

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

APRIL 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 Special Magistrate 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. OLD CASES

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

A. Case # 20150011 and #20150119

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. Richard Myers applied for a variance on 3/25/16.

2. Sec. 23.5 of the Land Development Code

Number of parking spaces required. **Richard Myers applied for a variance on 3/25/16.**

Chris Lostraglio, Code Enforcement Officer, stated that Richard Myers had applied for variances for both of the violations and will update the Special Magistrate of the progress in regard to Case No. 20150011 and Case No. 20150119.

B. Case # 20150180

City of St Pete Beach v. Dolphin Watch I, LLC

(Beth Ann Morean) Property owner.

Address: 110 15Th Ave., St Pete Beach, FL 33706

Violations:

1. Sec. 98-66. – Residential and commercial property maintenance

(a) (b), (20) (21), (a) (b), (22) Trees (a) (b)

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

(20) All grasses or weeds, and uncultivated vegetation shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

(21) All real property shall be maintained in a condition to prevent erosion of soil by:

(a) Landscaping with grass, trees, shrubs or other planted ground cover; or

(b) Such other suitable means as shall be approved by the building official.

(22) Hazardous trees.

(a) Dead, dying, damaged or diseased trees are prohibited. A finding by a registered forester or certified arborist employed by the city that a tree is in danger of falling upon an adjacent lot or street due to death, disease or damage, including damage caused by weather conditions, is prima facie evidence of a violation of this section.

(b) Prohibited conditions. The following conditions are prohibited: Trees, plants, shrubs, vegetation, or parts thereof, which overhang any sidewalk, street, alley or fire hydrant, and obstruct or impair the free and full use of the sidewalk, street, alley or fire hydrant by the public. Grass, weeds, shrubs, bushes, trees or vegetation which constitute a fire hazard or a menace to public health, safety or welfare. Removal of obstruction: The owner of any real property shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: which overhang any sidewalk, alley or street as determined by the building official; and which interfere with the use of any sidewalk, alley, street, poles, wires, pipes, fixtures or any other part of any public utility situated in the right-of-way. Non-compliant

Special Magistrate Ashton found the following:

- Entered an order continuing the hearing to the next hearing date, May 9, 2016, to give extra time to bring the property into compliance.

C. Case # 20110159

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

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

Violation:

Sec. 23.3 Applicability and scope

Sec 23.4 (a), (e)

(a) One and two-family residential uses shall have the required number of parking spaces set forth in the applicable district regulations and shall comply with Section 23.11 (b) of this Code.

(e) General parking requirements of the Land Development Code:

Missing driveway to garage on this residential zoned district.

Case# 20150133

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

Violation:

Sec 46.33 – Enumeration (1), (a), (b), (2), (3), (13)

(1) Vegetation as follows:

(a) Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds or any other vegetation, other than trees, ornamental bushes, flowers or ornamental plants, with a height exceeding 12 inches.

(b) Dead branches or fronds on trees or shrubs.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat, or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

(3) Any condition which provides harborage for rates, mice, snakes and other vermin.

(13) The storage of any vehicle, whether motorized or nonmotorized, including, but not limited to automobiles, trucks, trailers, campers, recreational vehicles, motor homes, boats, boat trailers, or parts thereof, without a valid license plate or valid vehicle or trailer or boat trailer or other registration certificate specifically attached to the vehicle or part thereof shall be prima facie evidence that the property is worn out, scrapped, nonoperative, unusable or discarded, as provided in subsection (12) of this section.

Special Magistrate Ashton found the following:

- The property is in violation of Sec. 23.3 and Sec 23.4 (a), (e) in regard to Case No. 20110159.
- The property is in violation of Sec 46.33 – Enumeration (1), (a), (b), (2), (3), (13) in regard to Case No. 20150133.
- Each case will have a fine of \$100 per day for the violations until the property is brought into compliance.

5. NEW CASES

A. Case # 20160014

City of St. Pete Beach v. Grybauskas, Vincent A., Property Owner

Address: 260 41st Ave, St. Pete Beach, FL 33706

Violations:

1. Sec. 46-33. - Enumeration (1), (a), (b), (c), (2), (3), (9), (12) Of the Code of Ordinances

(1) Vegetation as follows:

(a) Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds or any other vegetation, other than trees, ornamental bushes, flowers or ornamental plants, with a height exceeding 12 inches.

(b) Dead branches or fronds on trees or shrubs.

(c) Trees and shrubs planted in such a manner as to obstruct vehicular and pedestrian traffic along roadways, sidewalks and public rights-of-way.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans rags, dead or decayed fish, fowl, meat or other animal matter; fruit vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

(3) Any condition which provides harborage for rates, mice, snakes and other vermin.

(9) Any accumulation of stagnant water permitted or maintained on any lot, piece of ground or swimming pool.

