

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 JUNE 7, 2023

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.

I. CALL TO ORDER
SPECIAL MAGISTRATE DEREK ROONEY CALLED THE HEARING TO ORDER AT 9:00 A.M

II. SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY
SUZAN GOWANS ADMINISTERED THE OATH

III. NEXT MEETING DATE
JULY 5, 2023

IV. OLD BUSINESS

COD-20-03145, Dorcas Gray, 18449 Lincoya Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 **CONTINUED UNTIL JULY** ST

COD-22-00413, Milbert Jorge De La Cruz Gomez, 49331 Bermont Rd, Punta Gorda – Affidavit of Non-Compliance - \$70.00 GW

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. **COD-22-00095**, Samantha Downer, 3403 Elkcam Blvd, Port Charlotte – Second Affidavit of Non-Compliance -\$4,520.00 PD
2. **COD-22-00124**, Jose Huerta & Imer Rogel, 105 Martin Dr, Port Charlotte – Fourth Affidavit of Non-Compliance - \$ 70.00 PD
3. **COD-22-01218**, James Verhoeven, 4377 Sibley Bay St, Port Charlotte – Third Affidavit of Non-Compliance - \$70.00 PD
4. **COD-14-02464**, Marian Kencik & Piotr Lakomiski, 4185 Flamingo Blvd, Port Charlotte – Fifteenth Affidavit of Non-Compliance - \$70.00 SR

5. **COD-17-03770**, Kristin Gabriellini, 2443 Tamarind St, Port Charlottee – Sixth Affidavit of Non-Compliance - \$70.00 SR
6. **COD-19-03510**, Ryan Williams & Rodney Williams, 2078 Tigard St, Port Charlotte – Sixth Affidavit of Non-Compliance - \$70.00 SR
7. **COD-20-00427**, Robert Miller Jr. & Gabriella Miller, 2001 Cannolot Blvd, Port Charlotte – Affidavit of Non-Compliance - \$70.00 **ROBERT MILLER PRESENT** SR
8. **COD-21-00989**, Patrick Howanitz, 18542 Satsuma Ave, Port Charlotte – Seventh Affidavit of Non-Compliance - \$70.00 SR
9. **COD-21-01548**, Tonya Marx, 18049 Cochran Blvd, Port Charlotte – Fifth Affidavit of Non-Compliance - \$4,520.00 SR
10. **COD-21-01891**, Marc Gonsalves & Maria Gonsalves, 17550 O'Hara Dr, Port Charlotte – Third Affidavit of Non-Compliance - \$70.00 SR
- ~~11. **COD-21-03082**, Dacko Donald Michael, 4040 Dotham St, Port Charlotte – Affidavit of Non-Compliance - \$70.00 **DISMISSED** SR~~
12. **COD-22-00031**, Pauline Weber & Rachel Green, 19385 Midway Blvd, Port Charlotte – Affidavit of Non-Compliance - \$70.00 **RACHEL GREEN PRESENT** SR
13. **COD-22-00442**, Gladys Perez & Israel Colon II, 2160 Barksdale St, Port Charlotte – Amended Affidavit of Non-Compliance - \$120.00 SR
14. **COD-22-00552**, Stephen Dufresne II, 17421 Sabrina Circle, Port Charlotte – Affidavit of Non-Compliance - \$70.00 SR
15. **COD-22-00719**, Ashley Elizabeth Rich, 4391 Mundella Cir, Port Charlotte – Second Affidavit of Non-compliance - \$4,520.00 SR
16. **COD-22-01374**, Gary Alexander & Judith Alexander, 18321 Wolbrette Circle, Port Charlotte – Second Affidavit of Non-Compliance - \$9,020.00 **GARY ALEXANDER PRESENT** SR
17. **COD-22-01985**, Avi Ayash & Ester Ayash, 2410 Dando St, Port Charlotte – Affidavit of Non-Compliance - \$70.00 SR
18. **COD-17-00148**, Rachael Sanders, 3204 Easy St, Port Charlotte – Tenth Affidavit of Non-Compliance - \$70.00 RL
19. **COD-18-03432**, Christine Marfut, 21219 Glendale Ave, Port Charlotte – Tenth Affidavit of Non-Compliance - \$270.00 RL
20. **COD-19-00654**, Valerie Blow, 21699 Augusta Ave, Port Charlotte – Third Affidavit of Non-Compliance - \$120.00 RL
21. **COD-20-00201-**, Herman Van Gardner III, 22131 Hernando Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 RL

