



OFFICE OF THE SPECIAL MAGISTRATE  
ORDER OF IMPOSITION OF FINE & CLAIM OF LIEN

Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928

Case #: 16100011

Certified #:

Petitioner,

Vs

CHHLCA INVESTMENTS, LLC  
6881 SANDALWOOD LANE  
NAPLES, FL 34109

Respondent(s)

The Village of Estero Special Magistrate, having reviewed evidence and sworn testimony by Affidavit, enters the following Findings of Fact:

1. That the Village of Estero Special Magistrate did issue on the 16<sup>th</sup> day of October, 2017 a Final Order in the above captioned case commanding the Respondent to bring the violations specified in said Final Order into compliance or be subject to a fine in the amounts shown below commencing on the dates shown below plus an additional fine to cover costs incurred by the Village in the amount of \$404.50.

Ordinance/ Regulation	Violation Description/Correction	Order Date to Comply by	Date Complied	Daily Fine
Chapter 6 - BUILDINGS AND BUILDING REGULATIONS  Section 6-111. - Statewide effectiveness; amendments. USE Permits	Use permits. A use permit, authorizing a use in accordance with the provisions of Chapter 34 of the Lee County Land Development Code, is required prior to occupancy or a change of occupancy of commercial or industrial zoned property.	10/16/2019		\$250.00

Ordinance/ Regulation	Violation Description/Correction	Order Date to Comply by	Date Complied	Daily Fine
CHAPTER 33 Sec 1523 - Buffers	<p>All buffers must comply with section 10-416, except for the following:</p> <p>(a) Landscape buffers are not required between commercial uses.</p> <p>(b) If driveways and/or parking spaces are within 125 feet of a residential use a type F buffer per <u>section 10-416(c)</u> must be provided.</p> <p>(c) Type D right-of-way buffers must have a minimum ten foot width with five trees per 100 linear feet and a double staggered hedgerow.</p>	10/16/2019		\$250.00

2. That said violations occurred on the following described real property situate, lying and being in the Village of Estero, Florida, to-wit:

**FOLIO #: 284625E1U18662534**  
**LEGAL DESCRIPTION: PARL IN E1/2 OF NE1/4 AS DESC IN OR 1426 PG 858**  
**STREET ADDRESS: 20170 S. TAMIAMI TRL, ESTERO, FL 33928**

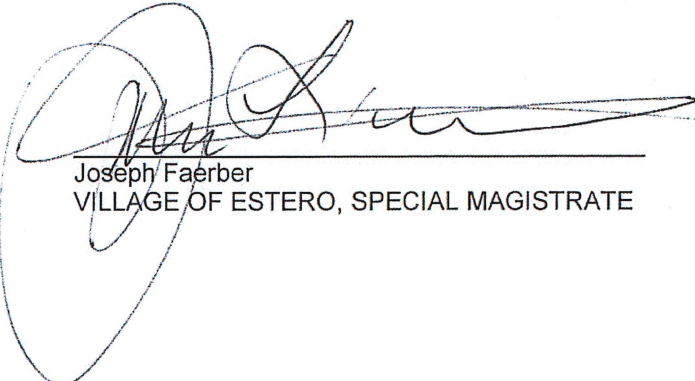
3. That the Respondent did not comply with the Final Order on or before the date specified therein. Upon complying with this Final Order, the Respondent **SHALL NOTIFY STANLEY KNIGHT**, The Code Enforcement Compliance Manager, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.
4. A fine in the amounts shown above commencing on dates shown above is hereby confirmed and imposed. This fine shall continue to accrue until such time as the property is brought into compliance at which time the Respondent shall notify the Code Compliance Manager. **Additionally, a fine of \$0.00 to cover costs incurred in the prosecution of this matter is confirmed and imposed.**
5. The fine and costs shall constitute a lien against the above-described real property pursuant to Chapter 162, Florida Statutes and Article VI – Code Enforcement of the Village of Estero Code of Ordinances, as currently enacted or as may be amended from time to time. The Special Magistrate Clerk is directed to record a true copy of this order in the Public Records of Lee County, Florida. Any such lien which accrues more than (90) days after the date it is recorded and which remains unpaid, may be referred to a collection agency which shall result in the imposition of additional collection fees.

