



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, October 9, 2023
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath
2. Cases Complied or Continued

A. Case No. 20230255

City of St. Pete Beach v. Kimberly Anne Jordan

Address: 400 71st Ave. St. Pete Beach FL 33706

Status Hearing on the additional time given to complete the sale of the property

B. Case No. 20230331

City of St. Pete Beach v. JG Holdings of Pinellas LLC

Address: 8001 Blind Pass Rd. St. Pete Beach FL 33706

The Respondent had until September 29, 2023 to make the fence improvements to the standards to which the Respondent testified at the hearing, including power washing, the application of stucco, and the painting of the fence. The concrete pad used to roll the Respondent's dumpster to the street shall be resurfaced by September 29, 2023 as well.

C. Case No. 20230311

City of St. Pete Beach v. Sapphire Real Estate Management LLC

Address: 618 73rd Ave. St. Pete Beach FL 33706

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations

imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

3. New Cases

A. Case No. 20230511

City of St. Pete Beach v. Randall Rutter Tre, Rutter Living trust

Address: 2504 Sunset Way St. Pete Beach FL 33706

Sec. 25.5 - Prohibitions

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(d) Except as otherwise provided in this section, the following shall be prohibited:

(1) The removal or disturbance of vegetation of a dune;

(2) Planting of vegetation except for native, salt-resistant species suitable for beach and dune stabilization;

(3) The crossing, passing over or passing through any dune by any person or vehicle, except in where such crossing is marked for access pursuant to this section; or

(4) Blocking or causing to be blocked by any means whatsoever any pathway leading to or from a public beach.

Sec. 25.9. - Permit required.

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(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.

(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.

Sec. 98-123.1. - Permits required.

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Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

B. Case No. 20230340

City of St. Pete Beach v. Paradise Caprice LLC

Address: 521 71st Ave. St. Pete Beach FL 33706

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

C. Case No. 20230302

City of St. Pete Beach v. Stanley Jablonski & Joanne Jablonski

Address: 235 71st Ave. St. Pete Beach FL 33706

Sec. 22.4. - Type, quality and size of plant material.

(f) Ground covers. Vegetative ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall nonvegetative pervious material (for the purposes of this section, stone, shell, gravel, and artificial turf only) be utilized for more than 20 percent of the minimum required pervious area, nor shall such material adversely affect abutting properties, waterways, or the right-of-way. The 20 percent maximum nonvegetative portion of the required pervious area may be increased administratively if the property owner installs an innovative landscape design that incorporates features that retain stormwater onsite, reduces the need for ground water irrigation, or increases the tree canopy as determined by professional best practices which include, but are not limited to, Florida-friendly landscaping, xeriscaping, and low-impact development. New construction that exceeds 10% of the zoning lot area, or the granting of an undue and unnecessary hardship variance or practical difficulty variance, shall require full compliance with this section. A recommended list of vegetative ground covers to be used includes, but is not limited to, the following:

Gallardia Pullchella (Gallardia)*

Helianthus Debilus (Beach Sunflower)*

Lantana Camara (Dwarf Yellow Lantana)*

Trachelospernum Jasmine Varigated (Varegated Confederate Jasmine)*

Trachelospernum Jasmine Minima Varegated (Varegated Dwarf Confederate Jasmine)*

Trachelospernum Jasminoides (Confederate Jasmine)*

Licania michauxii (Gopher Apple)

Scaevola plumieri (Inkberry)

Stachytarpheta jamaicensis (Prone Porterweed)*

Zamia pumila (Coontie)*

Muhlenbergia capillaris (Muhley Grass)*

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

(a) All premises shall be maintained in compliance with the standards in this section. (b) Standards for improved property.

(21) Shrubbery, plants, and ground cover. All real property shall be maintained in a condition to prevent erosion of soil by:

- a. Landscaping with grass, trees, shrubs or other planted ground cover; or
- b. Such other suitable means as shall be approved by the building official.

4. Old Cases

A. Case No. 20220744

City of St. Pete Beach v. Plaza Beach Motel LLC

Address: Gulf Blvd. St. Pete Beach FL 33706

Sec. 1.3. - Purposes and matters regulated; application of regulations; schedule of district regulations.

(c) Application of regulations. Except as hereinafter provided, no structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any structure or land be used or occupied which does not comply with all the regulations established by this ordinance for the district in which the building or land is located. No part of a yard, other open space, parking or loading space required for a building or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, parking or loading space similarly required for another building or use.

No building or use shall be relocated from one zoning lot to another or relocated to another location on the same zoning lot unless such building, structure or use shall thereafter conform to all of the applicable provisions of this ordinance and the provisions of Chapter 98 - Buildings and Building Regulations, of the St. Pete Beach Code of Ordinances.

In no case shall there be more than one main structure and the customary accessory structures on one lot when single-family residential is the principal use of the lot. No yard, or lot, now existing, or hereinafter created, shall be reduced in dimensions or area below the minimum requirements herein for the district in which it is located. No structure shall

be erected on a lot heretofore or hereinafter reduced below minimum dimensions or area required by law, nor shall such lot be offered for sale or sold, except to used in such combination with adjacent lots as will produce conformity with the requirements of this ordinance, provided, however, this requirement shall not apply to a lot which was of record, either by plat or by deed describing the lot by metes and bounds or otherwise, in the office of the Clerk of the Circuit Court, Pinellas County, Florida, on August 1, 1972, being the date of final adoption of Ordinance 200 containing similar provisions.

Within each district, the regulations set forth herein shall be minimum regulations and shall apply to each class or kind of building or land. The regulations may specify the uses permitted, the uses permissible as conditional uses provided that reasonable requirements of a special nature are met to reduce or eliminate harmful incompatibility, the off-street parking and loading requirements for each use, and identify the uses or characteristics of uses that are prohibited.

Sec. 23.11. - Parking construction and design requirements.

(a) General construction requirements.

(1) All driveway and off-street parking areas shall be constructed of asphaltic concrete, concrete, pavers or equal on a properly constructed and compacted base unless an alternative is approved by the city.

(2) No slag, rock, pea gravel or other loose type of material shall be used.

(3) All driveway aprons within the public rights-of-way shall be constructed of concrete.

(4) All points of ingress/egress from parking areas to public rights-of-way shall be constructed only upon approval from the city or other public agency having jurisdiction over the right-of-way.

Sec. 23.4. - General parking requirements.

All off-street parking shall be provided in accordance with the following general requirements:

(a) No building or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this Code.

(4) In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and the off-street parking space for one use shall not be considered as providing the required off-street parking for any other use, except as provided for in the shared parking criteria in this division.

(e) Except as provided in section 23.7, all off street parking areas shall be surfaced with asphalt, bituminous or concrete material, clay brick or concrete paving units, and maintained in a smooth, well-graded condition; provided, however, turf block may be used for the parking space surface.

(g) Be arranged for the convenient access and safety of pedestrians and vehicles.

(h) Be so arranged that no vehicle shall be required to back from such facilities directly onto arterial or collector streets as defined by the ITE Manual.

(i) Have curbs, motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public rights-of-way or adjacent property.

(j) Off-street parking spaces shall be reserved for the exclusive use of residents, customers, patrons, or employees of the principal use of the property they are designed and intended to serve; provided, however, the city may authorize such parking on non-residentially zoned properties to be used on a temporary basis by the general public in connection with a special event approved by the city under Article II of Chapter 26 of the City of St. Pete Beach Code of Ordinances during those times the principal use of the property is not operating.

(k) Required off-street parking shall be located as follows:

(1) On the same or contiguous property of the use the parking is intended to serve;

(2) On non-contiguous property which has the same zoning classification or a zoning classification which allows the use as permitted or conditional, as the use the parking is intended to serve, provided:

a. The off premise parking is within eight hundred (800) feet of the principal use to be served, to be measured along the most direct pedestrian route; except for a restaurant, hotel, or theater use that operates and maintains a valet parking service for customers, for which the off premise parking may be located within one thousand (1,000) feet from the principal use it is intended to serve, to be measured along the most direct pedestrian route.

b. An identifiable pedestrian connection is provided between the off-premise parking area and the principal use it is intended to serve. The pedestrian connection shall require no crossing of a collector or arterial street, except at a signalized intersection.

c. A parking agreement in a form approved by the city attorney is recorded with the Clerk of the Circuit Court of Pinellas County, Florida, at the owner's expense providing that the off-premise parking area will not be disposed of except in conjunction with the sale or use of the building the parking area serves so long as the parking is required.

Sec. 23.7. - Pervious and semi-pervious parking.

(a) Pervious/semi-pervious parking. Drought tolerant sod, shell, gravel or other similar pervious or semi-pervious surfaces that do not cause erosion, barriers to pedestrian access, or adverse effects to abutting parcels may be approved under the site plan provisions of Division 5 of this Code for parking facilities that meet one of the following criteria:

(1) An off-premise or commercial parking lot in the Gulf Boulevard Redevelopment District for which a conditional use permit has been issued.

Sec. 3.5. - Development order required.

No development shall take place unless the city has issued a development order authorizing such development, unless such development is specifically exempt under this Code.

Sec. 38.4. - Allowable conditional uses.

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Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the AC Activity Center District are as follows:

(h) Off-premises parking lot and/or structure;

Sec. 4.8. - Effect of decision.

(b) Development of the conditional use shall not be carried out until the applicant has secured all other permits and approvals required by these regulations, the city, county, state and federal agencies.

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

B. Case No. 20220772

City of St. Pete Beach v. Plaza Beach Motel LLC

Address: 46th Ave. St. Pete Beach FL 33706

Sec. 1.3. - Purposes and matters regulated; application of regulations; schedule of district regulations.

(c) Application of regulations. Except as hereinafter provided, no structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any structure or land be used or occupied which does not comply with all the regulations established by this ordinance for the district in which the building or land is located. No part of a yard, other open space, parking or loading space required for a building or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, parking or loading space similarly required for another building or use.

No building or use shall be relocated from one zoning lot to another or relocated to another location on the same zoning lot unless such building, structure or use shall thereafter conform to all of the applicable provisions of this ordinance and the provisions of Chapter 98 - Buildings and Building Regulations, of the St. Pete Beach Code of Ordinances.

