



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, December 11, 2023
10:00 AM

**AGENDA AMENDED 12/7/23 TO MOVE CASES 4a. 4b. and 4e. from
Complied to Old Cases and adding 4c. and 4d. to Old Cases.**

Call to Order
Pledge of Allegiance

AMENDED CASE DOCKET

1. Administration of Oath
2. Cases Complied or Continued

A. 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.

3. New Cases

A. Case No. 20230571
City of St. Pete Beach v. Collom Properties LLC
2007 Pass A Grille Way St. Pete. Beach FL 33706
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](#).

(d) Banners, except those used to advertise special events, approved with a special event permit. The banner may not be placed on the property in which the event is to take place more than 21 days prior to the special event.

B. Case No. 20230458
City of St. Pete Beach v. Citrus Property Inv Inc
Address: 7700 Blind Pass Rd. St. Pete Beach FL 33706
Sec. 98-123.1. - Permits required.

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

C. Case No. 20230541
City of St. Pete Beach v. Wilmington Savings Fund Society FSB TRE Pretium
Mortgage Acquisition Trust
Address: 809 59th 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:

(4) Buildings and structures as follows:

b. Any building, structure or other improvement on which the paint or other exterior coating or surface is flaking or has deteriorated to the point that the building, structure or other improvement is unsightly in appearance and thus adversely affects the aesthetic appearance of the area.

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:

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.

(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.

4. Old Cases

A. 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

Status hearing for a 7-day extension to improve the lot with groundcover of a type and amount as approved by the City.

B. Case No. 20230291
City of St. Pete Beach v. Nemishawn INC
Address: 300 76th Ave. St. Pete Beach FL 33706

Status hearing for a 14-day extension to apply for and secure a permit for the fence.

C. 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.

D. 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.

E. Case No. 20230202
City of St. Pete Beach v. 59th Avenue Properties LLC
Address: 5955 Gulf Winds Dr. St. Pete Beach FL 33706
Status hearing for a 10-day extension to remove monument sign from the property.

5. Repeat Violation

6. Lien Reductions

A. Case No. 20220545
City of St. Pete Beach v. Ivy-Zophia and Blake Bevill
Address: 105 17th Ave. St. Pete Beach FL 33706

Lien Reduction Request

B. Case No. 20170037
City of St. Pete Beach v. John V Leonard
Address: 6600 Gulf Blvd. St. Pete Beach FL 33706
Lien Reduction Request

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

Lien Reduction Request

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. 20230559**
 City of St. Pete Beach v. Lake Merritt Partners
 LLC
 Address: 636 Corey Ave. St. Pete Beach FL
 33706

Date: December 11, 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
5. Special Magistrate Order 11/14/2023



