

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

Wednesday, July 26, 2017

Hearing Examiner - Special Magistrate: Mr. Joe Madden

Mr. Madden swore in those providing testimony.

✓
Molly Jacobs
Property Owner: PERSAUD PROPERTIES FL INVESTMENTS
SUBJECT: LDC Section: 6-111 FBC 105.1 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

Ms. Jacobs noted that the case was previously brought before the Magistrate on January 25, 2017. It was continued due to a lawsuit against Fort Myers Beach. The lawsuit was pending and the matter will be continued until January 23, 2018.

✓
Molly Jacobs
Property Owner: ORLANDINI JOSEPH B
SUBJECT: LDC Section: 10-101(a) Work w/ out permit - Pavers
LOCATION: 80 Avenue E
STRAP NO: 19-46-24-W4-0070A.0020
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0065

Ms. Jacobs inspected the property on February 3, 2017 and on June 15, 2017. She found the following condition: work without a permit - pavers. The action necessary to correct the violation is to secure required permit and associated inspections.

This case was brought before the Magistrate during the March 29, 2017 hearing. The case was continued due to a discrepancy in the notice of violation. Mr. Orlandini confessed to the violation and agreed to obtain a Limited Development Order (LDO) within 30 days. As of July 24, 2017, no LDO application had been submitted.

The notice of violation and notice of hearing were sent to the property owner on June 17, 2017 and it was claimed

Ms. Jacobs presented pictures she took on February 27, 2017, March 28, 2017 and April 26, 2017 that accurately reflected the condition of the property. Mr. Kontomanolis took pictures on February 3 & 10 and June 15, 2017.

She inspected the property on July 25, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by September 19, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Mr. Orlandini stated that he turned in a permit two months ago. Ms. Jacobs confirmed that he submitted a permit on May 25, 2017, but he needed an LDO. Mr. Orlandini stated that he was not aware that he needed an LDO.

Mr. Madden found that a violation existed and gave the Respondent until August 30, 2017 to comply; otherwise a lien of \$150 per day will be charged and an administrative fee of \$175 will be assessed.

 Property Owner: BEACHFRONT ESCAPES LLC
SUBJECT: LDC Section: 6-111 FBC 105.1 REPEAT - Remodel of Interior Units (1710)
LOCATION: 1710/1740 Estero Blvd.
STRAP NO: 19-46-24-W4-0070A.0010
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0297

Ms. Jacobs discovered that on June 9, 2017, a website called Vacation Rentals By Owner featured the property as newly renovated. The website indicated four units had been renovated. Ms. Jacobs presented snapshots from the VRBO website on June 9, 2017. She found the following condition: work without a permit - remodel. This is a repeat violation. The action necessary to correct the violation is to secure required permits and associated inspections.

A combination notice of violation and notice of hearing were provided to the property owner and registered agent on June 16, 2017 and it was claimed.

She presented several pictures taken over a six month time span. As of July 24, 2017, the VRBO website no longer described the property as newly renovated; however, several reviews confirmed that the property was newly renovated.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by September 19, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Mr. Uhle represented the Respondent and he questioned whether Ms. Jacobs inspected the property. Ms. Jacobs replied that she was not able to gain access, but the pictures on the website reflected new construction in the bathrooms and kitchens. Mr. Orlandini claimed that the work done was cosmetic. Cabinet doors were replaced and the base and casings were cleaned up. Mr. Uhle stated that the Town's code provided that ordinary minor repairs, routine maintenance or incidental work of a non-structural nature may be done without a permit.

Ms. Jacobs revealed that the VRBO website listed the renovations. Mr. Uhle replied that the work done qualified under the definition in the Town's code. Kara Stewart, Community Development Director, indicated that the property was located in a flood zone and was subject to flood plain permits; therefore, a building permit was required.

Mr. Uhle commented that he had not heard any evidence that established the scope of activity or what permits were required. He maintained the position that they did not need permits.

Mr. Madden questioned Mr. Orlandini regarding work done in the shower. Mr. Orlandini replied that the shower rings and shower head were replaced.

Ms. Jacobs felt that the kitchens and bathrooms were remodeled and the work done fell within the flood plain regulations. Ms. Stewart left the hearing to obtain the flood plain regulations.

Mr. Orlandini stated that the tile was not new.

The case was continued for 15 minutes.

Ms. Jacobs requested to continue the case until August 22, 2017. Mr. Madden continued the hearing to August 30, 2017 but he encouraged the Respondent to submit information by August 22, 2017.



