



**CODE ENFORCEMENT SPECIAL MAGISTRATE
PUBLIC HEARING**

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

**Monday, April 9, 2018
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:**

A. Case No. 20170201

City of St. Pete Beach v. Elizabeth and James Devito

Address: 3528 Casablanca Avenue, St. Pete Beach, FL 33706

District 3

Sec. 9.2. - 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 RU-2 Residential District are as follows:

(a) Residential dwellings —Detached single-family only. Such dwellings shall not be used for transient occupancy.

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

B. Case No. 20170028

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

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

District 3

102.2 (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in the paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, non-wood features.

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.

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

C. Case No. 20180054

City of St. Pete Beach v. Laura J. and Antonio M. Paredes

Address: 6360 2nd Palm Point, St. Pete Beach, FL 33706

District 2

Sec. 8.2. - 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 RU-1 Residential District are as follows:

(a) Residential dwellings —Detached single-family only. Such dwellings shall not be used for transient occupancy.

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

D. Case No. 20180047

City of St. Pete Beach v. Eighty Eight Fifty Blind Pass Corp

Address: 8850 Blind Pass Road, St. Pete Beach, FL 33706

District 1

Sec. 23.4. - General parking requirements.

Sec. 46-33. - Enumeration.

Sec. 98-65. - Unsightly conditions.
Sec. 98-66. - Residential and commercial property maintenance.
This property remains in violation and the City is requesting an imposition of fines and certification of liens.

E. Case No. 20170216

City of St. Pete Beach v. Roger and Theresa Hendricks

Address: 6800 Sunset Way, St. Pete Beach, FL 33706

District 2

Sec. 98-65. - Unsightly conditions.

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

This property is compliant with no outstanding liens or fines.

5. OLD CASES:

A. Case No. 20170202

City of St. Pete Beach v. Robert Speiser Living Trust/ Robert Speiser Trustee

Address: 1340 Boca Ciega Isle Drive, St. Pete Beach, FL 33706

District 3

Sec. 46-33. - Enumeration.

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

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

6. NEW CASES:

A. Case No. 20180075

City of St. Pete Beach v. Daniel J. Pearson

Address: 970 Boca Ciega Isle Drive, St. Pete Beach, FL 33706

District 3

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:

(4) Buildings and structures as follows:

b. Any building, structure or other improvement on which the paint or other exterior coating or surface is flaking or has deteriorated to the point that the building, structure or other improvement is unsightly in appearance and thus adversely affects the aesthetic appearance of the area.

(9) Any accumulation of stagnant water permitted or maintained on any lot, piece of ground or swimming pool.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

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

(2) Exterior walls. Exterior walls of buildings shall be:

a. Maintained free from holes, breaks, and loose or rotting materials; and

b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration. Decorative features such as cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

(7) Exterior surface treatment. All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

(18) Swimming pools. All swimming pools, spas and architectural pools, ponds or bodies of water shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water shall not be allowed to stagnate or to become polluted. All pools shall be free from unsightly appearance.

B. Case No. 20170188

City of St. Pete Beach v. Mister Tan Enterprise LTD

Address: 113 Cabrillo Avenue #3B, St. Pete Beach, FL 33706

District 3

Sec. 12.2. – 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 RM Residential District are as follows:

(a) Residential dwellings —Attached and detached single-family, multifamily and two-family. Such dwellings may be used for transient occupancy, so long as any transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.

C. Case No. 20180084

City of St. Pete Beach v. Vincent Castelluccio

Address: 5903 Bimini Way, St. Pete Beach, FL 33706

District 2

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.
- c. Trees and shrubs planted in such a manner as to obstruct vehicular and pedestrian traffic along roadways, sidewalks and public rights-of-way.

(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.

(5) All disagreeable or obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench.

(6) The carcasses of animals or fowl not disposed of within 12 hours after death.

(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.

(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. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a

violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

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

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

(b) Standards for improved property.

(3) Windows. a. Every window shall be maintained in sound working condition and good repair to be substantially weather-tight and rodent-proof.

(5) Exterior doors. Every exterior door and hatchway or garage door shall be kept in sound working condition and good repair.

(7) Exterior surface treatment. All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

(19) Rodent harborage. All structures and exterior premises shall be kept free from rodent harborage and infestation. Where rodents are found, the owner shall promptly exterminate rodents through a process which will not be injurious to human health.

D. Case No. 20180088

City of St. Pete Beach v. Kazbo LLC

Address: 1901 Pass a Grille Way, St. Pete Beach, FL 33706

District 4

Sec. 4.7. - City commission review.

Upon receipt of the written staff analysis, the city commission shall hold a public hearing to consider the application for conditional use and may grant, grant with conditions or deny the application. Final action of the city commission shall be by resolution and documented in the form of a development order containing a legal description of the real property to which the conditional use applies, together with the terms of the conditional use and any additional conditions imposed. For conditional use permits required by section 39.6(p) of this Code, the planning board shall hold a public hearing to consider the application and make a recommendation to the city commission.

Sec. 4.8. - Effect of decision.

(a) Approval of a conditional use shall be deemed to authorize only the particular use for which it is issued.

Sec. 15.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-1 Commercial District are as follows:

(j) Commercial water sports, non-motorized vessels of 16 feet or less in length only.

E. Case No. 20180064

City of St. Pete Beach v. Loretta Nardone

Address: 7013 Boca Ciega Dr., St. Pete Beach, FL 33706

District 2

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

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

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

F. Case No. 20180089

City of St. Pete Beach v. Sungold LLC

Address: 3855 Gulf Blvd., St. Pete Beach, FL 33706

District 3

Sec. 42.4. – Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the Bayou Residential District are as follows.

(e) Off-premises parking lot.

(f) Commercial parking lot.

7. ADDITIONAL ITEMS: REPEAT VIOLATION CASES

A. Case No. 20160057

City of St. Pete Beach v. Robert Lauby

Address: 9210 Gulf Blvd, St. Pete Beach, FL 33706

District 1

Sec. 8.2. - 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 RU-1 Residential District are as follows:

(a) Residential dwellings —Detached single-family only. Such dwellings shall not be used for transient occupancy.

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

8. OTHER: LIEN REDUCTION

A. Case No. 20170131

City of St. Pete Beach v. Suzanne Ferry

Address: 600 Corey Avenue, St. Pete Beach, FL 33706

District 1

This property is compliant with outstanding fines and liens.

B. Case No. 20170132

City of St. Pete Beach v. Suzanne Ferry

Address: 550 Corey Avenue, St. Pete Beach, FL 33706

District 1

This property is compliant with outstanding fines and liens.

C. Case No. 20170133

City of St. Pete Beach v. Suzanne Ferry

Address: 601 Corey Avenue, St. Pete Beach, FL 33706

District 1

This property is compliant with outstanding fines and liens.

NEXT HEARING:

Monday, May 14, 2018 at 10:00 a.m.

9. 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.