

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

April 12, 2021 - 10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Matthew McConnell, Assistant City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
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. 20200271 – Enumeration (Sec. 46-33) Inoperative vehicle
City of St. Pete Beach v. Shawn P. Hakl
Address: 327 55th Ave. St Pete Beach, FL 33706**

Code Enforcement Manager Peyt Dewar explained that the case was continued at the March 8, 2021 hearing. Assistant City Attorney McConnell commented that he spoke with Respondent's Counsel Donald Schutz, and they would like to request an additional month to resolve. The Special Magistrate ruled to continue the case until May 10, 2021.

**B. 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**

Mr. Marceron stated that the lien has been paid and the property is compliant; the Special Magistrate will prepare an Order of Compliance.

4. New Cases

**A. Case No. 20210130 – Prohibited uses and structures (Sec. 30.5) Short-term Rental
City of St. Pete Beach v. Kyash Enterprises LLC
Address: 525 73rd Ave. Unit #2 St. Pete Beach, FL 33706**

Mr. Marceron showed a case file video presentation including notices and evidence that on March 7th, 19th through 21st, and 27th through 29th, 2021, this property was being advertised online on a transient basis, which is prohibited in the Town Center Corey (TC-1) District. The property is now compliant. The City is seeking \$250 per day plus administrative costs for each day out of compliance retroactive to March 7th. He added that the property had received a Violation Notice in 2019 but was sold on September 18, 2020; the former owner is now the property manager.

Current property owner Christine Burnette of Kyash Enterprises, LLC appeared to provide details of the circumstances surrounding the violations. Following her comments, Mr. McConnell cautioned all residents who are renting property for less than 30 days that the City observes the rentals; just because you have not received a violation yet, does not mean that you will not in the

future – and when buying property, do not rely solely on realtor's information – do your due diligence; it is incumbent upon the buyer to be familiar with City laws and regulations. He explained the City's lien reduction process to the Respondent.

The Special Magistrate found that notice was proper, the property was in violation for seven days (now compliant) and imposed a fine of \$1,750 (\$250 per day) plus administrative costs.

B. Case No. 20210132 – Permitted principal uses/ & structures (Sec. 8.2) Short-term Rental

**City of St. Pete Beach v. Gerald and Kimberly Swinkle
Address: 471 Belle Point Dr. St. Pete Beach, FL 33706**

Mr. Marceron's presentation showed that the property was being advertised online on a transient basis on 3/9/2021 and that is prohibited in the Residential (RU-1) District. He explained that once the property owner received the Notice of Violation, the advertisement was changed to 30 days and has not been out of compliance since – however, any future violations would be considered repeat violations.

Angela Ross of Sandy Beach Vacation Rentals appeared on behalf of the owner and explained how the violation happened and that it was immediately remedied. Mr. McConnell cautioned that although no fines are being imposed today, any future violations would be fined at \$500 per day.

5. **Old Cases** – None.
6. **Repeat Violations** – None.
7. **Lien Reductions** – None.
8. **Next Meeting:** May 10, 2021. There being no further business, the hearing was adjourned at 10:23 a.m.

Attest:



Amber LaRowe, City Clerk