

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

**May 21, 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; Lt. Jason Brough, Lady Lake Police; and Julia Wolfe, Staff Assistant to the Town Clerk

**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 March 25, 2014 Minutes**

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

**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.

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

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

Senior Code Enforcement Officer Cindy Diemer reported that one case on this morning's agenda has come into compliance prior to the meeting: Item #6, Case No. 14-4728.

**OLD BUSINESS:**

**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 to the Special Magistrate meeting scheduled for June 24, 2014.

*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 June 24, 2014 meeting at 10:30 a.m.*

**NEW BUSINESS:**

**3. Case No. 14-4724 – 1002 Linda Lane – Stephen Karpovic – Town of Lady Lake Land Development Regulations Ch. 9-2 (h)(1) – Outside Storage; Ch. 9-3 (d) – Home Occupations prohibited; Code of Ordinances Ch. 17-26 (e) – Prohibited Motor Vehicle Maintenance; and Ch. 8-26 – Business Tax Receipt Required, If Approved**

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Stephen Karpovich of the same address, and is registered as alternate key number 2786370. The property was found to be in violation of the Town of Lady Lake's Land Development Regulations Chapter 16-52 for no permit for roof installed over a new concrete patio, which is now in compliance; Chapter 9-2 (h)(1) for outside storage of tools, golf carts, vehicle parts, and other miscellaneous equipment; Chapter 9-3 (d) for home occupations prohibited; Code of Ordinances Chapter 17-26 (e) for prohibited motor vehicle maintenance; Chapter 8-26 for Business Tax Receipt required for home business under Karp Karts; and Chapter 9-3 (d) for prohibited home occupation for selling, renting and repairing golf carts in a residential neighborhood.

The Special Magistrate clarified that the legal description was still Lady Lake Orange Blossom Gardens Unit 4, Lot 528, PB 26, pages 55-56.

Mr. Hoos replied that was correct.

Mr. Hoos stated an inspection was conducted on March 3, 2014 based upon a citizen complaint and the owner had numerous golf carts on the property. He stated a golf cart was being spray painted under the carport, and there was outside storage of tools, cart parts and other items. He also stated a roof had been installed over new concrete work. A courtesy violation notice was mailed to the property owner on this same date. Mr. Hoos stated he spoke with the complainant who provided a business card and classified ads for Karps Karts. A Notice of Hearing was mailed via certified and first class mail to the property owner on March 31, 2014, and the certified mail receipt was returned unclaimed.

Mr. Hoos stated Mr. Karpovich came to the office on April 2, 2014, and he was trying to get a permit for the roof, and stated he was not in business. Mr. Hoos stated he showed him the classified ads and business card, and he finally admitted he was in business and would stop immediately. He stated there was a previous case in 2012 for the exact situation, Case No. 12-3784. Photos were entered as evidence.

The Special Magistrate asked when the last inspection on the property was.

Mr. Hoos replied the last inspection was conducted on May 5, 2014 and all appeared the same. He stated he received a call yesterday from Pounds Construction who indicated they were looking at putting a garage on the house at that location to enclose the carport. Mr. Hoos stated he then received a call from Mr. Karpovich who stated he was no longer doing golf cart repair. He stated he explained to him he could not sell or rent the carts from there either.

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

Stephen Karpovich, property owner, stated he arranged everything as neatly as possible. He stated he is a part-time resident and enjoys working with the golf carts, but does not do any repairs; he just details them for fun. He stated he keeps some of the carts and sells some. Mr. Karpovich stated that many people in The Villages rent out their carts, but he was the only one that got in trouble for it.

The Special Magistrate interjected and stated she did not know what is going on with anyone else. She stated that staff must act on complaints received.

Mr. Karpovich stated it is a hobby and he really enjoys it, but he is not a mechanic.

The Special Magistrate stated she understood it might be a hobby and fun, but it is not permitted in the residential zoning district.

Mr. Karpovich replied he is aware of it now.

The Special Magistrate stated he appeared before the Special Magistrate two years ago and it was brought to his attention at that time.

