

CHARLOTTE COUNTY

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

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

MINUTES OF JUNE 1, 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

July 6, 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-12-01102**, CC Properties & Lands Dev LLC, 17 Ferdon Cir, Port Charlotte – Second Affidavit of Noncompliance - \$5,345.60 **TB**
2. **Case No. COD-13-00147**, Richard D & Hazel L May, 1813 Lavilla Rd, Punta Gorda – Second Affidavit of Noncompliance - \$3,296.08 **TB**
3. **Case No. COD-13-00508**, Lloyd Parish, 2464 Deedra St, Port Charlotte – Eighth Affidavit of Noncompliance - \$60.00 **RL**
4. **Case No. COD-13-01475**, Brian J Schebel & Jennifer M Walker, 21354 Percy Ave, Port Charlotte – Seventeenth Affidavit of Noncompliance - \$267.00 **RL**
5. **Case No. COD-14-00862**, Paul C & Cristal J Schneider, 21922 Calvin Ln, Port Charlotte – Seventh Affidavit of Noncompliance - \$117.00 **RL**
6. **Case No. COD-14-00870**, Oqab Abuogab, 21090 Ionia Ave, Port Charlotte – Eleventh Affidavit of Noncompliance - \$217.00 **RL**
7. **Case No. COD-14-00884**, Tenny I & Anastasia Fragiadakis, 21431 Midway Blvd, Port Charlotte – Ninth Affidavit of Noncompliance - \$152.75 **RL**

8. **Case No. COD-14-01026**, Robert McCool & Eileen Jones, 6108 Safford St, Punta Gorda – Third Affidavit of Noncompliance - \$6,360.00 **RM**
9. **Case No. COD-14-01290**, Phillip & Lynda Zaayer, 13068 Woolard Ave, Port Charlotte – Affidavit of Noncompliance - \$60.00 **TB**
10. **Case No. COD-14-01292**, C.C.S.T.T.T. INC, 5069 Condado Ter, Port Charlotte – Affidavit of Noncompliance - \$110.00 **CB**
11. **Case No. COD-14-01420**, Yefim A Botvinnik & Yulia Levitski, 22043 Hernando Ave, Port Charlotte – Twelfth Affidavit of Noncompliance - \$109.88 **RL**
12. **Case No. COD-14-02322**, Zdenek Voves, 2781 Auburn Blvd, Port Charlotte – Third Affidavit of Noncompliance - \$60.00 **LR**
13. **Case No. COD-14-02380**, Alfonso S & Avril M Lloyd, 21929 Felton Ave, Port Charlotte – Seventh Affidavit of Noncompliance - \$117.00 **RL**
14. **Case No. COD-14-02546**, Wells Fargo Bank NA, 731 Merrick Ln, Port Charlotte – Fifth Affidavit of Noncompliance - \$110.00 **LR**
This case was pulled from the agenda at the County's request.
15. **Case No. COD-14-02673**, Marjorie Papaleo & Walter Andalora Revocable Trust, 480 Sharon Cir, Port Charlotte – Fourth Affidavit of Noncompliance - \$60.00 **CL**
This case was pulled from the consent agenda and heard separately.
ORDER – Fine approved.
16. **Case No. COD-14-02833**, Nicholas Bangor, 5430 Hoffman St, Port Charlotte – Fourth Affidavit of Noncompliance - \$60.00 **CB**
17. **Case No. COD-14-02886**, Christine E Marfut, 21219 Glendale Ave, Port Charlotte – Fourth Affidavit of Noncompliance - \$110.00 **RL**
18. **Case No. COD-14-02943**, Richard Joseph Callahan, 2360 Ednor St, Port Charlotte – Third Affidavit of Noncompliance - \$110.00 **RL**
19. **Case No. COD-15-00291**, Matthew Ernest McAdams, 22008 Beverly Ave, Port Charlotte – Second Affidavit of Noncompliance - \$102.75 **RL**
20. **Case No. COD-15-00306**, Secret Homes, LLC, 2368 Starlite Ln, Port Charlotte – Sixth Affidavit of Noncompliance - \$117.00 **RL**
21. **Case No. COD-15-00307**, Stanley Kowalski & Diane Paluszek, 21939 Catherine Ave, Port Charlotte – Sixth Affidavit of Noncompliance - \$109.88 **RL**
22. **Case No. COD-15-00380**, John A & Carla G Saffer, 3460 Normandy Dr, Port Charlotte – Third Affidavit of Noncompliance - \$60.00 **RL**
23. **Case No. COD-15-00473**, Gulf Coast Home Sites, Inc., as trustee, 3381 Croton Ter, Port Charlotte – Third Affidavit of Noncompliance - \$110.00 **RL**
24. **Case No. COD-15-01192**, US Bank NA as trustee, 3510 Yukon Dr, Port Charlotte – Third Affidavit of Noncompliance - \$110.00 **LR**

