

October 22, 2013 - Regular Meeting
Agenda Item #12

Subject

Roberta Schjolden Code No. 1997010258

Briefings

None

Contact and/or Presenter Information

Joe Fenton, Division Manager, Ext. 6854

Action Requested

Motion to reduce the fines for this case to \$3,052.00 (as previously recommended by the Special Magistrate on May 22 2013), subject to the following conditions:

1. The reduced fines shall be paid within 30 days or will revert back to the original fine amount of \$284,700.00 for CE1997010258.
2. Recording fees need to be collected, which total \$238.00.
3. Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid.

Enabling/Regulating Authority

Section 162.09, Florida Statutes (2009)

Background Discussion

Below is a summary of Code Enforcement Case No. CE1997010258 against Roberta Schjolden regarding property located at 31105 Miarcachee Road, Myakka (DP#2315.0000/0):

- January 10, 1997, Code Enforcement received a complaint about a trailer without a permit.
- January 13, 1997, the zone officer observed a single-wide mobile home parked in the middle of a private driveway off of Clay Gulley Road, Myakka. This was posted as an unsafe structure as the body was pulled away from the frame in the moving process and there were no building permits.
- February 13, 1997, the zone officer observed what he thought was the same mobile home that had been moved onto the property of Roberta Schjolden, without zoning or building permits, and cited the property owner for setting up a single wide mobile home without the required permits in violation of Section 602.2, Figure 6-1, Page 437 (Permitted, Administrative and Special Uses by District) and Section 512 (Building Permits) of the Manatee County Land Development Code.
- February 24, 1997, the zone officer made a correction to this case. The original trailer that was posted as unsafe was not the trailer that was moved onto the property site, but an additional one. The other one remained in the driveway.
- February 21, 1997, a Letter of Violation and a hearing notice for the April 23, 1997, Special Magistrate

APPROVED in Open Session

Manatee County Board of County
Commissioners

hearing were sent out certified mail to the property owner and the green service card was returned on March 22, 1997, to Code Enforcement, but it was not signed.

- March 20, 1997, the zone officer hand served the Letter of Violation and hearing notice to the property owner.
- March 25, 1997, Code Enforcement received a letter dated March 23, 1997, from Roberta Schjolden explaining her situation with the mobile home on the property.
- April 23, 1997, the Special Magistrate found in violation of Section 602.2, Figure 6-1, Page 437 and Section 512 and set a compliance date of April 25, 1997, or a minimum fine of \$250 and a daily fine of \$50 would be imposed for each section.
- May 22, 1997, the zone officer did a re-inspection and found the mobile home still on site and no permit on file and started the fines as previously ordered for Section 602.2, Figure 6-1, Page 437 and Section 512.
- August 23, 2000, the Special Magistrate discontinued the recording of the Order Imposing Fines, but the fines continued to accrue.
- November 21, 2012, Division Manager Joe Fenton conducted an inspection and did not see the mobile home on the property. Due to not knowing when it was removed, he stopped the fines from running as of the date the Special Magistrate ordered them to stop recording. The fines totaled \$61,050.00.
- April 9, 2013, Code Enforcement received an e-mail from the property owner's attorney, Frank C. Wheeler, requesting this fine be reduced to 5% of the total fines, which would be \$3,052.00, and the Division Manager placed this on the May 22, 2013, Old Business Special Magistrate.
- May 22, 2013, the Special Magistrate found justification existed for this case to be referred to the Board of County Commissioners for a recommended fine reduction to \$3,052.00, plus recording fees of \$238.00, which staff supported.

County Attorney Review

Not Reviewed (Utilizes exact document or procedure approved within the last 18 months)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please forward a stamped copy of the agenda to Administrative Specialist Laurie Menard (laurie.menard@mymanatee.org) in the Code Enforcement Division following disposition. - Snt cpy via email to LM - 10/24 SS

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [BOCC Attachments 10-8-2013 Schjolden.pdf](#)

Roberta Schjolden
P.O. BOX 49631
SARASOTA, FL 34230-6631

MARCH 23, 1997

CODE

MAR 25 1997

ENFORCEMENT

MR. JAMES MCDONALD
CODE ENFORCEMENT OFFICER
MANATEE COUNTY GOVERNMENT
P.O. BOX 1000
BRADENTON, FL 34206-1000

DEAR MR. MCDONALD:

BACK THREE YEARS AGO, ECKERDS CLOSED THEIR POST OFFICE AREA AND I HAVE BEEN AT THE MAIN POST OFFICE EVER SINCE. I DON'T REALLY UNDERSTAND WHY YOUR RECORDS SHOW THE OLD ADDRESS AS I DO GET MY TAX BILLS WITH NO PROBLEM. BE THAT AS IT MAY, ABOUT 3 YEARS AGO, WHEN I FIRST WANTED TO MOVE MY MOBILE HOME OUT OF STORAGE AND ONTO THE LAND BECAUSE THE TRAILER WAS BEING BROKEN INTO, I WENT TO THE COUNTY WITH ALL THE FORMS AND INFORMATION THAT I THOUGHT I NEEDED AND PAID FOR A PERMIT. WHEN I MEET WITH THE PEOPLE WHO WERE TO REVIEW MY INFORMATION, THEY KEPT ASKING ME WHY I WAS THERE. I TOLD THEM THAT I WANTED TO BE SURE THAT I WAS IN COMPLIANCE WITH THE LAW WHEN I MOVED MY MOBILE HOME OUT. THEY SAID THAT AS LONG AS I KEPT THE WHEELS AND TONGUE ON THE PLACE THAT I DID NOT NEED A PERMIT AND MY CHECK WAS NEVER DEPOSITED. THEY ALSO SAID THAT IF MY IMMEDIATE NEIGHBORS DID NOT WANT TO SEE IT THAT I COULD PUT A FENCE AROUND IT AND THAT WOULD BE IT. I HAVE NO FULL TIME NEIGHBORS IN ANY DIRECTION FOR UP TO 200 ACRES MOSTLY TREED DEPENDING UPON THE DIRECTION YOU GO AND THE PART-TIMERS LIKE MYSELF ARE ABOUT 8-10 TREED ACRES FROM ME.

THUS WHEN I MADE THE ATTEMPT TO HAVE IT MOVED OUT (BY LICENSED PEOPLE BY THE WAY) AND THEN WE RAN INTO THE PROBLEM OF THE REAR WHEELS ON ONE SIDE SLIPPING OFF THE SOFT SHOULDER, AND THE MOBILE HOME BEING TOTALED IN THE ATTEMPT TO MOVE IT OUT OF THE WAY, FRIENDS OF FRIENDS FELT BAD ABOUT THE PROBLEM I WAS HAVING AND GAVE ME A STRIPPED OUT OLD MOBILE HOME SO THAT I WOULD HAVE A PLACE TO PUT MY STUFF FROM THE RUINED MOBILE HOME. IT IS NICE TO KNOW THAT THERE ARE PEOPLE OUT THERE TO HELP WHEN THINGS GO WRONG. ADDITIONALLY, IT IS ALWAYS NICE THAT MY NEIGHBORS ALMOST A MILE AWAY CARE ENOUGH TO BE SURE THAT I AM FOLLOWING THE RULES.

NEEDLESS TO SAY IT WAS NOT MY INTENTION TO BREAK ANY RULES AND WAS ONLY FOLLOWING THE INFORMATION THAT I WAS GIVEN BY THE COUNTY A COUPLE OF YEARS AGO. IF YOU WOULD PLEASE, SEND ME WHAT EVER IS NECESSARY FOR ME TO GET A PERMIT TO HAVE THE MOBILE HOME USED AS A STORAGE STRUCTURE, I WOULD APPRECIATE IT. MY UNDERSTANDING FROM WHAT THE GENTLEMAN WHO HANDED ME THE TWO LETTERS ON SATURDAY INDICATED THIS INVOLVES CHANGING THE MOBILE HOME DESIGNATION FROM DWELLING TO STORAGE BUILDING. INCIDENTALLY, THIS STRUCTURE HAS BEEN STRIPED OUT AND THERE ARE NO TOILETS, SINK, SHOWERS, REFRIGERATOR ETC. INSIDE. I AM STORING A SMALL 4 BURNER GAS STOVE (NOT HOOKED UP) THAT WAS GIVEN TO ME AND THERE IS A SMALL SINK IN WHAT WOULD BE THE KITCHEN AREA BUT IT IS NOT HOOKED UP TO ANYTHING AND I HAVE NO WATER OUT ON THE LAND ANYWAY.

