CHARLOTTE COUNTY

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

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

MINUTES OF APRIL 6, 2016

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

II. PLEDGE OF ALLEGIANCE

III. SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY
Jill Graves administered the swearing in.

IV. NEXT MEETING DATE
May 4, 2016

V. AGENDA CHANGES
Agenda Items VII(29), Case No. COD-15-01074 and IX(O), Case No. COD-14-02655 were pulled from the agenda by the County prior to the hearing.

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-13-02664**, Suntrust Mortgage, Inc., 21875 Hernando Ave, Port Charlotte – Seventh Affidavit of Noncompliance - $110.00 **RL**
This case was pulled from the consent agenda and heard separately.
ORDER – Fine Approved.

2. **Case No. COD-14-00220**, Royal Cambridge Partners, LLC, 22129 Midway Blvd, Port Charlotte – Third Affidavit of Noncompliance - $110.00 **RL**

3. **Case No. COD-14-00884**, Tenny & Anastasia Fragiadakis, 21431 Midway Blvd, Port Charlotte – Eighth Affidavit of Noncompliance - $167.00 **RL**

4. **Case No. COD-14-00997**, William E Fitch, 1140 Aletha Ave, Port Charlotte – Third Affidavit of Noncompliance - $60.00 **LR**

5. **Case No. COD-14-01256**, Ferdinand & Vivien Dezwart, 1443 Monte St, Port Charlotte - Affidavit of Noncompliance - $60.00 **JD**

6. **Case No. COD-14-01264**, George Kredel, 2401 Staver St, Port Charlotte - Affidavit of Noncompliance - $60.00 **JD**

7.	**Case No. COD-14-01265**, Chita Fermin Pascual, 15424 Piedmont Ave, Port Charlotte - Affidavit of Noncompliance - $60.00	**JD**
8.	**Case No. COD-14-01269**, Harold Wendell Openshaw, 23115 Utica Ave, Port Charlotte - Affidavit of Noncompliance - $60.00	**JD**
9.	**Case No. COD-14-01270**, Scott R Zurbrigen, 3108 Crowder St, Port Charlotte - Affidavit of Noncompliance - $60.00	**JD**
10.	**Case No. COD-14-01284**, Orlando & Juana Machado, 14300 Sanilac Ave, Port Charlotte - Affidavit of Noncompliance - $60.00	**JD**
11.	**Case No. COD-14-01288**, Ronald G & Anita M White, 14055 Ritter Ave, Port Charlotte - Affidavit of Noncompliance - $60.00	**JD**
12.	**Case No. COD-14-01339**, Noel & Louise A Scott, 2055 Backton St, Port Charlotte – Second Affidavit of Noncompliance - $110.00	**LR**
13.	**Case No. COD-14-01355**, William S & Ruth Ann Herald & Michelle L Shepard, 768 Baja Viejo, Englewood - Affidavit of Noncompliance - $60.00 William S & Ruth Ann Herald were dismissed from this Second Affidavit of Noncompliance at the request of the County.	**DN**
14.	**Case No. COD-14-01420**, Yefim A Botvinnik & Yulia Levitski, 22043 Hernando Ave, Port Charlotte – Eleventh Affidavit of Noncompliance - $102.75	**RL**
15.	**Case No. COD-14-01423**, Terry & Rebecca Merriman, 6115 Safford St, Punta Gorda - Affidavit of Noncompliance - $60.00	**DS**
16.	**Case No. COD-14-01811**, Alexi Orlov, 19954 Midway, Port Charlotte – Second Affidavit of Noncompliance - $3,260.00 This case was pulled from the consent agenda and heard separately. **ORDER** – Fine Approved.	**LR**
17.	**Case No. COD-14-02402**, Placido Amendolia, 21551 Kenyon Ave, Port Charlotte – Fifth Affidavit of Noncompliance - $88.50	**RL**
18.	**Case No. COD-14-02795**, Cecil Edmonds, 1370 River Ln, Englewood - Affidavit of Noncompliance - $60.00	**DN**
19.	**Case No. COD-14-02983**, Nick W & Anita J Martinez, 709 Bayard St, Port Charlotte – Third Affidavit of Noncompliance - $60.00	**LR**
20.	**Case No. COD-14-03078**, Tiernan & Elizabeth Corrigan, 18343 Lingerlon Ave, Port Charlotte – Third Affidavit of Noncompliance - $60.00	**LR**
21.	**Case No. COD-15-00105**, Jonathan E Broner, 2401 Strawlawn St, Port Charlotte – Second Affidavit of Noncompliance - $4,810.00 This case was pulled from the consent agenda and heard separately. **ORDER** – Fine Approved.	**LR**
22.	**Case No. COD-15-00217**, Federal National Mortgage Association, 21426 Meehan Ave, Port Charlotte – Third Affidavit of Noncompliance - $110.00	**RL**

