



## CITY OF MOUNT DORA CODE COMPLIANCE SPECIAL MAGISTRATE APRIL 11, 2024 MEETING MINUTES

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*The City of Mount Dora Code Compliance Special Magistrate held a Hearing on Thursday, April 11, 2024, in the Council Chambers, located at 510 N. Baker St., Mount Dora, Florida to hear the below cases.*

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### I. Call to Order

Having been duly noticed as required by law, the April 11, 2024 Magistrate Hearing of the City of Mount Dora's Building and Code Compliance Division was called to order at 10:00 a.m. by David Bear, Special Magistrate.

### II. Swearing in of City Staff

**Present:** John Abner, Deputy Building Official; Adam Sumner, Code Compliance Manager; Catherine Hutcheson, Code Coordinator; Whitney Scott, Coordinator; Tarra Hernandez, Code Inspector; James Paul, Code Inspector; Ryan Winkler; Senior Planner; Andrew Smith, City Attorney.

**City Staff Sworn in:** John Abner, Deputy Building Official and Ryan Winkler, Senior Planner

### III. Building Division Cases

#### 1.) City of Mount Dora v. Klann, Laurence Stop Work Order on 9060 Laurel Ridge Dr.

**Mr. Bear** swore in the respondent and owner Mr. Laurence Klann. He asked the respondent if they were comfortable with the presentation being added into electronic record for evidence purposes.

**Mr. Klann** responded that yes he was fine with it.

**Mr. Abner** gave the Code Compliance presentation for the above address. Citing for a Stop Work Order; Installation of Solar Panels without first applying for and receiving a required building permit. He informed the Magistrate that the Building Division has been reaching out to the contractors, Vision Solar, to resolve the stop work order.

**Mr. Abner** stated that a permit was applied for by Florida Power Management; who took on the job after no response from Vision Solar, on April 9, 2024 and are waiting on response to comments.

**Mr. Abner** stated that the Building Division recommends that if the issuance of a permit has not been obtained the property be assessed a civil penalty fine of \$250.00 a day until compliance is met.



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**Mr. Bear** asked if he believed Momentum Solar Began the installation process.

**Mr. Abner** responded, No he did not believe they began the work but that he would lean on the respondent to respond on that. He stated that he spoke to Momentum Solar and they stated that they were originally contracted to install but were later told they did not have the job.

**Mr. Bear** asked if the City ever came to a conclusion on how the solar panels ended up on the roof.

**Mr. Abner** stated that the placard on the property was the evidence he used to decide that Vision Solar was the installers as well as Momentum Solar informing them that they did not perform the work.

**Mr. Bear** confirmed that at this point Florida Power Management has applied for a permit with the City.

**Mr. Abner** reiterated what he had previously stated and that Momentum Solar has gone out of business.

**Mr. Bear** asked the applicant what he had to present for this case.

**Mr. Klann** stated that the first company was cancelled by him because he could not get a hold of them so he went with Vision Solar. He went into further detail about the process. He requested 60 days instead of 30 days for the compliance date.

**Mr. Bear** asked about the arrangement with the company.

**Mr. Klann** responded by saying he had only spoken to them once and they were handling the permit.

**Mr. Bear** asked if he has been in contact with them

**Mr. Klann** stated no, not yet.

**Mr. Bear** confirmed that the installers were Vision Solar.

**Mr. Klann** stated yes and they installed the panels when he was not at home.

**Mr. Bear** asked if the respondent knew that they were going to be installing the panels.

**Mr. Klann** stated, that he was not aware and that he just came home one day and Vision Solar was there installing the panels. He asked them what they were doing and if they had gotten the permit. To which they told him yes their management took care of the permit and he was all set.

**Mr. Bear** exclaimed, apparently not.

**Mr. Bear** asked the respondent if he ever made payment to Vision Solar.

**Mr. Klann** stated no, it is being covered through the bank.

**Mr. Bear** asked if there was anything else he would like to present.

**Mr. Klann** stated, just to ask for the 60 days.

**Mr. Bear** asked if there was anything else the City would like to include.

**Mr. Abner** stated, no.

**Mr. Bear** found the property to be in violation of Florida Building Code 105.1 Building Permit Required.

**Mr. Abner** gave information on the permit process, he agreed to the 60 day timeframe asked.

**Mr. Bear** asked if Mr. Abner could foresee any issue with the amount of time requested.



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**Mr. Abner** stated no and gave explanation.

**Mr. Bear** agreed with the 60 day request and gave the compliance date of June 10<sup>th</sup>, 2024. Failure to comply by the date given would result in a civil penalty of \$100.00 a day for each and every day thereafter that the violations remains.

**Mr. Klann** asked if they could not get the permit issued within 60 days, what can he do.

**Mr. Bear** stated that he would be brought to the next hearing to discuss next steps.

**Mr. Smith** told the respondent that if he has issues to stay in touch with the Building Division to assist him and to keep Code Compliance in the loop.

**Mr. Bear** thanked the respondent and ended the case.

2.) City of Mount Dora v. Renaissance Property Holdings on 436 E. 5<sup>th</sup> Avenue

**Mr. Bear** swore in the respondent, Mr. Ben Pauluhn. He asked the respondent if they were comfortable with the presentation being added into electronic record for evidence purposes.

**Mr. Pauluhn** stated yes.

**Mr. Abner** gave the Code Compliance presentation for the above address. Citing for a Stop Work Order for interior renovations without first applying for and receiving a required building permit. He stated that the issued stemmed from the previous owner before it fell into the hands on the respondent.

**Mr. Abner** stated that the Building Division recommends that if the issuance of a permit has not been obtained the property be assessed a civil penalty fine of \$250.00 a day until compliance is met.

**Mr. Bear** asked if the City had anything else to enter into record.

**Mr. Abner** stated, no.

**Mr. Bear** addressed the respondent and asked for his response.

**Mr. Pauluhn** stated he was there mainly for representation, that they did not cause the stop work order but they bought the property to clean it up and they are on the Historical Preservation Board for April 24<sup>th</sup>, 2024 to get approval to pull the required permits. He also requested a 60 day time allotment as the stairs have to go through engineering and that can take time.

**Mr. Bear** confirmed that the respondent not only needed to get approval via the Building Division but also through the Historic Preservation Board.

**Mr. Pauluhn** stated, yes. That they were doing it out of an abundance of caution to make sure they had everything covered.

**Mr. Bear** asked if Mr. Abner had anything to add.

**Mr. Abner** stated, no.

**Mr. Bear** asked if the respondent had any other details or circumstances he would like to discuss.

**Mr. Pauluhn** stated, not that anyone here would like to hear me talk about.



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**Mr. Bear** stated, fair enough. Mr. Bear found the property to be in violation of Florida Building Code 105.1 Building Permit Required. That both parties are in agreement with the 60 days to comply with the permit requirements. That it does need to be cleaned up to help the neighbors.

**Mr. Bear** stopped and asked the respondent if he had anything to say.

**Mr. Pauluhn** stated, I have a great relationship with this, no, well no, the neighbors, I would not necessarily note the neighbors as there is a lot of clean up that needs to go on in general.

