



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

Code Compliance Hearing

Wednesday, February 28, 2018

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

Code Violations

1 **Case # 17-1273**
St. James Missionary Baptist Church - Trustee
Derrick Anderson Church Trustee
2007 Staples Avenue
Sec. 108-677 Parking and storage of certain vehicles
Officer Bonnita Badgett
Certified Service: 12-18-2017
Initial Hearing: 1-31-2018

In compliance 27 Feb 2018, fees pending

Count 2: All vehicles require current tags. There are two vehicles with expired tags. **Count 1 was dismissed**

Legislative History

1/31/18 Code Compliance Hearing Continuance

2**Case # 17-1369**

RCJB Properties, Inc.
3401 Flagler Avenue
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Bonnita Badgett
Certified Service: 12-29-2017
Certified Service: 1-4-2018 - Amended Notice
Initial Hearing: 1-31-2018

In compliance 20 Feb 2018, request dismissal

Count 3: For failure to remove tree debris and trash from the property.

Legislative History

1/31/18 Code Compliance Hearing Continuance

3**Case # 17-1649**

Kevin Talbott
1703 Johnson Street A
Sec. 58-35 Requirements for bulk and excess yard waste pickup
Officer Bonnita Badgett
Certified Service: 2-5-2018
Initial Hearing: 2-28-2018

In compliance 13 Feb 2018, request dismissal

Count 1: For failure to remove the yard debris and furniture from the City right of way.

4**Case # 18-59**

Pirate's Paradise
David Mizrachi - Business owner
Nir Sela - Registered Agent
105 Whitehead Street
Sec. 18-195 Requirements of permit holder
Officer Wherden Charles
Certified Service: 2-26-2018
Initial Hearing: 2-28-2018

Settlement Agreement

Count 1: For failure to furnish a written statement showing final cost of custom work prior to the commencement of custom work.

5

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 31 Jan 2018 for compliance**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
11/15/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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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

Continued from 31 Jan 2018 for compliance**Count 1:** Construction of an addition to the subject property without benefit of required permits.Legislative History

11/15/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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Case # 17-1499

1018 Truman LLC

844 Olivia Street

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 Sophia Doctoche

Certified Service:

Initial Hearing: 2-28-2018

Request continuance to 28 Mar 2018 for service

Count 1: For failure to obtain an electrical permit for installation of the security cameras. **Count 2:** For failure to obtain a certificate of appropriateness for installation of the security cameras. **Count 3:** For failure to obtain inspections for the electrical work.

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Case # 17-1594

Gone Fishin'

Shannon J Gaytan

1102 Duval Street C

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

Officer Sophia Doctoche

Certified Service:

Initial Hearing: 2-28-2018

In compliance 23 Jan 2018, request dismissal

Count 1: For failure to obtain a business tax receipt for the business Gone Fishin'.

9**Case # 17-1684**

Charter Resort Transport
United States Corporation Agents, Inc.
3675 Seaside Drive
Sec. 78-126 - Required
Sec. 78-127 Display of decal; standby vehicles
Officer Sophia Doctoche
Certified Service: 2-2-2018
Initial Hearing: 2-28-2018

New Case

Count 1: All passenger vehicles for hire shall have a license issued by the city. **Count 2:** All passenger vehicles for hire shall have a decal that is affixed to the left side of the rear bumper.

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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
 FBC 1612.4 Flood Hazard Construction
 Officer Scott Fraser
 Certified Service: 8-17-2017 - W. Schmida
 Initial Hearing: 8-30-2017

Continued from 31 Jan 2018 for compliance

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 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. **Count 4 was dismissed.**

Legislative History

8/30/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance
11/15/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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Case # 17-1277

Michael & Sophak Ngov

3713 Donald Avenue

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

Officer Leonardo Hernandez

Certified Service: 2-6-2018

Initial Hearing: 2-28-2018

New Case

Count 1: For failure to obtain a building permit for the roof and shed. Permits have been in the Planning Department since 16 Oct 2017 waiting several requirements from the owner, i.e. setbacks, site plan, impervious surface calculations, elevation drawings and the need of a survey.

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Case # 18-121

Incorporated Service LTD - Registered Agent

Soap Stories Tampa Bay (COS)

404 Duval Street

Sec. 18-705 Requirements of permit holder

Officer Leonardo Hernandez

Certified Service: 2-3-2018 - Soap Stories

Certified Service: 2-20-2018 - Incorporated Service

Initial Hearing: 2-28-2018

Settlement Agreement

Count 1: The city received a complaint from Margaret (Peggy) Yoste that she did not receive a pre-written statement prior to the purchase, nor were there any prices listed on the products.

