

MINUTES
FORT MYERS BEACH
Code Enforcement - Parking
Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931
Wednesday, January 25, 2017

Hearing Examiner - Special Magistrate: Mr. Joe Madden

Mr. Madden swore in those providing testimony.

Property Owner: John F. Schneider
SUBJECT: Dog off leash
LOCATION: near Mango Street Access
BASE OFFICER: Todd Sears
REFERENCE NO: Citation 0106

While patrolling the beach on January 5, 2017 at approximately 5:00 p.m., Mr. Sears noticed a black Lab running loose on the beach. He approached the owner and asked whether he knew the rules. Mr. Schneider replied affirmatively, so Mr. Sears issued Citation 0106. The Town asked that Mr. Schneider be fined \$100.00 plus \$100.00 in administrative fees. Mr. Schneider had not paid the citation as of January 25, 2017.

Mr. Madden ruled that if the fine was not paid by the end of the business day on January 25, 2017, he will enter an order to pay the fine and \$100.00 in administrative fees. The order will be sent to Mr. Schneider's Florida address.

Property Owner: Paul Ameen
SUBJECT: Overtime Meter
LOCATION: Estero Blvd.
BASE OFFICER: Sheila Conroy
REFERENCE NO: 72603521

Ms. Conroy was patrolling the area on December 23, 2016 when she saw a green Jeep, Colorado license plate 768 QKC, parked overtime at space 72 on Estero Blvd. She issued a parking citation for an overtime meter. She presented a report showing that the meter was paid up to 5:35 p.m. She asked that a fine of \$60.00 be paid plus \$100.00 in administrative fees.

Mr. Ameen stated that he visited the beach with his children frequently. He paid the parking, but the machine produced a receipt for space 2 instead of 72, which was occupied. He felt that since he paid for parking he should not be fined.

Mr. Madden ordered Mr. Ameen to pay a fine of \$60.00 within 10 days and he waived the \$100.00 administrative fee.

PAID

Property Owner: Mary Sandelands
SUBJECT: Overtime Meter
LOCATION: Newton Lot
BASE OFFICER: Mark Pergoli

REFERENCE NO: 72216266

While patrolling the area on December 6, 2016 at about 11:56 a.m., Mr. Pergoli approached a red Mazda, Florida license GRU E80, parked overtime at space 214 on Newton Lot. He asked for a \$70.00 fine and \$100.00 in administrative fees. Mr. Pergoli provided pictures.

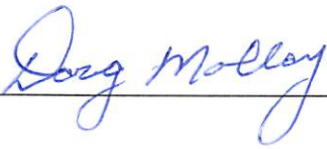
Ms. Sandelands stated that she received a ticket for \$35.00 and she called the phone number on the ticket multiple times. She plead with the court for leniency.

Mr. Madden ordered her to pay a fine of \$35.00 and gave her until March 25, 2017 to comply; otherwise, the fine will increase to \$70.00 plus \$100.00 in administrative fees.

Property Owner: Carl Endress
SUBJECT: Overtime Meter
LOCATION: MP Bridge Lot 3
BASE OFFICER: Mark Pergoli
REFERENCE NO: 72217272

Mr. Pergoli was patrolling the area on January 3, 2017 at approximately 6:57 p.m. when he approached a gray Hyundai, Florida license NFL 3G, parked overtime at space 129. He issued a citation. The report showed that space 129 was not paid on that date. He asked for a \$70.00 fine plus \$100.00 in administrative fees. Mr. Madden questioned the \$70.00 fine.

Mr. Madden ordered the fine to be \$35.00 plus \$100.00 in administrative fees.

Vote: _____ Signature:  _____

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Wednesday, January 25, 2017

Hearing Examiner - Special Magistrate: Mr. Joe Madden

Mr. Madden swore in those providing testimony.

Property Owner:	WHITE SWAN INVESTMENTS LLC
SUBJECT:	LDC Section: 34-621 Non-Permitted USE - Converted SFR to Quad-Plex
LOCATION:	203/205 Fairweather Ln.
STRAP NO:	19-46-24-W3-0110C.0090
CODE OFFICER:	Molly Jacobs
REFERENCE NO:	CE16-0445

Ms. Jacobs inspected the property on August 9, 2016 and September 17, 2016. She found the following condition: non-permitted use - a converted single family residence to a quad-plex. The action necessary to correct the violation is to revert the structure to a single family residence, obtain all permits and pass all subsequent inspections. Notice of violation was provided to the property owner via certified mail on August 10, 2016 and was unclaimed. Notice of violation was sent to the registered agent via certified mail on August 15, 2016 and it was claimed. Notice of hearing was sent to the property owner via certified mail on September 24, 2016 and it was claimed. It was sent to the registered agent via certified mail on September 26, 2016 and it was claimed. An amended notice of hearing was sent by regular mail to the property owner and registered owner on November 15, 2016. There was a verbal discussion that the court case would be extended.

