



CODE ENFORCEMENT SPECIAL
MAGISTRATE HEARING
TUESDAY, NOVEMBER 17, 2020
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM

CALL TO ORDER

SWEARING IN WITNESSES

AGENDA

OTHER BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

Item 1 - C2020-000446
Wallace

Bishop Charity
210 Crystal Lake Dr.

Update from Orders on 9-15-2020

VIOLATION:

Item 2 - C2020-000927
Wallace

Wetzel John & Vickie
West Highway 50

Repeat Violation

VIOLATION:

Section 122-344 Property Maintenance
Section 301.3-IPMC Vacant Structures
and Lands
Section 302.4-IPMC Weeds

Item 3 - C2020-000912
Wallace

Fulvan at Clermont LLC
Paul Cassuto
701 State Road 50

Repeat Violation

VIOLATION:

702.1 Means of Egress
Section 34-62 Creation or Maintenance
of nuisance by property owner declared
unlawful

**CODE ENFORCEMENT SPECIAL
MAGISTRATE HEARING
TUESDAY, NOVEMBER 17, 2020
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM**

Item 4 - C2020-000935
Mohney

Derby Glenn LLC
3933 Derby Glen

Notice of Hearing

VIOLATION:

Section 122-344 Property Maintenance
Section 302.4 IMPC Weeds

ADJOURN

Any person wishing to appeal any decision made by the Code Enforcement Special Magistrate 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 Development Services 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.



**CODE ENFORCEMENT BOARD MEETING
TUESDAY, NOVEMBER 17, 2020
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM**

Meeting Date		
Tuesday, November 17, 2020		
Agenda Item Name		
C2020-000446 <i>Wallace</i>		
Requested Action		
Staff Report		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		

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.

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TUESDAY, NOVEMBER 17, 2020
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C2020-000927 <i>Wallace</i>		
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Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. VN, HN, FOF	VN, HN, FOF.pdf	

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City of Clermont

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

REPEAT VIOLATION NOTICE

September 18, 2020

Violation # C2020-000927

To: WETZEL JOHN & VICKIE
17648 COUNTY ROAD 455
MONTVERDE, FL 34756

Violation/Property address: WEST HIGHWAY 50 CLERMONT FL 34711 (VACANT LOT 1611547).

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 WEST HIGHWAY 50 CLERMONT FL 34711 (VACANT LOT 1611547). IN REFERENCE TO; CODE ENFORCEMENT RECEIVED A COMPLAINT THAT THE PROPERTY LISTED ABOVE WAS IN A STATE OF POOR ORDER AND OVERGROWN WITH GRASS AND WEEDS. OFFICERS CONDUCTED AN INSPECTION AND FOUND IT TO BE IN VIOLATION. THERE HAS BEEN A PRIOR CODE CASE (C2019-000546) THAT HAS APPEARED BEFORE THE SPECIAL MAGISTRATE WHICH QUALIFIES THIS CASE TO BE MOVED DIRECTLY TO A HEARING AS THERE ARE NUMEROUS REPEAT VIOLATIONS FROM THE PRIOR CASE LISTED ABOVE. SEE BELOW FOR THE VIOLATIONS CURRENTLY LEVIED AT THE PROPERTY.

Compliance with the Violation(s) listed will be when the following condition(s) are met: ACTION MUST BE TAKEN IMMEDIATELY.

Type of Violation: PROPERTY MAINTENANCE SECTION 122-344

(i) Property maintenance. It is the duty and obligation of the owner and occupant of all real property in the city to help preserve and protect the public health and general welfare of all residents and their property by keeping their respective lots, parcels or tracts of land, adjacent sidewalks and parkways free from all filth, trash, weeds, dirt, leaves, grass and rubbish and to keep down by mowing, cutting or removal such vegetation and detrimental materials.

Type of Violation: VACANT STRUCTURES AND LANDS SECTION 301.3-IPMC

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition.

Type of Violation: WEEDS SECTION 302.4-IPMC

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 18 inches.

Please contact me at (352)241-7304 or MREUSCH@CLERMONTFL.ORG when you comply, so an inspection

to determine compliance can be scheduled. THIS CASE WILL BE PRESENTED AT THE CODE ENFORCEMENT HEARING (AS STATED IN ENCLOSED NOTICE OF HEARING) AS A REPEAT VIOLATION, EVEN IF VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE. ADDITIONALLY, FINES CAN ALSO BE IMPOSED FROM THE DATE THE VIOLATION WAS OBSERVED.

You are directed to take action **IMMEDIATELY**.

By:



Matthew Reusch
Code Enforcement Supervisor

Code Enforcement Special Magistrate
City of Clermont
NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

Case No. C2020-000927

vs.

WETZEL JOHN & VICKIE

Respondent

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

Tuesday, November 17th, 2020 at 1:30 P.M.

