

**Minutes
Code Enforcement Board Meeting
City of Oviedo
January 22, 2009**

The Code Enforcement Board of the City of Oviedo, Florida met in regular session Thursday, January 22, 2009.

Chairman Rob Thrift called the Meeting to order at 6:34 P.M.

Board Attorney Jennifer Barrington swears in new Code Enforcement Board member Tanya Walter.

ROLL CALL

Present: Robert Elfand, Curtis Gashlin, Tia Hughes, Darrell Lopez, Annie Soares, Robert Thrift, Tanya Walter

Absent: None

Staff Present: Shawn E. O'Rourke, Code Enforcement Manager; Monica Anderson, Code Enforcement Officer; Jim Orioles, Code Enforcement Officer; Debbie Pope, Secretary.

APPROVAL OF MINUTES

Motion by Mr. Lopez to accept the minutes of the December 4, 2008 Code Board Hearing as written. Seconded by Mr. Gashlin.

AYE: Elfand, Gashlin, Hughes, Lopez, Soares, Thrift, Walter

NAY: None

MOTION CARRIED: 7-0

Shawn E. O'Rourke, Monica M. Anderson, Jim Orioles, Ali Vaziri and Ryan Waddell were sworn in by Board Attorney Jennifer Barrington.

OLD BUSINESS

A) Status of Case CE08-00000589

ALI A & AREZOU VAZIRI
190 W. ARTESIA ST.
OVIDO, FL 32765

RE: 190 W. ARTESIA ST., OVIDO FL 32765
Parcel I.D.: 25-20-31-5BA-0000-013B

Mr. O'Rourke updated the Board with the current status of the case. He explained the Respondent has requested a hearing to challenge the fine and subsequent lien to be imposed in what is referred to as a "Massey Hearing". Mr. Vaziri addressed the board and explained the reasons why he felt the fine should be reduced.

Motion by Mr. Gashlin to find Respondents, ALI A & AREZOU VAZIIR, RE: 190 W ARTESIA ST, OVIEDO FL 32765-9583 in Case CE08-00000589, provided evidence and/or testimony to the Board that warrants a reduction of the total fine amount from \$11,500.00 to \$5,000.00 TO BE PAID WITHIN 30 DAYS FROM THE DATE OF THIS ORDER, OR THE FINE REVERTS TO THE ORIGINAL FINE AMOUNT. Seconded by Ms. Hughes.

AYE: Hughes, Soares, Gashlin
NAY: Walter, Thrift, Lopez, Elfand
MOTION CARRIED: 3-4

Motion Fails

Motion by Mr. Lopez to find Respondents, ALI A & AREZOU VAZIIR, RE: 190 W ARTESIA ST, OVIEDO FL 32765-9583 in Case CE08-00000589, provided evidence and/or testimony to the Board that warrants a reduction of the total fine amount from \$11,500.00 to \$9,200.00 TO BE PAID WITHIN 30 DAYS FROM THE DATE OF THIS ORDER, OR THE FINE REVERTS TO THE ORIGINAL FINE AMOUNT. Seconded by Mr. Elfand.

AYE: Thrift, Lopez, Elfand
NAY: Hughes, Gashlin, Soares, Walter,
MOTION CARRIED: 3-4

Motion Fails

Motion by Ms. Hughes to find Respondents, ALI A & AREZOU VAZIIR, RE: 190 W ARTESIA ST, OVIEDO FL 32765-9583 in Case CE08-00000589, provided evidence and/or testimony to the Board that warrants a reduction of the total fine amount from \$11,500.00 to \$7,000.00 TO BE PAID WITHIN 30 DAYS FROM THE DATE OF THIS ORDER, OR THE FINE REVERTS TO THE ORIGINAL FINE AMOUNT. Seconded by Gashlin.

AYE: Soares, Gashlin, Hughes, Walter
NAY: Thrift, Elfand, Lopez
MOTION CARRIED: 4-3

B) Status of Case CE08-00001287

DARIO A & DORA RODRIGUEZ
4515 BOND LN
OVIEDO, FL 32765

RE: 204 LONG ACRES LN, OVIEDO FL 32765
Parcel ID: 14-21-31-300-004Y-0000

Mr. Orioles updated the Board with the current status of the case

C) Status of Case CE08-00001412

JOHN S & FRANCINE LENTES
1007 KELSEY AVE
OVIEDO, FL 32765

RE: 1007 KELSEY AVE, OVIEDO FL 32765-7046
Parcel ID: 23-21-31-505-0000-0250

Ms. Anderson updated the Board with the current status of the case.

NEW BUSINESS

A) Case CE08-00001481

GEMINI TOWN CENTER H LLC &
GEMINI TOWN CENTER 1 LLC ET AL
16740 BIRKDALE COMM PKWY #301
HUNTERSVILLE, NC 28078

RE: 199 E MITCHELL HAMMOCK RD., OVIEDO FL 32765
Parcel I.D.: 15-21-31-524-0000-0020

REPEAT VIOLATION of the City of Oviedo Land Development Code **Section 4.11. Prohibited Uses and Specific Exclusions. (A) Prohibited Uses** The following uses are specifically prohibited in all districts: **(3) Use of a vehicle, motor vehicle, or temporary structure** in which, out of which, or from which any goods are sold or stored, any services are performed, or other business conducted unless it is an authorized accessory use or special event.; **Section 14.2. Sign Permits. (A) Permit Required** It shall be unlawful for any person to erect, construct, alter or relocate within the City, any sign without having first obtained a permit therefore, except as provided for in this sign code.; **Section 14.3. General Provisions.; (B) Prohibited Signs** It shall be unlawful to erect or maintain any sign described as follows: **(10) Any other signs that are not expressly permitted by this article.;** **Section 14.4. On-Site Signs. (F) Mitchell Hammock Road/Division Street Extension Corridors** Mitchell Hammock Road and the extension of Division Street from CR 426 to Mitchell Hammock Road will form new development corridors for the City. In order to fulfill the comprehensive planning objectives of the City, the following additional sign regulations shall apply to these corridors to enhance the appearance of the corridors and to enhance traffic safety: **(3) Prohibited Signs.** In addition to those signs generally prohibited by Section 14.3, Subsection (B) of this article, portable signs, parasite signs, pennants and banners shall be prohibited along these corridors.

