



**CODE ENFORCEMENT SPECIAL MAGISTRATE
PUBLIC HEARING**

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

**Monday, October 9, 2017
10:00 a.m.**

Case Docket

1. CALL TO ORDER – 10:00 A.M.

2. PLEDGE OF ALLEGIANCE

3. ADMINISTER OATH

4. CASES COMPLIED OR CONTINUED:

Case No. 20170035

City of St. Pete Beach v. Darata Overene and Vidmant Mikalauskas

Address: 335 71st Avenue, St. Pete Beach, FL 33706

District 2

Violation(s): Sec. 14-3. – Kennels

The respondent has complied and is requesting a fine reduction.

Case No. 20170085

City of St. Pete Beach v. John Leonard

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

District 2

Violation(s): Sec. 33.4. - Conditional uses.

(e) Parking lots, commercial and/or off-premise.

Parking lot (commercial) means an off-street parking lot that is not affiliated with a specific other use that provides parking, in whole or majority part, as a commercial enterprise, for a fee on a first come-first-served basis by hourly or monthly contract.

This property is now compliant.

5. OLD CASES:

A. Case No. 20170028

**City of St. Pete Beach v. Krzysztof and Maria Czyszczonek Rev. Trust
Krzysztof and Maria Czyszczonek Trustees**

Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706
District 3

This matter was reset for hearing on violation of Section 102.2(h) of the Florida Building Code

B. Case No. 20170093

City of St. Pete Beach v. Bay Palms Waterfront Resort Inc.

Address: 4237 Gulf Boulevard, St. Pete Beach, FL 33706
District 3

Violation(s): Sec. 26.5. - Nonconforming signs.

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

C. Case No. 20170009

City of St. Pete Beach v. Bruce and Shannon Dworsky

Address: 3310 E. Maritana Drive, St. Pete Beach, FL 33706
District 3

Violation: Sec. 6.13. - Accessory residential structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

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

Sec. 9.6. - Minimum zoning lot requirements.

The maximum residential density permitted in the RU-2 Residential District shall not exceed seven and one-half units per acre. The minimum lot area and width requirements in the RU-2 Residential District are as follows:

(a) Detached single-family dwellings.

(1) Lot area: 6,000 square feet.

(2) Lot width: 60 feet.

(b) All other uses. The lot area and width requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

(1) Lot area: 6,000 square feet.

(2) Lot width: 60 feet

Motion to reopen this case for further testimony was granted.

D. Case No. 20170031

City of St. Pete Beach v. Lisa Robinson

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

Violation(s): Section 6.13. - Accessory residential structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

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

Sec. 3.6. - Zoning compliance, concurrency and plans required; record of applications and plans; and subsequent applications.

(a) Zoning compliance required. Building permits, other development permits, and certificates of occupancy, as required by other chapters of the St. Pete Beach Code of Ordinances, shall not be issued without determination that applicable requirements of this Code have been met.

104.6.2 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing or life safety system before obtaining the necessary permits shall be subject to a penalty of triple the required permit fee. This provision shall not apply to emergency work, when delay would clearly have placed life or property in imminent danger. In all such emergency cases the required permit(s) shall be obtained within five business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a triple fee. In the event of an emergency declaration from the state, the time required to obtain the required permit(s) for emergency work may be extended. The payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time when justifiable cause has been demonstrated in writing and,

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

6. NEW CASES:

A. Case No. 20170116

City of St. Pete Beach v. Altman Properties I LLC

Address: 7701 Blind Pass Road, St. Pete Beach, FL 33706

District 1

Violation: Sec. 32.5. - Prohibited uses and structures.

All uses and structures not of a nature specifically or conditionally permitted herein are hereby prohibited in the CC1 Commercial Corridor Blind Pass Road District.

B. Case No. 20170097

City of St. Pete Beach v. Paula Cane

Address: 1404 Pass A Grille Way, St. Pete Beach, FL 33706
District 4

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.

(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.

(8) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(11) Any condition constituting a violation of the fire prevention code, as adopted in section 98-26 and as amended and/or the NFPA-101-Life Safety Code, as amended.

(12) Any wornout, scrapped, partially dismantled, nonoperative, unusable or discarded materials or objects, such as automobiles or parts thereof, building materials, machinery, metal, wastepaper, rags, glassware, tinware, vehicles, boats or parts thereof, or other items of junk.

(13) The storage of any vehicle, whether motorized or nonmotorized, including but not limited to automobiles, trucks, trailers, campers, recreational vehicles, motor homes, boats, boat trailers, or parts thereof, without a valid license plate or valid vehicle or trailer or boat-trailer or other registration certificate, showing the vehicle or part thereof to be titled in the name of the owner or occupier of the property upon which the vehicle or part thereof is located. Failure to have such license or other registration certificate specifically attached to the vehicle or part thereof shall be prima facie evidence that the property is worn out, scrapped, nonoperative, unusable or discarded, as provided in subsection (12) of this section.

Sec. 98-66. - Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(27) Landscape maintenance. Where landscape plans have been specifically incorporated and approved in a development plan, the landscape areas shall be maintained in a manner equal to the original landscaping approval.

(c) Litter.

(1) Storage of litter.

d. Every person in possession or in control of any place, public or private, where litter is accumulated or generated shall provide and maintain adequate and suitable containers capable of holding such litter until proper final disposal is accomplished.

