



AGENDA

CITY OF APOPKA CODE ENFORCEMENT HEARING CITY HALL COUNCIL CHAMBER 120 East Main Street – Apopka, FL 32703 August 21, 2018 @ 6:00 PM

CALL TO ORDER

BUILDING CODES

NONE

APOPKA MUNICIPAL CODES AND LAND DEVELOPMENT CODES COMBINED

1. Case No. CE 18-00304 – 580 Ustler Road, Apopka, FL 32712;
Parcel ID No. 03-21-28-4682-02-090 – Bernard Jeanty
2. Case No. CE 18-00179 – 1720 Lake Alden Drive, Apopka, FL 32712;
Parcel ID No. 32-20-28-0000-00-057 – Bernard Jeanty
3. Case No. CE 18-00202 – 2793 W Highland Avenue, Apopka, FL 32712;
Parcel ID No. 06-21-28-7172-01-100 – Bernard Jeanty
4. Case No. CE 18-00401 – 803 N Park Avenue, Apopka, FL 32712;
Parcel ID No. 03-21-28-0000-00-009 – Bernard Jeanty
5. Case No. CE 18-00306 – 820 S Central Avenue, Apopka, FL 32703;
Parcel ID No. 09-21-28-0196-80-390 – Dave Whitty
6. Case No. CE 18-00369 – 36 W Michael Gladden Blvd, Apopka, FL 32703;
Parcel ID No. 09-21-28-0196-80-542 – Dave Whitty
7. Case No. CE 17-00061 – 712 S Central Avenue, Apopka, FL 32703;
Parcel ID No. 09-21-28-0196-80-180 – Dave Whitty

REDUCTION OF FINE REQUEST

1. Case No. CE 002177- 030317 – 131 W 8TH Street, Apopka, FL 32703;
Parcel ID No. 09-21-28-0196-70-190 – Dave Whitty

2. Case No. CE 001423- 120715 – 674 Mason Avenue, Apopka, FL 32703;
Parcel ID No. 10-21-28-5540-04-512 – Dave Whitty

3. Case No. CE 001744 – 538 Mainline Blvd, Apopka, FL 32712;
Parcel ID No. 04-21-28-5462-00-590 – Bernard Jeanty

NEXT MEETING DATE

September 18, 2018

ADJOURNMENT

All interested parties may appear and be heard with respect to this agenda. Please be advised that, under state law, if you decide to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes a testimony and evidence upon which the appeal is to be based. The City of Apopka does not provide a verbatim record.

In accordance with the American with Disabilities Act (ADA), persons with disabilities needing a special accommodation to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka, FL 32703, telephone (407) 703-1704, no less than 48 hours prior to the proceeding.



CITY OF APOPKA CODE ENFORCEMENT HEARING

TUESDAY AUGUST 21, 2018
6:00 PM

<u>CASE NO:</u>	18-00304	<u>RESPONDENT:</u>	Hodges Hunter
<u>CODE OFFICER:</u>	Bernard Jeanty	<u>PARCEL ID NO:</u>	03-21-28-4682-02-090
<u>ADDRESS OF PROPERTY:</u>	580 Ustler Road		

NOTICES:

06/21/18	Mailed warning notice.
08/09/18	Hearing notice mailed.
08/09/18	Notice of Hearing posted on property and at City Hall, 120 E Main Street, Apopka, FL 32703.

SUMMARY:

AMC, Ch.22, Art.VI, Sec. 22-100: Adoption of the IPMC.
IPMC, Ch.3, Sec. 302.4: Overgrown unkempt property

This property is vacant and the front grass is over two feet in height. The rear grass is over three feet in height and the vegetation in the rear of the property is extremely overgrown, extending into the neighbor's property.

07/25/18: I spoke to the property owner about the violation
08/16/18: Re-inspection of property.

STAFF RECOMMENDATION:

That the Hearing Officer finds that this property is in violation of the above ordinance. The property must come into compliance within 15 days, (September 5, 2018), or a fine of \$250 per day will begin on the 16th day, (September 6, 2018). Such fine shall continue until the property is 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 AUGUST 21, 2018
6:00 PM

CASE NO: 18-00179 **RESPONDENT:** Kassase Mohamed
CODE OFFICER: Bernard Jeanty **PARCEL ID NO:** 32-20-28-0000-00-057
ADDRESS OF PROPERTY: 1720 Lake Alden Drive.

