# SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
# CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, October 10, 2022
10:00 AM

Call to Order
Pledge of Allegiance

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## CASE DOCKET

1. Administration of Oath
2. Changes to the Agenda -
3. Cases Complied or Continued

**A. Case No. 20220267**
**City of St. Pete Beach v. Curtis, Genevieve W.**
**Address: 3307 E. De Bazan Ave St. Pete Beach FL 33706**

**Sec. 46-33. - Enumeration.** The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:
3. Any condition which provides harborage for rats, mice, snakes and other vermin.

**Sec. 98-65. - Unsightly conditions.** The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:
(1) Structures that are:
b. Left in a state of disrepair
(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.
(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

**Sec. 98-66. - Residential and commercial property maintenance.** (a) All premises shall be maintained in compliance with the standards in this section.
*(11) Roofs*. Roofs shall be maintained in a structurally sound and safe manner. Roofs shall be repaired using like materials to existing materials. *(22) Trees*. Trees shall be maintained or removed as follows:
a. *Hazardous trees*. Dead, dying, damaged or diseased trees are prohibited. A finding by a registered forester or certified arborist employed by the city that a tree is in danger of falling upon an adjacent lot or street due to death, disease or damage, including damage caused by weather conditions, is prima facie evidence of a violation of this section.
*b. Prohibited conditions*. The following conditions are prohibited:
2. Grass, weeds, shrubs, bushes, trees or vegetation which constitute a fire hazard or a menace to public health, safety or welfare.

## 4. New Cases

**A. Case No. 20220554**
**City of St. Pete Beach v. Beyer, Bruce R, Scharchburg, Martha A**
**Address: 1001 Gulf Way St. Pete Beach FL 33706**
**Sec. 20.03. - Permitted principal uses and structures.**
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the PAG Overlay District are as follows:
(a) All uses permitted in the underlying zoning district; and
(b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than thirty (30) days does not occur more than three times in any 12-month period on any parcel.

**B. Case No. 20220556**
**City of St. Pete Beach v. Lambing, Edward Tre, Lambing, Barbara Tre, Lambing Family Trust**
**Address: 465 64th Ave, St. Pete Beach, Fl 337706**
**Sec. 8.2. - Permitted principal uses and structures.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-1 Residential District are as follows:
(a) *Residential dwellings*—Detached single-family only. Such dwellings shall not be used for transient occupancy.

**C. Case No. 20220543**
**City of St. Pete Beach v. Lingurovski, Vasko & Jennifer**
**Address: 280 46th Ave, St. Pete Beach, Fl 33706**
**Sec. 9.2. - Permitted principal uses and structures.**
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-2 Residential District are as follows:

(a) Residential dwellings—Detached single-family only. Such dwellings shall not be used for transient occupancy.

**D. Case No. 20220555**
**City of St. Pete Beach v. Fabelo, Edward & Martha**
**3333 W. Maritana Dr, St. Pete Beach, Fl 33706**
**Sec. 9.2. - Permitted principal uses and structures.**
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-2 Residential District are as follows:

(a) Residential dwellings—Detached single-family only. Such dwellings shall not be used for transient occupancy.

## 5. Old Cases

**A. Case No. 20220527**

**St. Pete Beach v. Ingrid Anchinges**
**Address: 3505 Gulf Blvd South St. Pete Beach FL 33706**
Status update as ordered on September 12, 2022 by Special Magistrate.

6. Repeat Violation
7. Lien Reductions
8. Next Meeting:
9. Adjournment

**APPEAL: Florida Statutes Chapter 286.0105 Notices of meetings and hearings must advise that a record is required to appeal**. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped.** In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

**CODE OF ORDINANCES, SECTION 1-15: Award of attorney's fees and other costs**. In all instances where a lawsuit is instituted or defended on behalf of the city to enforce any provision of the Code of Ordinances, to collect fees, liens, assessments or fines, or otherwise secure compliance with any provision of the Code of Ordinances, the city shall be entitled to recover all costs incurred, including reasonable attorney's fees and court costs through the trial and appellate levels. This section shall apply to all instances where the city is required to defend an appeal from any order, notice or determination by the city or its officials.

**For meetings that require materials to be submitted, the deadline to submit materials to the City is a minimum of 24 business hours in advance of the meeting. Materials including electronic media are to be submitted to cityclerk@stpetebeach.org. The Clerk's Office will then scan the agenda packet with the new documents and repost on the website for transparency purposes.**

**All agenda material is available for review at City Hall.**

# SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
# CITY OF ST. PETE BEACH

## Agenda Report

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|---|---|
| **Issue Considered:** | **Case No. 20220267**<br>**City of St. Pete Beach v. Curtis, Genevieve W.**<br>**Address: 3307 E. De Bazan Ave St. Pete Beach FL 33706** |
| **Date:** | October 10, 2022 |
| **Prepared By:** | Charles Newman, Code Enforcement and Parking Officer |
| **Through:** | Peyt Dewar, Code Enforcement Manager<br>Michelle Gonzalez, Community Development Director |
| **Summary of Issue:** | The case is continued to October 11, 2022 at 10 a.m. for status and a decision on the imposition of a fine and administrative cost. |
| **Funding:** | N/A |
| **Requested Motion:** | N/A |
| **Attachments:** | 1. Curtis Order |

**CODE ENFORCEMENT SPECIAL MAGISTRATE**
**CITY OF ST. PETE BEACH**

**CITY OF ST. PETE BEACH,**

**Petitioner,**

**v.**

**CASE NO.: 20220267**
**ADDRESS: 3307 E. De BAZAN AVENUE**
**ST. PETE BEACH, FL 33706**

**GENEVIEVE W. CURTIS,**

**Respondent.**

**ORDER AFFIRMING PREVIOUS ORDER FINDING CODE VIOLATIONS AND RESERVING ANY DECISION ON A FINE AND COSTS**

This case comes before the Special Magistrate on September 12, 2022, after having been continued from a hearing held on August 8, 2022, and after hearing additional testimony and receiving additional evidence, the Special Magistrate issues the following findings of fact and order:

1. The City was represented by Assistant City Attorney Matthew McConnell, Community Development Director Michelle Gonzalez, Code Enforcement Manager Peyt Dewar, and Code Enforcement Officer Chuck Newman.

2. The Respondent did not appear at the hearing, but her sons, Robert Curtis and Barry Curtis, appeared in person and on their mother's behalf. Mr. Robert Curtis submitted a special power of attorney that indicated that Robert and Barry Curtis had authorization to represent the interests of their mother in this code enforcement case. At the hearing on August 8, 2022, Barry Curtis had indicated that his mother was unable to attend the hearing due to her health condition. Barry Curtis stated that his mother has owned the house since 1969, but she was not currently occupying the house. Robert Curtis confirmed the facts regarding their mother's health condition and ownership of the property at the hearing on September 12th.

3. The Special Magistrate's order entered on August 10, 2022, following the August 8th hearing ordered the following:

> *The Respondent is ordered to have the tree removed by September 11, 2022. The roof is found to be in violation of the City Code and that it needs to be repaired. A decision on the deadline for repairing the roof is being deferred until a future hearing date.*

4. Mr. Newman testified that as of the morning of September 12, 2022, the tree had not been removed yet, and roof remained in the same condition as he testified to and was depicted in photographs on August 8th. Mr. Newman's testified at the hearing on August 8th that the roof was in a substandard condition, and rainwater was leaking into the structure through the roof. Part of the roof has been covered with a tarp and bags for an extensive period of time. Mr. Newman also displayed photographs of a large tree that was overgrown and was hanging on or very near the roof, and the photographs showed that the tree branches were hanging over a fence on the property line over the adjacent owner's property.

5. Robert Curtis sought to provide additional testimony regarding the roof and the tree.

6. Even though Mr. Curtis did not request that the hearing be reopened for additional testimony and that the Special Magistrate reconsider his August 8th order, the Special Magistrate treated Mr. Curtis' offer of additional evidence as a motion to reconsider the August 8th order, and the Special Magistrate permitted Mr. Curtis to present additional testimony and evidence.

7. Mr. Curtis presented written evidence of two contracts between The Roofing Company and his mother for the repair of the roof and repair of the soffit. The contracts were dated August 5, 2022. Mr. Curtis testified that the contractor was scheduled to be at the house later during the week of September 12th to do the repair work.

8. Mr. Curtis presented a proposal from Royal Tree and Lawn Services to remove the subject tree and grind the stump for a total of $7,800. The proposal was dated September 7, 2022. Mr. Curtis testified that he was waiting for another proposal to remove the tree.

9. Mr. Curtis acknowledged that the roof repair work will be done.

10. Mr. Curtis testified that he had a degree in botany from the 1990's and had a nursery license in the 1990's and had done extensive research on the subject tree. He testified that the species of the tree was misidentified at the August 8th hearing and that the tree had cultural and spiritual significance because of the nature of its species and the fact that the tree had a historical basis in Buddhism. Mr. Curtis testified that the tree was not posing a threat to the neighbor's fence, property, or foundation. Mr. Curtis presented testimony that the tree should be saved and if anything, it could be trimmed. Mr. Curtis presented photographs in effort to support his presentation.

11. Mr. Curtis also contested the clarity of the City's notice of violation and that the City staff had not provided clear direction on what needed to be done with the tree. Mr. Curtis also contended that the tree did not pose a threat to the adjacent property owner, nor was the tree diseased or dead or in a condition that necessitated removal. Mr. Curtis related a conversation he had with an expert in trees from the University of Florida location in Pinellas County. Mr. Curtis also presented two samples of cuttings from the subject tree and the tree that it was portrayed as at the August 8th hearing as evidence that the tree had been misidentified at the August 8th hearing.

12. The subject tree is 30 years old and has reached a height of 35 to 50 feet. Mr. Curtis testified that there had been some trimming of the tree in the past and presented photographs showing where some cuts had been made.

13. Mr. Curtis portrayed the matter as a civil dispute with the neighbors and that he was willing to work with the neighbors in addressing the tree.

14. The City staff reaffirmed its previous position that the roof needed to be repaired and that the tree created a public nuisance and needed to be removed in its entirety.

**BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Respondent's tree is found again to be in violation of Section 98-66(b) of the City Code which provides:

   **Sec. 98-66. - Residential and commercial property maintenance.**

   *b. Prohibited conditions.* The following conditions are prohibited:

   2. Grass, weeds, shrubs, bushes, trees or vegetation which constitute a fire hazard or a menace to public health, safety or welfare.

   The Special Magistrate finds that the subject tree is a menace to public health and safety because of its size, location, the damage that it is causing to the Respondent's house, and the threat it poses to the adjacent property owners with limbs that hang over the neighbor's fence for a substantial distance and the droppings that emanate from the tree and land on the neighbor's property. The finding is also predicated on the appearance that the tree has been neglected for a substantial period of time, and the Respondent did not make reasonable efforts to prune the tree or maintain it in a condition so as not to pose a threat to the Respondent's property or the neighbor's property.

2. The Respondent is ordered to have the roof repaired and the tree removed by October 10, 2022, by 8:00 a.m.

3. Mr. and Mrs. Stuckey, the adjacent property owners, indicated at the August 8th hearing that they would cooperate with the Respondent in providing access to the Respondent's property through the Stuckey's driveway provided that they are assured that the contractor takes precautions to protect their property and not damage it.

4. The Special Magistrate has reserved any decision on the imposition of a fine and administrative costs until the hearing on October 10, 2022.

5. The case is continued to **October 10, 2022, at 10:00 a.m.** for status and a decision on the imposition of a fine and administrative costs.

6. The time for appealing the Special Magistrate's decision is stayed until the case is heard on October 10, 2022, and a final order is entered in the case.

Order entered on September 18, 2022.

Thomas A. Thanas

**Thomas A. Thanas**
**Special Magistrate**

**A copy of this Order was emailed to the Respondent's authorized agents, Barry Curtis, bacur2004@yahoo.com and Robert Curtis at SPB@myfastmail.com on September 18, 2022.**

**A copy of the Order was also emailed to Mr. and Mrs. Stuckey at wstuckey@verizon.net on September 18, 2022.**

# SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
# CITY OF ST. PETE BEACH

## Agenda Report

**Issue Considered:** **Case No. 20220554**
**City of St. Pete Beach v. Beyer, Bruce R, Scharchburg, Martha A**
**Address: 1001 Gulf Way St. Pete Beach FL 33706**

**Date:** October 10, 2022

**Prepared By:** Patrick Hawk, Code Enforcement Officer

**Through:** Peyt Dewar, Code Enforcement Manager
Michelle Gonzalez, Community Development Director

**Summary of Issue:** **Sec. 20.03. - Permitted principal uses and structures.**
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the PAG Overlay District are as follows:
(a) All uses permitted in the underlying zoning district; and
(b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than thirty (30) days does not occur more than three times in any 12-month period on any parcel.

The above property address is in violation of advertising a short term rental of less than a month for more than 3 times in a 12 month period.

**Funding:** N/A

**Requested Motion:** N/A

**Attachments:**
1. Notice of Violation
2. Evidence - CE20220554
3. Affidavit of Posting
4. Notice of Hearing

St. Pete Beach
The Sunset Capital of Florida

155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

## NOTICE OF VIOLATION

08/30/2022

BEYER, BRUCE R SCHARCHBURG, MARTHA A
50065 JOY RD
CANTON MI 48187-1156

RE: Case Number 20220554
Violation Address: 1001 GULF WAY
Parcel ID#: 19321658932004017O

Dear Property Owner:

The above property address is in violation of advertising a short term rental of less than a month for more than 3 times in a 12 month period.

**Sec. 20.03 Permitted principal uses and structures**

Sec. 20.03. - Permitted principal uses and structures.
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the PAG Overlay District are as follows:

(a) All uses permitted in the underlying zoning district; and
(b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than thirty (30) days does not occur more than three times in any 12-month period on any parcel.

These violation(s) must be corrected **09/03/2022.** If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to $250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

P. Hawk

Patrick Hawk
Code Enforcement Officer

# CE20220554

- **Respondent(s): Bruce R Beyer, Martha A Scharchburg**
- **Violation address: 1001 Gulf Way**
- **Violation(s) description: The property is being advertised as transient occupancy in the PAG Overlay zoning district, in violation of section 20.03 of the Land Development Code of the City of St. Pete Beach**

# CE20220554

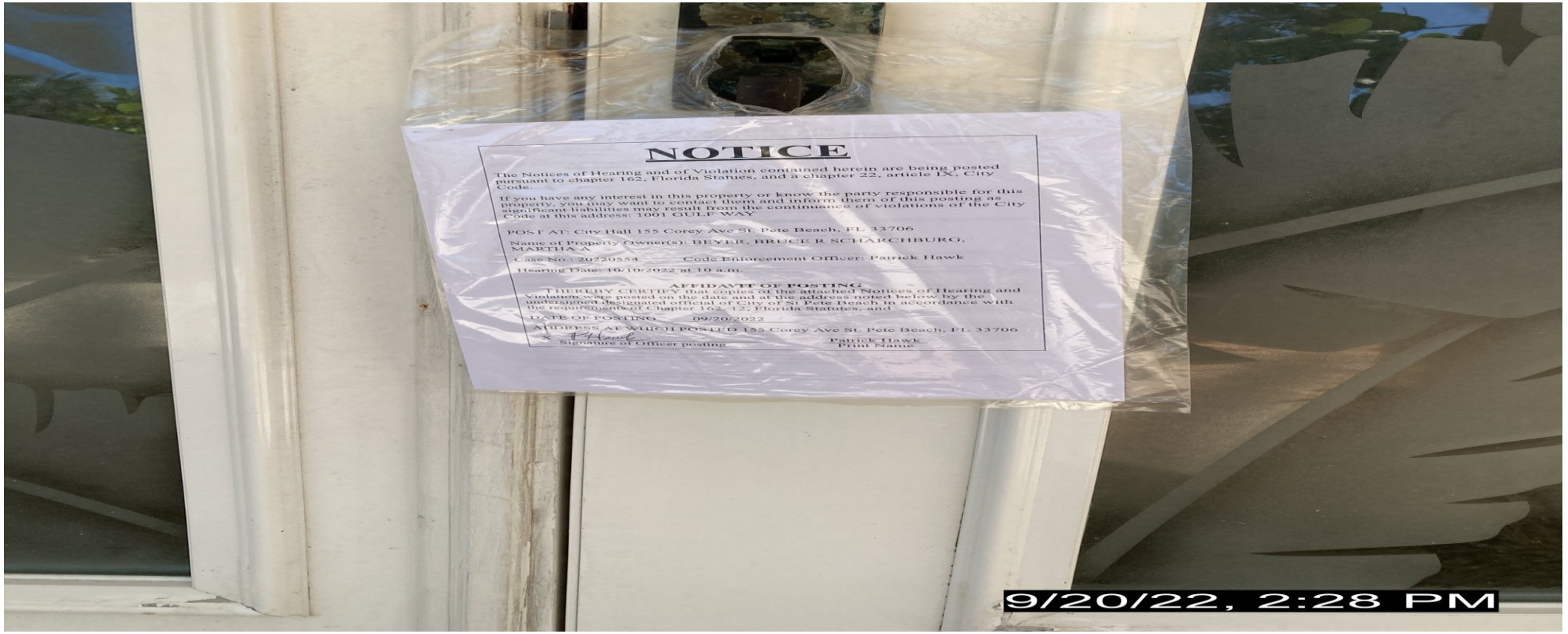
# Case Summary

- **Initial inspection: 08/29/2022**
- **Notice of Violation dated: 08/30/2022**
- **Notices of Hearing dated and posted on the property: 09/20/2022**