In no case shall there be more than one main structure and the customary accessory structures on one lot when single-family residential is the principal use of the lot. No yard,

or lot, now existing, or hereinafter created, shall be reduced in dimensions or area below the minimum requirements herein for the district in which it is located. No structure shall be erected on a lot heretofore or hereinafter reduced below minimum dimensions or area required by law, nor shall such lot be offered for sale or sold, except to used in such combination with adjacent lots as will produce conformity with the requirements of this ordinance, provided, however, this requirement shall not apply to a lot which was of record, either by plat or by deed describing the lot by metes and bounds or otherwise, in the office of the Clerk of the Circuit Court, Pinellas County, Florida, on August 1, 1972, being the date of final adoption of Ordinance 200 containing similar provisions.

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5. Repeat Violation
6. Lien Reductions
7. Next Meeting:
8. 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. 20230255
City of St. Pete Beach v. Kimberly Anne Jordan
Address: 400 71st Ave. St. Pete Beach FL 33706

Date: October 9, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

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

Summary of Issue: Status Hearing on the additional time given to complete the sale of the property

Funding: N/A

Requested Motion: N/A

Attachments:

1. Amended Special Magistrate Order 08.17.23
2. Sales Contract For Real Estate

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: 20230255

ADDRESS: 400 71st AVENUE

ST. PETE BEACH, FL 33706

KIMBERLY ANNE JORDAN,

Respondent.

**AMENDED ORDER CONTINUING THE CASE FOR STATUS BUT
RESERVING A DECISION ON FINE AND COSTS**

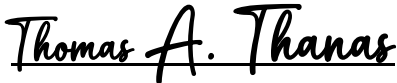
This case comes before the Special Magistrate on August 14, 2023, for status following an order entered on July 12, 2023, and after hearing testimony and receiving evidence, the Special Magistrate issues the following findings of fact and order:

1. The City was represented by Assistant City Attorney Matthew McConnell, Code Enforcement Manager Peyt Dewar, and Code Enforcement Officer Luis Cruz.
2. The Respondent, Kimberly Anne Jordan, appeared in person.
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. In the order entered on July 12, 2023, the Respondent was found to have been in violation of Section 46-33, Section 98-65, and Section 98-66 of the Code of Ordinances by maintaining a public nuisance on the property and not maintaining the property in compliance with the Code. More specifically, the Respondent's single family house was determined to be in a dilapidated condition.
5. At the hearing on July 10, 2023, Ms. Jordan acknowledged that the property is in a dilapidated condition and is not in compliance with the City Code, but that she was in the process of selling the house to a buyer who will demolish the structure on the property. As required by the order entered on July 12, 2023, Ms. Jordan submitted a contract to purchase the property dated July 13, 2023, from Dennie Isle LLC to the City staff after the hearing.
6. Ms. Jordan has requested additional time to complete the sale of the property and close on the sale of her property.

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

1. The order entered on July 12, 2023, stands unchanged. The Respondent is found to have been and remains in violation of Section 46-33, Section 98-65, and Section 98-66 of the Code of Ordinances.
2. The Respondent is given additional time to complete the contract to sell the property.
3. A status hearing is set for **October 9, 2023, at 10:00 a.m.** A decision on fines and administrative costs will be made at that hearing. The City reserves the right to request the imposition of a fine and administrative costs at that hearing before the Special Magistrate.
4. 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*.

Order entered on August 15, 2023.



**Thomas A. Thanas
Special Magistrate**

PROOF OF SERVICE

A copy of this Order was emailed to the Respondent at kims93corvett@yahoo.com on August 15, 2023.

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 submitting the record of proceedings including a verbatim transcript of the hearing. Section 162.11 and Section 286.0105, *Florida Statutes*.

SALES CONTRACT FOR REAL ESTATE

THIS AGREEMENT is made this 13th day of July 2023, by and between Kimberly Anne Jordan hereafter called Seller(s), and Dennie Isle LLC and/or assigns, hereafter called Buyer. Buyer and Seller shall hereafter jointly be referred to as the "Parties".

- I. **DESCRIPTION OF THE PREMISES.** Seller(s) agrees to sell to Buyer the property located at: 400 71st Ave, St Pete, FL 33706

Description Written as Follows: AS IS Condition

Description is including any fixtures, window and floor coverings, built-in appliances, draperies including hardware, shades, blinds, window and door screens, awnings, outdoor plants, trees, and other permanently attached items now on premises.

I. **PURCHASE PRICE.**

The Seller agrees to convey property to Buyer for the sum of
with earnest money in the amount of

\$655,000

\$5,500

TOTAL SALES PRICE (CASH):

\$655,000

(Earnest Money is Included in Total Purchase Price)

II. **TERMS.** The following terms are applicable to this contract:

- 1) Closings costs, attorney fees, title fees and other title costs are to be paid in the following fashion – **Paid in full by Buyer.**
- 2) Any taxes (NOT Including Transfer Taxes), Liens, Encumbrances and or Mortgage owed will be closed and **paid in full by the Seller.**
- 3) The Seller and Buyer will set closing to be as soon as possible for all parties, but no later than **120 Business Days after date of Ratification** without written addendum to this agreement.
- 4) The Title report and survey, if required, will be ordered promptly and, if not available on the settlement Date, or if Issues arise with Title search (such as Probate, Tax Liens, Payoff statements, etc.) then Settlement may be delayed for up to 30 business days to obtain clear title report and survey after which this Contract, at the option of the Buyer, may be terminated and the Deposit will be refunded in full to the Buyer.
- 5) Both parties agree that the subject property is being bought/sold in its current "AS IS" condition.
- 6) The property is being sold as-is, where-is with all defects in condition being at the sole risk of the Buyer. Seller shall not be responsible for any repairs of any kind whatsoever, including repair of damage caused by and resolution of wood destroying organisms. Further, Seller does not warrant that any work done on the property by Seller or anyone previously owning the property was done to code or with permits.

SELLER: 

BUYER: 

- 7) At Settlement, the Buyer and Seller will split transfer taxes.
 8) Earnest money to be held in escrow by Buyer's closing company:

Monument Title

- 9) Earnest money non-refundable to Buyer unless title is non-conveyable, Seller is not available to close within time period of this contract or if Buyer not satisfied with result of inspections.
 10) If Inspection does not pass Buyer Standards, Buyer may terminate this Agreement by written notice to Seller within 21 business days of Ratification of Agreement, in which event the earnest money shall be refunded to Buyer.
 11) Seller to provide Buyer with permission to access property for purposes of conducting Buyer's inspections, collect bids from contractors, and designers prior to closing, with a reasonable notice from buyer to seller. If property is vacant, Seller shall provide Buyer with a key/lockbox to access property specifically for the reasons above. Seller to provide Buyer with permission to access property for purposes of conducting Buyer's inspections, collect bids from contractors, other potential buyers and buyers realtor(s) prior to closing, with a reasonable notice from buyer to seller.
 11a) Seller will do their best to have tenants comply with these above access requirements, and Seller shall give Buyer the ability to work directly with tenants regarding complying with these access requirements.
 11b) Seller consents to give Buyer the right to post the property on all websites, including but not limited to the Multiple Listing Services for purposes of Pre-Marketing the property and/or partnering with another buyer
 12) Any furniture, fixtures, attachments, and debris located in and around property not removed within day of closing become ownership of Buyer.
 13) This offer is contingent on the Seller providing a clear title to the Buyer. The Buyer will have the allocated time period stated in Term #3 to determine if the title is insurable. If the title is not insurable, this agreement shall be terminated, any and all earnest money will be refunded to Buyer.

14) OTHER TERMS:

DocuSigned by:
 BUYER: Taly Dennie
D9C64506958C45C...

DATE 7/13/2023

DocuSigned by:
 SELLER: KIMBERLY JORDAN
FE3BD927C16E41A...

DATE 7/21/2023

DS
 SELLER: KJ

DS
 BUYER: TD

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

Agenda Report

Issue Considered: Case No. 20230331
City of St. Pete Beach v. JG Holdings of Pinellas LLC
Address: 8001 Blind Pass Rd. St. Pete Beach FL 33706

Date: October 9, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

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

Summary of Issue: The Respondent had until September 29, 2023 to make the fence improvements to the standards to which the Respondent testified at the hearing, including power washing, the application of stucco, and the painting of the fence. The concrete pad used to roll the Respondent's dumpster to the street shall be resurfaced by September 29, 2023 as well.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Amended Special Magistrate Order 08.17.23

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

**CASE NO.: 20230331
ADDRESS: 8001 BLIND PASS RD.
ST. PETE BEACH, FL 33706**

JG HOLDINGS OF PINELLAS, LLC,

Respondent.

**AMENDED ORDER FINDING THE RESPONDENT TO BE IN VIOLATION OF THE
CITY CODE OF ORDINANCES BUT RESERVING
A DECISION ON FINE AND COSTS**

This case comes before the Special Magistrate on August 14, 2023, and after hearing testimony and receiving evidence, the Special Magistrate issues the following findings of fact and order:

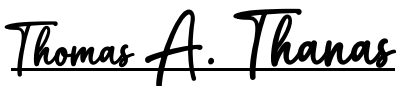
1. The City was represented by Assistant City Attorney Matthew McConnell, Code Enforcement Manager Peyt Dewar, and Code Enforcement Officer Luis Cruz.
2. The Respondent, John Grewe, the managing member of the LLC that owns the property, appeared in person.
3. The Respondent owns the subject property, 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 46-33, Section 98-65, and Section 98-66 of the Code of Ordinances by maintaining a public nuisance on the property and not maintaining the property in compliance with the Code. More specifically, the City alleged that the Respondent's concrete fence was in a damaged condition in violation of the City Code, and a concrete pad leading to a dumpster storage area that services an apartment building owned by the Respondent is cracked and not in compliance with City Code.
5. Code Enforcement Officer Cruz testified to the current condition of the property, his history with inspections of the property, his familiarity with the scope of the violations, and his involvement with providing notice of the violations to the Respondent. Mr. Cruz also presented photographs depicting the current and past condition of the concrete fence and the dumpster area that services the apartment building on the property.

6. Mr. Grewe acknowledged that the concrete fence had been damaged by a third party and that Mr. Grewe tried to repair it on a temporary basis. Mr. Grewe indicated that he would apply stucco to the concrete fence and have it painted, but he will need some time to complete the improvements. The stucco would match the building. Mr. Grewe contended that the concrete pad by the dumpster area is on City right-of-way, but he would be willing to make some type of repair that would resurface or provide a better appearance to the concrete pad.

