

BEFORE THE SPECIAL MASTER OF DESOTO COUNTY, FLORIDA

DESOTO COUNTY,
Petitioner,

vs.

CASE NO. 2009-065

DRD ENTERPRISES INC. OF DAVIE
Respondent

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE was heard by PAULA J. RHOADS, Esquire, Special Master, on October 22, 2009, upon the Notice of Violation filed against the Respondent. The Respondent was present through David Pressler and was not represented by counsel at the hearing. Based upon the testimony and evidence presented, the Special Master hereby enters this Order based upon the following findings of fact and conclusion of law.

FINDINGS OF FACT

1. The Respondent owns and/or occupies the following real property located in Desoto County, Florida, to wit:

Parcel I.D # 04-38-24-0000-0276-0000.

and more commonly known as 4899 NW Hwy 72, Arcadia Florida 34266.

2. At all times material hereto, the subject real property was zoned A-10.

3. Inspection of the property on August 12 and September 30, 2009 revealed that a business activity was being conducted on the property contrary to the zoning designation, and that no development plan had been filed or



approved. Further, the Respondent had allowed overgrown grass and weeds to accumulate on the property, and there was a mobile home thereon that appeared to be occupied.

4. A notice to Correct the violations was delivered to Respondent on August 31, and subsequent inspections showed that the mobile home was no longer occupied; Respondent stated that the grass was contracted for mowing.

5. Respondent contended that the dome structures on the property were not for sale but were built to serve various purposes in the agricultural project being built on the property; however, no agricultural use of the property was apparent to investigators. Respondent alleged that the farm was in the process of development and that the structures were to be storage buildings used in the operation.

6. The Petitioner noted that the sign on the property's gate inferred that the domes were for sale, and that the structures were situated in a row near the entrance. No agricultural use of the property was in existence during the relevant periods when the structures were being constructed.

7. It is alleged that by virtue of these conditions the Respondent has violated Sections 2304(A)(4), 12101, and 2002-12(A)(1) of the Land Development Regulations and Ordinances of Desoto County, Florida. An Affidavit of Violation was filed on October 5, 2009.

CONCLUSIONS OF LAW

1. Respondent, by these acts, conducts, or omissions, has created

conditions which constitute violations of Sections 2304(A)(4), 12101, and 2002-12 of the Land Development Regulations and Ordinances of Desoto County, Florida.

ORDER

Respondent is hereby ordered:

A. To take whatever steps necessary to remove all overgrown vegetation within thirty (30) days of the date of this order, so as to comply with the Land Development Regulations and Ordinances of Desoto County, Florida.

B. To cease and desist, for a period of two (2) years, from any future violation of the Desoto County Land Development Regulations.

C. Failure to comply with any of the provisions of this Order shall subject Respondent to a \$100.00 fine per day, per violation, for each day the violation is shown to exist in the future. A fine will become a lien on your property, pursuant to Section 162.09, Florida Statutes.

D. The Respondent shall pay case costs of \$247.81 within thirty (30) days of this order.


E. The Special Master hereby reserves jurisdiction to issue any further orders as may be proper in this cause, including, but not limited to, imposing a fine for non-compliance with this Order.

DONE AND ORDERED on this the 9 day of November, 2009.




PAULA J. RHOADS, ESQUIRE
Special Master of Desoto County

ATTEST:


Betty Phillips
Transcribing Secretary

Cc: Attorney for DeSoto County, 201 E. Oak St. Arcadia, FL 34266; David Pressler, 858 NW 81st Terr., Plantation, FL 33324 on this the 24 day of November, 2009.

By:


Yojaida Hernandez
Legal Administrative Assistant