

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

Thursday, April 27, 2017

Hearing Examiner - Special Magistrate: Mr. Joe Madden



Mr. Madden swore in those providing testimony.

Property Owner: ORLANDINI JOSEPH B
SUBJECT: LDC Section: 6-111 FBC: 105.1 Work w/out Permit - Interior Remodel
(Bldg C)
LOCATION: 80 Avenue E
STRAP NO: 19-46-24-W4-0070A.0020
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0013

Ms. Jacobs provided a map of the layout of the property. She inspected the property on August 16, 2016; September 22, 2016; October 1, 3, 15, 2016; November 7, 2016 and January 5, 2017. She noted that they were able to document work being done, but they were not able to verify which building or what type of work was being done until the Hideaway Restaurant opened their extended seating area. She accessed the property on February 28, 2017. The following condition was found: work w/out permit - interior remodel in Bldg C. The action necessary to correct the violation is to secure required permits and pass associated inspections.

The notice of violation was provided to the property owner on January 9, 2017 and claimed. The notice of hearing was provided to the property owner on February 8, 2017 and it was claimed.

Ms. Jacobs presented pictures she took on August 16, 2016; September 22, 2016, October 1, 3, 15, 2016; November 7, 2016; January 5, 2017 and February 28, 2017. The pictures accurately reflected the condition of the property. She inspected the property on April 26, 2017. She was not able to verify further work being done, but she did verify that a new application had been submitted.

If the hearing found a violation, the Town requested a finding of fact, obtain permits and pass subsequent inspections by June 20, 2017; otherwise, a fine per day pursuant to code with \$287 in administrative costs.

Matt Uhle represented Mr. Orlandini. Ms. Jacobs noted that the property owner was previously cited for doing work without a permit. Mr. Orlandini stated that he did not own the property at that time. He explained that the previous owner worked on Bldg. A and a tenant in Bldg. C left excessive debris that appeared in one of the pictures. Mr. Uhle noted that a permit was not required to remove debris. Ms. Jacobs commented that drywall work was being done. Mr. Orlandini noted that it was a repair job, which did not require a permit. Mr. Orlandini stated that he did not plan on doing anything to Bldg. A until he obtained a permit. He gave Ms. Jacobs permission to enter Bldg. A.

Mr. Madden recapped that Bldg. C was occupied by a hoarder. Mr. Orlandini stated that the hoarder took over Bldgs. B & A and left debris everywhere. He stated that it took approximately six dumpsters to remove the debris.

Mr. Madden dismissed the case for lack of evidence unless Ms. Jacobs wanted to withdraw. Ms. Jacobs withdrew the case.

Property Owner: **ORLANDINI JOSEPH B - REPEAT**
SUBJECT: LDC Section: 6-111 FBC:105.1 - Work w/out Permit - Building B
LOCATION: 80 Avenue E
STRAP NO: 19-46-24-W4-0070A.0020
CODE OFFICER: Molly Jacobs
REFERENCE NO: **CE17-0120**

Ms. Jacobs inspected the property on August 16, 2016; September 22, 2016; October 1, 3, 15, 2016 and November 7, 2016. The following condition was found: work w/out permit - window and door covered in Bldg B. She referenced CE14-0394 and CE15-0167 as previous violations, which at present, are liens against the property. The action necessary to correct the violation is to secure required permit and pass associated inspections.

A combination notice of violation and notice of hearing was provided to the property owner via regular mail on March 1, 2017 and it was posted on the property and Town Hall on March 1, 2017.

Ms. Jacobs presented pictures she took on August 16, 2016; September 22, 2016, October 1, 3, 15, 2016; November 7, 2016; February 28, 2017 and March 28, 2017. The pictures accurately reflected the condition of the property. She inspected the property on April 26, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain permit and pass subsequent inspections by June 20, 2017; otherwise, a fine per day pursuant to code starting March 25, 2016 with \$271 in administrative costs.

Mr. Orlandini stated the building had multiple accesses and the door was covered with siding, but the door casing was still there. The covered window belonged to the bathroom. He indicated that he would remove the siding on the window and put the door handle back on the door.

