

**MINUTES**  
**FORT MYERS BEACH**  
**Special Magistrate Hearings**  
Town Hall  
2525 Estero Boulevard  
Fort Myers Beach, FL 33931

**Thursday, September 17, 2020**

**Hearing Examiner - Special Magistrate:** Myrnabelle Roche

Magistrate Roche swore in those providing testimony.  
Town Attorney Herin, Jr. represented the Town.  
Staff: Code Compliance Manager Daphnie Saunders.

**CASES TO BE HEARD:**

Property Owner: ROBERTSON, GLINDA J. *WR*  
SUBJECT: LDC Sec. 6-111, Adopting FBC 105.1 Work Without Permit-Stairs/Railing  
LOCATION: 4855 Dolphin Ln.  
STRAP NO: 28-46-24-W4-0010D.0020  
CODE OFFICER: Eli Lee  
REFERENCE NO: CE19-0005

Officer Lee stated that the handrails on the stairs were completed without a permit. He submitted photos that accurately reflected the condition of the property. A notice of violation and notice of hearing was provided to the property owner and were in the file, which was entered into evidence. The Town requested a finding of fact and 30 days to obtain a permit; otherwise, a \$250.00 fine per day would be assessed. An administrative fee of \$75.00 was requested.

The property owner was not in attendance.

Magistrate Roche found that a violation existed and continued to exist. She ordered the property owner to come into compliance by obtaining the permit within 10 days; otherwise, a fine of \$250.00 per day will be imposed and an administrative fee of \$75.00 was assessed.

Property Owner: ROBERTSON, GLINDA J. *WR*  
SUBJECT: LDC Sec. 6-111, Adopting FBC 105.1 Work Without Permit-Expired  
Permit POL 15-0061  
LOCATION: 4855 Dolphin Ln.  
STRAP NO: 28-46-24-W4-0010D.0020  
CODE OFFICER: Eli Lee  
REFERENCE NO: CE19-0164

Officer Lee reported that the permit was expired and the work was not inspected. He discussed compliance issues with the property owner, but as of today, there was no permit application on

file. The Town requested a finding of fact and 30 days to reactivate the permit and obtain the final inspection; otherwise, a \$250.00 fine per day would be imposed. The Town requested a \$75.00 administrative fee to be paid within 10 days. The property owner was not in attendance. Magistrate Roche found that a violation existed and continued to exist. She ordered the property owner to come into compliance by obtaining a permit within 30 days; otherwise, a fine of \$250.00 per day would be imposed and \$75.00 for administrative fees was imposed.

Property Owner: ROBERTSON, GLINDA J.   
SUBJECT: LDC Sec. 6-111, Adopting FBC 105.1 Work Without Permit-Expired Permit ELE 15-0371  
LOCATION: 4855 Dolphin Ln.  
STRAP NO: 28-46-24-W4-0010D.0020  
CODE OFFICER: Eli Lee  
REFERENCE NO: CE19-0165

Officer Lee testified that electrical work was done without a permit and there was not an application in the system. The Town requested a finding of fact and 30 days to obtain a permit; otherwise, a \$250.00 fine per day with \$75.00 in administrative fees to be paid in 10 days. The property owner was not in attendance. Magistrate Roche found that a violation existed and continued to exist. She ordered the property owner to obtain a permit within 30 days; otherwise, a fine of \$250.00 per day will be imposed and \$75.00 for administrative fees was imposed.

Property Owner: HOESCH, GEORGE TR FOR GEORGE HOESCH TRUST   
SUBJECT: Ordinance 20-04, Sea Turtle Conservation Sea Turtle Lighting  
LOCATION: 5380 Estero Blvd.  
STRAP NO: 33-46-24-W1-00206.0040  
CODE OFFICER: Chadd Chustz  
REFERENCE NO: CE20-0444

Officer Chustz stated that the property received a warning on the 23<sup>rd</sup> for exterior lighting and was cited on August 18 for observations on the 13<sup>th</sup> concerning visible lighting. Photos provided accurately reflected the condition of the property. He had no contact with the property owner. The Town requested a finding of fact and a fine of \$250.00 plus \$75.00 in administrative fees to be paid within 15 days. The property owner was not in attendance. Magistrate Roche found that a violation did exist and she imposed a one-time fine of \$250.00. The property owner must come into compliance within 5 days; otherwise, a fine of \$250.00 per day will be assessed and \$75.00 for administrative fees was imposed.

