



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, September 11, 2023
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath
2. Approval of the Agenda -

Action Request: Motion to approve the _____ agenda.

3. Cases Complied or Continued
4. New Cases

A. Case No. 20230482

City of St. Pete Beach v. Williams Surgical LLC

Address: 3100 Pass A Grille 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:

(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. 20230412

City of St. Pete Beach v. Douglas Martin and Stephanie Martin

Address: 434 41st Ave St. Pete Beach FL 33706

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.

5. Old Cases

6. Repeat Violation

A. Case No. 20230468

City of St. Pete Beach v. Mark Carlson

Address: 6440 3rd Palm Pt St. Pete Beach FL 33706

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.

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

Issue Considered: Case No. 20230482
City of St. Pete Beach v. Williams Surgical LLC
Address: 3100 Pass A Grille Way St. Pete Beach FL
33706

Date: September 11, 2023

Prepared By: Steven Rivera

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

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:

(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 listed property has been found to be in violation of Sec. 20.03 of the Land Development code. Property can only be rented on a short-term basis (less than 30 days) three times in a 12-month period.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice of Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing



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

NOTICE OF VIOLATION

08/17/2023

WILLIAMS SURGICAL LLC
3100 PASS A GRILLE WAY
ST PETE BEACH, FL 33706-4068

RE: Case Number 20230482
Violation Address: 3100 PASS A GRILLE WAY
Parcel ID#: 073216609480000070

Dear Property Owner:

The listed property has been found to be in violation of Sec. 20.03 of the Land Development code. Property can only be rented on a short-term basis (less than 30 days) three 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:

(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 **no later than 08/21/2023**. 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,



Steven Rivera
Code Enforcement Officer

CE20230482

- Respondent(s): Williams Surgical LLC**
- Violation address: 3100 Pass A Grille Way**
- Violation(s) description: The property was being used as transient occupancy in the PAG Overlay zoning district beyond the 3 times allowed per 12-month period , in violation of section 20.03 (b) of the Land Development Code of the City of St. Pete Beach**

CE20230482

Case Summary

- Notice of Violation dated: 08/17/2023**
- Notices of Hearing dated and posted on the property: 08/22/2023**

