AGENDA

CHARLOTTE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

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

HEARING MINUTES OF JUNE 2, 2022

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@CharlotteCountyFL.gov.

- I. CALL TO ORDER
 SPECIAL MAGISTRATE DEREK ROONEY CALLED THE HEARING TO ORDER AT 9:00 A.M.
- II. SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY SUZAN GOWANS ADMINISTERED THE OATH
- III. NEXT MEETING DATE
 JULY 6, 2022
- IV. OLD BUSINESS

COD-20-01464, Christopher Slattery & Alicia May, 43014 Wireglass Lane, Punta Gorda – Affidavit of Non-Compliance - \$70.00

COD-21-02794, Evelyn Bustinera & Orlando Rondon, 20338 Quesada Ave, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1]

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

V. CONFLICT CASES

COD-21-02424, John Heekin & Barbara Heekin, 23270 Stelling Ave, Port Charlotte [Section 3-6-35.8(a)] JOHN HEEKIN, ROD WAWON & JULIE ZITTLOW PRESENT WW CONTINUED UNTIL JULY

The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist and issuance of a 2-year cease and desist order for repeat zoning violations.

COD-21-02767, Joseph Casey, 12031 Green Gulf Blvd, Punta Gorda [Section 3-9-5(b); & FBC Section 105.1]

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

COD-22-00154, Nicholas Smith, 282 Tait Terrace, Port Charlotte [Sections 3-9-5(b) & 3-9-33(e); & FBC Section 105.1] CAROL & MARK MCCORMUCH PRESENT

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

COD-21-00311, Paul Hartt Jr. & Angela Hernandez, 2475 Minneola Ave, Port Charlotte [Sections 3-9-5(b), 3-9-32(e), 3-9-74, 3-9-76, 3-9-79.1, 3-5-91, 3-9-100(b) & 3-9-100.3(d); & FBC Section 105.1]

DISMISS CODES 3-9-32(e), 3-9-74, 3-9-76, 3-9-79.1, 3-9-100(b) & 3-9-100.3(d) ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

COD-22-00305, Thomas Carey, 27065 Ann Arbor Ave, Punta Gorda [Sections 3-9-33(e) & 3-9-79.1]

THOMAS CAREY PRESENT

TJ

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

VI. 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. **UTL-20-00002**, Arthnel Hastings, 631 Grove Ave, Port Charlotte Fifth Affidavit of Non-Compliance \$4,520.00
- UTL-21-00003, CASCO ENTERPRISES LIMITED COMPANY, 23411 Harborview Rd, Port Charlotte – Affidavit of Non-Compliance - \$120.00 GR
 CONTINUED UNTIL JULY

