



**CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
SEMINOLE COUNTY, FLORIDA
AUGUST 08, 2024**

CALL TO ORDER

Special Magistrate Sherry G. Sutphen called the meeting to order at 1:31 P.M.

Also Present:

Alexis Brignoni, Clerk to the Code Enforcement Office
Alexis Pelletier, Seminole County Planning and Development
Julie Hebert, Seminole County Building Department
Ruth Golsteyn, Seminole County Building Department

OPENING STATEMENT

SWEARING IN OF COUNTY WITNESSES

Bob Pike, Seminole County Building Official
Jason Rucker, Seminole County Building Inspector
Meggan Znorowski, Seminole County Planning & Zoning Coordinator

HEARINGS

LIEN REQUEST

**22-77-CESM
B&B LAND HOLDING LLC
JAMES BETTS (Registered Agent)
3468 E SR 436, APOPKA, FL 32703
(Commission District 3)
Tax Parcel ID # 18-21-29-501-0A00-001B
Inspector: Jason Rucker
Notice of Hearing: Posted**

*Witnesses sworn:
Karen Groves, Attorney for Respondent – Case 22-77-CESM*

James Betts, Registered Agent for Respondent – Case 22-77-CESM

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violations remain on the subject property. He listed Administrative Costs and fines accrued to date for this case.

Special Magistrate asked Inspector Rucker if the presentation shows the original findings of the case. Inspector Rucker replied yes. Special Magistrate asked Inspector Rucker to confirm that he visited the subject property yesterday and also checked the County's electronic permitting system to verify if there was a permit. Inspector Rucker stated he checked the County's permitting system but did not visit the property yesterday. Special Magistrate asked if Inspector Rucker had anything further and he replied he did not.

Respondent's attorney, Ms. Groves, recapped that the case has been ongoing since March of 2022 and she has been involved for about 30 days. The Respondent purchased the dog resort 5 years ago. The violation resulted because of a wall the Respondent constructed to reduce noise from the dogs to his neighbors. The contractor failed in his obligation to follow through with the permitting process, for which she and her client opened a complaint with the County's Contractor Board and they are hiring a different contractor. Respondent's attorney requested a reduction in fines in order to use those funds to correct the violations against the subject property as well as an extension of 90 days to come into compliance.

Special Magistrate asked if they believe it will take 90 days to submit permits. Respondent's attorney replied it would take 30 to 60 days for the contractor to get plans from his own engineer, plus 30 days for the County to review and comment, so 90 days total.

Special Magistrate asked if the County has concerns with 90 days for the plans and permit to be issued. Inspector Rucker replied no. Special Magistrate asked if that is a reasonable amount of time or if it could be done sooner. Inspector Rucker replied that it is reasonable.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Found, based on the information presented that the Respondent was under the impression that something was being done that was not done, but because the Respondent didn't follow up with the County, she extended the compliance date 90 days to November 13, 2024 and Ordered the County's Administrative Costs in the amount of \$906.03 to be paid within 30 days or it will be imposed as a lien against the property.

COMPLIANCE HEARINGS

**23-67-CESM
IFRAIN LIMA & KELLY ENDRES
LOWERY DRIVE, OVIEDO, FL 32765
(Commission District 1)**

Tax Parcel ID # 34-21-31-300-0020-0000

Inspector: Jason Rucker

Notice of Hearing: Posted

Witnesses sworn:

McGregor Love, Attorney for Respondents – Case 23-67-CESM and 24-17-CESM

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violations remain on the subject property. He listed Administrative Costs and fines accrued to date for this case.

Attorney McGregor Love represented the Respondents.

Mr. Love summarized events that followed the previous Special Magistrate hearing. Building Official Bob Pike made an inspection of the subject property the day after the hearing with regards to the electrical services and the required permitting process. His clients are restarting the permit process over again, which Mr. Love stated will take several months.

Seminole County Building Official Bob Pike described the visit he made to the subject property with Inspector Rucker and a Duke Energy supervisor. Mr. Pike stated he had informed the Respondents they needed to submit a site plan to the Planning & Zoning office immediately, and as of this morning, one month later, the County has received nothing from the Respondents.

Mr. Love stated his clients had a site plan that shows work that was done previously but not one that reflects all of the improvements to the property as it is today. They have an updated topographic survey done in April of 2024.

Seminole County Planning Coordinator Meggan Znorowski stated the Respondents were sent a letter December 19, 2023 that outlined exactly what they needed on their site plan. There are multiple issues including fill, changes per related structures. There are multiple layers to the site plan which is why the County outlined all of the various divisions in development review that need to be addressed on the site plan which it needs to go through the Planning department, not just the Building Division. They need an approved Planning Department comprehensive site plan before they can obtain a building permit. She offered Mr. Love a copy of that December 19 letter because the Planning Department went into great detail of the scope of what is needed. She recommended they meet again with the Planning Department staff.

