



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, November 13, 2023
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath

2. Cases Complied or Continued

A. Case No. 20230340

City of St. Pete Beach v. Paradise Caprice LLC

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

Status Hearing on a 30-day extension for the issuance of an after-the-fact permit for the installation of a paver patio.

B. Case No. 20230302

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

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

Status Hearing on a 14-day extension to complete the landscaping work in the front yard agreed upon by the city Planning/Zoning Official. Work must be completed and inspected by 10/26/2023.

3. New Cases

A. Case No. 20230437

City of St. Pete Beach v. Gulf West Properties LLC

Address: 7060 Boca Ciega Dr. St. Pete Beach FL 33706

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.

(20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

(22) Trees.

b. Prohibited conditions. The following conditions are prohibited:

1. Trees, plants, shrubs, vegetation, or parts thereof, which overhang any sidewalk, street, alley or fire hydrant, and obstruct or impair the free and full use of the sidewalk, street, alley or fire hydrant by the public.

3. Removal of obstruction. The owner of any real property shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: which overhang any sidewalk, alley or street as determined by the building official, and which interfere with the use of any sidewalk, alley, street, poles, wires, pipes, fixtures or any other part of any public utility situated in the right-of-way.

B. Case No. 20230204

City of St. Pete Beach v. Patrick M Helmer & Carolyn F Helmer

Address: 6461 4th Palm PT St. Pete Beach FL 33706

Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.

Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.

All off-street parking and loading areas and driveways shall be properly maintained as to surface condition, striping and drainage to ensure that such facilities can continue to serve in a similar fashion as for they were originally approved. The failure to adequately maintain off-street parking and loading areas and driveways, resulting in a nuisance or unsafe condition for pedestrians or motor vehicles, shall be considered a violation of this Code.

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.

Sec. 98-65 - Unsightly Conditions.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(1) Structures that are:

b. Left in a state of disrepair; or

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

Sec. 98-66 - Residential and Commercial Property Maintenance

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.

(2) Exterior walls. Exterior walls of buildings shall be:

a. Maintained free from holes, breaks, and loose or rotting materials; and

b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration. Decorative features such as cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

(3) Windows.

b. Openings originally designed as windows shall be maintained as windows, unless approved by the building official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

(4) Shutters. All shutters shall be maintained in good repair and securely attached to a structure. Peeling paint or preservatives is prohibited.

(7) Exterior surface treatment. All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

C. Case No. 20230291

City of St. Pete Beach v. Nemishawn INC

Address: 300 76th 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.

D. Case No. 20230436

City of St. Pete Beach v. Highland Properties of W Florida LC

Address: 601 78th Ave. St. Pete Beach FL 33706

Sec. 23.3. - Applicability and scope.

(a) One and two-family residential uses shall have the required number of parking spaces set forth in the applicable district regulations and shall comply with Section 23.11(b) of this Code.

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.

E. Case No. 20230499

City of St. Pete Beach v. William R Carr

Address: Coquina Way St. Pete Beach FL 33706 Parcel Numer: 36-31-15-77994-045-0110

Sec. 22.3. - General requirements.

(d) Maintenance. The owner and tenant, or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in accordance with section 22.10, and landscaped areas shall be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. If trees, shrubs or other landscape material should die, such materials must be replaced within 30 days.

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)*

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. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(1) Vegetation as follows:

b. Dead branches or fronds on trees or shrubs.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

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

(a) All premises shall be maintained in compliance with the standards in this section.

(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.

F. Case No. 20230536

City of St. Pete Beach v. Jeffrey Myers

Address: 191 73rd Ave. St. Pete Beach FL 33706

Sec. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(12) Any wornout, scrapped, partially dismantled, nonoperative, unusable or discarded materials or objects, such as automobiles or parts thereof, building materials, machinery, metal, wastepaper, rags, glassware, tinware, vehicles, boats or parts thereof, or other items of junk. (13) The storage of any vehicle, whether motorized or nonmotorized, including but not limited to automobiles, trucks, trailers, campers, recreational vehicles, motor homes, boats, boat trailers, or parts thereof, without a valid license plate or valid vehicle or trailer or boat-trailer or other registration certificate, showing the vehicle or part thereof to be titled in the name of the owner or occupier of the property upon which the vehicle or part thereof is located. Failure to have such license or other registration certificate specifically attached to the vehicle or part thereof shall be prima facie evidence that the property is worn out, scrapped, nonoperative, unusable or discarded, as provided in subsection (12) of this section.

Sec. 6.13. - Residential accessory structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

(e) Portable storage units (PSU), as defined, shall be regulated as follows:

(4) PSUs shall not exceed the following duration of stay. An "event" shall mean the delivery and pickup of the PSU. Events shall be nonconsecutive. a. Residential use:

A maximum of seven calendar days per event with a maximum of four events per dwelling unit per calendar year.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

5) Clotheslines visible from the street.

G. Case No. 20230202

City of St. Pete Beach v. 59th Avenue Properties LLC

Address: 5955 Gulf Winds Dr. St. Pete Beach FL 33706

Sec. 26.14. - Maintenance of signs.

(a) Maintenance of signs.

(1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and neat appearance according to the following:

a. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.

b. If the sign is painted, the painted surface shall be kept in good condition.

c. Every sign shall be kept in such manner as to constitute a complete or whole sign.

(2) Nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected nonconforming sign shall not be structurally altered except in full conformance with this division. Nonconforming signs that are considered abandoned pursuant to this division shall be demolished or removed.

Sec. 26.4. - Prohibited signs.

The following signs and sign types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign type which is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of section 26.5.

(h) Abandoned and discontinued signs.

Sec. 26.5. - Nonconforming signs.

A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign is substantially damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, whichever of the foregoing occurs

first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this division and with any other applicable law or regulation. For the purpose of this section, the term "redevelopment" shall mean a substantial improvement of the principal structure on the real property.

In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this Division by January 1, 2027.

H. Case No. 20230559

City of St. Pete Beach v. Lake Merritt Partners LLC

Address: 636 Corey 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.

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

Status Hearing on the imposition of fines.

B. Case No. 20220772

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

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

Status Hearing on the imposition of fines.

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

Date: November 13, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status Hearing on a 30-day extension for the issuance of an after-the-fact permit for the installation of a paver patio.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 10.12.2023

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20230340

ADDRESS: 521 71st Ave.

PARADISE CAPRICE, LLC,

Respondent(s).

_____/

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on October 9, 2023, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

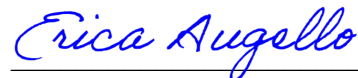
1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondent's authorized agent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that it was in violation of Section 98-123.1 of the City's Code of Ordinances by installing a paver patio in a flood hazard area without first applying for and securing a permit from the City.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating pavers delivered to the property, the paver patio being installed, and a stop work order posted on the property.
6. The testimony demonstrated the permit has been applied for, but to date has not been issued.

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

7. Respondent is found to have been and remains in violation of Section 98-123.1 of the Code of Ordinances.

8. Respondent shall have until thirty (30) days from the date of this Order, or by **November 11, 2023**, to secure a permit from the City for the installation of the paver patio.
9. A status hearing is set for **November 13, 2023, at 10:00 a.m.** A decision on fines and Administrative costs will be made at that hearing.
10. No decision on fines and administrative costs is being made as part of this Order, and the City reserves the right to request the imposition of fines and administrative costs at a later hearing before the Special Magistrate.
11. It is Respondent's responsibility to notify the City once the property is in compliance, if applicable.
12. Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on October 12, 2023.



Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent by US Mail to 955 Main Street, Dalton, MA 01226-2209.

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. 20230302**
 City of St. Pete Beach v. Stanley Jablonski &
 Joanne Jablonski
 Address: 235 71st Ave. St. Pete Beach FL 33706

Date: November 13, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status Hearing on a 14-day extension to complete the landscaping work in the front yard agreed upon by the city Planning/Zoning Official. Work must be completed and inspected by 10/26/2023.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 10.12.2023

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20230302

ADDRESS: 235 71st Ave.

**STANLEY and JOANNE
JABLONSKI,**

Respondent(s).

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on October 9, 2023, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondents failed to appear.
3. Respondents own the subject property, and legally required notice of this proceeding was served on Respondents in accordance with applicable law.
4. Respondents were notified that they were in violation of Sections 22.4 and 98-66 of the City's Code of Ordinances by removing required vegetative ground cover and utilizing nonvegetative pervious material for more than 20 percent of the minimum required pervious area.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating the appropriate ground cover installed prior to the Respondent's ownership of the Property, as well as comparative photographs of that ground cover having been removed and non-compliant ground cover in the form of mulch installed. Officer Cruz also submitted photographs demonstrating the installation of approved ground cover having been installed in the rear yard, and a portion of the front yard, but not amounting to full compliance with the City Code.

6. Officer Cruz testified that he spoke with Respondent and that Respondent was coordinating with tenant to finish the landscaping effort, but would not be attending or calling into the hearing.

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

7. Respondent is found to have been and remains in violation of Sections 22.4 and 98-66 of the Code of Ordinances.
8. Respondent shall have fourteen (14) days from the date of this Order, or by **October 26, 2023**, to complete the landscaping work and have an inspection conducted by the City to ensure compliance with the Code.
9. A status hearing is set for **November 13, 2023, at 10:00 a.m.** A decision on fines and Administrative costs will be made at that hearing.
10. No decision on fines and administrative costs is being made as part of this Order, and the City reserves the right to request the imposition of fines and administrative costs at a later hearing before the Special Magistrate.
11. It is Respondent's responsibility to notify the City once the property is in compliance, if applicable.
12. Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on October 12, 2023.



Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent by US Mail to 325 S 4th Street, Lewiston, NY 14092-1525.

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. 20230437
City of St. Pete Beach v. Gulf West Properties LLC
Address: 7060 Boca Ciega Dr. St. Pete Beach FL 33706

Date: November 13, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **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.

(20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

(22) Trees.

b. Prohibited conditions. The following conditions are prohibited:

1. Trees, plants, shrubs, vegetation, or parts thereof, which overhang any sidewalk, street, alley or fire hydrant, and obstruct or impair the free and full use of the sidewalk, street, alley or fire hydrant by the public.

3. Removal of obstruction. The owner of any real property shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: which overhang any sidewalk, alley or street as determined by the building official, and which interfere with the use of any sidewalk, alley, street, poles, wires, pipes, fixtures or any other part of any public utility situated in the right-of-way.

Grass is overgrown on the property as well as trees that are impeding the full use of the sidewalk.

