

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 NOVEMBER 1, 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 ROBERT BERNTSSON 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

DECEMBER 6, 2023

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. **COD-18-00254**, Robert Gannon, 4386 Sibley Bay St, Port Charlotte – Twelfth Affidavit of Non-Compliance - \$ 70.00 PD
2. **COD-21-02158**, C. Kinney & B. Worth, 21826 Edgewater Dr, Port Charlotte – Fifth Affidavit of Non-Compliance - \$4,520.00 PD
3. **COD-22-01482**, Jovica Jovic & Biljama Negic-Jovic, 242 Beeney Rd, Port Charlotte – Third Affidavit of Non-Compliance - \$70.00 PD
4. **COD-22-01217**, Gladys Perez & Eduardo Martinez, 21592 Augusta Ave, Port Charlotte – Second Affidavit of Non-Compliance - \$9,020.00 JCM
5. **COD-23-00493**, HUFF'S PROPERTIES LLC, 22243 Belinda Ave, Port Charlotte – Affidavit of Non-Compliance - \$120.00 JCM
6. **2008-884**, William Rusch & Janice Rusch, 2501 Sistina St, Port Charlotte – Fourteenth Affidavit of Non-Compliance - \$120.00 TJ

7. **COD-16-03588**, Stephen Kennedy & Deborah Kennedy, 1321 Yorkshire St, Port Charlotte – Tenth Affidavit of Non-Compliance - \$70.00 TJ
8. **COD-22-00305**, Thomas Carey, 27065 Ann Arbor Ave, Punta Gorda – Second Affidavit of Non-Compliance - \$70.00 TJ
9. **COD-22-01343**, Maureen Townsend, 2957 Peace River Dr, Punta Gorda – Third Affidavit of Non-Compliance - \$120.00 TJ
10. **COD-23-00271**, PEACE FOX LLC, 3301 or 3305 Peace River Dr, Punta Gorda – Second Affidavit of Non-Compliance - \$9,020.00 TJ
11. **COD-23-00419**, Maliki Wilkinson, 1352 or 1356 or 1360 Danilova Dr or 1373 or 1377 Flodden Dr or 27156 or 27172 Amsterdam Dr, Punta Gorda – Affidavit of Non-compliance - \$70.00 TJ
12. **COD-23-00891**, Kathlyn Gates, 22143 Montrose Ave, Port Charlotte – Affidavit of Non-Compliance - \$70.00
KATHY GATES PRESENT TJ
13. **COD-23-01074**, Laurence Allen & Patric Allen, 24247 Riverfront Dr, Port Charlotte – Affidavit of Non-Compliance - \$70.00 TJ
14. **COD-23-01540**, SFR JV-2 PROPERTY LLC, 23501 Rocket Ave, Port Charlotte – Affidavit of Non-Compliance - \$120.00 TJ
15. **COD-23-01584**, Patsy Crews, 2134 Alaric St, Port Charlotte – Affidavit of Non-Compliance - \$70.00
PATSY CREWS PRESENT TJ
16. **COD-22-01272**, Sara Jensen, 2063 Pellam Blvd, Port Charlotte – Affidavit of Non-Compliance - \$120.00
SARA JENSEN PRESENT DF
17. **COD-22-01601**, Paul Gregory & Lucy Gregory, 2289 Lake View Blvd, Port Charlotte – Affidavit of Non-Compliance - \$70.00 DF
18. **COD-22-01983**, Marian Kencik & Piotr Lakomski, 4185 Flamingo Blvd, Port Charlotte – Second Affidavit of Non-Compliance - \$4,520.00 **JOHN SASS & MARIAN KENCIK PRESENT** DF
19. **COD-23-00752**, Sheldon Morse & Kathleen Morse, 4366 McCullough, Port Charlotte – Affidavit of Non-Compliance - \$120.00 DF
20. **COD-21-02670**, Bruce O’Grady, 27213 Las Lomas Dr, Punta Gorda – Second Affidavit of Non-Compliance - \$5,393.01 RM
21. **COD-21-02996**, Thomas Virgil, 28122 Senator Dr, Punta Gorda – Third Affidavit of Non-Compliance - \$10,820.58 RM
22. **COD-22-00227**, Jim Alexander & Joydell Alexander, 12466 Vista Circle, Punta Gorda – Third Affidavit of Non-Compliance – \$70.00 RM
23. **COD-23-00640**, David Carpenter Sr., 13280 San Benito Dr, Punta Gorda – Affidavit of Non-Compliance - \$1,839.88 RM

24. **COD-23-00641**, Craig Garrett & Pamela Garrett, 28196 S. Twin Lakes Dr, Punta Gorda – Affidavit of Non-Compliance - \$70.00 RM
25. **COD-23-00992**, Wayne Thibodeau & Russell Thibodeau, 5400 Swaying Palm Dr, Punta Gorda – Affidavit of Non-Compliance - \$63,398.85 RM
26. **COD-14-01221**, Lisa Gianfrancisco, 7075 Treadway Rd, Port Charlotte – Fourteenth Affidavit of Non-Compliance - \$70.00 ST
27. **COD-18-00021**, Jose Gonzalez, 4143 Wood Duck Rd, Port Charlotte – Fourth Affidavit of Non-Compliance - \$120.00 ST
28. **COD-22-00635**, James Bontjes & Wanda Bontjes, 14274 Edsel Dr, Port Charlotte – Affidavit of Non-Compliance - \$70.00 ST
29. **COD-22-01353**, Holly Wollschlager, 453 Liddy St, Port Charlotte – Affidavit of Non-Compliance - \$70.00 ST
30. **COD-23-01004**, Sandra Albertini, 433 Warrington Blvd, Port Charlotte – Affidavit of Non-Compliance - \$70.00 **SANDRA ALBERTINI PRESENT** ST
31. **COD-22-01592**, Neil Abrahamson & Janice Abrahamson, 5522 Papaya Dr, Punta Gorda – Affidavit of Non-Compliance - \$70.00 RH
32. **COD-23-00456**, US 17 PUNTA GORDA SWWS 4827 DUNCAN RD TRUST, 4827 Ducan Rd, Punta Gorda – Affidavit of Non-Compliance - \$13,894.69 RH
33. **COD-23-00612**, Stephanie Jean Incitti, 12067 Gladiola St, Punta Gorda – Affidavit of non-Compliance - \$6,953.15 RH
34. **COD-23-01183**, AF DATA SYSTEM GMBH, 15516 Mango Dr, Punta Gorda – Affidavit of Non-Compliance - \$120.00 RH

SPECIAL MAGISTRATE ROBERT BERNTSSON APPROVED ALL OTHER ANC'S AT 9:20AM
SPECIAL MAGISTRATE ROBERT BERNTSSON REOPENED HEARING ANC'S DUE TO LATE ARRIVAL AT 9:30AM
SPECIAL MAGISTRATE ROBERT BERNTSSON APPROVED ALL OTHER ANC'S AT 9:34AM

VII. NEW BUSINESS

- A. **COD-23-00154**, Himanshukumar Patel, 2096 Lorraine Dr or 2119 or 2127 Eastwind Terrace, Port Charlotte [Sections 3-5-91, 3-9-100.3(d)(4) & 3-6-24] GW
HIMANSHUKUMAR PATEL 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.
- B. **COD-23-00223**, Himanshukumar Hasmukhbhai Patel, 2120 or 2128 Lorraine Dr, Port Charlotte [Sections 3-5-91, 3-9-100.3(d)(4) & 3-6-24 & 3-9-76] GW
HIMANSHUKUMAR PATEL 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 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. **DOH-23-00017**, Tracy Blackburn, 2268 Collingswood Blvd, Port Charlotte [Section 3-8-256(c)(1), (c)(2) & (c)(3)] **TRACY BLACKBURN PRESENT** GR
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.
- D. **COD-23-00887**, Neida Lopez, 29290 Clara Dr or 8268 Gewant Blvd, Punta Gorda [Sections 3-5-91, 3-5-268, 3-9-30(e), 3-9-76 & 3-9-100.3(d)] RH
NEIDA LOPEZ PRESENT
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.
- E. **COD-23-01629**, Matthew Smith & Angela Smith, 7191 or 7207 Gewant Blvd, Punta Gorda [Sections 3-9-5(b) & 3-9-30(e) & 3-9-100.3(d); & FBC Section 105.1] RH
MATTHEW SMITH & BRAD SMITH PRESENT
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.

- F. **COD-23-01681**, Raul Paul Alonso, 7042 Acorn Blvd, Punta Gorda [Sections 3-9-30(e) & 3-9-76] **RAUL PAUL ALONSO PRESENT** RH

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 any 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-23-01100**, Julie Treger & Christine Bucar, 3286 Santa Barbara Dr, Punta Gorda [Sections 3-9-5(b), 3-9-33(e) & 3-9-76 & 3-9-79.1; & FBC Section 105.1] TJ

JULIE TREGER 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 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.

- H. **COD-23-01585**, Ryan Kincade, 2134 Zerby St, 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.

- I. **COD-23-01933**, Jose Javier Ramos-Mercado & Yamila Jimenez, 370 Hyacinth St, Port Charlotte [Sections 3-9-5(b), 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 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.

- J. ~~**COD-23-01942**, Marilyn Howe Trustee, 21535 Voltair Ave, Port Charlotte [Sections 3-2-115, 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 302.7 & 304.7] TJ~~

~~**CONTINUED**~~

~~**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.**~~

- K. **COD-23-02240**, Dennis Martin & Donna Martin, 2315 Beacon Dr, Port Charlotte [Sections 3-9-33(e), 3-9-76 & 3-9-79.1] **DENNIS MARTIN 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 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-23-02377**, Daniel Hauser, 3141 Daytona Dr, Punta Gorda [Sections 3-9-33(e) & 3-9-79.1] **DANIEL HAUSER 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 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-23-00058**, Pamela Baker, 8295 Pelican Rd, Englewood [Sections 3-9-33(e) & 3-9-76 & 3-9-79.1] JD

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-23-01594**, Cathleen McCormack Estate, 3161 Tenth St, Englewood [Sections 3-9-37(e) & 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] JD

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.

