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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, February 10, 2025
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath
2. Changes to Agenda -
3. Cases Continued -

   A. 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 2 week extension to secure dumpster enclosure permit.

   B. Case No. 20240633
   City of St. Pete Beach v. Nancy Gibbs Roy & Janet Gibbs Skelley Hayden
   Address: 190 73rd Ave. St. Pete Beach FL 33706
   Status hearing on 14 day extension to remove the broken fence and come into compliance.

   C. Case No. 20240663
   City of St. Pete Beach v. Family International Home Builders LLC
   Address: 7210 Gulf Blvd. St. Pete Beach FL 33706
   Status hearing for 14 day extension to clean/remove debris from property and bring property into compliance.

   D. Case No. 20240668
   City of St. Pete Beach v. Transformme LLC
   Address: 6305 Gulf Blvd. St. Pete Beach FL 33706
   Status hearing for 14 day extension to clean/remove debris from property and bring property into compliance.

4. Repeat Violations -
5. New Cases

A. Case No. 20240494
City of St. Pete Beach v. Richard J Jacobson & Richard W Jacobson
Address: 168 31st Ave St. Pete Beach, FL 33706
Sec. 20.03 Permitted principal uses and structures
Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the PAG Overlay District are as follows:
(b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than thirty (30) days does not occur more than three times in any 12-month period on any parcel.

6. Cases Complied -
7. Old Cases
8. Lien Reductions

A. Case No. 20240430
City of St. Pete Beach v. Christopher Smith & Briana S. Smith
Address: 7700 Boca Ciega Dr. St. Pete Beach FL 33706
Lien Reduction Request.

9. Next Meeting:
10. 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

Agenda Title Name: **Case No. 20240157**
City of St. Pete Beach v. 1008 Airport Rd LLC
Address: 8010 Blind Pass Rd. St. Pete Beach FL 33706

Action Request: N/A

Strategic Objective:

Date: February 10, 2025

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 2 week extension to secure dumpster enclosure permit.

Funding: N/A

Attachments:
1. Special Magistrate Order 8/13/2024
2. Special Magistrate Order 9/11/2024
3. Special Magistrate Order12/6/2024
4. Special Magistrate Order 01/15/2025

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 Augello

_____

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.

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 September 9, 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. Jonathan Finch appeared on behalf of the Respondent. Mr. Finch is the property manager and 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 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. In a Final Administrative Order dated July 8, 2024, Respondent was allotted **twenty-eight (28)** days to bring the property into compliance.

6. Code Enforcement Officer Cruz testified that the property remains non-compliant, though a permit for the dumpster enclosure had been applied for but not yet secured.

7. Respondent testified that a permit was applied for on August 28, 2024, after having had to change contractors. He testified that the property has otherwise been cleaned up relative to the paint and debris, and other items.

8. Respondent testified that in addition to the permit for the masonry dumpster enclosure, the application required a variance review relative to other improvements on the property. As

it was presented as a single application, the permit for the enclosure as well as the other improvements are being reviewed and run concurrently, to include the variance review.

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

9. Respondent failed to comply with the Final Administrative Order dated August 12, 2024, and remains in violation of the cited Code sections.

10. Due to the credible testimony of Respondent regarding the permit for the enclosure and the variance application being run concurrently, though not dependent on each other for issue, Respondent shall have an additional **thirty (30) day** extension from the date of this Order to secure the permit. It is suggested that Respondent confer with the City to see if the improvements on the application can be separated for individual review instead of concurrent review.

11. A hearing is Set for **October 14, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fees and costs.

12. 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.

13. It is Respondent's responsibility to notify the City once the property is in compliance.

14. 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 September 11, 2024.

Erica Augello

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Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at Jonathan.Finch@resortrentals.us on September 11, 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.

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.
_____/

ORDER GRANTING CONTINUANCE TO DATE CERTAIN

This matter having come before the Special Magistrate on **September 11, 2024**, was set for **October 14, 2024**, which was cancelled due to the effects of hurricane Helene and Milton. In consideration of the information presented, the Special Magistrate issues the following order:

IT IS ADJUDGED that this matter is continued until the **January 13, 2025,** Code Enforcement Special Magistrate Hearing beginning at **10:00 a.m.**

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 6th day of December 2024.

Erica Augello

_____
Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at Jonathan.Finch@resortrentals.us on December 6th, 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.
_____/

EXTENSION OF FINAL ADMINSTRATIVE ORDER

This case came before the Special Magistrate on January 13, 2025, 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 City Attorney Ralf Brookes and Code Enforcement Officer Luis Cruz.

2. Jonathan Finch appeared on behalf of the Respondent. Mr. Finch is the property manager and 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 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. In a Final Administrative Order dated July 8, 2024, Respondent was allotted twenty-eight (28) days to bring the property into compliance.

6. Respondent failed to comply with that order and the case was heard by the Magistrate on September 9, 2024.

7. At the September hearing, based on the credible testimony of Respondent regarding the permit for the enclosure and the variance application being run concurrently, though not dependent on each other for issue, Respondent was given a two-week extension from the date of the Order, which was September 11, 2024, to secure the permit.

8. On September 24-27, 2024, Hurricane Helene devastated the City of St. Pete Beach, followed by additional destruction from October 5-10, 2024, caused by Hurricane Milton.

9. In the immediate aftermath of the hurricanes, the City was not able to review, or process permits, and properties located in the City were severely impacted.

10. The City's Permitting Administrator, Joanne Boland, testified that an updated survey needed to be submitted with the permit for final review, and that if the survey is acceptable then the permit will be issued.

11. Code Enforcement Officer Cruz testified that a new survey was submitted on January 9, 2025, and is under review.

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

12. Due to the impact of the hurricanes, and the testimony of the City, Respondent shall have a **two (2) week** extension from the date of this Order, or by **Wednesday, January 29, 2025,** to secure the required permit.

13. A hearing is set for **February 10, 2025, at 10:00 a.m.** to determine compliance and to assess any authorized fees and costs.

14. 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.

15. It is Respondent's responsibility to notify the City once the property is in compliance.

16. 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 January 15, 2025.

Erica Augello

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Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Respondent at Jonathan.Finch@resortrentals.us on January 15, 2025.

