



**CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
SEMINOLE COUNTY, FLORIDA
MARCH 14, 2024**

CALL TO ORDER

Special Magistrate Sherry G. Sutphen called the meeting to order at 1:37 P.M.

Also Present:

Liz Parkhurst, Acting Clerk to the Special Magistrate
Alexis Brignoni, Seminole County Planning and Development
Alexis Pelletier, Seminole County Planning and Development
Rebecca Hammock, Seminole County Planning and Development Director
Bob Pike, Seminole County Building Official
Julie Hebert, Seminole County Building Department
Ruth Golsteyn, Seminole County Building Department
Cara Hill, Seminole County Sheriff's Office Code Enforcement Officer
Vicki Hathaway, Seminole County Building Inspector

OPENING STATEMENT

SWEARING IN OF WITNESSES

Vicky Hathaway, Seminole County Building Inspector
Bob Pike, Seminole County Building Official
Jean Carlo Sanclemente, Respondent – Case 23-52-CESM
Gerald Williams, Respondent – Case 23-69-CESM
Shelly Bouai, Co-Respondent – Case 23-70-CESM
Christopher and Amanda Yager, Respondents – Case 24-07-CESM
Jorge Morales, Brother of Respondent – Case 24-13-CESM
Kelly Endres, Respondent – Cases 24-17-CESM and 23-66-CESM
Ifraim Lima, Respondent – Cases 24-17-CESM and 23-66-CESM
McGregor Love, Attorney for Respondents – Cases 24-17-CESM and 23-66-CESM
Jason Eckmann and Aaron Holsipple, Respondents – Case 23-21-CESM
Randy Bumbalough, Registered Agent for Respondent – Case 23-46-CESM

HEARINGS

NEW CASES

23-52-CESM

**JEAN SANCLEMENTE
& DESIREA CASTELLANOS
2997 BOLAND DR, OVIEDO, FL 32765
(Commission District 1)
Tax Parcel ID # 27-21-31-5CC-0B00-0150
Inspector: Vicki Hathaway
Notice of Hearing: Posted**

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.
Installation of a fence without the required permits.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 2997 Boland Drive, Oviedo, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violation remains on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondents to correct the violations on or before May 8, 2024 by obtaining the required permit for the cited violation. If the Respondent does not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondents must contact the Inspector to verify compliance.

Special Magistrate asked the Respondent if he had objections to the electronic case file being entered into record. Respondent replied he did not.

Special Magistrate asked Ms. Hathaway if she has had any contact with the owner. Ms. Hathaway replied that she had, once, while posting a Notice. Special Magistrate stated that there is a variance for the subject property. Ms. Hathaway replied that the Respondent was approved by the Board of Adjustment for the variance and the County is waiting for the letter of approval of the variance for the permit. Special Magistrate stated that variance approval letter triggers the processing of the building permit application that has already been submitted. Ms. Hathaway confirmed that the application at that point, the Respondent can pay for the permit and have it issued and that will clear up the violation.

Special Magistrate asked the Respondent if he understood what is needed at this point. Respondent replied that it sounds like he just needs to submit the variance approval letter, and he had it with him.

Inspector Hathaway asked the Respondent if he had a contractor. The Respondent replied that he was told he needed to apply for the variance as an owner, and he does have a fence company but they are not answering his calls or responding to the corrections. Ms. Hathaway said the contractor can submit the letter to the County but if the fence contractor is not going to

do that, the Respondent may have to do a change of contractor to Owner/Builder at the Building Division permitting counter.

Special Magistrate asked the Respondent if he was able to do this by May 8, 2024. Respondent replied that yes, he could.

Inspector Hathaway said the staff at the permitting counter could walk him through that process.

MS. SUTPHEN FOUND THE PROPERTY OWNER WAS PROPERLY NOTICED TO BE AT THE HEARING AND WAS IN ATTENDANCE, AND THAT THE COUNTY PROVIDED SUBSTANTIAL EVIDENCE TO FIND THAT THE PROPERTY OWNER IS IN VIOLATION OF SEMINOLE COUNTY CODE CHAPTER 40, APPENDIX "A", SECTION 105.1 CONSTRUCTION WITHOUT THE REQUIRED PERMITS AND WILL PROVIDE UNTIL MAY 8, 2024 AT 8:00 AM TO COME INTO COMPLIANCE OR A FINE OF \$100 WILL BE IMPOSED FOR EACH AND EVERY DAY THE VIOLATION REMAINS, AND SHE URGED THE RESPONDENT STAYS IN CONTACT WITH SEMINOLE COUNTY BUILDING INSPECTOR.

23-69-CESM

GERALD WILLIAMS

131 LEON STREET, ALTAMONTE SPRINGS, FL 32701

(Commission District 4 - Lockhart)

Tax Parcel ID # 18-21-30-507-0000-0710

Inspector: Vicki Hathaway

Notice of Hearing: Posted

Violation:

Chapter 40, Appendix "A", Section 105.1

Construction without the required permits.

Installation of a shed, exterior renovations to include new roof, lath, stucco and new windows without the required permits.

This item was continued by the Building Inspector to this hearing.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 131 Leon Street, Altamonte Springs, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violation remains on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondents to correct the violations on or before May 8, 2024 by obtaining the required permit for the cited violation. If the Respondent does not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondents must contact the Inspector to verify compliance.

Special Magistrate asked Ms. Hathaway if she has had any contact with the owner. Ms. Hathaway replied she spoke only once in the very beginning.

Special Magistrate asked the Respondent if he had objections to the electronic case file being entered into record. Respondent appeared not to understand what he was asked. Special

Magistrate repeated the question with additional explanation and the Respondent still did not understand. Special Magistrate again explained slowly. Inspector Hathaway explained her history of inspection of the violations observed on the subject property. Special Magistrate again asked if he had objections to the electronic case filing being entered into record. Respondent said he objected, Special Magistrate noted the objection and entered the electronic case file into the record.

Special Magistrate asked the Respondent if he had anything to add. Respondent claimed that, with the exception of the shed, the house was in its present condition when he obtained/inherited it in 2022 and he did no work to the property.

Special Magistrate clarified that Inspector Hathaway described that there was progressive work that appeared to be done to the house on each successive inspection of the property, including stucco, windows and the new roof.

Respondent maintained that the house has had no improvement other than the shed and that what they described was there when he obtained the house in 2022.

Special Magistrate asked Inspector Hathaway to explain what changes appeared in front of her each time she went to the property. Inspector Hathaway listed the roof, windows and stucco, although she couldn't catch any workers present who were working on the house.

Special Magistrate asked Inspector Hathaway if she witnessed different changes each time she visited the property that was not present previously and the sequence they occurred. Ms. Hathaway said the house was a wood structure the first time she visited.

Respondent interrupted and said the house had always been brick.

Ms. Hathaway continued that the house went from a flat roof to a pitched roof.

Special Magistrate noted from photo evidence that in 2022, the house had a flat roof. Respondent said he got the house in 2022. Special Magistrate repeated that in 2022 the house had a flat roof. Respondent said he got the house at the end of 2022 but could not specify the date.