NOTICES:

04/18/18 Mailed warning notice.
08/09/18 Hearing notice mailed.
08/09/18 Notice of Hearing posted on property and at City Hall, 120 E Main Street, Apopka, FL 32703.

SUMMARY:

AMC, Ch.22, Art.VI, Sec. 22-100: Adoption of the IPMC.
IPMC, Ch.3, Sec. 308.1: Junk, trash, debris.
IPMC, Ch.3, Sec. 302.4: Overgrown, unkempt property

This vacant lot has been cited several times before for high grass and weeds. It has also been cited for junk and trash, but has been corrected before a hearing.

Several attempts have been made to contact the property owner. Dates are listed in the case file.
08/16/18: Re-inspection of property.

STAFF RECOMMENDATION:

That the Hearing Officer finds that this property is in violation of the above ordinance. The property must come into compliance within 15 days, (September 5, 2018), or a fine of \$250 per day will begin on the 16th day (September 6, 2018). Such fine shall continue until the property is 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 AUGUST 21, 2018
6:00 PM

CASE NO: 18-00202 **RESPONDENT:** Housam Family Trust
CODE OFFICER: Bernard Jeanty **PARCEL ID NO:** 06-21-28-7172-01-100
ADDRESS OF PROPERTY: 2793 W Highland Ave

NOTICES:

04/26/18 Mailed warning notice.
08/09/18 Hearing notice mailed.
08/09/18 Notice of Hearing posted on property and at City Hall, 120 E Main Street, Apopka, FL 32703.

SUMMARY:

AMC, Ch.22, Art.VI, Sec. 22-100: Adoption of the IPMC.
IPMC, Ch.3, Sec. 308.1: Junk, trash, debris.
IPMC, Ch.3, Sec. 302.4: Overgrown, unkempt property.

This vacant lot has been cited several times before for high grass and weeds. It has also been cited for junk and trash, but has been corrected before a hearing.

07/26/18: I attempted to get the property owner's phone number, using the TLO program. I was unable to find any phone numbers for the property owner.
08/16/18: Re-inspection of property.

STAFF RECOMMENDATION:

That the Hearing Officer finds that this property is in violation of the above ordinance. The property must come into compliance within 15 days, (September 5, 2018), or a fine of \$250 per day will begin on the 16th day (September 6, 2018). Such fine shall continue until the property is 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 AUGUST 21, 2018
6:00 PM

CASE NO: 18-00401
CODE OFFICER: Bernard Jeanty
ADDRESS OF PROPERTY: 803 N Park Ave

RESPONDENT: Investment Group Management LLC
PARCEL ID NO: 03-21-28-0000-00-009

NOTICES:

08/06/18 Hearing notice mailed.
08/09/18 Notice of Hearing posted on property and at City Hall, 120 E Main Street, Apopka, FL 32703.

SUMMARY:

AMC, Ch.22, Art.VI, Sec.22-100: Adoption of the IPMC.
IPMC, Ch.3, Sec.302.4: High grass and weeds exceeding 12 inches in height.
LDC, Art. VII, Sec.8.00.02: All signs shall be maintained in good repair.
LDC, Art. VII, Sec. 8.03.2(h) Signs wind signs, balloon, and banners are not permitted.
IPMC, Ch. 3, and Sec. 302.3: Exterior property area sidewalks, driveways, parking spaces, and similar areas shall be properly maintained.

This property has overgrowth of vegetation all over a temporary fence. There is a large crater in the ground where the gas pumps used to be, there is a temporary fence around it. The property is a hazard because of the crater. The grass is exceeding 12 inches in height. The property has a large banner above the gas pump. There is a large sign on the building above the front door that is damaged.

08/03/18: I spoke to the General Manager of Investment Group Management, Rab Masoor, about the violations.
08/09/18: Re-inspection of property

STAFF RECOMMENDATION:

That the Hearing Officer finds that this property is in violation of the above ordinance. The property must come into compliance within 30 days, (September 20, 2018), or a fine of \$250 per day will begin on the 31st day, (September 21, 2018). Such fine shall continue until the property is 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, AUGUST 21, 2018
6:00 PM

CASE NO: 18-00306
CODE OFFICER: Dave Whitty
ADDRESS OF PROPERTY: 820 S. Central Avenue.

