



**A REGULAR MEETING MINUTES
CODE ENFORCEMENT BOARD
NOVEMBER 3, 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 John Benoit III at 6:15 p.m. in the City Hall Commission Chambers, 300 West Plant Street, Winter Garden, FL. The Pledge of Allegiance was recited.

DETERMINATION OF QUORUM

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

MEMBERS PRESENT:

Chairman John Benoit III, Vice-Chairman David Buckles, and Board Members: Johnny Clark, Jack Litteral, Ron Sikes, Marvin E. Vasquez, and Bruce Woloshin

MEMBERS ABSENT:

None

ALSO PRESENT:

Board Attorney Chris Conley, Community Development Manager Steve Pash, Code Compliance Officer Tom Knappman, and Recording Secretary Kathleen Rathel.

2. CONSENT AGENDA

A. SWEARING IN OF PARTIES TO TESTIFY

CEB Recording Secretary Rathel swore in Community Development Manager Steve Pash who will be presenting testimony.

B. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held September 1, 2015.

MOTION: Board Member Clark moved to approve the September 1, 2015 meeting minutes. Seconded by Board Member Buckles, the motion carried unanimously 7 - 0.

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

A. OLD 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 Pash requested that the case be tabled until the January 5, 2016 meeting as staff continues to work with the owners. Owners have submitted for Site Plan review so time is needed for plan review by the DRC.

Questions and Discussion

MOTION: Board Member Clark moved to table Case #15-21 until the January 5, 2016 Board Meeting. Seconded by Board Member Sikes and carried unanimously 7-0.

2. 15502 Stoneybrook West Parkway, Winter Garden, FL → CASE # 15-86

Community Development Manager Steve Pash

- Sec. 22-29** Open Air Event Permit – Open Air Vendors
- Sec. 118-1** Definitions
- Sec. 118-580** 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 # 15-86.

Community Development Manager Pash requested that the case be closed. Owner has resolved the violations.

Questions and Discussion

MOTION: Board Member Buckles moved to close Case #15-86. Seconded by Board Member Clark and carried unanimously 7-0.

B. NEW BUSINESS

1. 309 Pennsylvania Ave, Winter Garden, FL → CASE # 15-96

Community Development Manager Steve Pash

Sec. 38-60 Duty to Keep Property Clean

Sec. 38-93 Definitions

Sec. 38-94 Accumulations of Trash, Junk, Debris and Non-Living Plant Material on Property Utilized or Zoned for Residential, Professional Office, Commercial or Industrial Use

Sec. 118-10 Restrictions on Uses

Sec. 118-393 Permitted Accessory Uses and Structures

Sec. 118-395 Prohibited Uses and Structures

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 15-96

Community Development Manager Pash stated that Staff has spent a great deal of time on the property at 309 Pennsylvania Avenue. Staff has been speaking with the owners since 2005 regarding multiple code violations. On October 23, 2015, a Notice of Violation and a Notice of Hearing was issued by hand delivery, general mail, and certified mail. The property was inspected again on November 3, 2015 and still contained tires and an old refrigerator.

City Staff recommends that the Board issue a Findings of Fact and Conclusion of Law to find the property owner in violation of code, and issue a \$250.00 fine per day per violation.

Board Member Woloshin asked if this was the first time the owners were invited to a Code Board meeting. Mr. Pash stated it was and that Staff spends a lot of time trying to get owners to comply without bringing them to the Board. Board Member Vasquez asked for clarification of the dates the violation photos were taken.

Questions and Discussion

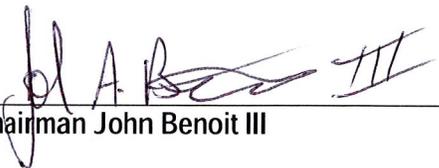
MOTION: Based upon the Findings of Fact and evidence presented, Board Member Clark moved to impose a \$250.00 daily fine per violation effective immediately. Discussion that the fine is imposed against the owner and not the occupant. Seconded by Board Member Litteral and carried unanimously 7 - 0.

6. ADJOURNMENT

There being no further business to discuss, Vice-Chairman Buckles moved to adjourn the meeting at 6:24 p.m. Seconded by Board Member Clark and carried unanimously 7 - 0.

APPROVED:

ATTEST:


Chairman John Benoit III


Customer Service Rep Kathleen Rathel