Building Official Bob Pike took the stand to say if violations were present at the property when the Respondent took possession of the property, then he inherited the violations.

Respondent said he is willing to do whatever is necessary to come into compliance. He stated he is a single parent to 2 children and does not have the money to be making these progressive modifications to the property that are being described.

MS. SUTPHEN FOUND THE PROPERTY OWNER WAS PROPERLY NOTICED TO BE AT THE HEARING AND WAS IN ATTENDANCE AND PARTICIPATED IN THE HEARING, AND THAT THE COUNTY PROVIDED SUBSTANTIAL EVIDENCE TO FIND THAT BASED ON THE PROPERTY CARD OF 2022 AND OTHER PHOTOGRAPHS THAT HAVE BEEN SUBMITTED INTO EVIDENCE THAT THERE HAVE BEEN CHANGES IN THE ROOF AND WINDOWS, AND THE OUTER FAÇADE HAS CHANGED, AND THAT ALL OF THESE CHANGED HAVE BEEN DONE WITHOUT PERMITS IN VIOLATION OF SEMINOLE COUNTY CODE CHAPTER 40, APPENDIX "A", SECTION 105.1

CONSTRUCTION WITHOUT THE REQUIRED PERMITS AND WILL ORDER THE OWNER TO BRING THE PROPERTY INTO COMPLIANCE BY 8:00AM ON MAY 8, 2022 BY OBTAINING THE NECESSARY PERMITS FOR THE WORK THAT WAS DONE OR A FINE OF \$200 WILL BE IMPOSED FOR EACH AND EVERY DAY THE VIOLATION REMAINS.

Inspector Hathaway added that she will give her business card to the Respondent so he may stay in contact with her.

23-70-CESM

**HOMETOWN PALM VALLEY LLC C/O
CT CORPORATION SYSTEM (Registered Agent)
SHERRY BOUALI (Tenant)
3825 COCONUT PALM CIR, OVIEDO, FL 32765
(Commission District 1)
Tax Parcel ID # 34-21-31-503-0000-008A
Inspector: Vicki Hathaway
Notice of Hearing: Certified Mail**

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.
Installation of an AC unit without the required permits.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 3825 Coconut Palm Circle, Oviedo, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violation remains on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondents to correct the violation on or before May 8, 2024 by obtaining the required permit for the cited violation. If the Respondent does not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondent must contact the Inspector to verify compliance.

Special Magistrate asked the Respondent if he had objections to the electronic case file being entered into record. Respondent replied that she did not.

Special Magistrate asked the Respondent if she had anything to add. Respondent said when she was in the hospital for health reasons, her air conditioning went out and an original contractor pulled a permit for a \$14,000 unit that the Respondent did not authorize to be installed. Her son, staying at her home while she was in the hospital, arranged for a different contractor to install a less expensive unit. Respondent said she was unaware of having to get a permit until she received the notice from Seminole County, she didn't know how to proceed with obtaining a permit, and she could not reach the installer of the unit. She requested guidance on complying with the notice of violation.

Special Magistrate asked Inspector Hathaway if the Respondent had been in contact with the County. Ms. Hathaway replied that she had spoken with staff at the County but did not reach out to her directly. If she had, she would have advised how to go about obtaining a permit.

Respondent stated staff at the County told her she would have to get the person who installed the air conditioning unit to pull the permit, and she has since been unable to reach that installer.

Inspector Hathaway interjected, another contractor could do that. Respondent said she didn't understand how a different contractor could do that. Inspector Hathaway stated other contractors commonly will be engaged to get a permit for a code violation case.

Special Magistrate asked Inspector Hathaway if anyone from the Palm Valley community owners have been in contact with the Respondent about the issue. Ms. Hathaway stated Palm Valley office said residents are required to obtain permits for work done on their homes. Palm Valley/Hometown America sent a letter dated 2-9-23 to the County citing a 2015 Florida Statute 273.022 stating that the homeowner is liable for violations, not the land owner. Special Magistrate reviewed that Statute.

Special Magistrate asked the Respondent if it is achievable for her to obtain the permit by May 8, 2024. Respondent replied that she would try to make it.

MS. SUTPHEN FOUND THE PROPERTY OWNER WAS PROPERLY NOTICED, AS THE OWNER OF THE MOBILE HOME, TO BE AT THE HEARING AND WAS IN ATTENDANCE AND PARTICIPATED, AND THAT HOMETOWN PALM VALLEY LLC WAS PROPERLY NOTICED TO BE HERE AS THE OWNER OF THE PROPERTY AS EVIDENCED BY THE LETTER THAT THEY PROVIDED IN RESPONSE TO THE NOTICE THEY WERE SENT. MS. SUTPHEN FOUND THAT SHERRY BOUALI WAS PRESENT AND PARTICIPATED IN THE HEARING, HOWEVER, HOMETOWN PALM VALLEY LLC DID NOT SEND A REPRESENTATIVE. SHE FOUND THAT THE PROPERTY IS IN VIOLATION FOR FAILURE TO OBTAIN THE NECESSARY PERMIT FOR THE AIR CONDITIONER UNIT AS REQUIRED BY SEMINOLE COUNTY CODE CHAPTER 40, APPENDIX "A", SECTION 105.1, AND WILL ORDER BOTH SHERRY BOUALI AS THE HOME OWNER AND HOMETOWN PALM VALLEY LLC AS THE PROPERTY OWNER, THAT THE PROPERTY BE BROUGHT INTO COMPLIANCE BY MAY 8, 2024, AND IMPOSED A FINE OF \$100 PER DAY AGAINST MS. BOUALI AND \$150 PER DAY AGAINST HOMETOWN PALM VALLEY LLC FOR EACH AND EVERY DAY THE VIOLATION REMAINS.

24-07-CESM

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

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

Installation of an Accessory Structure and wooden deck without the required permits.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 1480 Mirkwood

Cove, Oviedo, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violation remains on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondents to correct the violation on or before May 8, 2024 by obtaining the required permit for the cited violation. If the Respondents do not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondents must contact the Inspector to verify compliance.

Special Magistrate asked the Respondents if they had any objection to the electronic case file being entered into record. Respondents replied that they did not.

Special Magistrate asked Inspector Hathaway if the Respondents had been in contact with the County. Ms. Hathaway replied that they had not.

Special Magistrate asked the Respondents if they had anything to add. Respondent Mr. Yager replied that the structure was built by his wife's father 6 years ago and he has been in and out. Mr. Yager explained that he has gone through a protracted unlawful detainer process to prohibit his wife's father from accessing the property as there were issues with drug abuse involved. Respondent Mr. Yager spoke with a contractor who said he came and talked with the County and said the recommendation of the County was to do a wetlands study and a survey of the property showing where the structure was located. Respondent said he has been in contact with Storm Richards, who does wetlands studies and Robertson Surveying and they are working on those tasks before he goes into the process of having plans drawn and permits pulled.

Respondent Mr. Yager had questions about the order of what he needed to do, regarding the wetlands study, survey and obtaining a contractor. Seminole County Planning and Zoning director Rebecca Hammock provided the name of the appropriate person within the County to consult regarding the wetlands issue. Inspector Hathaway said if he starts the permit process, the Building Division can talk him through it and make sure he speaks with the people he needs to.

