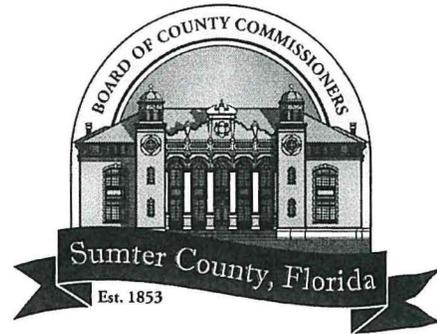


Board of County Commissioners Sumter County, Florida

7375 Powell Road, Suite 200 • Wildwood, FL 34785 • Phone (352) 689-4400 • FAX: (352) 689-4401
Website: <http://sumtercountyfl.gov>



COURTESY NOTICE OF VIOLATION

6/26/2020

File #: CE-CH2020-0013

VICTOR & ABIGAIL BENITEZ
120 PALM AVE
CENTER HILL, FL 33514

Dear VICTOR & ABIGAIL BENITEZ:

We regret to inform you that a violation of the CITY OF CENTER HILL Code exists on your property located:

Address: 120 PALM AVE, Center Hill, FL 33514
Parcel #: Q22A130 Section/Township/Range: 222123
Subdivision: Tract:
Block: Lot(s):
Legal Description (partial):
BEG 498 FT S OF NE COR OF LOT 133 NEW PLAT OF CENTER HILL PB 1 PG 78 RUN S 100 FT W 124.5 FT N 100 FT E 124.5 FT TO POB

The violation(s) is(are) as follows:

CE-CH2020-0013
2009 I.P.M.C.
303.1 Swimming pools.
Swimming pools shall be maintained in a clean and sanitary condition, and in good repair

(6/24/2020 12:38 PM SCO)
Pools require permitting

CE-CH2020-0013
2009 I.P.M.C.
303.2 Enclosures.
Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

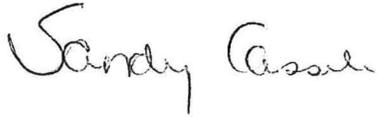
CE-CH2020-0013
FBC Section 105 Permits [A] 105.1 Required.
Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

(6/24/2020 12:38 PM SCO)
Swimming pools require permitting

You are being notified a violation exists on your property and your next inspection will be July 14, 2020.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Cassels". The signature is written in black ink and is positioned above the typed name and title.

Sandy Cassels
Development Technician

**Board of County Commissioners
Sumter County, Florida**

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NOTICE OF VIOLATION

7/15/2020

File #: CE-CH2020-0013

VICTOR & ABIGAIL BENITEZ
120 PALM AVE
CENTER HILL, FL 33514

Dear VICTOR & ABIGAIL BENITEZ:

We have requested you to correct the CITY OF CENTER HILL Code violations on your property located at:

Address: 120 PALM AVE, Center Hill, FL 33514
Parcel #: Q22A130 Section/Township/Range: 222123
Subdivision: Tract:
Block: Lot(s):
Legal Description (partial):
BEG 498 FT S OF NE COR OF LOT 133 NEW PLAT OF CENTER HILL PB 1 PG 78 RUN S 100 FT W 124.5 FT N 100 FT E 124.5 FT TO POB

However, they have not been corrected as of this date; therefore, we must now insist the following violation(s) be corrected:

CE-CH2020-0013
2009 I.P.M.C.
303.1 Swimming pools.
Swimming pools shall be maintained in a clean and sanitary condition, and in good repair

(6/24/2020 12:38 PM SCO)
Pools require permitting

CE-CH2020-0013
2009 I.P.M.C.
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CE-CH2020-0013

FBC Section 105 Permits [A] 105.1 Required.

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(6/24/2020 12:38 PM SCO)

Swimming pools require permitting

Failure to correct the above violations before August 03, 2020, will result in this matter being referred to the Special Master for a public hearing.

Sincerely,

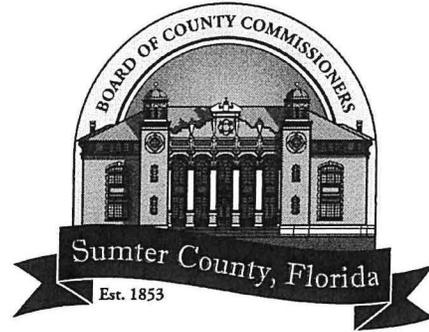
A handwritten signature in black ink that reads "Sandy Cassels". The signature is written in a cursive style with a large initial "S".

