



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

155 Corey Avenue  
St. Pete Beach, FL 33706

Monday, April 14, 2025  
10:00 AM

Call to Order  
Pledge of Allegiance

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**CASE DOCKET**

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

**A. Case No. 20240089**

**City of St. Pete Beach v. Patrick Thomas McNulty & Annette Weis-McNulty**

**Address: 104 46th Ave. St. Pete Beach FL 33706**

Status hearing on the 90-day extension to apply and secure a permit for the driveway and ISR violation.

**B. 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 30-day extension to secure a dumpster enclosure permit by 3/14/2025.

**C. 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.

**D. Case No. 20250148**

**City of St. Pete Beach v. 2500 Sunset Way LLC**

**Address: 2500 Sunset Way St. Pete Beach, FL 33707**

**Sec. 25.9. - Permit required.**

(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted

any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.

(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.

**Sec. 94-73. - Vehicle permits.**

(a) Required. No person, municipality, county or other public agency shall drive any vehicle on, over or across any beach unless such motor vehicle has been issued a "vehicle on the beach" permit under this section, except in emergency situations as approved by the police department or fire department.

(b) Criteria for issuance. Permits for the operation of vehicles on the beach shall be issued for the following purposes:

- (1) Public works and public safety;
- (2) Permitted commercial activities;
- (3) Special events; and
- (4) Mechanical beach cleaning.

(c) Issuance; additional federal, state or county permits. Permits shall be issued by application to the department of planning and development based on the scope of activity. Where necessary, the applicant shall obtain whatever additional permits that may also be required by either federal, state or county law. Where federal, state or county approval is necessary, no permit issued by the department shall become effective until such approval has been granted.

(d) Bond; insurance. Based on the scope of activity, the department may require the posting of a bond or a liability insurance policy protecting against damage to property or persons.

(e) Compliance. In reviewing the application for a permit, the department shall be authorized to require the applicant to provide all information necessary to determine whether the vehicle will be operated to comply with the requirements of this article or to set reasonable conditions to ensure compliance.

(f) Safe operation. Operating vehicles permitted under this section shall be subject to all of the regulations set forth in this article and other ordinances governing the safe operation of vehicles.

**E. Case No. 20250149**

**City of St. Pete Beach v. 2502 Sunset Way LLC**

**Address: 2502 Sunset Way St. Pete Beach, FL 33706**

**Sec. 25.9. - Permit required.**

(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.

(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.

**Sec. 94-73. - Vehicle permits.**

(a) Required. No person, municipality, county or other public agency shall drive any vehicle on, over or across any beach unless such motor vehicle has been issued a "vehicle on the beach" permit under this section, except in emergency situations as approved by the police department or fire department.

(b) Criteria for issuance. Permits for the operation of vehicles on the beach shall be issued for the following purposes:

- (1) Public works and public safety;
- (2) Permitted commercial activities;
- (3) Special events; and
- (4) Mechanical beach cleaning.

(c) Issuance; additional federal, state or county permits. Permits shall be issued by application to the department of planning and development based on the scope of activity. Where necessary, the applicant shall obtain whatever additional permits that may also be required by either federal, state or county law. Where federal, state or county approval is necessary, no permit issued by the department shall become effective until such approval has been granted.

(d) Bond; insurance. Based on the scope of activity, the department may require the posting of a bond or a liability insurance policy protecting against damage to property or persons.

(e) Compliance. In reviewing the application for a permit, the department shall be authorized to require the applicant to provide all information necessary to determine whether the vehicle will be operated to comply with the requirements of this article or to set reasonable conditions to ensure compliance.

(f) Safe operation. Operating vehicles permitted under this section shall be subject to all of the regulations set forth in this article and other ordinances governing the safe operation of vehicles.

4. Repeat Violations -

5. New Cases

6. Cases Complied -

7. Old Cases

8. Lien Reductions

**A. Case No. 20250089**

**City of St. Pete Beach v. David Tucker**

**Address: 7605 Coquina Way 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](mailto: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. 20240089  
City of St. Pete Beach v. Patrick Thomas  
McNulty & Annette Weis-McNulty  
Address: 104 46th Ave. St. Pete Beach FL 33706

**Action Request:** N/A

**Strategic Objective:**

**Date:** April 14, 2025

**Prepared By:** Steven Rivera, Code Enforcement Officer

**Through:** Peyt Dewar, Code Enforcement Manager

**Summary of Issue:** Status hearing on the 90-day extension to apply and secure a permit for the driveway and ISR violation.

**Funding:** N/A

**Attachments:**

1. Special Magistrate order 6/10/2024
2. Special Magistrate order 7/8/2024
3. Special Magistrate order 8/13/2024

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

**CITY OF ST. PETE BEACH,**

**Petitioner,**

v.

**CASE NO.: CE20240089**

**ADDRESS: 104 46<sup>th</sup> Ave.**

**PATRICK THOMAS MCNULTY  
and ANNETTE WEIS-MCNULTY,**

**Respondents.**

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**ORDER GRANTING CONTINUANCE TO DATE CERTAIN**

This case came before the Special Magistrate on June 10, 2024. The Special Magistrate, based on the information presented at the hearing relating to technical issues with the presentation of evidence, issues the following order:

**IT IS ADJUDGED** that this matter is continued until the **July 8, 2024**, Code Enforcement Special Magistrate Hearing.

**DONE AND ORDERED** in St. Pete Beach, Pinellas County, Florida on this 10<sup>th</sup> day of June 2024.

*Erica Augello*

Erica F. Augello, Esq., BCS  
Special Magistrate

**A copy of this Order was sent via US Mail to Respondents at 1100 Boca Ciega Isle Dr., St. Pete Beach, FL 33706.**

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

**CITY OF ST. PETE BEACH,**

**Petitioner,**

**v.**

**CASE NO.: CE20240089**

**ADDRESS: 104 46<sup>th</sup> Ave.**

**PATRICK THOMAS MCNULTY  
and ANNETTE WEIS-MCNULTY,**

**Respondents.**

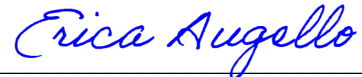
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**ORDER GRANTING SECOND CONTINUANCE TO DATE CERTAIN**

This case came before the Special Magistrate on July 8, 2024. The Special Magistrate, based on the information and argument presented at the hearing, issues the following order:

**IT IS ADJUDGED** that this matter, by agreement of the parties, is continued until the hearing of the Code Enforcement Special Magistrate on **August 12, 2024, at 10:00 a.m.**

**DONE AND ORDERED** in St. Pete Beach, Pinellas County, Florida on this 8<sup>th</sup> day of July 2024.



Erica F. Augello, Esq., BCS  
Special Magistrate

**A copy of this Order was sent via US Mail to Respondents at 1100 Boca Ciega Isle Dr., St. Pete Beach, FL 33706.**

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

**CITY OF ST. PETE BEACH,**

**Petitioner,**

**v.**

**CASE NO.: CE20240089**

**ADDRESS: 104 46<sup>th</sup> Ave.**

**PATRICK THOMAS MCNULTY  
and ANNETTE WEIS-MCNULTY.,**

**Respondents.**

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**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 Patrick McNulty appeared and represented Respondents.
3. Respondents own the subject property, and legally required notice of this proceeding was served on Respondents in accordance with applicable law.
4. Respondents were notified that they were in violation of Sections 22.4 and 23.11 of the City's Code of Ordinances for maintaining non-vegetative materials exceeding the 20% limit that is permitted and for maintaining loose material for driveway use without prior approval of the City.
5. Code Enforcement Officer Rivera submitted photographic evidence demonstrating the installation of a shell surface covering the entirety of the front yard of the property, to include the removal of any vegetative land cover and driveway.
6. Respondent testified that the property had been in bad shape and the land cover was a mix of shell, pea gravel, sod, and various other materials. He intended to improve the property by installing the shell covering to allow for grading and uniformity. He received the notice from the City and met with Code Enforcement Officer Rivera and Brandon Barry with the Planning and Zoning Department to discuss solutions. Messrs. Rivera and Barry indicated

that Respondent needed 200 sq. ft. of vegetative cover in order to comply with the 20% ISR rule.

