



**MEETING MINUTES
SESSION OF THE CITY COMMISSION
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, FEBRUARY 6, 2024 AT 6:00 PM**

1. MEETING CALLED TO ORDER

Members Present: Mayor Olga Gonzalez, Commissioners Olga Castano, Angela Eady, Carlos Alvarez, III, Janette Martinez

Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, Assistant City Manager Austin Blake, City Clerk Linda Hansell

Members Absent: None

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

After a Moment of Silence, Commissioner Alvarez led the audience in the Pledge of Allegiance.

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A Proclamation - Black History Month

To present a Proclamation in honor of Black History Month.

City Manager Steigerwald read a proclamation in honor of Black History Month as the Mayor and Commissioners presented the proclamation to Mr. Andy King.

Mr. King accepted the award on behalf of the black community. He thanked the Commission for their support and read a passage in honor of black history.

3.B Proclamation- "Pastor Michael Douglas Young Appreciation Day"

To present a proclamation to Pastor Michael Douglas Young, Pastor of The Kingdom Church Kissimmee Campus.

City Manager Steigerwald read a proclamation in honor of Pastor Michael Douglas Young as the Mayor and Commissioners presented the proclamation to him.

Pastor Young thanked the City Commission, staff, his congregation, colleagues, community, mentors, and his family. He reminded the audience that "leaders lead" and emphasized the importance of strong and knowledgeable leadership.

3.C Recognition of the Bob Makinson Aquatic Center for achieving the 2023 Gold International Aquatic Safety Award

Recognition of the staff at the Bob Makinson Aquatic Center for achieving the 2023 Gold International Aquatic Safety Award.

Assistant Director, Matt Libby and Recreation and Leisure Services Manager, Rod Bargaineer, announced Supervisor of the Aquatic Center, Kristina Chavarria, and Recreation Specialist, Jenna Smith, for their commitment, leadership and efforts in securing the safety award and contributing to the well-being of our residents. Pictures were taken as staff posed received the award.

3.D Employee of the Month for February

Request that the City Commission join the City Manager in recognizing Mark Vazquez, Code Enforcement Manager, as February's Employee of the Month.

City Manager Steigerwald introduced Mark Vazquez of the Code Enforcement division and reviewed the qualities and attributes which led to his nomination and selection as employee of the month. This is Mark's third time being selected as Employee of the Month. City Manager Steigerwald reminded everyone that the Employee of the Month is not selected by the Commission, City Manager, or department heads but by nominations that are reviewed and selected by a committee of their peers from all departments in the City, and there is no greater honor.

Mark Vazquez thanked the Development Services department and his entire code enforcement team by name, emphasizing that without them the job would not get done. He appreciates the recognition and is honored to be acknowledged tonight.

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

5. PUBLIC HEARINGS

6. HEAR AUDIENCE

Anything requiring a vote will be heard at a later time.

Theodore "Ted" Baker, 806 Persons Street, Kissimmee, FL, addressed the commission on matters related to his neighborhood in West Kissimmee which includes, more speed bumps, updates to access bridges near Oak Street Park, and the need for gravel near Mann Street and Toho Water Authority. Commissioner Eady, Mr. Baker and the City Manager discussed a possible busted pipe and drainage issue near Toho Water Authority; the City Manager will follow up with Toho's CEO to bring the matter to their attention. Commissioner Alvarez and the City Manager provided an update on one of the access bridges and informed Mr. Baker that reconstruction is underway and should be finalized in the next week.

7. CONSENT AGENDA

The consent agenda is a technique designed to expedite the handling of routine miscellaneous business of the City Commission. The City Commission in one motion may adopt the entire Consent Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, an item may be removed from the Consent Agenda for discussion.

Commissioner Castano made a motion to approve the Consent Agenda in its entirety. Commissioner Eady seconded the motion.

Motion carried 5 - 0.

7.A Osceola HOME Consortium Disbursement Agreement Between Osceola County and the City of Kissimmee FY 2023-3024

Approval for the Mayor to execute Contract #20240196 with Osceola County for the disbursement of FY 2023-2024 HOME funds in the amount of \$359,424.80.

7.B Mechanical, Electrical, and Plumbing Continuing Services

Approval to award continuing services contracts (contract #20240185) for Citywide Mechanical, Electrical, and Plumbing services to the top two (2) contractors that provided a responsive bid to the request for qualifications.

7.C Purchase of Two Solid Waste Grapple Trucks

Approval for the purchase of two (2) grapple trucks in the amount of \$532,752.62 from the

Solid Waste fund.

- 7.D Contract for Comprehensive Plan Future Land Use and Transportation Element Updates
Request approval of a contract with GAI Consultants to develop a transportation and land use master plan and update the Comprehensive Plan under continuing services contract # 20240102 at a cost of \$300,000.
- 7.E Acceptance of Donation from the Walmart Foundation
Approval to accept a \$7,800 donation from the Wal-Mart Foundation for the purchase of Christmas gifts for the "Shop with a Cop" Program.
- 7.F Second Amendment to Contract for the Marydia Community Center
Approval of the Second Amendment to contract #20230295 between Osceola County and the City of Kissimmee regarding the provision of recreational programs at the Marydia Community Center through June 30, 2024 not to exceed \$103,676.
- 7.G Contract for Comprehensive Plan Evaluation and Appraisal Report
Request approval of a contract with GAI Consultants for the Evaluation and Appraisal Report (EAR) for the Comprehensive Plan under continuing services contract # 20240102 at a cost of \$27,500.
- 7.H Upgrade and Replacement of Access Control Systems
Request approval for Miller Electric Inc. to upgrade components of the City's access control systems (Contract # 20240218).
- 7.I Beaumont Complex Replat – Final Plat
Request City Commission approval of the final plat known as Beaumont Complex Replat (DRC # SR-22-0017), without a performance guarantee/agreement.
- 7.J Purchase of Video Management Solution
Request approval to engage Thundercat Technology to implement a turn-key control room video management and video wall solution.
- 7.K Supplemental Agreement No.1 for Connect Kissimmee Project
Approval of Supplemental Agreement No.1 for the Connect Kissimmee Complete Street Project with AECOM for contract No. 20230049 for the amount of \$216,986. The additional funding needed will be provided by Metroplan Orlando and the City of Kissimmee.
- 7.L Purchase of Equipment from Stryker Medical for New Rescue 2024
Approval to purchase equipment from Stryker Medical, Inc., contract # 20240210, to equip the new Rescue unit that will arrive in 2024.

8. DISCUSSION ITEMS

- 8.A Request by Fernando Homs to waive or reduce Code Enforcement liens for 2046 Valencia Circle

Fernando Homs requested the waiver or reduction of Code Enforcement liens totaling \$8,800.00 on 2046 Valencia Circle.

Fernando Homs, 2046 Valencia Circle, Kissimmee, FL, addressed the commission with a request to reduce or waive the fines accrued upon his property in the amount of \$8,800. Mr. Homs provided documentation detailing his case and concerns for the Commission's review (Exhibit "A"). He stated in his discussion, that staff's lengthy permitting process is the basis for his appeal and asserted he should not have to pay the fines or liens on his property since he already paid additional penalties at the time of pulling the permits.

City Manager Steigerwald confirmed that the City's code allows him to negotiate and

reduce fines on behalf of the City Commission. Mr. Homs came to him with a request for reduction, and that he personally investigated the matter for months, reviewing all the case materials and Special Magistrates recommendations thoroughly, and found there to be no indication that the fines should be reduced, and recommended Mr. Homs to address the City Commission for a reduction.

The Commission, Development Services Director Craig Holland and Mr. Homs engaged in ongoing discussion regarding the history surrounding the multiple violations upon the property. Director Holland provided the Commission with clarification to their questions on the permitting process, including staff's statutory timelines for responding to applicants, how comments and rejections are conveyed to applicants, additional permit fee protocols, potential barriers for Spanish speaking applicants, and special magistrate case statistics.

Commissioner Martinez believes there is merit to Mr. Homs concerns on response times with the current process. Director Holland asserted that education and compliance is the City's mission before violating citizens, but in this instance, Mr. Homs is a repeat offender, and had multiple extensions to correct the issues prior to being recommended to the Special Magistrate.

After holding the discussion, a motion was made by Commission Eady to reduce the fines by half (50%). The motion died for a lack of a second.

As a response to Commissioner Eady's inquiry, Director Holland provided the Commission with a report that estimated the cost of the City's expenses and staff time expended on Mr. Hom's cases, which totaled approximately \$3,321.04 (Exhibit "B"). A motion to reduce the fines to \$3,321 was made by Commission Eady, the motion died for a lack of a second.

Commission Castano believed that \$2,000 was a fair and sufficient compromise.

Commissioner Castano made a motion to reduce the fines to \$2,000. Commissioner Martinez seconded the motion.