Special Magistrate asked Mr. Pike if the site plan has to be engineered or if this is something the Respondents can draft themselves.

Mr. Pike replied that this is a site plan through Planning & Zoning. The Building Division just needs to see where the structures are on the site for inspection purposes. Planning & Zoning has had several meetings with the Respondents for a long time now and the County still has nothing that's been submitted by the Respondents. They have been directed already on what they have to do.

Special Magistrate asked what the Building Division needs for permitting.

Mr. Pike stated that in order to get a permit, everyone has to sign off on it: Building, Engineering, Planning & Zoning, Addressing, and if it is commercial, Fire Department has to review it. That is what it takes to get a permit. When we say they need a site plan, they need to go through Planning & Zoning for site plan approval before the Building Division can issue a building permit. Building Division looks at a site plan when doing a review just to see where the structures are located on site to make sure it meets building code compliance. Planning & Zoning review encompasses the site, what is on the site, what has happened to the site. Currently, the Respondents are on site now and have done a lot of things there without any approvals. The County has had several meetings with the Respondents dating back to last year and nothing has happened. They need to get this done and they are wasting everybody's time.

Special Magistrate stated that continues to be her concern. When we started this, she gave the Respondents 6 months because they said they were going to get the site plan and they wanted everything in conjunction with one another because they were going to do all these things on the property and they have not. She said her concern is if she lets this go on it continues to waste everyone's time.

Mr. Love replied that is why he hasn't requested another 6 months of time because the County needs to see progress sooner than it is realistic to expect it to be finalized, so that is why he would offer some sort of check-in time and he would aim to be back before the Special Magistrate with the building permit submitted and issued, hopefully.

Planning Coordinator Ms. Znorowski stated just to clarify the site plan, to go through the site plan would expedite the review period for the building permit. The site plan process for the Planning Department has so many layers - drainage, natural resource review, wetlands impact, zoning review, setbacks - because of the scope of what the Respondents have done already is beyond typical and it has been over so many years, back to 2016 or 2017 when the impacts started, so we are talking about a scope of almost 8 years now.

Special Magistrate asked if the Respondents were the property owners back then. Ms. Znorowski replied yes, they were.

Ms. Znorowski continued all the many changes and impacts to the property over the years makes a huge impact to property in a protected area like the Econ River. All of the respective Planning & Zoning specialists will need to review the site plan so by the time it reaches her desk, she will be able to approve it.

Special Magistrate asked the date that the email with the instructions was given to the Respondents. Ms. Znorowski replied December 19, 2023, and it outlined exactly what the Respondents needed to submit for their site plan and the process by which they would need to submit the documentation once they obtain their site plan to get their building permit issued.

Mr. Love summarized what has taken a lot of his clients' time in working toward compliance with the Code Enforcement storage violation as well as vacating the unapproved, uninspected converted pole barn they had been living in to a different living situation. Since speaking with Mr. Pike on July 12, his clients have a clear picture of what this process looks like and they have been focusing on what they need to get together. He added he would review the email from December 2023 and make sure that what they are working on is consistent with those requirements, but his clients are focused on getting the building permit submitted.

Special Magistrate said she assumed that the site plan accommodates both cases 23-67-CESM and 24-17-CESM.

Ms. Znorowski replied it would address all of the outstanding issues so long as they continue to work toward permitting all the structures, the single-family residence and accessory structures, and the Respondents are trying to get it all done at once.

Special Magistrate concluded that the only thing that seemed to light a fire under the Respondents at the last hearing was when she said if they don't allow the Building Official onto the property their fines would be imposed retroactive to July 11.

Special Magistrate stated that the previous Order is still in effect and she will extend, consistent with the site plan requirement that the building permit case is extended for 30 additional days. If they do not turn in a site plan by September 11, 2024 that is completed, with all County comments so the County is reviewing it, then the fine of \$250 per day will be imposed retroactive to July 11, 2024.

Building Official Bob Pike advised that there is no way the Respondents will get the site plan issued in 30 days if they have not gotten the proceeding started by now because each Planning & Zoning reviewer will have comments, and all these layers of changes and impacts have occurred on wetlands. He added that is why the County has been meeting with the Respondents for at least a year now.

Mr. Love reiterated he needs to review the email of December 19 to see what the County's scope is so he cannot say what a reasonable timeframe for submittal would be. He stated he understands the Magistrate is saying his clients don't need to have addressed all the comments within 30 days but rather essentially pass a sufficiency review.

Special Magistrate clarified that the site plan needs to pass the review process to the point where it is at Ms. Znorowski's final rubber-stamp approval stage.