7. Respondent, in May 2024, purchased the permissible land cover and installed 600 sq. ft. of the allowable vegetative cover, leaving the remainder of the front yard shell.
8. Respondent is seeking an alternative to a cement driveway and is willing to work with the City to find a solution, or to have a concrete driveway installed if necessary.

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

9. Respondent is found to be compliant with Section 22.4 of the City's Code of Ordinances, however if upon inspection by the City the property is found to not be in compliance with the ISR, the City may come back at the status hearing to address the issue.
10. Respondent is found to be in violation of Section 23.11 for maintaining an unapproved shell driveway.
11. Respondent shall have **ninety (90) days** from the date of this Order, or by **Monday November 11, 2024**, to apply for and secure a permit for the installation of the driveway to bring the property into compliance.
12. A hearing is set for **December 9, 2024, at 10:00 a.m.** to determine compliance and to assess any authorized fines and costs.
13. 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.
14. It is Respondent's responsibility to notify the City once the property is in compliance.
15. 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.



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Erica F. Augello, Esq., BCS  
Special Magistrate

**A copy of this Order was sent via email to Respondent at [patrickmcnulty34@hotmail.com](mailto:patrickmcnulty34@hotmail.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**

**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:** April 14, 2025

**Prepared By:** Luis Cruz, Code Enforcement Officer

**Through:** Peyt Dewar, Code Enforcement Manager  
Kristin Coman, Senior Planner

**Summary of Issue:** Status hearing on a 30-day extension to secure a dumpster enclosure permit by 3/14/2025.

**Funding:** N/A

**Attachments:**

1. Special Magistrate Order 8/13/2024
2. Special Magistrate Order 9/11/2024
3. Special Magistrate Order 12/6/2024
4. Special Magistrate Order 01/15/2025
5. Special Magistrate Order 02/12/2025

**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.**

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**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.



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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.**

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**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.



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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](mailto: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.**

**1008 AIRPORT RD, LLC.,**

**Respondent.**

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

**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 6<sup>th</sup> day of December 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](mailto:Jonathan.Finch@resortrentals.us) on December 6<sup>th</sup>, 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.**

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**EXTENSION OF FINAL ADMINISTRATIVE 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.



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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](mailto: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.

**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.**

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**SECOND EXTENSION OF FINAL ADMINSTRATIVE ORDER**

This case came before the Special Magistrate on February 10, 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 Assistant City Attorney Nancy Stuparich 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.
12. In an Order dated January 13, 2025, the Magistrate granted Respondent a two (2) week extension to comply with the previous administrative order.
13. Code Enforcement Officer Cruz relayed that the Respondent has been working in good faith to comply with the Magistrate's order, and that the City would like to give Respondent a thirty (30) day extension to comply.
14. Respondent agreed that would be sufficient time to receive the permit.

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

15. Based on the foregoing, Respondent shall have a **thirty (30) day** extension from the date of this Order, or by **Friday, March 14, 2025** to secure the required permit.
16. A hearing is set for **April 14, 2025, at 10:00 a.m.** to determine compliance and to assess any authorized fees and costs.
17. 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.
18. It is Respondent's responsibility to notify the City once the property is in compliance.
19. 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 February 12, 2025.



---

Erica F. Augello, Esq., BCS  
Special Magistrate

**A copy of this Order was sent via email to Respondent at [Jonathan.Finch@resortrentals.us](mailto:Jonathan.Finch@resortrentals.us) on February 12, 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. 20240475  
City of St. Pete Beach v. Bayside Shops LLC  
Address: 5501 Gulf Blvd. St. Pete Beach FL  
33706

**Action Request:** N/A

**Strategic Objective:**

**Date:** April 14, 2025

**Prepared By:** Luis Cruz, Code Enforcement Officer

**Through:** Peyt Dewar, Code Enforcement Manager  
Kristin Coman, Senior Planner

**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

- Attachments:**
1. Irreparable or Irreversible Notice of Violation
  2. Evidence
  3. Affidavit of Posting
  4. Notice of Hearing
  5. Special Magistrate Order 9/12/2024
  6. Special Magistrate Order 12/6/2024
  7. Special Magistrate Order 01/15/2025
  8. Special Magistrate Order 2/18/2025



