



CODE ENFORCEMENT HEARINGS OF THE
SPECIAL MAGISTRATE
MONTVERDE, FLORIDA
WEDNESDAY, AUGUST 28, 2024
10:00 a.m.

MONTVERDE TOWN HALL
COUNCIL CHAMBERS

17404 SIXTH ST
MONTVERDE, FLORIDA

I. CALL TO ORDER:

II. CITY CLERK ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES:

I solemnly affirm that the evidence that I shall give shall be the truth, the whole truth, and nothing but the truth.

III. ANNOUNCE FORMAT OF PROCEEDINGS:

IV. CODE ENFORCEMENT OFFICER/TOWN MANAGER AGENDA UPDATES

V. NEW CODE COMPLIANCE CASES:

Case No. CE 23-000332 – ORDER OF FINE
Respondent(s): Rondel and Nancy Shrewsbury
Violation Address: 16643 7th Street, Montverde FL 34756
Parcel ID# 11-22-26-0200-00B-00100
Alt Key# 1531756

1. General cleanliness of property.

Sec. 18-72 - It shall be unlawful and subject to penalties provided in this article to deposit garbage or weeds of any kind upon any vacant, occupied or unoccupied premises within the town, or upon any street, alley, parkway or park, or in any canal, waterway, rock pit, pool or lake within the town. Garbage and garden clippings shall not be burned within the town limits except when in accordance with the state division of forestry guidelines and/or restrictions. No garbage shall be buried within the town limits.

Violation Date: October 2, 2023

Case No. 24-000285 – ORDER OF FINE
Parque Verde LLC
Montverde FL 34756
Violation Address: Fosgate Road, Montverde, FL 34756
Parcel #: 11-22-26-0002-000-04100 - Alt Key # 3779570

1. No Site Development permit submitted to Town.

Sec. 4-606 Permits

No person shall be granted a site development permit for land-disturbing activity, without the town's approval of an erosion and sediment control plan. Land-disturbing activities of one acre (43,560 square feet) or more require a NPDES permit issued by FDEP.

2. No Erosion and sediment control plan submitted

Sec. 4-608. Erosion and sediment control plan.

- (a) The erosion and sediment control plan shall include the following:
- (1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this Code. This map should be at a scale no smaller than 1" = 100'.
 - (2) A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping.
 - (3) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and permanently, after completion of the site's development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 - (4) Sodding of all disturbed areas required. Types of sod, type and rate of lime and fertilizer application, and kind and quality of mulching for both temporary and permanent vegetative control measures.
 - (5) Provisions for maintenance of control facilities, including easements.

Sec. 4-609 Design Requirements

- (a) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Florida Department of Environmental Protection's (FDEP's) Erosion and Sediment Control Manual and shall be adequate to prevent the transportation of sediment from the site to the town's satisfaction.
- (b) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other sections of these regulations.
- (c) Clearing techniques that retain natural vegetation and drainage patterns, as described in the FDEP's Erosion and Sediment Control Manual shall be used to the town's satisfaction.

3. No erosion control measures are being used.

Sec. 12-154 Installation of erosion control measures prior to the start of construction. The following erosion control measures shall be installed prior to the start of any clearing or excavation of any site within the town:

- (4) Inlet protection. Any stormwater inlets on the subject property or in a public right-of-way within 100 feet of a public right-of-way shall be protected with filter fabric or other sediment, control measures.

4. Trash, debris and illegal storage on the property

Sec. 18-72. Responsibilities of owner

It shall be the responsibility of the owner to maintain the general cleanliness of the property. The accumulation or storage of garbage may tend to depreciate property values in the area or create a nuisance or hazard and shall not be allowed to accumulate on any lot or parcel of land within the corporate limits of the town except as may be allowed by permit approved by the town council, or except when such materials are properly housed and out of public view.

Violation Date: 1st February 16, 2023

Case #: 24-000246 – ORDER OF ENFORCEMENT

Bonatti Robson & Mariana De Angelo

Violation Address: 17650 Doris Street, Montverde Florida 34756

Parcel ID# 01-22-26-0050-000-03200 Alt Key: 3404777

1. Fence was installed without a permit.

Sec. 4-260. Permit required. The purpose of this section is to protect the rights of adjoining property owners, not have fences in excess of the heights set forth in this article, and to minimize property damage associated with weather events and other catastrophes.

(e) The construction of any fence shall require a building permit from the town. Before the building permit is issued, the applicant shall submit plans which shall show the dimensions of the property, the type of fence proposed to be constructed and its location on the property. Upon approval by the town manager or designee, a building permit may be issued.

2. Non-Conforming Fence

Sec. 4-256 Height of Fence

(a) The maximum height of any fence or masonry fence in any zoning district is six (6) feet. A six (6) inch deviation in height to account for topographic changes may be granted by the Town staff using reasonable judgement.

Violation Date: June 18, 2024

Case #: 24-000159 – ORDER OF ENFORCEMENT

Frank Redmond and Terry Johnston

Violation Address: 16111 Ridgewood, Montverde Florida 34756

Parcel ID# 02-22-26-0150-000-01900 Alt Key: 2668831

1. Accessory Building (Shed) added without permit

Sec 5-42 Administration

(c) Permits

(1) *Permit and permit fee required.* It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the Town of Montverde without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

2. Setbacks for the accessory building (shed) are non-conforming

Sec 10-52 R1m-Medium district:

Setbacks: Front yard minimum building setbacks 25 feet, side yard minimum 7 ½ feet, rear yard minimum 25 feet

Violation Date: July 24, 2024

1. High weeds and grass throughout the property

Sec. 18-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means every accumulation of paper, excelsior, rags, wooden and paper boxes or containers, sweepings and all other accumulation of waste materials which are usual to housekeeping and to the operation of stores, offices and other business places, including bottles, cans and containers; unsightly junk, wood, brick, cement block or other debris, refrigerators, furnaces, washing machines, stoves, machinery, inoperable or derelict motor vehicles or equipment or parts thereof; anything worthless, useless or discarded; rubbish; worthless, unwanted material that is rejected or thrown out; debris, litter; discarded animal and vegetable matter, as from a kitchen; and refuse.

Nuisance means:

- (1) Any public nuisance known in common law or in equity jurisprudence.
- (2) Any attractive nuisance which may prove detrimental to children whether in a building or upon an unoccupied lot. This includes any abandoned shafts, basements and excavations; or any abandoned or inoperable refrigerators, furnaces, machinery, motor vehicles or parts thereof; structurally unsound fences and structures; or any unsanitary excavations and depressions, any garbage, lumber, trash, fences, debris, weeds or vegetation which may prove a hazard for inquisitive minors.
- (3) Whatever is dangerous to human life or detrimental to health.

Owner means the person, trust or entity which owns the fee title to the property.

Weeds means grasses, annual plants, vines, and vegetation with growth in excess of 18 inches, but does not include trees, shrubs and cultivated flowers and gardens.

Sec. 18-72. - Responsibilities of owner

It shall be the responsibility of the owner to maintain the general cleanliness of the property. The accumulation or storage of garbage may tend to depreciate property values in the area or create a nuisance or hazard and shall not be allowed to accumulate on any lot or parcel of land within the corporate limits of the town except as may be allowed by permit approved by the town council, or except when such materials are properly housed and out of public view.

2. Swimming pool enclosure has missing screens.

Sec. 4-241. Location and distance restrictions; construction requirements.

- (d) All swimming pools shall be completely enclosed by a screened enclosure or by a fence. The fence shall be not less than four feet and not more than six feet in height. The fence shall be sufficiently constructed to prevent access to the swimming pool by children who do not reside on the premises or who are not invitees of the owner or lessee of the swimming pool. Each fence shall meet the minimum standards for fence construction as outlined in this chapter. All gates and other openings in the enclosure or fence shall meet the most current requirements of the Florida Building Code. The requirements of this section shall not apply to swimming or wading pools the maximum depth of which is 18 inches or less measured from the surface water level to the bottom of the pool.

Violation Date: July 24, 2024

Case No. 24-000153 – ORDER OF ENFORCEMENT

Frederick Fricker and Janet Scully

Violation Address: 16525 Lowry Road, Montverde, Florida

Parcel ID#: 02-22-26-0200-006-00008 Alt Key: 3921582

1. No permit obtained for driveway.

Section 5-42 Administration

(c) *Permits.*

(1) *Permit and permit fee required.* It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the Town of Montverde without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

2. No construction management plan submitted.

Section 12-152 Installing a driveway without proper construction management plan.

A construction management plan shall be submitted to the town clerk with the application for any zoning release or building permit that includes any clearing, excavating, removal of significant vegetation (greater than 200 square feet), or other earthwork. The construction management plan shall include the following information:

- (1) Existing buildings, driveways, pavement, and other improvements.
- (2) Proposed buildings, driveways, pavement, and other improvements.

3. Pool Discharge into the lake

Sec. 4-678 – Discharge prohibitions

(a) Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

Violation Date: July 24, 2024

Case No. 24-000225 – ORDER OF ENFORCEMENT

Kimberly Santana

Violation Address: 16751 County Road 455, Montverde Florida

Parcel #: 02-22-26-0200-006-00008 - Alt Key # 3921582

1. Recreation Vehicles being used as a residence in a zoning district that is designated as single family

Sec. 10-51. - R1L—Single-family low density district.

- (a) Description of district. The R1L zoning district is intended for single-family residence to preserve and enhance low density neighborhood values.
- (b) Permitted uses. The following are permitted uses in the R1L zoning district:
 - (1) Single-family dwelling units having a minimum living area of 1,100 square feet for one or two bedroom residences and 1,250 square feet for three or more bedroom residences, exclusive of garages, carports, and screened areas.
 - (2) Family day care homes.
 - (3) Community residential homes with six or fewer residents.
 - (4) Buildings, structures or uses maintained or operated by the town.

2. **Excess trash and debris in a residential area creating a nuisance.**

Sec. 18-73. - It shall be unlawful and subject to penalties provided in this article to deposit garbage or weeds of any kind upon any vacant, occupied, or unoccupied premises within the town, or upon any street, alley, parkway, or park, or in any canal, waterway, rock pit, pool or lake within the town. Garbage means every accumulation of paper, excelsior, rags, wooden and paper boxes or containers, sweepings and all other accumulation of waste materials which are usual to housekeeping and to the operation of stores, offices and other business places, including bottles, cans and containers; unsightly junk, wood, brick, cement block or other debris, refrigerators, furnaces, washing machines, stoves, machinery, inoperable or derelict motor vehicles or equipment or parts thereof; anything worthless, useless or discarded; rubbish; worthless, unwanted material that is rejected or thrown out; debris, litter; discarded animal and vegetable matter, as from a kitchen; and refuse.

VI ADJOURNMENT