

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

June 14, 2021 - 10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Matthew McConnell, Assistant City Attorney
Amber LaRowe, 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 – No changes were made.

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

Attorney McConnell requested this case be continued to the August meeting; the City has been speaking with the attorney for the property owner and everyone is in agreement to the continuance.

B. Case No. 20160057 – Permitted principal uses & structures (Sec. 8.2) Short-term Rental - City of St. Pete Beach v. Robert Lauby Address: 9210 Gulf Blvd. St Pete Beach, FL 33706

Peyt Dewar Code Enforcement Manager, informed Special Magistrate Nash that this property has come in to compliance and the lien has been paid; he is requesting an Order of Compliance be issued.

C. Case No. 20170217 - Enumeration (Sec. 46.33) & Residential and commercial maintenance (Sec. 98.66) Building Exterior City of St. Pete Beach v. 929485 FLORIDA, INC. Address: 677 75th Ave. St Pete Beach, FL 33706

Mr. Dewar stated that this property is in compliance and the lien has been paid. Mr. Nash will prepare the Order of Compliance.

D. Case No. 20210183 - Prohibited uses and structures (Sec. 10.5) Short-term Rental - City of St. Pete Beach v. Rebecca M Rome & David I Rome & Martha G Rome Address: 601 77th Ave. St Pete Beach, FL 33706

Aaron Marceron, Enforcement/Assurance Officer, discussed this property and the violation. The Property has come into compliance since the notice was posted on the property. The property was out of compliance for one day on two units. He pointed out that this property was noticed in February 2021 that there are no rentals allowed here for less than 30 days. Because of that, this is considered a second violation.

The City is requesting a fine of \$500/day per unit plus administrative costs be issued because this is a repeat violation after the February 8, 2021 Order was issued informing the property owner that this is a violation.

Rebecca Rome, property owner, confirmed that nightly and weekly were listed on her advertisement; however, she was not actually allowing a nightly or weekly rental, only monthly. Discussion ensued on the advertisement versus what her actual rentals were. Ms. Rome displayed information, emails, etc. A copy of her items are made a part of the minutes.

Mr. Nash will be preparing an order for \$500/day per unit (\$1000.00 total) plus administrative costs.

4. New Cases

A. Case No. 20210208 - Unsightly Conditions (Sec. 98.65) Dumpster storage City of St. Pete Beach v. District Holdings Florida LLC Address: 600 Corey Ave. St Pete Beach, FL 33706

Mr. Marceron displayed pictures of the dumpster for this property. The dumpster is being stored on a daily basis and is in violation of Section 98.65(6) of the Land Development Code. Notice of Violation was dated May 14, 2021 with the Notice of Hearing posted on June 2, 2021. The property is still in violation as of this morning.

No one from the property was present.

Mr. Nash found that the notice was proper and that the property is in violation from May 14, 2021 to present. He will issue an order for fines of \$250/day plus administrative fees from May 14, 2021 until corrected.

Mr. Marceron stated that the property owner has applied for a permit to move the dumpster to a neighboring property and is aware that the violation will continue until proper placement.

B. Case No. 20210235 - Prohibited uses and structures (Sec. 36.4) Short-term Rental City of St. Pete Beach v. Acacia Family Trust/Rodriguez-Bennett Maria Teresa TRE Address: 509 70th Ave. St Pete Beach, FL 33706

Mr. Marceron issued a notice of violation dated May 27, 2021 and posted the notice of hearing on the property on June 2, 2021.

There was no one present for the property.

The property is in compliance as of June 1, 2021. Mr. Marceron requested an Order stating that any new violations will be repeat.

C. Case No. 20210231 – Permitted principal uses and structures (Sec. 10.2) Short-term Rental City of St. Pete Beach v. Jon M. Allen & Jean W. Scallon Address: 518 77th Ave. St. Pete Beach, FL 33706

Mr. Marceron issued a notice of violation dated May 26, 2021 with a notice of hearing posted on the property on June 2, 2021. The property came into compliance on June 2, 2021. Staff is recommending a fine of \$250/day plus administrative costs retroactive to May 26, 2021 to June 2, 2021 (8 days).

Jean Scallon, property owner, addressed the issues. She provided documents to show correction and rental history. A copy is made a part of the minutes.

Mr. Nash found that the notice was proper and that the property is in compliance as of June 2, 2021. An order will be issued for \$250/day for 8 days (May 26, 2021 to June 2, 2021) plus administrative costs.

5. **Old Cases** – None.

6. **Repeat Violations**

**A. Case No. 20210173 - Prohibited uses and structures (Sec. 34.5) Short-term Rental City of St. Pete Beach v. L J P SOLUTIONS LLC
Address: 200 73rd Ave. St Pete Beach, FL 33706**

Mr. Marceron displayed an order issued on May 10, 2021 for this property for the same issue. He displayed pictures that showed the property came into compliance and changed the listing to a 30-day minimum rental. On May 26, 2021 the property was observed to have changed the listing to a 7-day minimum rental and the website is still showing the same as of today.

Joey Camodeca and Britany Davenport were present to discuss the violations. Ms. Davenport made the corrections to the listing as soon as made aware of it. Neither her nor Mr. Camodeca made changes since changing the website to the 30-day minimum and are unsure how the changes occurred. Discussion ensued regarding the current status of the listing online versus the May correction.

Mr. Nash found the property out of compliance for 19 days (May 26, 2021 to June 14, 2021) and that the notice was proper. An order will be issued for \$250/day (19 days) plus administrative fees. Mr. Nash informed the property owner that he can work with the City on a possible lien reduction and highly recommended the website be taken down until correct listings can be made.

7. **Lien Reductions** – None.

8. **Next Meeting:** July 12, 2021. There being no further business, the hearing was adjourned at 10:41 a.m.

Attest:


Amber LaRowe, City Clerk