

NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 87-23

Certified Mail
August 17, 2023

Owner: **B W C W Hospitality LLC**
C/O Westmont Hospitality Group
5847 San Felipe St Ste 4600
Houston, TX 77057-3426

Violation Address: **301 Gulfview Blvd Common, Clearwater**
07-29-15-01335-000-0171

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, September 27, 2023, 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) **3-1804 and 3-1804.J** of the Clearwater City Code. (See attached Affidavit(s) of Violation).

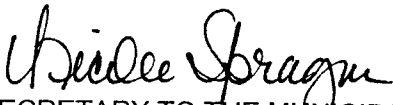
You are hereby ordered to appear before the Municipal Code Enforcement Board on the hearing date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence. You have the right to obtain an attorney, at your own expense, to represent 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 727-562-4097. 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

City Case Number: BIZ2022-00518

NAME OF VIOLATOR: B W C W HOSPITALITY LLC
B W C W HOSPITALITY LLC
MAILING ADDRESS: C/O WESTMONT HOSPITALITY GROUP
5847 SAN FELIPE ST STE 4600
HOUSTON, TX 77057-3426

VIOLATION ADDRESS: 301 GULFVIEW BLVD COMMON

LEGAL DESCRIPTION OF PROPERTY: See "Exhibit "A", Pinellas County Property Records Printout, attached, for legal description

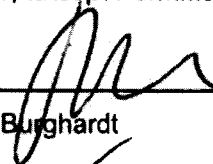
PARCEL #: 07-29-15-01335-000-0171

DATE OF INSPECTION: 11/16/2022 4:49:00 PM

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

3-1804. - **PROHIBITED SIGNAGE** Signage exists which is prohibited by the Sign Code.

3-1804.J. - **SIDEWALK SIGNS** Sidewalk Signs, Except Permitted in Section 3-1807.B.4.




Stefan Burghardt


STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me by means of physical presence or _____ online notarization on this 11th day of August, 2023, by Stefan Burghardt.

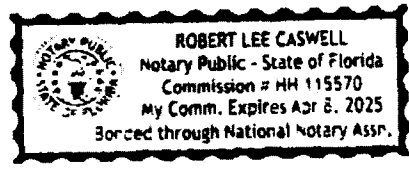
- PERSONALLY KNOWN TO ME
- PRODUCED AS IDENTIFICATION



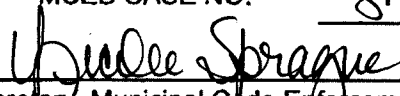
Type of Identification

(Notary Signature)


Name of Notary (typed, printed, stamped)



FILED THIS 16th DAY OF August, 2023

MCEB CASE NO. 87.23


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

B W C W HOSPITALITY LLC
B W C W HOSPITALITY LLC
C/O WESTMONT HOSPITALITY GROUP
5847 SAN FELIPE ST STE 4600
HOUSTON, TX 77057-3426

BIZ2022-00518

ADDRESS OR LOCATION OF VIOLATION: **301 GULFVIEW BLVD COMMON**

LEGAL DESCRIPTION: AQUALEA COMMERCIAL CONDO GARAGE UNIT

DATE OF INSPECTION: 11/16/2022

PARCEL: 07-29-15-01335-000-0171

Section of City Code Violated:

3-1804. - ****PROHIBITED SIGNAGE**** Signage exists which is prohibited by the Sign Code.

3-1804.J. - ****SIDEWALK SIGNS**** Sidewalk Signs, Except Permitted in Section 3-1807.B.4.

Specifically: Primary retail businesses, restaurants and parking lots/garages are allowed to erect ONE sidewalk sign out front of their places of business as long as all of the criteria and can be abided by. Some of these limitations and criteria are: The sidewalk sign has to be of an allowable design, must be erected no farther than 2 feet away from the building wall it is advertising for and be permitted. A sidewalk sign permit is \$25.00 and must be renewed each year that the business wants to erect the sidewalk sign. At the property, the parking garage has erected a sidewalk sign, that does not have a permit. Compliance can be met by either obtaining a sidewalk sign permit and abiding by all the criteria or by removing the sidewalk sign from the property and refrain from re-erecting one until a permit is obtained and all the criteria and limitations can be abided by.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 7/31/2023. 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.

