

APPROVED

**CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

MINUTES

**May 19, 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 1:39 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
Larry Lawver
Bill Fahey
Grace Chewning

Members Excused: Jay Ammon, Vice Chair
Stewart Fritz

Present & Sworn: Kevin Sullivan, 04-24-CEB, Respondent
Deborah Leigh, Senior Code Enforcement Officer, SCSO
Pamela Taylor Code Enforcement Officer, SCSO
Jerry Robertson, Code Enforcement Officer, SCSO
Donna Wisniewski, Code Enforcement Officer, SCSO
Dorothy Hird, Code Enforcement Officer, SCSO
Joann Davids, Code Enforcement Officer, SCSO

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

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IV Swearing in of Witnesses

Jennifer Eden, Attorney for Respondent, 04-61-CEB
Dan Osturndorf, Attorney for Respondent, 04-61-CEB

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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.

MOTION BY LARRY LAWVER, SECONDED BY BILL FAHEY TO APPROVE THE PUBLISHED AGENDA.

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 4 – 0.

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The following cases will not be heard today:

Anabelle & George Diaz, 04-26-CEB, Repeat case withdrawn by Staff
Oren & Limor Gabbai, 05-31-CEB, Complied Prior to Hearing
Jeffrey & Rebecca Lohrman, Carillon Community Residential Association, 05-32-CEB, Complied Prior to Hearing
Walter Rafuese, 05-33-CEB, Continued at Staff request
Claretha Roux, 05-06-CEB, Continued at Staff request
Jan & Bozena Hyla, 05-35-CEB, Continued at Staff request

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SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
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Case No: 04-24-CEB
Kevin G. Sullivan
Code Enforcement Officer: Dorothy Hird
Complaint No: 2003CE000048

This is a repeat violation. The original violation was heard by the Board on April 22, 2004 and an Order was entered. Compliance on the original violation was obtained on June 28, 2004. An Affidavit of Repeat Violation was filed stating that the violation was being repeated as of March 1, 2005. An Affidavit of Compliance After Repeat Violation was filed stating that the property was in compliance on March 31, 2005. This property is presently in compliance.

Recommendation: The Board issue an Order constituting a Fine on a Repeat Violation of the Findings of Fact, Conclusions of Law and Order dated April 22, 2004 in the amount of **\$2,250.00**, for 30 days of non-compliance at \$75.00 per day from March 1, 2005 through and including March 31, 2005 and said Order be recorded in the public records.

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 kept within an enclosed garage or an attached carport.
Location: 328 E. Alpine Street, Altamonte Springs (Commission District 4)
Tax Parcel ID # 11-21-29-503-0H00-0100

Dorothy Hird, Code Enforcement Officer, testified on behalf of the County and entered into evidence photographs of the violation. Officer Hird further testified that this is a repeat violation and the Respondent is presently in compliance.

Officer Hird stated that Staff's recommendation would be to enter an Order finding the Respondent in repeat violation with a fine in the amount of \$2,250.00.

Kevin Sullivan, Respondent, was present at this hearing and testified on his behalf. He advised that an unknown person let the air out of the tire on his vehicle and he was not aware that the tire was flat until notified by the Code Officer. Mr. Sullivan further testified that he did not know that a fine was running in his case.

After discussion of this case by the Board:

MOTION BY BILL FAHEY, SECONDED BY LARRY LAWVER, THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON REPEAT VIOLATION PRESENTLY IN COMPLIANCE BE:

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
ON A REPEAT VIOLATION PRESENTLY IN COMPLIANCE**

The Respondent is the owner of record of the property (Tax Parcel ID # 11-21-29-503-0H00-0100) located at 328 E. Alpine Street, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOTS 10 & 11 BLK H WEST ALTAMONTE
HEIGHTS SEC 2 PB 10 PG 75

This case came on for public hearing before the Code Enforcement Board of Seminole County on April 22, 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 the Respondent in violation of the Seminole County Code, Chapter 95, Section 95.4, as defined in 95.3(l).

