



**Code Enforcement Special Magistrate
Public Hearing
Monday, July 11, 2016**

Case Docket

The above-mentioned public hearing will be held at the City of St. Pete Beach City Hall, located at 155 Corey Ave., St. Pete Beach, Florida.

1. CALL TO ORDER – 10:00 A.M.

2. PLEDGE OF ALLEGIANCE

3. ADMINISTER OATH

4. OLD CASES:

A. Case # 20150180

**City of St Pete Beach vs. 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**

B. Case # 20110159

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

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

Violations:

Request for Lien Fee Reduction

Sec. 23.3 (a) Applicability and scope

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. (b)

Sec 23.4 (a) General parking requirements All off-street parking shall be provided in accordance with the following general requirements: (a) No building or use shall be permitted or constructed unless off-street parking spaces are provided

(c) Missing driveway to garage on this residential zoned district home. **Non-Compliant**

C. Case # 20150204

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

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

Violations:

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 # 20150205

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

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. **Non-compliant**

E. Case # 20160028

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

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. **Non-compliant**

F. Case # 20160013

City of St. Pete Beach vs. Gino X. Perna

Address: 107 13th Ave, St. Pete Beach, FL 33706

Violations:

Sec. 46-33. – Enumeration (1), (2), (3), (12), (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:

(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 other 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.

(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, tinware, vehicles, boats or parts thereof, or other items of junk.

(13) The storage of any vehicle, whether motorized or non-motorized, 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, showing the vehicle or part thereof to be titled in the name of the owner or occupier of the property upon which the vehicle or part thereof is located. Failure to have such license 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**

G. Case # 20160044

City of St. Pete Beach vs. Michael E. Bomar (Howard Johnson)

Address: 6100 Gulf Blvd., St. Pete Beach, FL 33706

Violations:

Sec. 25.6. - Tiki huts. Enumeration (a), (1), (a), (b), (c), (d),(2), (3)

(a) The city may permit the location of a tiki hut on the beach in accordance with the following:

(1) Tiki huts shall be allowed only in conjunction with the approval of the owner of the property upon which the tiki hut will be located and as part of a conditional use approved under the provisions Division 4 of this Code. Tiki huts shall be further regulated as follows:

(a) Only one tiki hut for each approved conditional use on a zoning lot;

(b) Such tiki huts shall be located in accordance with an approved site plan;

(c) Tiki huts shall be no larger than 36 square feet in area with sides that are at least 50 percent open and may have a roof;

(d) No tiki hut shall have utility services, shall serve food or drinks, or shall be used for any other service beyond the sales of services for an approved commercial water sports operation.

(2) Tiki huts shall be removed from the beach in the event of the issuance of a warning for a storm that, in the opinion of the city, is expected to be of sufficient strength to warrant such removal.

(3) Any tiki hut or other similar structure placed or erected on the beach after the adoption of this Code without a permit from the city shall in violation of this Code and all remedies shall be sought in accordance with the provisions of section 3.16 of this Code.

In Compliance

5. NEW CASES:

A. Case # 20160078

City of St. Pete Beach vs. Pass A Grille Beach Community Church, Inc.

Address: 1606 Pass-A-Grille Way, St. Pete Beach, FL 33706

Violations:

Sec. 17.2. - Permitted principal uses and structures. (a) (b) (c)

(a) Places of worship with fewer than 100 seats in the main sanctuary.

(b) Utility substations and/or rights of way.

(c) Public facilities, including public parks and other public recreational uses.

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Sec. 17.3. – Allowable conditional uses. (g).

(g) Parking lots, commercial and/or off premises.

Sec. 17.4. – Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the INS Institutional District.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the INS Institutional District.

B. Case # 20150184

City of St. Pete Beach vs. Carolyn Marie Hodgson/Lee Clews Allen

Address: 650 59th Ave, St. Pete Beach, FL 33706

Violations:

Sec. 8.2. (a)– Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-1 residential District are as follows:

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

C. Case# 20160069

City of St. Pete Beach vs. Don and Terry Plumeri

Address: 471 Belle Point Dr., St. Pete Beach, FL 33706

Violations:

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

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:

(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.

(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.

6. ADDITIONAL ITEMS

There are no additional items at this time

7. NEXT HEARING

Monday, August 15, 2016 at 10:00 A.M.

8. ADJOURNMENT

In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the Clerk's office at (727) 363-9201 no later than four days prior to the proceeding for assistance.

If any person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.