

## M E M O R A N D U M

Date: May 27, 2015

**TO:** Town Commission  
**FROM:** Dave Bullock, Town Manager  
**SUBJECT:** Consideration of Code Enforcement Board Administrative Order  
Relative to Case Number 15-01

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At the May 18, 2015 Regular Workshop Meeting the Commission considered a recommendation from the Code Enforcement Board (CEB) that the Town Commission consider whether the Town should make all reasonable repairs to the property which are required to bring the seawall into compliance with Section 104.11(J) of the Town Code and charge the property owners with the reasonable cost of the repairs along with any additional fines associated with this matter.

The Code Enforcement Officer report presented at the May 18, 2015 Regular Workshop Meeting is attached. If the Commission wishes to accept the CEB recommendation to repair the seawall the Town Manager should be directed to contract for such repairs.

If the Town Commission does not accept the CEB recommendation it would be appropriate for the Commission to direct staff to bring back options for Commission consideration at a future meeting.

## MEMORANDUM

Date: May 11, 2015

**TO:** Town Manager  
**THROUGH:** Maggie Mooney-Portale, Town Attorney  
**FROM:** Chris Elbon, Code Enforcement Officer  
**SUBJECT:** Consideration of Code Enforcement Board Administrative Order Relative to Case Number 15-01

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At the May 11, 2015 Code Enforcement Board (CEB), the CEB heard Case No. 15-01, Jody Wisby, Deborah Wisby, and Mark Wisby, 759 St. Judes Drive N., Longboat Key, FL 34228. The CEB found the property in violation of Section 104.11(J), *Property Maintenance Standards, Exterior Structure – Seawalls* of the Town of Longboat Key Code of Ordinances, in which the seawall fails to be maintained in a state of good repair and is found to be irreparable and irreversible in nature.

Deborah Wisby received an estimate to repair the seawall from Sunshine Dock & Seawall on February 10, 2015, in which the repair costs were estimated to be \$32,916.00.

The CEB heard testimony in which the property owners, Jody Wisby, Deborah Wisby, and Mark Wisby, are unable repair the seawall due to inadequate finances and the inability to obtain loan approval.

The CEB found the property to be in violation for the seawall and believed it may be adversely affecting adjacent properties and property values. The CEB recommended that pursuant to Town Code Section 33.10(A) that the Town Commission consider whether the Town should make all reasonable repairs to the property which are required to bring the seawall into compliance with Section 104.11(J) of the Town Code, and charge the property owners with the reasonable cost of the repairs along with any additional fines associated with this matter.

The CEB has decided not to impose fines at the present time but reserves the right to reconsider and rehear this matter at a future public hearing date.

It is relevant to note that Code Enforcement contacted the Manatee County Neighborhood Services, Housing & Community Development Coordinator prior to bringing this matter to the CEB. The County's Neighborhood Services representatives advised that the property owners do not qualify for the Housing Rehabilitation Program to assist in Code related repairs, as the maximum total value of the property, including house and land, exceeds \$176,000.00. According to the Manatee County Tax Collector, the property had a market value of \$290,577.00 and an assessed value of \$322,666.00 in 2014.

This matter is being referred to the Town Commission pursuant to the Code Enforcement Board's Order.



BEFORE THE CODE ENFORCEMENT BOARD  
OF THE TOWN OF LONGBOAT KEY, FLORIDA

**TOWN OF LONGBOAT KEY**

A political subdivision of the  
State of Florida

**Petitioner,**

vs.

Case No. 15-01

JODY A WISBY, DEBORAH J. WISBY, AND MARK WISBY  
759 ST. JUDES DRIVE N.  
LONGBOAT KEY FL 34228

Respondents /

**Re Property of:** JODY A WISBY, DEBORAH J. WISBY, AND MARK WISBY

**Legal Description:** LOT 5; BEG AT THE INTERSEC OF THE NELY LN OF GULF OF MEX DR (100 FT WIDE) & THE SELY LN OF LOT 8 OF A SUB OF FRAC SECS 25, 26 & PART OF SEC 24 (PB 7 P 16). N 50 DEG 00 MIN E ALG, as recorded in the public records of Manatee County

**Street Address:** 759 St. Judes Drive N., Longboat Key, FL 34228

**Parcel ID #:** 7960400005

**ADMINISTRATIVE ORDER**

THIS MATTER came before the Town of Longboat Key Code Enforcement Board for Public Hearing on May 11, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondents, and the Board having considered the testimony and evidence presented, does hereby find:

**FINDINGS OF FACT:**

1. The property, which is the subject of this Code Enforcement action, is located at 759 St. Judes Drive N., Longboat Key, FL 34228
2. The legal description of the subject property is: LOT 5; BEG AT THE INTERSEC OF THE NELY LN OF GULF OF MEX DR (100 FT WIDE) & THE SELY LN OF LOT 8 OF A SUB OF FRAC SECS 25, 26 & PART OF SEC 24 (PB 7 P 16). N 50 DEG 00 MIN E ALG, as recorded in the public records of Manatee County.
3. The Respondents, JODY A WISBY, DEBORAH J. WISBY, AND MARK WISBY, are the owners of the subject property and have been given proper notice of the hearing.
4. The Respondents have a violation of a deteriorating seawall which fails to be maintained in a state of good repair.

