



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Draft Code Enforcement Hearing

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Thursday, February 24, 2022

9:00 AM

City Commission Chambers

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### 1. CALL TO ORDER

Hearing Officer Toale called the meeting to order at 9:00 a.m.

### Also Present

Assistant City Attorney Michael Golen, Code Enforcement Division Manager Kevin Raducci, Code Enforcement Administrative Services Specialist Terri Hasker, Code Enforcement Recording Secretary Michele Ross, Code Enforcement Inspectors Henley Burton, Jeffrey Guilbault, Jennifer Ardinger, William Kiddy, 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

- A. [22-2022](#) Approval of the minutes for the December 13, 2021 Code Enforcement Hearing Meeting.

*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 21-4270](#) (HLB) Edward F Clifford, 2762 Yamada Ln Chapter 42-23, North Port City Code; (Accumulation of debris consisting of a silt fence on property being used to enclose back yard for dog.)

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

- B. [Case No 21-4367](#) (JAG) Kristine Lynn Irvine, 1430 Legend Ln Sec. 59-16(h), North Port City Code

(Living in Camper on this vacant lot)  
Sec. 59-16(c), North Port City Code  
(Parking R.V., and trailer on vacant lot with no principal structure.)  
Chapter 42-23, North Port City Code  
(Accumulation of debris throughout vacant lot consisting of wooden posts, large black water tank, Children's toys, trash bags, cinder blocks, tents, trampoline, and other miscellaneous items)  
Sec. 59-16(f)(3), North Port City Code  
(Damage to City Right-of-way/Swale area. Must be repaired)

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

- C. [Case No 21-4761](#) (WK) Karen R Wasinger Revocable Trust, 4112 Blueridge St  
Chapter 42-23, North Port City Code  
(Accumulation of debris to the right side and rear of house consisting of wood, wood pallets, yard waste, loose trash, and other miscellaneous household items/parts.)

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

- D. [Case No 21-4808](#) (WK) Sergey A & Lidiya V Gubchak, 4252 Wall Ln  
Sec. 59-16(i), North Port City Code  
(Prohibited Tractor and construction equipment stored in rear yard of this residence.)

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

- E. [Case No 21-4861](#) (WK) Dalton A & Marissa Davis, 4330 Marcella Ter  
Section 42-24(a)(5) North Port City Code  
(Accumulation of debris consisting of loose trash, and a vacuum left at side of road.)  
Chapter 62-50, North Port City Code  
(Solid Waste Containers improperly stored in driveway. Must be stored behind front plane of home.)

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

- F. [Case No 21-4885](#) (WK) Sergey Didovich, 3441 Petunia Ter  
Chapter 1, Administrative Code - City of North Port, Sec. 110  
(Accumulation of debris on construction site consisting of loose trash, and no dumpster on site.)  
Section 33-7C (3), Unified Land Development Code  
(Silt Screen down on right side of property.)

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

- G. [Case No 21-4886](#) (WK) Eduard Brich, 3329 Petunia Ter  
Chapter 1, Administrative Code - City of North Port, Sec. 110  
(Accumulation of debris on site consisting of loose trash, with no dumpster

on site.)  
Section 33-7C (3), Unified Land Development Code  
(Silt screens down in front and back of construction site.)

