

# **CODE ENFORCEMENT BOARD**

REGULAR MEETING AGENDA TUESDAY, MAY 28, 2019 AT 5:30 PM

CITY HALL - COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

## **CALL TO ORDER**

Roll Call Invocation Pledge Of Allegiance Approval Of The Agenda

# **AWARDS AND PRESENTATIONS**

100. Not Used

## **CONSENT AGENDA**

200. Unapproved Minutes from the February 26, 2019 Regular Meeting

Attachments: Minutes

# **PUBLIC HEARINGS - CONTINUED CASES**

<u>300.</u> Not Used

## **PUBLIC HEARINGS - REPEAT CASES**

400. Not Used

#### **PUBLIC HEARINGS – NEW CASES**

500. **CASE # 2019CE000977** 

Kimberly A. France 315 Panama Circle

Winter Springs, Florida 32708

City Code: 6-87. - Temporary Storage Structures. (Permit Required)

Inspector: Captain Matt Tracht

Attachments: Related Case Information

## PUBLIC HEARINGS – NON-COMPLIANCE CASES

600. Not Used

#### **REGULAR AGENDA**

700. Not Used

## **ADJOURNMENT**

## **PUBLIC NOTICE**

This is a Public Meeting, and the public is invited to attend and this Agenda is subject to change. Please be advised that one (1) or more Members of any of the City's Advisory Boards and Committees may be in attendance at this Meeting, and may participate in discussions.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs at (407) 327-1800 "at least 48 hours prior to meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26 *Florida Statutes*.

"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based" - per Section 286.0105 Florida Statutes.

## CITY OF WINTER SPRINGS, FLORIDA MINUTES

## **CODE ENFORCEMENT BOARD**

REGULAR MEETING FEBRUARY 26, 2019

## CALL TO ORDER

The Regular Meeting of Tuesday, February 26, 2019 of the Code Enforcement Board was called to Order by Chairperson Matthew Criswell at 5:35 p.m., in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708.

#### **Roll Call:**

Chairperson Matthew Criswell, present
Vice-Chairperson Gregg Roero, present
Board Member Michael Burns, present
Board Member Carole Giltz, present
Board Member Maurice Kaprow, present
Board Member Dennis Robinson, present
Senior City Attorney Jennifer Nix, present,
Assistant to the City Clerk Antonia DeJesus, present

A moment of silence was held, followed by the Pledge of Allegiance.

Chairperson Criswell welcomed the newest Board Member, Mr. Michael Burns, to the Board.

No changes were made to the Agenda.

Assistant to the City Clerk Antonia DeJesus swore in those who would be providing Testimony during tonight's Meeting.

# INFORMATIONAL AGENDA

INFORMATIONAL 100. Not Used

## CONSENT AGENDA

CONSENT

200. Office of the City Clerk

The Office Of The City Clerk Requests The Code Enforcement Board Review And Approve The January 22, 2019 Code Enforcement Board Regular Meeting Minutes.

REFERRING TO THE MINUTES FROM THE LAST MEETING, "I MOVE WE ACCEPT THEM." MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER ROBINSON. DISCUSSION.

## **VOTE:**

BOARD MEMBER ROBINSON: AYE VICE-CHAIRPERSON ROERO: AYE BOARD MEMBER BURNS: AYE BOARD MEMBER KAPROW: AYE BOARD MEMBER GILTZ: AYE CHAIRPERSON CRISWELL: AYE MOTION CARRIED.

## PUBLIC HEARINGS AGENDA – CONTINUED CASES

PUBLIC HEARINGS – CONTINUED CASES

300. Not Used

# PUBLIC HEARINGS AGENDA – REPEAT CASES

PUBLIC HEARINGS - REPEAT CASES

400. Not Used

## PUBLIC HEARINGS AGENDA – NEW CASES

**PUBLIC HEARINGS - NEW CASES** 

500. Code Enforcement Division – Police Department

CASE #2018CE002545

Randy A. Marvin

209 North Alderwood Street Winter Springs, Florida 32708

IPMC: 304.7 Roofs And Drainage.
Inspector: Code Officer Rich McLaren

Code Officer Rich McLaren, Code Enforcement Division, Police Department, introduced the Case and testified, "The complaint was received from road patrol – the house with tarps being utilized as covering over the majority of the house. Inspection found a single story house with tarps covering over seventy-five percent (75%) of the residence.

