



**Code Enforcement Special Magistrate
Public Hearing
Monday, October 10, 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 # 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**

Demand for payment of administrative fine/lien letter posted 9/27/16

B. Case# 20160092

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.

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.

C. 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.

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

D. 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) 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.

Sec. 17.3. – Allowable conditional uses.

(a) Places of worship with 100 seats or more in the main sanctuary.

(b) Residential structures as an ancillary use to the institution.

(c) Commercial docks – Classes B and C only.

(d) Clubs, private and community service.

(e) Schools, public, private, or charter.

(f) Social services agencies.

(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.

E. Case# 20160073

City of St. Pete Beach vs. Bank of America

Address: 603 55th Ave, 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, 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.

5. NEW CASES:

A. Case #20160108

City of St. Pete Beach v. James A. Birmingham

Address: 627 78th Ave, St. Pete Beach, FL 33706

Violations:

Sec. 98-27. - Housing codes adopted.

The Standard Housing Code, 1997 edition, published by the Southern Building Code Congress International, Inc., is hereby adopted and shall apply within the city. The subject property violates the following:

Section 302.1 Sanitary Facilities

Bathroom is missing a lavatory.

Section 302.3 Hot Water and Section 302.4 Water Heating Facilities

Currently no hot water for the home.

Section 302.5.2 Heating Facilities

Currently no window air/heat equipment. No noticeable unit within the bathroom.

Section 302.9 Smoke Detector Systems

Must install approved smoke detectors within all bedrooms and outside the hallway of the bedrooms.

Section 303.2.1 Ventilation and Section 305.13 Screens

Every habitable room shall have at least one window in good operation. In addition, since there is no central A/C system, all windows must have screens. Section 303.3 permits a window, provided there is an approved ventilating system.

Section 303.4 Electrical Lights and Outlets

Due to vast amount of clothing, materials, etc.; Staff could not determine that the requirements of this section are met.

Land Development Code Violations

Section 10.5 - Prohibited uses and Structures

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RLM-1 Residential 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 RLM-1 Residential District.

Section 6.13(a)(2)(c)

In no case shall a detached garage have any sleeping room, kitchen facilities or plumbing.

B. Case # 20160117

City of St. Pete Beach v. Roger J. Rovell

Address: 108 31st Ave., St. Pete Beach, FL 33706

Violations:

Sec. 44.3 – Prohibition of activities disruptive to marine turtles.

The following activities are prohibited on the beach at nighttime during the nesting season for the protection of nesting females, nests, and hatchling marine turtles:

(d) If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to beach chairs, umbrellas and cabanas which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat shall be:

- (1) Removed from the beach nightly; or
- (2) Stored in areas designated by the City of St. Pete Beach staff which are situated to avoid interference with marine turtles; or
- (3) Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water.

Sec. 94-32. - Storage of watercraft.

Storage of watercraft shall only be allowed within the following restrictions:

- (1) No person shall store or keep a boat on the public beach between 22nd Avenue and the Pass-a-Grille jetty, also known as Pass-a-Grille Beach, including any public beach south thereof, or the public beach between the Blind Pass jetty and the southern boundary of Upham Beach between sunset and sunrise as defined in section 94-66.
- (2) No person shall store a watercraft within a dune. Any watercraft stored or kept within a dune for more than 24 hours may be impounded by the city. The city shall post notice of the penalty for violation of this section.
- (3) No watercraft or equipment shall be stored within 25 feet landward of the visible water line between the hours of sunset and sunrise as defined in Section 94-66.

Sec. 94-33. - Restrictions on use of public property.

(a) No person shall secure any boat or vessel of any kind to any public dock or boat launching ramp in such a manner as to interfere with the landing or docking of other boats or vessels, except when such boat or vessel is actually engaged in the loading or discharging of persons or freight. No person shall secure, tie, dock or anchor a boat or vessel of any kind in such a manner as to interfere with the use of any public dock or launching ramp.

(b) No person shall secure, tie, dock, or anchor any boat or vessel of any kind to any public property, including any beach, tree, pole, bulk-head or seawall adjacent to any public right-of-way or easement, within the city, except public docks or boat launching ramps under those conditions provided in subsections (a) or (f) of upon the issuance of a permit by the city manager, authorizing specific use of the public property for docking or unloading.

(e) Any boat or vessel of any kind found in violation of this section may be impounded by the City. The City is directed to clearly publish the provisions contained in subsections (a), (b), (d) and (e) of this section on each public dock or public launching ramp. Further, the city shall clearly notify the public that violations of the posted subsections (a), (b) and (d) of this section will result in the impounding of the boat or vessel.

C. Case# 20160113

City of St. Pete Beach v. Robert A. Williams

Address: 3699 Gulf Blvd, St. Pete Beach, FL 33706

Violation:

Sec. 46-33. - Enumeration.

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(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.

D. Case # 20160086

City of St. Pete Beach v. Jeanne Cinotti

Address: 6833 Bay Street., 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.

(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.

(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.

(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.

6. ADDITIONAL ITEMS:

7. NEXT HEARING:

Monday, November 14, 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.