



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, September 9, 2024
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath

2. Cases Continued -

A. Case No. 20240011

City of St. Pete Beach v. Colonnades Apt Condo Assn

Address: Sunset Way St. Pete Beach FL 33706 Parcel # 36-31-15-17525-000-0001

Status hearing on a 30-day extension to secure an after-the-fact permit for the fence.

B. Case No. 20240287

City of St. Pete Beach v. Thomas M. Cuddihy REV Trust & Thomas M. Cuddihy TRE

Address: 7801 Boca Ciega Dr. # 5 St. Pete Beach FL 33706

Status hearing on a 30-day extension to secure an after-the-fact permit for the structure.

C. Case No. 20240172

City of St. Pete Beach v. NXT Aquisitions Corp

Address: 369 41st Ave. St. Pete Beach FL 33706

Status hearing on the 30-day extension to secure necessary permits for the work being done on the property.

D. Case No. 20240368

City of St. Pete Beach v. 3511 Gulf Blvd LLC

Address: 3511 Gulf Blvd. St. Pete Beach FL 33706

Status hearing on the 28-day extension to cut the grass/weeds, remove palm fronds and silt fence.

E. Case No. 20240157

City of St. Pete Beach v. 1008 Airport Rd LLC

Address: 8010 Blind Pass Rd. St. Pete Beach FL 33706

Status hearing on a 28-day extension to bring the property into compliance.

F. Case No. 20240265

City of St. Pete Beach v. Barbara A McMahon EST

Address: 500 79th Ave. St. Pete Beach FL 33706

Status hearing on a 28-day extension to bring the property into compliance.

G. Case No. 20240281

City of St. Pete Beach v. Richard Allen Long Revocable Trust & Richard Allen Long TRE

Address: 6800 Gulf Blvd. St. Pete Beach FL 33706

Status hearing on a 28-day extension to bring the property into compliance.

H. Case No. 20240150

City of St. Pete Beach v. Russell W Zimmerman

Address: 327 72nd Ave. St. Pete Beach FL 33706

Status hearing on a 28-day extension to bring the property into compliance.

I. Case No. 20240381

City of St. Pete Beach v. Jason Gabay & Janelle Gabay

Address: 6 Mangrove PT. 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 floodplain administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

3. Repeat Violations -

4. New Cases

A. Case No. 20240429

City of St. Pete Beach v. Cast Holdings LLC

Address: 3612 Gulf Blvd. St. Pete Beach FL 33706

Sec. 12.2. - Permitted principal uses and structures

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

(a) Residential dwellings—Attached and detached single-family, multifamily and two-family. Such dwellings may be used for transient occupancy, so long as any transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.

B. Case No. 20240358

City of St. Pete Beach v. Babette W Simon

Address: 305 Gulf Way St. Pete Beach FL 33706

Sec. 44.5. - Standards for existing beachfront lighting.

By July 1, 2008; all light sources or reflective surfaces illuminated by such sources that are visible from the beach shall be brought into compliance with the following standards:

(a) Existing artificial light fixtures shall be repositioned, modified, or removed so that:

(1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

(2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.

(b) The following measures shall be taken to reduce or eliminate the negative effects of

existing exterior artificial lighting:

- (1) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
 - (2) Replace fixtures having an exposed light source with fixtures containing recessed light sources or external shields;
 - (3) Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with yellow Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources;
 - (4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - (5) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (7) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low-pressure sodium vapor lighting, yellow Bug Type Bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources possible for the specific application;
 - (8) Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
 - (9) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;
 - (10) Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.
- (c) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
- (1) Apply window tint or film that meets the standards for tinted glass;
 - (2) Rearrange lamps and other moveable fixtures away from windows;
 - (3) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach;
- or
- (4) Turn off unnecessary lights.

C. Case No. 20240430

City of St. Pete Beach v. Christopher Smith & Briana S. Smith

Address: 7700 Boca Ciega Dr. St. Pete Beach FL 33706

Sec. 32.5. - Prohibited uses and structures.

All uses and structures not of a nature specifically or conditionally permitted herein are hereby prohibited in the CC1 Commercial Corridor Blind Pass Road District.

D. Case No. 20240475

City of St. Pete Beach v. Bayside Shops LLC

Address: 5501 Gulf Blvd. St. Pete Beach FL 33706

Sec. 38.5. - Prohibited uses and structures

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the AC Activity Center District.

E. Case No. 20240409

City of St. Pete Beach v. Alberto Espinoza

Address: 5960 Bahama Way N. St. Pete Beach FL 33706

Sec. 6.23. - Docks.

It is the intent of the city, together with the Pinellas County Water and Navigation Control Authority, to regulate the construction of residential and commercial dock facilities in order to minimize the adverse impacts of such activities upon the natural resources of the City of St. Pete Beach, Pinellas County and the State of Florida.

(g) Disrepair or dilapidated docks. If any dock falls into a state of disrepair and becomes a dangerous structure, creating risks to the safety and well-being of the community or individual members thereof, the entire structure shall either be removed or repaired so as to conform to the requirements of this section.

Sec. 98-65. - Unsightly conditions.

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

- (1) Structures that are:
 - a. Partially destroyed; or
 - b. Left in a state of disrepair

F. Case No.20240391

City of St. Pete Beach v. Diana Street Properties LLC

Address: 3614 Gulf Blvd 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.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

Sec. 98-66 - Residential and Commercial Property Maintenance

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

(b) Standards for improved property.

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

5. Cases Complied -

6. Old Cases

7. Lien Reductions

A. Case No. 20220487

City of St. Pete Beach v. Damce Limbevski, Linda Limbevski, & Koste Limbevski

Address: 7100 Bay St. St. Pete Beach FL 33706

Lien Reduction Request

8. Next Meeting:

9. 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. 20240011**
 City of St. Pete Beach v. Colonnades Apt Condo
 Assn
 Address: Sunset Way St. Pete Beach FL 33706
 Parcel # 36-31-15-17525-000-0001

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing on a 30-day extension to secure an after-the-fact permit for the fence.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 7/8/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240011

ADDRESS: Parcel No. 36-31-15-17525-000-0001

**COLONNADES APT CONDO
ASS'N,**

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

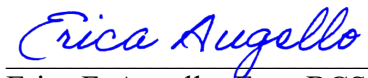
This case came before the Special Magistrate on July 8, 2024, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Respondent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that it was in violation of Section 123.1 for failing to secure a permit prior to the erection of a wooden fence on common property.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating the erection of a new wooden fence.
6. Ann Allan, a property owner of one of the units in the association, testified that the fence had been erected around a few of the properties' patios, wherein two units have new owners and one has an owner that would know about the erection of the fences and was part of the movement to replace the fence.

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

7. Respondent is found to be in violation of Section 98-123.1 for failing to secure a permit prior to erecting the fence.
8. Respondent shall have **thirty (30) days** from the date of this Order, or by **Wednesday, August 7, 2024**, to secure an after-the-fact permit for the fence.
9. A hearing is set for **September 9, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fines and costs.
10. No decision on fines and administrative costs is being made as a 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 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 July 8, 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at Lamont Management, Inc., 250 104th Ave., Treasure Island, Florida 33706-4846.

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 thirty (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. 20240287**
 City of St. Pete Beach v. Thomas M. Cuddihy
 REV Trust & Thomas M. Cuddihy TRE
 Address: 7801 Boca Ciega Dr. # 5 St. Pete Beach
 FL 33706

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing on a 30-day extension to secure an after-the-fact permit for the structure.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 7/8/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240287

ADDRESS: 7801 Boca Ceiga Dr., #5

**THOMAS M. CUDDIHY REV TRUST
and THOMAS M. CUDDIHY TRE,**

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

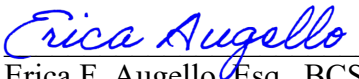
This case came before the Special Magistrate on July 8, 2024, and after hearing testimony and receiving evidence, the Special Magistrate makes the following findings of fact and issues the following order:

1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Luis Cruz.
2. Mr. Thomas M. Cuddihy appeared on behalf of Respondent. Mr. Cuddihy possessed the requisite authority to represent 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 123.1 for failing to secure a permit prior to the erection of a tiki hut in the rear of the property.
5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating the erection of the tiki hut.
6. Respondent testified his contractor represented that a permit was unnecessary as it was being erected by a member of the Seminole Indian Tribe, however, he understands that does not exempt him from permitting. He has already applied for a permit for the tiki hut.

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

7. Respondent is found to be in violation of Section 98-123.1 for failing to secure a permit prior to erecting a tiki hut structure on the property.
8. Respondent shall have **thirty (30) days** from the date of this Order, or by **Wednesday, August 7, 2024**, to secure an after-the-fact permit for the structure.
9. A hearing is set for **September 9, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fines and costs.
10. No decision on fines and administrative costs is being made as a 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 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 July 8, 2024.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 7801 Boca Ciega Dr., Apt. #5, St. Pete Beach, Florida 33706-1848.

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 thirty (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. 20240172**
 City of St. Pete Beach v. NXT Aquisitions Corp
 Address: 369 41st Ave. St. Pete Beach FL 33706

Date: September 9, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: Status hearing on the 30-day extension to secure necessary permits for the work being done on the property.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 7/8/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240172

ADDRESS: 369 41st Ave.

NSX ACQUISITIONS CORP.,

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

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

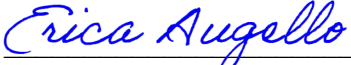
1. The City was represented by Assistant City Attorney Matthew R. McConnell and Code Enforcement Officer Steven Rivera.
2. Respondent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that it was in violation of Section 123.1 for failing to secure a permit prior to conducting renovations involving electrical, plumbing, drywall, pool repairs, rear slider door, and soffits.
5. Code Enforcement Officer Rivera submitted photographic evidence demonstrating the removal of soffits and installation of new electrical wiring, a new electrical panel being installed, removal and replacement of drywall, multiple concrete bags, the removal and replacement of an outdoor slider door, and other work being done without a permit.

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

6. Respondent is found to be in violation of Section 98-123.1 for failing to secure a permit prior to performing work on the property as described.

7. Respondent shall have **thirty (30) days** from the date of this Order, or by **Wednesday, August 7, 2024**, to secure the necessary permits for the work being conducted in the field.
8. A hearing is set for **September 9, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fines and costs.
9. No decision on fines and administrative costs is being made as a 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 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 July 8, 2024.


Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 153 E Flagler St., Unit 1670, Miami, Florida 33131-1101 on July 8, 2024.

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 thirty (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. 20240368**
 City of St. Pete Beach v. 3511 Gulf Blvd LLC
 Address: 3511 Gulf Blvd. St. Pete Beach FL
 33706

Date: September 9, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: Status hearing on the 28-day extension to cut the
 grass/weeds, remove palm fronds and silt fence.

Funding: NA

Requested Motion: NA

Attachments: 1. Special Magistrate Order 8/13/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240368

ADDRESS: 3511 Gulf Blvd.

3511 GULF BLVD., LLC.,

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on August 12, 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 Steven Rivera.
2. Respondent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that it was in violation of Sections 46-33, 98-65, and 98-66 of the City's Code of Ordinances for maintaining overgrown vegetation including palm fronds and a silt fence that remains in disrepair.
5. Code Enforcement Officer Rivera submitted photographic evidence demonstrating overgrown grass, piles of palm fronds requiring disposal, and a dilapidated silt fence on the lot.

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

6. Respondent is found to be in violation of the stated code sections and shall have **twenty-eight (28) days** from the date of the hearing, or by **Monday, September 9, 2024**, to bring the property into compliance.

7. A hearing is set for **September 9, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fines and costs.
8. No decision on fines and administrative costs is being made as a 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.
9. It is Respondent's responsibility to notify the City once the property is in compliance.
10. Should Respondent be found 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 August 13, 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 2103 Bayshore Blvd., Unit 906, Tampa, FL 33606-3257 on August 13, 2024.

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 thirty (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. 20240157
City of St. Pete Beach v. 1008 Airport Rd LLC
Address: 8010 Blind Pass Rd. St. Pete Beach FL
33706**

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: Status hearing on a 28-day extension to bring the
 property into compliance.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 8/13/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

**CASE NO.: CE20240157
ADDRESS: 8010 Blind Pass Rd.**

1008 AIRPORT RD, LLC.,

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on August 12, 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 Steven Rivera.
2. Respondent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that it was in violation of Sections 6.12, 46-33, 98-65, and 98-66 of the City's Code of Ordinances for allowing unshielded dumpsters on the property as well as the impermissible outside storage of paint and debris, and other items.
5. Code Enforcement Officer Rivera submitted photographic evidence demonstrating a dumpster on the property without the required enclosure, as well as paint cans, and other debris and equipment stored outside within public view.

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

6. Respondent is found to be in violation of the stated code sections and shall have **twenty-eight (28) days** from the date of the hearing, or by **Monday, September 9, 2024**, to bring the property into compliance.

7. A hearing is set for **September 9, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fines and costs.
8. No decision on fines and administrative costs is being made as a 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.
9. It is Respondent's responsibility to notify the City once the property is in compliance.
10. Should Respondent be found 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 August 13, 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 1008 Airport Rd., Ste. F, Destin, FL 32541-2822 on August 13, 2024.

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 thirty (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. 20240265**
 City of St. Pete Beach v. Barbara A McMahon
 EST
 Address: 500 79th Ave. St. Pete Beach FL 33706

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: Status hearing on a 28-day extension to bring the
 property into compliance.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 8/13/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240265

ADDRESS: 500 79th Ave.

BARBARA A. MCMAHON, EST.,

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on August 12, 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. Erin McMahon (Padron) and Philip Padron appeared on behalf of the Respondent's estate. Ms. McMahon possessed the requisite authority to represent the interests of the estate.
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 46-33, 98-65, and 98-66 of the City's Code of Ordinances for failing to adequately maintain the property and allow for overgrown vegetation, the despair of a metal fence, accumulation of vegetative debris, and an unregistered or otherwise abandoned vehicle on the property.
5. Respondent's representative testified that the Respondent recently passed away and that she was working to clean up the property, and the vehicle had already been sold and will be removed.

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

6. Respondent is found to be in violation of the stated code sections and shall have **twenty-eight (28) days** from the date of the hearing, or by **Monday, September 9, 2024**, to bring the property into compliance.

7. A hearing is set for **September 9, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fines and costs.
8. No decision on fines and administrative costs is being made as a 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.
9. It is Respondent's responsibility to notify the City once the property is in compliance.
10. Should Respondent be found 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 August 13, 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Erin McMahon (Padron) at erin3.mc@gmail.com on August 13, 2024.

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 thirty (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. 20240281**
 City of St. Pete Beach v. Richard Allen Long
 Revocable Trust & Richard Allen Long TRE
 Address: 6800 Gulf Blvd. St. Pete Beach FL
 33706

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: Status hearing on a 28-day extension to bring the
 property into compliance.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 8/13/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

**CASE NO.: CE20240281
ADDRESS: 6800 Gulf Blvd.**

**RICHARD ALLEN LONG
REVOCABLE TRUST &
RICHARD ALLEN LONG, TRE,**

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on August 12, 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. Respondent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that it was in violation of Sections 26.11 and 26.35 of the City's Code of Ordinances for erecting a sign on the building without a permit.
5. Code Enforcement Officer Rivera submitted photographic evidence demonstrating a large sign on the face of the building reading "breakfast – lunch- dinner- full bar" that did not have a permit and was otherwise impermissible.

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

6. Respondent is found to be in violation of the stated code sections and shall have **twenty-eight (28) days** from the date of the hearing, or by **Monday, September 9, 2024**, to bring the property into compliance.

7. A hearing is set for **September 9, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fines and costs.
8. No decision on fines and administrative costs is being made as a 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.
9. It is Respondent's responsibility to notify the City once the property is in compliance.
10. Should Respondent be found 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 August 13, 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 12915 River Road, Myakka City, FL 34251-8950 on August 13, 2024.

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 thirty (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. 20240150**
 City of St. Pete Beach v. Russell W Zimmerman
 Address: 327 72nd Ave. St. Pete Beach FL 33706

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: Status hearing on a 28-day extension to bring the property into compliance.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Special Magistrate Order 8/13/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240150

ADDRESS: 327 72nd Ave.

RUSSELL W. ZIMMERMAN,

Respondent.

_____ /

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on August 12, 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. Respondent failed to appear.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified that it was in violation of Sections 46-33, 98-65, and 98-66 of the City's Code of Ordinances for failing to adequately maintain the property and allowing for trash, debris, and refuse on the porch as well as an abandoned vehicle on the property.

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

5. Respondent is found to be in violation of the stated code sections and shall have **twenty-eight (28) days** from the date of the hearing, or by **Monday, September 9, 2024**, to bring the property into compliance.
6. A hearing is set for **September 9, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fines and costs.

