



Legislation Text

File #: 2024-0787, Version: 1

Title:

Reduction of Lien - *Continued from the 5/14/24 BCC Meeting* - Consider the request for a reduction of lien due to a financial hardship of the Code Enforcement Board lien Case #12-70-CEB, from \$208,250.00 to administrative costs of \$552.82 for the property located at 1880 Ranchland Trail, Longwood, Tax Parcel ID: 30-20-30-300-0180-0000, (Drew A. Mooty, Applicant). District4 - Lockhart (**Alexis Brignoni, Code Enforcement Clerk**)

Division:

Development Services - Planning and Development

Authorized By:

Rebecca Hammock, Development Services Director

Contact/Phone Number:

Alexis Brignoni/407-665-7403

Background:

A detailed Background Timeline and Case History is included in the attachments.

In summary, the issue began as a response to a complaint on December 15, 2011, the Building Inspector observed the following violations located at 1880 Ranchland Trail, Longwood, FL 32750, Tax Parcel ID: 30-20-30-300-0180-0000 (Parcel 18): 1) Construction without the required permits; 2) Change the use of a structure without an approved Certificate of Occupancy, in violation of Florida Building Code, Sections 105.1 and 110.1. On December 15, 2011, the inspector issued a Notice of Violation for the cited violations.

On July 26, 2012, the Code Enforcement Board issued an Order giving the Respondent a compliance date of September 27, 2012.

On September 27, 2012, the Code Enforcement Board issued an Order extending the compliance date to January 24, 2013.

An Affidavit of Non-Compliance was filed by the Building Inspector after re-inspection

on January 28, 2013.

After several requests by the applicant, the Code Enforcement Board continued the hearing to impose a lien for non-compliance. On April 24, 2014, the Code Enforcement Board issued an Order finding Non-Compliance and Imposing Fine/Lien, with the fine of \$250.00 per day, continuing to accrue until compliance is obtained. The Order Finding Non-Compliance and Imposing Fine/Lien was recorded on May 1, 2014.

Pursuant to Section 162.09(3), F.S., once a certified copy of an order imposing a fine is recorded, the lien attaches to the property where the violation exists, and any other real or personal property owned by the violator.

On April 14, 2015, the Applicant came before the Board of County Commissioners to consider a request to release the lien which was attached to parcel 30-20-30-300-0190-0000, formerly known as 1870 Ranchland Trail, now 1865 Lucky Trail (Parcel 19) pursuant to Section 162.09(3), F.S. Parcel 19 was vacant at the time and was not the property where the violation existed.

Parcel 19 was under contract to be sold and the Title Company required the lien to be released prior to proceeding with the closing. The applicant stated he was selling the vacant parcel to pay the back taxes on Parcel 18 and Parcel 30-20-30-300-0310-0000 (Parcel 3I) and to bring the structure on Parcel 18 into compliance. Parcel 3I was divided into Parcel 3I, Parcel 18 and Parcel 19 prior to the County's 1970 zoning implementation.

The minutes of the Board of County Commissioners meeting of April 14, 2015, reflect that after a lengthy discussion, a motion was made and seconded to release the lien on vacant Parcel 19, with the condition that the structure located on Parcel 18 be permitted and all the back taxes paid. The vote was unanimous in granting the request. The Board of County Commissioners minutes from the hearing relating to this item are attached.

The sale of the vacant property Parcel 19 was completed on May 1, 2015. As required by the Board, a permit was obtained by the applicant on May 7, 2015 and an Affidavit of Compliance was filed by the inspector, determining that a violation no longer existed on Parcel 18.

Currently, the total amount of the lien is \$208,250.00. The Administrative Costs for processing this case by the Clerk and Inspector total \$552.82.

In January 2023, the house located on Parcel 3I (1870 Ranchland Trail, Longwood) solely owned by Dianna Mooty, (applicant's mother), was sold due to her financial situation. The applicant, Mr. Mooty and his mother currently rent the house on Parcel

3I (1870 Ranchland Trail, Longwood) from the new owners.

On August 2, 2023, the applicant obtained a permit for Parcel 18, to remove the cited work and returned the structure to its original state as a pole barn.

Due to the applicant's financial situation, the applicant is under contract to sell Parcel 18 to the adjacent property owner which is the subject of this request.

A background timeline is attached.

Pursuant to Seminole County Administrative Code 3.20, B(4), the following items should be considered when evaluating a lien reduction request:

(a) The amount of the lien as compared to the value of the property:

Per the Property Appraiser information, the 2023 certified assessed value of the property is \$164,134.00. The amount of the lien totals \$208,250.00.

(b) The actions taken, or not taken, by the property owners in attempting to abate the code violation:

The Applicant brought the property into compliance; however it took the applicant less than two (2) weeks to bring the property into compliance by obtaining the required permits on May 7, 2015.

(c) The amount of staff time expended to bring the property into compliance:

The estimated administrative costs on this matter total: \$552.82.

In approximately 2013, a table listing Recommendations for Request for Reduction of Liens was provided by the Board of County Commissioners to Staff as parameters for consideration of financial and medical hardships when evaluating a request for reduction or waiver. Mr. Mooty is requesting this waiver based on his financial hardship.

The applicant is currently under contract with the owner of Parcel 3I to sell Parcel 18, according to the applicant, which is the subject of this reduction request.

If the lien is released, the Applicant intends to finalize the sale of the subject Parcel 18, use the proceeds to pay their currently overdue rent, and try to secure his mother's care closer to family members out of state.

Requested Action:

Staff requests the Board of County Commissioners approve a reduction of the Code Enforcement Board lien of \$208,250.00, to the administrative costs of \$552.82, for

Case # 12-70-CEB on the property located at 1880 Ranchland Trail, Longwood, Tax Parcel ID: 30-20-30-300-0180-0000, owned by Drew A. Mooty, (Applicant), to be paid within 30 days, or the lien or will revert back to the original amount, and authorize the Chairman to execute the Satisfaction of Lien upon payment in full.