

APRIL 24, 1996

The Special Master, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, April 24, 1996, at 2:01 p.m.

Presiding was: Thomas O'Brien

Also present were:

Paul Bangel, Assistant County Attorney
Susan G. Romine, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

The hearing was called to order by Mr. O'Brien.

All witnesses/staff giving testimony were duly sworn.

CODE ENFORCEMENT CASES COMPLIED OR CONTINUED

Rita Mooney, Code Enforcement Supervisor, advised that the following cases have been complied or continued:

CE5020052X - USA ENTERPRISES OF MANATEE INC. - Complied
CE60204728 - WILLIAM M. SANDS JR. - Complied
CE5120176X - NICHOLAS H. ZIMMER - Complied
CE6030002H - BEN SHIVES AND LAURA LACOPETTI - Continued
CE6020393J - LANCE W. BRADOW AND SUSAN L. TABORS - Continued
CE6020430J - L. H. GLASGOW - Complied
CE6020448J - JAMES J. PALAWSKI - Continued
CE6030033T - ROBERT J. AND CARMEN J. DUQUETTE - Continued
CE6020238R AND CE6020239T - CHRISTOPHER O. HULBERT - Complied
CE6020368X - PEGGY ANN GALES - Continued
CE6010479J - JOHN PSIMOULIS - Complied
CE5040143B - RODNEY P. AND PATRICIA A. SMITHLEY - Continued
CE6020415X - MYAKKA CITY FIRE CONTROL - Continued
CE6010391H - LUIS FERNANDO AND MARIA PINEDA - Continued
CE6020419S - MIDWAY HOLDINGS II INC. - Complied
CE6030143X - ORANGE GROVE TRAILER PARK LTD - Complied
CE6030137X - TROPICAL GARDENS VILLAGE LTD AND
ALBERT L. MITCHELL AND HUGH F. MULCAHY - Complied
CE6030240T - MICHAEL J. LEMBO ET AL - Complied
CE6020488J - JOHN JR. AND NINA GLEASON BRENNER - Complied
CE6020476J - BELA T. AND MAGDOLNA NEMETH - Complied
CE5080454X - RICHARD BENNETT AND TONY AARTS - Continued
CE6020399T - ALBERT J. STREHLE, JR., TR. - Complied
CE6010406T - L. M. WHITE AND E. G. LEE AND
O. AND M. ALLEN - Complied
CE6030463J - IRVIN F. AND MARY A. WOLLERMAN - Complied
CE6020002C - RUBY LEE ISOM - Continued
CE6020378X - THOMAS P. AND LINNEY C. REYNOLDS - Complied
CE6030142R - LETITIA DARLENE BAILEY - Complied
CE6030091J - ISAAC L. HERNANDEZ - Complied
CE6030086J - WALTER L. HOLLOWAY - Complied
CE6030064J - LOUISE HARVEY - Continued
CE6020296J - ESTATE OF EATHER WASHINGTON,
ESTATE OF ROSE BOTTOMS - Continued
CE6020001T - EMMA J. SMITH AND C. A. NELSON - Complied
CE6020291J - SARA M. CASSIDY - Complied
CE6030263X - TERRANCE A. DHEN AND LESTER G. SCHOTT - Continued
CE6030345J - MARGARET WASHINGTON - Complied
CE6030344C - JESUS AND IRMA OCHOA - Complied
CE6030341J - ARBZINE BURNEY AND LILLIE EVANS - Complied
CE6020003J - ESTATE OF MATHERIA EADY - Complied
CE6020332J AND CE6020333J - THELMA M. DOBELL - Complied
CE5110350X - LESTER L. PITTMAN - Referred to Code Enforcement Board
CE6020345J - JAMES H. AND SANDRA C. AUVIL - Complied
CE6020471X - NELSON LEASING ASSOCIATES INC. - Complied
CE5110302T - NOBLE E. AND BILLIE J. WECKESSER - Complied
CE5100006H - ESTATE OF MATTHEW J. MARSHALL - Continued
CE4100250X - DONALD BRUCE THRASHER - Continued
CE6020045J - MARY ANN MARTIN - Complied
CE6020211H - IDA CROWELL - Complied
CE6010441J - MARK S. BICKAL - Complied
CE6030203T - BRENDA LEE BLUMBER - Complied

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CODE ENFORCEMENT CASESCE6010267H - DONALD S. AND SHAWN R. GILES

Violation of Section 705.3 (Manufactured Homes Occupied During Construction) of the Manatee County Land Development Code at 15007 16th Drive East, Bradenton.