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**

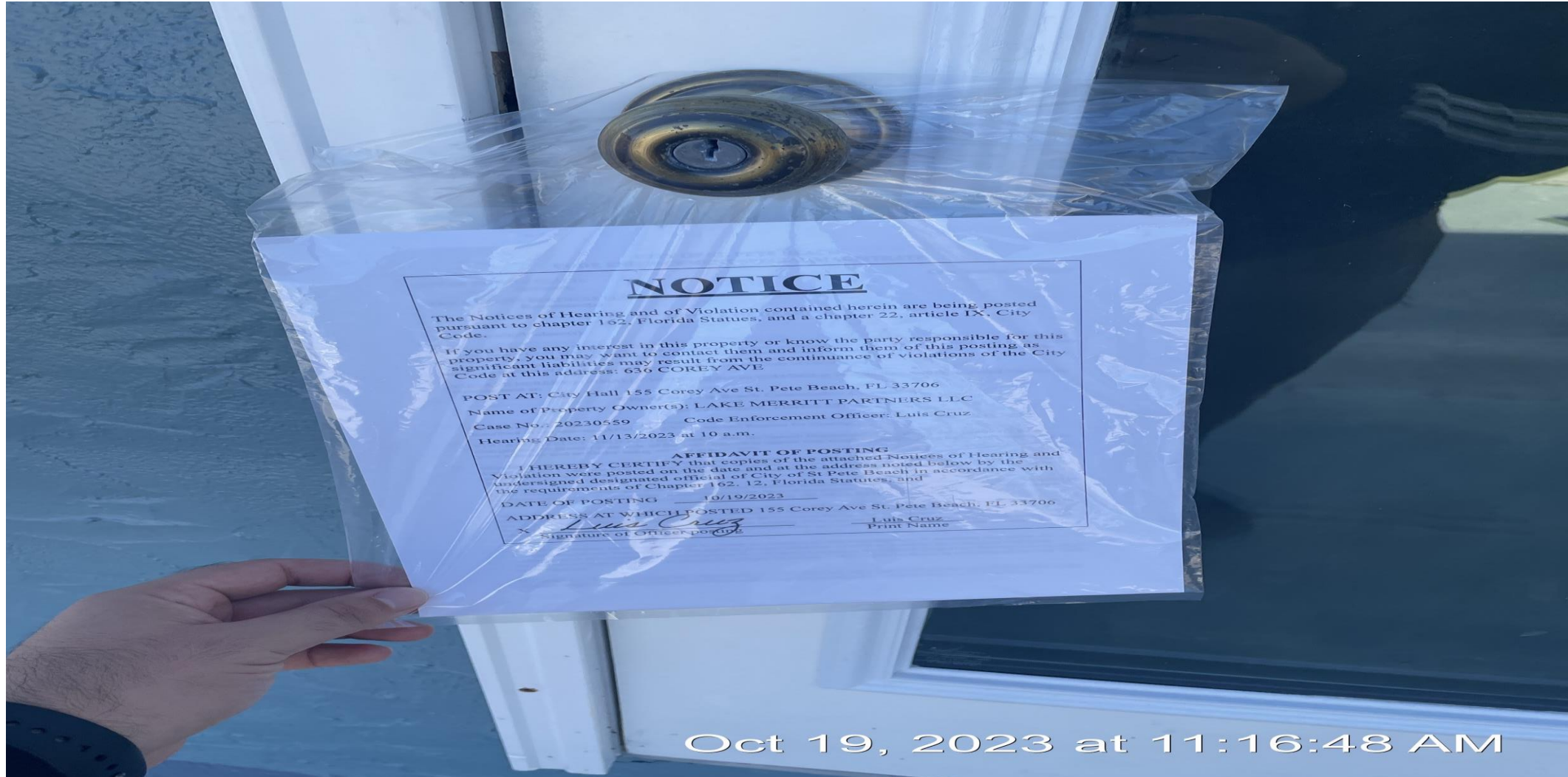
CE20230559

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

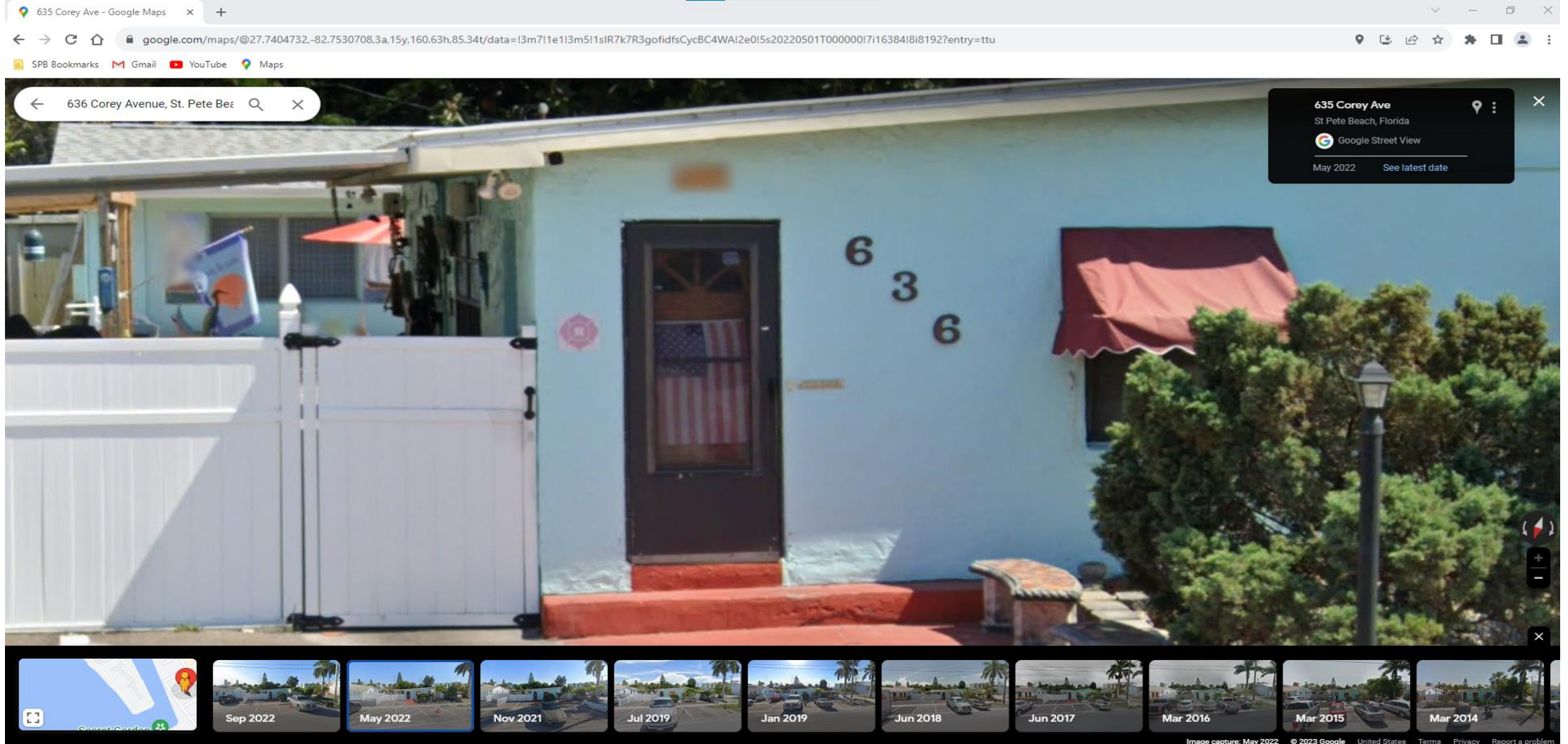
Unpermitted installation of door



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

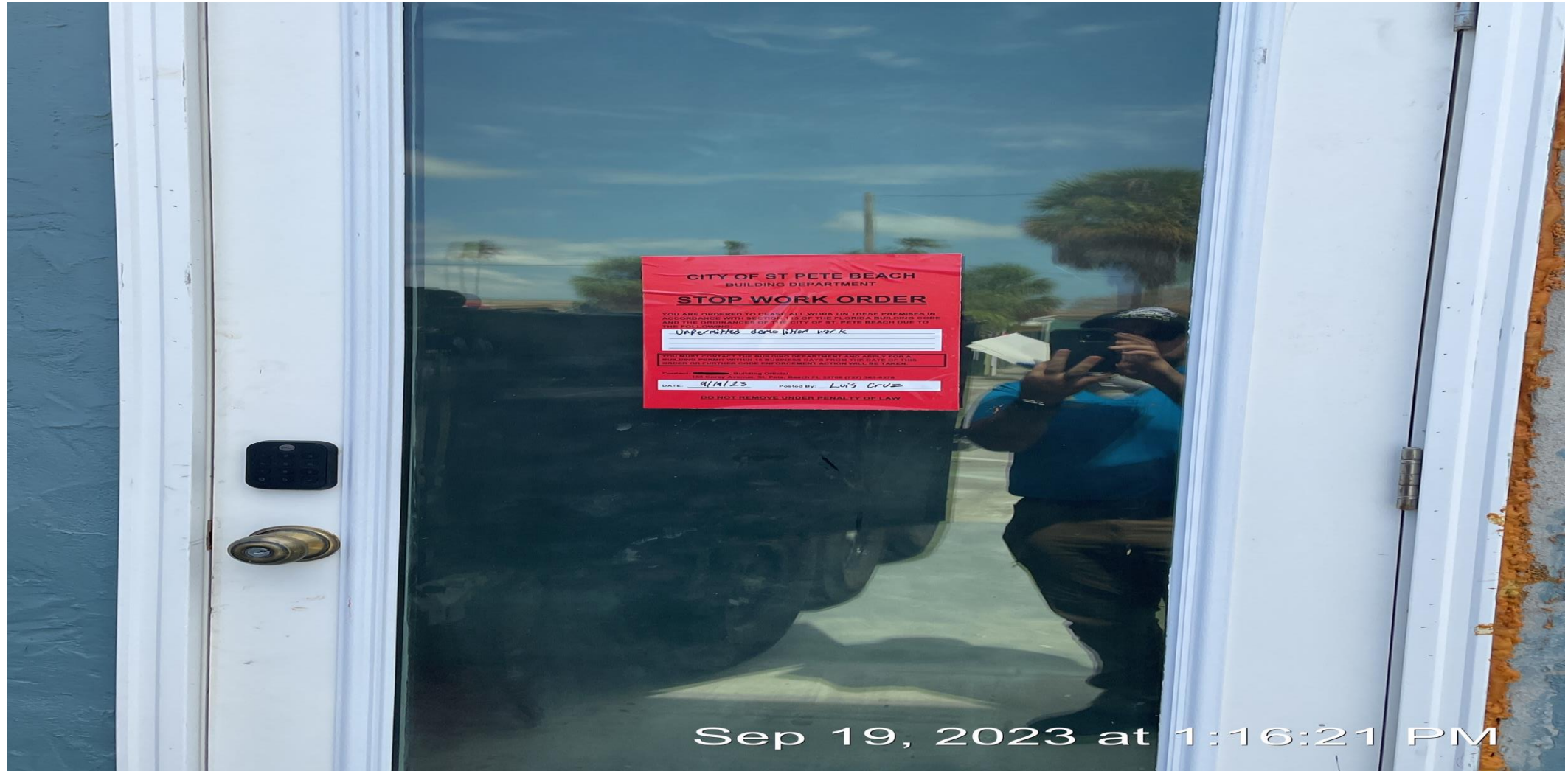
Stop-Work-Order posted on property



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 
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,

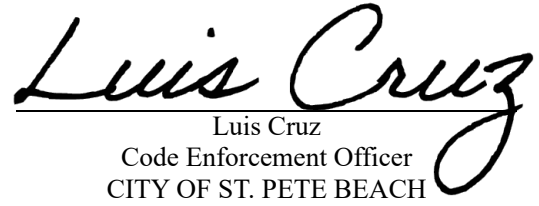
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special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

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

**CASE NO.: CE20230559
ADDRESS: 636 Corey Ave.**

LAKE MERRITT PARTNERS, LLC

Respondent;

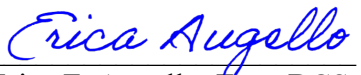
_____ /

ORDER GRANTING CONTINUANCE TO DATE CERTAIN

This case came before the Special Magistrate on November 13, 2023. The Special Magistrate, based on the information and argument presented at the hearing, issues the following order:

IT IS ADJUDGED that this, by agreement of the parties, is continued until the **December 11, 2023**, Code Enforcement Special Magistrate Hearing.

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 14th day of November 2023.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 301 W. Platt St., Unit A343, Tampa, Florida 33606.

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

Agenda Report

Action Request: N/A

Strategic Objective:

Date: December 11, 2023

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **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](#).

(d) Banners, except those used to advertise special events, approved with a special event permit. The banner may not be placed on the property in which the event is to take place more than 21 days prior to the special event.

The banners located on the dockside of building are not permitted and must be removed.

Funding: 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

COLLOM PROPERTIES LLC
2381 E VINA DEL MAR BLVD
ST PETE BEACH, FL 33706-2831

RE: Case Number 20230571
Violation Address: 2007 PASS A GRILLE WAY
Parcel ID#: 183216686340000020

Dear Property Owner:

The banners located on the dockside of building are not permitted and must be removed.

Sec. 26.4. - Prohibited signs.

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.

(d) Banners, except those used to advertise special events, approved with a special event permit. The banner may not be placed on the property in which the event is to take place more than 21 days prior to the special event.

These violation(s) must be corrected **no later than 10/17/2023**. If the violation(s) are corrected and then recurs or if the violation(s) are not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Magistrate, even if the violation(s) have been corrected prior to the hearing. In accordance with Florida Statutes, the Special Magistrate may assess fines up to \$250.00 per day for each day the violation(s) continue beyond the date set for compliance or for each day the violation is repeated.

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

Sincerely,

Steven Rivera
Code Enforcement Officer

Steven Rivera 727-235-5398

- Respondent(s): Collom Properties LLC**
- Violation address: 2007 Pass A Grille Way**
- Violation(s) description: The property is in violation of Sec. 26.4 – Prohibited signs of the Land Development Code of the City of St. Pete Beach**

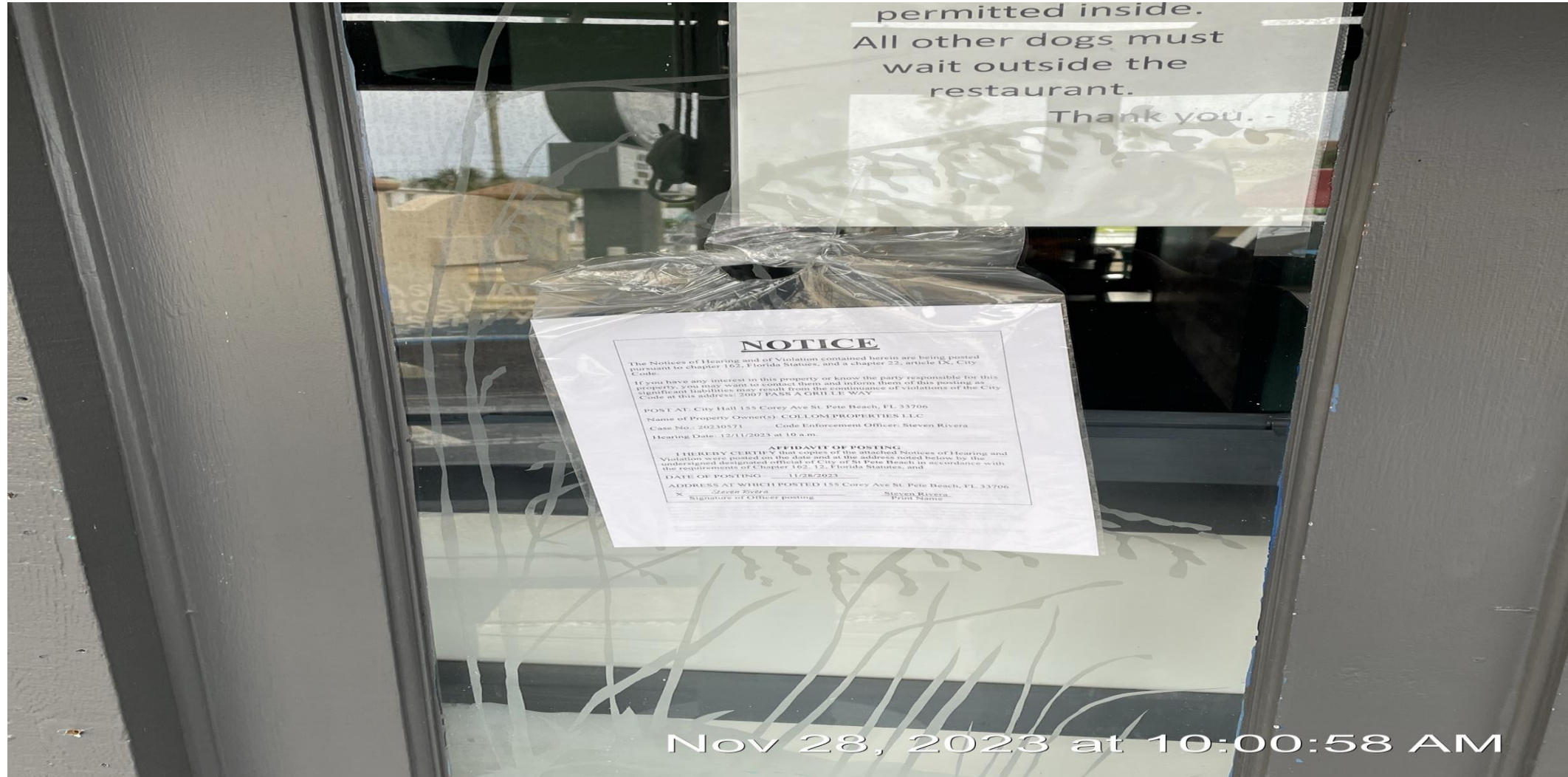
CE20230571

Case Summary

- Initial inspection: 09/28/2023**
- Notice of Violation dated: 10/10/2023**
- Notice of Violation compliance date: 10/17/2023**
- Notices of Hearing dated and posted on the property: 11/28/2023**

CE20230571

Affidavit of Posting



2007 Pass A Grille Way

CE20230571

Banners on rear dock



2007 Pass A Grille Way

CE20230571

Banners on rear dock



2007 Pass A Grille Way

CE20230571

Banners On rear dock



2007 Pass A Grille Way

CE20230571

Banners On rear dock



2007 Pass A Grille Way

NOTICE

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

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 2007 PASS A GRILLE WAY

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

Name of Property Owner(s): COLLOM PROPERTIES LLC

Case No.: 20230571 Code Enforcement Officer: Steven Rivera

Hearing Date: 12/11/2023 at 10 a.m.

AFFIDAVIT OF POSTING

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

DATE OF POSTING 11/28/2023

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,
vs.
COLLOM PROPERTIES LLC
Respondent(s)

Case Number: 20230571

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.

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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 **2007 PASS A GRILLE WAY** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 11/28/2023

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.

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

Agenda Report

Issue Considered: **Case No. 20230458**
 City of St. Pete Beach v. Citrus Property INV
 INC
 Address: 7700 Blind Pass Rd. St. Pete Beach FL
 33706

Date: December 11, 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 erected a new dumpster enclosure without the proper permits. Property must obtain a Right-of-Way permit to remove the dumpster enclosure or obtain a permit to build a dumpster enclosure that is up to code.

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

CITRUS PROPERTY INV INC
C/O ARVANA INC 5675 34th ST NO
ST PETERSBURG, FL 33733-2729

RE: Case Number 20230458
Violation Address: 7700 BLIND PASS RD
Parcel ID#: 363115615240770330

Dear Property Owner:

You have erected a new dumpster enclosure without the proper permitting and have had 30 days to pull a permit. You must get a permit for the enclosure before the compliance date below. Any questions on permits, contact the permitting department.