23.	**Case No. COD-15-00355**, JP Morgan Chase Bank National Association, 667 Errol St, Port Charlotte – Third Affidavit of Noncompliance - $110.00	**LR**
24.	**Case No. COD-15-00475**, Motilall & Bhanmatie Kunuram, 4113 Durant St, Port Charlotte - Affidavit of Noncompliance - $60.00	**JD**
25.	**Case No. COD-15-00802**, William R Allen, 11804 Oceanspray Blvd, Englewood – Affidavit of Noncompliance - $60.00	**CB**
26.	**Case No. COD-15-00952**, James W & Millicent J Campbell, 4225 Rose Arbor Cir, Port Charlotte - Second Affidavit of Noncompliance - $60.00	**LR**
27.	**Case No. COD-15-01038**, Wells Fargo Bank NA, 731 Merrick Ln, Port Charlotte – Second Affidavit of Noncompliance - $6,810.00	**LR**
28.	**Case No. COD-15-01040**, Charlene Bridner, 752 Mirado Ln, Port Charlotte - Affidavit of Noncompliance - $60.00	**LR**
29.	**Case No. COD-15-01074**, Mary Ann Heckman, 669 Gaines St, Port Charlotte – Third Affidavit of Noncompliance - $60.00 *This case was pulled from the agenda at the request of the County.*	**CL**
30.	**Case No. COD-15-01118**, Marie D & Thomas Gabriellini, 2443 Tamarind St, Port Charlotte – Second Affidavit of Noncompliance - $60.00	**LR**
31.	**Case No. COD-15-01386**, Lynda Smith, 2270 Hayworth Rd, Port Charlotte – Fourth Affidavit of Noncompliance - $117.00	**RL**
32.	**Case No. COD-15-01437**, JP Morgan Chase Bank National Association, 965 Spring View Ave, Port Charlotte - Affidavit of Noncompliance - $110.00	**LR**
33.	**Case No. COD-15-01896**, Betty A Dauda, 21920 Beverly Ave, Port Charlotte – Fourth Affidavit of Noncompliance - $102.75	**RL**
34.	**Case No. COD-15-02157**, Laura Watkins, 3429 Croton Ter, Port Charlotte – Second Affidavit of Noncompliance - $117.00	**RL**
35.	**Case No. COD-15-02709**, Douglas R & Lyne M Smith, 27433 Sunset Dr, Punta Gorda - Affidavit of Noncompliance - $60.00	**SB**
36.	**Case No. COD-15-02875**, Martha Shore, 21872 Beverly Ave, Port Charlotte – Affidavit of Noncompliance - $617.00	**RL**

ORDER – Magistrate Siegel approved the remainder of the Consent Agenda – Affidavits of Noncompliance.

VIII. OLD BUSINESS

(None)

IX. NEW BUSINESS

A. **Case No. COD-15-02948**, Realty Income Properties 13 LLC, 5150 Duncan Rd, Punta Gorda [Sections 3-9-100(f), 3-9-100(g) & 3-9-100.2(c)] **GW**

ORDER - 30 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $100 per day for each day the violations(s) are shown to exist.

B. **Case No. DOH-15-00025**, Lillian A Alves Trustee, 2427 Lake View Blvd, Port Charlotte [Sections 3-8-256(g)1 & g(2)] **SB**

ORDER - 30 days from the date of this Order to have the septic tank pumped and inspected in accordance with Charlotte County Code, or thereafter face a fine of $50 per day for each day the violation is shown to exist.

C. **Case No. COD-16-00121**, Debra L Matthews, 15399 Mapletree Dr, Punta Gorda [Sections 3-9-5(b), 3-9-33(e) & 3-9-76 & FBC Section 105.1] **RM**

ORDER – Dismiss Charlotte County Code Section 3-9-33(e), the entry of a 2 year cease and desist order for any future zoning violations, 15 days from the date of this Order to 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, or thereafter face a fine of $50 per day for each day the violations(s) are shown to exist, for 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.

D. **Case No. COD-15-00994**, Emily Faulkner, 3489 Rome St, Port Charlotte [FBC Sections 105.4 & 110.3] **CL**

ORDER - 30 days from the date of this Order to renew the expired permit and pass all inspections in accordance with the Florida Building Code, or thereafter face a fine of $50 per day for each day the violation(s) is shown to exist.

E. **Case No. COD-15-02482**, Pierre Scavuzzo & Robert Guthrie, 426 Bonita Ave, Port Charlotte [Sections 3-9-5(b) & 3-9-33(e) & FBC Section 105.1] **CL**

ORDER - 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, or thereafter face a fine of $50 per day for each day the violation(s) are shown to exist.

