

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

July 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 – No changes.

3. Cases Complied or Continued

A. Case No. 20110029 - Property Maintenance - City of St. Pete Beach v. Robert E. Ruhlman, Address: 401 Gulf Way, St Pete Beach, FL 33706

Mr. Dewar explained that the lien has been paid and the property is now compliant. The Special Magistrate will prepare an Order of compliance.

4. New Cases

A. Case No. 20210250 - Permit required (Sec. 25.9) Dunes - City of St. Pete Beach v. David & Deanna Argo, Address: 26-09-Sunset Way, St Pete Beach, FL 33706

Mr. Dewar summarized that on June 8, 2021, this property was observed to have conducted work within the dune system without obtaining approval and the required permits from the Department of Environmental Protection (DEP) and the City of St. Pete Beach. The work conducted caused irreversible or irreparable damage to the dune system. He reviewed the Case Summary of inspection, violation and noticing dates, with photos of the path through the vegetation. The City is awaiting the DEP's status report and recommended a fine of \$2,500 plus additional costs.

Assistant City Attorney McConnell reviewed Florida Statute §162.09 2(a)1 regarding fines for violations which are irreparable or irreversible in nature, as well as a letter from the Florida DEP. He confirmed the owner's admission with Code Enforcement Officer Marceron. Based upon the severity of the violation, Mr. McConnell recommended a fine of \$250 per day in addition to the \$2,500, until a resolution has been reached between the owner, the DEP and the City, and bring the case back for an update at the next hearing.

No one was present of behalf of the Respondent. The Special Magistrate found that notice was proper, and the property is in violation of FS §162.09 2(a)1 and imposed an initial fine of \$2,500, until a response from the DEP is received and a compliance deadline can be determined; additional fines may be imposed at that time and may be retroactive to the current hearing date.

B. Case No. 20210255 - Permitted principal uses and structures (Sec. 9.2) Short-term Rental - City of St. Pete Beach v. Timothy Pappas, Address: 3111 W Maritana Dr. St. Pete Beach, FL 33706

Mr. Dewar summarized that on June 10, 2021, this property was being advertised online on a transient basis and that is prohibited in the Residential RU-2 District. He reviewed inspection, violation and notice dates with photos, and stated that a previous violation had occurred. Corrective action is that the property must be advertised and rented for a minimum of one month per rental period. The property is now compliant.

Respondent Timothy Pappas appeared for comment. The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

C. Case No. 20210251 – Permitted principal uses and structures (Sec. 8.2) Short-term Rental - City of St. Pete Beach v. Jacek Kawczynski, Address: 5900 2nd St E. St Pete Beach, FL 33706

Mr. Dewar summarized that on June 8, 2021, this property was being advertised online on a transient basis and that is prohibited in the Residential (RU-1) District. He reviewed a case summary with the inspection, violation and noticing dates with photos, as well as corrective action. The property is now compliant.

No one was present for the Respondent. The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

D. Case No. 20210252 – Permitted principal uses and structures (Sec. 8.2) Short-term Rental - City of St. Pete Beach v. 4375 Poinsettia Drive Land Trust Wong, Becky P TRE, Address: 4375 Poinsettia Dr. St. Pete Beach, FL 33706

Mr. Dewar summarized that on June 9, 2021, this property was being advertised online on a transient basis and that is prohibited in the Residential (RU-1) District. A case summary was presented with inspection, violation and noticing dates with photos, as well as corrective action. The property is now compliant.

No one was present for the Respondent. The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

At this time, Mr. Bob Lemm of 103 26th Avenue inquired about Case 20210250, which had already been heard. Mr. McConnell asked that he leave his contact information so that he could be notified prior to the next hearing on the case.

E. Case No. 20210253 – Permitted principal uses and structures (Sec. 9.2) Short-term Rental - City of St. Pete Beach v. Michael & Jamie Kerry, Address: 1326 Boca Ciega Dr. St. Pete Beach, FL 33706

Mr. Dewar summarized that on June 9, 2021, this property was being advertised online on a transient basis and that is prohibited in the Residential (RU-2) District. A case summary was presented with inspection, violation and noticing dates with photos, as well as corrective action. The property is now compliant.

No one was present for the Respondent. The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

F. Case No. 20210254 – Permitted principal uses and structures (Sec. 9.2) Short-term Rental - City of St. Pete Beach v. Vincent A Grybauskas, Address: 260 41st Ave. St. Pete Beach, FL 33706

Mr. Dewar summarized that on June 9, 2021, this property was being advertised online on a transient basis and that is prohibited in the Residential (RU-2) District. A case summary was presented with inspection, violation and noticing dates with photos, as well as corrective action. The property is now compliant with no recommended fine.

Ashley Williams, Property Manager/Partner of the Respondent appeared on his behalf, but had no comments.

