

**CODE ENFORCEMENT BOARD  
REGULAR MEETING  
NOVEMBER 14, 2022**

The City of Lake Wales Code Enforcement Board held an in person meeting on November 14, 2022 at 5:31 p.m. in the City Commission Chamber located in the City Administration Building.

**ATTENDANCE**

**Code Enforcement Board Members  
(Shaded area indicates absence):**

Dwight Wilson Chairperson	Ralph Marino Vice-Chair	Sara Jones	Bruce Austell	Courtney Schmitt	Julia Paul	Curtis Gibson
Bueford "Bud" Colburn Alternate 1	Alternate 2 Vacant					

Albert (Chuck) Galloway, Jr. – City Attorney

**City Staff: Development Services Department**  
Jose Lozada– Code Compliance Supervisor (CCS)  
Fany Lozano – Recording Secretary

1) **CALL TO ORDER** – Meeting called to order at 5:31 pm

2) **ROLL CALL** – A quorum was present.

Ms. Lozano did the attendance roll call.

3) **EXPLANATION OF PROCEDURES** – Chairperson

Mr. Wilson explained the procedures for the meeting and read the pledge of Civility as posted on the public podium.

4) **APPROVAL OF MINUTES – Regular Meeting – September 12, 2022**

Mr. Wilson asked for a motion to approve the minutes. Mr. Marino made a motion to approve the minutes. Ms. Jones seconded the motion. All voted in favor, the motion passed unanimously.

5) **ADMINISTER OATH/MISCELLANEOUS ITEMS**

5.1 Administer Oath:

Board secretary Ms. Lozano administered the oath to staff.

Mr. Wilson asked Ms. Lozano if she needed to be sworn in. Ms. Lozano stated yes and Mr. Wilson administered the oath to Ms. Lozano

6) **REVISIONS**

There were no revisions to the agenda.

7) **CASE(s) NEW BUSINESS**

7.1 Case # 2019-00521

City of Lake Wales VS Jesus Rivera and Diana I. Rivera  
725 Euclid Ave

PID: 27-30-12-921500-001160

Violation(s): 7-8 Building Permit Required

Jesus Rivera and Diana Rivera, property owners were present to provide testimony. Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

**CCS Report Start**

CASE # 2019-00521

OWNER: Jesus Rivera and Diana I. Rivera

VIOLATION ADDRESS: 725 Euclid Ave

PARCEL # 27-30-12-921500-001160

VIOLATION DATE: 09/25/2019

VIOLATION(S): 7-8 Building Permit Required

Facts regarding this case are:

- September 25, 2019– Stop work order issued and posted at the premises for enclosed carport without a permit. Date to correct: 5 days from date of posting.
- September 25, 2019 – Permit application was submitted to the Building Division.
- October 11, 2019 – Plan review comments provided to property owner by Building Official. (Plans submitted are incomplete and additional documents are required – Provide renovation plans designed by a Florida Design Professional to meet the Florida Building

Code requirement for enclosing structure, or alteration plans and scope of work to remove and restore to original carport)

- October 30, 2019 through April 16, 2020 – Numerous checks performed to see if property owner responded to Building Official comments for permit issuance. There was no response.
- Notice to Appear issued: 06/03/2021  
Date to Appear: 06/14/2021

- Certified Mail – Green Card
- Regular Mail
- Was posted at the violation address on 06/04/2021
- Green Card Signed on 06/05/2021

- June 4, 2021 – Mrs. Rivera called the office and spoke with staff and explained that she was under the impression that Rebuild Florida had pulled permits to perform the work. She was notified that no permits had been applied for or issued.
- June 7, 2021 – Property owner was notified that the case had been removed from the June 2021 agenda to allow her to continue to work with Rebuild Florida.
- Notice of Violation Issued: 06/16/2021  
Date to comply: 06/30/2021

- Certified Mail – Green Card
- Green Card Signed on 6/18/2021

- Notice to Appear issued: 03/04/2022  
Date to Appear: 03/14/2022

- Certified Mail Only – No Green Card – Delivered: 03/08/2022
- Regular Mail
- Was posted at the violation address on 03/04/2022

- March 9, 2022, Mr. and Mrs. Rivera came to the office and spoke to AA Lozano. They stated that they are still working with Rebuild Florida and that Rebuild Florida is going to tear down the house and build a new home for them. They provided Ms. Lozano with proposed plan drawings of future home to be built, and Housing Repair and Replacement Grant Agreement. Ms. Lozano told them that they still need to appear at the hearing.



- March 14, 2022 Case was presented to the Board and the Board issued the following order:

*“Respondent admits to the violation(s) and requests additional time to comply.  
The Board has ordered to table this case for 120 days (7/12/2022) with  
visible/documented progress to be presented to the Board.”*

- March 23, 2022 Minutes of the meeting were emailed to property owner as requested by the Board.
- July 12, 2022 property owner dropped off letter from Department of Economic Opportunity which stated that architectural plans were being worked on and they would be submitted for review within 3-6 weeks.
- July 14, 2022, Staff made contact with Florida Rebuild program representative and confirmed that there is an application for this property owner in process for the program. Staff allowed for the 3-6 weeks for processing.
- Notice to Appear issued: 10/19/2022  
Date to Appear: 11/14/2022
  - Certified Mail Delivered: 10/22/2022
  - Regular Mail
  - Was posted at the violation address on 10/25/2022
- October 31, 2022 – Property owners came in to office to request an inspection for compliance.
- November 1, 2022 - Met with Mr. Rivera (property owner) on site. Observed that enclosure was partially removed and blocks and construction debris was left on property. I advised Mr. Rivera that it is not in compliance and he still needs to come to the hearing.
- As of today's date, the cited violations still exist.

PROPERTY CASE HISTORY: NONE

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
STOP WORK ORDER POST	\$12.50
NTA CERT	\$6.96
NTA REG	\$0.51
NTA POST	\$12.50
NOV CERT	\$6.96
NTA CERT	\$4.28
NTA REG	\$0.53
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5	\$15.00
TRIP 6	\$15.00
TRIP 7	\$15.00
TRIP 8	\$15.00

TRIP 9	\$15.00
TRIP 10	\$15.00
TRIP 11	\$15.00
TRIP 12	\$15.00
TRIP 13 (CEB)	\$15.00
TRIP 14	\$15.00
TRIP 15	\$15.00
NTA CERT	\$4.57
NTA REG	\$0.57
NTA POST	\$12.50
TRIP 17 (CEB)	\$15.00
TRIP 18 (FUTURE)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$334.38

\*STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$334.38 to present this case

\*AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$250.00 (per day), every day the violation exists effective today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case and

- OR Board's Discretion
- This concludes my presentation.

**CCS Report End**

Mr. Wilson asked Ms. Lozano to translate for the property owner Mr. Lozada's testimony. Ms. Lozano translated and explained what staff is recommending to the Board and instructed Ms. Rivera to direct her questions to the Board and to present her case. Ms. Rivera stated that she is still waiting for Rebuild Florida, and that she communicated with them two weeks ago and that they have told her that they have a contractor ready to demolish the entire home and rebuild a home. Ms. Rivera stated that she has been waiting for almost two years. Ms. Rivera stated that she tried to get a permit, but it was never approved and she proceeded with enclosing the garage as an emergency because her daughter was being evicted. Ms. Rivera stated

that she asked her daughter last week for help with removal of the enclosed room and they did the best that they could and that the only thing that remains now is half of the wall and cement. Ms. Rivera stated that she is on social security and she does not have the funds to remove the rest of the wall. Ms. Rivera stated that she does not see the point in possibly borrowing money to proceed with removal of the half wall when the entire structure is going to be demolished. Ms. Rivera stated that Rebuild Florida is waiting for some sort of paperwork to release the money so that a contractor can contact her and the demolition can start. Ms. Rivera stated that back on July 2021, they started with the roof, but they did not finish that work. Ms. Jones asked for clarification if the only violation up for today is the enclosure. Mr. Lozada stated yes and that the violation has always been just the carport that was enclosed. Ms. Jones stated that if when staff says this premises is still in violation, is it because of the half wall. Mr. Lozada said correct, just the half wall and the construction debris that has been left behind on the property. Ms. Jones asked if they cannot have a half wall on the side of their carport. Mr. Lozada responded that it is the fact that it was put up without a permit and that usually there may some engineering required for this type of work as well as passed inspections. Mr. Marino stated that hopefully when Rebuild Florida comes in they will demolish the house and remove the debris and start over again. Ms. Rivera stated yes, they have to remove everything. Ms. Rivera stated that Rebuild Florida started in July, but when the contractor started to work he stated that there was more damage than was originally expected by Rebuild Florida and at that time is when the decision was made to demolish the structure to rebuild a new home. Ms. Rivera stated that she contacted the Governor and DEO about why this has been taking so long and that they left her house is bad condition and that if she would have known that this would happen, she would not have applied for Rebuild Florida. Mr. Wilson stated that what would help is that Ms. Rivera would have provided communication and asked Ms. Rivera if they provided her with something in writing. Ms. Rivera stated that she received a letter and she provided it to staff. Mr. Wilson stated that these things help with the Board granting extensions to try to wait for the new construction or proceed with staff recommendation. Ms. Rivera stated that the last item that she got was a floorplan and she provided that item to staff. Mr. Lozada stated that this was a difficult case to bring before the Board because they are working with Florida Rebuild, and that in the past we have worked with other cases that have worked with Florida Rebuild and it has never really taken this long for Florida Rebuild to follow through. Mr. Lozada stated that he does not understand the logistics but this case is over two years old and we need a resolution. Mr. Wilson asked if the property owners have the ability to stack the blocks neatly. Ms. Rivera stated that she can take down the wall, but she does not know where she is going to take it, as she does not have the funds to remove it from the area. Mr. Austell asked if the half wall is filled in solid. Ms. Rivera stated that it is solid and that there is cement in all of the holes. Ms. Jones stated that she does not personally see the half wall as being the problem and that she sees the concrete on the ground being the possible danger. Ms. Jones stated that she sees the most recent letter from July 2022, and it stated that the property owner has been approved for up to \$350,000 in assistance, and that she knows that every state agency has been behind as they are still recovering from the lag of COVID. Ms. Jones stated that she would require them to remove all concrete debris in the short term and then give the property owners more lengthy time for the overall removal of the home. Ms. Jones asked the property owners if they have gotten a quote to remove the concrete. Ms. Rivera stated not really, as she only lives on social security and suggested to maybe move the block to the back and place a fence around it. Ms. Jones asked Mr. Lozada if that option would create a new violation. Mr. Lozada said yes. Mr. Wilson asked if they have a pickup truck with the ability to take the debris to the landfill. Ms. Rivera stated no and that Mr. Rivera has a

bad back. Ms. Rivera stated that Rebuild Florida is going to remove everything. Ms. Jones stated that she understands, but that in the meantime we do not know how long that is going to be. Ms. Jones stated that when the Board grants time, they need to make sure that there is nothing unsafe in the process. Ms. Jones made a motion to give the property owners 45 days to remove the debris and provide further documentation from Rebuild Florida and allow the wall to be compliant until Rebuild Florida begins construction on the new house. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously. Ms. Lozano asked for clarification on the motion, as she understood the motion to be that the case is being tabled for 45 days and asked Ms. Jones if she wants them to come back after the 45 days. Ms. Jones stated not if they are in compliance. Ms. Lozano stated that she understands, but asked what happens after the 45 days. Ms. Jones stated that if they are not in compliance then staff recommendation goes into effect. Ms. Rivera asked if she has to remove the wall. Ms. Jones stated that the motion has passed and that what she has to do is get rid of the concrete that is on the ground and that even if they don't own a truck they can rent one from Uhaul for \$20 and at the dump it is about \$10 per load. Ms. Jones stated that so long as the concrete is removed, Ms. Rivera will not be in violation for the half wall and Rebuild Florida can do the rest on their timeline. Ms. Jones stated that if the concrete is not removed in 45 days, then a \$250 per day fine will go into effect. Ms. Rivera stated that she will remove it.

7.2 Case # 2022-00039  
City of Lake Wales VS Peggy B. Tucker  
203 Emerald Ave  
PID: 27-30-11-914000-002090  
Violation(s): Multiple Violations

Peggy Tucker, property owner was present to provide testimony.  
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

**CCS Report Start**  
CASE # 2022-00039

OWNER: Peggy B Tucker  
VIOLATION ADDRESS: 203 Emerald Ave  
PARCEL # 27-30-11-914000-002090

VIOLATION DATE: 02/07/2022

VIOLATION(s): 7-8 Building Permit Required  
12-233.1 Sanitation and storage of materials  
12-233.4 Weeds, grass, and overgrowth  
12-235.3 Structural members  
12-235.4 Foundation Walls  
12-235.5 Exterior Walls  
12-235.12.1 Glazing [windows]

12-237.2 Disposal of Rubbish

Facts regarding this case are:

- February 7, 2022 – The Building Division issued a Stop Work Order for building Alterations, demolition of the interior and portions of the exterior of the structure. Case was referred to the Code Compliance Division after a lack of communication.
- Notice of Violation Issued: 03/11/2022  
Date to comply: 03/26/2022
  - Certified Mail
  - Notice Returned to City vacant
  - Posted on site 3-31-22
- Notice of Violation Re-Issued: 06/20/2022 (OWNERSHIP CHANGE)  
Date to comply: 07/05/2022
  - Certified Mail: Delivered: 06/23/2022
  - Notice Returned to City \_\_\_\_\_
- June 23, 2022: Peggy called in to inquire about NOV and asked for a one month extension. Staff explained that we would extend for one week and re-assess progress and effort at that time to see if we could grant future extensions based. Staff advised her that she needs to contact the Building Division to obtain permits for the work that has been done and/or future work. She stated that the previous owners did the work, staff explained to her that it is her responsibility to correct the violations as the new owner.
- Notice to Appear issued: 10/19/2022  
Date to Appear: 11/14/2022
  - Certified Mail - Delivered: 10/22/2022
  - Regular Mail
  - Was posted on site on 10/25/2022
- As of today's date, the cited violations still exist.

