



City of Sanibel

Office of Code Enforcement
800 Dunlop Road
Sanibel, FL 33957
Phone-239-472-4136....Fax-239-472-8826

RECEIVED CITY OF SANIBEL
JUN 26 2024 PM 12:53

NOTICE OF HEARING **BEFORE THE CODE ENFORCEMENT HEARING EXAMINER,** **CITY OF SANIBEL, LEE COUNTY, FLORIDA**

CITY OF SANIBEL vs. WPMS LLC

CASE NO. 2023-853 SUBJECT PROPERTY: 1209 JUNONIA ST. SANIBEL, FL.33957

YOU ARE HEREBY NOTIFIED THAT ON: July 8th, 2024 @ 1 p.m.

A Hearing will be held on July 8th, 2024, before the Sanibel Code Enforcement Hearing Examiner/ Special Magistrate. This hearing will commence at 1 p.m. @ BIG ARTS, 900 Dunlop Road, in the City of Sanibel, Florida, in accordance with Section 2-351 and 2-352 of the Sanibel Code of Ordinances to determine whether you have violated one or more provisions and/or sections of the City of Sanibel's ordinances and the Florida Building Code. Said ordinances are set forth in the Notice of Violation dated December 15th, 2023, and the amended Notice of Violation dated June 10th, 2024, sworn to by the Code Enforcement officer of the City of Sanibel. (Attached)

You are entitled to be represented by counsel, present testimony, and evidence, and to testify on your behalf. Subpoenas for records, surveys, plats and other materials, and for witnesses may be requested and will be issued by the City upon proper request.

.....
IF A PERSON DECIDES TO APPEAL ANY DECISION OF THE BODY WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, SHE/HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, TO INCLUDE HEARING IMPAIRMENT, SHOULD CONTACT THE CITY CLERK'S OFFICE, NO LATER THAN ONE DAY PRIOR TO THE PROCEEDINGS AT (239) 472-3700. FOR ADDITIONAL ASSISTANCE IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE AT 711.

Dated: 6/26/24

Stacy Lynn Kelly
HEARING EXAMINER / CITY CLERK

Method of Service: Certified Mail # Regular mail/ Posted notice

Included: Notice of Violation

C: City Attorney, John Agnew
CE File No. 2023-853



City of Sanibel
Office of Code Enforcement
2475 Library Way
Sanibel, FL 33957
Phone: 239-472-4136

AMENDED NOTICE OF VIOLATION

CASE NO. 2023-853

To: WPMS LLC
6584 Sandspur LN
Fort Myers, FL 33918
Certified Mail # 70221670000121574085

SUBJECT PROPERTY- 1209 Junonia St, Sanibel FL 33957

This amended notice of violation amends the notice of violation previously sent to you, dated December 15, 2023. This notice is to inform you that a violation of the ordinances of the City of Sanibel has been found to exist at the above location. This violation is in the form of work completed or underway without the required City Permits which may be violations of the 2023 Florida Building Code and applicable floodplain regulations. The work believed to be completed without a necessary permit includes siding, windows, stairs, and ground floor renovations to space significantly impacted from the storm surge of Hurricane Ian on September 28, 2022. Specifically, FEMA has identified your property as having possible violations, and the City of Sanibel has been directed to "verify, monitor, and resolve the possible violation." Unpermitted work of this nature could be in violation of Sanibel Code Sections 94-51, 94-81, 14-5, 14-186, 14-187, and 14-188. Additionally, the floodplain administrator has also requested to inspect the subject premises to determine if other development has been undertaken without issuance of a requisite permit in violation of FEMA flood regulations administered by the City, as the subject premises is in a special flood hazard area. Those requests have been rejected to date and such rejection constitutes a violation of Sanibel Code Section 94-81. The City Code section(s) cited as a result of these violations are indicated in the attachment and this notice serves as a written order to achieve compliance:

HOW TO COMPLY: You are directed to abate the cited violations immediately by carrying-out the following compliance actions:

1. You or your authorized agent are directed to apply for and receive the required permits from the City of Sanibel for the work completed.
2. Schedule an inspection with the floodplain administrator to determine whether other unlawful development has been undertaken without issuance of a permit in violation of FEMA flood regulations administered by the City.

If you have any questions about this process please contact the Building Official Craig Molé at cam@mysanibel.com or 239-472-4555.



