

**CITY OF MAITLAND
CODE ENFORCEMENT HEARING
February 1, 2023**

MINUTES

I. CALL TO ORDER

II. PUBLIC HEARING

Special Magistrate Mantzaris, all present to testify are sworn in, and explanation of meeting given. People sworn in Code Enforcement officer Andy Arcaya, Building Official Brian Mitchell, Alysa Eide, Kim Tracy, Chris Kennedy, Willie Ramos, Bruce Hurn, Rich Napolitano.

OLD CASES

CODE-11-21-2416 Olga De La Hoz Homes LLC,
Location of Violation: 2011 Dyan Way, Maitland Fl 32751
Violation: Request for fines

Respondent Mr. Christian Pestana present at table.

City Code Enforcement Attorney Drew Smith presents the reviews the case and here today to request for imposition of fines and add time with fine included to give more time if not met.

Code Enforcement Officer Andy Arcaya presents case about request for fine to the order from 1/4/2023 is not in compliance.

Special Magistrate Mantzaris asks Mr. Christian Pestana if he understands the ruling about FBC 105.1, and compliance was needed by 1/20/2023 for permits needed for doors and windows and was construction stopped. Christian Pestana confirms he is the principal of the LLC.

Mr. Christian Pestana follows that his company does this for a living and always pulls required permits when needed. When City Code Enforcement sited, about not having permits for work done has complied 100 %, has pulled two permits to resolve.

Special Magistrate Mantzaris explains that was the part of case hearing back in January 2023, Mr. Christian Pestana follows up all communication were to address he does not get mail at, Magistrate Mantzaris explains per Ch 162 the mail is required to be sent to

Orange Co Taxing Authority Mr. Christian Pestana responds the city has his email and phone number and mailing/notification are minimum law.

Attorney Drew Smith to Mr. Christian Pestana asks to clarify the situation and asked if the front door was replaced, Mr. Christian Pestana responded he is in conversation with the Magistrate, Attorney Drew Smith re-asks question and followed with request to Magistrate Mantzaris to ask question, Mr. Christian Pestana responded he would have to look at is notes if front door was replaced.

Mr. Christian Pestana states he has tried twice to close case and have had no communication from City of Maitland and per the law minimal communication to address on LLC, he has since hired a general contractor to cure the permitting issues, adding new GC has called several times with no response.

Special Magistrate Mantzaris asks when will be applied for Mr. Christian Pestana responds Friday and some of work was performed by previous owner, also has documentation needed for inspections and ask for better communication with city

Magistrate Mantzaris to Drew Smith asks about what city is asking for if fine not met order starts from 1/20/23 what is accrual rate, Drew Smith answers \$250 per day and push back the compliance date to 3/2/2023.

Magistrate Mantzaris asks Mr. Christian Pestana can meet 3/2/23 date, response yes.

Drew Smith states this is consistent of what city is asking for.

Special Magistrate Dan Mantzaris rules fine \$250.00 is accrued from 1/20/2023 and compliance date extended to 3/2/2023, if not cured may bring back for imposition of fines.

Mr. Christian Pestana is notified he will receive a copy at Panama Road address. Mr. Christian Pestana states address is not working and gives 300 N NY Ave # 1163 Winter Park 32789 as where to mail.

CODE-10-21-2408 Classic Richard Napoleon Owner

Location of Violation: 1000 S Orlando Ave B22, Maitland FL 32751

Violation: Sec. 105.1 Building without Permit

Description of Violation: Building with out permit, interior renovation needed permit. Permits applied for expired without finial inspections.

City Attorney Drew Smith read case and ask CE officer Andy Arcaya to present the case.

Code Enforcement Officer Andy Arcaya presents case packet about work done without permits due to applied permit expiring without final inspection.

Attorney Smith asks if the permits are expired, CE Arcaya answers yes, expired and follow up questions from Attorney Smith asking what permits are needed.

Attorney Smith asks if CE has met with responded and discussed a cure, Arcaya answer yes. Attorney Smith asks was a reasonable time frame need discussed. Arcaya answers no. Attorney asks what CE Officer Arcaya what reasonable time is, Arcaya answers 90 Days.

Drew Smith asked what is need to cure issue, Arcaya answer permits applied for all work done without permits, and states owner had meeting with about Building Department needing a better understanding of what work was done.

Magistrate Mantzaris asks Mr. Richard Napoleon if he understands what the violation is and if he is the contractor and Mr. Richard Napoleon replies he is acting as contractor. Question arises about Owner/Builder in Condo.

Building Official Brian Mitchel responds the work is interior and not associated with the Condo Association. Talk about this is tabled for latter.

Magistrate Mantzaris aske Brian Mitchel what is reasonable time and Brian Mitchel answers the city needs a better understanding of what was done as this is an after the fact permits and may need engineering report for finials.

Attorney Smith City will offer 150 days to cure violation, also state owner/builder permit may not be allowable for Condo.

Mr. Richard Napoleon ask what permit are need, Arcaya answers for all work done, With Brian Mitchel responding to Magistrate Mantzaris question about what is needed, that City has never had access to unit to determine.

Magistrate Mantzaris in violation for 105.1 building without permit and cured by 6/5/2023. If not met may bring back before Special Magistrate for \$250.00 per day fine.

CODE-01-23-2527 Bruce Hage

Location of Violation: 2052 Mohawk Trail, Maitland FL 32751

Violation: Sec. 105.1 Building without Permit

Description of Violation: Sec. 20-97 Soil Erosion

Mr. Bruce Hage at table.

City Code Enforcement Attorney Drew Smith and for Public Works representative to move forward to table and calls Code Enforcement Officer to present case.

City Engineer Alyssa Eide-Cadle moves forward

CE Officer Andy Arcaya presents case packet.

Drew Smith asks City Engineer Alyssa Eide-Cadle if anything to add and response is no. Case is rested.

Special Magistrate Mantzaris asks question to clarify pipe in photos, with Mr. Bruce Hage answering he does not know where pipe goes and believes it is capped. Also saying hurricane Ian created issues with embankment at rear of property, also the City has graded the stream edge in past. Started to build wall and neighbor construction was going on and building a wall so he stopped. Had planned to build wall and plant to control run-off.

Alyssa Eide-Cadle answers the concept of plan will work, permits will need to be pulled, Arcaya asked if permit is pulled, Arcaya requests to talk about permitting with DM wanting to move on with erosion issue.

Magistrate Mantzaris asks Mr. Bruce Hage about needing and understanding what is needed to correct the erosion issue, Mr. Hage agrees to do what ever is needed but questions ask of the City are not answers and he is given no direction.

Drew Smith suggests giving 90 days for plans to be drawn up and silt fencing up within two weeks for temporary mitigation and a permanent solution following.

Magistrate Mantzaris rules in violation of Sec. 20-97 soil erosion permits cured by 7/5/2023 and silt fencing to be cured by 2/15/2023. If not met may bring back before Special Magistrate for \$150.00 per day fine.

III. NEW BUSINESS – None

IV. NEXTSCHEDULED MEETING – March 1, 2023

V. ADJOURNMENT Magistrate Mantzaris adjourned the meeting at 10:15 a.m.