

**APPROVED
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

MINUTES

**April 28, 2005 - 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 p.m. 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
 Jay Ammon, Vice Chair
 Larry Lawver
 Bill Fahey
 Stewart Fritz
 Grace Chewning

Members Excused: None

Present & Sworn: Michael L. Taylor, 05-29-CEB, Respondent
 Pamela Taylor Code Enforcement Officer, SCSO
 Jerry Robertson, Code Enforcement Officer, SCSO
 Donna Wisniewski, Code Enforcement Officer, SCSO
 Matthew West, Planning Manager
 Alan Willis, Plans Examiner
 James Potter, Development Review
 Tom Helle, Deputy Building Official

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



IV Swearing in of Witnesses

William McCormick, Attorney for Respondent, 05-12-CEB
Rick Furman, Representative for Respondent, 05-12-CEB
Kimberly Romano, Assistant County Attorney
Joey Rodriguez, Building Inspector

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V Agenda Update & Approval

The published agenda was not revised and therefore would be heard in the order originally published.

MOTION BY JAY AMMON, SECONDED BY STEWART FRITZ TO APPROVE THE PUBLISHED AGENDA.

**TOM HAGOOD – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

**JAY AMMON – YES
BILL FAHEY – YES
GRACE CHEWNING - YES**

MOTION CARRIED 6 – 0.

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The following cases will not be heard today:

Eva M. White, 05-30-CEB, Continued at Staff Request
Keith, Joyce, Kendall, Todd & Kimberlee Schoening, 05-25-CEB, Continued at Staff Request
Claretha Roux, 05-06-CEB, Continued at Staff Request

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SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
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Case No 05-29-CEB
Michael & Patricia Taylor
Plan Examiner: Alan Willis
Development Review

New Case

Violation Charged: Seminole County Land Development Code, Chapter 40, Part 1, Section 40.2 and Chapter 30, Part 51, Section 30.965.

Described as: 1) The filling of areas which exceed (100) one hundred cubic yards of material without an approved site plan.
2) The placement of fill in the 100 year flood plain.

Location: S. Sylvan Lake Drive, Sanford (Commission District 5)
Tax Parcel ID # 35-19-29-300-004E-0000

Alan Willis, Plans Examiner for Seminole County Development Review, testified on behalf of the County and entered into evidence photographs of the violations. Mr. Willis also testified that he has had several meetings with the Respondent. He advised that the Respondent has cleaned up some of the violation, but not all.

Mr. Willis further testified that, due to the hurricanes, the water levels have increased. Mr. Willis stated that Staff recommendation would be to come into compliance by May 31, 2005 or a fine of \$250.00 per day be imposed for each day the property remains in non-compliance after May 31, 2005.

Michael L. Taylor, Respondent, testified on his behalf and advised that the water levels have been rising over the past several years. He further testified that the only part of his property that he has filled is the driveway area. He also advised that he has only used organic composting and mulch materials to fill the driveway.

The Board asked Staff if the Respondent got an approved site plan, would he be in compliance. Staff advised that he would not due to being over 100 cubic feet in the flood plain.

Mr. Willis advised that the flood level is 44 and showed an aerial photograph of the Respondent's property. Mr. Willis further testified that the Respondent would need a survey to verify that the elevation is back to the natural grade.

Board Member Larry Lawver questioned Mr. Willis as to the evidence presented. Mr. Lawver stated that he did not believe there was sufficient evidence to show what the correct elevation is.

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James Potter, Development Review, advised the Board that their evidence does show that the reasonable level is 44.

MOTION BY LARRY LAWVER TO DISMISS THIS CASE.

Motion dies for lack of a second.

Dan Mantzaris, Attorney for the Board, advised the Board that the County has offered evidence and the Board must consider what is brought before them.

The Chair advised that the consensus of the Board is that there is not enough evidence before them to rule on this case.

James Potter inquired as to whether this case can be continued to the next meeting so that the County can gather additional evidence for the Board.

MOTION BY BILL FAHEY, SECONDED BY STEWART FRITZ THAT THIS CASE BE CONTINUED TO THE JUNE MEETING.

The Board asks the Respondent if he would be opposed to the continuance. The Respondent advises that he would not.

The Board asks Staff how they were made aware of this violation. Mr. Willis advised that a complaint was called into the County.

**TOM HAGOOD – YES
LARRY LAWVER – NO
STEWART FRITZ – YES**

**JAY AMMON – YES
BILL FAHEY – YES
GRACE CHEWNING - YES**

MOTION CARRIED 5 – 1.