PROPERTY CASE HISTORY: none

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
STOP WORK ORDER POST	\$12.50
NOV CERT MAIL	\$4.28
NOV RE-ISSUE REG MAIL	\$4.48
NTA CERT MAIL	\$4.57
NTA REG MAIL	\$0.57
NTA POST	\$12.50



TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5	\$15.00
TRIP 6	\$15.00
TRIP 7	\$15.00
TRIP 8	\$15.00
TRIP 9	\$15.00
TRIP 10	\$15.00
TRIP 11 (CEB)	\$15.00
TRIP 12 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$223.90

\*STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$223.90 to present this case.

\*AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$250.00 (per day), every day the violation exists effective today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

- OR Board's Discretion
- This concludes my presentation.

**CCS Report End**

Ms. Tucker addressed the Board and stated that she became the new owner of this premises in June. She stated that the previous owners did the work and it took her a while to get a hold of them to find out what they did. She stated that they tore down a porch that was on the side of the house and removed a handicap ramp. She stated that nothing-structural wise has been done inside and that all of the debris and everything else has been taken care of. She submitted photos to Board Secretary Lozano who passed them onto the Board. She stated that she just learned of Florida Rebuild about 3 weeks ago and submitted an application but has not heard back yet. She stated that she has no problem obtaining a permit for the porch that was torn down. Mr. Lozada stated that he went by today and the grass has been cut and that a lot of the debris

has been removed. Ms. Jones asked Mr. Lozada what is he considering debris that is still in the yard. Mr. Lozada stated that there is a picture where it looks like there are blocks. Ms. Tucker stated that those are concrete steps and they do not move. Mr. Lozada stated that the majority of the stuff was picked up. Ms. Jones asked if the steps led to the porch that was previously there. Ms. Tucker stated yes and that they do not move. Mr. Wilson asked what the intentions for the property are. Ms. Tucker stated that it will be her primary residence and to fix it back up and to get a new porch. Ms. Tucker stated that she does not know how to obtain a permit, but that she does not have a problem with getting a permit. Ms. Jones asked if obtaining a permit will resolve the issue. Mr. Lozada stated that obtaining a permit will not satisfy all of the violations, that it will only satisfy a portion of the violations as there were some structural members that were changed on the property, and there is a picture that shows where they changed the floor joists, and that will require a separate permit, and that separate permit will be required for windows. Ms. Tucker stated that the glass was broke and she replaced the glass, not the windows. Mr. Lozada stated that there would have to be a permit for all of the violations not just for building a porch. Ms. Jones asked if she obtains those three permits, would that resolve the violations. Mr. Lozada said yes. Mr. Marino asked Ms. Tucker is he has a contractor that could take care of this work for her. Ms. Tucker stated that she has contacted 5 contractors but they are too far out. Ms. Jones asked what the current permit approval time right now is. Ms. Lozano responded 3 weeks to 30 days if everything submitted is complete. Ms. Lozano stated that this is what she is hearing the Permit Techs tell customers right now. Ms. Tucker stated that she called the office and went into the Building Department to ask questions and was told that she would have to get with him and has not been able to connect with him and she has left several messages and she has not gotten a call back. It was not made clear who "HIM" is. Ms. Jones asked Ms. Lozano if Ms. Tucker can get in contact with her to get the information she needs to obtain a permit. Ms. Lozano said yes, and stated that she has already spoken with Ms. Tucker on the phone. Mr. Wilson stated to keep in mind the mention of COVID and that we also have had two hurricanes and that we need to be realistic on extensions. Mr. Wilson stated that this Board is becoming less lenient of high grass and weeds as that is the easiest thing that people can do to kind of somewhat keep them off the radar. Ms. Jones made a motion to allow 15 days (11/29/2022) for permits applications to be submitted and then 60 days for approval of those permits which is 1/13/2023 and if not in compliance by either of those dates, then staff recommendations will go into effect. Ms. Schmitt asked if Ms. Tucker can do the permitting herself without a contractor. Ms. Lozano stated that Ms. Tucker would need a contractor. Ms. Lozano stated that there is a slight problem with the motion specifically to the 60 day portion as staff may fall behind and then it will not really be on Ms. Tucker. Ms. Jones rescinded her motion. Ms. Tucker asked if she cannot do the work herself. Ms. Lozano explained that the owner builder exemption does not allow Ms. Tucker to obtain an owner builder permit, as she has to live on the premises. Ms. Paul asked if Ms. Tucker has heard back from any of the contractors at all. Ms. Tucker said that the response is that they would get back to her because they are too far out and that now everyone is working through the two hurricane issues. Ms. Jones made a motion to table this case for the January 9, 2023 meeting and require that the high grass and weeds be maintained in compliance. Ms. Jones stated to Ms. Tucker what when she comes back she would like to hear on updates from contractors so that the Board can know what type of timeline to give her. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously. Ms. Jones expressed that when Ms. Tucker comes back she will want to see documentation.

7.3 Case # 2022-00018 & 2022-00017  
City of Lake Wales VS Karina Judith Lopez and Jenny Lopez  
947 Carlton Ave  
PID: 27-30-01-881500-000742

Violation(s): 12-233.1 Sanitation and storage of materials, 12-72 Disposition & impoundment of vehicles or vessels, 12-233.2 Grading and Drainage

Karina Judith Lopez Lopez, property owner was present to provide testimony.  
Luna De Leon Lopez, niece and translator for property owner was present to provide testimony.

Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

**CCS Report Start**

CASE # 2022-00017 & 2022-00018

OWNER: Karina Judith Lopez and Jenny Lopez

VIOLATION ADDRESS: 947 Carlton Ave

PARCEL # 27-30-01-881500-000742

VIOLATION DATE: 01/26/2022

VIOLATION(s): 7-8 – Building permits required  
12-233.1 Sanitation and storage of materials  
12-72 Disposition & impoundment of vehicle(s) and vessel(s)  
12-233.2 Grading and drainage

Facts regarding this case are:

- Notice of Violation Issued: 01/26/2022  
Date to comply: 02/11/2022
  - Certified Mail Delivered: 01/28/2022
  
- Notice to Appear issued: 10/19/2022  
Date to Appear: 11/14/2022
  - Certified Mail Delivered: 10/22/2022
  - Regular Mail
  - Was posted at the violation address on 10/26/2022
  
- October 27, 2022, Laura Pizarro, representative for the property owner contacted our office about the Notice to Appear. Staff explained violations and the expectations for compliance.
  
- As of today's date, the cited violations still exist.

