



**CITY OF MOUNT DORA
SPECIAL MAGISTRATE HEARING
NOVEMBER 13, 2024 MEETING MINUTES**

The City of Mount Dora Special Magistrate Hearing took place on Wednesday November 13, 2024, in the City Chambers on the first floor of City Hall, Located at 510 N. Baker Street, Mount Dora Florida to hold code violation hearings for the Building and Code Compliance Departments.

I. Call to Order

Having been duly noticed and required by law on November 13, 2024 the Special Magistrate Hearing was called to order at 10:00 a.m. by David Bear, Special Magistrate.

II. Swearing in of Staff

City Staff Present: John Abner, Building Official and Fire Official; Tara Hernandez, Code Compliance Inspector; James Paul, Code Compliance Inspector; Catherine Hutcheson, Administrative Coordinator; Whitney Scott, Administrative Coordinator; Ryan Winkler, Senior Planner; Drew Smith, City Attorney.

III. Hearings: New Cases: Trees

1. E2024-0285 City of Mount Dora v. Brisson, Rebecca L. & Rolando, Galeana (907 E 11th Ave.)

Violation: City of Mount Dora Code of Ordinances, Section 46-23.- Permit approval required for removal of trees; review of application.

Property Maintenance Code Section 302.3.- Sidewalks and driveways

Respondent Name: Brisson, Rebecca L. & Rolando, Galeana (ZOOM)

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by replacing the two trees cut down without permit with six (6) trees

from the City's approved tree schedule that are at least 3.5 inches in diameter at six feet in height and keep said trees alive for 5 years. If one dies within five years from planting, Respondents shall be required to replace it with another like tree within 30 days in accordance with the City Code. The replacement trees shall be planted no later than 8:00a.m., on the 12th day of January, 2025. As Respondents own the adjacent lot located at 1146 N Highland Avenue, Respondents shall be allowed to plant the required replacement trees between both the Subject Property and the above described adjacent property. If Respondents fail to plant the replacement trees or replace a dead replacement tree within the time allowed, a civil penalty in the amount of \$100.00 a day shall be assessed for each violation that remains uncured (i.e. each tree for which replacement plantings have not been made) resulting in a total possible penalty of \$10,000 if Respondents fail to make replacement as provided herein of both trees unlawfully removed.

Respondents are further ordered to replace the two damaged panels of sidewalk. Said replacement shall be completed no later than 8:00a.m., on the 12th day of January, 2024. Failure to comply by the date specified here-in will result in the assessment a civil penalty in the amount of \$100.00 a day for the sidewalk violation for each and every day thereafter that the violation remains.

2. E2024-0284 City of Mount Dora v. Lopez, Estrada Edwin R. (407 Grant Ave.)

Violation: City of Mount Dora Code of Ordinances, Section 46-23.- Permit approval required for removal of trees; review of application.

Respondent Name: Edwin Estrada (translator, MarieLisa)

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by re-planting five (5) trees on the property that comply with the City Code. The replacement trees must be of a species from the City's approved tree stock list. The replacement trees must be of a species that will grow to at least fifteen feet in height. The replacement trees must be at least 3.5 inches in width as measured at six feet in height. The Respondents are required to ensure the replacement trees remain alive for at least five years. If any replacement trees dies within five years of the date of planting, such tree must be replaced with a tree meeting the same requirements discussed above within thirty days. The initial replacement trees must be planted no later than 8:00a.m., on the 13th day of December, 2024. Failure to comply by the date for planting the replacement trees or replacing any dead tree

specified here will result in the assessment of a civil penalty in the amount of \$100.00, for each tree every day thereafter that the violation remains.

IV. Hearings: New Cases: Building Division

3. E2024-0096 City of Mount Dora v. Dave Lowe Realty Inc. (303 Highland St.)

Violation: Order Ratifying Fine

Respondent Name: None Present

Magistrate Order: THIS CAUSE having come before the undersigned Magistrate on the 13th day of November, 2024, and said Magistrate having heard testimony, accepted evidence and being otherwise fully advised in the premises hereof, finds as a matter of fact that the Respondent continues to be in violation of its Finding of Fact/ Conclusion of Law/Order dated October 07, 2024. The total accrued lien amount as of today is, \$9,250.00 (37 days x \$250.00) which amount is hereby imposed and upon recordation of a certified copy of this order shall constitute a lien against the real and personal property of the respondent, in accordance with Chapter 162, Florida Statutes.

In addition, the City has presented evidence and testimony establishing by competent substantial evidence that the continuing, uncured violation related to the condition of the balcony represents an immediate threat to public health and safety. Accordingly, the City is authorized to seek permission from the City Council to secure the area located beneath the balcony where there is a risk of falling debris.

4. E2024-0261 City of Mount Dora v. Lakeside Inn Corp. (234 W. 3rd Ave.)

Violation: Stop Work Order

Respondent Name: Jim Gunderson

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by applying for and obtaining the appropriate building permit(s) no later than 8:00a.m., on the 13th day of December, 2024. Failure to comply by the date specified here-in will result in

the assessment of a civil penalty in the amount of \$100.00, for each and every day thereafter that the violation remains.

5. E2024-0263 City of Mount Dora v. Hamor, Sheila (205 S. Rossiter St.)

Violation: City of Mount Dora Code of Ordinances, Section 10-1, Florida Building Code Section 105.1 Required.

Respondent Name: No respondent present

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by applying for and obtaining the appropriate building permit(s) no later than 8:00a.m., on the 7th day of October, 2024. Failure to comply by the date specified here-in will result in the assessment of a civil penalty in the amount of \$250.00, for each and every day thereafter that the violation remains.

6. E2024-0177 City of Mount Dora v. Acme Rib Shack LLC (1305 N. Grandview St.)

Violation: City of Mount Dora Code of Ordinances, Section 10-1 (c)(6) which requires obtaining or permits within 90 days of the fire incident

Respondent Name: No respondent present

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by applying for and obtaining the appropriate building permit(s) to either demolish the building or re-build the structure. Said compliance shall occur no later than 8:00a.m., on the 11th day of February, 2025. Failure to comply by the date specified here-in will result in the assessment of a civil penalty in the amount of \$100.00, for each and every day thereafter that the violation remains.

7. E2024-0272 City of Mount Dora v. Duncan James L. Sr. & Luvenia (703 Lincoln Ave.)

Violation: City of Mount Dora Code of Ordinances, Section 10-1, Florida Building Code Section 105.1 Required.

Respondent Name: None Present

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by applying for and obtaining the appropriate building permit(s) or to obtain a demolition permit to remove the structure, no later than 8:00a.m., on the 12th day of January, 2025. Failure to comply by the date specified here-in will result in the assessment of a civil penalty in the amount of \$250.00, for each and every day thereafter that the violation remains.

8. E2024-0276 City of Mount Dora v. Bernard Steve & Melinda (1148 N. Grandview St.)

Violation: City of Mount Dora Code of Ordinances, Section 10-1, Florida Building Code Section 105.1 Required.

Respondent Name: Steve Bernard (ZOOM)

Magistrate Order: Case continued to February 13, 2025.

9. E2024-0274 City of Mount Dora v. Morante Sergio (1605 N. Orange St.)

Violation: City of Mount Dora Code of Ordinances, Section 10-1, Florida Building Code Section 105.1 Required

Respondent Name: Paul Kish (Representative), Sergio Morante

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by applying for and obtaining the appropriate building permit(s) no later than 8:00a.m., on the 12th day of January, 2025. Failure to comply by the date specified here-in will result in the assessment of a civil penalty in the amount of \$100.00, for each and every day thereafter that the violation remains.

V. Hearings New Cases: Code Compliance

10. E2024-0201 City of Mount Dora v. ARA LP Holdings (315 N. Highland St.)

Violation: City of Mount Dora Land Development Code- Chapter VI. – Design Standards 6.13. – Commercial architectural and site design requirements.

6. Service Function areas.

City of Mount Dora Land Development Code- Chapter VI. – Design Standards 6.7. – Signs.

6.7.9. Prohibited Signs

Respondent Name: None Present

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s). Respondents are ordered to obtain a permit for the required buffer/screen for the service function area as required by the City Code. Said permit shall be obtained on or before January 12, 2025; otherwise a fine of \$100 per day shall accrue for each day the violation continues.

Respondents shall also remove all non-permitted signs from the Subject Property immediately upon delivery of this Order by the City. A fine in the amount of \$50 per day shall accrue for each day a non-permitted sign is located on the Subject Property after delivery of this Order by the City.

The City is authorized to remove and confiscate any unlawful signs located within the right-of-way adjacent to the Subject Property. Failure to comply by the date specified here-in will result in the assessment of a civil penalty in the amount of \$50.00, for each and every day thereafter that the violation remains.

