



CODE ENFORCEMENT BOARD  
REGULAR MEETING MINUTES

MAY 4, 2021

**1. CALL TO ORDER**

Chairman Buckles called the meeting of the Code Enforcement Board to order at 6:15 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance.

Quorum was declared present.

**Present:** Chairman David Buckles, Vice-Chairman Bruce Woloshin and Board Members: Denise Ratton, Ron Sikes and virtual attending; Jack Litteral via Go-to-Webinar.

**Absent:** Johnny Clark and Marvin E. Vasquez.

**Staff Present:** Assistant City Attorney Giffin Chumley, Community Development Director Steve Pash, Code Compliance Officer Tom Knappman, Recording Secretary Colene Rivera and virtual attending; Board Attorney Gayle Owens via Go-to Webinar.

**2. CONSENT AGENDA**

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

CEB Recording Secretary Rivera swore in Community Development Director Pash who will be presenting testimony and Robert Roche of Masterline and Russell Gay of Masterline who are in attendance for 700 W Bay Street case 21-049.

**B. APPROVAL OF MINUTES**

**MOTION:** Board Member Ratton moved to approve the April 6, 2021 meeting minutes. Seconded by Board Member Sikes and carried unanimously 5 - 0.

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

**A. OLD BUSINESS**

**1. CASE # 21-013 – 99 N Boyd Street, Winter Garden, FL**

**HEARING TO ESTABLISH FINE**

Community Development Director Stephen Pash

**Sec. 38.94** Accumulations of Trash, Junk, Debris and Nonliving Plant Material on Property Utilized or Zoned for Residential, Professional Office, Recreational, Commercial, Open Space, or Industrial, or Planned Development Zoned Use

**Sec. 98.196** Outdoor Storage

**Sec. 118.1310** Generally

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 21-013**

Community Development Director Pash informed the Board of the status to the property. There had been some progress and property owner intents to hire help for the clean up to this property. Staff recommends this item be postponed to the June 1, 2021 Code Enforcement

Board meeting to provide the property owner more time to continue with the cleanup of this site.

**MOTION: *Based upon the Findings of fact and evidence presented, Board Member Woloshin moved to postpone Case 21-013 to the June 1, 2021 Code Enforcement Board meeting. Seconded by Board Member Litteral and carried 4-0-1 with Board Member Sikes abstaining.***

It was brought to the Board Chairman's attention that he had announced an incorrect date of today's Code Enforcement Meeting. This was corrected to reflect today's date of May 5, 2021.

**2. CASE # 21-023 – 218 4<sup>th</sup> Street, Winter Garden, FL**

**POSTPONED FROM PREVIOUS MEETING**

Community Development Director Stephen Pash

- Sec. 18.151** Standard Code Adopted
- Sec. 18.159** Public Nuisances
- Sec. 38.29** Abatement of Nuisance Required
- Sec. 38.60** Duty to Keep Property Clean
- Sec. 38.61** Discharging Foul Water or Depositing Decaying Matter
- Sec. 38.62** Mosquito Breeding Places
- Sec. 38.94** Accumulations of Trash, Junk, Debris and Nonliving Plant Material on Property Utilized or Zoned for Residential, Professional Office, Recreational, Commercial, Open Space, or Industrial, or Planned Development Zoned Use
- Sec. 118.395** Prohibited Uses and Structures
- Sec. 118.1127** Disabled Motor Vehicles
- Sec. 118.1310** Generally

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 21-023**

Community Development Director Pash informed the Board of the significant progress to the property. Staff recommends this item be postponed to the June 1, 2021 Code Enforcement Board meeting to provide the property owner more time to continue to clean the site.

**MOTION: *Based upon the Findings of fact and evidence presented, Board Member Woloshin moved to postpone Case 21-023 to the June 1, 2021 Code Enforcement Board meeting. Seconded by Board Member Ratton and carried 5-0.***

**3. CASE # 21-029 – 3391 Daniels Road, Winter Garden, FL**

**HEARING TO ESTABLISH FINE**

Community Development Director Stephen Pash

- Sec. 22.29** Open Air Event Permit – Open Air Vendors
- Sec. 38.94** Accumulations of Trash, Junk, Debris and Nonliving Plant Material on Property Utilized or Zoned for Residential, Professional Office, Recreational, Commercial, Open Space, or Industrial, or Planned Development Zoned Use
- Sec. 46.1** Adoption of the Florida Fire Prevention Code
- Sec. 74.43** Fire Lanes on Private Property Devoted to Public Use
- Sec. 114.35** Replacement of Material
- Sec. 118.1024** Prohibited Uses

## FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 21-029

Community Development Director Pash informed the Board of the violations on the property at 3391 Daniels Road. Property is making substantial efforts to clean up these violations. Staff recommends this item be postponed to the July 6, 2021 Code Enforcement Board meeting.

**MOTION: Based upon the Findings of fact and evidence presented, Board Member Sikes moved to postpone Case 21-029 to the July 6, 2021 Code Enforcement Board meeting. Seconded by Board Member Ratton and carried 5-0.**

*Chairman disclosed prior to presenting case 21-049, that the property owner has a child who attends a private school in which the Chairman is an administrator. He inquired if this would be considered a conflict of interest? Staff and Counsel stated this was not a conflict and the Chairman would not need to abstain from voting on this item.*

## B. NEW BUSINESS

### 1. CASE # 21-049 – 700 W Bay Street, Winter Garden, FL

Community Development Director Stephen Pash

- Sec. 18-91. Required.
- Sec. 18-91.5 Work Starting Before Permit Issuance.
- Sec. 118-67. Application for Development Review.
- Sec. 118-68. Site Plan (Development Plan) Required.
- Sec. 118-69. Principal Uses.
- Sec. 118-71. Construction Permit and Site Plan Review Certificate Required.
- Sec. 118-630. Prohibited uses and structures.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 21-049

Community Development Director Pash informed the Board of the violations to the property at 700 W Bay Street. The city had placed a Stop Work Order on the property shortly after the current owner had purchased this property due to performing work without a permit. City and property owner had several discussions of what needed to happen in order for the owner to be in compliance of the various code sections listed above. City placed a second Stop Work Order on this property after additional work was continued to be done. Staff requested the Board issue a Findings of Fact and Conclusions of Law, finding the property in violation of Section 18-91 of the city code. If the owner continues to do work without a permit, staff will bring the case back to the meeting of June 1, 2021 to request fines.

**MOTION: Based upon the Findings of fact and evidence presented, Board Member Sikes moved to issue Case 21-049 in violation of section 18-91 with a compliance date of May 31, 2021. Section 18-91 is to be the priority and non-compliance by May 31, 2021 will result in a hearing to establish fines at the June 1, 2021 Code Enforcement Board meeting. Seconded by Board Member Litteral and carried 5-0.**

### 4. COMMENTS OR DISCUSSION

No comments or discussion.

5. **ADJOURNMENT** - to a regular Code Enforcement Board meeting on **Tuesday, June 1, 2021** at 6:15 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.

**ATTEST:**

**APPROVED:**

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/s/  
**Customer Service Rep. Colene Rivera**

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/s/  
**Chairman David Buckles**