# CE20220554
# Affidavit of Posting

# 1001 Gulf Way

# CE20220554
# Affidavit of Posting




# 1001 Gulf Way

# CE20220554

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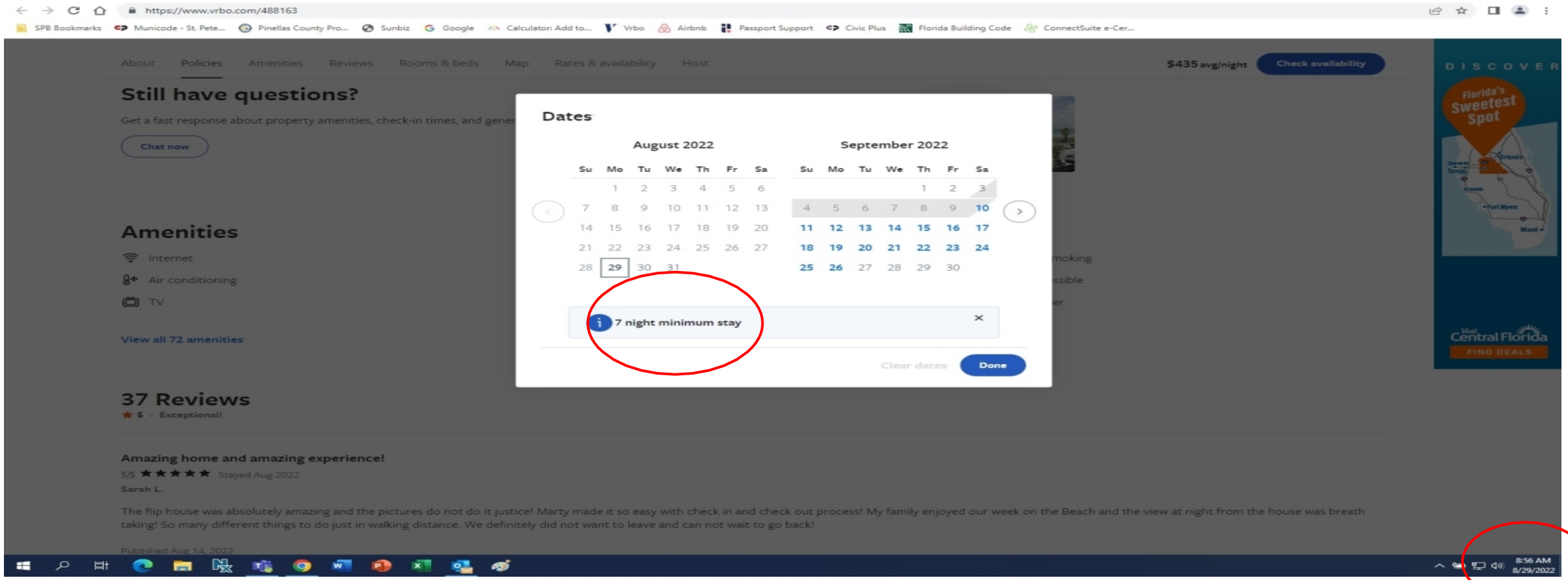
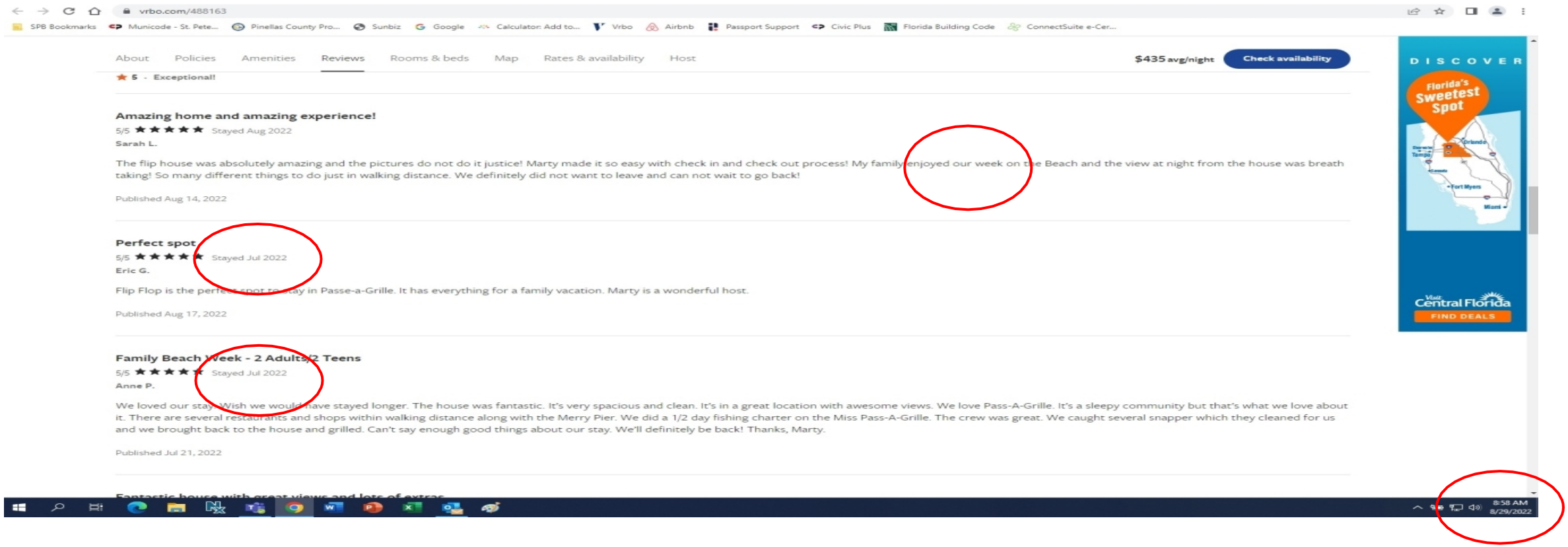
# CE20220554




# 1001 Gulf Way

# CE20220554
# Reviews

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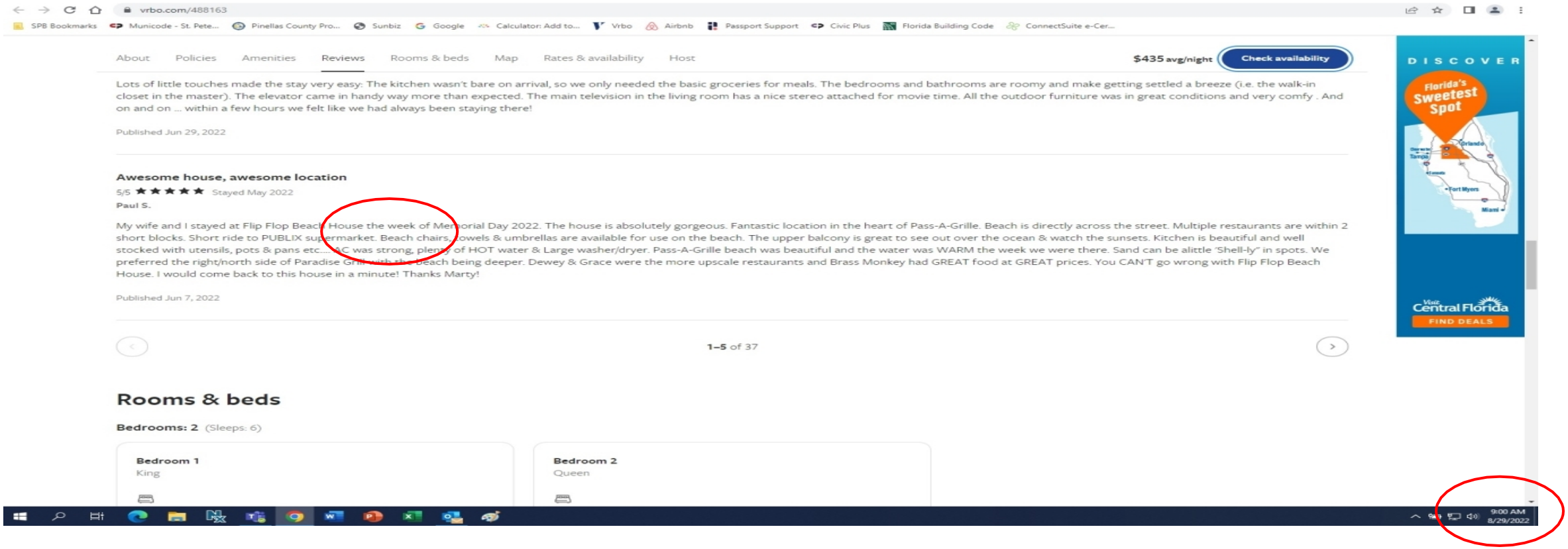
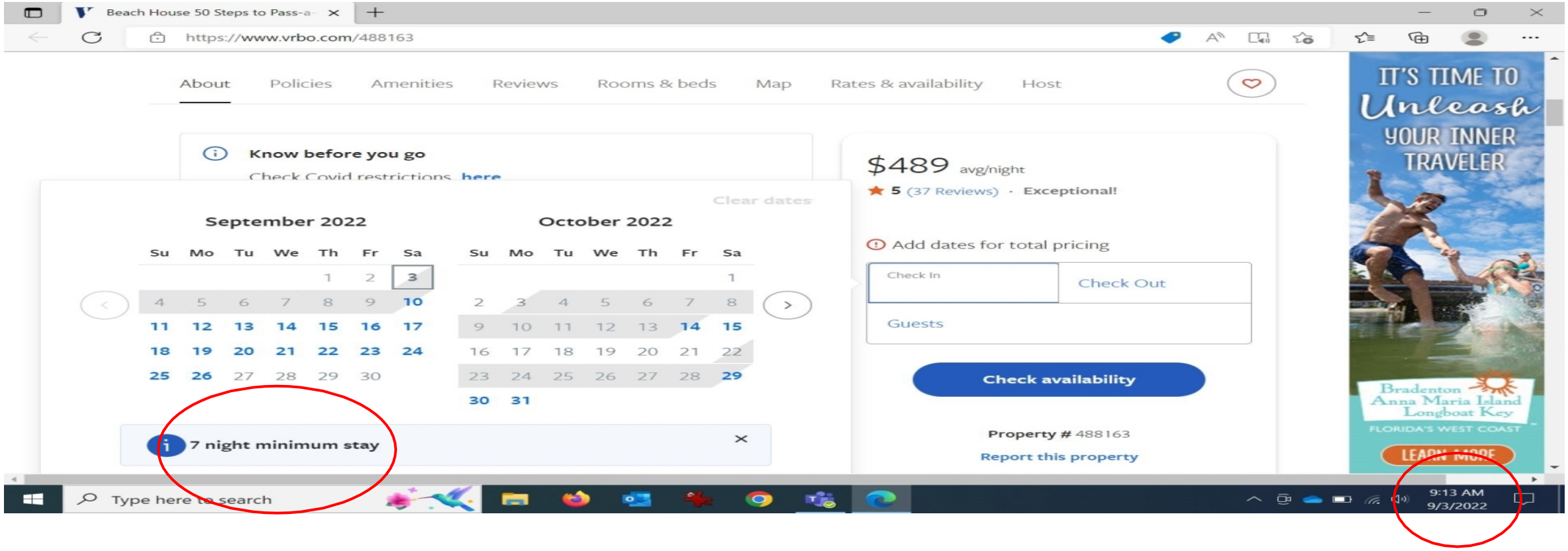



# 1001 Gulf Way

# CE20220554
# Online Ad

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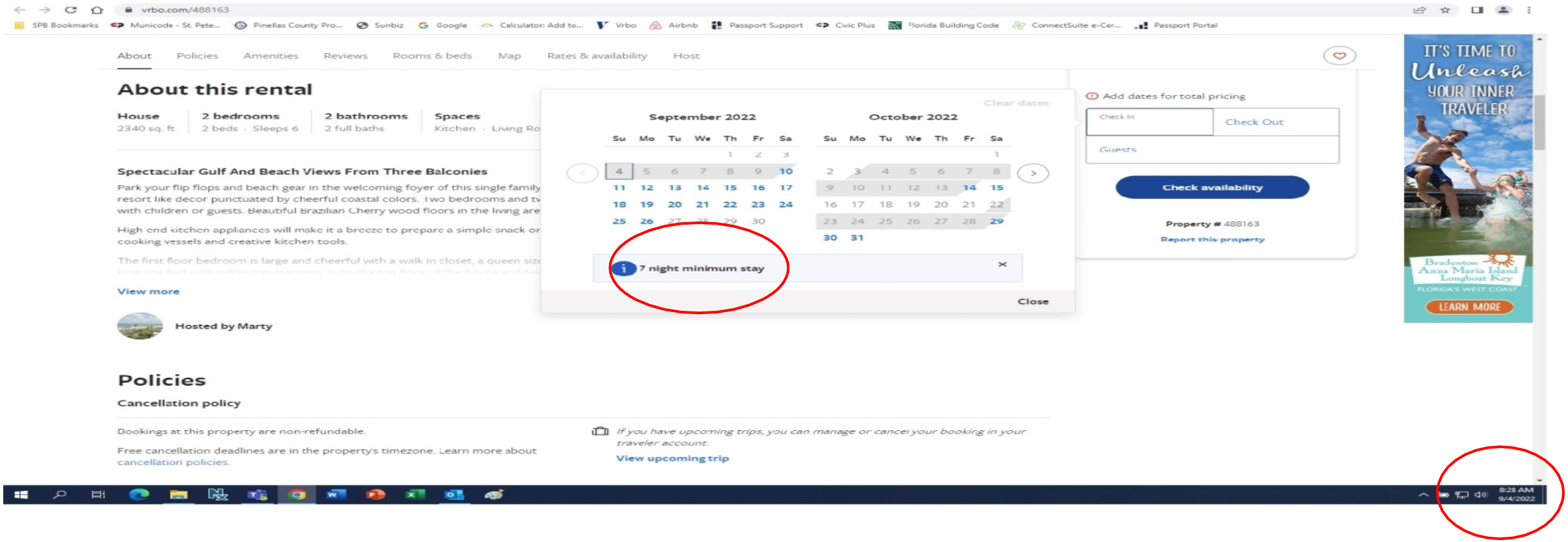


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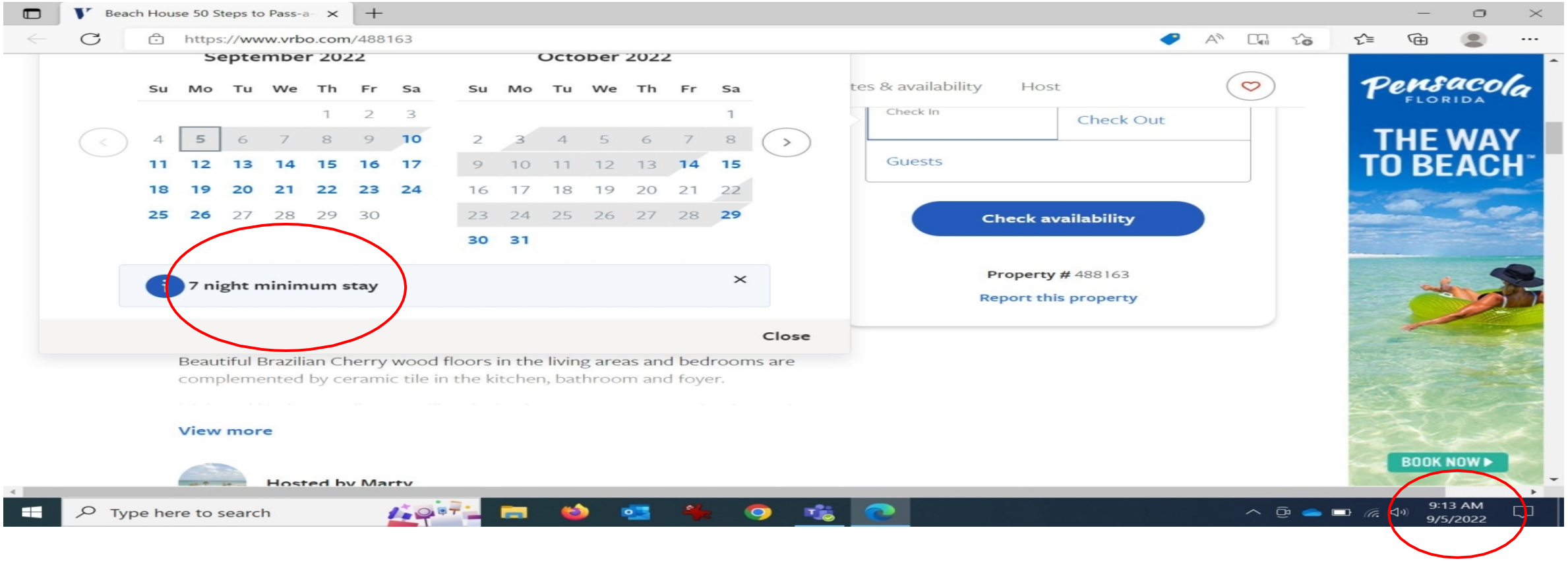


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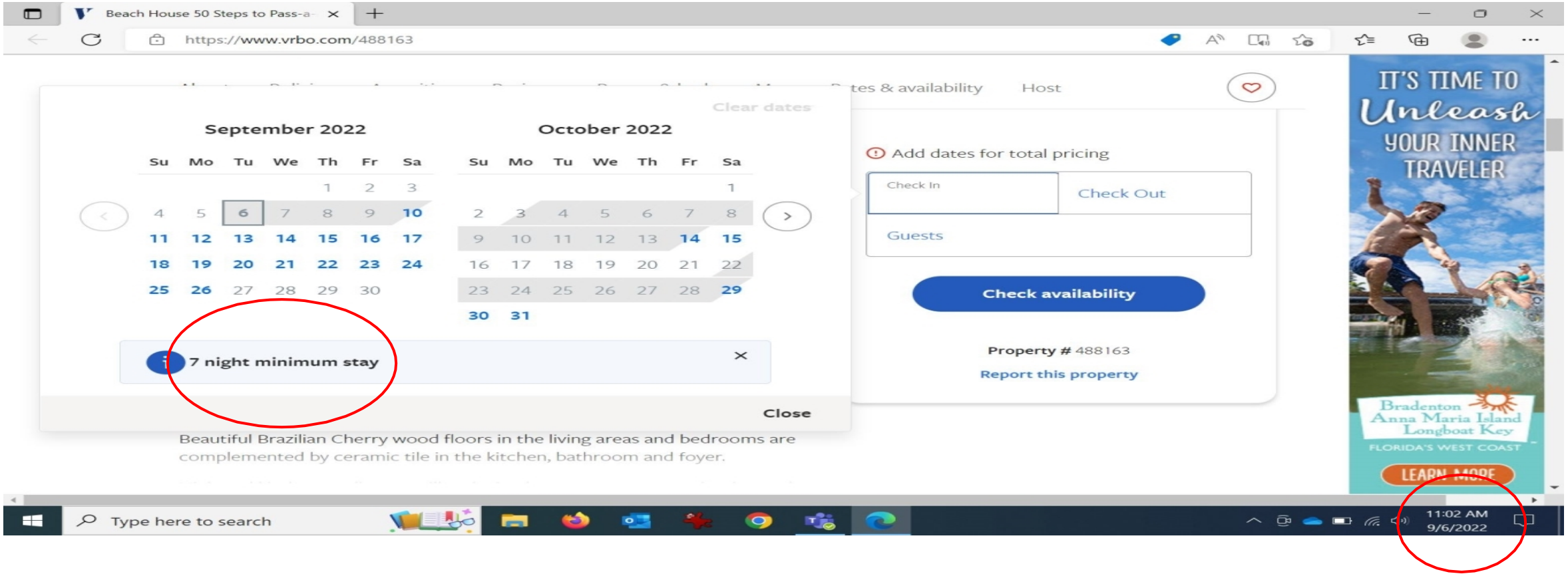