CE20230482

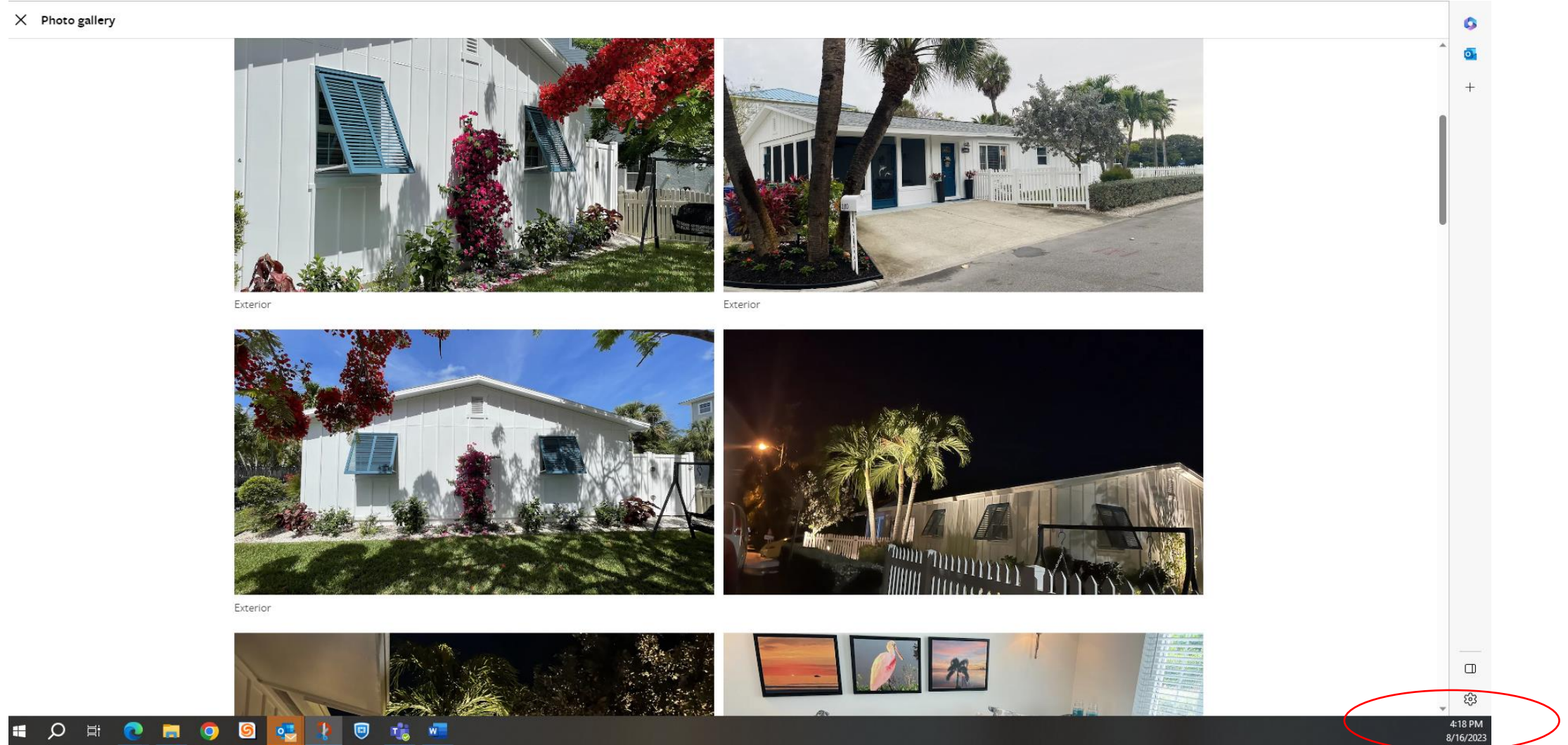
Affidavit of Posting



3100 Pass A Grille Way

CE20230482

VRBO online ad



3100 Pass A Grille Way

CE20230482

Google Maps



3100 Pass A Grille Way

St. Pete Beach, FL |...

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Vrbo

Get the app

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Save

Overview

Amenities

Policies

Location

Historic, Renovated Pass A Grille Gem Steps from the Sand!

★ 5.0/5 Exceptional

See all 10 reviews

Entire home

3 bedrooms

1 bathroom

Sleeps 6

Popular amenities

Washer

Air conditioning

Barbecue grill

Kitchen

Dryer

Outdoor Space

Earn OneKeyCash each time you stay at a place that feels like home

Sign in

\$625 per night

Partially refundable

Before Thu, Aug 31

Start ...

End date

Sep 7

Sep 12

Travelers

2 travelers

Hertz

Seize the moment.

Hertz.

Let's Go!

Book Now

3:28 PM

8/31/2023

CE20230482
VBRO Online Ad

Guest reviews

Great location for a quiet beach

Property was in great shape, looked new. We loved the sunroom. Great location, steps to the beach that was excellent and not crowded even on Memorial day weekend.

Stayed 5 nights in May 2023

4.0

5/5 Excellent

Laurie K.

May 20, 2023

Liked: Cleanliness

The perfect spot

Our stay was for a graduation in Tampa with 6 family members coming from multiple spots. Both the house and the beach were just perfect. The house had a wonderful cottage vibe, well decorated and stocked-- and was steps from a pristine beach. The beach sunsets were glorious. We would return in a heartbeat.

Stayed 4 nights in May 2023

4.0

Response from VrboOwner on May 20, 2023

Thank you for your beautiful review. No doubt that we have a gem and we love sharing it with guests like you!

