



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Code Compliance Hearing

Wednesday, July 2, 2014

1:30 PM

Old City Hall

Code Violations

1

Case # 12-836

SHS Investment of South Florida Inc.

Si Stern

Robert M Weinberger, Registered Agent

820 White Street

Sec. 14-40 Permits in historic district

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

Sec. 90-363 Certificate of occupancy - required

Officer Bonnita Badgett

Certified Service: 8-31-2012 - Owner

9-13-2012 - Registered Agent

Initial Hearing: 9-26-2012

In compliance June 14, 2014, request dismissal

Count 1: Placed low voltage cameras outside without HARC approval.

In compliance. **Count 2:** A business tax receipt is required for all 32 rooms. Only licensed for 19 guestrooms and 1 transient rental. **Count**

3: A certificate of occupancy is required for the extra 12 rooms.

The Special Magistrate dismissed this case at the request of the code officer.

2

Case # 12-972

Cecil Wilson Bain

Marcelyn R Cox

326 Truman 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 Peg Corbett

Certified Service: 10-18-2013

Initial Hearing: 10-30-2013

In compliance June 26, 2014, request dismissal

Count 1: A certificate of occupancy was not obtained for the stand-alone building on the Julia Street side which has two rental units. **Count 2:** A business tax receipt is required for the two rental units.

The Special Magistrate dismissed this case at the request of the code officer.

3**Case # 13-1417**

Dasha Renee Ray

1215 Mac Millan Drive

Sec. 62.2 Obstructions - **Dismiss**

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

Sec. 14-261 Failure to obtain electrical permit

Sec. 90-363 Certificate of occupancy - Required - **Dismiss**Sec. 58-61 Determination and levy of charge - **Dismiss**

Sec. 74-206 Owner's responsibility for payment

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

Officer Peg Corbett

Certified Service: 1-7-2014

Initial Hearing: 1-29-2014

Continued from May 28, 2014 for compliance

Count 1: A scooter was blocking the city sidewalk. **Count 2:** The property owner was issued a permit to "enclose empty space at rear for laundry and infill of a carport under existing roof for storage only: in October 2001. The area is currently occupied by a tenant. No permits for the renovation for the second kitchen or the second bathroom.

Count 3: The property owner did not apply for or obtain an electrical permit for the second kitchen. **Count 4:** The property owner has a second unit which is occupied without the benefit of a certificate of occupancy. **Count 5:** The property owner has not obtained the required utility accounts for the second unit. **Count 6:** The property owner has a delinquent utility account. **Count 7:** The subject property has two units individually rented without the benefit of the required business tax receipt.

This case was continued to March 25, 2015.

4**Case # 13-1512**

Five Guys Burgers & Fries

Corporation Service Company, R/A

E. Miles Prentice, Mgr.
500 Truman Avenue 1
Sec. 114-103 Prohibited signs - **dismiss**
Sec. 114-104 Restriction on the number of signs permitted
Officer Peg Corbett
Certified Service: 1-16-2014
Certified Service: 2-7-2014 - revised notice
Initial Hearing: 1-29-2014

In compliance, request dismissal

Count 1: The subject business has an interior illuminated sign and five paper signs/banners attached to the windows facing both Duval and Truman contrary to city ordinance. **Count 2:** The subject business has six signs

Dismissed

The Special Magistrate dismissed this case at the request of the code officer.

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Case # 14-309

Norma Jean Peacock Sonzogni
Nancy Fay Peacock Ruiz T/C
825 Southard Street Rear
Sec. 14-40 Permits in historic district
Sec. 14-37 Building permits; professional plans; display of permits
Officer Peg Corbett
Certified Service: 3-10-2014
Initial Hearing: 4-23-2014

Continued from May 28, 2014

Count 1: For failure to obtain a certificate of appropriateness for the deck and pavers. **Count 2:** For failure to obtain a building permit for the deck and pavers.

The Special Magistrate found Ms. Sonzogni and Ms. Ruiz in violation. He reserves the right to imposed fines and fees if compliance is not achieved by July 29, 2014. A compliance hearing will be held on July 30, 2014.

