

**REGULAR MEETING  
OF THE SPECIAL MAGISTRATE  
TOWN OF LADY LAKE, FLORIDA**

**March 25, 2014**

The regular meeting of the Special Magistrate was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida. The meeting convened at 10:30 a.m.

**TOWN STAFF PRESENT:** Cindy Diemer, Senior Code Enforcement Officer; Donald Hoos, Code Enforcement Officer; and Julia Wolfe, Staff Assistant to the Town Clerk

**Also Present:** Commissioner Dan Vincent

**CALL TO ORDER:** Valerie Fuchs, Special Magistrate, called the meeting to order at 10:30 a.m.

**PLEDGE OF ALLEGIANCE:** All present stood to recite the Pledge of Allegiance.

**Approval of February 25, 2014 Minutes**

Special Magistrate Valerie Fuchs accepted the February 25, 2014 meeting minutes into the record as presented.

**SWEARING IN:** Special Magistrate Valerie Fuchs requested that anyone present who planned to speak at today's meeting stand and be sworn in.

**Explanation of Procedure**

Special Magistrate Valerie Fuchs explained to the public that this is a quasi-judicial hearing, which means that she has not seen or heard any evidence or testimony from staff or outside parties, other than cases that have been continued from a public meeting, as this would be a violation of ex-parte rules. She stated that if any pictures or other evidence are presented this morning, the interested party will be able to review it in order to accept or refute it and be able to present their own evidence and testimony prior to the Special Magistrate making her ruling.

The Special Magistrate also explained that Code Enforcement staff would present their case and testimony, then the owner or interested party will be able to present their testimony or evidence. After that, staff will have the opportunity to rebut or refute any evidence that is presented. The Special Magistrate will then ask any questions that she deems appropriate and relevant during the testimony of each party before making her ruling. The order will be entered and the interested party will receive a copy of the order whether it is dismissed, or time granted in order to come into compliance, and whether a fine or lien will be imposed.

Special Magistrate Valerie Fuchs asked staff if there were any changes to today's agenda.

Senior Code Enforcement Officer Cindy Diemer reported that two cases on this morning's agenda have come into compliance prior to the meeting: Item #5, Case No. 13-4606 and Item #9, Case No. 14-4690.

Special Magistrate Valerie Fuchs noted there was someone in the audience present to speak on a case and asked that that case be heard first.

**OLD BUSINESS:**

**3. Case No. 13-4504 – 456 S. Old Dixie Hwy – Irvin A. Spencer – Town of Lady Lake Land Development Regulations Ch. 5-4 – Zoning District Uses; Ch. 16-52 – Building Permit Required for Numerous Improvements; Ch. 9-2 (h)(1) – Outside Storage; Ch. 5-4 (a)(1)(F) – Accessory Structure Limitation; and Code of Ordinances Ch. 7-67 – Junk and Trash; Ch. 20-20 (a)(2) – Painting Required; Ch. 20-19 (a)(1) 7(2) – General Maintenance Required; Ch. 20-17 (a) – Light/Window Requirements; Ch. 20-17 (b) – Outlets, Switches and Ceiling Fixture Requirements; Ch. 20-17 (f) – Window and Screen Requirements; and Ch. 20-20 (a)(1) – Exterior Maintenance Required for Mildew**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated Mr. Spencer requested a hearing to extend his period for compliance. She stated an intermediate inspection was done on March 17, 2014 and there has been some compliance; however, the majority of things that remain to be done involves the building permits and the issue of the home not being fully restored to a single family home as per zoning. Ms. Diemer stated Mr. Spencer is present to make his request for an extension.

The Special Magistrate clarified that the property is not in compliance, but the property owner is seeking additional time before the lien is recorded. She asked staff if the owner has been cooperative since the last meeting.

Ms. Diemer replied that he has been cooperative.

Mr. Irvin Spencer stated he is requesting an extension until the end of May as he is on a fixed income and can only do so much every month.

The Special Magistrate asked if there was anyone currently residing in the home, and if there was a health, safety or welfare issue.

Mr. Spencer replied that he and a friend live in the home, but he does not pay any rent. He stated he has two more permits to apply for and will apply for one this week.

