

**NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 122-24**

Certified Mail
August 16, 2024

Owner: **Boris Zeller**
305 Baker Ave.
Clearwater, FL 33755-5804

Violation Address: **305 Baker Ave.**
11-29-15-32850-000-0790

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, September 25, 2024**, at **1:30 p.m.** there will be a public hearing before the Municipal Code Enforcement Board in the Council Chambers, Clearwater Main Library at 100 North Osceola Avenue, Clearwater, Florida, concerning violation of Section(s) **1-104.B, 3-919, and 3-2302** of the Clearwater City Code. (See attached Affidavit(s) of Violation).

You are hereby ordered to appear before the Municipal Code Enforcement Board on the hearing date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence. You have the right to obtain an attorney, at your own expense, to represent you before the Board. If you are absent but represented at the hearing, your representative must present to the Board your letter authorizing your representative to speak on your behalf. You will have the opportunity to present witnesses as well as question witnesses against you prior to the Board making a determination. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violations should you be found to be in violation of the City Code.

The case shall be presented to the Board even if the violations described in the attached Affidavit(s) of Violation are corrected prior to the Board hearing.

Should you be found in violation of the City Code, the Municipal Code Enforcement Board has the power by law to levy fines of up to \$250 a day per violation against you and your property for every day each violation continues beyond the date set for compliance in an Order of the Board.

If you wish to have any witnesses subpoenaed, please contact the Secretary of the Municipal Code Enforcement Board within five (5) days at 727-444-7155. If you have any questions regarding the cited violations or if the violations are corrected prior to the hearing, please contact the Inspector whose name appears on the Affidavit(s) of Violation.

Sincerely,



SECRETARY TO THE MUNICIPAL CODE ENFORCEMENT BOARD

The Municipal Code Enforcement Board was created pursuant to General Act 80-300, General Laws of Florida, 1979, and Ordinance 2169-80 of the City of Clearwater.

The City of Clearwater strongly supports and fully complies with the Americans with Disabilities Act (ADA). Please advise us at least 48 hours prior to the hearing if you require special accommodations at 727-562-4090. Assisted Listening Devices are available. **Kindly refrain from private conversations, cellular phone use, etc. that distract meeting participants.**

Any party may appeal a final order of this Board by filing an appeal with the Circuit Court within 30 days of entry of the order. Appellants need a record of proceedings; a verbatim record of testimony and evidence that is the basis for the appeal may be required. F.S. § 286.0105, CDC Sec 7-104

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA
AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING

NAME OF VIOLATOR: BORIS ZELLER CITY CASE#: CDC2024-00263
MAILING ADDRESS: 305 BAKER AVE
CLEARWATER, FL 33755

VIOLATION ADDRESS: 305 BAKER AVE
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 2/14/2024

LEGAL DESCRIPTION OF PROPERTY: GRAND VIEW TERRACE LOT 79 & N 30FT OF LOT 78

PARCEL #: 11-29-15-32850-000-0790

DATE OF INSPECTION: 7/25/2024 2:55:00 PM

SECTION(S) OF THE CITY CODE WHICH HAVE BEEN VIOLATED: CODE
SECTION VIOLATED

1-104.B. - ****DEVELOPMENT CODE VIOLATION**** No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

3-919. - ****PRIMA FACIE EVIDENCE OF CERTAIN USES IN RESIDENTIAL ZONING DISTRICT**** Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less shall include but not be limited to one or more of the following:

___(1) Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act and 509 (Public Lodging Establishments)

(2) Advertising or holding out a dwelling unit for tourist housing or vacation rental use.

___(3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or

___(4) Use of an agent or other third person to make reservations or booking arrangements.

SPECIFICALLY,

Our office has received complaints that this property is being illegally rented out and/or advertised as being available for less than the 31 day or 1 calendar month requirement. This was verified on the internet. This is a violation of the City of Clearwater ordinance prohibiting short term rentals. Please bring your property and websites advertising your property into compliance by the compliance date. If you have any questions feel free to contact me directly. Thank you!

A violation exists and a request for hearing is being made.


Sarah Green

SWORN AND SUBSCRIBED before me by means of physical presence or ___ online notarization on this 12th day of August, 2024, by Sarah Green.

