



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

Code Compliance Hearing

Thursday, April 29, 2021

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 # 19-672**
808 Southard Street LLC
C/O Brawn Peter Nelson
The Tree Man
Sean Creedon - Registered Agent
808 & 812 Southard Street
Sec. 26-192 Unreasonably excessive noise prohibited - 808 Southard Street LLC
Sec. 26-192 Unreasonably excessive noise prohibited - The Tree Man
Sec. 122-597 Permitted uses - 808 Southard Street LLC
Sec. 122-597 Permitted uses - The Tree Man
Sec. 122-598 Conditional Uses - 808 Southard Street LLC
Sec. 122-598 Conditional Uses - The Tree Man
Sec. 122-837 Use permitted - 808 Southard Street LLC
Sec. 122-837 Use permitted - The Tree Man
Sec. 108-677 Parking and storage of certain vehicles - 808 Southard Street LLC - **ONLY**
Officer Dorian Patton
Certified Mail: 1-11-20
Initial Hearing: 1-30-2020

Continued to 29 April 2021 for final ruling

Count 1: Failure to cease from allowing the company "Tree Man" from operating their equipment and performing their business. - **both parties**

Count 2: Failure to remove all commercial vehicles, utility trailers. and

boat/jet ski trailers from all residential lots on the property. - **both parties**

Count 3: Failure to refrain from using residential lots for commercial use or for the storage of vehicles, utility trailers, and boat/jetski trailers. - **both parties**

Count 4: Failure to stop the company "Tree Man" from performing light industrial activity on the property. - **both parties**

Count 5: Failure to relocate all vehicles that have a missing or expired license plate to an enclosed building. - **808 Southard Street LLC ONLY**

Legislative History

1/30/20	Code Compliance Hearing	Continuance
2/20/20	Code Compliance Hearing	Continuance
7/30/20	Code Compliance Hearing	Continuance
8/27/20	Code Compliance Hearing	Continuance
10/9/20	Code Compliance Hearing	Continuance
1/28/21	Code Compliance Hearing	Violation Fine

2

Case # 19-1715

Futterman Phenphak - Owner

3011 Riviera Drive

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

~~Sec. 14-256 Permit required~~

~~Sec. 14-359 Permit display~~

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

Officer Edward Keane

Posted: 7-31-2020

Initial Hearing: 3-26-2020

Continued from 18 February 2021

Count 1: Failure to obtain all proper building permits.

~~Count 2: Failure to obtain all electrical permits and or convert the structure back to storage.~~

~~Count 3: Failure to obtain all plumbing permits or convert the structure back to storage.~~

~~Count 4: Failure to cease renting the storage enclosure and apply for a LUD from the City Planning Department.~~

Legislative History

7/30/20	Code Compliance Hearing	Continuance
8/27/20	Code Compliance Hearing	Continuance
10/22/20	Code Compliance Hearing	Continuance

11/19/20	Code Compliance Hearing	Continuance
12/17/20	Code Compliance Hearing	Continuance
1/28/21	Code Compliance Hearing	Continuance
2/18/21	Code Compliance Hearing	Continuance

3**Case # 20-790**

Lisa Rivard

727 Emma Street

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

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

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

Sec. 14-40 Permits in historic districts

Officer Edward Keane

Certified Mail: 11-6-2020

Initial Hearing: 11-19-2020

Continued from 18 February 2021**Count 1:** Failure to apply and obtain the appropriate electrical permits.**Count 2:** Failure to apply and obtain the appropriate plumbing permits.**Count 3:** Failure to apply and obtain the appropriate building permits.**Count 4:** Failure to apply and obtain a HARC Certificate of Appropriateness.**Legislative History**

11/19/20	Code Compliance Hearing	Continuance
12/17/20	Code Compliance Hearing	Continuance
1/28/21	Code Compliance Hearing	Continuance
2/18/21	Code Compliance Hearing	Continuance

4**Case # 21-160**

Edward Cabrera

2506 N Roosevelt Blvd 101

Sec. 30-1 Fees for false alarms and fire code inspections

Officer Edward Keane

Certified Mail:

Initial Hearing: 4-29-2021

In compliance on 15 April 2021; request dismissal**Count 1:** Failure to contact the Revenue Department to submit payment for the delinquent fire inspection fees.

5

Case # 19-846

Bimini Village Condominium
 James Marsh - Registered agent
 806 Thomas Street
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 14-40 Permits in historic districts
 Officer Rachel Kobylas
 Certified Mail: 1-19-2021
 Initial Hearing: 1-28-2021

Continued from 25 March 2021

Count 1: Failure to apply and obtain a demolition permit to remove all unpermitted construction, roof and awning structures and return the building to its original state.

