



# City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: FEBRUARY 2, 2023

RE: **RESOLUTION NO. 23-17: REDUCTION OF FINE/RELEASE OF LIEN  
203 EAST LAKEVIEW AVE, CODE ENFORCEMENT CASE 22-00105**

**Introduction:**

Resolution No. 23-17 approves a Code Enforcement Order reducing outstanding code enforcement fines from their current amount of \$10,000 to \$2,000 and releases the lien against 203 East Lakeview Avenue upon payment.

**Recommended Action:**

The administration recommends approval of Resolution No. 23-17.

**Code Board Action:**

On January 9, 2023, the Code Enforcement Board reviewed an application for a reduction of fine submitted by Main Street Renewal LLC, on behalf of VM Pronto, LLC, owner of 203 East Lakeview Avenue. The Board approved the applicants request to reduce the accrued fines to \$2,000 payable within 30 days, or the original full fine imposed shall become due.

**Case History:**

On February 17, 2022, the Code Department issued a Notice of Violation and Order to Correct for a water heater that was replaced without a permit. It was mailed to VM Pronto, LLC requiring that a permit be obtained by March 21, 2022.

On March 22, 2022, a Notice of Violation/Hearing was issued because a permit had not been obtained, as required. The Notice required the permit to be obtained by April 4, 2022, or the Case would go before the Code Enforcement Board on April 11, 2022.

On April 4, 2022, the Department emailed Main Street Renewal seeking assistance in getting the permit violation resolved, but there was no response.

On April 11, 2022, the Eustis Code Enforcement Board issued an Order of Enforcement requiring the permit be obtained by May 11, 2022, or a fine of \$50 per day of non-compliance would be imposed. On the same date, a contractor contacted the Department to report that he was in the process of getting registered with the Building Department so he could pull the required permit.

On May 31, 2022, Main Street renewal contacted the Department inquiring about the status of the permit violation. They were informed that the deadline to obtain the required

permit had expired and that the daily fines had accrued to \$1,000. They were also provided with a copy of the Notice of Non-Compliance and Hearing scheduled for June 13, 2022.

On June 10, 2022, a Representative of Main Street Renewal contacted the Department to report that they were working on the permit violation, but he was not sure of the status of finding a Contractor to obtain the permit. He requested an extension and was advised that Staff could not recommend approval of his request, but the Board could consider rescinding the fines if a permit is obtained within 30 days.

On June 13, 2022, the Code Enforcement Board denied the request for an extension and imposed the \$50 per day fine.

On June 17, 2022, the Order Imposing Fine was mailed to the property owner with a cover letter stating if compliance was not obtained by July 13, 2022 the Order would be recorded in public record constituting a lien against the property.

On August 10, 2022, the Order of Enforcement was recorded in public record, and a copy of the Order was emailed to Main Street Renewal advising that the daily fines had accrued to \$4,550.

On October 25, 2022, a Title Company requested a payoff for the lien. They were advised that one could not be provided because the violation had not been corrected, and that the City had reached out to a Representative of the property owner earlier in the month, but did not receive a response.

On November 28, 2022, a permit application was submitted to the Building Department and it was issued on December 8, 2022. Daily fines were calculated from May 12, 2022 to November 28, 2022 totaling \$10,000 (200 days of non-compliance).

**Alternatives:**

1. Approve Resolution No. 23-17.
2. Deny Resolution No. 23-17.

**Community Input**

No adjacent property owners attended the Code Enforcement Hearings and there have been no citizen complaints.

**Budget / Staff Impact:**

If the Resolution is approved, the City would receive \$2,000, which exceeds the City's Administrative Costs.

**Reviewed By:**

Kenneth Toler, Captain

**Prepared By:**

Eric Martin, Code Enforcement Supervisor

**Attachments**

- Resolution No. 23-17
- Fine Reduction Application

