

**NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 05-21**

Certified Mail
December 18, 2020

Owner: **Antonio A De LA Cruz**
Greg P De La Cruz
Nori-Ann De La Cruz
6444 E Spring St Unit 334
Long Branch, CA 90815-1553

Violation Address: **900 S Highland Ave., Clearwater**
14-29-15-38790-000-0030

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., 2-100. & 8-102.** 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 may be required. F.S. § 286.0105, CDC Sec 7-104

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

NAME OF VIOLATOR: ANTONIO A DE LA CRUZ
MAILING ADDRESS: GREG P DE LA CRUZ
6444 E SPRING ST UNIT 334
LONG BRANCH, CA 90815-1553

CITY CASE#: CDC2020-01246

VIOLATION ADDRESS: 900 S HIGHLAND AVE
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 6/8/2020

LEGAL DESCRIPTION OF PROPERTY: HIGHLAND HILL LOT 3

PARCEL #: 14-29-15-38790-000-0030

DATE OF INSPECTION: 11/20/2020 9:53:00 AM

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

SECTION 1-104.B. ***JURISDICTION AND APPLICABILITY*** 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 2-100. ***PERMITTED USES*** Chart 2-100 Permitted Uses. The following chart is a summary of the uses permitted in each zoning district. The "X" only indicates whether the use is permitted; it does not indicate the nature of the approval required. No use is permitted unless it complies with the provisions of the zoning district in which it is located and the applicable development standards in Article 3 of this Development Code. (Please see enclosed Chart 2-100)

SECTION 8-102. Definitions ***HALFWAY HOUSE*** Halfway house means a residential use providing transitional housing for persons needing substance abuse treatment, criminal incarceration and similar environments.

SPECIFICALLY,

On a recent fire inspection of the building at the property it was determined that a halfway house is being operated out of it. According to our records it would appear that there have been multiple attempts to obtain a Business Tax Receipt (BTR) for a halfway house to operate at the property, all of which were denied. A halfway house is only allowed to operate within the Institutional Zoning Districts within the City of Clearwater, this property is zoned Low Medium Density Residential (LMDR). Being that a halfway house is operating at the property, this becomes a zoning violation for the property owner. Compliance can be met by refraining from allowing a halfway house to operate at the property and not allowing one to operate at the property in the future. Please meet compliance by the compliance date to avoid this case moving forward through the City's enforcement process. If you have any questions or concerns please do not hesitate to reach out to me. My email address is: Daniel.Knight@myclearwater.com and my office number is located near the bottom of this page. Thank you and be safe and well.

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


Daniel Knight

SWORN AND SUBSCRIBED before me by means of X physical presence or online
notarization on this 3st day of December, by Daniel Knight.

STATE OF FLORIDA
COUNTY OF PINELLAS

☒ PERSONALLY KNOWN TO ME

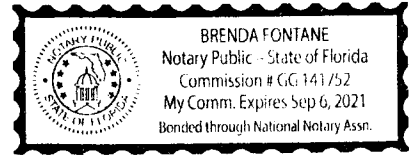


PRODUCED AS IDENTIFICATION

Brenda Fontane

(Notary Signature)

Type of Identification



Name of Notary (typed, printed, stamped)

FILED THIS 16th DAY OF December, 2020

MCEB CASE NO. 05-21

Wendee Sprague

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.

Sec. 2-100. - Permitted uses.

Chart 2-100 Permitted Uses. The following chart is a summary of the uses permitted in each zoning district. The "X" only indicates whether the use is permitted; it does not indicate the nature of the approval required. No use is permitted unless it complies with the provisions of the zoning district in which it is located and the applicable development standards in [Article 3](#) of this Development Code.

CHART 2-100 PERMITTED USES																	
Use Categories	LDR	LMDR	MDR	MHDR	HDR	MHP	C	T	D	O	US 19	I	IRT	OSR	P	CRNCOD	IENCOD
Residential																	
Accessory dwellings							X	X	X	X		X	X				
Attached dwellings	X	X	X	X	X			X	X		X						
Community residential homes	X	X	X	X	X				X	X						X	X
Detached dwellings	X	X	X	X	X	X			X							X	X
Mobile homes						X											
Mobile home parks						X											
Residential infill projects	X	X	X	X	X											X	X
Nonresidential																	
Adult uses											X		X				
Airport												X					
Alcoholic beverage sales							X	X	X		X						
Animal boarding							X		X		X		X				
Assisted living facilities			X	X	X				X		X	X					
Automobile service stations							X				X		X				
Bars							X	X	X		X		X				
Brewpubs							X	X	X		X						
Cemeteries												X					
Community gardens	X	X	X	X	X		X		X		X	X					
Comprehensive infill redevelopment project (CIRP)							X	X		X		X	X	X			
Congregate care			X	X	X				X		X	X					
Convention center									X								
Educational facilities							X		X	X	X	X					