Donald Giles, respondent, reported that as of this date he has submitted prints for revision of his plans.

Jim McDonald, Code Enforcement Officer, reviewed the violation of a temporary use permit for a mobile home, which had expired.

The Special Master found the respondent to be in violation and gave him until May 27, 1996, to secure a building permit, or there will be a fine of \$150, plus \$25 per day for each day thereafter. Respondent is to advise the officer in this case of any difficulties beyond his control in securing a permit.

Joaquin Servia, Planning, Permitting and Inspections, advised that there was no performance on the respondent's part with the previous permit.

Mr. O'Brien ordered that along with evidence that a permit has been secured, respondent has to submit a proposed construction schedule.

CE5090338S - REMMA FARIA

Violation of Section 724.3 (Signs Specifically Prohibited) of the Manatee County Land Development Code at 1202 63rd Avenue West, Bradenton.

Amando Faria, father of the respondent, requested he not be fined. He advised that he is pursuing eviction of the tenants of the store.

Kris Weiskopf, Code Enforcement Officer, reported that as of April 22, 1996, the portable signs and banners have been removed and the property is complied. Recorded fines have been paid.

Discussion: Fines to date; staff time expended in this case.

Mr. O'Brien suspended all but \$500 of the assessed fines in this case (fines had been running, but not imposed).

CE6010299S AND CE6010439T - ANNE K. HORTON

Violation of Section 724.3 (Signs Specifically Prohibited) and Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 6630 15th Street East, Bradenton.

Mr. Weiskopf reported that one banner remains on the property; however, the trash and debris violation complied on April 19, 1996.

Mr. Faria, speaking on behalf of the respondent, explained that the banner in question identifies the business. Regarding the trash and debris, he advised that Waste Management was negligent in picking up the trash, and they have credited his account for their error.

Discussion: Respondent's authorization to speak on this case.

Mr. O'Brien ordered that a minimum fine of \$150 be imposed and recorded in each case and that the daily fine be suspended.

CE5050004X - ROWE ALLEN AND AUDREY S. MEADE

Violation of Section 508.2.3(4) (Final Site Plans) of the Manatee County Land Development Code at 6210 15th Street East, Bradenton.

John Benson advised that his client runs ASAP Motors and leases from the respondents. He stated that the site plan is ready to be submitted.

The Special Master suspended imposing fines at this time on the condition that the final site plan is filed by April 26, 1996, with substantial progress made in processing the plan by May 17, 1996. Prior to May 17, 1996, the case should be discussed with Jim McDonald, Code Enforcement Officer.

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CE6030087C - SYLVESTER BELLAMY SR.

Recurring violation of Section 703.2.14 (Parking of Commercial Vehicles) of the Manatee County Land Development Code at 1820 18th Street Court East, Palmetto.

Sylvester Bellamy, respondent, reported that he does not own the property.

Criselda Gallardo stated that she bought this property from the respondent and that the vehicles have been removed.

Discussion: Respondent's absence from the March 27 hearing; lease option agreement on the property.

Mr. O'Brien suspended the fines in this case; however, if the vehicles are parked on the property again, the fines assessed March 27, 1996, will be imposed immediately.

CE5100063H - JAMES G. AND CHRISTINA L. FLINN

Violation of Section 512 (Building Permits) of the Manatee County Land Development Code at 3509 6th Avenue West, Palmetto.

Mrs. Mooney advised that the respondents were present and have advised that they did not receive notification of violation or of the hearing due to an addressing error. Once they became aware of the violation, they obtained the necessary permit.

