



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

Code Compliance Hearing

Wednesday, March 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 # 17-1028

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

In compliance 12 Mar 2018, request dismissal

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
2/28/18	Code Compliance Hearing	Continuance

2

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 28 Feb 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
2/28/18	Code Compliance Hearing	Continuance

3

Case # 17-1312

George & Leonor Pallas

1125 Washington Street

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - Counts 1 & 2

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - Count 3 & 4

Sec. 90-363 Certificate of Occupancy - required - Counts 5 & 6

Sec. 58-61 Determination and levy of charge - Counts 7 & 8

Officer Sophia Doctoche

Certified Service: 11-17-2017

Initial Hearing: 12-20-2017

Continuance granted to 30 May 2018

Counts 1 & 2: For failure to obtain a building permit for converting the property from 3 units to 5 units. **Counts 3 & 4:** For failure to obtain a business tax receipt for units 4 and 5. **Counts 5 & 6:** For failure to obtain a certificate of occupancy for unit 4 and for unit 5. **Counts 7 & 8:** The subject property has 3 utility accounts associated with the property. The accounts do not reflect the 2 unrecognized units.

Legislative History

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

4

Case # 17-1391

Steven E Ness

1319 United Street 1

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

Sec. 26-32 Nuisances illustrated

Sec. 26-31 Offensive and nuisance conditions prohibited

Sec. 62-2 Obstructions

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

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

Sec. 90-363 Certificate of occupancy - required

Sec. 58-61 Determination and levy of charge

Officer Sophia Doctoche

Certified Service: 2-28-2018

Initial Hearing: 3-28-2018

Continuance granted to 25 Apr 2018

Count 1: For failure to clear the property of all unsightly or unsanitary conditions. **Count 2:** For leaving dirty bowls/plates out on the right of way for the chickens that cause a foul odor in the neighborhood. **Count 3:** For failure to clean the property of all food, containers and debris left outside. **Count 4:** For obstructing the right of way with bowls, plates, pots and pans to use for feeding the chickens. **Count 5:** For failure to obtain a building permit for the third unit. **Count 6:** For failure to obtain a business tax receipt to rent the third unit. **Count 7:** For failure to obtain a certificate of occupancy for the third unit. **Count 8:** For failure to obtain utility accounts for the third unit.

5

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: 2-26-2018

Initial Hearing: 2-28-2018

In compliance 9 Mar 2018, request dismissal

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.

Legislative History

2/28/18 Code Compliance Hearing Continuance

6

Case # 14-623

Wilbur Wright 725 LLC

Peter Williams

1724 Bahama Drive

Sec. 90-363 Certificate of occupancy - required

Sec. 58-61 Determination and levy of charge - **request dismissal**

Officer Leonardo Hernandez

Certified Service:

Initial Hearing: 3-28-2018

New Case

Count 1: For failure to obtain a certificate of occupancy for the additional unit. ~~Count 2: For failure to pay the impact fees for the additional unit.~~

7

Case # 17-1261Redmarq Homes LTD Co. - **request dismissal**James Lewis Redmond - **request dismissal**

Marcel, Milan & Dominika Kozak - property owners

1501 Truman Avenue Down Rear

Sec. 18-117 Acts declared unlawful - **request dismissal**Sec. 18-157 Employment of unlicensed persons prohibited - **request dismissal**

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

Sec. 14-40 Permits in historic districts

Sec. 14-235 Permits required - **request dismissal**Sec. 14-327 Inspection - **request dismissal**

Sec. 14-261 Failure to obtain

Sec. 14-262 Request for inspection

Officer Leonardo Hernandez

Certified Service: 12-6-2017 - property owners

Initial Hearing: 1-3-2018

Continued from 31 Jan 2018

~~Count 1: For aiding and abetting unlicensed contractors. Count 2: Employment of unlicensed persons is prohibited. Count 3: For working over the scope of permit 17-2809. Count 4: A/C condensers were installed without the benefit of a Certificate of Appropriateness. Count 5: A mechanical permit is required to install a/c condensers. Count 6: Inspections are required for mechanical installations. Count 7: Electrical work being done without the benefit of a electrical permit. Count 8: Electrical apparatus work requires inspection.~~

Legislative History

1/31/18

Code Compliance Hearing

Continuance

8

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

Continued from 28 Feb 2018 for compliance

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.

