

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

OCTOBER 9, 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:

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
Violations: Sec. 14-3 – Kennels
The respondent has complied and is requesting a fine reduction.

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

Special Magistrate Ashton found the following:

- Reduced fine to \$250.00 for administrative expenses

Case No. 20170085
City of St. Pete Beach v. John Leonard
Address: 6600 Gulf Boulevard, St. Pete Beach, FL 33706
District 2
Violations: Sec. 33.4 – Conditional uses; (e).

Peyt Dewar, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance with no outstanding fines or liens.

Item No. 6B was moved from “New Cases” and heard at this time.

6. **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
Violations: Sec. 46-33. – Enumeration; (1), (a), (b), (2), (3), (8), (11), (12), (13); Sec. 98-6 – Residential and commercial property maintenance; (a), (27), (c), (1), (d), (3).

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

5. OLD CASES

- A. Case No. 20170028**
City of St. Pete Beach vs. Krzysztof and Maria Czystczon Rev. Trust
Krzysztof and Maria Czystczon Trustees
Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706
District 3
This matter was reset for hearing on violation of Sec. 012.2(h) of the Florida Building Code

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170028 and entered into evidence two statements from the Broward County Board of Rules and Appeals and the Department of Business and Professional Regulations.

Bruce Cooper, Building Official for the City of St. Pete Beach, spoke as an expert witness in regard to Case No. 20170028 and submitted photographs to the Special Magistrate.

Shane Costello, Hill, Ward & Henderson, representing the respondents, spoke in regard to Case No. 20170028.

Robert Czyszczon spoke about the history of the chickee hut, Indians, and bringing the property into compliance.

City Attorney Dickman posed questions to Bruce Cooper and Robert Czyszczo, Mr. Cooper and Mr. Czyszczo responded to the questions.

Special Magistrate Ashton found the following:

- Gave two weeks to bring the property into compliance
- Work with the City
- City will instruct Mr. Czyszczo what to do to comply

City Attorney Dickman stated for the record that the City was opposed to the order and not in agreement with the Special Magistrate granting any additional time.

Special Magistrate Ashton found the following:

- Gave two weeks to bring the property into compliance, Monday, October 23, 2017
- If the property is not brought to compliance, a fine will start running immediately.
- The fine will be \$150.00 a day, and there will be a \$250.00 administrative fee until the property is brought into compliance

Shane Costello, Hill, Ward & Henderson, representing the respondents, asked for clarification of the order.

Special Magistrate Ashton found the following:

- Work with the Building Official to confirm that the property complies with the exception

Bruce Cooper, Building Official for the City of St. Pete Beach, spoke about the exception to the building code for requiring a permit and violations.

Special Magistrate Ashton stated that, for the purposes of this order, the ground beneath the structure is not included.

B. Case No. 20170093

City of St. Pete Beach vs. 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.

Peyt Dewar, Code Enforcement Officer, requested an imposition of fines and liens in regard to Case No. 20170093.

Robert Czyszczonek, spoke about an ordinary and customary change to the subject sign.

Special Magistrate Ashton found the following:

- Property is in violation for upgrading the sign to an LED, Light Emitting Diode, sign
- Apply for a variance
- Gave 30 days to bring the property into compliance
- The hearing for the imposition of a fine and lien will be November 13, 2017

C. Case# 20170009

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

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

District 3

Violation: 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, stated this case was reopened for further testimony.

Mike Larimore, Planner 1, spoke in regard to the history of Case No. 20170009.

Chris Furlong, Bacon, Bacon & Furlong, representing Shannon and Bruce Dworsky, presented his case to the Special Magistrate.

Bruce Dworsky, 3310 E. Maritana Drive, St. Pete Beach, spoke in regard to the history of the neighborhood and the subject property.

Attorney Furlong called the following expert witness to testify: Carmen Jorden, Florida Certified building contractor and plumbing contractor.

Bruce Cooper, Building Official for the City of St. Pete Beach, stated that he had not visited the property in regard to Case No. 20170009.

Special Magistrate Ashton found the following:

- Gave the City an opportunity to look at the structure with the expert witness, Carmen Jorden
- City will file an affidavit as to Mr. Cooper's findings within 30 days
- Then the Special Magistrate will issue a final order in this case after considering the experts' opinions

At this time there was a ten-minute recess, and there was a decision made to hear Item 6C, New Cases, before Item 5D due to scheduling issues.

6. 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
Violation: Sec. 20.03 – Permitted principal uses and structures; (b), (e).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170105.

Amy Boggs and Donald Boggs, 1202 Pass-A-Grille Way, St. Pete Beach, owners, spoke as attorneys and witnesses in regard to the violations involving parking and rentals in regard to Case No. 20170105.

Mike Larimore, Planner 1, answered questions posed by Ms. Boggs in regard to Case No. 20170105.