2/4

Problematic uses							X			X							
Public facility									X			X					
Publishing and printing												X					
Public transportation facilities						X	X	X	X	X	X	X	X				
Research and technology use							X		X		X		X				
Residential shelters												X	X				
Resort Attached Dwellings								X									
Restaurants							X	X	X	X	X		X	X			
Retail plazas							X	X	X		X						
Retail sales and services						X	X	X	X	X	X	X	X	X			
RV parks							X										
Salvage yards													X				
Schools	X	X	X	X	X		X		X	X	X	X					
Self-storage warehouse							X		X		X		X				
Social and community centers							X	X	X		X	X					
Social/public service agencies							X		X		X	X	X				
Telecommunications towers							X		X	X	X	X	X				
TV/radio studios									X	X	X		X				
Urban farms													X				
Utility/infrastructure facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Vehicle sales/displays							X				X		X				
Vehicle sales/displays, limited								X	X		X						
Vehicle sales/displays, major													X				
Vehicle service													X				
Vehicle service, limited							X				X						
Vehicle service, major													X				
Veterinary offices							X		X	X	X		X				
Wholesale/distribution/warehouse facility													X				



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

ANTONIO A DE LA CRUZ
GREG P DE LA CRUZ
6444 E SPRING ST UNIT 334
LONG BRANCH, CA 90815-1553

CDC2020-01246

ADDRESS OR LOCATION OF VIOLATION: **900 S HIGHLAND AVE**

LEGAL DESCRIPTION: HIGHLAND HILL LOT 3

DATE OF INSPECTION: 6/2/2020

PARCEL: 14-29-15-38790-000-0030

Section of City Code Violated:

SECTION 1-104.B. *JURISDICTION AND APPLICABILITY***** 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.

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Specifically: On a recent fire inspection of the building at the property it was determined that a halfway house is being operated out of it. According to our records it would appear that there have been multiple attempts to obtain a Business Tax Receipt (BTR) for a halfway house to operate at the property, all of which were denied. A halfway house is only allowed to operate within the Institutional Zoning Districts within the City of Clearwater, this property is zoned Low Medium Density Residential (LMDR). Being that a halfway house is operating at the property, this becomes a zoning violation for the property owner. Compliance can be met by refraining from allowing a halfway house to operate at the property and not allowing one to operate at the property in the future. Please meet compliance by the compliance date to avoid this case moving forward through the City's enforcement process. If you have any questions or concerns please do not hesitate to reach out to me. My email address is: Daniel.Knight@myclearwater.com and my office number is located near the bottom of this page. Thank you and be safe and well.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 7/9/2020. 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.

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

Inspector: Daniel Knight

Inspector Phone: 727-562-4732

Date Printed: 6/8/2020

CC: 900 S Highland Ave

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

14-29-15-38790-000-0030

Compact Property Record Card

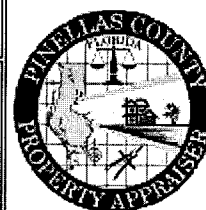
[Tax Estimator](#)

**Updated December
3, 2020**

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

[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
DE LA CRUZ, ANTONIO A DE LA CRUZ, GREG P DE LA CRUZ, NORI-ANN 6444 E SPRING ST UNIT 334 LONG BRANCH CA 90815-1553	900 S HIGHLAND AVE CLEARWATER



Property Use: 0110 (Single Family Home) Current Tax District: CLEARWATER (CW) Total Living: SF: 2,931 Total Gross: SF: 3,109 Total Living Units: 1

[click here to hide] **Legal Description**
HIGHLAND HILL LOT 3

Tax Estimator



**File for Homestead
Exemption**

2021 Parcel Use

Exemption	2020	2021
Homestead:	No	No
Government:	No	No
Institutional:	No	No
Historic:	No	No

Homestead Use Percentage: 0.00%
Non-Homestead Use Percentage: 100.00%
Classified Agricultural: No

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

Most Recent Recording	<u>Sales Comparison</u>	<u>Census Tract</u>	<u>Evacuation Zone</u> (NOT the same as a FEMA Flood Zone)	<u>Flood Zone</u> (NOT the same as your evacuation zone)	<u>Plat Book/Page</u>
12766/0439	\$223,200 Sales Query	121030264004	NON EVAC	Compare Preliminary to Current FEMA Maps	56/1

2020 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>
2020	\$178,098	\$178,098	\$178,098	\$178,098	\$178,098

7019 2970 0001 6148 1527

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 \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> 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	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	A. Signature X <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: De La Cruz, Antonio A. De La Cruz, Greg P. De La Cruz, Nori-Ann 644 E. Spring St. Unit 334 Long Branch, CA 90815-1553	B. Received by (Printed Name) <i>Kurt A. Clonard</i> C. Date of Delivery 6/12/13
2. Article Number (Transfer from service label) 9590 9402 5107 9092 1635 20 PSF: 900 S Highland CDC2020-01246	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:
7019 2970 0001 6148 1527	3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Registered Mail Restricted Delivery (\$500)