

**NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 48-24**

Certified Mail
June 14, 2024

Owner: **Nicholas Stewart**
1915 Macomber Ave.
Clearwater, FL 33755-1420

Violation Address: **1915 Macomber Ave.**
03-29-15-83970-000-0030

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, July 24, 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 your ongoing violation of Section(s) **3-808, 3-808.A.1, 3-808.A.4, 3-808.A.2, 3-808.A.3, 3-808.A.5, 3-808.A.6, 3-1502.B, 3-1503.A, 3-1503.B.1, 3-1503.B.2, 3-1503.B.3, & 3-1503.B.9** of the Clearwater City Code. You previously were found to have violated the Clearwater City Code and, to date, you have failed to correct the violation(s) within the time set for compliance by Order of the Municipal Code Enforcement Board. (See attached Affidavit of Non-Compliance)

You may 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.

The case shall be presented to the Board even if the violation(s) described in the Affidavit of Non-Compliance is/are corrected prior to the Board hearing.

If the Municipal Code Enforcement Board finds you did not correct the violation(s) by the date set for compliance in the Board's Order, the Board has the power by law to levy fines against you and your property for each day each violation continues beyond the compliance date and may do so at the hearing.

If you wish to have witnesses subpoenaed, please contact the Secretary of the Municipal Code Enforcement Board within five (5) days at (727) 562-4097. If you have any questions regarding the cited violation or if the violation is corrected prior to the hearing, please contact the Inspector whose name appears on the Affidavit of Non-Compliance.

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 NON - COMPLIANCE

City of Clearwater, Florida

MCEB Case Number: 48-24

Petitioner

City Case Number: CDC2024-00119

vs.

NICHOLAS J STEWART
1915 MACOMBER AVE
CLEARWATER, FL 33755-1420

Respondent

Re: 1915 MACOMBER AVE

I, Gregory Dixon, have personally examined the property described in the Municipal Code Enforcement Board Order dated April 24, 2024 in the above mentioned case, and find that as of June 7, 2024 said property is NOT in compliance with

3-808 - ****FENCES AND WALLS**** All fences and walls shall be maintained in a structurally sound and aesthetically attractive manner.

3-808.A.1. - ****FENCE SHALL BE MAINTAINED IN VERTICAL POSITION**** A fence or wall shall be maintained in a vertical position and shall not be allowed to sag or lean at more than 10 degrees from vertical.

3-808.A.4. - ****FENCE STRINGERS SHALL BE SECURELY FASTENED**** Each fence stringer shall be securely fastened to the support posts and face of the fence.

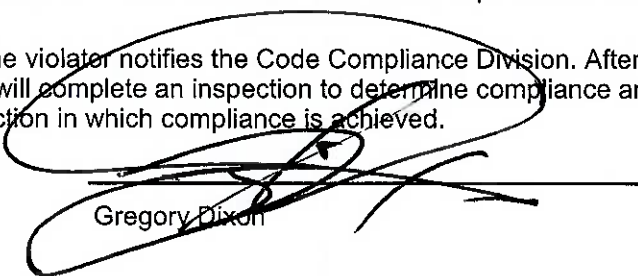
3-808.A.2 - ****ROTTEN BOARDS**** Rotten boards in a fence shall be replaced.

3-808.A.3. - ****SUPPORT POST OR FOOTER SOLIDLY ATTACHED TO GROUND**** Each support post or footer shall be solidly attached to the ground.

3-808.A.5. - ****FENCE FACE SHALL BE SECURELY FASTENED**** Each fence face shall be securely fastened to the support post and fence stringers.

3-808.A.6. - ****FENCES SHALL BE MAINTAINED FOR UNIFORM APPEARANCE**** All fence or wall surfaces shall be painted, stained, treated or otherwise maintained so as to present a uniform appearance.

This shall result in a fine to run daily until the violator notifies the Code Compliance Division. After notification from the violator, the inspector will complete an inspection to determine compliance and the fine shall cease upon the date of the inspection in which compliance is achieved.


Gregory Dixon

STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization on this 7th day of June, 2024, by Gregory Dixon.

PERSONALLY KNOWN TO ME
 PRODUCED AS IDENTIFICATION

Type of Identification

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF NON - COMPLIANCE

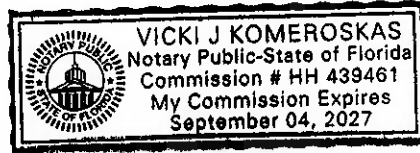
MCEB Case Number: 48-24

City Case Number: CDC2024-00119



(Notary Signature)

Name of Notary (typed, printed, stamped)



MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF NON - COMPLIANCE

City of Clearwater, Florida

MCEB Case Number: 48-24

Petitioner

City Case Number: CDC2024-00120

vs.

