

**CLERK SUMMARY
MAGISTRATE HEARING DOCKET OF THE STUART MAGISTRATE
DECEMBER 18, 2024
AT 2:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

PLEDGE OF ALLEGIANCE

2:00 PM

Magistrate: Paul Nicoletti, Esq.

VIOLATION HEARINGS

1. CITY OF STUART VS. DIXIE HWY HOLDINGS LLC

Robert Perez

CASE NO: CE24110016

ADDRESS OF VIOLATION: 395 NW Dixie Highway, Stuart, FL
34994

CODE SECTION: Sec. 10-36 FBC 105.1

DESCRIPTION OF VIOLATION: NO PERMIT FOR POLE SIGN
ON SITE

Code Enforcement Officer, Robert Perez, was sworn in and reported on the Dixie Hwy. Holdings LLC case. No representative for Dixie Hwy. Holdings LLC was present.

Mr. Perez reviewed all Exhibits, #'s 1 - 9; noted a valid building permit would need to be retained and during the re-inspection done today, 12/18/2024, the pole sign was still not permitted.

Magistrate accepted Exhibits 1 - 9 into evidence and stated they must comply on or before January 18, 2025, if not, respondent to be fined \$250 per day for each day the violation continues thereafter.

MAGISTRATE FINDING: The violation does exist and Dixie Hwy. Holdings LLC must comply by January 18, 2025, or incur a \$250 per day fine and further award administrative costs of \$300 to the City of Stuart.

**2. CITY OF STUART VS. FEDERAL NATIONAL MORTGAGE
ASSOCIATION**

Scott Shiner

CASE NO: CASE # CE241100005

ADDRESS OF VIOLATION: 325 SW MANOR DR
STUART, FL 34994

CODE SECTION: SEC 10-61(c,d,e,m(l))(6)

DESCRIPTION OF VIOLATION: DAMAGED ROOF, DIRTY POOL
WATER, JUNK & DEBRIS IN PUBLIC VIEW, OVERGROWTH ON
ENTIRE YARD

Sworn in, Code Enforcement Officer, Scott Shiner, reported on the Federal National Mortgage Association case, a vacant property.

Mr. Shiner reviewed Exhibits #1 - 12, then additional exhibits #13 - 21 were presented to include today's inspection, 12/18/2024. Mr. Shiner requested compliance by January 17, 2025 with a \$250 fine per day for everyday thereafter not in compliance, and requested reimbursement of City administrative costs in the amount of \$300.

MAGISTRATE FINDING: City's Exhibits #1 - 21 accepted; find that compliance must be met by January 17, 2025, by which a \$250 per day per violation fine may accrue and a \$300 City Administrative Cost paid to the City.

**3. CITY OF STUART VS. LEA AND ROBERT STANCAVICH AND
JOSEPHINE STANCAVICH**

Jodi Nentwick

CASE NO: 00000

ADDRESS OF VIOLATION: 1231 SW Nortons Lane

1251 SW Nortons Lane

CODE SECTION:

DESCRIPTION OF VIOLATION:

Jodi Kugler, Development Director and Louis Hatten, Building Inspector, were sworn in by the Magistrate.

Ms. Kugler provided a brief history of the case and reported a \$250 per day fine assessed against property. The staff memo was presented as Exhibit #1, this case has adjudicated fines twice prior and is requesting a third. Mr. Stancavich remains not in compliance and staff requested adjudication of fines.

Ms. Kugler reviewed the case and exhibits for the record; clarifying the two parcels.

The City requested \$250 per day, for 545 days since the last adjudication.

Magistrate requested to go through the exhibits. He disclosed that during the early timeline of this case, he was the City Attorney but did not have involvement in the case.

Ms. Kugler clarified that November 23, 2024, was the "drop-dead date."

Lou Hatten, City of Stuart Building Official, provided his account of the communications with the property owner. Mr. Hatten noted that 1231 SW Norton's Lane is the address of the non-compliant property.

Exhibit #6 included photos taken today, 12/18/2024, of the current condition of the property. Each photograph was labeled per the magistrate as 6A, 6B, 6C, 6D, 6E, and 6F. Exhibit #7 is the draft order that was revised by the City Attorney.

Magistrate Nicoletti reviewed case details; total of \$264,500.00 plus accrued interest as of today's date.

Lee Bagget, City Attorney, noted the last time the funds were adjudicated, the finding was

that failure to obtain a permit and if property remained in disrepair, after one year of it continuing to occur, be aware that the City was extending offers to encourage Mr. Stancavich to meet compliance. As of today, the property is still in violation. The original address and fines were against the 1251 address which is homesteaded and occupied.

Mr. Robert Stancavich testified that at the first City Commission Meeting, the City wanted him to do a survey and stormwater plan, but the contractors he contacted could not start the work for 6 months. His engineer commissioned the City to request more time. A letter (email) from Adam Hart, Mr. Stancavich's professional engineer, was sent to Commissioners on December 4, 2024 and again today, on Dec, 18, 2024.

3:07 PM Mr. Adam Hart, was sworn in by the Magistrate and provided testimony.

City Attorney noted that what happened at the Commission Meeting is a separate action.

Magistrate clarified, if able to obtain a permit and continue working on the property, then Mr. Stancavich shall go back to the Commission and request an extension to move forward.

Magistrate noted that the biggest problem is that the time the Commission gave is expired, and that must be addressed, going back to November 23, 2024.

MAGISTRATE FINDING: No permits have been issued in this case; not in compliance with the original violation order. Finds there is reason to issue the order of adjudicating the fine. Informed Mr. Stancavich to go back before the City Commission to request the timeframe be increased from Nov 23, 2024 and add the days of 545 from June 22, 2023, to today in an amount of \$36,250.00 beginning tomorrow until the fine is satisfied on both properties. The total amount is \$264,500.00 plus accrued interest.

Magistrate informed - The application has expired; if the City Commission does grant additional time and request the City Attorney to set an earlier time, he would like to have a status conference within a month or two after the Commission takes action on this matter, but not on a date that is typical for the hearings or along with other business. Magistrate requested a copy of the Order to be sent to Mr. Stancavich.

ADJOURNMENT

3:44 PM