Mr. Madden found that a violation did exist and he ordered Mr. Orlandini to return the building to its previous condition or obtain permits for the existing condition. He gave Mr. Orlandini until June 20, 2107 otherwise a fine of \$150 per day plus \$271 in administrative fees will be assessed.

Ms. Jacobs remarked that the violation was a repeat. Mr. Madden referred Mr. Uhle to Statute 162.04, subsection 5. Ms. Jacobs stated that the respondent had been found guilty of violating the same provision within the last five years.

Kara Stewart, Community Development, asked for the fine of the original request starting on August 16, 2016.

Mr. Madden stated that the Town could not prove work was being done behind a fence. He started the order February 28, 2017. Mr. Madden stated the lien was imposed on April 12, 2016 and it included \$150 in prosecution costs and \$250 per day. He entered an order of \$150 per day and sent it to Mr. Uhle and Mr. Orlandini.

Property Owner: **ORLANDINI JOSEPH B - REPEAT**
SUBJECT: LDC Section: 6-111 FMB: 105.1 Work w/out Permit - Fences/Walls
LOCATION: 80 Avenue E
STRAP NO: 19-46-24-W4-0070A.0020
CODE OFFICER: Molly Jacobs
REFERENCE NO: **CE17-0125**



Ms. Jacobs inspected the property on February 28, 2017 and March 24, 2017. The following condition was found: work w/out permit - fence/walls. She referenced CE14-0394 and CE15-0167 as previous violations, which at present, are liens against the property. The action necessary to correct the violation is to secure required permit and pass associated inspections. A combination notice of violation and notice of hearing was provided to the property owner via regular mail on March 1, 2017 and it was posted on the property and Town Hall on March 1, 2017.

Ms. Jacobs presented pictures she took on February 28, 2017, March 24, 2017 and March 28, 2017. The pictures accurately reflected the condition of the property. She inspected the property on April 26, 2017 and found the violation still existed; however, one wall was removed between Bldgs. B and C.

If the hearing found a violation, the Town requested a finding of fact, obtain permit and pass subsequent inspections by June 20, 2017; otherwise, a fine per day pursuant to code starting February 28, 2017 with \$175 in administrative costs.

Mr. Orlandini provided photos of the work done. He stated they were partitions with wheels, not walls or fences. Mr. Uhle stated it was not fixed, so it was not a structure. Ms. Stewart stated there was no provision in code for temporary structures on a property. Mr. Uhle read the definition of structural determination. Ms. Stewart stated the Town requested a continuance. Mr. Madden granted a continuance for 30 days. Mr. Uhle commented that he would be out of town that week. Mr. Orlandini stated he would abate the issue within 30 days.

Property Owner: **ORLANDINI JOSEPH B - REPEAT**
SUBJECT: LDC Section: 6-111 FBC:105.1 - Work w/ out permit - Pavers
LOCATION: 80 Avenue E
STRAP NO: 19-46-24-W4-0070A.0020
CODE OFFICER: Molly Jacobs
REFERENCE NO: **CE17-0065**



Ms. Jacobs provided a map of the layout of the property. She inspected the property along with code officer Joe Kontomanolis on February 3, 10, 27, 2017 and March 28, 2017. The following condition was found: repeat violation of work w/out permit - pavers. She referenced CE14-0394 and CE15-167 as previous code violations, which at present, are liens against the property and CE15-0397, which was located on the adjacent property. She stated that the pavers were abated, but the fees were still due. The action necessary to correct the violation is to secure required permit and pass associated inspections.

A notice of violation was provided to the property owner on February 11, 2017 and it was claimed. An amended combination notice of violation and hearing was provided to the property owner and it was posted on the property and Town Hall on March 1, 2017.

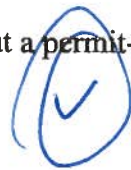
Ms. Jacobs presented pictures taken by Mr. Kontomanolis on February 3 and 10, 2017 and she presented pictures she took on ~~March~~ ^{Feb} 27 and 28, 2017. The pictures accurately reflected the condition of the property. She inspected the property on April 26, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain permit and pass subsequent inspections by June 20, 2017; otherwise, a fine per day pursuant to code starting February 3, 2017 with \$175 in administrative costs.

