

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

November 8, 2021 - 10:00 A.M.

PRESENT

Erica Augello, Special Magistrate
Andrew Dickman, City Attorney
Amber LaRowe, City Clerk
Michelle Gonzalez, Community Development Director
Peyt Dewar, Code Enforcement Manager
Bill Palmer, Building Official
Jordan Hoft, Code Enforcement Officer
Chuck Newman, Code Enforcement Officer

Special Magistrate Augello called the hearing to order and performed the Administration of Oath.

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

3. **Cases Complied or Continued** – None.

4. **New Cases**

A. **Case No. 20210385 – Sec. 12.2. -Permitted principal uses and Structures City of St. Pete Beach v. New Wave Retreat LLC Address: 7885 Boca Ciega Dr, St. Pete Beach, FL 33706**

The City was represented by City Attorney Andrew Dickman and Code Enforcement Officer Chuck Newman. Property Manager Brandon Tecklenburg appeared on behalf of the Respondent.

Special Magistrate Augello found that the Respondent and property were in violation of the cited provision from October 23, 2021, to November 1, 2021, and from October 28, 2021, to October 31, 2021, and assessed a fine of \$250 per day for each day the Respondent was not in compliance, plus all reasonable administrative costs. The Respondent was ordered to immediately cease renting the property for a term less than thirty (30) days. Should Respondent found to be in violation of the same provision, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day.

B. **Case No. 20210517 – Sec. 20.03. -Permitted principal uses and Structures City of St. Pete Beach v. Kourosh Bakhtiarian Address: 2606 Pass-A-Grille Way, St. Pete Beach, FL 33706**

The City was represented by City Attorney Andrew Dickman and Code Enforcement Officer Jordan Hoft. Respondent Kourosh Bakhtiarian appeared on his own behalf. The City presented evidence establishing the property had been rented for a period of less than thirty (30) days more than three times in a 12-month period in violation of the City's Code.

Special Magistrate Augello found that the Respondent and property were in violation of the cited provision. The property is now in compliance and no fines will be assessed. The Respondent was ordered to immediately cease renting the property for a term less than thirty (30) days. Should the

Respondent found to be in violation of the same provision, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day.

C. Case No. 20210523 – Sec. 20.03. -Permitted principal uses and Structures City of St. Pete Beach v. Terrence P Kerr Address: 201 Gulf Way, St. Pete Beach, FL 33706

The City was represented by City Attorney Andrew Dickman and Code Enforcement Officer Jordan Hoft. Respondent Terrence Kerr appeared on his own behalf. The City presented evidence establishing the property had been rented for a period of less than thirty (30) days more than three times in a 12-month period in violation of the City's Code. Special Magistrate Augello found that the Respondent and property were in violation of the cited provision on October 1, 2021, and as of the date of the hearing. The Respondent has until and including November 9, 2021, to come into compliance and must notify the City once compliant. The Respondent will be assessed a fine of \$250 per day beginning October 1, 2021, and each day thereafter until in compliance, plus all reasonable administrative costs. The Respondent was ordered to immediately cease renting the property for a term less than thirty days. Should Respondent found to be in violation of the same provision, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day.

D. Case No. 20210524 – Sec. 20.03. -Permitted principal uses and Structures City of St. Pete Beach v. PAG Cozy Cottage LLC Address: 102 13th Ave, St. Pete Beach, FL 33706

Code Enforcement Officer Jordan Hoft presented the case for the City. Demetrios Thermenos appeared on behalf of the Respondents. Special Magistrate Augello found that the property and Respondents were in violation of the cited City Code but are currently compliant. No fines will be assessed; the Respondent was ordered to immediately cease rentals for less than 30 days. Future violations will be considered repeat violations and may be subject to a fine of up to \$500 per day.

E. Case No. 20210525 – Sec. 20.03. -Permitted principal uses and Structures City of St. Pete Beach v. Hollweg Leslie Address: 103 22nd Ave, St. Pete Beach, FL 33706

The City was represented by City Attorney Andrew Dickman and Code Enforcement Officer Jordan Hoft. Respondent Leslie Hollweg appeared on her own behalf and submitted exhibits of Business Tax Receipts for the property. Community Development Director Michelle Gonzalez and Permit Administrator Joanne Boland provided testimony. Discussion of grandfathering, zoning and documentation followed with the City Attorney. Special Magistrate Augello continued the case until the December 1, 2021 10:00 AM hearing; the Respondent has until then to present the required documentation through the proper channels to the City so they may consider the determination of existing, non-conforming use/grandfathering. If denied, the City will provide written documentation to the Magistrate as evidence.

F. Case No. 20210526 – Sec. 20.03. -Permitted principal uses and Structures City of St. Pete Beach v. Stephen F Smith, Elizabeth U Smith Address: 102 18th Ave, St. Pete Beach, FL 33706

Code Enforcement Officer Jordan Hoft presented the case for the City. Respondents Stephen and Elizabeth Smith appeared on their own behalf. After hearing testimonies, Special Magistrate Augello found the Respondent and property to be in violation of the cited Code. The Respondents

were ordered to meet with the City regarding future reservations already booked and determine a date of compliance. A status check was scheduled for December 1, 2021 at 10:00 AM. No fines were assessed at this hearing. The Respondents were ordered to immediately cease rentals for less than 30 days. Future violations will be considered repeat violations and may be subject to a fine of up to \$500 per day.

G. Case No. 20210528 – Sec. 12.2. -Permitted principal uses and Structures City of St. Pete Beach v. 3503 Gulf Blvd Holdings LLC Address: 3503 Gulf Blvd, St. Pete Beach, FL 33706

Code Enforcement Officer Jordan Hoft presented the case for the City. The Respondent was not present but was properly noticed. Special Magistrate Augello found that the Respondent and property were in violation of the cited City Code beginning on October 8, 2021; the Respondent has until November 9, 2021 to come into compliance. A fine of \$250 per day was assessed beginning October 8, 2021 and each day thereafter until in compliance, plus administrative costs of the City. The Respondent was ordered to immediately cease rentals for less than 30 days. Future violations will be considered repeat violations and may be subject to a fine of up to \$500 per day.

H. Case No. 20210539 – Sec. 20.03. -Permitted principal uses and Structures City of St. Pete Beach v. Damon Bowers, Tammy L Bowers Address: 109 4th Ave, St. Pete Beach, FL 33706

Code Enforcement Officer Jordan Hoft presented the case for the City. The Respondents were not present but had submitted a letter stating their position. Special Magistrate Augello found the property and Respondents were in violation of the cited City Code but became compliant on November 2, 2021. No fines will be assessed; the Respondent was ordered to immediately cease rentals for less than 30 days. Future violations will be considered repeat violations and may be subject to a fine of up to \$500 per day.

5. **Old Cases** – None.

6. **Repeat Violations** – None.

7. **Lien Reductions** – None.

8. **Next Meeting:** December 1, 2021. There being no further business, the hearing was adjourned at 11:52 AM.

Attest:



Amber LaRowe, City Clerk