



## CITY OF ANNA MARIA

P.O. Box 779, 10005 Gulf Drive, Anna Maria, FL 34216

Phone (941) 708-6130 Fax (941) 708-6134

### **AMENDED** AGENDA CODE ENFORCEMENT HEARING

**Special Magistrate: Gerald T. Buhr, P.A.**

**Wednesday, May 18, 2022**

**10:00 a.m.**

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CALL TO ORDER  
OPENING COMMENTS  
MOMENT OF SILENCE FOLLOWED BY THE PLEDGE OF ALLEGIANCE  
SWEARING IN OF ALL PERSONS TESTIFYING OR SPEAKING BEFORE THE BOARD

1. ADDITIONS OR DELETIONS TO AGENDA

2. APPROVAL OF MINUTES

N/A

3. PUBLIC HEARINGS

A. Compliance Cases

Magistrate will hear cases that came into compliance after the May 18, 2022, agenda was posted.

4. OLD BUSINESS

5. NEW BUSINESS

**A. Case No. 220518-01**

Beach to Bay Investments, Inc.  
P.O. Box 1182  
Holmes Beach, FL 34218-1182

Beach to Bay Investments, Inc.  
P.O. Box 499  
Anna Maria, FL 34216

Shawn Kaleta  
102 48<sup>th</sup> Street  
Holmes Beach, FL 34217

AMI Locals, LLC  
P.O. Box 919  
Anna Maria, FL 34216

Violation Location: 205 South Bay Boulevard, Anna Maria, FL 34216

Code(s) Violated: **City of Anna Maria Code of Ordinances Chapter 26 – ENVIRONMENT, ARTICLE IV – NOISE, Section 26-90 – Pool, spa, hot tub quiet hours.** Swimming pools, spas and hot tubs may be utilized at any time of day or night; provided, however, no noise shall be generated from such use or related to such use that can be heard beyond the property lines of the property on which the pool, spa or hot tub is located, between the hours of 10:00 p.m. and 8:00 a.m. the next day. Generation of such noise during such prohibited hours shall be considered to be a violation of pool, spa, hot tub quiet hours.

Description of Violation: Manatee County Sheriff's Office was dispatched to 205 South Bay Boulevard, Anna Maria, Florida on September 5, 2021, January 22, 2022, and March 5, 2022, due to violations of the City of Anna Maria noise ordinance prohibiting generation of loud noise from the pool, spa or hot tub area of the property between the hours of 10:00 p.m. and 8:00 a.m. the next day. The occupant of the property on each occasion was issued a citation.

Requested Action: Declaration of Public Nuisance pursuant to Anna Maria City Code:

**Sec. 26-95. Enforcement of article; remedies nonexclusive.**

This article may be enforced by any of the following remedies. Each remedy is independent of the other.

\* \* \*

(2) No provisions of this article shall be construed to impair the city or any other person from bringing any common law, equitable or statutory cause of action, or other legal remedy for injury or damage arising from any violation of this article. As an additional remedy, any noise disturbance shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by proceedings in a court of competent jurisdiction for injunction, both temporary and permanent, and for such other relief as is proper under the circumstances. The city is hereby authorized to bring any such action authorized in this Code on its behalf or on behalf of the general public.

\* \* \*

(4) **Three or more violations occurring at the same premises within any rolling twelve-month period shall be deemed prima facie evidence that the premises is a public nuisance and subject to being temporarily and/or permanently enjoined pursuant to subsection (2) above.** [Emphasis supplied.]

**B. Case No. 220518-02**

Mangoes on Magnolia 1211 Elegance Court Orlando, FL 32828	Mangoes on Magnolia 201 West Thomas Street Tampa, FL 33604	Mukesh and Rejendra Patel 1211 Elegance Court Orlando, FL 32828	Hemangini Patel 1203 Shagrock Court Orlando, FL 32828
Smita Patel 14444 Saint Georges Hill Rd Orlando, FL 32828	Vacasa, LLC 3004 Avenue C Holmes Beach, FL 34217	Amanda Davis 3004 Avenue C Holmes Beach, FL 34217	

Violation Location: 313 Magnolia Avenue, Anna Maria, FL 34216

Code(s) Violated: **City of Anna Maria Code of Ordinances Chapter 26 – ENVIRONMENT, ARTICLE IV – NOISE, Section 26-90 – Pool, spa, hot tub quiet hours.** Swimming pools, spas and hot tubs may be utilized at any time of day or night; provided, however, no noise shall be generated from such use or related to such use that can be heard beyond the property lines of the property on which the pool, spa or hot tub is located, between the hours of 10:00 p.m. and 8:00 a.m. the next day. Generation of such noise during such prohibited hours shall be considered to be a violation of pool, spa, hot tub quiet hours.

Description of Violation: Manatee County Sheriff's Office was dispatched to 313 Magnolia Avenue, Anna Maria, Florida on June 5, 2021, August 28, 2021, October 9, 2021, October 22, 2021 and March 16, 2022, due to violations of the City of Anna Maria noise ordinance prohibiting

generation of loud noise from the pool, spa or hot tub area of the property between the hours of 10:00 p.m. and 8:00 a.m. the next day. The occupant of the property on each occasion was issued a citation.

Requested Action: Declaration of Public Nuisance pursuant to Anna Maria City Code:

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**(4) Three or more violations occurring at the same premises within any rolling twelve-month period shall be deemed prima facie evidence that the premises is a public nuisance and subject to being temporarily and/or permanently enjoined pursuant to subsection (2) above. [Emphasis supplied.]**

6. ADJOURNMENT

If any person desires to appeal any decision of the Code Enforcement Hearing, or of any other Board of the City, that person will 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 (Fla. Stat. §286.0105).

The City of Anna Maria does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services with a forty-eight hour notice (Fla. Stat. §286.26).

Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act should contact the City Clerk at 941-708-6130, fax 941-708-6134 or e-mail [amadmin@cityofannamaria.com](mailto:amadmin@cityofannamaria.com) or [amclerk@cityofannamaria.com](mailto:amclerk@cityofannamaria.com)

POSTED: May 3, 2022