Mr. Love proposed a reasonable halfway point would be that if they met again in another month to discuss the status.

Special Magistrate disagreed, stating she is trying to avoid further delays in going back and forth. Following the December 19 email outlining the site plan process means the site plan should be submitted tomorrow. It doesn't mean his clients have 30 days to submit the site plan and wait for comments. In 30 days, she would like to see they have their site plan approval from Planning and are on their way to get their building permit. If in 30 days they are not ready for the building permit, she will impose fines retroactive to July 11.

24-17-CESM

**IFRAIN LIMA & KELLY ENDRES
3125 LOWERY DRIVE, OVIEDO, FL 32765
(Commission District 1)
Tax Parcel ID # 34-21-31-300-0020-0000
Inspector: Jason Rucker
Notice of Hearing: Posted**

Witnesses sworn:

McGregor Love, Attorney for Respondents – Case 23-67-CESM and 24-17-CESM

Special Magistrate stated she does not believe the testimony in this case will be different from Case 23-67-CESM.

Special Magistrate stated that based on testimony already given, she will also Order an extension of 30 days to September 11, 2024 to come into compliance, with the understanding of a site plan approval would be in place. If not, the fine of \$250 per day will be imposed retroactive to July 11, 2024.

NEW HEARINGS

24-43-CESM

**WOLFRAM & MEGAN NOTHNAGEL
220 FOREST DRIVE, SANFORD, FL 32773
(Commission District 4)
Tax Parcel ID # 04-20-30-501-0700-0320
Inspector: Jason Rucker
Notice of Hearing: Posted**

Witnesses sworn:

Wolfram Nothnagel, Respondent – Case 24-43-CESM

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violation remains on the subject property.

Respondent summarized his case history, noting he purchased the property with some of the violations already in place. He obtained most of the permits by January 2024. He mistakenly believed the last shed violation had been dropped since he had gotten the other permits and had not heard from the County for the next 7 months.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered the subject property be brought into compliance by October 9, 2024 or a fine of \$100.00 be imposed for each and every day thereafter that the violation remains.

24-40-CESM

**REBECCA A WIGGINS
1217 GAIL STREET, APOPKA, FL 32703
(Commission District 3)
Tax Parcel ID # 17-21-29-512-0000-0740
Inspector: Jason Rucker Notice of Hearing: Posted**

Witnesses sworn:

Rebecca Wiggins, Respondent – Case 24-40-CESM

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violation remains on the subject property.

Respondent stated she had the carport installed in 2013 using a contractor company and believed they had obtained the necessary permit. She was unaware that had not been done until she received the Notice of Violation from the County.

Special Magistrate explained that the County has said they will give her until October 9 to obtain the permit and she should contact Inspector Rucker and he will guide her through that process of applying for the permit.

Inspector Rucker advised that the Respondent could apply for the permit as an owner/builder and she can get an estimate of the cost at the Building Permit counter.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered the subject property be brought into compliance by October 9, 2024 or a fine of \$50.00 be imposed for each and every day thereafter that the violation remains.

24-44-CESM

**JAMES & ALEXANDER MOSER BARKER
2843 ORANOLE WAY, APOPKA, FL 32703
(Commission District 3)
Tax Parcel ID # 19-21-29-501-0000-0400
Inspector: Jason Rucker
Notice of Hearing: Posted**

Witnesses sworn:

*James Barker, Respondent – Case 24-44-CESM
Alexander Barker, Respondent – Case 24-44-CESM*

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violation remains on the subject property.

Inspector Rucker indicated there is an application for a permit for the fence in the electronic Building Permit software submitted 8/6/24.

Respondent explained that the contractor who installed their fence told them that because the fence was replacing an old one in the same footprint, it did not require a permit. Once they

receive a Notice of Violation, they notified that contractor, who told them it was being taken care of. Until they received the Notice of Hearing, they believed the permit had been acquired because the contractor had told them it had. The problem is there is a language barrier dealing with the contractor. They wish to come into compliance.

Special Magistrate asked when the fence was installed. Respondent replied October 2023.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Found that since the Respondents contacted the County as soon as they received the Notice, she Ordered the subject property be brought into compliance by October 9, 2024 or a fine of \$50.00 be imposed for each and every day thereafter that the violation remains.

24-45-CESM

**ROGER VEGA & KATHERINE EXPOSITO
574 RUBY COURT, MAITLAND, FL 32751
(Commission District 4)
Tax Parcel ID # 28-21-30-501-0000-0050
Inspector: Jason Rucker
Notice of Hearing: Posted**

Respondent indicated that he did not speak English. An interpreter from the audience was volunteered to assist.

Witnesses sworn:

*Roger Vega, Respondent – Case 24-45-CESM
Jamie Rodriguez, translator for Respondent – Case 24-45-CESM*

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violations remain on the subject property.

