

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

November 13, 2023 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Ariana Wilson, Administrative Assistant-Clerk's Office
Peyt Dewar, Code Enforcement Manager
Steven Rivera, Code Enforcement Officer
Luis Cruz, Code Enforcement Officer
Chuck Newman, Code Enforcement Officer
Kristin Coman, Senior Planner

Special Magistrate Augello called the hearing to order at 10:00 AM, explained the hearing process and administered the oath to all those parties who would be testifying.

1. **Changes to the Agenda** – Assistant City Attorney Matthew McConnell requested that the Special Magistrate enter an Order to Continue item 3H., Case No. 20230559, to the December 11th hearing, at the request of the Respondent, who could not attend.

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

Code Enforcement Officer Luis Cruz gave a status update on the property. The City is requesting fines from the date of violation of 7/12/23 until compliant.

Special Magistrate Augello found, based on evidence and the prior order issued, that she would assess fines of \$250 per day from the original violation date of 7/12/23 until compliant, plus reasonable costs.

B. Case No. 20230302 City of St. Pete Beach v. Stanley Jablonski & Joanne Jablonski

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

Code Enforcement Officer Cruz submitted evidence, which is made part of the meeting record. The City is not requesting fines at this time since the property has now come into compliance but the City is requesting administrative costs.

Special Magistrate Augello found that the property is now in compliance and will not assess fines but will assess reasonable costs.

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

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is now compliant. The City is requesting administrative costs.

Property Owner, Sheila Hutman appeared via telephone and was sworn in. She testified that the property is in compliance.

Special Magistrate Augello found that the property was in violation and is now in compliance and will not assess fines but will assess administrative costs.

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

Code Enforcement Officer Rivera presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 per day from 10/11/23 until complaint.

Property owner Patrick Helmer appeared via telephone and was sworn in. He requested this hearing be postponed to address the violations.

Officer Rivera stated this property first came into violation in March and there has been no communication from the respondent up until this past Thursday.

Attorney McConnell stated the City's position is to hear this case today and not postpone.

Special Magistrate Augello found that the property is in violation of the cited code sections; the property owner will have 45 days from the date of her order to bring the property into compliance. Any fines will be assessed after a status check at the January 8th, 2024 Code Enforcement hearing.

C. Case No. 20230291 City of St. Pete Beach v. Nemishawn INC

Address: 300 76th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 per day from 9/22/23 until compliant plus administrative costs. No one was present for the property.

Special Magistrate Augello found that the property is in violation; the property owner will have 14 days from the date of her order to apply for and secure a fence permit. Any fines will be assessed after a status check at the December 11th, 2023 Code Enforcement hearing.

D. Case No. 20230436 City of St. Pete Beach v. Highland Properties of W Florida LC

Address: 601 76th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 per day from 9/22/2023 until compliant. Officer Cruz read into the record an email from Senior Planner, Brandon Berry. That email is made part of the record. No one was present for the property.

Senior Planner, Kristin Coman gave testimony on the amount of parking spaces allowed at this property.

Special Magistrate Augello found that the property is in violation; the property owner will have 30 days from the date of her order to submit plans and secure a permit. Any fines will be assessed after a status check at the January 8th, 2024 Code Enforcement hearing.

E. Case No. 20230499 City of St. Pete Beach v. William R Carr

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

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 per day from 10/4/23 until compliant. No one was present for the property.

Ms. Coman gave testimony to the Land Development Code for property maintenance.

Special Magistrate Augello found that the property is in violation; the property owner will have 7 days from the date of her order to come into compliance. Any fines will be assessed after a status check at the December 11th, 2023 Code Enforcement hearing.

F. Case No. 20230536 City of St. Pete Beach v. Jeffrey Myers

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

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 per day from 10/13/2023 until compliant plus administrative costs.

Property owner Jeffrey Myers gave testimony to his case and answered some questions Special Magistrate Augello had.

Special Magistrate Augello found that the property is in violation; the property owner will have 30 days from the date of her order to come into compliance. Any fines will be assessed after a status check at the January 8th, 2024 Code Enforcement hearing.

The Magistrate called for a brief recess at 11:23 AM and reconvened the hearing at 11:28 AM.

G. Case No. 20230202 City of St. Pete Beach v. 59th Avenue Properties LLC

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

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 per day from 10/13/23 until the sign is removed from the property plus administrative costs. Mr. Cruz provided a development order from 2021 that granted the property a variance with conditions. The development order is made part of the record.

Property owner, Jack Buns was present and gave testimony to the property and its history.

Special Magistrate Augello found that the property was in violation; the property owner will have 10 days from the date of her order to have the sign removed. Any fines will be assessed after a status check at the December 11th, 2023 Code Enforcement hearing.

H. Case No. 20230559 City of St. Pete Beach v. Lake Merritt Partners LLC

Address: 636 Corey Ave. St. Pete Beach FL 33706

Continued to December 11th, 2023 Special Magistrate hearing.

4. Old Cases

Special Magistrate Augello asked for an update regarding Case No. 20220744 and Case No. 20220772 since they were continued to today's hearing provided that the CUP would be heard in late October at a City Commission meeting.

Attorney McConnell stated the Applicant withdrew the application at the scheduled hearing. Code Enforcement Manager Peyt Dewar entered into evidence a copy of the meeting minutes from the October 24th, 2023, City Commission meeting. These are made part of the record.

A. Case No. 20220744 City of St. Pete Beach v. Plaza Beach Motel LLC

Address: Gulf Blvd. St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking the current fence be removed since it was not permitted and it is not able to meet requirements. The City is also asking no vehicles be parked on the lot effective immediately.

Senior Planner, Kristin Coman gave testimony to the permits applied for. There was a fence permit applied for on August 15th, 2023, with a review date of August 16th. The permit application was denied for several reasons, including that comments were not addressed by the applicant. A new review was submitted on November 8th and will be denied again given that the comments made by Ms. Coman were not addressed again.

B. Case No. 20220772 City of St. Pete Beach v. Plaza Beach Motel LLC

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

Code Enforcement Manager Dewar presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking no vehicles being parked on the lot effective immediately.

Senior Planner, Kristin Coman, gave testimony to permitted parking on vacant lots.

Attorney McConnell reviewed the order issued by Special Magistrate Thomas Thanas. Mr. McConnell stated that with the permit being withdrawn, no cars at all shall take place on the property and the City is requesting the fence be removed.

Amy Auerbach, resident, testified to taking the photos presented by Code Enforcement Manager Dewar.

Attorney Katie Cole of Hill, Ward, Henderson appeared on behalf of the Respondent. She testified that at the October 24th, 2023 City Commission Meeting, the applicant withdrew their application. She provided a brief timeline for both cases. Attorney Cole requested the cases be closed for Administrative fees and they are actively working on obtaining a fence permit.

Property Owner, Robert Czyszczonek testified to planning to enclose the entire property to prevent anyone from parking there.

Special Magistrate Augello stated she would be reserving her right on ruling at this time since she had not had the chance to review evidence submitted at a prior meeting by the respondent. She will have an order issued with her findings at the latest by tomorrow (11/14).

5. **Repeat Violations** - None.
6. **Lien Reductions** – None.
7. **Next Meeting** – December 11, 2023.
8. There being no further business, the hearing was adjourned at 12:14 PM.

Attest:



Amber LaRowe, City Clerk