



**CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
SEMINOLE COUNTY, FLORIDA
JUNE 13, 2024**

EXCERPT

CALL TO ORDER

Special Magistrate Sherry G. Sutphen called the meeting to order at 1:36 P.M.

Also Present:

Alexis Brignoni, Clerk to the Special Magistrate
Alexis Pelletier, Seminole County Planning and Development
Bob Pike, Seminole County Building Official
Julie Hebert, Seminole County Building Department
Ruth Golsteyn, Seminole County Building Department
Vicki Hathaway, Seminole County Building Inspector
Meggan Znorowski, Seminole County Planning and Zoning

OPENING STATEMENT

SWEARING IN OF COUNTY WITNESSES

Vicky Hathaway, Seminole County Building Inspector
Meggan Znorowski, Seminole County Planning and Zoning

HEARINGS

NEW HEARINGS

24-31-CESM

RESPONDENTS CONFIDENTIAL

Code Enforcement Officer: Cara Hill

Notice of Hearing: Certified Mail

The Respondent and or its representative and other witnesses, if any, and Code Enforcement Officer Cara Hill, were sworn.

Officer Cara Hill was present and testified on behalf of the County. Officer Hill entered into the record photographs of the violation of unpermitted use in an RM-1 zoning district, storage and accessory structures on a vacant parcel, for the property located at Shady Lane, Geneva, FL

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32732. Officer Hill listed the inspections of the subject property. Results of re-inspections show the violation of storage and accessory structures on a vacant parcel remains on the subject property.

The Recommendation of the County is to correct the violation by removing all storage and accessory structures from the subject property on or before midnight of July 10, 2024 or a fine of \$100 will be imposed for each day the violation continues or is repeated after compliance. The Respondents must contact Senior Code Enforcement Officer Hill at 407-665-1767 to arranged for an inspection of the property to verify compliance.

Special Magistrate asked Officer Hill if she wished to submit the case file to be entered into the record. Officer Hill said yes.

Special Magistrate asked the Respondents' legal Representative Mark Jones if he had objections to the electronic case file being entered into record. Respondent replied that he did not.

Officer Hill explained that the subject property is an illegal lot-split. The lot next door that was a part of the lot-split had a Code Enforcement case for it but there are new owners and the case had to be closed out. Officer Hill stated that when the lots were one parcel there was a mobile home on the property that was demolished and then the property was illegally split. That is why there are accessory structures on the subject property.

Special Magistrate asked Officer Hill if she has had any contact with the Respondents whatsoever.

Officer Hill replied she has only spoken with their attorney, Mark Jones, and that was a meeting in October 2023 with County Planning and Zoning and other members of County staff. It was explained to Mr. Jones what had to be done and Mr. Jones replied that was not a problem, that the paperwork was ready to go. Officer Hill said she explained to Mr. Jones there were 2 deadlines to meet, one in December 2023 and one for January 2024 and if they were not met, she would file the case for a hearing. She stated she did not hear anything back from Mr. Jones until March 2024 when Mr. Jones asked if there was a hearing set yet because they were going to get the paperwork submitted that week.

Special Magistrate asked Officer Hill if anyone was living in the RV on the property. Officer Hill replied that she has not observed any cars on the property to indicate that.

Respondents' attorney, Mark Jones, stated that his clients purchased the property in August of 2020 as a traditional sale and nothing reflected anything about an illegal lot-split. They specifically purchased the property because it had an established garage and a very nice concrete boat house on a canal that leads to the Saint Johns River. They purchased the property with the intent of it becoming their retirement property and planned to convert the garage into a residential dwelling, put a boat in the boathouse and retire there.

Mr. Jones continued that in 2022, it was determined that the roof was in need of repair. They applied for and received a permit for the roof, it was inspected, finalized and approved. The County has been on the property, inspected the roof and approved the structure in its location

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since the lot-split took place. In July 2023 a first code violation was received. Mr. Jones was engaged by his clients in late 2023, saw the Notice of Violation saying the structures needed to be torn down, which astonished him. He continued that the barn was built in 1967 and has stood without any problem through named storms, and the same thing with the boathouse. To have it torn down would be an injustice. This is when he asked for a meeting with Planning and Zoning and County staff, which he said was a productive meeting. There was a plan to keep the existing structures in place and the plan was to convert the garage. And then Respondent Mr. Dreggers suffered a heart attack, which caused a delay in getting things done. Once he recovered, they submitted the application to convert the garage to a residential structure. At this point, Mr. Jones stated he had the plans here at this hearing if the Magistrate wished them to be submitted for the record.

