

MINUTES

CHARLOTTE COUNTY CODE ENFORCEMENT BOARD MEETING

Administration Center, County Commission Meeting Room #119
18500 Murdock Circle, Port Charlotte, Florida 33948-1094

September 7, 2011, 9:00 a.m.

Cases may not always be heard in the order as they appear on the agenda

I. **CALL TO ORDER**

Chairman *Alan LeBeau* called the meeting to order at 9:00 am.

II. **ROLL CALL**

Members Present

Alan LeBeau
Richard Adomatis
Edward Callahan
Kathy Damewood
Suzy Hackett
Joan Hayes
Charles Lindberg

III. **SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY**

Mike Wilson, Board Attorney, administered oath to those who gave testimony.

IV. **NEXT MEETING DATE**

October 6, 2011, Thursday

V. **APPROVAL OF MINUTES**

Suzy Hackett moved to approve the minutes of **August 3, 2011**. The motion was seconded by *Richard Adomatis* and was passed unanimously.

VI. **AGENDA CHANGES**

Case No. 2009-10-072C, Daniel Gerleman & Janet Hayd Gerleman, 1122 Paraclete Road, Punta Gorda – Affidavit of Noncompliance **Pulled**

Case No. COD-11-01221, Carlos Benitez, 21148 McGuire Avenue, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1; & IPMC Sections 109.2, 109.4, 109.5, 301.2, 301.3, 304.1, 304.2, 304.13, 304.13.1, 304.14, & 304.15] **Lack of Service**

VII. CONSENT - AFFIDAVITS OF NONCOMPLIANCE FINES

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately. **Each case has been assessed with an additional \$18.50 for the cost of recording the lien.**

❖ Upon the request of the Board, the County, or the Respondent(s) those cases were pulled for discussion.

- A. **Case No. 2007-637B**, Donna Lee Santarone, 174 Concord Drive, N.E., Port Charlotte – Fifth Affidavit of Non Compliance - \$8,218.50.
- B. **Case No. 2008-442B** – Andrew Walachniewicz, 1307 Tift Street, Port Charlotte – Fifth Affidavit of Noncompliance - \$33,218.50.
- C. **Case No. 2008-567B**, Chi Lin Chiang, 5188 Anderson Road, Port Charlotte – Third Affidavit of Noncompliance - \$118.50.
- D. **Case No. 2009-308** – Jose Feliciano, Jr. & Ewa I. Syrociak-Feliciano, 18554 Satsuma Avenue, Port Charlotte – Fifth Affidavit of Noncompliance - \$9,518.50.
- E. **Case No. 2009-352**, Lake Columbia Development Co., 1101 Vernon Avenue, Port Charlotte – Fourth Affidavit of Noncompliance - \$12,818.50.
- F. **Case No. 2009-361**, Paul Brooks, 1180 Belmar Avenue, Port Charlotte – Fourth Affidavit of Noncompliance - \$9,518.50.
- G. **Case No. 2009-407**, Lynn Geiger & Esterlita Geiger, 943 Red Bay Terrace, Port Charlotte – Second Affidavit of Noncompliance - \$9,218.50.
- H. ❖ **Case No. 2008-04-0013C**, Robert Perez & Sharon Perez, 3269 Daytona Drive, Port Charlotte – Affidavit of Noncompliance - \$668.50.
- I. **Case No. 2009-08-0154C**, Randy Lawrence & Sandra

Lawrence, 2474 Celebes Court, Punta Gorda – Affidavit of Noncompliance - \$118.50.