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

1. The Respondent is found to have been and remains in violation of Section 46-33, Section 98-65, and Section 98-66 of the Code of Ordinances.
2. The Respondent shall have until **September 29, 2023**, to make the fence improvements to the standards to which the Respondent testified at the hearing, including power washing, the application of stucco, and the painting of the fence. The concrete pad used to roll the Respondent's dumpster to the street shall be resurfaced by September 29, 2023.
3. A status hearing is set for **October 9, 2023, at 10:00 a.m.** A decision on fines and administrative costs will be made at that hearing.
4. No decision on fines and administrative costs is being made as part of this Order, and that the City reserves the right to request the imposition of a fine and administrative costs at a later hearing before the Special Magistrate. The City staff will provide the Respondent with written notice or email notice if the City intends to request the issuance of fines and administrative costs and shall provide notice to the Respondent so the Respondent may appear at the October 9, 2023, hearing.
5. 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*.

Order entered on August 15, 2023.



**Thomas A. Thanas
Special Magistrate**

PROOF OF SERVICE

A copy of this Order was emailed to the Respondent at jgrewe42@gmail.com on August 15, 2023.

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 submitting the record of proceedings including a verbatim transcript of the hearing. Section 162.11 and Section 286.0105, *Florida Statutes*.

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

Agenda Report

Issue Considered: Case No. 20230311
City of St. Pete Beach v. Sapphire Real Estate
Management LLC
Address: 618 73rd Ave. St. Pete Beach FL 33706

Date: October 9, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

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

Summary of Issue: **Sec. 98-123.1. - Permits required.**
Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

The property is in violation of having unpermitted work done to windows and doors that require a permit in the City of St. Pete Beach.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Notice of Violation

2. Evidence
3. Affidavit of Posting
4. Notice of Hearing
5. Special Magistrate Order 09.12.23



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

NOTICE OF VIOLATION

5/25/2023

SAPPHIRE REAL ESTATE MANAGEMENT LLC
5016 CHESEBRIO RD STE 102
AGOURA HILLS, CA 91301-2274

RE: Case Number 20230311
Violation Address: 618 73RD AVE
Parcel ID#: 363115779940450080

Dear Property Owner:

The above property is in violation of the Land Development Code of the City of St. Pete Beach, that section being:

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

These violation(s) must be corrected **no later than 6/8/2023**. 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,

Luis Cruz

727-589-2564

Luis Cruz
Code Enforcement Officer

CE20230311

- Respondent(s): Sapphire Real Estate Management LLC**
- Violation address: 618 73rd Ave.**
- Violation(s) description: The property is in violation of section 98-123.1 of the Code of Ordinances of the City of St. Pete Beach**

CE20230311

Case Summary

- Initial inspection: 05/15/2023**
- Notice of Violation dated: 05/25/2023**
- Notice of Violation compliance date: 06/08/2023**
- Notices of Hearing dated and posted on the property: 08/08/2023**

CE20230311

Affidavit of Posting



618 73rd Ave.

CE20230311

New Door Installed



618 73rd Ave.

CE20230311

New Door Installed



618 73rd Ave.

CE20230311

Original Door on Property With Newly Installed Window



618 73rd Ave.

CE20230311

New Window & Door Installed



618 73rd Ave.

CE20230311

Three Newly Installed Windows



618 73rd Ave.

CE20230311

Newly Installed Window



618 73rd 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: 618 73RD AVE

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

Name of Property Owner(s): SAPPHIRE REAL ESTATE MANAGEMENT LLC

Case No.: 20230311 Code Enforcement Officer: Luis Cruz

Hearing Date: 09/11/2023 at 1 p.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 08/08/2023

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

X 
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: 20230311

vs.
SAPPHIRE REAL ESTATE MANAGEMENT LLC
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 1 p.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 **618 73RD 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,

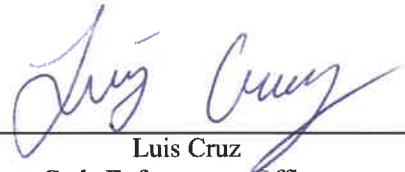
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 08/08/2023

A handwritten signature in blue ink, appearing to read "Luis Cruz", is written over a horizontal line.

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.: 20230311
ADDRESS: 618 73rd AVE.
ST. PETE BEACH, FL 33706**

**SAPPHIRE REAL ESTATE
MANAGEMENT, LLC,**

Respondent.

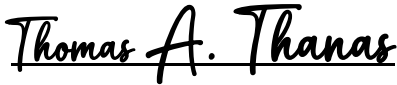
ORDER CONTINUING THE CASE

This case comes before the Special Magistrate on September 11, 2023, for a hearing on the notice of violations filed by the City of St. Pete Beach, and the City staff represents that the Respondent has requested a continuance of the hearing to another date. The Special Magistrate issues the following order:

1. Based on the Respondent's request, the hearing scheduled for September 11, 2023, is continued to **Monday, October 9, 2023, at 10:00 a.m.**

Order entered on September 12, 2023.

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**Thomas A. Thanas
Special Magistrate**

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

Agenda Report

Issue Considered: Case No. 20230511
City of St. Pete Beach v. Randall Rutter Tre, Rutter
Living trust
Address: 2504 Sunset Way St. Pete Beach FL 33706

Date: October 9, 2023

Prepared By: Steven Rivera

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

Summary of Issue: **Sec. 25.5 - Prohibitions**
Sec. 25.5. - Prohibitions.
(d) Except as otherwise provided in this section, the following shall be prohibited:
(1) The removal or disturbance of vegetation of a dune;
(2) Planting of vegetation except for native, salt-resistant species suitable for beach and dune stabilization;
(3) The crossing, passing over or passing through any dune by any person or vehicle, except in where such crossing is marked for access pursuant to this section;
or
(4) Blocking or causing to be blocked by any means whatsoever any pathway leading to or from a public beach.
Sec. 25.9. - Permit required.
Sec. 25.9. - Permit required.
(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.
(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune

system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.

Sec. 98-123.1. - Permits required.

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

The removal or disturbance of vegetation of the dune along with the building of the deck into the dune system is prohibited. This matter will be set for a Special Magistrate Hearing on 10/09/2023. These violations are irreparable and irreversible pursuant to Florida statute. Do not remove the deck until instructed to, to prevent further damage to the dune system. If you have any questions, please contact our office.

Funding: N/A

Requested Motion: N/A

Attachments:

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



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

AMENDED NOTICE OF VIOLATION

09/12/2023

RUTTER LIV TRUST RUTTER, RANDALL TRE
5569 Mary Munger Rd
Trussville , AL 35173-1614

RE: Case Number 20230511
Violation Address: 2504 SUNSET WAY
Parcel ID#: 183216880560010030

Dear Property Owner:

The removal or disturbance of vegetation of the dune along with the building of the deck into the dune system is prohibited. This matter will be set for a Special Magistrate Hearing on 10/09/2023. These violations are irreparable and irreversible pursuant to Florida statute. Do not remove the deck until instructed to, to prevent further damage to the dune system. If you have any questions, please contact our office.

Sec. 25.5 - Prohibitions

Sec. 25.5. - Prohibitions.

(d) Except as otherwise provided in this section, the following shall be prohibited:

- (1) The removal or disturbance of vegetation of a dune;
- (2) Planting of vegetation except for native, salt-resistant species suitable for beach and dune stabilization;
- (3) The crossing, passing over or passing through any dune by any person or vehicle, except in where such crossing is marked for access pursuant to this section; or
- (4) Blocking or causing to be blocked by any means whatsoever any pathway leading to or from a public beach.

Sec. 25.9. - Permit required.

Sec. 25.9. - Permit required.

(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.

(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction

setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.

Sec. 98-123.1. - Permits required.

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

These violation(s) must be corrected **no later than 09/16/2023**. 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

Steven Rivera
Code Enforcement Officer

727-235-5398

CE20230511

- Respondent(s): Randall Rutter Tre, Rutter living trust**
- Violation address: 2504 Sunset Way**
- Violation(s) description: The property is in violation of sections 25.5 (d),(1)(2)(3)(4), 25.9 (a) and 98-123.1 of the Land Development Code and the Code of Ordinance of the City of St. Pete Beach**

CE20230511

Case Summary

- Initial inspection: 09/1/2023**
- Notice of Violation dated: 09/12/2023**
- Notice of Violation compliance date: 09/16/2023**
- Notices of Hearing dated and posted on the property: 09/18/2023**

CE20230511

Affidavit of Posting



2504 Sunset Way

CE20230511

Deck constructed in the dune system



2504 Sunset Way

CE20230511

Deck constructed in dune system



2504 Sunset way

CE20230511

Deck constructed in dune system



2504 Sunset 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: 2504 SUNSET WAY

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

Name of Property Owner(s): RUTTER LIV TRUST RUTTER, RANDALL TRE

Case No.: 20230511 Code Enforcement Officer: Steven Rivera

Hearing Date: 10/09/2023 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 09/18/2023

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

X Steven Rivera
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: 20230511

vs.

RUTTER LIV TRUST RUTTER, RANDALL TRE
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 **10/09/2023** 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 **2504 SUNSET 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 09/18/2023

Steven Rivera

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. 20230340
City of St. Pete Beach v. Paradise Caprice LLC
Address: 521 71st Ave. St. Pete Beach FL 33706

Date: October 9, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

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

Summary of Issue: **Sec. 98-123.1. - Permits required.**
Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

The property is in violation of having an illegal paver patio installed on the property without getting the proper permitting required for such a structure.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice of Violation
2. Evidence

3. Affidavit of Posting
4. Notice of Hearing



The Sunset Capital of Florida

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

NOTICE OF VIOLATION

6/27/2023

PARADISE CAPRICE LLC
955 MAIN STREET
DALTON, MA 01226-2209

RE: Case Number 20230340
Violation Address: 521 71ST AVE
Parcel ID#: 363115779940430060

Dear Property Owner:

Your property is in violation of having an illegal paver patio installed on the property without getting the proper permitting required for such a structure. There are certain conditions outlined below that must become compliant and you are in violation of the following section:

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

These violation(s) must be corrected **no later than 7/11/2023**. 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,

Luis Cruz 727-589-2564

Luis Cruz
Code Enforcement Officer

CE20230340

- Respondent(s): Paradise Caprice LLC**
- Violation address: 521 71st Ave.**
- Violation(s) description: The property is in violation of section 98-123.1 of the Code of Ordinances of the City of St. Pete Beach**

CE20230340

Case Summary

- Initial inspection: 05/30/2023**
- Notice of Violation dated: 06/27/2023**
- Notice of Violation compliance date: 07/11/2023**
- Notices of Hearing dated and posted on the property: 09/07/2023**

NOTICE

The Notices of Hearing and of Violation contained herein are pursuant to chapter 162, Florida Statutes, and a chapter code.

