CHARLOTTE COUNTY

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

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

MINUTES OF DECEMBER 2, 2015

I. CALL TO ORDER
Special Magistrate Glenn Siegel called the meeting to order at 9:00 a.m.

II. PLEDGE OF ALLEGIANCE

III. SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY
Kristin Binns administered the swearing in.

IV. NEXT MEETING DATE
February 3, 2016

V. AGENDA CHANGES

VI. CITIZEN INPUT – AGENDA ITEMS ONLY
(NONE)

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 the Magistrate that item(s) will be removed from the Consent Agenda and considered separately.

1. **Case No. COD-12-02966,** Harry & Angela Beatty, 23103 Donalda Ave, Port Charlotte, Third Affidavit of Noncompliance- $60.00 JD

2. **Case No. COD-13-00015,** Jason & Heather Fisher, 22016 Beverly Ave, Port Charlotte, Fifth Affidavit of Noncompliance- $60.00 RL

3. **Case No. COD-13-00201,** Mark Machukas, 2412 Duke Lane, Port Charlotte, Eighth Affidavit of Noncompliance-$60.00 RL

4. **Case No. COD-13-00254,** Michael A Basilotto, 424 Camini Real, Englewood, Fourth Affidavit of Noncompliance-$110.00 DN

5. **Case No. COD-13-00508,** Lloyd Parish, 2464 Deedra St, Port Charlotte, Sixth Affidavit of Noncompliance-$1,710.00 RL

6. **Case No. COD-13-00630,** Clifton G & Jennifer F. Johnson, 22138 Belinda Ave, Port Charlotte, Sixth Affidavit of Noncompliance-$4,160.00 RL

7. **Case No. COD-13-00714,** Thomas A & Michelle A O'Connell, 2435 Lakeview Blvd, Port Charlotte, Fourth Affidavit of Noncompliance-$60.00 LR

8. **Case No. COD-13-01475,** Brian J Schebel & Jennifer M Walker, 21354 Percy Ave, Port Charlotte, Fifteenth Affidavit of Noncompliance-$260.00 RL

9. **Case No. COD-13-02337,** Paul Brooks, 1180 Belmar Ave, Port Charlotte, Second Affidavit of Noncompliance-$6,645.00 LR

10. **Case No. COD-13-02501,** Land Trust No. 22259, Flor Prentt as Trustee, 22259 Belinda Ave, Port Charlotte, Second Affidavit of Noncompliance-$3660.00 RL

11. **Case No. COD -13-02664,** Suntrust Mortgage Inc. 21875 Hernando Ave, Port Charlotte, Sixth Affidavit of Noncompliance- $7,910.00 RL

12. **Case No. COD-14-00045,** Mark Machukas, 2412 Duke Lane, Port Charlotte, Thirteenth Affidavit of Noncompliance-$160.00 RL

13. **Case No. COD-14-00220,** Royal Cambridge Partners, LLC, 22129 Midway Blvd, Port Charlotte, Second Affidavit of Noncompliance-$8010.00 RL

14. **Case No. COD-00229,** Florida First Escrow Company, Trustee, 2341 Granadeer St, Port Charlotte, Fourth Affidavit of Noncomplinace-$110.00 LR

15. **Case No. COD-14-00257,** Francis A & Marilyn J Tedesco, 22191 Augusta Ave, Port Charlotte, Sixth Affidavit of Noncompliance-$60.00 RL

16. **Case No. COD-14-00445,** John Baker, 1101 Vernon Ave, Port Charlotte, Second Affidavit of Noncompliance-$ 6,760.00 LR

17. **Case No. COD-14-00884,** Tenny I & Anastasia Fragiadakis, 21431 Midway Blvd, Seventh Affidavit of Noncompliance- $160.00 RL

18. **Case No. COD-14-01066,** Scott Medico, 3112 Easy St, Port Charlotte, Second Affidavit of Noncompliance $ 60.00 RL

19. **Case No. COD-14-01209,** David G & Barbara Caswell, 17333 Pheasant Cr, Port Charlotte, Second Affidavit of Noncompliance-$9,185.00 LR

