

AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING
COMMISSION CHAMBERS, CITY HALL
October 15, 2020
3:00 P.M.

Call to Order: Magistrate Joe Mawhinney

Explanation of Procedures / Swearing-in of Witnesses: Magistrate Mawhinney

Staff in attendance: Assistant City Attorney Seth Claytor, Community Development Director Amée Bailey, Code Enforcement Officer Carl Watson, and Building Inspector Ron Kilette.

Magistrate Mawhinney stated the first item on the agenda was approval of the previous minutes from September 17, 2020. As no objections or concerns were raised, Magistrate Mawhinney approved the minutes.

Consent Agenda: No items

New Business:

Magistrate Mawhinney introduced the first case.

A. FIRST OFFENSE CASES:

1. Case No. 2020-00003
Standefer Edwin M III
1115 S. Nekoma Ave.
Parcel No. 26-28-05-523000-000430

Code Enforcement Officer Watson reviewed the case citing the case notices and code violations. He explained that the violations were 108.1.4 Unlawful Structures of the Lake Alfred Minimum Property Maintenance Standards, 14-22 Permit Required of the Lake Alfred Code of Ordinances, 105.1 Permit Required of the Florida Building Code, Section 111 Certificates of Occupancy of the Florida Building Code, and Section 8.10.03 Major Deviation from Development Permits and Development Standards, Table 2.04.01(A) Table of Land Uses, and Section 2.05.00 General Regulations of Accessory Uses and Structures of the Lake Alfred Unified Land Development Code. The property was cited for previous violations in September of 2020. Staff recommended acknowledgement of the administrative costs of \$82.81.

Assistant City Attorney Claytor requested that the matter be tabled or continued indefinitely, taking notice of administrative costs and making part of the record 3

documents: two (2) applications for shed permits and an investigative report based on a phone call to the Lake Alfred Police Department.

Magistrate Mawhinney asked if anyone was present for the property in question.

Edwin Standefer, Property Owner, wished to submit sealed engineer drawings into the record.

Magistrate Mawhinney stated that sealed plans have been entered into the record as evidence. He stated that no action would be taken, and the case would be continued.

Magistrate Mawhinney introduced the second case.

2. Case No. 2020-00014
Navarro, Jacinto & Maria
340 W. Pierce St.
Parcel No. 26-27-32-513200-000020

Code Enforcement Officer Watson reviewed the case citing the case notices and code violations. He explained that the violations were Sections 14-22 Permit Required of the Lake Alfred Code of Ordinances, Section 32-1 Nuisance Declared of the Lake Alfred Code of Ordinances, Section 105 Permit Required of the Florida Building Code, and Section 302.1 Sanitation and storage of materials of the Minimum Property Maintenance Code. The property was inspected on May 13, 2020. A stop work order was issued on May 21, 2020. The property was reinspected on September 29, 2020 and remained in violation. Staff recommended administratively closing a previous case, 15-12230, finding that a violation exists, allowing 15 days for correction and assessing a fine of \$100 per day thereafter, and awarding the City administrative costs of \$82.81.

Magistrate Mawhinney asked if anyone was present for the property in question.

Jacinto Navarro, Property Owner, stated that he is using the stored materials to work on his house, that he was unaware he was violating setbacks, and that a permit was requested for the shed.

Community Development Director Bailey informed him of the setback requirements and the variance application process, and stated that the shed was permitted but not inspected after installation.

Magistrate Mawhinney entered an order finding that the violations existed and continue to exist, granting 30 days for compliance or a \$100 per day fine to be imposed thereafter, and assessing the City's administrative cost in the amount of \$82.81, to be paid by November 17, 2020.

3. Case No. 2020-00017
Macedo, Francisco Pineda Eva
635 E. Haines Blvd.
Parcel No. 26-27-33-515510-000030

Code Enforcement Officer Watson reviewed the case citing the case notices and code violations. He explained that the violations were Section 14-22 Permit Required of the Lake Alfred Code of Ordinances, Section 105 Permit Required of the Florida Building Code, and Table 2.04.01(B), Table of Development Standards of the Lake Alfred Unified Land Development Code. The property was inspected on December 3, 2019. The property was reinspected on September 29, 2020 and the violations still existed. The property violates setback requirements and exceeds the Impervious Surface Ratio permitted in its zoning district. Staff recommended finding that the violations exist and continue to exist, allowing 15 days for correction and assessing a fine of \$50 thereafter, and awarding the City administrative costs of \$47.60.

Magistrate Mawhinney asked if anyone was present for the property in question.

Francisco Macedo, Property Owner, through the use of a translator, **Jacinto Navarro, 340 W. Pierce St.**, asked the amount of impervious cover that is allowed in the yard, asked whether a shared access point between his property and the neighboring property could be created, and requested more than 30 days to come into compliance.