Special Magistrate said possibly.

Mr. Jones continued that there are engineered plans to convert the structure, a contractor, a permit number 24-00003480 and they received comments back on the application that his clients are working through. It is still the intent of his clients to move forward with converting the structure to a residential dwelling and it was their understanding after the meeting with the County that his clients can have a residential structure on the property and not just the accessory structures.

Mr. Jones continued that per the 2 other outstanding issues, he made the decision not to file the variances just yet until they got through the permitting process because he wanted to know the cost to achieve their plans and if the scales are tipped, it doesn't make sense to do it, and the variance process is costly and time-consuming and his legal fee is not cheap. He said they are working in good faith to become compliant. The variances have been filled out but not yet filed.

Special Magistrate asked to hear from County Planning and Zoning.

Meggan Znorowski of Seminole County Planning and Zoning was sworn-in. She clarified that the roof permit goes only through the Building Division and that is why Planning and Zoning was not involved in the subject property prior actions. She stated that the variance will still be required whether or not the garage is converted to a single family residence because the lot was split and it does not meet the setback requirements.

Mr. Jones stated his perspective that there are 3 outcomes: one, tearing down the existing structures, which his clients do not want to do; two, the garage is converted and they still need to obtain the variances; three, they don't convert the structure and still need to obtain the variances.

Special Magistrate explained that Planning and Zoning is telling him they can't convert until they obtain the variances.

Ms. Znorowski stated that the side-yard setback is not going to change whether they convert the structure or don't convert it. She just wanted to get that on record. The other option is if they do convert, they still need a primary residence. The entire property is located on a flood plain so they are contending with those issues as well. Mobile homes are an option. Staff is available to the Respondents to overcome those obstacles.

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Mr. Jones replied that has been contemplated by his clients, and the thing that is hard to swallow and they are trying to evaluate is he doesn't know anyone who would rather have a mobile home as opposed to a block home.

Ms. Znorowski said the conversion of the existing structure to a single-family residence is what is probably going to be difficult so a staff meeting may be in the owners' favor prior to continuing with the permit process instead of resubmitting engineer drawings.

Mr. Jones replied that he believe that is where they're at so he agrees.

Special Magistrate asked Ms. Znorowski how long is that process going to take.

Ms. Znorowski replied if they want to schedule a meeting with the appropriate staff members and then engineered drawings and the variance process, variances take at least 90 days due to cut-off and legal advertising deadlines, but that is the bare minimum, and then there are design professional timelines on top of that.

Special Magistrate added that they have had more than one case where people don't hear from their design professionals, and her goal is for everyone continues to work with one another.

Mr. Jones stated he just spoke to his clients and they have said they will move forward on the variance process if that is what County staff would like them to do but they still want to retain the structures, especially the boathouse on the canal.

Special Magistrate stated she doesn't mind granting the time as long as the Respondents continue to work with and maintain communication with the County. She stated she would like to give 6 months, and for the Respondents to come into compliance by December 4, with the hearing on December 5.

Mr. Jones said he believes they can achieve that through the variance process alone, whether or not they proceed with the conversion, to satisfy the Code Enforcement violation.

Special Magistrate emphasized that if the Respondents don't comply by December 4, she will impose a fine of \$150 per day.

Officer Hill stated that to be in compliance, there will have to be a primary residence on the property.

Special Magistrate agreed and stated that is the goal.

Mr. Jones said that will still give his clients time to put a mobile home on the property if they have to.

Special Magistrate said if we come back here December 5 and his clients have all their variances and permits but they have not constructed yet, she is fine with giving continuances as long as things are moving along. It's when you get permits and the construction stops, that will be a problem, so they need to continue to move forward.

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**MS. SUTPHEN ORDERED THAT THE PROPERTY COME INTO COMPLIANCE BY
DECEMBER 4, 2024 AT 8:00 A.M. OR A FINE OF \$150 PER DAY WILL BE IMPOSED FOR
EACH AND EVERY DAY THE VIOLATION REMAINS.**

APPROVAL OF MINUTES FROM: April 11, 2024 hearing.

CONFIRMATION DATE OF NEXT MEETING: June 13, 2024.

ADJOURN: There being no further business this meeting was adjourned at 3:20 pm.

RESPECTFULLY SUBMITTED:

**Alexis Brignoni, Clerk To the
Code Enforcement Office**

**Sherry G. Sutphen
Special Magistrate**