

**OCTOBER 23, 2002**

The Special Master, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, October 23, 2002, at 10:00 a.m.

Presiding was: Donald Courtney

Also present were:

Maureen Sikora, Assistant County Attorney  
Kent Cudney, Deputy Clerk,  
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

**OATH OF OFFICE**

Kent Cudney, Deputy Clerk, administered the Oath of Office to **Donald Courtney**, reappointed as Code Enforcement Special Master.

**CODE ENFORCEMENT CASES COMPLIED, OR CONTINUED**

**CE1999090364 - GLENN SERVICES, INC.** - Continued  
**CE2000030084 - POLLYWOG TRANSPORT, INC.** - Continued  
**CE2001060608 - RECIE RUSS PUTNAL** - Continued  
**CE2001070479 - SAMUEL L. GRAUBARD** - Continued  
**CE2001090005 - LARRY K. ALDRICH** - Continued  
**CE2002070221 - ONECO LAND COMPANY, INC.** - Complied  
**CE2002070233 - JOHN C. GREER** - Complied  
**CE2002070262 - DORLA J. WHITFORD** - Continued  
**CE2002070731 - FRED AND BELINDA VILLALOBOS** - Continued  
**CE2002080307 - L AND L INVESTMENT PROPERTIES, INC.** - Complied  
**CE2002060688 - JAMES MULLEN** - Continued  
**CE2002070137 - WILLIAM P. AND CAROL A. ORLER** - Continued  
**CE2002070331 - ERIC V. AND JOANN N. SUTTNER** - Continued  
**CE2002070660 - LAUREN GERAGHTY AND OSCAR SMITH, III** - Complied  
**CE2002070664 - ALBERT J., LILLIAN P. AND PAUL C. WEAVER** - Continued  
**CE2001110206 - CHRISTINE IZATT AND CAROLYN ANN BOWEN** - Continued  
**CE2001120401 - AMERADA HESS CORPORATION** - Referred to Code Enforcement Board  
**CE2002010292 - DOUGLAS ROHRER** - Continued  
**CE2001110104 - RANDY R. AND NANETTE R. FRENCH** - Continued  
**CE2002020467 - RICHARD W. AND NANCY BAKER** - Continued  
**CE2000060415 - SAM EVANS** - Continued  
**CE2002030422 - JOHN M. AND TERRIE M. LAWSON** - Continued  
**CE2002020545 - DIAMOND HOMES OF SW FLORIDA, INC.** - Continued  
**CE2002040806 - JOCK B. MCCLINTOCK** - Complied  
**CE2002050215 - CAROL B. ELLIS** - Continued  
**CE2002050409 - LITTLE WHO PROPERTY MANAGEMENT INC.** - Continued  
**CE2002020042 - VALRIE MASSEY** - Continued  
**CE2002030410 - S. DAVID UPTON** - Continued  
**CE2002040081 - TIMOTHY L. AND MARY LILA HATTAWAY** - Continued  
**CE2002040143 - BAY-GARD LTD.** - Continued  
**CE2002040623 - ROBERT SCOTT AND MINDY A. THOMAS** - Continued  
**CE2002050316 - EARNEST MCKNIGHT, JR.** - Continued  
**CE2002060035 - ARYA PARK PARTNERSHIP** - Continued  
**CE2002060037 - ARYA PARK PARTNERSHIP** - Continued  
**CE2002050203 - DIOCESE OF SOUTHWEST VENICE** - Continued  
**CE2002060170 - ALFRED AND HELEN WOODIE** - Continued  
**CE2002070223 - RICHARD H. AND JOYCE O. EDWARDS** - Continued  
**CE2002060466 - WALTER A. AND TAMMY R. KURUTZ** - Continued  
**CE2002030423 - HARRY J. ESTES** - Continued  
**CE2002060663 - ROBERT A. AND PATRICIA S. PHINNEY** - Continued  
**CE2002070406 - LEN K. FURMAN AND LEN K. FURMAN LIVING TRUST** - Continued  
**CE2002070171 - GAIL A. GARDNER** - Complied  
**CE2002070193 - PRISCILLA HOLLOWAY** - Continued  
**CE2002070323 - MANATEE RIVER COMMUNITY BANK** - Complied  
**CE2002070394 - COLONY COVE** - Complied  
**CE2002070425 - MARY H. WILLINGHAM** - Complied  
**CE2002070465 - ROBERT L. AND MARY A. DOVELL** - Continued  
**CE2002070781 - ESTATE OF JOHN B. MAYES** - Complied  
**CE2002080250 - MARC H. RODMAN** - Continued  
**CE2002080288 - ROLANDO M. AND RACHEL G. MUNOZ** - Complied  
**CE2002080086 - FORTY THREE WEST OAKS BRADENTON** - Continued  
**CE2002080451 - EARNEST MCKNIGHT, JR.** - Continued  
**CE2002080454 - EARNEST MCKNIGHT, JR.** - Continued  
**CE2002090038 - JAMES J. PALAWSKI** - Complied  
**CE2002070315 - R. B. AND DELORES WATKINS** - Complied  
**CE2002070462 - GLORIA J. BEATTY** - Continued