6

Case # 14-378

Dereck Berger
Lance Torres
2333 Fogarty Avenue
Sec. 90-356 Building permits required
Sec. 108-680 Recreational vehicles and boats
Sec. 118-4 Recording of plats, lot splits or other change in lines or

boundaries defining land configuration
Officer Peg Corbett
Certified Service: 6-7-2014
Initial Hearing: 7-2-2014

Continuance granted to July 30, 2014

Count 1: A gate was built on the city right of way (easement) without permits. **Count 2:** The boat belonging to Mr. Berger has been placed on the easement behind the gate. **Count 3:** A lot split has been recorded at the county clerk's office without the benefit of city approval.

This case was continued to July 30, 2014.

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Case # 14-388

Peter Legrady
Peppers of Key West
500 Truman Avenue 6
Sec. 114-103 Prohibited signs
Sec. 114-104 Restriction on number of signs permitted
Officer Peg Corbett
Certified Service: 3-15-2014
Initial Hearing: 4-23-2015

In compliance. Administrative fees have not been paid.

Count 1: On February 21, 2014, during a site visit, there were two neon signs and five paper signs hanging inside the window of the subject business. **Count 2:** On the same site visit, ten signs were counted, four directory, two awning, two logo signs and two separate sets of stenciling on the outside of the windows which were installed without benefit of a certificate of appropriateness.

Compliance was achieved. The administrative fees are still due.

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Case # 14-397

Fury Management Inc.
Scott Saunders, Registered Agent
500 Truman Avenue
Sec. 114-104 Restrictions on number of signs permitted
Officer Peg Corbett
Certified Service: 6-5-2014
Initial Hearing: 7-2-2014

New Case

Count 1: This business has four signs and is only allowed two.

The Special Magistrate dismissed this case at the request of the code officer.

9

Case # 14-203

Salvatore Zappalla

9 Gerome Avenue

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

Sec. 14-40 Permits in historic district

Sec. 62-2 Obstructions

Officer Leonardo Hernandez

Posted: 6-20-2014

Initial Hearing: 7-2-2014

Continuance granted to August 20, 2014

Count 1: For failure to obtain a building permit for the fence. **Count 2:**

For failure to obtain a certificate of appropriateness for the fence.

Count 3: The fence is obstructing the city right of way.

This case was continued to August 20, 2014.

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Case # 14-259

Yebo Island Grille, LLC

Joel Dos Santos

Paul Mills, SC P.A. Registered Agent

629 Duval Street

Sec. 108-91 Scope; major and minor developments

Sec. 114-103 Prohibited signs

Officer Leonardo Hernandez

Certified Service: 3-29-2014

Initial Hearing: 4-23-2014

Continuance granted to August 20, 2014

Count 1: The food trailer was opened without HARC approval, in violation of major and minor development plans within the historic district. **Count 2:** Portable signs are prohibited in the historic district.

This case was continued to August 20, 2014.

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Case # 14-260

Linda Wheeler

1213 White Street

Sec. 108-452 Required sight distances for landscaping adjacent to

public rights-of-way and point of access
Sec. 122-1406 Obstructions to visibility
Officer Leonardo Hernandez
Certified Service: 3-25-2014
Initial Hearing: 4-23-2014

Continued from May 28, 2014 for ruling

Count 1: The hedges at the corner of White and Duncan exceed the height and length for clear visibility. **Count 2:** The hedges at the corner of White and Duncan obstructs traffic and traffic visibility.

This case was continued to July 30, 2014 for ruling.

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Case # 14-477

Bank of New York Mellon
c/o SHD Legal Group, P.A.
1429 Johnson Street
Sec. 26-126 Clearing of property of debris and noxious material
required
Officer Leonardo Hernandez
Certified Service: 6-2-2014
Initial Hearing: 5-28-2014

Continued from May 28, 2014

Count 1: Property needs to be cleared of yard waste and debris which is causing a nuisance and a fire hazard.

The Special Magistrate imposed administrative costs of \$250 at the request of the code officer.

