



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final - Final

Code Compliance Hearing

Wednesday, May 30, 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 # 17-684

Debra Timlin; Emerald Dreams, LLC.
Matthew Humphrey; Lending Home Funding, Corp.
Kristin Synan; Foreclosure Specialist
1434 Virginia Street
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Bonnita Badgett
Certified Service: 4-20-2018 - Lending Home Funding, Corp.
Certified Service: 4-17-18 - Emerald Dreams, LLC
Certified Service: 4-11-2018 - Foreclosure Specialist
Initial Hearing: 5-30-2018

In compliance May 29, 2018; request dismissal

Count 1: Complaint regarding the property is unsightly and possibly homeless living there. The property is a nuisance.

The Special Magistrate granted the request to dismiss this case.

2

Case # 18-280

Robert Janicki

1205 11th Street

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

Sec. 14-262 Request for inspection

FBC P2503.1 Inspections

FBC 1612.4 Flood Hazard Construction

Sec. 18-117 Acts declared unlawful

Officer Bonnita Badgett

Certified Service: 5-18-2018

Initial Hearing:

Continuance granted to 27 June 2018

Count 1: Building, electrical and plumbing work being done without the benefit of a permits. **Count 2:** Failure to request electrical inspection for work being done without the benefit of a permit. **Count 3:** Failure to request plumbing inspections for work being done without the benefit of a permit. **Count 4:** The new rear room in the main house, the tiki hut and shed shall comply to the ordinance for structures located in the flood hazard areas. **Count 5:** Cease using an unlicensed contractor.

The Special Magistrate granted the request to continue this case to 27 June 2018.

3**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 Wherden Charles

Posted: 3-29-2018

Initial Hearing: 2-28-2018

Continued from 25 Apr 2018 for compliance

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

Joseph Krygier attended this hearing. Officer Leggett gave testimony stating this has been continued from April for compliance and as to date the condition of the property has remained the same. Officer Charles stated he visited the site on May 30, 2018 and it is the same. Mr. Krygier asked for two weeks because of the rain and his illness. The Special Magistrate stated that he has no choice as it has been three months and nothing has been done. The Special Magistrate finds there is a failure to comply with \$250 per day fine and \$250 administrative cost.

4

Case # 18-244

Antonio Manuel Herce III

Patricia Lee

635 United Street Front

Sec. 14-40 Permits in historic districts

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

Officer Wherden Charles

Certified Service: 5-7-2018

Initial Hearing: 5-30-2018

New Case

Count 1: The renovation of this property shows that the window units were relocated to the walls of the home which are visible from the right of way without HARC approval. **Count 2:** The relocated window units to the wall required removal of a portion of the wall which did not have a building permit.

Officer Leggett requested a continuance. They are waiting for HARC approval and the HARC Board will be meeting next month. Once they get HARC approval, it will have to go to the Building Dept. for approval. The City is requesting 60 days continuance. The Special Magistrate granted the request for continuance to July 25, 2018.

5

Case # 18-357

Bob Sunderman

922 Catherine Street

Sec. 110-292 Failure to achieve a compliance agreement

Officer Wherden Charles

Certified Service:

Initial Hearing: 4-25-2018

Continuance granted to 25 July 2018

Count 1: For failure to come into compliance with the signed settlement agreement for violations Sec. 110-256 and 110-321. The payment of \$500 and the planting on one coconut palm 8' tall has not been met.

The Special Magistrate granted the request to continue this case to 25 July 2018.

6

Case # 18-496

Christian M. Zuelch

Rupp William R Trust 10/3/1991

411 Greene Street

Sec. 2-939 Licenses

Sec. 14-40 Permits in historic districts

Officer Wherden Charles

Certified Service: 4-25-2018 - Christian Zuelch

Certified Service: 4-28-2018 - Rupp William R Trust 10/3/1991

Initial Hearing: 5-30-2018

Continuance granted to 27 June 2018 for amended Notice of Hearing

Count 1: The subject business has not renewed their license which expired 30 Sept 2017. **Count 2:** Failure to obtain required HARC approval for signage.

