

**Code Enforcement Hearing
Minutes
August 07, 2019**

Present: D. John Morgeson Jr., Special Magistrate
Officer Brian Pilarski
Officer Carrie Long
Debra S. Babb-Nutcher, City Attorney
Melani Beringer, Deputy City Clerk

1. Call to Order/Rules of Procedure

Special Magistrate D. John Morgeson Jr. called the Code Enforcement Hearing to order at 2:05 p.m. He stated that formal rules of evidence do not apply and fundamental fairness will be afforded to all. After hearing all of the relevant evidence a verbal order will be issued which will be reduced to writing and mailed to all participants. The order of the presentation will begin with the City presenting their evidence of the alleged violation(s) and then the Respondent shall present his case. All witnesses offering testimony or presenting evidence will be required to swear or affirm that the testimony they provide is the truth.

2. Administration of Oath to Defendants/Witnesses

Special Magistrate Morgeson asked that anyone who wished to testify to stand and be sworn in by the Deputy Clerk. The Deputy Clerk administered the oath.

3. Additions, Deletions, Modifications

Cases, **B, G, I, J** were removed from the agenda.

4. Cases

G. Case # 9-18-8240
Lien Hearing
Owner Information: Ora Fuel LLC
Loc. Address: 885 S. Volusia Ave
RE: Request Lien

Code Enforcement Officer Brian Pilarski presented his case: Officer Pilarski stated that the mentioned property has been found in violation of the Orange City Code of Ordinances: 5-2 (FBC 105.1) [FL Build Code-permit] work without a permit. Officer Pilarski reported that on December 05, 2018 there was a code hearing and a finding of fact was issued for compliance by March 05, 2019 or a fine of \$150.00 a day would be applied if compliance was not met. He noted that as of this date proper permits and inspections have not been obtained and the property remains in non-compliance. As of this date the fine has accrued for 155 days and totals \$23,250.00 with daily fines continuing to accrue.

Christopher Coleman, 885 S. Volusia Ave., manager of O'City Mart, tenant for Ora Fuel LLC. stated that he was unaware of the fines from the contractor and is searching for a new contractor. Once he finds one he will pull the proper permits to finish the work.

Recommendation: Staff recommends the Magistrate find the property owner in non-compliance and assess a lien of \$23,250.00 with fines accruing daily until full compliance is satisfactorily met.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the Orange City Codes as cited and orders that the Respondent shall correct the violation by taking the remedial action as set forth in the notice of violation. If the Respondent fails to timely correct the violation by March 5, 2019 a fine of \$150.00 will accrue for that any such violation exists after such date. Respondent is further ordered to contact Code Enforcement to verify compliance with this order that may be necessary hereafter.

C. Case # 02-19-08438
Owner Information: Jacqueline Bath
Loc. Address: 417 N. Carpenter Ave
RE: 5-2 (structure erected without permit)

Code Enforcement Officer Pilarski presented his case: Officer Pilarski stated that the mentioned property has been found in violation of Orange City Code of Ordinances: 5-2 Florida Building Code, permit required.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances as cited and order that compliance be met by 09/07/2019 or a fine of \$150.00 a day will accrue for each day not in compliance thereafter. Compliance can be met by obtaining a permit and all inspections to include final.

Jacqueline Bath, 417 N. Carpenter Ave., came forward and explained that due to some extreme unfortunate circumstances she was unable to complete the deck on top of the home. She noted that arrangements have been made to complete construction.

The Magistrate closed the public hearing. Mr. Morgeson finds that the respondent is in violation of the Orange City Codes as cited and shall correct the violations by taking the remedial action as set forth in the notice of violation. If the respondent fails to timely correct the violation on or before November 7, 2019 a fine of \$150.00 will accrue for each day that the violation exists after such date. Respondent is further ordered to contact City code enforcement to verify compliance with this order as may be necessary hereafter.

D. Case # 10-18-8291
Owner Information: Tiger OC LLC
Loc. Address: 2590 S. Volusia Ave
RE: Request Lien

Code Enforcement Officer Pilarski presented her case: Officer Pilarski stated that the property has been found in violation of Orange City Code of Ordinances: 5-2 (FBC 105.1) permit required, 9-8 [12" weeds, grass, plants, vegetation], 9-17 (B) [garbage and trash accumulation]. Officer Pilarski noted that on March 06, 2019 there was a code hearing and a finding of fact was issued for compliance by May 06, 2019 or a fine of \$150 a day if compliance was not met. As of this date

proper permits and inspections have not been obtained and the property remains in non-compliance. As of this date 93 days have gone by with non-compliance and the fine totals \$14,850.00 with daily fines still accruing.

Kenneth Wood, 1627 P.O. Box Apopka, member/manager of Tiger OC, LLC came forward to stated that work has begun to correct the violations on the property.

Recommendation: Staff recommends the Magistrate find the property owner in noncompliance and assess a lien of \$14,850.00 with fines accruing daily until compliance is met.

The Magistrate closed the public hearing. Mr. Morgeson ordered an administrative fine is imposed for 93 days of non-compliance beginning May 7, 2019 through and including August 7, 2019 for a total amount currently owed of \$13,950 against Respondent Tiger OC LLC and which amount will continue to increase daily until verification of compliance has been established.

E. Case # 12-18-8326
Owner Information: Salvador Ramirez
Loc. Address: 1065 S. Volusia Ave #B5
RE: Request Lien

Code Enforcement Officer Pilarski presented his case: Officer Pilarski stated that this property has been found in violation of Orange City Code of Ordinance: 5-2 (FBC 105.1) Florida Building Code Permit required. Office Pilarski reported that on the February 6, 2019 Code Enforcement hearing a finding of fact was issued for compliance by March 6, 2019 or a daily fine of \$150.00 would be assessed if compliance was not met. He noted that as of this date proper permits or inspections have not been obtained and the property remains in non-compliance.

Officer Pilarski stated that as of this date 150 days of non-compliance have passed and fines have accrued to \$23,100.00 with a daily fine still accruing.

Recommendation: Staff recommends the Magistrate find the property owner is in non-compliance and assess a lien of \$23,100.00 with fines accruing daily until full compliance is satisfactorily met.

The Magistrate closed the public hearing. Mr. Morgeson ordered that an administrative fine and created a lien on the property for failure to comply with the order date of February 7, 2019. Mr. Morgeson imposed a fine of \$23,100.00 as of August 7, 2019 and fines will continue to accrue at \$150.00 per day until compliance is met. Respondent is ordered to contact Code Enforcement to verify compliance with the order.

F. Case # 6-18-8141
Owner Information: Jimmy Stevens
Loc. Address: 346 W University Ave
RE: Request Foreclosure

Code Enforcement Officer Pilarski presented his case: Officer Pilarski stated that this property has been found in violation of Orange City Code of Ordinances: 9-8 (vegetation in excess of 12"), and 9-8 (maintenance property).

Recommendation: Staff recommends the Magistrate authorize a foreclosure on the above property with a recorded lien of \$9,150.00, and accrued fines thru this date of \$36,750.00.

The Magistrate closed the public hearing. Mr. Morgeson ordered that after due notice to the Respondent and the respondent not being present, the administrative fine created in this matter by the recording of the Special Magistrates order imposing administrative fine lien dated December 6, 2019 has remained unsatisfied for an excess of three months it is therefore hereby ordered that the petitioner is authorized to proceed with the foreclosure or enforcement of the lien as it deems appropriate.

H. Case # 9-18-8237

Owner Information: Sanju Taneja

Loc. Address: 628 Dixon Street

RE: 5-2 (work without permit)

Code Enforcement Officer Pilarski presented his case: Officer Pilarski stated that this property has been found in violation of Orange City Code of Ordinances: 5-2 Florida Building Code, permit required.

Recommendation: Staff recommends the Magistrate find the property owner to be in violation of Orange City Code of Ordinances as sited. Officer Pilarski noted that compliance can be met by obtaining a permit and all inspections to include final. Compliance can be met by September 7, 2019 or a fine of \$250.00 will accrue for each day not in compliance thereafter.

Officer Pilarski requested that prior violation for multiple previous violations for unpermitted work, and the lack of violator's cooperation in resolving the matter be taken into account when setting the fine.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the Respondent is in violation of Orange City Codes as cited. The Respondent shall correct the violation by taking the remedial action as set forth in the notice of violation. If the Respondent fails to timely correct the violation by September 7, 2019 a fine of \$250.00 a day will accrue. Respondent is further order to contact Code enforcement to verify compliance with this order as may be necessary hereafter.

K. Case # 1-19-8407

Owner Information: Peggy Hrabal

Loc. Address: 325 "C" Street

RE: 9-10 (Roof Maintenance)

Code Enforcement Officer Carrie Long presented her case: Officer Long stated that the above address has been found in violation of Orange City Code of Ordinances 9-10 (A)(2)(roof maintenance).

Peggy Hrabal, 325 E. "C" Street, came forward

Recommendation: Staff recommends the Magistrate table this item until further notice.

The Magistrate closed the public hearing. Mr. Morgeson stated that this item will be tabled until further notice.

L. Case # 1-19-8374

Owner Information: Armond Toletti

Loc. Address: 196 S. Industrial Dr.

RE: 9-31 (Abandoned/Junked Vehicles), 8.7.2 (Access control)

Code Enforcement Officer Carrie Long presented her case: Officer Long stated that this is a commercial property in an industrial area and has been found in violation of Orange City Code of Ordinance 8.7.2 (E) (access control) and 9-31(B) (abandoned and junked vehicles)

Carol McFarlane came forward to state that the use permit process turnaround is two weeks.

Armond Toletti, 48 Iron Dr. Debary, property owner, stated that the owner of the RV is in the process of relocation. He stated that all issues will be corrected. He is in the process of bringing the property into compliance.

Peter Soto, 196 S. Industrial Dr., tenant of the property came forward stated that he was in the hospital and is working on bringing the property to compliance

Recommendation: Staff recommends the Magistrate find the property owner in violation of the City codes cited with compliance by September 4, 2019 or a fine of \$250.00 a day will accrue till compliance is met. Officer Long stated that compliance can be met by removing all junked and abandoned vehicles and recreational vehicles and stop using an unapproved access to Rhode Island Avenue or obtain a use permit to continue to use as an access.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of City Codes cited. Respondent shall correct the violations by taking the remedial action as set forth in the notice of violation. If respondent fails to timely correct the violation by September 15, 2019 or a fine of \$150.00 will accrue for each day that the violations exist after such date. Respondent is further ordered to contact compliance with this order as may be necessary hereafter.

M. Case # 2-19-08448

Owner Information: Lisa Guderyon

Loc. Address: 2495 Hillside Ave

RE: 9-10 (Roof Maintenance), 9-29 (Unoccupied vacant property-Door/Window)

Code Enforcement Officer Carrie Long presented her case: Officer Long stated that the above property is a vacant residential property. This property has been found in violation of Orange City Code of Ordinance 9-10 (A) (2) (roof maintenance), 9-29 (D) (4) (unoccupied/vacant property maintenance of door and windows).

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City code of Ordinances as cited with compliance by October 1, 2019 or a fine of \$150.00 a day will accrue till compliance is met. Compliance can be met by obtaining required permitting and conducting needed maintenance to roof and window.

Lisa Guderyon, 2495 Hillside Ave., came forward to state that she is the process of completely the work needed to on the property to comply.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the City codes as cited and shall correct the violations by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violation on or before November 30, 2019 a fine of \$150.00 will accrue for each day that the violation exists after such date. Respondent is further ordered to contact Code enforcement to verify compliance with this order as may be necessary hereafter.

N. Case # 04-19-08538
Owner Information: Pamela Holland
Loc. Address: 347 S. Leavitt Ave.
RE: 8.6.4 (B) R-1 (Permitted principle use)

Code Enforcement Officer Carrie Long presented her case: Officer Long stated that this is a residential property that is being solely used as an office for a shed moving company called “Shed Moving of Florida” and has been found in violation of Orange City code of Ordinance 8.6.4(b)(permitted principle uses)(schedule of zoning districts).

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances 6.4(b) with compliance by September 04, 2019 or a fine of \$150 a day will accrue till compliance is met. Compliance can be met by turning structure back to a primary use as a residence.

Nathan Garrow, 370 Miller Rd., the respondent’s fiancé, came forward for clarity as to what is allowed to occur at the said property. He noted that business will cease and the property will only be used as a residence.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent shall correct the violation by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violation by August 31, 2019 a fine of \$100.00 will accrue for each day that the violation exists after such date. The respondent is further ordered to contact Code enforcement to verify compliance with this order as may be necessary hereafter.

O. Case # 03-19-08479
Owner Information: Frank and Doris Taylor
Loc. Address: 349 E. Blue Springs Ave
RE: 9-8 (Grass/Weeds over the allotted 12 inches), 9-8 (Exterior property maintenance)

Code Enforcement Officer Carrie Long presented her case: Officer Long stated that the above addressed is an occupied residential property and has been found in violation of Orange City Code of ordinances as cited.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the City codes as cited with compliance by August 21, 2019 or a fine of \$150 a day will accrue till compliance is met. Compliance can be met by cutting grass/weeds and keep below the allotted 12 inch maximum and remove or store items in an enclosed storage area.

Joyce Taylor, 461 S. Holly Ave., present on behalf of the respondent. She stated that arrangements have been made to bring the property into compliance.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent shall correct the violation by taking the remedial action as set forth in the notice of violation. If respondent fail to timely correct the violation by August 31, 2019 a fine of \$100.00 will accrue for each day that the violation exist after such date. Respondent are further order to contact City Code Enforcement to verify compliance with this order as may be necessary hereafter.

P. Case # 04-19-08529

Owner Information: Environmental Holdings Florida, LLC

Loc. Address: Parcel #8011-08-13-0082

RE: 9-8 (Grass/Weeds over the allotted 12 inches),

Code Enforcement Officer Carrie Long presented her case: Officer Long stated that the above parcel is a vacant lot in the shape of an L that abuts North Volusia Ave. and E. French Ave. This property has been found in violation of Orange City Code of Ordinances 9-8 section 302.4 (grass, weeds, plants and vegetation over the allotted 12 inch maximum).

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances as cited with a compliance date of August 21, 2019 or a daily fine of \$250.00 will accrue until compliance is met. Compliance can be met by cutting the grass/weeds to keep below the allotted 12 inch maximum.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent shall correct the violation by taking the remedial action as set forth in the notice of violation. If respondent fails to timely correct the violation by August 21, 2019 a fine of \$250.00 will accrue for each day that the violation exists after august 21, 2019. Respondent is further ordered to contact code enforcement to verify compliance.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 4:17 p.m.