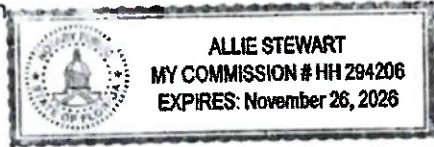
STATE OF FLORIDA
COUNTY OF PINELLAS

PERSONALLY KNOWN TO ME

PRODUCED AS IDENTIFICATION

Allie Stewart

Type of Identification



(Notary Signature)

Allie Stewart

Name of Notary (typed, printed, stamped)

FILED THIS 12th DAY OF August, 2024

MCEB CASE NO. 122:24

Wendee Sprague

Secretary, Municipal Code Enforcement Board

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA
AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING

NAME OF VIOLATOR: BORIS ZELLER
MAILING ADDRESS: 305 BAKER AVE
CLEARWATER, FL 33755
CITY CASE#: BIZ2024-00134

VIOLATION ADDRESS: 305 BAKER AVE
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 2/14/2024

LEGAL DESCRIPTION OF PROPERTY: GRAND VIEW TERRACE LOT 79 & N 30FT OF LOT 78

PARCEL #: 11-29-15-32850-000-0790

DATE OF INSPECTION: 7/25/2024 2:57:00 PM


SECTION(S) OF THE CITY CODE WHICH HAVE BEEN VIOLATED: CODE SECTION VIOLATED

3-2302. - **RESIDENTIAL RENTAL BUSINESS TAX RECEIPT** A business tax receipt shall be required for all rentals as set forth in Section 3-2301. Business tax procedures and requirements shall be as set forth in Code of Ordinances Chapter 29. The fee charged for such business tax shall be as set forth in Code of Ordinances Appendix A, Division XVIII. Property described in this notice is being rented without a business tax receipt.

SPECIFICALLY,

A search of public records has found this non-homesteaded property to be a rental. To comply with city code, please complete and return the enclosed application with a money order or check payable to City of Clearwater in the amount of \$31.50 to cover the fee for the fiscal year.

A violation exists and a request for hearing is being made.


Sarah Green

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization on this 12th day of August, 2024, by Sarah Green.

STATE OF FLORIDA
COUNTY OF PINELLAS

- PERSONALLY KNOWN TO ME
 PRODUCED AS IDENTIFICATION


Type of Identification

(Notary Signature)


Name of Notary (typed, printed, stamped)



FILED THIS 12 DAY OF August, 2024

MOEB CASE NO. 122-24


Secretary, Municipal Code Enforcement Board



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4720 FAX (727) 562-4735

Notice of Violation

BORIS ZELLER
305 BAKER AVE
CLEARWATER, FL 33755

BIZ2024-00134

ADDRESS OR LOCATION OF VIOLATION: **305 BAKER AVE**

LEGAL DESCRIPTION: GRAND VIEW TERRACE LOT 79 & N 30FT OF LOT 78

DATE OF INSPECTION: 2/14/2024

PARCEL: 11-29-15-32850-000-0790

Section of City Code Violated:

3-2302. - ****RESIDENTIAL RENTAL BUSINESS TAX RECEIPT**** A business tax receipt shall be required for all rentals as set forth in Section 3-2301. Business tax procedures and requirements shall be as set forth in Code of Ordinances Chapter 29. The fee charged for such business tax shall be as set forth in Code of Ordinances Appendix A, Division XVIII. Property described in this notice is being rented without a business tax receipt.

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THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 3/14/2024. FAILURE TO CORRECT THE ABOVE LISTED VIOLATION BY THE DATE INDICATED, OR RECURRENCE OF THE VIOLATION AFTER CORRECTION, WILL RESULT IN A LEGAL ACTION BY THE CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER OR BY THE PINELLAS COUNTY COURT. SUCH ACTION MAY RESULT IN A FINE. THE ALLEGED VIOLATOR MAY BE LIABLE FOR THE REASONABLE COSTS OF THE INVESTIGATION, PROSECUTION AND THE ADMINISTRATIVE HEARING SHOULD THIS PERSON BE FOUND GUILTY OF THE VIOLATION.

