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| Petition # | 179 |
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| Submitted By |   | Ted Hollander |
| Date Submitted |   | 02/19/2020 |
| Comment |   | Short term vacation rentals should be permitted in Ft. Pierce for a number of reasons. The interests of the property owners who wish to rent, as well as the owners who choose not to, can be protected to ensure that all property rights are protected. Ft. Pierce has grown and improved substantially in recent years. Along with that growth comes enterprise... restaurants, bars, marinas, activities etc...Ft. Pierce has failed to adequately meet the demands of this new enterprise by offering proper lodging. Ft. Pierce invites people to come to the island, drink, celebrate etc...but offers no decent place to stay. Where should a family stay with a pet? The answer is that there are no good options. Vacation rentals serves this purpose. Properly kept properties invite visitors with disposable income to visit the island and spend their money. This benefits the business owners. Property owners pay taxes, which benefits the city. Neighbors are protected, as the city has the ability to monitor these rentals, to make sure that parking, noise restrictions and property maintenance requirements are met. Vacation rentals are a win-win for everyone. |
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| Submitted By |   | igor kublitskiy |
| Date Submitted |   | 02/19/2020 |
| Comment |   | City of Fort Pierce is taking advantage and is not following the rules and this needs to be changed! |
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| Submitted By |   | Collins Jeff |
| Date Submitted |   | 02/20/2020 |
| Comment |   | The 13 unit condominium is still primarily used as an R-2 and the answer to both questions is "no." There is no change of use or occupancy. Additionally, R-3 cannot include a 13 unit condominium as R-3 definition clearly states "Buildings that do not contain more than two dwelling units." |
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| Submitted By |   | Gus Fort |
| Date Submitted |   | 02/20/2020 |
| Comment |   | As a current multi-property land owner, it is my constitutional right to use my residences without the government restricting my Federal Civil Rights. Common Law Constitution gives me legal right to not be deprived under the color of law. Supreme Law is will overturn any and all local ordinance regarding property rights. As land owners we have the legal right to relief, or payment of compensation when a new law, rule, regulation, or ordinance of the state or a political unfairly affects your property. Fort Pierce has interfered with the ability to rent private properties as the owner sees. Private property rentals are not a commercial application. Additional tax monies would assist in the rapid growth of Fort Pierce to help protect our shoreline, parks, recreational activities for locals and interstate tourist. Short term rental ensure that the property stays fresh, clean and in perfect condition for the next guest. Long term tenants typically become complacent leaving the rental aging with less care. Proper management ensures that quality short term tenants come with the agenda of vacationing, spending money at local vendors, restaurants & shops helping further support our local economy. Without tourism Florida will end up with a state tax! |
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| Submitted By |   | Sandy Ballantyne |
| Date Submitted |   | 02/20/2020 |
| Comment |   | I am a current ower of multiple properties and it is my owner bill of rights to use and enjoy my properties as I see fit. I am a long term landlord and it is my right to earn income whether it be long or short term rentals. As a born and raised Floridian, I approve short term rentals to boost tourism which insures us from not having a state tax. |
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| Submitted By |   | Virginia Longarzo |
| Date Submitted |   | 02/20/2020 |
| Comment |   | My husband, greyhound dog with blindness issues, and I have stayed as unpaid guests at the future Danaluk Vacation Rental. Typically, it is more difficult to travel with our dog. However this vacation rental will be dog friendly which is a relief for me as a dog owner. Our greyhound is part of our family, has special needs and it is hard to find a caretaker while we need to spend time away from our home. While we visited Hutchinson Island, Fort Pierce, we dined at many of the local restaurants, many of which are also pet friendly. On one visit we discovered horseback riding on the beach. A full kitchen was nice for making meals also. Our visit was just as cozy and comfortable as being in our home. Hotel experiences are nothing like a residential vacation rental, which allowed us to stay longer from our home since we were able to bring our dog. In addition, we love the fact that the vacation rental supports childhood cancer families with respite vacations. Our family lost a niece to childhood cancer so we honor how important family time is with a child suffering from this condition. |
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| Submitted By |   | Jerry Peck |
| Date Submitted |   | 02/20/2020 |