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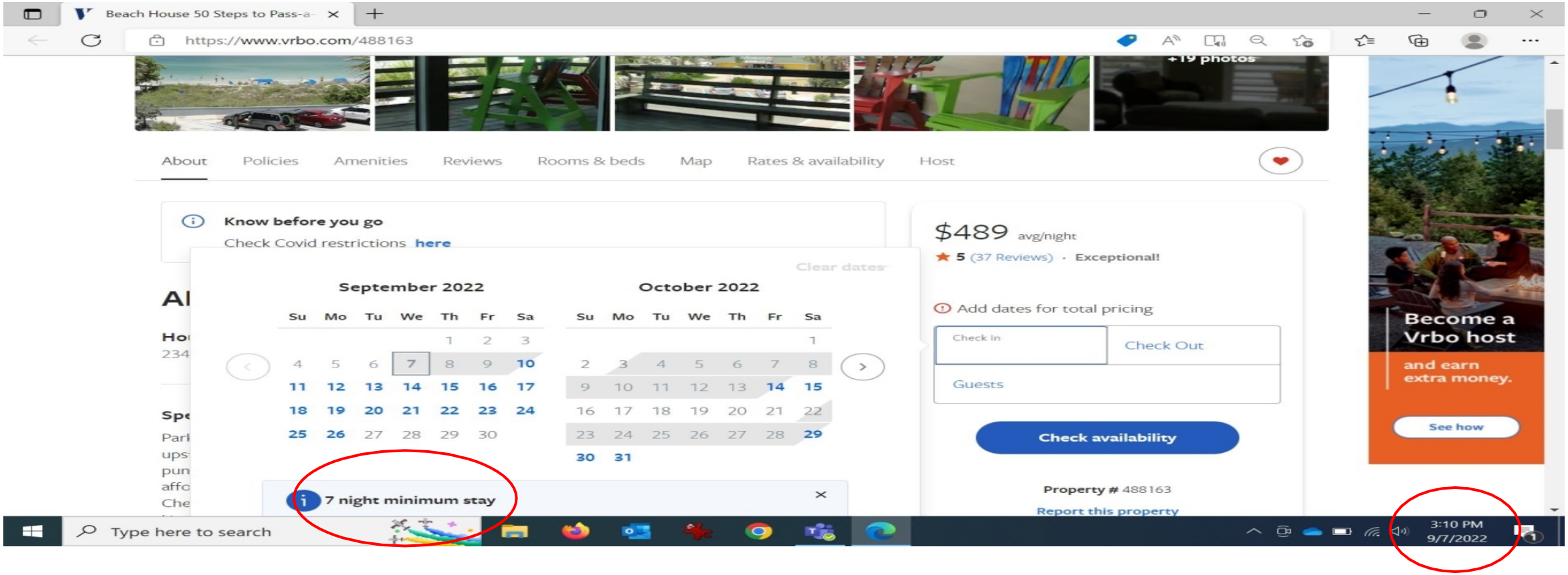


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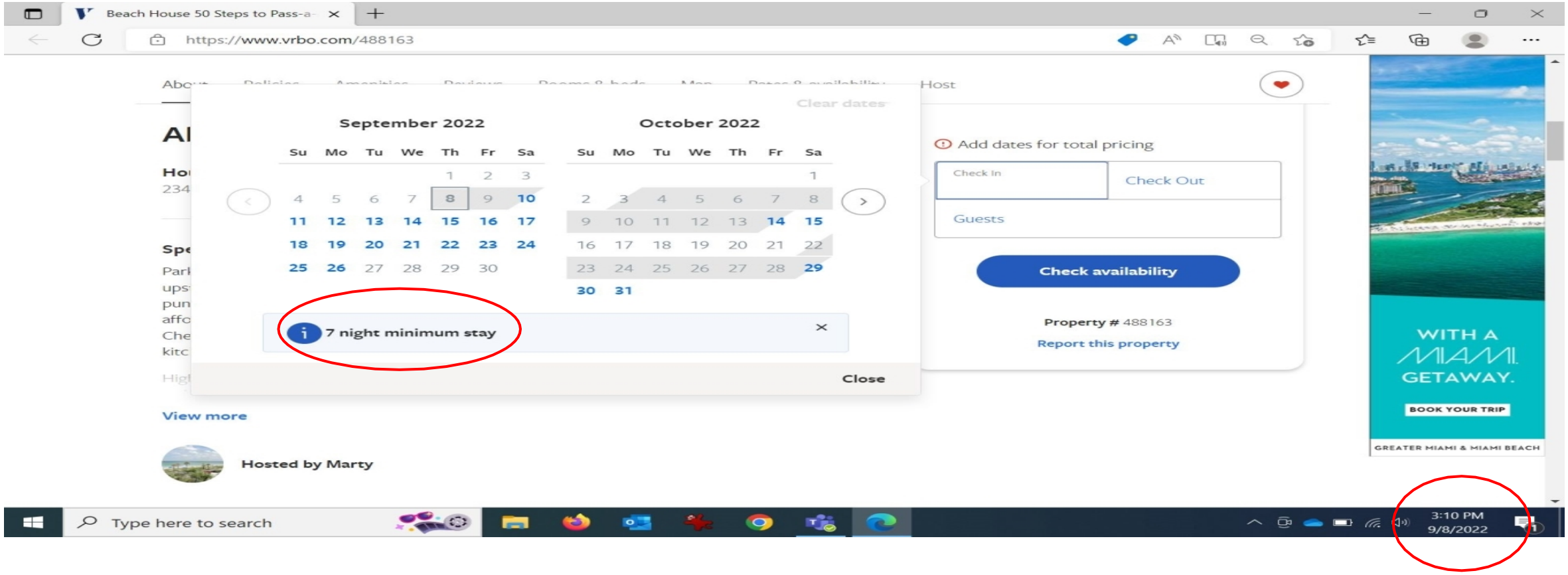


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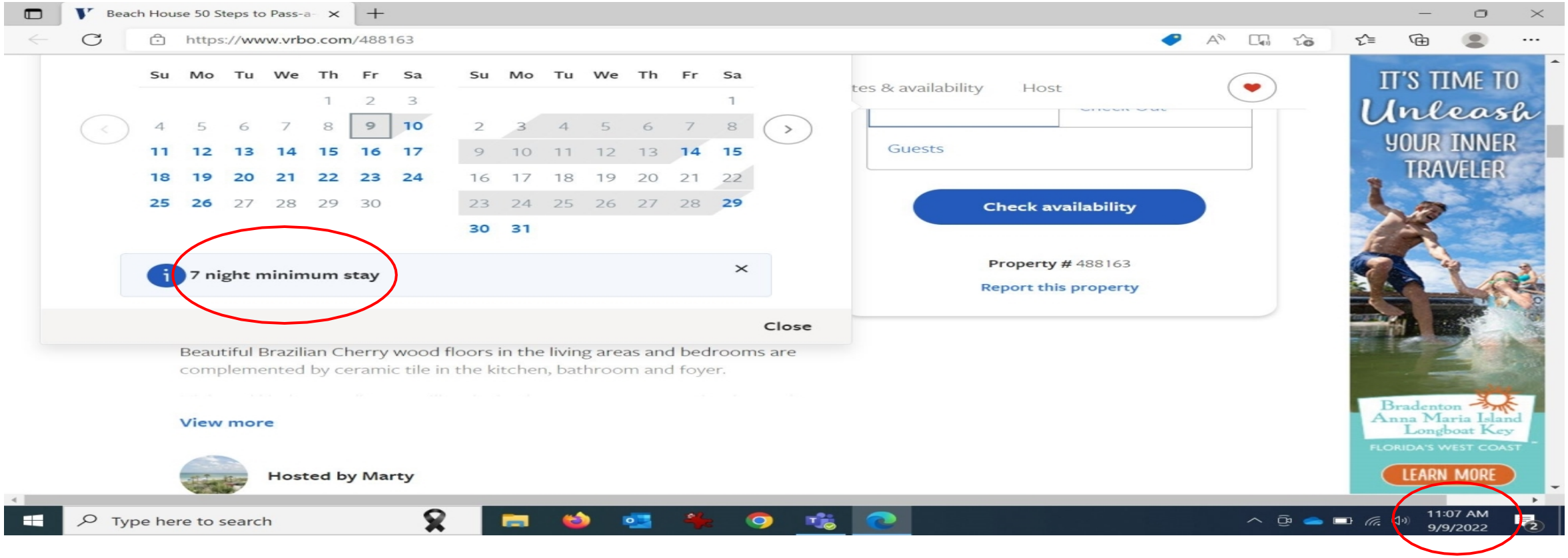


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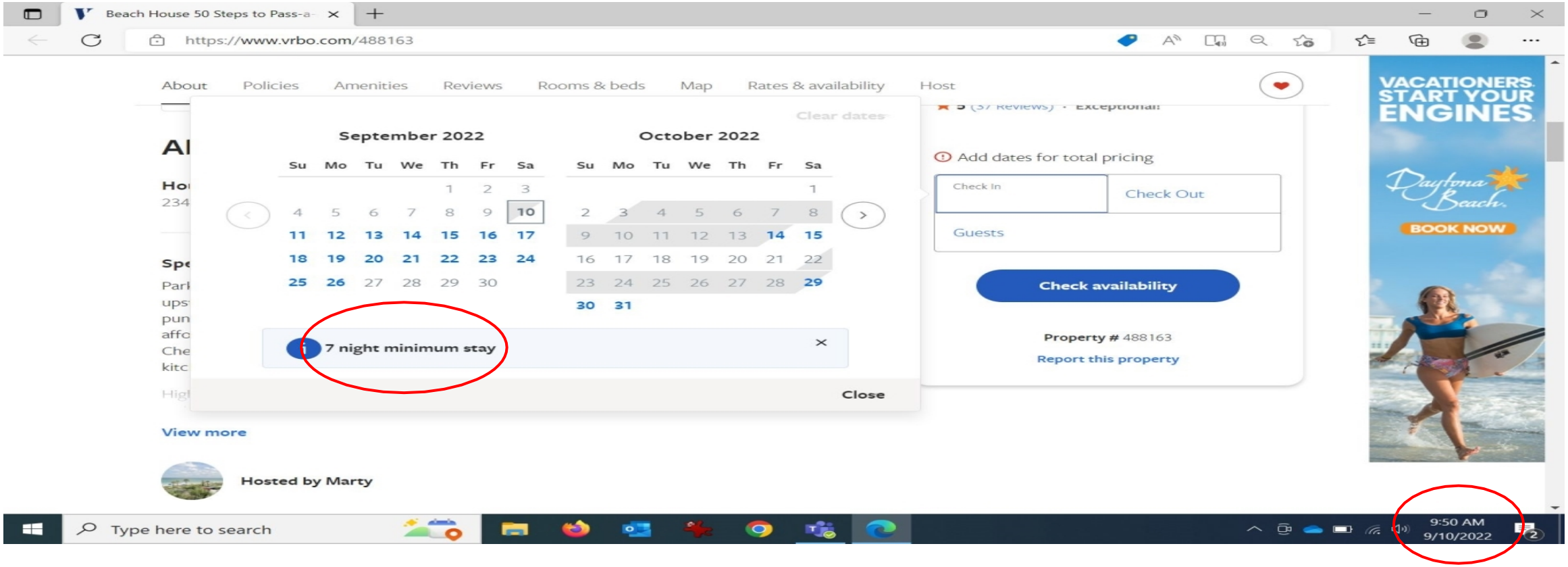


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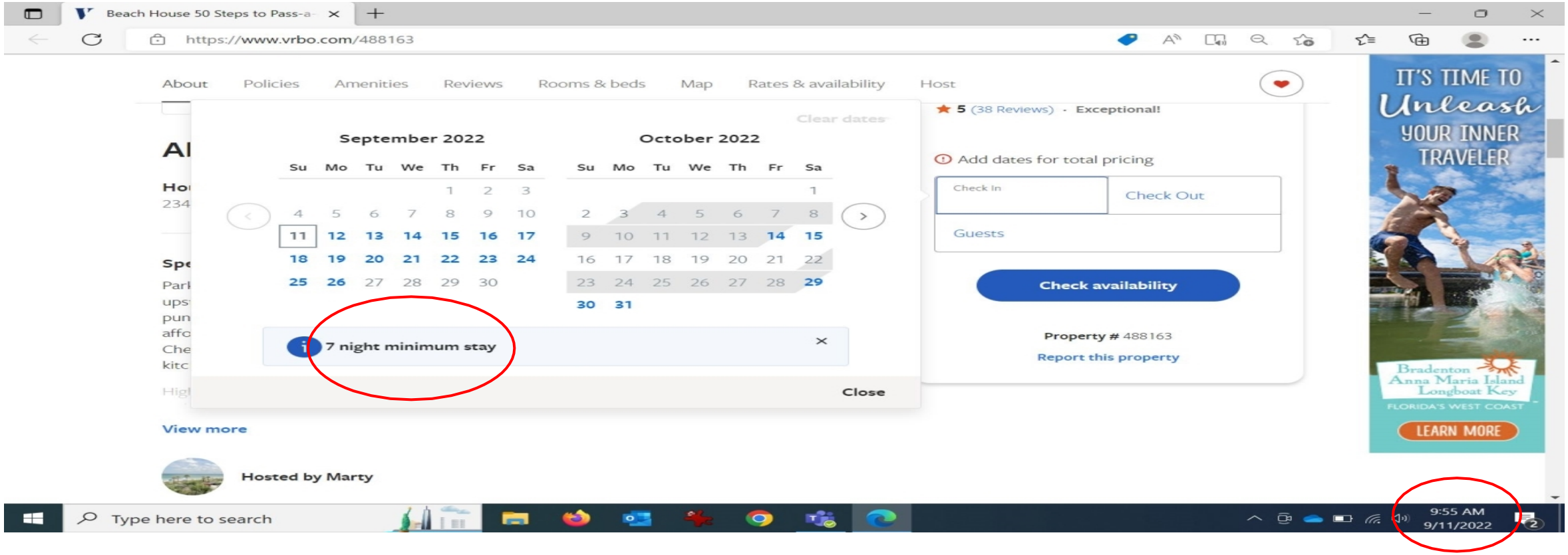


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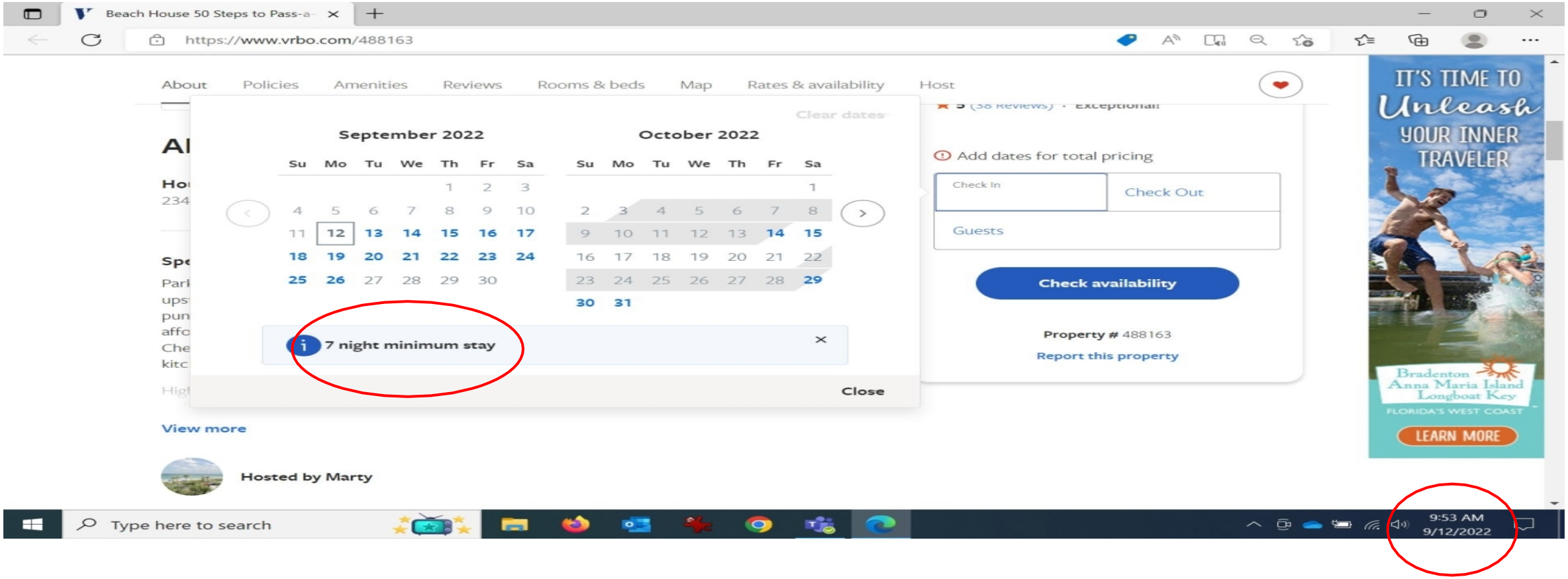


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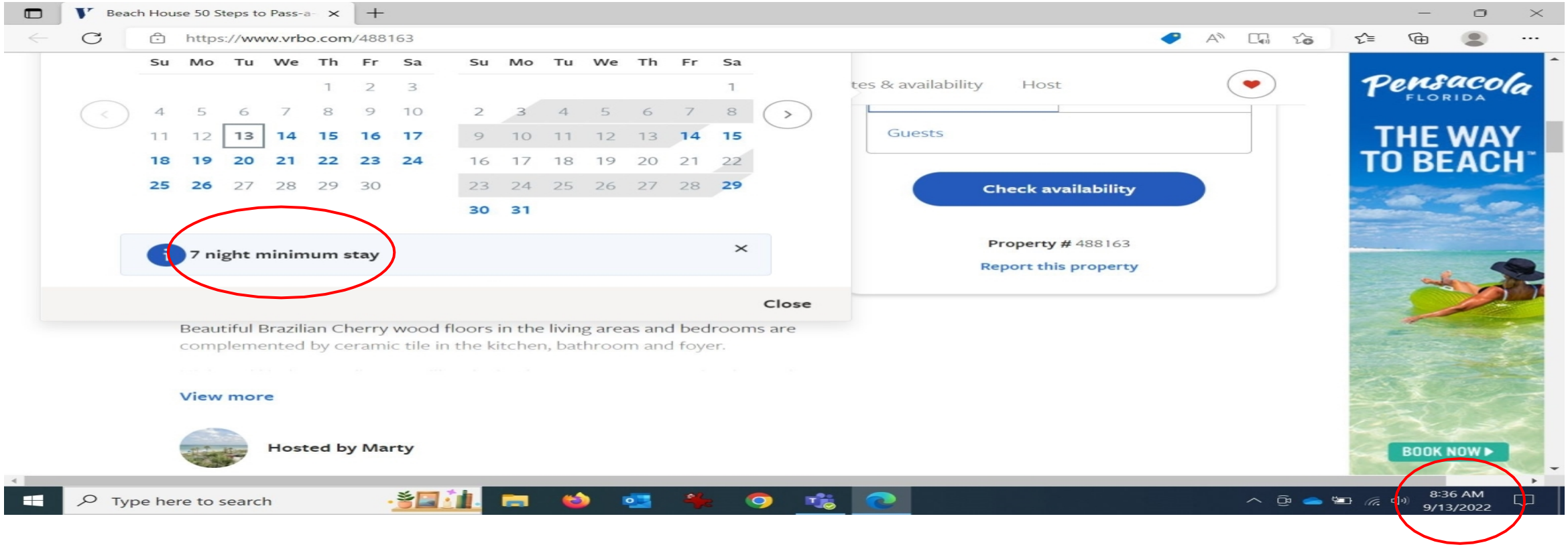


