APOPKA CODE ENFORCEMENT HEARING AGENDA

OCTOBER 20, 2020 1:30 PM

APOPKA CITY HALL COUNCIL CHAMBERS

CALL TO ORDER

APOPKA MUNICIPAL CODES AND LAND DEVELOPMENT CODES COMBINED

1. Case Number. Code Enforcement 20-00389 – 215 E Main Street, Apopka, FL 32703- Dave Whitty
2. Case Number. Code Enforcement 20-00342 – 485 E Main Street, Apopka, FL 32703- Dave Whitty
3. Case Number. Code Enforcement 19-00459 – 613 E Orange Street, Apopka, FL 32703- Dave Whitty
4. Case Number. Code Enforcement 20-00114 – 334 W Main Street, Apopka, FL 32703- Dave Whitty
5. Case Number. Code Enforcement 20-00354 – 256 Alabama Avenue, Apopka, FL 32703- Dave Whitty
6. Case Number. Code Enforcement 20-00370– 202 S Binion Road, Apopka, FL 32703- Dave Whitty
7. Case Number. Code Enforcement 20-00459 – 474 Knightswood Drive, Apopka, FL 32712- Bernard Jeanty
8. Case Number. Code Enforcement 20-00426 – 373 Kee Street, Apopka, FL 32712- Bernard Jeanty
9. Case Number. Code Enforcement 20-00347 – 1514 Stormway Court, Apopka, FL 32712- Bernard Jeanty

REDUCTION OF THE FINE REQUEST

1. Case Number. Code Enforcement 19-00432 – 1265 Falconcrest Boulevard, Apopka, FL 32712- Bernard Jeanty

NEXT MEETING DATE

ADJOURNMENT

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he 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 to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY OCTOBER 20, 2020 at 1:30 PM

Case Number: 20-00389
Code Officer: Dave Whitty
Address of Property: 215 East Main Street
Respondent: 215 East Main Apopka LLC
Parcel ID Number: 09-21-28-0196-30-310

NOTICES:

1) 08/26/20 Warning Notice mailed.
2) 10/08/20 Notice of Hearing mailed certified.
3) 10/08/20 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Apopka Municipal Code (AMC)

1) Article 5, Section 18-108: Adoption of the IPMC.

International Property Maintenance Code (IPMC)

1) Chapter 3, Section 308.1: Junk, trash, and debris.

Violation: Junk, trash, and debris in and around the dumpster area.

Corrective action: Remove all junk, trash, and debris from the dumpster area and keep this area and property maintained.

Notes: There has been no response from the property owner.

1) 08/04/20 Initial inspection.
2) 08/20/20 Follow up inspection.
3) 09/15/20 Re-inspection.
4) 09/23/20 Re-inspection.
5) 10/08/20 Re-inspection.
6) 10/16/20 Re-inspection.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinance. The property must come into compliance within 10 days (October 30, 2020), or a fine of $250 per day will begin on the 11th day (October 31, 2020) if not in compliance. The respondent, or representative, must contact Apopka Code Enforcement for inspection of the property, at such time the property violations are cured.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY OCTOBER 20, 2020 at 1:30 PM

Case Number: 20-00342
Code Officer: Dave Whitty
Address of Property: 485 East Main Street
Respondent: AAAA Partners LLC
Parcel ID Number: 10-21-28-0000-00-090

NOTICES:

1) 07/15/20 Warning Notice mailed.
2) 10/08/20 Notice of Hearing mailed certified.
3) 10/08/20 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Apopka Municipal Code (AMC)

1) Article 5, Section 18-108: Adoption of the IPMC.

International Property Maintenance Code (IPMC)

1) Chapter 1, Section 110.1: Buildings shall not be boarded up for over one year.
2) Chapter 3, Section 302.4: Overgrown property.
3) Chapter 3, Section 302.7: Fence in disrepair.
4) Chapter 3, Section 304.2: Protective treatment shall be applied to prevent mold and mildew on exterior walls.
5) Chapter 3, Section 304.3: Buildings shall have the approved address posted clearly.
6) Chapter 3, Section 308.1: Junk, trash, and debris.

Violation: Overgrown property, boarded up building for over 1 year, junk, trash, debris, mold and mildew on exterior walls, fencing in disrepair, and no address posted.

Corrective action: Cut/mow overgrown property. Remove all boards from the building. Properly post the address clearly on the building. Properly remove all of the mold and mildew from the rear exterior wall of the building. Remove all junk, trash, and debris. Properly repair the damaged fencing. Keep property maintained.

Notes: This property has repeat violations. Case 17-00367 was heard at the July 17, 2018 Code Enforcement Hearing and case 19-00105 was heard at the April 16, 2019 Hearing. On 08/12/20, I made contact with the property owner, Jamal Akber.

1) 07/15/20 Initial inspection.
2) 07/20/20 Follow up inspection.
3) 09/03/20 Re-inspection.
4) 10/08/20 Re-inspection.
5) 10/16/20 Re-inspection.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinances with repeat violations. The property must come into compliance within 30 days (November 19, 2020), or a fine of $500 per day, will begin on the 31st day (November 20, 2020) if not in compliance. The respondent, or representative, must contact Apopka Code Enforcement for inspection of the property, at such time the property violations are cured.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY OCTOBER 20, 2020 at 1:30 PM

Case Number: 19-00459
Code Officer: Dave Whitty
Address of Property: 613 East Orange Street
Respondent: Tyrone Wright
Parcel ID Number: 10-21-28-9104-02-200

NOTICES:

1) 10/28/19 Warning Notice mailed.
2) 02/25/20 2nd Notice mailed.
3) 09/03/20 3rd Notice mailed.
4) 10/08/20 Notice of Hearing mailed certified.
5) 10/08/20 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Apopka Municipal Code (AMC)

1) Article 5, Section 18-108: Adoption of the IPMC.

International Property Maintenance Code (IPMC)

1) Chapter 1, Section 110.1: House has been boarded up for over one year.
2) Chapter 3, Section 302.4: Overgrown property.
3) Chapter 3, Section 304.13.2: All windows shall be kept in sound condition and in good repair.
4) Chapter 3, Section 304.15: All exterior doors shall be maintained in good condition.

Violation: The house has been boarded up for over one year and the property is overgrown.

Corrective action: Take all boards off of the doors and windows and make sure all doors and windows work properly. Cut/mow the overgrown property and keep property maintained.

Notes:

1) 08/22/19 Initial inspection.
2) 10/24/19 Follow up inspection.
3) 11/26/19 Re-inspection.
4) 12/30/19 Re-inspection.
5) 01/28/20 Re-inspection.
6) 02/19/20 Re-inspection.
7) 03/21/20 Re-inspection.
8) 04/21/20 Re-inspection.
9) 05/14/20 Re-inspection.
10) 06/27/20 Re-inspection.
11) 07/30/20 Re-inspection.
12) 08/27/20 Re-inspection.
13) 10/08/20 Re-inspection.
14) 10/16/20 Re-inspection.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinance. The property must come into compliance within 15 days (November 4, 2020), or a fine of $250 per day, per violation, will begin on the 16th day (November 5, 2020) if not in compliance. The respondent, or representative, must contact Apopka Code Enforcement for inspection of the property, at such time the property violations are cured.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY OCTOBER 20, 2020 at 1:30 PM

Case Number: 20-00114
Code Officer: Dave Whitty
Address of Property: 334 West Main Street
Respondent: Gordon G. Oldham III Family Trust
Parcel ID Number: 09-21-28-7552-02-130

NOTICES:

1) 05/07/20 Warning Notice mailed.
2) 08/28/20 2nd Notice mailed.
3) 10/08/20 Notice of Hearing mailed certified.
4) 10/08/20 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Apopka Municipal Code (AMC)

1) Article 5, Section 18-108: Adoption of the IPMC.

International Property Maintenance Code (IPMC

1) Chapter 3, Section 302.4: Overgrown property.
2) Chapter 3, Section 308.1: Junk, trash, and debris.

Violation: The dumpster area, consistently, has junk and trash on the ground, around the dumpster, and the property has overgrown areas.

Corrective action: Cut/mow the overgrown areas of the property. Keep the trees trimmed. Remove all junk, trash, and debris from the ground, and in and around the dumpster area. Keep property maintained.

Notes: This is a repeat violation. This Family Dollar store and property owner was previously in violation of the IPMC, Chapter 3, Section 308.1. Case 19-00104 was heard at the March 19, 2020 Code Enforcement Hearing and found to have been in violation. The property was in-compliance within the time frame given.

1) 03/12/20 Initial inspection.
2) 03/27/20 Follow up inspection.
3) 05/07/20 Re-inspection.
4) 05/14/20 Re-inspection.
5) 05/26/20 Re-inspection.
6) 06/01/20 Re-inspection.
7) 06/11/20 Re-inspection.
8) 06/27/20 Re-inspection.
9) 07/09/20 Re-inspection.
10) 07/17/20 Re-inspection.
11) 08/27/20 Re-inspection.
12) 09/14/20 Re-inspection.
13) 10/08/20 Re-inspection.
14) 10/16/20 Re-inspection.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinances with repeat violations. The property must come into compliance within 15 days (November 4, 2020), or a fine of $500 per day, per violation, will begin on the 16th day (November 5, 2020) if not in compliance. The respondent, or representative, must contact Apopka Code Enforcement for inspection of the property, at such time the property violations are cured.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY OCTOBER 20, 2020 at 1:30 PM

Case Number: 20-00354
Code Officer: Dave Whitty
Address of Property: 256 Alabama Avenue
Respondent: Charles and Kathleen Jaeb Revocable Trust
Parcel ID Number: 10-21-28-0000-00-042

NOTICES:

1) 08/26/20 Warning Notice mailed.
2) 10/08/20 Notice of Hearing mailed certified.
3) 10/08/20 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Apopka Municipal Code (AMC)

1) Article 5, Section 18-108: Adoption of the IPMC.

