

**NOTICE OF HEARING  
MUNICIPAL CODE ENFORCEMENT BOARD  
CITY OF CLEARWATER, FLORIDA  
Case 04-21**

**Certified Mail**  
**December 18, 2020**

**Owner: Brandon Pertile  
113 Windward Is  
Clearwater, FL 33767-2324**

**Violation Address: 113 Windward Is  
09-29-15-43362-000-0370**

**Dear Sir/Madam:**

You are hereby formally notified that on **Wednesday, January 27, 2021, 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) **1-104.B., 8-102 & 3-919.** 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 must be provided.**

**MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA**  
**AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING**

NAME OF VIOLATOR: BRANDON PERTILE  
MAILING ADDRESS: 113 WINDWARD IS  
CLEARWATER, FL 33767-2324

CITY CASE#: CDC2020-01602

VIOLATION ADDRESS: 113 WINDWARD ISL  
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 7/22/2020

LEGAL DESCRIPTION OF PROPERTY: ISLAND ESTATES OF CLEARWATER UNIT 4 LOT 37

PARCEL #: 09-29-15-43362-000-0370

DATE OF INSPECTION: 7/22/2020 10:13:00 AM

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

1-104.B. - **\*\*DEVELOPMENT CODE VIOLATION\*\*** No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

8-102 - **\*\*RESIDENTIAL USE\*\***

A residential use means a permanent place of residence for a family. A residential use located on residentially zoned property shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less. A residential use located on residentially zoned property shall not include an interval ownership, a fractional ownership, or a timesharing unit.

3-919. - **\*\*PRIMA FACIE EVIDENCE OF CERTAIN USES IN RESIDENTIAL ZONING DISTRICT\*\*** Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less shall include but not be limited to one or more of the following:

\_\_\_(1) Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act and 509 (Public Lodging Establishments)

X (2) Advertising or holding out a dwelling unit for tourist housing or vacation rental use.

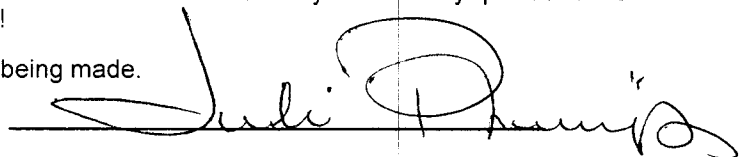
\_\_\_(3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or

\_\_\_(4) Use of an agent or other third person to make reservations or booking arrangements.

SPECIFICALLY,

We have received complaints that this property is being illegally rented out and/or advertised as being available for less than the 31 day or one calendar month requirement whichever is less. This was verified on the internet and is a violation of the City of Clearwater ordinance prohibiting short term rentals. Please bring your property and all advertising for your property into compliance by the compliance date to avoid further action. If you have any questions feel free to contact me directly. Thank you!

A violation exists and a request for hearing is being made.



Julie Phillips

SWORN AND SUBSCRIBED before me by means of ✓ physical presence or \_\_\_\_\_ online  
notarization on this 3st day of December, by Julie Phillips.

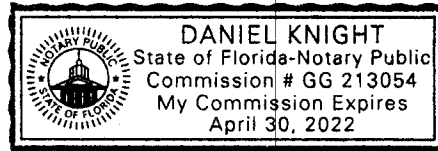
STATE OF FLORIDA  
COUNTY OF PINELLAS

- ☒ PERSONALLY KNOWN TO ME  
☐ PRODUCED AS IDENTIFICATION

N/A  
Type of Identification

[Signature]  
(Notary Signature)

Daniel Knight  
Name of Notary (typed, printed, stamped)



FILED THIS 3 DAY OF Dec., 2020

MCEB CASE NO. 0421

[Signature]  
Secretary, Municipal Code Enforcement Board

Section 1-104. - Jurisdiction and applicability.

- A. This Development Code shall govern the development and use of land and structures within the corporate limits of the city.
- B. No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

Section 3-919. - Prima facie evidence of certain uses in residential zoning district.

Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less, shall include but not be limited to one or more of the following:

- (1) Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments);
- (2) Advertising or holding out a dwelling unit for tourist housing or vacation rental use;
- (3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or
- (4) Use of an agent or other third person to make reservations or booking arrangements.

(Ord. No. 7105-03, § 1, 4-17-03; Ord. No. 8042-09, § 3, 6-4-09)

*Residential use* means a permanent place of residence for a family. A residential use located on residentially zoned property shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less. A residential use located on residentially zoned property shall not include an interval ownership, a fractional ownership, or a timesharing unit.