The Special Magistrate asked if there was anyone else present who would like to speak on this matter. She asked staff if there was a safety issue with him living in the home.

Ms. Diemer stated there are still outstanding items to be completed with regard to permitting. She stated staff went into both areas, and the lady that Mr. Spencer claimed was his housekeeper was being evicted and she stated she was paying rent. Ms. Diemer stated she had not spoken to the other person to see if he was paying rent, and that both areas are totally secluded with locked doors and no open space like you would have in a regular home. She stated she is not sure that the space is suitable for a living area; it looks like it might have been a reconfiguration of a porch or storage.

The Special Magistrate stated the request is for an extension of time and she asked staff if the timeframe needed to be expedited for safety. She asked staff if the permits could be obtained in two months and if they were alright with the timeframe.

Ms. Diemer replied that affirmatively to the questions.

The Special Magistrate stated she was making her decision based on the testimony, and understands the hardships for the property owner. She stated she wanted to insure there were no safety hazards before extending the timeframe. Ms. Fuchs advised Mr. Spencer she was granting the extension until May 21, 2014, but if another extension is needed she will need to hear evidence to support it.

*Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 13-4504, she hereby amends the order to provide for additional time until May 21, 2014 for the owner to come in to complete compliance. The property owner will get a copy of this order.*

#### NEW BUSINESS:

#### **4. Case No. 13-4576 – 437 Quail Street – Paul R. Carden Estate – Town of Lady Lake Code of Ordinances Ch. 20-20 (a)(1) – Exterior Maintenance – Mildew; Ch. 7-67 – High Grass; and Land Development Regulations Ch. 9-2 (h)(1) – Outside Storage of Junk and Debris**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated that Lake County records show the property is owned by Paul R. Carden Estate of the same address, and is registered as alternate key number 1121191. This property is in violation of the Town of Lady Lake's Code of Ordinances Chapter 20-20 (a)(1) for exterior maintenance, mildew; Chapter 7-67 for high grass, garbage, junk and trash; and the Town of Lady Lake Land Development Regulations Chapter 9-29 (h)(1) for outside storage of equipment and other items including an unlicensed motor vehicle.

Ms. Diemer stated an inspection was conducted on November 27, 2013 based upon a citizen complaint. A Notice of Violation was issued on the same date and it was posted on December 3, 2013. Email was received from Christina Donovan on December 4, 2013 and staff replied, explaining the violations on the property. She stated a re-inspection was conducted on December 30, 2013 and although the front yard was cleaned up, there were still violations regarding property maintenance issues, junk and storage, and high grass in the rear. Another re-inspection on January 28, 2014 confirmed an unlicensed white SUV vehicle was in the front yard and there was still a large accumulation of junk and debris in the screened front porch visible from the street.

Ms. Diemer stated a Notice of Hearing was mailed via certified and first class mail to the owner of record on February 4, 2014 and the Notice of Hearing was posted on February 6, 2014. Photos and the e-mail were entered into evidence.

Ms. Diemer stated the property owner's representatives are present. She stated the representatives advised staff before the meeting that some things were in compliance, but not totally, and they are working toward compliance. She stated they did not realize they had the opportunity for staff to come out and do an intermediate inspection to verify compliance.

The Special Magistrate asked if there was anyone present to speak on this case.

Christina Donovan, daughter of the property owner, stated she inherited the property.

Bruce Cornford introduced himself as Ms. Donovan's fiancée.

The Special Magistrate thanked them for coming to today's meeting and asked them to give a narrative of what they have done so far.

Mr. Cornford replied he cleaned the mildew when they received the first notice.

The Special Magistrate asked if they lived at the property.

Mr. Cornford replied that they do live there. He stated they came down approximately two years ago to take care of Mr. Carden, the property owner, who was in very poor health, and he suddenly passed away in May. He stated Mr. Carden enjoyed collecting items that were intended for future projects that never got completed. He stated the exterior of the home has been cleaned, but because of the weather, it has not been painted. Mr. Cornford stated the yard has been maintained, organized, grass has been trimmed, and the vehicles have all been moved. He stated the home is livable and they are trying to make it one of the nicer looking houses on the street. Mr. Cornford stated they did not realize they could ask for an intermediary inspection. He stated they are both disabled and asked if they could have more time to come into compliance. He stated he and Ms. Donovan are going to stay and they are looking forward to being a part of this Town.

