

MINUTES
FORT MYERS BEACH
Code Enforcement
Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Thursday, February 1, 2018

 **Hearing Examiner - Special Magistrate:** Mr. Joe Madden

Mr. Madden swore in those providing testimony.

Mr. Jack Peterson, Town Attorney, represented the Town in cases with opposing counsel.

Property Owner: ZAHN FAMILY PROPERTIES LLC
SUBJECT: LDC Section: 26-73 Mooring - Fishing Pier
LOCATION: 293 Carolina Ave.
STRAP NO: 19-46-24-W4-0060A.0010
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE18-0011

Ms. Jacobs stated that the owner escorted her to the pier and they discussed the moored pontoon boat. She indicated that it had to be removed and she issued a citation for \$100.00. They were given 24 hours to remove the boat. Austin Gilchrist from Public Works confirmed that the boat was removed on January 6, 2018 but his pictures did not turn out. She inspected the property on January 8, 2018. She took pictures that reflected the violation.

A combination notice of hearing and violation was sent to the property owner and claimed on January 24, 2018. It was posted in Town Hall on January 8, 2018 and at the property on January 11, 2018. The property was inspected on January 8, 11 and 31, 2018 and it was in compliance.

Ms. Jacobs indicated that it was not the first violation for the property. A code case recently started regarding work without a permit and expired permits.

If the hearing found a violation, the Town requested a finding of fact and if the violation should occur again, an immediate fine of \$500.00 per day would be issued plus \$175.00 in administrative costs. The owner acknowledged the violation.

Mr. Madden found that a violation existed, it was abated and the fines were paid. In the event of a future violation, the Town was authorized to make a finding of repeat violator and the owner will incur a fine of \$500.00 per day with administrative costs of \$175.00.

Property Owner: FLORIDA BEACHSIDE REAL ESTATE
SUBJECT: LDC Section: 30 -5 (15) Off Premise sign
LOCATION: 100 Gulf Beach Rd.
STRAP NO: 19-46-24-W3-0020C.0070
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0882



Mr. Kontomanolis observed the violation on November 30, 2017. He took pictures of the violation that reflected the condition of the vacant property. This property had violations in the past, which were all abated. The property owner indicated that the sign would be removed. Mr. Kontomanolis noted that the sign was removed but placed back out.

A notice of violation was sent to the property owner and registered agent via certified mail and was claimed by both on December 6, 2017. A notice of hearing was sent to the property owner and registered mail via certified mail and was claimed by both on December 6, 2017. Mr. Madden indicated that the notice of hearing was dated for a January 25, 2018 hearing. He questioned whether the property owner was sent an amended notice of hearing. Mr. Bogart replied that they did not have a record of an amended notice. Mr. Kontomanolis requested that the case be withdrawn.

Cases abated: ✓CE16-0111, CE18-0026 and CE17-0757. CE17-0022 was withdrawn. ✓CE17-0256, CE17-0296 and CE17-0702 were continued to March 1, 2018. ✓CE17-0864 was continued to March 29, 2018.

Signature: _____

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