Sandy Cassels

Development Technician

Board of County Commissioners Sumter County, Florida

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NOTICE OF HEARING

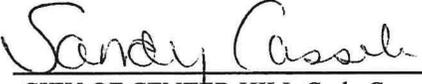
File #: CE-CH2020-0013

BENITEZ, VICTOR & ABIGAIL
120 PALM AVE
CENTER HILL, FL 33514

YOU ARE NOTIFIED that a public hearing concerning CITY OF CENTER HILL Code Violations as alleged in the STATEMENT OF VIOLATION AND REQUEST FOR HEARING attached to this NOTICE and incorporated herein by reference will be held before the Sumter County Special Master on 9/24/2020, at 9:00 AM located at 215 E. McCollum Ave, Historic Courtroom, Bushnell, FL 33513.

At the hearing, the Special Master will hear testimony and receive evidence concerning the alleged violations and at the conclusion of the hearing shall issue an order.

I CERTIFY that a copy of this Notice of Hearing has been furnished by certified mail or personal service to the above named addressee, this 8/24/2020.


CITY OF CENTER HILL Code Compliance

Any person who may feel the need to appeal any decision with respect to any matter considered at this hearing is hereby notified that a verbatim record of the proceedings, or a portion thereof, may be necessary for such purpose, and that the County assumes no responsibility for providing such record.

Persons with disabilities and needing assistance to participate in any of these proceedings should contact the Sumter County Administration office at 352-689-4400, 48 hours in advance of the scheduled meeting. If you are hearing or voice impaired, call 1-800-955-8771.

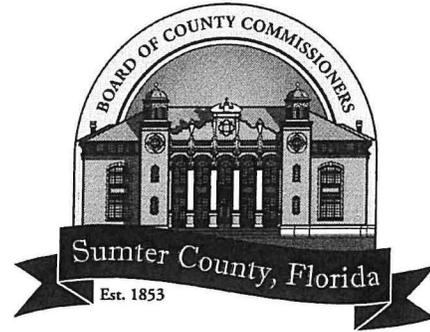
SEE ATTACHED SHEETS FOR IMPORTANT INFORMATION

Important Information Regarding Code Compliance Hearings

1. Please be advised that even if the violation contained in the Statement of Violation has been corrected prior to the time set forth for the scheduled hearing, the violation may still be heard and action taken.
2. You may have witnesses subpoenaed to testify on your behalf. If you wish subpoenas issued, please contact the Building Department at (352) 689-4460 at least (7) days prior to the scheduled hearing date and give the name and address of persons to be subpoenaed. You will be responsible for having the subpoenas properly served and paying for any costs incurred.
3. For your information, hearings shall be conducted as follows:
 - a. The Statement of Violations will be read.
 - b. The alleged violator will be asked if he/she wishes to contest the charges.
 - c. If the charges are not contested, the Special Master may issue an Order directing compliance or authorize further civil or criminal proceedings pursuant to Chapter 162, Florida Statutes and CITY OF CENTER HILL Ordinance 0402.
 - d. If the charges are contested, Code Compliance shall present its case and the alleged violator shall present his or her case. The case shall be presented by an attorney, or by the Inspector, or other member of staff. The alleged violator's case may be presented by him/herself, an attorney, or other representative chosen by the alleged violator.
 - e. The parties may call witnesses and all witnesses shall be sworn. All testimony shall be under oath and shall be recorded by the Secretary present.
 - f. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern all proceedings. Minutes shall be kept of all hearings, and all hearings and proceedings shall be open to the public.
 - g. Both parties may cross-examine witnesses and present rebuttal evidence.
 - h. The Special Master may call, question, and take testimony from the Inspector, alleged violator, and any witness.
 - i. After all evidence has been submitted, the Special Master shall close the presentation of evidence.
 - j. Any order to comply shall contain Findings of Fact and Conclusions of Law based on the evidence of record, and shall include an order. The decision shall be announced as an oral order at the hearing and shall be reduced to writing and mailed to all parties.
 - k. If the Special Master finds for a violation, its written order shall be issued as an Order To Comply. Such order shall establish a date certain for compliance and further action to be taken if the deadline for compliance is not met. In determining corrective and punitive actions, the Special Master shall consider the following factors:
 - 1) The gravity of the violation.
 - 2) Any actions taken by the violator to correct the violation.
 - 3) Any previous violations committed by the violator.

