



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, March 28, 2012

1:30 PM

Old 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 at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Call Meeting to Order

Code Violations

1

Case # 11-1156

Jorge Romero
2805 Flagler Avenue
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business.
Officer Ginny Haller
Certified Service: 3-1-2012
Initial Hearing: 3-28-2012

In compliance, request dismissal

Count 1: Property is being rented without a business tax receipt.

The Special Magistrate dismissed this case as requested by Officer Haller. This property was in compliance on March 21, 2012.

2

Case # 11-1551

Richard & Tammy Fox
1110 Fleming Street 2
Sec. 18-601 Transient License
Sec. 122-1371 Transient Living Accommodations in Residential Dwellings; Regulations
Sec. 122-599 Prohibited uses in HMDR
Officer Ginny Haller
Certified Service: 2-21-2012
Initial Hearing: 2-29-2012

Continued from February 29, 2012 for Settlement Agreement

Count 1: The captioned property was held out and/or advertised as being available transiently on April 1, 2011 through April 8, 2011, June 4, 2011 through June 12, 2011, October 25, 2011 through October 28, 2011 and December 18, 2011 through December 25, 2011 without the benefit of a valid transient rental license. **Counts 2 through 30:** The captioned property was held out and/or advertised as being available transiently on April 1, 2011 through April 8, 2011, June 4, 2011 through June 12, 2011, October 25, 2011 through October 28, 2011 and December 18, 2011 through December 25, 2011. **Count 31:** Transient rentals are prohibited in the HMDR district.

The Special Magistrate found Richard and Tammy Fox in violation. A settlement agreement was presented and approved by the Special Magistrate. The Respondents agree and stipulate to the imposition of a fine in the amount of \$7,750 plus administrative costs of \$250 for a total of \$8,000. \$7,750 of that amount shall be suspended for a period of 24 months from the date of the Special Magistrate's signature. If no new code violations concerning the transient rental regulations are found by the Special Magistrate at this property or any other property within the city of Key West owned by the respondents within 24 months, the suspended portion of the fine shall expire forthwith.

3

Case # 11-1437

David Wolkowsky
1701 Laird Street
Sec. 14-72 Minimum facilities
Sec. 14-37 Building permits; professional plans; display of permits
Officer Leonardo Hernandez
Certified Service: 2-17-2012
Initial Hearing: 3-28-2012

New Case

Count 1: On February 9, 2012 a call was received from KWPD stating that two people were living on this property with a sleeping facility, grill and food. No running water or bathing facilities. **Count 2:** A structure was built without the benefit of a permit.

The Special Magistrate found David Wolkowsky in violation. No fines or fees were imposed as requested by Officer Hernandez.

4

Case # 11-1444

Bird Construction LLC
Deborah & Richard Bird
730 Southard Trust
c/o Vincent F Barletta, Trustee

730 Southard Street
Sec. 14-37 Building permits professional plans; display of permits
Sec. 14-40 Permits in the Historic District
Officer Leonardo Hernandez
Certified Service: 12-23-2011
Initial Hearing: 1-25-2012

Irreparable Violation

Continued from February 29, 2012

Count 1: The chimney at this location was demolished without a demolition permit. **Count 2:** The chimney at this location was demolished without HARC approval.

The Special Magistrate granted the continuance request made by Ms. Stones to April 25, 2012 for the Settlement Agreement.

5

Case # 11-1467

Victor W Olson
1316 Eliza Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 102-152 Requirements for permits
Sec. 102-158 Stop work order and penalty
Officer Leonardo Hernandez
Certified Service: 1-26-2012
Initial Hearing: 2-29-2012

Continued from February 29, 2012

New Case

Irreparable violation for working over a stop work order

Count 1: On December 6, 2012 a stop work order was issued for renovations of the fence without a building permit. **Count 2:** On December 6, 2012 a stop work order was issued for renovations of the fence without a certificate of appropriateness. **Count 3:** On December 9, 2011 it was noticed that more of the fence had been worked on. A second stop work order was posted.

The Special Magistrate found Victor Olson in violation. No fines or fees were imposed. The court reserves the right to impose fines and fees if the property is not brought into compliance by April 24, 2012. A compliance hearing will be held on April 25, 2012.