City of Sanibel
Office of Code Enforcement
2475 Library Way
Sanibel, FL 33957
Phone: 239-472-4136

THESE VIOLATIONS MUST BE CORRECTED WITHIN 15 DAYS FROM RECEIPT OF THIS NOTICE. FAILURE TO COMPLY WILL CAUSE THE CODE ENFORCEMENT OFFICER TO SCHEDULE A HEARING BEFORE THE HEARING OFFICER, OR IN THE ALTERNATIVE, TO ISSUE A CITATION IN THE COUNTY COURT FOR LEE COUNTY, FLORIDA. IF YOU ARE FOUND TO BE IN VIOLATION, A NONCRIMINAL FINE MAY BE IMPOSED FOR EACH DAY OF VIOLATION. IF THE VIOLATION IS CORRECTED AND THEN RECURS, OR IF THE VIOLATION IS NOT CORRECTED BY THE TIME SPECIFIED FOR CORRECTION, THE CASE MAY BE PRESENTED TO THE HEARING OFFICER/ COUNTY JUDGE EVEN IF THE VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE SCHEDULED.

YOU MUST CALL CODE ENFORCEMENT 239-472-4136 TO REQUEST A RE-INSPECTION WHEN THE VIOLATION HAS BEEN ABATED.

ISSUE BY:


Building Official, Craig Mole'

ISSUE DATE 6-10-2024

ATTACHMENT CODE ENFORCEMENT CASE NUMBER 2023-853

The Sanibel Code and Florida Building Code section(s) cited as a result of these violations are indicated below and this notice serves as a written order to achieve compliance:

2023 FBC, 8th Edition – Chapter 1, Section 102.2 Building

102.2 Building.

The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Building Code, Existing Building.

Sanibel Code Sec. 94-51. - Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

Sanibel Code Sec. 94-81. General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

Sanibel Code Sec. 14-5. - Violations.

The following acts are unlawful and prohibited:

(1) Beginning or continuing the construction of any building, structure or system regulated by this chapter without first obtaining all required permits and paying all fees and charges for those permits.

Sanibel Code Sec. 14-186. - Qualifications for issuance.

(a) The building official shall issue a permit under this chapter only to a person who is in possession of a current and valid license, certification, registration, or competency approval, or to a person who is acting within the scope of an exemption provided in general law or this chapter.

(b) A person seeking a permit under this chapter shall file with the building official, and pay the fee for, an application for the appropriate permit. The application shall be on a form provided by the building official, and shall contain plans and specifications required by the building official sufficiently detailed as to describe the work and to exhibit compliance with construction standards. The building official may require the submission of more than one set of plans and specifications.

(c) When required, the applicant or agent thereof shall not begin construction or other work until the building official has issued the appropriate permit and posted it at the building site.

Sanibel Code Sec. 14-187. - Conditions for requirement.

(a) An applicant shall obtain a building permit for building projects valued at more than \$750.00.

(b) An applicant shall obtain a roofing permit for roofing projects valued at more than \$250.00 and for any new installation or addition regardless of value.

(c) An applicant shall obtain a lawn sprinkler permit for lawn sprinkler projects valued at more than \$250.00, and for any new installation or addition regardless of value.

(d) An applicant shall obtain an electrical permit whenever electrical wiring, either temporary or permanent, is installed, removed or extended, except when the electrical work, excluding the appliance or equipment, but including all material

and labor, is less than \$250.00. This exception does not apply for electrical work requiring a development or sign permit, or involving a service change, disconnection or addition of circuits.

(e) An applicant shall obtain a plumbing permit whenever piping or appliances, either temporary or permanent, are installed or extended, except when the plumbing work, excluding the appliance or equipment, but including all material and labor, is less than \$250.00. This exception does not apply for plumbing work requiring a development permit, adding a main water service backflow device, replacing a water service supply, replacing a wastewater line, or repairing/replacing a septic system.

(f) An applicant shall obtain a mechanical permit whenever a new system is installed or when a major component such as a compressor or air handler is moved or replaced. The applicant need not obtain a mechanical permit when there is only a change in duct work.

(g) An applicant shall obtain a gas permit whenever a new system or piping, either temporary or permanent, is installed, removed or extended.

(h) An applicant shall obtain a moving permit whenever a structure constituting an oversized load under state traffic laws is moved on either a public or private street. If deemed necessary to determine the condition or safety of the structure, the building official may require a relocation inspection.