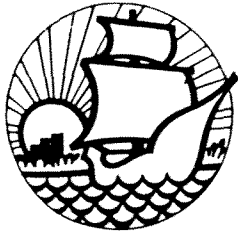
THEREFORE, IF YOU WOULD BE SO KIND AS TO SEND WHAT I NEED TO FILL OUT AND LET ME KNOW WHAT THE PERMIT COSTS ARE, I WILL COMPLETE THEM AND SEND IN A CHECK. I WOULD ALSO APPRECIATE ANY INFORMATION REGARDING WHAT I NEED TO KNOW AND THE PROCEDURES REGARDING BUILDING A PERMANENT DWELLING ON THE LAND BECAUSE WHEN I RETIRE, I WOULD LIKE TO LIVE OUT THERE PERMANENTLY AND WANT TO BUILD A LOG HOME ON STILTS AND USE A COMPOSTING TOILET SYSTEM RATHER THAN WORRY ABOUT POLLUTING THE GROUND WITH AN IN-GROUND SEPTIC SYSTEM.

THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.

SINCERELY,

A handwritten signature in cursive script, appearing to read 'Roberta Schjolden', written in dark ink.

ROBERTA SCHJOLDEN



MANATEE COUNTY GOVERNMENT

PUBLIC SAFETY DEPARTMENT
Code Enforcement Unit • (941) 748-2071 • (941) 748-4501

April 16, 1997

Roberta Schjolden
P O Box 49631
Sarasota, FL 34230-6631

RE: CE7010258H

Dear Ms. Schjolden:

I am in receipt of your letter dated March 23, 1997. The information you are requesting regarding the required Building Permits for the mobile home/storage unit on your property needs to be addressed to the Building Department.

The Building Department can be reached at 746-3090 or write Manatee County Building Department, P. O. Box 1000, Bradenton, FL 34206-1000.

If I can be of any further assistance please contact me Monday through Friday 8:00 AM - 9:00 AM at 748-2071.

Sincerely,



James McDonald

JM/sh

FILED FOR RECORD
R. B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY, FLORIDA

MAY 1 11 28 AM '97

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MASTER
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political :
subdivision of the State of :
Florida, :
:
Petitioner, :
vs. :
:
Roberta Schjolden :
:
:
Respondent :
:
:

Case No.: CE7010258H

COMPLIANCE ORDER

THIS MATTER came on for public hearing before the undersigned Special Master on April 23, 1997, after due notice to the Respondent, and having considered the testimony and evidence presented, the Manatee County Code Enforcement Special Master finds:

FINDINGS OF FACT

Respondent has a mobile home set up on the property without a permit.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Manatee County Code Enforcement Special Master concludes that Respondent is in violation of Manatee County Ordinance No. 90-01 as amended, Section(s) 602.2, Figure 6-1, Page 437 and 512.

WHEREFORE, IT IS HEREBY ORDERED as follows:

1. Respondent shall eliminate the above described violation, and comply with the cited Ordinance(s) by 5:00 p.m., the 25th day of April, 1997.
SPECIAL INSTRUCTIONS: _____

2. Failure to obey this Compliance Order may result in the entry of an order imposing a fine of \$50 per day for each day of violation continuing past the date and time specified above, in addition to a minimum fine of \$250, which order shall be recorded in the Official Records of the Clerk of the Circuit Court for Manatee County, Florida. Such Order Imposing Fine shall create a lien upon the Respondent's real and personal property as prescribed by Chapter 162, Florida Statutes, and the Manatee County Land Development Code.

3. A hearing is scheduled for the 28th day of May, 1997, at 2:00 p.m., or as soon thereafter as this matter may be heard, in Room 502 of the Manatee County Administrative Complex, 1112 Manatee Avenue West, Bradenton, Florida, for the purpose of determining whether a fine should be imposed upon you for failure to comply with this Order.

Tom Kellen
Manatee County Code Enforcement
Special Master

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent (or to _____, on behalf of the Respondent), by _____ hand delivery or XX mail and to the Manatee County Code Enforcement Division, this 1st day of May 1997.

