



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft Code Enforcement Hearing

Thursday, September 26, 2019

9:00 AM

City Commission Chambers

1. CALL TO ORDER

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

Also Present:

Assistant City Attorney Michael Golen, Lien Specialist Trysta Cassell, Code Enforcement Inspectors Kevin Raducci and Henley Burton, and Recording Secretary Ida Goodman.

2. The Pledge of Allegiance was led by Hearing Officer Toale.

3. PUBLIC COMMENT

There was no public comment.

4. APPROVAL OF MINUTES

[19-1067](#)

Minutes for the August 22, 2019 Code Enforcement Hearing

Hearing Officer Toale approved the August 22, 2019 Code Enforcement Hearing Minutes as presented.

5. REVIEW OF PROCEDURES AND ADMINISTRATION OF OATH

Hearing Officer Toale provided an overview of the procedures noting that the next Code Enforcement Hearing is scheduled for October 24, 2019 and Recording Secretary Goodman, as a Notary Public for the State of Florida, swore in all those wishing to testify.

6. COMPLIANT CASES

Ms. Cassell noted all compliant cases were listed on the agenda with no further action required and that Case No. 19-3798 should be removed from the agenda to be heard at a later date.

[Case No.](#)
[19-3176](#)

(KMR) Maksim Nikitin, 3115 Draper Ter.
Sec. 59-16(c), North Port City Code

(RV parked on the lot to the left of this residence, lot is owned by this resident, however, lots are not combined. Lot would have to be combined to the principle structure in order to park an RV on the lot.)

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

Case No.
19-3566 (CAD) Christine M. Gannon & Jennifer L. Hanlon, 8766 Porto Bello Ave.
Chapter 105.1, Florida Building Code
(No permit on file for the replacement of windows and a door)

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

Case No.
19-3636 (JAG) Jorge Chaviano, 4047 Clearfield St.
Section 105.4.1.1, Florida Building Code
(Permit number 11-3618 for a rear porch addition has expired due to no activity)
ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$50/day fine up to a maximum of \$5,000.00 beginning September 17, 2019.

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

Case No.
19-3644 (JAG) Spencer M. & Stefanie G. Lynn, 4396 Alfa Ter.
Section 105.4.1.1, Florida Building Code
(Permit number 16-5315 for a fence has expired due to no activity)
ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$50/day fine up to a maximum of \$5,000.00 beginning September 17, 2019.

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

Case No.
19-3738 (KMR) Manuel Moinz, 2739 Orchard Cir.
Section 105.4.1.1, Florida Building Code
(Permit number 16-2639 for demolition of a slab has expired due to no activity)

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

Case No.
19-3900 (KMR) Maksim & Galina Nikitin, 3131 Draper Ter.
Chapter 70-21, North Port City Code
(Driving through the City right-of-way to gain access to the property, which does not have an apron or culvert pipe)
Sec. 59-16(c)(4), North Port City Code
(Camping trailer parked on this vacant lot that is not on an improved surface)
Sec. 45-5A, Unified Land Development Code
(Property has had some land clearing done to get the camping trailer on the property)
Sec. 59-16(c), North Port City Code
(Vacant lot that is not combined with 3115 Draper Ter. with a camping trailer on it, without a principle structure)

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

Case No.
19-3994 (KMR) Advanta IRA Services, LLC IRA #8005205 (F/B/O), 2586 Parrot St.
Chapter 105.1, Florida Building Code
(No permit on file for a residential remodel and no permit for a wood fence in the rear yard)
Chapter 62-50, North Port City Code
(Solid Waste containers stored improperly in the driveway in front of the home)

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

Case No.
19-4079 (KMR) Astley A. Shirley, 2694 Roxbury Cir.
Chapter 42-23, North Port City Code
(Debris in the front of the property consisting of loose trash, construction material in the driveway and on the right side of the property)
ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning September 17, 2019.