5. The violation is found to be irreparable and irreversible in nature.
6. The Respondents did not correct the violation prior to the Public Hearing.

**CONCLUSIONS OF LAW:**

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. Respondents have violated the Town of Longboat Key Code of Ordinances, Chapter 104, Section 104.11(J), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – SEAWALLS.

**ORDER**

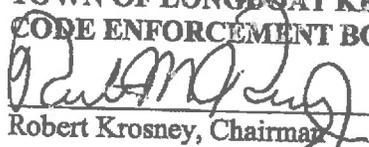
The Respondents, JODY A WISBY, DEBORAH J. WISBY, AND MARK WISBY, having been found in violation of Section 104.11(J), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – SEAWALLS of the Town of Longboat Key Code of Ordinances.

A Public Hearing was held on May 11, 2015. The Code Enforcement Board found as a matter of fact that the Respondents have a deteriorating seawall which fails to be maintained in a state of good repair and that the Respondents have testified that they are unable to fix the above referenced seawall. Consequently, as a matter of law it is recommended by the Code Enforcement Board that pursuant to Town Code Section 33.10(A) that the Town Commission consider whether the Town should to make all reasonable repairs to the Respondents' property which are required to bring the above referenced seawall into compliance with Section 104.11(J) of the Town Code, and charge the Respondents with the reasonable cost of the repairs along with any additional fine(s) associated with this matter. The Code Enforcement Board has decided not to impose fines at the present time but reserves the right to reconsider and rehear this matter at a future public hearing date.

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 11th day of May, 2015.

**TOWN OF LONGBOAT KEY  
CODE ENFORCEMENT BOARD**

  
Robert Krosney, Chairman

Attest:

By:   
Deputy Town Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondents by Regular Mail this 11<sup>TH</sup> day of May, 2015.

  
Christopher Elbon, Code Enforcement Officer

# Sunshine Dock & Seawall

*Specializing in Marine Construction*



February 10, 2015

Deborah :

Thank you for selecting Sunshine Dock & Seawall Inc. for your estimate. As a family owned and operated company who has been working in the marine construction business for over 20-years, we know what it takes to build on the water and we take pride in our work. With our experience and your idea's we are sure to help make your marine construction requests become a reality.

Customer quote: *"I appreciate Sunshine Dock & Seawall's hard work and attention to detail, their team has proven to be very reliable and personable..."*

Enclosed is a customized estimate for your New 92x8 Vynal Seawall at the location of 759 St. Judes Drive North, Longboat Key, Florida 34228. Our estimation is guaranteed for a period of 45 days from the above date. We require 2 draws for each estimate; the first draw of 10% is to be paid at time of acceptance; 45% is due at start of job; and final 45% draw due at completion/final inspection.

10% payments: \$ 2,973.60;

45% payments: \$ 13,381.20;

45% payments: \$ 13,381.20

Estimate: \$ 32,916.00

If you are interested in our services, please sign and date the attached estimate sheet and return to us at the above address along with your first draw payment. Once payment has been received we will contact you to schedule a start date. *Start dates can vary depending on permitting/weather/tides.*

Again, thank you for the opportunity to submit our estimate to you. We look forward to establishing a lasting business relationship; and we are confident that you will be extremely satisfied with the work provided by Sunshine Dock & Seawall Inc.

If you have any questions or would like to make any changes to your attached marine construction request(s) feel free to contact us.

Sincerely,



Nick Ibasfalean  
President/Owner  
Sunshine Dock & Seawall Inc.

**Your signature on the attached estimation page verifies that you understand and are agreeing to the above terms.**  
License # CGC-1519493

Name: Deborah Trimmer

Address: 759 St. Judes Drive North, Longboat Key, Florida 34228

Site Address: "Same"

Phone: 941-773-2770

Fax:

Email: XDeborah@wildglobe.com

## ESTIMATE

Date: 2/10/2015

Estimate # 872014 E

Client Request(s):

### New 92ft Vinyl Seawall with 20x20 Concrete Cap

REMOVE SOIL FROM BEHIND EXISTING SEAWALL.

EXISTING SLABS TO BE PULLED BACK TO ALLOW FOR NEW 8FT SHOREGARD VYNAL PANELS TO BE INCERTED IN FRONT OF OLD SEAWALL.

4x2x1 CONCRETE TIEBACKS TO BE PLACED EVERY 10FT, 12-14FT BACK FROM WALL- EACH CONNECTED TO WALL WITH A #6 REBAR COVERED W/ SCHEDULE 40 P.V.C. & SEALED IN CONCRETE ON WALL & CAP.