**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

BRANDON PERTILE  
113 WINDWARD IS  
CLEARWATER, FL 33767-2324

CDC2020-01602

ADDRESS OR LOCATION OF VIOLATION: **113 WINDWARD ISL**

LEGAL DESCRIPTION: ISLAND ESTATES OF CLEARWATER UNIT 4 LOT 37

DATE OF INSPECTION: 7/22/2020

PARCEL: 09-29-15-43362-000-0370

### Section of City Code Violated:

1-104.B. - **\*\*DEVELOPMENT CODE VIOLATION\*\*** No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

### 8-102 - **\*\*RESIDENTIAL USE\*\***

A residential use means a permanent place of residence for a family. A residential use located on residentially zoned property shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less. A residential use located on residentially zoned property shall not include an interval ownership, a fractional ownership, or a timesharing unit.

### 3-919. - **\*\*PRIMA FACIE EVIDENCE OF CERTAIN USES IN RESIDENTIAL ZONING DISTRICT\*\***

Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less shall include but not be limited to one or more of the following:

☒ (1) Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments)

☒ (2) Advertising or holding out a dwelling unit for tourist housing or vacation rental use.

☐ (3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or

☐ (4) Use of an agent or other third person to make reservations or booking arrangements.

Specifically: We have received complaints that this property is being illegally rented out and/or advertised as being available for less than the 31 day or one calendar month requirement whichever is less. This was verified on the internet and is a violation of the City of Clearwater ordinance prohibiting short term rentals. Please bring your property and all advertising for your property into compliance by the compliance date to avoid further action. If you have any questions feel free to contact me directly. Thank you!

NOV\_PropOwn



# 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

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 8/21/2020. 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.

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Inspector: Julie Phillips  
Inspector Phone: 562-4730

Date Printed: 7/22/2020



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

**09-29-15-43362-000-0370**

**Compact Property Record Card**

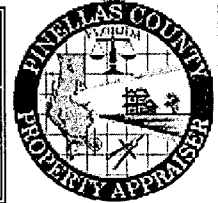
[Tax Estimator](#)

**Updated December  
3, 2020**

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

[FEMA/WLM](#)

<u>Ownership/Mailing Address Change</u> <u>Mailing Address</u>	<u>Site Address</u>
PERTILE, BRANDON 113 WINDWARD IS CLEARWATER FL 33767-2324	113 WINDWARD IS CLEARWATER



Property Use: 0110 (Single Family Home) Current Tax District: CLEARWATER (CW) Total Living: SF: 2,259 Total Gross: SF: 3,074 Total Living Units: 1

[click here to hide] **Legal Description**

ISLAND ESTATES OF CLEARWATER UNIT 4 LOT 37

<u>Tax Estimator</u>	<u>File for Homestead Exemption</u>	<b>2021 Parcel Use</b>
<b>Exemption</b>	<b>2020</b>	<b>2021</b>
Homestead:	Yes	Yes
Government:	No	No
Institutional:	No	No
Historic:	No	No
		*Assuming no ownership changes before Jan. 1
		Homestead Use Percentage: 100.00%
		Non-Homestead Use Percentage: 0.00%
		Classified Agricultural: No

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

<b>Most Recent Recording</b>	<u>Sales Comparison</u>	<u>Census Tract</u>	<b>Evacuation Zone</b> (NOT the same as a FEMA Flood Zone)	<b>Flood Zone</b> (NOT the same as your evacuation zone)	<b>Plat Book/Page</b>
20012/1130	<b>\$1,051,000</b> <u>Sales Query</u>	121030260012	A	<u>Compare Preliminary to Current FEMA Maps</u>	<u>51/32</u>

**2020 Interim Value Information**

Year	<u>Just/Market Value</u>	<u>Assessed Value / SOH Cap</u>	<u>County Taxable Value</u>	<u>School Taxable Value</u>	<u>Municipal Taxable Value</u>
2020	\$898,309	\$898,309	\$848,309	\$873,309	\$848,309

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

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

For delivery information, visit our website at [www.usps.com](http://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 \$

Postmark  
Here

Postage

\$

Total Postage and Fees

\$

Sent To

113 Windward IS.  
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

**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:

Brandon Pertile  
113 Windward Island  
Clearwater FL 33767-2324



9590 9402 5667 9308 6204 79

2. Article Number (Transfer from service label)

7019 2970 0001 6147 9166

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X Coid 19

☐ Agent

☐ Addressee

B. Received by (Printed Name)

JB

C. Date of Delivery

7-27-20

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

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  
☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Return Receipt for Merchandise  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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

For delivery information, visit our website at [www.usps.com](http://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

113 Windward Trs.

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

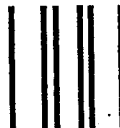
City, State, ZIP+4®

Postmark  
Here

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

See Reverse for Instructions

USPS TRACKING #



First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

9590 9402 5667 9308 6204 79

United States  
 Postal Service

Received by:

JUL 31 2020

Planning & Development  
 City of Clearwater

• Sender: Please print your name, address, and ZIP+4® in this box•

CITY OF CLEARWATER  
 CODE COMPLIANCE  
 POST OFFICE BOX 4748  
 CLEARWATER, FL 33758-4748

INITIALS: J. Phillips