

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

**October 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 10:30 a.m.

**TOWN STAFF PRESENT:** Michelle Bilbrey, Code Enforcement Officer; 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 August 22, 2017 Minutes:** The Special Magistrate signed and accepted the August 22, 2017 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 as this would be a violation of ex-parte rules, other than cases that have been continued from a public meeting. 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.

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

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

Code Enforcement Officer Michelle Bilbrey stated the following agenda items are now compliant:

Item #2 – Case No. 17-6426 – The structure was removed.

Item #3 – Case No. 17-6494 – The structure was removed.

Item #5 – Case No. 17-6508 – A portion of the structure was removed to bring it into compliance.

Item #6 – Case No. 17-6537 – Building permit acquired.

The Special Magistrate asked that agenda item #4 be heard first as there is someone present regarding this case.

Code Enforcement Officer presented documentation and photographs of this case to the Special Magistrate.

**4. Case No. 17-6499 – 464 S. Old Dixie Hwy – Christie Sherman – Town of Lady Lake Code of Ordinances Chapter 7-37 – High Grass, Garbage, Trash**

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

- July 18, 2017 – A complaint was received via the Lady Lake Police Department in reference to high grass/weeds at this location.
- July 19, 2017 – A site inspection was conducted; the property was found to be non-compliant and a code enforcement case was opened. The following ordinance was cited:
  - Town of Lady Lake Code of Ordinances Chapter 7-67 High Grass, Garbage, Trash
- August 8, 2017 – A Courtesy Notice door hanger was left with the property owner that stated “cut back weeds – (property) to be maintained in a safe and sanitary manner” and afforded the property owner one week to bring the property into compliance. Ms. Bilbrey stated she explained the violation to the property owner. She stated the property owner advised that she does not have a weed eater and cannot drive the lawn mower into the beds. The property owner stated that she had recently lost her job and is unable to purchase a weed eater. Ms. Bilbrey stated that she asked the property owner if knew someone from whom she could borrow a weed eater. The property owner stated that perhaps she could ask a neighbor.
- August 28, 2017 – A re-inspection of the property was conducted and the property remained non-compliant. A Statement of Violation was mailed via regular mail to the registered owner, Christie Sherman, as indicated by the Property Record Card.
- October 2, 2017 – A re-inspection of the property was conducted and the property remained non-compliant. During this visit, it was noted that a treadmill and a couch were now in the front yard. These items were not present at previous site visits. A second Statement of Violation was mailed via certified mail to the registered owner as indicated on the Property Record Card. Based on the addition of items present in the front yard, this notification gave an additional description of the violation as follows: “Tall grass in flower bed areas next to home, and in various locations throughout the yard are extremely overgrown. They need to be cut back and kept in a safe and sanitary manner. Household items in yard need to be properly disposed of.” This notice was signed for by C. Sherman on October 4, 2017.
- October 9, 2017 – A re-inspection of the property was conducted and the property remained non-compliant. A Notice of Hearing was mailed to the owner via certified mail and regular USPS mail. Per the tracking number, a delivery was attempted, but the certified mail has been unclaimed to date.
- October 23, 2017 – A re-inspection of the property was conducted and the property remained non-compliant.
- The property is currently assessed at \$19,040 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 7-37 - High Grass, Garbage, Trash, impose an \$87 administrative fee and afford the property owner or their agent 14 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 stated for the record that she has been presented with documents and photographs regarding this case, and asked if there was anyone present to speak on this case.

Christie Sherman, owner of the property located at 464 S. Old Dixie Hwy, stated her house flooded during Hurricane Irma and the couch was damaged. She stated she has to keep the couch for FEMA to inspect; she has spoken to the trash collection company and once the FEMA inspector has completed his site visit, the couch will be taken. She stated Ms. Bilbrey is correct about one very large flower bed and she has been cutting it with scissors trying to bring it into compliance, yet it is taking a little longer than the time provided by Ms. Bilbrey. Ms. Sherman stated she sees Ms.

