

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

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

May 16, 2017

The special 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: Michelle Bilbrey, Code Enforcement Officer; Thad Carroll, Growth Management Director; Wendy Then, Town Planner; and Carol Osborne, Staff Assistant to Town Clerk

OTHERS PRESENT: Eric Vidler, Scott Lester, and Andrew Lester

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

Approval of April 25, 2017 Minutes: The Special Magistrate signed and accepted the April 25, 2017 meeting minutes into the record as presented.

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, which may include photographs that defendants have a right to see if it pertains to their case, 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, the Special Magistrate will ask any questions if need be 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 were any changes to the agenda.

Code Enforcement Officer Michelle Bilbrey stated Case No. 17-6331 has come into compliance, and she stated the business owner is no longer at the address regarding Case No. 17-6354, therefore the violation no longer exists.

The Special Magistrate confirmed with Ms. Bilbrey that the property owners for Case No. 17-6344 and Case No. 17-6361 are present, and these cases will be heard first.

NEW BUSINESS

Code Enforcement Officer Michelle Bilbrey presented the documents for the cases on today's agenda to the Special Magistrate.

1 **1. Case No. 17-6344 – 418 Winners Circle – Vidler Twin Properties, LLC – Town of Lady**
2 **Lake Land Development Regulations Chapter 16-52 – Building Permit Required**
3

4 Code Enforcement Officer Michelle Bilbrey presented the background summary for this case as
5 follows:
6

- 7 • March 29, 2017 - While visiting the area, this property was noticed to have multiple code
8 violations. A Courtesy Notice of Violation door hanger was left on this date and photos
9 were taken.

10 The following LDR's & Ordinances were cited:

- 11 ○ Town of Lady Lake Land Development Regulations Chapter 16-52 - Building Permit
12 Required
13 ○ Town of Lady Lake Code of Ordinances Chapter 7-46 - Unlawful Storage of Junk/
14 Debris
15 ○ Town of Lady Lake Code of Ordinances Chapter 20-64 - Property Maintenance-
16 Addressing/House numbers Required
- 17 • During the initial visit, it was thought that both the windows and the front door had recently
18 been replaced. A check of the Building Department records found no permit for either.
- 19 • March 30, 2017 – Ms. Bilbrey stated she received a telephone call from Eric Vidler, owner
20 of the home at 418 Winners Circle. During this conversation, Mr. Vidler made mention that
21 there were renters residing in the home. She stated each of the cited violations indicated on
22 the Courtesy Notice of Violation were discussed. During this conversation, Mr. Vidler
23 denied putting new windows in this home, but indicated that the front door had been
24 replaced. Ms. Bilbrey explained to Mr. Vidler that a permit was required for the door
25 replacement and directed him to the Lady Lake Building department to obtain a permit.
- 26 • April 13, 2017 - A re-inspection of the property was completed. The pile of debris at the
27 edge of the road was no longer present on this date. The violation of “Trash/Debris” was
28 removed from this case.
- 29 • April 17, 2017 - A Notice of Violation was sent via certified mail to the registered owner
30 listed on the property record card, Vidler Twin Properties, LLC. It contained the violations
31 still found to exist on this date: permit required and house numbers required. This notice
32 was signed for by Eric Vidler on April 27, 2017.
- 33 • April 24, 2017 - A re-inspection was conducted; the property remained non-compliant.
- 34 • April 24, 2017 - A Notice of Hearing was sent out via certified and regular mail. This notice
35 was signed for by Eric Vidler on April 27, 2017.
- 36 • May 1, 2017 - Ms. Bilbrey stated Mr. Vidler contacted her to discuss this case and the
37 violations he was being cited for. Mr. Vidler stated the house numbers had been affixed to
38 the home. He went on to advise that he had tried to pull a permit for the door as an
39 owner/occupant, but has been unsuccessful. He stated that he lived in the home at the time
40 that the door was replaced, and at that time had no intent on selling or renting the home. (It
41 is worth noting that he no longer resides in the home; it is currently tenant occupied. Per
42 Florida Statute 489.13 an owner/builder may pull a permit for work being done on a home in
43 which they occupy but in doing so are required sign an owner/builder affidavit stating they
44 will not sell or rent the home within 1 year). Mr. Vidler was instructed if he could obtain a
45 power of attorney from a licensed contractor who would pull the permit, that the contractor
46 could pick up the permit for him. Mr. Vidler stated that he would be coming to Town Hall
47 to pull a permit under those conditions.

