



A City of ALACHUA

THE GOOD LIFE COMMUNITY

Special Magistrate Hearing Minutes January 11, 2024

Special Magistrate Michael Durham, Esq.

City Manager Mike DaRoza

The City Commission will conduct a
Special Magistrate Hearing
At 10:00 AM
to address the item(s) below.

Meeting Date: January 11, 2024

Meeting Location: James A. Lewis Commission Chambers

Special Magistrate Hearing

Notice given pursuant to Section 286.0105, Florida Statutes. In order to appeal any decision made at this meeting, you will need a verbatim record of the proceedings. It will be your responsibility to ensure such a record is made.

SPECIAL MAGISTRATE HEARING MEETING MINUTES

CALL TO ORDER

Special Magistrate Michael Durham called to order at 10:02 a.m.

PLEDGE TO THE FLAG

Led by Special Magistrate Durham.

APPROVAL OF THE AGENDA

Special Magistrate Durham asked for changes to the agenda.

Code Enforcement Officer Linnelle Stewart requested the following changes:

1. Removal of Item D, Case#23-0053- Ariel Shaur, Parcel #03095-002-000, Affidavit of Compliance.
2. Removal of Item J, Case # 23-0097- Om Namah Shivaay LLC, Parcel # 03583-000-000, Violation of one section of the Code– Property is now compliant.

Special Magistrate Durham asked if there were any objections to the changes to the agenda.

There were no objections.

Special Magistrate Durham stated the agenda was adopted as amended.

I. OLD BUSINESS

A. Case # 23-0116- Moore & Tweed, Parcel # 03195-005-022, Affidavit of Compliance

Code Enforcement Officer Stewart stated the property is now compliant and no fines were assessed.

Special Magistrate Durham accepted Affidavit of Compliance.

B. Case # 23-0082- Michael & Caroline Douglas, Parcel # 03968-030-000, Affidavit of non-compliance

Special Magistrate Durham asked for a representative of the property to come forward.

Property owner Mike Douglas presented photos.

Special Magistrate Durham asked if the photographs were an accurate description of the property.

Mr. Douglas stated it was.

Special Magistrate Durham moved to place the photos in evidence.

Special Magistrate Durham found a violation of the Code as cited in the notice of violation, with an extended compliance date of February 12, 2024. He stated a \$100.00 fine per day may be assessed against the property should the property remain noncompliant.

C. Case # 23-0129- Argueta & Giraldo, Parcel # 03442-002-001, Affidavit of Non-Compliance

Special Magistrate Durham called for the representative of the property.

No one came forward.

Special Magistrate Durham asked if there had been any communication with the property owner.

Code Enforcement Officer Stewart stated the property owner has submitted permit applications but believes they were denied.

Special Magistrate Durham asked if the owner was notified of this hearing.

Code Enforcement Officer Stewart stated yes.

Special Magistrate Durham accepted the Affidavit of Non-Compliance. A fine of \$100.00 per day will begin to accrue against the property beginning on the compliance deadline.

Case was reopened with respondent being available at this time.

Property owner, Mr. Giraldo, presented information.

Special Magistrate Durham - new finding - found a violation of the Code as cited in the notice of violation, with an extended compliance date of February 12, 2024. He stated a \$100.00 fine per day may be assessed against the property should the property remain noncompliant.

- D. Case # 23-0053- Ariel Shaur, Parcel # 03095-002-000, Affidavit of Non-Compliance
Affidavit of Compliance.

- E. Case # 22-0203- Ivan & Galina Kolomyiko, Parcel # 03129-001-000, Status review

Special Magistrate Durham asked for a representative of the property to come forward.

No one came forward.

Code Enforcement Officer Stewart stated the property owner does have an approved plan and a company ready to install. The install company is requesting the work be delayed until spring.

City has no objections to waiting until spring.

Special Magistrate Durham approved and set a status review at the April 25, 2024, meeting. He stated a \$100.00 fine per day from the date of compliance may be assessed against the property should the property remain noncompliant.

- F. Case # 23-0084- Marcelo Valerio Mota, Parcel # 03737-000-000, Affidavit of Non-Compliance

Code Enforcement Officer Stewart stated the property owner did get permission from the building official to board up the structure to keep it safe until such time he could demolish the structure.

The large majority of the outside debris has been removed.

Special Magistrate Durham asked if this now brought the property owner into the one year provision of demolition or abatement because the property is considered safe.

The building official Tim Hunt affirmed this fact.

Special Magistrate Durham approved and set a status review at the April 25, 2024 meeting.

- G. Case # 22-0084- Willie James Washington Heirs, Parcel # 03240-007-000, Affidavit of Non-Compliance

Special Magistrate Durham asked for a representative of the property to come forward.

No one came forward.

Special Magistrate Durham accepted the Affidavit of Non-Compliance. A fine of \$100.00 per day will begin to accrue against the property.

II. NEW BUSINESS

H. Approval of October 12, 2023 minutes

Minutes for October 12, 2023 meeting were approved by Special Magistrate Durham.

I. Case # 23-0209- Baris Enterprises Inc., Parcel # 03235-007-000, Violation of one section of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Property owner was contacted about a tree removal permit and the owner states that he was unaware and does not know who the applicant was. The permit was not processed.

A contractor cleared the land and removed the tree without the property owner's approval.