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

Agenda Title Name:	**Case No. 20240633** **City of St. Pete Beach v. Nancy Gibbs Roy & Janet Gibbs Skelley Hayden** **Address: 190 73rd Ave. St. Pete Beach FL 33706**
Action Request:	N/A
Strategic Objective:	
Date:	February 10, 2025
Prepared By:	Luis Cruz, Code Enforcement Officer
Through:	Peyt Dewar, Code Enforcement Manager Denise Sanderson, Community Development Director
Summary of Issue:	Status hearing on 14 day extension to remove the broken fence and come into compliance.
Funding:	N/A
Attachments:	1. Special Magistrate Order 01/16/2025

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH

CITY OF ST. PETE BEACH,

Petitioner,

v. **CASE NO.: CE20240633**
ADDRESS: 190 73rd Ave.

NANCY GIBBS ROY &
JANET GIBBS SKELLEY HAYDEN,

Respondent.
_____/

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on January 13, 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 City Attorney Ralf Brookes and Code Enforcement Officer Luis Cruz.

2. No one appeared on behalf of Respondents.

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 they were in violation of Sections 98-64, 98-65, and 98-66 of the City's Land Development Code.

5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating debris left on the property to include drywall and other storm related debris. Mr. Cruz testified and submitted photographic evidence that demonstrated the property was substantially cleaned up but a broken fence remained.

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.

7. Respondent has **fourteen (14) days** from this Order to remove the broken fence and otherwise bring the property into compliance.

8. A hearing is scheduled for **February 10, 2025, at 10:00 a.m.** to determine if Respondent is in compliance and assess any applicable fines.

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 Respondents' responsibility to notify the City once the property is in compliance.

11. Should Respondents 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 Respondents may be subject to a fine of up to $500 per day for each day the violation exists.

Order entered on January 16, 2025.

Erica Augello

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Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 301 Colonial Point Rd S St. Petersburg, FL 33705 on January 16, 2025.

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

Agenda Title Name:	**Case No. 20240663** **City of St. Pete Beach v. Family International Home Builders LLC** **Address: 7210 Gulf Blvd. St. Pete Beach FL 33706**
Action Request:	N/A
Strategic Objective:	
Date:	February 10, 2025
Prepared By:	Luis Cruz, Code Enforcement Officer
Through:	Peyt Dewar, Code Enforcement Manager Denise Sanderson, Community Development Director
Summary of Issue:	Status hearing for 14 day extension to clean/remove debris from property and bring property into compliance.
Funding:	N/A
Attachments:	1. Special Magistrate order 01/20/2025

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH

CITY OF ST. PETE BEACH,

Petitioner,

v. **CASE NO.: CE20240663**
ADDRESS: 7210 Gulf Blvd.

FAMILY INTERNATIONAL HOME BUILDERS LLC,

Respondent.
_____/

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on January 13, 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 City Attorney Ralf Brookes 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 98-64, 98-65, and 98-66 of the City's Land Development Code. Specifically, storm debris was located in the right-of-way and needed to be removed.

5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating furniture, drywall, palm fronds, and other debris was scattered about the property leaving the property in disarray.

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

6. Respondent is found to be in violation of Sections 98-64, 98-65, and 98-66 of the City's Code of Ordinances.

7. Respondent has **fourteen (14) days** from this Order, or by **February 3, 2025,** bring the property into full compliance.

8. A hearing is scheduled for **February 10, 2025, at 10:00 a.m.** to determine if Respondent is in compliance and to impose any fines or costs as applicable.

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 January 20, 2025.

Erica Augello

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Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail to Respondent at 2338 NW 51st St, Miami, FL 33142-3677 on January 20, 2025.

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

Agenda Title Name: **Case No. 20240668**
City of St. Pete Beach v. Transformme LLC
Address: 6305 Gulf Blvd. St. Pete Beach FL 33706

Action Request: N/A

Strategic Objective:

Date: February 10, 2025

Prepared By: Luis Cruz, Code Enforcement Officer

Through: Peyt Dewar, Code Enforcement Manager
Denise Sanderson, Community Development Director

Summary of Issue: Status hearing for 14 day extension to clean/remove debris from property and bring property into compliance.

Funding: N/A

Attachments: 1. Special Magistrate Order 01/20/2025

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH

CITY OF ST. PETE BEACH,

Petitioner,

v. **CASE NO.: CE20240668**
ADDRESS: 6305 Gulf Blvd.

TRANSFORMME LLC,

Respondent.
_____/

FINAL ADMINISTRATIVE ORDER

This case came before the Special Magistrate on January 13, 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 City Attorney Ralf Brookes 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 98-64, 98-65, and 98-66 of the City's Land Development Code. Specifically, that storm debris was located in the right-of-way and required removal.

5. Code Enforcement Officer Cruz submitted photographic evidence demonstrating debris left on the property to include garbage bags, vinyl fencing, etc. He stated he spoke with the property owner who was attempting to clean up the property, but the contractor hired to do the job could not finish due to an emergency.

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

6. Respondent is found to be in violation of Sections 98-64, 98-65, and 98-66 of the City's Code of Ordinances.

7. Respondent has **fourteen (14) days** from this Order, or by **Monday, February 3, 2025,** to bring the property into compliance.

8. A hearing is scheduled for **February 10, 2025, at 10:00 a.m.** to determine if Respondent is in compliance and to impose any applicable 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 January 20, 2025.

Erica Augello

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Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via US Mail at 4472 Pearsall Road, Marion, NY 14505-9345 on January 20, 2025.

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

Agenda Title Name: **Case No. 20240494**
City of St. Pete Beach v. Richard J Jacobson & Richard W Jacobson
Address: 168 31st Ave St. Pete Beach, FL 33706

Action Request: NA

Strategic Objective:

Date: February 10, 2025

Prepared By: Jennifer Daunch

Through: Peyt Dewar, Code Enforcement Manager

Summary of Issue: **Sec. 20.03 Permitted principal uses and structures**

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

(b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than thirty (30) days does not occur more than three times in any 12-month period on any parcel.

Transient occupancy is only permitted three times in a 12-month period in the PAG OVRLAY district. Any rentals less than 30-days after the three that are permitted is a violation of the code. These violations are Irreparable or irreversible in nature and therefore this case is being referred to our Special Magistrate for a hearing. Your property is in violation of the following code(s).

Funding: NA

Attachments:

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

5. Irreparable or Irreversible Notice of Violation Banner Page

St. Pete Beach
The Sunset Capital of Florida
155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

Irreparable or Irreversible Notice of Violation

01/16/2025

JACOBSON, RICHARD J JACOBSON, RICHARD W
W11455 490TH AVE
PRESCOTT WI 54021-7729

Re: **Case Number 20240494**
Violation Address: 168 31ST AVE, ST PETE BEACH FL 33706
Parcel ID#: 073216609660000081

Dear Property Owner:

Transient occupancy is only permitted three times in a 12-month period in the PAG OVRLAY district. Any rentals less than 30-days after the three that are permitted is a violation of the code. These violations are Irreparable or irreversible in nature and therefore this case is being referred to our Special Magistrate for a hearing. Your property is in violation of the following code(s).

