

# CITY OF CLEARWATER

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748  
CITY HALL, 112 SOUTH OSCEOLA AVENUE, CLEARWATER, FLORIDA 33756  
TELEPHONE (727) 562-4090 FAX (727) 562-4086

OFFICIAL RECORDS AND  
LEGISLATIVE SERVICES

## Certified Mail

November 19, 2018

David J. Gangelhoff  
405 N Ft. Harrison Ave.  
Clearwater, FL 33755-3904

RE: Municipal Code Enforcement Board Case 127-18  
400 N Garden Ave., Clearwater

Dear Sir/Madam:

The public hearing of the above-referenced case was continued to the meeting of Wednesday, January 23, 2019 at 1:30 p.m.. **Please note, the meeting location has changed from your original Notice of Hearing.** The meeting will be held at the City of Clearwater Main Library, Meeting Room A/B, 100 N Osceola Ave., Clearwater, Florida.

Enclosed please find the paperwork regarding this case which serves as official notice of said hearing.

Sincerely,

Nicole Sprague  
Municipal Code Enforcement Board Secretary

Enclosure

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**NOTICE OF HEARING  
MUNICIPAL CODE ENFORCEMENT BOARD  
CITY OF CLEARWATER, FLORIDA  
Case 127-18**

**Certified Mail**  
**November 8, 2018**

Owner: **David J. Gangelhoff**  
**405 N Ft. Harrison Ave.**  
**Clearwater, FL 33755-3904**

Violation Address: **400 N. Garden Ave., Clearwater**  
**Hart's 2<sup>nd</sup> Add to Clearwater Blk 3, E 149.34 Ft of Lots 5 & 10**

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, December 19, 2018, at 1:30 p.m.** there will be a public hearing before the Municipal Code Enforcement Board in the Council Chambers, 3rd floor, City Hall at 112 South Osceola Avenue, Clearwater, Florida, concerning your ongoing violation of Section(s) **3-1503.B.2 & 3-1502.A** 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)

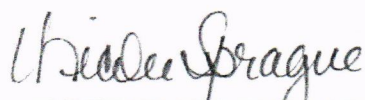
You may appear before the Municipal Code Enforcement Board on the hearing date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence. You have the right to obtain an attorney, at your own expense, to represent you before the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



MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF NON - COMPLIANCE

City of Clearwater, Florida

Petitioner

MCEB Case Number: 127-18

City Case Number: UNS2018-00012

vs.

DAVID J GANGELHOFF  
405 N FORT HARRISON AVE  
CLEARWATER, FL 33755-3904

Respondent

RECEIVED  
OCT 25 2018  
OFFICIAL RECORDS AND  
LEGISLATIVE SVCS DEPT.

Re: 400 N GARDEN AVE

I, Jason Cantrell, have personally examined the property described in the Municipal Code Enforcement Board Order dated October 24, 2018 in the above mentioned case, and find that as of August 22, 2018 said property is NOT in compliance with

Section 3-1503.-Nuisances.

B.2.

Buildings which are abandoned, boarded up for a period of six months, partially destroyed for any period of time, or left for a period of three months in a state of partial construction, provided that any unfinished building or structure which has been under construction six months or more shall be deemed and presumed to have been left for an unreasonably long period of time in the sense of this subsection.

Section 3-1502. - Property maintenance requirements.

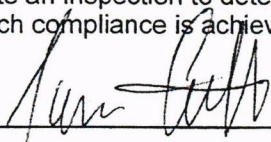
A. Minimum building and fire code requirements. All buildings shall be maintained in accordance with the Standard Building Code, the Fire Protection Code, and the Minimum Standard Housing Code as provided in Chapters 47 and 49 of the City's Code.

(1) All buildings, structures, or electrical, gas, mechanical or plumbing systems which are unsafe or unsanitary, or which do not provide adequate egress, or which constitute a fire hazard, or which are otherwise dangerous to human life, or which constitute a hazard to safety or health, are considered unsafe buildings, structures or service systems and are hereby declared illegal. All such unsafe building, structures or service systems shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code, adopted in section 47.051 of this Code of Ordinances, with the following amendments: UNSAFE. Buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of "Dangerous," or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

DANGEROUS. Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation, or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgement of any portion, member, appurtenance or ornamentation of the building or structure under service loads.

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.

  
\_\_\_\_\_

Jason Cantrell

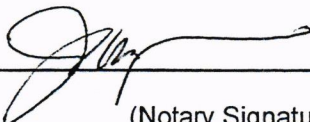
STATE OF FLORIDA  
COUNTY OF PINELLAS

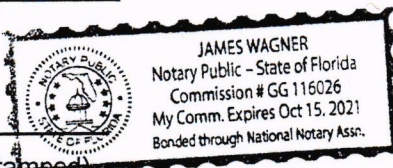
SWORN AND SUBSCRIBED before me on this 24th day of October, 2018, by Jason Cantrell.

- PERSONALLY KNOWN TO ME  
 PRODUCED AS IDENTIFICATION

\_\_\_\_\_

Type of Identification

  
\_\_\_\_\_  
(Notary Signature)



\_\_\_\_\_  
Name of Notary (typed, printed, stamped)