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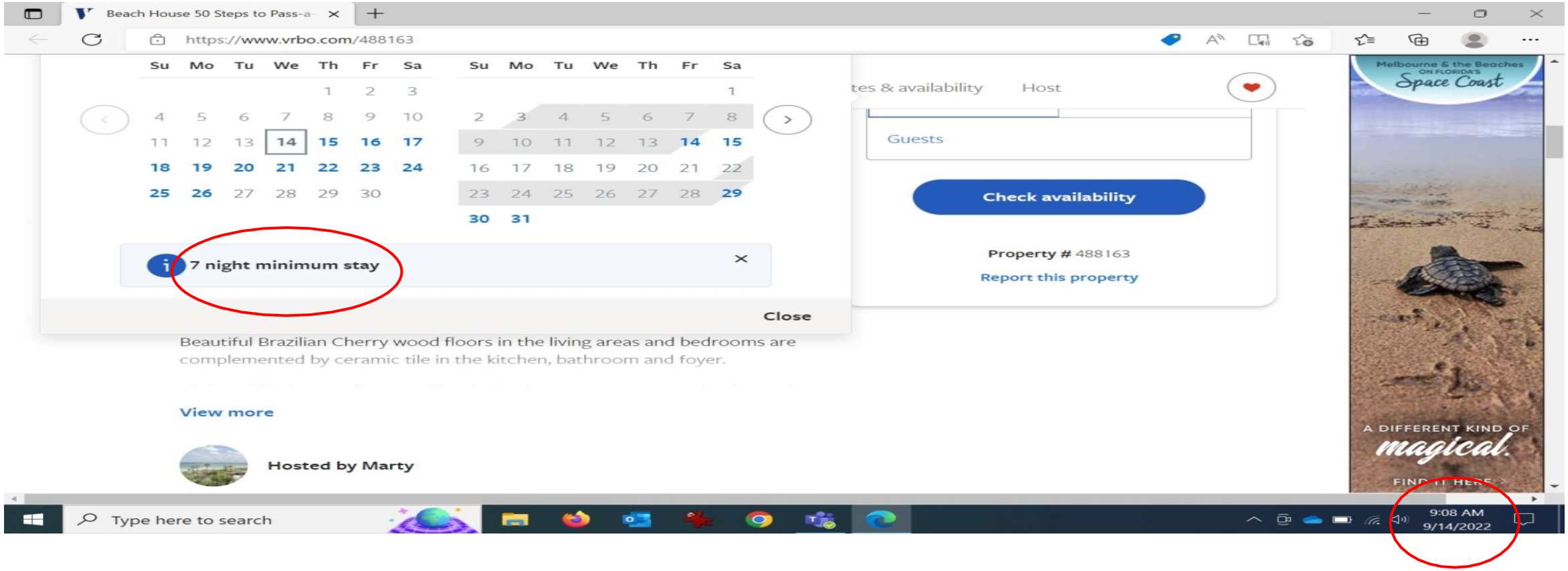


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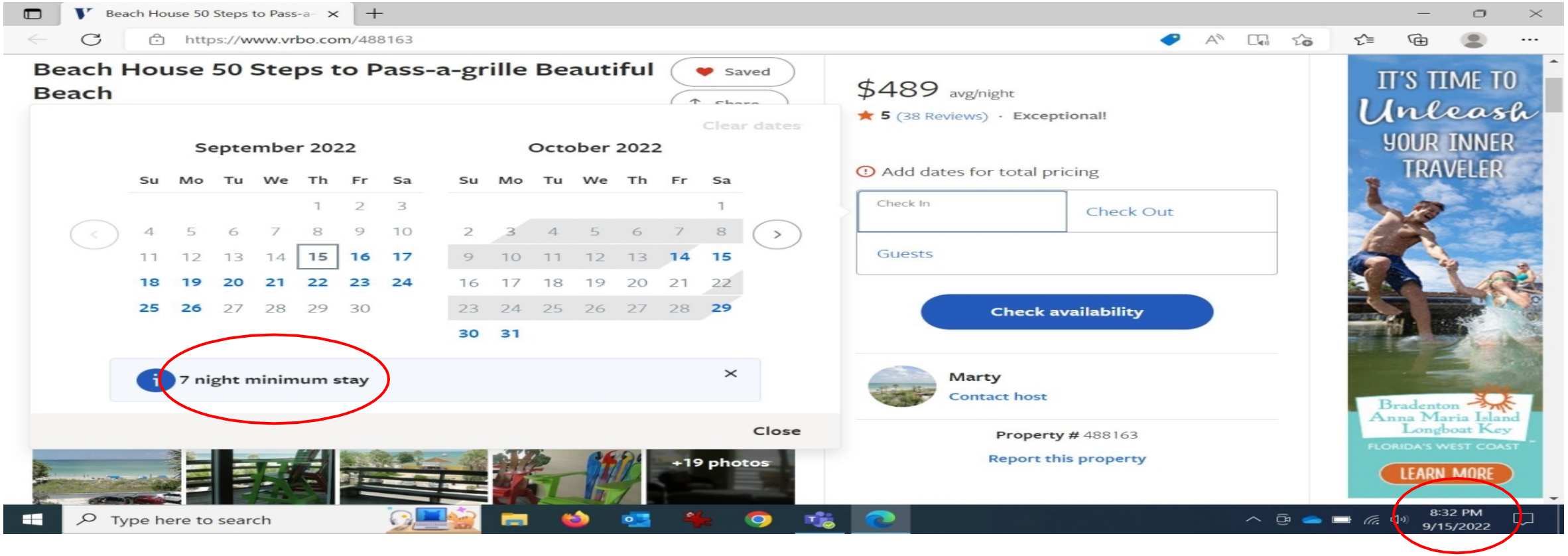


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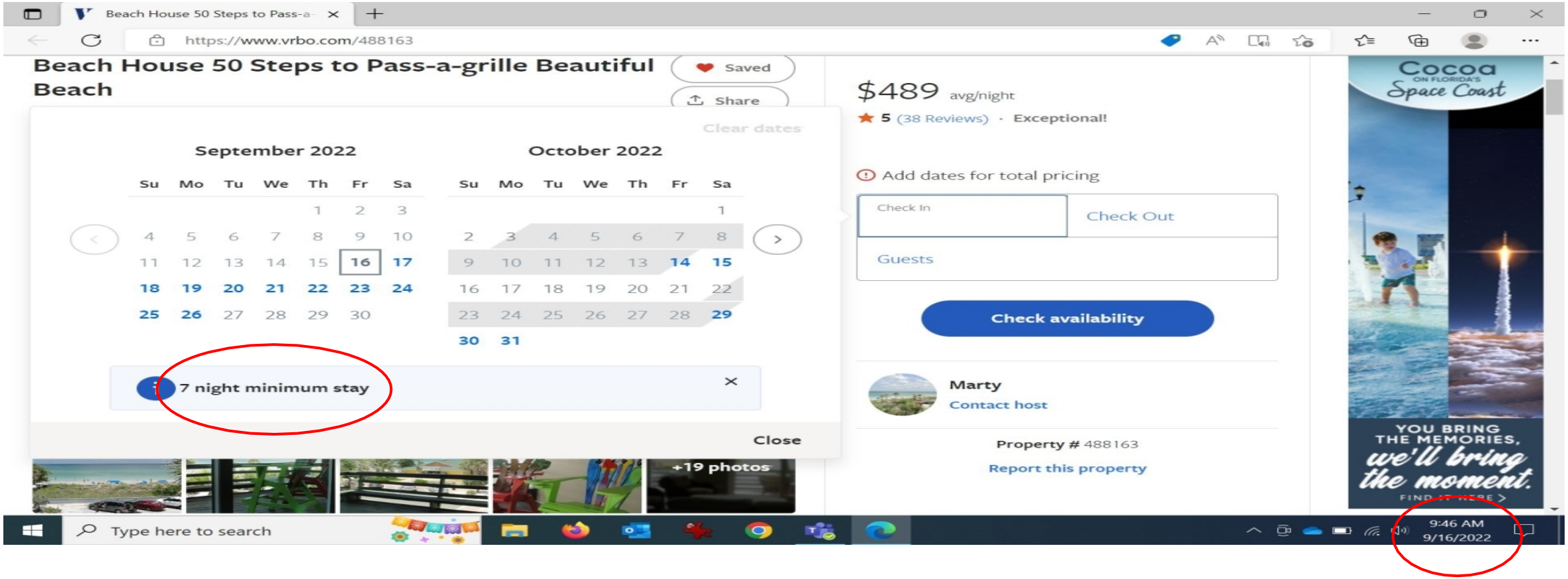


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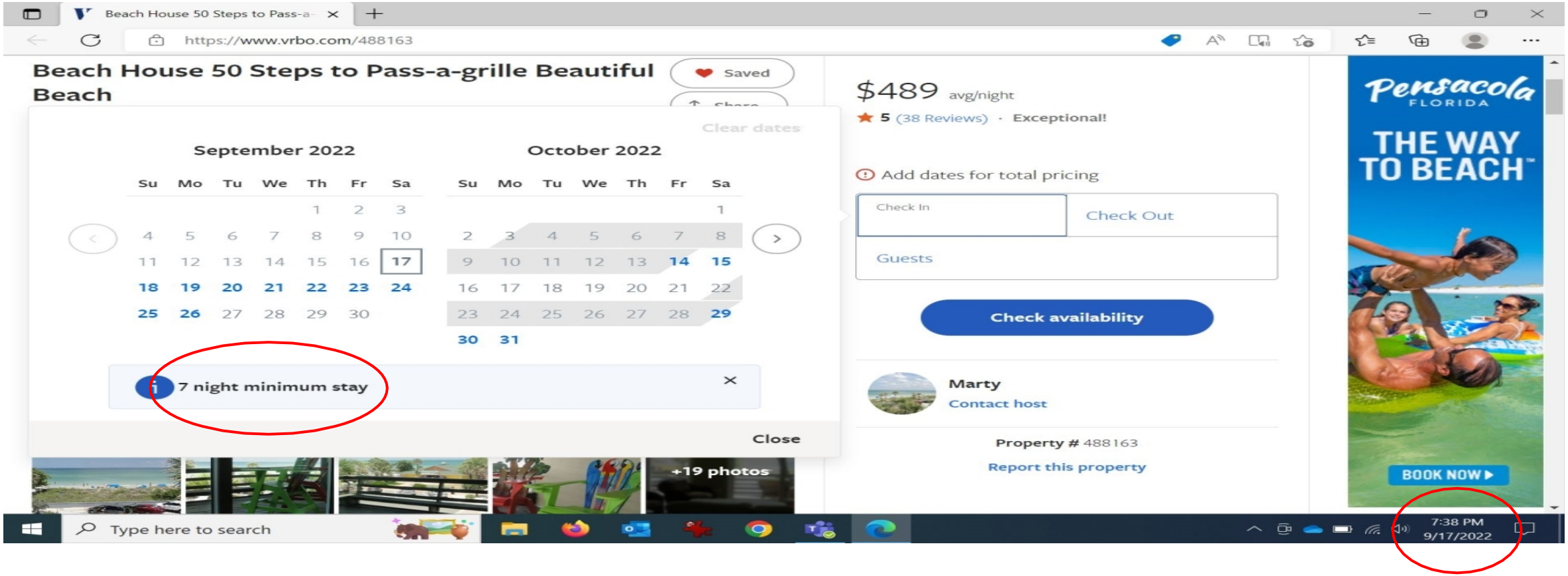


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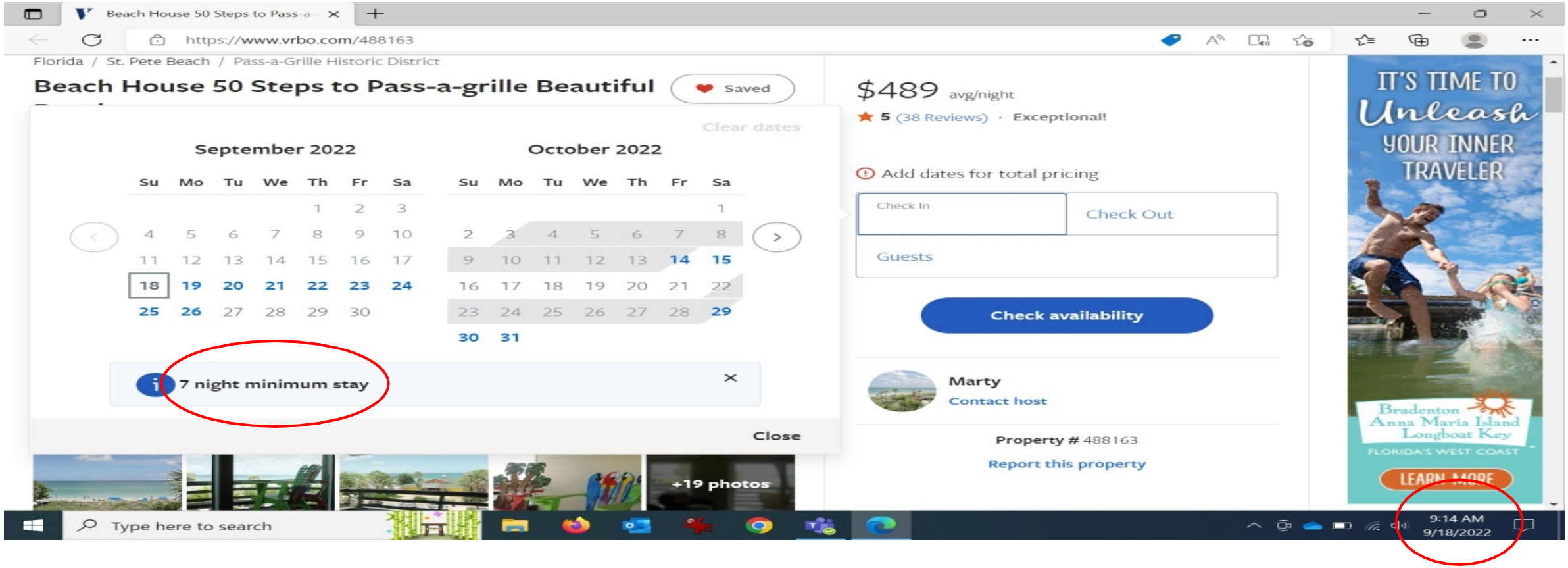


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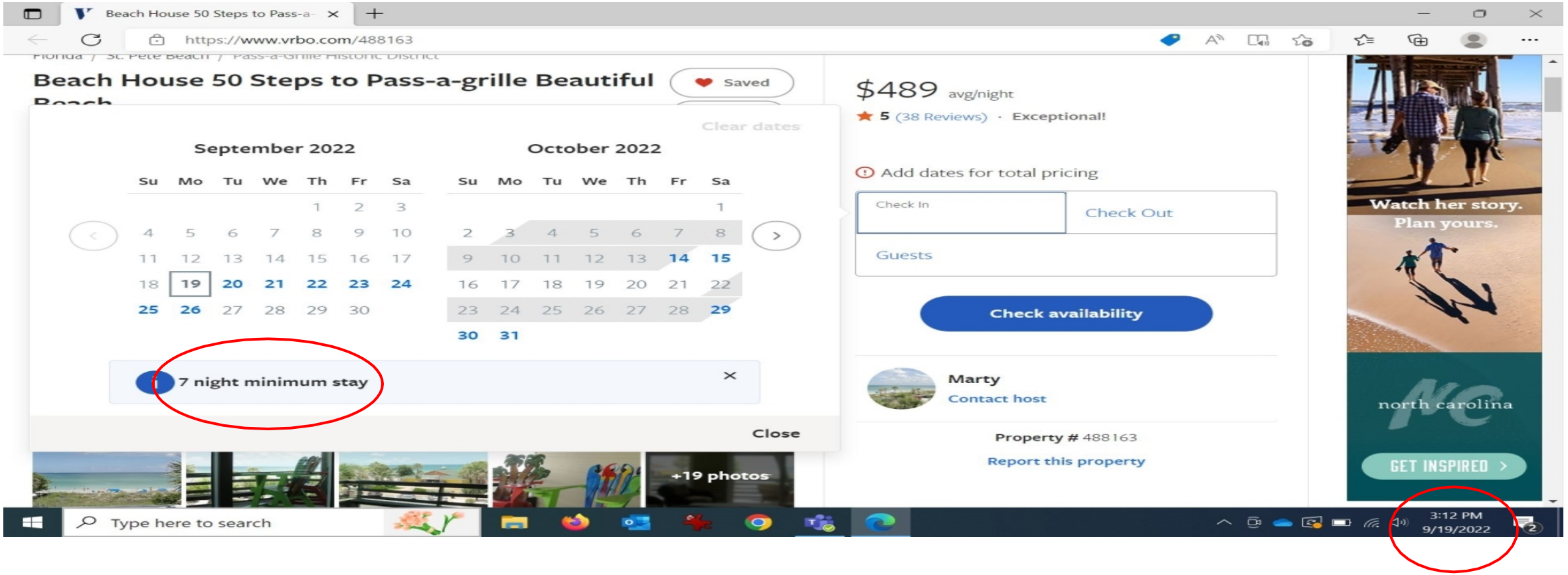
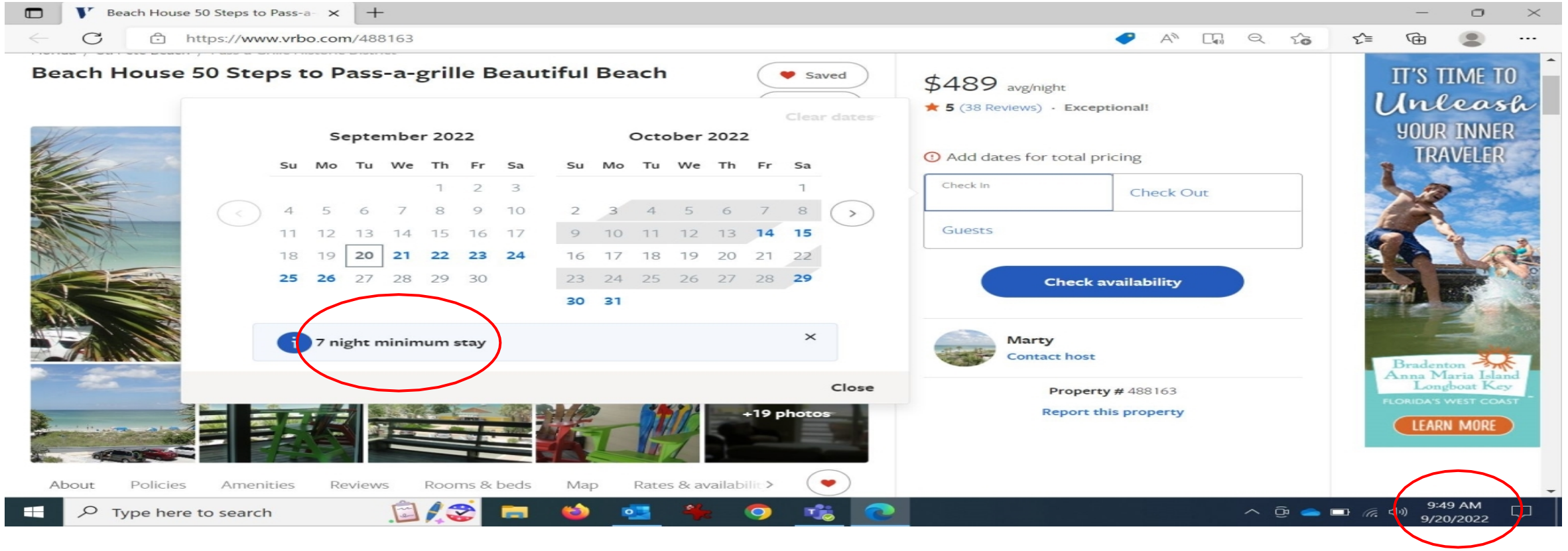
# CE20220554
# Online Ad



