

## City of Key West, FL

City Hall 1300 White Street Key West FL 33040

## **Meeting Agenda Full Detail**

## **Code Compliance Hearing**

Wednesday, May 31, 2017 1:30 PM Old City Hall

#### **Code Violations**

1 Case # 17-455

Silver & Gold Treasures, LLC Ricardo Adefuin 114 Fitzpatrick Street 116 Sec. 58-68 Commercial solid waste accounts Officer Bonnita Badgett

Certified Service: 4-9-2017 Initial Hearing: 5-31-2017

## **New Case**

**Count 1:** Failure to have an active Waste Management garbage account.

#### 2 Case # 16-1541

Poinciana Partners, LLP - Property Owner Jean Walner Desire - Tenant 1300 15th Court Lot 63

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

address; exceptions.
Officer Sophia Doctoche

Certified Service: 12-15-2016 - Property Owner

Certified Service: 12-9-2016 - Tenant

Initial Hearing: 1-25-2017

## Continued from April 26, 2017 for compliance

**Count 1:** Porch and back enclosure built without benefit of building permits.

1/25/17	Code Compliance Hearing	Continuance
3/29/17	Code Compliance Hearing	Continuance
4/26/17	Code Compliance Hearing	Continuance

Edward J Mckeon III 1203 20th Terrace

Sec. 26-126 Clearing of property of debris and noxious material required

Officer Sophia Doctoche Certified Service: 3-29-2017 Initial Hearing: 5-31-2017

## In compliance April 27, 2017; request dismissal

**Count 1:** Failure to maintain grass at the property to avoid breeding, fire hazards or creating unsanitary conditions.

#### 4 Case # 17-459

Island Refrigeration & AC

David McCain

1319 William Street

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

address; exceptions

Sec. 14-40 Permits in historic districts

Sec. 14-327 Inspection Sec. 14-256 Required

Sec. 14-262 Request for inspection

Officer Sophia Doctoche Certified Service: 4-6-2017 Initial Hearing: 5-31-2017

## In compliance April 11, 2017; request dismissal

**Count 1:** Failure to obtain a building permit for the newly installed AC unit at the subject property. **Count 2:** Failure to obtain a HARC certificate of appropriateness. **Count 3:** Failure to obtain the required mechanical inspection. **Count 4:** Failure to obtain required electrical permit. **Count 5:** Failure to have the required electrical inspection.

Crystal Clear Pools of Big Pine Key Inc.

Charles Wicht 1209 Laird Street

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

address; exceptions Officer Sophia Doctoche Certified Service: 4-28-2017 Initial Hearing: 5-31-2017

## In compliance May 10, 2017; request dismissal

**Count 1:** Failure to obtain required permits for the construction of the pool at the subject property.

## 6 Case # 17-226

Robert Bowersox Trust 12/30/92

1212 Georgia 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: 3-31-2017 Initial Hearing: 4-26-2017

## Continuance granted to August 30, 2017

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

## Legislative History

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## 7 Case # 17-411

Zapp Rideshare, Inc. 200 William Street

Sec. 66-92 License required for each location

Sec. 122-688 Conditional Uses Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez Certified Service: 3-30-2017 Initial Hearing: 4-26-2017

## In compliance May 8, 2017; request dismissal

Count 1: A license is required for each location for a business. Count 2: Rentals of mopeds/scooters are prohibited in the HRCC-1 (Historic Residential Commercial Core) district without a conditional use. Count 3: Zapp Rideshare is renting mopeds/scooters without the required instruction and training. Count 4: A conditional use is required to have a moped/scooter business in the HRCC-1 district.

#### Legislative History

4/26/17 Code Compliance Hearing Continuance

## Case # 17-415

Zapp Rideshare, Inc.

Frank Scozzafava

3850 North Roosevelt Boulevard - Hilton Garden Inn

Sec. 66-92 License required for each location

Sec. 122-418 Conditional uses
Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez Certified Service: 3-30-2017 Initial Hearing: 4-26-2017

## In compliance May 8, 2017; request dismissal

**Count 1:** A license is required for each location for a business. **Count 2:** Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. **Count 3:** Zapp Rideshare is renting mopeds/scooters without the required instruction and training.

**Count 4:** A conditional use is required to have a moped/scooter business in the CG district.

## Legislative History

Zapp Rideshare, Inc.

Frank Scozzafava

3824 North Roosevelt Boulevard

Sec. 66-92 License required for each location

Sec. 122-688 Conditional uses Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez Certified Service: 4-1-2017 Initial Hearing: 4-26-2017

## In compliance May 8, 2017; request dismissal

Count 1: A license is required for each location for a business. Count 2: Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. Count 3: Zapp Rideshare is renting mopeds/scooters without the required instruction and training. Count 4: A conditional use is required to have a moped/scooter business in the CG district.

#### Legislative History

4/26/17 Code Compliance Hearing Continuance

#### 10 Case # 17-417

Zapp Rideshare, Inc.

Frank Scozzafava

3852 North Roosevelt Boulevard - The Gates Hotel

Sec. 66-92 License required for each location

Sec. 122-418 Conditional uses Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez Certified Service: 4-1-2017 Initial Hearing: 4-26-2017

## In compliance May 8, 2017; request dismissal

**Count 1:** A license is required for each location for a business. **Count 2:** Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. **Count 3:** Zapp Rideshare is renting mopeds/scooters without the required instruction and training. **Count 4:** A conditional use is required to have a moped/scooter business in the CG district.

#### Legislative History

Zapp Rideshare, Inc. Frank Scozzafava

3800 North Roosevelt Boulevard - Wrecker's Bar & Grill

Sec. 66-92 License required for each location

Sec. 122-418 Conditional uses Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez Certified Service: 4-3-2017 Initial Hearing: 4-26-2017

## In compliance May 8, 2017; request dismissal

**Count 1:** A license is required for each location for a business. **Count 2:** Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. **Count 3:** Zapp Rideshare is renting mopeds/scooters without the required instruction and training. **Count 4:** A conditional use is required to have a moped/scooter business in the CG district.

#### Legislative History

4/26/17 Code Compliance Hearing Continuance

## 12 Case # 17-554

Zapp Rideshare, Inc.

Frank Scozzafava

3820 North Roosevelt Boulevard

Sec. 66-92 License required for each location

Sec. 122-418 Conditional uses Sec. 18-381 Instruction and training

Sec. 18-355 Recreational rental vehicle deemed conditional use

Officer Leonardo Hernandez Certified Service: 4-25-2017 Initial Hearing: 5-31-2017

## In compliance May 8, 2017; request dismissal

Count 1: License is required for each location for a business. Count 2: Rentals of mopeds/scooters are prohibited in the CG (Commercial General) district without a conditional use. Count 3: Zapp Rideshare is renting mopeds/scooters without the required instruction and training. Count 4: A conditional use is required to have a moped/scooter business in the CG district.

Laney & Stephanie Caston

1901 South Roosevelt Boulevard S302

Sec. 18-601 License required

Sec. 122-1371 Transient living accommodations in residential dwellings Sec. 122-1371 Transient living accommodations in residential dwellings

- Counts 2 - 14

Officer Beau Langford Certified Service: 1-23-2017 Initial Hearing: 2-15-2017

## Continuance granted to July 26, 2017

**Count 1:** For holding the property out for short term rentals on VRBO.com for the dates of 15 Jan 2017 through 27 Jan 2017 without a transient rental license. **Count 2:** For holding the property out for short term rentals on VRBO.com for the dates of 15 Jan 2017 through 27 Jan 2017 without the benefit of the required city, county and state licensing, medallion and fire inspection. **Counts 3 though 14:** The subject property owner is holding out for transient rental for 12 nights for a total of \$3,744.00.

## Legislative History

2/15/17 Code Compliance Hearing Continuance
4/26/17 Code Compliance Hearing Continuance

## 14 Case # 17-333

Poinciana Mobile Home Park - property owner

Louis Saintelien - mobile home owner

1300 15th Court 31

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

address; exceptions Officer Gerald Leggett

Certified Service: 4-1-2017 - mobile home owner Certified Service: 4-1-2017 - property owner

Initial Hearing: 4-26-2017

## Continued from April 26, 2017 for compliance

**Count 1:** For failure to obtain a building permit prior to construction of the addition.

## Legislative History

Stuart Kessler

1801 North Roosevelt Boulevard

Sec. 14-185 Compartmentation and flotation devices

Officer Jorge Lopez

Certified Service: 12-28-2016 Initial Hearing: 1-25-2017

## Continued from April 26, 2017 for compliance

**Count 1:** Owner of the vessel was notified by the Dock Master that this vessel needs to be repaired and to secure the floating device. As of December 14, 2016, there has been no progress towards compliance.

## Legislative History

1/25/17	Code Compliance Hearing	Continuance
2/15/17	Code Compliance Hearing	Continuance
3/29/17	Code Compliance Hearing	Continuance
4/26/17	Code Compliance Hearing	Continuance

#### 16 Case # 17-49

Keys Cooling, LLC

Christopher Gazzale - Registered Agent

Scott Ostlund - Property Owner

620 Thomas Street 286

Sec. 14-325 Permit required

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

address; exceptions

Sec. 14-40 Permits in historic districts Sec. 14-262 Request for inspection

Officer Jorge Lopez Posted: 3-29-2017

Initial Hearing: 3-29-2017

## Continuance granted to June 28, 2017

**Count 1:** Failure to obtain required permits for the installation of HVAC units. **Count 2:** Failure to apply and obtain the required mechanical permit for the HVAC units. **Count 3:** Failure to obtain a certificate of appropriateness for the HVAC units. **Count 4:** Failure to obtain required permits and inspections for the HVAC units.

3/29/17	Code Compliance Hearing	Continuance
4/26/17	Code Compliance Hearing	Continuance

Tong Hok Yat

1717 Thompson Street

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

address; exceptions

Sec. 14-262 Request for inspection Sec. 122-238 Dimensional requirements

Sec. 90-392 Application Officer Jorge Lopez

Certified Service: 4-19-2017 Initial Hearing: 5-31-2017

## Continuance granted to July 26, 2017.

Count 1: New structure located in the setback without the benefit of required mechanical, electrical and plumbing permits. Count 2: Electrical, mechanical and plumbing work conducted without requesting the required final inspections. Count 3: New structure is located within 25 feet from the neighbor's fence. Count 4: The new structure is located in the setbacks without the benefit of a variance.

## 18 Case # 17-206

James Hammilton & Dwinell James

1019 Elgin Lane A

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

address; exceptions

Sec. 14-40 Permits in historic districts

Officer Jorge Lopez

Certified Service: 4-19-2017 Initial Hearing: 5-31-2017

## **New Case**

**Count 1:** Failure to obtain required permits and inspections for the 10-12 ft. fence. **Count 2:** Failure to obtain certificate of appropriateness.

Victor & Cynthia A Mills 1200 White Street

Sec. 14-70 Minimum facilities

Sec. 90-363 Certificate of occupancy - Required

Officer Jorge Lopez Certified Service:

Initial Hearing: 5-31-2017

## In compliance May 4, 2017, request dismissal

**Count 1:** Failure to obtain all required permits to meet the minimum factilities for the structure located in the rear side of the property. **Count 2:** Failure to obtain a certificate of occupancy for a structure that is being used as a habitable space.

## 20 Case # 17-389

Hard Rock Cafe International (K.W.) Inc.

Jay Walszcak (Officer/Director)

313 Duval Street

Sec. 62-1 Deposits of oil, grease or other waste

Officer Jorge Lopez

Certified Service: 3-27-2017

Certified Service: 5-24-2017 - amended notice

Initial Hearing: 4-26-2017

## **Settlement Agreement**

**Count 1:** For allowing waste water to run down Rose Lane and onto Duval Street.

## Legislative History

Waterfront Brewery, LLC

Joseph Walsh - Registered Agent

201 William Street

Sec. 26-192 Unreasonably excessive noise prohibited

Sec. 14-40 Permits in historic districts

Sec. 90-142 Historic Architectural Commission Design Guidelines

adopted

Officer Jorge Lopez

Certified Mail:

Initial Hearing: 5-31-2017

## Request for continuance to June 28, 2017 for service

Count 1: Responding to this complaint, I conducted a site visit on May 12, 2017. I met with the complainant and she filled out an affidavit stating she suffers from disturbing noise within the boundaries of her property. Count 2: Failure to obtain the required certificate of appropriateness for the installation of speakers on the exterior of the building. Count 3: I observed and photographed carports located on the second floor of the building. Carports located in the historic districts and visible form city's right of way are prohibited.

## 22 Case # 17-520

Soap Stories Tampa Bay, Inc Incorporating Services LTD - Registered Agent 404 Duval Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Jorge Lopez

Certified Service: 5-12-2017 Initial Hearing: 5-31-2017

## In compliance May 26, 2017; request dismissal

**Count 1:** Failure to renew their business tax receipt which expired 30 September 2016.

S.O.A.P. Del Dia, Inc.

George Riordan - Registered Agent

525 Duval Street

Sec. 26-192 Unreasonably excessive noise prohibited

Office Jorge Lopez

Certified Mail:

Initial Hearing: 5-31-2017

## **Settlement Agreement**

**Count 1:** Responding to this complaint, I conducted a site visit at the subject property on May 11, 2017. Upon arrival I performed a sound reading obtaining 97.1 Decibels as the final source level. I spoke with the manager and I gave him a warning with 10 minutes to comply. After 10 minutes, I performed a second reading obtaining 95.1 Decibels as the final source level.

## 24 Case # 17-371

Karel Bublak

1020 18th Terrace

Sec. 110-259 Duty of private property owner

Officer Demi R Vazquez Certified Service: 4-15-2017 Initial Hearing: 5-31-2017

## In compliance April 21, 2017; request dismissal

**Count 1:** Gumbo Limbo tree is obstructing the city right of way.

Donald R Lynch

820 Carstens Lane

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

address; exceptions - Counts 1 - 3

Sec. 102-152 Required for permits - Counts 4 - 5

Sec. 90-142 Historic Architectural Commission Design Guidelines

adopted - Count 6

Officer Kenneth JW Waite

Certified Service: 2-3-2017 - amended notice

Posted: March 30, 2017 Initial Hearing: 10-19-2016

## Continuance granted to July 26, 2017

Count 1: For failure to obtain a building permit for the enclosure of the second story porch. Count 2: For failure to obtain a building permit for the exterior stairway. Count 3: For failure to obtain a building permit and inspections for the plumbing that was installed. Count 4: For failure to obtain a certificate of appropriateness for the enclosure of the second story porch. Count 5: For failure to obtain a certificate of appropriateness for the exterior stairway. Count 6: For failure to obtain a certificate of appropriateness for the satellite dish that was installed.

10/19/16	Code Compliance Hearing	Continuance
11/16/16	Code Compliance Hearing	Continuance
12/21/16	Code Compliance Hearing	Continuance
1/25/17	Code Compliance Hearing	Continuance
2/15/17	Code Compliance Hearing	Continuance
3/29/17	Code Compliance Hearing	Continuance

Roxanne E Fleszar Michel Appellis 723 Catherine Street

Sec. 18-601 License Required - Counts 1 and 2

Sec. 122-1371 Transient living accommodations in residential dwellings;

regulations D (9) - Count 3 through 9

Officer Kenneth JW Waite Certified Service: 2-23-2017 Initial Hearing: 4-26-2017

## Continuance granted to July 26, 2017

Count 1: The subject property was held out for 7 nights rental, 15 August 2017 - 22 August 2017 without the required transient rental business tax receipt. Count 2: The subject property is being held out/advertised for short term rental without the benefit of the required city, county and state licensing and does not have the required transient medallion or the required fire inspection. Counts 3 through 9: The subject property is being held out for transient rental for 7 nights, 15 August 2017 through 22 August 2017 for a total of \$4,130.00.

## Legislative History

Ronald Baecker

1111 Watson Street A

Sec. 18-601 License required. - Count 1

Sec. 122-1371 Transient living accommodations in residential dwellings;

regulations - Count 2, and Counts 3 - 9

Officer Kenneth JW Waite

Certified Service: Verified 2-16-17 via email - Amended notice

Initial Hearing: 1-25-2016

## **Settlement Agreement**

**Count 1:** For being held out/advertised on AIRBNB.com from 2 May 2017 through 9 May 2017 for a total of \$1,548.00 without the benefit a transient rental license. **Count 2:** The subject property is being rented transiently without the benefit of city, county and state license; transient medallion and fire inspection. **Counts 3 - 9:** For holding out for transient rental for 7 nights the dates of 2 May 2017 through 9 May 2017 for a total of \$1,548.00 without the benefit of a transient license.

#### Legislative History

1/25/17	Code Compliance Hearing	Continuance
2/15/17	Code Compliance Hearing	Continuance
3/29/17	Code Compliance Hearing	Continuance
4/26/17	Code Compliance Hearing	Continuance

## 28 Case # 16-1686

Soap Stories Tampa Bay Inc. - Registered Agent

Incorporation Services LTD

617 Duval Street Sec. 18-441 Required Officer Kenneth JW Waite

Certified Service: 2-13-2017 - Amended notice

Initial Hearing: 2-15-2017

## **Settlement Agreement**

**Count 1:** On 21 Dec 2016, officer observed a male employee of Soap Stories Tampa Bay Inc. d.b.a Era Ageless, who is not in possession of an off premise canvassing license, applying cosmetics to a female on the sidewalk directly in front of 617 Duval Street.