Inspector Rucker demonstrated a permit application for the addition was submitted February 2024 and has received comments from Planning & Zoning. A permit was issued for the doors and windows but has expired and needs renewal and inspection. A permit for a fence was issued but needs inspection. Planning proposed a Vacate for a utility easement. An application for Vacate was submitted October 2023 and is in second review cycle.

Special Magistrate asked the Interpreter if the Respondent understood Inspector Rucker's presentation. Interpreter replied yes.

Special Magistrate asked Inspector Rucker about the application for Vacate that was submitted November 2023. Inspector Rucker confirmed it was submitted October 31, 2023.

Special Magistrate asked if Planning & Zoning would approve the building permit to go through

without the Vacate. Inspector Rucker replied he can get building permits approved for interior remodel while the fence Vacate was still in progress. Special Magistrate asked if they were separate permits. Inspector Rucker replied the exterior structures would have to be separate, such as pool, accessory structure, shed, carport.

Special Magistrate asked to view the aerial photo. She asked if the T-shaped structure was added on without a permit.

Seminole County Planning Coordinator Meggan Znorowski described the various additions and conversions to the house and property, and the location of the easement on the property, and stated that the Vacate is still in process. The fence is approved but needs inspection and payment. The fence can be in the easement because the County requires an estoppel letter. Discussion continued regarding the structures and the Vacate process and approval timeframe relative to the permits required. It was estimated to be a month to 45 days for the timeframe tracking.

Special Magistrate asked if anyone was living in the home and the T-shaped addition. Inspector Rucker said there is a tenant. Special Magistrate asked Inspector Rucker if he is comfortable with it being occupied at this stage. Inspector Rucker replied he has not been inside to be able to see it.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered the subject property be brought into compliance by September 11, 2024 and in that time between today and September 11, to allow Inspector Rucker on site to look through it and see the magnitude of what is on the site and the work that has been done, and if the Inspector is not allowed on-site she will impose a fine of \$200.00 for each and every day thereafter that the violation remains.

**24-46-CESM
LAKE FOREST OWNER LLC
CAPITOL CORPORATE SERVICES INC (Registered Agent)
5433 W SR 46, SANFORD, FL 32771
(Commission District 5)
Tax Parcel ID # 30-19-30-300-002K-0000
Inspector: Jason Rucker
Notice of Hearing: Posted**

Witnesses sworn:

*Amelia Cowan, Registered Agent for Respondent – Case 24-46-CESM
Ivan Gallego, Registered Agent for Respondent – Case 24-46-CESM*

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violations remain on the subject property.

Inspector Rucker demonstrated a permit application was submitted in November 2023 and is under review and has not been issued due to required corrections from multiple departments.

Respondents provided updates on their permit status. 2 of the sheds were on the property when they purchased it. They said the County told them their smaller sheds did not require a permit.

Special Magistrate asked if once they were Noticed, were they told they did need permits.

Respondents said he came to the County to ask about the permit requirement and was told they needed to provide information on the sheds, which they did on an electronic file. For the larger sheds that were on the property at purchase, they contacted a contractor to make the permit application. The contractor has been following through with the County's series of comments to the application. They since obtained electrical permits for the 2 larger sheds.

Inspector Rucker confirmed the electrical permit approval process was on record in E-Plan.

Special Magistrate asked if there is a house on the property. Inspector Rucker confirmed there is a house on the property, in front of the sheds. He also confirmed that all the sheds require a permit, not just the larger 2.

Respondent added that on advice from Inspector Hathaway, they relocated the 2 smaller sheds away from the fence and easement.

Inspector Rucker posited that any breakdown in communication was from the contractor.

Special Magistrate recommended the Respondents, the contractor and the Inspector meet together to alleviate any miscommunication. Respondents agreed.

Seminole County Planning Coordinator Meggan Znorowski recommended the Respondents speak with their Project Manager on the second floor about the project status.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Found that since the Respondents can acquire the necessary permits by October 9, 2024, and if they do not come into compliance by that date, a fine of \$200.00 be imposed for each and every day thereafter that the violation remains.

**24-52-CESM
SERGIO R SALAZAR
3572 JERICHO DR, CASSELBERRY, FL 32707
(Commission District 1)
Tax Parcel ID # 23-21-30-502-0L00-0050
Inspector: Jason Rucker
Notice of Hearing: Posted**

*Witnesses sworn:
Sergio Salazar, Respondent – Case 24-52-CESM*

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violation remains on the subject property.

Respondent stated he had difficulty finding a contractor to prepare the drawings only without wanting to do the work as well. He requested additional time to come into compliance.