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Case No: 05-12-CEB
Viacom Outdoor, Inc.
Corporation Service, Registered Agent
Planning Manager: Matthew West

New case that was continued by Staff at the February 24, 2005 meeting and at the request of the Respondent's Attorney, continued from the March 24, 2005 meeting.

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Violation Charged: Seminole County Land Development Code, Section 30.1251 and Building Code, Sections 104.1.1 and 105.4.
Described as: 1) Non-conforming billboard due to zoning.
2) Construction without the required permit and inspections.
Location: Westbound lane of I-4, Longwood (Commission District 5)
State I.D. # BM 103

Matthew West, Planning Manager, testified on behalf of the County and entered into evidence photographs of the violations. Mr. West further testified that he inspected the billboard on April 26, 2005 and the violations remain.

Mr. West advised the Board that the Respondent appealed his opinion (that this is a non-conforming billboard due to zoning) to the Board of Adjustment Board and the BOA upheld his opinion. Mr. West further advised that the Respondent appealed his opinion to the Board of County Commissioners and on February 22, 2005, the BCC upheld his opinion also.

Mr. West advised the Board that on December 26, 2002, Staff compiled photographs of all the billboards in Seminole County and created a Billboard Inventory Book. Mr. West showed the Board a photograph of this billboard taken for the inventory. Mr. West advised that on August 13, 2004, Hurricane Charley took down this billboard. He further advised that a Building Inspector put a "Stop Work Order" on the billboard site as no permits had been issued to rebuild this billboard.

William McCormick, Attorney for the Respondent, objects to the photographs in the County's presentation that were taken by a former employee of Seminole County as that employee is not available to attest that he did in fact take the photographs.

Dan Mantzaris, Attorney for the Board, advises the Board that formal rules of evidence do not apply to the Code Board and they can assume, by Mr. West's testimony, that the photographs were taken by the former employee.

Mr. West attests to seeing the photographs the day the former employee took them.

Joey Rodriguez, Building Inspector, attests to the fact that he did take the photographs contained in the presentation; the photographs of the Stop Work Order and the condition of the billboard on the day he visited the site.

Mr. West entered into evidence a copy of the April 22, 2005 minutes of the Board of County Commission meeting in which the Board upheld his opinion that this billboard is non-conforming due to zoning.

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Tom Helle, Deputy Building Official, testified that he researched the County's records and found that a permit did not exist for this billboard.

William McCormick, Attorney for the Respondent, asked Mr. Helle if the Respondent ever filed an application for a permit.

Mr. Helle advised that an application was never filed.

Mr. West advised that Staff's recommendation would be to remove the billboard by May 13, 2005, with a fine of \$250.00 per day if compliance is not obtained by that date.

William McCormick, Attorney for the Respondent, testified on behalf of the Respondent and entered into evidence documentation of his facts.

Mr. McCormick questioned Mr. West regarding the facts of this case including, but not limited to the Statement of Violation issued to Viacom, the violation code that was listed in this case as well as the Notice of Voluntary Dismissal of case number 04-78-CEB.

Mr. McCormick objects to Dan Mantzaris' verbal input into this case.

Mr. Mantzaris advised that per Florida Statute, as Counsel for the Code Enforcement Board, it is within his purview to speak with anyone who appears before the Board.

Mr. McCormick questioned Mr. West regarding his interpretation of the code violation listed in this case.

Mr. West stated that the Board of Adjustment and the Board of County Commissioners ruled that this is a non-conforming billboard due to zoning.

Mr. McCormick asked Mr. West the question again and received the same answer. At that time, Mr. McCormick asked the Chair to instruct Mr. West to answer the question.

Kimberly Romano, Assistant County Attorney, stated that Mr. West answered the question.

Tom Hagood, Chair, stated that Mr. West answered the question to the best of his ability and that Mr. McCormick should move on with his presentation.

Larry Lawver, Board Member, stated that he agreed with Mr. McCormick. He did not feel Mr. West answered the question to his satisfaction.

Mr. McCormick asked Mr. West if he recalled receiving a letter dated November 4, 2004 from Ralph Webster, a former employee of Viacom Outdoor.

Mr. West advised that he did not recall receiving that letter.

Mr. Rick Furman, Real Estate representative for Viacom, testified that he had taken Mr. Webster's position at Viacom and had discussed this matter with Mr. Webster prior to Mr. Webster leaving. He further testified that Mr. Webster had written the letter to Mr. West requesting information regarding pulling permits for the billboard.