- J. **Case No. 2009-10-072C**, Daniel Gerleman & Janet Hayd Gerleman, 1122 Paraclete Road, Punta Gorda – Affidavit of Noncompliance - \$118.50. **Pulled from Agenda**
- K. ❖**Case No. 2009-10-01118C**, John Cody, 167 Deerfield Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- L. **Case No. 2009-10-0185C**, Michael Mooney, 2901 Bayberry Avenue, Punta Gorda – Affidavit of Noncompliance - \$118.50.
- M. **Case No. COD-10-00572**, John Linscott & Trista Linscott, 2464 Deedra Street, Port Charlotte – Third Affidavit of Noncompliance - \$4,358.50.
- N. **Case No. COD-10-00615**, Leonard Harding & Clarissa Harding, 21170 Glendale Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$7,118.50.
- O. ❖**Case No. COD-10-00642**, Sharon Zeller & BAC Home Loans Servicing, LP, 21123 Gephart Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$4,518.50.
- P. **Case No. COD-10-00730**, Jack Delaney & Esther Delaney, 881 Riviera Lane, Port Charlotte – Second Affidavit of Noncompliance - \$12,618.50.
- Q. **Case No. COD-10-00780**, Lajos Szathmari, 3193 Crestwood Drive, Port Charlotte – Third Affidavit of Noncompliance - \$3,570.50.
- R. **Case No. COD-10-00798**, Marvin Rodriguez & Laura Rodriguez, 1668 Hayworth Road, Port Charlotte – Affidavit of Noncompliance - \$607.82.
- S. **Case No. COD-10-00836**, David Allen Crane & Wachovia Bank, National Association, 3381 Maple Terrace, Port Charlotte – Second Affidavit of Noncompliance - \$5,738.50.
- T. **Case No. COD-10-00932**, Barbara MaQueira Boncompte,

*3380 & 3388 Port Charlotte Boulevard Port Charlotte –
Second Affidavit of Noncompliance - \$643.50.*

- U. **Case No. COD-10-00953**, Steven Blake & Heather Julian, 3397 Croton Terrace, Port Charlotte – Second Affidavit of Noncompliance - \$138.50.
- V. **Case No. COD-10-00977**, Linda Nicholson, 21306 Stillwater Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$6,138.50.
- W. **Case No. COD-10-01010**, Joseph Gaeta, WM Specialty Mortgage, LLC & JPMC Specialty Mortgage, LLC, 22241 Beverly Avenue, Port Charlotte – Third Affidavit of Noncompliance - \$3,438.50.
- X. **Case No. COD-10-01013**, Brian Schebel, Jennifer Walker, & LaSalle Bank National Association, 21354 Percy Avenue, Port Charlotte – Affidavit of Noncompliance - \$488.50.
- Y. ❖**Case No. COD-10-01077**, Anthony Gubler & Juana Gubler, 21930 Calvin Lane, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- Z. **Case No. COD-10-01079**, Robert Reeves, Mary Reeves, & Wells Fargo Bank, 21923 Calvin Lane, Port Charlotte – Second Affidavit of Noncompliance - \$5,368.50.
- AA. **Case No. COD-10-01291**, Alfonso Lloyd & Avril Lloyd, 21929 Felton Avenue, Port Charlotte - Affidavit of Noncompliance – \$168.50.
- BB. ❖**Case No. COD-10-01310**, Bret Lang & Darlene Lang, 21256 Edgewater Drive, Port Charlotte – Affidavit of Noncompliance - \$606.00.
- CC. **Case No. COD-10-01336**, Maurice Richard, 3237 Easy Street, Port Charlotte –Affidavit of Noncompliance - \$158.50.
- DD. **Case No. COD-10-01337**, Kevin Barnard & Cindy Barnard, 3273 Easy Street, Port Charlotte – Affidavit of Noncompliance - \$608.50 .
- EE. **Case No. COD-10-01496**, Mark Williams, 22111 Marshall Avenue, Port Charlotte – Affidavit of Noncompliance -

\$118.50.

FF. **Case No. COD-10-01515**, Eric S. Rajnish, 22448 Hernando Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.

GG. **Case No. COD-10-01552**, Joy Snead & Countrywide Home Loans, Inc., 3325 Normandy Drive, Port Charlotte – Affidavit of Noncompliance - \$518.50.

