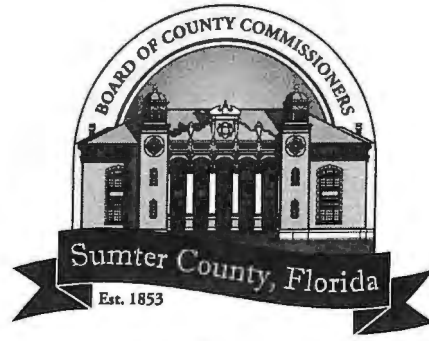


# ***Board of County Commissioners Sumter County, Florida***

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



## **COURTESY NOTICE OF VIOLATION**

2/22/2021

**File #: CE2021-0063**

ANDREW D MCKAY  
13706 NE 13TH ST  
OXFORD, FL 34484

Dear ANDREW D MCKAY:

We regret to inform you that a violation of the Sumter County Code exists on your property located:

Address: 13706 NE 13TH ST, Oxford, FL 34484

Parcel #: C02-043 Section/Township/Range: 21822

Subdivision: Tract:

Block: Lot(s):

Legal Description (partial):

THE N1/2 OF THE FOLLOWING: COMM AT SW COR OF E1/2 OF NW1/4 RUN E 116.33 FT TO POB CONT  
E 180.12 FT N 1243.42 FT W 180.12 FT S 1243.21 FT TO POB

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

CE2021-0063

13-431A-4.410 MOTOR VEHICLE EQUIP SALVAGE YARD

Principle Use - Land use zone, Motor vehicle/equipment salvage yard, requires a special use permit and is allowed on ID, Industrial zoned lands after approval.

CE2021-0063

6-104.(4) NUISANCES-INOPERABLE

The accumulation of in excess of one (1) inoperable vehicle on an individual lot or parcel at any one time within the unincorporated areas of Sumter County shall constitute prima facie evidence of maintaining a nuisance, injurious to health, which such conditions shall not be deemed to be all inclusive. Exempt from this provision shall only be duly licensed junk or salvage yards and vehicles under repair at a duly licensed automotive repair shop, and agricultural equipment stored on parcels of larger than one (1) acre.

CE2021-0063

2009 I.P.M.C.

302.8 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

CE2021-0063

Neighborhood impact.

Any negative impact of the home occupation on the appearance of the subject parcel and surrounding

neighborhood shall be minimized by proper maintenance of all buildings, other structures, and grounds in an orderly and neat appearance. Without limiting the generality of the foregoing, the following shall be observed:

(1)

Outdoor display of goods is prohibited.

(2)

One sign, not to exceed ten (10) square feet in area and without illumination, shall be allowed.

(3)

The total gross area used to conduct the home occupation (residence, accessory structures and outside storage areas) shall not exceed the lesser of five (5) percent of the parcel's area or five thousand (5,000) sq. ft.

(4)

Any storage of materials or goods shall be inside of a fully enclosed building where practical. Where outside storage is required due to size requirements, that storage area shall be fully enclosed by durable, one hundred (100) percent opaque materials to a height sufficient to completely screen the stored items. This screening shall be maintained in good repair and appearance at all times.

(5)

All equipment, tools and processes used to conduct the home occupation must be maintained in proper working order to minimize noise, fumes, dust, odor, vibration, glare, or electrical interference.

(6)

Any accessory structures or areas used to conduct the home occupation must be maintained in good appearance at all times.

(7)

Where activities in a partially enclosed building or outdoor activities (including storage areas) are conducted as part of the home occupation, a setback of two hundred (200) feet from any off-site residence shall be maintained. The PZSM may increase or reduce this setback for good cause shown.

(8)

Where the home occupation is conducted totally within a fully enclosed building, the setbacks of the zoning district of the subject property shall apply, unless the potential for adverse impacts upon neighboring property exists. If such is the case, the PZSM shall determine the setbacks required.

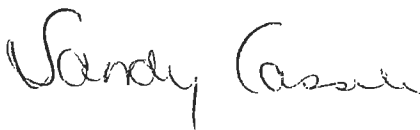
(9)

Home occupations shall be limited to 8:00 a.m. to 6:00 p.m., Mondays through Fridays exclusive of holidays recognized and observed by the county commission. The PZSM may alter or extend these days and hours for good cause shown. This restriction applies not only to the opening of the business to the public, but also to any activities associated with the home occupation, except for passive activities such as bookkeeping, sewing, painting and other similar art work.

You are being notified a violation exists on your property and your next inspection will be March 09, 2021.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Cassels".

Sandy Cassels  
Development Technician

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

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Website: <http://sumtercountyfl.gov>



## **NOTICE OF VIOLATION**

3/10/2021

**File #: CE2021-0063**

ANDREW D MCKAY  
13706 NE 13TH ST  
OXFORD, FL 34484

Dear ANDREW D MCKAY:

We have requested you to correct the Sumter County Code violations on your property located at:

Address: 13706 NE 13TH ST, Oxford, FL 34484  
Parcel #: C02-043 Section/Township/Range: 21822  
Subdivision: Tract:  
Block: Lot(s):  
Legal Description (partial):  
THE N1/2 OF THE FOLLOWING: COMM AT SW COR OF E1/2 OF NW1/4 RUN E 116.33 FT TO POB CONT  
E 180.12 FT N 1243.42 FT W 180.12FT S 1243.21 FT TO POB

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

CE2021-0063

### **13-431A-4.410 MOTOR VEHICLE EQUIP SALVAGE YARD**

Principle Use - Land use zone, Motor vehicle/equipment salvage yard, requires a special use permit and is allowed on ID, Industrial zoned lands after approval.

CE2021-0063

### **6-104.(4) NUISANCES-INOPERABLE**

The accumulation of in excess of one (1) inoperable vehicle on an individual lot or parcel at any one time within the unincorporated areas of Sumter County shall constitute prima facie evidence of maintaining a nuisance, injurious to health, which such conditions shall not be deemed to be all inclusive. Exempt from this provision shall only be duly licensed junk or salvage yards and vehicles under repair at a duly licensed automotive repair shop, and agricultural equipment stored on parcels of larger than one (1) acre.

CE2021-0063

2009 I.P.M.C.

302.8 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

CE2021-0063

91 7199 9991 7039 6361 1138

Neighborhood impact.

Any negative impact of the home occupation on the appearance of the subject parcel and surrounding neighborhood shall be minimized by proper maintenance of all buildings, other structures, and grounds in an orderly and neat appearance. Without limiting the generality of the foregoing, the following shall be observed:

(1)

Outdoor display of goods is prohibited.

(2)

One sign, not to exceed ten (10) square feet in area and without illumination, shall be allowed.

(3)

The total gross area used to conduct the home occupation (residence, accessory structures and outside storage areas) shall not exceed the lesser of five (5) percent of the parcel's area or five thousand (5,000) sq. ft.

(4)

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(5)

All equipment, tools and processes used to conduct the home occupation must be maintained in proper working order to minimize noise, fumes, dust, odor, vibration, glare, or electrical interference.

(6)

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(7)

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(8)

Where the home occupation is conducted totally within a fully enclosed building, the setbacks of the zoning district of the subject property shall apply, unless the potential for adverse impacts upon neighboring property exists. If such is the case, the PZSM shall determine the setbacks required.

(9)

Home occupations shall be limited to 8:00 a.m. to 6:00 p.m., Mondays through Fridays exclusive of holidays recognized and observed by the county commission. The PZSM may alter or extend these days and hours for good cause shown. This restriction applies not only to the opening of the business to the public, but also to any activities associated with the home occupation, except for passive activities such as bookkeeping, sewing, painting and other similar art work.

Failure to correct the above violations before March 26, 2021, will result in this matter being referred to the Special Master for a public hearing.