G. Case No. 20210256 – Permitted principal uses and structures (Sec. 9.2) Short-term Rental - City of St. Pete Beach v. Zachary & Karen Mariacher Address: 3412 E De Bazan Ave. St. Pete Beach, FL 33706

Mr. Dewar summarized that on June 10, 2021, this property was being advertised online on a transient basis and that is prohibited in the Residential (RU-2) District. A case summary was presented with inspection, violation and noticing dates with photos, as well as corrective action. The property is now compliant.

Respondent Zachary Mariacher appeared to add comments. The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

H. Case No. 20210274- Prohibited uses and structures (Sec. 34.5) Short-term Rental City of St. Pete Beach v. Jennifer Goss, Address: 7100 Blind Pass Rd. St Pete Beach, FL 33706

Mr. Dewar summarized that on June 16, 2021, this property was being advertised online on a transient basis and that is prohibited in the Downtown Core Residential (DCR) District. A case summary was presented with inspection, violation and noticing dates with photos, as well as corrective action. The property is now compliant.

Respondent Jennifer Goss appeared and presented a letter from VRBO regarding her listing; the letter is retained as part of these minutes. The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

I. Case No. 20210275 - Prohibited uses and structures (Sec. 36.4) Short-term Rental - City of St. Pete Beach v. Mario & Jacqueline Perez, Address: 505 66th Ave. Unit #8 St, Pete Beach, FL 33706

Mr. Dewar summarized that on June 17, 2021, this property was being advertised online on a transient basis and that is prohibited in the Upham Beach Village (UBV) District. A case summary was presented with inspection, violation and noticing dates with photos, as well as corrective action. The property is now compliant. An email from the Respondent was shown and will be retained as part of these minutes.

The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

J. Case No. 20210282 – Permitted principal uses and structures (Sec. 9.2) Short-term Rental - City of St. Pete Beach v. S A J Trust Varsha, Alon TRE Address: 1320 Boca Ciega Isle Dr. St. Pete Beach, FL 33706

Mr. Dewar summarized that on June 21, 2021, this property was being advertised online on a transient basis and that is prohibited in the Residential (RU-2) District. A case summary was presented with inspection, violation and noticing dates with photos, as well as corrective action.

No one was present for the Respondent. The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

K. Case No. 20210291 - Prohibited uses and structures (Sec. 36.4) Short-term Rental - City of St. Pete Beach v. Tayler Kane & Kylar Payseno, Address: 505 66th Ave. Unit #2, St Pete Beach, FL 33706

Mr. Dewar summarized that on June 29, 2021, this property was being advertised online on a transient basis and that is prohibited in the Upham Beach Village (UBV) District. A case summary was presented with inspection, violation and noticing dates with photos, as well as corrective action. The property is now compliant with no recommended fine.

No one was present for the Respondent. The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

L. Case No. 20210295 – Permitted principal uses and structures (Sec. 9.2) Short-term Rental - City of St. Pete Beach v. Christine Grady & Stephen Sanders, Address: 509 79th Ave. St. Pete Beach, FL 33706

Mr. Dewar summarized that on June 29, 2021, this property was being advertised online on a transient basis and that is prohibited in the Residential (RU-2) District. A case summary was presented with inspection, violation and noticing dates with photos, as well as corrective action. The property is now compliant with no recommended fine.

No one was present for the Respondent. The Special Magistrate found that notice was proper, and the property was in violation for the dates indicated. No fines will be imposed this time, but future violations would be repeat violations with fines of \$500 per day.

5. **Old Cases** – None.

6. **Repeat Violations**

A. Case No. 20210258 – Permitted principal uses and structures (Sec. 9.2) Short-term Rental - City of St. Pete Beach v. Silvio & Annerys Santana, Address: 3520 El Centro St. St. Pete Beach, FL 33706

Mr. Dewar's presentation showed a violation of Section 9.2 from May 20, 2019, as well as a current case summary with inspection, violation and noticing dates with photos. The City requested the imposition of fines in the amount of \$500.00 per day for nine days plus administrative costs retroactive from June 10, 2021 to June 18, 2021. Mr. McConnell noted that no photos were presented for the two weekend days.

Tristan Cocroft of VTrips, Property Manager for the Respondents, showed a Power of Attorney (which is retained as part of these minutes), to speak on their behalf. She presented documentation from VRBO highlighting the current 30-night minimum stay.

The Special Magistrate found that notice was proper, and the property was in repeat violation for the nine days from June 10 – June 18, 2021 at \$500 per day plus costs.

7. **Lien Reductions** – None.

8. **Next Meeting:** August 9, 2021. There being no further business, the hearing was adjourned at 10:50 AM.

Attest:



Amber LaRowe, City Clerk