Legislative History

2/28/18

Code Compliance Hearing

Continuance

9

Case # 17-1501

Melvin H Eaton

719 Waddell Avenue

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

Sec. 14-40 Permits in historic districts

Officer Leonardo Hernandez

Certified Service: 2-12-2018

Initial Hearing: 3-28-2018

In compliance 27 Mar 2018, request dismissal

Count 1: For failure to obtain a building permit for the fence that was built.

Count 2: For failure to obtain a certificate of appropriateness for the fence that was built.

10**Case # 17-1644**

Poinciana Park Partners, LLC - property owner

Louis Pierre Fils - mobile home owner

1300 15th Court 45

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

Officer Leonardo Hernandez

Certified Service: 2-5-2018 - property owner

Initial Hearing: 3-28-2018

In compliance 26 Feb 2018, request dismissal**Count 1:** For failure to obtain building permits for the roof, addition and interior work that has been done.**11****Case # 17-1666**

Dominika - Milan & Marcel Kozak

1501 Truman Ave

Sec. 26-32 Nuisances illustrated

Officer Leonardo Hernandez

Certified Service: 2-14-2018

Initial Hearing: 3-28-2018

In compliance 22 Feb 2018, request dismissal**Count 1:** For failure to maintain the swimming pool.

12

Case # 18-30

Lee F & Melanie Bennett

2811 Staples Avenue

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

FBC P2503.1 Inspections

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

Sec. 90-363 Certificate of occupancy - required

Sec. 58-61 Determination and levy of charge

Officer Leonardo Hernandez

Certified Service: 2-2-2018

Initial Hearing: 3-28-2018

New Case

Count 1: For failure to obtain building permits for the kitchen, storage room, wall siding and ceiling work that was done. **Count 2:** For failure to obtain inspections for plumbing work. **Count 3:** For failure to obtain a business tax receipt to rent. **Count 4:** For failure to obtain a certificate of occupancy for the second unit. **Count 5:** For failure to obtain utility accounts for the second unit.

13

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 25 Apr 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.

Legislative History

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

14

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

Continued from 28 Feb 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.

Legislative History

2/28/18 Code Compliance Hearing Continuance

15

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

Continued from 28 Feb 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.

Legislative History

2/28/18 Code Compliance Hearing Continuance

16

Case # 17-1283

Ted J McByrnett Estate
 Joseph Krygier
 1007 Thomas Street
 Sec. 26-126 Clearing of property of debris and noxious material required
 Officer Gerald Leggett
 Certified Service:
 Initial Hearing: 2-28-2018

New Case

Count 1: For failure to remove debris, garbage and rubbish from the property that have been determined to be a fire hazard.

17

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 28 Feb 2018 for compliance

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
2/28/18	Code Compliance Hearing	Continuance

18

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

Continued from 28 Feb 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
2/28/18	Code Compliance Hearing	Continuance

19

Case # 17-1561

E & M Imports Inc.
 Eliran Damri - Registered Agent
 120 Duval Street 122
 Sec. 18-441 Required
 Officer Jorge Lopez
 Hand Served: 12-4-2017
 Initial Hearing: 1-31-2018

The City requests dismissal of this case

Count 1: On November 23, 2017, Code received a photograph and a video showing an employee (Nataliya Shkurat) from the subject business actively off premise canvassing in front of the store.

Legislative History

1/31/18	Code Compliance Hearing	Continuance
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20

Case # 17-1624

Jean Occean & Marie Noel

1213 14th Street Lot 204

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

Sec. 90-363 Certificate of occupancy - required

Officer Jorge Lopez

Certified Service: 3-1-2018

Initial Hearing: 3-28-2018

New Case

Count 1: For failure to obtain a building permit prior to enclosing the porch. **Count 2:** For failure to obtain a certificate of occupancy for the additional room.