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* 727-589-2564

Luis Cruz  
Code Enforcement Officer

# **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**

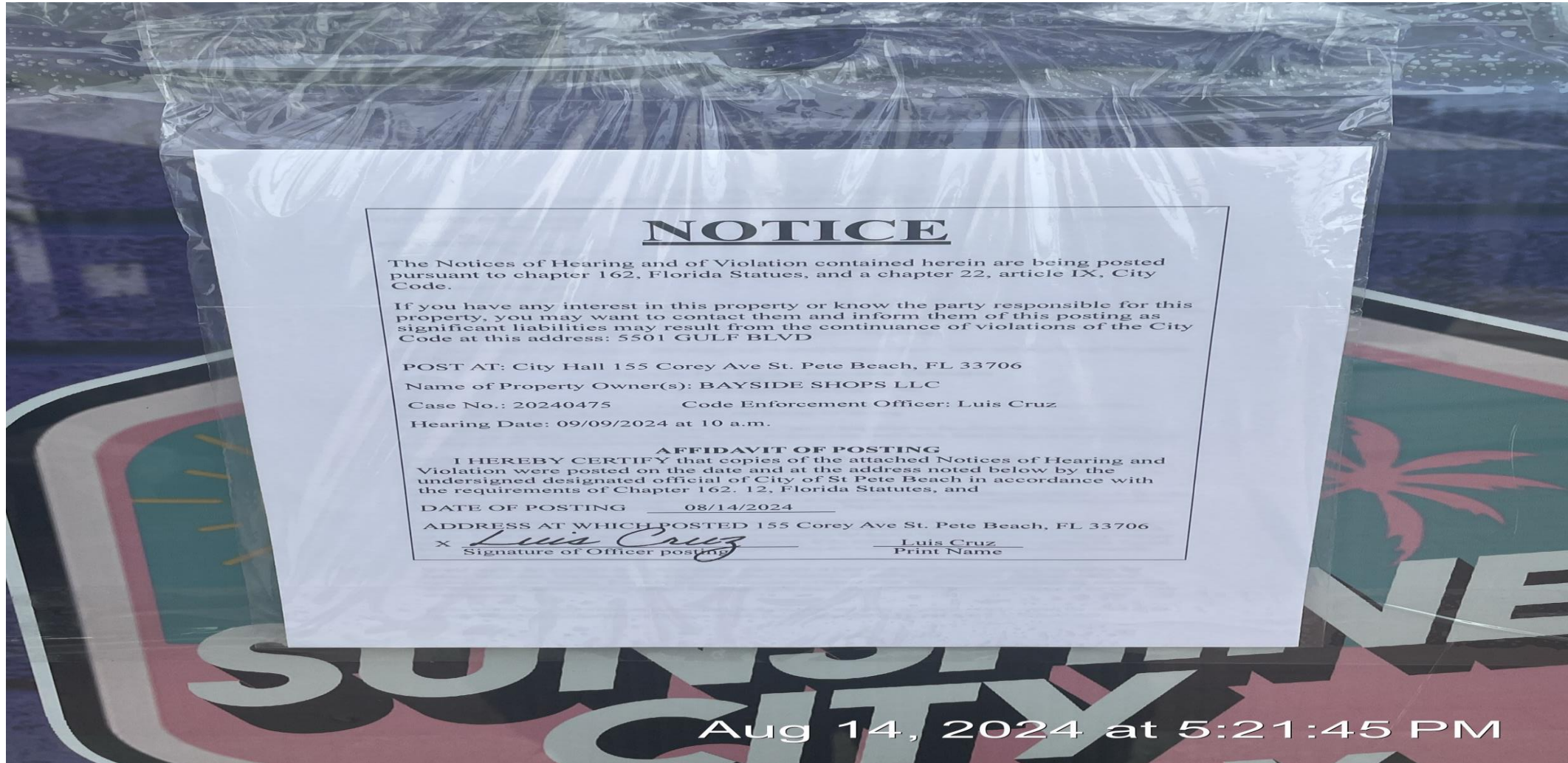
# **CE20240475**

## **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*  
Signature of Officer posting

Luis Cruz  
Print Name

Aug 14, 2024 at 5:21:45 PM

# 5501 Gulf Blvd.

# CE20240475

## Airbnb advertisement

airbnb

Anywhere Any week Add guests

Airbnb your home

### Charming, Retro Style Beach Apt!

Share Save

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

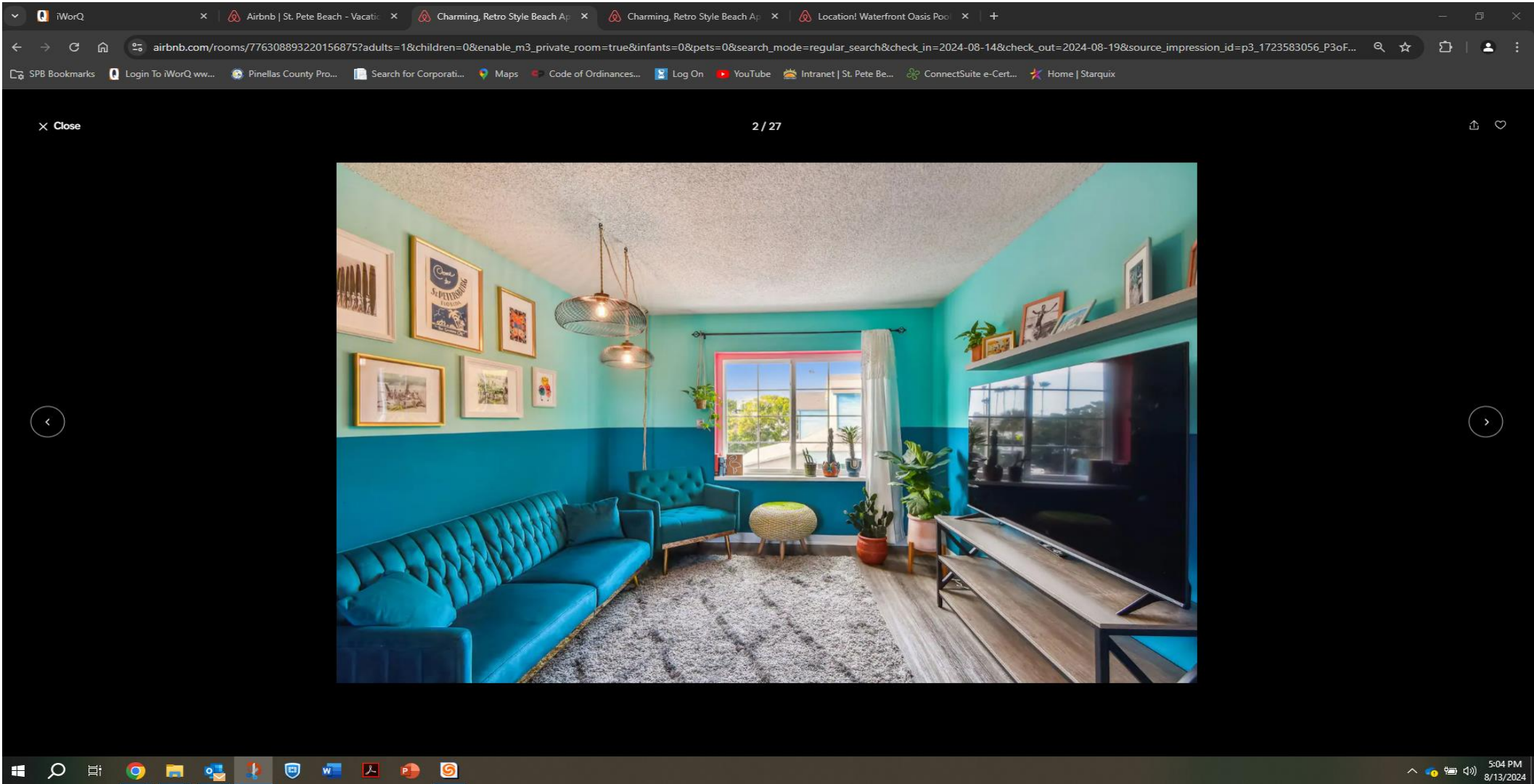
## Airbnb advertisement

The screenshot shows the Airbnb profile page for a user named Kenny. The browser address bar indicates the URL is [airbnb.com/users/show/34312106](https://airbnb.com/users/show/34312106). The profile card on the left displays a profile picture of Kenny, 195 reviews, a 4.59 star rating, and 9 years of hosting. Below this, a section titled "Kenny's confirmed information" lists identity, email address, and phone number as verified. The "About Kenny" section, highlighted with a red box, includes the text "My work: Stand Up Comedian" and "Lives in St. Pete Beach, FL". To the right, it notes "Speaks English" and "Im a Stand Up Comedian!". The "Kenny's reviews" section shows two reviews: one from Hannah in August 2024 praising the host's helpfulness, and another from Ashleigh in August 2024 praising the location. The "Kenny's listings" section is partially visible at the bottom.

5501 Gulf Blvd.

# CE20240475

## Airbnb advertisement



**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 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 (1 year on Airbnb), 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 (1 year on Airbnb), 5 stars, August 2023. Stayed about a week. Excellent spot in St Pete Beach!
- Review 2:** Courtney (6 years on Airbnb), 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 (Hedrick, Iowa), 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 a price of \$130/night and a search bar. 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...](https://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

The screenshot shows an Airbnb review page 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 5 through 8. The reviews are from Brad (Philadelphia, PA), Mary (Cleveland, OH), Andrew (Lincoln, NE), and Krista (1 year on Airbnb). The reviews are as follows:

Reviewer	Location	Rating	Review Text	Number
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.	8
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	7
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.	6
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.	5

5501 Gulf Blvd.

# CE20240475

## Airbnb advertisement

The screenshot shows an Airbnb review page for a property. The overall rating is 4.68 stars based on 75 reviews. The reviews are sorted by 'Most recent'. The following table summarizes the highlighted reviews:

Reviewer Name	Location	Rating	Review Text	Count
Lizzy	Gum Spring, Virginia	5 stars	***** - January 2024 - Stayed a few nights Kenny is an awesome host. Very responsive & nice.	12
Jim	Fredericksburg, Virginia	5 stars	***** - 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.	11
Andrea	Rochester, New York	5 stars	***** - 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!	10
Monica	Winter Garden, Florida	5 stars	***** - January 2024 - Stayed with a pet Great location. Kenny was an amazing host! Thank you Kenny!	9

# 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...

\$130 night

★ 4.68

75 reviews

Overall rating

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

Search reviews

**16**

**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!

**15**

**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!

**14**

**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.

**13**

**Kaitlyn**  
Superior, Wisconsin  
★★★★★ · February 2024 · Stayed a few nights  
amazing location and easy check in and out!