> **Sec. 20.03 Permitted principal uses and structures**
> Sec. 20.03. - Permitted principal uses and structures.
> Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the PAG Overlay District are as follows:
> (b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than thirty (30) days does not occur more than three times in any 12-month period on any parcel.

Please be advised that this matter is being referred to the Special Magistrate for a hearing on **02/10/2025, at 10 am.**

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

CE20240494

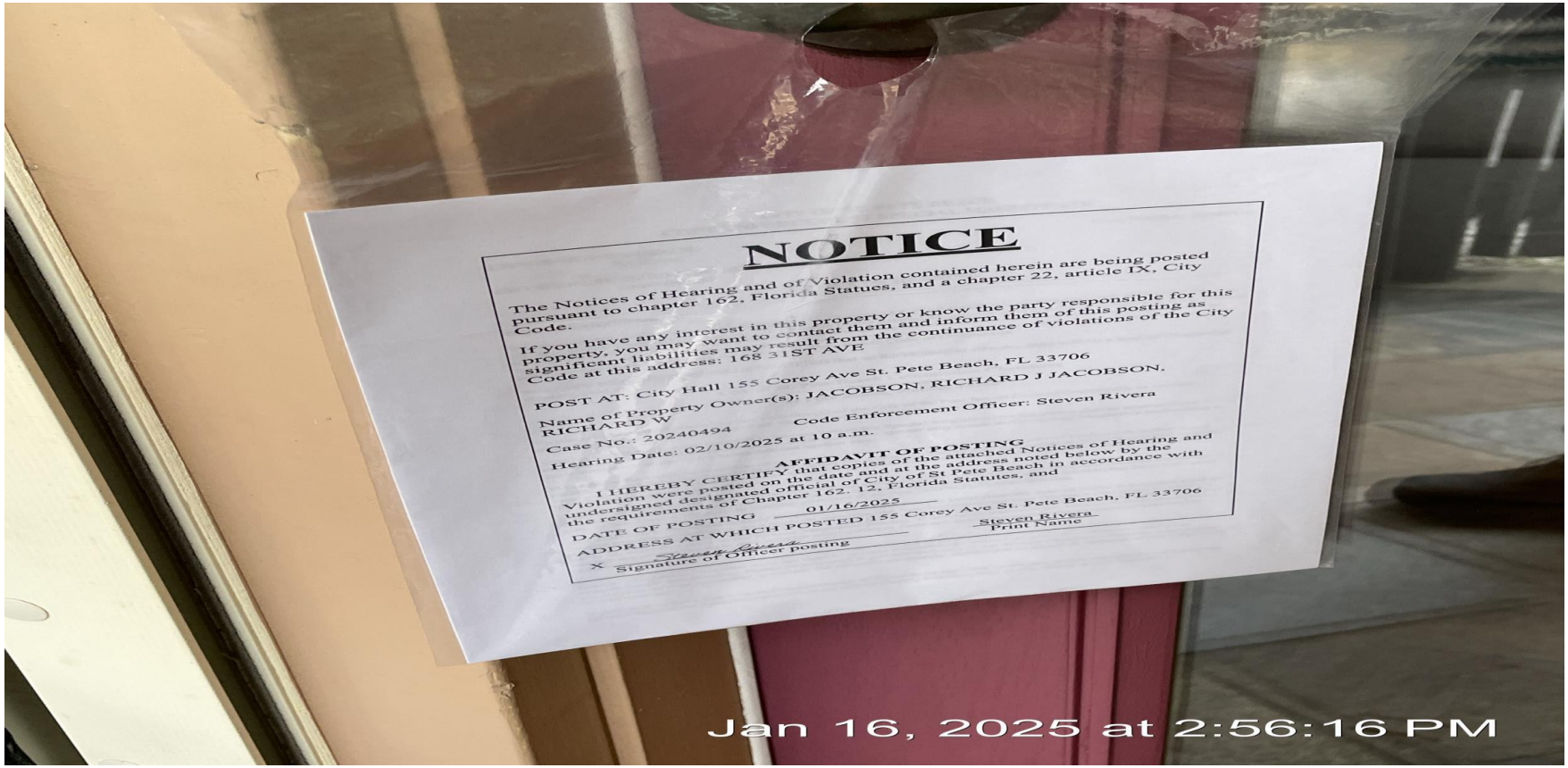
- **Respondent(s): Richard J Jacobson & Richard W Jacobson**
- **Violation address: 168 31St Ave.**
- **Violation(s) description: The property is in violation of section 20.03 Permitted principal uses and structures of the Land Development code of the city of St. Pete Beach**