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

- H. [Case No 21-4896](#) (JA) Enrique Ruiz & Jose H Beltran, 8616 Porto Bello Ave  
Chapter 70-56, North Port City Code  
(No visible assigned numbers affixed to residence.)  
*This case was brought into compliance with no further action required.*
- I. [Case No 21-4920](#) (JA) Mohammad M Zaman, 8662 Aero Ave  
Chapter 42-23, North Port City Code  
(Accumulation of debris consisting of multiple windows and doors, refrigerator, fence materials, wood, tarps, and many other miscellaneous items throughout entire property.)  
*This case was brought into compliance with no further action required.*
- J. [Case No 21-4930](#) (WK) Sener & Levisa Cavus, 3873 Bula Ln  
Section 42-24(a)(5) North Port City Code  
(Accumulation of debris in City Right-of-way consisting of a stack of tires.)  
*This case was brought into compliance with no further action required.*
- K. [Case No 21-4938](#) (JA) Jerry Max VanEpps, 4245 Gorgas St  
Chapter 42-23, North Port City Code  
(Accumulation of debris consisting of a refrigerator in front of carport.)  
Chapter 105.1, Florida Building Code  
(No permit on file for enclosure of carport.)  
*This case was brought into compliance with no further action required.*
- L. [Case No 21-4954](#) (JAG) Progress Residential Borrower 2 LLC, 3644 Ribera Ave  
Chapter 70-56, North Port City Code  
(No visible assigned numbers affixed to residence.)  
Chapter 42-23, North Port City Code  
(Accumulation of debris in the driveway and on the right side of the home consisting of cardboard, tables, mattresses, box springs, chairs, and other miscellaneous items.)  
Chapter 62-50, North Port City Code  
(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.*
- M. [Case No 21-4989](#) (JAG) Rafael Nunez & Anne Nunez-Liman, 2933 Bay City Ter  
Chapter 62-50, North Port City Code  
(Solid waste containers improperly stored at the street outside the time

frame permissible by City Code. Pick up for this area is on Tuesday, violation observed on a Thursday.)

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

- N. [Case No 21-5027](#) (JAG) HASIA LLC, 4311 Abcor Rd  
Chapter 62-50, North Port City Code  
(Solid Waste Containers improperly stored at the street outside the time frame permissible by City Code. Pick up for this area is on Tuesday, violation observed on a Wednesday.)  
Chapter 42-23, North Port City Code  
(Accumulation of debris in front of the vacant lot across the street from this residence consisting of plastic items, outdoor table, trash, and other miscellaneous items.)

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

- O. [Case No 21-5032](#) (HLB) SRP SUB LLC, 4455 Pepper Ln  
Chapter 66-62 (c), North Port City Code  
(Basketball hoop in the neighboring City Right-of-way, across the street from this property.)

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

## 7. CONTINUED CASES

- A. [Case No 21-222](#) (JAG) Aracelis M Colome, 5233 Bullard St  
Chapter 105.1, Florida Building Code  
(No permit on file for 6-foot fence installed on this property.)  
Chapter 105.1, Florida Building Code  
(Verified no permit on file for the carport being enclosed)

Attorney Ryan Dugan, representing the land owner and being duly sworn, addressed the case, noting that the property owner retained a full-time engineer to complete the multiple violation issues, property owner is actively moving to resolve the violation, requested leniency on the ultimate cap, and requested an extended continuance.

Inspector Guilbault, being duly sworn, spoke to the most recent permitting date, requested a shorter time for the continuance request, and that the violation be read into the record.

Mr. Toale, noting that once case gets past the second hearing, the only recourse is with the City Commission.

***Based on evidence presented, Hearing Officer Toale found Case No. 21-222, 5233 Bullard Street, in violation of Chapter 105.1, Florida Building Code for no permit on file for the enclosed garage at this location, and imposed a fine of \$10 a day with a maximum of \$2,000 commencing on April 28, 2022.***

- B. [Case No 21-4060](#) (WK) Shadeenah Bolden, 6740 S Biscayne Dr  
Chapter 105.1, Florida Building Code  
(Digging up City Right-of-way, placing cement, sand, and bricks with no

permit on file for work being performed.)

Inspector Kiddy, being duly sworn, noted he inspected the property, had no contact with the property owner, and submitted photos into evidence.

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4060, 6740 South Biscayne Drive, to be in violation of Chapter 105.1, Florida Building Code for no permit on file for work being performed, and imposed a fine of \$50 a day with a maximum of \$5,000 commencing on March 22, 2022.**

C. [Case No 21-4539](#)

(WK) Millard W Eheart, 4047 Suburban Ln  
Chapter 42-23, North Port City Code

(Accumulation of debris consisting of Loose trash in front sides and rear of house, piles of metal on driveway, wood, plastic and other household items that need to be removed or stored enclosure, also Motor cart in disrepair on driveway.)

