



**Code Enforcement Special Magistrate
Public Hearing
Monday, August 15, 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 # 20110159

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

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

Violations:

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.

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

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

B. 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.

C. Case # 20150205

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

Address: 161 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 # 20160028

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

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

Violations:

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.

E. 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.

0122Sec. 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.

F. 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.

G. 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. **Non-Compliant**

(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**

H. Case# 20160073

City of St. Pete Beach vs. Bank of New York Mellon F/K/A

The Bank of New York

Address: 603 55th Ave St. Pete Beach, FL 33706

Violations:

Sec. 46-33. – Enumeration (1), (a), (b), (c), (2), (3), (4), (a), (b),(9)

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.

(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.

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

Sec. 98-66. - Residential and commercial property maintenance. (5),(9),(11)

(5) Exterior doors. Every exterior door and hatchway or garage door shall be kept in sound working condition and good repair.

(9) Porches and balconies. All exterior porches, balconies, stairs and fire escapes shall include banisters or railings properly

designed and maintained to minimize the hazard of falling and installed to withstand the loads prescribed by the Florida Building Code. All exterior porches, landings, balconies, stairs and fire escapes shall be kept structurally sound, in good repair and free from defects. Paint and other finishes shall be in good condition. **(11) Roofs.** Roofs shall be maintained in a structurally sound and safe manner. Roofs shall be repaired using like materials to existing materials. **Non-Compliant**

5. NEW CASES:

A. Case # 20160080

City of St. Pete Beach vs. Krysztof Czyszczonek & Maria Czyszczonek

Address: 4506 Gulf Blvd, St. Pete Beach, FL 33706

Violations: (fence)

Sec. 6.12. - Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

(a) Commercial accessory structures may be allowed as follows:

(1) Commercial accessory structures shall be limited to storage uses only.

(2) The accessory structure shall be no larger than 150 square feet.

(3) The structure will either be designed or constructed in the same architectural style as the principal structure, or it shall be screened from public view by the same type enclosure that is required for the dumpster.

(4) No more than one accessory structure shall be placed or erected on a zoning lot.

(5) An accessory structure may occupy one required parking space for a period not to exceed 30 days, once per calendar year.

(6) No accessory structure shall be located closer to the public right-of-way than the structure to which it is accessory.

B. Case #20160072

City of St. Pete Beach vs. Krysztof Czyszczonek & Maria Czyszczonek

Address: 4506 Gulf Blvd, St. Pete Beach, FL 33706

Violations: (port-o-let)

104.6.2 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing or life safety system before obtaining

the necessary permits shall be subject to a penalty of triple the required permit fee. This provision shall not apply to emergency work, when delay would clearly have placed life or property in imminent danger. In all such emergency cases the required permit(s) shall be obtained within five business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a triple fee. In the event of an emergency declaration from the state, the time required to obtain the required permit(s) for emergency work may be extended. The payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time when justifiable cause has been demonstrated in writing.

C. Case# 20160071

City of St. Pete Beach vs. Beth Morean

Address: 620 70th Avenue, St. Pete Beach, FL 33706

Violations:

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

(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

(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).

D. 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.

(1)Sec 98-66 (c) Property contains accumulated litter.

(3)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.

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.

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, tin ware, and other items of junk.

E. Case# 20160057

City of St. Pete Beach vs. Robert Lauby

Address: 9210 Gulf Blvd, 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.

(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 2004-18, § 2, 8-24-04)

6. ADDITIONAL ITEMS

There are no additional items at this time

7. NEXT HEARING

Monday, September 12, 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.