

SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771-1468



Meeting Minutes (Draft) - Final

Thursday, July 14, 2016

1:30 PM

BCC Chambers

Code Enforcement Special Magistrate

I CALL TO ORDER

The Special Magistrate called the meeting to order at 1:30 P.M..

Also in attendance:

Patt Hughes, Clerk to the Special Magistrate

Tammy Brushwood, Office Supervisor

C. Jimette Cook, Planner, Planning and Development Division

II OPENING STATEMENT

III SWEARING IN OF WITNESSES

Harlenys Henrique - 16-03-CESM

Hector Enriquez - 16-03-CESM

Richard Schultz - 16-03-CESM

Ruben Felix - 16-03-CESM

Morgan Voke - 16-04-CESM

Walter Wright - 16-05-CESM

Ed Meixsell - 16-08-CESM

Marjorie Siudak - 16-09-CESM

Heather Siudak 16-09-CESM

Tom Helle, Inspector, Building Division

Joann Tamulonis, Seminole County Code Enforcement Officer, Seminole
County Sheriff's Office

IV HEARINGS -

16-03-CESM

New

RUBEN TIRE SERVICE CORP

CIT SMALL BUSINESS LENDING COR (Lis Pendens)

930 N US HWY 17-92, LONGWOOD, FL 32750

(Commission District 4)

Tax Parcel ID # 28-20-30-5AS-0A00-0130

Inspector: Tom Helle, Inspector

Notice of Hearing: Certified

Violation:

1. Construction without the required permits.

Tom Helle, Building Inspector, was present at the hearing and testified on behalf of the County. Mr. Helle entered into the record, Exhibit 1, detailing the case and photographs of the violation and stated that as of his last inspection on 7/14/16, via computer, the property was not in compliance.

Mr. Helle stated that the recommendation would be to comply by August 11, 2016, with a fine of \$50.00 per day if the violation continues or is repeated past August 11, 2016.

Hector Enriquez, Respondent, was present at the hearing and testified on his own behalf.

Harlenys Henrique, Attorney, was present at the hearing and testified on behalf of the Respondents.

At this time, Ms. Henrique questioned the Respondent, Mr. Enriquez:

Ms. Henrique: Can you explain what you have done about the awning being unpermitted?

Mr. Enriquez: We hired an engineer, gave him all of the information and paid him, but he disappeared with their money.

Ms. Henrique: Have you tried to find another engineer?

Mr. Enriquez: Yes, but they had trouble finding one.

Ms. Henrique: Were you able to find an engineer willing to review the project?

Mr. Enriquez: Yes

Ms. Henrique: Have you met with the engineer and signed a contract for this project?

Mr. Enriquez: Yes

Ms. Henrique: Will you need additional time to come into compliance on the awning violation?

Mr. Enriquez: Yes

Ms. Henrique: Would an additional six months be enough time?

Mr. Enriquez: Yes, the new engineer they hired is extremely busy right now, but that should be enough time.

Ms. Henrique: What have you done, or are you doing in regards to the tire racks?

Mr. Enriquez: They have removed the tires and they were hoping that the previous engineer would have included this with the awning. Their new engineer will be including this in the site plan.

Ms. Henrique: Will you need additional time to come into compliance?

Mr. Enriquez: Yes

Ms. Henrique: In regards to the water treatment system, are you able to come into compliance by the recommended compliance date?

Mr. Enriquez: Yes, we are doing everything necessary and should have no problems doing so by August 11, 2016.

Mr. Helle had no questions of the witness.

Lonnie Groot, Special Magistrate asked Mr. Helle if he would have any objections to the additional six months, and he responded that he wouldn't have an issue with it. However, the Respondents have had since 2014 to come into compliance and have not. He is not opposed to an additional three months.

Mr. Groot asked about the unpermitted water treatment system and Mr. Helle stated that he was not sure about that since no inspections have been done. Mr. Helle indicated that the permit for that could be issued right over the counter.

Mr. Groot advised the Respondent and his attorney that he is inclined to grant a three month extension on the compliance date for the awning and tire racks, but issue a compliance date of August 11, 2016 on the water treatment system. However, if the water treatment system is not in compliance by that date, the fine would start accruing.

MR. GROOT FOUND THE VIOLATION HAS BEEN PROVEN AS ALLEGED BASED ON THE EVIDENCE AND ARGUMENT AS PRESENTED. MR. GROOT FURTHER ORDERED THAT THE RESPONDENT SHALL CORRECT THE VIOLATION ON OR BEFORE AUGUST 11, 2016, FOR THE WATER TREATMENT SYSTEM, AND OCTOBER 12, 2016 ON THE REMAINING VIOLATIONS, AND IF THE RESPONDENT DOES NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED THEREAFTER.

16-04-CESM
New

JOSEPH M. WELLS & MORGAN T. VOKE
1280 AMANDA ST., ALTAMONTE SPRINGS, FL 32701
(Commission District 4)
Tax Parcel ID # 18-21-30-501-0200-0120
Inspector: Tom Helle, Inspector
Notice of Hearing: Certified

Violation:

1. Construction without the required permits.

Tom Helle, Building Inspector, was present at the hearing and testified on behalf of the County. Mr. Helle entered into the record, Exhibit 1, detailing the case and photographs of the violation and stated that as of his last inspection on 7/14/16, via computer, the property was not in compliance.

Mr. Helle stated that the recommendation would be to comply by August 11, 2016, with a fine of \$50.00 per day if the violation continues or is repeated past August 11, 2016.

Mr. Voke, the Respondent was present and testified on his own behalf.

Mr. Voke indicated this is a complicated issue. He stated that when when he received the first notice of violation a couple years ago, he called the County and explained that this was a pre-existing fence that was there when they purchased the property and he was advised that a permit was never issued for the privacy fence. He did submit a permit application and was advised his house was a special situation. His application for this fence was denied as it did not meet the setback requirements. He was advised that he would have to move the fence to meet the setback requirements or remove it. He has looked into acquiring the property next door to him, and has applied to the County to have them "vacate of the Right of Way". He states this is the biggest fiasco possible. The County requires letters from all abutting neighbors and all utility

companies giving the County permission to vacate the property. He had to pay for a new survey and was then told the County can vacate, but additional paperwork was required (Deed Releases) from all abutting properties. He again stated this is the biggest fiasco he has ever seen. He is requesting additional time to deal with all of the issues with trying to obtain the permit. He also indicated that now there appears to be an issue with the gates and chain link fencing, that the County advised them did not require a permit as long as it was see through.

Lonnie Groot, Special Magistrate asked Mr. Helle to clarify the issue with the gates and Mr. Helle stated that a couple years ago the code stated that as long as the wind could blow through it, it did not require a permit. A couple of months ago a policy decision was made (he is unsure of the exact date) that any type of fencing, except chain link, or gates on a residential property, now require a permit. He indicates that the gates are solar and should have had a permit for the solar powered system.

Mr. Groot asked the Respondent if he had looked into getting a variance instead of a "Vacate to the Right of Way" and he responded that he had, and either way was going to be a fiasco.

Mr. Groot suggested that continuing the case could provide both parties time to figure out what exactly needs to be done as far as permitting.

Mr. Voke explained that he would require additional time, with everything that has to be done, he does not feel that it will be completed by August 11, 2016, and Mr. Groot explained that he would continue this case until August 11, 2016 to give everyone a chance to get all the details of what has to be done to obtain compliance.

MR. GROOT CONTINUED THIS CASE UNTIL THE AUGUST 11, 2016 HEARING.

16-05-CESM
New

MARY & RICHARD WRIGHT HEIRS
1230 AMANDA ST., ALTAMONTE SPRINGS, FL 32701
(Commission District 4)
Tax Parcel ID # 18-21-30-501-0100-0070
Inspector: Tom Helle, Inspector
Notice of Hearing: Posted

Violation:

1. Construction without the required permits.

Tom Helle, Building Inspector, was present at the hearing and testified on behalf of the County. Mr. Helle entered into the record, Exhibit 1, detailing the case and photographs of the violation and stated that as of his last inspection on 7/14/16, via computer, the property was not in compliance.

Mr. Helle stated that the recommendation would be to comply by August 11, 2016, with a fine of \$50.00 per day if the violation continues or is repeated past August 11, 2016.

Mr. Helle explained that Mr. Wright had advised him that he had removed the fence. He will go out and inspect the property and if the fence is no longer there, the property would be in compliance.

Mr. Wright, Respondent, was present and testified on his own behalf.

Mr. Wright explained that he had removed the fence.

MR. GROOT FOUND THE VIOLATION HAS BEEN PROVEN AS ALLEGED BASED ON THE EVIDENCE AND ARGUMENT AS PRESENTED. MR. GROOT FURTHER ORDERED THAT THE RESPONDENTS SHALL CORRECT THE VIOLATION ON OR BEFORE AUGUST 11, 2016, AND IF THE RESPONDENTS DO NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED THEREAFTER.

**16-09-CESM
New**

**CHESTER & MARJORIE SIUDAK
208 BAY MEADOW RD., LONGWOOD FL 32750
(Commission District 4)
Tax Parcel ID # 20-20-30-502-0F00-002A
Inspector: Tom Helle
Notice of Hearing: Certified**

Violation:

1. Construction without the required permits.

Tom Helle, Building Inspector, was present at the hearing and testified on behalf of the County. Mr. Helle entered into the record, Exhibit 1, detailing the case and photographs of the violation and stated that as of his last inspection on 7/14/16, via computer, the property was not in compliance.

Mr. Helle stated that the recommendation would be to comply by August 11, 2016, with a fine of \$50.00 per day if the violation continues or is repeated past August 11, 2016.

Marjorie Siudak, Respondent, was present and testified on her own behalf.

Ms. Siudak explained that she would like to have her daughter-in-law explain what they have been doing. Heather Siudak explained that they have been working on obtaining all the necessary permits. They are working with an architect for an already built structure. They would like to request additional time to come into compliance, as she does not believe they will be able to accomplish everything and have permits in place by August 11, 2016.

Lonnie Groot, Special Magistrate, clarified the request for additional time. He asked Mr. Helle about the inspections that would need to be done and how long the house has been occupied. Mr. Helle explained the types of inspections that would have to be done, and he wasn't sure how long it has been occupied. He has a pictometry image of the property in 2004, that did not have a structure on it, and one in 2016, that shows the structure.

Mr. Groot asked Mr. Helle if he was aware if this was a health, safety or any other type of issue, and Mr. Helle indicated that without any inspections, he couldn't tell. Mr. Groot asked he had any objections to giving them additional time, and how long did he think it would take, and Mr. Helle stated he would start with three months and they can always request additional time.

MR. GROOT FOUND THE VIOLATION HAS BEEN PROVEN AS ALLEGED BASED ON THE EVIDENCE AND ARGUMENT AS PRESENTED. MR. GROOT FURTHER ORDERED THAT THE RESPONDENTS SHALL CORRECT THE VIOLATION ON OR BEFORE OCTOBER 12, 2016, AND IF THE RESPONDENTS DO NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED THEREAFTER.

16-06-CESM
New

LIF INV INC.
ACCOUNTING CENTER FOR SMALL BUSINESS (Registered Agent)
3800 HICKORY AVE., SANFORD, FL 32773
(Commission District 2)
Tax Parcel ID # 18-20-31-501-0000-0310
Inspector: Tom Helle, Inspector
Notice of Hearing: Certified

Violation:

1. Construction without the required permits.

Tom Helle, Building Inspector, was present at the hearing and testified on behalf of the County. Mr. Helle entered into the record, Exhibit 1, detailing the case and photographs of the violation and stated that as of his last inspection on 7/14/16, via computer, the property was not in compliance.

Mr. Helle stated that the recommendation would be to comply by August 11, 2016, with a fine of \$50.00 per day if the violation continues or is repeated past August 11, 2016.

Lif Inv, Inc., the Respondent, was not present at this hearing.

MR. GROOT FOUND THE VIOLATION HAS BEEN PROVEN AS ALLEGED BASED ON THE EVIDENCE AND ARGUMENT AS PRESENTED. MR. GROOT FURTHER ORDERED THAT THE RESPONDENT SHALL CORRECT THE VIOLATION ON OR BEFORE AUGUST 11, 2016, AND IF THE RESPONDENT DOES NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED THEREAFTER.

16-08-CESM
New

MAGNOLIA GOLF CLUB HOLDING LLC
CHRISTOPHER C. SKAMBIS JR (Registered Agent)
600 SHADOWMOSS CIR, LAKE MARY FL 32746
(Commission District 5)
Tax Parcel ID # 03-20-29-5PG-FB00-0000
Code Enforcement Officer: Joann Tamulonis
Notice of Hearing: Certified

Violation:

1. Seminole County Code, Chapter 95, Sec. 95.4, as defined in Sec. 95.3 (h) *It shall be unlawful for any person to accumulate, dump or cause or allow to be accumulated or dumped or cause or allow to be placed, or otherwise to cause or allow to exist on any lands or premises any nuisance as defined in Section 95.3 (h) - Any weed growth, grass growth, undergrowth or dead or living vegetative matter that is growing in an uncontrolled manner or is not regularly maintained, and is in excess of eight (8) inches in height as measured from the soil level.*

Joann Tamulonis, Code Enforcement Officer was present at the hearing and testified on behalf of the County. Officer Tamulonis entered into the record, Exhibit 1, detailing the case and photographs of the violation and stated that as of her last inspection on 7/14/16, the property was not in compliance.

Officer Tamulonis stated that the recommendation would be to comply by August 5, 2016, with a fine of \$100.00 per day if the violation continues or is repeated past August 5, 2016.

Mr. Meixsell, the Respondent, was present and did testify on his own behalf. Mr. Meixsell took some time to read exhibit 1 that was entered into the record by Officer Tamulonis. He stated that he had some difficulty hearing some of Officer Tamulonis' testimony.

Lonnie Groot, Special Magistrate advised Mr. Meixsell that he can ask questions of Officer Tamulonis.

Mr. Meixsell asked Officer Tamulonis if she ever met with himself or his superintendent to tour the property and show them where the issues were and she responded she had not.

Mr. Meixsell explained that the property is One Hundred Ninety (190) acres and that they are mowing every day they can, but with all the rain they can't mow. He indicates they have mowed behind all of the houses so no one would complain. He indicates that nothing has been pointed out to him. He feels that if the County is going to make golf courses maintain an eight (8) inch height on vegetation, the majority will close. He stated that nobody had told him until recently there was a problem. If he had been aware of the issue, they would have taken care of it immediately. They are mowing every day that the weather permits.

Officer Tamulonis asked Mr. Meixsell if he had been out to the course since they spoke on June 15, 2016, to see where it needed to be mowed, and he responded that he had. He spoke with the superintendent who advised him they are mowing every day.

Mr. Groot clarified with Officer Tamulonis that out of the One Hundred Ninety (190) acres, at any given time there is approximately thirty (30) to forty (40) acres not in compliance, and she responded that yes that is her estimate.

Mr. Meixsell stated that he would like Officer Tamulonis to show him all this acreage that hasn't been mowed.

Officer Tamulonis stated that she is not seeking out hidden spots, these are areas that can be seen from the main entrance road.

MR. GROOT FOUND THE VIOLATION HAS BEEN PROVEN AS ALLEGED BASED ON THE EVIDENCE AND ARGUMENT AS PRESENTED. MR. GROOT FURTHER ORDERED THAT THE RESPONDENT SHALL CORRECT THE VIOLATION ON OR BEFORE AUGUST 5, 2016, AND IF THE RESPONDENT DOES NOT COMPLY WITH THIS ORDER, A FINE OF \$100.00 PER DAY WILL BE IMPOSED THEREAFTER.

CASES NOT HEARD

16-07-CESM
Continued
DALLAS L. & ALMA B. WOLFORD
1550 SR 436, WINTER PARK, FL 32792
(Commission District 4)
Tax Parcel ID # 33-21-30-300-007B-0000
Inspector: Tom Helle, Inspector
Notice of Hearing: Certified

Violation:

1. Construction without the required permits.

Case continued until August 11, 2016 by Inspector.

16-10-CESM
Comp Prior
Complied Prior to Hearing
TOMMY G. THOMPSON
1435 OXFORD RD., MAITLAND, FL 32751
(Commission District 4)
Tax Parcel ID # 20-21-30-505-0A00-0020
Inspector: Tom Helle
Notice of Hearing: Certified

Violation:

1. Construction without the required permits.

16-11-CESM
Comp Prior
Complied Prior
CITRUS COUNCIL OF GIRL SCOUTS
MARYANN BARRY (Registered Agent)
1700 S CR 419, CHULUOTA, FL 32766
(Commission District 1)
Tax Parcel ID # 29-21-32-300-001A-0000
Inspector: Tom Helle

Violation:

1. Construction without the required permits.

V APPROVAL OF THE MINUTES OF: February 18, 2016

VI CONFIRMATION DATE OF NEXT MEETING: August 11, 2016

VII ADJOURN

There being no further discussion, this meeting was adjourned at 3:02 P.M.

RESPECTFULLY SUBMITTED:

Patricia A. Hughes, Clerk
Code Enforcement Office

Lonnie Groot
Special Magistrate