

# City of Key West, FL

# Meeting Agenda Full Detail

# **Code Compliance Hearing**

Wednesday, September 26, 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** 

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Case # 11-1541

James & Judith Wert 1424 Petronia Street Sec. 66-87 Business tax receipt required Sec. 58-61 Determination and levy of charge Sec. 14-37 Building permits; professional plans; display of permits Sec. 90-363 Certificate of Occupancy required Officer Bonnita Badgett Certified Service: 4-13-2012 Initial Hearing: 4-25-2012

# Continued to September 26, 2012 for compliance

Count 1: A business tax receipt for all units is required to rent the property. Count 2: A solid waste account is required for all units. Count 3: A building permit is required to build a third unit. Count 4: A certificate of occupancy is required prior to renting the third unit.

Attachments: 11-1541 1424 Petronia St NOH

4/25/12	Code Compliance Hearing	Continuance
5/23/12	Code Compliance Hearing	Continuance
7/25/12	Code Compliance Hearing	Continuance
8/22/12	Code Compliance Hearing	Continuance

#### Case # 12-222

Peter Anderson 1205 11th Street Sec. 66-102 Dates due and delinquent; penalties Sec. 58-72 Responsibility of owner and tenant for payment Sec. 74-206 Owners responsibility for payment Officer Bonnita Badgett Certified Service: 8-6-2012 Initial Hearing: 9-26-2012

# **New Case**

**Count 1:** The business tax receipt to rent this property is delinquent. **Count 2:** The solid waste account is past due. **Count 3:** The sewer account is past due.

 Attachments:
 12-222 1205 11th St NOH

 12-222 1205 11th St past due

 12-222 1205 11th St current tenant

 12-222 1205 11th St Keys Energy Acct Info

 12-222 1205 11th St Lease

 12-222 1205 11th St Utilities

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### Case # 12-338

James & Holly Cooney 415 United Street Sec. 66-87 Business tax receipt required Sec. 58-61 Determination and levy of charge Sec. 90-363 Certificate of occupancy - required Officer Bonnita Myers Certified Service: 4-7-2012 Initial Hearing: 4-25-2012

# Continued from July 25, 2012 Motion for continuance denied

Count 1: A business tax receipt is required to rent the two units on the property.Count 2: A solid waste account is required for both units.Count 3: A certificate of occupancy is required for the second unit.

 Attachments:
 12-338 415 United St NOH

 12-338 415 United pics 6.8.12

 12-338 415 United St Resolution 89-290

#### Legislative History

4/25/12	Code Compliance Hearing	Continuance
5/23/12	Code Compliance Hearing	Continuance
7/25/12	Code Compliance Hearing	Continuance

### Case # 12-344

Dan & Joanna Schoneck 3675 Seaside Drive 439 Sec. 66-102 Dates due and delinquent; penalties Officer Bonnita Badgett Posted: 8-30-2012 Initial Hearing: 9-26-2012

# New case

Count 1: The business tax receipt to rent this property is delinquent

Attachments: 12-344 3675 Seaside Dr 439 NOH

12-344 3675 Seaside Drive # 439 lease

#### Legislative History

8/22/12 Code Compliance Hearing Continuance

Brook W Gassner 1012 Catherine Street Sec. 66-102 Dates due and delinquent; penalties Officer Bonnita Bagdett Posted: 9-12-2012 Initial Hearing: 9-26-2012

## In compliance, request dismissal

Count 1: The business tax receipt to rent this property is delinquent

Attachments: 12-514 1012 Catherine St NOH

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Case # 12-586 Michael Coppola 1109 Fleming Street Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Sec. 58-63 Delinquency Officer Bonnita Badgett Certified Service: 7-30-2012 Initial Hearing: 8-22-2012

# Continued from August 22, 2012 for compliance

Count 1: A business tax receipt is required to rent your property. Count2: The sewer/solid waste accounts are delinquent.

<u>Attachments:</u> <u>12-586 1109 Fleming St NOH</u> <u>12-586 1109 Fleming St. lease</u>

#### Legislative History

8/22/12 Code Compliance Hearing Continuance

#### Case # 12-836

SHS Investment of South Florida Inc. Si Stern Robert M Weinberger, Registered Agent 820 White Street Sec. 14-40 Permits in historic district Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Sec. 90-363 Certificate of occupancy - required Officer Bonnita Badgett Certified Service: 8-31-2012 - Owner 9-13-2012 - Registered Agent Initial Hearing: 9-26-2012

### New case

**Count 1:** Placed low voltage cameras outside without HARC approval. **Count 2:** Placed low voltage cameras outside without