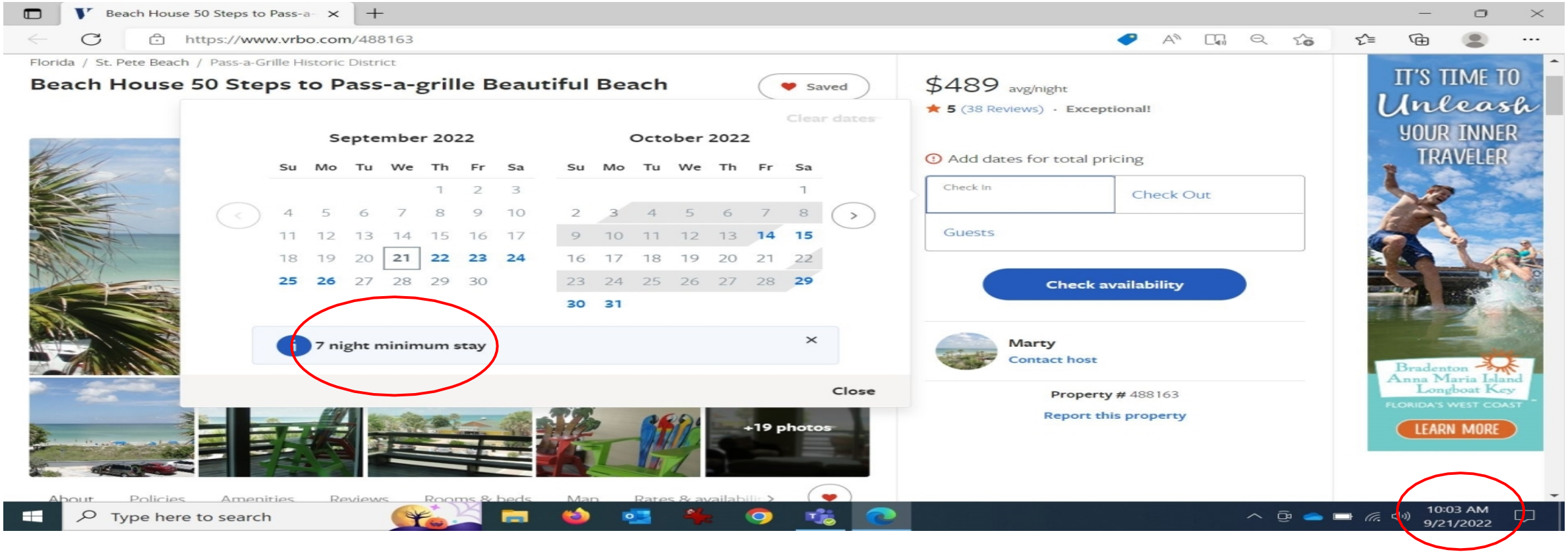

# 1001 Gulf Way

# CE20220554
# Online Ad



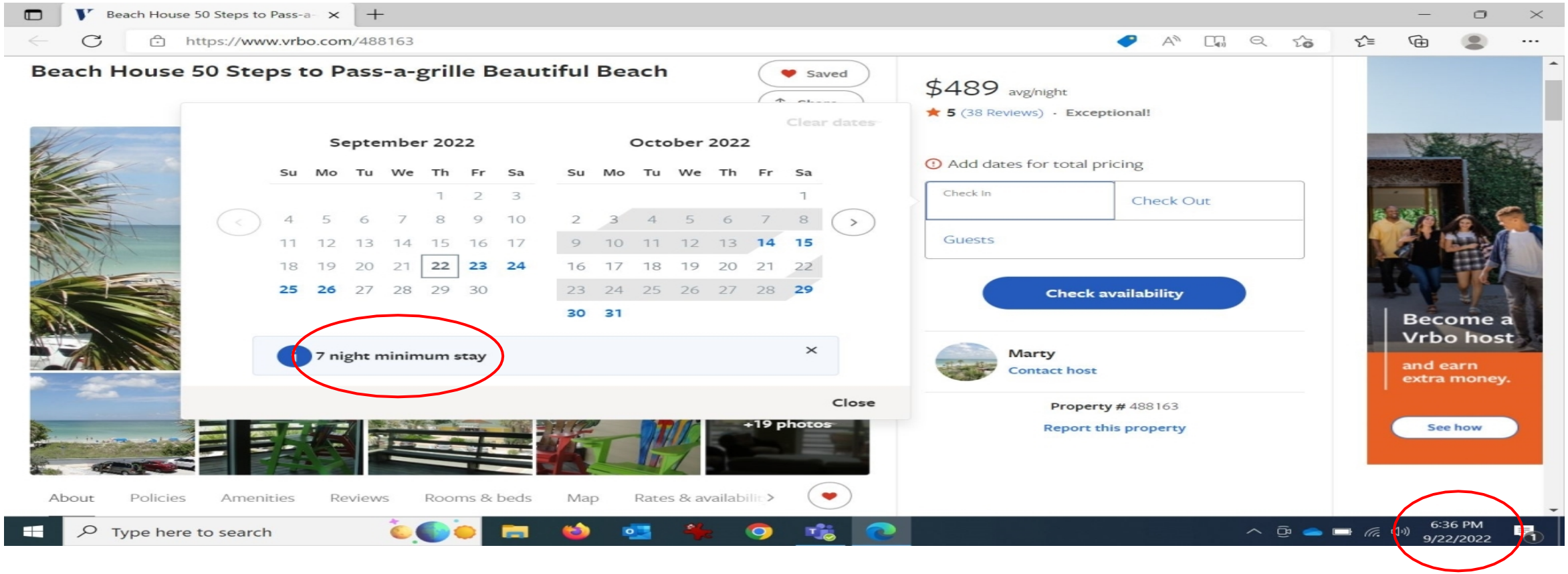

# 1001 Gulf Way

# CE20220554
# Online Ad




# 1001 Gulf Way

# CE20220554
# Online Ad




# 1001 Gulf Way

# NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statues, and a chapter 22, article IX, City Code.

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 1001 GULF WAY

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): BEYER, BRUCE R SCHARCHBURG, MARTHA A

Case No.: 20220554 Code Enforcement Officer: Patrick Hawk

Hearing Date: 10/10/2022 at 10 a.m.

**AFFIDAVIT OF POSTING**

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 09/20/2022

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X P Hawk
Signature of Officer posting

Patrick Hawk
Print Name

# CITY OF ST. PETE BEACH
# CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF ST. PETE BEACH,
Petitioner,
vs.
BEYER, BRUCE R SCHARCHBURG, MARTHA A
Respondent(s)

Case Number: 20220554

## NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **10/10/2022** at 10 a.m., there will be a Special Magistrate Hearing held at:

**City of St. Pete Beach Commission Chambers**
**155 Corey Ave**
**St Pete Beach, Florida 33706**

The hearing is in reference to your violation(s) of the City of St. Pete Beach Code of Ordinances as further described in the attached Affidavit of Violation and Request for Hearing.

YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to $250.00 per day against your property located at **1001 GULF WAY** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to $500.00 per day. Cases involving repeat violations may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing. If the repeat violation has been corrected, the Special Magistrate retains the right to determine administrative fines and costs and impose the payment of reasonable enforcement fees.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURS[illegible] ACCORDINGLY,

DATED 09/20/2022

P Hawk

Patrick Hawk
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meting for assistance.

# SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
# CITY OF ST. PETE BEACH

## Agenda Report

**Issue Considered:** **Case No. 20220556**
**City of St. Pete Beach v. Lambing, Edward Tre, Lambing, Barbara Tre, Lambing Family Trust**
**Address: 465 64th Ave, St. Pete Beach, Fl 337706**

**Date:** October 10, 2022

**Prepared By:** Charles Newman, Code Enforcement and Parking Officer

**Through:** Peyt Dewar, Code Enforcement Manager
Michelle Gonzalez, Community Development Director

**Summary of Issue:** **Sec. 8.2. - Permitted principal uses and structures.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-1 Residential District are as follows:
(a) *Residential dwellings*—Detached single-family only. Such dwellings shall not be used for transient occupancy.

The property is being advertised as a short-term rental for a period of less than one month.

**Funding:** N/A

**Requested Motion:** N/A

**Attachments:**
1. Notice of Violation
2. Evidence
3. Notice of Affidavit
4. Notice of Hearing

St. Pete Beach
The Sunset Capital of Florida
155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

## NOTICE OF VIOLATION

08/30/2022

LAMBING, EDWARD TRE LAMBING, BARBARA TRE
LAMBING FAMILY TRUST
148 WESTHILL DR
LOS GATOS, CA 95032-5021 ,

RE: Case Number 20220556
Violation Address: 465 64TH AVE
Parcel ID#: 313116907020000030

Dear Property Owner:

Your property is again in violation of the following Section code(s)for advertising less than 30 nights. Transient occupancy is not allowed in RU-1 Zoning District.

**Sec. 8.2. - Permitted principal uses and structures.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-1 Residential District are as follows:

(a) Residential dwellings—Detached single-family only. Such dwellings shall not be used for transient occupancy.

These violation(s) must be corrected **no later than 09/09/2022.** If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to $250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

Chuck Newman
Code Enforcement Officer

# CE20220556

- **Respondent(s): Edward Lambing Tre, Barbara Lambing Tre and Lambing Family Trust**
- **Violation address: 465 64th Ave**
- **Violation(s) description: Property was being advertised as transient occupancy in the RU-1 Residential District, in violation of Section 8.2 of the Land Development Code of the City of St. Pete Beach.**

# CE20220556

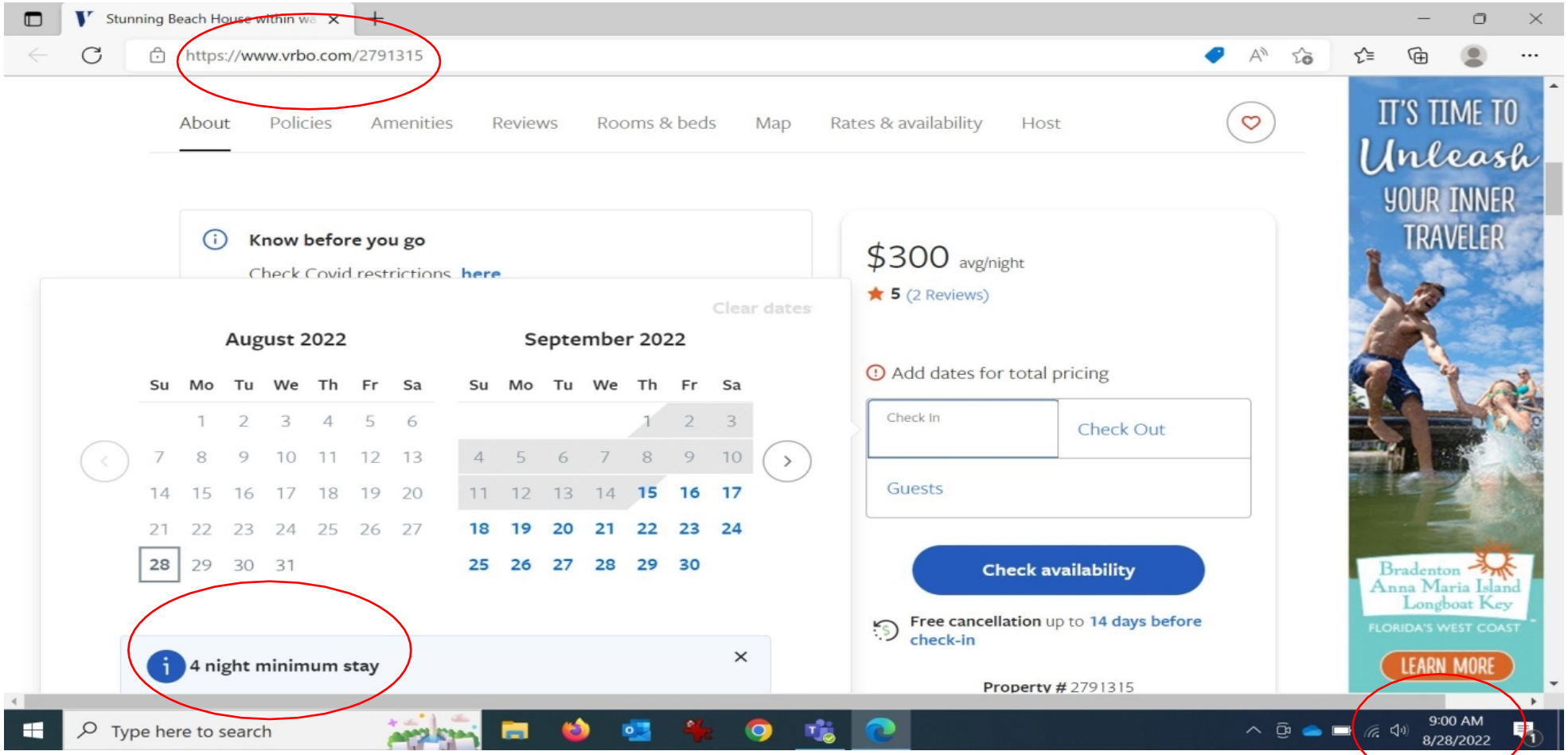
# Case Summary

- Initial inspection: 08/28/2022
- Notice of Violation dated: 08/30/2022
- Notices of Hearing dated and posted on the property: 09/20/2022