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

Case No.
19-4411 (HLB) Garfield Villafana & Bernadine Morena, 4033 Pincushion St.
Chapter 42-23, North Port City Code
(Debris consisting of a refrigerator, door screen, and other miscellaneous household items in the driveway next to garage)

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

Case No.
19-4533 (KMR) Joshua D. & Michelle Farnsworth, 1886 Calahan Ave.
Chapter 105.1, Florida Building Code
(Two sheds on this property, one shed has no permit on file and the other shed has a valid permit from the past)

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

Case No.
19-4575 (HLB) TBW Mortgage-Backed Trust 2007-1 Bank of NY Mellon (TTEE), 2787 Wells Ave.
Chapter 62-50, North Port City Code
(Solid Waste containers stored improperly in the driveway in front of the home)

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

Case No.
19-4614 (KMR) James B. & Kecia M. Dixon, 1414 Halacka Rd.
Chapter 105.1, Florida Building Code
(No permit on file for the wire fence that is on this property)

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

Case No.
19-4675 (HLB) Federal National Mortgage Association, 3280 Tupelo Ave.
Chapter 70-56, North Port City Code

(Assigned numbers affixed to the residence missing one or more digits)

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

Case No.
19-4699

(HLB) SWFL Properties Group, LLC, 1276 Ramrod St.

Chapter 105.1, Florida Building Code

(No permit on file for the above ground pool that is located on the screened lanai)

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

Case No.
19-4671

(HLB) John A. & Lorianne J. Callahan, 1609 Log Ln.

Chapter 70-56, North Port City Code

(No visible assigned house numbers affixed to the residence can be seen from the street)

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

Case No.
19-4790

(HLB) Carol A. Borg, 4325 La Rosa Ave.

Chapter 42-24, North Port City Code

(Property has the soil and sod higher are than the culvert and is causing drainage issue)

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

Case No.
19-4884

(HLB) Richard J. & Barbara J. Nelson, 5468 Densaw Rd.

Chapter 42-23, North Port City Code

(Debris in the backyard consisting of unused recreational motor vehicles and miscellaneous items)

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

Case No.
19-5097

(JAG) Bich Vo Thao, 2157 Tejon Ave.

Sec. 59-16(f)(2), North Port City Code

(Red GMC suburban parked in the City right-of-way facing the incorrect direction of traffic)

Sec. 59-16(F)(1), North Port City Code

(Parking an unlicensed red GMC suburban in the City right-of-way)

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

Case No.
19-5149

(HLB) Ivan Iourtchenko & Natalia Melnichenko, 1552 Rice Ter.

Chapter 42-23, North Port City Code

(Debris on the right side of the property consisting of an exercise bike and a gym with vines growing over them)

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

7. CONTINUED CASES

Case No.
19-3578

(KMR) Cheryle Lippolt, 5462 Allen Rd.

Chapter 42-23, North Port City Code

(Debris in the back yard consisting of plastic tubs and planters)

ACTION: Fifty (50) days to achieve compliance (no later than August 19, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning August 20, 2019.

Inspector Raducci, being duly sworn, provided an overview and noted that he inspected the property on September 25, 2019 and found the property to be still in violation.

Cheryle Lippolt, property owner, being duly sworn, testified that she had met with Officer Raducci who provided direction on what would bring the property into compliance and noted that she is working on bringing the property into compliance.

Janet Mayhew, neighbor, being duly sworn, testified that this problem has been an ongoing issue, expressed concern regarding the the lack of activities which would bring the property into compliance, the debris not being removed but covered and clarified that the debris has been covered with plastic.

Ms. Lippolt reiterated that she will follow the direction from Inspector Raducci to bring the property into compliance.

Based on evidence presented Hearing Officer Toale found Case No. 19-3578/5462 Allen Road to be in violation of Chapter 42-23, North Port City Code, accumulation of debris, and amended the prior order giving the Respondent until October 6, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

8. 1ST HEARING CASES

Case No.
19-4438

(CAD) Jeffrey J. Sherknus, 4598 Lullaby Rd.

Chapter 42-23, North Port City Code

(Debris consisting of old wooden fence panels on the right partially in the driveway and open bags of mulch on the left side of the driveway)

Inspector Raducci, being duly sworn, requested this case be continued to the next hearing.

Bases on evidence presented, Hearing Officer Toale continued Case No. 19-4438/4598 Lullaby Road to the October 24, 2019 Code enforcement Hearing.

Case No.
19-4445

(HLB) Judith Simpson, 4074 Mokena Ave.

Chapter 42-23, North Port City Code

(Debris consisting of wood fencing on the right side of this property)

Inspector Burton, being duly sworn, provided an overview and testified that he has had contact with the property owner, the property is still in violation and entered photograph exhibit 1 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-4445/4074 Mokena Avenue to be in violation of Chapter 42-23, North Port City Code, accumulation of debris, and gives Respondent until October 2, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

Case No.
19-4885

(CAD) Jeffrey L. & Amanda Nelson, 7264 Belcrest Ct.

Chapter 105.1, Florida Building Code

(No permit on file for the above ground pool, more than two (2) foot in height, in the backyard of this residence.)