Lizzy

5:12 PM  
8/13/2024

# 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 based on 75 reviews. The reviews are sorted by 'Most recent'. Four reviews are highlighted with red boxes and numbered 17, 18, 19, and 20. The reviews are from Erin, Ben, Christina, and John, all dated March 2024.

Reviewer	Rating	Date	Stayed	Review Text	Number
Erin Louisville, Kentucky	5 stars	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!	20
Ben Carmel, Indiana	5 stars	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.	19
Christina Baltimore, Maryland	5 stars	March 2024	Stayed a few nights	Adorable little place in walking distance to everything you need. Kenny was also very responsive and helpful.	18
John 7 months on Airbnb	5 stars	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!	17

# 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...

SPB Bookmarks Login To iWorQ ww... Pinellas County Pro... Search for Corporati... Maps Code of Ordinances... Log On YouTube Intranet | St. Pete Be... ConnectSuite e-Cert... Home | Starquix

Photos Amenities Reviews Location \$130/night

★ 4.68 75 reviews Most recent

Overall rating

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

Bill Sacramento, California  
★★★★★ · 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. 24

Chris Laurel, Maryland  
★★★★★ · April 2024 · Stayed a few nights  
Great central Gulf Blvd location, close to beach and restaurants. Good deal and perfectly matched the description. 23

Janelle 4 years on Airbnb  
★★★★★ · 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. 22

Aaditya 2 years on Airbnb  
★★★★★ · 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. 21

Windows Taskbar: 5:13 PM 8/13/2024

# 5501 Gulf Blvd.

# CE20240475

## Airbnb advertisement

The screenshot shows an Airbnb review page for a property. 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 25, 26, 27, and 28. The reviews are as follows:

Reviewer	Rating	Stayed	Review Text	Number
Katie New York, New York	5 stars	June 2024	Stayed a few nights. We had a great stay at Kenny's place! The decorations are just as 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	5 stars	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	5 stars	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	5 stars	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

The screenshot shows an Airbnb review page for a property in St. Pete Beach. The overall rating is 4.68 with 75 reviews. The reviews are categorized by rating: 5 stars (1), 4 stars (1), 3 stars (1), 2 stars (1), and 1 star (1). The highlighted reviews are:

- Jen** (Terre Haute, Indiana) - July 2024 - Stayed a few nights. Rating: 5 stars. Review: "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!" (30)
- Celeste** (Knoxville, Tennessee) - June 2024 - Stayed a few nights. Rating: 1 star. Review: "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." (29)

Response from Kenny: June 2024

5501 Gulf Blvd.

# CE20240475

## Airbnb advertisement

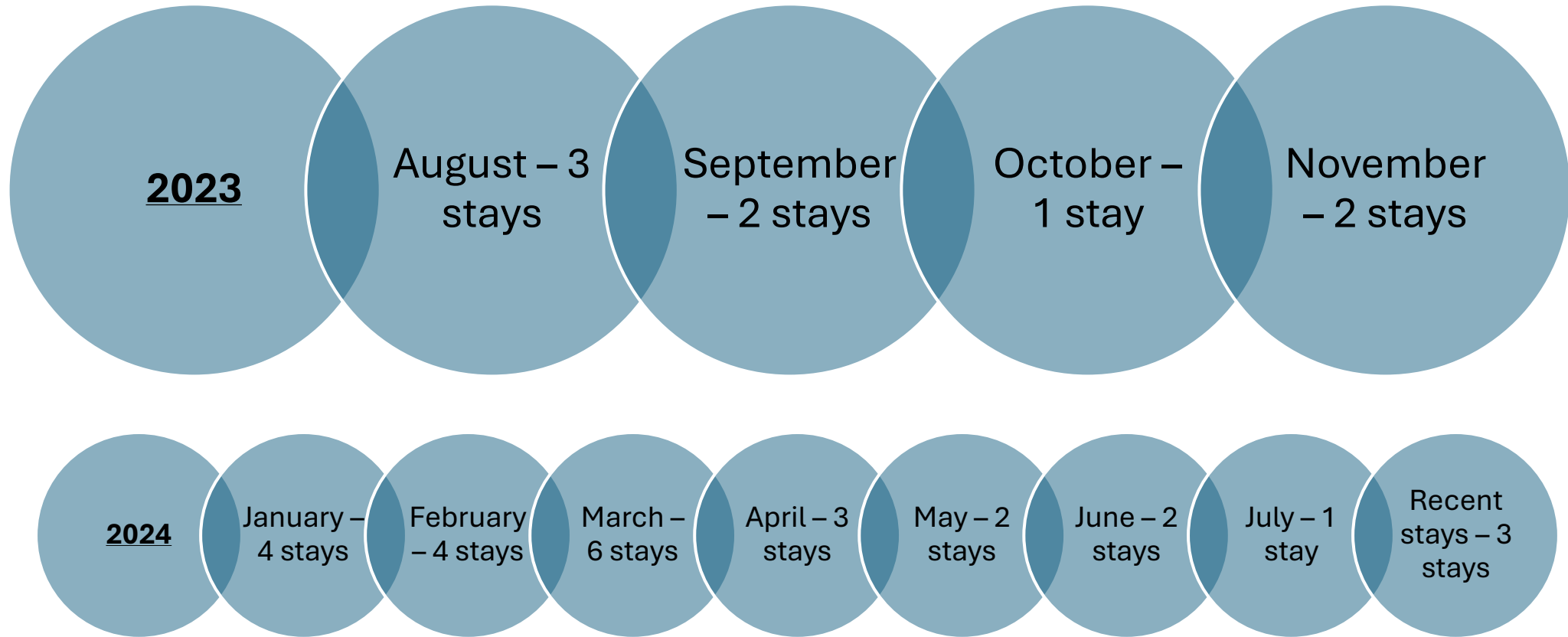
The screenshot shows an Airbnb review page for a property in St. Pete Beach. The overall rating is 4.68 stars based on 75 reviews. The reviews are sorted by 'Most recent'. Three reviews are highlighted with red boxes and numbered 31, 32, and 33. The reviews are from Hannah, Ashleigh, and Kristen, all giving 5-star ratings.

Reviewer	Rating	Review Text	Number
Hannah (Athens, Georgia)	5 stars	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.	33
Ashleigh (7 months on Airbnb)	5 stars	Great location! Can't beat it	32
Kristen (Edwardsville, Illinois)	5 stars	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!	31

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 *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: 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,

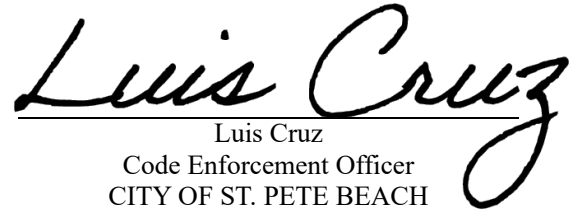
Any violation of the same code of Respondent(s) within five (5) years from the date an Order is imposed shall be treated as a repeat violation. As a repeater violation, the Special Magistrate may impose a fine of up to \$500.00 per day. Cases involving repeat violations may be presented to the Special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

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

**CITY OF ST. PETE BEACH,**

**Petitioner,**

**v.**

**BAYSIDE SHOPS, LLC,**

**Respondent.**

\_\_\_\_\_ /

**CASE NO.: CE20240475  
ADDRESS: 5501 Gulf Blvd.**

**ORDER GRANTING CONTINUANCE TO DATE CERTAIN**

This case came before the Special Magistrate on September 9, 2024. The Special Magistrate, based on motion made by Respondent, information presented at the hearing, and by agreement of the parties, issues the following order:

**IT IS ADJUDGED** that this matter is continued until the **November 4, 2024**, Code Enforcement Special Magistrate Hearing beginning at **10:00 a.m.** The City reserves the right to include additional evidence that is secures relative to the violation for presentation at the November 4, 2024, hearing.

