



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final Code Enforcement Hearing

Thursday, March 23, 2023

9:00 AM

City Commission Chambers

1. CALL TO ORDER

Hearing Officer Toale called the meeting to order at 9:04 a.m.

Also Present

Assistant City Attorney Katlyn Coughlin, Assistant Director/Building Official Derek Applegate, Code Enforcement Division Manager Kevin Raducci, Code Enforcement Administrative Services Specialist Michele Ross, Code Enforcement Recording Secretary William Kiddy, Code Enforcement Inspectors Henley Burton, Jeffrey Guilbault, Jennifer Ardinger and Dave Grandt, and Recording Secretary Susan Hale.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Hearing Officer Toale.

3. PUBLIC COMMENT

There was no public comment.

4. APPROVAL OF MINUTES

Hearing Officer Toale approved the Minutes as presented.

5. REVIEW OF PROCEDURES AND ADMINISTRATION OF OATH

Hearing Officer Toale provided an overview of procedures and Ms. Hale swore in all those wishing to provide testimony.

6. COMPLIANT CASES

- A. [Case No 22-2559](#) (HLB) JHS BUILDERS LLC, 3315 LA GOY ST
Section 45-5A, Unified Land Development Code - Land Clearing
(Attend the required Code Enforcement Hearing to states facts concerning this violation.)

This case was brought into compliance with no further action required.

- B. [Case No 22-4179](#) (JA) EMPIRE HORIZONS LLC, 7960 SYDNEY AVE
Section 42-72, North Port City Code
(Abandoned property required to be registered by City of North Port.)

This case was brought into compliance with no further action required.

- C. [Case No 22-5121](#) (JA) MICHAEL B MYCHALCZUK, 8646 LA BOCA AVE
Chapter 105.1, Florida Building Code
(Extensive storm damage to rear enclosed room off of the patio. Residential remodel permit needed.)

This case was brought into compliance with no further action required.
- D. [Case No 22-5656](#) (HLB) JEAN LEONCE FRANCOIS FAMILY TR, 3498 WENTWORTH ST
Sec. 59-16(f)(4), North Port City Code - Trucks, buses, truck tractors, trailers, boats and recreational vehicles are prohibited from parking on the berm, shoulder and/or swale right-of-way area.
(Pontoon boat parked in City Right-of-way across the street from residence.)
Sec. 59-16(f)(3), North Port City Code - No motor vehicle
(Truck and pontoon boat parked in City Right-of-way across the street from residence, in front of a vacant lot.)

This case was brought into compliance with no further action required.
- E. [Case No 22-5734](#) (JA) DWELL WELL INC, 6145 DEMING AVE
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris throughout the rear and side yards consisting of miscellaneous bulk items and yard waste. There is also a broken shed in rear yard that is encroaching on to neighboring property.)
Sec. 104.13 -FBC All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or which do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are to be considered unsafe building or service systems. All such unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Section 115 of this Chapter, the International Property Maintenance Code (2012) Section 108 as revised or other applicable local ordinance,
(Front of property is falling apart, and part of roof is missing and is open to all elements.)

This case was brought into compliance with no further action required.
- F. [Case No 22-5806](#) (JA) JERRY MAX VANEPPS (E LIFE EST), 4245 GORGAS ST
Chapter 42-23, North Port City Code; Accumulation of Debris
Accumulation of debris throughout the property consisting of household items, furniture, car parts, appliances and other miscellaneous items.)

This case was brought into compliance with no further action required.
- G. [Case No 22-5820](#) (JAG) EUSEBLO PEREZ PERALTA, 2778 FLAGAMI LN
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris consisting of buckets, coolers, drywall, bins, and

multiple other miscellaneous items.)

This case was brought into compliance with no further action required.