Section 105.4.1.1, Florida Building Code

(Expired permit 17-6437/ INT-COMplete CHANGE OUT)

Sec. 59-16(d), North Port City Code

(Disabled vehicle on driveway; RV with flat tires and parts on driveway)

Inspector Kiddy, being duly sworn, noted he inspected the property, had no contact with the property owner, and submitted photos into evidence.

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4539, 4047 Suburban Lane, to be in violation of Chapter 42-23, North Port City Code for accumulation of debris and other household items that need to be removed or stored in an enclosure, for a motor cart in disrepair on driveway, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.**

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4539, 4047 Suburban Lane, to be in violation of Section 105.4.1.1, Florida Building Code for an expired permit for a complete air conditioning change out, and imposed a fine of \$10 a day with a maximum of \$5,000 commencing on March 22, 2022.**

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4539, 4047 Suburban Lane, to be in compliance of Section 59-16(d), North Port City Code and dismissed the case.**

D. [Case No 21-4579](#)

(JA) HPA US1 LLC, 8157 Chesebro Ave  
Sec. 1-19, Unified Land Development Code  
(Property is fenced with no permit on file.)

Inspector Ardinger, being duly sworn, noted she inspected the property, had contact with the owner, and there was no current permit being on file.

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4579, 8157 Chesebro Avenue, to be in violation of Section 1-19, Unified Land Development Code for no permit on file for fencing the property, and imposed a fine of \$10 a day with a maximum of \$2,000 commencing on March 22, 2022.**

## 8. 1ST HEARING CASES

- A. [Case No 20-5506](#) (JAG) Shawn Patrick Campbell, 6200 Beedla St  
Chapter 42-22(C) North Port City Code  
(Property has impingement growth of oak tree limbs on the left front corner of 6162 Beedla St and two small oak trees with limbs overhanging property line,  
Inspector Guilbault, being duly sworn, noted he inspected the property several times, had no recent contact with the property owner, and submitted photos into evidence.  
Mr. Toale addressed the City's impinging growth legislation.  
Property owner Shawn Kimball, being duly sworn, spoke to Case No. 20-5483 regarding a possible business being operated from the property being irrelevant to this case, the tree in question being old, the complainant not present, fence being present prior to ownership of property, 10-15 more trees hanging over his property, and obtained a trespass warning against neighbors.  
Mr. Guilbault spoke to the City's case not requiring the neighbor's presence.  
Mr. Kimball noted the closest structure being 300-feet away.  
Mr. Golen, being duly sworn, stated the ordinance section cited in Case No. 20-5506 no longer exists and therefore the homeowner cannot be in violation.  
**Based on evidence presented, Hearing Officer Toale dismissed Case No. 20-5506, 6200 Beedla Street, regarding the violation of Chapter 42-22(C) North Port City Code, due to the section of City Code no longer existing.**
- B. [Case No 21-789](#) (JAG) Thomas L Cleary & Ronald L Cleary, 8713 LaBoca Ave  
Chapter 42-23, North Port City Code  
(Accumulation of debris throughout the property consisting of refrigerators, cardboard items, broken down lawnmowers, buckets, and other miscellaneous items.)  
Inspector Guilbault, being duly sworn, noted he inspected the property, had no contact with the property owner, and submitted one photo into evidence.  
**Based on evidence presented, Hearing Officer Toale found Case No. 21-789, 8713 LaBoca Avenue, to be in violation of Chapter 42-23, North Port City Code for accumulation of debris throughout the property, and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on March 22, 2022.**
- C. [Case No 21-3268](#) (WK) Petar Minic & Sasha Minich, 8337 Bumford Ave  
Chapter 105.1, Florida Building Code  
(No permit on file for window change out in front of house.)  
Sec. 1-19, Unified Land Development Code  
(No permit on file for new fence installed on property)  
Inspector Kiddy, being duly sworn, noted he inspected the property, had no contact with the property owner, and submitted photos into evidence.  
**Based on evidence presented, Hearing Officer Toale found Case No. 21-3268, 8337 Bumford Avenue, in violation of Chapter 105.1, Florida Building Code for no permit on file for window change-out in front of house, and imposed a fine of \$10 a day with a maximum of \$5,000 to commence on March 22, 2022.**

