

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 MARCH 3, 2021

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**
APRIL 8, 2021
4. **AGENDA CHANGES**
5. **UNFINISHED BUSINESS**
NONE
6. **OLD BUSINESS**

DOH-15-00555, Simone Montinat, 1149 Vernon Ave, Port Charlotte – Affidavit of Non-Compliance \$ 70.00 **SIMONE MONTINAT PRESENT** GR

UTL-19-00024, Kris Zolnierowicz, & Alice Zolnierowicz, 99 Adalia Ter, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 **KRIS ZOLNIEROWICZ PRESENT** GR

COD-18-02737, Dorothy Henley & John Mettler, 627 Tam O’Shanter Lane, Punta Gorda – Third Affidavit of Non-Compliance - \$4,520.00 RM

COD-18-04071, Tracy Bowe, 6775 Placida Rd, Englewood – Second Affidavit of Non-Compliance - \$4,520.00 JD
7. **CONFLICT CASES**

COD-19-03394, JDI FARMS INC, 2150 SR 31, Punta Gorda – Second Affidavit of Non – Compliance \$24,720.00 **ROB BERTSSON & SCOTT HERTZ PRESENT** AD

COD-19-03412, US BANK TRUST, 408 Fletcher St, Port Charlotte – Second Affidavit of Non-Compliance - \$9,020.00 JC

COD-20-02917, TRUIST BANK, 406 Solana St, Punta Gorda [Sections 3-9-34(e), 3-9-76 & 3-9-79.1] **CHRIS CROWLEY PRESENT CONTINUED UNTIL AUG** ST

COD-20-03038, HOLIDAY BUILDERS INC, 17502 Terry Ave, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] SR

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.

VIII. 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. **COD-10-01656**, Robert Gannon, 4386 Sibley Bay St, Port Charlotte – Twelfth Affidavit of Non-Compliance - \$120.00 PD
2. **COD-15-02774**, Maria Gabaldon, 3115 Newbury St, Port Charlotte - Ninth Affidavit of Non-Compliance - \$70.00 PD
3. **COD-17-00418**, Bernard Vonkarstedt Life Estate, 7457 Strasse Blvd, Punta Gorda – Eighth Affidavit of Non-compliance - \$120.00 ST
4. **COD-17-02922**, Sandra Mashburn, 521 Pompano Ter, Punta Gorda – Seventh Affidavit of Non-Compliance - \$ 70.00 GG
5. **COD-18-00254**, Robert Gannon, 4386 Sibley Bay St, Port Charlotte – Seventh Affidavit of Non-Compliance - \$70.00 PD
6. **COD-18-00632**, WATERVIEW PROPERTY OWNERS ASSOC INC, 16120 Eastern Blvd, Port Charlotte – Seventh Affidavit of Non-Compliance - \$120.00 JC
7. **COD-18-01676**, Anita Lavigne, 2919 Bayberry Ave, Punta Gorda – Fourth Affidavit of Non-Compliance - \$70.00 RM
8. **COD-18-02261**, Troy McCol & Lisa McCol, 4390 Wischamper St, Port Charlotte – Sixth Affidavit of Non-Compliance - \$70.00 SR
9. **COD-18-03432**, Christine Marfut, 21219 Glendale Ave, Port Charlotte – Sixth Affidavit of Non-Compliance - \$270.00 RL
10. **COD-18-03857**, Cecilia & Giacomo Torre, 14339 Pennykamp Ave, Port Charlotte – Fourth Affidavit of Non-Compliance - \$70.00 JC
11. **COD-18-03908**, Melissa Sabino, 724 Bowman Ter, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 JC
12. **COD-19-00105**, Donald Kelley & Donna Kelley, 398 Border St, Port Charlotte – Fourth Affidavit of Non-Compliance - \$120.00 JC