**DONE AND ORDERED** in St. Pete Beach, Pinellas County, Florida on this 12<sup>th</sup> day of September 2024.

*Erica Augello*

\_\_\_\_\_  
Erica F. Augello, Esq., BCS  
Special Magistrate

**A copy of this Order was sent via email to Counsel for the Respondent, James Denhardt, Esq. at [denhardtlaw@aol.com](mailto:denhardtlaw@aol.com) on September 12, 2024.**

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

**CITY OF ST. PETE BEACH,**

**Petitioner,**

**v.**

**BAYSIDE SHOPS, LLC,**

**Respondent.**

\_\_\_\_\_ /

**CASE NO.: CE20240475  
ADDRESS: 5501 Gulf Blvd.**

**ORDER GRANTING CONTINUANCE TO DATE CERTAIN**

This matter having come before the Special Magistrate on **September 11, 2024**, was set for **November 4, 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 6<sup>th</sup> day of December 2024.

*Erica Augello*

\_\_\_\_\_  
Erica F. Augello, Esq., BCS  
Special Magistrate

**A copy of this Order was sent via email to Counsel for the Respondent, James Denhardt, Esq. at [denhardtlaw@aol.com](mailto:denhardtlaw@aol.com) on December 6<sup>th</sup>, 2024.**

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

**CITY OF ST. PETE BEACH,**

**Petitioner,**

**v.**

**CASE NO.: CE20240475  
ADDRESS: 5501 Gulf Blvd.**

**BAYSIDE SHOPS, LLC,**

**Respondent.**

\_\_\_\_\_ /

**SECOND ORDER GRANTING CONTINUANCE TO DATE CERTAIN**

This matter came before the Special Magistrate on January 13, 2025, which had previously been continued due to Hurricanes Helene and Milton, and the aftermath caused by same. The Special Magistrate, based on the information presented at the hearing and by agreement of the parties, issues the following order:

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

**DONE AND ORDERED** in St. Pete Beach, Pinellas County, Florida on this 15<sup>th</sup> day of January 2025.

*Erica Augello*

\_\_\_\_\_  
Erica F. Augello, Esq., BCS  
Special Magistrate

**A copy of this Order was sent via email to Counsel for the Respondent, James Denhardt, Esq. at [denhardtlaw@aol.com](mailto:denhardtlaw@aol.com) January 14, 2025.**

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

**CITY OF ST. PETE BEACH,**

**Petitioner,**

**v.**

**CASE NO.: CE20240475  
ADDRESS: 5501 Gulf Blvd.**

**BAYSIDE SHOPS, LLC,**

**Respondent.**

\_\_\_\_\_ /

**AMENDED 3RD ORDER GRANTING CONTINUANCE TO DATE CERTAIN**

This matter came before the Special Magistrate on February 10, 2025, which had previously been continued due to Hurricanes Helene and Milton, and the aftermath caused by same, as well as a second continuance due to illness of Respondent's counsel. The Special Magistrate by agreement of the parties issues the following order:

**IT IS ADJUDGED** that this matter is continued until the **April 14, 2025**, Code Enforcement Special Magistrate Hearing beginning at **10:00 a.m.**

**DONE AND ORDERED** in St. Pete Beach, Pinellas County, Florida on this 18<sup>th</sup> day of February 2025.

*Erica Augello*

\_\_\_\_\_  
Erica F. Augello, Esq., BCS  
Special Magistrate

**A copy of this Order was sent via email to Counsel for the Respondent, James Denhardt, Esq. at [denhardtlaw@aol.com](mailto:denhardtlaw@aol.com) February 18, 2025.**

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

**Agenda Report**

**Agenda Title Name:** Case No. 20250148  
City of St. Pete Beach v. 2500 Sunset Way LLC  
Address: 2500 Sunset Way St. Pete Beach, FL  
33707

**Action Request:** N/A

**Strategic Objective:**

**Date:** April 14, 2025

**Prepared By:** Jennifer Daunch

**Through:** Peyt Dewar, Code Enforcement Manager  
Laura Canary, Community Development Director

**Summary of Issue:** **Sec. 25.9. - Permit required.**  
(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.  
(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.  
**Sec. 94-73. - Vehicle permits.**  
(a) Required. No person, municipality, county or other public agency shall drive any vehicle on, over or across any beach unless such motor vehicle has been issued a "vehicle on the beach" permit under this section, except in emergency situations as approved by the police department or fire department.  
(b) Criteria for issuance. Permits for the operation of vehicles on the beach shall be issued for the following

purposes:

- (1) Public works and public safety;
- (2) Permitted commercial activities;
- (3) Special events; and
- (4) Mechanical beach cleaning.

(c) Issuance; additional federal, state or county permits. Permits shall be issued by application to the department of planning and development based on the scope of activity. Where necessary, the applicant shall obtain whatever additional permits that may also be required by either federal, state or county law. Where federal, state or county approval is necessary, no permit issued by the department shall become effective until such approval has been granted.

(d) Bond; insurance. Based on the scope of activity, the department may require the posting of a bond or a liability insurance policy protecting against damage to property or persons.

(e) Compliance. In reviewing the application for a permit, the department shall be authorized to require the applicant to provide all information necessary to determine whether the vehicle will be operated to comply with the requirements of this article or to set reasonable conditions to ensure compliance.

(f) Safe operation. Operating vehicles permitted under this section shall be subject to all of the regulations set forth in this article and other ordinances governing the safe operation of vehicles.

Mini tractor evidence was seen in the dune system causing irreparable and irreversible damage to the dunes.

**Funding:**

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

02/21/2025

2500 SUNSET WAY LLC  
101 S 3RD ST STE 360  
GRAND JUNCTION CO 81501-2477

Re: **Case Number 20250148**

**Violation Address: 2500 SUNSET WAY, ST PETE BEACH FL 33706**

**Parcel ID#: 183216880560010050**

Dear Property Owner:

Mini tractor evidence was seen in the dune system causing irreparable and irreversible damage to the dunes. You are in violation of the following code(s):

**Sec. 25.9. - Permit required.**

Sec. 25.9. - Permit required.

(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.

(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.

**Sec. 94-73. - Vehicle permits.**

(a) Required. No person, municipality, county or other public agency shall drive any vehicle on, over or across any beach unless such motor vehicle has been issued a "vehicle on the beach" permit under this section, except in emergency situations as approved by the police department or fire department.

(b) Criteria for issuance. Permits for the operation of vehicles on the beach shall be issued for the following purposes:

- (1) Public works and public safety;
- (2) Permitted commercial activities;
- (3) Special events; and
- (4) Mechanical beach cleaning.

(c) Issuance; additional federal, state or county permits. Permits shall be issued by application to the department of planning and development based on the scope of activity. Where necessary, the applicant shall obtain whatever additional permits that may also be required by either federal, state or county law. Where federal, state or county approval is necessary, no permit issued by the department shall become effective until such approval has been granted.

