

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

MAY 13, 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
Peyt Dewar, Code Enforcement Manager
Bill Palmer, Building Official
Brandon Berry, Planner II

1. CALL TO ORDER

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

2. ADMINISTER OATH

Special Magistrate Ashton administered the oath or affirmation to witnesses present.

3. CASES COMPLIED OR CONTINUED

Peyt Dewar, Code Enforcement Officer informed Special Magistrate Ashton that the following properties were in compliance with no fines or liens:

- A. Case No. 20190031
City of St. Pete Beach vs JP Connolly LLC
Address: 7209 Boca Ciega Drive, St. Pete Beach, FL 33706
District 1
Sec. 46-33. - Enumeration.
Sec. 98-65. - Unsightly conditions.
Sec. 98-66. - Residential and commercial property maintenance.**
- B. Case No. 20190075
City of St. Pete Beach vs Natali and Tyler Roshau
Address: 2403 W Vina Del Mar Blvd., St. Pete Beach, FL 33706
District 4
105.1 Required.**
- C. Case No. 20190050**

City of St. Pete Beach vs Elena S. Balkus Estate
District 2
Sec. 46-33. - Enumeration

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

Mr. Dewar requested **continuations** for the following cases:

- 4 B. Case No. 20180294**
City of St. Pete Beach v. Beth Bentley
Address: 3112 Pass a Grille Way, St. Pete Beach, FL 33706
District 4

Ms. Ashton continued this case to the June 10, 2019 hearing.

- 4 D. 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

Ms. Ashton continued this case to the June 10, 2019 hearing.

- 5 C. Case No. 20190086**
City of St. Pete Beach vs Keith Hatkevich
Address: 207 55th Avenue, St. Pete Beach, FL 33706
District 2

Ms. Ashton continued this case to the June 10, 2019 hearing.

- 5 D. Case No. 20190107 City of St. Pete Beach vs Rons Holdings LLC**
Address: 1907 Gulf Way, St. Pete Beach, FL 33706
District 4

Ms. Ashton continued this case to the June 10, 2019 hearing.

4. OLD CASES

- A. Case No. 20160057**
City of St. Pete Beach vs Robert Lauby
Address: 9210 Gulf Blvd., St. Pete Beach, FL 33706
District 3
Sec. 46-142 Pattern of nuisance activity.

Mr. Dewar informed Special Magistrate Ashton that this property was currently in compliance; but showed documentation that short-term rentals were being advertised from September 2018 through January 2019.

Sean Colon, representing the owner Robert Lauby, introduced documentation that the listing being shown on the "Find Fido" website was not placed by Mr. Lauby.

Robert Lauby, owner, stated that he was not renting short term, but offers his home to family and friends for short stays.

Special Magistrate Ashton issued an order that, since the short-term rentals were previously being advertised and therefore considered a repeat violation, there is a \$500 per day fine imposed from September 26, 2018 through January 30, 2019.

5. NEW CASES

- A. Case No. 20190044**
City of St. Pete Beach vs. Silvio Santana & Annerys Santana
Address: 3550 El Centro St., St. Pete Beach, FL 33706
District 4
Violation: Sec. 9.2 Permitted principal uses and structures

Silvio Santana, owner of the property, commented that the property management company assured him that he could rent his property on a short-term basis.

Special Magistrate Ashton issued an order for Mr. Santana to come into compliance by May 28, 2019.

- B. Case No. 20190106**
City of St. Pete Beach vs Triple C Investments II LLC
Address: 207 55th Ave., St. Pete Beach, FL 33706
District 2
Violations: Sec. 105.1 Required

Mr. Dewar indicated that the property is being renovated without a building permit. Albert Sumner, field investigator with the PCCLB, verified that he investigated the property and confirmed multiple renovations, including electrical work; he has issued citations. A Stop Work Order had been issued.

Special Magistrate Ashton found the property in violation and gave the deadline of May 20, 2019 to come into compliance by obtaining the necessary permits and notifying Code Enforcement.

6. REPEAT VIOLATIONS

- A. Case No. 20180116/20190193**

City of St. Pete Beach vs. Shirley Lockwood
Address: 7700 Boca Ciega Dr., St. Pete Beach, FL 33706
District 1
Violations: Sec. 32.5 Prohibited uses and structures

Mr. Dewar indicated that Ms. Ashton had imposed an order of violation in August of 2018 and continues to rent short-term.

Special Magistrate Ashton imposed a fine of \$500 per day as a repeat violation retroactive to April 9, 2019 and will accrue until property brought into compliance.

B. Case No. 20180211/20190148
City of St. Pete Beach vs. M & D Assets LLC
Address: 356 S, Tessier Dr., St. Pete Beach, FL 33706
District 4
Violations: Sec. 8.2 Permitted principal uses and structures

Mr. Dewar reminded Ms. Ashton that she had issued a Finding of Facts and Order August 13, 2018 for this property for being in violation of the short-term rental code.

David Delrahim, attorney for the owner, stated that he had not seen the Finding of Facts and Order; and that the VRBO website was advertising the property incorrectly.

Ms. Ashton issued a continuance until the June 10 hearing date to allow time for Mr. Delrahim to prepare the necessary documentation to come into compliance.

Hearing Request

A. Case No. 20180243
City of St. Pete Beach vs. Mad Men Flys LLC
Address: 210 Julia Circle N., St. Pete Beach, FL 33706
Violation: Sec. 105.1

Mr. Dewar indicated that the owners were doing work without permits and that Ms. Ashton had recently issued a Finding of Facts and Order with accruing fines.

Bill Foster, attorney for the owner, said that the current owners are unable to make the renovations required by FEMA in a flood zone due to financial restraints and have placed the property for sale.

Special Magistrate Ashton recommended that Mr. Foster and the owners work directly with the City to negotiate a lien reduction after compliance.

Special Magistrate Ashton addressed Items No. 4 C. from “**OLD CASES**” at this time.

C. 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: Prohibited uses and structures

Sean Colon, attorney representing the owner, has been unable to contact the owner with additional affidavits confirming the history short term rental status.

City Attorney Andrew Dickman said that whether the property is grandfathered in to allow short term rentals is in question, and that business tax receipts and affidavits are only part of the issue.

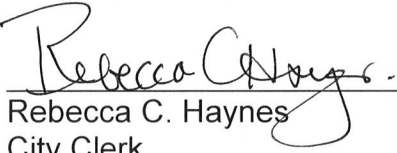
Ms. Ashton issued a continuance for the June 10 hearing, and ordered that all documentation, evidence, and witness lists for the case be exchanged by both the owner and her attorney and the City for review by May 28, 2019.

NEXT HEARING: June 10, 2019

7. 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