AYE: Mayor-Commissioner Gonzalez, Commissioner Alvarez, Commissioner Castano, Commissioner Eady, Commissioner Martinez

NAY: None

Motion carried 5 - 0.

8.B Advisory Board Vacancy: Board of Adjustment

The Commission is requested to make an appointment to fill a vacancy on the Board of Adjustment.

Commissioner Martinez recommended nominating Jose A. Barretto for the Board of Adjustment. The applicant has not yet filed an application with the City.

Commissioner Martinez made a motion to appoint Jose A. Barretto to the Board of Adjustment. Commissioner Angela Eady seconded the motion.

AYE: Mayor-Commissioner Gonzalez, Commissioner Alvarez, Commissioner Castano, Commissioner Eady, Commissioner Martinez

NAY: None

Motion carried 5 - 0.

9. HEAR CITY OFFICIALS

9.A CITY MANAGER

The City Manager announced that he will be out of the office tomorrow.

9.B CITY ATTORNEY

9.C CITY COMMISSION

Commissioner Castano requested Commission approval to host an event at the Ruby Plaza on March 8, 2024. The event will be free to the public and will help support business growth in Kissimmee. City Manager Steigerwald clarified that the City's policy requires commission consensus and approval to utilize the City's facilities to host an event. The Economic Development Department does believe it will be a good event.

Commissioner Alvarez made a motion to approve the CamFest 2024 Event at the Ruby Plaza. Commissioner Martinez seconded the motion.

AYE: Mayor-Commissioner Gonzalez, Commissioner Alvarez, Commissioner Castano, Commissioner Eady, Commissioner Martinez

NAY: None

Motion carried 5-0

Commissioner Castano requested staff present at the next meeting on the City's permitting process. City Manager Steigerwald recommended making it a formal workshop.

Commissioner Castano made a motion to plan a future workshop and presentation to discuss the City's permitting process and directed staff to provide data on the City's current process, software, and competitiveness to other surrounding governments. Commissioner Alvarez seconded the motion.

AYE: Mayor-Commissioner Gonzalez, Commissioner Alvarez, Commissioner Castano, Commissioner Eady, Commissioner Martinez

NAY: None

Motion carried 5-0

Commissioner Alvarez reminded the audience of the Run and Walk 5k this weekend. Commissioner Martinez read a passage regarding community leadership and reminded the citizens that the commission is here to serve them. Mayor Gonzalez recommended watching football on the big screen at Lakefront Park. City Manager Steigerwald stated they ran into some issues with NFL licensing but are hoping it will be possible in the future.

10. ADJOURNMENT

There being no further business to come before the Commission, Mayor Gonzalez adjourned the meeting at 7:16 PM.



MAYOR-COMMISSIONER

2/6/2024



ATTEST:

Linda S. Hansell

CITY CLERK

Exhibit "A"
Discussion Item 8.A.
Fernando Homs Appeal Documentation

DEVELOPMENT SERVICES DEPARTMENT

CITY OF KISSIMMEE
101 CHURCH ST; SUITE 120
KISSIMMEE, FLORIDA 34741-5054



TRANSMITTAL FOR PLAN REVIEW

DATE: 1/18/2022
ADDRESS: 2046 VALENCIA CIR
PERMIT NUMBER: MSR-21-0197

This permit has been

DISAPPROVED.

BUILDING/ZONING DIVISION - Joshua Tulak - 407.518.2155 - Joshua.Tulak@kissimmee.gov

Please see below the comments/conditions (if applicable):

1. Please provide an updated survey showing all as-built structures on this property, show the setback measurement from these structures to the property lines, provide the total lot coverage percentage. Note The maximum impervious surface area is 50%.

2. The as-built porch/carport does not meet the side setback of 8 feet from the property line and cannot be permitted.

Per code: Accessory structures shall meet the side and street side yard setback requirements of the zoning district. Property located in a RA-2 zoning district, side setback is 8 feet.

* It appears there is another accessory structure on the west side of the home that does not meet the side setback of 8 feet as well.

* The concrete slab north end of this as-built porch can be permitted as long as it is not located within utility easement. Any accessory structures built on the concrete slab have to meet required setbacks of the zoning district that the property is located within.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation.

Provide a response to comments within one hundred eight (180) days, or a request for an extension submitted for consideration. Otherwise, the project will be considered abandoned and a new application will be required to proceed.

DEVELOPMENT SERVICES DEPARTMENT
CITY OF KISSIMMEE
101 CHURCH ST; SUITE 120
KISSIMMEE, FLORIDA 34741-5054



TRANSMITTAL FOR PLAN REVIEW

ADDRESS: 2046 VALENCIA CIR
PERMIT NUMBER: MSR-21-0197

DATE: 1/13/2022

This permit has been

DISAPPROVED.

BUILDING DIVISION – Albert Rocco - 407.518.2158 - Albert.Rocco@kissimmee.gov

Please see below the comments/conditions (if applicable):

- 1) Please provide on the submitted survey or a plot plan the dimensions of the as built carport and its setbacks from property lines and any existing structures.
- 2) Please include on the submitted survey or a plot plan all existing structures on subject property. This includes, but not limited to, structures shown on satellite imagery (pool and roofed over area on west and north side of dwelling). Be sure to indicate their dimensions and setbacks from property lines and any other existing structures.
- 3) Please provide an Aluminum Structures Letter of Responsibility signed by the owner and contractor.
- 4) Please provide published product approval/notice of acceptance for the aluminum insulated roof.
- 5) Please provide construction details for all aluminum connection points.
- 6) Please indicate the size and depth of the footings.
- 7) As per provided garage door product approval FL#15012.1, attachment to aluminum members is not one of the approved framing materials. Please provide method of attachment detail or show compliance with submitted product approval.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation.

Provide a response to comments within one hundred eight (180) days, or a request for an extension submitted for consideration. Otherwise, the project will be considered abandoned and a new application will be required to proceed.

DEVELOPMENT SERVICES DEPARTMENT
BUILDING DIVISION
CITY OF KISSIMMEE
101 CHURCH ST; SUITE 120
KISSIMMEE, FLORIDA 34741-5054



TRANSMITTAL FOR PLAN REVIEW

**ADDRESS: 2046 VALENCIA CIR
PERMIT NUMBER: MSR-21-0197**

DATE: 1/5/2022

**This permit has been
DISAPPROVED.**

Please see below the comments/conditions (if applicable):

ENGINEERING DEPARTMENT - Erika Allen - 407.518.2168 - Erika.Allen@kissimmee.gov

1. Please add the following information to the site plan:
 - a. Pre-development lot drainage patterns
 - b. Post-development lot drainage patterns
2. If any new grading or fill is proposed, please provide a grading plan, prepared by a licensed Professional Engineer to include the following:
 - a. All survey and site plan information mentioned above
 - b. Location, extent, and amount excavation and fill to be done
3. If no new fill or lot grading will be done with this development, indicate as a note on the site plan: "No new fill or lot grading proposed with this development."
4. Please add the following note to the site plan: "New construction to be done so as not to impose any additional runoff onto nor impede runoff from adjacent properties."

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation.

Provide a response to comments within one hundred eight (180) days, or a request for an extension submitted for consideration. Otherwise, the project will be considered abandoned and a new application will be required to proceed.

INSPECTION WORKSHEET (IBR-008540-2023)

City of Kissimmee

Cellphone: XXX-XXX-XXXX. Address: XXX XXXXX BLVD XXXX

Case Number: MSR-22-0906
Inspection Date: Mon Apr 17, 2023
Inspector: Martinez, Luis

Case Module: Permit
Inspection Status: Approved
Inspection Type: Final Pool (Res)

Job Address: 2046 VALENCIA CIR
KISSIMMEE, FL, 34741

Parcel Number: 20-25-29-1875-0001-0050

Contact Type	Company Name	Name
Property Owner		HOMS, FERNANDO
Applicant	3VD CONSTRUCTIONS LLC	VASQUEZ MATA, JUAN
Contractor	3VD CONSTRUCTIONS LLC	VASQUEZ MATA, JUAN

Checklist Item

General Comments

Status

NA

Note: An Engineering letter has been attached to the file.


