



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes Code Enforcement Hearing

Thursday, December 7, 2023

9:00 AM

City Hall Room 244

1. CALL TO ORDER

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

Also Present:

City Clerk Heather Faust, Assistant City Attorney Katlyn Coughlin, Code Enforcement Division Manager Kevin Raducci, Code Enforcement Recording Secretary William Kiddy, Code Enforcement Inspectors David Grandt, Nathan Long, and Michael Centeno-Kuykendall, and Fire Marshal Peter Marietti

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. [23-1568](#) Approve Minutes for the October 26, 2023 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. Faust swore in all those wishing to provide testimony.

6. COMPLIANT CASES

- A. [Case No 23-2561](#) (DG) CLOUD TEN MARKETING GROUP LLC; 1350 BOBCAT TRL Section 42-24(a)(2)(b) North Port City Code, Maintenance of stormwater drainage area.
(Dilapidated chain link fence blocking the sidewalk that is running parallel with Woodhaven Dr. Approximately 200 feet east of Fairlane Dr.)

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

- B. [Case No 23-2755](#) (DG) ZACHARY A SIMPSON, MEAGHAN SMITH; 6836 LONGAN RD Sec. 59-16(c), North Port City Code Parking and storing vehicles on a

residential lot.

(Equipment being stored on lot with no principal structure.)

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

(Accumulation of debris consisting of wood pallets, and other trash piled up in rear of lot.)

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

C. [Case No
23-3003](#)

(MCK) PHI LE LONG, 1366 NATRONA DR

Chapter 105.1, Florida Building Code - Permit required.

(No permit on file for the wooden structure attached to the left side of residence.)

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

D. [Case No
23-3273](#)

(DG) COMMERCIAL ACQUISITIONS LLC; 4768 FLINT DR

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

(Accumulation of debris in left corner of front yard consisting of a trailer and a lawn mower.)

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

E. [Case No
23-3332](#)

(DG) SERGEY A & LIDIYA V GUBCHAK; 4252 WALL LN

Chapter 105.1, Florida Building Code - Permit required.

(Construction work being done in crow and easement without out any type of permit.)

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

F. [Case No
23-3368](#)

(DG) BERNARD GERMAIN, ANDREW J VOLEY, 4257 APPLETON TER

Sec. 1-19, Unified Land Development Code Local, state and Federal permits required.

(New fence installed on this property with no permit on file.)

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

G. [Case No
23-3421](#)

(DG) DAVID J LE PAGE, MAEVA FULGENCE LE PAGE; 6216 TALBOT ST

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

(Accumulation of debris in rear of property consisting of household items, boxes, bags, plastic, and other miscellaneous items.)

Section 105.4.1.1, Florida Building Code- Permit has expired.

(Expired Permits 19-817 for Residential Remodel, and 18-6297 Above Ground Gas Tank.)

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

H. [Case No
23-3491](#)

(MCK) ARA KIMBERLY & MANUEL BURGOS; 1312 NACKMAN RD

Chapter 105.1, Florida Building Code - Permit required.

(No permit on file for shed on property.)

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

- I. [Case No 23-3502](#) (DG) BRIAN P & BILLIE JO DECKER, 1830 GUTTENBURG RD
Sec. 53-122D, Unified Land Development Code The operation of a business unless specifically permitted as a home occupation.
(Business being operated from this residence with supplies being visibly stored and deliveries being made, thus causing to much thru traffic and noise, and is prohibited per United Land Development Code.)
This case was brought into compliance with no further action required.
- J. [Case No 23-3508](#) (DG) ELAN FINANCIAL LLC; 8468 SAN PABLO AVE
Chapter 42-22A North Port City Code - Excessive Growth of Grass/Weeds; It shall be unlawful for any owner of a lot to permit the excessive growth of grass and nuisance weeds on sodded or seeded grass area or within cultivated landscaped areas on a developed lot.
(Grass and/or weeds on this property are in excess, and is in violation of City Code.)
This case was brought into compliance with no further action required.
- K. [Case No 23-3544](#) (MCK) ROMAN & OLGA EVANS; 3345 TROPICAIRE BLVD
Section 33-7C(3), Unified Land Development Code Silt screens are not installed properly, site is at risk of potential erosion.
(Silt fence around property needs to be repaired or replaced.)
This case was brought into compliance with no further action required.
- L. [Case No 23-3564](#) (DG) VERNON NELSON TTEE; 1296 BANTER CIR
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris consisting of a dilapidated fence with missing panels that have fallen over onto neighboring property.)
This case was brought into compliance with no further action required.
- M. [Case No 23-3580](#) (DG) CASEY J & GAYE M SHARPE; 3227 ANADOR ST
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris consisting of wood, furniture, bikes, and miscellaneous loose garbage. Additionally the Solid Waste Containers are overflowing.)
This case was brought into compliance with no further action required.
- N. [Case No 23-3593](#) (KS) ESTERO DEVELOPMENT PARTNERS LP; 5785 TIDWELL ST
33-7(D)(1)(C) Unified Land Development Code - Piling and storage of debris; landscaped berms. The pile of debris shall be completely enclosed on all four (4) sides
(Construction site with overloaded dumpster. Additionally, there is debris on the ground consisting of plastic piping, boxes, plastic bottles, buckets,

