



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, February 12, 2024
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath
2. Cases Complied or Continued

A. Case No. 20230450

City of St. Pete Beach v. Mark D Jasperson TRE

Address: 450 75th Ave. St. Pete Beach FL 33706

Sec. 26.14. - Maintenance of signs.

(a) Maintenance of signs.

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

Sec. 26.4. - Prohibited signs.

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

(h) Abandoned and discontinued signs.

Sec. 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.

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.

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

B. Case No. 20230610

City of St. Pete Beach v. Daniel McGeehan

Address: 216 45th Ave. St Pete Beach FL 33706

Status hearing on thirty extension to make the necessary repairs to bring the property into compliance.

C. Case No. 20230661

City of St Pete Beach v. Vernon D Walker and Charlotte B Walker

Address: 3507 Belle Vista Dr. E St. Pete Beach FL 33706

Status hearing on a thirty-day extension to obtain an after-the-fact permit and make repairs on property.

D. Case No. 20230459

City of St. Pete Beach v. Matthew R Macintyre and Kurt Macintyre

Address: 561 78th Ave. St. Pete Beach FL 33706

Status hearing on a 14-day extension to complete any necessary repairs and finish painting the property.

E. Case No. 20230458

City of St. Pete Beach v. Citrus Property Inv Inc

Address: 7700 Blind Pass Rd. St. Pete Beach FL 33706

Status hearing on the progress of the required dumpster enclosure permit.

F. Case No. 20230559

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

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

Status Hearing on 60-day extension to secure the required after-the-fact permits

3. **New Cases**

A. Case No. 20230561

City of St. Pete Beach v. SJ Beach Properties LLC

Address: 6901 Sunset Way St. Pete Beach FL 33706

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

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

Sec. 6.12. - Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

(a) Commercial accessory structures may be allowed as follows:

(6) No accessory structure shall be located closer to the public right-of-way than the structure to which it is accessory.

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be

obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

B. Case No. 20230513

City of St. Pete Beach v. April Elliott & David Rybarczyk

Address: 423 Corey 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:

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

Sec. 6.12. - Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

(d) Dumpsters, commercial waste or refuse containers shall be regulated as follows:

(2) All dumpsters, commercial waste and refuse containers, except those that are specifically approved for temporary location and use, shall be located on the same property with the use it serves and fully enclosed as follows:

b. All dumpsters, commercial waste and refuse containers shall be located within a proper opaque enclosure of sufficient height to fully screen the dumpster, commercial waste or refuse container.

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.

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

C. Case No. 20230616

City of St. Pete Beach v. Anthony J Perrone

Address: 8151 Blind Pass Rd. #8 St. Pete Beach FL 33706

Sec. 98-123.1. - Permits required.

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

D. Case No. 20230602

City of St. Pete Beach v. Ping Pong Partners LLC

Address: 9555 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.

4. Old Cases
5. Repeat Violation
6. Lien Reductions

A. Case No. 20220744
City of St. Pete Beach v. Plaza Beach Motel LLC
Address: Gulf Blvd. St. Pete Beach FL 33706
Lien Reduction Request

B. Case No. 20220772
City of St. Pete Beach v. Plaza Beach Motel LLC
Address: 46th 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
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20230450**
 City of St. Pete Beach v. Mark D Jasperson TRE
 Address: 450 75th Ave. St. Pete Beach FL 33706

Date: February 12, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 26.14. - Maintenance of signs.**
 (a) Maintenance of signs.
 (2) Nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected nonconforming sign shall not be structurally altered except in full conformance with this division. Nonconforming signs that are considered abandoned pursuant to this division shall be demolished or removed.
 Sec. 26.4. - Prohibited signs.
 The following signs and sign types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign type which is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of section 26.5.
 (h) Abandoned and discontinued signs.
 Sec. 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.

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.

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

The sign on the property has been determined to be an abandoned or discontinued nonconforming sign. An abandoned or discontinued nonconforming sign is one associated with a business that has been inactive for 90 consecutive days or longer, or has not had a display for 90 consecutive days or longer, and does not meet the current sign standards for your property's district due to criteria such as setback, height, or size. Abandoned signs must be demolished or removed pursuant to City of St. Pete Beach Land Development Code Section 26.14(a)(2).

Building Signage for inactive business (Letters on Building). Window Signage for inactive business (advertisements in windows & Business Information on front door). Please remove the referenced non-conforming signage.

There is also a fence that has been erected in the back parking area that is unpermitted and in disrepair which must be removed.

Funding: N/A

Requested Motion: N/A

Attachments:

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



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

NOTICE OF VIOLATION

11/30/2023

MARK D JASPERSON TRE
9824 BAY ISLAND DR
TAMPA, FL 33615

RE: Case Number 20230450
Violation Address: 450 75TH AVE
Parcel ID#: 363115779940600080

Dear Property Owner:

You are receiving this notice as the referenced sign has been determined to be an abandoned or discontinued nonconforming sign. An abandoned or discontinued nonconforming sign is one associated with a business that has been inactive for 90 consecutive days or longer, or has not had a display for 90 consecutive days or longer, and does not meet the current sign standards for your property's district due to criteria such as setback, height, or size. Abandoned signs must be demolished or removed pursuant to City of St. Pete Beach Land Development Code Section 26.14(a)(2).

Building Signage for inactive business (Letters on Building). Window Signage for inactive business (advertisements in windows & Business Information on front door). Please remove the referenced non-conforming signage.

There is also a fence that has been erected in the back parking area that is unpermitted and in disrepair. This fence must be removed as well, and you are in violation of the following sections:

Sec. 26.14. - Maintenance of signs.

(a) Maintenance of signs.

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

Sec. 26.4. - Prohibited signs.

The following signs and sign types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign type which is among the prohibited signs and sign types listed

below shall be deemed a nonconforming sign subject to the provisions of section 26.5.
(h) Abandoned and discontinued signs.

Sec. 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.

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.
- (24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

These violation(s) must be corrected **no later than 12/21/2023**. 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,

A handwritten signature in black ink that reads "Luis Cruz". The signature is written in a cursive, flowing style.

Luis Cruz
Code Enforcement Officer

CE20230450

- Respondent(s): Mark D Jasperson TRE**
- Violation address: 450 75th Ave.**
- Violation(s) description: The property is in violation of sections 26.4 Prohibited signs (h) and 26.14 Maintenance of signs (a) (2) of the Land Development Code of the City of St. Pete Beach**

CE20230450

Case Summary

- Initial inspection: 8/3/2023**
- Notice of Violation dated: 11/30/2023**
- Notice of Violation compliance date: 12/21/2023**
- Notices of Hearing dated and posted on the property: 12/28/2023**

CE20230450

Affidavit of Posting

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: 450 75TH AVE

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

Name of Property Owner(s): MARK D JASPERSON TRE

Case No.: 20230450 Code Enforcement Officer: Luis Cruz

Hearing Date: 01/08/2024 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 12/28/2023

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

X *Luis Cruz* Luis Cruz
Signature of Officer posting Print Name

Dec 28, 2023 at 12:59:48 PM

450 75th Ave.

CE20230450

• Sec. 26.2 Definitions

- All words used in this division shall carry their customary dictionary meanings, except that the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:**
- Abandoned or discontinued sign or sign structure means**
 - (a) A sign pertaining to or associated with an event, business, service, or purpose which is no longer ongoing and which has been inactive or out of business for a period of 90 consecutive days or longer; or**
 - (b) a sign which contains structural components but no display for a period of 90 consecutive days or longer. This does not include individual panels within a sign for multi-tenant developments unless the multi-tenant development is more than 50 percent vacant.**

CE20230450

Business no longer ongoing/out of business



Aug 3, 2023 at 4:46:20 PM

450 75th Ave.

CE20230450

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450 75th Ave.

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Business no longer ongoing/out of business

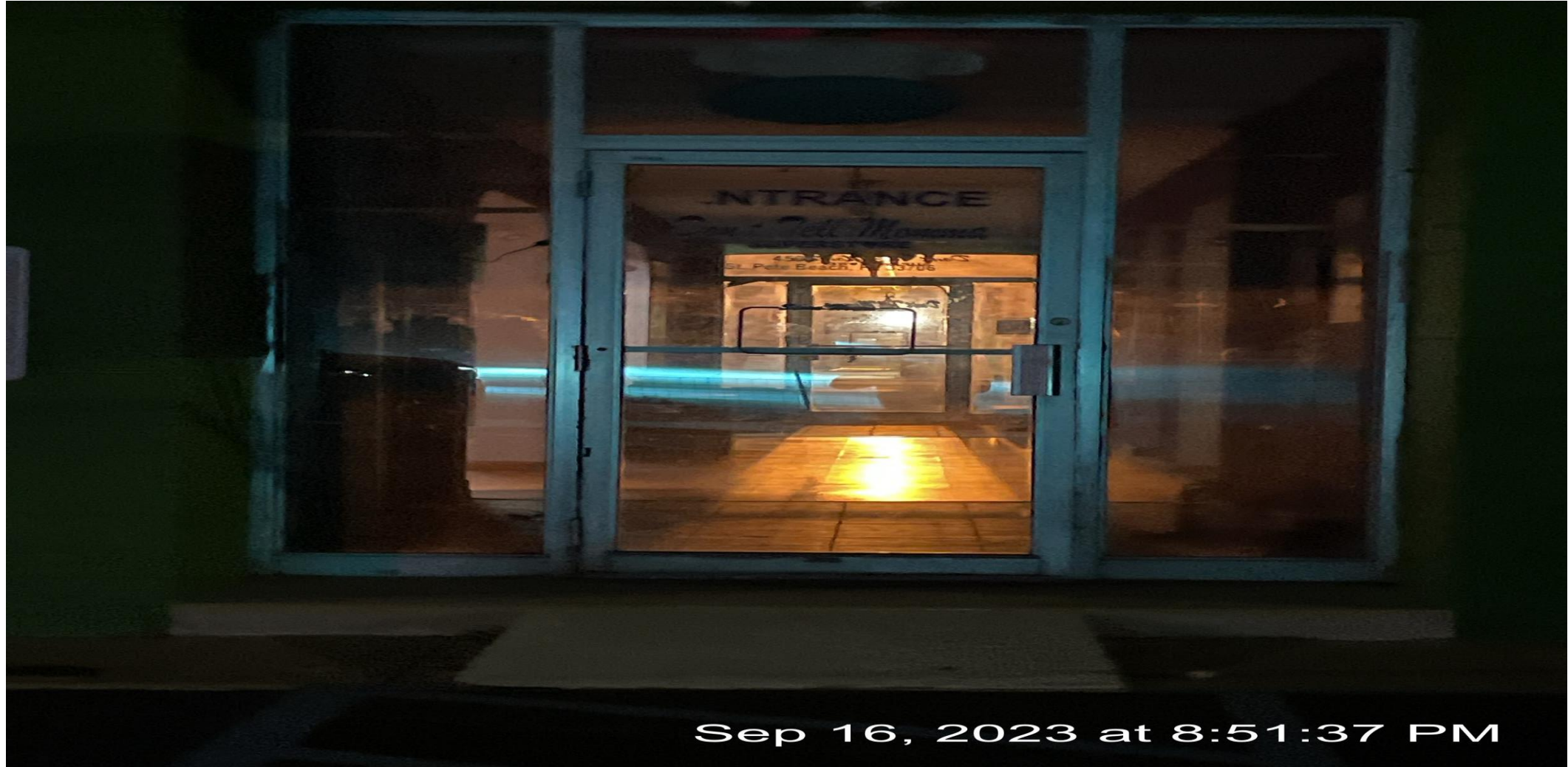


Sep 16, 2023 at 8:51:22 PM

450 75th Ave.