- May 2, 2017 - A re-inspection was conducted. The house numbers were found to be affixed to the home on this date. The violation of “Addressing/House Numbers Required” was removed from this case.
- As of today’s date, the Building Department has not received an application for permit for the door.
- The home is currently assessed at \$61,337 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 Regulation Chapter 16-52 - Building Permit Required; impose an \$87 administrative fee, and afford the property owner or their agent 15 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 asked if there is anyone present to speak regarding this case.

Eric Vidler, co-owner of Vidler Twin Properties, stated he purchased the home in June 2015. At that time, it was his plan to live at that residence and had no intentions of renting it. He confirmed that he did replace the door without first obtaining a permit. He stated he attempted to apply for a building permit and was denied due to the fact that he does not live at the residence. When Ms. Bilbrey notified him that he could obtain a building permit through a licensed contractor via Power of Attorney, he contacted a friend who is a licensed contractor. Mr. Vidler stated, due to scheduling conflicts, the contractor could not follow through prior to today’s hearing. He assured the Special Magistrate the contractor will obtain the building permit within the next 30 days.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence on Case No. 17-6344, she did find that the owner was in violation of the Town of Lady Lake’s Land Development Regulations Chapter 16-52 – Building Permit Required. 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 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.

2. Case No. 17-6361 – 1147 W. Boone Court – Lester Scott – Town of Lady Lake Land Development Regulation Chapter 9-3(c) – Home Occupations Permitted; Chapter 9-3(d) – Home Occupations Prohibited; Chapter 5-4 – Zoning District Uses; Code of Ordinances Chapter 8-26 – Business Tax Receipt.

Code Enforcement Officer Michelle Bilbrey presented the background summary for this case as follows:

Ms. Bilbrey stated she received a complaint that someone was running a retail business from this location. An advertisement for the business was forwarded to Ms. Bilbrey via email from the complainant. The advertisement contained a website that contained information in regards to daily golf cart rentals with pricing. In addition, a Facebook page associated with the business contained information including the business address and type of business indicating the sales and rentals of golf carts.

1
2 Ms. Bilbrey stated the Facebook’s main page front page shows “Golf Cart Rentals and Sales” and
3 an address of 1147 W. Boone Ct., The Villages, 32159. She read the following excerpts from the
4 Facebook page:

- 5
6 ➤ “If you’re in need of a golf cart to rent or to buy look no further”
7 ➤ “Lester Golf Carts, here’s three words for you: ‘easy to deal with, pleasure to work with, felt
8 no pressure, satisfied with the price I paid and the quality for the golf cart I bought.”
9

10 Ms. Bilbrey read the following posts by the owner of the Facebook page:

- 11
12 ➤ “We’ve got six carts left for the month January, two for February, and one for March. Call
13 (phone number indicated) to reserve a golf cart today, and we can now accept credit cards.”
14 ➤ “Today marks eight complete months in business for us.”
15 ➤ “The Villages’ golf cart rental stores charge nearly double what we offer.”
16
17 • A search of Sunbiz.org found an active corporation for Lester Golf Carts. The business’
18 principal address was changed from 1147 W. Boone Ct. to 1009 Pine Ridge Dairy Rd. in
19 Fruitland Park on April 15, 2017 during the last corporation filing done with the State of
20 Florida. However, all advertisements indicate the business is located at 1147 W. Boone Ct
21 in Lady Lake.
22 • This property is zoned MX-8 – Mixed Residential Medium Density. This type of zoning
23 prohibits commercial uses.
24