Mr. Uhle questioned the citation. He understood it was a building permit issue but the citation referenced the Florida Building code, but they were told it was a violation of Chapter 10 of the LDC. Mr. Madden stated there was an amended notice of violation.

Ms. Jacobs withdrew the case. Mr. Orlandini stated that he would submit an LDO application within 30 days. Mr. Madden made a notation to that effect.

Property Owner: BEACHFRONT ESCAPES LLC
SUBJECT: LDC Section:6-111 FBC:105.1 Work w/Out a permit-stairs
LOCATION: 1710/1740 Estero Blvd.
STRAP NO: 19-46-24-W4-0070A.0010
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0066



Mr. Kontomanolis inspected the property on February 3, 2017 and Ms. Jacobs inspected it on February 27, 2017. She found the following condition: work without a permit - stairs. The action necessary to correct the violation is to secure required permits and pass all inspections.

Notice of violation was provided to the property owner and registered agent on February 11, 2017 and they were claimed. Notice of hearing was provided to the property owner and registered agent on March 1, 2017 and they were claimed. It was posted at Town Hall on February 28, 2017 and it posted on the property March 1, 2017.

Ms. Jacobs presented pictures she took on February ~~23~~ ²³ 2016 and pictures from Mr. Kontomanolis on February 27, 2017 that accurately reflected the condition of the property. She inspected the property on ~~March~~ ^{April} 26, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain permit and pass subsequent inspections by June 20, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs.

Ms. Jacobs referenced previous citations CE15-0397, CE15-0385 and CE15-0260. CE15-0397 had been abated; however the fees were due. There were liens with CE15-0385 and CE15-0260.

Mr. Orlandini provided photos of the poured concrete steps that he resurfaced with a limestone material. Mr. Uhle argued that it fell in the category of incidental work of a non-structural nature that could be done without a permit. Ms. Stewart indicated that the direction of the steps changed and any alteration to steps required a permit. Mr. Orlandini stated the height was still the same.

Mr. Madden found that a violation did exist and gave Mr. Orlandini until June 20, 2017 to remove the stairs or obtain a permit; otherwise a fine of \$150 per day plus administrative fees of \$175 will be assessed.

Property Owner: INTERNATIONAL CAPITAL INVESTMENTS
SUBJECT: LDC Section: 6-111 FBC Code 105.1 Work done w/out Permit - Remodel
LOCATION: 1300 Estero Blvd. # 104
STRAP NO: 19-46-24-W4-02600.1040
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0053

Ms. Jacobs inspected the property on January 27, 2017 and on March 8, 2017. She found the following condition via online search: work without a permit - remodel. The action necessary to correct the violation is to secure required permits and associated inspections.

Notice of violation was provided to the property owner on February 2, 2017 and it was claimed and it was claimed by the registered agent on February 1, 2017. Notice of hearing was sent to the property owner and registered agent on March 13, 2017 and they were claimed.

Ms. Jacobs presented pictures she obtained from Remax.com on January 27, 2017 and pictures taken by Denny Logan, upstairs neighbor, on January 28, 2017. Per Mr. Logan, the downstairs unit was designed the same as his unit. The pictures accurately reflected the condition of the property. ~~She inspected the property on April 26, 2017 and found the violation still existed.~~

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass subsequent inspections by June 20, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be assessed.

Ms. Jacobs stated that the Town will work with Mr. Rizzo regarding structural issues and obtaining the permit.

Mr. Madden found that a violation existed and gave Mr. Rizzo until June, 20, 2017 to comply; otherwise a fine of \$150 will be charged and an administrative fee of \$175 will be assessed. Mr. Rizzo questioned paying the \$175 administrative fee. Ms. Jacobs explained the fee.

Property Owner: RICHARD JOHN W T
SUBJECT: LDC Section: 6-111 FBC: 105.1 Required Work W/O Permit – Resurface Parking Lot
LOCATION: 1161-1165 Estero Blvd.
STRAP NO: 19-46-24-W4-0150E.0010
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0622

Ms. Jacobs noted they have been in contact with the owner and attorney. She believed they came into agreement and she indicated that a letter from the attorney was included in the documents.

Mr. Madden found a violation existed, ordered prosecution costs of \$175 and 60 days to obtain necessary permits or changes; otherwise, a fine of \$150 per day will be charged and \$175 in administrative fees will be assessed.