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Business no longer ongoing/out of business



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Oct 16, 2023 at 9:45:42 AM

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10/31/23, 10:43 AM

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Nov 1, 2023 at 4:24:10 PM

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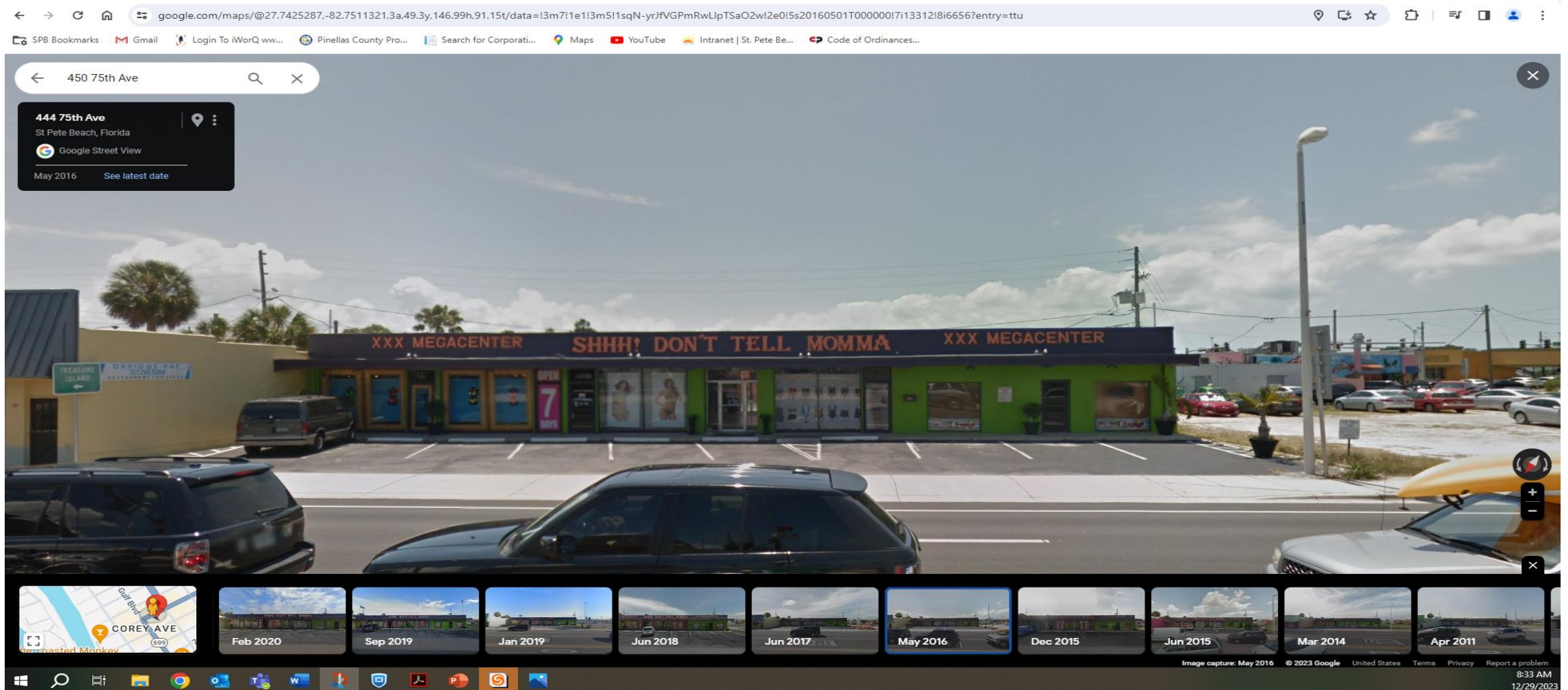
Business no longer ongoing/out of business



450 75th Ave.

CE20230450

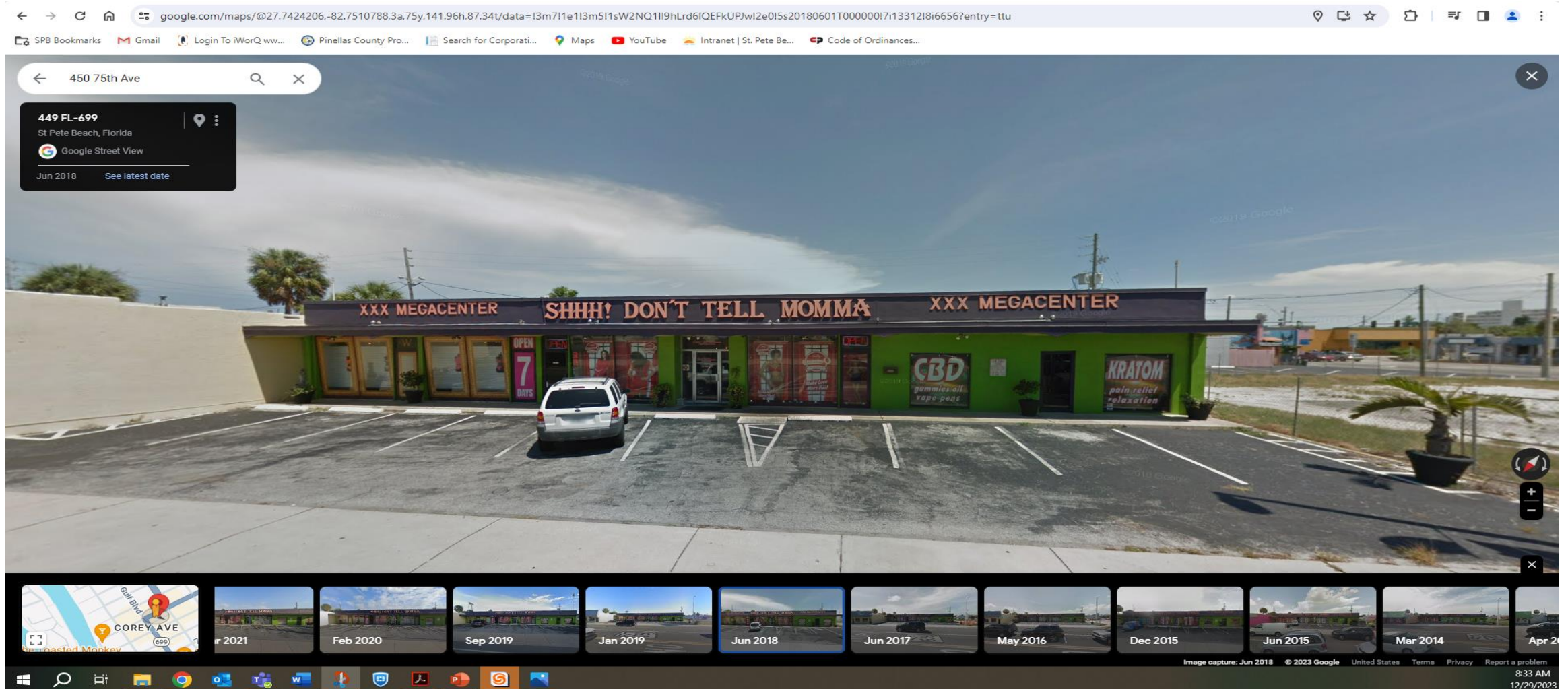
2016 Google image of property



450 75th Ave.

CE20230450

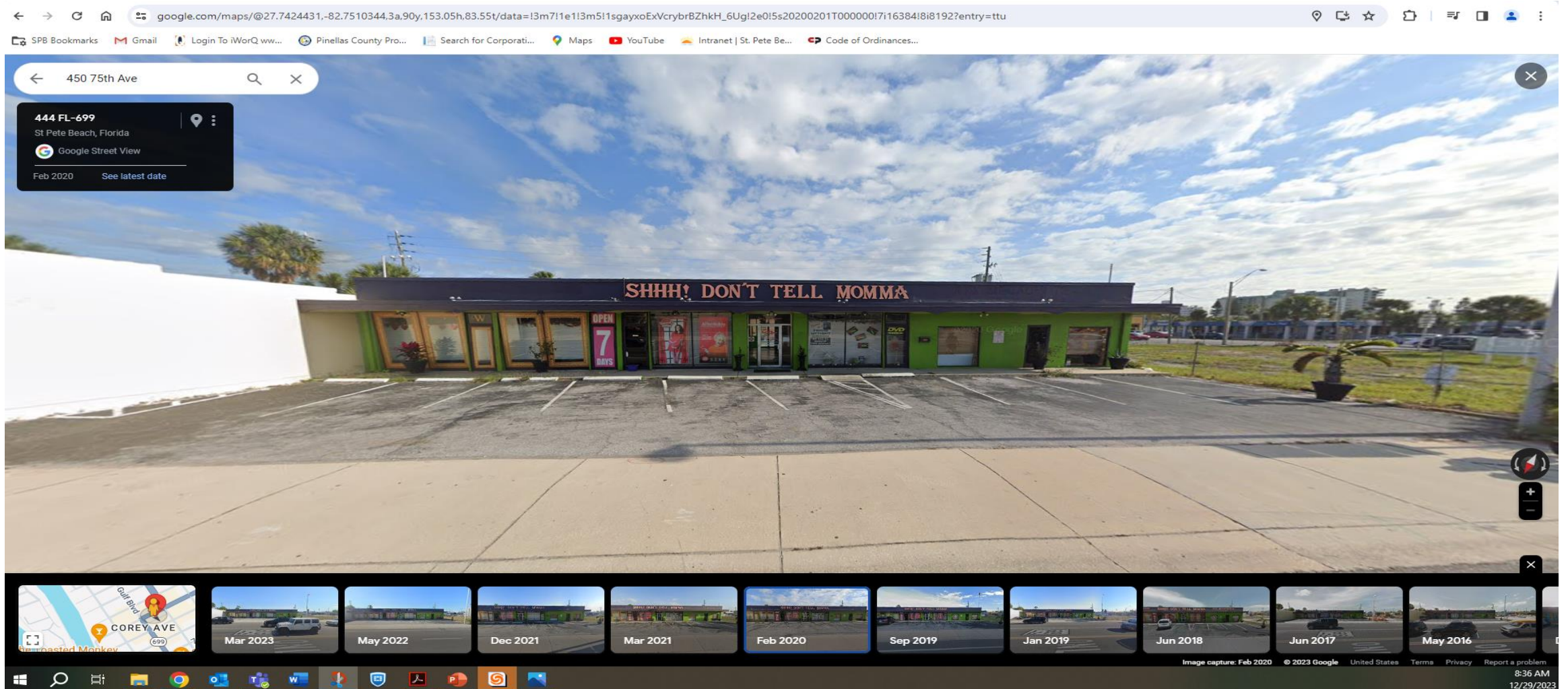
2018 Google image of property



450 75th Ave.

CE20230450

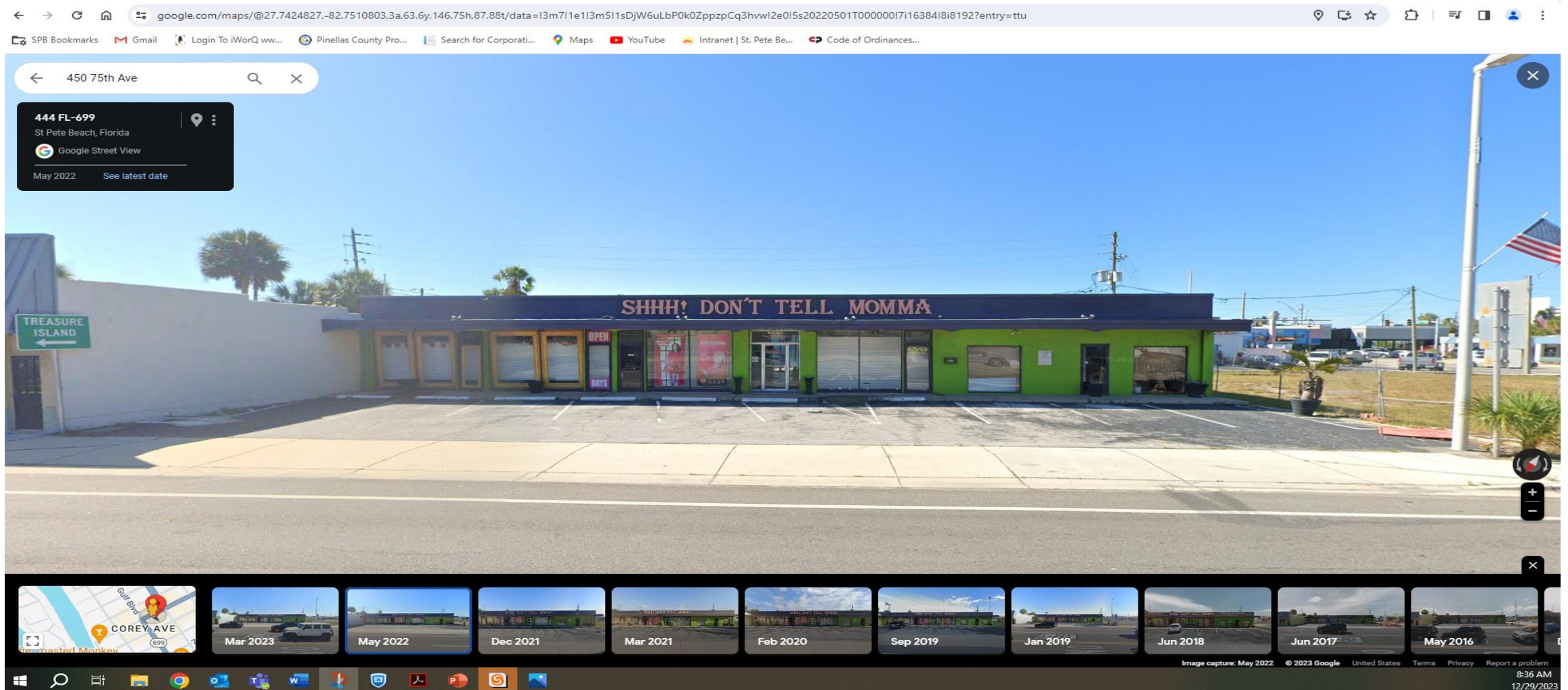
2020 Google image of property



450 75th Ave.