wood, and other miscellaneous garbage.)
Section 33-7C(3), Unified Land Development Code Silt screens are not installed properly, site is at risk of potential erosion.
(Silt fence needs to be repaired or replaced.)

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

- O. [Case No 23-3596](#) (DG) AUTO ZONE STORES LLC; 1021 CREIGHTON CREEK LN
Sec. 37-29(H)(5) Unified Land Development Code, Roadway Design and Construction Standards
(Stop Sign missing from pole At Creighton Creek Intersection.)

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

- P. [Case No 23-3639](#) (MCK) LYNNE M, KERRY GAEL THERIAULT, & MICHELLE KRYSTINA THERIAULT; 2888 N CRANBERRY BLVD
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris on property consisting of loose garbage, tires, and other miscellaneous debris. Additionally, there is a dilapidated above ground pool infested with mosquitos that should be removed or repaired.)
Sec. 59-16(d), North Port City Code Vehicle Repair, Maintenance, Disassembly
(Two (2) vehicles on this property that are in a disrepair state and must be removed from property or covered with a non transparent tarp.)

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

- Q. [Case No 23-3686](#) (JA) QSR 4 LLC; 14920 TAMIAMI TRL
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Expired Permit #17-4217.)
Sec. 37-29(H)(3) Unified Land Development Code – Roadway Design and Construction Standards, general requirements
(Large pothole on private roadway behind Popeyes.)

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

- R. [Case No 23-3704](#) (MCK) BERTHA & TIMOTEO ACOSTA; 2732 DONGOLA ST
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 exceed the amount permittable per Code. Six (6) vehicles allowed, Seven (7) counted as well as a trailer.)

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

- S. [Case No 23-3726](#) (DG) EMILIA CALDERON, IMELBA MARTINE; 2503 DUMONT LN
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris throughout property consisting of a chair, broken toilet, and a downed basketball hoop.)
Chapter 62-50, North Port City Code Refuse container(s)
(Solid waste containers improperly stored next to driveway and not behind the front plane of the home.)
This case was brought into compliance with no further action required.
- T. [Case No 23-3813](#) (MCK) BAF ASSETS 6 LLC; 6187 TALBOT ST
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Expired Permit: 22-11936 INT-COMPLETE SYSTEM CHANGE OUT
Expired: 08/17/2022)
This case was brought into compliance with no further action required.
- U. [Case No 23-3829](#) (DG) LUKASZ RAFAL CWIKLA, MALGORZATA ARGASINSKA CWIKLA; 2217 PICKARD LN
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 exceed the permissible amount for this property size. There were four (4) trailers, and seven (7) vehicles on property, only six (6) vehicles allowed per code.)
This case was brought into compliance with no further action required.
- V. [Case No 23-3848](#) (MCK) JOSEPH F TUCKER; 4694 NELE ST
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Two (2) Expired Permits 22-16133 INT-RE ROOF SHINGLE TO SHINGLE, as well as 22-12434 INT-COMPLETE SYSTEM CHANGE OUT.)
Section 42-24(a)(5) North Port City Code - Maintenance of stormwater drainage area.
(Large Pile of pallets in the City Right-of-way outside of normal pick up day.)
Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris in front of house consisting of furniture, fish tank, garbage bags, and other miscellaneous in carport.)
Sec. 59-16(c)(4), North Port City Code - Parking and Storing Vehicles on a Residential Lot.
(Trailer parked near sidewalk and not on an improved surface.)
This case was brought into compliance with no further action required.