Mr. McCormick asked Mr. Furman if a response was received from Mr. West. Mr. Furman advised that they did not receive any response.

Mr. McCormick gave a summary of the Respondent's position in this case.

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At this time, the Chair closed the meeting for a 10 minute recess. The hearing resumed at 3:50 P.M.

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The Chair asked Mr. West if the billboard was allowed in this particular zoning, what steps would the Respondent have to take to place a billboard in this location.

Mr. West advised the Board that the Respondent or any person wanting to erect a billboard must enter into a Billboard Agreement with the Board of County Commissioners prior to any construction.

The Chair asked Mr. McCormick if the Respondent entered into any Billboard Agreement with the BCC and Mr. McCormick testified that the Respondent had not.

The Chair further asked Mr. McCormick if the Respondent, having received no response from the County regarding the letter from Mr. Webster dated November 5, 2004 on pulling permits, did a follow-up letter or communication to gain the information needed. Mr. McCormick testified that the Respondent had not.

After discussion of this case by the Board:

MOTION BY JAY AMMON, SECONDED BY BILL FAHEY TO ACCEPT STAFF RECOMMENDATION.

After a brief discussion with Mr. Mantzaris regarding the Motion:

**AMENDED MOTION BY JAY AMMON, 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 05-12-CEB, it is determined that the Respondents are:

- (a) the owners of record of the subject billboard located on the westbound side of I-4, bearing State I. D. # BM 103, located in Seminole County;
- (b) in possession or control of the billboard; and
- (c) in violation of Seminole County Land Development Code, Section 30.1251 and Florida Building Code, Sections 104.1.1 and 105.4.

It is hereby ordered that the Respondents correct the violation on or before **May 13, 2005**. In order to correct the violation, the Respondents shall take the following remedial action:

**1) COME INTO COMPLIANCE WITH THE CODE BY REMOVING
THE BILLBOARD.**

If the Respondents do not comply with the Order, a fine of **\$250.00** will be imposed for each day the violation continues, or is repeated after compliance past **May 13, 2005**. **The Respondents are further ordered to contact the Seminole County Planning Division (Matthew West) 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.**

DONE AND ORDERED this 28th day of April, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – NO
STEWART FRITZ – YES**

**JAY AMMON – YES
BILL FAHEY – YES
GRACE CHEWNING - YES**

MOTION CARRIED 5 – 1.

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Case No 05-26-CEB
Gary S. & Henrietta D. Wattman
Code Enforcement Officer: Donna Wisniewski
Complaint No: 2004CE001700

New Case continued from the March 24, 2005 meeting by Staff.

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 vehicle not kept within an enclosed garage or an attached carport.

Location: 2133 Amador Place, Oviedo (Commission District 1)
Tax Parcel ID # 20-21-31-5KP-0D00-2400

Donna Wisniewski, Code Enforcement Officer, testified on behalf of the County and entered into evidence photographs of the violations. Officer Wisniewski further testified that she had received several complaints from neighbors and the Homeowner's Association regarding these violations.

Officer Wisniewski also testified that the Respondents were given additional time to come into compliance due to one of the Respondents being ill.

Gary and Henrietta Wattman, Respondents, were not present at this hearing.

Officer Wisniewski stated that recommendation would be to bring this property into compliance by May 13, 2005 with a fine of \$75.00 per day if the violations are not corrected by this date.

After discussion of this case by the Board:

MOTION BY LARRY LAWVER, 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 05-26-CEB, it is determined that the Respondents are:

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- (a) the owners of record of the property (Tax Parcel ID # 20-21-31-5KP-0D00-2400) located at 2133 Amador Place, Oviedo, located in Seminole County and legally described as follows:
 - LEG LOT 240 BLK D TUSKA RIDGE UNIT 2
 - PB 40 PGS 66 TO 68
- (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)(l).

It is hereby ordered that the Respondents are:

(1) In compliance with Section 95.3(g), (accumulation of trash and debris), as of this date (April 28, 2005). However, if this violation is repeated, a fine of **\$75.00** will be imposed for each day the violation is repeat after **April 28, 2005** and;

(2) In violation of Section 95.3(l). Respondents shall correct the violation on or before **May 13, 2005**. In order to correct the violation, the Respondents shall take the following remedial action:

A) 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 **\$75.00** will be imposed for each day the violation continues, or is repeated after compliance past **May 13, 2005**. **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 28th day of April, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

**JAY AMMON – YES
BILL FAHEY – YES
GRACE CHEWNING - YES**

MOTION CARRIED 6 – 0.