The Special Magistrate granted the request to continue this case to 27 June 2018 for amended Notice of Hearing.

7

Case # 17-1312

George & Leonor Pallas

1125 Washington Street

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

In compliance 30 Apr 2018, request dismissal

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.

The Special Magistrate granted the request to dismiss this case.

8

Case # 17-1391

Steven E Ness

1319 United Street 1

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

- DismissedSec. 26-32 Nuisances illustrated - **Dismissed**Sec. 26-31 Offensive and nuisance conditions prohibited - **Dismissed**Sec. 62-2 Obstructions - **Dismissed**Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsSec. 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

Continued from 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.

Richard McChesney represented the property owner. Officer Doctoche gave testimony stating she observed several chickens on the property along with paper plates, plastic bowls and animal feed. She also observed three mailboxes and the city only recognizes two units. They are in compliance with counts 1 through 4 and asking for dismissal. The Special Magistrate granted the request of dismissal of counts 1 through 4 without objection. Mr. McChesney stated he has met with the City discussing a plan for compliance. There is an interior entrance that has been boarded up and the issue is getting the contractor there. Mr. McChesney is requesting a 30-day continuance to come into compliance. The city agreed to a 30-day continuance. The Special Magistrate granted the request for a continuance of 30-day to the June 27, 2018 hearing.

9

Case # 17-1667

Marcia Stefanacci

1019 Watson Street

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

Sec. 14-40 Permits in historic districts

Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business - **Request dismissal**Sec. 90-363 Certificate of occupancy - required - **Request dismissal**Sec. 58-61 Determination and levy of charge - **Request dismissal**

Officer Sophia Doctoche

Certified Service:

Initial Hearing: 4-25-2018

In compliance 22 May 2018; request dismissal

Count 1: For failure to obtain permits for the new gate, repairs to the steps, new decking and cottage. **Count 2:** For failure to obtain a certificate of appropriateness for the new gate, repairs to the steps, new decking and cottage. **Count 3:** For failure to obtain a business tax receipt to rent your property. **Count 4:** For failure to obtain a certificate of occupancy for the rear cottage. **Count 5:** The property has two units, the City only recognizes one unit.

The Special Magistrate granted the request to dismiss this case.

10

Case # 18-371

Tradewinds Construction, LLC

Robert H. Cardenas Jr. - Registered Agent

420 Fleming Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Sophia Doctoche

Certified Service:

Initial Hearing: 5-30-2018

In compliance 20 Apr 2018, request dismissal

Count 1: The subject business owner has not renewed their license which expired 30 September 2017.

The Special Magistrate granted the request to dismiss this case.

11

Case # 18-401

Spotless Dry Cleaners
Robert W. Gregg Jr.
542 Truman Avenue
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Service: 4-12-2018
Initial Hearing: 5-30-2018

In compliance 23 Apr 2018; request dismissal

Count 1: The subject business owner has not renewed their license which expired 30 September 2017.

The Special Magistrate granted the request to dismiss this case.

12

Case # 18-404

Shift Construction Inc.
Noilyn S. Snyder
3706 North Roosevelt Boulevard 208
Sec. 66-102 Dates due and delinquent; penalties
Officer Sophia Doctoche
Certified Service:
Initial Hearing: 5-30-2018

In compliance 14 Apr 2018, request dismissal

Count 1: The subject business owner has not renewed their license which expired 30 September 2017.

The Special Magistrate granted the request to dismiss this case.

13

Case # 18-601

Diane B. Hernandez

120 Angela Street 101

Sec. 66-102 Dates due and delinquent; penalties

Officer Sophia Doctoche

Certified Service:

Initial Hearing: 5-30-2018

In compliance 9 May 2018, request dismissal

Count 1: Subject business owner has not renewed their non-transient license which expired 30 September 2017.

The Special Magistrate granted the request to dismiss this case.

14

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
Sec. 14-74 Nuisances - **Dismissed**
FBC 1612.4 Flood Hazard Construction -
Officer Scott Fraser
Certified Service: 8-17-2017 - W. Schmida
Initial Hearing: 8-30-2017

Continued from 25 April 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 4:** ~~Front-of-property exits a dilapidated wooden fence with concrete posts, both of which have deteriorated to the point where they present a danger from falling or collapse and injury to the occupants, neighbors and passers by.~~ **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.