International Property Maintenance Code (IPMC)

1) Chapter 3, Section 302.8: Inoperable vehicles shall not be parked or stored on property.

Violation: Inoperable vehicle on the property.

Corrective action: Make the vehicle operable and licensed, or remove it.

Notes: I have not heard from the property owner or resident.

1) 07/20/20 Initial inspection.
2) 08/04/20 Follow up inspection.
3) 08/20/20 Re-Inspection.
4) 09/15/20 Re-inspection.
5) 10/08/20 Re-inspection.
6) 10/16/20 Re-inspection.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinance. The property must come into compliance within 15 days (November 4, 2020), or a fine of $250 per day will begin on the 16th day (November 5, 2020) if not in compliance. The respondent, or representative, must contact Apopka Code Enforcement for inspection of the property, at such time the property violations are cured.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY OCTOBER 20, 2020 at 1:30 PM

Case Number: 20-00370
Code Officer: Dave Whitty
Address of Property: 202 S Binion Road
Respondent: David & Wendy Ottati
Parcel ID Number: 07-21-28-0000-00-012

NOTICES:

1) 07/27/20 Warning Notice mailed.
2) 08/29/20 2nd Notice mailed.
3) 10/08/20 Notice of Hearing mailed certified.
4) 10/08/20 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Apopka Municipal Code (AMC)

1) Article 5, Section 18-108: Adoption of the IPMC.

International Property Maintenance Code (IPMC)

1) Chapter 3, Section 302.4: Overgrown areas of property, along the rear fences of the residences of Clear Lake Estates.

Violation: Having overgrown property.

Corrective action: Cut the overgrown vegetation back 100 ft. from the rear fencing near Clear Lake Estates. Keep these areas cut and maintained at all times.

Notes: On 08/24/20 I made contact with David Ottati, the property owner.

1) 07/21/20 Initial inspection.
2) 08/28/20 Follow up inspection.
3) 09/15/20 Re-inspection.
4) 10/20/20 Re-inspection.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinance. The property must come into compliance within 15 days (November 4, 2020), or a fine of $250 per day will begin on the 16th day (November 5, 2020) if not in compliance. The respondent, or representative, must contact Apopka Code Enforcement for inspection of the property, at such time the property violations are cured.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY October 20, 2020 1:30 PM

Case Number: 20-00459
Code Officer: Bernard Jeanty
Address of Property: 474 Knightswood Drive
Respondent: Roderick & Beverly Mccarty
Parcel ID Number: 33-20-28-6918-00-850

NOTICES:

1) 09/17/20 Warning Notice mailed.
2) 10/09/20 Notice of Hearing mailed certified.
3) 10/09/20 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Land Development Code (LDC)

1) Article. 5, Section. 5.2.5(B)(4):The property owner shall be responsible for the removal of any dead, diseased trees.

Violations: Having a dead tree in the front yard.

Corrective action: Remove the dead tree from the property.

1) 09/25/20: Tried calling property owner by phone no answer unable to leave a voicemail.
2) 10/15/20: Re-inspection of the property.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinances. The property must come into compliance within 15 days (November 4, 2020), or a fine of $250 per day, will begin on the 16th day, (November 5, 2020) if not in compliance. The respondent, or representative, must contact Apopka Code Enforcement for inspection of the property at such time the property violations are cured.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY October 20, 2020 1:30 PM

Case Number: 20-00426
Code Officer: Bernard Jeanty
Address of Property: 373 Kee Street
Respondent: Li Guang Qin & Guo Shao Min
Parcel ID Number: 04-21-28-2195-00-310

NOTICES:

1) 08/27/20 Warning Notice mailed.
2) 10/09/20 Notice of Hearing mailed certified.
3) 10/09/20 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Apopka Municipal Code (AMC)

1) Article 5, Section 18-108: Adoption of the IPMC

International Property Maintenance Code (IPMC)

1) Chapter 3, Section 308.1: Junk, trash, debris.
2) Chapter 3, Section 302.4: Property having overgrown grass and weeds exceeding 12 inches in height.

