



APOPKA CODE ENFORCEMENT HEARING AGENDA

**DECEMBER 17, 2019 1:30 PM
APOPKA CITY HALL COUNCIL CHAMBERS**

CALL TO ORDER

APOPKA MUNICIPAL CODES AND LAND DEVELOPMENT CODES COMBINED

1. Case Number. Code Enforcement 19-00547 – 673 S Highland Avenue, Apopka, FL 32703-
Presented by Dave Whitty
2. Case Number. Code Enforcement 19-00510 – 714 Alabama Avenue, Apopka, FL 32703-
Presented by Dave Whitty
3. Case Number. Code Enforcement 19-00522 – 598 Wekiva Bluff Street, Apopka, FL 32712-
Presented by Bernard Jeanty
4. Case Number. Code Enforcement 19-00578 – 2583 Sheila Drive, Apopka, FL 32712-
Presented by Bernard Jeanty
5. Case Number. Code Enforcement 19-00478 - 603 Lexington Parkway, Apopka, FL 32712-
Presented by Bernard Jeanty
6. Case Number. Code Enforcement 19-00432 – 1265 Falconcrest Blvd, Apopka, FL 32712-
Presented by Bernard Jeanty

REDUCTION OF THE FINE REQUEST

1. Case Number. Code Enforcement 17-00367/ 19-00105 – 485 E Main Street, Apopka, FL 32703-
Presented by Dave Whitty
2. Case Number. Code Enforcement 17-00162 – 1064 Errol Parkway, Apopka, FL 32712-
Presented by 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 DECEMBER 17, 2019 at 1:30 PM

Case Number: 19-00547
Code Officer: Dave Whitty
Address of Property: 673 South Highland Avenue
Respondent: Patrice Rushing
Parcel ID Number: 09-21-28-0196-61-201

NOTICES:

- 1) 10/29/19 Warning Notice mailed.
- 2) 12/05/19 Notice of Hearing mailed certified.
- 3) 12/05/19 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Land Development Code (LDC)

- 1) Article 5, Section 5.1.5 (A-4): Commercial vehicles are prohibited on any public or private property in any Residential district.

Violation: Commercial vehicle parked at residence.

Corrective action: Remove the commercial vehicle from the property, and cease parking it on the property, and any other residential zoning district.

Notes:

- 1) 10/29/19 - Initial inspection.
- 2) 12/12/19 - Re-inspection.

STAFF RECOMMENDATION:

That the Hearing Officer find that this property is in violation of the above ordinances. The property must come into compliance within 10 days (December 27, 2019), or a fine of \$250 per day, will begin on the 11th day (December 28, 2019) 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 DECEMBER 17, 2019 1:30 PM

Case Number: 19-00510
Code Officer: Dave Whitty
Address of Property: 714 Alabama Avenue
Respondent: Sherri A. Miller Rhoden
Parcel ID Number: 15-21-28-5503-00-020

NOTICES:

- 1) 10/21/19 Warning Notice mailed.
- 2) 12/05/19 Notice of Hearing mailed certified.
- 3) 12/05/19 Notice of Hearing posted at City Hall and on property.

SUMMARY:

Land Development Code (LDC)

- 1) Article 5, Section 5.1.5(A4): Commercial vehicles are prohibited on any public or private property in any Residential district.

Violations: Parking commercial vehicle on property, in a Residential district.

Corrective action: Cease parking commercial vehicle on property, public or private, in any residential district.

Notes:

- 1) 10/05/19 - Initial inspection.
- 2) 12/12/19 - Re-inspection.

I have spoken to the truck driver, on the property, and explained the ordinance to him.

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 (December 27, 2019), or a fine of \$250 per day, will begin on 11th day, (December 28, 2019) 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 DECEMBER 17, 2019 1:30 PM

Case Number: 19-00552
Code Officer: Bernard Jeanty
Address of Property: 598 Wekiva Bluff Street
Respondent: Progress Residential Borrower 6 LLC
Parcel ID Number: 33-20-28-9125-00-910

NOTICES:

- 1) 11/05/19 Warning letter mailed.
- 2) 12/05/19 Hearing Notice mailed.
- 3) 12/05/19 Notice of Hearing posted on property and City Hall, 120 East Main Street Apopka FL 32703

SUMMARY:

Land Development Code (LDC)

- 1) Article 7, Section. 7.01.08(a): Fences and walls require a permit.