CE20230450

2022 Google image of property



450 75th Ave.

CE20230450

Business no longer ongoing/out of business

Browser tabs: DON'T TELL MOMMA ADULT M... x +

Address bar: yelp.com/biz/dont-tell-momma-adult-mega-center-st-pete-beach

Search bar: things to do, nail salons, plumbers | Holiday, FL

Buttons: Yelp for Business, Write a Review, Log In, Sign Up

Categories: Restaurants, Home Services, Auto Services, More

Don't Tell Momma Adult Mega Center

3.6 (13 reviews)

Claimed • \$\$\$ • Adult Shops

Closed 12:00 PM - 12:00 AM (Next day) See hours

See all 12 photos

Yelpers report this location has closed. Find a similar spot.

Write a review Add photo Share Save

Get Directions 450 75th Ave St. Pete Beach, FL 33706

Suggest an edit

Location & Hours

St Pete Beach

Mon	12:00 PM - 10:00 PM
Tue	12:00 PM - 10:00 PM

Windows taskbar: 8:24 AM 12/29/2023

450 75th Ave.

NOTICE

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

Name of Property Owner(s): MARK D JASPERSON TRE

Case No.: 20230450 Code Enforcement Officer: Luis Cruz

Hearing Date: 01/08/2024 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 12/28/2023

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,
vs.
MARK D JASPERSON TRE
Respondent(s)

Case Number: 20230450

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 **01/08/2024** 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 **450 75TH 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,

Luis Cruz

DATED 12/28/2023

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
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20230610**
 City of St. Pete Beach v. Daniel McGeehan
 Address: 216 45th Ave. St Pete Beach FL 33706

Date: February 12, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing on thirty extension to make the necessary repairs to bring the property into compliance.

Funding: NA

Requested Motion: NA

Attachments: 1. Special Magistrate Order 1/11/2024

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

**CITY OF ST. PETE BEACH,
Petitioner,**

v.

**CASE NO.: CE20230610
ADDRESS: 216 45th Ave.**

DANIEL MCGEEHAN,

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on January 8, 2024, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

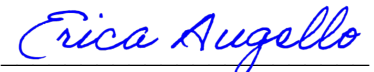
1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Stephen Rivera.
2. Respondent was in attendance and represented himself.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that he was in violation of Sections 98-65 and 98-66 of the City's Code of Ordinances allowing the property to exist in a state of disrepair as the soffit near the garage was in need of repair.
5. Code Enforcement Officer Rivera submitted photographic evidence demonstrating the soffit near the garage was completely missing in parts and in need of repair.
6. Respondent testified that already applied for and received a permit, but that he is doing the work himself so he needs a little time.

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 98-65 and 98-66 of the City's Code of Ordinances.
8. Respondent shall have thirty (30) days from the date of the hearing, or until **Wednesday, February 7, 2024**, to make the necessary repairs and bring the property into compliance.

9. A status hearing is set for **February 12, 2024, 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 January 11, 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 216 45th Ave., St. Pete Beach, FL 33706.

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
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20230661**
 City of St Pete Beach v. Vernon D Walker and
 Charlotte B Walker
 Address: 3507 Belle Vista Dr. E St. Pete Beach
 FL 33706

Date: February 12, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing on a thirty-day extension to obtain an
 after-the-fact permit and make repairs on property.

Funding: NA

Requested Motion: NA

Attachments: 1. Special Magistrate Order 1/11/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20230661

ADDRESS: 3507 Belle Vista Dr. E.

**VERNON D. WALKER and
CHARLOTTE B. WALKER,**

Respondents.

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on January 8, 2024, 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 Stephen Rivera.
2. Respondent Charlotte B. Walker appeared and represented Respondents.
3. Respondents own the subject property, and legally required notice of this proceeding was served on Respondents in accordance with applicable law.
4. Respondents were notified that they were in violation of Section 98-123.1 and 98-66 of the City's Code of Ordinances by maintaining their property with chipped and peeling fascia board and erecting a fence without a permit.
5. Code Enforcement Officer Rivera submitted photographic evidence demonstrating the chipped or peeling fascia board near the roof of the home, as well as the installation of a new gate and fence at the side yard of the property.
6. Ms. Walker testified that she engaged the services of someone to look at the fascia board as she wanted to make sure it didn't need to just be repainted. Based on that review, it was determined a permit needed to be applied for to replace the fascia board. She applied for and received the permit to replace the fascia board. As for the fence, she testified that she had let her neighbors access their rear yard via her side yard as the additional width was needed, and as such they agreed to replace the fence as it needed to be taken down. She did not know a permit was needed and the fence was not replaced by her.

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

7. Respondents are found to be and remain in violation of Sections 98-123.1 and 98-66 of the City's Code of Ordinances.
8. RespondentS shall have thirty (30) days from the date of the hearing, or by **Wednesday February 7, 2024**, to apply for and secure an after-the-fact permit for the erection of the fence and to repair and paint the fascia board.
9. A status hearing is set for **February 12, 2024, 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 Respondents' responsibility to notify the City once the property is in compliance.
12. 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 January 11, 2024.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at starfish67@tampabay.rr.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.

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

Agenda Report

Issue Considered: **Case No. 20230459**
 City of St. Pete Beach v. Matthew R Macintyre
 and Kurt Macintyre
 Address: 561 78th Ave. St. Pete Beach FL 33706

Date: February 12, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing on a 14-day extension to complete any
 necessary repairs and finish painting the property.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 1/11/2024

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

**CITY OF ST. PETE BEACH,
Petitioner,**

v.

**CASE NO.: CE20230459
ADDRESS: 561 78th Ave.**

**MATTHEW R. MACINTYRE and
KURT MACINTYRE,**

Respondents.

_____ /

FINAL ADMINISTRATIVE ORDER

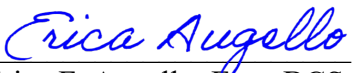
This case came before the Special Magistrate on January 8, 2024, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondents were in attendance and represented themselves.
3. Respondents own the subject property, and legally required notice of this proceeding was served on Respondents in accordance with applicable law.
4. Respondents were notified that they were in violation of Sections 98-123.1, 98-65, and 98-66 of the City's Code of Ordinances as the exterior of the property needed to be cleaned and painted and a permit needed to be secured for the structural work done to the porch, as well as repairs made to the rotted wood on the building.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating paint peeling off the entirety of the exterior of the home, fascia board being in disrepair, and structural posts on the porch having been replaced or in the midst of being replaced.
6. Respondents testified that a permit was secured prior to the date in the City's Notice of Violation, and that the property has already been substantially painted, but that due to rain, it has not been completed.

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

7. Respondents are found to be and remain in violation of Sections 98-65 and 98-66 of the City's Code of Ordinances but have complied with Section 98-123.1.
8. Respondents shall have fourteen (14) days from the date of the hearing, or until **Monday, January 22, 2024**, to complete any necessary repairs and finish painting the property to bring it into compliance.
9. A status hearing is set for **February 12, 2024, 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 Respondents' responsibility to notify the City once the property is in compliance.
12. 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 Respondent may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on January 11, 2024.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Respondents at mmac921@gmail.com and kmacplumbing@live.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.

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

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: February 12, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing on the progress of the required dumpster enclosure permit.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Special Magistrate Order 1/11/2024
2. Special Magistrate Order 12/15/2023

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

**CITY OF ST. PETE BEACH,
Petitioner,**

v.

**CASE NO.: CE20230458
ADDRESS: 7700 Blind Pass Rd.**

**CITRUS PROPERTY INV INC.,
Respondent.**

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on January 8, 2024, for a status check, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

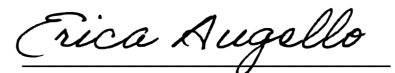
1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Charles Flynt, Vice President and General Contractor for Respondent, appeared on behalf of Respondent.
3. Respondent owns the subject property, and legally required notice of this proceeding 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 demolishing and constructing a new dumpster enclosure located in the City right-of-way without the required permits.
5. Code Enforcement Officer Cruz testified that the permit application was submitted and was rejected.
6. Respondent's agent testified that he applied for the appropriate permit and received comments, as well as having to resubmit with the ROW permit. He has responded to the comments from the City and is awaiting a decision from the City.

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

7. Respondent is still within the thirty (30) days allotted from the December 15, 2023, Order.
8. A status hearing is set for **February 12, 2024, at 10:00 a.m.** A decision on fines and administrative costs may 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 January 11, 2024.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Agent for Respondent, Charles Flynt, at chuck@arvanapropertymanagement.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.

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

**CITY OF ST. PETE BEACH,
Petitioner,**

v.

**CASE NO.: CE20230458
ADDRESS: 7700 Blind Pass Rd.**

**CITRUS PROPERTY INV INC.,

Respondent.**

_____ /

**AMENDED FINAL ADMINISTRATIVE ORDER
(To Correct Scrivener's Error)**

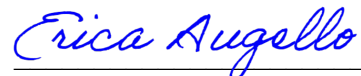
This case came before the Special Magistrate on December 11, 2023, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Charles Flynt, Vice President and General Contractor for Respondent, appeared on behalf of 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 demolishing and constructing a new dumpster enclosure located in the City right-of-way without the required permits.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating the condition of the dumpster enclosure prior to work being done and after work had been completed. Officer Cruz testified that the dumpster enclosure that was erected does not comply with the code, as it is required to be constructed from masonry not wood and chain link fence.
6. Respondent's agent testified that he was unaware a permit was required, and unaware of the requirement to construct the dumpster enclosure with masonry. He testified that he has applied for a permit and is working with the building department to secure same and replace what was constructed with a compliant enclosure.

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

7. Respondent is found to be and remains in violation of Section 98-123.1 of the City's Code of Ordinances.
8. Respondent shall have until thirty (30) days from the date of the hearing, or by **Wednesday, January 10, 2024**, to secure the required permit(s).
9. A status hearing is set for **January 8, 2024, at 10:00 a.m.** A decision on fines and administrative costs may 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 December 15, 2023.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Agent for Respondent, Charles Flynt, at chuck@arvanapropertymanagement.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.

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

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: February 12, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status Hearing on 60-day extension to secure the
 required after-the-fact permits

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 12/13/2023

**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.

_____ /

FINAL ADMINISTRATIVE ORDER

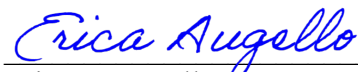
This case came before the Special Magistrate on December 11, 2023, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Attorney Joseph Kenny of Weber Crabb Wien appeared on behalf of 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 conducting unpermitted work on the structure, allowing for an exterior door to be replaced, as well as unpermitted interior renovations.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating demolition work to the interior of the building, along with disposal of debris from demolition on property and photographs demonstrating the replacement of an exterior door on the property.
6. Respondent's counsel represented that a permit had been applied for on November 13, 2023, and entered documentary evidence of same into the record. Documentary evidence of correspondence regarding submittal of the permit and comments to the permit regarding the fire review were also submitted demonstrating that the permit had been applied for and was under review.

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

7. Respondent is found to be and remains in violation of Section 98-123.1 of the City's Code of Ordinances.
8. Respondent shall have until sixty (60) days from the date of the hearing, or by **Friday, February 9, 2024**, to secure the required after-the-fact permit(s).
9. A status hearing is set for **February 12, 2024, 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 December 13, 2023.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Counsel for Respondent, Joseph Kenny, Esq., at joseph.kenny@webercrabb.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.

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

Agenda Report

Issue Considered: **Case No. 20230561**
 City of St. Pete Beach v. SJ Beach Properties
 LLC
 Address: 6901 Sunset Way St. Pete Beach FL
 33706

Date: February 12, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 1.3. - Purposes and matters regulated; application of regulations; schedule of district regulations.**

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

Sec. 6.12. - Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

(a) Commercial accessory structures may be allowed as follows:

(6) No accessory structure shall be located closer to the public right-of-way than the structure to which it is accessory.

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 three gazebos without a permit on the property. These must be removed due to not having the ability to have these structures on your property in the location they have been built.

Funding: N/A

Requested Motion: N/A

Attachments:

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



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

AMENDED NOTICE OF VIOLATION

12/28/2023

SJ BEACH PROPERTIES LLC
1430 LAKE PARKER DR
ODESSA, FL 33556-4032

RE: Case Number 20230561
Violation Address: 6901 SUNSET WAY
Parcel ID#: 363115059400020010

Dear Property Owner:

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

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

Sec. 6.12. - Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

- (a) Commercial accessory structures may be allowed as follows:
- (6) No accessory structure shall be located closer to the public right-of-way than the structure to which it is accessory.

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 1/4/2024**. 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

CE20230561

- Respondent(s): SJ Properties LLC**
- Violation address: 6901 Sunset Way**
- Violation(s) description: The property is in violation of section 1.3 (c) Purposes and matters regulated; application of regulations; schedule of district regulations, section 6.12 Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents (a) (6) & 98-123.1 Permits required of the Land Development Code and the Code of Ordinances of the City of St. Pete Beach**

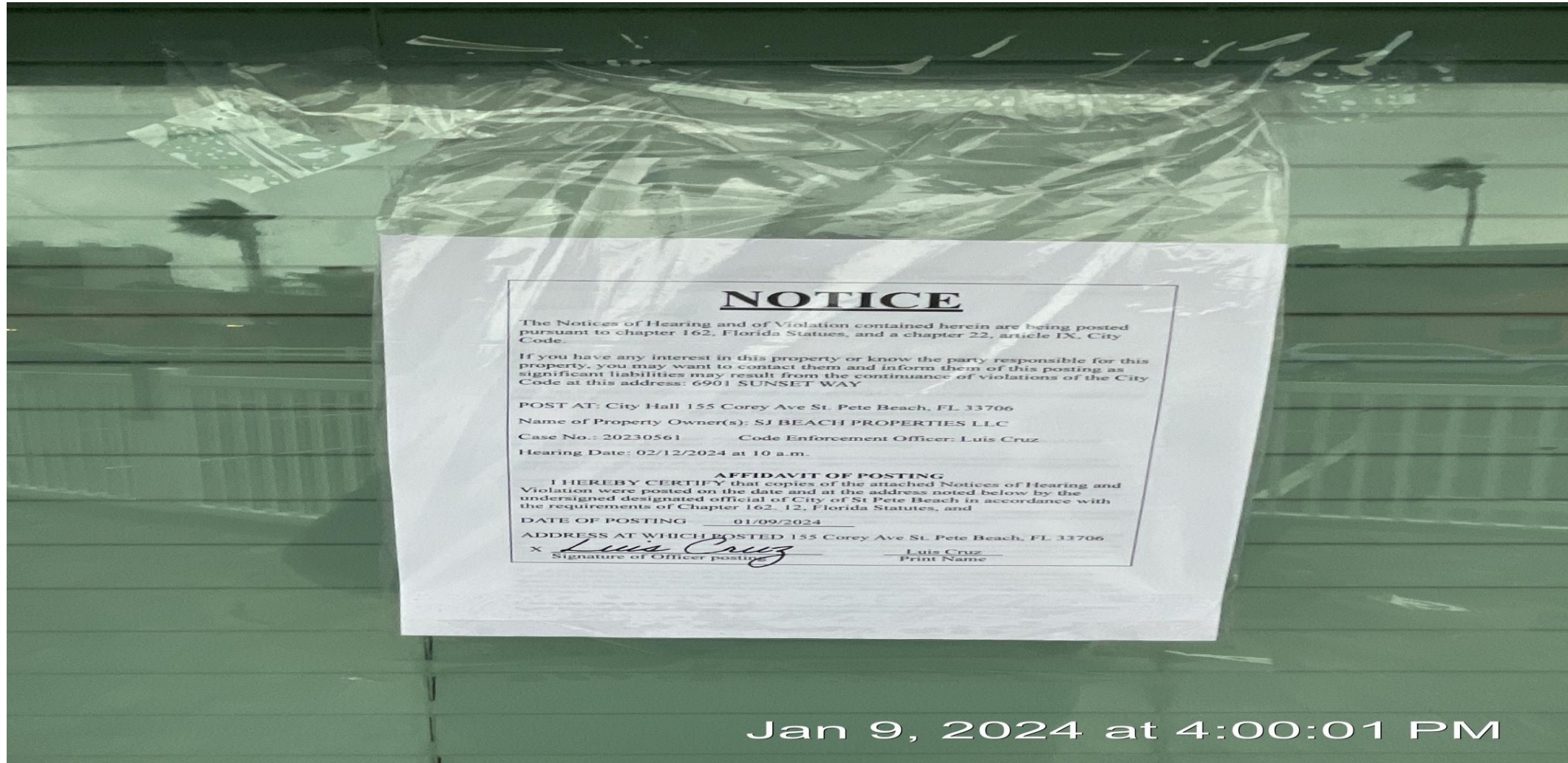
CE20230561

Case Summary

- Initial inspection: 9/19/2023**
- Notice of Violation dated: 12/28/2023**
- Notice of Violation compliance date: 1/4/2024**
- Notices of Hearing dated and posted on the property: 1/9/2024**

CE20230561

Affidavit of Posting



6901 Sunset Way

CE20230561

Unpermitted gazebos erected



6901 Sunset Way

CE20230561

Unpermitted gazebos erected



6901 Sunset Way

CE20230561

Unpermitted gazebos erected



6901 Sunset Way

CE20230561

Stop Work Order posted



6901 Sunset Way

CE20230561

Unpermitted gazebos erected



6901 Sunset Way

CE20230561

Unpermitted gazebos erected



6901 Sunset Way

CE20230561

Unpermitted gazebo erected closer to right-of-way than the structure



6901 Sunset Way

NOTICE

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

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 6901 SUNSET WAY

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

Name of Property Owner(s): SJ BEACH PROPERTIES LLC

Case No.: 20230561 Code Enforcement Officer: Luis Cruz

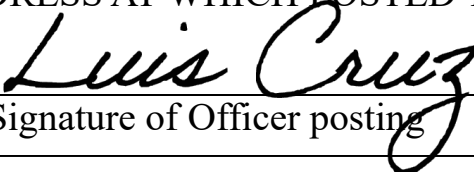
Hearing Date: 02/12/2024 at 10 a.m.

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 01/09/2024

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.
SJ BEACH PROPERTIES LLC
Respondent(s)

Case Number: 20230561

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 **02/12/2024** 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 **6901 SUNSET WAY** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 01/09/2024


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
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20230513**
 City of St. Pete Beach v. April Elliott & David
 Rybarczyk
 Address: 423 Corey Ave. St. Pete Beach FL
 33706

Date: February 12, 2024

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:

(2) Accumulation of trash, litter, debris, garbage,
bottles, paper, cans, rags, dead or decayed fish, fowl,
meat or other animal matter; fruit, vegetables, offal,
bricks, concrete, scrap lumber or other building debris
or other refuse of any nature.

**Sec. 6.12. - Commercial accessory and
temporary equipment, structures, portable
buildings and trailers, dumpsters and
commercial tents.**

(d) Dumpsters, commercial waste or refuse containers
shall be regulated as follows:

(2) All dumpsters, commercial waste and refuse
containers, except those that are specifically approved
for temporary location and use, shall be located on the
same property with the use it serves and fully enclosed
as follows:

b. All dumpsters, commercial waste and refuse
containers shall be located within a proper opaque
enclosure of sufficient height to fully screen the
dumpster, commercial waste or refuse container.

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.

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

The property has a dumpster enclosure and fence that is in disrepair. Also, there is a tank in the corner of the fence that must be removed from the view of the alley.

Funding: N/A

Requested Motion: N/A

Attachments:

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



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

AMENDED NOTICE OF VIOLATION

12/28/2023

ELLIOTT, APRIL RYBARCZYK, DAVID
3820 GULF BLVD APT 1008
ST PETERSBURG FL 33706-3945

RE: Case Number 20230513
Violation Address: 423 COREY AVE
Parcel ID#: 363115779940600110

Dear Property Owner:

There is a dumpster enclosure and fence that is in disrepair. Also, there is metal barricade fencing and a tank in the corner of the fence that must be removed from the view of the alley. 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:

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

Sec. 6.12. - Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

(d) Dumpsters, commercial waste or refuse containers shall be regulated as follows:

(2) All dumpsters, commercial waste and refuse containers, except those that are specifically approved for temporary location and use, shall be located on the same property with the use it serves and fully enclosed as follows:

b. All dumpsters, commercial waste and refuse containers shall be located within a proper opaque enclosure of sufficient height to fully screen the dumpster, commercial waste or refuse container.

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.

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition.

in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

These violation(s) must be corrected **no later than 1/4/2024**. 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

CE20230513

- Respondent(s): April Elliott & David Rybarczyk**
- Violation address: 423 Corey Ave.**
- Violation(s) description: The property is in violation of sections 46-33 Enumeration (2), 6.12 Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents (d) (2) b., & 98-66 Residential and commercial property maintenance (a), (b) (24) of the Land Development Code and the Code of Ordinances of the City of St. Pete Beach**

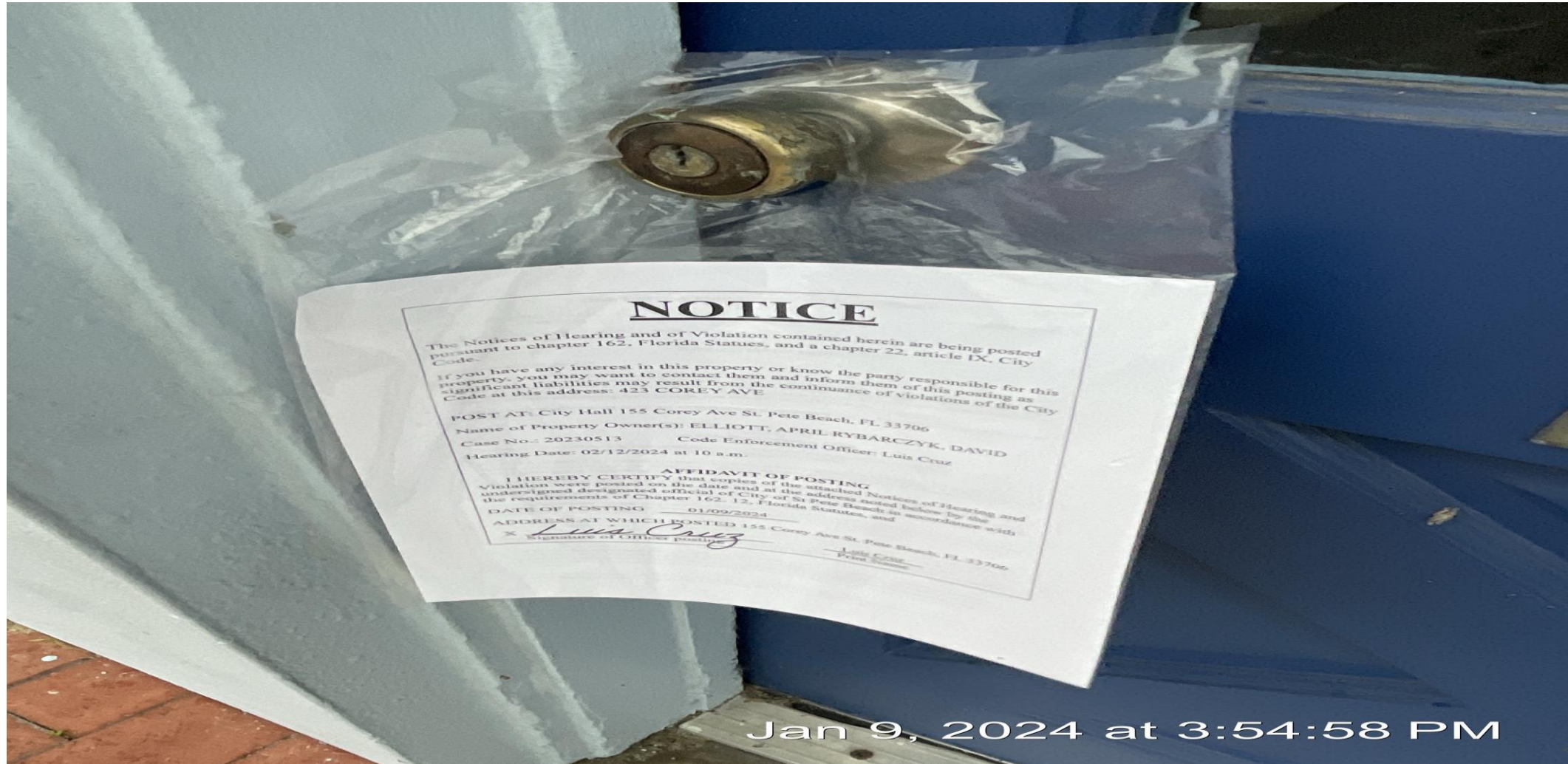
CE20230513

Case Summary

- Initial inspection: 8/23/2023**
- Notice of Violation dated: 12/28/2023**
- Notice of Violation compliance date: 1/4/2024**
- Notices of Hearing dated and posted on the property: 1/9/2024**

CE20230513

Affidavit of Posting



423 Corey Ave.

CE20230513

Fence in disrepair and tank stored visible from alley



423 Corey Ave.

CE20230513

Dumpster enclosure in disrepair



Sep 13, 2023 at 2:54:15 PM

423 Corey Ave.

CE20230513

Fence in disrepair



423 Corey Ave.

CE20230513

Fence and dumpster enclosure in disrepair



423 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: 423 COREY AVE

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

Name of Property Owner(s): ELLIOTT, APRIL RYBARCZYK, DAVID

Case No.: 20230513 Code Enforcement Officer: Luis Cruz

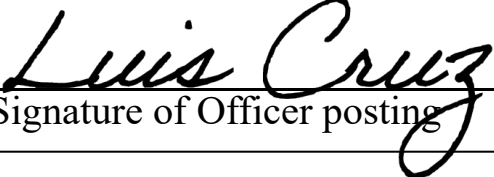
Hearing Date: 02/12/2024 at 10 a.m.

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 01/09/2024

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

X 
Signature of Officer posting

Luis Cruz
Print Name

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

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20230513

vs.
ELLIOTT, APRIL RYBARCZYK, DAVID
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 **02/12/2024** 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 **423 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,

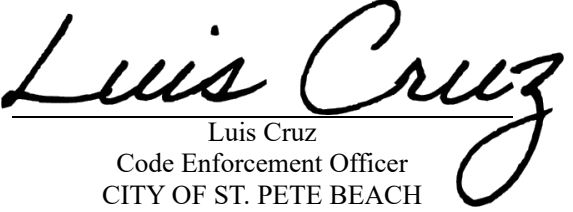
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 01/09/2024


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
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20230616
City of St. Pete Beach v. Anthony J Perrone
Address: 8151 Blind Pass Rd. #8 St. Pete Beach
FL 33706**

Date: February 12, 2024

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 installed windows and sliding glass doors without a permit.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Notice of Violation
 2. Evidence

3. Affidavit of Posting
4. Notice of Hearing



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

NOTICE OF VIOLATION

10/31/2023

PERRONE, ANTHONY J
167 NATIONAL BLVD
LONG BEACH, NY 11561-3324

RE: Case Number 20230616
Violation Address: 8151 BLIND PASS RD # 8
Parcel ID#: 363115009810000080

Dear Property Owner:

Your property has installed windows and sliding glass doors without a permit. This type of work requires a permit in the city of St. Pete Beach, and you are in violation of the following section:

Sec. 98-123.1. - Permits required.

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

These violation(s) must be corrected **no later than 11/17/2023**. 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 727-589-2564

Luis Cruz
Code Enforcement Officer

CE20230616

- Respondent(s): Anthony J Perrone**
- Violation address: 8151 Blind Pass Rd. #8**
- Violation(s) description: The property is in violation of section 98-123.1 Permits required of the Code of Ordinances of the City of St. Pete Beach**

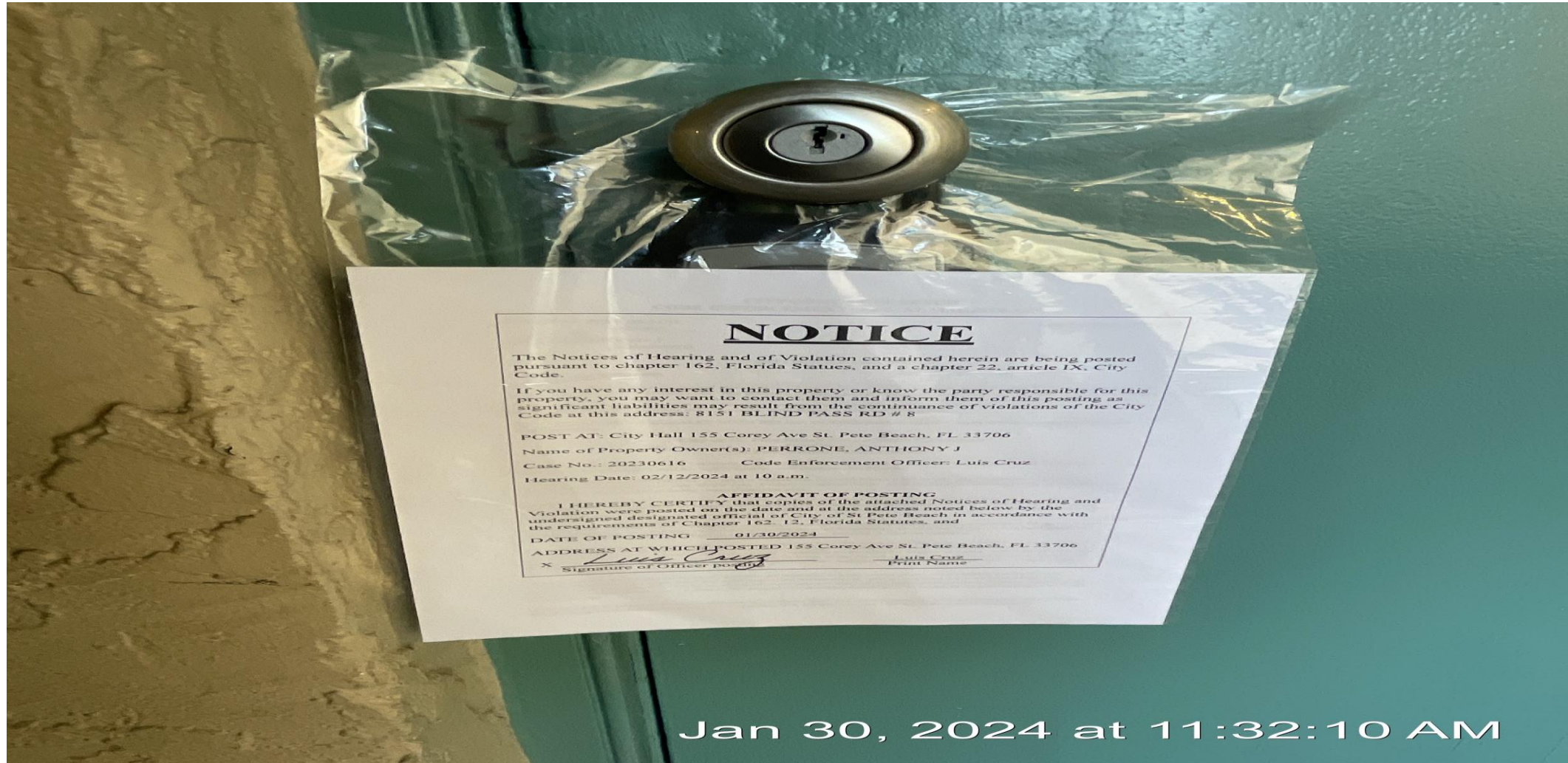
CE20230616

Case Summary

- Initial inspection: 10/27/2023**
- Notice of Violation dated: 10/31/2023**
- Notice of Violation compliance date: 11/17/2023**
- Notices of Hearing dated and posted on the property: 1/30/2024**

CE20230616

Affidavit of Posting



8151 Blind Pass Rd #8

CE20230616

Unpermitted window install



8151 Blind Pass Rd #8

CE20230616

Unpermitted window install



8151 Blind Pass Rd #8

CE20230616

Unpermitted sliding glass door install



8151 Blind Pass Rd #8

CE20230616

Unpermitted sliding glass door install



8151 Blind Pass Rd #8

CE20230616

Unpermitted sliding glass door install



8151 Blind Pass Rd #8

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: 8151 BLIND PASS RD # 8

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

Name of Property Owner(s): PERRONE, ANTHONY J

Case No.: 20230616 Code Enforcement Officer: Luis Cruz

Hearing Date: 02/12/2024 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 01/30/2024

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: 20230616

vs.
PERRONE, ANTHONY J
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 **02/12/2024** 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 **8151 BLIND PASS RD # 8** 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,

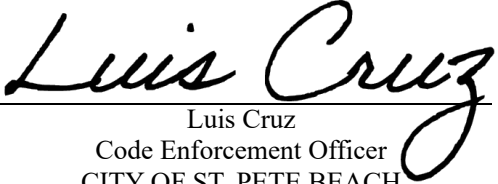
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 01/30/2024


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
COMMISSION CHAMBERS**

Agenda Report

Issue Considered: **Case No. 20230602**
 City of St. Pete Beach v. Ping Pong Partners LLC
 Address: 9555 Blind Pass Rd. St. Pete Beach FL
 33706

Date: February 12, 2024

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 built a dumpster enclosure without a permit.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Notice of Violation
 2. Evidence

3. Affidavit of Posting
4. Notice of Hearing



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

NOTICE OF VIOLATION

12/21/2023

PING PONG PARTNERS LLC
701 S HOWARD AVE STE 106-322
TAMPA, FL 33606-2473

RE: Case Number 20230602
Violation Address: 9555 BLIND PASS RD
Parcel ID#: 253115092340000010

Dear Property Owner:

You have a dumpster enclosure that was erected without a 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 1/11/2024**. 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

CE20230602

- Respondent(s): Ping Pong Partners LLC**
- Violation address: 9555 Blind Pass Rd.**
- Violation(s) description: The property is in violation of section 98-123.1 Permits required of the Code of Ordinances of the City of St. Pete Beach**