F. **Case No. COD-15-00723**, Jillian & David Hines, 1484 Paxton Ter, Port Charlotte [FBC Sections 105.4 & 110.3] **GR**

ORDER - 30 days from the date of this Order to renew the expired permit and pass all inspections in accordance with the Florida Building Code, or thereafter face a fine of $50 per day for each day the violation(s) are shown to exist.

G. **Case No. COD-15-02688**, Patricia Barrow, 25414 Deep Creek Blvd, Port Charlotte [FBC Sections 105.4, 110.3 & 424.17] **GR**

ORDER – Dismiss FBC Section 424.17. 30 days from the date of this Order to renew the expired permit and pass all inspections in accordance with the Florida Building Code, or thereafter face a fine of $50 per day for each day the violations(s) are shown to exist.

H. **Case No. COD-15-02819**, James M Carter, 3421 Rock Creek Dr, Port Charlotte [Sections 3-9-5(b) & 3-6-21 & FBC Section 105.1] **LR**

ORDER – Dismiss Charlotte County Code Section 3-6-21. 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, or thereafter face a fine of $50 per day for each day the violation(s) are shown to exist.

I. **Case No. COD-15-02834**, Steven K Marcil, 630 Edgemere St, Port Charlotte [Section 3-9-5(b) & FBC Section 105.1] **LR**

ORDER - 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, or thereafter face a fine of $50 per day for each day the violation(s) are shown to exist.

J. **Case No. COD-15-03094**, Daniel & Carol Jean Gerdes, 17424 Harris Ave, Port Charlotte [Section 3-9-5(b) & FBC Section 105.1] **LR**

ORDER - 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, or thereafter face a fine of $50 per day for each day the violation(s) are shown to exist.

K. **Case No. COD-15-02849**, Breakers Restaurant LLC, 23241 Bayshore Rd, Port Charlotte [Section 3-9-5(b) & FBC Sections 105.1, 105.4 & 110.3] **AD**

ORDER - 60 days from the date of this Order to renew the expired permits, apply for and obtain all necessary permits and pass all inspections in accordance with the Florida Building Code, or thereafter face a fine of $100 per day for each day the violations(s) are shown to exist.

L. **Case No. COD-16-00018**, BSSJ Ventures LLC, 12443 or 12449 & 12459 Tamiami Trail, Punta Gorda [Sections 3-9-5(b) & 3-9-42 & FBC Sections 105.1, 105.4 & 110.3] **AD**

ORDER - 15 days from the date of this Order to clear the zoning violations, and 30 days from the date of this Order to renew the expired permit, apply for and obtain all necessary permits and pass all inspections in accordance with the Florida Building Code, or thereafter face a fine of $100 per day for each day the violations(s) are shown to exist.

M. **Case No. COD-15-02903**, Samuel & Mary Alice Grillo, 7491 St Regis Cir, Port Charlotte [Section 3-9-76 & 3-9-33(3)] **CB**

ORDER – The entry of a 2 year cease and desist order for any future zoning violations, and 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50 per day for each day the violations(s) are shown to exist, for 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-16-00043**, Mary Bressi, 4068 Elvington Rd, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] **CB**

ORDER – Dismiss Charlotte County Code Section 3-9-79.1. The entry of a 2 year cease and desist order for any future zoning violations, and 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50 per day for each day the violations(s) are shown to exist, for 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.

O. **Case No. COD-14-02655**, JW Real Estate Holdings, LLC, 21362 Glendale Ave, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) & 3-9-76, FBC Sections 105.1 & 424.2.17 & IPMC Sections 301.2 & 303.2] **RL**

This case was pulled from the agenda and continued to November at the request of the County.

P. **Case No. COD-15-02892**, Walter H Jones Jr, 2338 Lakeshore Cir, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) and 3-9-76, FBC Section 105.1 & IPMC Sections 108.1.2, 108.1.3, 108.1.5(8) & (10), 108.6, 110.1, 301.2, 302.7, 304.2, 304.7, 304.13, 304.14, 305.1, 305.3, 305.4, 305.6, 309.1, 401.2, 404.1, 404.4.4, 501.2, 504.1, 504.3, 505.1, 505.3, 505.4, 506.2, 601.2, 604.3, 605.1, 605.2, 701.2, 704.1, 704.2 & 704.3] **RL**

ORDER – The entry of a 2 year cease and desist order for any future zoning violations, 15 days from the date of this Order to cease occupying the dwelling until water service is reinstated, cease using the shed for living purposes, and clear the zoning violations, and 30 days from the date of this Order to apply for and obtain all necessary permits, 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 per day

for each day the violations(s) are shown to exist, and for the abatement of the zoning violations 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.

Q. **Case No. COD-15-03163**, Lazaro Deleon, 2504 Deedra St, Port Charlotte [Section 3-9-5(b) & FBC Section 105.1] **RL**

ORDER – 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, or thereafter face a fine of $100 per day for each day the violation(s) are shown to exist.