- 3. **COD-15-01237**, Jovica Jovic & Biljama Negic-Jovic, 242 Beeney Rd, Port Charlotte Eighth Affidavit of Non-Compliance \$120.00 PD
- 4. **COD-17-01909**, Danny Neal & Glenda Neal, 850 Fairfax Terrace, Port Charlotte Ninth Affidavit of Non-Compliance \$70.00 PD
- 5. **COD-19-01792**, Thomas Hamilton & Sherry Hamilton, 127 Rodgers Ave, Port Charlotte Sixth Affidavit of Non-Compliance \$120.00 PD
- 6. **COD-20-01549**, Jimmy Cruz & Luis Cruz, 325 Timbruce Lane, Port Charlotte Third Affidavit of Non-Compliance \$70.00 PD
- 7. **COD-20-02158**, Paul Duxbury, 609 Ennis Terrace, Port Charlotte Sixth Affidavit of Non-Compliance \$70.00 PD
- 8. **COD-20-02192**, FEDERAL NATIONAL MORTGAGE ASSOC., 181 West Tarpon Blvd, Port Charlotte Third Affidavit of Non-Compliance \$20.00 **LESLIE JENN PRESENT** PD
- 9. **COD-20-02157**, Tara Weiss, 21914 Haines Ave, Port Charlotte Sixth Affidavit of Non-Compliance \$140.00
- 10. **COD-20-02932**, Dale Carlson & Patricia Carlson, 21661 Augusta Ave, Port Charlotte Second Affidavit of Non-Compliance \$4,520.00
- 11. **COD-21-00066,** ESTATE OF SHARYNN KOZENKO, 2244 Hayworth Rd, Port Charlotte Second Affidavit of Non-Compliance \$9,020.00 RL
- 12. **COD-21-00939**, Carlos Rosario, 22024 Felton Ave, Port Charlotte Second Affidavit of Non-Compliance \$4,520.00
- 13. **COD-21-01824**, Margaret Bell, Stacy Pendleton & Theresa Naticchia, 21899 Beverly Ave, Port Charlotte Third Affidavit of Non-Compliance \$210.00 RL
- 14. **COD-16-02661**, Raymond Busbey & Sandra Busbey, 1393 Fireside St, Port Charlotte Eleventh Affidavit of Non-Compliance \$70.00
- 15. **COD-18-04132**, James Garland, 1815 Banana St, Port Charlotte Sixth Affidavit of Non-Compliance \$70.00 **JAMES GARLAN PRESENT** TJ
- 16. **COD-19-03853,** ABRAHAMSON PROPERTIES LLC, 22095 Laramore Ave, Port Charlotte Fifth Affidavit of Non-Compliance \$9,020.00 **MELISSA DUNN PRESENT** TJ
- 17. **COD-20-02013**, Kenneth Kendall, 1451 Salyers St, Port Charlotte Fourth Affidavit of Non-Compliance \$70.00
- 18. **COD-21-00770**, Robert Menje Jr, & Joseph Menje, 3191 or 3195 or 3199 or 3203 Daytona Dr, Punta Gorda Affidavit of Non-Compliance \$70.00 **ROBERT MENJE JR PRESENT** TJ
- 19. **COD-21-01322**, Dwayne Murff & Loisteen Murff, 23268 Avacado Ave, Port Charlotte Third Affidavit of Non-Compliance \$70.00

- 20. **COD-21-01559**, Julie Hennessey & Cathy McLean, 25892 Aysen Dr, Punta Gorda Third Affidavit of Non-Compliance \$70.00
- 21. **COD-21-02204**, Christopher Aniskewicz Jr., 1314 Maracaibo St, Port Charlotte Second Affidavit of Non-Compliance \$4,520.00
- 22. **COD-14-01221**, Lisa Gianfrancisco, 7075 Treadway Rd, Port Charlotte Twelfth Affidavit of Non-Compliance \$70.00
- 23. **COD-18-00632,** WATERVIEW PROPERTY OWNERS ASSOC. INC, 16120 Eastern Blvd, Port Charlotte Ninth Affidavit of Non-Compliance \$120.00
- 24. **COD-20-03195,** David Jamison, 2020 Rose Ave, Englewood Second Affidavit of Non-Compliance \$4,520.00 **JOHN MOORE PRESENT** RM
- 25. **COD-21-00382**, Robert Goudreau & Cynthia Goudreau, 15449 Orchid Dr, Punta Gorda Affidavit of Non-Compliance \$2,025.09
- 26. **COD-18-00086,** Mary Lou Traster Estate, 1300 Edmund St, Punta Gorda Seventh Affidavit of Non-Compliance \$70.00
- 27. **COD-18-02738**, Patricia Hopwood, 4702 Fairway Dr. S, Punta Gorda Third Affidavit of Non-Compliance \$70.00
- 28. **COD-19-00211**, Michael Phillips, 6187 Strasse Blvd, Punta Gorda Fifth Affidavit of Non-Compliance \$4,520.00 **MICHAEL PHILLIPS PRESENT** BB
- 29. **COD-20-03121**, Mark Schmitt, 11406 or 11410 Second Ave, Punta Gorda Second Affidavit of Non-Compliance \$4,520.00 **MARK SCHMITT PRESENT** BB
- 30. **COD-21-02996**, Virgil Thomas, 28122 Senator Dr, Punta Gorda Affidavit of Non-Compliance \$ 70.00

SPECIAL MAGISTRATE DEREK ROONEY APPROVED ALL OTHER ANC'S 11:19 AM

VII. NEW BUSINESS

A. **DOH-16-00274**, Patrick Howanitz, 18542 Satsuma Ave, Port Charlotte [Section 3-8-256(c)(1), (c)(2), (c)(3)] GR

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance including payment of any associated fees to the Department of Health or thereafter fined \$50 for each day the violation continues to exist.

