

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

Wednesday, June 28, 2017

Hearing Examiner - Special Magistrate: Mr. Joe Madden

Mr. Madden swore in those providing testimony.

Property Owner: HOLLIS, KATHLEEN L
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Work without Permits –
Stairs/Deck
LOCATION: 5580 Avenida Pescadora
STRAP NO: 33-46-24-W2-0090D.0030
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0133

J.K.

* May 2nd
is right
~~_____~~

Mr. Kontomanolis inspected the property on March 8, 2017 and on May 2, 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.

Notice of violation was sent to the property owner via certified mail on April 10, 2017 and it was claimed. Notice of hearing was sent to the property owner via certified mail on June 12, 2017 and it was claimed. It was posted to the Town and the property on May 30, 2017.

Mr. Kontomanolis presented pictures he took on March 8, 2017 and ~~May 7, 2017~~ ^{May 2nd} that accurately reflected the condition of the property. He inspected the property on June 27, 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 July 18, 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 July 18, 2017 to comply; otherwise a fine of \$200 per day will be charged and an administrative fee of \$175 will be assessed.

Property Owner: LUCIANO, DAVID A + JOANE + CO
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Work without Permit –
Stairs
LOCATION: 4 Pepita St.
STRAP NO: 33-46-24-W2-0090B.0170
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0134

J.K.



Mr. Kontomanolis inspected the property on March 8, 2017 and on April 5, 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.

Notice of violation was sent to the property owner via certified mail on March 21, 2017 and it was claimed. Notice of hearing was sent to the property owner via certified mail on April 28, 2017 and it was not claimed. It was posted at the Town on May 1, 2017 and the property on May 2, 2107.

Mr. Kontomanolis presented pictures he took on March 8, 2017 and April 5, 2017 that accurately reflected the condition of the property. He inspected the property on June 27, 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 July 18, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged. Mr. Kontomanolis indicated that he had no contact with the Respondent.

Mr. Madden found that a violation existed and gave the Respondent until July 18, 2017 to comply; otherwise a fine of \$200 per day will be charged and an administrative fee of \$175 will be assessed.

Property Owner: GRESSMAN, HAROLD H + LOIS M
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Work without a Permit – Shed
LOCATION: 8512 Lagoon Rd.
STRAP NO: 03-47-24-W3-00216.0000
CODE OFFICER: Joe Kontomanolis
REFERENCE NO: CE17-0210



Mr. Kontomanolis inspected the property on April 22, 2017 and on May 11, 2017. He found the following condition: work without a permit - shed. The action necessary to correct the violation is to secure required permit and associated inspections.

Notice of violation was sent to the property owner via certified mail on April 27, 2017 and it was claimed. Notice of hearing was sent to the property owner via certified mail on May 17, 2017 and it was claimed.

Mr. Kontomanolis presented pictures he took on April 22, 2017 and May 11, 2017 that accurately reflected the condition of the property. He inspected the property on June 27, 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 July 18, 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 July 18, 2017 to comply; otherwise a fine of \$200 per day will be charged and an administrative fee of \$175 will be assessed.

RECALL CASES TO BE HEARD:

Property Owner: WHITE SWAN INVESTMENTS LLC

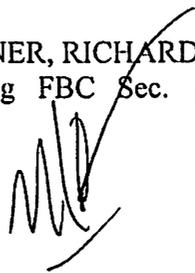
SUBJECT: LDC Section: 34-621 Non-Permitted USE - Converted SFR to Quad-Plex
LOCATION: 203/205 Fairweather Ln.
STRAP NO: 19-46-24-W3-0110C.0090
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0445



Ms. Jacobs noted that the case was brought to the Magistrate on February 22, 2017, a finding of fact was established and an order was issued citing the Respondent was in violation of creating non-permitted use by converting a triplex residence into a quadplex. Mr. Madden gave the Respondent until April 14, 2017 to submit all permits and May 19, 2017 to have final inspections; otherwise a fine of \$150 per day will be charged. Mr. Madden ordered \$175 in administrative costs to be paid by April 14, 2017. The permit was issued on May 3, 2017 and an inspection was scheduled for June 23, 2017. The administrative fee of \$175 had been paid. Ms. Jacobs verified that the inspection was rescheduled to June 28, 2017. The Town requested an order to impose fines as of May 19, 2017.

Mr. Madden found that subsequent inspections had not been passed and permission was not granted past May 19, 2017. He imposed of fine/lien of \$150 per day beginning on May 19, 2017.

Property Owner: UNKNOWN HEIRS OF MANNER, RICHARD
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Unsafe Building
LOCATION: 1667 I Street
STRAP NO: 19-46-24-W4-0070B.005A
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0645



Ms. Jacobs noted that the case was brought to the Magistrate on February 22, 2017, a finding of fact was established and an order was issued citing the Respondent was in violation of an unsafe building. Mr. Madden ordered that the permits be obtained by April 14, 2017 and the structure remain vacant until final permits have been inspected and passed by June 16, 2017; otherwise a fine of \$150 per day will be imposed. He ordered an administrative fee of \$275 to be paid by April 14, 2017. The permit was issued June 6, 2017 but no inspections had been scheduled. The administrative fee of \$275 had been paid.