Sanibel Code Sec. 14-188. - Building permits.

(a) *Validity.* A building permit shall remain valid and the construction or other work authorized by it shall be completed in accordance with the following requirements:

(1) *First structural inspection.* Within 60 days after the issuance of the permit, the applicant or agent thereof shall complete work to a point where it is ready for a first structural inspection. The applicant must make a request for such inspection within this time period.

(2) *Additional structural inspection.* Within six months after the first structural inspection, the applicant or agent thereof shall proceed to a point where the work is ready for an additional structural inspection. The applicant must make a request for such inspection within this time period.

(3) *Certificate of occupancy inspection.* Within one year after the issuance of the permit, the applicant or agent thereof shall have completed work to a point where a certificate of occupancy or other certificate of completion can be rendered. The applicant must make a request for such inspection within this time period.

(4) *Extensions.* If it appears that additional time is needed for the commencement of the work, the building official, upon the written request of the applicant, may grant an extension of time up to an additional 60 days to complete the work described in subsection (a)(1) of this section; an additional three months to complete the work described in subsection (a)(2) of this section; and an additional six months to complete the work as described in subsection (a)(3) of this section.

(5) *Additional extensions.* Any extensions in addition to those provided in subsection (a)(4) of this section shall only be granted by the city manager, upon the written request of the applicant, and upon a showing that the delay was unavoidable, that progress is being made in accordance with a schedule, and a finding that the public interest will not be injured by the granting of an additional extension of the permit. The city manager may conduct a hearing on the application, refer it to the assistant city manager or to an independent hearing officer, or refer it to the construction industry regulation board to hear the request. If referred to the construction industry regulation board, the construction industry regulation board may hear the request or refer it to an independent hearing officer for hearing and determination.

(6) *Limitation on extensions.* No extension of a building permit shall extend beyond the expiration date of any development permit.

(7) *Fees for requests for extensions.* Fees for requests for extensions are set forth in section 14-191

(b) *Expiration.* Failure to comply with any of the requirements and conditions set forth in this section or elsewhere in this chapter shall cause the permit to be null and void.



City of Sanibel
Office of Code Enforcement
2475 Library Way
Sanibel, FL 33957
Phone: 239-472-4136

NOTICE OF VIOLATION 2023-853

To: WPMS LLC
6584 Sandspur LN
Fort Myers, FL 33918
Certified Mail # 70221670000121573774

SUBJECT PROPERTY- 1209 Junonia St, Sanibel FL 33957

This notice is to inform you that a violation of the ordinances of the City of Sanibel has been found to exist at the above location. This violation is in the form of work completed or underway without the required City Permits.

The City Code section(s) cited as a result of these violations are indicated in the attachment and this notice serves as a written order to achieve compliance:

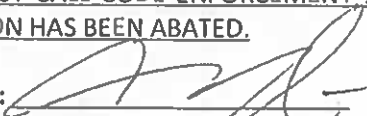
HOW TO COMPLY: You are directed to abate the cited violations immediately by carrying-out the following compliance actions:

- You or your authorized agent are directed to apply for and receive the required permits from the City of Sanibel for the work completed. If you have any questions about this process please contact the Building Official Craig Molé at cam@mysanibel.com or 239-472-4555.

THIS VIOLATION MUST BE CORRECTED WITHIN 15 DAYS FROM RECEIPT OF THIS NOTICE. FAILURE TO COMPLY WILL CAUSE THE CODE ENFORCEMENT OFFICER TO SCHEDULE A HEARING BEFORE THE HEARING OFFICER, OR IN THE ALTERNATIVE, TO ISSUE A CITATION IN THE COUNTY COURT FOR LEE COUNTY, FLORIDA. IF YOU ARE FOUND TO BE IN VIOLATION, A NONCRIMINAL FINE MAY BE IMPOSED FOR EACH DAY OF VIOLATION. IF THE VIOLATION IS CORRECTED AND THEN RECURS, OR IF THE VIOLATION IS NOT CORRECTED BY THE TIME SPECIFIED FOR CORRECTION, THE CASE MAY BE PRESENTED TO THE HEARING OFFICER/ COUNTY JUDGE EVEN IF THE VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE SCHEDULED.

YOU MUST CALL CODE ENFORCEMENT 239-472-4136 TO REQUEST A RE-INSPECTION WHEN THE VIOLATION HAS BEEN ABATED.

