



**A REGULAR MEETING MINUTES  
CODE ENFORCEMENT BOARD  
MAY 5, 2015**

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

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board (CEB) was called to order by Chairman Joseph Skubas at 6:16 p.m. in the City Hall Commission Chambers, at City Hall, 300 West Plant Street, Winter Garden, FL. The Pledge of Allegiance was recited.

**DETERMINATION OF QUORUM**

A quorum was declared present at 6:16 p.m.

**MEMBERS PRESENT:**

Chairman Joseph Skubas, Vice-Chairman John Benoit III, Board Members: Johnny Clark, Jack Litteral, and Bruce Woloshin.

**MEMBERS ABSENT:**

Board Members: Harold Petch and David Buckles.

**ALSO PRESENT:**

Board Attorney Chris Conley, Community Development Manager Steve Pash, Code Enforcement Inspectors: Thomas Knappman and Art Espinosa, and Customer Service Representative Karla Cuevas.

**2. CONSENT AGENDA**

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

CEB Recording Secretary Karla Cuevas swore in Community Development Manager Steve Pash, Michael Aaran, Pedro Marrero, and Gianni Triveale who will be presenting testimony.

**B. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held March 3, 2015.

*MOTION: Board Member Johnny Clark moved to approve the March 3, 2015 meeting minutes. Seconded by Board Member Jack Litteral, the motion carried unanimously 5-0.*

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

**A. OLD BUSINESS**

**1. 504 West Plant Street, Winter Garden, FL → CASES # 13-317, 13-318, 13-319 & 13-320.**

Community Development Manager, Steve Pash

**Sec. 18-155** Conditions Constituting Hazards

**Sec. 18-159** Public Nuisances

**Sec. 18-181** Minimum Standards.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASES # 13-317, 13-318, 13-319 & 13-320.**

Community Development Manager, Steve Pash, requested that the case be tabled until the June 2, 2015 meeting.

**Questions and Discussion**

*MOTION: Vice Chair John Benoit III moved to table this item on the agenda until the June 2, 2015 Board Meeting. Seconded by Board Member Johnny Clark and carried unanimously 5-0.*

**2. 13385 West Colonial Drive, Winter Garden, FL → CASE # 14-188.**

Community Development Manager Steve Pash

**Sec. 102-92** Prohibited Signs

**Sec. 102-161** Signs permitted in Commercial and Industrial Districts

Respondent is requesting a reduction in fines.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 14-188**

Community Development Manager, Steve Pash, stated that the property was brought into compliance but the tenant wasn't aware that they needed to call for an inspection for compliance; therefore staff didn't stop the daily fines. As of today the amount due is \$20,250.00 and the tenant is here to ask for a reduction of fines.

Mr. Michael Aaran, owner, stated that when they found out that the property was in violation they took action right away by removing the signage of the windows that night. Mr. Aaran said that they moved the truck to the back of the store because it was in bad shape and when they fixed it, it was removed from the property. Also he stated that he received two notices that looked alike but he didn't see the note that he had to contact Code Enforcement for an inspection. Mr. Aaran acknowledged that it was his fault and he kindly asked for a reduction of fines.

## Questions and Discussion

***MOTION: Board Member Johnny Clark moved to reduce the \$20,250.00 to a \$200.00 fine. Seconded by Board Member Jack Litteral and carried unanimously 5-0.***

### **3. 15502 Stoneybrook West Parkway, Winter Garden, FL → CASE # 15-14.**

Community Development Manager Steve Pash

**Sec. 118-1** Definitions

**Sec. 180-580** Prohibited Uses and Structures

**Sec. 118-1022** Principal Permitted Uses

**Sec. 118-1024** Principal Prohibited Uses

**Sec. 118-1387** Location of Off-Street Parking Spaces

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 15-14.**

Community Development Manager, Steve Pash stated that staff has visited and talked to the tenant, Fit Body Bootcamp, on multiple occasions without success. Tenant is exercising in the parking lot, flipping and dragging tires outside. Staff told employees to immediately cease outdoor activities and that all training must be inside. These activities did not stop.

Mr. Pash said that on February 26, 2015 staff issued a Notice of Violation and a Notice of Hearing via certified and regular mail and hand delivery. They were scheduled to be on the March 3 agenda but tenant immediately ceased outdoor activities; therefore staff closed the case. Mr. Pash stated that on the second week of April the outside activities started again in the covered walkway and staff received multiple complaints from residents, police and neighboring businesses. Consequently on April 17, 2015 staff re-issued a Notice of Violation and a Notice of Hearing via certified and regular mail and hand delivery. Mr. Pash requested that the Board find the property in violation and fine them \$250.00 per day per violation starting today.

Mr. Pedro Marrero, owner, stated that they weren't aware that they couldn't practice outside activities. He mentioned that the Bootcamp personnel is dedicated and involved with the community, caring for their health; therefore they have trainers that are educated and passionate for what they do. Mr. Marrero said that same passion has driven the Bootcamp to these circumstances.

Mr. Marrero said that one of the trainers was challenging members and he decided to train customers outside, in front of their business. He apologized and acknowledged that it was a mistake and asked the Board for an opportunity to demonstrate that they've corrected all violations and that it won't happen again.

Mr. Gianni Triveale, co-owner, stated that their trainers were forced to go outside for the activities because the ropes and inside activity at the gym were loud during business hours (5:30 a.m. to 7:50 a.m. and 4:00 p.m. to 7:00 p.m.). Mr. Triveale said that in an effort to cooperate with neighboring businesses, the trainer started to go outside with customers.

Vice Chair John Benoit III interrupted and asked Mr. Triveale if the building that the Bootcamp is located in was the right place to be due to several complaints and due to the fact

that the gym isn't able to perform the activities the way they want. Mr. Triveale said that they've invested a large amount of money in the business and they've gone to the landlord asking them to move them to another location but the gym doesn't have the money to relocate. Mr. Triveale stated that in an effort to resolve this situation and complaints they've put padding in the walls of the gym so it doesn't affect the neighboring businesses (Dentist and Scuba Shop).

Mr. Triveale said that the trainer that put them in this situation got reprimanded and that they are here tonight to assure the Board that this situation will never happen again. He also stated that two of the tires were sold to another gym and the City will pick up the last two remaining tires at his residence.

## **Questions and Discussion**

***MOTION: Based on the Findings of Fact and the evidence presented, Vice Chair John Benoit III moved to find the property in violation of the Code, at this time no fines will be issued. Correct violations by May 6, 2015 and keep monitoring the case until July 30, 2015 and if they continue with the activities they will come back and be a repeat offender and the Board will fine them \$500.00 per violation per day. Seconded by Board Member Johnny Clark and carried unanimously 5-0.***

## **B. NEW BUSINESS**

### **1. 530 Susan B Britt Court, Winter Garden, FL → CASE # 15-21.**

Community Development Manager 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

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 15-21.**

Community Development Manager, Steve Pash, requested that the case be tabled until the June 2, 2015 meeting.

**4. ADJOURNMENT**

*There being no further business to discuss, Vice Chair John Benoit III moved to adjourn the meeting at 6:43 p.m. Seconded by Board Member Johnny Clark and carried unanimously 5-0.*

**APPROVED:**

**ATTEST:**

  
Chairman Joseph Skubas

  
Customer Service Rep Karla Cuevas