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Case # 16-773

Mark R Delgado Estate
2807 Seidenberg 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
Officer Beau Langford
Posted: 8-10-2017
Initial Hearing: 8-30-2017

Continuance granted to 25 Apr 2018

Count 1: Failure to obtain a Certificate of Occupancy for residential unit in the rear of the property. **Count 2:** Failure to have Utilities associated with the residential unit in the rear of the property. **Count 3:** Failure to have a non-transient business tax receipt for the residential unit in the rear of the property.

Legislative History

8/30/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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Case # 17-850

Lauren Myers
1409 Truman Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 2-12-2018
Initial Hearing: 2-28-2018

In compliance 21 Feb 2018, request dismissal

Count 1: The business tax receipt (26035) to rent this property non-transiently, has been delinquent since 30 Sept 2017.

15

Case # 17-1076

Soiree Key West, LLC - Registered Agent
Mobile Service
Sec. 66-102 Dates due and delinquent; penalties
Officer Beau Langford
Certified Service: 2-6-2018
Initial Hearing: 2-28-2018

In compliance 7 Feb 2018, request dismissal

Count 1: The business tax receipt (20542) for the wedding planning business has been delinquent since 30 Sept 2017.

16

Case # 18-17

Linda Rae Phillips
16 Starfish Pier
Sec. 122-130 - Prohibited uses - **Repeat violation**
Officer Beau Langford
Certified Service: 2-7-2018
Initial Hearing: 2-28-2018

Continuance granted to 28 Mar 2018

Count 1 through 7: For transiently renting the boat out on AIRBNB.com which is prohibited in the Conservation Zoning area. Was able to rent this property for 7 nights for a total of \$1,463. This is a repeat violation, case 16-197 was found in violation. Other cases cited were 15-992, 15-991 and 15-990.

17

Case # 18-19

Linda Rae Phillips

11 Starfish Pier

Sec. 122-130 Prohibited uses - **Repeat violation**

Officer Beau Langford

Certified Service: 2-7-2018

Initial Hearing: 2-28-2018

Continuance granted to 28 Mar 2018

Count 1 through 7: For transiently renting the boat out on AIRBNB.com which is prohibited in the Conservation Zoning area. Was able to rent this property for 7 nights for a total of \$1,446. This is a repeat violation, case 16-197 was found in violation. Other cases cited were 15-992, 15-991 and 15-990.

18

Case # 18-117

Mclvor Holdings LLC

Michael Mclvor - Registered Agent

1010 Kennedy Drive Suite 400

Sec. 66-102 Dates due and delinquent; penalties

Officer Beau Langford

Certified Service: 2-5-2018

Initial Hearing: 2-28-2018

In compliance 20 Feb 2018, request dismissal

Count 1: The business tax receipt (21037) for Keys Heart Center has been delinquent since 30 Sept 2017.

19

Case # 17-1019

Key West Restorations, LLC - Property Owner

David L. Firestine/Incorporator

Michael Herrera

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**

Officer Gerald L Leggett

Certified Service: 8-1-2017 - Michael Herrera

Certified Service: 8-7-2017 - David Firestine

Initial Hearing: 8-30-2017

In compliance 28 Feb 2018, request dismissal

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.

Legislative History

8/30/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance
11/15/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance

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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

Continuance granted to 28 Mar 2018

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
11/15/17	Code Compliance Hearing	Continuance

12/20/17 Code Compliance Hearing Continuance

21

Case # 17-1213

Erwin Mayer & Didier R Moritz - property owner

1300 15th Court Lot 77

Sec. 90-363 Certificate of Occupancy - required

Sec. 58-61 Determination and levy of charge

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

Officer Jorge Lopez

Certified Service: 11-16-2017 - property owner

Initial Hearing: 12-20-2017

Continuance granted to 28 Mar 2018

Count 1: For failure to obtain a certificate of occupancy for the addition that was built. **Count 2:** For failure to pay impact fees related to utilities.

Count 3: For failure to obtain building permits for the addition to the trailer and for the installed plumbing.

Legislative History

12/20/17 Code Compliance Hearing Continuance

1/31/18 Code Compliance Hearing Continuance

22

Case # 17-1304

Ray Rolston

1420 Petronia Street 1

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

Officer Jorge Lopez

Certified Service:

Initial Hearing: 2-28-2018

In compliance 1 Feb 2018, request dismissal

Count 1: For failure to obtain a business tax receipt for selling paintings and frames on website www.rolston.com .

23

Case # 17-1396

Marcia Rock
1331 Duncan Street
Sec. 26-192 Unreasonably excessive noise prohibited
Officer Jorge Lopez
Certified Service: 1-4-2018
Initial Hearing: 1-31-2018

Request dismissal - A civil citation was issued to the violator, Brent Gordon.

Count 1: The city received a complaint of disturbing noise. Officer could hear the loud music inside the complainant's house. **Count 2, 3 and 4 were dismissed**

Legislative History

1/31/18 Code Compliance Hearing Continuance

24

Case # 18-113

Richard Dostal
210 Truman Avenue
Sec. 26-126 Clearing of property of debris and noxious material required
Sec. 62-2 Obstructions
Officer Jorge Lopez
Certified Service: 2-9-2018
Initial Hearing: 2-28-2018

Continuance granted to 28 Mar 2018

Count 1: For failure to maintain the property. The yard is overgrown and there is bulk waste in the rear side of the property. **Count 2:** The fence that was blown down is obstructing the sidewalk and the safe passage of pedestrians.

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Case # 18-124

Richard & Kelly S Dostal, Estate
 208 Truman Avenue
 Sec. 26-126 Clearing of property of debris and noxious material required
 Officer Jorge Lopez
 Certified Service: 2-9-2018
 Initial Hearing: 2-28-2018

Continuance granted to 28 Mar 2018

Count 1: For failure to maintain the property. It is overgrown and there are piles of yard debris and bulk waste. This property has previously been cited for the same conditions (Cases 15-918 and 16-1410).

26

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

Continued from 31 Jan 2018

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
11/15/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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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

Continued from 31 Jan 2018

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
11/15/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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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

Continued from 31 Jan 2018

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
11/15/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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Case # 17-746

AIRBNB, Inc. - Registered Agent

Brian Chesky - CP

Lawyers Incorporating Services 2710

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d) (9) - Counts 1 thru 4Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d) (9) - Count 5

1207 Florida Street

Officer Kenneth JW Waite

Certified Service: 5-22-2017

Certified Service: 1-5-2018 - Amended Notice of Hearing

Initial Hearing: 7-26-2017

Continued from 31 Jan 2018

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. **Count 5:** For unlawful holding out or advertising of a transient rental by an owner, tenant, broker, realtor, agent or other representative of the owner if the property is not permitted.

Legislative History

7/26/17	Code Compliance Hearing	Continuance
10/18/17	Code Compliance Hearing	Continuance
11/15/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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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

Continued from 31 Jan 2018

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
11/15/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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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)

Officer Kenneth JW Waite

Certified Service: 11-15-2017 Amended Notice

Initial Hearing: 7-26-2017

Continued from 31 Jan 2018

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

11/15/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

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Case # 18-006

Brian Sharples - Director - **Counts 3 through 20**

Corporation Service Company - Registered Agent

D/B/A CSC - Lawyers Inc. - **Counts 3 through 20**

Michael J McMahon - **Counts 1 through 20**

107 Front Street Unit 217

Sec. 18-601 License required - **Irreparable**

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

Sec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d) (9)

Certified Service: 1-12-2018 - Brian Sharples

Certified Service: 1-17-2018 - Corporate Service Company

Certified Service:

Initial Hearing: 2-28-2018

Continuance granted to 28 Mar 2018

Count 1: During a routine inspection, found a black Cadillac parked in the subjects parking space. Made contact with Frances and Valerie Sirotzki inside the unit. Mrs. Sirotzki forwarded the rental agreement along with all correspondence between the couple, HomeAway and Michael J McMahon. Rental agreement was for 18 nights, dates of 19 Dec 2017 through 6 Jan 2018 for a total of \$21,787.66. **Count 2:** The subject property has not had the requisite fire inspection. Owner has not provided the requisite TDC tax account with Monroe County Tax Collector or DBPR licensing information. There is no medallion for this property. **Counts 3 through 20:** The subject property owner is holding out for transient rental for 18 nights, the date of 19 Dec 2017 through 6 Jan 2018 for a total of \$21,787.66.

HARC Appeals

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SMA 17-02

Tropical Soup Corporation
Joseph H. Walsh
Pike Architects, Inc.
Van D. Fischer, Esquire
Mallory Square
H17-03-0008

Continued from 31 Jan 2018

Legislative History

6/28/17	Code Compliance Hearing	Continuance
8/30/17	Code Compliance Hearing	Continuance
1/31/18	Code Compliance Hearing	Continuance

Adjournment