



**CODE ENFORCEMENT HEARING
MINUTES**

**WEDNESDAY OCTOBER 12, 2022
TOWN HALL**

The meeting was called to order at 3:00 pm by Special Magistrate for the Town of Astatula, Grant Watson. Also present was John Calhoun, Code Enforcement Officer for the Town and Graham Wells, Town Clerk. Mr. Watson outlined that the Town would bring its case forward and the respondent would have the opportunity to provide any evidence that would help to make a decision in their case.

Code Enforcement Officer Calhoun and all those who planned to testify were sworn in by magistrate Watson. Present were Kathy Dunham, Tracy Rinehart, Derek Rinehart and attorney Jimmy Crawford.

MINUTES

Approval of Minutes from the April 20, 2022 Code Enforcement Hearing

Magistrate Watson reviewed and approved the minutes.

OLD BUSINESS

Case Number: CE22-05-001 25434 County Road 561, Astatula, FL 34705

Officer Calhoun stated that this was a case that had previously come before the magistrate under case # CE21-12-001 under section 23-4 for the accumulation of junk. The magistrate had given a period of time for the violation to be cured, which it was and the case was closed. Since then, a further accumulation of junk has occurred, and a new complaint was received from Kathy Dunham. The property is occupied by renters.

Type of Violation: Ord 2012M – Sec 23-4 -Accumulation of junk.

Type of Violation: Junk throughout the yard.

The owner of record was not present. A representative of the owner, Attorney Jimmy Crawford, was present. Also present was Kathy Dunham who filed the complaint and lives next door.

Notice of Violation: 6-2-22

Date to Resolve: 6-16-22

Notice of Hearing: 9/20/22
Hearing Date: 10/12/22
Date to Resolve: N/A - Repeat Offender

The Code Enforcement Officers log for this case is as follows:

5-19-22 – Complaint letter received.

6-2-22 - at approximately 1801 hours an inspection of property was conducted and there was trash and debris piled up on the blue pickup in the front yard and around it. The blue pickup had a Florida tag attached that appeared to have expired in March 2022. Florida tag #PEV V84. There was also a small trailer in the front yard that did not appear to be registered at all. Digital pictures were taken. I spoke with the tenant, Tonya, who told me that they were in the process of moving out and that her mother had already moved out. I told her that I would give them two weeks to remedy the violations.

I then prepared a Notice of Violation, for a repeat offense (see Code Case #CE21-12-001), and posted the letter at the property, a copy was also placed on the town hall bulletin board, and sent to the owner of record, via certified mail, return receipt requested. An Affidavit of Posting was completed and notarized.

Pictures of the infraction were shown on the screen.

9-6-22 - At approximately 1406 hours, a re-inspection was done, and piles of debris were still in the yard and the tenants were still in the home, the home also appeared to be without working electricity. Digital pictures were taken.

Pictures of the infraction were shown on the screen.

9-19-22 - Another letter of complaint was received by the neighbor, that the ongoing use of the generator was causing toxic fumes. The letter was placed into the file.

9-21-22 - A Notice of Hearing was sent to the owner of record via certified mail, return receipt requested. A copy of the Notice was placed on the bulletin board at town hall, and I hand delivered a copy to the tenant, Tonya, at the property. Tonya told me that they were now leaving that weekend. An Affidavit of Hand Delivery was completed and notarized. I also re-inspected the property, and it appeared that more things were in the yard. Digital pictures were taken.

Pictures of the infraction were shown on the screen.

10-6-22 - Was notified by Deputy Leware that he executed an eviction on the property. I went by and there appeared to be piles of debris all through the front yard. Digital pictures were taken.

Pictures of the infraction were shown on the screen.

Mrs. Kathy Dunham of Alabama Avenue said that the problems were numerous and that her main concern was the toxic fumes and constant noise from their generator and the loss in value of her home estimated to be at least \$15,000. Magistrate Watson explained the limit in the powers that the town could execute to ensure that there would not be a repeat of the issues experienced by Ms. Dunham.

Attorney Crawford whose office is 380 West Alfred St. Tavares, spoke of the inability of the property owners due to their age to look after the property and that it is up for sale with a prospective buyer. He said that the purpose of the hearing was compliance and requested leniency of the fine imposed. Mr. Watson explained the difference in the procedure for dealing with repeat offenders and that this had been going on for a long time.

Officer Calhoun said that due to the case being a repeat violation, he asked that the owner of record pay a fine of \$25.00 per day for 119 days from July 16th, 2022, through October 13th, 2022, totaling \$2,975.00. Mr. Watson stated his findings and given the gravity of the offences, he felt that a fine of \$25.00 per day for a repeat violation was appropriate and would be payable to the Town of Astatula in the amount of \$2,975.00.

NEW BUSINESS

Case Number CE21-04-002 24531 CR561, Astatula, FL 34705

Type of Violation: Sec 7.50 – Permits.

Description of Violation: Front porch/steps constructed without permit or inspections.

The Code Enforcement Officers log for this case is as follows:

5/25/21 - at approximately 1451 hours made contact with the owner and made him aware that he would need to get the front porch/steps permitted and directed him to make contact with the town clerk.

6/25/21 - spoke with Jane Whaley in the clerk's office and Mr Rinehart had applied for a permit on 6/17/21, but it was rejected due to the nature of the drawing submitted.

8/3/22 - was made aware by Mrs. Whaley that Mr Rinehart never re-submitted documents need to get permit. Mr. Rinehart told her he would just remove it.

