

APPROVED

CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

MINUTES

**June 24, 2004 - 1:30 pm
Seminole County Services Building – Room 1028
1101 East First St, Sanford FL**

I Call to Order

The scheduled meeting of the Seminole County Code Enforcement Board was called to order at 1:35 pm in the Seminole County Services Building, Room 1028, 1101 East First St, Sanford FL.

A few moments of silence was held followed by the Pledge of Allegiance.

II Pledge of Allegiance

III Roll Call

Members Present: Tom Hagood, Chair
Jean Metts, Vice Chair
Larry Lawver
Jay Ammon
Bill Fahey

Members Excused: Anne Blakey
Stewart Fritz

Present & Sworn: Jeff Arsenault, 04-38-CEB, son of Respondents
Bernice Duncan, 04-45-CEB, Respondent
Francisco Denis, 04-47-CEB, Respondent
Frank Jackson, 04-40-CEB, Respondent
Donna Wisniewski, Code Enforcement Officer, SCSO
Dorothy Hird, Code Enforcement Officer, SCSO
Pamela Taylor, Code Enforcement Officer, SCSO
Joann Davids, Code Enforcement Officer, SCSO
Jerry Robertson, Code Enforcement Officer, SCSO

Others Present: Dan Mantzaris, Code Enforcement Board Attorney
Connie R. DeVasto, Clerk to the Code Enforcement Board

IV Swearing in of Witnesses

Matthew West, Planning Manager
Stacey Jackson, Witness
Frank Luciano, Witness
Rev. Crabtree, Witness
Hannibal Duncan, Witness
Gary Oakley, Witness
Ms. Foley, Witness
John Jones, Attorney at Law, Witness/Representative

.....
V Agenda Update & Approval

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. Ms. Metts arrived late and was not in attendance during this Motion. Ms. Metts arrived shortly after this Motion was made.

**MOTION BY JAY AMMON, SECONDED BY LARRY LAWVER
TO APPROVE THE REVISED AGENDA.**

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
JAY AMMON – YES**

MOTION CARRIED 4 – 0.

.....
The following cases will not be heard today:

Golf Trust of America LP, 02-91-CEB, Continued at Staff Request
John W. Rutherford, 04-39-CEB, Continued at Staff Request
A Song Inc., 04-41-CEB, Withdrawn Without Prejudice

.....

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

Case No: 04-38-CEB
Edward & Elfriede Arsenault
Code Enforcement Officer: Dorothy Hird
Complaint No: 2003CE000366

New Case.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(l).
Described as: 1) Junked or abandoned vehicle not being kept within an enclosed garage or an attached carport.
Location: 101 Lilac Lane, Altamonte Springs (Commission District 4)
Tax Parcel ID # 14-21-29-507-0000-0200

Code Enforcement Officer Dorothy Hird testified on behalf of the County and entered into evidence photographs of the violation and stated the Staff's recommendation. Officer Hird also testified that she inspected the property this morning and the vehicle still remains.

Jeff Arsenault, son of the Respondents, testified on behalf of his parents. He advised the Board that he is aware that the vehicle must be repaired or moved.

The Board asked Mr. Arsenault if a compliance date of August 24 would give him enough time to accomplish this.

Mr. Arsenault advised that it would.

After discussion of this case by the Board:

**MOTION BY JAY AMMON, SECONDED BY LARRY LAWVER THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-38-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID #14-21-29-507-0000-0200) located at 101 Lilac Lane, Altamonte Springs, located in Seminole County and legally described as follows:
LEG LOT 20 SPRING GARDENS PB 15 PG 97
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(l).

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

It is hereby ordered that the Respondents correct the violation on or before **August 24, 2004**. In order to correct the violation, the Respondents shall take the following remedial action:

- 1) REPAIR OR REMOVE ANY VEHICLE THAT CANNOT OPERATE LEGALLY ON THE PUBLIC ROAD RIGHT-OF-WAY, IF IT WERE PROPERLY LICENSED, OR PLACE VEHICLE IN AN ATTACHED CARPORT OR ENCLOSED GARAGE.**

If the Respondents do not comply with the Order, a fine of **\$25.00** per day will be imposed for each day the violation continues, or is repeated after compliance past **August 24, 2004**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – YES**

MOTION CARRIED 5 – 0.

.....
Case No: 04-45-CEB
Oscar & Bernice K. Duncan
Code Enforcement Officer: Jerry Robertson
Complaint No: 2004CE000217

New Case.

