



CODE ENFORCEMENT HEARINGS OF THE
SPECIAL MAGISTRATE
MONTVERDE, FLORIDA
WEDNESDAY, OCTOBER 19, 2022
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 2022-09 – REQUEST FOR ORDER OF ENFORCEMENT UPDATE, AFFIDAVIT OF NON-COMPLIANCE, ORDER OF FINE

Respondent: Mark Duncan

16233 Four Lakes Lane, Montverde FL 34756

Parcel #: 02-22-26-0450-000-04600

Alt Key#: 2577525

Violation of Town Code, Section(s):

1. Work performed prior to issuance of a building permit and approved plans.
Sec 5-42 (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) Drawings and specifications additional data. In addition to the submittals required by the Florida Building Code, the building official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.
2. Concrete pad/walkway built within 50' of delineation of the seasonal high-water elevation or jurisdictional wetland line.
Ordinance No. 2020-024 Wetland and Surface Water setback-all structures including fences, sheds and accessory structures, excluding permitted docks shall adhere to a minimum setback of 50 feet from the delineation of the seasonal high-water elevation or jurisdictional wetland line.
3. Concrete pad/walkway poured into the seven and one-half feet side setback criteria.
Sec. 10-52. - R1M—Medium district
 - (e) Site development standards. The following schedule reflects the site development standards of the R1M zoning district: Side yard minimum building setbacks 7½ feet.

4. Installed a drainage system without a public right of way permit and does not meet town engineering specifications.

Sec. 22-1. - Purpose and intent

The physical alteration, either temporary or permanent, of any public right-of-way that is under the jurisdiction of the town, or any activity that results in an impediment within a public right-of-way that is under the jurisdiction of the town, shall require a right-of-way utilization permit be issued by the town for such alteration or impediment. A physical alteration or impediment shall include, but not be limited to, the following:

- (1) Excavation of any kind and for any duration.
- (4) Construction, installation, or repair of any stormwater management system, drainage pipe, or culvert.
- (5) Construction, installation, or repair of any structure.

5. Environmental drainage swale must be constructed.

Sec. 4-52. - Lot grading plan requirements

(h) All lots in the basin of Lake Florence or Lake Apopka will be required to have an environmental drainage swale adjacent to the lake that will remain dry during the wet season. This shall be shown on the residential lot site plan.

6. Building a retaining wall/fence without a permit.

Sec 4-260 (b)

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 dimension of the property, the type of fence proposed to be constructed and its location on the property.

7. **Sec 4-52 Lot grading plan requirement**

(e) If a retaining wall is required, then the wall should be shown with the grading plan and design certified by a state registered engineer, if over 36 inches in height. Walls over 60 inches will not be allowed. Any wall 36 inches and over shall be installed with a decorative aluminum handrail, as required by the Florida Building Code. Wood retaining walls are prohibited.

(f) The above information will be reviewed by the engineer representing the town and other consultants as required. Owner will pay engineering costs for the review as approved by the town council.

Date of Initial Inspection: March 24, 2022

Date issued notice of violation: April 12, 2022

Date violation was to be corrected: April 26, 2022

Case No. CE2021-02 – REQUEST FOR ORDER OF ENFORCEMENT UPDATED

Respondent: Parque Verde LLC

Fosgate and Ridgewood - Montverde, FL 34756

Parcel ID # 09-22-26-0201-017-00000 & 11-22-26-0002-000-04100, Alt Key 1029490 & 3779570

Violations: Violation of Town Code, Section(s):

1. Construction of a fence without a Zoning Clearance and Permit: Article XI, Section 4-260 of Montverde Land Development Code states no fence shall be constructed without a Zoning Clearance and Building Permit from the Town.

Corrective Action: Obtain a permit and apply for zoning clearance with the Town.

2. Construction of two (2) driveways without a Zoning Clearance and Permit: Article IV, Section 4-84 of Montverde Land Development Code states no driveway or driveway apron may be constructed without a Zoning Clearance and Building Permit from the Town.

Corrective Action: Obtain a permit and apply for zoning clearance with the Town. You are also required to obtain a Road Apron Permit from Lake County as Fosgate Road is a Lake County Road located within the Town.