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

CE20230458

- Respondent(s): Citrus Property INV INC**
- Violation address: 7700 Blind Pass Rd.**
- 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**

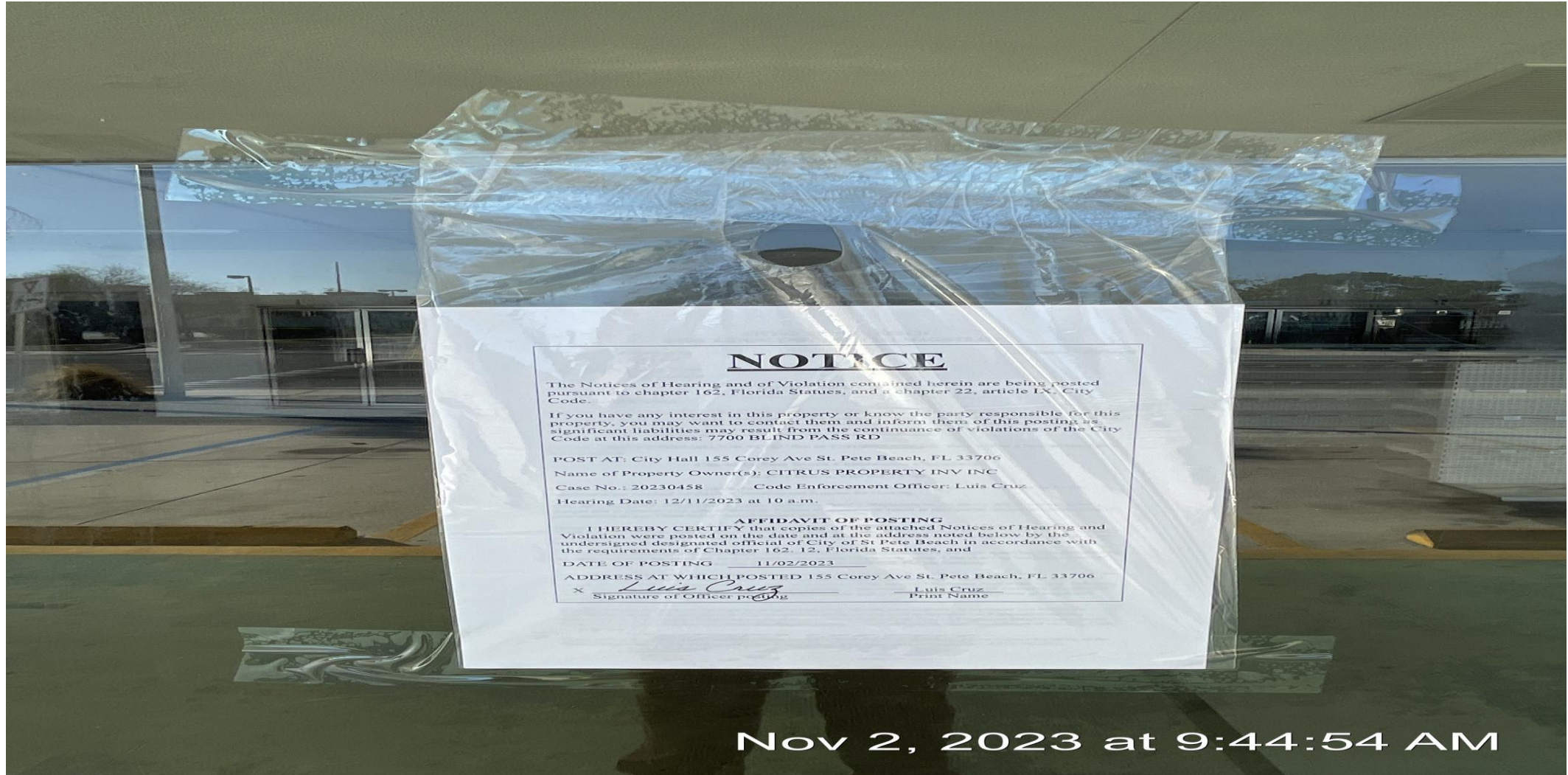
CE20230458

Case Summary

- Initial inspection: 08/07/2023**
- Notice of Violation dated: 09/07/2023**
- Notice of Violation compliance date: 09/21/2023**
- Notices of Hearing dated and posted on the property: 11/02/2023**

CE20230458

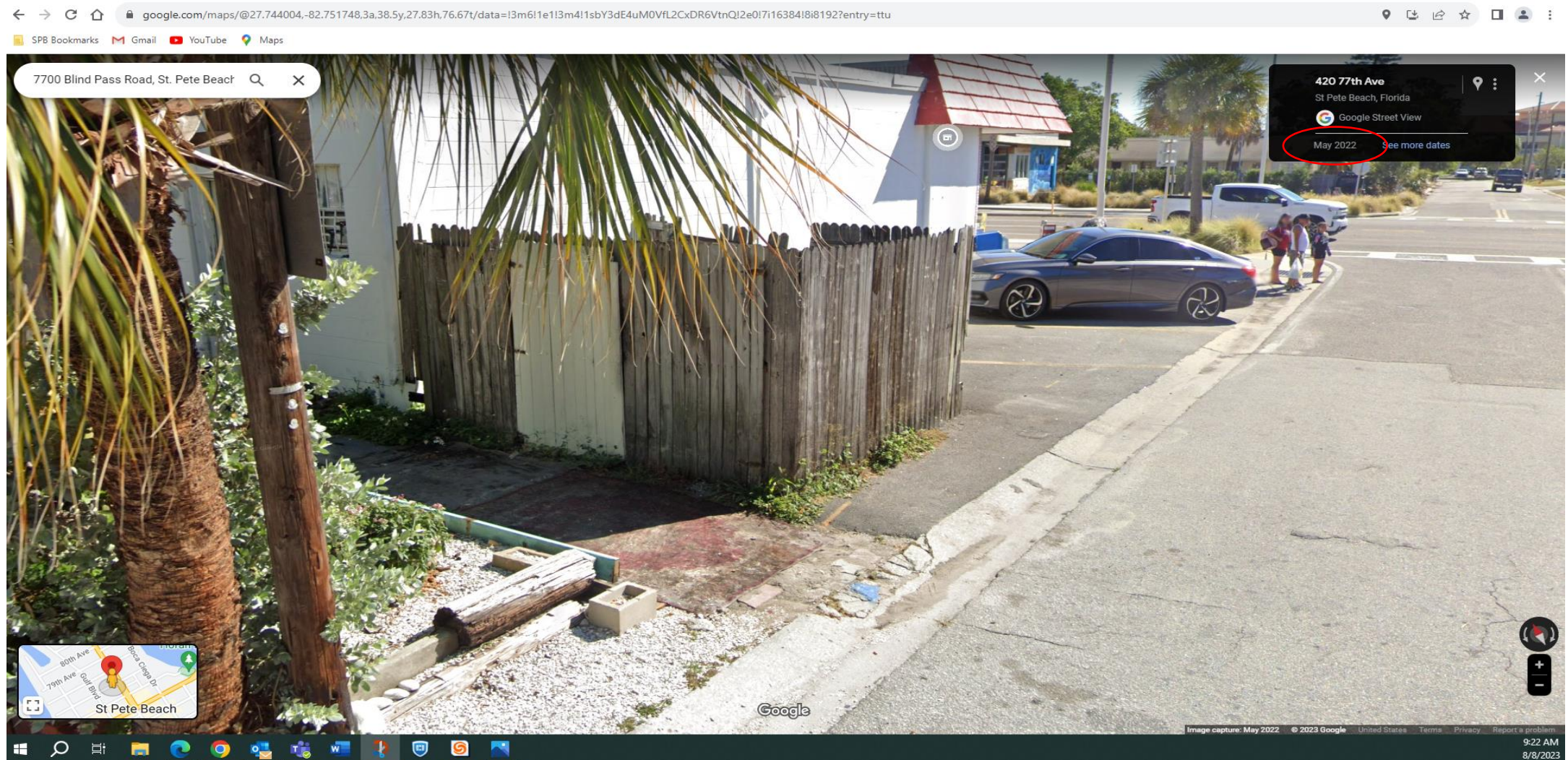
Affidavit of Posting



7700 Blind Pass Rd.

CE20230458

Original dumpster enclosure



7700 Blind Pass Rd.

CE20230458

Unpermitted installation of new dumpster enclosure



7700 Blind Pass Rd.

CE20230458

Unpermitted installation of new dumpster enclosure



7700 Blind Pass Rd.

CE20230458

Unpermitted installation of new dumpster enclosure



Nov 2, 2023 at 9:42:58 AM

7700 Blind Pass Rd.

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: 7700 BLIND PASS RD

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

Name of Property Owner(s): CITRUS PROPERTY INV INC

Case No.: 20230458 Code Enforcement Officer: Luis Cruz

Hearing Date: 12/11/2023 at 10 a.m.

AFFIDAVIT OF POSTING

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

DATE OF POSTING 11/02/2023

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.
CITRUS PROPERTY INV INC
Respondent(s)

Case Number: 20230458

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 **12/11/2023** at 10 a.m., there will be a Special Magistrate Hearing held at:

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

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

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

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your property located at **7700 BLIND PASS RD** 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,

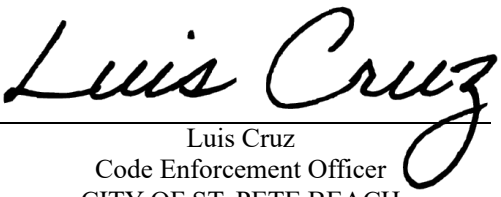
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 11/02/2023


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. 20230541
City of St. Pete Beach v. Wilmington Savings Fund
Society FSB TRE Pretium Mortgage Acquisition Trust
Address: 809 59th Ave. St. Pete Beach FL 33706

Date: December 11, 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:

(4) Buildings and structures as follows:

b. Any building, structure or other improvement on which the paint or other exterior coating or surface is flaking or has deteriorated to the point that the building, structure or other improvement is unsightly in appearance and thus adversely affects the aesthetic appearance of the area.

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:

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.

(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 property must be power washed and painted as well as having the soffits and fascias that are in disrepair fixed/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

10/3/2023

WILMINGTON SAVINGS FUND SOCIETY FSB TRE PRETIUM
MORTGAGE ACQUISITION TRUST
3501 OLYMPUS BLVD STE 500
DALLAS, TX 75019-6295

RE: Case Number 20230541
Violation Address: 809 59TH AVE
Parcel ID#: 313116023790000070

Dear Property Owner:

The building on your property must be cleaned and painted. Also, there are soffits and fascia that are in disrepair and must be fixed/repared. (Contact our Building/Permitting departments to make sure a permit is or isn't needed for this type of work). You are 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:

(4) Buildings and structures as follows:

b. Any building, structure or other improvement on which the paint or other exterior coating or surface is flaking or has deteriorated to the point that the building, structure or other improvement is unsightly in appearance and thus adversely affects the aesthetic appearance of the area.

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:

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.