A Notice of Code Violation was prepared and mailed certified/return receipt which was returned unclaimed by the property owner on November 15, 2018. Notice was then posted at the property on that date. No contact until today was made with the resident in reference to the violation."

Photographs were shown from "WS-1" followed by comments.

Concluding, Code Officer McLaren stated, "I'm actually going to adjust my recommendation – that it be found in Violation of the City ordinances, as cited. I originally have until April 12, but however, after speaking with the resident they do have most of the stuff prepared and set up, it's just a question of finances. So, I have until April 12, I'm actually going to push it to September 30 to give them time to get this taken care of because I do believe that they will take care this, and there won't be an issue with it to come into Compliance. And if not, then a hundred and fifty dollar (\$150.00) a day Fine be imposed."

Brief comments followed on the recommended corrective action date and Fine.

Mr. Thomas A. Masselink, 1308 Alberta Drive, Winter Park, Florida: indicated that he was an authorized representative of the Respondent, Mr. Randy A. Marvin.

Mr. Randy A. Marvin, 209 North Alderwood Street, Winter Springs, Florida: introduced himself.

Mr. Thomas agreed with Code Officer McLaren's findings and spoke of the Respondent's financial situation as well as his status as a disabled Veteran. Continuing, Mr. Thomas recounted the damage the Respondent's home incurred when a branch fell, the attempted corrections made with the tarps, and noted, "He definitely does want to repair the house as soon as he can; he already has gathered much of the materials that he needs. Now he's just saving up the money to pay for the labor. We see no problem at this time to complete the repairs no longer than 9/30/2019."

Chairperson Criswell remarked about permit requirements.

Note: The Respondent was present.

# "I MOVE TO ACCEPT STAFF'S RECOMMENDATION." MOTION BY BOARD MEMBER GILTZ. SECONDED BY BOARD MEMBER ROERO. DISCUSSION.

**VOTE:** 

CHAIRPERSON CRISWELL: AYE BOARD MEMBER ROBINSON: AYE VICE-CHAIRPERSON ROERO: AYE BOARD MEMBER BURNS: AYE BOARD MEMBER KAPROW: AYE BOARD MEMBER GILTZ: AYE MOTION CARRIED.

**Inspector:** Code Officer Rich McLaren

# PUBLIC HEARINGS AGENDA - NON-COMPLIANCE CASES

PUBLIC HEARINGS AGENDA – NON-COMPLIANCE CASES
600. Code Enforcement Division – Police Department
CASE #2018CE001304
Robert J. Long
238 Highlands Glen Circle
Winter Springs, Florida 32708
IPMC: 304.2 Protective Treatment.
IPMC: 304.9 Overhang Extensions.

Code Officer McLaren presented the Case and testified, "This Case was heard before the Code [Enforcement] Board on September 25, 2018 in reference to a screened in porch to the rear of the residence having rotting wood and being in disrepair. The property was found in Violation and given until October 12, 2018 to come into Compliance which was not done. The property was posted reference to a Non-Compliance Hearing; the notice being mailed out certified/return – receipt requested. And there has been no contact with the resident."

With brief remarks, photographs were shown from "WS-1".

In conclusion, Code Officer McLaren stated, "I recommend that the Fine amount of a hundred fifty dollars (\$150.00) a day be applied to the property for non-compliance with the Code Board Order, and it be entered as a lien on the property."

Comments followed on the returned receipt from the mailed notice, that a renter was living on the property, and future occurrences of the violation.

*Note: The Respondent was not present.* 

"I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND THAT THE PENALTIES SET FORTH IN THE BOARD'S PREVIOUS ORDER DATED SEPTEMBER 25<sup>TH</sup>, 2018 SHALL BE IMPOSED CONSISTENT WITH THAT ORDER." MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER ROBINSON. DISCUSSION.

#### **VOTE:**

BOARD MEMBER KAPROW: AYE BOARD MEMBER GILTZ: AYE CHAIRPERSON CRISWELL: AYE BOARD MEMBER ROBINSON: AYE VICE-CHAIRPERSON ROERO: AYE BOARD MEMBER BURNS: AYE MOTION CARRIED.

