

March 7, 2017 - Regular Meeting  
Agenda Item #21

Subject

Reduction of Code Enforcement Fines for Otto Frantz and Maria Sara Czako PIN#766400154 - 4716 16th Avenue East, Palmetto

Briefings

None

Contact and/or Presenter Information

Jeff Bowman, Division Chief, Ext. 6854

**APPROVED** in Open Session  
March 7, 2017  
Manatee County Board of County  
Commissioners

Action Requested

Motion to reduce the fines for case number CE2016020195 totaling \$8,400.00 to \$2,000.00 (as previously recommended by the Special Magistrate on January 25, 2017), subject to the following conditions:

1. The reduced fines shall be paid within 90 days or will revert back to the original fine amounts of \$8,400.
2. Recording fees need to be collected, which total \$40
3. Building and Development Services Department Director is authorized to sign satisfactions of liens if reduced fines are paid.

Enabling/Regulating Authority

Section 162.09, Florida Statutes

Background Discussion

The property owners Otto Frantz and Maria Sara Czako worked regularly with staff to correct the violation. The owners indicated that they notified the Code Enforcement Officer that they would be in Europe for a period of time. After months of putting together and spending approximately \$2,600.00 to correct the violation they are now in compliance and request a fine reduction.

Below is a brief synopsis regarding the case history:

1. Violation: Garage erected without a permit.
2. Notice of Violation issued: 6/16/2016
3. Special Magistrate Hearing: 8/24/2016 - ordered to comply or a \$75.00 fine per day, per fine would be imposed.
4. Complied: 310.3 complied on 12/13/2016 and 310.5 complied on 12/21/2016 - 116 days.
5. Fines for both total \$8,400.00 plus \$40.00 recording fees.
6. Property owner offered a total of \$2,000.00 plus \$40.00 recording fees to settle this case.
7. Special Magistrate Mitigation hearing 1/25/2017. The Magistrate determined that justification exists to

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - March 7, 2017

reduce the total fine amounts and to forward the request to the Board of County Commissioners with a recommendation to reduce the fine amounts totaling \$8,400.00 to \$2,000.00 plus \$40.00 recording fees to settle this case. Staff recommends approval.

County Attorney Review

Not Reviewed (Utilizes exact document or procedure approved within the last 18 months)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please forward a stamped copy of the agenda to Administrative Specialist Vicki Gipson ([vicki.gipson@mymanatee.org](mailto:vicki.gipson@mymanatee.org)) in the Code Enforcement Division following disposition.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [CE2016020195.pdf](#)

CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,  
Complainant,

vs.

CASE NO. CE2016020195

OTTO FRANTZ AND MARIA SARA CZAKO,  
Respondent.

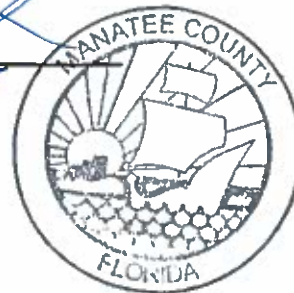
ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on January 25, 2017, after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order of Referral Order as follows:

1. The Compliance Orders issued on August 24, 2016 found that Respondent(s), Otto Frantz and Maria Sara Czako, was/were the owner(s) or person(s) in charge of the property located at 4716 16<sup>th</sup> Avenue East, Palmetto, FL, and identified in the Manatee County Property Appraiser's records as: PIN 766400154, and that the property was in violation of Sections 310.3 and 310.5 of the Manatee County Land Development Code, in that Respondent has constructed a garage without a valid permit and Certificate of Completion and has failed to remedy the aforesaid violation.
2. The Compliance Order imposed a fine of \$75.00 for each day each violation(s) continued to exist past the compliance date ordered.
3. As of the date of the hearing, fines imposed against Respondent(s) totaled \$8,400.00, and a certified copy of the Order of Imposing Fine/Lien issued on was recorded in the Public Records of Manatee County Book 2645, Page 7024 and Book 2645, Page 7023, and thereafter constituted a lien against the above-described property and upon any other real or personal property owned by Respondent(s) pursuant to Section 162.09, Florida Statutes, and Section 2-9-8 of the Manatee County Code of Ordinances.
4. The corrective action ordered in the Compliance Order has been completed and the property is now in compliance with Manatee County Land Development Code.
5. Justification exists to refer this case to the Manatee County Board of County Commissioners with a recommendation to reduce the outstanding fines to \$2,000.00 plus \$40.00 in recording fees.

DONE AND ORDERED this 25 day of January, 2017

  
Manatee County Code Enforcement  
Special Magistrate



ATTEST: Angelina Colonnese, Clerk of the Circuit Court  
Manatee County

By:   
Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Compliance Order has been furnished to Respondent, Otto Frantz and Maria Sara Czako at 4716 16<sup>th</sup> Avenue East, Palmetto, FL 34221-2230, by US Mail and to the Manatee County Code Enforcement Division, this 26 day of

January, 20 17.

Angelina Colonnese, Clerk of the Circuit Court  
Manatee County

By: Andrea Crowell  
Deputy Clerk

For further information on this matter contact Code Enforcement at 941-748-2071.