Chief Assistant City Attorney Ronald Ramsingh requested a continuance to 27, June 2018 as this case is in the appeal court. The Special Magistrate granted the request to continue this case to 27 June 2018.

15

Case # 17-716

Rockwell Property, Inc. - Property Owner

Gregory G. Farrelly - Registered Agent

816 Fleming Street

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

Officer Leonardo Hernandez

Certified Service: 4-13-2018 - Registered Agent

Certified Service: 4-16-2018 - Property Owner

Initial Hearing: 5-30-2018

Continuance granted to 27 June 2018

Count 1: Addition to the roof, black tar coating that extends to the neighbor's property was poured down and erected without the required building permits.

The Special Magistrate granted the request to continue this case to 27 June 2018.

16

Case # 17-885

Carolyn C. Helliesen

Douglas A. Helliesen

1221 Laird Street

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

Officer Leonardo Hernandez

Certified Service: 5-4-2018

Initial Hearing: 5-30-2018

Continuance granted to 27 June 2018

Count 1: After-the-fact permit application for upstairs walkway/porch has been in call back status since June 23, 2017 due to the property owners not providing the required supporting documentation.

The Special Magistrate granted the request to continue this case to 27 June 2018.

17

Case # 17-1239

Healing Source Massage Therapy
Shang Feng Hao
817 Simonton Street
Sec. 14-40 Permits in historic districts
Officer Leonardo Hernandez
Certified Service: 4-10-2018
Initial Hearing: 4-25-2018

In compliance 18 Apr 2018, request dismissal

Count 1: For failure to obtain a certificate of appropriateness for the signs

The Special Magistrate granted the request to dismiss this case.

18

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

Marcel, Milan & Dominika Kozak - property owners

1501 Truman Avenue Down Rear

Sec. 18-117 Acts declared unlawful - **Dismissed**Sec. 18-157 Employment of unlicensed persons prohibited - **Dismissed**Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Request dismissal**

Sec. 14-40 Permits in historic districts

Sec. 14-235 Permits required - **Dismissed**Sec. 14-327 Inspection - **Dismissed**

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 28 Mar 2018 for compliance

~~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.

Marcel & Milan Kozak attended this hearing. Officer Hernandez gave testimony that counts 4, 7 and 8 are still pending. The City is requesting a dismissal of counts 1, 2, 3, 5, and 6. The Special Magistrate asked if there are any objections for dismissing these counts and there was no objection. Officer Hernandez stated there is a previous Findings and Order and the case was continued for compliance. The City has an expert witness as there is relevant information regarding Life Safety issues. The Special Magistrate asked if they are attempting to come into compliance. Officer Hernandez stated they are attempting to come into compliance. The expert witness is Chief Building Office Ron Wampler. Mr. Wampler stated this project has been a problem from the start. There was a stop work order for the electrical work placed as it was so dangerous. He is not too confident of what else has been done in the building. Mr. Wampler stated it is not an energized building. The City is requesting the Findings and Order for \$250 per day per count starting today. Mr. Kozak gave testimony stating they are pretty much done with the interior remodeling. The electrical contractor is working now and everything will be brought up to 2017 code. He is asking for more time to finish. The Special Magistrate asked when the property was inspected last and Officer Hernandez

stated he was there a little over a month ago and Mr. Wampler was last there May 3. The Special Magistrate has a problem with the work that was done prior to the code violation. The Special Magistrate granted a 30 day continuance as the fines will start to run then. The Special Magistrate wants them to bring it up to code and wants it to be safe. The hearing will be on June 27, 2018.

