

CODE ENFORCEMENT HEARING

City Commission Chambers

175 West Warren Avenue
Longwood, FL 32750

June 23, 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 May 26, 2022 HEARING:

Special Magistrate Goodblatt approved Minutes from the May 26, 2022 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 22-06-1769 CC, Chapter 38 Section 38-141 High Grass & Weeds
PR II/Wood Longwood LLC
881 W Warren Avenue
Longwood, FL 32750

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

CEO Gelm stated that this property is in violation of CC, Chapter 38 Section 38-141 High Grass & Weeds because there is a section of the property near the power lines that is not being maintained.

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A Notice of Violation was issued on 4/18/22 and mailed via certified mail to the property owner. The NOV was delivered to the property owner 4/21/22.

A Notice of Hearing was issued on 5/3/22 and mailed via certified mail to the property owner. The NOH was delivered to the property owner 5/9/2022.

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

The Special Magistrate made her findings, that a nuisance exists at the cited property due to the accumulation of tall grass and weeds. This property is located within 100 feet of improved properties. The condition of the property is such that it may furnish a breeding ground for mosquitos or may harbor rodents. Its appearance is so unsightly that it may negatively impact the land values of adjacent property owners. Service was properly made. The Respondent has violated CC, Chapter 38 Section 38-141 High Grass & Weeds.

In order to come into compliance, the entire property must be mowed and maintained regularly. Respondent is to pay Administrative Costs of \$268.25 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.

B. CEH 22-06-1770 CC, Chapter 38 Section 38-141 High Grass & Weeds
CC, Chapter 38 Section 38-121 Trash & Debris
Blodgett, Stephen
225 E Warren Avenue
Longwood, FL 32750

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

CEO Gelm stated that this property is in violation of CC, Chapter 38 Section 38-141 High Grass & Weeds and CC, Chapter 38 Section 38-121 Trash & Debris because the entire property is overgrown and there is miscellaneous trash scattered throughout the property.

A Notice of Violation was issued on 4/20/22, posted at the property and mailed via certified mail to the property owner.

A Notice of Hearing was issued on 5/3/22 and mailed via certified mail to the property owner and was returned unclaimed. The NOH was mailed via First Class Mail on 5/16/22 to the property owner. On 6/2/22 the NOH was posted at the property and at Longwood City Hall.

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An individual who identified himself as a friend of the property owner called the Code Officer and advised the property owner passed away in 2021 and no one is caring for the property.

Special Magistrate made inquiry of the Code Compliance Officer.

The Special Magistrate made her findings, that nuisance exists at the cited property due to the accumulation of tall grass and weeds. This property is located within 100 feet of improved properties. The condition of the property is such that it may furnish a breeding ground for mosquitos or may harbor rodents. Its appearance is so unsightly that it may negatively impact the land values of adjacent property owners. The trash and debris threatens the public safety and welfare. Service was properly made. No Administrative Fee was ordered as the City indicated there is evidence to believe that the property owner may be deceased. The Respondent has violated CC, Chapter 38 Section 38-141 High Grass & Weeds and CC, Chapter 38 Section 38-121 Trash & Debris. In order to come into compliance, all trash and assorted items scattered about the property must be removed. The entire property must be mowed and maintained on a regular basis. If Respondent does not comply within 5 days from the date of service of this Order, the City may enter the property to clean up and mow and assess the costs to the property owner.

C. CEH 22-06-1772 FBC 111.1 Unlawful Occupancy
CC, Chapter 82 Section 82-32 Business Tax Receipt
LDC, Article IV Section 9.1.5 Change of Occupancy
Wood, Garry, Sheila & Harrison – P/O
A-America Safety System – Business
273 E Palmetto Avenue
Longwood, FL 32750

CEO Gelm introduced herself and presented a Cost Recovery document to the Special Magistrate. The Respondents and their Attorney were present.

CEO Gelm stated that this property is in violation of Florida Building Code 111.1 Unlawful Occupancy, CC, Chapter 82 Section 82-32 Business Tax Receipt and LDC, Article IX Section 9.1.5 Change of Occupancy because A-America Safety System is operating at this location illegally and without a BTR. The property owner changed the use of the property from residential without completing a Change of Occupancy/Use Permit. As a result, the business is unlawfully occupied and the property is unlawfully in use as a business.

A Notice of Violation was issued on 3/24/22, posted at the property and mailed via certified mail to the property owner. The NOV was mailed via First Class Mail on 5/2/22.

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A Notice of Hearing was issued on 5/11/22 and mailed via certified mail to the property owner and business. The NOH was delivered to the business on 5/13/2022. On 6/2/22 the NOH was mailed via First Class Mail to the property owner. On 6/3/22 the NOH was posted at the property and Longwood City Hall.