Community Development Director Bailey stated that the maximum Impervious Surface Ratio and a map of the impervious cover have been provided to the property owner. The property owner has removed some impervious cover, but is also required to meet setbacks. She stated that a permit requiring the signatures of both property owners is required for the shared access, and would be evaluated once submitted to the City.

Herbert Fountain, 620 Haines Blvd. E., stated that the property owner has removed approximately 2000 square feet of pavement, and suggested creating a specialized type of ditch to prevent runoff into the street.

Magistrate Mawhinney entered an order finding that the violations existed and continue to exist, granting 45 days for compliance or a \$50 per day fine thereafter, and assessing the City's administrative cost in the amount of \$47.60 payable by November 17, 2020.

4. Case No. 2020-00018
Estate of Betty Welch Conner
1135 S. Nekoma Ave.
Parcel No. 26-28-05-523000-00460

Code Enforcement Officer Watson reviewed the case citing the case notices and code violations. He explained that the violations were Section 14-22 Permit Required of the Lake Alfred Code of Ordinances, Section 105 Permit Required of the Florida Building Code, Section 32-1 Nuisance Declared of the Lake Alfred Code of Ordinances, and Section 2.05.00, General Regulations for Accessory Uses and Structures of the Lake Alfred Unified Land Development Code. The property was inspected on March 23, 2020. It was reinspected on September 29, 2020 and was still in violation. Edwin Standefer, 1115 S. Nekoma Ave, was also noticed of the violation, as he has acquired the property, though the deed transfer is in process. An unpermitted shed on the property was demolished after notification of violation. Staff recommended finding that the violation existed and assessing the City’s administrative costs of \$18.05.

Magistrate Mawhinney entered an order finding that the violation existed on the property but that the property is now in compliance, and assessing the City’s administrative cost in the amount of \$18.05, payable by November 17, 2020.

- 5. Case No. 2020-00021
Lillie Harris
805 W. Pierce St.
Parcel No. 26-27-31-497500-000210

Code Enforcement Officer Watson reviewed the case citing the case notices and code violations. He explained that the violations were Section 301 General Requirements of the Lake Alfred Minimum Property Maintenance Code and Section 32-1 Nuisance Declared of the Lake Alfred Code of Ordinances. There are bees swarming in the western wall of the house, which is adjacent to a children’s playground. The property was inspected on August 3, 2020. The property was reinspected on September 29, 2020, and the violation still existed. Staff has been unable to locate a person responsible for the property. Staff recommended finding that a violation continues to exist, allowing 3 days for compliance and assessing a fee of \$250 per day thereafter, seeking abatement authorization by professionals, and assessing administrative costs of \$44.55 to date.

Magistrate Mawhinney entered an order finding that the violation did exist and continues to exist, allowing three (3) days for compliance or the assessment of \$250 per day thereafter, allowing the City to seek professional abatement, and assessing administrative costs of \$44.55, payable by November 17, 2020.

- B. REPEAT OFFENCE CASES:
 - 6. Case # 2019-00011
Estate of Patricia Blanton
680 E. Haines Blvd.

Parcel No. 26-27-33-51600-0001140

Code Enforcement Officer Watson reviewed the case citing the case notices and code violations. He explained that the violations were 108.1 Unsafe Structure and Equipment, 302.4 Weeds and Overgrowth, and 308 Rubbish and Garbage of the Lake Alfred Minimum Property Maintenance Code. Staff recommended finding that violations exist, certifying fines of \$10,950, allowing abatement and assessing administrative costs. The repeat violation is for 302.4 Weeds and Overgrowth. Violations 108.1 and 308 continue to exist.

Assistant City Attorney Claytor requested continuance to the next hearing for the violations that continue to exist.

Community Development Director Bailey requested that abatement of the unsafe structure be permitted to prevent trespassers from accessing it.

Assistant City Attorney Claytor, after reviewing previous case documents, recommended that the City seek an order finding repeat violations of Section 302.4 Weeds and Overgrowth and requesting permission to abate the overgrowth.

Magistrate Mawhinney noted that no persons on behalf of the owner were present at the hearing.

Magistrate Mawhinney entered an order finding repeat violation of Section 302.4, Weeds and Overgrowth, that the repeat violation start date was September 29, 2020 at the rate of \$50 per day, which will continue to accrue until compliance, authorizing abatement by the City, and assessing the City's costs in the amount of \$119.46, payable by November 17, 2020. Action on Violations 108.1 and 308 were deferred at the request of the City.

Community Development Director Bailey noted for the record that no hearings will be held in December.

Meeting adjourned at 4:15 pm.

Minutes Respectfully submitted,



Felicia Hutchinson,
City Planner.

