



**CODE ENFORCEMENT HEARING
MINUTES**

**TUESDAY MARCH 28, 2023
TOWN HALL**

The meeting was called to order at 3:01 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 fair decision in their case.

MINUTES

Approval of Minutes from the October 12, 2022 Code Enforcement Hearing.

Magistrate Watson reviewed and approved the minutes.

OLD BUSINESS

Case Number: CE22-1-002 & CE23-01-001 24538 Madison St, Astatula, FL 34705

Officer Calhoun stated that there were two parcels in question for this case and the parcel number for the second parcel is 292026010000G05603.

Type of Violation: Ordinance 2012M – Sec. 23-4 – Accumulation of Junk.

Description of Violation: Debris around the home, junk cars, and excessive noise.

Notice of Violation: 11//22/22

Date to Resolve: 12/22/22

Notice of Hearing: 2/9/23

Hearing Date: /28/23

Date to Resolve: 7/4/23

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

11/7/22 - Complaint received via email to code enforcement.

11/21/22 - At approximately 0951 hours I inspected property and found miscellaneous debris around the home. There appears to be several junk vehicles in the backyard, along with old appliances. Digital pictures were taken.

Digital Pictures were shown to the Magistrate.

11/22/22 - At approximately 1453 hours I hand delivered the Notice of Violation to an older gentleman who was identified as the owner of the property by another gentleman, who I made contact with in the driveway. The younger gentleman told the older gentleman that there were "assholes" from the town there about the yard. Both men told me that the vehicles in the backyard were registered and "legal" however, both told me that they would not allow me to take a look to confirm that they were. I also told the older gentleman that the issue was also with the debris around the home as well. As I was leaving, the younger man stated that he was going to burn the neighborhood down over this and that he would call the sheriff's office, as I was harassing him. I also requested that Officer Denton (from the police department) be present due to the younger man's demeanor towards law enforcement in the past.

2/9/23 - I re-inspected the property and the vehicles and debris remained. A notarized Affidavit of Non-Compliance was completed. A Notice of Hearing 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.

2/22/23 - At approximately 1645 hours I re inspected the rear parcel/property. The parcel now had a makeshift barrier blocking the view of the property. It appeared that there was some type of old camper still on the parcel. A visual inspection of the front property showed that there were still vehicles and debris in the back. A digital picture was taken.

2/23/23 - The signed return receipt was received at Town Hall.

3/9/23 - A new Notice of Hearing was sent via certified mail, return receipt requested. I also posted the notice on the Town Hall bulletin board.

3/10/23 - I hand delivered the notice to Mr. Smith at the property. An affidavit of Hand Delivery was completed and notarized.

3/27/23 - A re-inspection of the property was completed, and the residents had also placed a black fabric type of barrier up at the front of the property. Over the barrier I could still observe an RV and travel trailer.

The code Enforcement Officer requested some leniency from the magistrate as Mr. Smith had recently had surgery. Instead of thirty days, he asked for sixty days to comply with the order. He added that Mr. Smith would have to allow him access to the property to make the necessary inspections. Mr. Smith addressed the magistrate and updated him on the progress that had been made on the disposal of some of the junk vehicles.

He was told that part of the complaint was that vehicles were being worked on in the middle of the night. He stated that this would not happen in the future. The magistrate asked whether the sixty days to cure was acceptable. The plaintiff asked for ninety days to cure the violation and Ofc. Calhoun agreed.

Based on the case presented, the Special Magistrate found that the property was in violation of the cited violation code 23-4 on both parcels and that efforts had been made to clean it up. He gave the owner of record ninety days from today's date for the violation to be cured and warned that a fine of up to \$250.00 a day could be levied if it was not cleared within the ninety days.

He added that Mr. Smith should let Ofc. Calhoun know when the violation has been cured so that an inspection can be made, and the case be brought to a close. The owner of record was present for the hearing and indicated that he understood the Special Magistrate's order. As Sharon Tedder had spoken on Mr. Smith's behalf, her full name, address and telephone were requested and given.

NEW BUSINESS

Case Number CE22-11-003 24828 Adams St. Astatula, FL 34705

Type of Violation: Sec 7.50 – Permits.