HH. ❖**Case No. COD-10-01782**, Matthew Berleue & Kristen Berleue, 20407 Spangler Terrace, Port Charlotte – Affidavit of Noncompliance - \$718.50.

II. **Case No. COD-10-01863**, Fred Avila, 2134 Starlite Lane, Port Charlotte– Affidavit of Noncompliance - \$558.50.

JJ. **Case No. COD-11-00149**, Charles Klaes & Karen Kleas, 18191 Summerdown Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.

Suzy Hackett moved to approve the fines as stated in the Affidavits of Noncompliance with the exception of **Case No. 2008-04-0013C, 2009-10-0118C, COD-10-00642, COD-10-01077, COD-10-01310, and COD-10-01782**. The motion was seconded by *Kathy Damewood* and was passed unanimously.

❖**Case No. 2008-04-0013C**, Robert Perez & Sharon Perez, 3269 Daytona Drive, Port Charlotte – Affidavit of Noncompliance - \$668.50.

Robert Perez was present and provided testimony to the Board.

Kathy Damewood moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Joan Hayes* and was passed unanimously.

❖**Case No. 2009-10-01118C**, John Cody, 167 Deerfield Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.

Douglas Peacock represented the Respondent in this matter and provided testimony to the Board.

Suzy Hackett moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* and was passed unanimously.

❖**Case No. COD-10-00642**, Sharon Zeller & BAC
Home Loans Servicing, LP, 21123 Gephart Avenue,
Port Charlotte – Second Affidavit of Noncompliance -
\$4,518.50.

A representative for the bank was present and provided testimony to the Board.

Kathy Damewood moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Suzy Hackett* with one opposing vote *Alan LeBeau*.

❖**Case No. COD-10-01077**, Anthony Gubler & Juana
Gubler, 21930 Calvin Lane, Port Charlotte – Affidavit
of Noncompliance - \$118.50.

A representative for the bank was present and provided testimony to the Board.

Suzy Hackett moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Kathy Damewood* and was passed unanimously.

❖**Case No. COD-10-01310**, Bret Lang & Darlene
Lang, 21256 Edgewater Drive, Port Charlotte –
Affidavit of Noncompliance - \$606.00.

Laura Hammad represented the bank in this matter and provided testimony to the Board.

Kathy Damewood moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* and was

passed unanimously.

❖Case No. COD-10-01782, Matthew Berleue & Kristen Berleue, 20407 Spangler Terrace, Port Charlotte – Affidavit of Noncompliance - \$718.50.

A representative for the bank was present and provided testimony to the Board

Suzy Hackett moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Kathy Damewood* and was passed unanimously.

VIII. OLD BUSINESS

Vacate Order issued by the Board on November 3, 2010, due to the wrong amount listed on the Fifth Affidavit of Non-Compliance. Case No. 2007-637B, Donna Lee Santarone, 174 Concord Drive, N.E., Port Charlotte – Fifth Affidavit of Non Compliance - \$7,068.50

Suzy Hackett moved to vacate the Order issued by the Board on November 3, 2010. The motion was seconded by *Kathy Damewood* and was passed unanimously.

IX. NEW BUSINESS

Cases may not always be heard in the order as they appear on the agenda

Case No. COD-11-01159, Michael Minogue & Shirley Minogue, 409 Hyacinth Street, Port Charlotte [FBC Sections 105.4 & 109.3]

Terri Barnett Certified Code Compliance Officer provided testimony and presented photographs.

Sean Whaley represented the lender was present and provided testimony to the Board. The Final Judgment hearing has been set for November 1, 2011.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 120 days from the rendition of this Order to renew the expired

permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by **Joan Hayes** and was passed unanimously.

Case No. COD-10-01556, Gary Malicki, 340 Dalton Boulevard, NE, Port Charlotte [FBC Sections 105.4 & 109.3; & IPMC Sections 102.2, 108.1.3, 301.2, 304.7, 304.9, 304.13.2, 505.1, 604.3, & 702.4]

Rick Towne Certified Code Compliance Officer provided testimony and presented photographs.