17
LDC Sec 34-621
Allowable
uses of
land
described

Ms. Jacobs presented pictures of the condition she took on August 9, 2016 and by the Lee County Property Appraiser on November, 2004 and August, 2013. If the hearing found a violation, the Town requested a finding of fact, revert to a single family structure, obtain all required permits and pass all subsequent inspections by February 17, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs.

Ms. Jacobs revealed that an application for a remodel was submitted on June 6, 2016 and was under review.

Kara Stewart, Director of Community Development, stated that the project came to them via a remodeling permit pursuant to work being performed on an outside deck. In the remodeling permit, the drawing represented a four-plex. She indicated that they had met with Jim Moon prior to the hearing to discuss the case.

Jim Moon represented the property owner. He questioned whether the property had ever been used as a multiplex. Ms. Jacobs did not have proof to the knowledge. Mr. Moon brought up the appearance of multiple entry doors. The entry doors existed as of August, 2013. Ms. Jacobs replied in the affirmative. Mr. Moon questioned the 2004 case against the property. Ms. Jacobs

was not aware of a case brought against that property in 2004. Mr. Moon stated that it was established that the changes were made in 2013. There was no evidence that the property was being used as a quad-plex just because it had multiple doors.

Mr. Madden continued the matter for full documentation of the application to February 22, 2017 and he ordered that it remain unoccupied until after the hearing.

Property Owner: PERSAUD PROPERTIES FL INVESTMENTS
SUBJECT: LDC Section: 6-111 Work w/out Permit - SFR
LOCATION: 3050-3056 Estero Blvd.
STRAP NO: 29-46-24-W1-00100.020A
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0644

LDC 6-111, SFR sec. 105.1
Ms. Jacobs inspected the property on November 1, 2016 and December 20, 2016. She found the following condition: work done without a permit. The action necessary to correct the violation is to obtain a building permit for construction or secure required permit to remove structure and pass all subsequent inspections. Notice of violation was provided to the property owner and registered agent on December 6, 2016 and both were unclaimed. The notice of violation was posted at Town Hall and at the property. Notice of hearing was sent to the property owner and registered agent on December 22, 2016 and it was claimed by both. It was posted at Town Hall and the property on December 21, 2016. *SFR being built on 12/6/16*

Ms. Jacobs presented pictures she took on November 1, 2016 that accurately reflected the condition of the property. She inspected the property on January 24, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, to obtain a building permit for construction or secure required permit to remove structure and pass all subsequent inspections by February 21, 2017; otherwise, a fine per day pursuant to code with \$207 in administrative costs.

Ms. Jacobs reported that a single family residence permit was issued August 26, 2015 and revoked on June 3, 2016 over the coastal construction line. Ms. Jacobs noted that both addresses were part of the same strap number.

See Bill Orlandini, general contractor, noted that a civil case #17-CA000219 was filed regarding the structure and location. It was a complaint for declaratory relief and injunction.

Mr. Madden stayed the case until a determination was made in court. He ordered that it be brought back July 26, 2017.

Property Owner: RODRIGUEZ WILFREDO
SUBJECT: LDC Section: 6-111 Work w/out Permits - Decks (Front & Back)
LOCATION: 215 Nature View Ct.
STRAP NO: 19-46-24-W3-01700.0170
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0351

Ms. Jacobs inspected the property on July 21, 2016 and November 11, 2016. She found the following condition: work done without permits. The action necessary to correct the violation is

to secure required permits and pass all subsequent inspections. Notice of violation was provided to the property owner via regular mail on July 25, 2016 and registered mail on August 17, 2016; it was claimed. Notice of hearing was sent to the property owner via certified mail on November 4, 2016 and it was unclaimed. It was posted on the property on November 18, 2016.

Ms. Jacobs presented pictures that accurately reflected the condition from the property appraiser on May 2003, April 2015, May 2015, March 2016 and pictures she took on November 18, 2016. If the hearing found a violation, the Town requested a finding of fact, secure required permits and pass all subsequent inspections by February 17, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs.

Mr. Rodriguez stated that he purchased the property as is in November 2015. He requested more time to hire a contractor to fix the deck. He was unsure regarding what was done to the deck and he requested 60 days to repair it.

Mr. Madden ordered that the permit be pulled and inspections be completed within 60 days; otherwise \$100.00 per day will be imposed. He ordered an administrative fee of \$175.00 to be paid by March 24, 2017; otherwise \$100.00 per day will be charged.