Description of Violation: Wooden and chain link fence in disrepair and the permit that was issued was never closed out with a final inspection.

Notice of Violation: 11/22/22

Date to Resolve: 12/22/22

Notice of Hearing: 3/9/23

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

11/21/22 - I noticed that the fence at 24828 Adams Street was in disrepair. The wooden fence appears to be falling down, as well as an old chain link fence that was originally there. The owner, Pablo Rocha, applied for a fence permit in March of 2020, after having a code violation of junk and debris validated. The fence never had a final inspection, and the permit was not closed as per town code and building regulations. I checked with town hall and the permit had been issued on 03/16/20, permit #TOA2020-132. Digital pictures were taken.

11/22/22 - At approximately 1504 hours I met with Mrs. Claudia Rocha in the driveway of the residence and hand delivered the Notice of Violation. Mrs. Rocha was under the impression that the permit had been taken care of. I explained it hadn't and that Mr. Rocha needed to come down to town hall to open a new permit, fix the fence, and have the permit closed out.

2/9/23 - I re-inspected the property and the fence remained. A notarized Affidavit of Non-Compliance was completed. A Notice of Hearing 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 fence of the property. An Affidavit of Posting was completed. I did speak with town hall staff who advised that Mr. Rocha did apply for and was issued a new fence permit.

3/9/23 - A new Notice of Hearing was sent via certified mail, return receipt requested. I also posted the notice on the town hall bulletin board.

3/10/23 - I hand delivered the Notice of Hearing at the property. An affidavit of Hand Delivery was completed and notarized.

3/27/23 - A re-inspection of the property was completed, and the fence remained in the same condition.

Officer Calhoun stated that he wanted this to come before the magistrate so that a timeline for curing the violation could be established. Mr. Rocha said that he was working on getting the fence repaired. Clerk Wells stated that the fence had to be moved as it was on a corner lot and had to be twenty-five feet from the property line on both sides. The old chain link fence also has to be removed or can be reinstalled on the property line if it is in proper condition.

The wood fence has to be repaired and painted to be aesthetically pleasing as per the Land Development Regulations. The Clerk said that Mr. Rocha and his sister had been told exactly what needed to be done to have the permit closed out. The magistrate asked Mr. Rocha if he understood the issue and reiterated what was required to cure it.

The Magistrate did find that the property was in violation, the fence being in the incorrect position violating the code for setbacks and the dilapidated condition. A permit has been applied for, and the fence must be fixed in line with the permit requirements. With the efforts that the owner had made, he felt that June 29th, 2023, was a reasonable period to rectify the violation.

He outlined the procedure if the violation is not cured within that time. He emphasized that the fines for non-compliance would be \$25.00 per day from June 29th, 2023, until it is cured. There were two inspections required, one for the fence permit and the other for the code enforcement issue. The clerk asked that a new sketch and description be submitted so that there is no ambiguity about what is being permitted.

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.

Notice of Violation: 6-6-22

Date to Resolve: 7-6-22

Notice of Hearing: 9-20-22

Hearing Date: 10-12-22

Date to Resolve: 10-22-22

At the prior hearing on 10-12-22 Magistrate Watson ordered the building to be demolished within ten days of the hearing date. If it was 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.

3/9/23 - A new Notice of Hearing/Order of Fine was sent via certified mail, return receipt requested. The code enforcement officer posted the notice on the town hall bulletin board and at the property. An affidavit of posting was completed and notarized.

3/27/23 - A re-inspection of the property was completed, and the property remained in the same condition.

Mr. Watson noted in the record that there was no representation from the owner. He found that the property was still in violation of the towns code Sec 11-1 – Unsafe Building and there has been no change to the property or contact from the owner. Based on the health, safety and welfare of the community his order was for a fine to be imposed on this property in the amount of \$100.00 per day which will accrue from the original date to cure the violation of 10-22-2022 until the violation is cured. It is the owner’s responsibility to inform the code enforcement officer once the violation is cured.

ADJOURNMENT

With no further business the meeting was adjourned at 4:05 pm.

Respectfully submitted,



Mr. Grant Watson, Special Magistrate

ATTEST:



Graham Wells, Town Clerk