Town of Lake Park

SPECIAL MAGISTRATE HEARING AGENDA

AUGUST 6, 2015
10:00 A.M.
Town Hall Commission Chambers
535 Park Avenue
Lake Park, Florida 33403

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Special Magistrate with respect to any matter considered at this Hearing, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the Hearing should contact the Town Clerk's Office by calling 561-881-3311 at least 48 hours in advance in order to request accommodations.*

REQUEST FOR FINE REDUCTION

APPLICANT: ***DEUTSCHE BANK NATIONAL TR CO TR/LOUIS & MARIE MIRACSON***

PROPERTY ADDRESS: **846 FORESTERIA DRIVE**
PCN: **36-43-42-20-01-005-0170**
LEGAL: **KELSEY CITY LTS 17 TO 20 INC BLK 5**

CASE NO. 12030017

CODE SECTION VIOLATED:	*54-125*
ORDERED COMPLIANCE DATE:	JUNE 1, 2012
AFFIDAVIT OF COMPLIANCE ISSUE DATE:	DECEMBER 16, 2014
$150.00 PER DAY x 459 DAYS	**$139,200.00**
INTEREST	**21,049.71**
TOTAL FINES + INTEREST	**$160,249.71**

STIPULATION AND AGREED FINAL ORDER

APPLICANT: ***LASALLE BANK NATIONAL AND ADRIAN TEUSCHER***

CASE NO. 12050010
CASE NO. 12090004
CASE NO. 12110021
CASE NO. 07050093
CASE NO. 10040025
CASE NO. 12060005

PROPERTY ADDRESS:	**809 2ND STREET**
PCN:	**36-43-42-20-01-036-0110**
LEGAL:	**KELSEY CITY LTS 11, 12 & 13, BLK 36**

PLEASE REFER TO THE ATTACHED *STIPULATION AND AGREED FINAL ORDER*

IN THE JURISDICTION OF THE TOWN OF LAKE PARK SPECIAL MAGISTRATE

TOWN OF LAKE PARK,

Petitioner,

CASE NO.:
12050010
12090004
12110021
07050093
10040025
12060005

v.

LASALLE BANK NATIONAL AND ADRIAN TEUSCHER

Respondents

_____/

STIPULATION AND AGREED ORDER

The Petitioner, Town of Lake Park, Florida (Town), and the Respondents, Lasalle Bank National (The Bank) and Adrian Teuscher, individually (Adrian Teuscher) hereby stipulate and agree as follows:

1. Lasalle Bank is the current owner of the real property located at 809 2nd Street, Lake Park, Florida, and legally described in the attached Exhibit "A" which is incorporated herein (the Property).

2. Adrian Teuscher has entered into a contract to purchase the Property from Lasalle Bank.

3. Adrian Teuscher agrees to bring the Property into compliance by correcting all violations of the Town Code for which the property owner of the Property has been previously found in violation for the Case Nos. referenced in the above caption and to comply with any and all other code sections and Ordinances of the Town as they may pertain to the Property.

4. Adrian Teuscher agrees to pay the administrative costs and interest associated with this Stipulation and with Case Nos. 10040025, 12060005 and 07050093, plus the Claim of Assessment Lien costs and interest associated with Case Nos. 12050010, 12090004 and 12110021, totaling **$4,207.61** within 7 days of the closing of the sale of the Property.

5. The Town and Adrian Teuscher agree that the fines which have accumulated against the Property pertaining to Case Nos. 10040025 and 12060005 shall be reduced and that Teuscher shall pay **$10,000** to the Town within 7 days of the closing of the sale of the Property.

6. Adrian Teuscher and the Town agree that compliance for Case Nos. 10040025 and 12060005 shall be achieved once Teuscher paints the exterior of the building/fascia board and repaves the Property's driveway; both of which will be done during the complete renovation of the Property. The Parties agree that Teuscher shall have until May 1, 2016 to achieve this compliance.

7. Adrian Teuscher agrees to apply for and obtain all necessary building permits, complete the inspections and close out the building permits so as to correct the violations and to complete the renovation of the Property on or before May 1, 2016.

