

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

August 22, 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 10:30 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 10:30 a.m.

PLEDGE OF ALLEGIANCE

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

EXPLANATION OF PROCEDURE: Special Magistrate Valerie Fuchs waived the explanation of procedures since no one from the public was present.

SWEARING IN: The Special Magistrate requested the Code Enforcement Officer be sworn in.

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

Code Enforcement Officer Michelle Bilbrey stated Item #1-Case No. 17-6374 and Item #4-Case #17-6444 have come into compliance. She requested that Item #5-Case No. 17-6426 be tabled until the September 28, 2017 Special Magistrate meeting.

The Special Magistrate agreed to table Item #5 – Case No. 17-6426 until September 28, 2017.

NEW BUSINESS:

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

1. Case No. 17-6374 – 105 W. Hermosa Street – Edgar H Pretell – Town of Lady Lake Code of Ordinances Chapter 20-20(a)(4) - Residential Damaged Property Repair; Chapter 20-20(a)(1) - Property Maintenance Exterior Maintenance; Chapter 20-19(a)(1) & (2) - Property Maintenance General; and Town of Lady Lake Land Development Regulations 10-5(a) - Tree Removal Permit Required (Michelle Bilbrey)

This case came into compliance prior to the hearing/meeting.

2. Case No. 17-6471 – 412 Winners Circle – CFL Holdings, LLC – Town of Lady Lake Land Development Regulations Chapter 16-52 - Building Permit Required

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

- May 2, 2017 – Ms. Bilbrey reported she noticed a commercial dumpster present at the subject address while driving on Winners Circle. She stated it appeared as though interior renovations were being conducted though the residence appeared to be vacant. A photo was taken.
- July 17, 2017 – Ms. Bilbrey conducted a site inspection and took a photograph of the house. She stated upon comparison of the two photos it was noted that a new glass sliding door was installed between May 2, 2017 and July 17, 2017. Per the Lady Lake Building Department records, a permit was not obtained for the new glass sliding door.
- July 18, 2017 – A code enforcement case was opened citing the following Land Development Regulation:
 - Town of Lady Lake Land Development Regulation Chapter 16-52 – Building Permit Required
- July 18, 2017 – A Courtesy Notice/Statement of Violation and photos were mailed via certified mail to the registered owner, CFL Holdings, LLC, as indicated by the Property Record card.
- August 7, 2017 – A re-inspection of the property was conducted and the property remained non-compliant. No attempt had been made by the property owner or a contractor to obtain a permit for the door installation.
- August 7, 2017 – A Notice of Hearing was mailed via certified mail, and a copy of the Notice of Hearing was posted to the site on the sliding glass door. A photo was taken. Ms. Bilbrey reported there was a painter on site working on the home at the time of the posting. She inquired if he had means to contact the owner, and he replied that he did. Ms. Bilbrey requested that he relay the information regarding the notice posted to the site, and that her contact information was included on page two of the notice. An affidavit of posting was completed.
- August 22, 2017 – Ms. Bilbrey reported the mail sent to the property owner via certified mail have not been claimed. A check of the tracking numbers through the USPS website revealed both items are “available for pick up”, yet neither have been claimed or signed for to date. The building department has not received an application for a permit for the glass sliding door.
- The property is currently assessed at \$69,808 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 will be assessed thereafter for each day the violation continues to exist.

The Special Magistrate reviewed the file, and noted there is no one present to speak regarding this case.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 17-6471, she did find that the owner is in violation of the Town of Lady Lake Land Development Regulations Chapter 16-52 - Building Permit Required. The owner has 15 days to come into compliance or a fine of \$20 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.