Said Order stated that a fine in the amount of \$75.00 per day would be imposed if the Respondent did not take certain corrective action by June 25, 2004. Compliance was obtained on June 28, 2004.

An Affidavit of Repeat Violation has been filed with the Board by the Code Officer, which Affidavit certifies under oath that the violation was being repeated as of March 1, 2005.

An Affidavit of Compliance After Repeat Violation, has been filed with the Board by the Code Officer, which Affidavit certifies under oath that corrective action has been taken by the Respondent as of March 31, 2005.

Based on the testimony and evidence presented, the Respondent was in repeat violation of the Seminole County Code, as stated in the original Findings of Fact, Conclusions of Law and Order dated April 22, 2004.

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Therefore, the Board finds that the Respondent was in repeat violation and orders that the fine in the amount of **\$2,250.00**, for 30 days of non-compliance from March 1, 2005 through and including March 31, 2005 at \$75.00 per day be **reduced to \$250.00**. It is further ordered that this reduced amount (\$250.00) be paid within **15 days (June 3, 2005)** from the date of this Order.

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

DONE AND ORDERED this 19th day of May, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 4 – 0.

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Case No: 04-61-CEB
Bill Heard Chevrolet Corp.
CT Corporation System, Registered Agent
Code Enforcement Officer: Deborah Leigh
Complaint No: 2004CE000168

This is a repeat violation. This case was heard by the Board on September 23, 2004 and an Order was entered. On that date, the Respondent was in compliance regarding the violation of prohibited signage. The Order stated that if this violation was repeated, a fine of \$250.00 would be imposed for each day the violation continued to be repeated. An Affidavit of Repeat Violation was filed by the Code Officer stating that the violation was being repeated on April 8, 2005. This property is not in compliance at this time.

Recommendation: The Board issue an Order constituting a fine on a Repeat Violation in the amount of **\$10,250.00**, 41 days of repeat violation from April 8, 2005 through and including May 19, 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 May 19, 2005.

Violation Charged: Seminole County Land Development Code, Section 30.1245,
Prohibited Signs.
Described as: 1) Prohibited signage displayed.
Location: 125-127 Oregon Street, Sanford (Commission District 5)
Tax Parcel ID # 29-19-30-300-0070-0000

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Deborah Leigh, Senior Code Enforcement Officer, testified on behalf of the County and entered into evidence photographs of the violation. Officer Leigh further testified that she inspected the property this morning and the improper display of a banner still exists on the back side of the building.

Officer Leigh stated that Staff recommendation would be to impose a fine for the repeat violation and require that the Respondent comply by tomorrow, May 20, 2005. She further recommended that the fine be increased to \$500 per day if the Respondent is not in compliance by tomorrow or if the violation is repeated past May 20, 2005.

Officer Leigh further stated that, with the Respondent having improper signage violation cases in 2001, 2004 and now 2005, they should be aware of what items are not allowed.

Dan Osturndorf, Attorney, testified on behalf of the Respondent and advised that, due to several staff changes in the past few years, each new General Manager has not been made aware of the past violations. Mr. Osturndorf assured the Board that the current General Manager has been or will be made aware. He further advised the Board that the balloons are gone and the banner will be taken down today.

Jennifer Eden, Attorney, testified on behalf of the Respondent and also advised that the Respondent was not aware that the banner was an issue and that the Respondent has been making every effort to comply with the requirements of the code.

The Board asked Officer Leigh if the word "banner" was used in the notices that she gave the Respondent. Officer Leigh showed the Board a copy of the notice that the Respondent received when they were cited on the original violation. The Respondent's notice had a checkmark next to "banners, pennants, balloons and similar displays not being used in conjunction with an opening/grand opening".

Jennifer Eden advised the Board that she had not received any notice regarding balloons at the dealership.

Larry Lawver asked Officer Leigh if the balloons are still present on the property.

Officer Leigh advised that the balloons only go up on the weekends and are taken down by Monday.

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 ON REPEAT VIOLATION NOT IN COMPLIANCE BE:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
ON A REPEAT VIOLATION NOT IN COMPLIANCE

Based on the testimony and evidence presented in case number 04-61-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 29-19-30-300-0070-0000) located at 125-127 N Oregon, Sanford, located in Seminole County and legally described as follows:

SEC 29 TWP 19S RGE 30E BEG 25 FT E OF N ¼
COR RUN N 528.13 FT E 1060.93 FT TO W R/W I-4
SLY ALONG WLY R/W I-4 TO N LI A/15A DESC IN ORB
2038 PG 250 S 76 DEG 58 MIN 8 SEC W 165 (M) FT S TO
NLY R/W SR 46 W TO ELY R/W WAYSIDE DR NLY ALONG
ELY R/W TO BEG

- (b) in possession or control of the property; and
(c) in violation of Seminole County Land Development Code, Section 30.1245.

It is hereby ordered that the Respondents are in repeat violation of the Seminole County Code, as stated in the original Findings of Fact, Conclusions of Law and Order dated September 23, 2004. The Respondents were in compliance at the time of said hearing. A re-inspection was performed which found that the violation was being repeated as of April 8, 2005.

Therefore, the Board orders that a fine in the amount of **\$250.00** for 1 day of non-compliance on April 8, 2005 for the repeat violation at \$250.00 per day be imposed against the property. It is further ordered that the fine shall be increased to **\$500.00** per day for each day the violation continues or is repeated past **May 19, 2005**.

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 Respondent.

DONE AND ORDERED this 19th day of May, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 4 – 0.

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Case No: 04-61-CEB
Bill Heard Chevrolet Corp.
CT Corporation System, Registered Agent
Code Enforcement Officer: Deborah Leigh
Complaint No: 2004CE000168

This case was heard by the Board on September 23, 2004 and an Order was entered giving the Respondent a compliance date of January 7, 2005. An Affidavit of Non-Compliance was filed by the Code Officer on January 13, 2005. An Affidavit of Compliance was filed by the Code Officer stating that compliance was obtained on April 8, 2005. This property is in compliance with the outdoor amplification violation. However, this property is not in compliance with the prohibited signage violation.

Recommendation: The Board issue an Order constituting a lien in the amount of **\$22,250.00**, for 89 days of non-compliance from January 8, 2005 through and including April 7, 2005, at **\$250.00** per day and said Order be recorded in the public records.

Violation Charged: Seminole County Land Development Code, Section 30.466 as provided for in Section 1.4 Penalties, Final Site Plan Approval, and Section 30.1245, Prohibited Signs.

Described as: 1) Outdoor speaker sound amplification systems are prohibited according to the Final PCD Site Plan Developer's Commitment Agreement.

2) Prohibited signage displayed.

Location: 125-127 Oregon Street, Sanford (Commission District 5)
Tax Parcel ID # 29-19-30-300-0070-0000

Deborah Leigh, Senior Code Enforcement Officer testified on behalf of the County and entered into evidence documentation from the Planning and Zoning meeting and the Board of County Commission meeting wherein the Respondent's request to have outdoor

sound amplification added to their Developer's Commitment Agreement was denied by both Boards.

Office Leigh further testified that the actual sound amplification equipment has been removed from the buildings.

Jennifer Eden, Attorney, testified on behalf of the Respondent and entered into evidence documentation of the Respondent's application for this addendum to the Developer's Commitment Agreement and advised the Board of the problem the Respondent had with getting an exact cost for such application.

The Board asked if the outdoor sound amplification equipment was ever used after January 7, 2005.

Dan Osturndorf, Attorney for Respondent, advised that it was never used after that date.

