



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

Code Compliance Hearing

Wednesday, November 15, 2017

1:30 PM

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order

1

Case # 17-534

Anchor Line Realty, LLC
David C. Austin - Registered Agent
820 Ashe Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Service:
Initial Hearing: 11-15-2017

Request continuance to December 20, 2017 for service

Count 1: Failure to renew the business license which expired 30 September 2016.

2**Case # 17-970**

Clifford Fick

415 Julia Street

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

Sec. 14-40 Permits in historic districts.

Officer Sophia Doctoche

Read Receipt: 11-1-2017

Initial Hearing: 11-15-2017

Continuance granted to December 20, 2017

Count 1: A permit was obtained for placement of a gate and the General Contractor worked beyond the scope of work for that permit. **Count 2:** Failure to obtain the Certificate of Appropriateness for the subject property.

3**Case # 17-1028**

Poinciana Park Partners, LLP - property owner

Jean Prophete Senat - mobile home owner

1300 15th Court Lot 1

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

Officer Sophia Doctoche

Certified Service: 8-28-2017 - property owner

Certified Service: 8-21-2017 - mobile home owner

Initial Hearing: 10-18-2017

Continued from October 18, 2017

Count 1: For failure to a building permits to replace wallboard in the enclosure on the porch.

Legislative History

10/18/17

Code Compliance Hearing

Continuance

4**Case # 17-1202**

Ramirez Family Land Trust

Gary Sibley

2401 Harris Avenue

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

Sec. 90-363 Certificate of Occupancy - Required.

Sec. 58-61 Determination and levy of charge

Sec. 14-262 Request for inspection

Officer Sophia Doctoche

Certified Service: 10-24-2017

Initial Hearing: 11-15-2017

Continuance granted to December 20, 2017

Count 1: Shed/additon built without the benefit of building permits and built within the setbacks. **Count 2:** Failure to apply and obtain a Certificate of Occupancy for the addition. **Count 3:** The subject property has 1 set of utilities associated with this single-family home but does not reflect utilities for the addition. The subject property will need to apply for and obtain a legal unit determination for the additional residential unit. **Count 4:** Failure to obtain a building inspection for all electrical work done at the subject property.

5**Case # 17-1293**

Marie Delus

Poinciana Park Partners, LLP

1300 15th Court Lot 11

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

Officer Sophia Doctoche

Certified Service: 10-16-2017 - Marie Delus

Initial Hearing: 11-15-2017

New Case

Count 1: Construction of an addition to the subject property without benefit of required permits.

6

Case # 16-1495

Dennis P Saviano

Mikus Berzins

2822 North Roosevelt Boulevard

Sec. 90-356 Building Permits Required

FBC 1612.4 & ASCE 24-05 Unprotected Enclosed Below Design Flood
Elevation

Sec. 90-356 Building Permits Required

Sec. 90-363 Certificate of Occupancy

Sec.14-261 - 363 Failure to Obtain Electrical Permit

Sec. 34-136 Manufactured Homes

Officer Scott Fraser

Certified Service: 8-15-2017 - Dennis P Saviano

Initial Hearing: 8-30-2017

In compliance October 30, 2017, fees pending

Count 1: Install a commercial modular office structure without having applied nor received a building permit. **Count 2:** Install, or allow to be installed, an inhabitable structure being utilized as an office within a FEMA designated AE-8 flood zone, below the minimum required elevation deemed necessary for flood damage prevention. **Count 3:** Placed two unpermitted advertising signs upon a building all in addition to other commercial signs already affixed to the building without having first obtain a building permit. **Count 4:** Occupy a commercial modular office structure without having obtained a Certificate of Occupancy. **Count 5:** Install, or allow to be installed, a buried electrical power cable from an as yet unidentified power source to a commercial modular office structure without having obtained required electrical work building permit. **Count 6:** Did install, or allow to be installed, an inhabitable structure being utilized as an office within a FEMA designated AE-8 flood zone, with an inadequate/unsafe foundation without required anchoring and installed by someone other than a licensed mobile home installer as required.

