



**CODE ENFORCEMENT SPECIAL MAGISTRATE
PUBLIC HEARING**

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

**Monday, February 11, 2019
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. 20180089

City of St. Pete Beach v. Sungold LLC

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

District 3

The property is now compliant.

B. Case No. 20180259

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

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

District 2

Sec. 36.4. - Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the Upham Beach Village District.

Special Magistrate ordered continuance

5. OLD CASES

A. Case No. 20180294

City of St. Pete Beach v. Beth Bentley

Address: 3112 Pass a Grille Way, St. Pete Beach, FL 33706

District 4

105.1 Required.

Any owner or owner's 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 performed, shall first make application to the building official and obtain the required permit.

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 Revocable Trust/Krzysztof and Maria Czyszczonek Trustees

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

District 3

This case is being brought before the Special Magistrate to have the declaratory statement from the Florida Building Commission stricken from the record, the prior violation upheld, and the City is requesting an imposition of fines and certification of liens.

C. Case No. 20170105

City of St. Pete Beach v. Scott and Amy Boggs

Address: 1202 Pass a Grille Way, St. Pete Beach, FL 33706

District 3

Case being brought back before the Special Magistrate based on Circuit Court order #17-0060AP-88B to issue Findings of Fact

D. Case No. 20190032

City of St. Pete Beach v. 929485 Florida Inc.

Address: 677 75th Avenue, St. Pete Beach, FL 33706

District 1

The city is requesting an imposition of fines and certification of liens.

6. NEW CASES:

A. Case No. 20190037

City of St. Pete Beach v. Phillip Herlein and Nicole Matoushek

Address: 3310 E. Maritana Dr., 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 was in violation for advertising transient occupancy.

B. Case No. 20180306

City of St. Pete Beach v. Paula Cane

Address: 1404 Pass a Grille Way, St. Pete Beach, FL 33706

District 4

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:

b. Dead branches or fronds on trees or shrubs

(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.

(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.

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.

(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.

(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.

(e) Outdoor storage. Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

The property is in violation for not being maintained and outside storage.

7. ADDITIONAL BUSINESS

A. Case No. 20180162

City of St. Pete Beach v. John Glasscock

Address: 295 46th Avenue, St Pete Beach, FL 33706

District 3

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

(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.

(20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

The respondent is requesting a lien reduction.

B. Case No. 20160121

City of St. Pete Beach v. Ingrid Anchinges

Address: 3505 Gulf Blvd., St Pete Beach, FL 33706

District 3

The City is requesting Attorney's fees.

C. Case No. 20160057

City of St. Pete Beach v. Robert Lauby

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

District 3

Sec. 46-142. - Pattern of nuisance activity.

(a) Nuisance activity means any activities relating to the following violations, whenever engaged in by the property owner, agent, tenant, or invitee of the property owner, agent or tenant:

(2) Nuisance abatement as defined in chapter 46 of this Code.

(33) Failure to correct code violations on or before the date specified in a notice of violation issued in accordance with section 22-276 of this Code.

(b) Pattern of nuisance activity. Real property shall be deemed to exhibit a pattern of nuisance activity if:

(4) Failure to correct code violations by the time ordered by the special magistrate in any order entered pursuant to section 22-277 of this Code; or

(5) As otherwise provided by this Code.

This property back for another repeat violation for transient occupancy and is now a nuisance property.

NEXT HEARING:

Monday, March 11, 2019 at 10:00 a.m.

8. ADJOURNMENT

The public is cordially invited to attend.

APPEAL: Florida Statutes Chapter 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.

CODE OF ORDINANCES, SECTION 1-15: Award of attorney's fees and other costs. In all instances where a lawsuit is instituted or defended on behalf of the city to enforce any provision of the Code of Ordinances, to collect fees, liens, assessments or fines, or otherwise secure compliance with any provision of the Code of Ordinances, the city shall be entitled to recover all costs incurred, including reasonable attorney's fees and court costs through the trial and appellate levels. This section shall apply to all instances where the city is required to defend an appeal from any order, notice or determination by the city or its officials.

**Electronic media must be submitted a minimum of 24 hours in advance to
cityclerk@stpetebeach.org**

All agenda material is available for review at City Hall.