PUBLIC HEARINGS AGENDA - NON-COMPLIANCE CASES
601. Code Enforcement Division - Police Department
CASE #2018CE001735
Kimberly A. France
315 Panama Circle
Winter Springs, Florida 32708

City Code: 13-1. - General Prohibition. City Code: 13-2.(b) Junk And Debris Inspector: Code Officer Rich McLaren

Before his testimony, Code Officer McLaren introduced the Case. Code Officer McLaren continued, "The Case was heard before the Code [Enforcement] Board on September 25, 2018 reference to an accumulation of junk and debris on the property, and the property – is a blight to the surrounding areas.

CITY OF WINTER SPRINGS, FLORIDA MINUTES CODE ENFORCEMENT BOARD REGULAR MEETING – FEBRUARY 26, 2019 PAGE 6 OF 7

The property was found in Violation of the cited Ordinances and given until October -12 to come into Compliance which was not done. The property was posted for Non-Compliance Hearing on February 2, 2019 with the notices being mailed out certified mail/return receipt requested.

I spoke with the property owner, Kimberly France, on a one occasion in October where she stated she had recent mold problems and was working to remedy such. Unfortunately, the property just got into worse condition as time went on."

With brief remarks, photographs were shown from "WS-1".

Code Officer McLaren stated, "I recommend that the property be found in non-compliance with the Code Board Order and a Fine of two hundred fifty dollars (\$250.00) a day be applied, and the Fine be entered as a lien on the property." Code Officer McLaren indicated the conditions still exist.

*Note: The Respondent was not present.* 

"I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND THAT THE PENALTIES SET FORTH IN THE BOARD'S PREVIOUS **ORDER** DATED..." **BOARD** MEMBER **KAPROW** CONFIRMED, 25<sup>TH</sup>..." "...SEPTEMBER VICE-CHAIRPERSON **ROERO** CONTINUED. "...SEPTEMBER 25, 2018 SHALL BE IMPOSED CONSISTENT WITH THAT ORDER." MOTION BY VICE-CHAIRPERSON ROERO. SECONDED BY BOARD MEMBER KAPROW. DISCUSSION.

#### **VOTE:**

VICE-CHAIRPERSON ROERO: AYE BOARD MEMBER KAPROW: AYE BOARD MEMBER GILTZ: AYE BOARD MEMBER BURNS: AYE CHAIRPERSON CRISWELL: AYE BOARD MEMBER ROBINSON: AYE MOTION CARRIED.

## REGULAR AGENDA

REGULAR
700. Not Used

# **ADJOURNMENT**

Chairperson Criswell adjourned the Regular Meeting at 5:53 p.m.

RESPECTFULLY SUBMITTED: ANTONIA DEJESUS ASSISTANT TO THE CITY CLERK



# **Code Enforcement Division**

Case: 2019CE000977

**Address: 315 Panama Circle** 

**Owners: Kimberly A. France** 

Violations: City Ord. 6-87 Temporary Storage

Structure-Permit Required

**Inspector: Captain M. Tracht** 

# **Code Enforcement Division**

- On April 10, 2019, while on patrol I noticed a COWS unit (Container on Wheels) sitting on the front yard of this residence. A records check for permitting was conducted, which revealed no permit on file.
- Sec 6-87-Temporary Storage Structures
  - Permit must be obtained
  - Maximum of 72 hours
    - Subject to change with CM approval
  - Obtain 2 permits per 12 month period



- As a result, I mailed (certified/return receipt) out a NCV outlining the violation and gave a corrective date of April 24, 2019.
- USPS Tracking indicated it went out for delivery on April 19, 2019. USPS stated that a notice was left as "No Authorized Recipient was Available".
- On April 16, 2019- Still on scene.
- May 3,2019 still on scene
- May 6, 2019-still on scene posted letters/mailings



# **Code Enforcement Division**

• I recommend that the owner(s) are afforded until June 7, 2019 (10 days) to obtain proper permit. If found in subsequent non-compliance, my recommendation will be to bring this case back to the board for a non-compliance hearing.