| Comment |   | 201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter. [A]CHANGE OF OCCUPANCY. A change in the use of the building or a portion of a building. A change of occupancy shall include any change of occupancy classification, any change from one group to another group within an occupancy classification or any change in use within a group for a specific occupancy classification. The FBC, Existing Building code states that a “change of occupancy” is a “change in use”. The “use” of the building was, and still is, Residential Group R-2. The “use” was, and still is, as “dwelling units” within an “apartment building”, the “use” is as a ‘single-family’ “use” for each “dwelling unit”. 310.4 Residential Group R-2. Residential Group R-2 occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including: Apartment houses . Vacation timeshare properties The FBC, Building, 310.4 does not state that the occupants ‘shall be’ ‘permanent in nature’, the codes states that the ‘occupants are primarily permanent in nature’, acknowledging that some occupants may not be ‘permanent in nature’, an “apartment building” and a “vacation timeshare property” are both Residential Group R-2, even though one has occupants which change weekly or bi-weekly. The Fort Pierce Building Department letter also makes a reference to “Boarding House”, although it does so erroneously, as a “boarding house” does not provide the same facilities for its occupants as an “apartment house” provides: The FBC, Building, defines “boarding house” as follows: BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit. As there was no “change” in “use” as the “use” was, and still is, as a single-family dwelling unit within an “apartment building”. |
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| Submitted By |   | Nicholas Danaluk |
| Date Submitted |   | 02/21/2020 |
| Comment |   | It is my right to lease my private condo with no HOA rental restrictions, for a short term period of less than 31 days without it being automatically reclassified as a commercial property. The local city government is intentionally limiting the use of my residence because they do not want short term rentals in the city. A permit was filed for a minimum lease of 2 nights, but the city created bureaucratic stopgaps with broad references to health and safety that are not applicable to a private residence. The subject of the petition is a 680 square foot, 1 bedroom residential condominium among a total of 13 units. In this case, the City of Ft. Pierce Building Department has refused to approve its BTR for the unit. It is the opinion of their Building Official Paul Thomas, that when a property is rented for less than 31 days in a row, a change of usage occurs automatically changing the residence from R2 to R3. The new rating then subjects the private residence to a commercial classification which requires a sprinkler system, additional parking and installation of a sidewalk among other costly and superfluous prerequisites. Short term renting for any amount of time does not change the use of a personal property deemed by the original Certificate of Occupancy as residential use. The only change is the frequency of leases. The city is relying on opinion instead of Federal Civil Rights, the Bill of Rights, Constitutional Rights and Property Rights. I am looking for relief by the State of Florida to rectify and reinforce my Federal, Constitutional & Property Rights. There is no change of use in this existing residential building and the reclassification should be void. The Building Official should also be using Chapter 10 Existing Building of the Florida Building Codes instead of improperly using Chapter 3. Legal fact remains the reclassification from R2 to R3 should not apply and the unit remain R2. |
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| Submitted By |   | Lizy Ortiz |
| Date Submitted |   | 02/24/2020 |
| Comment |   | My family was a reciprocant of a respite vacation of childhood cancer. My son was diagnosed with Leukemia. As a result. I had to stop working full time to tend to my son's treatments while taking care of my two other children. My core family became distant with my husband working three jobs to make ends meet. As a result, quality time diminished. Our family was awarded a gratis vacation to reconnect out family. My husband, our children, my mother and I has several opportunities to spend multiple vacations at the Danaluk Residence in Hutchinson Island. We were given tickets to local museums, gift certificates for food, gifts from local vendors and our family was embraced by the local community. This was a priceless gift to our family and we made new memories as a family struggling financially. Our family spent Christmas in Hutchinson Island where all of the children received gifts off their Christmas list. The lifelong memories will be forever cherished. Every Childhood Cancer family needs to experience a respite vacation to take a moment to just be a family like before diagnosis. |
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| Submitted By |   | Ann Russo |
| Date Submitted |   | 02/25/2020 |
| Comment |   | Please reference informal, non-binding interpretation #8027 found on the Building Officials Association of Florida (BOAF) website at: https://interpretations.boaf.net/view/8027 |
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| Submitted By |   | Michelle Longarzo |
| Date Submitted |   | 02/25/2020 |
| Comment |   | Comment by B.O.A.F. has no relevance to this instant question. This question is regarding a condominium not a single family dwelling. The certificate of occupancy regarding this condominium, which is ATTACHED to petition 179 has been R-2 since CO was issued. There is NO CHANGE IN USE just a change in frequency. Therefor, it should remain R-2 as it has for many decades. This condominium is an existing building which consists of 13 individually owned units, all units are a single floor living space in buildings which max height is two stories. This existing building should begin interpretation in Chapter 10 for Existing Buildings NOT CHAPTER 3. The erroneous interpretation by Paul Thomas, Building Official Fort Pierce fails to interpret the proper definitions of R-2 and R-3. R-3 is for townhouses & duplexes not a condominium. |
