



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: DECEMBER 14, 2023

RE: RESOLUTION NUMBER 23-44: RESCINDING OF FINE/RELEASE OF LIEN 415 JENNIFER LANE, CODE ENFORCEMENT CASE 11-249

Introduction:

Resolution Number 23-44 approves a Code Enforcement Order rescinding code enforcement fines imposed, totaling \$1,012,500, against 415 Jennifer Lane, and releases the lien recorded against the property.

Recommended Action:

The administration recommends approval of Resolution Number 23-44.

Code Board Action:

On March 13, 2023, the Code Enforcement Board approved a recommendation from Craig Capri, Chief of Police, to rescind all accrued fines imposed against 415 Jennifer Lane after informing them that he was successful in persuading the property owner to bring the property into compliance by removing a noncompliant fence.

Case History:

On October 10, 2011, the Building Department reported to Code Enforcement that a six-foot solid fence had been installed on the property without a permit, and that it was located in the front yard, in violation of the City's Land Development Regulations.

On October 28, 2011, the Code Department notified the property owner in writing of the violation and requested a response by November 7, 2011 to discuss needed corrective actions in order to bring the fence into compliance with City Code. The owner did not respond.

On November 18, 2011, a Notice of Violation was issued requiring the fence be reduced to four feet and a permit be obtained by January 2, 2012, or the Case would go before the Code Enforcement Board on January 9, 2012. The Notice was received by Joan Giampietro, property owner, on December 3, 2011.

On January 9, 2012, the Eustis Code Enforcement Board issued an Order of Enforcement requiring compliance by February 8, 2012, or a fine of \$250 per day of non-compliance would be imposed. The property owner did not attend the Hearing.

On January 11, 2012, a copy of the Order was mailed to the property, but there was no response.

On February 10, 2012, the property failed inspection and a Code Enforcement Board Hearing was scheduled for March 12, 2012. The Hearing ended up being cancelled because there were not enough Board members present for a quorum. The property owner did however show up for the Hearing making it possible for the Inspector to speak with her about the fence violation and the actions that needed to be taken to achieve compliance.

On March 15, 2012, an Inspector met the property owner onsite to determine how much of the solid six-foot fence encroached into the "front or street setback yard." During the meeting, it was determined that three of the five sections of fence needed to be reduced to four feet in order to comply with the City's Land Development Regulations.

On March 21, 2012, the property owner emailed the Inspector informing him that she had decided not to take any of the fence down because it provides protection from her neighbor.

On April 18, 2012, after many efforts by the Inspector to obtain compliance, the property owner was notified that the Hearing to establish non-compliance with the Board's Order had been rescheduled for May 14, 2012.

On May 14, 2012, the Inspector recommended that the Code Enforcement Board impose a reduced daily fine of \$15. The property owner was present and remained defiant during the Hearing, resulting in the Board imposing the full fine of \$250 per day.

On May 21, 2012, the property owner was notified in writing of the Board's action, but recording of the Board Order would be delayed for 30 days to give her one last opportunity to correct the violation and obtain a passed inspection by June 20, 2012.

On June 22, 2012, the property failed inspection and the Order Imposing Fine/Lien was recorded in public record on July 5, 2012.

Alternatives:

1. Approve Resolution Number 23-44.
2. Deny Resolution Number 23-44.

Community Input

No adjacent property owners attended the Code Enforcement Hearings and there were no citizen complaints received.

Budget / Staff Impact:

If the Resolution is approved, the City would not receive any portion of daily fines that accrued from February 9, 2012 to March 13, 2023.

Reviewed By:

Kenneth Toler, Captain

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 23-44