20. **Case No. COD-14-001326,** Lighthouse Baptist Church of North Port FL. Inc. 14251 Chancellor Blvd, Port Charlotte, Affidavit of Noncompliance-$110.00 GW
This case was pulled from the consent agenda and heard separately.
Order- Fine approved

21. **Case No. COD-14-01420,** Yefim A Botvinnik & Yulia Levitski, 22043 Hernando Ave, Port Charlotte, Ninth Affidavit of Noncompliance-$110.00 RL

22. **Case No. COD-14-01477,** Hager & Vicki Barnhouse, 15651 Ruston Cir, Port Charlotte, Affidavit of Noncompliance-$60.00 DN

23. **Case No. COD-14-01497,** Landtrust No. 21923, Flor Prentt as trustee, 21923 Hernando, Port Charlotte, Second Affidavit of Noncompliance-$7,910.00 RL

24. **Case No. COD-14-01673,** Veej Realty, Inc. ,2626 Auburn Blvd, Port Charlotte, Third Affidavit of Noncompliance-$110.00 LR

25. **Case No. COD-14-01756,** Kevin Albaugh, 2801 Starlite Ln, Port Charlotte, Third Affidavit of Noncompliance, $60.00 RL
This case was pulled from the consent agenda and heard separately.
Order- Fine approved

26. **Case No. COD-14-01811,** Alexi Orlov, 19954 Midway Blvd, Port Charlotte, Affidavit of Noncompliance-$60.00 LR

27. **Case No. COD-14-01965,** Bank of America, 21961 Beverly Ave, Port Charlotte, Third Affidavit of Noncompliance-$110.00 RL

28. **Case No. COD-14-02377,** David Prouty, 2231 Claude Ct, Port Charlotte, Fourth Affidavit of Noncompliance-$110.00 RL

29. **Case No. COD-14-002379,** Wells Fargo Bank, Trustee for Carrington Mortgage Loan Trust, 3141 Crestwood Dr, Port Charlotte, Fourth Affidavit of Noncompliance-$110.00 RL

30. **Case No.COD-14-02380,** Alfonso S & Avril M Lloyd, 21929 Felton Ave, Port Charlotte, Fifth Affidavit of Noncompliance-$110.00 RL

31. **Case No. COD-14-02560,** Catherine Spyrie, 21015 Baffin Ave, Port Charlotte, Second Affidavit of Noncompliance- $3,260.00 CB

32. **Case No. COD-14-02596,** Fetlar, LLC. 22062 Perkin Ter. Port Charlotte, Affidavit of Noncompliance -$110.00 RL
This case was pulled from the consent agenda and heard separately.
Order- Fine approved

33. **Case No. COD-14-02673,** Marjorie Papaleo & Walter Andalora, 480 Sharon Circle, Port Charlotte, Second Affidavit of Noncompliance-$4,560.00 AD

34. **Case No. COD-14-02833,** Nicholas Bangor, 5430 Hoffman St, Port Charlotte, Second Affidavit of Noncompliance-$4,860.00 CB

35. **Case No. COD-14-02910**, Boca Grande Resort, 5800 Gasparilla Rd, Affidavit of Noncompliance-$110.00 DN

36. **Case No. COD-14-02938,** Florence Corsi as Trustee, 21545 Gibralter Dr, Port Charlotte, Second Affidavit of Noncompliance-$60.00 RL

37. **Case No. COD-14-02948,** Mathew P Cybul, 2508 Starlite Ln, Port Charlotte, Fifth Affidavit of Noncompliance-$110.00 RL

38. **Case No. COD-14-03019,** Matthew J Macdonald, 3301 Normandy Dr, Port Charlotte, Second Affidavit of Noncompliance-$5,145.00 RL

39. **Case No. COD-14-03056**, Bobbie & Christine Evans, 20384 Kinderkemac Ave, Port Charlotte, Affidavit of Noncompliance-$60.00 LR

40. **Case No. COD-14-03078,** Tiernan & Elizabeth Corrigan, 18343 Lingerlon Ave, Port Charlotte, Second Affidavit of Noncompliance-$4,810.00 LR

