

The City of Wauchula Code Enforcement met for its regularly scheduled hearing on Wednesday, July 17, 2019 at 3:00 p.m.

Special Magistrate Mawhinney called the hearing to order and administered the oath to those testifying at 3:24 p.m.

Also present at the hearing were Code Enforcement Officer Raina Bergens and City Clerk Holly Smith.

Old Case – 19-041-UDB

212 Louisiana Street

Santa Anita Mares

CE Officer Bergens addressed Special Magistrate Mawhinney and explained the case was a previous one he had presided on in May and given until July 15, 2019 to become compliant. Bergens noted that nothing had been done to the property. Bergens stated she had met with the Building Official and did an exterior walk around inspection and he advised her to rope off a perimeter around the chimney and expressed it needed to be addressed first. Bergens noted she did stake out an area around the leaning chimney and roped it off and as of today the roped off area had been removed. Bergens added she had met with Mares after speaking with the Building Official and explained to her the findings. Special Magistrate Mawhinney asked Bergens what the City was asking him to do. Bergens replied she did not know what else to do and that her supervisor wanted the property cleaned up. Bergens stated Mares was aware of what needed to be done and the process. Special Magistrate Mawhinney reviewed his previous order. Special Magistrate Mawhinney stated if he entered an order authorizing the City to abate it did not require the City to do so but if the City did they could go back and ask the cost be imposed as a lien on the property. Special Magistrate Mawhinney asked Bergens if she felt the building was unsafe. Bergens replied the Hardee County Building Official had deemed the chimney as unsafe but without entering the house he could not deem the entire house as unsafe. Special Magistrate Mawhinney reviewed the case and the previous minutes and entered an order of an unsafe dilapidated building with a compliance date of July 31, 2019 with a \$250 a day fine if not brought into compliance by July 31, 2019; along with authorization to abate.

Mares arrived at 3:37pm. Special Magistrate Mawhinney addressed Mares and stated he case had just been heard. Mares informed Special Magistrate Mawhinney that her brother did not have time to take the chimney down. Mares stated she was looking for another place to live. Special Magistrate Mawhinney explained to Mares his findings and the abatement process.

New Case – 19-089-AU

220 N. 5th Avenue

Gary Delatorre

CE Officer Bergens testified and presented photographic evidence which Special Magistrate Mawhinney accepted. Bergens stated she opened the case on May 9, 2019 and there are 5 cargo containers on the property. Bergens noted according to the City of Wauchula's Land Development Code the containers are not allowed on the property because they cannot be on a vacant lot nor permitted. Bergens stated she understood that if the containers were allowed it would have to go before Planning & Zoning Board for a special exception and those steps were not taken. Bergens informed Special Magistrate Mawhinney at one time the property was zoned industrial and there were buildings on the parcel and Hurricane Charley destroyed the buildings. Bergens stated that Delatorre had gotten the parcel clean to its current state and had 3 or 4 vendors on the parcels. Bergens explained she had been told shipping/cargo containers were not allowed on vacant lots without a primary structure. Special Magistrate Mawhinney asked what the zoning classification was on the lot. Bergens stated the zoning was C-2 Commercial. Delatorre addressed Special Magistrate Mawhinney and stated the lot was industrial years ago and when the zoning changed from industrial to commercial he was not notified of the change. Delatorre explained the history of the lot. Special Magistrate Mawhinney asked Bergens for a copy of the City's Land Development Code. Bergens directed Special Magistrate Mawhinney to the City's website. Special Magistrate Mawhinney reviewed Article 2 Section 2.04.00(A)(C)(F) of the City's Land Development Code. Delatorre asked Special Magistrate Mawhinney what PC stood for. Special Magistrate Mawhinney stated it was permitted but with conditions which meant it was permitted as a matter of right but subject to any conditions the City may impose incidental to that. Special Magistrate Mawhinney informed Delatorre that he felt in light of the zoning that he could not have the storage containers on the property because there was no principal use on the property therefore even if the containers were permitted structures as accessories, they are not accessory

to anything at this point because there is no other use occurring on the property. Delatorre stated that was a commercial parking lot and he felt if he was allowed to park semi-trucks and trailers then the containers would also be allowed. Delatorre noted according to Hardee County Building Code it would allow a person to use the storage containers as a residence. Delatorre stated he bought the storage containers and had them put there because the lot was zoned commercial and he did not think he needed to ask for permission because of the lot being zoned commercial. Delatorre gave a brief history of the property. More discussion was had on the use of the property and the Land Use Code. Special Magistrate Mawhinney informed Delatorre to meet with the Community Development Director and for the case to be brought back in 60 days. Special Magistrate Mawhinney felt a violation existed but wanted to give everyone the benefit of some time to meet and determine exactly what needed to be done. Special Magistrate Mawhinney stated maybe he was wrong and nothing needed to be done but he thought there was. Delatorre asked for more than 60 days and asked if it was possible to get a special exception. Delatorre stated they wanted to build something there and they are contractors and could use the containers for storage. Special Magistrate Mawhinney commented he felt if construction activity was taking place on the property then Delatorre would be in a good position to make the argument. Special Magistrate Mawhinney asked Delatorre how much time was he asking for. Delatorre replied 120 days and things are in the process for the property. Delatorre expressed his dissatisfaction with the City of Wauchula. Special Magistrate Mawhinney entered an order that a violation did exist on the property and the City of Wauchula requests to allow respondent additional time to comply and the new complaint date shall be "to be determined" with the case will be brought back before the Special Magistrate no sooner than 90 days to review what progress was being made and to determine at that time whether a compliance deadline and a daily fine should be considered.

PUBLIC COMMENTS:

There was no one in the audience to speak.

With no further business to discuss, Special Magistrate Mawhinney adjourned the hearing at 4:24 p.m.

Special Magistrate Joe Mawhinney

City Clerk Holly Smith