CE20240494

Case Summary

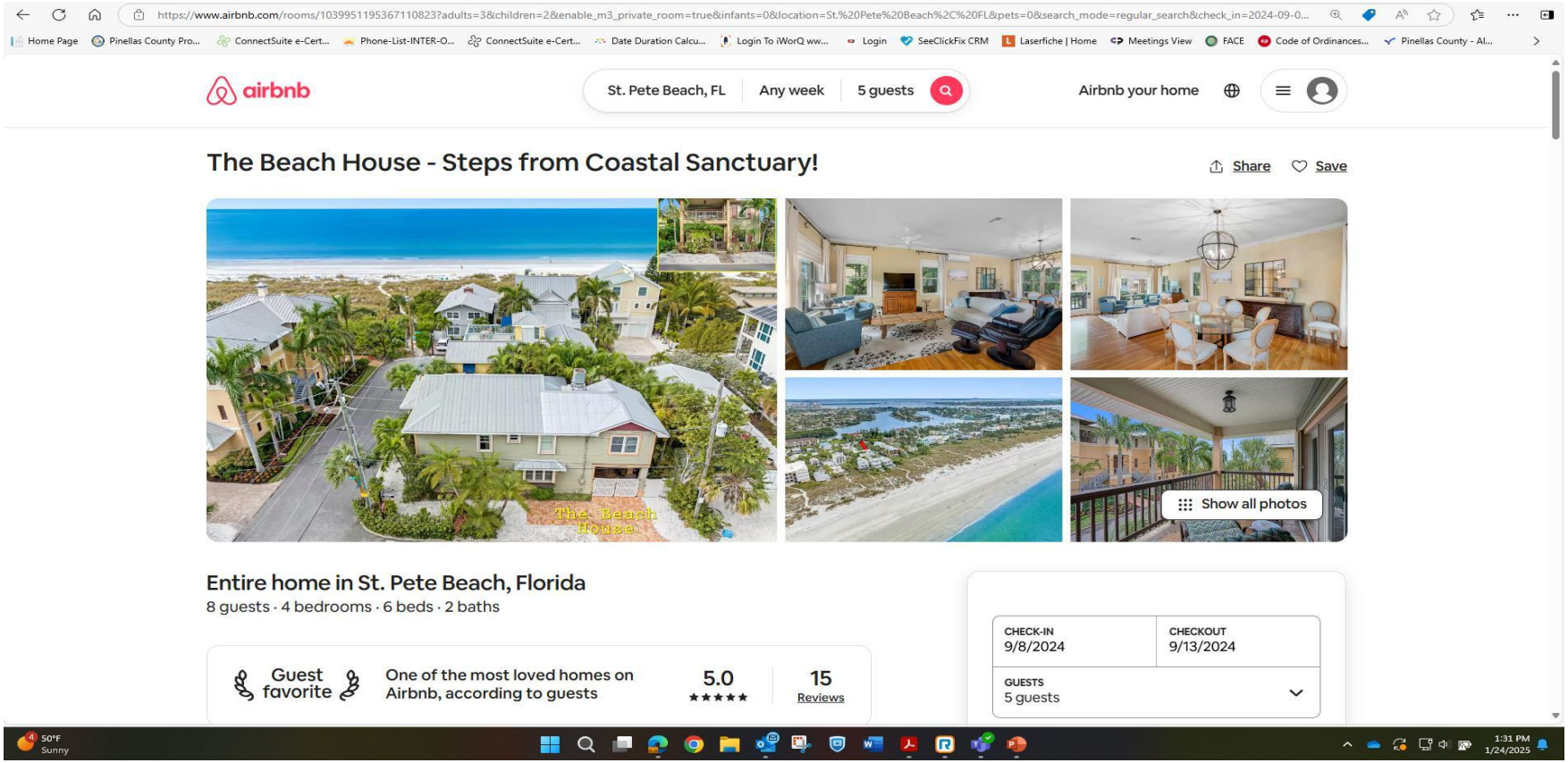
- **Initial inspection: 8/30/2024**
- **Notice of Irreparable or Irreversible Violation dated: 1/16/2025**
- **Notices of Hearing dated and posted on the property: 1/16/2025**

CE20240494
Affidavit of Posting



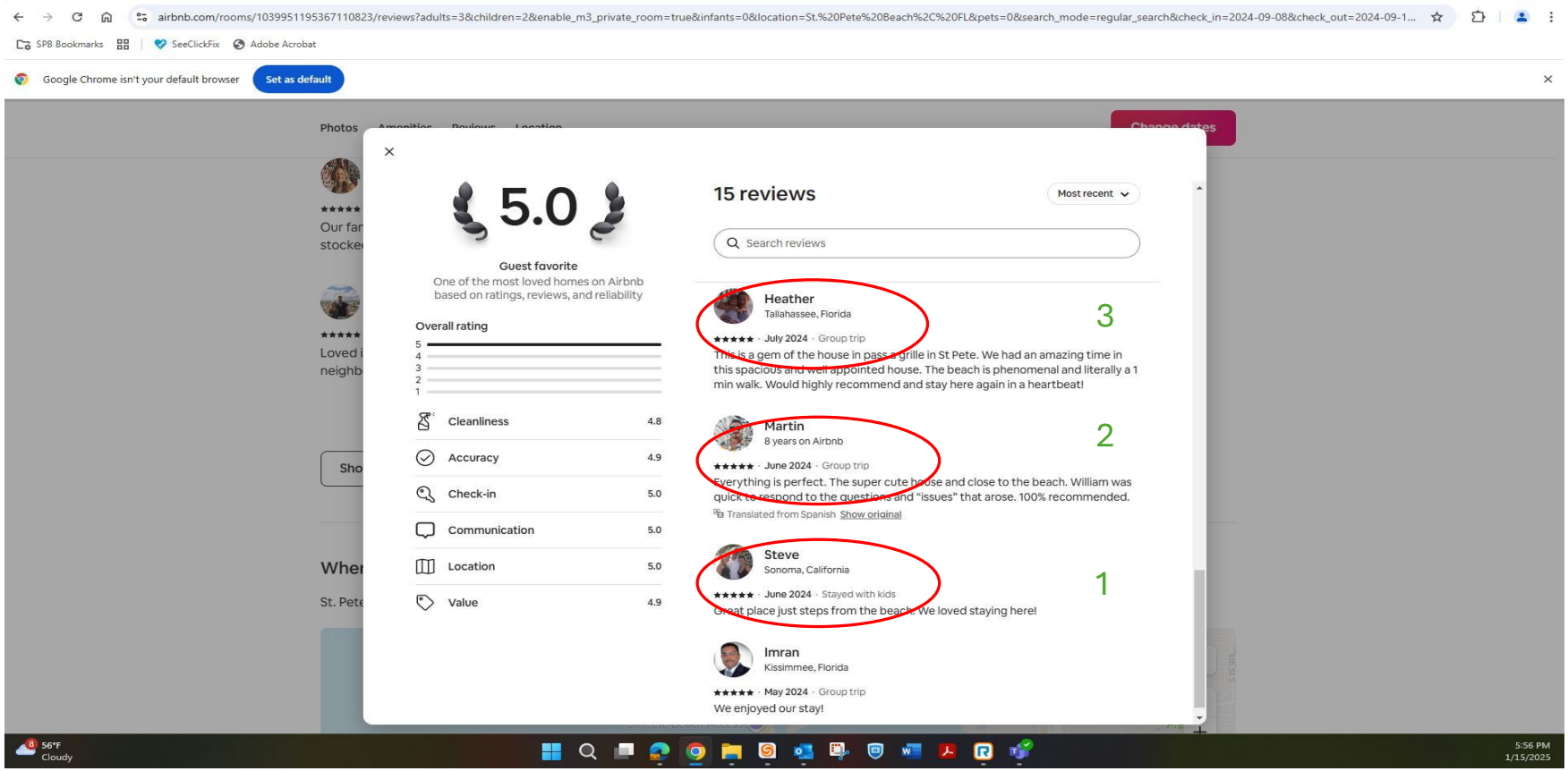
168 31St Ave.