Martinez, Luis

2046
Valencia

Permit Number	Permit Type	Permit Work C...	Permit Status	Application Da... ↓	Expiration Date	Final Date	Description	Main Address
<u>MSR-23-0500</u>	Miscellaneous (Residential)	Fence/Wall	Finalized	08/17/2023	04/22/2024	10/26/2023	new aluminum gate	2046 VALENCIA CIR
<u>ER-23-0214</u>	Electrical (Residential)	Sub Permit	Void	04/06/2023			ELECTRICAL POOL	2046 VALENCIA CIR
<u>ER-23-0208</u>	Electrical (Residential)	Sub Permit	Finalized	04/04/2023	10/09/2023	04/21/2023	WIRING POOL	2046 VALENCIA CIR
<u>MSR-22-0906</u>	Miscellaneous (Residential)	Pool	Finalized	09/21/2022	10/16/2023	04/21/2023	NEW ABOVE GROUND POOL (20'X5'-9"). TO LE EGALIZE: ALTERATION (DEMOLITION) OF THE POOL TO COMPLY WITH SETBACKS. ADDITION (TWO COVERED PORCH) AND PAV ER-CONCRETE SLAB TO DEMOLITION. TO LE GALIZE: ALTERATION OF TWO COVERED PORCHES TO COMPLY WITH SETBACKS AND REMOVED PAVERS AND CONCRETE TO COMPLY WITH MINIMUM IMPERVIOUS AREA.	2046 VALENCIA CIR
<u>MSR-22-0902</u>	Miscellaneous (Residential)	Accessory Structure	Finalized	09/21/2022	10/11/2023	04/16/2023		2046 VALENCIA CIR
<u>ER-22-0349</u>	Electrical (Residential)	Stand Alone	Finalized	05/11/2022	01/24/2023	07/29/2022	provide power motor gate 20a 120v 2ph	2046 VALENCIA CIR
<u>MSR-22-0179</u>	Miscellaneous (Residential)	Accessory Structure	Disapproved Review	03/07/2022	10/08/2022		OPEN PORCH WITH ROOF INSULATED PANEL	2046 VALENCIA CIR
<u>MSR-22-0177</u>	Miscellaneous (Residential)	Pool	Superseded	03/07/2022	09/03/2022		ABOVE GROUND POOL Superseded MSR-22-0906 20'X11'X4' DEEP	2046 VALENCIA CIR
<u>BR-22-0283</u>	Building (Residential)	Exterior Alteration	Void	02/28/2022			1. install new Gate Motor 2HP 120V. 20A 2. install new Water fall 1 1/2 HP 120V 20A	2046 VALENCIA CIR
<u>MSR-21-0197</u>	Miscellaneous (Residential)	Accessory Structure	Superseded	12/31/2021	09/23/2022		Carport	2046 VALENCIA CIR
<u>BP-21-02085</u>	Building Permit	Roof/Re-Roof	Finalized	06/22/2021	05/23/2022	11/24/2021	SHINGLES NOA 16-04 25.01	2046 VALENCIA CIR



CITY OF KISSIMMEE

Office of the City Clerk
101 Church Street . Kissimmee, Florida 34741-5054 . Phone 407-518-2308 . FAX 407-518-2261

TRANSMITTAL

DATE October 16, 2023

TO: Fernando Homs
14501 Tabago Bay Drive
Winter Garden, FL 34787

FROM: City of Kissimmee
City Clerk's Office
101 Church Street
Kissimmee, FL 34741

SUBJECT: Claim of Lien – Case #: BZ-21-0007
BZ-21-00010
BZ-21-00017
Parcel ID #: 20-25-29-1875-0001-0050
2046 Valencia Circle

\$4000
\$1500
\$4000

Attached please find a copy of the above-mentioned Claim of Lien(s) placed against your property. These lien(s) were filed on October 5, 2023, and returned to our office from the Osceola County Clerk of the Courts Recording Division.

If you have any questions or you would like a current pay-off on this lien(s), please contact the Code Enforcement Department at 407-518-2133.

COPY: Mark Vazquez, Code Enforcement Manager

Code Case Number: CE-BZ-21-00010

Code Case Details | Tab Elements | Main Menu

Code Case Type: Building/Zoning **Opened:** 11/24/2021 **Closed:** 11/02/2022
Status: Special Magistrate **Project Name:**
Assigned To: Risper, Carlos **District:** Zone 4
Description: Pool installed at the rear of the residence without a permit.

Locations Fees Inspections Attachments Contacts **Violations**

Violations | First Tab | Code Case Details | Main Menu

Violations

						Sort	Code
Code	Description	Status	Priority	Citation Issue Date	Compliance Date	Resolved Date	
9-251 - BUILDING PERMITS	The latest edition of the state building code and reference standards are hereby adopted and binding within the corporate limits of the city and police jurisdictions thereof. A copy of the Florida Building Code, also referred to herein as the state building code and referenced standards, is on file in the office of the city manager. As identified in Florida Building Code, Section 105.1 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 to 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.	In Violation	Medium	11/24/2021	12/10/2021		

Code Case Number: CE-BZ-21-00007

Code Case Details | Tab Elements | Main Menu

Code Case Type: Building/Zoning

Opened: 11/19/2021

Closed: 11/28/2022

Status: Special Magistrate

Project Name:

District: Zone 4

Assigned To: Risper, Carlos

Description: Room/Garage added to residence without a permit.

Locations

Fees

Inspections

Attachments

Contacts

Violations

Violations | First Tab | Code Case Details | Main Menu

Violations

						Sort	Code
Code	Description	Status	Priority	Citation Issue Date	Compliance Date	Resolved Date	
9-251 - BUILDING PERMITS	The latest edition of the state building code and reference standards are hereby adopted and binding within the corporate limits of the city and police jurisdictions thereof. A copy of the Florida Building Code, also referred to herein as the state building code and referenced standards, is on file in the office of the city manager. As identified in Florida Building Code, Section 105.1 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 to 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.	In Violation	High	11/19/2021	12/02/2021		

Code Case Number: CE-BZ-21-00017

Code Case Details | Tab Elements | Main Menu

Code Case Type: Building/Zoning

Opened: 12/09/2021

Closed: 11/28/2022

Status: Special Magistrate

Project Name:

District: Zone 4

Assigned To: Risper, Carlos

Description: Structure added to the rear of the main residence without a permit.

Locations

Fees

Inspections

Attachments

Contacts

Violations

Violations | First Tab | Code Case Details | Main Menu

Violations

Code	Description	Status	Priority	Created/Issue Date	Compliance Date	Resolved Date
9-251 - BUILDING PERMITS	The latest edition of the state building code and reference standards are hereby adopted and binding within the corporate limits of the city and police jurisdictions thereof. A copy of the Florida Building Code, also referred to herein as the state building code and referenced standards, is on file in the office of the city manager. As Identified In Florida Building Code, Section 105.1 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 to 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.	In Violation	Medium	12/09/2021	12/27/2021	

EXPRESS GARAGE DOORS, INC.2865 Michigan Ave., Kissimmee, FL.
34744

Phone 407-483-0403 Fax 407-483-0405

Invoice

Date	Invoice #
1/6/2022	9089

Bill To
FERNANDO HOMES, P.A.1105 2046 VELENCIA ST KISSIMMEE FL 34741 407-8736-9370

P.O. No.	Terms	Project

Description	Qty	Rate	Amount
NEW GARAGE DOOR 9 X 7 SOLID (WHITE) FLUSH Z-4 SOLID	1	1,100.00	1,100.00T
INSTALLATION GARAGE DOOR OPENER LIFT MASTER AND PART FOR INSTALLATION	1	275.00	275.00T
4 GLASS FOR GARAGE DOOR (WAITING FOR THE APPROVAL FROM THE CITY TO DO IT)	1	200.00	200.00T

Subtotal / \$1,575.00**Sales Tax (0.0%)** \$0.00**Total** \$1,575.00**Payments/Credits** \$0.00**Balance Due** \$1,575.00



DEVELOPMENT SERVICES DEPARTMENT

CITY OF KISSIMMEE
101 CHURCH ST; SUITE 120
KISSIMMEE, FLORIDA 34741-5054



TRANSMITTAL FOR PLAN REVIEW

DATE: 1/18/2022
ADDRESS: 2046 VALENCIA CIR
PERMIT NUMBER: MSR-21-0197

This permit has been

DISAPPROVED.

BUILDING/ZONING DIVISION - Joshua Tulak - 407.518.2155 - Joshua.Tulak@kissimmee.gov

Please see below the comments/conditions (if applicable):

1. Please provide an updated survey showing all as-built structures on this property, show the setback measurement from these structures to the property lines, provide the total lot coverage percentage. Note The maximum impervious surface area is 50%.
2. The as-built porch/carport does not meet the side setback of 8 feet from the property line and cannot be permitted.

Per code: Accessory structures shall meet the side and street side yard setback requirements of the zoning district. Property located in a RA-2 zoning district, side setback is 8 feet.

* It appears there is another accessory structure on the west side of the home that does not meet the side setback of 8 feet as well.

* The concrete slab north end of this as-built porch can be permitted as long as it is not located within utility easement. Any accessory structures built on the concrete slab have to meet required setbacks of the zoning district that the property is located within.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation.