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

7/25/2023

GULF WEST PROPERTIES LLC
250 COREY AVE
ST PETERSBURG FL 33706

RE: Case Number 20230437
Violation Address: 7060 BOCA CIEGA DR
Parcel ID#: 363115050940270040

Dear Property Owner:

There is grass that is overgrown on your property as well as trees that are impeding the full use of the sidewalk. You are in violation of the following sections:

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.
 - (20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.
 - (22) Trees.
 - b. Prohibited conditions. The following conditions are prohibited:
 - 1. Trees, plants, shrubs, vegetation, or parts thereof, which overhang any sidewalk, street, alley or fire hydrant, and obstruct or impair the free and full use of the sidewalk, street, alley or fire hydrant by the public.
 - 3. Removal of obstruction. The owner of any real property shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: which overhang any sidewalk, alley or street as determined by the building official, and which interfere with the use of any sidewalk, alley, street, poles, wires, pipes, fixtures or any other part of any public utility situated in the right-of-way.

These violation(s) must be corrected **no later than 7/30/2023**. 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

- Respondent(s): Gulf West Properties LLC**
- Violation address: 7060 Boca Ciega Dr.**
- Violation(s) description: The property is in violation of Sec. 98-66 – Residential and commercial property maintenance. (a), (b), (20), (22) b., 1 & 3 of the Code of Ordinances of the City of St. Pete Beach**

CE20230437

Case Summary

- Initial inspection: 07/24/2023**
- Notice of Violation dated: 07/25/2023**
- Notice of Violation compliance date: 07/30/2023**
- Notices of Hearing dated and posted on the property: 10/19/2023**

CE20230437

Affidavit of Posting



7060 Boca Ciega Dr.

CE20230437

Tree branches interfering with use of sidewalk



7060 Boca Ciega Dr.

CE20230437

Tree branches interfering with use of sidewalk



7060 Boca Ciega Dr.

CE20230437

Overgrown grass on property



7060 Boca Ciega Dr.

CE20230437

Overgrown grass on property



7060 Boca Ciega Dr.

CE20230437

Overgrown grass on property



Jul 24, 2023 at 2:41:10 PM

7060 Boca Ciega Dr.

CE20230437

Overgrown grass on property



7060 Boca Ciega Dr.

CE20230437

Dead palm fronds accumulated on property



7060 Boca Ciega Dr.

CE20230437

Yard waste accumulated on property



7060 Boca Ciega Dr.

CE20230437

Yard waste accumulated on property



7060 Boca Ciega Dr.

CE20230437

Grass cut and debris removed



7060 Boca Ciega Dr.

CE20230437

Grass cut and debris removed



7060 Boca Ciega Dr.

CE20230437

Grass cut and debris removed



7060 Boca Ciega Dr.

CE20230437

Tree branches cut back from sidewalk



7060 Boca Ciega Dr.

CE20230437

Grass cut and debris removed



7060 Boca Ciega Dr.

CE20230437

Grass cut and debris removed



7060 Boca Ciega Dr.

CE20230437

Grass cut and debris removed



7060 Boca Ciega Dr.

CE20230437

8/10/21 Overgrown grass on property



7060 Boca Ciega Dr.

CE20230437

8/10/21 Overgrown grass on property



7060 Boca Ciega Dr.

CE20230437

12/13/21 Yard waste on property



12/13/21, 10:17 AM

7060 Boca Ciega Dr.

CE20230437

6/21/22 Palm fronds accumulated on property



7060 Boca Ciega Dr.

CE20230437

6/21/22 Palm fronds accumulated on property



7060 Boca Ciega Dr.

CE20230437

6/21/22 Palm fronds accumulated on property



7060 Boca Ciega Dr.

CE20230437

6/21/22 Overgrown grass on property



7060 Boca Ciega Dr.

CE20230437

6/21/22 Palm fronds accumulated on property



7060 Boca Ciega Dr.

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: 7060 BOCA CIEGA DR

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

Name of Property Owner(s): GULF WEST PROPERTIES LLC

Case No.: 20230437 Code Enforcement Officer: Luis Cruz

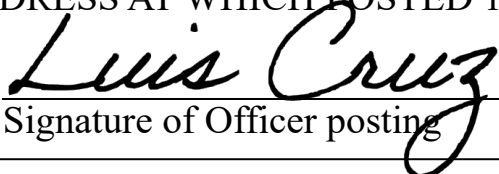
Hearing Date: 11/13/2023 at 10 a.m.

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 10/19/2023

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,
vs.
GULF WEST PROPERTIES LLC
Respondent(s)

Case Number: 20230437

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 **11/13/2023** 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 **7060 BOCA CIEGA DR** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

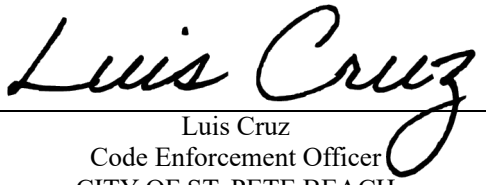
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 10/19/2023


Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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

Agenda Report

Issue Considered: Case No. 20230204
City of St. Pete Beach v. Patrick M Helmer & Carolyn F Helmer
Address: 6461 4th Palm PT St. Pete Beach FL 33706

Date: November 13, 2023

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.**

Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.

All off-street parking and loading areas and driveways shall be properly maintained as to surface condition, striping and drainage to ensure that such facilities can continue to serve in a similar fashion as for they were originally approved. The failure to adequately maintain off-street parking and loading areas and driveways, resulting in a nuisance or unsafe condition for pedestrians or motor vehicles, shall be considered a violation of this Code.

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.

Sec. 98-65 - Unsightly Conditions.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(1) Structures that are:

b. Left in a state of disrepair; or

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

Sec. 98-66 - Residential and Commercial Property Maintenance

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.

(2) Exterior walls. Exterior walls of buildings shall be:

a. Maintained free from holes, breaks, and loose or rotting materials; and

b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration. Decorative features such as cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

(3) Windows.

b. Openings originally designed as windows shall be maintained as windows, unless approved by the building official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

(4) Shutters. All shutters shall be maintained in good repair and securely attached to a structure. Peeling paint or preservatives is prohibited.

(7) Exterior surface treatment. All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than

decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

The permits for the interior remodeling needs to be completed and returned for approval(s). The paint is peeling in several places on the structure and needs to be cleaned/repainted. The window trim/finishing is crumbling and falling off and needs to be repaired. The shutter(s) are rotted and in need of repair/replacement. The retaining wall near garage is cracked and in need of repair. The driveway surface is failing and uneven and needs to be repaired/replaced.

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

9/26/2023

HELMER, PATRICK M HELMER, CAROLYN F
6461 4TH PALM PT
ST PETE BEACH, FL 33706-2115

RE: Case Number 20230204
Violation Address: 6461 4TH PALM PT
Parcel ID#: 313116907440000230

Dear Property Owner:

The permits for the interior remodeling needs to be completed and returned for approval(s). The paint is peeling in several places on the structure and needs to be cleaned/repainted. The window trim/finishing is crumbling and falling off and needs to be repaired. The shutter(s) are rotted and in need of repair/replacement. The retaining wall near garage is cracked and in need of repair. The driveway surface is failing and uneven and needs to be repaired/replaced.

Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.

Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.

All off-street parking and loading areas and driveways shall be properly maintained as to surface condition, striping and drainage to ensure that such facilities can continue to serve in a similar fashion as for they were originally approved. The failure to adequately maintain off-street parking and loading areas and driveways, resulting in a nuisance or unsafe condition for pedestrians or motor vehicles, shall be considered a violation of this Code.

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.

Sec. 98-65 - Unsightly Conditions.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(1) Structures that are:

b. Left in a state of disrepair; or

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

Sec. 98-66 - Residential and Commercial Property Maintenance

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.

(2) Exterior walls. Exterior walls of buildings shall be:

a. Maintained free from holes, breaks, and loose or rotting materials; and

b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration.

Decorative features such as cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

(3) Windows.

b. Openings originally designed as windows shall be maintained as windows, unless approved by the building official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

(4) Shutters. All shutters shall be maintained in good repair and securely attached to a structure. Peeling paint or preservatives is prohibited.

(7) Exterior surface treatment. All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

These violation(s) must be corrected **no later than 10/10/2023**. 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

CE20230204

Affidavit of Posting



6461 4th Palm PT.

CE20230204

Driveway is cracked and uneven



6461 4th Palm PT.

CE20230204

Driveway in disrepair



6461 4th Palm PT.

CE20230204

Demolition work done without permit



6461 4th Palm PT.

CE20230204

Debris removed from demolition work



6461 4th Palm Pt.

CE20230204

Crack in the exterior wall



6461 4th Palm PT.

CE20230204

Window trim in disrepair



6461 4th Palm PT.

CE20230204

Window shutter rotted out



6461 4th Palm PT.

CE20230204

Peeling paint on fascia board



Oct 20, 2023 at 12:25:32 PM

6461 4th Palm PT.

CE20230204

Fascia boards peeling



6461 4th Palm PT.

CE20230204

Paint peeling on garage door



6461 4th Palm PT.

NOTICE

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

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 6461 4TH PALM PT

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

Name of Property Owner(s): HELMER, PATRICK M HELMER, CAROLYN F

Case No.: 20230204 Code Enforcement Officer: Steven Rivera

Hearing Date: 11/13/2023 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 10/24/2023

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: 20230204

vs.
HELMER, PATRICK M HELMER, CAROLYN F
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 **11/13/2023** 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 **6461 4TH PALM PT** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 10/24/2023

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. 20230291**
 City of St. Pete Beach v. Nemishawn INC
 Address: 300 76th Ave. St. Pete Beach FL 33706

Date: November 13, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: 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.

Property must fix requests asked of by the Planning and Zoning officials on the application for the after-the-fact fence permit.

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

9/14/2023

NEMISHAWN INC
1111 7TH AVE N STE 107
ST PETERSBURG FL 33705-1348

RE: Case Number 20230291
Violation Address: 300 76TH AVE
Parcel ID#: 363115779940680180

Dear Property Owner:

Please have contractor fix requests asked of by the Planning and Zoning officials on the application for a fence permit. Having these issues rectified by the compliance day below.