RESPONDENT: George Dillon
PARCEL ID NO: 09-21-28-0196-80-390

NOTICES

06/21/18 Warning Notice mailed.
07/18/18 2nd Warning Notice mailed.
08/10/18 Notice of Hearing mailed (Certified # 91 7199 9991 7033 7913 0391
08/10/18 Notice of Hearing posted at City Hall, 120 E Main Street, Apopka, FL 32703.
08/10/18 Notice of Hearing posted on property.

SUMMARY:

AMC, Ch. 22, Art. VI, Sec. 22-100: Adoption of the IPMC.

IPMC, Ch. 3, Sec. 302.4: Overgrown, unkempt property that harbors pests, such as, mice, rats, snakes and infestation dangerous to neighbors.

This case was noticed and continued from the July 16, 2018 hearing.

This property is vacant, severely overgrown, with vegetation over 3 ft. high and has become a public nuisance. There has been no response from the property owner.

08/16/18: Re-inspection of property.

STAFF RECOMMENDATION:

The Hearing Officer find that this property is in violation of the above ordinance(s). The property must come into compliance within 15 days (Sept. 5, 2018) and keep the property maintained. Upon failure of the owner to comply, that the Hearing Officer authorize employees of the City of Apopka, or a contractor hired by the city, to enter upon the property in violation and abate the listed violation(s) thereon; pursuant to the IPMC, Ch. 3, Sec. 302.4. The cost of such abatement will be recorded as a lien on the property, to be paid by the owner or agent responsible for the property. 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, AUGUST 21, 2018
6:00 PM

CASE NO: 18-00369 **RESPONDENT:** Rangoon1 LLC
CODE OFFICER: Dave Whitty **PARCEL ID NO:** 09-21-28-0196-80-542
ADDRESS OF PROPERTY: 36 W. Michael Gladden Blvd.

NOTICES:

07/19/18 Unsafe Notice mailed. (Bldg.)
07/24/18 Affidavit of Violations. (Bldg.)
07/24/18 Warning Notice mailed. (CE)
08/10/18 Notice of Hearing mailed (Certified # 91 7199 9991 7033 7913 0377).
08/10/18 Notice of Hearing posted at City Hall, 120 E Main Street, Apopka, FL 32703.
08/10/18 Notice of Hearing posted on property.

SUMMARY:

AMC, Ch. 22, Art. V, Sec. 22-84: Unsafe, uninhabitable structure.

This property has an old, abandoned, unsafe, unsecured, fire-damaged house. The fire occurred on April 30, 2016. The fire report is in the file. The doors and windows are boarded up and exterior walls are unfinished and boarded up. There is access into the structure, with open windows and exterior walls. The fencing is in disrepair. Paint is peeling off of the building and the property is overgrown. Case # 13-00191 was heard at the July 8, 2013 Code Enforcement Hearing re: the unkempt property, which continues to be in violation. As of today, that fine is at \$452,250. That case was heard, again, at the July 25, 2017 Code Enforcement Hearing for the unsafe, uninhabitable structure. Property was to have been demolished by Sept. 23, 2017. The property owner requested additional time as they were in negotiations with the funeral home at the adjacent address to purchase the property. The additional time was granted but the deal did not go through. Due to the length of time since the original condemnation order, we are re-hearing this case. This structure has been determined to be unsafe and uninhabitable by the City of Apopka Building Department and is a detriment to the community. Some of the conditions listed in the building inspector's report are: This building has been declared a fire and safety hazard; accumulation of combustible material; unsanitary conditions exist; electrical and mechanical conditions are hazardous; the structure is out of plum, partially destroyed and is likely to collapse. A copy of the affidavit is included in the file.

08/16/18: Re-inspection of property:

STAFF RECOMMENDATION:

Staff recommends that the Hearing Officer find the property owners have had sufficient notice and time to correct/ abate the hazardous conditions. Further that this property is in violation of the above ordinance and order such building or structure be demolished or removed by the city, and the actual cost, including administrative cost, of the demolition or removal assessed as a lien upon the land. The city may enforce its lien and maintain a personal action against the property owners at the same time to recover such costs

and any and all interest accrued thereon. In any suit by the city, either at law or in equity, for the collection of the amount of the lien, the city shall be entitled to recover its actual costs and attorney's fees for the suit, and the costs and attorney's fees shall also become a lien up on the land. Any lien for costs and fees incurred pursuant to this article (AMC Ch. 22, Art. V, Sec. 22-86) shall constitute a lien against the premises to the same extent and character as the lien for special assessments, and with the same penalties and rights of collection, foreclosure, sale and forfeiture as obtained for special assessment liens. Finally, 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, AUGUST 21, 2018
6:00 PM

CASE NO: 17-00061
CODE OFFICER: Dave Whitty
ADDRESS OF PROPERTY: 712 S. Central Avenue.