(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 10/17/2023**. 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

CE20230541

- **Respondent(s): Wilmington Savings Fund Society FSB TRE Pretium Mortgage Acquisition Trust**
- **Violation address: 809 59th Ave.**
- **Violation(s) description: The property is in violation of Sec. 98-66 – Residential and commercial property maintenance (a), (b), (2) b., and (7) & Sec. 46-33 Enumeration (4) b. of the Code of Ordinances of the City of St. Pete Beach**

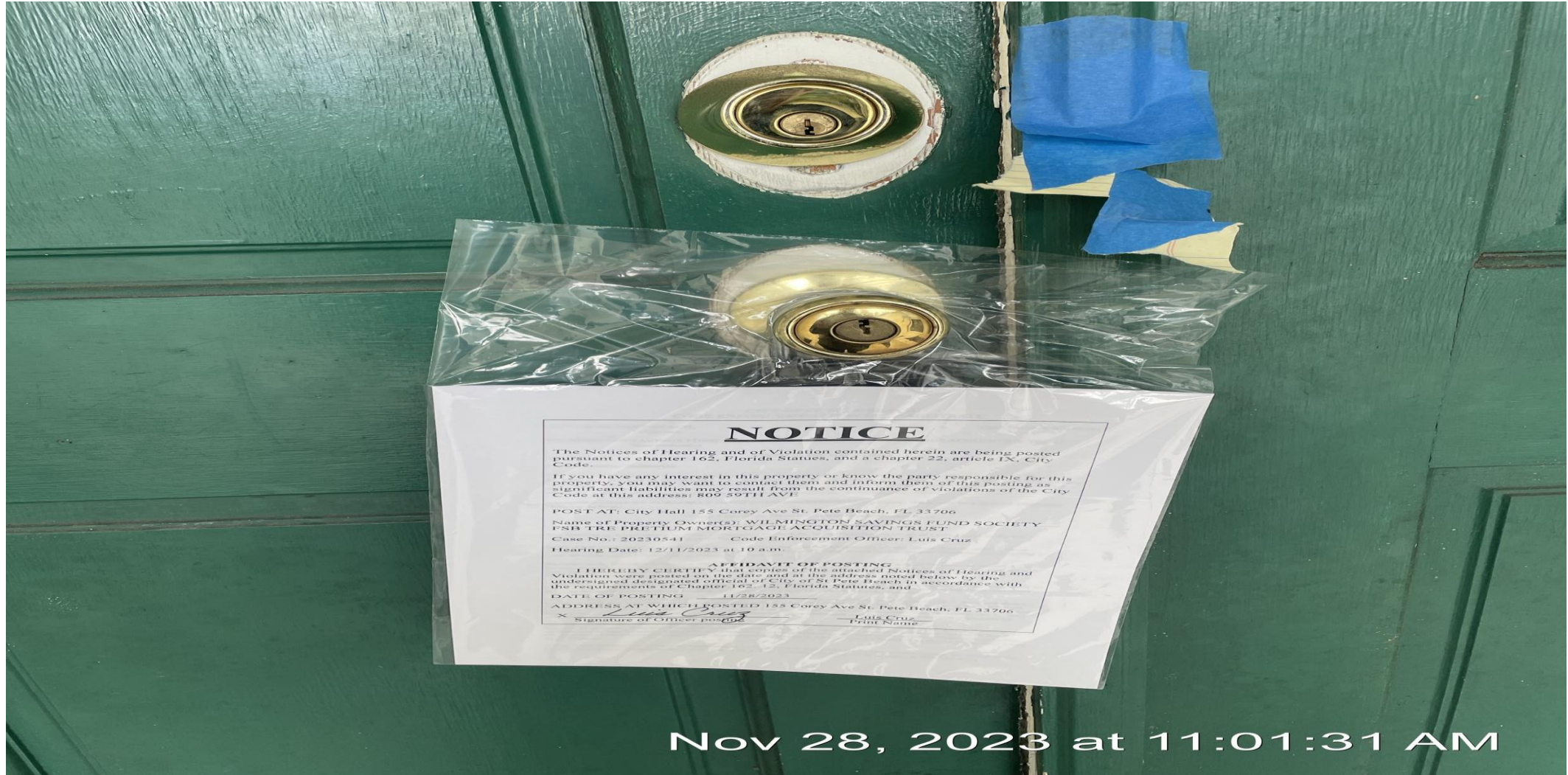
CE20230541

Case Summary

- Initial inspection: 09/13/2023**
- Notice of Violation dated: 10/03/2023**
- Notice of Violation compliance date: 10/17/2023**
- Notices of Hearing dated and posted on the property: 11/28/2023**

CE20230541

Affidavit of Posting



809 59th Ave.

CE20230541

Soffit in disrepair & deterioration of paint



809 59th Ave.

CE20230541

Fascia in disrepair



809 59th Ave.

CE20230541

Fascia in disrepair



809 59th Ave.

CE20230541

Fascia in disrepair & deterioration of paint



809 59th Ave.

CE20230541

Substandard property with deterioration of paint



809 59th Ave.

CE20230541

Substandard property with deterioration of paint



809 59th Ave.

CE20230541

Substandard property with deterioration of paint



809 59th Ave.

CE20230541

Soffit in disrepair & deterioration of paint



809 59th Ave.

CE20230541

Substandard property with deterioration of paint



809 59th Ave.

CE20230541

Substandard property with deterioration of paint



809 59th Ave.

CE20230541

Substandard property with deterioration of paint



809 59th Ave.

CE20230541

Fascia in disrepair with deterioration of paint



809 59th 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: 809 59TH AVE

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

Name of Property Owner(s): WILMINGTON SAVINGS FUND SOCIETY
FSB TRE PRETIUM MORTGAGE ACQUISITION TRUST

Case No.: 20230541 Code Enforcement Officer: Luis Cruz

Hearing Date: 12/11/2023 at 10 a.m.

AFFIDAVIT OF POSTING

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

DATE OF POSTING 11/28/2023

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: 20230541

vs.

WILMINGTON SAVINGS FUND SOCIETY FSB TRE PRETIUM MORTGAGE ACQUISITION TRUST
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 **12/11/2023** at 10 a.m., there will be a Special Magistrate Hearing held at:

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

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

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

Should you be found in violation of any section of the City of St. Pete Beach Code of Ordinances and/or Land Development Code, the Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your property located at **809 59TH 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,

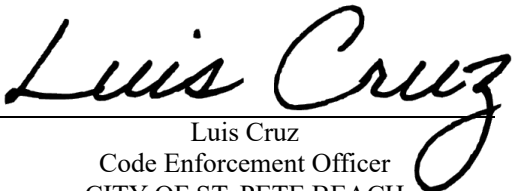
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 11/28/2023


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
Number: 36-31-15-77994-045-0110

Date: December 11, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing for a 7-day extension to improve the lot with groundcover of a type and amount as approved by the City.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 11/14/2023

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20230499

ADDRESS: VACANT LOT Coquina Way

Parcel Id. No. 36-31-15-77994-045-0110

WILLIAM R. CARR,

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on November 13, 2023, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

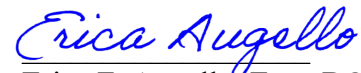
1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that he was in violation of Sections 23.3, 22.4, 46-33, 98-65, and 98-66 of the City's Code of Ordinances by failing to maintain proper landscaping on a vacant lot.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating patches of unkempt grass among a gravel/sand lot, unkempt and brown palm trees, as well as dead palm fronds and other debris on the lot.
6. Senior Planner Kristin Coman testified that vacant lots within the City are required to be landscaped and maintained.

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

7. Respondent is found to be and remains in violation of Sections 23.3, 22.4, 46-33, 98-65, and 98-66 of the City's Code of Ordinances.

8. Respondent shall have seven (7) days from the date of this order, or by **Tuesday, November 21, 2023**, to improve the lot with groundcover of a type and amount as approved by the City.
9. A status hearing is set for **December 11, 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.
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 November 14, 2023.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent by US Mail to Respondent at PO Box 701, Valrico, Florida 33595.

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

Date: December 11, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing for a 14-day extension to apply for and
 secure a permit for the fence.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 11/14/2023

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

NEMISHAWN, INC.,

Respondent.

CASE NO.: CE20230291

ADDRESS: 300 76th Ave.

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on November 13, 2023, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

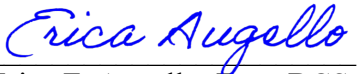
1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondent's agent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that it was in violation of Section 98-123.1 of the City's Code of Ordinances by erecting or partially erecting a fence without a permit.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating a new fence having been erected on the property. The fence appears to have been improperly erected, as it is falling over in some areas. Mr Cruz testified that a permit had initially been applied for, however, none was ever granted, and the application has since expired.

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

6. Respondent is found to be and remains in violation of Section 98-123.1 of the City's Code of Ordinances.
7. Respondent shall have fourteen (14) days from the date of this Order, or by **November 28, 2023**, to apply for and secure a permit for the fence.

8. A status hearing is set for **December 11, 2023, at 10:00 a.m.** A decision on fines and administrative costs will be made at that hearing.
9. 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.
10. It is Respondent's responsibility to notify the City once the property is in compliance.
11. 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 November 14, 2023.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent by US Mail to Respondent at 1111 7th Ave., N, Ste. 107, St. Petersburg, Florida 33705.

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. 20220744
City of St. Pete Beach v. Plaza Beach Motel LLC
Address: Gulf Blvd. St. Pete Beach FL 33706

Date: December 11, 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 11/16/2023

**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.

_____/

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on November 13, 2023, as continued from hearings held on August 14, 2023, and October 9, 2023. The Special Magistrate, based on the information and argument presented at the August 14, 2023, October 9, 2023, and November 13, 2023, hearings, issues the following order:

FINDINGS OF FACT

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Supervisor Peyt Dewar.

2. Respondent was represented 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. 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 Sections 1.3, 3.5, 4.8, 23.4, 23.7, 23.11, and 38.4 of the Land Development Code and Section 98-123.1 of the Code or Ordinances by using the vacant lots on property owned by Respondent for off-premise parking for its business without having a conditional use permit as required by the City's Land Development Code. The City has also alleged that the fence erected around the perimeter of a portion of the property was completed without a City-issued permit in violation of the City Code.
5. A hearing was held on August 14, 2023, in which testimony was taken and evidence was submitted regarding the alleged violations of the use of the Respondent's property for unpermitted off-premise parking and erection of a fence without the required permit. That hearing was continued by way of an Order dated August 15, 2023, to the October 9, 2023, hearing date in order to allow for Respondent to apply for and potentially secure a conditional use permit for the off-premise parking use, as well as an after-the-fact permit for the fence.
6. At the October 9, 2023, hearing, the Parties agreed to another continuance to the November 13, 2023, hearing as the City Commission was unable to hear Respondent's application for conditional use permit prior to the October hearing date.
7. At the November 13, 2023, hearing, Respondent relayed that the conditional use permit was withdrawn, and Respondent was not in possession of a conditional use permit for off-premise parking. However, it renewed the position that there had been an historical use of the Properties for parking, and a conditional use permit was not needed for the current use.
8. The City testified that Respondent had applied for the fence permit prior to the August 21, 2023, deadline in the Special Magistrate's August 15, 2023, order, however, that permit was not issued and instead "denied" with comments. Additional documentation was received from Respondent and the permit was in the review process as of the date of the November 13, 2023, hearing.
9. Respondent submitted correspondence from Keith McGuinness of Duke Energy Florida, LLC, to the City of St. Pete Beach dated November 15, 2017, regarding a license agreement dated February 7, 1994, for the occupation and utilization of the "License[ed] Area" for a "landscaped public parking area". The letter served as a notice of intent to terminate the license effective February 13, 2018. The initial licensing agreement and any amendments thereto were not provided.

