

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

**Wednesday, October 25, 2017**

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

Mr. Madden swore in those providing testimony.

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

Property Owner:       TRAUB JUDWIN & LILIANA  
SUBJECT:                LDC Section: 6-111 FBC 105.1 Work W/out permit-Shed  
LOCATION:                46 Fairview Blvd.  
STRAP NO:              34-46-24-W4-00800.0010  
CODE OFFICER:        Joe Kontomanolis  
REFERENCE NO:        CE17-0527



Mr. Kontomanolis inspected the property on July 22, 2017 and August 11, 2017. He found the following condition: work w/out permit - shed. The action necessary to correct the violation is to secure required permits and associated inspections.

A notice of violation was provided to the owner via certified mail on July 27, 2017 and it was claimed. A notice of hearing was sent to the owner via certified mail on September 15, 2017 and it was unclaimed. The notice of hearing was posted at Town Hall on September 15, 2017 and on the property September 19, 2017.

Mr. Kontomanolis presented pictures he took of the property on July 22, 2017, August 11, 2017 and September 19, 2017. The pictures accurately reflected the condition of the property.

He inspected the property on October 24, 2017 and he 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 January 17, 2018; otherwise a fine per day pursuant to code with \$175 in administrative costs.

Mr. and Mrs. Traub reviewed the photos. Mr. Traub stated they were on vacation in July and returned after the hurricane. He left many messages with the Town but did not receive a response. He expected to straighten the matter out at the hearing. He stated that the shed was constructed in August 22, 2013 and placed on the property January 3, 2014. When they purchased the house on December 20, 2016 there were no violations and he thought the shed had been permitted or grandfathered. He explained that they spent over \$100,000.00 in construction on the property and permits were issued for all the work. Mrs. Traub questioned why the shed was just now an issue. She also questioned why inspectors did not say anything about the shed when they were previously on the property. Mr. Traub provided a copy of a stamped drawing from a surveyor showing the shed on the property in 2014.

Mr. Madden found that a violation existed and he gave the Respondent until February 14, 2018 to comply; otherwise a fine of \$100 per day with \$175 in administrative costs.

Property Owner: SIMMONS CARLEEN J  
SUBJECT: LDC Section: 6-111 FBC 105.1 Work W/out Permit-Shed  
LOCATION: 315 Bayland Rd.  
STRAP NO: 28-46-24-W4-0010C.0010  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: CE17-0581



Mr. Kontomanolis inspected the property on August 2, 2017 and August 22, 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.

A notice of violation was sent to the owner via certified mail on August 5, 2017 and it was claimed. A notice of hearing was sent to the owner on August 24, 2017 and was claimed.

Mr. Kontomanolis presented pictures he took on August 2, 2017 and August 22, 2017. The pictures accurately reflected the condition of the property. He inspected the property on October 24, 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 January 17, 2018; otherwise a fine per day pursuant to code with \$175 in administrative costs.

Mr. Simmons stated they owned the home since 1980. He questioned why nobody returned his phone calls or came out to his property. Ms. Simmons indicated that they had been calling and leaving messages since August 2, 2017. Mr. Simmons stated that his neighbor gave him the shed after he had it for six or seven years. He did not have a problem getting a permit, but he was frustrated that the Town did not return any of his phone calls. Mr. Kontomanolis affirmed that he spoke to a handyman regarding the shed and Mr. Kontomanolis informed him that the Rubbermaid product would not pass inspections. Mr. Simmons stated the shed was not a Rubbermaid product and he was not informed of the conversation with the handyman. He did not have an issue with applying for a permit.

Mr. Madden found a violation existed and he gave the respondents until February 14, 2018 to abate the violation; otherwise a fine of \$100 per day will be assessed. Mr. Madden waived \$175 in administrative costs.

Property Owner: EVANS WIRT T + DOROTHY  
SUBJECT: LDC Section: 6-111 FBC 105.1 Work W/out Permit Deck  
LOCATION: 650 Estero Blvd.  
STRAP NO: 24-46-23-W4-00400.013D  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: CE17-0394

Mr. Kontomanolis inspected the property on June 23, 2017 and August 15, 2017. He found the following condition: work without a permit - deck. 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 July 19, 2017 and it was unclaimed. It was posted at the Town on July 19, 2017 and on the property July 20, 2017. A notice of hearing was sent to the owner via certified mail on September 14, 2017 and it was

unclaimed. It was posted at the Town on September 14, 2017 and on the property on September 19, 2017.

Mr. Kontomanolis presented pictures he took on June 23, 2017, July 20, 2017 and August 15, 2017. The pictures accurately reflected the condition of the property. He inspected the property on October 24, 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 January 17, 2018; otherwise a fine per day pursuant to code with \$175 in administrative costs. Mr. Kontomanolis noted that he was unable to contact the property owners.

Mr. Madden found a violation existed and he gave the Respondent until January 17, 2018 to abate the violation; otherwise a fine of \$150 per day with \$175 in administrative costs.

**RECALL CASES TO BE HEARD:**

Property Owner: HOESCH GEORGE  
SUBJECT: LDC Section: 6-111 FBC 105.1 Work without permit-Stairs  
LOCATION: 5380 Estero Blvd.  
STRAP NO: 33-46-24-W1-00206.0040 JK  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: CE17-0256

Mr. Kontomanolis stated that the case was heard on August 30, 2017. A finding of fact was established and an order was issued citing that the Respondent was in violation of work w/out permit for stairs. The Respondent was ordered to obtain required permit and pass subsequent inspections by October 17, 2017. Administration costs of \$175 were assessed and a fine per day of \$150 was to be imposed. As of October 24, 2017 the application had been submitted and was under review. The administrative fee of \$175 had not been paid. Mr. Kontomanolis requested an order to lien.

Mr. Madden entered an order to impose a lien on the property.

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 JK  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: CE17-0203

Mr. Kontomanolis stated that the case was heard on July 26, 2017. A finding of fact was established and an order was issued citing that the Respondent was in violation of work w/out permit for deck and stairs. The Respondent was ordered to obtain required permit and pass subsequent inspections by October 17, 2017. Administration costs of \$175 were assessed and a fine per day of \$150 was to be imposed. As of October 24, 2017 the application had been submitted and was under review. The administrative fee of \$175 had not been paid. Mr. Kontomanolis requested an order to lien.

Mr. Madden entered an order to impose a lien on the property.



Property Owner: LENTINI JOHN & MARIE D  
SUBJECT: LDC Section: 6-111 FBC 105.1 Work W/O Permits - Remodel  
LOCATION: 250 Randy Ln  
STRAP NO: 28-46-24-W4-00336.0000  
CODE OFFICER: Molly Jacobs  
REFERENCE NO: CE17-0025

Ms. Jacobs stated that the case was heard on May 31, 2017. A finding of fact was established and an order was issued citing that the Respondent was in violation of work w/out permit - remodel. The Respondent was ordered to obtain required permit and pass subsequent inspections by September 19, 2017. Administration costs of \$175 were assessed and a fine per day of \$150 was to be imposed. As of October 24, 2017 building permit BLD17-0066 was issued on October 10, 2017 but an inspection had not been scheduled. The administrative fee of \$175 had not been paid. Ms. Jacobs requested an order to lien.

Mr. Madden entered an order to impose a lien on the property.

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 stated that the case was heard on July 26, 2017. A finding of fact was established and an order was issued citing that the Respondent was in violation of work without permit - structure/pilings. The Respondent was ordered to obtain required permit and pass subsequent inspections by October 17, 2017. Administration costs of \$175 were assessed and a fine per day of \$150 was to be imposed. As of October 24, 2017 an application had not been submitted. The administrative fee of \$175 had not been paid. Ms. Jacobs requested an order to lien.

Mr. Madden entered an order to impose a lien on the property.

Property Owner: BESSEY JAMES D  
SUBJECT: LDC Section: 6-111 FBC 105.1 Work without a Permit - Fence  
LOCATION: 125 Mango St.  
STRAP NO: 19-46-24-W3-0120E.0040  
CODE OFFICER: Molly Jacobs  
REFERENCE NO: CE17-0103



Ms. Jacobs stated that the case was heard on August 30, 2017. A finding of fact was established and an order was issued citing that the Respondent was in violation of work without permit - fence. The Respondent was ordered to obtain required permit and pass subsequent inspections by October 17, 2017. Administration costs of \$175 were assessed and a fine per day of \$150 was to be imposed. As of October 24, 2017 an application had been submitted and it was under review. The administrative fee of \$175 had not been paid. Ms. Jacobs requested an order to lien. Mr. Madden entered an order to impose a lien on the property.

Cases CE17-0610, CE17-0584 and CE17-0683 were abated. Cases CE17-0458, CE17-0512, CE17-0357, CE17-0291 and CE17-0354 were continued.

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

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