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 9/21/2023**. If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to \$250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

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

Sincerely,

Luis Cruz
Code Enforcement Officer

Luis Cruz 727-589-2564

CE20230291

- Respondent(s): Nemishawn INC**
- Violation address: 300 76th Ave.**
- Violation(s) description: The property is in violation of Sec. 98-123.1 – Permits Required of the Code of Ordinances of the City of St. Pete Beach**

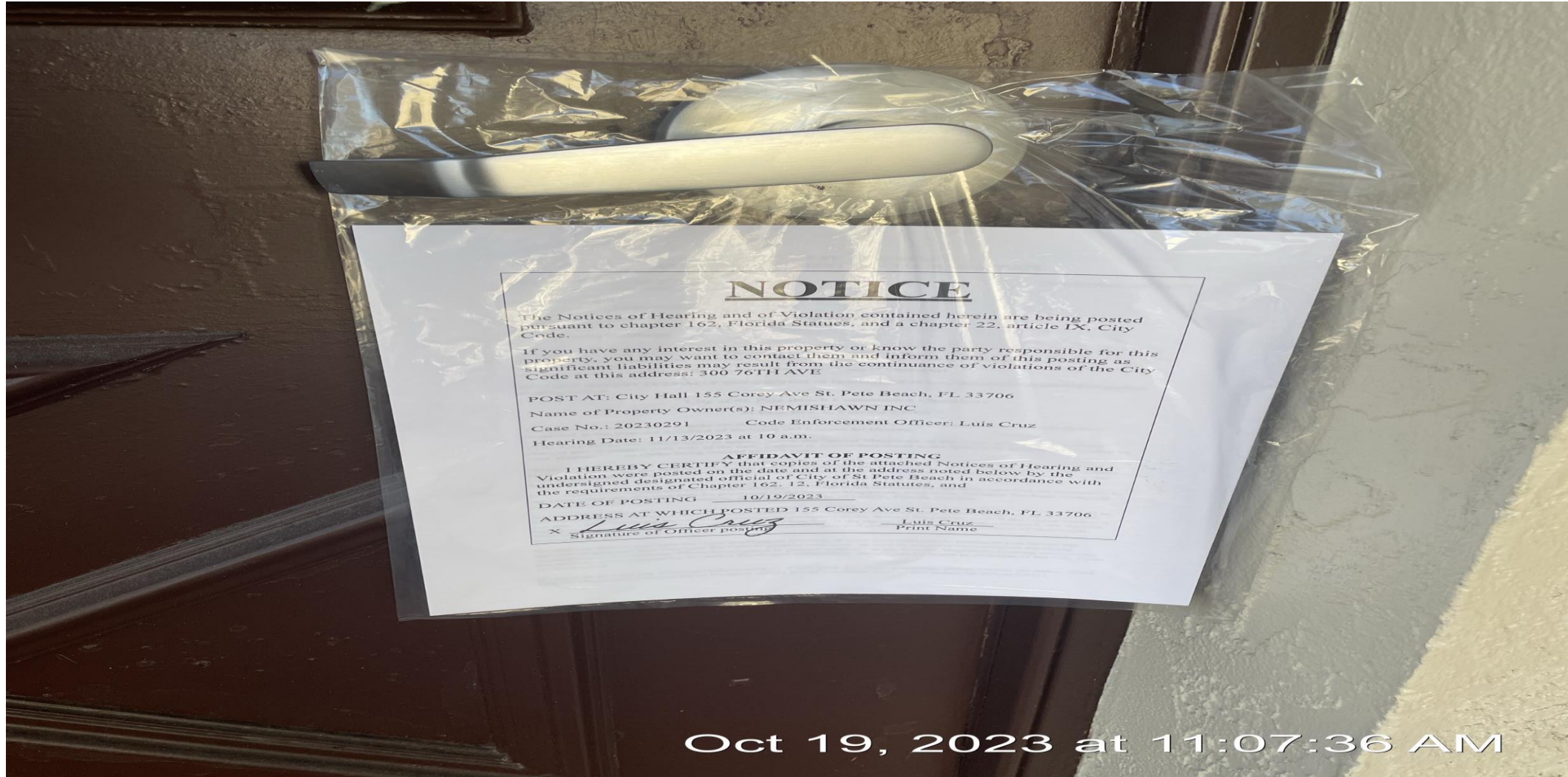
CE20230291

Case Summary

- Initial inspection: 04/19/2023**
- Notice of Violation dated: 09/14/2023**
- Notice of Violation compliance date: 09/21/2023**
- Notices of Hearing dated and posted on the property: 10/19/2023**

CE20230291

Affidavit of Posting



300 76th Ave.

CE20230291

Fence erected without a permit



300 76th Ave.

CE20230291

Fence erected without a permit



300 76th Ave.

CE20230291

Fence erected without a permit



300 76th Ave.

CE20230291

Fence erected without a permit



Sep. 21, 2023 at 11:45:38 AM

300 76th Ave.

CE20230291

Fence erected without a permit



300 76th Ave.

CE20230291

Fence erected without a permit



300 76th 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: 300 76TH AVE

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

Name of Property Owner(s): NEMISHAWN INC

Case No.: 20230291 Code Enforcement Officer: Luis Cruz

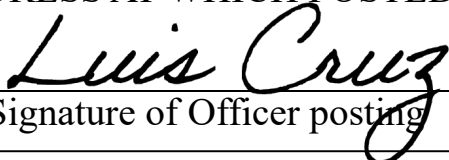
Hearing Date: 11/13/2023 at 10 a.m.

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 10/19/2023

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: 20230291

vs.
NEMISHAWN INC
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 **11/13/2023** 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 **300 76TH 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,

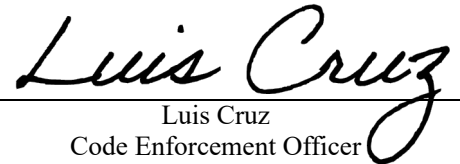
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 10/19/2023



Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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

Agenda Report

Issue Considered: **Case No. 20230436**
 City of St. Pete Beach v. Highland Properties of
 W Florida LC
 Address: 601 78th Ave. St. Pete Beach FL 33706

Date: November 13, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 23.3. - Applicability and scope.**
 (a) One and two-family residential uses shall have the
 required number of parking spaces set forth in the
 applicable district regulations and shall comply with
 Section 23.11(b) of this Code.

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.

Property has been cited for illegally converting the garage without a permit. No permit has been applied for and this type of work must be permitted.

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

9/7/2023

HIGHLAND PROPERTIES OF W FLORIDA LC
2828 CENTRAL AVE
ST PETERSBURG , FL 33712-1007

RE: Case Number 20230436
Violation Address: 601 78TH AVE
Parcel ID#: 363115615240790060

Dear Property Owner:

Your property has been cited for illegally converting your garage without a permit. No permit has been applied for and this type of work must be permitted. You have till the compliance date to contact the City of St. Pete Beach Building Department and to apply for a permit.

Sec. 23.3. - Applicability and scope.

(a) One and two-family residential uses shall have the required number of parking spaces set forth in the applicable district regulations and shall comply with Section 23.11(b) of this Code.

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 9/21/2023**. If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to

\$250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

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

Sincerely,

Luis Cruz 727-589-2564

Luis Cruz
Code Enforcement Officer

- Respondent(s): Highland Properties of W Florida LC**
- Violation address: 601 78th Ave.**
- Violation(s) description: The property is in violation of Sec. 23.3 – Applicability and scope (a) & Sec. 98-123.1 – Permits Required of the Land Development Code and Code of Ordinances of the City of St. Pete Beach**

CE20230436

Case Summary

- Initial inspection: 07/20/2023**
- Notice of Violation dated: 09/07/2023**
- Notice of Violation compliance date: 09/21/2023**
- Notices of Hearing dated and posted on the property: 10/19/2023**

CE20230436

Affidavit of Posting



601 78th Ave.

CE20230436

Unpermitted reconstruction of garage



601 78th Ave.

CE20230436

Unpermitted reconstruction of garage



601 78th Ave.

CE20230436

Unpermitted reconstruction of garage



601 78th Ave.

CE20230436

Unpermitted reconstruction of garage



601 78th Ave.

CE20230436

Unpermitted reconstruction of garage



601 78th Ave.

CE20230436

Unpermitted reconstruction of garage



601 78th Ave.

CE20230436

Unpermitted reconstruction of garage



601 78th Ave.

CE20230436

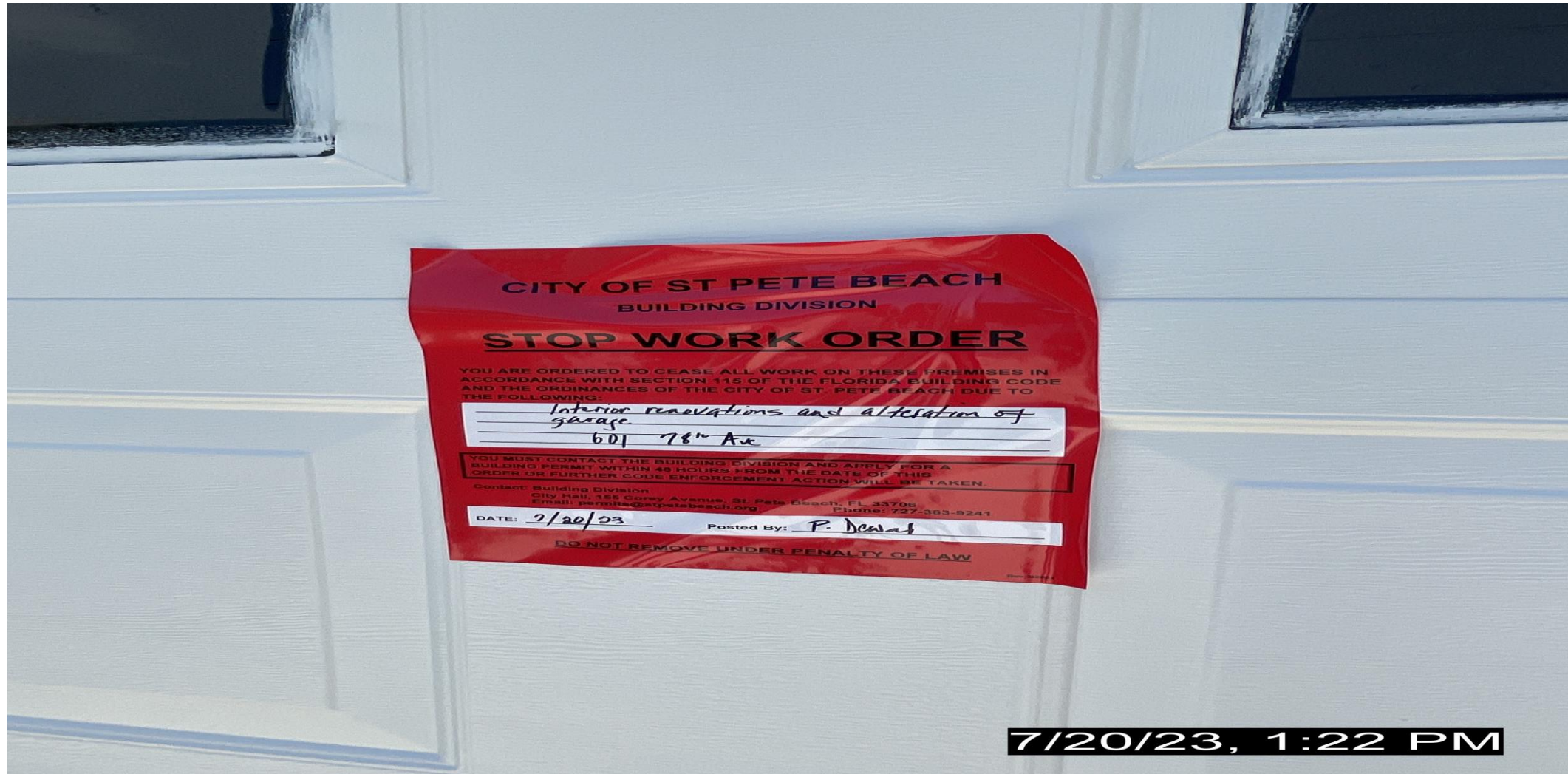
Unpermitted reconstruction of garage



601 78th Ave.