**You may request, in writing, a hearing before the Special Magistrate to contest the finding of non-compliance and imposition of fines. Said hearing shall be limited to consideration of whether the violations were timely complied. A written request for a hearing MUST BE MADE TO THE OFFICE OF THE SPECIAL MAGISTRATE AND RECEIVED WITHIN TWENTY (20) DAYS OF THE DATE OF THIS NOTICE. You will be notified of a hearing date and time. If no timely request is received, this Order Imposing Fine and Claim of Lien entered by the Special Magistrate will be recorded in the Public Records of Lee County, constituting a lien on the subject real property.**

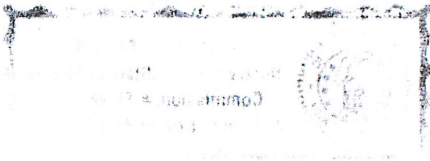
Respondents may appeal a final administrative order of the Special Magistrate for the Village of Estero to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

DONE AND ORDERED in the Village of Estero, Lee County, Florida this 18<sup>th</sup> day of July, 2019

OFFICE OF THE SPECIAL MAGISTRATE  
VILLAGE OF ESTERO, FLORIDA



Joseph Faerber  
VILLAGE OF ESTERO, SPECIAL MAGISTRATE



SPECIAL MAGISTRATE CLERK AFFIDAVIT

Dated on July 18 of 2019

Village of Estero Special Magistrate Clerk

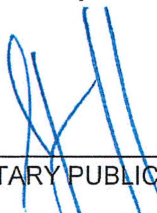
By:   
Terry-Ann Boyd-Reynolds

I certify that, under the penalty of perjury that the above written statements are true and accurate to the best of my knowledge.

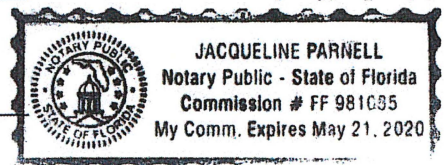
STATE OF FLORIDA     )  
  )ss:  
COUNTY OF LEE        )

Terry-Ann Boyd-Reynolds stated personally before me that they have personal knowledge of the facts stated herein:

Sworn or affirmed before me on this 18<sup>th</sup> day of July, 2019

  
\_\_\_\_\_  
NOTARY PUBLIC

Jacqueline Parnell  
\_\_\_\_\_  
PRINT NAME



SEAL:





OFFICE OF THE SPECIAL MAGISTRATE  
STIPULATED FINAL ORDER

Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928

Case #: 16100011

Certified #:  
70112000000174846366

Petitioner,

Vs

CHHLCA Investments, LLC  
6881 Sandalwood Lane  
Naples, FL 34109

Respondent(s)

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**IN RE:**

**STREET ADDRESS: 20170 S Tamiami Trl, Estero, FL 33928**

**FOLIO: 284625E1U18662534**

**LEGAL**

**DESCRIPTION: PARL IN E1/2 OF NE1/4 AS DESC IN OR 1426 PG 858**

The Village of Estero Special Magistrate, having heard testimony under oath and oral argument at a Public Hearing, in reference to the above-described property, held Thursday, October 19, 2017, after due notice to the Respondent(s); and the parties, by their respective counsel, having stipulated on the record;

AS AND FOR MY FINDINGS OF FACT:

1. The Respondent(s) is/are the owner(s) of record, and is/are responsible for the subject property.
2. The respondent(s) has/have received proper notice of this hearing by Certified Mail (Return Receipt Requested) of the alleged existence of certain conditions on the property described as violations, and that those conditions constituted a violation(s) of a Village of Estero Ordinance.
3. The Respondent(s), have appeared with counsel, Steven C. Hartsell, Esquire, and participated in this proceeding.
4. The notice(s) previously given to the Respondent(s) specified that certain violations existed at the subject premises and what actions to abate the alleged violations were to be taken by a time certain, but the Respondent(s) has/have failed to complete such actions in a timely manner.
5. The following condition(s) is/are found to exist on the subject property located at 20170 S Tamiami Trl, Estero, FL 33928, as reported by the Village's Code Compliance Manager in the Notice of

Violation:

Ordinance/Regulation	Violation Description / Correction	Order Date to Comply by
Chapter 6 - BUILDINGS AND BUILDING REGULATIONS Section 6-111. - Statewide effectiveness; amendments. USE Permits	Use permits. A use permit, authorizing a use in accordance with the provisions of Chapter 34 of the Lee County Land Development Code, is required prior to occupancy or a change of occupancy of commercial or industrial zoned property.	11/15/2017 by 5:00 pm
Sec. 33-1523. - Buffers.	All buffers must comply with section 10-416, except for the following: (a) Landscape buffers are not required between commercial uses.(b) If driveways and/or parking spaces are within 125 feet of a residential use a type F buffer per section 10-416(c) must be provided. (c) Type D right-of-way buffers must have a minimum ten foot width with five trees per 100 linear feet and a double staggered hedgerow.	11/15/2017 by 5:00 pm

The conditions testified to by the Village's Code Compliance Manager are found to have existed as the date and time of this hearing upon the subject property located at 20170 S Tamiami Trl, Estero, FL 33928.

6. That same constitute(s) a violation(s) under Section 6-111. – Statewide effectiveness; amendments. USE Permits and Section 33-1523. - Buffers.
7. Due to the refusal or failure on the part of the Respondent(s) to remedy the conditions(s) which exist on the subject property, it may be necessary for the Petitioner/Village of Estero to take any and all steps necessary to remedy the conditions.

AS AND FOR MY CONCLUSIONS OF LAW:

Respondent(s), by reason of the foregoing, is/are in violation of the Village of Estero's Ordinances, as specified above.

THEREFORE, I HEREBY ORDER:

1. That Respondent(s) shall correct or abate the aforesaid violations and file all papers and documents necessary for approval of their use permit, any variances that may be necessary in connection with same and submission of completed application for Limited Development Order and Use Permit for the property in the manner set forth in the official Notice of Violation **PRIOR to 5:00 P.M., on November 15, 2017.**
2. That Respondent(s) shall pay to the Village of Estero, Florida, the sums determined to be due for the Village's actual costs of prosecution of this case to date in the amount of \$404.50, and shall deliver payment of same to the Village Clerk's office no later than 10 days from the date of this



Order; and if not paid, same may also constitute a lien against the above-referenced property which may also be actionable by law.

In the event that the violation(s) is/are not corrected or abated as indicated above prior to 5:00 pm on November 15, 2017, additional fines of \$ 250.00 per day shall be imposed against Respondent(s), beginning on that date and continuing for each day that the aforesaid violations continue to exist.

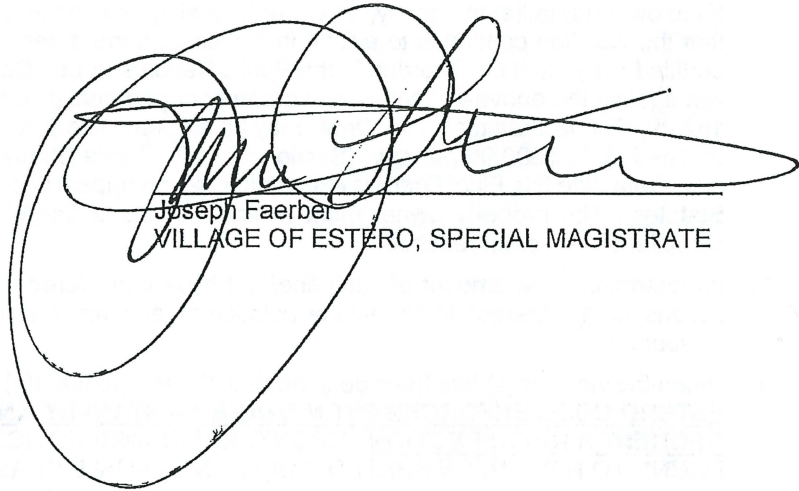
In the event the sums awarded herein are not paid, such sums will become a lien, which may attach to all real and personal property owned by the Respondent(s) upon being recorded in the Public Records of Lee County, even if the violations have been subsequently abated in accordance with this Order.