If you have any interest in this property or know that person(s) who may want to contest them and inform interested parties may result from the continuance of violations of the Code at this address: 521 71ST AVE

POST AT City Hall 155 Corey Ave St. Pete Beach, FL 33706
Name of Property Owner(s): PARADISE CAPRICE LLC
Case No.: 202-10340
Hearing Date: 10/09/2023 at 10 AM

NEED ANTE OF POSTING

I HEREBY CERTIFY that copies of the attached Notices of Hearing and Violations were posted on this date at the address noted below by the undersigned and posted official as required by Chapter 162, Florida Statutes, and the Uniformity and General Order of Chapter 162, Florida Statutes, and the Uniformity and General Order of Chapter 162, Florida Statutes.

DATE OF POSTING: 09/07/2023
ADDRESS WHERE POSTED: 155 Corey Ave St. Pete Beach, FL 33706
Signature of Officer: [illegible] Title: Code Enforcement Officer

Please give to Registered Agent of Property Management Luis Cruz

Sep 7, 2023 at 4:46:43 PM

Page 54 of 123

CE20230340

Observation of Pavers on Property



521 71st Ave.

CE20230340

Initial Inspection of Unpermitted Patio Installation



521 71st Ave.

CE20230340

Unpermitted Patio Installed



521 71st Ave.

CE20230340

Unpermitted Patio Installed



521 71st Ave.

CE20230340

Unpermitted Patio Installed



521 71st Ave.

CE20230340

Unpermitted Patio Installed



521 71st Ave.

CE20230340

Stop Work Order Posted on Property



521 71st Ave.

CE20230340

Stop Work Order Posted on Property



521 71st 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: 521 71ST AVE

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

Name of Property Owner(s): PARADISE CAPRICE LLC

Case No.: 20230340 Code Enforcement Officer: Luis Cruz

Hearing Date: 10/09/2023 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 09/07/2023

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: 20230340

vs.
PARADISE CAPRICE LLC
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 **10/09/2023** 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 **521 71ST 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 09/07/2023

A handwritten signature in black ink that reads "Luis Cruz". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

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.

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

Agenda Report

Issue Considered: **Case No. 20230302**
 City of St. Pete Beach v. Stanley Jablonski &
 Joanne Jablonski
 Address: 235 71st Ave. St. Pete Beach FL 33706

Date: October 9, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

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

Summary of Issue: **Sec. 22.4. - Type, quality and size of plant material.**

(f) Ground covers. Vegetative ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall nonvegetative pervious material (for the purposes of this section, stone, shell, gravel, and artificial turf only) be utilized for more than 20 percent of the minimum required pervious area, nor shall such material adversely affect abutting properties, waterways, or the right-of-way. The 20 percent maximum nonvegetative portion of the required pervious area may be increased administratively if the property owner installs an innovative landscape design that incorporates features that retain stormwater onsite, reduces the need for ground water irrigation, or increases the tree canopy as determined by professional best practices which include, but are not limited to, Florida-friendly landscaping, xeriscaping, and low-impact development. New construction that exceeds 10% of the zoning lot area, or the granting of an undue and unnecessary hardship variance or practical difficulty variance, shall require full compliance with this section. A recommended list of vegetative ground covers to be used includes, but is not limited to, the following:

Gallardia Pullchella (Gallardia)*

Helianthus Debius (Beach Sunflower)*

Lantana Camara (Dwarf Yellow Lantana)*

Trachelospermum Jasmine Varigated (Varegated

Confederate Jasmine)*
 Trachelospernum Jasmine Minima Veregated
 (Veregated Dwarf Confederate Jasmine)*
 Trachelospernum Jasminoides (Confederate
 Jasmine)*
 Licania michauxii (Gopher Apple)
 Scaevola plumieri (Inkberry)
 Stachytarpheta jamaicensis (Prone Porterweed)*
 Zamia pumila (Coontie)*
 Muhlenbergia capillaris (Muhley Grass)*

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

(a) All premises shall be maintained in compliance with the standards in this section. (b) Standards for improved property.

(21) Shrubbery, plants, and ground cover. All real property shall be maintained in a condition to prevent erosion of soil by:

- a. Landscaping with grass, trees, shrubs or other planted ground cover; or
- b. Such other suitable means as shall be approved by the building official.

Landscaped areas shall include adequate landscaping with shrubs, ground cover or other approved landscaping material.

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

6/15/2023

JABLONSKI, STANLEY JABLONSKI, JOANNE
325 S 4TH ST
LEWISTON, NY 14092-1525

RE: Case Number 20230302
Violation Address: 235 71ST AVE
Parcel ID#: 363115051120020080

Dear Property Owner:

Landscaped areas shall include adequate landscaping with shrubs, ground cover or other approved landscaping material. There are certain conditions outlined below that must become compliant and you are in violation of the following sections:

Sec. 22.4. - Type, quality and size of plant material.

(f) Ground covers. Vegetative ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall nonvegetative pervious material (for the purposes of this section, stone, shell, gravel, and artificial turf only) be utilized for more than 20 percent of the minimum required pervious area, nor shall such material adversely affect abutting properties, waterways, or the right-of-way. The 20 percent maximum nonvegetative portion of the required pervious area may be increased administratively if the property owner installs an innovative landscape design that incorporates features that retain stormwater onsite, reduces the need for ground water irrigation, or increases the tree canopy as determined by professional best practices which include, but are not limited to, Florida-friendly landscaping, xeriscaping, and low-impact development. New construction that exceeds 10% of the zoning lot area, or the granting of an undue and unnecessary hardship variance or practical difficulty variance, shall require full compliance with this section. A recommended list of vegetative ground covers to be used includes, but is not limited to, the following:

Gallardia Pullchella (Gallardia)*

Helianthus Debilus (Beach Sunflower)*

Lantana Camara (Dwarf Yellow Lantana)*

Trachelospermum Jasmine Variegated (Varegated Confederate Jasmine)*

Trachelospermum Jasmine Minima Varegated (Varegated Dwarf Confederate Jasmine)*

Trachelospermum Jasminoides (Confederate Jasmine)*

Licania michauxii (Gopher Apple)

Scaevola plumieri (Inkberry)
Stachytarpheta jamaicensis (Prone Porterweed)*
Zamia pumila (Coontie)*
Muhlenbergia capillaris (Muhley Grass)*

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

(a) All premises shall be maintained in compliance with the standards in this section. (b) Standards for improved property.

(21) Shrubbery, plants, and ground cover. All real property shall be maintained in a condition to prevent erosion of soil by:

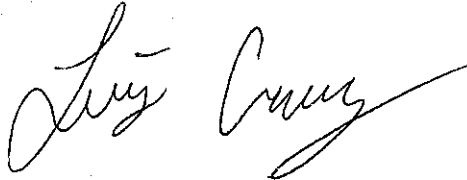
- a. Landscaping with grass, trees, shrubs or other planted ground cover; or
- b. Such other suitable means as shall be approved by the building official.

These violation(s) must be corrected **no later than 7/12/2023**. 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,

Luis Cruz
Code Enforcement Officer



727-589-2564

CE20230302

- Respondent(s): Stanley Jablonski & Joanne Jablonski**
- Violation address: 235 71st Ave.**
- Violation(s) description: The property is in violation of sections 22.4 (f) and 98-66 (a) (21) of the Land Development Code and the Code of Ordinances of the City of St. Pete Beach**

CE20230302

Case Summary

- Initial inspection: 06/1/2023**
- Notice of Violation dated: 06/15/2023**
- Notice of Violation compliance date: 07/12/2023**
- Notices of Hearing dated and posted on the property: 09/14/2023**

CE20230302

Affidavit of Posting

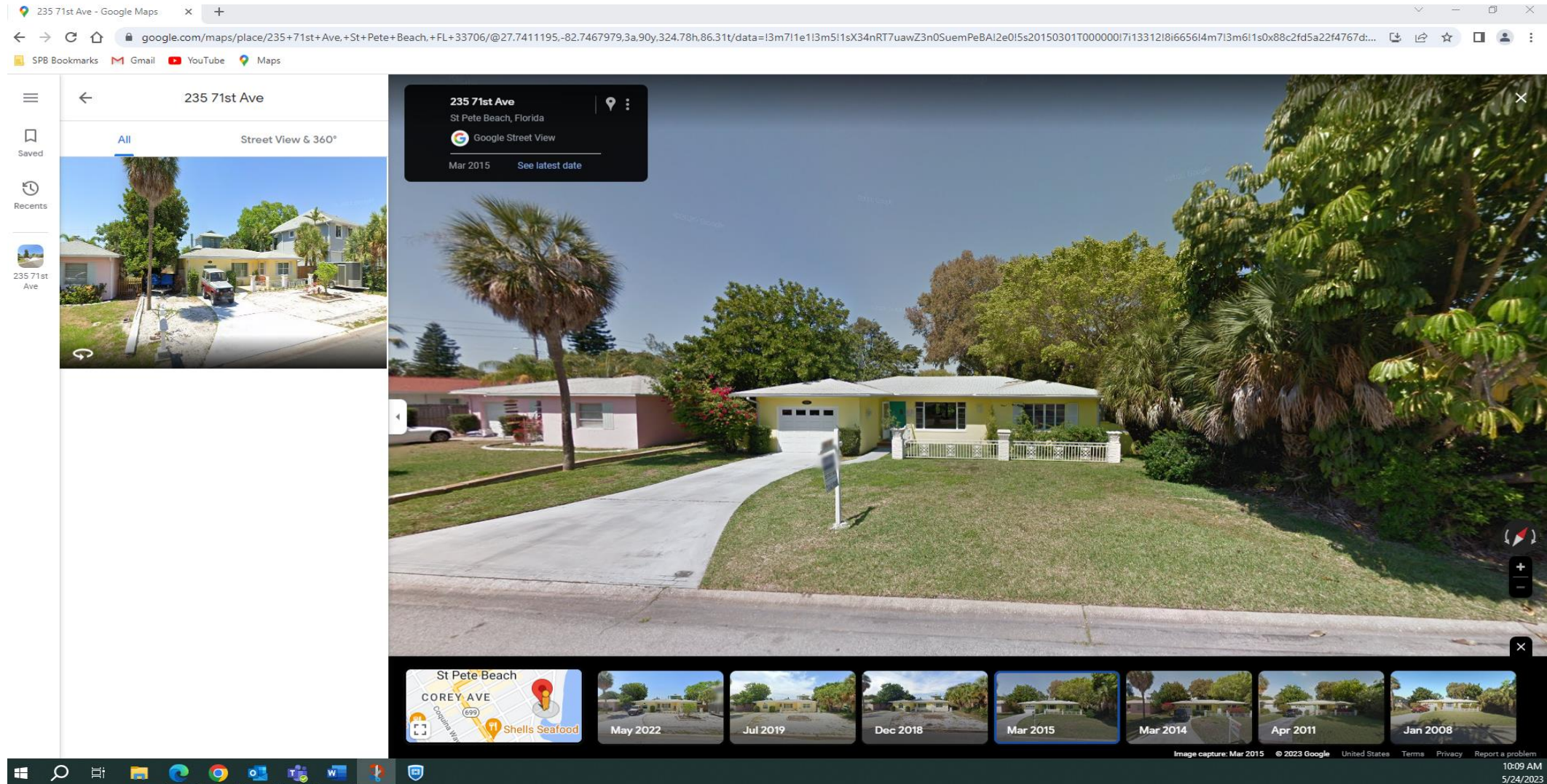


Sep 14, 2023 at 3:14:15 PM

235 71st Ave.