5/5 Excellent

brad t.

Apr 15, 2023

Liked: Cleanliness

Great stay!

The house is fabulous! Perfectly appointed, decorated, and super clean like a brand new house. Perfect amount of space for a small family. Everything as described and needed was there! Owner was quickly responsive and accommodating! Absolutely loved this stay!

Stayed 5 nights in Apr 2023

4.0

Response from VrboOwner on Apr 15, 2023

Thank you for the beautiful review of our Pass A Grille gem. We loved hosting you and hope you will visit again!

5/5 Excellent

ian m.

Apr 11, 2023

Liked: Cleanliness

St. Pete Beach, FL |...

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FACE

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Meetings View

FACE

Guest reviews

Great

CE20230482

VBRO Online Ad

Guest reviews

★ 5.0/5 Exceptional
10 verified reviews

Reviews are presented in chronological order, subject to a moderation process, and verified unless otherwise labeled.
[Learn more](#)

Cleanliness 5.0/5

Search reviews

Sort by
Most relevant

5/5 Excellent
Susan L.
Aug 23, 2023
Liked: Cleanliness
reunion
Very clean and nice.
Stayed 7 nights in Jul 2023

Response from VrboOwner on Aug 23, 2023
Thank you for taking the time to review our special beach place! We are so happy that you appreciate its cleanliness and beauty and hope you will return soon!

5/5 Excellent
Joshua S.
Jun 14, 2023
Liked: Cleanliness
Great location for a quiet beach
Property was in great shape, looked new. We loved the sunroom. Great location, steps to the beach that was excellent and not crowded even on Memorial day weekend.
Stayed 5 nights in May 2023

5/5 Excellent
Laurie K.
May 20, 2023
Liked: Cleanliness
The perfect spot
Our stay was for a graduation in Tampa with 6 family members coming from multiple spots. Both the house and the beach were just perfect. The house had a wonderful cottage vibe, well decorated and stocked-- and was steps from a pristine beach. The beach sunsets were glorious. We would return in a heartbeat.
Stayed 4 nights in May 2023

4:17 PM
8/23/2023

3100 Pass A Grille Way

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statutes, 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: 3100 PASS A GRILLE WAY

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

Name of Property Owner(s): WILLIAMS SURGICAL LLC

Case No.: 20230482 Code Enforcement Officer: Steven Rivera

Hearing Date: 09/11/2023 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 08/22/2023

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

X



Signature of Officer posting

Steven Rivera

Print Name

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

CITY OF ST. PETE BEACH,
Petitioner,
vs.
WILLIAMS SURGICAL LLC
Respondent(s)

Case Number: 20230482

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 **09/11/2023** 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 **3100 PASS A GRILLE 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 YOURSELF ACCORDINGLY,

DATED 08/22/2023



Steven Rivera
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 meeting for assistance.

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

Agenda Report

Issue Considered: Case No. 20230412
City of St. Pete Beach v. Douglas Martin and Stephanie Martin
Address: 434 41st Ave St. Pete Beach FL 33706

Date: September 11, 2023

Prepared By: Steven Rivera

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

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 listed property can only be rented out for a minimum of one month in the RU-1 zoning district.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice of Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing



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

NOTICE OF VIOLATION

07/06/2023

MARTIN, DOUGLAS / MARTIN, STEPHANIE
434 41ST AVE
ST PETE BEACH , FL 33706

RE: Case Number 20230412
Violation Address: 434 41ST AVE
Parcel ID#: 073216075240090370

Dear Property Owner:

The listed property can only be rented out for a minimum of one month in the RU-1 zoning district.

Sec. 8.2. - Permitted principal uses and structures.