RESPONDENT: Caring Hands Service
PARCEL ID NO: 09-21-28-0196-80-180

NOTICES:

07/19/17 Warning Notice mailed.
11/01/17 2nd Notice mailed.
05/31/18 Warning Notice mailed.
07/18/18 Building Inspection by Mr. Raymond Marsh
07/19/18 Unsafe Notice mailed (Bldg. Dept.).
07/20/18 Warning Notice mailed.
07/24/18 Affidavit of Violations (Bldg. Dept.)
08/10/18 Notice of Hearing mailed (Certified # 91 7199 9991 7033 7913 0384).
08/10/18 Notice of Hearing posted at City Hall, 120 E Main Street, Apopka, FL 32703.
08/10/18 Notice of Hearing posted on property.

SUMMARY:

AMC, Ch. 22, Art. V, Sec. 22-84: Unsafe, uninhabitable structure.

This property has an old house that has been determined to be unsafe and uninhabitable. It is unsecured with broken doors and windows, rotted wood, holes, cracks and loose siding on the exterior walls. The roof has collapsed. The structure is partially destroyed as a result of decay, deterioration, and dilapidation and is likely to fully or partially collapse. The property has tree debris, discarded TV's, junk, trash, and debris. The fence is in disrepair. I have been in contact with the property owner. There was an on-going issue pertaining to ownership, but it got straightened out. The owner indicated that she was going to pull a demolition permit and have this structure demolished, and remove all of the TV's and debris, but that was back in May 2018. This structure has been determined to be unsafe and uninhabitable by the City of Apopka Building Department and is a detriment to the community.

Some of the conditions listed in the building inspector's report are: This building has been declared a fire and safety hazard; accumulation of combustible material; unsanitary conditions exist; electrical and mechanical conditions are hazardous; the structure is out of plum, partially destroyed and is likely to collapse. A copy of the affidavit is included in the file.

08/16/18: Re-inspection of property.

STAFF RECOMMENDATION:

Staff recommends that the Hearing Officer find that this property is in violation of the above ordinances. The property must come into compliance by submitting required engineering drawings and obtaining proper permits in accordance with the current building code and standards thereby repairing the deficiencies noted in the building inspector's report and all other violations cited, or obtain a demolition permit, demolish the house and remove all debris. This must be done within 30 days (September 10, 2018), or a fine of \$250.00 per day will begin on the 31st

day (September 21, 2018), if not in compliance. Such fine shall continue until the property is in compliance. If the owner or other parties with interest fail to demolish and remove or repair such condemned building or structure, and has not shown cause before the Hearing Officer which justifies and extension of time, the Hearing Officer shall order such building or structure to be demolished or removed by the city, and the actual cost, including administrative cost, of the demolition or removal assessed as a lien upon the land. The city may enforce its lien and maintain a personal action against the property owners at the same time to recover such costs and any and all interest accrued thereon. In any suit by the city, either at law or in equity, for the collection of the amount of the lien, the city shall be entitled to recover its actual costs and attorney's fees for the suit, and the costs and attorney's fees shall also become a lien up on the land. Any lien for costs and fees incurred pursuant to this article (AMC Ch. 22, Art. V, Sec. 22-86) shall constitute a lien against the premises to the same extent and character as the lien for special assessments, and with the same penalties and rights of collection, foreclosure, sale and forfeiture as obtained for special assessment liens. Finally, 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, AUGUST 21, 2018
6:00 PM

CASE NO: 002177-030317
CODE OFFICER: Dave Whitty
ADDRESS OF PROPERTY: 131 W. 8th St.

RESPONDENT: Lou Ann Drive Land Trust
PARCEL ID NO: 09-21-28-0196-70-190

NOTICES:

05/16/17 Case was heard at CE Hearing.
05/31/17 Compliance date.
06/02/17 Re-inspection, not in compliance.
03/15/18 Re-inspection, in compliance.

