

**CLERK SUMMARY
MAGISTRATE HEARING DOCKET OF THE STUART MAGISTRATE
APRIL 16, 2025
AT 2:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

PLEDGE OF ALLEGIANCE

2:00 PM

Magistrate: Paul J. Nicoletti, Esq.

VIOLATION HEARINGS

1. CITY OF STUART VS DOLPHIN ESTATES TRUST 2015

Lee Baggett

CASE NO: CE19050004

ADDRESS OF VIOLATION: 708 SE OCEAN AVE STUART FL 34996

CODE SECTION: CH 105.4 FBC ABANDONED PERMIT

SEC 111.1 - CERTIFICATE OF OCCUPANCY

DESCRIPTION OF VIOLATION: WORK COMPLETED WITHOUT A PERMIT.

Lee Baggett, City Attorney, presented the case.

Magistrate Nicoletti, Swore in Jodi Kugler, Development Director

Ms. Kugler read the history of the property and stated they would reduce the fines from \$308,000 to \$10,000.

Magistrate swore in Ramon Rice.

Mr. Rice stated the address is 708 SE Ocean Blvd not Ave. He continued with providing some personal history which is what got him to where he is today with these fines and asks for any forgiveness that is available.

Magistrate stated this was a little over 4 years of fines accruing, continued discussing the different permits that were pulled throughout the years.

Ms. Kugler read into the record a certified letter that was sent to the respondent by the previous Building Official.

Magistrate asked Mr. Rice if he recognized the letter.

Magistrate and City Attorney went through the agenda and labeled the pages as exhibits 1-6.

Magistrate asked the respondent if he had any objections to the exhibits.

Mr. Rice stated that he did not initial any of the handwriting changes on exhibit 3. Magistrate referred to the last paragraph stated the respondent had 10 days to appeal and nothing was done.

Magistrate had a brief discussion with City staff and City Attorney Baggett to see what the City would be okay with in fine reduction.

MAGISTRATE FINDINGS: Accepted exhibits 1-6 into evidence and reduced the fines to \$5,000 paid by June 18, 2025.

2. CITY OF STUART VS EVANS LODGE 72 AF & AM INC

Scott Shiner

CASE NO: CE25020014

ADDRESS OF VIOLATION: 925 SE SPRUCE AVE. STUART, FL 34996

CODE SECTION: SEC 10-61(C)(M)(10) *VACANT STRUCTURES AND LAND*. ALL VACANT STRUCTURES AND PREMISES THEREOF OR VACANT LAND SHALL BE MAINTAINED IN A CLEAN, SAFE, SECURE AND SANITARY CONDITION AS PROVIDED HEREIN, INCLUDING SOIL STABILIZATION SO AS NOT TO CAUSE A BLIGHTING PROBLEM OR ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY. *STAIRWAYS, DECKS, PORCHES AND BALCONIES*. EVERY EXTERIOR STAIRWAY, DECK, PORCH AND BALCONY, AND ALL APPURTENANCES ATTACHED THERETO, SHALL BE MAINTAINED STRUCTURALLY SOUND, IN GOOD REPAIR, WITH PROPER ANCHORAGE AND CAPABLE OF SUPPORTING THE IMPOSED LOADS.

DESCRIPTION OF VIOLATION: EXTERIOR STRUCTURE (MISSING PAINT) AND DAMAGED STAIRS IN REAR OF BUILDING.

Magistrate swore in Scott Shiner, Code Enforcement Officer.

Officer Shiner presented exhibits 1-14, requesting compliance by May 17th if not \$100 per day per violation, and administrative cost of \$300.00.

Magistrate swore in Robert Hall Jr.

Mr. Hall, trustee, stated the history of the building and how overtime it went into disrepair. Stated he and the lodge were willing to fix it but needed time.

MAGISTRATE FINDINGS: Magistrate accepted exhibits 1-14 and asked the respondent to come into compliance by July 18, 2025. If fail, there will be a fine of \$100.00 per day per fine and awarded the payment for administrative costs of \$300.00 to be paid by July 18, 2025.