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(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 07/11/2023**. 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,

Steven Rivera
Code Enforcement Officer

CE20230412

- Respondent(s): Douglas Martin and Stephanie Martin**
- Violation address: 434 41st Ave**
- Violation(s) description: The property was being used as transient occupancy in the RU-1 zoning district , in violation of section 8.2 (a) of the Land Development Code of the City of St. Pete Beach.**

CE20230412

Case Summary

- **Notice of Violation dated: 07/06/2023**
- **Notices of Hearing dated and posted on the property: 08/22/2023**

CE20230412

Affidavit of Posting



434 41st Ave

CE20230412

Airbnb online ad



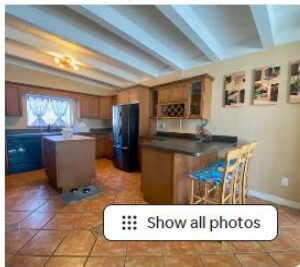
Start your search

Airbnb your home

Big St Pete Beach Waterview Home

★ 4.50 · [8 reviews](#) · [St. Pete Beach, Florida, United States](#)

[Share](#) [Save](#)



Show all photos

Entire home hosted by  Emmanuel

10 guests · 4 bedrooms · 4 beds · 2 baths

 **Self check-in**
Check yourself in with the keypad.

\$301 night

★ 4.50 · [8 reviews](#)

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	



8:00 AM
7/6/2023

434 41st Ave

CE20230412

Airbnb Reviews

PhotosAmenitiesReviewsLocation

\$301 night

★ 4.55 · 11 reviews

Check availability

Abby
July 2023

Beautiful and quit property. Host was quick and responsive when attending to any concerns.

Char
July 2023

We enjoyed our stay. Very friendly host. Clean and close to everything. We will definitely be back!

Scott
June 2023

Emmanuela was an excellent host to deal with!!! The check in was easy and information binder was very helpful. We would definitely stay here again. House was set up perfectly for 7 adults. With plenty of extra room. Lots of parking for our 4 vehicles.

Show all 11 reviews

Gracie
July 2023

Enjoyed our stay here! Communication was quick & efficient! Great and safe area as well.

James
July 2023

this place was fantastic. it was exactly what we were looking for in a quick family getaway/get together. the house was fantastic and everything we could have hoped for. less than a...
[Show more >](#)

Jacqueline
June 2023

Wonderful beachy getaway. It was nice and quiet. Perfect for a weekend away.

4:25 PM
8/9/2023

434 41st Ave

CE20230412

Airbnb Reviews

https://www.airbnb.com/rooms/877828484350347371/reviews?source_impression_id=p3_1688593452_LsY5ZV3pydwlnzL&check_in=2023-09-01&guests=1&adults=1

St. Pete Beach, FL |... Home Page Pinellas County Pro... ConnectSuite e-Cer... Phone-List-INTER-... municode - Search Passport Portal ConnectSuite e-Cer... Login SeeClickFix CRM Login To iWorQ ww... Laserfiche | Home Meetings View FACE

Photos Amenities Reviews Location \$258 night Check availability

★ 4.55 • 11 reviews

Cleanliness 4.6
Accuracy 4.6
Communication 4.9
Location 4.8
Check-in 4.8
Value 4.5

Search reviews

Emily
June 2023
The place was very spacious and clean. It was even better than the pictures posted and a lot of fun!

Dalton
May 2023
Nice clean house, no complaints. Close to the beach and bars and restaurants. Had a spot we could park our boat which was great. 10 guests are allowed, but I'd say it sleeps 6 adults comfortably.

Karen
May 2023
Enjoyed being close to the beach and restaurants. Liked the screened in Lanai and hot tub. Nice neighborhood and weather was perfect.

Maureen
May 2023
Very interesting and different place. Very quiet and clean neighborhood. Plenty of towels for all 7 of us. Well equipped kitchen. Lots of seating areas both in shade and sun. Just a short ride to the beach access, Publix and restaurants.