Special Magistrate stated the County is giving him until October 9, which should probably be sufficient and encouraged him to remain in contact with the County.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered the subject property be brought into compliance by October 9, 2024 or a fine of \$100.00 be imposed for each and every day thereafter that the violation remains.

24-55-CESM
MARIBEL & ELSA MERCADO-MUSSA
1667 KINGSTON ROAD, LONGWOOD, FL 32750
(Commission District 3)
Tax Parcel ID # 01-21-29-516-0A00-0090
Inspector: Jason Rucker
Notice of Hearing: Posted

Witnesses sworn:

*Maribel Mercado Mussa, Respondent – Case 24-55-CESM
Yaser Mussa, Respondent – Case 24-55-CESM*

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violation remains on the subject property.

Inspector Rucker indicated a permit application was submitted 10/23/23, it remains in plan-check status due to zoning requirements, and it was determined that a variance is necessary. The variance application was submitted 07/25/24 and is scheduled to be heard by the Board of Adjustments in 09/23/24.

Respondent stated that once he receives the variance at the September hearing, he should be able to come into compliance by October 9 and requested Inspector Rucker's contact information.

Special Magistrate asked if the County is confident that everything that needs to be done with respect to the variance can be completed by October 9.

Seminole County Planning Coordinator Meggan Znorowski stated there is a 15-day appeal

period following the Board of Adjustment hearing. If the hearing is September 24, then the appeal period will not have expired by October 9, so the Magistrate may want to continue the case to November, then it will have given the Respondents time to have reapplied and Ms. Znorowski to review and approve and issue a permit.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered the subject property be brought into compliance by November 13, 2024 or a fine of \$100.00 be imposed for each and every day thereafter that the violation remains.

LIEN REQUESTS

23-32-CESM

**MELISSA D. & MICHAEL MITCHELL
2916 QUINCY COURT, APOPKA, FL 32703
(Commission District 3)
Tax Parcel ID # 07-21-29-509-0000-0500
Inspector: Jason Rucker
Notice of Hearing: Posted**

Witnesses sworn:

Melissa Mitchel, Respondent – Case 23-32-CESM

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violations remain on the subject property. He listed Administrative Costs and fines accrued to date for this case.

Respondent explained she emailed the County to request an extension of the compliance date. She summarized steps she's taken and the complications that have aggravated them, such as difficulty in securing a structural engineer.

Special Magistrate remarked the only permit on the screen is from November 2019.

Respondent listed the aggravating circumstances, such as the pandemic ensuing, a lawsuit she was involved in that was closed out only a month ago.

Special Magistrate indicated the problem with the case she sees is the Respondent failed to contact the County after her previous appearance before a different Special Magistrate.

Respondent stated she reached out by phone and email to the County and never received a response. She presented the emails to the Special Magistrate.

Special Magistrate stated once the Respondent did not receive a response from the previous Clerk to the Code Board, Ms. Hughes, after her contact of June 12 and July 13, 2023, she did not make any additional attempts at communication.

Respondent replied she called a couple of times but didn't know who to reach out to other than the previous Clerk, and locating a structural engineer has been a huge challenge.

There was discussion regarding the exterior alterations, what in the comments required structural engineering, and how it was determined that structural work was necessary.

Special Magistrate asked Inspector Rucker how long it would take the Respondent to obtain a permit. Inspector Rucker posited that structural members may have been damaged and were replaced, which the inspectors would need to see, and so a structural engineer would be needed prior to final inspection for the permit.

Seminole County Building Official Bob Pike said the Respondent can do an owner-builder permit, open the walls so the Building Division inspectors can look at it to make a determination at that point. He recommended the Chief Building Inspector meet her on site and provide advice. The County can't do the job for her but they can advise. It will take a little bit of time depending on extent of the work that was done.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered a continuance of the compliance date to October 9, 2024 and everything else in the original Order will remain the same. In that time, allow the County's Chief Building Inspector on site to ascertain and advise. The fine of \$50.00 for each and every day thereafter that the violation remains if the property does not come into compliance.

COMPLIANCE HEARING

23-61-CESM

ALAN J. & SANDRA T. FRANTZ

700 E OSCEOLA RD, GENEVA, FL 32732

(Commission District 2)

Tax Parcel ID # 02-20-32-3AM-001K-0000

Inspector: Jason Rucker

Notice of Hearing: Certified Mail

Witnesses sworn:

Sandra Frantz, Respondent – Case 23-61-CESM

Larry Smith, friend of Respondent – Case 23-61-CESM

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violations remain on the subject property. He listed Administrative Costs and fines accrued to date for this case.

Inspector Rucker added that he met with the Respondent and she has had some issues, including the death of her husband. She has had a couple of the structures removed and is in

the process of removing another. One of her difficulties is the lack of help in getting this work done.

Special Magistrate asked how many structures remain on the property.