CE20240494
Airbnb advertisement



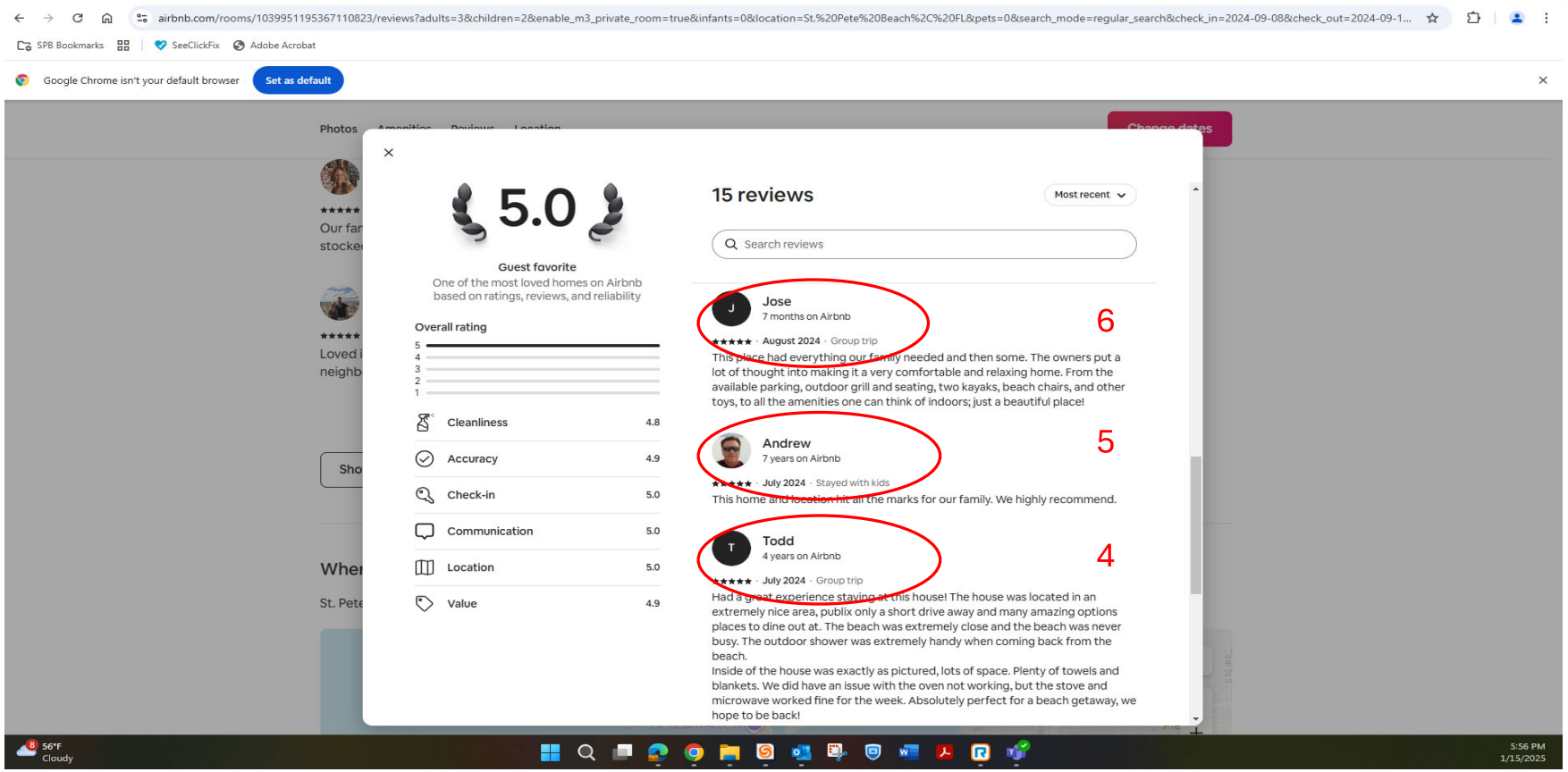
168 31St Ave.

CE20240494
Reviews



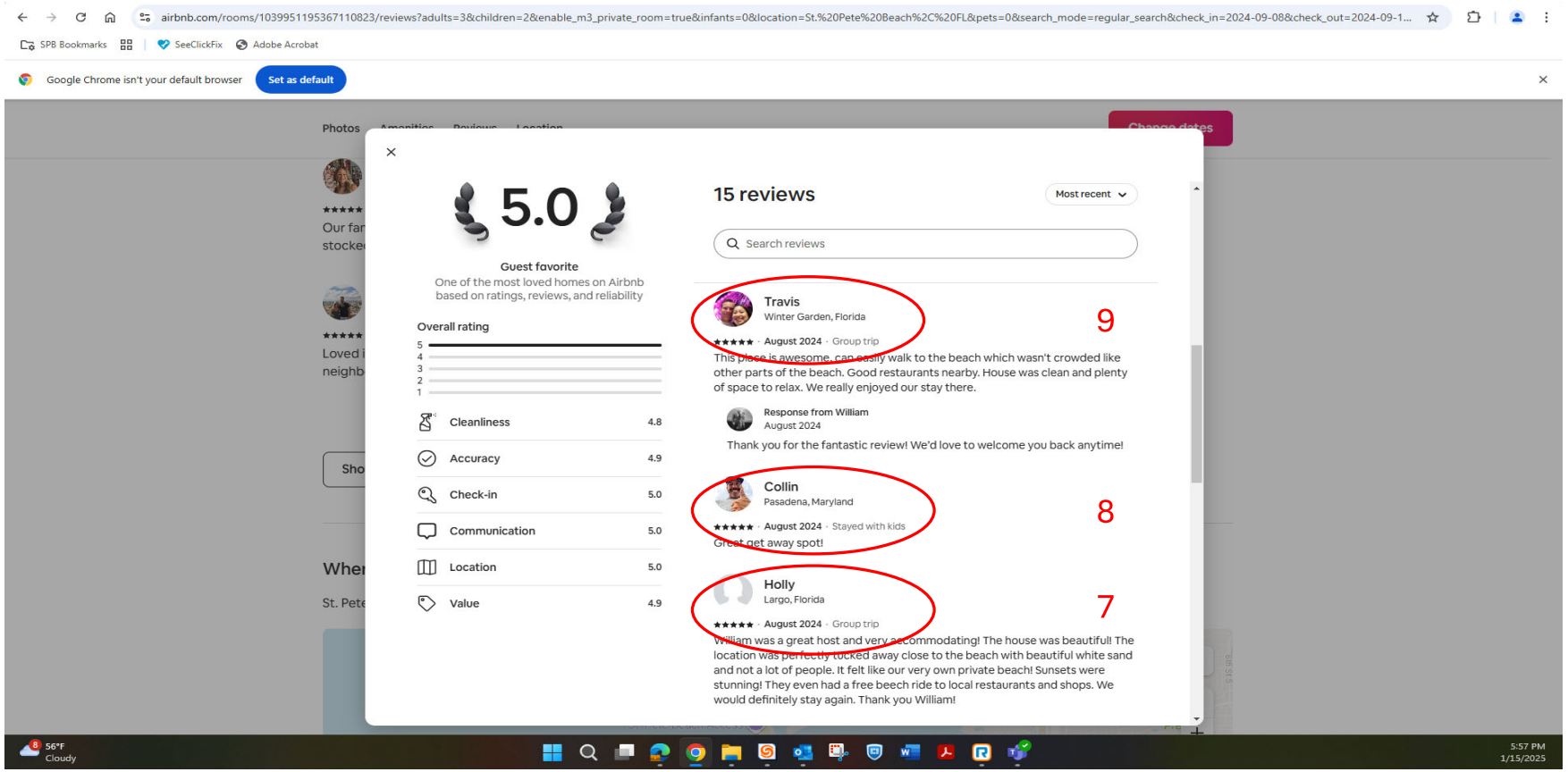
168 31St Ave.