(3) Accumulation of litter. Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant, occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation.

C. Case No. 20170105

City of St. Pete Beach v. Scott and Amy Boggs

Address: 1202 Pass A Grille Way, St. Pete Beach, FL 33706

District 4

Sec. 20.03. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the PAG Overlay District are as follows:

(b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than thirty (30) days does not occur more than three times in any 12-month period on any parcel.

Sec. 23.4. - General parking requirements.

All off-street parking shall be provided in accordance with the following general requirements:

(e) Except as provided in section 23.7, all off street parking areas shall be surfaced with asphalt, bituminous or concrete material, clay brick or concrete paving units, and maintained in a smooth, well-graded condition; provided, however, turf block may be used for the parking space surface.

D. Case No. 20170114

City of St. Pete Beach v. Jodi and John Grewe

Address: 353 80th Avenue, St. Pete Beach, FL 33706

District 1

Sec. 5.3. - Compliance requirements.

(a) The city, as a further condition to approval of an application for a site may require financial guarantees or other such guarantees as may be reasonably necessary to insure compliance with the terms and conditions of its approval.

(b) Failure to initiate project construction within 12 months of the issuance of a final development order shall invalidate the site plan approval and require re-submission of the plan. Initiation of construction shall be demonstrated by obtaining all required building permits for construction in accordance with the approved site plan. Such site plan approval shall terminate upon the expiration, without lawful reinstatement, of any building permits required for construction in accordance with the approved site plan.

Sec. 23.6. - Handicap parking requirements.

Handicapped parking shall be provided consistent with the requirements of Florida Statutes, as may be amended.

Sec. 23.4. - General parking requirements.

All off-street parking shall be provided in accordance with the following general requirements:

(a) No building or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this Code.

(b) Computation of required spaces.

(c) Off-street parking areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind, nor shall areas devoted to such activities count toward meeting off-street parking requirements.

(d) Off-street parking areas for five or more automobiles shall have individual spaces that are designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street or sidewalk and so that any automobile may be parked and unparked without moving another automobile.

(e) Except as provided in section 23.7, all off street parking areas shall be surfaced with asphalt, bituminous or concrete material, clay brick or concrete paving units, and maintained in a smooth, well-graded condition; provided, however, turf block may be used for the parking space surface.

(g) Be arranged for the convenient access and safety of pedestrians and vehicles.

(h) Be so arranged that no vehicle shall be required to back from such facilities directly onto public streets.

(i) Have curbs, motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public rights-of-way or adjacent property.

Sec. 23.11. - Parking construction and design requirements.

(a) General construction requirements.

(1) All driveway and off-street parking areas shall be constructed of asphaltic concrete, concrete, pavers or equal on a properly constructed and compacted base unless an alternative is approved by the city.

(2) No slag, rock, pea gravel or other loose type of material shall be used.

(3) All driveway aprons within the public rights-of-way shall be constructed of concrete.

(4) All points of ingress/egress from parking areas to public rights-of-way shall be constructed only upon approval from the city or other public agency having jurisdiction over the right-of-way.

(2) The minimum width of any driveway shall be 12 feet, and the maximum width of any driveway shall be 24 feet measured along the property line.

(c) All other uses.

(1) In addition to meeting the general construction requirements of paragraph (a) above, all off-street parking areas shall be designed and constructed in accordance with the dimensional requirements illustrated below, except that in developments requiring more than 50 total parking spaces, a maximum of 25 percent of such spaces may be designed for compact car parking and may be as small as 8 feet by 16 feet in dimension. Any such space provided must be identified by legible signage as a compact car parking space.

Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.

All off-street parking and loading areas and driveways shall be properly maintained as to surface condition, striping and drainage to ensure that such facilities can continue to serve in a similar fashion as for they were originally approved. The failure to adequately maintain off-street parking and loading areas and driveways, resulting in a nuisance or unsafe condition for pedestrians or motor vehicles, shall be considered a violation of this Code.

E. Case No. 20170115

City of St. Pete Beach v. John Grewe

Address: 8001 Blind Pass Road, St. Pete Beach, FL 33706

District 1

Sec. 5.3. - Compliance requirements.

(a) The city, as a further condition to approval of an application for a site may require financial guarantees or other such guarantees as may be reasonably necessary to insure compliance with the terms and conditions of its approval.

(b) Failure to initiate project construction within 12 months of the issuance of a final development order shall invalidate the site plan approval and require re-submission of the plan. Initiation of construction shall be demonstrated by obtaining all required building permits for construction in accordance with the approved site plan. Such site plan approval shall terminate upon the expiration, without lawful reinstatement, of any building permits required for construction in accordance with the approved site plan.

Sec. 13.12. - Maximum impervious surface ratio.

The lot area used in the calculation of the maximum impervious surface ratio shall exclude any portion of the property lying Gulfward of the city's coastal construction and excavation setback line.

Maximum impervious surface ratio (ISR) for residential and transient accommodation uses: 0.70.

7. ADDITIONAL ITEMS:

8. OTHER:

9. NEXT HEARING:

Monday, November 13, 2017 at 10:00 a.m.

10. ADJOURNMENT

APPEAL

APPEAL: Florida Statutes 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

Electronic media must be submitted a minimum of 24 hours in advance to cityclerk@stpetebeach.org

The public is cordially invited to attend.

All agenda material is available for review at City Hall.