11. E2024-0062 City of Mount Dora v. Point David C. (1023 E. 8th Ave.)

Violation: City of Mount Dora Code of Ordinances, Section 26-87. – Excessive growth of grass, weeds, and brush on property.

Respondent Name: None present

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by mowing and maintaining the property on a regular basis and to remove nonliving plant material and debris and dispose of the properly no later than 8:00a.m., on the 13th day of December, 2024. Failure to comply by the date specified here will result in the assessment of a civil penalty in the amount of \$100.00, for each and every day thereafter that the violation remains. In addition, if the Respondents fail to cure the violation as set forth herein, the City shall be authorized to abate the violation.

12. E2024-00113 City of Mount Dora v. Davis Sally S. (1303 Stowe Ave.)

Violation: City of Mount Dora Code of Ordinances, Section 26-87. – Excessive growth of grass, weeds, and brush on property

Respondent Name: Sally Davis

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by mowing the property and trimming the vegetation along the sidewalk, as well as maintaining the property on a regular basis and removing nonliving plant material and debris and disposing of them properly. Said cure shall be completed no later than 8:00a.m., on the 13th day of December, 2024. Failure to comply by the date specified here-in will result in the assessment of a civil penalty in the amount of \$100.00, for each and every day thereafter that the violation remains. In addition, if the overgrowth condition along the sidewalk is not cured within the time allowed herein, the City is authorized to cure or mitigate the immediate threat to public health and safety.

13. E2024-0008 City of Mount Dora v. Francis Terry Lee (338 S. Rhodes St.)

Violation: City of Mount Dora Code of Ordinances, Section 26-87. – Excessive growth of grass, weeds, and brush on property.

Respondent Name: None present

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by mowing and maintaining the property on a regular basis and to remove nonliving plant materials and debris and dispose of them properly, no later than 8:00a.m., on the 11th day of February, 2025. Failure to comply by the date specified here-in will result in the City to abate the violation by mowing the property.

14. 2024-0199 City of Mount Dora v. Perry Claude L. Sr. & Virginia H. (N. Grandview St.)

Violation: City of Mount Dora Code of Ordinances, Section 26-87. – Excessive growth of grass, weeds, and brush on property.

City of Mount Dora Land Development Code, Section 3.5.8. Fence requirements. 1. *Types of fences*

Respondent Name: None Present

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by mowing the property and remove the fence no later than 8:00a.m., on the 13th day of December, 2024. Failure to comply by the date specified here-in will result in the assessment of a civil penalty in the amount of \$150.00, for each violation and every day thereafter that the violation remains. The City may abate the violation of code section 26-87. Excessive growth of grass and weeds.

15. E2024-0170 City of Mount Dora v. Jones Solomon & Mary L. Murray- Jones (1746 N. Highland St.)

Violation: International Property Maintenance Code, Section 304.3.- Premises identification. Land Development Code, Section 3.5.8. Fence Requirements. 1. *Types of fences*. Sec. 26-86. - Accumulations of trash, junk, debris and nonliving plant material on property. International Property Maintenance Code, Section 304.2. – Protective treatment.

Respondent Name: None Present

Magistrate Order: Respondents are hereby ordered to bring the Property into compliance with the aforementioned City Code(s) by: 1) placing proper house numbers on the residence on or before 8:00a.m. on December 13, 2024; 2) removing all junk, debris and non-living plant material from the Property on or before 8:00a.m. on January 12, 2025; 3) Painting the areas of faded, chipping, and deteriorating paint on the outside of the residence on or before 8:00a.m. on January 12, 2025; and 4) repairing the deteriorated fence no later than 8:00a.m. on January 12, 2025. Failure to comply by the dates specified here-in will result in the assessment of a civil penalty in the amount of \$50.00 per day each for any violation that continues beyond the time required here for cure.

VI. Hearings: Confirmation of Fines/ Liens

16. E2024-0196 City of Mount Dora v. Dave Lowe Realty Inc. (303 Highland St.)

Violation: Order Imposing Fine and Creating Lien

Respondent Name: None Present

Magistrate Order: THIS CAUSE having come before the undersigned Magistrate on the 13th day of November, 2024, and said Magistrate having heard testimony, accepted evidence and being otherwise fully advised in the premises hereof, finds as a matter of fact that the Respondent continues to be in violation of its Finding of Fact/ Conclusion of Law/Order dated October 07, 2024. The total accrued lien amount as of today is, \$9,250.00 (37 days x \$250.00) which amount is hereby imposed and upon recordation of a certified copy of this order shall constitute a lien against the real and personal property of the respondent, in accordance with Chapter 162, Florida Statutes.

