

28-18

PNU 2018-01688

CITY OF CLEARWATER
CODE COMPLIANCE
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE
P.O. BOX 4748, CLEARWATER, FL 33758-4748
Telephone 727-562-4720

LOT CLEARING NOTICE OF VIOLATION

PROPERTY OWNER: Martin Sherman

PROPERTY ADDRESS: Parcel # 09-29-15-37422-002-0120 / 403 N. Garden Ave

An inspection of this property discloses and it has been found and determined that a lot clearing violation exists on this property and/or public right-of-way abutting this property constituting a violation of:

☒ **Section 3-1503.B.7.** which constitutes: 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.

☐ **Section 3-1503.B.8.** which constitutes: The lack of maintenance by a property owner of property abutting any dedicated right-of-way in the city in a condition such that weeds or trash are found in and on the right-of-way or such that the weeds, shrubs, vegetation, trash, or any other accumulation extend over the sidewalk, bicycle path, curblin or edge of pavement of an improved right-of-way or private accessway or roadway by more than four (4) inches.

☐ **Section 3-1503.B.10.** which constitutes: The lack of maintenance by a property owner abutting any dedicated right-of-way or easement in the city where a height clearance of less than eight (8) feet from the sidewalk pavement measured vertically from the pavement surface is maintained, unless an exception has been granted by the urban forester.

☐ **Section 3-1503.B.5.a.** which constitutes: Any accumulation of weeds, debris, trash, garden trash, junk, untended growth of vegetation, or undergrowth of dead or living vegetation or hazardous swimming pools, or hazardous trees upon any private property, or on any public property without authorization to the extent and manner that such property contains or is likely to contain rodents, reptiles or other vermin, or furnishes a breeding place for flies, mosquitoes, or wood-destroying insects, or otherwise threatens the public health, safety or welfare.

COMPLIANCE CAN BE MET BY: Clear all overgrowth from the
property and maintain on a regular basis

THIS VIOLATION SHALL BE CORRECTED BY: Jan 7, 2019

You are to remedy the above described condition by the above-described correction date. If you do not remedy the condition by the above-described date then a public hearing will be held on Wednesday, Feb 27, 2019, at 1:30 p.m. before the Municipal Code Enforcement Board in the Main Library, Room AB, 1st floor, at 100 North Osceola Avenue, Clearwater, Florida 33755 concerning the above described violation. 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 above are corrected prior to the Board hearing if compliance is met after the compliance date set forth above.

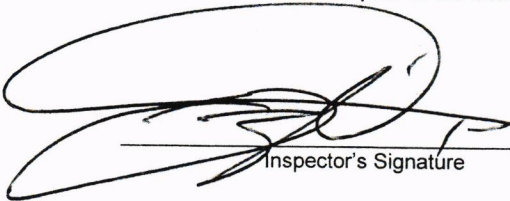
Should you be found in violation of the City Code, the Municipal Code Enforcement Board has the power by law to allow the City to make all reasonable repairs which are required to bring the property into compliance and charge you with the reasonable cost of the repairs along with daily fines which may become a lien on all non-exempt real and personal property you own.

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 below.

DATE: 1/2/19

INSPECTOR: GREG DIXON

INSPECTOR PHONE #: 727-562-4785


Inspector's Signature

CITY OF CLEARWATER
CODE COMPLIANCE
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE
P.O. BOX 4748, CLEARWATER, FL 33758-4748
Telephone 727-562-4720

PN42018-01688

LOT CLEARING NOTICE OF VIOLATION

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PROPERTY ADDRESS:

Parcel # 09-29-15-37422-002-0120 on N Garden Ave

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COMPLIANCE CAN BE MET BY:

Clearing all overgrowth from
the property and maintain on a regular
basis.

THIS VIOLATION SHALL BE CORRECTED BY:

Dec 7, 2018

You are to remedy the above described condition by the above-described correction date. If you do not remedy the condition by the above-described date then a public hearing will be held on Wednesday, Jan 23, 2019, at 1:30 p.m. before the Municipal Code Enforcement Board in the Council Chambers, 3rd floor, City Hall at 112 South Osceola Avenue, Clearwater, Florida, concerning the above described violation. Failure to appear may result in the Board proceeding in your absence. Main Library 100 N. Osceola Ave
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.

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DATE:

11/21/18

INSPECTOR:

COTY DIXON

INSPECTOR PHONE #:

562-4785

Inspector's Signature

Section 3-1503. - Nuisances.

