

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 MARCH 1, 2023

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

APRIL 6, 2023

IV. OLD BUSINESS

V. CONFLICT CASES

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. **COD-16-00354**, Gerry Wendt & Lorraine Rector, 4545 Melbourne St, Port Charlotte – Twelfth Affidavit of Non-Compliance - \$70.00 PD
2. **COD-17-01909**, Danny Neal & Glenda Neal, 850 Fairfax Terrace, Port Charlotte – Tenth Affidavit of Non-Compliance - \$70.00 PD
3. **COD-17-03204**, Daniel Parabak, 22191 Oneida Ave, Port Charlotte – Fourth Affidavit of Non-Compliance - \$0.00 **DANIEL PARAVBAK PRESENT** PD
4. **COD-19-01792**, Thomas Hamilton & Sherry Hamilton, 127 Rodgers Ave, Port Charlotte – Seventh Affidavit of Non-Compliance - \$120.00 PD
5. **COD-20-01549**, Jimmy Cruz & Luis Cruz, 325 Timbruce Lane, Port Charlotte – Fifth Affidavit of Non-Compliance \$ 4,520.00 PD
6. **COD-21-01818**, Craig McKendry & Christine McKendry, 3140 Conway Blvd, Port Charlotte – Fifth Affidavit of Non-Compliance - \$9,020.00 PD

7. **COD-21-02193**, Bonnie McQueen, 4363 Jackson St, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 PD
8. **COD-22-01042**, Daniel Valenti & April Valenti, 322 Aylesbury Lane, Port Charlotte – Affidavit of Non-Compliance - \$270.00 **RALPH BROOKES PRESENT CONTINUED** PD
9. **COD-22-01218**, James Verhoeven, 4377 Sibley Bay St, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 PD
10. **COD-15-01623**, Larry Dale Lee, 18522 Hottellet Circle, Port Charlotte – Ninth Affidavit of Non-Compliance - \$120.00 SR
11. **COD-21-00989**, Patrick Howanitz, 18542 Satsuma Ave, Port Charlotte – Sixth Affidavit of Non-Compliance - \$70.00 SR
12. **COD-21-00991**, Michael Abernathy & Wende Abernathy, 18512 Satsuma Ave – Third Affidavit of Non-Compliance - \$4,520.00 SR
13. **COD-21-01548**, Tonya Marx, 18049 Cochran Blvd, Port Charlotte – Fourth Affidavit of Non-Compliance - \$70.00 SR
14. **COD-22-01084**, LION OF JUDAH INVESTMENTS CORP INC, 18219 Driggers Ave, Port Charlotte – Affidavit of Non-compliance - \$120.00 **EMMY ABREU PRESENT** SR
15. **COD-22-01228**, ELIZAR CAPITAL LLC, 18426 Locklane Ave, Port Charlotte – Affidavit of Non-Compliance - \$120.00 SR
16. **COD-22-01374**, Gary Alexander & Judith Alexander, 18321 Wolbrette Circle, Port Charlotte – Affidavit of Non-Compliance - \$120.00 SR
17. **COD-20-00201**, Herman Van Gardner III, 22131 Hernando Ave, Port Charlotte – Affidavit of Non-Compliance - \$70.00 RL
18. **COD-21-02465**, Yefim Botvinnik & Yulia Levitski, 22043 Hernando Ave, Port Charlotte – Fourth Affidavit of Non-Compliance - \$450.00 RL
19. **COD-22-00533**, Tricia White, 21888 Beverly Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$70.00 RL
20. **COD-22-00858**, Bernard Dipalma, 2503 Conway Blvd, Port Charlotte – Affidavit of Non-Compliance - \$70.00 RL
21. **COD-22-00878**, Herman Van Gardner III, 22131 Hernando Ave, Port Charlotte – Affidavit of Non-Compliance - \$70.00 **HERMAN VAN GARDNER III PRESENT** RL
22. **COD-22-01172**, William Stuart, 3397 Edgehill Terrace, Port Charlotte – Affidavit of Non-Compliance - \$1,867.25 RL
23. **COD-22-01270**, Marcus Clark, 21290 Glendale Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$250.00 RL

