

SPECIAL MAGISTRATE HEARING

MINUTES

JANUARY 11, 2016

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Department Director
Mary Jo Murphy, Deputy City Clerk
Joanne Boland, Zoning & Permitting Administrator
Chris Lostraglio, Code Enforcement Officer

1. CALL TO ORDER

Special Magistrate Ashton called the City of St. Pete Beach Code Enforcement Hearing to order at 10:00 a.m.

2. ADMINISTER OATH

Special Magistrate Ashton administered the oath or affirmation to witnesses present.

3. CASES

Special Magistrate Ashton heard the following cases and entered the following orders:

A. Case Number: 20130041

Respondent: Lee, Robert L.

Property: 6381 4th Palm Point, St. Pete Beach, FL 33706

Code Enforcement Officer: Chris Lostraglio

Violation: Request for Lien Fee Reduction; **Sec. 6.23**, dilapidated dock; in full compliance.

Case Number: 20130042

Respondent: Lee, Robert L.

Property: 6381 4th Palm Point, St. Pete Beach, FL 33706

Code Enforcement Officer: Chris Lostraglio

Violation: **Sec. 23.2 (b)**, improper parking/storage of boat trailer and Honda Pilot with expired tag; in full compliance.

Special Magistrate Ashton entered a Findings of Fact that the respondent had complied with the lien reduction procedures for all violations on the property in regard to both cases, Case No. 20130041 and Case No. 20130042. Special Magistrate Ashton stated that no violation of any ordinance existed on the subject property. Special Magistrate Ashton granted the lien reduction; however, the fine was reduced to the amount of the administrative costs that the City incurred in regard to both cases. The amount is due within 30 days of entry of the order on this matter. If payment is not received within 30 days of the entry of the order, a forfeiture of the lien reduction shall occur and the lien will be reinstated in its original amount.

B. Case Number: 12-11115-CI-8

Respondent: Birmingham, James A.

Property: 627 78th Ave, St. Pete Beach, FL 33706

Code Enforcement Officer: Chris Lostraglio

Violations:

1. **Sec 10.5**, The property is potentially noxious, dangerous or offensive to residents of the City or those who pass by on public roadways.
2. **Sec 98-65**, The property is an unsightly condition with abandoned or broken equipment as well as broken and discarded furniture and household appliances in visible yard areas with trash, litter, debris, packing boxes, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and furniture, excluding furniture specifically designed for outdoor use. Continued failure to maintain the premises in a clean, safe and sanitary condition.
3. **Sec 98-66 (c)**, Property contains accumulated litter
4. **Sec 98-66 (d)**, Property contains outdoor storage of materials and equipment in an area other than the rear yard where such materials and equipment are visible from the public right-of-way.
5. **Sec 46-33 (2)**, Property contains an accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, bricks, concrete, and other building debris or other refuse of any nature.
6. **Sec 46-33 (12)**, Property contains worn out, scrapped, partially dismantled, nonoperative, unusable or discarded materials or objects, including building materials, machinery, metal, wastepaper, rags, glassware, tinware, and other items of junk.

Special Magistrate Ashton found that the property was in violation of Sec. 10.5, Sec. 98-65, Sec. 98-66 (c), Sec 98-66 (d), Sec 46-33 (2), and Sec 46-33 (12). The Respondent will have 10 days to work with the Code Enforcement Officer to create an Action Plan. Special Magistrate Ashton entered an order requiring the property to be brought into compliance by February 10, 2016. If the property is not brought into compliance by February 10, 2016, the case will come back before Special Magistrate Ashton within 60 days on March 14, 2016, and at that time a lien will be imposed on the property.

City Attorney Dickman asked the Respondent to state on the record that he did understand what was being asked of him, and the Respondent answered yes.

C. Case Number: 20150011

Respondent: Myers, Richard, Business Owner, (Rick's Reef)

Property: 6712 Gulf Blvd., St. Pete Beach, FL 33706

Code Enforcement Officer: Chris Lostraglio

Violations: Sec 5.1, Did not receive site plan approval for improvements and alterations to property.

In regard to Case No. 20150011, Special Magistrate Ashton found that the property was in violation of Sec. 5.1. The Respondent will have 30 days to bring the property into compliance. If the property is not brought into compliance by February 10, 2016, the case will come back before Special Magistrate Ashton on March 14, 2016 for imposition of a fine and certification of a lien on the property.

Case Number: 20150119

Respondent: Myers, Richard, Business Owner, (Rick's Reef)

Property: 6712 Gulf Blvd., St. Pete Beach, FL 33706.

Violation: Sec 23.5, Number of parking spaces required is deficient.

In regard to Case No. 20150119, Special Magistrate Ashton found that the property was in violation of Sec. 23.5. The Respondent will have 30 days to bring the property into compliance on February 10, 2016. If the property is not brought into compliance by February 10, 2016, the case will come back before Special Magistrate Ashton on March 14, 2016 for imposition of a fine and certification of a lien on the property.

D. Case Number: 20110159

Respondents: Foronda, Joseph & Elizabeth

Property: 231 Lido Dr., St. Pete Beach, FL 33706

Violations: Sec. 23.3 (a), Sec 23.4 (a) & (e), missing driveway to garage on this residential zoned district home.

Case Number: 20150133

Respondents: Foronda, Joseph & Elizabeth

Property: 231 Lido Dr., St. Pete Beach, FL 33706

Violations: Sec 46.33 (1) (a) (b); (2); (3); (13), the maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances.

In regard to Case Numbers 20110159 and 20150133, Special Magistrate Ashton found that the property was in violation of Sec 46.33 (1) (a) (b); (2); (3); (13) and Sec. 23.3 (a), Sec 23.4 (a) & (e) for a missing driveway to the garage in a residential home.

In regard to Case No. 20150133, Special Magistrate Ashton entered a chronic nuisance order on the property to allow the City to abate these violations.

In regard to Case No. 20110159, Special Magistrate Ashton gave the Respondents 30 days for the driveway or further action will be taken.

Special Magistrate Ashton entered an order, in regard to Case No. 20150133 and Case No. 20110159, requiring the property be brought into compliance within 30 days by February 10, 2016. If the property is not brought into compliance by February 10, 2016, the case will come back before Special Magistrate Ashton within 60 days on March 14, 2016, and at that time there will be an imposition of a fine and certification of a lien on the property.

E. Case Number: 20100054

Respondents: Wheaton, Stephen K. and /or Deborah H.

Property: 3941 Moody St., St. Pete Beach, FL 33706

Violations:

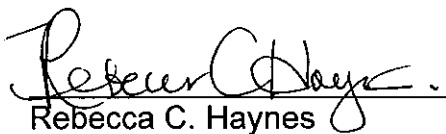
1. **Sec. 98-65 (4)** Unsightly conditions
2. **Sec. 98-66 (b) (2)** Exterior walls have broken/missing siding which is creating holes, paint is deteriorating throughout; **(b) (7)** exterior surface treatment **(b) (20)** High grass and weeds; and **(d)** outdoor storage: exterior storage of a large pile of concrete blocks and light pole timbers in open rear yard.

Special Magistrate Ashton found that the property was in violation of Sec. 98-65 (4), unsightly conditions; Sec. 98-66 (b) (2), (b) (7), (b) (20) and (d). Special Magistrate Ashton will enter a chronic nuisance order in 10 days if the property is not brought into compliance by Jan 21, 2016. This property is required to be in compliance within 30 days on February 10, 2016. If the property is not brought into compliance by February 10, 2016, the case will come back before Special Magistrate Ashton on March 14, 2016, and at that time there will be an imposition of a fine and certification of a lien on the property.

6. ADJOURNMENT:

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:38 a.m.

Attest:


Rebecca C. Haynes
City Clerk