7. No decision on fines and administrative costs is being made as a 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.
8. It is Respondent's responsibility to notify the City once the property is in compliance.
9. Should Respondent be found 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 August 13, 2024.



Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 327 72nd Ave., St. Pete Beach, FL 33706-1912 on August 13, 2024.

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 thirty (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. 20240381**
 City of St. Pete Beach v. Jason Gabay & Janelle
 Gabay
 Address: 6 Mangrove PT. St. Pete Beach FL
 33706

Date: September 9, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

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 floodplain administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

The additional fence that was erected in the rear yard was not permitted. Please obtain a permit for the new section of fence that was erected.

Funding: N/A

Requested Motion: N/A

Attachments:

1. Notice of Violation
2. Evidence
3. Affidavit of Posting
4. Notice of Hearing
5. Special Magistrate order 8/13/24



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

NOTICE OF VIOLATION

7/3/2024

GABAY, JASON / GABAY, JANELLE
6 MANGROVE PT
ST PETE BEACH, FL 33706-3801

RE: Case Number 20240381
Violation Address: 6 MANGROVE PT
Parcel ID#: 073216548590000060

Dear Property Owner:

The additional fence that was erected in the rear yard was not permitted. Please obtain a permit for the new section of fence that was erected.

Sec. 98-123.1. - Permits required.

Sec. 98-123.1. - Permits required.

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

These violation(s) must be corrected **no later than 7/18/2024**. 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,

Steven Rivera

727-235-5398

Steven Rivera
Code Enforcement Officer

CE20240381

- Respondent(s): Jason & Janelle Gabay**
- Violation address: 6 Mangrove Pt.**
- Violation(s) description: The property is in violation 98-123.1 permits required of the Code of Ordinances of the city of St. Pete Beach**

CE20240381

Case Summary

- Initial inspection: 7/3/2024**
- Notice of Violation dated: 7/3/2024**
- Notice of Violation compliance date: 7/18/2024**
- Notices of Hearing dated and posted on the property: 7/22/2024**

CE20240381

Affidavit of Posting



6 Mangrove Pt.

CE20240381

Unpermitted fence



6 Mangrove Pt.

CE20240381

Unpermitted fence removed



6 Mangrove Pt.

NOTICE

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

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 6 MANGROVE PT

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

Name of Property Owner(s): GABAY, JASON / GABAY, JANELLE

Case No.: 20240381 Code Enforcement Officer: Steven Rivera

Hearing Date: 08/12/2024 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 07/22/2024

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

X Steven Rivera
Signature of Officer posting

Steven Rivera
Print Name

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

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20240381

vs.
GABAY, JASON / GABAY, JANELLE
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 **08/12/2024** 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 **6 MANGROVE PT** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

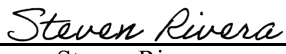
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 07/22/2024



Steven Rivera
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240381

ADDRESS: 6 Mangrove Pt.

**JASON GABAY and JANELLE
GABAY,**

Respondents.

_____ /

ORDER GRANTING CONTINUANCE TO DATE CERTAIN

This case came before the Special Magistrate on August 12, 2024. The Special Magistrate, based on the information and argument presented at the hearing, issues the following order:

IT IS ADJUGED that this matter, at the request of the City and unopposed by Respondent by virtue of non-appearance, is continued until the hearing of the Code Enforcement Special Magistrate on **September 9, 2024**, at **10:0000 a.m.**

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 14th day of August, 2024.

Erica Augello

Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 6 Mangrove Pt, St. Pete Beach, FL 33706-3801 on August 14, 2024.

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

Agenda Report

Issue Considered: **Case No. 20240429**
 City of St. Pete Beach v. Cast Holdings LLC
 Address: 3612 Gulf Blvd. St. Pete Beach FL
 33706

Date: September 9, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: **Sec. 12.2. - Permitted principal uses and structures**

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

(a) Residential dwellings—Attached and detached single-family, multifamily and two-family. Such dwellings may be used for transient occupancy, so long as any transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.

Transient occupancy (less than 30-days) is only permitted three time within any 12-month period. The eight rentals this year beginning April of 2024 are in violation of the code.

Funding: N/A

Requested Motion: N/A

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



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

Irreparable or Irreversible Notice of Violation

07/24/2024

CAST HOLDINGS LLC
4203 N RIVER VIEW AVE
TAMPA FL 33607

Re: **Case Number 20240429**
Violation Address: 3612 GULF BLVD, ST PETE BEACH FL 33706
Parcel ID#: 073216218520040070

Dear Property Owner:

Transient occupancy (less than 30-days) is only permitted three times within any 12-month period. The eight rentals this year beginning April of 2024 are in violation of the code.

Sec. 12.2. - Permitted principal uses and structures

Sec. 12.2. - Permitted principal uses and structures.

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

(a) Residential dwellings—Attached and detached single-family, multifamily and two-family. Such dwellings may be used for transient occupancy, so long as any transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.

Please be advised that this matter is being referred to the Special Magistrate for a hearing on **9/9/2024, at 10AM.**

If the Code Officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the Code Officer shall make a reasonable effort to notify the violator and may immediately schedule a Special Magistrate hearing without reasonable time to correct the violation. However, if the Magistrate finds the violation to be irreparable or irreversible in nature, the Magistrate may impose a fine not to exceed \$5,000 per violation.

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

Sincerely,

Steven Rivera

727-235-5398

Steven Rivera
Code Enforcement Officer

CE20240429

- Respondent(s): Cast Holdings LLC**
- Violation address: 3612 Gulf Blvd.**
- Violation(s) description: The property is in violation of section 12.2 Permitted principal uses and structures of the Land Development code of the city of St. Pete Beach**

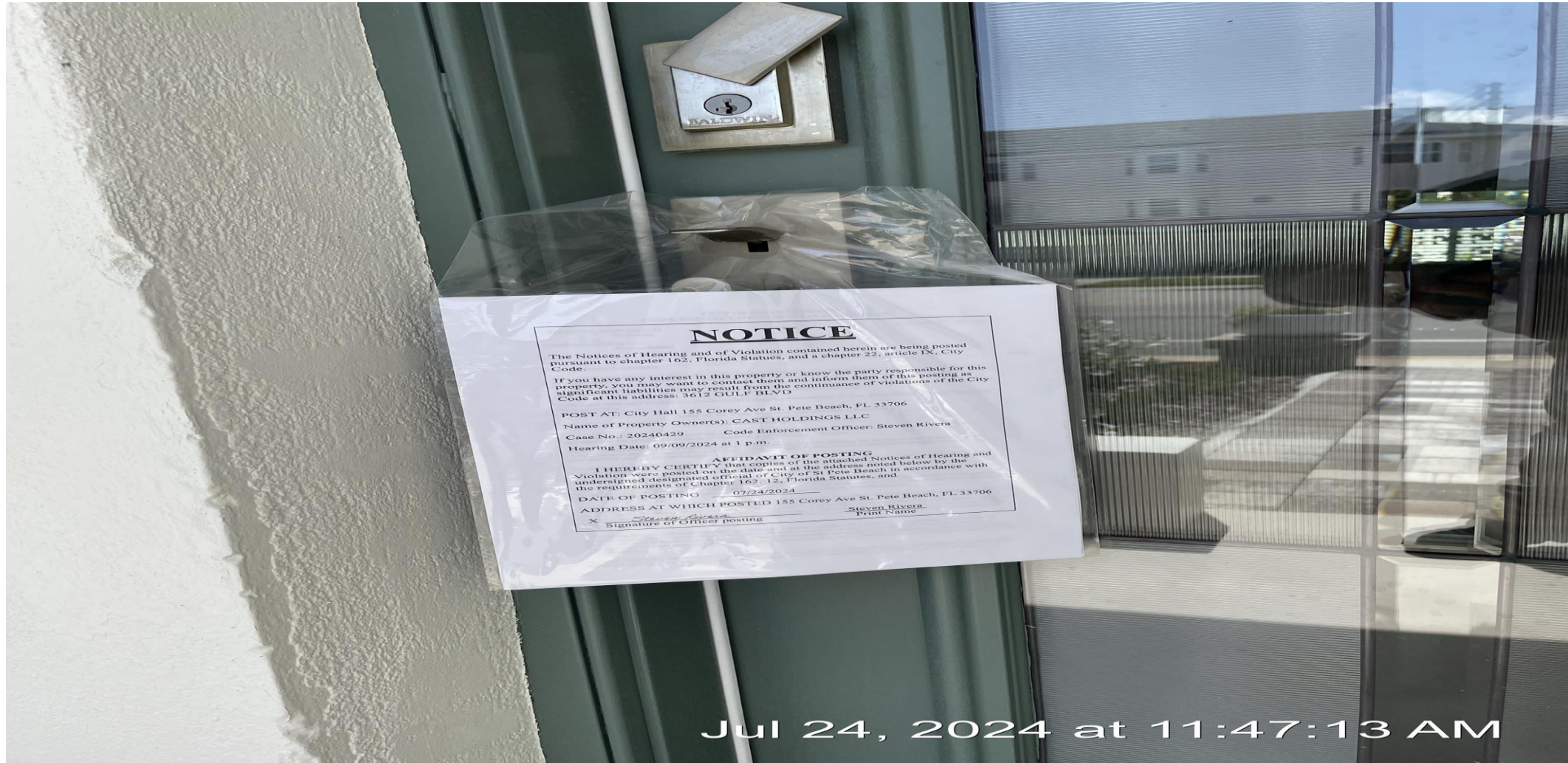
CE20240429

Case Summary

- Initial inspection: 7/23/2024**
- Notice of Irreparable or Irreversible Violation dated: 7/24/2024**
- Notices of Hearing dated and posted on the property: 7/24/2024**

CE20240429

Affidavit of Posting



3612 Gulf Blvd.

CE20240429

Airbnb advertisement

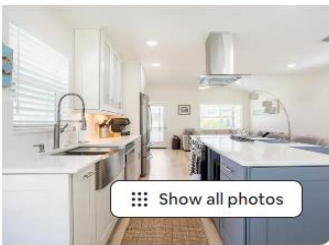
https://www.airbnb.com/rooms/861012451958492021?adults=3&children=0&enable_m3_private_room=true&infants=0&location=St.%20Pete%20Beach%2C%20FL&pets=0&search_mode=regular_sea...

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airbnb Anywhere Any week Add guests Airbnb your home

St Pete Beach House Rental - Castaway Casita

[Share](#) [Save](#)



[Show all photos](#)

Entire home in St. Pete Beach, Florida
6 guests · 2 bedrooms · 3 beds · 1 bath

Guest favorite One of the most loved homes on Airbnb, according to guests

5.0 ★★★★★ 11 [Reviews](#)

\$249 night

CHECK-IN 8/6/2024	CHECKOUT 8/13/2024
GUESTS 3 guests	

3612 Gulf Blvd.

CE20240429

Airbnb reviews

https://www.airbnb.com/rooms/861012451958492021/reviews?check_in=2024-08-06&check_out=2024-08-13&guests=1&adults=3&s=67&unique_share_id=719ba34f-f56c-4c2c-a06b-cf4202469985&sour...

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Photos Amenities Reviews Location

5.0

Guest favorite

This home is in the top 5% of eligible listings based on ratings, reviews, and reliability

Overall rating

Cleanliness	5.0
Accuracy	5.0
Check-in	5.0
Communication	5.0
Location	5.0
Value	5.0

11 reviews

Learn how reviews work

Search reviews

We did not find the Glove, hopefully it shows up in your luggage. Thank you for your kind words and great demeanor.

Zac
Springfield, Illinois

★★★★★ May 2024 · Stayed about a week

This place is the spot! We have traveled to St. Pete for many years and have stayed at many different places. The home was perfect for our family. The location was great and such an easy walk to the beach!! John was very friendly and helpful. We will stay here again in the future. Already looking forward to our next trip. Book it!

Vickie
1 year on Airbnb

★★★★★ May 2024 · Stayed about a week

Loved the house, restaurants, beach access, and the friendliness of the host.

Manal
Columbus, Ohio

★★★★★ April 2024 · Stayed about a week

Second time staying here and the location is wonderful! Next to a private beach access and the Don Cesar. John is a great host. The house has everything you

3:31 PM
8/16/2024

3612 Gulf Blvd.

CE20240429

Airbnb reviews

https://www.airbnb.com/rooms/861012451958492021/reviews?check_in=2024-08-06&check_out=2024-08-13&guests=1&adults=3&is=678&unique_share_id=719ba34f-f56c-4c2c-a06b-cf4202469985&source=...

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Photos Amenities Reviews Location

5.0

11 reviews

Most recent

Search reviews

Guest favorite

This home is in the top 5% of eligible listings based on ratings, reviews, and reliability

Overall rating

5	
4	
3	
2	
1	

Cleanliness	5.0
Accuracy	5.0
Check-in	5.0
Communication	5.0
Location	5.0
Value	5.0

Kimberly
Dallas, Texas

★★★★★ June 2024 · Stayed about a week

We had a lovely and relaxing stay! We would definitely stay here again. Everything is as describe, and John was helpful and responsive.

4

Iris
Amsterdam, Netherlands

★★★★★ May 2024 · Stayed about a week

My colleague and I were in St Pete's to attend a conference and we had a very good stay at John's Casita! The house was spacious, very clean, with comfortable beds, towels and so on. Check-in was easy and a minor issue with the AC was taken care of immediately. Most importantly the section of the beach that is within easy access from the house is very beautiful - quiet and clean. Great experience overall!!

5

Response from John
May 2024

We did not find the Glove, hopefully it shows up in your luggage. Thank you for your kind words and great demeanor.

Zac

Windows taskbar: 3:32 PM 8/16/2024

3612 Gulf Blvd.

CE20240429

Airbnb reviews

https://www.airbnb.com/rooms/861012451958492021/reviews?check_in=2024-08-06&check_out=2024-08-13&guests=1&adults=3&s=67&unique_share_id=719ba34f-f56c-4c2c-a06b-cf4202469985&source=...

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Photos Amenities Reviews Location

5.0

Guest favorite

This home is in the top 5% of eligible listings based on ratings, reviews, and reliability

Overall rating

Cleanliness 5.0

Accuracy 5.0

Check-in 5.0

Communication 5.0

Location 5.0

Value 5.0

11 reviews

Learn how reviews work

Most recent

Search reviews

Kevin
Newmarket, New Hampshire

★★★★★ July 2024 · Stayed about a week

Incredible location. Felt like our own private beach. John made sure we had everything we needed and even had an outdoor towel rack installed when he noticed we needed one. Easy access to quite area just outside the crowds but super easy to get around.

6

Anays
4 years on Airbnb

★★★★★ June 2024 · Stayed with kids

I loved the place; the spectacular house was spotless and well-kept, it is very central to restaurants and shopping centers, a tranquil neighborhood, and it is astonishing to see the sunset; without a doubt, I would repeat, my children enjoyed the place

7

Response from John
July 2024

We appreciate your kind words and look forward to your next visit.

Alexa
Alpharetta, Georgia

★★★★★ June 2024 · Stayed about a week

8

3:34 PM
8/16/2024

3612 Gulf Blvd.

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: 3612 GULF BLVD

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

Name of Property Owner(s): CAST HOLDINGS LLC

Case No.: 20240429 Code Enforcement Officer: Steven Rivera

Hearing Date: 09/09/2024 at 1 p.m.

AFFIDAVIT OF POSTING

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

DATE OF POSTING 07/24/2024

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

X Steven Rivera
Signature of Officer posting

Steven Rivera
Print Name

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

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20240429

vs.
CAST HOLDINGS LLC
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **09/09/2024** 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 **3612 GULF BLVD** 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 07/24/2024

Steven Rivera

Steven Rivera
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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

Agenda Report

Issue Considered: **Case No. 20240358**
 City of St. Pete Beach v. Babette W Simon
 Address: 305 Gulf Way St. Pete Beach FL 33706

Date: September 9, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: **Sec. 44.5. - Standards for existing beachfront lighting.**

By July 1, 2008; all light sources or reflective surfaces illuminated by such sources that are visible from the beach shall be brought into compliance with the following standards:

(a) Existing artificial light fixtures shall be repositioned, modified, or removed so that:

(1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

(2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.

(b) The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:

(1) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;

(2) Replace fixtures having an exposed light source with fixtures containing recessed light sources or external shields;

(3) Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with yellow Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources;

(4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;

(5) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;

(6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

(7) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low-pressure sodium vapor lighting, yellow Bug Type Bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources possible for the specific application;

(8) Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;

(9) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;

(10) Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.

(c) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:

(1) Apply window tint or film that meets the standards for tinted glass;

(2) Rearrange lamps and other moveable fixtures away from windows;

(3) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; or

(4) Turn off unnecessary lights.