Property Owner: Le Blanc Martin G
SUBJECT: LDC Section: 6-111 FBC 105.1 Required Work w/out Permit - Fence
LOCATION: 230 Bahia Via
STRAP NO: 34-46-24-W4-00027.0000
CODE OFFICER: Molly Jacobs

REFERENCE NO: CE17-0109

Ms. Jacobs inspected the property on February 27, 2017 and on March 15, 2017. She found the following condition: work without a permit - fence. The action necessary to correct the violation is to secure required permit and associated inspections.

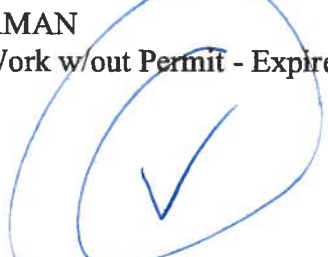
Notice of violation was provided to the property owner on March 1, 2017 and it was claimed. Notice of hearing was sent to the property owner on March 18, 2017 and it was claimed.

Ms. Jacobs presented pictures she took on February 27, 2017 that accurately reflected the condition of the property. She inspected the property on April 27, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass subsequent inspections by June 16, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged. Ms. Jacobs stated that she has had no contact with Mr. Le Blanc.

Mr. Madden found that a violation existed and gave Mr. Le Blanc until June 16, 2017 to comply; otherwise a fine of \$100 per day will be charged and an administrative fee of \$175 will be assessed.

Property Owner: PRIMEAU NORMAN L TR FOR NORMAN
SUBJECT: LDC Section: 6-111 FBC Code 105.1 Work w/out Permit - Expired Permits (ELE08-0049 & COM08-0031)
LOCATION: 1397 Estero Blvd.
STRAP NO: 19-46-24-W4-0060B.0100
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0006



Ms. Jacobs inspected the property on January 3, 2017 and on February 8, 2017. She found the following condition: work without a permit - expired permits. The action necessary to correct the violation is to secure required permit and associated inspections.

Notice of violation was provided to the property owner on January 25, 2017 and it was claimed. Notice of hearing was sent to the property owner on February 11, 2017 and it was claimed.

She inspected the property on April 26, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain permits and pass subsequent inspections by June 20, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Mr. Madden found that a violation existed and gave the Respondent until June 20, 2017 to comply; otherwise a fine of \$150 per day will be charged and an administrative fee of \$175 will be assessed.

Property Owner: MSV-HOLDING TRUST CORP
SUBJECT: LDC Section: 6-111 FBC Code 105.1 Work w/out Permit - POL16-0023 (Expired)
LOCATION: 206 Hibiscus
STRAP NO: 29-46-24-W2-01409.0000
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0030




Ms. Jacobs inspected the property on January 11, 2017 and on February 21, 2017. She found the following condition: work without a permit - POL16-0023 expired. The action necessary to correct the violation is to secure required permit and associated inspections.

Notice of violation was provided to the property owner and registered agent on February 4, 2017 and they were claimed. Notice of hearing was sent to the property owner and registered agent on February 28, 2017 and they were claimed.

She inspected the property on April 26, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain permits and pass subsequent inspections by June 20, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Mr. Madden found that a violation existed and gave the Respondent until June 20, 2017 to comply; otherwise a fine of \$150 per day will be charged and an administrative fee of \$175 will be assessed.

Property Owner: MSV-HOLDING TRUST CORP 
SUBJECT: LDC Section: 6-111 FBC Code 105.1 Work w/out Permit - Structure
attached back of house
LOCATION: 117 Hibiscus Dr.
STRAP NO: 29-46-24-W2-01438.0000
CODE OFFICER: ~~Molly Jacobs~~ Joe Kontomanolis
REFERENCE NO: CE17-0093

Mr. Kontomanolis inspected the property on February 16, 2017 and on March 16, 2017. He found the following condition: work without a permit - structure attached to the back of house. The action necessary to correct the violation is to secure required permits and associated inspections.