At

**620 W. Montrose Street, Clermont FL 34711
Clermont City Center**

The Special Magistrate 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 then 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 Special Magistrate 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.

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, WETZEL JOHN & VICKIE.

Certified Mail/Return Receipt Requested #

BY: 

Matthew Reusch, Code Enforcement Supervisor
this 18th day of September, 2020

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.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF CLERMONT, FLORIDA**

CITY OF CLERMONT

Petitioner,

vs.

JOHN AND VICKIE WETZEL,

Respondents.

**Case No: C2019-000546
Alt Key 1611547 (Vacant Lot) West HWY 50
Clermont, Florida**

FINDINGS OF FACT, CONCLUSION OF LAW and ORDER

THIS MATTER came before the Code Enforcement Special Magistrate of the City of Clermont for hearing on **September 17, 2019** and the Special Magistrate having heard sworn testimony and received evidence from **Matthew Reusch Code Enforcement Officer**, for the City, and Respondent **John Wetzel**, thereupon issues the following Findings of Fact, Conclusion of Law, and Order:

I. FINDINGS OF FACT

- 1) Notice as required by Section 162.12, F.S. was provided to Respondent.
- 2) The Respondents are the owners of and in custody and control of the property described in the Violation Notice dated July 26, 2019.
- 3) As of July 26, 2019, the property had overgrown grass, growth and weeds.
- 4) As of August 21, 2019, the above-stated condition has been corrected.

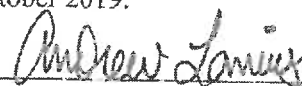
II. CONCLUSION OF LAW

The Code Enforcement Special Magistrate finds the Respondents, **JOHN and VICKIE WETZEL**, were in violation of City of Clermont Section 122-344 "Property Maintenance"; Section 302.4-IPMC "Weeds"; and Section 301.2-IPMC "Vacant Structures and Lands".

III. ORDER

Based on the above-stated findings and conclusion of law, it is hereby Ordered that the Respondents shall refrain from repeating the above-stated violations. In the event the violations are repeated the Petitioner may bring this matter back before the Special Magistrate as a repeat violation in accordance with applicable law.

Done and Ordered this 7th day of October 2019.

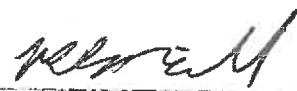


Andrew Lanius, Esquire
Special Magistrate
Fla Bar No.: 93427

An aggrieved party, including the City Council of the City of Clermont, may appeal a final administrative order of the Code Enforcement Special Magistrate to the Circuit Court. Any such appeal shall be filed within thirty (30) days of the rendition of this Order as set forth in Section 162.11, Florida Statutes.

I HEREBY CERTIFY that on this 10th day of October 2019, a true and correct copy of this Order has been furnished by certified and regular mail to Respondents, John and Vickie Wetzel, 17648 County Road 455, Montverde, FL 34756.

9171 9690 0935 0198 1828 20



Code Enforcement Officer



**CODE ENFORCEMENT BOARD MEETING
TUESDAY, NOVEMBER 17, 2020
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM**

Meeting Date		
Tuesday, November 17, 2020		
Agenda Item Name		
C2020-000912 <i>Wallace</i>		
Requested Action		
Staff Report		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. VN,HN,FOF	VN,HN,FOF.pdf	

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 Development Services 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

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

REPEAT VIOLATION NOTICE

September 9th, 2020

Violation # C2020-000912

To: FULVAN AT CLERMONT LLC C/O PAUL
CASSUTO
1724 E 12TH ST
BROOKLYN, NY 11229

Violation/Property address: 701 STATE ROAD 50, CLERMONT FL 34711 (DOLLAR GENERAL)

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 701 STATE ROAD 50, CLERMONT FL 34711 (DOLLAR GENERAL). **IN REFERENCE TO; CODE ENFORCEMENT WAS NOTIFIED BY CLERMONT FIRE DEPARTMENT THAT THE PROPERTY LISTED ABOVE WAS IN A STATE OF POOR ORDER WITH INGRESS AND EGRESS ROUTES BEING BLOCKED BY MERCHANDISE. AN OFFICER CONDUCTED AN INSPECTION AND FOUND IT TO BE IN VIOLATION. THERE HAS BEEN A PRIOR CODE CASE (C2017-000556) THAT HAS APPEARED BEFORE THE SPECIAL MAGISTRATE WHICH QUALIFIES THIS CASE TO BE MOVED DIRECTLY TO A HEARING AS THERE ARE NUMEROUS REPEAT VIOLATIONS FROM THE PRIOR CASE LISTED ABOVE. SEE BELOW FOR THE VIOLATIONS CURRENTLY LEVIED AT THE PROPERTY.**

Compliance with the Violation(s) listed will be when the following condition(s) are met: PROPERTY MUST BE MAINTAINED IN A SAFE AND HAZARD FREE MANNER IN ACCORDANCE WITH THE ALL APPLICABLE STATUTES AND ORDINANCES.

Type of Violation: 702.1 MEANS OF EGRESS

A safe, continuous and unobstructed patch of travel shall be provided from any point in a building or structure to the public way.

Type of Violation: SEC. 34-62. - CREATION OR MAINTENANCE OF NUISANCE BY PROPERTY OWNER DECLARED UNLAWFUL.

It shall be unlawful for any person to create a nuisance, or suffer or permit a nuisance to exist, upon property which is under his care, custody or control.

Please contact me at (352)241-7304 or MREUSCH@CLERMONTFL.ORG when you comply, so an inspection to determine compliance can be scheduled. THIS CASE WILL BE PRESENTED AT THE CODE ENFORCEMENT HEARING (AS STATED IN ENCLOSED NOTICE OF HEARING) AS A REPEAT VIOLATION, EVEN IF VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE. ADDITIONALLY, FINES CAN ALSO BE IMPOSED FROM THE DATE THE VIOLATION WAS OBSERVED.

You are directed to take action IMMEDIATELY.

By:



Matthew Reusch
Code Enforcement Supervisor

Code Enforcement Special Magistrate
City of Clermont
NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

Case No. C2020-000912

vs.

FULVAN AT CLERMONT LLC C/O PAUL CASSUTO

Respondent

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

TUESDAY, NOVEMBER 17TH, AT 1:30 PM

at

620 West Montrose Street, Clermont, Florida.

CLERMONT CITY CENTER

The Special Magistrate 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 then 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 Special Magistrate 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.

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, FULVAN AT CLERMONT LLC C/O PAUL CASSUTO.
Certified Mail/Return Receipt Requested #

BY: 

Matthew Reusch, Code Enforcement Supervisor
this 9th day of September, 2020

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**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF CLERMONT, FLORIDA**

CITY OF CLERMONT

Case No: C2017-000556

Petitioner,

741 SR 50

Clermont, Florida

vs.

**FULVAN AT CLERMONT, LLC and
DOLLAR GENERAL,**

Respondents.

_____ /

**FINDINGS OF FACT, CONCLUSION OF LAW and
ORDER of REPEAT VIOLATION and IMPOSING FINE**

THIS MATTER came before the Code Enforcement Special Magistrate of the City of Clermont for hearing on January 16, 2018, and the Special Magistrate having heard sworn testimony and received evidence from Lori Crain, Code Enforcement Officer, and Jennifer Pierce, Fire Marshall, for the City and having noted that Respondent was represented by Jeff Brown, thereupon issues the following Findings of Fact, Conclusion of Law, and Order:

I. FINDINGS OF FACT

- 1) Notice as required by Section 162.12, F.S. was provided to Respondent.
- 2) The Respondent is the owner of and in custody and control of the property described in the Repeat Violation Notice dated October 10, 2017.
- 3) As of September 30, 2017, due to the storage and maintenance of retail products and other items within the building, there existed on the property an unsafe condition and nuisance as there was not a safe, continuous and unobstructed path of travel from any point in the building to the public way.
- 4) The above-stated condition constituted a Repeat Violation of a prior Order of the Clermont Code Enforcement Board dated July 21, 2015.
- 5) The Respondent corrected the violations on or about October 13, 2017.

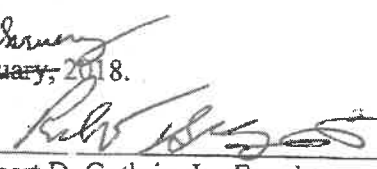
II. CONCLUSION OF LAW

The Code Enforcement Special Magistrate finds the Respondents, **FULVAN AT CLERMONT, LLC and DOLLAR GENERAL**, was in Repeat Violation of City of Clermont Code 701.1 "Means of Egress and Section 34-62 "Creation or maintenance of nuisance by property owners declared unlawful".

III. ORDER

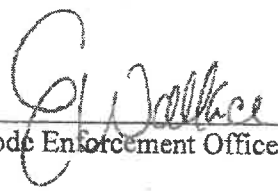
Based on the above-stated findings and conclusion of law, it is hereby ordered that A fine is imposed in the amount of **FIVE THOUSAND DOLLARS (\$5000.00)** for the period of September 30, 2017, until October 14, 2017, during which repeat violations occurred.

Done and Ordered this 5th day of January, 2018.


Robert D. Guthrie, Jr., Esquire
Special Magistrate
Fla Bar No.: 229555

An aggrieved party, including the City Council of the City of Clermont, may appeal a final administrative order of the Code Enforcement Special Magistrate to the Circuit Court. Any such appeal shall be filed within thirty (30) days of the rendition of this Order as set forth in Section 162.11, Florida Statutes.