- H. [Case No 22-5837](#) (JA) ANDREW & CHARLOTTE SPEVAK, 7090 ELYTON DR
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris throughout property which appears to be an eviction.)
This case was brought into compliance with no further action required.
- I. [Case No 22-5868](#) (JA) DIANE INC, 2502 TRIANNA ST
Sec. 59-16(f), North Port City Code Parking off public roadway.
(Trailer being parked in City Right-of-way.)
This case was brought into compliance with no further action required.
- J. [Case No 22-5891](#) (JA) YEHUDA A ZOLTY, 6605 RUE CT
Per Section 104.5 of the Florida Building Code, this structure has been inspected and deemed unsafe for occupancy by the Building Official.
(Damaged canopy on property that a tree has fallen into, that needs to be repaired or removed. In addition the tree should also be removed.)
This case was brought into compliance with no further action required.
- K. [Case No 22-5894](#) (JA) JOHN J NICHOLSON, 4126 NELE ST
Chapter 105.1, Florida Building Code - Permit required.
(No permit on file for shed located on property.)
This case was brought into compliance with no further action required.
- L. [Case No 22-5899](#) (JA) MARGARET CROSS-SHELNUTT, 5149 BULLARD ST
Chapter 105.1, Florida Building Code - Permit required.
(No permit on file for lanai/carport converted into a living area without a permit.)
This case was brought into compliance with no further action required.
- M. [Case No 22-5928](#) (HLB) DAMIAN WOODARD, 2538 VINEYARD CIR
Chapter 105.1, Florida Building Code - Permit required.
(No permit on file for under brushed vacant lot.)
Sec. 46-148 City of North Port Code (a) Camping is prohibited
(Camping prohibited on this vacant lot.)
Sec. 59-16(c), North Port City Code Parking and storing vehicles on a residential lot.
(RV being stored on vacant lot with no principal structure.)
Chapter 70-21, North Port City Code It shall be unlawful for any person to move or cause to be moved, drive or operate in, upon or across or depart from or enter upon any City road in any vehicle, contrivance or device in such a manner as to cause damage to any City road, right-of-way,

drainage or utility structure and/or facility. The possession of a vehicle weight permit by such a person shall not constitute a defense herein. (Driving through City Right-of-way to access property with no right-of-way use permit.)

This case was brought into compliance with no further action required.

N. [Case No 22-5929](#)

(JAG) EVELYN YURIDIA SEDLAR, EDUARDO JAVIER SEDLAR, 4461 POCATELLA AVE

Sec. 59-16(e), North Port City Code Parking Prohibited on Public Roadway

(Two (2) trucks and trailers are parked in the middle of the road blocking traffic.)

Sec. 59-16(i), North Port City Code - The storage or overnight parking of any of the following vehicles is prohibited, except as permitted in Section 59-16(c)(1):

(Bobcat being parked on the right side of the property.)

Sec. 59-16(f), North Port City Code Parking off public roadway.

(Blocking sidewalk with trucks and trailers.)

Sec. 59-16(c)(2), North Port City Code Parking and Storing Vehicles on a Residential Lot The following combined total maximum number of vehicles and/or boats shall be permitted to be parked in the front, side or rear yards of a residential lot based on lot size: Under 11,000 square feet – 6 11,000 to 22,000 square feet – 8 Over 22,000 square feet - 8 with 1 additional for every 10,000 square feet over 22,000 with a maximum of 12 total.

(Number of vehicles on this property exceeds the amount permissible by City Ordinance, which is six (6). Ten (10) were counted to include, Chevy SUV with trailer behind it, Box Truck, Black trailer, Gray Chevy Tahoe, Trailer, White Ford Truck, White Dodge Truck, White trailer in the rear yard, as well was a bobcat on right side of property.)

Chapter 42-23, North Port City Code; Accumulation of Debris

(Accumulation of debris consisting of a large pile of pallets in the front yard and other miscellaneous items.)

Sec. 53-122D, Unified Land Development Code The operation of a business unless specifically permitted as a home occupation. There shall not be evidence of business activity on the premises, including the parking and storage of commercial vehicles, material storage, inordinate vehicular traffic, outside storage, or advertising signs.

(Storing materials for business at this property.)

This case was brought into compliance with no further action required.

O. [Case No 22-5935](#)

(HLB) VTALY SHAPIOR, ANNA KLEIN, 5344 ARLEY RD

Sec. 59-16(f)(4), North Port City Code - Trucks, buses, truck tractors, trailers, boats and recreational vehicles are prohibited from parking on the berm, shoulder and/or swale right-of-way area.

(White enclosed trailer parked in City Right-of-way.)

This case was brought into compliance with no further action required.