Mr. Madden found that subsequent inspections had not been passed. He imposed of fine/lien of \$150.00 per day beginning June 16, 2017.

Property Owner: BEACHFRONT ESCAPES LLC
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Work without a permit – Stairs
LOCATION: 1710/1740 Estero Blvd.
STRAP NO: 19-46-24-W4-0070A.0010
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0066

Ms. Jacobs noted the case was brought before the Magistrate on April 27, 2017. A finding of fact was established and an order was issued citing the Respondent was in violation of work without a permit - stairs.

Mr. Madden found that a violation did exist and gave the Respondent until June 20, 2017 to remove the stairs or obtain a permit; otherwise a fine of \$150 per day plus administrative fees of \$175 will be assessed.

As of June 27, 2017 no application had been submitted and the administrative fees of \$175 had not been paid. Mr. Madden entered an order imposing a fine/lien for \$175 in administrative fees and \$150 per day will be assessed beginning on June 20, 2017.

Property Owner: INTERNATIONAL CAPITAL INVESTMENTS
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Work w/out Permit – Remodel
LOCATION: 1300 Estero Boulevard #104
STRAP NO: 19-46-24-W4-02600-1040
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0053

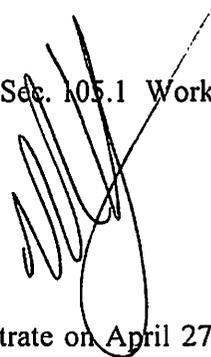


Ms. Jacobs noted the case was brought before the Magistrate on April 27, 2017. A finding of fact was established and an order was issued citing the Respondent was in violation of work without a permit - remodel.

Mr. Madden found that a violation existed and gave the Respondent until June, 20, 2017 to comply; otherwise a fine of \$150 will be charged and an administrative fee of \$175 will be assessed.

As of June 27, 2017, no application had been submitted. Administrative fees of \$175 had been paid. Mr. Madden entered an order imposing a fine/lien of \$150 per day beginning on June 20, 2017.

Property Owner: MSV-HOLDING TRUST CORP
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Work w/out Permit – POL16-0023 (Expired)
LOCATION: 206 Hibiscus Dr
STRAP NO: 29-46-24-W4-01409-0000
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0030



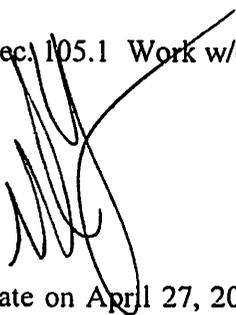
Ms. Jacobs noted the case was brought before the Magistrate on April 27, 2017. A finding of fact was established and an order was issued citing the Respondent was in violation of work without a permit.

Mr. Madden found that a violation existed and gave the Respondent until June 20, 2017 to comply; otherwise a fine of \$150 per day will be charged and an administrative fee of \$175 will be assessed.

Ms. Jacobs noted that as of June 27, 2017 the permit was still in an expired status. The administrative fee had not been paid.

Mr. Madden entered an order imposing a fine/lien of \$150 per day beginning on June 20, 2017 plus \$175 in administrative fees.

Property Owner: MARTIN LE BLANC
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Work w/out Permit – Fence
LOCATION: 230 Bahia Via
STRAP NO: 34-46-24-W4-00027-0000
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0109



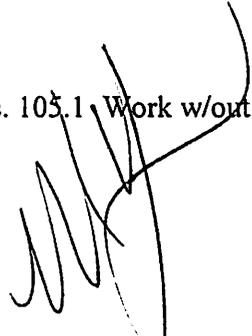
Ms. Jacobs noted the case was brought before the Magistrate on April 27, 2017. A finding of fact was established and an order was issued citing the Respondent was in violation of work without a permit - fence.

Mr. Madden found that a violation existed and gave the Respondent until June 16, 2017 to comply; otherwise a fine of \$100 per day will be charged and an administrative fee of \$175 will be assessed.

As of June 27, 2017, no application had been submitted and \$175 in administrative fees had not been paid.

Mr. Madden entered an order imposing a fine/lien of \$100 per day beginning on June 16, 2017 plus \$175 in administrative fees.

Property Owner: MARTIN LE BLANC
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Work w/out Permit – Replace railing on deck
LOCATION: 230 Bahia Via
STRAP NO: 34-46-24-W4-00027-0000
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0027



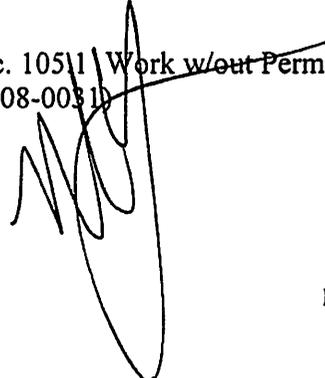
Ms. Jacobs noted the case was brought before the Magistrate on March 29, 2017. A finding of fact was established and an order was issued citing the Respondent was in violation of work without a permit - replace railing on deck.

