

**CITY OF ANNA MARIA
CODE ENFORCEMENT BOARD
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
MONDAY, JUNE 18, 2007
7:00 P.M.**

CALL TO ORDER

Chair William Iseman called the Code Enforcement Board meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Boardmember Carl Pearman, Boardmember Jeff Murray, Chair William Iseman, and Boardmember Carol Lewis.

ABSENT w/Excuse: Vice-Chair Shirley O'Day.

Staff present: Code Enforcement Officer Gerry Rathvon, City Attorney Jim Dye, City Clerk Alice Baird, and Minutes Clerk Stacey Johnston.

Press present: Sun, Islander.

APPROVAL OF December 11, 2006 MINUTES

MOTION: Motion was made by Chair Iseman and seconded by Boardmember Lewis that the December 11, 2006 Minutes be approved. Motion carried unanimously.

OLD BUSINESS – None.

NEW BUSINESS

1. **Case No. 2007-007 - 613 N. Bay Blvd.**
Owners: Scott Steenstra and Edward Steenstra III

Witnesses Scott Steenstra and Codes Enforcement Officer Gerry Rathvon were sworn-in by City Clerk Alice Baird.

Codes Enforcement Officer Rathvon addressed the Board. She informed that that on May 3, 2007 she had received a complaint from the Deputy Sheriff regarding the property at 613 N. Bay Blvd. The complaint requested she check the rear of the residence for illegal storage sheds, an outside hot tub, overall yard waste in the City's easement, and overall safety issues.

Ms. Rathvon reported she first inspected and photographed the property on May 7, 2007. She then mailed a notice of violation to Mr. Scott Steenstra, who resided at the property, giving him a 30-day time limit to clean up the property and address the following violations:

Chapter 26, Art. II Nuisances, Sec. 26-27 What constitutes (2); Chapter 114, Art. VI Supplemental Regulations, Sec. 114.412 Accessory buildings,

(c) Accessory buildings shall meet all setback requirements & Florida Building Code Sec. 105, Permits required for installation of a shed, and The Flood Damage Prevention Ordinance 06-674 requirement for having a permit for a shed.

Neither the shed nor the hot tub met the set back requirements. The accumulation or maintenance of trash, filth, rubbish, and other materials were in such a manner to such extent as to cause infestation of rodents or that of threatening or endangering the public health, safety or welfare, or adversely affecting and impairing the economic welfare of adjacent property.

Ms. Rathvon made a re-inspection on May 23. On that date, Mr. Steenstra was given a 48-hour time period to have a licensed electrician apply for an electrical permit due to an exterior electrical outlet being installed for the purpose of operating a new hot tub on his property. No permit has been applied for as of June 18, 2007. Mr., Steenstra was also in violation of Section 105, Florida Building Code 2004 permit required for installation of an electrical outlet on the exterior of his property.

According to Ms. Rathvon, all notice of violations/correction actions were mailed to Mr. Steenstra by Certified Mail/Return Receipt Requested. Ms. Rathvon received all signed Return Receipts. The property was posted on June 6, 2007 at 3:45 p.m. at the City Hall and at the Post Office.

Ms. Rathvon presented the Board with pictures she had taken on May 7, 2007, May 23, 2007, and June 18, 2007. She informed that though the property is in better condition as of today, there was still a large of amount of trash, rubbish, and other materials on the property.

Ms. Rathvon advised she had worked with Mr. Steenstra in 2005 to move items such as piping, a washer and dryer, plants, and the shed out of the alleyway. Items were cleaned up in 2005 but had to be addressed again in 2006. However, this is the first time his violations had been brought before the Board.

Considering the current violations, Ms. Rathvon recommended to Mr. Steenstra that he complete a lot coverage calculation sheet since he was most likely over the 40% lot coverage requirement. She informed that his lot measures 50-feet x 100-feet (35% of the lot is allowed for the house itself and an additional 5% can be used for sheds, walkways, driveways, etc. for a total of 40%). Ms. Rathvon stated that the rear of the property contains two sheds, a hot tub, and a solid wood platform (small deck).

Boardmember Murray asked if the Board was responsible to act on the 40% lot coverage issue.

City Attorney Jim Dye advised that the 40% lot coverage issue was not one of the City's cited code sections and was not technically before the Board that evening.

In answer to *Chair Iseman's* question relating to what remaining items still needed addressed by Mr. Steenstra, *Codes Enforcement Officer Rathvon* reported all items still needed to be addressed. However, there was not as much accumulation of litter or debris at the property.

Ms. Rathvon informed that Mr. Steenstra was allowed to have one of the sheds, though not meeting the setback requirements, due to being grandfathered in since 2005. However, the items outside of the shed cannot be stored inside of it due to that particular shed already being too full.

Boardmember Murray asked who declared the shed as being grandfathered.

Ms. Rathvon reported according to Building Official Kevin Donahue it was grandfathered after being moved from the alleyway onto the property in 2005. No permit had been obtained for that particular shed and it is not tied down.

Chair Iseman asked for an update on any personal conversation Ms. Rathvon may have had with Mr. Steenstra relating to the violations and his required compliance.