CE20230302

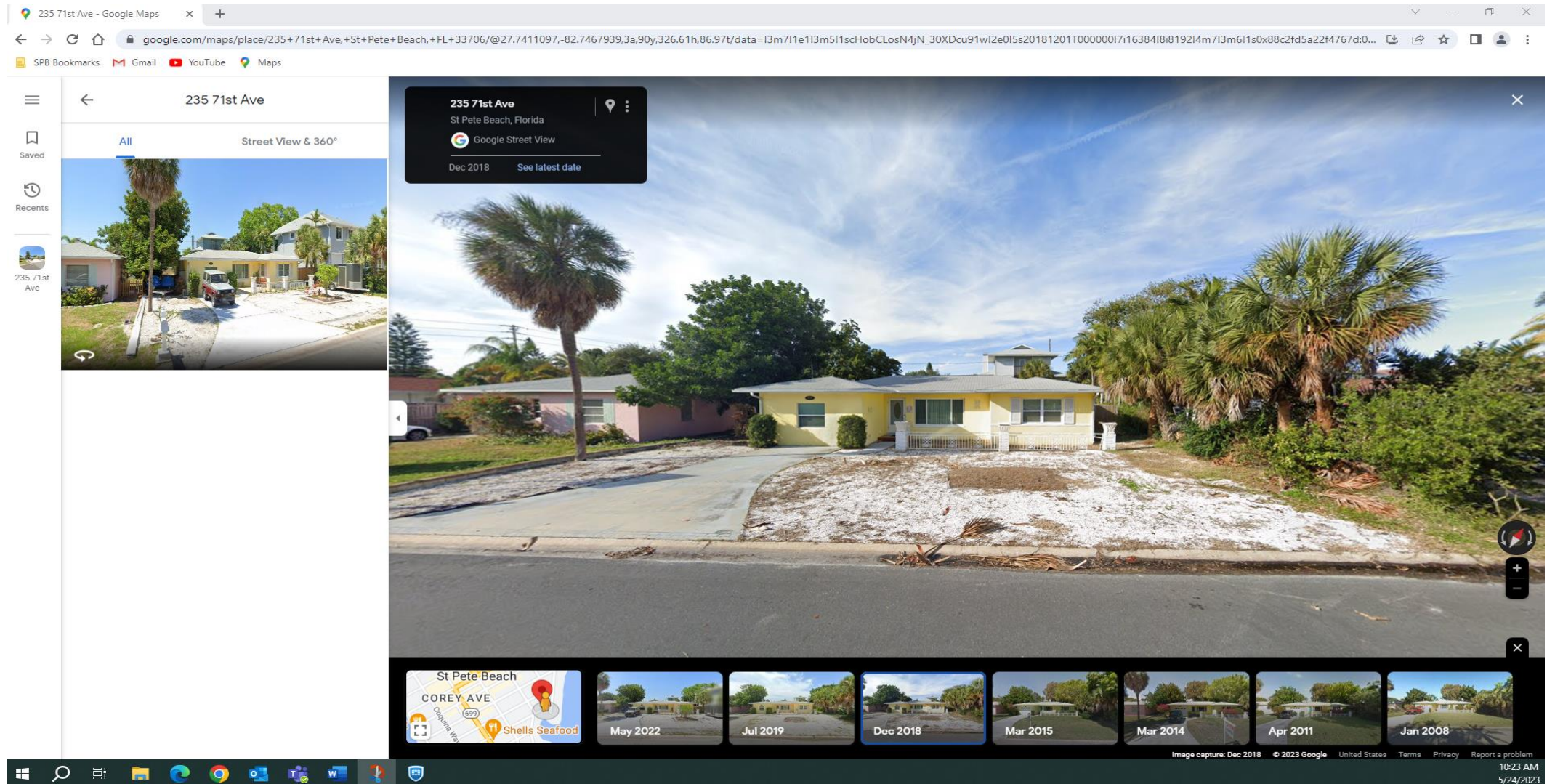
2015 - Transfer of Deed to Current Owner



235 71st Ave.

CE20230302

2018 - After Transfer of Deed to Current Owner



235 71st Ave.

CE20230302

Front Yard With Inadequate Vegetative Groundcover



235 71st Ave.

CE20230302

Front Yard With Inadequate Vegetative Groundcover



235 71st Ave.

CE20230302

Front Yard With Inadequate Vegetative Groundcover



235 71st Ave.

CE20230302

Rear Yard With Inadequate Vegetative Groundcover



235 71st Ave.

CE20230302

Rear Yard With Inadequate Vegetative Groundcover



235 71st Ave.

CE20230302

Rear Yard With Inadequate Vegetative Groundcover



235 71st Ave.

CE20230302

Rear Yard With Inadequate Vegetative Groundcover



235 71st Ave.

CE20230302

Rear Yard With Inadequate Vegetative Groundcover



235 71st 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: 235 71ST AVE

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

Name of Property Owner(s): JABLONSKI, STANLEY JABLONSKI, JOANNE

Case No.: 20230302 Code Enforcement Officer: Luis Cruz

Hearing Date: 10/09/2023 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 09/14/2023

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: 20230302

vs.
JABLONSKI, STANLEY JABLONSKI, JOANNE
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 **10/09/2023** 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 **235 71ST 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 09/14/2023

A handwritten signature in black ink that reads "Luis Cruz". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

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.

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

Agenda Report

Issue Considered: Case No. 20220744
City of St. Pete Beach v. Plaza Beach Motel LLC
Address: Gulf Blvd. St. Pete Beach FL 33706

Date: October 9, 2023

Prepared By: Peyt Dewar, Code Enforcement Manager

Through: Michelle Gonzalez, Community Development Director

Summary of Issue: A commercial parking lot with off street parking has been created without the required approvals; additionally, a perimeter fence has been erected without a permit.

Status update set by Special magistrate.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Gulf Blvd-20220744-SM ORDER.8.14_001
2. Evidence

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: 20220772

ADDRESS: 46th AVE.

ST. PETE BEACH, FL 33706

PLAZA BEACH MOTEL, LLC,

Respondent;

and

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: 20220744

ADDRESS: GULF BLVD.

ST. PETE BEACH, FL 33706

PLAZA BEACH MOTEL, LLC,

Respondent.

**ORDER CONSOLIDATING CASES, CONTINUING THE HEARING ON BOTH
CASES, AND IMPOSING INTERIM CONDITIONS ON THE USE OF
THE PROPERTY DURING THE PENDENCY OF THE CASES**

Both cases come before the Special Magistrate on August 14, 2023, 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 and Code Enforcement Manager Peyt Dewar.
2. The Respondent appeared in person by Robert Czyszczon, CEO/President and General Manager of the Plaza Beach Motel, LLC, and by Katie Cole of the Hill Ward Henderson Law Firm as the LLC's attorney.

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 1.3, 3.5, 4.8, 23.4, 23.7, 23.11, and 38.4 of Land Development Code and Section 98-123.1 of the Code of Ordinances by using the vacant lots on property owned by the Plaza Beach Motel, LLC, for off-premise parking for its business without having a conditional use permit as required by the City Land Development Code. The City has also alleged that the fence erected around the perimeter of the property was completed without a City issued permit in violation of the City Code.
5. Code Enforcement Manager Dewar testified to the current condition of the property and presented photographs depicting the current and past condition of the property. Mr. McConnell summarized the two main issues as the commercial use of the vacant lots for off-premise commercial parking without a conditional use permit as required by the Land Development Code and the Respondent's failure to obtain a permit to erect the perimeter fence. Mr. Dewar and Mr. McConnell indicated that the Respondent has applied for a conditional use permit and that the City Commission may consider the application at one of its meetings in September. Brandon Berry, City Planner, provided additional information regarding the application for the conditional use permit and the fence permit.
6. Ms. Cole inquired about the hearing procedure on both cases and if the evidence presented for the first case could be used for the hearing on the second case. The Special Magistrate indicated that unless a conflict arose, a single hearing would be conducted for both cases.
7. Ms. Cole raised an issue regarding what appears to be a misidentified Parcel ID number on the notice of violation and whether a jurisdictional issue may exist for the hearing to proceed. Mr. McConnell indicated that Parcel ID numbers are not required to be included on a notice of violation and that if an error existed, it was a harmless error and not jurisdictional. The Special Magistrate concurred with Mr. McConnell's position, but indicated that the issue would be preserved for the Respondent to raise at a later point in the proceedings if the Respondent contended it was a jurisdictional matter.
8. Ms. Cole presented documentary evidence as a single exhibit that included a history of the use of the property, tax records, photographs, closing documents from 2022 showing the Respondent's acquisition of the property, a survey dated 2021, correspondence dealing with previous owners and licenses that were granted to third parties for use of the property, the conditional use application, and other related documents. The packet of information was admitted into evidence without objection.
9. Ms. Cole provided a history of the use of the property, including the use of part of the property for a construction staging area by the City of St. Pete Beach and a public park that were allowed by the previous owner through license agreements. Parts of the property were used by an adjacent restaurant business for customer parking, but the restaurant is no longer permitted to use the lot..

