



**CODE ENFORCEMENT BOARD  
REGULAR MEETING MINUTES  
JUNE 29, 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: Johnny Clark, Jack Litteral and Marvin E. Vasquez.

**Absent:** Denise Ratton (excused) and Ron Sikes (excused).

**Staff Present:** Assistant City Attorney Giffin Chumley, Board Attorney Gayle Owens, Community Development Director Steve Pash, Code Compliance Officer Tom Knappman and Recording Secretary Colene Rivera.

**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 along with Jeremy Chancey of Diamond R Fertilizer and Marisol Hombytl of Preferred Materials as representatives for various cases.

**B. APPROVAL OF MINUTES**

***MOTION: Board Member Clark moved to approve the May 4, 2021 meeting minutes. Seconded by Board Member Woloshin and carried unanimously 5 - 0.***

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

**A. OLD BUSINESS**

**1. CASE # 20-065 – 143 10<sup>TH</sup> Street, Winter Garden, FL**

**HEARING TO ESTABLISH FINE**

Community Development Director Stephen 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, recreational, commercial, open space, or industrial, or planned development zoned use.

**Sec. 118.515** Prohibited uses and structures.

**Sec. 118.1387** Location of off-street parking spaces.

Community Development Director recommend that Case 20-065 at the address of 143 10<sup>th</sup> Street be postponed to the next Code Enforcement Board meeting scheduled for Tuesday, August 3, 2021.

**Questions and Discussion** - none

***MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to have Case 20-065 postponed to the next Code Enforcement meeting scheduled for August 3, 2021. Seconded by Board Member Clark and carried 5-0.***

**2. 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.

Community Development Director recommended that Case 21-013 at the address of 99 N Boyd Street be postponed to the next Code Enforcement Board meeting scheduled for Tuesday, August 3, 2021.

**Questions and Discussion** - none

***MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to have Case 21-013 postponed to the next Code Enforcement meeting scheduled for August 3, 2021. Seconded by Board Member Clark 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.

Community Development Director recommended that Case 21-029 at the address of 3391 Daniels Road be postponed to the next Code Enforcement Board meeting scheduled for Tuesday, August 3, 2021.

**Questions and Discussion** - none

***MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to have Case 21-029 be postponed to the next Code Enforcement meeting scheduled for August 3, 2021. Seconded by Board Member Clark and carried 5-0.***

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

**HEARING TO ESTABLISH FINE**

Community Development Director Stephen Pash

**Sec. 18-91.** Required.

Community Development Director Pash recommended that case 21-049 at the address of 700 W Bay Street be postponed to the next Code Enforcement Meeting scheduled for August 3, 2021.

**Questions and Discussion** - none

***MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to have Case 21-049 be postponed to the next Code Enforcement meeting scheduled for August 3, 2021. Seconded by Board Member Clark and carried 5-0.***

**B. NEW BUSINESS**

**1. Appeal of Parking Citation 12986**

Community Development Director Stephen Pash

Community Development Director presented this parking citation and stated that the city recommends this citation be dismissed. He presented the background details pertaining to this citation and showed the property with yellow painted curbs for no parking. The HOA of this development requested city to paint the public road curbs within the subdivision and enforce the no parking areas.

**Questions and Discussion**

Board members inquired as to why the police officer was not present for this hearing? Staff did not know the reason. Board members inquired about parking for this resident. It was confirmed that they had a two car garage and two parking spaces in the driveway, therefore a total of four parking spaces on their property.

***MOTION: Based upon the request of the city, a motion was made by Board Member Woloshin to dismiss parking citation 12986. Seconded by Board Member Litteral and carried 4-1 with Board Member Vasquez in opposition.***

**2. CASE # 21-043 – 430 E Cypress Street, Winter Garden, FL**

Community Development Director Stephen Pash

- Sec. 18-91** Required.
- Sec. 18-91.5** Work Starting Before Permit Issuance.
- Sec. 118-393** Permitted Accessory Uses and Structures.
- Sec. 118-395** Prohibited Uses and Structures.
- Sec.118-1310** Generally.