CE20230436

Posting of Stop-Work-Order



601 78th 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: 601 78TH AVE

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

Name of Property Owner(s): HIGHLAND PROPERTIES OF W FLORIDA LC

Case No.: 20230436 Code Enforcement Officer: Luis Cruz

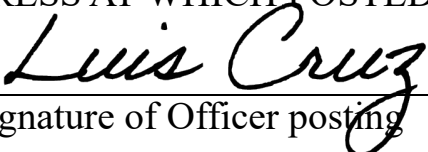
Hearing Date: 11/13/2023 at 10 a.m.

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 10/19/2023

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: 20230436

vs.
HIGHLAND PROPERTIES OF W FLORIDA LC
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 **11/13/2023** 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 **601 78TH 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,

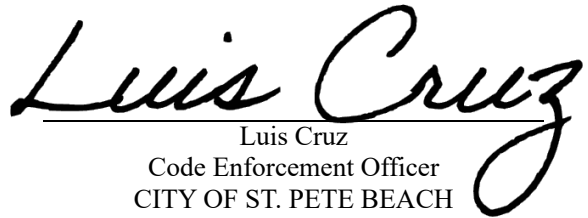
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 10/19/2023


Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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

Agenda Report

Issue Considered: Case No. 20230499
City of St. Pete Beach v. William R Carr
Address: Coquina Way St. Pete Beach FL 33706 Parcel
Numer: 36-31-15-77994-045-0110

Date: November 13, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 22.3. - General requirements.**
(d) Maintenance. The owner and tenant, or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in accordance with section 22.10, and landscaped areas shall be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. If trees, shrubs or other landscape material should die, such materials must be replaced within 30 days.

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)*

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. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(1) Vegetation as follows:

b. Dead branches or fronds on trees or shrubs.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall

keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

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

(a) All premises shall be maintained in compliance with the standards in this section.

(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.

Property must be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. If trees, shrubs or other landscape material should die, such materials must be replaced within 30 days.

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

9/18/2023

CARR, WILLIAM R
PO Box 701
Valrico, FL 33595-0701

RE: Case Number 20230499
Violation Address: Coquina Way
Parcel ID#: 36-31-15-77994-045-0110

Dear Property Owner:

The property must be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. If trees, shrubs or other landscape material should die, such materials must be replaced within 30 days. Please contact our Planning/Zoning official 727-363-9229

Sec. 22.3. - General requirements.

(d) Maintenance. The owner and tenant, or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in accordance with section 22.10, and landscaped areas shall be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. If trees, shrubs or other landscape material should die, such materials must be replaced within 30 days.

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)*

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. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(1) Vegetation as follows:

b. Dead branches or fronds on trees or shrubs.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

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

(a) All premises shall be maintained in compliance with the standards in this section.

(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 10/3/2023**. 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

CE20230499

- **Respondent(s): William R Carr**
- **Violation address: Coquina Way Parcel Number: 36-31-15-77994-045-0110**
- **Violation(s) description: The property is in violation of Sec. 22.3 – General requirements (d), Sec. 22.4 – Type, quality and size of plant material (f), Sec. 46-33 – Enumeration (1) b., Sec. 98-65 – Unsightly conditions (4), & Sec. 98-66 – Residential and commercial property maintenance (a), (b) (21) a. b. of the Land Development Code and Code of Ordinances of the City of St. Pete Beach**

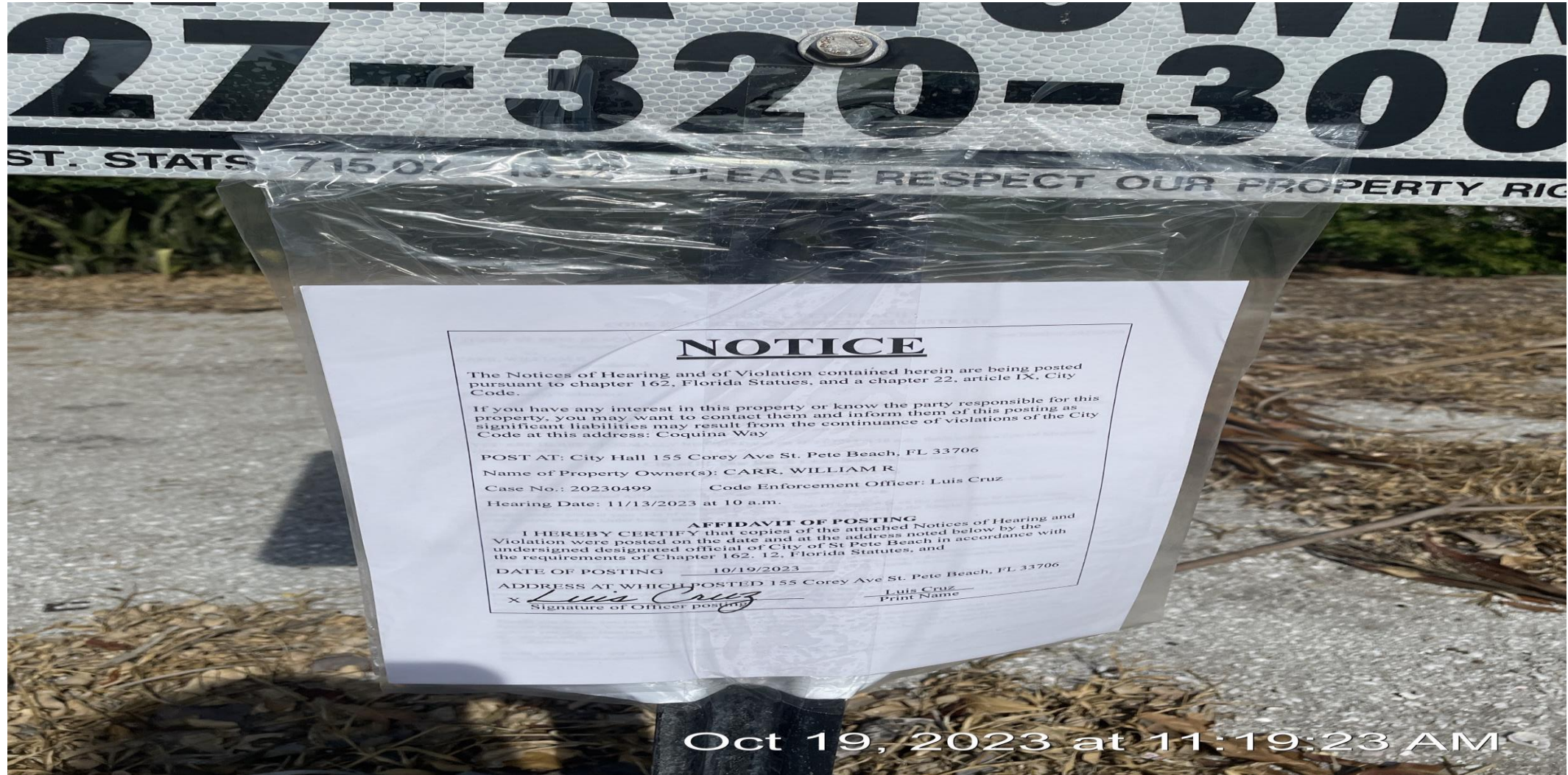
CE20230499

Case Summary

- Initial inspection: 08/18/2023**
- Notice of Violation dated: 09/18/2023**
- Notice of Violation compliance date: 010/03/2023**
- Notices of Hearing dated and posted on the property: 10/19/2023**

CE20230499

Affidavit of Posting



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Oct 9, 2023 at 3:46:57 PM

Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina Way

CE20230499

Unmaintained vacant lot



Coquina 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: Coquina Way

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

Name of Property Owner(s): CARR, WILLIAM R

Case No.: 20230499 Code Enforcement Officer: Luis Cruz

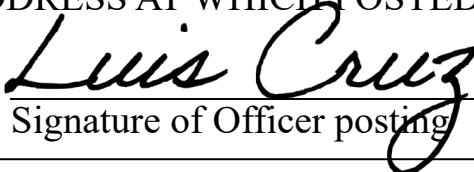
Hearing Date: 11/13/2023 at 10 a.m.

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 10/19/2023

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: 20230499

vs.
CARR, WILLIAM R
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 **11/13/2023** 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 **Coquina 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,

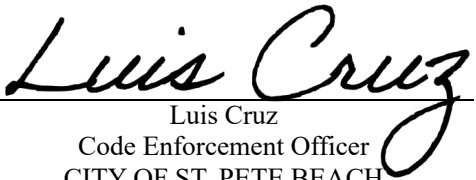
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 10/19/2023


Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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

Agenda Report

Issue Considered: **Case No. 20230536**
 City of St. Pete Beach v. Jeffrey Myers
 Address: 191 73rd Ave. St. Pete Beach FL 33706

Date: November 13, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 46-33. - Enumeration.**
The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(12) Any wornout, scrapped, partially dismantled, nonoperative, unusable or discarded materials or objects, such as automobiles or parts thereof, building materials, machinery, metal, wastepaper, rags, glassware, tinware, vehicles, boats or parts thereof, or other items of junk. (13) The storage of any vehicle, whether motorized or nonmotorized, including but not limited to automobiles, trucks, trailers, campers, recreational vehicles, motor homes, boats, boat trailers, or parts thereof, without a valid license plate or valid vehicle or trailer or boat-trailer or other registration certificate, showing the vehicle or part thereof to be titled in the name of the owner or occupier of the property upon which the vehicle or part thereof is located. Failure to have such license or other registration certificate specifically attached to the vehicle or part thereof shall be prima facie evidence that the property is worn out, scrapped, nonoperative, unusable or discarded, as provided in subsection (12) of this section.

Sec. 6.13. - Residential accessory structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

(e) Portable storage units (PSU), as defined, shall be

regulated as follows:

(4) PSUs shall not exceed the following duration of stay. An "event" shall mean the delivery and pickup of the PSU. Events shall be nonconsecutive. a. Residential use:

A maximum of seven calendar days per event with a maximum of four events per dwelling unit per calendar year.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

5) Clotheslines visible from the street.