**Mr. Bear** corrected himself and stated, the community.

**Mr. Pauluhn** stated, there we go.

**Mr. Bear** agreed with the 60 day request and gave the compliance date of June 10<sup>th</sup>, 2024. Failure to comply by the date given would result in a civil penalty of \$250.00 a day for each and every day thereafter that the violations remains.

**Mr. Pauluhn** stated the only real risk is Historic but that they would come back and discuss that process.

**Mr. Bear** stated, correct if things don't play out as expected.

**Mr. Bear** thanked the respondent and ended the case

3.) City of Mount Dora v. Jiminez, Jacob B. on 1503 Granite State Court

**Mr. Bear** swore in respondent Mr. Adrian Jiminez. He asked the respondent if they were comfortable with the presentation being added into electronic record for evidence purposes.

**Mr. Jiminez** responded, yes.

**Mr. Abner** gave the Code Compliance presentation for the above address. Citing for a Stop Work Order for interior demolition, new water heater and exterior renovations without first applying for and receiving a required building permit. He stated that the issued stemmed from the previous owner before it fell into the hands on the respondent. He stated they have sent comments to the applied for permit six (6) times without a response from the owners or contractor.

**Mr. Abner** stated that the Building Division recommends that if the issuance of a permit has not been obtained the property be assessed a civil penalty fine of \$250.00 a day until compliance is met.

**Mr. Bear** confirmed the sets of comments and when the new permit was applied for.

Mr. Abner explained by stating the reviewer is very thorough in his initial review and they are widdling down the comments but it looks like it has gone from 6 to 2 comments.

Mr. Bear asked Mr. Abner if he foresees any issue with the respondent responding to the comments.

**Mr. Abner** stated that someone who is trying to do it alongside a contractor that is familiar with Florida Building Code shouldn't have any issue responding.

**Mr. Bear** asked if this was an owner or license holder applied permit.

**Mr. Abner** stated, it is a license holder, the licensee Mega Construction a Mr. Tora.



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**Mr. Bear** asked what the respondent would like to present or any evidence he'd like to share on the matter.

**Mr. Jiminez** stated, a couple things that yesterday they did get the property all cleaned up.

**Mr. Abner** responded, yes I was there early.

**Mr. Jiminez** stated, that he was sorry it was all overgrown. This contractor he thinks feels a little overwhelmed and is not used to this permitting process. He was aware that there was a stop work order and they were working on cleaning that up. He has worked with certified building contractors but the one they chose was confused. He stated that they are ready to submit but that they definitely have not been working on the property as they want to be compliant.

**Mr. Abner** and **Mr. Jiminez** discussed package submittals through the permitting system.

**Mr. Bear** stated that he appreciated all of the work Mr. Jiminez has put in to correct the issue.

**Mr. Bear** stated, fair enough. Mr. Bear found the property to be in violation of Florida Building Code 105.1 Building Permit Required.

**Mr. Bear** asked if the respondent had issue with this getting done within 30 days.

**Mr. Jiminez** gestured to Mr. Abner to ask if 30 days was good enough for him. He requested 60 days to be on the safe side due to possible communication errors.

**Mr. Bear** agreed with the 60 day request and gave the compliance date of June 10<sup>th</sup>, 2024.

Failure to comply by the date given would result in a civil penalty of \$250.00 a day for each and every day thereafter that the violations remains.

**Mr. Bear** thanked the respondent and ended the case.

4.) City of Mount Dora v. Checkers Enterprise LLC. On 1640 Strathmore Circle

**Mr. Bear** swore in respondent Mr. Joseph & Mrs. Wijeya Gurinsky. He asked the respondent if they were comfortable with the presentation being added into electronic record for evidence purposes.

**Mr. and Mrs. Gurinsky**, responded, yes.

**Mr. Abner** gave the Code Compliance presentation for the above address. Citing for a Stop Work Order for Unsafe Structure due to a house fire.

**Mr. Abner** stated that the Building Division recommends that if the issuance of a permit has not been obtained the property be assessed a civil penalty fine of \$250.00 a day until compliance is met.

**Mr. Bear** requested a moment to look over the electronic evidence. He asked Mr. Abner if the building was completed boarded up as he could not tell by the photos.

**Mr. Abner** stated, yes it is professionally boarded up so no one can get in. he stated that the property has extensive damage and so the entire property will be a construction site.

**Mr. Bear** asked, from your expectation a demolition or a re-build.

**Mr. Abner** stated, a rebuild, and that is what they have applied for.



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**Mr. Bear** stated, that the notice that was given appears to be fore 26.93, looking at the notice of violation that was delivered to them states Occupancy; no building or dwelling unit structure shall be occupied.

**Mr. Abner** stated, correct.

**Mr. Bear** stated, isn't that different than the section 10-1 apply for a permit within 90 days that you are requesting.

**Mr. Abner** stated, different yes but outcome is the same in that there is an unsafe structure that needs to be made safe.

**Mr. Smith** asked, John is it from your position that in order to cure the violation that has been cited they have to obtain this permit?

**Mr. Abner** stated, yes sir.

**Mr. Smith** stated to Mr. Bear that is the city's position that in order to fix the violation that exists because of the condition of the property this makes this code section fit.

**Mr. Bear** stated, but the code notice of occupancy, the 26.93 in order for that to have occurred there has to be some evidence of occupation of the dwelling. He asked Mr. Abner if he had any evidence to show that the building is being occupied.

**Mr. Abner** stated, no sir.

**Mr. Bear** stated to Mr. Smith, I would agree that 10-1 has to be complied with, that they have to apply for the permit within 90 days, but that is not what their notice of violation states for the hearing today. Am I missing something or.

**Mr. Smith** stated, the city understands your point, yes.

**Mr. Bear** stated, ok.

**Mr. Abner** stated the other violation is FBC 116.1 existing and provides definitions of unsafe and will lead us to the path of compliance, which this permit is being obtained. Like I said it has been applied for.

**Mr. Bear** asked the respondents to answer one at a time and to state whoever is going to speak first.

**Mr. Gurinsky** stated, the occupants in question moved out after the fire and I have obtained a letter from them severing the relationship between them and Checkers Enterprises. Which I can provide if that helps matters. We had the place boarded up by, as you said (indicating Mr. Abner) by a professional. With consultation of our insurance company we obtained the services of a company out of Ocala called One Restore, a building company. We were told that they were experts in the fire restoration and we have never dealt with fire restoration before. So they told us at the time we engaged them because of the engineering process can take a bit of time because they are so backed up. I did not think it would come to this nor was I aware that it could come to this. So we had multiple notices and my wife had gone down to inquire about and was told that they will come as long as no permit is pulled. We have been in contact with the company and as you know a permit has been pulled.



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**Mrs. Gurinsky** stated, we were actually misinformed because I had got a letter from the company that we hired because of the insurance company. I would have preferred using a local place but we felt we needed to listen to the insurance company in this matter. I had gotten a letter from them that I did sign, that I showed to John. I was unaware that it was not the permit. Nothing was applied for at all, it was just work commencement.

**Mr. Abner** stated, Notice of Commencement.

**Mrs. Gurinsky** stated, yes basically entitling that we had signed a contract with them. I did not know what it was and that is all we had. I thought yes, they got the permit, you know. I kept coming into the city of Mount Dora because I kept receiving these letters and I was like what is going on here. Every time I called them they said oh everything is taken care of. You have got your permit and everything is in place, this is just nothing, there just doing it. I was like what is this ya know. Until we got the final notice that's when I really like, what the heck is going on here?

