CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

NOVEMBER 13, 2017

10:00 A.M.

PRESENT

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

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. OLD CASES

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

Case No. 20170028
City of St. Pete Beach v. Krzysztof and Maria Czyszczon Re Trust Krzysztof and Maria Czyszczon Trustees
Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706
District 3
This property is now compliant.

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

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
This property is now compliant.

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

5. OLD CASES

A. Case No. 20170105
City of St. Pete Beach vs. 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); Sec. 23.4 General parking requirements, (e).

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

City Attorney Dickman stated the City's witnesses would be the following people: Mike Larimore, Planner I; and Jennifer Bryla, Director of Community Development.

Special Magistrate Ashton asked Ms. Boggs to come forward and speak.

Amy Boggs, spoke about their right to rent and posed questions to Peyt Dewar, Code Enforcement Officer for the City of St. Pete Beach.

D. Scott Boggs and Amy Boggs, spoke in regard to the obligation of the City and their burden of proof that the Boggs are not compliant with the Code.

Special Magistrate Ashton found the following:

- Can file a motion for a re-hearing
- Found the property is in violation for Sections 20.03 and 23.4
- Gave 30 days to bring the property into compliance before fines start running
- If the property is not in compliance by December 13, 2017, the matter will be heard during the January 8, 2018 hearing for the imposition of a fine

The meeting went into a five–minute recess at approximately 11:35 a.m.

6. NEW CASES

A. Case No. 20170122
City of St. Pete Beach vs. Kaushik and Urmi Doshi
Address: 76th Avenue, St. Pete Beach, FL 33706

District 1
Violation: Sec. 46-33 Enumeration, (1), (a), (b), (2), (3).

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

B. Case No. 20170133
City of St. Pete Beach vs. Blakes Ventures, Inc.
Address: 601 Corey Avenue, St. Pete Beach, FL 33706
District 1
Violations: Sec. 98-66 – Residential and commercial property maintenance, (a), (b), (3), (a), (b).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170133 and stated that Ms. Ferry is working diligently to bring the property into compliance.

Suzanne Ferry, 550 Corey Avenue, St. Pete Beach, asked for a continuance of 60 days.

Special Magistrate Ashton found the following:

- Notice was proper
- Property is in violation
- Gave 30 days - December 13, 2017- to bring the property into compliance
- If there is good progress, and the City agrees, the City may grant additional time

C. Case No. 20170131
City of St. Pete Beach vs. Suzanne Ferry
Address: 600 Corey Avenue, St. Pete Beach, FL 33706
District 1
Violations: Sec. 70-3 – Accumulation of garbage and insufficient number of cans; Sec. 70-36 – Required; exemptions; covers; placement for collection, (a), (b), (c), (d), (e), (f); Sec. 98-66 – Residential and commercial property maintenance, (a), (b), (3), (a), (b).

Peyt Dewar, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance in regard to trash and debris and that Ms. Ferry was in agreement with the date of 12/13/17 to be the date for compliance.

Special Magistrate Ashton found the following:

- Gave 30 days - December 13, 2017- to bring the property into compliance
- If the property is not in compliance by December 13, 2017, the matter will be heard during the January 8, 2018 hearing for the imposition of a fine

- If there is good progress, and the City agrees, the City may grant additional time

D. Case No. 20170132
City of St. Pete Beach vs. Suzanne Ferry
Address: 550 Corey Avenue, St. Pete Beach, FL 33706
District 1
Violation: Sec. 70-3 Accumulation of garbage and insufficient number of cans; Sec. 70-36 Required; exemptions; covers; placement for collection (a), (b), (c), (d), (e), (f); Sec. 98-66 Residential and commercial property maintenance (a), (b), (3), (a), (b).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170132.

Special Magistrate Ashton found the following:

- Gave 30 days - December 13, 2017- to bring the property into compliance
- If the property is not in compliance by December 13, 2017, the matter will be heard during the January 8, 2018 hearing for the imposition of a fine
- If there is good progress, and the City agrees, the City may grant additional time

E. Case No. 20170140
City of St. Pete Beach v. Adel Refai
Address: 6835 Blind Pass Road, St. Pete Beach, FL 33706
District 2
Violation: Sec. 34.5 – Prohibited uses and structures; Sec. 78-96 Business tax receipt – Required.

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

F. Case No. 20170135
City of St. Pete Beach vs. Cary and Patricia Wallace
Address: 438 86th Avenue, St. Pete Beach, FL 33706
District 1
Violation: Sec. 6.13 – Residential accessory structures (a), (2), (b); Sec. 98-66 – Residential and commercial property maintenance (a), (17); 104.62 Work commencing before permit issuance; 105.1 Required.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170135.

Cary and Patricia Wallace, 438 86th Avenue, spoke in regard to the subject carport.

Special Magistrate Ashton found the following:

- Gave 30 days to address this issue
- Set December 13, 2017 as the compliance deadline
- If making progress, contact the City and the City can determine if additional time is warranted
- If the property is not in compliance by December 13, 2017, the matter will be heard during the January 8, 2018 hearing for imposition of a fine

7. ADDITIONAL ITEMS

There were no additional items.

8. NEXT HEARING

Monday, December 11, 2017, 10:00 A.M.

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 12:03 p.m.

Attest:

Rebecca C. Haynes
City Clerk