

OCTOBER 24, 2012

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

Presiding was: Donald Courtney

Also present were:

Maureen Sikora, Deputy County Attorney
Robin Liberty, Deputy Clerk,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

CODE ENFORCEMENT CASE COMPLIED,
COMPLIED - CE2012050694 - TERRI L. HATTAWAY

CODE ENFORCEMENT CASES

CE2008060316 - LOVIN TNT LLC

Violation of Sections 703.2.23 (Parking or Storage of Junk Vehicles or Refuse Prohibited), 703.2.23.1 (Refuse Prohibited), 703.2.20.1 (Non-Residential Screened Outdoor Storage), and 703.1.1 (Accessory Uses - General Requirements) of Manatee County Land Development Code (LDC) at 6300 33rd Street East, Bradenton.

Tony Lovin, respondent, pled in violation.

Vicki DiOrazio, Code Enforcement Officer, testified Sections 703.2.23 and 703.2.23.1 are complied. She reviewed the case summary including slides outlining the violations of unscreened outdoor storage and accessory use.

Mr. Lovin stated the trailers have been on the property since 2007 and in 2009 Anne Catalano, Code Enforcement Officer, informed him the trailers could remain on the property. He was unaware of the violations until today, and requested a six-month extension.

Joe Fenton, Code Enforcement Division Manager, stated staff recommends extending the compliance date three months (January 2013) without fines being imposed at this time.

Based on the testimony and evidence presented, the Special Magistrate found the property to be in violation of Sections 703.2.20.1 and 703.1.1 of the Manatee County LDC, and gave the respondent until January 18, 2013, to bring the property into compliance. The case will be on the January 23, 2013, Special Magistrate agenda for a status report.

CE2012080296 - STEPHEN L. SANFORD

Violation of Section 703.2.14 (Parking of Commercial Vehicles) of the Manatee County LDC at 9612 Oak Run Drive, Bradenton.

Stephen Sanford, respondent, pled not in violation.

Based on the testimony, the Special Magistrate referred this case to the Code Enforcement Board meeting on November 14, 2012.

CE2008120003 - FEDERAL DEPOSIT INSURANCE CORPORATION (FKA HERITAGE DEVELOPMENT OF CENTRAL FLORIDA)

Violation of Section 703.2.23.1 (Refuse Prohibited) of the Manatee County LDC at 6700 Prospect Road, Sarasota.

CE2008120005 – FEDERAL DEPOSIT INSURANCE CORPORATION (FKA HERITAGE DEVELOPMENT OF CENTRAL FLORIDA)

Violation of **Section 703.2.23.1 (Refuse Prohibited)** of the Manatee County LDC at 6710 Prospect Road, Sarasota.

Mr. Fenton reviewed each case summary, and noted Code Enforcement received a letter from the respondent requesting a fine reduction to \$1,500 for each case, for a total of \$3,000. Fines total \$65,125 for each case. Staff agrees with the recommended fine reductions.

Tony Tiberini submitted documentation authorizing him to represent the respondent, and agreed with the recommended fine reduction of \$1,500 for each case.

Based on the testimony, the Special Magistrate referred CE2008120003 and CE2008120005 to the Board of County Commissioners for a recommended fine reduction to \$1,500 for each case.

CE2012010050 – FIRST FEDERAL BANK OF FLORIDA (FKA DAA FIDU INC AND TRUST NO 647605 U/T/A DTD 1/18/2006)

Violation of **Section 703.2.23.1 (Refuse Prohibited)** of the Manatee County LDC at 206 66th Avenue West, Bradenton.

Mr. Fenton reviewed the case history, and noted Code Enforcement received an email requesting a fine reduction from \$4,250 to \$1,000. Staff agrees with the requested fine reduction.

Jerome Levin, respondent's attorney, agreed with the recommended fine reduction.

Based on the testimony, the Special Magistrate referred CE2012010050 to the Board of County Commissioners for a recommended fine reduction to \$1,000.

CE2011010477 – DENNIS D. AND TERESA W. VISINTAINER

Violation of **Sections 512.1 (Building Permits – Purpose and Applicability)** and **513.1 (Certificate of Occupancy/Completion – Purpose and Effect)** of the Manatee County LDC at 7534 Tori Way, Bradenton.

Mr. Fenton reviewed the case history, and noted Code Enforcement received an email from the respondents requesting a fine reduction from \$24,700 to \$2,470. Staff recommended a fine reduction to \$2,470.