Notice of violation was sent via certified mail to the property owner on February 18, 2017 and it was claimed. The notice of violation was sent via certified mail to the registered agent on February 28, 2017 and it was claimed. The notice of hearing was sent via certified mail to the property owner and registered agent on April 10, 2017 and both were unclaimed. The notice of hearing was posted at Town Hall on April 10, 2017 and posted on the property on April 11, 2017.

Pictures were taken by Anthony ~~Beneza~~ ^{Bednarz} in November, 2016 and by Mr. Kontomanolis on February 16, 2017 and March 16, 2017 and accurately reflected the condition of the property.

He inspected the property on April 26, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain permits and pass subsequent inspections by June 20, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Mr. Madden found that a violation existed and gave the Respondent until June 20, 2017 to comply; otherwise a fine of \$150 per day will be charged and an administrative fee of \$175 will be assessed.

Property Owner: Dreim Time Properties LLC
SUBJECT: LDC Section: 6-111 FBC 105.1 Required Work w/out permit - AC
Platform
LOCATION: 291 Flamingo St.

STRAP NO: 34-46-24-W1-00701.0120
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0110



Ms. Jacobs inspected the property on February 27, 2017 and on March 17, 2017. She found the following condition: work without a permit - AC platform. The action necessary to correct the violation is to secure required permit and associated inspections.

Notice of violation was provided to the property owner on March 4, 2017 and it was claimed. It was claimed by the registered agent on March 3, 2017. Notice of hearing was provided to the property owner on March 29, 2017 and it was claimed. It was sent to the registered agent on March 22, 2017 and it was claimed.

Ms. Jacobs presented pictures she took on February 27, 2016 that accurately reflected the condition of the property. She inspected the property on April 26, 2017 and found the violation still existed. The violation should be considered a repeat violation and she referenced CE16-0674, which was found in violation on March 29, 2017. The code case was created prior to the previous case going to hearing. Ms. Jacobs noted that they did obtain a permit on April 10, 2017 but have not had inspections.

If the hearing found a violation, the Town requested a finding of fact, obtain permits and pass subsequent inspections by ~~May 5, 2017~~; otherwise, a fine per day pursuant to code with \$175 in administrative costs.

Mr. Madden found that a violation existed and gave the Respondent until June 20, 2017 to comply; otherwise a fine of \$150 per day plus \$175 in administrative fees will be assessed.

Town Attorney Peterson joined the audience.

RECALLED CASE:

Property Owner: DREIM TIME PROPERTIES LLC
SUBJECT: LDC Section: 6-111 FBC:105.1 Work w/out permit - Stairs
LOCATION: 291 Flamingo St.
STRAP NO: 34-46-24-W1-00701.0120
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0674



Ms. Jacobs stated that they were found in violation and were given until April 14, 2017 to obtain a permit and pass subsequent inspections; otherwise a fine of \$150 per day and \$175 in administrative costs would be assessed. As of April 13, 2017 permit BLD 160242 was issued, but they have not scheduled or passed any inspections. She requested an order to impose a lien.

Ms. Jacobs stated that she has spoken to the gentleman on site a couple of times.

WALK-ON CASE:



Joe Kontomanolis reported that on March 23, 2017 Mr. Nakarato was given a warning regarding a sign on his property. On March 27, 2017 at approximately 10:15 a.m., he was issued a citation of \$100.00 regarding violation of LDC Section 30-5 - prohibited sign. Mr. Kontomanolis provided pictures.

Mr. Nakarato explained that on March 2, 2017 he removed two dozen signs along Estero Blvd. He stated that he had one sign up and Ms. Jacobs told him the sign was not allowed. He indicated that he called Ms. Jacobs to ask if he could put up a Key Estero Customer sign but she did not call him back. Mr. Kontomanolis gave him a citation even though Mr. Nakarato stated that he would remove the sign. Mr. Nakarato stated that he took over the property and met with the fire marshal to clean up the area. He indicated that he could not control the adjacent parking lot but he was told that he could block it with cones. He stated that a woman called the police because of the cones.

Mr. Madden appreciated his efforts to clean up the corner. He found that a violation did exist and he ordered Mr. Nakarato to pay a fine of \$100 payable in 30 days. He waived administrative fees.

Vote: _____

Signature: _____

Madden 5/25/17
Jordan 5/25/17

- End of document