25 The following LDR’s were cited:

- 26 • Town of Lady Lake Land Development Regulation Chapter 9-3(c) Home Occupations-
27 Permitted
28 • Town of Lady Lake Land Development Regulation Chapter 9-3(d) Home Occupations-
29 Prohibited
30 • Town of Lady Lake Land Development Regulation Chapter 5-4 Zoning District Uses
31 Zoning District Uses
32 • Town of Lady Lake Land Development Regulation Chapter 8-26 Business Tax Receipt
33 Required
34
35 • April 4, 2017 - A Courtesy Notice of Violation was mailed via certified mail to the
36 registered owner as indicated by the Property Record card. It was signed for by Scott Lester
37 on April 7, 2017.
38 • A site visit was conducted. There was no answer at the door; a business card was left. Ms.
39 Bilbrey stated while at the front door, she noticed the screen to the garage was partially
40 open. She observed two golf carts in the garage, one of which had a “Lester Golf Carts”
41 sticker. A photo was taken.
42 • April 24, 2017 – No response to the Courtesy Notice of Violation. A Notice of Hearing was
43 mailed via certified mail; it was signed for on May 2, 2017 by Scott Lester.
44 • May 15, 2017 – A courtesy phone call regarding the Special Magistrate hearing was made to
45 the business phone number. Ms. Bilbrey stated she spoke with Andrew Lester who is a
46 relative of Scott Lester. He advised Scott Lester was currently out of town. Ms. Bilbrey
47 stressed to Andrew Lester that someone should attend the hearing on behalf of Scott Lester.
48 • The property is currently assessed at \$117,274 per the Lake County Property Appraiser.

1
2 Staff's recommendation is to find the owner/agent in violation of the Town of Lady Lake Land
3 Development Regulation Chapter 9-3(c) Home Occupations-Permitted; Chapter 9-3(d)-Home
4 Occupations-Prohibited; Chapter 5-4 Zoning District Uses; and Chapter 8-26 Business Tax Receipt
5 Required, impose an \$87 administrative fee, and afford the property owner or their agent 30 days to
6 successfully bring the property into compliance or a fine of \$25 per day be assessed thereafter for
7 each day the violation continues to exist.

8
9 The Special Magistrate clarified with Ms. Bilbrey that they must cease doing business as this is a
10 prohibited business in the zoning district to be in compliance.

11
12 The Special Magistrate asked if there was anyone present to speak on this case.

13
14 Scott Lester, property owner, stated the only carts currently at his residence are for personal use.
15 He confirmed there is a sticker on them; the other carts are not on the premises. He stated they have
16 never tried to operate a business, even though it appears that way.

17
18 Mr. Scott Lester stated the Facebook posts are from friends and relatives who are out of state. He
19 believes they were trying to help them make it appear they have a successful business. He stated
20 some of the people have not visited The Villages.

21
22 The Special Magistrate stated the information on the Facebook page under the "About" tab is filled
23 out by the Facebook owner, not from a third party.

24
25 The Special Magistrate asked Mr. Lester the purpose of establishing an LLC if they are not selling
26 golf carts.

27
28 Mr. Scott Lester stated his son set it up; his son was told if someone had an accident and was hurt,
29 they could be sued; therefore, he incorporated to protect himself. His son used to live with him at
30 this location; he has moved. He stated anything they had is off site and he uses his golf carts to
31 travel around The Villages.

32
33 Andrew Lester stated the LLC was created for liability protection from people who rent golf carts
34 from our business.

35
36 The Special Magistrate clarified with Mr. Andrew Lester that they have a business renting golf carts
37 (not selling golf carts).

38
39 Mr. Andrew Lester stated due to Facebook business categories, his business had to be listed that
40 way (sales). He stated they do not sell (golf carts) because it is not profitable. He acknowledged at
41 one time they offered a rent-to-own program.

42
43 The Special Magistrate stated renting golf cart is considered a business.

44
45 Mr. Andrew Lester stated he is not denying that.

46
47 She stated she has heard one testimony that there was no business being run out of the home at all,
48 yet Mr. Andrew Lester is now testifying there was.

49
50 Mr. Andrew Lester stated they were in compliance prior to receiving written notification.
51

1 The Special Magistrate stated the Sunbiz information had, until recently, the address of the Boone
2 Ct. property as the business location. She stated it is evident with all of the information presented
3 and the testimony by Mr. Andrew Lester that he had operated a golf cart rental business from that
4 residential property at one time.