# WINTER SPRINGS POLICE DEPARTMENT CODE ENFORCEMENT DIVISION



300 North Moss Road - Winter Springs, FL 32708 Business (407) 327-1000 - Fax (407) 327-6652

April 10, 2019

KIMBERLY FRANCE 315 PANAMA CIR WINTER SPRINGS, FLORIDA 32708

Case #: 2019CE000977

Service Address: 315 PANAMA CIR. WINTER SPRINGS, FL 32708

## NOTICE OF CODE VIOLATIONS

The above mentioned property has been inspected on the dates below. Please note the most recent date for the following violations:

Inspector Date
Captain Matthew Tracht April 10, 2019

#### **Violation Description**

#### Comments/Corrections Needed

Violation Description	Comments/Corrections Needed
WS City Ord.6-87 Temporary Storage structures	This requires a city permit for a POD to be obtained. Maximum
	allowed time on property is 72 hours. Resident shall comply
	with 6-87 of city ordinance. More information can be found at:
	http://www.winterspringsfl.org

Failure to correct the violation(s) and to notify the Winter Springs Code Enforcement Division of the corrections will result in charges being brought against you before the City of Winter Springs Code Enforcement Board which has the power to levy fines up to \$250.00 per day for first offenses or up to \$500.00 for repeat offenses per day that the violation remains.

Please note the date to have the cited violations corrected:

Corrective Action	Comments	Due Date		
Notice of Code Violation	Obtain and comply with permit and ordinance.	April 24, 2019		

Municipal Code	Code Text
WS City Ord. 6-87	Sec. 6-87 Temporary storage structures.
	(a) Definition: For purposes of this section, "temporary storage structure" shall mean a structure designed and used primarily for storage of building materials, household goods, and other such material; and that is not intended for permanent installation.
	(b) A supplier of a temporary storage structure shall obtain a permit issued by the building department prior to supplying and installing or allowing to be installed a temporary storage structure within the City of Winter Springs. The permit shall be limited to a specific address and shall allow the installation at such address for a maximum of seventy-two (72) consecutive hours. Permits shall also be limited to a maximum of two (2) per any twelvemonth period for any specific address. A permit fee shall be required by resolution of the city commission and collected by the city. The permit shall contain the date and time of issuance, the page of the person to whom the temporary storage structure is supplied, and
	issuance, the name of the person to whom the temporary storage structure is supplied, and

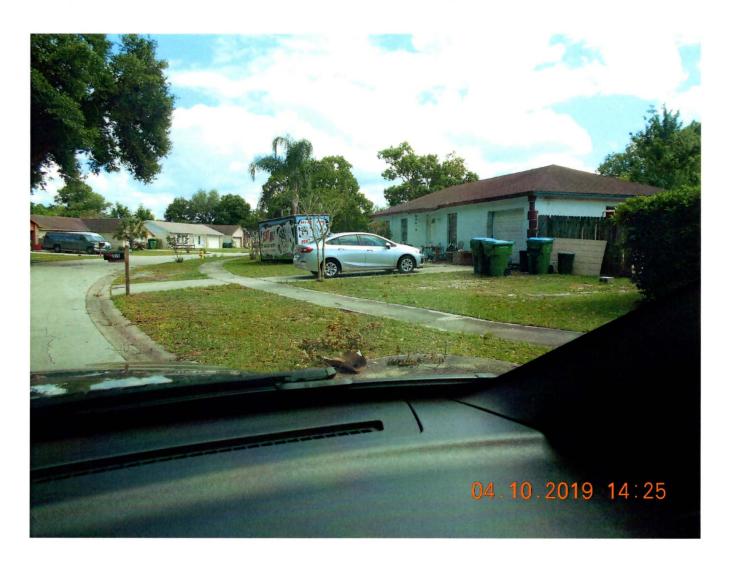
the address at which the temporary storage structure will be installed. Notwithstanding the foregoing seventy-two hour time limit, the city may permit the use of a temporary storage structure, on a property that currently contains a commercial use, for the entire time period beginning October 15 and ending January 31 of the immediately following calendar year if such temporary storage structure is used to store seasonal deliveries and golf carts utilized by seasonal delivery personnel as authorized by section 316.2126(3)(a) Florida Statutes.