After discussion of this case by the Board:

MOTION BY BILL FAHEY, SECONDED BY LARRY LAWVER THAT THE ORDER FINDING COMPLIANCE AND RESCINDING FINE BE:

ORDER FINDING COMPLIANCE AND RESCINDING FINE

The Respondent is the owner of record of the property (Tax Parcel ID # 29-19-30-300-0070-0000) located at 125-127 N. Oregon Street, Sanford, located in Seminole County and legally described as follows:

SEC 29 TWP 19S RGE 30E BEG 25 FT E OF N ¼ COR RUN
N 528.13 FT E 1060.93 FT TO W R/W I-4 SLY ALONG WLY
R/W I-4 TO N LI A/15A DESC IN ORB 2038 PG 250 S 76 DEG
58 MIN 8 SEC W 165 (M) FT S TO NLY R/W SR 46 W TO ELY
R/W WAYSIDE DR NLY ALONG ELY R/W TO BEG

This case came on for public hearing before the Code Enforcement Board of Seminole County on September 23, 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 Land Development Code, Section 30.466 as provided for in Section 1.4 Penalties, Final Site Plan approval and Section 30.1245, Prohibited Signs. The Order further found that, at the time of the hearing, the Respondent was in compliance with Section 30.1245, Prohibited Signs.

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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 on the remaining violation by January 7, 2005.

An Affidavit of Non-Compliance has been filed with the Board by the Code Officer, which Affidavit certifies under oath that the required action had not been obtained as of January 13, 2005.

An Affidavit of Compliance has been filed with the Board by the Code Officer, which Affidavit certifies under oath that the required action had been obtained as of April 8, 2005.

Accordingly, it having been brought to the Board's attention that Respondent has complied with the Order dated September 23, 2004, the Board orders that a fine of **\$22,250.00**, for 89 days of non-compliance at \$250.00 per day from January 8, 2005 through and including April 7, 2005, be **rescinded**.

This Order shall be recorded in the public records of Seminole County, Florida.

DONE AND ORDERED this 19th day of May, 2005, in Seminole County, Florida.

TOM HAGOOD – YES
BILL FAHEY – YES

LARRY LAWVER – YES
GRACE CHEWNING - YES

MOTION CARRIED 4 – 0.

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Case No: 04-26-CEB
Anabelle & George W. Diaz
Code Enforcement Officer: Joann Davids
Complaint No: 2004CE000224

This case was heard by the Board on May 20, 2004 and an Order was entered giving the Respondents a compliance date of June 20, 2004. An Affidavit of Non-Compliance was filed by the Code Officer stating the violations remained as of June 22, 2004. An Affidavit of Compliance was filed by the Code Officer stating that the Respondents were in compliance on June 29, 2004. This property is presently in compliance.

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Recommendation: The Board issue an Order constituting a lien in the amount of **\$1,750.00**, for 7 days of non-compliance from June 21, 2004 through and including June 28, 2004, at \$250.00 per day and said Order be recorded in the public records.

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

Described as: 1) Unusable or abandoned furniture.
2) Trash and debris.
3) Used or scrap building materials.
4) Other objectionable, unsightly or unsanitary matter, substance or material tending by its existence and or accumulation to endanger or adversely effect the health, safety, lives and or welfare of the citizens of the County.

Location: 120 Meadowfield Lane, Altamonte Springs (Commission District 3)
Tax Parcel ID # 03-21-29-504-0D00-0080

Joann Davids, Code Enforcement Officer testified on behalf of the County and read a letter from the Respondent requesting that his case be continued.

Anabelle and George Diaz, Respondents, were not present at this hearing.

MOTION BY LARRY LAWVER, SECONDED BY GRACE CHEWNING THAT THIS CASE BE CONTINUED.

Officer Davids advises the Board that she would like to have the opportunity to submit the Administrative Costs incurred in this case but the proper form has not been approved as yet.

MOTION BY LARRY LAWVER, SECONDED BY GRACE CHEWNING THAT THIS CASE BE CONTINUED TO THE JULY MEETING.

**TOM HAGOOD – YES
BILL FAHEY – NO**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 3 – 1.

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SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
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Case No 99-76A-CEB
Timothy F. & Claudia Juergens
Code Enforcement Officer: Deborah Leigh
Complaint No: 1999-7177
Matthew West, Planning Manager

This case was heard by the Board on December 2, 1999 and an Order was entered giving the Respondent a compliance date of January 15, 2000. An Affidavit of Non-Compliance was filed by the Code Enforcement Officer on January 18, 2000. An Order Finding Non-Compliance and Imposing Fine/Lien was entered by this Board on March 23, 2000. The lien totals \$19,500.00 for 1,950 days of non-compliance at \$10.00 per day from January 16, 2000 through and including May 19, 2005. This property is not in compliance at this time.

