

**MINUTES**  
**FORT MYERS BEACH**  
**Code Enforcement – Beach and Street Enforcement**  
Town Hall – Council Chambers  
2525 Estero Boulevard  
Fort Myers Beach, FL 33931

9:00 AM

**Wednesday, April 27, 2016**

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

**B.A.S.E. Ambassador:** Ambassador Nello Cernoia

Mr. Madden swore in those providing testimony.

**CASE TO BE HEARD:**      **VIOLATION NO.:** 71722604

TOWN OF FORT MYERS BEACH, FLORIDA

Petitioner,

vs.

Eric Swinson Lindsey

Ambassador Cernoia stated that while patrolling the area on April 8, 2016 at 2:57 p.m. he approached a blue Saab, Florida license plate V6606, that was parked at an expired meter in space #20 on Old San Carlos Blvd. He issued citation 71722604 under Ordinance 03-0568 for over time meter. He asked for a \$60.00 fine plus \$100.00 administrative fees. Ambassador Cernoia provided pictures.

Mr. Lindsey noted the facts were accurate, but he inserted funds into a different meter. He stated there was no signage on the meter telling him where to pay and he produced a receipt from the other meter.

Mr. Madden found that the violation existed and Mr. Lindsey was ordered to pay \$60.00 within 20 days; otherwise a \$100.00 administrative fee would be added to the fine.

**Code Enforcement Officer for Fort Myers Beach:** Ms. Molly Jacobs

**PROPERTY OWNER:** Marina Village at Snug Harbor  
**SUBJECT:** LDC Section 34-1742  
Unsafe Structure - Pool Retaining Wall  
**LOCATION:** 645 Old San Carlos  
**STRAP NO:** 29-46-23-W3-02800-02CE  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE15-0449

Ms. Jacobs inspected the property on December 1, 2015 with Bill Sammons, Unsafe Building Inspector, from Lee County. She subsequently inspected it on January 27, 2016. They found cracks along the pool deck retention wall. The action necessary to correct the violation is repair

or replace the unsafe pool deck wall(s). Notice of violation was provided to the property owner via certified mail on February 26, 2016 and it was claimed. It was sent to Paul Rosen on February 26, 2016 and claimed. Notice of hearing was provided to the property owner and registered agent via certified mail on April 2, 2016 and it was claimed.

Ms. Jacobs provided pictures from of the property December 1, 2015 and April 26, 2016. Ms. Jacobs inspected the property on April 26, 2016 and found the violation still existed.

Paul Rosen, Director at the Marina Village at Snug Harbor Condominium Association, indicated that permits will be pulled this week or next week. He stated the pool would be repaired by June 1, 2016.

Mr. Madden found that a violation existed and gave the respondent until June 1, 2016 to repair the pool; otherwise a fine of \$100.00 per day will be imposed with \$175.00 in administrative costs.

*WJ*  
**Code Enforcement Officer for Fort Myers Beach:** Ms. Molly Jacobs

**PROPERTY OWNER:** First Baptist Church of Fort Myers Beach  
**SUBJECT:** LDC Section 6-111 - Expired Permit (COM15-0233 Elevator)  
Adoption of Florida Building Code 105.1 Required  
**LOCATION:** 130 - 138 Connecticut St.  
**STRAP NO:** 29-46-24-W1-00151-0010  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0030

Ms. Jacobs inspected the property on February 25, 2016 and March 18, 2016. She found an expired permit to remove the elevator and repair the deck opening. Action necessary to correct the violation is to secure required permit and associated inspections. Notice of violation was sent via certified mail to the church on March 1, 2016 and claimed. An amended notice of violation was posted on the property March 3, 2016. Notice of hearing was sent via certified mail on March 28, 2016 and it was claimed.

To correct the violation, secure required permit by May 4, 2016 and pass all subsequent inspections; otherwise a fine per day pursuant to the code plus \$175.00 administrative costs.

Amanda Imhoff indicated that they applied for a permit in June of 2015 and the permit expired in December. The work was done in February and when they called for an inspection, she realized the permit had expired. They pulled completion permit B30026 on March 11, 2016 and she was waiting for the inspector.

Mr. Madden found a violation existed. He ordered that the Respondent obtain all required permits and pass all subsequent inspections by May 4, 2016; otherwise a fine of \$175.00 per day and \$175.00 in prosecution fees will be imposed.

*WJ*  
**Code Enforcement Officer for Fort Myers Beach:** Ms. Molly Jacobs

**PROPERTY OWNER:** Beachfront Escapes, LLC  
**SUBJECT:** LDC Section 6-111 - Expired Permit (COM15-0128)  
Adoption of Florida Building Code 105.1 Required  
**LOCATION:** 1710 Estero Blvd.  
**STRAP NO:** 19-46-24-W4-00470A-0010  
**CODE OFFICER:** Molly Jacobs

**REFERENCE NO:** CE16-0098

Ms. Jacobs inspected the property on March 10, 2016 and April 1, 2016. She found work being done without a permit. In building #2, the stairs in the front were being relocated to the side.