8. Upon execution of this Stipulation and Agreed Order, the Town also agrees to execute Releases of the two code enforcement liens which it has previously recorded against the Property for Case Nos. 10040025 and 12060005 which are in the form of Final Orders entered by the Town Code Enforcement Magistrate. These two Releases shall be held in escrow by the Town Attorney and recorded by the Town only after the closing of the Property and after the Town's certification that the corrective actions described hereinabove have been completed to the satisfaction of the Town.

9. Adrian Teuscher agrees to complete all property renovation work and bring the Property into compliance on or before May 1, 2016.

10. The Parties agree that if for any reason closing has not taken place by September 1, 2015, this Stipulation shall no longer be valid or binding, and the Agreed Order shall be vacated by the Magistrate.

11. In the event Adrian Teuscher does not comply with the terms of this Stipulation, including all payment terms, and bring the Subject Property into compliance as set forth herein, the Parties expressly agree that the Releases of the code enforcement liens which are being held in escrow by the Town Attorney shall be null and avoid and the Town Attorney is specifically authorized to release them from escrow.

12. This Stipulation may be enforced by any party. In the event either party is required to enforce any of the terms of the Stipulation, the party prevailing shall be entitled to recover its attorney fees and costs.

IN WITNESS WHEREOF, the parties hereto have executed this Stipulation on the dates set forth under their signature.

TOWN OF LAKE PARK, Petitioner

Date: _____

By: _____
Thomas J. Baird, Esquire
Town Attorney

LASALLE BANK NATIONAL, RESPONDENT

Date: 07/30/2015

By: NGASHITMIR

ADRIAN TEUSCHER, RESPONDENT

Date: 07/29 2015

By: Adrian Teuscher

AGREED FINAL ORDER

This Stipulation and Agreed Order having been presented before the Code Compliance Special Magistrate on _____ 2015 and with the Magistrate being fully informed in the premises and accepting the Stipulation, it is hereby ORDERED AND ADJUDGED that the Respondents, shall fully comply with the Stipulation.

By: _____
Gary M. Brandenburg, Esquire
Special Magistrate

EXHIBIT "A"

KELSEY CITY LTS 11, 12 & 13 BLK 36

Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

SPECIAL MAGISTRATE
HEARING AGENDA
August 6, 2015 10:00 AM

PLEASE TAKE NOTE AND BE ADVISED that if any interested person desires to appeal any decision made by the Special Magistrate with respect to any matter considered at this Hearing, such interested person may need a verbatim record of the proceedings made, including the testimony and evidence presented at this Hearing.

CALL TO ORDER

SWEARING IN OF ALL WITNESSES

QUASI-JUDICIAL PROCEEDINGS

The Special Magistrate shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by the Town of Lake Park.

Category: NEW CASES

Case No.	Date Issue	Req'd Action
15030024	3/25/2015	

Owner	Address	Site Address
SETRUS INC. COLIN BURKE	14523 SW MILLIKAN WAY, SUITE 200 BEAVERTON, OR 97005	244 Evergreen Dr Lake Park, FL 33403

Description

DAMAGED KITCHEN CEILING DUE TO ROOF LEAK

Violations

Ordinance/Regulation	Section	Description	Days to Comply
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-125	General requirements for the exterior and interior of structures. (a) Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon. (b) Ext...	30

Case History

Case No.	Date Issue	Req'd Action
15050010	5/12/2015	

Owner	Address	Site Address
MCKENZIE-EVERETT BARBARA	755 DATE PALM DR Lake Park, FL 33403	755 Date Palm Dr Lake Park, FL 33403

Description

PROHIBITED OUTDOOR STORAGE; DAMAGED FENCING

Violations

Ordinance/Regulation	Section	Description	Days to Comply
Chapter 10 ENVIRONMENT*	Sec. 10-32	Prohibited nuisances on developed or cleared lots. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be an...	13
Chapter 30 TRAFFIC AND MOTOR VEHICLES*	Sec. 30-35	Parking of commercial vehicles. (a) Purpose and intent. It is the intent of this section to preserve the character of the residence districts and to preserve the value of the residential property in the town by prohibiting the parking of commerci...	13
Chapter 68 OUTDOOR STORAGE*	Sec. 68-3	Prohibited outdoor storage in residential zoning districts. Outdoor storage on a site zoned for single-family or duplex residences is subject to the following conditions and restrictions: (1) Automobiles, pickup trucks, light vans and/or motorcyc...	13
Chapter 78 ZONING*	Sec. 78-115	Maintenance. (a) All walls and fences shall be maintained to provide a safe, healthy and finished appearance. There shall be no excessive leaning; gates shall be in working order with a straight and true appearance. (b) All walls and fences s...	13

