

Town of Indian Shores



19305 Gulf Boulevard, Indian Shores, FL 33785
ph 727.595.4020 fax 727.596.0050

www.myindianshores.com

SPECIAL MAGISTRATE MINUTES OCTOBER 13, 2010

THE SPECIAL MAGISTRATE CALLED THE HEARING TO ORDER AT 10:10 a.m. Those present were: Special Magistrate Herbert E. Langford; Lawrence G. Nayman, Building Code Administrator, Joyce Ciccarello, Administrative Assistant.

Also present: Vice Mayor Herndon, Councilor Carole Irelan, Councilor Steve Sutch, Councilor William F. Smith, Yudierkys Carro-Perez, Juan Sanchez, and Yacdani Carro.

Lawrence G. Nayman, Joyce Ciccarello, Juan Sanchez, and Yudierkys Carro-Perez took the oath administered by the Special Magistrate.

ITEM NO.

AGENDA ITEM

CE 2010 0023

Consideration of action to be taken for failure to respond to a Violation Notice issued to Yudierkys Carro-Perez, 18515 Gulf Blvd., Indian Shores, Florida on July 26, 2010 for violation of Town Code Section 18-51 Permits Required.

See the attached Order issued by the Special Magistrate.

The Special Magistrate adjourned at 11:00 a.m.

Submitted by

A handwritten signature in black ink that reads "Joyce Ciccarello". The signature is written in a cursive, flowing style.

Joyce Ciccarello

Administrative Assistant

James J. Lawrence
Mayor

Joan G. Herndon
Vice Mayor

Carole Irelan
Councilor

Steve Sutch
Councilor

William F. Smith
Councilor

E.D. Williams
Town Administrator
Chief of Police

Mary Karayianes
Director of Finance
and Personnel

Marcia Grantham
Town Clerk

James Yacavone
Town Attorney

Lawrence G. Nayman
Building Code
Administrator

LOCAL GOVERNMENT CODE ENFORCEMENT
TOWN OF INDIAN SHORES, FLORIDA
Case No. CE 2010-0023

TOWN OF INDIAN SHORES, FLORIDA,
Petitioner,

v.

YUDIERKYS CARRO-PEREZ
4025 Eastridge Drive
Valrico, FL 33596,
Respondent.

**ORDER FINDING VIOLATION, SETTING TIME TO COMPLY
OR SUFFER A FINE**

Chapter 18, Section 18-51 of the Code of Ordinances of the Town of Indian Shores, Florida (Indian Shores Code)

LEGAL DESCRIPTION: Pt of Govt Lot 2 in SW 1/4 Sesc from N 1/4 Cor of Sec Th S 4515.52 Ft Th W 376.25 Ft of POB th N47D 40' 25" E 95.8 Ft th S41D38' 46" E 42.71 Ft th S47D10' 41" W 95.45 Ft th Cur Lt Rad 2797.93 Ft Arc 43.57 Ft CB N42D04' 34" W 43.57 Ft to POB Less R/W of Gulf Blvd. 18515 Gulf Blvd., Indian Shores, FL 33785

PARCEL IDENTIFICATION NUMBER: 30/30/15/00000/330/0900

Special Magistrate, Herbert E. Langford, Jr., has heard testimony and reviewed all evidence received at the Special Magistrate hearing held on October 13, 2010, and based on the evidence, enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. The Respondent, YUDIERKYS CARRO-PEREZ, ("Respondent") did allow or cause the installation of fencing, air conditioning and plumbing without first having applied for and obtained all necessary permits.

2. The Respondent, before doing or causing to be done any work, did not first apply for and obtain the necessary permitting to erect, construct, enlarge, alter, repair, move, remove, improve, convert or demolish a permanent or temporary building, construction, or part thereof, or perform any other development of the property, a single family unit.
3. During the hearing, the Town and the Respondent agreed to simultaneously address and resolve, in one hearing, the applicable permits, the construction's completion, and ultimate compliance.
4. The Town incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate it. The Town reserves the right to seek reimbursement for staff time, and additional costs, *e.g.*, certified mail, for this matter, as well the Special Magistrate's expenses. Special Magistrate reasonably spent and will spend time at \$175 per hour to adjudicate this case.

CONCLUSIONS OF LAW

5. The Respondent, YUDIERKYS CARRO-PEREZ, is in violation of Chapter 18, Section 18-51 of the Indian Shores Code.
6. The Town prevailed in the prosecution of this case and, pursuant to Section 1.c. of Resolution No. 3-2009 and Chapter 2, Section 2-207(e) of the Indian Shores Code, is entitled to recover all costs and expenses incurred.

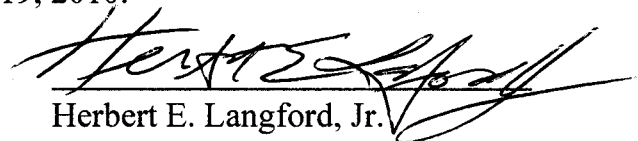
ORDER

It is ADJUDGED that:

7. The Respondent, YUDIERKYS CARRO-PEREZ, shall correct the violation(s), come into compliance, apply for and obtain all applicable permits on or before 8:00 a.m. on October 20, 2010, or suffer an administrative to be later determined.
8. The Respondent, YUDIERKYS CARRO-PEREZ, shall correct the violation(s), come into compliance, complete the construction, and obtain a successful final inspection on or before 8:00 a.m. on November 3, 2010, or suffer an administrative to be later determined.

9. Separate and distinct from the amount due or fine, if any, the Special Magistrate reserves jurisdiction to consider the imposition of the Town's costs of prosecuting this case.
10. Upon complying, the Respondent shall notify Lawrence G. Nayman, the code enforcement officer, at (727).517-3940, who shall inspect the property and notify the Special Magistrate of the compliance.
11. Upon the Respondent's failure to timely comply, the code enforcement officer shall prepare and execute an Affidavit of Non-Compliance.
12. The Affidavit of Non-Compliance shall contain facts addressing the gravity of the violation, any efforts by the violator to correct the violation from the date that the violator was first advised of the violation to the date of the Affidavit of Non-Compliance, and any previous code violations by the violator. The code inspector shall also make a recommendation in the Affidavit of Non-Compliance regarding the amount of the fine that should be imposed against the violator. The code inspector shall also set forth in the Affidavit of Non-Compliance the Town's costs of prosecuting the violation against the violator.
13. The code inspector shall forward any Affidavit of Non-Compliance to the Special Magistrate for further action, requesting the Special Magistrate enter an order against the violator (i) finding that the violator has not complied with Special Magistrate's order finding a violation and requiring compliance and (ii) imposing a fine against the violator which shall include the costs the Town incurred in prosecuting the violation.
14. The Special Magistrate reserves jurisdiction to hear any matter pertaining to the compliance or non-compliance as set forth in this Order.

DONE AND ORDERED on October 19, 2010.


Herbert E. Langford, Jr.
Special Magistrate

Copies furnished to:
Peter Cosentino
Yudierkys Carro-Perez
James L. Yacavone, III, Town Attorney