

NOTICE OF HEARING

MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA

Notice sent on: 09/14/2021
Certify Receipt # 70203160000079342426

Case#: SWO2021-03029

Owner: EGY PROPERTIES LLC
601 ROSERY RD NE APT 4153
LARGO, FL 33770

Violation Address: 3101 BRIGADOON DR
Parcel # 08-29-16-11404-031-0010

DS Traust

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, October 27, 2021**, at **1:30 p.m.** there will be a public hearing before the **Municipal Code Enforcement Board in the Main Library, Room A/B, at 100 North Osceola Avenue, Clearwater, Florida**, concerning violation of Section 4-203 A.1 and 47.083 of the Clearwater City Code, 2018 International Property Maintenance Code, or Florida Building Code, or National Electric 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 or give an order for the City of Clearwater to rectify the violation by any reasonable means necessary.

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,


SAM SWINTON
HOUSING INSPECTOR

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 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 VIOLATION AND REQUEST FOR HEARING

City Case Number: SWO2021-03029

NAME OF VIOLATOR: EGY PROPERTIES LLC
MAILING ADDRESS: 601 ROSERY RD NE APT 4153
LARGO, FL 33770-3936

VIOLATION ADDRESS: 3101 BRIGADOON DR

LEGAL DESCRIPTION OF PROPERTY: See "Exhibit "A", Pinellas County Property Records Printout, attached, for legal description

PARCEL #: 08-29-16-11404-031-0010

DATE OF INSPECTION: 9/14/2021 8:40:00 AM

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

4-203.A.1 - No person shall commence any construction, demolition, modification or renovation of a building or structure without first obtaining a building permit.

Article IV - 47.083(2) - Work commencing before permit issuance.



Sam Swinton

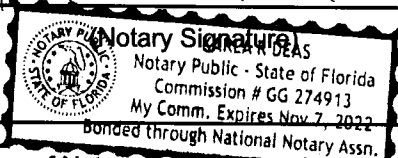
STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization on this 8th day of October, 2021, by Sam Swinton.

☒ PERSONALLY KNOWN TO ME

☐ PRODUCED AS IDENTIFICATION

Karla Deas Type of Identification



Name of Notary (typed, printed, stamped)

FILED THIS 08 DAY OF October, 20 21

MCEB CASE NO.

147.21

Updree Sprague
Secretary, Municipal Code Enforcement Board



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) 562-4567 FAX (727) 562-4576

NOTICE OF VIOLATION

SWO2021-03029

EGY PROPERTIES LLC
601 ROSERY RD NE APT 4153
LARGO, FL 33770-3936

ADDRESS OR LOCATION OF VIOLATION: **3101 BRIGADOON DR**

LEGAL DESCRIPTION: BRIGADOON OF CLEARWATER BLK 31, LOT 1

DATE OF INSPECTION: 08/04/2021

PARCEL: 08-29-16-11404-031-0010

Section of City Code violated:

4-203.A.1 - No person shall commence any construction, demolition, modification or renovation of a building or structure without first obtaining a building permit.

Article IV - 47.083(2) - Work commencing before permit issuance.

Specifically, REPAIRING OR REPLACING WOODEN DECK WITHOUT PROPER PERMITS AND INSPECTIONS.

PERMIT(S) MUST BE OBTAIN TO AVOID ANY FURTHER LEGAL ACTION

FINES UP TO \$250 PER DAY MAY BE IMPOSED FOR NON-COMPLIANCE

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 8/24/2021. 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.

Inspector Signature

DATE MAILED: 8/4/2021
INSPECTOR: Sam Swinton
INSPECTOR TELEPHONE: 727-562-4712
70203160000079342259

Sec. 47.081. - Application.

The design professional shall be an architect or engineer legally registered under the laws of Florida regulating the practice of architecture or engineering and shall affix his official seal to drawings, specifications, and accompanying data for all group occupancies except R3. Group R3 buildings, regardless of size, where the work affects the structural components of a building must be designed for compliance to chapter 16, "Structural Loads," by an architect or engineer who shall affix his official seal to said drawings, specifications, and accompanying data, or shall otherwise demonstrate compliance using alternatives approved by the Pinellas County Construction Licensing Board.