10. Respondent submitted a letter from Attorney Carreja, Jr. on behalf of Duke Energy Florida, LLC, as successor-in-interest of Florida Power Corporation to Richard E. Martin, III, dated April 26, 2022, which provided a 30-day notice to terminate a licensing agreement dated December 14, 1987, “for the limited use of parking and access” to a certain portion of the Properties. The initial licensing agreement and any amendments thereto were not provided.
11. Respondent submitted photographic evidence demonstrating the Property as it existed at certain points in time, specifically, January 2017, September 2017, January 2019, December 2020, October 2021¹, April 2022, and in its present condition. The photographs depict the deterioration of the “greenspace” on the far east of the Properties, as well as the use of the staging area off 46th Ave., and some cars parked on a portion of the Gulf Blvd. Property. A photograph from 2023 described as “current” was also submitted demonstrating RVs parked in the area to the far east which used to be the “greenspace” of the 46th Ave Property, the fence that was erected by Respondent, and a what appears to be a vehicle parked in an area on the Gulf Blvd. Property.
12. Respondent testified that the far east portion of the Properties that used to be “greenspace” was not historically used for parking, however, the “lot” off Gulf Blvd. and the “lot” off 46th Ave. were. Respondent testified that even historically there was no access to the “lot” off Gulf Blvd., and it had to be accessed through an entrance on 46th Ave.
13. Respondent provided evidence that it purchased the Properties via Special Warranty Deed on May 26, 2022.
14. The City provided photographic evidence demonstrating that a chain link fence with blue windscreen was erected on the Property on or about December 22, 2022. Respondent testified that the fence was not installed on the perimeter of the entirety of its Property, but rather it bisected the Properties and restricted access to the Gulf Blvd. Property from the 46th Ave Property where the “lot” off Gulf Blvd. used to serve as a parking lot for one of the restaurants. Respondent testified that the restaurant no longer had access to that area for parking.
15. Respondent testified that one of the RVs on the property was his RV, which was vandalized and removed from the property. Respondent also testified that at one time a guest of the hotel was allowed to park its RV on the lot as it did not fit in the hotel parking lot.
16. Respondent testified that sometimes employees of the hotel park on the Properties if there is no parking available on-site, however, the hotel has 41 parking spaces for 39 rooms. Respondent also testified that there was a single event wherein guests of the hotel parked in that lot as overflow parking. There was no testimony to suggest the Properties had been used historically as overflow parking specifically for the hotel.

¹ While there are two “October 2021” aerials submitted, it would appear that one of them is identical to the “2023 (Current)” aerial that was also submitted, which includes the perimeter fence that was not installed until 2022.

17. Ms. Auerbach, the City's witness, testified that the Properties were used for parking 5-10 times per month.
18. No testimony was presented or evidence submitted regarding the enactment of the cited sections of the Land Development Code or Code of Ordinances.

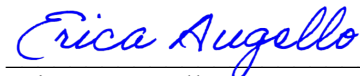
CONCLUSIONS OF LAW

19. The City's Land Development Code defines "Parking lot (off-premise)" as "an off-street parking lot that is not on the same property as the principal use *it is designed and intended to serve.*" (emphasis added).
20. The evidence presented did not demonstrate that the Properties had historically been used as off-premise parking for the principal use of the hotel. Further, there was insufficient evidence presented to establish the Properties maintained a legally non-conforming use for either commercial parking, off-premise parking, or some other parking use.
21. There was insufficient evidence to establish any parking use was ever legally permitted on the Properties or within the applicable zoning district prior to the requirement for a conditional use permit. There was no evidence to establish when the City's Code of Ordinances or Land Development Code was amended to prohibit the parking use as of right, and require the use to be conditionally permitted in order to establish a legally non-conforming use.
22. Even if Respondent was able to demonstrate entitlement to off-premise parking for the hotel as a legally non-conforming use, there is sufficient evidence to demonstrate that use has otherwise been abandoned or discontinued.
23. The evidence submitted demonstrates that any licensing agreement for the use of "limited parking" was terminated, at the very latest, on May 26, 2023, the date Respondent purchased the Properties. The evidence demonstrates that the fence that bisected the Properties and cut off access to the Gulf Blvd. "lot" for use by the restaurant was installed at the latest on December 22, 2022, when Respondent was first cited. Respondent testified that on occasion the lot was used as overflow parking for employees of the hotel, and that he parked his own RVs on the Properties. Ms. Auerbach, the City's witness, testified that the Properties were used for parking approximately 5-10 times per month.
24. Section 3.10(c) of the City's Land Development Code considers a non-conforming use discontinued or abandoned "if the use is discontinued for more than 90 consecutive days or a total of 180 calendar days within a one-year period". The evidence presented demonstrates the use had been discontinued as it was only used for parking approximately 120 days per year, and there was insufficient evidence to refute that evidence.
25. The fence erected was done so without a permit, and no evidence was presented to the contrary.

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

26. Respondent is found to be and remains in violation of Sections 1.3, 3.5, 4.8, 23.4, 23.7, 23.11, and 38.4 of the Land Development Code and Section 98-123.1 if the City's Code of Ordinances.
27. Respondent shall have 14 (fourteen) days from the date of this Order, or by **Thursday, November 30, 2023**, to secure a fence permit for the erected fence.
28. Respondent shall **immediately** cease using the Properties for the parking of vehicles and is prohibited from using the Properties for parking of any kind that is not otherwise permitted by right per the City's Land Development Code, without first obtaining the required permit or permissions.
29. A status hearing is set for **December 11, 2023, at 10:00 a.m.** A decision on fines and costs will be made at that hearing.
30. 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.
31. It is Respondent's responsibility to notify the City once the Properties are in compliance.
32. Should Respondent be found in violation of the same provisions 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 November 16, 2023.



Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at robert@plazabeach.com, and Counsel of Record, Katie Cole, at katie.cole@hwhlaw.com, on November 16, 2023.

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order issued by the Special Magistrate to the circuit court. The appeal will not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order that is being appealed. The person or

entity filing the appeal shall be responsible for submitting the record of proceedings including a verbatim transcript of the hearing. Section 162.11 and Section 286.0105, Florida Statutes.

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

Agenda Report

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

Date: December 11, 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 11/16/2023

**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.

_____/

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on November 13, 2023, as continued from hearings held on August 14, 2023, and October 9, 2023. The Special Magistrate, based on the information and argument presented at the August 14, 2023, October 9, 2023, and November 13, 2023, hearings, issues the following order:

FINDINGS OF FACT

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Supervisor Peyt Dewar.

2. Respondent was represented 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. 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 Sections 1.3, 3.5, 4.8, 23.4, 23.7, 23.11, and 38.4 of the Land Development Code and Section 98-123.1 of the Code or Ordinances by using the vacant lots on property owned by Respondent for off-premise parking for its business without having a conditional use permit as required by the City's Land Development Code. The City has also alleged that the fence erected around the perimeter of a portion of the property was completed without a City-issued permit in violation of the City Code.
5. A hearing was held on August 14, 2023, in which testimony was taken and evidence was submitted regarding the alleged violations of the use of the Respondent's property for unpermitted off-premise parking and erection of a fence without the required permit. That hearing was continued by way of an Order dated August 15, 2023, to the October 9, 2023, hearing date in order to allow for Respondent to apply for and potentially secure a conditional use permit for the off-premise parking use, as well as an after-the-fact permit for the fence.
6. At the October 9, 2023, hearing, the Parties agreed to another continuance to the November 13, 2023, hearing as the City Commission was unable to hear Respondent's application for conditional use permit prior to the October hearing date.
7. At the November 13, 2023, hearing, Respondent relayed that the conditional use permit was withdrawn, and Respondent was not in possession of a conditional use permit for off-premise parking. However, it renewed the position that there had been an historical use of the Properties for parking, and a conditional use permit was not needed for the current use.
8. The City testified that Respondent had applied for the fence permit prior to the August 21, 2023, deadline in the Special Magistrate's August 15, 2023, order, however, that permit was not issued and instead "denied" with comments. Additional documentation was received from Respondent and the permit was in the review process as of the date of the November 13, 2023, hearing.
9. Respondent submitted correspondence from Keith McGuinness of Duke Energy Florida, LLC, to the City of St. Pete Beach dated November 15, 2017, regarding a license agreement dated February 7, 1994, for the occupation and utilization of the "License[ed] Area" for a "landscaped public parking area". The letter served as a notice of intent to terminate the license effective February 13, 2018. The initial licensing agreement and any amendments thereto were not provided.

10. Respondent submitted a letter from Attorney Carreja, Jr. on behalf of Duke Energy Florida, LLC, as successor-in-interest of Florida Power Corporation to Richard E. Martin, III, dated April 26, 2022, which provided a 30-day notice to terminate a licensing agreement dated December 14, 1987, “for the limited use of parking and access” to a certain portion of the Properties. The initial licensing agreement and any amendments thereto were not provided.
11. Respondent submitted photographic evidence demonstrating the Property as it existed at certain points in time, specifically, January 2017, September 2017, January 2019, December 2020, October 2021¹, April 2022, and in its present condition. The photographs depict the deterioration of the “greenspace” on the far east of the Properties, as well as the use of the staging area off 46th Ave., and some cars parked on a portion of the Gulf Blvd. Property. A photograph from 2023 described as “current” was also submitted demonstrating RVs parked in the area to the far east which used to be the “greenspace” of the 46th Ave Property, the fence that was erected by Respondent, and a what appears to be a vehicle parked in an area on the Gulf Blvd. Property.
12. Respondent testified that the far east portion of the Properties that used to be “greenspace” was not historically used for parking, however, the “lot” off Gulf Blvd. and the “lot” off 46th Ave. were. Respondent testified that even historically there was no access to the “lot” off Gulf Blvd., and it had to be accessed through an entrance on 46th Ave.
13. Respondent provided evidence that it purchased the Properties via Special Warranty Deed on May 26, 2022.
14. The City provided photographic evidence demonstrating that a chain link fence with blue windscreen was erected on the Property on or about December 22, 2022. Respondent testified that the fence was not installed on the perimeter of the entirety of its Property, but rather it bisected the Properties and restricted access to the Gulf Blvd. Property from the 46th Ave Property where the “lot” off Gulf Blvd. used to serve as a parking lot for one of the restaurants. Respondent testified that the restaurant no longer had access to that area for parking.
15. Respondent testified that one of the RVs on the property was his RV, which was vandalized and removed from the property. Respondent also testified that at one time a guest of the hotel was allowed to park its RV on the lot as it did not fit in the hotel parking lot.
16. Respondent testified that sometimes employees of the hotel park on the Properties if there is no parking available on-site, however, the hotel has 41 parking spaces for 39 rooms. Respondent also testified that there was a single event wherein guests of the hotel parked in that lot as overflow parking. There was no testimony to suggest the Properties had been used historically as overflow parking specifically for the hotel.

¹ While there are two “October 2021” aerials submitted, it would appear that one of them is identical to the “2023 (Current)” aerial that was also submitted, which includes the perimeter fence that was not installed until 2022.

17. Ms. Auerbach, the City's witness, testified that the Properties were used for parking 5-10 times per month.
18. No testimony was presented or evidence submitted regarding the enactment of the cited sections of the Land Development Code or Code of Ordinances.