24. **COD-18-04132**, James Garland, 1815 Banana St, Port Charlotte – Seventh Affidavit of Non-Compliance - \$70.00 TJ
25. **COD-20-02013**, Kenneth Kendall, 1451 Salyers St, Port Charlotte – Sixth Affidavit of Non-Compliance - \$70.00 TJ
26. **COD-20-02410**, Robert Mitchell, 22338 Seyburn Terrace, Port Charlotte – Third Affidavit of Non-Compliance - \$120.00 TJ
27. **COD-21-02077**, Steve Annexstein & Rose Sprinkles, 27285 or 27289 Sunnybrook Rd, Punta Gorda – Third Affidavit of Non-Compliance - \$120.00 TJ
28. **COD-21-02204**, Christopher Aniskewicz Jr, 1314 Maracaibo St, Port Charlotte – Third Affidavit on Non-Compliance - \$70.00 TJ
29. **COD-21-02846**, James Kuchler, 2265 or 2269 Talbrook Terrace, Punta Gorda – Second Affidavit of Non-Compliance - \$4,520.00 TJ
30. **COD-22-00421**, Mauricio Gutierrez & Sheila Escobar, 21439 Carleton Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 TJ
31. **COD-22-00847**, James Garland, 1815 Banana St, Punta Gorda – Affidavit of Non-Compliance - \$70.00 TJ
32. **COD-16-00979**, Robert Gregory, 9038 Calumet Blvd, Port Charlotte – Eleventh Affidavit of Non-Compliance - \$70.00 ST
33. **COD-18-01947**, Marisa Sinclair, 1112 Shearer St, Port Charlotte – Eighth Affidavit of Non-Compliance - \$70.00 ST
34. **COD-20-02118**, Ronald Fisher, 19972 Kenilworth Blvd, Port Charlotte – Fifth Affidavit of Non-Compliance - \$4,520.00 ST
35. **COD-20-03145**, Dorcas Gray, 18449 Lincoya Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 **DORCAS GRAY PRESENT** ST
36. **COD-21-01804**, Jean-Mary Pierre, 5644 Anderson Rd, Port Charlotte – Third Affidavit of Non-Compliance - \$70.00 ST
37. **COD-22-00288**, Erik Konald & Jennifer Konald, 98 Statler St, Port Charlotte – Affidavit of Non-Compliance - \$70.00 ST
38. **COD-22-00791**, Michael Wise L/E, 29186 Marylu Ave, Punta Gorda – Affidavit of Non-Compliance -\$70.00 RM

SPECIAL MAGISTRATE DEREK ROONEY APPROVED ALL OTHER ANC'S AT 9:36AM

VII. NEW BUSINESS

- A. **COD-22-01353**, Holly Wollschlager, 453 Liddy St, Port Charlotte [Sections 3-9-33(e), 3-9-5(b), 3-9-76 & 3-9-79.1] **HOLLY WOLLSCHLAGER PRESENT** ST

ORDERED. 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.

- B. **COD-22-02393**, Alysha Samataro, 20400 Vanguard Terrace, Port Charlotte [Sections 3-9-33(e), 3-9-33(d)(7) & 3-9-69] **ALYSHA SAMATARO PRESENT** ST

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 90 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.

- C. **COD-21-03082**, Dacko Donald Michael, 4040 Dotham St, Port Charlotte [Sections 3-9-33(e), 3-9-76, 3-9-79.1 & 3-6-30] SR

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.

- D. **COD-22-00552**, Stephen Dufresne II, 17421 Sabrina Circle, Port Charlotte [Sections 3-2-214, 3-2-215, 3-9-5(b), 3-9-33(e), 3-9-76 & 3-9-79.1; & FBC Sections 105.4 & 105.4.1] SR

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.

- E. **COD-22-01513**, Charles Conley, 18476 Poston Ave, Port Charlotte [Sections 3-6-24, 3-6-26 & 3-9-5(b); & FBC Section 105.1] **CHARLES CONLEY PRESENT** SR

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 90 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.

- F. **COD-22-01601**, Paul Gregory & Lucy Gregory, 2289 Lake View Blvd, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) & 3-9-76; & FBC Section 105.1] SR

PAUL GREGORY PRESENT

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 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-22-01985**, Avi Ayash & Ester Ayash, 2410 Dando St, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) & 3-9-76; & FBC Section 105.1; & IPMC Sections 301.2, 301.3, 302.7, 303.1, 304.1, 304.6] SR

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 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.

- H. **COD-22-02057**, Ann Marie Figiel & Raymond Figiel, 18161 Koala Ave, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] SR

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.

- I. **COD-22-02516**, Clifton Mignott & Carmelena Mignott, 22491 Provance Ave, Port Charlotte [Sections 3-9-33(e) & 3-9-76] **BRYAN HEROUX 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.

- J. ~~**COD-22-02016**, LAND & LAWN LLC, 41390 & 41330 Cook Brown Rd, Punta Gorda [Sections 3-9-62.2 & 3-9-70] **CONTINUED** WW~~

~~**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.**~~

- K. **COD-22-01818**, RENTAL PROPERTIES OF SW FL I, INC, 2305 Elkcam Blvd, Port Charlotte [Sections 2-5-72, 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 301.3, 304.2, 304.6, 304.7, 304.13, 304.13.1 & 604.3] RL

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 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-22-02236**, Bernardino Estrada, 21055 Gertrude Ave, Port Charlotte [Section 3-9-5(b): & FBC Section 105.1] RL

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.

- M. **COD-22-02250**, Genaro Sinda & Marlene Viera, 21155 Glendale Ave, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1] RL

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.

- N. **COD-22-02287**, Yadira Mustelier, 3333 Edgehill Terrace, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1] **MR ALVEREZ PRESENT** RL

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 120 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.

- O. **COD-22-02403**, Thomas Pennella Life Estate, 1060 Sea Crest Dr, Port Charlotte [Section 3-9-72(g)] 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.

XII ADJOURNMENT

SPECIAL MAGISTRATE DEREK ROONEY ADJOURNED THE HEARING AT 10:41AM.

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 March 1, 2023.

Suzan Gowans
Suzan Gowans

03/03/2023
Date Approved

NEXT MEETING DATE

April 6, 2023

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.