Professionally,

mol

Captain Matthew Tracht

Certified Mailing Number: 7014 0150 0001 6336 2690







7014 0150 0001 6336 2690

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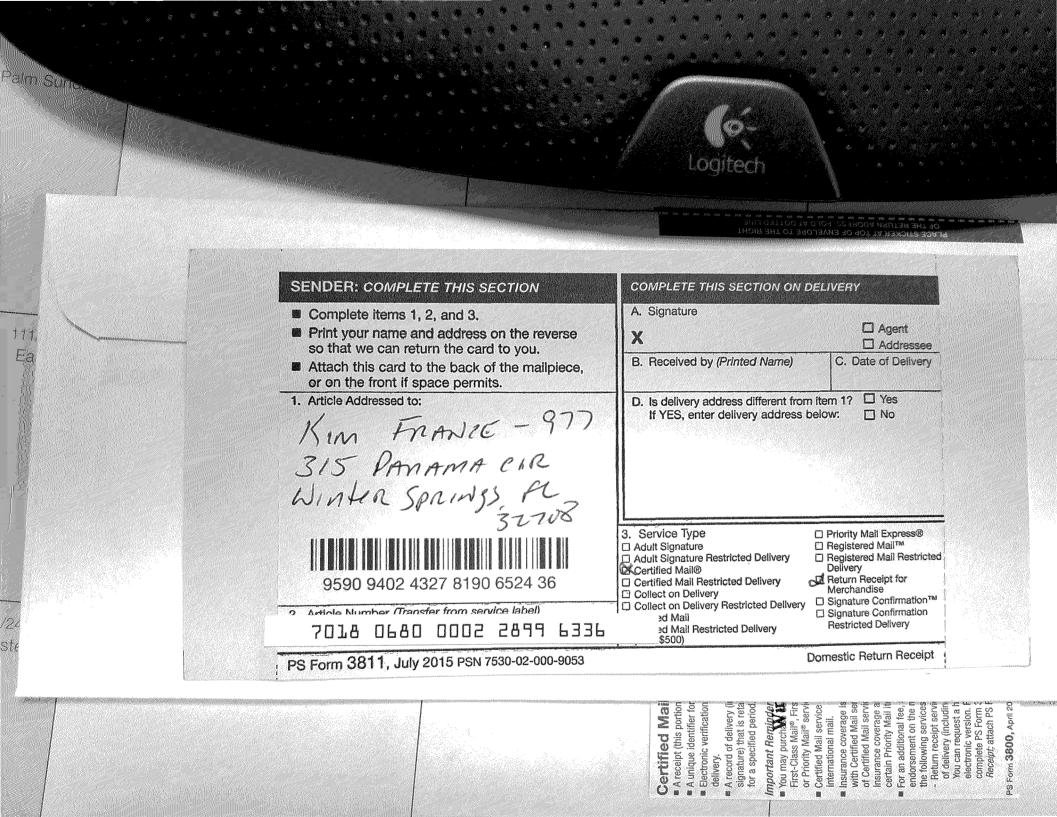
KIMBERLY FRANCE 315 PANAMA CIR WINTER SPRINGS TICHER 22700

