

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

February 14, 2022 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Michelle Gonzalez, Community Development Director
Peyt Dewar, Code Enforcement Manager
Jordan Hoft, Code Enforcement Officer
Jeremy Cottrell, Code Enforcement Officer

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

2. Changes to the Agenda – Code Enforcement Manager Peyt Dewar stated that Case 20210551 for 110 3rd Avenue has been continued.

3. Cases Complied or Continued – None.

4. New Cases

Code Enforcement Manager Peyt Dewar stated that the evidence for all of the cases presented today comes from VRBO and Airbnb.

A. Case No. 20220009 – Sec. 36.4. - Prohibited uses and Structures City of St. Pete Beach v. Rima Realty Florida Trust Knasas, Rima Tre Address: 520 71st Ave, St Pete Beach, FL 33706

Code Enforcement Officer Jeremy Cottrell presented the case for the City which included proper noticing and evidence of violations. The property is now compliant and showing a 30-night minimum stay.

Respondent Rima Knasas appeared and spoke on her own behalf.

Special Magistrate Augello found that the Respondent was in violation of City Codes and is now compliant. Administrative costs will be assessed. Repeat violations of the same Code within five years may be fined up to \$500 per day.

B. Case No. 20210649 – Sec. 36.4. - Prohibited uses and Structures City of St. Pete Beach v. Gatto, Holly Gatto, Nicolaus Anthony Address: 505 66th Ave # 12, St Pete Beach, FL 33706

Code Enforcement Officer Jordan Hoft presented the case for the City which included proper noticing and evidence of violations. The property is now compliant. No one spoke on behalf of the Respondent.

The Special Magistrate found that the property owner was in violation but is now compliant; any advertisements may be for no less than 30 days. Administrative costs will be assessed; repeat violations of the same Code within five years may be fined up to \$500 per day.

C. Case No. 20210654 – Sec. 20.03. - Permitted principal uses and Structures City of St. Pete Beach v. Pineapple House @ PAG LLC Address: 105 21st Ave, St Pete Beach, FL 33706

Code Enforcement Officer Jordan Hoft presented the case for the City which included proper noticing and evidence of violations. Immediate compliance was recommended.

Property Manager Vivian Hearld appeared and asked for additional time to obtain power of attorney to appear for Respondent. Noticing requirements and grandfathering were discussed.

The Special Magistrate allowed for a continuance to March 14, 2022; the property must come into compliance immediately.

D. Case No. 20210551 – Sec. 20.03. - Permitted principal uses and Structures City of St. Pete Beach v. Walker, Lynda K Address: 110 3rd Ave, St Pete Beach, FL 33706

This case was continued during changes to the agenda.

E. Case No. 20210617 – Sec. 20.03. - Permitted principle uses and Structures City of St. Pete Beach v. Parsons, Mickey Address: 102 20th Ave, St Pete Beach, FL 33706

Code Enforcement Officer Jeremy Cottrell presented the case for the City which included proper noticing and evidence of violations. The property is now compliant.

Respondent Mickey Parson appeared and spoke on his own behalf.

The Special Magistrate found that the property owner was in violation but is now compliant; administrative costs will be assessed. Repeat violations of the same Code within five years may be fined up to \$500 per day.

F. Case No. 20220046 – Sec. 20.03 - Permitted principle uses and Structures City of St. Pete Beach v. Starkus, Svajunas Address: 101 11th Ave, St Pete Beach, FL 33706

Mr. Dewar referred to Florida Statute 162.04 regarding repeat violations. The Respondent was in violation previously at another address - 1104 Pass-a-Grille Way.

Code Enforcement Officer Jeremy Cottrell presented the case for the City which included proper noticing and evidence of violations. The property is now compliant but repeat violation fines and administrative costs were recommended.

Respondent Svajunas Starkus appeared and spoke on his own behalf.