PROPERTY CASE HISTORY:

2019-00487	Multiple Violations/Work without permits	Closed
2017-00284	Vehicles	Closed

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.28
NTA CERT MAIL	\$4.57
NTA REG MAIL	\$0.57
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5 (CEB)	\$15.00
TRIP 6 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$116.92

\*STAFF REQUESTS THE BOARD:

1. Find that all cited violations were allowed to exist past the date for correction and
2. Find that Proper Notice has been afforded to the Property Owner and,
3. Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$116.92 to present this case.

\*AND STAFF RECOMMENDS THE BOARD:

1. Impose a fine in the amount of \$250.00 (per day), every day the violation exists effective today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

- OR Board's Discretion
- This concludes my presentation.

**CCS Report End**

Ms. Lozano translated Mr. Lozada's testimony and staff recommendations to Ms. Lopez. Ms. Lopez via her translator Ms. De Leon addressed the Board and stated that everything on the property has been cleaned and all of the cars have been removed. Mr. Wilson asked what issues remain. Mr. Lozada stated that the vehicles were removed but there still are grading issues and permitting issues for the addition that was added to the back of the property. Mr. Lozada stated

that the addition needs permits or it needs to be torn down. Mr. Lozada stated that there is still a little bit of sanitation left, but the majority of the trash has been removed. Ms. Schmitt asked if the little buildings are permitted. Mr. Lozada stated that there is a structure right behind the house visible in one of the pictures. Ms. Lozano displayed the picture for the Board and the audience. Mr. Lozada stated that there is a shed on the right hand side, and a garage that they converted into living space, and those two things were done with permits. Ms. Jones asked Ms. Lopez if she would prefer to have the addition in the back torn down or permitted. Ms. Lopez stated that she wants to obtain the permit. Ms. Jones asked if this is something they would need a contractor for. Mr. Lozada stated that if this is their primary residence they may qualify for the owner builder exemption, and that it depends on the degree of the addition. Ms. Jones asked what is the addition being used for. Ms. De Leon stated that they store the washing machine and the dryer in the addition. Ms. Jones asked if this would qualify for owner builder. Mr. Lozada stated yes it would qualify. Mr. Wilson stated that with the owner builder they obtain the permit and then they hire someone that can come in do the work if they don't do it themselves, taking away from a contractor. Mr. Lozada stated that the owner takes on the responsibility. Mr. Gibson asked if this takes about 3-6 weeks for permitting. Ms. Lozano stated that it depends on what she is building which in this situation would probably require engineer drawings, and she may have to contact an engineer and get that going, and then submit and processing can take 3 weeks to 30 days. Mr. Marino stated that he was concerned about the grading and drainage, as he did not observe any when he drove by the property and he is not seeing what Mr. Lozada is referring to other than the fact that there is no grass growing and there is a lot of dead spots. Mr. Lozada stated that what is happening is that they park a lot of vehicles on their front yard, and that kills the grass and then when it rains all that sand goes into the road. Mr. Gibson asked if this would be reasonable to table so that they can obtain permits. Ms. Lozano stated that Board can always make a motion with a date certain. Ms. Jones asked if the area with the grading issue would be filled in with grass, would that resolve the drainage issue. Mr. Lozada said absolutely. Mr. Wilson stated coupled with not parking on the grass. Mr. Lozada stated that if you look at one of the pictures there is also a water meter that is being ran over. Ms. Jones asked Ms. Lopez how long it will take to get engineer drawings. Ms. Lopez said one week to locate an engineer. Mr. Wilson asked if she understands that engineers are costly. Ms. Lopez said that she does not want to tear down the addition as she uses it for the washer and dryer. Mr. Wilson asked if there was a reason why Ms. Lopez did not obtain a permit before she did the construction. Ms. Lopez stated that she did not know that she needed a permit since the addition is in the back of the house. Mr. Wilson asked how long have they been the homeowners. Ms. Lopez said 5-6 years. Ms. Jones asked Ms. Lozano what is the date of the January meeting. Ms. Lozano stated January 9, 2023. Ms. Jones made a motion that a permit be fully obtained by January 5<sup>th</sup>, 2023 and to table this case to the January 9<sup>th</sup> meeting, and if the permits have not been obtained at that time then they should be appear at the January 9<sup>th</sup> meeting. Ms. Jones also stated that if the grading is not in compliance they should appear at the January 9<sup>th</sup> meeting. Ms. Lozano restated the motion as follows: " what I am understanding the motion is, is that you are tabling the case to January 9<sup>th</sup> with conditions: and the conditions being that she obtains a permit by January 5<sup>th</sup> and that she be in compliance with the grading by January 5<sup>th</sup>." Ms. Jones stated yes. Ms. Schmitt seconded the motion. All voted in favor. The motion passed unanimously. Mr. Wilson stated that he doesn't want to keep tabling these things to come back to another meeting only to discuss what we should be taking and that on Ms. Lopez' evaluation as much as she wants to hang on to the addition, it might be more cost effective to demolish and start over. Ms. Lozano translated Mr. Wilson's statement to Ms. Lopez. Ms. Lozano translated the motion to Ms. Lopez. Ms. Lopez

stated that her husband has a car with a trailer and that it is being parked on the grass and she asked if she has to place grass and not park on the grass anymore or can she build something or park on the grass. Ms. Lozano told her parking on the grass is not allowed. Mr. Wilson asked if there are signs that would prevent her from parking on right of way or street. Mr. Lozada stated that she could park on the street. Ms. Lopez said ok.

**7.4** Case # 2021-00174  
City of Lake Wales VS Ricky Tinsley  
351 Lincoln Ave W  
PID: 27-29-35-880000-001120  
Violation(s): Multiple Violations

Ricky S. Tinsley, Property owner was present to provide testimony.  
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

**CCS Report Start**

CASE # 2021-00174

OWNER: Ricky Tinsley  
VIOLATION ADDRESS: 351 Lincoln Ave W.  
PARCEL # 27-29-35-880000-001120

VIOLATION DATE: 06/09/2021

VIOLATION(s): 12-230.1 Unsafe Structures  
12-230.3 Structure unfit for human occupancy  
12-233.1 Dangerous Conditions, general  
12-235.1 Protective Treatment  
12-235.6 Roofs and drainage  
12-235.11 Handrails and guards  
12-235.12 Window, skylight and door frames.

Facts regarding this case are:

- Notice of Violation Issued: 06/09/2021  
Date to comply: 06/24/2021
  - Certified Mail
  - Notice Returned to City UNCLAIMED
  
- Notice of Violation Re-Issued: 06/29/2021  
Date to comply: 08/16/2021
  - Was posted at the violation address on 08/03/2022

- August 04, 2021 – Spoke to Mr. Tinsley via phone and explained violations, and that building is unsafe and dangerous due to dilapidation and the structure needs to be repaired to code or needs to be demolished. He stated that he is currently working with a design professional and the CITY CRA to repair the structure and is waiting on drawings from the design professional. He said he will work urgently to make the necessary repairs. I explained to Mr. Tinsley that if we do not see progress or effort or communication ceases our intent is to demolish the structure.
- August 16, 2021 - Maddy Lee Williams, called in to inquire what needs to be done to resolve this case staff explained that structure needs to be repaired to today's building code and that permits will need to be obtained. She asked for a 30 day extension. Was granted a 2 weeks extension with further extensions based on progress and effort.
- Notice to Appear issued: 10/19/2022  
Date to Appear: 11/14/2022
  - Certified Mail Only Delivered: Notice Left 10/29/2022
  - Regular Mail
  - Was posted at the violation address on 10/26/2022
- October 24, 2022 – Mr. Tinsley contacted our office about the Notice to Appear. I explained that case has been scheduled to be heard. He stated that he thought this was for grass. I explained that this is an older case for the structure, and that we can no longer grant extensions, any extension requests must be approved by the Board.
- As of today's date, the cited violations still exist.