You have lighting on your property that is not sea turtle friendly. Turtle nesting season is from May 1st through October 31st. Below is a list of different things that can be done to be in compliance with the city Ordinances. Also, I have supplied information about sea turtle lighting as well as photos of the lights that are in violation. It would be best to inspect the exterior of your building (beach side) to ensure you have all turtle compliant lights that comply with the Code sections below. You are in violation of the following Code sections

Funding: NA

Requested Motion: NA

Attachments:

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



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

NOTICE OF VIOLATION

7/2/2024

SIMON, BABETTE W
305 GULF WAY
ST PETE BEACH FL 33706-4320 ,

RE: Case Number 20240358
Violation Address: 305 GULF WAY
Parcel ID#: 193216589320090131

Dear Property Owner:

You have lighting on your property that is not sea turtle friendly. Turtle nesting season is from May 1st through October 31st. Below is a list of different things that can be done to be in compliance with the city Ordinances. Also, I have supplied information about sea turtle lighting as well as photos of the lights that are in violation. It would be best to inspect the exterior of your building (beach side) to ensure you have all turtle compliant lights that comply with the Code sections below. You are in violation of the following Code sections:

Sec. 44.5. - Standards for existing beachfront lighting.

Sec. 44.5. - Standards for existing beachfront lighting.

By July 1, 2008; all light sources or reflective surfaces illuminated by such sources that are visible from the beach shall be brought into compliance with the following standards:

(a) Existing artificial light fixtures shall be repositioned, modified, or removed so that:

(1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

(2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.

(b) The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:

(1) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;

(2) Replace fixtures having an exposed light source with fixtures containing recessed light sources or external shields;

(3) Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with yellow Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources;

- (4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
- (5) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
- (6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
- (7) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low-pressure sodium vapor lighting, yellow Bug Type Bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources possible for the specific application;
- (8) Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
- (9) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;
- (10) Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.
- (c) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
 - (1) Apply window tint or film that meets the standards for tinted glass;
 - (2) Rearrange lamps and other moveable fixtures away from windows;
 - (3) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; or
 - (4) Turn off unnecessary lights.

These violation(s) must be corrected **no later than 7/16/2024**. 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,

Steven Rivera

727-235-5398

Steven Rivera
Code Enforcement Officer

CE20240358

- Respondent(s): Babette Simon**
- Violation address: 305 Gulf Way**
- Violation(s) description: The property is in violation of section 44.5
(a)(1),(2),(b)(1),(2),(3),(4),(5),(6)&(7) Standards for existing beachfront lighting of the Code of Ordinances of the city of St. Pete Beach**

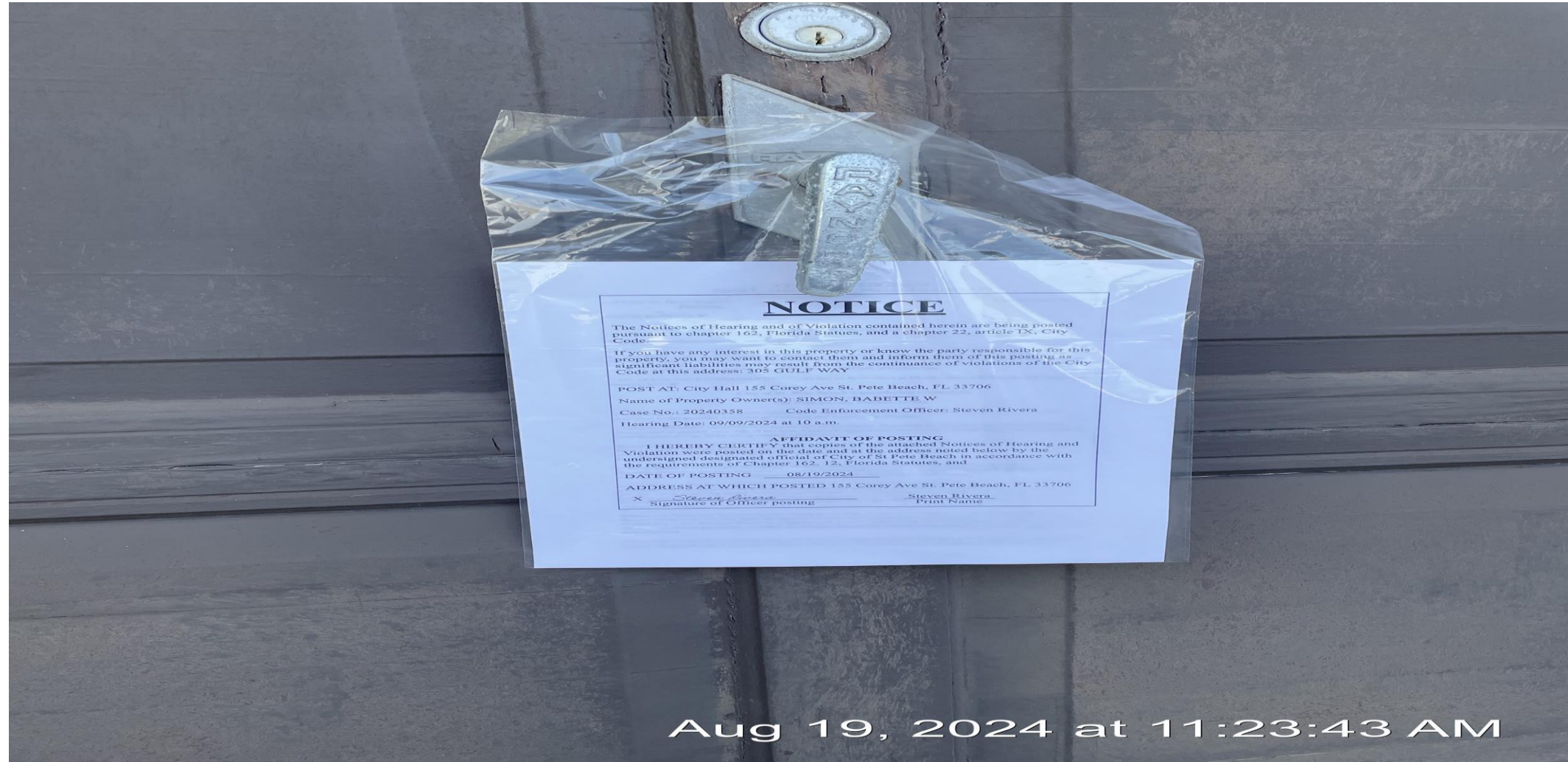
CE20240358

Case Summary

- Initial inspection: 5/23/2024**
- Notice of Violation dated: 7/2/2024**
- Notice of Violation compliance date: 7/16/2024**
- Notices of Hearing dated and posted on the property: 8/19/2024**

CE20240358

Affidavit of Posting



305 Gulf Way

CE20240358

Lighting violation



May 23, 2024 at 8:56:56 PM

305 Gulf Way

CE20240358

Lighting violation



305 Gulf Way

CE20240358

Lighting violation



305 Gulf Way

CE20240358

Lighting violation



305 Gulf 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: 305 GULF WAY

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

Name of Property Owner(s): SIMON, BABETTE W

Case No.: 20240358 Code Enforcement Officer: Steven Rivera

Hearing Date: 09/09/2024 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 08/19/2024

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

X Steven Rivera
Signature of Officer posting

Steven Rivera
Print Name

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

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20240358

vs.
SIMON, BABETTE W
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **09/09/2024** 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 **305 GULF 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,

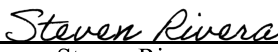
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special 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 08/19/2024



Steven Rivera
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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

Agenda Report

Issue Considered: **Case No. 20240430**
 City of St. Pete Beach v. Christopher Smith &
 Briana S. Smith
 Address: 7700 Boca Ciega Dr. St. Pete Beach FL
 33706

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: **Sec. 32.5. - Prohibited uses and structures.**
 All uses and structures not of a nature specifically or
 conditionally permitted herein are hereby prohibited in
 the CC1 Commercial Corridor Blind Pass Road District.

The property is located in the CC1 zoning district and is only permitted to be rented on a monthly basis. As for the short-term-rental stays, this is prohibited and irreparable or irreversible in nature. Due to the nature of this violation, the case is being referred to a Special Magistrate.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Irreparable or Irreversible Notice of Violation
 2. Evidence
 3. Affidavit of Posting
 4. Notice of Hearing



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

Irreparable or Irreversible Notice of Violation

07/24/2024

SMITH, CHRISTOPHER SMITH, BRIANA S
7700 BOCA CIEGA DR APT 1
ST PETE BEACH FL 33706-1732

Re: **Case Number 20240430**

Violation Address: 7700 BOCA CIEGA DR, ST PETE BEACH FL 33706

Parcel ID#: 363115779942250081

Dear Property Owner:

Your property is located in the CC1 zoning district and is only permitted to be rented on a monthly basis. As for the twenty three Short-Term-Rental stays, this is prohibited and irreparable or irreversible in nature. Due to the nature of this violation, your case is being referred to a Special Magistrate. You are in violation of the following Code Section:

Sec. 32.5. - Prohibited uses and structures.

All uses and structures not of a nature specifically or conditionally permitted herein are hereby prohibited in the CC1 Commercial Corridor Blind Pass Road District.

Please be advised that this matter is being referred to the Special Magistrate for a hearing on **9/9/2024, at 10am**

If the Code Officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the Code Officer shall make a reasonable effort to notify the violator and may immediately schedule a Special Magistrate hearing without reasonable time to correct the violation. However, if the Magistrate finds the violation to be irreparable or irreversible in nature, the Magistrate may impose a fine not to exceed \$5,000 per violation.

If you require further assistance and/or information, please contact (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

- Respondent(s): Christopher Smith & Briana S. Smith**
- Violation address: 7700 Boca Ciega Dr.**
- Violation(s) description: The property is in violation of section 32.5 Prohibited uses and structures of the Land Development code of the city of St. Pete Beach**

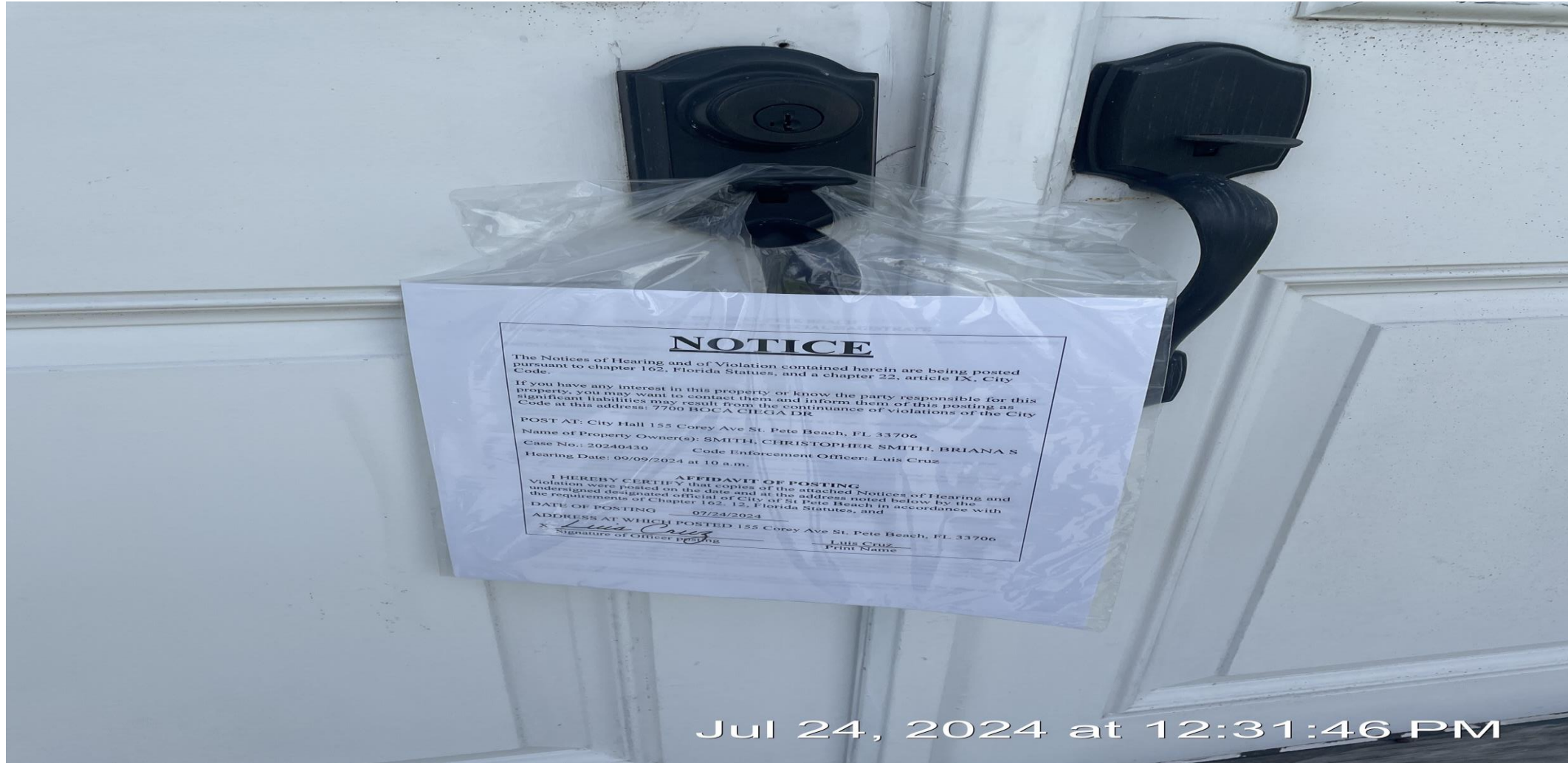
CE20240430

Case Summary

- Initial inspection: 7/24/2024**
- Notice of Irreparable or Irreversible Violation dated: 7/24/2024**
- Notices of Hearing dated and posted on the property: 7/24/2024**

CE20240430

Affidavit of Posting



7700 Boca Ciega Dr.

CE20240430

Airbnb advertisement

Free Breakfast & Bay View! 2 be... x

https://www.airbnb.com/rooms/856479187845478502?check_in=2024-08-04&check_out=2024-08-09&guests=1&adults=3&ss=67&unique_share_id=bd5a008e-3a54-4f15-a3fa-a3e40581d162&sour...

SPB Bookmarks Pinellas County Pro... Login To iWorQ ww... Zoning Book 2012 SunBiz Intranet | St. Pete B... Day Counter ConnectSuite e-Cer... Laserfiche | Home Passport Sign In Dell Code of Ordinances...

Entire rental unit in St. Pete Beach, Florida
5 guests · 2 bedrooms · 2 beds · 1 bath

Guest favorite One of the most loved homes on Airbnb, according to guests 5.0 ★★★★★ 23 Reviews

Hosted by Briana
Superhost · 2 years hosting

Top 1% of homes
This home is one of the highest ranked based on ratings, reviews, and reliability.

Dedicated workspace

\$116 night

CHECK-IN
8/4/2024

CHECKOUT
8/9/2024

GUESTS
3 guests

Reserve

You won't be charged yet

\$116 x 5 nights \$580
Cleaning fee \$180
Airbnb service fee \$107

5:55 PM
7/23/2024

7700 Boca Ciega Dr.

CE20240430

Airbnb advertisement

The screenshot shows a web browser window displaying an Airbnb host profile for Briana. The browser's address bar shows the URL <https://www.airbnb.com/users/show/137199995>. The browser's tab bar shows several tabs, including "Host profile - Airbnb". The browser's toolbar shows various icons for navigation and search. The browser's status bar shows the time as 6:01 PM and the date as 7/23/2024.

The Airbnb profile page for Briana is displayed. The profile card on the left shows a circular profile picture of Briana, a Superhost badge, and statistics: 83 Reviews, a 4.98 star Rating, and 2 Years hosting. Below the profile card, under the heading "Briana's confirmed information", are three checkmarks indicating that her Identity, Email address, and Phone number are confirmed. A link to "Report this profile" is also present.

