



**CODE ENFORCEMENT BOARD MEETING
TUESDAY, JANUARY 20, 2015
CITY HALL at 685 WEST MONTROSE STREET
At 6:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES OF THE CODE ENFORCEMENT BOARD

November 19, 2014 Code Enforcement minutes

OPENING STATEMENT

SWEARING IN WITNESSES

AGENDA

NEW BUSINESS

**Case No. 2014-010026
Crain**

Ramlakhan & Munidai Singh
699 N. Highway 27
Clermont, FL 34711

VIOLATION:

Chapter 34, Section 34-31 (10)
Loud, disturbing and unnecessary;
enumeration
Chapter 34, Section 34-61 (5)
Enumeration of Prohibited Items,
Conditions, or Actions Constituting
Nuisances

**Case No. 2014-010054
Wallace**

John P Adams & Ann D Adams
2555 E. Highway 50
Clermont, FL 34711

VIOLATION:

Chapter 118, Section 118-35
Maintenance & Pruning

**Case No. 2014-010058
Wallace**

Lindenhurst Realty Group, Inc.
c/o Zaya Givargidze
998 E. Highway 50
Clermont, FL 34711

VIOLATION:

Chapter 86, Section 86-285 (b)(f)
Cure Plan/Landscaping

**CODE ENFORCEMENT BOARD MEETING
TUESDAY, JANUARY 20, 2015
CITY HALL at 685 WEST MONTROSE STREET
At 6:00 PM**

Nomination of Chairman

Nomination of Vice-Chairman

Discussion of Non-Agenda Items

ADJOURN

Any person wishing to appeal any decision made by the Code Enforcement Board at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Planning and Zoning Department at 352-241-7302.

Please be advised that if you intend to show any document, picture, video or items to the Council or Board in support or opposition to any item on the agenda; a copy of the document, picture, video or item must be provided to the Recording Clerk for the City's records.

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
NOVEMBER 19, 2014**

The regular meeting of the Code Enforcement Board was called to order on Wednesday, November 19, 2014 at 6:00 p.m. Members attending were Chairman Dave Holt, along with Board members Ken Forte, Larry Seidler, Bill Rini, Alfred Mannella, and Chandra Myers. Also attending were Barbara Hollerand, Development Services Director, Evie Wallace, Code Enforcement Supervisor, Lori Crain, Code Enforcement Officer, Valerie Fuchs, Code Enforcement Attorney, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

The Pledge of Allegiance was recited.

The minutes from the Code Enforcement Board meeting of October 21, 2014 were approved as written.

Chairman Dave Holt read the Opening Remarks.

Code Enforcement Supervisor Evie Wallace, and Code Enforcement Officer Lori Crain, along with any of the public who may testify, were sworn in.

Chairman Dave Holt gave the floor to Code Enforcement Staff and City Attorney.

CASE NO. 14-998

Martin Wright Estate
C/o Martin Wright Jr.
775 E. Juniata St.
Clermont, FL 34711

LOCATION OF VIOLATION: 775 E. Juniata St., Clermont, FL 34711

VIOLATION: Chapter 14, Section 14-9 (302.4) Weeds

City Attorney Dan Mantzaris introduced the case.

The Respondent was present.

Code Enforcement Officer Lori Crain, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation summary as follows: You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances due to the following: Overgrowth of weeds and grass (Section 302.4 Weeds). Compliance of this violation will be when the following conditions are met: When the property is completely mowed; front, side and backyard. Maintain the property hereafter.

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
NOVEMBER 19, 2014**

Martin Wright Jr., 1390 Buckingham Dr., Hampton, GA., stated that this is his deceased father's property. He stated that somehow his name has been attached to the property appraiser's record. He stated the property is rightfully owned by his step-mother since his dad is deceased. He stated he has been taking care of the property for 13 years, but he stopped after he found out the property is not rightfully his and the step-mother does not want to release the property to the family or sell the property.