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

Violation Charged: Seminole County Code, Chapter 40, Section 40.51 as defined in the Florida Building Code, Chapter 1, Section 104.1.1.
Described as: 1) Construction, alteration, repairing, remodeling or demolition of any structure or building, without obtaining the required permit.
Location: 102 Orienta Drive, Altamonte Springs (Commission District 3)
Tax Parcel ID # 23-21-29-501-0000-0340

Deborah Leigh, Senior Code Enforcement Officer testified on behalf of the County and advised the Board that the Attorney for the Respondents is requesting that this matter be continued to next month's meeting due to a conflict in schedules.

Timothy and Claudia Juergens, Respondents, were not present at this hearing. The Respondents' Attorney was not present due to a conflict.

Officer Leigh further testified that the action requested by Staff today is to only forward the file to the County Attorney's office for review. It is not a final action.

Officer Leigh also testified that Staff opposes the request to continue.

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Dan Mantzaris, Code Enforcement Board Attorney, advises the Board on the County's foreclosure process and the Board's role in this process.

Officer Leigh advises the Board that the Respondents might be in compliance at this time and will do an inspection to confirm this.

After discussion of this case by the Board:

MOTION BY GRACE CHEWNING, SECONDED BY BILL FAHEY THAT THE REQUEST TO CONTINUE BE DENIED.

MOTION BY BILL FAHEY, SECONDED BY LARRY LAWVER TO FORWARD THIS FILE TO THE COUNTY ATTORNEY'S OFFICE FOR REVIEW FOR POSSIBLE FORECLOSURE.

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 4 – 0.

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Case No: 01-89-CEB
Timothy F. & Claudia G. Juergens
Code Enforcement Officer: Deborah Leigh
Complaint No: 2000CE10015
Matthew West, Planning Manager

This case was heard by the Board on August 23, 2001 and an Order was entered giving a compliance date of September 19, 2001. An Affidavit of Non-Compliance dated September 21, 2001 has been filed by the Code Enforcement Officer. On December 6, 2001 the Board imposed a lien in the amount of \$11,500.00, with the fine continuing to accrue at \$150.00 per day. On January 22, 2004, at Staff's request, the Board increased the fine to \$250.00 per day. On January 26, 2004, the Board recommended that the County Attorney's Office review this case for possible foreclosure. The County Attorney's Office advised that foreclosure on the land is not possible due to it being a homestead. The lien now totals \$193,850.00 for 489 days of non-compliance from September 20, 2001 through January 22, 2003 at \$150.00 per day and 482 days of non-compliance from January 23, 2004 through and including May 19, 2005 at \$250.00 per day. This property is not in compliance at this time.

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Recommendation: Request the Board's direction to forward this case to the Board of County Commissioners for possible foreclosure on any other real or personal property owned by the Respondents.

Violation Charged: Seminole County Land Development Code, Section 30.202 and Section 30.203.

Described as: 1) Operation of a business, an extension of a business, using residence as meeting place for employees, storage/keep commercial equipment and bringing debris to residence from job sites to dispose of it not a permitted or conditional use in the R-1A zone.

Location: 102 Orienta Drive, Altamonte Springs (Commission District 3)
Tax Parcel ID # 23-21-29-501-0000-0340

After discussion of this case by the Board:

MOTION BY GRACE CHEWNING, SECONDED BY LARRY LAWVER THAT THE REQUEST TO CONTINUE BE DENIED.

MOTION BY BILL FAHEY, SECONDED BY LARRY LAWVER TO FORWARD THIS FILE TO THE COUNTY ATTORNEY'S OFFICE FOR REVIEW FOR POSSIBLE FORECLOSURE.

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 4 – 0.