**Mr. Bear** stated, you did your part by signing the notice of commencement.

**Mrs. Gurinsky**, yes. I mean I had no idea. I've dealt with Lake County in the past, in fact I even addressed them, why is there something in front of the house with your permits in there and he kept on evading the whole thing.

**Mr. Gurinsky** stated, I will defer to my wife in this matter. She has rather extensive, non-fire experience in building issues.

**Mr. Bear** stated, ok.

**Mr. Gurinsky** stated, with permit tech stuff and all that.

**Mrs. Gurinsky** stated, but that was with Lake County, not with the City of Mount Dora.

**Mr. Bear** stated, ok. City do you have anything else to present.

**Mr. Abner** stated, Just that I did a cursory review of the documents that were submitted and there will be comments, it won't be issued now, just so you know.

**Mr. Gurnisky** stated, I would request the 60 days instead of 30 days. Especially in light of what he just said.

**Mr. Bear** stated, ok. Actually what they are asking for is simply for, actually dis-regard that. In a sense I am going to do you a little better, so it's sort of a technicality in a way but in the end I do not think that while you did receive notice, the notice that you received is not for what the city proved.

**Mr. Smith** stated, the respondents are in compliance with what we noted. They are not advocating for the correct code.

**Mr. Bear** stated, correct. So you were noticed that there would be a hearing on an alleged violation of occupying this dwelling and it was deemed inhabitable, but that's not what the evidence shows. There would be evidence that you didn't obtain or apply for a permit within 90 days but that's not what you're on notice of. We have to make sure we are not trying people by ambush. So we are only having you answer for allegations that you were noticed of. For purpose



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of this hearing we will make a finding stating that there has not been evidence of a violation for the ordinance that you were noticed of. That said factually we know what's going on which is yes, the permit wasn't applied for within 90 days but it's been applied for now. So it's not an issue going forward, it is sort of a moot issue. For purpose of the order we find no violation has occurred.

**Mr. Bear** thanked the respondent and ended the case.

5.) City of Mount Dora v. White, Angelo & Theresa on 1794 Unser St.

**Mr. Bear** swore in respondent Mr. Angelo White..

**Mr. Abner** stated, that this is a request to ratify for non-compliance for the previous order heard on December 14, 2023. The city has the power point prepared if you would like to review it again. I have a statement to confirm the fine.

**Mr. Bear** stated, I have the presentation and I do remember this. He stated he was sorry to see Mr. White again in this circumstance and he wished it had been fixed so he did not have to be there.

**Mr. Abner read the statement:** "This case was heard on December 14<sup>th</sup>, 2023 at the Magistrate hearing and the respondent was found in violation of Florida Building Code 105.1 the building permit required and given until March 13<sup>th</sup>, 2024 to come into compliance. Upon re-inspection the violation was found to still exist. Therefor the notice of hearing to confirm fine is issued for this hearing as of this dated hearing the violation remains. The city is requesting the fine to be confirmed."

**Mr. Bear** asked, what is the daily fine to be confirmed?

**Mr. Abner** stated, one hundred dollars (\$100.00) per day, accruing back to March 13<sup>th</sup>, 2024.

**Mr. Bear** asked the respondent if they were comfortable with the presentation being added into electronic record for evidence purposes

**Mr. White**, responded, yes.

**Mr. Bear** asked the respondent if he had anything to disclose.

**Mr. White** stated, after they came to the hearing, they went and spoke with the city about what they needed to do. We went over to Tavares to combine both parcels at 1794 and 1868 Unser street, combined them, but then after we were told to go get a real estate lawyer to add my wife to the 1868 parcel, because her name wasn't on the property. So we had to get a real estate attorney to add her name. So when he went to get that done it took some time because of holidays. We went back to Tavares and they said that we had to pay the property taxes before they could start on it. So then we had to get the money to pay for both of the properties. I then came to the city hall and showed them that we paid the taxes but that it was going to take Tavares 6-8 weeks to combine the properties and that's all we are waiting on.

**Mr. Bear** stated, it looks like you are describing is that you have been attempting to reconstitute the ownership of the property so that the permits can be obtained.

**Mr. White** stated, right.

**Mr. Bear** stated, once that is done that the reorientation of the property ownership do you anticipate being able to obtain these permits.



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**Mr. White** stated, yes because I've talked to John and all I am doing now is going through legal stuff. I can't make them go no faster, I'm on their time. They said it could take 6-8 weeks, could be longer so I don't know. I can't do nothing until they say "ok". I have to have that done before I come back to the city to submit for the permit.

**Mr. Bear** stated, ok. (To Mr. Abner), what is your response to what he's been describing as the process that has been going on and what has prevented the compliance from happening.

**Mr. Abner** the "they" that he is referring to is Lake County and the process. Once that is complete from my interaction with them if they say "6-8" it's going to be eight. And then once that is completed he'll have to apply for the permit, go into the que and of course in Mr. White's interest, we are going to fast track that the best we can. There is zero intent by the city of Mount Dora to put anymore burden on Mr. White than he's already incurred. So, at your discretion, we have zero issue with this being ratified.

**Mr. Bear** stated, so my inclination is to continue this.

**Mr. Smith** stated, I agree and do you think 90 days is sufficient.

**Mr. Abner** stated, I think 90 days minimum.

**Mr. Bear** stated, 90 days is what I had in mind and maybe that is not the right time but the intent here is not to make things harder for you. The intent is to get everything into compliance and have some carrots and sticks to enable that to happen. It sounds like you are doing everything you can to do that, it's just the bureaucratic system turns slowly.

**Mr. White**, yes sir.

**Mr. Bear**, with that said, we can't just let things go and wash it away we have to keep that violation out there. So by continuing this it allows you to get everything fixed but it doesn't punish you for the apparent length of time it takes to do that.

**Mr. White**, yes sir.

**Mr. Bear**, My initial instinct was 90 days but I want to make sure that you are not jammed up and the city has more of an expertise of how long it takes.

**Mr. Bear to Mr. Abner**, what do you feel is an appropriate time?

**Mr. Abner**, we will meet in June and then again in August, is that correct.

**Mr. Smith**, for hearings.

**Mr. Abner**, I would say the August hearing.

**Mr. Bear**, that is approximately 120 days. Unless there is any objection by anybody I would continue this until the August hearing to get this resolved. If it gets resolved before then I suspect you won't have a hearing. You will get an order just saying this has been continued so there is no subsequent action being taken today.

**Mr. Bear** thanked the respondent and ended the case.

6.) City of Mount Dora v. Linton, Karen A Et Al on 1704 N. Orange St.

**Mr. Bear**, swore in the respondents, Mrs. Karen & Mr. Johnathan Walker.

**Mr. Bear** asked who owned the property as Mrs. Karen Walker changed her name from Linton to Walker. The respondents Mr. & Mrs. Walker stated that they were.

**Mr. Bear**, asked the city to present.



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**Mr. Abner** stated, that this is a request to ratify for non-compliance for the previous order heard on December 14, 2023. The city has the power point prepared if you would like to review it again. I have a statement to confirm the fine.