**PROPERTY CASE HISTORY:**

2022-00384	High Grass and Weeds	Closed
2021-00063	Unsecured Structure	Closed
2019-00368	High Grass/Junk and Trash	Closed
2018-00047	Exterior and Roof	Closed
2017-00420	Hole in Wall/Unsecure	Closed

**COSTS OF ENFORCEMENT/HARD COSTS:**

TRIP 1	\$0
NOV CERT MAIL	\$6.96
NOV POST	\$12.50
NTA CERT MAIL	\$4.57
NTA REG MAIL	\$0.57
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5	\$15.00

TRIP 5	\$15.00
TRIP 6	\$15.00
TRIP 7	\$15.00
TRIP 8	\$15.00
TRIP 9	\$15.00
TRIP 10	\$15.00
TRIP 11 (CEB)	\$15.00
TRIP 12 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$237.10

\*STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$237.10 to present this case.

\*AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$250.00 (per day), every day the violation exists effective today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

- OR Board's Discretion
- This concludes my presentation.

**CCS Report End**

Mr. Tinsley addressed the Board and stated he plans to renovate as an investment property and that this property has sentimental value since he used to work there as a child. He stated that it has been a daunting task to obtain an engineer during the last 12 months. He stated that he has recently been working with Dan Forge who provided him with a proposal but it did not include mechanical, or the electrical engineering phase. He stated that he has now contacted 3D and has received a quote on both the mechanical and structural side, but they are still waiting on a quote from the electrical. He stated that he is moving as aggressively as he is able to considering the pandemic and the hurricanes. He stated that he has been working with Darrell Starling and the PACE Program so that he has plans in place once he gets the drawings to get the property restored to benefit Lake Wales and the community as a whole. Mr. Tinsley requested that the Board give him 6 months to submit a set of drawings to the Building Official and once he gets the set of drawings he will be able to solicit with a contractor to get this project going.



Mr. Wilson asked what the objective of renovating this property is, and if there will be residential on top and commercial on the bottom. Mr. Tinsley responded yes and that the bottom will be commercial as a mixed-use building. Ms. Jones asked Mr. Tinsley to repeat why he is asking for 6 months. Mr. Tinsley stated to submit the drawings, to get quotes and proposals and then he will submit the drawings to get a stamp from the City, and once approved he can submit some bids from contractors. Ms. Jones asked if that includes obtaining the permits once, the drawings are obtained. Mr. Tinsley responded yes. Mr. Wilson asked if there will be a rendering done as part of the 6 month proposal of what the building will look like. Mr. Tinsley stated that the drawings will include what the building will look like and that he will restore it as is. Ms. Jones asked Mr. Lozada if the only item that would be a danger to the public right now is the missing handrail. Mr. Lozada stated that the roof was tore off during the last storm, and there are still portions of it hanging at the top that could be considered dangerous, and also a lot of people like to break into this building and a lot of times it is unsecured, but so long as it stays secure it should not be a danger to the public. Ms. Paul asked if there is a way to keep it secured. Mr. Lozada stated that it is boarded up, but people break through the boards. Mr. Tinsley stated that he can post no trespassing signs. Mr. Wilson stated that he would highly recommend that he do that as well and that for the railing, what could be done for Mr. Tinsley to be in compliance, could he place something in-front of those steps like a chain to block access? Mr. Lozada responded yes, and that if the stairs could be blocked to prevent someone from going to the top that will help. Ms. Jones asked how long it will take to remove the blue tarp and roof debris that is hanging on the side of the building. Mr. Tinsley responded 30 days. Ms. Jones stated: "Can I give you 15 instead?" Mr. Tinsley responded yes, he can work with that. Ms. Jones made a motion to give 15 days (11/29/2022) to put up no trespassing signs, remove the debris that is hanging from the roof, and then 6 months (05/13/2023) to attain permitting along with the design engineering for the remodeling of the building. Ms. Paul seconded the motion. Ms. Lozano asked if there is a consequence. Ms. Jones stated that if those items are not done within the time period specified, then accept staff recommendation. All voted in favor. The motion passed unanimously.

**7.5** Case # 2022-00377  
City of Lake Wales VS Bruce W. Boudrie  
231 Polk Ave E  
PID: 27-30-01-883000-049140  
Violation(s): Multiple Violations

Property owner was not present to provide testimony.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

**CCS Report Start**

CASE # 2022-00377

OWNER: Bruce W. Boudrie

VIOLATION ADDRESS: 231 E Polk Ave

PARCEL # 27-30-01-883000-049140

VIOLATION DATE: 08/24/2022

VIOLATION(s):

7-8 Building Permit Required  
12-230.1 Unsafe Structures  
12-230.2 Unsafe equipment  
12-230.3 Structure unfit for human occupancy  
12-230.4 Unlawful Structure  
12-230.5 Dangerous structure on premises  
12-230.6 Closing of structures  
12-233.7 Rodent harborage  
12-233.9 Accessory structures  
12-233.1 Dangerous Conditions-general  
12-235.1 Protective treatment  
12-235.4 Foundation Walls  
12-235.5 Exterior Walls  
12-235.6 Roofs and drainage  
12-235.7 Decorative Features  
12-235.8 Overhang extensions  
12-235.9 Stairways, decks, porches, and balconies  
12-235.11 Handrails and guards  
12-235.12 Window, skylight and door frames  
12-235.12.1 Glazing  
12-235.12.2 Openable windows  
12-235.14 Doors  
12-235.17 Building Security  
12-235.17.1 Doors  
12-236 Interior Structure  
12-236.1 Structural Members  
12-236.2 Interior Surfaces  
12-236.3 Stairs and walking surfaces  
12-236.4 Handrails and guards  
12-236.5 Interior doors  
12-236.6 Light and ventilation  
12-237.1 Accumulation of rubbish and garbage  
12-237.2 Disposal of rubbish  
12-237.2.1 Appliances, refrigerators and other large waste  
12-237.4 Storage and use of garbage and recycling containers  
12-239 Plumbing facilities and fixture requirements  
12-241 Mechanical and electrical requirements  
12-242 Fire safety requirements  
12-243 Fire protection systems

Facts regarding this case are:

- August 24, 2022 – I was notified by LWPD who was on site serving a search warrant that they found unsafe and unsanitary conditions in and around the home. Upon my arrival and inspection I observed numerous code violations that included but not limited to exposed electrical wiring throughout structure, feces in several locations, an extremely potent and pungent odor within the home, clutter and trash piled and scattered inside and outside the

house. Tenants were advised that property is unsafe and uninhabitable conditions and given time to remove personal belongings and vacate premises. Property was boarded up and secured by a city hired contractor and posted unsafe and uninhabitable.