 Attachments:
 12-836 820 White St NOH

 12-836 820 White St NOH RA

#### Case # 11-1286

Faye G Logun 2310 Patterson Avenue Sec. 122-1078 Restrictions on buildings and structures, including entryways, Counts 1-5 Sec. 14-37 Building permits; professional plans; display of permits, Count 6 Sec. 90-356 Building permits required, Count 7 Sec. 90-391 Variances, Counts 10 and 11 Officer Peg Corbett Certified Service: 8-3-2012 Initial Hearing: 9-26-2012

## **New Case**

**Counts 1-5:** Subject property has five rooms held out for rent (3 occupied at the time of inspection) without property ingress/egress. **Count 6:** The main house was altered/renovated to add the above five subject rooms without the benefit of a building permit(s). **Count 7:** Two additional rooms were added to the original home in 2005 without the benefit of a building permit. **Counts 8 and 9:** For extending the main house to add the subject rooms identified in count one through five on the side setback of the property. For adding an outdoor shared bathroom facility on the rear setback of the property.

 Attachments:
 11-1286 2310 Patterson Ave NOH

 11-1286 2310 Patterson Ave Amended NOCV

 11-1286 2310 Patterson Ave Print Screen of Permits

#### Case # 12-569

Clifford C Cutler 726 Olivia Street Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Officer Peg Corbett Posted: 7-25-2012 Initial Hearing: 9-26-2012

# **New Case**

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

Attachments:12-569 726 Olivia St NOH Posting12-569 726 Olivia Keys Energy Acct Info12-569 726 Olivia St Lease12-569 726 Olivia St tenant affidavit12-569 726 Olivia St NOCV

## Case # 12-762

709 Windsor Lane LLC c/o Peter Nelson Brawn Vacation Homes of Key West c/o Cindy Rhoades B, B & B-B Registries, LLC/ R/A 709 Windsor Ln Rear, D & E Sec. 18-601 License Required Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations - Counts 2 through 8 Sec. 122-629 Prohibited uses (HHDR) Officer Peg Corbett Certified Service: 6-27-2012 Peter Brawn Certified Service: 6-29-2012 Cindy Rhoades Initial Hearing: 8-22-2012

# Continued from August 22, 2012 Irreparable violation

**Count 1:** The captioned property was held out/or advertised as being available transiently on May 19, 2012 through May 26, 2012. **Counts 2 through 8:** The respondent(s) held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on May 19, 2012 through Mary 26, 2012. **Count 9:** The captioned property is located in the Historic High Density Residential (HHDR) district which prohibits transient rentals.

<u>Attachments:</u>	12-762 709 Windsor D&E NOH	
	12-762 709 Windsor Ln 10-1537	
	12-762 709 Windsor Ln 11-362	

#### Legislative History

8/22/12 Code Compliance Hearing Continuance

Barracuda Scooter dba KW Wheels Henry Dean 1800 N Roosevelt Blvd Sec. 66-102 Dates due and delinquent; penalties. Counts 1 through 3 Officer Peg Corbett Certified Service: 8-11-2012 Initial Hearing: 9-26-2012

### In compliance, request dismissal

Count 1: The business tax receipt for bicycle rentals is delinquent.Count 2: The business tax receipt for ticket sales is delinquent. Count3: The business tax receipt for retail sales as accessory to rental activity is delinquent.

Attachments:

nts: 12-789 1800 N Roosevelt NOH

12-789 1800 N Roosevelt Ltr to Prop Owner

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# Case # 12-1052

Delice St Martin 1213 14th Street Lot 61 Sec. 14-37 Building permits; professional plans; display of permits Sec. 102-158 Stop work order and penalty Officer Peg Corbett Certified Service: 8-29-2012 Initial Hearing: 9-26-2012

# Continuance granted to October 17, 2012 Irreparable violation

**Count 1:** Restored/repaired a screened addition without benefit of a building permit. **Count 2:** Work was continued after the stop work order was posted. The stop work order was removed without permission.