Stefan Burghardt Code Inspector
727-562-4730
stefan.burghardt@myclearwater.com

Date Printed: 6/12/2023

NOV_PropOwn

Section 3-1806. - Temporary signs.

- A. Within its zoning districts and subject to any applicable provisions with Section 3-1806, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.
- B. A temporary sign displayed on a window surface must be displayed on the inside of the window surface, shall cover no more than 25 percent of the aggregate window surface area, and shall not be illuminated. This temporary sign allowance shall be reduced by any window surface area already covered by signage allowed in Section 3-1805.O.

TABLE 3-1806.1a. CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS

Location	In front of primary retail and restaurants within the linear footage of the storefront. Also in the immediate vicinity of parking garages/lots and valet stands. ¹
Maximum Number of Signs	1 per business
Maximum Width	2 feet
Maximum Height	3½ feet
Maximum Distance from Building Wall (as measured at the nearest point of sidewalk sign)	2 feet, except 5 feet in the Cleveland Street Café District in the Downtown zoning District and 2 feet from the entryway of a parking garage/lot and valet stands.
Maximum Width of Public Sidewalk that the Sign May Obstruct	4 foot clear path on the sidewalk shall be maintained
Duration Allowed	Only during hours while business or valet service is operating
Allowed on Public Property and Right-of-Way	Yes
Allowed in a Sight Visibility Triangle	No

Design Criteria	Restricted ²
Permit Required	Yes ³

- ¹ Properties adjacent to a public construction project scheduled to last 180 days may also erect sidewalk signs in compliance with the following:
- a. No more than two sidewalk signs per parcels.
 - b. Parcels with multiple businesses shall coordinate copy on the signs.
 - c. Sign size is limited to 4 feet in height and 8 square feet in area.
 - d. Signs must be constructed in a professional and workmanlike manner from treated wood or other durable material. Sign copy shall not be spray painted onto the signs.
 - e. No sidewalk sign shall block any public right-of-way, shall maintain a 4 foot clear path and shall not be located within the visibility triangle of intersections or driveways.
 - f. Sidewalk signs shall be removed within 7 days after City's final acceptance of the improvements or completion of the public project.

² Design criteria.

- a. All sidewalk sign frames shall:
 - i. Be made of durable wood, plastic, or metal only and shall present a finished appearance, and the color of such frames shall be limited to metallic silver/grey, black, white or stained wood.
 - ii. Support only black or green colored chalk boards, black, wet marker boards or professional design advertisement/posters made of durable material with clear, non-glare protective covering.
- b. Sidewalk signs shall not be illuminated or incorporate fluorescent colors.
- c. Sidewalk signs shall not be attached to any structure, pole, object, building, or other sign or contain moving parts or have balloons, streamers, pennants or similar adornment attached.
- d. Only wind signs may be allowed to have wheels.
- e. Flexibility with regard to sign style and size may be considered, provided the sign is designed as part of the architectural theme of the property and/or use using similar and coordinated design features, materials, and colors.

³ Permit information.

- a. A permit shall be obtained on a yearly basis. Sidewalk sign permits expire on September 30th of each year and shall be renewed yearly to continue displaying a sidewalk sign.
- b. A sketch, photo or drawing of the proposed sidewalk sign, along with the required fee, shall be submitted and approved prior to the placement of the sidewalk sign.
- c. If proposed to be placed in a public right-of-way, evidence of general liability insurance in the amount of \$1,000,000.00 in a form acceptable to the city, with the city named as additional insured shall also be provided.

TABLE 3-1806.1b. CRITERIA AND LIMITATIONS FOR ALL OTHER TEMPORARY SIGNS IN ALL ZONING DISTRICTS

CRITERIA	Residential Zoning Districts	Non-Residential Zoning Districts
Maximum number of temporary signs per parcel ¹	8	4
Maximum sign size (area) for a temporary sign ²	4 sq. ft.	16 sq. ft.
Maximum sign height for a temporary freestanding sign ³	6 ft.	6 ft.
Maximum sign height for a temporary attached sign (inclusive of a window sign)	15 ft.	15 ft.
Minimum sign setback required to be maintained by a temporary freestanding sign from any property line ⁴	5 ft.	5 ft.
Minimum sign setback required to be maintained by a temporary freestanding sign from the edge of any paved street or road	5 ft.	5 ft.