6

Case # 11-1506

405 Frances, LLC
Andrea M Amato, Mgr.
BDB Agent Co. R/A
John P Slagter

405 Frances Street
Sec. 62-2 Obstructions
Officer Leonardo Hernandez
Certified Service: 2-24-2012 - Owner
2-28-2012 - R/A
Initial Hearing: 3-28-2012

New Case

Count 1: On December 13, 2011 a complaint was received that trees were being planted on the City's right of way without a permit and the fence had been installed on the right of way, exceeding the scope of the permit.

The Special Magistrate found 405 Frances LLC - Andrea M Amato in violation. Costs of \$250 were imposed. Also imposed was a fine of \$250 per day if compliance is not met by April 24, 2012. A compliance hearing will be held on April 25, 2012.

7

Case # 11-1548

Tamara Redhead
1101 Simonton Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic district
Sec. 90-363 Certificate of occupancy - required
Officer Leonardo Hernandez
Certified Service: 3-14-2012
Initial Hearing: 3-28-2012

Continuance granted to April 25, 2012

Count 1: A complaint was received on December 27, 2011 that the shed was converted into living space without a permit. **Count 2:** A complaint was received on December 27, 2011 that the shed was converted into living space without HARC approval. **Count 3:** A Certificate of Occupancy was not issued to use the shed as a living unit.

The Special Magistrate granted the continuance request made by Ms. Stones to April 25, 2012.

8

Case # 12-27

Bank of America
Tiaquanda S Turner, Field Services
Alliance Roofing Corporation
Adam Ryckman R/A
3220 Eagle Avenue

Sec. 14-37 Building permits; professional plans; display of permits
Sec. 118-516 Stop work orders
Officer Leonardo Hernandez
Certified Service: 1-26-2012 - Contractor
Initial Hearing: 2-29-2012

New Case
Irreparable Violation

Count 1: On January 5, 2012 a complaint was received that roofing work was being done without permits. A stop work order was issued.
Count 2: On January 18, 2012, while conducting an inspection, two workers were on the roof working over the stop work order.

The Special Magistrate continued this case to April 25, 2012. Jason Hoskey is an employee of Alliance Roofing and did not have the authority to represent Alliance Roofing or Bank of America.

9

Case # 12-49
Richard L Rettig Revocable TR
1011 Whitehead Street
Sec. 18-601 Transient License
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations(d)(9) - **Three Counts**
Sec. 122-599 Prohibited uses in HMDR
Officer Leonardo Hernandez
Certified Service: 1-13-2012
Initial Hearing: 2-29-2012

Continued from February 29, 2012
New Case
Irreparable Violation

Count 1: The captioned property was held out and/or advertised as being available transiently on January 7, 2012 through January 9, 2012 without benefit of a valid transient rental license. **Count 2:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on January 7, 2012. **Count 3:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on January 8, 2012. **Count 4:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on January 9, 2012. **Count 5:** The captioned property is located in the HMDR district which prohibits transient rentals.

The Special Magistrate granted the continuance request made by Mr. Klitenick to April 25, 2012 for the Settlement Agreement.

10

Case # 09-1501

Angel & Daniela Rodriguez

Angel Rodriguez Dr

908 Trinity Drive #4

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

Sec. 14-256 Required for electric

Sec. 14-262 Request for inspection

Sec. 14-325 Permits required

Sec. 14-327 Mechanical inspection

Sec. 14-358 Plumbing permit required

Sec. 14-362 Connect to public sewer

Sec. 90-363 Certificate of occupancy

Officer Barbara Meizis

Certified Service: 11-8-2011

Initial Hearing: 12-14-2011

Continued from January 25, 2012

Count 1: On May 10, 2010, planning department received an after the fact variance for an after the fact accessory unit which was constructed without building permits. **Count 2:** Electrical work done on the accessory unit without the benefit of an electrical permit. **Count 3:** Electrical inspections are required for all electrical work done. **Count 4:** Mechanical work done without the benefit of a mechanical permit. **Count 5:** Mechanical inspections are required for all mechanical work done. **Count 6:** Plumbing work done without the benefit of a plumbing permit. **Count 7:** Connection to the city sewer system is required. **Count 8:** A certificate of occupancy is required for the accessory unit.

The Special Magistrate found Angel & Daniela Rodriguez and Angel Rodriguez Sr. in violation. Costs of \$250 were imposed along with a fine of \$250 per day, per count (total 8 counts) if compliance is not met by April 28, 2012 at noon. A compliance hearing will be held on May 23, 2012.