10. Ms. Cole indicated that the Respondent was submitting to the conditional use process to obtain the required permit, but that the Respondent also believes that the use of some of the property for off-premise parking for nearby commercial uses dates back several decades and may be a legal nonconforming use that may be permitted without a conditional use permit.
11. The Special Magistrate stated that the two cases before the Special Magistrate were not framed for a decision on whether the use of the property for off-premise parking was a legal non-conforming use and that a hearing on that issue would require additional testimony and evidence and would most likely be made in another forum. The Special Magistrate indicated that no decision would be made on the legal nonconforming use issue raised by the Respondent and that the Respondent would have to raise that issue at another time.
12. Ms. Cole and Mr. Czyszczonek provided additional information and testimony regarding the current use of the property and that the Respondent was pursuing the issuance of a conditional use permit from the City Commission to allow the Respondent to use the property for off-premise parking.
13. Ms. Amy Auerbach, a resident on 46th Avenue since 2015, appeared at the hearing and testified about the perimeter fence, the current and past use of the property, and raised issues to be addressed if the Respondent were permitted to use the property for off-premise parking. Ms. Auerbach also disputed that the property was always used for off-premise parking. She testified to the park use of the property. Ms. Auerbach also stated that nearby residents attended a City Commission meeting on June 13, 2023, and objected to the Respondent's use of the property for off-premise parking. Ms. Auerbach raised the issue of the lots being used for residential purposes by people in recreational vehicles on a short term basis. Ms. Auerbach testified that the Plaza Beach Motel has 41 rooms and 39 on-site parking spaces. Ms. Auerbach wanted to make sure the Respondent used the property responsibly and that if the Respondent were to be permitted to use the property for off-premise parking, that extensive conditions be imposed on the Respondent.
14. Mr. Dewar added that the Respondent met with the Technical Review Committee which is comprised of City staff members. Mr. McConnell summarized the City's case as the facts presented at the hearing establish that the Respondent was using the vacant lot for off-street parking without a conditional use permit and that the fence was erected without a permit.
15. Ms. Cole summarized the Respondent's position that the pending application for a conditional use permit would address the parking issue if it were approved and that an application for an after-the-fact permit for the fence would be submitted to the City staff by August 21, 2023, and the issuance of a permit would address that issue.
16. At this point of the hearing, the Special Magistrate opened the hearing on the second case, and by agreement of the parties, the evidence that was submitted in the first case would stand as the evidence for the second case. For purposes of this order, the cases are consolidated.

17. The Special Magistrate observed that a decision on the City's notice of violations will be deferred until the City Commission addresses the Respondent's application for a conditional use permit. Rather than making conclusions of law and ruling on the City's cases, the Special Magistrate will not make a final decision at this hearing, but certain conditions will be imposed on the Respondent regarding the use of the property while these two cases are pending and the conditional use permit application is being considered by the City Commission.

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

1. The two cases are consolidated for purposes of this hearing and the issuance of this order. The parties have agreed on the record to the consolidation of the cases for this hearing.
2. No decision is being issued on the merits of the two cases in this order.
3. Respondent shall have until August 21, 2023, to submit an application for an after-the-fact fence permit.
4. No parking of recreational vehicles will be permitted on any portion of the subject property under the Respondent's ownership and control.
5. The parking of vehicles will be restricted to registered motel guests, motel employees, and contractors doing work at the motel. Parking shall occur only on the lot closest to Gulf Blvd., and there will not be any parking on the lot closest to 46th Avenue. The Respondent will not be allowed to rent or allow unaffiliated persons to park vehicles on the vacant lots in question.
6. The Respondent shall maintain the property that is the subject of these two cases in a clean condition and shall provide regular maintenance of the lots.
7. No decision is being made regarding the imposition of fines or administrative fees, and if the Respondent is found to be in violation of one or more Code provisions, the Special Magistrate shall not be restricted by the provisions of this order and shall be authorized to impose fines. The City will have the right to ask for the imposition of retroactive fines for any period a violation is found to have existed, including this interim period while the conditional use permit is being considered.
8. A status hearing is set for **October 9, 2023, at 10:00 a.m.**
9. This is not a final and appealable order. This is an interim order.

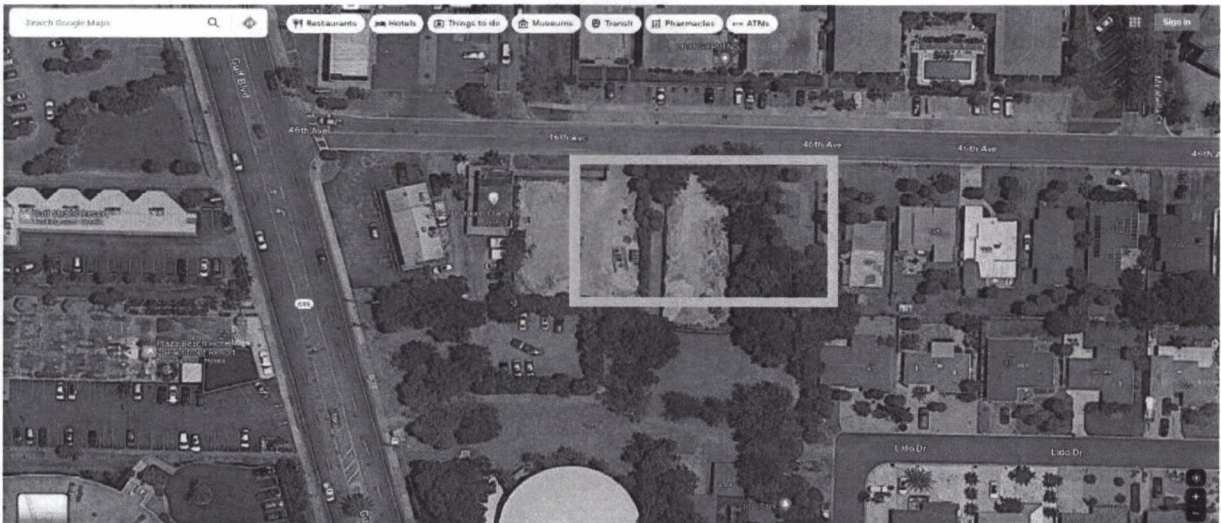
Order entered on August 15, 2023.

Thomas A. Thanas
Thomas A. Thanas
Special Magistrate

PROOF OF SERVICE

A copy of this Order was emailed to the Respondent at robert@plazabeach.com and to Ms. Cole at katie.cole@hwhlaw.com on August 15, 2023.

CE20220772 Overhead view south of 46th Ave



CE20220744 Overhead view south of 46th Ave





City of St. Pete Beach, Florida
APPLICATION FOR CONSTRUCTION (FLOOD ZONE)

727-367-2735

PERMIT NUMBER: 2301655

SECTION 1: GENERAL PROVISIONS (APPLICANT TO READ AND SIGN):

- A. The permit may be revoked if any false statements are made herein.
- B. If revoked, all work must cease until permit is re-issued.
- C. Development shall not be used or occupied until a Certificate of Occupancy is issued, if applicable.
- D. The permit will expire if no work is commenced within six months of issuance.
- E. No work of any kind may start until a permit is issued.
- F. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
- G. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
- H. THE APPLICANT CERTIFIES THAT ALL STATEMENTS HEREIN AND ANY ATTACHMENTS TO THIS APPLICATION ARE TO THE BEST OF MY KNOWLEDGE TRUE AND ACCURATE.

The Permittee shall repair and or restore any damage or injury to the right-of-way or to any other City property and shall repair the same promptly (within 7 days of notification to the Permittee), restoring it to a condition at least equal to that which existed immediately prior to the infliction of such damage or injury.

WARNING TO PROPERTY OWNERS: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOU PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. A NOTICE OF COMMENCEMENT MUST BE RECORDED BEFORE ANY WORK ON A PROPERTY THAT EXCEEDS \$2,500.00 PER FLORIDA STATUTE 713.135 (CONSTRUCTION LIEN LAW).

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT):

PROPERTY ADDRESS: Parcels 1, 2, 3 46th Ave St. Pete Beach FL 33706
Robert Czyszczon Robert@PlazaBeach.com 727-656-9345
OWNER E-MAIL ADDRESS ADDRESS TELEPHONE
Smith Fence 4699 110th Ave N Clearwater FL 33762
BUILDER/CONTRACTOR ADDRESS TELEPHONE
Gsmith@smithfence.com (615) 331-7072 727-482-5542
E-MAIL ADDRESS
ENGINEER/ARCHITECT ADDRESS TELEPHONE

DESCRIPTION OF WORK:

Install 725LF of 8' Gal. Chain Link with Windscreen
Fence.

(Check all applicable boxes below):

STRUCTURAL DEVELOPMENT:

A. ACTIVITY

- ☐ New Structure Square Footage _____
- ☐ Addition Square Footage _____
- ☐ Renovation/Alteration
- ☐ Relocation
- ☐ Demolition
- ☐ Replacement/Restoration

B. STRUCTURAL TYPE:

- ☐ Residential (Single-Family)
- ☐ Residential (Multi-Family)
- ☐ Non-residential (Flood-proofing?) (Yes)
- ☐ Commercial
- ☐ Combined Use (Residential & Commercial)

OFFICE USE ONLY

FLOOD ZONE _____
ELEVATION _____

ESTIMATED COST OF PROJECT: \$ 21,568

C. OTHER DEVELOPMENT ACTIVITIES:

- ☐ Electrical ☐ Mechanical ☐ Plumbing ☐ Gas ☐ Roofing ☐ Docks & Lifts ☐ Scawalls ☐ Water or Sewer System
- ☐ Fill ☐ Grading ☐ Excavation ☐ Clearing/Site Demo ☐ Drainage Improvements ☐ Pool Installation/Finishing
- ☐ Fire Sprinkler ☐ Fire Alarm ☐ Hood Suppression System ☐ Sign ☐ Other: Fence 47,558 Square Footage

(ISSUED BY) _____

(DATE) _____

1. OWNER or AGENT (If Agent, Power of Attorney or Agency Letter Required):

Signed: [Signature] Date: 8/15/25
Printed Name: Robert Ceyssac
State of Florida, County of _____
Sworn to and subscribed before me this 15 day of August, 2023
Marion L. Bradshaw
Notary Public, State of Florida, County of Hillsborough

Personally Known _____ or Produced Identification _____
Notary Seal:



2. CONTRACTOR or AGENT (If Agent, Notarized Authorization Form MUST be on file with the City):

Signed: _____ Date: _____
Printed Name: _____
License # _____
State of Florida, County of _____
Sworn to and subscribed before me this _____ day of _____, 20____

Notary Public, State of Florida, County of _____
Personally Known _____ or Produced Identification _____
Notary Seal: _____

Commercial owner's signature required.