Attachments: 12-1052 1213 14th St 61 NOH

## 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 June 12, 2012 for ruling

**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: <u>11-1444 730 Southard St NOH</u> 11-1444 730 Southard St pics

1/25/12	Code Compliance Hearing	Continuance
2/29/12	Code Compliance Hearing	Continuance
3/28/12	Code Compliance Hearing	Continuance
4/25/12	Code Compliance Hearing	Continuance
5/23/12	Code Compliance Hearing	Continuance
6/12/12	Code Compliance Hearing	Continuance
7/25/12	Code Compliance Hearing	Continuance

#### 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

# Continued from July 25, 2012 for compliance

**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.

<u>Attachments:</u>	11-1548 1101 Simonton St NOH
	11-1548 1101 Simonton St pics
	11-1548 1101 Simonton St Misc
	11-1548 1101 Simonton St pics 2

3/28/12	Code Compliance Hearing	Continuance
4/25/12	Code Compliance Hearing	Continuance
7/25/12	Code Compliance Hearing	Continuance

## Case # 12-671

Cynthia A Grissom 1401 Sunset Drive Sec. 58-61 Determination and levy of charge Officer Leonardo Hernandez Certified Service: 5-5-2012 Initial Hearing: 5-23-2012

# Continuance granted to October 17, 2012

# **Repeat Violation**

**Count 1:** Repeat violation of having two units when the City only recognizes one unit.

<u>Attachments:</u>	<u>12-671 1401 Sunset Dr NOH</u>	
	12-671. 1401 Sunset Lease, etc.	

5/23/12	Code Compliance Hearing	Continuance
6/12/12	Code Compliance Hearing	Continuance
7/25/12	Code Compliance Hearing	Continuance

#### Case # 12-689

Charles & Jacqueline Hewett Vacation Homes of Key West c/o Cindy Rhoades 1006 Packer Street Sec. 18-601 Transient License Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations - Counts 2 through 8 Sec. 122-599 Prohibited uses Officer Leonardo Hernandez Certified Service: 7-6-2012 Initial Hearing: 8-22-2012

# Continued from August 22, 2012 Irreparable violation

**Count 1:** The captioned property was held out and/or advertised as being available transiently on June 4, 2012 through June 11, 2012. **Counts 2 through 8:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on June 4, 2012 through June 11, 2012. **Count 9:** The captioned property is located in the Historic Medium Density Residential (HMDR) district which prohibits transient rentals.

Attachments: 12-689 1006 Packer St 8 NOH

Legislative History

8/22/12 Code Compliance Hearing Continuance

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Case # 12-846 Crowne Plaza La Concha 430 Duval Street Sec. 26-31 Offensive and nuisance conditions prohibited Sec. 14-74 Nuisances Officer Leonardo Hernandez Certified Service: 8-20-2012 Initial Hearing: 9-26-2012

# **New Case**

**Count 1:** Offensive and nuisance conditions exist on and around the dumpsters since June 9, 2012. **Count 2:** The drain located in the dumpster enclosure was clogged and needed repair.

Attachments: 12-846 430 Duval St NOH

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#### Case # 12-851

Vladimir Prokhodnoy 2301 Linda 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 Sec. 90-356 Building permits required Officer Leonardo Hernandez Certified Service: 8-8-2012 Initial Hearing: 9-26-2012

### Continuance was granted to October 17, 2012

Count 1: A certificate of occupancy is required for the two extra units.
Count 2: A solid waste account is required for all units on the property.
Count 3: A business tax receipt is required to rent your property.
Count 4: A building permit is required for all renovations that have been done.

Attachments: 12-851 2301 Linda Ave NOH

#### Case # 12-857

Big Dave's Pets David Bradford 2756 N Roosevelt Blvd Sec. 58-68 Commercial Waste Account Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Officer Leonardo Hernandez Certified Service: 8-6-2012 Initial Hearing: 9-26-2012

# In compliance, request dismissal

**Count 1:** All commercial businesses must have a commercial solid waste account. **Count 2:** A business tax receipt is required the for the location of Big Dave's pets.

Attachments: 12-857 2756 N Roosevelt NOH

Scott R Zurbrigen Sean P Seckel T/C 1123 Petronia Street Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Officer Leonardo Hernandez Hand Served: 9-7-2012 Initial Hearing: 9-26-2012

### In compliance, request dismissal

**Count 1:** A business tax receipt is required to rent this property.

Attachments: 12-878 1123 Petornia St NOH

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Case # 12-950 Angela Petronia LLC Charles Krumel 610 Angela Street Sec. 18-601 License required Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations Sec. 122-629 Prohibited uses Office Leonardo Hernandez Certified Service: 7-31-2012 Initial Hearing: 8-22-2012

# Continued from August 22, 2012 Irreparable violation

**Count 1:** The subject property was rented transiently from July 1, 2012 through July 6, 2012 without a transient business tax receipt. **Counts 2 through 7:** The respondent held out the property in question as being available for rent transiently contrary on July 1, 2012 through July 6, 2012. **Count 8:** Transiently rental are prohibited in the Historic High Density Residential (HHDR) district.