11

Case # 11-1399

Arthur Robert Kara Living Trust

7 Hunts Lane

Sec. 14-40 Permits in the historic district

Sec. 6.6.1.6 Installation of Containers - NFPA 58 Liquefied Petroleum Gas Code 2008

Sec. 6.6.2.1 Installation of Cylinders - NFPA 58 Liquefied Petroleum Gas Code 2008

Officer Barbara Meizis

Certified Service: 2-17-2012

Initial Hearing: 3-28-2012

In compliance, request dismissal

Count 1: On November 10, 2011 it was observed that a propane tank had been installed on the ground without HARC approval. No building or work permit required by this code for work in the Historic District shall be issued until a Certificate of Appropriateness has been granted. **Count 2:** On November 10, 2011 it was observed that a propane tank had been installed on the ground without being securely anchored. **Count 3:** On November 10, 2011 it was observed that a propane tank had been installed on the ground in contact with the soil.

The Special Magistrate dismissed this case. Compliance was achieved on March 18, 2012.

12

Case # 12-302

David Neil Austin
1215 Duncan Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Barbara Meizis
Certified Service: 3-13-2012
Initial Hearing: 3-28-2012

New Case

Count 1: A non-transient business tax receipt for two units is required to rent your property. The above property has been rented by William Virgil Montgomery in Unit 1 and Destiny Blue Montgomery in Unit 2. Keys Energy shows electric service in Mr. Montgomery's name since 08-27-2008. There is also a rental agreement between Cathy Fernandez, The Hip Tourist, your agent and William Montgomery and Robin Gregory as tenants.

The Special Magistrate continued this case so April 25-2012 so Officer Meizis could find out more information concerning the discharge of the bankruptcy.

13

Case # 12-340

Scott Marks
Sidewalk in front of 500 Duval Street
Sec. 6-4 Permit regulations; prohibitions (d)
Sec. 6-4 Permit regulations; prohibitions (k)
Sec. 6-4 Permit regulations; prohibitions (r)
Officer Barbara Meizis
Certified Service: 3-2-2012
Initial Hearing: 3-28-2012

New Case

Count 1: On February 27, 2012, Mr. Marks, B Permit holder # 11 Art 171 was positioned atop a 3' side by 2' high by 2' deep blue and white cooler along with his dog which was dressed in sunglasses, a hat and a lei. There was a sign on the cooler reading "I Got Lei'd - the Lei Man - In Key West". There was a sign on the ground at Mr. Marks' feet which read "Tips for Photos" along with a tip jar that had money in it.

Count 2: On February 27, 2012, I measured Mr. Mark's display including all accouterment which as 8 1/2 ' wide by 6' high by approximately 4' deep concluding the display was much larger than 25 square feet. **Count 3:** On February 27, 2012 I observed Mr. Marks sitting on a cooler along with his dog which was in costume (a lei around the dog's neck, sunglasses on its face and a red hat) situated on the city right-of-way requesting donations of money (tips) at a performance.

The Special Magistrate found Scott Marks in violation. No fines or fees were imposed. This case may serve as a predicate for a repeat violation status should similar violations occur in the future.

14

Case # 11-1525

Limor Doum Starkey

2104 Patterson Avenue

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

Officer Bonnita Myers

Certified Service:

Initial Hearing: 3-28-2012

New Case

Count 1: On December 1, 2011 the city received a complaint that the subject property was being rented without a business tax receipt. a lease was received showing Christopher and Ashley Albo as the tenants.

The Special Magistrate continued this case to April 25, 2012 for service.

15

Case # 12-60

Traci Totino

1800 Atlantic Blvd A208

Sec. 18-601 Transient license

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

Sec. 66-87 Business tax receipt required

Sec. 122-299 Prohibited uses in MDR-C

Officer Bonnita Myers

Certified Service: 1-17-2012

Initial Hearing: 2-29-2012

Continued from February 29, 2012

Count 1: The captioned property was held out and/or advertised as being available transiently on March 5, 2012 through March 12, 2012 without the benefit of a valid transient rental license. **Count 2:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 5, 2012. **Count 3:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 6, 2012. **Count 4:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 7, 2012. **Count 5:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 8, 2012. **Count 6:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 9, 2012. **Count 7:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 10, 2012. **Count 8:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 11, 2012. **Count 9:** The respondent held out the property in question as being available for rent transiently contrary to 122-1371(d)(9) on March 12, 2012. **Count 10:** The captioned property was held out and/or advertised as being available on March 5, 2012 through March 12, 2012 without benefit of a non-transient rental license. **Count 11:** The captioned property was is located in the MDR-C district which prohibits transient rentals.