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Case # 14-606

Cathy Fernandez
912 Simonton Street
Sec. 14-37 Building permits; professional plans; display of permits
Sec. 14-40 Permits in historic districts
Officer Leonardo Hernandez
Certified Service: 6-17-2014
Initial Hearing: 7-2-2014

New Case

Count 1: For failure to obtain a demolition permit to remove the railings. **Count 2:** For failure to obtain a certificate of appropriateness for removal of the railings.

The Special Magistrate found Ms. Fernandez in violation. Costs of \$250 were imposed. He reserves the right to imposed fines if compliance is not achieved by July 29, 2014. A compliance hearing will be held on July 30, 2014.

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Case # 14-659

Crystal Clear Pools
Charles & Melina Witch
3116 Riviera Drive
Sec. 18-150 Certificate of competency required
Officer Leonardo Hernandez
Certified Service: 4-12-2014
Initial Hearing: 5-28-2014

In compliance as of June 6, 2014, request dismissal

Count 1: Crystal Clear Pools does not have a license/certificate of competency to do pool work in the City of Key West. Crystal Clear Pools gave pool work estimates and billed Bobby Builders Construction for work done.

The Special Magistrate dismissed this case at the request of the code officer.

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Case # 14-709

Paul & Cindy Lou Mead
3536 Duck Avenue
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business - **Dismiss**
Sec. 74-206 Owner's responsibility for payment
Sec. 74-209 Delinquent payments; disconnection and reconnection of services
Officer Leonardo Hernandez
Certified Service: 5-27-2014
Initial Hearing: 7-2-2014

In compliance, request dismissal

Count 1: For failure to obtain a business tax receipt to rent the property. **Count 2.** The utilities account is delinquent.

The Special Magistrate dismissed this case at the request of the code officer.

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Case # 13-1330

801/803 Elizabeth Street LLC
c/o Peter Nelson Brawn
G, B & B-B Registries, LLC
803 Elizabeth Street
Sec. 14-325 Permits required

Sec. 14-327 Inspection
Sec. 14-40 Permits in historic districts
Officer Barbara Meizis
Certified Service: 6-10-2013
Initial Hearing: 7-2-2014

Continuance granted to August 20, 2014

Count 1: For failure to obtain a permit for the condenser. **Count 2:** For failure to obtain an inspection for the condenser. **Count 3:** For failure to obtain a certificate of appropriateness for the condenser.

This case was continued to August 20, 2014.

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Case # 13-1333

801/803 Elizabeth Street LLC
c/o Peter Nelson Brawn
G, B & B-B Registries, LLC
801 Elizabeth Street
Sec. 14-325 Permits required
Sec. 14-327 Inspection
Sec. 14-40 Permits in historic districts
Officer Barbara Meizis
Certified Service: 6-10-2014
Initial Hearing: 7-2-2014

Continuance granted to August 20, 2014

Count 1: For failure to obtain a permit for the condenser. **Count 2:** For failure to obtain an inspection for the condenser. **Count 3:** For failure to obtain a certificate of appropriateness for the condenser.

This case was continued to August 20, 2014.

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Case # 13-1524

Nancy Flynn
Mama's Rock and Sand Inc.
Michael Biskupick
1405 Petronia Street
Sec. 14-40 Permits in historic district
Sec. 14-37 Building permits; professional plans; display of permits
Officer Barbara Meizis
Certified Service: 4-4-2014 - Mama's Rock and Sand
Initial Hearing: 4-23-2014

Continuance granted to July 30, 2014

Count 1: For exceeding the scope of the certificate of appropriateness by installing brick pavers on the city right of way.

Count 2: For exceeding the scope of the building permit by installing brick pavers on the city right of way.

This case was continued to July 30, 2014.

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Case # 14-449

Ann J Kolson
1401 Albury Street
Sec. 58-31 Container and receptacle requirements
Officer Barbara Meizis
Certified Service:
Initial Hearing: 7-2-2014

In compliance June 6, 2014, request dismissal

Count 1: On Thursday, February 27, 2014, bins were on the city right of way. Trash pick up is on Tuesdays. In the months of March and April, 2014 the recycle and yard waste bins were being stored on the city right of way.

The Special Magistrate dismissed this case at the request of the code officer.