**Based on evidence presented, Hearing Officer Toale found Case No. 21-3268, 8337 Bumford Avenue, in violation of Section 1-19, Unified Land Development Code for no permit on file for new fence installed on property, and imposed a fine of \$10 a day with a maximum of \$2,000 to commence on March 22, 2022.**

- D. [Case No 21-4489](#) (WK) George Themis Pasthan Jr, 3956 Fairchild Ave  
Section 45-5A, Unified Land Development Code  
(No permit on file for land clearing.)

Inspector Kiddy, being duly sworn, noted he last inspected the property on October, 12, 2021, two trees being removed, the number of champion trees being unknown, and submitted photos into evidence.

Property owner Goerge Pasthan, Jr., being duly sworn, noted he was out of town when contractors removed trees, and attended this meeting to make things right.

Mr. Kiddy spoke to new tree legislation forthcoming.

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4489, 3956 Fairchild Avenue, to be in violation of Section 45-5A, Unified Land Development Code for removing two trees without a land clearing permit, and imposed a fine of \$250 per tree.**

- E. [Case No 21-4582](#) (WK) Alexander Rokovets, 4187 Aba Lane  
Sec. 59-16(f)(4), North Port City Code  
(Two (2) Construction open trailers parked in City Right-of-way)  
Sec. 59-16(f)(3), North Port City Code  
(Damage to swale with tire ruts)  
Sec. 59-16(d), North Port City Code  
(Disassembled grey car on driveway. Many tires, tools, and parts left in front side and rear of home.)  
Sec. 53-122D, Unified Land Development Code  
(Business activity on premises consisting of parking and storing commercial vehicles, material storage, and inordinate vehicular traffic.)  
Chapter 42-23, North Port City Code  
(Accumulation of debris consisting of loose trash, and other household items being stored outside).  
Chapter 70-56, North Port City Code  
(No visible assigned numbers affixed to residence.)  
Section 105.4.1.1, Florida Building Code  
(Expired permit 14-4026, for detached garage on property)  
Sec. 53-239(I)(12), Home Occupations/Special Circumstances Unified Land Development Code  
(Outside storage of materials used in connection with business, such as construction equipment, materials used in construction and miscellaneous parts.)

Inspector Kiddy, being duly sworn, noted property was inspected multiple times, had contact with son of homeowner, and submitted photos into evidence.

Property Owner Alexander Rokovets, being duly sworn, questioned the swale damage, cleaning of the swale, opened parking in swale made it better, and contended the swale being in good condition.

Mr. Kiddy explained parking in swale being prohibited.

Mr. Toale spoke to selective enforcement not being a defense in the Code violations.

Mr. Rokovets questioned whether the complaint was from a neighbor.

Mr. Kiddy noted the violation was observed by himself while driving.

Mr. Rokovets questioned whether value of house would be affected.

Mr. Toale spoke to property values not being relevant, the violation being a City-initiated case, and maintenance of undeveloped property being under a different ordinance.

Mr. Kiddy addressed the Vehicle Parking Ordinance, vehicles and trailers to be parked on property not in swale.

Code Enforcement Manager Raducci, being duly sworn, noted that if violations can be corrected by a certain date the violation will be in compliance.

Mr. Rokovets confirmed he conducts business out of the house.

Mr. Toale spoke to sufficient time given to correct the violation.

***Based on evidence presented, Hearing Officer Toale found Case No. 21-4582, 4187 Aba Lane, to be in violation of Section 59-16(f)(4), North Port City Code for open construction trailers parked in City Right-of-Way, and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on March 22, 2022.***

***Based on evidence presented, Hearing Officer Toale found Case No. 21-4582, 4187 Aba Lane, to be in violation of Section 59-16(f)(3), North Port City Code for damage to swale with tire ruts, but imposed no fine.***

***Based on evidence presented, Hearing Officer Toale dismissed Case No. 21-4582, 4187 Aba Lane, regarding Section 59-16(d), North Port City Code due to a determination that the car was not in the driveway for 21 days.***

***Based on evidence presented, Hearing Officer Toale found Case No. 21-4582, 4187 Aba Lane, to be in violation of Section 53-122 (D), Unified Land Development Code for conducting business activity on premises consisting of parking and storing commercial vehicles, material storage, and inordinate vehicular traffic, and imposed a fine of \$25 a day with a maximum of \$2,000 to commence on March 22, 2022.***

***Based on evidence presented, Hearing Officer Toale found Case No. 21-4582, 4187 Aba Lane, to be in violation of Chapter 42-23, North Port City Code for accumulation of debris consisting of loose trash and other household items being stored outside, and imposed a fine of \$10 a day with a maximum of \$ 1,000 to commence on March 22, 2022.***

***Based on evidence presented, Hearing Officer Toale dismissed Case No. 21-4582, 4187 Aba Lane, Chapter 70-56, North Port City Code regarding no visible assigned***

*numbers affixed to residence.*

*Based on evidence presented, Hearing Officer Toale found Case No. 21-4582, 4187 Aba Lane, to be in violation of Section 105.4.1.1, Florida Building Code for an expired permit for a detached garage on property and imposed a fine of \$10 a day with a maximum of \$5,000 to commence on March 22, 2022.*

*Based on evidence presented, Hearing Officer Toale found Case No. 21-4582, 4187 Aba Lane, to be in violation of Section 53-239(I)(12) for outside storage of materials used in connection with home-based business occupation in a residential zone district, and imposed a fine of \$25 a day with a maximum of \$2,000 to commence on March 22, 2022.*

F. [Case No 21-4637](#)

(WK) Jesse Demello, 2518 Ridgewood Dr  
Section 42-24(a)(5) North Port City Code  
(Accumulation of debris in City Right-of-way consisting of tree trunks, branches, and yard waste all along the City Right-of-way area in multiple piles. Loose trash, wood, cardboard, oil containers, and miscellaneous household items scattered about City Right-of-way as well.)

Inspector Kiddy, being duly sworn, noted he inspected the property, had no contact with the property owner, and submitted photos into evidence.

*Based on evidence presented, Hearing Officer Toale found Case No. 21-4637, 2518 Ridgewood Drive, to be in violation of Section 42-24(a)(5) North Port City Code for accumulation of debris in City Right-of-Way, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.*

G. [Case No 21-4645](#)

(HLB) David Lloyd Wells & Vanessa Wells, 5258 Butterfly Ln  
Chapter 42-23, North Port City Code  
(Homeowner has a dilapidated wooden fence that is falling apart must be repaired or removed. Also, there is accumulation of debris in the back yard consisting of broken cabinets or dressers.)  
Section 42-24(a)(5) North Port City Code  
(Accumulation of debris in the City Right-of-Way consisting of yard waste)  
Chapter 105.1, Florida Building Code  
(No permit on file for Shed located on property)

Inspector Burton, being duly sworn, noted he inspected the property, had no contact with the property owner, and submitted photos into evidence.

*Based on evidence presented, Hearing Officer Toale found Case No. 21-4645, 5258 Butterfly Lane, to be in violation of Chapter 42-23, North Port City Code for a dilapidated wooden fence, for the accumulation of debris in the back yard, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.*

*Based on evidence presented, Hearing Officer Toale found Case No. 21-4645, 5258 Butterfly Lane, to be in violation of Section 42-24(a)(5) North Port City Code for the accumulation of debris in the City Right-of-Way, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.*

*Based on evidence presented, Hearing Officer Toale found Case No. 21-4645, 5258 Butterfly Lane, to be in violation of Chapter 105.1, Florida Building Code for no*

*permit on file for Shed located on property, and imposed a fine of \$10 a day with a maximum of \$5,000 commencing on March 22, 2022.*

H. [Case No 21-4826](#)

(JAG) Holliman Capital Group LLC, 3687 Zambrana Ave  
Chapter 105.1, Florida Building Code  
(No permit on file for land clearing.)

