



MAGISTRATE HEARING DOCKET

**CITY OF STUART, FLORIDA
121 S.W. FLAGLER AVENUE
STUART, FLORIDA 34994**

**OCTOBER 15, 2025 AT 2:00 PM
COMMISSION CHAMBERS**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PLEDGE OF ALLEGIANCE

VIOLATION HEARINGS

1. CITY OF STUART VS HOLLY L MCCARTNEY

Tamica Clinton-Bush

CASE NO: CE25090002

ADDRESS OF VIOLATION: 911 SE WEIR STREET

CODE SECTION: SEC 10-36 105.1 FBC WORK WITHOUT A PERMIT

DESCRIPTION OF VIOLATION: Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
MAGISTRATE**

Meeting Date: 10/15/2025

Prepared by: Tamica Clinton-
Bush

Title of Item:

CITY OF STUART VS HOLLY L MCCARTNEY

Address:

911 SE WEIR STREET

Code Section:

SEC 10-36 105.1 FBC WORK WITHOUT A PERMIT

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Summary Explanation/Background Information:

PERMITS REQUIRED FOR PERGOLA AND ELECTRIC

ATTACHMENTS:

1. MAGISTRATE ORDER FINDING OF FACT (COMPLIED)
2. VIOLATION PACKET

CITY OF STUART, FLORIDA
CODE ENFORCEMENT MAGISTRATE

Case No. CE25090002

CITY OF STUART, FLORIDA
Petitioner,

v.

Respondent(s)

MC CARTNEY HOLLY L
911 SE WEIR STREET
STUART FL 34995

PCN# 04-38-41-007-003-0080-0

ORDER FINDING VIOLATION

THIS MATTER having come before the Code Enforcement Magistrate on **October 15, 2025**, and having heard the testimony of the parties, and having considered the evidence presented by the parties; and having been fully apprised of the circumstances, does find as follows:

FINDINGS OF FACT

1. The above Respondent(s) are the owner(s) of the property located at **911 SW Weir Street, Street, Stuart Florida 34995**, and legal description described in the warranty deed as: **The East 44.50 feet of lot 8 and the West one-half of Lot 9, Block 3, HILDABRAD PARK, according to the plat thereof, recorded in Plat Book 2, Page 64, Public Records of Martin County, FL**

2. On September 12, 2025, an inspection of the property was performed by a City of Stuart Code Inspector, and at that time, and continuing until the date of this hearing, the Respondents did maintain conditions on the property as cited in the Notice of Violation and Notice of Hearing, issued in this case.

CONCLUSIONS OF LAW

3. The Findings of Fact support, by a preponderance of the evidence, that Respondents have violated **Pertinent Code Section(s): Sec 10-36 FBC 105.1 Permits Required**— Any person, firm, corporation or agent who fails to comply with any provision of the code, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a separate offense for each and every day or position thereof during which a violation of any of the provisions of the code is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinances.

COMPLIANCE

IT IS HEREBY ORDERED that Respondent(s) shall continue to comply with the above code sections 10-36 and FBC 105.1 as follows:

- A. The Respondent(s) should continue to comply in accordance with this Order Finding Violation, and if Respondent subsequently violate the same code section, such reoccurrence shall subject the Respondents to an administrative fine of up to \$500.00 per day for every day of violation.
- B. Respondent(s) are assessed the costs of this action in the amount of **\$300.00** as provided by law and shall pay the same to the City at 121 SW Flagler Avenue, Stuart, FL 34994, at the conclusion of this hearing.

LGTG PROPERTIES LLC
PETER GIANINO
PAMELA GIANINO
Order Finding Violation – CE250050007
Page 2 of 2

The City, its' agents, officers, and employees are authorized to enter the property during daylight hours to inspect and monitor compliance with this Order.

DONE AND ORDERED on this 15th day of October 2025.

Paul J. Nicoletti, Magistrate

Copies furnished to the Parties, BY _____



City of Stuart
Code Enforcement
121 SW Flagler Ave
Stuart FL 34994-2139
(772) 288 5325

MCCARTNEY HOLLY L
911 SW WEIR ST
STUART FL 34994

Case No. CE25090002

Certified Receipt No. 9071052703172284930

NOTICE OF VIOLATION AND NOTICE OF HEARING

September 12, 2025

911 SW Weir Street
Stuart, FL 34994
Parcel Control Number 043841007003000800

Dear Property Owner/Business Owner/Occupant:

To maintain the appearance and property values of the City of Stuart, City staff must enforce the ordinances and regulations governing the community. These rules were implemented so that residents and businesses within the City of Stuart can equally enjoy their properties and surrounding areas. When inspections are conducted on a property, deficiencies are noted, and the owner and occupant are notified.