- A. No person owning, leasing, operating, occupying or having control of any premises within the city shall maintain, keep or permit any nuisance affecting the citizens of the city.
- B. The existence of any of the following specific conditions or conduct is hereby declared to constitute a public nuisance:
 - 1. A condition or use that causes a substantial diminution of value of property in the vicinity of the condition or use.
 - 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.
 - 3. Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, accessible artificial bodies of water, excavations, or neglected machinery.
 - 4. Overt blocking of drainage pipes, ditches, channels, and streams, so as to cause flooding and adversely affect surrounding property.
 - 5. Accumulation and placement of nuisances.
 - a. Any accumulation of weeds, debris, trash, garden trash, junk, untended growth of vegetation, or undergrowth of dead or living vegetation or hazardous swimming pools, or hazardous trees upon any private property, or on any public property without authorization to the extent and manner that such property contains or is likely to contain rodents, reptiles or other vermin, or furnishes a breeding place for flies, mosquitoes, or wood-destroying insects, or otherwise threatens the public health, safety or welfare.
 - b. The placement of trash, debris or other items on public property without authorization.
 - 6. 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.

7. Excessive growth or accumulation of weeds, grass, undergrowth or other similar plant materials, reaching a height of more than 12 inches, or the accumulation of debris upon property within the City of Clearwater.
8. The lack of maintenance by a property owner of property abutting any dedicated right-of-way in the city in a condition such that weeds or trash are found in and on the right-of-way or such that the weeds, shrubs, vegetation, trash, or any other accumulation extend over the sidewalk, bicycle path, curblin or edge of pavement of an improved right-of-way or private accessway or roadway by more than four inches.
9. 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.
10. The lack of maintenance by a property owner abutting any dedicated right-of-way or easement in the city where a height clearance of less than eight feet from the sidewalk pavement measured vertically from the pavement surface is maintained, unless an exception has been granted by the urban forester.
11. Any shopping carts, as defined in Florida Statutes Section 506.502(10), as amended from time to time, or parts of such carts, which are abandoned on public property including but not limited to streets, sidewalks, public rights-of-way, bus stops, municipal parking lots, parks, and similar places owned, leased, or operated by any public body, or are abandoned on private property where said carts or parts thereof are visible from public property may be removed by the city manager or designee. Such shopping carts or

parts thereof shall be impounded and stored by the city at an appropriate location. Whenever the city shall impound a shopping cart of [or] part thereof containing identification of ownership or right to possession, a notice shall be sent by ordinary mail to such person advising that the shopping cart of [or] part thereof may be redeemed within thirty days upon payment of costs for removal and storage. Any shopping cart or part thereof so held shall be returned to its owner or person having right of possession upon proof of ownership or right to possession and payment of costs for removal and storage. If not claimed, a shopping cart or part thereof may be sold, destroyed, or otherwise disposed of by the city 31 days following impoundment. This section shall not be applicable to:

- a. Shopping carts or parts thereof which are located on private property and are completely enclosed within a building where they are not visible from public property;
 - b. Shopping carts which are stored in a lawful manner on public or private property owned or leased by a retail business in connection with which the shopping carts are authorized to be used;
 - c. Shopping carts or parts thereof which are stored in a lawful manner on private property in connection with the business of a licensed dismantler or junk dealer when such storage is necessary to the operation of a lawfully conducted business.
12. *Newsracks and vending machines.* Any newsrack on public property not in compliance with the provisions of section 3-909, other than subsection 3-909 (A)(5), or any newsrack or vending machine installed, used or maintained at a location which constitutes an imminent danger or safety hazard to pedestrians or vehicles or otherwise unreasonably interferes with the safe use of any public right-of-way.
 13. *Seawalls.* Any seawall in a condition where the structural integrity is not maintained.
 14. *Graffiti.* Graffiti on any wall, post, column, or other building or structure, or to a tree, or other exterior surface, publicly or privately owned, within the City of Clearwater.

C.

Violations of this Section may be enforced by action before the municipal code enforcement board as "nuisance cases" or "non-nuisance cases" pursuant to the corresponding procedures set forth in Section 7-102, or by citation pursuant to Code of Ordinances Section 1.12.