- W.** [Case No 23-3959](#) (DG) TELSON TRUST; 4821 LOS RIOS ST
Section 42-24(a)(5) North Port City Code - Maintenance of stormwater drainage area.
(Accumulation of debris in City Right-of-way consisting of a large piles of yard waste.)
This case was brought into compliance with no further action required.
- X.** [Case No 23-4052](#) (DG) AT OWNER 14 L P; 6851 WILLOW CREEK CIR
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Two Expired permits, 21-6197 INT-COMplete SYSTEM CHANGE OUT as well as 19-1495 ELECTRIC WORK ONLY.)
This case was brought into compliance with no further action required.
- Y.** [Case No 23-4079](#) (KS) FLORIDA RAIN LLC; 4139 TWINBUSH TER
Sec. 59-16(f)(5), North Port City Code No vehicle or boat shall be stored within the public right-of-way.
(Dilapidated RV parked in City Right-of-way to the right of property, in front of a vacant lot.)
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.
(Dilapidated RV parked in City Right-of-way to the right of property, in front of a vacant lot.)
This case was brought into compliance with no further action required.
- Z.** [Case No 23-4083](#) (DG) DAVID A ERHARDT; 6629 ELMWOOD RD
Section 42-24(a)(5) North Port City Code - Maintenance of stormwater drainage area
(Accumulation of debris in City Right-of-way consisting of tree debris.)
This case was brought into compliance with no further action required.
- AA.** [Case No 23-4092](#) (NL) FRANK R & RENE D KELLY; 2122 WHEELING AVE
Chapter 42-23, North Port City Code; Accumulation of Debris
(Dilapidated fence on the rear of this property which should be removed, repaired, or replaced.)
This case was brought into compliance with no further action required.
- AB.** [Case No 23-4118](#) (NL) JAMES S & DARLENE S ROMITO; 1574 WOOD ROSE ST
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 front of residence.)
This case was brought into compliance with no further action required.

- AC.** [Case No 23-4362](#) (MCK) WILLIAM J HOWELL; 3293 TROPICAIRE BLVD
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Expired Permits 20-2702 for Land-clearing Residential, as well as 20-2968 for Culvert Right-of-way.)
This case was brought into compliance with no further action required.
- AD.** [Case No 23-4469](#) (KS) VIRGINIA MARIE FETRO; 5465 CAMBAY ST
Chapter 105.1, Florida Building Code - Permit required.
(No 'Issued' fence permit on file for the fence that has been installed around this property.)
This case was brought into compliance with no further action required.
- AE.** [Case No 23-4528](#) (DG) PRATHER HOLDINGS LLC; 6912 KENWOOD DR
Section 45-5A, Unified Land Development Code - Land Clearing It shall be a violation of this chapter for any person or persons to remove or cause any tree or trees to be removed from any property within the City without first obtaining a permit to do so issued by the Building Department in accordance with the provisions of this chapter. This prohibition extends to all vacant and undeveloped property on which any form or type of new development, construction, renovation or demolition is to occur.
(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 23-310](#) (DG) THOMAS D & ANGELA LAMBERT, 6770 FLAVIA CT
Section 53-240(A)(3) Unified Land Development Code, Special Structures - A. Accessory uses and structures. Permitted accessory uses and structures in all zoning districts shall be as follows: (3) Are located on the same lot as the permitted or permissible principal use or structure.
(Wooden structure and Fence on property, which are not permissible without a principal structure.)
Hearing Officer Toale announced the item.
Inspector Grandt, being duly sworn, provided a presentation including inspection(s), compliance with violation for Section 59-16(c) of North Port City Code, obtaining building permit, and contact with property owner.
Property Owner Thomas Lambert, being duly sworn, spoke to survey requirement.
Inspector Grandt recommended fines be imposed pending compliance of outstanding violations.
Based on evidence presented, Hearing Officer Toale found Case No. 23-310, 6770 Flava Court, to be in violation of Section 53-240(A)(3), City of North Port Code, for wooden structure and fence on property and imposed a fine of \$25 a day with a

maximum of \$2,000 to commence on March 16, 2024.