Property Owner: EDISON PETROLEUM INC.

SUBJECT: LDC Section : 34-621 Operating outside of the USE of the property

LOCATION: 1510 Estero Blvd

STRAP NO: 19-46-24-W4-0070C.0020

CODE OFFICER: Molly Jacobs

REFERENCE NO: CE16-0663

*Operations of a
Parking lot
11/26 & 11/27*

Ms. Jacobs responded to a complaint made on November 28, 2016. She inspected the property on December 3, 2016 and December 20, 2016 and found no violation. On December 26, 2016, Beach and Street Enforcement Nello Cernoia witnessed the property being used as a parking lot. She inspected the property on January 21, 2017 and found the property being used as a parking lot.

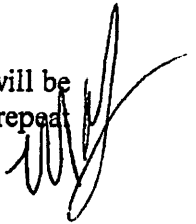
She found the following condition: operating outside the use of the property. The action necessary to correct the violation is to discontinue use of a parking lot or obtain a permit for the change in use. A combined notice of violation and hearing was provided to the property owner on January 3, 2017 and was unclaimed. The notices were sent to the registered agent on December 28, 2016 and were claimed. The notices were posted to the property on December 27, 2016. (Audio is breaking up and difficult to hear.)

Ms. Jacobs presented pictures David Gray took on November 26 and 27, 2016, Nello Cernoia took on December 26, 2016 and pictures she took on January 21, 2017 that accurately reflected the condition of the property. She inspected the property on January 21, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact. If the violation reoccurs, they ask that an immediate fine per day pursuant to code be assigned to the property until the violation is abated and an administrative fee of \$223.00 withheld unless the violation reoccurs.

Mr. Rashid stated the property was under contract and was prolonged for 21 months; as of January 10, 2017 he was no longer under contract. He indicated that he did not receive a lot of the past violation notices. He requested additional time to clean up the place and rope it off to prevent parking in the future.

Mr. Madden found that a violation occurred and in the event of a repeat violation, the fine will be \$225.00 per day and \$223.00 in administrative costs will be withheld unless they find a repeat violation.



Property Owner: ORLANDINI JOSEPH B + SHANNON M
SUBJECT: LDC Section: 302.10 Storage of Materials - No Active Permit
LOCATION: 455 Palermo Cir.
STRAP NO: 19-46-24-W4-0060D.0100
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0669

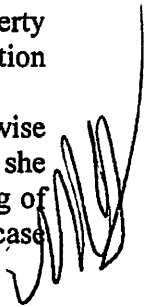
Ms. Jacobs inspected the property on November 29, 2016 and December 8, 2016. She found the following condition: storage of material - no active building permit. The action necessary to correct the violation is to remove all material, construction or otherwise, and maintain empty lot. No material may be placed on premises until permit is issued.

Combined notices of violation and hearing were provided to the property owner via certified mail on December 3, 2016 and it was claimed. It was posted on the property on November 30, 2016.

Ms. Jacobs presented pictures she took on November 29, 2016 and December 8, 2016 that accurately reflected the condition. She inspected the property on January 21, 2017 and the violation was abated.

If the hearing found a violation, the Town requested a finding of fact. If the violation should reoccur, they ask that an immediate fine per day pursuant to code be assigned to the property until such violation is abated. An administrative fee of \$191.00 withheld unless violation reoccurs.

Mr. Madden requested evidence that showed materials were stored there past 10 days; otherwise there was not a finding of fact. Ms. Jacobs stated that the issue reoccurs on the property and she has had multiple conversations with the owner. They started the code case to have a finding of fact. Mr. Madden stated that without evidence he could not make a finding of fact and the case was withdrawn.



Property Owner: GRAND RESORT V-FT MYERS BEACH
SUBJECT: LDC Section: 6-111 Work w/out Permit - Fence
LOCATION: 1154 Estero Blvd.
STRAP NO: 24-46-23-W3-00011.0000
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0517

Ms. Jacobs inspected the property on August 29, 2016 and October 11, 2016. She found the following condition: work done without a permit. The action necessary to correct the violation is to secure required permit and pass all subsequent inspections. Notice of violation was provided to the property owner and registered agent via certified mail on September 1, 2016 and it was claimed. Notice of hearing was sent to the property owner and registered agent via certified mail on October 18, 2016 and it was claimed.

Ms. Jacobs presented pictures she took that accurately reflected the condition of the property on August 29, 2016. She inspected the property on January 24, 2017 and the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain required permit and pass all subsequent inspections by February 10, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs.

Ms. Jacobs stated a permit had been applied for but was under review.