339 CE 1 0205/09/19

RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD

MANUAL PROC REQ \*1191-91561-17-41

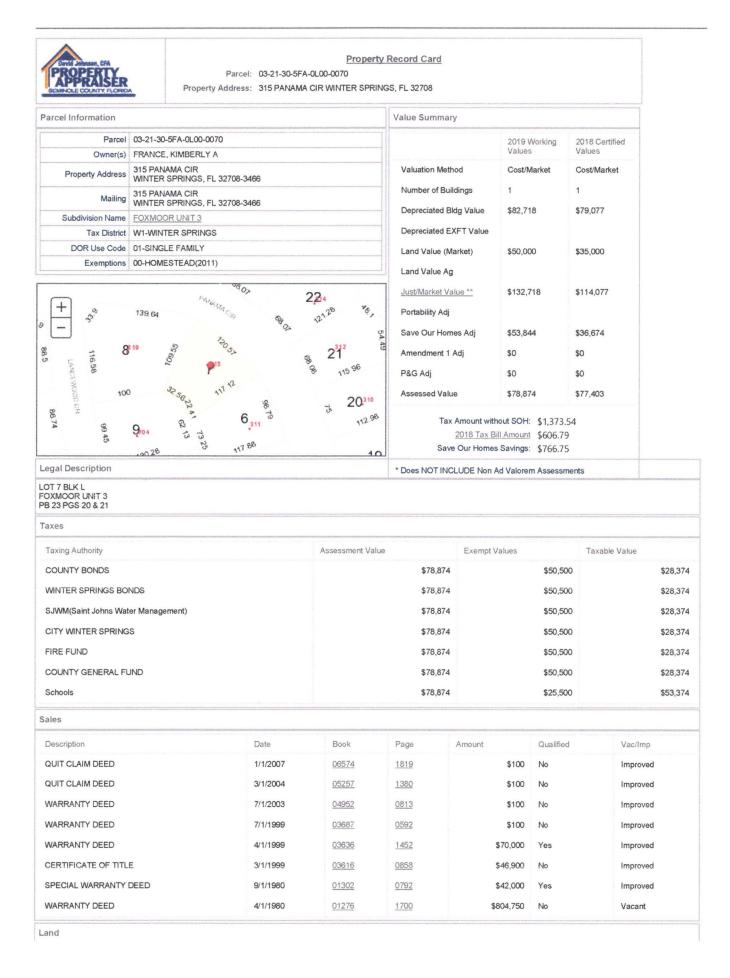




SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DE	ELIVERY
<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece,</li> </ul>	A. Signature  X  B. Received by (Printed Name)	Agent Addressee C. Date of Delivery
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32708 9590 9402 4327 8190 6522 38 2. Article Number ( <i>Transfer from service label</i> )	Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Collect on Delivery	Priority Mail Express® I Registered Mail™ I Registered Mail Restrict Delivery Return Receipt for Merchandise I Signature Confirmation¹ Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053	(over \$500)	mestic Return Receip

2690	RIGHT LINE TIM	2690	U.S. Postal ServiceTM CERTIFIED MAILTM RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) For delivery information visit our website at www.usps.com®
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Method Frontage			Depth		Units		Units Price			Land Value					
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Perm	nits														
Permit # Description					Agency			Amount CO Date		e	Permit Date				
27051 RE-ROOF 315 PANAMA CIR				Winter Springs			\$3,984 9/13/1995			6/1/1995					
Pennit d	lata does not originat	e from the Semi	nole County Pr	operty Appraise	er's office. F	or details or q	uestions concerning	a permit, please c	ontact the buildin	g department of the	tax district in which	the property is local	ted.		
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# USPS Tracking® FAQs > (https://www.usps.com/faqs/uspstracking-faqs.htm)

# Track Another Package +

**Tracking Number:** 70140150000163362690

Remove X

This is a reminder to arrange for redelivery of your item or your item will be returned to sender.

# **Delivery Attempt**

Reminder to Schedule Redelivery of your item

Get Updates ✓

eedback

# **Text & Email Updates**



# **Tracking History**



Reminder to Schedule Redelivery of your item

This is a reminder to arrange for redelivery of your item or your item will be returned to sender.

April 19, 2019, 12:40 pm

Notice Left (No Authorized Recipient Available)

WINTER SPRINGS, FL 32708

April 19, 2019, 7:44 am

Out for Delivery

WINTER SPRINGS, FL 32708

April 19, 2019, 7:34 am Sorting Complete WINTER SPRINGS, FL 32708

April 19, 2019, 7:23 am Arrived at Unit WINTER SPRINGS, FL 32708

April 18, 2019, 10:54 pm
Arrived at USPS Regional Facility
LAKE MARY FL DISTRIBUTION CENTER

April 18, 2019 In Transit to Next Facility

April 17, 2019, 11:03 pm

Departed USPS Regional Facility

ORLANDO FL DISTRIBUTION CENTER

April 17, 2019, 8:33 pm
Arrived at USPS Regional Facility
ORLANDO FL DISTRIBUTION CENTER

Product Information

See Less ^

# Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

Feedback

FAQs (https://www.usps.com/faqs/uspstracking-faqs.htm)

# Feedba

# The easiest tracking number is the one you don't have to know.

With Informed Delivery®, you never have to type in another tracking number. Sign up to:

- · See images\* of incoming mail.
- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions<sup>™</sup> for your mail carrier.

