

SPECIAL MAGISTRATE

BOARD AGENDA

Special Magistrate Hearing - Wednesday, April 18, 2018 - 9:00 a.m.

City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ADMINISTRATIVE BUSINESS**
 - A. **ADMINISTRATION OF OATH TO DEPARTMENTAL WITNESSES**
 - B. **IDENTIFICATION OF CASES IN COMPLIANCE OR RESCHEDULED**
4. **PUBLIC HEARINGS - CITATIONS**
5. **PUBLIC HEARINGS - VIOLATION CASES**
6. **PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)**
7. **PUBLIC HEARINGS - LIEN REDUCTION REQUESTS**
8. **OTHER CASES**
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18-0139 CE	1635 Thumb Point Dr	Culverhouse, John	Margaret Arraiz
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9. **NEW BUSINESS**
10. **OLD BUSINESS**

Any person seeking to appeal any decision by the Special Magistrate with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Code Enforcement Office at (772) 467-3149, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

Special Magistrate Hearing

8.0.

Meeting Date: 04/18/2018

Re: 1635 Thumb Point Dr - Nuisance Appeal

Submitted For: Peggy Arraiz, Code Compliance Manager, Code Enforcement

Information

SUBJECT:

18-0139 CE	1635 Thumb Point Dr	Culverhouse, John	Margaret Arraiz
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CASE INFORMATION:

Case Initiated:	January 16, 2018	Type of Presentation:	Nuisance Appeal
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OWNER:

VIOLATOR John B Culverhouse Sr John B Culverhouse Jr 1635 Thumb Point Dr Fort Pierce, FL 34949	
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VIOLATIONS:

Sec. 16-46. - Maintenance of nuisance on property prohibited.

Sec. 16-47. - Removal of nuisance.

Sec. 16-48 – Nuisance as a Condition

(6) Interferes with the comfortable and quiet enjoyment of life or property.

(7) Current condition of property tends to or could depreciate the value of property of any person.

(9) Any trash, litter, debris, garbage, bottles, paper, plastic, metals, cans, rags, offal, bricks, concrete, lumber, building materials, or dead or decaying plants or animals of any kind.

Section 16-48 – Nuisance as an Object

(1) Junk, consisting of unsightly, worn-out or discarded material of little or no residual value including scrap metal, scrap lumber, wastepaper products, discarded building materials or other debris, the accumulation of which has an adverse effect upon neighborhood or city property values, health, safety or general welfare.

(6) Any building or structure, or part thereof, which is in a dilapidated, unsanitary or unsafe condition, or which constitutes a fire hazard.

(7) Any building, structure, lot, place or location where any activity in violation of law is conducted, performed, maintained or allowed.

CORRECTIVE ACTIONS:

Eliminate any and all conditions that constitute a Nuisance as an Object and a Nuisance as a Condition. Due to the owner's failure to rebuild the structure in a timely manner, demolition of the partially built structure, re-sodding of the property and removal of all miscellaneous items would be required.

RECOMMENDATION:

This property has been condemned under Section III - Condemnation / Declaration of Nuisance of the Rules of Procedure for Condemnation and Demolition. Based on the evidence and testimony presented, staff recommends that the Special Magistrate find cause to declare the property a nuisance and forward the matter to the City Commission for final determination.

Attachments

Time Line

Form Review

Form Started By: Peggy Arraiz
Final Approval Date: 02/21/2018

Started On: 02/07/2018 04:15 PM



THE SUNRISE CITY

FORT PIERCE

CODE ENFORCEMENT
Florida

TO : Nicholas Mimms, City Manager

FROM : Peggy Arraiz, Code Compliance Manager

SUBJECT : 1635 Thumb Point Drive

DATE : February 28, 2018

As requested, below is a summary of the events that have taken place at 1635 Thumb Point Drive.

Background – 2004 to 2007

- The residence at this location was severely damaged by the twin hurricanes of 2004.
- May 2005 – the property was cited due to the unsafe condition of the building, a damaged fence and stagnant water in the pool.
- June 2005 – the Building Official John Alcorn initiated action to demolish the building, which was appealed by Mr. & Mrs. Culverhouse.
- The appeal was scheduled for August 30, 2005.
 - M/M Culverhouse requested continuation to September 27, 2005 – granted.
 - M/M Culverhouse requested continuation to October 25, 2005 – granted.
 - M/M Culverhouse requested continuation to November 29, 2005 – granted.
 - M/M Culverhouse requested continuation in December 2005 – granted.
 - M/M Culverhouse requested continuation to February 2006 – granted.
 - M/M Culverhouse requested continuation to June 2006.
- March 2007 - Due to no action to the property, the matter was scheduled before the Special Magistrate on April 11, 2007.
- Property was found in violation, given 120 days to apply for a permit. Failure would result in a \$250.00 per day fine.
- Fines started on October 26, 2007 and a Lien was recorded on November 20, 2007.