Inspector Guilbault, being duly sworn, requested to combine Case No. 21-4645 with Case No. 21-4862, noting that the number of trees removed was undetermined, and submitted one photo into evidence.

***Based on evidence presented, Hearing Officer Toale found Case No. 21-4826, 3687 Zambrana Avenue, to be in violation of Chapter 105.1, Florida Building Code for no permit on file for land clearing, and imposed a fine of \$1,500.***

I. [Case No 21-4862](#)

(JAG) Holliman Capital Group LLC, 3669 Zambrana Ave  
Chapter 105.1, Florida Building Code  
(No permit on file for land clearing)

This case was discussed under Case No. 21-4826.

***Based on evidence presented, Hearing Officer Toale found Case No. 21-4862, 3687 Zambrana Avenue, to be in violation of Chapter 105.1, Florida Building Code for no permit on file for land clearing, and imposed a fine of \$1,500.***

J. [Case No 21-4864](#)

(JA) Maria A Carrasquillo, 8495 Cristobal Ave  
Chapter 105.1, Florida Building Code  
(No permit on file for carport enclosure.)

Inspector Ardinger, being duly sworn, noted she inspected the property multiple times, had contact with the homeowner this morning, and requested a continuance.

***Based on evidence presented, Hearing Officer Toale continued Case No. 21-4864, 8495 Cristobal Avenue, to the April 21, 2022 Code Enforcement Hearing.***

K. [Case No 21-4882](#)

(JA) Sherry Lynn Marti, 8372 Larrimore Ave  
Sec. 1-19, Unified Land Development Code  
(No permit on file for fence located on property)

Inspector Ardinger, being duly sworn, noted she inspected the property in November and requested a continuance to April.

***Based on evidence presented, Hearing Officer Toale continued Case No. 21-4882, 8372 Larrimore Avenue, to the April 21, 2022 Code Enforcement Hearing.***

L. [Case No 21-4892](#)

(WK) Jericho June Minnix, 2518 Margaret Ln  
Chapter 42-23, North Port City Code  
(Accumulation of debris consisting of loose trash in front of home, cardboard and household items spilling out from garage. Also, there are stacks of bricks on front yard)  
Chapter 62-50, North Port City Code  
(Solid Waste Containers improperly stored at the street outside the time frame permissible by City Code. Pick up for this area is on Friday. Violation observed on a Monday.)

Inspector Kiddy, being duly sworn, noted he inspected the property, had no contact with the property owner, and submitted photos into evidence.

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4892, 2518 Margaret Lane, to be in violation of Chapter 42-23, North Port City Code for accumulation of debris in front of home, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.**

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4892, 2518 Margaret Lane, to be in violation of Chapter 62-50, North Port City Code for solid waste containers improperly stored at the street outside the time frame permissible by City Code, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.**

M. [Case No 21-4975](#)

(WK) CSMA BLT LLC, 3163 Monday Ter  
Section 42-24(a)(5) North Port City Code

(Accumulation of debris consisting of cardboard, plastic totes, fish tank, pallets in City Right-of-way across the street from home, with no bulk pick up scheduled.)

Chapter 42-23, North Port City Code

(Accumulation of debris consisting of cardboard in front yard, driveway up to front door, vehicle bumpers/parts on front yard, as well as household items, plastic shelving on driveway and dolly)

Chapter 62-50, North Port City Code

(Solid Waste Containers improperly stored in front of house, left of driveway)

Chapter 34-23, North Port City Code

(Running a business in home without a Business Tax Receipt)

Section 53-122, Unified Land Development Code

(Evidence of business being ran from residential.)

Inspector Kiddy, being duly sworn, noted he had inspected the property, had contact with the tenants, and submitted photos into evidence.

