



City of Venice

401 West Venice Avenue
Venice, FL 34285
www.venicegov.com

Meeting Minutes Code Enforcement Board

Thursday, December 6, 2018

10:00 AM

Council Chambers

I. Call to Order

A Regular Meeting of the Municipal Code Enforcement Board was held this date in Council Chambers at City Hall. Chair Robert Young called the meeting to order at 10:01 a.m.

II. Roll Call

Present 5 - Jon Preiksats, Chair Bobby Young, Judith Keeler, Patrick Reilly and Nick Flerlage

Also Present

City Attorney Kelly Fernandez, Development Services Director Jeff Shrum, Code Enforcement Supervisor James Davis, Code Enforcement Inspector George Nixon, Council Liaison Mayor John Holic and Recording Secretary Mercedes Barcia.

III. Audience Participation

No one signed up to speak.

IV. Approval of Minutes

[18-3644](#)

Minutes of the November 1, 2018 Regular Meeting

A motion was made by Mr. Preiksats, seconded by Mr. Reilly, that the Minutes of the November 1, 2018 meeting be approved as written. The motion carried unanimously by voice vote.

V. New Business

[Case No.](#)
[18-296](#)

SHYD LLC, 1041 Albee Farm Road, Violation of City of Venice Code of Ordinance Chapter 86, Land Development Code, Article V, Use Regulations, Division 3, Residential Zoning Districts, Section 86-82(a)-(e), RMF Residential, Multiple-Family District; and Article VI, Design and Development Standards, Division 10, Residential and Commercial Vehicle Parking, Section 86-501, Parking and Storage of Unlicensed Vehicles; Parking of Commercial Vehicles in Residential Districts

Mr. Davis noted the property came into compliance and case is dismissed.

Case No.
18-714

998 Laguna LLC, 998 Laguna Dr: Violation of the City of Venice Code of Ordinance Chapter 86, Land Development Code, Article V, Use Regulations, Division 2, Resource and Conservation Zoning Districts, Section 86-71, MP Marine Park District and Division 3, Residential Zoning Districts, Section 86-81, RSF Residential Single-Family District

Ms. Fernandez noted Case Nos. 18-714 and 18-727 will be heard together.

Ms. Fernandez queried board members on ex-parte communications and conflicts of interest. There were none.

Mr. Young opened the public hearing.

Dan Lobeck, representing owners of the adjacent property Jon Sorber and Mary Ellen Sheets, being duly sworn, requested affected party status.

Ms. Fernandez explained basis for determining affected party status.

Jeffery Boone, representing respondents, being duly sworn, requested to reserve the right to object to affected party status request.

In response to board questions, Ms. Fernandez explained the standard for determining affected party status and noted board members should base their decision on the testimony presented today.

Mr. Lobeck questioned Jon Sorber, adjacent property owner, 1000 Laguna Drive, being duly sworn, regarding property ownership, address, home occupancy and monitoring, and perception of boat mooring activities and license for hire on the adjacent property.

Mr. Boone stated objection and noted there was no evidence in the record regarding licenses.

Mr. Lobeck questioned Mr. Sorber on how he is impacted by activities on the adjacent property.

Mr. Boone stated objection to line of questioning.

Mr. Lobeck questioned Mr. Sorber regarding being affected if there was commercial use on the adjacent property.

Mr. Boone stated objection to leading witness and requested rulings noted on the record.

Mr. Fernandez clarified objections will be noted on the record.

The City had no objection to grant Mr. Sorber affected party status.

Mr. Boone cross examined Mr. Sorber on the special warranty deed (entered as Exhibit 1), home purchase price, house renovations, interest in the property, and warranty deed transaction.

Mr. Lobeck objected to Mr. Boone's testimony and questioning.

Mr. Boone noted he is trying to establish when Mr. Sorber purchased the property.

Mr. Boone cross examined Mr. Sorber regarding the property's value, tax bill, homestead exemption, and warranty deed.

Discussion followed regarding warranty deed, owner of property at the time violation notices were issued, and determining affected party status for Mr. Sorber.