Actions – 2009 to 2014

- March 2009 – a new condemnation order was signed by Building Official Marc Meyers due to no action taken by the owner.
- April 2009 – a permit application was submitted to rehabilitate the structure.
- December 2009 – the permit expired without the work being completed.
- June 2010 – another permit application was submitted to rehabilitate the structure.
- At the request of M/M Culverhouse, a lien reduction hearing was scheduled for September 8, 2010.
 - M/M Culverhouse requested continuation to November 10, 2010 – granted.
 - M/M Culverhouse requested continuation to January 12, 2011.

- M/M Culverhouse requested continuation – granted (no reduction hearing ever heard)
- August 2011 – the permit expired without the work being completed.
- July 2013 – multiple complaints from neighbors that the shell of a building was being used for storage, but no action taken because our code only addresses outside storage.
- October 2013 – demolition permit application submitted.
 - January 2014 – contractor requested a thirty (30) day extension to the permit – granted.
 - February 2014 – contractor requested an additional extension to the permit – granted.
- December 2013 – multiple complaints from neighbors about the outside storage at the property, but due to an active demolition permit, no action could be taken.
- February 2014 – The structure that was damaged in 2004 was demolished.
- March 2014 – application to rebuild a single family residence was submitted and approved in August 2014.
- June 2014 – multiple complaints from neighbors received due to the condition of the property but no action could be taken due to an active building permit.
- July 2015 – A petition signed by forty-five (45) of the neighboring property owners was submitted to the City requesting the City take action to compel the owners to bring the property into compliance.

Current status – 2016 to present

- January 2016, Staff received a request to issue a partial release of properties previously owned by M/M Culverhouse located in St. Lucie County from the spreading lien attached to 1635 Thumb Point Drive.
 - Staff and the Special Magistrate both recommended approval of the request to the City Commission with the stipulation that the lien would remain against 1635 Thumb Point Drive.
 - The City Commission also approved the request with payment of \$5,000.00 and that the lien would remain in affect against 1635 Thumb Point Drive.
 - The City Attorney finalized an agreement to release all liens from 1635 Thumb Point Drive as part of the settlement of \$5,000.00.
- February 2016 – Mr. Culverhouse and Mr. Steve Weaver submitted an action plan outlining steps to be taken with specific deadlines. Building Official Marc Meyers agreed with the submitted action plan with the stipulation that failure to comply with the timeframe would result in the revocation of the permit, the condemnation of the structure and the demolition of all the structural elements. Per this timeline, house would be completed by Fall 2016.
- April 2016 – Mr. Culverhouse was notified that they had not fulfilled their agreement but granted a one week extension to bring up to date.
- March 2017 – due to the owner’s failure to comply with the stipulated timeline and no action being taken, staff recommended the City foreclose upon the lien. At this time, we learned of the agreement to fully release all liens from the property.
- December 2017 – the permit from 2014 was set to expire without the work being completed.
 - A 30 day extension was requested on December 8, 2017 – granted.

- A 30 day extension was requested on January 16, 2018 – granted.
- January 25, 2018 – received an approved inspection for a tie beam.
- Permit continued to July 2018.
- January 2018 – at the direction of the City Manager, the property was posted as a nuisance and a new condemnation was initiated under the newly adopted Rules of Procedure for Condemnation and Demolition, which provide for the condemnation of a structure due to its adverse impact on the neighborhood.
 - Mr. Culverhouse appealed the Declaration of Nuisance and the appeal was scheduled for March 21, 2018.
 - Mr. Culverhouse requested an extension – granted.
 - New appeal date is scheduled for April 18, 2018. This agreed upon date has been documented in a signed stipulation, approved by the Special Magistrate and recorded with the Clerk of Court of St. Lucie County.

Summary

- 2004 – house damaged by hurricanes
- 2007 – found in violation by the Special Magistrate
- 2014 – house demolished
- 2014 – permit to rebuild approved
- 2016 – owner submits timeline to complete construction
- 2018 – property declared a nuisance and condemnation of building initiated