

CODE ENFORCEMENT HEARING

City Commission Chambers

175 West Warren Avenue
Longwood, FL 32750

February 24, 2022

9:00 A.M.

Present: Amy Goodblatt, Special Magistrate
J. Giffin Chumley, City Attorney

Also Present: Brittany Kidd Gelm, Code Compliance Officer

1. CALL MEETING TO ORDER:

Special Magistrate Amy Goodblatt called the meeting to order at 9:00 a.m.

2. APPROVAL OF THE MINUTES FROM THE November 17, 2021 HEARING:

Special Magistrate Goodblatt approved Minutes from the November 17, 2021 meeting.

3. SPECIAL MAGISTRATE GOODBLATT'S EXPLANATION OF PROCEEDINGS:

Special Magistrate Goodblatt explained the hearing process for the attendees.

4. ROLL CALL OF SCHEDULED CASES:

Special Magistrate Goodblatt did a roll call of the scheduled cases to determine which Respondents were present.

5. SWEARING IN OF ALL WITNESSES:

Special Magistrate Goodblatt swore in all witnesses.

6. PUBLIC HEARINGS:

A. CEH 22-01-1712 LDC, Art. V Sec. 5.3.1 Swimming Pool Fence
Swope, James
1005 Foggy Brook Place
Longwood, FL 32750

CEO Gelm introduced herself and presented a Cost Recovery document and photos to the Special Magistrate. Respondent Property Owner, James Swope, was present.

CEO Gelm stated that this property is in violation of LDC, Art. V Sec. 5.3.1 Swimming Pool Fence because the screens on the screen enclosure are broken and there is not a fence around the property which is giving access to the swimming pool.

A Notice of Violation was issued on 10/27/2021 and posted at the homestead property.

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A Notice of Hearing was issued on 1/26/2022 and mailed via certified mail to the property owner. The NOH was delivered to the property owner 1/29/22.

The Respondent Property Owner provided testimony that he has been a long-time resident of Longwood. He tried to find a screen repair company in October of 2021. He has signed a contract with a fencing company and intends the fence to be installed next week.

Special Magistrate made inquiry of the Code Compliance Officer and Respondent.

The Special Magistrate made her findings, that a swimming pool is present at the cited property which is neither fenced nor properly screened, as the screen is missing enough panels that free access to the pool exists, creating a potentially hazardous condition. Service was properly made. The Respondent has violated LDC, Article V Section 5.3.1 Swimming Pool - Fence. In order to come into compliance, Respondent must replace all damaged screen panels or build a fence in accordance with the permit, around the yard. If a fence is chosen, it must secure the pool. Respondent is to pay Administrative Costs of \$274.47 within 30 days of receipt of Final Orders. If Respondent does not comply within 15 days from the date of service of this Order, Respondent shall pay a fine of \$50.00 day for each day the violation continues to exist beyond the date set for compliance.

B. CEH 22-01-1713 LDC, Art. X Sec. 10.1.0 Construction Permit
Woods Family Prop DWW LLC – P/O
Millennia 3 Media Group - Tenant
1355 Bennett Dr Ste 117 & 269
Longwood, FL 32750

CEO Gelm introduced herself and presented a Cost Recovery document to the Special Magistrate. The Respondent Property Owner, David Woods was present. The Respondent Tenant, Michael Reale was also present.

CEO Gelm stated that this property is in violation of LDC, Art. X Sec. 10.1.0 Construction Permit because numerous interior alterations were completed without permits. Among the alterations, unit 117 & 269 were combined without a permit. Further, the properties are being utilized as F-1 and A-1 occupancy types which is not permitted pursuant to the property's current Certificate of Occupancy.

A Notice of Violation and the Building Official's letter was issued on 6/8/2021 and mailed via certified mail to the property owner and tenant. The NOV was delivered to the property owner on 6/11/2021 and to the tenant on 6/10/2021.

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A Notice of Hearing was issued on 1/26/2022 and mailed via certified mail to the property owner and tenant. The NOH was delivered to the property owner on 1/27/2022 and to the tenant on 1/28/2022.

Phil Kersey, the City of Longwood Building Official, provided testimony that in May or June of 2021 he was notified of large events that were being held at the cited property. He discovered that the property was being used for concerts for large groups. The allowed use is limited to storage purposes by the current Certificate of Occupancy. He and the Fire Marshall met with the tenant twice and explained requirements to use the property for events. The City discovered the expansion into unit 117 for a sound area room. The City entered into a Temporary Occupancy agreement. A six-month extension was granted to get the Certificate of Occupancy to conform to the City's requirements. The property owner later withdrew his support of the TO Agreement.

The tenant, Michael Reale, provided testimony that there was some unpermitted work done at the cited property. His intention now is not to conduct any events. He has a permit to demolish and close the opening in the firewall. He will no longer occupy unit 269. His engineer/architect has been ill. He can pull the permits within 30 days and will be able to complete the work within 30 days thereafter.

The property owner, David Woods, provided testimony that he tried to work with the tenant to help. He withdrew his support for the concert venue use in December 2021 due to his belief that it is not viable to change the use into a concert venue. It violates the lease to undergo construction without following the law and securing his permission. The building is being sold.

Special Magistrate made inquiry of the Code Compliance Officer and Respondents.