SUMMARY:

IPMC, Ch. 3, Sec. 301.3: Vacant structures shall be maintained.
IPMC, Ch. 3, Sec. 304.2: Peeling paint.
IPMC, Ch. 3, Sec. 304.6: Exterior walls with holes and rotting wood.
IPMC, Ch. 3, Sec. 304.10: Steps are to be safe and in good repair.
IPMC, Ch. 3, Sec. 304.13: Doors and windows shall be in good repair.
IPMC, Ch. 3, Sec. 304.14: Windows shall be screened.
IPMC, Ch. 3, Sec. 304.15: Exterior doors are to be in good repair.
IPMC, Ch. 3, Sec. 304.18: Doors and windows are to be secured.
IPMC, Ch. 3, Sec. 305.1: Interior shall be in sanitary condition.
IPMC, Ch. 3, Sec. 305.3: Interior surfaces shall be maintained in good condition.

This case was heard at the May 16, 2017 CE Hearing. Property was found to be in violation of the above ordinances. Property was to have been in compliance by May 31, 2017. Property was not in compliance in the given time frame, therefore a daily fine of \$250 per day began on June 1, 2017. Re-inspection on March 15, 2018, found property to be in compliance. The fine ran from June 1, 2017 through March 14, 2018 (288 days @ \$250 per day). The fine totaled \$72,000.

Property owner hired a contractor to make repairs. She forgot to notify code enforcement that the repairs were complete. She called and offered \$1,500.00 to settle the fine.

STAFF RECOMMENDATION:

That the Hearing Officer reduce the \$72,000 fine, to \$1500, to be paid in full within 30 days, (Thur. Sept. 20, 2018) or the fine will revert back to the original fine.



CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY AUGUST 21, 2018
6:00 PM

<u>CASE NO:</u>	001423-120715	<u>RESPONDENT:</u>	Milton Motley
<u>CODE OFFICER:</u>	Dave Whitty	<u>PARCEL ID NO:</u>	10-21-28-5540-04-081
<u>ADDRESS OF PROPERTY:</u>	674 Mason Ave.		

NOTICES:

05/17/16	Case was heard at CE Hearing.
06/17/16	Compliance date.
06/17/16	Re-inspection, not in compliance.

SUMMARY:

AMC, Ch. 22, Art. II, Sec. 22-37: Work done without permits.
IPMC, Ch. 3, Sec. 308.1: Junk, trash, misc. items, and debris.

This case was heard at the May 17, 2016 CE Hearing. Property was found to be in violation of the above ordinances, and was to be in compliance by June 17, 2016 or a daily fine of \$250 per day would begin, if not in compliance. The property was not in compliance in the given time frame, therefore, the fine began. A \$250 per day fine ran, and has been running from June 18, 2016 (795 days) for a total fine of \$198,000.

Lt. Brick has been in contact with the new property owners and the General Contractor, Sam Court, who has been hired by the new owners. Mr. Court has the engineered drawings submitted, and has obtained a building permit to make the necessary repairs.

STAFF RECOMMENDATION:

That the Hearing Officer reduce the \$198,000 fine, to \$9000, to be paid in full, and property must come into compliance within 30 days, (Thur. Sept. 20, 2018), or the fine will revert back to the original fine.



CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY AUGUST 21, 2018
6:00 PM

<u>CASE NO:</u>	CE001744	<u>RESPONDENT:</u>	Leticia Santillan
<u>CODE OFFICER:</u>	Bernard Jeanty	<u>PARCEL ID NO:</u>	04-21-28-5462-00-590
<u>ADDRESS OF PROPERTY:</u>	538 Mainline Blvd		

NOTICES:

09/20/16	Case was heard at CE Hearing.
10/20/16	Compliance date.
10/20/16	Re-inspection, not in compliance.

SUMMARY:

AMC, Ch. 22, Art. VI, Sec.22-100: Adoption of the IPMC
IPMC, Ch. 3, Sec. 308.1: Junk, trash, misc. items, and debris.
LDC, Art. VI, Sec.6.03.01 Vehicle parked in the front of the house on the grass.

This case was heard at the September 20, 2016 CE Hearing. Property was found to be in violation of the above ordinances, and was to be in compliance by October 20, 2016, or a daily fine of \$250 per day would begin, if not in compliance. The property was not in compliance in the given time frame, therefore, the fine began. A \$250 per day fine has been running from October 20, 2016 (463 days), for a total fine of \$115,750.00.

08/15/18- Lt. Brick has been in contact with Jesus Garcia, which is the property owner's husband.

STAFF RECOMMENDATION:

That the Hearing Officer reduce the \$115,750.00 fine, to \$1,200 to be paid in full, within 30 days (Thur. Sept. 20, 2018), or the fine will revert back to the original fine.