Board of County Commissioners Sumter County, Florida

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COUNTY OF SUMTER (Petitioner)

File #: CE-CH2020-0013

vs.

BENITEZ, VICTOR & ABIGAIL (Respondent)

cc:

STATEMENT OF VIOLATION AND REQUEST FOR HEARING

Pursuant to Chapter 162, Florida Statutes and CITY OF CENTER HILL Ordinance 0402, the undersigned Code Secretary hereby gives notice of an uncorrected violation of the laws of CITY OF CENTER HILL, more particularly described as follows, and requests a public hearing before the Special Master, Sumter County, Florida.

1. Violation of Code(s):

CE-CH2020-0013

2009 I.P.M.C.

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair

(6/24/2020 12:38 PM SCO)

Pools require permitting

CE-CH2020-0013

2009 I.P.M.C.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

CE-CH2020-0013

FBC Section 105 Permits [A] 105.1 Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

(6/24/2020 12:38 PM SCO)

Swimming pools require permitting

2. Property Owner(s):
BENITEZ, VICTOR & ABIGAIL

3. Location of Violation: 120 PALM AVE, Center Hill, FL 33514

4. Legal Description of Property where violation exists:
Parcel #: Q22A130 Section/Township/Range: 222123
Subdivision: Tract:
Block: Lot(s):
Legal Description (partial):
BEG 498 FT S OF NE COR OF LOT 133 NEW PLAT OF CENTER HILL PB 1 PG 78 RUN S 100 FT W 124.5 FT N
100 FT E 124.5 FT TO POB

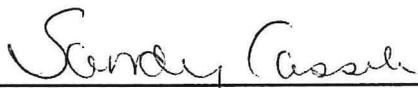
5. Date Violation first Observed: 6/25/2020

6. Date Property owner issued notice of violation: 7/15/2020

7. Date of Notice of Violation Inspection: 8/4/2020

The undersigned Code Secretary hereby certifies that the above-described violation continues to exist, that attempts to secure compliance with the laws of CITY OF CENTER HILL have failed as aforesaid, and that the violation should be referred to the Code Special Master, Sumter County for a public hearing.

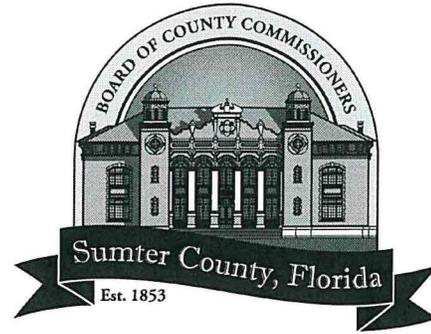
DATED this Monday, the 24th day of August, 2020.



Sandy Cassels

**Board of County Commissioners
Sumter County, Florida**

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COUNTY OF SUMTER (Petitioner)

File #: CE-CH2020-0013

vs.

BENITEZ, VICTOR & ABIGAIL (Respondent)

cc:

AFFIDAVIT PROOF OF NOTICE

STATE OF FLORIDA
COUNTY OF SUMTER

BEFORE ME, the undersigned authority, personally appeared Kevin Vann for Sumter County, who after being sworn, deposes and says:

That on Friday, September 11, 2020, he posted a copy of the Request for Hearing at the property upon which the violation exists.

The property is known as: Address: 120 PALM AVE, Center Hill, FL 33514

Section/Township/Range: 222123

Subdivision:

Tract:

Block:

Lot(s):

Legal Description (partial):

BEG 498 FT S OF NE COR OF LOT 133 NEW PLAT OF CENTER HILL PB 1 PG 78 RUN S 100 FT W 124.5 FT N 100 FT E 124.5 FT TO POB

That, pursuant to F.S. 162.12 2 (b) 1, he has also posted the Request for Hearing at the front door of the courthouse in Sumter County.

That a copy of the Request for Hearing has been sent certified, return receipt mail.

FURTHER AFFIANT SAYETH NOT
DATED this Friday, September 11, 2020.

Kevin Vann

Before me the above named Inspector, who personally known to me, did appear and execute this Proof of Notice this Friday, the 11th day of September, 2020.

NOTARY PUBLIC