Sarah Green Code Enforcement Supervisor
727-444-8711
sarah.green@myclearwater.com

Date Printed: 2/14/2024



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4720 FAX (727) 562-4735

Notice of Violation

BORIS ZELLER
305 BAKER AVE
CLEARWATER, FL 33755

BIZ2024-00134

ADDRESS OR LOCATION OF VIOLATION: **305 BAKER AVE**

LEGAL DESCRIPTION: GRAND VIEW TERRACE LOT 79 & N 30FT OF LOT 78

DATE OF INSPECTION: 3/26/2024

PARCEL: 11-29-15-32850-000-0790

Section of City Code Violated:

3-2302. - ****RESIDENTIAL RENTAL BUSINESS TAX RECEIPT**** A business tax receipt shall be required for all rentals as set forth in Section 3-2301. Business tax procedures and requirements shall be as set forth in Code of Ordinances Chapter 29. The fee charged for such business tax shall be as set forth in Code of Ordinances Appendix A, Division XVIII. Property described in this notice is being rented without a business tax receipt.

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Sarah Green
727-444-8711

Code Enforcement Supervisor

sarah.green@myclearwater.com

Date Printed: 6/21/2024



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748

MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756

TELEPHONE (727) 562-4720 FAX (727) 562-4735

Notice of Violation

BORIS ZELLER
305 BAKER AVE
CLEARWATER, FL 33755

CDC2024-00263

ADDRESS OR LOCATION OF VIOLATION: **305 BAKER AVE**

LEGAL DESCRIPTION: GRAND VIEW TERRACE LOT 79 & N 30FT OF LOT 78

DATE OF INSPECTION: 3/26/2024

PARCEL: 11-29-15-32850-000-0790

Section of City Code Violated:

1-104.B. - ****DEVELOPMENT CODE VIOLATION**** No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

3-919. - ****PRIMA FACIE EVIDENCE OF CERTAIN USES IN RESIDENTIAL ZONING DISTRICT****
Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less shall include but not be limited to one or more of the following:

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TELEPHONE (727) 562-4720 FAX (727) 562-4735

A handwritten signature in black ink, appearing to read "Sarah Green", is written above a horizontal line.

Sarah Green

Code Enforcement Supervisor

727-444-8711

sarah.green@myclearwater.com

Date Printed: 6/21/2024



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT

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Notice of Violation

BORIS ZELLER
305 BAKER AVE
CLEARWATER, FL 33755

CDC2024-00263

ADDRESS OR LOCATION OF VIOLATION: **305 BAKER AVE**

LEGAL DESCRIPTION: GRAND VIEW TERRACE LOT 79 & N 30FT OF LOT 78

DATE OF INSPECTION: 2/14/2024

PARCEL: 11-29-15-32850-000-0790

Section of City Code Violated:

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Sarah Green
727-444-8711

Code Enforcement Supervisor

sarah.green@myclearwater.com

Date Printed: 2/14/2024

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF POSTING

City Case Number: BIZ2024-00134

Site of Violation: 305 BAKER AVE

RECEIVED

JUN 21 2024

CITY CLERK DEPARTMENT

1. Sarah Green, being first duly sworn, deposes and says:
2. That I am a Code Enforcement Supervisor employed by the City of Clearwater.
3. That on the 21st day of June, 2024, a copy of the attached Notice of Violation was posted at City of Clearwater Offices, 600 Cleveland St., 6th Floor, Clearwater, Florida and at 305 BAKER AVE, Clearwater, Florida.



Sarah Green Code Enforcement Supervisor
727-444-8711
sarah.green@myclearwater.com

STATE OF FLORIDA
COUNTY OF PINELLAS

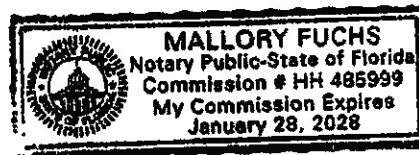
SWORN AND SUBSCRIBED before me by means of X physical presence or _____ online notarization on this 21st day of June, 2024, by Sarah Green.

PERSONALLY KNOWN TO ME

PRODUCED AS IDENTIFICATION

Mallory Fuchs Type of Identification
(Notary Signature)

Mallory Fuchs
Name of Notary (typed, printed, stamped)



MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF POSTING

City Case Number: CDC2024-00263

Site of Violation: 305 BAKER AVE

RECEIVED

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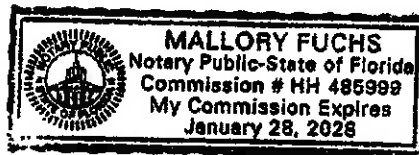
STATE OF FLORIDA
COUNTY OF PINELLAS

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- PERSONALLY KNOWN TO ME
 PRODUCED AS IDENTIFICATION

Mallory Fuchs Type of Identification
(Notary Signature)

Mallory Fuchs
Name of Notary (typed, printed, stamped)