- Notice of Violation Issued: 09/06/2022  
Date to comply: 10/06/2022
  - Certified Mail
  - Was posted at the violation address on 09/06/2022
  - Notice Returned to City UNCLAIMED
  
- October 5, 2022 – invoice for securing structure mailed to listed property owner. Amount due on 11/07/2022 = \$969.48. Amount due after 11/07/2022 = \$990.54
  
- October 7, 2022 – Staff received unrecorded Quit Claim Deed from Maggie Tanner who claims to be the property owner. Staff explained that she has not proven to staff that she has rights over the property and that case will be presented to the Board for possible demolition of the accessory structures and abatement of the junk and trash on the exterior of the premises.
  
- Notice to Appear issued: 10/19/2022  
Date to Appear: 11/14/2022
  - Certified Mail Delivered: 10/22/2022
  - Regular Mail
  - Was posted at the violation address on 10/25/2022
  
- October 25, 2022 – Police Department contacted our office to notify us that premises was unsecured. Secured the premises with the assistance of City hired contractor. Invoice for service: pending.
  
- As of today’s date, the cited violations still exist.

**PROPERTY CASE HISTORY:**

2021-00090	Vehicles, Sanitation, Grass, Fences	Admin Lien \$250 daily (due as of 11/02/2022 = \$21,750.00 plus \$168.55 for costs of enforcement)
2018-00461	Multiple Violations	Closed

**COSTS OF ENFORCEMENT/HARD COSTS:**

TRIP 1	\$0
NTA CERT MAIL	\$4.57
NTA REG MAIL	\$0.57
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00

TRIP 5	\$15.00
TRIP 6	\$15.00
TRIP 7 (CEB)	\$15.00
TRIP 8 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$142.64

\*STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$142.64 to present this case.

\*AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$250.00 (per day), every day the violation exists effective on the day that violations cited on Notice of Violation for Case number 2021-00090 come into compliance, and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.
- 2) Authorize the Code Compliance Division to access the property for the abatement and removal of all exterior sanitation and storage violations.
- 3) Authorize the Code Compliance Division to start the demolition process for the removal of all accessory structures such as dilapidated fence and unlawful sheds.

- OR Board's Discretion
- This concludes my presentation.

**CCS Report End**

Ms. Jones asked if when Mr. Lozada speaks about the previous fine, is he saying that the two cases would need to be merged so that the total is \$250 a day. Mr. Lozada responded that is correct as the previous case was also for sanitation and storage of materials and that it is currently accruing at \$250 per day, once staff gets authorization to abate the sanitation issues that fine will stop accruing and then the lien will continue to run for the structure issues. Mr. Wilson asked if the possible new owner did not want to come to the meeting. Mr. Lozada responded that the current owner from what we understand is deceased and the new owner was notified about the hearing but she did not come. Mr. Wilson asked why not demolition of the entire property. Mr. Lozada responded because we are not at the demolition stage yet for the principal structure.

Mr. Marino made a motion to accept staff recommendation. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

**7.6** Case # 2022-00394  
City of Lake Wales VS Clayton Properties Group Inc  
428 Hilltop Ave  
PID: 27-29-35-880014-000090  
Violation(s): 7-8 Building Permit Required

Property owner was not present to provide testimony.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

**CCS Report Start**

CASE # 2022-00394

OWNER: Clayton Properties Group Inc  
VIOLATION ADDRESS: 428 Hilltop Dr  
PARCEL # 27-29-35-880014-000090

VIOLATION DATE: 09/14/2022

VIOLATION(s): 7-8 Building Permit Required (retaining wall without a permit)

Facts regarding this case are:

- September 14, 2022 – Case referral from the Building Division that a retaining wall was constructed without a permit.
- Notice of Violation Issued: 09/15/2022  
Date to comply: 09/30/2022
  - Certified Mail Only – Delivered: 09/19/2022
- Notice to Appear issued: 10/19/2022  
Date to Appear: 11/14/2022
  - Certified Mail Only – Delivered: 10/24/2022
  - Regular Mail
  - Was posted at the violation address on 10/26/2022
- As of today's date, the cited violations still exist. There has been no communication with the property owner.

PROPERTY CASE HISTORY: none

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.57
NOV CERT REG AGENT	\$4.57
NTA CERT MAIL	\$6.96
NTA REG MAIL	\$0.51
NTA POST	\$12.50
NTA CERT REG AGENT	\$4.57
NTA REG MAIL REG AGENT	\$0.57
TRIP 2	\$15.00
TRIP 3 (CEB)	\$15.00
TRIP 4 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$99.00

\*STAFF REQUESTS THE BOARD:

1. Find that all cited violations were allowed to exist past the date for correction and
2. Find that Proper Notice has been afforded to the Property Owner and,
3. Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$99.00 to present this case.

\*AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$250.00 (per day), every day the violation exists effective today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

- OR Board's Discretion
- This concludes my presentation.

**CCS Report End**

Mr. Lozada also stated that staff is aware that a permit application was submitted today to the Building Division but does not know if the application submittal is complete. Mr. Wilson asked if this is a corporation that is building a retention wall for a development. Mr. Lozada responded correct. Mr. Wilson asked if this is not a homeowner. Mr. Lozada responded that this is not a home owner, this is owned by the developer. Mr. Wilson asked where is this developer from. Ms. Lozano responded Lakeland. Mr. Wilson stated that he thinks that there is some education that needs to happen for people who are buying property, who are developing, that you just cannot come in and do work without pulling permits and the developers should know better.

Mr. Wilson stated that if the permit meets the standards to move forward in terms of building a wall he would give them a 30 day (12/14/2022) extension and if not then staff recommendations are imposed. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously.

**7.7** Case # 2021-00318  
City of Lake Wales VS Thorntons Harding Avenue LLC  
0 Harding Ave  
PID: 27-29-35-879000-006010  
Violation(s): Multiple Violations

Roderick Thornton and Kedrick Thornton, property owners were present to provide testimony.

Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

**CCS Report Start**

CASE # 2021-00318

OWNER: Thorntons Harding Avenue LLC

VIOLATION ADDRESS: 0 Harding Ave

PARCEL # 27-29-35-879000-006010

VIOLATION DATE: 11/15/2021

VIOLATION(s): 12-230.1 Unsafe Structures  
12-230.3 Structure unfit for human occupancy  
12-230.5 Dangerous structure or premises  
12-230.6 Closing of structures  
12-230.9 Prohibited occupancy  
12-233.1 Sanitation and storage of materials  
12-233.5 Dead trees, limbs, branches and accumulated landscaping materials.