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4975, 3163 Monday Terrace, to be in violation of Section 42-24(a)(5) North Port City Code for accumulation of debris in the City Right-of-Way across the street from home, with no bulk pick up scheduled, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.**

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4975, 3163 Monday Terrace, to be in violation of Chapter 42-23, North Port City Code for accumulation of debris in front yard and driveway, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.**

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4975, 3163 Monday Terrace, to be in violation of Chapter 62-50, North Port City Code for solid waste containers improperly stored in front of house on left of driveway, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.**

**Based on evidence presented, Hearing Officer Toale found Case No. 21-4975, 3163 Monday Terrace, to be in violation of Chapter 34-23, North Port City Code for**

*running a business in home without a Business Tax Receipt, and imposed a fine of \$10 a day with a maximum of \$1,000 commencing on March 22, 2022.*

*Based on evidence presented, Hearing Officer Toale found Case No. 21-4975, 3163 Monday Terrace, to be in violation of Section 53-122, Unified Land Development Code for evidence of business being run from residence with evidence outside the house, and imposed a fine of \$25 a day with a maximum of \$2,000 commencing on March 22, 2022.*

## **9. 2ND HEARING CASES**

- A. [Case No 21-4291](#) (WK) Robert A Popielarz Sr & Bridget Maria Welch, 5160 Hornbuckle Blvd Chapter 14-20 Adoption of Florida Building Code (Officer Salsman responded to 5160 Hornbuckle Blvd, in reference to a civil matter. (NPPD Case Number: 21055304) Through the call for service, it was learned the residence has no functioning utilities. There is no running water and no electricity. There are multiple people paying to reside in this residence who cannot be due to it being uninhabitable with no utilities)

Inspector Kiddy, being duly sworn, noted he inspected the property on September 24, 2021 and on February 23, 2022, had no other contact with owner, and property remaining in the same condition.

*Based on evidence presented, Hearing Officer Toale found Case No. 21-4291, 5160 Hornbuckle Boulevard, to be in violation of Chapter 14-20 Adoption of Florida Building Code for the residence having no functioning utilities and multiple people paying to reside in this residence, and imposed a fine of \$250 a day with no maximum, starting on January 21, 2022.*

- B. [Case No 21-4746](#) (JA) Debra Carney, 4168 Lanark Ave Sec. 46-41 North Port City Code (10/28/2021, 11:09:30 AM THASKER -REPEAT VIOLATION- Pet Birds located from the rear property, making loud noises throughout the day and night. This is a REPEAT VIOLATION concerning the activity and address: 1. Case number 20-1320 - Inspector Kiddy found in violation at the 11/04/2020 Hearing and ordered was signed assessing a \$10.00 per day capping at \$1,000.00 beginning 11/30/2020, activity has not stopped)

Inspector Ardinger, being duly sworn, stated the property was found in violation on December 2, 2021, there have been no changes to the property, and she requested the Order be signed assessing the fine.

*Based on evidence presented, Hearing Officer Toale found Case No. 21-4746, 4168 Lanark Avenue, to be in violation of Section 46-41 North Port City Code for a repeat violation of pet birds making loud noises throughout the day and night, and imposed a fine of \$50 a day with no maximum, starting January 21, 2022.*

## **10. PUBLIC HEARING - POLICE DEPARTMENT**

- A. [22-2264](#) Contesting Ticket No. 20495 for Cited Handicapped Violation on November 30, 2021 on 18059 Tamiami Trail, North Port Florida.

Mr. Toale presided as the Hearing Officer.

Carolyn McDermott, being duly sworn, stated her disabled parking tag was badly sun-damaged but remained valid, several attempts being made regarding where to resolve the violation, and affirmed having a valid hanging tag.

Mr. Golen, being duly sworn, stated the citation was issued in November, 2021, the officer involved acknowledged Ms. McDermott has a parking permit but it was not displayed, he cited Article IV Section 74-85(c) provides 10 days to resolve the ticket, and extenuating circumstances prevented her from resolving the violation.

***Based on evidence presented, Hearing Officer Toale dismissed Case No. NPPD 21.034928.***

**11. GENERAL BUSINESS**

There was no general business.

**12. PUBLIC COMMENT**

There was no public comment.

**13. ADJOURNMENT**

Hearing Officer Toale adjourned the meeting at 11:04 a.m.

\_\_\_\_\_  
James E. Toale, Hearing Officer

Minutes were approved on the \_\_\_ day of \_\_\_\_\_, 2022.