ISSUE BY:


Building Official, Craig Molé

ISSUE DATE 12-15-2023

ATTACHMENT CODE ENFORCEMENT CASE NUMBER 2023-853

The Sanibel Code section(s) cited as a result of these violations are indicated below and this notice serves as a written order to achieve compliance:

Sanibel Code-Sec. 1-15. Violations; general penalty.

(c) Any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance of the city shall be deemed a public nuisance and shall be subject to abatement by the city. Each day that such condition continues shall be regarded as a new and separate offense.

Sanibel Code Sec. 14-5. - Violations.

The following acts are unlawful and prohibited:

(1) Beginning or continuing the construction of any building, structure or system regulated by this chapter without first obtaining all required permits and paying all fees and charges for those permits.

Sanibel Code Sec. 14-186. - Qualifications for issuance.

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(b) A person seeking a permit under this chapter shall file with the building official, and pay the fee for, an application for the appropriate permit. The application shall be on a form provided by the building official, and shall contain plans and specifications required by the building official sufficiently detailed as to describe the work and to exhibit compliance with construction standards. The building official may require the submission of more than one set of plans and specifications.

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removed or extended.

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(6) *Limitation on extensions.* No extension of a building permit shall extend beyond the expiration date of any development permit.

(7) *Fees for requests for extensions.* Fees for requests for extensions are set forth in section 14-191

(b) *Expiration.* Failure to comply with any of the requirements and conditions set forth in this section or elsewhere in this chapter shall cause the permit to be null and void.

Sec. 94-81. General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

Sec. 94-82. Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

Sec. 94-83. Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

removed or extended.

(h) An applicant shall obtain a moving permit whenever a structure constituting an oversized load under state traffic laws is moved on either a public or private street. If deemed necessary to determine the condition or safety of the structure, the building official may require a relocation inspection.

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Sec. 94-83. Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.



City of Sanibel

Office of Code Enforcement
800 Dunlop Road
Sanibel, FL 33957
Phone-239-472-4136... Fax-239-472-8826

RECEIVED CITY OF SANIBEL
APR 10 2024 AM 11:51

NOTICE OF HEARING **BEFORE THE CODE ENFORCEMENT HEARING EXAMINER,** **CITY OF SANIBEL, LEE COUNTY, FLORIDA**

CITY OF SANIBEL vs. WPMS LLC

CASE NO. 2023-853 SUBJECT PROPERTY: 1209 JUNONIA ST, SANIBEL, FL.33957

.....
YOU ARE HEREBY NOTIFIED THAT ON: MAY 13th, 2024 @ 1 p.m.

A Hearing will be held on May 13th, 2024, before the Sanibel Code Enforcement Hearing Examiner/ Special Magistrate. This hearing will commence at 1 p.m. @ BIG ARTS, 900 Dunlop Road, in the City of Sanibel, Florida, in accordance with Section 2-351 and 2-352 of the Sanibel Code of Ordinances to determine whether you have violated one or more provisions and/or sections of the City of Sanibel's ordinances. Said ordinances are set forth in the Notice of Violation dated December 15th, 2023, sworn to by the Code Enforcement officer of the City of Sanibel. (Attached)

You are entitled to be represented by counsel, present testimony, and evidence, and to testify on your behalf. Subpoenas for records, surveys, plats and other materials, and for witnesses may be requested and will be issued by the City upon proper request.

.....
IF A PERSON DECIDES TO APPEAL ANY DECISION OF THE BODY WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, SHE/HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, TO INCLUDE HEARING IMPAIRMENT, SHOULD CONTACT THE CITY CLERK'S OFFICE, NO LATER THAN ONE DAY PRIOR TO THE PROCEEDINGS AT (239) 472-3700. FOR ADDITIONAL ASSISTANCE IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE AT 711.

Dated: 4/11/24

Scott Lynn Kelly
HEARING EXAMINER/CITY CLERK

Method of Service: Certified Mail # Regular mail/ Posted notice

Included: Notice of Violation and Stipulation Agreement

C: City Attorney, John Agnew
CE File No. 2023-853

THIS SPACE FOR RECORDING
**BEFORE THE HEARING EXAMINER OF
SANIBEL, FLORIDA**

CITY OF SANIBEL
Petitioner,

vs.

