

**CODE ENFORCEMENT BOARD MEETING
TUESDAY, APRIL 15, 2014
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

March 18, 2014 Code Enforcement Minutes

OPENING STATEMENT

SWEARING IN WITNESSES

AGENDA

NEW BUSINESS

**Case 14-985
Wallace**

Ryan Miller
1728 Bowman Street
Clermont, FL 34711

VIOLATION:

Chapter 14, Section 14-9 (303.1, 303.2,
302.1, 301.3)
Exterior Property Maintenance

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
MARCH 18, 2014**

The regular meeting of the Code Enforcement Board was called to order on Tuesday, March 18, 2014 at 6:01 p.m. Members attending were Chairman Dave Holt, along with Board members Larry Seidler, Bill Rini, Chandra Myers and Harvey Rosenberg. Also attending were Barbara Hollerand, Planning & Zoning Director, Suzanne O'Shea, Code Enforcement Manager, Evie Wallace, Code Enforcement Officer, Valerie Fuchs, Code Enforcement Attorney, Dan Mantzaris, City Attorney, and Rae Chidlow, Code Enforcement Clerk.

The Pledge of Allegiance was recited.

Code Enforcement Attorney Valerie Fuchs introduced and swore in new Board member Harvey Rosenberg.

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

Chairman Dave Holt read the Opening Remarks.

Code Enforcement Officer Suzanne O'Shea, along with any of the public who may testify, was sworn in.

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

City Attorney Dan Mantzaris stated that case 13-964 has complied and will not be heard.

CASE NO. 11-712

Tower Medical Center
210 N. Highway 27
Clermont, FL 34711

REQUEST: Reduction of Fine; Case closed 2/2/2014; amount of fine \$225,000.00.

City Attorney Dan Mantzaris introduced the case.

The Respondent was present.

David Allyn, 1976 Brantly Circle, stated that he is in compliance and is in agreement of paying the agreed amount of \$10,000.

Bill Rini made a motion to reduce the fine from \$225,000 to \$10,000 to be paid by April 18, 2014; seconded by Chandra Myers. The vote was unanimous in favor of reducing the amount of the fine.

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
MARCH 18, 2014**

CASE NO. 11-718

Dwayne H. & Rhonda M. Gregoire
1248 Shorecrest Circle
Clermont, FL 34711

REQUEST: Reduction of Fine; Case closed 7/12/2013; amount of fine \$196,250.00.

City Attorney Dan Mantzaris introduced the case.

The Respondent was present.

Dwayne Gregoire, 1248 Shorecrest Circle, stated that he has a financial hardship because the house is valued half of what is owed. He stated that there was no money to finish the pool. He stated that he is asking to pay no fine, however if he has to pay a fine of \$500 he could do \$100.

Chairman Dave Holt asked what amount and payment plan would suit his finances.

Mr. Gregoire stated that when they renewed the permit he thought he would not be fined. He stated that he could probably do \$100 a month for a few months. He stated that they are struggling to keep the house at this point.

Dan Mantzaris stated that staff looks at the time and effort that is put into the case. He stated that they are good with reducing the amount to \$500 to be paid within six months.

Harvey Rosenberg made a motion to reduce the fine from \$196,250 to \$500 to be paid by within five months from today; seconded by Chandra Myers. The vote was unanimous in favor of reducing the amount of the fine.

CASE NO. 12-836

Brian A. Badlu & Diana Haripersaud
1931 Crestridge Dr.
Clermont, FL 34711

REQUEST: Reduction of Fine; Case closed 3/6/2014; amount of fine \$62,200.00.

City Attorney Dan Mantzaris introduced the case.

The Respondent was present.

Eva Gordon, 1353 Village Park, Orlando, stated that this is a short-sale. She stated that during closing they found out there was a lien on this property. She stated that the title company

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
MARCH 18, 2014**

requested that they pay this lien. She stated that they are requesting a waiver or reduction of the fines.

Board member Harvey Rosenberg asked when did the short-sale begin and has the financing been obtained.

Ms. Gordon stated that the short-sale started 6-8 months ago and stated that the financing has been secured for the buyer.

Mr. Rosenberg asked if the bank is willing to pay towards the fines.

Ms. Gordon stated that the bank paid the lien for the water bill however this lien was brought to their attention after the short-sale approval.