25. **Case No. COD-15-01386**, Lynda Smith, 2270 Hayworth Rd, Port Charlotte – Fifth Affidavit of Noncompliance - \$117.00 **RL**
26. **Case No. COD-15-01440**, Suntrust Mortgage, Inc., 21875 Hernando Ave, Port Charlotte - Second Affidavit of Noncompliance - \$167.00 **RL**
This case was pulled from the consent agenda and heard separately.
ORDER – Fine approved.
27. **Case No. COD-15-01589**, JP Morgan Chase Bank, Nat'l Assoc, 17465 Clover Ave, Port Charlotte – Second Affidavit of Noncompliance - \$9,510.00 **LR**
28. **Case No. COD-15-01917**, Maria Teresa Duke, 640 Rose Apple Cir, Port Charlotte – Second Affidavit of Noncompliance - \$2,610.00 **CB**
29. **Case No. COD-15-01954**, Henry Geeve Estate, 22136 Bronxville Ave, Port Charlotte – First Affidavit of Noncompliance - \$60.00 **CL**
30. **Case No. COD-15-01972**, Elena Grigorovich, 4523 Collingswood Blvd, Port Charlotte – Affidavit of Noncompliance - \$60.00 **LR**
31. **Case No. COD-15-02023**, Vincent Cu Tran & Mary Thao Tran, 334 & 336 Millport St, Port Charlotte – Second Affidavit of Noncompliance - \$4,210.00 **LR**
32. **Case No. COD-15-02350**, Emigdio Cabrera, 3172 Normandy Dr, Port Charlotte – Second Affidavit of Noncompliance - \$117.00 **RL**
33. **Case No. COD-15-02405**, Brian M Rumisek, 22086 Marshall Ave, Port Charlotte – Affidavit of Noncompliance - \$110.00 **RL**
34. **Case No. COD-15-02486**, Antonio & Ana Maria De Lima, 18270 Arapahoe Cir, Port Charlotte – Affidavit of Noncompliance - \$60.00 **LR**
35. **Case No. COD-15-02752**, Michael L & Jennifer Pethtel, 21379 Gladis Ave, Port Charlotte – Affidavit of Noncompliance - \$60.00 **RL**
36. **Case No. COD-15-02823**, Harry Liu, 17364 Sabrina Cir, Port Charlotte – Affidavit of Noncompliance - \$60.00 **LR**
37. **Case No. COD-15-02875**, Martha Shore, 21872 Beverly Ave, Port Charlotte – Second Affidavit of Noncompliance - \$117.00 **RL**
38. **Case No. COD-15-02895**, Roberto Ugarte, 18471 Cochran Blvd, Port Charlotte – Affidavit of Noncompliance - \$60.00 **LR**
39. **Case No. COD-16-00018**, BSSJ Ventures, LLC, 12443 or 12449 or 12459 Tamiami Trail, Punta Gorda – Affidavit of Noncompliance – \$110 **AD**
40. **Case No. COD-16-00079**, Douglas E Robinson, 21544 Holdern Ave, Port Charlotte – Affidavit of Noncompliance - \$60.00 **RL**
41. **Case No. COD-16-00394**, Mark Machukas, 2412 Duke Lane, Port Charlotte – Affidavit of Noncompliance - \$117.00 **RL**

42. Case No. COD-16-00501, Salvatore Falzone & Barbara Kowalska, 2676 Starlite Ln, Port Charlotte – Affidavit of Noncompliance - \$117.00 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-15-02355, Cathy Pintwala, 7455 San Casa Dr, Englewood [Sections 3-9-5(b), 3-9-34(e)& 3-9-76 and FBC Section 105.1] DN

ORDER - From the date of this Order, a 2 year cease and desist order for any future zoning violations, 15 days to clear the zoning violations, and 30 days 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 a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.

- B. Case No. COD-15-03294, Estate of Caren L. Herman, 2851 Waterside Dr, Englewood [Sections 3-9-5(b), 3-9-37(e), 3-9-76 & 3-9-79.1 & FBC Section 105.1] DN

ORDER - From the date of this Order, a 2 year cease and desist order for any future zoning violations, 15 days to clear the zoning violations, and 30 days 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 a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.

