

APPROVED
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

MINUTES

October 23, 2008 - 1:30 pm
Seminole County Services Building – Room 1028
1101 East First Street, Sanford, FL

I Call to Order

The scheduled meeting of the Seminole County Code Enforcement Board was called to order at 1:32 p.m. in the Seminole County Services Building, Room 1028, 1101 East First Street, Sanford, Florida.

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
Bill Fahey, Vice Chair
Grace Chewning
Jay Ammon
Stewart Fritz
Larry Lawver
Frederick Geltz

Present & Sworn: Daniel Richard, Respondent, 07-121-CEB
Sadie Holmes, Respondent, 08-40-CEB
Daniel Heacock, Respondent, 08-155-CEB
Susan Brettin, Respondent, 08-156-CEB
Anthony Nasko, Respondent, 08-159-CEB
Deborah Leigh, Senior Code Enforcement Officer, SCSO
Jerry Robertson, Code Enforcement Officer, SCSO
Donna Wisniewski, Code Enforcement Officer, SCSO
Joann Tamulonis, Code Enforcement Officer, SCSO
Dorothy Hird, Code Enforcement Officer, SCSO
Pamela Taylor, Code Enforcement Officer, SCSO
Jason Rucker, Inspector, Seminole County

Others Present: Yvette Brown, Code Enforcement Board Attorney
Jane Spencer, Clerk to the Code Enforcement Board

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IV Swearing in of Witnesses

Patricia Buckner, wife of Respondent, 05-05-CEB
Nicholas Vanhook, attorney for Respondent, 08-163-CEB
Lee Barrett, attorney for Respondent, 08-40-CEB
Alan Williams, representing Respondent, 08-42-CEB
Larry Jones, representing Respondent, 08-64-CEB

V

Agenda Update and 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.

TOM HAGOOD – YES	BILL FAHEY – YES
GRACE CHEWNING – YES	LARRY LAWVER – YES
FREDERICK GELTZ – YES	STEWART FRITZ – YES
JAY AMMON – YES	

MOTION CARRIED 7 – 0.

The following cases will not be heard today:

Case No. 08-154-CEB; Alford & Juel Edwards
Complied Prior to Hearing

Case No. 08-157-CEB; Joseph & Justine Mingarelli
Complied Prior to Hearing

Case No. 08-164-CEB; Peter Jones
Complied Prior to Hearing

Case No. 08-165-CEB; Splash-N-Dash, Inc.
Complied Prior To Hearing

Case No. 08-131-CEB; Vibha Khanna
Voluntary Dismissal

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Case No 05-05-CEB
Larry W. Buckner
Code Enforcement Officer: Dorothy Hird

This is a third repeat violation. The original violation was heard by the Board on January 27, 2005 and an Order was entered giving the Respondent a compliance date of August 15, 2005. An Affidavit of Compliance was filed by the Code Enforcement Officer after reinspection on October 26, 2005. On October 27, 2005, an Order was issued rescinding a fine in the amount of \$3,550.00.

An Affidavit of Repeat Violation was filed after reinspection on September 19, 2006. An Affidavit of Compliance after Repeat Violation was filed after reinspection on September 29, 2006. On May 17, 2007, an Order was issued increasing the daily fine to \$100.00 if violation is repeated after December 14, 2006 and imposing a \$500.00 lien which remains unpaid.

A second Affidavit of Repeat Violation was filed after reinspection on September 5, 2007. An Affidavit of Compliance after Repeat Violation was filed by the Code Enforcement Officer after reinspection on October 25, 2007. On October 25, 2007, an Order was issued rescinding a fine in the amount of \$5,000.00.

A third Affidavit of Repeat Violation was filed after reinspection on September 17, 2008. An Affidavit of Compliance after Repeat Violation was filed by the Code Enforcement Officer after reinspection on October 13, 2008.

This property is presently in compliance.

RECOMMENDATION: The Board issue an Order constituting a **fine** on a repeat violation in the amount of **\$2,600.00** for 26 days of non-compliance, from September 17, 2008 through and including October 12, 2008, at **\$100.00 per day**. The Clerk shall record said Order in the Public Records of Seminole County.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in 95.3 (h).
Described as: 1) Uncultivated vegetation in excess of 24" in height and located within 75' of a structure
Location: 127 Orienta Drive, Altamonte Springs (Commission District 4)
Tax Parcel ID # 23-21-29-501-0000-0460

Dorothy Hird, Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violation. Officer Hird stated that this was a repeat violation. Officer Hird further stated that when she posted the property on October 13, 2008, she found that the property was in compliance.

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Officer Hird stated that the recommendation would be to find that the Respondent was in repeat violation and impose a fine in the amount of **\$2,600.00** for 26 days of non-compliance.

Officer Hird discussed Mrs. Buckner's efforts to bring the property into compliance and stated that she would not have a problem if the Board decided to reduce the fine.

Patricia Buckner, wife of the deceased Respondent, was present at the hearing and testified on her own behalf. Mrs. Buckner requested that the Board rescind the fine.

Motion by Jay Ammon, seconded by Grace Chewning, to accept Staff's recommendation but rescind the fine.

After discussion of this case by the Board:

MOTION BY JAY AMMON, SECONDED BY GRACE CHEWNING, THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON A REPEAT VIOLATION 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 I.D. # 23-21-29-501-0000-0460) located at 127 Orienta Drive, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOT 46 ORIENTA GARDENS 2ND ADD PB 11 PG 53

This case came on for public hearing before the Code Enforcement Board of Seminole County on 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) and (h).

Said Order stated that a fine in the amount of \$50.00 per day would be imposed if the Respondent did not take certain corrective action by August 15, 2005. Compliance was obtained on October 26, 2005. On October 27, 2005, the Board issued an Order Finding Compliance and Rescinding Fine rescinding the fine in the amount of \$3,550.00.

A Third Affidavit of Repeat Violation has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that Violation (h) is being repeated as of September 17, 2008.

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An Affidavit of Compliance after Repeat Violation has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that corrective action has been taken by the Respondent after reinspection on October 13, 2008

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 January 27, 2005.

Therefore, the Board finds that the Respondent was in repeat violation and orders that the fine in the amount of **\$2,600.00** for 26 days of non-compliance at \$100.00 per day, from September 17, 2008 through and including October 12, 2008 **be rescinded.**

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

DONE AND ORDERED this 23rd day October 2008, in Seminole County, Florida.