Violations: Fence erected without a permit

Corrective action: Obtain a permit for the fence.

Notes:

- 1) 11/05/19 - Called the company, no answer left a voicemail.
- 2) 12/13/19 - Re- inspected 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 (January 1, 2020), or a fine of \$ 250 per day will begin on the 16th day (January 2, 2020). 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 DECEMBER 17, 2019 1:30 PM

Case Number: 19-00578
Code Officer: Bernard Jeanty
Address of Property: 2583 Sheila Drive
Respondent: Cortland & Amy Decker
Parcel ID Number: 28-20-28-7145-01-170

NOTICES:

- 1) 11/26/19 Warning letter mailed.
- 2) 12/05/19 Hearing Notice mailed.
- 3) 12/05/19 Notice of Hearing posted on property and City Hall, 120 East Main Street Apopka FL 32703

SUMMARY:

Land Development Code (LDC)

- 1) Article 6, Section. 603.01(F)(6): Inoperable/ unlicensed vehicles cannot be parked/stored in a residential zone.
- 2) Article 5, Section 5.1.5(A): Commercial vehicles are prohibited on any public or private property in any residential zone.

Violations: Having a commercial vehicle in a residential zone. Having a inoperable vehicle without a tag.

Corrective action: Cease parking commercial vehicles in a residential zone. All vehicles must be operational and have a valid tag displayed.

Notes:

- 1) This is the third case the property owner has been cited for the same violations, but came into compliance before a hearing.
- 2) 12/13/19: Re- inspected 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 (January 1, 2020), or a fine of \$ 250 per violation per day will begin on the 16th day (January 2, 2020). 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 DECEMBER 17, 2019 1:30 PM

Case Number: 19-00478
Code Officer: Bernard Jeanty
Address of Property: 603 Lexington Parkway
Respondent: GMA Model Home Finance LLC
Parcel ID Number: 05-21-28-6692-03-550

NOTICES:

- 1) 12/02/19 Warning letter mailed.
- 2) 12/05/19 Hearing Notice mailed.
- 3) 12/05/19 Notice of Hearing posted on property and City Hall, 120 East Main Street Apopka FL 32703

SUMMARY:

Apopka Municipal Code (AMC)

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

International Property Maintenance Code (IPMC)

- 1) Chapter 3, Section. 302.4: Property having overgrown grass and weeds exceeding 12 inches in height.

Violations: High grass and weeds.

Corrective action: Mow overgrowth off grass and weeds.

Notes:

- 1) 12/02/19 - Unable to find company phone number.
- 2) 12/13/19 - Re-inspected 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 (January 1, 2020), or a fine of \$ 250 per day will begin on the 16th day (January 2, 2020). 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 DECEMBER 17, 2019 1:30 PM

Case Number: 19-00432
Code Officer: Bernard Jeanty
Address of Property: 1265 Falconcrest Blvd
Respondent: Roundpoint Mortgage Servicing Corp
Parcel ID Number: 33-20-28-7106-00-280

NOTICES:

- 1) 08/08/19 Warning letter mailed.
- 2) 12/05/19 Hearing Notice mailed.
- 3) 12/05/19 Notice of Hearing posted on property and City Hall, 120 East Main Street Apopka FL 32703

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(1): 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 find that this property is in violation of the above ordinances. The property must come into compliance within 15 days (January 1, 2020), or a fine of \$ 250 per violation per day will begin on the 16th day (January 2, 2020). 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 DECEMBER 17, 2019 1:30 PM

Case Number: 17-00367 / 19-00105
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) 07/17/18 Case 17-00367 was heard at the Code Enforcement Hearing.
- 2) 10/30/18 Property in compliance.
- 3) 04/16/19 Case 19-00105 was heard at the Code Enforcement Hearing.
- 4) 11/18/19 Property in compliance.