19

Case # 17-1305

Evgeni P. Petrov

2013 Fogarty Avenue

Sec. 122-238 Dimensional requirements

Sec. 90-363 Certificate of occupancy - required

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

Sec. 14-261 Failure to obtain

Sec. 14-262 Request for inspection

Sec. 58-61 Determination and levy of charge

Officer Leonardo Hernandez

Certified Service: 4-12-2018

Initial Hearing: 5-30-2018

In compliance 23 May 2018, request dismissal

Count 1: The shed is in the setbacks. **Count 2:** Did not obtain a certificate of occupancy. **Count 3:** Building permits were not obtained for the building of this structure. **Count 4:** Failure to obtain an after-the-fact permit for construction of the structure. **Count 5:** Failure to obtain the inspection of the electrical work performed on the structure. **Count 6:** Failure to obtain a lawful unit determination which would include the payment of impact fees.

The Special Magistrate granted the request to dismiss this case.

20

Case # 18-60

Nancy Cruz - Count 1

Yosbany Rodriguez - Counts 1, 2 and 3

1223 3rd Street

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

Sec. 58-34 Unlawful disposal

Sec. 18-150 Certificate of competency required

Officer Leonardo Hernandez

Certified Service: 3-13-2018 - Cruz

Initial Hearing: 4-25-2018

In compliance 4 May 2018; request dismissal

Count 1: For failure to obtain a building permit to enclose the rear porch.

Count 2: For failure to remove construction debris and concrete block from the right of way. **Count 3:** For failure to have a certificate of competency to perform construction related work.

The Special Magistrate granted the request to dismiss this case.

21

Case # 18-233

Alexei Saenko

406 Petronia Street

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

Sec. 14-40 Permits in historic districts

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

Officer Leonardo Hernandez

Posted: 4-27-2018

Initial Hearing: 5-30-2018

New Case

Count 1: Required after-the-fact building permit for the re-coating of the roof. **Count 2:** Required HARC certificate of appropriateness for the re-coating of the roof. **Count 3:** Required business tax receipt to continue to rent property non-transiently.

The Respondent did not appear. Officer Hernandez gave testimony regarding roof work being done without permits and without HARC approval. The City is requesting dismissal of count 3. The Special Magistrate granted the request for dismissal of count 3. Proper service was obtained by posting as letter was returned unclaimed. As of now, there are no permits obtained. The Special Magistrate found there was proper notice by posting on April 27, 2018 and there is no respondent here despite the proper notice. The City requests \$250 court cost and \$250 fine per count per day; and dismissal of count 3. The Special Magistrate grants dismissal of count 3 and find that there has been a violation with proper notification; \$250 per day per count totaling \$500 for the fine and \$250 court cost. The fines will begin on May 31, 2018.

22

Case # 18-436

Keys Cooling LLC

Chris Gazzale

1300 White Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Leonard Hernandez

Certified Service: 4-25-2018

Initial Hearing: 5-30-2018

New Case

Count 1: The subject business owner has not renewed their license which expired 30 September 2017.

Chris Gazzale attended this hearing. Officer Hernandez gave testimony stating this case is due to a past due business license from last year. Mr. Gazzale stated he has not been able to work because of not having employees and health issues. He is asking for a continuance and will be able to pay next month. The Special Magistrate asked if the City has any issue with a continuance. Officer Hernandez stated they do not but would like a finding of the violation. The Special Magistrate stated there will be a finding of the violation with \$250 per day for the count with \$250 court cost with compliance by 25 June 2018; and will see him in the next hearing.

23

Case # 18-521

Mr. Charles Sonny McCoy

Francesca Grantham

88 Hilton Haven Drive

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

Officer Leonardo Hernandez

Certified Service: 4-26-2018 - Grantham

Initial Hearing: 5-30-2018

In compliance 26 April 2018, request dismissal

Count 1: Unsightly yard with yard waste piling up. There is no scheduled pick up.

The Special Magistrate granted the request to dismiss this case.

24

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

Continued from 25 April 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.

Respondent did not appear. Officer Langford gave testimony stating that Mr. Delgado has passed away and property has been in probate. It has been reassigned to his daughter. The City is asking for a continuance so that we can properly serve Brittiany Delgado, the new property owner. Ron Ramsingh, Chief Assistant City Attorney stated he died in testate and she was the petitioner in the probate, and she was sole heir. The Special Magistrate granted the request for continuance without objection to June 27, 2018.