Violation Charged: Seminole County Land Development Code, Chapter 30, Section 30.102, 30.103 and 30.104.
Described as: 1) Mobile home placed on this parcel without Board of Adjustment approval, as a special exception.
Location: 2005 Osceola Road W, Geneva (Commission District 2)
Tax Parcel ID # 07-20-32-5UO-0002-0010

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

Code Enforcement Officer Jerry Robertson testified on behalf of the County and entered into evidence photographs of the violation and stated the Staff's recommendation. Officer Robertson also testified that he could not find any evidence that the Respondents had applied for a permit or a special exception.

Bernice Duncan, Respondent, testified on her behalf and advised the Board that the mobile home has been at this location since the 1970's and that due to medical issues, has not been able to obtain the required paperwork.

Hannibal Duncan, son of the Respondent, questioned as to why the Respondent needs special paperwork when it's been on this property for so long.

Mr. Crabtree, Witness, testified to the fact that he put in the septic system on this property in the 1970's and the mobile home was in fact on the property at that time.

After discussion of this case by the Board:

MOTION BY BILL FAHEY, SECONDED BY JAY AMMON THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-45-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 07-20-32-5UO-0002-0010) located at 2005 Osceola Road W, Geneva, located in Seminole County and legally described as follows:
LEG SEC 07 TWP 20S RGE 32E LOT 1 TRACT 2
ST JOHNS RANCH ESTATES, UNRECD PLAT
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Lane Development Code, Chapter 30, Section 30.102, 30.103 and 30.104.

It is hereby ordered that the Respondents correct the violation on or before **September 24, 2004**. In order to correct the violation, the Respondents shall take the following remedial action:

1) APPLY FOR AND OBTAIN ALL REQUIRED PERMITS AND APPROVALS OR REMOVE THE MOBILE HOME FROM THE PROPERTY.

If the Respondents do not comply with the Order, a fine of **\$50.00** per day will be imposed for each day the violation continues, or is repeated after compliance past **September 24, 2004**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – YES**

MOTION CARRIED 5 – 0.

.....
Case No: 04-46-CEB
Frieda Koenig
Code Enforcement Officer: Dorothy Hird
Complaint No: 2003CE000365

New Case.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(l).
Described as: 1) Junk or abandoned vehicle not kept within an enclosed garage or an attached carport.
Location: 103 Lilac Lane, Altamonte Springs (Commission District 4)
Tax Parcel ID # 14-21-29-507-0000-0210

Code Enforcement Officer Dorothy Hird testified on behalf of the County and entered into evidence photographs of the violation and stated the Staff's recommendation.

Jeff Arsenault, grandson of the Respondent, testified on behalf of the Respondent and advised that this vehicle belonged to him and that due to medical reasons and the hours that he works, he has not been able to get this vehicle operable.

After discussion of this case by the Board:

**MOTION BY LARRY LAWVER, SECONDED BY JEAN METTS THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-46-CEB, it is determined that the Respondent is:

- (a) the owner of record of the property (Tax Parcel ID #14-21-29-507-0000-0210) located at 103 Lilac Lane, Altamonte Springs, located in Seminole County and legally described as follows:
LEG LOT 21 SPRING GARDENS PB 15 PG 97
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(l).

It is hereby ordered that the Respondent correct the violation on or before **July 23, 2004**. In order to correct the violation, the Respondent shall take the following remedial action:

- 1) REPAIR OR REMOVE ANY VEHICLE THAT CANNOT OPERATE LEGALLY ON THE PUBLIC ROAD RIGHT-OF-WAY, IF IT WERE PROPERLY LICENSED, OR PLACE VEHICLE IN AN ATTACHED CARPORT OR ENCLOSED GARAGE.**

If the Respondent does not comply with the Order, a fine of **\$25.00** per day will be imposed for each day the violation continues, or is repeated after compliance past **July 23, 2004**. **The Respondent are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – YES**

MOTION CARRIED 5 – 0.

.....
Case No: 04-47-CEB
Francisco T. & Nancy M. Denis
Code Enforcement Officer: Donna Wisniewski
Complaint No: 2004CE000649

New Case. Add on.