- P. [Case No 22-5945](#) (HLB) CHRISTINA A CALABRO, JENNIFER SCHAEFER, 4153 PIQUA AVE
Sec. 59-16(f)(4), North Port City Code - Trucks, buses, truck tractors, trailers, boats and recreational vehicles are prohibited from parking on the berm, shoulder and/or swale right-of-way area.
(Enclosed trailer being parked in City Right-of-way.)
This case was brought into compliance with no further action required.
- Q. [Case No 22-5963](#) (JAG) HOME SFR BORROWER LLC, C/O HAVENBROOK HOMES, 5651 LINGLE ST
Chapter 105.1, Florida Building Code - Permit required.
(No permit on file for residential remodel which is required per City Code.)
This case was brought into compliance with no further action required.
- R. [Case No 23-02](#) (JAG) IVAN LATYSHEV & JORDAN LESLIE, 3285 TUSKET AVE
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Two expired permits on file, 20-52, as well as 20-3786.)
This case was brought into compliance with no further action required.
- S. [Case No 23-10](#) (JA) BERNARD & JANE MC DERMOTT, 6593 KENWOOD DR
Chapter 105.1, Florida Building Code - Permit required.
(No permit on file for new garage door installed.)
This case was brought into compliance with no further action required.
- T. [Case No 23-15](#) (JA) RAHEEM AHMAD KHAN, 6097 TANEYTOWN ST
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Two (2) expired permits on file with the City, 21-109 Culvert/ Right of Way, as well as permit 20-3904 for Window Replacement.)
This case was brought into compliance with no further action required.
- U. [Case No 23-42](#) (JAG) VADYM KOZHARKO, IRINA NIKOLAYEVNA GALCHUK, 5638 ANSONIA TER
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris throughout property consisting of car parts, windshields, seats from vehicles, buckets, cardboard boxes, aluminum shelving, Washer/Dryer, boxes of wood, mattresses, box springs and other miscellaneous items.)
Sec. 59-16(F)(1), North Port City Code, Parking Off Public Roadway
(Unlicensed Gray minivan parked in City Right-of-way.)
Sec. 59-16(f)(3), North Port City Code - No motor vehicle
(White BMW being parked and worked on in City Right-of-way, in front of the vacant lot to the right of the property.)

Sec. 59-16(d), North Port City Code Vehicle Repair, Maintenance, Disassembly Ordinary vehicle maintenance and repair
(White BMW being worked on in City Right-of-way, in front of vacant lot to the right of property.)

Sec. 59-16(c)(3) North Port City Code Parking & Storing Vehicles on a Residential Lot

(There are three (3) unlicensed vehicles associated with this property. Gray Sedan in the rear yard, Gray Minivan out by the road, as well as a White BMW in the City Right-of-way.)

Chapter 62-50, North Port City Code Refuse container(s) shall be placed at the pick-up location no earlier than 6:00 p.m. on the evening prior to or later than 7:00 a.m. on the day pick-up is scheduled. Container(s) must be properly stored by 10:00 p.m. on the day of collection. Container(s) MAY NOT be stored in front of residence.

(Solid waste containers improperly stored at the street outside the time frame permissible by City Code.)

This case was brought into compliance with no further action required.

- V. [Case No 23-45](#) (JAG) SPENCER W HOLLERAN, HOLLY HOLLERAN, 2063 S CRANBERRY BLVD

Section 105.4.1.1, Florida Building Code- Permit has expired.
(Expired Permit 21-1409 -RESIDENTIAL REMODEL.)

This case was brought into compliance with no further action required.

- W. [Case No 23-58](#) (JAG) ELIZABETH LYNN, 1778 NABATOFF ST
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Expired permit: 21-2496 PREFAB SHED 121-200 SF 03/04/2021)

This case was brought into compliance with no further action required.

- X. [Case No 23-668](#) (DG) TAMMY J DELLIQUADRI, 2817 ZANDER TER
Section 45-5A, Unified Land Development Code - Land Clearing
(Attend the required Code Enforcement Hearing to states facts concerning this violation.)

This case was brought into compliance with no further action required.

7. CONTINUED CASES

- A. [Case No 22-4778](#) (JA) CATHERINE PC LLC, 8030 CRISTOBAL AVE
Section 105.4.1.1, Florida Building Code
(Expired permit #19-4250 for Residential, Expired permit 14-4631 for Electric Service Change out, Expired permit #17-3114 for Electric work. Please contact North Port Building and permitting department 941-429-7044 option 3.)
Chapter 70-56, North Port City Code
(No visible assigned numbers affixed to residence, Numbers must be

Painted a contrasting color, or place on a contrasting Background.)

This case was brought into compliance with no further action required.

B. [Case No
23-62](#)

(JAG) JACKSONVILLE 1 LLC, 6348 N CRANBERRY BLVD
Section 45-5A, Unified Land Development Code - Land Clearing
(Attend the required Code Enforcement Hearing to state facts concerning this violation.)

Inspector Guilbault, being duly sworn, noted the property was inspected on multiple occasions, submitted photos into evidence, and the property owner met with the arborist.

Mr. Applegate, being duly sworn, spoke to the mitigation amount.

Braint Matthews, Authorized Representative, being duly sworn, agreed with the calculation.

