

CLERK SUMMARY
MAGISTRATE HEARING DOCKET OF THE STUART MAGISTRATE
JUNE 21, 2023
AT 2:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

PLEDGE OF ALLEGIANCE

MAGISTRATE: Wendy Werb was present via Zoom.

2:00 PM

VIOLATION HEARINGS

- 1. City of Stuart v. Lea and Robert Stancavich and Josephine Stancavich** Michael Mortell
CASE NO: CE21010007
ADDRESS OF VIOLATION: 1251 Sw Nortons Ln Stuart FL 34994
CODE SECTION: Consent Order
DESCRIPTION OF VIOLATION: None Compliance with Consent Order

Interim City Manager Michael Mortell who represented the case as City Attorney due to the longevity of the case.

Interim City Manager Mortell was sworn in by Magistrate.

Interim City Manager Mortell presented the history of the case to the Magistrate. The city is requesting that the Magistrate enter a final order adjudicating the new \$24,050.00 to be added to the lien.

Mr Stancavich was sworn in by the Magistrate and presented his side on what he had done on the property.

MAGISTRATE FINDING: Find there was a violation for 97 days and will issue a final order to add the \$24,050.00

2. City of Stuart v. Robert Haas Jr.

Deborah Carrasco

CASE NO: CE22080003 & CE21050005

ADDRESS OF VIOLATION: 228 SE 11a St., Stuart, FL

CODE SECTION: Consent orders

DESCRIPTION OF VIOLATION: Failure to comply with consent orders.

Magistrate Swore in Deborah Carrasco, Code Enforcement Officer.

Interim City Manager presented the history of the case. Fine incurred in the amount of \$250 per day for any days that Mr. Haas failed to get the after the fact permit from October 31, 2022 until May 12, 2023. In Case No. 22080003 - 193 days at \$250.00 per day, totaling \$48,250.00. In Case Number 21050005, \$600 for fence in disrepair. The City requests that both fines be recorded into one recording in the amount of \$48,850.00.

Mr. Robert Haas Jr. was sworn in by Magistrate.

Mr. Haas stated that he does not have the total of fines and explained what he did to the property in order to be in compliance. Requested reduction on the fine.

Mr. Mortell, Mr. Haas, and Magistrate entered into a question and answer period.

Magistrate swore in Steve Nicolosi, Building Official.

Mr. Nicolosi spoke about the electric panel permit situation.

Discussion continued with Mr. Haas, Magistrate, Mr. Mortell, and Mr. Nicolosi.

Mr. Nicolosi presented the permit to clarify dates to the Magistrate. Mr. Mortell informed Magistrate of the timeline.

Magistrate stated that the count from January 12, 2023 to May 12, 2023 is 120 days which will reduce 197 days to 73 days at \$250 per day totalling \$18,250.00 for the 22080003 Case and \$600 for the 21050005 Case.

MAGISTRATE FINDING: Recommends the final order for both cases of the total \$18,850.00.

3. City of Stuart v. McNamara 1991 Federal LLC & Enterprise Leasing Company of Florida, LLC

Vito Lorenzo

CASE NO: CE23020021

ADDRESS OF VIOLATION: 1991 SE Federal Hwy, Stuart, FL 34994

CODE SECTION: Sec. 11.00.05. - Post-approval changes.

DESCRIPTION OF VIOLATION: **Sec. 11.00.05. - Post-approval changes. (Land Development Code)**

After an approval has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the approval without first obtaining a modification of the approval.

A modification may be applied for in the same manner as the original application. A written record of the modification shall be entered upon the original approval and maintained in the files of the city clerk.

Respondent continuously usurps and uses required parking for customers, shared with other retail businesses, as shown in Exhibit 1 to the Stipulation and Agreed Order.

Sec. 1-13. Whenever in this Code any act is prohibited or is made or declared to be unlawful it shall be punished by a fine not to exceed \$500.00.

Interim City Attorney Paul Nicoletti entered the magistrate at 3:02 PM.

Magistrate swore in Paul Nicoletti.

Mr. Nicoletti presented on the stipulation for this item and presented Exhibits 1-10 and the City's Stipulation.

MAGISTRATE FINDING: Magistrate will sign the stipulation and send a signed stipulation to Interim City Attorney Nicoletti.

ADJOURNMENT

3:09 PM