Gary Malicki was present and provided testimony to the Board. Due financial problems he does not have the money to bring the house into compliance.

A discussion took place about the possibility of Mr. Malicki obtaining help from Bob Herbert.

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit; and to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$50.00 per day. The motion was seconded by **Kathy Damewood** and was passed unanimously.

Case No. 2008-12-0131C, Community Designs, LLC, Thomas Graham, & T. Graham Construction, 18089 Cochran Boulevard, Port Charlotte [FBC Sections 105.4 & 109.3]

The County voluntarily dismissed the case against Thomas Graham and T. Graham Construction.

Lyndon Reinwald Certified Code Compliance Officer provided testimony, supporting documents, and presented photographs.

Thomas McDonnell was present and provided testimony to the Board.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the date of this hearing to take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Richard Adomatis** and was passed unanimously.

**Case No. 2008-12-0132C, Community Designs, LLC,
Thomas Graham, & T. Graham Construction, 18081
Cochran Boulevard, Port Charlotte [FBC Sections
105.4 & 109.3]**

The County voluntarily dismissed the case against Thomas Graham and T. Graham Construction.

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

Thomas McDonnell was present and provided testimony to the Board.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the date of this hearing to take the necessary steps to renew the expired permit or remove all improvements from the property and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Joan Hayes** and was passed unanimously.

**Case No. COD-10-01419, Terry Davis, Jr. & Sally
Nickeson, 3686 Dunreath Road, Port Charlotte
[Section 3-9-5(b) & FBC Section 105.1]**

Lyndon Reinwald Certified Code Compliance Officer provided testimony,

supporting documents, and presented photographs.

Terry Davis, Jr. was present and provided testimony to the Board. He is trying to bring the property into compliance.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to apply for and obtain all necessary permits to bring the property into compliance or remove the improvements from the property. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by ***Kathy Damewood*** and was passed unanimously.

***Case No. 2009-380, Robert Swint & Debora Swint,
15160 Lakeland Circle, Port Charlotte [Sections 2-5-
72, 3-9-32(d), & 3-9-82.1; & FBC Sections 105.4 &
109.3]***

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

A discussion took place about the permit being placed in the extension program.

Meredith Freeman represented the Respondents in this matter. The bank paid draws to the contractor but he was not performing the work he said he had done and plus he never paid his sub-contractors. There are pending lawsuits against the bank and the contractor.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to clear the zoning violations and to take the necessary steps to renew the expired permit, or apply for the extension program, or remove any improvements from the property. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by ***Suzy Hackett*** and was passed unanimously.

Case No. COD-11-01138, Estate of Joseph Caprarella, Sr. & Lise Caprarella, 21259 Coulton Avenue, Port Charlotte [Section 3-9-5(b); FBC Section 105.1; & IPMC Sections 301.2, 304.2, 304.6, 304.7, 304.9, 304.13, & 304.15]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Charles Heekin, Attorney Law represented the Respondents in this matter. The Respondent is trying to deed this property back to the bank and if the bank does not accept the deed then the property will go into foreclosure.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 120 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection; and all final inspections must be done in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Richard Adomatis** with one (1) opposing vote **Joan Hayes**.

Case No. COD-11-01227, Tina Clevinger, 22147 Belinda Avenue, Port Charlotte [IPMC Sections 109.2, 109.4, 109.5, 301.2, 301.3, 302.7, 304.2, 304.6, 304.7, 304.13, 304.13.1, 304.15, 305.1, 305.3, & 604.3]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

James Goetz attorney for JP Chase Mortgage Company was present and provided testimony to the Board. He explained the problems they are having with the foreclosure on this property.

Suzy Hackett moved to dismiss this case. The motion was seconded by ***Richard Adomatis*** and was passed unanimously.