CE20240494
Reviews



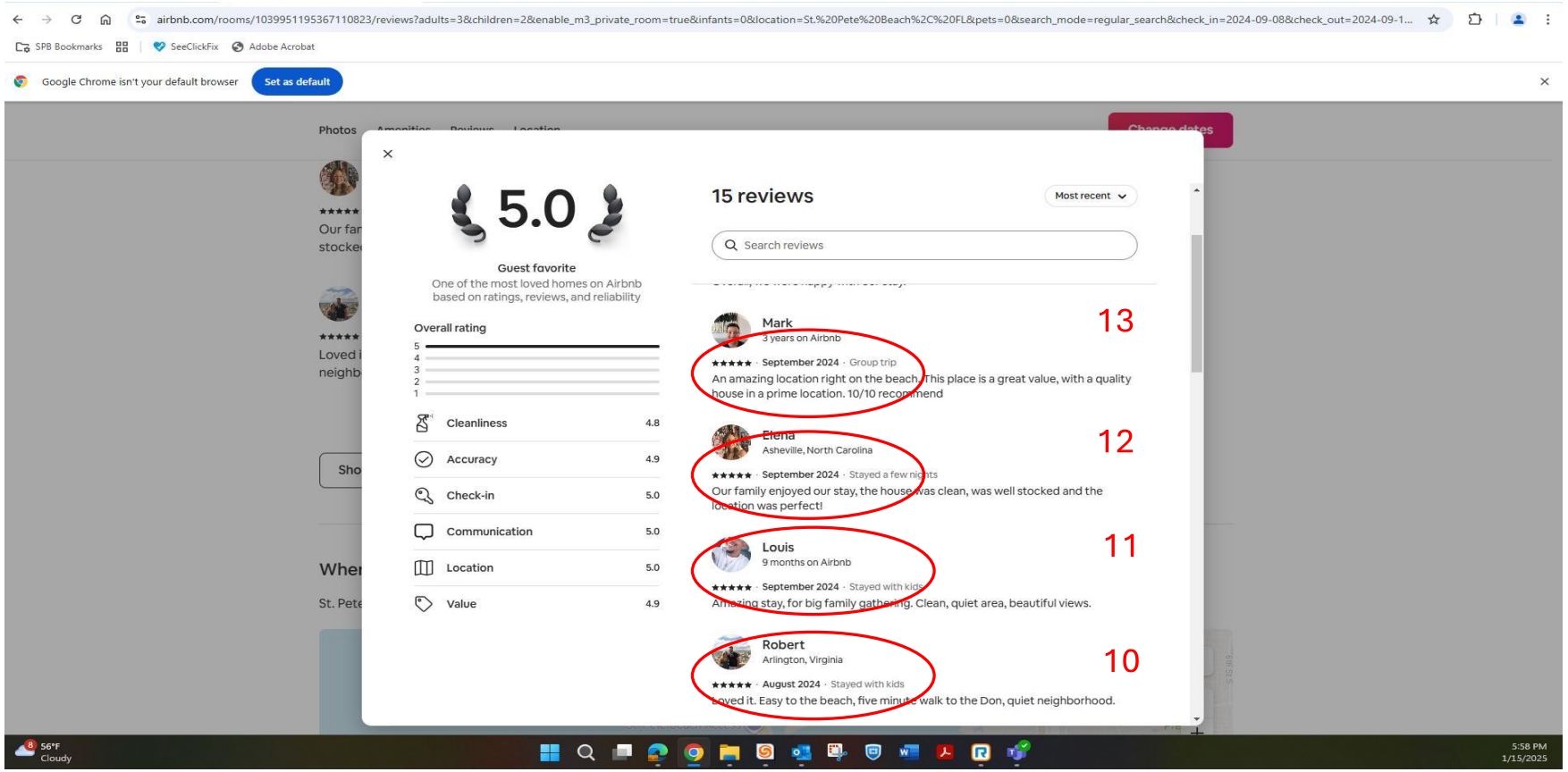
168 31St Ave.

CE20240494
Reviews



168 31St Ave.

CE20240494
Reviews



168 31St Ave.

NOTICE

The Notices of Hearing and of Violation contained herein are being posted pursuant to chapter 162, Florida Statues, 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: 168 31ST AVE

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

Name of Property Owner(s): JACOBSON, RICHARD J JACOBSON, RICHARD W

Case No.: 20240494 Code Enforcement Officer: Steven Rivera

Hearing Date: 02/10/2025 at 10 a.m.

AFFIDAVIT OF POSTING

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

DATE OF POSTING 01/16/2025

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

X Steven Rivera
Signature of Officer posting

Steven Rivera
Print Name

CITY OF ST. PETE BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF ST. PETE BEACH,
Petitioner,
vs.
JACOBSON, RICHARD J JACOBSON, RICHARD W
Respondent(s)

Case Number: 20240494

NOTICE OF HEARING

Dear Owner(s)/Violator(s):

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

YOU ARE HEREBY FORMALLY NOTIFIED that on **02/10/2025** 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 **168 31ST AVE** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 01/16/2025

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 meting for assistance.