Provide a response to comments within one hundred eight (180) days, or a request for an extension submitted for consideration. Otherwise, the project will be considered abandoned and a new application will be required to proceed.

DEVELOPMENT SERVICES DEPARTMENT
CITY OF KISSIMMEE
101 CHURCH ST; SUITE 120
KISSIMMEE, FLORIDA 34741-5054



TRANSMITTAL FOR PLAN REVIEW

ADDRESS: 2046 VALENCIA CIR
PERMIT NUMBER: MSR-21-0197

DATE: 1/13/2022

This permit has been

DISAPPROVED.

BUILDING DIVISION – Albert Rocco - 407.518.2158 - Albert.Rocco@kissimmee.gov

Please see below the comments/conditions (if applicable):

- 1) Please provide on the submitted survey or a plot plan the dimensions of the as built carport and its setbacks from property lines and any existing structures.
- 2) Please include on the submitted survey or a plot plan all existing structures on subject property. This includes, but not limited to, structures shown on satellite imagery (pool and roofed over area on west and north side of dwelling). Be sure to indicate their dimensions and setbacks from property lines and any other existing structures.
- 3) Please provide an Aluminum Structures Letter of Responsibility signed by the owner and contractor.
- 4) Please provide published product approval/notice of acceptance for the aluminum insulated roof.
- 5) Please provide construction details for all aluminum connection points.
- 6) Please indicate the size and depth of the footings.
- 7) As per provided garage door product approval FL#15012.1, attachment to aluminum members is not one of the approved framing materials. Please provide method of attachment detail or show compliance with submitted product approval.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forthcoming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation.

Provide a response to comments within one hundred eighty (180) days, or a request for an extension submitted for consideration. Otherwise, the project will be considered abandoned and a new application will be required to proceed.

DEVELOPMENT SERVICES DEPARTMENT
BUILDING DIVISION
CITY OF KISSIMMEE
101 CHURCH ST; SUITE 120
KISSIMMEE, FLORIDA 34741-5054



TRANSMITTAL FOR PLAN REVIEW

ADDRESS: 2046 VALENCIA CIR
PERMIT NUMBER: MSR-21-0197

DATE: 1/5/2022

**This permit has been
DISAPPROVED.**

Please see below the comments/conditions (if applicable):

ENGINEERING DEPARTMENT - Erika Allen - 407.518.2168 - Erika.Allen@kissimmee.gov

1. Please add the following information to the site plan:
 - a. Pre-development lot drainage patterns
 - b. Post-development lot drainage patterns
2. If any new grading or fill is proposed, please provide a grading plan, prepared by a licensed Professional Engineer to include the following:
 - a. All survey and site plan information mentioned above
 - b. Location, extent, and amount excavation and fill to be done
3. If no new fill or lot grading will be done with this development, indicate as a note on the site plan:
"No new fill or lot grading proposed with this development."
4. Please add the following note to the site plan: "New construction to be done so as not to impose any additional runoff onto nor impede runoff from adjacent properties."

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation.

Provide a response to comments within one hundred eight (180) days, or a request for an extension submitted for consideration. Otherwise, the project will be considered abandoned and a new application will be required to proceed.

INSPECTION WORKSHEET (IBR-008540-2023)

City of Kissimmee

Cellphone: XXX-XXX-XXXX. Address: XXX XXXXX BLVD XXXX

Case Number: MSR-22-0906
Inspection Date: Mon Apr 17, 2023
Inspector: Martinez, Luis

Case Module: Permit
Inspection Status: Approved
Inspection Type: Final Pool (Res)

Job Address: 2046 VALENCIA CIR
KISSIMMEE, FL, 34741

Parcel Number: 20-25-29-1875-0001-0050

Contact Type	Company Name	Name
Property Owner		HOMS, FERNANDO
Applicant	3VD CONSTRUCTIONS LLC	VASQUEZ MATA, JUAN
Contractor	3VD CONSTRUCTIONS LLC	VASQUEZ MATA, JUAN

Checklist Item	Status
General Comments	NA

Note: An Engineering letter has been attached to the file.


Martinez, Luis

2046
Valencia

Permit Number	Permit Type	Permit Work C...	Permit Status	Application Da... ↓	Expiration Date	Final Date	Description	Main Address
<u>MSR-23-0500</u>	Miscellaneous (Residential)	Fence/Wall	Finalized	08/17/2023	04/22/2024	10/26/2023	new aluminum gate	2046 VALENCIA CIR
<u>ER-23-0214</u>	Electrical (Residential)	Sub Permit	Void	04/06/2023			ELECTRICAL POOL	2046 VALENCIA CIR
<u>ER-23-0208</u>	Electrical (Residential)	Sub Permit	Finalized	04/04/2023	10/09/2023	04/21/2023	WIRING POOL	2046 VALENCIA CIR
<u>MSR-22-0906</u>	Miscellaneous (Residential)	Pool	Finalized	09/21/2022	10/16/2023	04/21/2023	NEW ABOVE GROUND POOL (20'X5'-9"). TO LEVELIZE: ALTERATION (DEMOLITION) OF THE POOL TO COMPLY WITH SETBACKS. ADDITION (TWO COVERED PORCH) AND PAVEMENT-CONCRETE SLAB TO DEMOLITION. TO LEVELIZE: ALTERATION OF TWO COVERED PORCHES TO COMPLY WITH SETBACKS AND REMOVED PAVERS AND CONCRETE TO COMPLY WITH MINIMUM IMPERVIOUS AREA.	2046 VALENCIA CIR
<u>MSR-22-0902</u>	Miscellaneous (Residential)	Accessory Structure	Finalized	09/21/2022	10/11/2023	04/16/2023	provide power motor gate 20a 120v 2ph	2046 VALENCIA CIR
<u>ER-22-0349</u>	Electrical (Residential)	Stand Alone	Finalized	05/11/2022	01/24/2023	07/29/2022	OPEN PORCH WITH ROOF INSULATED PANEL	2046 VALENCIA CIR
<u>MSR-22-0179</u>	Miscellaneous (Residential)	Accessory Structure	Disapproved Review	03/07/2022	10/08/2022		ABOVE GROUND POOL Superseded MSR-22-0906 20'X11'X4' DEEP	2046 VALENCIA CIR
<u>MSR-22-0177</u>	Miscellaneous (Residential)	Pool	Superseded	03/07/2022	09/03/2022		1. install new Gate Motor 2HP 120V. 20A 2. install new Water fall 1 1/2 HP 120V 20A	2046 VALENCIA CIR
<u>BR-22-0283</u>	Building (Residential)	Exterior Alteration	Void	02/28/2022			Carport	2046 VALENCIA CIR
<u>MSR-21-0197</u>	Miscellaneous (Residential)	Accessory Structure	Superseded	12/31/2021	09/23/2022			2046 VALENCIA CIR
<u>BP-21-02085</u>	Building Permit	Roof/Re-Roof	Finalized	06/22/2021	05/23/2022	11/24/2021	SHINGLES NOA 16-04 25.01	2046 VALENCIA CIR



CITY OF KISSIMMEE

Office of the City Clerk
101 Church Street . Kissimmee, Florida 34741-5054 . Phone 407-518-2308 . FAX 407-518-2261

TRANSMITTAL

DATE October 16, 2023

TO: Fernando Homs
14501 Tabago Bay Drive
Winter Garden, FL 34787

FROM: City of Kissimmee
City Clerk's Office
101 Church Street
Kissimmee, FL 34741

SUBJECT: Claim of Lien – Case #: BZ-21-0007
BZ-21-00010
BZ-21-00017
Parcel ID #: 20-25-29-1875-0001-0050
2046 Valencia Circle

\$4000
\$1500
\$4000

Attached please find a copy of the above-mentioned Claim of Lien(s) placed against your property. These lien(s) were filed on October 5, 2023, and returned to our office from the Osceola County Clerk of the Courts Recording Division.

If you have any questions or you would like a current pay-off on this lien(s), please contact the Code Enforcement Department at 407-518-2133.

COPY: Mark Vazquez, Code Enforcement Manager

Code Case Number: CE-BZ-21-00010

Code Case Details | Tab Elements | Main Menu

Code Case Type: Building/Zoning Opened: 11/24/2021 Closed: 11/02/2022
Status: Special Magistrate Project Name:
Assigned To: Risper, Carlos
Description: Pool installed at the rear of the residence without a permit.

Locations Fees Inspections Attachments Contacts **Violations**

Violations | First Tab | Code Case Details | Main Menu

						Sort	Code
Code	Description	Status	Priority	Citation Issue Date	Compliance Date	Resolved Date	
9-251 - BUILDING PERMITS	The latest edition of the state building code and reference standards are hereby adopted and binding within the corporate limits of the city and police jurisdictions thereof. A copy of the Florida Building Code, also referred to herein as the state building code and referenced standards, is on file in the office of the city manager. As identified in Florida Building Code, Section 105.1 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 to 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.	In Violation	Medium	11/24/2021	12/10/2021		

Code Case Number: CE-BZ-21-00007

Code Case Details | Tab Elements | Main Menu

Code Case Type: Building/Zoning
Status: Special Magistrate
Assigned To: Risper, Carlos
Description: Room/Garage added to residence without a permit.

Opened: 11/19/2021
Project Name:
District: Zone 4
Closed: 11/28/2022

Locations Fees Inspections Attachments Contacts **Violations**

Violations | First Tab | Code Case Details | Main Menu

Violations

Sort: Code

Code	Description	Status	Priority	Citation Issue Date	Compliance Date	Resolved Date
9-251 - BUILDING PERMITS	The latest edition of the state building code and reference standards are hereby adopted and binding within the corporate limits of the city and police jurisdictions thereof. A copy of the Florida Building Code, also referred to herein as the state building code and referenced standards, is on file in the office of the city manager. As identified in Florida Building Code, Section 105.1 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 to 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.	In Violation	High	11/19/2021	12/02/2021	

Code Case Number: CE-BZ-21-00017

Code Case Details | Tab Elements | Main Menu

Code Case Type: Building/Zoning

Opened: 12/09/2021

Closed: 11/28/2022

Status: Special Magistrate

Project Name:

District: Zone 4

Assigned To: Risper, Carlos

Description: Structure added to the rear of the main residence without a permit.

Locations

Fees

Inspections

Attachments

Contacts

Violations

Violations | First Tab | Code Case Details | Main Menu

Violations

Sort: Code

Code	Description	Status	Priority	Citation Issue Date	Compliance Date	Resolved Date
9-251 - BUILDING PERMITS	The latest edition of the state building code and reference standards are hereby adopted and binding within the corporate limits of the city and police jurisdictions thereof. A copy of the Florida Building Code, also referred to herein as the state building code and referenced standards, is on file in the office of the city manager. As identified in Florida Building Code, Section 105.1 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 to 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.	In Violation	Medium	12/09/2021	12/27/2021	

EXPRESS GARAGE DOORS, INC.

2865 Michigan Ave., Kissimmee, Fl.

34744

Phone 407-483-0403 Fax 407-483-0405

Invoice

Date	Invoice #
1/6/2022	9089

Bill To

FERNANDO HOMES, P.A.1105
2046 VELENCIA ST
KISSIMMEE FL 34741
407-8736-9370

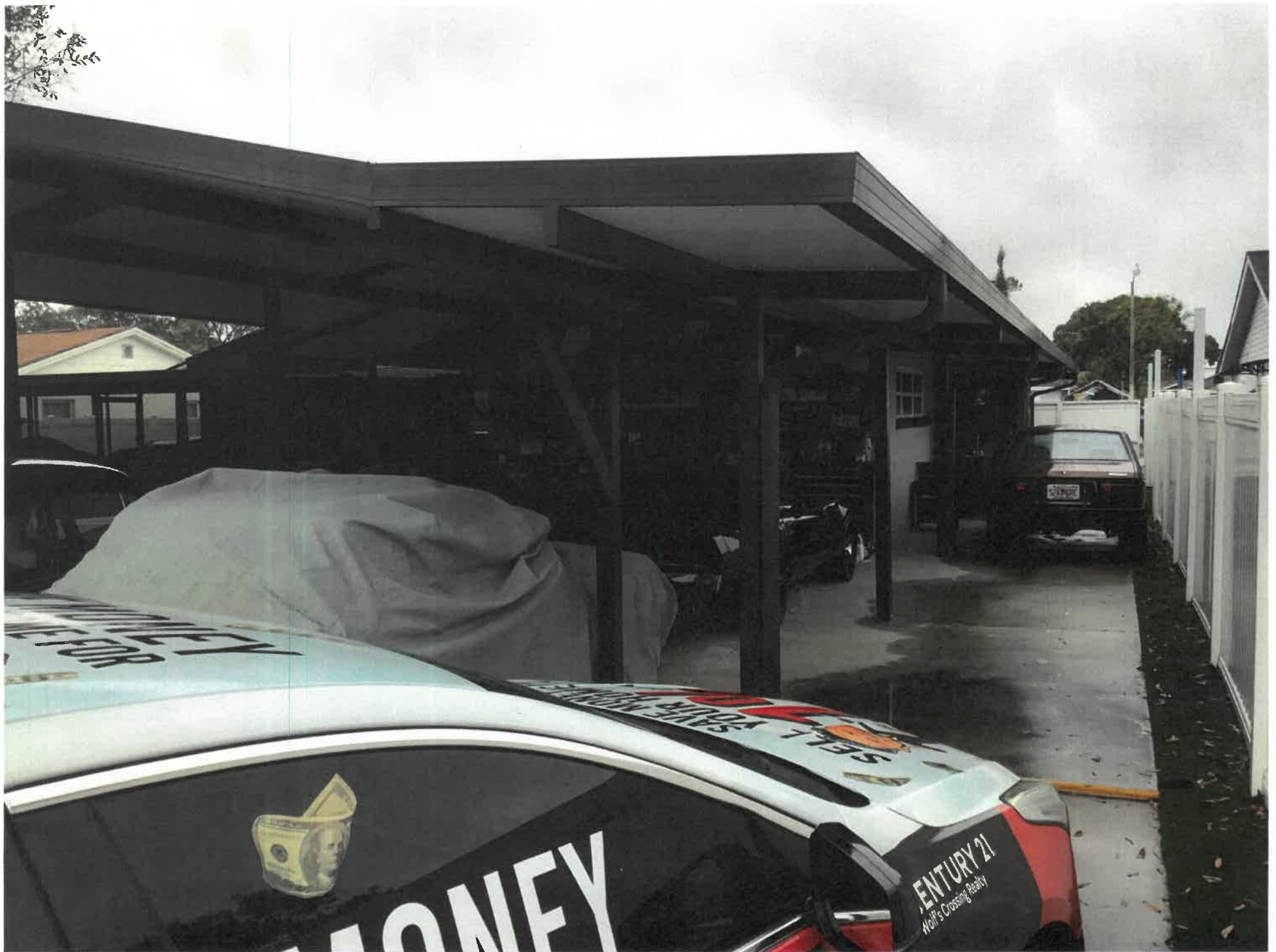
P.O. No.**Terms****Project**

Description	Qty	Rate	Amount
NEW GARAGE DOOR 9 X 7 SOLID (WHITE) FLUSH Z-4 SOLID	1	1,100.00	1,100.00T
INSTALLATION GARAGE DOOR OPENER LIFT MASTER AND PART FOR INSTALLATION	1	275.00	275.00T
4 GLASS FOR GARAGE DOOR (WAITING FOR THE APPROVAL FROM THE CITY TO DO IT)	1	200.00	200.00T
		Subtotal	\$1,575.00
		Sales Tax (0.0%)	\$0.00
		Total	\$1,575.00
		Payments/Credits	\$0.00
		Balance Due	\$1,575.00







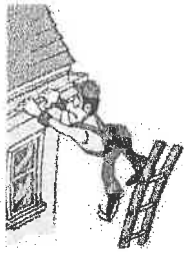












J.R. Light Maintenance, Inc.

2223 Eagles Landing Way
Kissimmee, FL 34744
thequitterspecialists@yahoo.com

Office: 407-289-2022

Cel: 407-346-8308

NAME: Fernando Homs
ADDRESS: 2046 Valencia Circle
Kissimmee, FL 34741

DATE: October 25, 2021.
PHONE: 407-449-0000
EMAIL: fernando@fernandohoms.com

Insulated Aluminum Carport

1. Clean installation area.
2. Installation of new insulated carport on right side of property \$11,980.00

Total Price..... \$11,980.00

Amount Paid: \$11,980.00 [cash]



TERMS OF PAYMENT: No deposit is due at the time of signing and balance is due in full upon completion of work listed above unless a different agreement is reached in writing by us and the homeowner. Past due payments (over 30 days) are subject to a 1.5% (18% APR) late charge plus expenses incurred in collection to include, but not limited to attorney's fees. Such accounts will be turned over to a legal agency for collection.

BUYER'S RIGHT TO CANCEL: If do not want the goods or services, you may cancel this agreement by providing written notice to the seller in person, by telegram, or by mail. This notice must indicate that you do not want the goods or services and must be delivered or postmarked before midnight or the third business day after you sign this agreement. If you cancel this agreement the seller may not keep all or part of any cash down payment. If you fail to cancel within the prescribed amount of time the fee for cancellation will be equal to 50% of the total invoice.

ACCEPTANCE: This estimate is subject to change and may be withdrawn if not accepted within 30 days after the date of the estimate. This estimate is subject to the terms and conditions listed and/or hand-written on the face and the reverse side hereof.