Legislative History

8/30/17

Code Compliance Hearing

Continuance

7

Case # 16-1707

Terence Schmida

Joanna M Schmida Rev Trust DTD

Walter G Schmida Rev Trust DTD

3301 Duck Avenue C

FBC 1612.4 Flood Hazard Construction

Sec. 90-356 Building Permit Required

Sec. 90-363 Certificate of Occupancy

Sec. 14-74 Nuisances - **Count 4, in compliance, request dismissal**

FBC 1612.4 Flood Hazard Construction

Officer Scott Fraser

Certified Service: 8-17-2017 - W. Schmida

Initial Hearing: 8-30-2017

Continued from October 18, 2017

Count 1: Within FEMA designated AE-7 flood zone, interior space at ground level has been enclosed and said areas are actively being used for purposes other than the permitted uses for storage, parking or access to higher building levels. **Count 2:** Construct or allow to be constructed without the required building permits enclosed ground-floor areas for habitation. **Count 3:** Allowed occupancy of enclosed areas below the established flood level- constituting an unauthorized change of use from parking and storage to habitation; said enclosed areas not having been issued a certificate of occupancy, as required. **Count 4:** Front of property exists a dilapidated wooden fence with concrete posts, both of which have deteriorated to the point where they present a danger from falling or collapse and injury to the occupants, neighbors and passers-by. **Count 5:** Construct or allow to be constructed an enclosed area below the established floor level without benefit of the required permits a patio area at the rear of this building.

Legislative History

8/30/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance

8

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

In compliance October 31, 2017, fees pending

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

4/26/17	Code Compliance Hearing	Continuance
5/31/17	Code Compliance Hearing	Continuance
8/30/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance

9

Case # 17-1288

Ms. Elaine G. Weitzen

1115 Southard Street

Sec. 74-32 Discharges to natural outlets - **Irreparable Violation**

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 11-15-2017

In compliance October 11, 2017, request dismissal

Count 1: Illegal discharge of pool water onto the right of way into the city's storm drain.

10

Case # 16-1570

Robert Reilly

Nicola Roques

1535 5th Street

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

FBC 1612.4 Flood Hazard Construction & ASCE 24-05 Unprotected
Enclosed Below Design Flood Elevation

Sec. 122-238 Dimensional requirements. Paragraph 6, Section a.

Single-family

Officer Beau Langford

Certified Service: 10-16-2017

Initial Hearing: 11-15-2017

Continuance granted to January 31, 2018

Count 1: Construction of a new one room structure and roof structural changes to the original house have been made without the benefit of required permits. **Count 2:** Did install, or installing or allowed to be installed, an inhabitable structure within a FEMA designated AE-8 flood zone, below the minimum required elevation deemed necessary for flood damage prevention. **Count 3:** One room structure is currently being built within the rear setback of the property and possibly on top of a 10' utility easement.

11

Case # 17-829

Bradly Gendron

2820 Staples Avenue

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

Sec. 18-117 Acts declared unlawful.

Officer Gerald L Leggett

Posted: 10-16-2017

Initial Hearing: 11-15-2017

In compliance October 23, 2017, request dismissal

Count 1: Failure to obtain required building permits for replacement of porch railing and roof supports. **Count 2:** Gendron General Contracting, LLC received payment for work and abandoned the job.

12

Case # 17-1019

Key West Restorations, LLC - Property Owner

David L. Firestine/Incorporator

Michael Herrera - Tenant

1435 Flagler Avenue

Sec. 18-150 Certificate of competency - Required - **Michael Herrera****Count 1**

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

address; exceptions - **David L. Firestine Count 2**Sec. 18-117 Acts declared unlawful - **David L. Firestine Count 3**

~~Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - David L. Firestine Count 4 - Dismissed at the August 30th hearing~~

Officer Gerald L Leggett

Certified Service: 8-1-2017 - Michael Herrera

Certified Service: 8-7-2017 - David Firestine

Initial Hearing: 8-30-2017

Continued from October 18, 2017 for compliance

Count 1: Failure to obtain the required contractor's license to remove concrete from the house. **Count 2:** Failure to obtain required permits for the removal of concrete from the house. **Count 3:** Failure to hire a licensed contractor. ~~Count 4: Failure to obtain a business tax receipt for a rental property.~~