25

Case # 16-1570

Robert Reilly

Nicola Roques

1535 5th Street

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

Continued from 25 April 2018 for compliance

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.

Robert Reilly attended this hearing. Officer Langford asked for Mr. Reilly to give testimony. Mr. Reilly stated he has been submitting the permits to Building Department and the Planning Board has asked for a variance. He has submitted the variance packet and the Planning Board meets next on August 16, 2018. Mr. Reilly is requesting a continuance to the August hearing. The City has no objection. The Special Magistrate granted the request for continuance to August 29, 2018 hearing.

26

Case # 18-06

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)

Officer Beau Langford

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 26 September 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.

The Special Magistrate granted the request to continue this case to 26 September 2018.

27

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 25 Apr 2018 for compliance

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.

Erwin Mayer attended this hearing. The Special Magistrate stated there was a motion for continuance. He stated he did not grant the motion because it is important for us to stay on this as this will be a reoccurring problem. He wants to keep it on the docket so that we can monitor this as it develops. Officer Lopez stated we received a letter from Mr. Mayer's lawyer stating they canceled their tenancy for the tenants. This was dated May 24. Mr. Mayer was to come today to give the status on getting the tenants out of the property. This was supposed to be in compliance for today. The Special Magistrate asked for the status. Mr. Mayer stated he is regulated under Fl. Law Chapter 27-23. In order to evict a tenant, we must follow strictly the Florida guidelines. We first have to terminate the lease agreement. The law states he has to give them 30 days and after 30 days if they do not remove the mobile home from the property, we can file for eviction. We are required to demolish the attached structure which you state is the property owner problem. We applied for a demolition permit in April. In the beginning the mobile home owner agreed to allow us to demolish the structure but then he changed his mind. We just recently filed the termination notice. So in 30 days if he does not move out of the mobile home park, we will file for an eviction. We have to go to court, get an eviction order and the Sheriff will come to our property and remove forcibly the tenant including the mobile home. This is all that we can do at the moment. Mr. Ramsingh stated that he is correct and the Special Magistrate agreed that Mr. Mayer is correct on the statues. Mr. Ramsingh stated that our concern is the part of the structure that is permanently attached to the ground which he is responsible for. We already have a finding of violation and continued this for this reason. We do have a mitigation ordinance if your honor is inclined to start the fines and certainly this would be one of those situation where he would qualify. Our biggest concern was the Finding and Order. The Special Magistrate stated the biggest concern is a safety issue among other things. He feels there is no pressure to come into compliance other than these accumulating fines and he doesn't know that accumulating of fines is going to be enough to force it quickly forward. He is looking for this to

get over as quickly as possible. The Special Magistrate is going to continue this to the June 27 docket but I want to see this moving forward. This has got to go and there is going to more of this. Mr. Mayer is asking for 60 days for continuance . The Special Magistrate wants to make sure the eviction notice is filed. He wants to make sure this is pushed forward as this is a safety issue. There is a lot of problems there. Mr. Mayer stated he lives in Ft. Lauderdale and he especially comes down here for this hearing. If he notifies the Special Magistrate by the end of the month we started to file eviction proceeding, would this be sufficient. The Special Magistrate didn't know but that he would have to get in touch with the City. You can do a motion for continuance as he want this to push forward. Mr Mayer can forward this to the City and they will decide if they have an objection to it. If the eviction proceeding is filed and this is an open case, he will be very inclined to work with him. The Special Magistrate wants this over. Because this problem is not just your problems. There are other properties in the county that have these illegal additions. This will be on 27 June 2018.