Violation Charged: Seminole County Land Development Code, Chapter 30, Section 30.1243(b)(2) a. 2. and 30.1243 e. and Chapter 30, Section 30.122.
Described as: 1) Placing political signs prior to qualification date.
2) Use of motor vehicle sign parked and left unattended when utilized primarily as a means of promotion or advertising.
3) Truck parking not a permitted use in A-1 zone.
Location: Hilton Court, Casselberry (Commission District 1)
Tax Parcel ID # 22-21-30-300-020A-0000

Code Enforcement Officer Donna Wisniewski testified on behalf of the County and entered into evidence photographs of the violations and stated the Staff's recommendation.

Francisco Denis, Respondent, testified on his behalf and advised the Board that he has taken down all signs. He also advised that the pickup truck is moved everyday. Mr. Denis presented photographs of other candidate's political signs that had been placed throughout Seminole County.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

Gary Oakley, Witness, testified that he believes that all political candidates should be treated equally.

Ms. Foley, Witness, testified that the Respondent only has signs on his own personal property.

The Board questioned Officer Wisniewski as to what the County Code states regarding placing political signs prior to a candidate's qualification date and Officer Wisniewski read the code to the Board.

Officer Wisniewski also testified that the Respondent has signs placed in other areas other than his residence.

After discussion of this case by the Board:

**MOTION BY BILL FAHEY, SECONDED BY JEAN METTS THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-47-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID #22-21-30-300-020A-0000) located at Hilton Court, Casselberry, located in Seminole County and legally described as follows:
LEG SEC 22 TWP 21S RGE 30E N 400 FT OF W
½ OF E ¼ OF NW ¼ OF SE ¼ (LESS E 20 FT & S
104 FT & N 50 FT FOR RD)
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Land Development Code, Chapter 30, 30.1243(b)(2) a. 2. and 30.1243 e. and Chapter 30, Section 30.122.

It is hereby ordered that the Respondents correct the violations on or before **noon, June 25, 2004**. In order to correct the violations, the Respondents shall take the following remedial action:

- 1) CEASE THE USE OF ALL PROHIBITED SIGNS.**
- 2) CEASE PARKING TRUCKS AT THIS LOCATION.**

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

If the Respondents do not comply with the Order, a fine of **\$250.00** per day will be imposed for each day the violations continue, or are repeated after compliance past **noon, June 25, 2004**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – NO
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – YES**

MOTION CARRIED 4 – 1.

Mr. Denis asked for clarification of the code and the Board advised him to speak with Officer Wisniewski after the meeting and she would be able to give him that information.

.....

Case No: 04-48-CEB
William R. James
Code Enforcement Officer: Dorothy Hird
Complaint No: 2004CE000680

New Case. Add on.

Violation Charged: Seminole County Land Development Code, Chapter 30, Section 30.1243(b)(2) a. 2. and 30.1245 (1).
Described as: 1) Placing political signs prior to qualification date.
2) Placing prohibited signage throughout Seminole County.
Location: Various locations throughout Seminole County right-of-way.

Code Enforcement Officer Dorothy Hird testified on behalf of the County and entered into evidence photographs of the violations and stated the Staff's recommendation.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

John Jones, Attorney for the Respondent, testified on the Respondent's behalf and presented a copy of a letter that the Respondent received from Planning Manager, Matthew West. He advised that the letter stated that placing political signs on private property was allowed.

Matthew West, Planning Manager, testified on behalf of the County and advised that he did in fact send out letters to all the candidates clarifying the Codes of Seminole County as per the Board of County Commissioner's meeting on May 11, 2004. Mr. West advised that the letter stated that political signs may be placed prior to the qualification date as long as they are placed on residential areas. They may not be placed in the right-of-way.

Mr. Jones stated that the average citizen does not know where the right-of-way is and would need to have a survey of their property to know where their property ends and the right-of-way begins.

After discussion of this case by the Board:

**MOTION BY LARRY LAWVER, SECONDED BY JEAN METTS
TO DISMISS THIS CASE.**

After additional discussion, the Board asks Mr. West to repeat the County's Code on placement of political signs.

Mr. West advises the Board that political signs cannot be placed in the right-of-way.

**JEAN METTS WITHDRAWS HER SECOND TO THE MOTION
TO DISMISS AND JAY AMMON THEN SECONDS THE MOTION
TO DISMISS.**

After additional discussion by the Board regarding the photographs that have been presented, the Board asked exactly where the right-of-way begins.

Deborah Leigh, Senior Code Enforcement Officer, testified that all telephone poles are put on the right-of-way and that the evidence presented shows the political signs in the right-of-way.

Mr. Jones testified that there isn't any clear evidence that the right-of-way begins at the telephone poles and requested that this case be dismissed.

