

TAB 2



516 8th Avenue West
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December 8, 2009

Mr. Michael Peffley
P.O. Box 14276
Bradenton, Florida 34280

Re: Case No. 09-24/City of Palmetto, Petitioner, and Michael and Katherine Peffley, Respondents

Dear Mr. Peffley:

The Code Enforcement Board, at its November 24, 2009 meeting, approved unanimously a motion to continue Case No. 09-24 to a Public Hearing on December 29, 2009. This letter will serve as your Notice of Hearing. If you have any questions, please contact me at 723-4570.

Sincerely,

Deanna Roberts
Clerk of the Board

/dr

cc: William Strollo, Code Enforcement Director
Charles W. Leonard, Chair, Code Enforcement Board
David S. Persson, *Esq.*, Code Enforcement Board Attorney
Mark Barnebey, *Esq.*, City Attorney

POINT PAPER
CODE ENFORCEMENT BOARD HEARINGS
October 27, 2009

Michael Peffley & Katherine Peffley, P.O. Box 14276, Bradenton, FL 34280:

The property that is the subject of this code enforcement action is located at 1306 13th Avenue West, Palmetto, Florida, Parcel ID # 26789.0005/9 Township 34S, Range 17E, Section 14.

The Respondents, Michael & Katherine Peffley, are identified as the owners of the property through the Manatee County Property Appraiser's and Manatee County Tax Collector's web sites. The house is a rental property, and a mortgage foreclosure, Manatee County Court case 2008-CA-006326, initiated by J.P. Morgan Mortgage Acquisition Corporation, remains pending in court.

On May 15, 2009 I was contacted by Detective Sergeant Michael Stinson who requested my presence at 1306 13th Avenue West. The Palmetto Police were investigating the death of a tenant at this location, and Det. Sgt. Stinson reported multiple rented rooms in the house. During my site inspection of the house, I spoke to tenant Kevin Townsley who reported the house had been a halfway house operated by Transitional Resources, but it was now a rooming house.

The Planning Department confirmed that the house is located in a RS-3 zone, single-family, detached homes. That district provides areas for single-family detached dwellings with 7,500 square foot lot size requirements. Rooming/boarding houses and multiple dwelling units are not permitted.

A letter was written to the Respondents on May 15, 2009 directing them to convert the house to single-family use within the next thirty days. On June 23, 2009 I spoke to tenant, Kevin Townsley, who now claimed the house was a halfway house rented by Craig Smith of Transitional Resources. Attempts to contact Mr. Smith were not successful, and in a follow-up conversation with Mr. Townsley he claimed that Transitional Resources owned the home. A Notice of Violation was issued on July 16, 2009 since the property continued to contain multiple dwelling units.

On July 23, 2009 I received a letter from the Respondent, Mr. Peffley, who reported the property had been converted back to a single family residence. In his letter Mr. Peffley explained the tenants had moved some friends into the home without Mr. Peffley's knowledge. On July 23 and July 31, 2009 I observed only the vehicle of the tenant, Kevin Townsley, on the property. Based upon these observations and Mr. Peffley's letter, the code violation was not pursued further at that time.

On September 18, 2009 Mr. Townsley contacted me to complain that the tenant in the rear apartment had not paid his share of the electric bill to Mr. Townsley, and Florida Power and Light warned Mr. Townsley that service was about to be terminated due to overdue bills. Code Enforcement Officer Ewing and I visited the residence and spoke to Kevin Townsley on that date; Townsley advised us that he and his female roommate occupied the front house, the middle efficiency was occupied by Renee Burton, and the rear two bedroom apartment was occupied by Hector Melendez. Mr. Townsley conducted a tour of his front apartment, and we spoke to his roommate, Kay Meslin, and her friend in her room.

We also spoke to the tenant in the rear apartment, Hector Melendez, who stated he moved into this apartment at the time the tenant died in the adjacent apartment (May 15, 2009). Mr. Melendez stated he was paying his rent to Craig Smith of Transitional Resources. The occupant of the middle, efficiency apartment, Renee Burton, was not available at the time of our visit.

