

**Code Enforcement Hearing
Minutes
February 05, 2020**

Present: D. John Morgeson Jr., Special Magistrate
Debra Knutcher, City Attorney
Officer Carrie Long
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/her 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 instructed the audience members who wished to testify to stand and be sworn in by the Clerk. The Clerk administered the oath.

3. Additions, Deletions, Modifications

4. Cases

- A. Case # 11-14-5689
Lien Reduction Request
Owner Information: Jeffrey & Bonnie Shafer
Loc. Address: 226 Edwards Avenue
RE: Lien Reduction Request

Code Enforcement Officer Long presented her case: Ms. Long stated that the property has been brought into compliance. The respondent is requesting a lien reduction in the amount of \$500 to be paid within 30 days.

Carolyn Jessee, 1848 Winfield Dr. Longwood, Fla., new property owner came forward to seek lien reductions on the property. Ms. Jessee requested the lien amount to be lowered to one payment of \$500 for both liens currently set on the property.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the existing liens be reduced to one payment of \$500 to be paid on or before March 5, 2020. Failure to pay the amount will revert the lien to the original amount.

B. Case # 10-19-08720
New Case
Owner Information: Sanju Taneja
Loc. Address: 628 Dixson Street
RE: 5-2 (Structure without permit)

Code Enforcement Officer Long presented her case: Ms. Long stated that the above address has been found in violation of Orange City Code of Ordinances 5-2 (105.1) Permit required for new above ground pool erected without proper permits and inspections, 9-8 (302.1) Exterior property and premises maintenance.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance, as cited, with compliance by March 1, 2020 or a fine of \$250 a day fine will accrue until compliance is met. Compliance can be met by obtaining required permitting with a satisfactory final inspection or removal of structure.

Bryan Douglas, 628 Dixon Street, tenant of said property came forward to provide an explanation for the electronics left on the property. Mr. Douglas asked about options to take the pool down.

Mr. Morgeson explained the City property codes that need to come into compliance.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of the City codes as cited. He ordered that the respondent shall take the corrective action as specified in the Notice of Violation. Specifically, Respondent shall correct violation of 5-2 Florida Building Code (Failure to Obtain a Permit) on or before March 15, 2020. Respondent shall correct Violation 9-8 (Exterior Property & Premises) on or before March 1, 2020. If Respondent fails to timely correct the violations as specified herein, a fine of \$250 will accrue for each day that any of these violations exist after such date. The Respondent is further ordered to contact Code Enforcement to verify compliance with the order as may be necessary hereafter.

C. Case # 9-18-8238
Lien Reduction
Owner Information; Sanju Taneja
Loc. Address: 628 Dixson Street
RE: Lien Reduction Request

Code Enforcement Officer Long presented her case: Ms. Long stated that the associated violation was brought into compliance on January 2, 2020 which was 57 days after the lien was granted. She stated that the lien amount is \$29,250 total to date.

Mr. Douglas came forward to request a lien reduction to \$5,000.

Debra Knutcher, City Attorney, came forward to state that the City does not recommend a lien reduction due to the amount of Code Enforcement cases on the said property in the past two years.

Recommendation: Staff recommends the Magistrate deny the lien reduction request due to the fact that in the past two years the property has been in violation 13 times with two liens, one from 2018 still accruing for noncompliance and another new active case as of today.

The Magistrate closed the public hearing. Mr. Morgeson found that based on the testimony and evidence presented, having heard argument from counsel for Petitioner, and having considered the various factors contained in Orange City Code Section 2-137, and having reviewed the application and contents thereof, it is hereby ordered that the application for Release/Reduction of the subject Code Enforcement Lien is denied.

- D. Case #9-18-8240
Lien Reduction Request
Owner Information; Ora Fuel
Loc. Address: 885 S. Volusia Ave
RE: Lien Reduction Request

The Magistrate ordered that this case be dismissed due to the lack of information presented.

Debra Knutcher, City Attorney, stated that the City will table this item to the next City Code hearing pending the proper information to be submitted.

The Magistrate ordered that this case be tabled until the next City Code hearing.

- E. Case # 10-19-08719
New Case
Owner Information: Malagon Ramirez
Loc. Address: 239 S Volusia Avenue
RE: ORD 572 Sec 2-103.3(D)
(Demolition by Neglect), 110.1 (Use and Occupancy), 5-2 (Permit Required), 8.7.11(Residential Zoning), 9-10 (A) (2) (Roof Maintenance), 9-29 (d) (4) (Unoccupied / vacant Property door/ Window)

Code Enforcement Officer Long presented her case: Ms. Long stated that the above address is a residential property with a main house and several out building and cottages. This property has been found in violation of Orange City Code of Ordinances 5-2 (105.1) Permit required for renovations of multiple structures. Ord 572 Sec2 103.3(D) Demolition by Neglect, 110.1 Use and Occupancy, 8.7.11 Commercial vehicle parking (Residential), 9-10 Roof Maintenance, 9-29(D)(4).

Kimberly Reading, Planner 1, came forward to provide an explanation of the photographs provided as evidence.

Carol McFarlane, City Planner, came forward assist with explanations of the photographs provided. She stated that during numerous inspections of the property, findings have proven that the property is being used as a residence without a Certificate of Occupancy. This is a huge safety concern for the City.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance 5-2, Ord. 572 103.3, 110.1, 8.7.11, 9-10 and 9-29 with compliance by March 5, 2020 or a fine of \$250 a day fine will accrue until compliance is met. Ms. Long stated

that compliance can be met by obtaining required permitting with satisfactory routine inspections till a final of all permits are obtained.

Ardemio Ramirez, 257 S. Volusia Ave, the Respondent came forward to request 60 days to have all violations and permits corrected and applied for.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the code section as cited, and found that the respondent is in violation of the city codes as cited. The respondent was ordered to correct the violation on or before the dates enumerated herein, by taking the remedial action as set forth in the Notice of Violation. Specifically, Respondent shall correct the violations as follows:

- A. Violation of 5-2 Florida Building Code (failure to obtain a permit), on or before May 5, 2020.
- B. (Ord 572) Sec 2-103.3 (D)-Demolition by Neglect, on or before August 5, 2020.
- C. Section 110.1-Use and Occupancy, IMMEDIATELY
- D. Section 8.7.11 (Residential Zoning)-Commercial Vehicle Parking, on or before February 12, 2020.
- E. Section 9-10 (A) (2) (Ord 493)-Road Maintenance, on or before March 5, 2020.
- F. Section 9-29(d) (4)-Unoccupied/Vacant property (Door/Window, on or before March 5, 2020.

If the Respondent fails to timely correct the violations as specified herein, a fine of \$250 will accrue for each day that any of these violations exist after such date. Respondent is further ordered to contact City Code Enforcement to verify compliance with this order as may be necessary hereafter.

It is further ordered that the violation specified in paragraph C above, Section 110.1-use and Occupancy, presents a serious threat to the public health, safety and welfare and it is ordered that, by copy of this Order, The City of Orange City be notified of said conditions pursuant to Sections 162.06(4) and 162.09(1), Florida Statutes.

- F. Case # 11-19-08740
New Case
Owner Information: Gregory Suellen
Loc. Address: 340 E French Avenue
RE: 5-2 (Permit Required, Roof)

Code Enforcement Officer Long presented her case: Ms. Long requested a continuance with this case.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the code section as cited, and found that the respondent is in violation of the city codes as cited. The respondent was ordered and to correct the violation by January 15, 2020. He noted that a fine of \$150.00 will accrue for each day that any such violation exists after said date. The Respondent is further ordered to contact Code Enforcement to verify compliance with this order as may be necessary hereafter.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:29 p.m.