Property Owner: DELISLE, JOSEPH C   
SUBJECT: LDC Sec. 10-198, Registry of Short-Term Vacation Rentals Unregistered Short-Term Rental  
LOCATION: 4753 Estero Blvd. 601  
STRAP NO: 28-46-24-W40260B.0601  
CODE OFFICER: Kristin Schumacher

REFERENCE NO: CE20-0461 

Officer Schumacher noted that the property was not registered. She sent a notice of violation and a notice of hearing on July 1, 2020. She sent the property owner a list of advertisements but did not hear back. She also noted a booking for the property was listed in January. The property owner was not in attendance.

The Town requested a finding of fact and 14 days to register the rental; otherwise, a fine of \$250.00 per day will be imposed plus a \$75.00 administrative fee to be paid within 10 days.

Magistrate Roche found that a violation did exist and continued to exist. She ordered the property owner to register the property within 14 days; otherwise a fine of \$250.00 per day will be imposed. She assessed a \$75.00 administrative fee to be paid within 30 days.

Property Owner: RODRIGUEZ, WILFREDO   
SUBJECT: LDC Sec. 34-2391, Weekly Rental Restrictions Rentals For Less Than 1  
Week  
LOCATION: 215 Nature View Ct.  
STRAP NO: 19-46-24-W3-01700-0170  
CODE OFFICER: Kristin Schumacher  
REFERENCE NO: CE20-0594

Officer Schumacher noted this was a repeat offense. She discovered the violation by investigating online calendars for the property. She indicated bookings were for less than seven days and pictures from the property were included in the file. She noted the minimum stay requirements were added to their rental calendar on August 20. The Town entered all evidence into the file.

The property owner was not in attendance.

The Town requested a finding of a repeat violation and requested a fine of \$3,750.00 for 15 rentals at \$250.00 each plus an administrative fee of \$75.00.

Magistrate Roche found that a violation existed and continued to exist. She noted that it was a repeat violation, no 30-day purge was allowed and the fine would take effect immediately. The per diem fine was set at \$500.00 per day for each day a violation existed. She granted the Town \$75.00 in administrative fees.

Property Owner: RODRIGUEZ, WILFREDO   
SUBJECT: LDC Sec. 34-2391, Weekly Rental Restrictions Rentals For Less Than 1  
Week  
LOCATION: 5765 Lauder St.  
STRAP NO: 33-46-24-W2-005M0.0020  
CODE OFFICER: Kristin Schumacher  
REFERENCE NO: CE20-0595

Officer Schumacher reported that the property was a repeat violation. She stated that she received complaints regarding the property. She discovered 15 violations between January and July of multiple rentals. She included photos of different cars during the same month. She indicated that she had contact with the property owner, but he had not stopped violating. The Town requested a

finding of a repeat violation and requested the maximum fine for each instance plus \$75.00 in administrative fees.

The property owner was not in attendance.

Magistrate Roche found that it was a repeat violation and ordered the property owner to come into compliance immediately. She imposed a \$500.00 fine per day effective immediately plus \$75.00 in administrative fees.

Property Owner: ORTIZ, DANIA CARBALLO + GARCIA, DAISY   
SUBJECT: LDC Sec. 34-2391, Weekly Rental Restrictions Rentals For Less Than 1 Week  
LOCATION: 268/270 Nature View Ct.  
STRAP NO: 20-46-24-W4-01700.0050  
CODE OFFICER: Kristin Schumacher  
REFERENCE NO: CE20-0597

Officer Schumacher received a complaint from a neighbor. She noted the property had been on fire and repairs were done without permits. They did not comply with the permit violations and were told to cease immediately. This was a repeat violation and 12 additional violations were documented. The property owner was not in attendance.

