

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

FEBRUARY 11, 2019

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Wesley Wright, Community Development Department Director
William Palmer, Building Official
Peyt Dewar, Code Enforcement Manager
Shaunna Anick, Code Enforcement Officer

1. CALL TO ORDER

Special Magistrate Ashton called the Hearing to order at 10:00 a.m.

2. 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. 201800899**
City of St. Pete Beach vs Sungold LLC
Address: 3855 Gulf Blvd., St. Pete Beach, FL 33706
District 3

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

- B. Case No. 20180259**
City of St. Pete Beach vs Waterside Property Group LLC
Address: 644 72nd Ave., St. Pete Beach, FL 33706
District 2
Violations: Sec. 36.4

Mr. Dewar informed Special Magistrate Ashton that she had granted a continuance for this case. Sean Colon, attorney with the Law Offices of Luke Lirot and representing Mr. Rosiak, presented documentation from the prior owner showing that short term rentals had been in place previously.

Special Magistrate Ashton stated that documentation showing short term rentals was necessary prior to 2001, when the Ordinance was first enacted, in order to be "grandfathered" in.

Mr. Cologne asked for a continuance to gather more documentation.

Special Magistrate Ashton issued a continuance for the March 11, 2019 hearing. Attorney Colon requested that Case No. 20160057, listed on the agenda under **ADDITIONAL BUSINESS**, considered next since he is the attorney representing Mr. Lauby as well, in the interest of time. Special Magistrate Ashton agreed.

- C. Case No. 20160057**
City of St. Pete Beach v. Robert Lauby
9210 Gulf Blvd., St. Pete Beach, FL 33706
District 3
Violations: Sec. 46-142. – Pattern of Nuisance Activity

Mr. Dewar informed Special Magistrate Ashton that the property continues to be in non-compliance despite accumulating fines and several code enforcement hearings. Attorney Colon said that his client had informed him that he had ceased short term rentals; and Attorney Colon requested a continuance to gather more information. Special Magistrate Ashton granted a continuance to March 11, 2019.

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
Violations: Sec. 105.1 Required

Mr. Dewar informed Special Magistrate Ashton that the property is still not in compliance, since the necessary building permits and elevation certificate have not been issued or applied for.

Ms. Bentley, owner of the property, explained that the delays have been caused by her contractor not having the proper state licenses at the time; and she had difficulty with her architect as well. Ms. Bentley requested a continuance to obtain the proper permits.

Special Magistrate Ashton found the following:

A continuance was granted until the March 11, 2019 hearing. If at such time the proper permits are not submitted, fines retroactive to the original hearing will be imposed.

- B. Case No. 20170028**
City of St. Pete Beach vs. Krzysztof and Maria Czystczon Revocable Trust/ Krzysztof and Maria Czystczon Trustees
Address: 4506 Gulf Blvd., St. Pete Beach, FL 33706
District 3
Violation: Sec. 46-33 Enumeration (2) (4) (a) (b) (13)

Mr. Dewar informed Special Magistrate Ashton that the purpose of this case is to have the declaratory statement from the Florida Building Commission stricken from the record, the prior violation upheld and imposition of finds and liens.

Evan Dix spoke on behalf of the respondents, arguing that the City had previously indicated that the respondents were in compliance. Attorney Dickman responded. Special Magistrate Ashton said that an order will be drawn up as soon as possible regarding the chickee hut on the respondent's property.

- C. Case No. 20170105**
City of St. Pete Beach vs. Scott and Amy Boggs
Address: 1202 Pass a Grille Way, St. Pete Beach, FL 33706
District 3

Special Magistrate Ashton stated that an order will be issued to continue this case to the March 11, 2019 hearing.

- D. Case No. 20190032**
City of St. Pete Beach vs. 929485 Florida Inc.
Address: 677 75th Ave., St. Pete Beach, FL 33706
District 1

Mr. Dewar informed Special Magistrate Ashton that the property continues to have nuisance activity and requested that a cease and desist order be issued, as well as requiring the owner to obtain a business tax receipt.

Attorney Dickman informed Special Magistrate Ashton that bankruptcy proceedings have begun on this property, which may impede the City's actions.

Special Magistrate Ashton will issue a cease and desist order to require the owner to comply within 24 hours of posting.

6. NEW CASES

- A. Case No. 20190037**
City of St. Pete Beach vs Phillip Herlien and Nicole Matoushek
Address: 3310 E. Maritana Dr., St. Pete Beach, FL 33706
District 3
Violation: Sec. 9.2 Principal uses and structures

Mr. Dewar stated that, as of January 30, 2019, the property is no longer advertising for transient rentals, and is therefore in compliance with the rental requirements in that district.

Special Magistrate Ashton will issue an order of compliance.

- B. Case No. 20180306**
City of St. Pete Beach vs Paula Cane
Address: 1404 Pass a Grille Way, St. Pete Beach, FL 33706
District 4
Violations: Sec. 46-33; 98-65; 98-66

Mr. Dewar indicated that the property had been cited before for various unsightly conditions and maintenance issues; and as of this date he has not heard from the owner.

Special Magistrate Ashton will issue an order to comply with the violations by March 2, 2019; and the case will be heard at the March 11, 2019 hearing.

7. ADDITIONAL BUSINESS

- A. Case No. 20180162**
City of St. Pete Beach vs John Glasscock
Address: 295 46th Ave., St. Pete Beach, FL 33706
District 3
Violation: Sec. 98-66 Residential and commercial property maintenance

Mr. Dewar said that Mr. Glasscock had been working with him to try to pay a reduced fine of \$1,000; and due to a family emergency could not come to this hearing.

Special Magistrate Ashton will issue an order to reduce the lien amount to \$1,000., payable within 60 days. The case will be reviewed at the March 11, 2019 hearing.

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

Mr. Dewar indicated that, since the property is not in compliance, liens continue to accrue. No one has been able to enter the property to confirm compliance.

The owner, Ms. Anchinges, spoke regarding the violations and stated she is making attempts to comply.

Special Magistrate Ashton issued an order to impose attorney's fees of \$838.00 and said reduction of liens can be discussed once the owner shows proof of compliance to coded enforcement.

NEXT HEARING:

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 11:35 a.m.

Attest:



Rebecca C. Haynes
City Clerk