Mr. Lobeck explained Mr. Sorber is a periodic resident and requested affected party status be granted for Mr. Sorber and Ms. Sheets.

Mr. Boone noted no testimony has been presented by Ms. Sheets, simply owning property next door does not grant affected party status, and objected to affected party status for Mr. Sorber.

Mr. Lobeck commented on Mr. Sorber's involvement with the property.

A motion was made by Mr. Reilly, seconded by Ms. Keeler, to grant affected party status for Mr. Sorber and Ms. Sheets.

Discussion followed regarding standard for determining affected party status.

The motion carried by the following vote:

Yes: 4 - Chair Young, Vice Chair Keeler, Mr. Reilly and Mr. Flerlage

No: 1 - Mr. Preiksats

Mr. Boone noted client objects to proceeding going forward, moved to dismiss notice of violation for Case Nos. 18-714 and 18-727, and explained basis for dismissal.

John Shamsey, Special Counsel for the City of Venice, being duly sworn, requested the board deny Mr. Boone's motion to dismiss and continue forward with proceeding.

Ms. Fernandez commented on noting objection and proceeding with

cases.

Mr. Lobeck spoke regarding violation notices, zoning code, and Mr. Boone's testimony at the September hearing.

Mr. Boone objected to relevancy of his testimony at the September hearing.

Discussion followed on the notice of violation for Case No. 18-714.

Ms. Fernandez stated objection has been noted.

Mr. Shamsey presented a zoning map and spoke to the Freedom Boat Club.

Mr. Boone commented on Mr. Shamsey's testimony.

Mr. Shamsey explained the city's case to include the Freedom Boat Club using a residential dock as part of their business operations and spoke to the violation notices.

In response to Mr. Shamsey's inquiry, Mr. Nixon, being duly sworn, provided testimony and evidence on cases to include pictures of boats owned by the Freedom Boat Club docked at 996 Laguna Drive, boat licenses and registrations, courtesy letter sent to 998 Laguna Drive property owner, meeting with staff and Freedom Boat Club representative regarding complaint received, and site reinspection.

Mr. Boone noted respondents will stipulate that the boats docked at the dock in question are under the control of the respondents.

Ms. Fernandez confirmed stipulation is noted for the record.

Mr. Nixon responded to board questions regarding rented vessels parked at private docks, and continued to provide testimony and evidence on cases to include site reinspections, date violation notices were issued, and affidavit of posting.

Mr. Boone noted respondents will stipulate that all procedures were followed correctly.

Mr. Nixon noted certificate of zoning compliance has not been obtained and commented on respondent bringing the property into compliance.

In response to board questions, Mr. Shamsey explained the violation basis

for Case No. 18-727 to include expanding use of property without obtaining a certificate of zoning compliance.

Mr. Nixon responded to board questions regarding the violation for Case No. 18-727, evidence on the expansion of business, and length of time boats were docked at the property.

Mr. Shamsey noted the company at 996 Laguna Drive is storing their inventory on the adjacent residential property.

Discussion continued on whether the owners of 998 Laguna Drive were Freedom Boat Club members.

Mr. Boone cross examined Mr. Nixon regarding preparation of violation notices, Case No. 18-727 notice of violation to include certificate of zoning compliance requirement, investigating invalid complaints in the city, length of employment with the city, Code of Ordinance Section 86-71 MP marine park district violation and testimony, notifying property owner the code being violated, if cases are being taken personally, and contact with Staas Law Group.

Mr. Lobeck objected to relevance of Mr. Boone's questions.

Mr. Boone noted he believes Mr. Nixon is taking cases personally, and questioned Mr. Nixon on comments made to Kevin Staas' assistant and references in his presentation regarding a prior case that was dismissed.

Mr. Lobeck objected to Mr. Boone's question regarding prior case that was dismissed. Mr. Boone withdrew the question.

Mr. Boone cross examined Mr. Nixon on documents in his presentation that were part of a prior case that was dismissed, whether the zoning code prohibits a rental boat docked at a residential property, party violating the zoning code, and how the Freedom Boat Club docking boats at the adjacent property is an expansion of the business.