PANELS & TIEBACKS TO BE FORMED FOR A 20IN X 20IN CONCRETE CAP.

#5 REBAR PLACED IN FORMS AND FILLED WITH 4000LB CONCRETE WITH FIBER.

SOIL RESTORED TO TOP OF CAP.

PERMITTING INCLUDED IN PRICE

Price: \$ 32,916.00

\_\_\_\_\_ I Accept

\_\_\_\_\_ I Decline

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

### Page 2 of 2

Florida Homeowners' Construction Recovery Fund payment may be available from the Florida Homeowner's Construction Fund if you lose money on a project performed under contract, where the loss results from specified violations of Florida law by a licensed contractor. For the information about the recovery fund and filing a claim, contact the Florida Construction Industry Licensing Board at the following Telephone Number and Address: 1940 North Monroe Street, Tallahassee, Florida 32399-0783, #850-487-1395. License # CGC-1519493.--Payment of Account: All open accounts are due and payable in full receipt of invoice. Any account not paid within 30 days of the date of this invoice will be subject to a late charge of 18 percent (1.5 percent per month). In the event it becomes necessary to take legal action, Sunshine Dock and Seawall, Inc. shall be entitled to recover reasonable attorney's fees and costs whether or not a lawsuit is filed.

TOWN OF LONGBOAT KEY



***Consideration of Code Enforcement Board  
Administrative Order Relative to Case  
Number 15-01***

***May 18, 2015***

***Regular Workshop Meeting***



***CEB Case # 15-01***

***Respondent: Jody Wisby,  
Deborah Wisby, and Mark Wisby***

***759 St. Judes Drive N.***

***Case Category: 104.11(J)  
Seawalls***



***Code of Ordinance 104.11(J)***  
***Seawalls***

**“Seawalls must be kept in good repair without visible spalding of concrete, ground holes, or other major damage.” CoO 104.11(J)**



- **December 9, 2014 - Observed damaged seawall. Was granted access to the backyard of 763 St. Judes Drive N. by tenant, Larry Grossman, to conduct further inspection. (*Exhibits 1-3*)**



**Exhibit 1:**  
***Photo of 759 St. Judes Drive N. (12/09/2014)***





**Exhibit 2:**  
***Photo of 759 St. Judes Drive N. (12/09/2014)***





**Exhibit 3:**  
***Photo of 759 St. Judes Drive N. (12/09/2014)***





- **December 12, 2014 - Courtesy Notice generated and sent to property owner.**
- **December 29, 2014 - Received call from Deborah Wisby, stating she knew the seawall needed repaired, that she was concerned about the condition of the seawall, and that she was unable to make the necessary repairs.**
- **January 26, 2015 - Reinspected property. Property remained in violation. (*Exhibit 4*)**



**Exhibit 4:**  
***Photo of 759 St. Judes Drive N. (01/26/2015)***





- **February 6, 2015 - Notice of Code Violation generated and sent to property owner via certified mail.**
- **February 24, 2015 - Was granted access to the backyard of 763 St. Judes Drive N. by tenant, Larry Grossman, to conduct reinspection of property. Property remained in violation. (Exhibits 5-7)**



**Exhibit 5:**  
***Photo of 759 St. Judes Drive N. (02/24/2015)***





**Exhibit 6:**

***Photo of 759 St. Judes Drive N. (02/24/2015)***





**Exhibit 7:**  
***Photo of 759 St. Judes Drive N. (02/24/2015)***





- **February 24, 2015 - Notice of Hearing generated and sent to property owner via certified mail.**
- **March 5, 2015 - Was granted access to the backyard of 763 St. Judes Drive N. by tenant, Larry Grossman, to conduct reinspection of property. Property remained in violation. (*Exhibits 8-9*)**



**Exhibit 8:**  
***Photo of 759 St. Judes Drive N. (03/05/2015)***





**Exhibit 9:**  
***Photo of 759 St. Judes Drive N. (03/05/2015)***





- **March 9, 2015 - Public hearing was held and the Code Enforcement Board provided an additional 30 days to obtain building permit and financing.**
- **April 24, 2015 - Reinspected property. Property remained in violation. (*Exhibits 4-5*)**



**Exhibit 10:**  
***Photo of 759 St. Judes Drive N. (04/24/2015)***





**Exhibit 11:**  
***Photo of 759 St. Judes Drive N. (04/24/2015)***





- **May 11, 2015 - Public hearing was held and the Code Enforcement Board recommended the Town Commission consider repairing the seawall.**



- **May 11, 2015 - Public hearing was held and the Code Enforcement Board recommended the Town Commission consider whether the Town should to make all reasonable repairs to the seawall.**



## Pros and Cons for Town to Repair Seawall

### Pros

- Improve esthetics and protect property values
- Protect canal from seawall collapse
- Protect seawalls of adjacent properties

### Cons

- Cost to Town is estimated \$32,916.00

TOWN OF LONGBOAT KEY



***Discussion & Questions***



**End of Agenda Item**