SUB-CONTRACTOR SIGN ON (If Applicable)

3. Electrical Contractor Signature: _____ **License #:** _____
Print Name: _____ Company Name: _____
Address: _____ Phone: _____
State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____
Personally Known _____ or Produced Identification _____

Notary Signature

4. Plumbing Contractor Signature: _____ **License #:** _____
Print Name: _____ Company Name: _____
Address: _____ Phone: _____
State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____
Personally Known _____ or Produced Identification _____

Notary Signature

5. Mechanical Contractor Signature: _____ **License #:** _____
Print Name: _____ Company Name: _____
Address: _____ Phone: _____
State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____
Personally Known _____ or Produced Identification _____

Notary Signature

6. Roofing Contractor Signature: _____ **License #:** _____
Print Name: _____ Company Name: _____
Address: _____ Phone: _____
State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____
Personally Known _____ or Produced Identification _____

Notary Signature

1. OWNER or AGENT (If Agent, Power of Attorney or Agency Letter Required):

Signed: _____ Date: _____
Printed Name: _____
State of Florida, County of _____
Sworn to and subscribed before me this _____ day of _____, 20____

Notary Public, State of Florida, County of _____

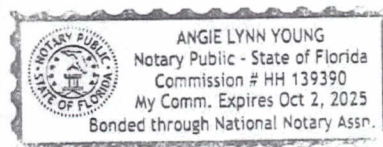
Personally Known _____ or Produced Identification _____
Notary Seal: _____

2. CONTRACTOR or AGENT (If Agent, Notarized Authorization Form MUST be on file with the City):

Signed: Angie Young Date: 8-15-23
Printed Name: Gage Bradley Smith
License # CGC15331070
State of Florida, County of Pinellas
Sworn to and subscribed before me this 15 day of August, 2023

Notary Public, State of Florida, County of PL

Personally Known ✓ or Produced Identification _____
Notary Seal: _____



Commercial owner's signature required.

SUB-CONTRACTOR SIGN ON (If Applicable)

3. Electrical Contractor Signature: _____ License #: _____

Print Name: _____ Company Name: _____

Address: _____ Phone: _____

State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____

Personally Known _____ or Produced Identification _____

Notary Signature _____

4. Plumbing Contractor Signature: _____ License #: _____

Print Name: _____ Company Name: _____

Address: _____ Phone: _____

State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____

Personally Known _____ or Produced Identification _____

Notary Signature _____

5. Mechanical Contractor Signature: _____ License #: _____

Print Name: _____ Company Name: _____

Address: _____ Phone: _____

State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____

Personally Known _____ or Produced Identification _____

Notary Signature _____

6. Roofing Contractor Signature: _____ License #: _____

Print Name: _____ Company Name: _____

Address: _____ Phone: _____

State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____

Personally Known _____ or Produced Identification _____

Notary Signature _____

















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

Agenda Report

Issue Considered: Case No. 20220772
City of St. Pete Beach v. Plaza Beach Motel LLC
Address: 46th Ave. St. Pete Beach FL 33706

Date: October 9, 2023

Prepared By: Peyt Dewar, Code Enforcement Manager

Through: Michelle Gonzalez, Community Development Director

Summary of Issue: A commercial parking lot with off street parking has been created without the required approvals; additionally, a perimeter fence has been erected without a permit.

Status update set by Special magistrate.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Gulf Blvd-20220744-SM ORDER.8.14_001
2. Evidence

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: 20220772

ADDRESS: 46th AVE.

ST. PETE BEACH, FL 33706

PLAZA BEACH MOTEL, LLC,

Respondent;

and

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: 20220744

ADDRESS: GULF BLVD.

ST. PETE BEACH, FL 33706

PLAZA BEACH MOTEL, LLC,

Respondent.

**ORDER CONSOLIDATING CASES, CONTINUING THE HEARING ON BOTH
CASES, AND IMPOSING INTERIM CONDITIONS ON THE USE OF
THE PROPERTY DURING THE PENDENCY OF THE CASES**

Both cases come before the Special Magistrate on August 14, 2023, 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 and Code Enforcement Manager Peyt Dewar.
2. The Respondent appeared in person by Robert Czyszczon, CEO/President and General Manager of the Plaza Beach Motel, LLC, and by Katie Cole of the Hill Ward Henderson Law Firm as the LLC's attorney.

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 1.3, 3.5, 4.8, 23.4, 23.7, 23.11, and 38.4 of Land Development Code and Section 98-123.1 of the Code of Ordinances by using the vacant lots on property owned by the Plaza Beach Motel, LLC, for off-premise parking for its business without having a conditional use permit as required by the City Land Development Code. The City has also alleged that the fence erected around the perimeter of the property was completed without a City issued permit in violation of the City Code.
5. Code Enforcement Manager Dewar testified to the current condition of the property and presented photographs depicting the current and past condition of the property. Mr. McConnell summarized the two main issues as the commercial use of the vacant lots for off-premise commercial parking without a conditional use permit as required by the Land Development Code and the Respondent's failure to obtain a permit to erect the perimeter fence. Mr. Dewar and Mr. McConnell indicated that the Respondent has applied for a conditional use permit and that the City Commission may consider the application at one of its meetings in September. Brandon Berry, City Planner, provided additional information regarding the application for the conditional use permit and the fence permit.
6. Ms. Cole inquired about the hearing procedure on both cases and if the evidence presented for the first case could be used for the hearing on the second case. The Special Magistrate indicated that unless a conflict arose, a single hearing would be conducted for both cases.
7. Ms. Cole raised an issue regarding what appears to be a misidentified Parcel ID number on the notice of violation and whether a jurisdictional issue may exist for the hearing to proceed. Mr. McConnell indicated that Parcel ID numbers are not required to be included on a notice of violation and that if an error existed, it was a harmless error and not jurisdictional. The Special Magistrate concurred with Mr. McConnell's position, but indicated that the issue would be preserved for the Respondent to raise at a later point in the proceedings if the Respondent contended it was a jurisdictional matter.
8. Ms. Cole presented documentary evidence as a single exhibit that included a history of the use of the property, tax records, photographs, closing documents from 2022 showing the Respondent's acquisition of the property, a survey dated 2021, correspondence dealing with previous owners and licenses that were granted to third parties for use of the property, the conditional use application, and other related documents. The packet of information was admitted into evidence without objection.
9. Ms. Cole provided a history of the use of the property, including the use of part of the property for a construction staging area by the City of St. Pete Beach and a public park that were allowed by the previous owner through license agreements. Parts of the property were used by an adjacent restaurant business for customer parking, but the restaurant is no longer permitted to use the lot..

10. Ms. Cole indicated that the Respondent was submitting to the conditional use process to obtain the required permit, but that the Respondent also believes that the use of some of the property for off-premise parking for nearby commercial uses dates back several decades and may be a legal nonconforming use that may be permitted without a conditional use permit.
11. The Special Magistrate stated that the two cases before the Special Magistrate were not framed for a decision on whether the use of the property for off-premise parking was a legal non-conforming use and that a hearing on that issue would require additional testimony and evidence and would most likely be made in another forum. The Special Magistrate indicated that no decision would be made on the legal nonconforming use issue raised by the Respondent and that the Respondent would have to raise that issue at another time.
12. Ms. Cole and Mr. Czyszczonek provided additional information and testimony regarding the current use of the property and that the Respondent was pursuing the issuance of a conditional use permit from the City Commission to allow the Respondent to use the property for off-premise parking.
13. Ms. Amy Auerbach, a resident on 46th Avenue since 2015, appeared at the hearing and testified about the perimeter fence, the current and past use of the property, and raised issues to be addressed if the Respondent were permitted to use the property for off-premise parking. Ms. Auerbach also disputed that the property was always used for off-premise parking. She testified to the park use of the property. Ms. Auerbach also stated that nearby residents attended a City Commission meeting on June 13, 2023, and objected to the Respondent's use of the property for off-premise parking. Ms. Auerbach raised the issue of the lots being used for residential purposes by people in recreational vehicles on a short term basis. Ms. Auerbach testified that the Plaza Beach Motel has 41 rooms and 39 on-site parking spaces. Ms. Auerbach wanted to make sure the Respondent used the property responsibly and that if the Respondent were to be permitted to use the property for off-premise parking, that extensive conditions be imposed on the Respondent.
14. Mr. Dewar added that the Respondent met with the Technical Review Committee which is comprised of City staff members. Mr. McConnell summarized the City's case as the facts presented at the hearing establish that the Respondent was using the vacant lot for off-street parking without a conditional use permit and that the fence was erected without a permit.
15. Ms. Cole summarized the Respondent's position that the pending application for a conditional use permit would address the parking issue if it were approved and that an application for an after-the-fact permit for the fence would be submitted to the City staff by August 21, 2023, and the issuance of a permit would address that issue.
16. At this point of the hearing, the Special Magistrate opened the hearing on the second case, and by agreement of the parties, the evidence that was submitted in the first case would stand as the evidence for the second case. For purposes of this order, the cases are consolidated.

17. The Special Magistrate observed that a decision on the City's notice of violations will be deferred until the City Commission addresses the Respondent's application for a conditional use permit. Rather than making conclusions of law and ruling on the City's cases, the Special Magistrate will not make a final decision at this hearing, but certain conditions will be imposed on the Respondent regarding the use of the property while these two cases are pending and the conditional use permit application is being considered by the City Commission.

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

1. The two cases are consolidated for purposes of this hearing and the issuance of this order. The parties have agreed on the record to the consolidation of the cases for this hearing.
2. No decision is being issued on the merits of the two cases in this order.
3. Respondent shall have until August 21, 2023, to submit an application for an after-the-fact fence permit.
4. No parking of recreational vehicles will be permitted on any portion of the subject property under the Respondent's ownership and control.
5. The parking of vehicles will be restricted to registered motel guests, motel employees, and contractors doing work at the motel. Parking shall occur only on the lot closest to Gulf Blvd., and there will not be any parking on the lot closest to 46th Avenue. The Respondent will not be allowed to rent or allow unaffiliated persons to park vehicles on the vacant lots in question.
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7. No decision is being made regarding the imposition of fines or administrative fees, and if the Respondent is found to be in violation of one or more Code provisions, the Special Magistrate shall not be restricted by the provisions of this order and shall be authorized to impose fines. The City will have the right to ask for the imposition of retroactive fines for any period a violation is found to have existed, including this interim period while the conditional use permit is being considered.
8. A status hearing is set for **October 9, 2023, at 10:00 a.m.**
9. This is not a final and appealable order. This is an interim order.