3. CITY OF STUART VS HESS RETAIL STORES LLC "COMPLIED"

Scott Shiner

CASE NO: CE25020012

ADDRESS OF VIOLATION: 3201 SE FEDERAL HWY. STUART, FL 34997

CODE SECTION: SEC 10-61(M)(2) *PROTECTIVE TREATMENT*. ALL EXTERIOR SURFACES, INCLUDING BUT NOT LIMITED TO, DOORS, DOOR AND WINDOW FRAMES, CORNICES, PORCHES, TRIM, BALCONIES, DECKS AND FENCES SHALL BE MAINTAINED IN GOOD CONDITION AND FREE FROM MOLD AND MILDEW. EXTERIOR WOOD SURFACES, OTHER THAN DECAY RESISTANT WOODS, SHALL BE PROTECTED FROM THE ELEMENTS AND DECAY BY PAINTING OR OTHER PROTECTIVE COVERING OR TREATMENT. PEELING, FLAKING AND CHIPPED PAINT SHALL BE ELIMINATED AND SURFACES REPAINTED. ALL SIDING AND MASONRY JOINTS AS WELL AS THOSE BETWEEN THE BUILDING ENVELOPE AND THE PERIMETER OF WINDOWS, DOORS, AND SKYLIGHTS SHALL BE MAINTAINED WEATHER RESISTANT AND WATERTIGHT. ALL METAL SURFACES SUBJECT TO RUST OR CORROSION SHALL BE COATED TO INHIBIT SUCH RUST AND CORROSION AND ALL SURFACES WITH RUST OR CORROSION SHALL BE STABILIZED AND COATED TO INHIBIT FUTURE RUST AND CORROSION. OXIDATION STAINS SHALL BE REMOVED FROM EXTERIOR SURFACES. SURFACES DESIGNED FOR STABILIZATION BY OXIDATION ARE EXEMPT FROM THIS REQUIREMENT.

DESCRIPTION OF VIOLATION: MILDEW STAINED BUILDING

4. CITY OF STUART VS CLAQUI LLC "COMPLIED" CASE NO: CE25020026

Scott Shiner

ADDRESS OF VIOLATION: 923 SE SPRUCE AVE. STUART, FL 34994

CODE SECTION: SEC 20-20(A)(B) GENERAL SANITATION OF PROPERTY -

(A)

THIS ARTICLE SHALL BE APPLICABLE TO ALL PERSONS HAVING A LEGAL OR BENEFICIAL OWNERSHIP OF, OR HAVING POSSESSION OR BEING IN CHARGE OF, OR OCCUPYING, ANY REAL PROPERTY LOCATED IN THE CITY, AS TENANT OR OTHERWISE, WHETHER VACANT OR OCCUPIED, IMPROVED OR UNIMPROVED.

(B)

NO OWNER OR LESSEE OF ANY REAL PROPERTY WITHIN THE CITY SHALL ALLOW IT TO BECOME UNCLEAN, UNSANITARY OR OVERGROWN WITH GRASS AND WEEDS, OR ALLOW RUBBISH OR OTHER NOXIOUS OR UNHEALTHY MATERIAL TO ACCUMULATE THEREON.

DESCRIPTION OF VIOLATION: VACANT LOT OVERGROWN

5. CITY OF STUART VS 245 ST LUCIE LLC - "COMPLIED"

Scott Shiner

CASE NO: CE25020020

ADDRESS OF VIOLATION: 245 SE ST LUCIE BLVD. STUART, FL 34996

CODE SECTION: SEC 10-61(I) ACCESSORY STRUCTURE - *ACCESSORY STRUCTURES*. ALL ACCESSORY STRUCTURES, INCLUDING DETACHED GARAGES, FENCES AND WALLS, SHALL BE MAINTAINED STRUCTURALLY SOUND AND IN GOOD REPAIR.

DESCRIPTION OF VIOLATION: WOODEN FENCE DILAPIDATED

6. CITY OF STUART VS RICHARD & LYNN BROCKWAY "COMPLIED"

Scott Shiner

CASE NO: CE2503001

ADDRESS OF VIOLATION: 628 SE OCEAN AVE. STUART, FL 34996

CODE SECTION: SEC 20-21 DUTY TO KEEP GRASS MOWED - THE OWNERS, CUSTODIANS, AGENTS, LESSEES OR OCCUPANTS OF REAL PROPERTY WITHIN THE CITY SHALL NOT PERMIT THE GRASS, WEEDS, FLORA OR UNDERBRUSH THEREON TO EXCEED A HEIGHT OF EIGHT INCHES ABOVE THE GRADE OF THE LAND, INCLUDING ANY ELEVATED AND DEPRESSED AREAS. ALL SUCH MATERIALS SHALL BE CUT AND MAINTAINED TO A HEIGHT OF EIGHT INCHES OR LESS AND CUTTINGS SHALL BE EITHER REMOVED FROM THE PROPERTY OR MULCHED. ALL SUCH MATERIALS SHALL BE CUT AND REMOVED OR MULCHED WITHIN TEN CALENDAR DAYS OF NOTICE TO DO SO ISSUED BY THE CITY AS PROVIDED IN THIS ARTICLE.

DESCRIPTION OF VIOLATION: WEEDS, OVERGROWTH, JUNK AND DEBRIS IN PUBLIC VIEW

7. CITY OF STUART VS WILLIE LEE SMITH ESTATE "COMPLIED"

Scott Shiner

CASE NO: CE25020019

ADDRESS OF VIOLATION: SE TARPON STREET (VACANT LOT) PARCEL # 04-38-41-017-008-00041-0

CODE SECTION: 10-69(C)(1)(3) MOTOR VEHICLE PARKING AND STORAGE - *PARKING ONLY*. ONLY FULLY OPERABLE: AUTOMOBILES, RECREATIONAL VEHICLES, LIGHT TRUCKS, MOTORCYCLES, VESSELS ON TRAILERS, AND LIGHT UTILITY TRAILERS SHALL BE PARKED ON RESIDENTIAL PROPERTIES WHEREVER LOCATED IN THE CITY, (3)ANY VEHICLE, VESSEL ON A TRAILER, OR TRAILER WHICH IS STORED ON A RESIDENTIAL LOT SHALL BE COMPLETELY COVERED WITH REASONABLY FITTED COVER COMPOSED OF OPAQUE FABRIC.