07-29-15-01335-000-0701

Compact Property Record Card

[Tax Estimator](#)

Updated August 11, 2023

[Email](#) [Print](#)

[Radius Search](#)

[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
B W C WHOSPITALITY LLC C/O WESTMONT HOSPITALITY GROUP 5847 SAN FELIPE ST STE 4600 HOUSTON TX 77057-3426	301 S GULFVIEW BLVD CLEARWATER



Property Use: 3944 (Condo Hotel and Motel) Current Tax District: CLEARWATER (CW) Total Living SF: 7,400 Total Gross SF: 7,400 1

[click here to hide] Legal Description
AQUALEA COMMERCIAL CONDO SPA

Tax Estimator File for Homestead Exemption			2023 Parcel Use	
Exemption	2023	2024		
Homestead:	No	No	Homestead Use Percentage: 0.00%	
Government:	No	No	Non-Homestead Use Percentage: 100.00%	
Institutional:	No	No	Classified Agricultural: No	
Historic:	No	No		

Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone <small>(NOT the same as a FEMA Flood Zone)</small>	Flood Zone <small>(NOT the same as your evacuation zone)</small>	Plat Book/Page
19071/1476	Sales Query	121030260032	A	Current FEMA Maps	

2023 Preliminary Value Information

Year	Just/Market Value	Assessed Value / Non-HX Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2023	\$2,180,000	\$2,180,000	\$2,180,000	\$2,180,000	\$2,180,000

[click here to hide] Value History as Certified (yellow indicates correction on file)

Year	Homestead Exemption	Just/Market Value	Assessed Value	County Taxable Value	School Taxable Value	Municipal Taxable Value
2022	No	\$1,985,000	\$1,985,000	\$1,985,000	\$1,985,000	\$1,985,000
2021	No	\$1,930,738	\$1,930,738	\$1,930,738	\$1,930,738	\$1,930,738
2020	No	\$2,136,829	\$2,136,829	\$2,136,829	\$2,136,829	\$2,136,829
2019	No	\$2,050,022	\$2,050,022	\$2,050,022	\$2,050,022	\$2,050,022
2018	No	\$1,952,416	\$1,952,416	\$1,952,416	\$1,952,416	\$1,952,416
2017	No	\$1,843,932	\$1,843,932	\$1,843,932	\$1,843,932	\$1,843,932
2016	No	\$1,545,712	\$1,336,743	\$1,336,743	\$1,545,712	\$1,336,743
2015	No	\$1,236,540	\$1,215,221	\$1,215,221	\$1,236,540	\$1,215,221
2014	No	\$1,104,746	\$1,104,746	\$1,104,746	\$1,104,746	\$1,104,746
2013	No	\$1,037,850	\$1,037,850	\$1,037,850	\$1,037,850	\$1,037,850
2012	No	\$1,203,832	\$1,203,832	\$1,203,832	\$1,203,832	\$1,203,832
2011	No	\$1,255,000	\$1,255,000	\$1,255,000	\$1,255,000	\$1,255,000
2010	No	\$9,997	\$9,997	\$9,997	\$9,997	\$9,997

2022 Tax Information

2022 Tax Bill	Tax District: CW
2022 Final Millage Rate	19.3921

Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market conditions. Please use our new [Tax Estimator](#) to estimate taxes under new ownership.

Ranked Sales (What are Ranked Sales?) [See all transactions](#)

Sale Date	Book/Page	Price	Q/U	Y/I
28 Jan 2016	19071 / 1476	\$110,611,500	M	I

2023 Land Information

Seawall: No	Frontage:	View: None				
Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
No Land Information						

[click here to hide] 2023 Building 1 Structural Elements [Back to Top](#)

Site Address: 301 S GULFVIEW BLVD

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)

70192970000161473812

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HOUSTON, TX 77057

June 17, 2023, 5:58 pm

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