

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

JUNE 12, 2017

10:00 A.M.

PRESENT

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

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:

A. Case No. 20170032

City of St. Pete Beach vs. John Parios

Address: 1303 Boca Ciega Isle Drive, St Pete Beach, FL 33706

Violations: Sec. 46.33 – Enumeration, (1), (2), (3), (4), a., b., Sec. 98-65 – Unsightly conditions, (4), (6), Sec. 98-66 – Residential and commercial property maintenance, (a), (2), a., b., (7), (27), d., (2), (3).

Violations:

Peyt Dewar, Code Enforcement Officer, informed Special Magistrate Ashton that the property had been cleaned up substantially, but the applicant was requesting an extension of 30 days to perform repairs.

Walter Bacallao, 1303 Boca Ciega Isle Drive, Veterans of South Pinellas County, appearing on behalf of John Parios, explained the request for the 30-day extension.

Special Magistrate Ashton found the following:

- Granted a 30-day extension to bring the property into compliance by July 12, 2017
- If the property is not brought into compliance, it will be brought back before the Special Magistrate during the August 2017 hearing

5. OLD CASES

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 – Accessory residential structures, (c), Sec. 9.6, (a), (1), (2), (b), (1), (2).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170009.

City Attorney Dickman stated he had read the reply from counsel in this case, and that the City would like to object and move to strike anything that refers to an expert plumber, that expert's opinion, and anything in the reply that would add additional evidence or testimony that was not addressed.

City Attorney Dickman called the following witnesses to testify:

Mike Larimore, Zoning Tech II

Jennifer Bryla, Community Development Director

City Attorney Dickman asked Special Magistrate Ashton to accept Mike Larimore and Jennifer Bryla as experts and reserved rebuttal.

Chris Furlong, 2959 1st Avenue North, St. Petersburg, on behalf of Shannon and Bruce Dworsky, presented his case to the Special Magistrate.

City Attorney Dickman called the following witness to testify:

Peyt Dewar, Code Enforcement Officer

City Attorney Dickman presented his rebuttal.

Special Magistrate Ashton found the following:

- Electricity and plumbing may remain in the structure
- Steps must be taken to make it no longer a residential unit under the Code of Ordinances
- Suggested for owners to meet with Mr. Cooper, Building Official
- Remove the toilet and cap it off
- Compliance date: August 11, 2017
- If the property is not brought into compliance by August 11, 2017, the case will come back for imposition of a lien and fine on September 11, 2017

6. NEW CASES

- A. Case No. 20170034**
City of St. Pete Beach v. Scott Walker
Address: 620 Corey Avenue, St. Pete Beach, FL 33706
Violations: Sec. 37.6. – Permitted principal uses and structures.

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

Scott Walker, 620 Corey Avenue, asked for an explanation of rental requirements.

Special Magistrate Ashton found the following:

- Property was in violation
- Violation was corrected in advance of the hearing
- In the event of a repeat violation, the amount of fines will increase
- Property may be rented for 30-day periods or a long-term rental
- Short-term rentals less than 30 days are not permitted for this property

- B. Case No. 20170037**
City of St. Pete Beach v. John Leonard
Address: 6600 Gulf Boulevard, St. Pete Beach, FL 33706
Violations: Sec. 23.4 – General parking requirements, (d), (g), (h), (i);
Sec. 23.13 – Maintenance of off-street parking and loading areas and
driveways; Sec. 6.21 – Visibility at intersections, (a).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170037.

John Leonard, Finish Line Scooters, Finish Line Tanning and Finish Line Taxi, owner and operator, spoke about the operation of his business.

The following people spoke in opposition of items for Case No. 20170037:

Sid Talsma, 505 66th Avneue, #4, St. Pete Beach, adjacent unit owner, spoke in opposition of the parking.

Ken Donovan, resident in St. Pete Beach, spoke about the parking of vehicles and fences on the subject property in the seventies.

John Leonard, Finish Line Scooters, Finish Line Tanning and Finish Line Taxi, owner and operator, responded to the public comments.