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| Submitted By |   | Michelle Longarzo |
| Date Submitted |   | 02/25/2020 |
| Comment |   | Individual property rights (and freedom of speech) are the bedrock of our Constitutional rights in this Republic. Supreme court states rules, codes, statues, ordinances, policies and executive orders are NOT LAW, they are corporate bi-laws. "The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law", [Self V. Rhay, 61 Wn (2d) 261]. Under Title 18, U.S.C., Section 241 - Conspiracy Against Rights This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same).It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured. |
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| Submitted By |   | Michelle Longarzo |
| Date Submitted |   | 02/25/2020 |
| Comment |   | Furthermore, Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S. This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race. Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs. The right to rent a residential property short term should not be restricted by oppressive regulation or the misguided interpretation of local building codes. |
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| Submitted By |   | Michelle Longarzo |
| Date Submitted |   | 02/25/2020 |
| Comment |   | In this case, local building officials and politicians have violated my 5th and 14th constitutional rights through obstruction beginning with the Building Department refusal to sign off the Fort Pierce Business Tax Receipt. It is my right to short term rent my real property which is a private residence. This residence is a 680 square foot, 1 bedroom residential condominium which a permit was filed for a minimum of 2 nights. The city created bureaucratic stopgaps with broad references to health and safety concerns that are not applicable in a private residence. |
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| Submitted By |   | Michelle Longarzo |
| Date Submitted |   | 02/25/2020 |
| Comment |   | Their one major conclusion is that when a property is rented for less than 31 days a change of usage occurs by city ordinance per interpretation by Paul Thomas, Building Official of Ft. Pierce. It is my right to acquire, possess and protect my property, the right to use and enjoy my property, the right to exclude other from my property, the right to dispose my property, the right to due process, the right to just compensation for property taken for public use and more overly the right to relief, or payment of compensation when a new law, rule, regulation, or ordinance of the state or a political entity unfairly affects my property. The fact is this property was purchased in good faith with the intent to rent short term, provide respite vacation with no charge to childhood cancer families and personal usage. The government is directly restricting and limiting the use of my real property. This action of Fort Pierce Planning Department, Building Official Paul Thomas and all other employees interfering in obtaining the Fort Pierce Business Tax Receipt is an inordinate burden making it unable to obtain the reasonable, investment-backed expectation for my property which existing use was for short term rental and my vested right to a specific use of personal residence. Personal use or short term renting of any amount of time does not change of use of a personal property deemed by original certificate of occupancy as residential use. Fort Pierce governmental employees conclusions rely on opinion instead of Federal Civil Rights, Bill of Rights, Constitutional Rights and Property Rights. |
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| Submitted By |   | Michelle Longarzo |
| Date Submitted |   | 02/25/2020 |
| Comment |   | Mr. Danaluk and I are looking for relief from the State of Florida to rectify and reinforce my Federal, Constitutional & Property Rights. There is no change of use in this existing residential building. The Building Official who should be using Chapter 10 Existing Building of the Florida Building Codes is improperly using Chapter 3. Legal fact remains reclassification from R2 to R3 should not apply. In addition, much of the occasional revenue generated by short-term leasing benefits an established non-profit in addition to compensating for expenses for respite vacations of childhood cancer families. |
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| Submitted By |   | Tiffany Wright Ofeimu |
| Date Submitted |   | 02/25/2020 |
| Comment |   | The City of Fort Pierce has created barriers to short term rentals for residential homeowners. The conditions that they put in place have created a legal stopgap to interfere with our abilities to exercise our property rights. A change of zoning is not only not feasible for most homeowners, but it does not align with that intended purpose of doing a short term rental so that the property remains to provide residential purposes as well. Furthermore the city has grandfathered in one particular condo community for with rights to short term rentals yet has failed to approve any other properties within the city. This is a discriminatory and prejudicial. It is allowing this condo community to have a monopoly on the short term rental market. This is not acceptable and the City of Fort Pierce should align their practice with the other communities with short term rental and the Florida laws |
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