Case No. COD-11-00582, Robert Zhun, 19495 Midway Boulevard, Port Charlotte [Sections 3-9-32(d) & 3-9-82.1; FBC Section 424.17.1; IPMC 301, 302.1, 302.7, 303.1, 304.2, 304.6, 304.8, 304.9, & 304.10]

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

Robert Zhun was present and provided testimony to the Board. He purchased this property as an investment property.

Kathy Damewood moved the Respondent is in violation as charged with the exception of Florida Building Code Section 424.17.1. The Respondent has 90 days from the rendition of the Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by ***Richard Adomatis*** with one (1) opposing vote ***Suzy Hackett***.

Case No. COD-11-00708, Dean Holterman & Peter Benedetti, 18013 & 18023 Lake Worth Boulevard, Port Charlotte [Sections 3-2-189, 3-5-91, 3-6-21, 3-9-32(d), 3-9-82.1, & 3-9-91]

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

John Holmes was present and provided testimony to the Board. He is buying the property from Dean Holterman and Peter Benedetti.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents have 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk

shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-11-00320, Orville Lohr & Jane Lohr,
117 Sportsman Road, Rotonda West [Section 3-9-
5(b) & FBC Section 105.1]

Darcie Nicolosi Certified Code Compliance Officer provided testimony, supporting documents, and presented photographs.

Chris Schmidt, Zoning Tech was present and provided testimony to the Board.

Tim, son-in-law, was present and provided testimony to the Board. He stated they are trying to bring the property into compliance.

A discussion took place regarding the mean water line.

Richard Adomatis moved to dismiss this case. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-11-00925, Jerry Cissne & Wachovia
Mortgage, 29323 Pelican Drive, Punta Gorda,
[Sections 3-2-115, 3-9-30(d), & 3-9-82.1; & FBC
Sections 105.4, 109.3, & 424.17.1]

Tom Gravagna Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged with the exception of 3-2-115. The Respondents have 30 days from the rendition of the Order to clear the zoning violations; to take the necessary steps to renew the expired permit; and to secure the pool in accordance with the Florida Building Code 424.2.17; and final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any

finances and costs. The motion was seconded by **Charles Lindberg** and was passed unanimously.

Case No. COD-11-01415, *Mary Pantelis-Alessio, 4062 Gardner Drive, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1; & IPMC Sections 301.2 & 302.7]*

Rick Towne Certified Code Compliance Officer provided testimony, supporting documents, and presented photographs.

Kathy Damewood moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by **Richard Adomatis** and was passed unanimously.

Case No. COD-10-00478, *Allen Walcott & Beverlin Walcott, 3173 Pellam Boulevard, Port Charlotte [Sections 3-9-32(d) & 3-9-82.1; & FBC Sections 105.4 & 109.3]*

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to clear the zoning violations and to take the necessary steps to renew the expired permit; and all final inspections must be done in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Kathy Damewood** and was passed unanimously.

Case No. COD-10-00479, *Allen Walcott & Beverlin Walcott, 3165 Pellam Boulevard, Port Charlotte [Sections 3-9-32(d) & 3-9-82.1; & FBC Sections 105.4 & 109.3]*

Lyndon Reinwald Certified Code Compliance Officer provided testimony, presented supporting documents, and photographs.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to clear the zoning violation and to take the necessary steps to renew the expired permit; and all final inspections must be done in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-10-01235, *Dzintars Belyaks & Angelika Belyaks, 18504 Satsuma Avenue, Port Charlotte [Sections 3-9-5(b), 3-9-32(d), & 3-9-82.1; FBC Section 105.1; & IPMC Sections 301.2, 301.3, & 302.1]*

This case was continued to prepare a new Notice of Violation and Notice of Hearing to notify the new owners of the property.