After further discussion of the Motion made by Mr. Lawver, the Motion to Dismiss carried and the Findings of Fact, Conclusions of Law and Order shall be:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

It is hereby ordered that this case be dismissed due to insufficient evidence.

This Order shall be recorded in the official land records of Seminole County.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – NO
LARRY LAWVER – YES
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – NO**

MOTION CARRIED 3 – 2.

.....
Case No: 04-37-CEB
Martin A. Marrero
Code Enforcement Officer: Jerry Robertson
Complaint No: 2004CE000050

New Case.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(g).
Described as: 1) Accumulation of trash and debris.
Location: 870 Snow Hill Road, Geneva (Commission District 2)
Tax Parcel ID # 33-20-32-300-0550-0000

Code Enforcement Officer Jerry Robertson testified on behalf of the County and entered into evidence photographs of the violation and stated the Staff's recommendation. Officer Robertson also testified that he has been in contact with the Respondent and the Respondent is making an effort to comply but the property is still not in compliance at this time.

Martin A. Marrero, Respondent, was not present at this meeting.

After discussion of this case by the Board:

**MOTION BY LARRY LAWVER, SECONDED BY BILL FAHEY THAT THE
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-37-CEB, it is determined that the Respondent is:

- (a) the owner of record of the property (Tax Parcel ID #33-20-32-300-0550-0000) located at 870 Snow Hill Road, Geneva, located in Seminole County and legally described as follows:
LEG SEC 33 TWP 20S RGE 32E S 208.7 FT OF E
½ of se ¼ of se ¼ (LESS N 100 FT OF E 200 FT +
W 100 FT)
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(g).

It is hereby ordered that the Respondent correct the violation on or before **July 6, 2004**. In order to correct the violation, the Respondent shall take the following remedial action:

**1) REMOVE THE ACCUMULATION OF TRASH AND
DEBRIS THAT IS WITHIN 300 FT OF A STRUCTURE.**

If the Respondent does not comply with the Order, a fine of **\$50.00** per day will be imposed for each day the violation continues, or is repeated after compliance past **July 6, 2004**. **The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – YES**

MOTION CARRIED 5 – 0.

.....

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

Case No: 04-40-CEB
Frank & Mary L. Jackson
Code Enforcement Officer: Dorothy Hird
Compliant No: 2003CE000007

New Case.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(g)(l).
Described as: 1) Accumulation of trash and debris.
2) Junked or abandoned vehicles not being kept within an enclosed garage or an attached carport.
Location: 118 Florence Avenue, Altamonte Springs (Commission District 4)
Tax Parcel ID # 07-21-30-300-062B-0000

Code Enforcement Officer Dorothy Hird testified on behalf of the County and entered into evidence photographs of the violations and stated the Staff's recommendation. Officer Hird also testified that the vehicles were still on the property and were still inoperable.

Frank Jackson, Respondent, testified on his behalf and stated that he thought if a vehicle could be started and moved, it was not a violation.

Officer Hird testified that neighbors of the Respondent advised that at least one of the vehicles never moved.

Stacey Jackson, Witness, testified that she was a witness to the fact that the Respondent did move all the vehicles for Officer Hird.

The Board asked Officer Hird if the trash and debris had been removed and Officer Hird advised that it had.

Frank Luciano, Witness, testified that he had witnessed the Respondent moving the vehicles for Officer Hird.

After discussion of this case by the Board:

MOTION BY LARRY LAWVER, SECONDED BY JEAN METTS THAT THE VIOLATION OF TRASH AND DEBRIS BE STRICKEN FROM THE ORDER AND THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-40-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 07-21-30-300-062B-0000) located at 118 Florence Avenue, Altamonte Springs, located in Seminole County and legally described as follows:
LEG SEC 07 TWP 21S RGE 30E BEG 265 FT E +
70 FT S OF NW COR OF E ½ OF SE ¼ OF SW ¼
RUN W 60 FT S 101.3 FT N 82 DEG E 60.6 FT N
92.8 FT TO BEG
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(l).

