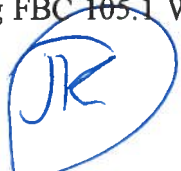


**MINUTES**  
**FORT MYERS BEACH**  
**Code Enforcement**  
Town Hall  
2525 Estero Boulevard  
Fort Myers Beach, FL 33931  
**Thursday, April 26, 2018**

**Hearing Examiner - Special Magistrate:** Mr. Joe Madden

Mr. Madden swore in those providing testimony.  
Mr. Jack Peterson, Town Attorney, represented the Town in cases with opposing counsel.

Property Owner: HORODYNSKY BORIS J  
SUBJECT: LDC Section: 6-111 Adopting FBC 105.1 Work w/out Permit - Remodel  
LOCATION: 7650 Estero Blvd.  
STRAP NO: 03-47-24-W4-04900.8070  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: CE17-0891 - Continued




Mr. Kontomanolis inspected the property on December 5, 2017 and February 7, 2018. He found work without a permit for a remodel. The actions necessary to correct the violation are to secure the required permit and associated inspections. A notice of violation was sent to the owner via certified mail on January 17, 2018 and it was claimed. The notice of hearing was sent to the owner via certified mail on April 6, 2018 and it was unclaimed. The notice was posted at the property on April 9, 2018 and at Town Hall on April 11, 2018.

Mr. Kontomanolis received pictures from the President of the Association. If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by June 20, 2018; otherwise a fine per day pursuant to Code with \$275.00 in administrative costs.

Mr. Horodinsky's attorney stated that his client was willing to comply with the requirements of obtaining the permit to satisfy the Town.

Mr. Madden found that a violation existed and if it was not abated by June 20, 2018 a fine of \$200.00 per day will be imposed. The recall date was June 28, 2018. Administrative costs of \$275.00 were to be paid by June 20, 2018.

Property Owner: DEFEO WILLIAM G TR FOR WILLIAM  
SUBJECT: LDC Section: 6-111 Adopting FBC 105.1 SWO Work W/out Permit-  
Stairs and Deck  
LOCATION: 100/102 Bay Mar Dr.  
STRAP NO: 29-46-24-W2-00155.1010  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: CE17-0918



Mr. Kontomanolis inspected the property on December 15, 2017 and January 22, 2018. He found work without a permit for stairs and deck. The actions necessary to correct the violation

are to secure the required permit and associated inspections. A notice of violation was sent to the owner via certified mail on December 29, 2017 and it was unclaimed. It was posted to the property and Town Hall on December 29, 2017. The notice of hearing was sent to the owner via certified mail on February 22, 2018 and it was claimed.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by June 20, 2018; otherwise a fine per day pursuant to Code with \$275.00 in administrative costs and payment of the \$100.00 citation issued to the property.

Mr. Defeo stated that it all began when he signed a contract with Surfside Home Improvement on January 27, 2017. The fee charged included the cost of the permit. He explained that he had been in contact with Mr. Bogart and was told that the contractor would be responsible. Mr. Defeo noted that the contractor applied for the permits and the Town requested revisions to the drawings. He stated that before the contractor finished the job the Town shut down the project. He explained everything he had to go through with the contractor over a year. He stated that he was the victim in the whole situation.

Mr. Madden confirmed that Surfside was responsible but he had to cite the property owner per Code. It was up to Mr. Defeo to work with the contractor for reimbursement. Mr. Bogart produced a letter from the contractor stating that Mr. Defeo declined the option to rebuild the deck and stairs. Mr. Bogart assumed the permit was on hold. Mr. Madden stated that Mr. Defeo had to get an after-the-fact permit, plans drawn, reviewed and approved, pass inspection and pay fees.

Mr. Madden found that a violation existed and ordered Mr. Defeo to pay the \$100.00 citation, \$275.00 in administrative costs by June 20, 2018; otherwise a fine per day of \$150.00 per day will be imposed with a recall date of June 28, 2018.