The Special Magistrate made her findings, that interior alterations were made to the cited property, including combining units 117 & 269 without securing necessary construction permits. The property was sued as it were F-1 and A-1 type occupancy although these uses are not allowed pursuant to the current Certificate of Occupancy. Service was properly made. The Respondents have violated LDC, Article X Section 10.1.0 Construction Permit. In order to come into compliance, Respondents must complete the demolition of the sound stages, including removal of the sound equipment. Secure permits to close or open the firewall and make it operational. Respondents are to jointly and severally pay Administrative Costs of \$317.84 within 30 days of receipt of Final Orders. If Respondent does not comply within 30 days of receipt of Final Orders by securing permits and by completing the work and passing all required inspections 30 days thereafter, Respondents shall pay a fine of \$100.00 per day for each day the violation continues to exist beyond the date set for compliance.

C. CEH 22-01-1720 CC, Chapter 38 Section 38-141 High Grass & Weeds
Mukhi Holdings, LLC

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389 E SR 434
Longwood, FL 32750

CEO Gelm introduced herself and presented a Cost Recovery document and photos to the Special Magistrate. Respondent Property Owner was not present.

CEO Gelm stated that this property is in violation of CC, Chapter 38 Section 38-141 High Grass & Weeds because the entire property is overgrown and not being mowed and maintained on a regular basis.

A Notice of Violation was issued on 11/4/2021 and mailed via certified mail to the property owner.

A Notice of Hearing was issued on 1/26/2022 and mailed via certified mail to the property owner. The NOH was delivered to the property owner on 1/28/2022.

Special Magistrate made inquiry of the Code Compliance Officer.

The Special Magistrate made her findings, that a nuisance exists at the cited property due to the untended growth of tall grass and weeds on the property located within 100 feet of improved property within the City. The condition of the property is so unsightly that it negatively impacts adjacent property owner's land values and may furnish a breeding ground for mosquitos or may harbor rodents. Service was properly made. The Respondents have violated CC, Chapter 38 Section 38-141 High Grass & Weeds. In order to come into compliance, Respondent must mow and maintain the entire property regularly. Respondent is to pay Administrative Costs of \$287.98 within 30 days of receipt of Final Orders. If Respondent does not comply within 10 days from the date of service of this Order, Respondent shall pay a fine of \$50.00 day for each day the violation continues to exist beyond the date set for compliance.

D. CEH 22-01-1723 LDC, Article X Section 10.1.0 Construction Permit
Maldonado, Ismael & Madeline
912 N Grant St
Longwood, FL 32750

This case has been withdrawn as complied.

E. CEH 22-01-1726 LDC, Article X Section 10.1.0 Construction Permit
Millenium Inv. Holdings Corp. IV
1490 S US HWY 17-92
Longwood, FL 32750

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CEO Gelm introduced herself and presented a Cost Recovery document to the Special Magistrate. The Respondent Property Owner was not present.

CEO Gelm stated that this property is in violation of LDC, Art. X Sec. 10.1.0 Construction Permit because interior alterations, to include partition walls and electrical work were completed without permits. The Building Official issued a Stop Work Order on 1/4/2022.

A Notice of Violation was issued on 1/4/2022 and mailed via certified mail to the property owner. The NOV was delivered to the property owner on 1/7/2022.

A Notice of Hearing was issued on 1/31/2022 and mailed via certified mail to the property owner. The NOH was mailed via First Class Mail on 2/7/2022. The NOH was posted at the property and at Longwood City Hall on 2/10/2022.

Phil Kersey, the City of Longwood Building Official, provided testimony that this property has had multiple Stop Work Orders and has become problematic for the City.

Special Magistrate made inquiry of the Code Compliance Officer.

The Special Magistrate made her findings, that the Respondent undertook interior alterations to the cited property without first securing the necessary permits. Service was properly made. The Respondents have violated LDC, Article X Section 10.1.0 Construction Permit. In order to come into compliance, Respondent must hire a licensed contractor and obtain permits from the City. All required inspections must be passed successfully in a timely manner. Respondent is to pay Administrative Costs of \$287.98 within 30 days of receipt of Final Orders. If Respondent does not comply within 10 days of receipt of Final Orders by applying for permits and by completed the work, and passing all required inspections within 6 months thereafter, Respondents shall pay a fine of \$200.00 per day for each day the violation continues to exist beyond the date set for compliance.

7. **REPORTS-CASE UPDATES**

None.

8. **UNFINISHED BUSINESS**

- A. Special Magistrate signed the Order to Impose for CEH 21-08-1677 in reference to 820 E SR 434. Attorney McGregor Love was present on behalf of the property owner.
- B. Special Magistrate signed the Order to Impose for CEH 21-09-1691 in reference to 380 Harbour Isle Way.

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- C. CEO Gelm advised CEH 21-11-1711 Order in reference to 956 & 958 W SR 434 has been withdrawn.

9. **OLD BUSINESS**

None.

10. **NEW BUSINESS**

Special Magistrate advised she is unable to attend the regularly scheduled April 28, 2022 Hearing. CEO Gelm advised she would look into rescheduling that Hearing.

11. **ADJOURNMENT**

Special Magistrate Goodblatt adjourned the meeting at 10:38 a.m.

Amy Goodblatt, Special Magistrate

Brittany Kidd Gelm, Code Compliance Officer