To correct the violation secure the required permit and pass all subsequent inspections. Notice of violation was provided to the property owner via certified mail on March 16, 2016 and it was claimed. Notice of violation was sent to the registered agent on March 15, 2016 and it was claimed. Notice of hearing was provided to the property owner and registered agent via certified mail April 7, 2016 and it was claimed. She requested that the required permit be obtained and pass all subsequent inspections by May 4, 2016.

Joe Orlandini stated that all permits have been issued and they were waiting for a final inspection.

Mr. Madden found that a violation existed and Respondent had until June 1, 2016 to have the work inspected; otherwise a fine of \$100.00 per day plus \$175.00 prosecution costs will be imposed.

**Code Enforcement Officer for Fort Myers Beach:** Ms. Molly Jacobs

**PROPERTY OWNER:** Beachfront Escapes, LLC  
**SUBJECT:** LDC Section 6-111 - Work without Permit - Remodel Interior  
Adoption of Florida Building Code 105.1 Required  
**LOCATION:** 1710 Estero Blvd.  
**STRAP NO:** 19-46-24-W4-0070A-0100  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0099

Ms. Jacobs inspected the property on March 10, 2016 and April 1, 2016. She found that interior units were being remodeled without a permit. To correct the violation, secure the required permit and pass all subsequent inspections by May 16, 2016. Notice of violation was provided to the property owner via certified mail on March 16, 2016 and it was claimed. Notice of violation was sent to the registered agent on March 15, 2016 and it was claimed. Notice of hearing was provided to the property owner via certified mail on April 6, 2016 and it was claimed. Notice of hearing was sent to the registered agent on April 16, 2016 and it was claimed. Ms. Jacobs provided pictures from March 10, 2016. She inspected the property on April 26, 2016 and the violation still existed.

Mr. Orlandini stated that they were repairing the ceiling and he requested six months to secure the 50% permit.

Mr. Madden found a violation existed and Respondent had until June 1, 2016 to obtain all permits and pass all subsequent inspections; otherwise a fine of \$100.00 per day plus \$175.00 prosecution costs will be imposed.

**Code Enforcement Officer for Fort Myers Beach:** Ms. Molly Jacobs

**PROPERTY OWNER:** Lyle Kline  
**SUBJECT:** LDC Section 6-111 - Work without a Permit - Beach Vendor  
Adoption of Florida Building Code 105.1 Required  
**LOCATION:** 1560 I Street

**STRAP NO:** 19-46-24-W4-0070C-0090  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0111

Ms. Jacobs inspected the property on April 1, 2016. She found Respondent operating as a beach vendor without a permit. To correct the violation, cease operating as a beach vendor or obtain a permit. Notice of violation and notice of hearing combined were provided to the property owner via certified mail on April 2, 2016 and they were claimed. Ms. Jacobs provided pictures from April 1, 2016 and April 26, 2016. She inspected the property on April 26, 2016 and the violation still existed.

Mr. Orlandini stated that he was appealing the violation. Ms. Jacobs noted that the appeal was expected to go to Council on May 16, 2016. Mr. Madden stated that the case would be continued after the appeal was heard and after the appeal period on the appeal had expired.

Code Enforcement Officer for Fort Myers Beach: Ms. Molly Jacobs

**PROPERTY OWNER:** Oronoco Enterprises, LLC  
**SUBJECT:** LDC Section 6-111 - Work without Permit - Remodel  
Adoption of Florida Building Code 105.1 Required  
**LOCATION:** 215 Primo Drive  
**STRAP NO:** 19-46-24-W4-0150D-0150  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0059

Ms. Jacobs inspected the property on February 12, 2016 and March 2, 2016. She found that a remodel was being done without a permit. To correct the violation, secure the required permit(s) and pass all subsequent inspections by May 6, 2016. Notice of violation was provided to the property owner via certified mail on March 17, 2016 and it was claimed. The notice of violation was posted on the property March 11, 2016 and Town Hall on March 16, 2016. Notice of hearing was posted on the property and Town Hall on March 18, 2016. Ms. Jacobs provided pictures from February 12, 2016 and March 10, 2016. She inspected the property on April 26, 2016 and the violation still existed.

Mr. Madden found the a violation existed and Respondent had until June 1, 2016 to obtain all permits and pass all subsequent inspections; otherwise remove the enclosure or a fine of \$100.00 per day plus \$175.00 prosecution costs will be imposed.

Cases CE16-0146, CE16-0074, CE15-0472, CE 16-0001 and CE16-0013 were abated and CE16-0111 and CE15-0473 were continued.

Vote: \_\_\_\_\_

Signature: \_\_\_\_\_

*Douglas E. Mollen*  
*Molly Jacobs*

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