5
6 Mr. Andrew Lester stated he has revised his listings on Yelp, Facebook, Craig’s List and the LLC.
7 He noted that the business has a post office box in Lady Lake.

8
9 The Special Magistrate stated there has been testimony that there was a rental business at that
10 residence at one time, although it appears it is now in compliance due to relocation.

11
12 The Special Magistrate asked Ms. Bilbrey if she has any recent evidence proving the appearance of
13 non-compliance.

14
15 Ms. Bilbrey stated she cannot testify that the golf carts she witnessed on the property on April 13,
16 2017 were not for personal use. However, the online advertisements could still be drawing in
17 customers. Ms. Bilbrey stated, per Mr. Andrew Lester, the rented golf carts are delivered to the
18 Boone Ct. property for customers to pick up, and that needs to cease and desist. In addition, the
19 online advertising shows this address. Ms. Bilbrey emphasized no business needs to be taking place
20 out of that residence and she will continue to monitor the internet.

21
22 The Special Magistrate stressed to Mr. Lester no business can operate in a residential neighborhood.
23 If this case is brought before the Special Magistrate again, and it is proven that this business in any
24 way has continued to operate from this residential property, it is subject to a double fine as a repeat
25 violation.

26
27 *Special Magistrate Valerie Fuchs stated that based on the testimony and evidence on Case No.*
28 *17-6361, she did find that the owner was in violation of the Town of Lady Lake’s Land*
29 *Development Regulations Chapter 9-3(c) – Home Occupations Permitted; Chapter 9-3(d) – Home*
30 *Occupations Prohibited; Chapter 5-4 – Zoning District Uses; Code of Ordinances Chapter 8-26 –*
31 *Business Tax Receipt. Because it appears the owner has into come into compliance prior to this*
32 *hearing, no fine will be imposed at this time. An administrative fee of \$87 is imposed to be paid*
33 *within ten days of this date. The property owner will get a copy of this order.*

34
35 **3. Case No. 17-6283 – 309 W. Primrose Lane – Norcom Mortgage, c/o Brock & Scott, PLLC**
36 **– Town of Lady Lake Code of Ordinances Chapter 20-78 – Abandoned Property Registry**

37
38 Code Enforcement Officer Michelle Bilbrey presented the background summary for this case as
39 follows:

- 40
41
- 42 • January 18, 2017 - A search of the Lake County court records revealed a Lis Pendens was
43 recorded for this property.
 - 44 • February 8, 2017 - A site inspection was conducted and the home was found to be
45 abandoned/vacant.
 - 46 • April 11, 2017 - An email was sent as a courtesy to the attorney for the plaintiff at the email
47 address listed on the Lis Pendens. The email contained information in regards to the
48 Abandoned Property Registration filing requirement, and a link to the APR application.
 - 49 • April 13, 2017 - A Notice of Violation was mailed via certified mail to Norcom Mortgage
c/o Brock & Scott, PLLC. The notification included a copy of the Town of Lady Lake

1 “Abandoned Property Registration” (APR) form. It was signed for by Renee Lafayette on
2 April 19, 2017.

- 3 • May 1, 2017 - No APR had been received. A Notice of Hearing was mailed out certified
4 mail, bearing the hearing date of May 16, 2017. This notification was signed for by Renee
5 Lafayette on May 4, 2017
- 6 • May 1, 2017 - A copy of the Notice of Hearing was posted to the site. An affidavit of
7 posting was completed.
- 8 • May 11, 2017 - A re-inspection was conducted; the property was found to be vacant. There
9 is no current water usage at this location per the Town of Lady Lake Utilities Department.
10 The property remains non-compliant.
- 11 • The property is currently assessed at \$50,665 per the Lake County Property Appraiser.

12
13 Staff’s recommendation is to find the owner/agent in violation of Town of Lady Lake Ordinance
14 20-78 - Abandoned Property Registration and impose an \$87 administrative fee, and afford the
15 property owner or their agent ten days to correct the violation or a lien will be recorded for \$150.00
16 for the Abandoned Property Registration.

17
18 The Special Magistrate asked if there was anyone present to speak on this case. No one was
19 present.