3. Removal of trees without a Tree Permit: Article I, Chapter 10, Sec. 12-3 of the Montverde Land Development Code states no trees shall be cleared or removed without obtaining a Permit from the Town.

Corrective Action: Obtain a permit from the Town.

4. Storage and sale of retail and/or wholesale nursery items: Article I, Chapter 10, Sec. 10-51, R1L-Single-family low density district states any use not listed as a permitted or conditional use as outlined in this section is considered a prohibited use. The storage and sale of retail and/or wholesale nursery items is prohibited until the property is rezoned.

Corrective Action: Cease the storage and sale of retail and/or wholesale nursery items until rezoning is granted.

Date of violation: February 2, 2021

Date by which the violation was to be corrected: March 4, 2021.

Case No. 2022-21 – REQUEST ORDER OF ENFORCEMENT

Respondent: Mr./Mrs. Wayne Fields

16342 Cardy Street, Montverde, FL 34756

Parcel # 02-22-26-0400-000-04701, Alt Key 1463017

Violations: Violation of Town Code, Section(s):

1. Constructing a deck without a permit
Sec. 2-80. - Issuance of building permits.
(a)It shall be unlawful for a structure to be erected on a lot or parcel of land within the town unless a building permit has been issued. Furthermore, no building permit shall be issued unless one of the following conditions is met:(1)The lot or parcel is within a subdivision for which a final development plan has been approved by the town council and the required improvements have been installed and accepted by the town council. permit from the county health department.(3)The lot or parcel abuts a public street which has been dedicated to the town and accepted by the town council, or is shown on a legally recorded subdivision plat.(4)A variance has been granted pursuant to this LDC.(b)In addition, no building permit shall be issued until all fees for water, sewer, electrical service and offsetting of impact are paid and appropriate development agreements are approved.

Corrective Action: You will need to obtain a proper Building Permit and deck must meet the Town Code.

2. 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.

Corrective Action: Persons residing in the recreational vehicle must vacate the vehicle.

3. Fence constructed without a permit

Sec. 4-260 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 dimension of the property, the type of fence proposed to be constructed and its location of the property.

Corrective Action: You will need to obtain a proper Building Permit and build the fence to meet the Town Code.

Date Violation first Observed: September 20, 2022

Date by which violation was to be corrected: October 2, 2022

Violation Notice: September 22, 2022

Case No. 2022-15 – REQUEST ORDER OF ENFORCEMENT

Respondent: Mr. Sean Meder

17654 County Road 455, Montverde, FL 34756

Parcel # 02-22-26-0800-000-00300, Alt Key 3874501

Violations: Violation of Town Code, Section(s):

1. Silt Fencing is not installed properly

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:

- (1) *Sediment control.* Silt fencing that complies with Town Grading Detail G-2 (available from the town clerk) shall be placed at the base of a slope steeper than five percent (20 feet horizontal to one foot vertical) or along the down slope property line if the slope continues beyond the property line. Any area proposed as a stockpile area shall be surrounded by silt fencing or other sediment control measures.

Corrective Action: Install Silt Fencing correctly

2. Waste Container removed from site with trash and debris at site.

Sec. 18-49 - Construction site waste container—Required.

The town shall not issue a building permit to construct, renovate, or demolish any building unless the person applying for the permit maintains at the construction site a trash container approved by the mayor. The mayor shall approve all trash containers at the time the building permit is issued. Any person aggrieved by the decision of the mayor shall have a right of appeal to the town council. If an appeal is filed, the town council shall hold a public hearing to approve or disapprove the mayor's decision. The decision of the town council shall be final.

Corrective Action: Keep trash dumpster (container) on site

Date Violation first Observed: April 25, 2022

Violation Notice: April 28, 2022

Date by which violation was to be corrected: Immediate

Based on this foregoing, the undersigned hereby certified that the foregoing statements are true and correct, and that the above-described violation(s) continue to exist, that attempts to secure compliance have failed and that the violation(s) should be set for a public hearing before the Code Enforcement Special Magistrate.

If a person decides to appeal any decision made by the Board, Agency or Commission with respect of any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purposes, he or she may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act (ADA), if a person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Town of Montverde, at 17404 Sixth St., Montverde, FL (407) 469-2681.

Notice is hereby given, that one or more Members of the Montverde Town Council may be present at this meeting.