



CODE COMPLIANCE HEARING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Wednesday, July 31, 2024 at 1:00 PM

MINUTES

NOTE: THESE MINUTES ARE CONDENSED. FOR DETAILS OF THE HEARING, A RECORDING IS AVAILABLE AT THE CITY CLERK'S OFFICE IN CITY HALL.

CALL TO ORDER

Special Magistrate Ulmer called the meeting to order at 1:00 p.m. She introduced herself and explained the procedure.

STAFF ATTENDEES:

Amelia Ulmer, Special Magistrate
Drew Smith, City Attorney
Brett Sollazzo, Permitting & Administrative Manager
Dean DeSchryver, Police Chief
Stacey Salemi, Code Compliance Officer

ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES

Special Magistrate Ulmer swore in those testifying including Respondents and Code Compliance Officer Salemi.

CASES

1. Case Number 23500340
4601 Oak Cove Lane
Parcel # 12-23-29-6010-00-060

This case was previously heard at the April 24, 2024 Code Compliance Hearing, and is being brought back for an update from the respondent. Respondent is the property owner and was given proper notice of this hearing. The Property is owned by John Nebel, Trustee of the Oak Cove Trust dated February 15, 2024.

The City asserted violations of Section 302.7 Accessory Structures, International Property Maintenance Code ("IPMC") (2021); Section 304.2 Protective Treatment, IPMC (2021); and Section 134-517(d) (18), Fences/Screening walls, Code of Ordinances, City of Edgewood.

The City conducted initial and follow-up inspections on October 17, 2023, and January 5, 2024, respectively. Inspection documentation, including photos and videos, revealed a damaged brick wall on the property. A Notice of Violation was issued on January 5, 2024, with a compliance deadline of February 2, 2024. Subsequent notices and a hearing notice for July 31, 2024, were provided. The purpose of the July 31st hearing was to assess progress on the wall's repair. At the hearing, Code Compliance Officer Salemi confirmed the wall's unchanged condition. Property owner John Nebel and homeowners' association president Wynne McFarlin acknowledged the issue and outlined their ongoing efforts to address it.

Code Compliance Officer Salemi and property owner John Nebel provided sworn testimony. Mr. Nebel stated that the homeowners' insurance company paid out the claim to repair the wall. Mr. Nebel had previously contracted someone to repair the wall, but the project is delayed due to the contractor's hospitalization until at least August 2024. Homeowners' association president Wynne McFarlin stated that even if the contractor could start, he could not have proceeded then because Duke has not repaired the 2 damaged poles and the related wires that have been at issue since June 2023. She asked the City of assistance on getting Duke to be more responsive to completing the work so the contractor can move forward with the wall repair.

A previous order issued on April 24, 2024, required the property owner to correct code violations by June 3, 2024. Despite this order, the property remains in violation of Section 302.7 Accessory Structures, IPMC (2021); Section 304.2 Protective Treatment, IPMC (2021); and Section 134-517(d) (18), Fences/Screening walls of City Code.

Based on the findings, Special Magistrate Ulmer upheld the original order. If Respondent fails to correct the violation(s) within the time period set forth herein, a subsequent hearing may be held and a fine in the amount of TWO HUNDRED DOLLARS (\$200.00) per day may be imposed and will continue daily until the violation is corrected, and a lien may be imposed. Respondent shall be responsible for notifying the Code Compliance Officer to request an inspection to verify compliance. Repeat violations within five years of the April 24, 2024, order will be subject to increased penalties, including daily fines of up to \$500 and mandatory hearings.

2. Case Number 245000127
5039 Oak Tours Drive
Parcel # 13-23-29-4529-00-580

The property at issue in this matter is located at 5039 Oak Tours Drive, Edgewood, Florida 32839 ("Property"). The Respondent was given proper notice of this hearing and did not appear. The Property is owned by the Mi Herrera Group, LLC. Code Compliance Officer Salemi provided sworn testimony during the hearing.

The City asserted violations of Sections 302.1, Sanitation, International Property Maintenance Code ("IPMC") (2021); 304.1, General, IMPC (2021); 304.2, Protective Treatment, IPMC (2021); 304.6, Exterior Walls, IPMC (2021); 304.15, Doors, IPMC (2021); and 306.1.1, Unsafe Conditions, IPMC (2021).

Code Compliance Officer Salemi indicated that the Property was the location of a fire occurring on March 24, 2024, which caused significant damage to the house located on the Property. The Property was first inspected on or about April 13, 2023. Follow-up inspections were conducted by the City September 20, 2023, May 1, 2024, June 11, 2024. At the time of such follow-up inspections, Code Compliance Officer Salemi found the Property to still be in violation for all of the sections stated above.

Photographs provided from the City depict a residential structure in a state of disrepair: the siding on the building has been removed and replaced with a tarp; the building has no front door but rather the door has been replaced with a large piece of plywood; vegetation on the Property is overgrown including with vines scaling the side of the Property; trash and debris are located in the front yard of the Property; and the Property is generally unkempt with the structure appearing to have been subject to deterioration including fire damage.

A Notice of Violation was issued to Respondent on June 14, 2024, giving until July 14, 2024, to correct all violations. Said Notice of Violation was provided in accordance with the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes.

Code Compliance Officer Salemi testified that that based on re-inspections of the Property, the violations remain on the Property. Photographs of the Property on June 30, 2024, July 16, 2024, and July 31, 2024, show a residential structure in a state of disrepair: the siding on the building has been removed and replaced with a tarp; the building has no front door but rather the door has been replaced with a large piece of plywood; vegetation on the Property is overgrown including with vines scaling the side of the Property; trash and debris are located in the front yard of the Property; and the Property is generally unkempt with the structure appearing to have been subject to deterioration including fire damage. Code Compliance Officer Salemi testified that the Property presents a threat to the public health, safety, and welfare.

Mr. Bobby C. Davis, who lives adjacent to the subject Property, submitted sworn testimony attesting to the state of the Property. Mr. Davis indicated that the Property exists in state of disrepair and that in order to traverse the sidewalk in front of the Property, he and other neighboring residents must cross the debris and overgrowth on the subject Property, which he feels presents a danger.

Based on the finding and the testimony of Code Compliance Officer Salemi and Mr. Davis, as well as additional evidence including but not limited to photographs showing external disrepair, removed siding replaced with a tarp, plywood serving as a front door, overgrown vegetation, vegetation growing up the side of the structure, apparent fire damage, and debris strewn about the front yard, beyond the compliance date set forth in the Notice of Violation, Respondent has violated Sections 302.1, Sanitation, International Property Maintenance Code ("IPMC") (2021); 304.1, General, IPMC (2021); 304.2, Protective Treatment, IPMC (2021); 304.6, Exterior Walls, IPMC (2021); 304.15, Doors, IPMC (2021); and 306.1.1, Unsafe Conditions, IPMC (2021).

Respondent shall be given until August 14, 2024, to correct the violation of 302.1, Sanitation, IPMC (2021), as related to the overgrown vegetation on the property, by taking the remedial actions as set forth in the Notice of Violation. Respondent shall be responsible for providing notice of such violation being corrected to the City's Code Compliance Department. If Respondent fails to correct the violation(s) within the time period set forth herein, a subsequent hearing may be held and a fine in the amount of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) per day may be imposed and will continue daily until the violation is corrected, and a lien may be imposed. Respondent shall be responsible for notifying the Code Compliance Officer to request an inspection to verify compliance.

Respondent shall be given until September 30, 2024, to correct the violations of 302.1, Sanitation, IPMC (2021), 304.1, General, IPMC (2021), 304.2, Protective Treatment, IPMC (2021), 304.6, Exterior Walls, IPMC (2021), 304.15, Doors, IPMC (2021), and 306.1.1, Unsafe Conditions, IPMC (2021). If Respondent fails to correct the violation(s) within the time period set forth herein, a subsequent hearing may be held and a fine in the amount of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) per day may be imposed and will continue daily until the violation is corrected, and a lien may be imposed. Respondent shall be responsible for notifying the Code Compliance Officer to request an inspection to verify compliance.

Any violations of the same code section(s) by Respondent within five (5) years from the date of this Order shall be treated as repeat violations, subject to a daily fine of up to \$500.00 per day for each day such violation(s) exist. Any and all future recurrence(s) of any violation(s) addressed herein shall necessitate further proceedings before the Hearing Officer. While the Code Compliance Officer shall give Respondent notice of the repeat violation, the Code Compliance Officer is not required to provide Respondent a reasonable time to correct such repeat violation(s).

ADJOURNMENT

The hearing adjourned at 1:45 pm.

Amelia Ulmer, Special Magistrate

Date

Attest:

Brett Sollazzo, Permitting & Administrative Manager

Date