22. **COD-21-02465**, Yefim Botvinnik & Yulia Levitski, 22043 Hernando Ave, Port Charlotte – Fifth Affidavit of Non-Compliance - \$450.00 RL
23. **COD-22-00004**, Kenneth Strelchun, 22095 Marshall Ave, Port Charlotte – Third Affidavit of Non-Compliance - \$22,520.00 RL
24. **COD-22-00010**, Marilyn Redmond Life Estate, 2248 Picnic St, Port Charlotte – Second Affidavit of Non-Compliance - \$620.00 **MARILYN REDMOND PRESENT** RL
25. **COD-22-01270**, Marcus Clark, 21290 Glendale Ave, Port Charlotte -Third Affidavit of Non-Compliance - \$250.00 RL
26. **COD-22-01818**, RENTAL PROPERTIES OF SW FL I, INC, 2305 Elkcam Blvd, Port Charlotte – Affidavit of Non-Compliance - \$70.00 **MAXIM PRESENT** RL
27. **COD-17-01771**, John Tomoka & Cindy Parker, 3086 Tarrywood Terrace, Port Charlotte – Tenth Affidavit of Non-Compliance - \$70.00 TJ
28. **COD-20-02410**, Robert Mitchell, 22338 Seyburn Terrace, Port Charlotte – Fourth Affidavit of Non-Compliance - \$120.00 TJ
29. **COD-20-02885**, Mauricio Gutierrez & Sheila Escobar, 21439 Carleton Ave, Port Charlotte – Third Affidavit of Non-Compliance - \$70.00 TJ
MAURICIO GUTIERREZ & SHEILA ESCOBAR PRESENT
30. **COD-21-01322**, Dwayne Murff & Loisteen Murff, 23268 Avacado Ave, Port Charlotte – Fourth Affidavit of Non-Compliance - \$70.00 TJ
31. **COD-21-02846**, James Kuchler, 2265 or 2269 Talbrook Terrace, Punta Gorda – Third Affidavit of Non-Compliance - \$70.00 TJ
32. **COD-21-03075**, Kima Watt, 22161 Scarsdale Ave, Port Charlotte -Affidavit of Non-Compliance - \$70.00 **KIMA WATT PRESENT** TJ
33. **COD-22-00421**, Mauricio Gutierrez & Sheila Escobar, 21439 Carlton Ave, Port Charlotte – Third Affidavit of Non-Compliance - \$70.00 TJ
MAURICIO GUTIERREZ & SHEILA ESCOBAR PRESENT
34. **COD-22-00808**, Dwayne Murff & Loisteen Murff, 23268 Avacado Ave, Port Charlotte - Second Affidavit of Non-Compliance - \$70.00 TJ
35. **COD-22-00847**, James Garland, 1815 Banana St, Port Charlotte - Second Affidavit of Non-Compliance - \$4,520.00 TJ
36. **COD-23-00039**, Le Khang, 23106 Ambassador Ave, Port Charlotte – Affidavit of Non-Compliance - \$170.00 TJ
37. **COD-19-00093**, Samuel Grillo & Mary Grillo, 7491 St. Regis Circle, Port Charlotte – Second Affidavit of Non-Compliance - \$9,020.00 ST
38. **COD-21-00718**, Semisi Moala & Lokwm Moala, 12070 Gordon Ave, Port Charlotte – Third Affidavit of Non-Compliance - \$70.00 **SEMISI MOALA PRESENT** ST

- 39. **COD-21-02794**, Evelyn Bustinera & Orlando Rondon, 20338 Quesada Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$6,729.43 **EVELYN BUSTINERA PRESENT** ST
- 40. **COD-19-00211**, Michael Phillips, 6187 Strasse Blvd, Punta Gorda – Seventh Affidavit of Non-Compliance - \$70.00 RM
- 41. **COD-19-01291**-, Wayne Thibodeau & Rose Thibodeau, 5393 Swaying Palm Dr, Punta Gorda – Seventh Affidavit of Non-Compliance - \$120.00 RM
- 42. **COD-20-02003**, Michelle Staples-Godwin, 2133 Dixie Ave, Punta Gorda – Fourth Affidavit of Non-Compliance - \$70.00 RM
- ~~43. **COD-21-00382**, Robert Goudreau & Cynthia Goudreau, 15449 Orchid Dr, Punta Gorda – Second Affidavit of Non-Compliance – \$70.00 **DISMISSED** RM~~

SPECIAL MAGISTRATE DEREK ROONEY APPROVED ALL OTHER ANC'S AT 11:45AM

VII. NEW BUSINESS

- A. **COD-22-02119**, Colleen Dobbs, 7337 Acorn Blvd, Punta Gorda [Sections 3-9-100.3(d), & 3-5-348] GW

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.

- B. **COD-22-01983**, Marian Kenick & Piotr Lakomski, 4185 Flamingo Blvd, Port Charlotte [Sections 3-9-33(e) & 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 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-23-00290**, Dorothy Reed, 17352 Robinson Ave, Port Charlotte [Section 3-6-24, 3-6-26, 3-9-5(b), 3-9-33(e) & 3-9-76; & FBC Section 105.1] 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 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.

- D. **COD-23-00833**, Chin-Te Yen & A-Lien Lin, 19488 Lauzon Ave, Port Charlotte [Sections 3-9-33(e) & 3-9-76; & IPMC Sections 106.5 & 301.3] 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. 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-23-00879**, Josephine Guilbeault Revocable Trust, 19496 Lauzon Ave, Port Charlotte [Sections 3-9-33(e) & 3-9-76; & IPMC Sections 106.5 & 301.3] 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. 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.