City of St Pete Beach
155 Corey Ave
St Pete Beach FL 33706

USPS CERTIFIED MAIL

9214 8901 9403 8396 9213 87

JACOBSON, RICHARD J JACOBSON, RICHARD W
W11455 490TH AVE
PRESCOTT WI 54021-7729

II NOV 20240494 SR
Jennifer Daunch

$8.1600

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

Agenda Report

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

Action Request: N/A

Strategic Objective:

Date: February 10, 2025

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

Attachments:
1. Lien Reduction Request Application
2. Special Magistrate Order 01/20/2025
3. Notice of Request for Hearing
4. Special Magistrate Order 9/11/2024

Lien Reduction Request Application

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

1. Code Enforcement Case Number: 2020430

2. Date: 1/14/2025

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

Company (if applicable): _____

Name: Christopher Smith

Mailing Address: 7700 Boca Ciega DR, Apt.2

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

Phone #: 727-580-4595 Fax #: _____

Mobile #: 727-580-4595 E-mail: Christopher.J.Smith00@gmail.com

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

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

Company (if applicable): _____

Name: Christopher Smith (Primary Contact)

Mailing Address: 7700 Boca Ciega DR, Apt.2

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

Phone #: 727-580-4595 Fax #: _____

Mobile #: 727-580-4595 E-mail: Christopher.J.Smith00@gmail.com

CamScanner

Lien Reduction Request Application

Please TYPE or PRINT this application neatly.

1. Code Enforcement Case Number: 2020430

2. Date: 1/14/2025

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

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: Briana Smith (WIFE)

Mailing Address: 7700 Boca Ciega Dr, Apt. 2

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

Phone #: 480-440-2155 Fax #: _____

Mobile #: 480-440-2155 E-mail: _____

CamScanner

5. Information for property on which lien occurs:

Street Address: 7700 Boca Ciega DR, ST Pete Beach, FL 33706

Parcel ID: 36-31-15-77994-225-0081

Tax Account Number: #R401702 - Real Estate Account

Existing Use(s) on Property: Primary Residence

Date Fine or Lien Imposed: Sept 9, 2024

Amount of Fine: $22,000.00 + $325 Administrative Fines TOTAL = $22,325.00 ~~per day~~

Amount you are requesting that the lien be reduced to: $ 11,000 + 325 Admin Fees = $11,325.00

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

☒ ☐

Date upon which the subject property was brought into compliance: ~~July~~ Aug 4, 2024

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

Property was brought into compliance less than a week after notice of violation was given. property owners have never had a codes violation previously as well as non-compliance with the city of St. Pete Beach. violation requested is in etsess of revenue earned on AirBNB as current violation is more than property owners can afford and may have to file for bankruptcy to pay fine.

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

N/A - Compliance was achieved prior to order of penalty / fine recording, set on sept 9, 2024

Provide proof that the taxes are paid in full:

2024 property taxes were paid-in-full 11/27/2024

(See attachments to application)

CamScanner

6. Signatures and Notarization.

STATE OF Florida Nevada COUNTY OF Pinellas Clark. 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.

Christopher Joseph Smith

(APPLICANT SIGNATURE)

Langston M Childs

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

Personally Known ☐ OR Produced Identification ☐

Type of I.D. Produced Drivers License

Langston M Childs
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 22447701
Expires June 21, 2026

(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA Nevada, COUNTY OF PINELLAS Clark

Sworn and subscribed to before me this 14th day January of, 20 25

Notarized remotely using audio-video communication technology via Proof.

CITY MANAGER APPROVAL REQUIRED

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

Print Name

Signature

Date

CamScanner

Real Estate Account #R401702

Owner:
SMITH, CHRISTOPHER
SMITH, BRIANA S

Situs:
7700 BOCA CIEGA DR
ST PETE BEACH

Parcel details
Property Appraiser
Homestead Exemption

Get bills by email

2024 Annual Bill

PINELLAS COUNTY TAX COLLECTOR — **Notice of Ad Valorem Taxes and Non-ad Valorem Assessments**

BILL	PARCEL NUMBER	ESCROW CODE	MILLAGE CODE	AMOUNT DUE	
2024 Annual Bill	36/31/15/77994/225/0081	* CL-0012251	SPB	$0.00	**PAID** Print (PDF)

If paid by:	Nov 30, 2024
Please pay:	$12,538.49

Combined taxes and assessments: $13,060.93

Apply for the 2025 installment payment plan

Ad Valorem Taxes

TAXING AUTHORITY	MILLAGE	ASSESSED	EXEMPTION	TAXABLE	TAX
GENERAL FUND	4.5947	$883,745.00	$55,000.00	$828,745.00	$3,807.83
HEALTH DEPARTMENT	0.0713	$883,745.00	$55,000.00	$828,745.00	$59.09
EMS	0.8050	$883,745.00	$55,000.00	$828,745.00	$667.14
SCHOOL-STATE LAW	3.0740	$883,745.00	$30,000.00	$853,745.00	$2,624.41
SCHOOL-LOCAL BD.	2.7480	$883,745.00	$30,000.00	$853,745.00	$2,346.09
ST PETE BEACH	3.0913	$883,745.00	$55,000.00	$828,745.00	$2,561.90
SW FLA WTR MGMT.	0.1909	$883,745.00	$55,000.00	$828,745.00	$158.21
PINELLAS COUNTY PLN.CNCL.	0.0200	$883,745.00	$55,000.00	$828,745.00	$16.57
JUVENILE WELFARE BOARD	0.8250	$883,745.00	$55,000.00	$828,745.00	$683.71
Total Ad Valorem Taxes	**15.4202**				**$12,924.95**

Non-Ad Valorem Assessments

LEVYING AUTHORITY	RATE	AMOUNT
ST PETE BEACH STORMWATER SVCS FIXED COST		$64.32
ST PETE BEACH STORMWATER SVCS VARIABLE COST		$71.66
Total Non-Ad Valorem Assessments		**$135.98**

Parcel Details

Owner:	SMITH, CHRISTOPHER SMITH, BRIANA S
Situs:	7700 BOCA CIEGA DR ST PETE BEACH

Account	R401702
Parcel Number	36/31/15/77994/225/0081
Millage code	SPB - ST PETE BEACH
Millage rate	15.4202
Escrow company:	LOANDEPOT (CL-0012251) 3001 HACKBERRY RD IRVING, TX 75063

Assessed value:	$883,745
School assessed value:	$883,745

2024 TAX AMOUNTS	
Ad valorem:	$12,924.95
Non-ad valorem:	$135.98
Total Discountable:	$13,060.93
Total tax:	$13,060.93

LEGAL DESCRIPTION

ST PETERSBURG BEACH REPLAT BLK B 25, S 1/2 OF LOTS 8 AND 9

LOCATION	
Property class:	
Range:	15
Township:	31
Section:	36
Neighborhood:	ST PETERSBURG BEACH REPLAT
Block:	225
Lot:	0081
Use code:	0820

EXEMPTIONS	
ADDITIONAL HOMESTEAD	$25,000
HOMESTEAD	$25,000
VETERANS LESS THAN 100%	$5,000

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240430
ADDRESS: 7700 Boca Ciega Dr.