Dennis Visintainer, respondent, agreed with the recommended fine reduction.

Based on the testimony, the Special Magistrate referred CE2011010477 to the Board of County Commissioners for a recommended fine reduction to \$2,470.

CE2012010369 – 1302 ROME LLC

Violation of **Sections 512.1 (Building Permits – Purpose and Applicability)** and **513.1 (Certificate of Occupancy/Completion – Purpose and Effect)** of the Manatee County LDC at 1302 Rome Avenue, Sarasota.

Mr. Fenton reviewed the case history, and noted the respondent requested an extension for Sections 512.1 and 513.1.

Daniel Anderson, respondent, stated he is working with the Building and Development Services Department to correct the violations, and requested a three-month extension.

Susan Hunt, Code Enforcement Officer, requested an update from Cindi Blake, Building and Development Services Department.

Ms. Blake stated the respondent was provided with information required to close the permit. During an onsite visit, Stephen Tetlak, Building Official, determined revisions are required. Staff agreed with the three-month extension.

Based upon the testimony and evidence presented, the Special Magistrate extended the compliance date to January 18, 2013 for Section 512.1, and to April 19, 2013, for Section 513.1.

CE2012080595 – WENDELL M. GILLIS

Violation of **Sections 703.2.23.1 (Refuse Prohibited) and 703.2.20 (Screened Outdoor Storage)** of the Manatee County LDC at 308 59th Avenue Terrace West, Bradenton.

Ben Dornon, Code Enforcement Officer, reviewed the case summary including slides outlining the violations of miscellaneous trash and debris, and unscreened outdoor storage.

Based on the testimony and evidence presented, the Special Magistrate found the property to be in violation of Sections 703.2.23.1 and 703.2.20 of the Manatee County LDC, and gave the respondent until November 26, 2012, to comply or a minimum fine of \$100, plus a daily fine of \$150, will be imposed for each violation.

CE2011110165 – SUSAN JANE MERRELL

Violation of **Sections 703.1.1 (Accessory Uses – General Requirements) and 703.2.20 (Screened Outdoor Storage)** of the Manatee County LDC at the 7800 Block of 17th Street Court East (no assigned address - Parcel 2009500359).

James Thomas, Code Enforcement Officer, reviewed the case summary including slides outlining the violations of storing miscellaneous items and unscreened outdoor storage, including but not limited to vehicle storage. The respondent has begun clearing the site.

Upon question by Maureen Sikora, Deputy County Attorney, Ms. Hunt testified that she took the photographs dated April 3, 2012 and October 23, 2012.

Based on the testimony and evidence presented, the Special Magistrate found the property to be in violation of Sections 703.1.1 and 703.2.20 of the Manatee County LDC, and gave the respondent until November 8, 2012, to comply or a minimum fine of \$150, plus a daily fine of \$100, will be imposed for each violation.

CE2012010474 – SUSAN JANE MERRELL

Violation of **Section 703.1.1 (Accessory Uses – General Requirements)** of the Manatee County LDC at the 7800 Block of 17th Street Court East (no assigned address - Parcel 2009500359).

Mr. Thomas reviewed the case summary including slides outlining the violation of a fence erected on a vacant residential lot. The respondent assured him the property would be cleared by the end of the day.

Ms. Hunt reviewed photographs taken October 23, 2012.

Based on the testimony and evidence presented, the Special Magistrate found the property to be in violation of Section 703.1.1 of the Manatee County LDC, and gave the respondent until November 8, 2012, to comply or a minimum fine of \$150, plus a daily fine of \$100, will be imposed.

CE2012070556 - CHERYL GARDNER

Violation of **Section 703.2.15 (Parking of Restricted Vehicles, Including Commercial Vehicles)** of the Manatee County LDC at 424 32nd Avenue East, Bradenton.

Travis Latimer, Code Enforcement Officer, reviewed slides outlining the violation of a restricted vehicle, including but not limited to a motor home.

Based on the testimony and evidence presented, the Special Magistrate found the property to be in violation of Section 703.2.15 of the Manatee County LDC, and gave the respondent until November 26, 2012, to comply or a minimum fine of \$100, plus a daily fine of \$50 will be imposed.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Adj: 10:51 a.m.
/vj

Minutes Approved: November 28, 2012