

David Neil Austin 1215 Duncan Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Barbara Meizis Certified Service: 3-13-2012 Initial Hearing: 3-28-2012

New Case

Count 1: A non-transient business tax receipt for two units is required to rent your property. The above property has been rented by William Virgil Montgomery in Unit 1 and Destiny Blue Montgomery in Unit 2. Keys Energy shows electric service in Mr. Montgomery's name since 08-27-2008. There is also a rental agreement between Cathy Fernandez, The Hip Tourist, your agent and William Montgomery and Robin Gregory as tenants.

Attachments: 12-302 1215 Duncan St NOH

12-302 1215 Duncan St keys energy info

12-302 1215 Duncan St photos

12-302 1215 Duncan St AdminEmailCaseAssign

12-302 1215 Duncan St City addy display & google maps

12-302 1215 Duncan St email notify deling sewer

12-302 1215 Duncan St keys energy info

12-302 1215 Duncan St photos (2)w-explanation

Scott Marks

Sidewalk in front of 500 Duval Street

Sec. 6-4 Permit regulations; prohibitions (d) Sec. 6-4 Permit regulations; prohibitions (k) Sec. 6-4 Permit regulations; prohibitions (r)

Officer Barbara Meizis Certified Service: 3-2-2012 Initial Hearing: 3-28-2012

New Case

Count 1: On February 27, 2012, Mr. Marks, B Permit holder # 11 Art 171 was positioned atop a 3' side by 2' high by 2' deep blue and white cooler along with his dog which was dressed in sunglasses, a hat and a lei. There was a sign on the cooler reading "I Got Lei'd - the Lei Man - In Key West". There was a sign on the ground at Mr. Marks' feet which read "Tips for Photos" along with a tip jar that had money in it. Count 2: On February 27, 2012, I measured Mr. Mark's display including all accouterment which as 8 1/2 ' wide by 6' high by approximately 4' deep concluding the display was much larger than 25 square feet. Count 3: On February 27, 2012 I observed Mr. Marks sitting on a cooler along with his dog which was in costume (a lei around the dog's neck, sunglasses on its face and a red hat) situated on the city right-of-way requesting donations of money (tips) at a performance.

Attachments: 12-340 500 Duval St Scott Marks NOH

12-340 500 Duval St Photos

12-340 500 Duval St St Artist Scott Marks appl 12-340 500 Duval St prev code case 12-298

Limor Doum Starkey
2104 Patterson Avenue
Sec. 66-87 Business tax receipt required for all holding themselves out
to be engaged in business
Officer Bonnita Myers
Certified Service:

Initial Hearing: 3-28-2012

New Case

Count 1: On December 1, 2011 the city received a complaint that the subject property was being rented without a business tax receipt. a lease was received showing Christopher and Ashley Albo as the tenants.

Attachments: 11-1525 2104 Patterson Ave NOH

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.

Attachments: 12-60 1800 Atlantic Blvd A208 NOH

12-60 1800 Atlantic # A208 contract 12-60 1800 Atlantic # A208 advertising

12-60 1800 Atlantic # A208 email request contin.

12-60 1800 Atlantic # A208 emails

12-60 1800 Atlantic # A208 continuance February

Legislative History

2/29/12 Code Compliance Hearing Continuance

16 Case # 12-291

1018 Truman LLC
Edward G Clark R/A
Key West Liquid 8 Pawn LLC
Jan G Robbins R/A
Richard Igo, Applicant
1018 Truman Avenue
Sec. 106-51 Prohibited
Officer Bonnita Myers

Certified Service: 3-8-2012 - owner

Initial Hearing: 3-28-2012

Repeat Violation

New Case

Count 1: Repeat violation of outdoor display of merchandise. On February 17, 2012 a complaint was received that Liquid 8 Pawn had bicycles on the sidewalk for sale. Photos were taken. On February 28, 2012, photos were taken of the bicycles inside the shop showing one of the same bicycles that was locked to a post on February 17, 2012. Count 2: Repeat violation of outdoor display of merchandise. On March 5, 2012 a photo was taken at ~ 9:59 am showing no bicycles attached to the poles. At ~ 10:09 am a photo and video were taken showing the employee taking the bicycles outside and attaching them to the posts. Count 3: Repeat violation of outdoor display of merchandise. On March 7, 2012 a photo was taken at ~8:00 am showing the bicycles inside the shop. Another photo was taken ~9?50 am showing the bicycles attached to the poles outside.

Attachments: 12-291 1018 Truman Ave NOH

12-291 1018 Truman Ave Pics 12-229 1018 Truman 2.17.12 pics 12-229 1018 Truman 03.03.12 pics 12-291 1018 Truman 3.7.12 am

Discount Dumpsters LLC
Daniel Michie III
1430 7th Street

Sec. 58-32 Dumpsters on public right-of-way

Officer Bonnita Myers Certified Service:

Initial Hearing: 3-28-2012

Repeat Violation

New Case

Count 1: Repeat violation for placing a dumpster on the city right-of-way on March 9, 2012 without the benefit of a permit. **Count 2**: Repeat violation for placing a dumpster on the city right-of-way on March 12, 2012 without the benefit of a permit.

Attachments: 12-428 1430 7th St NOH

12-428 1430 7th St.