# Sign Up

# (https://reg.usps.com/entreg/RegistrationAction\_input?

\*NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces the process and process are process and proces



CODE ENFORCEMENT BOARD,
PETITIONER,
vs.
RESPONDENT

COMPLAINT NO: 2019CE000977

PARCEL OWNER:

PARCEL03-21-30-5FA-0L00-0070
OWNER(S) FRANCE, KIMBERLY A
PROPERTY ADDRESS315 PANAMA CIR WINTER SPRINGS FL 32708-3466
MAILING 315 PANAMA CIR
WINTER SPRINGS, FL 32708-3466
SUBDIVISION NAME

#### NOTICE OF CODE BOARD HEARING

Please take notice that at 5:30 P.M. on May 28, 2019 the Code Enforcement Board will hold a hearing to determine why you should not be found in violation of the City Code as follows. The hearing will be held at the Winter Springs City Hall located at 1126 East State Road 434, Winter Springs, Florida.

Address of Violation: 315 Panama Circle, Winter Springs, Florida 32708

Property Owner Name: Kimberly A France

Property Owner Address: 315 Panama Circle, Winter Springs, Florida 32708

The cited violations are as follows: Winter Springs City Ordinance 6-87 WS CITY ORDINANCE - TEMPORARY STORAGE STRUCTURE - PERMIT REQUIRED

If the Code Enforcement Board finds your property in violation of the above referenced City Code (s) you can be fined up to \$250.00 per day for each day the violation continues and you can be charged for the costs that are incurred by the city in prosecuting the case. In the event violation fines and the costs are not paid within a reasonable time there can be a lien filed against the property in accordance with Florida State Statute Section 162.09.

The hearing is conducted within guidelines of City of Winter Springs Code 2-60 and Florida State Statutes Chapter 162. You may appear in person or by an authorized representative. If you choose to not attend the hearing you can lose your right to present facts in this case. You have the right to present evidence, exhibits, written and oral testimony. The Code Board will subpoen witnesses on your behalf upon written request to the Code Board through the City of Winter Springs Clerk's Office.

In the event that you appeal the Order of the Code Enforcement Board, you will be required to have an official record of the proceedings. You may, at your own expense, arrange for the official transcript of the testimony and evidence presented at the hearing.

I certify a copy of this document was sent by Certified Mail on 05/06/2019, posted on the property, and at a government office as per Florida State Statute 162.

Professionally,

mbl

Captain M. Tracht 407-327-7997

Certified Mail: 7018 0680 0002 2899 6336



# WINTER SPRINGS POLICE DEPARTMENT **CODE ENFORCEMENT DIVISION**



300 North Moss Road - Winter Springs, FL 32708 Business (407) 327-1000 - Fax (407) 327-6652

# **AFFIDAVIT OF POSTING**

# The following property has been posted with the NOTICE OF COBE BOARD HEARING

315 Panama Circle WINTER SPRINGS, FL 32708

and

1126 E SR 434 WINTER SPRINGS, FL 32708

**City of Winter Springs Case Number** 

2019CE000977

Posted on the following date:

May 6, 2019

The undersigned swears and affirms that the property has been posted:

**SIGNATURE** 

CAPT. MATTHEW TRACHT

5-6-19

STAMP:

MELISSA L YOST Notary Public - State of Florida Commission # GG 284813 My Comm. Expires Dec 17, 2022 Bonded through National Notary Assn.

36	U.S. Postal Service <sup>™</sup> CERTIFIED MAIL <sup>®</sup> RECEIPT  Domestic Mail Only
99 63	For delivery information, visit our website at www.usps.com®.  OFFICIAL USE  Certified Mail Fee
0002 28	\$ Extra Services & Fees (check box, add fee as appropriate)   Return Receipt (hardcopy) \$   Return Receipt (electronic) \$   Certified Mail Restricted Delivery \$   Adult Signature Required \$   Adult Signature Restricted Delivery \$
0680	Postage \$ Total Rostage and Fees
7018	Sent To Kimbenly FRANCE - (B97)  Street and Apt. No., or PO Borylo.  City, Spaig, 2/P+48  PS Form 3800, April 2015 PSN 7550-02-000-9047  See Reverse for Instructions