

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

**August 26, 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; and Julia Wolfe, Staff Assistant to the Town Clerk

**Also Present:** Commissioner Paul Hannan

**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.

**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 three cases on this morning's agenda have come into compliance prior to the meeting: Item #1, Case No. 13-4321, Item #2, Case No. 13-4294 and Item #4, Case No. 14-4831.

**Approval of June 24, 2014 Minutes**

Special Magistrate Valerie Fuchs accepted the June 24, 2014 meeting minutes into the record as presented.

**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**

This case has come into compliance.

**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**

This case has come into compliance.

**NEW BUSINESS:**

**3. Case No. 14-4786 – S. Hwy 27/441 – BBC Investments II LLC – Town of Lady Lake Land Development Regulations Ch. 16-52 – Permits Required; Town of Lady Lake Code of Ordinances Ch. 20-52 – Exterior Appearance Blighting Factor; Ch. 20-51 – Exterior Appearance of Fence and Building**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated Lake County records show the property is owned by BBC Investments II, LLC, DBA Lady Lake Auto Salvage of Umatilla, Florida, and is represented by Attorney Joseph Hanratty. The property is found to be in violation of the Town of Lady Lake's Land Development Regulations Chapter 16-52 for permits required and Town of Lady Lake's Code of Ordinances Chapter 20-52 for exterior appearance blighting factor, and Chapter 20-51 for exterior appearance of fence and building. Ms. Diemer stated the property encompasses several alternate key numbers and the violations are throughout, the alternate key numbers are 1698928, 1121094, 3842065, 1698936, and 1015049.

The Special Magistrate stated there are only four alternate key numbers and number 1015049 is not listed on the proposed order.

Ms. Diemer stated she referenced some of the things that were involved and wanted to cover her bases to make sure on the proposed order.

Ms. Diemer stated the property is owned by BBC; the registered agent is Brandy Sailor and Mr. Hanratty is their attorney. She stated Mr. Hanratty has been in contact with staff over a variety of issues over time.

Ms. Diemer stated an inspection was made on December 3, 2013 regarding other cases related to this property, and these violations were noted and cited under Case Number 14-4786 for the violations of property maintenance and building permits. The building is in need of paint, the wooden perimeter fence is in disrepair and needs to be repaired, painted or replaced. She stated the building permits were required for a new window, a modification of a chain-link fence on the south side that had been permitted, but the gate installation requires a separate permit. Ms. Diemer also stated an expired permit for a slab needed to be renewed, however since the slab was not built according to the permit specs, it needed a new permit with the actual dimensions or modified dimensions to reflect the as built. She stated the building permit at that time was Permit No. 12-426, and it was approved for a 3,700 sq. ft. concrete slab on April 9, 2012.

Ms. Diemer stated the improvement was accepted through the approval process with outside agencies; however when the inspection was made on April 4, 2012, the Building Official noted that the slab was not according to plans and failed since the slab was not built to the 3,700 sq. ft. but was actually approximately 4,600 sq. ft. The inspection fee of \$50.00 is due. Ms. Diemer stated the permit expired after six months with no corrections made or new permit pulled. She stated this would require a missed inspection policy to be followed and the permit would either need to be renewed or the slab cut down to the approved size. She stated the St. John's Water Management District (SJWMD) and Department of Environment Protection (DEP) have been undecided for quite some time as to which agency will approve and what additional requirements, if any, would be needed due to the excessive size of the slab.

The Special Magistrate stated it does not sound like they are unusual permits to obtain.

Ms. Diemer stated the only issue is the concrete slab. She stated several letters have been sent out as follows:

January 28, 2014 - A letter was sent to the property owner and the attorney regarding the various violations and the alternate key numbers which are related.

April 16, 2014 - A letter was sent to the property owner and the attorney regarding the unresolved issues of the various building permits and the property maintenance violations.

July 23, 2014 - A letter was sent to the property owner and the attorney regarding the two tabled cases that will be heard with the current case, and it was done by certified mail and was unclaimed.

July 28, 2014 - A letter was sent to the property owner and the attorney that the tabled cases were in compliance and only Case No. 14-4780 would be heard today.

July 31, 2014 - Notice of Violation/Notice of Hearing was mailed via certified and first class mail and that was received.

Ms. Diemer stated that staff has been in frequent contact with Mr. Hanratty about the above issues. Photos were reviewed and entered as evidence.

Joseph Hanratty, Attorney for BBC Investments II, LLC, stated they are in the process of trying to get the permits. He clarified there are four issues: 1) permit for the window that was installed, 2) permit for the gate that was put in the existing fence, 3) permit for the slab, and 4) fence permit. He stated the new window and the gate issue are things they can easily remediate. He stated the wood fence and the slab are tied to the State and they have finished their survey and the engineers are working on submitting. Mr. Hanratty stated they are going to replace the fence with a wall and put the slab permit with the Water Management District and if they get their approval, then they will get the permit for the wall to replace the fence and the slab.