NICHOLAS J STEWART
1915 MACOMBER AVE
CLEARWATER, FL 33755-1420

RECEIVED

JUN 10 2024

Respondent

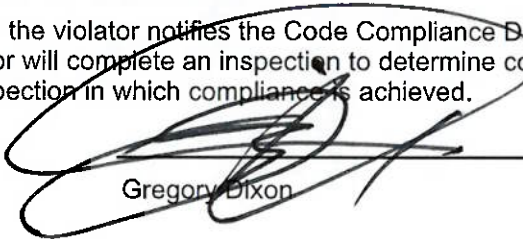
CITY CLERK DEPARTMENT

Re: 1915 MACOMBER AVE

I, Gregory Dixon, have personally examined the property described in the Municipal Code Enforcement Board Order dated April 24, 2024 in the above mentioned case, and find that as of June 7, 2024 said property is NOT in compliance with

3-1502.B. - **EXTERIOR SURFACES** All building walls shall be maintained in a secure and attractive manner. All defective structural and decorative elements of any building wall shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of the building. Exterior surfaces shall be free of mildew; rust; loose material including peeling paint; and patching, painting or resurfacing shall be accomplished to match the existing or adjacent surfaces as to material, color, bond and joining. All exterior surfaces other than decay-resistant wood and other weather durable finishes, shall be protected from the elements by paint or other protective covering applied and maintained in accord with manufacturer's specifications and otherwise treated in a consistent manner.

This shall result in a fine to run daily until the violator notifies the Code Compliance Division. After notification from the violator, the inspector will complete an inspection to determine compliance and the fine shall cease upon the date of the inspection in which compliance is achieved.




Gregory Dixon

STATE OF FLORIDA
COUNTY OF PINELLAS

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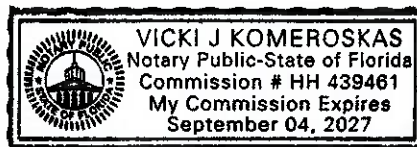
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MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF NON - COMPLIANCE

City of Clearwater, Florida

MCEB Case Number: 48-24

Petitioner

City Case Number: PNU2024-00075

vs.

NICHOLAS J STEWART
1915 MACOMBER AVE
CLEARWATER, FL 33755-1420

Respondent

Re: 1915 MACOMBER AVE

I, Gregory Dixon, have personally examined the property described in the Municipal Code Enforcement Board Order dated April 24, 2024 in the above mentioned case, and find that as of June 7, 2024 said property is NOT in compliance with

3-1503.A. - ****NUISANCE**** No person owning, leasing, operating, occupying or having control of any premises within the City shall maintain, keep or permit any nuisance (as defined in Section 8-102.) affecting the citizens of the City.

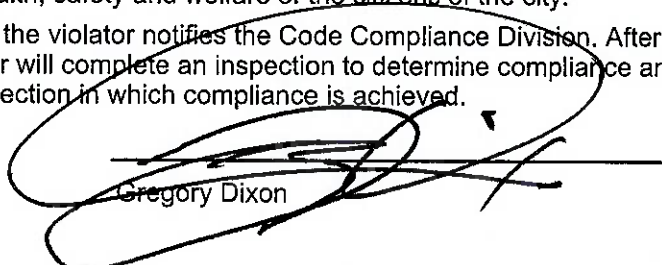
3-1503.B.1. - ****PUBLIC NUISANCE CONDITION**** A condition or use that exists on this property causes a substantial diminution of value of property in the vicinity of this condition or use and is considered a public nuisance.

3-1503.B.2. - ****ABANDONED BUILDINGS**** Buildings which are abandoned, boarded up, partially destroyed, or left for a period of six (6) months in a state of partial construction are declared to be a public nuisance.

3-1503.B.3. - ****ATTRACTIVE NUISANCE**** Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, accessible artificial bodies of water, excavations, or neglected machinery.

3-1503.B.9. - ****Other Nuisance Condition**** Any other condition or use that constitutes a nuisance to the public, generally, which is continually or repeatedly maintained, the abatement of which would be in the best interest of the health, safety and welfare of the citizens of the city.

This shall result in a fine to run daily until the violator notifies the Code Compliance Division. After notification from the violator, the inspector will complete an inspection to determine compliance and the fine shall cease upon the date of the inspection in which compliance is achieved.


Gregory Dixon

STATE OF FLORIDA
COUNTY OF PINELLAS

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City Case Number: PNU2024-00075

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