



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: MARCH 6, 2025

RE: RESOLUTION NUMBER 25-18: REDUCTION OF FINE/RELEASE OF LIEN 2260 SUANEE AVENUE, CODE ENFORCEMENT CASE 24-00370

Introduction:

Resolution Number 25-18 approves a Code Enforcement Order reducing outstanding code enforcement fines from their current amount of \$11,100 to \$3,700 and releases the lien against 2260 Suanee Avenue upon payment.

Recommended Action:

The administration recommends approval of Resolution Number 25-18.

Code Board Action:

On January 9, 2023, the Code Enforcement Board reviewed an application for a reduction of fine submitted by Brandyn Schwalm of Schwalm Holdings, LLC, owner of 2260 Suanee Avenue. The Board denied the applicants request to reduce the fine to \$500 but approved a reduction to \$3,700 payable within 30 days, or the original fine imposed shall become due.

Case History:

On May 1, 2024, the Code Department issued a Notice of Violation and Order to Correct for a vacant lot that was not being maintained. It was mailed to Schalm Holdings LLC at 1311 E. Second Street, Sanford, FL requiring that the lot be mowed and cleared of all accumulations of dead tree branches, trash and litter by May 21, 2024.

On May 23, 2024, a Notice of Violation/Hearing was issued. It was mailed certified return receipt and first-class mail. A copy of the Notice was also posted on the property. The Notice required corrective actions by June 3, 2024, or the Case would go before the Code Enforcement Board on June 10, 2024.

On June 10, 2024, the Eustis Code Enforcement Board issued an Order of Enforcement requiring compliance by July 10, 2024, or a fine of \$75 per day of non-compliance would be imposed.

On July 12, 2024, a Notice of Hearing for certification of noncompliance and assessment of fine scheduled for August 12, 2024, was mailed to Schwalm Holdings, LLC.

On June 16, 2024, the certified mailing containing the Notice of Violation/Hearing was returned by USPS because it was unclaimed by the addressee.

On August 15, 2024, an Order Imposing Fine was mailed to the property owner, and it was recorded in public records as a lien against the property on September 10, 2024.

On December 6, 2024, a Code Enforcement Officer noticed that the lot had been cleared and discovered that a building permit had recently been obtained for the construction of a single-family residential dwelling.

In January 2025, Brandyn Schwalm contacted the Code Department because the lien was preventing him from selling another property he owns in Lake County. He advised that he had no knowledge of the violation, or lien recorded against his Suanee Avenue property. After further discussion it was determined that the mailing address he has on file with the Lake County Property Appraiser is out of date.

Despite the outdated mailing address, the Department followed all Notice requirements of F.S. Section 162.12 and per subsection (3), "evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

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 \$3,700, which exceeds the City's Administrative Costs.

Reviewed By:

Craig Capri, Chief of Police
Jon Fahning, Captain

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 25-18
- Fine Reduction Application