Based on evidence presented, Hearing Officer Toale found Case No. 23-62 6348 North Cranberry Boulevard, to be in violation of Section 45-5A, Unified Land Development Code (ULDC) for land clearing and imposed a fine of \$66,950.

8. 1ST HEARING CASES

A. [Case No
22-5729](#)

(DG) CAYLA LYNNE MARIE MCKENZIE, CODY J MCKENZIE, 2244 PENGUIN LN

Sec. 59-16(c), North Port City Code Parking and storing vehicles on a residential lot.

(Trailers being parked on vacant lot down the road from residence, that has a different owner.)

Chapter 34-23, North Port City Code Any person who engages in any business, occupation or profession who does not pay the required business tax within 150 days after the notice that the tax is due and who does not obtain the required local business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney fees, additional administrative costs incurred as a result of collection efforts and a penalty of up to \$250.00 in addition to cost of business tax.

(Expired business tax receipt for business being operated from this residence.)

Sec. 59-16(f)(3), North Port City Code No motor vehicle as defined in section (a) shall be parked on the berm, shoulder or swale right-of-way area adjacent to any residential lot where the owner of the vehicle is not also lawfully residing at the property, or without receiving the express permission of the property owner; except to be in compliance with the lawful direction of a law enforcement officer. In no instance shall parking be permitted where doing so may cause damage to the drainage swale.

(Damage to City Right-of-way/swale area in front of this property.)

Sec. 53-122 - Prohibited Uses and Structures, ULDC D. The operation of a business unless specifically permitted as a home occupation. There shall not be evidence of business activity on the premises, including the parking

and storage of commercial vehicles, material storage, inordinate vehicular traffic, outside storage, or advertising signs.

(Evidence of business being ran from this residence. Construction supplies being stored on this property, blocking the road with heavy duty trailers and deliveries of cement and other materials.)

Inspector Grandt, being duly sworn, noted the property was inspected on multiple occasions, he had contact with the property owner, and submitted photos into evidence.

Based on evidence presented, Hearing Officer Toale dismissed Case No. 22-5729 2244 Penguin Lane for the violation of Section 59-16(c), North Port City Code for parking and storing vehicles on a residential lot, and trailers being parked on vacant lot down the road on the City right-of-way with no further action required.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5729 2244 Penguin Lane to be in violation of Chapter 34-23, North Port City Code for evidence of a business operating on premises with an expired business tax receipt and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5729 2244 Penguin Lane to be in violation of Section 59-16(f)(3), North Port City Code for motor vehicle parked on the berm, shoulder or swale damaging City right-of-way, owner of the vehicle is not lawfully residing at the property, and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5729 2244 Penguin Lane to be in violation of Section 53-122, Unified Land Development Code (ULDC) for the operation of a business being ran from this residence including construction supplies stored on the property, and blocking the road with heavy-duty trailers for deliveries of materials and imposed a fine of \$25 a day with a maximum of \$2,000 to commence on April 18, 2023.

B. [Case No 22-5765](#)

(JAG) JACQUELINE E THOMAS, 1501 DEXTER RD

Sec. 59-16(c), North Port City Code Parking and storing vehicles on a residential lot.

(Three (3) trucks and trailers parked on the vacant lot to the right of this residence with no principle structure and not owned by same owner.)

Inspector Guilbault, being duly sworn, noted the property was inspected on multiple occasions, he had no contact with the property owner, and submitted photos into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5765 1501 Dexter Road to be in violation of Section 59-16(c), North Port City Code for parking and storing vehicles on a residential lot and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.

C. [Case No 22-5838](#)

(HLB) KENNETH ALFRED BECKOM, 6739 PUNTING CIR

Sec. 59-16(f)(4), North Port City Code - Trucks, buses, truck tractors, trailers, boats and recreational vehicles are prohibited from parking on the berm, shoulder and/or swale right-of-way area.

(Trailer parked in City Right-of-way.)

Section 42-24(a)(5) North Port City Code - Maintenance of stormwater drainage area.

(Accumulation of debris in City Right-of-way consisting of lumber.)

Sec. 59-16(c), North Port City Code Parking and storing vehicles on a residential lot.

(RV and other vehicles being stored on a vacant lot with no principal structure.)

Chapter 42-23, North Port City Code; Accumulation of Debris

(Accumulation of debris throughout the property consisting of camping material, trash, chairs, pallets, and other miscellaneous items.)

