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Deadline looms for builders facing higher fees

28 Apr 2005

By Ed Scott News-Gazette Staff Writer

Residential builders and developers, whose work was slowed by the 2004 hurricanes, are now racing the clock to obtain certificates of occupancy by Friday at 5 p.m.

Builders face paying higher fees for each certificate of occupancy that is not obtained prior to the deadline, which is actually Sunday. As of Monday there were more than 500 pending certificates facing higher fees, a county official said.

"This is going to be one very busy week for us," said Mike Kloehn, county growth management administrator. "We're trying to do the inspections and issue the CO as expeditiously as we can."

Contractors who obtained building permits prior to May 1 of last year have had one year to complete construction. Citing storm-related delays, several builders have appealed to the county and the Osceola County School District for extensions, but no extensions have been granted.

An extension may only be granted if the school board and a municipality agree to amend an interlocal agreement. A spokeswoman for the school district said the board has never discussed amending the agreement to extend the deadline.

Developers who meet the May 1 deadline will pay \$2,828 for each single-family unit. The fee for similar homes after May 1 is \$9,708, a figure that was approved by the county commission in December 2003.

The commission's vote also raised school impact fees for multifamily units to \$6,346 (up from \$1,003) and for mobile homes to \$4,657 (up from \$1,582).

General contractor Stephen Majors of Major Florida Enterprises Inc. stands to lose more than \$50,000 because of the deadline. He sympathizes with the School Board, but objects to the county's "unclear" guidelines.

Majors, who has been a contractor in Osceola County for 22 years, said signs about the May 1 deadline were not displayed at the building department until recently.

"They should have made it clear that you have two conditions to meet: Get the plans in by a certain date and get your CO by a certain date," he said. "The latter condition was not clear. If I had known those two conditions clearly, I would not have asked for an extension."

Kloehn said the issue was discussed in public meetings.

Kloehn said a sign was posted in the county building department in spring of 2004 telling contractors to pull permits before May 1, 2004, and obtain COs before May 1, 2005, to avoid higher impact fees. The sign stayed up for at least two months.

Kloehn also said in April 2004 contractors submitted three times more building permits than normal for single family homes, so somebody knew about that deadline. The Osceola News-Gazette first wrote about both deadlines in December 2003.

Majors added that Osceola County should follow Lake County's lead. Officials there, he said, tell builders to pay the old fee by a certain date, but don't give



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Message of prom safety



Louise Gallen, a senior at Celebration High School, participates in a mock automobile accident that portrayed a group of teenagers having just left their high school prom under the influence of alcohol. Osceola County Fire and Rescue

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 07/04 [Fourth of July Celebration](#)
 10/01 [Viva Osceola](#)
 12/10 [Holiday Extravaganza](#)

them a deadline for receiving a certificate of occupancy. Getting the certificate, he said, is "somewhat dependent" on the county's schedule.

Majors said he has three multifamily projects that will be affected by the increase in fees. In an April 13 letter to Superintendent Blaine Muse, he requested that his company and others facing similar "hardship" be allowed to pay the lower impact fee before May 1.

"I think you are going to see a lot of lawsuits," Majors said Tuesday. He has talked to an attorney who is considering pursuing this situation as a class action case.

Majors said further that contractors who put hurricane repair work ahead of new home construction last year should not be penalized for missing the deadline.

"When the hurricanes hit, we helped a lot of people out and put our personal projects second to that, because we did not know we had a deadline," he said.

Majors told board members last week he had heard from county officials about "a great demand on the building department" to perform all of the inspections requested prior to the May 1 deadline.

School Board member Tom Greer said that since the county receives 1.5 percent of the impact fees in exchange for collecting them for the school district, "They ought to be able to hire inspectors to keep up with that project. ... The cost has gone up for student's stations as well."

Eliu Marrero of Elilou Enterprises Inc. requested a brief extension to complete cabinet work in a March 29 letter to Rick Collins, school district assistant superintendent for business and fiscal services.

Marrero is attempting to finish building two houses in Poinciana and obtain the certificate of occupation before the deadline. He made the request even though in the letter he acknowledged receiving his building permit May 28, 2004, almost a month after the deadline to do so.

"When I pulled the permit, they told me I met the deadline," he said Tuesday.

Marrero noted in his letter that after the hurricanes the cost of building materials "went up more than 15%, as well as the cost of labor."

The school board turned down Majors and Marrero at its April 19 meeting.

The board is not feeling generous because the Home Builders Association of Metro Orlando has sued to have the lower impact fees reinstated.

More than \$22.4 million in new fees is currently in escrow. That money is enough to build an elementary school. A July 18 court date has been set.

Board member Jay Wheeler told Majors he'd be willing to listen to builders if one presented the board with two letters decrying the lawsuit. One letter should be addressed to the editor of a newspaper and the other to the homebuilders association.

"I appreciate your predicament here but I also know that right now real estate is going at a premium," Wheeler said. "There are no home builders or developers who are losing money right now."

Orlando attorney Cecelia Bonifay made a case for her client, Engineered Homes of Orlando Inc., in an Oct. 18 letter to Stangle.

Bonifay wrote that the affect of the grace period was "at risk of being 'blown away'" by Hurricanes Charley, Frances and Jeanne.

She added that the storms "delayed construction to the point where obtaining a certificate of occupancy by May 1, 2005, is now virtually impossible for many builders and developers, including our client."

Bonifay asked that the grace period be extended six months, to Nov. 1 of this year.

participated in the "Prom Promise" event that was held at the Celebration High School track for the junior and senior classes April 22.

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Edward A. Storey, director of business development for CORE Construction, wrote Superintendent Blaine Muse a March 21 letter requesting a 90-day extension under the lower rate.

The School Board also denied Storey's request for an extension.

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