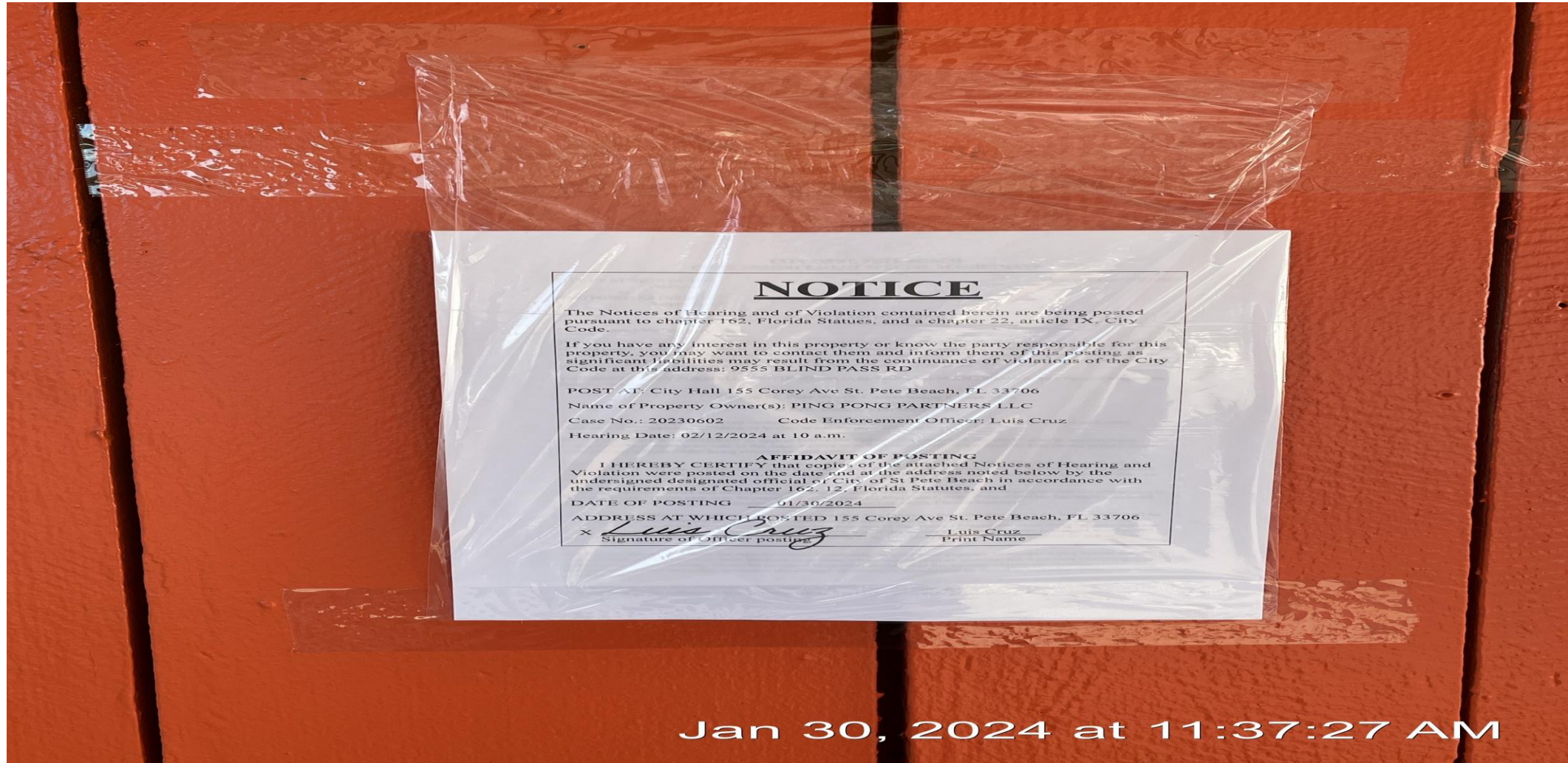
CE20230602

Case Summary

- Initial inspection: 10/17/2023**
- Notice of Violation dated: 12/21/2023**
- Notice of Violation compliance date: 1/11/2024**
- Notices of Hearing dated and posted on the property: 1/30/2024**

CE20230602

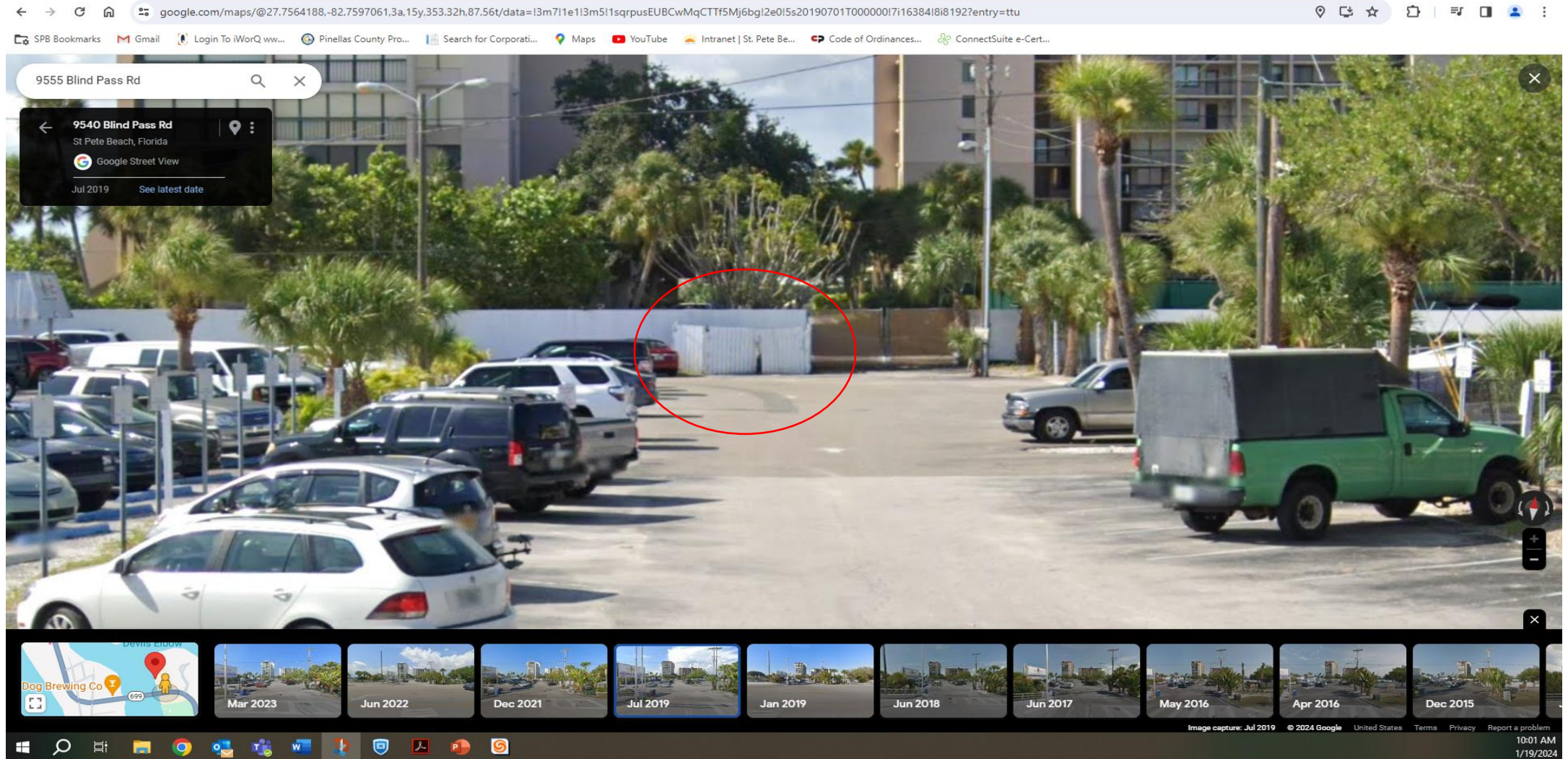
Affidavit of Posting



9555 Blind Pass Rd

CE20230602

Previous dumpster enclosure (2019)



9555 Blind Pass Rd

CE20230602

Unpermitted dumpster enclosure



9555 Blind Pass Rd

CE20230602

Unpermitted dumpster enclosure



9555 Blind Pass Rd

CE20230602

Unpermitted dumpster enclosure



9555 Blind Pass Rd

CE20230602

Stop-Work-Order posted

CITY OF ST PETE BEACH
BUILDING DIVISION

STOP WORK ORDER

YOU ARE ORDERED TO CEASE ALL WORK ON THESE PREMISES IN ACCORDANCE WITH SECTION 15 OF THE FLORIDA BUILDING CODE AND THE ORDINANCES OF THE CITY OF ST. PETE BEACH DUE TO THE FOLLOWING:

Can NOT open without final and dumpster enclosure erected without permit.

YOU MUST CONTACT THE BUILDING DIVISION AND APPLY FOR A BUILDING PERMIT WITHIN 48 HOURS FROM THE DATE OF THIS ORDER OR FURTHER CODE ENFORCEMENT ACTION WILL BE TAKEN.

Contact: Building Division
City Hall, 155 Corey Avenue, St. Pete Beach, FL 33706
Email: permits@stpetebeach.org Phone: 727-363-9241

DATE: 10/17/23 Posted By: Luis Cruz

DO NOT REMOVE UNDER PENALTY OF LAW

Rev 3/2023

Oct 17, 2023 at 2:55:30 PM

9555 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: 9555 BLIND PASS RD

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

Name of Property Owner(s): PING PONG PARTNERS LLC

Case No.: 20230602 Code Enforcement Officer: Luis Cruz

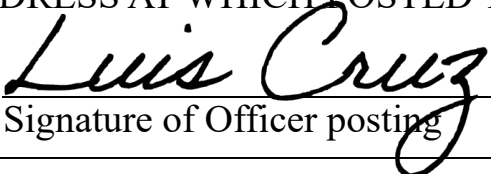
Hearing Date: 02/12/2024 at 10 a.m.

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 01/30/2024

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.
PING PONG PARTNERS LLC
Respondent(s)

Case Number: 20230602

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 **02/12/2024** 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 **9555 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,

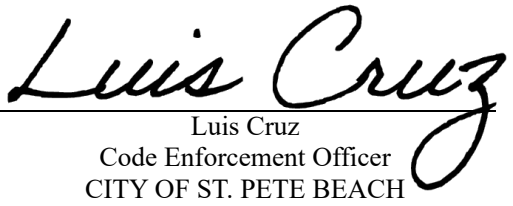
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 01/30/2024


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
COMMISSION CHAMBERS**

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: February 12, 2024

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 12/13/2023



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: CE20220744 and CE20220722

2. Date: January 29, 2024

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

Company (if applicable): Hill Ward Henderson

Name: Katherine E. Cole, Esq.

Mailing Address: 600 Cleveland St, Suite 800

City: Clearwater State: FL Zip Code: 33755

Phone #: 727-259-6791 Fax #: _____

Mobile #: _____ E-mail: Katie.Cole@hwhlaw.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): Plaza Beach Motel LLC

Name: _____

Mailing Address: 4506 Gulf Blvd

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

Phone #: _____ Fax #: _____

Mobile #: _____ E-mail: _____

5. Information for property on which lien occurs:

Street Address: 46th Avenue, St. Pete Beach

Parcel ID: 07-32-16-51660-000-0013; 06-32-16-00000-330-1300; and 06-32-16-65520-000-0030

Tax Account Number: R68783; R82360, R68126

Existing Use(s) on Property: Vacant

Date Fine or Lien Imposed: November 30, 2023 (through January 25, 2024 Date of Compliance)

Fine/Lien Amount: \$2,800 Administrative Fees: Total Fine/Lien Amount: \$2,800

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: January 25, 2024

The factual basis upon which the application for reduction of the lien should be granted:
Please see attached Letter of Notification of Compliance and Request for Lien
Reduction.

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

Please see attached Letter of Notification of Compliance and Request for Lien
Reduction.

Provide proof that the taxes are paid in full:

Please see attached current tax bill information for each of the three parcels, showing all taxes paid.

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]

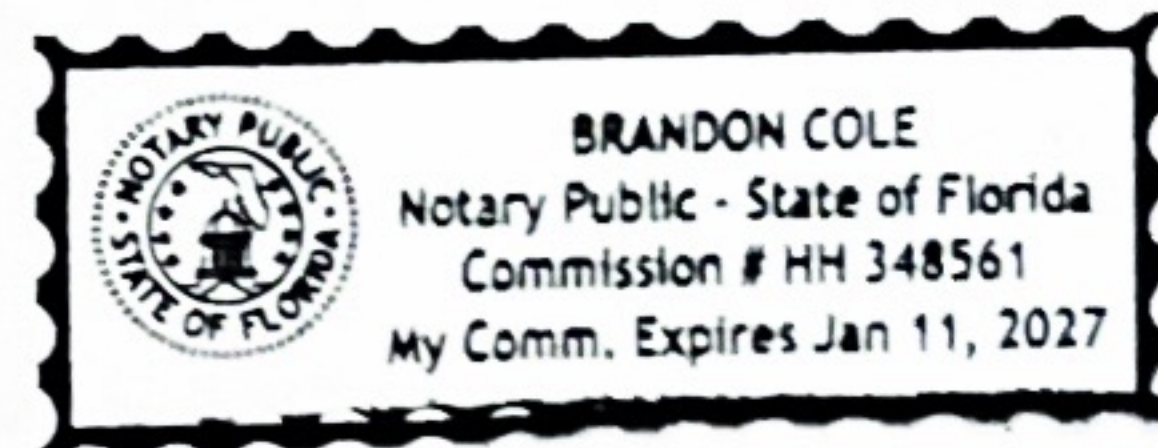
(APPLICANT SIGNATURE)

Robert Cyszczen

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☐ OR Produced Identification ☒

Type of I.D. Produced FI DL



(NOTARY PUBLIC SIGNATURE) [Signature]

STATE OF FLORIDA, COUNTY OF PINELLAS

Sworn and subscribed to before me this 31 day JAN of, 2024

CITY MANAGER/DESIGNEE RECOMMENDATION

All Code Enforcement lien reductions and bad debts will require a recommendation approval by the City Manager/Designee to the Special Magistrate.