B. [Case No 23-2106](#)

(DG) CLOUD TEN MARKETING GROUP LLC; 1350 BOBCAT TRL
Section 105.4.1.1, Florida Building Code- Permit has expired.
(Expired Permits #18-6646 ELECTRIC WORK ONLY #17-7474
COMMERCIAL REMODEL)

Hearing Officer Toale announced the item.

Mr. Raducci, being duly sworn, provided a presentation including contact with property owner via phone with Mr. Kiddy as witness, property owner agreement with violation, requested to find the case in violation and continue to next meeting and spoke to inspection(s), open/expired permits, and means to bring into compliance.

Based on evidence presented, Hearing Officer Toale found Case No. 23-2106, 1350 Bobcat Trail, to be in violation of Section 105.4.1.1, Florida Building Code, for expired permit and imposed a fine of \$50 a day with a maximum of \$5,000 to commence on January 2, 2024.

C. [Case No 23-2107](#)

(PM) CLOUD TEN MARKETING GROUP LLC, 1350 BOBCAT TRL
Section 26-20, North Port City Code - Adoption of standards by reference.
The Florida Fire Prevention Code and the Life Safety Code, as adopted
and promulgated pursuant to F.S. § 633.0215 are adopted by reference.

(1. NFPA 1:10.12.1 Every person owning or having charge or control of any vacant building, premises, or portion thereof shall remove all combustible storage, waste, refuse, and vegetation and shall lock, barricade, or otherwise secure the building or premises to prohibit entry by unauthorized persons. Date of deficiency: January 31, 2023

2. NFPA 1:10.12.2 All fire protection systems shall be maintained in service in seasonal and vacant buildings, unless otherwise approved by the AHJ. Date of deficiency: January 31, 2023

3. NFPA 1:10.12.3 The AHJ shall have the authority to require an inspection and test of any fire protection system or fire alarm system that has been out of service for 30 days or more before restored back into service. Date of deficiency: January 31, 2023)

Hearing Officer Toale announced the item.

Mr. Raducci, being duly sworn, provided an overview including inspection(s) and violation.

Fire Marshal Marietti, being duly sworn, spoke to experience, vacant property status, requirement to secure structure, system maintenance, inspection of fire system, contact with property owner, and recommendation.

Based on evidence presented, Hearing Officer Toale found Case No. 23-2107, 1350 Bobcat Trail, to be in violation of Section 26-20, North Port City Code, for unsecured building, non-maintained fire protection system, and incomplete inspection and test of fire protection system or fire alarm system and imposed a fine of \$30 a day for each of the three violations with a maximum of \$3,000 per violation to commence on January 2, 2024.

- D. [Case No 23-2109](#) (PM) CLOUD TEN MARKETING GROUP LLC, 1400 BOBCAT TRL
Section 26-20, North Port City Code - Adoption of standards by reference. The Florida Fire Prevention Code and the Life Safety Code, as adopted and promulgated pursuant to F.S. § 633.0215 are adopted by reference.
(1. NFPA 1:10.12.1 Every person owning or having charge or control of any vacant building, premises, or portion thereof shall remove all combustible storage, waste, refuse, and vegetation and shall lock, barricade, or otherwise secure the building or premises to prohibit entry by unauthorized persons. Date of deficiency: January 31, 2023
2. NFPA 1:10.12.2 All fire protection systems shall be maintained in service in seasonal and vacant buildings, unless otherwise approved by the AHJ. Date of deficiency: January 31, 2023
3. NFPA 1:10.12.3 The AHJ shall have the authority to require an inspection and test of any fire protection system or fire alarm system that has been out of service for 30 days or more before restored back into service. Date of deficiency: January 31, 2023)

Hearing Officer Toale announced the item.

Mr. Raducci, being duly sworn, provided an overview including inspection(s), violation(s), and contact with property owner.

Fire Marshal Marietti, being duly sworn, spoke to violation(s) and recommendation.

Based on evidence presented, Hearing Officer Toale found Case No. 23-2109, 1400 Bobcat Trail, to be in violation of Section 26-20, North Port City Code, for combustible storage, waste, refuse, and vegetation, non-maintained fire protection system, and incomplete inspection and test of fire protection system or fire alarm system and imposed a fine of \$30 a day for each of the three violations with a maximum of \$3,000 per violation to commence on January 2, 2024.