28

Case # 18-113

Richard Dostal

210 Truman Avenue

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

Sec. 62-2 Obstructions - dismissed

Officer Jorge Lopez

Certified Service: 2-9-2018

Initial Hearing: 2-28-2018

Continued from 25 Apr 2018 for compliance

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.~~

Richard Dostal attended this meeting. Officer Lopez gave testimony. Officer Lopez inspected the property yesterday and stated it will take a few weeks to come into compliance. Mr. Dostal stated he was at the last month hearing and explained that he has been having difficulty getting to this property as he had another property that was going to be sold and had to work on that constantly before he could get to this site. He stated there is a dumpster on site and he has help to work on this now. He stated people looked at the property and say that it isn't true that it is overgrown and trash everywhere. The Special Magistrate asked about the plumbing in the picture and how long has it been there. Mr. Dostal stated that there is vine growing over it and with the rain it is growing quickly; and that it is building material that is going to be going into a house that he is going to be building there. He stated they are taking tons of stuff out of there. The Special Magistrate asked Officer Lopez if there was anything else. Officer Lopez stated there is a Findings and Order; and the City would like to have the daily fines running today. The Special Magistrate found there is a failure of compliance and it looks like nothing has been done. The Special Magistrate imposed the \$250 a day with the \$250 administration cost as is stated in the Findings and Order.

29

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 25 Apr 2018 for compliance

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).

Richard Dostal attended this meeting. Officer Lopez gave testimony. Officer Lopez that this is the property that will take 1 to 2 weeks to be in compliance; and it looks much better than his first visit. There is a dumpster on site. Mr. Dostal stated the dumpster is there and we are filling up and taking the stuff out. Officer Lopez said he is now working on this property and is taking his time but before that he was doing it very slow. The Special Magistrate extend the compliance date to 15 June 2018 at 5 o'clock as it looks like he is making progress. The next hearing date is 27 June 2018. The Special Magistrate stated he is putting this on a short leash as there are a lot of safety, fire and health problems.

30

Case # 18-125

Edward & Gwen Keenan

1021 Watson Street

Sec. 26-32 Nuisance illustrated

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

Officer Jorge Lopez

Posted: 4-24-2018

Initial Hearing: 4-25-2018

Continued from 25 Apr 2018

Count 1: For failure to clean the pool to avoid a breeding ground for mosquitoes. **Count 2:** For failure to remove the debris from the yard.

The respondent did not attend this meeting. Officer Lopez gave testimony. The property had to be posted because the notice came back unclaimed. Officer Lopez was able to get in to contact with the property owner. He had someone clean up the yard debris and Waste Management came and picked it up. Most of the water was taken out but there is still water in the pool and he is not in compliance with the conditions of the pool. The City would like to have a finding of the violation and \$250 cost. The City ask for a dismissal of count 2 as it is compliance as of today. The Special Magistrate found that there is proper notice with a violation to count 1 of \$250 per day with \$250 administration cost with count 2 dismissed at the City's request without objection.

31

Case # 18-185

Wild Sales II, Inc.

Noam Zano - Registered Agent

291 Front Street 8

Sec. 114-103 Prohibited signs

Officer Jorge Lopez

Certified Service: 5-7-2018

Initial Hearing: 5-30-2018

Continuation granted to 25 July 2018

Count 1: Observed prohibited signs on the windows and on the exterior doors of this building.

The Special Magistrate granted the request to continue this case to 25 July 2018.

32

Case # 18-241

Theresa Cioffi

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

Sec. 90-363 Certificate of occupancy - Required

Sec. 58-61 Determination and levy of charge

Sec. 26-32 Nuisance illustrated

Officer Jorge Lopez

Certified Service:

Initial Hearing: 5-30-2018

Request for continuance for amended Notice of Code Violation

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize that did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** The detached unit located in the rear side of the property has not been issued the requisite certificate of occupancy. **Count 4:** This unit has not paid impact fees related to utilities. **Count 5:** Observed the pool with stagnant water.

The Special Magistrate granted the request to continue this case for amended Notice of Code Violation.

33

Case # 18-392

Silver KW, Inc.

Alon Croitoru - Registered Agent

137 Duval Street 141

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

Sec. 14-40 Permits in historic districts

Sec. 114-103 Prohibited signs

Sec. 2-939 Licenses

Officer Jorge Lopez

Certified Service:

Initial Hearing: 5-30-2018

Continuance granted to 27 June 2018

Count 1: New installation of rolling steel doors on the exterior of the building without the benefit of a permit. **Count 2:** The rolling steel doors and the hanging sign over the sidewalk were installed without the benefit of a certificate of appropriateness. **Count 3:** Multiple prohibited signs on the exterior of the building. **Count 4:** The sign hanging over the sidewalk does not have a revocable license.