Ms. Rathvon said she had spoke to Mr. Steenstra the prior week and also earlier that day (June 18, 2007). Mr. Steenstra had removed some of the items the prior weekend and was scheduled to have assistance removing additional items that day, however, was unable to.

Scott Steenstra, property owner at 613 N. Bay Blvd., addressed the Board. Mr. Steenstra said he owned the rear half of the duplex along with his brother Edward Steenstra III who owns the front half.

Mr. Steenstra asked Ms. Rathvon to indicate for the Board the date she received the Certified Return Receipts cards.

Ms. Rathvon informed that one of the Certified Return Receipt cards was received on May 7, 2007 and the other three were received on June 8, 2007.

According to Mr. Steenstra, Ms. Rathvon sent the certified letters to his brother's Longboat Key address and he never saw the letters. He said when he first met with Ms. Rathvon he was in the process of healing from his thirteenth back surgery and was being treated with Morphine. He said he informed her at that time he had every intention of correcting the violations. Approximately two weeks later he began removing some of the debris from the property.

Chair Iseman stated the Board was sympathetic to personal situations, however, was also aware there are various contractors and labor alternatives available to assist Mr. Steenstra. In addition, the Board had been apprised that evening of other violations that Mr. Steenstra had be asked to address over the past couple of years.

Chair Iseman said it was important for the Board to consider whether or not the violation situation would be likely to continue and asked if Mr. Steenstra if there was a situation with his brother that allowed the violation situation to continue.

Mr. Steenstra reiterated that the letters were sent to his brother's address in Longboat Key. Since he and his brother do not get along well, he was not informed by his brother of the violations received.

In answer to *Boardmember Murray's* questions, Mr. Steenstra explained that an electrician was responsible for installing the electric for the hot tub and he had not been informed of the permit requirement.

Boardmember Murray informed Mr. Steenstra that only a minimal permit was required if he wanted to keep the hot tub. Mr. Steenstra, as the homeowner, can pull the permit and have it inspected.

Boardmember Murray further pointed out if the shed is moved to the proper setback, a permit can be obtained if it is properly strapped down, and as long as he met the 40% lot coverage requirement.

Mr. Steenstra stated he felt he had made some effort to address the violations, just needed additional time. He said he absolutely understood the violations and would be able to immediately apply for the required permits.

Chair Iseman stated there was no disagreement between the property owner and the Codes Enforcement Officer of the violations. He pointed out that there seems to be a verbal intent by the property owner to clean the situation.

City Attorney Dye stated the City was sympathetic to the property owner needing time to do the clean up. However, since the violations had been a reoccurring issue on the property, a Finding of Violations was being requested that evening. Once establishing a Finding of Violations, the City was willing to work with the property owner to insure it gets cleaned up.

Discussion followed relating to the amount of time needed by the property owner. Mr. Steenstra asked for a time period of three to four months to clean up the property.

City Attorney Dye pointed out that the meat of the hurricane season was fast approaching and there were a lot of unsecured items on the property. Noting that the next scheduled meeting for July was only a few weeks away, he suggested an August 9, 2007 compliance date as a generous amount of time for Mr. Steenstra to address all violations.

After discussion and consideration of the upcoming Codes Enforcement Board meeting dates, it was agreed that a Findings of Fact Order be ordered to bring the property into compliance no later than August 9, 2007. If compliance was not achieved, the Code Enforcement Board would hold a hearing on August 13, 2007 to determine whether to assess a fine.

ACTION: Chair Iseman called for a temporary recess at 7:35 p.m. for the City Attorney's preparation of the Finding of Fact setting August 9, 2007 as the official date of compliance.

ACTION: Chair Iseman called the meeting back to order at 8:05 p.m. and asked that the Boardmembers review the Finding of Fact prepared by the City's Attorney. Mr. Steenstra acknowledged he was also presented a copy of the Finding of Fact.

Chair Iseman asked that the specific address of "613" North Bay Boulevard be added under 1. of the Findings of Fact.

Scott Steenstra asked for clarification on the two sheds and the shed listed as non-conforming as addressed in the Findings of Fact.

City Attorney Dye explained that the legal term for non-conforming refers to being grandfathered.

Hearing no further discussion, the following motion was made:

MOTION: Motion was made by Chair Iseman that the Code Enforcement Board has determined that certain Code Violations had occurred at the property located at 613 North Bay Boulevard and such violation need addressed by a Finding of Fact Enforcement Order. Boardmember Pearman seconded the motion. Motion carried – All Aye.

MOTION: Motion was made by Chair Iseman to adopt the proposed Finding of Fact Enforcement Order as prepared and presented by the City Attorney with the addition of specifying the specific address of "613" North Bay Boulevard under 1. of the Findings of Fact. Boardmember Lewis seconded the motion. Motion carried – All Aye.

Note: The Findings of Fact Order states the property owners are ordered to bring the property into compliance no later than August 9, 2007. If compliance is not achieved, the Code Enforcement Board will hold a hearing on August 13, 2007 to determine whether to access a fine.

PUBLIC COMMENT – None.

PRESS COMMENT – None.
None

ADJOURNMENT

Hearing no further discussion, the meeting was adjourned by Chair Iseman at 8:11 p.m.

William Iseman, Chair
Codes Enforcement Board

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____