41. **Case No. COD-15-00010,** Wells Fargo Financial System Florida, 2290 Lake View Blvd, Port Charlotte, Second Affidavit of Noncompliance-$6,810.00 LR

42. **Case No. COD-15-00217,** Federal National Mortgage Assoc. 21426 Meehan Ave, Port Charlotte, Second Affidavit of Noncompliance- $8,010.00 RL

43. **Case No. COD-15-00306,** Secret Homes LLC. 2368 Starlite Lane, Port Charlotte, Fourth Affidavit of Noncompliance-$110.00 RL

44. **Case No. COD-15-00307,** Stanley Kowlalski & Diane Paluszek, 21939 Catherine Ave, Port Charlotte, Fourth Affidavit of Noncompliance-$110.00 RL

45. **Case No. COD-15-00355,** JP Morgan Chase Bank, National Assoc, 667 Errol St, Port Charlotte, Second Affidavit of Noncompliance-7,810.00 LR

46. **Case No. COD-15-00892,** Harold L & Edward L Smith, 21522 Meehan Ave, Port Charlotte, Affidavit of Noncompliance- $60.00 RL

47. **Case No. COD-15-01046,** Mihai Arhire & Mihaela Diamandi, 10081 St. Paul Dr, Port Charlotte, Affidavit of Noncompliance-$60.00 DN

48. **Case No. COD-15-01118,** Marie D & Thomas Gabriellini, 2443 Tamarind St, Port Charlotte, Affidavit of Noncompliance- $ 60.00 LR

49. **Case No. COD-15-01192,** US Bank NA as Legal Title Trustee, 3510 Yukon Dr, Port Charlotte, Affidavit of Noncompliance-$110.00 LR

50. **Case No. COD-15-01294,** Jacob Peachey, 21307 Gladis Ave, Port Charlotte, Affidavit of Noncompliance-$60.00 RL
This case was pulled from the consent agenda and heard separately.
Order- Fine approved

51. **Case No. COD-15-01386,** Lynda Smith, 2270 Hayworth Rd, Port Charlotte, Second Affidavit of Noncompliance-$110.00 RL

52. **Case No. COD-15-01545**, Reeves Family Estate, LLC, 9073 Beaverhead Ave, Port Charlotte, Affidavit of Noncompliance-$110.00 DN

53. **Case No. COD-15-01896,** Betty A Dauda, 21920 Beverly Ave, Port Charlotte, Second Affidavit of Noncompliance-$110.00 RL

ORDER - Magistrate Spiegel approved the remainder of the Consent Agenda Affidavits.

VIII. OLD BUSINESS (None)

IX. NEW BUSINESS

A. **Case No. COD-14-02456,** Mark L & Christina L Pearce, 4314 Joseph St, Port Charlotte [Sections 3-9-5(b), 3-9-33(e), & 3-9-79.1; & FBC Sections 105.1,105.4, & 110.3] LR
This case was continued due to lack of service.

B. **Case No. COD-15-00475,** Motilall & Bhanmatie Kunuram, 4113 Durant St, Port Charlotte [Section 2-5-72; FBC Section 424.4.17: & IPMC Sections 108.1.1 108.1.3, 108.1.5 9 (3)(6)(7)(9)(10), 108.6, 110.1, 110.3, 301.2, 301.3, 302.1, 302.3, 302.5, 302.7, 303.1, 303.2, 304.1, 304.1.1(8), 304.2, 304.6, 304.7, 304.9, 304.15, 304.18, 304.18.1, 305.1, 305.3, 305.6, 401.2, 501.2, 502.1, 504.1, 504.3, 505.1, 505.4, 601.2, 604.1, 604.3, 604.3.1, 604.3.1.1, 605.1 and 607.1] LR

ORDER - The entry of a 2 year cease and desist order for the zoning violations. 15 days from the date of this order to secure the pool and clear the zoning violations, and

30 days from the date of this Order to apply for and obtain all necessary permits in accordance with the Florida Building Code; and to bring the property into compliance with the International Property Maintenance Code, or obtain a demolition permit to demolish the residence, pool enclosure, swimming pool and concrete driveway to restore property to original condition, or thereafter face a fine of $50.00 dollars per day for each day the violation is shown to exist and for the matter be referred to the Board of County Commissioners for the abatement In the event of non-compliance and for the costs of any such abatement to be added to the fines and costs associated with this case.