Facts regarding this case are:

- Notice of Violation Issued: 11/15/2021  
Date to comply: 12/15/2021

Certified Mail  
 USPS Tracking - UNCLAIMED

- June 1, 2022 – Kedrick Thornton called our office to inquire about this case. Staff explained that case may be referred to the Code Enforcement Board and that the options for compliance are to repair the building to today’s codes or to demolish the structure.

- Notice to Appear issued: 10/19/2022  
Date to Appear: 11/14/2022

- Certified Mail – Delivered: \_\_\_\_\_
- Regular Mail
- Was posted at the violation address on 10/26/2022

- As of today’s date, the cited violations still exist.

**PROPERTY CASE HISTORY:**

2019-00068	High Grass and Weeds	Closed
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**COSTS OF ENFORCEMENT/HARD COSTS:**

TRIP 1	\$0
NOV CERT MAIL	\$7.33
NTA CERT MAIL	\$4.57
NTA REG MAIL	\$0.57
NTA POST	\$12.50
NTA CERT MAIL REG AGENT	\$4.57
NTA REG MAIL REG AGENT	\$0.57
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5 (CEB)	\$15.00
TRIP 6 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$125.11

**\*STAFF REQUESTS THE BOARD:**

1. Find that all cited violations were allowed to exist past the date for correction and
2. Find that Proper Notice has been afforded to the Property Owner and,
3. Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$125.11 to present this case.

**\*AND STAFF RECOMMENDS THE BOARD:**

1. Impose a fine in the amount of \$250.00 (per day), every day the violation exists effective today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.



- OR Board's Discretion
- This concludes my presentation.

**CCS Report End**

Mr. Kedrick Thornton addressed the Board and stated that some of the things listed are violations and that they do have plans to demolish the building and redevelop the property, however that has taken longer than they expected. He stated that they are asking for more time to get the building demolished, as he does not think that there is any hopes for repair. He stated that they are working with a designer for a development plan. Mr. Wilson asked how long they have been the property owner. Mr. K. Thornton responded that they took ownership of this property in 2018. Mr. Wilson asked how much time they are requesting. Mr. K Thornton responded 90 days to get the building demolished. Ms. Jones notified the Board that before we move forward she needs to disclose that the Thorntons are her cousins and is unsure if she needs to recuse herself. Mr. Galloway stated that she does not have to. Mr. Wilson asked if they will be doing something residential or are they looking to build another church, or what is the case. Mr. K. Thornton responded that it would be residential. Mr. Wilson asked if single family or multi-family as we need affordable housing. Mr. K Thornton responded multi family. Ms. Jones stated that she does not think that they will be able to demolish in 90 days and suggested that more time be granted. Mr. Wilson made a motion to accept staff recommendation with an extension of 6 months (5/13/2023) even if new construction is not started all he wants is for the current structure to be leveled and demolished. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously. Mr. Wilson stated that the reason that he asked for ownership information is because that building has sat way too long, when other members of the church wanted to use it as a strip mall. Mr. Wilson thanked the property owners for buying this building and stated that we need affordable housing.

**7.8 Case # 2022-00341**

City of Lake Wales VS KNA Real Estate Investments LLC

306 Park Ave W

PID: 27-30-02-000000-034130

Violation(s): 12-233.1 Sanitation and storage of materials, 7-8 Building Permit, 12-233.4 Grass, weeds and overgrowth, 12-233.12 Motor Vehicles

Dhanraj Nihal, property owner was present to provide testimony.

Henry Linder, representative for Contractor El Dorado was present to provide testimony.

Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

**CCS Report Start**

CASE # 2022-00341

OWNER: KNA Real Estate Investments LLC

VIOLATION ADDRESS: 306 Park Ave W

PARCEL # 27-30-02-000000-034130

VIOLATION DATE: 09/02/2022

VIOLATION(s): 12-233.1 Sanitation and storage of materials  
7-8 Building Permit Required  
12-233.4 Grass, weeds, and overgrowth  
12-233.12 Motor Vehicles

Facts regarding this case are:

- August 24, 2022 – Received referral from Building Division who issued a Stop work order for the following work being performed without a permit: roof without a permit, full remodel, rewiring, and plumbing.
- Notice of Violation Issued: 09/02/2022  
Date to comply: 09/16/2022  
 Certified – Delivered: \_\_\_\_\_
- September 16, 2022 – Ms. Williams contacted our office for an inspection.
- September 19, 2022 - Advised Ms. Williams that at inspection it was observed that the derelict vehicle still in rear of property, rear of property is still overgrown, and all permit related issue are still outstanding. I granted an extension of 2 weeks with an inspection on 10-03-22 any further extensions are based on sufficient progress and effort.
- October 5, 2022 - Derelict vehicle has been removed and some visible progress in clean-up has been observed. More cleanup of overgrowth and debris still needed - No permits have been applied for.
- Notice to Appear issued: 10/19/2022  
Date to Appear: 11/14/2022  
 Certified Mail – Delivered: \_\_\_\_\_  
 Regular Mail  
 Was posted at the violation address on 10-25-22
- October 25, 2022 - Spoke to Ms. Williams and her contractor via phone. Contractor stated that they will come in to submit for required permits, but needs more time. I advised them that further extensions should be requested to the board.
- As of today's date, the cited violations still exist.

PROPERTY CASE HISTORY:

2021-00293	Vehicles and Sanitation	Closed
2020-00181	Unsecure Structure	Closed

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.57
NTA CERT MAIL	\$4.57
NTA REG MAIL	\$0.57
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5	\$15.00
TRIP 6 (CEB)	\$15.00
TRIP 7 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$132.21

\*STAFF REQUESTS THE BOARD:

1. Find that all cited violations were allowed to exist past the date for correction and
2. Find that Proper Notice has been afforded to the Property Owner and,
3. Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$132.21 to present this case.

\*AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$250.00 (per day), every day the violation exists effective today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

- OR Board's Discretion
- This concludes my presentation.

**CCS Report End**

Ms. Lozano clarified for the Board who is who of the representatives. Ms. Lozano stated that Mr. Nihal is the property owner and that Mr. Linder is the representative for the contractor El Dorado. Mr. Linder stated that he does not work for El Dorado and that he helps with remodeling homes and that from his understating an application was submitted today. Mr. Wilson asked what the objective of this property is. Mr. Linder stated that that they were waiting on engineering letters and drawings and that there have been issues with getting engineers on board doing what they have to do. Mr. Linder stated that he does not know what phase was submitted today but that they are in the process of getting everything rectified. Ms. Jones asked if we know whether or not a permit was submitted. Mr. Lozada stated that he has not been notified