Case No COD-10-00896, *Hubert Frey, 23008 Jumper Avenue, Port Charlotte [Sections 2-5-72 & 3-9-5; & FBC Section 105.1; & IPMC 301.2, 301.3, 304.1, 304.2, 304.6, 304.9, & 304.13]*

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to clear the zoning

violation; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection; and all final inspections must be done in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-10-01171, 26546 Trinilas Land Trust,
Shantel Holding, Inc., a Florida Corporation, as
Trustee Under Trust dated March 18, 2005, 26546
Trinilas Drive, Punta Gorda [Section 3-9-32(d); FBC
Section 424.2.17; & IPMC Sections 303.1 & 303.2]

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

Joan Hayes moved the Respondents are in violation as charged. The Respondents have 15 days from the rendition of the Order to secure the pool in accordance with the Florida Building Code 424.2.17. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. The motion was seconded by *Charles Lindberg* and was passed unanimously.

Case No. COD-10-01388, Peter Phung, 27226
Sunnybrook Road, Port Charlotte [Sections 2-5-72, 3-
9-33(d), & 3-9-82.1; & IPMC Sections 301.2, 301.3,
304.1, 304.6, 304.18, 305.1, 308.1, & 605.1]

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to clear the zoning violations and to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance. Failure to bring the

property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-10-01731, *Gaetjens Polynice & Margareth Polynice, 23256 Peachland Blvd, Port Charlotte [FBC Sections 105.4 & 109.3] ServedCB*

The County continued this case to the next Code Enforcement Board hearing.

Case No. COD-11-000960, *John Cella, 2297 Montpelier Road, Punta Gorda [FBC Sections 105.4 & 109.3]*

Lyndon Reinwald Certified Code Compliance Officer provided testimony, presented supporting documents, and photographs.

Joan Hayes moved the Respondent is in violation as charged. The Respondent has 30 days from the date of this hearing to take the necessary steps to renew the expired permit. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. 2009-379, *Anil Malik, 10494 Atenia Street, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1; & FBC Sections 105.4 & 109.3]*

This case was continued so the inspector can properly notify the new owners of the property.

Case No. 2008-08-0260C, Michael Smith & Cheryl Smith, 8894 Gulf Street, Placida [Section 3-9-5(b) & FBC Sections 105.1]

Darcie Nicolosi Certified Code Compliance Officer provided testimony, supporting documents, and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents have 60 days from the rendition of this Order to apply for and obtain all necessary permits to bring the property into compliance. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. If an application cannot be obtained all improvement must be removed from the property. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by **Suzy Hackett** and was passed unanimously.

Case No. 2008-08-0261C, David Roberts & Pamela Roberts, 8878 Bay Street, Placida [Section 3-9-5(b) & FBC Section 105.1]

Darcie Nicolosi Certified Code Compliance Officer provided testimony, supporting documents, and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 60 days from the rendition of this Order to apply for and obtain all necessary permits to bring the property into compliance. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. If an application cannot be obtained all improvement must be removed from the property. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by **Richard Adomatis** and was passed unanimously.

Case No. COD-10-01036, *Florida First Escrow Company, as Trustee for the 3365 Snake River Trust dated January 1, 2002, 3365 Maple Terrace, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1; FBC Sections 105.4 & 109.3; & IPMC Sections 301.2, 304.1, 304.2, 304.6, 304.10, 304.13, & 304.13.1]*

Rhonda Leonard Certified Code Compliance Officer provided testimony, presented photographs.

Richard Adomatis moved the Respondent is in violation as charged with the exception of Florida Building Code Sections 105.4 and 109.3. The Respondent has 30 days from the rendition of this Order to clear the zoning violations; to apply for and obtain the necessary permits; and to fix, repair, or replace the International Property Maintenance Code violations; and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Suzy Hackett** and was passed unanimously.

Case No. COD-10-01773, *Astrid Caragol, 22080 Belinda Avenue, Port Charlotte [Sections 3-9-32(d) & 3-9-91; & FBC Sections 105.4 & 109.3]*

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs and supporting documentation.

Suzy Hackett moved the Respondent is in violation as charged with the exception of Sections 3-9-32(d) and 3-9-91. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and all final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by **Kathy Damewood** and was passed unanimously.