B. **DOH-16-00384**, Gregory Parkinson, 914 Tropical Cir., Port Charlotte [Section 3-8-256 (c)(1), (c)(2) & (c)(3)] **GREGORY PARKINSON PRESENT** GR

The County recommends the Respondent be found in violation of the cited code sections and given 180 days from the date of the Order to bring the property into compliance including payment of any associated fees to the Department of Health or thereafter fined \$50 for each day the violation continues to exist.

c. **COD-21-02193**, Bonnie McQueen, 4363 Jackson St, Port Charlotte [Section 2-5-72; & IPMC Sections 108.1, 108.1.1, 108.1.2, 108.1.3, 108.1.5, 108.6, 110.1, 301.2, 304.1, 304.2 & 304.6]

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

D. COD-22-00583, Eleanor Dirrane Estate, 3387 Pinetree St, Port Charlotte [IPMC Sections 108.1, 108.1.1, 108.1.2, 108.1.3, 108.1.5(3)(5)(6)(7)(9), 108.6, 110.1, 301.2, 301.3, 302.7, 304.1, 304.2, 304.4, 304.6, 304.7, 304.10, 304.13, 304.13.1, 304.15, 305.1, 305.3, 404.7, 501.2, 504.1, 505.1, 505.4, 601.2, 604.3, 604.3.2 & 604.3.2.1] PD

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

E. COD-22-00819, Paul Tomasi & Jessica Conover, 22258 Elmira Blvd, Port Charlotte [Sections 3-9-33(e) & 3-9-76] PD

The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

F. COD-22-00874, Narin Imprasert & Nipapan Imprasert, 757 Crestview Circle, Port Charlotte [Sections 3-9-33(e) & 3-9-76] PD

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

G. COD-22-00924, Charles Fagundes III, 157 Barre Dr, Port Charlotte [Sections 3-9-33(e) & 3-9-76] CHARLES FAGUNDES III PRESENT PD

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$100 per day for each day the violation continues to exist. The issuance of a 5-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

H. COD-22-00164, Carol Ann Martin & Pamela Sexton Donlan, 7500 Park Pointe Dr, Unit 5, Englewood [Section 3-9-36(e); & IPMC Sections 301.2, 301.3, 304.1 & 304.7] JD HAL COXAN PRESENT

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 45 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

i. **COD-21-02846**, James Kuchler, 2265 or 2269 Talbrook Terrace, Punta Gorda [Sections 3-6-22, 3-6-24, 3-9-5(b), 3-5-91, 3-9-100.3(b), 3-9-100.3(d) & 3-5-268]

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

J. COD-22-00371, Javier Ruiz & Leticia Garcia, 21306 Midway Blvd, Port Charlotte [Sections 3-9-33(e) & 3-9-79.1]

ORDERED. County recommends the Respondents be found in violation of the cited code sections and issued a 2-year cease and desist order. County further recommends that Respondents be fined \$50 per day for any violation of the cease and desist order, and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

κ. COD-22-00379, Cheryl Swofford, 339 Hallcrest Terrace, Port Charlotte [Sections 3-9-33(e) & 3-9-76]
 EUGENE SCHNEIDER PRESENT

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

L. COD-22-00421, Mauricio Gutierrez & Sheila Escobar, 21439 Carleton Ave, Port Charlotte [Sections 3-6-21, 3-6-24, 3-9-33(e) & 3-9-76]