TOM HAGOOD – YES	BILL FAHEY – YES
GRACE CHEWNING – YES	LARRY LAWVER – YES
FREDERICK GELTZ – YES	STEWART FRITZ – YES
JAY AMMON – YES	

MOTION CARRIED 7 – 0.

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Case No. 08-155-CEB
Peggy & Daniel Heacock, Sr.
Code Enforcement Officer: Joann Tamulonis

NEW CASE

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (g), (h) and (l) and Seminole County Land Development Code, Chapter 30, Part 17, Section 30.202

Described as:

- 1) The accumulation of trash and debris
- 2) Uncultivated vegetation in excess of 24" in height and located within 75' from any structure
- 3) Junked, abandoned or inoperable vehicle(s) not kept within an enclosed garage or an attached carport
- 4) Outside storage which is not a customary use of the property zoned RM-1

Location: 101 Alma Drive, Altamonte Springs (Commission District 3)
Tax Parcel ID # 03-21-29-505-0F00-0010

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Joann Tamulonis, Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violations. Officer Tamulonis stated as of her last inspection on September 10, 2008, the junked vehicle had been removed but the remaining violations were still present.

Officer Tamulonis stated that the recommendation would be to comply by November 13, 2008 with a fine of \$250.00 per day if the violations continue or are repeated past November 13, 2008.

Daniel Heacock, Respondent, was present at the hearing and testified on his own behalf. Mr. Heacock stated that his son had been renting the property and it was now in foreclosure.

Tom Hagood asked the Respondent to estimate how much additional time would be needed to come into compliance. The Respondent stated that he felt 30 days would be an adequate amount of time.

Motion by Jay Ammon, seconded by Larry Lawver, to accept Staff's recommendation but with a compliance date of November 30, 2008.

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 08-155-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 03-21-29-505-0F00-0010) located at 101 Alma Drive, Altamonte Springs, located in Seminole County and legally described as follows:

LOTS 1 & 2 BLK F MOBILE MANOR 2ND SECTION PB 11 PG 48

- (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), (h) and (l) and Seminole County Land Development Code, Chapter 30, Part 17, Section 30.302.

It is hereby ordered that the Respondents shall correct the violations on or before November 30, 2008. 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 UNCULTIVATED VEGETATION IN EXCESS OF 24" IN HEIGHT AND LOCATED WITHIN 75' OF A STRUCTURE
- 3) REPAIR, REMOVE OR PLACE ANY JUNKED, ABANDONED OR INOPERABLE VEHICLE(S) WITHIN AN ENCLOSED GARAGE OR ATTACHED CARPORT
- 4) CEASE THE OUTSIDE STORAGE WHICH IS NOT A CUSTOMARY USE OF THE PROPERTY ZONED RM-1

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 November 30, 2008.

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 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.

DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

TOM HAGOOD – YES

GRACE CHEWNING – YES

FREDERICK GELTZ – YES

JAY AMMON – YES

BILL FAHEY – YES

LARRY LAWVER – YES

STEWART FRITZ – YES

MOTION CARRIED 7 – 0.

Case No. 08-156-CEB
Susan C. Brettin
Code Enforcement Officer: Donna Wisniewski

NEW CASE

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h) and (l)
Described as: 1) Uncultivated vegetation in excess of 24" in height and located within 75' from any structure
2) Junked, abandoned or inoperable vehicle(s) not kept within an enclosed garage or an attached carport
Location: 2899 Waumpi Trail, Maitland (Commission District 1)
Tax Parcel ID # 28-21-30-502-0F00-0050

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Donna Wisniewski, Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violations. Officer Wisniewski testified that as of October 13, 2008, the corrective action had been taken and the property was in compliance.

While the Respondent is presently in compliance, Officer Wisniewski stated that this is a recurring violation and recommended that the Board issue an Order finding the Respondent in compliance and imposing a fine of \$100.00 for each day the violations are repeated past October 23, 2008.

Susan Brettin, Respondent, was present at the hearing and testified on her own behalf. Ms. Brettin stated that she will try to stay in compliance.

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

THIS MATTER came before the Code Enforcement Board of Seminole County for hearing on **OCTOBER 23, 2008**, pursuant to a Statement of Violation and Notice of Hearing, and the Board having examined the file, Statement of Violation and Notice of Hearing, and having heard sworn testimony from the Code Enforcement Officer for the County, and Respondents, does hereby find:

- 1) Proper notice was given to the Respondent.
- 2) The Respondent is the owner of record of the property (Tax Parcel ID # 28-21-30-502-0F00-0050) located at 2899 Waumpi Trail, Maitland, located in Seminole County and legally described as follows:

LEG N 88 FT OF LOT 5 + S 35.99 FT OF LOT
4 BLK F DOMMERICH HILLS 6TH ADD
PB 14 PG 75

- 3) The Respondent was in **recurring** violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h) and (l).
- 4) The Respondent corrected the violations on or before OCTOBER 23, 2008.

Based upon these findings the Board does hereby order as follows:

- 1) Violations did exist and were corrected prior to the hearing in this matter.

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- 2) Respondent shall refrain from repeating the violations. **In the event Respondent repeats the violations after OCTOBER 23, 2008, a fine of \$100.00 per day will accrue for each day the violations recur after OCTOBER 23, 2008.**

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

DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

**TOM HAGOOD – YES
GRACE CHEWNING – YES
FREDERICK GELTZ – YES
JAY AMMON – YES**

**BILL FAHEY – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

MOTION CARRIED 7 – 0.

Case No. 08-159-CEB
Anthony Nasko & Ludmils Antonos, Jr.
Senior Code Enforcement Officer: Deborah Leigh

NEW CASE

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h)
Described as: 1) Uncultivated vegetation in excess of 24" in height and located within 75' of a structure
Location: Orange Boulevard, Sanford (Commission District 5)
Tax Parcel ID # 16-19-30-5AB-0600-0070

Deborah Leigh, Senior Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violation. Officer Leigh stated that as of her last inspection on October 21, 2008, while some of the uncultivated vegetation had been removed, it had not been removed within 75 feet of the structure; so the property was not in compliance. Officer Leigh also stated that this was a recurring violation.