Mr. Karpovich stated he had never rented out a golf cart in his life, but this year he had his golf cart and had a neighbor who needed to get rid of her two golf carts. He stated he owns four carts

and has two from his neighbor that he has to get off the property. He stated his friend wanted to rent them out, so he went down and put an ad in the paper, and did not realize it was a big deal.

The Special Magistrate stated Mr. Karpovich paid to have the ad put in the paper, but stated he is not renting and this is inconsistent; and he was informed two years ago that he could not rent out golf carts. She asked if he had seen the photographs depicting the six golf carts and whether it was his testimony that they were not there anymore.

Mr. Karpovich replied they were there, but he had parked everything and ceased renting them when he received the second letter. He asked how many vehicles are allowed at a home.

The Special Magistrate stated he would need to contact the district he lives in to find that out.

Mr. Karpovich stated he was told before that there was no restriction as long as they were along the driveway and on his carport.

The Special Magistrate stated that it could be a neat and clean issue.

Mr. Karpovich stated he put the ad in the paper and thought he was going to make beer money, but now the State Tax Revenue office is after him. He stated he understands now that if you rent one cart, it is a business, but because everybody does it, it does not make it right.

The Special Magistrate stated to keep to the facts of the case because her jurisdiction is limited, and all she can legally look at is the facts presented by staff and the owner, and not other cases.

Mr. Karpovich stated he contacted a contractor the same day that he received a visit from the Code Enforcement officers.

The Special Magistrate stated the permitted roof is in compliance. She stated he does have due process and a right to speak and she wants to hear everything he has to say that is relevant. She asked about the tools and personal items that are lying around.

Mr. Karpovich stated he does have a lot of stuff in his carport, and he contacted a contractor to address building a garage. He stated the contractor had dropped papers off at the permit office and advised him to go down and sign the papers.

The Special Magistrate stated that it was his responsibility as a homeowner to know what the Town's rules were. She asked Mr. Karpovich how long he thinks he would need to come into compliance.

Mr. Karpovich stated he was surprised it was taking so long.

The Special Magistrate asked staff how long it would take to get permits if the plans are in order and he gets ARC approval.

Mr. Karpovich stated he spoke with Officer Hoos yesterday and he told him if he drives by and sees golf carts there, he was going to deem him in business. He stated he has golf carts there that have not been moved for a couple of weeks.

The Special Magistrate stated she can only rule on whether he was in violation of the Code as it exists at the time and give him time to come into compliance, and that a fine will be applied if he does not come into compliance within that timeframe. She stated the Code Enforcement officer is the one with the authority to determine if a violation exists or continues to exist, and they need to have evidence.

Senior Code Enforcement Officer Cindy Diemer stated it will only take several weeks if the paperwork is in order. She stated you have six months from the last inspection once the permit is issued, and once the permit is issued, staff will yield to the permit process. Ms. Diemer stated in regards to selling what is on hand, it will be very difficult because of past history. She stated Mr. Karpovich may want to sell them on consignment somewhere else.

The Special Magistrate stated the burden would be on staff to prove that it is a business.

Ms. Diemer replied that it would be.

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

***Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-4724, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Ch. 9-2 (h)(1) – Outside Storage; Ch. 9-3 (d) – Home Occupations prohibited; Code of Ordinances Ch. 17-26 (e) – Prohibited Motor Vehicle Maintenance; and Ch. 8-26 – Business Tax Receipt Required. The owner has 30 days to come into compliance for the 2014 violations 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.***

The Special Magistrate asked the property owner to contact staff when the property comes into compliance.

Ms. Diemer stated she has an issue with the outside storage and it needs to be addressed until the garage is completed.

Mr. Karpovich stated he cleaned it immediately and he was going to get a privacy screen but found out he needed a permit. He stated the contractor is going to get a POD for storage while building the garage.

The Special Magistrate stated the property owner has 30 days to come into compliance, and needs to contact staff to come out and check for compliance.