**CE2002070677 - ISAAC FORREST AND WILLIAM MULLEN** - Complied  
**CE2002070710 - DOUGLAS L. JOHNSON** - Complied  
**CE2002070748 - MARLA NOVOTNY** - Continued  
**CE2002070841 - PATRICK J. AND HELENA BEGLEY** - Continued  
**CE2002080004 - ROBERT S. NIEDZIALEK** - Continued  
**CE2002080102 - JEFFREY K. WALTERS** - Continued  
**CE2002080191 - BRADLEY AND MELISSA L. COURTNEY** - Continued  
**CE2002080296 - CHARITY CRANIAS AND BRADLEY KLOS** - Continued  
**CE2002080358 - GERALDENE EVANS** - Complied  
**CE2002080602 - KCAAG, INC.** - Continued  
**CE2002080653 - DIAMOND HOMES OF SOUTHWEST FLORIDA, INC.** - Complied  
**CE2002090049 - PALM PLACE APARTMENTS, LTD.** - Continued  
**CE2002060251 - MABEL OQUENDO** - Continued  
**CE2002060666 - RICHARD S. TESAR, STEVEN AND BRIDGETT STACY** - Continued  
**CE2002070365 - KATHRYN ANN AND PAUL D. PELLETIER** - Continued  
**CE2002080095 - STANTON R. HOSHAW** - Continued  
**CE2002050011 - NORMAN C. AND JANE M. ROSE** - Continued  
**CE2002080260 - EUGENE B. AND LINDA B. MAYBERRY** - Continued  
**CE2002080391 - X19 AND X19** - Continued  
**CE2002070769 - TIMOTHY AND KELLYE FREDERICK** - Continued  
**CE2002070792 - PALMETTO RENTAL PROPERTIES, INC.** - Continued  
**CE2002080367 - CELESTE J. BOHAYCZYK AND R.C. MCMILLAN, JR.** - Complied  
**CE2002080477 - CLAREN D. AND JEAN M. SOMMER** - Complied  
**CE2002090155 - BRADLEY AND PAMELA LANNING** - Continued  
**CE2002070125 - SHERWOOD STRONG** - Complied  
**CE2002070128 - PAUL AMATO** - Continued  
**CE2002070698 - JEFFREY D. FRY** - Continued  
**CE2002080051 - PAUL V. KAUTZ** - Complied  
**CE2002080321 - PAUL T. AND VICTORIA S. HASSE** - Continued  
**CE2002080549 - FRED JOHN FUCCI** - Complied  
**CE2002040209 - CARLOS M. AND ROSA MIER** - Continued  
**CE2002060196 - MARGARET HALLIDAY** - Continued  
**CE2002080255 - KCAAG, INC.** - Continued  
**CE2002100055 - STANLEY AND OSSIE ALBRITTON** - Complied

**CODE ENFORCEMENT CASES**

**CE2002030499 – GREGORY K. PEEBLES AND ALLISON LUTZ**

Violation of **Section 513 (Certificate of Occupancy)** of the Manatee County Land Development Code (LDC) at 2604 Bear Bay Road, Myakka City.

**Gregory Peebles**, respondent, admitted the violation.

Joe Fenton, Code Enforcement Officer, stated the respondents are occupying a structure without a Certificate of Occupancy. An inspection has been scheduled with the Building Department.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 513 of the LDC and gave the respondents until November 22, 2002, to comply or a minimum fine of \$85, plus \$80 per day shall be imposed.

**CE2002080297 – ANN A. CRAWFORD**

Violation of **Sections 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited)**, **703.2.15 (Parking of Restricted Vehicles Including Commercial Vehicles)**, and **703.2.20 (Screened Outdoor Storage)** of the Manatee County Land Development Code at 2106 51st Avenue Drive East, Bradenton.