**Mr. Abner read the statement:** “This case was heard on December 14<sup>th</sup>, 2023 at the Magistrate hearing and the respondent was found in violation of Florida Building Code 105.1 the building permit required and given until March 13<sup>th</sup>, 2024 to come into compliance. Upon re-inspection the violation was found to still exist in some form. Therefor the notice of hearing to confirm fine is issued for this hearing as of this dated hearing the violation remains. The city is requesting the fine to be confirmed.”

**Mr. Bear**, what was the fine amount.

**Mr. Abner**, the fine amount was one hundred dollars (\$100.00) a day that would accrue back to March 13<sup>th</sup>, 2024.

**Mr. Bear**, you said that in some form they are still in violation. Did they fix some of it?

**Mr. Abner**, A permit has not been issued for the regulatory work, the shed is still there but the deck appeared to be, gesturing toward the respondent, can I lean on them for information on the deck?

**Mr. Bear**, Just say what you know and we will give them an opportunity to say what they know.

**Mr. Abner**, fair enough.

**Mr. Bear**, you don't know for sure about the deck.

**Mr. Abner**, correct.

**Mr. Bear**, have there been any permits applied for or obtained.

**Mr. Abner**, nothing applied for or obtained.

**Mr. Bear**, what were the different issues present that needed permitting.

**Mr. Abner**, there was a shed, deck, electric, replacement of front door, demolition of some propane piping, A/C unit, and water heater replacement.

**Mr. Bear**, am I correct that compliance would be for them to apply for permits or to remove items.

**Mr. Abner**, apply for and obtain permits or remove.

**Mr. Bear**, asked the respondent if they were comfortable with the presentation being added into electronic record for evidence purposes

**Mrs. Walker**, no we don't.

**Mr. Bear**, asked the respondents if there was anything they'd like to add.

**Mrs. Walker**, yes and indicated her husband as he speaker.

**Mr. Walker**, since the last hearing we were able to distinguish that the shed is actually a renovated RV. I had presented the registration and the title I believe that same day. I sent a copy to your office by email with the registration and the title. In the last hearing we requested to obtain permits as the owners of the property and there were also some verification that needed to be addressed about who was actually the owners of the property because, there was some mix up involving another owner and after speaking with a contractor had to be updated with the clerk's office who was the proper owner of the property. Which we did and that was addressed in the last hearing. In January I think we also started to the process of getting communications form your office about how to complete the permitting process. However, I'm also in grad school right now and I found it was pretty complicated to get through some of that stuff. So we recently



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obtained the services of a contractor. We have a copy of the contract with our contractor who was supposed to be here today however, we have been having some complications with this contractor as well. (Indicating Mr. Abner) I am not sure if you can confirm that you have been speaking with him as well, Overtin Construction.

**Mr. Abner**, Overtin Construction? I don't recall any correspondence with me. Verbally, but it does look like he has reached out to our office with the permit techs.

**Mr. Walker**, yeah, he has been kind of keeping us up to date with the process. We were given the very strong impression that this would have been remedied before this hearing. He told us it was a pretty quick situation to resolve and he kinda had those plans drawn up and sorted out. However, for whatever reason it was not and we are a little bit concerned and we were going to look for clarifications as to our options in applying for the permits as the owners if we can get some guidance from another contractor. But, the point we wanted to make is that we have been communicating with your office through email as well as through our contractor to remedy the issue since the last hearing. However, we're not very familiar with the permitting process or how to get these kinds of things done. So it has come to this. We didn't want it to come to this, we have been trying to make an earnest effort to resolve the matter in addition we've also contracted a general contractor to help us navigate this space. However, we have further found that this could be a continuous challenge and we are requesting some lenience and time to continue to remedy this issue.

**Mr. Bear**, if I remember correctly, this work that was done, was work that you guys did. Or am I incorrect.

**Mr. White**, well we bought this home in 2022 or 20221 I believe. Funny enough we thought we heard the name of the contractor or the family that sold us the house but apparently this home had, had these renovations done prior to us purchasing the property. So whoever flipped the property had done this work without permits. So when we saw the actual stop work order when we looked at it, it looked like the stuff that had been on the real-estate listing for our property. I did build the deck in the backyard and I tried to follow whatever guidance I could. We did call a propane company to come and remove the tank but, these are all thing that were done prior to us obtaining the property. It was very alarming to us, we didn't put an AC in our house, it's nice to have one but it wasn't us who installed it. It was a difficult time to find a contractor who was willing to come in and who was willing to put his name on someone else's work. We are still finding it difficult as he is kind of seemingly hesitant on how to handle the issue. That's why it's taking so long.

**Mrs. Walker**, I just wanted to add that is the reason we are so late is that contractors have come and told us "you know this is really tough, you guys are obviously earnest people, you're not millionaires or anything like that, so we are struggling to see how we can bill you because this is work form a previous owner". It's hard for them to go and put their name on this work that someone else did and their license be in trouble later. So even the Overtin, he name is OGC, has been very slow with us and then he stepped back and everyone is kind of scared of our project. People have told us just to contact legal because but it's not that easy. That might be something down the line we consider but unfortunately it's like we went through the closing process we were unaware at the time and we signed a contract that stated "as is" .



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**Mr. Walker**, our GC was saying he was trying to inquire on how he could bring some action against the contractor who worked on the property and he was just saying the most he could do was the better business bureau but, the city was not able to provide a direct route of complaint or action against the previous person who put us in this position.

**Mr. Bear**, was the person who did the work licensed.

**Mr. White**, So the realtor who sold us they property worked alongside his brother and I guess his brother was the one with the GC license and would perform work on various properties that they were renovating. So our GC I guess in wanting to do the right this went and whistle blow that they weren't doing work the proper way. I didn't ask him to do that but I guess with him wanting to, being a member of that community he wanted to make sure that, that wouldn't continue to happen. As far as our recourse with our legal counsel and in terms of what we were going to invest to get recourse it just didn't seem like the feasible thing to do.

**Mr. Bear**, city I'm curious, your perspective or input on what they have shared about the efforts to obtain a permit that this license holder has communicated with the city and stuff like that.

**Mr. Abner**, the task that they are trying to undergo is very difficult. We've been asked by multiple outlets a policy for the industry on how to deal with work done prior to permitting, and it's not a possible task because, we're all different. Sometimes there is work covered up; sometimes it's structural; sometimes, you know in this case, electrical, plumbing and some regulated exterior work. Our policy has always been in my tenor here, that an owner builder permit is off the table because when you sign an affidavit to become owner builder you're stating that you have an understanding of the process and you're going to provide direct supervision. Just that fact that we have gone through this indicates otherwise. In addition to that this city can't recommend contractors and so we typically point people towards, like an organization like the Home Builders Association of Lake and Sumter County. To provide names for people that may, or may not, be able to help. As they said, most are very skeptical, unless there's a substantial amount of reward for taking on such task. And so definitely one hundred percent sympathetic to what they're going through and we're willing to help the process but, I do agree it's very difficult.

