

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

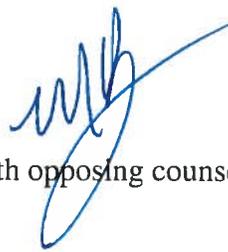
Wednesday, August 30, 2017

Hearing Examiner - Special Magistrate: Mr. Joe Madden

(Audio broke up throughout the hearing.)

Mr. Madden swore in those providing testimony.

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



Property Owner: BEACHFRONT ESCAPES LLC
SUBJECT: LDC Section: 6-111 FBC 105.1 - 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 **CE17-0301**

Mr. Peterson presented the prior owner, Georgia K. Shakti-Hill, as a witness.

Matt Uhle represented Joe Orlandini. Mr. Uhle reviewed the case.

Mr. Peterson cited 105.2.2 of the Florida code regarding minor repairs. He indicated that the developer did not submit an application for the scope of work.

Ms. Hill stated that she owned ~~Unit 9~~ ^{Property} from 1982-2015. She noted the walk-in shower used to be a tub and the sink was new. The layout was the same but one wall was different. What was once a closet was now a doorway. A window in a bedroom had been changed. A window in another room had been replaced.

Mr. Uhle questioned whether Ms. Hill was referring to 1710 or 1740 in her testimony. Both attorneys and Mr. Madden reviewed the photos to determine which repairs went with which unit. Ms. Hill confirmed that she sold her property to Lyle Kline.

Ms. Hill reviewed the changes made to 1710: replaced sink in the bathroom, a walk-in shower replaced the tub, one wall was shortened, and the island was new. Ms. Hill reviewed the changes made to 1740: double doors to the porch, behind the bed was new, the ceiling was different, recessed lighting was added, a window was different and the range hood was new.

Mr. Madden found a violation existed and 1710 was worked on without permits and the respondent agreed that final permits and final inspections would be completed by December 5, 2017; otherwise a fine of \$500 per day will be charged and administrative costs of \$207 will be assessed.

Mr. Madden found a violation existed and 1740 was worked on without a permit. The respondent agreed the final permits and inspections would be completed by December 5, 2017; otherwise a fine of \$250 per day will be charged.

Property Owner: PRIVATEER OF FT. MYERS BEACH
SUBJECT: LDC Section: 6-111 FBC 105.1 Work W/Out a permit-R/R Railings
LOCATION: 6500/6502 Estero Blvd.
STRAP NO: 33-46-24-W3-02000.00CE
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0291

Ms. Jacobs noted she had been in contact with the contractor, Connie Smith, and she stated that they had permits and they agreed on an abatement date of October 24, 2017. He agreed with the cost of \$175 in administrative costs.

Mr. Madden made a finding of fact that a violation existed and they agreed to come into compliance by October 24, 2017. If it was not abated, a fine of \$150 per day will be charged.

Property Owner: BESSEY JAMES D
SUBJECT: LDC Section: 6-111 FBC 105.1 Work w/out Permit - fence
LOCATION: 125 Mango
STRAP NO: 19-46-24-W3-0120E.0040
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0103

Ms. Jacobs inspected the property on April 24, 2017 and June 23, 2017. She found the following condition: work without a permit - fence. The action necessary to correct the violation is to secure required permit and associated inspections.

A notice of violation was sent to the owner on May 30, 2017 and it was unclaimed. The notice was posted on the property and Town Hall on May 30, 2017. A notice of hearing was sent to the owner on July 10, 2017 and was unclaimed. It was posted on the property and Town Hall on August 21, 2017.

Ms. Jacobs presented pictures she took on April 24, 2017 and May 30, 2017. The pictures accurately reflected the condition of the property. She inspected the property on August 29, 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 subsequent inspections by October 17, 2017; otherwise a fine per day pursuant to code with \$175 in administrative costs. Ms. Jacobs stated that an application for the fence was submitted.