Recommended amount to the Special Magistrate: _____

Print Name _____

Date _____

Signature _____

**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.**

_____/

ORDERING IMPOSING FINES AND COSTS

This case came before the Special Magistrate on December 13, 2023, to receive a status report on the Order entered on November 16, 2023, and to decide on the imposition of fines and administrative costs. 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 Supervisor Peyt Dewar.
2. Respondent was represented by Robert Czyszczonek, 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. Code Enforcement Supervisor Dewar testified that the parking violations are not at issue, and the property owner has complied regarding the parking violation. The outstanding violation is the erection of a 6-foot fence without the proper permit. Mr. Dewar testified that the permit is under courtesy review as a new survey was submitted, but as he understands it, the survey is illegible, the fence height exceeds that permitted under the code, and he requests that the fence be removed.
6. Ms. Cole submitted evidence that the permit had been resubmitted on November 30, 2023, and acquiesced that there was confusion on the deadline for submittal versus deadline for securing permit on behalf of the applicant. She stated that even so, based on the review timeframe received from the City in response to the application, the permit would not have been able to be secured by the deadline given in the order. Ms. Cole clarified that the survey that was resubmitted is the same survey as previously submitted but with updated annotations. Ms. Cole also stated that based on representations by Mr. Dewar that the 6-foot fence is not otherwise permitted, though that was not a comment received on the last set of comments from the City, the Respondent may need to apply for a variance to secure the permit.

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

7. Respondent failed to comply with the terms of the Magistrate's Order dated November 16, 2023, as the fence permit had not been secured by Respondent by November 30, 2023. The property remains in violation insofar as the fence erected on the property is not properly permitted.
8. Respondent shall be assessed a fine of **\$50 per day**, imposed beginning **November 30, 2023**, and will continue until Respondent brings the property into full compliance with applicable City Codes, as well as the reasonable administrative costs of the City.
9. It is Respondent's responsibility to notify the City once the property is in compliance.
10. 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.
11. 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 this Order.

Order entered on December 13, 2023.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was emailed to counsel for Respondent, Katie Cole, Esq., at katie.cole@hwhlaw.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.

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

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: February 12, 2024

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 12/13/2023

January 31, 2024

Mr. Peyt Dewar
Code Enforcement Supervisor
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

Re: Notification of Compliance and Request for Lien Reduction Pursuant to City of St. Pete Beach Code of Ordinances §22-283

Dear Mr. Dewar:

Hill Ward Henderson represents Plaza Beach Motel LLC (the "Respondent") in Code Enforcement Cases CE20220744 and CE20220722. The code enforcement cases concern the contiguous parcels located at the corner of 46th Avenue and Gulf Boulevard (the "Property"). The parcel identification numbers for the Property are 07-32-16-51660-000-0013; 06-32-16-00000-330-1300; and 06-32-16-65520-000-0030.

We are writing to notify the City of St. Pete Beach (the "City") that Respondent has achieved compliance through the issuance of Building Permit #2301655 on January 25, 2024. Accordingly, Respondent now requests a lien reduction pursuant to City of St. Pete Beach Code of Ordinances §22-283.

Request for Lien Reduction

According to City of St. Pete Beach Code of Ordinances §22-283(a), the City may allow a reduction of lien if the following criteria are satisfied:

(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;

There are no outstanding ad valorem property taxes, special assessments, county and city utility charges or other government or city-imposed liens against the Property. In fact, Respondent has already satisfied their ad valorem tax obligation for 2023.

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

Respondent is not personally indebted to the City for any reason.

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

Respondent received an official approval from the City on January 25, 2024.

Accordingly, Respondent is entitled to a reduction as Respondent has satisfied all three of the above criteria. In addition to the above-noted criteria and in the interest of substantial justice, Respondent requests a lien reduction to account for City staff review, miscommunication, and related circumstances over which Respondent had no control.

Following initial submission on August 16, 2023, Respondent received comments from Kristin Coman only 8 days later on August 24, 2023. The comments correctly noted missing information on the plans. However, the comments included design parameters to be reflected on the plans that were not applicable to the Property. Specifically, the comments noted a maximum height of 4' within a 20' setback. This comment stems from the requirements of Land Development Code §6.15. However, §6.15 does not apply to this property. Rather, the Property is located in the "activity center" ("AC") zoning district. Per §38.13, the design requirements for AC zoning districts are described in Division 39. Thus, the applicable standards for fencing on AC properties is described in §39.14(b). The proposal for an 8' chain link fence along the property line was permitted.

Unfortunately, the City only transmitted its comments and required resubmittal to the contractor who did not communicate the lack of approval to Respondent. Therefore, Respondent believed they had obtained the permit in late August and only learned of their ongoing noncompliance in October. This communication mishap resulted on a loss of valuable time, but has since been corrected by the inclusion of Respondent's counsel in notifications sent by City Staff.

On November 8, 2023, Respondent submitted a revised plan and received comments only 6 days later, on November 14, 2023. Those comments once again incorrectly asserted the reference to standards in §6.15 just as referenced in the prior comments. As noted above, the appropriate standards are found in §39.14(b). Just as before, Respondent should not have received that comment and could have completed the approval process.

Respondent resubmitted an additional revision on November 30, but never received comments. Without comments to direct, Respondent began accruing a lien with no opportunity to correct the submittal. Shortly thereafter, Hill Ward Henderson contacted the City to request feedback. On December 19, 2023, Associate Attorney Matthew Kelly discussed City comments with Kristin Coman and Brandon Berry and learned that the materials were not legible as uploaded. Respondent then resubmitted the appropriate plans and survey in a legible format for review on December 20, 2023. The first record of the legibility comment was recorded on December 22, 2023. Respondent received zoning approval of the proposed plans 14 days later on January 2, 2024.

Following zoning approval, the building department reviewed the plans and approved the plans 17 days later on January 19, 2024. Five days after the building department approval, Fire Marshall Kelly Intzes left a comment as part of the fire department review requesting a revision to the plans as required for issuance of a conditional use permit. However, there were no plans to seek a conditional use permit by the time this application was submitted. The next day, January 25, 2024, Associate Attorney Matthew Kelly discussed the comment with Fire Marshall Intzes and submitted an official response to comments. Later that afternoon, Fire Marshall Intzes approved the permit. Thus, Building Permit #2301655 was applied for on November 30, 2023 and officially approved 56 days later on January 25, 2024.

Conclusion

In conclusion, Respondent respectfully requests a lien reduction in accordance with the criteria set out in City Code §22-283. Respondent initially submitted a fence plan on August 16, 2023. Had the City applied the correct standards following the August 16 submittal and specified the need for a legible survey, Respondent could have resolved the case prior to the November 30 deadline for compliance. Moreover, once the lien began to run on November 30, 2023, the City took nearly 3 weeks to review the resubmittal. Within 24 hours after receiving the comments as to legibility on December 19, Respondent provided sufficiently legible and descriptive plans that reflected the proper code standards in §39.14(b). Two weeks later, the plans were approved by the building department but still required fire department approval. Three weeks later,. Between November 30, 2023 and January 25, 2024, Respondent accrued a lien accounting for 56 days of noncompliance even though all approved materials were in review by the City for a majority of that time. In the interest of substantial justice, Respondent respectfully requests a complete reduction of the lien.

Sincerely,

HILL WARD HENDERSON

/s/ Katherine E. Cole

Katherine E. Cole, Esq.

KEC:kec



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: CE20220744 and CE20220722

2. Date: January 29, 2024

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

Company (if applicable): Hill Ward Henderson

Name: Katherine E. Cole, Esq.

Mailing Address: 600 Cleveland St, Suite 800

City: Clearwater State: FL Zip Code: 33755

Phone #: 727-259-6791 Fax #: _____

Mobile #: _____ E-mail: Katie.Cole@hwhlaw.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): Plaza Beach Motel LLC

Name: _____

Mailing Address: 4506 Gulf Blvd

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

Phone #: _____ Fax #: _____

Mobile #: _____ E-mail: _____

5. Information for property on which lien occurs:

Street Address: 46th Avenue, St. Pete Beach

Parcel ID: 07-32-16-51660-000-0013; 06-32-16-00000-330-1300; and 06-32-16-65520-000-0030

Tax Account Number: R68783; R82360, R68126

Existing Use(s) on Property: Vacant

Date Fine or Lien Imposed: November 30, 2023 (through January 25, 2024 Date of Compliance)

Fine/Lien Amount: \$2,800 Administrative Fees: Total Fine/Lien Amount: \$2,800

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: January 25, 2024

The factual basis upon which the application for reduction of the lien should be granted:
Please see attached Letter of Notification of Compliance and Request for Lien
Reduction.

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

Please see attached Letter of Notification of Compliance and Request for Lien
Reduction.

Provide proof that the taxes are paid in full:

Please see attached current tax bill information for each of the three parcels, showing all taxes paid.

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]

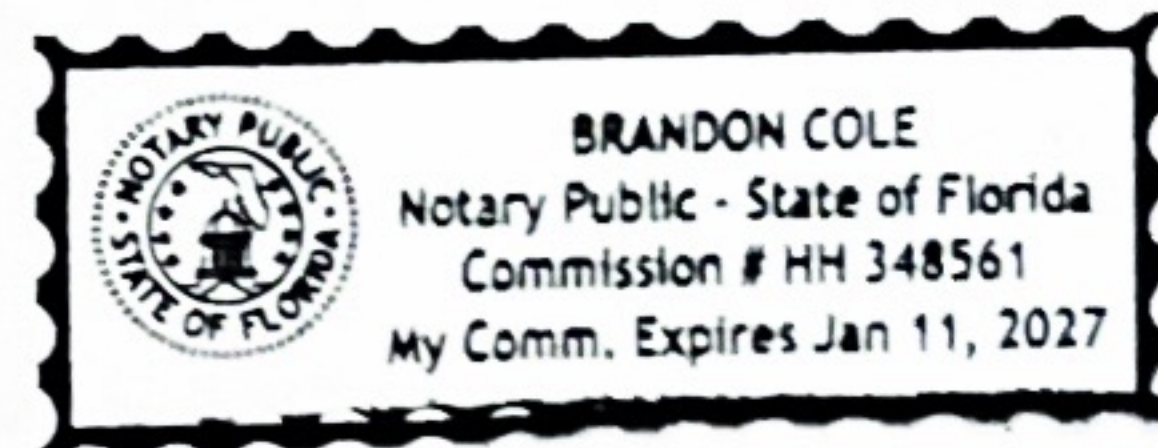
(APPLICANT SIGNATURE)

Robert Cyszczen

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☐ OR Produced Identification ☒

Type of I.D. Produced FI DL



(NOTARY PUBLIC SIGNATURE) [Signature]

STATE OF FLORIDA, COUNTY OF PINELLAS

Sworn and subscribed to before me this 31 day JAN of, 2024

CITY MANAGER/DESIGNEE RECOMMENDATION

All Code Enforcement lien reductions and bad debts will require a recommendation approval by the City Manager/Designee to the Special Magistrate.

Recommended amount to the Special Magistrate: _____

Print Name _____

Date _____

Signature _____



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

CITY OF ST. PETE BEACH BUILDING PERMIT PLACARD

Permit Number: 2301655**Date Issued:** 01/25/2024

Contractor:
SMITH FENCE COMPANY (BLDG)
4699 110TH AVE N
727-573-5440

Homeowner
Name: PLAZA BEACH MOTEL LLC
Address: 46TH AVE
Phone: 7276569345

Description/Scope of Work:
725LF of 8' Gal Chain Link Fence. NO Windscreen to be installed.