Property Owner: TEKULVE LAYNE JOSEPH
SUBJECT: LDC Sec. 34-631(c) (2) Increase in Living Space (BFE)
LOCATION: 190 Primo Dr.
STRAP NO: 19-46-24-W4-0060H.0170
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0185

Ms. Jacobs inspected the property on the VRBO website on April 12, 2017 and July 25, 2017. She found the following condition: increase in living space - Below Flood Elevation (BFE). The action necessary to correct the violation is to convert the ground floor area back to storage. The notice of violation was provided to the property owner on April 17, 2017 and it was claimed. The notice of hearing was provided to the property owner on June 16, 2017 and it was claimed. Ms. Jacobs presented pictures from the VRBO website on April 12, 2017 that accurately reflected the condition of the property.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by September 19, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Joe Tekulve stated that the garage apartment was always there. He discussed structure value and he stated that it was not a new residential building. He described events surrounding the history of the property. He stated that his mother used the apartment and it was painful for her to have to climb stairs. He indicated that children played in the pool and they made noise. He stated that the house was their second home. His garage apartment was insured and he paid a higher FEMA flood rate. He took the property off the internet and no longer advertised it. He requested that he be allowed to keep his home intact.

Ms. Jacobs revealed that two permits were on eConnect and one was finaled for raising the building. The second permit for additions and remodeling was never finaled. Mr. Madden suggested locating the plans that were submitted with the permit so an engineer could certify that it was built in conformance of the approved plans so the permit could be closed out. Ms. Stewart indicated that the plans may not be available at the County. Mr. Tekulve had some drawings, but the previous owner could not find her drawings. He requested an as-built drawing to obtain a permit.

Mr. Madden stated that they needed to find the plans and have an engineer certify that everything was done in compliance with the plans. Ms. Stewart noted that it appeared they were missing a final framing, but there was an elevation certificate in the record. She thought the permit may have been to get it into compliance with flood.

Ms. Stewart indicated that the issue was how the downstairs space was used. Mr. Tekulve stated that he rented the unit for years prior to purchasing it and it had not changed.

Mr. Madden gave Mr. Tekulve 60 days to obtain any information he could. Mr. Tekulve questioned whether the home could be grandfathered. Mr. Madden replied that he needed to provide more information and he had 60 days to do so. The case was continued until September 27, 2017.

 Property Owner: BEACHFRONT ESCAPES LLC
SUBJECT: LDC Section: 6-111 FBC 105.1 REPEAT - Remodel of Interior Units (1740)
LOCATION: 1710/1740 Estero Blvd.
STRAP NO: 19-46-24-W4-0070A.0010
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0301

Ms. Jacobs requested that the case be continued. Mr. Madden continued the hearing until August 30, 2017 and he encouraged the Respondent to submit information by August 22, 2017.

 Property Owner: ISLAND WINDS CONDO
SUBJECT: LDC Section: 6-111 FBC 105.1 SWO - REPEAT - Work w/out Permit - Remodel (office)
LOCATION: 6614 Estero Blvd.
STRAP NO: 34-46-24-W4-02100.00CE
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0354

Ms. Jacobs inspected the property on June 22, 2017. She found the following condition: repeat work without a permit - remodel of office. She referenced code case CE16-0488, which was pool restoration. The action necessary to correct the violation is to secure required permits and associated inspections.

The combination notice of violation and notice of hearing were provided to the property owner and it was claimed on June 28, 2017. It was provided to the registered agent and it was claimed on June 27, 2017. A stop work order was posted on June 22, 2017. The combination notice of violation and notice of hearing were posted on the property on June 27, 2017 and posted at Town Hall on June 30, 2017.

Ms. Jacobs presented pictures she took of the property on June 22, 2017 that accurately reflected the condition of the property. As of July 24, 2017 the remodel application submitted on July 13, 2017 had not been issued.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by September 19, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Mr. Dubois indicated that he was unaware he needed a permit, but he would submit an application.

Mr. Madden found that a violation existed and gave the Respondent until October, 25, 2017 to comply; otherwise a fine of \$150 will be charged and an administrative fee of \$175 will be assessed.

JK

Property Owner: LEFEBVRE AMY JO + LOUGHREY RICKY
SUBJECT: LDC Section: 6-111 FBC 105.1 Work W/Out a permit- Stairs
LOCATION: 5120 Williams Dr.
STRAP NO: 28-46-24-W4-0020B.0020
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0218

Mr. Kontomanolis inspected the property on April 29, 2017 and May 31, 2017. He found the following condition: work without a permit - stairs. The action necessary to correct the violation is to secure required permit and associated inspections.