**4. Case No. 14-4753 – 212 Longview Avenue – Green Planet Servicing LLC (Kenneth J. Drape Estate) – Town of Lady Lake Code of Ordinances Ch. 20-78 – Abandoned Property Registration**

Code Enforcement Officer Donald Hoos presented the background on this case. He stated that the owner of the property is Green Planet Servicing, LLC, in care of Ira Scot Silverstein LLC, of Ft. Lauderdale, Florida. The alternate key number is 1818940.

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. An initial inspection was done on March 12, 2014, and a copy of the violations was e-mailed to the plaintiff attorney.

Mr. Hoos stated a Notice of Hearing was mailed via certified and first class mail to Green Planet Servicing LLC in care of Ira Scot Silverstein LLC, on March 19, 2014. A revised Notice of Hearing was mailed via certified and first class mail to the plaintiff's attorney and homeowner on April 14, 2014, and the certified mail receipt was returned on March 29, 2014 signed by Sandak. The property was posted April 17, 2014,

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. 14-4753, 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.*

**5. Case No. 14-4734 – 202 Ann Street – John W. Stockwell – Town of Lady Lake Code of Ordinances Ch. 7-67 – High Grass, Junk and Trash; and Ch. 20-20 (a)(1) – Mildewed Exterior**

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by John W. Stockwell of Leesburg, Florida, and is registered as alternate key number 2609567. This property is in violation of the Town of Lady Lake's Code of Ordinances Chapter 7-67 for high grass and weeds; Chapter 20-20 (a) (1) for

property maintenance, mold and mildew on exterior of mobile home; and Chapter 7-67 for outside storage of junk and debris.

Mr. Hoos reported that an initial inspection of the property was conducted on March 5, 2014 and the violations were noted. On this same date, a courtesy notice was mailed via certified and first class mail to the owner of record. A re-inspection done on April 23, 2014 showed no work had been done.

A Notice of Hearing was mailed via certified and first class mail to the owner of record on April 23, 2014, and personally served on April 28, 2014 to Shelika Wilburn. The certified mail receipt was returned on April 29, 2014 signed by Jeffrey Vigneau. The property was posted on April 28, 2014. Photos were entered as evidence.

The Special Magistrate asked if there was anyone else present who would like 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. 14-4734, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 7-67 – High Grass, Junk and Trash; and Ch. 20-20 (a)(1) – Mildewed Exterior. The owner has 20 days to come into compliance for the 2014 violations or a fine of \$25.00 per day will begin to accrue on the 21st 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.*

**6. Case No. 14-4728 – 923 Orchid Street – Nationstar Mortgage LLC (Jace Ann Michael) – Town of Lady Lake Code of Ordinances Ch. 20-78 – Abandoned Property Registration**

This case has come into compliance.

**7. Case No. 14-4841 – 927 Jacaranda Drive – Brian J. Holley – Town of Lady Lake Code of Ordinances Ch. 17-26 (b) – Prohibited Parking of Commercial Trailer**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated Lake County records show the property is owned by Brian J. Holley of the same address, and is registered as alternate key number is 2945583. This property is in violation of the Town of Lady Lake's Code of Ordinances Chapter 17-26 (b) for parking of commercial vehicles in residential neighborhood.

Ms. Diemer reported that a proactive inspection of the property was conducted on April 16, 2014 and a commercial trailer was parked in a residential neighborhood. On the same day, a courtesy

notice was mailed to the property owner. A re-inspection was conducted on April 23, 2014 and the trailer was still on the property.

Ms. Diemer stated the Notice of Hearing was mailed April 23, 2014 via certified and first class mail to the property owner, and the certified mail receipt was returned on April 29, 2014 signed by Courtney Holly. The property was posted on April 29, 2014. She stated there has been no contact with the property owners. Photos were entered as evidence.

The Special Magistrate asked when the last inspection of the property was conducted.

Ms. Diemer replied she went by the other day and the trailer was still there.

