

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

Wednesday, March 30, 2016

Hearing Examiner - Special Magistrate: Mr. Joe Madden

Code Enforcement Officer: Ambassador Sheila Conroy

Mr. Madden swore in those providing testimony.

CASE TO BE HEARD: **VIOLATION NO.:** 72117430

TOWN OF FORT MYERS BEACH, FLORIDA

Petitioner,

vs.

Donald Davidson

Ambassador Conroy stated that while patrolling in the downtown area on February 7, 2016, she approached a yellow Chevrolet with license plate EIK U07 parked on Third Street. She issued citation 72117430 under Ordinance 03-053A2H for parking in a loading zone. She provided photos of the scene.

Donald Davidson stated that he could not find a handicapped spot and he had to eat. He saw four parking spaces and the loading sign to his left but he thought that where he parked was outside of the loading zone.

Ambassador Conroy replied that the loading zone sign and yellow line delineated the area. Mr. Davidson noted that it was on a Sunday and he did not think deliveries would be occurring.

Mr. Madden found that the violation existed and Mr. Davidson was ordered to pay \$50.00 within 20 days or the fine would be doubled. Mr. Davidson requested that the citation be dismissed. Mr. Madden replied that the violation existed and he would not dismiss the case.

CASE TO BE HEARD: **VIOLATION NO.:** 71908432

Code Enforcement Officer: Ambassador Kevin Przybyszewski

TOWN OF FORT MYERS BEACH, FLORIDA

Petitioner,

vs.

Ryan O'Conner

While patrolling on February 22, 2016 at 9:00 a.m. Ambassador Przybyszewski observed a white FedEx truck parked on the sidewalk. He issued citation 71908432 under Ordinance 03053A2B. Ambassador Przybyszewski presented photos.

Mr. O'Conner stated that never had an issue parking close or near the sidewalk in the past. He noted that DOT regulations required him to be either completely on the road or completely off the road when making a delivery, and he was completely off the road. He requested dismissal. Mr. Madden found that a violation existed and he ordered Mr. O'Conner to pay \$50.00 within six months.

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

PROPERTY OWNER: First Baptist Church of Fort Myers Beach
SUBJECT: LDC Section 6-111
Adoption of Florida Building Code 105.1 Required
LOCATION: 130/138 Connecticut
STRAP NO: 29-46-24-W1-00151.0010
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE14-0388

Ms. Jacobs inspected the property on October 9, 2014, May 29, 2015 and December 11, 2015. She found the addition of a caretaker's cottage without a permit and interior renovation without a permit. To correct the violation, required permits must be obtained and all subsequent inspections must be passed. The notice of violation was provided to the property owner and/or registered agent via certified mail and it was claimed December 29, 2015. Notice of hearing was provided to the property owner via certified mail and it was claimed December 11, 2015. Ms. Jacobs provided pictures from her inspection on October 9, 2014 and she found the violation still existed on March 29, 2016. Ms. Jacobs indicated that they had multiple conversations with the property owner.

Shawn Critser stated that part of the addition was there when he inherited the property in 2004. He indicated that the information he received from the Town kept changing. Last week the Town stated that a contractor must apply for the permit, even though it had been reviewed three times. He stated that they will comply but it will take some time.

Mr. Madden found that a violation existed and gave the respondent until May 27, 2016 to obtain required permits and pass all subsequent inspections; otherwise a fine of \$75.00 per day will be imposed with \$150.00 in administrative costs.

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

PROPERTY OWNER: Estero Island Beach Club Association
SUBJECT: TFMB PM 507.1
LOCATION: 1836 Estero Blvd.
STRAP NO: 19-46-24-W4-03200.00CE
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE15-0417

Ms. Jacobs inspected the property on October 30, 2015 and February 25, 2016. She found that the roof drained onto Palm Ave. flowing toward the beach. To correct the violation, obtain an LDO, any required permits, pass all subsequent inspections and maintain all water discharge on the property. The notice of violation was provided to the property owner and registered agent via certified mail and it was claimed December 23, 2015. A notice of hearing was provided to

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the property owner and registered agent via certified mail and it was claimed March 7, 2016. Ms. Jacobs presented pictures from October 30, 2015 and December 18, 2015. On March 29, 2016 the violation still existed.