The Special Magistrate granted the request to continue this case.

34

Case # 18-537

Bumble Bee Silver Co

Vinod Alwani

201 William Street

Sec. 66-102 Dates due and delinquent; penalties - **Repeat Violation**

Sec. 102-282 Outdoor display of goods

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions - **Request dismissal; In compliance 30 May 2018**Sec. 14-40 Permit in historic districts - **Request dismissal; In compliance 30 May 2018**Sec. 2-939 Licenses - **Request dismissal; In compliance 30 May 2018**

Officer Jorge Lopez

Certified Service: 4-13-2018

Initial Hearing: 5-30-2018

New Case

Count 1: The subject business owner has not renewed their license which expired 30 September 2017. This is a repeat violation case# 17-979. **Count 2:** Observed merchandise located outside the store on the city's right of way. **Count 3:** Hanging sign installed without the required permit. **Count 4:** Hanging sign installed without obtaining a certificate of appropriateness. **Count 5:** Hanging sign installed without a revocable license.

Vinod Alwani attended this hearing. Officer Lopez gave testimony. The City request dismissal of counts 3, 4, and 5. Mr. Alwani has no objection to the dismissal of these counts. Officer Lopez stated that the count 1 is a repeat violation of delinquent business tax. The City is requesting a finding of the violation as a repeat of \$500 and \$250 administration cost. Mr. Alwani stated he knows it was a repeat violation but he did comply. The Special Magistrate asked if he is in compliance now and Officer Lopez said yes. He did pay within 3 days. The Speical Magistrate did find him in violation with \$250 administration cost and no fine for count 1. For count 2, Officer Lopez stated he observed an outdoor display without an outdoor display permit. Officer Lopez heard that he is working with Marilyn Wilbarger, city employee and she is getting paperwork together for the outdoor display. Mr. Alwani stated he has been at this location for six years. He applied at that time to the Planning Dept for the outdoor display permit. He submitted everything and did not hear anything back; and he assumed that he had it as everyone else on Lazy Way Lane received theirs. He spoke with Marilyn and Doug Bradshaw who said he is speaking with Planning; ane he is waiting for an update. Mr. Alwani has been trying to comply. He went the same day to speak with the City employees to try to comply. He was told he has to speak with HARC. Mr.

Lopez could not verify that he went that day to speak with the City employees. Ron Ramsingh, Chief Assistant City Attorney, stated that the actual property involved is owned by the City and he is a tenant. He would suggest if you do find a violation it be a \$250 cost but not imposed for 60 days to give him an opportunity for him to come into compliance. We want to foster the compliance and the outdoor display exception has to be approved by the Planning Board. The City request that you enter a finding and order, enter a fine of \$250 per day; however; have compliance for 60 days. The City would be willing to extend this if need be. Mr. Alwani will set up an appointment with Planning. The Special Magistrate without objection will find that there is a violation with a \$250 administration cost and \$250 per day fine with 60 days compliance. The Special Magistrate is willing to continue the compliance date if everything is moving along. Compliance date is for 24 July 2018 as next hearing is 25, July 2018.

35

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

Director Jim Young

Certified Service: 10-23-2017

Initial Hearing: 12-20-2017

Continuance granted to 29 August 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.

The Special Magistrate granted the request to continue this case to 29 August 2018.

36

Case # 18-198

John Todd Manuel

2022 Seidenberg Avenue

Sec. 66-103 Transfer of license

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

Sec. 90-363 Certificate of occupancy - required

Sec. 58-61 Determination and levy of charge

Officer Jim Young

Certified Service: 3-10-2018

Initial Hearing: 4-25-2018

In compliance 23 May 2018, request dismissal

Count 1: For failure to transfer the non-transient rental license from the previous owners. **Count 2:** For failure to obtain building permits for the plumbing and electrical work that has been performed. **Count 3:** For failure to obtain a certificate of occupancy for the detached rear unit.

Count 4: The property has two units, the City only recognizes one unit.

The Special Magistrate granted the request to dismiss this case.

Adjournment