(12) Any worn out, scrapped, partially dismantled, nonoperative, unusable or discarded materials or objects, such as automobiles or parts thereof, building materials, machinery, metal wastepaper, rags, glassware, tin ware, vehicles, boats or parts thereof, or other items of junk.

Special Magistrate Ashton found the following:

- The respondent received proper notice.
- The property is in violation of Sec. 46-33, Enumeration (1), (a), (b), (c), (2), (3), (9), (12).
- Granted the property owner 30 days to bring the property into compliance.
- Reset to the hearing on June 13, 2016 for fine and lien certification if the property is not brought into compliance within 30 days.

B. Case # 20150204

City of St. Pete Beach v. Colwell, Mae A.

Address: 152 44th Ave, St. Pete Beach, FL 33706

Violation:

Sec. 46-33. – Enumeration (1), (a), (b), (c), (2)

(1) Vegetation as follows:

(a) Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds or any other vegetation, other than trees, ornamental bushes, flowers or ornamental plants, with a height exceeding 12 inches.

(b) Dead branches or fronds on trees or shrubs.

(c) Trees and shrubs planted in such a manner as to obstruct vehicular and pedestrian traffic along roadways, sidewalks and public rights of way.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans rags, dead or decayed fish, fowl, meat or other animal matter; fruit vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

C. Case # 20150205

City of St. Pete Beach v. Colwell, Mae A.

Address: 161 44th Ave, St Pete Beach, FL 33706

Violation:

Sec. 46-33. – Enumeration (1), (a), (b), (c), (2)

(1) Vegetation as follows:

(a) Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds or any other vegetation, other than trees, ornamental bushes, flowers or ornamental plants, with a height exceeding 12 inches.

(b) Dead branches or fronds on trees or shrubs.

(c) Trees and shrubs planted in such a manner as to obstruct vehicular and pedestrian traffic along roadways, sidewalks and public rights of way.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans rags, dead or decayed fish, fowl, meat or other animal matter; fruit vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

D. Case #20160028

City of St. Pete Beach v. Smith, Marlyne A. & Smith, Allen E.

Address: 157 44th Ave, St Pete Beach, FL 33706

Violation:

Sec. 46-33. – Enumeration (1), (a), (b), (c), (2), (3), (4), (a), (b)

(1) Vegetation as follows:

(a) Any weeds such as broom grass, jimson, burdock, ragweed, and spur or other similar weeds or any other vegetation, other than trees, ornamental bushes, flowers or ornamental plants, with a height exceeding 12 inches.

(b) Dead branches or fronds on trees or shrubs.

(c) Trees and shrubs planted in such a manner as to obstruct vehicular and pedestrian traffic along roadways, sidewalks and public rights of way.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans rags, dead or decayed fish, fowl, meat or other animal matter; fruit vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin

(4) Buildings and structures as follows:

(a) Any building, dock or other structure which is in such a dilapidated condition that it is unfit for human habitation or use or which is kept in such an insanitary condition that it is a menace to the health of people residing in the vicinity thereof or presents a more than ordinarily dangerous life safety code violation or fire hazard in the vicinity where it is located.

(b) Any building, structure or other improvement on which the paint or other exterior coating or surface is flaking or has deteriorated to the point that the building, structure or other improvement is unsightly in appearance and thus adversely affects the aesthetic appearance of the area.

Code Enforcement Officer Lostraglio stated that Case No. 20150204, Case No. 20150205 and Case No. 20160028 are all related.

Special Magistrate Ashton found the following for Case No. 20050204, Case No. 20150205 and Case No. 20160028:

- The notices were posted on the properties.
- The properties are in violation.
- Granted 90 days to bring the properties into compliance before the hearing set on July 11, 2016 to certify a lien and a fine.
- If the probate case is almost resolved, the respondents were instructed they can request additional time from the City and continue the hearing if necessary.

6. ADDITIONAL ITEMS

In regard to Case 20160001, 309 39th Avenue, City Attorney Dickman stated that there might have been a transfer of real property and requested a continuance until the June 13, 2016 hearing date.

Special Magistrate Ashton found the following for Case No. 20160001:

- Entered an order continuing the hearing on the fine and lien certification to the June 13, 2016 hearing date.

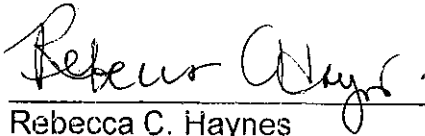
7. **NEXT HEARING**

Monday, May 9, 2016 at 10:00 A.M.

8. **ADJOURNMENT**

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:26 a.m.

Attest:

A handwritten signature in black ink, appearing to read "Rebecca C. Haynes", is written over a horizontal line.

Rebecca C. Haynes
City Clerk