I HEREBY CERTIFY that on this 2nd day of January, 2018, a true and correct copy of this Order has been furnished by certified and regular mail to Respondents, Fulvan at Clermont, LLC, 1724 E. 12th Street, Brooklyn, NY 11229 and Dollar General, 741 SR 50, Clermont, FL 34711.


Code Enforcement Officer *signing for*
Lari Crain



**CODE ENFORCEMENT BOARD MEETING
TUESDAY, NOVEMBER 17, 2020
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM**

Meeting Date		
Tuesday, November 17, 2020		
Agenda Item Name		
C2020-000935 <i>Mohney</i>		
Requested Action		
Staff Report		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	20-935 VN	20-935 VN.pdf
2.	20-935 AoP	20-935 AoP.pdf
3.	20-935 HN	20-935 HN.pdf

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City of Clermont

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

VIOLATION NOTICE

October 09, 2020

Violation # C2020-000935

To: HOAFS 3933 DERBY GLEN LLC
1820 NE JENSEN BEACH BLVD
STE 526
JENSEN BEACH, FL 34957

Violation/Property address: 3933 DERBY GLEN, 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 3933 DERBY GLEN, CLERMONT FL 34711. **Code Enforcement Officer observed the property to be in violation of the stated code(s) and/or ordinance(s). Grass and/or plant growth above 18".**

Compliance with the Violation(s) listed will be when the following condition(s) are met: Property must be cut or mowed, cleared of all overgrowth and maintained under 18 inches. In addition, sidewalks must be clear of grass, overgrowth, and debris. Property must be maintained in accordance with the stated code(s) and/or ordinance(s).

Type of Violation: PROPERTY MAINTENANCE SECTION 122-344

(i) Property maintenance. It is the duty and obligation of the owner and occupant of all real property in the city to help preserve and protect the public health and general welfare of all residents and their property by keeping their respective lots, parcels or tracts of land, adjacent sidewalks and parkways free from all filth, trash, weeds, dirt, leaves, grass and rubbish and to keep down by mowing, cutting or removal such vegetation and detrimental materials.

Type of Violation: WEEDS SECTION 302.4-IPMC

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 18 inches.

Please contact me at 352-241-7316 or gmohney@clermontfl.org when you comply, so an inspection to determine compliance can be scheduled.

You are directed to take action by OCTOBER 26, 2020. Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Special Magistrate.

By:



GLENN MOHNEY
Code Enforcement Officer

**CITY OF CLERMONT
CODE ENFORCEMENT DEPARTMENT**

AFFIDAVIT OF POSTING

CITY OF CLERMONT
Petitioner

CASE# C2020-000935

VS.

HOAFS 3933 DERBY GLEN LLC
Respondent

Personally appeared before me, Glenn Mohney, Code Enforcement Officer of the City of Clermont:

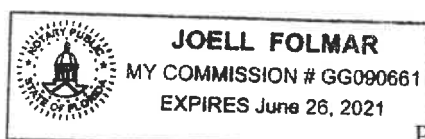
That a copy of the Violation Notice and the Hearing Notice was posted at the south public entrance of Clermont City Hall, 685 W. Montrose Street, Clermont FL 34711, in addition to the real property known as 3933 DERBY GLEN, Clermont, FL 34711, on the 06th day of November, 2020.

Sworn to and subscribed before me this 6th day of November, 2020

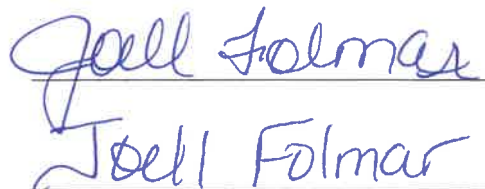


Glenn Mohney
Code Enforcement Officer
City of Clermont, 685 W. Montrose Street
Clermont, FL

The forgoing instrument was acknowledged before me this 6 day of Nov., 2020,
by Glenn Mohney, Code Enforcement Officer for the City of Clermont, who is personally known to me
and who did take an oath.



Signature:



Printed Name:

Joell Folmar

Code Enforcement Special Magistrate
City of Clermont
NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

Case No. C2020-000935

vs.

HOAFS 3933 DERBY GLEN LLC

Respondent

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

November 17, 2020 at 1:30 PM

at

685 West Montrose Street, Clermont, Florida.

Council Chambers of City Hall

The Special Magistrate 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 then 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 Special Magistrate even if the violation has been corrected prior to the hearing.

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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, HOAFS 3933 DERBY GLEN LLC.

Certified Mail/Return Receipt Requested #

9171 9690 0935 0198 1646 42

BY:



GLENN MOHNEY, Code Enforcement Officer
this 28th day of October, 2020

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.