



**Special Magistrate Hearing
October 17, 2024, at 9:00 A.M.
Howey-in the-Hills Town Hall
101 N. Palm Ave.
Howey-in-the-Hills, FL 34737**

MINUTES

I. CALL TO ORDER- ZACHARY J. McCORMICK, SPECIAL MAGISTRATE PRESIDING

Special Magistrate, Zachary J. McCormick, called the Special Magistrate Hearing to Order at 9:00 A.M.

Special Magistrate McCormick reviewed and approved the minutes from the August 15, 2024 Special Magistrate Hearing.

II. SWEARING IN OF ALL THOSE WHO WILL TESTIFY

Town Clerk, John Brock, swore in Code Enforcement Officer, Matt McDonald and property owner, Heather Davis.

III. STATEMENT OF EVIDENCE

IV. PUBLIC HEARINGS

1.) Subsequent Cases not in Compliance

A. CASE NO: CE-24-01-0008

OWNER: Matthew Cram & Suzette Autran

Code Enforcement Officer McDonald noted that one of the three cases originally scheduled (Case No. CE-24-01-0008, regarding 731 Calabria Way) was removed from the docket due to a clerical error. Specifically, the notice provided to the homeowner contained the incorrect hearing date. Upon realizing the mistake during a conversation with the homeowner the day before the hearing, Officer McDonald determined the case would be re-noticed and rescheduled for the next hearing. Special Magistrate McCormick confirmed the removal of the case from the day's agenda.

2.) New Cases not in Compliance

B. CASE NO: CE-24-01-0001

OWNER: James & Suzanne Mazzaro

Officer McDonald reported that Case No. CE-24-01-0001, involving the property at 602 Napoli Way, had come into compliance and no longer required the Magistrate's review. The homeowner obtained the necessary permit, which was issued the day prior to the hearing. As a result, the property was officially in compliance at the time of the hearing, and the case was removed from the agenda. Officer McDonald noted that he anticipated the matter would be resolved around the time of the hearing regardless.

C. CASE NO: CE-24-08-0110

OWNER: Charles & Heather Davis

OFFICER: Matthew McDonald

VIOLATION: Town of Howey-in-the-Hills Code of Ordinances: Section 127-3
(Excessive or Untended Growth of Vegetation)

ORDINANCE DESCRIPTION:

Except as otherwise provided in this chapter, the existence of an excessive growth of weeds, undergrowth or other vegetation on a parcel of property endangers the public's health, safety and welfare and adversely affects and impairs the value of adjacent property, is a nuisance and is prohibited. For purposes of this section, a parcel of property includes the area located between the property line of a parcel of property and up to the edge of the street or curb. Additionally, for purposes of this section, weeds, undergrowth or other vegetation shall be considered excessive and untended if their height exceeds 12 inches or if the property on which the weeds, undergrowth or other vegetation is located may reasonably be expected to become, or is, infested or inhabited by rodents, vermin or wild animals or may, or does, furnish a breeding place for mosquitos.

VIOLATION DESCRIPTION:

The Property Owners have failed mow and clear the property of construction debris.

PARCEL #: 2620250100D2601400

PROPERTY ADDRESS: Alt Key #1255236 (Bellissimo Pl, Howey-in-the-Hills, FL 34737)

Code Enforcement Officer, Matt McDonald identified the case being brought before the Magistrate.

Special Magistrate McCormick asked if there was anyone present to respond to this matter. Property owner, Heather Davis, stated that she was present to respond to this case.

Officer McDonald asked to introduce exhibits 1 through 5. The exhibits included:

#1 - The property record card along with a copy of the quick claim deed showing ownership to Charles and Heather Davis for the property in question.

#2 – Four photographs taken showing the state of the property and the vegetative growth. The dates of the photographs were, (1) from August 6, 2024, (2) from August 26, 2024,

and (1) from October 16, 2024.

#3 – Photos of the notice of postings at Town Hall, also the property itself.

#4 – A series of the letters that were sent certified and certified return receipt from the Town to the respondents.

#5 - Affidavits stating that that these notice of hearings were given and when they were received.

Special Magistrate McCormick asked Mrs. Davis if she had any objection to the items being introduced into evidence and Mrs. Davis responded that she did not.

Special Magistrate McCormick asked Mrs. Davis if she had anything she would like to say in relation to the alleged violations. Mrs. Davis explained that the individual previously maintaining the property was no longer available, possibly due to arrest, and that she and her husband had been unsuccessful in finding a replacement lawn service. She further explained that the lawnmower they intended to use had broken. She acknowledged that they reside in Clermont, not within the Town, and confirmed awareness of ownership responsibilities despite acquiring the lot via a quit claim deed less than a year prior.

Special Magistrate McCormick asked if the Town had a recommendation in this matter. Officer McDonald stated that the Town was requesting that if the property does not fall into compliance by November 18, 2024, that a \$50 a day fine to begin on November 19, 2024. Officer McDonald stated that the Town was also asking for operational costs of \$67.66 be awarded that would cover the copies of violations, certified letters, certified return receipts, staff time, and recording fees.

After considering the circumstances, Special Magistrate Zachary J. McCormick extended the compliance deadline to 60 days, setting a new deadline of December 18, 2024. If the violation is not corrected by that date, a fine of \$50 per day will be assessed until compliance is achieved. Additionally, the respondent was ordered to pay the administrative cost of \$67.66 within 30 days.

V. ADJOURNMENT

Special Magistrate Hearing was adjourned at 09:21 AM.



John Brock
John Brock, Town Clerk

Zachary J. McCormick
Special Magistrate

4/17/2025
Date