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 302.7: Fencing in disrepair.
- 3) Chapter 3, Section 308.1: Junk, trash, and debris.

Land Development Code (LDC)

- 1) Article 8, Section 8.00.02: Sign maintenance.

Notes:

Case 17-00367 – Property was to be in compliance by August 1, 2018. The property was in compliance October 30, 2018.

Fine of \$250 per day ran from August 2, 2018 thru October 30, 2018. Total fine is \$22,250.

Case 19-00105 - Property was to be in compliance by May 1, 2019. The property was in compliance on November 18, 2019.

Fine of \$250 per day ran from May 2, 2019 thru May 28, 2019 (1 of the 3 violations for 27 days) = \$6,750.
(fence)

Fine of \$250 per day ran from May 2, 2019 thru July 14, 2019 (1 of the 3 violations for 74 days) = \$18,500.
(trash)

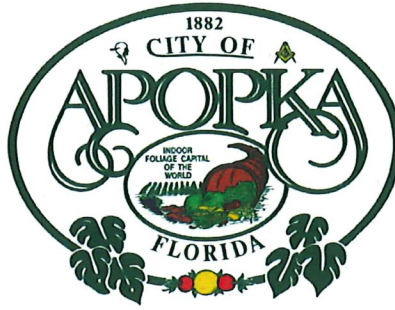
Fine of \$250 per day ran from May 2, 2019 thru Nov. 17, 2019 (1 of the 3 violations for 200 days) = \$50,000.
(sign)

Total fine is \$ 75,250

Both fines total \$97,500

STAFF RECOMMENDATION:

That the Hearing Officer reduce the \$22,250 fine from case 17-00367, and the \$75,250 fine from case 19-00105, down to \$1200, to be paid within 10 days (December 27, 2019) or the fines will revert back to the original fine amounts.



120 E. Main St. · APOPKA, FLORIDA 32703-5346
PHONE (407) 703-1700

OFFICE OF THE CITY ATTORNEY

November 22, 2019

Mr. Akber M. Jamal
3015 Windchime Circle West
Apopka, FL 32703

Re: Code Enforcement: Case Nos. 17-00367 and 19-00105
Property Address: 485 E Main St. Apopka, FL 32703

Dear Mr. Jamal:

This letter represents affirmation of acceptance of the offer to compromise and settle in satisfaction of the code enforcement fines on the above referenced property. The total lien for above listed property is \$75,250.00. The City Administration is willing to settle any and all fines and liens held by the City of Apopka against the property for One Thousand Two Hundred Dollars (\$1,200) in consideration of other property related matters.

My office approved this offer in full settlement of any and all liens held by the City of Apopka and it is expected to be approved by the Hearing Officer upon my Motion to Dismiss on January 21, 2020.

Upon payment of the settlement amount I will record a Satisfaction of Lien. Please reference this case with the payment and send to the attention of:

Lt. Steve Brick
Apopka Police Department
112 E. 6th Street
Apopka, FL 32703.

Sincerely,

JOSEPH BYRD
City Attorney



CITY OF APOPKA

CODE ENFORCEMENT HEARING

TUESDAY DECEMBER 17, 2019 1:30 PM

Case Number: 17-00162
Code Officer: Bernard Jeanty
Address of Property: 1064 Errol Parkway
Respondent: NHD FLORIDA LLP
Parcel ID Number: 32-20-28-2513-01-150

NOTICES:

- 1) 09/19/17 Case was heard at the Code Enforcement Hearing.
- 2) 01/15/19 Property in compliance.

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
- 2) Chapter 3, Section 304.10
- 3) Chapter 3, Section 308.1

Land Development Code (LDC)

- 1) Article 7, Section 7.01.08 (c)

STAFF RECOMMENDATION:

That the Hearing Officer reduce the \$117,000.00 fine down to \$10,000.00, to be paid January 2, 2020 or the fines will revert back to the original fine amount of \$117,000.00.