Response from Stephanie
May 2023
Thanks for your positive review! I don't understand the 3-star rating because it sounded like you had a positive experience given the

4:20 PM
8/31/2023

434 41st Ave

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statutes, 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: 434 41ST AVE

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

Name of Property Owner(s): MARTIN, DOUGLAS / MARTIN, STEPHANIE

Case No.: 20230412 Code Enforcement Officer: Steven Rivera

Hearing Date: 09/11/2023 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 08/22/2023

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

X



Signature of Officer posting

Steven Rivera
Print Name

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

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20230412

vs.
MARTIN, DOUGLAS / MARTIN, STEPHANIE
Respondent(s)

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 **09/11/2023** 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 **434 41ST 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 08/22/2023



Steven Rivera
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 meeting for assistance.

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

Agenda Report

Issue Considered: Case No. 20230468
City of St. Pete Beach v. Mark Carlson
Address: 6440 3rd Palm Pt St. Pete Beach FL 33706

Date: September 11, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

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

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 in repeat violation of renting on a short-term basis for a period of less than a month.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice of Repeat Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing
5. Special Magistrate Order (Case No 20220578 - Carlson 8.2) 12/12/2022



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

NOTICE OF REPEAT VIOLATION

8/10/2023

CARLSON, MARK
2925 RED SPRINGS DR
LAS VEGAS, NV 89135-1524

RE: Case Number 20230468
Violation: Sec. 8.2. - Permitted principal uses and structures.
Violation Address: 6440 3RD PALM PT
Parcel ID#: 313116907420000050

Dear Property Owner:

The above-mentioned property is in repeat violation of renting on a short-term basis for a period of less than a month according to the above code section.

Your property was found in violation by the Special Magistrate on 12/12/2022, for the same violation (Sec. 8.2. - Permitted principal uses and structures.). This constitutes a repeat violation of the section mentioned above and will not be allowed to continue. Once you are cited for a violation of the Code for a specified activity, such citation remains in effect for repeat violations.

Please be advised that this matter is being referred to the Special Magistrate for hearing on 9/11/2023 at 10am.

If you require further information, please contact Code Enforcement at (727) 363-9211 or (727) 363-9209 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

Sincerely,

Luis Cruz 727-589-2564

Luis Cruz
Code Enforcement Officer

CE20230468

- Respondent(s): Mark Carlson**
- Violation address: 6440 3rd Palm Pt**
- Violation(s) description: The property was being used as transient occupancy in the RU-1 zoning district, in violation of section 8.2 (A) of the Land Development Code of the City of St. Pete Beach**

CE20230468

Case Summary

- **Notice of Repeat Violation dated: 08/10/2023**
- **Notices of Hearing dated and posted on the property: 08/10/2023**

CE20230468

Affidavit of Posting



6440 3rd Palm Pt

CE20230468

Special Magistrate Order 12/12/2022

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

7. Respondent and the subject property were in violation of the cited provision from September 4, 2022 to November 16, 2022 with advertisements on both VRBO and AirBnb, but is now compliant. Respondent will be assessed \$250 per day from September 4, 2022 through November 16, 2022. Respondent remains non-compliant with his advertisement on FLrentals.net. Respondent has seven (7) days from the date of this order to bring the advertisement into compliance and notify the City of same. If the Respondent fails to do so, a \$250 per day fine will be assessed from December 9, 2022 until such time as the property comes into compliance. Respondent will also be responsible for paying all reasonable administrative costs associated with the investigation and prosecution of this case.
8. With ten (10) days of the date of this Order, Respondents shall provide the City with proof that there are no future bookings of less than thirty (30) days.
9. Respondent is ordered to immediately cease renting the property for a term less than thirty (30) days.
10. Pursuant to Section 22-279 (a) of the City's Code of Ordinances, Respondent may request a hearing to challenge the fine amount within twenty (20) days of the date of the original order.
11. It is Respondent's responsibility to notify the City once the property is in compliance, if applicable.
12. Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondents may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on December 15, 2022.