R. B. SHORE
Clerk of Circuit Court
Manatee County, Florida
Susan D. Kowen
Deputy Clerk

FILED FOR RECORD
FILED FOR RECORD
FILED FOR RECORD

BK 1523 PG 1475 DKT# 1024410
FILED AND RECORDED 07/07/97 11:28AM 1 of 1
R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL

JUN 9 8 17 AM '97
MANATEE COUNTY CODE ENFORCEMENT SPECIAL MASTER
MANATEE COUNTY, FLORIDA

Case No.: CE7010258H

MANATEE COUNTY, a political subdivision
of the state of Florida

Petitioner

v.

ROBERTA SCHJOLDEN
Respondent(s)

ORDER IMPOSING FINE

By letter dated February 21, 1997, the Special Master informed the Respondent(s) Roberta Schjolden hereinafter referred to as Respondent(s), of a violation(s) of Section(s) 602.2, Figure 6-1, Page 437 and Section 512 of the Manatee County Land Development Code.

The Code Inspector advised the Special Master on May 28, 1997, that the Respondent(s) had neither corrected the violation(s), nor brought the subject of the violation(s) into compliance with the Manatee County Code.

Consequently, by Order dated April 25, 1997, the Special Master assessed a minimum fine of \$250 plus \$50 per day.

At the meeting of May 28, 1997, the Code Inspector advised the Special Master that directives have not been complied with and IT IS HEREBY ORDERED by the Special Master:

1. That as of this date, Respondent(s) must pay to the County of Manatee, Florida, a fine in the amount of \$1,850.
2. That said sum represents the amount that has accrued since the assessing of a fine of \$50 per day plus \$250 minimum.
3. That if Respondent(s) do/does not pay the full amount of the fine which has accrued within thirty (30) days from the date of this Order, then this Order will be recorded in the Public Records of Manatee County, Florida.
4. That upon recording in the Public Records of Manatee County, Florida, it shall constitute a lien against the land owned by Respondent(s) on which the violation(s) exists and upon any other real or personal property owned by Respondent(s).
5. That pursuant to Section 305.5.7 of the Land Development Code, should a violation(s) exist beyond the date set for compliance, the Special Master shall impose a minimum fine of \$65.

Dated this 28th day of May, 1997.

SPECIAL MASTER
OF MANATEE COUNTY, FLORIDA

BY: [Signature]
Special Master

ATTEST: R. B. Shore
Clerk of Circuit Court

BY: [Signature]
Deputy Clerk

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 7th day of June, 1997.

R. B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.

5.

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MASTER
MANATEE COUNTY, FLORIDA

Aug 29 10:27 AM '00

MANATEE COUNTY, a political
subdivision of the State of
Florida,

Petitioner,

vs.

ROBERTA SCHJOLDEN

Respondent

Case No.: CE7010258

ORDER STOPPING IMPOSITION AND RECORDATION OF FINES

THIS MATTER came on for public hearing before the Manatee County Code Enforcement Special Master on August 23, 2000; having considered the testimony and evidence presented, the Manatee County Code Enforcement Special Master ORDERS:

The fines shall continue to run in this case but will not be imposed or recorded until further order of the Special Master, as the total recorded liens exceed the value of the property.

MANATEE COUNTY
CODE ENFORCEMENT
R. B. SHORE
CLERK OF CIRCUIT COURT
FLORIDA
BY: [Signature]
Deputy Clerk

[Signature]
Manatee County Code Enforcement
Special Master

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent by mail and to the Manatee County Code Enforcement Division, this 29th day of August, 2000.

R. B. SHORE
Clerk of Circuit Court
Manatee County, Florida
BY: [Signature]
Deputy Clerk



Fw: Roberta Schjolden, Case No. CE7010258H
Joe Fenton to: Susan Hunt

04/09/2013 01:56 PM

Lets schedule this for the May hearing on old business. Thank you.