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

Case No 05-03-CEB
Merrie R. Klauck
Code Enforcement Officer: Jerry Robertson
Complaint No: 2004CE001049

This case was heard by the Board on January 27, 2005 and an Order was entered giving a compliance date of February 27, 2005. An Affidavit of Non-Compliance was filed by the Code Officer on March 3, 2005. This property is not in compliance at this time.

Recommendation: The Board issue an Order constituting a lien in the amount of **\$14,750.00**, 59 days of non-compliance from February 28, 2005 through and including April 28, 2005, 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 is repeated past April 28, 2005.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3(g)(i)(l).

Described as: 1) Accumulation of trash and debris.
 2) Remains of a structure or rubble
 3) Junked or abandoned vehicles, provided, however, that a junked vehicle kept within an enclosed garage or attached carport shall not be deemed a violation.

Location: 1190 Caruthers Woods Road, Geneva (Commission District 2)
 Tax Parcel ID # 08-20-32-300-009C-0000

ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel # 08-20-32-300-009C-0000) located at 1190 Caruthers Woods Road, Geneva, located in Seminole County and legally described as follows:

LEG SEC 08 TWP 20S RGE 32E N 660 FT OF S 990 FT
OF E 330 FT OF SE 1/4

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This case came on for public hearing before the Code Enforcement Board of Seminole County on the January 27, 2005 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 Section 95.3(g)(i)(l).

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 February 27, 2005.

An Affidavit of Non-Compliance, bearing the date of March 3, 2005, has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that the required action had not been obtained.

Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated January 27, 2005, the Board orders that a fine of **\$14,750.00**, 59 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 April 28, 2005.

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 Respondents.

DONE AND ORDERED this 28th day of April, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

**JAY AMMON – YES
BILL FAHEY – YES
GRACE CHEWNING - YES**

MOTION CARRIED 6 – 0.

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SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
APRIL 28, 2005

Case No 02-81-CEB
Chester Pinkney
Code Enforcement Officer: Pamela Taylor
Complaint No: 2002CE0003017

This case was heard by the Board on June 27, 2002 and an Order was entered giving the Respondent a compliance date of July 12, 2002. An Affidavit of Non-Compliance was filed by the Code Enforcement Officer on July 15, 2002. An Order Finding Non-Compliance and Imposing Fine/Lien was entered by this Board on August 22, 2002. The lien totals \$102,000.00 up through and including April 28, 2005. This property is not in compliance at this time.

Recommendation: Request the Board's direction to forward to the County Attorney's office for possible foreclosure.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3(g)(h)(p).

Described as:

- 1) Accumulation of trash and debris.
- 2) Uncultivated vegetation in excess of 24" in height, located within 75' of a structure.
- 3) Objectionable, unsightly, or unsanitary matter, substance or material, tending by its existence and/or accumulation to endanger or adversely affect the health, safety, lives and/or welfare of the citizens of the County.

Location: 3643 Main Street, Sanford (Commission District 5)
Tax Parcel ID # 33-19-31-506-0600-0050

After discussion of this case by the Board:

MOTION BY LARRY LAWVER, SECONDED BY STEWART FRITZ TO ACCEPT STAFF RECOMMENDATION TO DIRECT THIS FILE TO THE COUNTY ATTORNEY'S OFFICE FOR POSSIBLE FORECLOSURE.

**TOM HAGOOD – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

**JAY AMMON – YES
BILL FAHEY – YES
GRACE CHEWNING - YES**

MOTION CARRIED 6 – 0.

VII Approval of the minutes from the meeting of March 24, 2005.

MOTION BY LARRY LAWVER, SECONDED BY BILL FAHEY TO APPROVE THE MINUTES FROM THE MEETING OF MARCH 24, 2005.

**TOM HAGOOD – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

**JAY AMMON – YES
BILL FAHEY – YES
GRACE CHEWNING - YES**

MOTION CARRIED 6 – 0.

VIII Confirmation date of next meeting: May 19, 2005

IX Old Business – None

X New Business – The Board welcomed Grace Chewning as our newest member.

XI Adjourn – There being no further discussion, this meeting was adjourned at 4:15 P.M.

Respectfully submitted:

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

**Tom Hagood
Chair**

04-28-05 minutes