**Kenneth Crawford**, son of the respondent, admitted the violation.

Charles Gould, Code Enforcement Officer, submitted six photographs of the violations for trash and debris, junk vehicles, restricted vehicle (trailer), and unscreened outdoor storage.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Sections 703.2.22, 703.2.15, and 703.2.20 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$80, plus \$80 per day shall be imposed.

**CE2002080463 – RANDY L. GIDDENS**

Violation of **Section 602.2, Figure 6-1, Page 420 (Permitted, Administrative, and Special Uses by District)** of the Manatee County Land Development Code at 1220 117th Street East, Bradenton.

**Randy L. Giddens**, respondent, pled not in violation.

The Special Master referred this case to the Code Enforcement Board meeting on November 13, 2002, at 9:00 a. m.

**CE2002100019 – CORNELL G. NICHOLAS**

Violation of **Sections 703.1 (Accessory Use-General Requirements) and 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited)** of the Manatee County Land Development Code at 8217 Verna Bethany Road, Myakka City.

**Rosalie Ward and Charlie Garden**, representing the respondent, admitted the violations.

Mr. Gould submitted ten photographs of junk vehicles, trash and debris, and semi-trailers used as storage on the property.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Sections 703.1 and 703.2.22 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$85, plus \$80 per day per violation shall be imposed.

**CE2002020262 – ROBERT E. LEE**

Violation of **Sections 732 (Earthmoving), 714 (Tree Protection), and 508 (Site Plans)** of the Manatee County Land Development Code at 5712 17th Street East, Bradenton. (**Note:** Notice of Violation listed **Sections 718.6.2.3.1 [Floodway] and 718.9.1 [Floodway Violations]**, with no reference to **Section 714 [Tree Protection]**).

**Robert Lee**, respondent, pled not in violation.

The Special Master referred this case to the Code Enforcement Board meeting on November 13, 2002, at 9:00 a. m.

**CE2002050077 – WALTER L. AND BETTYE J. PRESHA**

Violation of **Section 513 (Certificate of Occupancy)** of the Manatee County Land Development Code at 3405 12th Street East, Palmetto.

**Walter L. (Mickey) Presha**, respondent, admitted the violation of an occupied trailer.

Mr. Fenton advised that a final electrical inspection is required for a Certificate of Occupancy.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 513 of the Manatee County Land Development Code and gave the respondents until November 22, 2002, to comply or a minimum fine of \$85, plus \$80 per day shall be imposed.

**CE2002090044 – THOMAS E. FENTON**

Violation of **Section 1202 (Violations)** of the Manatee County Land Development Code at 4612 21st Avenue East, Bradenton.

**Thomas Fenton**, respondent, admitted the violation for enclosing a garage door opening.

Joe Fenton, Code Enforcement Officer, stated a permit is required.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 1202 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$150, plus \$100 per day shall be imposed.

**CE2002070698 – JEFFREY D. FRY**

Violation of **Sections 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) and 703.2.14 (Parking of Commercial Vehicles)** of the Manatee County Land Development Code at 1204 Princeton Avenue, Bradenton.

**Jeffrey Fry**, respondent, pled not in violation.

The Special Master referred this case to the Code Enforcement Board meeting on November 13, 2002, at 9:00 a. m.

**CE2002060466 – WALTER A. AND TAMMY R. KURUTZ**

Violation of **Sections 703.2.15 (Parking of Restricted Vehicles Including Commercial Vehicles) and 512 (Building Permits)** of the Manatee County Land Development Code at 2404 Amherst Avenue, Bradenton.

**Tammy Kurutz**, respondent, admitted the violations.

Susan Hunt, Code Enforcement Officer, submitted one photograph of an enclosed carport and a restricted vehicle (utility trailer) in the front yard.

Based upon the testimony and evidence presented, Mr. Courtney found the property in violation of Sections 703.2.15 and 512 of the Manatee County Land Development Code and gave the respondents until November 22, 2002, to comply or a minimum fine of \$75, plus \$70 per day as to the restricted vehicle; and, a minimum fine of \$150, plus \$100 per day for each day the violation continues thereafter as to the building permit violation, shall be imposed.

**CE2001120153 – CORNELL G. NICHOLAS**

Violation of **Sections 703.2.15 (Parking of Restricted Vehicles Including Commercial Vehicles)**, and **602.2, Figure 6-1, Page 429 (Permitted, Administrative and Special Uses by District)** of the Manatee County Land Development Code at 8217 Verna Bethany Road, Myakka City.

Rita Mooney, Code Enforcement Chief, stated that on August 28, 2002, the Special Master granted a 50 percent fine reduction and the respondent paid the fine; however, the violation remains.