# CE20220556
# Posting of Notices 09/20/22

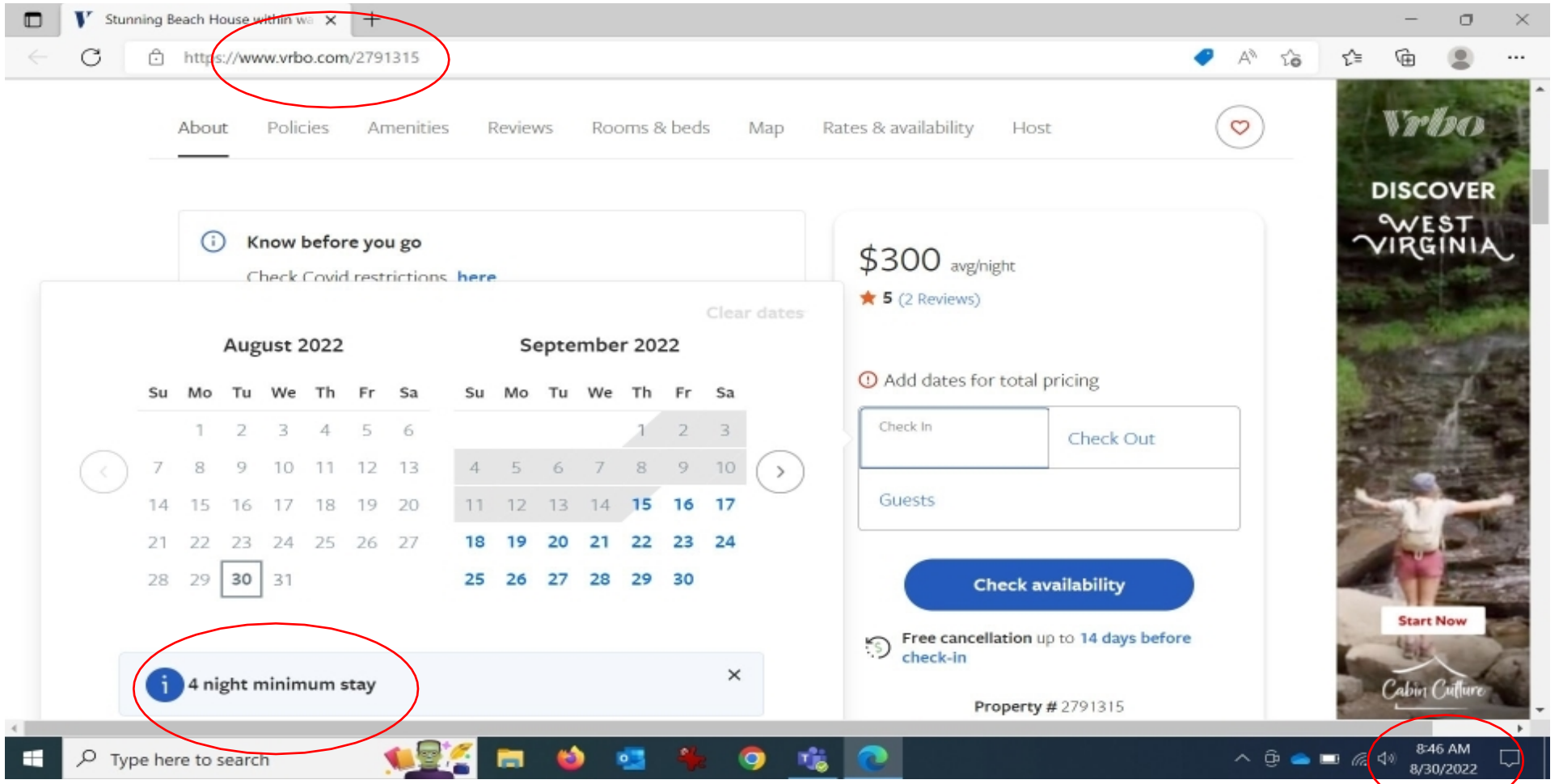
# 465 64th Ave

# CE20220556
# On-line Ad 08/28/22



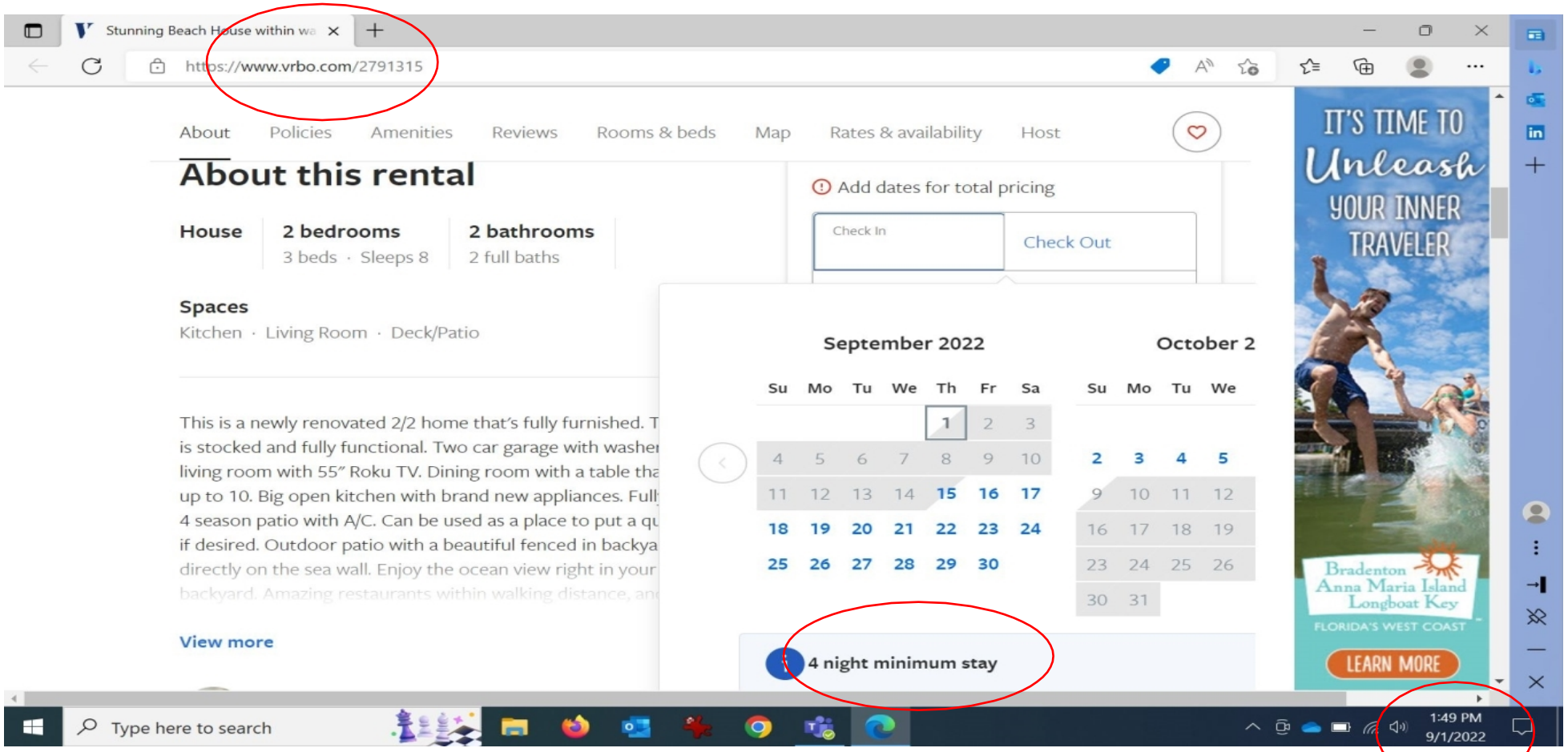

# 465 64th Ave

# CE20220556
# On-line Ad 08/30/22



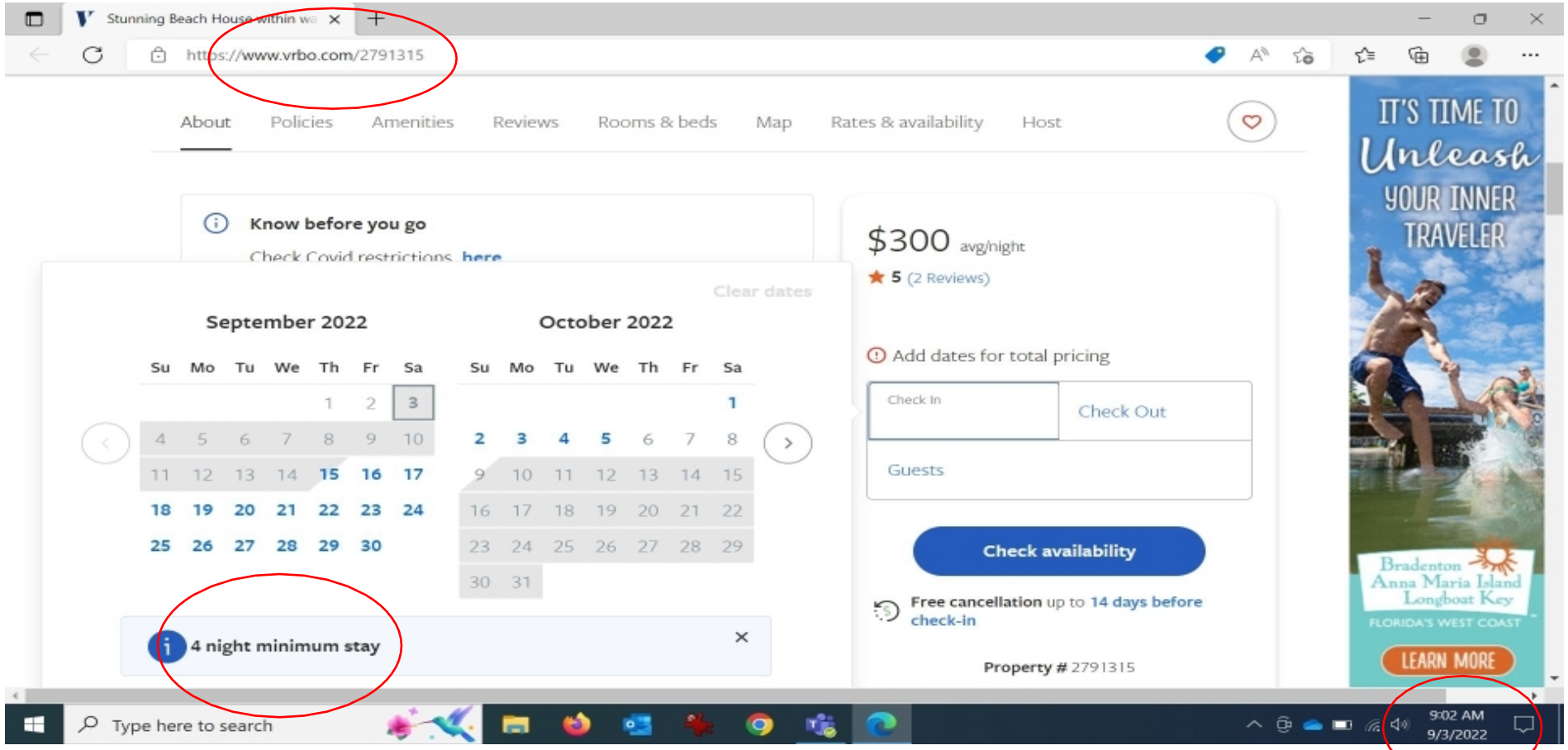

# 465 64th Ave

# CE20220556
# On-line Ad 09/01/22




# 465 64th Ave

# CE20220556
# On-line Ad 09/03/22




# 465 64th Ave

# NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statues, and a chapter 22, article IX, City Code.

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 465 64TH AVE

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): LAMBING, EDWARD TRE LAMBING, BARBARA TRE LAMBING FAMILY TRUST

Case No.: 20220556 Code Enforcement Officer: Chuck Newman

Hearing Date: 10/10/2022 at 10 a.m.

**AFFIDAVIT OF POSTING**

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 09/20/2022

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X _____ Chuck Newman

Signature of Officer posting Print Name

# CITY OF ST. PETE BEACH
# CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF ST. PETE BEACH,
Petitioner,
vs.
LAMBING, EDWARD TRE LAMBING, BARBARA TRE LAMBING FAMILY TRUST
Respondent(s)

Case Number: 20220556

## NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **10/10/2022** at 10 a.m., there will be a Special Magistrate Hearing held at:

**City of St. Pete Beach Commission Chambers**
**155 Corey Ave**
**St Pete Beach, Florida 33706**

The hearing is in reference to your violation(s) of the City of St. Pete Beach Code of Ordinances as further described in the attached Affidavit of Violation and Request for Hearing.

YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to $250.00 per day against your property located at **465 64TH AVE** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to $500.00 per day. Cases involving repeat violations may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing. If the repeat violation has been corrected, the Special Magistrate retains the right to determine administrative fines and costs and impose the payment of reasonable enforcement fees.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 09/20/2022

Chuck Newman
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meting for assistance.

# SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
# CITY OF ST. PETE BEACH

## Agenda Report

**Issue Considered:** **Case No. 20220543**
**City of St. Pete Beach v. Lingurovski, Vasko & Jennifer**
**Address: 280 46th Ave, St. Pete Beach, Fl 33706**

**Date:** October 10, 2022

**Prepared By:** Charles Newman, Code Enforcement and Parking Officer

**Through:** Peyt Dewar, Code Enforcement Manager
Michelle Gonzalez, Community Development Director

**Summary of Issue:** **Sec. 9.2. - Permitted principal uses and structures.**
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-2 Residential District are as follows:
(a)Residential dwellings—Detached single-family only. Such dwellings shall not be used for transient occupancy.

The property was being advertised as a short-term rental for a period of less than a month.

**Funding:** N/A

**Requested Motion:** N/A

**Attachments:**
1. Notice of Violation
2. Evidence
3. Notice of Affidavit
4. Notice of Hearing

St. Pete Beach
The Sunset Capital of Florida

155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

## NOTICE OF VIOLATION

08/15/2022

LINGUROVSKI, VASKO LINGUROVSKI, JENNIFER
4115 W. EUCLID AVE
TAMPA, FL 33629

RE: Case Number 20220543
Violation Address: 280 46TH AVE
Parcel ID#: 063216655200000190

Dear Property Owner:

Your property is in violation of the following Section code(s) for advertising short term rentals of less than 30 days in the RU-2 District.

**Sec. 9.2. - Permitted principal uses and structures.**

(a) Residential dwellings —Detached single-family only. Such dwellings shall not be used for transient occupancy.

These violation(s) must be corrected **no later than 08/20/2022.** If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to $250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

Chuck Newman
Code Enforcement Officer

# CE20220543

- **Respondent(s): Vasko Lingurovski and Jennifer Lingurovski**
- **Violation address: 280 46th Ave**
- **Violation(s) description: The property was being advertised as transient occupancy in the RU-2 zoning district, in violation of the Land Development Code of the City of St. Pete Beach**

# CE20220543

# Case Summary

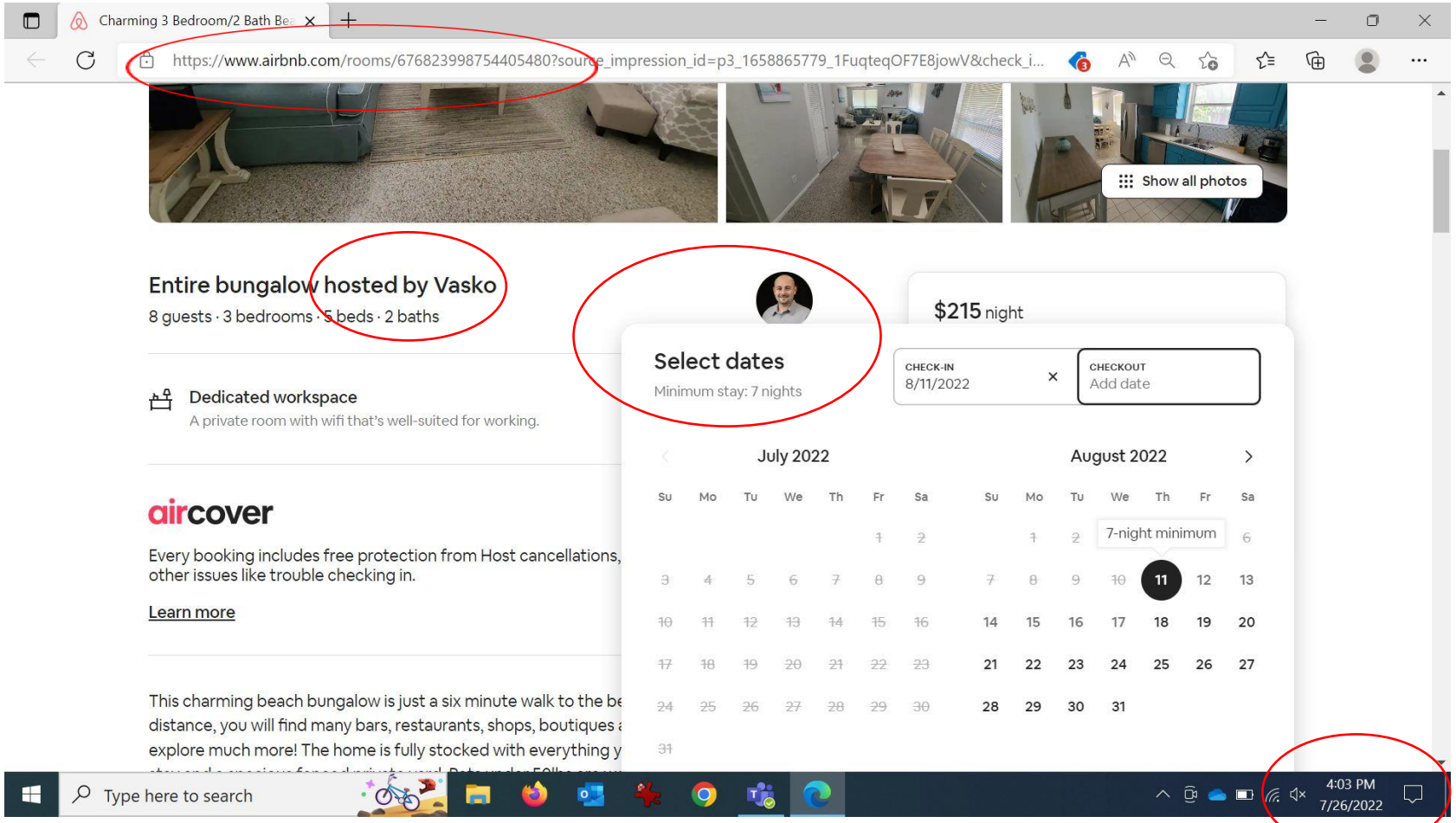
- **Initial inspection: 07/26/2022**
- **Notice of Violation dated: 08/15/2022**
- **Notices of Hearing dated and posted on the property: 09/20/2022**

