



**CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
APRIL 3, 2018**

1. CALL TO ORDER

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

MEMBERS PRESENT:

Chairman David Buckles and Board Members: Johnny Clark, Jack Litteral, Ron Sikes, and Marvin E. Vasquez

MEMBERS ABSENT:

Vice-Chairman Bruce Woloshin (excused) and Denise Ratton (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 Juan Carlos Godinez who will be presenting testimony or speaking to the Board.

B. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held March 6, 2018.

MOTION: Board Member Clark moved to approve the March 6, 2018 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

Item is being removed from the Agenda and Staff will reissue required documents if the item comes before the Board.

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
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Item is being removed from the Agenda and Staff will reissue required documents if the item comes before the Board.

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

POSTPONED 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

Item is being removed from the Agenda and Staff will reissue required documents if the item comes before the Board.

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

POSTPONED 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

Item is being removed from the Agenda and Staff will reissue required documents if the item comes before the Board.

5. CASE #17-263 – 208 N West Crown Point Rd, Winter Garden FL - POSTPONED

POSTPONED from the February 6, 2018 Meeting
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

Item is being removed from the Agenda and Staff will reissue required documents if the item comes before the Board.

6. CASE# 18-108 – 12270 W Colonial Dr, Winter Garden FL

POSTPONED from the March 6, 2018 Meeting

COMPLIANT PRIOR TO APRIL 3, 2018 MEETING – CASE CLOSED

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #18-108

Community Development Director Pash stated this property was brought into compliance prior to the April 3, 2018 Code Board meeting. Staff recommends this case be closed.

Questions and Discussion

MOTION: Board Member Vasquez moved to close Case 18-108. Seconded by Board Member Clark and carried unanimously 5 – 0.

7. CASE# 17-98 – 621 Lost Grove Cir, Winter Garden FL

POSTPONED from the March 6, 2018 Meeting

Community Development Director Steve Pash

Sec. 18-91 Required

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASES #17-98

Community Development Director Pash stated Staff has been working with the owner for quite some time. The owner has submitted for a building permit but still needs to get engineered plans. Staff recommends this case be postponed to the May 1, 2018 meeting.

Questions and Discussion

MOTION: Board Member Clark moved to postpone Case 17-98 to the May 1, 2018 Code Board Meeting. Seconded by Board Member Vasquez and carried unanimously 5 – 0.

8. CASE# 17-259 – 237 E Cypress St, Winter Garden FL

Community Development Director Steve Pash

- Sec. 18-91** Required.
- Sec. 18-163** Number, Duration and Removal
- Sec. 18-165** Signage
- Sec. 18-167** Residential area or district
- Sec. 18-169** Permit – Required
- 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. 74-33** Prohibited in specific places
- Sec. 118-393** Permitted accessory uses and structures
- Sec. 118-395** Prohibited uses and structures
- Sec. 118-1127** Disabled motor vehicles
- Sec. 118-1387** Location of off street parking spaces

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASES #17-259

Community Development Director Pash stated this property was presented to the Board on March 6, 2018. The applicant was given until the April 3, 2018 Code Board meeting to bring the property into compliance. The property has been brought into compliance and Staff recommends this case be closed.

Questions and Discussion

Owner, Juan Carlos Godinez, addressed the Board to thank them for allowing him the additional time to clean up his property.

City Attorney Conley notified Mr. Godinez that, since violations were found, if any violations occur at this or any of his other locations in the City it will come back as a repeat violation with higher penalties.

MOTION: Board Member Clark moved to close Case 17-259. Seconded by Board Member Vasquez and carried unanimously 5 – 0.

9. CASE# 17-374 – 1224 Union Club Dr, Winter Garden FL

POSTPONED from the March 6, 2018 Meeting

Community Development Director Steve Pash

Sec. 18-91	Required.
Sec. 38-155	Prohibited acts
Sec. 118-858	Permitted uses

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASES #17-374

Community Development Director Pash stated the owner has received their HOA approval and has submitted for a building permit. The owner sent Staff an email that all prohibited acts would cease on the property. Staff recommends this case be postponed to the May 1, 2018 meeting.

Questions and Discussion

MOTION: Board Member Clark moved to postpone Case 17-374 to the May 1, 2018 Code Board meeting. Seconded by Board Member Litteral and carried unanimously 5 – 0.

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

POSTPONED from February 6, 2018 Meeting

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 this case consists of 4 parcels. Buildings on the property are in a dilapidated state and Staff is very concerned about the buildings. The property is overgrown with an accumulation of junk and debris, several motor homes, and multiple vehicles that appear inoperable. Staff has had several conversations with the owner and some clean-up has been done but nothing significant. On November 30, 2017 a Notice of Violation and Notice of Hearing were issued. The January 2, 2018 Code Board meeting was cancelled due to lack of a quorum so a new Notice of Hearing was issued on January 4, 2018. The case was presented to the Board on February 6, 2018 with the Board recommending the owner be given until April 3, 2018 to bring the properties into compliance. Current photos do not appear that any additional work has been done since the February 6, 2018 Code Board meeting. The owner hand-delivered an Emergency Motion to Stay Proceedings for Review to Mr. Pash at approximately 4:30 pm on April 3, 2018 (*see Exhibit A*). Staff recommends

the Board issue a Findings of Fact and Conclusions of Law to fine the property \$250.00 per violation per day for Sec. 18-181, Sec. 38-94, Sec. 38-95, Sec. 98-196, and Sec. 118-1127 totaling \$1,250.00 fines per day.

Questions and Discussion

General discussion ensued regarding the multiple violations. The owner was not present at the meeting. A courtesy Notice of Hearing was hand-delivered to the owner on March 29, 2018 as a reminder of the April 3, 2018 meeting. Also discussed was the Emergency Stay of Proceedings presented by the owner. Attorney Conley evaluated the form and stated subsection 3 cites Florida Statute 120.569 which only applies to State agencies. The City of Winter Garden and the Code Board are not State agencies and are not subject to that act.

MOTION: Board Member Sikes moved to deny the Emergency Motion to Stay Proceedings for Review based upon opinion of Counsel. Seconded by Board Member Vasquez and carried unanimously 5 – 0.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Clark moved to find Case 17-375 in violation of the Sections as presented and fined \$250.00 per day per violation. Seconded by Board Member Vasquez and carried unanimously 5 – 0.

4. COMMENTS / DISCUSSION

No comments or discussion.

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:32 pm to the next meeting scheduled for May 1, 2018.

ATTEST:

APPROVED:

 /s/

 /s/

Customer Service Rep. Kathleen Rathel

Chairman David Buckles