(d) Bond; insurance. Based on the scope of activity, the department may require the posting of a bond or a liability insurance policy protecting against damage to property or persons.

(e) Compliance. In reviewing the application for a permit, the department shall be authorized to require the applicant to provide all information necessary to determine whether the vehicle will be operated to comply with the requirements of this article or to set reasonable conditions to ensure compliance.

(f) Safe operation. Operating vehicles permitted under this section shall be subject to all of the regulations set forth in this article and other ordinances governing the safe operation of vehicles.

Please be advised that this matter is being referred to the Special Magistrate for a hearing on **03/10/2025, 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) 363-9216 between the hours of 8:00 and 4:30 pm Monday through Friday. Thank you for your cooperation.

Sincerely,

*Ayako Ruckdeschel*

Ayako Ruckdeschel  
Code Enforcement Officer

# CE20250148

- **Respondent(s): 2500 Sunset Way LLC**
- **Violation address: 2500 Sunset Way**
- **Violation(s) description: The property is in violation of section 25.9 (a) & (b), Permit required and section 94-73 (a)-(f), Vehicle permits of the Land Development code of the city of St. Pete Beach**

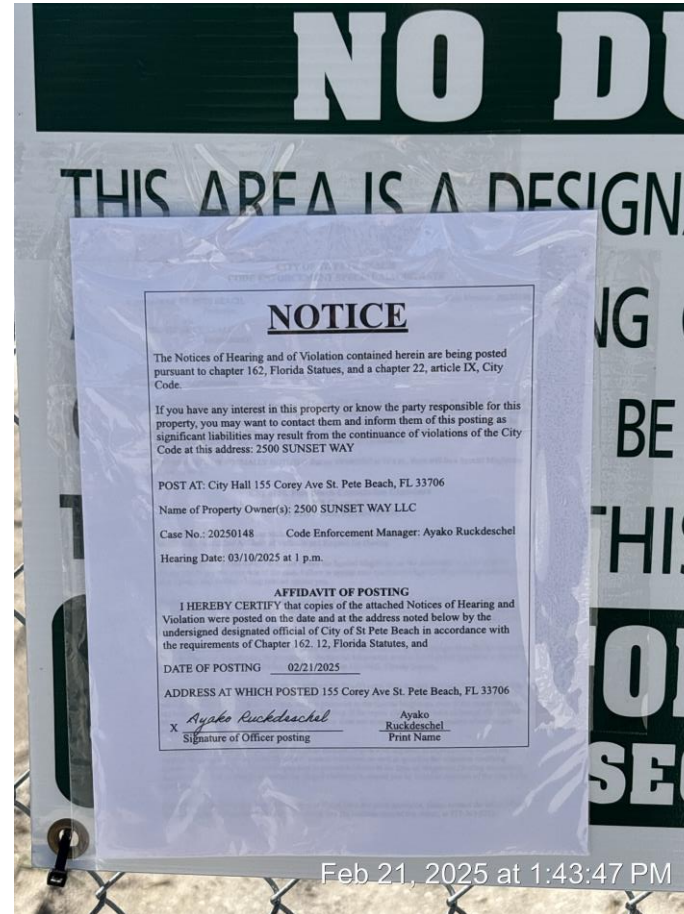
# **CE20250148**

## **Case Summary**

- Initial inspection: 2/19/2025**
- Notice of Irreparable or Irreversible Violation dated: 2/21/2025**
- Notices of Hearing dated and posted on the property: 2/21/2025**

# CE20250148

## Affidavit of Posting



# 2500 Sunset Way

**CE20250148**



**2500 Sunset Way**

**CE20250148**



**2500 Sunset Way**

**CE20250148**



**2500 Sunset Way**

**CE20250148**



**2500 Sunset Way**

**CE20250148**



**2500 Sunset Way**

**CE20250148**



**2500 Sunset Way**

**CE20250148**



**2500 Sunset Way**

# NOTICE

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

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 2500 SUNSET WAY

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

Name of Property Owner(s): 2500 SUNSET WAY LLC

Case No.: 20250148      Code Enforcement Officer: Ayako Ruckdeschel

Hearing Date: 03/10/2025 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      02/21/2025

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

X *Ayako Ruckdeschel*  
Signature of Officer posting

Ayako  
Ruckdeschel  
Print Name

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

CITY OF ST. PETE BEACH,  
Petitioner,

Case Number: 20250148

vs.  
2500 SUNSET WAY 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 **03/10/2025** 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 **2500 SUNSET WAY** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 02/21/2025

*Ayako Ruckdeschel*

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Ayako Ruckdeschel  
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**

**Agenda Title Name:** Case No. 20250149  
City of St. Pete Beach v. 2502 Sunset Way LLC  
Address: 2502 Sunset Way St. Pete Beach, FL  
33706

**Action Request:** N/A

**Strategic Objective:**

**Date:** April 14, 2025

**Prepared By:** Jennifer Daunch

**Through:** Peyt Dewar, Code Enforcement Manager  
Laura Canary, Community Development Director

**Summary of Issue:** **Sec. 25.9. - Permit required.**  
(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.  
(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.  
**Sec. 94-73. - Vehicle permits.**  
(a) Required. No person, municipality, county or other public agency shall drive any vehicle on, over or across any beach unless such motor vehicle has been issued a "vehicle on the beach" permit under this section, except in emergency situations as approved by the police department or fire department.  
(b) Criteria for issuance. Permits for the operation of vehicles on the beach shall be issued for the following

purposes:

- (1) Public works and public safety;
- (2) Permitted commercial activities;
- (3) Special events; and
- (4) Mechanical beach cleaning.

(c) Issuance; additional federal, state or county permits. Permits shall be issued by application to the department of planning and development based on the scope of activity. Where necessary, the applicant shall obtain whatever additional permits that may also be required by either federal, state or county law. Where federal, state or county approval is necessary, no permit issued by the department shall become effective until such approval has been granted.

(d) Bond; insurance. Based on the scope of activity, the department may require the posting of a bond or a liability insurance policy protecting against damage to property or persons.

(e) Compliance. In reviewing the application for a permit, the department shall be authorized to require the applicant to provide all information necessary to determine whether the vehicle will be operated to comply with the requirements of this article or to set reasonable conditions to ensure compliance.

(f) Safe operation. Operating vehicles permitted under this section shall be subject to all of the regulations set forth in this article and other ordinances governing the safe operation of vehicles.

Observed a flagged pathway through the dune system causing irreparable and irreversible damage to the dunes.

**Funding:**

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

02/21/2025

HUNTER BEACH HOUSE LLC  
665 14TH AVE NE  
ST PETERSBURG FL 33701-1316

Re: **Case Number 20250149**  
**Violation Address: 2502 SUNSET WAY, ST PETE BEACH FL 33706**  
**Parcel ID#: 183216880560010040**

Dear Property Owner:

Observed a flagged pathway through the dune system causing irreparable and irreversible damage to the dunes.

### **Sec. 25.9. - Permit required.**

Sec. 25.9. - Permit required.

(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.

(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.

### **Sec. 94-73. - Vehicle permits.**

Sec. 94-73. - Vehicle permits.

(a) Required. No person, municipality, county or other public agency shall drive any vehicle on, over or across any beach unless such motor vehicle has been issued a "vehicle on the beach" permit under this section, except in emergency situations as approved by the police department or fire department.

(b) Criteria for issuance. Permits for the operation of vehicles on the beach shall be issued for the following purposes:

- (1) Public works and public safety;
- (2) Permitted commercial activities;
- (3) Special events; and
- (4) Mechanical beach cleaning.