Chapter 70-21, North Port City Code It shall be unlawful for any person to move or cause to be moved, drive or operate in, upon or across or depart from or enter upon any City road in any vehicle, contrivance or device in such a manner as to cause damage to any City road, right-of-way, drainage or utility structure and/or facility. The possession of a vehicle weight permit by such a person shall not constitute a defense herein.

(Driving through City Right-of-way to access property with no Right-of-way use permit on file.)

Inspector Burton, being duly sworn, noted the property was inspected on multiple occasions, he had no contact with the property owner, one violation brought into compliance, and submitted photos into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5838 6739 Punting Circle to be in compliance with Section 59-16(f)(4), North Port City Code for trucks, buses, truck tractors, trailers, boats and recreational vehicles parking on the berm, shoulder and/or swale in City right-of-way with no further action required.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5838 6739 Punting Circle to be in violation of Section 42-24(a)(5), North Port City Code for failure to maintain the stormwater drainage area including accumulation of debris in City right-of-way and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5838 6739 Punting Circle to be in violation of Section 59-16(c), North Port City Code for parking and storing vehicles on a vacant lot with no principal structure and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5838 6739 Punting Circle to be in violation of Chapter 42-23, North Port City Code for accumulation of debris throughout the property consisting of camping material, trash, chairs, pallets, and other miscellaneous items and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5838 6739 Punting Circle to be in violation of Chapter 70-21, North Port City Code damage to drainage area in the City right-of-way and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.

- D. [Case No 22-5843](#) (HLB) ZACHARY SIMPSON, MEAGHAN SMITH, 6836 LONGAN RD
Section 45-5A, Unified Land Development Code - Land Clearing
(Attend the required Code Enforcement Hearing to states facts concerning this violation.)
- Inspector Burton, being duly sworn, noted the property was inspected on multiple occasions, the number of trees removed is undetermined, and submitted photos into evidence.
- Property Owner Zachary Simpson, being duly sworn, spoke to underbrush being removed, stored construction equipment on property after hurricane Ian, estimated 10 trees removed, other trees already down, and estimated the diameter of fallen trees.
- Based on evidence presented, Hearing Officer Toale found Case No. 22-5843 6836 Longan Road to be in violation of Section 45-5A, Unified Land Development Code (ULDC) for removing 10 trees and imposed a fine of \$12,000.**
- E. [Case No 22-5887](#) (HLB) RICHARD PARSONS, 2501 BIGNAY RD
REPEAT VIOLATION - Chapter 42-23, North Port City Code; Accumulation of Debris
(-This is a REPEAT violation- Accumulation of debris on this vacant lot consisting of tents, tarps, generators, trash, and other miscellaneous items. All debris on this property must be removed returning property back to its natural state. Case Number 20-1134- Inspector Ardinger 03/06/2020, case became in compliance after 1st hearing. Case Number 22-492- Inspector Kiddy 02/23/2022, Fines were assessed after hearing.)
Sec. 46-148 City of North Port Code (a) Camping is prohibited
(*This is a repeat violation* Camping prohibited on this vacant lot. If this is not anyone that you have given permission to, please contact North Port Police department non-emergency line to begin trespass affidavit violation. Case Number 20-1134- Inspector Ardinger 3/06/2020, case became in compliance after 1st hearing. Case Number 22-492- Inspector Kiddy 02/23/2022, Fines were assessed after hearing.)
- Inspector Burton, being duly sworn, noted the property was inspected on multiple occasions, he had contact with the property owner, trespass warning issued, people remain on property, this being a repeat violation, property in process of being forfeited to the City, and submitted photos into evidence.
- Based on evidence presented, Hearing Officer Toale found Case No. 22-5887 2501 Bignay Road to be a repeat violation of Chapter 42-23, North Port City Code for accumulation of debris and imposed a fine of \$500 per day with a maximum of \$25,00 to commence on April 18, 2023.**
- Based on evidence presented, Hearing Officer Toale found Case No. 22-5887 2501 Bignay Road to be a repeat violation of Section 46-148, North Port City Code for continued camping on property consisting of tents, tarps, generators, trash, and other miscellaneous items and imposed a fine of \$500 a day with a maximum of \$25,000 to commence on April 18, 2023.**
- F. [Case No 22-5915](#) (JAG) AMY L & RAYMOND R GRIM, 2779 CHEROKEE ST
Chapter 105.1, Florida Building Code - Permit required.

(No permit on file for a garage conversion into livable space)

Inspector Guilbault, being duly sworn, requested a continuance.

Based on evidence presented, Hearing Officer Toale continued Case No. 22-5915 2779 Cherokee Street to the May 25, 2023 Code Enforcement Hearing.

