

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

January 24, 2017

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 10:32 a.m.

TOWN STAFF PRESENT: Michelle Bilbrey, Code Enforcement Officer; Thad Carroll, Growth Management Director; and Carol Osborne, Staff Assistant to Town Clerk.

CALL TO ORDER: Valerie Fuchs, Special Magistrate, called the meeting to order at 10:32 a.m.

PLEDGE OF ALLEGIANCE

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

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 explained that staff will present their case and testimony, and she will ask any questions she deems necessary. At that time the owner or interested party will be able to present their testimony or evidence, and staff will have an opportunity to rebut. The case will be closed for public comment and she will render her decision on each of the cases.

The Special Magistrate asked if there are any changes to the agenda.

Code Enforcement Officer Michelle Bilbrey replied that there are no changes to today's agenda.

Approval of November 15, 2016 Minutes

The Special Magistrate signed and accepted the November 15, 2016 meeting minutes into the record as presented.

NEW BUSINESS:

1. Case No. 16-6181 – 482 Winners Cir. – Sharon D. St. Cyr. – Town of Lady Lake Land Development Regulations Chapter 16-52 – Building Permit Required; Town of Lady Lake Code of Ordinances Chapter 20-20 (a)(6) – Window Door Maintenance; and Chapter 7-46 – Unlawful Storage of Junk/Debris.

Code Enforcement Officer Michelle Bilbrey presented documentation and photographs of the first case to the Special Magistrate. She presented the background summary for this case as follows:

- November 3, 2016 – Code Enforcement Officer noticed this property has multiple violations; photographs were taken.
- November 7, 2016 – Code enforcement case was opened citing the following violations: Town of Lady Lake Land Development Regulations Chapter 16-52, Building Permit

Required; Town of Lady Lake Code of Ordinances Chapter 20-20 (a)(6), Property Maintenance-Window/Door Maintenance; and Town of Lady Lake Code of Ordinances Chapter 7-46 for Unlawful Storage of Junk/Debris.

- November 7, 2016 – A Courtesy Notice was mailed via certified mail to the registered owner as indicated by the Property Record Card. The notice was returned unopened, marked “No Mail Receptacle; Unable to Forward”.
- November 21, 2016 – Per the Town of Lady Lake Water Department, they received notification the owner was deceased as of April 2016, and no water is currently turned on at the home.
- A search of the Lake County court records did not reveal a death certificate or a probate case.
- In an attempt to determine if the home was occupied, Code Enforcement Officer Bilbrey contacted Duke Energy and was advised the power has been on since September 15, 2016. They would not provide a name of the person who requested this.
- November 21, 2016 – A re-inspection of the property was conducted and the property remains non-compliant. Code Enforcement Officer Bilbrey was unable to determine occupancy; the Town of Lady Lake Land Development Regulations Chapter 14-10 (a)(2) - Water Connection Required was added to the list of violations.
- November 21, 2016 – A Statement of Violation was mailed to the owner via certified mail, and regular USPS mail. A copy of the Statement of Violation was posted to the site on this date. An Affidavit of posting was completed; both notices sent through the mail were returned unopened and marked “Return to Sender – Vacant; Unable to Forward”.
- December 6, 2016 – A re-inspection of the property was completed and the property remained non-compliant. Code Enforcement Officer Bilbrey spoke with a neighbor who stated she believed the home was vacant. The Notice of Hearing was posted to the site, and a copy was posted at Town Hall. An affidavit of posting was completed.
- January 11, 2017 and January 23, 2017 – Subsequent site inspections were conducted and the property remains non-compliant.

Ms. Bilbrey stated it has been reasonably determined that the property is vacant and the Violation of “Water Connection Required” is being removed from the list of violations. She stated there was speculation that the front door of the residence was being replaced without a permit due to the wood covering being removed. Upon further inspection, it was discovered the door is intact and the Property Maintenance – Window/Door Maintenance violation is being removed from the list of violations.

Ms. Bilbrey reported that further investigation of the building department records has revealed that no permit was applied for or issued for the enclosure of the garage. Because a building permit is required for this conversion, the room needs to be converted back to a garage. She noted that although the property appears vacant, there has been changes to the entry way and are noted on site visits, and each of the posted notices have been removed a few days after posting occurred.

The property is currently assessed at \$51,034 per the Lake County Property Appraiser.

Staff’s recommendation is to find the owner/agent in violation of the Town of Lady Lake Land Development Regulations Chapter 16-52 - Building Permit Required, and the Town of Lady Lake Code of Ordinances Chapter 7-46 - Unlawful Storage of Junk/Debris; and afford the property owner or their agent 30 days to successfully bring the property into compliance or a fine of \$25 per day be assessed thereafter for each day the violation continues to exist.

The Special Magistrate stated the original notice regarding the building permit was for the door, which is now in compliance. She stated that further in the timeline, Ms. Bilbrey noted a permit was required for the enclosed door on the garage and asked if the property owner was notified of this.

Ms. Bilbrey stated the notice was for both doors.

The Special Magistrate clarified the notice states “doors”; in the pictures both doors are covered with wood, both requiring permits, and one door has come into compliance.

The Special Magistrate asked if there was anyone in attendance regarding Case No. 16-6181 for property situated at 482 Winners Circle, owner Sharon D. St. Cyr.

There was no one in attendance.

Special Magistrate Valerie Fuchs stated that based on the information, evidence and testimony including all of the photographs presented on Case No. 16-6181, and there being no other information to refute, she did find the owner is in violation of the Town of Lady Lake’s Land Development Regulations Chapter 16-52 - Building Permit Required, for the garage that was enclosed without a permit, and Chapter 7-46 - Unlawful Storage of Junk/Debris. The corrective action is for the owner to obtain the building permit from the building department for the improvements, additions and demolition, and the junk and debris needs to be removed from the front yard and out of the public view.

The owner has 30 days to come into compliance or a fine of \$25.00 per day will begin to accrue on the 31st day. This order will be recorded as a lien on the property if not paid. An administrative fee of \$87 is imposed for costs associated with this case to be paid within ten days of this hearing 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.

OLD BUSINESS

2. Case No. 15-5741 – 1606 Cog Hill Dr. – Judith L. Parker, Life Estate – Town of Lady Lake Land Development Regulations Chapter 16-52 – Building Permit Required.

The Special Magistrate stated when this case was brought before her in November 2016, she stated this may pose a conflict of interest because the property owner would be obtaining approval from The Villages Architectural Review Committee and she represents the district governing body for The Villages.

Code Enforcement Officer Michelle Bilbrey stated this case is brought before the Special Magistrate today because the homeowner has decided to remove the room that is located within the setback/easement, and will not be going before the ARC for approval. At the November hearing, the homeowner was given a timeframe to come into compliance or resolve the issue, and neither of these has been done. Ms. Bilbrey stated that based on the fact that the homeowner is not going before the ARC, she believes there is no conflict of interest in this case.

The Special Magistrate stated she personally remains unbiased in all cases that come before her. She explained her interpretation of the conflict of interest rules is when a case is brought before the

Trier of Fact, the defendant could perceive the Trier of Fact as biased and will impose stricter penalties. She stated this is the first time a conflict of issue has come before her, and she does not feel comfortable hearing this case at this time. She apologized to the parties who were in attendance regarding this case.

Ms. Bilbrey stated this case will be tabled and an alternative special magistrate will hear this case.

ADJOURN: There being no further discussion, the meeting was adjourned at 9:48 a.m.

Carol Osborne, Staff Assistant to the Town Clerk

Valerie Fuchs, Special Magistrate

Minutes transcribed by Carol Osborne, Staff Assistant to the Town Clerk