OBSTRUCTIONS: We are not responsible for re-installation of Satellite Dishes, TV Antennas, or any other item or equipment that may interfere with the installation of the above items. Such obstructions will be removed and it is the homeowner's responsibility to arrange for re-installment.

WARRANTY: This job carries a limited FIVE YEAR WARRANTY. We are not responsible for loss or damages due to natural phenomenon, neglect, fair wear and tear, or any alterations not performed by us after completion of the job. Additional written instructions on the care and maintenance of your gutters will be provided to the homeowner upon request.

INVOICE: Upon signing and receipt of deposit this estimate becomes the invoice for the specified amount. This contract shall not be binding on us until approved and signed by one of its agents. Homeowner is responsible for meeting all requirements of the Homeowners Association (if applicable).

According to Florida's Construction Lien Law (sections 713.001-713.37, Florida Statutes) those who work on your property or provide materials and are not paid in full have a right to enforce their claim for payment against your property. This claim is known as a CONSTRUCTION LIEN. If your contractor or a subcontractor fails to pay subcontractors, sub-subcontractors, or material suppliers or neglects other legally required payments, the people who are owed money may look to your property for payment, even if you have paid your contractor in full. If you fail to pay your contractor, your contractor may also have a lien on your property. This means if a lien is filed your property could be sold against your will to pay for labor, materials, or other services that your contractor may have failed to pay. Florida's Construction Lien Law is complex and it is recommended that whenever a specific problem arises, you consult an attorney.

I have read and agree to the terms and conditions listed above and authorize above work to be done:

Customer Signature: _____

Date: 10 / 25 / 2021

Company Rep: _____

Date: ____ / ____ / 20 ____

Work has been completed to my satisfaction:

Customer Signature: _____

Date: ____ / ____ / 20 ____

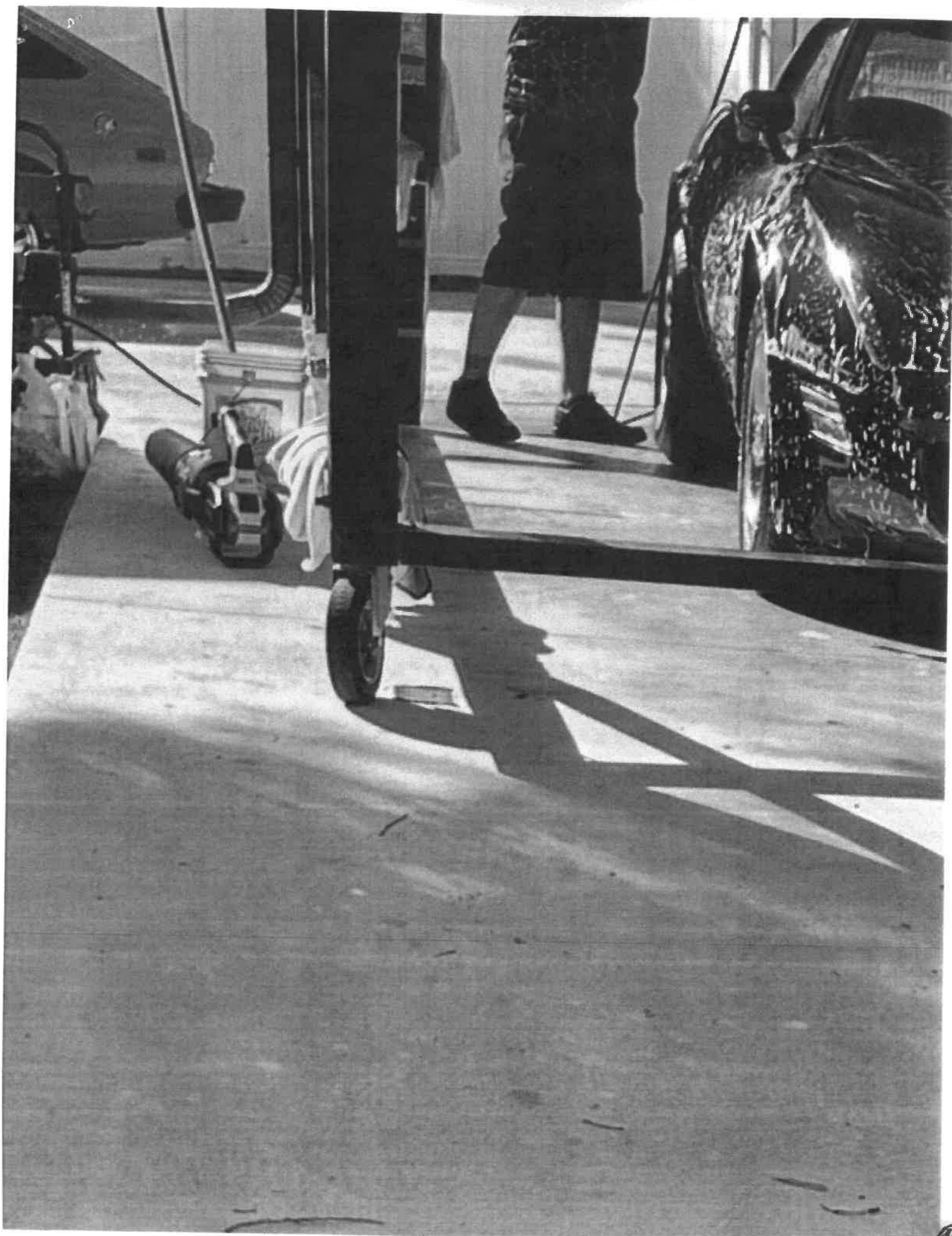
10:48



You on 9/2/22, 10:42 AM

All Media













Agre-
gar al
álbum



Mo-
ver al
archivo



Borrar
del dis-
positi-
vo

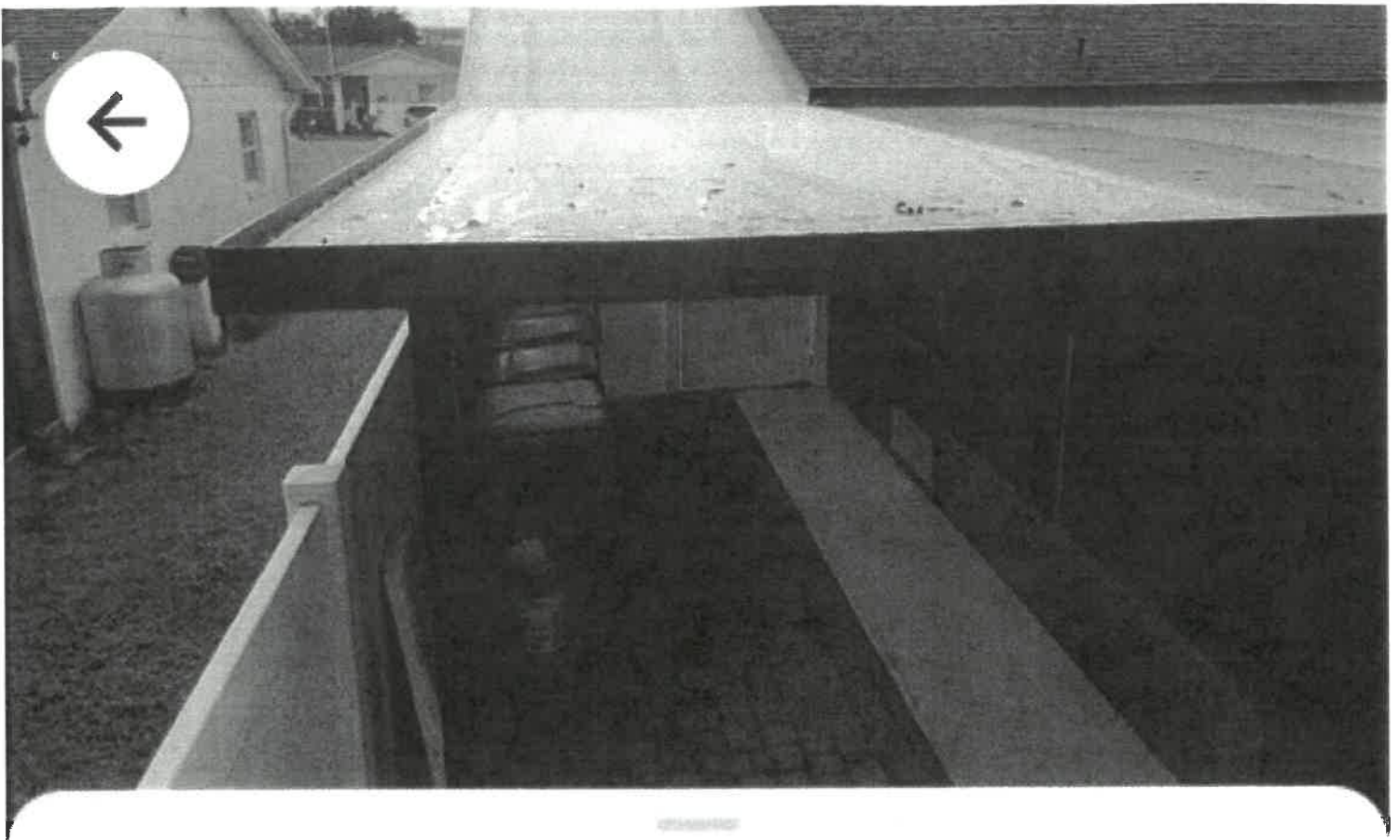


Crear



Cor
pra
fot

lun, 25 de oct de 2021 •
6:12 p. m.



