

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

JANUARY 14, 2019

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney
Wesley Wright, Community Development Department Director
Mary Jo Murphy, Deputy City Clerk
Peyt Dewar, Code Enforcement Manager
Shaunna Anick, Code Enforcement Officer
Joanne Boland, Permitting Administrator

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. 20180232**
City of St. Pete Beach v. Tina Barnett
Address: 1340 Boca Ciega Isle Drive, St Pete Beach, FL 33706
District 3
The property is now compliant.

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

- B. Case No. 20180208**
City of St. Pete Beach v. USA FED NATL MTG ASSN

Address: 3203 E. Debazan Ave. (rear), St. Pete Beach, FL 33706
District 3
The property is now compliant.

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

5. OLD CASES

- A. Case No. 20170028**
City of St. Pete Beach vs. Krzysztof and Maria Czystczon Rev. Trust
and Krzysztof and Maria Czystczon Trustees
Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706
District 3
Determination on the Chickee hut in reference to the hearing with the
Florida Building Commission

City Attorney Dickman informed Special Magistrate Ashton that there was an agreement with opposing counsel to continue the case until the February hearing.

Special Magistrate Ashton found the following:

- Entered an order continuing the case until the February hearing.

6. NEW CASES

- A. Case No. 20180293**
City of St. Pete Beach vs. Beatriz Rzewnicki Revocable Trust / Beatriz
Rzewnicki Trustee
Address: 3216 S. Maritana Dr., St. Pete Beach, FL 33706
District 3
Violation: Sec. 9.2. – Permitted principal uses and structures, (a).

Mr. Dewar, Code Enforcement Officer, gave a presentation in regard to Case No. 20180293.

Betty Rzewnicki, 3216 S. Maritana Drive, homeowner, spoke in regard to receiving notices for short-term rentals and thereafter correcting the advertising and cancelling the advertising.

Special Magistrate Ashton found the following:

- Property is in compliance.
- If the property is listed or rented for a short-term rental again, it will be considered a repeat violation and the fines double, which would be \$500.00 a day for each day the property is advertised for short-term rental.

- B. Case No. 20190032**
City of St. Pete Beach vs. 929485 Florida Inc. / Shark Tales / Gulf Coast Hospitality
Address: 677 75th Avenue, St. Pete Beach, FL 33706
District 1
Violations: Sec. 46-142. – Pattern of nuisance activity, (a), (2), (3), (33), (b) and (1).

Mr. Dewar gave a presentation in regard to Case No. 20190032.

Rahim Jaffer, 677 75th Avenue, owner of 929485 Florida Inc. and Shark Tales, spoke in regard to the tenant of the property, the eviction process, violations on the property, judgement from the court to remove the tenant, the tenant filing bankruptcy, and addressing and rectifying the garbage and immediate issues this week.

Special Magistrate Ashton found the following:

- Property is in violation.
- Proper notice was given.
- Set a compliance deadline of Friday, January 18, 2019, to deal with the garbage issues in order to not have an ongoing fine.
- If the property is not in compliance by January 18, 2019, this case will come back before Special Magistrate Ashton during the February 11, 2019 hearing for an imposition of a fine.
- City is entitled to its abatement cost for the health and safety abatement that has been done thus far.
- The City will provide the total of the abatement costs to Special Magistrate Ashton. After receiving the total from the City, Special Magistrate Ashton will enter the amount into the order. The owner will be responsible for the payment or it will become a lien on the property.
- Owner will supply documentation and keep the City informed of the eviction process.
- Once the subject issues are resolved, the owner may come back before Special Magistrate Ashton to discuss the fines.
- If health and safety issues are not resolved by January 18, 2019, the owner shall come before Special Magistrate Ashton on February 11, 2019 for a hearing.

- C. Case No. 20180133**
City of St. Pete Beach vs. David Gumos
Address: 403 86th Ave., St. Pete Beach, FL 33706
District 1
Violations: Sec. 9.6 – Minimum zoning lot requirements, (a), (1), (2), (b), (1), and (2); 105.1 Required.

Mr. Dewar gave a presentation in regard to Case No. 20180133.

Special Magistrate Ashton found the following:

- Gave 30 days to bring the property into compliance.
- Compliance deadline is February 15, 2019.
- If the property is not in compliance by February 15, 2019, the case will come back before Special Magistrate Ashton during the March 11, 2019 meeting for an imposition of fines and liens.
- Compliance means the building permit and the Certificate of Completion must be obtained.

D. Case No. 20180259

City of St. Pete Beach vs. Waterside Property Group LLC

Address: 644 72nd Ave., St. Pete Beach, FL 33706

District 1

Violations: Sec. 36.4. – Prohibited uses and structures.

Mr. Dewar gave a presentation in regard to Case No. 20180259.

Raymond Rosiak, 644 72nd Avenue, owner, spoke in regard to purchasing the property and the Business Tax Receipt.

Joanne Boland, Permitting Administrator, spoke in regard to Business Tax Receipts.

Raymond Rosiak, 644 72nd Avenue, owner, spoke in regard to zoning and Business Tax Receipts.

Wesley Wright, Community Development Director, spoke in regard to zoning and districts.

Special Magistrate Ashton found the following:

- Continued the hearing until February 11, 2019 to give the opportunity to gather evidence to show that the property is entitled to grandfather status.

E. Case No. 20180240

City of St. Pete Beach v. Laura Burton

Address: 637 75th Ave., St. Pete Beach, FL 33706

District 1

Violations: Sec. 37.6 – Prohibited uses and structures, (a).

Mr. Dewar gave a presentation in regard to Case No. 20180240.

Laura Burton, 637 75th Avenue, owner, spoke in regard to short-term rentals and stated she is no longer advertising or renting the property for a period of 30 days.

Special Magistrate Ashton found the following:

- Property was in violation.

- Property is now compliant.
- If property is rented as a short-term rental again, it will be considered a repeat violation and subject to increased fines.

F. Case No. 20180294
City of St. Pete Beach vs. Beth Bentley
Address: 3112 Pass-A-Grille Way, St. Pete Beach, FL 33706
District 4
Violation: 105.1 Required.

Mr. Dewar gave a presentation in regard to Case No. 20180294.

Beth Bentley, 3112 Pass-A-Grille Way, owner, spoke in regard to the architect plans.

James Ely, Ely Contracting, contractor, stated he could apply for a building permit by Friday, January 25, 2019.

Special Magistrate Ashton found the following:

- Compliance deadline for submitting the building permit will be Friday, January 25, 2019.
- Permit to be obtained by March 18, 2019.
- This case will be placed on the agenda for the February 11, 2019 hearing.

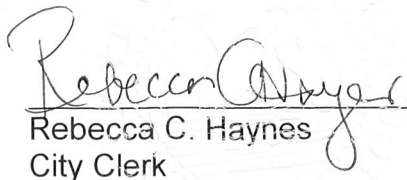
7. ADDITIONAL BUSINESS

NEXT HEARING: Monday, February 11, 2019, 10:00 A.M.

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 11:11 a.m.

Attest:



Rebecca C. Haynes
City Clerk