of a permit application being submitted. Ms. Jones asked if staff gets notification once a permit has been submitted on a property that is in violation or only if requested. Mr. Lozada responded that normally we do and when the Building Division comes across a property that has a code violation on it, they usually make us aware and a lot of times we also do just verify ourselves and that depending how late in the day it was, we may have not been notified. Mr. Linder stated that he received an email about 4:30pm that the application was submitted and that is why he did not print it out. Mr. Wilson asked again what the objective is, is this a primary residence or are you looking to remodel it for sale, and what are you asking of the Board. Mr. Linder stated 90 days. Mr. Nihal stated that because of the hurricane it has been hard to work as much as they want and the more time they get is better for him because he is not around. Ms. Lozano notified the Board that an application in fact was submitted with a scope of work for doors and windows and stucco, and that she is unable to verify if it is complete or not. Mr. Wilson asked if the vehicle is still there. Mr. Lozada responded yes and that the original vehicle that was cited for has been removed but that now in the last couple of days, this new vehicle showed up and it is completely dismantled. Mr. Nihal stated that the vehicle is on the street, it is not his vehicle, and that he was issued a violation for something that he cannot control and that is not fair. Mr. Jones asked Mr. Lozada to comment on that. Mr. Lozada stated that if the vehicle is technically in the alley back there, there is only one apartment building that he believes is vacant, the vehicle is abutting the property and in the City you are responsible for the abutting right of ways. Mr. Wilson asked if he places a no parking sign and then calls for the vehicle to be towed, is he within his rights. Mr. Lozada responded yes. Mr. Wilson asked what can be done about the grass and weeds. Mr. Nihal stated that he has taken care of that. Ms. Jones asked if the grass is in the abutting property. Mr. Lozada responded that it is in the back yard as well and on the property owner's portion of the right of way, there is also junk and trash and construction debris. Mr. Nihal stated that the trash in question is from the hurricane tearing down the limbs in the back of the yard and stated that Mr. Lozada could observe that. Mr. Lozada responded that he did observe it and stated that in the City of Lake Wales all property owners are responsible for the abutting right of ways. Mr. Nihal stated that he will clean it up as soon as he can. Ms. Jones asked Mr. Nihal if he understands what is being said about the abutting right of ways. Mr. Nihal stated no. Ms. Jones explained that in the City of Lake Wales, when you own property even though the property outside of your fence is not necessarily owned by you, it is owned by the City, within our City you are responsible for that public area between your property and the alley way, and that when Mr. Nihal is talking about the vehicle and it not being his fault she understands it was not his fault but City law is making it his responsibility, and the same applies with the overgrowth outside of the fence. Mr. Nihal asked if he should just get a tow truck to remove the vehicle. Mr. Linder stated yes, just call a tow truck. Mr. Nihal stated that he did not know what to do and expressed concern about the possible vehicle property owner shooting him for removing the vehicle. Ms. Jones stated that the Board does not want him to get shot, but that she advises that he place no parking signs and no trespassing signs on the fence, and have the truck towed away. Mr. Marino stated that the property owner must remember that this is his property and he is responsible for the upkeep of the property. Mr. Marino stated that he realizes that they both live out of town, but maybe they should come by once in a while to check on the property and they may not have some of these problems. Ms. Schmitt stated that there is a roof without permit and it sounds like it is not in the permit application that was submitted and the remodel requires plumbing and none of that sounds like is in the application that was submitted. Mr. Lozada stated correct and that even if the current permit application that was submitted today is approved, it will still not satisfy all of the violations. Ms. Jones made a motion to give 15 days (11/29/2022) to take care of the

high grass and weeds and the removal of the derelict vehicle, and then 90 days to secure the permitting on all of the violations and if neither of those are completed within the deadlines then staff recommendation will go into effect. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously.

**8) PUBLIC COMMENTS AND PETITIONS**

Mr. Wilson opened the floor for public comments.

No one in the audience made comments.

**9) BOARD/STAFF COMMENTS/OTHER BUSINESS**

Ms. Lozano addressed the Board and stated that we will not have a meeting in December and hope you all have a wonderful holiday season. She stated that she has provided the Board with the hearing dates for next year 2023. She stated that the Estes building has been demolished. She also stated that Mr. Bennett apologized that he could not attend the meeting tonight and wanted her to thank the Board on his behalf. She stated that as always she thanks the Board for their time and that what they do is very important for the community.

Mr. Lozada also thanked the Board for their time.

Mr. Galloway thanked the Board for their service and wished them a great holiday season.

Mr. Wilson thanked the public in the audience for attending the meeting. He stated that he is big on education and he does not know what the remedy is, but he is noticing that a lot of our cases that are coming before the Board are people who are doing construction and not having permits. He stated that one of his ideas is permit at deed when people are buying and having some kind of education material that says that you can't just go and do construction. He stated that the realtors and developers know better, but just the Lake Wales rules when they do buy property, when they want to develop, they should really understand that and that will cut out a lot discomfort from people getting mad in this room or through the permitting process. Mr. Wilson stated that he would like to see something worked on about education and we should bring this up to Mr. Bennett. Ms. Lozano stated that when she has acted in the capacity of a back up Permit Tech, this is something that we do educate the public on, but sometimes the public proceeds with doing what they want to do and they think that they will not get caught and so eventually it will happen that a neighbor or even developers that live within the City will call to report the work being done without permits. Mr. Gibson asked if the City can do something pertaining to educating the public on a one on one session about Code Enforcement at the JP Austin Center, and just to gather people and say "hey, put it out there in the public if you want to come hear some information how you can take care of your property and be current as far as City Code." Ms. Jones stated that maybe even putting out a video on the City website. Mr. Wilson stated that whatever ways would work and to Ms. Jones point about abatement, a lot of people are government fearful, and it's just that basic education on that each municipality does some things different. Mr. Wilson stated as we say clean up in some cities, it is not an extra garbage day, it is

getting rid of the tires, it is getting rid of paint, and he promised Mr. Bennett that he would take that on and he is trying to work with Republic. To have a clean up day that is really reflective of that kind of thing, and this takes us back to that education, whenever we do it there are people who are derelict, and so when they come before the Board, he does not want to be having compassion for someone who knew they should have taken a permit out. He stated that some people know they have to obtain permits, and they just do the work without one and then there is no penalty and then we give them a little light, so if that is the case a heavier fine, you knew and you didn't and now all you do is pull a permit after the fact and everything is good. Mr. Wilson stated that this is not a good fiscal responsibility to the tax payers. Mr. Marino stated that he does not think people realize that if they put addition on their house without a permit and they have damage to that house during a storm, an insurance adjuster comes to look at that and says it's not a part of the home and you are not going to be paid for it. Mr. Wilson stated that as an investor you are buying some of these properties and the tax folks when you take over they say this is incorrect. Mr. Lozada stated that the City has hired a public relations person that takes care of our social media, and staff did discuss earlier today that they have a newsletter that goes out, and we discussed what type of information we would like to contribute for that, that would help educate the public regarding code violations, and stated that building permits would be a good addition to that as well. Mr. Lozada stated that this is something that he will look into further.

**11) ADJOURNMENT**

With no further business to discuss, the meeting was then adjourned at 7:21pm.

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Dwight Wilson, Chairperson or  
Ralph Marino, Vice Chairperson

Attest:

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Fany Lozano, Recording Secretary