Special Magistrate speculated if May 8, 2024 would be sufficient time to accomplish what is needed to come into compliance, and she urged him to maintain communication with the Building Inspector. She stated she will give the Respondent until August 7, 2024 to come into compliance.

MS. SUTPHEN FOUND THE PROPERTY OWNER WAS PROPERLY NOTICED TO BE AT THE HEARING AND WAS IN ATTENDANCE, AND THAT THE COUNTY PROVIDED SUFFICIENT EVIDENCE TO FIND THAT THE PROPERTY OWNER IS IN VIOLATION OF SEMINOLE COUNTY CODE CHAPTER 40, APPENDIX "A", SECTION 105.1 CONSTRUCTION WITHOUT THE REQUIRED PERMITS AND GAVE HIM UNTIL AUGUST 7, 2024 TO COME INTO COMPLIANCE OR A FINE OF \$50 WILL BE IMPOSED FOR EACH AND EVERY DAY THE VIOLATION REMAINS, AND SHE URGED THE RESPONDENT STAYS IN CONTACT WITH SEMINOLE COUNTY BUILDING INSPECTOR.

24-13-CESM
LETICIA MORALES
300 RIDGE ROAD, FERN PARK, FL 32730
(Commission District 4)

Tax Parcel ID # 19-21-30-300-0350-0000
Inspector: Vicki Hathaway
Notice of Hearing: Posted

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.
Enclosing a garage without the required permit.

Respondent's brother, Jason Morales, attended on behalf of his sister, with whom he lives, stating she had an emergency to attend to, and had her verbal authorization to represent her.

Special Magistrate noted for the record that Mr. Morales lives on the subject property, that his sister is the owner and that she is giving him permission to speak on her behalf although she is not present herself.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 300 Ridge Road, Fern Park, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violation remains on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondents to correct the violation on or before May 8, 2024 by obtaining the required permit for the cited violation. If the Respondents do not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondents must contact the Inspector to verify compliance.

Special Magistrate asked the Respondent if he had any objection to the electronic case file being entered into record. Respondent replied that he did not.

Special Magistrate asked the Respondent if he had anything to add. Respondent described a previous violation with the garage. After some discussion, it was established that the previous Inspector he dealt with was a Seminole County Code Enforcement Officer for a separate violation case.

Respondent stated he spoke with the Building Permits counter and was provided a packet of information instructing him what he needed to do to obtain the permit to come into compliance.

MS. SUTPHEN FOUND THE PROPERTY OWNER WAS PROPERLY NOTICED TO BE AT THE HEARING AND SHE ACCEPTED MR. MORALES' TESTIMONY THAT HE ALSO RESIDES ON THE PROPERTY AND HAS HIS SISTER'S AUTHORIZATION TO REPRESENT HER AT THE HEARING. SHE FOUND AND THAT THE PROPERTY IS IN VIOLATION OF SEMINOLE COUNTY CODE CHAPTER 40, APPENDIX "A", SECTION 105.1 CONSTRUCTION WITHOUT THE REQUIRED PERMITS, AND GAVE HIM UNTIL MAY 8, 2024 TO COME INTO COMPLIANCE OR A FINE OF \$150 WILL BE IMPOSED FOR EACH AND EVERY DAY THE VIOLATION REMAINS.

COMPLIANCE HEARINGS

23-21-CESM

3 GUYS PROPERTIES LLC

JECK ENTERPRISES LLC (Registered Agent)

1091 MERRITT STREET, ALTAMONTE SPRINGS, FL 32701

(Commission District 4)

Tax Parcel ID # 18-21-30-509-0000-003B

Inspector: Vicki Hathaway

Notice of Hearing: Posted

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1

Construction without the required permits.

Installation of a fence without the required permit.

Special Magistrate confirmed Respondent in attendance is Aaron Holsipple, one of the co-owners of 3 Guys Properties LLC.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway summarized the case for 1091 Merrit Street, Altamonte Springs, FL. Results of re-inspection and Affidavit of Compliance show the subject property is in compliance.

This case was originally heard by the Special Magistrate on February 9, 2023 and an Order was issued giving the Respondent a compliance date on or before April 14, 2023.

An Affidavit of Compliance was filed by the Inspector after re-inspection on January 30, 2024.

The estimated Administrative Costs to process this case to date totals \$554.09 for both the Inspector and Clerk.

RECOMMENDATION: The Special Magistrate issue an Order imposing the administrative costs totaling \$554.09 and require these costs be paid within thirty (30) days or the fine will revert to the original amount of \$14,400.00 and constitute a lien on the property.

Special Magistrate asked Inspector Hathaway if she had a breakdown of the administrative costs for the case. Ms. Hathaway replied that the Clerk was in possession of that document.

Special Magistrate asked the Respondent if he had any objection to the \$554.09 administrative cost. Respondent replied that he did not.

Special Magistrate asked the Respondent if he had anything to add. Respondent stated he and his partners were aware of the situation the entire time. Their contractor was not forthcoming with them and kept telling them "it's done," which was untrue because they were receiving certified notices from the County. He added that the partners would add the \$554.09 to the lawsuit they currently filed against the contractor.

MS. SUTPHEN FOUND THAT THE PROPERTY IS IN COMPLIANCE AT THIS TIME. SHE ORDERED A FINE IN THE AMOUNT OF \$554.09 BE IMPOSED WHICH REPRESENTS THE

ADMINISTRATIVE COSTS OF THE COUNTY IN THIS MATTER AND ORDERED THE FINE BE PAID IN 30 DAYS OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$14,400.

23-46-CESM

REECO PROPERTIES LLLP

BRIAN C. REECE (Registered Agent)

2710 PEMBERTON DR., APOPKA, FL 32703

(Commission District 3)

Tax Parcel ID # 19-21-29-516-0000-0110

Inspector: Vicki Hathaway

Notice of Hearing: Certified Mail

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1

Construction without the required permits.

Construction of exterior canopies without the required permit.

Special Magistrate noted for the record that Randy Bumbalough, registered architect for Reeco Properties, substituted for owner Brian Reece. Inspector Hathaway stated that Brian Reece called her to inform her he would not be attending for medical reasons and that Mr. Bumbalough would represent him and they would be requesting an extension for the case.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 2710 Pemberton Drive, Apopka, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violations remain on the subject property.

This case was originally heard by the Special Magistrate on July 13, 2023, and an Order was issued giving the Respondent a compliance date of September 15, 2023.

An Affidavit of Non-Compliance was filed by the Inspector after re-inspection on September 19, 2023.

On November 20, 2023 the Special Magistrate issued an amended order extending the compliance date to January 10, 2024.

On January 11, 2024 the Special Magistrate issued an amended order extending the compliance date to March 13, 2024 with a Compliance Hearing scheduled for March 14, 2024.

The estimated Administrative Costs to process this case to date totals \$868.81 for both the Inspector and Clerk.

RECOMMENDATION: The Special Magistrate issue an Order constituting a lien in the amount of \$50.00 for 1 day of non-compliance from March 13, 2024, through and including March 14, 2024 at \$50.00 per day, and the fine shall continue to accrue at \$50.00 per day for each day the violation continues or is repeated after March 14, 2024.

