

SPECIAL MAGISTRATE

BOARD AGENDA

Emergency Special Magistrate Hearing - Monday, February 6, 2023 - 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**

A.

21-3582	4919 - 4921 Oleander Ave	Midway Road Plaza LLC	Logan Winn
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6. **PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)**

7. **PUBLIC HEARINGS - LIEN REDUCTION REQUESTS**

8. **OTHER CASES**

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 Building Department at (772) 467-3712, 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.

**Emergency Special Magistrate Hearing -
Building -**

5. A.

Meeting Date: 02/06/2023

Re: Case #: 21-3582 - 4919 - 4921 Oleander Avenue

Information

SUBJECT:

21-3582	4919 - 4921 Oleander Ave	Midway Road Plaza LLC	Logan Winn
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CASE INFORMATION:

Case Initiated:	December 14, 2021	Type of Presentation:	Regular
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OWNER:

OWNER: Midway Road Plaza LLC 630 SW Palmetto Cove Port St Lucie, FL 34986	REG. AGENT: Rohit R Patel
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VIOLATIONS:

FBC 105.1 (2017) Permit Required, IPMC 111.1.4 Unlawful Structure

CORRECTIVE ACTIONS:

1. Obtain a permit for interior commercial renovations without a permit.
2. Obtain a permit for business change of use.

DPCR & Permit History:

3. The 1st DPCR for the Change of Use and Occupancy was submitted on 12/15/2021 and was rejected in Violation & Zoning review on 12/30/2021, a submission on 2/14/22 was later rejected on 2/17/2022.
4. A 2nd DPCR for the Change of Use and Renovation was submitted on 5/23/2022 and was approved on 6/14/2022.
5. The Commercial Repair Permit for the interior renovation and Change of Use was submitted on 6/14/2022. The Building plan review was rejected on 6/30/2022, 8/23/2022, 8/30/2022, and 10/4/2022 and was finally approved on 12/29/2022. The Mechanical plan review was rejected on 8/18/2022, 8/24/2022, 10/3/2022 and finally approved on 12/29/2022. The Electrical plan review was rejected on 10/4/2022 and approved on 12/29/2022. The Plumbing plan review was rejected on 8/24/2022, 10/3/2022 and approved on 12/29/2022. The Commercial Repair permit was issued on 1/6/2023.
6. A Temporary Use Agreement was entered into on 9/26/2022 with a list of required actions with regard to work and permitting that must be completed within 90 days. The agreement was signed by Ben Fitter of Downtown Benny's Pizza, the contractor W.O. Gregory

Construction, Inc., and the Building Official of the City of Fort Pierce. The agreement expired on 12/26/2022.

Commercial Repair Permit 22-2333 Inspection History:

Fire Prevention Final - 9/30/2022 - Approved

Building Structural Framing - 1/10/2023 - Disapproved - Not ready, missing required inspections, construction not to plan

Plumbing Rough In - 1/10/2023 - Disapproved - Not ready, missing required inspections, construction not to plan

Electric Rough In - 1/10/2023 - Disapproved - Not ready, missing required inspections, construction not to plan

RECOMMENDATION:

The City requests that if the Special Magistrate finds the violation of FBC 105.1 exists, the violator(s) be given until the expiration date of the permit to correct construction deficiencies, have all work inspected and approved at least every 180 days until the permit has been closed or a fine of \$250.00 per day be assessed. Once all final inspections have been approved, a Certificate of Occupancy will be issued and the restaurant may resume normal operations. Further, the City requests that an Order of Review and Determination be found in regard to violation IPMC 111.1.4 with the condition that if the violator(s) resumes operation of the restaurant that utilities may be suspended for this premises to ensure the safety and wellbeing of the public pursuant to the IPMC and an additional hearing will be scheduled for a fine of \$500 per day to be assessed due to the non-compliance.

Attachments

Temp. Use Agreement

Form Review

Form Started By: Elizabeth Beck

Started On: 02/01/2023 09:49 AM

Final Approval Date: 02/01/2023



**Agreement to Temporarily Use
4919 Oleander Ave.
22-2333**

September 26, 2022

To Whom it May Concern:

I authorize the agreement to temporarily use the address referenced above with the following conditions:

To be Completed Immediately:

- *Grease interceptor shall be approved and inspected by Ft. Pierce Utilities Authority.*
- *Three-compartment sink shall comply with indirect waste requirements and obtain approved City Plumbing inspection before temporary occupancy will be granted.*
- *Approved Fire inspection shall be completed by the St. Lucie County Fire Department before Temporary Occupancy.*
- *Approved Health Department inspection shall be obtained from the St. Lucie County Health Department before Temporary Occupancy.*

Must Comply within 90 Days:

- *Revision required for accessible counter and all items on approved plans to the 2020 Florida Building Code.*
- *Restrooms shall comply with all Florida Accessibility requirements.*
- *Exit doors shall comply with Florida Building Code requirements for push bars, locks shall be removed.*

This agreement will become effective when the agreement has been signed by all parties and returned to the Building Department.

If at any time you are found violating any term of this agreement and/or if the above-stated deficiencies are not addressed within thirty (90) days (Monday, December 26, 2022), this agreement is nullified. Failure to comply may result in the structure being unsafe, unfit, or unlawful, thus invoking the remedies specified in the Fort Pierce Property Maintenance Code.

Continued next page...

[Signature]

Ben Fitter/Midway Road Plaza, LLC Date
Downtown Benny's Pizza

[Signature]

Contractor Date
W.O. Gregory Construction Co.

State of FL County of Martin
Subscribed and sworn or affirmed before me
this 21st day of September, 2022,
By Ben Fitter
Personally known or produced identification
Type of identification produced FL Driver's License

State of FL County of Martin
Subscribed and sworn or affirmed before me
this 21st day of September, 2022,
By Gregory H. Whigham
Personally known or produced identification
Type of identification produced FL Driver's License

[Signature]

Notary Name, Notary Public
My Commission Expires: 01/13/2026 (Seal)

[Signature]

Notary Name, Notary Public
My Commission Expires: 01/13/2026 (Seal)



Sincerely,

[Signature]

Paul Thomas, CBO, CFM
Building Official

10/7/22

Effective Date

PT/km