# Application for Relief - Code Enforcement Liens

## Manatee County Code Enforcement Division

1112 Manatee Avenue West  
Bradenton, FL 34205  
Tel: (941) 748-2071 Fax: (941) 749-3094

Notice: This application is available as a WORD document for your convenience.  
Manatee County accepts applications for Code Enforcement Lien relief from owners of properties that have corrected ALL of the violations on the subject property. Please complete the form in its entirety. Incomplete applications will not be accepted.

Case # CE2016020195 Manatee County - vs - (Respondent) OTTO FRANTZ AND MARIA SARA CZAKO

### Property Information

|  |        |                        |
|--|--------|------------------------|
| Parcel Identification Number: <u>766400154</u> |        |                        |
| Lot:   | Block: | Subdivision:           |
| Address: <u>4716 16TH AVENUE EAST</u>          |        |                        |
| City: <u>PALMETTO</u>                          |        | Zip Code: <u>34221</u> |

### Property Owner Information

|   |                         |                   |
|---|-------------------------|-------------------|
| Current property owner: <u>OTTO FRANTZ AND MARIA SARA CZAKO</u> |                         |                   |
| Address: <u>4716 16TH AVENUE EAST</u>                           |                         |                   |
| City: <u>PALMETTO</u>   | State: <u>FL</u>        | Zip: <u>34221</u> |
| Phone #: <u>941-729-1595</u>                                    | Email address: <u>-</u> |                   |
| Representative/Agent: <u>-</u>                                  |                         |                   |
| Address: <u>-</u>   |                         |                   |
| City: <u>-</u>  | State: <u>-</u>         | Zip: <u>-</u>     |
| Phone #: <u>-</u>   | Email address: <u>-</u> |                   |

### Lien Information

|   |   |
|---|---|
| Amount of lien: <u>\$8,700</u>            | Amount of offer: <u>\$2,000</u>                                 |
| Date lien was recorded: <u>11/01/2016</u> | Number of days the property was in Violation: <u>116 DAYS</u>   |
| Date of Compliance: <u>12/21/2016</u>     | How much money was spent to abate the Violation: <u>\$2,600</u> |

The following documentation (when applicable) SHALL be submitted with the application:

(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

1. Notice of Lis Pendens recorded with Manatee County Clerk of Courts with the date, book and page shown;
2. Foreclosure Order, with the recording date, book and page shown;
3. Final Summary Judgment of Foreclosure, with the recording date, book and page shown;

- 4. New Certificate of Title, with the recording date, book and page shown;
- 5. County's Final Order of Imposition of Fine; and
- 6. Claim of Lien(s) with the recording date, book and page shown.

**FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:**

- 1. The nature and gravity of the violation(s);
- 2. Any actions you have taken to correct the violation(s);
- 3. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
- 4. Any actual costs you expended to cure the violation(s), if supported by documentation;
- 5. Any other prior or current violations you committed on the subject property or upon any other property you own within the County; and
- 6. Equitable considerations.
  - i. Whether there was any extraordinary hardship which existed or currently exists;
  - ii. Whether the applicant was the property owner when the fine or lien was imposed;
  - iii. Whether the property is homestead or non-homestead property;
  - iv. Whether the County lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner.

Please provide written justification as to why relief should be granted: (When you complete this section, at a minimum, address the above factors and reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

PROPERTY LITIGATION: (If applicable give detail here if this property is involved in litigation.)

I certify that I am: (Include documentation of the below)

- the owner of the subject property;
- an Attorney representing the owner,
- the legal representative for the property, or
- otherwise authorized to act on behalf of the property owner in this matter.

*Otto Frantz* Maria Sara Czako 12/21/2016  
 Signature of Owner/Authorized Representative Date

OTTO FRANTZ AND MARIA SARA CZAKO  
 Print Name

*Note: County code section 2-36-8(f) allows the Board of County Commissioners to execute a satisfaction or release of lien. The application process requires two (2) public meetings. Once the application and documentation is found to be complete it will be scheduled and presented before a Special Magistrate. The findings of the Special Magistrate along with the application will be forwarded to the Board of County Commissioners for final approval or denial. All payments will need to be mailed to Manatee County, Attention Code Enforcement, P.O. Box 1000, Bradenton, FL 34206-1000 and payable to: Manatee County, and include the Case Number. Once payment is received a Satisfaction of Lien will be prepared and recorded.*

**Otto Frantz and Maria Sara Czako**  
4716 16<sup>th</sup> Avenue East  
Palmetto, FL 34221

December 21, 2016

**Mr. Jeff Bowman**  
**Code Enforcement Chief**  
Code Enforcement Division  
Building & Development Services Department  
Manatee County Government  
1112 Manatee Avenue West, 4<sup>th</sup> Floor  
Bradenton, FL 34205

**RE: Application For Relief – Code Enforcement Liens**  
**Parcel Identification Number: 766400154**

Dear Mr. Bowman:

We, the undersigned, Otto Frantz and Maria Sara Czako, residents of Manatee County Florida, respectfully request your consideration for accepting our Application For Relief – Code Enforcement Liens.