Special Magistrate asked the Respondent if he had anything to add. Respondent stated that the construction from prior visits is progressing. They have had inspections and look to have exterior stairs installed shortly. That brings the office that was constructed without permit prior to Mr. Reece's ownership of the property into compliance with Building Code that handles their egress issues. Currently they are talking about some covered canopies on site. The County should be in possession of a letter from their engineer stating the three canopies on the back of the building are structurally sound and there is one canopy on the side that is not structurally tied down. Mr. Reece has been waiting for his contractor of record to return from out of the country to submit a building permit for the alterations to property secure that canopy, which include foundations and tie-downs.

Special Magistrate asked Inspector Hathaway if the Respondents had been in contact with the County at all times. Ms. Hathaway said yes, and she had told Mr. Reece that if they removed the canopies they would be in compliance once that permit is issued. That is what he was going to do but when he informed the tenants that was what they were going to do, the tenants threatened to leave. Now they are back to getting the canopies permitted, and Ms. Hathaway informed Mr. Reece they would have to appear before the Special Magistrate to ask if they have the time for that. Each canopy would be required to have a permit.

Special Magistrate asked how much additional time would be required. Mr. Bumbalough requested a 90-day extension in order to obtain the permits issued.

Special Magistrate asked if the County had an objection to extending the date out to June 12, 2024. Ms. Hathaway replied no, as long as they are working toward getting the permits and continue to stay in touch with the County.

MS. SUTPHEN ISSUED AN EXTENSION OF THE SECOND AMENDED PRIOR ORDER TO REFLECT THAT THE COMPLIANCE DATE IS NOW JUNE 12, 2024 AT 8:00AM AND EVERYTHING ELSE IN THE ORDER WILL REMAIN THE SAME.

NEW CASE

24-08-CESM

JULIAN JIMENEZ

105 SAGE ST, ALTAMONTE SPRINGS, FL 32714

(Commission DISTRICT 3)

Tax Parcel ID # 09-21-29-503-0000-0760

Inspector: Vicki Hathaway

Notice of Hearing: Certified Mail

Violation:

Seminole County Code, Chapter 40, Appendix A, Sec. 105.1.

Construction without the required permits.

Enclosure of windows and doors on both sides of home and installation of new windows, door, fence and air conditioning unit without the required permits.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 105 Sage Street,

Altamonte Springs, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violations remain on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondent to correct the violations on or before May 8, 2024 by obtaining the required permits for the cited violations. If the Respondent does not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondent must contact the Inspector to verify compliance.

Inspector Hathaway stated this case was a prior Code Enforcement case where the home was barely inhabitable because the owners had cut the rooms up and now the house has been completely turned over and re-done.

MS. SUTPHEN FOUND THE PROPERTY OWNER WAS PROPERLY NOTICED TO BE AT THE HEARING AND WAS NOT PRESENT AND THAT THE COUNTY PROVIDED SUFFICIENT EVIDENCE TO FIND THAT THE PROPERTY OWNER IS IN VIOLATION OF SEMINOLE COUNTY CODE CHAPTER 40, APPENDIX "A", SECTION 105.1 CONSTRUCTION WITHOUT THE REQUIRED PERMITS AND ORDERED THAT THE PROPERTY COME INTO COMPLIANCE BY MAY 8, 2024 AT 8:00 AM OR A FINE OF \$250 PER DAY WILL BE IMPOSED FOR EACH AND EVERY DAY THE VIOLATION REMAINS.

24-10-CESM

**TUTINVESTMENT HOMES LLC
AHMAD MOHAMMED REG AGENT (Registered Agent)
3000 E 20TH ST, SANFORD, FL 32771
(Commission District 5)
Tax Parcel ID # 32-19-31-501-0000-0300
Inspector: Vicki Hathaway
Notice of Hearing: Posted**

Violation:

Seminole County Code, Chapter 40, Appendix A, Sec. 105.1.
Construction without the required permits.
Installation of new windows, enclosing window/door and new air conditioning unit without the required permits.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 3000 E. 20TH Street, Sanford, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violations remain on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondent to correct the violations on or before May 8, 2024 by obtaining the required permits for the cited violations. If the Respondent does not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondent must contact the Inspector to verify compliance.

MS. SUTPHEN FOUND THE PROPERTY OWNER WAS PROPERLY NOTICED TO BE AT THE HEARING AND WAS NOT PRESENT AND THAT THE COUNTY PROVIDED

SUFFICIENT EVIDENCE TO FIND THAT THE PROPERTY OWNER IS IN VIOLATION OF SEMINOLE COUNTY CODE CHAPTER 40, APPENDIX "A", SECTION 105.1 CONSTRUCTION WITHOUT THE REQUIRED PERMITS AND ORDERED THAT THE PROPERTY COME INTO COMPLIANCE BY MAY 8, 2024 AT 8:00 AM OR A FINE OF \$250 PER DAY WILL BE IMPOSED FOR EACH AND EVERY DAY THE VIOLATION REMAINS.

**24-14-CESM
MICHELLE GARCIA
2202 BARKWOOD CT, LAKE MARY, FL 32746
(Commission DISTRICT 4)
Tax Parcel ID # 20-20-30-509-0000-0290
Inspector: Vicki Hathaway
Notice of Hearing: Certified Mail**

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.
Installation of a white vinyl fence and exterior renovations without the required permits.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 2202 Barkwood Court, Lake Mary, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violations remain on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondent to correct the violations on or before May 8, 2024 by obtaining the required permits for the cited violations. If the Respondent does not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondent must contact the Inspector to verify compliance.

MS. SUTPHEN FOUND THE PROPERTY OWNER WAS PROPERLY NOTICED TO BE AT THE HEARING AND WAS NOT PRESENT AND THAT THE COUNTY PROVIDED SUFFICIENT EVIDENCE TO FIND THAT THE PROPERTY OWNER IS IN VIOLATION OF SEMINOLE COUNTY CODE CHAPTER 40, APPENDIX "A", SECTION 105.1 CONSTRUCTION WITHOUT THE REQUIRED PERMITS AND ORDERED THAT THE PROPERTY COME INTO COMPLIANCE BY MAY 8, 2024 AT 8:00 AM OR A FINE OF \$150 PER DAY WILL BE IMPOSED FOR EACH AND EVERY DAY THE VIOLATION REMAINS.

**23-50-CESM
LENA DELLO RUSSO TRUST
3232 BRIAR WAY, APOPKA, FL 32703
(Commission District 3)
Tax Parcel ID # 07-21-29-503-0000-0760
Inspector: Vicki Hathaway
Notice of Hearing: Certified Mail**

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

Installation of wood fencing, to include fenced-in back porch area, black metal fencing and gate, masonry wall with white columns without the required permits.

This case was originally heard by the Special Magistrate on August 10, 2023, and an Order was issued giving the Respondent a compliance date of October 13, 2023.

An Affidavit of Non-Compliance was filed by the Inspector after re-inspection on October 17, 2023.

On November 16, 2023 an Order was issued extending the compliance date to December 13, 2023.

On December 14, 2023 an Order was issued extending the compliance date to February 7, 2024.

On February 8, 2024 an Order was issued extending the compliance date to March 13, 2024.

The estimated Administrative Costs to process this case to date totals \$1,190.86 for both the Inspector and Clerk.

RECOMMENDATION: Based on the imposed Order, the Special Magistrate Board issue an Order constituting a lien in the amount of **\$50.00** for 1 day of non-compliance for March 13, 2024 at \$50.00 per day, and the fine shall continue to accrue at **\$50.00 per day** for each day the violation continues or is repeated after **March 14, 2024**.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violation for the property located at 3232 Briar Way, Apopka, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violations remain on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondent to correct the violations on or before May 8, 2024 by obtaining the required permits for the cited violations. If the Respondent does not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondent must contact the Inspector to verify compliance.

Special Magistrate asked if the Respondents were working toward a variance at the last Special Magistrate Hearing. Inspector Hathaway said they did not pursue a variance, they just needed to correct their drawings, and late yesterday they paid for the fence permit, after she emailed them 2 weeks ago and said it's been approved and can you please show you are working toward compliance.

Special Magistrate asked if it was only the fence permit we were waiting on. Inspector Hathaway replied, no, there is the area in the front of the house with the masonry wall with columns/pillars and black wrought iron fencing and the permit for that is in PC status at this time. The last contact was March 8, 2024.

Special Magistrate asked if the Respondents contacted the County about why they would not be at the hearing today. Inspector Hathaway replied, no, they had not.

Special Magistrate requested a breakdown of the administrative cost of \$1,190.86.

Inspector Hathaway stated the Dello Russo Trust's attorney had told the County he would not be at the hearing because he would be in another meeting, he had called another area of the County, and she did not know why Mr. Dello Russo is not present.

Special Magistrate noted that the attorney for the Respondents had contacted the County to say he had a conflict, and that the Dello Russos were not present at the previous hearing either. She asked Inspector Hathaway how long would it take the Respondents to come into compliance since they have started the process. Inspector Hathaway replied it depends on their communication, and she has been calling and emailing the Respondents urging them to get the permits done. It depends on how fast they move and respond to questions asked. It should not be difficult to permit the items noticed.

MS. SUTPHEN AMENDED THE PRIOR AMENDED ORDER DATED FEBRUARY 8, 2023 TO REFLECT THAT THE COMPLIANCE DATE IS NOW APRIL 10 AT 8:00AM AND EVERYTHING ELSE IN THE ORDER WILL REMAIN THE SAME.

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: Vicki Hathaway
Notice of Hearing: Certified Mail**

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1
Construction without the required permits.

This case was originally heard by the Special Magistrate on September 14, 2023, and an Order was issued giving the Respondent a compliance date of November 17, 2023.

An Affidavit of Non-Compliance was filed by the Inspector after re-inspection on November 21, 2023.

On December 14, 2023 an Order was issued extending the compliance date to March 13, 2024 and waiving any accrued fines.

The estimated Administrative Costs to process this case to date totals \$___ for both the Inspector and Clerk.

RECOMMENDATION: The Special Magistrate Board issue an Order constituting a lien in the amount of **\$50.00** for 1 day of non-compliance from March 13, 2023, through and including March 14, 2024, at \$50.00 per day, and the fine shall continue to accrue at **\$50.00 per day** for each day the violation continues or is repeated after **March 14, 2024.**

Inspector Hathaway requested a continuance of the case because Mr. Frantz passed away yesterday of cancer. At this point, they are not in compliance, and her recommendation to Mrs. Frantz was to remove the things from the property that Mr. Frantz was working on, but that will be up to her.

Special Magistrate asked if they had done any work, and Inspector Hathaway said they had done some work. Mr. Frantz had cancer and he had stated previously that it was just him to do the work while dealing with his illness at the same time. He had a couple of buildings he had wanted to get engineered. Inspector Hathaway requested 3 months extension.

Special Magistrate stated she was going to suggest giving Mrs. Frantz until August 7, 2024.

MS. SUTPHEN AMENDED HER PRIOR ORDER TO MAKE THE COMPLIANCE DATE AUGUST 7, 2024.

**24-17-CESM
IFRAIN LIMA
KELLY ENDRES
3125 LOWERY DR, OVIEDO, FL 32765
(Commission District 1)
Tax Parcel ID # 34-21-31-300-0020-0000
Building Official: Bob Pike
Notice of Hearing: Posted**

Violation:

Seminole County Code Chapter 40, Appendix "A", Section 105.1

Construction without the required permits.

Installation of a dock, well, addition to main structure including interior buildout (to include, but not limited to, plumbing, electrical, mechanical) and accessory structures (including sheds and Connex containers) without the required permits.

Inspector Vicki Hathaway was present and testified on behalf of the County. Ms. Hathaway entered into the record photographs of the violations for the property located at 3125 Lowrey Drive, Oviedo, FL. Inspector Hathaway listed the inspections of the subject property. Results of re-inspections show the violations remain on the subject property.

RECOMMENDATION: The Special Magistrate order the Respondents to correct the violations on or before May 8, 2024 by obtaining the required permits for the cited violations. If the Respondents do not comply with the Order, a fine of \$50.00 will be imposed for each day the violations continue or are repeated after compliance. The Respondents must contact the Inspector to verify compliance.

Special Magistrate asked the Respondents and their attorney if they had an objection to the electronic case file being submitted into the record.

Attorney McGregor Love stated there are just a few items that he will note for the record. He does not have objections to the case file being submitted into record but there are some of the characterizations he will get to during his presentation that are inaccurate. He understands that Inspector Hathaway has been unable to walk the property.

Special Magistrate interrupted, asking that Ms. Hathaway still hasn't been on the property. Attorney Love stated that Officer Hill has been on the property and they will discuss that in the next case. For the purposes of the evidence, on pages 5 and 6, the images are properly permitted. The structure being constructed on page 5, 6 and then on page 8, the item shown there, the image on the left, is not an unpermitted dock.

Ms. Endres stated that the item is actually a gazebo and not a dock.

Special Magistrate asked if the permit for that was applied for but not received. Mr. Love replied correct. Special Magistrate returned to pages 5 and 6 that Mr. Love noted. She asked if the main structure there was permitted. Inspector Hathaway stated that the original structure did have a permit from 2017 but it has never been finalized because the County stopped the process.

Special Magistrate stated the permit was applied for but just never received.

Attorney Love stated the permit was issued but he will get into more detail about the timeline but the permit was issued, it was inspected by the County. There were 5 approved inspections of the structure by the county. It wasn't final but he doesn't feel "unpermitted" captures the status of this building.

Inspector Hathaway stated the structure was originally built as a barn.

Special Magistrate continued, it was a barn on Agricultural property. Inspector Hathaway replied, correct and when the County went to inspect it there were some inspections done, however some were denied because of the fact that the structure was becoming a build-out more than what was being portrayed as a barn, so the Building Official originally who had this didn't void it but he stopped it right there and denied it.

Special Magistrate affirmed the structure does not have a final permit.

Attorney Love interjected that he will get into the timing of the original inspections and what we know of the record and he will state for the record himself that he was under the impression that this was the sort of July timeline for compliance so he had to do some homework pretty quickly. A lot of this is very complicated so he doesn't want to misrepresent anything and he thinks the most productive way to handle this, frankly, is to have a meeting with the Building Official and folks from the County than through an evidentiary hearing, but we will get into the details.

Special Magistrate stated it is not a real evidentiary hearing, it is a Code Enforcement hearing and it's a little bit different. She said she wanted to ask a couple more questions before she fully accepts or not accept. She asked Building Official Bob Pike if he could explain to her the letter that is part of the electronic case file about the electric being possibly pulled.

Seminole County Building Official Bob Pike took the stand and said this permit that the attorney is referencing is for a barn. It has never had final inspections, it has never been completed, never had a Certificate of Completion. The permit expired, the Respondents came in and asked to renew it, the County did renew it as that. The Respondents have admitted they are living in the structure and they have built-out the inside without a permit. The only electrical service the County has approved on this property is a 60 amp for one light pole. That is not a 60-amp service. They have changed the electrical without a permit and inspection. I don't know what is

inside this building being completed, it's unsafe since we have had no inspections, no permitting for it. The same with the electrical service. The same with the well. The same with the electric gate. In my eyes, it is unsafe.

Special Magistrate responded that is the purpose for the letter that was issued. Building Official Pike replied that is correct, that's Seminole County Code Chapter 40 and the codes are cited in the letter. Special Magistrate accepted the electronic case filing into the record as presented by the County.

Special Magistrate identified page 8 of the case file presentation where it referenced the unpermitted dock. She changed that to an unpermitted gazebo.

Attorney Mr. Love stated he had a presentation for the hearing. He presented an overview of the timing of the subject property building inspection/permitting as he understood it to be, saying there had been lack of communication between his clients and the County.

During the presentation, Special Magistrate interjected she has on several occasions told the Respondents that all construction on the property must stop completely. Attorney Love claimed his clients had absolutely stopped construction. Special Magistrate emphasized that it is unsafe for the Respondents, unsafe for their children and unsafe for any person that lives in that structure without having had inspections.

Attorney Mr. Love presented two letters from a professional engineer stating he had performed a final inspection, plan revisions and field documents and submitted them to Seminole County and all have been approved for the purpose of closing out the permit to obtain a Certificate of Occupancy. He also said they had, 30 minutes prior to today's hearing, received a letter from an independent electrician verifying inspecting the plans to upgrade the electric to 400 amps to answer to the County's claims of the threat of life and safety of the structure as a show of good faith.

Special Magistrate asked Building Official Bob Pike if a letter of that sort is permissible under the current circumstances.

Building Official Bob Pike explained, when he renewed the permit, it was for a pole barn, not for the unpermitted work that was in there already.

Special Magistrate asked Mr. Pike if there was a conversation about that.

Mr. Pike said there was a conversation about the engineer letter after-the-fact and that would be for the building itself.

Special Magistrate continued that Mr. Love had shown an application for renewal where they were seeking to get a final Certificate of Occupancy (CO).

Mr. Pike replied that what he was trying to do was use a third-party engineer to say everything was okay and that is what the letter is for, but until it meets the County's process and permitting, without the permitting, that letter means nothing because the County has received no revisions for the interior, and there have been no County inspections. There are electric, plumbing and mechanical inspections yet to do.

Special Magistrate requested to see the slide depicting the permit renewal application from Mr. Love's presentation.

Mr. Pike added that there are 2 structures around the building that are without permits that the County has no idea if they are safe: 2 structural buildings to the front and side of the primary structure.

Mr. Love stated the Limas attempted in 2018 revisions to put the County on notice that there was an interior build-out that was subject to the same permit so when they asked for a renewal of the permit and filled out for a Certificate of Occupancy, they had a reasonable belief that the County knew that was not just for a pole barn.

Special Magistrate stated that was what she was trying to get at before, and she disagrees with that because they could have put down that they wanted a steak dinner on the bottom of their application. Just because an applicant puts something in their application doesn't mean they are going to get it or that they are even entitled to it.

Special Magistrate asked Mr. Pike if he received something like the displayed renewal application, what does that do in the County's system. On the bottom of the application says to schedule a final inspection on this permit and close it out and obtain a CO. A CO is still issued for a barn.

Mr. Pike corrected that a Certificate of Completion would be issued for a pole barn.

Special Magistrate continued that just because someone puts a CO on the bottom of the renewal request doesn't mean they are living in it. Mr. Pike stated that is correct. Special Magistrate continued that it wouldn't even make the Building Department assume that.

Attorney Mr. Love interjected that he is not talking about the occupancy, he is merely talking about the Building Officials believed when this was signed that it only related to the pole barn, that was the scope of the request because the plan comments reflected needing revisions to reflect the interior build-out that was in the plan comment file at the time the application was written. The Building Department was aware the Limas were wanting to build-out. The interior and the plans reflecting the interior build-out that were submitted to the Building Department. They may not be entitled to have it issued, they may not be entitled to have it inspected but certainly the Building Department was on notice that was what they were moving forward with.

Special Magistrate replied possibly, but there has been testimony that said they were given comments back, the permits were put on hold and nothing was given until all of a sudden, in September 2023, the Limas said they want to renew the permit and they want a CO. They had not gone back and done all the things they were asked to do when they submitted those plans in 2018.

Attorney Love said these details are why he wants to have a much more detailed conversation with everyone involved about exactly what happened, when it happened but there was a conversation with the prior Building Official that led the Limas to believe that the third-party private provider route that they were moving through for the interior build-out was acceptable.

Special Magistrate asked when that conversation with the prior Building Official occurred.

Building Official Bob Pike stated that was when Paul Watson was the Building Official, and from what he understood, Watson was on site and said they needed a separate permit for that.

Special Magistrate asked what year that occurred.

Bob Pike continued, Paul Watson was there to inspect the barn and that's when he saw what was going on and he said he needed to stop. Special Magistrate said so it was at least after 2018, when they submitted those plans. Mr. Pike said Paul Watson left the County in January 2019.

Special Magistrate noted that from 2019 to almost the end of 2023 the Respondents were going off a conversation they had with the prior Building Official so almost 4 years later, they were going off a prior conversation.

Bob Pike noted Seminole County Building Division has never received a Private Provider package submitted by the Respondents for the subject property per Statute. The fact is, the County has never issued any approvals for a build-out for this building and there have been no inspections, and the electrical services have been changed without a permit and inspection. Until the County gets those, the building is unsafe.

Special Magistrate stated having an independent electrical engineer say it's fine is not sufficient. The Building Official has noted multiple times what needs to be done. At the last hearing, we talked about the knowledge of your clients based on Mr. Lima's profession, so she said she has a hard time believing he does not understand any of this.

Attorney Love said he believes his clients were misled about the process but they genuinely believed they were doing things the right way which is why they provided the letter to Mr. Pike's office, saying they were ready to go.

Special Magistrate made it clear for the record that she has a hard time believing that if only for the historical way this case has been handled and the absolute disregard for the things they have been asked to do up to this point.

Attorney Love said he believes the Magistrate will find the Limas are cooperating with the County and want to continue to do so.

Special Magistrate asked if an address has been assigned to this property now because at a prior hearing there was not an address actually assigned. Attorney Love stated the address as 3125 Lowery Drive. Special Magistrate asked if it has been assigned through the 911 addressing system. Mr. Love said he did not know. Special Magistrate asked if it appears on the Property Appraiser's website. Mr. Love said they have a property card printout that shows the address as such.

Special Magistrate noted the Respondents applied for Homestead Exemption on a property they do not have authorization to live on.

Attorney Mr. Love stated his clients believed they had a Certificate of Occupancy and that gave them the authority to occupy the property.

Bob Pike noted they are referencing the letter from the engineer, and they thought they had a Private Provider, which they did not. Only the County Building Department issues a Certificate

of Occupancy after the permitting is completed and the inspections are completed, which would mean they could have legal occupancy of the building. As it stands today, there is no legal occupancy in that building. They need to vacate that building for their safety, their children's safety and anyone else on that site.

Special Magistrate asked when the Respondents applied for Homestead Exemption.

Attorney Love stated his clients electronically submitted a letter dated January 29, 2024 to the County. He paraphrased a provision under Florida Statute saying there are 2 days to reply to a Private Provider final inspection with deficiencies. Special Magistrate interrupted, saying Mr. Pike already testified to the fact that Private Provider was not an option to his clients. Mr. Love continued that it was his understanding that you have 2 days as the local government to inform his clients of that deficiency and they did not receive word, therefore they assumed they had an occupancy right and that is when they applied for Homestead exemption.

Mr. Pike stated that what the attorney is referring to is the Private Provider Statute. The County never received a Private Provider statute of intent so that means nothing.

Attorney Love continued, saying the notice of deficiency is required within 2 days and his clients should have been notified of that particular deficiency, which would be "we won't accept this because of the failure to submit a Private Provider form" within 2 days.

Special Magistrate stated those kind of dates within the statute are triggered once the application is complete, but it wasn't complete. So it was never submitted.

Attorney Love asked if that meant it wouldn't capture sufficiency review, and Special Magistrate said that was right. Attorney Love said it was after that time period that his clients applied for Homestead Exemption.

Special Magistrate stated that knowingly submitting for Homestead is a crime when you do not have authorization to live on the property. She added that the Private Provider Statute doesn't trigger a number of days for the County to respond to something if they have not submitted a proper application, because that would be half-submitting something and saying "you've got to look at it and you've got to comply with the statute, but I don't." It does not work that way. The property owner has to comply with the statute first to trigger the dates on the part of the County.

Special Magistrate emphasized that she would caution against moving forward with anything with the Property Appraiser on Homestead at this point on this property, that is very dangerous.

Attorney Love said they will have a totally separate conversation about that, but this answers the Magistrate's question on the time period for Homestead.

Special Magistrate asked if the Respondents are receiving mail at 3125 Lowery Drive.

Inspector Hathaway stated that all mail, Certified and standard USPS mail, is being returned to the County using that address.

Special Magistrate requested the Respondents' mailing address on the record.

Respondent Ms. Endres replied 3125 Lowery Drive, Oviedo FL 32765.

Inspector Hathaway held up a large manilla envelope and said it was returned to the County as “undeliverable.”

Special Magistrate asked County Staff for the record how many letters they had that are undeliverable to that address, and what were the dates.

Inspector Hathaway held up 5 large envelopes and read the dates: 3/6/24, 3/4/24, 3/4/24 and 3/4/24. Staff handed her a stack of pages. Ms. Hathaway continued that they returned Mr. Pike’s letter from 3/6/24 as Return to Sender, No Such Number, Unable to Forward.

Special Magistrate accepted into the record the fact that there are 5 different instances of that address being denied as an address that is deliverable by the Post Office. She asked the Respondents to tell her the address on their Drivers License.

Ms Endres replied that it is the same address, 3125 Lowery Drive. She added that someone ran over their mailbox, so that could possibly be why the mail is not working. Attorney Love replied on Mr. Lima’s behalf, saying the address on his Drivers License is 3125 Lowery Drive, Oviedo.

Special Magistrate asked if the Respondents/Attorney had anything else to add related to the unpermitted structures on the property.

Attorney Love replied they did not.

Special Magistrate stated that the County has indicated that they are asking until May 8, 2024 for the Respondents to obtain the necessary building permits.

Inspector Hathaway stated it’s not happening until we have a main structure, and once that is permitted then everything else can be permitted.

Special Magistrate said that can’t be permitted until the other violations are cleared up, and we did give until July 2024 on those. Inspector Hathaway replied that was correct.

Special Magistrate said her problem is they are living there and they have admitted multiple times to multiple people and they are living there with children without proper inspections on their electric.

Attorney Love replied as it relates to the electric, he understands the County’s interests and if they want to carve out a specific item for that so we can address it on a short order and deal with the most potentially life-threatening issues first and then deal with the other permitting issues, he thinks that is sensible.

Special Magistrate stated that they can’t get an electrical permit for something you can’t get a permit for and you can’t get the primary structure because you don’t have the proper zoning.

Attorney Love replied he understood they can’t get an electrical permit issued without a connection to the underlying building permit but this will be more like a separate site visit code inspection, but technical.

Special Magistrate asked the Building Official if there is the ability to get temporary approval, all of the power source in its current state.

Mr. Pike replied he can't do anything and cited lack of inspections for structural, mechanical, electrical, revisions that have gone unapproved, all on their own with total disregard for the building code process. He recommended the Respondents vacate the property, have the revisions approved and allow the inspections to take place. Mr. Pike stated he has been on-site at the subject property and was denied access with his inspector.

Attorney Mr. Love claimed insufficient dialogue with the County and that his clients haven't been given the time to look into what they need to do to move forward.

Special Magistrate stated that the only way she has been able to get any forward movement from the Respondents is to hold their feet to the fire. She expressed astonishment that the Respondents would put their children at risk.

MS. SUTPHEN FOUND THE PROPERTY OWNERS WERE PROPERLY NOTICED TO BE AT THE HEARING AND WERE IN ATTENDANCE AND ACTIVELY PARTICIPATED, THAT THEY WERE REPRESENTED BY COUNSEL. SHE ORDERED THAT EVERY ORDER AND PIECE OF CORRESPONDENCE FROM THE COUNTY WILL NOW COME TO THE ATTORNEY'S ADDRESS AS WELL, AND IF HE CEASES TO REPRESENT THE RESPONDENTS, HE MUST NOTIFY SEMINOLE COUNTY BECAUSE THE RESPONDENTS ARE REFUSING TO ACCEPT MAIL AT THE SUBJECT PROPERTY. SHE FOUND THE PROPERTY OWNERS ARE IN VIOLATION OF SEMINOLE COUNTY CODE CHAPTER 40, APPENDIX "A", SECTION 105.1 CONSTRUCTION WITHOUT THE REQUIRED PERMITS: CONSTRUCTION OF A GAZEBO, INSTALLATION OF A WELL, ADDITIONS TO A POLE BARN MADE INTO LIVING QUARTERS WITH INTERIOR CHANGES; NO PERMITS FOR PLUMBING, ELECTRICAL AND MECHANICAL; NO PERMITS FOR ACCESSORY STRUCTURES ON THE PROPERTY. SHE ORDERED THE VIOLATIONS BE BROUGHT INTO COMPLIANCE BY APRIL 10, 2024 AT 8:00 AM TO COME INTO OR A FINE OF \$250 WILL BE IMPOSED FOR EACH AND EVERY DAY THE VIOLATION REMAINS.