Mr. Madden found that the deck required a railing and gave the Respondent until June, 16 2017 to comply; otherwise a fine of \$100 will be charged. Mr. Madden waived the administrative fee of \$175.00.

An application was submitted on June 23, 2017 but it was on hold waiting for additional information from the Respondent.

Mr. Madden entered an order imposing a fine/lien of \$100 per day beginning on June 16, 2017.

Property Owner: NORMAN PRIMEAU
SUBJECT: LDC Section: 6-111, adopting FBC Sec. 105.1 Work w/out Permit – Expired Permits (ELE08-0049 & COM08-0031)
LOCATION: 1397 Estero Boulevard
STRAP NO: 19-46-24-W4-0060B-0100
CODE OFFICER: Molly Jacobs



REFERENCE NO: CE17-0006

Ms. Jacobs noted the case was brought before the Magistrate on April 27, 2017. A finding of fact was established and an order was issued citing the Respondent was in violation of work with expired permits.

Mr. Madden found that a violation existed and gave the Respondent until June 20, 2017 to comply; otherwise a fine of \$150 per day will be charged and an administrative fee of \$175 will be assessed.

Administrative fees were paid as of June 27, 2017. A signed application was submitted on June 21, 2017. The inspections had not been completed on any of the permits. Ms. Jacobs indicated that the Respondent had been working with the Town since January 3, 2017.

Mr. Madden entered an order imposing a fine/lien of \$150 per day beginning on June 20, 2017.

Ms. Jacobs indicated that the original signed commercial application was not the same as what was in the packet.

Cases withdrawn: CE17-0195 and CE16-0682.

Vote: _____ Signature: _____

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

OK Doug

Wednesday, June 28, 2017

Hearing Examiner - Special Magistrate: Mr. Joe Madden

Mr. Madden swore in those providing testimony.

BEACH PATROL CASES TO BE HEARD:

Property Owner: Alan Dimitt
SUBJECT: Overtime Meter
CODE SECTION: Ord. 16-05, Sec. 28-51 (A)
LOCATION: Fifth Street
BASE OFFICER: Mark Pergoli
REFERENCE NO: Citation 72222640

Mr. Przybyszewski spoke on behalf of Mr. Pergoli.

While patrolling the area on May 29, 2017, at 3:53 p.m., Mr. Pergoli approached a white Toyota with Florida license plate, 614 YVI, parked overtime on Fifth Street. He issued a citation and asked for a \$75.00 fine and \$175.00 in administrative fees. Mr. Przybyszewski provided photos. Mr. Dimitt verified that Mr. Pergoli was unable to attend the hearing. He stated the meter was not operating at the time and he made a phone call to try to report the meter, but no one answered. The meter behind his vehicle where his boat was parked was operating correctly and he paid that meter.

Mr. Madden reserved ruling for 14 days so Mr. Dimitt could locate proof that he made the phone call to report the meter. Mr. Przybyszewski dropped the case.

Property Owner: Tony Eckhardt
SUBJECT: Dog off the Leash
CODE SECTION: LDC Sec. 10-3
LOCATION: On the beach, behind Junkanoo
BASE OFFICER: Kevin Przybyszewski
REFERENCE NO: Citation 0135

While patrolling the area on May 29, 2017, at 5:11 p.m., Mr. Przybyszewski issued a citation for dog off the leash to Tony Eckhardt. He observed his dog off leash and informed Mr. Eckhardt of the law. He acknowledged Mr. Przybyszewski. An hour later, Mr. Przybyszewski observed the dog off lease again. He warned him a second time and when he did not comply, Mr. Przybyszewski issued a citation. Mr. Eckhardt did not appear in court. Mr. Przybyszewski asked for a \$100.00 fine and \$175.00 in administrative fees.

Mr. Madden found that a violation did exist and ordered a fine of \$100.00 plus \$175.00 in administrative fees.

Mr. Eckhardt appeared in court. The ticket indicated that the hearing started at 10:00 instead of 9:00. Mr. Przybyszewski indicated that Mr. Eckhardt was not the same person he issued the citation to. Mr. Madden reheard the case.

Mr. Eckhardt stated that the dog was not his; it belonged to Jim Carr and the dog followed him up the beach.

Mr. Madden found that a violation did exist and ordered a fine of \$100.00 plus \$175.00 in administrative fees to be paid by July 12, 2017.

Property Owner: Helter, Tim
SUBJECT: Obstruction of Roadway
CODE SECTION: Ord. 16-05, Sec. 28-20
LOCATION: 5740 Estero Blvd.
BASE OFFICER: Kevin Przybyszewski
REFERENCE NO: Citation 71916331, 71916445 and 72500702

Mr. Madden advised the Town of Fort Myers Beach that he may have a conflict of interest in the matter and he asked that another individual be engaged to hear the case. Ms. Jacobs requested that the case be rescheduled for August 26, 2017 to address all three citations published in the agenda. Another magistrate will hear the case.

Vote: _____ Signature: Joey Molloy 7-5-17

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