(c) Issuance; additional federal, state or county permits. Permits shall be issued by application to the department of planning and development based on the scope of activity. Where necessary, the applicant shall obtain whatever additional permits that may also be required by either federal, state or county law. Where federal, state or county approval is necessary, no permit issued by the department shall become effective until such approval has been granted.

(d) Bond; insurance. Based on the scope of activity, the department may require the posting of a bond or a liability insurance policy protecting against damage to property or persons.

(e) Compliance. In reviewing the application for a permit, the department shall be authorized to require the applicant to provide all information necessary to determine whether the vehicle will be operated to comply with the requirements of this article or to set reasonable conditions to ensure compliance.

(f) Safe operation. Operating vehicles permitted under this section shall be subject to all of the regulations set forth in this article and other ordinances governing the safe operation of vehicles.

Please be advised that this matter is being referred to the Special Magistrate for a hearing on **03/10/2025, 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,

*Ayako Ruckdeschel*      727-363-9216

Ayako Ruckdeschel  
Code Enforcement Officer

# CE20250149

- **Respondent(s): 2502 Sunset Way LLC**
- **Violation address: 2502 Sunset Way**
- **Violation(s) description: The property is in violation of section 25.9 (a) & (b), Permit required and section 94-73 (a)-(f), Vehicle permits of the Land Development code of the city of St. Pete Beach**

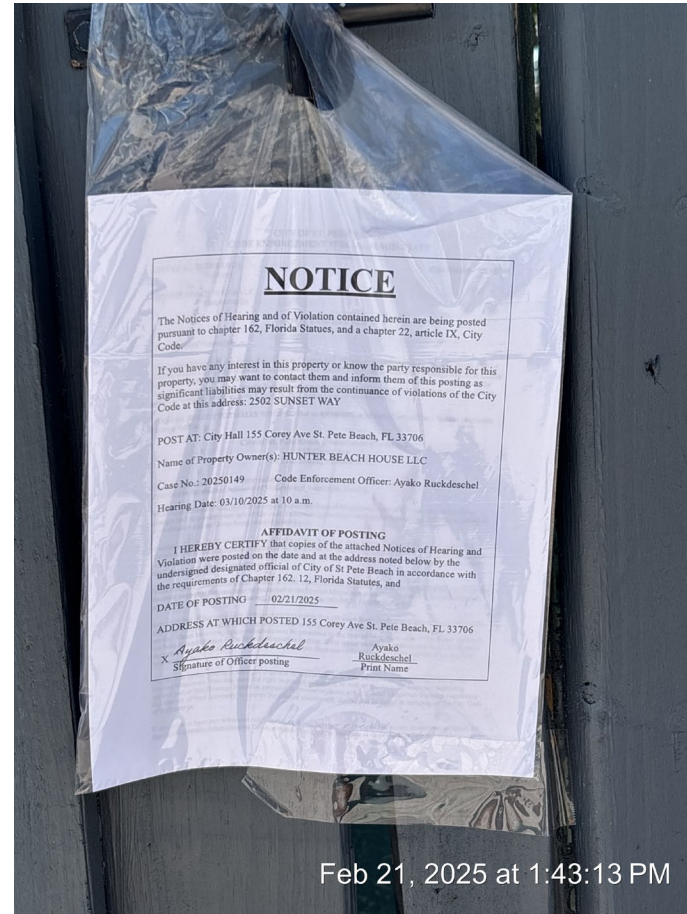
# **CE20240149**

## **Case Summary**

- Initial inspection: 2/19/2025**
- Notice of Irreparable or Irreversible Violation dated: 2/21/2025**
- Notices of Hearing dated and posted on the property: 2/21/2025**

# CE20250149

## Affidavit of Posting



# 2502 Sunset Way

**CE20250149**



**2502 Sunset Way**

**CE20250149**



**2502 Sunset Way**

**CE20250149**



**2502 Sunset Way**

**CE20250149**



**2502 Sunset Way**

# NOTICE

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

If you have any interest in this property or know the party responsible for this property, you may want to contact them and inform them of this posting as significant liabilities may result from the continuance of violations of the City Code at this address: 2502 SUNSET WAY

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

Name of Property Owner(s): HUNTER BEACH HOUSE LLC

Case No.: 20250149                      Code Enforcement Officer: Ayako Ruckdeschel

Hearing Date: 03/10/2025 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      02/21/2025

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

X *Ayako Ruckdeschel*  
Signature of Officer posting

Ayako  
Ruckdeschel  
Print Name

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

CITY OF ST. PETE BEACH,  
Petitioner,

Case Number: 20250149

vs.  
HUNTER BEACH HOUSE 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 **03/10/2025** 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 **2502 SUNSET WAY** for every day that each violation continues beyond the date set by the Special magistrate for compliance.

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

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

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

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

PLEASE GOVERN YOURSELF ACCORDINGLY,

DATED 02/21/2025

727-363-9216

*Ayako Ruckdeschel*

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Ayako Ruckdeschel  
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**

**Agenda Title Name:** Case No. 20250089  
City of St. Pete Beach v. David Tucker  
Address: 7605 Coquina Way St. Pete Beach FL  
33706

**Action Request:** N/A

**Strategic Objective:**

**Date:** April 14, 2025

**Prepared By:** Jennifer Daunch

**Through:** Peyt Dewar, Code Enforcement Manager

**Summary of Issue:** Lien Reduction Request

**Funding:** N/A

**Attachments:**

1. Special Magistrate Order 3/10/2025
2. LIEN REDUCTION REQUEST

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

**CITY OF ST. PETE BEACH,**

**Petitioner,**

**v.**

**CASE NO.: CE20250089  
ADDRESS: 7605 Coquina Way**

**DAVID J. TUCKER,**

**Respondent.**

\_\_\_\_\_ /

**FINAL ADMINISTRATIVE ORDER  
AND ORDER IMPOSING FINES**

This case came before the Special Magistrate on March 10, 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 Ayako Ruckdeschel.
2. Respondent David J. Tucker appeared and represented himself.
3. Respondent owns the subject property, and legally required notice of this proceeding was served on Respondent in accordance with applicable law.
4. Respondent was notified of the following violation of the City's Land Development Code:

**Section 30.5. – Prohibited uses and structures.**

**All uses and structures not of a nature specifically or conditionally permitted herein are hereby prohibited in the TC-1 Town Center Core District.**

5. The City presented evidence demonstrating the property had been rented for a period of less than thirty (30) days on three occasions in violation of the City's Code. This was demonstrated by presentation of the text reviews from the AirBnB website in conjunction with the AirBnB review policy.
6. Respondent testified that he bought the property in 2021 and it was not originally a rental. At some point he contacted a property management company, MIDZ property management, that told him he could rent the property on a short term basis, so he began

doing so. He did not deny that he had rented the property, but thought the Governor had suspended all regulations on short term rentals with an executive or emergency order.

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

7. The Special Magistrate finds the Respondent and the subject property were in violation of Section 30.5 of the City's Code of Ordinances, as the use is not a use as of right or condition in the zoning district. The rentals in violation of the Code are determined to be irreparable or irreversible in nature, and Respondent is assessed \$1,000.00 for each of 3 stays, totaling \$3,000 plus the reasonable administrative costs of the City in the amount of \$330, and the cost of recording the lien should it be necessary.
8. Respondent is ordered to immediately cease renting the property for a term less than thirty (30) days.
9. Pursuant to Section 22-279 (a) of the City's Code of Ordinances, Respondent may request a hearing to challenge the fine amount within twenty (20) days of the date of the original order.
10. It is Respondent's responsibility to notify the City once the property is in compliance, if applicable.
11. Should Respondent be found to be in violation of the same provision within five (5) years of the date of this order, it may be considered a repeat violation and Respondent may be subject to a fine of up to \$500 per day for each day the violation exists.