3. Case No. 17-6414 – 309 Woodland Trail – Stavola Builders, Inc. – Town of Lady Lake Code of Ordinances Chapter 20-20(c) - Tree/ Vegetative Maintenance; and Chapter 7-67 - High Grass

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

- May 10, 2017 – Ms. Bilbrey reported that she received a complaint from a neighbor of the subject property. The complainant stated there is a dead tree on the property and she is concerned that it could fall on her home.
- May 10, 2017 - A site visit was conducted. Ms. Bilbrey stated this is a vacant lot, there is a large, dead tree in the middle of the property and it is a potential danger to the neighboring properties.
- May 10, 2017 - A code enforcement case was opened citing the following ordinance:
 - Town of Lady Lake Code of Ordinances Chapter 20-20(c) – Residential Tree/Vegetative Maintenance
- May 10, 2017 – A Statement of Violation and a photo of the subject property was mailed to the property owner, Stavola Builders, to the address indicated on the Lake County Property Record card
- June 5, 2017 – The notice was returned marked “unclaimed, unable to forward”.
- A search of the Sunbiz.org website found that Stavola Builders is an Inactive Corporation, citing Administrative Dissolution as of September 27, 2013. The address for the corporation and the property appraiser are the same.
- June 12, 2017 – A re-inspection of the property was conducted and the property remained noncompliant. A second Statement of Violation was mailed to the property owner via regular USPS mail delivery. Ms. Bilbrey noted that although there was no tracking number for this mailing, this notice was *not* returned as undeliverable.
- July 19, 2017 – A re-inspection was conducted and the property remained noncompliant. Ms. Bilbrey noticed that the grass and brush had grown considerably and did not meet the ordinance standards for compliance.
- The following ordinances were added to this case:
 - Town of Lady Lake Code of Ordinances Chapter 7-67 – High Grass
 - Town of Lady Lake Code of Ordinances Chapter 7-68 (a) – Notice to Abate
- July 19, 2017 – A Notice of Hearing was mailed via certified mail.
- July 20, 2017 – A copy of the Notice of Hearing was posted to the site; an affidavit of posting was completed.
- August 7, 2017 – A revised version of the Statement of Violation was sent via certified mail. It included the newly added violation of high grass and the Notice to Abate. This notice afforded the owner(s) 13 days to bring the property into compliance. A re-inspection of the property was conducted; the property remains noncompliant.
- All notices sent via certified mail were returned, unopened and marked as, “unclaimed”.
- August 17, 2017 - A re-inspection of the property was conducted; the property remains noncompliant.
- The property is currently assessed at \$16,750 per the Lake County Property Appraiser.

Staff’s recommendation is to find the owner/agent in violation of the Town of Lady Lake Code of Ordinances Chapter 20-20(c) – Residential Tree/Vegetative Maintenance, and Chapter 7-67 – High Grass, impose an \$87 administrative fee, and afford the property owner 14 days to bring the

property into compliance or abate for the aforementioned violation after the 14th day in order to bring the property into compliance.

The Special Magistrate reviewed the file, and noted no one from the public was present to speak regarding this case.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 17-6414, she did find that the owner is in violation of the Town of Lady Lake Code of Ordinances Chapter 20-20(c) - Tree/ Vegetative Maintenance; and Chapter 7-67 - High Grass. The owner has 14 days to come into compliance or the abatement action will be taken and will be recorded as a lien. 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. 17-6444 – 213 Ann Street – Deepak & Ela Ramchandani – Town of Lady Lake Land Development Regulations Chapter 16-52 - Building Permit Required

This case came into compliance prior to the hearing/meeting.

5. Case No. 17-6426 – 739 Sutton Street – Sun Communities Finance LTD c/o Kay Hawtin – Town of Lady Lake Land Development Regulations Chapter 16-52 - Building Permit Required

This case was tabled until the September 28, 2017 Special Magistrate meeting.

ADJOURN: There being no further matters to discuss, the meeting was adjourned at 10:43 a.m.

Carol Osborne, Staff Assistant to Town Clerk

Valerie Fuchs, Special Magistrate

Minutes transcribed by Carol Osborne, Staff Assistant to Town Clerk