

# **CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING**

## **MINUTES**

**APRIL 9, 2018**

**10:00 A.M.**

### **PRESENT**

Amber Ashton, Special Magistrate  
Andrew Dickman, City Attorney  
Mary Jo Murphy, Deputy City Clerk  
William Palmer, Building Official  
Peyt Dewar, Code Enforcement Manager  
Shaunna Anick, 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:

- 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**  
**Violations: Sec. 9.2 – Permitted principal uses and structures; (a).**

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

- B. Case No. 20170028**

**City of St. Pete Beach v. Krzysztof and Maria Czystczon Rev Trust  
and Krzysztof and Maria Czystczon Trustees  
Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706  
District 3  
Violations: 102.2 (h), Chickees; 105.1 Required.**

Mr. Dewar gave a presentation in regard to Case No. 20170028 and submitted documents, via the document camera:

Bill Palmer, Building Official, explained his recommendations and findings to Special Magistrate Ashton and submitted five photographs, via the document camera.

Evan Dix, Attorney with Hill Ward Henderson and representing the respondent in the subject case, spoke in regard to the subject case and submitted a binder with documents to Special Magistrate Ashton.

Robert Czystczon, spoke in regard to the subject case.

Andrew Dickman, City Attorney, spoke in regard to the subject case.

Special Magistrate Ashton asked for public comment. Hearing none, Special Magistrate Ashton stated that she was going to take the opportunity to read the transcripts and all of the documents that were presented before issuing an order in the case. Special Magistrate Ashton further stated she would take the matter under advisement and an order would be issued in the next 10 days.

- C. Case No. 20180054  
City of St. Pete Beach vs. Laura and Antonio M. Paredes  
Address: 6360 2nd Palm Point, St. Pete Beach, FL 33706  
District 2  
Violations: Sec. 8.2 – Permitted principal uses and structures, (a).**

Mr. Dewar informed Special Magistrate Ashton that the property was in compliance.

- D. Case No. 20180047  
City of St. Pete Beach vs. Eighty-Eight Fifty Blind Pass Corp.  
Address: 8850 Blind Pass Road, St. Pete Beach, FL 33706  
District 1  
Violations: Sec. 23.4 – General parking requirements; Sec. 46-33 - Enumeration; Sec. 98-65 – Unsightly conditions; Sec. 98-66, Residential and commercial property maintenance.**

Mr. Dewar stated that Ms. Burman, property manager for Mr. Sagritalo, was requesting a continuance.

Special Magistrate Ashton found the following:

- Extended the compliance deadline for 30 days
- This matter will be heard during the next hearing on May 14, 2018

**E. Case No. 20170216**  
**City of St. Pete Beach vs. Rodger and Theresa Hendricks**  
**Address: 6800 Sunset Way, St. Pete Beach, FL 33706**  
**District 2**  
**Violations: Sec. 98-65 – Unsightly conditions; Sec. 98-66 – Residential and commercial property maintenance.**

Mr. Dewar informed Special Magistrate Ashton that the property was in compliance.

**5. OLD CASES**

**A. Case No. 20170202**  
**City of St. Pete Beach vs. Robert Speiser Living Trust/Robert Speiser Trustee**  
**Address: 1340 Boca Ciega Isle Drive, St. Pete Beach, FL 33706**  
**District 3**  
**Violations: Sec. 46-33 - Enumeration; Sec. 98-66 – Residential and commercial property maintenance.**

Mr. Dewar gave a presentation in regard to Case No. 20170202.

Special Magistrate Ashton found the following:

- Remains in violation
- Entered an order imposing a \$250.00 per day fine retroactive to the date of compliance
- Administrative expenses to be determined at the time of the lien payoff

**6. NEW CASES**

**A. Case No. 20180075**  
**City of St. Pete Beach vs. Daniel J. Pearson**  
**Address: 970 Boca Ciega Isle Drive, St. Pete Beach, FL 33706**  
**District 3**  
**Violations: Sec. 46-33 – Enumeration, (4), (b), (9); Sec. 98-65 – Unsightly conditions, (3); Sec. 98-66 – Residential and commercial property maintenance, (2), (a), (b), (7), (18).**

Mr. Dewar informed Special Magistrate Ashton that the property was in compliance.

**B. Case No. 20170188**  
**City of St. Pete Beach vs. Mister Tan Enterprise LTD**  
**Address: 113 Cabrillo Avenue, #3B, St. Pete Beach, FL 33706**

**District 3**

**Violations: Sec. 12.2 – Permitted principal uses and structures, (a).**

Mr. Dewar informed Special Magistrate Ashton that the property was in compliance.

Special Magistrate Ashton found the following:

- Entered an order there was a violation on the property.
- The property is now in compliance.
- If the same violation occurs again, increased fines may be imposed against the property.