**Mr. Bear**, has there been a contractor who's reached out to you.

**Mr. Abner**, not to me specifically but to the city yes, Mr. Overtin.

**Mr. Bear**, so I'm going to share with the city what my inclination is to do and hear their comment on it and yours as well. My inclination is to find that there has been a violation. So different from the prior matter which we just continued. But I'm not inclined to ratify a one hundred dollar fine a day since March 13<sup>th</sup>. That's rather onerous. I think that there has been a violation and there does need to be some sort of sanction because of that. You are trying, this isn't a situation where you said "I don't care". My inclination is to ratify fine of a couple days and then to suggest to the city to set a new violation hearing down the road and see where we are at. City what are your thoughts on doing something like that.

**Mr. Smith**, John would you prefer that or would you continue down the road and give them that additional time, similar to the last imposition case, and give them that August Hearing. Either way we are going to be talking about it at August's hearing unless it's brought into compliance.

**Mr. Abner**, the only time that I press is if there's a situation where we feel like there's a life, safety matter to our public, and in this case I do not. As I've said before it is never my position to



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put any burden on a citizen of the city. So I am more comfortable with the August like what we did with the previous case. However, if Mr. Overtin doesn't continue with this project I'm even worried about the August date.

**Mr. Smith**, then we would just ask for straight continuance rather than any imposition at this time.

**Mr. Bear**, ok, that's fine by me but at some point we have got to get it dealt with one way or another. Whether that's cut it open and someone else do the work or whatever it is, but one way or another it needs to be dealt with.

**Mr. Walker**, I was ready to rip up the deck and then we proved that the shed is not a shed it's just an RV. But the other things we were talking about and revisit getting the permit done for the AC and the heater and confirm that the propane piping was removed by the local company that does that. I'm grateful with the recommendation but we must just, I essence of time, resolve it ourselves if we could. We would rather not keep having to come back to hearings if we could. So if it takes me making a work bench out of that deck then that's what's in my mind.

**Mr. Abner**, can the city add one more thing.

**Mr. Bear**, yep.

**Mr. Abner**, in regards to the RV we have local codes and ordinances that don't allow them in the backyards as well. So my advice would be to get with the code enforcement department to discuss fencing and locations on your property and there was some issue with some electric being ran to it and things like that which makes it non-compliant as well.

**Mr. Walker**, ok.

**Mr. Bear**, thanked the respondent and ended the case.

7.) City of mount Dora v. Clara Johnson on 1455 Pine Avenue

**Mr. Bear**, called up the respondent Ms. Clara Johnson and swore her in.

**Mr. Abner**, stated he had a power point presentation.

**Mr. Bear**, asked the respondent if the was ok with the evidence being entered into record.

**Ms. Johnson**, if it won't affect me I prefer it not to be shown, it's embarrassing, no.

**Mr. Bear**, ok so, just so the recording is correct, I get the joke but do you have any objection to it being part of the record.

**Ms. Johnson**, I just prefer it not to be shown if it's, but if it has to be, it has to be.

**Mr. Bear**, let me just take a look at it here, ok.

**Mr. Smith**, we could stipulate to the existence of the violation if we want to avoid the evidence presentation. If the respondent is willing to stipulate we'd be willing to stipulate.

**Mr. Bear**, city why don't we do this. Can you describe the violation for her and re-address that issue.

**Mr. Abner**, no problem. In February of 2021, owner builder permit, was applied for. For a re-roof of the structure on 1455 pine. That permit was issued and some point later inspections were requested. When we went out to inspect the roof it was complete. So there was no re-nailing inspection, dry-in or flashing inspection or final done.

**Mr. Bear**, So mam that is what the power-point presentation involves, that's the subject matter. Are you familiar with this issue?



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**Ms. Johnson,** yes.

**Mr. Bear,** knowing that this is what this about you're objected to it because it is an embarrassment.

**Ms. Johnson,** I just prefer it not be shown but if it has to be shown its fine. I don't want to come in and try to change any rules or anything.

**Mr. Bear,** Well there's a couple things and I'm not trying to force you to agree to anything. So there's a couple things, this is the violation they have alleged in the notice and so it's their right to present evidence to show the violation occurred. However, you know what the suggested a minute ago was if you are agreeing that a violation occurred, then they don't have to go through and testify to it or show pictures of it. Do you want to contest that a violation occurred to make it so they don't have to talk about the violation in much detail or show the pictures.

**Ms. Johnson,** well I was always told not to admit anything but you can go ahead and show it.

**Mr. Bear,** that's fine, and again I'm not trying to coerce you to agree but just to give you an opportunity to.

**Ms. Johnson,** yea there was a violation.

**Mr. Bear,** ok. So I've seen the pictures, there's nothing scandalous or anything. Alright so city here's your opportunity to present evidence to support the allegation.

**Mr. Abner** gave the presentation for a stop work order in regards to an expired permit.

**Mr. Abner,** stated that when this roof was completed, right at the beginning of 2021, a new code cycle had gone into effect on January 1<sup>st</sup> requiring there to be two layers of underlayment installed. Which is what made the inspection important.

**Mr. Bear,** So if the installation date was prior to that code change.

**Mr. Abner,** it wasn't, the permit was issued after that code change.

**Mr. Bear,** after the code change?

**Mr. Abner,** yes sir.

**Mr. Bear,** ok. So even though the roof has been installed there are ways to inspect for compliance. You could take up a section or something like that, so has any of that happened.

**Mr. Abner,** nothing has been offered, no. Not that we make the offer. There's a request that is made and we, as you know, typically oblige if it's within reason. In this case there was never an offer for "can we spot check/ tear off" because of the code change and the people that installed it were unaware of the code change. In this case would not have produced a positive result.

**Mr. Bear,** is that speculation on your part you're saying.

**Mr. Abner,** sure.

**Mr. Bear,** ok. You don't know whether it would comply or not.

**Mr. Abner,** I do not.

**Mr. Bear,** ok. But you haven't been given the opportunity to inspect it.

**Mr. Abner,** I have not. Continuation of presentation.

**Mr. Abner,** stated that the Building Division recommends that if the issuance of a permit has not been obtained the property be assessed a civil penalty fine of \$250.00 a day until compliance is met.

**Mr. Bear,** who was the owner permit issued to, was it Ms. Johnson.

**Ms. Johnson,** yes I believe so.



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**Mr. Bear**, Mr. Abner these items that you testified to are they matters that you have personal knowledge of.

**Mr. Abner**, yes.

**Mr. Bear**, anything else the city would like to.

**Mr. Smith**, just to confirm for Ms. Johnson, Ms. Johnson so the reason why the agenda is Cornerstone Corp. is because the tax rolls have changed from Cornerstone Corp within the past week but there is no evidence of change of ownership. You still own the property correct, there's been no change in ownership has there. Do you recognize Cornerstone Corp?

**Ms. Johnson**, No, as owners?

**Mr. Smith**, It may have been an error on the tax rolls part so you may want to check with the tax office.

**Ms. Johnson**, yes cause I just paid the taxes I don't understand.

**Mr. Smith**, It was most likely just an error from the tax office. Cause it's showing as cornerstone corporation now but there is no change in ownership. No documents, there's no reason for a change.

**Ms. Johnson**, do they have an address for that cornerstone, what state. I'm going to have to check that out, I don't understand that.