- O. **COD-23-01808**, Michael Brown, 10060 Bay Ave, Englewood [Sections 3-9-33(e) & 3-9-76 & 3-9-79.1] JD

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-23-01850**, URBANICA CONSTRUCTION & SERVICES LLC, 2306 Omar St, Port Charlotte [Sections 3-9-33(e) & 3-9-79.1] **OMAR QUINTERO PRESENT** DF

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-23-01912**, Kristofer Wazlawik, 2101 Topaz Street, Port Charlotte [Sections 3-9-33(e) & 3-9-79.1] **KRISTOFER WAZLAWIK PRESENT** DF

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 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.

- R. **COD-23-02008**, William Wood & Cynthia Dunn, 19374 Abhenry Circle, Port Charlotte [Sections 3-9-5(b), 3-9-33(e), 3-9-33(d) & 3-9-69(g)(1); & FBC Section 105.1] DF

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.

- ~~S. **COD-23-02018**, Carlos Chrispin & Maryse Chrispin, 18387 Evenglow Ave, Port Charlotte [IPMC Sections 301.2 & 304.7] **CONTINUED** DF~~

~~**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.**~~

- T. **COD-23-02143**, Dionisio Roberto Montes, 17413 Sabrina Circle, Port Charlotte [IPMC Sections 301.2 & 304.7] DF

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.

- u. **COD-23-01592**, Michael Miller & Linda Miller, 7430 Watson Ln, Port Charlotte [Sections 3-9-33(e) & 3-9-76; & FBC Sections 105.4 & 110.3] ST

MICHAEL & LINDA MILLER PRESENT

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- v. **COD-23-02106**, Guy Mario Charles, 1134 Yorkshire St, Port Charlotte [Sections 3-9-33(e), 3-9-5(b), 3-9-76 & 3-9-79.1; & FBC Sections 105.4 & 110.3] 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 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-23-01368**, TRUST NUMBER 4333 L.D. HOWE, 4333 Eaglet Rd, Port Charlotte [Section 2-5-72; & IPMC Sections 304.1, 304.1.1, 304.2, 304.6, 304.7, 304.15 & 604.3] 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 \$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.

- x. **COD-23-01369**, TRUST NUMBER 4325 L.D. HOWE, 4325 Eaglet Rd, Port Charlotte [Section 2-5-72; & IPMC Sections 304.1, 304.2, 304.6, 304.7 & 604.3] 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 \$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.

- y. **COD-23-02141**, Debra Arnott, 21545 Gibraltar, Port Charlotte [Sections 2-5-72, 3-9-33(e) & 3-9-76; & IPMC Sections 108.1, 108.1.1, 108.1.2, 108.1.3, 108.1.5(3)(6)(7), 109.1, 110.1, 302.7, 303.1, 304.1, 304.1.1(7)(8), 304.2, 304.7, 305.1, 305.3, 306.1.1(6), 601.2 & 604.3] JCM

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z. **COD-23-02184**, BATIM INVESTMENTS LLC, 2352 Ednor St, Port Charlotte [Sections 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 302.1, 304.1, 304.2, 304.7, 304.9 & 304.13] JCM

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.

AA. **COD-23-02185**, BATIM INVESTMENTS LLC, 2360 Ednor St, Port Charlotte [Sections 3-9-33(e) & 3-9-76; & IPMC Sections 301.2, 302.1, 304.1, 304.2 & 304.13] JCM

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.

BB. **COD-22-02498**, David Brown, 1527 Hickory Ave, Punta Gorda [Sections 2-5-72, 3-9-37(e), 3-9-5(b), 3-9-76 & 3-9-79.1; & 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.

CC. **COD-23-02199**, Denise Berube, 28211 Senator Dr, Punta Gorda [Sections 3-6-24, 3-9-33(e) & 3-9-79.1] **DENISE BERUBE PRESENT** RM

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.

DD. **COD-23-02213**, Jeremiah Cole, 12325 Circuit Dr, Punta Gorda [Sections 3-9-33(e) & 3-9-76] RM

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EE. **COD-23-02275**, Pamela Schark & Jeremy Schark, 13155 Avalon Dr, Punta Gorda
[Sections 3-6-24, 3-9-5(b), 3-9-33(e) & 3-9-79.1; & FBC Section 105.1] RM

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XII ADJOURNMENT

SPECIAL MAGISTRATE ROBERT BERNTSSON ADJOURNED THE HEARING AT 10:49AM.

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 November 1, 2023.

Suzan Gowans
Suzan Gowans

11/02/2023
Date Approved

NEXT MEETING DATE

February 7, 2024

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.