R. **Case No. COD-15-03298**, Dale R Shank, 2512 Elkcam Blvd, Port Charlotte [Sections 3-9-33(e) & 3-9-76 & IPMC Sections 301.2, 304.2 & 304.7] **RL**

ORDER – The entry of a 2 year cease and desist order for any future zoning violations, 15 days from the date of this Order to clear the zoning violations, and 30 days from the date of this Order to bring the property into compliance with the International Property Maintenance Code, or thereafter face a fine of $100 per day for each day the violations(s) are shown to exist, for 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.

S. **Case No. COD-16-00137**, Maria Hayes, 21397 Midway Blvd, Port Charlotte [Sections 3-9-33(e) & 3-9-76] **RL**

ORDER – The entry of a 2 year cease and desist order for any future zoning violations, and 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50 per day for each day the violations(s) are shown to exist, for 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.

T. **Case No. COD-16-00394**, Mark Machukas, 2412 Duke Ln, Port Charlotte [Section 2-5-72] **RL**

ORDER – The entry of a 5 year cease and desist order for any future zoning violations, and 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50 per day for each day the violations(s) are shown to exist, for 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.

U. **Case No. COD-16-00501**, Salvatore Falzone & Barbara Kowalska, 2676 Starlite Ln, Port Charlotte [Section 2-5-72] **RL**

ORDER – The entry of a 5 year cease and desist order for any future zoning violations, and 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50 per day for each day the violations(s) are shown to exist, for 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.

V. **Case No. COD-15-01963**, Stephen Roche, 5045 N Beach Rd, Englewood [Section 3-9-5(b) & FBC Section 105.1] **DN**

ORDER – 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, or thereafter face a fine of $100 per day for each day the violation(s) are shown to exist.

W. **Case No. COD-15-03400**, Federal National Mortgage Association, 8338 Pelican Rd, Englewood [Sections 2-5-72 & 3-9-5(b), FBC Section 105.1 & IPMC Sections 301.2, 301.3, 304.7 & 304.14] **DN**

ORDER –The entry of a 2 year cease and desist order for any future zoning violations, 15 days from the date of this Order to clear the zoning violations, and 30 days from the date of this Order to apply for and obtain all necessary permits, 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 per day for each day the violations(s) are shown to exist, for 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. **Case No. COD-15-03467**, Thomas Markoski, 1967 Wyoming Ave, Englewood [Section 2-5-72]. **DN**

ORDER – The entry of a 5 year cease and desist order for any future zoning violations, and 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50 per day for each day the violations(s) are shown to exist, for 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.

Y. **Case No. COD-16-00002**, Marie Stanishewski, 2115 Massachusetts Ave, Englewood [Sections 3-9-33(e) & 3-9-76 & IPMC Sections 301.2, 301.3, 304.6, 304.7, 304.13, 304.13.1, 304.13.2 & 304.14] **DN**

ORDER – The entry of a 2 year cease and desist order for any future zoning violations, 15 days from the date of this Order to 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 to bring the property into compliance with the International Property Maintenance Code, or thereafter face a fine of $50 per day for each day the violations(s) are shown to exist, for 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.

Z. **Case No. COD-16-00047**, Leigh Taylor, 3375 Ginsing Ln, Englewood [Sections 3-9-33(e) & 3-9-76] **DN**

ORDER – The entry of a 2 year cease and desist order for any future zoning violations, and 15 days from the date of this Order to clear the zoning violations, or thereafter face a fine of $50 per day for each day the violations(s) are shown to

exist, for 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.

AA. **Case No. COD-16-00474**, Keith A Oakes, 145 Rotonda Cir, Rotonda West [Sections 3-9-33(e) & 3-9-76 & IPMC Sections 301.2, 301.3, 304.7 & 304.14] **DN**

ORDER – 30 day continuance granted at the request of the Respondent.

BB. **Case No. COD-15-03101**, Fenard Properties, LLC, 21447 Carleton Ave, Port Charlotte [FBC Sections 105.4 & 110.3] **JD**

ORDER – 30 days from the date of this Order to renew the expired permit, apply for and obtain all necessary permits and pass all inspections in accordance with the Florida Building Code, or obtain a demolition permit to remove the improvements, or thereafter face a fine of $100 per day for each day the violation(s) are shown to exist.

X. STAFF AND CITIZEN INPUT – ANY SUBJECT

(None)

XI. ADJOURNMENT

Magistrate Siegel adjourned the hearing at 12:29 a.m.

MINUTES CERTIFICATION

I, Jill A. Graves, 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 April 6, 2016.

Jill A Graves

Jill A. Graves
Administrative Assistant I

Date 5/31/2016

MINUTES APPROVAL

Glenn Siegel
Code Enforcement Special Magistrate

Date 6/1/2016