Based on the lack of evidence of proper service notification and the prompt action on the part of the respondents, the Special Master rescinded the fines in this case.

CE5040334J - THEODORE, JR., AND DIANE M. LEWIS

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 302 30th Street East, Palmetto.

Mrs. Mooney reviewed this case and noted the fine was previously reduced to \$1,815 on March 27, 1996, and the respondents' have requested permission to make payments on this amount. The property is complied.

Diane and Theodore Lewis, respondents, reported on their difficulties in removing the vehicle in violation.

The Special Master gave the respondents three months to pay the fines.

CE5100205T - OLIN AND JEAN H. MOORE

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 2312 53rd Avenue West, Bradenton.

Mrs. Mooney reported that respondents complied as of April 18, 1996.

Olin Moore, respondent, was present to request a reduction in his fine.

Bob Miller, Code Enforcement Officer, resubmitted three photographs presented on February 28, 1996, and one showing the property complied.

Mr. O'Brien ordered that the fine of \$150 be recorded and suspended the daily fine. If the violation should recur, fines assessed February 28, 1996, will be reinstated immediately.

CE5050049J AND CE5040418B - CHRISTINE WILLIAMS

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) and Section 602.2, Figure 6-1, Page 432 (Permitted, Administrative and Special Uses by District) of the Manatee County Land Development Code at 1908 2nd Avenue East, Palmetto.

Mrs. Mooney reported on the sale of this property (9/1/95) prior to the date of the first recorded lien (9/25/95).

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I. E. Whisnant, trustee of the Egbert J. Wilkerson Trust, advised that it was through a title search that liens were revealed against the respondent. He requested these liens be satisfied, inasmuch as a Notice of Lis Pendens was recorded prior to recordation of the liens.

Paul Bangel, Assistant County Attorney, advised that the new owners did not have proper notice for the fines to be recorded.

Based on the recommendation of staff, the Special Master ordered that the fines be rescinded in this case.

CE6030176J - GUY JAMES BRAUN

Recurring violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 1908 30th Avenue West, Bradenton.

Mrs. Mooney requested that this case be found to have been in violation and that a fine be set in case of recurrence.

Guy Braun, respondent, stated that the vehicles have been removed.

Mr. O'Brien found the respondent to have been in violation and set a minimum fine of \$150, plus \$25 per day should the violation recur. Fines will be imposed and recorded monthly.

CE6030441T - DORLA J. WHITFORD

Recurring violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 6043 10th Street East, Bradenton.

Dorla Whitford, respondent, stated she will have the debris removed.

Anne Catalano, Code Enforcement Officer, submitted three photographs and reported that the property remains in violation, but that the respondent is cooperating.

The Special Master found the respondent to be in violation and gave her until May 1, 1996, to comply this recurring violation or there will be a fine of \$150, plus \$25 per day.

CE60201288 - HARBOR PINES DEVELOPMENT

Violation of Section 724.3 (Signs Specifically Prohibited) of the Manatee County Land Development Code at 6033 34th Street West, Bradenton.

Fiona Strain, representing the developer for sales on the property, reported that the signs and banners in violation have been removed.

Joyce Randall, Code Enforcement Officer, stated that as of this date two unpermitted signs remain and additional portable signs have been placed on the property. She presented three photographs showing portable signs for an open house, and the unpermitted sign.

Discussion: Realtor/portable signs.

Based on the testimony and evidence submitted, the Special Master found the property to be in violation and gave until May 17, 1996, to have the signs removed or properly permitted, or there will be a fine of \$150, plus \$25 per day which will be imposed and recorded monthly.

CE6030327T - BARBARA L. CONNY

Recurring violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 2411 51st Avenue Drive West, Bradenton.

Barbara Conny, respondent, reported on her difficulty in removing the debris.

Mr. O'Brien gave the respondent until May 17, 1996, to comply or there will be a minimum fine of \$150, plus \$25 per day to be imposed and recorded monthly. Fines will also be imposed upon recurrence of this violation.