# CE20220543
# Posting of Notices

# 280 46th Ave

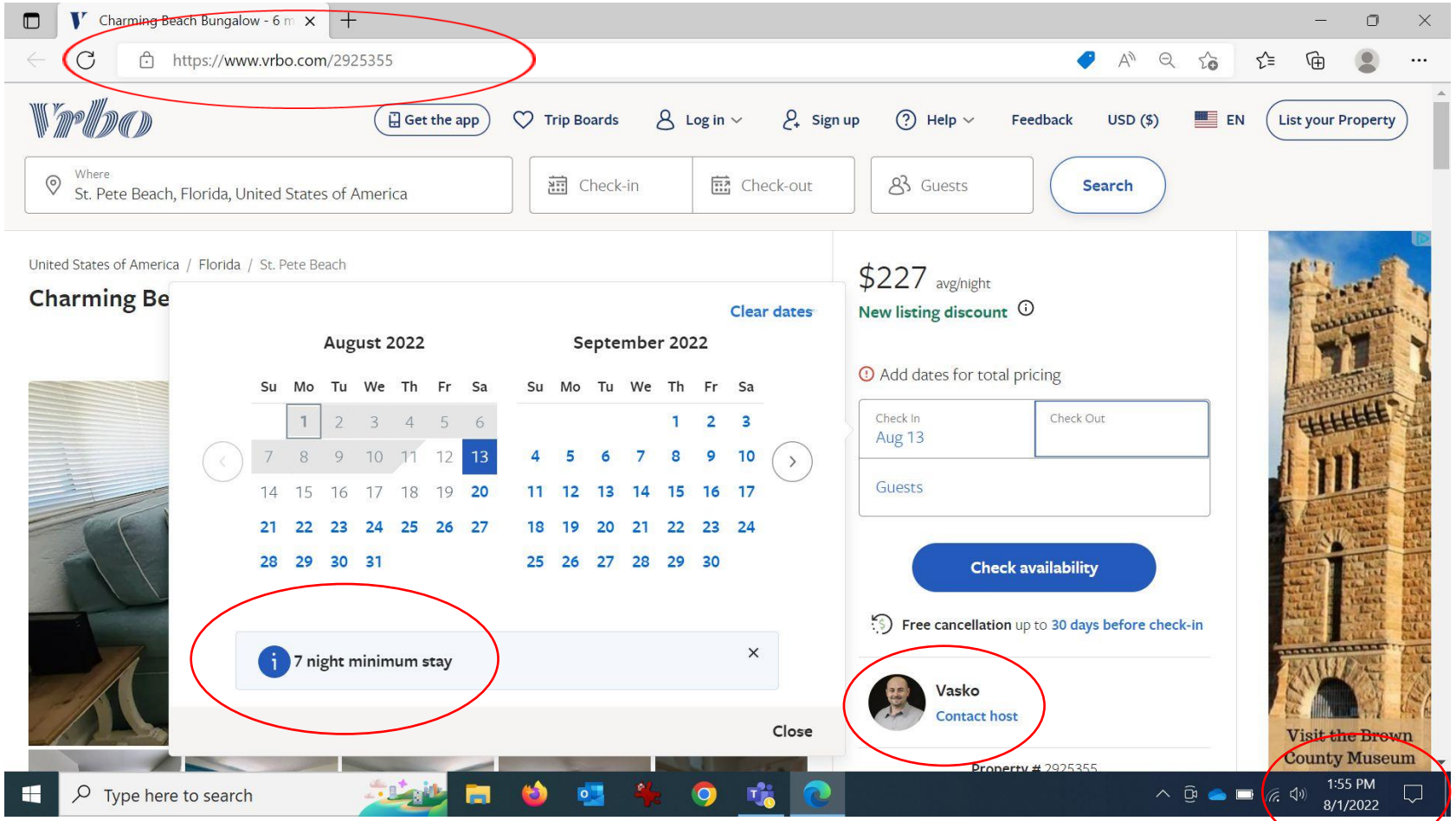
# CE20220543

# Online ad




# 280 46th Ave

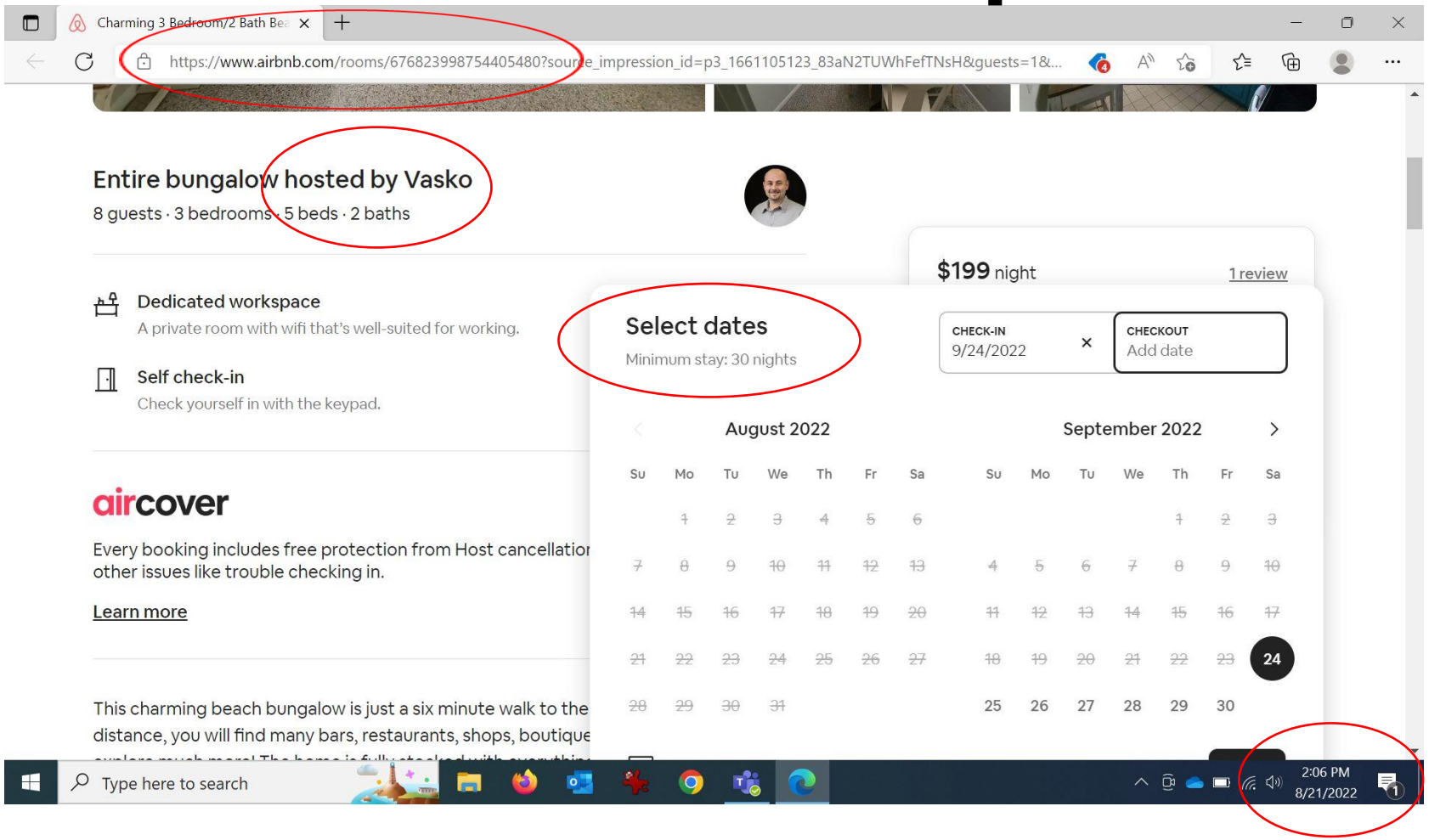
# CE20220543
# Online ad




# 280 46th Ave

# CE20220543

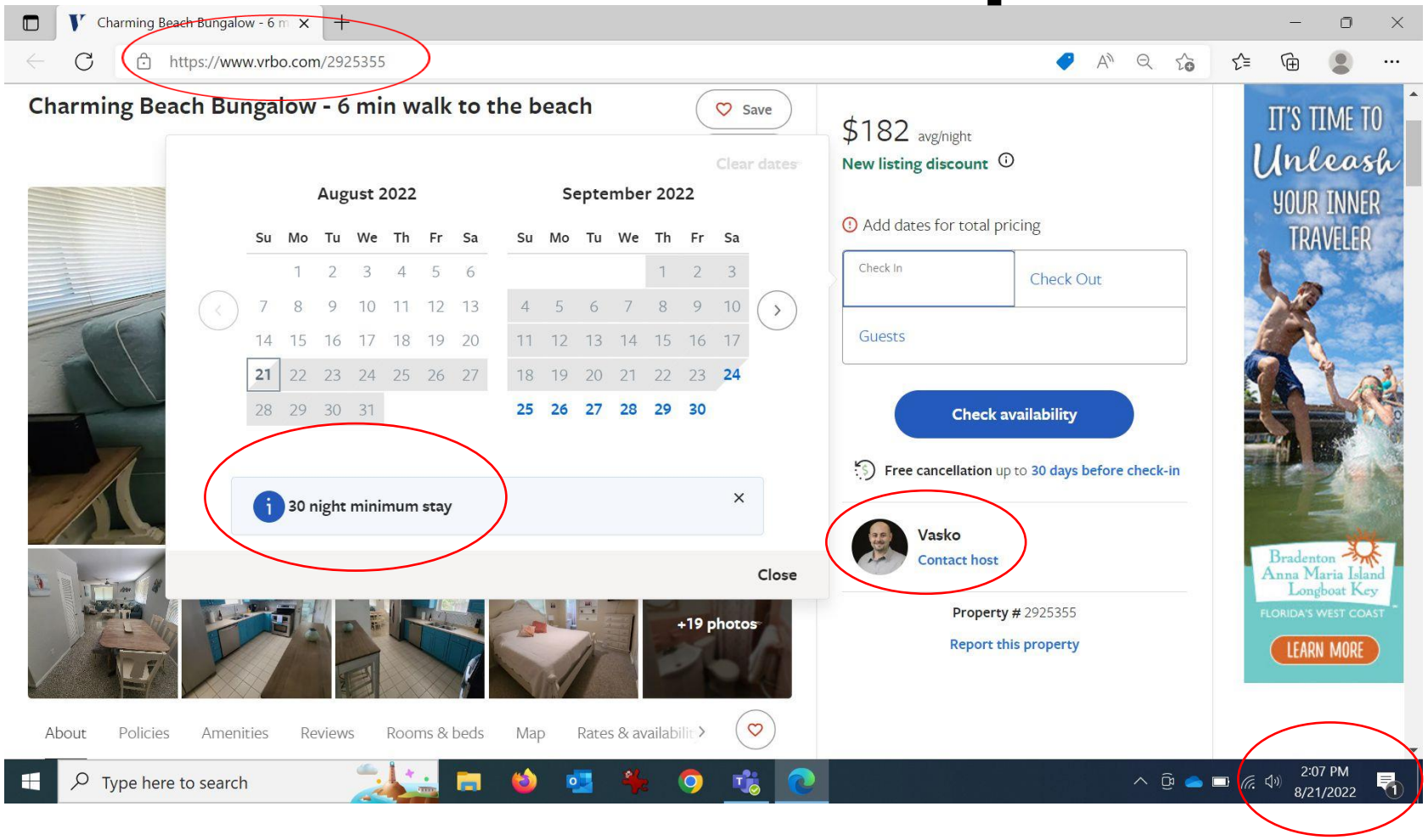
# Online ad - Compliant




# 280 46th Ave

# CE20220543

# Online ad - Compliant




# 280 46th Ave

# NOTICE

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POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): LINGUROVSKI, VASKO LINGUROVSKI, JENNIFER

Case No.: 20220543 Code Enforcement Officer: Chuck Newman

Hearing Date: 10/10/2022 at 10 a.m.

**AFFIDAVIT OF POSTING**

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 09/20/2022

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X _____ Chuck Newman

Signature of Officer posting Print Name

# CITY OF ST. PETE BEACH
# CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF ST. PETE BEACH,
Petitioner,
vs.
LINGUROVSKI, VASKO LINGUROVSKI, JENNIFER
Respondent(s)

Case Number: 20220543

## NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **10/10/2022** at 10 a.m., there will be a Special Magistrate Hearing held at:

**City of St. Pete Beach Commission Chambers**
**155 Corey Ave**
**St Pete Beach, Florida 33706**

The hearing is in reference to your violation(s) of the City of St. Pete Beach Code of Ordinances as further described in the attached Affidavit of Violation and Request for Hearing.

YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to $250.00 per day against your property located at **280 46TH AVE** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to $500.00 per day. Cases involving repeat violations may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing. If the repeat violation has been corrected, the Special Magistrate retains the right to determine administrative fines and costs and impose the payment of reasonable enforcement fees.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 09/20/2022

Chuck Newman
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meting for assistance.

# SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
# CITY OF ST. PETE BEACH

## Agenda Report

**Issue Considered:** **Case No. 20220555**
**City of St. Pete Beach v. Fabelo, Edward & Martha**
**3333 W. Maritana Dr, St. Pete Beach, Fl 33706**

**Date:** October 10, 2022

**Prepared By:** Charles Newman, Code Enforcement and Parking Officer

**Through:** Peyt Dewar, Code Enforcement Manager
Michelle Gonzalez, Community Development Director

**Summary of Issue:** **Sec. 9.2. - Permitted principal uses and structures.**
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-2 Residential District are as follows:
(a) Residential dwellings—Detached single-family only. Such dwellings shall not be used for transient occupancy.

The property is being advertised as a short-term rental for a period of less than a month.

**Funding:** N/A

**Requested Motion:** N/A

**Attachments:**
1. Notice of Violation
2. Evidence
3. Notice of Affidavit
4. Notice of Hearing

St. Pete Beach
The Sunset Capital of Florida

155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

## NOTICE OF VIOLATION

08/30/2022

EDWARD AND MARTHA FABELO
3935 BAYSHORE BLVD NE
ST. PETERSBURG, FL 33703

RE: Case Number 20220555
Violation Address: 3333 W MARITANA DR
Parcel ID#: 073216218520240080

Dear Property Owner:

Your property is in violation of the following Section code(s) for advertising less than 30 nights. Transient occupancy is not allowed in RU-2 zoning district.

**Sec. 9.2. - Permitted principal uses and structures.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RU-2 Residential District are as follows:

(a) Residential dwellings—Detached single-family only. Such dwellings shall not be used for transient occupancy.

These violation(s) must be corrected **no later than 09/04/2022.** If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to $250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and/or information, please contact me (727) 363-9211 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

Chuck Newman
Code Enforcement Officer

# CE20220554

- **Respondent(s): Edward Fabelo and Martha Fabelo**
- **Violation address: 3333 W. Maritana Dr**
- **Violation(s) description: The property is being advertised as transient occupancy in the RU-2 zoning district in violation of the Land Development Code of the City of St. Pete Beach**

# CE20220555

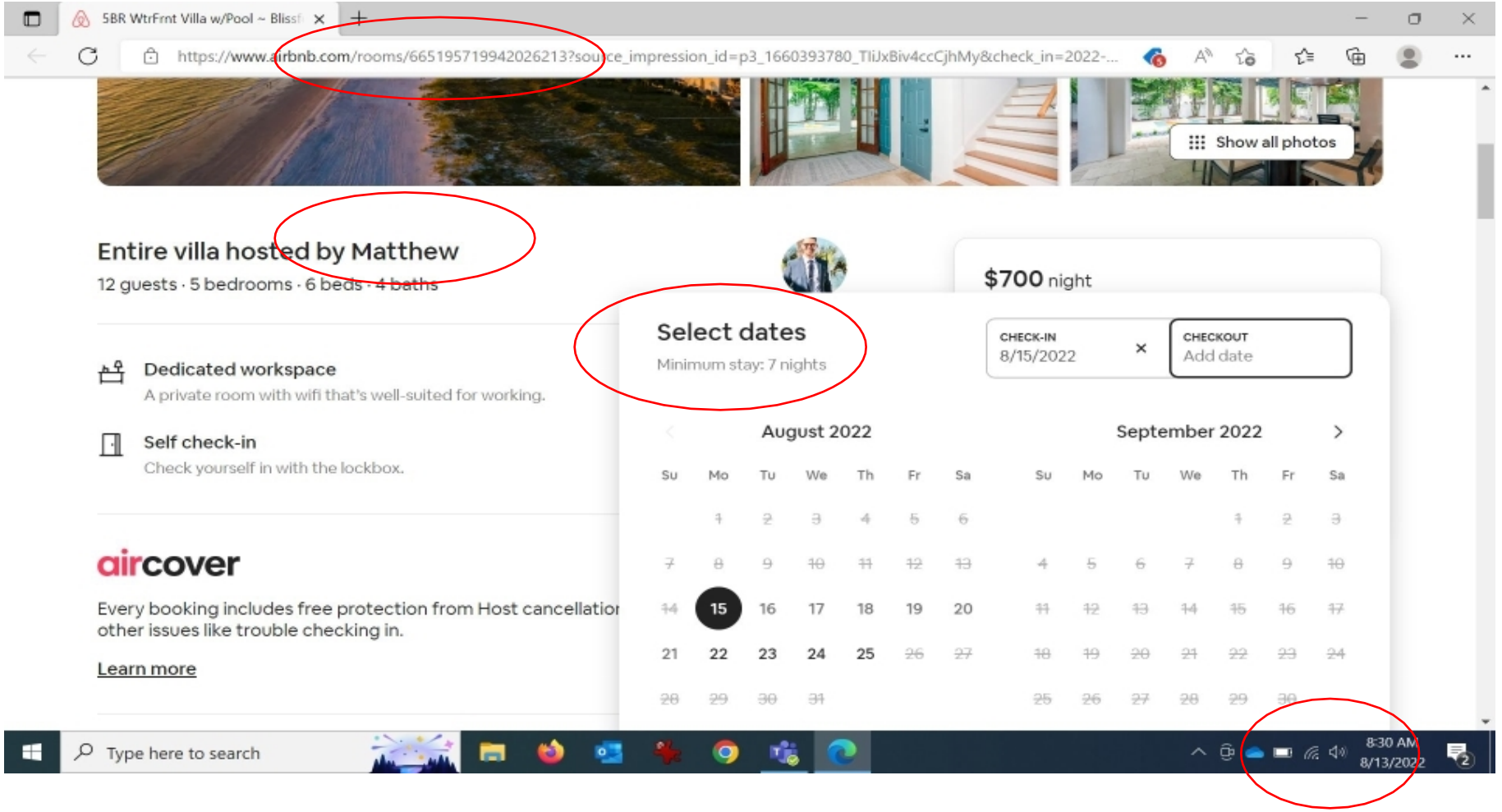
# Case Summary

- Initial inspection: 07/09/2022
- Notice of Violation dated: 08/30/2022
- Notices of Hearing dated and posted on the property: 09/20/2022

# CE20220555
# Posting of Notices 09/20/22

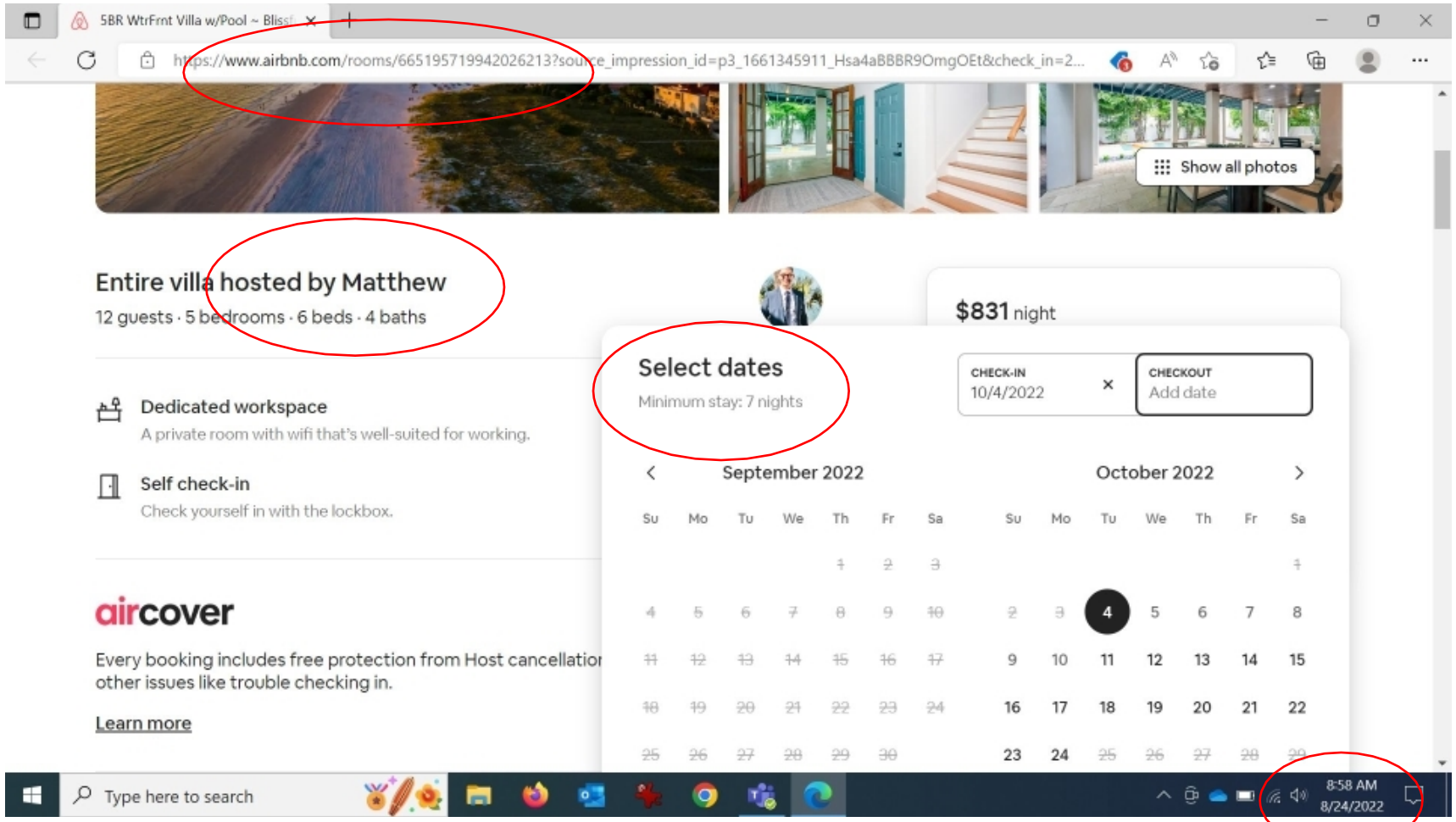
# 3333 W. Maritana Dr.