An inspection of the above property has revealed violation(s) of the City of Stuart Code of Ordinance requiring your prompt attention. Please review the items below and make corrections within the requested time. Should you have any questions, please call the Property Inspector listed at the bottom of this notice.

- 1. Violation Description/Corrective Action Required: PERMIT REQUIRED FOR PERGOLA AND ELECTRICAL REPAIR. Pertinent Code Section(s): Sec 10-36 FBC 105.1** – Any person, firm, corporation or agent who fails to comply with any provision of the code, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a separate offense for each and every day or position thereof during which a violation of any of the provisions of the ode is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinances. **PLEASE OBTAIN A VALID PERMIT FOR THE STRUCTURE (PERGOLA) AND ELECTRICAL REPAIR COMPLETED ONSITE.**

Comply By: October 10, 2025

Please correct the above noted items so that no further action needs to be taken. We thank you in advance for your understanding and cooperation.

Unless you correct the violation(s) described above on or before the compliance date of October 10, 2025 and contact the City of Stuart Code Enforcement Division (contact information below) to arrange a re-inspection of the property to verify compliance with the ordinance cited herein, notice is hereby given pursuant to Chapter 162, Florida Statutes, and the City of Stuart Code of Ordinances, that a hearing will be held regarding the above case before the City's Special Magistrate on the 15th day of October 2025 at 2:00 pm or as soon thereafter as said matter can be heard in the City of Stuart City Hall Chambers, 121 SW Flagler Avenue Stuart, Florida 34994.

The Special Magistrate will receive testimony and evidence at said hearing and shall make findings of fact as are supported by the testimony and evidence pertaining to the matters alleged herein. If you fail to appear, the Special Magistrate may base its findings and act solely on the testimony and evidence presented by the Code Enforcement Division

Should you be found in violation of the City of Stuart Code of Ordinances, the Special Magistrate may impose a fine up to \$250.00 per day per violation for each day that the violation(s) continues beyond the compliance date established by the Special Magistrate in the Final Order. In the case of a repeat violation, the Special Magistrate may impose a fine up to \$500.00 per day per violation for each day the violation(s) continues beyond the compliance date established by the Code Enforcement Division. Be advised, the Special Magistrate will impose \$300 Administrative Cost for the hearing called to order.

IF THIS IS A REPEAT VIOLATION/VIOLATOR PLEASE BE ADVISED THAT AT THIS HEARING A FINE MAY BE IMPOSED BEGINNING WITH THE DATE THE REPEAT VIOLATION WAS OBSERVED THROUGH THE DATE OF COMPLIANCE.



Tamica Bush Code Enforcement Officer
Code Enforcement Division
Tbush@stuartfl.gov
772-278-0925

Basic Info

PIN 04-38-41-007-003-00080-0	AIN 102227	Situs Address 911 SE WEIR ST STUART FL	Website Updated 10/5/25
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General Information

CHANGE MAILING ADDRESS

SIGN UP FOR PROPERTY FRAUD ALERT

Property Owners MCCARTNEY HOLLY L	Parcel ID 04-38-41-007-003-00080-0	Use Code/Property Class 0100 - 0100 Single Family
Mailing Address 911 SW WEIR ST STUART FL 34994	Account Number 102227	Neighborhood 333820 Hildabrad Pk St Lucie Est
Tax District STUART	Property Address 911 SE WEIR ST STUART FL	Legal Acres 0.198
	Legal Description HILDABRAD PARK, E 44.50' OF LOT 8 & THE ...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2025	\$ 360,000	\$ 228,840	\$ 588,840	\$ 381,755	\$ 207,085	\$ 50,722	\$ 156,363

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date 8/31/09	Grantor (Seller) SPENCER, BONNIE L	Doc Num 216390
Sale Price \$ 160,000	Deed Type Wd Full Covenant and Warranty Deed	Book & Page <u>2413 2217</u>

9569 0710 5270 3172 2849 30

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	\$
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	\$

Postmark
Here

Sent To Holly L. McCartney 9/12/25
 Street and Apt. No., or PO Box No. _____
911 SW Weir St
 City, State, ZIP+4® STUART FL 34994

PS Form 3800, January 2023 (PSN 7530-02-000-900) See Reverse for Instructions

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:

HOLLY L MCCARTNEY
 911 WEIR ST
 STUART FL 34994



9590 9402 9586 5121 4879 72

2. Article Number (Transfer from service label)

9589 0710 5270 3172 2849 30

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Address
 X Holly L McCartney
- B. Received by (Printed Name)
 Holly McCartney
- C. Date of Delivery
 9-19-25
- D. 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

September 12, 2025
FL, Stuart



September 12, 2025
FL Stuart