Motion by Mr. Elfand to find Respondent, GEMINI TOWN CENTER LLC, RE: 199 E MITCHELL HAMMOCK RD, OVIEDO FL 32765-4700 in Case CE08-00001481 was in "repeat violation" pursuant to the Board's Original Order of December 13, 2007, of the City of Oviedo Land Development Sections 4.11 Prohibited Uses and Specific Exclusions,

(A)(3), 14.2 Sign Permits (A), 14.3 General Provisions (B)(10) & 14.4 On Site Signs (F)(3); on November 15, 2008 and November 23, 2008 and that a fine in the amount of \$250.00 per day be imposed for 2 days of "repeat violation" resulting in a total fine of \$500.00. Seconded by Mr. Lopez.

AYE: Elfand, Gashlin, Hughes, Lopez, Soares, Thrift, Walter
NAY: None
MOTION CARRIED: 7-0

B) Case CE08-00001413

ANA M. & GEORGE W CLARKSON
1002 CHANCE COVE
OVIDO, FL 32765

RE: 1002 CHANCE COVE, OVIDO FL 32765
Parcel I.D.: 26-21-31-501-0000-0310

VIOLATION of the Code of Ordinances of the City of Oviedo **Sec. 22-45. General requirements.** (a) The keeping, dumping, storing, placing or maintaining of any motor vehicle, vehicle or vessel that is not licensed, or not operational, or which is physically or mechanically incapable of being, or legally not permitted to be, operated on the public streets is prohibited on any property within the city or on the public street or public street right-of-way unless said motor vehicle, vehicle or vessel is entirely contained within a completely enclosed building or unless lawfully authorized in connection with the operation of an approved business enterprise or storage facility.; and of the City of Oviedo Land Development Code **Section 4.11. Prohibited Uses and Specific Exclusions. (B) Prohibited Accessory Uses.** The following activities are prohibited in residential districts: **(1)** Storage outside of a substantially enclosed structure of any motor vehicle that is either unlicensed or inoperable.

Motion by Mr. Elfand to find Respondents, ANA M & GEORGE W CLARKSON, RE: 1002 CHANCE COVE, OVIDO FL 32765-7068 in Case CE08-00001413 were in violation of the Code of Ordinances of the City of Oviedo Sec. 22-45. General requirements. (a); and the City of Oviedo Land Development Code Section 4.11. Prohibited Uses and Specific Exclusions. (B) (1); that the violation is now corrected, and that a violation of the same code by the Respondent within five (5) years from the date of this Order shall be treated as a repeat violation for which a fine of up to \$500.00 per day may be imposed. Seconded by Mr. Lopez.

AYE: Elfand, Gashlin, Hughes, Lopez, Soares, Thrift, Walter
NAY: None
MOTION CARRIED: 7-0

C) Case CE08-00001471

KYLE E. & MARY T. COOK
284 W. HIGH ST.
OVIDO, FL 32765

RE: 284 W. HIGH ST., OVIDO FL 32765
Parcel I.D.: 16-21-31-507-0000-0010

VIOLATION of the City of Oviedo Land Development Code **Section 3.4. Development Permits. (A) General** A development permit authorizes the actual commencement of tree removal; land clearing, grading, or excavation; paving; utility service installation; construction within City right-of-way; construction of buildings or other structures; or the use of land for an approved special event. Development permits include the following: **(1)** Building permit.

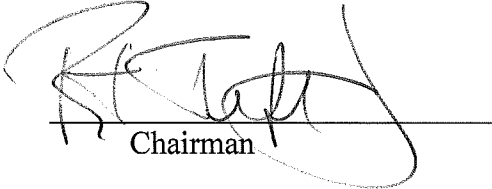
Motion by Mrs. Hughes to find Respondents, KYLE E & MARY T COOK, RE: 284 W HIGH ST, OVIDO FL 32765-7517 in Case CE08-00001471 are in violation of the City Of Oviedo Land Development Code Section 3.4 (A) (1); and that the Respondents correct the violation by: February 20, 2009 by: *Applying for and obtaining the required permits from the City of Oviedo.*

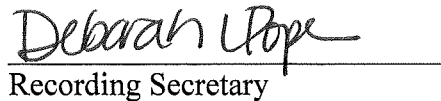
In the event the Respondents do not comply with this Order, a fine in the amount of \$200.00 will be imposed for each and every day the violation continues past the forestated date. The Respondents are further ordered to contact the Code Enforcement Officer to verify compliance with this Order. Seconded by Mr. Elfand.

AYE: Elfand, Gashlin, Hughes, Lopez, Soares, Thrift, Walter
NAY: None
MOTION CARRIED: 7-0

ADJOURNMENT

Meeting adjourned at 7:27 P.M.


Chairman


Recording Secretary