Mr. Shamsey objected to Mr. Boone's question regarding the Freedom Boat Club.

Mr. Nixon stated he is not at liberty to answer the question.

Mr. Lobeck cross examined Mr. Nixon regarding previous case dismissal, evidence in his presentation, violation of the MP marine park district, 998 Laguna Drive occupancy, boat licenses and registrations, permissible uses and structures in the residential single family (RSF) district, facts

stated in the notice of violation for Case No. 18-727 to include expansion of business on the adjacent property, whether a certificate of zoning compliance has been issued, and Freedom Boat Club operations.

Discussion followed on the meeting end time.

Recess was taken at 12:23 p.m. until 12:37 p.m.

Discussion took place on meeting end time, continuance date, board vacancies, Mr. Young being unavailable in February, and scheduling a special meeting.

Recess was taken at 12:40 p.m. until 12:53 p.m.

Discussion took place on finishing the city's testimony and continuing the meeting to Thursday February 28, 2019 at 9:00 a.m.

Mr. Shamsey questioned Mr. Shrum, being duly sworn, on his employment with the city, expertise with the city's zoning code, whether storing commercial inventory on a residential property is a violation of the RSF district, residential docks in the MP marine park district, and certificate of zoning compliance.

Mr. Shrum responded to board questions regarding property ownership leading into the water.

Mr. Boone cross examined Mr. Shrum on his employment with the city, agreement on zoning code interpretations, the planner that works most with the city's planning department, and planning staff contacting Mr. Collins regarding the zoning code.

Mr. Lobeck objected as to relevance of Mr. Boone's question on staff contacting Mr. Collins.

Ms. Fernandez stated objection is noted.

Mr. Boone cross examined Mr. Shrum regarding reason the MP marine park designation was included in violation notice, dock compatibility use, certificate of zoning compliance, fines, site and development plan and zoning review section of the code, process that triggers a certificate of zoning compliance, the Freedom Boat Club coming into compliance, language in the code referencing economy of the city, and whether he was aware of Mr. Nixon's contact with one of the attorneys from the Staas Law Group.

Mr. Lobeck objected to Mr. Boone's question referencing Mr. Nixon's contact with the Staas Law Group.

Mr. Boone commented on Mr. Nixon being bias and his question being within the scope of direct.

Mr. Lobeck noted there is no foundation to Mr. Boone's question.

Mr. Shrum stated he has no disagreement with Mr. Nixon's testimony.

Mr. Lobeck questioned Mr. Shrum regarding agreeing with Mr. Nixon's testimony on the zoning code.

Mr. Shamsey questioned Mr. Shrum regarding being free of bias of the zoning code or any involved parties, and whether he has knowledge of staff being bias.

Mr. Boone requested to ask Mr. Shrum a question and was denied.

Ms. Fernandez stated redirect has ended and objection is noted.

Mr. Young closed the public hearing.

A motion was made by Mr. Reilly, seconded by Mr. Flerlage, to continue Case Nos. 18-714 and 18-727 to February 28, 2019 at 9:00 a.m. The motion carried by the following vote:

Yes: 5 - Mr. Preiksats, Chair Young, Vice Chair Keeler, Mr. Reilly and Mr. Flerlage

Ms. Fernandez reminded board members not to have any ex-parte communications regarding this matter.

Case No.
18-727

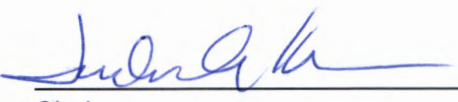
Gulf View Marina Holdings LLC, 996 Laguna Dr: Violation of the City of Venice Code of Ordinance Chapter 86, Land Development Code, Article V, Use Regulations, Division 2, Resource and Conservation Zoning Districts, Section 86-49, Site and Development Plan and Zoning Reviews
This case was discussed under Case No. 18-714.

VI. Updates

There were none.

VII. Adjournment

There being no further business to come before this Board, the meeting was adjourned at 1:32 p.m.


Vice Chair


Recording Secretary