

**Clerk's Summary
MAGISTRATE HEARING DOCKET
CITY OF STUART, FLORIDA
121 SW FLAGLER AVE.
STUART, FLORIDA 34994
AUGUST 19, 2022 AT 10:00 AM
Commission Chambers**

PLEDGE OF ALLEGIANCE

Hearing Called to Order at 10:01 AM.

Magistrate: Mr. Paul Nicoletti

VIOLATION HEARINGS

1. CITY OF STUART VS. ROBERT STANCAVICH

Michael Mortell

CASE NO: CE 21010007

ADDRESS OF VIOLATION: 1251 Sw Norton's Lane, Stuart, FL 34994

CODE SECTION: 10-69(c)(3)f - Parking on approved surface
10-61(j)(2) - no accumulation or storage visible from public view.
10- 69(B)(3) - no dump trucks, motorized shovels, special equipment, commercial vehicles or machinery unless active permit.

DESCRIPTION OF VIOLATION: No permit: Florida Building Code 105.1

No Certificate of Occupancy: Florida Building Code 111.1

Stipulated and Agreed Order dated February 18, 2021

Magistrate swore in Mike Mortell, City Attorney.

Attorney Mortell reviewed the historical timeline of the case for the Magistrate, broke down the judgements, fines requested, and identified the code violations.

Attorney Mortell stated that there was no evidence that anything had been done since April, seeking to adjudicate the fines since April, and to delineate what needs to be done and the impact of it. Vito Lorenzo, Code Enforcement Officer, was called as a witness as he was at the property last week for an inspection. Attorney Mortell stated it had been 119 days since the last order and the fines were \$250 per day, which would total \$29,750.00 to be adjudicated.

Magistrate noted his previous judgment and when the fine began on April 23rd, stated he

would need a copy of the report and needed time to digest the report and set a time certain.

The report was dispersed to the Magistrate for review.

10:19 AM Recess this case
10:29 PM Reconvened Case

Attorney Mortell provided backup documentation to Magistrate and entered the below into evidence.

- Exhibit 1 Staff Report; pages 3-6.
- Exhibit 2 Final Violation Order; pages 7-10.
- Exhibit 3 Warranty Deed; pages 11 and 12.
- Exhibit 4 Signed Stipulation and Agreed Order; pages 13 and 14.
- Exhibit 5 Notice of Violation; pages 15-18.
- Exhibit 6 Board of Adjustment Staff Report December 9, 2015; pages 19 and 20.
- Exhibit 7 Staff Report entered at the BOA hearing in December of 2015; pages 21-23.
- Exhibit 8 Variance Order from the BOA.

10:34 AM

Magistrate accepted into evidence Exhibits 1-8.

Attorney Mortell reviewed language on documents that were entered into evidence and requested that, moving forward, we have a fine accrued for failure to have a permit and for using the property for storage, office, and having electricity on property, which is the 6th criteria on page 6 of 51 staff report.

10:39 AM

Robert Stancavich, property owner, was sworn in and provided his testimony.

Attorney Mortell explained the Unity of Title and lot split.

Discussion continued amongst the Magistrate, the property owner, and Attorney Mortell.

Mr. Nicolosi clarified that the Florida Building Code states that that structure has to be demolished.

The Magistrate suggested to Mr. Stancavich to consider completing the new dwelling and moving into it and making the original home the secondary dwelling unit.

Discussion about demolishing the old structure and keeping the new structure continued.

Attorney Mortell approached Magistrate and showed him property lines and structures.

Mr. Stancavich provided documentation, approximately 20 pages of composite exhibits that include notes, emails, construction permit application, property appraisers office, copy of owners policy title, schedules A and B marked as Respondent Exhibit 1.

11:20 AM

MAGISTRATE FINDINGS: Violations continue to exist. Magistrate is requesting another inspection to document what has occurred on the property. Based on the testimony of Mr. Lorenzo, Mr. Nicolosi, and Mr. Stancavich the property is not in compliance and did not come into compliance by May 20, 2022. Therefore, the fine reverts back to April 22nd 2022, in the amount of \$250.00 a day and continues to run until August 18th, 2022 (119 days) in the amount of \$29,750.00, continuing on until further order and issue is resolved. Would like Mr. Stancavich to have an answer by the next hearing, September 16th, 2022.

2. STIPULATION AND AGREED ORDER-DRIFTWOOD REAL ESTATE LLC

Vito Lorenzo

CASE NO: CE22060024

ADDRESS OF VIOLATION: 320 SE Denver Ave.

CODE SECTION: 10-61, 22-61

DESCRIPTION OF VIOLATION: The Exterior and Interior of a Structure shall be maintained in good repair. Failure to comply with Florida Fire Prevention Code

10:19 AM

Mr. Lorenzo was sworn in for the record and provided testimony on the case.

Magistrate reviewed exhibits and photos with Mr. Lorenzo, clarifying the violations.

Steve Nicolosi, Building Official, was sworn in and explained the photos the Magistrate was reviewing.

MAGISTRATE FINDINGS: Stated for the record that the stipulation has been signed and accepted into evidence the City's exhibits A1 - A11. Based upon the evidence, it is appropriate to approve the stipulation, sign the agreed order, and waive cost.

3. STIPULATION AND AGREED ORDER-ROBERT J HAAS JR.

Deborah Carrasco

CASE NO: CE22080003

ADDRESS OF VIOLATION: 228 SE 11a Street, Stuart, FL 34994

CODE SECTION: 105.1 Work Without Permits

DESCRIPTION OF VIOLATION: Work without a permit

11:28 PM

Deborah Carrasco, Code Enforcement Officer, was sworn in for the record and provided testimony on the case.

Mr. Nicolosi reviewed the photographs with Magistrate.

Magistrate noted the first photo as Exhibit C through E.

Ms. Carrasco continued with her testimony and stated that if the violations are not

corrected and the property is not brought into compliance as set forth in Section 3, a civil penalty of \$250.00 per violation per day shall be assessed for each day the violations continue after the compliance date. Administrative cost will be waived by the City and the respondent shall contact the City's Code Enforcement once completed.

MAGISTRATE FINDINGS: Magistrate accepted into evidence Exhibits A-E. Magistrate stated that the Stipulation is proper and entered the agreed order, with the City waiving the fee.

ADJOURNMENT

11:35 PM