Officer Leigh stated that the recommendation would be to comply by November 12, 2008 with a fine of \$100.00 per day if the violation continues or is repeated past November 12, 2008.

Anthony Nasko, Respondent, was present at the hearing and testified on his own behalf. Mr. Nasko stated that the property holds water during the rainy season and is

hard to maintain. Mr. Nasko further stated that he was not clear as to what constituted compliance.

A general discussion was had concerning the nature of the violation.

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 08-159-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 16-19-30-5AB-0600-0070) located at Orange Boulevard, Sanford, located in Seminole County and legally described as follows:

LOT 7 BLK 6 SANFORD FARMS
PB 1 PG 127

- (b) in possession or control of the property, and
- (c) in **recurring** violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h).

It is hereby ordered that the Respondents shall correct the violation on or before November 12, 2008. In order to correct the violation, the Respondents shall take the following remedial action:

**1) REMOVE UNCULTIVATED VEGETATION IN EXCESS OF 24"
IN HEIGHT AND LOCATED WITHIN 75' OF A STRUCTURE**

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 November 12, 2008.

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 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.

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DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

TOM HAGOOD – YES

GRACE CHEWNING – YES

FREDERICK GELTZ – YES

JAY AMMON – YES

BILL FAHEY – YES

LARRY LAWVER – YES

STEWART FRITZ – YES

MOTION CARRIED 7 – 0.

Case No. 08-163-CEB

Beth A. Young & Countrywide Home Loans

Senior Code Enforcement Officer: Deborah Leigh

NEW CASE

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h) and (n)

Described as: 1) Uncultivated vegetation in excess of 24" in height and located within 75' from any structure

2) Stagnant or foul water in a swimming or wading pool

Location: 1718 Markham Glen Circle, Longwood (Commission District 5)
Tax Parcel ID # 23-20-29-507-0000-0070

Deborah Leigh, Senior Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violations. Officer Leigh stated that as of her last inspection on October 21, 2008, the stagnant water remained. Officer Leigh further stated that while some of the uncultivated vegetation had been removed, it had not been removed within 75 feet of the structure so the property was not in compliance.

Officer Leigh stated that the recommendation would be to comply by November 12, 2008 with a fine of \$150.00 per day if the violation continues or is repeated past November 12, 2008.

Nicholas Vanhook, attorney for the Respondent, Countrywide Home Loans, was present at the hearing and testified on their behalf. Mr. Vanhook stated that his client had only recently become aware of the violations. Mr. Vanhook further stated that while the property was still occupied, they were not permitted to go onto the property and remedy the situation.

A general discussion was had concerning whether or not the property was vacant.

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Mr. Vanhook requested additional time to bring the property into compliance.

Motion by Stewart Fritz, seconded by Grace Chewning, to accept Staff's recommendation but with a compliance date of November 30, 2008.

After discussion of this case by the Board:

MOTION BY STEWART FRITZ, SECONDED BY GRACE CHEWNING, 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 08-163-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 23-20-29-507-0000-0070) located at 1718 Markham Glen Circle, Longwood, located in Seminole County and legally described as follows:

LEG LOT 7 MARKHAM GLEN
PB 32 PGS 18 & 19

- (b) in possession or control of the property, and
- (c) in recurring violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h) and (n).

It is hereby ordered that the Respondents shall correct the violations on or before November 30, 2008. In order to correct the violations, the Respondents shall take the following remedial action:

- 1) REMOVE THE UNCULTIVATED VEGETATION IN EXCESS OF 24" IN HEIGHT AND LOCATED WITHIN 75' FROM ANY STRUCTURE**
- 2) REMOVE OR TREAT THE STAGNANT OR FOUL WATER WITHIN A SWIMMING OR WADING POOL**

If the Respondents do not comply with the Order, a fine of \$150.00 per day will be imposed for each day the violations continue or are repeated after compliance past November 30, 2008.

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 the Code Officer inspects the property and verifies compliance with this Order.

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

DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

**TOM HAGOOD – YES
GRACE CHEWNING – YES
FREDERICK GELTZ – YES
JAY AMMON – YES**

**BILL FAHEY – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

MOTION CARRIED 7 – 0.

Case No. 07-121-CEB
Daniel Richard
Code Enforcement Officer: Donna Wisniewski

SPECIAL REQUEST

The Board heard this case on August 28, 2008 and an Order was entered reducing the \$4,750.00 fine to \$500.00 if paid within 30 days. The fine was not paid within 30 days and reverted back to the original amount. The Respondent is requesting that the Board reduce or waive the \$4,750.00 fine.

Violation Charged: Seminole County Land Development Code, Chapter 30, Section 30.442
Described as: 1) Operating a boarding house is not a permitted use in a PUD.
Location: 684 Grackle Drive, Casselberry (Commission District 1)
Tax Parcel ID # 15-21-30-503-0B00-0160

Donna Wisniewski, Code Enforcement Officer, was present at the hearing and testified on behalf of the County.

Daniel Richard, Respondent, was present at the hearing and testified on his own behalf. Mr. Richard, after explaining his financial circumstances, requested a reduction or waiver of his fine.

Jay Ammon asked Officer Wisniewski to estimate what her costs were. Officer Wisniewski estimated six hours.

Motion by Jay Ammon, seconded by Bill Fahey, to again reduce the fine to \$200.00 if paid within 30 days. Amendment to the motion by Grace Chewning to reduce the fine to \$150.00. Mr. Ammon and Mr. Fahey agreed to the amendment.

After discussion of this case by the Board:

MOTION BY JAY AMMON, SECONDED BY STEWART FRITZ, THAT THE ORDER REDUCING FINE BE:

ORDER REDUCING FINE

The Respondent is the owner of record of the property (Tax Parcel I.D. # 15-21-30-503-0B00-0160) located at 684 Grackle Drive, Casselberry FL 32707, located in Seminole County and legally described as follows:

LEG LOT 16 BLK B STERLING PARK UNIT 2 PB 17 PG 88

This case came on for public hearing before the Code Enforcement Board of Seminole County for repeat violation on August 28, 2008 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 on a Repeat Violation Presently in Compliance.

Said Order found Respondent in repeat violation of Seminole County Land Development Code, Chapter 30, Section 30.442.

Said Order stated that the fine in the amount of \$4,750.00 for 19 days of non-compliance, from May 23, 2008 through and including June 10, 2008, at \$250.00 per day be reduced to \$500.00 if paid within 30 days. The reduced fine was not paid within 30 days and reverted back to the original amount of \$4,750.00

The Board now orders that the fine in the amount of \$4,750.00 be reduced to \$150.00 if paid within 30 days.

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

DONE AND ORDERED this 23rd day of October, 2008, in Seminole County, Florida.

**TOM HAGOOD – YES
GRACE CHEWNING – YES
FREDERICK GELTZ – YES
JAY AMMON – YES**

**BILL FAHEY – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

MOTION CARRIED 7 – 0.

Case No. 08-40-CEB (Repeat at a Different Location)
Sadie L. Holmes
Code Enforcement Officer: Dorothy Hird

SPECIAL REQUEST

The Board heard this case concerning a repeat at a different location on September 25, 2008 and an Order was entered reducing the Respondent's fine of \$6,750.00 to \$200.00 if paid within 30 days. The Respondent is requesting that the Board further reduce the fine or rescind the fine. If the fine is not rescinded, the Respondent is requesting additional time to pay the reduced amount before it reverts to the original amount.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (l) and Seminole County Land Development Code, Chapter 30, Section 30.1350
Described as: 1) Junked or abandoned vehicle(s) not kept within an enclosed garage or an attached carport
Location: 622 Plum Lane, Altamonte Springs (Commission District 4)
Tax Parcel ID # 07-21-30-503-0000-0929 – **different location**

Dorothy Hird, Code Enforcement Officer, was present at the hearing and testified on behalf of the County.

Lee Barrett, attorney for the Respondent, was present and testified on behalf of the Respondent. Mr. Barrett, after explaining Ms. Holmes' financial hardship, asked the Board to rescind the fine.

Tom Hagood asked for an assurance that Ms. Holmes understands the nature of the violation and is not going to repeat it. Mr. Barrett stated that he intended to make sure that Ms. Holmes is clear as to how to stay in compliance.

After discussion of this case by the Board:

MOTION BY GRACE CHEWNING, SECONDED BY LARRY LAWVER, THAT THE ORDER RESCINDING FINE BE:

ORDER RESCINDING FINE

The Respondent is the owner of record of the property (Tax Parcel I.D. # 07-21-30-503-0000-0920) located at 622 Plum Lane, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOT 92 GRANADA SOUTH PB 15 PG 100

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This case came on for public hearing before the Code Enforcement Board of Seminole County for repeat violation at a different location on September 25, 2008 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 on a Repeat Violation in Compliance.

Said Order found Respondent in repeat violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (l) at a different location.

Said Order stated that the fine in the amount of \$6,750.00 for 30 days of non-compliance, from August 1, 2008 through and including September 14, 2008, at \$150.00 per day be reduced to \$200.00 if paid within 30 days.

The Board now orders that the reduced fine in the amount of **\$200.00 be rescinded.**

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

DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

TOM HAGOOD – YES

GRACE CHEWNING – YES

FREDERICK GELTZ – YES

JAY AMMON – YES

BILL FAHEY – YES

LARRY LAWVER – YES

STEWART FRITZ – YES

MOTION CARRIED 7 – 0.

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Case No. 08-64-CEB

John L. Jackson and Marwin Glenn

Code Enforcement Officer: Jerry Robertson

The Board heard this case on August 28, 2008 and tabled the case to October 23, 2008.

This case was originally heard by the Board on April 17, 2008; and an Order was entered giving the Respondents a compliance date of July 11, 2008. An Affidavit of Non-Compliance was filed by the Code Enforcement Officer after reinspection on July 14, 2008.

This property is NOT in compliance at this time.

RECOMMENDATION: The Board issue an Order constituting a **lien** in the amount of **\$10,400.00** for 104 days of non-compliance, from July 12, 2008 through and

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including October 23, 2008, at \$100.00 per day; and the fine shall continue to accrue at \$100.00 per day until compliance is obtained. The Clerk shall record said Order in the Public Records of Seminole County.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (i)
Described as: 1) The remains or rubble of structures which have been burned, stricken by other casualty, or demolished
Location: 1508 Battle Street, Oviedo (Commission District 1)
Tax Parcel ID # 11-21-31-508-1100-0090

Jerry Robertson, Code Enforcement Officer, was present at the hearing and testified on behalf of the County. Officer Robertson stated that since the property owners did have a contract for demolishing the structure, the Sheriff's Office would not have a problem with the Board extending some more time for the Respondents to bring the property into compliance before placing the lien.

John Jackson, Respondent, was present and testified on his own behalf. Larry Jones, witness for the Respondent, was present and testified on behalf of the Respondent. Mr. Jackson requested that the Board not place a lien on the property and give him additional time to come into compliance.

Tom Hagood asked the Respondent to estimate how much additional time would be needed to come into compliance. The Respondent requested an additional 45 to 60 days.

After discussion of this case by the Board:

MOTION BY JAY AMMON, SECONDED BY GRACE CHEWNING TO CONTINUE THIS CASE UNTIL COMPLIANCE.

TOM HAGOOD – YES	BILL FAHEY – YES
GRACE CHEWNING – YES	LARRY LAWVER – YES
FREDERICK GELTZ – YES	STEWART FRITZ – YES
JAY AMMON – YES	

MOTION CARRIED 7 – 0.

Case No 08-42-CEB
Lillian M. Nouvel
Inspector: Jason Rucker

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

The Board heard this case on July 24, 2008 and tabled the case to September 25, 2008. Staff continued the case to October 23, 2008.

This case was originally heard by the Board on April 17, 2008 and an Order was entered giving the Respondent a compliance date of May 19, 2008. An Affidavit of Non-Compliance was filed by Inspector Rucker after reinspection on May 20, 2008.

This property is NOT in compliance at this time.

RECOMMENDATION: The Board issue an Order constituting a **lien** in the amount of **\$39,250.00** for 157 day of non-compliance, May 20, 2008 through and including through and including October 23, 2008, at **\$250.00 per day**; and the fine shall continue to accrue at \$250.00 per day until compliance is obtained. The Clerk shall record said Order in the Public Records of Seminole County.

Violation Charged: Florida Building Code, Section 105.1.
Described as: 1) Construction without the required permits
Location: 213 Temple Avenue, Casselberry (Commission District 4)
Tax Parcel ID # 19-21-30-507-0B00-0070

Jason Rucker, Inspector, was present at the hearing and testified on behalf of the County stating that he was requesting a lien. Mr. Rucker stated that while an application had been submitted, there were several items on the plans that needed to be taken care of.

Alan Williams, representative for the Respondent, was present at the hearing and testified on behalf of the Respondent. Mr. Williams requested additional time.

Tom Hagood asked Mr. Williams to estimate how much additional time would be needed to come into compliance. The Respondent stated that two weeks should be sufficient.

After discussion of this case by the Board:

MOTION BY JAY AMMON, SECONDED BY GRACE CHEWNING TO CONTINUE THIS CASE UNTIL THE DECEMBER 4, 2008 HEARING.

TOM HAGOOD – YES	BILL FAHEY – YES
GRACE CHEWNING – YES	LARRY LAWVER – YES
FREDERICK GELTZ – YES	STEWART FRITZ – YES
JAY AMMON – YES	

MOTION CARRIED 7 – 0.

.....
Thereupon, a brief recess was taken.
.....

Case No 03-03-CEB
Marguerite S. Hunter
Code Enforcement Officer: Donna Wisniewski

This is a repeat violation. The original violation was heard by the Board on December 4, 2003; and an Order was entered giving the Respondent a compliance date of January 5, 2004. An Affidavit of Non-Compliance was filed by the Code Enforcement Officer after reinspection on January 6, 2004. An Affidavit of Compliance was filed by the Code Enforcement Officer after reinspection on March 17, 2004. An Order rescinding the \$5,250.00 fine was entered by the Code Enforcement Board on March 18, 2004.

An Affidavit of Repeat Violation was filed after reinspection on July 2, 2007. An Affidavit of Compliance after Repeat Violation was filed after reinspection on May 23, 2008. The \$25,850.00 unpaid fine for this repeat violation is on the Consent portion of this agenda to impose a lien.

A second Affidavit of Repeat Violation was filed after reinspection on September 15, 2008. An Affidavit of Compliance after Repeat Violation was file after reinspection on October 9, 2008.

This property is presently in compliance.

RECOMMENDATION: The Board issue an Order constituting a **fine** on a repeat violation in the amount of **\$2,400.00** for 24 days of non-compliance, from September 15, 2008 through and including October 8, 2008, at **\$100.00 per day**. The Clerk shall record said Order in the Public Records of Seminole County.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(h)
Described as: 1) Uncultivated vegetation in excess of 24" in height and located within 75' of a structure
Location: 5038 Lake Howell Road, Winter Park (Commission District 4)
Tax Parcel ID # 33-21-30-506-0000-0060

Donna Wisniewski, Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violation. Officer Wisniewski stated that this was a **repeat violation**; and as of her inspection on October 9, 2008, the property was once again in compliance.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

Officer Wisniewski stated that the recommendation would be to find that the Respondent was in repeat violation and impose a fine in the amount of **\$2,400.00** for 24 days of non-compliance.

Marguerite Hunter, Respondent, was not present at the hearing.

After discussion of this case by the Board:

MOTION BY JAY AMMON, SECONDED BY STEWART FRITZ, THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ON A REPEAT VIOLATION 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 I.D. # 33-21-30-506-0000-0060) located at 5038 Lake Howell Road, Winter Park, located in Seminole County and legally described as follows:

LEG LOT 6 TANGLEWOOD SEC 2 1ST REPLAT
PB 10 PG 44

This case came on for public hearing before the Code Enforcement Board of Seminole County on December 4, 2003, 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 (h).

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 January 5, 2004. Compliance was obtained after reinspection on March 17, 2004.

An Affidavit of Repeat Violation has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that the violation was being repeated after reinspection on July 2, 2007. An Affidavit of Compliance after Repeat Violation has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that corrective action has been taken by the Respondent after reinspection on May 23, 2008.

A second Affidavit of Repeat Violation has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that the violation was being repeated after reinspection on September 15, 2008.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

An Affidavit of Compliance after Repeat Violation has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that corrective action has been taken by the Respondent after reinspection on October 9, 2008.

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 December 4, 2003.

Therefore, the Board finds that the Respondent was in repeat violation and orders that the fine in the amount of **\$2,400.00** for 24 days of non-compliance **be imposed**.

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

DONE AND ORDERED this 23rd day of October, 2008, in Seminole County, Florida.

TOM HAGOOD – YES

GRACE CHEWNING – YES

FREDERICK GELTZ – YES

JAY AMMON – YES

BILL FAHEY – YES

LARRY LAWVER – YES

STEWART FRITZ – YES

MOTION CARRIED 7 – 0.

Case No. 08-158-CEB
Charles F. & Terri Zimmerman, Jr.
Senior Code Enforcement Officer: Deborah Leigh

NEW CASE

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (n)

Described as: 1) Stagnant or foul water in a swimming or wading pool

Location: 5707 Basset Place, Sanford (Commission District 5)
Tax Parcel ID # 31-19-30-505-0000-0170

Deborah Leigh, Senior Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violation. Officer Leigh stated that as of her last inspection on October 21, 2008, the violation remained on the property.

Officer Leigh stated that the recommendation would be to comply by November 12, 2008 with a fine of \$100.00 per day if the violation continues or is repeated past November 12, 2008.

Charles F. & Terri Zimmerman, Jr., Respondents, were not present at the hearing.

After discussion of this case by the Board:

**MOTION BY GRACE CHEWNING, SECONDED BY STEWART FRITZ, 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 08-158-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 31-19-30-505-0000-0170) located at 5707 Basset Place, Sanford, located in Seminole County and legally described as follows:

LOT 17 WILSON PARK
PB 70 PGS 24 - 28

- (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 (n).

It is hereby ordered that the Respondents shall correct the violation on or before November 12, 2008. In order to correct the violation, the Respondents shall take the following remedial action:

**1) REMOVE OR TREAT STAGNANT OR FOUL WATER
WITHIN A SWIMMING OR WADING POOL**

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 November 12, 2008.

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 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.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

**TOM HAGOOD – YES
GRACE CHEWNING – YES
FREDERICK GELTZ – YES
JAY AMMON – YES**

**BILL FAHEY – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

MOTION CARRIED 7 – 0.

Case No. 08-160-CEB
Catherine J. & Dennis Misuraca &
U.S. Bank, N.A.
Code Enforcement Officer: Pamela Taylor

NEW CASE

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (g), (l) and (p)
Described as: 1) The accumulation of trash and debris
2) Junked or abandoned vehicle(s) not kept within an enclosed garage or an attached carport
3) Any other 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: 2550 Narcissus Avenue, Sanford (Commission District 5)
Tax Parcel ID # 22-19-30-5AD-0000-012B

Pamela Taylor, Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violations. Officer Taylor stated that as of her last inspection on October 20, 2008, the violations remained on the property.

Officer Taylor stated that the recommendation would be to comply by November 6, 2008 with a fine of \$250.00 per day if the violations continue or are repeated past November 6, 2008.

Catherine J. & Dennis Misuraca & U.S. Bank, N.A., Respondents, were not present at the hearing.

After discussion of this case by the Board:

MOTION BY STEWART FRITZ, 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 08-160-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 22-19-30-5AD-0000-012B) located at 2550 Narcissus Avenue, Sanford located in Seminole County and legally described as follows:

LEG S 160 FT OF E 140 FT OF W 190 FT OF LOT
12 FLA LAND + COL COS CELERY PLANTATION
PB 1 PG 129

- (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) and (p).

It is hereby ordered that the Respondents shall correct the violations on or before November 6, 2008. 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(S) OR PLACE VEHICLE(S) IN AN ENCLOSED GARAGE OR AN ATTACHED CARPORT**
- 3) REMOVE ANY OTHER 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**

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 November 6, 2008.

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 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.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

**TOM HAGOOD – YES
GRACE CHEWNING – YES
FREDERICK GELTZ – YES
JAY AMMON – YES**

**BILL FAHEY – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

MOTION CARRIED 7 – 0.

Case No. 08-161-CEB
Despot Bojadzijev &
Kimberly Cappolla (mortgagee)
Code Enforcement Officer: Pamela Taylor

NEW CASE

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (g) & (h)
Described as: 1) The accumulation of trash and debris
2) Uncultivated vegetation in excess of 24" in height and located within 75' from any structure
Location: 98 Melton Drive, Winter Springs (Commission District 5)
Tax Parcel ID # 33-20-30-509-0000-0070

Pamela Taylor, Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violations. Officer Taylor stated that as of her last inspection on October 20, 2008, the violations remained on the property.

Officer Taylor stated that the recommendation would be to comply by November 6, 2008 with a fine of \$250.00 per day if the violations continue or are repeated past November 6, 2008.

Despot Bojadzijev & Kimberly Cappolla (mortgagee), Respondents, were not present at the hearing.

After discussion of this case by the Board:

MOTION BY JAY AMMON, SECONDED BY STEWART FRITZ, 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 08-161-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 33-20-30-509-0000-0070) located at 98 Melton Drive, Winter Springs, located in Seminole County and legally described as follows:

LEG LOT 7 WILLIAMSON HEIGHTS PB 12 PG 36

- (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) and (h).

It is hereby ordered that the Respondents shall correct the violations on or before November 6, 2008. In order to correct the violations, the Respondents shall take the following remedial action:

- 1) REMOVE THE ACCUMULATION OF TRASH AND DEBRIS**
- 2) REMOVE UNCULTIVATED VEGETATION IN EXCESS OF 24” IN HEIGHT AND LOCATED WITHIN 75” FROM ANY STRUCTURE**

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 November 6, 2008.

The Respondents 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 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.

DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

**TOM HAGOOD – YES
GRACE CHEWNING – YES
FREDERICK GELTZ – YES
JAY AMMON – YES**

**BILL FAHEY – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

MOTION CARRIED 7 – 0.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

Case No. 08-162-CEB
Mildred Marrero & Giselle Marrero &
Bank of New York
Code Enforcement Officer: Jerry Robertson

NEW CASE

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in
Section 95.3 (h)
Described as: 1) Uncultivated vegetation in excess of 24" in height
and located within 75' from any structure
Location: 2244 Sunnyview Drive, Oviedo (Commission District 1)
Tax Parcel ID # 27-21-31-503-0000-0090

Jerry Robertson, Code Enforcement Officer, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violation. Officer Robertson stated that as of his last inspection, the violation remained on the property.

Officer Robertson stated that the recommendation would be to comply by November 12, 2008 with a fine of \$100.00 per day if the violation continues or is repeated past November 12, 2008.

Mildred Marrero & Giselle Marrero & Bank of New York, Respondents, were not present at the hearing.

After discussion of this case by the Board:

**MOTION BY GRACE CHEWNING, SECONDED BY STEWART FRITZ, 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 08-162-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 27-21-31-503-0000-0090) located at 2244 Sunnyview Drive, Oviedo, located in Seminole County and legally described as follows:

LEG LOT 9 SUNNY SLOPES PB 11 PG 13

- (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 (h).

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

It is hereby ordered that the Respondents shall correct the violation on or before November 12, 2008. In order to correct the violation, the Respondents shall take the following remedial action:

1) REMOVE UNCULTIVATED VEGETATION IN EXCESS OF 24" IN HEIGHT AND LOCATED WITHIN 75' FROM ANY STRUCTURE

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 November 12, 2008.

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 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.

DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

**TOM HAGOOD – YES
GRACE CHEWNING – YES
FREDERICK GELTZ – YES
JAY AMMON – YES**

**BILL FAHEY – YES
LARRY LAWVER – YES
STEWART FRITZ – YES**

MOTION CARRIED 7 – 0.

Case No. 08-123-CEB
David R. Thompson and Yvonne Calder
Principal Planner: Tony Walter

SPECIAL REQUEST

The Board heard this case on August 28, 2008 and an Order was entered giving the Respondents a compliance date of October 30, 2008. The Respondents are requesting that the Board extend the compliance date.

Violation Charged: Seminole County Land Development Code, Chapter 40, Site Plan Approval Section 40.12 and Chapter 30, Part 26, Section 30.446(b), Planned Commercial Development District

Described as: 1) Constructing and operating a vehicle and boat storage facility without a County approved final site plan, Developer's Commitment Agreement and appropriate permits

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

Location: 2563 Mikler Road, Oviedo (Commission District 1)
Tax Parcel ID # 29-21-31-300-0060-0000

Tony Walter, Principal Planner, was present at the hearing and testified on behalf of the County. Because of the Respondents' progress and the time required to complete the process, Mr. Walter stated that he had no objection to extending the compliance date.

