

AGENDA

CHARLOTTE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

Administration Center, County Commission Meeting Room #119
18500 Murdock Circle, Port Charlotte, Florida 33948-1094

HEARING MINUTES OF DECEMBER 2, 2021

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@CharlotteCountyFL.gov.

1. **CALL TO ORDER**
SPECIAL MAGISTRATE DEREK ROONEY CALLED THE HEARING TO ORDER AT 9:00 A.M.
2. **SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY**
SUZAN GOWANS ADMINISTERED THE OATH
3. **NEXT MEETING DATE**
FEBRUARY 2, 2022
- IV. **OLD BUSINESS**
- V. **CONFLICT CASES**
- VI. **CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES**
All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by the Magistrate that item(s) will be removed from the Consent Agenda and considered separately.
 1. **UTL-19-00024**, Kris Zolnierowicz & Alice Zolnierowicz, 99 Adalia Terrace, Port Charlotte – Third Affidavit of Non-Compliance - \$0.00 **KRIS ZOLNIEROWICZ PRESENT** GR
 - ~~2. **UTL-19-00033**, 2019-1 IH Borrower LP, 1365 Eagle St, Port Charlotte – Fourth Affidavit of Non-Compliance – 120.00 **ANC DISMISSED** GR~~
 3. **UTL-20-00002**, Arthnel Hastings, 631 Grove Ave, Port Charlotte – Fourth Affidavit of Non-Compliance - \$70.00 GR
 4. **COD-17-01909**, Danny Neal & Glenda Neal, 850 Fairfax Terrace, Port Charlotte – Eighth Affidavit of Non-Compliance - \$70.00 PD
 5. **COD-20-01549**, Jimmy Cruz & Luis Cruz, 325 Timbruce Lane, Port Charlotte – Affidavit of Non-Compliance - \$70.00 PD

6. **COD-21-01818**, Craig McKendry & Christie McKendry, 3140 Conway Blvd, Port Charlotte – Affidavit of Non-Compliance - \$120.00 PD
7. **COD-19-02732**, DK REAL ESTATE MGMT OF DE LLC, 21622 Augusta Ave, Port Charlotte – Fifth Affidavit of Non-Compliance - \$9,020.00 RL
8. **COD-21-01099**, Ronald Kocsi & Geraldine Kocsi, 2580 Starlight Lane, Port Charlotte – Affidavit of Non-Compliance - \$70.00 RL
9. **COD-21-01824**, Margaret Bell, Stacy Pendleton & Theresa Naticchia, 21899 Beverly Ave, Port Charlotte – Affidavit of Non-Compliance - \$70.00 RL
10. **COD-20-02934**, David Kalmbach, 2120 Barksdale St, Port Charlotte – Third Affidavit of Non-Compliance - \$210.00 SR
11. ~~**COD-21-00708**, Roseann Bertucci, 4259 Kilpatrick St, Port Charlotte – Second Affidavit of Non-Compliance - \$6,611.00~~ **CONTINUED TO FEBRUARY** SR
12. **COD-21-00989**, Patrick Howanitz, 18542 Satsuma Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 **PATRICK HOWANITZ PRESENT** SR
13. **COD-21-01610**, Juniace Etienne & Hilda Cenecharles, 757 Essex Ave, Port Charlotte - Affidavit of Non-Compliance - \$70.00 SR
14. **COD-21-01807**, Stephanie Quezada, 4500 Sweetbay St, Port Charlotte – Affidavit of Non-Compliance - \$120.00 SR
15. **COD-21-01852**, Rubi Alvarez & David Alvarez, 326 Capaola St, Port Charlotte - Affidavit of Non-Compliance - \$120.00 SR
16. **COD-16-02661**, Raymond Busbey & Sandra Busbey, 1393 Fireside St, Port Charlotte – Tenth Affidavit of Non-Compliance - \$70.00 TJ
17. **COD-18-04132**, James Garland, 1815 Banana St, Port Charlotte – Fifth Affidavit of Non-Compliance - \$4,520.00 **JAMES GARLAND PRESENT** TJ
18. **COD-19-03853**, ABRAHAMSON PROPERTIES LLC, 22095 Laramore Ave, Port Charlotte –Fourth Affidavit of Non-Compliance - \$120.00 TJ
19. **COD-20-02013**, Kenneth Kendall, 1451 Salyers St, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 TJ
20. **COD-20-02315**, Barrett Guilmette, 23476 Quasar Blvd, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 **BARRETT GUILMETTE PRESENT** TJ
21. **COD-21-00504**, Richard Graham, 27249 Whitman Ave, Punta Gorda – Second Affidavit of Non-Compliance - \$4,520.00 TJ
22. **COD-21-00837**, Peter Phung, 27218 Sunnybrook Rd Unit A or 27218 Sunnybrook Rd Unit B or 27226 Sunnybrook Rd Unit A or 27226 Sunnybrook Rd Unit B, Punta Gorda – Affidavit of Non-Compliance - \$120.00 TJ