**Ms. Hutcheson to Mr. Smith**, it looks like a possible error on our part.

**Mr. Smith**, yes because there's nothing that shows a change of ownership.

**Ms. Johnson**, can I speak.

**Mr. Bear**, once the city is done.

**Mr. Smith**, I'm done I just wanted to confirm that there had not been an acknowledged change of ownership.

**Mr. Bear**, yes Ms. Johnson.

**Ms. Johnson**, like Mr. John stated before when I got the permit to do the work myself, I had someone to help me. Like he stated, the rules changed after the work was done or prior to it being done but I guess we went by the rules that were before on the roof. I just want to state that I had to pay someone to help me do that and when I had the roof done the funds were depleted. We thought the job was done well, but apparently it wasn't. You know, and then we didn't go by the guidelines, but that just is where it is right now. Like everybody else I was wondering if I could get an extension as well to try to have this issue resolved. Habitat did come out and put the tarps on it I don't know if will be done by this summer. I don't know if they do roofs or I'm not even sure if they do that much to a home but hopefully they will. That's what I was kind of waiting on too, because I am on some type of list I think the city is involved with something to do with funding with Habitat for Humanity. Hopefully they'll be able to assist me cause I believe they'll be able to do the roof. At the same time I've been working on different things trying to get that resolved as well because I definitely know that needs to be done. Apparently we didn't do it correctly. So that's about what I know at this time.

**Mr. Bear**, ok. I find there has been notice to you of the ordinance violation. There has been sufficient evidence to show substantial, competent evidence to show that there has been a violation of the permit ordinance. As to what to do about the situation it's tricky. It's sort of a conundrum. Again Ill share with both parties I think this is a very important thing. So there are building codes in place for good reasons, and when someone takes an owner permit out they do



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so, sort of, at their own risk. That they're taking on the obligation to make sure they are doing the work in compliance with the code. If you hired a contractor then, it's their job to make sure they do that. If they don't then you can go back on them and then re-do it but, that's sort of a risk on takes by doing the owner permit route. I think you even have to certify that you're doing it to code. So I emphasize with the situation you're in but, it's sort of a risk that you took on yourself and I think it's a serious problem. If you were to sell the property tomorrow, the person who buys it from you has a right to assume that the work was done to code, so that's one of the reasons that the city, or the county or whatever the governmental entity has to protect their future and present residents to make sure that certain buildings are up to certain standards. I definitely want to make sure that there's an incentive in place to get this addressed as quickly as possible and it's been a long time as well. It's been three years, you know this isn't something that came up last month.

**Ms. Johnson**, yes I reached out to the roofers as well and the price is down a little bit more for the size of my home. It's just the prices they are asking for just seems very high, but I am working on it with some roofers as well.

**Mr. Bear**, I also know some roofers, a number of them work with financing companies, stuff like that, if you don't have the money up front, you can pay overtime. So that could be another avenue to approach it. City I am very open to, those are sort of the things on my mind, as to how to deal with that. I'm very open to suggestion as the "how" to address those issues.

**Mr. Abner**, a permit by a licensed contractor will clear up this violation. It is my opinion that the roof is going to have to be replaced again.

**Mr. Bear**, the evidence, we don't have to speculate on that now, like she said it was not built to compliance with the current code. So they're going to have to tear it off.

**Mr. Abner**, and so with that being said it's a matter of Ms. Johnson being able to secure either the support from an organization or the funds to hire a contractor and as I've made abundantly clear, us applying more burden on her as a municipality makes her being able to do that even more difficult. I would request the most amount of time that ya'll are comfortable with.

**Mr. Smith**, continue to August John? That at least keeps in on the radar.

**Mr. Bear**, yeah I don't want to continue it. I want to find that there is a violation.

**Mr. Smith**, right, so find there is a violation but compliance date in August.

**Mr. Abner**, so 120 days if that is something you guys are comfortable with. I'm absolutely comfortable with.

**Mr. Bear**, that's fine with me but, I want to share Ms. Johnson, like it's been three years and I mean I know you say these other ones where we continued it because they hadn't complied. I mean if we give you 120 days on top of three years like I'm not pre-judging anything but, there's a decent chance that might not happen.

**Ms. Johnson**, It's gonna happen.

**Mr. Bear**, like the continuance I mean. If you're in violation and 120 days pass and you're still in violation. There's a pretty good chance you're going to start accruing fines. Which will add up really quick.

**Ms. Johnson**, right.



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**Mr. Bear**, alright. That's fine by me. There was a violation found, she has 120 days to come into compliance. The expectation is that coming into compliance is going to require removing and installing a new roof.

**Ms. Johnson**, right. For sure.

**Mr. Abner**, can I just say one more thing? Ms. Johnson there is also an expired permit for your AC. Where they got a permit in 2022 of August and never got an inspection on. It's now in expired status. So that will need to be renewed, and inspected. In addition to the roof make sure that your property is in compliance because code enforcement is active again and you know I'm glad they got the tarp on. It is a very, it is only effective in Florida for a very limited time. So if you start to see any water intrusion it could lead to more regulatory requirements.

**Ms. Johnson**, ok.

**Mr. Abner**, I just beg you to please close up these things, take care of the property and to stay on top of this.

**Mr. Bear**, the order doesn't have anything to do with these things.

**Ms. Johnson**, yes

**Mr. Abner**, I just was trying to help.

**Mr. Bear**, yeah that's fine.

**Ms. Johnson**, thank you.

**Mr. Bear**, alright mam. God speed and hopefully we don't see you in 120 days.

**Mr. Bear**, thanked the respondent and ended the case.

**Ms. Johnson**, I always wanted to say this, thank you, your honor.

**Mr. Bear**, sorry I didn't say a dollar amount, if she's non-compliant it will be the \$250.00 a day.

8.) City of Mount Dora v. Jackson, Dothan Jr & Betty A. on 1412 Grandview St.

**Mr. Bear**, called up the respondent Mr. Donthan Jackson and stated Good to see you again but also not good to see you again.

**Mr. Jackson**, you right.

**Mr. Bear**, swore in the respondent.

**Mr. Abner**, gave this statement: this is a request to ratify for non-compliance. This case was hear one the 30<sup>th</sup> of October 2023 magistrate hearing and the respondent was found in violation of Florida Building Codes section 105.1 building permit required and given until November 29<sup>th</sup> 2023 to come into compliance. On re-inspection the property was found to still exist and then this case was heard at the compliance hearing on December 14<sup>th</sup>, 2024. The respondent was given an extension date until February 29<sup>th</sup>, 2024 to come into compliance. Upon re-inspection the violation still remained there for the notice of hearing to confirm fine was issued for this hearing. As of the date of this hearing the violation remains and the city is requesting that the fine be confirmed for your edification Sir the fine was \$250.00 per day, and that accrues back to the date of February 29<sup>th</sup>, 2024 which would equal \$10,500.00 as of today.

**Mr. Smith**, and the property remains in non-compliance.

**Mr. Abner**, yes, sir.



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**Mr. Bear**, can you testify a little bit about what the non-compliance is for and the circumstances around that.

**Mr. Abner**, yes I can. This is a commercial space.

**Mr. Bear**, this is like a barbeque, if I remember correctly.

**Mr. Abner**, yes sir.

**Mr. Bear**, like within the community.

**Mr. Abner**, that is correct. There is an existing building that previous occupancy fits the food prep and the public restroom use. However, there was a platform where a carport type structure was installed as an area of assembly for the customers to eat and have a place to hang out. There was also some electric work done in that area and the complications of the permit include all things commercial which include, occupancy requirements, and all the elements that are required and expected for any commercial space.