Case #2023-853 BD

WPMS LLC
Respondent (s)

STIPULATION FOR AGREED CODE ENFORCEMENT ORDER
AS PREPARED ON APRIL 10TH, 2024

The undersigned Petitioner and Respondent(s) (hereafter referred to collectively as "Respondent") hereby stipulate and agree to the entry of an agreed code enforcement order as set forth in this stipulation:

A. AGREED FACTS:

1. The City of Sanibel Code Inspector initiated these proceedings.
 2. The respondent received adequate notice of the violation. The Notice of Violation 2023-649 alleged the existence of violations of the City of Sanibel Ordinance, specifically Sanibel Code Sections: 1-15, 14-5, 14-186, 14-187, 14-188, 94-81, 94-82, 94-83.
 3. The Respondent admits to the violations. The Respondent agrees to comply with the Notice of Violation, abate the violation, and to do the following, by: **MAY 13TH, 2024**
- ☐ **PAY THE PETITIONER'S COSTS IN THE AMOUNT OF \$ 202.83 BY MAY 9TH, 2024**
- ☐ **CORRECTING THE VIOLATION BY: Apply/ obtain permits with the building department and have approval with Chief building official.**
- ☐ **TAKING & FULLY COMPLETING THE ACTIONS DESCRIBED ABOVE:**
4. If respondent fails to abate the violation by the deadline determined by the Hearing Examiner with each of the foregoing, a fine in an amount determined by the Hearing Examiner, shall be imposed against Respondent by separate order without further notice to Respondent. The fine shall be calculated beginning as of the date of this Stipulation and continuing until the violation is abated as set forth herein.

5. The undersigned has the authority to make this stipulation on behalf of the Respondent (s) and Petitioner.

B. AGREED LEGAL ISSUES

1. These proceedings are pursuant to the Local Government Code Enforcement Board Act, Chapter 162, Florida Statutes.
2. The Hearing Examiner has the authority to impose administrative fines and other non-criminal penalties to provide an equitable, effective and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeat violation continues to exist.
3. Petitioner has prevailed in prosecuting its case and according to Section 162.02 (2), Florida Statutes, Petitioner is entitled to recover all costs in prosecuting the case which shall be included in the lien authorized by Section 162.09 (3), Florida Statutes.
4. Respondent's violation of any of Sanibel Codes Sections described in the Notice of Violation within five (5) years shall be a repeat violation as defined by Section 162.04 (5), Florida Statutes.

Upon recording this Order in the Public Records, this Order shall constitute a lien against all of Respondent's real and personal property, including but not limited to the subject property described herein, and subsequent foreclosure of the lien may result in the loss of such property.

IF THE PROPERTY OWNER CORRECTS THE VIOLATION, PAYS CITY COST, SIGNS AND RETURNS THIS STIPULATION AGREEMENT BY MAY 9TH, 2024 THE HEARING WILL BE CANCELLED.

Agreed to on _____ at Sanibel, Lee County, Florida.

Respondent:

Petitioner:

By _____ its _____

Standard Administrative Costs
for Hearing Case Through First Hearing
Case #2023-853

<u>CHARGE</u>	<u>PER HOUR</u>	<u>NO. HOURS or INSPECTIONS</u>	<u>TOTAL</u>
Inspections	\$50.00 each		\$50.00
Certified Mailings	\$7.00 each		\$ 28.00
City Attorney/case prep	\$250.00		\$
Staff Case review-at various stages during process with the Planning Director and/or City Manager.	\$75.00 per case		\$
City staff required at hearing.	\$75.00 per hearing		\$
			\$
Terri Weich	50.83		\$
Deputy Planning Director	73.69		\$
Albert Sanchez	41.61		\$ 124.83
Senior Planner	56.66		\$
Police Officer	42.75		\$
Sabine Schroeder	31.95		\$
City Manager	144.89		\$
Scotty Lynn Kelly	91.66		\$
Natural Resources Director	106.89		\$
Building Official	112.20		\$
Dana Dettmar	49.02		\$
Joel Caouette	53.43		
Deputy Building Official	72.28		
Hearing Examiner Tony Gargano, Esq			\$
		TOTAL COSTS TO DATE	\$ 202.83

The City of Sanibel requests that the Hearing Examiner find a violation in case # _____. We further request that the respondent be given not more than _____ days to abate the violation and that prosecution costs of \$ _____ be assessed to the respondent.



 Albert Sanchez, Code Enforcement Officer
 City of Sanibel, Florida