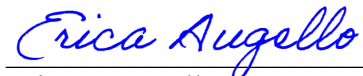
CONCLUSIONS OF LAW

19. The City's Land Development Code defines "Parking lot (off-premise)" as "an off-street parking lot that is not on the same property as the principal use *it is designed and intended to serve.*" (emphasis added).
20. The evidence presented did not demonstrate that the Properties had historically been used as off-premise parking for the principal use of the hotel. Further, there was insufficient evidence presented to establish the Properties maintained a legally non-conforming use for either commercial parking, off-premise parking, or some other parking use.
21. There was insufficient evidence to establish any parking use was ever legally permitted on the Properties or within the applicable zoning district prior to the requirement for a conditional use permit. There was no evidence to establish when the City's Code of Ordinances or Land Development Code was amended to prohibit the parking use as of right, and require the use to be conditionally permitted in order to establish a legally non-conforming use.
22. Even if Respondent was able to demonstrate entitlement to off-premise parking for the hotel as a legally non-conforming use, there is sufficient evidence to demonstrate that use has otherwise been abandoned or discontinued.
23. The evidence submitted demonstrates that any licensing agreement for the use of "limited parking" was terminated, at the very latest, on May 26, 2023, the date Respondent purchased the Properties. The evidence demonstrates that the fence that bisected the Properties and cut off access to the Gulf Blvd. "lot" for use by the restaurant was installed at the latest on December 22, 2022, when Respondent was first cited. Respondent testified that on occasion the lot was used as overflow parking for employees of the hotel, and that he parked his own RVs on the Properties. Ms. Auerbach, the City's witness, testified that the Properties were used for parking approximately 5-10 times per month.
24. Section 3.10(c) of the City's Land Development Code considers a non-conforming use discontinued or abandoned "if the use is discontinued for more than 90 consecutive days or a total of 180 calendar days within a one-year period". The evidence presented demonstrates the use had been discontinued as it was only used for parking approximately 120 days per year, and there was insufficient evidence to refute that evidence.
25. The fence erected was done so without a permit, and no evidence was presented to the contrary.

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

26. Respondent is found to be and remains in violation of Sections 1.3, 3.5, 4.8, 23.4, 23.7, 23.11, and 38.4 of the Land Development Code and Section 98-123.1 if the City's Code of Ordinances.
27. Respondent shall have 14 (fourteen) days from the date of this Order, or by **Thursday, November 30, 2023**, to secure a fence permit for the erected fence.
28. Respondent shall **immediately** cease using the Properties for the parking of vehicles and is prohibited from using the Properties for parking of any kind that is not otherwise permitted by right per the City's Land Development Code, without first obtaining the required permit or permissions.
29. A status hearing is set for **December 11, 2023, at 10:00 a.m.** A decision on fines and costs will be made at that hearing.
30. 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.
31. It is Respondent's responsibility to notify the City once the Properties are in compliance.
32. Should Respondent be found in violation of the same provisions 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 November 16, 2023.



Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at robert@plazabeach.com, and Counsel of Record, Katie Cole, at katie.cole@hwhlaw.com, on November 16, 2023.

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order issued by the Special Magistrate to the circuit court. The appeal will not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order that is being appealed. The person or

entity filing the appeal shall be responsible for submitting the record of proceedings including a verbatim transcript of the hearing. Section 162.11 and Section 286.0105, Florida Statutes.

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

Agenda Report

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

Date: December 11, 2023

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing for a 10-day extension to remove
 monument sign from the property.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 11/14/2023

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20230202

ADDRESS: 5955 Gulf Winds Dr.

59TH AVENUE PROPERTIES, LLC.,

Respondent.

_____/

FINAL ADMINISTRATIVE ORDER

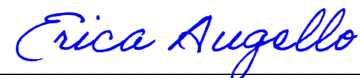
This case came before the Special Magistrate on November 13, 2023, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Jack Buns appeared on behalf of Respondent. Mr. Buns is the Manager of the LLC and possesses the requisite authority to represent it.
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 Sections 26.14, 26.4, and 26.5 of the City's Code of Ordinances allowing a prohibited, abandoned sign to remain in disrepair on the property.
5. Code Enforcement Officer Cruz submitted photographic evidence of a rusted monument sign that was missing lighted panels and had exposed wiring. He also submitted a development order granting a variance to the property owner requiring the sign to be repaired and maintained within a year of the granting of the variance, which was dated October 5, 2021.
6. Respondent testified that while there is a new tenant in the property, the sign was not repaired by the deadline provided for in the granted variance. He also testified that he has applied for and secured the proper permit, and the sign will be removed by November 15, 2023.

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

7. Respondent is found to be and remains in violation of Sections 26.14, 26.4, and 26.5 of the City's Code of Ordinances
8. Respondent shall have ten (10) days from the date of this Order, or by **Friday, November 24, 2023**, to remove the sign from the property.
9. A status hearing is set for **December 11, 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.
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 November 14, 2023.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent by US Mail to Respondent at 14152 Jennifer Terrace, Largo, Florida 33774.

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. 20220545
City of St. Pete Beach v. Ivy-Zophia and Blake Bevill
Address: 105 17th Ave. St. Pete Beach FL 33706

Date: December 11, 2023

Prepared By: Peyt Dewar, Code Enforcement Manager

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Lien Reduction Request

Funding: N/A

Requested Motion: N/A

Attachments:

1. Lien Reduction Request Application
2. Special Magistrate Order 12/15/2022



Lien Reduction Request Application

This form must be completed in its entirety and is divided into steps which will help you prepare your request, provide the necessary information, and prepare for the Special Magistrate Hearing.

Sec. 22-283. - Procedure to request that a fine or lien imposed pursuant to section 22-279 be reduced; conditions and criteria therefor.

(a) The owner of real property against which a fine or lien has been imposed pursuant to section 22-279 of this article may apply to the Special Magistrate, through the city manager or his designee, for a satisfaction of such fine or lien with less than full payment thereof. No such application shall be considered by the Special Magistrate until the applicant has first shown that:

(1) All ad valorem property taxes, special assessments, county and city utility charges and other government and city-imposed liens against the subject real property have been paid;

(2) The applicant is not personally indebted to the city for any reason; and

(3) All city code violations have been corrected under necessary permits issued.

(b) In considering an application to reduce a fine or lien imposed pursuant to section 22-279 of this article, no satisfaction thereof shall be approved by the Special Magistrate with less than full payment thereof, unless the Special Magistrate shall make a specific finding that no violation of any city ordinance exists on the subject real property.

(c) The balance of any fine or lien imposed pursuant to section 22-279 of this article that is reduced by the special magistrate shall be paid on terms as approved by the Special Magistrate.

(d) If the property for which the application for a fine reduction is being considered is owned by a government or quasi-government entity, the Special Magistrate may reduce such fine even if the violation has not been corrected.

(Ord. No. 12-02, § 1(exh. A), 1-24-12)

1 - \$27913



Lien Reduction Request Application

Please **TYPE** or **PRINT** this application neatly.

1. Code Enforcement Case Number: 20220545

2. Date: 10-23-23

3. Applicant Information: * NOTE: Applicant is the main contact, who must attend the meeting. Andrew and/or Ivy Bevill

Company (if applicable): _____

Name: Andrew and/or Ivy Z Bevill

Mailing Address: 2845 Rock Springs Road

City: Apopka State: FL Zip Code: 32712

Phone #: 678-522-5661 Fax #: _____

Mobile #: _____ E-mail: ivy.bevill@gmail.com

4. Property Owner Information: Same

* Check here if same as Applicant

* If more than one owner, attach additional sheet with names and addresses.

Company (if applicable): _____

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ Fax #: _____

Mobile #: _____ E-mail: _____

5. Information for property on which lien occurs:

Street Address: 105 17th Ave SPB, FL 33706

Parcel ID: 183216686340060600

Tax Account Number: _____

Existing Use(s) on Property: _____

Date Fine or Lien Imposed: 12/12/2022

Fine/Lien Amount: _____ Administrative Fees: _____ Total Fine/Lien Amount: _____

Amount you are requesting that the lien be reduced to: \$ 1,200 (\$250 a day for the 2 months I rented after becoming aware of the issue. _____)

Have the violation(s) on the subject property been corrected: Yes

Date upon which the subject property was brought into compliance: Dec 30, 2022

The factual basis upon which the application for reduction of the lien should be granted: _____

I was unaware of violation until posting in November 2022 as the mailing address had been updated in tax records but not in property appraiser records. After court date in December postings were removed from Internet as per court order. _____

The reasons, if any, compliance was not obtained prior to the order of penalty or fine being recorded: I had 1 more rental on books after the court date. _____

Provide proof that the taxes are paid in full:

6. Signatures and Notarization.

STATE OF _____ COUNTY OF _____, I, being first
duly sworn, depose and say that:

I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this
request.

I am the legal representative of the applicant of this application and a notarized Letter of Authorization
form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney
representing the owner.

I hereby certify that I have read, completed, and understand this Application and understand that if my
application and all associated attachments are not complete and accurate in all respects, the application
will not be scheduled for a public hearing.

I further understand that this application must be complete and accurate prior to the advertising of a
public hearing.



(APPLICANT SIGNATURE) (Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known OR Produced Identification
Type of I.D. Produced _____

(NOTARY PUBLIC SIGNATURE) _____
STATE OF FLORIDA, COUNTY OF PINELLAS
Sworn and subscribed to before me this _____ day _____ of 20 _____

CITY MANAGER APPROVAL REQUIRED

All Code Enforcement lien reductions and bad debts will require City Manager approval.

Print Name

Signature

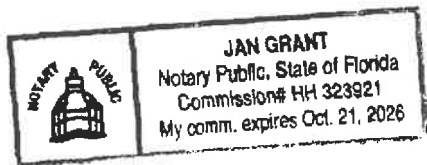
Date

Document Name: AFFIDAVIT OF IVY BEVILL

State of Florida Jurat Notary Certificate

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed by personally appearing before me by physical presence this 15 day of September, 2023, by, IVY ZOPHIA BEVILL.





(Signature of notary public)

Jan Grant

(Name of notary public)

My commission expires: 10/21/2026

Official Seal

Personally known OR
Produced identification x Type of identification produced: FL DL

From: [Ivy Bevill](#)
To: [Bevill, Ivy](#)
Subject: [EXTERNAL] Fwd: Pinellas County Tax Collector: Payment Confirmation
Date: Tuesday, December 27, 2022 11:29:37 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ivy

Begin forwarded message:

From: PaymentExpress <no-reply@payment-express.net>
Date: December 27, 2022 at 10:51:02 PM EST
To: Ivy Bevill <ivy.bevill@gmail.com>
Subject: Pinellas County Tax Collector: Payment Confirmation

Thank you for your payment.

Charles W. Thomas, CFC
Pinellas County Tax Collector

All Tax Payments, except TouristExpress Payments:
Pinellas County Tax Collector
P.O. Box 6340
Clearwater, FL 33758-6340

TouristExpress Payments:
Pinellas County Tax Collector
P.O. Box 6440
Clearwater, FL 33758-6440

Please contact the Tax Collector's office at 727-464-7777 if you have any questions concerning payment.

Your payment has been received.

Confirmation number

F0602078497

Payment Summary

Payments

PAYMENT	ACCOUNT	PAID
Echeck	BANK OF AMERICA, N.A. Account # ****7316	\$ 13573.47
Total Charged		\$ 13573.47

Items paid

ITEM	DESCRIPTION	AMOUNT
Real Estate	Acc# R198095 Bill Yr: 2022 Regular Due: 03/31/2023 105 17TH AVE, ST PETE BEACH Item Receipt #: 95...	\$ 13573.47

Transaction Details

TRANSACTION DATE:	12/27/2022 10:50 PM EST
TRANSACTION #:	120733843
PAYER NAME:	Ivy Bevill
PAYER EMAIL:	ivy.bevill@gmail.com
RECIPIENT:	Pinellas County Tax Collector
RECEIVED VIA:	Online
PAYMENT THROUGH:	Internet

Your payment still needs to be cleared by your bank. Your bank should inform us of an unsuccessful e-check within three business days.

