



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, October 22, 2020

1:30 PM

Virtual Meeting

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 # 18-1784

Lindholm Construction, Inc
Richard Lindholm - Registered Agent
Native Builders, Inc
Carl Denny - Registered Agent
Nicholas Obea LLC
Clint Gordon - Registered Agent
Cristian J Swanson
1610 Dennis Street
Sec. 14-262 Request for inspection
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. 18-117 Acts declared unlawful
Sec. 18-150 Certificate of competency required
Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business
Officer Edward Keane
Certified Mail: 5-30-2019 - Lindholm Construction, Inc.
Certified Mail: 5-30-2019 - Native Builders, Inc.
Certified Mail: 11-28-2019 - Lindhold Construction, Inc.
Certified Mail: 11-27-2019 - Cristian J Swanson
Certified Mail: 12-28-19 - Native Builders, Inc

Posted: 7-19-2019 - Nicholas Obea LLC
Initial Hearing: 6-27-2019

Settlement Agreement

Lindholm Construction Inc dismissed on all counts

Counts 1-3 - Cristian J Swanson only

Count 1: Electrical work was performed without the benefit of permit and inspection. **Count 2:** Interior structural work at the subject location without the benefit of a permit. **Count 3:** Interior plumbing work performed at the subject location without the benefit of a permit.

Count 4: Failure to obtain the appropriate license from the city of key west. - **All parties**

Count 5: Failure to obtain a certificate of competency. - **Cristian J Swanson only**

Count 6: Failure to obtain a business license from the city of key west. - **Cristian J Swanson only**

Edward Keane is the code officer. There was a settlement agreement that was executed by all three parties. All three parties have paid and this case is now dismissed.

2

Case # 19-1715

Futerman 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 27 August 2020

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.~~

Edward Keane is the code officer. All counts were dismissed except Count 1.

The city requested a continuance for 19 November 2020. The Special Magistrate granted the continuance.

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Case # 19-1268

S&M of Lazy Ways Inc.
Scott Saunders - Registered agent
205 Elizabeth Street
Sec. 14-40 Permits in historic districts
Sec. 114-103 Prohibited signs
Sec. 66-109 Schedule of taxes
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 110-256 Tree abuse
Officer Rachel Kobylas
Certified Mail: 8-25-2020
Initial Hearing: 9-24-2020

New Case

Count 1: Failure to obtain building permits and a HARC certificate of appropriateness for unpermitted items.

Count 2: Failure to hire a licensed contractor to apply for and obtain the proper permits for the additional signs on the property.

Count 3: Failure to apply and pay for the amount of outdoor seating.

Count 4: Failure to remove electrical wiring, fans and lights attached to trees.

Count 5: Failure to remove all things attached to trees.

Rachel Kobylas is the code officer. Dorian Patton spoke on behalf of Rachel Kobylas. This case is in compliance as of 22 October 2020. The city is requesting the dismissal of this case. The Special magistrate granted the dismissal.

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Case # 20-1120

Kenneth Michels
1312 4th Street
Sec. 66-102 Dates due and delinquent; penalties
Officer Rachel Kobylas
Certified Mail:
Initial Hearing: 8-27-2020

This case came into compliance on 23 September 2020; request dismissal

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

Rachel Kobylas is the code officer. This case came into compliance on 23

September 2020. The Special Magistrate granted the dismissal.

5

Case # 19-1081

Lazy Days of Key West, LLC
Nira Sela - Registered agent
715 Duval St. 1
Sec. 14-40 Permits in historic districts
Sec. 114-103 Prohibited signs
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Troy Montero
Hand Served: 1-9-2020
Initial Hearing: 3-26-2020

Continued to 22 October 2020 for compliance

- Count 1:** Failure to obtain HARC certificate for awning (front).
- Count 2:** Failure to remove prohibited signs (front).
- Count 3:** Failure to obtain building permit.

Troy Montero is the code officer. This case came into compliance on 22 October 2020. The Special Magistrate granted the dismissal. There is a Finding and Order with a \$250.00 administrative fee.

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Case # 19-1535

Tropical Fruits and Juice
Charles Mendola - Registered Agent
925 Duval Street
Sec. 114-106 Prohibited signs
Sec. 106-51 Prohibited outdoor display
Sec. 66-109 Schedule of taxes
Officer Troy Montero
Certified Mail: 3-2-2020
Initial Hearing: 3-26-2020

Continued to 22 October 2020 for compliance

- Count 1:** Failure to obtain HARC certificate of appropriateness.
- Count 2:** Failure to obtain and exception to outside display from planning department.
- Count 3:** Failure to obtain authorization for additional seating from planning department.

Troy Montero is the code officer. This case came into compliance on 22 October 2020. The Special Magistrate granted the dismissal. There is a finding and order with a \$250.00 administrative fee.

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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 to 22 October 2020 for compliance**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.

The code officer is Troy Montero. Nathalia Mellies the assistant city attorney spoke on behalf of the city that they are in compliance on all counts except Count 1 and 2. The City is requesting a continuance for a status check on 19 November 2020. The Special Magistrate granted the continuance for 19 November 2020 for a status.

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Case # 19-1592

Rosemie Thomas

1213 14th Street 54

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

Officer Troy Montero

Certified Mail: 11-25-2019

Initial Hearing: 1-30-2020

Continued to 22 October 2020 for compliance**Count 1:** Failure to obtain all proper building permits.

There is a Finding and Order with a \$250.00 administrative fee.

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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

Continued to 22 October 2020 for compliance

Count 1: Failure to apply for fence permits.

The code officer is Troy Montero. Troy Montero read his timeline. Richard McChesney spoke on behalf of the respondent by explaining the issues with the building department and DEP in regards to who owns the land and if they have the permission from the state to get a permit. The Special Magistrate requested a continuance to 19 November 2020 so that all parties involved can get things straightened out and permitted.

10

Case # 20-1176
230 East 7th St Associates
C/O Cohen Joseph
300 Front Street #2
Sec. 106-51 Prohibited
Officer Laurie Skinner
Certified Mail: 10-14-2020
Initial Hearing: 10-22-2020

New Case

Count 1: Failure to obtain required permits for outside display or remove any merchandise on the exterior of a business structure, including a wall, roof, overhand, entranceway or window within a required setback area.

The code officer is Laurie Skinner. Laurie requested a finding and order with no fees or fines. The special magistrate granted the finding and order no fees or fines.

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Case # 20-1178
Front Street Investments LLC
C/O Cohen Joseph
304 Front Street
Sec. 106-51 Prohibited
Officer Laurie Skinner
Certified Mail: 10-14-2020
Initial Hearing: 10-22-2020

New Case

Count 1: Failure to remove outdoor displays.

The code officer is Laurie Skinner. Laurie requested a finding and order with no fees or fines. The special magistrate granted the finding and order no fees or fines.

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Case # 18-241

Lawney Management Company - **New Owner**

~~Theresa Didato-Cioffi - **Removed**~~

~~Wilmington Trush Company - **Removed**~~

3222 Riviera Drive

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

Sec. 122-238 Dimensional requirements

Sec. 26-32 Nuisance illustrated - **Dismissed**

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

Director Jim Young

Certified Service: 6-15-2018 - Registered Agent

Certified Service: 7-17-2018 - Theresa Cioffi - Amended Notice

Initial Hearing: 5-30-2018

Continuance granted to 22 October 2020

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which 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:** ~~Observed the pool with stagnant water that is a breeding ground or feeding area for mosquitoes.~~ - **Dismissed.** **Count 4:** ~~Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition.~~ - **Dismissed.**

The code officer is Jim Young. Jim Young testified that this case went before the planning board and they obtained a variance. Wayne La Rue Smith then spoke on behalf of the responded and requested a continuance to 19 November 2020 so that they can have more time to get the proper permits. The Special Magistrate granted the continuance to 19 November 2020.

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Case # 18-2089

Duval and Caroline, LLC

Joseph Walsh

429 Caroline Street

~~Sec. 66-109 Schedule of taxes - **Dismissed**~~

Sec. 14-40 Permits in historic districts
Officer Sophia Doctoche
Posted: 4-30-2019
Initial Hearing: 4-24-2019

Mitigation

~~Count 1: Failure to obtain seating authorization for the seats located at the subject property.~~ - **Dismissed.** **Count 2:** Failure to apply for and obtain an after the fact certificate of appropriateness for the subject property.

The special magistrate imposed a 75% discount on the fines. The amount due is \$2125.00 fine and a \$250.00 administrative fee.

Adjournment