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

M. COD-22-00847, James Garland, 1815 Banana St, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1] JAMES GARLAND PRESENT TJ

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 180 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

o. **COD-22-00282**, ANDERSUN MOBILE ESTATES LLC, 15392 Olive Circle, Punta Gorda [Sections 3-9-37(e), 3-9-76 & 3-9-79.1] **KEVIN ANDERSON PRESENT** RM

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$100 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

P. COD-22-00610, Cynthia Smith, 16060 Hibiscus Dr, Punta Gorda [Sections 3-9-5(b), 3-9-30(e) & 3-9-76; & FBC Section 105.1; & IPMC Sections 108.1, 108.1.1, 108.1.2, 108.1.3, 108.6, 110.1, 110.2, 110.3, 110.4, 301.2, 301.3, 302.3, 302.7, 304.1 & 304.1.1]

CYNTHIA SMITH PRESENT

RM

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- Q. **COD-22-00055**, Dmitriy Yakubovich, 2144 Harbor Blvd, Port Charlotte [Sections 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 302.7, 304.6 & 304.7] RL

 DISMISS CODES 302.7, 304.6 & 304.7
 - ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.
- R. COD-22-00217, SUNSTATE RENTAL PROPERTIES LLC, 22192 Beverly Ave, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1; & IPMC Sections 301.2, 301.3, 304.13, 304.15 & 604.3]
 - ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist.
- s. COD-21-02092, Alfonso Casalino & Darlene Casalino, 2334 Dorsey Dr, Punta Gorda [FBC Sections 105.4 & 110.3]
 - ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.
- T. **COD-21-03039**, Dalia Gonzalez, 50166 Bermont Rd, Punta Gorda [Sections 3-9-5(b), 3-9-30(e), 3-9-76 & 3-9-77; & FBC Section 105.1] BB
 - ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.
- U. **COD-22-00581**, Colleene Miller, 13176 Mandalay Dr, Punta Gorda [Sections 3-9-5(b), 3-9-33(e), 3-6-22, 3-6-24, 3-9-77 & 3-9-79.1; & FBC Section 105.1] BB
 - ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

v. **COD-22-00791**, Michael Wise L/E, 29186 Marylu Ave, Punta Gorda [Sections 3-9-37(e); & FBC Section 105.1; & IPMC Sections 108.1, 108.1.1, 108.1.3, 108.6, 301.2, 302.7, 304.1.1(12), 304.2, 304.6, 601.2 & 604.3]

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

W. COD-21-02739, Mark Gabbard, 274 Gastin St, Port Charlotte [Sections 3-9-33(e), 3-9-5(b) & 3-9-76; & FBC Sections 105.4 & 110.3]

MARK GABBARD PRESENT

The County recommends the Respondent be found in violation of the cited code sections and given 60 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

x. COD-21-02769, Maria Martins L/E, 20317 Peachland Blvd, Port Charlotte [Sections 3-9-33(e) & 3-9-79.1] CYNTHIA MARTINS & RICHARD MARTINS PRESENT ST

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 120 days to attain a permit for the freight container and 45 days to clear up the junklike conditions from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

Y. **COD-22-00580**, Samuel Grillo, 7501 St Regis Circle, Port Charlotte [Sections 3-5-91, 3-9-33(e), 3-9-5(b), 3-9-79.1 & 3-9-100.3]

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

XII ADJOURNMENT

SPECIAL MAGISTRATE DEREK ROONEY ADJOURNED THE HEARING AT 1:10 PM

MINUTES APPROVAL CERTIFICATION

I, Suzan Gowans, Senior Administrative Assistant for Charlotte County, hereby approve and certify these minutes to be true and accurate account of the Code Enforcement Special Magistrate Hearing held on June 2nd, 2022.

Suzan Gowans

O6/03/2022 Date Approved

NEXT MEETING DATE July 6, 2022

XII ADJOURNMENT

If any person desires to appeal any decision with respect to any matter considered at these meetings, such person may need a record of the proceedings; for this purpose, such person may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.