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Case # 13-57

Yuliya Andrews
The Adult Entertainment Club
Anthony B Huggins
Albert L Kelley, R/A
200 Block of Duval Street
Sec. 18-415 (b) (1) a. Restrictions in the Historic District
Sec. 18-441 Required
Officer Jim Young
Certified Service: 1-14-2013 - Albert Kelley
Certified Service: 1-14-2013 - Yuliya Andrews
Initial Hearing: 1-30-2013

Continued from April 14, 2014**Repeat/Irreparable Violation**

Count 1: On January 10, 2013 at approximately 1:33 am, Anthony B Huggins was soliciting customers for the Adult Entertainment Club at 210 Duval Street which is a prohibited area. **Count 2:** An Off-Premises Canvassing permit is required to engage in off-premises canvassing.

This case was continued to August 20, 2014.

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Case # 13-185

KWSC, Inc. d/b/a
Adult Entertainment Club
Yuliya Andrews, Owner
Neile Bassi Favreau
Albert L Kelley, R/A
300 Block of Duval Street
Sec. 18-411 Title
Sec. 18-415 Restrictions in the historic district
Officer Jim Young
Certified Service: 2-8-2013 - R/A
Certified Service: 2-9-2013 - Owner
Initial Hearing: 2-27-2013

Continued from April 14, 2014
Repeat/Irreparable Violation

Count 1: This article shall be known as the off-premises canvassing ordinance. **Count 2:** On January 10, 2013 at approximately 1:30 am, Neile Bassi Favreau was soliciting customers for the Adult Entertainment Club in the 300 block of Duval Street which is a prohibited area.

This case was continued to August 20, 2014.

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Case # 13-1640

Martha J Wilkerson Estate
c/o Allen & Karen Valdez
914 Emma Street
Sec. 26-126 Clearing of property debris and noxious material required
Officer Jim Young
Certified Service: 4-7-2014
Initial Hearing: 4-23-2014

Continued from April 23, 2014

Count 1: The lot is overgrown with weeds.

The Special Magistrate found Martha J Wilerson Estate in violation. Costs of \$250 were imposed. A fine of \$100 per day will be imposed if compliance is not achieved by July 29, 2014. A compliance hearing will be held on July 30, 2014.

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Case # 14-785

Brookwood LLC
James E Berger
1216 Watson Street
Sec. 18-601 License required - Counts 1 - 5
Sec. 122-1371 Transient living accommodations in residential dwellings; regulations (d)(9) - Counts 6 - 10
Sec. 122-599 Prohibited uses - Counts 11 - 15
Officer Matt Willman
Certified Service: 5-20-2014
Initial Hearing: 5-28-2014

New Case - Settlement Agreement
Repeat Violation
Irreparable Violation

Counts 1 thru 5: On April 30 thru May 4, 2014 the subject property was rented without the benefit of the required transient rental license.
Counts 6 thru 9: On April 30 thru May 4, 2014, the property owner or their representative entered into a short term rental agreement. Spoke with Bob Pelletier, renter, on May 3 and received a rental confirmation in email format confirming the stay from April 30 thru May 4, 2014.
Counts 10 thru 15: Transient rental in the Historic Medium Density Residential District (HMDR) are not specifically or provisionally provided for and therefore is prohibited.

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent stipulates to the imposition of the Administrative Cost in the amount of \$250.00 and a Fine in the amount of \$2,750.00. the total costs and fines is \$3,000.00. The Respondent also agrees to a suspended fine of \$9,750.00. The suspension period shall be for 60 months from the date of the Special Magistrate's signature. If Respondent is found in violation of this or similar violations again within 60 days, or if Respondent is otherwise found to be in violaiton of this agreement by a judge of competent jurisdiction, Respondent understands that the \$9,750.00 suspended fine will be imosed in addition to any new fines.If Respondent is found in violation of Sections 18-601, 122-1371(d)(9) and 122-599 again in the future, Respondent understands that the violations will be considered as repeat punishable by up to \$500.00 per day, per count.

HARC Appeals

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SMA 14-01
Yebo Island Grille LLC
629 Duval Street
H13-01-823

Continued from May 28, 2014 for ruling

This case was continued to July 30, 2014 for ruling.

Adjournment

14-785 - Brookwood LLC