Agre-
gar al
álbum



Mo-
ver al
archivo



Borrar
del dis-
positi-
vo



Crear



Cor
pra
fot

lun, 25 de oct de 2021 •
8:38 a. m.



Agre-
gar al
álbum



Mo-
ver al
archivo



Borrar
del dis-
positi-
vo



Crear



Cor
pra
fot

lun, 25 de oct de 2021 •
8:20 a. m.



Agre-
gar al
álbum



Mo-
ver al
archivo



Borrar
del dis-
positi-
vo



Crear



Cor
pra
fot

sáb, 23 de oct de 2021 •
9:05 a. m.

Arrendar una levenda

(1)

**BEFORE THE SPECIAL MAGISTRATE
OF THE CITY OF KISSIMMEE, FLORIDA**

CITY OF KISSIMMEE,

Case Number: CE-BZ-21-00017

vs.

Fernando Homs
Respondent,

Owner of the Property located at:
2046 Valencia Circle
Parcel ID#: 20-25-29-1875-0001-0050

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER (FIRST VIOLATION)**

On May 9, 2022, the undersigned Special Magistrate heard the matter of the CITY OF KISSIMMEE ("City") vs. FERNANDO HOMES ("Respondent"), which matter involved an alleged violation of City Code Section #9-251 – *Building Permits*, for erecting a structure without a valid permit at the rear of 2046 Valencia Circle, Kissimmee, FL 34741 (the "Property"). As a result of the hearing ("Hearing"), the Special Magistrate issues this Order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Based upon the evidence and testimony presented at the Hearing, the undersigned finds:

1. The violation occurred at the Property assigned with Parcel ID#: 20-25-29-1875-0001-0050. The Property is legally owned by Respondent. City asserted violation of City Code Section #9-251 – *Building Permits*.
2. Documentary evidence and sworn testimony were received and considered by the undersigned Special Magistrate.
3. Respondent was provided a Notice of Violation in accordance with Section 2-3-13 of the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. Respondent was provided a Notice of Hearing in accordance with Section 2-3-13 of the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. No objections were made by Respondent or any other person regarding receipt of notice or otherwise.
4. The City met all notice and other Due Process requirements in accordance with Chapter 162, Florida Statutes, including those for the Hearing.
5. City Code Enforcement staff was present, provided sworn testimony and submitted evidence to the Special Magistrate at the Hearing. The Respondent was present to speak and provided sworn testimony at the Hearing.

6. The violation of City Code Section #9-251 – *Building Permits* existed on the Property on the date alleged by the City and Respondent was provided a reasonable amount of time prior to the Hearing to correct said violation.

7. Respondent failed to timely correct the violation prior to the Hearing.

8. At the conclusion of the presentation of evidence, the Parties were allowed to present closing arguments to summarize their respective positions as to the charges under consideration by the Special Magistrate.

9. Based on the testimony and evidence presented, Respondent violated City Code Section #9-251 – *Building Permits*, by failing to properly obtain a permit for the structure located on the rear Property.

10. The City has proven a violation of City Code Section #9-251 – *Building Permits*, by the requisite standard of proof.

ORDER:

NOW, THEREFORE, based upon the foregoing facts and conclusions, and upon the testimony and evidence submitted for consideration, and the Special Magistrate being otherwise fully advised regarding this matter, it is found, determined, and ordered:

1. Respondent is given ninety (90) days, until August 8, 2022, to come into compliance by obtaining a permit for the pool constructed on the Property. Respondent shall be responsible to provide notice of correction of said violation to the City's Code Enforcement Department to be found in compliance.

2. If Respondent fails to correct the violation(s) within the time period set forth herein, a fine will be entered in the amount of **ONE HUNDRED DOLLARS (\$100.00) per day commencing on August 9, 2022 and will continue to accrue until the property is brought back into compliance with City Code.**

3. Future violations of City Code Section #9-251 – *Building Permits* for erecting structure without a valid permit at the rear of the Property shall be classified as a repeat violation.

4. These findings shall be binding upon the Property. A certified copy of this Order may be recorded in the public records of Osceola County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns to the Property.

5. All future recurrence(s) of any violation(s) addressed herein shall necessitate further proceedings before the Special Magistrate. While the Code Enforcement Officer shall give Respondent notice of the repeat violation, the Code Enforcement Officer is not required to provide Respondent a reasonable time to correct such repeat violation(s). The Special Magistrate, upon finding that such repeat violation(s) exist(s), may impose a fine not to exceed Five Thousand Dollars (\$5,000.00) for each day a repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Enforcement Officer.

DONE AND ORDERED on the date below written.

DATED this 17th day of May, 2022

SPECIAL MAGISTRATE FOR THE CITY OF
KISSIMMEE, FLORIDA

Clifford B. Shepard
Clifford B. Shepard

Original filed with:
Ms. Shawnta Dillard
Code Enforcement Secretary
101 Church Street, Suite 110
Kissimmee, Florida 34741

I HEREBY CERTIFY that on the 18th day of May 2022, a true and correct copy of the above and foregoing Order was furnished to Respondent(s) standard USPS mail at the below-listed address.

Jameara R. Crespo
JAMEARA R. CRESPO
CLERK TO THE SPECIAL MAGISTRATE
FOR THE CITY OF KISSIMMEE, FLORIDA
101 Church Street
Kissimmee, Florida 34741

Copies provided to:
Fernando Homs
2046 Valencia Circle
Kissimmee, FL 34741

City Attorney
101 Church St.
Kissimmee, FL 34741

Fernando Homs
14501 Tabago Bay Drive
Winter Garden, FL 34787

**BEFORE THE SPECIAL MAGISTRATE
OF THE CITY OF KISSIMMEE, FLORIDA**

CITY OF KISSIMMEE,

Case Number: CE-BZ-21-00010

vs.

Fernando Homs
Respondent,

Owner of the Property located at:
2046 Valencia Circle
Parcel ID#: 20-25-29-1875-0001-0050

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER (FIRST VIOLATION)**

On May 9, 2022, the undersigned Special Magistrate heard the matter of the CITY OF KISSIMMEE ("City") vs. FERNANDO HOMES ("Respondent"), which matter involved an alleged violation of City Code Section #9-251 – *Building Permits*, for constructing a pool without a valid permit on property located at 2046 Valencia Circle, Kissimmee, FL 34741 (the "Property"). As a result of the hearing ("Hearing"), the Special Magistrate issues this Order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Based upon the evidence and testimony presented at the Hearing, the undersigned finds:

1. The violation occurred at the Property assigned with Parcel ID#: 20-25-29-1875-0001-0050. The Property is legally owned by Respondent. City asserted violation of City Code Section #9-251 – *Building Permits*.
2. Documentary evidence and sworn testimony were received and considered by the undersigned Special Magistrate.
3. Respondent was provided a Notice of Violation in accordance with Section 2-3-13 of the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. Respondent was provided a Notice of Hearing in accordance with Section 2-3-13 of the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. No objections were made by Respondent or any other person regarding receipt of notice or otherwise.
4. The City met all notice and other Due Process requirements in accordance with Chapter 162, Florida Statutes, including those for the Hearing.
5. City Code Enforcement staff was present, provided sworn testimony and submitted evidence to the Special Magistrate at the Hearing. The Respondent was present to speak and provided sworn testimony at the Hearing.

6. The violation of City Code Section #9-251 – *Building Permits* existed on the Property on the date alleged by the City and Respondent was provided a reasonable amount of time prior to the Hearing to correct said violation.

7. Respondent failed to timely correct the violation prior to the Hearing.

8. At the conclusion of the presentation of evidence, the Parties were allowed to present closing arguments to summarize their respective positions as to the charges under consideration by the Special Magistrate.

9. Based on the testimony and evidence presented, Respondent violated City Code Section #9-251 – *Building Permits*, by constructing a pool without a valid permit on the Property.

10. The City has proven a violation of City Code Section #9-251 – *Building Permits*, by the requisite standard of proof.