Respondent replied one structure is left, just the pole barn.

Special Magistrate asked if she is planning on removing the pole barn. Respondent replied she is not because she has someone getting plans for her but she hasn't received them yet.

Special Magistrate asked if any permits had been permitted. Respondent replied not yet because she is waiting for documentation to submit with an application.

Respondent's friend, Larry Smith, testified that Mr. Frantz had been the one working on the permitting process and he passed away. Mrs. Frantz was left not knowing how to go through the process and has been trying to figure out how to do it. Everything is being done but is has taken time because the person who has the plans to submit with the permit application hasn't received a sealed set yet to be able to submit them.

Special Magistrate asked Inspector Rucker how long it should take to submit the application. Inspector Rucker said the contractor has the plans done.

Respondent added that the plans just need to be approved but they don't know when the plans with the seal will be received.

Special Magistrate asked if October 9 would be possible. Inspector Rucker recommended giving the Respondent more time than that.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered a continuance of the compliance date to November 13, 2024.

LIEN HEARING

24-07-CESM

**AMANDA & CHRISTOPHER YAGER
1480 MIRKWOOD COVE, OVIEDO, FL 32765
(Commission DISTRICT 2)
Tax Parcel ID # 25-20-31-5BA-0000-1520
Inspector: Vicki Hathaway
Notice of Hearing: Posted**

Witnesses sworn:

Christopher Yager, Respondent – Case 24-07-CESM

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections

show the violations remain on the subject property. He listed Administrative Costs and fines accrued to date for this case.

Special Magistrate asked if the property is in compliance at this time.

Inspector Rucker replied it is not in compliance and an Affidavit of Non-Compliance was issued on August 6, 2024.

Special Magistrate asked if the County wants the fines to be imposed at this time and not just the costs. Inspector Rucker said yes.

Respondent explained he had to obtain a wetlands study done in order to determine if the property was on a wetland delineation. He was able do that in the beginning of June, then he had a new survey drawn up and emailed the survey and wetlands delineation to Seminole County Natural Resource Officer Sarah Harttung and Inspector Vicki Hathaway. He was then directed to contact Florida Department of Environmental Protection (FDEP) for a potential permit letter determining non-impact or if he had to pay a mitigation fee. His contractor has not been forthcoming to him so he is looking for another contractor for the structures so he can start the application process. He requested assistance from the County in contacting the correct FDEP representative.

Special Magistrate asked Seminole County Planning Coordinator Meggan Znorowski who would have told the Respondent he needed an environmental study. Ms. Znorowski replied that would have been Sarah Harttung and she would have provided all that information with the Respondent when she met with him. She referred the Respondent to the County's Planning Department Central Intake desk to obtain the wetlands brochure that has the current contact information for FDEP, St. Johns River Water Management District and other environmental agencies.

Special Magistrate stated the Respondent originally appeared before the Magistrate needing just a permit for the structure, and she asked when he was told FDEP needed to be involved. Respondent provided the Special Magistrate with a printout of an email.

Ms. Znorowski stated when he received the delineation, it probably stated impacts made to the wetlands that he now needs to mitigate, so he can either mitigate on-site or pay into the mitigation bank.

Special Magistrate, noting from the email provided by the Respondent, that he began communication in June, and asked what occurred between March and June. Respondent said he was scheduling the environmental consultant and the surveyor together for the wetlands delineation and survey, which was a requirement that came out of the March hearing.

It was determined that while the Respondent is seeking input from FDEP he should begin the permitting process although it may not be finalized until wetlands mitigation, if required, is made.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered a continuance of the compliance date to November 13, 2024, with everything else in the prior Order staying in effect.

REPEAT VIOLATION

22-13-CESM
VICTOR E. ECHEVERRIA
499 ROCKY BROOK COURT, CASSELBERRY, FL 32707
(Commission District 1)
Tax Parcel ID # 14-21-30-5GV-0000-0940
Inspector: Jason Rucker
Notice of Hearing: Certified Mail

Witnesses sworn:
Maria Echeverria, daughter of Respondent – Case 22-13-CESM

Maria Echeverria represented her father, Victor Echeverria, Respondent.

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violations remain on the subject property. He listed Administrative Costs and fines accrued to date for this case.

Inspector Rucker stated the Respondent came into compliance in March 2023 after obtaining required permits and case was closed. Repeat violation was noted by Inspector in June 2024 and Affidavit of Non-Compliance was filed August 6, 2024.

Respondent stated due to family hardships, mother's health, divorce, finances, delays caused the permit to expire, and she is working with the Building Division and a new pool contractor to obtain required permits. She described the pool installation and relocation process, but she failed to schedule an inspection and the permit lapsed.