For more information on payments handled by the tax collector, please visit our web site at <http://www.pinellastaxcollector.gov>.

The tax payment will appear on your statement as "PINELLAS CO TAX COLL".

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20220545

ADDRESS: 105 17th Ave.

BLAKE & IVY-ZOPHIA BEVILL,

Respondent(s).

_____ /

FINAL ADMINISTRATIVE ORDER

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

1. The City was represented by Assistant City Attorney Matthew McConnell and Code Enforcement Supervisor Peyt Dewar.
2. Respondent, Blake Bevill, was present and represented himself. Respondent Ivy-Zophya Bevill was represented by Venus McGhee, who possessed the requisite authority to represent Respondent.
3. The Respondents own the subject property, and legally required notice of this proceeding was served on the Respondents in accordance with applicable law.
4. The Respondents were notified of the following violation of the City's Land Development Code but failed to bring the property into compliance within the period required by the City.

Section 20.03. – Permitted principal uses and structures.

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

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

- (c) **Uses that are in existence, upon date of adoption, shall be permitted as limited uses within an existing structure. Additions, improvements and renovations will be permitted, if the building meets the standards set forth in this division of the Code.**

5. The City presented evidence establishing the property had been advertised and rented for a period of less than thirty (30) days more than three (3) times in a 12-month period in violation of the City's Code. The property had been rented short-term five (5) times in June 2022, eight (8) times in July 2022, two (2) times in August 2022, and two (2) times in November 2022.
6. The City also presented evidence that the property was advertised for transient occupancy in violation of the City's Code.
7. Respondents testified that they had advertised and rented the property on short-term basis in excess of the time allowable under the City's Code.

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

8. Respondents and the subject property were in violation of the cited provision and were non-compliant on the date of the hearing. Respondents will be assessed a fine of \$250 per day from August 26, 2022 until the property is brought into compliance and the City is notified of same. Respondents will also be responsible for all reasonable administrative costs of the City related to the investigation and prosecution of this case.
9. Respondents are ordered to immediately cease renting the property for a term less than thirty (30) days until December 2023.
10. Within ten (10) days of this Order, Respondents shall provide proof to the City that there are no transient bookings from the date of this order through December 2023.
11. It is the Respondents' responsibility to inform the City that the property has come into compliance, if applicable.
12. Pursuant to Section 22-279 (a) of the City's Code of Ordinances, Respondents may request a hearing to challenge the fine amount within twenty (20) days of the date of this order.
13. Should Respondents be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondents may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on December 15, 2022.

Erica F. Augello

Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent via email to Respondents at venusmcghee2@gmail.com and Blake.bevill@fda.hhs.gov on December 15, 2022.

APPEALS

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

I hereby certify this to be a true and exact copy of the
Special Magistrate Order for Case# 20220545 on file in the
office of the City Clerk of St. Pete Beach, Pinellas County, Florida.

Ginny Keeter-Bodkin

Ginny Keeter-Bodkin, Deputy City Clerk

Date: 12/15/22

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

Agenda Report

Issue Considered: Case No. 20170037
City of St. Pete Beach v. John V Leonard
Address: 6600 Gulf Blvd. St. Pete Beach FL 33706

Date: December 11, 2023

Prepared By: Peyt Dewar, Code Enforcement Manager

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Lien Reduction Request

Funding: N/A

Requested Motion: N/A

Attachments:

1. Lien Reduction Request Application
2. Special Magistrate Order 8/16/2017

Lien Reduction Request Application

This form must be completed in its entirety and is divided into steps which will help you prepare your request, provide the necessary information, and prepare for the Special Magistrate Hearing.



Sec. 22-283. - Procedure to request that a fine or lien imposed pursuant to section 22-279 be reduced: conditions and criteria therefor.

(a) The owner of real property against which a fine or lien has been imposed pursuant to section 22-279 of this article may apply to the Special Magistrate, through the city manager or his designee, for a satisfaction of such fine or lien with less than full payment thereof. No such application shall be considered by the Special Magistrate until the applicant has first shown that:

(1) All ad valorem property taxes, special assessments, county and city utility charges and other government and city-imposed liens against the subject real property have been paid;

(2) The applicant is not personally indebted to the city for any reason; and

(3) All city code violations have been corrected under necessary permits issued.

(b) In considering an application to reduce a fine or lien imposed pursuant to section 22-279 of this article, no satisfaction thereof shall be approved by the Special Magistrate with less than full payment thereof, unless the Special Magistrate shall make a specific finding that no violation of any city ordinance exists on the subject real property.

(c) The balance of any fine or lien imposed pursuant to section 22-279 of this article that is reduced by the special magistrate shall be paid on terms as approved by the Special Magistrate.

(d) If the property for which the application for a fine reduction is being considered is owned by a government or quasi-government entity, the Special Magistrate may reduce such fine even if the violation has not been corrected.

(Ord. No. 12-02, § 1(exh. A), 1-24-12)

Lien Reduction Request Application

Please **TYPE** or **PRINT** this application neatly.

1. Code Enforcement Case Number: 20170037

2. Date: Nov. 22, 2023

3. Applicant Information: * NOTE: Applicant is the main contact, who must attend the meeting.

Company (if applicable): _____

Name: John V Leonard

Mailing Address: 6600 Gulf Blvd.

City: St. Pete Beach State: FL Zip Code: 33706

Phone #: 727-224-1224 Fax #: None

Mobile #: Same 727-224-1224 E-mail: finishlinescooters@me.com

4. Property Owner Information: * Check here if same as Applicant



* If more than one owner, attach additional sheet with names and addresses.

Company (if applicable): _____

Name: Same as Applicant

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ Fax #: _____

Mobile #: _____ E-mail: _____

5. Information for property on which lien occurs:

Street Address: 6600 Gulf Blvd., St. Pete Beach, FL 33706

Parcel ID: 36/31/15/78336/005/0070

Tax Account Number: R401928

Existing Use(s) on Property: scooter rental/sales

Date Fine or Lien Imposed: Fine Imposed by Order signed 08/16/2017; Recorded 08/25/17

Fine/Lien Amount: \$14,250.00 Administrative Fees: \$538.00 Total Fine/Lien Amount: \$14,788.00

Amount you are requesting that the lien be reduced to: \$ \$-0-

Have the violation(s) on the subject property been corrected: Yes / ~~No~~ (Circle one)

Date upon which the subject property was brought into compliance: 08/14/2017

The factual basis upon which the application for reduction of the lien should be granted:

Based on the subsequent Amended Findings of Fact, Conclusions of Law, and Order, Case Number

20170085, Aug. 22, 2020 holding that Applicant did not [repeat] a violation of Section 33.4 of the City's Code
and the affirming Order and Opinion of Judge Coleman (20-000039-AP-88A, UCN 522020AP000039xxxCI),
affirming the Amended Findings of no violation of Section 33.4 and a conditional parking permit was not needed.

The reasons, if any, compliance was not obtained prior to the order of penalty or fine being recorded:

Though in compliance by the 08/14/17 hearing date, compliance was not established with the City prior to the lien
being recorded because Applicant did not attend the 08/14/17 hearing as he was pulled out of town due to a family
emergency during which time all activity on the subject property had been suspended.

Provide proof that the taxes are paid in full:

Please see attached, stamped receipt as proof that the taxes were paid, stating:

"PINELLAS COUNTY TAX COLLECTOR, Nov. 20 REC'D, PAID IN FULL"

6. Signatures and Notarization.

STATE OF Florida COUNTY OF Pinellas. I, being first duly sworn, depose and say that:

I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.

I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed, and understand this Application and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing.

I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

John V. Leonard John Flores
(APPLICANT SIGNATURE) (Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of I.D. Produced FL Drivers license



(NOTARY PUBLIC SIGNATURE) [Signature]

STATE OF FLORIDA, COUNTY OF PINELLAS

Sworn and subscribed to before me this 22nd day November of, 2023

CITY MANAGER APPROVAL REQUIRED

All Code Enforcement lien reductions and bad debts will require City Manager approval.

Print Name

Signature

Date

2023 REAL ESTATE TAX**Charles W. Thomas, CFC, Pinellas County Tax Collector**P.O. Box 31149, Tampa, FL 33631-3149
(727) 464-7777 | pinellastaxcollector.gov*Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments*Pay online at pinellastaxcollector.gov

• E-check - no fee • Credit card - 2.95% convenience fee

If Postmarked By	Nov 30, 2023	Dec 31, 2023	Jan 31, 2024	Feb 29, 2024	Mar 31, 2024
Pay this Amount	\$9938.93	\$10042.46	\$10145.99	\$10249.52	\$10353.05

ACCOUNT NUMBER	ESCROW CODE	MILLAGE CODE
R401928		SPB

LEONARD, JOHN V
6600 GULF BLVD
ST PETE BEACH, FL 33706-2128PARCEL NO.: 36/31/15/78336/005/0070
SITE ADDRESS: 6600 GULF BLVD, ST PETE BEACH
PLAT: 20 PAGE: 11
LEGAL:
ST PETERSBURG BEACH
1ST ADD
BLK 5, LOTS 7 THRU 10 &
SEE ADDITIONAL LEGAL ON TAX ROLL**AD VALOREM TAXES**

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION	TAXABLE VALUE	TAXES LEVIED
GENERAL FUND	4.7398	635,000	0	635,000	3,009.77
HEALTH DEPARTMENT	0.0713	635,000	0	635,000	45.28
EMS	0.8418	635,000	0	635,000	534.54
SCHOOL-STATE LAW	3.1900	635,000	0	635,000	2,025.65
SCHOOL-LOCAL BD.	2.7480	635,000	0	635,000	1,744.98
ST PETE BEACH	3.0913	635,000	0	635,000	1,962.98
SW FLA WTR MGMT.	0.2043	635,000	0	635,000	129.73
PINELLAS COUNTY PLN.CNCL.	0.0210	635,000	0	635,000	13.34
JUVENILE WELFARE BOARD	0.8250	635,000	0	635,000	523.88

TOTAL MILLAGE 15.7325

GROSS AD VALOREM TAXES

\$9,990.15

NON-AD VALOREM ASSESSMENTS

LEVYING AUTHORITY	AMOUNT
ST PETE BEACH STORMWATER SVCS FIXED COST	64.32
ST PETE BEACH STORMWATER SVCS VARIABLE COST	298.58

GROSS NON-AD VALOREM ASSESSMENTS

\$362.90

TAXES BECOME DELINQUENT APRIL 1ST

COMBINED GROSS TAXES AND ASSESSMENTS

\$10,353.05

PLEASE RETAIN TOP PORTION FOR YOUR RECORDS

2023 REAL ESTATE TAX**Charles W. Thomas, CFC, Pinellas County Tax Collector**

Pay in U.S. funds to Charles W. Thomas, Tax Collector

P.O. Box 31149, Tampa, FL 33631-3149

(727) 464-7777 | pinellastaxcollector.gov

*Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments*Pay online at pinellastaxcollector.gov

• E-check - no fee • Credit card - 2.95% convenience fee

If Postmarked By	Nov 30, 2023	Dec 31, 2023	Jan 31, 2024	Feb 29, 2024	Mar 31, 2024
Pay this Amount	\$9938.93	\$10042.46	\$10145.99	\$10249.52	\$10353.05

ACCOUNT NUMBER	ESCROW CODE	MILLAGE CODE
R401928		SPB

LEONARD, JOHN V
6600 GULF BLVD
ST PETE BEACH, FL 33706-2128PARCEL NO.: 36/31/15/78336/005/0070
SITE ADDRESS: 6600 GULF BLVD, ST PETE BEACH
PLAT: 20 PAGE: 11
LEGAL:
ST PETERSBURG BEACH
1ST ADD
BLK 5, LOTS 7 THRU 10 &
SEE ADDITIONAL LEGAL ON TAX ROLL**PINELLAS COUNTY
TAX COLLECTOR**

NOV 20 REC'D

PAID IN FULL

Duplicate N/A 11/21/2023

1 OR401928 2023 6

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH, FLORIDA

CITY OF ST. PETE BEACH,

CASE NUMBER: 20170037

Petitioner,

vs.

