

**CITY OF FRUITLAND PARK
CODE ENFORCEMENT-SPECIAL MAGISTRATE
HEARING MINUTES**

March 7, 2019

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

9:00 A.M.

1. CALL TO ORDER

The meeting came to order at 9:07 a.m.

2. APPROVAL OF MINUTES

Special Magistrate Hunt announced July 5, 2018 Code Enforcement – Special Magistrate Meeting Minutes have been reviewed and approved.

3. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES

Special Magistrate Hunt administered the oath to those present who intended to testify at this morning's hearing.

4. ATTORNEY PRESENTATIONS -HEARINGS

**a) AFFIDAVIT OF NON-COMPLIANCE
CE2018-0043**

Property Address: 19 Grizzard Street, Fruitland Park, FL 34731

Property Owner: Joseph Casteel Jr.

Violation: City Code, Chapter 97: Property Maintenance

**Section 97.03-Excessive or Untended Growth of Vegetation
Prohibited**

Section 97.04-Accumulation of Junk Prohibited and

International Property Maintenance Code, Subsection 302:

**Accessory Structure(s) and Subsection-302.7- Accessory
Structures (Fences)**

Special Magistrate Hunt introduced CE2018-0043. Lori Davis, Code Enforcement Officer stated she did not see the property owner in attendance for the hearing. Ms. Davis proceeded to verbally give a review of the casefile.

The homeowner was given an Order of Enforcement at the meeting dated July 5th, 2018 and given the due date of August 4th, 2018 to comply with the violations given by Ms. Davis. As of the date March 7th, 2019 the property owner has not complied with the judge's order.

Ms. Davis presented the Order of Non-Compliance as well as the Order was mailed certified, posted on the property and City Hall. The certified mail has been returned.

On August 20th, 2019 a re-inspection was conducted by Ms. Davis and pictures were provided for review of Special Magistrate Hunt of the findings. Ms. Davis stated the garbage and broken fence still remains.

Ms. Davis made note of a volunteer group that came into the community and offered assistance to the homeowners in that area to help clean up. Ms. Davis did reach out to the homeowner to get permission to have the volunteers clean up the property. Permission was granted from the property owner to help him or relieve him of the junk and or to help fix the fence and advised he would accept the help. On the day of the clean up visit the homeowner would not come out of the home and would not help or allow access to the property. Ms. Davis presented pictures of the property's that requested assistance on the clean-up day.

Due to the non-compliance an Affidavit of Non-Compliance was mailed certified to the subject, posted on the property as well as City Hall. The certified mail was returned.

The homeowner was served with a Notice of Hearing by Ms. Davis. As well as posted at the property, mailed certified and posted at City Hall.

Special Magistrate Hunt inquired if Ms. Davis was seeking a fine. Ms. Davis stated yes, \$50 per day. Special Magistrate Hunt stated he would fine the homeowner, Joseph Casteel Jr. was properly served and noticed. The homeowner is not present and is still in violation of the sections of the code presented and dates set forth in the record.

Special Magistrate Hunt issued a fine of \$50 per day until the property is brought into compliance. Fine commencing August 4th, 2018 plus the City's cost of \$102.86 as of March 7th, 2019 and should be paid within 30 days of the date of the order being signed.

- b) **HEARING – NOTICE OF VIOLATION**
CE2018-0163
Property Address: 201 Palm Street, Fruitland Park, FL 34731
Property Owner: L & S Developers Inc., C/O Aaron Lemire
**Violation: City of Fruitland Park's Land Development Regulations-
Chapter 161, Section 161.040 – Permits Required Florida Building
Code, Chapter 1, Section 105.1-Permits Required**
Grace Period for compliance expired: January 21, 2019

Special Magistrate Hunt introduced CE2018-0163. Lori Davis, Code Enforcement Officer stated on May 1st, 2018 she was contacted and advised of possible building without permits at the address of 201 Palm Street. Ms. Davis proceeded to state she responded on the date of May 1st, 2018 and saw roof material being installed as there was construction

equipment on the property. At this time the Building Department was notified by Ms. Davis of the work that was being completed as well as to verify if any permits had been pulled. The Building Department made Ms. Davis aware that there were no building permits being applied for or issued at that time. After receiving the confirmation of no permits being applied for by the Building Department, Mr. Davis issued a Stop Work Order. The order was posted at the front gate of the property, Ms. Davis also provided pictures showing the posted order to Special Magistrate Hunt.

It was stated by Ms. Davis that contact was made to the homeowner on May 4th, 2019 by phone and Mr. Lemire stated he would work on getting the permit. On May 11th, 2019, Ms. Davis drove by the property and observed more work being done. Ms. Davis made contact with a worker at the property and observed some new windows and a door being installed in the now enclosed porch as well as being advised of interior work being completed. No permits issued at this time.

Ms. Davis provided pictures from 2017 of the property showing that the porch was still open. Then Ms. Davis provided updated pictures showing the porch now enclosed as well as new windows being added. Pictures also show siding being added as well as roof work being completed. Ms. Davis stated communication by phone was being achieved and Mr. Lemire was advised what type of permits he needed to obtain.

Ms. Davis introduced the Building Official, Jeff Gerling. Mr. Gerling gave a brief summary of his encounters with this case. Mr. Gerling stated he was invited in the home by one of the workers and observed the work being completed outside of what the code requires as well as outside of any building permits being issued.

Mr. Lemire did attempt to apply for the necessary building permits but was rejected due to an administrative issue, the property was registered to a corporation. The permit was never issued due to the building department not receiving engineered plans which is required since the work is structural work as well as material specifications in order to issue the permit.

Mr. Gerling stated the application is expired as of March 7th, 2019. Mr. Lemire would have to re-apply for the building permit. Additional permits will also need to be pulled including an electrical permit and re-roof permit.

Ms. Davis stated the homeowner was sent a courtesy letter outlining the current violations on the property. On December 19th, 2018, Ms. Davis had a re-inspection of the property and confirmed that property was still in violation. A violation was given to the owner on the date of December 19th, 2018 with a due date of January 4th, 2019 to comply with the current violations. All notices were issued certified mail as well as posted at the property and City Hall. On January 10th, 2019 a second notice was

sent due to an inaccurate address listed on the property record card. All notices were sent to both addresses

As of January 31st, 2019, a re-inspection was completed and the property was still in violation referencing no permits. On February 4th, 2019 Ms. Davis applied for a request of hearing and sent all notices certified mail to both addresses as well as posted at the property and City Hall.

On February 18th, 2019, the homeowner was given the Notice of Hearing. Notices were again mailed to both addresses, posted on the property and as well as City Hall.

Ms. Davis stated as of March 7th, 2019; the property still remains in violation of no permits issued for the construction work being performed. Special Magistrate Hunt inquired about a previous violation and Ms. Davis advised that the violation has been cleared due to meeting the requested requirements.

Special Magistrate Hunt advised if the homeowner would like to speak regarding this case.

Aaron Lemire introduced himself and began to explain the work that has been performed. Mr. Lemire stated he is a licensed contractor and that he was not trying to do anything wrong. It was acknowledged by Mr. Lemire that he did install the door and windows but that he did this work for the purpose of trying to secure the property.

Special Magistrate Hunt inquired about how long Mr. Lemire will need in order to submit the permit application. Mr. Lemire stated he would need about a week to get everything turned into the Building Department. Mr. Lemire was reminded by Special Magistrate Hunt that if work continues without permits fines will be added.

Mr. Gerling requested from Special Magistrate Hunt and Aaron Lemire to complete a home inspection to see the structural work that has been done so far.

Special Magistrate Hunt and Jeff Gerling confirmed that in order to clear the violation, a permit must be applied for, issued and all inspections need to be passed. The only other option is to remove all the work commenced without the proper permits.

Mr. Lemire was advised by Special Magistrate Hunt he has ten day to allow for a home inspection by the Building Official, Jeff Gerling and four weeks to obtain engineered plans and the proper building permits. If the property is not brought into compliance within the time frame of four weeks then a fine of \$50 per day will be added along with the cost occurred by the City in the amount of \$77.08.

5. REQUEST FOR HEARINGS – None

6. OLD BUSINESS -

**a) AFFIDAVIT OF COMPLIANCE – RELEASE OF PROPERTY AND
ACKNOWLEDGMENT OF COMPLIANCE**

CE2018-0005

Property Address: 114 S. Iona Avenue, Fruitland Park, FL 347

Property Owner: Alonso Alejandro

Ms. Davis stated the homeowner has complied and is requesting an Order of Compliance and stated no lien has been filed.

7. NEW BUSINESS - None

8. PUBLIC COMMENTS - None

2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Code Enforcement-Special Magistrate. Accordingly, comments Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution, questions, and concerns regarding items listed on this agenda shall be received at the time the Code Enforcement-Special Magistrate addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

9. OTHER BUSINESS - None

10. ADJOURNMENT

The meeting adjourned at 9:45 a.m.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park Code Enforcement-Special Magistrate with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

Pursuant to FSS 162.11, all Code Enforcement-Special Magistrate cases that are appealed are appealed to Circuit Court. The appeals must be filed no later than 30 days from the date of the execution or signing date of the written Order that is to be appealed. Any Order issued by the City of Fruitland Park's Code Enforcement-Special Magistrate may be appealed, including the original order, any subsequent orders, an extension order, or a reduction order.