Board member Bill Rini asked when the grass was last cut.

Mr. Wright stated that it cost \$300 to have the property maintained, but he would have to look back in his records to determine exactly when that was. He stated that he does not want to continue putting money into property that is not his.

Board member Bill Rini asked if Mr. Wright is responsible for the property.

Mr. Wright stated that he does not know how his name has been added to the records of this property.

Board member Bill Rini stated that there will be a fine assessed to the property starting December 16, 2014.

Mr. Wright stated that he does not plan to care for the property.

Board member Ken Forte stated that he does not understand how they can fine Mr. Wright if he is not the owner of the property.

Code Enforcement Attorney Valerie Fuchs stated that City staff has to use the property appraiser's record to determine the owner that is noticed.

City Attorney Dan Mantzaris stated that the tax records state that Martin Wright Estate is the actual owner of the property in care of Martin Wright Jr. He stated that at some point after the death of his father, Mr. Wright Jr.'s address was added to the tax records.

Alfred Mannella made a motion to find the Respondent in violation with a fine of \$100.00 per day for every day the violation exists past December 16, 2014; seconded by Ken Forte. The vote was unanimous in favor of finding violation and the amount of the fine.

CASE NO. 14-999

Christian A. Marrero
614 Brooke Ct.
Clermont, FL 34711

LOCATION OF VIOLATION: 614 Brooke Ct., Clermont, FL 34711

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
NOVEMBER 19, 2014**

VIOLATION: Chapter 14, Section 14-9 (302.4) Weeds

City Attorney Dan Mantzaris introduced the case, stating that this case is in compliance and they are not looking to fine the Respondent, only to determine that they were in violation.

The Respondent was not present.

Code Enforcement Officer Lori Crain, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation summary as follows: You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances due to the following: Overgrowth of weeds & grass (Section 302.4 Weeds). Backyard vegetation is over 18" in length. Compliance of this violation will be when the following conditions are met: When the property is completely mowed: front, side and backyard. Maintain the property hereafter.

Alfred Mannella made a motion to find the Respondent was in violation with no fine assessed; seconded by Bill Rini. The vote was unanimous in favor of finding violation.

CASE NO. 14-1005

Gary D. Roach
610 Brooke Ct.
Clermont, FL 34711

LOCATION OF VIOLATION: 610 Brooke Ct., Clermont, FL 34711

VIOLATION: Chapter 14, Section 14-9 (302.4) Weeds

City Attorney Dan Mantzaris introduced the case, stating that this case is in compliance, and they are not looking to fine the Respondent, only to determine that they were in violation.

The Respondent was not present.

Code Enforcement Officer Lori Crain, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation summary as follows: You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances due to the following: Overgrowth of weeds and grass (Section 302.4 Weeds). Compliance of this violation will be when the following conditions are met: When the property is completely mowed; front, side and backyard. Maintain the property hereafter.

Alfred Mannella made a motion to find the Respondent was in violation with no fine assessed; seconded by Chandra Myers. The vote was unanimous in favor of finding violation.

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
NOVEMBER 19, 2014**

Chairman Dave Holt asked about an article about weeds in Seminole County.

City Attorney Dan Mantzaris stated that the problem in Seminole County pertains to golf courses that have been abandoned. He stated that the golf courses are supposed to be maintained within 75 feet of an occupied structure. He stated that most of the golf courses were not within 75 feet of an occupied structure so Seminole County removed that language and now they must maintain the whole property versus 75 feet.

There being no further business, the meeting was adjourned at 6:42 p.m.

Dave Holt, Chairman

Attest:

Rae Chidlow, Code Enforcement Clerk

City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

AMENDED VIOLATION NOTICE

January 13, 2015

Violation # C2014-010026

To: GABBY'S BANQUET HALL
699 US HWY 27
CLERMONT, FL 34711

Violation/Property address: 699 US Hwy 27, Gabby's Banquet Hall Parcel: 09-22-26-070003400100

You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at 699 US Hwy 27.