G. [Case No 22-5921](#)

(JA) TURMUTUS M COX, 5975 SPEARMAN CIR
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of vegetative debris throughout this property.)

Inspector Ardinger, being duly sworn, noted the property was inspected on multiple occasions, she had no contact with the property owner, and submitted photos into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5921 5975 Spearman Circle to be in violation of Chapter 42-23, North Port City Code for the accumulation of debris and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.

H. [Case No 22-5943](#)

(JAG) WHITE WING CAPITAL LLC, 5550 S SALFORD BLVD
Chapter 105.1, Florida Building Code - Permit required.
(Permit required for residential remodel due to tree falling and crushing roof as well as significantly damaging property)

Inspector Guilbault, being duly sworn, noted the property was inspected on multiple occasions, he had contact with the property owner, and submitted photos into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5943 5550 South Salford Boulevard to be in violation of Chapter 105.1, Florida Building Code for no permit for remodel due to tree falling on house and imposed a fine of \$50 a day with a maximum of \$5,000 to commence on June 7, 2023.

I. [Case No 22-5953](#)

(JAG) SUMTER SQUARE LLC, Parcel ID:1002160121
Sec. 37-29(H)(5) Unified Land Development Code, Roadway Design and Construction Standards
(Missing and damaged stop signs throughout this parcel (This is a private road))

Case No. 22-5953 was heard with Case No. 22-5954.

Inspector Guilbault, being duly sworn, noted the property was inspected on multiple occasions, he had no contact with the property owner, the road being privately-owned, and submitted photos into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5953 Parcel ID:1002160121 to be in violation of Section 37-29(H)(5), Unified Land Development Code (ULDC) for missing/damaged stop signs throughout the parcel and imposed a fine of \$25 a day with a maximum of \$2,000 to commence on April 18, 2023.

J. [Case No 22-5954](#)

(JAG) SUMTER SQUARE LLC, Parcel ID:1002170011
Sec. 37-29(H)(5) Unified Land Development Code, Roadway Design and Construction Standards
(Missing and damaged stop signs throughout this parcel. This is a private road.)

Case No. 22-5954 was heard with Case No. 22-5953.

Inspector Guilbault, being duly sworn, noted the property was inspected on multiple occasions, he had no contact with the property owner, and submitted photos into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5954 Parcel ID:1002170011 to be in violation of Section 37-29(H)(5), Unified Land Development Code (ULDC) for missing/damaged stop signs throughout the parcel and imposed a fine of \$25 a day with a maximum of \$5,000 to commence on April 18, 2023.

K. [Case No 22-5955](#)

(JAG) NORTH PORT GATEWAY EAST ASSOCIATION INC, C/O N DWAYNE GRAY JR ESQ, Parcel ID:1002180121
Sec. 37-29(H)(5) Unified Land Development Code, Roadway Design and Construction Standards
(Missing and damaged signs throughout this parcel.)

Inspector Guilbault, being duly sworn, noted the property was inspected on multiple occasions, he had no contract with the property owner, the road is privately-owned, and submitted photos into evidence.

Based on evidence presented, Hearing Officer Toale Found Case No. 22-5955 Parcel ID:1002180121 to be in violation of Section 37-29(H)(5) Unified Land Development Code (ULDC) for missing and damaged signs throughout the parcel and imposed a fine of \$25 a day with a maximum of \$2,000 to commence on April 18, 2023.

L. [Case No 22-5959](#)

(JA) TURMUTUS M COX, 5975 SPEARMAN CIR
Sec. 104.13 -FBC All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or which do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are to be considered unsafe building or service systems. All such unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Section 115 of this Chapter, the International Property Maintenance Code (2012) Section 108 as revised or other applicable local ordinance,
(Building deemed unsafe per Building Official Derek Applegate.)

Inspector Ardinger, being duly sworn, noted the property was inspected on multiple occasions, she had no contact with the property owner, and submitted photos into evidence.

Mr. Applegate, being duly sworn, spoke to the type of permit required to bring the property into compliance.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5959 5975 Spearman Circle to be in violation of Section 104.13, Florida Building Code for unsafe or unsanitary buildings, structures, electrical, gas, mechanical or plumbing systems which do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which constitute a hazard to safety or health and are unsafe in accordance with the provisions of Section 115 of the ULDC and imposed a fine of \$250.00 a day with no maximum, to commence on April 18,

2023.