Attachments: 12-950 610 Angela St NOH

### Legislative History

8/22/12 Code Compliance Hearing Continuance

Danielle K Kehoe Andrew J Mendez 1006 17th Street Sec. 14-37 Building permits; professional plans; display of permits Officer Leonardo Hernandez Certified Service: 8-31-2012 Initial Hearing: 9-26-2012

# Continuance granted to October 17, 2012

**Count 1:** A building permit is required prior to the commencement of work.

#### Attachments: 12-1020 1006 17th St NOH

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# Case # 12-1078

Peter N Brawn 1413 South Street & 1314 Seminary Street Sec. 62-2 Obstructions Sec. 62-31 Maintenance of area between property line and adjacent paved roadway Officer Bernice Hill Certified Service: 9-10-2012 Initial Hearing: 9-26-2012

### New case

**Counts 1 and 2:** These properties have landscaping that is overgrown and is blocking the City's right-of-way. **Counts 3 and 4:** These properties have landscaping that is overgrown and is blocking the City's right-of-way.

 Attachments:
 12-1078 1413 South St NOH

 12-1078 Seminary & South

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#### Case # 12-1092

Tim Gallagher 2904 Harris Avenue Sec. 26-126 Clearing of property of debris and noxious material required Sec. 62-2 Obstructions Officer Bernice Hill Certified Service: Initial Hearing: 9-26-2012

# In compliance, request dismissal

**Count 1:** The lot is overgrown, and furniture is scattered within the property. **Count 2:** Furniture and palm trees are blocking the city right of way

 Attachments:
 12-1092 2904 Harris Ave NOH

 12-1092 2904 Harris pixs 1

 12-1092 2904 Harris pixs 2

 12-1092 2904 Harris pixs 3

 12-1092 2904 Harris pixs 4

 12-1092 2904 Harris pixs 4

# Case # 12-1118

Raymond Mortimer Estate c/o Antonio Osborn 419 Simonton Street Sec. 66-103 Transfer of License Officer Bernice Hill Certified Service: Initial Hearing: 9-26-2012

# **Request dismissal for redraft**

**Count 1:** The business tax receipt to rent this property needs to be transferred to the current owner.

Attachments: 12-1118 419 Simonton St NOH

#### Case # 11-633

Arturo Cobo Elsa Degraffenreid R/S 1517 Dennis Street Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Sec. 14-37 Building permits; professional plans; display of permits Sec. 14-256 Required Sec. 14-262 Request for inspection Sec. 14-325 Permits required Sec. 14-358 Amendments to Florida Plumbing Code Sec. 14-327 Inspection Sec. 14-362 Connection to public sewer Sec. 90-363 Certificate of occupancy - required Officer Barbara Meizis Certified Service: 5-22-2012 Initial Hearing: 6-12-2012

### Continued from August 22, 2012

**Count 1:** A business tax receipt is required to rent the five dwelling units. **Count 2:** A building permit is required prior to subdividing the building into five dwelling units. **Count 3:** An electrical permit is required prior to doing any electrical work. **Count 4:** An electrical inspection is required. **Count 5:** A mechanical permit is required prior to doing any mechanical work. **Count 6:** A plumbing inspection is required prior to doing any plumbing work. **Count 7:** A mechanical inspection is required. **Count 8:** Coin operated washing machines and all other plumbing disposal systems must be connected to public sewer after having been inspected by the chief building official. **Count 9:** A certificate of occupancy is required for each of the five dwelling units.

### Attachments: <u>11-633 1517 Dennis St NOH</u>

11-633 1517 Dennis St Plng Ltr & Photos

6/12/12	Code Compliance Hearing	Continuance
7/25/12	Code Compliance Hearing	Continuance
8/22/12	Code Compliance Hearing	Continuance

#### Case # 12-453

Patrick Ritter Samantha O'Farrell 1707 Leon Street Sec. 66-102 Date due and delinquent; penalties Sec. 74-206 Owner's responsibility for payment Sec. 58-63 Delinquency Officer Barbara Meizis Certified Service: 8-13-2012 Initial Hearing: 9-26-2012

# **New Case**

**Count 1:** The business tax receipt to rent this property is delinquent **Count 2:** Property owner is responsible for delinquent sewer account **Count 3:** Property owner is responsible for delinquent solid waste account