Order entered on March 10, 2025.



Erica F. Augello, Esq., BCS  
Special Magistrate

**A copy of this Order was sent via US Mail to Respondent at 7605 Coquina Way, St. Pete Beach, FL 33706 on March 10, 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.**



# Lien Reduction Request Application

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

1. Code Enforcement Case Number: CE 20250089

2. Date: 3/20/2025

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

Company (if applicable): \_\_\_\_\_

Name: David Jackson Tucker

Mailing Address: 7605 Coquina Way

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

Phone #: 336-327-5652 Fax #: \_\_\_\_\_

Mobile #: 336-327-5652 E-mail: dtucker@wqzdar.com

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

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

Company (if applicable): \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Mobile #: \_\_\_\_\_ E-mail: \_\_\_\_\_

Parcel ID  
36-31-15-77994-073-0010

**5. Information for property on which lien occurs:**

Street Address: 7605 Caguina Way

Parcel ID: R401635

Tax Account Number: R401635

Existing Use(s) on Property: Home

Date Fine or Lien Imposed: 3/10/2025

Fine/Lien Amount: \$3000.00 Administrative Fees: \$330.00 Total Fine/Lien Amount: \$3330.00

Amount you are requesting that the lien be reduced to: \$ 1500.00

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

Date upon which the subject property was brought into compliance: 3/10/2025

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

The individual in front of me had 7 violations and was fined \$500.00 each. I had 3 violations and was fined \$1000.00 each. I understand this is because he had hurricane damage. I had damage as well and feel I should be treated equally.

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

We had a property manager and thought they had taken care of all of the administrative parts.

Provide proof that the taxes are paid in full:

I have enclosed the document

**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.

[Handwritten Signature]

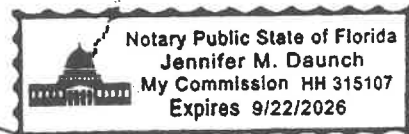
(APPLICANT SIGNATURE)

David J. Tucker 3/21/2025

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

Personally Known  OR Produced Identification

Type of I.D. Produced \_\_\_\_\_



[Handwritten Signature]

(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF PINELLAS

Sworn and subscribed to before me this 21 day March of, 2025

**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 \_\_\_\_\_

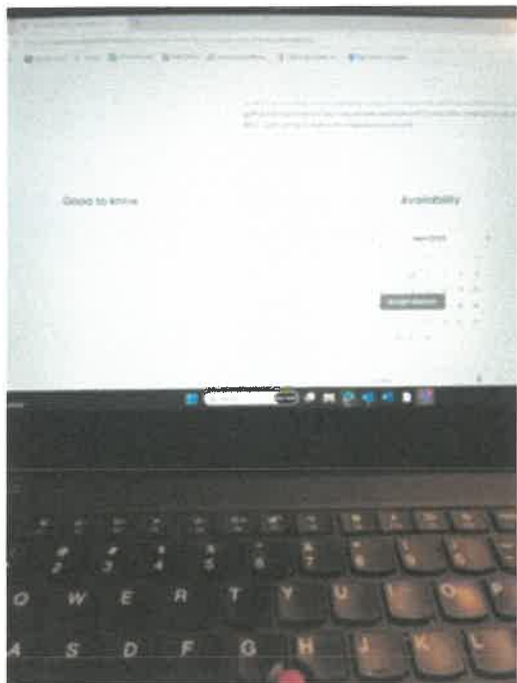
Date \_\_\_\_\_

Signature \_\_\_\_\_

From: David Tucker DTUCKER@nazdar.com

Date: Mar 20, 2025 at 5:10:23 PM

To: David Tucker DTUCKER@nazdar.com



~~Screenshot~~

Screenshot  
from  
Smith homes  
listing now  
30 DAYS.

Sent from my iPhone

**2024 REAL ESTATE TAX**

**Adam Ross, Pinellas County Tax Collector**

P.O. Box 31149, Tampa, FL 33631-3149  
(727) 464-7777 | pinellastaxcollector.gov

*Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments*

Pay online at [pinellastaxcollector.gov](http://pinellastaxcollector.gov)

• E-check - \$1.50 • Credit card - 2.95% convenience fee

If Postmarked By	Nov 30, 2024				
Pay this Amount	\$9015.45				

ACCOUNT NUMBER	ESCROW CODE	MILLAGE CODE
R401635	* CL-0040189	SPB

\* DOVENMUEHLE MORTGAGE INC.

TUCKER, DAVID J  
7605 COQUINA WAY  
ST PETE BEACH, FL 33706-1735

PARCEL NO.: 36/31/15/77994/073/0010  
SITE ADDRESS: 7605 COQUINA WAY, ST PETE BEACH  
PLAT: 5 PAGE: 28  
LEGAL:  
ST PETERSBURG BEACH REPLAT  
BLK 73, LOT 1

**AD VALOREM TAXES**

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION	TAXABLE VALUE	TAXES LEVIED
GENERAL FUND	4.5947	637,658	50,000	587,658	2,700.11
HEALTH DEPARTMENT	0.0713	637,658	50,000	587,658	41.90
EMS	0.8050	637,658	50,000	587,658	473.06
SCHOOL-STATE LAW	3.0740	637,658	25,000	612,658	1,883.31
SCHOOL-LOCAL BD.	2.7480	637,658	25,000	612,658	1,683.58
ST PETE BEACH	3.0913	637,658	50,000	587,658	1,816.63
SW FLA WTR MGMT.	0.1909	637,658	50,000	587,658	112.18
PINELLAS COUNTY PLN.CNCL.	0.0200	637,658	50,000	587,658	11.75
JUVENILE WELFARE BOARD	0.8250	637,658	50,000	587,658	484.82
<b>TOTAL MILLAGE</b>	<b>15.4202</b>			<b>GROSS AD VALOREM TAXES</b>	<b>\$9,207.34</b>

**NON-AD VALOREM ASSESSMENTS**

LEVYING AUTHORITY	AMOUNT
ST PETE BEACH STORMWATER SVCS FIXED COST	64.32
ST PETE BEACH STORMWATER SVCS VARIABLE COST	119.43
<b>GROSS NON-AD VALOREM ASSESSMENTS</b>	<b>\$183.75</b>

**TAXES BECOME DELINQUENT APRIL 1ST** **COMBINED GROSS TAXES AND ASSESSMENTS** **\$9,391.09**

PLEASE RETAIN TOP PORTION FOR YOUR RECORDS

**2024 REAL ESTATE TAX**

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P.O. Box 31149, Tampa, FL 33631-3149  
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ST PETERSBURG BEACH REPLAT  
BLK 73, LOT 1

# CODE ENFORCEMENT SPECIAL MAGISTRATE

## Fine and Lien Assessment Worksheet

Case Number: 20250089

DAVID TUCKER

7605 COQUINA WAY

Employee/Associate	Hourly Rate	Total Hours	Total
Code Enforcement Officer	\$30.00	1.00	\$30.00
City Attorney	\$200.00	0.50	\$100.00
Special Magistrate	\$200.00	1.00	\$200.00
<b>Total hours</b>		<b>3.00</b>	<b>\$330.00</b>

\$3000 I&I short term rental plus admin fees \$330.00

Total Administrative Fines	\$330.00
Lien	\$3,000.00
<b>Total</b>	<b><u>\$3,330.00</u></b>