Joe Fenton, Division Manager
Code Enforcement Division
Building & Development Services Department
Manatee County Government
PO Box 1000
Bradenton, FL. 34206
(941)748-2071 ext. 6854
(941)749-3094 fax

----- Forwarded by Joe Fenton/MCG on 04/09/2013 01:56 PM -----

From: Frank Wheeler <frank@fcwpa.com>
To: "joe.fenton@mymanatee.org" <joe.fenton@mymanatee.org>
Cc: Bobby <bschjol@juno.com>
Date: 04/09/2013 01:55 PM
Subject: Roberta Schjolden, Case No. CE7010258H

Dear Joe,

As you know, I represent Roberta Schjolden on the above-mentioned matter. Please send all correspondences to me by email or by mail to the address described below.

My client has had to relocate to Massachusetts for work. She had one knee replaced several months ago and is scheduled to have her other knee replaced in May. She does not have the means to pay the fine that is due on this case. My client requests that the fine be reduced so that this matter can be resolved.

My client agrees to pay \$3,052.00 if the hearing officer and Board of County Commissioner's agrees to accept this amount as full settlement of this matter and satisfies the lien of record. She is hopeful that she can make this payment by credit card. Please let me know if it is possible for Ms. Schjolden to pay by credit card. Please let me know in writing whether this proposed resolution is agreed to and I will request that my client contact you to arrange payment.

Thank you for your help with this matter.

Regards,

Frank C. Wheeler

Frank C. Wheeler, P.A.
Attorney At Law
P.O. Box 967

Venice, FL 34284-0967
941-928-3850

Confidentiality Notice: This message, including any attachment, is being sent by or on behalf of an attorney. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately and delete all copies of this message. Thank you for assistance with this matter.

Case # CE1997010258 Roberta Schjolden
bschjol@juno.com
to:
peyt.dewar
05/21/2013 01:33 PM
Cc:
susan.hunt
Show Details

This will confirm that Frank C. Wheeler, of Venice, Fl, is my attorney and will be representing me on Wednesday at 10 a.m. regarding Case # CE1997010258 Roberta Schjolden.

If you have any further questions, please let me know. Thank you Roberta Schjolden

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diabetesreversed.com

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political
subdivision of the State of
Florida,

Petitioner,

Case No: CE1997010258

vs.

ROBERTA SCHJOLDEN,

Respondent,

ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

By letter dated February 21, 1997, Code Enforcement informed the Respondent, **Roberta Schjolden** hereinafter referred to as Respondent, of having a violation of **Sections 602.2, Figure 6-1, Page 437, and 512** of the Manatee County Land Development Code.

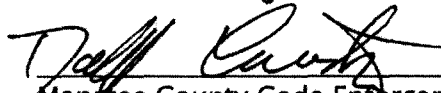
The Code Enforcement Officer advised the Special Magistrate on April 25, 1997, that the Respondent had neither corrected the violations nor brought the subject of the violations into compliance with the Manatee County Land Development Code.

Consequently, by Order dated May 28, 1997, the Special Magistrate assessed a minimum fine of **\$250**, plus **\$50** per day for each day the violations were present.

At the hearing on May 22, 2013, the Code Inspector advised the Special Magistrate that such directives have now been complied and IT IS HEREBY ORDERED by the Special Magistrate:

1. That as of this date, fines imposed against the Respondent total ~~\$284,700~~ **\$ 61,050 fm**, for which a notice of lien has been recorded in the public record of Manatee County, Florida.
2. That justification exists for this case to be referred to the Manatee County Board of County Commissioners for a recommended fine reduction to **\$3,052, plus recording costs.**

Ordered May 22, 2013, and executed this 24 day of May, 2013.


Manatee County Code Enforcement
Special Magistrate

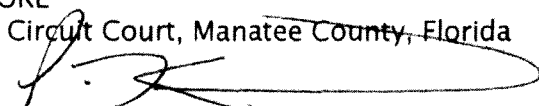
ATTEST: R. B. SHORE
CLERK OF CIRCUIT COURT

By: 
Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, **ROBERTA SCHJOLDEN, P.O. BOX 1834, SARASOTA, FLORIDA 34230-1834**, and **FRANK WHEELER, P.O. BOX 967, VENICE, FLORIDA, 34284**, by U.S. mail and to the Manatee County Code Enforcement Division, this day 24 of May 2013.

R. B. SHORE
Clerk of Circuit Court, Manatee County, Florida

By: 
Deputy Clerk