Special Magistrate Ashton found the following:

- Property is in violation
- Continued the hearing for 30 days
- Speak with the City for options of striping and curb stops
- Safety concerns with property line and the vans parked on the property
- After the next hearing on July 10, 2017, there will be 15 days to bring the property into compliance

C. Case No. 20160031

City of St. Pete Beach v. Lisa Robinson

Address: 7100 Boca Ciega Drive, St. Pete Beach, FL 33706

Violations: Sec. 6.13. – Accessory residential structures, (c); Sec. 3.6 – Zoning compliance, concurrency and plans required; record of applications and plans; and subsequent applications, (a); 104.62 – Work commencing before permit issuance; 105.1, Required.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20160031.

Lisa Robinson, 7100 Boca Ciega Drive, owner, presented her case to the Special Magistrate and submitted 34 exhibits labeled as follows: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, a DVD labeled DD, EE, FF and GG.

Special Magistrate Ashton found the following:

- Ordered the City to produce Ordinance No. 100 to Ms. Robinson
- City given 60 days to file a written response by August 14, 2017
- Ms. Robinson is to submit additional documents to the Special Magistrate 30 days after the City's written response
- If the City chooses not to file a written response, the hearing date will be October 9, 2017

- Submit exhibits, additional documents or evidence in advance to either party, the Code Enforcement Officer and the Special Magistrate 15 days before the hearing, September 25, 2017
- Produce a witness list of who is expected to testify
- If a witness cannot attend the hearing, an affidavit is required

D. Case No. 20170035

City of St. Pete Beach v. Darata Overene and Vidmant Mikalauskas
Address: 335 71st Avenue, St. Pete Beach, FL 33706
Violations: Sec. 14-3 – Kennels, (a), (b).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170035.

Darata Overene, 335 71st Avenue, spoke in regard to her 29 dogs.

Lisa Robinson, 7100 Boca Ciega Drive, neighbor, voiced complaints in regard to the 29 dogs.

Special Magistrate Ashton found the following:

- 90 days to sell 24 dogs
- Permitted to have 5 dogs
- Ordered the Code Enforcement Officer to follow up with Ms. Overene every 30 days to ensure there is an active effort to sell the dogs
- If the number of dogs is not decreasing, there will be an emergency hearing for the next hearing date available
- Case will be brought back before the Special Magistrate on Sept 11, 2017 for final hearing and imposition of a fine

E. Case No. 20170054

City of St. Pete Beach vs. Ronald and Kathleen Kerber
Address: 3510 Gulf Boulevard, St. Pete Beach, FL 33706
Violation: Sec. 12.2, Permitted principal uses and structures, (a).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170054.

Brandon Teklenburg, 3510 Gulf Boulevard, owner of Teck Travel, spoke about the reservations and rentals for the property.

Deborah Kerber, daughter-in-law with power of attorney, spoke about the subject property and the history of the rentals.

Special Magistrate Ashton found the following:

- Property in violation
- Granted 5 days to resolve the violation
- In the future, short-term rentals consisting of three times in the same year will be a repeat violation

F. Case No. 20170055

City of St. Pete Beach vs. Philip Robey

Address: 453 85th Avenue, St. Pete Beach, FL 33706

Violations: Sec. 9.2 – 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:

- Property was in violation but is now in compliance
- Finding of Fact order
- If the property is in violation again, it will be subject to a repeat violation fine

7. ADDITIONAL ITEM

A. Case No. 20150196

City of St. Pete Beach vs. Kenneth Donovan and Wilma Saunders

Address: 820 59th Avenue, St. Pete Beach, FL 33706

The city is requesting an imposition of fines/liens for a repeat violation from 04/27/17 to 05/17/17.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20150196.

Special Magistrate stated that the City was asking for a fine of \$250.00 a day for 20 days with a grand total of \$5,000.00.

Kenneth Donovan and Timothy Donovan, 820 59th Avenue, St. Pete Beach, father and son, spoke about the conditions of the subject property.

Special Magistrate Ashton found the following:

- Imposed a lien of \$1,500.00 for the 20 days the property was in violation
- Administrative costs

8. OTHER

There were no other cases.

9. NEXT HEARING

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

10. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 12:55 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