21

Case # 18-113

Richard Dostal

210 Truman Avenue

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

Sec. 62-2 Obstructions - **In compliance 13 Mar 2018, request dismissal**

Officer Jorge Lopez

Certified Service: 2-9-2018

Initial Hearing: 2-28-2018

Continued from 28 Feb 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.~~

Legislative History

2/28/18

Code Compliance Hearing

Continuance

22

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

Continued from 28 Feb 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).

Legislative History

2/28/18 Code Compliance Hearing Continuance

23

Case # 16-455

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 - in compliance, request dismissal**
 Officer Kenneth JW Waite
 Certified Service: 2-3-2017 - amended notice
 Posted: March 30, 2017
 Initial Hearing: 10-19-2016

Continued from 20 Dec 2017 for compliance

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.

Legislative History

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
5/31/17	Code Compliance Hearing	Continuance
6/28/17	Code Compliance Hearing	Continuance
7/26/17	Code Compliance Hearing	Continuance
12/20/17	Code Compliance Hearing	Continuance

24

Case # 17-1198

Harold J Merritt II

Marianne L Csigi

1301 Atlantic Drive

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

FBC 1612.4 & ASCE 24-05 Floor hazard construction

FBC 1612.5; ASCE 24-05 Sec 2.6 Flood venting required

Officer Kenneth JW Waite

Certified Service: 10-23-2017

Initial Hearing: 12-20-2017

Continuance granted to 30 May 2018

Count 1: For failure to obtain building permits to convert the shed into habitable space. **Count 2:** For failure to obtain a Certificate of Occupancy for the shed. **Count 3:** For failure to obtain a solid waste account for shed. **Count 4:** For failure to obtain an electrical inspection for installing electric in the storage area/habitable space below the house for the window air conditioners. **Count 5:** For the construction of habitable space under the elevated home in a flood zone for use other than the permitted uses for storage, parking or access to higher building levels. **Count 6:** For failure to provide adequate flood venting for a substantially improved residential building located in the AE-8 flood zone. **Count 7:** Electrical appliances have been installed below the minimum flood safety elevation.

Legislative History

12/20/17	Code Compliance Hearing	Continuance
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Case # 18-06Brian 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;
regulationsSec. 122-1371 Transient living accommodations in residential dwellings;
regulations (d) (9)

Officer Kenneth JW Waite

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 30 May 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.

Legislative History

2/28/18

Code Compliance Hearing

Continuance

26

Case # 18-86

Richard & Kathlyn Smith

Daniel Max & Kathlyn Smith

1800 Atlantic Blvd A209

Sec. 18-601 License required

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

Officer Kenneth JW Waite

Certified Service: 2-5-2018

Initial Hearing: 3-28-2018

**In compliance 22 Feb 2018, request a Finding of Violation without
fees or fines**

Count 1: A transient rental license is required to rent the property transiently. **Count 2:** The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing and does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Count 3-8:** The subject property owner is holding out for transient rental for 6 nights the dates of 14 Apr 2018 through 20 Apr 2018 for a total of \$2,789.00.

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Case # 18-237

Pavla Boan

Helena Brychta

2421 Flagler Avenue

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)

Officer Kenneth JW Waite

Hand Served: 2-22-2018

Initial Hearing: 3-28-2018

Settlement Agreement

Count 1: Irreparable - The subject property was rented transiently for the dates of 16 Feb 2018 through 18 Feb 2018 for a total of \$907.20 by Cody Marks without the benefit of a transient license. **Count 2:** The subject property owner is holding out/advertising for short term rental without the benefit of the required city, county and state licensing and the subject property does not have a transient medallion and has not been inspected by the City of Key West Fire Department. **Counts 3 and 4:** The subject property owner(s) held out for transient rental to Mr. Marks for 2 nights the dates of 16 Feb 2018 through 18 Feb 2018 for a total of \$907.20.

Adjournment