A general discussion was had concerning the amount of time required to bring the property into compliance.

David R. Thompson and Yvonne Calder, Respondents, were not present at the hearing.

After discussion of this case by the Board:

MOTION BY GRACE CHEWNING, SECONDED BY STEWART FRITZ, THAT THE ORDER EXTENDING COMPLIANCE DATE BE:

ORDER EXTENDING COMPLIANCE DATE

The Seminole County Code Enforcement Board hereby issues this Order Extending Compliance Date and finds as follows:

(a) The Respondents are the owners of record of the property (Tax Parcel I.D. # 29-21-31-300-0060-0000) located at 2889 Ashton Terrace, Oviedo, located in Seminole County and legally described as follows:

LEG SEC 29 TWP 21S RGE 31E S 347.7 FT
OF W 270 FT OF E 300 FT OF SW 1/4 OF
NW 1/4 (LESS RD) (2.16 AC)

(b) that the Respondents hereby requests the Board grant an extension to the current compliance date of **October 30, 2008**.

It is hereby ordered that the Respondents' compliance date of **October 30, 2008** be extended to **February 26, 2009**.

The Respondent must contact the Code Enforcement 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 public records of Seminole County, Florida.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

DONE AND ORDERED this 23rd day of October 2008, in Seminole County, Florida.

TOM HAGOOD – YES

GRACE CHEWNING – YES

FREDERICK GELTZ – YES

JAY AMMON – YES

BILL FAHEY – YES

LARRY LAWVER – YES

STEWART FRITZ – YES

MOTION CARRIED 7 – 0.

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

Case No 03-03-CEB

Marguerite S. Hunter

Code Enforcement Officer: Donna Wisniewski

This is a repeat violation. The original violation was heard by the Board on December 4, 2003; and an Order was entered giving the Respondent a compliance date of January 5, 2004. An Affidavit of Non-Compliance was filed by the Code Enforcement Officer after reinspection on January 6, 2004. An Affidavit of Compliance was filed by the Code Enforcement Officer after reinspection on March 17, 2004. An Order rescinding the \$5,250.00 fine was entered by the Code Enforcement Board on March 18, 2004.

An Affidavit of Repeat Violation was filed after reinspection on July 2, 2007. An Affidavit of Compliance after Repeat Violation was filed after reinspection on May 23, 2008.

A second Affidavit of Repeat Violation has been filed which is being heard under the Repeat portion of this agenda.

This property is presently in compliance.

RECOMMENDATION: The Board issue an Order constituting a **lien on a repeat violation in the amount of **\$25,850.00** for 270 days of non-compliance, from July 2, 2007 through and including March 27, 2008, at \$75.00 per day and 56 days of non-compliance, from March 28, 2008 through and including May 22, 2008, at \$100.00 per day for a total of 326 days of non-compliance. The Clerk shall record said Order in the Public Records of Seminole County.**

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(h)
Described as: 1) Uncultivated vegetation in excess of 24" in height and located within 75' of a structure
Location: 5038 Lake Howell Road, Winter Park (Commission District 4)
Tax Parcel ID # 33-21-30-506-0000-0060

ORDER FINDING COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel I.D. # 33-21-30-506-0000-0060) located at 5038 Lake Howell Road, Winter Park, located in Seminole County and legally described as follows:

LEG LOT 6 TANGLEWOOD SEC 2 1ST REPLAT PB 10 PG 44

This case came on for public hearing before the Code Enforcement Board of Seminole County on December 6, 2007, 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 on a Repeat Violation Not in Compliance.

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

Said Order stated that a fine in the amount of \$11,850.00 would be imposed for 158 days of non-compliance from July 2, 2007, through and including December 6, 2007, at \$75.00 per day and the fine shall continue to accrue at **\$75.00** per day for each day the violation continues or is repeated past December 6, 2007.

On March 27, 2008, the Board entered an Order Increasing Daily Fine which Order stated that the daily fine shall be increased from \$75.00 to \$100.00 if violation is not corrected or repeated after March 27, 2008.

An Affidavit of Compliance following Repeat Violation had been filed by the Code Enforcement Officer, which Affidavit certified under oath that the required action had been obtained as of May 23, 2008.

Accordingly, it having been brought to the Board's attention that the Respondent has complied with the Findings of Fact, Conclusions of Law and Order on Repeat Violation Not in Compliance dated December 6, 2007, the Board orders that a lien in the amount of **\$25,850.00** for 270 days of non-compliance, from July 2, 2007 through and including March 27, 2008 at \$75.00 per day, and 56 days of non-compliance, from March 28, 2008 through and including May 22, 2008 at \$100.00 per day, be imposed against the property.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

The 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 23rd day of October, 2008, in Seminole County, Florida.

Case No. 07-87-CEB
Owens Silver Star RE, LLC and
Jack E. Owens, Registered Agent
Inspector: Jason Rucker

The Board heard this case on June 26, 2008 and tabled the case to October 23, 2008.

This case was originally heard by the Board on September 27, 2007; and an Order was entered giving the Respondents a compliance date of January 11, 2008. An Affidavit of Non-Compliance was filed by Inspector Rucker after reinspection on February 12, 2008.

This property is NOT in compliance at this time.

RECOMMENDATION: The Board issue an Order constituting a **lien** in the amount of **\$71,500.00** for 286 days of non-compliance, from January 12, 2008 through and including October 23, 2008, at \$250.00 per day; and the fine shall continue to accrue at \$250.00 per day until compliance is obtained. The Clerk shall record said Order in the Public Records of Seminole County.

Violation Charged: Florida Building Code, Section 105.1
Described as: 1) Constructed additions to front and back of home without permits
Location: 303 Salina Drive, Altamonte Springs (Commission District 3)
Tax Parcel ID # 07-21-30-503-0000-1070

ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel I.D. # 07-21-30-503-0000-1070) located at 303 Salina Drive, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOT 107 GRANADA SOUTH
PB 15 PG 100

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
OCTOBER 23, 2008

This case came on for public hearing before the Code Enforcement Board of Seminole County on September 27, 2007, 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 Florida Building Code, Section 105.1.

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 January 11, 2008.

An Affidavit of Non-Compliance had been filed by the Inspector, which Affidavit certified under oath that the required action had not been obtained after reinspection on January 11, 2008.

Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated September 27, 2007, the Board orders that a **lien** in the amount of **\$71,500.00** for 286 days of non-compliance at \$250.00 per day, from January 12, 2008 through and including October 23, 2008, be imposed; and the fine shall continue to accrue at **\$250.00** per day for each day the violation continues or is repeated past October 23, 2008.

The 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 23rd day of October, 2008, in Seminole County, Florida.

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Case No. 08-117-CEB
Claricianna Moreau
Code Enforcement Officer: Joann Tamulonis

This case was originally heard by the Board on July 24, 2008; and an Order was entered giving the Respondent a compliance date of August 25, 2008. An Affidavit of Partial Compliance and an Affidavit of Non-Compliance were filed by the Code Enforcement Officer after reinspection on August 27, 2008.

This property is NOT in compliance for Violations 1 and 3 at this time.

RECOMMENDATION: The Board issue an Order constituting a **lien** in the amount of **\$14,750.00** for 59 days of non-compliance, from August 26, 2008 through and including October 23, 2008, at \$250.00 per day; and the fine shall continue to accrue at

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\$250.00 per day until compliance is obtained. The Clerk shall record said Order in the Public Records of Seminole County.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (j) and (l) and Seminole County Land Development Code, Chapter 30, Part 11, Section 30.182

Described as: 1) Used/scrap building materials
2) Junked, abandoned or inoperable vehicle(s) not kept within an enclosed garage or an attached carport
3) Outside storage which is not a permitted customary use in an R-1 zoned property

Location: 3191 Windchime Circle West, Apopka (Commission District 3)
Tax Parcel ID # 18-21-29-524-0000-1540

ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel I.D. # 18-21-29-524-0000-1540) located at 3191 West Windchime Circle, Apopka, located in Seminole County and legally described as follows:

LEG LOT 154 BEL AIRE HILLS UNIT 2 PB 22 PGS 89-90

This case came on for public hearing before the Code Enforcement Board of Seminole County on July 24, 2008, 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 (j) and (l) and Seminole County Land Development Code, Chapter 30, Part 11, Section 30.182.

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 August 25, 2008.

An Affidavit of Partial Compliance had been filed by the Code Enforcement Officer, which Affidavit certified under oath that the required action concerning Violation (j) had been obtained as of August 27, 2008.

An Affidavit of Non-Compliance had been filed by the Code Enforcement Officer, which Affidavit certified under oath that the required action concerning the remaining two violations had not been obtained after reinspection on August 27, 2008.

Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated July 24, 2008, the Board orders that a **lien** in the amount of **\$14,750.00** for 59 days of non-compliance at \$250.00 per day, from August 26, 2008 through and including October 23, 2008, be imposed; and the fine shall continue to

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accrue at **\$250.00** per day for each day the violations continue or are repeated past October 23, 2008.

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

DONE AND ORDERED this 23rd day of October, 2008, in Seminole County, Florida.

Case No. 08-126-CEB
Richard and Laura Napoleon
Code Enforcement Officer: Joann Tamulonis

This case was originally heard by the Board on August 28, 2008; and an Order was entered giving the Respondents a compliance date of September 11, 2008. An Affidavit of Non-Compliance was filed by the Code Enforcement Officer after reinspection on September 12, 2008. An Affidavit of Compliance was filed by the Code Enforcement Officer after reinspection on October 22, 2008.

This property is presently in compliance.

RECOMMENDATION: The Board issue an Order constituting a **lien** in the amount of **\$4,000.00** for 40 days of non-compliance, from September 12, 2008 through and including October 21, 2008, at \$100.00 per day. The Clerk shall record said Order in the Public Records of Seminole County.

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

Described as: 1) Uncultivated vegetation in excess of 24" in height and located within 75' of a structure

Location: 211 Nob Hill Circle, Longwood (Commission District 3)
Tax Parcel ID # 04-21-29-514-0B00-0030

ORDER FINDING COMPLIANCE AND IMPOSING FINE/LIEN

The Respondents are the owners of record of the property (Tax Parcel I.D. # 04-21-29-514-0B00-0030) located at 211 Nob Hill Circle, Longwood, located in Seminole County and legally described as follows:

LEG LOT 3 MEREDITH MANOR NOB HILL SEC PB 9 PG 55

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This case came on for public hearing before the Code Enforcement Board of Seminole County on August 28, 2008, after due notice to the Respondents. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law and Order.

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

Said Order stated that a fine in the amount of \$100.00 per day would be imposed if the Respondents did not take certain corrective action by September 11, 2008.

An Affidavit of Non-Compliance had been filed by the Code Enforcement Officer, which Affidavit certified under oath that the required action had not been obtained after reinspection on September 12, 2008.

An Affidavit of Compliance had been filed by the Code Enforcement Officer, which Affidavit certified under oath that the required action had been obtained after reinspection on October 22, 2008.

Accordingly, it having been brought to the Board's attention that Respondents have complied with the Order dated August 28, 2008, the Board orders that a **lien** in the amount of **\$4,000.00** for 40 days of non-compliance at \$100.00 per day, from September 12, 2008 through and including October 21, 2008, be imposed.

The 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 23rd day of October, 2008, in Seminole County, Florida.

TOM HAGOOD – YES
GRACE CHEWNING – YES
FREDERICK GELTZ – YES
JAY AMMON – YES

BILL FAHEY – YES
LARRY LAWVER – YES
STEWART FRITZ – YES

MOTION CARRIED 7 – 0.

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VII Approval of the minutes from the meeting of September 25, 2008

**MOTION BY GRACE CHEWNING, SECONDED BY JAY AMMON, TO
APPROVE THE MINUTES FROM THE MEETING OF SEPTEMBER 25, 2008.**

TOM HAGOOD – YES	BILL FAHEY – YES
GRACE CHEWNING – YES	LARRY LAWVER – YES
FREDERICK GELTZ – YES	STEWART FRITZ – YES
JAY AMMON – YES	

MOTION CARRIED 7 – 0.

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VIII Confirmation date of next meeting: January 22, 2009

IX Old Business –

None

X New Business –

None

**XI Adjourn – There being no further discussion, this meeting was adjourned at
3:00 P.M.**

Respectfully submitted:

Jane Spencer
Clerk to the Code Enforcement Board

Tom Hagood
Chair

10-23-08 minutes