Mr. Madden found a violation existed and he gave the respondents until October 17, 2017 to abate the violation; otherwise a fine of \$150 per day will be charged with \$175 in administrative costs.

Property Owner: ORVIS ROBERT M + MARY H
SUBJECT: LDC Section: 6-111 FBC 105.1 Work w/out Permit - stairs/deck
LOCATION: 116 Eucalyptus
STRAP NO: 29-46-24-W1-0020D.0240
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0241

Mr. Kontomanolis inspected the property on May 5, 2017 and June 21, 2017. He found the following condition: work without a permit - stairs/deck. The action necessary to correct the violation is to secure required permit and associated inspections.

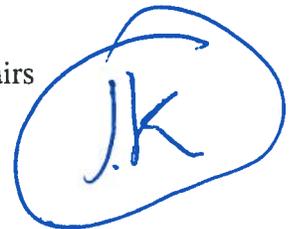
A notice of violation was sent to the owner on June 7, 2017 and it was claimed. A notice of hearing was sent to the owner on July 5, 2017 and was claimed.

Mr. Kontomanolis presented pictures he took on May 5, 2017 and June 21, 2017. The pictures accurately reflected the condition of the property. He inspected the property on August 29, 2017 and found the violation still existed. He noted that an application had been submitted on June 19, 2017.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass subsequent inspections by October 17, 2017; otherwise a fine per day pursuant to code with \$175 in administrative costs.

Mr. Madden found a violation existed and he gave the respondents until October 17, 2017 to abate the violation; otherwise a fine of \$150 per day with \$175 in administrative costs.

Property Owner: HOESCH GEORGE TR
SUBJECT: LDC Section: 6-111 FBC 105.1 Work w/out Permit - stairs
LOCATION: 5380 Estero Blvd.
STRAP NO: 33-46-24-W1-00206.0040
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0256



Mr. Kontomanolis inspected the property on May 19, 2017 and June 16, 2017. He found the following condition: work without a permit - stairs. The action necessary to correct the violation is to secure required permit and pass associated inspections.

A notice of violation was sent to the owner via certified mail on June 7, 2017 and it was claimed. A notice of hearing was sent to the owner via certified mail on June 27, 2017 and was claimed.

Mr. Kontomanolis presented pictures he took on May 19, 2017 and June 16, 2017. The pictures accurately reflected the condition of the property. He inspected the property on August 29, 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 subsequent inspections by October 17, 2017; otherwise a fine per day pursuant to code with \$175 in administrative costs.

Mr. Madden found a violation existed and he gave the respondents until October 17, 2017 to abate the violation; otherwise a fine of \$150 per day with \$175 in administrative costs.

Property Owner: ORYAN PROPERTIES LLC
SUBJECT: LDC Section: 6-111 FBC 105.1 Work w/out Permit - stairs
LOCATION: 270 Dundee Rd.
STRAP NO: 33-46-24-W2-005L0.0110
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0275



Mr. Kontomanolis inspected the property on May 30, 2017 and June 22, 2017. He found the following condition: work without a permit - stairs. The action necessary to correct the violation is to secure required permit and pass associated inspections.

A notice of violation was sent to the owner via certified mail on June 8, 2017 and it was claimed. The notice of violation was sent to the registered agent on June 12, 2017 and it was claimed. A notice of hearing was sent to the owner via certified mail on June 30, 2017 and was claimed. The notice of hearing was sent to the registered agent via certified mail on June 29, 2017 and it was claimed.

Mr. Kontomanolis presented pictures he took on May 30, 2017 and June 22, 2017. The pictures accurately reflected the condition of the property. He inspected the property on August 29, 2017 and found the violation still existed. He noted an application had been submitted and approved. If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass subsequent inspections by September 19, 2017; otherwise a fine per day pursuant to code with \$175 in administrative costs.

Mr. Madden found a violation existed and he gave the respondents until September 19, 2017 to abate the violation; otherwise a fine of \$150 per day with \$175 in administrative costs.