Erica F. Augello

Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent by regular U.S. Postal Service mail to the Respondent at 2925 Red Springs Drive, Las Vegas, NV 89135 on December 15, 2022.

6440 3rd Palm Pt

CE20230468

Online ad

The screenshot shows a web browser window displaying a Vrbo listing. The address bar shows the URL: https://www.vrbo.com/2943713?bedroom_count_gt=&chain=&chkin=8%2F11%2F2023&chkout=9%2F10%2F2023&dateSelectedByUser=false&daysInFuture=&destination=&endDate=9%2F10%2F2023. The Vrbo logo is at the top left, and navigation links like 'Get the app', 'United States', 'Trip Boards', 'List your property', 'Help', 'My trips', and 'Sign in' are at the top right. The main content area features a large image of a pool at sunset, followed by a grid of interior photos. Below the images, the listing is titled 'Entire home Intercoastal Paradise, Palm point!' with a 5.0/5 'Exceptional' rating. It specifies '3 bedrooms' and '3 bathrooms'. A 'Popular amenities' section lists Pool, Hot Tub, Kitchen, Washer, Dryer, and Air conditioning. To the right, a dark box promotes 'Earn OneKeyCash' with a 'Sign in' button. Below that, the price is '\$273 per night' and it is marked 'Non-Refundable'. There are fields for 'Start...' and 'End...' dates, and a 'Travelers' section showing '2 travelers'. A sidebar on the right encourages becoming a Vrbo host. The Windows taskbar at the bottom shows various application icons and a system clock in the bottom right corner displaying '6:21 PM 8/8/2023'.

See all properties

Save

Overview Amenities Policies Location

Entire home

Intercoastal Paradise, Palm point!

★ 5.0/5 Exceptional

See all 2 reviews

Entire home

3 bedrooms 3 bathrooms

Popular amenities

- Pool
- Hot Tub
- Kitchen
- Washer
- Dryer
- Air conditioning

Earn OneKeyCash each time you stay at a place that feels like home

Sign in

\$273 per night

Non-Refundable

Start... End...

Travelers

2 travelers

Become a Vrbo host and earn extra money. See how

6:21 PM 8/8/2023

6440 3rd Palm Pt

CE20230468

Online ad

The screenshot displays a web browser window with the following elements:

- Address Bar:** The URL `https://www.vrbo.com/2943713?bedroom_count_gt=&chain=&chkin=8%2F11%2F2023&chkout=9%2F10%2F2023&dateSelectedByUser=false&daysInFuture=&destination=&endDate=9%2F10%2F2023` is circled in red.
- Property Rating:** A 5.0 rating with 2 reviews is shown as "Exceptional".
- Review Summary:** A bar chart shows 5 - Excellent (2), 4 - Good (0), 3 - Okay (0), 2 - Poor (0), and 1 - Terrible (0).
- Review 1:** A red box highlights a review by Shala O., Plant City, dated Jul 17, 2023. The review is titled "5/5 Excellent" and "Our favorite". The text reads: "We absolutely love this place! Highly recommend staying here. Everyone is so friendly to work with, easy communication. The house is just perfect! Wish I could go every weekend. We will be renting again." It also mentions "Stayed 12 nights in May 2023".
- Review 2:** A review by James M., dated Dec 22, 2022, is titled "5/5 Excellent" and "Great Inter-coastal views". The text reads: "Very nice location in a very quiet neighborhood. The layout of the home works very well. Would be perfect for 6 or less people. Pool views to the waterway are beautiful. You get pretty good sunsets as well." It also mentions "Stayed 7 nights in Nov 2022".
- Host Information:** The host is identified as "Premier Host" with a note: "They consistently provide great experiences for their guests".
- System Tray:** The bottom right corner shows the system clock circled in red, displaying "6:23 PM 8/8/2023".