In addition, the City has presented evidence and testimony establishing by competent substantial evidence that the continuing, uncured violation related to the condition of the balcony represents an immediate threat to public health and safety. Accordingly, the City is authorized to seek permission from the City Council to secure the area located beneath the balcony where there is a risk of falling debris.

17. E2024-0256 City of Mount Dora v. 100 E 4th Avenue LLC (100 E. 4th Ave.)

Violation: Order Imposing Fine and Creating Lien

Respondent Name: None Present

Magistrate Order: THIS CAUSE having come before the undersigned Magistrate on the 13th day of November, 2024, and said Magistrate having heard testimony, accepted evidence and being otherwise fully advised in the premises hereof, finds as a matter of fact that the Respondent continues to be in violation of its Finding of Fact/ Conclusion of Law/Order dated November 29, 2023. The total accrued lien amount as of today is, \$87,572.50 (350 days x \$250.00) which amount is hereby imposed and upon recordation of a certified copy of this order shall constitute a lien against the real and personal property of the respondent, in accordance with Chapter 162, Florida Statutes.

18. E2021-0020 City of Mount Dora v. Green Tree Apartments LLC (433 E 11th Ave)

Violation: Order Imposing Fine and Creating Lien

Respondent Name: None Present

Magistrate Order: THIS CAUSE having come before the undersigned Magistrate on the 13th day of November, 2024, and said Magistrate having heard testimony, accepted evidence and being otherwise fully advised in the premises hereof, finds as a matter of fact that the Respondent continues to be in violation of its Finding of Fact/ Conclusion of Law/Order dated August 5, 2021. The total accrued lien amount as of today is, \$29,050.00 (1,162 days x \$25.00) which amount is hereby imposed and upon recordation of a certified copy of this order shall constitute a lien against the real and personal property of the respondent, in accordance with Chapter 162, Florida Statutes

19. E2024-0190 City of Mount Dora v. Viera Shardey (625 Jackson Ave.)

Violation: Order Imposing Fine and Creating Lien

Respondent Name: Shardey Viera

Magistrate Order: Continued to February 13, 2024

20. E2022-0044 City of Mount Dora v. Johnson Clara (1455 Pine Ave.)

Violation: Order Imposing Fine and Creating Lien

Respondent Name: None Present

Magistrate Order: THIS CAUSE having come before the undersigned Magistrate on the 13th day of November, 2024, and said Magistrate having heard testimony, accepted evidence and being otherwise fully advised in the premises hereof, finds as a matter of fact that the Respondent continues to be in violation of its Finding of Fact/ Conclusion of Law/Order dated September 9, 2024. The total accrued lien amount as of today is, \$3,250.00 (65 days x \$50.00) which amount is hereby imposed and upon recordation of a certified copy of this order shall constitute a lien against the real and personal property of the respondent, in accordance with Chapter 162, Florida Statutes.

21. E2024-0093 City of Mount Dora v. Elevation MT Dora LLC (20935 US HWY 441)

Violation: Order Imposing Fine and Creating Lien

Respondent Name: None Present

Magistrate Order: THIS CAUSE having come before the undersigned Magistrate on the 13th day of November, 2024, and said Magistrate having heard testimony, accepted evidence and being otherwise fully advised in the premises hereof, finds as a matter of fact that the Respondent remains in violation of its Finding of Fact/ Conclusion of Law/Order. A fine shall be imposed for each day the property located at 20935 US Highway 441 remains in violation. Said fine from August 8, 2024 through September 9, 2024 has accrued a fine amount of \$3,200.00 (32 days x \$100.00) is hereby ratified. The violation having not been cured on the ordered compliance date, the fine amount of \$250.00 a day starting on September 9, 2024, until compliance was met on September 19, 2024 in the amount of \$2,250.00 (10 days x \$250.00) which amount is hereby imposed and upon recordation of a certified copy of this order shall constitute a lien against the real and personal property of the respondent, in accordance with Chapter 162, Florida Statutes.

VII. Administrative Business

Next Special Magistrate Hearing scheduled for December 12th, 2024 at 10:00 a.m.

VIII. Adjournment

The City of Mount Dora's Special Magistrate Hearing was adjourned at 4:45pm on Wednesday November 13th, 2024.

Catherine Hutcheson

Catherine Hutcheson, Clerk

A. Sumner

Adam Sumner, Deputy Planning Director