RECALL CASES TO BE HEARD

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 noted that the Respondent was ordered to obtain required permits and pass required inspections and obtain an LDO by August 30, 2017. In the event the violation was not abated by August 30, 2017 and a fine of \$150 per day was to be imposed. As of June 27, 2017, no application had been submitted and the administrative fee of \$175 had not been paid. The Town requested an order to lien.

Joe Orlandini indicated that he started the LDO paperwork and he requested an extension of 30 days. Ms. Jacobs noted that the property had an existing lien. Ms. Jacobs explained that Mr. Orlandini had been given extensions in the past.

Mr. Madden entered the order and authorized the lien.

Property Owner: MSV-HOLDING TRUST CORP
SUBJECT: LDC Section: 6-111 FBC 105.1 Work w/out Permit - structure attached
back of house
LOCATION: 117 Hibiscus Dr.
STRAP NO: 29-46-24-W2-01438.0000
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0093



Mr. Kontomanolis stated that the Magistrate found a violation existed on April 27, 2017 and the Respondent was ordered to obtain required permits, pass required inspections and pay administrative costs. A fine of \$150 per day was charged for 29 days. As of July 19, 2017 the structure had been removed. The administrative cost of \$175 had not been paid and the lien total was \$4,525.00, which included the administrative cost of \$175.

Mr. Madden entered an order to place a lien in the amount of \$4,525.00, which represented \$175 in administrative costs and \$150 per day for 29 days.

Property Owner: HOLLIS KATHLEEN L
SUBJECT: LDC Section: 6-111 FBC 105.1 Work w/out Permits - stairs/deck
LOCATION: 5580 Avenida Pescadora
STRAP NO: 33-46-24-W2-0090D.0030
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0133

JK

Mr. Kontomanolis stated that the Magistrate found a violation existed on June 28, 2017 and the Respondent was ordered to obtain required permits, pass required inspections and pay \$175 in administrative costs. In the event the violation was not abated prior to July 18, 2017, a fine of \$200 per day would be assessed. As of August 29, 2017 an application was submitted and under review. The administrative fee had not been paid. The Town requested an order to lien. Mr. Madden granted the order to lien.

Property Owner: LUCIANO DAVID A + JOAN E + CO
SUBJECT: LDC Section: 6-111 FBC 105.1 Work w/out Permit - stairs
LOCATION: 4 Pepita St.
STRAP NO: 33-46-24-W2-0090B.0170
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0134

JK

Mr. Kontomanolis stated that the Magistrate found a violation existed on June 28, 2017 and the Respondent was ordered to obtain required permits, pass required inspections and pay \$175 in administrative costs. In the event the violation was not abated prior to July 18, 2017, a fine of \$200 per day would be assessed. As of August 28, 2017 an application was submitted and finalized. The administrative fee had not been paid. The Town requested an order to lien at a total of \$8,375.00. Mr. Madden granted the order to lien.

Property Owner: GRESSMAN HAROLD H + LOIS M
SUBJECT: LDC Section: 6-111 FBC 105.1 Work w/out Permit - shed
LOCATION: 8512 Lagoon Rd.
STRAP NO: 03-47-24-W3-00216.0000
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0210

J.K.

Mr. Kontomanolis stated that the Magistrate found a violation existed on June 28, 2017 and the Respondent was ordered to obtain required permits, pass required inspections and pay \$175 in administrative costs. In the event the violation was not abated prior to July 18, 2017, a fine of \$200 per day would be imposed. As of August 29, 2017 the structure was removed. The administrative fee of \$175 had not been paid. The Town required an order to lien in the amount of \$8,575.00, which included \$175 in administrative costs and 42 days of a \$200 fine per day. Mr. Madden granted the order to lien.

Cases CE17-0112, CE17-0117, CE17-0492, CE17-0498, CE17-0199 and CE17-0249 were abated. Cases CE17-0295 and CE17-0175 were continued.

Signature: _____

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