<u>12-428 1430 7th St. pic 3.16.12</u> <u>12-428 1430 7th St. pic 3.22.12</u>

18 Case # 09-1193

Allen L Hansen

2002 Seidenberg Avenue

Sec. 58-61 Determination and levy of charge Sec. 90-363 Certificate of occupancy - required

Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business Officer Lynn Tsouchlos Certified Service: 9-22-2011 Initial Hearing:10-19-2011

Continued from January 25, 2012 for compliance

For renting two units when only 1 sewer/solid waste account exists with the city. A certificate of occupancy is required for all units. A business tax receipt is required for all units.

Attachments: 09-1193 2002 Seidenberg NOH

19 Case # 10-1274

Rockwell Property, Inc. Catalfomo & Farrelly, R/A Trepanier & Assoc., Inc.

Owen Trepanier Richard W Hoy, DPS 2 Scheppens Lane

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

Sec. 14-40 Permits in the historic district

Officer Jim Young

Certified Service: 8-15-2011

Certified Service: 11-10-2011 - Irreparable Notice

Initial Hearing: 8-31-2011

Continued from January 25, 2012 for compliance

Count 1: Prior to October 8, 2012 it was determined that a staircase was demolished without a building permit. Count 2: Prior to October 8, 2010, it was determined that a staircase was demolished without HARC approval. Count 3. Prior to October 8, 2011 it was determined that a staircase was built without required building permits. Count 4: Prior to October 8, 2010 it was determined that a gable roof was demolished without a building permit. Count 5: Prior to October 8, 2010 it was determined that a roof deck was built without required building permits. Count 6: Prior to October 8, 2010 it was determined that a fence was built on the roof deck without building permits.

Attachments: 10-1274 #2 Scheppen's Ln Rev NOCV-NOH

20 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.

Attachments: 10-1453 613 Ashe St NOH

10-1453 613 Ashe St pics

10-1453 613 Ashe St. Posting pic

Legislative History

4/27/11	Code Compliance Hearing	Continuance
5/25/11	Code Compliance Hearing	Continuance
8/3/11	Code Compliance Hearing	Continuance
11/16/11	Code Compliance Hearing	Continuance
1/25/12	Code Compliance Hearing	Continuance
2/29/12	Code Compliance Hearing	Continuance

21 Case # 11-861

Yoram & Jai B Levy 2509 Harris Avenue

Sec. 66-102 Dates due and delinquent; penalties

Officer Jim Young

Certified Service: 2-27-2012 Initial Hearing: 3-28-2012

New Case

Count 1: On July 7, 2011 the subject property was being rented and occupied by Heather Dagenais, Ariella Hogan and Ryan Satpula. The business tax receipt expired on September 30, 2008.

Attachments: 11-861 2509 Harris Ave NOH

11-861 2509 Harris Ave pics

²² Case # 11-929

Cecil E Allf 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.

Attachments: 11-929 431 Front C NOH

11-929 431 Front C Docs

11 929 431 Front C Don Craig Email

11-929 431 Front C Pic

Legislative History

9/28/11	Code Compliance Hearing	Continuance
11/16/11	Code Compliance Hearing	Continuance
2/29/12	Code Compliance Hearing	Continuance

Tim Gallagher

2904 Harris Avenue

Sec. 90-363 Certificate of occupancy required

Sec. 66-87 Business tax receipt required for all holding themselves out

to be engaged in business

Officer Jim Young

Certified Service: 2-17-2012 Initial Hearing: 3-28-2012

New Case

Count 1: On September 22, 2011 i observed a habitable unit at the rear of the subject property. A check of the city records indicates there is no certificate of occupancy for this unit. **Count 2**: on September 22, 2011 I observed a habitable unit at the rear of the subject property being rented without the benefit of a business tax receipt.

Attachments: 11-1200 2904 Harris Ave NOH

11-1200 2409 Harris Ave pics

24 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 to April 25, 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.

Attachments: 11-1209 1129 Fleming NOH

11-1209 1129 Fleming Docs

Case 11-1209 1129 Fleming Street photos

Legislative History

11/16/11 Code Compliance Hearing Continuance 2/29/12 Code Compliance Hearing Continuance

²⁵ Case # 12-333

Omaida Tirador 1609 Trinidad Drive

Sec. 66-102 Dates due and delinquent; penalties

Officer Jim Young

Certified Service: 3-3-2012 Initial Hearing: 3-28-2012

New Case

Count 1: Repeat violation of renting without a business tax receipt

<u>Attachments:</u> 12-333 1609 Trinidad Dr NOH

12-333 1609 Trinidad Drive pics

²⁶ Case # 12-378

Katherine A O'Shea Rev Trust

Brian R Quattrini, R/S Tarzan Tree Care

Sandra Downs - Contractor

414 Louisa Street

Sec. 110-321 - Required Sec. 110-256 Tree abuse

Certified Service: 3-6-2012 - contractor Certified Service: 3-21-12 - owner

Initial Hearing: 3-28-2012

Continuance was granted to April 25, 2012 starting at 10 am

Count 1: A Royal Poinciana Tree was removed without a permit. Count2: Tree abuse is prohibited

<u>Attachments:</u> 12-378 414 Louisa St NOH Owner

12-378 414 Louisa St NOH Contr

Elizabeth H Humes - Owner

Tarzan Tree Care

Sandra Downs - Contractor

534 Grinnell Street

Sec. 110-321 - Required

Certified Service: 3-21-2012 - contractor Certified Service: 3-19-2012 - owner

Initial Hearing: 3-28-2012

Continuance was granted to April 25, 2012 starting at 10 am

Count 1: A Royal Poinciana Tree was not trimmed according to "best

pruning practices" by ANSI A-300 standards

Attachments: 12-386 534 Grinnell St NOH

Adjournment