Exception: Construction less than \$10,000.00 and not affecting the structural components of the building.

(Ord. No. 5767-95, § 1, 3-16-95)

Note— Replaces Section 104.2.3.

Sec. 47.082. - Moving of buildings.

When moving a building onto a lot within the city, the applicant shall provide a list of names and addresses of all property owners within 250 feet of the proposed site of the building. The building official shall mail a notice of the application to the owners of all properties situated within 250 feet of the subject property. All such notices shall be sent by mail to the last known names and addresses as indicated on the county tax roll. No permit for the moving of any building onto a site within the city limits shall be issued by the building official until the written application has been on file for a minimum period of seven days after filing of such application to allow the building official to give written notice of such application to all property owners within 250 feet of the proposed site.

(Ord. No. 5767-95, § 1, 3-16-95)

Sec. 47.083. - Fees.

- (1) *Prescribed.* The city will issue any permit(s) required by this Code, once all approvals are granted and all fees as required by Appendix A of this Code are paid. Any amendments to the permit will be released once they are approved and any additional fees due to such amendment as required by Appendix A are paid.

EXCEPTION: A temporary permit may be issued for projects which do not require plan review such as roof work, water heater, change-out and air conditioning replacement by facsimile. In that event, the applicant has ten calendar days from the date the temporary permit is issued to make the proper payments and receive the regular permit. If the permit is not paid for within ten days of issuance of the temporary permit, the applicant shall pay a triple or ten times fee as described in appendix A of this Code.

- (2) *Work commencing before permit issuance.* If any person commences any work on a building, structure, or electrical, plumbing, mechanical or gas system before obtaining the necessary permit, he shall be subject to a penalty as provided in appendix A to this Code.
- (3) *Accounting.* The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, and the names of all persons upon whose account the fees or monies were paid, along with the date and amount thereof.
- (4) *Schedule.* On all buildings, structures, and electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application or issuing of permits, in accordance with the schedule in appendix A to this Code.
- (5) *Building permit valuations.* If, in the opinion of the building official, the valuation of building, alteration, structure, or electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

(Ord. No. 5767-95, § 1, 3-16-95; Ord. No. 6145-97, § 1, 6-19-97)

Note— Replaces Standard Code Section 104.7.

Sec. 47.084. - Demolition fencing.

In connection with demolition of one or more structures on a site with an area of one acre or larger, a continuous see-through fence of six feet in height, shall be required around the perimeter of the site to limit access to only individuals and equipment involved in the demolition

Section 4-203. - Building permit.

A. *Permit required.*

1. No person shall commence any construction, demolition, modification or renovation of a building or structure without first obtaining a building permit.
2. No seawall, bulkhead, groin, marine improvement, bridge or other similar marine structure shall be built within the city until the building official has issued a building permit for such work.
3. A building permit shall authorize only the use, arrangement and/or construction described in Level One and Two approvals and no other use, arrangement or construction.
4. Complete engineering and architectural plans for each component of a development project shall be required to be submitted prior to the issuance of a building permit. For any phased project, such plans shall be required for each phase of the development.

B. *Procedure:* All applications for building permits shall be submitted in a form required by this Development Code and the building official. Upon receipt of an application, including a declaration of unity of title, in accordance with Article 4 Division 16, the building official shall forward a copy to the community development coordinator in order to determine whether the application conforms to an approved Level One or Level Two approval. Upon receipt of the determination of the community development coordinator, the building official shall determine whether the application conforms to all applicable requirements contained in the building code. If the building official determines that the application does conform, the building permit shall be issued. If the building official determines that the application does not conform, he shall identify the application's deficiencies and deny the application.

C. *Appeal:* A denial of a building permit may be appealed in the manner provided in Article 4 Division 5.

(Ord. No. 6526-00, § 1, 6-15-00)



CITY OF CLEARWATER

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4567 FAX (727) 562-4865

PLANNING & DEVELOPMENT

AFFIDAVIT OF POSTING

RECEIVED

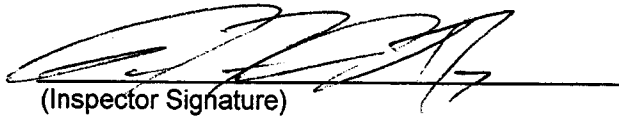
OCT 07 2021

OFFICIAL RECORDS AND
LEGISLATIVE SRVCS DEPT.

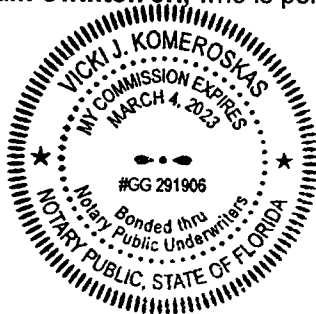
STATE OF FLORIDA]
COUNTY OF PINELLAS]

Sam Swinton Jr., being first duly sworn, deposes and says:

1. That I am a **Housing Inspector** employed by the Planning & Development Department of the City of Clearwater.
2. That on the 7th day of October 2021, a copy of the attached Notice of Violation & Notice of Hearing was posted at Clearwater City Hall, 600 Cleveland St, 6th Floor, and at 3101 Brigadoon Dr. Tioga Ave, Clearwater, Florida.


(Inspector Signature)

Sworn and subscribed before me this 7 day of October, 2021 by
Sam Swinton Jr., who is personally known to me.




Notary Public, State of Florida

Print or type name: Vicki J. Komeraskas


My Commission Expires: 3-4-23

08-29-16-11404-031-0010**Compact Property Record Card****Updated August 18,**
2021[Tax Estimator](#)[Email](#)[Print](#)[Radius
Search](#)[FEMA/WLM](#)

<u>Ownership/Mailing Address Change</u> <u>Mailing Address</u>	<u>Site Address</u>
EGY PROPERTIES LLC 601 ROSERY RD NE APT 4153 LARGO FL 33770-3936	3101 BRIGADOON DR CLEARWATER

Property Use: 0133 (Planned
Unit Development)Current Tax District:
CLEARWATER (CW)Total Living:
SF: 1,024Total Gross SF: Total Living
1,024 Units: 1[\[click here to hide\]](#) **Legal Description**

BRIGADOON OF CLEARWATER BLK 31, LOT 1

<u>Tax Estimator</u>  <u>File for Homestead Exemption</u>			2021 Parcel Use
<u>Exemption</u>	2021	2022	
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)**

<u>Most Recent Recording</u>	<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>
21140/0904 ■	\$133,814 Sales Query	121030268181	NON EVAC	Compare Preliminary to Current FEMA Maps	91/35

2021 Preliminary Value Information

<u>Year</u>	<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>
2021	\$113,742	\$113,742	\$113,742	\$113,742	\$113,742

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

<u>Year</u>	<u>Homestead Exemption</u>	<u>Just/Market Value</u>	<u>Assessed Value</u>	<u>County Taxable Value</u>	<u>School Taxable Value</u>	<u>Municipal Taxable Value</u>
2020	Yes	\$106,546	\$48,083	\$23,083	\$23,083	\$23,083
2019	Yes	\$93,717	\$47,002	\$22,002	\$22,002	\$22,002
2018	Yes	\$88,913	\$46,126	\$21,126	\$21,126	\$21,126
2017	Yes	\$74,716	\$45,177	\$20,177	\$20,177	\$20,177
2016	Yes	\$66,644	\$44,248	\$19,248	\$19,248	\$19,248

USPS TRACKING #



9590 9402 6373 0303 1965 71

United States
Postal Service

Received by

AUG 10 2021

Planning & Development
CITY OF CLEARWATER

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

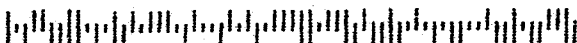
CITY OF CLEARWATER
PLANNING & DEVELOPMENT SERVICES
100 S MYRTLE AVENUE
CLEARWATER, FLORIDA 33756
ATTN: SAM SWINTON

RE:

3101 BUSADDOON DR

10/1

08/07



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:

EGY PROPERTIES LLC
601 ROSERY RD NE
LARGO, FL 33770

9590 9402 6373 0303 1965 71

2. Article Number (Transfer from service label)

7020 3160 0000 7934 2259

COMPLETE THIS SECTION ON DELIVERY

X *[Signature]*
☒ Agent
☐ Addressee

 EGY PROPERTIES LLC
 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

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

 Mail
 Restricted Delivery