Land Development Code (LDC)

1) Article. 4, Section. 4.3.2: Open and outside storage not permitted in a residential Zoning.
2) Article. 5, Section. 5.15(A): Commercial equipment not permitted in a residential zone.

Violations: High grass and weeds. Junk and trash in the backyard. Having commercial equipment on the property. Storing blocks, generator and other miscellaneous items in the front yard.

Corrective action: Mow overgrowth of grass and weeds. Repair the fence. Remove junk and trash from the property. Remove all commercial equipment from the property and the right of way.

1) Have made several attempts to communicate with the occupants.
2) 10/15/20: Re-inspection of the property.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinances. The property must come into compliance within 15 days (November 4, 2020), or a fine of $250 per day, per violation will begin on the 16th day, (November 5, 2020) if not in compliance. The respondent, or representative, must contact Apopka Code Enforcement for inspection of the property at such time the property violations are cured.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY October 20, 2020 1:30 PM

Case Number: 20-00347
Code Officer: Bernard Jeanty
Address of Property: 1514 Stormway CT
Respondent: Ainsworth & Denise Sewell
Parcel ID Number: 31-20-28-2521-00-440

NOTICES:

1) 07/23/20 Warning Notice mailed.
2) 10/09/20 Notice of Hearing mailed certified.
3) 10/09/20 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Apopka Municipal Code (AMC)

1) Article 5, Section 18-108: Adoption of the IPMC

International Property Maintenance Code (IPMC)

1) Chapter 3, Section 303.1: Swimming Pools, must be in a clean and sanitary condition.
2) Chapter 3, Section 303.2: Swimming Pool Enclosure must be maintained.
3) Chapter 3, Section 304.14: All screening shall be maintained.

Violations: Pool is not secured and is in unsanitary condition. The pool enclosure is in disrepair.

Corrective action: Secure and clean the pool. Repair the screen enclosure around the pool.

1) Property owner has not responded to violation letters.
2) 10/15/20: Re-inspection of the property.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinances. The property must come into compliance within 30 days (November 19, 2020), or a fine of $250.00 per day, per violation will begin on the 31st day, (November 20, 2020) if not in compliance. The respondent, or representative, must contact Apopka Code Enforcement for inspection of the property at such time the property violations are cured.

CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY OCTOBER 20, 2020 1:30 PM

Case Number: 19-00432
Code Officer: Bernard Jeanty
Address of Property: 1265 Falconcrest Blvd
Respondent: J & M Portfolio LLC
Parcel ID Number: 33-20-28-7106-00-280

NOTICES:

1) 08/08/19 Warning letter mailed.
2) 12/05/19 Hearing Notice mailed.

SUMMARY:

Apopka Municipal Code (AMC)

1) Article 5, Section. 18-108: Adoption of the current IPMC.

International Property Maintenance Code (IPMC)

1) Chapter 1, Section 108.1.3: Structure unfit for human occupancy.
2) Chapter 3, Section. 302.4: Property having overgrown grass and weeds exceeding 12 inches in height.
3) Chapter 3, Section. 304.14: All screening shall be maintained.
4) Chapter 3, Section. 303.1: Swimming Pools, Spas & Hot Tubs- Swimming Pools.
5) Chapter 3, Section. 303.2: Swimming Pools, Spas & Hot Tubs- Enclosures.
6) Chapter 3, Section. 304.7: Exterior Structures-Roofs and Drainage.
7) Chapter 3, Section. 304.9: Exterior Structures- Overhang Extensions.
8) Chapter 3, Section.304.13.1: Exterior Structures- Building Security.
9) Chapter 3, Section 305.3: Interior Structure- Interior Surfaces.
10) Chapter 3, Section 305.4: Interior Structure- Stairs and Walking Surfaces.

Land Development Code (LDC)

1) Article 5, Section. 5.5.4(l): Fencing, walls, and associated landscaping shall be maintained in good repair and in a safe and attractive condition.

Violations: High grass and weeds, overgrown vegetation on the walls, pool is unsanitary and is not secure, fence is down, roof in disrepair, interior ceilings falling down, and the wood flooring is warped.

Correction action: Mow the grass. Repair the fence and the roof. The pool must be in a clean and sanitary condition and secured. Repair the interior ceiling and the flooring. Remove overgrowth of the vegetation.

Notes:

1) 08/08/19 - Emailed notice to Management Company.
2) 12/13/19 - Re-inspected the property.

STAFF RECOMMENDATION:

That the Hearing Officer reduce the $770,000.00 fine down to $10,000.00, to be paid at closing, and property to be in compliance within 90 days of closing, or the fines will revert back to the original fine amount of $770,000.00.