Compliance of The Violation(s) listed below: Loud music is no longer an issue or complained about by residents who reside in the area after 11:00 PM.

Type of Violation: **Sec. 34-31. - Loud, disturbing and unnecessary; enumeration.**

The creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. The following acts among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

(10) Playing of radio, phonograph or any musical instrument. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

Enumeration of Prohibited Items, conditions or actions constituting nuisances Section 34-61 (5)

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance:

Noises. All unnecessary or unauthorized noises and annoying vibrations, including animal noises.

By:


Lori Crain
Code Enforcement Officer

Code Enforcement Board of the
City of Clermont

NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner,

vs.

SINGH RAMLAKHAN & MUNIDAI, AND GABBY'S

BANQUET HALL,

Respondent,

Case No. C2014-010026

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby called to take notice that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Board on:

JANUARY 20, 2015,

6:00 PM

at

685 West Montrose Street, Clermont, Florida.

Council Chambers of City Hall

The Board will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and the recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Board even if the violation has been corrected prior to the hearing.

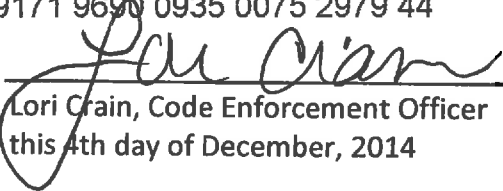
Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

PLEASE GOVERN YOURSELF ACCORDINGLY.

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, SINGH RAMLAKHAN & MUNIDAI.

Certified Mail/Return Receipt Requested #

9171 9690 0935 0075 2979 44

BY: 

Lori Crain, Code Enforcement Officer
this 4th day of December, 2014

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Sec. 34-31. - Loud, disturbing and unnecessary; enumeration.

The creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) *Blowing horns or signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) *Building operations.* The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday, except in case of urgent necessity in the interest of public safety and then only with the permission of the planning and zoning department.
- (3) *Exhaust discharge.* The discharge into the open air of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud noises therefrom.
- (4) *Fireworks.* The use of fireworks and other noise-making explosives and devices, unless a written permit is first obtained as provided by law.
- (5) *Hawking and peddling.* The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (6) *Keeping of animals.* The keeping of any animal or bird, which by causing frequent or loud noise shall disturb the comfort and repose of any person in the vicinity.
- (7) *Loading and unloading operations.* The creation of a loud and excessive noise in connection with loading or unloading of any vehicle, trailer or container, or the opening and destruction of bales, boxes, crates and containers.
- (8) *Noises near churches, schools, institutions of learning or hospitals.* The creation of any excessive noise on any street adjacent to any church, school or institution of learning while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such streets indicating that the same is a church, school or hospital.
- (9) *Noises to attract attention.* The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or device for the purpose of attracting attention or intended to attract attention to any performance, show, sale or display of merchandise, except after obtaining permission from the city.

(10)

Playing of radio, phonograph or any musical instrument. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

- (11) *Use of vehicles.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(Code 1962, § 14-12; Code 1998, § 34-31; Ord. No. 233-C, § 1, 4-12-1983; Ord. No. 2011-03-C, § 2, 7-12-2011)

Sec. 34-61. - Enumeration of prohibited items, conditions or actions constituting nuisances.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance:

- (1) *Weeds.* Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds; or any other vegetation, including grass, other than trees, ornamental bushes, flowers or other ornamental plants with a height exceeding 18 inches.
- (2) *Refuse.* Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.
- (3) *Harborage for rats, snakes and other vermin.* Any condition which provides harborage for rats, mice, snakes and other vermin.
- (4) *Dilapidated buildings.* Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an insanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (5) *Noises.* All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (6) *Odors and stench.* All disagreeable or obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench.
- (7) *Carcasses of animals.* The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (8) *Pollution of bodies of water.* The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery wastes, industrial wastes or other substances.
- (9) *Places where illegal activities take place.* Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (10) *Stagnant water.* Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (11) *Storage of junk in residential areas.* The storage or accumulation of junk in any area zoned for residential use.
- (12) *Discharge of sewage or grease.* Any act resulting in the discharge, dumping or disposal of any contents of any septic tank, dry well, raw sewage, grease or similar material, regardless of its source, into or upon any land or body of water within the city, except as may be allowed through the city's sewer system, or as otherwise authorized by chapter 66 and state law.
- (13) *Improperly built or maintained private disposal systems.* Improperly built or maintained septic tanks, water closets, or privies.
- (14)

Health or life threatening activities. Any act by which the health or life of any individual may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused.

- (15) *Unapproved sewage or grease disposal methods.* Any method for disposing of the contents of any septic tank, dry well, raw sewage, grease or similar material which has not been approved by the county health department or state department of health and rehabilitative services.
- (16) *Improper maintenance or operation of vehicles used for transport and disposal of sewage or grease.* Improper maintenance or operation of any vehicle designed or used for the transportation or disposal of the contents of any septic tank, dry well, raw sewage, grease or similar material, which may threaten or impair the health or lives of any individual, or by which or through which, directly or indirectly, disease may be caused.

(Code 1998, § 34-61)

City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

VIOLATION NOTICE

November 17, 2014

Violation # C2014-010054

To: JOHN P ADAMS & ANN D ADAMS FAM
PO BOX 1667
WINTER HAVEN, FL 33882

Violation/Property address: 2555 East Hwy 50, CLERMONT, FL. 34711

You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at 2555 East Hwy 50.

Compliance of The Violation(s) listed below: WHEN DEAD HEDGES BEHIND CHILIS ARE REPLACED WITH FLORIDA #1 GRADE SHRUBS (SEE PREFERRED LIST ATTACHED TO NOTICE). THE LOCATION OF THE DEAD HEDGES ARE IN COMMON AREA SHOWING AS ADAMS PROPERTY ALT KEY # 3839296

Type of Violation: Maintenance & Pruning

Section 118-35 Responsibility for the maintenance of all landscaping, which shall be maintained in good condition, orderly appearance and free from refuse/debris.

Please contact me at (352)-241-7304 or ewallace@clermontfl.org when you comply, so an inspection to determine compliance can be scheduled.

^{12/18/14}
You are directed to take action by . Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Board.

By:


Evie Wallace

Code Enforcement Officer

REVISED

**Code Enforcement Board of the
City of Clermont**

NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

Case No. C2014-010054

vs.

JOHN P ADAMS & ANN D ADAMS FAM

Respondent

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby called to take notice that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Board on:

January 20th, 2015 at 6:00 pm

at

**685 West Montrose Street, Clermont, Florida.
Council Chambers of City Hall**

The Board will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and the recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Board even if the violation has been corrected prior to the hearing.

Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

PLEASE GOVERN YOURSELF ACCORDINGLY.

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, JOHN P ADAMS & ANN D ADAMS FAM.

Certified Mail/Return Receipt Requested #

9171 9690 0935 0075 2980 33

BY:

Evie Wallace
Evie Wallace, Code Enforcement Officer
this 2nd day of January, 2015

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Verification of material grade and growing method. The tree supplier shall provide verification that all trees meet the standards for Florida No. 1 grade and are container grown in the proper size container.

(Code 1998, § 118-34, Ord. No. 281-C, § 1(c); 13, § 3(D)); 11-8-1994, Ord. No. 311-C, § 1; 11-13-2001, Ord. No. 338-C, § 1, 6-22-2004)

Sec. 118-35. Maintenance and pruning.

- (a) **Maintenance.** The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All required landscaping shall be maintained in perpetuity.
- (b) **Replacement.** All unhealthy and dead plant material shall be replaced within 30 days in conformance with the approved site/landscaping plan for the property or in conformance with the provisions of this article if an approved plan is not on file with the city. The size of replacement trees shall be as specified in section 118-113(d)(2).
- (c) **Pruning.** Vegetation and trees required by this Code shall only be pruned to maintain health and vigor. Pruning shall be in accordance with "Standard Practice for Trees, Shrubs and Other Woody Plant Maintenance ANSI 300" of the National Arborist Association. Trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. A trees natural growth habit shall be considered in advance of conflicts which might arise (i.e. view, signage, lighting and similar conflicts). Excessive pruning, hatracking, topping, etc., shall be considered tree abuse and a violation of this Code.
- (d) **Violations.** A person who violates any provision of this article, and fails to correct the violation as provided herein, may be subject to penalties pursuant to the city Code of Ordinances. Tree abuse offenses shall be considered a separate offense for each tree damaged or destroyed contrary to the provisions of this article.

(Code 1998, § 118-35, Ord. No. 311-C, § 1, 11-13-2001, Ord. No. 338-C, § 1, 6-22-2004)

Sec. 118-36. Plant material.

- (a) **Quality.** Plant materials used in conformance with provisions of this article shall meet specifications of Florida Number 1 grade or better, according to the current edition of Grades and Standards for Nursery Plants of the State Department of Agriculture.
- (b) **Trees.**
 - (1) Trees shall be species having an average mature spread of crown of greater than 15 feet and having trunks which can be maintained in clean condition over five feet of clear wood. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the trees so as to create the equivalent of 15 feet of crown spread.
 - (2) Canopy tree species shall be container grown in a minimum 65-gallon container. Canopy trees shall be a minimum of three inches in caliper, have a minimum six-foot spread, and be a minimum of 12 feet in overall height immediately after planting. Canopy trees shall meet the standards as specified in section 118-2. The location of trees of any species known to have a root system capable of causing damage to roadways or utilities shall require staff approval.
 - (3) Upon planting, palm trees must have six feet clear trunk height as measured from the ground to the base of the heart leaf.
 - (4)

City of Clermont

P.O. Box 120210, Clermont, FL 34712-0219

VIOLATION NOTICE

October 29th, 2014

Violation # 2493

Lindenhurst Realty Group Inc.
c/o Zaya Givargidze
8506 Quito Place
Wellington, FL 33414

Property/Violation Address: 998 East Hwy 50 (Mobil Gas Station), Clermont FL 34711

Parcel Number: 30-22-26-000100003300

Type of Violation: Cure Plan/ Landscaping
In Violation Of: Chapter 86, Section 86-285 (b)(f)
Titled: "Hardship relief due to eminent domain actions"

You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances due to the following:

- Listed Business has been open for several months and has not adhered to the approved Cure Plan (Section 86-285 Cure Plan)

Compliance of This Violation will be when the following conditions are met:

- Obtain the required *permits by the compliance date.
- Upon receipt of this notice, contact Curt Henschel (Planning Manager) at 352-241-7308.

*City Hall is located at 685 W. Montrose Street-1st Floor at Development Services for permit application or call 352-241-7300 and 352-241-7301.

You are directed to take action by November 12th, 2014. Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Board.

Please call (352) 241-7304 or email me at ewallace@clermontfl.org when compliance is met.

By:



E. Wallace
Code Enforcement Officer

Code Enforcement Board of the
City of Clermont

NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

Case No. C2014-010058

vs.

LINDENHURST REALTY GROUP INC

Respondent

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby called to take notice that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Board on:

JANUARY 20TH, 2015, 6:00 P.M.

at

**685 West Montrose Street, Clermont, Florida.
Council Chambers of City Hall**

The Board will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and the recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Board even if the violation has been corrected prior to the hearing.

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PLEASE GOVERN YOURSELF ACCORDINGLY.

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, LINDENHURST REALTY GROUP INC., 8506 QUITO PLACE, WELLINGTON, FL. 33414

Certified Mail/Return Receipt Requested #

BY:



Evie Wallace, Code Enforcement Officer
this 18th day of November, 2014

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

City of Clermont
P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

AFFIDAVIT OF POSTING

CITY OF CLERMONT
Petitioner

CEB CASE # C2014-010058

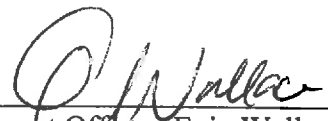
VS.

LINDENHURST REALTY GROUP INC ()
Respondent

Personally appeared before me, Evie Wallace Code Enforcement Officer of the City of Clermont:

That a copy of the Violation Notice and the Hearing Notice was posted at the south public entrance of Clermont City Hall, 685 W. Montrose Street, Clermont, FL 34711, in addition to the real property known as 998 E HIGHWAY 50 (), CLERMONT, FL, 34711 .

Sworn to and subscribed before me this 18th day of November, 2014.


Code Enforcement Officer, Evie Wallace
City of Clermont, 685 W. Montrose Street
Clermont, FL 34711

The forgoing instrument was acknowledged before me this 18 day of Nov, 14, by Evie Wallace, Code Enforcement Officer for the City of Clermont, who is personally known to me and who did take an oath.



Signature: 

Printed Name: Lisa Widican

Sec. 86-285. - Hardship relief due to eminent domain actions.

- (a) *Intent.* This section is intended to provide a fair and equitable process whereby either landowners affected by the transfer of any part of such property to an entity having the power of eminent domain, or the condemning authority can independently obtain nonbinding determinations where such remaining parcel deviates from any land development regulation.
- (b) *Definitions.* For the purposes of this section only, the following terms shall have the following meanings:

Cure plan shall mean and refer to a site plan identifying measures to mitigate or correct land development code and/or governing documents non-conformities caused by the transfer in satisfaction of condemnation, including, but not limited to landscape buffers, setbacks, landscaping, signage, and parking requirements.

Director shall mean and refer to the city planning and zoning director or his/her designee.

Governing documents shall mean and refer to those site and/or subdivision plans and/or agreements and/or city zoning/development approvals, including but not limited to developer annexation agreements, which are applicable to or otherwise enforceable against a particular property or development. Such documents, when submitted to the city for approval, shall be fully engineered and meet any requirements of the land development code applicable to such documents unless otherwise stated herein.

Nonbinding shall mean and refer to determinations by the city that do not require the owner of a remaining parcel to comply with the city's determination.

Remaining parcel shall mean and refer to the remaining portion of real property, including existing improvements, after a portion of such property is transferred to an entity having the power of eminent domain.

Transfer in satisfaction of condemnation ("TSC") shall mean and refer to a transfer of an interest in real property to an entity having the power of eminent domain, whether such transfer be effected by final judgment in a condemnation action, certificate of deposit pursuant to an order of taking, deed under threat of condemnation, or voluntary.

- (c) *Taking or transfer causing nonconformance of remaining property.*
- (1) Notwithstanding any provision of the land development code to the contrary, whenever a transfer in satisfaction of condemnation (TSC) occurs, and such transfer causes the remaining parcel to deviate from the land development code and/or governing documents applicable to such property, then such remaining parcel shall thereafter be an illegal site and/or structure to the extent the transfer in satisfaction of condemnation causes the remaining parcel to deviate from the land development code and/or governing documents unless a cure plan is approved by the city council allowing such deviation.
- (2) a. Within 90 days after the date of the transfer in satisfaction of condemnation, the owner of the remaining parcel must schedule and participate in a pre-application conference with the director to discuss the cure plan and the actions or improvements necessary to bring such remaining parcel into compliance with the land development code and

b. Nothing in this section shall be construed to prohibit or otherwise abate code enforcement action against a remaining parcel for: (1) deviations or violations not caused by a transfer in satisfaction of condemnation or; (2) deviations or violations, regardless of whether such are caused by a transfer in satisfaction of condemnation, that pose a serious threat to the public health, safety and welfare.

- (d) *Deviations.*

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- a. Physical constraints imposed based upon the size, shape or usable area of the remaining parcel and existing structures located thereon;
- b. Safety concerns that would be created by strict adherence to the land development code and/or governing documents;
- c. Factors and circumstances that preclude the continued use of the remaining parcel with the uses actually occurring on the property immediately prior to the transfer in satisfaction condemnation;
- d. The effects of the proposed deviation on traffic congestion on the surrounding public streets and the danger of fire or other hazard to the public; and
- e. Whether the effect of the proposed deviation is in harmony with the general intent of the city's land development code and the specific intent of any and all relevant subject areas of the code.

- (e) *Actions taken prior to transfer in satisfaction of condemnation.*

- Prior to submitting any such application, the condemning authority shall hold a pre-application conference with the director. As a condition precedent to submitting an application, the condemning authority shall schedule a meeting with all record owners of the subject property for the purpose of reviewing the proposed cure plan and to encourage cooperation and conformance with the city code wherever possible. The meeting between the condemning authority and the property owner shall occur at a location or method as agreed upon by both parties, and upon a minimum of 30 days written notice by Certified Mail from the condemning authority to the property owner or owners. In the event that the property owner fails to attend the meeting after receiving timely notice, the condemning authority may submit the proposed cure plan for review by the city council hereunder.

The final application submitted to the city council shall include any and all information requested by, or recommendations of the director arising out of the pre-application conference or subsequent staff review. Any cure plan submitted must clearly depict and describe the existing condition of the affected property prior to the transfer in satisfaction of condemnation and the conditions existing after the completion of the site improvements

proposed by the cure plan.

(3) The approval of the nonbinding cure plan shall not preclude the city council from approving a competing application from the owner of the remaining parcel, which differs from the cure plan addressed in the nonbinding approval, it being recognized that there may be more than one alternative approach to cure the effects of a transfer in satisfaction of condemnation that would bring the remaining parcel into conformity with the City Code requirements and/or governing documents or legal nonconformities as described above. A city council approved nonbinding cure plan, including such with deviations, shall only become binding upon the remaining parcel when such is incorporated into a written settlement of the transfer in satisfaction of condemnation between the owner of the remaining parcel and the condemning authority. If more than one cure plan has been approved by the city council, including a nonbinding cure plan submitted by the condemning authority, any of the cure plans may be used and relied upon by the owner of the remaining parcel to rehabilitate such parcel.

(4) As a condition of approval of any cure plan, hereunder, the city council may require, among other things, that the owner or owners of the remaining parcel execute and record in the Public Records of Lake County a notice of encumbrance in a form acceptable to the city for the purpose of notifying any and all subsequent owners of the remaining parcel is subject to a cure plan.

- (f) *Upon final approval of cure plan.* Upon final approval of a cure plan by the city council, the terms, conditions and requirements contained therein shall attach as covenants that run with the land. Provided, however, that the city shall not act to enforce the cure plan until such time as the construction of the new right-of-way pertaining to the taking and the cure plan has been completed. All city reviews may be conducted and approved prior to the right-of-way completion in order to allow for the property owner the needed time to prepare the site plan and obtain any permits that may be required.
- (g) *Fees.* The fees for submission of a cure plan for review and approval shall be the same cost as site plan review.
- (h) *Enforcement.* The city may enforce violations of this section by way of code enforcement board action, revocation of any certificate of occupancy related to the subject property, and/or all other remedies available to the city in law or equity. Prior to enforcing a violation of this Section, the City shall provide notice as required by applicable law.
- (i) *Notice.* If a condemning authority or owner of a remaining parcel seeks city council final approval, or nonbinding approval, of a cure plan, the party seeking such approval shall provide to the other party written notice of such application by certified mail of such application at the time of submittal of the application and at least 14 days prior to the public hearing before city council related to the application.

(Ord. No. 2010-04-C, § 1, 4-13-2010)