Special Magistrate asked when a permit can expire. Inspector Rucker replied 6 months after date of issuance, in this case, 12/11/2023, and because there was a Code change, Respondent will have to resubmit all new plans for the permit revision.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered a compliance date of October 9, 2024, and because this is a repeat violation, if the property is not in compliance by that date, the imposed fine will be \$500 per day retroactive to June 12, 2024 because the open hole in the ground is a safety issue. Costs will not be imposed at this time, but if the property is not in compliance by October 9, then costs will be imposed on that date.

LIEN HEARING

24-26-CESM

LOS CAMPOS DE AMERICA LLC
WILLIAM A RAMIREZ (Registered Agent)
345 JONES AVENUE, SANFORD, FL 32773
(Commission District 5)
Tax Parcel ID # 12-20-30-509-0000-037A
Inspector: Jason Rucker
Notice of Hearing: Posted

Robert Harnouss served as translator for the Respondent.

Witnesses sworn:

William Ramirez, Owner/Respondent – Case 24-26-CESM
Robert Harnouss, translator for Respondent – Case 24-26-CESM

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violations remain on the subject property. He listed Administrative Costs and fines accrued to date for this case.

Respondent stated at the last hearing, they were told they had to obtain a special permit for the structure, which is a residence located on a commercial property.

Seminole County Planner Hillary Padin testified that the Respondent applied for a pre-application, which is the first step to obtaining a special exception. The Respondent was supposed to attend a Development Review Committee (DRC) meeting yesterday but did not appear. The next step would be to apply for a special exception, then they would need to hold a community meeting and go through 2 public hearings with the Planning & Zoning Commission and the Board of County Commissioners to see if the special exception can be granted.

Special Magistrate asked the Respondent if he knew he was supposed to attend the DRC meeting yesterday. Respondent replied they knew they were supposed to be at a meeting Wednesday but never received an email confirming the time and place for the meeting. He said he submitted and paid for the special exception pre-application form the last time they appeared before the Special Magistrate.

Special Magistrate asked if the DRC phase and pre-application have to occur or could someone just submit their application for the special exception. Ms. Padin replied that she emailed comments to the Respondent with the steps needed for applying for the special exception.

Special Magistrate recognized Mr. Harnouss as a representative of the company as he has been testifying on behalf of the company. She instructed the Respondent to apply for the special exception. She also asked if anyone was living in the structure.

Respondent said no one is living in the structure.

Special Magistrate asked if the County has any objection to giving the Respondent additional time to go through the special exception process, as long as no one is living in the structure.

Seminole County Planning & Development Manager Dale Hall testified that it is highly recommended the Respondents go through the pre-application process because they won't get the proper information to complete the special exception application. It will be another 30 days to the next Development Review Committee meeting for their pre-application meeting and then it will be another 30 days minimum to get the special exception application reviewed with comments. Scheduling for that is even further out.

Special Magistrate said with 2 community meetings and hearings by the Planning & Zoning Commission and Board of County Commissioners means you're looking at 4 months at minimum if everything is done perfectly and it would be more like 6 months in all.

Mr. Hall stated the County can reschedule the Respondent for a future DRC hearing with his current pre-application.

Special Magistrate asked the Respondent if he understood what was being said, that he should go through the pre-application process to help him with the next, more involved process, and if they go through that, then there are 2 more hearings beyond that, so they are looking at 6 months for the entire process. She encouraged him to pay attention to his emails.

Respondent claimed he did not receive the County's email and asked if they could attend the meeting next Wednesday and do the pre-application.

Mr. Hall stated the next DRC meeting will not be next Wednesday, it will be scheduled for a future event and he does not have his calendar before him, but it would be a month away.

Ms. Padin told the Respondent she can meet with him to discuss the special exception process directly and she doesn't feel they need a formal meeting for that purpose.

Special Magistrate concurred and asked Ms. Padin to share her contact information with the Respondent.

Respondent asked what would happen with the other violations.

Special Magistrate explained that would be continued because in this 6-month time period she wants the Respondent to do what is required for his permit as well, which would include engineered drawings and everything else needed for the structure. Respondent replied that they have all that.

Special Magistrate asked the County if the permits could be applied for now, knowing the Respondent is going through the special exception process, if they can occur simultaneously.

Mr. Hall stated it would not be recommended at this time until the application is done to submit for the building permit so you at least have to run them concurrently at a minimum.

Special Magistrate clarified that the Respondent could start the building permit process but really not until he starts the special exception process.

Mr. Hall said that is not a standard process the County does but we could in certain instances

consider that.

Inspector Rucker stated the Respondent already has a building permit application filed and it is in Plan Check status.

Special Magistrate said that we are just waiting for the special exception process. Inspector Rucker concurred.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Ordered a continuance of the compliance date to February 12, 2025, with everything else in the prior Order staying in effect.