The Special Magistrate asked how much time they are requesting.

Mr. Cornford stated he thinks everything could be completed in a month, especially now that the weather is warming up, but he would like to ask for more as a cushion.

The Special Magistrate asked staff if the time being requested is reasonable, and they replied that it was.

The Special Magistrate asked the property owner to contact staff when the property comes into compliance. She stated that staff could show them what is needed to come into compliance and she thanked them for attending the meeting today.

*Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 13-4576 she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 20-20 (a)(1) – exterior maintenance – mildew; Ch. 7-67 – high grass; and Land Development Regulations Ch. 9-2 (h)(1) – outside storage of junk and debris. The owner has until May 21, 2014 to come into compliance for the 2013 violation or a fine of \$100.00 per day will begin to accrue on May 22, 2014. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.*

*The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.*

Mr. Cornford stated they have taken care of the vehicles but are unable to register them because the estate is in probate. He asked if the vehicles could be secured with a car cover.

Ms. Diemer replied that they could.

The original agenda order was re-established.

**1. Case No. 13-4321 – 552 S. Hwy 27/441 – BBC Investments II LLC – Town of Lady Lake Code of Ordinances Ch. 7-47 – Fire and Safety Hazards**

Please see below.

**2. Case No. 13-4294 – 552 S. Hwy 27/441 – BBC Investments II LLC – Town of Lady Lake Land Development Regulations Ch. 13-1 through 13-11 – Sediment and Erosion Control; Land Development Regulations Ch. 13-51 through 13-56 – Storm Water Pollution Control**

Senior Code Enforcement Officer Cindy Diemer requested that Item #1, Case No. 13-4321 and Item #2, Case No. 13-4294 be tabled. She stated they have had some productive movement and staff has received information from another agency that has allowed the process to go forward.

*Special Magistrate Valerie Fuchs asked if anyone present had any objections regarding the requested motion to table the two cases. As there were no objections, Ms. Fuchs granted the request to table Case No. 13-4321 and Case No. 13-4294 to the April 22, 2014 meeting at 10:30 a.m.*

**5. Case No. 13-4606 – 813 Summit Street – Denise Deal – Town of Lady Lake Land Development Regulations Ch. 16-52 – Building Permit Required – Shed; and Code of Ordinances Ch. 7-67 – Junk (Pile of Wood)**

This case has come into compliance.

**6. Case No. 13-4607 – 202 Longview Avenue – Gloria Terry – Town of Lady Lake Code of Ordinances Ch. 7-106 (b) – Prohibited Brush Pile; Ch. 20-18 (a)(3) – Garbage Receptacles Violation; Ch. 4-7 – Noisy Animals; Ch. 20-20 (c) Lawn Maintenance Required; and Land Development Regulations Ch. 9-2 (h)(1) – Outside Storage of Junk and Debris**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated that Lake County records show that this property is owned by Gloria Terry of the same address, and is registered as alternate key number is 1440041. This property is in violation of the Town of Lady Lake's Code of Ordinances Chapter 7-106 (b) for brush pile disposal; Chapter 20-18 (a) (3) for inadequate garbage containers; Chapter 20-20 (c) for dead or dying vegetation; and Land Development Regulations Chapter 9-2 (h) (1) for outside storage of household items; abandoned toys and junk.

Ms. Diemer stated an inspection was conducted on December 23, 2013 based upon a citizen complaint for dogs barking and property conditions, and noted three dogs chained in the yard barking and no grass was left in that area. She stated there were toys and household items laying around the yard visible from the street, large pile of brush next to the street not bundled for pick-up, and garbage containers were overflowing. A courtesy violation notice was mailed to the property owner on December 24, 2013 and Officer Hoos spoke with Allisa Cronk, the granddaughter, on this same day. A re-inspection was conducted on February 2, 2014 and it showed no compliance.