- M. [Case No 23-21](#) (JA) SEAN MURPHY, JESSICA COFFEE, 6349 SAN SALVADOR RD
Chapter 70-56, North Port City Code Assigned numbers must be at least three (3) inches in height, in Arabic numeral form, placed on a contrasting background visible from the street.
(No visible assigned numbers affixed to residence.)
Inspector Ardinger, being duly sworn, noted the property was inspected on multiple occasions, she had no contact with the property owner, and submitted one photo into evidence.
Based on evidence presented, Hearing Officer Toale found Case No.23-21 6349 San Salvador Road to be in violation of Chapter 70-56, North Port City Code for no visible assigned numbers affixed to residence and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.
- N. [Case No 23-71](#) (JA) DARRYL W & CLARA J HENRY, 5111 RICHMOND TER
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris in rear yard consisting of a ladder, antenna, as well as possible clothes line in tree. In addition dead trees/bushes in rear yard need to be removed.)
Inspector Ardinger, being duly sworn, noted the property was inspected on multiple occasions, she had no contact with the property owner, and submitted photos into evidence.
Based on evidence presented, Hearing Officer Toale found Case No. 23-71 5111 Richmond Terrace to be in violation of Chapter 42-23, North Port City Code for accumulation of debris in rear yard consisting of a ladder, antenna, possible clothesline in tree, and dead trees/bushes in rear yard and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on April 18, 2023.
- O. [Case No 23-119](#) (HLB) CAMERON ROSS HAYES, BRITTANY ALISE HAYES, 4000 BARBARY LN
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Expired Permit 21-2974 NON-STRUCTURAL FENCE.)
Inspector Burton, being duly sworn, noted the property was inspected on multiple occasions, he had no contact with the property owner, and submitted photos into evidence.
Based on evidence presented, Hearing Officer Toale found Case No. 23-119 4000 Barbary Lane to be in violation of Section 105.4.1.1, Florida Building Code for expired permit for a non-structural fence and imposed a fine of \$50 a day with a maximum of \$5,000 to commence on April 18, 2023.
- P. [Case No 23-444](#) (HLB) LOUIS JULNER TELCY, MARIE CLAUDIE TELCY, 7865 ORIOLE ST
Section 45-5A, Unified Land Development Code - Land Clearing
(Attend the required Code Enforcement Hearing to states facts concerning this violation.)
Inspector Burton, being duly sworn, noted the property was inspected on multiple

occasions, permit not being secured prior to removal of trees, the number of trees removed is undetermined, he had contact with property owner via phone calls and text messages, tree removal permit required on vacant lots, and submitted photos into evidence.

Property owner Julner Telcy, being duly sworn, spoke to hurricane damaged trees, contractor stated no need for permit, broken trees, three palm trees removed, and submitted document noting number of trees removed.

Based on evidence presented, Hearing Officer Toale continued Case No. 23-444 7865 Oriole Street to the April 27, 2023 Code Enforcement Hearing.

Q. [Case No 23-496](#)

(HLB) NIKOLAY BOGDANOV, 3081 YACOLT AVE

Chapter 58-104, North Port City Code Occupancy of any building is prohibited until the type of occupancy has been established and said building is in compliance.

(Home is being lived in with no certificate of occupancy, and underlying inspections required per Florida Building Code.)

Sec. 59-16(F)(1), North Port City Code, Parking Off Public Roadway (Unlicensed vehicle parked in City Right-of-way.)

Sec. 59-16(f)(2), North Port City Code, Parking Off Public Roadway

(Vehicle parked in City Right-of-way, in front of residence, is parked in the incorrect direction of traffic.)

Inspector Burton, being duly sworn, requested a continuance.

Based on evidence presented, Hearing Officer Toale continued Case No. 23-496 3081 Yacolt Avenue to the April 27, 2023 Code Enforcement Hearing.

R. [Case No 23-693](#)

(JA) PALLADIO DEVELOPMENTS LLC, 2850 ESCAMBIA CIR

Section 45-5A, Unified Land Development Code - Land Clearing

(Attend the required Code Enforcement Hearing to states facts concerning this violation.)

Inspector Ardinger, being duly sworn, noted the property was inspected on multiple occasions, the permit being secured but clearing done on wrong lot, number of trees removed is undetermined, and submitted photos into evidence.

Jesse Thomas Construction Manager of Palladio Developments, LLC, being duly sworn, spoke to pursuing legal recourse for the erroneous work.

Based on evidence presented, Hearing Officer Toale found Case No. 23-693 2850 Escambia Circle to be in violation of Section 45-5A, Unified Land Development Code (ULDC) for land clearing and imposed a fine of \$15,000.