6440 3rd Palm Pt

CE20230468

Online ad

✕ Guest reviews

★ 5.0/5 Exceptional

2 verified reviews

Reviews are presented in chronological order, subject to a moderation process, and verified unless otherwise labeled.

[Learn more](#)

Cleanliness

5.0/5

5/5 Excellent

Shala O., Plant City
Jul 17, 2023

😊 Liked: Cleanliness

Our favorite

We absolutely love this place! Highly recommend staying here. Everyone is so friendly to work with, easy communication. The house is just perfect! Wish I could go every weekend. We will be renting again.

Stayed 12 nights in May 2023

👍 0

Response from VrboOwner on Jul 26, 2023

Thank you fro the feedback glad you enjoyed your stay!!!

5/5 Excellent

James M.
Dec 22, 2022

😊 Liked: Cleanliness

Great Inter-coastal views

Very nice location in a very quiet neighborhood. The layout of the home works very well. Would be perfect for 6 or less people. Pool views to the waterway are beautiful. You get pretty good sunsets as well.

Stayed 7 nights in Nov 2022

👍 0

Sort by

Most relevant



6440 3rd Palm Pt

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statutes, 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: 6440 3RD PALM PT

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

Name of Property Owner(s): CARLSON, MARK

Case No.: 20230468 Code Enforcement Officer: Luis Cruz

Hearing Date: 09/11/2023 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 08/10/2023

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

X *Luis Cruz*
Signature of Officer posting

Luis Cruz
Print Name

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

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20230468

vs.
CARLSON, MARK
Respondent(s)

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 **09/11/2023** 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 **6440 3RD PALM PT** 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 08/10/2023



Luis Cruz
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 meeting for assistance.

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20220578

ADDRESS: 6440 3rd Palm Pt. St.

MARK CARLSON,

Respondent(s).

_____ /

FINAL ADMINISTRATIVE ORDER AND ORDER IMPOSING FINES

This case came before the Special Magistrate on December 12, 2022, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Patrick Hawk.
2. The Respondent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified of the following violation of the City's Land Development Code but failed to bring the property into compliance within the period required by the City.

Section 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:

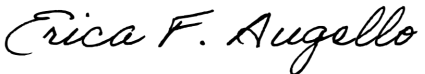
- (a) ***Residential dwellings- Detached single-family only. Such dwellings shall not be used for transient occupancy.***
5. The City presented evidence establishing the property had been advertised for transient occupancy for a period of less than thirty (30) days in violation of the City's Code.

6. The City's evidence demonstrated the property's advertisements had come into compliance on both the VRBO and AirBnB platforms, but an advertisement on FLrentals.net remained out of compliance.

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

7. Respondent and the subject property were in violation of the cited provision from September 4, 2022 to November 16, 2022 with advertisements on both VRBO and AirBnB, but is now compliant. Respondent will be assessed \$250 per day from September 4, 2022 through November 16, 2022. Respondent remains non-compliant with his advertisement on FLrentals.net. Respondent has seven (7) days from the date of this order to bring the advertisement into compliance and notify the City of same. If the Respondent fails to do so, a \$250 per day fine will be assessed from December 9, 2022 until such time as the property comes into compliance. Respondent will also be responsible for paying all reasonable administrative costs associated with the investigation and prosecution of this case.
8. With ten (10) days of the date of this Order, Respondents shall provide the City with proof that there are no future bookings of less than thirty (30) days.
9. Respondent is ordered to immediately cease renting the property for a term less than thirty (30) days.
10. Pursuant to Section 22-279 (a) of the City's Code of Ordinances, Respondent may request a hearing to challenge the fine amount within twenty (20) days of the date of the original order.
11. It is Respondent's responsibility to notify the City once the property is in compliance, if applicable.
12. Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondents may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on December 15, 2022.



Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent by regular U.S. Postal Service mail to the Respondent at 2925 Red Springs Drive, Las Vegas, NV 89135 on December 15, 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.