23. **COD-21-01322**, Dwayne Murff & Loisteen Murph, 23268 Avacado Ave, Port Charlotte – Affidavit of Non-Compliance - \$70.00 TJ
24. **COD-21-01559**, Julie Hennessey & Cathy McLean, 25892 Aysen Dr, Punta Gorda – Affidavit of Non-Compliance - \$70.00 TJ
25. **COD-20-01411**, David Williams, 14321 Weeksonia Ave, Port Charlotte – Third Affidavit of Non-Compliance - \$70.00 ST
26. **COD-20-02522**, Thomas Harris, 19127 Roosevelt Ave, Port Charlotte – Affidavit of Non-Compliance - \$70.00 ST
27. **COD-21-01804**, Jean-Mary Pierre, 5644 Anderson Rd, Port Charlotte – Affidavit of Non-Compliance - \$70.00 ST
28. **COD-19-00211**, Michael Phillips, 6187 Strasse Blvd, Port Charlotte – Fourth Affidavit of Non-Compliance - \$70.00 BB
- ~~29. **COD-19-02959**, Christopher Law & Shelby Law, 28229 Jacinto Dr, Punta Gorda – Second Affidavit of Non-Compliance - \$4,520.00 **CONT TO FEBRUARY** BB~~
30. **COD-20-03121**, Mark Schmitt, 11406 or 11410 Second Ave, Punta Gorda – Affidavit of Non-Compliance - \$0.00 **MARK SCHMITT PRESENT** BB

SPECIAL MAGISTRATE DEREK ROONEY APPROVED ALL OTHER ANC'S 9:45AM

NEW BUSINESS

- A. **COD-21-00795**, Philly Tavalilla & Michael Tavalilla, 293 Day Break Circle, Port Charlotte [Sections 3-9-33(e) & 3-9-76] ST

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- B. **COD-21-01816**, Robert Baust, 21080 Higgs Dr, Port Charlotte [Section 3-9-5(5); & FBC Section 105.1] PD

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

- C. ~~COD-21-01911, Robert Santoro, 2396 Broad Ranch Dr, Port Charlotte [IPMC Section 302.7]~~ ~~CONTINUED TO FEBRUARY~~ PD

~~The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.~~

- D. **COD-21-02737**, Joann Ehrenberg Trustee, 22257 Yonkers Ave, Port Charlotte [Sections 3-9-33(e) & 3-9-76] **FRANK & LYNN REIS PRESENT** PD

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- E. **COD-21-00650**, Miguette Charles Joseph, 2324 Brown St, Port Charlotte [FBC Sections 105.4 & 110.3] SR

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist.

- F. **COD-21-01390**, Amanda Snyder, 17390 Godwin Ave, Port Charlotte [Sections 3-9-33(e) & 3-9-76] **AMANDA SNYDER PRESENT** SR

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 180 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- G. **COD-21-02049**, Billy Kidwell, 18655 Kerrville Circle, Port Charlotte [Sections 3-2-214 & 3-2-215; & FBC Sections 105.4 & 110.3] **BILLY KIDWELL PRESENT** SR
CONTINUED UNTIL APRIL 2022

The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist.

- H. **COD-21-02304**, Warren Gibbons, 19170 Punta Gorda Ct, Port Charlotte [Sections 3-6-21(4), 3-9-5(b), 3-9-100.3(d) & 3-9-37(e); & FBC Section 105.1; & IPMC Sections 301.2 & 304.1] SR

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- ~~I. **DOH-21-00020**, Jennifer Ball & Jody Ball, 3125 Rock Creek Dr, Port Charlotte [Section 3-8-256 (c)(1), (c)(2) & (c)(3)] **CONTINUED TO JUNE** GR~~

~~**The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist.**~~

- J. **COD-21-02355**, Jason Barth & Karen Cantz, 241 Taylor Lane, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) & 3-9-33(g)] **KAREN CANTZ PRESENT** RL

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 90 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist.