Mr. Rosenberg asked if there are any outstanding homeowner's association dues and is the bank paying for those.

Ms. Gordon stated that there is \$7,200 due for homeowner's association dues and will the dues be paid partly by the bank and the rest by the buyers.

Mr. Rosenberg asked if the sellers are receiving any funds at closing for their sell.

Ms. Gordon stated that they are receiving \$3,000, which about \$1500 of it will go towards the lawn maintenance and the cleaning of the property.

City Attorney Dan Mantzaris stated that there was not a lot of time put into this case. He stated that staff recommends that the fine be reduced to \$250.

Board member Chandra Myers asked if it would be an issue for the buyer to pay the \$250.

Ms. Gordon stated that they were expecting this to happen and the buyer's are prepared to pay the fine.

Chandra Myers made a motion to reduce the fine from \$62,200 to \$250 to be paid by April 18, 2014; seconded by Harvey Rosenberg. The vote was unanimous in favor of reducing the amount of the fine.

CASE NO. 13-927

David Fitch
2008 Country Brook Ave.
Clermont, FL 34711

REQUEST: Reduction of Fine; Case closed 11/20/2013; amount of fine \$21,600.00.

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
MARCH 18, 2014**

City Attorney Dan Mantzaris introduced the case.

The Respondent was present.

David Fitch, 2008 Country Brook Ave., stated that he has come into compliance and is asking for the fine to be waived.

Board member Harvey Rosenberg asked who built the deck.

Mr. Fitch stated that he and his dad built the deck.

City Attorney Dan Mantzaris stated that staff would recommend a reduction to \$250.00.

Harvey Rosenberg made a motion to waive the fine; seconded by Dave Holt. The vote was 3-2 in favor to waive the fine with Board members Bill Rini and Chandra Myers opposing.

CASE NO. 13-971

Vanessa Mitchell & Marie Y. Lyons
304 Giovanni Blvd.
Clermont, FL 34711

REQUEST: Request for an Extension

City Attorney Dan Mantzaris introduced the case.

The Respondent was present.

Vanessa Mitchell, 304 Giovanni Blvd., stated that she would appreciate the extension.

Chandra Myers made a motion to allow an extension to December 31, 2014; seconded by Bill Rini. The vote was unanimous in favor of allowing the extension.

CASE NO. 13-969 & 13-970

Citrus Tower Professional Center, LLC
Common Area and retention area, Hunt St.
Vacant lots and parking area, Hunt St.
Clermont, FL 34711

REQUEST: Reduction of Fine; Case closed 3/4/2014; amount of fine \$32,250.00 & 2/20/2014; amount of fine \$29,500.00.

City Attorney Dan Mantzaris introduced the case.

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
MARCH 18, 2014**

The Respondent was present.

Joseph McCall, 265 Citrus Tower Blvd., requested to reduce the fine to \$250 for each case.

City Attorney Dan Mantzaris stated that staff's recommendation would be to reduce the fine to \$500 per case.

Chandra Myers made a motion to reduce the fine for case 13-969 from \$32,250 to \$500 to be paid by April 18, 2014; seconded by Harvey Rosenberg. The vote was unanimous in favor of reducing the amount of the fine.

Chandra Myers made a motion to reduce the fine for case 13-970 from \$29,500 to \$500 to be paid by April 18, 2014; seconded by Harvey Rosenberg. The vote was unanimous in favor of reducing the amount of the fine.

Bill Rini made a motion to nominate Dave Holt for Chair and Chandra Myers for Vice-Chair; seconded by Larry Seidler. The vote was unanimous.

There being no further business, the meeting was adjourned at 8:33 p.m.

Dave Holt, Chairman

Attest:

Rae Chidlow, Code Enforcement Clerk

City of Clermont

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

VIOLATION NOTICE

November 13, 2013

Violation # 2371

**Miller, Ryan
18 Porter
Irvine, CA. 92620**

Property/Violation Address: 1728 Bowman Street, Clermont, FL. 34711

Parcel Number: 30-22-26-040000001700

Type of Violation: EXTERIOR PROPERTY MAINTENANCE
In Violation Of: Chapter14, Section14-9
Titled: "International Property Maintenance Code 2012"

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:

- The pool is stagnant, green and unsanitary. (Section 303.1 Swimming Pools)
- The screen enclosure and doors are not secure. (Section 303.2 Enclosures)
- There is dead vegetation and miscellaneous garbage inside and outside pool patio and house. Additionally, the walls on the south side of the house are molded and in poor condition. (Section 302.1 Sanitation and Section 301.3 Vacant Structures)

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

- The pool is cleaned and sanitary with removal of all insects, bugs, etc. The pool needs to be drained and securely covered; therefore, no water or animals can reenter the pool.
- Secure all areas of the pool enclosure; screen and doors, to prevent unauthorized entry of children and/or adults which can be a safety hazard if entry was gained.
- All garbage and debris, including vegetation, limbs, etc. are removed from the property and disposed of properly.
- Secure all doors, windows and fence to prevent entry.
- Maintain the lawn.
- Redo the wall that is molding and falling apart to prevent any future injury to anyone that might enter this premise (lawfully or unlawfully) in order to prevent future liability to the owner.

You are directed to take action by February 13, 2013. 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 you comply.

By: _____
Evie Wallace -Code Enforcement Officer

City of Clermont

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

VIOLATION NOTICE

February 20th, 2014

Violation # 2371

Miller, Ryan
18 Porter
Irvine, CA. 92620

Property/Violation Address: 1728 Bowman Street, Clermont, FL 34711

Parcel Number: 30-22-26-040000001700

Type of Violation: EXTERIOR PROPERTY MAINTENANCE
In Violation Of: Chapter 14, Section 14-9
Titled: "International Property Maintenance Code 2012"

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:

- The pool is stagnant, green and unsanitary. (Section 303.1 Swimming Pools)
- The screen enclosure and doors are not secure. (Section 303.2 Enclosures)
- There is dead vegetation and miscellaneous garbage inside and outside pool patio and house. Additionally, the walls on the south side of the house are molded and in poor condition. (Section 302.1 Sanitation and Section 301.3 Vacant Structures)

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

- The pool is cleaned and sanitary with removal of all insects, bugs, etc. The pool needs to be drained and securely covered; therefore, no water or animals can reenter the pool.
- Secure all areas of the pool enclosure; screen and doors, to prevent unauthorized entry of children and/or adults which can be a safety hazard if entry was gained.
- All garbage and debris, including vegetation, limbs, etc. are removed from the property and disposed of properly.
- Secure all doors, windows and fence to prevent entry.
- Maintain the lawn.
- Redo the wall that is molding and falling apart to prevent any future injury to anyone that might enter this premise (lawfully or unlawfully) in order to prevent future liability to the owner.

You are directed to take action by March 20th, 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 you comply.

By: _____
Evie Wallace -Code Enforcement Officer



City of Clermont

Date: February 20th. 2014
To: Mr. Ryan Miller
From: Officer E. Wallace #5080
Ref: 1728 Bowman St. Clermont, Fl. 34711

Attn:

Mr. Ryan Miller, I understand that JPM Chase has no longer maintained your residence since December 2013. I have tried to contact you via notice several months ago regarding the violations on your residence. It is your duty as a home owner to contact me so we can discuss how to correct these issues.

In this notice attached, I have given you a month to correct these issues and contact me. Please do not disregard this notice. This is your final notice you will receive before the city will have to proceed further with a formal hearing in front of a Code Enforcement Board. This can be a problem for you if you do actually still reside in California.

I am willing to help you and commit to an extension for you but I cannot do so if I don't get an email or phone call from you. Just so you are aware, the city can fine you and can place a lien on your property after a code enforcement board hearing.

I hope to hear from you soon.

Professionally,

Evie Wallace

**Code Enforcement
City of Clermont
685 W. Montrose Street
Clermont, Fl. 34711
ewallace@clermontfl.org
352-241-7304**

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

NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

vs.

Ryan Miller

Respondent

Case No. 14-985

Violation No. 2371

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:

April 15th 2014, 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 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 Board even if the violation has been corrected prior to the hearing.

Any letters, lists, pictures or 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, Ryan Miller, 18 Porter, Irvine, CA. 92620. (Certified Mail/Return Receipt Requested# _____)

BY: _____
Evie Wallace, Code Enforcement Officer
this 14th day of March, 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.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The owner of the premises shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants of a dwelling unit, rooming unit or housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit or premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the *exterior property* which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All premises and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate,