



**Special Magistrate Hearing
Minutes
August 7, 2024**



9:30 AM

I. CALL TO ORDER

II. SWEARING IN OF WITNESSES

Sworn in Andy Arcaya, Kim Tracy, Michael Dipasqua.

III. CALL OF THE CASES

IV. OLD CASES

None

V. NEW CASES

1. CODE-11-23-2682 HERBERT GREEN JR. 2641 CARVER AVE. SEC. 7 6 EXCESSIVE GROWTH OF GRASS, WEEDS AND BRUSH, SEC. 5.2.4 (A)(A)(C) PARKING RESTRICTIONS, SEC. 7-5 (A)(B) ACCUMULATION OF TRASH / JUNK, IPMC 304.1 EXTERIOR STRUCTURE.

CODE-11-23-2682 Herbert Green Jr. 2641 Carver Ave. Sec. 7 6 Excessive growth of grass, weeds and brush, Sec. 5.2.4 (a)(A)(C) Parking restrictions, Sec. 7-5 (a)(b) accumulation of trash / junk, IPMC 304.1 Exterior structure.

Special Magistrate Dan Mantzaris called for the case.

Respondent not present.

City Attorney Drew Smith asked CE Officer Arcaya to present the case. Code Enforcement Officer Arcaya presents the case.

City Attorney Drew Smith asked questions about overgrowth, vehicles, debris, and a damaged open window.

City Attorney Drew Smith asks what is needed for compliance, Arcaya answers that property needs to be mowed, debris removed, board up open window, and remove unregistered vehicles. City Attorney Drew Smith asks if 30 or 14 days is a reasonable time to cure. CE asks for boarding of window within 14 days and the rest of violations have 30 days to be cured.

Special Magistrate Dan Mantzaris finds in violation of Sec. 7 6 Excessive growth of grass, weeds and brush, Sec. 5.2.4 (a)(A)(C) Parking restrictions, Sec. 7-5 (a)(b) accumulation of trash / junk, IPMC 304.1 on or before 9/7/2024, and Exterior structure to be cured by 8/22/2024 with order to include 30 day appeal period for fines.

2. CODE-06-24-2754 MWAD PHASE II 8801 ALBEMARLE RD SEC. 20-97(A) DISCHARGE POLLUTING MATTER, LDC 5.3.6(C)(1) PRESERVATION DURING CONSTRUCTION.

CODE-06-24-2754 MWAD Phase II 8801 Albemarle Rd Sec. 20-97(a) Discharge polluting matter, LDC 5.3.6(c)(1) Preservation during construction.

Special Magistrate Dan Mantzaris called for the case.

Respondent not present.

City of Maitland Public Works Director Kim Tracy was present.

City Attorney Drew Smith asked CE Officer Arcaya to present the case.

Code Enforcement Officer Arcaya presents the case. Attorney Smith

asked CE Officer Arcaya to show where the retention pond is on the site map. CE Officer answers using overhead projection.

City Attorney Drew Smith asks follow-up questions about. Barriers for erosion control and site permitting. City is asking for pond to be cleared of silt and barriers installed to prevent erosion.

Special Magistrate Dan Mantzaris asks what is to be constructed on site and the storage of dirt.

Public Works Director Kim Tracy was called to testify, Attorney Smith asked questions about site conditions and the Site permit.

Director Tracy answers questions about the dirt stockpile, the pond on site prior to the Site permit and the need for the pond to be repaired.

City Attorney Drew Smith asks Director Tracy if this is an immediate health or safety issue. Director Tracy answers no.

Special Magistrate Dan Mantzaris asks what is the City asking for.

Attorney Drew Smith answers 30 days to replace the fence and clear out pond.

Special Magistrate Dan Mantzaris finds in violation of Sec. 20-97(a) Discharge polluting matter, LDC 5.3.6(c)(1) Preservation during construction to be cured by 9/7/2024 or may be brought back for fine up to \$250.00 per day.

3. CODE-07-24-2760 JOHN & ALICIA WALLER 1681 SHAWNEE TRL. LDC 5.3.6. (C)(1) PRESERVATION DURING DEVELOPMENT AND CONSTRUCTION, SEC. 7 6 EXCESSIVE GROWTH OF GRASS, WEEDS, AND BRUSH.

CODE-07-24-2760 John & Alicia Waller 1681 Shawnee Trl. LDC 5.3.6. (c)(1) Preservation During Development and Construction, Sec. 7 6 Excessive growth of grass, weeds, and brush.

Special Magistrate Dan Mantzaris called for the case.

Respondent not present.

City Attorney Drew Smith asked CE Officer Arcaya to present the case.

Code Enforcement Officer Arcaya presents the case.

City Attorney Drew Smith asks questions about overgrown conditions, barriers on site and types of barriers. CE officer Arcaya answers questions.

Special Magistrate Dan Mantzaris asked if there is an active building

permit. CE officer answers there is one in review and question about barriers needed during construction.

Special Magistrate Dan Mantzaris asked what is the City asking for, Attorney Drew Smith answers the property to be mowed and the fencing to be repaired by 8/22/2024 and include fines up to \$250.00 per day in order.

Special Magistrate Dan Mantzaris finds in violation of LDC 5.3.6.(c)(1) Preservation During Development and Construction, Sec. 7 6 Excessive growth of grass, weeds, and brush to be cured by 8/22/2024 or may be brought back for fine up to \$250.00 per day

4. CODE-01-24-2700 MICHAEL DIPASQUA 4 SHADOW LN. FBC 105.1 BUILDING WITHOUT PERMIT.

CODE-01-24-2700 Michael Dipasqua 4 Shadow Ln. FBC 105.1 Building without permit.

Special Magistrate Dan Mantzaris calls for case

Respondent Michael Dipasqua present.

City Attorney Drew Smith asked CE Officer Arcaya to present the case.

Code Enforcement Officer Arcaya presents the case.

City Attorney Drew Smith asks questions about the fence in the easement area and a permit application for the fence.

Special Magistrate Dan Mantzaris asks CE Officer Arcaya questions about the fence permit status and moving of the fence.

Attorney Drew Smith requests compliance by 8/22/2024 explaining the short duration of time is due to an upcoming Public Works project.

Special Magistrate Dan Mantzaris asks respondent Michael Dipasqua questions about understanding the compliance date and contractor.

Special Magistrate Dan Mantzaris finds in violation of FBC 105.1 to be cured by 8/22/2024 or may be brought back for a fine of up to \$250.00 per day.

5. CODE-01-24-2698 DONALD & CAROLE SCARLETT 6 SHADOW LN. FBC 105.1 BUILDING WITHOUT PERMIT.

CODE-01-24-2698 Donald & Carole Scarlett 6 Shadow Ln. FBC 105.1 Building without permit.

Special Magistrate Dan Mantzaris called for the case.

Respondent not present.

City Attorney Drew Smith asked CE Officer Arcaya to present the case.

Code Enforcement Officer Arcaya presents the case.

City Attorney Drew Smith discusses with the Magistrates about the pump needing to be removed by 8/22/2024 for an upcoming Public Works project in the easement area.

Special Magistrate Dan Mantzaris asks questions about pump location and Public Works marking the easement area for property owners to easily locate the easement area. CE Officer answers questions about property markers.

Special Magistrate Dan Mantzaris finds in violation of FBC 105.1 to be

cured by 8/22/2024 or may be brought back for a fine of up to \$250.00 per day.

VI. OTHER BUSINESS

None

VII. ADJOURNMENT

10:32