A Notice of Hearing was mailed via certified and first class mail to the property owner on February 3, 2014, and the certified mail receipt was received on March 4, 2014 signed by unreadable. The property was posted on February 25, 2014. She stated Officer Hoos spoke with Allisa Cronk on March 4, 2014 and she stated the dogs have been given up and she will try to clean up the yard. A re-inspection was conducted on March 20, 2014 and it was still not in compliance. Photos were entered as evidence.

The Special Magistrate noted there was no one present to speak on this case. She asked staff for their recommendation on the case.

Ms. Diemer stated based on the desired policy, the fine is recommended to be reduced to \$25.00 per day.

***Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 13-4607, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 7-106 (b) – prohibited brush pile; Ch. 20-18 (a)(3) – Garbage receptacles violation; Ch. 4-7 – noisy animals; Ch. 20-20 (c) lawn maintenance required; and Land Development Regulations Ch. 9-2 (h)(1) – outside storage of junk and debris. The owner has 30 days to come into compliance for the 2013 violation or a fine of \$25.00 per day will begin to accrue on the 31st day. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.***

***The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.***

**7. Case No. 14-4641 – 312 S. Hwy 27/441 – Lady Lake Dollar LLC (Dollar General) – Town of Lady Lake Code of Ordinance Ch. 8-200 (a) – False Alarm Response Fee**

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Lady Lake Dollar LLC of Palm Beach Gardens, Florida, and is registered as alternate key number 1723868. Mr. Hoos reported that the property is in violation of the Town of Lady Lake's Code of Ordinances Chapter 8-200 for false alarm response fee required for Lady Lake Police for Call No. 13-017588.

Mr. Hoos reported that on January 13, 2014, he received a referral from the Police Department regarding this case, and a courtesy violation notice was mailed to the property owner on this same date. He stated the fine had not been paid as of February 17, 2014. A Notice of Hearing was mailed via certified and first class mail to the property owner on February 18, 2014, and hand delivered to the store manager this same date. The certified mail was delivered to the registered agent on February 22, 2014. He stated the fine still has not been paid as of today. A copy of the police report and letter was presented as evidence.

The Special Magistrate asked if there was anyone present to speak on this case. There was no one.

***Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-4641, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances, Chapter 8-200 (a) false alarm fee required. The owner has 10 days to come into compliance for the 2014 violation and pay the fine of \$50.00. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.***

***The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.***

**8. Case No. 14-4661 – 1110 Del Toro Drive – Nationstar Mortgage (John B. Harmon) – Town of Lady Lake Code of Ordinances Ch. 20-78 – Abandoned Property Registration Required**

Code Enforcement Officer Donald Hoos presented the background on this case. He stated that the owner of the property is John Harmon and this property is being foreclosed on by Nationstar Mortgage LLC of Lewisville, TX. The alternate key number is 3455371.

Mr. Hoos stated this property is in violation of the Town of Lady Lake's Code of Ordinances Chapter 20-78 for abandoned property registration for 2014 which has not been paid. He stated that he checked court records on January 23, 2014 and the property is still in foreclosure and is vacant.

Mr. Hoos stated a Courtesy Notice was sent to Nationstar Mortgage and the owner on January 23, 2014 and the property has not been registered. He stated a Notice of Hearing was mailed via certified and first class mail to Nationstar Mortgage, owner and the plaintiff, on February 24, 2014. The property was posted on February 25, 2014. Photos of the posting were entered as evidence.

The Special Magistrate asked if there was anyone present to speak on this case. There was no one.

*Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-4661, she did find that the owner was in violation of the Town of Lady Lake Code of Ordinances Chapter 20-78 for abandoned property not being registered as required. The owner has 10 days to come into compliance for the 2014 violation and pay the fee of \$150. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.*

*The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.*

**9. Case No. 14-4690 – 210 N. Hwy 27/441 – 2571 Boggy Creek Rd Associates LLC (Golf Store Outlet) – Town of Lady Lake Code of Ordinances Ch. 8-26 – Business Tax Receipt Required**

This case has come into compliance.

**ADJOURN**

With no other business to discuss, the meeting was adjourned at 11:03 a.m.

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Julia Wolfe  
Staff Assistant to Town Clerk

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Valerie Fuchs  
Special Magistrate