ORDER:

NOW, THEREFORE, based upon the foregoing facts and conclusions, and upon the testimony and evidence submitted for consideration, and the Special Magistrate being otherwise fully advised regarding this matter, it is found, determined, and ordered:

1. Respondent is given ninety (90) days, until August 8, 2022, to come into compliance by obtaining a permit for the pool constructed on the Property. Respondent shall be responsible to provide notice of correction of said violation to the City's Code Enforcement Department to be found in compliance.

2. If Respondent fails to correct the violation(s) within the time period set forth herein, a fine will be entered in the amount of ONE HUNDRED DOLLARS (\$100.00) per day commencing on August 9, 2022 and will continue to accrue until the property is brought back into compliance with City Code.

3. Future violations of City Code Section #9-251 – *Building Permits* for constructing a pool without a valid permit on the Property shall be classified as a repeat violation.

4. These findings shall be binding upon the Property. A certified copy of this Order may be recorded in the public records of Osceola County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns to the Property.

5. All future recurrence(s) of any violation(s) addressed herein shall necessitate further proceedings before the Special Magistrate. While the Code Enforcement Officer shall give Respondent notice of the repeat violation, the Code Enforcement Officer is not required to provide Respondent a reasonable time to correct such repeat violation(s). The Special Magistrate, upon finding that such repeat violation(s) exist(s), may impose a fine not to exceed Five Thousand Dollars (\$5,000.00) for each day a repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Enforcement Officer.

DONE AND ORDERED on the date below written.

DATED this 17th day of May, 2022

**SPECIAL MAGISTRATE FOR THE CITY OF
KISSIMMEE, FLORIDA**

Clifford B. Shepard
Clifford B. Shepard

Original filed with:
Ms. Shawnta Dillard
Code Enforcement Secretary
101 Church Street, Suite 110
Kissimmee, Florida 34741

I HEREBY CERTIFY that on the 18th day of May 2022, a true and correct copy of the above and foregoing Order was furnished to Respondent(s) standard USPS mail at the below-listed address.

Jamena R. Crespo
JAMEARA R. CRESPO
CLERK TO THE SPECIAL MAGISTRATE
FOR THE CITY OF KISSIMMEE, FLORIDA
101 Church Street
Kissimmee, Florida 34741

Copies provided to:
Fernando Homs
2046 Valencia Circle
Kissimmee, FL 34741

City Attorney
101 Church St.
Kissimmee, FL 34741

Fernando Homs
14501 Tabago Bay Drive
Winter Garden, FL 34787

3

**BEFORE THE SPECIAL MAGISTRATE
OF THE CITY OF KISSIMMEE, FLORIDA**

CITY OF KISSIMMEE,

Case Number: CE-BZ-21-00007

vs.

Fernando Homs
Respondent,

Owner of the Property located at:
2046 Valencia Circle
Parcel ID#: 20-25-29-1875-0001-0050

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER (FIRST VIOLATION)**

On May 9, 2022, the undersigned Special Magistrate heard the matter of the CITY OF KISSIMMEE ("City") vs. FERNANDO HOMES ("Respondent"), which matter involved an alleged violation of City Code Section #9-251 – *Building Permits*, for construction of an additional garage without a valid permit at the front of 2046 Valencia Circle, Kissimmee, FL 34741 (the "Property"). As a result of the hearing ("Hearing"), the Special Magistrate issues this Order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Based upon the evidence and testimony presented at the Hearing, the undersigned finds:

1. The violation occurred at the Property assigned with Parcel ID#: 20-25-29-1875-0001-0050. The Property is legally owned by Respondent. City asserted violation of City Code Section #9-251 – *Building Permits*.
2. Documentary evidence and sworn testimony were received and considered by the undersigned Special Magistrate.
3. Respondent was provided a Notice of Violation in accordance with Section 2-3-13 of the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. Respondent was provided a Notice of Hearing in accordance with Section 2-3-13 of the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. No objections were made by Respondent or any other person regarding receipt of notice or otherwise.
4. The City met all notice and other Due Process requirements in accordance with Chapter 162, Florida Statutes, including those for the Hearing.
5. City Code Enforcement staff was present, provided sworn testimony and submitted evidence to the Special Magistrate at the Hearing. The Respondent was present to speak and provided sworn testimony at the Hearing.

6. The violation of City Code Section #9-251 – *Building Permits* existed on the Property on the date alleged by the City and Respondent was provided a reasonable amount of time prior to the Hearing to correct said violation.

7. Respondent failed to timely correct the violation prior to the Hearing.

8. At the conclusion of the presentation of evidence, the Parties were allowed to present closing arguments to summarize their respective positions as to the charges under consideration by the Special Magistrate.

9. Based on the testimony and evidence presented, Respondent violated City Code Section #9-251 – *Building Permits*, by constructing an additional garage on the Property without a valid permit.

10. The City has proven a violation of City Code Section #9-251 – *Building Permits*, by the requisite standard of proof.

ORDER:

NOW, THEREFORE, based upon the foregoing facts and conclusions, and upon the testimony and evidence submitted for consideration, and the Special Magistrate being otherwise fully advised regarding this matter, it is found, determined, and ordered:

1. Respondent is given ninety (90) days, until **August 8, 2022**, to come into compliance by obtaining a permit for the additional garage located at the front of the Property. Respondent shall be responsible to provide notice of correction of said violation to the City's Code Enforcement Department to be found in compliance.

2. If Respondent fails to correct the violation(s) within the time period set forth herein, a fine will be entered in the amount of **ONE HUNDRED DOLLARS (\$100.00)** per day commencing on **August 9, 2022** and will continue to accrue until the property is brought back into compliance with City Code.

3. Future violations of City Code Section #9-251 – *Building Permits* for construction of an additional garage on the Property without a valid permit shall be classified as a repeat violation.

4. These findings shall be binding upon the Property. A certified copy of this Order may be recorded in the public records of Osceola County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns to the Property.

5. All future recurrence(s) of any violation(s) addressed herein shall necessitate further proceedings before the Special Magistrate. While the Code Enforcement Officer shall give Respondent notice of the repeat violation, the Code Enforcement Officer is not required to provide Respondent a reasonable time to correct such repeat violation(s). The Special Magistrate, upon finding that such repeat violation(s) exist(s), may impose a fine not to exceed Five Thousand Dollars (\$5,000.00) for each day a repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Enforcement Officer.

DONE AND ORDERED on the date below written.

DATED this 17th day of May, 2022

**SPECIAL MAGISTRATE FOR THE CITY OF
KISSIMMEE, FLORIDA**

Clifford B. Shepard
Clifford B. Shepard

Original filed with:
Ms. Shawnta Dillard
Code Enforcement Secretary
101 Church Street, Suite 110
Kissimmee, Florida 34741

I HEREBY CERTIFY that on the 18th day of May 2022, a true and correct copy of the above and foregoing Order was furnished to Respondent(s) standard USPS mail at the below-listed address.

Jameara R. Crespo
JAMEARA R. CRESPO
CLERK TO THE SPECIAL MAGISTRATE
FOR THE CITY OF KISSIMMEE, FLORIDA
101 Church Street
Kissimmee, Florida 34741

Copies provided to:
Fernando Homs
2046 Valencia Circle
Kissimmee, FL 34741

City Attorney
101 Church St.
Kissimmee, FL 34741

Fernando Homs
14501 Tabago Bay Drive
Winter Garden, FL 34787

Exhibit "B"
Discussion Item 8.A.
Estimated Cost of City's Expenses

2046 Valencia Circle

Estimated Cost of City's Expenses*

Code Enforcement Case	Staff and Material Costs	Amount
CE-BZ-21-00007	Special Magistrate (SP)	\$353.00
	Code Enforcement Staff SP meeting	\$100.00
	Code Enforcement Inspections (16)	\$466.72
	Code Enforcement Secretary case prep and invoicing	\$53.88
	Postage	\$33.52
CE-BZ-21-00010	Special Magistrate (SP)	\$353.00
	Code Enforcement Staff SP meeting	\$100.00
	Code Enforcement Inspections (14)	\$408.38
	Code Enforcement Secretary case prep and invoicing	\$215.52
	Postage	\$32.34
CE-BZ-21-00017	Special Magistrate (SP)	\$353.00
	Code Enforcement Staff SP meeting	\$100.00
	Code Enforcement Inspections (14)	\$466.72
	Code Enforcement Secretary case prep and invoicing	\$251.44
	Postage	\$33.52
Total		\$3,321.04

*This estimate only includes Code Enforcement Staff and processes. The following Departments were not included in the estimate of cost to the City.

- City Attorney's Office
- City Clerk's Office
- City Manager's Office.

This estimate does not include cost such as gas and other equipment used for each case.