(Ord. No. 6417-99, § 9, 8-19-99; Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 6573-00, § 2, 8-3-00; Ord. No. 6928-02, §§ 76—79, 5-2-02; Ord. No. 7449-05, §§ 21—23, 12-15-05; Ord. No. 7605-06, § 27, 4-20-06; Ord. No. 8211-10, § 12, 10-5-10)

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF POSTING

City Case Number: PNU2018-01688

Site of Violation: 403 N GARDEN AVE

RECEIVED

JAN 02 2019

OFFICIAL RECORDS AND
LEGISLATIVE SRVCS DEPT.

1. Gregory Dixon, being first duly sworn, deposes and says:
2. That I am a Code Inspector employed by the City of Clearwater.
3. That on the 2nd day of January, a copy of the attached Notice of Violation was posted at City Hall, 112 Osceola Ave., Clearwater, Florida and at 403 N GARDEN AVE, Clearwater, Florida.

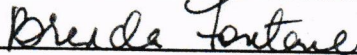

Gregory Dixon

STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me on this 2nd day of January, by Gregory Dixon.

☒ PERSONALLY KNOWN TO ME

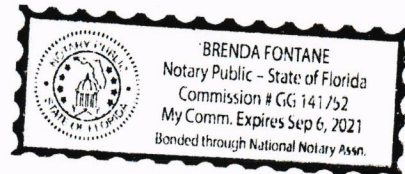
☐ PRODUCED AS IDENTIFICATION



(Notary Signature)

Type of Identification

Name of Notary (typed, printed, stamped)



7018 0680 0002 2858 6339



CITY OF CLEARWATER
Planning and Development Department

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$
Total Postage and Fees

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark
Here

*undeliverable
uncollected*

*RECEIVED
JAN 30/19*

CERTIFIED MAIL



7018 0680 0002 2858 6339



U.S. POSTAGE & MONEY BOWES

ZIP 33760 \$ 006.65⁸
02 4W
000337020 NOV 26 2018

RECEIVED

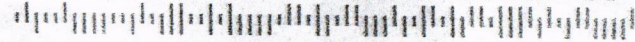
JAN 24 2019

PLANNING & DEVELOPMENT
CODE COMPLIANCE

NIXIE 911 DE 1 0001/20/19

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 33758474848 *2152-06869-20-15



original NOV's
Mail unclaimed

7017 2620 0000 8095 8339

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Martin Sherman
3109 Carter Ave
Marina Del Rey, CA 90292
RE: 403/405 Garden*



9590 9402 2601 6336 1375 69

2. Article Number (Transfer from service label)

7017 2620 0000 8095 8339

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Marta Plan

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

1/9

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

RECEIVED

JAN 14 2019

PLANNING & DEVELOPMENT

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

all Restricted Delivery

Domestic Return Receipt

NOV's sent with
Posting to City
Hall. signed for.

[Interactive Map of this parcel](#) [Sales Query](#) [Back to Query Results](#) [New Search](#) [Tax Collector Home Page](#) [Contact Us](#) [WM](#)

09-29-15-37422-002-0120

Compact Property Record Card

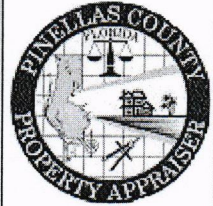
[Tax Estimator](#)

**Updated February 8,
2019**

[Email](#) [Print](#) [Radius Search](#)

[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
SHERMAN, MARTIN SHERMAN, RHONDA RENEE 3109 CARTER AVE MARINA DEL REY CA 90292-5508	GARDEN AVE N CLEARWATER



Property Use: 1090 (Vacant Commercial Land w/XFSB)

Total Heated SF: Total Gross SF:

[\[click here to hide\]](#) **Legal Description**

HART'S ADD TO CLEARWATER BLK 2, LOT 12

File for Homestead Exemption			2019 Parcel Use
Exemption	2019	2020	
Homestead:	No	No	
Government:	No	No	Homestead Use Percentage: 0.00%
Institutional:	No	No	Non-Homestead Use Percentage: 100.00%
Historic:	No	No	Classified Agricultural: No

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

Most Recent Recording	<u>Sales Comparison</u>	<u>Census Tract</u>	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Flood Zone (NOT the same as your evacuation zone)	Plat Book/Page
18607/2441		121030261012	NON EVAC	Compare Preliminary to Current FEMA Maps	H1/94

2018 Interim Value Information

Year	<u>Just/Market Value</u>	<u>Assessed Value / Non-HX Cap</u>	<u>County Taxable Value</u>	<u>School Taxable Value</u>	<u>Municipal Taxable Value</u>
2018	\$15,746	\$15,147	\$15,147	\$15,746	\$15,147

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