

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

MAY 14, 2018

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney
Wesley Wright, Community Development Department Director
William Palmer, Building Official
Peyt Dewar, Code Enforcement Manager
Shaunna Anick, 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:

A. 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.

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

- B. 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 informed Special Magistrate Ashton that the property was in compliance with no outstanding fines or liens.

5. OLD CASES

- A. 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 informed Special Magistrate Ashton that the property was in compliance with no outstanding fines or liens.

6. NEW CASES

- B. Case No. 20180102**
City of St. Pete Beach vs. Waldemar Matuska
Address: 429 Belle Point Drive, St. Pete Beach, FL 33706
District 3
Violations: Sec. 23.2 – Residential parking restricted, (a), (1), (2), a., b., c., (3), (4), (b), (1), (2), a., b., c., (a), (b).

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

- C. Case# 20180100**
City of St. Pete Beach vs. Joel Culley Jr.
Address: 487 Belle Point Drive, St. Pete Beach, FL 33706
District 3
Violations: Sec. 46-33 – Enumeration, (2), (3), (9); Sec. 98-65 – Unsightly conditions, (1), (2), (3), (4).

Mr. Dewar requested a 30-day continuance.

Special Magistrate Ashton found the following:

- Continued until the next hearing date of June 11, 2018

F. Case No. 20180065
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. 98-120.3 – Intent and purpose, (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13); R322.3.4 – Walls below design flood elevation, 1., 2., 3., 4., 4.1, 4.2, 5.; 105.1 Required.

Mr. Dewar informed Special Magistrate Ashton that Mr. Speiser is no longer the owner, and there are new owners. Mr. Dewar requested the case be closed and to continue working with the new owners to bring the property into compliance.

5. OLD CASES

B. Case No. 20170217
City of St. Pete Beach vs. 929485 Florida Inc.
Address: 677 75th Avenue, St. Pete Beach, FL 33706
District 1
Violations: Sec. 46-33 - Enumeration (4), b.; Sec. 98-66 – Residential and commercial property maintenance, (a), (b), (7), (8), (9), (10).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170217.

Special Magistrate Ashton found the following:

- Found the notice was proper
- The hearing today, May 14, 2018, was set by order of the Special Magistrate
- Property remains in violation
- Imposed a fine to begin running May 14, 2018 at \$250.00 per day
- Administrative expenses to be determined

6. NEW CASES

A. Case No. 20180080
City of St. Pete Beach vs. J M Industries, LLC
Address: 840 59th Avenue, St. Pete Beach, FL 33706
District 2
Violation: Sec. 3.6 - Zoning compliance, concurrency and plans required; record of applications and plans; and subsequent applications, (a) (c); 105.1 – Required.

Mr. Dewar asked for a 30-day continuance in order to obtain drawings and plans.

Special Magistrate Ashton found the following:

- Entered an order continuing Case No. 20180080 until the next hearing date on June 11, 2018

E. Case No. 20180116
City of St. Pete Beach vs. Shirley Ann Lockwood
Address: 7700 Boca Ciega Drive, St. Pete Beach, FL 33706
District 1
Violations: Sec. 32.5 – Prohibited uses and structures.

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20180116.

Shirley Ann Lockwood, 7700 Boca Ciega Drive, stated she owns three units and that she changed all three rentals to 30 days. However, the advertising is showing a picture and information on another property she owns. Ms. Lockwood stated that she needs to contact VRBO to correct the advertising.

Special Magistrate Ashton found the following:

- Notice was proper
- Received notice of the violation
- Property is in violation
- Granted one week to bring the property into compliance, May 21, 2018
- Repeat violations are subject to increased fines

7. ADDITIONAL ITEMS: REPEAT VIOLATION CASES

A. Case No. 20170201
City of St. Pete Beach vs. 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).

Peyt Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20170201.

Mr. James Devito, 3528 Casablanca Avenue, owner, informed Special Magistrate Ashton that the property is in compliance, there have been no rentals, and the home is under contract.

Special Magistrate Ashton found the following:

- Continued the case past the date of the expected closing date to the August 13, 2018 hearing

- Obtain a copy of the deed or a letter from the new owner advising they have the title and present it to Mr. Dewar, Code Enforcement Officer

8. FEE HEARING

- A. Case No. 20160121
City of St. Pete Beach vs. Ingrid Anchinges
Address: 3505 Gulf Boulevard, St. Pete Beach, FL 33706
District 3**
- B. Case No. 20170013
City of St. Pete Beach vs. Ingrid Anchinges
Address: 3505 Gulf Boulevard, St. Pete Beach, FL 33706
District 3**

Andrew Dickman, City Attorney, stated Ms. Anchinges filed two appeals. In one case, attorney fees and costs were granted. Attorney Dickman stated he could supply an affidavit stating the attorney fees and asked for guidance from Special Magistrate Ashton.

Special Magistrate Ashton found the following:

- Asked for an affidavit of attorney fees and costs from Attorney Dickman
- Have another attorney submit an affidavit of reasonableness
- Serve Ms. Anchinges so she's aware of the costs before scheduling the fee hearing and give her an opportunity to present contrary evidence

**Case No. 20170028
City of St. Pete Beach vs. Krzysztof and Maria Czyszczonek Rev Trust
and Krzysztof and Maria Czyszczonek Trustees
Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706**

In regard to Case No. 20170028, City Attorney Dickman asked for a continuance.

Special Magistrate Ashton found the following:

- Entered an order staying the case until such time the City advises that their efforts with the Florida Building Commission are complete or a settlement has been reached between the parties, which will be the City's responsibility to notify Special Magistrate Ashton of at that time
- Respondent's counsel, Attorney Dix, has an opportunity to file a motion for rehearing within 15 days of today's hearing
- During the stay, there will be no accruing fine

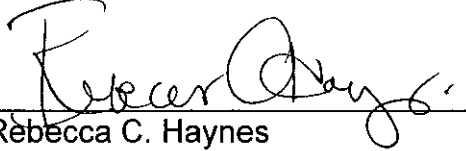
NEXT HEARING:

Monday, June 11, 2018, 10:00 A.M.

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:53 a.m.

Attest:

A handwritten signature in black ink, appearing to read "Rebecca Haynes", is written over a horizontal line.

Rebecca C. Haynes
City Clerk