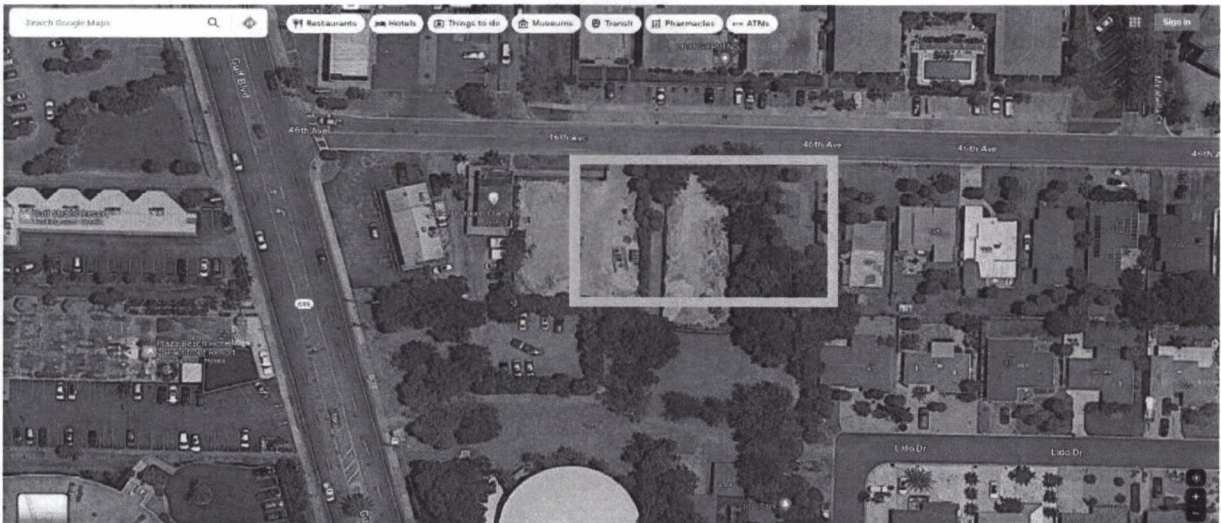
Order entered on August 15, 2023.

Thomas A. Thanas
Thomas A. Thanas
Special Magistrate

PROOF OF SERVICE

A copy of this Order was emailed to the Respondent at robert@plazabeach.com and to Ms. Cole at katie.cole@hwlaw.com on August 15, 2023.

CE20220772 Overhead view south of 46th Ave



CE20220744 Overhead view south of 46th Ave





City of St. Pete Beach, Florida
APPLICATION FOR CONSTRUCTION (FLOOD ZONE)

727-367-2735

PERMIT NUMBER: 2301655

SECTION 1: GENERAL PROVISIONS (APPLICANT TO READ AND SIGN):

- A. The permit may be revoked if any false statements are made herein.
- B. If revoked, all work must cease until permit is re-issued.
- C. Development shall not be used or occupied until a Certificate of Occupancy is issued, if applicable.
- D. The permit will expire if no work is commenced within six months of issuance.
- E. No work of any kind may start until a permit is issued.
- F. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
- G. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
- H. THE APPLICANT CERTIFIES THAT ALL STATEMENTS HEREIN AND ANY ATTACHMENTS TO THIS APPLICATION ARE TO THE BEST OF MY KNOWLEDGE TRUE AND ACCURATE.

The Permittee shall repair and or restore any damage or injury to the right-of-way or to any other City property and shall repair the same promptly (within 7 days of notification to the Permittee), restoring it to a condition at least equal to that which existed immediately prior to the infliction of such damage or injury.

WARNING TO PROPERTY OWNERS: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOU PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. A NOTICE OF COMMENCEMENT MUST BE RECORDED BEFORE ANY WORK ON A PROPERTY THAT EXCEEDS \$2,500.00 PER FLORIDA STATUTE 713.135 (CONSTRUCTION LIEN LAW).

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT):

PROPERTY ADDRESS: Parcels 1, 2, 3 46th Ave St. Pete Beach FL 33706
Robert Czyszczon Robert@PlazaBeach.com 727-656-9345
OWNER E-MAIL ADDRESS ADDRESS TELEPHONE
Smith Fence 4699 110th Ave N Clearwater FL 33762
BUILDER/CONTRACTOR ADDRESS TELEPHONE
Gsmith@smithfence.com (615) 331-7070 727-482-5542
E-MAIL ADDRESS
ENGINEER/ARCHITECT ADDRESS TELEPHONE

DESCRIPTION OF WORK:

Install 725LF of 8' Gal. Chain Link with Windscreen
Fence.

(Check all applicable boxes below):

STRUCTURAL DEVELOPMENT:

A. ACTIVITY

- ☐ New Structure Square Footage _____
- ☐ Addition Square Footage _____
- ☐ Renovation/Alteration
- ☐ Relocation
- ☐ Demolition
- ☐ Replacement/Restoration

B. STRUCTURAL TYPE:

- ☐ Residential (Single-Family)
- ☐ Residential (Multi-Family)
- ☐ Non-residential (Flood-proofing?) (Yes)
- ☐ Commercial
- ☐ Combined Use (Residential & Commercial)

OFFICE USE ONLY

FLOOD ZONE _____
ELEVATION _____

ESTIMATED COST OF PROJECT: \$ 21,568

C. OTHER DEVELOPMENT ACTIVITIES:

- ☐ Electrical ☐ Mechanical ☐ Plumbing ☐ Gas ☐ Roofing
- ☐ Fill ☐ Grading ☐ Excavation ☐ Clearing/Site Demo
- ☐ Fire Sprinkler ☐ Fire Alarm ☐ Hood Suppression System ☐ Sign
- ☐ Docks & Lifts ☐ Scawalls ☐ Water or Sewer System
- ☐ Drainage Improvements ☐ Pool Installation/Finishing

Other: Fence 47,558 Square Footage

(ISSUED BY) _____ (DATE) _____

1. OWNER or AGENT (If Agent, Power of Attorney or Agency Letter Required):

Signed: [Signature] Date: 8/15/25
Printed Name: Robert Ceyssac
State of Florida, County of _____
Sworn to and subscribed before me this 15 day of August, 2023
Marion L. Bradshaw
Notary Public, State of Florida, County of Hillsborough

Personally Known _____ or Produced Identification _____
Notary Seal:



2. CONTRACTOR or AGENT (If Agent, Notarized Authorization Form MUST be on file with the City):

Signed: _____ Date: _____
Printed Name: _____
License # _____
State of Florida, County of _____
Sworn to and subscribed before me this _____ day of _____, 20____

Notary Public, State of Florida, County of _____
Personally Known _____ or Produced Identification _____
Notary Seal:

Commercial owner's signature required.

SUB-CONTRACTOR SIGN ON (If Applicable)

3. Electrical Contractor Signature: _____ **License #:** _____
Print Name: _____ Company Name: _____
Address: _____ Phone: _____
State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____
Personally Known _____ or Produced Identification _____

Notary Signature

4. Plumbing Contractor Signature: _____ **License #:** _____
Print Name: _____ Company Name: _____
Address: _____ Phone: _____
State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____
Personally Known _____ or Produced Identification _____

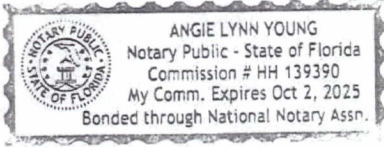
Notary Signature

5. Mechanical Contractor Signature: _____ **License #:** _____
Print Name: _____ Company Name: _____
Address: _____ Phone: _____
State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____
Personally Known _____ or Produced Identification _____

Notary Signature

6. Roofing Contractor Signature: _____ **License #:** _____
Print Name: _____ Company Name: _____
Address: _____ Phone: _____
State of Florida, County of Pinellas
Sworn to and subscribed to me this _____ day of _____, 20____
Personally Known _____ or Produced Identification _____

Notary Signature

1. OWNER or AGENT (If Agent, Power of Attorney or Agency Letter Required): Signed: _____ Date: _____ Printed Name: _____ State of Florida, County of _____ Sworn to and subscribed before me this _____ day of _____, 20____ Notary Public, State of Florida, County of _____ Personally Known _____ or Produced Identification _____ Notary Seal: _____	2. CONTRACTOR or AGENT (If Agent, Notarized Authorization Form MUST be on file with the City): Signed: _____ Date: <u>8.15.23</u> Printed Name: <u>Gage Bradley Smith</u> License # <u>CGC15331070</u> State of Florida, County of <u>Pinellas</u> Sworn to and subscribed before me this <u>15</u> day of <u>August</u> , 20 <u>23</u> <u>Angie Young</u> Notary Public, State of Florida, County of <u>PL</u> Personally Known <u>✓</u> or Produced Identification _____ Notary Seal: 
--	--

Commercial owner's signature required.

SUB-CONTRACTOR SIGN ON (If Applicable)

3. Electrical Contractor Signature: _____ **License #:** _____
 Print Name: _____ Company Name: _____
 Address: _____ Phone: _____
 State of Florida, County of Pinellas
 Sworn to and subscribed to me this _____ day of _____, 20____
 Personally Known _____ or Produced Identification _____

 Notary Signature

4. Plumbing Contractor Signature: _____ **License #:** _____
 Print Name: _____ Company Name: _____
 Address: _____ Phone: _____
 State of Florida, County of Pinellas
 Sworn to and subscribed to me this _____ day of _____, 20____
 Personally Known _____ or Produced Identification _____

 Notary Signature

5. Mechanical Contractor Signature: _____ **License #:** _____
 Print Name: _____ Company Name: _____
 Address: _____ Phone: _____
 State of Florida, County of Pinellas
 Sworn to and subscribed to me this _____ day of _____, 20____
 Personally Known _____ or Produced Identification _____

 Notary Signature

6. Roofing Contractor Signature: _____ **License #:** _____
 Print Name: _____ Company Name: _____
 Address: _____ Phone: _____
 State of Florida, County of Pinellas
 Sworn to and subscribed to me this _____ day of _____, 20____
 Personally Known _____ or Produced Identification _____

 Notary Signature