The property continues to be a nuisance and a blight on the community in the surrounding area. The city has tried to reach out to help clean up the property and there has been no action to bring this into fruition.

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

9/28/2023

MYERS, JEFFREY
191 73RD AVE
ST PETE BEACH, FL 33706-1916

RE: Case Number 20230536
Violation Address: 191 73RD AVE
Parcel ID#: 363115051120040010

Dear Property Owner:

Your property continues to be a nuisance and a blight on the community in the surrounding area. The city has even tried to reach out to help you clean up the property and there has been no action on your part to help bring this into fruition. Please start to clean up the property in some way due to being in violation of the following sections:

Sec. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances: (12) Any wornout, scrapped, partially dismantled, nonoperative, unusable or discarded materials or objects, such as automobiles or parts thereof, building materials, machinery, metal, wastepaper, rags, glassware, tinware, vehicles, boats or parts thereof, or other items of junk. (13) The storage of any vehicle, whether motorized or nonmotorized, including but not limited to automobiles, trucks, trailers, campers, recreational vehicles, motor homes, boats, boat trailers, or parts thereof, without a valid license plate or valid vehicle or trailer or boat-trailer or other registration certificate, showing the vehicle or part thereof to be titled in the name of the owner or occupier of the property upon which the vehicle or part thereof is located. Failure to have such license or other registration certificate specifically attached to the vehicle or part thereof shall be prima facie evidence that the property is worn out, scrapped, nonoperative, unusable or discarded, as provided in subsection (12) of this section.

Sec. 6.13. - Residential accessory structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:
(e) Portable storage units (PSU), as defined, shall be regulated as follows:

(4) PSUs shall not exceed the following duration of stay. An "event" shall mean the delivery and pickup of the PSU. Events shall be nonconsecutive. a. Residential use:
A maximum of seven calendar days per event with a maximum of four events per dwelling unit per calendar year.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

5) Clotheslines visible from the street.

These violation(s) must be corrected **no later than 10/12/2023**. 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 727-589-2564

Luis Cruz
Code Enforcement Officer

CE20230536

- Respondent(s): Jeffrey Myers**
- Violation address: 191 73rd Ave.**
- Violation(s) description: The property is in violation of Sec. 6.13 – Residential accessory structures (e) (4), Sec. 46-33 – Enumeration (12), (13), Sec. 98-65 – Unsightly conditions (2), (3), (4), & (5) of the Land Development Code and Code of Ordinances of the City of St. Pete Beach**

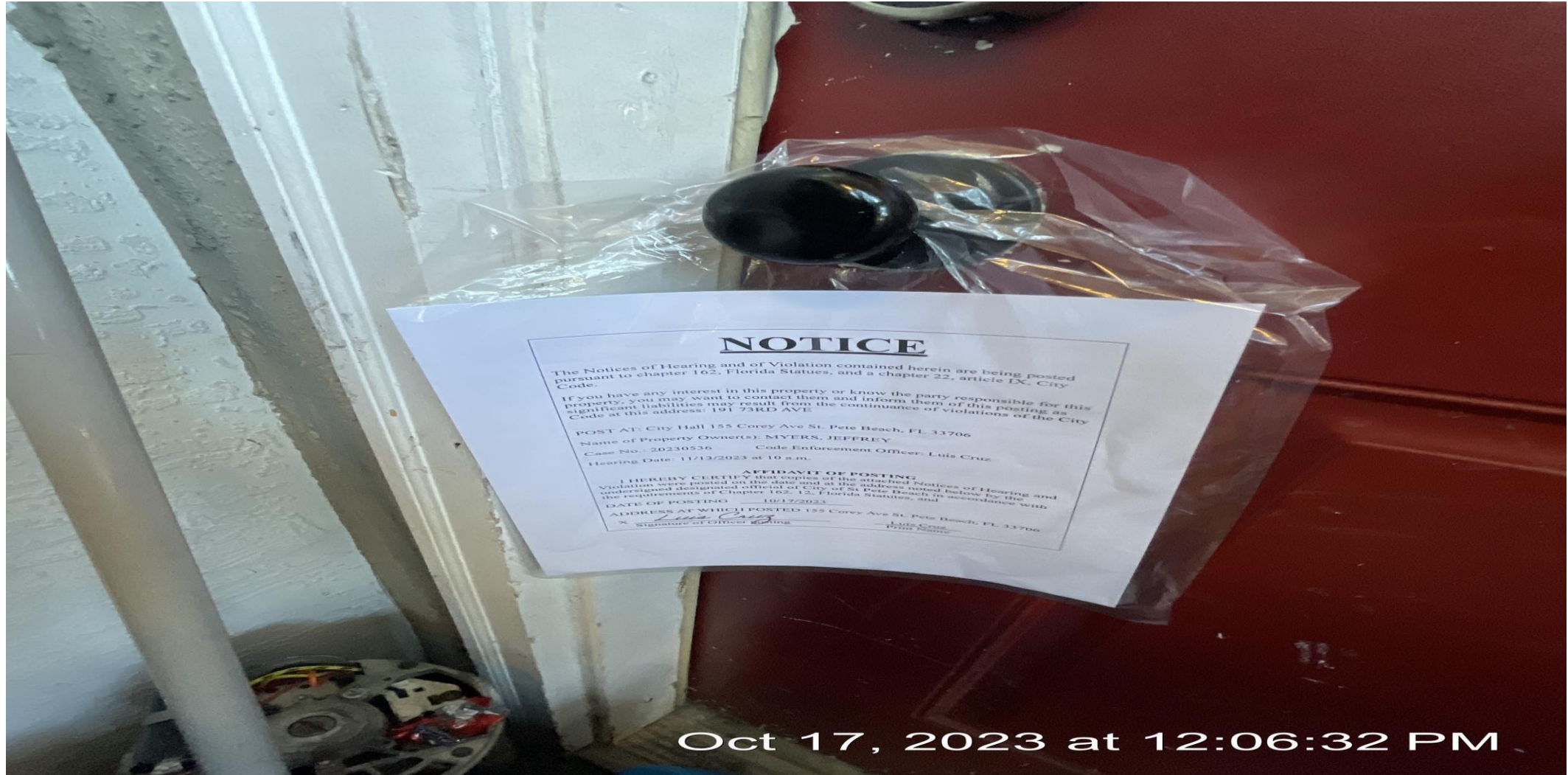
CE20230536

Case Summary

- Initial inspection: 09/13/2023**
- Notice of Violation dated: 09/28/2023**
- Notice of Violation compliance date: 010/12/2023**
- Notices of Hearing dated and posted on the property: 10/17/2023**

CE20230536

Affidavit of Posting



191 73rd Ave

CE20230536

Discarded furniture and debris



191 73rd Ave.

CE20230536

Discarded furniture and debris



191 73rd Ave.

CE20230536

Litter, miscellaneous debris, and storage of nonoperative trailer



191 73rd Ave.

CE20230536

Litter, miscellaneous debris, and storage of nonoperative trailer



191 73rd Ave.

CE20230536

Litter, miscellaneous debris, and storage of nonoperative RV and portable storage unit



191 73rd Ave.

CE20230536

Clotheslines visible from street



191 73rd Ave.

CE20230536

**Litter, miscellaneous debris, and storage of
nonoperative trailer**



191 73rd Ave.

CE20230536

**Litter, miscellaneous debris, and storage of
nonoperative/unregistered trailers**



191 73rd Ave.

CE20230536

Storage of nonoperative/unregistered trailer



191 73rd Ave.

CE20230536

Litter and miscellaneous debris



191 73rd Ave.

CE20230536

Clotheslines visible from street



191 73rd Ave.

CE20230536

Storage of portable storage unit



191 73rd Ave.

CE20230536

Litter and miscellaneous debris



191 73rd Ave.

CE20230536

**Litter, miscellaneous debris, and storage of
nonoperative RV**



191 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: 191 73RD AVE

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

Name of Property Owner(s): MYERS, JEFFREY

Case No.: 20230536 Code Enforcement Officer: Luis Cruz

Hearing Date: 11/13/2023 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 10/17/2023

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: 20230536

vs.
MYERS, JEFFREY
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 **11/13/2023** 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 **191 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 10/17/2023



Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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

Agenda Report

Issue Considered: **Case No. 20230202**
 City of St. Pete Beach v. 59th Avenue Properties
 LLC
 Address: 5955 Gulf Winds Dr. St. Pete Beach FL
 33706

Date: November 13, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 26.14. - Maintenance of signs.**
 (a) Maintenance of signs.
 (1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and neat appearance according to the following:
 a. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.
 b. If the sign is painted, the painted surface shall be kept in good condition.
 c. Every sign shall be kept in such manner as to constitute a complete or whole sign.
 (2) Nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected nonconforming sign shall not be structurally altered except in full conformance with this division. Nonconforming signs that are considered abandoned pursuant to this division shall be demolished or removed.
 Sec. 26.4. - Prohibited signs.
 The following signs and sign types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign type which is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of section 26.5.

 (h) Abandoned and discontinued signs.
 Sec. 26.5. - Nonconforming signs.
 A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming

sign is substantially damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this division and with any other applicable law or regulation. For the purpose of this section, the term "redevelopment" shall mean a substantial improvement of the principal structure on the real property.

In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this Division by January 1, 2027.

The monument sign located on the property is not being maintained. There were conditions in your variance that have not been followed so the monument sign must be removed.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice of Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing
5. Development Order #21065



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

AMENDED NOTICE OF VIOLATION

9/28/2023

59TH AVENUE PROPERTIES LLC
14152 JENNIFER TER
LARGO FL 33774-5105

RE: Case Number 20230202
Violation Address: 5955 GULF WINDS DR
Parcel ID#: 363115347760070020

Dear Property Owner:

The monument sign located on your property is not being maintained and needs to be removed. This sign is in violation of the following sections:

Sec. 26.14. - Maintenance of signs.

(a) Maintenance of signs.

(1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and neat appearance according to the following:

- a. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.
- b. If the sign is painted, the painted surface shall be kept in good condition.
- c. Every sign shall be kept in such manner as to constitute a complete or whole sign.

(2) Nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected nonconforming sign shall not be structurally altered except in full conformance with this division. Nonconforming signs that are considered abandoned pursuant to this division shall be demolished or removed.

Sec. 26.4. - Prohibited signs.

The following signs and sign types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign type which is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of section 26.5.

(h) Abandoned and discontinued signs.

Sec. 26.5. - Nonconforming signs.

A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign is substantially damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this division and with any other applicable law or regulation. For the purpose of this section, the term "redevelopment" shall mean a substantial improvement of the principal structure on the real property.

In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this Division by January 1, 2027.