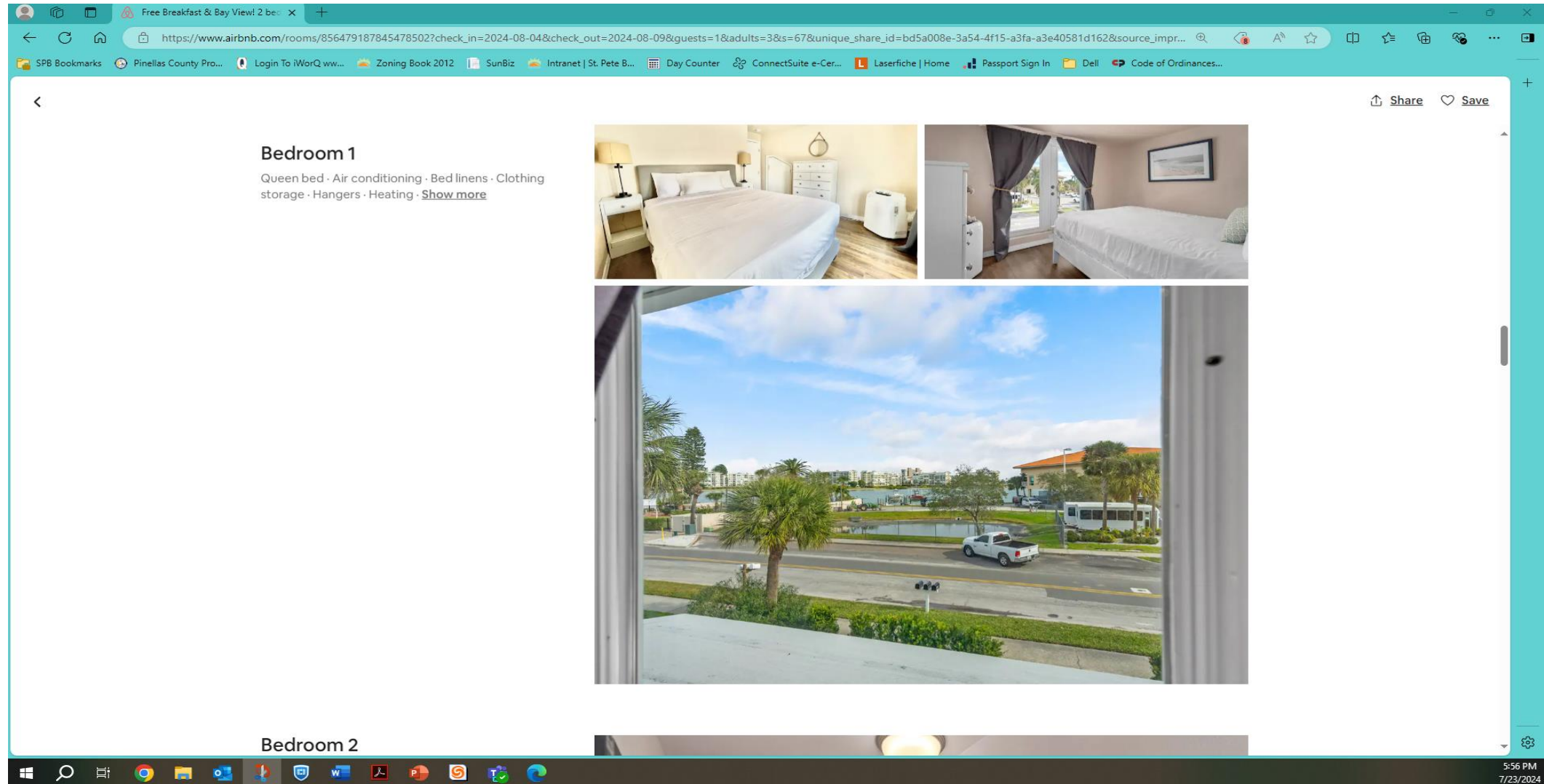
The "About Briana" section on the right provides more details: she was born in the 90s, went to school at New Mexico State University, works as a Landscape designer, speaks English, and lives in St. Pete Beach, FL. A short bio states: "I'm clean, and polite, and I love the outdoors. I'm enjoy new experiences and meeting people."

The "Briana's reviews" section shows two reviews. The first review from Jessica, dated July 2024, says: "...Great location and exactly as pictured!...". The second review from Kevin, also dated July 2024, says: "...A wonderful place to stay while visiting family in Crystal River. The property is just a few miles from tourist activities and restaurants....". A link to "Show all 83 reviews" is located at the bottom of the reviews section.

7700 Boca Ciega Dr.

CE20240430

Airbnb advertisement



7700 Boca Ciega Dr.

5.0 Guest favorite
This home is in the top 1% of eligible listings based on ratings, reviews, and reliability.

Category	Rating
Cleanliness	5.0
Accuracy	5.0
Check-in	5.0
Communication	5.0
Location	5.0
Value	5.0

23 reviews

[Learn how reviews work](#)

Search reviews

- Patrycja**
Ocala, Florida
★★★★★ · July 2023 · Stayed with kids
This place is so cute. Peaceful and close to everything. We had a great beach getaway!
- Emily**
Davidson, North Carolina
★★★★★ · June 2023 · Group trip
Brianna was a great host, super responsive and kind. Place was super clean and looks just like the photos.
(Waffle maker and Starbucks coffee was also a huge plus!)
- Javier**
San Juan, Puerto Rico
★★★★★ · June 2023 · Stayed with kids
Awesome place to stay in St Pete Area. Briana was very attentive and friendly. Highly recommended.

Page 79 of 160

CE20240430

Airbnb reviews/stays

Free Breakfast & Bay View! 2 bed

https://www.airbnb.com/rooms/856479187845478502/reviews?check_in=2024-08-04&check_out=2024-08-09&guests=1&adults=3&s=67&unique_share_id=bd5a008e-3a54-4f15-a3fa-a3e40581d162&source=...

SPB Bookmarks Pinellas County Pro... Login To iWorQ ww... Zoning Book 2012 SunBiz Intranet | St. Pete B... Day Counter ConnectSuite e-Cer... Laserfiche | Home Passport Sign In Dell Code of Ordinances...

Photos Amenities Reviews Location \$116 night Reserve

Briana Show r

★★★★★ Briana's extend everyt Show r

★★★★★ Stay w and the Show

When St. Pete

5.0

Guest favorite

This home is in the top 1% of eligible listings based on ratings, reviews, and reliability

Overall rating

Cleanliness 5.0

Accuracy 5.0

Check-in 5.0

Communication 5.0

Location 5.0

Value 5.0

23 reviews

Learn how reviews work

Most recent

Search reviews

Byrne Raleigh, North Carolina

★★★★★ · July 2023 · Stayed a few nights

Great spot that is walkable to lots of fun bars and the closest beach - Upham + can hop on the SunRunner bus right around the corner and be in St. Pete in less than 30 mins. Briana was super responsive and helpful and place was cute and clean.

6

Nicholas Bloomington, Indiana

★★★★★ · July 2023 · Stayed a few nights

Our stay at Briana's place was everything we expected it to be. She was very responsive when reaching out if there was any questions or concerns. Made sure we were equipped well for the time we were staying there. If you're looking for a nice place to stay, this makes a wonderful option! The area is close to anywhere you'd want to go in St. Pete. Highly recommend!

5

Kay Mobile, Alabama

★★★★★ · July 2023 · Stayed a few nights

Briana was so responsive and accommodating. The place was great. The guys enjoyed the community center for working out. We plan to stay there again when we are back in town!

4

Pasaden

5:50 PM 7/23/2024

7700 Boca Ciega Dr.

CE20240430

Airbnb reviews/stays

Free Breakfast & Bay View! 2 bed

https://www.airbnb.com/rooms/856479187845478502/reviews?check_in=2024-08-04&check_out=2024-08-09&guests=1&adults=3&s=67&unique_share_id=bd5a008e-3a54-4f15-a3fa-a3e40581d162&sou...

SPB Bookmarks Pinellas County Pro... Login To iWorQ ww... Zoning Book 2012 SunBiz Intranet | St. Pete B... Day Counter ConnectSuite e-Cer... Laserfiche | Home Passport Sign In Dell Code of Ordinances...

Photos Amenities Reviews Location \$116 night Reserve

Briana Show r

★★★★★ Briana's extend everyt Show r

★★★★★ Stay w and the Show

When St. Pet

5.0

Guest favorite

This home is in the top 1% of eligible listings based on ratings, reviews, and reliability

Overall rating

5
4
3
2
1

Cleanliness 5.0

Accuracy 5.0

Check-in 5.0

Communication 5.0

Location 5.0

Value 5.0

23 reviews

Learn how reviews work

Most recent

Search reviews

handwritten note, which was such a cute surprise. I would definitely stay here again!

Shelby
1 year on Airbnb

★★★★★ · August 2023 · Group trip

Briana was very helpful, responsive, and allowed us to stop by after check out when we thought we left something behind. The airbnb was very clean, and really cute! We had a wonderful time and hope to come back in the future. The waffle maker was a cute touch as well :)

Annette And Erion
New York, New York

★★★★★ · August 2023 · Stayed with kids

Briana's home was wonderful and Briana herself even more. Thank you so much for allowing my family and I to stay in your place! You truly made our trip comfy and unforgettable!!

Shelby
2 years on Airbnb

★★★★★ · July 2023 · Stayed a few nights

Great stay! My friends and I absolutely loved it.

9

8

7

5:50 PM
7/23/2024

7700 Boca Ciega Dr.

CE20240430

Airbnb reviews/stays

Free Breakfast & Bay View! 2 bed

https://www.airbnb.com/rooms/856479187845478502/reviews?check_in=2024-08-04&check_out=2024-08-09&guests=1&adults=3&is=67&unique_share_id=bd5a008e-3a54-4f15-a3fa-a3e40581d162&sou...

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Photos Amenities Reviews Location

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Check-in 5.0

Communication 5.0

Location 5.0

Value 5.0

23 reviews

Learn how reviews work

Search reviews

Most recent

Lily
Atlanta, Georgia

★★★★★ · September 2023 · Stayed a few nights

Briana was very friendly even before arrival! She had a very informative and organized binder laying out a lot of helpful details about the area as well as checking in/out. The space was very clean and easy to navigate. We enjoyed our stay and would recommend!

12

Harsha
2 years on Airbnb

★★★★★ · August 2023 · Stayed a few nights

Briana was a great host! Really enjoyed staying at this place. Lots of nearby places to visit and a great location!

11

Jessica
4 years on Airbnb

★★★★★ · August 2023 · Group trip

I highly recommend staying here! The host Brianna was super helpful and accommodating. She even left us a basket filled with snacks, treats, and a handwritten note, which was such a cute surprise. I would definitely stay here again!

10

When

St. Pete

Pasaden

5:51 PM
7/23/2024

7700 Boca Ciega Dr.

CE20240430

Airbnb reviews/stays

Free Breakfast & Bay View! 2 bed x

https://www.airbnb.com/rooms/856479187845478502/reviews?check_in=2024-08-04&check_out=2024-08-09&guests=1&adults=3&s=67&unique_share_id=bd5a008e-3a54-4f15-a3fa-a3e40581d162&sou...

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Photos Amenities Reviews Location \$116 night Reserve

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★★★★★ Briana's extend everyt Show r

★★★★★ Stay w and the Sho

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1

Cleanliness 5.0

Accuracy 5.0

Check-in 5.0

Communication 5.0

Location 5.0

Value 5.0

23 reviews

Learn how reviews work

Most recent

Search reviews

Next time, I won't pack any of mine because hers smelled better haha

Daisha
3 years on Airbnb

★★★★★ · October 2023 · Stayed a few nights

I booked this stay for my parents as it was their birthday weekend and they could not get enough of the property and the view. They absolutely loved the location and loved that they were able to be in a new part of town they have not stayed at before. Would highly recommend this stay!

15

Mark
2 years on Airbnb

★★★★★ · September 2023 · Stayed a few nights

In town for work and was a perfect hideaway.

14

Nikola
Milwaukee, Wisconsin

★★★★★ · September 2023 · Stayed a few nights

Exactly as advertised. Didn't spend much time in the home, but it met our needs. Would recommend if staying in St. Pete area.

13

Windows taskbar: Search, File Explorer, Chrome, Edge, Word, PowerPoint, Outlook, Teams, OneDrive, Settings, Task View, Start Menu, Network, Volume, Battery, Date/Time: 5:52 PM 7/23/2024

7700 Boca Ciega Dr.

CE20240430

Airbnb reviews/stays

Free Breakfast & Bay View! 2 bed

https://www.airbnb.com/rooms/856479187845478502/reviews?check_in=2024-08-04&check_out=2024-08-09&guests=1&adults=3&s=67&unique_share_id=bd5a008e-3a54-4f15-a3fa-a3e40581d162&sou...

SPB Bookmarks Pinellas County Pro... Login To iWorQ ww... Zoning Book 2012 SunBiz Intranet | St. Pete B... Day Counter ConnectSuite e-Cer... Laserfiche | Home Passport Sign In Dell Code of Ordinances...

Photos Amenities Reviews Location

Briana's place

Show more

5.0

Guest favorite

This home is in the top 1% of eligible listings based on ratings, reviews, and reliability

Overall rating

5 4 3 2 1

Cleanliness 5.0

Accuracy 5.0

Check-in 5.0

Communication 5.0

Location 5.0

Value 5.0

23 reviews

Learn how reviews work

Search reviews

Jennifer
Wilbraham, Massachusetts

★★★★★ · October 2023 · Stayed a few nights

We had a wonderful stay at Briana's place. She thought of every detail that would make our stay comfortable, from the toiletries in the bathroom to the beach towels and a furnished private deck to enjoy breakfast from. The inside is spotless - you can tell she takes great care and pride in her home. The property is in a quiet area but also conveniently located, it's an easy walk or ride to restaurants or the beach. Briana was extremely responsive and accommodating, would absolutely stay again!

Jennifer
1 year on Airbnb

★★★★★ · October 2023 · Stayed a few nights

Where do I even begin? It was my daughter and I, first time traveling solo. I was so nervous and a bit scared. Briana was so attentive and helpful. Suggested many family friendly locations for us. Informed us of the many ways to get around St. Pete, since we uber'd there from the airport. After our first day at the beach, we walked to and from, for the remainder of our stay. So easy to navigate around the neighborhood and so peaceful! Her home is BEAUTIFUL! Beds and pillows are so comfy, it was hard to get out of bed! But since she also provided us with coffee and waffles, it was a game changer and charged us right up for more beach days! We also appreciated the full bottles of shampoo, conditioner, and body wash! Next time, I won't pack any of mine because hers smelled better haha

17

16

5:52 PM
7/23/2024

7700 Boca Ciega Dr.

CE20240430

Airbnb reviews/stays

Free Breakfast & Bay View! 2 bed

https://www.airbnb.com/rooms/856479187845478502/reviews?check_in=2024-08-04&check_out=2024-08-09&guests=1&adults=3&s=67&unique_share_id=bd5a008e-3a54-4f15-a3fa-a3e40581d162&sou...

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Photos Amenities Reviews Location \$116 night Reserve

Briana Show r

★★★★★ Briana's extend everyt Show r

★★★★★ Stay w and th Show

When St. Pet Pasadena

5:53 PM 7/23/2024

5.0

Guest favorite

This home is in the **top 1%** of eligible listings based on ratings, reviews, and reliability

Overall rating

Cleanliness	5.0
Accuracy	5.0
Check-in	5.0
Communication	5.0
Location	5.0
Value	5.0

23 reviews

Learn how reviews work

Search reviews

recommendations for things to see in the area. I can definitely recommend this place if you are in St Pete Beach. Thank you!

Christine
New York, New York

★★★★★ · November 2023 · Stayed a few nights

Briana was very responsive and check in was easy. Quiet at night time for sleeping and convenient to the beach, don cesar hotel, and Publix. Would stay again!

Kelsey
Pleasant Lake, Michigan

★★★★★ · October 2023 · Stayed a few nights

Stay was wonderful! Walking distance to a lot of restaurants and the beach wasn't far!

Katie
Murfreesboro, Tennessee

★★★★★ · October 2023 · Stayed a few nights

very cute air bnb. had everything we needed. walkable to many areas.

Jennifer

7700 Boca Ciega Dr.

CE20240430

Airbnb reviews/stays

Free Breakfast & Bay View! 2 bed x

https://www.airbnb.com/rooms/856479187845478502/reviews?check_in=2024-08-04&check_out=2024-08-09&guests=1&adults=3&ts=67&unique_share_id=bd5a008e-3a54-4f15-a3fa-a3e40581d162&sou...

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Photos Amenities Reviews Location \$116 night Reserve

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When St. Pete

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Overall rating

Cleanliness 5.0

Accuracy 5.0

Check-in 5.0

Communication 5.0

Location 5.0

Value 5.0

23 reviews

Learn how reviews work

Most recent

Search reviews

Aminan 8 years on Airbnb

★★★★★ · 3 weeks ago · Stayed with kids

It was like home away from home for us. Great location not too far from the beach and plenty of amazing restaurants nearby. Briana gave many great recommendations and would love to stay there again.

Michael 1 month on Airbnb

★★★★★ · June 2024 · Stayed a few nights

Briana was really communicative, all instructions were easy to follow, the place was cute and clean, and there were plenty of great places to walk to for a getaway weekend.

Joshua St Petersburg, Florida

★★★★★ · November 2023 · Stayed about a week

Briana's place is amazing. I stayed for a week and ended up extending for another week. It was exactly as listed and has everything you need for a nice stay, short or long term. The place is quiet but very close and walkable to many restaurants/shops and the beach. Briana was a great host and offered great recommendations for things to see in the area. I can definitely recommend this place if you are in St Pete Beach. Thank you!

22

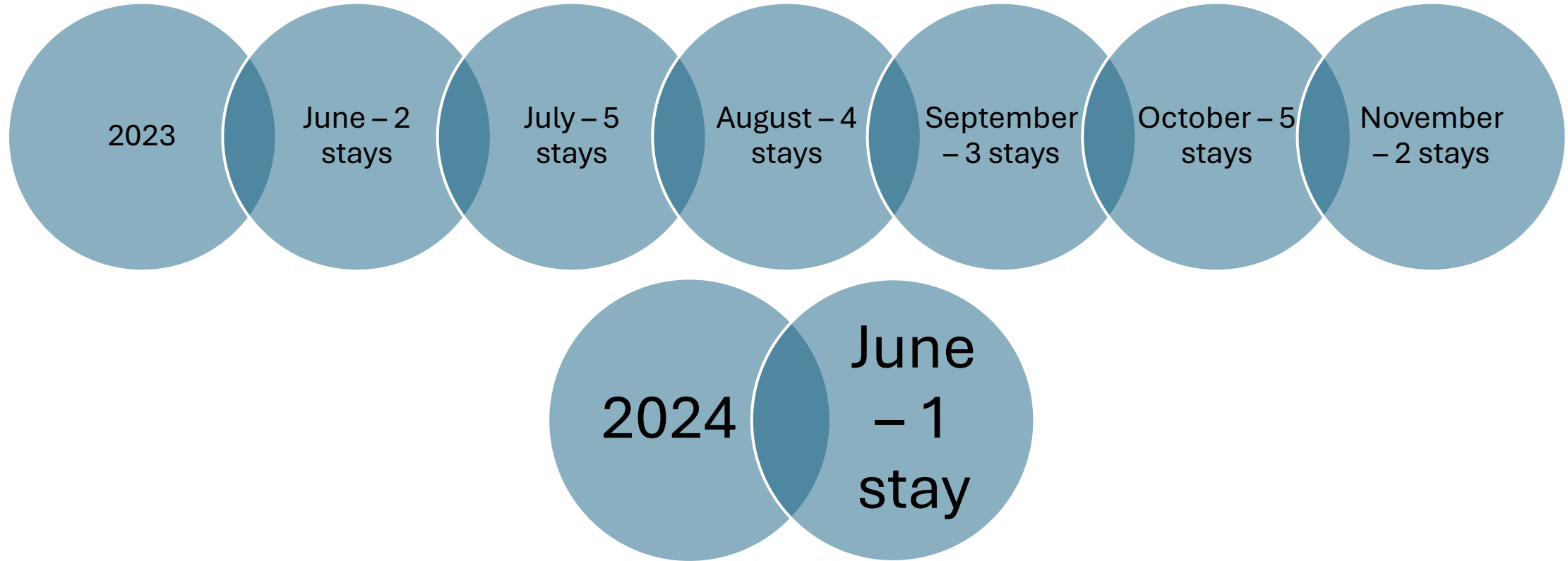
21

5:54 PM 7/23/2024

7700 Boca Ciega Dr.

CE20240430

2023 & 2024 Stays



Total of 22 Short-Term-Rentals

7700 Boca Ciega Dr.

NOTICE

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

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 7700 BOCA CIEGA DR

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

Name of Property Owner(s): SMITH, CHRISTOPHER SMITH, BRIANA S

Case No.: 20240430 Code Enforcement Officer: Luis Cruz

Hearing Date: 09/09/2024 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 07/24/2024

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: 20240430

vs.

SMITH, CHRISTOPHER SMITH, BRIANA S
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **09/09/2024** 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 **7700 BOCA CIEGA DR** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 07/24/2024


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. 20240475**
 City of St. Pete Beach v. Bayside Shops LLC
 Address: 5501 Gulf Blvd. St. Pete Beach FL
 33706

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: **Sec. 38.5. - Prohibited uses and structures**
All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the AC Activity Center District.

The property is located in the AC zoning district and is only permitted to be rented on a monthly basis. As for the Short-Term-Rental stays that have occurred on the property, this is prohibited and irreparable or irreversible in nature. Due to the nature of this violation, the case is being referred to a Special Magistrate.

Funding: N/A

Requested Motion: N/A

Attachments: 1. Irreparable or Irreversible Notice of Violation
 2. Evidence
 3. Affidavit of Posting
 4. Notice of Hearing



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

Irreparable or Irreversible Notice of Violation

08/14/2024

BAYSIDE SHOPS LLC
66 MARTINIQUE AVE
TAMPA, FL 33606-4039

Re: **Case Number 20240475**
Violation Address: 5501 GULF BLVD, ST PETE BEACH FL 33706
Parcel ID#: 063216114120040010

Dear Property Owner:

Your property is located in the AC zoning district and is only permitted to be rented on a monthly basis. As for the Short-Term-Rental stays that have occurred on your property, this is prohibited and irreparable or irreversible in nature. Due to the nature of this violation, your case is being referred to a Special Magistrate. You are in violation of the following Code Section:

Sec. 38.5. - Prohibited uses and structures

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the AC Activity Center District.

Please be advised that this matter is being referred to the Special Magistrate for a hearing on **9/9/2024, at 10am**

If the Code Officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the Code Officer shall make a reasonable effort to notify the violator and may immediately schedule a Special Magistrate hearing without reasonable time to correct the violation. However, if the Magistrate finds the violation to be irreparable or irreversible in nature, the Magistrate may impose a fine not to exceed \$5,000 per violation.

If you require further assistance and/or information, please contact (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

CE20240475

- Respondent(s): Bayside Shops LLC**
- Violation address: 5501 Gulf Blvd.**
- Violation(s) description: The property is in violation of section 38.5 Prohibited uses and structures of the Land Development code of the city of St. Pete Beach**

CE20240475

Case Summary

- Initial inspection: 8/14/2024**
- Notice of Irreparable or Irreversible Violation dated: 8/14/2024**
- Notices of Hearing dated and posted on the property: 8/14/2024**

CE20240475

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: 5501 GULF BLVD

POST AT: City Hall 155 Corey Ave St. Pete Beach, FL 33706
Name of Property Owner(s): BAYSIDE SHOPS LLC
Case No.: 20240475 Code Enforcement Officer: Luis Cruz
Hearing Date: 09/09/2024 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 08/14/2024
ADDRESS AT WHICH POSTED 155 Corey Ave St. Pete Beach, FL 33706
X Luis Cruz Luis Cruz
Signature of Officer posting Print Name

Aug 14, 2024 at 5:21:45 PM

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

airbnb.com/rooms/776308893220156875?adults=1&children=0&enable_m3_private_room=true&infants=0&pets=0&search_mode=regular_search&check_in=2024-08-14&check_out=2024-08-19&source_impression_id=p3_1723575505_P3Cm...

airbnb

Anywhere Any week Add guests Airbnb your home

Charming, Retro Style Beach Apt!

Share Save



Show all photos

Entire rental unit in St. Pete Beach, Florida
2 guests · 1 bedroom · 1 bed · 1 bath
★ 4.68 · 75 reviews

 Hosted by Kenny
9 years hosting

Fast wifi
At 409 Mbps, you can take video calls and stream videos for your whole group.

\$130 night

CHECK-IN 8/14/2024	CHECKOUT 8/19/2024
GUESTS 1 guest	

Reserve

You won't be charged yet

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

The screenshot shows a web browser window displaying an Airbnb host profile for 'Kenny'. The browser's address bar shows 'airbnb.com/users/show/34312106'. The profile card on the left includes a profile picture of a man, the name 'Kenny', the title 'Host', '195 Reviews', a '4.59★' rating, and '9 Years hosting'. Below this, a section titled 'Kenny's confirmed information' lists 'Identity', 'Email address', and 'Phone number' as verified. A red box highlights the 'About Kenny' section, which contains 'My work: Stand Up Comedian' and 'Lives in St. Pete Beach, FL'. To the right of this box, it says 'Speaks English'. Below the 'About' section, there is a 'Kenny's reviews' section with two visible reviews: one from Hannah in August 2024 and another from Ashleigh in August 2024. The bottom of the page shows 'Kenny's listings' with a partial view of a listing image. The Windows taskbar at the bottom indicates the time is 5:07 PM on 8/13/2024.

airbnb

Airbnb your home

About Kenny

My work: Stand Up Comedian

Lives in St. Pete Beach, FL

Speaks English

Im a Stand Up Comedian!

Kenny's confirmed information

- ✓ Identity
- ✓ Email address
- ✓ Phone number

[Report this profile](#)

Kenny's reviews

"...Kenny was super helpful and described how to get to the apartment perfectly. He was very friendly and his place is super cute! It could use some touch ups, but that was no biggie. The place is right across the..."

Hannah
August 2024

"...Great location! Can't beat it..."

Ashleigh
August 2024

[Show more reviews](#)

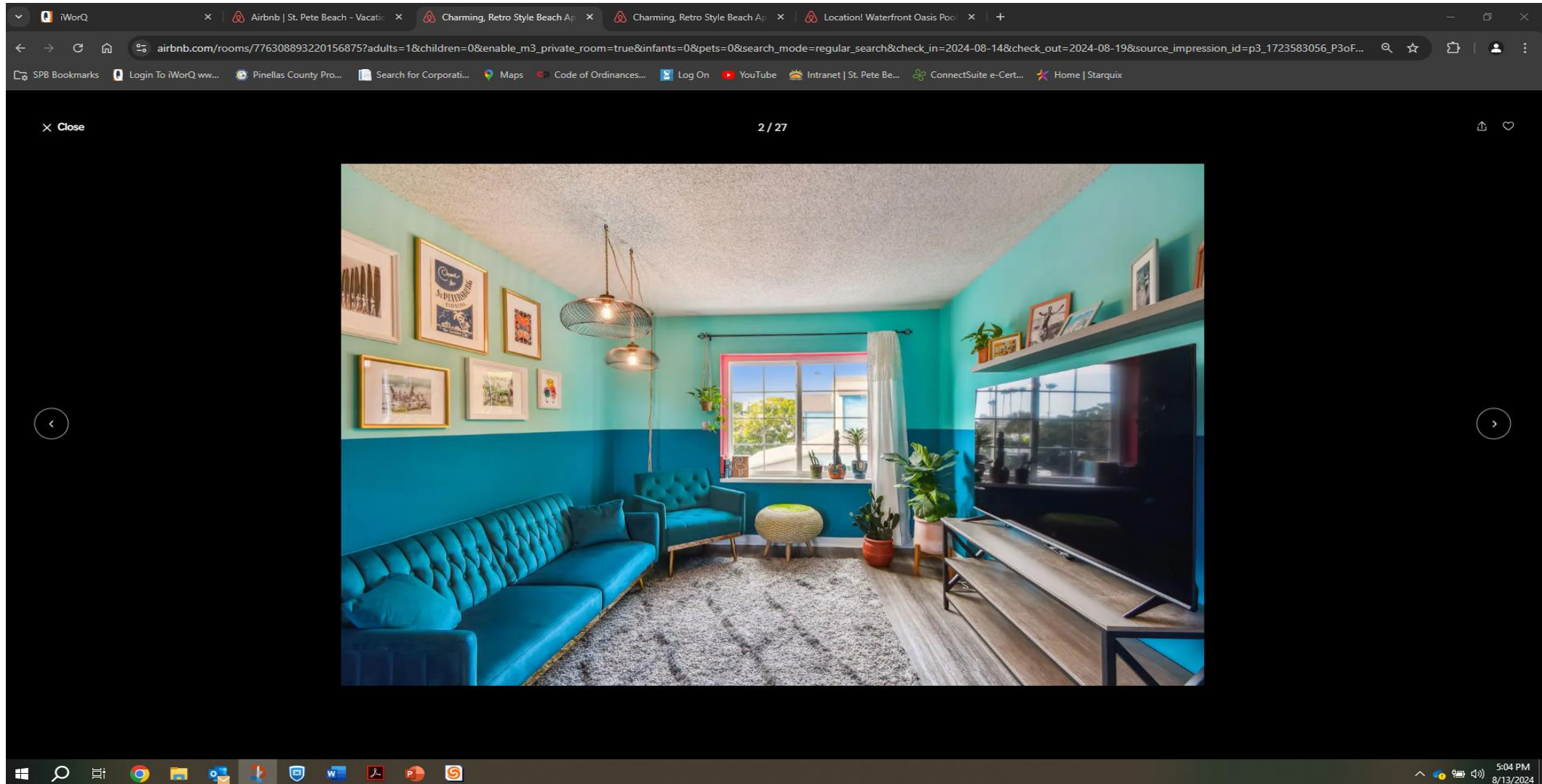
Some info has been automatically translated. [Show original](#)

Kenny's listings

5501 Gulf Blvd.

CE20240475

Airbnb advertisement



5501 Gulf Blvd.

CE20240475

Airbnb advertisement

The screenshot shows an Airbnb listing for a property in St. Pete Beach. The overall rating is 4.68 stars based on 75 reviews. The reviews are sorted by 'Most recent'. Four reviews are highlighted with red boxes and numbered 1 through 4:

- Review 4 (Krista):** 5 stars, September 2023. Stayed a few nights. Great location, LOVE the bnb decor!! Walkable to the beach and restaurants. Parking available for our rental car was another huge plus as my husband and I wanted to explore the area- John's Pass Village & Boardwalk for renting wave runners and lunch, Dali museum and groceries from Publix Market down the road. Host Kenny reached out to make sure we were settled in and also invited us to a show at the comedy club next to the bnb which was awesome! We will stay here again.
- Review 3 (Kayla):** 5 stars, August 2023. Stayed about a week. Excellent spot in St Pete Beach!
- Review 2 (Courtney):** 5 stars, August 2023. Stayed about a week. Had a great stay! Kenny was very helpful and responsive. Very cute apartment!
- Review 1 (Kaylee Jane):** 5 stars, August 2023. Stayed a few nights. Great place for a couple! Lots of restaurants and bars within walking distance. Really cool spot!

The background shows the Airbnb interface with the property name 'Charming, Retro Style Beach Apartment' and a price of \$130 per night. The browser address bar shows the URL: airbnb.com/rooms/776308893220156875/reviews?adults=1&children=0&enable_m3_private_room=true&infants=0&pets=0&search_mode=regular_search&check_in=2024-08-14&check_out=2024-08-19&source_impression_id=p3_172358326...

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

airbnb.com/rooms/776308893220156875/reviews?adults=1&children=0&enable_m3_private_room=true&infants=0&pets=0&search_mode=regular_search&check_in=2024-08-14&check_out=2024-08-19&source_impression_id=p3_172358326...

Photos Amenities Reviews Location \$130 night Reserve

★ 4.68 75 reviews Most recent

Search reviews

Overall rating

5
4
3
2
1

Cleanliness 4.6

Accuracy 4.8

Check-in 4.8

Communication 4.9

Location 4.7

Value 4.8

Brad
Philadelphia, Pennsylvania
★★★★★ · November 2023 · Stayed a few nights
Good location, walkable to restaurants, bars, Starbucks, beach access, etc. We really enjoyed the decor inside.

Mary
Cleveland, Ohio
★★★★★ · November 2023 · Stayed with a pet
Kenny was a great host and was very nice. We enjoyed the location and look forward to coming back

Andrew
Lincoln, Nebraska
★★★★★ · October 2023 · Stayed a few nights
Everything about the place and host were fantastic. Especially if attending something at Tradewinds, this is the perfect location and perfect option without being subject to higher prices at resort stays.

Krista
1 year on Airbnb
★★★★★ · September 2023 · Stayed a few nights
Great location, LOVE the bnb decor!! Walkable to the beach and restaurants. Parking available for our rental car was another huge plus as my husband and I wanted to explore the area- John's Pass Village & Boardwalk for renting wave runners and lunch, Dali museum and groceries from Publix Market down the road. Host Kenny reached out to make sure we were settled in and also invited us to a show at the comedy club next to the bnb which was awesome! We will stay here again.

8

7

6

5

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

airbnb.com/rooms/776308893220156875/reviews?adults=1&children=0&enable_m3_private_room=true&infants=0&pets=0&search_mode=regular_search&check_in=2024-08-14&check_out=2024-08-19&source_impression_id=p3_172358326...

Charming, Retro Style Beach Apartment

\$130 night

★ 4.68

75 reviews

Most recent

Search reviews

Overall rating

Cleanliness 4.6

Accuracy 4.8

Check-in 4.8

Communication 4.9

Location 4.7

Value 4.8

12

Lizzy
Gum Spring, Virginia
★★★★★ · January 2024 · Stayed a few nights
Kenny is an awesome host. Very responsive & nice.