Community Development Director Pash recommended that case 21-043 at the address of 430 E Cypress Street be postponed to the next Code Enforcement Meeting scheduled for August 3, 2021.

**Questions and Discussion - none**

***MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to have Case 21-043 postponed to the next Code Enforcement meeting scheduled for August 3, 2021. Seconded by Board Member Clark and carried 5-0.***

**3. CASE # 21-045 – 429 Hennis Road, Winter Garden, FL**

Community Development Director Stephen Pash

- Sec. 18-91** Required.
- Sec. 18-91.5** Work Starting Before Permit Issuance.
- Sec. 38-28** Responsibility of Property Owners.
- Sec. 38-29** Abatement of Nuisances Required.
- Sec. 38-59** Scattering of Refuse.
- Sec. 38-60** Duty to Keep Property Clean.
- Sec. 38-61** Discharging Foul Water or Depositing Decaying Matter.
- Sec. 38-155** Prohibited Acts.
- Sec. 58-5** Prohibited Acts.
- Sec. 58-6** Building Waste Material.
- Sec. 62-31** Maintenance of Privately Owned Streets, Driveways and Parking Lots.
- Sec. 62-167** Unpaved Right-of-Way and Sidewalk Maintenance.
- Sec. 106-5** Prohibitions.
- Sec. 106-7** Stormwater Management Requirements.
- Sec. 106-9** Maintenance.
- Sec. 106-17** Stormwater Quality.
- Sec. 118-69** Principal Uses.
- Sec. 118-775** Prohibited Uses and Structures.
- Sec. 118-1340** Smoke and Particulate Matter.
- Sec. 118-1342** Toxic Gases, Fumes, Vapors and Matter.
- Sec. 118-1387** Location of Off-Street Parking Spaces.

Community Development Director Pash stated that the next three items on the agenda are interconnected. The first property has created violations on the other properties but all properties have violations.

He continued to present Case 21-045 at 429 Hennis Road a precast concrete manufacturing facility. This property is in violation of noise levels exceeding allowed timeframes and at levels above the acceptable decibels, debris on the road, new buildings have been built and additions constructed without permits, driveway not maintained, debris and dust on roadway, expanded outside of their property and into a conversation area on another property and parking off property. Staff request this board to issue a Finding of Fact and Conclusion of Law finding the property in violation of 18-91 which required building permits; 38-59 which prohibits debris on street and/or storm water system; 38-155 which prohibits noise and sound levels above a specific decibel level across property lines; 106-5(a) which prohibits any alteration to a conservative area without proper permitting; and 106-17 which prohibits discharge beyond property lines.

### Questions and Discussion

Board Members asked if this business was cooperating with city on cleaning up these violations. Staff stated yes they are cooperating. What is the timeframe of compliance? Staff recommends 2 months/ 60 days.

***Motion of Finding of Facts: Board Member Woolskin made a motion to have a Finding of Facts with the issuance of fines at a later date for case 21-045 for violations of section 18-91; section 38-59; section 38-155; section 106-5(a) and section 106-17 and will revisit this in 60 days which will be the September meeting. Seconded by Board Member Vasquez and carried 5-0.***

#### **4. CASE # 21-046 – 321 N Hennis Road, Winter Garden, FL**

Community Development Director Stephen Pash

- Sec. 38-28** Responsibility of Property Owners.
- Sec. 38-29** Abatement of Nuisances Required.
- Sec. 38-59** Scattering of Refuse.
- Sec. 38-60** Scattering of Refuse.
- Sec. 38-61** Duty to Keep Property Clean.
- Sec. 38-155** Prohibited Acts
- Sec. 58-5** Prohibited Acts.
- Sec. 58-6** Building Waste Material.
- Sec. 62-31** Maintenance of Privately Owned Streets, Driveways and Parking Lots.
- Sec. 62-167** Unpaved Right-of-Way and Sidewalk Maintenance.
- Sec. 106-5** Prohibitions.
- Sec. 106-7** Stormwater Management Requirements.
- Sec. 106-9** Maintenance.
- Sec. 106-17** Stormwater Quality.
- Sec. 118-774** Special Exceptions.
- Sec. 118-775** Prohibited Uses and Structures.

