

Case 91-23

**NOTICE OF HEARING  
MUNICIPAL CODE ENFORCEMENT BOARD  
CITY OF CLEARWATER, FLORIDA**

**Certified Mail sent: 07-28-2023**

Owner: ALAN J BENI  
20902 BROADSWORD DR  
TOMBALL, TX 77375-5637

Violation Address: 24862 US HIGHWAY 19 N #1105  
**Parcel # 31-28-16-40070-011-0050**

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, Meeting Room A/B, in the Main Library at 100 North Osceola Avenue, Clearwater, Florida, concerning violation of **Section 4-203.A.1, Article IV-47.083(2)**, of the Clearwater City Code, International Property Maintenance Code, Florida Building Code, or National Electric 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 or give an order for the City of Clearwater to rectify the violation by any reasonable means necessary.

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,  
NILDA ESPINOSA

  
HOUSING INSPECTOR

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 purpose of this quasi-judicial Board of seven citizens is to quickly and fairly render decisions and facilitate enforcement of certain codes 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 silence electronic devices during the hearings.

**FLORIDA STATUTE 286.0105 STATES THAT ANY PERSON APPEALING A DECISION OF THIS BOARD WILL NEED A RECORD OF THE PROCEEDINGS.**



# 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) 562-4567 FAX (727) 562-4576

## NOTICE OF VIOLATION

**SWO2023-03035**

ALAN J BENI  
20902 BROADSWORD DR  
TOMBALL, TX 77375-5637

ADDRESS OR LOCATION OF VIOLATION: **24862 US HIGHWAY 19 1105**

LEGAL DESCRIPTION: HILL CREST VILLAS PHASE I CONDO BLDG 11, APT E

DATE OF INSPECTION: 07/28/2023

PARCEL: 31-28-16-40070-011-0050

Section of City Code violated:

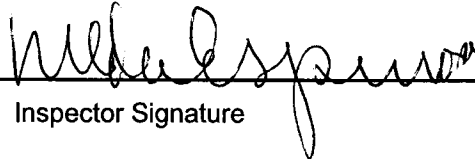
4-203.A.1 - No person shall commence any construction, demolition, modification or renovation of a building or structure without first obtaining a building permit.

Article IV - 47.083(2) - Work commencing before permit issuance.

**Specifically, PERMIT(S) MUST BE OBTAINED TO AVOID ANY FURTHER LEGAL ACTION; FINES UP TO \$250.00 PER DAY MAY BE IMPOSED FOR NON-COMPLIANCE.**

**A permit is required for the INTERIOR REMODEL to include BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, WATER HEATER.**

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 8/17/2023. 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.

  
Inspector Signature

DATE MAILED: 7/28/2023  
INSPECTOR: Nilda Espinosa  
INSPECTOR TELEPHONE: 727-562-4729  
CC: 7022 3330 0000 8470 7710

**Section 4-203. - Building permit.**

**A. Permit required.**

1. No person shall commence any construction, demolition, modification or renovation of a building or structure without first obtaining a building permit.
2. No seawall, bulkhead, groin, marine improvement, bridge or other similar marine structure shall be built within the city until the building official has issued a building permit for such work.
3. A building permit shall authorize only the use, arrangement and/or construction described in Level One and Two approvals and no other use, arrangement or construction.
4. Complete engineering and architectural plans for each component of a development project shall be required to be submitted prior to the issuance of a building permit. For any phased project, such plans shall be required for each phase of the development.

**B. Procedure:** All applications for building permits shall be submitted in a form required by this Development Code and the building official. Upon receipt of an application, including a declaration of unity of title, in accordance with Article 4 Division 16, the building official shall forward a copy to the community development coordinator in order to determine whether the application conforms to an approved Level One or Level Two approval. Upon receipt of the determination of the community development coordinator, the building official shall determine whether the application conforms to all applicable requirements contained in the building code. If the building official determines that the application does conform, the building permit shall be issued. If the building official determines that the application does not conform, he shall identify the application's deficiencies and deny the application.

**C. Appeal:** A denial of a building permit may be appealed in the manner provided in Article 4 Division 5.

(Ord. No. 6526-00; § 1, 6-15-00)

Sec. 47.083. - Fees.