9. 2ND HEARING CASES

A. [Case No 22-4178](#)

(JA) EMPIRE HORIZONS LLC, 7960 SYDNEY AVE

Section 104.5, Florida Building Code

(Front and back of property open and unsecured. Roof wide open and pieces falling down. Structure needs to be repaired)

Inspector Ardinger, being duly sworn, noted there being no change in the property and

requested the Order be signed imposing the fine.

Based on evidence presented Hearing Officer Toale found Case No. 22-4178 7960 Sydney Avenue to be in violation of Section 104.5, Florida Building Code for front and back of property open and unsecured, roof wide open and pieces falling down, and structure needing to be repaired and signed the Order imposing the fine.

B. [Case No 22-5320](#)

(JA) 211 MONITOR LLC, 4317 LOS RIOS ST
Chapter 105.1, Florida Building Code - Permit required.
(No permit on file for re-roof that was done on this residence.)

Inspector Ardinger, being duly sworn, noted no changes in the property and requested the Order be signed imposing the fine.

Based on evidence presented, Hearing Officer Toale found Case No. 22-5320 4317 Los Rios Street to be in violation of Chapter 105.1, Florida Building Code for no permit on file for re-roof work on the residence and signed the Order imposing the fine.

10. GENERAL BUSINESS

A. [23-0464](#)

Case No. 23-009779 Trespass Appeal - Stern - 4970 City Hall Boulevard
(City Hall)

Hearing Officer Toale presided.

All those wishing to provide testimony were previously sworn in.

Mark Stern, being duly sworn, provided an account of the trespass violation.

Ms. Coughlin, being duly sworn, cross examined Mr. Stern including attorneys involved, the firearm allegation, calls to City Manager's Office, the return of his firearm, and called witnesses to the stand.

Officer Allison Berry, being duly sworn, spoke to knowledge of Mr. Stern, prior arrest, Risk Protection Order, return of firearms, State Attorney's criminal case, possession of firearm, Mr. Stern's accounts of the event, and confirmed there being no physical contact with Mr. Stern's vehicle.

Mr. Stern cross examined Officer Berry regarding the verbal exchange with Mr. Stern, search warrant requirements, knowledge of firearm situation, contacting the State Attorney, returning firearms, and not being present during the trespass incident.

Anna Duffey, being duly sworn, spoke to details of the first phone call, Mr. Stern's behavior and tone in the lobby, communication with law enforcement, voice mails received, lawsuits threatened, recording of voice mail played, having no prior knowledge of Mr. Stern, and recounted Mr. Stern's verbal exchange in the City Manager's Office.

Mr. Stern cross examined Ms. Duffey regarding her experience, his demeanor in the office, meetings scheduled with the City Manager, future communication through Mr. Stern's attorney, calling security, law enforcement response, firearm jurisdiction, receipt of certified mail, current legal actions, her safety, and awareness of City Attorney's actions.

Hearing Officer Toale spoke to client/attorney privilege.

Ms. Coughlin spoke to the current behavior of Mr. Stern.

Jerome Fletcher, being duly sworn, spoke to the office lobby incident, Mr. Stern's conduct, and authorizing a trespass warning.

Mr. Stern cross examined Mr. Fletcher regarding alleged false police report, Ms. Duffy's statement regarding his vacation, contact through his attorney, video recording, requests for an appointment, tone with Ms. Duffey, weapons being released, the trespass warning, and City Commission's role.

Officer Scott Guzman, being duly sworn, spoke to Sergeant Shield's issuance and service of the trespass warning,

Mr. Stern cross examined Assistant City Attorney Coughlin regarding participation in the criminal case, submittal of a public records request, redacting police names, submittal of a Police Public Records Request, his behavior, and documents filed.

Ms. Coughlin spoke to the trespass warning, criminal aspects to the trespass, escalation of behavior, returning firearm, advisement of City employees not meeting in private quarters, Mr. Stern's decorum in public meetings, and requesting that his access be limited to public meetings.

Mr. Stern spoke to his rights, alleged illegal acts made by the City Attorney, a determination to continue calling City Hall, firing the City Manager, damage to his automobile, his firearm training, and reason for entering City Manager's Office.

Mr. Toale requested for case law to be provided.

Based on evidence presented, Hearing Officer Toale continued Case No. 23-009779, granting eleven (11) days for both parties to provide case law studies, after which a ruling will be made within five (5) days, with the Trespass Violation remaining in place until the ruling.

11. PUBLIC COMMENT

There was no public comment.

12. ADJOURNMENT

Hearing Officer Toale adjourned the meeting at 11:49 a.m.

James E. Toale, Hearing Officer

Minutes were approved on the ___ day of _____, 2023.