We sincerely apologize for misunderstanding the communications and for not being able to attend the hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, because of our visit to family in Europe.

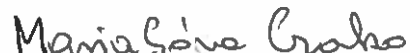
After we came back home, we were notified about the Fine/Lien and we started right away to complete and make the necessary corrective actions. We worked regularly with Manatee County's staff to make sure we are going to make compliant actions. We thank you and very much appreciate the County's staff time and helpful directions.

Unfortunately, it took us months to put together the needed resources in order to address the issue completely. We hope, that you will accept our apology and our Application For Relief – Code Enforcement Liens.

Thank you very much for your time and for considering our request.

Respectfully yours,

  
Otto Frantz

  
Maria Sara Czako

**MANATEE COUNTY, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE**

MANATEE COUNTY, FLORIDA

CASE NO. CE2016020195

Petitioner,

vs.

OTTO FRANTZ AND MARIA SARA CZAKO

Respondent

**ORDER IMPOSING ADMINISTRATIVE FINE/LIEN**

THIS CAUSE came up for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on August 24, 2016, after due notice to Respondent, at which time the Special Magistrate heard testimony under oath, received evidence, heard argument, and issued a Compliance Order containing Findings of Fact, Conclusions of Law and Order, which was reduced to writing and furnished to Respondent.

Said Order required Respondent to take certain corrective action by a specified date, as more specifically set forth in the Compliance Order dated August 24, 2016.

An Affidavit of Non-Compliance, dated October 26, 2016, has been filed with the Clerk of the Circuit Court by the Code Enforcement Officer, which Affidavit certifies under oath that the required corrective action was not taken as ordered by the Special Magistrate.

Accordingly, it having been brought to the Special Magistrate's attention that Respondent has not complied with the Compliance Order dated August 24, 2016, by the date specified in said Order, it is hereby

ORDERED that Respondent pay to Manatee County, Florida, a fine of \$75 for each and every day the violation of Section 310.5 (Certificate of Completion) of the Manatee County Land Development Code exists and continues to exist past the date set for Compliance (October 21, 2016) by the Special Magistrate's Compliance Order, at 4716 16TH AVE E, PALMETTO, FL, and described as follows: PARCEL IDENTIFICATION NUMBER 766400154. This fine shall continue to accrue until Respondent comes into compliance with said Compliance Order.

A certified copy of this Order has been recorded in the public records of Manatee County, Florida, and shall thereafter constitute a lien against the above-described property and upon any other real or personal property owned by Respondent pursuant to Section 162.09, Florida Statutes, and Section 2-9-8 of the Manatee County Code of Ordinances.

DONE AND ORDERED this 26th day of October, 2016.

ATTEST: Angelina Colonnese, Clerk of the Circuit Court  
Manatee County, Florida

By:   
Deputy Clerk


  
Code Enforcement Special Magistrate



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order Imposing Administrative Fine/Lien has been furnished to Respondent, OTTO FRANTZ AND MARIA SARA CZAKO at 4716 16TH AVE E, PALMETTO, FL 34221-2230 by hand or U.S. mail and to the Manatee County Code Enforcement Division, this 1st day of November, 2016.

Angelina Colonnese, Clerk of the Circuit Court  
Manatee County, Florida

By:   
Deputy Clerk

Attention: It is your responsibility to notify Code Enforcement at 941-748-2071 to verify that the violation has been brought into compliance and that any fines/liens have been satisfied.



**MANATEE COUNTY, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE**

MANATEE COUNTY, FLORIDA

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vs.

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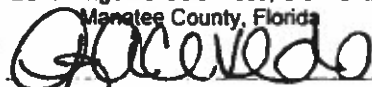
**ORDERED** that Respondent pay to Manatee County, Florida, a fine of \$75 for each and every day the violation of Section 310.3 (Building Permit Required) of the Manatee County Land Development Code exists and continues to exist past the date set for compliance (October 21, 2016) by the Special Magistrate's Compliance Order, at 4716 16TH AVE E, PALMETTO, FL, and described as follows: **PARCEL IDENTIFICATION NUMBER 766400154**. This fine shall continue to accrue until Respondent comes into compliance with said Compliance Order.

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Manatee County, Florida

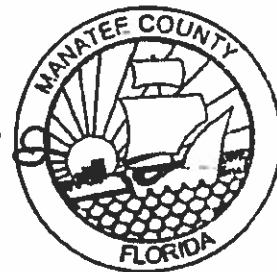
By:



Deputy Clerk



Code Enforcement Special Magistrate

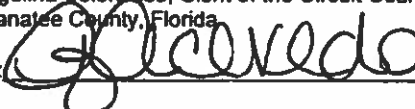


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Angelina Colonnese, Clerk of the Circuit Court  
Manatee County, Florida

By:



Deputy Clerk

Attention: It is your responsibility to notify Code Enforcement at 941-748-2071 to verify that the violation has been brought into compliance and that any fines/liens have been satisfied.