- (1) *Prescribed.* The city will issue any permit(s) required by this Code, once all approvals are granted and all fees as required by Appendix A of this Code are paid. Any amendments to the permit will be released once they are approved and any additional fees due to such amendment as required by Appendix A are paid. EXCEPTION: A temporary permit may be issued for projects which do not require plan review such as roof work, water heater, change-out and air conditioning replacement by facsimile. In that event, the applicant has ten calendar days from the date the temporary permit is issued to make the proper payments and receive the regular permit. If the permit is not paid for within ten days of issuance of the temporary permit, the applicant shall pay a triple or ten times fee as described in appendix A of this Code.
- (2) *Work commencing before permit issuance.* If any person commences any work on a building, structure, or electrical, plumbing, mechanical or gas system before obtaining the necessary permit, he shall be subject to a penalty as provided in appendix A to this Code.
- (3) *Accounting.* The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, and the names of all persons upon whose account the fees or monies were paid, along with the date and amount thereof.
- (4) *Schedule.* On all buildings, structures, and electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application or issuing of permits, in accordance with the schedule in appendix A to this Code.
- (5) *Building permit valuations.* If, in the opinion of the building official, the valuation of building, alteration, structure, or electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

(Ord. No. 5767-95, § 1, 3-16-95; Ord. No. 6145-97, § 1, 6-19-97)

Note— Replaces Standard Code Section 104.7.

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF POSTING

RECEIVED

City Case Number: SWO2023-03035

Site of Violation: 24862 US HIGHWAY 19  
1105

CITY CLERK DEPARTMENT

1. Nilda Espinosa, being first duly sworn, deposes and says:
2. That I am a Housing Inspector employed by the City of Clearwater.
3. That on the 28th day of July, 2023, a copy of the attached Notice of Violation was posted at City of Clearwater Offices, 600 Cleveland St., 6th Floor, Clearwater, Florida and at 24862 US HIGHWAY 19 1105, Clearwater, Florida.

*Nilda Espinosa*  
 Nilda Espinosa      Housing Inspector  
 727-562-4729  
 nilda.espinosa@myclearwater.com

STATE OF FLORIDA  
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me by means of  physical presence or  online notarization on this 28th day of July, 2023, by Nilda Espinosa.

- PERSONALLY KNOWN TO ME  
 PRODUCED AS IDENTIFICATION

*[Signature]* \_\_\_\_\_  
 (Notary Signature)      Type of Identification

*Aaron S Wrona*  
 Name of Notary (typed, printed, stamped)



CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF POSTING

Case #: SWO2023-03035

RECEIVED

CITY CLERK DEPARTMENT

I, Nilda Espinosa being duly sworn, deposes and says:

1. That I am Code Inspector employed by the Planning and Development Department of the City of Clearwater.
2. That on the 28th day of July, 2023, I posted a copy of the attached Notice of Violation and/or Notice of Hearing on 24862 US HIGHWAY 19 1105 at Clearwater City Hall and at 24862 US HIGHWAY 19 1105 Clearwater, Florida.

Further Affiant sayeth naught.

*Nilda Espinosa*  
 \_\_\_\_\_  
 Nilda Espinosa

STATE OF FLORIDA  
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me by means of  physical presence or  online notarization on this 28th day of July, 2023, by Nilda Espinosa.

- PERSONALLY KNOWN TO ME  
 PRODUCED AS IDENTIFICATION

*[Handwritten Signature]*  
 \_\_\_\_\_

(Notary Signature)

*Aaron S. Wrona*  
 \_\_\_\_\_

Name of Notary (typed, printed, stamped)

\_\_\_\_\_  
Type of Identification

\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
Commission Expiration Date



Parcel Summary (as of 05-Sep-2023)				Parcel Map
Parcel Number <b>31-28-16-40070-011-0050</b>				
Owner Name BENI, ALAN J				
Property Use 0431 Condominium (land lease)				
Site Address 24862 US HIGHWAY 19 N # 1105 CLEARWATER, FL 33763				
Mailing Address 20902 BROADSWORD DR TOMBALL, TX 77375-5637				
Legal Description HILL CREST VILLAS PHASE I CONDO BLDG 11, APT E				
Current Tax District CLEARWATER (CW)				
Year Built 1978				
<b>Living SF</b>	<b>Gross SF</b>	<b>Living Units</b>	<b>Buildings</b>	
593	593	1	1	

Exemptions				Property Exemptions & Classifications
Year	Homestead	Use %	Status	
2024	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).
2023	No	0%		
2022	No	0%		

Miscellaneous Parcel Info						
Last Recorded Deed	Sales Comparison	Census Tract	Evacuation Zone	Flood Zone	Elevation Certificate	Plat Bk/Pg
22336/0987	\$115,709	121030269121	NON EVAC	Current FEMA Maps	Check for EC	30/68

2023 Preliminary Values					
Year	Just/Market Value	Assessed Value/SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2023	\$98,353	\$55,021	\$55,021	\$98,353	\$55,021

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
2022	N	\$77,467	\$50,019	\$50,019	\$77,467	\$50,019
2021	N	\$58,585	\$45,472	\$45,472	\$58,585	\$45,472
2020	N	\$56,105	\$41,338	\$41,338	\$56,105	\$41,338
2019	N	\$49,090	\$37,580	\$37,580	\$49,090	\$37,580
2018	N	\$39,796	\$34,164	\$34,164	\$39,796	\$34,164