It is hereby ordered that the Respondents correct the violation on or before **September 1, 2004**. In order to correct the violation, the Respondents shall take the following remedial action:

- 1) REPAIR OR REMOVE ANY VEHICLE THAT CANNOT OPERATE LEGALLY ON THE PUBLIC ROAD RIGHT-OF-WAY, IF IT WERE PROPERLY LICENSED, OR PLACE VEHICLE IN AN ATTACHED CARPORT OR ENCLOSED GARAGE.**

If the Respondents do not comply with the Order, a fine of **\$10.00** per day will be imposed for each day the violation continues, or is repeated after compliance past **September 1, 2004**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – NO**

MOTION CARRIED 4 – 1.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

Case No: 04-42-CEB
Isiah & Lucille Cohen
Code Enforcement Officer: Dorothy Hird
Complaint No: 2003CE000103

New Case.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(g)(l).
Described as: 1) Accumulation of trash and debris.
2) Junked or abandoned vehicles not being kept within an enclosed garage or an attached carport.
Location: 121 Jackson Street, Altamonte Springs (Commission District 4)
Tax Parcel ID # 18-21-30-502-0C00-013A

Code Enforcement Officer Dorothy Hird testified on behalf of the County and entered into evidence photographs of the violation and stated Staff's recommendation. Officer Hird also testified that she inspected the property this morning and the violations remain. Officer Hird stated that Mrs. Cohen is gravely ill and Mr. Cohen is with her out of state.

Isiah and Lucille Cohen, Respondents, were not present at this meeting.

After discussion of this case by the Board:

MOTION BY JEAN METTS, SECONDED BY JAY AMMON THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-42-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID #18-21-30-502-0C00-013A) located at 121 Jackson Street, Altamonte Springs, located in Seminole County and legally described as follows:
LEG N 1/3 OF LOTS 13 14 + 15 BLK C MERRITT
PARK PB 8 PG 22
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(g)(l).

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

It is hereby ordered that the Respondents correct the violations on or before **August 27, 2004**. In order to correct the violations, the Respondents shall take the following remedial action:

- 1) REMOVE THE ACCUMULATION OF TRASH AND DEBRIS.
- 2) REPAIR OR REMOVE ANY VEHICLE THAT CANNOT OPERATE LEGALLY ON THE PUBLIC ROAD RIGHT-OF-WAY, IF IT WERE PROPERLY LICENSED, OR PLACE VEHICLE IN AN ATTACHED CARPORT OR ENCLOSED GARAGE.

If the Respondents do not comply with the Order, a fine of **\$50.00** per day will be imposed for each day the violations continue, or are repeated after compliance past **August 27, 2004**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – YES**

MOTION CARRIED 5 – 0.

.....
Case No: 04-43-CEB
Emma J. & Colin Burley
Code Enforcement Officer: Pamela Taylor
Complaint No: 2004CE000469

New Case.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(l).
Described as: 1) Junked or abandoned vehicles not being kept within an enclosed garage or an attached carport.
Location: 2455 E 21st Street, Sanford (Commission District 5)
Tax Parcel ID # 32-19-31-507-0100-0060

Code Enforcement Officer Pamela Taylor testified on behalf of the County and entered into evidence photographs of the violations and stated the Staff's recommendation. Officer Taylor also testified that the violation still remains.

Emma J. and Colin Burley, Respondents, were not present at this meeting.

After discussion of this case by the Board:

MOTION BY JEAN METTS, SECONDED BY JAY AMMON THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-43-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 32-19-31-507-0100-0060) located at 2455 E 21st Street, Sanford, located in Seminole County and legally described as follows:
LEG LOT 6 + E 25 FT OF LOT 5 BLK 1 DIXIE
TERRACE 1ST ADD, PB 10, PG 29
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(l).

It is hereby ordered that the Respondents correct the violation on or before **July 12, 2004**. In order to correct the violation, the Respondents shall take the following remedial action:

- 1) REPAIR OR REMOVE ANY VEHICLE THAT CANNOT OPERATE LEGALLY ON THE PUBLIC ROAD RIGHT-OF-WAY, IF IT WERE PROPERLY LICENSED, OR PLACE VEHICLE IN AN ATTACHED CARPORT OR ENCLOSED GARAGE.**

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

If the Respondents do not comply with the Order, a fine of **\$100.00** per day will be imposed for each day the violation continues, or is repeated after compliance past **July 12, 2004**. **The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – YES**

MOTION CARRIED 5 – 0.

.....
Case No: 04-44-CEB
Majestic Cove Homeowners Association
David Urban, Registered Agent
Code Enforcement Officer: Jerry Robertson
Complaint No: 2004CE000074

New Case.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(g).
Described as: 1) Accumulation of trash and debris.
Location: Common Area of Majestic Cove, Oviedo (Commission District 1)
Tax Parcel ID # 21-21-31-505-0E00-0000

Code Enforcement Officer Jerry Robertson testified on behalf of the County and entered into evidence photographs of the violation and stated the Staff's recommendation. Officer Robertson also advised that he has been in contact with the Property Manager and she has been making an effort to comply but the property is still in violation.

