

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

MAY 09, 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 #20110159**
City of St. Pete Beach v. Foronda, Joseph & Elizabeth Foronda,
Property owners
Address: 231 Lido Drive, St. Pete Beach, FL 33706
Request for Lien Fee Reduction
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 Foronda,
Property owners

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

Request for Lien Fee Reduction

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 rats, 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. **Non-Compliant**

Chris Lostraglio, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20110159 and Case No. 20150133.

Special Magistrate Ashton found the following:

- Providing the property is brought into compliance by July 8th, approximately 60 days, and the buyer or seller pays the City \$1000.00, the liens will be released on the property.
- If the property is not compliant or the \$1000 is not paid within 60 days, the lien will revert back and the lien will remain on the property as it stands.

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:

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**

Chris Lostraglio, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20150180.

Special Magistrate Ashton found the following:

- Entered an order continuing the hearing to the next hearing date in June 2016 for the fine and lien imposition.

5. **NEW CASES**

A. **Case # 20150134**

City Of St. Pete Beach v. St. Pete Beach Theater, LLC

Address: 315 Corey Avenue, St Pete Beach, FL 33706

Violations:

Sec. 26.14 of the Land Development Code

Maintenance of Signs.

The existing marquee sign structural supports have sufficient visual evidence in the opinion of the Building Official that an independent engineer needs to inspect all structural supports to determine that the

structure is safe to meet all load requirements of the Florida Building Code and if inspection reveals structural deficiencies, a detailed construction plan is needed indicating what is necessary to restore the sign structure.

Sec. 98-66 (b), (d) (2) of the Code of Ordinances

Sign structure needs to be painted.

Exterior building has peeling paint.

Chris Lostraglio, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20150134.

Special Magistrate Ashton found the following:

- The property is in violation.
- The owner received proper notice.
- Granted 20 days to bring the property into compliance before the hearing set on June 13, 2016 for a lien or fine certification.
- The fine will begin running from the 20th day if a fine is imposed at the June hearing.
- If an event should occur creating a further unsafe condition, the owner will be provided 24-hour notice to correct the violation. If the violation is not corrected within the 24-hour period, the City has permission to enter upon the property to correct the violation.

B. Case # 20160008

City of St Pete Beach v. L B Z, LLC

Address: 515 79TH Ave., St Pete Beach, FL 33706

Violations:

Sec. 9.2 of the Land Development Code – Permitted principle uses.

This property is being used for transient occupancy. Transient occupancy is defined as any rental of less than 30 consecutive days. This type of activity is prohibited in zone RU-2.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-2 Residential District are as follows:

(a) Residential dwellings—detached single-family only. Such dwellings shall not be used for transient occupancy.

(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 2004-18, § 3, 8-24-04)

Chris Lostraglio, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160008.

Special Magistrate Ashton found the following:

- The property was in violation.
- The property is now in compliance.
- The property cannot be rented for short term rentals.

C. Case # 20160007

City of St. Pete Beach v. Rita A. Gould

Address: 105 26th Ave., St. Pete Beach, FL 33706

Violations:

Section 9.5 of the Land Development Code Prohibited uses.

Converted the main single family dwelling into two dwelling units (duplex).

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RU-2 Residential District

Bruce Cooper, Building Official, City of St. Pete Beach, updated the Special Magistrate in regard to Case No. 20160007.

Special Magistrate Ashton stated the property was corrected prior to the hearing; therefore, Special Magistrate Ashton did not enter an order on the case and the case was closed.

6. ADDITIONAL ITEMS

There were no additional items.

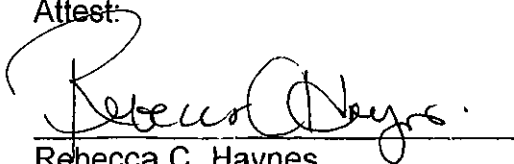
7. NEXT HEARING

Monday, June 13, 2016, 10:00 A.M.

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:34 a.m.

Attest:



Rebecca C. Haynes
City Clerk