

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

January 11, 2021 - 10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Peyt Dewar, Code Enforcement Manager
Aaron Marceron, Enforcement/Assurance Officer

Special Magistrate Nash called the Hearing to order at 10:00 a.m. and performed the Administration of Oath.

2. Changes to the Agenda – There were no changes to the agenda.

3. Cases Complied or Continued

A. Case No. 20190496 - Prohibited uses and structures (Sec. 32.5) Short-term Rental City of St. Pete Beach v. 360 78th Avenue Trust, Southern Investments Associates, LLC Address: 360 78th Avenue St. Pete Beach, FL 33706

At the December 14, 2020 hearing, The Special Magistrate ruled that the case be continued to the January 11, 2021 hearing. At the November 9, 2020 hearing, the Special Magistrate ruled that the property was in violation for advertising as transient occupancy. The City is requesting an imposition of fines and liens in the amount of \$500.00 per unit per day plus administration costs retroactive to November 10, 2020 until property is compliant.

Mr. Marceron provided a presentation with printed exhibits for Case 20190496 and detailed the City's request for fines and lien.

Attorney Sean Colon appeared on behalf of the Respondent with the objection that the evidence provided was hearsay. At the City Attorney's request, Mr. Marceron described the process used in gathering the evidence, which he had submitted under oath. Mr. Colon examined the evidence.

Special Magistrate Nash found that the property was in violation of City Code from November 10, 2020 through today and imposed fines of \$500 per day per unit from November 10, 2020 until complaint.

4. New Cases

A. Case No. 20200398 - Prohibited uses and structures (Sec. 33.5) Short-term Rental City of St. Pete Beach v. J B Real Invest LLC Address: 504 70th Ave. St. Pete Beach, FL 33706

On December 14, 2020, this property was being advertised online on a transient basis and that is prohibited in the CC2 Commercial Corridor Gulf Blvd District; property is now compliant.

Mr. Marceron gave a presentation, including photos and evidence, on the violations (12/14/20 through 12/29/20) for Case 20200398. The property is currently compliant. He reviewed the Violation Notices. A previous case was closed in October; this is a second violation.

Respondent Orlando de la Paz appeared on his own behalf and gave comment on advertising and the rental of his property; he asked for a continuance to hire an attorney, but the Magistrate found that notice was proper and denied a continuance.

The Special Magistrate found that notice was proper, and the property was out of compliance for 16 days from 12/14 through 12/29/2020 and imposed fines of \$250 per day. The Respondent stated that he will be appealing; the City Attorney stated that the Code Enforcement Officers are deemed as experts and have presented substantial evidence of due process.

B. Case No. 20200399 - Permitted principal uses and structures (Sec. 8.2) Short-term Rental City of St. Pete Beach v. Watson Family Trust Address: 433 Hermosita Drive, St Pete Beach, FL 33706

On December 22, 2020, this property was being advertised online on a transient basis and that is prohibited in the RU-1 Residential District.

Mr. Marceron gave a presentation, under oath, detailing violations at this address and provided evidence. The property is currently compliant. Mr. Marceron reviewed previous violations and notices from 2017, 2018, and earlier in 2020.

Martin Watson appeared telephonically as Respondent for the Watson Family Trust, stating that their advertisements state 'one month'.

The Respondent confirmed that the property is in Vina del Mar, a single-family residential neighborhood. The City Attorney clarified that Mr. Watson and his brother placed the advertisements. At the Attorney's request, Mr. Marceron explained the process of gathering evidence and confirmed that the property can be rented for less than 30 days on the websites

The Special Magistrate stated that it is incumbent upon the Respondent to ensure there are no issues with their postings and found that notice was proper, and violations occurred from 12/22 - 12/31/20. He imposed fines of \$250 per day plus administrative costs.

C. Case No. 20200389 - Permitted principal uses and structures (Sec. 8.2) Short-term Rental City of St. Pete Beach v. Jeffery P and Suzanne E Szak Address: 430 59th Ave. St Pete Beach, FL 33706

On December 15, 2020, this property was being advertised online on a transient basis and that is prohibited in the RU-1 Residential District; property is now compliant.

Mr. Dewar presented a Finding of Fact on this property from August 14, 2017 (Case 20170104), which stated that any further violations would be repeat violations. He read from State Statute 162.06 regarding repeat violations. He reviewed evidence of the violations dated 12/15, 16, and 22/2020, and asked that the Special Magistrate include the other days and weekends in his consideration.

Respondent and Property Owner/Manager Suzanne Szak appeared and provided comments regarding Violation Notices and stated that advertisements for 7-30 days were an error on the part of Vacation Rentals By Owner (VRBO).

The City Attorney confirmed with the Respondent that this is a single-family residential neighborhood and that this is the Respondent's vacation home. He explained that whoever advertised the property is responsible for the content.

Special Magistrate Nash found that notice was proper, and the property was out of compliance for eight (8) days from 12/15 through 12/22/2020 at \$500 day plus administrative costs. He reiterated that it is incumbent upon advertisers to ensure they are compliant.

The City Attorney clarified to the Respondent that by law, violation notices are sent via registered mail to the address listed with the County Property Appraiser's website.

- 5. **Old Cases** – None.
- 6. **Repeat Violations** – None.
- 7. **Next Meeting: February 8, 2021**
- 8. **Adjournment**

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:47 a.m.

Attest:



Amber LaRowe, City Clerk