C. **Case No. COD-15-01121,** 21st Mortgage Corp, 4354 Durant St, Port Charlotte, [Sections 3-9-5(b), FBC Section 105.1; & IPMC Sections 301.2, 301.3, 304.13 & 304.15] LR

ORDER - 30 days from the date of this Order to clear the zoning violations, and to apply for and obtain all necessary permits in accordance with the Florida Building Code, and to bring the property into compliance with the International Property Maintenance Code, or thereafter face a fine of $100.00 dollars per day for each day the violation is shown to exist.

D. **Case No. COD-15-01589,** JP Morgan Chase Bank, NA, 17465 Clover Ave, Port Charlotte [IPMC Sections 301.2, 301.3, 302.1, 302.7, 304.2, 304.6 & 304.9] LR

ORDER - 30 days from the date of this order to apply for and obtain all necessary permits, pass all inspections and bring the property into compliance with the International Property Maintenance Code, or thereafter face a fine of $100.00 per day for each day the violation(s) are shown to exist.

E. **Case No. COD-15-1908,** D Cottam Investments LLC, 726 Kellstadt St, Port Charlotte [FBC Sections 105.4 & 110.3] LR

ORDER - 30 days from the date of this order to renew the expired permits and pass all inspections in accordance with the Florida Building Code, or obtain a permit for the demolition to restore the property back to its original condition, or thereafter face a fine of $100.00 dollars per day for each day the violation is shown to exist.

F. **Case No. COD-15-02023,** Vincent Cu & Mary Thao Tran, 334 & 326 Millport St, Port Charlotte [Sections 3-9-33(e), 3-9-69(a) & (f) & 3-5-91; & IMPC Sections 301.3 & 302.2] LR

ORDER - 15 days from the date of this order to clear zoning violations, apply for and obtain all necessary permits and pass all inspections to bring the property into compliance with the Charlotte County Code, or thereafter face a fine of $50.00 dollars per day for each day the violation is shown to exist.

G. **Case No. COD-13-02426,** Dona Okeefe, 2505 Deedra St, Port Charlotte [Section 2-5-72; & FBC Sections 105.4 & 110.3] RL
This case was continued due to lack of service.

H. **Case No. COD-15-01983,** Deutsche Bank National Trust Co as Trustee, 22077 Midway Blvd, Port Charlotte [Sections 3-2-115 and 3-9-5(b) and FBC Section 105.1, IPMC Sections 301.2, 301.3, 304.1, 304.2, 304.6, 304.7, 304.13, 304.14, 304.15, and 309.1] RL

ORDER - 15 days from date of this order to clear zoning violations, and register property as vacant and abandoned, and 30 days from the date of this Order to apply for and obtain all necessary permits and pass all inspections in accordance with the

Florida Building Code and bring the property into compliance with the International Property Maintenance Code, or thereafter face a fine of $100.00 dollars per day for each day the violation is shown to exist.

I. **Case No. COD-15-02265,** Mitchell A & Ruth E Kauffman, 250 Taylor Ln, Port Charlotte [Sections 3-9-33(e), 3-9-62.1(c)(1) & 3-9-76] RL

ORDER - The entry of a 2 year cease and desist order for zoning violations. 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50.00 dollars per day for each day the violation is shown to exist and for the matter be referred to the Board of County Commissioners for the abatement In the event of non-compliance and for the costs of any such abatement to be added to the fines and costs associated with this case.