- E. [Case No 23-2291](#) (DG) DIEUPROMAITRE HYPOLITE, MARCELINE CORRIELANT; 3451 S CHAMBERLAIN BLVD
Chapter 105.1, Florida Building Code - Permit required.
(No permit on file for shed located in the rear of property.)

Hearing Officer Toale announced the item.

Inspector Grandt, being duly sworn, provided a presentation including inspection(s), no contact with property owner, and voided permit on file.

Based on evidence presented, Hearing Officer Toale found Case No. 23-2291, 3451 S. Chamberlain Boulevard, to be in violation of Chapter 105.1, Florida Building Code, for shed located on property with no permit on file and imposed a fine of \$50 a day with a maximum of \$5,000 to commence on January 2, 2024.

- F. [Case No 23-2636](#) (DG) JEFF & JENETH D ALONZO, 8943 E RIVER RD
Chapter 105.1, Florida Building Code - Permit required.
(No permit on file for underbrush clear done on this undeveloped lot)

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

- G. [Case No 23-2707](#) (DG) EDWARD F CLIFFORD (E LIFE EST), 2762 YAMADA LN Chapter 42-23, North Port City Code; Accumulation of Debris (Accumulation of debris throughout the property consisting of milk crates, buckets, gas cans, jack stands, pieces of wood, metal tables, and many other miscellaneous items.)

Hearing Officer Toale announced the item.

Inspector Grandt, being duly sworn, provided a presentation including inspection(s), contact with property owner, and photographs submitted into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 23-2707, 2762 Yamada Lane, to be in violation of Chapter 42-23, North Port City Code, for accumulation of debris consisting of milk crates, buckets, gas cans, jack stands, pieces of wood, metal tables, and other items and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on January 2, 2024.

- H. [Case No 23-3142](#) (DG) STEPHEN & LYNNE DURSTON, 3474 WHITMAN ST Section 45-5A, Unified Land Development Code - Land Clearing (Attend the required Code Enforcement Hearing to states facts concerning this violation)

Hearing Officer Toale announced the item.

Inspector Grandt, being duly sworn, provided a presentation including inspection(s), unknown number of trees removed, photographs submitted into evidence, and responded to questions regarding prior continuance.

Ms. Coughlin, being duly sworn, spoke to review of case, county determination of combined lots, city ordinance, timeline of events, city social media and website posting regarding Hurricane Ian damage, and receipt of certified letter.

Property owners James Durston and Stephen Durston, being duly sworn, spoke to social media and website posting.

Ms. Coughlin spoke to legalities of emergency order and mitigation.

Additional questions and discussion took place between parties regarding replacement of trees, permit, combining of lots, communication being parties, property purchase, determination of trees prior to lot purchase, county versus city regulations for combining lots, definition of lot within the city's Unified Land Development Code (ULDC), future use of lot, number of trees removed, percentage of trees removed by builder versus property owner, agreement of all parties regarding removal of 1/4 of trees, timeline, and reliance on public information.

Based on evidence presented, Hearing Officer Toale dismissed Case No. 23-3142, 3474 Whitman Street, due to inconsistency of public information, lack of ordinance relative to combining lots within the City, and removal of trees by builder.

8. 1ST HEARING CASES

- A. [Case No 23-3248](#) (DG) THOMAS M MC GUIRE; 4718 ITALY AVE Chapter 42-23, North Port City Code; Accumulation of Debris (Accumulation of debris on this property consisting of a hot water heater

and a large downed tree.)

Section 105.4.1.1, Florida Building Code- Permit has expired.
(Permit 22-17936 for hot water heater, is expired.)

Hearing Officer Toale announced the item.

Inspector Grandt, being duly sworn, provided a presentation including inspection(s), violation, no contact with the property owner, photographs submitted into evidence, and permit expiration.

Property Owner Thomas McGuire, being duly sworn, spoke to obtaining permit.

Based on evidence presented, Hearing Officer Toale found Case No. 23-3248, 4718 Italy Avenue, to be in violation of Section 105.4.1.1, Florida Building Code, for hot water heater expired permit on file and imposed a fine of \$10 a day with a maximum of \$5,000 to commence on January 2, 2024.

Based on evidence presented, Hearing Officer Toale found Case No. 23-3248, 4718 Italy Avenue, to be in compliance with Chapter 42.23, North Port City Code with no further action required.

B. [Case No 23-3462](#)

(DG) ROBERT & DEBRA COMELLA; 2025 LYNX RUN
Chapter 105.1, Florida Building Code - Permit required.

(Permit Required for screened in Lanai-work has been started with no permit pulled.)

Hearing Officer Toale announced the item.

Inspector Grandt, being duly sworn, requested a continuance.

Based on evidence presented, Hearing Officer Toale continued Case No. 23-3462, 2025 Lynx Run, to the January 25, 2024 Code Enforcement Hearing.

C. [Case No 23-3583](#)

(DG) DIMCE NAUMOVSKI; 4081 HEATON TER

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 on left side of property. Must be stored behind the front plane of the home.)

Chapter 42-23, North Port City Code; Accumulation of Debris
(Wicker Chair thrown on left side of property.)

Hearing Officer Toale announced the item.

Inspector Grandt, being duly sworn, provided a presentation including inspection(s), no contact with property owner, and photographs submitted into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 23-3583, 4081 Heaton Terrace, to be in violation of Chapter 62-50, North Port City Code, for solid waste containers improperly stored on property and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on January 2, 2024.

Based on evidence presented, Hearing Officer Toale found Case No. 23-3583, 4081 Heaton Terrace, to be in violation of Chapter 42-23, North Port City Code, for accumulation of debris consisting of wicker chair and imposed a fine of \$10 a day with a maximum of \$1,000 to commence on January 2, 2024.

- D. [Case No 23-3739](#) (MCK) LILIYA POTOTSKAYA, ANATOLIY POTOTSKIY; 7516 JOPPA ST Chapter 105.1, Florida Building Code - Permit required.
(New deck built in backyard with no permit, additionally there is an above ground pool swimming pool with no permit.)

Hearing Officer Toale announced the item.

Inspector Centeno-Kuykendall, being duly sworn, provided a presentation including inspection(s), violation, permit issuance for pool, contact with property owner, status of deck, and request for a continuance.

Based on evidence presented, Hearing Officer Toale continued Case No. 23-3739, 7516 Joppa Street, to the January 25, 2024 Code Enforcement Hearing.

- E. [Case No 23-3884](#) (DG) JEROMY & KAITLYN LEE KEEN, MARILYN H PARK; 4854 FLAMLAU AVE

Chapter 42-23, North Port City Code; Accumulation of Debris
(Accumulation of debris next to driveway consisting of plastic buckets, tarps, and other miscellaneous items.)

Section 105.4.1.1, Florida Building Code - Period of Validity
(Expired Roof Permit 21-7980)

Hearing Officer Toale announced the item.

Inspector Grandt, being duly sworn, provided a presentation including inspection(s), violation, no contact with the property owner, and expired permit.

Based on evidence presented, Hearing Officer Toale found Case No. 23-3884, 4854 Flamlau Avenue, to be in violation of Section 105.4.1.1, Florida Building Code for an expired roof permit and imposed a fine of \$50 a day with a maximum of \$5,000 to commence on January 2, 2024.

Based on evidence presented, Hearing Officer Toale found Case No. 23-3884, 4854 Flamlau Avenue, to be in compliance with Chapter 42-23, North Port City Code.

- F. [Case No 23-4048](#) (KS) KERISSA ROSE GIBSON; 1286 SAVIA ST
Sec. 1-19, Unified Land Development Code Local, state and Federal permits required.
(Fence on property with no permit on file.)

Hearing Officer Toale announced the item.

Mr. Raducci, being duly sworn, spoke to submitted permit and request for continuance.

Based on evidence presented, Hearing Officer Toale continued Case No. 23-4048, 1286 Savia Street, to the January 25, 2024 Code Enforcement Hearing.

- G. [Case No 23-4110](#) (KS) ALEXANDER & GALINA SLOBODYAN; 2561 MATHER LN
Section 45-5A, Unified Land Development Code - Land Clearing It shall be

a violation of this chapter for any person or persons to remove or cause any tree or trees to be removed from any property within the City without first obtaining a permit to do so issued by the Building Department in accordance with the provisions of this chapter. This prohibition extends to all vacant and undeveloped property on which any form or type of new development, construction, renovation or demolition is to occur.

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

Hearing Officer Toale announced the item.

Mr. Raducci, being duly sworn, provided a presentation including violation(s), removal of 4 trees, property inspection(s), and violation posting.

Broker Kathleen McDaniel, being duly sworn, spoke to the permit being posted on incorrect lot and company is willing to pay the fine.

Based on evidence presented, Hearing Officer Toale found Case No. 23-4110, 2561 Mather Lane, to be in violation of Section 45-5A, Unified Land Development Code for land clearing and imposed a fine of \$800.

H. [Case No
23-4120](#)

(NL) ROBERTO MENDEZ; 2805 BREWSTER RD

Chapter 105.1, Florida Building Code - Permit required.

(No permit on file for driveway and or culvert pipe. Lot is an UDL owned by the property adjacent to it. Lot must be combined before permit can be applied for.)

Hearing Officer Toale announced the item.

Inspector Long, being duly sworn, provided a presentation including inspection(s), citizen complaint, violation, contact with property owner, and recommendation.

Property Owner Roberto Mendez, being duly sworn, presented questions regarding lot combination uses and permit issuance.

Discussion took place regarding need for survey.

Based on evidence presented, Hearing Officer Toale continued Case No. 23-4120, 2805 Brewster Road, to the February 22, 2024 Code Enforcement Hearing.

I. [Case No
23-4124](#)

(NL) BIRGIT HANSON; 2240 SHACKLEFORD AVE

Section 45-5A, Unified Land Development Code - Land Clearing It shall be a violation of this chapter for any person or persons to remove or cause any tree or trees to be removed from any property within the City without first obtaining a permit to do so issued by the Building Department in accordance with the provisions of this chapter. This prohibition extends to all vacant and undeveloped property on which any form or type of new development, construction, renovation or demolition is to occur.

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

Hearing Officer Toale announced the item.

Inspector Long, being duly sworn, provided a presentation including violation(s), inspection(s), arborist determination of 5 pine trees and one palm removed, property location, photographs submitted into evidence, and pricing break down.

Property Owner Birgit Hanson, being duly sworn, spoke to Hurricane Ian damage, adjacent lots, and damaged trees.

Property Maintenance Denis Munz, being duly sworn, spoke to property maintenance, with no objection from staff property diagram submitted into evidence, property history including Federal Emergency Management Agency (FEMA) pickup, dead trees, tree size, tree removal, safety and liability issues, original clearing, and current tree status.

Hearing Officer Toale questioned staff and property owners regarding ordinance exemption for combined lots and presence during arborist site visit.

Mr. Raducci, being duly sworn, questioned Ms. Hanson and Mr. Munz regarding permission for clearing, initial removal, contact with property owner, and imminent emergency.

Inspector Long and Mr. Raducci provided clarification of the violation including citizen complaint, permit requirements, and tree status prior to removal.

Additional questions and answers amongst parties took place regarding time frame of removal in comparison to arborist site visit, and available photographs.

Mr. Kiddy suggested a continuance to provide additional evidence and process to receive permit(s).

Based on evidence presented, Hearing Officer Toale continued Case No. 23-4124, 2240 Shackleford Avenue, to the January 25, 2024 Code Enforcement Hearing.

9. 2ND HEARING CASES

A. [Case No 23-3127](#)

(DG) SAVIA TRUST II, 1196 SAVIA ST
Chapter 42-23, North Port City Code; Accumulation of Debris
(Pool in back yard that is loaded with Mosquitos , bees, and other vermin.)
R4501.17, Florida Building Code Pursuant to Sections R4501.17.1 through R4501.17.3 of the Florida Building Code, this pool has been inspected and deemed to be unsafe, creating a life/safety issue.
(No swimming barrier around this pool which is required per code.)

Hearing Officer Toale announced the item.

Inspector Grandt, being duly sworn, spoke to the violation(s), non-compliance, and requested the order be signed.

Based on evidence presented, Hearing Officer Toale found Case No. 23-3127, 1196 Savia Street, to be in violation of Chapter 42-23, North Port City Code for accumulation of debris consisting of pool with mosquitos, bees, and other vermin and signed the Order imposing the fine.

Based on evidence presented, Hearing Officer Toale found Case No. 23-3127, 1196 Savia Street, to be in violation of Sections R4501.17.1 through R4501.17.3, Florida Building Code for pool with no swimming barrier and signed the Order imposing

the fine.

10. PUBLIC COMMENT

There was no public comment.

11. ADJOURNMENT

Hearing Officer Toale adjourned the meeting at 10:48 a.m.

James E. Toale, Hearing Officer