Case History

Case No.	Date Issue	Req'd Action
15060004	6/3/2015	

Owner	Address	Site Address
BANK OF NEW YORK MELLON TR	D CONSUEGRA C/O 9204 KING PALM DR. TAMPA, FL 33619	601 Date Palm Dr Lake Park, FL 33403

Description

FENCING NOT UP TO CODE; UNSANITARY SWIMMING POOL AND HOT TUB

Violations

Ordinance/Regulation	Section	Description	Days to Comply
Chapter 26 SWIMMING POOLS*	Sec. 26-5	Maintenance standards for private swimming pools. All swimming pools located on private property within the town shall be maintained so as not to constitute a nuisance. For purposes of this section, a nuisance may include, but not be limited to, the...	12
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-154	Registration of Abandoned Real Property. Applicability. This division shall be applicable to all residential zoned properties within the town and shall be considered to be cumulative and not exclusive in terms of any enforcement actions undertaken ...	28
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-74	Additional Landscape and Property Standards. (1) Developed lots including those swale, swale areas, sidewalks, driveway aprons, and driveways which are adjacent to, or abut a developed lot: (a) Shall be kept free of debris, rubbish, trash or ...	10
Chapter 78 ZONING*	Sec. 78-115	Maintenance. (a) All walls and fences shall be maintained to provide a safe, healthy and finished appearance. There shall be no excessive leaning; gates shall be in working order with a straight and true appearance. (b) All walls and fences s...	14

Case History

Case No.	Date Issue	Req'd Action
15060040	6/25/2015	

Owner	Address	Site Address
GOODYEAR TIRE & RUBBER CO	1144 E MARKET ST AKRON, OH 44316	532 Northlake Blvd Lake Park, FL 33408

Description

PROHIBITED STORAGE OF MITSUBISHI DEALERSHIP VEHICLES

Violations

Ordinance/Regulation	Section	Description	Days to Comply
Chapter 68 OUTDOOR STORAGE*	Sec. 68-5	Outdoor storage on commercial sites. (a) Outdoor storage on a site zoned for commercial use is subject to the following general conditions and restrictions: Outdoor storage within a utility easement, drainage easement, alley right-of-way, street r...	21

Case History

Case No.	Date Issue	Req'd Action
15070042	7/16/2015	

Owner	Address	Site Address
JACOBS NORMAN A & JACOBS LORRAINE E	372 E 55TH ST BROOKLYN, NY 11203	214 Palmetto Dr Lake Park, FL 33403

Description

BTR REQUIRED FOR FY 15 RESIDENTIAL RENTAL PROPERTY

Violations

Ordinance/Regulation	Section	Description	Days to Comply
Chapter 28 TAXATION*	Sec. 28-33	Engaging in business without a local business tax receipt upon false representation. It shall be unlawful for any person to engage in any trade, business, profession or occupation within the town without a business tax receipt, or upon a business ta...	10

Case History

Case No.	Date Issue	Req'd Action
15070043	7/16/2015	

Owner	Address	Site Address
SCOTT JACQUELINE	10563 GALLERIA ST WELLINGTON, FL 33414	236 Palmetto Dr Lake Park, FL 33403 1

Description

BTR REQUIRED FOR FY 15 RESIDENTIAL RENTAL PROPERTY

Violations

Ordinance/Regulation	Section	Description	Days to Comply
Chapter 28 TAXATION*	Sec. 28-33	Engaging in business without a local business tax receipt upon false representation. It shall be unlawful for any person to engage in any trade, business, profession or occupation within the town without a business tax receipt, or upon a business ta...	10

Case History

Total	NEW CASES	**6**
Total Hearing		**6**