13. **COD-19-00345**, Emmanuel Tovar, 1090 Bristol St, Port Charlotte – Second Affidavit of Non-Compliance - \$9,020.00 JC
14. **COD-19-00360**, Richard May & Hazel May, 1815 Lavilla Rd, Punta Gorda – Fourth Affidavit of Non-Compliance - \$120.00 RM
15. **COD-19-00456**, Karl Spurlock & Catherine Spurlock, 4050 Woodholm Dr, Punta Gorda – Fifth Affidavit of Non-Compliance - \$ 70.00 **KARL SPURLOCK PRESENT** ST
CONTINUED UNTIL APRIL PER SPECIAL MAGISTRATE
16. **COD-19-00515**, Karl Spurlock & Catherine Spurlock, 4100 Woodholm Dr, Punta Gorda – Fifth Affidavit of Non-Compliance - \$70.00 **KARL SPURLOCK PRESENT** ST
CONTINUED UNTIL APRIL PER SPECIAL MAGISTRATE
17. **COD-19-00707**, David Brown, 1527 Hickory Ave, Punta Gorda – Sixth Affidavit of Non-Compliance - \$70.00 RM
18. **COD-19-01038**, Rosemarie Kluever, 3201 Amanda St, Punta Gorda – Sixth Affidavit of Non-Compliance – \$120.00 ST
19. **COD-19-01291**, Wayne Thibodeau & Rose Thibodeau, 5393 Swaying Palm Dr, Punta Gorda – Fifth Affidavit of Non-Compliance -\$9,020.00 ST
- ~~20. **COD-19-01624**, Brian Collette & Gina Collette, 2272 Beacon Dr, Port Charlotte – Second Affidavit of Non-Compliance – \$70.00 **DISMISSED** TJ~~
21. **COD-19-01660**, Wayne Thibodeau & Russell Thibodeau, 5400 Swaying Palm Dr, Punta Gorda – Fifth Affidavit of Non-Compliance - \$4,520.00 ST
22. **COD-19-01989**, Charles Fagundes III, 157 Barre Dr, Port Charlotte – Fifth Affidavit of Non-Compliance - \$70.00 PD
23. **COD-19-02191**, Bernard Vonkarstedt Life Estate, 7473 Strasse Blvd, Punta Gorda – Fifth Affidavit of Non-Compliance - \$4,520.00 ST
24. **COD-19-02945**, Debra Matthews, 15399 Mapletree Dr, Punta Gorda – Third Affidavit of Non-Compliance - \$70.00 RM
25. **COD-19-03105**, ELKAM LLC, 21148 McGuire Ave, Port Charlotte – Third Affidavit of Non-Compliance - \$120.00 RL
26. **COD-19-03124**, Mario Lugo, 2162 Lakeshore Circle, Port Charlotte – Third Affidavit of Non-Compliance - \$120.00 RL
27. **COD-19-03297**, Dion Murphy, 3332 Normandy Dr, Port Charlotte – Second Affidavit of Non-Compliance - \$13,520.00 **DION MURPHY PRESENT** RL
CONTINUED UNTIL JUNE PER SPECIAL MAGISTRATE
28. **COD-19-03504**, Shane Leone, 6150 Golf Course Blvd, Punta Gorda – Fourth Affidavit of Non-Compliance - \$70.00 RM

29. **COD-19-03669**, Beverly Beckman, 11176 Grapefruit Lane, Punta Gorda – Second Affidavit of Non-Compliance - \$4,520.00 RM
30. **COD-19-03766**, FLORIDA HMP DEVELOPMENTS LLC, 129 Sunset Rd, Rotonda West – Second Affidavit of Non-Compliance - \$9,020.00 JD
31. **COD-19-03830**, Orville John Wahl, 12031 Green Gulf Blvd, Punta Gorda – Second Affidavit of Non-Compliance - \$4,520.00 **JOHN WAHL PRESENT** RM
CONTINUED UNTIL APRIL PER SPECIAL MAGISTRATE
32. **COD-19-03853**, ABRAHAMSON PROPERTIES LLC, 22095 Laramore Ave, Port Charlotte – Affidavit of Non-Compliance - \$120.00 TJ
33. **COD-20-00076**, Renate Sears, 8326 Osprey Rd, Englewood – Affidavit of Non-Compliance - \$70.00 JD
34. **COD-20-00291**, Joyce Parkes, 3370 Idlewild St, Port Charlotte –Third Affidavit of Non-Compliance - \$70.00 PD
35. **COD-20-00416**, Maureen Townsend, 2957 Peace River Dr, Punta Gorda – Third Affidavit of Non-Compliance - \$70.00 TJ
36. **COD-20-01042**, David Anzalotti, 18086 Northern Ave, Port Charlotte – Third Affidavit of Non-Compliance - \$70.00 SR
37. **COD-20-01102**, Thomas Plummer & Rachel Galiyas, 1151 Delmore St, Port Charlotte – Affidavit of Non-Compliance - \$70.00 GW
38. **COD-20-01468**, Eric Allen & Michelle Maillet, 21003 Lawson Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$4,590.00 TJ
39. **COD-20-01543**, Bernard Vonkarstedt Life Estate, 7457 Strasse Blvd, Punta Gorda – Affidavit of Non-Compliance - \$70.00 RM
40. **COD-20-01601**, Chris Hamlet, 12194 Le Jeune Dr, Punta Gorda – Affidavit of Non-Compliance - \$70.00 RM
41. **COD-20-01643**, Evan Griffith & Samantha Griffith, 12330 Green Gulf Blvd, Punta Gorda – Affidavit of Non-Compliance - \$70.00 RM
42. **COD-20-01976**, FLORIDA HMP DEVELOPEMENTS LLC, 492 Sunset Rd, Rotonda West – Affidavit of Non-Compliance - \$120.00 JD
43. **COD-20-01981**, FLORIDA HMP DEVELOPMENTS LLC, 118 Swan Dr, Rotonda West – Affidavit of Non-Compliance - \$120.00 JD
44. **COD-20-01985**, FLORIDA HMP DEVELOPMENTS LLC, 248 Wayne Rd, Rotonda West – Affidavit of Non-Compliance - \$120.00 JD
45. **COD-20-02112**, Rosie Rouland, Rosilee Rouland, Thelma Rouland, April Poore & Roy Poore, 6200 Padula St, Punta Gorda – Affidavit of Non-Compliance - \$70.00 RM