J. **Case No. COD-15-02348,** Harbour Portfolio VI LP, 2409 Conway Blvd, Port Charlotte [Sections 2-5-72, 3-9-33(e) and 3-9-76 and IPMC Sections 301.2, 301.3, 304.13, 304.13.1, 304.15, A101.1, A103.1, A103.2, A103.3 and A103.5] RL

ORDER - Dismiss CCC Section 2-5-72 and all IPMC Codes 301.2, 301.3, 304.13, 304.13.1, 304.15, A101.1, A103.1, A103.2, A103.3 & A103.5. The entry of a 2 year cease and desist order for zoning violations. 15 days from the date of this order to clear zoning violations, or thereafter face a fine of $100.00 dollars per day for each day the violation is shown to exist & for the matter be referred to the Board of County Commissioners for the abatement In the event of non-compliance and for the costs of any such abatement to be added to the fines and costs associated with this case.

K. **Case No. COD-15-02405,** Brian M Rumisek, 22086 Marshall Ave, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] RL

ORDER - The entry of a 2 year cease and desist order for zoning violations. 15 days from the date of this Order to cease operating a business from the property and clear the zoning violations, or thereafter face a fine of $100.00 dollars per day for each day the violation is shown to exist and for the matter be referred to the Board of County Commissioners for the abatement In the event of non-compliance and for the costs of any such abatement to be added to the fines and costs associated with this case.

L. **Case No. COD-15-02614,** Calvin T Geeham, 3282 Crestwood Dr, Port Charlotte [Section 2-5-72] RL

ORDER - The entry of a 2 year cease and desist order for zoning violations. 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50.00 dollars per day for each day the violation is shown to exist and for the matter be referred to the Board of County Commissioners for the abatement In the event of non-compliance and for the costs of any such abatement to be added to the fines and costs associated with this case.

M. **Case No. COD-15-02647,** Chris W Ehlers, Leola Ehlers & Angelita P Ricewick [Section 2-5-72] RL

ORDER - The entry of a 5 year cease and desist order for zoning violations. 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50.00 dollars per day for each day the violation is shown to exist and for the matter be referred to the Board of County Commissioners for the abatement In the event of non-compliance and for the costs of any such abatement to be added to the fines and costs associated with this case.

N. **Case No. COD-15-01883,** Steve Sass, 15250 Addax Ave, Englewood [FBC Sections 424.2.17.1 and IPMC 303.1 & 303.2] DN

ORDER - 15 days from the date of this order to secure the pool in accordance with the Florida Building Code, and bring the property into compliance with the International Property Maintenance Code, or thereafter face a fine of $50 per day for each day the violation(s) are shown to exist.

O. **Case No. COD-15-02439,** Patrick L Godwin, 8369 Roosevelt St, Englewood [Sections 3-9-37(e), 3-9-62.1(c)(1) & 3-9-76] DN

ORDER - The entry of a 2 year cease and desist order for zoning violations. 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50.00 dollars per day for each day the violation is shown to exist and for the matter be referred to the Board of County Commissioners for the abatement In the event of non-compliance and for the costs of any such abatement to be added to the fines and costs associated with this case.

P. **Case No. COD-15-01560,** John L & Dawn K Foley, 23388 Superior Ave, Port Charlotte [Sections 3-9-33(e), 3-9-76, FBC Section 424.2.17 & IPMC 301.2, 301.3, 303.2] JD

ORDER - The entry of a 2 year cease and desist order for zoning violations. 15 days from the date of this Order to secure the pool & clear the zoning violations, and 30 days from the date of this order to apply for and obtain all necessary permits and pass all inspections in accordance with the Florida Building Code, and to bring the property into compliance with the International Property Maintenance Code, or thereafter face a fine of $50.00 dollars per day for each day the violation is shown to exist & and for the matter be referred to the Board of County Commissioners for the abatement In the event of non-compliance and for the costs of any such abatement to be added to the fines and costs associated with this case.

X. STAFF AND CITIZEN INPUT – ANY SUBJECT

(None)

XI. ADJOURNMENT

Magistrate Siegel adjourned the hearing at 10:15 a.m.

MINUTES CERTIFICATION

I, Kristin Binns, Administrative Assistant I for Charlotte County, hereby certify these minutes to be a true and accurate account of the Code Enforcement Special Magistrate Hearing held on December 2, 2015.

Kristin Binns
Administrative Assistant I Date 12-14-15

MINUTES APPROVAL

Glenn Siegel
Code Enforcement Special Magistrate Date 2/3/16