Inspector Raducci, being duly sworn, provided an overview noting that the property is still in violation and entered photograph exhibit 1 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-4885/7264 Belcrest Court to be in violation of Chapter 105.1, Florida Building Code, no permit for above ground pool, and gives Respondent until October 21, 2019 to comply or assess a fine of \$50.00 per day thereafter with a maximum fine of \$5,000.00.

Case No.
19-4894

(HLB) Jeffrey A. Danke, 3803 Pinstar Ter.

Chapter 42-23, North Port City Code

(Debris consisting of disabled lawn mowers in the front and miscellaneous debris behind the property in the drainage easement.)

Inspector Burton, being duly sworn, provided an overview and testified that the property is still in violation, is an ongoing issue which has been brought before Code Enforcement previously and entered photograph exhibits 1 - 9 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-4894/3803 Pinstar Terrace to be in violation of Chapter 42-23, North Port City Code, accumulation of debris, and gives Respondent until October 21, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

Case No.
19-5098

(JAG) Antonio A. Desousa, 2175 Tejon Ave.

Sec. 59-16(f)(3), North Port City Code

(Parking a detached white enclosed trailer on the City right-of-way in front of a vacant lot to the right of this property.)

Inspector Raducci, being duly sworn, provided an overview and testified that the property is still in violation, the North Port Police have verified that the property owner is the owner of the truck in question and entered photograph exhibit 1 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5098/2175 Tejon Avenue to be in violation of Section 59-16(f)(3), North Port City Code, parking a detached white enclosed trailer on the City right-of-way, and gives Respondent until October 21, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

Case No.
19-5386

(JAG) Jeremy F. Mullen, 2181 Sultan Ave.

Chapter 42-23, North Port City Code

(Large amount of debris on this vacant lot consisting of a tent, tarps, pieces of wood, chairs, out house, solar shower, glass, bags of mulch, slabs of granite, light fixtures, propane tanks, and several other objects.)

Inspector Raducci, being duly sworn, provided an overview and testified he believes the property owner is living on the property in a camping situation, the property is still in violation and entered photograph exhibits 1 - 9 into evidence.

Jeremy Mullen, property owner, being duly sworn, entered photographs 1 - 6 into evidence which were taken on October 23, 2019 and reflect the property is in the process of being brought into compliance.

Inspector Raducci clarified the process for bringing the property into compliance, the regulations regarding an undeveloped lot, the process for developing a lot and noted that there are no restroom facilities or potable water available on this lot.

Mr. Mullen entered additional photograph exhibits 1 - 4 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5386/2181 Sultan Avenue to be in violation of chapter 42-23, North Port City Code, accumulation of debris, and gives Respondent until October 21, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

9. 2ND HEARING CASES

Case No. 19-2418

(KMR) FLA II Trustee Inc. (TTEE), 14998 Tamiami Trl.

Sec. 21-8A(2)(b), Unified Land Development Code

(Large pot holes in the rear driveway are a hazard for vehicles and/or motorcycles)

ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$25/day fine up to a maximum of \$2,000.00 beginning September 17, 2019.

Inspector Raducci, being duly sworn, provided an overview, testified that the property is still in violation and entered photograph exhibits 1 - 12 into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 19-2418/14998 Tamiami Trail to be in violation of Section 21-8A(2)(b), Unified Land Development Code and imposed the previously assessed fine of \$25.00 per day with a maximum fine of \$2,000.00 beginning September 17, 2019.

Case No. 19-3686

(KMR) Pilastre Sato Homes & Buildings, LLC, 5290 Weatherton St.

Section 105.4.1.1, Florida Building Code

(Permit number 18-3963 for a single-family residence has expired due to no activity)

ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$50/day fine up to a maximum of \$5,000.00 beginning September 17, 2019.

Inspector Raducci, being duly sworn, testified that the property is still in violation.

Based on evidence presented, Hearing Officer Toale found Case No. 19-3686/5290 Weatherton Street to be in violation of Chapter 105.4.1.1, Florida Building Code and imposed the previously assessed fine of \$50.00 per day with a maximum fine of \$5,000.00 beginning September 17, 2019.

Case No. 19-3798

(KMR) Jehohanan Inc., 14928 Tamiami Trl.

Sec. 21-8A(2)(b), Unified Land Development Code

(Access road behind Burger King has pot holes and damage to the pavement that requires maintenance)

ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$25/day fine up to a maximum of \$2,000.00 beginning September 17, 2019.

This case was removed from the Agenda.