The Special Magistrate granted the continuance request made by Mr. Oropeza to May 23, 2012 for the Settlement Agreement.

16

Case # 12-291

1018 Truman LLC

Edward G Clark R/A

Key West Liquid 8 Pawn LLC

Jan G Robbins R/A

Richard Igo, Applicant

1018 Truman Avenue

Sec. 106-51 Prohibited

Officer Bonnita Myers
Certified Service: 3-8-2012 - owner
Initial Hearing: 3-28-2012

Repeat Violation
New Case

Count 1: Repeat violation of outdoor display of merchandise. On February 17, 2012 a complaint was received that Liquid 8 Pawn had bicycles on the sidewalk for sale. Photos were taken. On February 28, 2012, photos were taken of the bicycles inside the shop showing one of the same bicycles that was locked to a post on February 17, 2012. **Count 2:** Repeat violation of outdoor display of merchandise. On March 5, 2012 a photo was taken at ~ 9:59 am showing no bicycles attached to the poles. At ~ 10:09 am a photo and video were taken showing the employee taking the bicycles outside and attaching them to the posts. **Count 3:** Repeat violation of outdoor display of merchandise. On March 7, 2012 a photo was taken at ~8:00 am showing the bicycles inside the shop. Another photo was taken ~9:50 am showing the bicycles attached to the poles outside.

The Special Magistrate found Liquid Pawn 8 in violation. Costs of \$250 were imposed. Also imposed was a suspended fine of \$500 per count (total 3 counts) for the repeat violation.

17

Case # 12-428

Discount Dumpsters LLC
Daniel Michie III
1430 7th Street
Sec. 58-32 Dumpsters on public right-of-way
Officer Bonnita Myers
Certified Service:
Initial Hearing: 3-28-2012

Repeat Violation
New Case

Count 1: Repeat violation for placing a dumpster on the city right-of-way on March 9, 2012 without the benefit of a permit. **Count 2:** Repeat violation for placing a dumpster on the city right-of-way on March 12, 2012 without the benefit of a permit.

The Special Magistrate continued this case to April 25, 2012 for service.

18

Case # 09-1193
Allen L Hansen

2002 Seidenberg Avenue
Sec. 58-61 Determination and levy of charge
Sec. 90-363 Certificate of occupancy - required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Lynn Tsouchlos
Certified Service: 9-22-2011
Initial Hearing: 10-19-2011

Continued from January 25, 2012 for compliance

For renting two units when only 1 sewer/solid waste account exists with the city. A certificate of occupancy is required for all units. A business tax receipt is required for all units.

Officer Tsouchlos stated that Mr. Hansen is in compliance and the Special Magistrate closed this case.

19

Case # 10-1274

Rockwell Property, Inc.
Catalfomo & Farrelly, R/A
Trepanier & Assoc., Inc.
Owen Trepanier
Richard W Hoy, DPS
2 Scheppens Lane
Sec. 14-37 Building Permits; professional plans; display of permits
Sec. 14-40 Permits in the historic district
Officer Jim Young
Certified Service: 8-15-2011
Certified Service: 11-10-2011 - Irreparable Notice
Initial Hearing: 8-31-2011

Continued from January 25, 2012 for compliance

Count 1: Prior to October 8, 2012 it was determined that a staircase was demolished without a building permit. **Count 2:** Prior to October 8, 2010, it was determined that a staircase was demolished without HARC approval. **Count 3.** Prior to October 8, 2011 it was determined that a staircase was built without required building permits. **Count 4:** Prior to October 8, 2010 it was determined that a gable roof was demolished without a building permit. **Count 5:** Prior to October 8, 2010 it was determined that a roof deck was built without required building permits. **Count 6:** Prior to October 8, 2010 it was determined that a fence was built on the roof deck without building permits.

The Special Magistrate found that Rockwell Property, Inc. - Equator Resort -

Richard W Hoy did not come into compliance and imposed the suspended fine of \$1,250.00.

20

Case # 10-1453

Richard Wunsch
613 Ashe Street
Sec. 66-87 Business Tax Receipt Required
Sec. 14-37 Building Permits, Display
Sec. 90-363 Certificate of Occupancy
Officer Jim Young
POSTED: 5-6-2011
Initial Hearing: 5-25-2011

Continued from February 29, 2012 for compliance

A business tax receipt is required to rent your property. A building permit is required to add a living unit. A certificate of occupancy is required for the third unit.