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CE6020388H - W. H. MCCORMACK AND K. VANHUSEN

Violation of Section 512 (Building Permits) of the Manatee County Land Development Code at 1007 67th Avenue West, Bradenton.

Bill McCormack, respondent, reported the permit has been paid for but not issued.

Mr. Weiskopf stated the permit has not been issued due to additional information that is needed by the Planning Department to complete the plan review and issue the permit.

Mr. O'Brien found the respondents to be in violation and gave them until May 8, 1996, to comply or there will be a fine of \$150, plus \$25 per day for each day thereafter that the violation remains.

CE6020397J - RONNIE ALLEN AND MARY ELIZABETH HARBER

Recurring violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 11835 71st Street East, Parrish.

Mary Harber, respondent, requested time to comply this case. She stated this bus has been complied in the past.

Mrs. Mooney reviewed the dates of the past violations.

The Special Master found the respondents to be in violation and gave them until May 17, 1996, to comply or there will be a minimum fine of \$150, plus \$25 per day for each day thereafter. Fines will be imposed and recorded monthly.

CE6010378T - ESTATE OF MAMIE LEE MCCULLOUGH, O'NEAL MCCULLOUGH, ESTATE OF JAMES MCCULLOUGH ET AL

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 614 21st Street East, Palmetto.

O'Neal McCullough, respondent, reported that she is trying to clean the property.

Mr. O'Brien found the respondent to be in violation and gave her until May 17, 1996, to comply or there will be a fine in the amount of \$150, plus \$25 per day for each day thereafter until complied.

CE6030449C - MICHAEL D. AND JEANETTE D. DUNN

Recurring violation of Section 604.8 (Restricted Vehicle Overlay District) of the Manatee County Land Development Code at 1202 Orlando Avenue, Bradenton.

Michael and Jeanette Dunn, respondents, stated they are not in violation and were referred by the Special Master to the Code Enforcement Board.

CE5060029H - PHILIP STEWART

Violation of Section 602.2, Figure 6-1, Page 422 (Permitted, Administrative and Special Uses by District) of the Manatee County Land Development Code at 12120 73rd Street East, Palmetto.

Mr. Miller reported that he has had no contact with the respondent and the violation remains.

After discussion with staff on where the respondent is in the permitting process, the Special Master set a date of May 9, 1996, to respond to DRC comments or the fines assessed October 25, 1995, will be imposed.

CE6020356J - FRANCISCA QUINTANILLA

Recurring violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 3023 17th Street East, Bradenton.

Joe Fenton, Code Enforcement Officer, reported this case remains in violation.

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Mr. O'Brien imposed the fines assessed in this case on March 27, 1996.

CE6010263X - HARRY J. AND SANDRA L. LITTEN

Violation of Section 704.2.2 (Use Limitations) of the Manatee County Land Development Code at 614 27th Avenue West, Bradenton.

Mr. Miller presented four photographs which show the farm animals remain on the property.

Mr. O'Brien imposed the fines assessed on March 27, 1996. Fines will be imposed and recorded monthly.

CE5100256H - RHONDA A. DILL AND JOHN RIOS

Violation of Section 512 (Building Permits) of the Manatee County Land Development Code at 613 60th Avenue Drive West, Bradenton.

Mrs. Mooney questioned the Order (2/28/96) that imposed \$165 on the respondents who complied on February 29, 1996. She recommended the \$165 fine not be recorded.

The Special Master Ordered that the fine not be recorded.

CE6020417X - CHARLES L. AND DEBRA M. HANKS

Violation of Section 513 (Certificate of Occupancy) and Section 705.3 (Manufactured Homes Occupied During House Construction) of the Manatee County Land Development Code at 5221 Wauchula Road, Myakka.

Mr. McDonald presented a photograph showing the manufactured home on the property. Respondents have stated it will be removed by April 26, 1996.