Special Magistrate Ashton found the following:

- Continued the case to the next hearing
- Suggested the City file a written response, if the City chooses to do so, in advance of the next hearing on November 13, 2017
- The written response, if the City chooses to do so, will be due by November 9, 2017

5. D. **Case No. 20170031**
City of St. Pete Beach vs. 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; 105.1 Required.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170031.

Lisa Robinson, 7100 Boca Ciega Drive, owner, presented her case to the Special Magistrate and submitted exhibits labeled as follows: HH, II, JJ, KK, LL, MM, NN, OO, and PP.

Lisa Robinson, 7100 Boca Ciega Drive, owner, responded to questions posed by Special Magistrate Ashton and referred to Exhibit AA.

Special Magistrate Ashton found the following:

- Found the property is in violation of work without a permit
- Found the accessory structure is grandfathered in, and the City is estopped from requiring removal of the bathroom and the utility unit from the property
- Found the barn door conversion is a building violation and granted 30 days to bring the violation into compliance
- Reset for hearing on December 11, 2017 if the property is not brought into compliance

Ms. Robinson submitted an exhibit labeled QQ to Special Magistrate Ashton.

6. NEW CASES

- A. Case No. 20170116**
City of St. Pete Beach vs. Altman Properties I, LLC
Address: 7701 Blind Pass Road, St. Pete Beach, FL 33706
District 1
Violation(s): Sec. 32.5 – Prohibited uses and structures.

Special Magistrate Ashton stated that a court reporter was present for Case No. 20170116, Ms. Denise O'Hare, Riedsorph Reporting Group, Inc.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170116.

Chris Furlong, Bacon, Bacon & Furlong, representing John Altman of Altman Properties LLC, owner of the subject property, stated that they would defer to the lessee on the lease as they are represented by counsel.

Justin Dees, Trenam Law, provided arguments, an overview of the background, and spoke about the local code and an ordinance subject to second reading on October 10, 2017.

City Attorney Dickman spoke in regard to food trucks, zoning districts, permits and the Code of Ordinances.

Justin Dees, Trenam Law, presented his case in regard to Case. No. 20170116.

Special Magistrate Ashton found the following:

- Property is in compliance
- If there is another violation, it will be a repeat violation and will move forward with the hearing without further notice

- There will be a Notice of Hearing, but there will be no opportunity to bring the property into compliance

- 6. 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
Violations: Sec. 46-33. – Enumeration; (1), (a), (b), (2), (3), (8), (11), (12), (13); Sec. 98-6 – Residential and commercial property maintenance; (a), (27), (c), (1), (d), (3).

The above-mentioned case was heard under Item No. 4, "Cases Complied or Continued," after Case No. 20170085.

- 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
Violation: Sec. 20.03 – Permitted principal uses and structures; (b), (e).

The above-mentioned case was heard under Item No. 5, "Old Cases," after C., Case No. 20170009.

- 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
Violation(s): Sec. 5.3 – Compliance requirements; (a), (b); Sec. 23.6 – Handicap parking requirements; Sec. 23.4 – Handicap parking requirements; Sec. 23.4 – General parking requirements; (a), (b), (c), (d), (e), (g), (h), (i); Sec. 23.11 – Parking construction and design requirements; (a), (1), (2), (3), (4), (2), (c), (1); Sec. 23.13 – Maintenance of off-street parking and loading areas and driveways.
- E. Case No. 20170115**
City of St. Pete Beach vs. John Grewe
Address: 8001 Blind Pass Road, St. Pete Beach, FL 33706
District 1
Violation: Sec. 5.3. – Compliance requirements; (a), (b); Sec. 13.12 – Maximum impervious surface ratio.

Peyt Dewar, Code Enforcement Officer, gave presentations in regard to the two above-mentioned cases, Case No. 20170114 and 20170115.

Special Magistrate Ashton verified that Case No. 20170115 relates to creating an impervious surface, and Case No. 20170114 relates to the surface area being improved.

John Grewe, owner of the subject properties located at 353 80th Avenue and 8001 Blind Pass Road, spoke in regard to parking lots, site plan approval, construction and requested time to complete the parking lot.

Special Magistrate Ashton found the following:

- Property is in violation
- Gave 60 days to bring the property into compliance
- Start the process for a site plan approval
- Compliance deadline is December 8, 2017
- Resetting hearing for December 11, 2017

7. ADDITIONAL ITEMS:

There were no additional items presented.

8. OTHER:

There were no items presented.

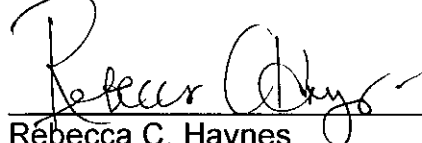
9. NEXT HEARING:

Monday, November 13, 2017, 10:00 A.M.

10. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 2:12 p.m.

Attest:



Rebecca C. Haynes
City Clerk