Mr. Madden found a violation occurred and still existed. He ordered that the Respondent obtain all required permits and pass all subsequent inspections by May 25, 2016; otherwise a fine of \$250.00 per day plus \$150.00 administrative costs will be imposed.



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

PROPERTY OWNER: Frederick and Nancy Paine
SUBJECT: LDC Section 6-111
Adoption of Florida Building Code 105.1 Required
LOCATION: 815 Estero Blvd.
STRAP NO: 24-46-23-W3-0050B-0100
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE15-0436

Ms. Jacobs inspected the property on October 18, 2015 and January 8, 2016. She found that pavers were being installed without a permit. To correct the violation, obtain an LDO within 20 days. Notice of violation was provided to the property owner and it was claimed on December 14, 2015. Notice of hearing was provided to the property owner via certified mail and it was claimed on March 7, 2016. Ms. Jacobs provided pictures from November 18, 2015. She inspected the property on March 29, 2016 and the violation still existed. Ms. Jacobs stated that they obtained their LDO on March 24, 2016, which included the structure, sign and pavers. Mr. Madden found the a violation existed and Respondent had until April 29, 2016 to get the LDO finalized; otherwise a fine of \$250.00 per day plus \$150.00 administrative costs will be imposed.



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

PROPERTY OWNER: Frederick and Nancy Paine
SUBJECT: LDC Section 6-111
Adoption of Florida Building Code 105.1 Required
LOCATION: 815 Estero Blvd.
STRAP NO: 24-46-23-W3-0050B-0100
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE15-0440

Ms. Jacobs inspected the property on October 18, 2015 and January 7, 2016. She found that a sign was erected without a permit. To correct the violation, obtain a permit and pass all subsequent inspections. Notice of violation was provided to the property owner and it was claimed on December 3, 2015. Notice of hearing was provided to the property owner via certified mail and it was claimed March 7, 2016. Ms. Jacobs provided pictures from November 18, 2015. She inspected the property on March 29, 2016 and the violation still existed. Ms. Jacobs noted that a sign permit was submitted on December 18, 2015 and was under review. Mr. Madden found the a violation existed and Respondent had until April 29, 2016 to obtain all permits and pass all subsequent inspections; otherwise a fine of \$250.00 per day plus \$150.00 administrative costs will be imposed.

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

PROPERTY OWNER: Frederick and Nancy Paine
SUBJECT: LDC Section 6-111
Adoption of Florida Building Code 105.1 Required
LOCATION: 815 Estero Blvd.
STRAP NO: 24-46-23-W3-0050B-0100
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE15-0441

Ms. Jacobs inspected the property on October 18, 2015 and January 7, 2016. She found that a structure was erected without a permit. To correct the violation, obtain a permit and pass all subsequent inspections. Notice of violation was provided to the property owner and it was claimed on December 3, 2015. Notice of hearing was provided to the property owner via certified mail and it was claimed March 7, 2016. Ms. Jacobs provided pictures from November 18, 2015. She inspected the property on March 29, 2016 and the violation still existed. Ms. Jacobs noted that a sign permit was submitted on December 18, 2015 and was under review. A commercial permit was submitted on December 18, 2015 and was under review. It was resubmitted on March 6, 2016 and the plan review was denied. The next step is zoning review. Mr. Madden found the a violation occurred and Respondent had until April 29, 2016 to obtain all permits and pass all subsequent inspections; otherwise a fine of \$250.00 per day plus \$150.00 administrative costs will be imposed.

Case CE15-0418 was abated and CE15-0446 was continued.

Vote: _____ Signature: Douglas E. Spolley

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