A review of City utility records included a copy of the lease agreement between the Respondent, Michael Peffley, and the tenant, Kevin Townsley, to lease 1306 13th Avenue West for the term of one year commencing March 2, 2009 for the monthly rent of \$1,200.00. On September 21, 2009 the case was referred for scheduling before the October Code Enforcement Board, and a Notice of Hearing was forwarded to the Respondents on October 7, 2009.

Recommendation:

It is recommended the Respondents, Michael Peffley and Katherine Peffley, be found in violation of City of Palmetto Code of Ordinances. It is further recommended that the City's costs for processing this case, plus any applicable recording fees, be assessed against the Respondents at this time. It is further recommended that the Respondents be directed to bring this property into compliance within the next ten days.

Total Costs To The City As Of September 21, 2009:

Code Enforcement Officers	8.6 Hours @ \$40.00/hour = \$344.00
Administration costs	1 Hour @ \$35.00/hour = <u>35.00</u>
Total Costs	\$379.00



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**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF PALMETTO, FLORIDA**

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED
REGULAR MAIL**

CITY OF PALMETTO
A political subdivision of the
State of Florida
Petitioner,

vs.

Case No. CEB 09-24

Michael Peffley
Katherine Peffley
P.O. Box 14276
Bradenton, Florida 34280
Respondent

Re Violation Location: 1306 13th Avenue West
Palmetto, Florida 34221

Legal Description: LOTS 3,4, & THE S 32 FT OF LOT 5 BLK C ARDMORE SUB
Township 34S, Range 17E, Section 14.

Parcel ID #: PI#26789.0005/9.

ADMINISTRATIVE ORDER IMPOSING LIEN

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on October 27, 2009, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent.

FINDINGS OF FACT:

The Code Enforcement Board of the City of Palmetto finds as a matter of fact that:

- The tenant at the above residence is operating a boarding house. Single family occupancy is the only use permitted in this RS-3 district.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. The Respondents have violated Palmetto Code of Ordinances, Appendix B Zoning Code, Article I, Section 1.2 Legislative Authority; Section 1.3 Intent and Purpose; Section 1.5 Area of Coverage; Section 1.6 Code Affects ...Structures, Uses and Occupancies; Section 1.7(b) & (h) Code Affects ...Population Density...; Article II, Section 2.1 Establishment of Zoning Districts; Article III, Section 3.2 Definitions of Terms; Article IV Schedule of District Regulations, Section 4.1(a)(4) RS-3; Section 4.2 Schedule of Permitted and Conditional Uses by District.

ORDER

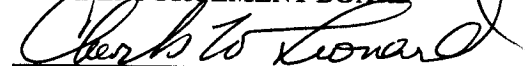
The Respondents, Michael Peffley and Katherine Peffley, are found in violation of the Palmetto Code of Ordinances as noticed, and given until November 10, 2009, to comply with the Palmetto Code of Ordinances cited above. If the aforementioned action is not taken by November 10, 2009, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date and time specified herein. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. **A Public Hearing will be held on November 24, 2009, to determine if the violation has been corrected. Administrative costs incurred by the city in the prosecution of this case in the amount of \$379.00, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien and shall continue with interest accruing.**

A certified copy of this Administrative Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors-in-interest or assigns.

Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 27th day of October, 2009.

CITY OF PALMETTO
CODE ENFORCEMENT BOARD



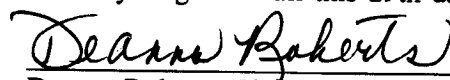
Charles W. Leonard, Chairman

Attest:



Diane Ponder, Deputy Clerk-Administration

I hereby certify that a true copy of the foregoing Administrative Order Imposing Lien has been furnished to the Respondent by Certified Mail/ Return Receipt Requested and by Regular Mail this 29th day of October, 2009.



Deanna Roberts, Clerk of the Board