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Case No: 05-34-CEB
Roland & Wiletha Williams
Code Enforcement Officer: Dorothy Hird
Complaint No: 2005CE000113

New Case

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

Described as: 1) Unusable or abandoned furniture.
2) Accumulation of trash and debris.
3) Uncultivated vegetation in excess of 24" in height and within 75' of a structure.

Location: 604 Plum Lane, Altamonte Springs (Commission District 4)
Parcel I.D. # 07-21-30-503-0000-0830

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Dorothy Hird, Code Enforcement Officer, testified on behalf of the County and entered into evidence photographs of the violations. Officer Hird further testified that she inspected this property today and the unusable and abandoned furniture have been removed. However, the other two violations remain.

Roland and Wiletha Williams, Respondents, were not present at this hearing.

Officer Hird stated that recommendation would be to comply by June 10, 2005 with a fine of \$50.00 per day if compliance is not obtained or is repeated after that date.

After discussion of this case by the Board:

MOTION BY GRACE CHEWNING, 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 05-34-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 07-21-30-503-0000-0830) located at 604 Plum Lane, Altamonte Springs, located in Seminole County and legally described as follows:
LEG LOT 83 GRANADA SOUTH
PB 15 PG 100
- (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(e)(g)(h).

It is hereby ordered that the Respondents are in compliance with 95.3(e), unusable or abandoned furniture as of this date (May 19, 2005); however, if this violation is repeated, a fine of \$50.00 per day will be imposed for each day the violation is repeated after **May 19, 2005**.

It is further ordered that the Respondents correct the remaining violations on or before **June 10, 2005**. In order to correct the violations, the Respondents shall take the following remedial action:

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- 1) REMOVE THE ACCUMULATION OF TRASH AND DEBRIS.
- 2) REMOVE THE UNCULTIVATED VEGETATION IN EXCESS OF 24" IN HEIGHT AND WITHIN 75' OF A STRUCTURE.

If the Respondents do not comply with the Order, a fine of **\$50.00** will be imposed for each day the violations continue, or are repeated after compliance past **June 10, 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 19th day of May, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 4 – 0.

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

Case No: 04-16-CEB
Jimmie L. & Ruby L. Smith
Code Enforcement Officer: Dorothy Hird
Complaint No: 03-CE000110

The original violation was heard by the Board on April 22, 2004 and an Order was entered. Compliance on the original violation was obtained on July 13, 2004. The Board rescinded a fine of \$2,550.00 on the original violation on July 29, 2004. An Affidavit of Repeat Violation was filed stating that the violation was being repeated as of January 26, 2005. The repeat violation was heard by the Board on March 24, 2005 and an Order was entered giving a compliance date of April 8, 2005. An Affidavit of Non-Compliance on Repeat Violation was filed by the Code Enforcement Officer after a reinspection on April 11, 2005. This property is not in compliance at this time.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
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Recommendation: The Board issue an Order constituting a lien on a repeat violation in the amount of **\$4,000.00**, 40 days of non-compliance from April 9, 2005 through and including May 19, 2005, at \$100.00 per day be recorded in the public records and the fine shall continue to accrue at **\$100.00** per day for each day the violation is repeated past May 19, 2005.

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 kept within an enclosed garage or an attached carport.

Location: 1257 DePugh Street, Altamonte Springs (Commission District 4)
Tax Parcel ID # 18-21-501-0200-0080

ORDER IMPOSING LIEN/FINE AFTER REPEAT VIOLATION

The Respondents are the owners of record of the property (Tax Parcel ID # 18-21-30-501-0200-0080) located at 1257 DePugh Street, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOT 8 BLK 2 LAKEVIEW PB 5 PG 14

This case came on for public hearing before the Code Enforcement Board of Seminole County for repeat violation on March 24, 2005 after due notice to the Respondents. The Board, having heard testimony under oath and having received evidence, issued its Order of Repeat Violation.

Said Order found Respondents in repeat violation of the Seminole County Code, Chapter 95, as defined in Section 95.3(l).