JOHN LEONARD,

Respondent.

**ORDER IMPOSING ADMINISTRATIVE FINE AND
CERTIFYING LIEN**

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on August 14, 2017, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence, and otherwise being advised in the premises, it is hereby:

ORDERED and ADJUDGED:

1. That the Special Magistrate entered Findings of Fact and Order on July 19, 2017, finding the Respondent and the property of the Respondent located at 6600 Gulf Boulevard, St. Pete Beach, Florida 33706, to be in violation of the Code of Ordinances of the City of St. Pete Beach and further finding and that a reasonable period of time for the Respondent to bring the property into compliance was a period of thirty (30) days from the date of the hearing and further ordering that such property be brought into compliance within said period of time. A copy of the Special Magistrate's Findings of Fact and Order of July 19, 2017, was furnished to the Respondent via certified mail and regular mail.

2. That the testimony presented at this hearing as well as the record of this case, which is incorporated into the record of this hearing, establishes that the subject property was not brought into compliance within such period of time and is not in compliance as of the date of this hearing.

3. Since the subject property is not in compliance, a Fine is imposed in the amount of \$250.00 per day retroactive to August 9, 2017, without further hearing. Such Fine shall continue to accrue until the property is brought into compliance. In addition there shall be an administrative fine of \$250.00 to cover costs associated to bringing this matter to hearing.

4. That the City of St. Pete Beach may record this Order Imposing Administrative Fine and Certifying Lien in the Official Records of Pinellas County.

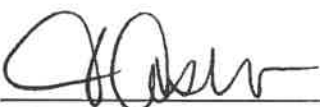
5. That upon recording this Order Imposing Administrative Fine/Lien in the amount of \$250.00 per day commencing on August 9, 2017 and the cost as imposed herein, shall be and become a lien upon the above described real property, and other real property of Respondent(s)

in Pinellas County and any personal property of the Respondent(s), as provided by law.

6. It shall be the duty of the Respondent(s) to notify the City of St. Pete Beach if and when said code violations are corrected and brought into compliance.

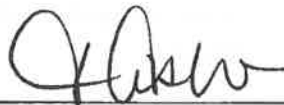
7. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 16th day of August, 2017.



Amber Ashton
Special Magistrate

A true and correct copy of this Order Imposing Administrative Fine and Certifying Lien was delivered by certified and regular mail to: **John Leonard, 6600 Gulf Boulevard, St. Pete Beach, Florida 33706**, on this 16th day of August, 2017.



Amber Ashton

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova 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 to be appealed. Ss. 162-11.

I hereby certify this to be a true and exact
copy of Special Magistrate Order #20170037
on file in the office of the City Clerk, City
of St. Pete Beach, Pinellas County, Florida.



Rebecca C. Haynes, City Clerk

08/21/2017
Date

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

Agenda Report

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

Date: December 11, 2023

Prepared By: Peyt Dewar, Code Enforcement Manager

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Lien Reduction Request

Funding: N/A

Requested Motion: N/A

Attachments: 1. Lien Reduction Request Application
 2. Special Magistrate Order 10/12/2023



Lien Reduction Request Application

Please **TYPE** or **PRINT** this application neatly.

1. Code Enforcement Case Number: 20230311

2. Date: 11/27/2023

3. Applicant Information: * NOTE: Applicant is the main contact, who must attend the meeting.

Company (if applicable): Sapphire Real Estate Management LLC

Name: c/o Melissa Fezy

Mailing Address: 4669 Gulf Blvd. #315

City: St Pete Beach State: FL Zip Code: 33706

Phone #: 727-459-6496 Fax #: n/a

Mobile #: 727-459-6496 E-mail: psmanager@saintpeterrentals.com

4. Property Owner Information: * Check here if same as Applicant

* If more than one owner, attach additional sheet with names and addresses.

Company (if applicable): _____

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ Fax #: _____

Mobile #: _____ E-mail: _____

1- \$50K
\$51K - \$75K

5. Information for property on which lien occurs:

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

Parcel ID: 36311577940450080

Tax Account Number: 46-4543736

Existing Use(s) on Property: Apartments

Date Fine or Lien Imposed: 10/09/2023

Amount of Fine: \$30,403.00 (\$250/day@120 days & \$403 admin fine per day

Amount you are requesting that the lien be reduced to: \$403.00

Have the violation(s) on the subject property been corrected: Yes / No (Circle one)

☒ ☐

Date upon which the subject property was brought into compliance: 10/06/2023

The factual basis upon which the application for reduction of the lien should be granted:

We have been working to get the issues resolved via the city instruction. We had made multiple attempts to find a reliable contractor to get the proper permits in order. We were finally able to do so, and the permit was scheduled for final inspection on 11/27/2023 and was cancelled by the inspector without further clarification or notification..

I am formally requesting a reduction in fines and the lien amount imposed due to these factors.

The reasons, if any, compliance was not obtained prior to the order of penalty or fine being recorded:

The windows were leaking and allowing water to get in so they were replaced. The doors were replaced due to being damaged from deterioration.

Provide proof that the taxes are paid in full:

See Attached. Paid in Full 11/2023

6. Signatures and Notarization.

STATE OF Florida COUNTY OF Pinellas. I, being first
duly sworn, depose and say that:

☐ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.

☒ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed, and understand this Application and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing.

I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

[Signature] Melissa Fezy
(APPLICANT SIGNATURE) (Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☒ OR Produced Identification ☐

Type of I.D. Produced Drivers Licence



(NOTARY PUBLIC SIGNATURE) Tina Marie Slater

STATE OF FLORIDA, COUNTY OF PINELLAS

Sworn and subscribed to before me this 27th day November of, 2023

CITY MANAGER APPROVAL REQUIRED

All Code Enforcement lien reductions and bad debts will require City Manager approval.

Print Name

Signature

Date

Charles W. Thomas, CFC, Pinellas County Tax CollectorP.O. Box 31149, Tampa, FL 33631-3149
(727) 464-7777 | pinellastaxcollector.gov**2023 REAL ESTATE TAX***Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments*Pay online at pinellastaxcollector.gov

• E-check - no fee • Credit card - 2.95% convenience fee

If Postmarked By	Nov 30, 2023				
Pay this Amount	\$15795.54				

ACCOUNT NUMBER	ESCROW CODE	MILLAGE CODE
R401465		SPB

SAPPHIRE REAL ESTATE MANAGEMENT
LLC
5016 CHESEBRIE RD STE 102
AGOURA HILLS, CA 91301-2274PARCEL NO.: 36/31/15/77994/045/0080
SITE ADDRESS: 618 73RD AVE, ST PETE BEACH
PLAT: 5 PAGE: 28
LEGAL:
ST PETERSBURG BEACH REPLAT
BLK 45, LOTS 8 AND 9**AD VALOREM TAXES**

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION	TAXABLE VALUE	TAXES LEVIED
GENERAL FUND	4.7398	1,000,000	0	1,000,000	4,739.80
HEALTH DEPARTMENT	0.0713	1,000,000	0	1,000,000	71.30
EMS	0.8418	1,000,000	0	1,000,000	841.80
SCHOOL-STATE LAW	3.1900	1,000,000	0	1,000,000	3,190.00
SCHOOL-LOCAL BD.	2.7480	1,000,000	0	1,000,000	2,748.00
ST PETE BEACH	3.0913	1,000,000	0	1,000,000	3,091.30
SW FLA WTR MGMT.	0.2043	1,000,000	0	1,000,000	204.30
PINELLAS COUNTY PLN.CNCL.	0.0210	1,000,000	0	1,000,000	21.00
JUVENILE WELFARE BOARD	0.8250	1,000,000	0	1,000,000	825.00

TOTAL MILLAGE 15.7325

GROSS AD VALOREM TAXES

\$15,732.50

NON-AD VALOREM ASSESSMENTS

LEVYING AUTHORITY	AMOUNT
ST PETE BEACH STORMWATER SVCS FIXED COST	64.32
ST PETE BEACH STORMWATER SVCS VARIABLE COST	656.87

GROSS NON-AD VALOREM ASSESSMENTS

\$721.19

TAXES BECOME DELINQUENT APRIL 1ST

COMBINED GROSS TAXES AND ASSESSMENTS

\$16,453.69

PLEASE RETAIN TOP PORTION FOR YOUR RECORDS

2023 REAL ESTATE TAX**Charles W. Thomas, CFC, Pinellas County Tax Collector**Pay in U.S. funds to **Charles W. Thomas, Tax Collector**

P.O. Box 31149, Tampa, FL 33631-3149

(727) 464-7777 | pinellastaxcollector.gov

*Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments*Pay online at pinellastaxcollector.gov

• E-check - no fee • Credit card - 2.95% convenience fee

If Postmarked By	Nov 30, 2023				
Pay this Amount	\$15795.54				

ACCOUNT NUMBER	ESCROW CODE	MILLAGE CODE
R401465		SPB

SAPPHIRE REAL ESTATE MANAGEMENT
LLC
5016 CHESEBRIE RD STE 102
AGOURA HILLS, CA 91301-2274PARCEL NO.: 36/31/15/77994/045/0080
SITE ADDRESS: 618 73RD AVE, ST PETE BEACH
PLAT: 5 PAGE: 28
LEGAL:
ST PETERSBURG BEACH REPLAT
BLK 45, LOTS 8 AND 9

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

**CASE NO.: CE20230311
ADDRESS: 618 73rd Ave.**

**SAPPHIRE REAL ESTATE
MANAGEMENT, LLC,**

Respondent(s).

_____ /

**FINAL ADMINISTRATIVE ORDER AND
ORDER IMPOSING FINES AND COSTS**

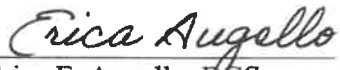
This case came before the Special Magistrate on October 9, 2023, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondent's authorized agent, Melissa Fezzy, Respondent's property manager, appeared on its behalf. Ms. Fezzy possessed the requisite authority to represent the Respondent.
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 exterior doors and windows on a structure 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 the replacement of exterior doors and windows and testified that no permit had been secured prior to the replacement.
6. Respondent's agent testified that the Respondent did not have the proper permits and had to apply and secure an after-the-fact permit.

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

7. Respondent failed to bring the Property into compliance by June 8, 2023, the time set forth in the Notice of Violation, but came into compliance on October 6, 2023, prior to the hearing held on October 9, 2023.
8. Respondent is assessed a fine of \$250 per day from June 9, 2023, through October 6, 2023, for failure to comply by the cure period provided by the City, along with the reasonable administrative costs of the City.
9. Pursuant to Section 22-279 (a) of the City's Code of Ordinances, Respondent may request a hearing to challenge the fine amount within twenty (20) days of the date of the original order.
10. It is Respondent's responsibility to notify the City once the property is in compliance, if applicable.
11. 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 email to psmanager@saintpeterrentals.com.

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.