Subsequently, the tree was removed without a permit.

Special Magistrate Durham called for the representative of the property. Property owner Brent Baris came forward to present information.

Special Magistrate Durham asked Code Enforcement Officer Stewart for recommendations for appropriate fines in this case, as it is an irreparable harm situation.

Code Enforcement Officer Stewart stated the City could evaluate and assess a fine based on formulas in the code.

Special Magistrate Durham approved and set a status review at the April 25, 2024 meeting.

J. Case # 23-0097- Om Namah Shivaay LLC, Parcel # 03583-000-000, Violation of one section of the Code

Not heard.

K. Case # 23-0120- Central Motor Supply of Alachua Inc., Parcel # 03370-000-000, Violation of one section of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham called for the representative of the property. Property owner James Stanley came forward to present information. He states that he does not own the real property that the sign is on.

Special Magistrate Durham approved a continuance until further information could be ascertained about the property ownership.

L. Case #23-0111- Stalbaum & Stalbaum, Parcel # 03066-001-000, Violation of one section of the Code.

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Property owner Tyler Stalbaum came forward to present information. He states that they took down the larger sign and it will be removed but they are requesting further information concerning language definition in the code to bring the smaller sign into compliance.

Special Magistrate Durham accepted photos into evidence.

Special Magistrate Durham asked Code Enforcement Officer Stewart for specific actions the City was asking for to bring the property into compliance.

Code Enforcement Officer Stewart stated that if the property owner can provide the dimensions of the sign, the City could determine if the old sign can be modified to conform with code.

Special Magistrate Durham made a factual finding of a violation of a non-conforming use for the larger sign.

Special Magistrate Durham approved and set an extension of 30 days, February 12, 2024, to have the larger sign removed from the property.

Special Magistrate Durham set a continuance for the smaller sign until the April 25, 2024 meeting.

- M. Case # 23-0165- Kya Dawn Bryan, Parcel # 03360-015-000, Violation of one section of the code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Property owner was contacted about the issue.

Special Magistrate Durham called for the representative of the property.

No one came forward.

Special Magistrate Durham asked if the owner was notified of this hearing.

Code Enforcement Officer Stewart stated yes, by regular mail and by certified mail.

Special Magistrate Durham asked Code Enforcement Officer Stewart for specific actions the City was asking for to bring the property into compliance.

Code Enforcement Officer Stewart responded.

Special Magistrate Durham found a violation of the Code as cited in the notice of violation, with a compliance date of January 25, 2024. He stated a \$100.00 fine per day may be assessed against the property should the property remain noncompliant.

- N. Case # 23-0152- John Kimball, Parcel # 03531-034-000, Violation of two sections of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Property owner was contacted about the issue.

Special Magistrate Durham called for the representative of the property.
Property owner John Kimball came forward to present information.
Special Magistrate Durham accepted photos into evidence.

Special Magistrate Durham asked if the photographs were an accurate description of the property.

Mr. Kimball stated it was not.

He states the debris has been cleaned up, the weeds and grass have been mowed down and he has contacted his roofer for quotes.

Special Magistrate Durham made a finding of compliance with code concerning the grass, weeds and debris.

Special Magistrate Durham found a violation of the Code concerning the roof with a compliance date of February 12, 2024, with re-assessment at the April 25, 2024 meeting.

- O. Case # 23-0187- Gurpreet Kaur LLC, Parcel # 03735-000-000, Violation of one section of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham asked for a representative of the property to come forward.

Property owner Gurpriet Kaur came forward to present information.

Special Magistrate Durham continued the case to the April 25, 2024 meeting, but encouraged the property owner to have the relevant permits secured by February 12, 2024.

- P. Case # 23-0189- Walker & Walker & Walker, Parcel # 03234-005-001, Violation of two sections of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham found a violation of the Code as cited in the notice of violation, with a compliance date of February 12, 2024. He stated a \$100.00 fine per day may be assessed against the property should the property remain noncompliant.

Post the orders on the property, city hall and send mail regular and certified.

- Q. Case # 23-0172- Adriana Cedeno, Parcel # 03316-029-000, Violation of one section of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham called for the representative of the property.

No one came forward.

Special Magistrate Durham asked if there had been any communication with the property owner.

Notice was sent to the address on the Tax collector's website. The receipt for the notice of hearing was returned signed but the signature is not legible.

Attempts to make contact with the property owner were not successful.

Special Magistrate Durham found a violation of the Code as cited in the notice of violation, with a compliance date of February 12, 2024. He stated a \$150.00 fine per day may be assessed against the property should the property remain noncompliant.

Special Magistrate Durham found that if conditions worsen and he receives an affidavit of non-compliance by the city code enforcement officer, he authorizes the city to take all necessary actions within its code to make the conditions safe.

ADJOURN

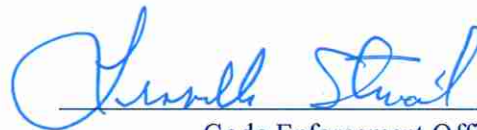
Special Magistrate Durham adjourned the meeting at 11:38 a.m.

ATTEST:

SPECIAL MAGISTRATE HEARING OF THE
CITY OF ALACHUA, FLORIDA



Special Magistrate



Code Enforcement Officer