Mr. O'Brien found the respondents to be in violation and set a date for compliance May 17, 1996, or there will be a fine of \$150, plus \$25 per day each day thereafter. Fines will be imposed and recorded monthly.

CE6030058X - PERIDIA PROPERTY OWNERS

Violation of Section 513 (Certificate of Occupancy) of the Manatee County Land Development Code at 4950 Peridia Boulevard East, Bradenton.

Mr. McDonald presented a photograph of the restroom structure on the golf course at Peridia.

Questions were raised as to whether there is notice on the registered agent for Peridia and staff recommended continuance.

Mr. O'Brien continued this case to the May 22, 1996, hearing.

CE5120197X AND CE5120225S - GEORGE T. SMITH AND JOSEPH H. BRYANT

Violation of Section 508.2.3(4) (Final Site Plan) and Section 512 (Building Permits) of the Manatee County Land Development Code at 3512 53rd Avenue East, Bradenton.

Mr. McDonald reported that this case involves a commercial insurance business being operated without a final site plan from what was formerly a private residence. A photograph was submitted.

In case CE5120197X, based on the testimony and evidence presented, Mr. O'Brien found the respondents to be in violation and gave until May 17, 1996, to comply or there will be a fine of \$150, plus \$25 for each day the violation continues. Fines will be imposed and recorded monthly.

CE5120225S

Mr. McDonald reported this case has to do with an unpermitted free-standing sign on the property. He submitted a photograph along with a printout of a building permit which expired.

Discussion: How sign was permitted under nonconforming use; sign was never inspected; insurance business would be allowed in a limited way as a home occupation, but not with signage; zoning would not allow sign; permit issued was in violation.

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In case CE5120225S, the Special Master found the case to be in violation of a building permit and set a compliance date of May 17, 1996, or a fine of \$150, plus \$25 per day will be imposed and recorded monthly.

CE6020389R - JOHN A. WEICHEL

Violation of Section 705.6 (Temporary Dwellings), 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited), 703.2.15.4 (Parking of Restricted Vehicles, Including Commercial Vehicles) of the Manatee County Land Development Code at 3103 9th Street West, Lot 6, Bradenton.

Mr. McDonald submitted a photograph showing the recreational vehicle in a mobile home park and reported it remains on the property as of this date. He explained the classification of the unit as a junk vehicle.

Based on the evidence and photograph submitted, Mr. O'Brien found the respondent to be in violation and set May 17, 1996, for compliance or there will be a fine of \$150, plus \$25 per day for each day beyond that with fines being imposed and recorded monthly.

CE6030442X - FRANCISCA QUINTANILLA

Recurring violation of Section 602.2, Figure 6-1, Page 429 (Permitted, Administrative and Special Uses by District) of the Manatee County Land Development at 3023 17th Street East, Bradenton.

Mrs. Mooney advised that this case is now in compliance; however, staff is requesting that a fine be set should the violation recur.

Mr. Fenton spoke regarding this violation of automobile repairs and presented two photographs. He described the vehicles which remain on the property.

Discussion: Automobile repair not allowed in residential areas; major auto work being done.

The Special Master found this case to be a recurring violation and set a fine of \$150, plus \$25 per day to be imposed upon recurrence of this violation.

CE6010588R - J. B. CRAWFORD

Violation of Section 703.2.15 (Parking of Restricted Vehicles Including Commercial Vehicles) of the Manatee County Land Development Code at 4439 124th Street West, Bradenton.

Mrs. Mooney reported that the respondent did not receive the Compliance Order in time to comply this case; however, did comply April 14, 1996. The question at this time is whether to impose fines which ran until the case was complied, or continue the case to hear from the respondent in writing.

Ms. Randall advised of her contact with the property manager who has been aware of the violation and has been dealing with the tenants.

Discussion: Whether owner or property manager had sufficient notice to resolve the problem by the compliance date of April 5, 1996.

The Special Master ordered the fines in this case be suspended.

MINUTES

Mr. O'Brien approved the minutes of January 24, 1996.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:

Clerk

Special Master 4/26/96

Adj: 4:20 p.m./apm