Sincerely,

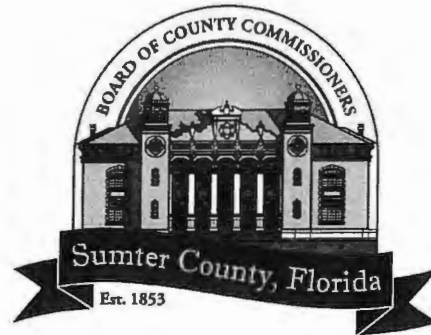


Sandy Cassels

Development Technician

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

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Website: <http://sumtercountyfl.gov>



## **NOTICE OF HEARING**

File #: CE2021-0063

MCKAY, ANDREW D  
13706 NE 13TH ST  
OXFORD, FL 34484

YOU ARE NOTIFIED that a public hearing concerning Sumter County 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 4/29/2021, 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 3/29/2021.

  
\_\_\_\_\_  
Sumter County 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

91 7199 9991 7039 6361 1404

## 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 Sumter County Ordinance 08-2.
  - 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 #: CE2021-0063

vs.

MCKAY, ANDREW D (Respondent)

cc:

## **STATEMENT OF VIOLATION AND REQUEST FOR HEARING**

Pursuant to Sumter County Ordinance 08-2, the undersigned Code Secretary hereby gives notice of an uncorrected violation of the laws of Sumter County, more particularly described as follows, and requests a public hearing before the Special Master, Sumter County, Florida.

I. Violation of Code(s):

CE2021-0063

**13-431A-4.410 MOTOR VEHICLE EQUIP SALVAGE YARD**

Principle Use - Land use zone, Motor vehicle/equipment salvage yard, requires a special use permit and is allowed on ID, Industrial zoned lands after approval.

CE2021-0063

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CE2021-0063

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CE2021-0063

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2. Property Owner(s):

MCKAY, ANDREW D

3. Location of Violation: 13706 NE 13TH ST, Oxford, FL 34484

4. Legal Description of Property where violation exists:

Parcel #: C02-043 Section/Township/Range: 21822

Subdivision: Tract:

Block: Lot(s):

Legal Description (partial):

THE N1/2 OF THE FOLLOWING: COMM AT SW COR OF E1/2 OF NW1/4 RUN E 116.33 FT TO POB CONT E 180.12 FT N 1243.42 FT W 180.12 FT S 1243.21 FT TO POB

5. Date Violation first Observed: 2/18/2021

6. Date Property owner issued notice of violation: 3/10/2021



7. Date of Notice of Violation Inspection: 3/26/2021

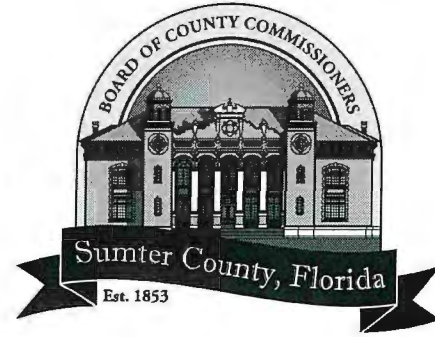
The undersigned Code Secretary hereby certifies that the above-described violation continues to exist, that attempts to secure compliance with the laws of Sumter County have failed as aforesaid, and that the violation should be referred to the Code Special Master, Sumter County for a public hearing.

DATED this Monday, the 29th day of March, 2021.

  
\_\_\_\_\_  
Sandy Cassels

# 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>



COUNTY OF SUMTER (Petitioner)

File #: CE2021-0063

vs.

MCKAY, ANDREW D (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 Thursday, April 15, 2021, he posted a copy of the Request for Hearing at the property upon which the violation exists.

The property is known as: Address: 13706 NE 13TH ST, Oxford, FL 34484

Section/Township/Range: 21822

Subdivision:

Tract:

Block:

Lot(s):

Legal Description (partial):

THE N1/2 OF THE FOLLOWING: COMM AT SW COR OF E1/2 OF NW1/4 RUN E 116.33 FT TO POB CONT E 180.12 FT N 1243.42 FT W 180.12 FT S 1243.21 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 Thursday, April 15, 2021.

  
\_\_\_\_\_  
Kevin Vann

Before me the above named Inspector, who personally known to me, did appear and execute this Proof of Notice this Thursday, the 15th day of April, 2021.

  
\_\_\_\_\_  
NOTARY PUBLIC

