

**CITY OF BELLE ISLE
CODE ENFORCEMENT HEARING
City Council Chambers
1600 Nela Avenue
Belle Isle, FL 32809**

January 9, 2025, 11:00 a.m.

Present: **Lindsay Greene, Special Magistrate**

Also Present: **Mathew Rabeau, Code Enforcement Officer**
Vinnie Ferraiuolo
Yolanda Quiceno, City Clerk, Recording Secretary

1. CALL MEETING TO ORDER

Special Magistrate Greene called the meeting to order at 11:00 a.m.

2. APPROVAL OF THE MARCH 14, 2024 MEETING MINUTES

Special Magistrate reviewed and approved the minutes as presented of the March 14, 2024, Code Enforcement Hearing. For the record, Special Magistrate Greene stated that there was no meeting held on October 10, 2024, which was rescheduled to January 2025 – no meeting minutes to approve.

3. EXPLANATION OF PROCEEDINGS BY THE SPECIAL MAGISTRATE

4. SWEARING IN OF WITNESSES BY THE SPECIAL MAGISTRATE

5. ROLL CALL OF SCHEDULED CASES

A. PUBLIC HEARING Case #2024-0026

Allied FL Realty LLC – 3255 McCoy Road, Orlando, FL 32812
Sec 54-1 – Building Permits

Mathew Rabeau, Code Enforcement Officer, City of Belle Isle, summarized Case #2024-0026. Code Officer Rabeau reported that the property violates Section 54-1. He stated the following,

- The property located at 3255 McCoy Road was issued a violation due to the installation of a car wash, which is not permitted in the property zoning district.
- On March 6, 2024, the property owner was issued a citation for no permits present for plumbing, electrical, and the overhang of the car wash with a total fine of \$270.00.
- The property owner had contacted city staff for a possible permit. They were informed by staff that their zoning district does not allow for this use and were recommended to submit for a variance.
- A statement of violation was issued and sent on September 5, 2024.
- Due to no further response from the business owner, on November 3, 2023, a notice of violation was issued. Staff noted that as long as the car wash is not operable and the brushes are removed, they will not continue to accumulate fines.
- Shortly after, the staff found the property owner using the car wash, and the brushes had not been removed. A fine of \$50.00 a day was issued until removed on September 16, 2024.
- To date, the property owner continues not to comply, and a statement of violation was issued per State Statute, with the Notice to Appear sent by certified mail for a total fine of \$5,870.
- Staff provided photos of the car wash and brushes.

- The City requests that if the judgment favors the City, they are asking for full payment of \$5,870. The business owner is allowed 15 days for the removal of the entire car wash structure. If they fail to comply by the 15th day, they will be fined \$250 per day from the date of this hearing, shut down, and not allowed to operate until they comply with the City code.

Ms. Erikmer Quinones, Orlando Branch Supervisor of the business location representing Allied FL Realty, stated that at the current time, she is the only employee available to address the citation. She noted that she has emailed all documents to the business owner, Richard Krachovski, and Frances Garasco, and asked for approval to remove the car wash structure. She noted that the car wash was installed sometime in 2023 and hopes that once the new administration is in place, they will be able to address the violation further and come into compliance.

Special Magistrate Greene made her Findings of Fact and Conclusions of Law. She stated the following order for CE24-006, 3255 McCoy Road,

- **No corrective action as outlined in the violation had been resolved. As of the hearing, there is no evidence that corrective action has been taken regarding the property at issue.**
- **The property located at 3255 McCoy Road is in violation, and the fine of \$5,870 is imposed, which includes the \$50 per day and the fines for not having the proper permitting documents to continue to do business.**
- **After the expiration of the 15 days from today's date (January 24th), it is required that the structure be dismantled and removed.**
- **If the property owner does not complete the removal within the 15 days, there will be a \$250 per day fine imposed until compliance.**
- **There will be a temporary closure of the location after 15 days if it is not in compliance.**

B. PUBLIC HEARING Case #23-0068

Duran Rosendo – 5006 Monet Avenue, Belle Isle, FL 32812

Sec 50-77 – Pavers for Sidewalks and Driveways

Mathew Rabeau, Code Enforcement Officer, summarized Case #23-0068. CE Officer Rabeau reported that the property violates Section 50-77. He stated the following,

- On April 5, 2023, the property owner submitted for a permit to install driveway pavers. A notice of violation was issued because the pavers were installed before approval. Additionally, a small stone fence structure was installed next to the driveway, which was not part of the submittal nor approved by the city staff.
- By April 7th, the staff did not notice any progress or new permit submittals, a compliance date for a permit submittal was issued due April 10th and May 7th for the Fence.
- As of May 19th, there was no compliance to correct, and a notice was issued for the removal of the driveway and fence or permit submittal.
- As of January 18, 2024, there has been no effort to correct, and a fine was imposed \$150 along with a notice of violation for a non-permitted fully paved back yard, creating an additional fine of \$1,000 (Notice July 2024). This new information was made aware by the City from a Realtor. (Photos provided).
- Despite all the courtesy provided on April 29, 2024, the resident did not comply and failed to obtain a permit for the driveway, fence, and a variance fine of (July 24)-\$500 for backyard pavers.
- The City requests that if the judgment favors the City, the resident shall remove the non-permitted pavers in the backyard, and the driveway shall be removed due to the non-permitted work, with a total fine of \$2,650, allowing 90 days for compliance. If they fail to do so on the 31st day, they are fined \$50 per day, and a lien is placed on the property, continuing to accrue the fine from the hearing date.

The property owner, Idalmis Almaralis, apologized for the events as they occurred. She stated that she had allowed her boyfriend to handle the permitting and project, but upon his departure, she discovered issues with non-compliance. She is currently seeking assistance with this process, as she is not familiar with it and cannot move it forward on her own. She noted that she removed 5 feet of the driveway in front of the home, and a picture was sent to Code Enforcement.

Special Magistrate Greene made her Findings of Fact and Conclusions of Law. She stated the following order for 23-0068, 5006 Monet Avenue,

- The homeowner must submit a permit to the City regarding the driveway and must show the steps as they are. If the driveway permit is approved, the only issue is the outstanding fine. If not approved, the homeowner must take the necessary steps to obtain approval within 90 days from this hearing.
- Regarding the unpermitted backyard pavers, the homeowner must submit a permit with the specifications as they are and submit until approved. If they are not approved, the homeowner will have 90 days to come into compliance from the date of this hearing.
- If the homeowner complies before the 90 days, the homeowner must contact Code Enforcement to make an appointment to look at the property to determine compliance.
- If in compliance before the 90 days, the magistrate will uphold the fine and reduce it to \$1,000, which must be paid within 90 days of the date of the hearing.
- If the property owner, after having secured a timely permit as ordered, does not complete the repairs within the allowed 90 days, the magistrate will uphold the entire fine of \$2650 and fine \$50 per day until compliance is reached.

6. UNFINISHED BUSINESS

No unfinished business.

7. ADJOURNMENT

The meeting adjourned at 11:45 a.m.

Lindsay Greene,
Special Magistrate

Yolanda Quiceno,
Recording Secretary