Attachments: 12-453 1707 Leon Street NOH

#### Case # 12-535

Canvass Creations Steven Ness - Contractor Kathryn McKee Ness Sec. 14-37 Building permits; professional plans, display of permits Sec. 14-40 Permits in the historic district Sec. 18-146 License required Carter N Norris, Rev. Tr. 1/27/2009 - Property owner 508 William Street Sec. 14-37 Building permits; professional plans, display of permits Sec. 14-40 Permits in the historic district Sec. 18-117 Acts declared unlawful Officer Barbara Meizis Certified Service: 8-31-2012 Certified Service: 9-5-2012 Initial Hearing: 9-26-2012

# **New Case**

Count 1: A building permit is required prior to the installation of an awning - owner of Canvass Creations and property owner. Count 2: HARC approval is required prior to the installation of an awning -owner of Canvass Creations and property owner. Count 3: A license is required for installation of an awning - owner of Canvass Creations.
Count 4: Aiding and abetting an unlicensed contractor - property owner

Attachments: 12-535 508 William St - NOH amended

#### Case # 12-904

Sean Seckel Scott Zurbrigen 1224 Florida Street Sec. 18-601 License required Sec. 122-1371 Transient living accommodations in residential dwellings; regulations Counts 2 through 9 Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Sec. 122-599 Prohibited uses Sec. 58-63 Delinguency Sec. 74-206 Owner's responsibility for payment Sec. 14-37 Building permits; professional plans, display of permits Sec. 14-40 Permits in historic district Officer Barbara Meizis Hand Served: Initial Hearing: 9-26-2012

# Continuance granted to October 17, 2012 Repeat/Irreparable Violation

**Count 1:** A transient rental license is required to rent your property transiently. **Counts 2 through 9:** The property owners held out the property as being available for rent transiently contrary to Sec. 122-1371 on June 20, 2012 through June 27, 2012. **Count 10:** A business tax receipt is required to rent your property. **Count 11:** Transient rentals are prohibited in the Historic Medium Density Residential district (HMDR). **Count 12:** The solid waste account is delinquent. **Count 13:** The sewer account is delinquent. **Count 14:** Cameras were installed without benefit of a build permit. **Count 15:** Cameras were installed without benefit of a certificate of appropriateness.

<u>Attachments:</u> <u>12-904 1224 Florida Street NOH</u> <u>12-904 1224 Florida St - rental contract</u> <u>12-904 1224 Florida St - Findings & Order 08-795</u>

Timothy O Greene 726 Southard Street Sec. 66-102 Dates due and delinquent; penalties Officer Barbara Meizis Certified Service: 8-31-2012 Initial hearing: 9-26-2012

# In compliance, request dismissal

Count 1: The business tax receipt to rent this property is delinquent.

Attachments: 12-982 726 Southard St - NOH

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# Case # 12-1014

Timothy O Greene 1311 Villa Mill Alley Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Officer Barbara Meizis Certified Service: 8-31-2012 Initial Hearing: 9-26-2012

# In compliance, request dismissal

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

Attachments: 12-1014 1311 Villa Mill Alley - NOH

#### Case # 12-1239

Island Cigar & Tobacoria Alon Croitoru Carol Croitoru 135 Duval Company - Property Owner c/o Peter Nelson Brawn Charles Ittah, Registered Agent Sec. 106-51 Prohibited - Counts 1 through 3 - Repeat Sec. 42-6 Tattoo establishments; temporary tattoos Officer Barbara Meizis Certified Service: 9-13-2012 Initial Hearing: 9-26-2012

# Continuance granted to October 17, 2012 Repeat Violation

**Counts 1 through 3:** On September 1, 2012, September 2, 2012 and September September 5, 2012, a "boat" filled with cigars; a ' tall cigar "man" display and another display with cigars in it were located on the exterior of the building. The two doors which open out to Greene Street had a sign board on one with temporary henna tattoos and the other door had cigar boxes attached to it. This business does not currently have an exception to the outdoor display ordinance. **Count 4:** On September 1, 2012, September 2, 2012 and September 5, 2012, the signage warning about PPD was not displayed.

Attachments: 12-1239 501 Greene St NOH

HARC Appeals

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 SMA 12-05

 Daniel Harris

 c/o Patrick Wright

 914 James Street

 Attachments:
 914 James St Hearing Notice

 914 James St Appeal Letter

 914 James St Letter of Denial

 914 James St Staff Report

 914 James St Application

 Legislative History

 8/22/12
 Code Compliance Hearing

 Continuance

### Mitigations

**Case # 10-919** John A Williams Paul N Hayes, R/A for Rent Key West Vacations 1328 Atlantic Blvd

Attachments: 10-919 1328 Atlantic Blvd Mitigation 10-919 1328 Atlantic Blvd Architect Itr

# Legislative History

7/25/12 Code Compliance Hearing Continuance

# Adjournment