COMPLIANCE CASE

**23-66-CESM
IFRAIN LIMA
KELLY ENDRES
3125 LOWERY DR, OVIEDO, FL 32765
(Commission District 1)
Tax Parcel ID # 34-21-31-300-0020-0000
Code Enforcement Officer: Cara Hill
Notice of Hearing: Posted**

Violation:

Seminole County Land Development Code, Chapter 30, Part 7, Sec. 30.122
Storage on a vacant parcel is not a permitted use or use allowed by Special Exception in a A-1 zone.

At the November 16, 2023 hearing, an Order was issued by the Special Magistrate continuing this case to the January 11, 2024 hearing.

On January 11, 2024 the Special Magistrate had given an order extending the

compliance date to February 7, 2024 with a compliance hearing scheduled February 8, 2024.

On February 8, 2024 the Special Magistrate had given an order extending for two separate compliance dates, (1) for Non-Affixed items to be removed by March 14, 2024 and (2) for remaining accessory structures be permitted by July 11, 2024.

An Affidavit of Non-Compliance was filed by the Inspector after re-inspection on February 14, 2024.

The estimated Administrative Costs to process this case to date totals \$645.30 for both the Inspector and Clerk.

RECOMMENDATION: The Special Magistrate Board issue an Order constituting a lien in the amount of \$5,500.00 for 37 day of non-compliance from February 7, 2024, through and including March 14, 2024 at **\$150.00 per day**, and the fine shall continue to accrue

Code Enforcement Officer Cara Hill was present and testified on behalf of the County. Officer Hill presented a PowerPoint presentation recapping the violations for the property located at 3125 Lowery Drive, Oviedo, FL. She listed the inspections of the subject property. Results of re-inspections show the violations remain on the subject property. Officer Hill did show by comparison photos that some items that were ordered removed at the previous hearing have been removed from the subject property.

Special Magistrate asked which items that were ordered removed still remain on the property.

Officer Hill stated there were stacks of uninstalled pavers remain, which Attorney Mr. Love asked to address during this hearing. She stated the Respondents have made progress.

Attorney Mr. Love stated that the items left on the property were done not out of obstinance but so that they can have a conversation about them today and the Magistrate can decide on what his clients have to do with them. The stacks of uninstalled pavers remain because they are very heavy and relocation would be difficult. Their thinking was those can remain until the other permit issues are cleared up. The other items that remain are either related to the construction on the property or they are there to meet the property maintenance requirements, such as the 2 lawnmowers.

Special Magistrate noted that by mentioning the other equipment on the property, it is evidence of the Respondents living there when they are not supposed to be living on the property and this is the first hearing where the Respondents have admitted to physically living on the property. She emphasized that she was very specific about the pavers, and they weren't too heavy to bring to the property. This noncompliance has been the trend and the Magistrate stated she cannot trust the Respondents for something as simple as moving the pavers. They have ignored orders and they do not care.

Special Magistrate noted that the pavers are not permitted and they need to be. Building Inspector Hathaway stated that until the primary structure is permitted, the pavers cannot be laid. Special Magistrate stated that it all comes down to trust. If the Respondents are not living on the property, the ferrets and bicycles should not be there. If they are not supposed to be living there, they do not need to store lawnmowers there, they can bring them in to be used for property maintenance. By allowing the order to be continued again, in essence, she is

condoning them living on the property illegally. She emphasized that the Respondents either don't understand they are not supposed to be living on the property until it is permitted or they are just choosing to ignore that fact. She asked how the Attorney would remedy this situation.

Attorney Mr. Love stated that if there are specific items on the property that the Magistrate would like to see removed, and the order at the previous hearing came rushed and at the end of the hearing and he would have had more questions for the Special Magistrate at that time had it not been done in the way that it was. He said nothing that remains on the property is not there out of obstinance.

Special Magistrate interjected that the reason the items are left on the property is because the Respondents are living on the property and they are not allowed to live there. She understands that the materials are on the property not out of defiance of her order, but what is defiance is that they are not supposed to be living on the property.

Special Magistrate expressed frustration that her hands are tied and if she could order the Respondents not to live there, she certainly would do that right now. All she can do is impose fines.

Attorney Love said if the Magistrate wants the pavers removed, they can remove them. Special Magistrate retorted "what about the people."

Special Magistrate stated, out of respect for Attorney Love, and not because she feels the Respondents have been cooperative in any part of this, she will give an extension until the same date of the last case, April 10, 2024 at 8:00am. They will be required to allow Officer Hill back on the property to show that all the items are gone by April 10, 2024. The only things that are allowed on the property are things that are affixed to the property and nothing else. Special Magistrate asked if those instructions are clear.

Attorney Mr. Love stated it was.

The order would remain the same otherwise with the prior fine amount of \$150 per day. Extension of her prior order dated February 08, 2024, compliance date extended until April 10, 2024 at 8:00am. The Respondents must remove anything that is not affixed to the property or a fine of \$150 per day will revert back to the original compliance date of February 7, 2024.

Officer Hill said she didn't know if her presentation was submitted for the record. Special Magistrate asked the Respondents if they had objections to the presentation being submitted into the record. Attorney Mr. Love said they have no objection.

MS. SUTPHEN FOUND THE PROPERTY OWNERS WERE PROPERLY NOTICED TO BE AT THE HEARING AND WERE IN ATTENDANCE AND ACTIVELY PARTICIPATED, THAT THEY WERE REPRESENTED BY COUNSEL. SHE FOUND THAT THE PROPERTY IS IN VIOLATION OF THE SEMINOLE COUNTY LAND DEVELOPMENT CODE, CHAPTER 30, PART 7, SEC. 30.122, PERMITTED USES. SHE EXTENDED HER PRIOR ORDER DATED FEBRUARY 08, 2024 TO A COMPLIANCE DATE OF APRIL 10, 2024 AT 8:00AM BY THE REMOVAL OF ANY ITEMS NOT AFFIXED TO THE PROPERTY. THEY DO NOT COMPLY, THE FINE OF \$150 FOR EACH AND EVERY DAY THE VIOLATIONS REMAIN ON THE PROPERTY WILL REVERT BACK TO THE ORIGINAL COMPLIANCE DATE OF FEBRUARY 7, 2024.

APPROVAL OF MINUTES FROM: February 8, 2024 hearing.

CONFIRMATION DATE OF NEXT MEETING: April 11, 2024.

ADJOURN: There being no further business this meeting was adjourned at 4:38 pm.

RESPECTFULLY SUBMITTED:

**Elizabeth Parkhurst, Acting Clerk
To the Code Enforcement Office**

**Sherry G. Sutphen
Special Magistrate**