Mr. Hanratty requested a 60 day extension in order to get the approval from the State agency.

The Special Magistrate clarified that Mr. Hanratty is requesting 60 days and asked if it will allow sufficient time to correct the other two violations.

Mr. Hanratty replied the fence probably will not be done in the 60 day period, but they will probably have it permitted and be in the process of replacing it with the wall.

The Special Magistrate stated she feels the 60 days would be reasonable and the order is written with a finding of guilt and allows reasonable time to come into compliance with the issues with the State. She stated if they need additional time, that needs to be discussed today.

Mr. Hanratty asked if he could get 90 days for the wall and 60 days for everything else.

The Special Magistrate stated she could do that and asked staff if they prefer to allow 90 days for everything.

Ms. Diemer stated she understands they are trying to make it convenient to pull one permit for the slab and also replace the wooden fence with a wall. She stated it is possible to separate the

two and just get the permit for the wall while they are still working on the issue with the slab, and that might make it go a lot quicker. She stated she was unsure how long it is going to take them to get the slab.

Mr. Hanratty stated he thinks the wall will require a Water Management permit as opposed to the fence because it has an area of displacement.

The Special Magistrate asked staff how much notice they need before the hearing.

Ms. Diemer replied they need 10 days.

The Special Magistrate asked Mr. Hanratty to come in and ask for a hearing if they are not in compliance by the 60 days.

Ms. Diemer stated the meeting is scheduled for October 28, 2014 and she needs to give notice by October 16<sup>th</sup>.

The Special Magistrate asked staff for their recommendation on the case.

Ms. Diemer replied that a fine of \$25.00 per day should be assessed if they are not in compliance.

*Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-4786, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Ch. 16-52 – Permits Required; Code of Ordinances Ch. 20-52 – Exterior Appearance Blighting Factor and Ch. 20-51 – Exterior Appearance of Fence and Building. The owner has until October 16, 2014 to come into compliance for the 2014 violations or a fine of \$25.00 per day will begin to accrue on the October 17, 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.*

**4. Case No. 14-4831 – 312 S Hwy 27/441 – Lady Lake Dollar LLC – Town of Lady Lake Code of Ordinances Ch. 8-200(a) – False Alarm Response Fee**

This case has come into compliance.

**5. Case No. 14-4729 – 311 Magnolia Way – Federal National Mortgage Association – Town of Lady Lake Code of Ordinances Ch. 20-78 – Abandoned Property Registration for 2014**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated Lake County records show the property is owned by Juan Martinez and is being foreclosed on by Federal National Mortgage Association, in care of Butler & Hosch PA of Orlando, Florida. The alternate key number is 2812737.

Ms. Diemer 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. She stated they e-mailed the attorney on March 3, 2014, notifying them that when the property is vacant a \$150.00 registration fee is due. She stated a les pendens notice was received that the property was in foreclosure for case number 2013 CA 003299. She stated the attorney advised they will take care of the property on June 25, 2014.

Ms. Diemer stated a Notice of Hearing was mailed via certified and first class mail to Federal National Mortgage Association, in care of Butler & Hosch PA, on July 23, 2014, and the certified mail receipt was returned unclaimed on July 23, 2014. The property was posted August 7, 2014. She stated the property is still vacant at present and staff has not received the registration. Photos of the posting were entered as evidence.

The Special Magistrate noted there was no one present to speak on this case.

***Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-4729, 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.***

**6. Case No. 14-4963 – 104 Lakeview Ave. – US Bank Nat. Association – Town of Lady Lake Code of Ordinances Ch. 20-78 – Abandoned Property Registration for 2014**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated that the owner of the property is James and Lisa Bass and is being foreclosed on by US Bank National Association, in care of Shapiro, Fishman & Gauche of Tampa, Florida. The alternate key number is 1260515. She stated the property was vacated in relation to the foreclosure case 2014 CA 001310, and the lis pendens was filed on July 1, 2014.

Ms. Diemer 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 July 9, 2014, and the property has not been registered.

Ms. Diemer stated a Notice of Hearing was mailed via certified and first class mail to US Bank National Association, in care of Shapiro, Fishman & Gauche and the owner, and it was received. The property was posted on July 9, 2014. Photos of the posting were entered as evidence.

The Special Magistrate noted there was no one present to speak on this case.

***Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-4963, 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.***

## **ADJOURN**

With no other business to discuss, the meeting was adjourned at 10:53 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