The Town requested the maximum fine of \$500.00 for each repeat violation for a total of \$6,000.00 plus \$75.00 in administrative fees. Additional violations to be subject to \$500.00 per day fine. Magistrate Roche found that a repeat violation did exist and imposed a fine of \$500.00 per day to start immediately plus \$75.00 in administrative fees.

Property Owner: 4280 ESTERO BLVD LLC   
SUBJECT: Ordinance20-04, Sea Turtle Conservation Sea Turtle Lighting  
LOCATION: 4280 Estero Blvd.  
STRAP NO: 29-46-24-W3-00188.0030  
CODE OFFICER: Chadd Chustz  
REFERENCE NO: CE20-0445

Officer Chustz reported that the property received a final warning on June 23 for lighting visible from the beach and was cited on August 31 for observations of lighting violations on August 27. A notice of violation and notice of hearing was provided to the property owner. He did not have contact with the property owner and they were not in attendance. The Town requested a finding of fact and a fine of \$250.00 plus \$75.00 in administrative fees to be paid within 30 days. Magistrate Roche found that a violation did exist and continued to exist. She ordered the property owner to pay a one-time fine of \$250.00 and ordered the property owner to come into compliance within 5 days; otherwise, a fine of \$250.00 per day will be imposed plus administrative fees of \$75.00.

Property Owner: ORTIZ, DANIA CARBALLO + GARCIA, DAISY  
SUBJECT: LDC Sec. 6-111, Adopting FBC 105.1 Work Without Permit-Remodel  
LOCATION: 268/270 Nature View Ct.  
STRAP NO: 20-46-24-W4-01700.0050

CODE OFFICER: Eli Lee   
REFERENCE NO: CE18-0700

Officer Lee stated that a permit application was filed but was not issued. The Town requested a resubmittal in May. The Town requested that the accrued fine of \$56,000.00 plus \$75.00 in administrative fees be certified and a fine of \$250.00 per day to accrue until compliance. The Town requested a lien. The property owner was not in attendance.

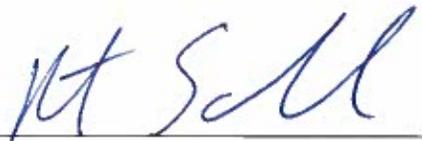
Magistrate Roche found that the order dated February 6, 2020, was not complied with. She certified the accrued amount of \$56,000.00 at the rate of \$250.00 per day for 224 days, which shall continue to accrue at \$250.00 per day until the violation was corrected plus \$75.00 in administrative fees for a total of \$56,075.00, and the order will be recorded as a lien.

Property Owner: ORTIZ, DANIA CARBALLO + GARCIA, DAISY   
SUBJECT: LDC Sec. 6-111, Adopting FBC 105.1 Work Without Permit-Roof  
LOCATION: 268/270 Nature View Ct.  
STRAP NO: 20-46-24-W4-01700.0050  
CODE OFFICER: Eli Lee  
REFERENCE NO: CE18-0724

Officer Lee testified that the roof was repaired without a permit and no application had been submitted. A notice of violation and a notice of hearing was provided to the property owner and was entered into the record. The property owner was not in attendance. The Town requested an order of lien for \$56,000 plus \$75.00 for a total of \$56,075.00 and to continue to accrue at \$250.00 per day until compliance. The property owner was not in attendance.

Magistrate Roche found that the previous order was not complied with. She certified \$56,000.00 in fines accrued for 224 days at \$250.00 per day with \$75.00 in administrative fees for a total of \$56,075.00. She certified said amount, the order shall become a lien against the property and would continue to accrue at a rate of \$250.00 per day.

Cases continued: CE20-0336, CE20-0450, 2 citations and CE20-0561. Case CE20-0160 was withdrawn. Compliance agreements were reached with CE20-0466, CE20-0465 and CE20-0528.

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

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