11

Jim
Fredericksburg, Virginia
★★★★★ · January 2024 · Stayed a few nights
Can't say enough just how convenient this spot was to get around. Literally 15 steps and mins from everything you could want to at the beach. The host was very responsive and the listing was as advertised.

10

Andrea
Rochester, New York
★★★★★ · January 2024 · Stayed a few nights
Very cute spot! Clean room w/ accurate pics. Kenny was a great host, provided helpful & clear communication for how to find the place, where to park, etc. Loved the keyless entry, the Keurig and the complimentary coffee pods. Fridge was very convenient for leftovers & drinks. Heat & AC worked great, smart TV was a lovely feature. Very nice to invite us to the comedy club, too! Definitely bring earplugs for the audible chatter outside the club right under the bedroom window. I always travel with them anyway, so it wasn't an issue for me. Great proximity to the beach (4 min walk), plus a quick 15 min drive to Grand Central area where we spent most of our time for coffee, food, drink & museums. Thank you, Kenny!

9

Monica
Winter Garden, Florida
★★★★★ · January 2024 · Stayed with a pet
Great location. Kenny was an amazing host ! Thank you Kenny !

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

The screenshot shows a web browser window with multiple tabs open. The active tab is an Airbnb listing for a property in St. Pete Beach. The URL in the address bar is airbnb.com/rooms/776308893220156875/reviews?adults=1&children=0&enable_m3_private_room=true&infants=0&pets=0&search_mode=regular_search&check_in=2024-08-14&check_out=2024-08-19&source_impression_id=p3_172358326.... The page displays a modal window for reviews. The modal shows an overall rating of 4.68 stars from 75 reviews. On the left, a bar chart shows the overall rating breakdown: 5 stars (4.6), 4 stars (4.8), 3 stars (4.8), 2 stars (4.9), and 1 star (4.7). On the right, a list of reviews is shown, with four reviews highlighted by red boxes and numbers:

Reviewer	Location	Rating	Review Text	Highlighted Number
Kaylee	Baton Rouge, Louisiana	★★★★★	February 2024 · Stayed a few nights Kenny's place was cute and cozy and right next to/walking distance to the beach. I would recommend!	16
Meera	New York, United States	★★★★★	February 2024 · Stayed a few nights We had a great time staying here and so close to the beach and restaurants!	15
Bob	7 years on Airbnb	★★★★★	February 2024 · Stayed a few nights Attended a conference at Tradewinds Resort. Super convenient and easy walk. Great shower and plenty of room to unwind after a day of business meetings.	14
Kaitlyn	Superior, Wisconsin	★★★★★	February 2024 · Stayed a few nights amazing location and easy check in and out!	13

The bottom of the screenshot shows a Windows taskbar with various application icons and a system clock indicating 5:12 PM on 8/13/2024.

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

★ 4.68 75 reviews

Overall rating

Category	Rating
Cleanliness	4.6
Accuracy	4.8
Check-in	4.8
Communication	4.9
Location	4.7
Value	4.8

20 Erin
Louisville, Kentucky
★★★★★ · March 2024 · Stayed a few nights
We stayed for my boyfriend's 30th birthday although the retro interior was for me :) the location was amazing, walkable to the beach and a short drive to the restaurants we wanted to go to. We didn't have a problem with noise from the businesses next door. The instructions given made it extremely easy to find the apartment. We will definitely be back to St. Pete beach and will stay here again!

19 Ben
Carmel, Indiana
★★★★★ · March 2024 · Stayed a few nights
Kenny's place was exactly like the pictures showed. He went above and beyond to help make our stay a good one. Great value for the price.

18 Christina
Baltimore, Maryland
★★★★★ · March 2024 · Stayed a few nights
Adorable little place in walking distance to everything you need. Kenny was also very responsive and helpful.

17 John
7 months on Airbnb
★★★★★ · March 2024 · Stayed a few nights
The interior was immaculate. The balcony is shared with one other unit and provides a partial view of the inland waterway if you move the comfy rockers near the landing (no grill, however). We had no issues accessing the beach through the parking lot across the street. Take the free shuttle (but tip driver) to Willy's Burgers (known for cheap seafood more than burgers). The Comedy Club that the host also owns closes by midnight and has an impressive wine selection. Would return to stay here again!

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

The screenshot shows an Airbnb review page for a property in St. Pete Beach. The overall rating is 4.68 stars from 75 reviews. The reviews are sorted by 'Most recent'. Four reviews are highlighted with red boxes and numbered 21, 22, 23, and 24. The reviews are from Bill, Chris, Janelle, and Aaditya, all giving 5-star ratings.

Reviewer	Rating	Date	Stayed	Review Text
Bill	5 stars	April 2024	Stayed a few nights	Kenny's place is in a great location in St. Pete Beach. Unit was clean with comfy bed and very hip and beachy. Easy walk to food, drinks and the beach! Stop by Kenny's comedy club and bar below. Lots of great people I made new friends with. I also enjoyed using the kitchen and made a few home-cooked meals with food I bought at Publix about a 1/4 mile down Gulf.
Chris	5 stars	April 2024	Stayed a few nights	Great central Gulf Blvd location, close to beach and restaurants. Good deal and perfectly matched the description.
Janelle	5 stars	March 2024	Stayed with kids	This place was so cute! We LOVED the beach vibes and bright happy colors. Perfect location tucked away with a little privacy. The neighbor was awesome! Kenny was responsive and great to deal with. He owns the comedy club below the Airbnb and you MUST check it out 🍷 even with "night life" below the Airbnb, it doesn't keep you up! Overall a great place to stay! We'll be back
Aaditya	5 stars	March 2024	Stayed a few nights	Perfect location for a beach vacation. It's a short walk to the closest beach. We enjoyed our stay. This place was as described and fully equipped.

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

The screenshot shows an Airbnb review page for a property in St. Pete Beach. The overall rating is 4.68 stars from 75 reviews. The reviews are sorted by 'Most recent'. Four reviews are highlighted with red boxes and numbers 28, 27, 26, and 25 next to them.

Reviewer	Rating	Review Text	Highlighted
Katie New York, New York	★★★★★	June 2024 · Stayed a few nights We had a great stay at Kenny's place! The decorations are just a cute as the pictures show. Very close to the beach and easy to park nearby. We even enjoyed a couple comedy shows at Kenny's comedy club downstairs and highly recommend checking that out when you stay. Kenny was also very easy to get in touch with throughout the trip. We would love to stay again next time we're in the area!	28
Shui 8 years on Airbnb	★★★★★	May 2024 · Stayed a few nights Kenny's place was really lovely. Peaceful, has everything I needed and close to food places and entertainment. Kenny is helpful and proactive, would love to stay there again! Side note: There's an extremely tame, blue heron that visits every other day. A delightful sight!	27
Chris 5 months on Airbnb	★★★★★	May 2024 · Stayed a few nights very nice and clean place. Nice and close location to beach and restaurants.	26
Carolyn 6 years on Airbnb	★★★★★	April 2024 · Stayed a few nights I was so happy with my stay. The apartment looks just like the photos. Kenny was very clear about check-in instructions and was very responsive. There are lots of things to do in the area and I'm glad I had a great place to stay in for the weekend.	25

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

★ 4.68 75 reviews

Overall rating

Category	Rating
Cleanliness	4.6
Accuracy	4.8
Check-in	4.8
Communication	4.9
Location	4.7
Value	4.8

30

Jen
Terre Haute, Indiana
★★★★★ · July 2024 · Stayed a few nights
Kenny's place was absolutely ADORABLE!! My bf and I stayed here to celebrate my 30th birthday and the decor was so beautifully put together. I couldn't have asked for a cuter place to spend my birthday. ♥️ Kenny was also so responsive! When we first arrived, the beach chairs were missing, but within 10 min of messaging, Kenny had 2 chairs delivered right to us. Also, the bed and pillows were SO comfortable, I slept like a baby the entire time! I would recommend this place and would absolutely stay here again. Thanks again for a fabulous stay!

29

Celeste
Knoxville, Tennessee
★★★★★ · June 2024 · Stayed a few nights
Located close to everything, plenty large enough for just me, and was nicely air conditioned. You must sneak/lurk between the back of a strip mall and the back of a few condos to get to the unit stairs. The keypad worked as described. But once inside, it was FILTHY. The sheets were wrinkled in the shape of whoever slept there previously. The toilet bowl was disgusting, the shower curtain was stained & mildewed, and there were toothpaste splatters on the mirror. The kitchen sink and silverware were splotchy. Every horizontal surface was dusty. Kenny gives tips for getting hot water in the shower but they will not work. He offered up two beach chairs that were no where to be found. But I did find about 7 dirty rags and 2 empty bottles of cleaner. He provides 4 dingy towels and 2 stained beach towels, but no washcloths, hand towels, or paper towels. Even the quaint patio between the apts is disgustingly cluttered. Can't believe I paid money for this - he should pay me for cleaning.

Response from Kenny
June 2024

5501 Gulf Blvd.

CE20240475

Airbnb advertisement

The screenshot displays an Airbnb review page for a property in St. Pete Beach. The property is titled 'Charming, Retro Style Beach Apartment' and has a price of \$130 per night. The overall rating is 4.68 stars based on 75 reviews. The reviews are sorted by 'Most recent'. Three reviews are highlighted with red boxes and red numbers 33, 32, and 31 next to them.

Review 33: Hannah, Athens, Georgia, 2 days ago. 5 stars. Review text: "Kenny was super helpful and described how to get to the apartment perfectly. He was very friendly and his place is super cute! It could use some touch ups, but that was no biggie. The place is right across the street from St. Pete beach and there are all kinds of restaurants and shopping within walking distance. Kenny also owns the comedy club downstairs and we highly recommend going! We thoroughly enjoyed ourselves."

Review 32: Ashleigh, 7 months on Airbnb, 6 days ago. 5 stars. Review text: "Great location! Can't beat it"

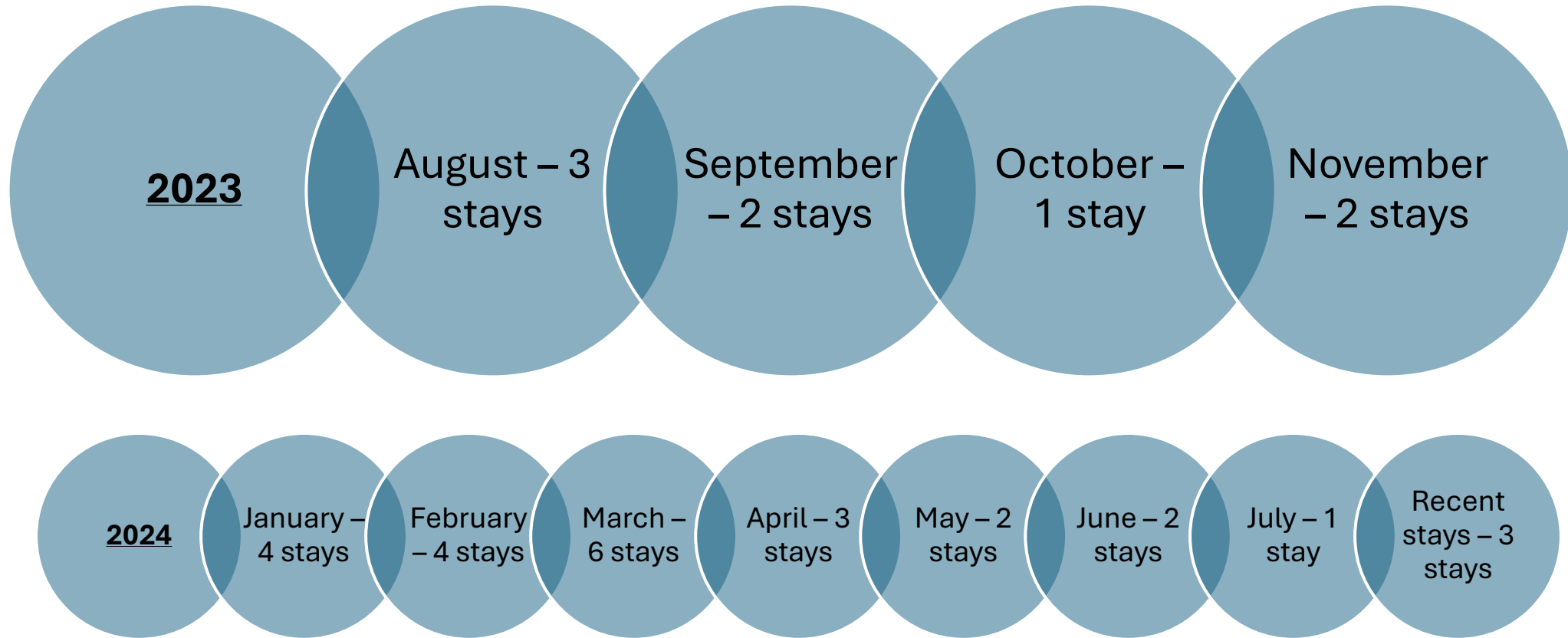
Review 31: Kristen, Edwardsville, Illinois, 3 weeks ago. 5 stars. Review text: "Such a cute and charming place! It was perfect for us. 5 minute walk to the beach and near so many restaurants! Kenny was awesome!"

The background shows the Airbnb interface with the property name 'Charming, Retro Style Beach Apartment' and a price of \$130 per night. The bottom of the screen shows the Windows taskbar with various application icons and the system clock indicating 5:16 PM on 8/13/2024.

5501 Gulf Blvd.

CE20240475

2023 & 2024 Stays



Total of 33 Short-Term-Rentals

5501 Gulf Blvd.

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: 5501 GULF BLVD

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

Name of Property Owner(s): BAYSIDE SHOPS LLC

Case No.: 20240475 Code Enforcement Officer: Luis Cruz

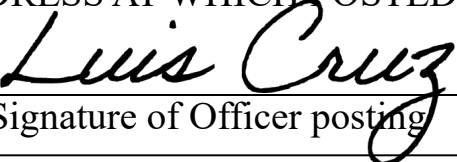
Hearing Date: 09/09/2024 at 10 a.m.

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 08/14/2024

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: 20240475

vs.
BAYSIDE SHOPS LLC
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **09/09/2024** 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 **5501 GULF BLVD** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

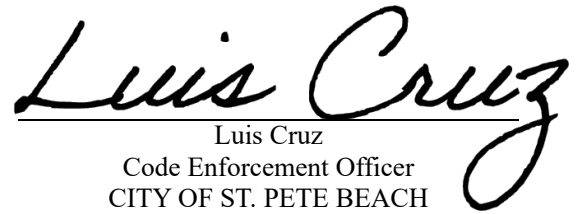
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 08/14/2024


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.

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

Agenda Report

Issue Considered: **Case No. 20240409**
 City of St. Pete Beach v. Alberto Espinoza
 Address: 5960 Bahama Way N. St. Pete Beach
 FL 33706

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
Kristin Coman, Community Development Director

Summary of Issue: Sec. 6.23. - Docks.

It is the intent of the city, together with the Pinellas County Water and Navigation Control Authority, to regulate the construction of residential and commercial dock facilities in order to minimize the adverse impacts of such activities upon the natural resources of the City of St. Pete Beach, Pinellas County and the State of Florida.

(g) Disrepair or dilapidated docks. If any dock falls into a state of disrepair and becomes a dangerous structure, creating risks to the safety and well-being of the community or individual members thereof, the entire structure shall either be removed or repaired so as to conform to the requirements of this section.

Sec. 98-65. - Unsightly conditions.

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

- (1) Structures that are:
- a. Partially destroyed; or
 - b. Left in a state of disrepair

The dock on your property has become dilapidated and left in a state of disrepair. You must repair the dock or remove the structure. Please coordinate with the city permitting department to make sure the route that is chosen requires a permit or not.

Funding: N/A

Requested Motion: N/A

Attachments:

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



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

NOTICE OF VIOLATION

7/23/2024

ESPINOZA, ALBERTO
11500 SPRINGRIDGE RD
POTOMAC, MD 20854-1152

RE: Case Number 20240409
Violation Address: 5960 BAHAMA WAY N
Parcel ID#: 313116023760000050

Dear Property Owner:

Your dock on your property has become dilapidated and left in a state of disrepair. You must repair the dock or remove the structure. Please coordinate with the city permitting department to make sure what you choose to do needs a permit or not (727-363-9226). You are in violation of the following Code Sections:

Sec. 6.23. - Docks.

It is the intent of the city, together with the Pinellas County Water and Navigation Control Authority, to regulate the construction of residential and commercial dock facilities in order to minimize the adverse impacts of such activities upon the natural resources of the City of St. Pete Beach, Pinellas County and the State of Florida.