**Mr. Bear**, and there was no permit pulled when that structure was initially put up.

**Mr. Abner**, no sir.

**Mr. Bear**, and since that time what has happened in regards to efforts to obtain a permit to come into compliance or any of that.

**Mr. Abner**, in December a permit was applied for. Our policy is typically we wait for planning and zoning to approve before we do our review. Just because it doesn't make sense for us to do plan review on a property that can't be there. In this specific case, trying to fast track this for Mr. Dothan and for the business, Planning and Zoning and Building did their plan review concurrently. Both of them were denied, Mr. Winkler would have been the one to have denied for planning and zoning. The building department provided our comments as well. We provided those on December 7<sup>th</sup>, planning and zoning provided theirs on December 11<sup>th</sup>. So that's when the contractor, Pulse Construction, would have received from us our comments and we've had a site meeting since then as well. There have been no response to comments since December 11<sup>th</sup>.

**Mr. Bear**, the P&Z denied the use in this zone? Is that what was denied.

**Mr. Abner**, would you like for me to read their comments. He read the comments.

**Mr. Bear**, so that was staffs comments, and then it went to P&Z.

**Mr. Abner**, no it never made it that far.

**Mr. Bear**, there wasn't like a variance requested or anything like that.

**M. Abner**, not according to these comments, no.

**Mr. Bear**, ok so we don't know definitively today that he can't have that there from a zoning standpoint.

**Mr. Abner**, I do not, no.

**Mr. Bear**, like that hasn't been determined by the city, it doesn't sound like it. Then a permit was applied for and fill me in on the details of what the response of the permit application was.

**Mr. Abner**, like for the building, what our comments were. Just wind load design per FPC were required. They were questioning the carport, accessible parking; accessibility for the platform; proper use for the space. It's by all appearances a car port and so they need to, when they apply for a permit, chapter 105.1 of the Florida Building Code they have to notify us of what the occupancy and use of that is and so, "assembly to a restaurant", essentially.

**Mr. Bear**, so those are comments you gave.

**Mr. Abner**, those are the comments that we gave.



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**Mr. Bear**, and has there been a response to the comments.

**Mr. Abner**, there has not. But there has been conversation and site visits and things like that. It hasn't been silent, there has been conversation.

**Mr. Bear**, ok. Anything else the city would like to present.

**Mr. Abner**, Just that planning and zoning is available to come down if you have other questions for them.

**Mr. Bear**, so staff didn't give an ultimate recommendation to approve or not they just had comments. Sir what would you like.

**Mr. Jackson**, I met with planning and zoning next week and we do have a site plan now. They suggested that we, that this will help us combine the property together. I went over to Tavares last and had them, took the application and everything they gave me they have it combined. And I filed it with Lake County records over there, so we got that taken care of. Faden should have filed for a permit for what we already had with the site plan. So they should have that on file back there. We still trying rectify this thing and get it done. We been working diligently on it. We been working with Faden, the commercial contractor, to get this taken care of. So that's where we at now. If you want to call planning and zoning down I can try to find out about the permit. What's the hold up on it and what we got to do next. But I think we got everything in that they asked for.

**Mr. Bear**, ask and you shall receive.

**Mr. Jackson**, yeah that's right.

**Mr. Bear**, no I mean (indicating Mr. Winker entering the room).

**Mr. Jackson**, there you go, my man.

**Mr. Winkler**, hi there, need me to swear in.

**Mr. Bear**, yeah I'm thinking for a sec.

**Mr. Winkler**, oh ok.

**Mr. Bear**, swore in Mr. Winkler. What is your role in the city.

**Mr. Winkler**, I'm senior planner with the office of planning and zoning for the city of Mount Dora.

**Mr. Bear**, ok. What is it you'd like to share about this property and the zoning application or use application that was made and where they sits with you guys.

**Mr. Winkler**, yes, so currently the properties are two separate properties. There is one property that is with a single story building that was previously used as a salon; and the other property is the carport used as assembly space, outdoor seating. We have met with the property owner several times since December to work through a site plan process but, ultimately we figured that we'll combine lots so it's one property. The site plan that was applied for back in 2000 would suffice for the existing development. So they are currently in the process to combine the lots and we will move forward with that existing site plan for future building permits.

**Mr. Bear**, ok. Correct me if I'm wrong but that sounds like progress.

**Mr. Winkler**, much progress, yes.

**Mr. Bear**, ok. Do you anticipate that in the end the use that he has for the property which he is attempting to use the property will be approved as long as the process is continued.

**Mr. Winkler**, I do, yes.

**Mr. Bear**, so this is not the city thinking this is a futile effort that this isn't ever going to work.



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**Mr. Winkler**, no, we're working confidently together to get this as a permitted use.

**Mr. Bear**, ok. So a question for the building side. Is this, and obviously I'm not asking you to prejudge what will happen in the future but, do you have a reasonable expectation that as long as the process continues, on the building side of it, can or there's a decent likelihood that it will ultimately be approved.

**Mr. Abner**, I do.

**Mr. Bear**, Mr. Winkler you know from the city's perspective has the property owner been diligently attempting to address all the zoning issues.

**Mr. Winkler**, yes sir, yes he is.

**Mr. Bear**, and from building departments perspective the property owner been diligently attempting to address the property issues as much as he can. I understand that's been sort of limited by his need to address zoning issues first or in conjunction.

**Mr. Abner**, I do.

**Mr. Bear**, Mr. Winkler, from a, maybe your prior answer sort of answers it. From a planning and zoning perspective does the city have concerns about the present use of this property causing any externalities or concerns for the community?

**Mr. Winkler**, no we do not. We have no concerns for that, no.

**Mr. Bear**, from a building perspective, and not asking to give your stamp of approval, but from a building perspective does the city have any exorbitant concerns about the present operation being a risk to individuals.

**Mr. Abner**, exorbitant, no but, however the ADA requirements are federal and everyone does not have equal access to this space at this time.

**Mr. Bear**, wouldn't there be some kind of temporary way to address that.

**Mr. Abner**, there are. The state offers waiver opportunities, there are temporary ways to address it. Our preference is to have it permanently addressed expediently.

**Mr. Bear**, ok. I was thinking more along the line of, you're talking about access, which is like safe access through ramps.

**Mr. Abner**, parking, ramps, access to the restroom. Things like that.

**Mr. Bear**, and is the parking issue a neighborhood issue, is there not parking on the street and stuff.

**Mr. Abner**, well there's an accessible spot with a hard surface to the assembly area is required.

**Mr. Bear**, what's the community safety issue there. Is it like someone who isn't stable on their feet.

**Mr. Abner**, yes. Equal access to anybody that is a commercial property that is open to the public.

**Mr. Jackson**, so what are we talking about? A concrete ramp to go up where that carport area is, that seating area, is that the problem?

**Mr. Abner**, ultimately that's what will be required a hard surface from the parking and a hard surface to the public restrooms. Those are ultimately going to be required, so the question was the current status, any concerns, that's my primary concern. I have no life-safety concerns as far as the work that's been done or anything else like that.

**Mr. Bear**, sounds like those maybe are things that could be done probably by the property owner to mitigate those concerns.