The Special Magistrate granted the continuance request made by Mr. Wunsch to April 25, 2012.

21

Case # 11-861

Yoram & Jai B Levy
2509 Harris Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Jim Young
Certified Service: 2-27-2012
Initial Hearing: 3-28-2012

New Case

Count 1: On July 7, 2011 the subject property was being rented and occupied by Heather Dagenais, Ariella Hogan and Ryan Satpula. The business tax receipt expired on September 30, 2008.

The Special Magistrate granted the continuance request made by Ms. Hogan to April 25, 2012 for compliance.

22

Case # 11-929

Cecil E Alf Irrevocable Trust
Knabe Family Ltd. Partnership T/C
c/o Craig Knabe, R/A
431 Front Street
Sec. 14-37 Building Permits Required; Display
Sec. 14-40 Permits in the Historic District
Officer Jim Young
Certified Service: 8-15-2011

Initial Hearing: 9-28-2011

Continued from February 29, 2012

On July 19, 2011 a new sign was erected atop of the ticket booth located at 431 Front Street C without the required HARC Certificate of Appropriateness.

The Special Magistrate granted the continuance request made by Mr. Smith to April 25, 2012 for an agreement. Mr. Smith stated that the sign would be taken down and not put back up until after the next hearing.

23

Case # 11-1200

Tim Gallagher

2904 Harris Avenue

Sec. 90-363 Certificate of occupancy required

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

Officer Jim Young

Certified Service: 2-17-2012

Initial Hearing: 3-28-2012

New Case

Count 1: On September 22, 2011 I observed a habitable unit at the rear of the subject property. A check of the city records indicates there is no certificate of occupancy for this unit. **Count 2:** on September 22, 2011 I observed a habitable unit at the rear of the subject property being rented without the benefit of a business tax receipt.

The Special Magistrate granted Mr. Gallagher's request to continue this case to April 2, 2012.

24

Case # 11-1209

Darryl Fohrman R/A for

Hildenborough Hotels LTD., Inc.

1129 Fleming Street

Sec. 122-839 Prohibited uses in HNC-2

Officer Jim Young

Certified Service: 10-26-2011

Initial Hearing: 11-16-2011

Continued to April 25, 2012 for ruling

The subject property has a bar and restaurant open to the general public. This type of activity is prohibited in the HNC-2 zoning district.

The Special Magistrate stated that he does not have the order but would have it out by next week. He also stated that he is ruling against the City.

25

Case # 12-333

Omaida Tirador
1609 Trinidad Drive
Sec. 66-102 Dates due and delinquent; penalties
Officer Jim Young
Certified Service: 3-3-2012
Initial Hearing: 3-28-2012

New Case

Count 1: Repeat violation of renting without a business tax receipt

The Special Magistrate found Omaida Tirador in violation. Costs of \$250 were imposed along with a fine of 25% of the business tax receipt to rent (\$19.95 X 25% = \$4.99). Total due the city is \$259.99.

26

Case # 12-378

Katherine A O'Shea Rev Trust
Brian R Quattrini, R/S
Tarzan Tree Care
Sandra Downs - Contractor
414 Louisa Street
Sec. 110-321 - Required
Sec. 110-256 Tree abuse
Certified Service: 3-6-2012 - contractor
Certified Service: 3-21-12 - owner
Initial Hearing: 3-28-2012

Continuance was granted to April 25, 2012 starting at 10 am

Count 1: A Royal Poinciana Tree was removed without a permit.

Count 2: Tree abuse is prohibited

The Special Magistrate granted Mr. Ginsberg's request for a continuance to April 25, 2012.

27

Case # 12-386

Elizabeth H Humes - Owner
Tarzan Tree Care
Sandra Downs - Contractor
534 Grinnell Street
Sec. 110-321 - Required
Certified Service: 3-21-2012 - contractor
Certified Service: 3-19-2012 - owner

Initial Hearing: 3-28-2012

Continuance was granted to April 25, 2012 starting at 10 am

Count 1: A Royal Poinciana Tree was not trimmed according to "best pruning practices" by ANSI A-300 standards

The Special Magistrate approved the Settlement Agreement that was presented for payment of the Administrative Fees of \$250 and to hire an a certified arborist to monitor the health of the referenced Royal Poinciana Tree. The case against Tarzan Tree Care - Sandra Downs was continued to April 25, 2012 at the request of Mr. Ginsberg.

Adjournment