

MINUTES
FORT MYERS BEACH
Special Magistrate Hearings
Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Thursday, December 16, 2021

Hearing Examiner - Special Magistrate: Myrnabelle Roche

Magistrate Roche swore in those providing testimony.
Town Attorney Herin, Jr. represented the Town.
Staff: Code Compliance Manager Daphnie Saunders.

Violator: RIENHART, JIM
SUBJECT: Not a Legal Space
CODE SECTION: Sec. 28-20 (2)R
LOCATION: Palm Ave.
BASE OFFICER: Nello Cernoia
REFERENCE NO: 70970620

nb

While Officer Cernoia was patrolling on November 28, 2021, at 11:44 a.m., he noticed a motorcycle parked in front of the restrooms. It was not a legal parking space, so he issued a citation. He emailed the violator a packet of information. The Town requested a fine of \$50.00 and an administrative fee of \$175.00. Mr. Rienhart was not in attendance. Magistrate Roche found that a violation existed and had not been paid. She imposed a fine of \$50.00 and \$175.00 in administrative fees and ordered payment within 30 days.

Property Owner: ~~REALGO CORP + AMPOL BUILDERS INC~~ *Hernandez, Alain Rodolfo & Tejada, Sucei*
SUBJECT: LDC Section: 6-111, Adopting FBC 105.1 Work Without Permit- ~~Door and Windows~~ *Bathroom & Kitchen*
LOCATION: ~~143 Hibiscus Dr.~~ *6660 Estero Blvd 404*
STRAP NO: ~~29-46-24-W2-01430-0000~~ *03-47-24-W1-03800.4040*
CODE OFFICER: Bill Stout
REFERENCE NO: ~~CE21-0207~~ *CE21-0338*

nr

Officer Stout stated he received a complaint from a neighbor and found there were no permits on file for remodeling. When Officer Stout contacted the homeowner, he admitted he did not have permits. The property owner was told that he needed a permit from a commercial contractor and the property owner was working with his contractor, but the paperwork has not been submitted. A notice of violation and hearing was provided to the property owner. The Town requested an order of violation, 7 days to submit the permit application and 21 days for issuance or \$250.00 per day until the permit is issued. The Town also requested a \$75.00 administrative fee to be paid within 10 days.

The property owner testified that he hired a contractor three months ago and he was hopeful that the contractor would complete the job. He stated he would fill out the application and start the permitting process.

Magistrate Roche found a violation existed and ordered the property owner to apply for a permit within 7 days and obtain the permit within 30 days from the date of the order; otherwise, a fine of \$200.00 per day will be imposed until the violation is corrected. She ordered the property owner to pay administrative fees of \$75.00 to be paid within 10 days.

Violator: BAKER, SANDRA
SUBJECT: Not a Legal Space
CODE SECTION: Sec. 28-20 (2)R
LOCATION: Crescent St.
BASE OFFICER: Heather Shabert
REFERENCE NO: 70809745

no

Officer Shabert issued a citation for a car illegally parked on September 12, 2021, at 7:44. She stated there were no parking places on Crescent St. The owner was contacted by phone and email, but they were not in attendance. The Town requested a \$50.00 fine and an administrative fee of \$175.00.

Magistrate Roche found a violation did exist and ordered the owner to pay a \$50.00 fine plus an administrative fee of \$175.00 to be paid within 30 days.

Violator: JOFFE, MICHAEL
SUBJECT: Wrong Direction
CODE SECTION: Sec. 28-20 (2)M
LOCATION: Old San Carlos Blvd.
BASE OFFICER: Roxanne Tucci
REFERENCE NO: 72660431

no

While patrolling on December 2, 2021, at approximately 7:42 p.m., Officer Tucci noticed a white GMC van, IG8 1GP, parked in the wrong direction. She provided pictures. The Town requested a fine of \$50.00 plus \$175.00 in administrative fees. The owner requested a hearing and documents were provided to the owner.

Magistrate Roche found a violation did exist and ordered the owner to pay a \$50.00 fine plus an administrative fee of \$175.00 to be paid within 30 days.

Property Owner: FAZEKAS, KURT TR FOR KURT FAZEKAS TRUST
SUBJECT: LDC Section: 32-106 Sea Turtle Conservation, Interior Lights Visible from Beach
LOCATION: 4148 Estero Blvd.
STRAP NO: 29-46-24-W3-0060D.0030
CODE OFFICER: Chadd Chustz
REFERENCE NO: CE21-0291

no

Environmental Project Manager Chadd Chustz testified that the property owner had lights visible from the beach. A warning was issued on June 10, 2021, and Project Manager Chustz explained that he needed to take the lights down and pull the curtains closed. At the end of June, the interior lights were still on and a final warning notice was issued. A complaint was received on July 19, 2021, so a citation for \$250.00 was issued. Project Manager Chustz provided photos that accurately reflected the violation. A notice of hearing and violation was supplied to the property owner. The Town requested a \$250.00 fine plus \$75.00 in administrative fee to be paid within 10 days.