Case No. COD-11-00686, Bruce Vilardi, 22129
Midway Boulevard, Port Charlotte [Sections 2-5-72 &
3-9-5(b); & FBC Section 105.1; & IPMC Sections
301.2, 301.3, 302.3, 302.5, 302.7, 304.2, 304.6,
304.7, 304.13, 304.13.2, 304.15, 305.1, 305.3, &
309.1]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Joan Hayes moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to clear the zoning violations and to fix, repair, or replace the International Property Maintenance Code violations to bring the property; to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Charles Lindberg** and was passed unanimously.

Case No. COD-11-01189, Christine Marfut, 21219
Glendale Avenue, Port Charlotte [Sections 3-9-32(d),
3-9-85, & 3-9-91; & FBC Sections 105.4 & 109.3]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs and supporting documents.

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to clear the zoning violations and to take the necessary steps to renew the expired permit. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs.

The motion was seconded by ***Suzy Hackett*** and was passed unanimously.

Case No. COD-11-01223, Joelle Cadet & HSBC Bank USA, National Association, as Trustee for ACE Securities Corp Home Equity Loan Trust, Series 2006-NCS Asset Backed Pass-Through Certificates, 22126 Gatewood Avenue, Port Charlotte [Sections 2-5-72, 3-2-214, 3-2-215, 3-9-32(d), 3-9-82.1; & IPMC Sections 301.2, 301.3, 302.1, 302.7, 304.1, 304.2, 304.6, 304.7, 304.13, 304.13.1, & 304.15]

The County voluntarily dismissed this case against Jolle Cadet.

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondent is in violation as charged with the exception of Sections 2-5-72, 3-9-32(d), and 3-9-82.1. The Respondent has 30 days from the rendition of this Order to clear the zoning violation and to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. The motion was seconded by ***Charles Lindberg*** and was passed unanimously.

Case No. COD-11-01233, Dalton Williams & Keneisha Childs, 22119 Felton Avenue, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1; & IPMC Sections 301.2, 301.3, 302.1, 302.7, 304.1, 304.2, 304.6, 304.7, 304.9, 304.13, 304.13.1, 305.1, 305.3, & 604.3]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to clear the zoning violation; to fix, repair, or replace the International Property Maintenance Code violations; and obtain any necessary permits to bring the property into compliance. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. All final inspections must be done in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00

per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Suzy Hackett** and was passed unanimously.

Case No. COD-11-01244, *Placido Amendolia, 21551 Kenyon Avenue, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1; & IPMC Sections 301.2, 301.3, 302.1, 302.5, 304.1, 304.7, 305.3, 309.1, & 309.2]*

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations; and obtain any necessary permits to bring the property into compliance; and all final inspections must be done in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Suzy Hackett** and was passed unanimously.

Case No. COD-11-01425, *Daniel Larsen & GMAC Mortgage, 3408 Easy Street, Port Charlotte [Sections 3-9-32(d), 3-9-61, 3-9-82.1, & 3-9-91]*

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and

costs. The motion was seconded by *Joan Hayes* was passed unanimously.

X. STAFF AND BOARD MEMBER COMMENTS

- *Richard Adomatis* voiced his concern on the time delay on bring cases before the Board, especially the partial construction cases and when Code Compliance grants those cases a 30 day extension.

XI. ADJOURNMENT

Suzy Hackett moved to adjourn the meeting. Motion was seconded by *Richard Adomatis* and was passed unanimously. The meeting adjourned at 1:20 pm.

SIGNATURE ON FILE

**CODE ENFORCEMENT BOARD MINUTES FOR SSEPTEMBER 7, 2011
READ AND APPROVED ON OCTOBER 6, 2011**

CODE ENFORCEMENT BOARD OF
CHARLOTTE COUNTY, FLORIDA

Alan LeBeau, Chairman

ATTEST:

Sandra Williamson
Administrative Assistant I

Complete files of all cases, as well as taped recordings of all proceedings of this meeting, are kept in the Community Development Department and are available to the public.