20
21 *Special Magistrate Valerie Fuchs stated that based on the testimony and evidence on Case No.*
22 *17-6283, she did find that the owner was in violation of the Town of Lady Lake’s Code of*
23 *Ordinances Chapter 20-78 – Abandoned Property Registry. The owner has 10 days to come into*
24 *compliance by registering the property or a fine of \$150.00 will be recorded as a lien against the*
25 *property. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this*
26 *hearing date.*

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

31
32 **4. Case No. 17-6312 – 923 Jacaranda Drive – JP Morgan Chase Bank N.A. – Town of Lady**
33 **Lake Code of Ordinances Chapter 20-78 – Abandoned Property Registry**

34
35 Code Enforcement Officer Michelle Bilbrey presented documentation for this case to the Special
36 Magistrate. She presented the background summary for this case as follows:

- 37
38 • A search of the Lake County court records revealed the property is currently owned by JP
39 Morgan Chase Bank, NA. It was purchased through a Certificate of Title on February 01,
40 2017 and recorded in the Lake County Official Records in Book 4896, Page 1308.
- 41 • March 6, 2017 - A site inspection was conducted and the home was found to be
42 abandoned/vacant
- 43 • March 6, 2017 - A Courtesy Notice of Violation sent certified mail to the owner of record.
44 It was signed for by Wayne Spencer on March 14, 2017. The notification included a copy of
45 the Town of Lady Lake “Abandoned Property Registration” (APR) form.

- 1 April 27, 2017 - No APR had been received. A Notice of Hearing was mailed out certified
2 mail bearing the hearing date of May 23, 2017. This notification was signed for by Wayne
3 Spencer on April 20, 2017.
- 4 The Special Magistrate Hearing date was changed from May 23, 2017 to May 16, 2017.
- 5 An updated Notice of Hearing bearing the hearing date of May 16, 2017 was mailed out via
6 certified mail on April 26, 2017. It was signed for by Wayne Spencer on May 01, 2017.
- 7 May 11, 2017 - A re-inspection of the property was conducted. The property was found to
8 be vacant. There is no current water usage at this location per the Town of Lady Lake
9 Utilities Department. The property remains non-compliant.
- 10 The property is currently assessed at \$70,084 per the Lake County Property Appraiser
11

12 Staff's recommendation is to find the owner/agent in violation of Town of Lady Lake Ordinance
13 20-78 - Abandoned Property Registration and impose an \$87 administrative fee, and afford the
14 property owner or their agent ten days to correct the violation or a lien will be recorded for \$150.00
15 for the Abandoned Property Registration.

16
17 The Special Magistrate asked if there was anyone present to speak on this case. No one was
18 present.
19

20 *Special Magistrate Valerie Fuchs stated that based on the testimony and evidence on Case No.*
21 *17-6312, she did find that the owner was in violation of the Town of Lady Lake's Code of*
22 *Ordinances Chapter 20-78 – Abandoned Property Registry. The owner has 10 days to come into*
23 *compliance by registering the property or a fine of \$150.00 will be recorded as a lien against the*
24 *property. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this*
25 *hearing date.*
26

27 *The violator shall contact Code Enforcement to confirm compliance. The violator has a right to*
28 *request a hearing on the fine imposition by written request to the Town of Lady Lake within*
29 *twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard*
30 *by the Special Magistrate. The property owner will get a copy of this order.*
31

32 **5. Case No. 17-6331 – 750 Rolling Acres Rd – Ismail Akram & Bajaj Holdings LLC, Series 3**
33 **– Town of Lady Lake Code of Ordinances Chapter 20-20(c) – Property Maintenance**
34 **Residential Tree/ Vegetative Maintenance**
35

36 This case has come into compliance.
37

38 **6. Case No. 17-6354 – 213 Ann Street – 1 Above the Rest by Aneesa Perry c/o Aneesa Perry –**
39 **Town of Lady Lake Code of Ordinances Chapter 8-26 – Business Tax Receipt**
40

41 The business owner has is no longer at that address; the violation no longer exists
42

43 **ADJOURN:** There being no further discussion, the meeting was adjourned at 11:06 a.m.
44
45
46

47 _____
48 Carol Osborne, Staff Assistant to the Town Clerk

47 _____
48 Valerie Fuchs, Special Magistrate