These violation(s) must be corrected **no later than 10/12/2023**. 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

Luis Cruz 727-589-2564

CE20230202

- **Respondent(s): 59th Avenue Properties LLC**
- **Violation address: 5955 Gulf Winds Dr.**
- **Violation(s) description: The property is in violation of Sec. 26.4 – Prohibited signs (h), Sec. 26.5 – Nonconforming signs, & Sec. 26.14 – Maintenance of signs (a) (1) a. b. c. and (2) of the Land Development Code of the City of St. Pete Beach**

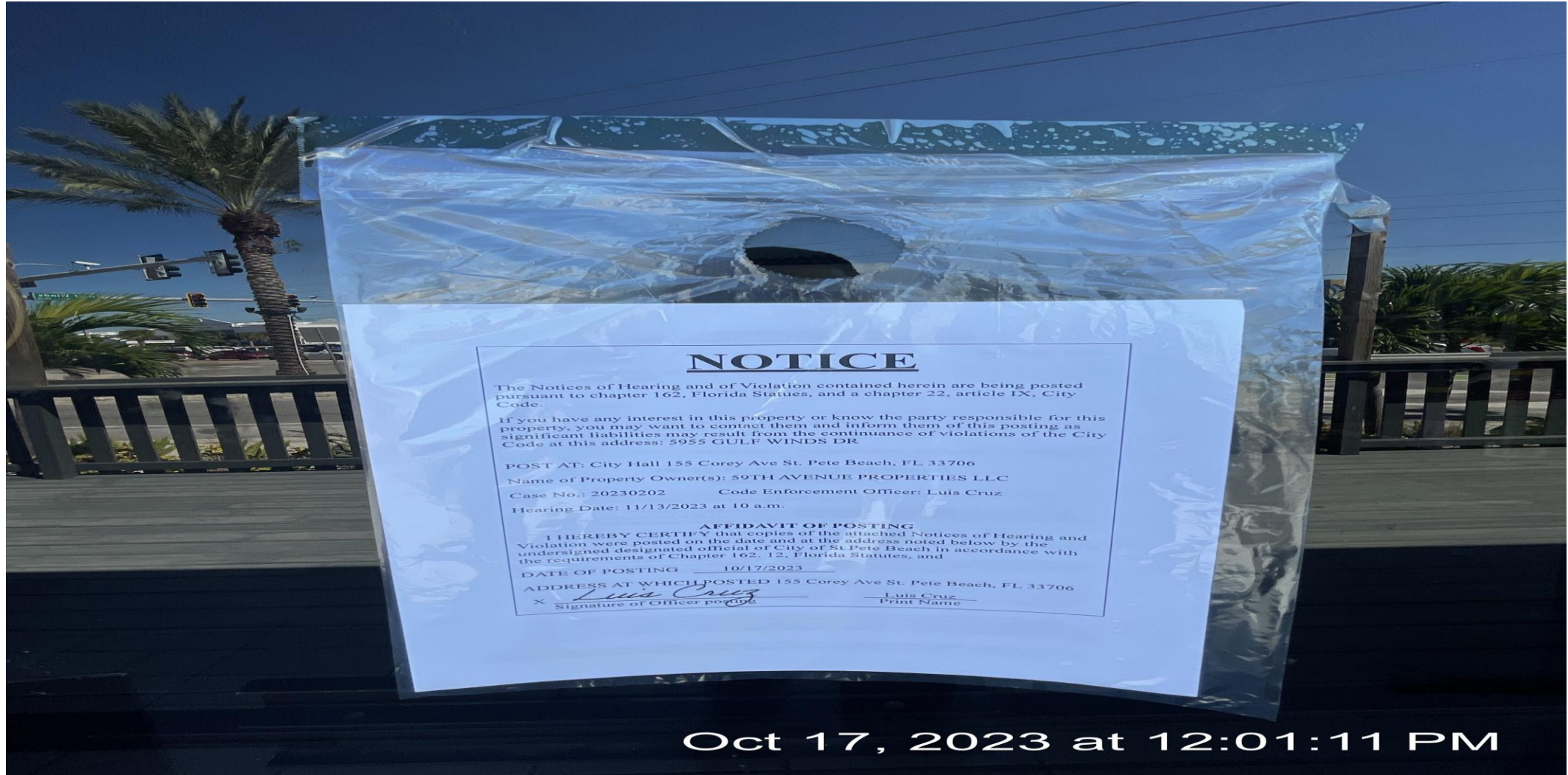
CE20230202

Case Summary

- Initial inspection: 03/20/2023**
- Notice of Violation dated: 09/28/2023**
- Notice of Violation compliance date: 010/12/2023**
- Notices of Hearing dated and posted on the property: 10/17/2023**

CE20230202

Affidavit of Posting



5955 Gulf Winds Dr.

CE20230202

Monument sign in disrepair



5955 Gulf Winds Dr.

CE20230202

Monument sign in disrepair



5955 Gulf Winds Dr.

CE20230202

Monument sign in disrepair



5955 Gulf Winds Dr.

CE20230202

Monument sign in disrepair



5955 Gulf Winds Dr.

CE20230202

Monument sign in disrepair



5955 Gulf Winds Dr.

CE20230202

Monument sign in disrepair



5955 Gulf Winds Dr.

CE20230202

Monument sign in disrepair



5955 Gulf Winds Dr.

CE20230202

Monument sign in disrepair



5955 Gulf Winds Dr.

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: 5955 GULF WINDS DR

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

Name of Property Owner(s): 59TH AVENUE PROPERTIES LLC

Case No.: 20230202 Code Enforcement Officer: Luis Cruz

Hearing Date: 11/13/2023 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 10/17/2023

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,
vs.
59TH AVENUE PROPERTIES LLC
Respondent(s)

Case Number: 20230202

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 **11/13/2023** 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 **5955 GULF WINDS DR** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

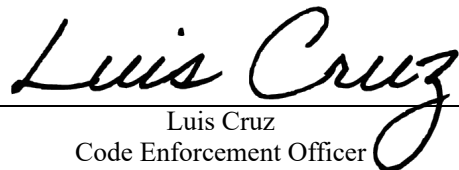
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 10/17/2023



Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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



PLANNING DIVISION

59TH AVENUE PROPERTIES LLC
14152 JENNIFER TER
LARGO FL 33774-5105

Charles Marco
5905 Gulf Blvd
St. Pete Beach, FL 33706

DEVELOPMENT ORDER Case Number: 21065

The Board of Adjustment reviewed and conducted a public hearing on an application for a(n) variance in the above-captioned case on 09/29/2021.

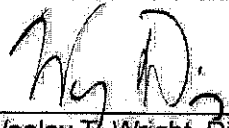
Address: 5955 GULF WINDS DR, ST PETE BEACH FL 33706
Parcel Number: 363115347760070020

Request: Request to allow an abandoned nonconforming freestanding monument sign to remain that exceeds the allowed height and front setback requirement (LDC Sec. 26.35 (a)). Case No. 21065

IT IS HEREBY ORDERED:

Case number 21065 is hereby **APPROVED**:

Condition #1: The freestanding monument sign shall be considered a legal nonconforming sign.
Condition #2: The nonconforming sign may continue to be maintained until (1) the nonconforming sign is substantially damaged or destroyed, or (2) until the real property on which the sign is located is redeveloped whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with Land Development Code Division 26 and with any other applicable law or regulation.
Condition #3: A new business shall occupy the existing building with the issuance of a Business Tax Receipt within 12 months of the Development Order or the nonconforming sign shall be deemed abandoned and shall be removed.
Condition #4: The lower cabinet shall be removed from the freestanding monument sign and the remaining structure shall be repainted with ordinary and customary repairs performed.
Condition #5: The existing asphalt between the front deck and the Gulf Winds Drive sidewalk shall be removed. A landscaped area shall be established on each side of the deck entrance and run the length of the deck, with sidewalk / paver walkway constructed from the deck to the Gulf Winds Drive sidewalk.



Wesley T. Wright, Director
Planning Manager

10/5/2021

Date

Section 3.6(f) Subsequent applications: If any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application, unless such application is denied without prejudice by the board hearing the request. Any person aggrieved by this Order may appeal to the Circuit Court on or before thirty (30) days from the date of the Order.

CITY OF ST. PETE BEACH • Planning Division
155 Corey Avenue • St. Pete Beach • Florida • 33706 • Phone (727) 363-9265 • Fax (727) 363-9222



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

10/01/2021

59TH AVENUE PROPERTIES LLC
14152 JENNIFER TER
LARGO FL 33774-5105

Charles Marco
5905 Gulf Blvd
St. Pete Beach, FL 33706

Subject: Case # 21065

Property Location: 5955 GULF WINDS DR ST PETE BEACH FL 33706
Parcel: 363115347760070020

At the 09/29/2021 hearing of the City of St. Pete Beach Board of Adjustment, your request for a(n) variance was approved with conditions.

The next step in the process is to obtain a building permit prior to construction. Any variance granted under the provisions of the Land Development Code Section 3.12 - Variances, shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

Section 3.14 of the LDC establishes the appeal process for any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment and all appeals must be filed within 30 days after rendition of the decision by the Board of Adjustment.

If you have any questions on this case, do not hesitate to contact Planning and Zoning at (727-363-9253).

Respectfully,

Wesley T. Wright
Planning Manager

CITY OF ST. PETE BEACH • Planning Division
155 Corey Avenue • St. Pete Beach • Florida • 33706 • Phone (727) 363-9255 • Fax (727) 363-9222

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

Agenda Report

Issue Considered: **Case No. 20230559**
 City of St. Pete Beach v. Lake Merritt Partners
 LLC
 Address: 636 Corey Ave. St. Pete Beach FL
 33706

Date: November 13, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: 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 has been posted with a Stop-Work-Order meaning the owner must apply and fulfill the things needed to get an issuance of an After-the-Fact permit.

