



CODE ENFORCEMENT/SPECIAL MAGISTRATE HEARING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, August 12, 2019
10:00 a.m.

Call to Order
Pledge of Allegiance

Case Docket

- 1. Changes to the Agenda**
- 2. Administration of Oath**
- 3. CASES COMPLIED OR CONTINUED**

A. Case No. 20180243 [Work without Permit and Property Maintenance]

City of St. Pete Beach v. Mad Men Flys LLC

Address: 210 Julia Circle N, St. Pete Beach, FL 33706

District 4

This property has been demolished and is now compliant with no outstanding fines or liens.

B. Case No. 20190086

City of St. Pete Beach v. Keith Hatkevich [Work without Permit]

Address: 5575 Gulf Blvd #225, St. Pete Beach, FL 33706

District 2

A permit was obtained by the respondent so the City would like to continue this case.

4. NEW CASES

A. Case No. 20190228 [Property Maintenance]

City of St. Pete Beach v. Hashim Lakhani

Address: 442 46th Avenue, St. Pete Beach, FL 33706

District 1

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 an 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. c. Trees and shrubs planted in such a manner as to obstruct vehicular and pedestrian traffic along roadways, sidewalks and public rights-of-way.

(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.

(9) Any accumulation of stagnant water permitted or maintained on any lot, piece of ground or swimming pool.

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;

(2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.

(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.

98-66. - Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

(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.

B. Case No. 20190278 [Short-term Rental]

City of St. Pete Beach v. David L. and Lisa Hannaman-Banks

Address: 221 45th Avenue, St. Pete Beach, FL 33706

District 3

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.

C. Case No. 20190287 [Short-term Rental]

City of St. Pete Beach v. Donald L. Smith Jr.

Address: 145 43rd Avenue, St. Pete Beach, FL 33706

District 3

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.

OLD CASES

A. Case No. 20180294 [Work without Permit]

City of St. Pete Beach v. Beth Bentley

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

District 4

Special Magistrate ordered that the case be referred to August 12, 2019 for an imposition of fines and certification of liens.

B. Case No. 20170105 [Short-term Rental]

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 and the imposition of fines and certification of liens.

C. Case No. 20180259 [Short-term Rental]

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

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

District 2

36.4. - Prohibited uses and structures.

The Special Magistrate ordered that the case be referred to August 12, 2019 for a final hearing. On or before May 28, 2019, both parties were to exchange witness lists, and other documents or evidence they intend to present.

D. Case No. 20190201

City of St. Pete Beach v. Gentye Dirse [Property Maintenance]

Address: 3614 Gulf Blvd, St. Pete Beach, FL 33706

District 3

46-33. - Enumeration.

98-65. - Unsightly conditions.

98-66. - Residential and commercial property maintenance.

This property is not compliant and the City would like an imposition fines and certification of liens.

5. REPEAT VIOLATION

A. Case No. 20180249/20190146 [Short-term Rental]

City of St. Pete Beach v. Kyle Pozek

Address: 545 78th Avenue, St. Pete Beach, FL 33706

District 1

The respondent was found in violation of advertising or renting the property on a transient/short term basis at the November 5, 2018 hearing. The property was observed being advertised online, from 04/09/2019 through 05/23/2019, and is a repeat violation. At the June 10, 2019 hearing the Special Magistrate ordered that the case be referred to the August 12, 2019 hearing for an imposition of fines and certification of liens. The City is requesting the respondent pay \$18,500.00 worth of fines as a repeat violator.

B. Case No. 20180211/20190148 [Short-term Rental]

City of St. Pete Beach v. M & D Assets LLC

Address: 356 S Tessier Drive, St. Pete Beach, FL 33706

District 4

The respondent was found in violation of advertising or renting the property on a transient/short term basis at the August 13, 2018 hearing. The property was observed being advertised online, from 04/09/2019 through 05/01/2019, and is a repeat violation. The City is requesting the respondent pay \$11,000.00 worth of fines as a repeat violator. At the June 10, 2019 hearing, the respondent requested that the case be continued, and the Special Magistrate ordered that the case be referred to the August 12, 2019 hearing for an imposition of fines and certification of liens.

6. Next Meeting: September 9, 2019

7. Adjournment

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.