The Special Magistrate asked if there was anyone present who would like 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. 14-4841 she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 17-26 (b) – Prohibited Parking of Commercial Trailer. The owner has 25 days to come into compliance for the 2014 violations or a fine of \$25.00 per day will begin to accrue on the 26th 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.*

**8. Case No. 14-4836 – 208 Ann Street – Adam J. Stone – Town of Lady Lake Code of Ordinances Ch. 7-67 – Junk on Premises – On Trailer, Piles of Brush, Tires, Etc.**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated Lake County records show the property is owned by Adam J. Stone of the same address, and is registered as alternate key number is 2653281. This property is in violation of the Town of Lady Lake's Code of Ordinances Chapter 7-67 for garbage and junk stored on the exterior of the property and high grass.

Ms. Diemer reported that an initial inspection of the property was conducted on April 9, 2014 and the violation was noted. A courtesy notice was mailed via certified and first class mail to the owner of record on April 10, 2014. A re-inspection done on April 21, 2014 showed no work had been done.

Ms. Diemer stated a Notice of Hearing was mailed via certified and first class mail to the owner of record on April 23, 2014, and the certified mail receipt was returned unclaimed on May 16, 2014. The property was posted on April 29, 2014. She stated there has been no compliance and no contact has been received or made with the property owner or occupants. Photos were entered as evidence.

The Special Magistrate asked if there was anyone present who would like 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. 14-4836 she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 7-67 – Junk on Premises – on Trailer, Piles of Brush, Tires, etc. The owner has 25 days to come into compliance for the 2014 violations or a fine of \$25.00 per day will begin to accrue on the 26<sup>th</sup> 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.*

**9. Case No. 14-4822 – 125 Tara Oaks Cir. – Lady Lake Crossing LLC – Town of Lady Lake Land Development Regulations Ch. 16-52 – Building Permit Violations**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated Lake County records show the property is owned by Lady Lake Crossing LLC, in care of Aspen Square Management of Springfield, MA. The alternate key number is 1111285.

This property is in violation of the Town of Lady Lake's Land Development Regulations Chapter 16-52 for building permit required for work that was not renewed after failing inspection on January 4, 2013, (Permit Number 12-1322). She stated the permit was for a sink installation and all attempts to have the contractor Jet Rooter correct the violations were noted on the initial inspection.

Ms. Diemer reported the initial inspection was conducted on April 9, 2014, when the permit was issued, and it was noted that the \$50.00 re-inspection fee was not paid and the six month time limit had expired. She stated she called David Sierra of Jet Rooter who had pulled the original permit, and there was no action by the plumber to correct it as of April 23, 2014.

The Special Magistrate asked what he said when she called him.

Ms. Diemer stated Jet Rooter pulled the permit, and gave the Power of Attorney to Tom Geromanos of Brownie's Septic. She stated the phone number and e-mail address was also of Brownie's Septic. She stated she called Brownie's first and spoke with Derek Woodruff, the owner, and told him that Tom Geromanos had pulled a permit under Jet Rooter's license, and he stated he did not know anything about it, and the person did not work there anymore. She stated after that, she called David Sierra who is the owner of Jet Rooter and whose license was used to pull the permit to let him know the original permit had expired and also had a failed inspection. Ms. Diemer stated a re-inspection fee has to be paid to have the work re-inspected to make sure

it is done to Code, and then they need to call for a final inspection. She stated there is an outstanding re-inspection fee, and the expired permit needs to be corrected, as well.

A Notice of Hearing was mailed via certified and first class mail to the registered agent for the property owner on April 23, 2014 and the certified mail receipt was received on May 14, 2014 signed by Randy. Ms. Diemer stated she spoke with Ashley Motes at the Carmendy Square rental office on April 29, 2014 and e-mailed her a copy of the case file which included the Notice of Hearing. She stated she advised her that the property owner was responsible for compliance if the contractor is in violation.

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. 14-4822, she did find that the owner was in violation of the Town of Lady Lake Land Development Regulations Chapter 16-52 for Building Permit Violations. The owner has 30 days to come into compliance for the 2014 violations 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.***

## **ADJOURN**

With no other business to discuss, the meeting was adjourned at 11:20 a.m.

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Julia Wolfe  
Staff Assistant to Town Clerk

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Valerie Fuchs  
Special Magistrate

Transcribed by Julia Wolfe, Staff Assistant to Town Clerk