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

10/10/2023

LAKE MERRITT PARTNERS LLC
301 W PLATT ST UNIT A343
TAMPA FL 33606-2292

RE: Case Number 20230559
Violation Address: 636 COREY AVE
Parcel ID#: 363115779940570080

Dear Property Owner:

Your property has been posted with a Stop-Work-order and needs to apply and fulfill the things needed to get an issuance of an After-the-Fact permit. 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 10/16/2023**. 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,

Luis Cruz 727-589-2564

Luis Cruz
Code Enforcement Officer

- Respondent(s): Lake Merritt Partners LLC**
- Violation address: 636 Corey Ave.**
- Violation(s) description: The property is in violation of Sec. 98-123.1 – Permits required of the Code of Ordinances of the City of St. Pete Beach**

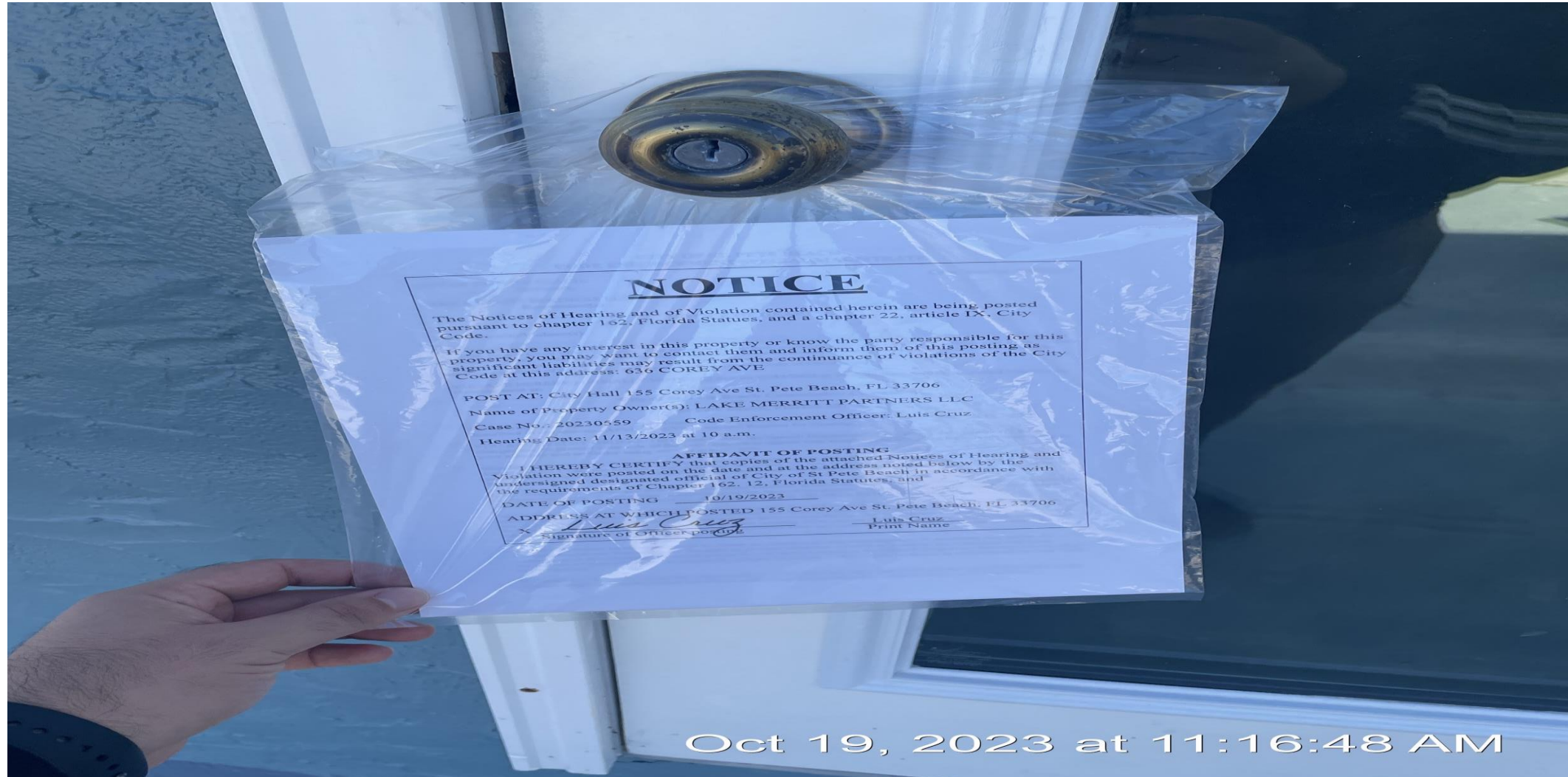
CE20230559

Case Summary

- Initial inspection: 09/19/2023**
- Notice of Violation dated: 10/10/2023**
- Notice of Violation compliance date: 10/16/2023**
- Notices of Hearing dated and posted on the property: 10/19/2023**

