

SPECIAL MAGISTRATE HEARING

MINUTES

MARCH 14, 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. PLEDGE OF ALLEGIANCE

Special Magistrate Ashton invited everyone present to recite the Pledge of Allegiance.

3. ADMINISTER OATH

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

4. CASES

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

A. Case # 20150011

City Of St. Pete Beach v. Myers, Richard (Rick's Reef)

Address: 6712 Gulf Blvd, St Pete Beach, FL 33706

Violations:

1. Sec. 5.1 of the Land Development Code

Did not receive site plan approval for improvements/alterations to the parking lot.

Non-compliant

2. Sec. 23.5 of the Land Development Code

Number of parking spaces required.

Non-compliant

Special Magistrate Ashton found the following:

- The City properly noticed the hearing.
- The property is in violation.
- Gave the respondent 15 days, March 29, 2016, to file the appropriate site plan with the City and obtain the proper number of parking spaces.
- If the property is not brought into compliance by March 29, 2016, the City will impose a fine. The fine will be \$125 each day until the property is brought into compliance.
- Once the site plan has been filed, it is incumbent upon the respondent to contact and notify the Code Enforcement Officer that the site plan has been filed.
- If the fine is imposed, it will be certified as a lien on the property.

B. Case # 20100054

City of St Pete Beach v. Wheaton, Stephen K. and Deborah H., Property owners

Address: 3941 Moody Street, St Pete Beach, FL 33706

Violations:

1. Sec. 98-65 (4) of the Code of Ordinances, Unsightly conditions

Non-Compliant

2. Sec. 98-66 (b) (2), (b) (7), (b) (20), (d)

(b) (2) Exterior walls have broken/missing siding which is creating holes.

(b) (7) Paint is deteriorating throughout, which all requires repair replacement and protective coating.

(b) (20) Accumulation of untended growth of vegetative matter: grass, weeds, palm fronds, leaves and debris which requires mowing, trimming, weed eating and maintaining.

(d) The exterior storage of a large pile of concrete blocks and light pole timbers in open rear yard which requires the installation of a solid fence surrounding the rear yard or removal of such items.

Non-Compliant

Special Magistrate Ashton found the following:

- The property is in violation.
- The City is entitled to a chronic nuisance order, and the chronic nuisance order will be entered immediately.
- The fine will be \$250 each day for the violations.

C. Case #12-11115-CI-8

City of St. Pete Beach v. Birmingham, James A., Property Owner.
Address: 627 78th Ave, St. Pete Beach, FL 33706

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.
In Compliance
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.
In Compliance
3. **Sec 98-66 (c)** Property contains accumulated litter.
In Compliance
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.
In Compliance
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.
In Compliance
6. **Sec 46-33 (12)** Property contains worn out, scrapped, partially dismantled, non-operative, unusable or discarded materials or objects, including building materials, machinery, metal, wastepaper, rags, glassware, tin ware, and other items of junk.
In Compliance

Code Enforcement Officer Lostraglio stated the property was in compliance.

Special Magistrate Ashton stated she would not be entering an order certifying a fine or lien on the property.

D. Case # 20110159

City of St. Pete Beach v. Foronda, Joseph & Elizabeth, Property Owners

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

Violation:

1. **Sec. 23.3 (a), Sec 23.4 (a) & (e)** Missing driveway to garage on this residential zoned district home.
Non-Compliant

Case# 20150133

City of St. Pete Beach v. Foronda, Joseph & Elizabeth, Property Owners

Violation:

1. **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:

Non-compliant

Special Magistrate Ashton found the following:

- Entered an order continuing Case No. 20110159 to the next Special Magistrate hearing on April 11, 2016 at 10:00 a.m.

5. NEW CASES

A. Case # 20160001

City of St. Pete Beach v. Morean, Beth Ann, Property Owner

Address: 309 39th Ave, St. Pete Beach, FL 33706

Violations:

1. **Sec. 98-65 (4) of the Code of Ordinances, Unsightly Conditions**
There is trash accumulating on the east side of the garage, specifically a ceiling fan and wood.
2. **Sec. 98-66 (a), (b), (7), (20), (21), (22), (24) of the Code of Ordinances, Residential & commercial property maintenance**
 - (a) All premises shall be maintained in compliance with this section.
 - (b) Standards for improved property.
 - (7) Exterior surface treatment. The paint is peeling and chipping and needs to be repainted.
 - (20) Grass, weeds and uncultivated vegetation. The grass is overgrown in the front and back yard.
 - (21) Shrubbery, plants and ground cover. All real property shall be maintained in a condition to prevent erosion of soil. The shrub next to the mailbox is growing into the street and needs to be trimmed.
 - (22) Trees. Trees shall be maintained or removed. The trees are overgrown and need to be trimmed.
 - (24) Fences and walls. The fence in front is falling down and needs to be repaired

Special Magistrate Ashton found the following:

- The property is in violation of Sec. 98-65, (4); Sec. 98-66 (a), (b), (7), (20), (21), (22) and (24) of the Code of Ordinances.
- The City properly noticed the hearing.

- Gave the respondent 45 days to bring the property into compliance, April 28, 2016.
- If the property is not brought into compliance, there will be a hearing before Special Magistrate Ashton on May 9, 2016.

B. Case # 20160017

City of St. Pete Beach v. Chill Restaurant & Bar; Buxbaum, Ruth & Paul, Owners

Address: 363 (aka 357) Corey Ave, St. Pete Beach, FL 33706

Violation:

Sec. 78-103 of the Code of Ordinances, Expiration, renewal of Business Tax Receipt

Failure to renew Business Tax Receipt on or before September 30, 2015 as required by the City of St. Pete Beach.

Code Enforcement Officer Lostraglio stated the property was in compliance.

Special Magistrate Ashton stated that there would be no further action on Case No. 20160017.

6. ADDITIONAL ITEMS

There were no additional items.

7. NEXT HEARING

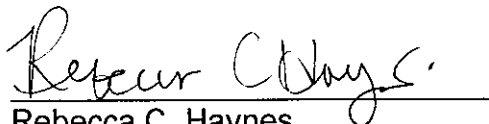
Monday, April 11, 2016 at 10:00 A.M.

There was no discussion in regard to the next hearing.

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:18 a.m.

Attest:



Rebecca C. Haynes
City Clerk