Case No.
19-3875

(JAG) Surene Stalter (Life Est.) Paul E. III & Adam A. Bollenbach, Tayna J. Carmoody & Kathyanne Bucci, 2892 Duchess Ln.

Chapter 42-23, North Port City Code

(Debris consisting of tarps connected to the trees all around the rear of this property)

ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning September 17, 2019.

Derek Covel, being duly sworn, noted that he had submitted a notarized statement authorizing him to represent the property owner in this case.

Inspector Raducci, being duly sworn, testified that as of September 24, 2019 the property was found to be still in violation.

Mr. Covel read his objections into the record regarding Florida Statute 163.4 giving the right to provide shade for working spaces, contended that the tarps in question are providing shade for a working space located at the residence and noted that the Hearing Officer in this case has no authorization to levy fines.

Assistant City Attorney Michael Golen, being duly sworn, noted the Florida Statutes which authorize a Hearing Officer to levy fines.

Hearing Officer Toale clarified the violation is not in reference to the clothes line, but the tarps hanging on the clothes line for a prolonged period of time defeating the purpose of the clothes line to hang and dry clothes..

Mr. Goven noted several case law regarding non quasi-judicial proceeding.

Hearing Officer Toale clarified the ruling and noted that he is going to amend the previous ruling to extend the time to bring the property into compliance to October 6, 2019.

Based on evidence presented Hearing Officer Toale found Case No. 19-3875/2892 Duchess Lane to be in violation of Chapter 42-23, North Port City Code, debris consisting of tarps connected to the trees, and amended the prior order giving the Respondent until October 6, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

Case No.
19-3931

(KMR) Klara Tengerdy, 3990 Cuthbert Ave.

Section 105.4.1.1, Florida Building Code

(Permit number 95-899 for a swimming pool, permit number 95-916 for a pool cage, permit number 95-1169 for plumbing work, and permit number 95-2653 for miscellaneous work have been abandoned due to no activity)

ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$50/day fine up to a maximum of \$5,000.00 beginning September 17, 2019.

Inspector Raducci, being duly sworn, provided an overview and testified that the property is still in violation.

Based on evidence presented, Hearing Officer Toale found Case No. 19-3937/3990

Culthbert Avenue to be in violation of Section 105.4.1.1, Florida Building Code and imposed the previously assessed fine of \$50.00 per day with a maximum fine of \$5,000.00 beginning September 17, 2019.

Case No.
19-3969

(KMR) David W. Rhodes, 2771 Ridgewood Dr.

Chapter 62-50, North Port City Code

(Solid Waste containers stored improperly in the driveway in front of the home)

ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning September 17, 2019.

Inspector Raducci, being duly sworn, provided an overview, testified that the property is still in violation and entered photograph exhibit 1 into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 19-3969/2771 Ridgewood Drive to be in violation of Chapter 62-50, North Port City Code and imposed the previously assessed fine of \$10.00 per day with a maximum fine of \$1,000.00 beginning September 17, 2019.

Case No.
19-4337

(KMR) Aleksandr & Larisa Khoroshenko, 3713 Basket St.

Chapter 42-23, North Port City Code

(Debris on the property consisting of car parts and tires in the driveway, a large umbrella and a truck tool box on the grass of the front yard)

ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning September 17, 2019.

Sec. 59-16(c)(2), North Port City Code

(Eight (8) vehicles on this lot, maximum number of cars allowed is six (6) on a lot that is 10,000 square feet)

ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning September 17, 2019.

Chapter 62-50, North Port City Code

(Solid Waste containers stored improperly on the vacant lot to the left of this property)

ACTION: Twenty-five (25) days to achieve compliance (no later than September 16, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning September 17, 2019.

Inspector Raducci, being duly sworn, testified that the property is in compliance with Chapter 62-50, North Port City Code and still in violation with all other violations listed.

Based on evidence presented, Hearing Officer Toale found Case No. 19-4337/3713 Basket Street to be in violation of Chapter 42-23, North Port City Code and Section 59-16 (c)(2) North Port City Code and imposed the previously assessed fine of \$10.00 per day with a maximum fine of \$1,000.00 beginning September 17, 2019 for each North Port City code violation.

10. GENERAL BUSINESS

There was no general business.

11. PUBLIC COMMENT

There was no public comment.

12. ADJOURNMENT

Hearing Officer Toale adjourned the meeting at 10:06 a.m.

James E. Toale, Hearing Officer

Minutes were approved at the Code Enforcement Hearing this ____ day of _____, 2019.