If the owner(s) fail(s) to comply, an Order Imposing Fine in the amounts shown above for every day that the violation continues to exist commencing on the dates shown above will be entered and a certified copy shall be recorded in the Public Records of Lee County, Florida and shall constitute a lien against the above-described real property or personal property owned by the violator. (Section 162.09, Florida Statutes). This Order may be enforced like a court judgment. Repeat violations can be fined up to \$500.00 per day. (Section 162.09, Florida Statutes). Property owner(s) has/have 30 days from date this Final Order is executed to file an appeal in circuit court. (Section 162.11, Florida Statutes). The property owner must contact the Code Compliance Department to advise when compliance has been reached.

3. In determining the amount of such fine(s), I have considered the gravity of the violation(s); any actions, or lack thereof, to correct the violation(s); and, any previous violation(s) committed by the Respondent(s).
4. When the violation(s) has/have been abated, the Respondent(s) **MUST CALL THE VILLAGE OF ESTERO CODE ENFORCEMENT MANAGER – STANLEY KNIGHT, AT (239) 319-2815, AND REQUEST A RE-INSPECTION.** UPON SUCH RE-INSPECTION, IF SUCH VIOLATION(S) ARE FOUND TO HAVE BEEN ABATED, SUCH FINES SHALL CEASE RUNNING.
5. The Village of Estero is hereby authorized, in its discretion, to enter onto the subject premises and to itself abate, clear and remove all violation(s) (or specific items listed in Finding of Fact), found to still exist at the subject premises on or after 5:00 pm November 15, 2017, or as soon thereafter as practicable in the event the Respondent(s) has/have not abated the violations. In addition to the amount of fines, and the Village's costs of prosecution, as imposed herein, all costs of such abatement, clearing and removal shall be recovered by the Village of Estero and shall accrue and increase the cost lien provided for herein.
6. Compliance by the Respondent(s) shall be considered at a subsequent Hearing before the undersigned Hearing Examiner/Special Magistrate to be held on Thursday, November 16, 2017, at 1:00 p.m., at the Village Hall Council Chambers, 9401 Corkscrew Palms Circle, Estero, FL 33928.
7. As a condition of the order the respondents will have up to November 1, 2017, to remove all the granite material out of the Right-of-Way and towards the center of the property and within the projected property lines. The respondents, pending any further order, will also be permitted to store the granite on the property as indicated and to proceed with their business operations except there will be no fabrication whatsoever on the property until such time as a use permit has been issued.
8. You may also have other rights which are set forth in Article VI - Code Enforcement Board of the Village of Estero Code of Ordinances.
9. Respondents may appeal any decision with respect to any matter considered by the Village of Estero Special Magistrate. An appeal must be filed within (30) days of the execution of the Order to be appealed. If a person decides to appeal any decision, such person will need a record of the proceedings and that, for this purpose, such person 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. Section 286.0105, Florida Statutes.

DONE AND ORDERED in the Village of Estero, Lee County, Florida this 19<sup>th</sup> day of October, 2017.

OFFICE OF THE SPECIAL MAGISTRATE  
VILLAGE OF ESTERO, FLORIDA



Joseph Faerber  
VILLAGE OF ESTERO, SPECIAL MAGISTRATE

cc: Steven C. Hartsell, Esquire  
Attorney for Respondents  
Pavese Law Firm  
1833 Hendry Street  
P.O. Drawer 1507  
Fort Myers, Florida 33902-1507

Derek Rooney, Esquire  
Village Attorney  
Gray Robinson  
1404 Dean Street  
Suite 300  
Fort Myers, Florida 33901



**SPECIAL MAGISTRATE CLERK AFFIDAVIT**

Dated on October 19<sup>th</sup> of 2017

Village of Estero Special Magistrate Clerk

By: Carla Chauvin  
Carla A. Chauvin

I certify that, under the penalty of perjury that the above written statements are true and accurate to the best of my knowledge.

STATE OF FLORIDA        )

)ss:

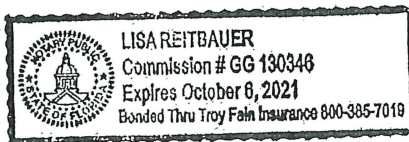
COUNTY OF LEE         )

Carla A. Chauvin stated personally before me that they have personal knowledge of the facts stated herein:

Sworn or affirmed before me on this 19<sup>th</sup> day of October, 2017

[Signature]  
Notary Public

LISA REITBAUER  
Print Name



SEAL: