

SEMINOLE COUNTY GOVERNMENT

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



Meeting Minutes (Draft) - Final

Thursday, January 12, 2017

1:30 PM

BCC Chambers

Code Enforcement Special Magistrate

CALL TO ORDER

Special Magistrate, Lonnie Groot called the meeting to order at 1:30 P.M.

Also Present:

Michael Gelety, Attorney

Mary Robinson, Planner

Patricia A. Hughes, Clerk to the Special Magistrate

OPENING STATEMENT

SWEARING IN OF WITNESSES

Kathleen Saboff, Respondent - Case 17-02-CESM

Daniel Crawford, Respondent - Case 17-03-CESM

Perla Zapata, Respondent - Case 17-04-CESM

Charles Allen, Respondent - Case 17-05-CESM

Danielle Buccellato, on behalf of Respondent - Case 16-32-CESM

Tom Helle, Seminole County Building Inspector

Vincent Bavaro, Seminole County Code Enforcement Officer

HEARINGS -

The published agenda was revised to allow Respondents and witnesses present at today's hearing to be heard first. The remaining cases would then be heard in the order originally published.

17-02-CESM
New

KATHLEEN R. & JIM SABOFF

4205 BEAR GULLY RD., WINTER PARK, FL 32792

(Commission District 1)

Tax Parcel ID # 36-21-30-300-015C-0000

Inspector: Tom Helle, Inspector

Notice of Hearing: Certified

Violation:

1. Seminole County Code Chapter 40, Appendix "A", Section 105.1

Construction without the required permits.

Tom Helle, Inspector, was present and testified on behalf of the County. Mr. Helle entered into evidence photographs of the violation and stated that the recommendation would be to comply by February 9, 2017, with a fine of \$50.00 per day be imposed for every day the violation continues or is repeated after compliance.

Kathleen Saboff, Respondent, was present and did testify. She stated that when they purchased the property in 2004 the fence and gate were already in place. When they looked into this issue they found that the previous owners had pulled a permit to install a chain link fence only, not a wrought iron fence. This fence and gate have been in place with no issues for over 18 years. When they contacted the Planning Department, they were advised that they would need to apply for a variance due to the distance from

the fence to the road. They submitted an application for the required variance in April. They received an email from the Planning Department advising them they would not require a variance and the fee they had paid was being returned to them. They were advised there was nothing further they needed to do. In the beginning of December they received notice that the issue regarding the fence would be heard by the Special Magistrate on this date. They contacted the Building Department and it was explained to them what exactly needed to be done. They were advised that the issue stemmed from the neighbor applying to put up a fence like theirs. After contacting the original surveyor they are in the process of updating their survey and having plans for the fence drawn up.

Special Magistrate, Lonnie Groot clarified that once they have an engineer certify that the fence/columns are constructed in accordance with the code, they can obtain an after the fact building permit and Mr. Helle advised that is correct and once the permit is obtained they will be in compliance.

Ms. Saboff requested additional time to get this issue resolved.

Mr. Helle had no issue with allowing 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 RESPONDENT SHALL CORRECT THE VIOLATION ON OR BEFORE APRIL 12, 2017, AND IF THE RESPONDENT DOES NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED.

**17-03-CESM
New**

**DANIEL C. CRAWFORD
1190 FOREST HILLS RD., ALTAMONTE SPRINGS, FL 32714
(Commission District 3)
Tax Parcel ID # 08-21-29-509-0000-008B
Inspector: Tom Helle, Inspector
Notice of Hearing: Certified**

Violation:

1. Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

Tom Helle, Inspector, was present and testified on behalf of the County. Mr. Helle entered into evidence photographs of the violation and stated that the recommendation would be to comply by April 13, 2017, with a fine of \$50.00 per day be imposed for every day the violation continues or is repeated after compliance.

Daniel Crawford, Respondent, was present and did testify. He stated that he has applied for a variance and his request will be heard in at the Board of Adjustment hearing in February. Once he has the variance he will obtain the necessary permit.

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 APRIL 13, 2017, AND IF THE RESPONDENT DOES NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED

17-04-CESM
New

PERLA M. ZAPATA
3307 EVERETT ST., APOPKA, FL 32703
(Commission District 3)
Tax Parcel ID # 18-21-29-522-0B00-0090
Inspector: Tom Helle, Inspector
Notice of Hearing: Certified

Violation:

1. Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

Tom Helle, Inspector, was present and testified on behalf of the County. Mr. Helle entered into evidence photographs of the violation and stated that the recommendation would be to comply by February 9, 2017, with a fine of \$50.00 per day be imposed for every day the violation continues or is repeated after compliance.

Perla Zapata, Respondent, was present and did testify. She stated that in 2007 they obtained a permit to put up a fence. They were unable financially at that time to finish the fence. They were not aware that they required a permit to repair the fence that was damaged in the hurricane.

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 FEBRUARY 9, 2017, AND IF THE RESPONDENT DOES NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED.

17-05-CESM
New

CHARLES R. ALLEN
911 CHARLOTTE ST., LONGWOOD, FL 32750
(Commission District 4)
Tax Parcel ID # 01-21-29-5CK-760C-0010
Inspector: Tom Helle, Inspector
Notice of Hearing: Certified

Violation:

1. Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

Tom Helle, Inspector, was present and testified on behalf of the County. Mr. Helle entered into evidence photographs of the violation and stated that the recommendation would be to comply by February 9, 2017, with a fine of \$50.00 per day be imposed for every day the violation continues or is repeated after compliance. However, after speaking with the Respondent he felt he may require additional time as he has to get an architect to create plans for the shed.

Charles Allen, Respondent, was present and did testify. He stated that he was not aware that he needed a permit to have the sheds. He had them moved from his previous home to this property. He uses the shed for storage for his lawn mower and to tinker around in. He has tried to get plans from the company he purchase the shed from, but they no longer have the plans as they no longer make this particular shed.

Mr. Helle stated that he was unaware there was electric hooked up in this shed and Mr. Allen clarified that he does not currently have electric in this shed.

Mr. Helle stated that since the shed is larger than 120 square feet it does require plans.

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 APRIL 12, 2017, AND IF THE RESPONDENT DOES NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED.

**17-07-CESM
New**

**FEDERAL NATIONAL MTG ASSN
3241 NIGHT BREEZE LN, LAKE MARY, FL 32746
(Commission District 4)
Tax Parcel ID # 03-20-30-5PZ-0000-1030
Code Enforcement Officer: Vincent Bavaro
Notice of Hearing: Posted**

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.*

Vincent Bavaro, Code Enforcement Officer was present, and testified on behalf of the County. Officer Bavaro entered into evidence photographs of the violation, and testified that the violation remains on the property. Officer Bavaro stated that the recommendation would be to comply by January 29, 2017, with a fine of \$50.00 per day be imposed for every day the violation continues or is repeated after compliance.

Michael Gelety, Attorney, is present and is representing the Respondents. He stated that while there is a Certificate of Title entered, the previous owners have filed for Bankruptcy and this has stalled the actual foreclosure sale. He is requesting additional time to allow the Respondents to come into possession of the property.

Special Magistrate, Lonnie Groot asked who the Property Appraiser's office has listed as the owner. The clerk provided Mr. Groot with a copy of the Property Appraiser printout, dated January 12, 2017, showing the Respondents as the owners.

Mr. Gelety requested a continuance for a few months to allow the Respondents to take title to the property.

Mr. Groot asked Officer Bavaro if he would have any objections to that and Officer Bavaro stated he would be willing to extend the compliance date if Mr. Gelety can advise how much time is needed to allow the Respondents to take possession and correct the violation.

Mr. Gelety requested 90 days and Officer Bavaro agreed to April 12, 2017.

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 APRIL 12, 2017, AND IF THE RESPONDENT DOES NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED.

**16-32-CESM
Lien**

**DANIEL BUCCELLATO
318 ROBIN HILL DR., ALTAMONTE SPRINGS, FL 32701
(Commission District 3)
Tax Parcel ID # 12-21-29-506-0000-0370
Inspector: Tom Helle, Inspector
Notice of Hearing: Posted**

Violation:

1. Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

This case was originally heard by the Special Magistrate on November 10, 2016; and an Order was entered giving the Respondent a compliance date of December 8, 2016, with a fine of \$50.00 per day if the Respondent did not comply by the date given.

An Affidavit of Non-Compliance was filed by the Inspector after re-inspection on December 12, 2016.

An Affidavit of Compliance was filed by the Inspector after re-inspection on December 27, 2016.

RECOMMENDATION: The Special Magistrate issue an Order reducing the fine in the amount of \$950.00 for 19 days of non-compliance from December 9, 2016, through and including December 27, 2016, at \$50.00 per day, to the Administrative Costs totaling \$464.12; and order that these costs be paid within 30 days or the fine will revert back to the original amount of \$950.00 and constitute a lien on the property.

Tom Helle, Inspector, was present and testified on behalf of the County. Mr. Helle explained the history of the case and explained that the property is in compliance at this time. Mr. Helle stated that his recommendation would be to reduce the fine to the Administrative Costs totaling \$464.12, and require these costs to be paid within 30 days, and if the costs are not paid, the lien will revert back to the original amount of \$950.00 and constitute a lien on the property.

Danielle Buccellato was present on behalf of the Respondent.

MR. GROOT GRANTED THE COUNTY'S REQUEST AND ISSUED AN ORDER THAT THE FINE IN THE AMOUNT OF \$950.00 FOR 19 DAYS OF NON-COMPLIANCE BE REDUCED TO THE ADMINISTRATIVE COSTS OF \$464.12. IF THE RESPONDENT DOES NOT PAY THIS AMOUNT ON OR BEFORE FEBRUARY 11, 2017, THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$950.00 AND BE

RECORDED AS A LIEN.

17-01-CESM
New

ALAN W. & AILEEN S. DAVIS
349 ALPINE ST., ALTAMONTE SPRINGS, FL 32701
(Commission District 3)
Tax Parcel ID # 11-21-29-503-0G00-0220
Inspector: Tom Helle, Inspector
Notice of Hearing: Posted

Violation:

1. Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

Tom Helle, Inspector, was present and testified on behalf of the County. Mr. Helle entered into evidence photographs of the violation and stated that the recommendation would be to comply by February 9, 2017, with a fine of \$50.00 per day be imposed for every day the violation continues or is repeated after compliance.

Alan W. & Aileen S. Davis, Respondents, were 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 FEBRUARY 9, 2017, AND IF THE RESPONDENT DOES NOT COMPLY WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED.

17-08-CESM
New

CHARLES E. & CHARLOTTE E. JOSEPH II
130 BIRCHWOOD DR., MAITLAND, FL 32751
(Commission District 4)
Tax Parcel ID # 19-21-30-511-0000-0520
Inspector: Tom Helle, Inspector
Notice of Hearing: Posted

Violation:

1. Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

Tom Helle, Inspector, was present and testified on behalf of the County. Mr. Helle entered into evidence photographs of the violation and stated that the recommendation would be to comply by February 9, 2017, with a fine of \$50.00 per day be imposed for every day the violation continues or is repeated after compliance.

Charles E. Joseph II, Respondent, was present at the beginning of this hearing but has since left.

Mr. Helle stated that in speaking with Mr. Joseph he learned that he has applied for a permit and may be in compliance by the date recommended.

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 FEBRUARY 9, 2017, AND IF THE RESPONDENT DOES NOT COMPLY

WITH THIS ORDER, A FINE OF \$50.00 PER DAY WILL BE IMPOSED.

16-31-CESM
Lien

ED COLLIER HEIRS
FIRST DR., SANFORD, FL 32771
(Commission District 5)
Tax Parcel ID # 31-19-31-502-0000-0150
Inspector: Tom Helle, Inspector
Notice of Hearing: Posted

Violation:

1. Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

This case was originally heard by the Special Magistrate on October 13, 2016; and an Order was entered giving the Respondents a compliance date of November 10, 2016, with a fine of \$50.00 per day if the Respondents did not comply by the date given.

A special request by the Respondents to extend the compliance date was heard by the Special Magistrate on November 10, 2016, and an Order was entered denying the request.

An Affidavit of Non-Compliance was filed by the Inspector after re-inspection on December 12, 2016.

An Affidavit of Compliance was filed by the Inspector after re-inspection on December 29, 2016.

RECOMMENDATION: The Special Magistrate issue an Order waiving the accrued fine in the amount of \$2,450.00 in its entirety.

Tom Helle, Inspector, was present and testified on behalf of the County. Mr. Helle explained the history of the case and explained that the property is in compliance at this time. Mr. Helle stated that his recommendation would be to waive the fine in its entirety.

Ed Collier Heirs, Respondents, were not present at this hearing.

MR. GROOT GRANTED THE COUNTY'S REQUEST AND WAIVED THE FINE IN THE AMOUNT OF \$2,450.00 IN ITS ENTIRETY.

CASES NOT HEARD

**17-06-CESM
Comp Prior**

**Complied Prior
NASH MORE LLC
RONNIE J. BITMAN (Registered Agent)
2818 N BERMUDA AVE., APOPKA, FL 32703
(Commission District 3)
Tax Parcel ID # 18-21-29-525-0000-2870
Inspector: Tom Helle, Inspector**

Violation:

1. Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

OTHER BUSINESS

Satisfaction of Fine

**MR. GROOT GRANTED THE COUNTY'S REQUEST AND WILL ISSUE A
SATISFACTION OF FINE.**

APPROVAL OF THE MINUTES OF December 8, 2016

CONFIRMATION DATE OF NEXT MEETING: February 9, 2017

ADJOURN

There being no further discussion, this meeting was adjourned at 2:35 P.M.

RESPECTFULLY SUBMITTED:

**Patricia A. Hughes, Clerk
Code Enforcement Office**

**Lonnie Groot
Special Magistrate**