Magistrate Roche found that a violation existed and ordered the property owner to pay a fine of \$250.00 plus \$75.00 in administrative fees to be paid within 10 days.

Property Owner: BENCIN ENTERPRISES, INC
SUBJECT: LDC Section: 6-1, Adoption of IPMC; Sec. 301.2 as Amended
Building Maintenance
LOCATION: 1010 Estero Blvd. 
STRAP NO: 24-46-23-W3-00018.0000
CODE OFFICER: Bill Stout
REFERENCE NO: CE21-0022

Officer Stout reported that he received a complaint from a tenant regarding the condition of the building. Building Official Jack McStravic and Officer Eli Lee accompanied Officer Stout to observe the structure. They noticed that a walkway and a deck in the rear of the building were in lousy shape and storage kiosks in the lot next door were in deteriorating shape. The property owner would have to hire a commercial contractor to repair the building. A notice of violation and hearing was provided to the property owner and posted. Photographs provided accurately reflected the condition of the violation. Officer Stout last spoke with Brad Bencin in early summer and he indicated he would get to it when he could.

The Town requested that the property owner be ordered to submit an application within 7 days and 30 days to obtain the permit; otherwise, a \$250.00 per day will be imposed until the violation was corrected.

Magistrate Roche found a violation existed and ordered the property owner to come into compliance within 30 days; otherwise, a fine of \$250.00 per day will be imposed until the violation is corrected. She ordered the property owner to pay administrative fees of \$75.00 to be paid within 10 days.

Property Owner: BENCIN ENTERPRISES, INC
SUBJECT: LDC Section: 6-1, Adoption of IPMC; Sec. 301.2 as Amended
Building Maintenance, Electrical and Plumbing
LOCATION: 1010 Estero Blvd. 
STRAP NO: 24-46-23-W3-00018.0000
CODE OFFICER: Bill Stout
REFERENCE NO: CE21-0023

Officer Stout received a complaint from a tenant regarding the plumbing and electrical. The property was investigated by Building Official McStravic and Inspector Chris Cox. Photos of the

electric outlets and conduit were taken and accurately reflected the conditions. A violation for electrical and plumbing was issued. He contacted the owner in the summer, but nothing had been done. A notice of violation and hearing was provided to the property owner. The Town requested an order giving the property owner 30 days to come into compliance or face a fine of \$250.00 per day plus an administrative fee for \$75.00 to be paid within 10 days.

Magistrate Roche found that violations did exist and continued to exist. She ordered the property owner to come into compliance within 30 days; otherwise, a fine of \$250.00 per day will be imposed. Magistrate Roche ordered the property owner to pay \$75.00 in administrative fees within 10 days. She stated that the Town could bring the matter back if issues were not resolved and deemed a health and safety issue to the tenant and public.

Property Owner: POHLMANN, HERBERT CHARLES JR TR FOR HERBERT CHARLES POHLMANN JR TRUST
SUBJECT: LDC Section: 6-111, Adopting FBC 105.1 Work Without Permit- Windows
LOCATION: 167 Hibiscus Dr.
STRAP NO: 29-46-24-W2-01422.0000
CODE OFFICER: Eli Lee
REFERENCE NO: CE21-0206

W

Office Lee received a complaint concerning work on the property and the contractor stated he was just parking vehicles on the property. When Officer Lee revisited the property, he noticed new windows. (The microphone kept cutting out.) He indicated that permit applications were not submitted. Email correspondence from an attorney representing the property owner requested a continuance in November, but no paperwork was presented and the continuance was denied. Photos were provided that accurately reflected the condition of the property. A notice of violation and hearing was provided to the property owner. The Town requested an order to give the property owner 30 days to comply; otherwise, a \$250.00 fine per day will be imposed. An administrative fee of \$75.00 was requested to be paid within 10 days.

Magistrate Roche found that violations did exist and continued to exist. She ordered the property owner to come into compliance within 30 days; otherwise, a fine of \$250.00 per day will be imposed. Magistrate Roche ordered the property owner to pay \$75.00 in administrative fees within 10 days.

The agenda numbers on my agenda did not match up with all the agenda numbers at the hearing. The cases not mentioned during the hearing were beach patrol cases 70970911. Cases CE21-0440 and CE21-0433 were not mentioned. As far as I can tell, CE21-0193, CE21-0338, CE21-0385, CE21-0408, CE21-0402, CE21-0426, CE21-0361 and CE21-0407 have been continued.

Signature: Wt Sell

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