- F. **COD-23-00880**, Louise-Marie Vildor & Christelle Delva, 19487 Edgewater Dr, Port Charlotte [Section 3-9-33(e) & 3-9-76; & FBC Sections 106.5 & 301.3] SR

LOUISE VILDOR PRESENT

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.

- G. **COD-22-01826**, Joseph Egan & Anna Egan, 13548 Overton Ave, Port Charlotte [Sections 3-9-5(b); & FBC Section 105.1] ST

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-23-00422**, Cindy Trueschel Trustee, 1126 Rhineland St, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] **CINDY TRUESCHEL 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.

- I. **COD-23-00428**, Jerry Smith EST & Robin Vazquez PERS Rep, 15666 Aron Circle, Port Charlotte [Section 3-9-33(e) & 3-9-76] **JOHN BEGGS 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.

- J. **COD-23-00440**, Brian Freeman, 23086 Diane Ave, Port Charlotte [IPMC Sections 301.2, 303.1 & 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.

- K. **COD-23-00584**, William Lapenotiere & Miles Lapenotiere, 21222 Giddings Ave, Port Charlotte [Sections 3-6-21, 3-6-26, 3-9-33(e) & 3-9-76] 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 \$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.

- L. **COD-23-00592**, Jay Oleson & Tammy Oleson, 21441 Dollard Ave, Port Charlotte [Sections 3-6-21, 3-6-24, 3-9-5(b), 3-9-33(e) & 3-9-76; & FBC Section 105.1] TJ

CODE 3-6-24 IS DISMISSED JAY OLESON PRESENT

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.

- M. **COD-23-00605**, Joyce Spratley, 21508 Dollard Ave, Port Charlotte [Sections 3-9-33(e) & 3-9-72] 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 \$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.

- N. **COD-23-00680**, FKH SFR M L.P., 337 San Cristobal Ave, 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 \$100 for each day the violation continues to exist.

- O. **COD-23-00709**, Yordanis Santi Perez, 22293 Columbus Ave, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) & 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 \$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.

- P. **COD-23-00754**, THE BUYING COMPANY LLC, 1269 Dorchester St, Port Charlotte [Sections 3-9-33(e) & 3-9-76] 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.

- Q. **COD-23-00766**, IT'S WHERE IN THE SKY LLC, 22080 Laramore Ave, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] **BLAIR MILLIKEN PRESENT CONT** 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.

- R. **COD-23-00966**, Arturo Ramos, 2092 Haskell St, Port Charlotte [Sections 3-9-33(e) & 3-9-79.1] **ARTURO RAMOS 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 \$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.

- s. **COD-23-00995**, Mauricio Gutierrez & Sheila Escobar, 21439 Carleton Ave, Port Charlotte [Sections 3-9-5(b), 3-9-33(e) & 3-9-79.1; & FBC Section 105.1] TJ

MAURICIO GUTIERREZ & SHEILA ESCOBAR PRESENT

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 \$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.

- t. **COD-22-01842**, Kim Fenderson & Marcia Wood, 6034 Quince St, Punta Gorda [Sections 2-5-72, 3-9-37 & 3-9-76; & IPMC Sections 108.1, 108.1.1, 108.1.2, 108.1.3, 108.6, 110.1, 110.2, 110.3, 110.4, 301.2, 301.3, 302.3, 302.7, 304.1 & 304.1.1] RM

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 5 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.

- u. **COD-22-02123**, Amy Stanley, 21323 Gladis Ave, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1] RM

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 for each day the violation continues to exist.

- v. **COD-22-00406**, R.P. HUGHES AND COMPANY LLC, 102 Harness Rd or 13 Freeboard Rd, Placida [Sections 3-9-42(e), 3-9-6.2(j)3, 3-9-76 & 1-10-18; & FBC Sections 105.4 & 110.3] 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 \$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.

- w. **COD-21-02705**, Marlon Vaccara & Colleen Vaccaro, 23365 Rountree Ave, Port Charlotte [Section 3-9-5(b); & FBC Sections 105.1, 105.4 & 110.3] 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.

- x. **COD-23-00861**, Paul Duxbury, 609 Ennis Terrace, Port Charlotte [FBC Sections 406.2.2.1 & 406.2.4; & IPMC Sections 108.1, 108.1.1, 108.1.2, 108.1.3, 108.1.5(3)(5)(6)(7)(9), 108.6, 110.1, 301.2, 304.1, 304.1.1(3)(8), 304.2, 304.4, 304.6, 304.7, 304.13, 304.13.1, 305.1, 305.3, 301.2, 304.1, 505.1, 505.4, 601.2, 604.3, 604.3.2 & 604.3.2.1] PD

ORDERED. The County recommends the Respondent be found in violation of the cited code sections and given 5 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. 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-23-00998**, Alan Leitschuh, 834 Conreid Dr, Port Charlotte [Sections 3-9-33(e) & 3-9-76] PD~~ **DISMISSED**

~~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 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.~~

XII ADJOURNMENT

SPECIAL MAGISTRATE DEREK ROONEY ADJOURNED THE HEARING AT 12:11PM.

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 June 7, 2023.

Suzan Gowans
Suzan Gowans

06/08/23
Date Approved

NEXT MEETING DATE

July 5, 2023

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.