(g) Disrepair or dilapidated docks. If any dock falls into a state of disrepair and becomes a dangerous structure, creating risks to the safety and well-being of the community or individual members thereof, the entire structure shall either be removed or repaired so as to conform to the requirements of this section.

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

(1) Structures that are:

- a. Partially destroyed; or
- b. Left in a state of disrepair

These violation(s) must be corrected **no later than 8/15/2024**. 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

CE20240409

- Respondent(s): Alberto Espinoza**
- Violation address: 5960 Bahama Way N.**
- Violation(s) description: The property is in violation of sections 6.23 Docks (g) & 98-65 Unsightly conditions (1) a. and b. of the Land Development code and Code of Ordinances of the city of St. Pete Beach**

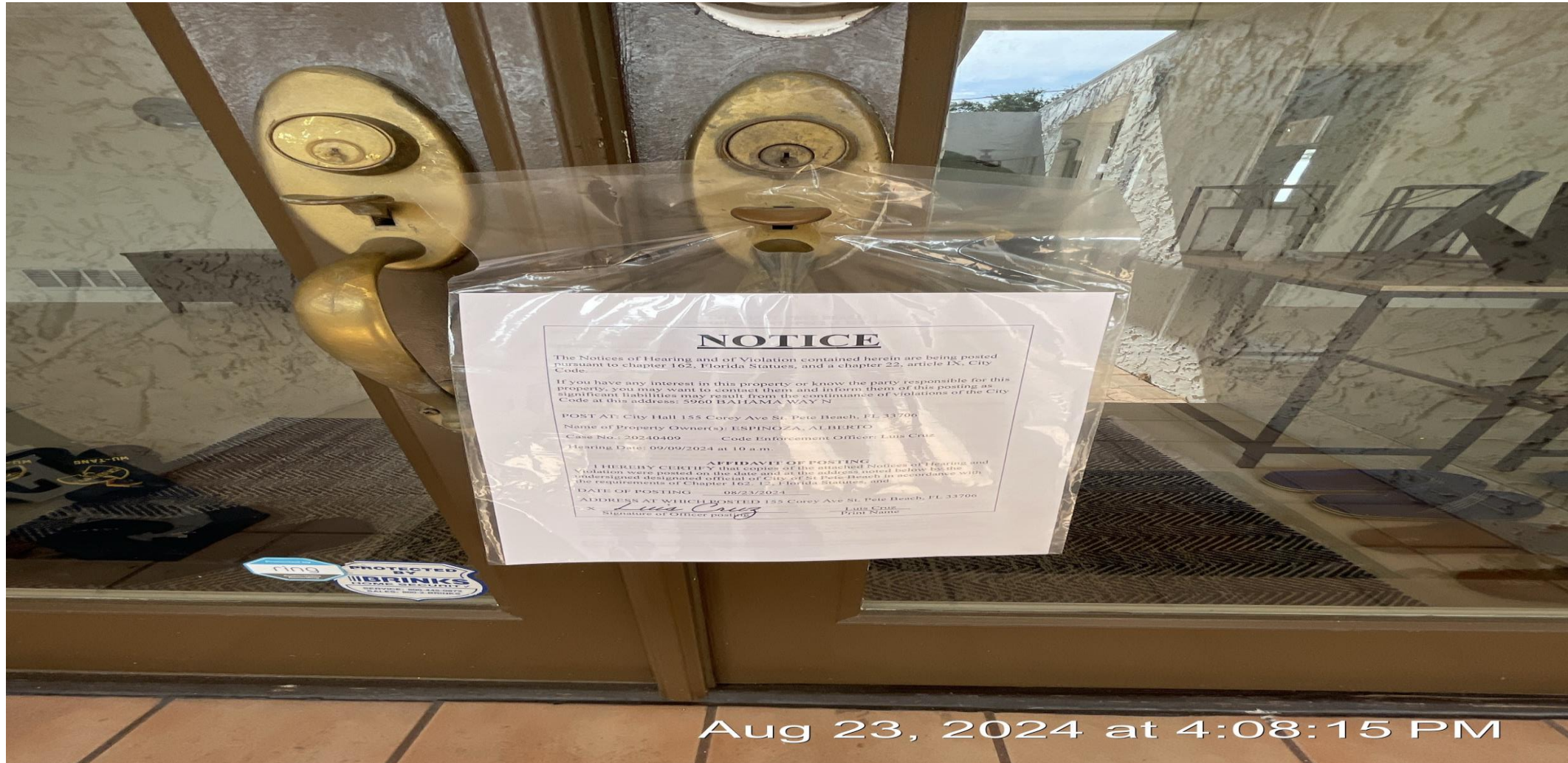
CE20240409

Case Summary

- Initial inspection: 7/17/2024**
- Notice of Violation dated: 7/23/2024**
- Notice of Violation compliance date: 8/15/24**
- Notices of Hearing dated and posted on the property: 8/23/2024**

CE20240409

Affidavit of Posting



5960 Bahama Way N.

CE20240409

Dock in disrepair



5960 Bahama Way N.

CE20240409

Dock in disrepair



5960 Bahama Way N.

CE20240409

Dock in disrepair



Aug 22, 2024 at 4:02:52 PM

5960 Bahama Way N.

NOTICE

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

Name of Property Owner(s): ESPINOZA, ALBERTO

Case No.: 20240409 Code Enforcement Officer: Luis Cruz

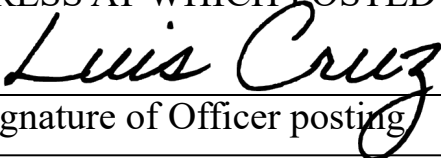
Hearing Date: 09/09/2024 at 10 a.m.

AFFIDAVIT OF POSTING

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DATE OF POSTING 08/23/2024

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: 20240409

vs.
ESPINOZA, ALBERTO
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

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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 **5960 BAHAMA WAY N** 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,

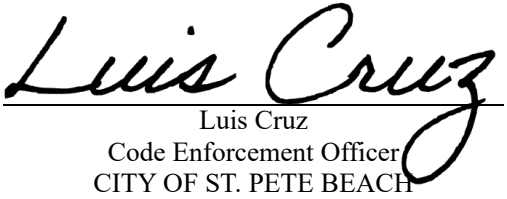
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If you wish to have any witnesses subpoenaed, or if you have any other questions, please contact the office of the Special Magistrate Administrative Division within five (5) business days of this notice, at 727-363-9211.

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 08/23/2024


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.20240391**
 City of St. Pete Beach v. Diana Street Properties
 LLC
 Address: 3614 Gulf Blvd St. Pete Beach FL
 33706

Date: September 9, 2024

Prepared By: Steven Rivera, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

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.

 (3) Any condition which provides harborage for rats,
 mice, snakes and other vermin.

**Sec. 98-66 - Residential and Commercial
Property Maintenance**

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

 (b) Standards for improved property.

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

 The property is overgrown and needs to be cut and
 maintained regularly. There is a pile of

branches/fronds on the El Centro side of property that needs to be cleaned up and disposed of to prevent the harborage of rodents.

Funding: N/A

Requested Motion: N/A

Attachments:

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



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

NOTICE OF VIOLATION

7/10/2024

DIANA STREET PROPERTIES LLC
4813 CULBREATH ISLES WAY
TAMPA, FL 33629

RE: Case Number 20240391
Violation Address: 3614 GULF BLVD
Parcel ID#: 073216218520040080

Dear Property Owner:

The property is overgrown and needs to be cut and maintained regularly. There is a pile of branches/fronds on the El Centro side of property that needs to be cleaned up and disposed of to prevent the harborage of rodents.

Sec. 46-33 - Enumeration.

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.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

Sec. 98-66 - Residential and Commercial Property Maintenance

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

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

(b) Standards for improved property.

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

These violation(s) must be corrected **no later than 7/25/2024**. 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,

Steven Rivera

727-235-5398

Steven Rivera
Code Enforcement Officer

CE20240391

- Respondent(s): Diana Street Properties LLC**
- Violation address: 3614 Gulf Blvd**
- Violation(s) description: Property is in violation of 46-33 (3) Enumeration, and 98-66 (a),(b)&(20) Residential and commercial property maintenance of the Code of Ordinances of the city of St. Pete Beach**

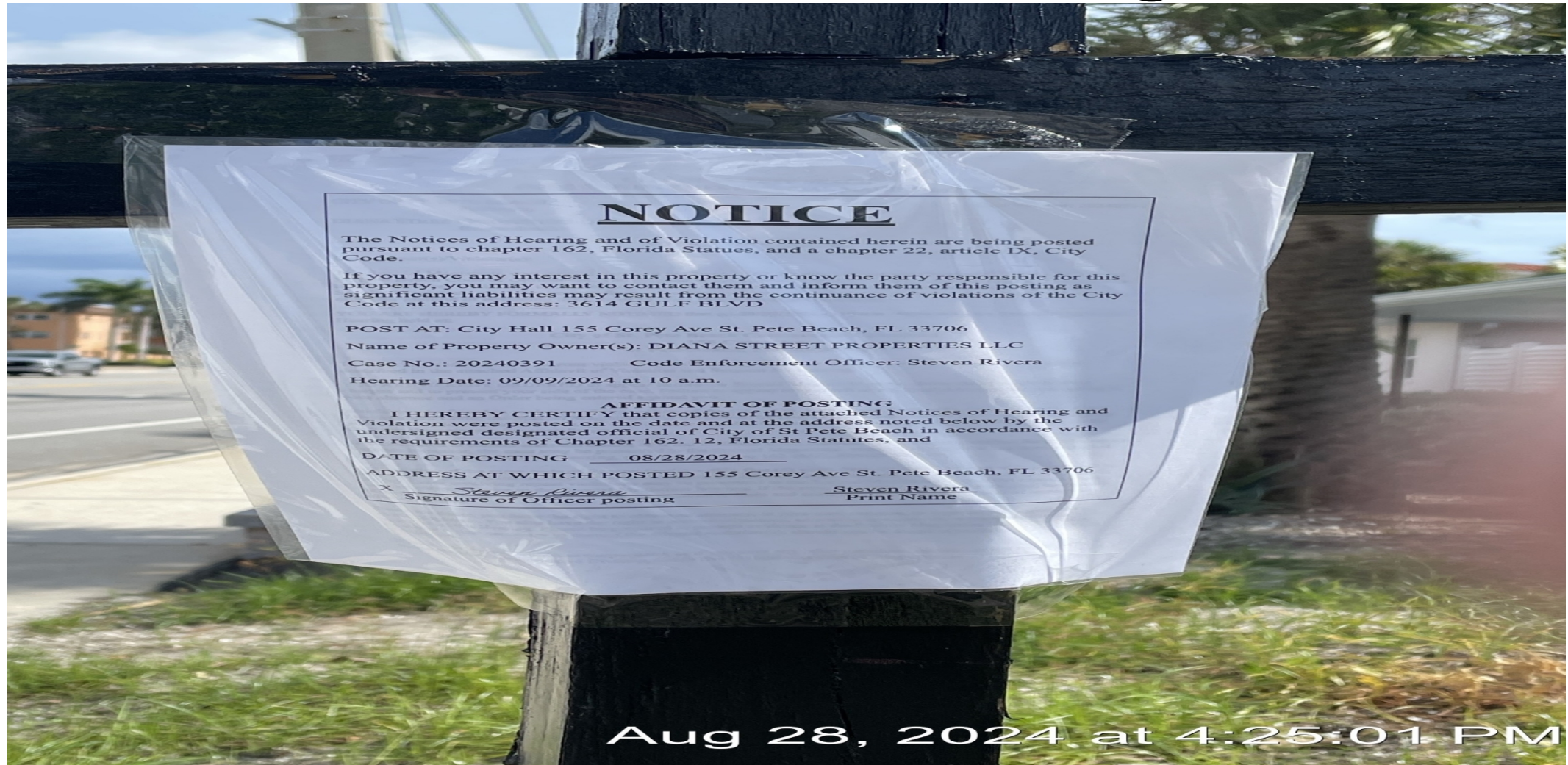
CE20240381

Case Summary

- Initial inspection: 7/9/2024**
- Notice of Violation dated: 7/10/2024**
- Notice of Violation compliance date: 7/25/2024**
- Notices of Hearing dated and posted on the property: 8/28/2024**

CE20240391

Affidavit of Posting



3614 Gulf Blvd.

CE20240391

Overgrown vegetation



3614 Gulf Blvd.

CE20240391

Overgrown vegetation



3614 Gulf Blvd.

CE20240391

Overgrown vegetation



3614 Gulf Blvd.

CE20240391

Overgrown vegetation



3614 Gulf Blvd.

CE20240391

Overgrown vegetation



3614 Gulf Blvd.

CE20240391

Overgrown vegetation



3614 Gulf Blvd.

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: 3614 GULF BLVD

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

Name of Property Owner(s): DIANA STREET PROPERTIES LLC

Case No.: 20240391 Code Enforcement Officer: Steven Rivera

Hearing Date: 09/09/2024 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 08/28/2024

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

X Steven Rivera
Signature of Officer posting

Steven Rivera
Print Name

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

CITY OF ST. PETE BEACH,
Petitioner,

Case Number: 20240391

vs.
DIANA STREET PROPERTIES LLC
Respondent(s)

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

The Special Magistrate was created pursuant to Chapter 162, Florida Statutes and Chapter 22, Article IX, City of St. Pete Beach Code of Ordinances. The purpose of the Special Magistrate is to conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring a violation into compliance. The Special Magistrate may also impose fines and other non-criminal penalties to provide and equitable, expeditious, effective method of enforcing the City of St. Pete Beach Code of Ordinances.

YOU ARE HEREBY FORMALLY NOTIFIED that on **09/09/2024** 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 **3614 GULF BLVD** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 08/28/2024



Steven Rivera
Code Enforcement Officer
CITY OF ST. PETE BEACH

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

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

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

Agenda Report

Issue Considered: **Case No. 20220487**
 City of St. Pete Beach v. Damce Limbevski,
 Linda Limbevski, & Koste Limbevski
 Address: 7100 Bay St. St. Pete Beach FL 33706

Date: September 9, 2024

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
 Kristin Coman, Community Development Director

Summary of Issue: Lien Reduction Request

Funding: N/A

Requested Motion: N/A

Attachments: 1. Lien Reduction Request Application
 2. Special Magistrate Order 11/8/2022
 3. Fine and Lien Assessment Sheet



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: 20220487

2. Date: August 19, 2024

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

Company (if applicable): _____

Name: Koste Limbevski

Mailing Address: 7100 Bay Street

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

Phone #: _____ Fax #: _____

Mobile #: 551-343-5700 E-mail: KLimbevski@hotmail.com

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

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

Company (if applicable): _____

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ Fax #: _____

Mobile #: _____ E-mail: _____

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

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

Company (if applicable):

Name: Koste Limbevski

Mailing Address: 7100 Bay Street

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

Phone #: _____ Fax #: _____

Mobile #: 551-343-5700 E-mail: KLimbevski@hotmail.com

Company (if applicable):

Name: Linda Limbevski

Mailing Address: 7100 Bay Street

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

Phone #: _____ Fax #: _____

Mobile #: 201-306-0553 E-mail: LindaLimbevski1@aol.com

Company (if applicable):

Name: Dance Limbevski

Mailing Address: 7100 Bay Street

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

Phone #: _____ Fax #: _____

Mobile #: 201-618-3699 E-mail: Kocre8@gmail.com

5. Information for property on which lien occurs:

Street Address: 7100 Bay Street

Parcel ID: 36-31-05112-002-0060

Tax Account Number: # R400043

Existing Use(s) on Property: Homestead (Single Family Dwelling)

Date Fine or Lien Imposed: as of 8-8-24

Fine/Lien Amount: 160,380.00 Administrative Fees: 446 Total Fine/Lien Amount: 160,696.00

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

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

Date upon which the subject property was brought into compliance: November 15, 2022

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

See Attached letter to Special Magistrate

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

See Attached letter to Special Magistrate

Provide proof that the taxes are paid in full:

See attached Receipt

6. Signatures and Notarization.

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

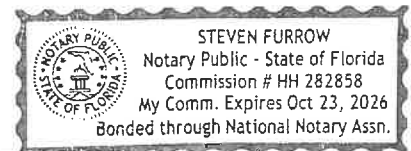
☒ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this
request.

☐ 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.

Kate Lumbashi



(APPLICANT SIGNATURE)

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

Personally Known OR Produced Identification X

Type of I.D. Produced Identification Card

(NOTARY PUBLIC SIGNATURE) Steven Furrow

STATE OF FLORIDA, COUNTY OF PINELLAS

Sworn and subscribed to before me this 19th day August 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 _____



CITY OF ST PETE BEACH CERTIFICATE OF OCCUPANCY

(4) Statement describing portion of building certificate is for with a unit number if applicable (5) List any division of occupancy (13) List special stipulations (12) sprinklered?

This certificate is issued pursuant to the requirements of the Florida Building Code and the Land Development Code, certifying that at the time of issuance, this structure was inspected for compliance with the various ordinances of the City and **Florida Building Code 7th Edition (2020)**, regulating building construction or use, for the following:

ADDRESS OF BUILDING: 7100 Bay St.

PARCEL ID: 36-31-15-25112-002-0060

BUILDING PERMIT NUMBER/ TYPE OF CONSTRUCTION: #230 V-B

OCCUPANCY GROUP/USE: R-3

OWNER/ADDRESS: 7100 Bay St.

CONTRACTOR: Owner Builder

FLOOD ZONE/BFE: AE-11

DESIGN OCCUPANT LOAD: 6

Digitally signed by Mark D Vasquez
CBO, CFM
DN: C=US,
E=mvasquez@stpetebeach.org,
O=City of St. Pete Beach,
OU="Building Code Administrator",
CN="Mark D Vasquez CBO, CFM"
Date: 2023.10.24 14:58:20 -0400



10/23/2023

Mark Vasquez, Chief Building Official

Date

RE: Lien Payment Reminder

7100 Bay St

From: Deborah Johnson

djohnson@stpetebeach.org

To: lindalimbevski1@aim.com

lindalimbevski1@aim.com,

klimbevski@hotmail.com

klimbevski@hotmail.com

Cc: Peyt Dewar

pdewar@stpetebeach.org

Sent: Thursday, August 8 at 10:47 AM

Linda,

This is a second reminder that you have an outstanding Lien owed to the City. These fines continue to accrue on a daily basis.

As of this date, 8.8.24, the fines have accrued to:

641 days X \$250.00 equaling \$160,250.00 plus an Administrative Fine of \$446.00 which totals as of this date, 8.8.24 \$160,696.00, again, these fines accrue daily until property is compliant.

Please, make arrangements to make a payment.

If you have questions, please contact Peyt Dewar at pdewar@stpetebeach.org

or call him at 727.363.9211.

Thank you,

Deb Johnson

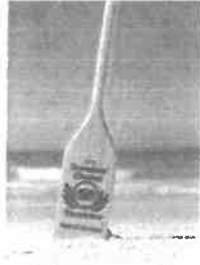
Code Enforcement Clerk

Community Development | City of St.

Pete Beach



 727-363-9262
 djohnson@stpetebeach.org
 www.stpetebeach.org
 155 Corey Avenue, St. Pete
Beach FL 33706



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Deborah Johnson

Sent: Thursday, June 20, 2024 11:27 AM

To: lindalimbevski1@aim.com

Cc: Peyt Dewar

<pdewar@stpetebeach.org>

Subject: Lien Payment Reminder 7100

Bay St

Charles W. Thomas

pinellas county tax collector

2023 Annual Bill —Real Estate Parcel at 7100 BAY ST. ST PETE BEACH

Charles W. Thomas
Pinellas County Tax Collector
P.O. Box 31149, Tampa, FL 33631-
3149

Real Estate 2023 Annual
Notice of Ad Valorem Taxes and Non-ad Valorem
Assessments

Account number	Parcel number	Escrow code	Millage code
R400043	36/31/15/05112/002/0060	—	SPB

\$0.00 due.

[View this Bill Online](#)

Owner

LIMBEVSKI, KOSTE
7100 BAY ST
ST PETE BEACH, FL 33706-1927

Situs address

7100 BAY ST
ST PETE BEACH

Legal description

BAYSIDE 2ND ADD TO ST PETE BEACH
B, LOT 6 & LOT 7 LESS W'LY 20 FT

Ad Valorem Taxes

Taxing authority	Millage	Assessed	Exemptions	Taxable value	Tax
GENERAL FUND	4.7398	324,852	0	324,852	\$1,539.73
HEALTH DEPARTMENT	0.0713	324,852	0	324,852	\$23.16
EMS	0.8418	324,852	0	324,852	\$273.46
SCHOOL-STATE LAW	3.1900	599,912	0	599,912	\$1,913.72
SCHOOL-LOCAL BD.	2.7480	599,912	0	599,912	\$1,648.56

ST PETE BEACH	3.0913	324,852	0	324,852	\$1,004.21
SW FLA WTR MGMT.	0.2043	324,852	0	324,852	\$66.37
PINELLAS COUNTY PLN.CNCL.	0.0210	324,852	0	324,852	\$6.82
JUVENILE WELFARE BOARD	0.8250	324,852	0	324,852	\$268.00
Total	15.7325				\$6,744.03

Non-Ad Valorem Assessments

Levying authority	Rate	Amount
ST PETE BEACH STORMWATER SVCS FIXED COST		\$64.32
ST PETE BEACH STORMWATER SVCS VARIABLE COST		\$119.43
Total		\$183.75

Combined taxes and assessments: \$6,927.78

\$0.00 due.

[View this Bill Online](#)

If paid by:	Nov 30, 2023
Please pay:	\$6,650.67

\$6,650.67 paid 11/06/2023

[Contact us](#) | [Tax Collector home](#)

Charles W. i

pinellas county tax

Thank you for your payment

Transaction Details

Transaction ID: 121645601

Batch: 647060

Drawer: 952

Receipt Number: 952-23-041096

Cashier: N/A

Item Details

DESCRIPTION	EFFECTIVE DATE	AMOUNT DUE	AMOUNT PAID
Real Estate Acc# R222329 Bill Yr: 2023 Regular Due: 03/31/2024 Item Receipt #: 952-23- TAX-036443	11/06/2023	\$2,889.25	\$2,889.25
Real Estate Acc# R400043 Bill Yr: 2023	11/06/2023	\$6,650.67	\$6,650.67

Regular Due:
03/31/2024 Item
Receipt #: 952-23-
TAX-036444

Real Estate

Acc# R274362
Bill Yr: 2023
Regular Due: 11/06/2023 \$1,735.75 \$1,735.75
03/31/2024 Item
Receipt #: 952-23-
TAX-036445

TOTAL PAID \$11,275.67

Tender Details

PAYMENT DETAILS	AMOUNT PAID
E-Check Holder: damce and linda limbevski - Confirmation number: H9669236441	\$11,275.67
TOTAL CHARGED	\$11,275.67

Paid By: DAMCE AND LINDA LIMBEVSKI 88
NORTH ST ELMWOOD PARK, NJ 07407
Payment Date: 11/06/2023 10:16PM
Received Via: Online

Charles W. Thomas - Tax Collector
P.O. Box 31149, Tampa, FL 33631-3149

TouristExpress Payments: P.O. Box 6440, Clearwater, FL
33758-6440

August 18, 2024

Koste Limbevksi

7100 Bay Street

St. Pete Beach, Florida 33706

Cell: 551-343-5700

Email: klimbevski@hotmail.com

Subject: Request for Rescission of Code Infraction Fine

Dear Special Magistrate,

I hope this message finds you well. I would like to clarify that obtaining a Certificate of Occupancy requires the property to be free and clear of all debt, liens, or fines. We have had the Certificate of Occupancy and have been living in our home for over eleven months. It was only recently brought to our attention by Peyt Dewar that there is an ongoing fine of over \$160,000, with a daily fine of \$250, which we were unaware of until a week ago. I am writing because we believed the fine was already rescinded once we completed the necessary steps and obtained our Certificate of Occupancy. I was under the understanding that Mr. Thomas A. Thanas had agreed that upon fulfilling these requirements, the fine would be waived.

As of November 15th, 2022, all exterior portions of the house were clean and kept up to code. Any remaining construction or inspection requirements were completed promptly and indoors, out of view of any neighbors. I would also like to clarify that the original code infractions were fully addressed and satisfied. The remaining issue was acquiring a Certificate of Occupancy, which involved many dealings primarily managed by the city.

During the court session, Mr. Thanas mentioned that the fine would be rescinded, as the entire purpose of the order was to ensure we completed the build as quickly as reasonably possible. While it did take eleven months from the court date to acquire the Certificate of Occupancy, this was largely due to challenges with two general contractors who could not meet the deadlines. They cited difficulties with the city's inspection process, particularly regarding the timing and requirements of those inspections.

Additionally, the city required us to obtain a variance, which involved canvassing our neighbors to see if they would support an adjustment on the property. I kept in very close contact with them throughout this process to ensure their concerns were addressed. I was pleased to find that all my neighbors were very happy with the addition of the house and the new family moving in. They also expressed that their property values would likely increase due to the improvement.

Throughout this period, no harm or damage was caused to anyone. The main impact was financial, as we had to pay extra for contractors to work under what were described as emergency conditions. After the general contractors were unable to meet deadlines, I hired attorney Bryan Dion of Johnson Pope. He was instrumental in completing the variance and facilitating all necessary paperwork to expedite the Certificate of Occupancy. Additionally, both

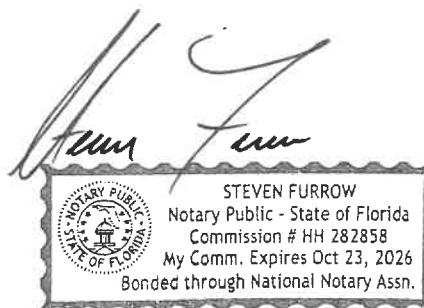
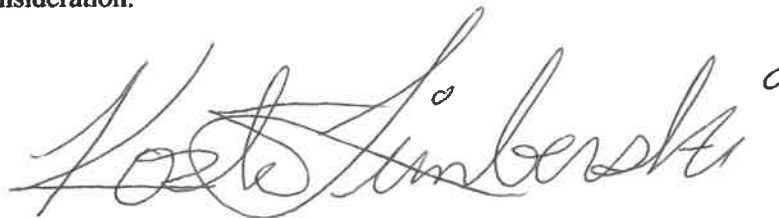
Mr. Thanas and Julie Anderson advised that having a licensed contractor in control would help stop the fines, which we complied with thereafter.

I also had to quit my job to help with the process. I have since taken a job as a bartender at Trophy Fish in town. Given my current financial situation and the responsibility of taking care of my retired elderly parents, a large fine would be nearly impossible for me to pay.

Given that all conditions have been met, I respectfully request the fine be rescinded as agreed.

Thank you for your understanding and consideration.

Sincerely,
Koste Limbevksi
7100 Bay Street
St. Pete Beach, Florida 33706
Cell: 551-343-5700
Email: klimbevski@hotmail.com



8/19/2024

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

CITY OF ST. PETE BEACH,

Petitioner,

v.

**CASE NO.: 20220487
ADDRESS: 7100 BAY STREET
ST. PETE BEACH, FL 33706**

**DAMCE LIMBEVSKI, LINDA
LIMBEVSKI, and KOSTE LIMBEVSKI,**

Respondents.

**ORDER REAFFIRMING A FINDING OF CODE VIOLATIONS AND DIRECTING
COMPLIANCE, AND IMPOSING FINE AND COSTS**

This case comes before the Special Magistrate on November 7, 2022, as a follow up to hearings held on August 8, 2022, and September 12, 2022, and after hearing testimony and receiving evidence, the Special Magistrate issues the following findings of fact and order:

1. The City was represented by Assistant City Attorney Matthew McConnell, Community Development Director Michelle Gonzalez, Code Enforcement Manager Peyt Dewar, and Building Division Manager Julie Anderson.
2. Respondent Koste Limbevski and Respondent Linda Limbevski appeared in person and indicated that they are two of the three owners of the subject property and that Damce Limbevski is a co-owner.
3. The Respondents own the subject property, and legally required notice of this proceeding was served on the Respondents in accordance with applicable law.
4. The Respondents were notified that they were in violation of Section 98-65 and 98-66 of the Code of Ordinances by not maintaining the property in compliance with applicable standards and were in violation of Section 3.7 of the Land Development Code (LDC) for not having a certificate of occupancy.
5. At the August 8, 2022, hearing, Mr. Dewar testified that the property was in violation of the cited provisions of the City Code and LDC and displayed photographs showing the various violations that were present on the days that the photographs were taken.
6. At the August 8, 2022, hearing, Koste Limbevski acknowledged the presence of the Code violations cited by the City but also testified that most of the violations had already been

abated and that the remaining violations would be abated, and the property cleaned up. The property is under construction as a new single family residential structure and will occupied as the personal residence by the Respondents, and the Mr. Limbevski testified that he and his parents had encountered difficulties with their contractors in getting the project completed.

7. At the September 12th hearing, Mr. Dewar testified about the condition of the property and presented photographs that were taken on September 12th showing some compliance with the August 8th order but not full compliance. The openings in the structure have been closed, but there are some property maintenance issues that are in need of attention.
8. Mr. Limbevski testified that some progress has been made but additional time is needed to complete the work. Mr. Limbevski indicated that they were having some problems with the general contractor.
9. At the November 7th hearing, Mr. Dewar testified that while some noncompliant matters were corrected, new violations have appeared on the property and that some of the original violations have not been corrected. Mr. Dewar presented photographs that were taken on November 7, 2022, showing noncompliant conditions on the property.
10. Ms. Anderson, the City's Building Division Manager, testified about her direct experience with the subject property including a site visit to the property on October 5, 2022, and having had conversations with the contractor at the site. Ms. Anderson issued a letter on October 10, 2022, detailing the items that were noncompliant and needed immediate attention. Ms. Anderson recited her division's five-year experience with the property and the numerous permit extensions that had been granted by the City to try to accommodate the Limbevskis.
11. Ms. Anderson testified that while four of the items in the October 10th letter had been addressed, the remaining items have not, and the property remains non-compliant.
12. Mr. Limbevski and Ms. Limbevski testified about the difficulties that they have encountered with various contractors and that they are trying hard to complete what Mr. Limbevski has testified that the home would be their "forever" home. Mr. Limbevski testified to difficulties he encountered with scheduling inspections.

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

1. The previous orders finding the Respondents to have been in violation of the cited provisions of the City Code and the LDC are reaffirmed, and all violations were not abated by the compliance date set in the August 8th order or the September 12th order.
2. The Respondents are directed to take all action needed to have licensed contractors complete the work in accordance with permits issued by the City and in accordance with the letter from Ms. Anderson dated October 10, 2022.

3. The Respondents are directed to bring the property in full compliance with property maintenance requirements by November 14, 2022, and the Respondents are required to allow City code enforcement officers and building officials to inspect the property on November 15, 2022, or such other date agreed upon by the City.
4. If the property is not brought into full compliance by November 15, 2022, by 5:00 p.m., a fine of **\$250.00 per day shall begin to accrue as of November 7, 2022**, and shall continue to run on a daily basis until the property is brought into full compliance.
5. The Respondents shall pay administrative costs as calculated by the City in accordance with the applicable provisions of Chapter 22, Article IX, of the Code of Ordinances. The City shall submit a written statement of administrative costs to the Respondents.
6. If the Respondents violate the same City Code provision in the future, the Respondents shall be deemed to be a "repeat violator" as that term is defined in Section 162.4(5), *Florida Statutes* and in the City Code and will be subject to fines and penalties as provided in Section 162.09, *Florida Statutes*.
7. In accordance with Section 22-279 of the City Code, the Respondents may request a hearing to challenge the fine amount within 20 days of the entry date of this order. The request must be submitted to the City in writing and submitted to the City Clerk or emailed to the following email address (and no other City email address): codeenforcement@stpetebeach.org. An order imposing a fine shall not be filed as lien until the latter of the expiration of such 20-day notice period, or the completion of such timely requested challenge. A challenge to an order imposing a fine shall be limited to a consideration of only such new findings necessary to impose an appropriate fine and create a lien.

Order entered on November 8, 2022.


 Thomas A. Thanas
 Special Magistrate

PROOF OF SERVICE

A copy of this Order was emailed to the Respondent Koste Limbevski and Linda Limbevski at KLimbevski@hotmail.com on November 8, 2022.

I hereby certify this to be a true and exact copy of the Special Magistrate Order for Case# 20220487 on file in the office of the City Clerk of St. Pete Beach, Pinellas County, Florida.


 Ginny Keeter-Bodkin, Deputy City Clerk
 Date: 11/08/2022

APPEALS

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

CODE ENFORCEMENT SPECIAL MAGISTRATE

Fine and Lien Assessment Worksheet

Case Number: 20220487

Linda and Koste Limbevski

7100 Bay St

Employee/Associate	Hourly Rate	Total Hours	Total
Code Enforcement Manager	\$33.00	2.00	\$66.00
City Attorney	\$180.00	1.00	\$180.00
Special Magistrate	\$200.00	1.00	\$200.00
Fine of \$250 per day x 350 days from November 7, 2022 through October 23, 2023, plus administrative fees of \$446.00.			
	Total hours		\$446.00

Total Administrative Fines	\$446.00
Lien	\$87,500.00
Total	<u>\$87,946.00</u>