

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

JULY 10, 2017

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Bruce Cooper, Building Official
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. 20160014

City of St. Pete Beach v. Vincent Grybauskas

Address: 260 41st Avenue, St. Pete Beach, FL 33706

This property is now compliant and the respondent is requesting a lien rescission or reduction. The fines totaled \$61,450.00.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20160014.

Special Magistrate Ashton found the following:

- The property is in compliance.
- Accepted the City's recommendation and reduced the fine to \$1,290.56.
- If the fine is not paid in 30 days, the fine will be re-imposed at the full amount.

B. Case No. 20160015

City of St. Pete Beach v. Zamora Hospitality Group, LLC

Address: 3701 Gulf Boulevard, St. Pete Beach, FL 33706

Violations: The City is requesting that a new compliance order be issued as past orders have been satisfied. An application to cure the existing violation was continued by the applicant and the City is requesting an amended order until the applicant has gone through the process.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20160015.

Eric Partlow, 101 E. Kennedy Blvd., Suite 4000, Tampa, Florida, Attorney with Adams and Reese, spoke in regard to Case No. 20160015.

Special Magistrate Ashton informed Attorney Partlow she would reserve ruling on this case and would call him back later during the hearing.

5. OLD CASES

A. Case No. 20170028

City of St. Pete Beach vs. Krzysztof and Maria Czyszczonek Rev. Trust, Krzysztof and Maria Czyszczonek Trustees

Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706

Violation: This property remains in violation and the City is requesting an imposition of fines and certification of liens.

B. Case No. 20170022

City of St. Pete Beach vs. Krzysztof and Maria Czyszczonek Rev. Trust, Krzysztof and Maria Czyszczonek Trustees

Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706

Violation: This property remains in violation and the City is requesting an imposition of fines and certification of liens.

Special Magistrate stated that the two above-mentioned cases would be called together because they involve the same property.

Peyt Dewar, Code Enforcement Officer, informed Special Magistrate Ashton that the property is in compliance for Case No. 20170053, Item No. 6, under New Cases.

Mr. Dewar, Mr. Cooper, Building Official, and Attorney Dickman spoke in regard to Case No. 20170028.

Robert Czyszczonek, 4506 Gulf Boulevard, St. Pete Beach, spoke in regard to the subject shade structure.

In regard to Case No. 20170022, Mr. Dewar informed Special Magistrate Ashton that the property was in compliance.

Special Magistrate Ashton found the following in regard to Case No. 20170022:

- The property is compliant; therefore, no further orders will be issued.

Special Magistrate Ashton found the following in regard to Case No. 20170028:

- Scheduling order providing the City 30 days from July 10, 2017 to file a written memorandum of law relating to the current status of the property in operation of a bar with no electricity and plumbing on the property.
- Granted Mr. Czyszczonek, or his attorney, 14 days from the date the City files the memorandum of law to file a written response.
- Return for the September 11, 2017 hearing to hear the case.

C. Case No. 20170037

City of St. Pete Beach vs. John Leonard

Address: 6600 Gulf Boulevard, St. Pete Beach, FL 33706

The City is requesting the imposition of the 15-day deadline as the property is still in violation.

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

John Leonard, 6600 Gulf Boulevard, St. Pete Beach, spoke in regard to his property and submitted drawings via the document camera.

Bruce Cooper, Building Official, spoke in regard to the parking lot.

Mr. Dewar submitted a survey of the property via the document camera.

Special Magistrate Ashton found the following:

- The property is in violation.
- Granted 30 days for a reasonable resolution.
- Deadline set for August 10, 2017 for the possibility of a fine to begin.
- Reset for a hearing on August 14, 2017 for the imposition of a fine and lien.

B. Case No. 20160015

City of St. Pete Beach v. Zamora Hospitality Group, LLC

Address: 3701 Gulf Boulevard, St. Pete Beach, FL 33706

Violations: The City is requesting that a new compliance order be issued as past orders have been satisfied. An application to cure the existing violation was continued by the applicant and the City is requesting an amended order until the applicant has gone through the process.

Eric Partlow, 101 E. Kennedy Blvd., Suite 4000, Tampa, Florida, Attorney with Adams and Reese, spoke in regard to the submission of a monthly affidavit until the completion of the Comprehensive Plan approval.