**Rosalie Ward** and **Charlie Garden**, representing the respondent, stated that Peter Dailey, area planner, refiled the drawings to obtain a special permit for winter quarters permit.

Misty Servia, Planning Department, stated she has no knowledge that the permit application (for the Moscow Circus) had been refiled. Ms. Servia stated the only application she has received was submitted June 19, 2002, and the last contact she had with Mr. Dailey was July 24, 2002.

Discussion: Whether a camper on the property is occupied; whether semi-trailers are in violation; the only approved use is agricultural; mowing tractor is the only allowable piece of equipment; caretaker mobile home permit must be acquired; no action has been taken to correct the violations; additional recording fee of \$12 required from respondent; etc.

Joaquin Servia, Planning Department, recommended that the respondent be required to address all the issues set forth in the Development Review Comments (DRC).

Based upon the testimony presented, Mr. Courtney ordered the respondent to address comprehensively all the issues raised in the DRC comments by November 6, 2002, or fines as originally imposed on March 27, 2002, in the amount of \$75 plus \$70 per day for each the violation continues, shall be restarted.

**CE2002080014 – SPENCER AND TORI L. WHITNEY**

Violation of **Sections 512 (Building Permits)**, and **1202 (Violations)** of the Manatee County Land Development Code at 847 Southern Pine Lane, Sarasota.

Mrs. Mooney stated the property has been found in violation; however, the case was continued for the owners to either obtain a valid a permit or reactivate an old permit.

**Tori Whitney**, respondent, stated the permit cannot be reactivated; therefore she is hiring an engineer to redraw and resubmit the plans.

Ms. Hunt stated the property was originally cited in 1998. The permits that were obtained by the respondents were voided as the respondents did not complete the process.

Based upon the testimony and evidence presented, the Special Master gave the respondents until December 20, 2002, to submit plans and an application for a new permit or fines shall be imposed as previously ordered on August 28, 2002, in the amount of \$150 plus \$100 per day.

**CE2002050281 – DAVID MCCARTER, JR.**

Violation of **Section 602.2, Figure 6-1, Page 420 (Permitted, Administrative, and Special Uses by District)** of the Manatee County Land Development Code at 6090 17th Street East, Bradenton.

Anne Catalano, Code Enforcement Officer, submitted three photographs of a manufactured home.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 602.2, Figure 6-1, Page 420 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$85, plus \$80 per day shall be imposed.

**CE2002070815 – CLAUDIA G. MONTGOMERY**

Violation of **Section 742 (Structure Numbering Standards)** of the Manatee County Land Development Code at 5408 13th Avenue Drive West, Bradenton.

Ms. Catalano submitted four photographs of a residence without structure numbers.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 742 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a fine of \$200 shall be imposed.

**CE2002080624 – VERNA C. STORY**

Violation of **Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited)** of the Manatee County Land Development Code at 5804 13th Street East, Bradenton.

Ms. Catalano submitted four photographs of trash and debris (tree branches) on the property.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 703.2.22 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$65, plus \$65 per day shall be imposed.

**CE2002080392 – UNIVERSITY PARKWAY ASSOCIATES LTD.**

Violation of **Section 724.3 (Signs Specifically Prohibited)** of the Manatee County Land Development Code at 8494 Lockwood Ridge Road, Sarasota.

Mr. Gould submitted three photographs of prohibited signs (flags and banners) on the property.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 724.3 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$85, plus \$80 per day shall be imposed.

**CE2002080667 – ABELARDO AND FRANCES GONZALEZ**

Violation of **Sections 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited)**, and **512 (Building Permits)** of the Manatee County Land Development Code at 3519 20th Street East, Bradenton.

Mr. Gould submitted seven photographs of trash and debris and a fence erected on the property without a permit.

Based upon the testimony and evidence presented, the Special Master found the property in violation of Section 703.22.22 and gave the respondents until November 22, 2002, to comply or a fine of \$65, plus \$65 per day for each day the violation remains, shall be imposed, as to the trash and debris. Mr. Courtney gave the respondents until November 22, 2002, to comply as to the permit violation or a fine of \$150, plus \$100 per day for each day the violation remains, shall be imposed.

**CE2002060664 – JACOR BROADCASTING OF TAMPA**

Violation of **Section 513 (Certificate of Occupancy)** of the Manatee County Land Development Code at 900 33rd Street West, Palmetto.

Mr. Fenton stated a radio station is being occupied without a Certificate of Occupancy.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 513 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$85, plus \$80 per day shall be imposed.

