



**Code Enforcement Special Magistrate
Public Hearing
Monday, September 12, 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# 20160043

City of St. Pete Beach v. Michael E. Bomar (Gulf Strand)

Address: 4510 Gulf Blvd, St. Pete Beach, FL 33706

Violation:

Sec. 25.6. - Tiki huts.

(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.

B. Case # 20160046

City of St. Pete Beach v. Michael E. Bomar

(Dolphin Beach Resort)

Address: 4900 Gulf Blvd, St. Pete Beach, FL 33706

Violation:

Sec. 25.6. - Tiki huts.

- (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.

C. Case # 20150141

City of St. Pete Beach v. Paul Dunnan & Linda Standring

Address: 321 41st Ave., St. Pete Beach, FL 33706

Violations:

Sec. 98-66 (b) (18) Swimming pools. All swimming pools, spas and architectural pools, ponds or bodies of water shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water shall not be allowed to stagnate or to become polluted. All pools shall be free from unsightly appearance.

Sec. 98-66 (b) (20) Grass, weeds & uncultivated vegetation.

Overgrown grass, weeds and shrubs

Sec. 98-66 (b) (24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

***abatement done on property 8/9/16 \$2,350.00**

D. Case # 20150004

City of St. Pete Beach v. Carl & Nancy Lensce

Address: 8240 Gulf Blvd., St Pete Beach, FL 33706

Violations:

Sec. 46-33. – Enumeration

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.

(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.

(Code 1960, § 12-11; Ord. No. 168; Ord. No. 80-25; Ord. No. 81-56; Code 1983, § 13-2; Ord. No. 85-61, § 1, 12-3-85; Ord. No. 95-26, § 1, 7-5-95)

5. NEW CASES:

A. Case # 20160087

City of St. Pete Beach v. Ivica Mirovic

Address: 211 55th Ave, St. Pete Beach, FL 33706

Violation:

Sec. 46-33. - Enumeration.

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.

(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.

(12) Any wornout, 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.

B. Case # 20160093

City of St. Pete Beach v. Fatima Chren & Michael Chren

Address: 107 28th Ave., St. Pete Beach, FL 33706

Violation:

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

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

(b) Standards for improved property.

(20) Grass, weeds and uncultivated vegetation. 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) Shrubbery, plants, and ground cover. 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) Trees. Trees shall be maintained or removed as follows:

a. Hazardous trees. 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:

1. 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.

2. Grass, weeds, shrubs, bushes, trees or vegetation which constitute a fire hazard or a menace to public health, safety or welfare.

3. 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.

C. Case# 20160043

City of St. Pete Beach v. Gina Simonaitis

Address: 8920 Gulf Blvd, St. Pete Beach, FL 33706

Violation:

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

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

(b) Standards for improved property.

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

D. Case # 20160057

City of St. Pete Beach v. Robert Lauby

Address: 9210 Gulf Blvd., St. Pete Beach, FL 33706

Violation:

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:

7. NEXT HEARING:

Monday, October 10, 2016 at 10:00 A.M.

8. ADJOURNMENT

Special Magistrate Hearing September 12, 2016

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.