Special Magistrate Ashton found the following:

- Instructed Attorney Partlow to draft a joint stipulation to continue the submission of the affidavits.
- Submit joint stipulation to the Special Magistrate.
- Special Magistrate to enter an order approving the joint stipulation.

6. NEW CASES

A. Case No. 20170077

City of St. Pete Beach vs. Dena and Delmar Smith

Address: 9200 Gulf Boulevard, St. Pete Beach, FL 33706

Violations: Sec. 8.2 – Permitted principal uses and structures, (a).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170077.

Mr. Delmar Smith, 9200 Gulf Boulevard, spoke about the property being his home, renting the property and advertising.

Special Magistrate Ashton found the following:

- The property was in violation.
- Granted 7 days to comply by changing the advertising of the minimum stays to 30 days.
- Repeat violation will be \$500.00 per day.

B. Case No. 20170063

City of St. Pete Beach v. Eduardo and Claudia Irrazabal

Address: 220 45th 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 and asked for a Finding of Fact.

Special Magistrate Ashton found the following:

- The property was in violation.
- The property is now in compliance.
- Entered a Finding of Fact if the property is advertised or rented again on a short-term basis, it will be considered a repeat violation and the maximum fine will be imposed.

C. Case No. 20170053
City of St. Pete Beach vs. Julian Anchinges
Address: 3505 Gulf Boulevard, St. Pete Beach, FL 33706
Violation: Sec. 105.1 – Required.

Special Magistrate stated the property was in compliance.

D. Case No. 20170047
City of St. Pete Beach vs. Linda Anderson
Address: 323 80th Ave., St. Pete Beach, FL 33706
Violation: Sec. 46-33. – Enumeration, (1), (a), (b), (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).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170047.

Special Magistrate Ashton found the following:

- The property is in violation.
- Proper notice was given.
- Granted 30 days to bring the property into compliance, August 9, 2017.
- If not in compliance by August 9, 2017, it will be reset for the August 14, 2017 hearing.

E. Case No. 20170062
City of St. Pete Beach vs. Bryan and Darlene Schaefer
Address: 600 71st Avenue, # 1, St. Pete Beach, FL 33706
Violations: Sec. 36.4 – Prohibited uses and structures.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170062.

Special Magistrate Ashton found the following:

- Granted 7 days to bring the property into compliance, July 17, 2017.

- If the property is not in compliance by July 17, 2007, it will be brought back for the August 14, 2017 Special Magistrate hearing.

7. ADDITIONAL ITEMS

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

The city is requesting an imposition of fines/liens for a repeat violation from 06/08/17 to 06/29/17.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20160062.

Mr. Andrei Castanov, 454 78th Avenue, submitted documentation, via the document camera, and stated he advertised incorrectly.

Special Magistrate Ashton found the following:

- Accepted the City's recommendation and reduced the fine from a \$11,250.00 fine to a \$500.00 fine for the repeat violation.
- Granted 30 days to pay the \$500.00 fine.

Vera Castanova, 454 78th Avenue, informed the Special Magistrate about four current rentals.

Special Magistrate Ashton further found the following:

- Entered an order to submit the four current leases to the City by Friday, July 14, 2017, consisting of three 10-day rentals and one 3-day rental.
- The time period allowing the short-term rentals will end August 30, 2017.
- Repeat violation will be \$500.00 a day.

8. OTHER

Case No. 20170032

City of St. Pete Beach vs. John Parios

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

Peyt Dewar, Code Enforcement Officer, updated Special Magistrate in regard to Case No. 20170032.

Walter Bacallao, 1303 Boca Ciega Isle Drive, Veterans of South Pinellas County, appearing on behalf of John Parios, informed the Special Magistrate that the subject property had been sold and is scheduled to close on August 1, 2017.

Special Magistrate Ashton found the following:

- Entered an order continuing the case until August 14, 2017.
- Required that all orders be presented to purchaser of the property so they are aware of the status of the code enforcement issues on the property.

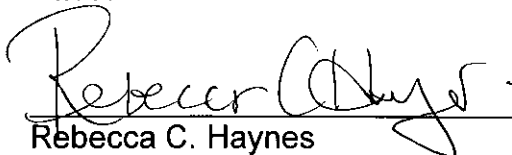
9. NEXT HEARING

Monday, August 14, 2017, 10:00 A.M.

10. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 11:48 a.m.

Attest:

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

Rebecca C. Haynes
City Clerk