Bilbrey drive by the house daily and she should see that she is working on it. She stated that there is a stump in the front yard with a hole around it and the Town was supposed to grind out the stump and because that has not happened, weeds are growing in that area. She has a riding lawn mower but cannot mow in the hole. Regarding the amount of correspondence Ms. Bilbrey reported that she mailed to her, Ms. Sherman stated that she received only one certified letter that she brought with her, and no other correspondence. She stated she received notice of another certified letter that was sent on the 20<sup>th</sup> that she signed for, yet it has not been delivered to her.

The Special Magistrate stated the Code Enforcement Officer must state for the record all of her attempts to contact the property owner. She stated Ms. Sherman is present today because she received proper notice.

Ms. Sherman stated she is working on cleaning up her property.

The Special Magistrate stated it appears as though Ms. Sherman is in agreement that there is an issue with the weeds and that there is furniture on the front lawn. The Special Magistrate stated that staff has recommended 14 days to bring the property into compliance and asked Ms. Sherman how much time she needs to bring her property into compliance.

Ms. Sherman stated Hurricane Irma arrived two days after Ms. Bilbrey talked with her about her property. She stated her house flooded and she has been ripping up carpet and laminate flooring; there is a leak in her roof and part of her ceiling was removed. She stated she felt those issues were what was important at the time. She stated FEMA made an initial site visit and denied her claim and she is in the process of appealing that decision. She stated she has to keep the couch until the inspector returns and that she did not want a moldy couch in her house so she removed it. She stated she moves the couch when she mows her lawn; the flower bed in question is nearly cleared. She stated that she has a bad arm and is doing her best.

The Special Magistrate stated she and staff empathize with Ms. Sherman's situation, yet as a homeowner, the property must be maintained.

Ms. Sherman stated she mows her lawn on a regular basis.

The Special Magistrate advised that the furniture must be moved out of view of the public.

*Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 17-6499, she did find that the owner is in violation of the Town of Lady Lake Code of Ordinances Chapter 7-67 - High Grass, Garbage, Trash. The owner has 14 days to come into compliance or a fine of \$25 per day will begin to accrue on the 15<sup>th</sup> day. This order will be recorded as a lien if not paid. In addition, the Special Magistrate waived the \$87 administrative fee due to Ms. Sherman's extenuating circumstances.*

*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:

1. **Case No. 17-6444 – 213 Ann Street – Deepak & Ela Ramchandi – 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:

- June 5, 2017 – Ms. Bilbrey reported while in the area of this property, she noticed that a new “handicap” ramp was recently built at the entry way to this home. The debris from the old stairs was placed roadside for trash pick-up. A check with the Lady Lake Building Department revealed that no permit was obtained for the new structure.
- June 12, 2017 – A code enforcement case was opened with the following Land Development Regulation was cited:
  - Town of Lady Lake Land Development Regulation Chapter 16-52 - Building Permit Required
- June 12, 2017 – A Courtesy Notice was mailed via certified mail to the registered owner as indicated by the Property Record Card, Thomas and Joan Warren. It was returned unopened, marked “unclaimed unable to forward”.
- June 27, 2017 – A re-inspection was conducted; the structure remained and no attempt had been made to obtain a permit. A check of the Lake County Property Appraiser records revealed that the home had a new owner. A warranty deed for on this property was recorded on May 9, 2017 to Deepak and Ella Ramchandani. A Statement of Violation was mailed regular USPS mail to the new registered owner as indicated by the Property Record Card.
- July 19, 2017 – A building permit application for this structure has not been submitted to the Lady Lake Building Department. A Statement of Violation was mailed to the registered owner via certified mail; this notice was signed for by Billy Flake on July 25, 2017.
- July 25, 2017 – Ms. Bilbrey stated that the property owner, Mr. Ramchandani, telephoned her and advised he attempted to obtain a building permit but he could not because he did not live in the home. She stated that Mr. Ramchandani referred his real estate agent to her and the agent called the building department twice in the past weeks and was informed both times the requirements for obtaining a building permit. To date, there is no permit in place. The property owner was directed to contact the contractor who built the ramp and have him apply for the permit or hire a contractor who will apply for the building permit. In addition, Mr. Ramchandani was informed that the ramp would need to be inspected by the building official and if it did not meet the Florida Building Code and the ADA requirements, the ramp may need to be altered. Ms. Bilbrey stated that she reminded Mr. Ramchandani that this is his responsibility as the property owner. He advised that he would have something to us by the end of the following week.
- August 7, 2017 – No contact from Mr. Ramchandani to date. A Notice of Hearing was mailed to the property owner via certified mail bearing the hearing date of August 22, 2017. It was signed for by Deepak Ramchandani on August 14, 2017.
- August 21, 2017 – Mark Rodriguez Construction, a State certified contractor, applied for a building permit for the ramp at 213 Ann Street. Based on the permit application in place, it was announced at the August 22, 2017 Special Magistrate hearing that this property was compliant at that time. Ms. Bilbrey stated that she spoke with Mr. Ramchandani on August 22, 2017 and explained that he needs to be certain that the permit process was completed or this case would be put back on the Special Magistrate agenda. He stated that he understood.
- This code enforcement case was left open in order to follow the status of the permit.
- September 20, 2017 – Ms. Bilbrey reported that the contractor, Mark Rodriguez, telephoned and advised that he wished to cancel the permit application.
- September 25, 2017 – Mr. Rodriguez provided a notarized statement to the Lady Lake Building Department advising that he wished to withdraw the permit for 213 Ann Street. A copy of this notarized statement is included in the case documents. Ms. Bilbrey stated she

discussed this action with Mr. Rodriguez and he advised that he was unhappy with the attempts for contact made by the property owner and, therefore, he would not be following through with the permit. Ms. Bilbrey contacted Mr. Ramchandani and advised him the permit had been withdrawn and that a new permit application would need to be submitted or the code enforcement case would move forward. Mr. Ramchandani stated that he was going to an attorney the following day and would be transferring the ownership of the property to the occupants via deed so they would then be able to apply for the permit as owners of the property. Ms. Bilbrey stated she advised him that the deed would need to be recorded for verification of owner/occupant status and that engineered plans are still required.

- October 2, 2017 – No further attempts to apply for a building permit had occurred. A Notice of Hearing was mailed via certified mail to the owner of record bearing the hearing date of October 24, 2017. It was signed for by Deepak Ramchandani on October 4, 2017.
- October 18, 2017 – Ms. Bilbrey stated she contacted Mr. Ramchandani for a status update. He advised, once again, that he is selling the property to the current occupant and offered a copy of the sales contract. Ms. Bilbrey explained that nothing short of a recorded deed would be helpful in this case. As of October 18, 2017, there was no recorded deed in the Lake County Records to reflect the sale of this property by Mr. Ramchandani. Ms. Bilbrey stated she strongly urged him to attend the Special Magistrate hearing on October 24, 2017, and he advised that he would not be able to, but that he would see if the occupant could attend the hearing.
- October 20, 2017 – Mr. Ramchandani left a voicemail message for Ms. Bilbrey informing her that the sale of the home was going to occur on the morning of October 23, 2017, and that a deed would be recorded.
- October 24, 2017 – Mr. Ramchandani telephoned Ms. Bilbrey informing her the sale of the property occurred on October 23, 2017. She stated that she requested a copy of the recorded deed, and that a copy of an *unrecorded* deed was forwarded to her via email. To date, there have been no new attempts to apply for a permit for the ramp structure at 213 Ann Street, and the structure remains at this site.
- The property is currently assessed at \$20,266 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, 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 documents, asked if there was anyone present to speak regarding this case, and noted there is no one present.

***Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 17-6444, 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 14 days to come into compliance or a fine of \$25 per day will begin to accrue on the 16<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.***

**NEW BUSINESS:**

**2. Case No. 17-6426 – 739 Sutton Street – Kay Hawtin – (Tabled from August 22, 2017) Town of Lady Lake Land Development Regulations Chapter 16-52 – Building Permit Required**

This case is now in compliance.

**3. Case No. 17-6494 – 608 Second Avenue – Dale Henry – Town of Lady Lake Land Development Regulations Chapter 16-52 - Building Permit Required**

This case is now in compliance.

**5. Case No. 17-6508 – 523 Jason Drive – Elmer and Grace Cherry – Town of Lady Lake Land Development Regulations Chapter 16-52 – Building Permit Required**

This case is now in compliance.

**6. Case No. 17-6537 – 1212 E. Schwartz Blvd. – Mark Voorhees – Town of Lady Lake Land Development Regulations Chapter 16-52 – Building Permit Required**

This case is now in compliance.

**7. Case No. 17-6538 – 440 Alma Street – Sherry Reeves Estate – Town of Lady Lake Code of Ordinances Chapter 7-67 – High Grass, Garbage, Trash; and Chapter 7-68(a) – Notice to Abate**

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

- September 7, 2017 – A citizen complaint was received via USPS mail stating this vacant property was in disrepair. A site inspection was conducted and a code enforcement case was opened. The following ordinance was cited:
  - Town of Lady Lake Code of Ordinances Chapter 7-67 - High Grass, Garbage, Trash
- September 7, 2017 – A Courtesy Notice was mailed via certified mail to the registered owner as indicated by the Property Record Card stating, “The grass needs to be cut back to meet Ordinance requirements. Property shall be kept in a safe and sanitary manner”. This notification was returned unopened, and was marked, “vacant unable to forward”.
- September 25, 2017 – A re-inspection was conducted; the property remained non-compliant.
- A check with the Town of Lady Lake Utilities Department revealed no water usage for this location, giving a clear indication that the property is vacant.
- October 9, 2017 – A re-inspection of the property was conducted and the property remained non-compliant. The Town of Lady Lake Code of Ordinances Chapter 7-68(a) - Notice to Abate was added to this notification based on the fact that the home is vacant and the registered owner’s mailing address is another vacant home located within the Town (211 W. McClendon St.). This notification was sent certified mail and regular mail to the property owner as indicated by the Lake County Property record card.
- Using the tracking number for the certified mail, the Notice of Hearing shows it was “forwarded” to Fort Myers. However, it has not been claimed, delivered or returned to date.

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- October 18, 2017 – A courtesy copy of the Notice of Hearing was posted to the site.
- October 23, 2017 – A re-inspection of the site was conducted; photos were taken. The property remains non-compliant.
- The property is currently assessed at \$20,204 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 7-67 - High Grass, Garbage, Trash, and Chapter 7-68(a) - Notice to Abate, Failure of Owner to Comply, impose an \$87 administrative fee, and afford the property owner or their agent 15 days to bring the property into compliance or abate for the aforementioned violations after the 15<sup>th</sup> day in order to correct the violations.

The Special Magistrate reviewed the documents, asked if there was anyone present to speak regarding this case, and noted there is no one present.

*Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 17-6538, 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 the Town of Lady Lake will abate the property to correct the violations in accordance with the code. This order 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.*

**OTHER BUSINESS**

**8. Discussion/Determination of Alternate Meeting Dates for November and December 2017**

The alternative date of December 19, 2017, at 10:30 a.m., has been scheduled for the December meeting. The November 28, 2017 meeting date remains as scheduled.

**ADJOURN:** There being no further matters to discuss, the meeting was adjourned at 11:00 a.m.

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Carol Osborne, Staff Assistant to Town Clerk

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Valerie Fuchs, Special Magistrate

Minutes transcribed by Carol Osborne, Staff Assistant to Town Clerk