**C. Case No. 20180084**

**City of St. Pete Beach vs. Vincent Castelluccio**

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

**District 2**

**Violations: Sec. 46-33 – Enumeration, (1), (a), (b), (c), (2), (3), (5), (6), (8), (12), (13); Sec. 98-65 – Unsightly conditions, (2), (3), (4); Sec. 98-66 – Residential and commercial property maintenance, (a), (b), (3), (5), (7), (19).**

Mr. Dewar gave a presentation in regard to Case No. 20180084.

Vincent Castelluccio, property owner, spoke in regard to the subject case.

Special Magistrate Ashton found the following:

- Notice was proper.
- The property is in violation.
- The compliance deadline is May 9, 2018.
- If the property is not brought into compliance by May 9, 2018, the case will be heard during the hearing on May 14, 2018.

**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**

**Violations: Sec. 4.7 – City Commission review; Sec. 4.8 – Effect of decision, (a); Sec. 15.4 – Allowable conditional uses, (j).**

Mr. Dewar gave a presentation in regard to Case No. 20180088.

Chris Furlong, Bacon, Bacon & Furlong, representing Kazbo, LLC, presented his case to the Special Magistrate.

Special Magistrate Ashton found the following:

- Property is in violation due to the number of boats on the property

- 90 days to bring the property into compliance
- Apply for the conditional use permit
- Compliance deadline is July 8, 2018
- If the property is not brought into compliance by July 8, 2018, then the case will be heard during the 7/9/18 hearing for an imposition of fines

Gary Daniel, owner of Speed Boat Adventures, spoke in regard to the photographs presented, via the document camera, and the subject case.

Special Magistrate Ashton found the following:

- Property is in violation
- Proper notice was given
- Imposed a fine of \$100.00 per day starting November 14, 2017
- Imposed an administrative fine of \$250.00
- Can seek a lien reduction once the property is in compliance

**E. Case No. 20180064**  
**City of St. Pete Beach vs. Loretta Nardone**  
**Address: 7013 Boca Ciega Drive, St. Pete Beach, FL 33706**  
**District 2**  
**Violations: Sec. 98-66 - Residential and commercial property maintenance, (a), (24).**

Mr. Dewar gave a presentation in regard to Case No. 20180064.

Loretta Nardone, property owner, spoke in regard to the subject case and submitted photographs, via the document camera.

Special Magistrate Ashton found the following:

- Continued the hearing for 30 days
- If the property is not brought into compliance, this case will be heard on May 14, 2018.

Mr. Dewar commented that there will be a fence permit required for a child safety fence around the pool.

**F. Case No. 20180089**  
**City of St. Pete Beach vs. Sungold LLC**  
**Address: 3855 Gulf Boulevard, St. Pete Beach, FL 33706**  
**District 3**  
**Violation: Sec. 42.4. - Allowable conditional uses, (e), (f).**

Mr. Dewar gave a presentation in regard to Case No. 20180089.

Dev Mangar, 360 Blanca Avenue, spoke in regard to the subject case.

Special Magistrate Ashton found the following:

- Granted 60 days to bring the property into compliance
- June 9, 2018 is the compliance deadline
- Reset for the June 11, 2018 hearing if the property is not in compliance at that time

**7. ADDITIONAL ITEMS: REPEAT VIOLATION CASES**

- A. Case No. 20170057**  
**City of St. Pete Beach vs. Robert Lauby**  
**Address: 9210 Gulf Boulevard, St. Pete Beach, FL 33706**  
**District 1**  
**Violations: Sec. 8.2 – Permitted principal uses and structures, a.**

Mr. Dewar informed Special Magistrate Ashton that the property was in compliance.

Deputy Todd Brien, Pinellas County Sherriff's Office, spoke in regard to an incident that occurred on the subject property.

Special Magistrate Ashton found the following:

- Property remains in repeat violation
- Imposed a fine of \$500.00 per day retroactive to March 19, 2018
- Administrative expenses to be determined

**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.**

Mr. Dewar added the following additional cases in regard to Ms. Ferry:

**Case No. 20100208**

**Address: 618 73<sup>rd</sup> Avenue, St. Pete Beach, FL 33706**

**Case No. 20130008**

**Property Owner: Blakes Venture, Inc.**

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

Mr. Dewar informed the Special Magistrate that the above-mentioned cases were added because the City added all the liens that are owed to the City. The outstanding total of liens is \$44,182.21, and all of the properties are compliant. The City is requesting a partial amount of \$3,280.00 to settle the outstanding liens owed to the City.

Suzanne Ferry, property owner, spoke in regard to the subject case.

Special Magistrate Ashton found the following:

- Entered an order reducing the amount of the fines to \$3,280.00 to be paid within 30 days
- If the fees are not paid in 30 days, the fines will be re-imposed in the full amount
- The order will be an omnibus order which will reference all of the cases and reduce all of the fines in one order

**6. NEXT HEARING**

Monday, May 14, 2018, 10:00 A.M.

**8. ADJOURNMENT**

There being no further business to come before the Special Magistrate, the hearing was adjourned at 12:10 p.m.

Attest:

  
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Rebecca C. Haynes  
City Clerk