CE20230559

Affidavit of Posting



636 Corey Ave.

CE20230559

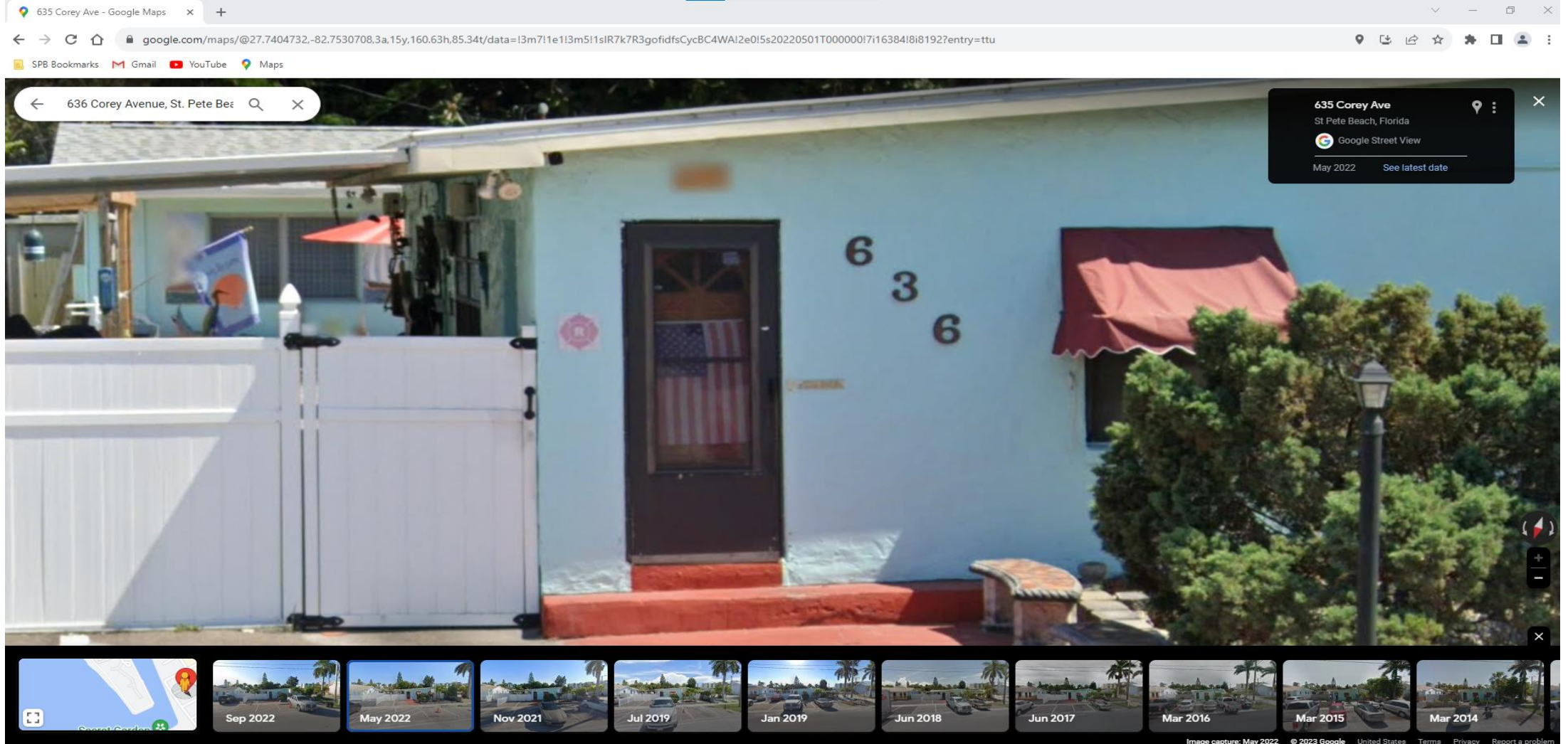
Unpermitted installation of door



636 Corey Ave.

CE20230559

Door before unpermitted installation



636 Corey Ave.

CE20230559

Unpermitted demolition work



636 Corey Ave.

CE20230559

Unpermitted demolition work



636 Corey Ave.

CE20230559

Unpermitted demolition work



636 Corey Ave.

CE20230559

Unpermitted drywall / installation work



636 Corey Ave.

CE20230559

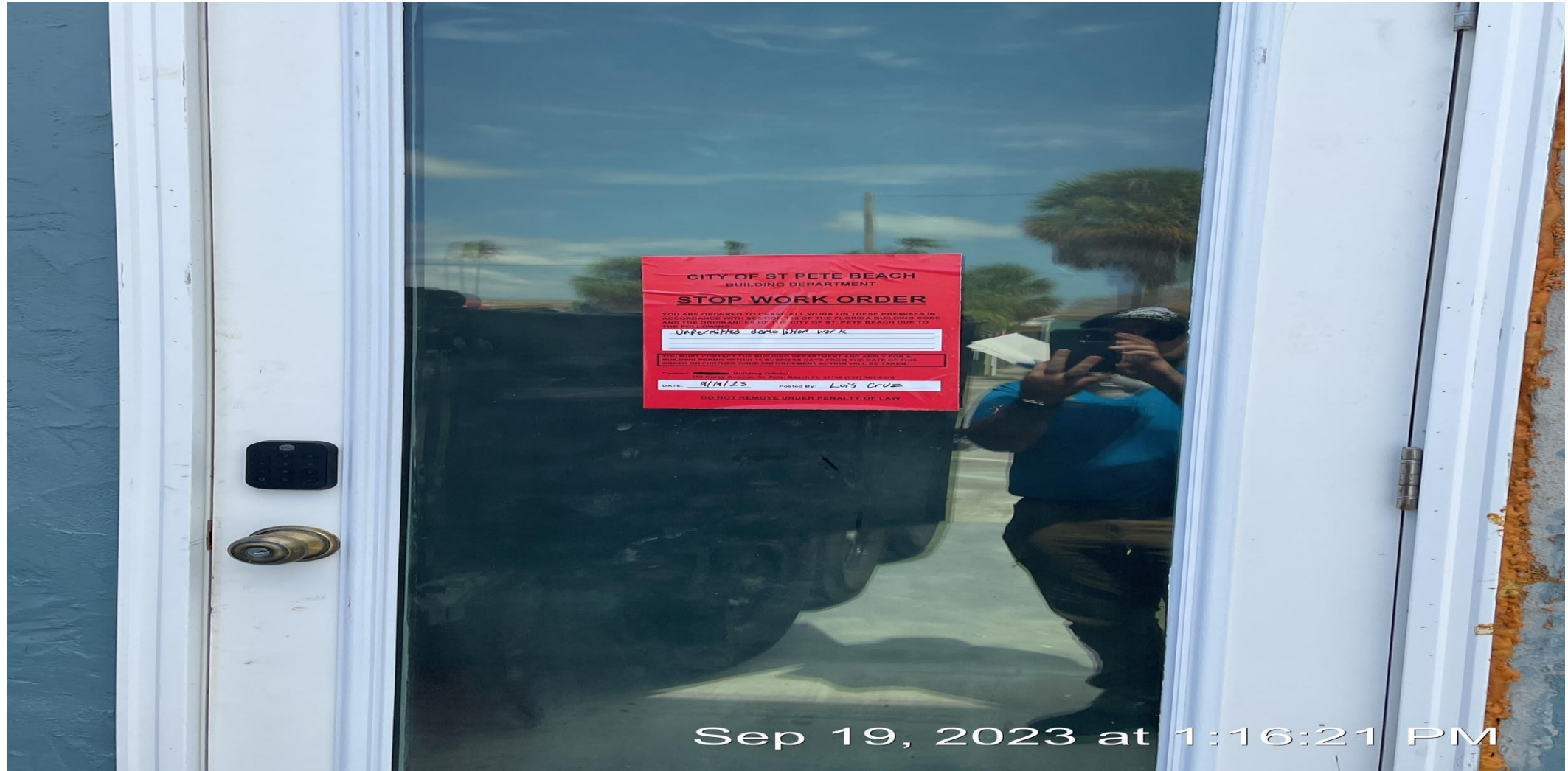
Stop-Work-Order posted on property



636 Corey Ave.

CE20230559

Stop-Work-Order posted on property



636 Corey Ave.

CE20230559

Removal of Stop-Work-Orders



636 Corey Ave.

CE20230559

Unpermitted installation work



636 Corey Ave.

CE20230559

Unpermitted installation work



636 Corey Ave.

CE20230559

Unpermitted installation work



636 Corey Ave.

CE20230559

Unpermitted installation work



636 Corey Ave.

CE20230559

Unpermitted installation of drywall



636 Corey Ave.

CE20230559

Unpermitted installation work



636 Corey 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: 636 COREY AVE

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

Name of Property Owner(s): LAKE MERRITT PARTNERS LLC

Case No.: 20230559 Code Enforcement Officer: Luis Cruz

Hearing Date: 11/13/2023 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 10/19/2023

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,
vs.
LAKE MERRITT PARTNERS LLC
Respondent(s)

Case Number: 20230559

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 **11/13/2023** 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 **636 COREY 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,

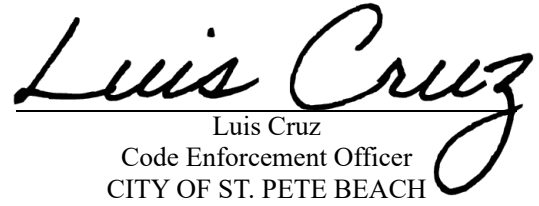
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 10/19/2023


Luis Cruz
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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: November 13, 2023

Prepared By: Peyt Dewar, Code Enforcement Manager

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status Hearing on the imposition of fines.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Special Magistrate Order 10.12.23
2. Special Magistrate Order 8.14.23
3. Evidence

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20220772

ADDRESS: 46th Ave.

PLAZA BEACH MOTEL, LLC.,

Respondent;

and

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20220744

ADDRESS: Gulf Blvd.

PLAZA BEACH MOTEL, LLC.

Respondent.

_____/

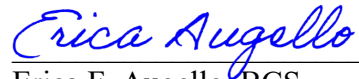
ORDER GRANTING CONTINUANCE TO DATE CERTAIN

This case came before the Special Magistrate on October 9, 2023. The Special Magistrate, based on the information and argument presented at the hearing, issues the following order:

IT IS ADJUDGED that the matter consolidated and continued by order of the Magistrate dated August 14, 2023, is continued until the November 13, 2023, Code Enforcement Special Magistrate Hearing to allow for a decision on Respondent's application for conditional use permit by the City's Board of Commissioners. Regardless of the determination made by the City's Board of Commissioners on Respondent's conditional use permit, the City reserves the right to raise the

issue of Respondent's potential violation of the August 14, 2023, Order as to the parking of vehicles in subparagraph 5, page 4 of the Order.

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 12th day of October 2023.


Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at robert@plazabeach.com, Counsel of Record, Katie Cole, at katie.cole@hwhlaw.com, and Counsel appearing at the hearing, Clayton Bricklemeyer, at clayton.bricklemeyer@hwhlaw.com, on October 12, 2023.

**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.

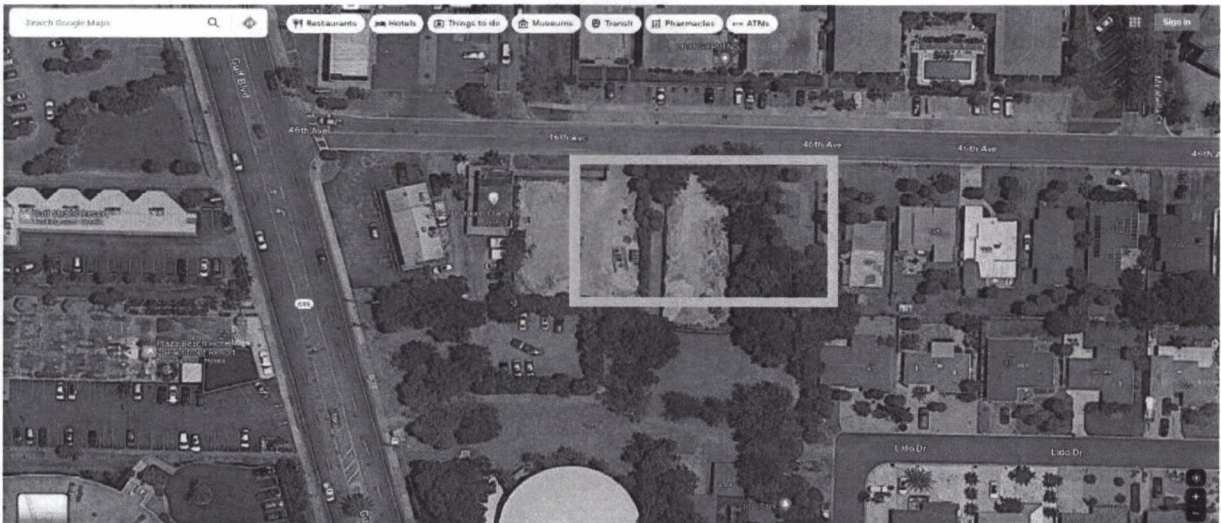
Order entered on August 15, 2023.

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@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: <u>[Signature]</u> Date: <u>8/15/25</u> Printed Name: <u>Robert Ceyssac</u> State of Florida, County of _____ Sworn to and subscribed before me this <u>15</u> day of <u>August</u> , 20 <u>23</u> <u>[Signature]</u> Notary Public, State of Florida, County of <u>Hillsborough</u> 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 _____

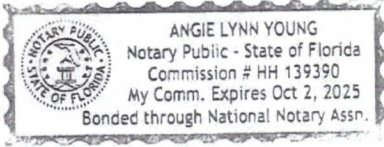
 Notary Signature

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 ☒ 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: November 13, 2023

Prepared By: Peyt Dewar, Code Enforcement Manager

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status Hearing on the imposition of fines.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Special Magistrate Order 10.12.23
2. Special Magistrate Order 8.14.23
3. Evidence

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20220772

ADDRESS: 46th Ave.

PLAZA BEACH MOTEL, LLC.,

Respondent;

and

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20220744

ADDRESS: Gulf Blvd.

PLAZA BEACH MOTEL, LLC.

Respondent.

_____/

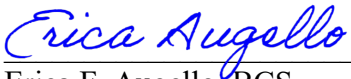
ORDER GRANTING CONTINUANCE TO DATE CERTAIN

This case came before the Special Magistrate on October 9, 2023. The Special Magistrate, based on the information and argument presented at the hearing, issues the following order:

IT IS ADJUDGED that the matter consolidated and continued by order of the Magistrate dated August 14, 2023, is continued until the November 13, 2023, Code Enforcement Special Magistrate Hearing to allow for a decision on Respondent's application for conditional use permit by the City's Board of Commissioners. Regardless of the determination made by the City's Board of Commissioners on Respondent's conditional use permit, the City reserves the right to raise the

issue of Respondent's potential violation of the August 14, 2023, Order as to the parking of vehicles in subparagraph 5, page 4 of the Order.

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 12th day of October 2023.


Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at robert@plazabeach.com, Counsel of Record, Katie Cole, at katie.cole@hwhlaw.com, and Counsel appearing at the hearing, Clayton Bricklemeyer, at clayton.bricklemeyer@hwhlaw.com, on October 12, 2023.

**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.

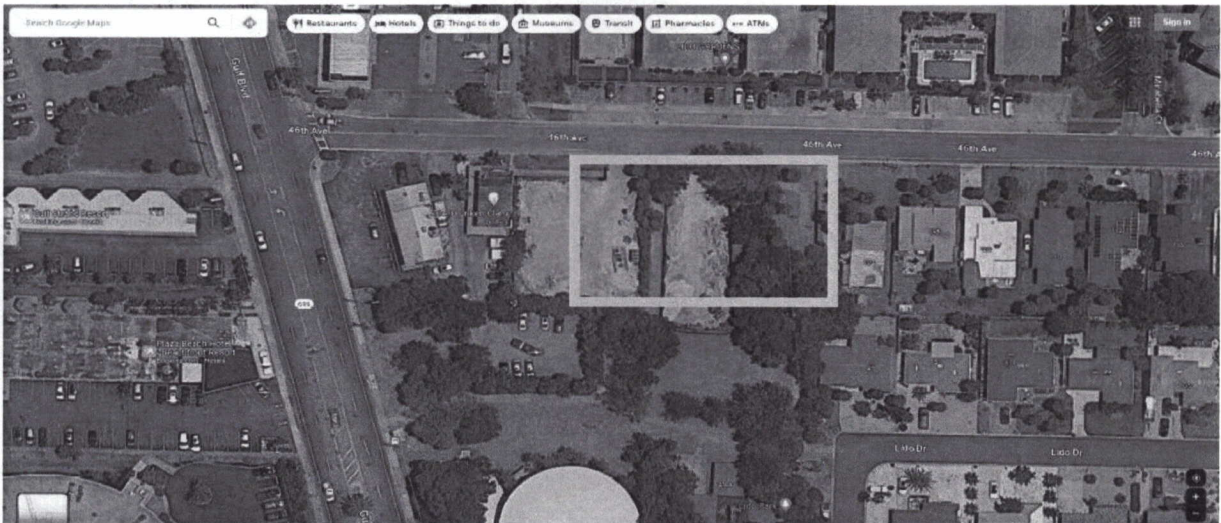
Order entered on August 15, 2023.

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@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 _____

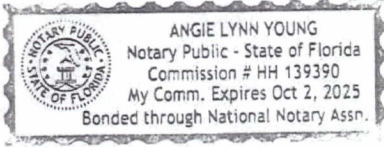
Notary Signature

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