NEW HEARINGS

24-51-CESM

**LAURIE J & GREGORY HARRINGTON
2114 WINNEBAGO TRAIL, FERN PARK, FL 32730
(Commission District 4)
Tax Parcel ID # 20-21-30-504-0000-0080
Inspector: Jason Rucker
Notice of Hearing: Certified Mail**

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violation remains on the subject property.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes.

Special Magistrate Found that the property owners were properly Noticed to appear and they were not present to participate in the hearing. She Found the property is in violation of Seminole County Code Chapter 40, Appendix "A", Section 105.1, and she Ordered the property be brought into compliance by September 11, 2024 with Compliance Hearing on September 12, 2024 or a fine of \$250 per day will be imposed.

24-58-CESM

**CHRISTOPHER M BELCHER
657 RIVERPARK CIRCLE, LONGWOOD, FL 32779
(Commission District 3)
Tax Parcel ID # 34-20-29-504-0000-1070
Inspector: Jason Rucker
Notice of Hearing: Posted**

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violation remains on the subject property.

Inspector Rucker stated a permit application for the screen enclosure was received on 9/12/23 and is under review and has not been issued due to required corrections that were never followed through.

Special Magistrate asked when the Respondent applied for the permit. Inspector Rucker replied 9/12/23.

Special Magistrate asked if a Notice was mailed to the property owner. Inspector Rucker believes the certified mail was returned not signed for. Special Magistrate asked if the Notice was also sent by regular mail. Inspector Rucker said regular mail did not come back, just the certified mail.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes.

Special Magistrate Found that the property owner was properly Noticed to appear and was not present to participate in the hearing. She Found the property is in violation of Seminole County Code Chapter 40, Appendix "A", Section 105.1, and she Ordered the property be brought into compliance by September 11, 2024 or a fine of \$150 per day for each and every day after September 11 that the violation remains will be imposed.

LIEN HEARINGS

**22-88-CESM
RONALD & KELLY SIMON
2071 WOOD THRUSH LANE, WINTER PARK, FL 32792
(Commission District 1)
Tax Parcel ID # 27-21-30-5VJ-0000-6390
Inspector: Jason Rucker
Notice of Hearing: Certified Mail**

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violation remains on the subject property. He listed Administrative Costs and fines accrued to date for this case.

Special Magistrate asked how the property owners received Notice of today's hearing.

Building Division staff replied a green card was received back from Certified Mail.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes.

Special Magistrate Found that Kelly and Ronald Simon were properly Noticed to appear, the property remains out of compliance still and they were Ordered to come into compliance by January 24, 2023. She Ordered that the penalty of \$50 per day that was imposed on the Order dated January 12, 2023 be ratified and a lien in the amount of \$28,750 will be imposed for 575 days of non-compliance from the date of original compliance through August 8, 2024 and will continue at a rate of \$50 per day for each and every day hereafter that the violation remains. She also imposed Administrative Costs in the amount of \$934.36 to be paid within 30 days or they too will be imposed as a lien against the property.

**23-40-CESM
LETICIA MORALES
300 RIDGE ROAD, FERN PARK, FL 32730
(Commission District 1)
Tax Parcel ID # 19-21-30-300-0350-0000
Inspector: Jason Rucker
Notice of Hearing: Certified Mail**

Inspector Jason Rucker was present and testified on behalf of the County. Mr. Rucker entered into the record photographs of the violations for the property; results of follow up inspections show the violation remains on the subject property. He listed Administrative Costs and fines accrued to date for this case.

Special Magistrate asked how the property owner received Notice of today's hearing.

Inspector Rucker replied that a green card was received back from Certified Mail.

Special Magistrate asked Inspector Rucker if he wished to submit the electronic case file into the record. Inspector Rucker said yes. Special Magistrate asked the Respondent if he had any objection to the case file being put into record. Respondent had no objection.

Special Magistrate Found that property owner Leticia Morales was properly Noticed to appear was not present to participate. She Found that the property is still out of compliance with the Order that was entered on April 13, 2023 requiring the property be brought into compliance by July 13, 2023. She Ordered that the fine be imposed as of July 13, 2023 in the amount of \$19,650 and it will continue at a rate of \$50 per day from today until such time as the property is brought into compliance. She also Ordered Administrative Costs in the amount of \$813.85 to be paid within 30 days of the date hereof or it too will be imposed as a lien against the property.

APPROVAL OF MINUTES FROM: July 11, 2024 hearing.

CONFIRMATION DATE OF NEXT MEETING: September 12, 2024.

ADJOURN: There being no further business this meeting was adjourned at 4:57 P.M.

RESPECTFULLY SUBMITTED:

Alexis Brignoni
Clerk To the Code Enforcement Office

Sherry G. Sutphen
Special Magistrate