- K. **COD-21-02482**, Ronald Kocsi & Geraldine Kocsi, 21418 Meehan Ave, Port Charlotte [Sections 3-9-33(e) & 3-9-76] RL

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$250 per day for each day the violation continues to exist. The issuance of a 5-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- L. **COD-21-02485**, Muriel Borchsenius & Adam Stelmaszyk, 22354 Hernando Ave, Port Charlotte [Section 2-5-72] RL

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist. The issuance of a 5-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- M. **COD-21-02495**, Phillip Lancaster, 3140 Crestwood Dr, Port Charlotte [Section 2.5-72] RL

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- N. **COD-21-00447**, Verna Pierre, 1049 Decatur St, Port Charlotte [Sections ~~3-9-5(b)~~, 3-9-33(e), 3-9-76 & 3-9-79.1; & FBC Section ~~105.1~~] **DISMISS 3-9-5(b) & FBC 105.1** JC

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- ~~O. **COD-21-01877**, Toni Layton, 2625 Charlene St, Punta Gorda [Sections ~~3-9-33(e)~~, 3-9-76 & ~~3-9-79.1~~] **DISMISSED NEW OWNER** BB~~

~~The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.~~

- ~~P. **COD-20-02885**, Maurucio Gutierrez & Sheila Escobar, 21439 Carleton Ave, Port Charlotte [Section ~~3-9-5(b)~~; & FBC Section ~~105.1~~] **CONT TO FEBRUARY** TJ~~

~~The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.~~

- ~~Q. **COD-21-00692**, Matthew Jones, 4043 River Bank Way, Port Charlotte [Section ~~3-9-5(b)~~; & FBC Section ~~105.1~~] **CONTINUED UNTIL FEBRUARY** TJ~~

~~The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.~~

- R. **COD-21-00886**, Larry Schwerin & Diane Schwerin, 2456 Triton Terrace, Punta Gorda [Section 3-9-5(b); & FBC Section 105.1; & IPMC Sections ~~301.2 & 303.2~~] TJ
DISMISS IPMC 301.2 & 303.2

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist.

- s. **COD-21-02077**, Steve Annexstein & Rose Sprinkles, 27289 Sunnybrook Rd, Punta Gorda [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] TJ

STEVE ANNEXSTEIN & ROSE SPRINKLES PRESENT

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 90 days from the date of the Order to bring the property into compliance or thereafter fined \$100 per day for each day the violation continues to exist. The issuance of a 5-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- t. **COD-21-02204**, Christopher Aniskewicz Jr, 1314 Maracaibo St, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) & 3-9-76; & FBC Section 105.1] TJ

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- u. **COD-21-02569**, HORIZON TRUST COMPANY, 23527 Chimes Ave or 3125 Loveland Blvd, Port Charlotte [Section 3-9-33(e), 3-9-76 & 3-9-79.1] TJ

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- v. **COD-21-02538**, FAIR PRICE PROPERTIES, LLC, 1043 Cazenovia St, Port Charlotte [Sections 3-2-115, 3-2-214, 3-2-215, 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 304.6, 304.13, 304.13.1 & 304.14] TJ

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$100 for each day the violation continues to exist. The issuance of a 2-year cease and desist order for any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- w. **COD-18-03910**, Aynsley Brown, 7501 Sawyer Cir, Port Charlotte [Sections 3-9-5(b), 3-9-43(e), 3-9-85 1.1.4(b)(2)(a)(b) & 1-10-18; & FBC Section 105.1] DS

AYNSLEY BROWN, JOHN SHEPARD & HARRY TAYLOR PRESENT

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 120 days from the date of the Order to bring the property into compliance or thereafter fined \$250 for each day the violation continues to exist.

- x. **COD-19-03843**, Thomas Hawkinson Trustee, 33597 Omega Lane, Punta Gorda [Sections 3-9-5(b), 3-9-30(e) & 3-9-76; & FBC Section 105.1] RM

Ordered. The County recommends the Respondent be found in violation of the cited code sections and given 30 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- y. **COD-20-02375**, Reynaldo Remedios, 28145 Country Club Blvd, Punta Gorda [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] **REYNALDO REMEDIOS PRESENT** RM

CONTINUED UNTIL FEBRUARY 2022

The County recommends the Respondent be found in violation of the cited code sections and given 15 days from the date of the Order to bring the property into compliance or thereafter fined \$50 per day for each day the violation continues to exist. The issuance of a 2-year cease and desist order for repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

XII ADJOURNMENT

SPECIAL MAGISTRATE DEREK ROONEY ADJOURNED THE HEARING AT 11:35 AM

MINUTES APPROVAL CERTIFICATION

I, Suzan Gowans, Senior Administrative Assistant for Charlotte County, hereby approve and certify these minutes to be true and accurate account of the Code Enforcement Special Magistrate Hearing held on December 2nd, 2021.

Suzan Gowans

Date Approved

X NEXT MEETING DATE

February 2, 2022

XII ADJOURNMENT

If any person desires to appeal any decision with respect to any matter considered at these meetings, such person may need a record of the proceedings; for this purpose, such person may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.

December 3, 2021, 3:06 PM

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