

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 128-18
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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"Equal Employment and Affirmative Action Employer"

**NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 128-18**

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 2nd 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) **3-805.B, 3-808, 3-808.A.1, 3-808.A.5, 3-1502.K.1, 3-1503.B.7, 3-1502.B, 3-1502.D.1, 3-1502.D.3, 3-1503.B.1, & 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 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: 128-18

City Case Number: CDC2018-01310

vs.

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

Re: 400 N GARDEN AVE

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OCT 31 2018

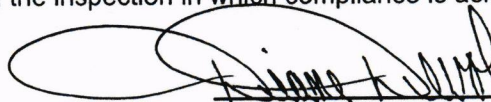
OFFICIAL RECORDS AND
LEGISLATIVE SVCS DEPT.

I, Diane Devol, have personally examined the property described in the Municipal Code Enforcement Board Order dated August 22, 2018 in the above mentioned case, and find that as of October 29, 2018 said property is NOT in compliance with

3-1502.D.1. - ****ROOF MAINTENANCE**** All roofs shall be maintained in a safe, secure and watertight condition.

3-1502.D.3. - ****Clean Roof**** Roofs shall be maintained in a clean, mildew-free condition and kept free of trash, loose shingles and debris or any other element, including grass or weeds, which is not a permanent part of the building or a functional element of its mechanical or electrical system.

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.



Diane Devol

STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me on this 30th day of October, 2018, by Diane Devol.

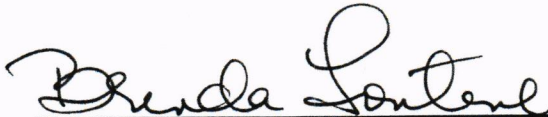


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Type of Identification



(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

Petitioner

MCEB Case Number: 128-18

City Case Number: PNU2018-00741

vs.

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

Re: 400 N GARDEN AVE

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OCT 31 2018
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LEGISLATIVE SVCS DEPT.

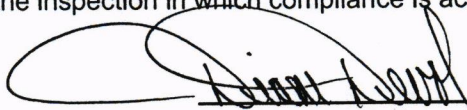
I, Diane Devol, have personally examined the property described in the Municipal Code Enforcement Board Order dated August 22, 2018 in the above mentioned case, and find that as of October 29, 2018 said property is NOT in compliance with

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.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.



Diane Devol

STATE OF FLORIDA
COUNTY OF PINELLAS

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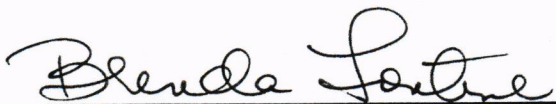


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MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF NON - COMPLIANCE

City of Clearwater, Florida
Petitioner

MCEB Case Number: 128-18

City Case Number: PNU2018-00739

vs.

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

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OCT 30 2018
OFFICIAL RECORDS AND
LEGISLATIVE SVCS DEPT.

Re: 400 N GARDEN AVE

I, Diane Devol, have personally examined the property described in the Municipal Code Enforcement Board Order dated August 22, 2018 in the above mentioned case, and find that as of October 29, 2018 said property is NOT in compliance with

3-1502.K.1. **SIDEWALKS AND PUBLIC ROW** Public rights-of-way and sidewalks adjoining an improved parcel of land which, because of its location and character, is used as if it were appurtenant to or an extension of the parcel of land, shall be maintained in a safe and clean condition by the owner of the parcel of land. The owner shall, at a minimum, keep such rights-of-way and sidewalks clear of litter, trash, debris, equipment, weeds, trees, shrubs and other vegetation and refuse and provide a height clearance of at least eight feet from the sidewalk pavement measured vertically from the pavement surface, unless an exception has been granted by the urban forester for protected trees. All unpaved areas shall be landscaped with grass or other ground cover and such areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

3-1503.B.7. - **LOT CLEARING VIOLATION** Excessive growth or accumulation of weeds, grass, undergrowth or other similar plant materials, reaching a height of more than twelve (12") inches, or the accumulation of debris upon property within the City of Clearwater.

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.


Diane Devol

STATE OF FLORIDA
COUNTY OF PINELLAS

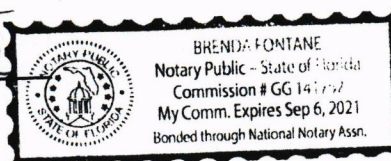
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Type of Identification



(Notary Signature)



MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF NON - COMPLIANCE

City of Clearwater, Florida

Petitioner

MCEB Case Number: 128-18

City Case Number: PNU2018-00738

vs.

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

Re: 400 N GARDEN AVE

I, Diane Devol, have personally examined the property described in the Municipal Code Enforcement Board Order dated August 22, 2018 in the above mentioned case, and find that as of October 29, 2018 said property is NOT in compliance with

3-1503.B.6. - ****INOPERATIVE VEHICLE/OUTDOOR STORAGE/NUISANCE**** Except as provided in section 3-1506, the outdoor storage of all or part of any dismantled, partially dismantled, inoperative or discarded vehicle, recreational vehicle, machinery, appliance, farm equipment, aircraft, construction equipment, boat, personal watercraft, trailer, truck, motorcycle, bicycle, or scrap metal, on any public or private property, or of any abandoned vehicle, recreational vehicle, farm equipment, aircraft, boat, personal watercraft, trailer, truck, or motorcycle on any private property, within the city limits. This provision shall not apply to any vehicle, recreational vehicle, machinery, farm equipment, aircraft, construction equipment, boat, personal watercraft, trailer, truck, motorcycle, or bicycle which is located on the premises of a lawfully established storage yard or which is on the premises of a lawfully established vehicle service establishment and is in the process of repair or maintenance by that establishment.

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.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.

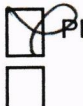
3-1503.B.3. - ****ATTRACTIVE NUISANCE**** Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, accessible artificial bodies of water, excavations, or neglected machinery.

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.


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COUNTY OF PINELLAS

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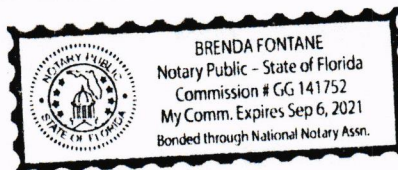


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Brenda Fontane

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MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF NON - COMPLIANCE

City of Clearwater, Florida

Petitioner

MCEB Case Number: 128-18

City Case Number: CDC2018-01309

vs.

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

003 8 1 2018
OFFICIAL RECORDS AND
LEGISLATIVE SVCS DEPT.

Re: 400 N GARDEN AVE

I, Diane Devol, have personally examined the property described in the Municipal Code Enforcement Board Order dated August 22, 2018 in the above mentioned case, and find that as of October 29, 2018 said property is NOT in compliance with

3-805.B. - **Chainlink Fences - Front Chainlink fences shall not be permitted in front of a principal structure. Chainlink fences shall only be located on a parcel to the rear of the front building line of the principal structure.

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

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.


Diane Devol

STATE OF FLORIDA
COUNTY OF PINELLAS

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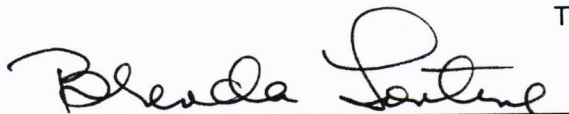


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