The Special Magistrate found that the property was in violation of the cited City Code and assessed a fine of \$500 per day from the date of violation 1/24/22 to the compliance date of 2/04/22 plus administrative costs. Any other properties in violation within the City will be subject to fines.

G. Case No. 20210611 – Sec. 20.03 - Permitted principle uses and Structures City of St. Pete Beach v. Engels, Cheryl A Address: 603 Gulf Way, St Pete Beach, FL 33706

Code Enforcement Officer Jeremy Cottrell presented the case for the City which included proper noticing and evidence of violations. The property is now compliant.

Attorney John Hamilton appeared on behalf of Respondent Cheryl Engels and testified that the property is grandfathered in to allow the rentals, but additional time is needed to gather evidence.

Special Magistrate Augello granted a one-month continuance to work administratively with the City on the grandfathering process; if the case is resolved, it will not be on docket for next month.

H. Case No. 20220036 – Sec. 9.2 - Permitted principle uses and Structures City of St. Pete Beach v. Potter-Martino, Kristina Address: 3401 DeBazan, St Pete Beach, FL 33706

Code Enforcement Officer Jeremy Cottrell presented the case for the City which included proper noticing and evidence of violations. The property is now compliant. Community Development Director Michelle Gonzalez testified that the property has claimed a homestead exemption for 2022 and every year except two since 1996.

Vivian Hearld appeared on behalf of the Respondent and spoke regarding rental advertisements, and violation notices, and testified that she had emailed corresponding documentation to Code Enforcement. City Attorney Dickman requested a continuance for time to review those materials.

Special Magistrate Augello continued the case to March 14, 2022, unless resolved before then.

I. Case No. 20220056 – Sec. 12.2 - Permitted principle uses and Structures City of St. Pete Beach v. Tuchol, Mary Ann Address: 7815 Boca Ciega Dr. St Pete Beach, FL 33706

Code Enforcement Officer Jeremy Cottrell presented the case for the City which included proper noticing and evidence of violations. The property is still in violation; the City recommended immediate compliance.

Respondent Mary Ann Tuchol appeared and spoke on her own behalf, testifying that she has taken down the listings and the property is compliant. Her neighbor Carrie Ruckdeschel appeared and added comments.

Special Magistrate Augello continued the case to March 14, 2022, for the Respondent to explore the administrative grandfathering process; if the criteria are not met, the case will return and fines on advertising can be considered at that time.

J. Case No. 20220059 – Sec. 12.2 - Permitted principle uses and Structures City of St. Pete Beach v. Capps, Mathew Capps, Shelby Address: 9050 Blind Pass Rd #8, St Pete Beach, FL 33706

The Special Magistrate continued this case to March 14, 2022.

5. **Old Cases** – None.
6. **Repeat Violation**

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

Mr. Dewar referred to Florida Statute 162.06(3) regarding repeat violations. He testified that the same property was in violation of the same Code previously and presented that order from 11/8/21.

Attorney John Brunson appeared on behalf of the Respondent regarding advertising. City Attorney Dickman referred to City Land Development Code Sec. 2.1 definition of transient occupancy. The Special Magistrate found the Respondent's advertising argument to be meritless.

Respondent Kourosh Bakhtiarian appeared and spoke on his own behalf maintaining that rentals advertised under 30 days were part of an Airbnb error.

The Special Magistrate found that the Respondent was in repeat violation of the cited City Code from 12/21/21 to 1/28/22 and assessed fines \$250/day plus administrative costs. Future violations of the same Code will be fined at \$500 per day.

7. **Imposition of Fines** – None.

8. **Lien Reductions** – None.

9. **Next Meeting:** March 14, 2022.

Prior to adjournment, Mr. Dewar requested that the Special Magistrate add language to all orders requesting that property owners notify Code Enforcement when their property is compliant.

10. There being no further business, the hearing was adjourned at 11:52 AM.

Attest:



Amber LaRowe, City Clerk