8/5/22 - at approximately 1800 hours drove by residence and it appeared that the porch/steps were still in place.

8/8/22 - sent a certified violation letter, return receipt requested, to Mr. Rinehart that the steps needed to be removed by 8/20/22.

A copy was posted on the property the same day and a copy was placed on the bulletin board in Town Hall. An Affidavit of Posting was completed and notarized.

8/25/22 - the certified letter was returned to town hall undelivered. The post office appeared to make 4 attempts to deliver the certified letter.

9/6/22 - at approximately 1552 hours I did a re-inspection and found the steps remained. A digital picture was taken.

9/20/22 - A Notice of Hearing letter was sent to the owner of record, Derek Rinehart, via certified mail, return receipt requested. A copy of the notice was also placed on the town hall bulletin board, and a copy was posted on the door of the address.

9/22/22 - At approximately 0954 hours, the owner of record's mother, Tracey Rinehart, called and left a message at the office. I spoke to her the same day, and she said they were just waiting to get a seal on the architect plans and was there anything else that could be done. I explained to her that the meeting would have to still take place because the violation was not cured during the time of the violation notice. I also directed her to get with town hall in reference to the plans to see if it could still be cured prior to the hearing.

10-12-22 - At approximately 1339 hours I re-inspected the property and the stairs/porch at the front of the residence was still in place.

A photograph of the steps was shown on the screen.

Officer Calhoun asked for twenty days for them to either demo the steps or apply for a permit to replace them.

Mr. Derek Rinehart of 24531 CR561 acknowledged that he did receive the notices. Mrs. Tracy Rinehart stated that they had been looking for an architect who now has said not to remove the steps but to leave them in place and add to what is already there. She added that it would take around 30 days to finish out the permit. A notice of commencement was filed at the county that morning.

Magistrate Watson summarized that all parties appeared to be on the same page. Notices were sent for building the steps without a permit as required by the Florida Building Code and the towns land development regulations. He added that sealed plans would need to be submitted and the permit closed out once the construction was completed.

He did find that the property was in violation, however with the efforts that the owner had made to cure the violation, he felt that thirty days was a reasonable period to rectify the situation. He outlined the procedure if the violation is not cured within the thirty days. He emphasized that the fines for non-compliance ranged from \$25.00 to \$250.00 per day until it is cured.

Case Number Assigned: CE22-01-006 13820 Massachusetts Ave

Type of Violation: Ordinance 2012L – Sec 11-1 – Unsafe Building

Description of Violation: Mobile home that caught fire and has not been removed or secured.

Officer Calhoun said that the owner was not present, and he had not received any response for the notices sent out. He went over the details of his log as follows:

12-21-21 - Complaint letter received.

1-7-22 - An inspection of the property was performed, and I found a double wide mobile home that had extensive damage from a fire. The yard was also overgrown and debris about the yard. Digital pictures were taken.

6-2-22 - Another inspection was performed, and the property remained in the same condition. More digital pictures were taken.

6-6-22- A violation letter was sent to the owner of record via certified mail, return receipt requested. A posting was also done on the property and the letter was posted on the town hall bulletin board. An affidavit of Posting was completed and notarized.

6-15-22 - The certified letter was received back at town hall “return to sender - unable to forward”.

9-6-22 - At approximately 1601 hours I did a re-inspection at the property. The property was in the same condition, except the grass was now higher. Digital pictures were taken.

Pictures of the infraction were shown on the screen.

9-21-22 - A Notice of Hearing letter was sent to the owner of record via certified mail, re-turn receipt requested. A copy was placed in the town hall bulletin board, and a copy was posted at the address. Digital pictures were taken. An Affidavit of Posting was completed and notarized.

10-12-22 - A magistrate meeting was held at approximately 1500 hours at town hall, in front of Mr. Grant Watson. Magistrate Watson heard the facts of the case and found the record of owner to be in violation of stated Town Code. Mr. Watson ordered that the own-er of record cure the violation within 10 days. A notice was sent to the owner of records, via certified mail, return receipt requested.

11/14/22 - The certified letter was returned to town hall as “Not Deliverable as Addressed - Unable to Forward”.

2/9/23 - I reinspected the property and the unsafe mobile home remained. A notarized Affidavit of Non-Compliance was completed. A Notice of Hearing of Fines was then completed and mailed certified mail, return receipt requested to the owner of record. I also posted the Notice on the town hall bulletin board and posted a copy on the chain link fence of the property. An Affidavit of Posting was completed. The mailed notice was returned to town hall undelivered.

Details of the property record card were review for the correct mailing address. The town was requesting a small window to demolish the structure as there had been no contact from the owner.

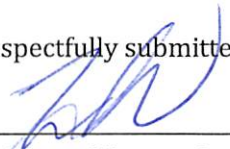
Mr. Watson noted for the record that there was no representation from the owner. He found that the property was in violation of the towns code Sec 11-1 – Unsafe Building and considering the danger to others from the dilapidated structure, he felt that a small window to demolish the building was appropriate.

He ordered the building to be demolished within ten days from the hearing date. If it is not, then a further hearing would be scheduled and fines or other remedies would be imposed at that time. If the building is demolished, then it will be up to the owner to contact code enforcement to have the case closed out.

ADJOURNMENT


With no further business the meeting was adjourned at 3:47 pm.

Respectfully submitted,



Mr. Grant Watson, Special Magistrate

ATTEST:



Graham Wells, Town Clerk