- Sec. 118-1340** Smoke and Particulate Matter.
- Sec. 118-1342** Toxic Gases, Fumes, Vapors and Matter.

Community Development Director Pash presented Case 21-046 at 321 N. Hennis Road for Diamond R Fertilizer Company Inc. City Staff have been working with the property manager for this business to address various issues including driveway from the previous case dragging debris out into the roadway, noise levels exceeding allowed timeframes and above the acceptable decibel levels, expanded outdoor storage beyond approved area and not containing debris along perimeter of property. Staff acknowledged that business has been working with city to correct these violations and return the property back to good standings. Staff requested this board to issue a Finding of Fact and Conclusion of Law finding the property in violation of 38-59 which prohibits debris on street and/or storm water system; 38-155 which prohibits noise and sound levels above a specific decibel level across property lines; and 106-17 which prohibits discharge beyond property lines.

**Questions and Discussion**

Jeremy Chancey, General Manager, of Diamond R Fertilizer for the Winter Garden location. He spoke as a representative of the company and relayed what efforts the company has done and continue to do to clean up the various violations, etc. in an effort to be the best neighbor possible.

***Motion of Finding of Facts: Board Member Woolskin made a motion to have a Finding of Facts with the issuance of fines at a later date for case 21-046 for violations of section 38-59; section 38-155; and section 106-17 and will revisit this in 60 days which will be the September meeting. Seconded by Board Member Clark and carried 5-0.***

**5. CASE # 21-047 – 201 Hennis Road, Winter Garden, FL**

Community Development Director Stephen Pash

- Sec. 18-91** Required.
- Sec. 18-91.5** Work Starting Before Permit Issuance.
- Sec. 38-28** Responsibility of Property Owners.
- Sec. 38-29** Abatement of Nuisances Required.
- Sec. 38-59** Scattering of Refuse.
- Sec. 38-60** Scattering of Refuse.
- Sec. 38-61** Duty to Keep Property Clean.
- Sec. 38-155** Prohibited Acts
- Sec. 58-5** Prohibited Acts.
- Sec. 58-6** Building Waste Material.
- Sec. 62-31** Maintenance of Privately Owned Streets, Driveways and Parking Lots.
- Sec. 62-167** Unpaved Right-of-Way and Sidewalk Maintenance.

- Sec. 106-5** Prohibitions.
- Sec. 106-7** Stormwater Management Requirements.
- Sec. 106-9** Maintenance.
- Sec. 106-17** Stormwater Quality.
- Sec. 118-69** Principal Uses.
- Sec. 118-775** Prohibited Uses and Structures.
- Sec. 118-1340** Smoke and Particulate Matter.
- Sec. 118-1342** Toxic Gases, Fumes, Vapors and Matter.

Community Development Director Pash presented Case 21-047 at 201 Hennis Road for Preferred Materials Inc which is a concrete facility. City has been working with this property owner on multiple violations including removal of a wetland and construction that was done without permits into a conservation area. This was done by the neighboring business but is on this property. This business is dragging material out onto the roadway, and noise levels generated are exceeding acceptable decibel levels. This property owner is working with the city and has hired a surveyor to address solutions to these violations. Staff request this board to issue a Finding of Fact and Conclusion of Law finding the property in violation of 38-59 which prohibits debris on street; 38-155 which prohibits noise and sound levels above a specific decibel level across property lines; 106-5(a) which prohibits any alteration to a conservative area without proper permitting; and 106-17 which prohibits discharge beyond property lines. Finding of facts and violation of law for these violations.

### **Questions and Discussion**

Board inquired about legal action if neighbor violates something on your property does it become a civil action between the two parties? Staff stated they have legal counsel and a surveyor addressing these concerns.

