

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

APRIL 10, 2017

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Department Director
Bruce Cooper, Building Code Administrator
Peyt Dewar, Code Enforcement Officer
Mary Jo Murphy, Deputy City Clerk

1. CALL TO ORDER

Special Magistrate Ashton called the 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

No cases were presented.

5. OLD CASES

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

- A. Case No. 20170009**
City of St. Pete Beach v. Bruce and Shannon Dworsky
Address: 3310 E. Maritana Drive, St Pete Beach, FL 33706
Violations: Sec. 6.13, (c); Sec. 9.6, (a), (1), (2), (b), (1), (2).

Attorney Christopher Furlong, 2959 First Avenue North, counsel for the respondents, Bruce and Shannon Dworsky, reviewed the case with the Special Magistrate.

Due to audio difficulties, the hearing recessed for approximately 10 minutes and reconvened.

Attorney Christopher Furlong, 2959 First Avenue North, counsel for the respondents, Bruce and Shannon Dworsky, continued to review the case with the Special Magistrate and presented the following: two-page document entitled "Affidavit of Scott Vaughan," three color photos taken by Attorney Furlong, and one photo taken by Mr. Dworsky.

Carmen Jordan, Florida Certified Building Contractor and Florida Certified Plumbing Contractor, testified as an expert witness for the respondents.

Bruce Dworsky, 3310 E. Maritana Drive, respondent, answered questions posed by City Attorney Dickman.

Peyt Dewar, Code Enforcement Officer, spoke in regard to the violations and Section 6.13.

Mr. Furlong spoke further in regard to obtaining public records requests for histories of all the codes and land use development regulation, piping, density, submitted photos and sketches.

City Attorney Dickman asked Attorney Furlong to authenticate the four photographs presented. Attorney Furlong and Mr. Dworsky complied. Attorney Furlong drew two sketches during the hearing and presented them to the Deputy City Clerk, Mary Jo Murphy.

Bruce Cooper, Building Code Administrator, answered questions posed by City Attorney Dickman.

Special Magistrate Ashton found the following:

- Thirty days for the City to provide a supplemental response in regard to when the density changed
- Reserved ruling
- After the City's response is received, two weeks was granted for Attorney Christopher Furlong to respond
- After the Special Magistrate receives the two responses, if additional information is needed Ms. Ashton will set another hearing; if not, Ms. Ashton will enter an order at that time.

B. Case No. 20160121

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

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

Violations: 104.62; 105.1; Sec. 6.13, (2), (c); Sec. 12.6, (a), (1).

Bruce Cooper, Building Official, stated that the previous order was to remove the bathroom and gave Special Magistrate Ashton a report that the toilet had been removed but not the plumbing.

Special Magistrate Ashton found the following:

- Found that it was grandfathered in for maintaining plumbing in the property for the purposes of a washer and dryer.
- Gave 90 days to pull the appropriate permit to finalize the change of the plumbing in the unit so that it is no longer considered a dwelling unit.

Ingrid Anchinges, 3505 Gulf Boulevard, spoke about being proactive and communicating with Mr. Cooper in regard to the subject property.

6. NEW CASES

- A. Case No. 20170013**
City of St. Pete Beach vs. Julian F. Anchinges
Address: 3505 Gulf Boulevard, St. Pete Beach, FL 33706
Violations: Sec. 46–33, (2), (3).

Bryan Clapp, 3507 Gulf Boulevard, next door neighbor, spoke in regard to an overgrown yard, rat problem and people from next door parking in his driveway.

Ken Folsom, 3508 Casablanca, owner of 3507 Gulf Boulevard, spoke in regard to a rat problem, air-conditioning duct replacement due to rats, upgrading the subject property, and interest in protecting the property.

Ingrid Anchinges, 3505 Gulf Boulevard, spoke about purchasing two buckets of rat poison, egg shells in the subject yard, and removing construction material in the subject yard.

Special Magistrate Ashton found the following:

- Property is in violation
- Cannot have piles of debris, egg shells or pavers in the yard
- Gave three weeks, until May 1, 2017, to bring the property into compliance by removing debris from the property
- Mr. Cooper will inspect the property
- If the property is not in compliance, this case will be brought back to the May 8, 2017 hearing for an imposition of a fine
- If a fine is imposed, it will be retroactive to the compliance deadline of May 1, 2017

- B. Case No. 20170022**

**City of St. Pete Beach vs. Krzysztof and Maria Czyszczo Rev. Trust
Krzysztof and Maria Czyszczo Trustees
Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706
Violations: Sec. 612. – (g), (1), (2), (3), (4), (5), (6), (7), (8), (9); Sec. 46-33, (8).**

Robert Czyszczo, 4506 Gulf Boulevard, asked for a continuance until the May meeting and submitted a two-page document entitled "Broken Sewer system – Portable Restrooms needed."

Special Magistrate Ashton found the following:

- Property is in violation
- Gave 90 days to bring the property into compliance by July 10, 2017
- May apply for a variance or a conditional use permit

7. ADDITIONAL ITEMS (Repeat Violation)

Case No. 20150027

City of St. Pete Beach v. Mark D. Hrubar

Address: 632 Boca Ciega Isle Drive, St. Pete Beach, FL 33706

Violation: Sec. 9.2, (a).

Mark Hrubar, 632 Boca Ciega Isle Drive, spoke in regard to errors occurring in the advertisements with Vacation Rentals by Owner, VRBO, and short term rentals.

Special Magistrate Ashton found the following:

- Found there was no violation
- No fine imposed
- The repeat violation does apply

Case No. 20160102

City of St. Pete Beach v. Jack A. Thompson

Address: 3602 El Centro Street, St. Pete Beach, FL 33706

Lien Reduction – reduce to \$500

The above-mentioned case was discussed during the hearing and was not formally on the agenda. Furthermore, Mr. Thompson was not present. Special Magistrate Ashton continued Case No. 20160102 until the May hearing date of May 8, 2017. No order was entered, and Special Magistrate Ashton instructed Mr. Dewar to notify Mr. Thompson and his legal counsel, in writing, that the case will be heard on May 8, 2017.

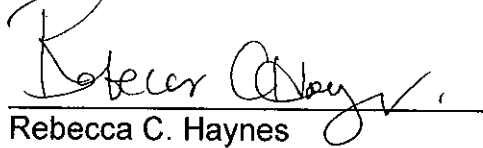
8. NEXT HEARING

Monday, May 8, 2017 at 10:00 a.m.

9. **ADJOURNMENT**

There being no further business to come before the Special Magistrate, the hearing was adjourned at 12:10 p.m.

Attest:

A handwritten signature in cursive script, appearing to read "Rebecca C. Haynes", is written over a horizontal line.

Rebecca C. Haynes
City Clerk