**CE2000120109 – GLEN A. GIBELLINA**

Violation of **Section 512 (Building Permits)** of the Manatee County Land Development Code at 7110 28th Street East, Bradenton.

Mrs. Mooney stated fines were started May 20, 2002. On August 28, 2002, the Special Master ordered the fines to be stayed and for the respondent to appear on September 25, 2002, and October 23, 2002, to provide updates on the status of the permit.

**Glen Gibellina**, respondent, stated the replacement windows and the septic tank were the only unresolved issues.

Based upon the testimony and evidence presented, the Special Master ordered Mr. Gibellina to submit revised plans and documentation and resolve the septic tank issues by November 6, 2002, or fines ordered on June 27, 2001, in the amount of \$150 plus \$100 per day shall be restarted.

**CE2002080649 – MOTIVA ENTERPRISES LLC**

Violation of **Section 724.3 (Signs Specifically Prohibited)** of the Manatee County Land Development Code at 6600 Cortez Road West, Bradenton.

Ms. Hunt submitted one photograph of prohibited signs (portable signs and banners) on the property.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 724.3 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$85, plus \$80 per day shall be imposed.

**CE2002080476 – KATHLEEN AND JEFFREY BISHOP**

Violation of **Section 703.2.15 (Parking of Restricted Vehicles Including Commercial Vehicles)** of the Manatee County Land Development Code at 5209 19th Street East, Ellenton.

Lorraine Caruso, Code Enforcement Officer, submitted one photograph of a restricted vehicle (boat) on the property.



Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 703.2.15 of the Manatee County Land Development Code and gave the respondents until November 22, 2002, to comply or a minimum fine of \$75, plus \$70 per day shall be imposed.

**CE2002080551 – MOTIVA ENTERPRISES LLC**

Violation of **Section 724.3 (Signs Specifically Prohibited)** of the Manatee County Land Development Code at 5944 20th Street East, Ellenton.

Ms. Caruso submitted two photographs of prohibited signs (portable signs and banners) on the property.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 724.3 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$85, plus \$80 per day shall be imposed.

**CE2002060198 – HENRY ARTIGAS**

Violation of **Sections 703.2.15 (Parking of Restricted Vehicles Including Commercial Vehicles), 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited), and 703.2.20 (Screened Outdoor Storage)** of the Manatee County Land Development Code at 3015 Florida Boulevard, Bradenton.

Ms. Hunt submitted two photographs of trash and debris and unscreened outdoor storage on the property, and testified there are several trailers in the front yard. Ms. Hunt stated that the property is currently in compliance and requested a finding of fact that the property had been in violation, as these are repeat violations.

Based upon the testimony and evidence presented, the Special Master found the property to have been in violation of Sections 703.2.15, 703.2.22 and 703.2.20 of the Manatee County Land Development Code.

**CE2002070638 – ANDY R. ODELL AND TAMMY GUAYASAMIN-ODELL**

Violation of **Sections 724.3.24 (Unpermitted Signs) and 512 (Building Permits)** of the Manatee County Land Development Code at 3637 Cortez Road West, Bradenton.

Ms. Hunt submitted three photographs of an electrical sign erected without the required sign and building permits. Ms. Hunt stated the permits are ready; however, the respondent has not picked them up.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Sections 724.3.24 and 512 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$85, plus \$80 per day shall be imposed.

**CE2002070850 – HAWA ENTERPRISES LLC**

Violation of **Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited)** of the Manatee County Land Development Code at 3320 and 3326 Cortez Road West, Bradenton.

Ms. Hunt submitted one photograph of trash and debris (mattresses) on the property.

Based upon the testimony and evidence presented, the Special Master found the property to be in violation of Section 703.2.22 of the Manatee County Land Development Code and gave the respondent until November 22, 2002, to comply or a minimum fine of \$65, plus \$65 per day shall be imposed.

**CE2002090184 – WENDELL FORREST CHAPMAN III**

Violation of **Section 703.2.20 (Screened Outdoor Storage)** of the Manatee County Land Development Code at 305 67th Avenue West, Bradenton.

Ms. Hunt submitted one photograph of unscreened outdoor storage (rolls of carpet) on the property. Ms. Hunt stated that the property is currently in compliance and is requesting a finding of fact that the property had been in violation, as this is a repeat violation.

Based upon the testimony and evidence presented, the Special Master found the property to have been in violation of Section 703.2.20 of the Manatee County Land Development Code.

**HEARING ADJOURNED**

There being no further business, the hearing was adjourned.

Adj: 10:55 a.m.  
/pat/tb

Minutes Approved: December 3, 2002