After discussion of this case by the Board:

**MOTION BY JEAN METTS, SECONDED BY JAY AMMON THAT THE
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-44-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 21-21-31-505-0E00-0000) located at the common area of Majestic Cove Subdivision, Oviedo, located in Seminole County and legally described as follows:
TRACT E MAJESTIC COVE PB 57 PG 78
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(g).

It is hereby ordered that the Respondents correct the violation on or before **July 29, 2004**. In order to correct the violation, the Respondents shall take the following remedial action:

**1) REMOVE THE TRASH AND DEBRIS LOCATED WITHIN
300 FEET OF A STRUCTURE.**

If the Respondents do not comply with the Order, a fine of **\$50.00** per day will be imposed for each day the violation continues, or is repeated after compliance past **July 29, 2004**. **The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
JAY AMMON – YES**

**JEAN METTS – YES
BILL FAHEY – YES**

MOTION CARRIED 5 – 0.

.....
AT THIS TIME, THE CHAIRMAN ASKED TO ENTERTAIN A MOTION TO ACCEPT THE CONSENT AGENDA AS LISTED. MOTION BY JEAN METTS, SECONDED BY LARRY LAWVER TO ACCEPT THE CONSENT AGENDA AS FOLLOWS:

Case No: 04-15-CEB
Craig R. Wallace
Code Enforcement Officer: Joann Davids
Complaint No: 20040050873

This case was continued from the January 22, 2004 hearing and heard by the Board on February 19, 2004. An Order was entered giving the Respondent a compliance date of March 19, 2004. An Affidavit of Non-Compliance was filed by the Code Enforcement Officer on March 22, 2004. Staff requested a continuance from the May 20, 2004 hearing. This property is not in compliance at this time.

Requested Board action: Staff requests that Board issue an Order constituting a lien in the amount of \$24,500.00, 97 days of non-compliance at \$250.00 per day be recorded in the public records and the fine shall continue to accrue at \$250.00 per day for each day the violation continues past June 24, 2004.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(o).
Described as: 1) Unsecured pool.
Location: 9511 Bear Lake Circle, Apopka (Commission District 3)
Tax Parcel ID # 19-21-29-507-0B00-0080

ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel # 19-21-29-507-0B00-0080) located at 9511 Bear Lake Circle, Apopka, located in Seminole County and legally described as follows:

LEG LOT 8 BLK B PARKINSONS SUBD
PB 8 PG 37

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
JUNE 24, 2004

This case came on for public hearing before the Code Enforcement Board of Seminole County on the February 19, 2004, after due notice to the Respondent. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law and Order.

Said Order found Respondent in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(o).

Said Order stated that a fine in the amount of \$250.00 per day would be imposed if the Respondent did not take certain corrective action by March 19, 2004.

An Affidavit of Non-Compliance bearing the date of March 22, 2004, has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that the required action has not been obtained.

Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated February 19, 2004, the Board orders that a fine of **\$24,250.00**, 97 days of non-compliance at \$250.00 per day, be imposed against the property and the fine shall continue to accrue at **\$250.00 per day** for each day the violations continue past June 24, 2004.

The Respondent must contact the Code Enforcement Officer to arrange for an inspection of the property to verify compliance. The fine imposed shall continue until such time as the Code Enforcement Officer inspects the property and establishes the date of compliance.

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

.....
VII Approval of the minutes from the meeting of May 20, 2004

MOTION BY JEAN METTS, SECONDED BY JAY AMMON TO APPROVE THE MINUTES FROM THE MEETING OF MAY 20, 2004.

VIII Confirmation date of next meeting: July 29, 2004

IX Old Business – None

X New Business –

General discussion of the fines that are imposed. Mr. Fahey stated that he believes a Respondent who has been in violation for several months, like one of the Respondents from today's meeting, should be given a fine larger than \$10.00.

Ms. Metts advised that she will not be available for the July 29 and August 26 CEB meetings.

Mr. Lawver advised that he will not be available for the October 28, 2004 meeting.

XI Adjourn – There being no further discussion, this meeting was adjourned at 3:33 pm.

Respectfully submitted:

**Connie R. DeVasto
Clerk to the Code Enforcement Board**

**William K. Fahey
Acting Chair**

06-24-04 minutes