Legislative History

8/30/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance

13

Case # 17-1190

Michael Levi
3425 16th Terrace
Sec. 90-363 Certificate of occupancy - required
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 58-61 Determination and levy of charge
Officer Gerald L Leggett
Certified Service: 9-28-2017
Initial Hearing: 10-18-2017

Continuance granted to December 20, 2017

Count 1: For failure to obtain a certificate of occupancy for the second unit. **Count 2:** For failure to obtain the required building permits to divide the single family residence into a two family, add a kitchen and a third bedroom. **Count 3:** For failure to pay the solid waste charges for the second unit.

Legislative History

10/18/17	Code Compliance Hearing	Continuance
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14

Case # 17-720

Land 10031, LLC
Frances Casey Lowe - RA
3700 North Roosevelt Boulevard
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Jorge Lopez
Certified Service: 6-26-2017
Initial Hearing: 7-26-2017

Continued from October 18, 2017**Request to continue this case was denied**

Count 1: The car wash is operating 24 hours daily and the neighbor suffers disturbing noise within the boundaries of his property.

Legislative History

7/26/17	Code Compliance Hearing	Continuance
8/30/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance

15

Case # 17-982

Sheila McFarland

1625 Flagler Avenue

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

Officer Jorge Lopez

Certified Service: 8-29-2017

Initial Hearing: 10-18-2017

Continued from October 18, 2017**Request to continue for 3 months was denied****Count 1:** For exceeding the scope of the paving permit by installing
pavers on the City right-of-way.**Legislative History**

10/18/17

Code Compliance Hearing

Continuance

16

Case # 17-1318

Ciara Barthlett

1113 B Truxton Road

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

Officer Jorge Lopez

Certified Service: 10-31-2017

Initial Hearing: 11-15-2017

Continuance granted to December 20, 2017**Count 1:** Respondent has a mobile vendors license for pet grooming
(Cici's Pet Grooming) but is providing services where she lives.

17

Case # 17-710

AIRBNB, Inc.

Lawyers Incorporating Services 2710

3333 Duck Avenue J204

Sec. 122-1371 D (9) Transient living accommodations in residential dwellings; regulations - Counts 1 thru 7

Officer Kenneth JW Waite

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

Continuance granted to December 20, 2017

Counts 1 - 7: During a routine investigation of the online website www.airbnb.com, the subject property was held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017.

Legislative History

7/26/17 Code Compliance Hearing Continuance

10/18/17 Code Compliance Hearing Continuance

18

Case # 17-724

AIRBNB, Inc.

Lawyers Incorporating Services 2710

620 Thomas Street 165

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations. D (9) - Counts 1 thru 7

Officer Kenneth JW Waite

Certified Service: 5-16-2017

Initial Hearing: 7-26-2017

Continuance granted to December 20, 2017

Counts 1 - 7: During routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 11 June 2017 through 18 June 2017.

Legislative History

7/26/17 Code Compliance Hearing Continuance

10/18/17 Code Compliance Hearing Continuance

19

Case # 17-745

AIRBNB, Inc.
Lawyers Incorporating Services 2710
714 Thomas Street
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1 thru 7
Officer Kenneth JW Waite
Certified Service: 5-22-2017
Initial Hearing: 7-26-2017

Continuance granted to December 20, 2017

Counts 1-7: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 July 2017 through 8 July 2017 for a total of \$1,638.00.

Legislative History

7/26/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance

20

Case # 17-746

AIRBNB, Inc. - Registered Agent
Lawyers Incorporating Services 2710
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1 thru 4
1207 Florida Street
Officer Kenneth JW Waite
Certified Service: 5-22-2017
Initial Hearing: 7-26-2017

Continuance granted to December 20, 2017

AIRBNB, Inc.: Counts 1-4: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 4 nights for the dates of 1 July 2017 through 5 July 2017 for a total of \$551.00.