- 46. **DOH-15-00076**, John Bates & Deborah Bates, 1208 Fleetwood Dr, Port Charlotte – Fourth Affidavit of Non-Compliance - \$70.00 GR
- 47. **DOH-15-00255**, Linda Sue Schneider, 851 Red Bay St, Port Charlotte – Fourth Affidavit of Non-Compliance - \$70.00 GR
- 48. **DOH-15-00517**, Betty Mau Trustee, 18167 Cochran Blvd, Port Charlotte – Eighth Affidavit of Non-Compliance - \$70.00 GR
- 49. **DOH-16-00118**, Laura Trott-Cook, 3011 Tamarind St, Port Charlotte – Eighth Affidavit of Non-Compliance - \$70.00 GR
- 50. **DOH-16-00185**, Blake Zinn, 3245 Jessica Ter, Port Charlotte – Eighth Affidavit of Non-Compliance - \$70.00 GR

SPECIAL MAGISTRATE DEREK ROONEY APPROVED ALL OTHER ANC'S 11:05AM

IX. NEW BUSINESS

- A. **COD-19-03771**, Lucille Roberge, 1329 Hickory Ave, Punta Gorda [Sections 3-9-37(e) & 3-9-76] **MARVIN OGLE PRESENT** RM

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 45 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.

- B. **COD-20-03251**, Irina Yuzenene, 3357 Croton Terrace, Port Charlotte [Sections 3-9-33(e) & 3-9-76] **MS VASYUTSKAYA PRESENT** 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 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.

- C. **COD-21-00037**, Chester Brinson, 2619 Lakeshore Circle, 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.

- D. **COD-20-02934**, David Kalmbach, 2120 Barksdale St, Port Charlotte [Sections 2-5-72, 3-9-33(e), 3-9-76 & 3-9-79.1] SR

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-20-03260**, Kristin Gabriellini & Marie Gabriellini, 2443 Tamarind St, Port Charlotte [Sections 3-9-33-(e), 3-9-76 & 3-9-79.1; IPMC Sections 301.2, 303.1, 303.2, 304.2 & 304.6] 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 any repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- F. **COD-20-01932**, Jan Kohl & Patricia Kohl, 20300 Zelda Ave, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] JC

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 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-19-01477**, James Garrard & Shana Garrard, 29392 Maris Dr, Punta Gorda [Section 3-9-5(b); & 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.

- H. **COD-20-03158**, James Ryan & Harriet Ryan, 2157 Pagoda Lane, Punta Gorda [Sections 3-9-33(e) & 3-9-76; & IPMC Sections 301.2 & 302.7] 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 repeat zoning violations and abatement in the event of non-compliance with costs of abatement to be added to the fines and costs.

- I. **COD-21-00031**, Isabel Gonzalez & Reidy Gonzalez, 23194 Midway Blvd, Port Charlotte [Sections 3-9-33(e) & 3-9-79.1] **ISABEL GONZALEZ PRESENT** 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 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.

- J. **DOH-20-00014**, Jeffrey Fero Trustee, 4389 Ewing Cir, Port Charlotte [Sections 3-8-256(g)(1), (g)(2) & (g)(3)] **JEFFREY FERRO PRESENT CONT TO SEPT** GR

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 for each day the violation continues to exist.

- K. **COD-20-02961**, PEACE RIVER RV LLC, 1197 Taffy Dr, Punta Gorda [Sections 3-9-37(e), 3-9-76 & 3-9-79.1] **JEFF HEART PRESENT** ST

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 60 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 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 11:56 AM

MINUTES APPROVAL CERTIFICATION

I, Suzan Gowans, 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 March 3rd, 2021.

Suzan Gowans

Date Approved