# CE20220555
# On-line Ad 08/13/22



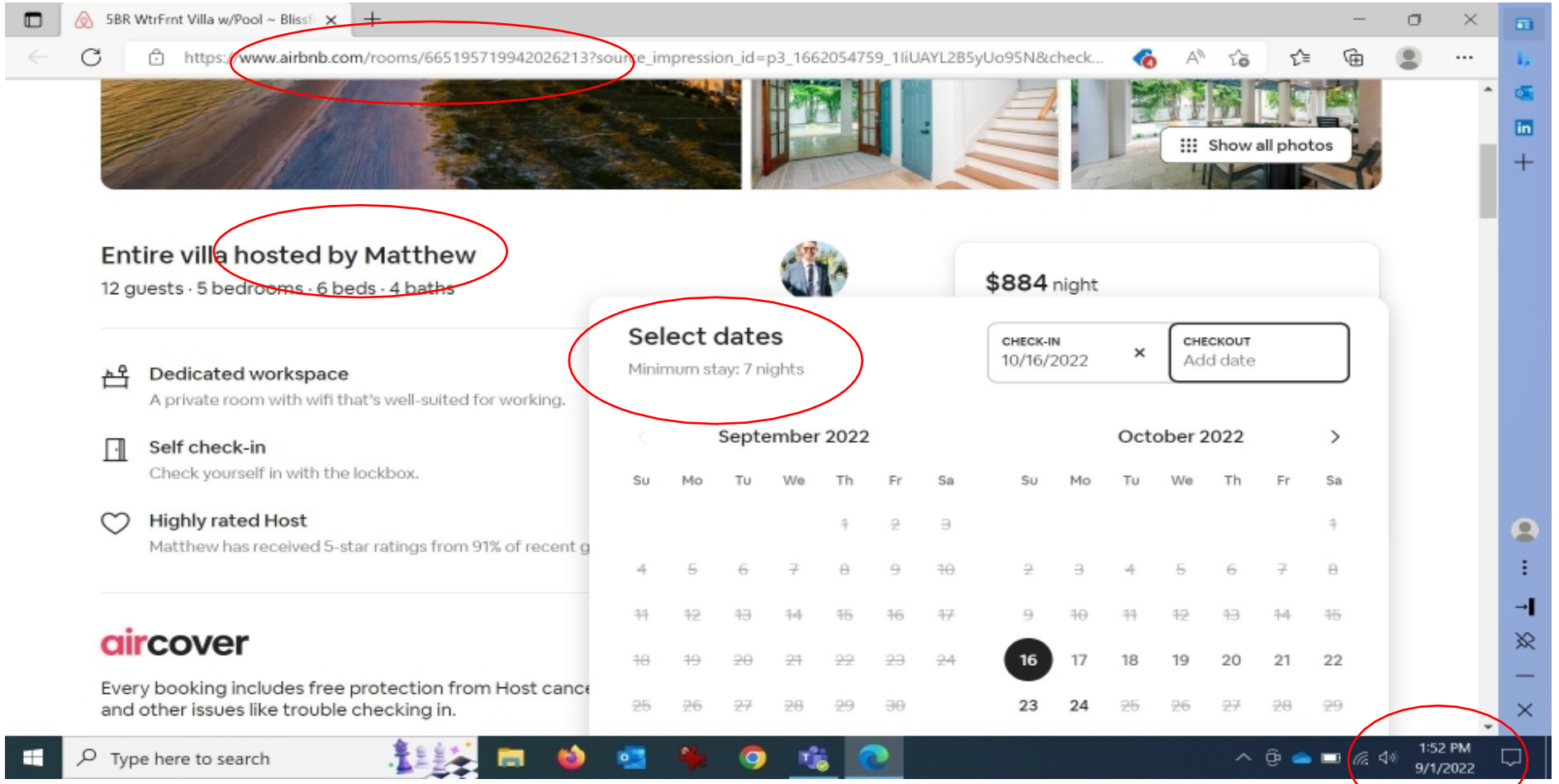

# 3333 W. Maritana Dr.

# CE20220555
# On-line Ad 08/24/22



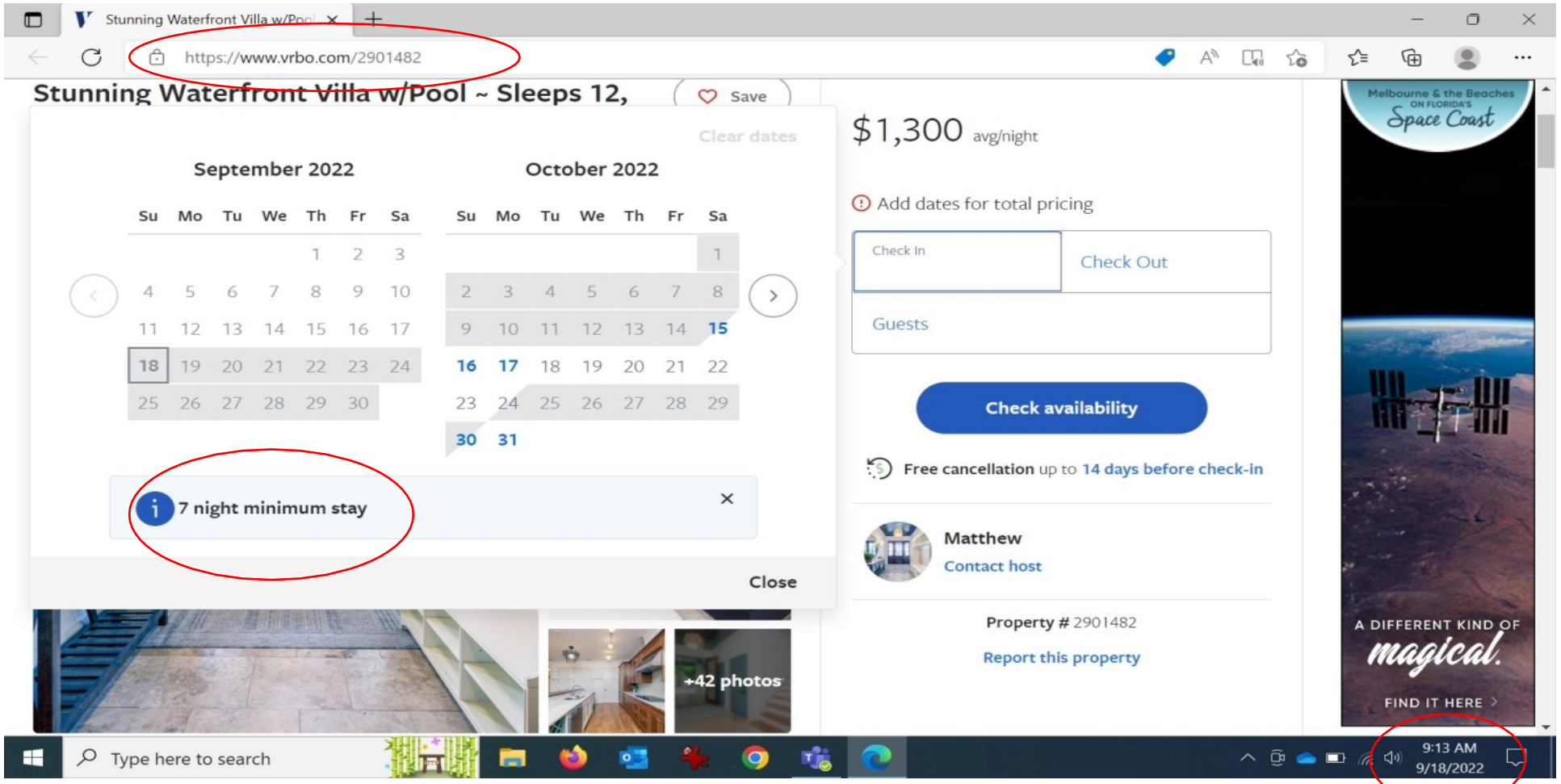

# 3333 W. Maritana Dr.

# CE20220555
# On-line Ad 09/01/22




# 3333 W. Maritana Dr.

# CE20220555
# On-line Ad 09/18/22




# 3333 W. Maritana Dr.

# NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statues, and a chapter 22, article IX, City Code.

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 3333 W MARITANA DR

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706

Name of Property Owner(s): EDWARD AND MARTHA FABELO

Case No.: 20220555 Code Enforcement Officer: Chuck Newman

Hearing Date: 10/10/2022 at 10 a.m.

**AFFIDAVIT OF POSTING**

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violation were posted on the date and at the address noted below by the undersigned designated official of City of St Pete Beach in accordance with the requirements of Chapter 162. 12, Florida Statutes, and

DATE OF POSTING 09/20/2022

ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706

X _____ Chuck Newman

Signature of Officer posting Print Name

# CITY OF ST. PETE BEACH
# CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF ST. PETE BEACH,
Petitioner,
vs.
EDWARD AND MARTHA FABELO
Respondent(s)

Case Number: 20220555

## NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **10/10/2022** at 10 a.m., there will be a Special Magistrate Hearing held at:

**City of St. Pete Beach Commission Chambers**
**155 Corey Ave**
**St Pete Beach, Florida 33706**

The hearing is in reference to your violation(s) of the City of St. Pete Beach Code of Ordinances as further described in the attached Affidavit of Violation and Request for Hearing.

YOU ARE HEREBY ORDERED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to $250.00 per day against your property located at **3333 W MARITANA DR** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

If the violation is correct and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate, even if the violation has been corrected prior to the Special Magistrate hearing, pursuant to section 162.06(2), Florida Statutes,

Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to $500.00 per day. Cases involving repeat violations may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing. If the repeat violation has been corrected, the Special Magistrate retains the right to determine administrative fines and costs and impose the payment of reasonable enforcement fees.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this Hearing. Please be prepared to present evidence at the Special Magistrate Hearing concerning the amount of time necessary to correct the alleged violation(s), should you be found in violation of the City Code of Ordinances.

If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 09/20/2022

Chuck Newman
Code Enforcement Officer
CITY OF ST. PETE BEACH

ADVICE TO THE PUBLIC: Any party wishing to appeal a decision made with respect to any matter considered at the above Special Magistrate Hearing, will need a verbatim record of the proceedings, including the testimony and evidence, which record is not provided by the City of St. Pete Beach.

Persons with disabilities needing assistance to participate in any of these proceedings should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meting for assistance.

# SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING
# CITY OF ST. PETE BEACH

## Agenda Report

| | |
|---|---|
| **Issue Considered:** | **Case No. 20220527**<br>**St. Pete Beach v. Ingrid Anchinges**<br>**Address: 3505 Gulf Blvd South St. Pete Beach FL 33706** |
| **Date:** | October 10, 2022 |
| **Prepared By:** | Peyt Dewar, Code Enforcement Manager |
| **Through:** | Peyt Dewar, Code Enforcement Manager<br>Michelle Gonzalez, Community Development Director |
| **Summary of Issue:** | Status update as ordered on September 12, 2022 by Special Magistrate to resume discussion of the case, and that the Special Magistrate reserves any decision on the imposition of a fine and administrative cost. |
| **Funding:** | N/A |
| **Requested Motion:** | N/A |
| **Attachments:** | 1. Anchinges Order |

**CODE ENFORCEMENT SPECIAL MAGISTRATE**
**CITY OF ST. PETE BEACH**

**CITY OF ST. PETE BEACH,**

**Petitioner,**

**v.**

**CASE NO.: 20220527**
**ADDRESS: 3505 GULF BLVD #SOUTH**
**ST. PETE BEACH, FL 33706**

**INGRID ANCHINGES,**

**Respondent.**

## ORDER FINDING THE RESPONDENT TO BE IN VIOLATION OF THE CITY LAND DEVELOPMENT CODE AND IMPOSING A DAILY FINE AND COSTS

This case comes before the Special Magistrate on September 12, 2022, as a follow up to a hearing held on August 8, 2022, and after hearing testimony and receiving evidence, the Special Magistrate issues the following findings of fact and order:

1. The City was represented by Assistant City Attorney Matthew McConnell, Community Development Director Michelle Gonzalez, and Code Enforcement Manager Peyt Dewar.

2. The Respondent did not appear at the hearing, but Jashiah Collins appeared in person and represented himself as Ms. Achinges' spouse/common law husband, but he is not an owner of record. Mr. Collins provided a power of attorney to act on the Respondent's behalf.

3. The Respondent owns the subject property, and legally required notice of this proceeding was served on the Respondent in accordance with applicable law.

4. The Respondent was notified that the Respondent was in violation of Section 98-123.1 of the Code of Ordinances and Section 105.1(a) of the Land Development Code (LDC) by not having obtained a permit to install an air conditioning unit on the exterior of the garage and Section 6.13 of the LDC.

5. At the August 8th hearing, Mr. Dewar testified that the Respondent had been found liable by the St. Pete Beach Special Magistrate in Case No. 20160121 of maintaining a separate living unit in the garage in violation of the applicable City Code, and an order was entered on April 18, 2019, requiring the Respondent to remove and seal bathroom fixtures and to cease and desist using the garage for living quarters.

6. At the August 8th hearing, Mr. Dewar testified that with the appearance of the unpermitted air conditioning unit, the City had reasonable suspicion that the Respondent may be

attempting to use the garage for living quarters again and that she would be in violation of the 2019 Special Magistrate order.

7. Mr. Dewar presented a storage agreement for the garage space that made it appear that the garage was being used for residential purposes.

8. Mr. Mark Vasquez, Deputy City's Building Official, testified that he accompanied Mr. Dewar on the inspection and that he personally inspected the garage and that it was obvious that the garage was being used for living purposes. Mr. Vasquez detailed indicia of residential use of the garage and that the garage as configured met the definition of habitable space.

9. Ms. Patricia Kordis testified that she is the Front Desk Administrator and Coordinator for the Community Development Department and that a person by the name of Richard Weber wanted her to look up a lease for the subject property because Mr. Weber was having a problem with the landlord, Ms. Achinges. Mr. Weber had indicated that he had been living in the garage, and that the landlord was requiring him to move into the main structure and live with someone else. Mr. Weber had indicated that the landlord wanted him to testify on her behalf, but he did not want to perjure himself.

10. Mr. Collins testified that the bed and other items stored in the garage belonged to Mr. Weber, but he was not living in the garage. Mr. Collins also indicated that certain components had been removed when the first order was entered in 2019. Mr. Collins testified he was unaware of anyone living in the garage. Mr. Collins expressed a willingness to remove any components that would indicate that the garage is being used for living purposes

**BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Respondent is found to have permitted the use of the garage for residential purposes in violation of the City Land Development Code and in violation of the previously issued order by the Special Magistrate in 2019.

2. The Respondent is specifically found to be in violation of the following:

**Sec. 6.13 - Residential Accessory Structures.**

*(2) Detached garage. Detached garages shall be regulated as follows:*
*c. In no case shall a detached garage have any sleeping room, kitchen facilities or plumbing.*

3. The Respondent is found to be a repeat violator as that term in defined and used in Section 162.4(5) and Section 162.06, *Florida Statutes*.

4. The Respondent shall have until September 30, 2022, 5:00 p.m., to remove all indicia of residential use or anything that could accommodate the use of the garage for living quarters.

5. A fine of **$500.00 per day** is imposed on the Respondent **beginning on September 12, 2022,** and the fine shall accrue on a daily basis until the Respondent provides proof of compliance with this order to the City staff by having removed all indicia of residential use of the garage and has ceased the use of the garage for living quarters.

6. The Respondent shall pay administrative costs as calculated by the City in accordance with the applicable provisions of Chapter 22, Article IX, of the Code of Ordinances. The City shall submit a written statement of administrative costs to the Respondent.

7. If the Respondent violates the same City Code provision in the future, the Respondent shall be deemed to be a "repeat violator" as that term is defined in Section 162.4(5), *Florida Statutes* and in the City Code and will be subject to fines and penalties as provided in Section 162.09, *Florida Statutes*.

8. In accordance with Section 22-279 of the City Code, the Respondents may request a hearing to challenge the fine amount within 20 days of the entry date of this order. The request must be submitted to the City in writing and submitted to the City Clerk or emailed to the following email address (and no other City email address): codeenforcement@stpetebeach.org. An order imposing a fine shall not be filed as lien until the latter of the expiration of such 20-day notice period, or the completion of such timely requested challenge. A challenge to an order imposing a fine shall be limited to a consideration of only such new findings necessary to impose an appropriate fine and create a lien.

Order entered on September 18, 2022.

Thomas A. Thanas

**Thomas A. Thanas**
**Special Magistrate**

**PROOF OF SERVICE**

**A copy of this Order was emailed to the Respondent at ingrid76@rocketmail.com and Mr. Collins at jasaiahcollins938@gmail.com on September 18 , 2022.**

## APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order issued by the Special Magistrate to the circuit court. The appeal will not be a hearing *de novo* but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order that is being appealed. The person or entity filing the appeal shall be responsible for the submitting the record of proceedings including a verbatim transcript of the hearing. Section 162.11 and Section 286.0105, *Florida Statutes*.