2/15/17	Code Compliance Hearing	Continuance
3/29/17	Code Compliance Hearing	Continuance

4/26/17 Code Compliance Hearing Continuance

## 29 Case # 17-275

Matthew N Boucher 3128 Riviera Drive

Sec. 18-601 License required - Repeat Violation

Sec. 122-1371 Transient living accommodations in residential dwellings;

regulations - Repeat Violations Officer Kenneth JW Waite Certified Service: 3-1-2017 Initial Hearing: 4-26-2017

## Rehearing

## **Repeat Violation**

Count 1: The subject property is being held out on VRBO.com for short term rental without the benefit of a transient rental license for 7 nights, 16 April 2017 through 23 April 2017. Count 2: The subject property is being held out/advertised for short term rental without the benefit of the required city, county and state licensing. The subject property does not have a transient medallion and has not obtained the required fire inspection. Counts 3 through 9: The subject property owner is holding out for transient rental for 7 nights, 16 April 2017 through 23 April 2017, for a total of \$3,710.00.

## Legislative History

4/26/17 Code Compliance Hearing Violation Fine

Frantisek Sipos

1703 Seminary Street

Sec. 18-601 License required - **Irreparable Violations Counts 1 - 28** Sec. 122-1371 Transient living accommodations in residential dwellings;

regulations

Officer Kenneth JW Waite Certified Service: 3-9-2017 Initial Hearing: 5-31-17

## In compliance April 18, 2017; request dismissal

**Counts 1 - 28:** For being held out for 13 separate rentals totaling 28 nights in which Mr. Sipos received \$3,796.00 without the benefit of a transient rental license. **Count 29:** The subject property is being rented transiently without the benefit of city, county, and state license; transient medallion and fire inspection.

## 31 Case # 17-365

Michael J. Gehin

1119 Georgia Street 3

Sec. 18-601 License required - Count 1

Sec. 122-1371 Transient living accommodations in residential dwellings;

regulations - Count 2

Sec. 122-1371 D (9) Transient living accommodations in residential

dwellings; regulations - Counts 3-9

Officer Kenneth JW Waite Certified Mail: 3-22-2017 Initial Hearing: 5-31-2017

# In compliance April 12, 2017; request Finding of Violation without fees or fines

**Count 1:** For holding out/advertising for short term rental on VRBO.com for 7 nights on the dates of 18 June 2017 through 25 June 2017 without the benefit of a transient rental license. **Count 2:** For holding out/advertising for short term rental without the benefit of the required city, county, and state licensing; fire inspection and transient medallion. **Counts 3 - 9:** For holding out for transient rental for 7 nights the dates 18 June 2017 through 25 June 2017 for a total of \$1,475.50.

Far Beauty LLC dba Collage Beauty Aviv Shmuel - Registered Agent Giselle Geller - Violator

211 Duval Street A

Sec. 18-441 Required - Repeat Violation

Officer Kenneth JW Waite

Hand Served: 4-12-2017 - Giselle Geller Hand Served: 4-12-2017 - Aviv Shmuel

Initial Hearing: 5-31-2017

## Continuance granted to June 28, 2017

Count 1: Failure to hold a valid off-premises canvassing permit.

## 33 Case # 17-495

AIRBNB, Inc. - Registered Agent

3333 Duck Avenue M103

Sec. 122-1371 Transient living accommodations in residential dwellings;

regulations. D (9) - **Counts 1 - 7**Officer Kenneth JW Waite
Certified Service: 4-17-2017
Initial Hearing: 5-31-2017

#### **New Case**

**Counts 1 - 7:** For holding out/advertising for short term rental on AIRBNB.com for 7 nights for the dates of 1 June 2017 through 8 June 2017 for a total of \$818.00 without the benefit of a transient rental license.

512 Angela LLC

NRAI Services, Inc. - Registered Agent

512 Angela Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Kenneth JW Waite Certified Service: 4-19-2017 Initial Hearing: 5-31-2017

# In compliance May 2, 2017; request Finding of Violation without fees or fines

**Count 1:** Failure to renew their business tax receipt which expired 30 September 2016.

## 35 Case # 17-500

516 Angela LLCNRAI Services, Inc.516 Angela StreetSec. 66-102 Dates due and delinquent; penalties

Officer Kenneth JW Waite Certified Service: 4-19-2017 Initial Hearing: 5-31-2017

# In compliance May 2, 2017; request Finding of Violation without fees or fines

**Count 1:** Failure to renew their business tax receipt which expired 30 September 2016.

Paula D. Demore 550 Porter Lane

Sec. 66-102 Dates due and delinquent; penalties - Counts 1 and 2

Officer Kenneth JW Waite Certified Service: 5-4-2017 Initial Hearing: 5-31-2017

In compliance April 27, 2017; request Finding of Violation without fees or fines

**Counts 1 and 2:** Failure to renew their two business tax receipts which expired 30 September 2016.

## **Mitigations**

37 Case # 15-622

Edward's Healthcare & Diagnostic

Eduardo Garrido 3414 Duck Avenue #8

## Adjournment