Property Owner: BROWN EDWIN L + JAMIE L  
SUBJECT: LDC Section: 6-111 Adopting FBC 105.1 Work without Permit- Fence  
LOCATION: 185 Bayview Ave  
STRAP NO: 29-46-24-W3-0080B-0150  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: CE17-0285



Mr. Kontomanolis stated the case was brought before the Magistrate on October 4, 2017 with a finding of fact and an order was issued. The respondent was ordered to obtain required permits, pass inspections and assessed \$175.00 in administrative costs. If the violation was not abated by January 23, 2108 a fine of \$150.00 per day was to be imposed. As of April 25, 2018, no application had been submitted and the \$175.00 was not paid. The Town requested an order to lien.

Mr. Brown stated that the fence had been there since the 1990's. He called the Town in July and left a message to that effect. He indicated that his case had been postponed twice by the Town. He did not understand why he needed a permit. Mr. Madden questioned whether he appeared at the hearing in October. Mr. Brown indicated that he was not in town. Mr. Brown questioned why the Town didn't have the original permit. Mr. Kontomanolis indicated that it appeared that the fence was new. Mr. Brown replied that he regularly pressure cleaned and sealed the fence but it was not new. He stated that slats were replaced as needed. Mr. Bogart questioned the viability of a wooden fence after 25 years. Mr. Brown commented that he took care of his fence.

He was not aware of the accrual of fines. Mr. Bogart remarked that they were willing to give Mr. Brown three weeks to obtain the permit; otherwise a lien would be imposed. Mr. Madden ordered that Mr. Brown pay \$175.00 in administrative fees and the permit fee. He stated that Mr. Brown needed to get on Town Council's agenda to get the fines reduced.

Property Owner: GOMEZ JUAN  
SUBJECT: LDC Section: 6-111 Adopting FBC 105.1 Work W/out Permit- shed  
LOCATION: 136/138 Eucalyptus Ct  
STRAP NO: 29-46-24-W1-0020A.0240  
CODE OFFICER: Joe Kontomanolis  
REFERENCE NO: CE17-0883



Mr. Kontomanolis inspected the property on November 30, 2017 and February 7, 2018. He found work without a permit for a shed. The actions necessary to correct the violation are to secure the required permit and associated inspections. A notice of violation was sent to the owner via certified mail on January 11, 2018 and it was unclaimed. The notice was posted at Town Hall on January 12, 2018 and at the property on January 13, 2018. The notice of hearing was sent to the owner via certified mail on February 16, 2018 and it was claimed.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by June 20, 2018; otherwise a fine per day pursuant to Code with \$275.00 in administrative costs and a recall date of June 28, 2018.

Mr. Gomez requested that Mr. Rodriguez explain the situation. Mr. Rodriguez stated that his tenant requested a shed and indicated that the dimensions did not require a permit. When they received notification from the Town they authorized that the permit be pulled. Mr. Kontomanolis revealed that the permit was denied on February 5, 2018. Mr. Madden suggested that they get a copy of the report and work with the Town.

Mr. Madden gave Mr. Gomez until June 20, 2018 to abate the violation and pay the administrative costs of \$275.00; otherwise a fine of \$150 per day will be assessed.

Property Owner: LENTINI JOHN & MARIE D  
SUBJECT: LDC Section: 6-111 Adopting FBC 105.1 Work W/O Permits - Remodel  
LOCATION: 250 Randy Ln.  
STRAP NO: 28-46-24-W4-00336-0000  
CODE OFFICER: Molly Jacobs  
REFERENCE NO: CE17-0025

Ms. Jacobs noted the case was brought before the Magistrate on May 31, 2017, a finding of fact was established and an order was issued. The Respondent was ordered to obtain required permits and pass inspections. They were assessed \$175.00 in administrative costs. If the violation was not abated prior to September 19, 2017; a find of \$150 per day was to be imposed. As of March 2, 2018, the building permit was finalized. The administrative fee had not been paid and \$24,600.00 had accrued in daily fines. The total incurred was \$24,775.00. The Town brought the case back to establish a notice of hearing and a recall due process.

Mr. Madden verified that the Respondent was not properly notified in the first recall case. Mr. Madden stated that they sent a letter in 2018 to explain that a recall hearing was scheduled in 2017 at 9:00 a.m. Ms. Jacobs withdrew the case.

Signature: \_\_\_\_\_

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