Parcel Summary (as of 12-Aug-2024) **Parcel Map**

Parcel Number
11-29-15-32850-000-0790

Owner Name
ZELLER, BORIS

Property Use
0110 Single Family Home

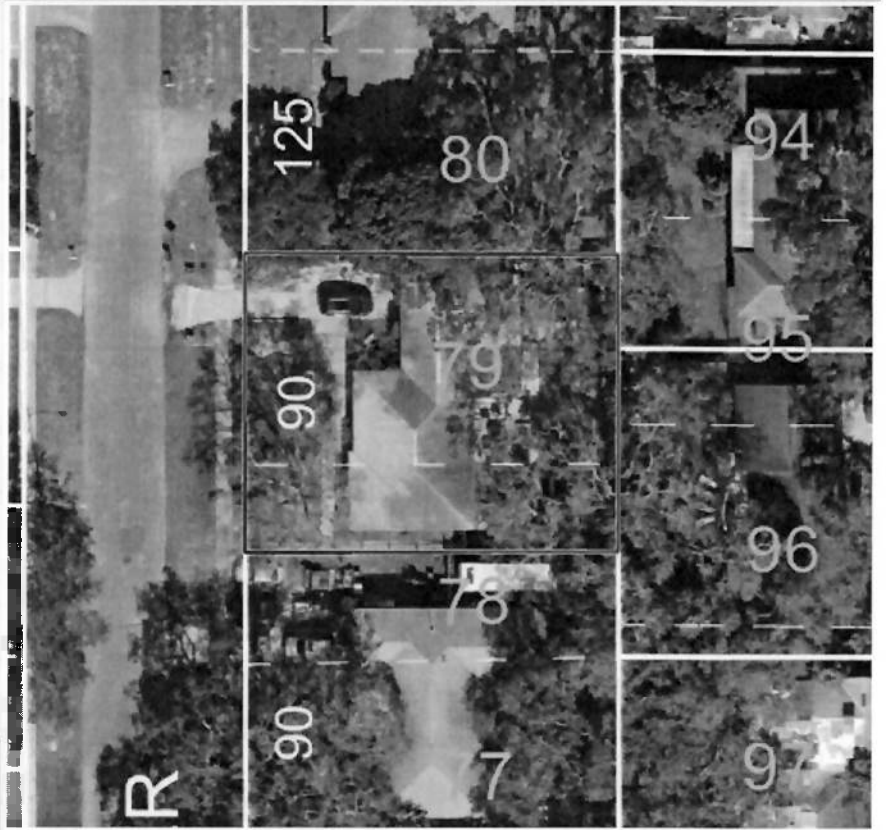
Site Address
305 BAKER AVE
CLEARWATER, FL 33755

Mailing Address
305 BAKER AVE
CLEARWATER, FL 33755-5804

Legal Description
GRAND VIEW TERRACE LOT 79 & N 30FT OF LOT 78

Current Tax District
CLEARWATER (CW)

Year Built
1952



Living SF	Gross SF	Living Units	Buildings
1,732	2,236	1	1

Exemptions

Year	Homestead	Use %	Status	Property Exemptions & Classifications
2025	No	0%		No Property Exemptions or Classifications found. Please note that Ownership Exemptions (Homestead, Senior, Widow/Widower, Veterans, First Responder, etc... will not display here).
2024	No	0%		
2023	No	0%		

Miscellaneous Parcel Info

Last Recorded Deed	Sales Comparison	Census Tract	Evacuation Zone	Flood Zone	Elevation Certificate	Zoning	Plat Bk/Pg
21846/0447	\$439,500	<u>265.02</u>	<u>NON EVAC</u>	<u>Current FEMA Maps</u>	<u>Check for EC</u>	Zoning Map	12/3

2024 Preliminary Values

Year	Just/Market Value	Assessed Value/SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2024	\$373,178	\$370,262	\$370,262	\$373,178	\$370,262

Value History (yellow indicates corrected value)

Year	Homestead Exemption	Just/Market Value	Assessed Value/SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2023	N	\$379,317	\$336,602	\$336,602	\$379,317	\$336,602
2022	N	\$306,002	\$306,002	\$306,002	\$306,002	\$306,002
2021	Y	\$228,934	\$228,934	\$0	\$0	\$0
2020	Y	\$234,523	\$234,523	\$0	\$0	\$0
2019	Y	\$164,618	\$97,451	\$47,451	\$72,451	\$47,451