DESCRIPTION OF VIOLATION: COMMERCIAL EQUIPMENT STORED ON VACANT LOT

8. **CITY OF STUART VS WILLIAMS ANNIE RUTH ESTATE "COMPLIED"** Scott Shiner
CASE NO: CE25010031
ADDRESS OF VIOLATION: 917 SE 13TH ST STUART, FL 34994
CODE SECTION: SEC 20-50 - PROHIBITED ACTS; VIOLATION A PUBLIC NUISANCE; JURISDICTION OF CODE ENFORCEMENT BOARD.
SEC 10-61 - MAINTENANCE OF STRUCTURES, EQUIPMENT AND EXTERIOR PROPERTY.
DESCRIPTION OF VIOLATION: INOPERABLE VEHICLE STORED ON DRIVEWAY, DAMAGED FENCE, JUNK AND DEBRIS
9. **CITY OF STUART VS LGDD LLC "COMPLIED"** Scott Shiner
CASE NO:
ADDRESS OF VIOLATION: 216 SE OSCEOLA ST. STUART, FL 34996
CODE SECTION: SEC 20-21 DUTY TO KEEP GRASS MOWED
DESCRIPTION OF VIOLATION: ENTIRE YARD HAS WEEDS OVERGROWN
10. **CITY OF STUART VS STUART ARCADE ASSOCIATES LLC "COMPLIED"** Robert Perez
CASE NO: CE25020005
ADDRESS OF VIOLATION: 23 SW OSCEOLA STREET STUART, FL 34994
CODE SECTION: SEC. 10-61 MAINTENANCE OF STRUCTURES, SEC. 10-62 INTERIOR STRUCTURES
DESCRIPTION OF VIOLATION: OUTDOOR STORAGE, DUMPSTER ENCLOSURE IN DISREPAIR, AND INTERIOR DAMAGE TO CEILING IN COMMERCIAL BUILDING.
11. **CITY OF STUART VS OSCEOLA STREET HOLDING LLC "COMPLIED"** Robert Perez
CASE NO: CE25020021
ADDRESS OF VIOLATION: 400 SE OSCEOLA STREET UNIT 3 STUART, FL 34994
CODE SECTION: SEC. 10-36 VIOLATIONS AND PENALTIES
DESCRIPTION OF VIOLATION: WORK WITHOUT PERMIT
12. **CITY OF STUART VS MARIE F STEIN "COMPLIED"** Robert Perez
CASE NO: CE25020017
ADDRESS OF VIOLATION: 418 SE FLAMING AVENUE STUART, FL 34996
CODE SECTION: SEC. 10-61 EXTERIOR MAINTENANCE

DESCRIPTION OF VIOLATION: OUTDOOR STORAGE IN CARPORT AREA

13. CITY OF STUART VS HENDRIKS LESLIE PAUL "COMPLIED"

Robert Perez

CASE NO: CE25020030

ADDRESS OF VIOLATION: 701 SE MICHAELS COURT STUART, FL 34996

CODE SECTION: SEC. 10-69 MOTOR VEHICLE PARKING AND STORAGE

DESCRIPTION OF VIOLATION: VEHICLES PARKING ON UNAPPROVED SURFACES ON SITE, AND OBSTRUCTING THE PUBLIC RIGHT-OF-WAY

14. CITY OF STUART VS G & K LAND COMPANY LLC "COMPLIED"

Robert Perez

CASE NO: CE25020010

ADDRESS OF VIOLATION: 829 SE 6 STREET STUART, FL 34994

CODE SECTION: SEC. 10-61 EXTERIOR MAINTENANCE

DESCRIPTION OF VIOLATION: OVERGROWN LANDSCAPING, AND OUTDOOR STORAGE ON SITE

15. CITY OF STUART VS RTM ORLANDO PROPERTIES LLC "COMPLIED"

Robert Perez

CASE NO: CE25020028

ADDRESS OF VIOLATION: 1100 SE OCEAN BLVD STUART, FL 34996

CODE SECTION: SEC. 10-61 EXTERIOR MAINTENANCE

DESCRIPTION OF VIOLATION: OVERGROWN LANDSCAPING, AND EXTERIOR MAINTENANCE OF THE STRUCTURE/PARKING LOT.

16. CITY OF STUART VS PAUL W KOHLER "COMPLIED"

Robert Perez

CASE NO: CE25020027

ADDRESS OF VIOLATION: 1109 SE THERESA STREET STUART, FL 34996

CODE SECTION: SEC. 10-36 VIOLATIONS AND PENALTIES

DESCRIPTION OF VIOLATION: NO PERMIT FOR INTERIOR RENOVATIONS ON SITE

ADJOURNMENT

2:52 PM