Type of Inspection	Date	Inspector	Comments/Corrections
Footing/Pads			
Foundation			
Slab			
Lintels / Tie Beams			
Fill Cell			
Wall Sheathing			
Roof Sheathing			
Roof Dry-In			
Roof In-Progress			
Framing			
Insulation			
Drywall			
Underground Plumbing			
Rough Plumbing			
Tub Set / Shower Pan			
Sewer Service			
Water Service			
Underground Electric			
Rough Electric			
Mechanical Duct			
Rough Mechanical			
Gas Piping			
Final Electrical			
Final Plumbing			
Final Mechanical			
Final Building			
Final Fire Dept.			
Final Gas			
Final Pool			

***THIS PLACARD MUST BE POSTED SO IT CAN BE SEEN FROM THE ROAD. IT MUST BE PROTECTED FROM THE WEATHER.
PLEASE GO TO STPETEBEACH.ORG ONLINE PERMITTING TO SCHEDULE YOUR INSPECTIONS***

PERMIT SHALL BE VOID IF WORK IS NOT COMMENCED WITHIN 6 MONTHS FROM THE DATE OF ISSUE OR IF WORK IS SUSPENDED OR ABANDONED FOR 90 DAYS PER CITY CODE OF ORDINANCES CH. 98, SEC. 104.5.1. FAILURE TO OBTAIN AN APPROVED INSPECTION WITHIN 90 DAYS OF THE PREVIOUS APPROVED INSPECTION SHALL CONSTITUTE SUSPENSION OR ABANDONMENT.

FAILURE TO RECORD NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

City of St Pete Beach

Asbestos Notification Statement

Attention Building and Structure Owners and Contractors

By signing the "Application and Permit for Construction", you certify that you have complied, or will comply with all Federal State and County laws and regulations pertaining to asbestos. You further understand that any violations of these requirements can result in monetary penalties for failing to comply with asbestos rules may include criminal prosecution under federal law and contractor license forfeiture/suspension under State law.

Asbestos regulations require asbestos to be identified prior to beginning any demolition or renovation activities. A State licensed asbestos consultant must perform the survey. If asbestos is identified in the survey, and it is predicted that asbestos will be disturbed in any way, a State licensed asbestos contractor must remove it first. Additionally, for non-exempt buildings and structures written notification must be mailed or delivered to the Pinellas County Air Quality Division ten working days prior to facility load supporting members either being moved or removed (demolitions) and prior to asbestos removal projects.

Licensing Exemption:

Note: the following exemption exclusively applies to the owner of a single-family residence, and not to any contractor or other hired individuals.

You, as the owner and occupier of a single-family residence, not for sale or lease, may undertake the moving, removal or disposal of asbestos-containing materials on your own residential building. To qualify for the licensing exemption, (subject to the limitation provide below) an owner must personally appear and sign the building permit application.

State law requires asbestos removal to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos removal contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations, which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

The statements included on this page are considered part of the:

City of St Pete Beach, Building Services Division
Application and Permit for Construction

For additional information about asbestos:

<http://www.pinellascounty.org/environment/airquality/default.htm>.

Pinellas County, Environmental Management
509 East Ave., S., Ste. 138
Clearwater, FL 33756
Phone: 464-4422

**Real Estate Account #R68783**

PLAZA BEACH MOTEL LLC

46TH AVE
ST PETE BEACH

Property Appraiser



Get bills by email

Amount Due

Your account is **paid in full**. There is nothing due at this time.
Your last payment was made on **11/27/2023** for **\$9,921.11**.

 [Apply for the 2024 installment payment plan](#)

Account History

BILL	AMOUNT DUE
2023 Annual Bill ⓘ	\$0.00  Print (PDF)
2022 Annual Bill ⓘ	\$0.00  Print (PDF)
2021 Annual Bill ⓘ	\$0.00  Print (PDF)
2020 Annual Bill ⓘ	\$0.00  Print (PDF)
2019 Annual Bill ⓘ	\$0.00  Print (PDF)
2018 Annual Bill ⓘ	\$0.00  Print (PDF)
2017 Annual Bill ⓘ	\$0.00  Print (PDF)
2016 Annual Bill ⓘ	\$0.00  Print (PDF)
2015 Annual Bill ⓘ	\$0.00  Print (PDF)
2014 Annual Bill ⓘ	\$0.00  Print (PDF)
2013 Annual Bill ⓘ	\$0.00  Print (PDF)
Total Amount Due	\$0.00

BILL	AMOUNT DUE
2012 Annual Bill ⓘ	\$0.00  Print (PDF)
2011 Annual Bill ⓘ	\$0.00  Print (PDF)
2010 Annual Bill ⓘ	\$0.00  Print (PDF)
2009 Annual Bill ⓘ	\$0.00  Print (PDF)
2008 Annual Bill ⓘ	\$0.00  Print (PDF)
2007 Annual Bill ⓘ	\$0.00  Print (PDF)
2006 Annual Bill ⓘ	\$0.00  Print (PDF)
2005 Annual Bill ⓘ	\$0.00  Print (PDF)
2004 Annual Bill ⓘ	\$0.00  Print (PDF)
2003 Annual Bill ⓘ	\$0.00  Print (PDF)
2002 Annual Bill ⓘ	\$0.00  Print (PDF)
2001 Annual Bill ⓘ	\$0.00  Print (PDF)
2000 Annual Bill ⓘ	\$0.00  Print (PDF)
1999 Annual Bill ⓘ	\$0.00  Print (PDF)
Total Amount Due	\$0.00

[Search](#) > Account Summary

Real Estate Account #R82360

Owner:
PLAZA BEACH MOTEL LLC

Situs:
GULF BLVD
ST PETE BEACH

[Parcel details](#)
[Property Appraiser](#)



[Get bills by email](#)

Amount Due

Your account is **paid in full**. There is nothing due at this time.
Your last payment was made on **11/27/2023** for **\$16,495.33**.

[Apply for the 2024 installment payment plan](#)

Account History

BILL	AMOUNT DUE
2023 Annual Bill ⓘ	\$0.00
	Print (PDF)
2022 Annual Bill ⓘ	\$0.00
	Print (PDF)
2021 Annual Bill ⓘ	\$0.00
	Print (PDF)
2020 Annual Bill ⓘ	\$0.00
	Print (PDF)
2019 Annual Bill ⓘ	\$0.00
	Print (PDF)
2018 Annual Bill ⓘ	\$0.00
	Print (PDF)
2017 Annual Bill ⓘ	\$0.00
	Print (PDF)
2016 Annual Bill ⓘ	\$0.00
	Print (PDF)
2015 Annual Bill ⓘ	\$0.00
	Print (PDF)
2014 Annual Bill ⓘ	\$0.00
	Print (PDF)
2013 Annual Bill ⓘ	\$0.00
	Print (PDF)
Total Amount Due	\$0.00

BILL	AMOUNT DUE
2012 Annual Bill ⓘ	\$0.00  Print (PDF)
2011 Annual Bill ⓘ	\$0.00  Print (PDF)
2010 Annual Bill ⓘ	\$0.00  Print (PDF)
2009 Annual Bill ⓘ	\$0.00  Print (PDF)
2008 Annual Bill ⓘ	\$0.00  Print (PDF)
2007 Annual Bill ⓘ	\$0.00  Print (PDF)
2006 Annual Bill ⓘ	\$0.00  Print (PDF)
2005 Annual Bill ⓘ	\$0.00  Print (PDF)
2004 Annual Bill ⓘ	\$0.00  Print (PDF)
2003 Annual Bill ⓘ	\$0.00  Print (PDF)
2002 Annual Bill ⓘ	\$0.00  Print (PDF)
2001 Annual Bill ⓘ	\$0.00  Print (PDF)
2000 Annual Bill ⓘ	\$0.00  Print (PDF)
1999 Annual Bill ⓘ	\$0.00  Print (PDF)
Total Amount Due	\$0.00

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[Search](#) > Account Summary

Real Estate Account #R68126

Owner:
PLAZA BEACH MOTEL LLC

Situs:
46TH AVE
ST PETE BEACH

[Parcel details](#)
[Property Appraiser](#)



[Get bills by email](#)

Amount Due

Your account is **paid in full**. There is nothing due at this time.
Your last payment was made on **11/27/2023** for **\$2,542.61**.

[Apply for the 2024 installment payment plan](#)

Account History

BILL	AMOUNT DUE
2023 Annual Bill ⓘ	\$0.00
	Print (PDF)
2022 Annual Bill ⓘ	\$0.00
	Print (PDF)
2021 Annual Bill ⓘ	\$0.00
	Print (PDF)
2020 Annual Bill ⓘ	\$0.00
	Print (PDF)
2019 Annual Bill ⓘ	\$0.00
	Print (PDF)
2018 Annual Bill ⓘ	\$0.00
	Print (PDF)
2017 Annual Bill ⓘ	\$0.00
	Print (PDF)
2016 Annual Bill ⓘ	\$0.00
	Print (PDF)
2015 Annual Bill ⓘ	\$0.00
	Print (PDF)
2014 Annual Bill ⓘ	\$0.00
	Print (PDF)
2013 Annual Bill ⓘ	\$0.00
	Print (PDF)
Total Amount Due	\$0.00

BILL	AMOUNT DUE
2012 Annual Bill ⓘ	\$0.00  Print (PDF)
2011 Annual Bill ⓘ	\$0.00  Print (PDF)
2010 Annual Bill ⓘ	\$0.00  Print (PDF)
2009 Annual Bill ⓘ	\$0.00  Print (PDF)
2008 Annual Bill ⓘ	\$0.00  Print (PDF)
2007 Annual Bill ⓘ	\$0.00  Print (PDF)
2006 Annual Bill ⓘ	\$0.00  Print (PDF)
2005 Annual Bill ⓘ	\$0.00  Print (PDF)
2004 Annual Bill ⓘ	\$0.00  Print (PDF)
2003 Annual Bill ⓘ	\$0.00  Print (PDF)
2002 Annual Bill ⓘ	\$0.00  Print (PDF)
2001 Annual Bill ⓘ	\$0.00  Print (PDF)
2000 Annual Bill ⓘ	\$0.00  Print (PDF)
1999 Annual Bill ⓘ	\$0.00  Print (PDF)
Total Amount Due	\$0.00

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**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.**

_____/

ORDERING IMPOSING FINES AND COSTS

This case came before the Special Magistrate on December 13, 2023, to receive a status report on the Order entered on November 16, 2023, and to decide on the imposition of fines and administrative costs. After hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

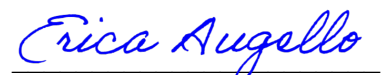
1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Supervisor Peyt Dewar.
2. Respondent was represented by Robert Czyszczonek, CEO/President and General Manager of the Plaza Beach Motel, LLC, and by Katie Cole of the Hill Ward Henderson Law Firm as the LLC's 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. Code Enforcement Supervisor Dewar testified that the parking violations are not at issue, and the property owner has complied regarding the parking violation. The outstanding violation is the erection of a 6-foot fence without the proper permit. Mr. Dewar testified that the permit is under courtesy review as a new survey was submitted, but as he understands it, the survey is illegible, the fence height exceeds that permitted under the code, and he requests that the fence be removed.
6. Ms. Cole submitted evidence that the permit had been resubmitted on November 30, 2023, and acquiesced that there was confusion on the deadline for submittal versus deadline for securing permit on behalf of the applicant. She stated that even so, based on the review timeframe received from the City in response to the application, the permit would not have been able to be secured by the deadline given in the order. Ms. Cole clarified that the survey that was resubmitted is the same survey as previously submitted but with updated annotations. Ms. Cole also stated that based on representations by Mr. Dewar that the 6-foot fence is not otherwise permitted, though that was not a comment received on the last set of comments from the City, the Respondent may need to apply for a variance to secure the permit.

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

7. Respondent failed to comply with the terms of the Magistrate's Order dated November 16, 2023, as the fence permit had not been secured by Respondent by November 30, 2023. The property remains in violation insofar as the fence erected on the property is not properly permitted.
8. Respondent shall be assessed a fine of **\$50 per day**, imposed beginning **November 30, 2023**, and will continue until Respondent brings the property into full compliance with applicable City Codes, as well as the reasonable administrative costs of the City.
9. It is Respondent's responsibility to notify the City once the property is in compliance.
10. 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.
11. 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 this Order.

Order entered on December 13, 2023.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was emailed to counsel for Respondent, Katie Cole, Esq., at katie.cole@hwhlaw.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.