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**Mr. Abner**, they are going to be part of the permitting process the question is to the current status that's my primary concern

**Mr. Bear**, yes like you're saying they're almost certainly going to have to be done in the long run, but the short term concerns which have been going on for months like I bet those are things that he could do relatively quickly that would address these concerns.

**Mr. Abner**, have to have a permit

**Mr. Smith**, you'll have the same problem as you have getting this permit.

**Mr. Bear**, you have quite the conundrum.

**Mr. Winkler**, and if I may also include that he's in the process of combining the parcels. So that accessory structure that garage, carport will be tied to the same property as that one story building. So it will all be one comprehensive parcel.

**Mr. Bear**, ok

**Mr. Smith**, John would you have an issue with a continuance on this matter. On the imposition of fines matter.

**Mr. Abner**, I do not.

**Mr. Bear**, Maybe I'm just trying to hard to solve problems but the concerns you have, I don't want to just disregard them if there's any way to address them. So as I understand what you're saying the biggest concern is a hard parking surface so that somebody getting out of their car has a hard surface to step on doesn't slip or trip or something. Normally you would deal with that with concrete.

**Mr. Abner**, yeah concrete or asphalt yes sir.

**Mr. Bear**, betcha there's other ways to make like a harder surface that doesn't require permitting like concrete. Like in the short term, and the other thing was like getting up onto the platform, right.

**Mr. Abner**, sure, equal opportunities for access to the space. So it is going to require a ramp with rails.

**Mr. Bear**, but that requires a permit to get. Betcha there's some sort of way to do something like that without permit.

**Mr. Abner**, in a commercial, no. Not in a commercial property. If this was a residence and we were trying to find somebody temporary access to their home, absolutely. In this case there's not. My not having objection to the continuance exists. I just don't know if I'm comfortable with it going on until August. Here we are again, so one more to the June date. I do know Mr. Dothan is working hard to get this done but, I also know the community is still gathering.

**Mr. Bear**, I agree, there is a difference between a residential setting and a commercial setting. We might be more lenient with the residential stuff but the public has a right to be guaranteed a level of safety and equal access and all that at these properties. Balanced against sort of a community hub and network which obviously has great social value. We don't want to unduly balanced one against the other. By all account everyone is doing what they can, but time is sort of becoming of the essence. I share your sentiments and not extend it too far out. That said, planning and zoning is it reasonable to expect something to change within 30 days.

**Mr. Winkler**, the property appraiser is going to combine the lots, they're typically about four to six weeks on updating their records. With the combination of lots but, staff and the city can move forward with unifying those lots on our records.



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APRIL 11, 2024 MEETING MINUTES**

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**Mr. Bear**, you won't be held up by them.

**Mr. Winkler**, no. We're going to recommend they use the site plan for their building permit. So we expect no delays.

**Mr. Bear**, so then the planning and zoning side is addressed?

**Mr. Winkler**, yes sir.

**Mr. Bear**, and then you guys are free to address the building?

**Mr. Abner**, yeah. Our comments are still applicable and I spoke with Mr. Jackson's contractor and he's working on providing the response to those comments.

**Mr. Bear**, City what is your request for how long the continuance is.

**Mr. Abner**, to the June hearing.

**Mr. Jackson**, so is that 60 days?

**Mr. Bear**, approximately. So similar to what I told somebody who isn't here now, it's been a long time. I know you're working diligently and everyone here wants it to work out. The continuances don't go forever. If it's not remedied by that time, do not expect that there will be another continuance.

**Mr. Jackson**, ok.

**Mr. Bear**, so we make no findings of fact to there being any violation today we'll just continue to the violation hearing in June.

**Mr. Bear**, thanked the respondent and ended the case.

9.) City of Mount Dora v. Francis, Terry Lee on 338 S. Rhodes Street

**Mr. Bear**, is Ms. Terry here.

**Mr. Smith**, I believe we have heard all the cases with respondents present.

**Mr. Bear**, ok.

**Mr. Abner** gave the Code Compliance presentation for the above address. Citing for a Stop Work Order; Interior demolition without first applying for and receiving a required building permit.

**Mr. Bear**, on the pictures here I see a lot of drywall and installation that was taken down. The description at the beginning talks about HVAC, and electrical, and plumbing. Was the also HVAC, electrical and plumbing that was also taken out or installed.

**Mr. Abner**, taken out. The electric and the plumbing that went to the fixtures in the bathroom and the kitchen, the electric that was in the walls and an interior air handler unit for the HVAC. They were all removed.

**Mr. Bear**, ok.

**Mr. Abner** stated that the Building Division recommends that the respondent apply for and obtain a building permit within 30 days of this hearing date. If the issuance of a permit has not been obtain the Building Division recommends a accessing a fine on the property for \$250.00 a day until compliance is met. Typically on projects like this we issue an interior demolition permit over the counter with a requirement that a permit for the reconstruction be applied for prior to



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that permit being closed out. A more recent site visit shows windows to be broken and as we move through this process we would be looking for those things to be boarded up.

**Mr. Bear**, I do find there to have been a notice of violation/notice of hearing delivered to the registered mailing address, for the owner, Francis Terry Lee, she was notified of the violation and hearing today. For the record she has chosen not to appear. So she has no evidence being presented on her behalf. The evidence presented by the city is competent, substantial in supporting the violation, on the notice namely the lack of permit, which I agree is required for the scope of work that was done here. So there has been a violation of section 105.1 of the county code. In so far as the remedy for the violation what is it the city is seeking.

**Mr. Abner**, a permit to be obtained for the work already done and that permit would require stipulations for the work to be completed and whatever work the intend to do moving forward.

**Mr. Smith**, timeframe for obtaining permit John?

**Mr. Abner**, this permit when addressed, is an over the counter permit. So the recommendation of 30 days is what we are requesting. I personally haven't talked to anyone or had correspondence with anyone in regards to this property.

**Mr. Bear**, the second thing you said pertained to the permit but the payment amount affirming the work to be done what?

**Mr. Abner**, yeah we handle that in house I don't think that needs to be a part of your order. So when we issue an interior demo permit. It's an alteration permit really, we just put a stipulation on it that before that permit can be closed out they either have to provide a revision for that permit for work they're going to do or obtain a second permit to build back whatever it is they were demolishing.

**Mr. Bear**, ok we'll just leave that. Purpose of the order here today, 30 days is fine and given that there hasn't been any explanation or reasoning given by the owner. I find the \$250.00 fine per day for lack of compliance is agreeable.

#### IV. Complied / Dismissed Cases

- 1.) City of Mount Dora v. Florida Telephone Corp. on 311 E 5<sup>th</sup> Avenue
- 2.) City of Mount Dora v. Nguyen Tho Phuoc & To-Anh
- 3.) City of Mount Dora v. East Hampton Associates II LLC on 4931 Lake Park Ct.
- 4.) City of Mount Dora v. M Resort 1604 LLC on 3340 Mary Lane

Cases can be viewed at: <https://mountdorafll.portal.civicclerk.com/event/1769/media>

#### VII. Announcement of next scheduled hearing date, June 13<sup>th</sup>, 2024

#### VIII. Adjournment

City of Mount Dora's Special magistrate Hearing ended at 12:29 p.m.