Count 2: Failure to apply for a certificate of appropriateness from HARC, for the fence.

Legislative History

1/28/21	Code Compliance Hearing	Continuance
2/18/21	Code Compliance Hearing	Continuance
3/25/21	Code Compliance Hearing	Continuance

6

Case # 20-676

Futterman Phenphak
 1704 Jamaica Drive
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 14-262 Request for inspection
 Officer Rachel Kobylas
 Certified Mail: 4-10-2021
 Initial Hearing: 4-29-2021

New Case

Count 1: Failure to apply and obtain the after the fact permits for all unpermitted work.

Count 2: Failure to schedule an inspection for all work that has been completed.

7

Case # 20-1457

Florida Keys Ventures LLC
 Pacelli Luidmyla

2119 Flagler Avenue
 Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business.
 Officer Rachel Kobylas
 Certified Mail: 4-19-2021
 Initial Hearing: 4-29-2021

In compliance on 22 April 2021; request dismissal

Count 1: Failure to cease and desist bicycle/pedicab/rickshaw tours due to no licensing being available for this activity.

8

Case # 18-1639

Jessica Clark
 1824 Fogarty Ave 1
 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
 Sec. 14-72 Minimum facilities
 Officer Troy Montero
 Certified Mail: 1-27-2021
 Initial Hearing: 2-18-2021

Continued from 25 March 2021

Count 1: Failure to apply and obtain a certificate of occupancy for the unit located in the rear side of the property.

Count 2: Failure to contact the Planning Department to apply and obtain cost of impact fees.

Count 3: Failure to provide an as-built certificate to the Building Department.

Count 4: Failure to remove the tarp and bed from this area.

Legislative History

2/18/21	Code Compliance Hearing	Continuance
3/25/21	Code Compliance Hearing	Continuance

9

Case # 19-1568

TU-TI-FRU-TI, Inc.
 Charles Mendola - Registered agent
 828 Duval Street
 Sec. 114-103 Prohibited signs
 Sec. 14-40 Permits in historic districts
~~Sec. 14-37 Building permits; professional plans; display of permits;~~

~~address; exceptions~~
~~Sec. 66-109 Schedule of taxes~~
~~Sec. 2-939 Revocable Licenses~~
 Officer Troy Montero
 Certified Mail: 3-2-2020
 Initial Hearing: 3-26-2020

Continued from 25 March 2021

Count 1: Failure to obtain HARC approval for signage.
Count 2: Failure to obtain HARC certificate of appropriateness for-
 installation of cameras and outside bar.
~~Count 3: Failure to obtain building permits.~~
~~Count 4: Failure to obtain approval for additional seating.~~
~~Count 5: Failure to obtain revocable license for awning over city right of-~~
~~way.~~

Legislative History

7/30/20	Code Compliance Hearing	Continuance
10/22/20	Code Compliance Hearing	Continuance
11/19/20	Code Compliance Hearing	Continuance
12/17/20	Code Compliance Hearing	Continuance
1/28/21	Code Compliance Hearing	Continuance
2/18/21	Code Compliance Hearing	Continuance
3/25/21	Code Compliance Hearing	Continuance

10

Case # 20-313

SH5 LTD
 Robert A. Spottswood - registered agent
 3841 N Roosevelt Blvd
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Officer Troy Montero
 Certified Mail: 6-15-2020
 Initial Hearing: 7-30-2020

Settlement Agreement

Count 1: Failure to apply for fence permits.

Legislative History

7/30/20	Code Compliance Hearing	Continuance
8/27/20	Code Compliance Hearing	Continuance
10/22/20	Code Compliance Hearing	Continuance
11/19/20	Code Compliance Hearing	Continuance
1/28/21	Code Compliance Hearing	Continuance
2/18/21	Code Compliance Hearing	Continuance

3/25/21 Code Compliance Hearing Continuance

11

Case # 20-1029

Rene Leslie Bird

311 Amelia Street

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. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy required

Officer Troy Montero

Certified mail: 1-16-2021

Initial Hearing: 2-18-2021

Continuance previously granted to 27 May 2021

Count 1: Failure to apply and obtain the appropriate after the fact permits through the Building Department.

~~Count 2: Failure to apply and obtain a non-transient business tax receipt through the Licensing Department.~~

Count 3: Failure to apply and obtain a legal unit determination for the additional residential units.

Count 4: Failure to apply and obtain a certificate of occupancy for the residential unit in the rear of the property.