- C. Case No. COD-15-01235, William A Young Trustee, 17468 Dudley Ave, Port Charlotte [FBC Sections 105.4 & 110.3] TB

ORDER - From the date of this Order, 30 days to renew the expired permit 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 \$50 per day for each day a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.

- D. Case No. DOH-15-00032, Kathleen A Anderson, 968 Dobell Ter, Port Charlotte [Sections 3-8-256(g)(1) & (g)(2)] SB

This case was pulled from the agenda at the County's request.

- E. **Case No. DOH-15-00049**, Atkinson Family Trust, 2203 Cannolot Blvd, Port Charlotte [Section 3-8-256(g)(1) & (g)(2)] **SB**
- ORDER** - From the date of this Order, 30 days 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 a violation exists.
- F. **Case No. DOH-15-00055**, Margot L Ayre, 11126 Grapefruit Ln, Punta Gorda **SB**
[Section 3-8-256(g)(1) & (g)(2)]
- ORDER** - From the date of this Order, 30 days 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 a violation exists.
- G. **Case No. DOH-15-00056**, Norman Azan, 3453 Conmore St, Port Charlotte **SB**
[Section 3-8-256(g)(1) & (g)(2)]
- This case was pulled from the agenda at the County's request.*
- H. **Case No. COD-15-03061**, Louise Little, 4820 & 4828 Duncan Rd, Punta Gorda **RM**
[Sections 3-9-37(e), 3-9-76 & 3-9-79.1]
- ORDER** - From the date of this Order, a 5 year cease and desist order for any future zoning violations, and 15 days to clear the zoning violations, or thereafter face a fine of \$100 per day for each day a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.
- I. **Case No. COD-16-00235**, Richmond LLC, 15500 Lime Dr, Punta Gorda [Sections 3-9-37(e), 3-9-62.1, 3-9-76 & 3-9-79.1] **RM**
- ORDER** - From the date of this Order, a 2 year cease and desist order for any future zoning violations, and 15 days to clear the zoning violations, or thereafter face a fine of \$100 per day for each day a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.
- J. **Case No. COD-15-03343**, Robert L & Joyce M Heaton, 4396 Larkspur Ct, Port Charlotte [Sections 3-9-33(e) & 3-9-76(a), FBC Section 424.2.17, and IPMC Sections 301.2, 301.3, 302.1, 302.7, 303.1, 303.2, 304.2 & 304.15] **CL**
- ORDER** - From the date of this Order, a 2 year cease and desist order for any future zoning violations, 15 days to secure the pool and clear the zoning violations, and 30 days 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 \$50 per day for each day a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.
- K. **Case No. COD-16-00175**, Wilmington Savings Fund Society, FSB, d/b/a Christina Trust, 4460 Belfountain St, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) & 3-9-76(a), FBC Section 105.1 & IPMC Sections 301.2, 301.3 & 302.7] **CL**
- ORDER** - Dismiss Charlotte County Code Section 3-9-76(A), and from the date of this Order, 30 days to clear the zoning violations, and 30 days 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 a violation exists.

- L. **Case No. COD-16-00435**, Merod, LLC, 23108 Seneca Ave, Port Charlotte **CL**
[Sections 3-9-33(e) & 3-9-76, and IPMC Sections 301.2, 302.1, 304.1, 304.6, 304.7, 304.13, 304.14 & 304.18]

ORDER - From the date of this Order, a 2 year cease and desist order for any future zoning violations, 15 days to clear the zoning violations, and 30 days 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 per day for each day a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.

- M. **Case No. COD-16-00581**, Joel J Rizza, 3191 Leamington St, Port Charlotte **CL**
[Sections 3-9-33(e) & 3-9-76 and FBC Sections 105.4 & 110.3]

ORDER - From the date of this Order, a 2 year cease and desist order for any future zoning violations, 20 days to clear the zoning violations, and 30 days 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 a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.

- N. **Case No. COD-16-00785**, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, 4090 Michel Tree St, Port Charlotte [Sections 2-5-72, 3-9-33(e) and 3-9-76(a) and IPMC Sections 301.2, 301.3, 302.1, 302.7, 304.2, 304.6, 304.7, 304.9, 304.13, 304.13.1, 304.13.2 & 304.15] **CL**

ORDER - Dismiss Charlotte County Code Sections 2-5-72, 3-9-33(e) & 3-9-76(a) & IPMC Sections 304.13, 304.13.1, 304.13.2, and from the date of this Order, 30 days 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 per day for each day a violation exists.