The notice of violation was sent to the property owner via certified mail and was claimed on May 12, 2017. The notice of hearing were sent to the property owner via registered mail and claimed on June 7, 2017.

Mr. Kontomanolis presented pictures he took on April 29, 2017 and May 31, 2017 that accurately reflected the condition of the property. He inspected the property on July 25, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by August 22, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Mr. Loughrey stated that he replaced the steps two years ago because they were rotten. He did not realize he needed a permit. He filed for a permit a couple of weeks ago. He questioned how to handle replacing an item for the safety of their guests. They did not want to close units for five weeks while they waited for a permit.

Mr. Madden found that a violation existed and gave the Respondent until October 25, 2017 to comply; otherwise a fine of \$150 per day will be charged and an administrative fee of \$175 will be assessed.

JK

Property Owner: DEUTSCHE BANK TRUST CO TR FOR
SUBJECT: LDC Section: 6-2 Amended as Sec 302.4 Overgrown weeds
LOCATION: 21661/663 Indian Bayou Dr.
STRAP NO: 33-46-24-W2-02600.0160
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0175

Mr. Kontomanolis inspected the property on April 7 & 29, 2017 and June 6, 2017. He found the following condition: overgrown weeds and mold on side of the property. The action necessary to correct the violation is removal of overgrown weeds and exterior mold.

The notice of violation was sent to the property owner via certified mail and was claimed on May 8, 2017. The notice of hearing were sent to the property owner via registered mail and claimed on June 9, 2017.

Mr. Kontomanolis presented pictures he took on April 7 & 29, 2017 and June 6, 2017 that accurately reflected the condition of the property. He inspected the property on July 25, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact and have the removal of overgrown weeds and exterior mold by August 22, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Mr. Madden found that a violation existed and gave the Respondent until August 22, 2017 to comply; otherwise a fine of ~~\$100~~ per day will be charged and an administrative fee of \$175 will be assessed.

\$200

 Property Owner: KRINGLIE INVESTMENTS LLC
SUBJECT: LDC Section: 6-111 FBC 105.1 Work W/out Permit-Deck and Stairs
LOCATION: 321 Lazy Way
STRAP NO: 33-46-24-W2-00001.0030
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0203

Mr. Kontomanolis inspected the property on April 19, 2017 and May ^{13th} 2017. He found the following condition: work without permit - deck and stairs. The action necessary to correct the violation is to secure required permit and associated inspections. He indicated that he had been in contact with the owner via email and the owner agreed to a three month abatement timeframe of October 17, 2017 with the stipulation that he obtain a permit and pass all subsequent inspections; otherwise a fine of \$150 per day will be charged. Mr. Madden will enter an order to that effect and send it to the owner.

 Property Owner: SUTTA DAVID + AMANDA
SUBJECT: LDC Section: 6-111 FBC 105.1 Tore down railing off porch no permit
LOCATION: 126 Coconut Dr
STRAP NO: 29-46-24-W3-0070A.0070
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0205

Mr. Kontomanolis inspected the property on April 22, 2017 and June 7, 2017. He found the following condition: work without a permit for torn off and replaced rails and stringers. The action necessary to correct the violation is to secure required permits and pass associated inspections. He indicated that he had been in contact with the owner via email and the owner agreed to a three month abatement timeframe of October 17, 2017 with the stipulation that he obtain a permit and pass all subsequent inspections; otherwise a fine of \$150 per day will be charged. Mr. Madden will enter an order to that effect and send it to the owner.

 Property Owner: GROOM GARY A
SUBJECT: LDC Section: 6-111 FBC 105.1 Work w/out Permit - Structure/Pilings
LOCATION: 102 Lovers Ln.
STRAP NO: 30-46-24-W2-003N0.0080
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0264

Ms. Jacobs inspected the property on May 25, 2017. She found the following condition: work without a permit - structure/pilings. The action necessary to correct the violation is to secure required permit and associated inspections. She indicated that she had been in contact with the owner via email and the owner agreed to a three month abatement timeframe of October 17, 2017 with the stipulations that he obtain a

permit and pass the first construction inspection; otherwise a fine of \$150 per day will be charged. Ms. Jacobs discussed the administrative fee. Mr. Madden will enter an order to that effect with \$175 in administrative fees and \$150 fine per day if not done by October 17, 2017.

Cases CE17-0044 and CE17-0238 were abated. Cases CE17-0301, CE17-0297 and CE17-0185 were continued.

Vote: _____ Signature: _____

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