

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

MARCH 13, 2017

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney
Mary Jo Murphy, Deputy City Clerk
Peyt Dewar, Code Enforcement Officer
Bruce Cooper, Building Code Administrator
Mike Larimore, Zoning Tech II

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. CASES COMPLIED OR CONTINUED

Special Magistrate Ashton heard the following cases and entered the following orders:

Case No. 20160141
City of St. Pete Beach v. Dina Barker
Address: 445 90th Avenue, St Pete Beach, FL 33706
Compliance with no outstanding fines or liens

Peyt Dewar, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance.

Case No. 20160102
City of St. Pete Beach v. Jack A. Thompson
Address: 3602 El Centro Street, St. Pete Beach, FL 33706

Compliance with outstanding fines or liens

Jack Thompson, 3602 El Centro Street, property owner, spoke in regard to the following: rental of the property and restrictions, compliance, policies, procedures of the Code Enforcement Officer, and the lien reduction procedure.

Special Magistrate Ashton found the following:

- File with the city for a lien reduction
- Return before the Special Magistrate to address the fines against the property

Mr. Dewar advised the Special Magistrate that the fines totaled \$14,000.00.

5. OLD CASES

A. Case No. 20160121

City of St. Pete Beach vs. Julian F. Anchinges

Address: 3505 Gulf Boulevard, St. Pete Beach, FL 33706

Violation(s): 104.62 Work commencing before permit issuance; 105.1 Required; Sec. 6.13 – Accessory residential structures, (2), (c); Sec. 12.6, Minimum zoning lot requirements, (a), (1).

Bruce Cooper, Building Official, reviewed with Special Magistrate Ashton that there was a request for an order of continuance for the property owner to have additional time to try to prove this unit was in existence prior to the City's code not allowing the unit.

Ingrid Anchinges, 3505 Gulf Boulevard, spoke in regard to the history of ownership for the property, an independent inspection performed and submitted to the Special Magistrate, realtor will continue reaching out to prior owners, and flooding and sewage problems.

City Attorney Dickman requested that the Building Official be given the opportunity to review the independent inspection report submitted to the Special Magistrate. The report was given to Mr. Cooper to review, and City Attorney Dickman asked Mr. Cooper to address the issue.

Mr. Cooper stated the bathroom should be removed. Special Magistrate Ashton agreed and asked about the ability to maintain water and sewer in the garage for the washer and dryer or a laundry sink.

Special Magistrate Ashton found the following:

- Continue this hearing for another 30 days as to the washer and dryer issue only
- Found that there was proper notice of the hearing
- Property is in violation of the density requirements for the area
- To address the density issue, meet with the building department to determine what needs to be done to remove the bathroom from the property.

- At the next hearing on April 10, 2017, the City will present evidence as to the pipes existing prior to 2002 when these requirements were established.
- Requested the inspector that authored the independent inspection report to appear at the next hearing on April 10, 2017.
- Continue to have the realtor attempt to obtain evidence as to the condition of the unit prior to 2002.
- Coordinate with Mr. Cooper, Building Official, a time to visit the property in order to inspect the pipes.

6. NEW CASES

- A. Case No. 20160062**
City of St. Pete Beach vs. Andrei and Valeriu Castanov and Vera Castanova
Address: 454 78th Avenue, St. Pete Beach, FL 33706
Violation(s): Sec. 10.2, Permitted principal uses and structures, (a).

Peyt Dewar, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance.

Special Magistrate Ashton found the following:

- Found the property was properly posted and the owner did receive notice
- Property is in compliance
- Property was in violation
- If there is a repeat violation, the City is entitled to a repeat violator fine of \$500.00 per day

- B. Case No. 20170009**
City of St. Pete Beach vs. Bruce and Shannon Dworsky
Address: 3310 E. Maritana Drive, St. Pete Beach, FL 33706
Violation(s): Sec. 6.13, Accessory residential structures, (c); Sec. 9.6 – Minimum zoning lot requirements, (a), (1), (2), (b), (1), (2).

Peyt Dewar, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance.

Christopher S. Furlong, Esquire, 2959 1st Avenue No., St. Petersburg, attorney on behalf of the Dworskys, asked for a continuance to permit time to build a defense.

Mike Larimore spoke in regard to the zoning requirements, the unfinished utility room, and the garage.

Special Magistrate Ashton found the following:

- Granted a continuance
- Return for the next hearing on 4/10/17

7. ADDITIONAL ITEMS

Jack Thompson, 3602 El Centro Street, property owner, spoke in regard to the following: verified his property was compliant, fines are retroactive from 1/16/17 until the property was compliant, lien reduction procedure, administrative costs, and procedures of the Code Enforcement Officer.

City Attorney Dickman verified for the record that Mr. Thompson was referring to Case No. 20160102.

8. NEXT HEARING

Monday, April 10, 2017, 10:00 A.M.

9. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:40 a.m.

Attest:



Rebecca C. Haynes
City Clerk