The Building Official testified that the property is a residential property. In 2019 the zoning for the property changed. The Owners were told at that time that they would be required to change the occupancy from residential. A Business Tax Receipt Application was submitted to the City in 2020 but was denied. The City met with the property owners on August 27, 2021 to discuss the necessary requirements for the business' occupancy. The owners informally submitted a preliminary site plan, but was never formally submitted to the City. Around May 5, 2022, the City was requested to meet with the owners regarding what was needed to come into compliance. The property owners have met twice with the City, in May and June of 2022. The owners explained they were having issues with obtaining an architect/contractor.

The Respondent's Attorney, Eileen O'Malley, stated that the owners purchased this property in 2019. They attempted to hire engineers during Covid but the three that responded never undertook the job, although they agreed to. The Attorney spent one entire day calling different engineers. The Respondents have now obtained an engineer, Jay Casper of Kimberly Horn. A timeline book was submitted into evidence with specific deadlines to come into compliance.

Special Magistrate made inquiry of the Code Compliance Officer, Respondents and City Building Official.

The Special Magistrate made her findings, that a business continues to operate at the cited property without a BTR. The use/occupancy of the property was changed without a Change of Occupancy Permit or a Site Building Permit Application. The City corrected the LDC Violation to reflect Article IX. Service was properly made. The Respondent has violated Florida Building Code 111.1 Unlawful Occupancy, CC, Chapter 82 Section 82-32 Business Tax Receipt and LDC, Article IX Section 9.1.5 Change of Occupancy. In order to come into compliance, a Building Change of Occupancy Permit application must be submitted with sealed plans completed by a licensed architect or engineer. Submit a completed Site Building Application Permit with a completed Site Plan with all necessary upgrades requested for the change in occupancy. Obtain a BTR. Respondent is to pay Administrative Costs of \$318.37 within 30 days of receipt of Final Orders. If Respondents do not comply by July 31, 2022 by applying for all permits and completing all required work and passing all necessary inspections within 180 days thereafter, and then securing a BTR within 14 days after that, Respondents shall pay a fine of \$100.00 per day until compliance is met.

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D. CEH 22-06-1779 CC, Chapter 58 Section 58-196 Temporary Use Permit
150 Wildmere LLC – P/O
ZeroMax - Business
150 E. Wildmere Ave
Longwood, FL 32750

CEO Gelm introduced herself and presented a Cost Recovery document to the Special Magistrate. Respondent Property Owner, Marc McLarnon and Henry Paucar of ZeroMax were present.

CEO Gelm stated that this property is in violation of CC, Chapter 58 Section 58-196 Temporary Use Permit because there were trucks and/or generators idling at this property.

Multiple Notice of Violations were issued on the following dates: 5/26/22, 5/28/22 and 5/30/22. The NOV's were posted at the property and mailed via certified mail to the property owner.

A Notice of Hearing was issued on 6/1/22 and mailed via certified mail to the property owner and business. The NOH was delivered to the property owner 6/3/22. On 6/7/22 the NOH was mailed via First Class Mail to the business. On 6/9/22 the NOH was posted at the property and Longwood City Hall.

The Respondent Property Owner and Business testified that they spoke with the truck drivers who advised it was the Auxiliary Power Units (APUs) that were running, and not the trucks idling. They have instructed the drivers to turn off the APUs. Business Manager, Henry, advised he told the drivers not to run the APUs unless a truck is dead and they will not run them at night or on weekends.

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

The Special Magistrate made her findings, that the Temporary Use Permit for the cited property was violated because either cabs were permitted to idle or generators or APUs were running creating noise, disturbing to residential neighbors, which noise continued after hours and on weekends. The Respondent has violated CC, Chapter 58 Section 58-196 Temporary Use Permit. In order to come into compliance, trucks may not idle, nor may they have generators running at any time pursuant to the Temporary Use Permit issued. The APUs may be used sparingly and not at night and only during daytime working hours so as to eliminate or minimize disturbances to residents in the area. There have not been any reported violations since June 1, 2022. Respondents do not have an Administrative Fine. If trucks are found idling or generators are operating at any

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time or if APUs are running after hours or on weekends, creating noise, Respondents shall pay a fine of \$50.00 day for each day the violation continues to exist beyond the date set for compliance.

7. **REPORTS-CASE UPDATES**

None.

8. **UNFINISHED BUSINESS**

None.

9. **OLD BUSINESS**

- A. Special Magistrate to signed the Order to Impose for CEH 22-01-1712 in reference to 1005 Foggy Brook Place.
- B. Special Magistrate to signed the Order to Impose for CEH 22-03-1737 in reference to 1414 Meadowlark Street.
- C. Special Magistrate to signed the Order to Impose for CEH 22-04-1747 in reference to 1016 Savage Court.
- D. Special Magistrate reduced the Fine for CEH 22-04-1750 in reference to 826 Land Avenue to \$775.00 if paid by 6/28/2022. Respondent Adrian with Alicia Property Management was present and advised they just recently learned about the outstanding violation.

10. **NEW BUSINESS**

None.

11. **ADJOURNMENT**

Special Magistrate Goodblatt adjourned the meeting at 10:28 a.m.

Amy Goodblatt, Special Magistrate

Brittany Kidd Gelm, Code Compliance Officer