CHRISTOPHER and BRIANA S. SMITH,

Respondents.
_____/

ORDER DENYING CHALLENGE TO FINE AMOUNT

This case came before the Special Magistrate on January 13, 2025, on Respondents' Request to Challenge Fine Amount pursuant to Section 22-279 of the City's Code of Ordinances. The Special Magistrate, based on the information and argument presented at the hearing, issues the following order:

1. By way of written notice submitted to the City on behalf of Respondents by Sean Lopez, Esq. on September 27, 2024, the request to challenge the fine amount was timely made.

2. Respondents' representative, Geoffery Pfeiffer, Esq., appeared on behalf of Respondents at the hearing on January 13, 2025, however, submitted no new evidence to support why the fine amount should be reduced.

3. Evidence was submitted, which had previously been considered, of Mr. Smith's revenue generation relative to the number of stays he was cited for which were the basis of the code violation.

4. The Special Magistrate does not find this evidence would have changed the imposition of fines or the amount thereof.

IT IS ADJUDGED that Respondents' Request to Challenge the Fine Amount Pursuant to Section 22-179 of the City's Code of Ordinances is hereby **DENIED** as Respondents have failed to provide sufficient evidence to cause the Special Magistrate to reduce or otherwise alter the fine amount.

DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 20th day of January 2025.

Erica F. Augello, Esq., BCS
Special Magistrate

A copy of this Order was sent via email to Respondent's Counsel at sean@thelopezlawgroup.com, geoff@thelopezlawgroup.com, and alaina@thelopezlawgroup.com on January 20, 2025.

APPEALS

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

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH

CITY OF ST. PETE BEACH

Petitioner,

v.

CASE NUMBER: CE20240430
ADDRESS: 7700 Boca Ciega Dr.

CHRISTOPHER SMITH &
BRIANA S. SMITH,

Respondents.
_____/

NOTICE OF REQUEST FOR HEARING TO CHALLENGE FINE

COMES NOW, the undersigned attorney, SeanCarlo Lopez, Esq., hereby files this Notice of request for hearing to challenge the fine imposed by the Special Magistrate on September 11, 2024, on behalf of the Respondents, Christopher Smith & Brianna S. Smith, on the above-styled case as the attorney of record.

Pursuant to Section 22-279(a) of the St. Pete Beach Code of Ordinances, we formally request a hearing before the Special Magistrate to challenge the fine amount imposed on September 11, 2024, in the Final Order Imposing Fines and Costs. The order found our client in violation of Sec. 32.5 of the City's Land Development Code, related to short-term rental use.

The fine imposed totals **$22,000.00** for twenty-two (22) stays, in addition to **$325.00** for the City's administrative costs. I am respectfully requesting this hearing to challenge the amount of the fine.

The undersigned attorney hereby designates the following email addresses for service of filings:

Pr: sean@thelopezlawgroup.com
Sec: geoff@thelopezlawgroup.com
Sec: alaina@thelopezlawgroup.com

All correspondence, pleadings, notices, orders, motions, exhibits, or other documents filed in this action should be served on the undersigned counsel at each of the email addresses set forth above.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon Matthew McConnell at this email address: matthew@dickmanlawfirm.org; Erica Augello at her email: erica@cityattorneys.legal; Peyt Dewar at his email: pdewar@stpetebeach.org; Luis Cruz at his email: lcruz@stpetebeach.org; Frances Robustelli at her email: frobustelli@stpetebeach.org and to City of Saint Pete Beach Code Enforcement at their email address: codeenforcement@stpetebeach.org and mailing address which is: 155 Corey Ave., Saint Pete Beach, FL 33706 via certified mail this 27th day of September 2024.

Respectfully submitted,

s/ Sean Lopez
Sean Lopez, Esq.
Florida Bar Number: 1011035
Attorney for the Respondents
700 7th Ave N
St Petersburg, FL 33701
727-933-0015
Sean@thelopezlawgroup.com

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20240430
ADDRESS: 7700 Boca Ciega Dr.

CHRISTOPHER SMITH &
BRIANA S. SMITH,

Respondents.

_____/

FINAL ORDER IMPOSING FINES AND COSTS

This case came before the Special Magistrate on September 9, 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 McConnell and Code Enforcement Officer Luis Cruz.

2. Christopher Smith appeared on behalf of the Respondents.

3. Respondents own the subject property, and legally required notice of this proceeding was served on Respondents in accordance with applicable law.

4. Respondents were notified of the following violation of the City's Land Development Code:

   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 CC 1 Commercial Corridor Blind Pass District.

5. The City presented evidence demonstrating the property had been posted for short term rental stays on AirBnB by Briana Smith in the CC 1 zoning district, which does not permit short-term rentals. The evidence presented showed the property had been rented short-term two (2) times in June 2023, five (5) times in July 2023, four (4) times in August 2023, three (3) times in September, 2023, five (5) times in October, 2023, two (2) times in November, 2023 and one (1) time in June, 2024 based on the text of reviews from the AirBnB website in conjunction with the AirBnB review policy.

6. Respondent testified that he was unaware that they were unable to conduct short-term rentals however, he is now aware and has no scheduled short-term rentals for the future. Respondent testified that he and his wife own the tri-plex and live in one of the units, renting the other two units to supplement income.

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

7. Respondents and the subject property are found to have been in violation of Section 32.5 of the City's Code of Ordinances. The rentals in violation of the Code are determined to be irreparable or irreversible in nature, and Respondent is assessed **$1,000 for each of twenty-two (22) stays, totaling $22,000.00**, plus the reasonable administrative costs of the City in the amount of **$325.00**.

8. Should Respondents be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation, and Respondents may be subject to a fine of up to $500 per day for each day the violation exists.

9. Pursuant to Section 22-279(a) of the City's Code of Ordinances, Respondents may request a hearing to challenge the fine amount within twenty (20) days of the date of the order.

Order entered on September 11, 2024.

Erica Augello

_____

Erica F. Augello, BCS
Special Magistrate

A copy of this Order was sent via email to Respondent Christopher Smith at Christopher.j.smith00@gmail.com on September 11, 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 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.