



**CODE ENFORCEMENT BOARD  
REGULAR MEETING MINUTES  
FEBRUARY 6, 2018**

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board (CEB) was called to order by Vice-Chairman Bruce Woloshin at 6:15 p.m. in the City Hall Commission Chambers, 300 West Plant Street, Winter Garden, FL. There was a moment of silence followed by the Pledge of Allegiance.

**DETERMINATION OF QUORUM**

A quorum was declared present at 6:15 p.m.

**MEMBERS PRESENT:**

Vice-Chairman Bruce Woloshin and Board Members: Jack Litteral, Denise Ratton, Ron Sikes, and Marvin E. Vasquez

**MEMBERS ABSENT:**

Chairman David Buckles (excused) and Board Member Johnny Clark (excused)

**ALSO PRESENT:**

Assistant City Attorney Chris Conley, Community Development Director Steve Pash, Code Compliance Officer Tom Knappman, Code Compliance Officer Clayton Krater, and Recording Secretary Kathleen Rathel

**2. CONSENT AGENDA**

**A. SWEARING IN OF PARTIES TO TESTIFY**

CEB Recording Secretary Rathel swore in Community Development Director Pash and resident Richard Sederland who will be presenting testimony or speaking to the Board.

**B. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held November 7, 2017.

***MOTION: Board Member Vasquez moved to approve the November 7, 2017 meeting minutes. Seconded by Board Member Litteral and carried unanimously 5 - 0.***

### **3. HEARINGS ON STATEMENT OF VIOLATIONS PURSUANT TO NOTICES OF HEARINGS**

#### **A. OLD BUSINESS**

**1. CASE #15-021 – 530 Susan B Britt Court, Winter Garden, FL - POSTPONED**

POSTPONED from the October 4, 2016 Meeting

Community Development Director Steve Pash

- Sec. 18-91** Required
- Sec. 18-91.5** Work Starting Before Permit Issuance
- Sec. 18-94** Expiration; Special Permit
- Sec. 18-121** Required; Recordation
- Sec. 18-163** Number, Duration and Removal
- Sec. 18-169** Permit – Required
- Sec. 106-18** Maximum Impervious Surface Ratios (ISR)
- Sec. 118-68** Site Plan (Development Plan) Required
- Sec. 118-69** Principal Uses
- Sec. 118-70** Procedures
- Sec. 118-71** Construction Permit and Site Plan Review Certificate Required
- Sec. 118-774** Special Exceptions
- Sec. 118-776** Dimensions and Area Requirements
- Sec. 118-1310** Generally

**2. CASE #16-014 – 13440 W. Colonial Drive, Winter Garden, FL - POSTPONED**

POSTPONED from the October 4, 2016 Meeting

Community Development Director Steve Pash

- Sec. 106-9** Maintenance

#### **B. NEW BUSINESS**

**1. CASE #16-032 – 531 Susan B Britt Ct, Winter Garden, FL - POSTPONED**

TABLED from the February 7, 2017 Meeting

Community Development Director Steve Pash

- Sec. 38-60** Duty to keep property clean
- Sec. 38-94** Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, commercial or industrial use.
- Sec. 118-69** Principal uses
- Sec. 118-97** Use requirements
- Sec. 118-774** Special exceptions
- Sec. 118-1386** Off-Street Parking
- Sec. 118-1387** Location of Off-Street Parking Spaces

**2. CASE #16-033 – 551 Susan B Britt Ct, Winter Garden, FL - POSTPONED**

TABLED from the February 7, 2017 Meeting

Community Development Director Steve Pash

- Sec. 18-91** Required
- Sec. 38-60** Duty to keep property clean
- Sec. 38-94** Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, commercial or industrial use.
- Sec. 118-69** Principal uses
- Sec. 118-97** Use requirements
- Sec. 118-774** Special exceptions
- Sec. 118-1386** Off-Street Parking
- Sec. 118-1387** Location of Off-Street Parking Spaces

**4. CASE #17-263 – 208 N West Crown Point Rd, Winter Garden FL - POSTPONE**

Community Development Director Steve Pash

**Sec. 38-94** Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, commercial or industrial use.

**Sec. 38-95** Excessive growth of grass, weeds, and brush on property utilized or zoned for residential, professional office, commercial or industrial use.

**Sec. 118-578** Permitted accessory uses and structures

**Sec. 118-580** Prohibited uses and structures

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASES #15-021, #16-014, #16-032, #16-033 and #17-263**

Community Development Director Pash stated there are multiple cases to be postponed as Staff continues to work with the owners. The cases are: #15-021, #16-014, #16-032, #16-033 and #17-263.