Legislative History

7/26/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance

21

Case # 17-751

AIRBNB, Inc.

Lawyers Incorporating Services 2710

3312 Northside Drive 106

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1 thru 7

Officer Kenneth JW Waite

Certified Service: 5-22-2017

Initial Hearing: 7-26-2017

Continuance granted to December 20, 2017

Counts 1-7: During a routine investigation of the online website www.airbnb.com, the subject property held out for short term rental without the benefit of a transient rental license. The subject property was advertised for 7 nights for the dates of 1 June 2017 through 8 June 2017 for a total of \$808.00.

Legislative History

7/26/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance

22

Case # 17-866

AIRBNB, Inc

Lawyers Inc Service - Registered Agent

721 Georgia Street A

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations. D (9) - Counts 1-7 - **Repeat Violations**

Officer Kenneth JW Waite

Certified Service: 6-12-2017

Initial Hearing: 7-26-2017

Continuance granted to December 20, 2017

Counts 1-7: The subject property was held out/advertised by the respondent for transient rental for 7 nights the dates of 19 June 2017 through 26 June 2017 for a total of \$834.00

Legislative History

7/26/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance

23

Case # 17-1154

Michael J McMahon

100 Admirals Lane

Sec. 18-601 License required - Counts 1 - 6 - **Repeat/Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Counts 7 - 13 - **Repeat/Irreparable**

Officer Kenneth JW Waite

Posted: 9-27-2017

Initial Hearing: 10-18-2017

Continued from October 18, 2017

Counts 1 - 6: Repeat/Irreparable - For renting the property transiently, without the benefit of a transient license, from 27 July 2017 through 4 August 2017. **Counts 7 - 13: Repeat/Irreparable** - The property was advertised on VRBO.com for the dates of 27 July 2017 through 4 August 2017 for a total of \$4,532.63.

Legislative History

10/18/17

Code Compliance Hearing

Continuance

24

Case # 17-1187

Michael J McMahon

100 Admirals Lane

Sec. 18-601 License required - Counts 1 - 3 - **Repeat/Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations - Count 4 - **Repeat/Irreparable**Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations D (9) - Counts 5 - 7 - **Repeat/Irreparable**

Officer Kenneth JW Waite

Posted: 9-27-2017

Initial Hearing: 10-18-2017

Continued from October 18, 2017

Counts 1 - 3: Repeat/Irreparable - For renting the property transiently, without the benefit of a transient license, from 4 August 2017 through 7 August 2017. **Count 4: Repeat/Irreparable** - The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing, does not have a transiently medallion and has not had the required fire inspection. **Counts 5 - 7 - Repeat/Irreparable** - Per the tenant, the subject property was advertised by the host, Michael McMahon, on VRBO.com for the dates of 4 August 2017 through 7 August 2017 for a total of \$3,067.25.

Legislative History

10/18/17

Code Compliance Hearing

Continuance

25**Case # 17-1216**

Key Cove Landings, LLC - registered agent
Edwin O Swift III
VACASA LLC
CT Corporation System
5 Key Cove Drive
Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations D (9)
Officer Kenneth JW Waite
Certified Service: 8-25-2017
Initial Hearing: 10-18-2017

Continued from October 18, 2017

Count 1: Per the tenants, Mr. & Mrs. Hulett, the subject property was held out as being an alternate for 522 Dupont Lane. The original property, 522 Dupont Lane would be undergoing construction during the reserved dates of 17 August 2017 through 21 August 2017 for a total of \$2684.75. Mr. Hulett completed an affidavit stating he was never issued an updated contract, or receipt, for choosing 5 Key Cove Drive.

Legislative History

10/18/17 Code Compliance Hearing Continuance

HARC Appeals**26****SMA 17-03**

Robert T Bowersox
1212 Georgia Street
17-0631

HARC Appeal withdrawn**Legislative History**

10/18/17 Code Compliance Hearing Continuance

Mitigations**27****Case # 17-431**

Jean Azard
1300 15th Court Lot 12

Adjournment