Said Order stated that a fine in the amount of \$2,850.00 would be imposed for 57 days of non-compliance from January 26, 2005 through March 24, 2005 at \$50.00 per day. The Order further stated that the fine shall be increased to \$100.00 per day if the violation is not corrected by or is repeated after April 8, 2005.

An Affidavit of Non-Compliance has been filed with the Board by the Code Officer, which Affidavit certifies under oath that the required action has not been obtained as of April 11, 2005.

Based on the testimony and evidence presented, the Respondents are in repeat violation of the Seminole County Code, as stated in the original Findings of Fact,

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
MAY 19, 2005

Conclusions of Law and Order dated April 22, 2004 and the Order of Repeat Violation dated March 24, 2005.

Accordingly, it having been brought to the Board's attention that the Respondents have not complied with the Order of Repeat Violation dated March 24, 2005. Therefore, the Board orders that a lien in the amount of **\$6,850.00** for 57 days of non-compliance from January 26, 2005 through March 24, 2005 at \$50.00 per day and 40 days of non-compliance at \$100.00 per day from April 9, 2005 through and including May 19, 2005, be imposed against the property and the fine shall continue to accrue at **\$100.00** per day for each day the violation is repeated past May 19, 2005.

This Order shall be recorded in the public records of Seminole County, Florida, 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 19th day of May, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 4 – 0.

.....
Case No 05-39-CEB
John C. & Virginia L. Gale
Code Enforcement Officer: Joann Davids
Complaint No: 2005CE000462

Add-on.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(o).
Described as: 1) All swimming pools shall be completely enclosed by permanent fencing.
Location: 33 Spanish Oak Lane, Apopka (Commission District 3)
Tax Parcel ID # 07-21-29-505-0000-0780

Joann Davids, Code Enforcement Officer, testified on behalf of the County and entered into evidence photographs of the violation.

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John and Virginia Gale, Respondents, were not present at this hearing.

Officer Davids further testified that this property is vacant and spoke with the owner this morning and the owner advised that a fence company will be securing the enclosure today.

Officer Davids also testified that she spoke with the neighbor who lives next to this property and the neighbor feels that this poses a serious threat to the safety of the children who reside in the neighborhood as well as any children that might visit his home.

Officer Davids stated that recommendation would be to comply by May 26, 2005 with a fine of \$250.00 per day if compliance is not obtained or is repeated past that date.

After discussion of this case by the Board:

MOTION BY LARRY LAWVER, SECONDED BY GRACE CHEWNING THAT THIS VIOLATION POSES A SERIOUS THREAT TO THE CITIZENS OF THE COUNTY AND 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 05-39-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 07-21-29-505-0000-0780) located at 33 Spanish Oak Lane, Apopka, located in Seminole County and legally described as follows:
LEG LOT 78 FOXWOOD PHASE 2 FIRST
ADD PB 22 PG 49
- (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(o).

It is hereby ordered that the Respondents correct the violation on or before **May 26, 2005**. In order to correct the violation, the Respondents shall take the following remedial action:

1) SECURE THE POOL ACCORDING TO SEMINOLE COUNTY CODE AS THIS VIOLATION POSES AN EMINENT THREAT TO THE SAFETY, HEALTH AND WELFARE OF THE RESIDENTS OF THE COUNTY.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
MAY 19, 2005

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 26, 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 19th day of May, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 4 – 0.

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VII Approval of the minutes from the meeting of April 28, 2005.

MOTION BY LARRY LAWVER, SECONDED BY GRACE CHEWNING TO APPROVE THE MINUTES FROM THE MEETING OF APRIL 28, 2005.

**TOM HAGOOD – YES
BILL FAHEY – YES**

**LARRY LAWVER – YES
GRACE CHEWNING - YES**

MOTION CARRIED 4 – 0.

VIII Confirmation date of next meeting: June 23, 2005

IX Old Business – None

X New Business – None

XI Adjourn – There being no further discussion, this meeting was adjourned at 2:40 P.M.

Respectfully submitted:

Connie R. DeVasto
Clerk to the Code Enforcement Board

Tom Hagood
Chair

05-19-05 minutes