**Questions and Discussion**

***MOTION: Board Member Sikes moved to postpone the cases identified by Mr. Pash to the next regular Code Board meeting. Seconded by Board Member Litteral and carried unanimously 5 – 0.***

**3. CASE #17-016 – 336 E Smith Street, Winter Garden, FL**

Community Development Director Steve Pash

**Sec. 38-94** Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, commercial or industrial use.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASES # 17-016**

Community Development Director Pash stated the tenant at 336 E. Smith Street has been collecting and storing material. Staff has spent a considerable amount of time talking to both the tenant and the property owner. Mr. Pash noted the property owner is present in the audience. In response to the meetings the property was being cleaned up and an inspection on February 6, 2018 prior to the Code Board meeting showed that the property had been cleaned up completely. On October 3, 2017 a Notice of Violation and Notice of Hearing was sent by regular mail, certified mail, and hand delivery. The tenant requested additional time for cleanup and the hearing was postponed. A new Notice of Hearing was sent on January 4, 2018 by regular mail, certified mail, and hand delivery. Staff recommends that the Board issue a Findings of Fact and Conclusions of Law to find the property in violation with no fines so that, if the property were to come back before the Board, it would be considered a repeat offender.

**Questions and Discussion**

***MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to find Case 17-016 in violation but with no fine imposed at this time. If the property were to come back before the Board it would be documented as a repeat offender. Seconded by Board Member Litteral and carried unanimously 5 – 0.***

**5. CASE #17-375 – 155 S Main Street, Winter Garden, FL**

Community Development Director Steve Pash

**Sec. 18-151** Standard code adopted

**Sec. 18-159** Public nuisances

**Sec. 18-181** Minimum standards

- Sec. 38-94** Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, commercial or industrial use.
- Sec. 38-95** Excessive growth of grass, weeds, and brush on property utilized or zoned for residential, professional office, commercial or industrial use.
- Sec. 98-196** Outdoor storage
- Sec. 118-1127** Disabled motor vehicles

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASES #17-375**

Community Development Director Pash stated the property located at 155 S. Main Street consists of 4 parcels. He explained Staff is concerned about the dilapidated state of the buildings on the property. The property is overgrown with an accumulation of junk and debris including several motorhomes and multiple cars parked on the property which appear to be inoperable. The buildings and the property have been in a state of disrepair for many years and Staff has had many conversations with the property owner. On November 30, 2017 a Notice of Violation and Notice of Hearing was sent by regular mail, certified mail, and hand delivery. Since the January 2, 2018 Code Board meeting was cancelled for lack of quorum a new Notice of Hearing was sent on January 4, 2018 by regular mail, certified mail, and hand delivery. Staff requests the Board issue a Findings of Fact and Conclusions of Law to fine the property \$250.00 per day per violation.

**Questions and Discussion**

Vice-Chairman Woloshin asked for clarification that the \$250.00 fine per day per violation if it was for each of the 4 parcels. Mr. Pash replied yes as there are different violations on each lot.

Board Member Sikes questioned if any effort had been made to remedy the situation. Mr. Pash responded the owner has pulled some weeds, picked up some debris, and pressure washed the house.

Owner, Richard Sederland of 155 S. Main Street, addressed the Board. He presented a PDF of photographs he had taken of his property to show all the work he had done to clean it up that day, February 6, 2018 (*see Exhibit A*). Mr. Sederland then stated his plan is to sell the property when the price is right but he would continue to clean the place up and paint. He stated the cars were antiques and he was in the process of advertising them on the right websites.

Discussion ensued regarding the number of untagged and inoperable vehicles, overgrowth of the yard, outdoor storage, and building safety.

***MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to find Case 17-375 in violation regarding disabled motor vehicles, trailers, and overgrown property and fine the property \$250.00 per day per vehicle until they are removed and \$250.00 per day per parcel until overgrowth removed. Motion seconded by Board Member Litteral.***

***Board Member Sikes opened a discussion before the vote was taken. He stated the surrounding area has changed substantially over the last 10 to 15 years and, what was once tolerated, is no longer tolerated or permitted. He agrees the property needs substantial improvements to be brought into compliance with applicable codes but thinks Staff should give the owner additional time like they have with other cases.***

***Board voted against the original motion 4 – 1 with Board Member Vasquez voting for.***

***MOTION: Based upon the Findings of Fact and evidence presented, Board Member Sikes moved to find Case 17-375 be tabled until the April 3, 2018 to allow Staff time to work with the owner to bring the property into compliance. Seconded by Board Member Litteral and carried 4 – 1 with Board Member Vasquez opposed.***

**4. COMMENTS / DISCUSSION**

No comments or discussion.

**5. ADJOURNMENT**

*There being no further business to discuss, Vice-Chairman Woloshin motioned to adjourn the meeting at 6:56 p.m. Seconded by Board Member Sikes and carried unanimously 5 - 0.*

**ATTEST:**

**APPROVED:**

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Customer Service Rep. Kathleen Rathel

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Chairman David Buckles