Mr. Madden found that the violation existed. They have until February 10, 2017 to get it permitted and pass a final inspection. He assessed an administrative fee of \$175.00 and \$125.00 per day if the fence is not remedied.

Property Owner: PFITZ II LLC
SUBJECT: FMB PM : 304.2 Property Maintenance
LOCATION: 2633 Estero Blvd
STRAP NO: 19-46-24-W3-0020C.0160
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0350

Ms. Jacobs inspected the property on July 21, 2016 and October 11, 2016. She found the following condition: property maintenance including fence, broken window pane, peeling paint, front stairs, deck and siding. The action necessary to correct the violation is to repair/replace sections of broken fencing, replace window pane, repair/repaint peeling paint, repair/replace front stairs, deck and railing, repair/replace sections of missing or damaged siding, obtain required permits and pass all subsequent inspections.

Notice of violation was provided to the property owner via certified mail on August 8, 2016 and it was unclaimed. It was claimed by the registered agent via certified mail on July 28, 2016. Notice of hearing was sent to the property owner on October 24, 2016 and it was unclaimed. It was sent to the registered agent via certified mail on October 18, 2016 and it was claimed. It was posted on the property on October 28, 2016.

Ms. Jacobs presented pictures she took that accurately reflected the condition of the property on July 21, 2016 and October 11, 2016. She inspected the property on January 24, 2017 and the violation still existed.

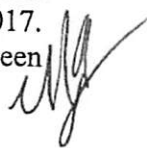
If the hearing found a violation, the Town requested a finding of fact, repair/replace broken, deteriorated items, repair/repaint deteriorated areas, obtain required permits and pass all subsequent inspections by February 10, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs. Ms. Jacobs noted they submitted a permit but the review was denied.

Mr. Madden found that a violation existed and ordered it to be abated by February 10, 2017; otherwise a fine of \$150 per day will be imposed. The administrative costs of \$175.00 must be paid by February 10, 2017.

RECALL CASES TO BE HEARD:

Property Owner: LIGHTHOUSE ISLAND RESORT INC
SUBJECT: LDC Section: 6-111 Work W/O Permit Adoption of Florida
Building Code 105.1 Required
LOCATION: 332 Crescent St
STRAP NO: 19-46-24-W4-0150E.016A
CODE OFFICER: Molly Jacobs

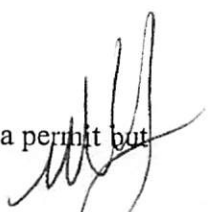
REFERENCE NO: CE16-0507

Ms. Jacobs reported that a code enforcement order was in place and they were expected to abate the violation by obtaining permits and passing subsequent inspections by December 2, 2017. Three permits were under review and one had been issued but the inspections have not been completed. Mr. Madden will move forward with a lien. 

Property Owner: NAPPO JOSEPH C + CHRISTINE M
SUBJECT: LDC Section: 6-111 Remodel W/O Permit Adoption of Florida
Building Code 105.1 Required
LOCATION: 21562 Indian Bayou Dr.
STRAP NO: 33-46-24-W2-01100.0050
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0431

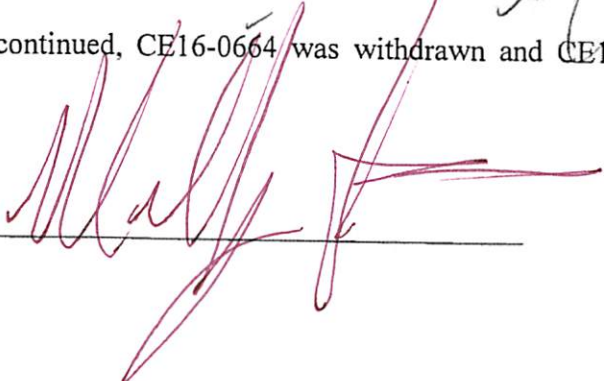
Ms. Jacobs indicated that they were ordered to come into compliance by November 30, 2016 by securing permits and passing subsequent inspections. They secured a permit but they required a final framing. (I didn't hear Mr. Madden order anything on this case.) *→ Lien will be placed*

Property Owner: Island Winds Condo
SUBJECT: LDC Section: 6-111 Work w/out Permit - Pool Restoration
LOCATION: 6614 Estero Blvd
STRAP NO: 19-46-24-W4-0150E.016A
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0488

Ms. Jacobs noted they were to have it abated by December 30, 2016. They obtained a permit but lack the final inspection. Mr. Madden will move forward with a lien. 

CE16-0544, CE16-0545, CE16-0576 were continued, CE16-0664 was withdrawn and CE16-0556 was abated.

Vote: 2/2/17

Signature: 

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