Marisol Hombytl, Environmental Supervisor with Preferred Materials spoke as a representative of the company and relayed what efforts the company have done and continue to do to clean up the various violations, etc. This company is working with neighboring property owner to remove the building and return the wetland back to its original state.

***Motion of Finding of Facts: Board Member Woolskin made a motion to have a Finding of Facts with the issuance of fines at a later date for case 21-047 for violations of section 38-59; section 38-155; section 106-5(a) and section 106-17 and will revisit this in 60 days to address this matter again. Seconded by Board Member Clark and carried 5-0.***

- 6. CASE # 21-054 – 14451 W Colonial Drive, Winter Garden, FL  
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. 38-95** Excessive growth of grass, weeds, and brush on property utilized or zoned for residential, professional office, recreational, commercial, industrial, or planned development zoned use.
- Sec. 118-579** Special Exceptions.
- Sec. 118-580** Prohibited Uses and Structures.
- Sec. 118-1126** Commercial Structures; Uses Involving Sales, Storage, Repairs, Service.
- Sec. 118-1127** Disabled Motor Vehicles.
- Sec. 118-1408** Special Exceptions.
- Sec. 118-1458** Special Building Uses.

Community Development Director Pash presented Case 21-054 at 14451 W. Colonial Drive developed as a vehicle repair shop. The owner purchased the neighboring lot a few years ago and expanded business and storage material onto that property and out in front of their building. This was all done without approvals. This expansion included multiply vehicles in the area, many of which do not run and the property next door is not maintained, overgrown, debris everywhere. Staff request this board to issue a Finding of Fact and Conclusion of Law finding the property in violation of 38-95 which prohibits overgrown grass and weeds; 118-580(4) prohibits property to be used as a junkyard; 118-1126 (3) which states all vehicles shall move and be stored inside facility as well as 118-1126(4) vehicle repairs must be inside facility.

### **Questions and Discussion**

Board inquired about specific details of violation as it pertains to the code sections. Board asked why these violations had carried on for three years. Staff explained that the property had submitted to rezone the property in August 31, 2018 and staff reviewed this project with comments in September 24, 2018. Applicants then responded to staff comments in July 2020. City staff was patient because they had somewhat cleaned up the property and provided more staff comment on July 31, 2020. At this point they have not responded to staff comments, so decision was made to bring before this board with recommendation for 30 days to respond.

***Motion of Finding of Facts: Board Member Woolskin made a motion to have a Finding of Facts with the issuance of fines at a later date for case 21-054 for violations of section 38-95; section 118-580(4); section 118-1126(3); and section 118-1126(4) and will revisit this in 30 days to address this matter again. Seconded by Board Member Clark and carried 5-0.***

- 7. CASE # 21-073 – 1031 Glensprings Ave, Winter Garden, FL**  
Community Development Director Stephen Pash



- Sec. 18-91** Required.
- Sec. 18-91.5** Work Starting Before Permit Issuance.
- Sec. 18-92** Application; Plans.

Community Development Director recommend that Case 20-073 at the address of 1031 Glensprings Avenue be postponed to the next Code Enforcement Board meeting scheduled for Tuesday, August 3, 2021.

**Questions and Discussion** – none

***Motion of Finding of Facts: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to have Case 21-073 postponed to the next Code Enforcement meeting scheduled for August 3, 2021. Seconded by Board Member Clark and carried 5-0.***

**4. COMMENTS**

Staff asked the board to consider the date of the September Code Enforcement Board meeting as it is currently scheduled for Tuesday, September 7, 2021; the following day after Labor Day Holiday. Staff stated that they were good with this date. However, it was suggested everyone review their calendars and discuss further at the August meeting.

**5. ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:56pm to the next meeting scheduled for August 3, 2021.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_/S/  
**Customer Service Rep. Colene Rivera**

\_\_\_\_\_/S/  
**Chairman David Buckles**