Legislative History

2/18/21 Code Compliance Hearing Continuance

3/25/21 Code Compliance Hearing Violation Fine

12

Case # 20-1335

John Lindle

1617 White Street

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

Officer Troy Montero

Certified Mail: 2-2-2021

Initial Hearing: 2-18-2021

Continuance previously granted to 27 May 2021

Count 1: Failure to apply and obtain after the fact permits for building, electrical and plumbing.

Legislative History

2/18/21 Code Compliance Hearing Continuance

3/25/21 Code Compliance Hearing Continuance

13

Case # 21-174

The Sole Man Inc
John M BRandolino - Registered agent
610 Duval Street
Sec. 30-1 Fees or false alarms and fire code inspections
Officer Troy Montero
Certified Mail: 3-29-2021
Initial Hearing: 3-25-2021

In compliance on 6 April 2021; request dismissal

Count 1: Failure to pay all past due fees and fines.

Legislative History

3/25/21 Code Compliance Hearing Continuance

14

Case # 21-182

ICONI KEY WEST LLC
Christian M. Zuelch - Registered agent
533 Duval Street
Sec. 30-1: Fees for false alarms and fire code inspections
Officer Troy Montero
Certified Mail: 3-12-2021
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to pay all past due fees and fines.

Legislative History

3/25/21 Code Compliance Hearing Continuance

15

Case # 21-382

Stephen G Whitesell
1408 White Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-40 Permits in historic districts
Officer Troy Montero
Hand Served: 3-18-2021
Initial Hearing: 4-29-2021

In compliance on 14 April 2021; request dismissal

Count 1: Failure to contact the City of Key West Building Department to

apply and obtain an after the fact permits for the duct/HVAC work performed.

Count 2: Failure to contact the City of Key West Building Department to apply and obtain an after the fact HARC certificate of appropriateness for the gutters.

16

Case # 19-1691

Alena Lembach

3226 Eagle Ave

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

Sec. 122-63 Review; enforcement

Officer Paul Navarro

Certified Mail: 11-17-2020

Initial Hearing: 12-17-2020

Continued from 28 January 2021

Count 1: Failure to apply and obtain a demolition permit or reapply for a new building permit.

Count 2: Failure to apply and obtain a demolition permit or reapply for a new variance.

Legislative History

12/17/20	Code Compliance Hearing	Continuance
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1/28/21	Code Compliance Hearing	Continuance
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17

Case # 21-159

The Studio Hair and Salon

Conch Beach Management LLC

James Spreitzer - registered agent

1106 Key Plaza A

Sec. 30-1 Fees for false alarms and fire code inspections

Officer Paul Navarro

Certified Mail: 3-24-2021

Initial Hearing: 4-29-2021

In compliance on 21 April 2021; request dismissal

Count 1: Failure to contact the Revenue Department to pay all delinquent fees.

18

Case # 20-1493

Lewis Richard T

Susan Derose

1102 Washington Street
 Sec. 62-2 Obstructions
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 14-40 Permits in historic districts
 Sec. 62-2 Obstructions
 Officer Roy Owens
 Hand Served: 3-25-2021
 Initial Hearing: 2-18-2021

Continued from 25 March 2021 for amended notice of hearing

Count 1: Failure to contact the Engineering Department to obtain the proper permits for installation of plants, trees and shrubs on public easements.

Count 2: Failure to obtain permits to install plants, trees and shrubs on a public easement.

Count 3: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Count 4: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Count 5: Failure to contact the City of Key West Engineering Department to obtain the proper permits for installing plants, trees, scrubs on public easement.

Legislative History

2/18/21	Code Compliance Hearing	Continuance
3/25/21	Code Compliance Hearing	Continuance

19

Case # 21-304

Express Mobile Oil Service LLC
 Luis Garcia Orellana
 3333 Duck Ave #L 102
 Sec. 66-102 Dates due and delinquent; penalties
 Officer Roy Owens
 Certified Mail:
 Initial Hearing: 3-25-2021

In compliance on 7 April 2021; request dismissal

Count 1: Failure to pay all fees and delinquencies to the City of Key West

Licensing Department.

Legislative History

3/25/21 Code Compliance Hearing Continuance

20

Case # 21-314

Jude M Brogli

2824 Seidenberg Ave

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

Officer Roy Owens

Certified Mail: 3-14-2021

Initial Hearing: 4-29-2021

Continuance previously granted to 27 May 2021

Count 1: Failure to apply and obtain all after the fact permits for the
removal of the awning and installation of the concrete deck.

Adjournment