- O. **Case No. COD-16-00194**, Ricardo & Marie Josee Verdiner, 21169 Quesada Ave, Port Charlotte [FBC Sections 105.4 & 110.3 and IPMC Sections 304.13 & 304.13.1] **GR**

This case was pulled from the agenda at the County's request.

- P. **Case No. COD-16-00578**, Mark A & Dorothy A Saccullo, 327 Tamiami Trail, Port Charlotte [Sections 3-9-42(e) & 3-9-76 and IPMC Sections 301.2, 304.1, 304.6 & 304.7] **AD**

ORDER - Dismiss Charlotte County Code Sections 3-9-42(e) & 3-9-76, and from the date of this Order, 30 days 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 per day for each day a violation exists.

- Q.** Case No. **COD-16-01115**, Diamond T LLC, 1149 Tamiami Trail, Port Charlotte [Sections 3-9-5(b), 3-9-43(b) & 3-9-85(1.1.3)(C) 1, 2 & 3 and FBC Section 105.1] **AD**
- ORDER** - Dismiss FBC Section 105.1, and from the date of this Order, 30 days to clear the zoning violations, apply for and obtain all necessary permits and pass all inspections in accordance with the Charlotte County Code, or thereafter face a fine of \$100 per day for each day a violation exists.
- R.** Case No. **COD-15-02161**, Michael & Heidi Dyer, 281 Cheshire St, Port Charlotte [IPMC Sections 303.1 & 303.2] **CB**
- This case was pulled from the agenda at the County's request.*
- S.** Case No. **COD-15-02471**, Alexandr Livits & Irina Kochetkova, 15027 Community Ave, Port Charlotte [Section 3-9-79.1(e) & FBC Sections 105.4 & 110.3] **CB**
- ORDER** - From the date of this Order, a 2 year cease and desist order for any future zoning violations, 15 days to clear the zoning violations, and 30 days 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 a violation exists.
- T.** Case No. **COD-15-02570**, Scott & Paula Parsons, 897 Rutland Cir, Port Charlotte [Sections 3-9-76 & 3-9-33(e) and FBC Sections 105.4 & 110.3] **CB**
- ORDER** - From the date of this Order, a 5 year cease and desist order for any future zoning violations, 15 days to clear the zoning violations, and 30 days to renew the expired permits and pass all inspections in accordance with the Florida Building Code, or otherwise comply with the Florida Building Code, or thereafter face a fine of \$50 per day for each day a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.
- U.** Case No. **COD-15-01740**, James Crum & Lucinda Parsons Crum, 3340 Maple Ter, Port Charlotte [Sections 3-9-33(e) & 3-9-76 & IPMC Sections 301.2, 301.3, 304.2, 304.6, 304.14, 305.1, 305.3, 305.4 & 309.1] **RL**
- This case was pulled from the agenda and continued to December at the County's request.*
- V.** Case No. **COD-15-02185**, Bank of America, N.A., 2159 Gerard Ct, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) & 3-9-76, FBC Section 105.1 and IPMC Sections 301.2, 301.3, 302.7, 304.2, 304.6, 304.7, 305.1, 305.4 and 604.3] **RL**
- ORDER** - Dismiss Charlotte County Code Sections 3-9-33(e) & 3-9-76, and from the date of this Order, 30 days 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 a violation exists.
- W.** Case No. **COD-16-00568**, Rafael & Minerva Mesa, 21978 Buxton Ave, Port Charlotte [Sections 3-9-33(e) & 3-9-76] **RL**
- ORDER** - From the date of this Order, a 2 year cease and desist order for any future zoning violations, and 15 days to clear the zoning violations, or thereafter

face a fine of \$100 per day for each day a violation exists, abatement in the event of non-compliance, and costs of abatement to be added to the fines and costs.

- X. **Case No. COD-16-00764**, Patricia Caldwell & the Estate of Shawn R Switter, 21512 Kenyon Ave, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] **RL**

ORDER - From the date of this Order, a 2 year cease and desist Order for any future zoning violations, and 15 days to clear the zoning violations, or thereafter face a fine of \$50 per day for each day a violation exists, abatement in the event of non-compliance, and for the costs of such abatement to be added to the fines and costs.

- X. **STAFF AND CITIZEN INPUT – ANY SUBJECT**
(None)

- XI. **ADJOURNMENT**
Magistrate Siegel adjourned the hearing at 11:11 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 June 1, 2016.

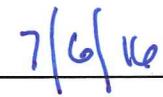


Jill A. Graves
Administrative Assistant I


Date

MINUTES APPROVAL


Glenn Siegel
Code Enforcement Special Magistrate


Date